

City Council of Peachtree City
Agenda
June 15, 2000
7:00 p.m.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
- III. Minutes – June 1, 2000
- IV. Consent Agenda
 - 1. July 3rd Holiday
 - 2. Resolution - Outdoor Water Use Restrictions
- V. Old Agenda Items
 - 04-00-05 Consider Modification to Indemnification Resolution
- VI. Consent Agenda
- VI. New Agenda Items
 - 06-00-04 Public Hearing – Rezoning – Cedarcroft Tract
 - 06-00-05 Public Hearing – Rezoning – Katz Tract
 - 06-00-06 Consider Future use of previous Leach Station Property
 - 06-00-07 Consider Ordinance - Recommendations from Board of Ethics
- VII. Council/Staff Topics
- VII. Executive Session

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers
FROM: Jim Basinger 
DATE: June 7, 2000
SUBJECT: Request for July 3rd Employee Holiday

As you recall, at the last Council meeting Council discussed the possibility of designating July 3rd a holiday this year since the July 4th holiday is on Tuesday. Many employees must work on July 4th due to the full schedule of activities that day. Having Monday, July 3rd off would enable some of them to enjoy a three-day break before working the July 4th activities. Other employees who do not work on the 4th would be able to enjoy a four-day holiday if they were given July 3rd off.

Council requested that this issue be placed on the June 15th Council agenda as a consent agenda item. Staff has done so and does request Council approval.

JB/jsm

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers
FROM: Jim Basinger 
DATE: June 7, 2000
SUBJECT: Water Restriction Resolution

On June 1, 2000 Harold Reheis, Director of the Environmental Protection Division of the Department of Natural Resources, advised Fayette County that it would be required to implement a ban on outdoor water use from 10:00 a.m. to 10:00 p.m. seven days a week. This was due to the continuing drought and concerns about potential water shortages. The ban was effective June 5th by emergency order of the Mayor as authorized by Article III. Emergency Water Restrictions, Section 22-71 (attachment 1).

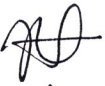
While the City has had an ongoing odd/even water restriction schedule, this ban supercedes our restriction. To enable adequate enforcement, Council needs to adopt the attached resolution requiring the 10:00 a.m. to 10:00 p.m. ban (attachment 2). The ban will be enforced by our Police Department and our Code Enforcement Officers and will remain in effect until lifted by DNR.

JB/jsm

Attachments

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Clerk 
VIA: City Manager 
DATE: June 13, 2000
SUBJECT: Water Ban

The Georgia Environmental Protection Division (EPD) has increased outdoor water use restrictions. The additional restriction will include an odd/even watering schedule and will apply to water users with private wells and those who pump from streams. The revised resolution is attached for your consideration Thursday evening.

A RESOLUTION ISSUING A BAN ON WATER USE

WHEREAS: The City Council of Peachtree City is authorized to issue rules and regulations on the use of water in the City during times of emergency; and

WHEREAS: The City Council of Peachtree City has determined that such emergency water conditions exist within the City;

NOW THEREFORE, be it resolved by the City Council of Peachtree City that for all users of the Fayette County Water System there are indefinite restrictions for the outdoor use of water within the City limits of Peachtree City as mandated by the Georgia Department of Natural Resources;

BE IT FURTHER RESOLVED that these restrictions are as follows:

There shall be a ban on all outdoor water use from 10:00 a.m. through 10:00 p.m. seven days a week.

Persons with property numbers ending in odd numbers shall be allowed to use exterior water prior to 10:00 a.m. and after 10:00 p.m. on odd calendar days. Those persons with property numbers ending in even numbers shall be allowed such use on calendar days ending in an even number prior to 10:00 a.m. and after 10:00 p.m.

This ban shall apply to all water users in Peachtree City including those persons with private wells and those who pump from streams.

This ban shall not apply to registered businesses whose commercial activities are dependent upon the exterior use of water.

BE IT FURTHER RESOLVED that this Resolution shall remain in effect until it is repealed by the City Council of Peachtree City. This Resolution shall be effective the 15th day of June, 2000.

Mayor Robert L. Lenox

Attest: _____
City Clerk

Georgia Environmental Protection

Date: 6/13/2000

Contact Name:

For Immediate Release

Title: EPD Increases Outdoor Water Use Restrictions

Summary:

FOR IMMEDIATE RELEASE June 12, 2000 CONTACT: Vince Dollard Environmental Protection Division 404-651-7970 vince_dollard@mail.dnr.state.ga.us

EPD Increases Outdoor Water Use Restrictions

Atlanta---The Georgia Environmental Protection Division (EPD) announced today that it is tightening the outdoor water use restrictions in the 15-county metropolitan Atlanta area. EPD will continue the 10 a.m. to 10 p.m. prohibition that has been in place since June 5. The additional restriction will include an even/odd watering schedule. The water restrictions will work as follows: · If your home or business has an even numbered street address, you may water for outdoor purposes on even-numbered calendar days except during the hours of 10 a.m. to 10 p.m. · If your home or business has an odd numbered street address, you may water for outdoor purposes on odd numbered calendar days except during the hours of 10 a.m. to 10 p.m.

An even-numbered street address may not use water for any outdoor watering on an odd numbered calendar day. Likewise, an odd-numbered street address may not use water for any outdoor watering on an even-numbered calendar day. These new restrictions are effective immediately within the same 15-county area that was announced last week:

Bartow Cherokee Clayton Cobb Coweta DeKalb Douglas Fayette Forsyth Fulton Gwinnett Hall.
Henry Paulding Rockdale

--more--

EPD-Outdoor water use restrictions—Page 2 of 2

The water use restrictions in metropolitan Atlanta apply to all water users, not just those on city or county water systems. This includes those persons with private wells or those who pump from streams. EPD is taking this step for two reasons: · The weather conditions continue to be hot and dry and the need to conserve water is increasing. · Many local governments are having difficulty providing water during the early morning hours since water use is very intensive at that time. In fact, some local governments in metropolitan Atlanta may need to implement more stringent restrictions in order to avoid water distribution problems. EPD is monitoring the drought and water usage. If the weather conditions do not improve, EPD expects to expand the hours of water use restrictions as a next step. A total residential outdoor water use ban would be a subsequent step if conditions do not improve. EPD is also announcing that it will be contacting water systems outside the 15-county metropolitan Atlanta area to issue a statewide outdoor water-use ban of 4 p.m. to 10 p.m. with

odd/even restrictions. These restrictions will be in place the week of June 19th.

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ARTICLE III. EMERGENCY WATER RESTRICTIONS*

*Cross reference(s)--Utilities and services, ch. 82.

Sec. 22-71. Declaration of emergency; authority of mayor.

In the event of the existence of an emergency water condition which may adversely affect the lives and property of the citizens of the city, the mayor, or in his absence his legally appointed successor, may declare that a state of water emergency exists. Should the mayor determine that such an emergency exists, he must immediately implement temporary written rules that regulate the use of water during the emergency period. Notification of these rules is to be disseminated to the citizens immediately by whatever means the mayor deems appropriate and most expedient but additionally shall be specifically published in a newspaper of general circulation in the city as soon as possible. In these temporary rules, the mayor has the authority to:

- (1) Design, implement and enforce regulations relating to water use that the mayor feels are necessitated by the emergency water condition.
- (2) Perform and exercise such other functions and duties, and take such emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the city because of the emergency water condition.

(Code 1980, § 6-4.1(a))

Sec. 22-72. Review of regulations by council.

If the mayor enacts emergency regulations as outlined in section 22-71, such regulations are to be reviewed by the city council at its next regular or called meeting, at which time it is to determine if a state of water emergency exists; and if it determines that such a condition does exist, it will further consider the temporary rules of the mayor and ratify them by resolution or adopt other rules by resolution. This resolution shall remain in force and effect until the mayor or council determines that the water emergency no longer exists.

(Code 1980, § 6-4.1(b))

Sec. 22-73. Penalty.

Any person violating this article or any emergency rules by the mayor or any resolution passed in accordance with the terms of this article shall be punished by a fine not exceeding \$1,000.00, by sentence of imprisonment not exceeding six months, or to work on the streets or public works for a period not exceeding six months, or any combination, in the discretion of the judge.

(Code 1980, § 6-4.1(c))

Sec. 22-74. Service of citations and summons.

Service of citation and summons of violation of this article shall be in person or by placing a copy of the summons at a conspicuous place on the property where the violation occurred

ATTACHMENT "A"

(Code 1980, § 6-4.1(d))

Sec. 22-75. Notice to the public.

The mayor shall notify the citizens of the city of the provisions of this article and their effective date.

(Code 1980, § 6-4.1(e))

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Clerk
VIA: City Manager 
DATE: June 7, 2000
SUBJECT: Indemnification Resolution

The attached Indemnification Resolution was tabled from the April 20th meeting until the Board of Ethics could make recommended changes to the Ethics Ordinance. These changes will be submitted to Council for consideration at the meeting of June 15, 2000.

The Board did not discuss the Indemnification Resolution. The Board did recommend that the Ethics Ordinance should apply to anyone elected, appointed or otherwise hired to conduct official city business. They also supported the Advisory Opinion section of the ordinance. The Board further recommended that written opinions from the City Attorney, or oral opinions if given during a public meeting, concerning the Ethics Ordinance should be binding for individuals acting in good faith.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Manager 
DATE: June 9, 2000
SUBJECT: Request to Withdraw the Cedarcroft Rezoning

Mayor Lenox, David Rast and I met with Mike Rossetti and Doug Dillard to discuss subject withdrawal request. Mr. Dillard explained that the reason for the withdrawal request was due to the city's refusal to issue the necessary permits on the project so that construction could commence. Mayor Lenox explained that due to the proximity of the railroad tracks to a number of the homes, the Building Department would not issue the permits until a noise and vibration study had been completed. Mayor Lenox further stated that Mr. Rossetti would then have to take whatever recommended actions, if any, contained in the report that are necessary to abate any noise and/or vibration problems.

United Consulting is presently accomplishing such a study, and a preliminary report is expected to be completed and evaluated prior to the Council meeting. Additionally, we have asked a representative of United Consulting to attend the meeting. If at all possible, staff will forward the report and staff analysis to Council prior to the meeting.

Finally, the Planning Commission minutes of their hearing on this rezoning request will be completed and forwarded to Council Monday, May 12.

Cc: Director Developmental Services
City Attorney

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Manager 
DATE: May 30, 2000
SUBJECT: Cedarcroft Rezoning

The attached letters are forwarded for your information and consideration. As you may know, this property is currently zoned General Commercial, and it is adjacent to the property on which WalMart is tentatively planned to be located. As you also may know, Council does have the option of either permitting the rezoning request to be withdrawn, or Council may proceed with the rezoning hearing as scheduled. Staff would welcome any comments, opinions, etc., you may have on this issue.

Cc: Director Development Services
City Planner
City Clerk

RAVIN HOMES, INC.
BUILDERS & DEVELOPERS

May 24, 2000

Mr. Jim Williams
Director of Developmental Services
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

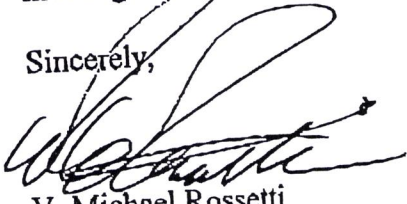
Re: Proposed rezoning, Cedarcroft Tract from General Commercial to GR-4. PH-00-06

Dear Jim:

Please be advised and consider this a formal demand that Ravin Homes, Inc. wishes to withdraw its request to rezone the above referenced property.

You may remove our request for a public hearing from the agenda for the City Council meeting scheduled for June 15, 2000.

Sincerely,


V. Michael Rossetti
President

Cc: Jim Basinger ✓
Mayor and City Council
Doug Dillard



REPORT OF

**VIBRATION/NOISE MONITORING
CEDARCROFT SOUND STUDY
PEACHTREE CITY, GEORGIA**

FOR

**MS. TROY BESSECHE
CITY OF PEACHTREE CITY
151 WILLOWBEND ROAD
PEACHTREE CITY, GEORGIA 30269**

PROJECT NO. 2000261801



**UNITED CONSULTING**

June 14, 2000

Mr. Troy Besseche
City Engineer
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

PROJECT: Report of Vibration/Noise Monitoring
Cedarcroft Sound Study
Peachtree City, Georgia
Project No. 2000261801

Dear Troy:

United Consulting is pleased to submit the following report of Train Noise Monitoring for the above referenced project. Included in this report is information regarding our monitoring procedures and a discussion of the audible limits recorded.

Two InstanTel, Blast Mate Series II, DS-477, seismographs were used for noise/vibration monitoring of the train activity west of the railroad tracks. These seismographs measure the three orthogonal components of ground motion as well as any noise levels present. Individual components (or axes) are described as follows:

Vertical: Up and down particle velocity perpendicular to the direction the wave is traveling. Expressed in inches/second

Radial (longitudinal): Back and forth particle velocity in the same direction that the wave is traveling. Expressed in inches/second.

Transverse: Left and right particle velocity perpendicular to the direction the wave is traveling. Expressed in inches/second.

Noise Levels: Air pressure with a recording range of 50 to 130 decibels. Expressed in decibels.

The seismographs have a flat response over the frequency range recorded and employ an internal calibration checking system. Seismic data was recorded in the field and stored internally in the DS-477's. This data was then downloaded to computer and analyzed on the Blastware® software package.

625 HOLCOMB BRIDGE ROAD ♦ NORCROSS, GEORGIA 30071

Tel: 770/209-0029 ♦ Fax: 770/582-2900 ♦ Client Service: 800/266-0990

Web: <http://www.unitedconsulting.com> ♦ E-mail: united@unitedconsulting.com

Monitoring was conducted at the site on June 9, 2000. Continuous monitoring was conducted on this day in four separate locations. Seismograph 1471 was established in an area approximately 180 feet west of the railroad tracks and was active from 10:05 a.m. to 12:05 p.m. Seismograph 1471 was then established in an area approximately 390 feet west of the railroad tracks and was active from 12:10 p.m. to 4:00 p.m. Seismograph 1472 was established in an area approximately 200 feet west of the railroad tracks from 10:18 a.m. to 12:14 p.m. Seismograph 1472 was then moved to an area approximately 420 feet west of the railroad tracks and was active from 12:18 p.m. to 4:05 p.m. Figure 1 is a plan indicating the locations of each seismograph used for recordings. The distance from the Railroad to the two testing locations is 125 feet for Seismograph 1471 and 150 feet for Seismograph 1472.

During the train monitoring operations at the site, three trains and a single engine passed. The first train passed at 10:37 a.m., the single engine at 1:05 p.m., the second train at 2:15 p.m., and the third at 3:47 p.m. Noise levels recorded on this day had values ranging from 64.4 to 88.2 decibels (dB). Even when no trains were passing, the background noise produced was on an average of approximately 64.4 dB(A) due to the presence of Georgia Highway 74, which ran parallel to the railroad tracks. Ground vibrations recorded at the site had maximum values of 0.026 inches per second (in/sec).

The U.S. Department of Housing and Urban Development, Office of Policy Development and Research, has developed a Noise Assessment Guidelines manual. This manual provides information on how to assess the amounts of noise generated by aircraft, roadways and railways. Noise assessment at this site was accomplished by technologically advanced noise monitoring equipment that is more accurate than those methods mentioned in this manual. However, the limits stated are an effort by the Department of Housing and Urban Development to provide good housing and suitable living environments.

Based on the manual, suitable noise levels, expressed in dB, are determined by outdoors day-night average sound levels (DNL). For this project, only daytime levels were recorded. However, it is more than likely that the nighttime levels will be lower than the recorded levels due to an estimated decrease in traffic load. The manual further states that a site will fall under the following three categories:

1. **ACCEPTABLE:** The DNL levels should not exceed 65 dB. In this category, the noise exposure may be of some concern but common building constructions will make the indoor environment acceptable and the outdoor environment will be reasonably pleasant for recreation and play.
2. **NORMALLY UNACCEPTABLE:** The DNL levels should not exceed 75 dB. In this category, the noise exposure is significantly more severe; barriers may be necessary between the site and prominent noise sources to make the outdoor environment acceptable; special building constructions may be necessary to ensure that people indoors are sufficiently protected from outdoor noise.



3. UNACCEPTABLE: DNL levels consistently above 75 dB. In this category, the noise exposure at the site is so severe that the construction cost to make the indoor noise environment acceptable may be prohibitive and the outdoor environment would still be unacceptable.

Again, the noise levels recorded for train noise varied from a low, when only traffic was passing, of 64.4 dB(A) to a high, when the train was passing, of 88.2 dB(A). The Department of Housing and Urban Development provided the above noted guidelines in order to only recommend a suitable living environment.

Based on all the recorded data at the site, it is our opinion the base noise levels are in the acceptable range. The passing of the trains produces the highest noise levels. The train traffic was three trains and a single locomotive during a 6-hour monitoring period. In our opinion and based on our knowledge of typical building construction, we do not recommend additional or unusual construction techniques or landscaping steps to further minimize the dB levels from the current level of train activity. If substantial increases in train activity are anticipated, an additional noise/vibration level survey should be conducted to establish these values.

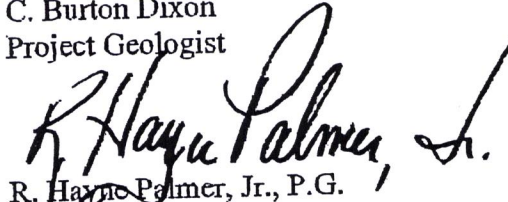
Should you have any questions regarding this report feel free to contact our office at your convenience.

Sincerely,

UNITED CONSULTING



C. Burton Dixon
Project Geologist

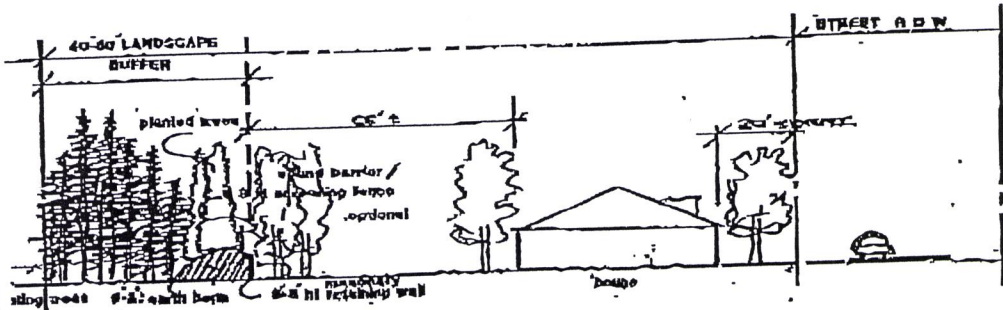


R. Hayne Palmer, Jr., P.G.
Vice President

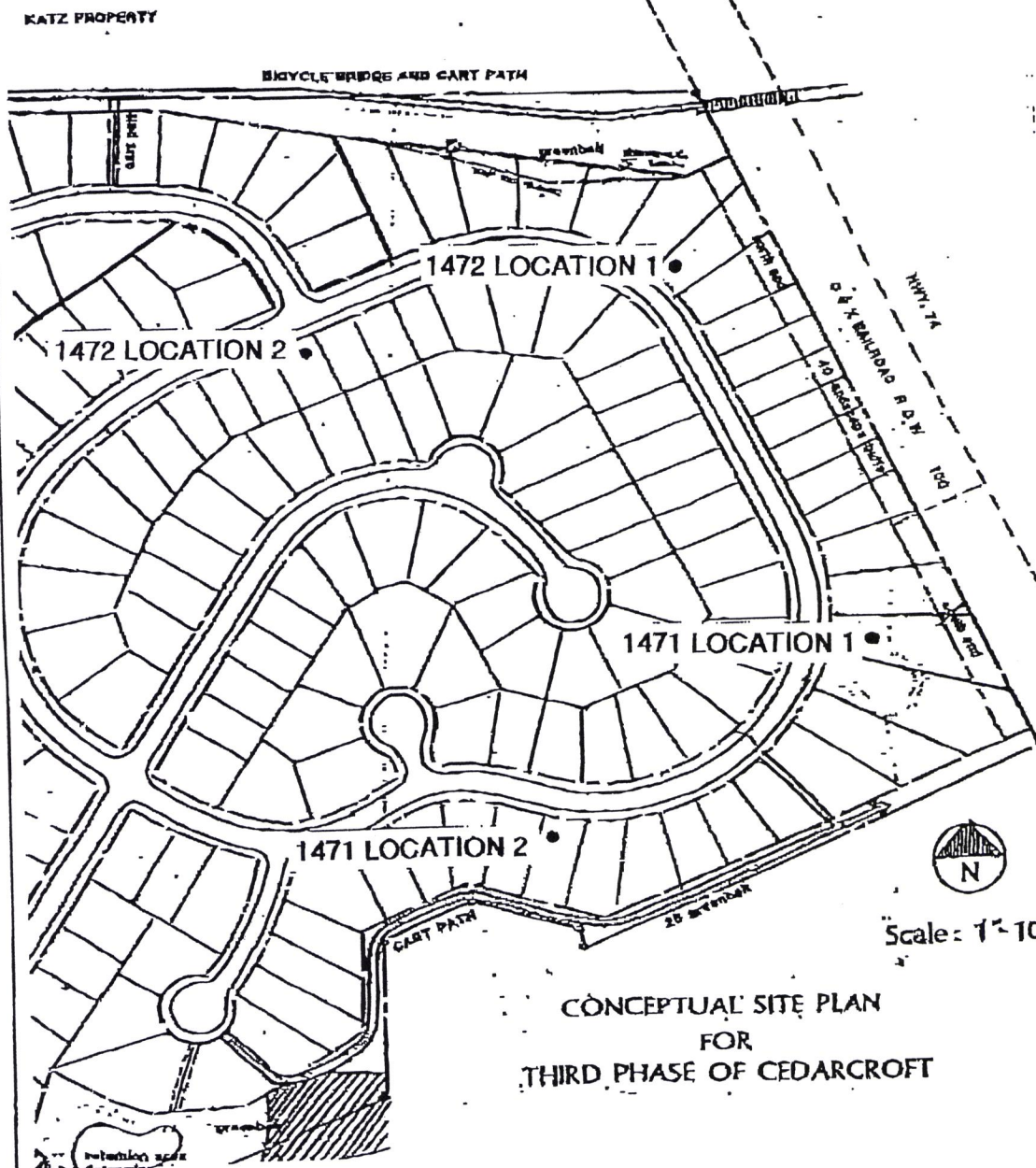
CBD/RHP/nj

H:\geophysics\blasting\2000\2000261801





Railroad/Residential Profile - south end.



CONCEPTUAL SITE PLAN
FOR
THIRD PHASE OF CEDARCROFT

FIG. 1



TITLE: SEISMOGRAPH LOCATION PLAN

CEDARCROFT SOUND STUDY

UNITED CONSULTING

625 Holcomb Bridge Road, Norcross, GA 30071

Tel. 770-209-0029 FAX 770-582-5900

www.unitedcg.com

PROJECT NO: 2000261801

REVISIONS:

DATE: 06/14/2000

CHECKED: KJK

SCALE: 1"=100'

PREPARED: KJK

CLIENT: CITY OF PEACHTREE CITY

Event Report

Histogram Start Time 10:08:55 June 9, 2000
Histogram Finish Time 12:00:00 June 9, 2000
Number of Intervals 22 at 5 minutes
Range Geo :0.313 in/s
Sample Rate 1024sps

Serial Number 1471 V 5.42 BlastMate II/477
Battery Level 6.4 Volts
Calibration April 7, 2000 by DNR TECHNICAL SRVCS.
File Name C471823D.IV0

Notes

Location: Peachtree City
Client: City of Peachtree City
User Name: United Consulting
Converted: June 13, 2000 09:26:37 (V3.61)

Extended Notes

99152101

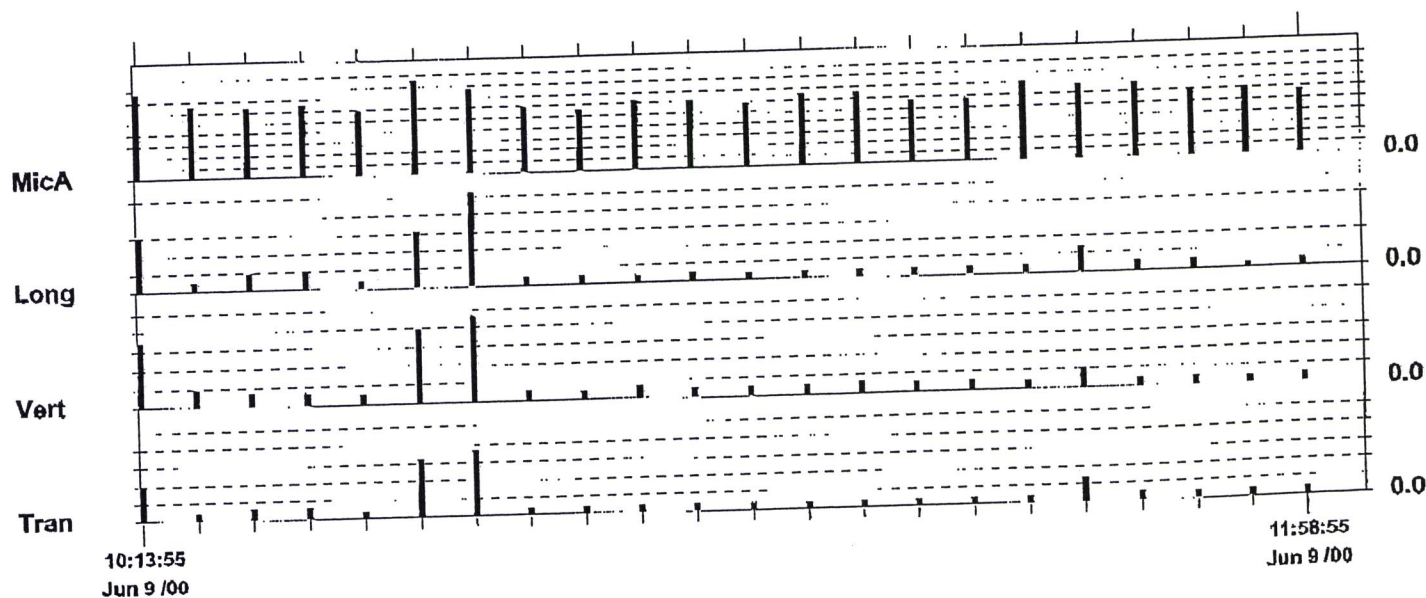
Post Event Notes

Microphone 'A' Weight
PSPL 85.6 dB(A) on June 9, 2000 at 10:38:55
ZC Freq N/A
Channel Test Passed (Freq = 20.0 Hz Amp = 254 mv)

	Tran	Vert	Long	
PPV	0.0181	0.0231	0.0256	in/s
ZC Freq	13	30	7.0	Hz
Date	Jun 9 /00	Jun 9 /00	Jun 9 /00	
Time	10:43:55	10:43:55	10:43:55	
Sensorcheck™	Passed	Passed	Passed	

Peak Vector Sum 0.0275 in/s on June 9, 2000 at 10:43:55

N/A: Not Applicable



Time Scale: 5 minutes /div Amplitude Scale: Geo: 0.00500 in/s/div Mic: 10.00 dB(A)/div

Event Report

Histogram Start Time 10:18:56 June 9, 2000
Histogram Finish Time 11:59:59 June 9, 2000
Number of Intervals 20 at 5 minutes
Range Geo :0.313 in/s
Sample Rate 1024sps

Serial Number 1472 V 5.42 BlastMate II/477
Battery Level 6.5 Volts
Calibration July 20, 1999 by INSTANTEL INC.
File Name C472823D.ZK0

Notes

Location: Peachtree City
Client: City of Peachtree City
User Name: United Consulting
Converted: June 13, 2000 09:26:37 (V3.61)

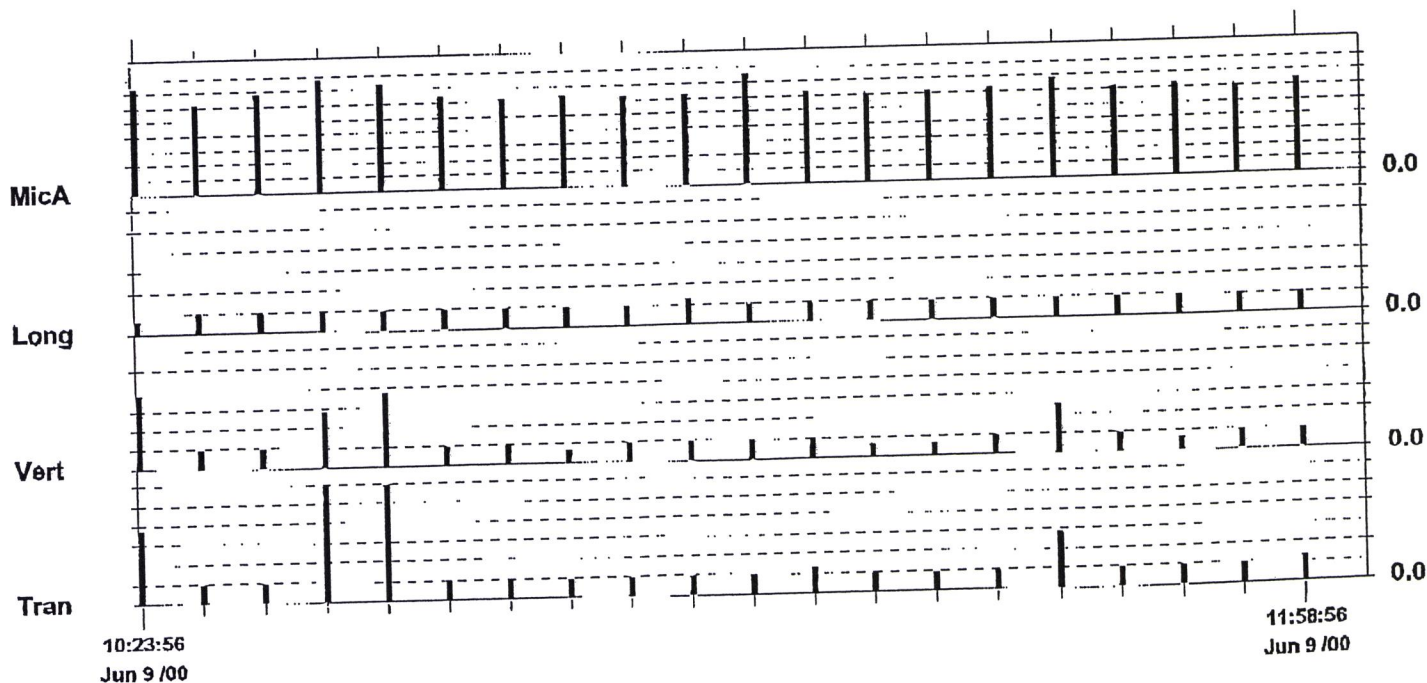
Post Event Notes

Microphone 'A' Weight
PSPL 77.2 dB(A) on June 9, 2000 at 10:38:56
ZC Freq N/A
Channel Test Passed (Freq = 20.0 Hz Amp = 283 mv)

	Tran	Vert	Long	
PPV	0.0119	0.00750	0.00250	in/s
ZC Freq	27	51	>100	Hz
Date	Jun 9 /00	Jun 9 /00	Jun 9 /00	
Time	10:38:56	10:23:56	11:08:56	
Sensorcheck TM	Passed	Passed	Check	

Peak Vector Sum 0.0119 in/s on June 9, 2000 at 10:38:56

N/A: Not Applicable



Time Scale: 5 minutes /div Amplitude Scale: Geo: 0.00200 in/s/div Mic: 10.00 dB(A)/div

Event Report

Histogram Start Time 12:21:29 June 9, 2000
Histogram Finish Time 15:52:29 June 9, 2000
Number of Intervals 42 at 5 minutes
Range Geo: 0.313 in/s
Sample Rate 1024sps

Serial Number 1472 V 5.42 BlastMate II/477
Battery Level 6.5 Volts
Calibration July 20, 1999 by INSTANTEL INC.
File Name C472823J.NT0

Notes

Location: Peachtree City
Client: City of Peachtree City
User Name: United Consulting
Converted: June 12, 2000 11:09:01 (V3.61)

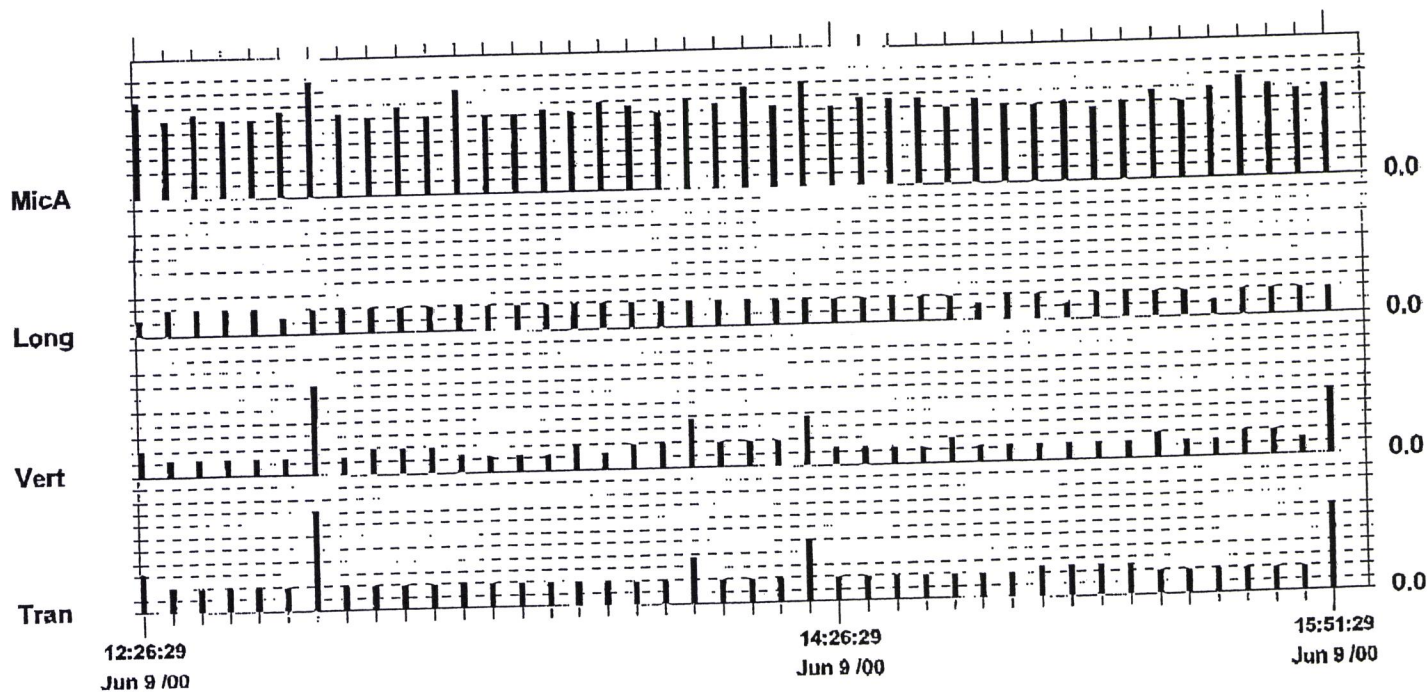
Post Event Notes

Microphone 'A' Weight
PSPL 88.2 dB(A) on June 9, 2000 at 12:56:29
ZC Freq N/A
Channel Test Passed (Freq = 20.0 Hz Amp = 285 mv)

	Tran	Vert	Long	
PPV	0.00813	0.00688	0.00188	in/s
ZC Freq	2.0	2.0	>100	Hz
Date	Jun 9 /00	Jun 9 /00	Jun 9 /00	
Time	12:56:29	12:56:29	12:31:29	
Sensorcheck™	Passed	Passed	Check	

Peak Vector Sum 0.0106 in/s on June 9, 2000 at 12:56:29

N/A: Not Applicable



Time Scale: 5 minutes /div **Amplitude Scale:** Geo: 0.00100 in/s/div Mic: 10.00 dB(A)/div

Event Report

Histogram Start Time 12:10:58 June 9, 2000
Histogram Finish Time 15:47:03 June 9, 2000
Number of Intervals 43 at 5 minutes
Range Geo :0.313 in/s
Sample Rate 1024sps

Serial Number 1471 V 5.42 BlastMate II/477
Battery Level 6.4 Volts
Calibration April 7, 2000 by DNR TECHNICAL SRVCS.
File Name C471823J.6A0

Notes

Location: Peachtree City
Client: City of Peachtree City
User Name: United Consulting
Converted: June 13, 2000 09:26:43 (V3.61)

Extended Notes

99152101

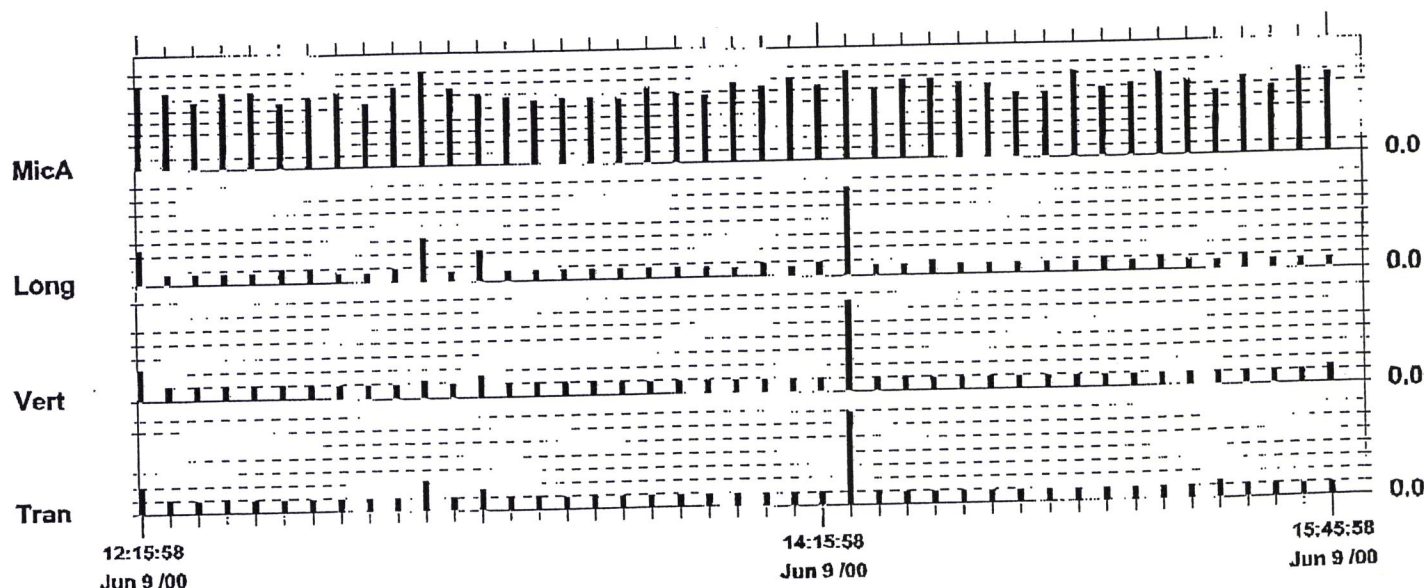
Post Event Notes

Microphone 'A' Weight
PSPL 78.4 dB(A) on June 9, 2000 at 13:05:58
ZC Freq N/A
Channel Test Passed (Freq = 20.0 Hz Amp = 255 mv)

	Tran	Vert	Long	
PPV	0.0138	0.0131	0.0125	in/s
ZC Freq	6.0	7.0	7.0	Hz
Date	Jun 9 /00	Jun 9 /00	Jun 9 /00	
Time	14:20:58	14:20:58	14:20:58	
Sensorcheck TM	Passed	Passed	Passed	

Peak Vector Sum 0.0163 in/s on June 9, 2000 at 14:20:58

N/A: Not Applicable



Time Scale: 5 minutes /div Amplitude Scale: Geo: 0.00200 in/s/div Mic: 10.00 dB(A)/div

DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

1500 MONARCH PLAZA
3414 PEACHTREE ROAD, N.E.
ATLANTA, GEORGIA
30326

G. DOUGLAS DILLARD

TELEPHONE
(404) 965-3680
FACSIMILE
(404) 965-3670

Direct Dial Number:

(404) 965-3682

May 25, 2000

Via Facsimile and U.S. Mail

Mayor Robert L. Lenox
and Members of the City Council
of Peachtree City
City Hall of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

Re: Proposed Rezoning, Cedarcroft Tract from General Commercial to GR-4
Application No. PH-00-06

Dear Mayor Lenox and Members of the City Council:

This letter is to formally request a withdrawal without prejudice of the above-captioned Application. At the time Mr. Rossetti filed this Application, it was his understanding that he would receive final approval to proceed with his development. There seems to be continuing unresolved issues which prevent his receipt of appropriate permits to commence construction

As I read the Development Agreement, Mr. Rossetti's obligations to rezone the property anticipated his ability to develop property for residential purposes in accordance with his conceptual and preliminary plans. In as much as these have not been approved and issued to Ravin Homes, it is imperative that the zoning remain unchanged until the property owner and the City can resolve all issues relative to the development of this property for residential purposes. Therefore, we will be requesting a withdraw without prejudice when this matter comes before you on June 15, 2000.

Very truly yours,

DILLARD & GALLOWAY, LLC



G. Douglas Dillard

GDD/drd

cc: Mr. Michael Rossetti

POSITION PAPER
Proposed Rezoning: Cedarcroft Tract
Director of Developmental Services
May 25, 2000

Situation:

The land proposed for development as the Cedarcroft project is currently zoned GC General Commercial. As a part of a Consent Order and Judgment dated May 17, 1996, Ravin Homes, Inc., the owner of the Cedarcroft tract, agreed to initiate a rezoning of the property to an appropriate residential classification (Attachment "A", paragraph 1). On May 9, 2000, Ravin Homes initiated a request to rezone the property to GR-6 General Residential (Attachment "B").

Facts:

1. The total area of the Cedarcroft tract is 63.25 acres (Attachment "C").
2. The Conceptual Plat for the Cedarcroft development includes 218 lots (Attachment "D"), at a gross density of 3.45 units per acre.
3. Cedarcroft is bordered on the east by the CSX Railroad; on the north by the Katz property zoned GI General Industrial and Agricultural (Fayette County); on the west by MacDuff Parkway and Wynnmeade (R-1 Residential); and on the south by the proposed Wal-Mart site (GC General Commercial) and the Summit Apartments site (399 units under construction) currently zoned GC General Commercial but scheduled to be rezoned to GR General Residential as a part of the same Consent Order that applies to Cedarcroft.
4. At its meeting on May 22, 2000, the Planning Commission unanimously voted to recommend that the proposed zoning be approved but that the category not be GR-6 as requested. Instead, it should be GR-4 General Residential to reflect the actual density of the project (3.45 units per acre). The applicant agreed to this change. The minutes of that meeting have not yet been prepared.

Recommendation:

The staff recommends that the rezoning be approved for GR-4 General Residential as agreed at the Planning Commission meeting on May 22nd.

JBW/jir

Attachments "A" - "D"

DEVELOPMENT AGREEMENT
EXHIBIT "A"

This development agreement is agreed to by CR Partners and Ravin Homes, Inc., ("Developers") to the City of Peachtree City, Georgia (the "City") to settle and resolve the issues raised in two declaratory judgment lawsuits pending in the Superior Court of Fayette County under Civil Action Nos. 95V-1571E and 96V-0164E and to provide for the orderly development of the property described herein.

1. This agreement provides for the development of the following two tracts of land which are the subject of the referenced litigation (collectively referred to as the "Property"):
 - (a) A tract of approximately 38 acres along Ga. Highway 54 to be developed by CR Partners for multi-family residential use (the "38 Acre Tract"); and
 - (b) A tract of approximately 63 acres adjoining the 38 Acre Tract, to be developed by Ravin Homes, Inc. for single family residential use (the "63 Acre Tract").
2. Developers agree to forego any multi-family development on the 63 Acre Tract, thereby giving up a 300 unit apartment development which was planned and approved for the 63 Acre Tract. Instead, the 63 Acre Tract will be developed by Ravin Homes, Inc. solely for single family homes, comprising up to 220 units at a density not to exceed four units per acre.
3. The multi-family housing component of the overall development will be moved to the 38 Acre Tract portion of the Property. The total number of residential units in this apartment community will not exceed 399 units and the density of the development will not exceed 14.7 units per acre.
4. Developers agree that the quality of the apartment development on the 38 Acre Tract will be equal to or better than the apartment complex in the City of Peachtree City named "Balmoral Village." In meeting the "equal to or better than" standard, the Developers agree to include the following features:
 - (a) Perimeter landscape buffers at least 50 feet wide;
 - (b) Heavy internal landscaping;
 - (c) Landscaped areas, including buffers, comprising at least 20% of the total site;
 - (d) Significant tree-save areas;
 - (e) Two swimming pools;
 - (f) Two lighted tennis courts or a working agreement, acceptable to the City of Peachtree City, with the Tennis Center;
 - (g) A play court with basketball and volleyball capability;
 - (h) A multi-purpose community room with space for parties, special events and tenant meetings;

- (i) Two laundry areas;
- (j) A fitness studio;
- (k) A central trash compactor, buffered from the living units;
- (l) Convenient areas for recycling solid waste;
- (m) Golf cart storage and recharge areas;
- (n) A covered facility for washing vehicles;
- (o) A viable tenant association that can work with management and coordinate with the City; and
- (p) A management group that has strict tenant rules, is willing and able to enforce those rules, is willing to work closely with the tenants to maintain and improve the project, and will participate with other management groups and City officials in a community-wide tenant improvement program.

All of the above-stated features will be accomplished in a manner that is consistent with City ordinances.

5. The City will cooperate with the Developers as it cooperates with any other developer to assist the Developers in obtaining sewer access to serve the 38 Acre Tract and the 63 Acre Tract. In the event the Developers are unable to acquire such sewer access in time to meet construction deadlines, nothing herein shall be construed to prevent Developers from seeking to obtain sewer access by other means.
6. The Developers will plan and design the development to allow access to Wynnmeade subdivision and will dedicate, at no cost to the City, sufficient right of way for such access; however, the cost of constructing the access, should the City elect to construct such access, will be borne by the City.
7. The City will not be required to pay any of the costs of infrastructure construction to serve Developers' projects. The Developers will reserve an 80-foot right of way for the proposed Line Creek Parkway and a 60 foot right of way for the proposed West Village Drive, as shown on the Conceptual Plan for Line Creek Village prepared by the Developers and submitted as part of this Development Agreement. The Developers will construct that portion of Line Creek Parkway from highway 54 north approximately 1700 feet to the entrance of the Cedarcroft subdivision to at least "Village Collector Standards" (as defined by City Ordinance) and will dedicate that road and its attendant right of way to the City at no cost to the City. The Developers will pay for and install a traffic signal and all necessary road improvements at the Georgia Highway 54 intersection with Line Creek Parkway in accordance with City and Georgia D.O.T. requirements.
8. The Developers will pay an impact fee of \$1,314.00 per dwelling unit if, under City ordinances, the impact fee assessment is made no later than January 1, 1997.
9. The Developers will comply with all City Ordinances and will perform all construction at least in accordance with established city standards.

10. The City, at its election and at City expense, is entitled to make a subdivision entrance road connection between the Line Creek Parkway and the Wynnmeade Subdivision at or near the point where West Village Drive intersects with Line Creek Parkway. Developers will donate the right of way for this entrance to the City.
- * 11. As part of an overall development agreement, the Developers will consent to initiate a rezoning of the Property to single family and multi-family residential classifications which reflect the actual uses of the Property, after the consent order and judgment contemplated in paragraph 14 has been entered.
12. The details of implementing this agreement will be handled by Developers and the Peachtree City Planning Commission and a site plan will be prepared and submitted to the Planning Commission for approval.
13. Developers acknowledge that, as an integral part of this Development Agreement, City Council will adopt a resolution concerning this Development Agreement (a true and accurate copy of said Resolution is attached hereto and reflects additional obligations and agreements of the parties). Developer agrees to abide by the terms of the said Resolution as though those terms were set forth herein.
14. The terms of this agreement will be incorporated into a consent order and judgment to be prepared by counsel for Developers and the City and filed in Court to resolve the two lawsuits referenced above.

Executed this 30 day of ^{April}~~March~~, 1996.

C R PARTNERS

BY: _____

RAVIN HOMES, INC.

BY:  _____

REQUEST FOR REZONING
CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property: 63.250 ACRES OWNED BY RAVIN HOMES, INC.
APPROX. 1600' NORTH OF Hwy 54, BOUNDED BY WYNNTHERA SUBDIVISION
ON THE WESTERN BOUNDARY AND THE CSX RAILROAD ON THE EASTERN
BOUNDARY.

This property is presently zoned: GENERAL COMMERCIAL

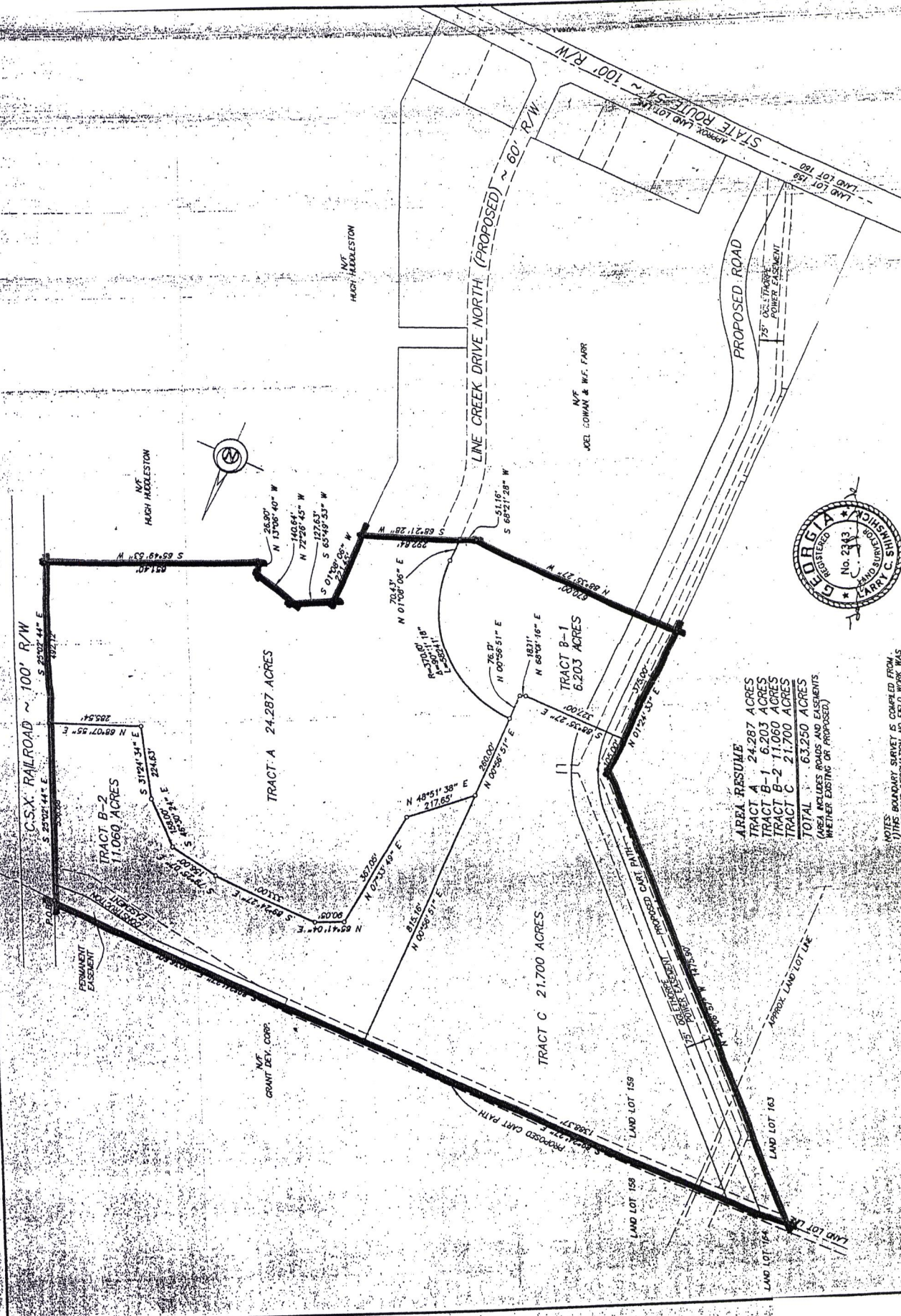
The proposed zoning classification is: GR-6

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

Signature: [Signature] PRESIDENT
Owner: RAVIN HOMES, INC.
Agent: V. MICHAEL ROSSETTI
Address: 31 P.O. Box 2394, PEACHTREE CITY, GA - 30269
Phone: 770-487-9608 Date: 3/13/00

This request, along with the required fee and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: James B. Wilkins
Title: ZONING ADMINISTRATOR
Date: MAY 9, 2000
Request Number: 2000-05
Date of Planning Commission Public Hearing: MAY 22, 2000
Date of City Council Public Hearing: JUNE 15, 2000



PREPARED FOR: RAVIN HOMES, INC.		DATE: 8-23-95	
consulting engineers jefferson consultants		LAND LOTS: 159 & 163	
P.O. BOX 2627 PEACHTREE CITY GEORGIA 30269 PH. 404-487-9220		7th DISTRICT FAYETTE COUNTY, GA.	
surveyors - planners		REV:	
JOB NO. 940405		REF:	
SCALE: 1" = 200'		JOB NO. 940405	

ATTACHMENT "C"

ATTACHMENT "D"

POSITION PAPER
Proposed Rezoning: Katz/Peachtree City Holdings Tracts
Director of Developmental Services *Jaw/ge*
May 25, 2000

Situation:

John Wieland Homes (JWH), acting as agent for the owners, has submitted an application to rezone 101.58 acres on the west side of Peachtree City from GI General Industrial to GR-4 General Residential. The property is owned by Grant Development (81.92 acres) and Peachtree City Holdings (19.66 acres). If the property is rezoned as proposed, JWH intends to develop a subdivision for 350 single-family homes at a density of 3.4 units per acre. The entire application is included with this paper as Attachment "A."

Facts:

1. The property proposed for rezoning has been zoned GI General Industrial for more than 25 years. The Land Use Plan, adopted in 1985, indicates that the property should be developed for industrial purposes.
2. In 1995 the Land Use Plan was updated. As a part of that effort, the City anticipated the possible creation of a new village on the west side of the City. That village would include the subject property. In the event the new village were, in fact, to materialize, the subject property was proposed for reclassification to Single-Family Cluster at a density of four units per acre (Attachment "B"). To date, that village has not yet begun to materialize.
3. The property is bordered on the north by land that is zoned and land use planned the same as the subject property.
4. The property is bordered on the east by the CSX Railroad and GA 74.
5. The property is bordered on the south by the major east-west pedestrian path and undeveloped land currently zoned GC General Commercial. However, that adjoining land is proposed for development as a 218-unit residential subdivision at a density of 3.4 units per acre. It is known as the Cedarcroft project.
6. The property is bordered on the west by land outside the City limits in the unincorporated area of Fayette County. That land is currently zoned Agricultural and is land use planned for one- to two-acre residential lots. This adjoining property is owned by one of the applicants.
7. An application for rezoning the property was previously submitted on February 4, 2000; but it was not accepted. A copy of that application is included as Attachment "C," and a copy of our rejection notice is included as Attachment "D."

8. A traffic study for the proposed project was submitted on February 25, 2000. It is included as Attachment "E" (note the date of the study). An updated traffic study was submitted at the meeting. It is also included as a part of Attachment "E."
9. A proposed site development plan was submitted with the application. It is included as Attachment "F."
10. The Mayor has created a special Westside Task Force to study the entire Westside area and make recommendations to Council as to how the area should develop and what annexation and rezoning action would be necessary to implement the desired development plan. The Task Force is probably at least a month away from being able to make any firm recommendations concerning the subject property.
11. On May 8, 2000, the Planning Commission reviewed the proposed rezoning at a public hearing and voted 5 to 0 to recommend that Council deny the request after the applicant refused to agree to a continuance until the Task Force could complete its work. The minutes of that meeting are not yet available.

Recommendation:

The staff recommends that the Council once again request that the applicant agree to a continuance to allow the appointed Task Force time to complete its work. After that, the proposed rezoning could be evaluated based on the conclusions and recommendations of the Task Force, as well as any policy established by the Council as a result of those conclusions and recommendations.

In the event the applicant is still not willing to agree to a continuance, the staff recommends that the proposed rezoning be denied. Based on the 1985 Land Use Plan, the application has no merit. Based on the 1995 update to the Land Use Plan, the application would only have merit as a part of an overall plan for the Westside area. If the applicant is unwilling or unable to wait for the development of that plan and its approval by all appropriate parties, then it would appear that the City would have no choice but to respond to the application in accordance with the 1985 Land Use Plan and reject the proposed rezoning.

To date, the applicant has not been able to present any compelling argument for changing the zoning from industrial to a relatively high-density residential category in the absence of an overall Westside plan. In fact, under the existing conditions, rezoning the property as proposed would appear to run counter to some well-established, sound planning

principles. About 40 of the proposed lots (average 60' x 120') would be directly adjacent to a main line railroad track with about 30 trains a day passing by. Another 16 lots would be directly adjacent to land zoned for general industrial use. On the third side of the property, it is proposed to put 7000-8000 square foot lots opposite property zoned for one- and two-acre residential use. This application draws what logic it has from its relationship to the proposed Cedarcroft project, which itself is generally considered to be a major land use planning mistake that owes its existence to a loophole in the Zoning Ordinance that has long since been closed to avert additional mistakes.

JBW/jir

Attachments "A" – "F"

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property: Approximately 82 ACRES IN DISTRICT 7 LL 158
(B1-92) REFER TO PLAT PREPARED BY INTEGRATED SCIENCE ENGINEERING AND
DATED 2/18/00

This property is presently zoned: General Industrial (GI)

The proposed zoning classification is: GENERAL RESIDENTIAL - 4 (GR-4)

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

Signature: [Signature] Lee KATZ (President)

Owner: Grant Development I, L.P. and Grant Development Corp.

Agent: John Wieland Homes, Inc., ATTN: Dan Fields

Address: 1950 Sullivan Road, Atlanta, GA 30337

Phone: (770) 996-2400, Ext. 140 Date: 2/25/00

This request, along with the required fee and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: [Signature] JAMES B. WILLIAMS

Title: ZONING ADMINISTRATOR

Date: MARCH 8, 2000

Request Number: 2000-03

Date of Planning Commission Public Hearing: MAY 8, 2000

Date of City Council Public Hearing: JUNE 1, 2000

ATTACHMENT "A"

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property: Approximately ~~1~~ 19.66 acres in District 7 LL 158

See Attached Legal Description
Tract 2 REFER TO PLAT PREPARED BY INTEGRATED SCIENCE AND DATED 2/18/00

This property is presently zoned: General Industrial (GI)

The proposed zoning classification is: General Residential - 4 (GR 4)

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

Signature: Wray A. Russell WRAY A. RUSSELL (COO) *Chief Operating Officer*

Owner: Pathways Development PEACHTREE CITY HOLDINGS LLC

Agent: John Wieland Homes, Inc. ATTN: Dan Fields

Address: 1950 Sullivan Road, Atlanta, Georgia 30337

Phone: (770) 996-2400 ext 140 Date: 2/25/00

This request, along with the required fee and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: James B. Williams JAMES B. WILLIAMS

Title: ZONING ADMINISTRATOR

Date: MARCH 8, 2000

Request Number: 2000-03

Date of Planning Commission Public Hearing: MAY 8, 2000

Date of City Council Public Hearing: JUNE 1, 2000

John Wieland
**JOHN WIELAND HOMES
AND NEIGHBORHOODS**

**RE-ZONING REQUEST
FOR
PROPOSED SINGLE-FAMILY SUBDIVISION
101.58 ACRES
at
Line Creek Parkway
Peachtree City, Georgia**

Submitted by:
John Wieland Homes and Neighborhoods
1950 Sullivan Road
Atlanta, GA 30337

February 25, 2000

2/25/00

TABLE OF CONTENTS

<u>SECTION I</u>	APPLICATION FORM
<u>SECTION II</u>	LETTER OF INTENT ABOUT THE APPLICANT
<u>SECTION III</u>	IMPACT ANALYSIS TAX BASE PUBLIC EDUCATION EMERGENCY SERVICES RECREATION CITY DEVELOPMENT PLAN EXISTING ZONING CLASSIFICATIONS PUBLIC SERVICES AVAILABLE TO PROPERTY ACCESS TO PROPERTY
<u>SECTION IV</u>	CONSTITUTIONAL CHALLENGE
<u>SECTION V</u>	LOCATION MAP
<u>SECTION VI</u>	ZONING MAP LAND USE PLAN – PEACHTREE CITY LAND USE PLAN – FAYETTE COUNTY AG ZONING CLASSIFICATION – FAYETTE COUNTY
<u>SECTION VII</u>	SITE ANALYSIS WATER IMPACT STUDY
<u>SECTION VIII</u>	PROPERTY SURVEY
<u>SECTION IX</u>	TRAFFIC STUDY (TO BE PROVIDED)
<u>SECTION X</u>	CONCEPT PLAN

LETTER OF INTENT

**APPLICATION TO AMEND PEACHTREE CITY ZONING ORDINANCE
FILED BY JOHN WIELAND HOMES, INC.
PERTAINING TO PROPERTY LOCATED IN LAND LOTS 158 OF THE 7TH
DISTRICT OF FAYETTE COUNTY, GEORGIA**

The Petitioner, John Wieland Homes and Neighborhoods, Inc., wishes to rezone an approximately 102 acre tract of land (the "Property"), from General Industrial ("GI") to General Residential - 4 ("GR4"). The proposed rezoning will permit a suitable use in view of the fact that the property located in Peachtree City located southwest of the Property is currently residential and Cedarcroft, the residential subdivision adjacent to the southern boundary of the Property is currently under development. X ?

The Property is particularly suitable for residential use, best indicated by adjacent zonings to the west as AG and the south as GC, which is being developed as GR4. Over the past years, the Owners of the Property have been most cooperative in connecting the Wynnmeade neighborhood to the City, including granting an easement for the construction of the golf cart path. The Owners also participated in the cost of constructing Line Creek Parkway south of the Property. The proposed zoning would continue to bridge residential development from the Wynnmeade subdivision into the heart of Peachtree City and establish the West End as a viable residential village. ?

It is the intention of John Wieland Homes and Neighborhoods, Inc. to develop a single-family residential neighborhood that would permit a use consistent with other single-family residential developments in the area, and that no other existing or changing conditions affecting the development of the property should cause this proposal to be disapproved.

With access through the Cedarcroft neighborhood and other high-density residential uses to the south and access through proposed residential property to the north, there is no reasonable economic use of the property as presently zoned. Therefore, John Wieland Homes, Inc. respectfully submits that the zoning classification for the Property be reclassified to GR-4. ?

Petitioner: John Wieland Homes, Inc

Address: 1950 Sullivan Road
Atlanta, GA 30337

Contact Person: Dan Fields

Telephone Number: (770) 996-2400, Ext. 140

Submitted By:

Dan Fields

IMPACT ANALYSIS

LAND LOTS: 158
DISTRICT: 7
ROAD NAME: Georgia Highway 74
ZONING REQUEST: 102 acres from GI to G-4
PETITIONER: John Wieland Homes and Neighborhoods, Inc.
ADDRESS: 1950 Sullivan Road, Atlanta, GA 30337
CONTACT PERSON: Dan Fields, Vice President
DAYTIME PHONE #: (770) 996-2400, ext. 140

The following analyzes the impact of the above-proposed zoning:

A. TAX BASE

The estimated additional property tax revenues of the proposed zoning would be approximately \$300,000, based on its development as a 350 home, single-family neighborhood. In addition, Impact Fees and other fees would result from the development of this neighborhood.

B. PUBLIC EDUCATION

Peachtree City Elementary School is located at 201 Wisdom Road, approximately 1 mile east of the Property. According to Mike Satterfield, School Facilities Director for the Fayette County Board of Education, Property lies in the Peachtree City Elementary School district. The current enrollment at Peachtree City Elementary is 417 students, with a school capacity of 555 students.

Booth Middle School is located at 250 Peachtree Parkway South, approximately 3 1/2 miles east of the Property. Its current enrollment is 1061 students, with a capacity of 900.

McIntosh High School is located at 201 Walt Banks Road, approximately 4 1/2 miles east of the Property. Its current enrollment is 1476 students, with the capacity for 1425 students.

According to the Fayette County Board of Education each new home in the county adds 1.13 students to the school system. Based on that statistic, the total number of additional students from these 350 homes would be phased into the school system gradually. It is estimated that there will be approximately 52 elementary school students added each year. There would be approximately 14 middle school and 14 high school students added each year during the build-out period.

C. EMERGENCY SERVICES

The Property currently lies in Zone # 1 for police services, with the nearest station located approximately 2 miles to the southeast at 153 Willow Bend Road. According to the Chief of Police for the Peachtree City Police Department, the residential development planned for the Property, phased in over a 10 year period, should not have a significant, detrimental impact on the police department's ability to provide services to the community.

Currently, the nearest fire station and emergency medical services unit is Station # 1, located at Paschall Road & Highway 74, approximately 2 1/2 miles southeast of the Property. Additionally, two other stations, one at Peachtree Parkway North and Highway 54 and another at Crabapple Lane, may serve the Property as secondary units. The Peachtree City Fire Department declined to comment about the possible impact that the development of the Property may have on emergency services, citing a policy that dictates comment be withheld until the application and plan have been reviewed by the Peachtree City Planning Office.

D. RECREATION

In accordance with the City's land use plan objective to encourage recreational facilities in single-family residential developments, on-site amenities are planned, including a clubhouse, two lighted tennis courts, a pool, and tot lot.

Other major recreational facilities near the site include football and baseball fields at the Riley Fields Recreation Center at 176 Wisdom Road, and the Kedron Fieldhouse and Aquatic Center, which houses two pools, two basketball courts, and a game room, at 202 Kedron Drive and The Peachtree City Tennis Complex. Other than the approved Line Creek Parkway connection, there are no plans to provide vehicular access the Wynnmeade neighborhood park.

E. CITY DEVELOPMENT PLAN

The proposed zoning complements the neighboring uses and encourages use of Property consistent with other residential developments in the northwest Peachtree City area. To develop the property as currently zoned would potentially diminish residential values in the immediate area.

Wynnmeade has long been the solitary residential enclave in the northwest end of the City, separated from the rest of the city in terms of both geography and quality of life. The proposed zoning will work to link Wynnmeade to the rest of Peachtree City, drawing attention to the needs of west-end residents and stimulating the birth of a larger west-end village similar to Glenloch, Aberdeen, Braelinn, and Kedron.

The proposed zoning will help to protect the integrity of this existing and the developing residential areas to the south, assuring that incompatible uses cannot encroach upon the community's developing residential character. Although the Property is zoned for industrial uses, industrial development in such close proximity to Wynnmeade and Cedarcroft could further harm its residential character and possibly negatively impact residential values. Industrial

development in this location would also be in conflict with the city's development objective to "develop a defined Industrial Park separate from the city's residential development."

F. EXISTING ZONING CLASSIFICATIONS

The Property is within Peachtree City and are currently zoned General Industrial ("GI"). Adjacent zonings are as follows:

- Although not contiguous, the Wynnmeade subdivision, lying to the west and southwest of the Property, is currently zoned R1;
- West of the property is approximately 53 acres located in unincorporated Fayette County. The property is zoned Agricultural Residential ("AR") According to Fayette County Land Use Plan, the property located between the Wynnmeade subdivision and the Property is designated LOW DENSITY (.5-1 Unit/Acre).
- The property to the south, also known as the Cedarcroft subdivision, is zoned General Commercial ("GC") and is currently being developed by Ravin Homes as General Residential-4 ("GR4");
- The land to the immediate east of the Property, is owned by CSX Railroad and is zoned GI (cemetery is owned by Property owner);
- The land east of Highway 74, south of Wisdom Road, is zoned GC;
- The land to the north of the Property is zoned GI and is owned by Peachtree City Holdings, LLC and Cottonwood Properties.

G. PUBLIC SERVICES AVAILABLE TO PROPERTY

Utility availability letters have been obtained from Fayette County Water System, Coweta-Fayette Electric Membership Corporation, and Georgia Natural Gas Company and are attached to the application. Sewer will also be available to the property, but is discussed in detail in the analysis of impact on utilities.

H. ACCESS TO PROPERTY

Cart paths would be provided within the greenbelts and would connect with existing cart path located at the southern boundary. Several years ago, the Property owner entered into an agreement with Peachtree City to allow the cart path to be built across Property. The agreement also granted the Property owner access to Highway 54. It is the intent of the Owner and Applicant to continue Line Creek Parkway through the Property to the northern boundary (as indicated on the proposed site plan).

Becky Morris



Peachtree City Water and Sewerage Authority

February 17, 2000

Mr. Rob Gibbons
Integrated Science & Engineering
275 South Lee Street
Fayetteville, GA 30214

REF: Sewer Capacity – Katz Property (West of Highway 74 inside City Limits)

Dear Mr. Gibbons,

Concerning your request for sewer capacity to serve a proposed development of 400 residential homes, the Authority has conducted an investigation of the lines serving this development. For estimation purposes we assumed that the site would require approximately 120,000 gallons per day of capacity. The proposed development would be part of the West Village Basin. At the present time there is capacity available for this flow. The capacity is based upon current flow estimates and is not a guarantee of additional capacity. As long as the development is initiated within the next calendar year (February 17, 2000 – February 17, 2001) the Authority will provide capacity for this development. The project will be considered as being initiated when the final site plans have been approved by the Authority and City of Peachtree City.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Scott McDonald".

W. Scott McDonald
Technical Services Division Manager

Coweta-Fayette
Electric Membership Corporation
Post Office Box 488
Newnan, Georgia 30264

Telephone 770-502-0226
Facsimile 770-251-9788
<http://www.utility.org>



April 21, 1999

John Wieland Homes
Att. Donna Black
1950 Sullivan Road
P. O. Box 87363
Atlanta, Ga. 30337

RE: Service availability for Katz and PCDC Parcels

Dear Mrs. Black:

Coweta-Fayette EMC will be the power supplier for the above projects.

If you need more information, please do not hesitate to call me at, 770-502-0226 ext. 4250.

Sincerely,

A handwritten signature in dark ink, appearing to read "Travis Newman". The signature is fluid and cursive, with a large initial "T" and "N".

Travis Newman
Chief Staking Technician



Atlanta Gas Light Company

8990 Georgia Highway 5
Douglasville, GA 30134-1547

April 26, 1999

Donna Black
John Wieland Homes & Neighborhoods
1950 Sullivan Road
Atlanta, Georgia 30337

RE: Katz & PCDC Properties, Hwy 74
Land Lot: 158 & 164
7th District
Peachtree City
Fayette County

Dear Donna,

This letter is to advise you that natural gas is available on Hwy 74 for the above-mentioned project.

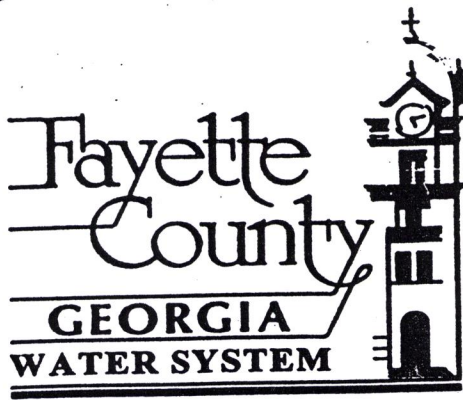
Natural gas service will be made available in accordance with Rule 7 of the Rules and Regulations of Atlanta Gas Light Company as on file with the Georgia Public Service Commission.

Thank you for choosing natural gas for this project. If I can provide any additional information, please contact me at (770) 942-3052 office, or pager (404) 871-9201.

Please forward two copies of the preliminary plat when available.

Sincerely,

Walt Harp
Senior Residential Representative



Tony V. Parrott, Director

April 20, 1999

Ms. Donna Black
John Wieland Homes
1950 Sullivan Road
P.O. Box 87363
Atlanta GA 30337

KATZ & PCDC

Dear Ms. Black:

The Fayette County Water System has water available to serve these tracts from our 20-inch water line on the east side of Highway 74. Please be advised that to get this service to your proposed property, it will require that John Wieland Homes bore Highway 74 and the railroad rights/of/way.

If you need addition information, call me at 770-461-1146 ext 101.

Sincerely,

Tony Parrott, Director
Fayette County Water System

CONSTITUTIONAL CHALLENGE

APPLICATION TO AMEND PEACHTREE CITY ZONING ORDINANCE FILED BY JOHN WIELAND HOMES, INC. PERTAINING TO PROPERTY IN LAND LOTS 158 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA.

This is to comply with the mandate of the Georgia Supreme Court decisions, which require rezoning applicants to present constitutional issues to the zoning authority as a condition precedent to seeking judicial relief.

John Wieland Homes, Inc. ("Wieland") is the rezoning petitioner with respect to the approximately 102-acre tract of land at issue in this rezoning application (the "Property"). Wieland respectfully submits that the Zoning Ordinance of Peachtree City, as amended from time to time ("Zoning Ordinance"), is unconstitutional to the extent that it classifies any of the Property in the following zoning classifications: General Industrial ("GI"). The Property is particularly suitable for residential development in the General Residential - 4 ("GR-4") category. The existing zoning classifications of the Property pursuant to the Zoning Ordinance and the pattern of development of the adjacent area deprive the current owner of any reasonable use and development of the Property. Additionally, all zoning classifications intervening between the existing zoning classifications and the GR-4 zoning classification, the zoning classification requested hereunder, would deprive Wieland of any reasonable use and development of the Property.

Accordingly, Wieland respectfully submits that the current zoning classifications of the Property established in the Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm Wieland. All zoning classifications intervening between the existing zoning classifications and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning power because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm Wieland. Further, the existing zoning classifications constitute and all zoning classifications intervening between the existing zoning classifications and the GR-4 zoning classification would constitute a taking of Wieland's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment to the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, Wieland respectfully submits that the City Council's failure to approve the requested zoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between Wieland and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

However, Wieland remains hopeful and confident that these issues can be resolved through the rezoning process in a manner that will benefit Wieland and inure to the best interests of Peachtree City.

30269

BRISTOL

SITE

80263

AREA MAP

30277

NORTH

FAYETTE COUNTY
AR

CITY LIMITS

LUC-12

GI

AR

GR

GR-10

R1

AR

AR

LC

OI

SITE

AR

GR12

R1

GR10

GI

GC

GC

GR8

R1

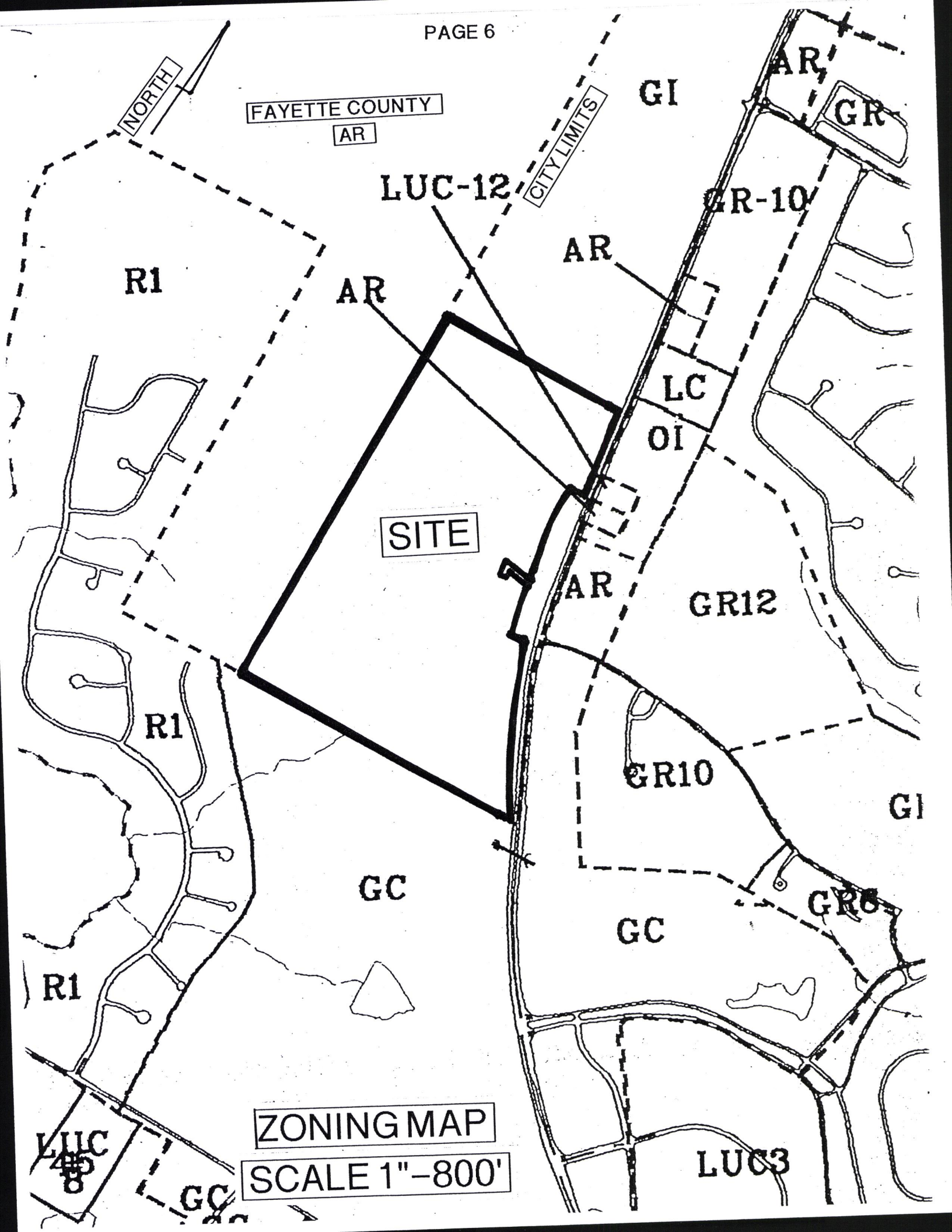
ZONING MAP

SCALE 1"-800'

LUC3

LUC
45
8

GC



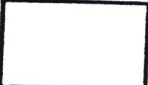


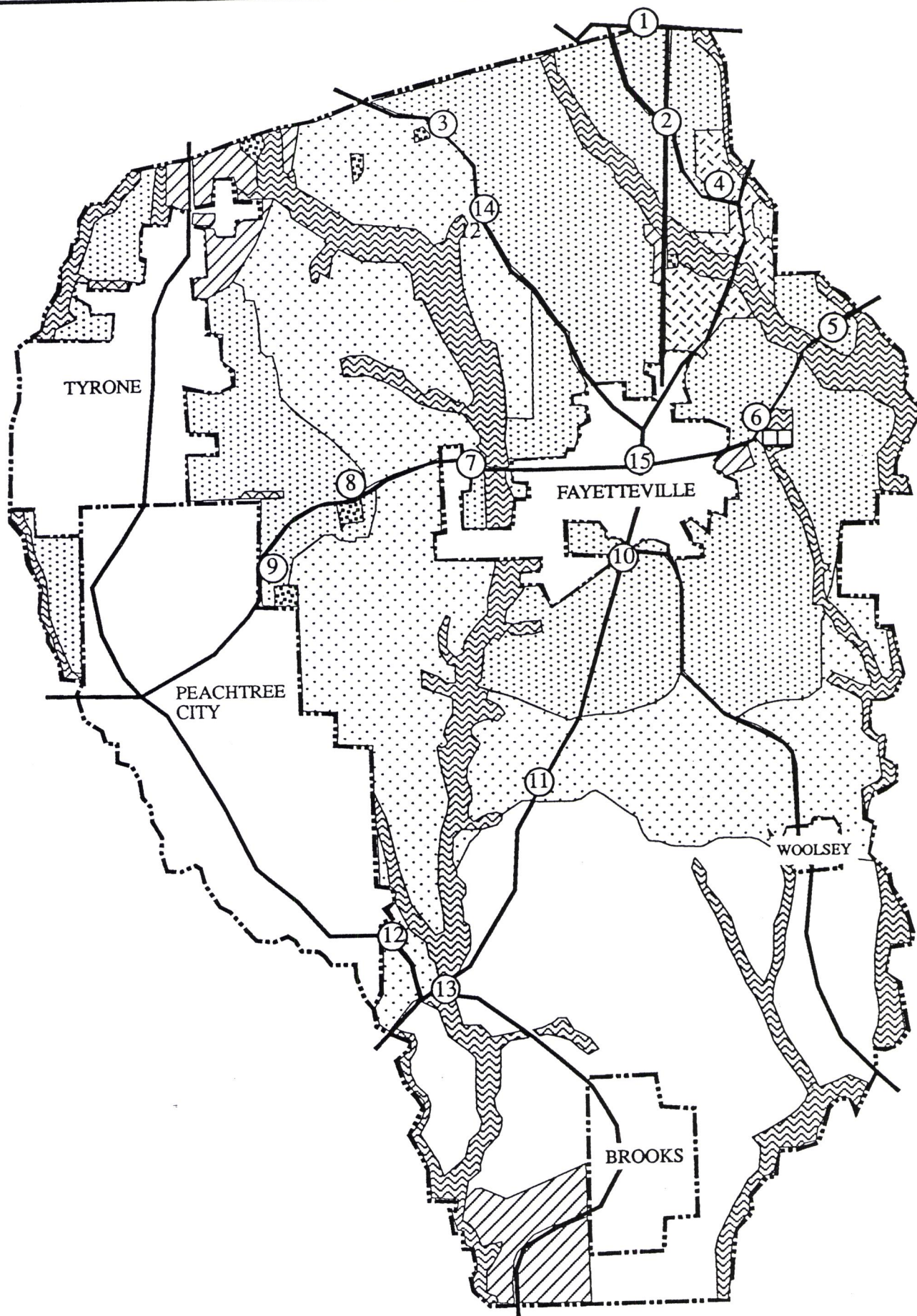
**LAND USE MAP
PEACHTREE CITY**



- LEGEND
- COMMERCIAL
 - OFFICE INSTITUTION
 - MULTI FAMILY - HIGH DENSITY RESIDENTIAL
 - MEDIUM DENSITY RESIDENTIAL
 - LOW DENSITY RESIDENTIAL
 - COMMUNITY SERVICE
 - OPEN SPACE
 - WATER
 - AIRPORT
 - INDUSTRIAL

LAND USE LEGEND

	AGRICULTURAL RESIDENTIAL (0.2 Unit/Acre, 5 Acre Min.)
	LOW DENSITY AGRICULTURAL (0.2-0.5 Unit/Acre)
	LOW DENSITY (0.5-1 Unit /Acre)
	LOW MEDIUM DENSITY (1-4 Unit/Acre)
	MEDIUM DENSITY (4-8 Unit/Acre)
	HIGH DENSITY (More Than 8 Unit/Acre)
	MOBILE HOMES
	COMMERCIAL
	OFFICE/INSTITUTIONAL
	LIGHT INDUSTRIAL/RESERVE
	HEAVY INDUSTRIAL
	BUSINESS PARK
	PUBLIC FACILITIES
	PARKS AND OPEN SPACE
	TRANSPORTATION COMMUNICATIONS UTILITIES
	STUDY AREA



6-14. A-R Agricultural - Residential District.

A. Description of District. This district is composed of certain lands and structures in the County providing areas for agricultural uses and is designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible to a desirable agricultural or extremely low density residential environment.

B. Permitted Uses. Within the A-R Zoning District, the following Permitted Uses shall be allowed:

1. open (Amended 1/26/86 and 6/26/86)
2. church and/or school whose use is incidental to a residential use (Amended 8/28/86)
3. single-family dwelling
4. home occupation
5. publicly owned recreation centers and similar institutions
6. accessory uses and structures (Amended 7/28/88)
7. open (Amended 1/26/86 and 6/26/86)
8. open (Amended 1/26/86 and 6/26/86)
9. farmer's market
10. growing crops, garden
11. shrubbery sales
12. open (Amended 1/26/86 and 6/26/86)
13. open (Amended 1/26/86 and 6/26/86)
14. raising and selling livestock
15. open (Amended 1/26/86 and 6/26/86)
16. religious meetings (Amended 8/28/86)

C. Conditional Uses. The following Conditional Uses shall be allowed provided that all conditions specified under Section 7-1. of the Zoning Ordinance are met:
(Amended 6-22-89)

Aircraft Landing Area

Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic

Cemetery and Mausoleum (Human or Pet)

Church, Temple, or Place of Worship

Church or Religious Tent Meeting

Commercial Driving Range

Colleges and Universities

Cultural Facilities, Libraries, and Museums

Day Care Facility (Nursery School or Kindergarten)

Farm Building

Golf Course

Home Occupation

Hospital (Amended 2/27/92)

Kennel (See Animal Hospital, etc.)

Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables)

Rifle Range (Amended 6/9/83)

School (Private and Special), and Accessory Sports Arena, Stadium or Recreation Field

Telephone, Electric or Gas Sub-Station or Other Public Utility Facilities (Amended 7/11/90)

Temporary Carnival

D. Telecommunications Antennas and Towers. (See Section 5-49.) (Added 06/27/96)

E. Dimensional Requirements. The minimum dimensional requirements within the A-R Zoning District shall be as follows:

1. lot area: 217,800 square feet (5 acres)
2. lot width: 250 feet
3. gross floor area per dwelling unit: 1,100 square feet
4. front yard setback, as measured from the right-of-way:
 - a. major thoroughfare: 100 feet
 - b. minor thoroughfare: 75 feet

5. rear yard setback: 100 feet
6. side yard setback: 50 feet
7. height: none; however, the minimum distance from property lines to any building shall be increased one (1) foot for every two (2) or part thereof of building height over 35 feet

F. Special Regulations. (Amended 7/28/88)

Prior to the issuance of development and/or building permits, a Site Plan as defined in Section 6-10.,E.,1. and 3. of the Zoning Ordinance and Section 2-1.,C. of the Development Regulations must be submitted to the Zoning Administrator and approved by the appropriate County officials. (Amended 7/28/88)

These requirements shall apply to all Permitted Uses and Conditional Uses allowed in the A-R District except single-family dwellings, accessory buildings and uses, growing crops and gardens, and related produce stands of less than 100 square feet of floor area, and the raising and/or selling of livestock. (Amended 6/22/89)



INTEGRATED
Science &
Engineering

March 2, 2000

Mr. Mark Lipsmeyer
John Wieland Homes & Neighborhoods
PO Box 87363
Atlanta, GA 30337

Re: Katz Property Watershed Protection Plan

Dear Mr. Lipsmeyer:

Integrated Science & Engineering, Inc. (ISE) has prepared this letter in response to the review comments provided to you by Peachtree City on February 8, 2000. Specifically, the comments requested information on, "what measures will be taken to protect the quality of water runoff, given the location of the project and the proposed intensity of development." Upon review of the overall topography for the proposed site, ISE feels confident that a comprehensive storm water management plan can be designed and implemented for the project. The proposed storm water management plan would address both storm water quantity and storm water quality issues associated with the proposed development.

The proposed site development could have several components integrated into the design to address the issues associated with stormwater management. Possible components could include establishment of base line water quality levels prior to construction, water quality monitoring during construction, possible utilization of wetland filtration areas, "first flush" water quality basins, and other selected Best Management Practices (BMPs) related to storm water management. All of the components outlined above would be in addition to the standard BMPs required in the Georgia Soil and Erosion Control Manual. The actual BMPs that will be incorporated into the site design will be established through discussions with JWH, Peachtree City and the design team at ISE.

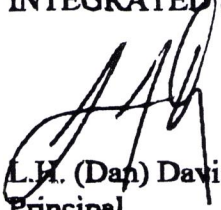
ISE has considerable experience in the areas of both stormwater management and water quality monitoring. ISE recently completed design and construction of an award winning regional detention pond in Griffin, Georgia that utilizes traditional storm water detention design in conjunction with constructed wetlands to filter typical contaminants present in storm water runoff. ISE intends to utilize similar BMPs and other engineering methods in an effort to implement a cost effective and practicable storm water management program to protect water quality associated with this property.

March 2, 2000
Page 2 of 2

ISE appreciates the opportunity to assist you with this project. Should you have any questions or comments please feel free to call us at (770) 461-4292

Sincerely,

INTEGRATED SCIENCE & ENGINEERING, INC.



L.H. (Dan) Davis, P.E.
Principal



Ronald A. Feldner, P.E.
Principal

LHD/RAF

LINE CREEK STUDY AREA

HIGHWAY 74 WEST DISTRICT, L-II:

TRACT	EXISTING LAND USE	PROPOSED LAND USE	NOTES
1. Katz Tract (Undeveloped)	Industrial	Single-Family Cluster	(a)
2. PCDC Tract "A" (Undeveloped)	Industrial	Single-Family Cluster	(a)
3. Whitlock Tract "A" (Undeveloped)	Industrial	Single-Family Cluster	(a)
4. PCDC Tract "B" (Undeveloped)	Community Service	Community Service	(b)
5. Peach State Cablevision	Industrial	Community Service	
6. PCDC Tract "C" (Undeveloped)	Industrial	Single-Family Cluster	(a)
7. McWilliams Tract (Undeveloped)	Industrial	Single-Family Cluster	(a)
8. Whitlock Tract "B" (Undeveloped)	Industrial	Single-Family Cluster	(a)
9. Kidd Tract	Industrial	Single-Family Cluster	(a)
10. Wilke Grove Baptist Church	Industrial	Community Service	
11. Collector/Bridge Tract I	Industrial	Office	(c)
12. Collector/Bridge Tract II	Industrial	Office	(d)

Footnotes:

- (a) This tract should not be developed for residential purposes until the Line Creek Collector is implemented between GA Hwy 54 and GA Hwy 74 North in order to provide the tract with proper access. The type of residential development should be single-family cluster at a density of no more than 4 units per acre. Development should be in accordance with special cluster housing standards. Special provision should be made for buffering this area from the railroad. Pedestrian path access must be provided. This tract must bear a prorata share of the cost of installing the necessary infrastructure for the neighborhood including the Collector Road, the Bridge, the pedestrian path system, neighborhood recreation land and facilities, and a school site, if necessary.
- (b) This tract should be reserved for a neighborhood recreation area, a composting/recycling center for the community, a combination of the two uses, or some other community service type uses.
- (c) This tract should be reserved for a church or some other special non-residential use. No development should be initiated until the Collector and Bridge are actually in place and operational.
- (d) This tract should be reserved for an office complex, and institutional facility, a community composting/recycling center or some other special non-residential use. No development should be initiated until the Collector and Bridge are actually in place and operational.

**RE-ZONING REQUEST
FOR
PROPOSED SINGLE-FAMILY SUBDIVISION
101.58 ACRES
at
Line Creek Parkway
Peachtree City, Georgia**

Submitted by:
John Wieland Homes
1950 Sullivan Road
Atlanta, Ga. 30337

February 4, 2000

Prepared by:
John Wieland Homes
And
Integrated Science & Engineering
275 South Lee Street
Fayetteville, Ga. 30214

ATTACHMENT "C"

SUBMITTED 2/4/00
NOT ACCEPTED

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of
the following described property: Approximately 82 acres in District 7 LL 158

See Attached Legal Description

See Tracts 1 & 3

(13.01 ACRES + 68.91 ACRES = 81.92 ACRES TOTAL)

This property is presently zoned: General Industrial (GI)

The proposed zoning classification is: _____

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

Signature: [Signature]

Owner: Grant Development I, L.P. and Grant Development Corp.

Agent: John Wieland Homes, Inc., ATTN: Dan Fields

Address: 1950 Sullivan Road, Atlanta, GA 30337

Phone: (770) 996-2400, Ext. 140 Date: _____

This request, along with the required fee and supplemental documents,
has been properly submitted and is hereby accepted for consideration by the
Planning Commission and the City Council:

Signature: _____

Title: _____

Date: _____

Request Number: _____

Date of Planning Commission Public Hearing: _____

Date of City Council Public Hearing: _____

CONENTS

Cover Page	Page No.
1. Letter of Intent	1
2. Current Zoning	2
3. Constitutional Challenge	3
4. Surrounding Property Owners	4
5. Location Map	5
6. Map @ 1"=800'	6
7. Site Analysis Map	7
8. Impact Analysis & Public Services	8 thru 14
9. SCS Soil Survey & Soil Types	15 thru 16
10. Access & Existing Cart Path Location	17
11. Area Map	18

LETTER OF INTENT

**APPLICATION TO AMEND PEACHTREE CITY ZONING ORDINANCE
FILED BY JOHN WIELAND HOMES, INC.
PERTAINING TO PROPERTY LOCATED IN LAND LOTS 158 OF THE 7TH
DISTRICT OF FAYETTE COUNTY, GEORGIA**

The Petitioner, John Wieland Homes and Neighborhoods, Inc., wishes to rezone an approximately 102 acre tract of land (the "Property"), from General Industrial ("GI") to General Residential - 4 ("GR4"). The proposed rezoning will permit a suitable use in view of the fact that the property immediately to the southwest of the proposed site is currently residential and the property to the south of the proposed site is being developed as residential.

The Property is particularly suitable for residential use, best indicated by adjacent zonings to the west as AG and the south as GC, which is being developed as GR4. The proposed zoning would create a bridge of residential development from the Wynnmeade subdivision into the heart of Peachtree City, while concurrently helping the west end to develop a residential character all its own.

It is the intention of John Wieland Homes and Neighborhoods, Inc. to develop a single family residential development that would be similar to other single family residential developments in the area, and that no other existing or changing conditions affecting the development of the property would cause this proposal to be disapproved.

With access through other properties being developed as residential, there is no reasonable economic use of the property as presently zoned. Therefore, John Wieland Homes, Inc. respectfully submits that the zoning classification for the Property be reclassified to GR-4.

Petitioner: John Wieland Homes, Inc

Address: 1950 Sullivan Road
Atlanta, GA 30337

Contact Person: Dan Fields

Telephone Number: (770) 996-2400, Ext. 140

Submitted By:

Dan Fields
Dan Fields

CURRENT ZONING CLASSIFICATIONS

Approximately 102 acres of the Property are within Peachtree City and are currently zoned General Industrial ("GI"). Adjacent zonings are as follows:

- The Wynnmeade subdivision, lying to the west and southwest of the Property, is currently zoned R1;
- West of the property in unincorporated Fayette County is zoned Agricultural Residential ("AR").
- The property to the southeast, planned as the Cedarcroft subdivision, is zoned General Commercial ("GC") and allows General Residential-4 ("GR4");
- The land to the east of the Property, lying south of Wisdom Road, is zoned GC; ?
- The land to the north of the Property is zoned GI.

CONSTITUTIONAL CHALLENGE

APPLICATION TO AMEND PEACHTREE CITY ZONING ORDINANCE
FILED BY JOHN WIELAND HOMES, INC.
PERTAINING TO PROPERTY IN LAND LOTS 158
OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA.

This is to comply with the mandate of the Georgia Supreme Court decisions which require rezoning applicants to present constitutional issues to the zoning authority as a condition precedent to seeking judicial relief.

John Wieland Homes, Inc. ("Wieland") is the rezoning petitioner with respect to the approximately 102 acre tract of land at issue in this rezoning application (the "Property"). Wieland respectfully submits that the Zoning Ordinance of Peachtree City, as amended from time to time ("Zoning Ordinance"), is unconstitutional to the extent that it classifies any of the Property in the following zoning classifications: General Industrial ("GI") or Agricultural Residential ("AR"). The Property is particularly suitable for residential development in the General Residential - 4 ("GR-4") category. The existing zoning classifications of the Property pursuant to the Zoning Ordinance and the pattern of development of the adjacent area deprive the current owner of any reasonable use and development of the Property. Additionally, all zoning classifications intervening between the existing zoning classifications and the GR-4 zoning classification, the zoning classification requested hereunder, would deprive Wieland of any reasonable use and development of the Property.

Accordingly, Wieland respectfully submits that the current zoning classifications of the Property established in the Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm Wieland. All zoning classifications intervening between the existing zoning classifications and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning power because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm Wieland. Further, the existing zoning classifications constitute and all zoning classifications intervening between the existing zoning classifications and the GR-4 zoning classification would constitute a taking of Wieland's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment to the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, Wieland respectfully submits that the City Council's failure to approve the requested zoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between Wieland and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

However, Wieland remains hopeful and confident that these issues can be resolved through the rezoning process in a manner that will benefit Wieland and inure to the best interests of Peachtree City.

Adjacent Owners

MAIL_OWNE	MAILING_A	C_MCITYST	C_MAIL_ST	C_MAIL_ZI
Myron Leach	Po Box 337	Peachtree City Ga 30269	GA	30269
James W. Fulton	308 Highway 74 N	Peachtree City Ga 30269-1102	GA	30269-1102
Maymie Hill Lee	193 Bob Smith Rd	Sharpsburg Ga 30277-2341	GA	30277-2341
Cottonwood Properties	483 Robinson Rd	Peachtree City Ga 30269-1883	GA	30269-1883
Annette Leach & Virgil Ergle	105 Wisdom Rd	Peachtree City Ga 30269-3927	GA	30269-3927
Mason & Patricia Wright	399 Highway 74 N	Peachtree City Ga 30269-1101	GA	30269-1101
Jody Gannon	8280 Carlton Rd	Riverdale Ga 30296-1261	GA	30296-1261
Ravin Homes Inc	Po Box 450233	Atlanta Ga 31145-0233	GA	31145-0233
Ravin Homes Inc	Po Box 450233	Atlanta Ga 31145-0233	GA	31145-0233
Eddie N. Harris	622 Tower Rd	Peachtree City Ga 30269-1020	GA	30269-1020
Earnest & Michelle Caldwell	620 Tower Rd	Peachtree City Ga 30269-1020	GA	30269-1020
Lawrence J. Acree	618 Tower Rd	Peachtree City Ga 30269-1020	GA	30269-1020
Richard A. Allis	202 Camp Creek Trl	Peachtree City Ga 30269-2303	GA	30269-2303
John O. Dillahunt	614 Tower Rd.	Peachtree City Ga 30269-1020	GA	30269-1020
Jimmy & Susan L. Corley	612 Tower Rd.	Peachtree City Ga 30269-1020	GA	30269-1020
Carlos & Elena R. Hernandez	610 Tower Rd.	Peachtree City Ga 30269-1020	GA	30269-1020
Robert W. & Sharon Rupp	608 Tower Rd.	Peachtree City Ga 30269-1020	GA	30269-1020
Peachtree City Holdings	200 Westpark Dr., Suite 300	Peachtree City Ga 30269-1447	GA	30269-1447

KEDRON DRIVE

FAYETTE COUNTY

NORTH

Cem

PEACHTREE CITY LIMITS

SITE

Aberdeen

WISDOM ROAD

HIGHWAY 74

PEACHTREE CITY Pond

Wiggins

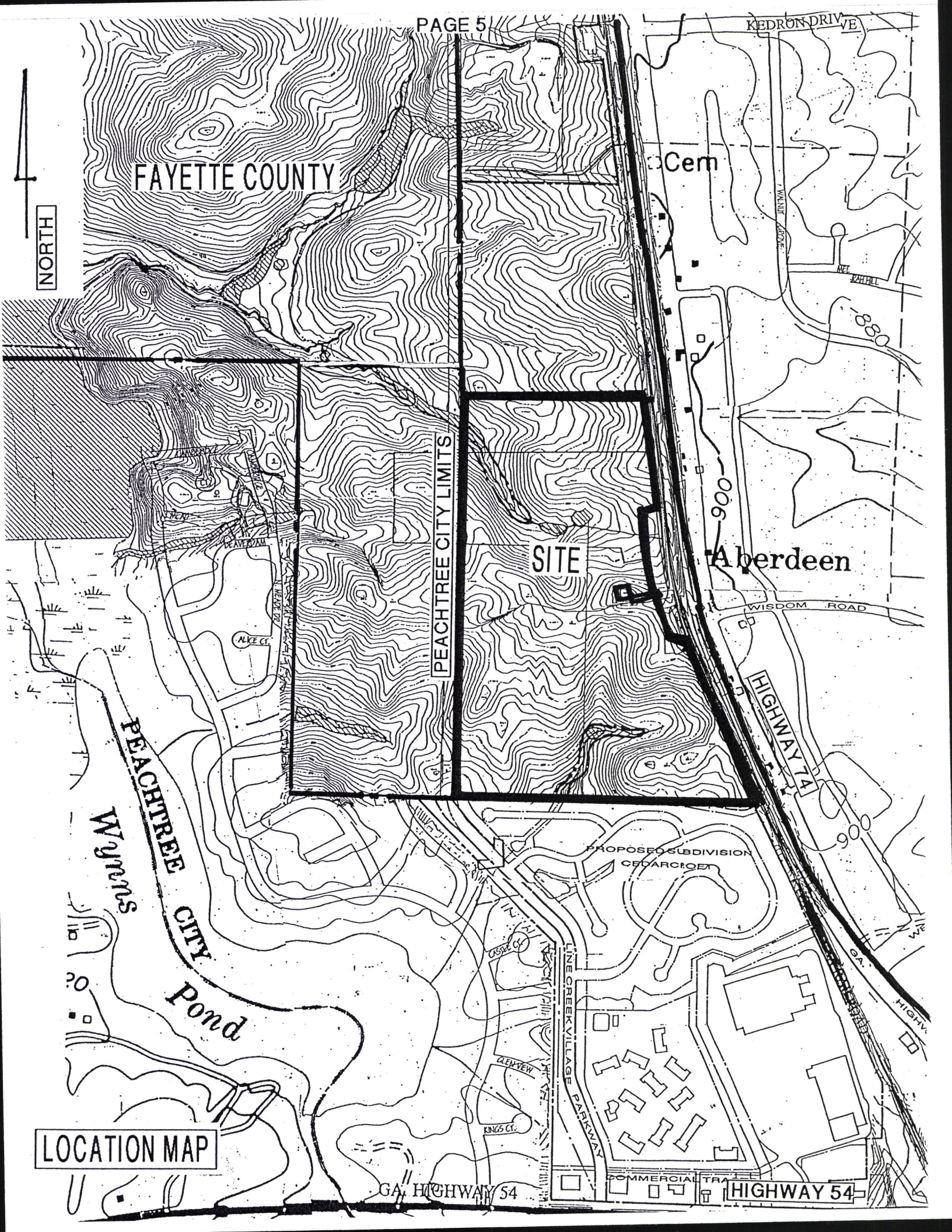
LOCATION MAP

PROPOSED SUBDIVISION
CEDAR CREEK

LINE CREEK VILLAGE PARKWAY

GA. HIGHWAY 54

HIGHWAY 54



NORTH

FAYETTE COUNTY
AR

CITY LIMITS

LUC-12

GI

AR

GR

GR-10

R1

AR

AR

LC

OI

SITE

AR

GR12

R1

GR10

GI

GC

GC

GR5

R1

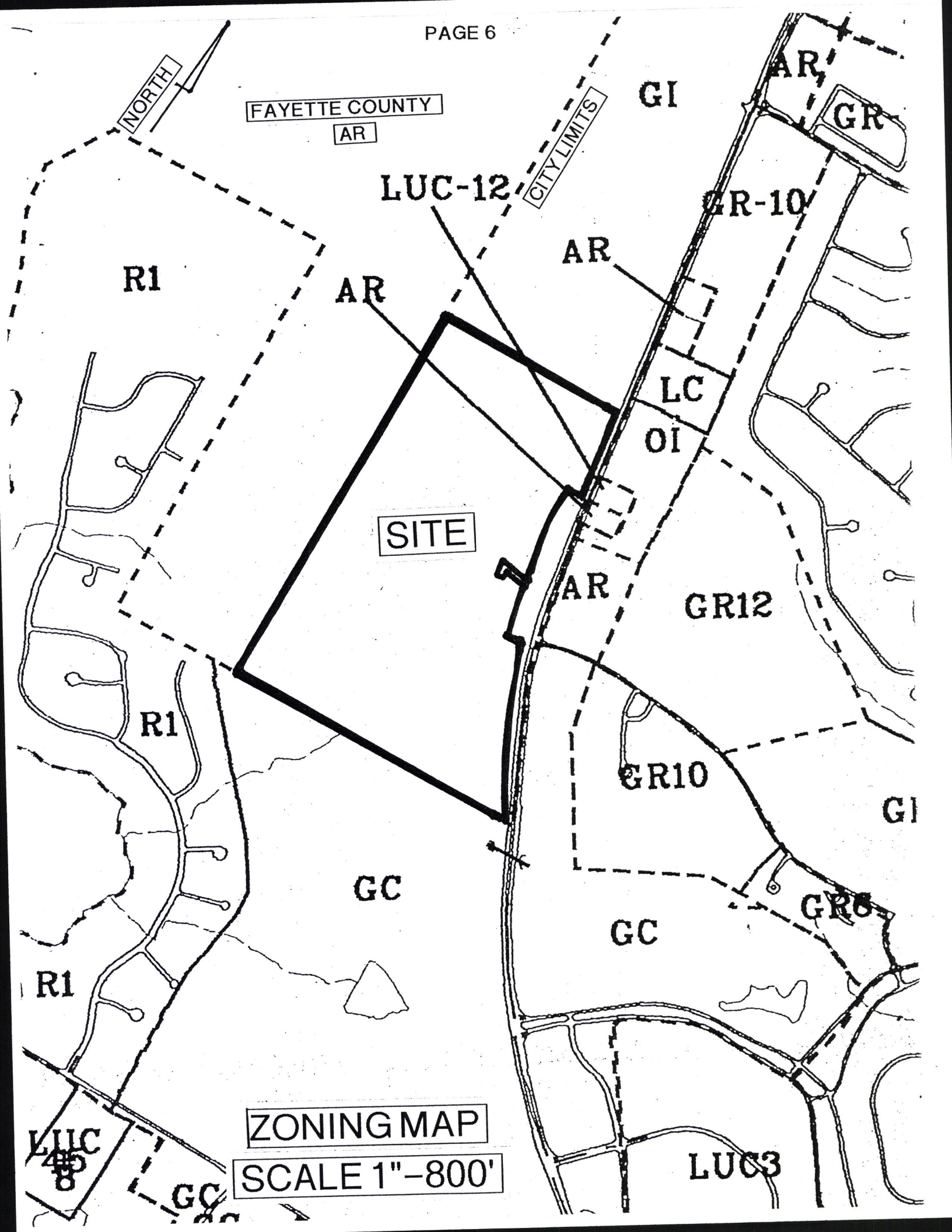
LUC
4B

ZONING MAP

SCALE 1"-800'

LUC3

GC



NORTH

KEDRON DRIVE

Cem

HIGHWAY 74

RAILROAD

Aberdeen

WISDOM ROAD

WETLANDS

SITE

CEMETARY

WETLANDS

OVERHEAD POWER LINE

OVERHEAD POWER LINE

PEACHTREE CITY

Pond

Wynns

SITE ANALYSIS

PROPOSED PARKWAY

PROPOSED SUBDIVISION
CEDAR CROFT

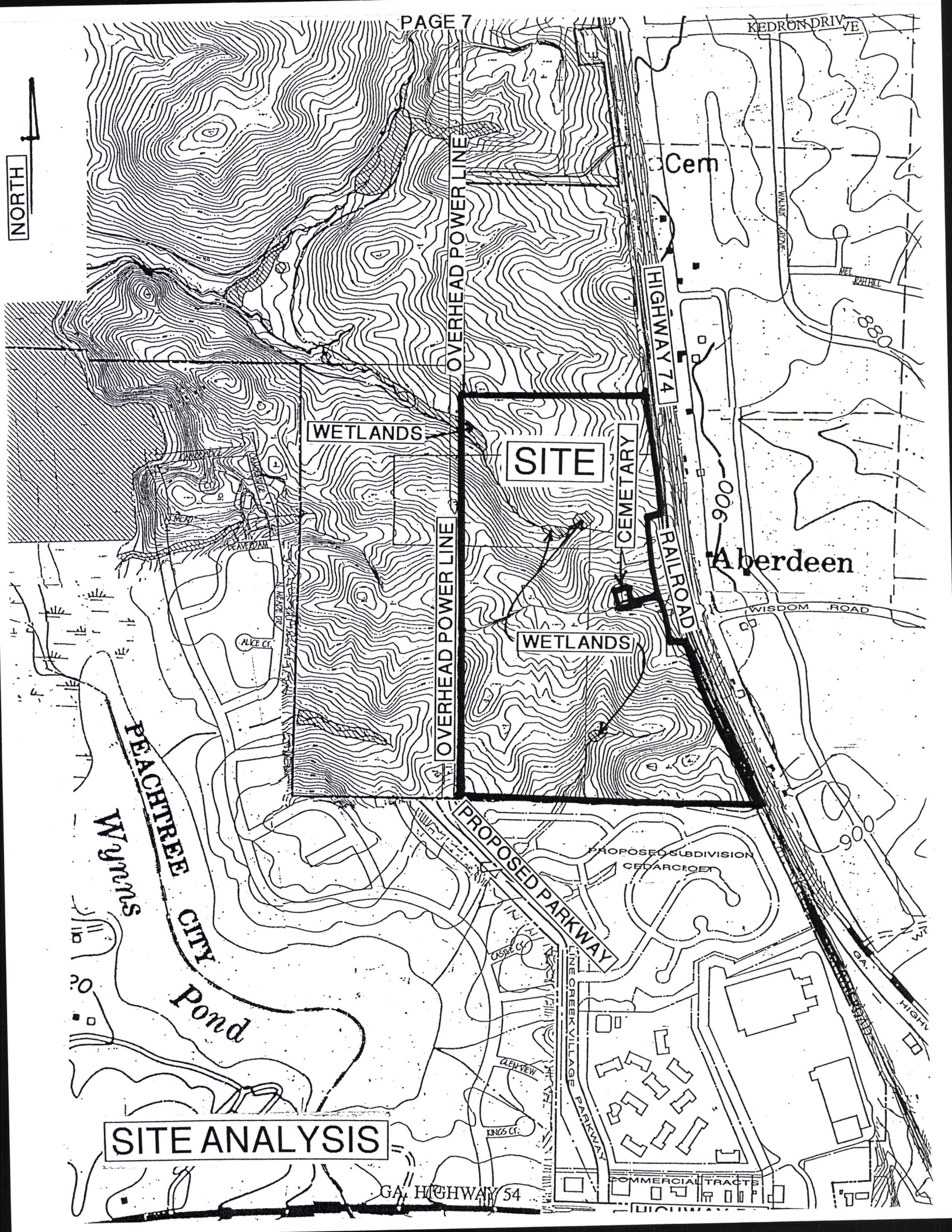
LINE CREEK VILLAGE PARKWAY

GLENVIEW

KINGS CT

GA. HIGHWAY 54

COMMERCIAL TRACTS



IMPACT ANALYSIS

LAND LOTS: 158
 DISTRICT: 7
 ROAD NAME: Georgia Highway 74
 ZONING REQUEST: 102 acres from GI to G-4
 PETITIONER: John Wieland Homes and Neighborhoods, Inc.
 ADDRESS: 1950 Sullivan Road, Atlanta, GA 30337
 CONTACT PERSON: Dan Fields, Vice President
 DAYTIME PHONE #: (770) 996-2400, ext. 140

The following analyzes the impact of the above proposed zoning:

A. TAX BASE

The proposed zoning would provide additional tax revenues to the City based on its development as a 400 home, single family neighborhood. If the zoning of this property is approved and the proposed land plan is executed, the following revenues could be expected.

A. Possible City Revenues on 102 undeveloped city acres

Total Estimated Land Value*	\$ 966,469
Assessed Value at 40% Total Value	\$ 386,587
<u>x City Millage Rate and Fire (10.37 mills)</u>	<u>.01037</u>
Possible City Tax Revenues from all undeveloped acreage	\$ 4,008

*Per tax records obtained at the Office of the Fayette County Tax Assessor

B. Potential City Tax Revenues based on 400 homes

Total Estimated Value**	\$ 80,000,000.00
Assessed Value at 40% Total Value	\$ 32,000,000.00
<u>x City Millage Rate (3.299 mills)</u>	
Possible City Tax Revenues from proposed development	\$ 1,055,680.00

**Based on average sale price of \$200,000 per home

Impact fees and other fees charged by the City are not included in the above calculations.

B. PUBLIC EDUCATION

Peachtree City Elementary School is located at 201 Wisdom Road, approximately 1 mile east of the Property. According to Mike Satterfield, School Facilities Director for the Fayette County Board of Education, current enrollment at Peachtree City Elementary is 527 students, with a school capacity of 555 students.

Booth Middle School is located at 250 Peachtree Parkway South, approximately 3 1/2 miles east of the Property. Its current enrollment is 1057 students, with a capacity of 1100 (with trailers).

McIntosh High School is located at 201 Walt Banks Road, approximately 4 1/2 miles east of the Property. Its current enrollment is 1591 students, with the capacity for 2100 students (with trailers).

According to the Fayette County Board of Education each new home in the county adds 1.3 students to the school system. Based on that statistic, the total number of additional students from these 400 homes would be approximately 520. These students, however, would be phased into the school system gradually over the estimated 10 year build-out period of the development. Exhibit A offers the estimated distribution of new students entering the school system over the build-out period.

C. EMERGENCY SERVICES

The Property currently lies in Zone # 1 for police services, with the nearest station located approximately 2 miles to the southeast at 153 Willow Bend Road. According to the Chief of Police for the Peachtree City Police Department, the residential development planned for the Property, phased in over a 10 year period, should not have a significant, detrimental impact on the police department's ability to provide services to the community.

Currently, the nearest fire station and emergency medical services unit is Station # 1, located at Paschall Road & Highway 74, approximately 2 1/2 miles southeast of the Property. Additionally, two other stations, one at Peachtree Parkway North and Highway 54 and another at Crabapple Lane, may serve the Property as secondary units. The Peachtree City Fire Department declined to comment about the possible impact that the development of the Property may have on emergency services, citing a policy that dictates comment be withheld until the application and plan have been reviewed by the Peachtree City Planning Office.

D. RECREATION

In accordance with the City's land use plan objective to encourage recreational facilities in single-family residential developments, on-site amenities are planned, including a clubhouse, four lighted tennis courts, a pool, and tot lot.

Other major recreational facilities near the site include football and baseball fields at the Riley Fields Recreation Center at 176 Wisdom Road, and the Kedron Fieldhouse and Aquatic Center, which houses two pools, two basketball courts, and a game room, at 202 Kedron Drive and The Peachtree City Tennis Complex.

E. CITY DEVELOPMENT PLAN

The proposed zoning complements the city development plan, encouraging improvement of the unique character of the west end area.

Wynnmeade has long been the solitary residential enclave in the northwest end of the City, separated from the rest of the city in terms of both geography and quality of life. The proposed zoning will work to link Wynnmeade to the rest of Peachtree City, drawing attention to the needs of west-end residents and stimulating the birth of a larger west-end village similar to Glenloch, Aberdeen, Braelinn, and Kedron.

The proposed zoning will help to protect the integrity of this existing residential area, assuring that incompatible uses cannot encroach upon the community's established character. Although the Property is zoned for industrial uses, industrial development in such close proximity to Wynnmeade and Cedarcroft could further harm its sagging residential property values. Industrial development in this location would also be in conflict with the city's development objective to "develop a defined Industrial Park separate from the city's residential development."

F. PUBLIC SERVICES AVAILABLE TO PROPERTY

Utility availability letters have been obtained from Fayette County Water System, Coweta-Fayette Electric Membership Corporation, and Georgia Natural Gas Company and are attached to the application. Sewer will also be available to the property. There is a proposed sanitary sewer manhole planned in the parkway approximately 650 l.f. south of the southern property line of the Katz property. This sanitary sewer service will be connected to the new pump station in Wynnmeade S/D via an 8" gravity line. The proposed development will tie into this manhole. This line & the WWTP have capacity to serve this property fully developed as planned (see enclosed letter from Peachtree City Water & Sewer Department).

Coweta-Fayette
Electric Membership Corporation
Post Office Box 488
Newnan, Georgia 30264

Telephone 770-502-0226
Facsimile 770-251-9788
<http://www.utility.org>



April 21, 1999

John Wieland Homes
Att. Donna Black
1950 Sullivan Road
P. O. Box 87363
Atlanta, Ga. 30337

RE: Service availability for Katz and PCDC Parcels

Dear Mrs. Black:

Coweta-Fayette EMC will be the power supplier for the above projects.

If you need more information, please do not hesitate to call me at, 770-502-0226 ext. 4250.

Sincerely,

A handwritten signature in dark ink, appearing to read "Travis Newman". The signature is fluid and cursive, with a large initial "T" and "N".

Travis Newman
Chief Staking Technician



Atlanta Gas Light Company

8990 Georgia Highway 5
Douglasville, GA 30134-1547

April 26, 1999

Donna Black
John Wieland Homes & Neighborhoods
1950 Sullivan Road
Atlanta, Georgia 30337

RE: Katz & PCDC Properties, Hwy 74
Land Lot: 158 & 164
7th District
Peachtree City
Fayette County

Dear Donna,

This letter is to advise you that natural gas is available on Hwy 74 for the above-mentioned project.

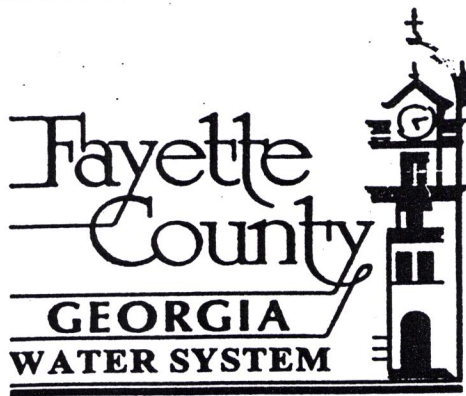
Natural gas service will be made available in accordance with Rule 7 of the Rules and Regulations of Atlanta Gas Light Company as on file with the Georgia Public Service Commission.

Thank you for choosing natural gas for this project. If I can provide any additional information, please contact me at (770) 942-3052 office, or pager (404) 871-9201.

Please forward two copies of the preliminary plat when available.

Sincerely,

Walt Harp
Senior Residential Representative



Tony V. Parrott, Director

April 20, 1999

Ms. Donna Black
John Wieland Homes
1950 Sullivan Road
P.O. Box 87363
Atlanta GA 30337

KATZ E-PCDC

Dear Ms. Black:

The Fayette County Water System has water available to serve these tracts from our 20-inch water line on the east side of Highway 74. Please be advised that to get this service to your proposed property, it will require that John Wieland Homes bore Highway 74 and the railroad rights/of/way.

If you need addition information, call me at 770-461-1146 ext 101.

Sincerely,

Tony Parrott, Director
Fayette County Water System



Peachtree City Water and Sewerage Authority

February 2, 2000

Mr. Rob Gibbons
Integrated Science & Engineering
275 South Lee Street
Fayetteville, GA 30214

REF: Sewer Capacity – Katz Property (West of Highway 74 inside City Limits)

Dear Mr. Gibbons,

Concerning your request for sewer capacity to serve a proposed development of 300 residential homes, the Authority has conducted an investigation of the lines serving this development. For estimation purposes we assumed that the site would require approximately 90,000 gallons per day of capacity. The proposed development would be part of the West Village Basin. At the present time there is capacity available for this flow. The capacity is based upon current flow estimates and is not a guarantee of additional capacity. As long as the development is initiated within the next calendar year (February 2, 2000 – February 2, 2001) the Authority will provide capacity for this development. The project will be considered as being initiated when the final site plans have been approved by the Authority and City of Peachtree City.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Scott McDonald".

W. Scott McDonald
Technical Services Division Manager

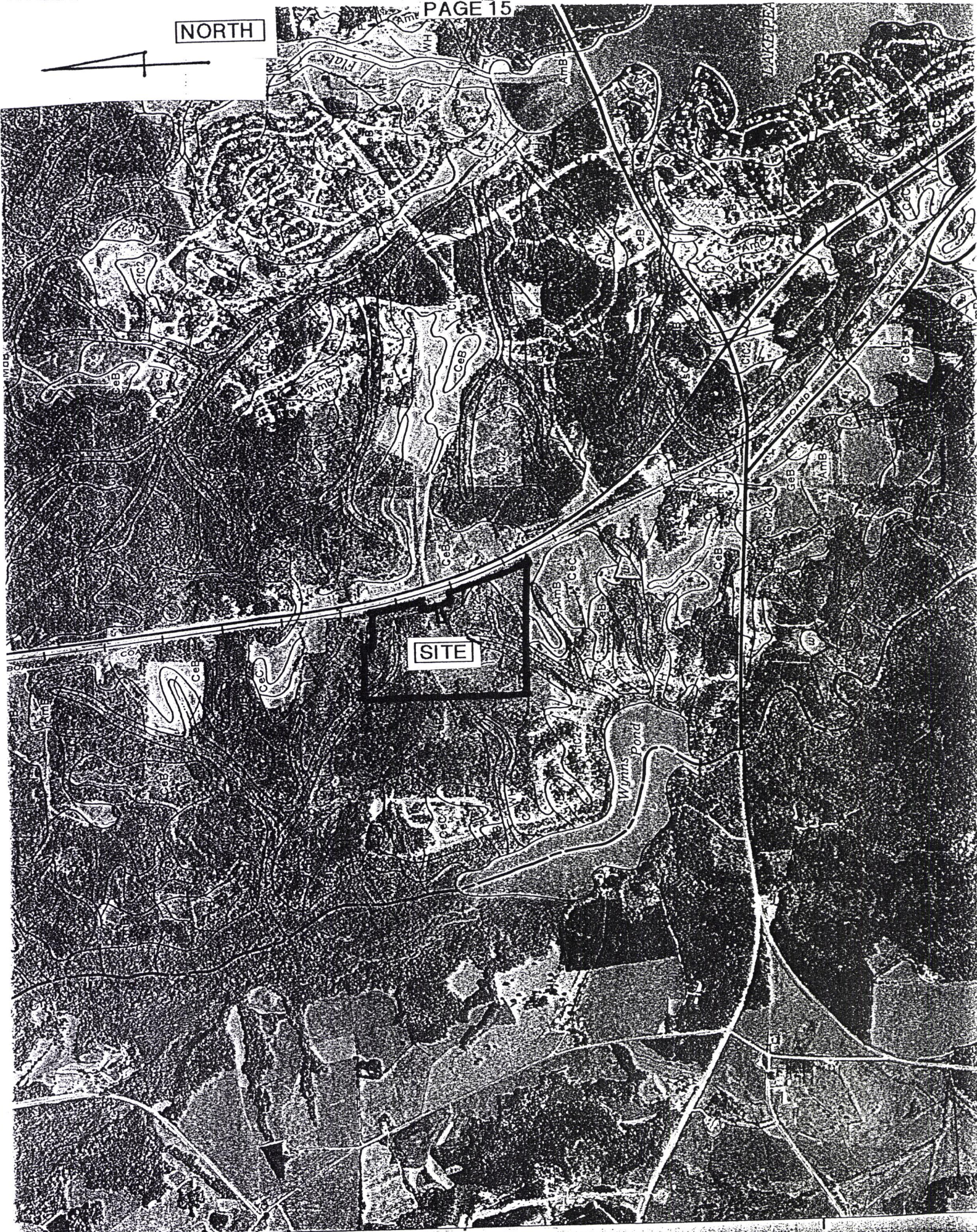
NORTH

SITE

Wynn's Pond

LAKE PE

LAKE PE



CLAYTON, FAYETTE, AND HENRY COUNTIES, GEORGIA

TABLE 8.--BUILDING SITE DEVELOPMENT

[Some of the terms used in this table to describe restrictive soil features are defined in the Glossary text for definitions of "slight," "moderate," and "severe." Absence of an entry means soil was rated]

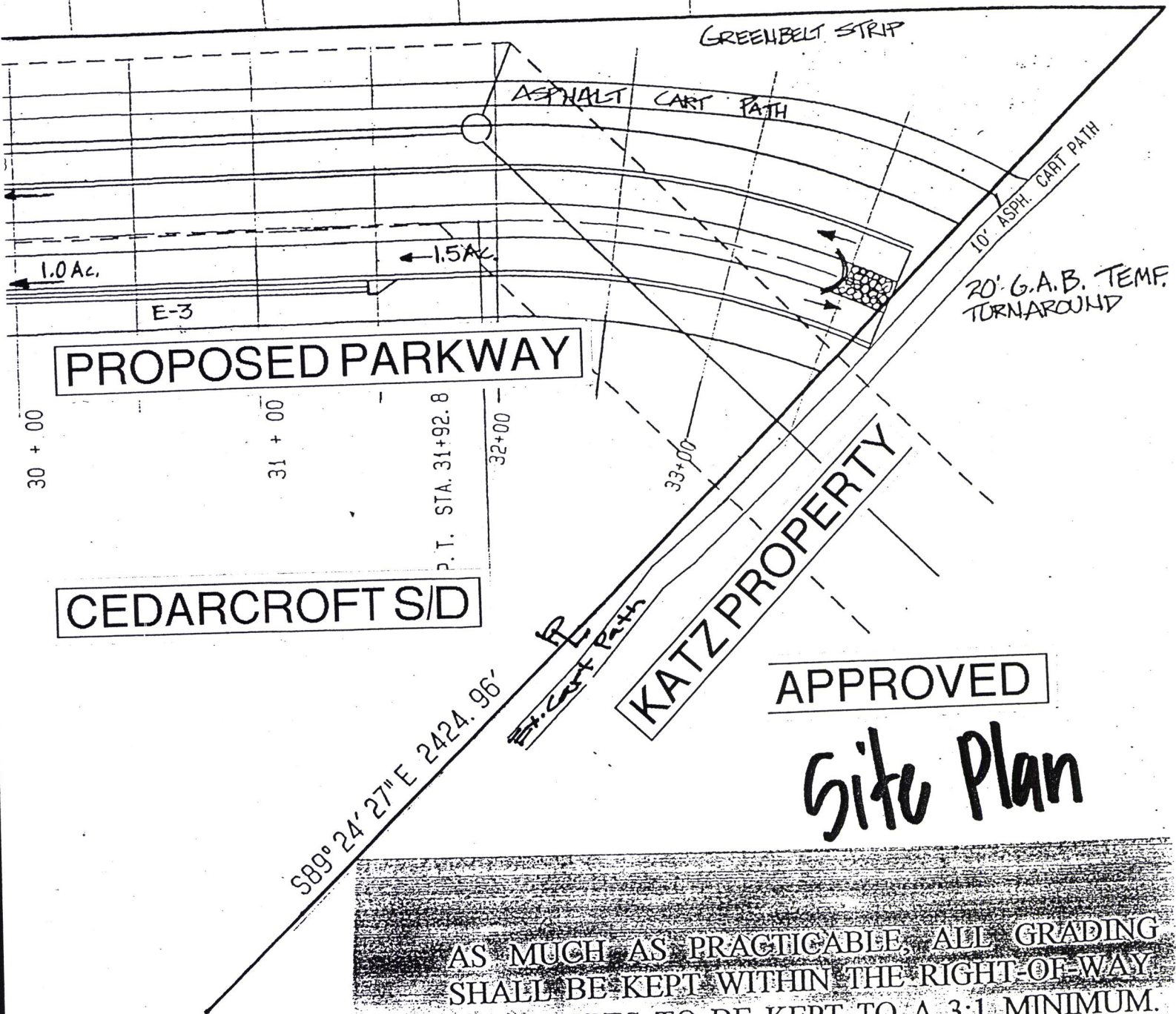
Soil name and map symbol	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local and st
AkA----- Altavista	Severe: wetness, floods, cutbanks cave.	Severe: floods.	Severe: wetness, floods.	Severe: wetness, floods.	Severe: floods, low stre
AmB----- Appling	Moderate: too clayey.	Slight-----	Slight-----	Moderate: slope.	Slight.
AmC, AnC2----- Appling	Moderate: too clayey, slope.	Moderate: slope.	Moderate: slope.	Severe: slope.	Moderate: slope.
AsC----- Ashlar	Severe: depth to rock.	Moderate: depth to rock.	Severe: depth to rock.	Moderate: depth to rock.	Moderate: depth to
AtE----- Ashlar	Severe: slope.	Severe: slope.	Severe: slope.	Severe: slope.	Severe: slope.
CA*----- Cartecay	Severe: floods, wetness.	Severe: floods, wetness.	Severe: floods, wetness.	Severe: floods, wetness.	Severe: floods, wetness.
CeB----- Cecil	Moderate: too clayey.	Slight-----	Slight-----	Moderate: slope.	Moderate: low stren
CeC, Cfc2----- Cecil	Moderate: too clayey.	Moderate: slope.	Moderate: slope.	Severe: slope.	Moderate: low stren
CuC*----- Cecil	Moderate: too clayey.	Slight-----	Slight-----	Moderate: slope.	Moderate: low stren
DgB----- Davidson	Moderate: too clayey.	Slight-----	Slight-----	Moderate: slope.	Moderate: low stren
DgC----- Davidson	Moderate: too clayey, slope.	Moderate: slope.	Moderate: slope.	Severe: slope.	Moderate: low stren
GeB----- Gwinnett	Moderate: too clayey, depth to rock.	Moderate: shrink-swell.	Moderate: shrink-swell.	Moderate: slope.	Moderate: shrink-sw
GwC2----- Gwinnett	Moderate: too clayey, depth to rock.	Moderate: slope.	Moderate: slope.	Severe: slope.	Moderate: slope.
GwE2----- Gwinnett	Severe: slope.	Severe: slope.	Severe: slope.	Severe: slope.	Severe: slope.
GwC3----- Gwinnett	Moderate: too clayey, depth to rock.	Moderate: slope.	Moderate: slope.	Severe: slope.	Moderate: slope.
MdB----- Madison	Moderate: too clayey.	Slight-----	Slight-----	Moderate: slope.	Moderate: low streng
MdC, Mfc2----- Madison	Moderate: too clayey.	Moderate: slope.	Moderate: slope.	Severe: slope.	Moderate: low streng
MfE2----- Madison	Severe: slope.	Severe: slope.	Severe: slope.	Severe: slope.	Severe: slope.

See footnote at end of table.

NOTE: ROAD WILL BE EXTENDED AS OUTLINED ON THE PTC LAND

USE PLAN DATED NOVEMBER 2, 1995

SEE PAGE 67



AS MUCH AS PRACTICABLE, ALL GRADING SHALL BE KEPT WITHIN THE RIGHT-OF-WAY. ALL SLOPES TO BE KEPT TO A 3:1 MINIMUM. 2:1 SLOPES SHALL ONLY BE USED WHERE APPROVED BY THE CITY ENGINEER.

PATRICK M. O'NEILL, P.E.
300 HUNTERFIELD CT

TYRONE

PAGE 18

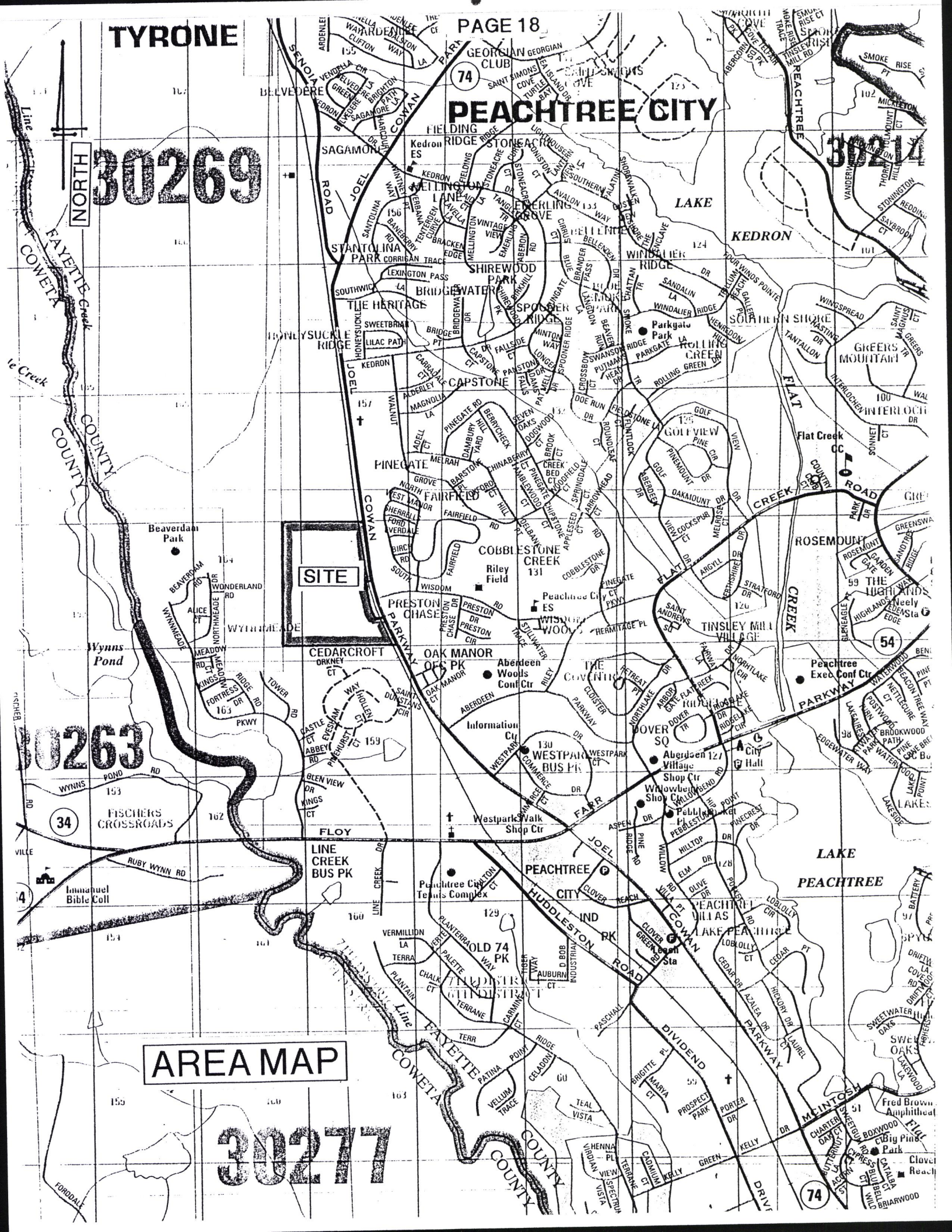
PEACHTREE CITY

30269

30214

AREA MAP

30277





INTEGRATED
Science &
Engineering

Atlanta / Jacksonville

770 294 9669
Mark Lupsmeier
\$50 PAID 2/4/00 to
cashier **28**

275 South Lee Street, Fayetteville, GA 30214
(p) 770.461.4292 (f) 770.461.4801

Letter of Transmittal

To: **Jim Williams**
Company: Community Development
City Hall
Peachtree City, Ga.

Date: 2/4/00

Job No.: 00016.00

From: **Becky Morris**

Re: Rezoning Request

Project: Katz & Pathway Properties- 101.58 ac.,
LL158 & 164, 7th Dist., Peachtree City

We are sending you: ☒ Attached ☐ Under separate cover via the following items:
☒ Prints ☒ Reports ☐ Specifications ☐ Copy of letter
☐ Diskette ☐

Copies	Date	No.	Description
1	2/2/00	2 pgs.	Request for Rezoning signed by property owners
10	8/21/97	1 sh.	Certified Boundary Survey for the three tracts with legal descriptions
10	2/2/00	1 sh.	Conceptual Plan (by others)
1	2/4/00	18 pgs.	Re-zoning Request Report

NOT ACCEPTED

These are transmitted as checked below:

- | | | |
|--|---|---|
| ☒ For approval | ☐ Approved as submitted | ☐ Resubmit _____ copies for approval |
| ☐ For your use | ☐ Approved as noted | ☐ Submit _____ copies for distribution |
| ☐ As requested | ☐ Returned for corrections | ☐ Return _____ corrected prints |
| ☐ For review and comment | ☐ | |
| ☐ For bids due _____ 19 | | ☐ Prints returned after loan to us |

Remarks:

Please place on the Planning Commission agenda.

Copy to: Pathway Communities
John Wieland Homes

Signed: Becky Morris

Becky Morris



Dr. JOHN D. DECOTIS
SUPERINTENDENT

FAYETTE COUNTY BOARD OF EDUCATION

P.O. BOX 879
FAYETTEVILLE, GEORGIA 30214-0879
PHONE: (770) 460-3535
FAX: (770) 460-8191

February 3, 2000

BOARD MEMBERS:
DEBBIE CONDON, CHAIR
GREG POWERS, VICE-CHAIR
CONNIE HALE
MICKEY LITTLEFIELD
WOODY SHELNUTT

Peachtree City Planning and Zoning Department
151 Willowbend Road
Peachtree City, GA 30269

Attention: Mr. Jim Williams

RE: Rezoning for Katz Property - West of 74/North of 54

Dear Mr. Williams:

The Fayette County Board of Education Facilities Planning Division has reviewed the above listed request for rezoning and is providing the information listed below.

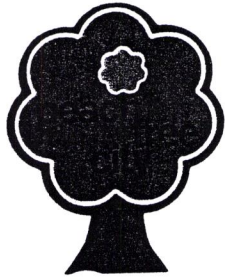
If this application is approved, school system data shows it will impact the schools listed below as follows:

<u>School</u>	<u>Facility Capacity</u>	<u>Current Enrollment</u>	<u>Zoning will Increase Students by</u>	<u>Trailers Currently On Site</u>
Kedron Elementary	800	805	300	6
Booth Middle	900	1061	75	13
McIntosh High	1476	1425	75	6

I hope this information will be beneficial in your deliberations for this rezoning request.

Sincerely,

A handwritten signature in cursive script that reads "John D. DeCotis".
Dr. John DeCotis
Superintendent



Peachtree City

Georgia

February 9, 2000

Mr. Dan Fields
John Wieland Homes, Inc.
1950 Sullivan Road
Atlanta, GA 30337

RE: Proposed Rezoning – Katz Tract/Peachtree City Holdings Tract

Dear Mr. Fields:

The staff has completed its initial review of the application you submitted on February 4th. Based on that review, it has been determined that the application is incomplete and cannot be accepted for processing.

The required application fee was not included, nor was the required traffic impact study. In addition there are numerous issues and deficiencies that still need to be addressed. These are outlined in the attached Initial Review Report.

While we have tried to prepare a comprehensive list for you to work with, we cannot guarantee we have included all deficiencies and issues in this preliminary review. Please take the time to respond fully and accurately to all of the points outlined in the Review Report. In addition, feel free to add additional information that you think would be useful in evaluating the proposed rezoning. This will help avoid further delays in processing this matter.

Sincerely,

James B. Williams
Director of Developmental Services

JBW:gr
Attachment

ATTACHMENT "D"

INITIAL REVIEW REPORT
Proposed Rezoning: Katz/Peachtree City Holdings Tracts
Submitted February 4, 2000
Reviewed February 8, 2000

Application Form:

- Needs to be redone to include proposed zoning classification, legible name and title of owners, and application date.

Letter of Intent:

- It is respectfully suggested that the logic in this letter could be strengthened substantially.

Current Zoning:

- The Wynnmeade Subdivision is not adjacent to this property.
- Explain what the county classification of AR means. Include a copy of the ordinance as it pertains to AR districts.
- Cedarcroft lies to the south, not southeast.
- The land to the east is zoned GI and belongs to the CSX Railroad.
- Is the zoning of the land across the railroad and GA74 really relevant?

Constitutional Challenge:

- To our knowledge, the applicants do not own land within the city that is included in this application and is zoned AR.

Adjacent Owners:

- We need a plan showing the location of all listed owners.
- The list is not current or complete and needs to be updated.
- Include the CSX Railroad as an adjacent owner.
- Who owns the cemetery and its access strip?

Location Map:

- Acceptable.

Zoning Map:

- Acceptable.

Site Analysis:

- We need a larger scale map for this purpose.
- We need current topo at 2 foot intervals, as per item #13 of the instructions.
- We need all drainage ways shown, all wetlands should be delineated, and all watershed protection areas included.

Impact Analysis:

Tax Base:

- Please justify the total estimated value of the project.
- The analysis looks only at public revenues. What will be the cost to service the area?

Education:

- Will this project generate the need for a new school?
- Please recheck your school statistics. They do not appear to be consistent with information provided to us by the Board.
- Would the elementary students go to Peachtree or Kedron?
- What will be the impact on each school?
- We do not have the Exhibit A which you reference in this section.

Emergency Services:

- Please include the estimated response times for these services and compare to typical current responses.

Recreation:

- The concept plan does not show 4 tennis courts.
- We question the convenience of the Kedron facility and the Tennis Center for neighborhood recreation purposes.
- Will this project have access to the Wynnmeade neighborhood park?

Development Plan:

- Explain the phrase "encouraging the improvement of the unique character of the west end area." Just what is the referenced unique character and how does this project relate to it?
- There are many who would argue that a project of 400 residential lots averaging about 6000 square feet would not necessarily protect the integrity of an established residential area where the lots average twice that size.
- What does the reference to sagging property values for Cedarcroft mean?
- How does this proposed project not conflict with the city's development plan in that it is intended to encroach into an area that has been well-defined as an industrial area for many years and is not currently adjacent to any property that is land use planned or zoned for residential purposes?

Public Services:

- This project calls for 400 homes, but the WASA letter stipulates only 300 homes.

Soil Survey:

- The soil survey information is not usable in its current form.

Parkway Plan:

- The proposed access road appears to be located outside the city limits. What is intended? It appears the road is drawn within the city on the concept plan.

Area Map:

- Acceptable.

Project Survey:

- This document stipulates that not all cemeteries are shown on the survey. We would prefer that they all be shown.

Concept Plan:

- The plan does not show its scale, the surrounding features, the city limit lines, or cart paths.
- The plan does not show the significant environmental features of the site, especially the watershed protection areas.
- The plan does not reflect any concern for buffers or the city's buffer ordinance.
- The access road extends past the entrance to the subdivision. Please explain and justify.
- Explain what measures will be taken to protect the quality of water runoff, given the location of the project and the proposed intensity of development. A water impact study should be included with the application

TECHNICAL MEMORANDUM

To: Beth Malczewski, John Wieland Homes
From: Marsha Anderson, Street Smarts
Date: 25 July 1997
Subject: Peachtree City Housing Development

Introduction

This report summarizes the results of the traffic study conducted for John Wieland Homes for the proposed housing development to the north of S.R. 54 and west of S.R. 74 in Peachtree City, Georgia.

The project will consist of 326 single family dwelling units. The buildout year for the development is 2009.

Figure 1 shows the location of the site.

This report is divided into sections which detail the essential steps in determining the impact of the development. The work plan and the organization of material is as follows:

- Inventory the existing roadway network
- Collect existing traffic data
- Identify planned improvements to the road network
- Determine number of trips generated by the development
- Distribute the new traffic on the roadway network
- Analyze future conditions of the road network
- Report results and conclusions
- Make recommendations

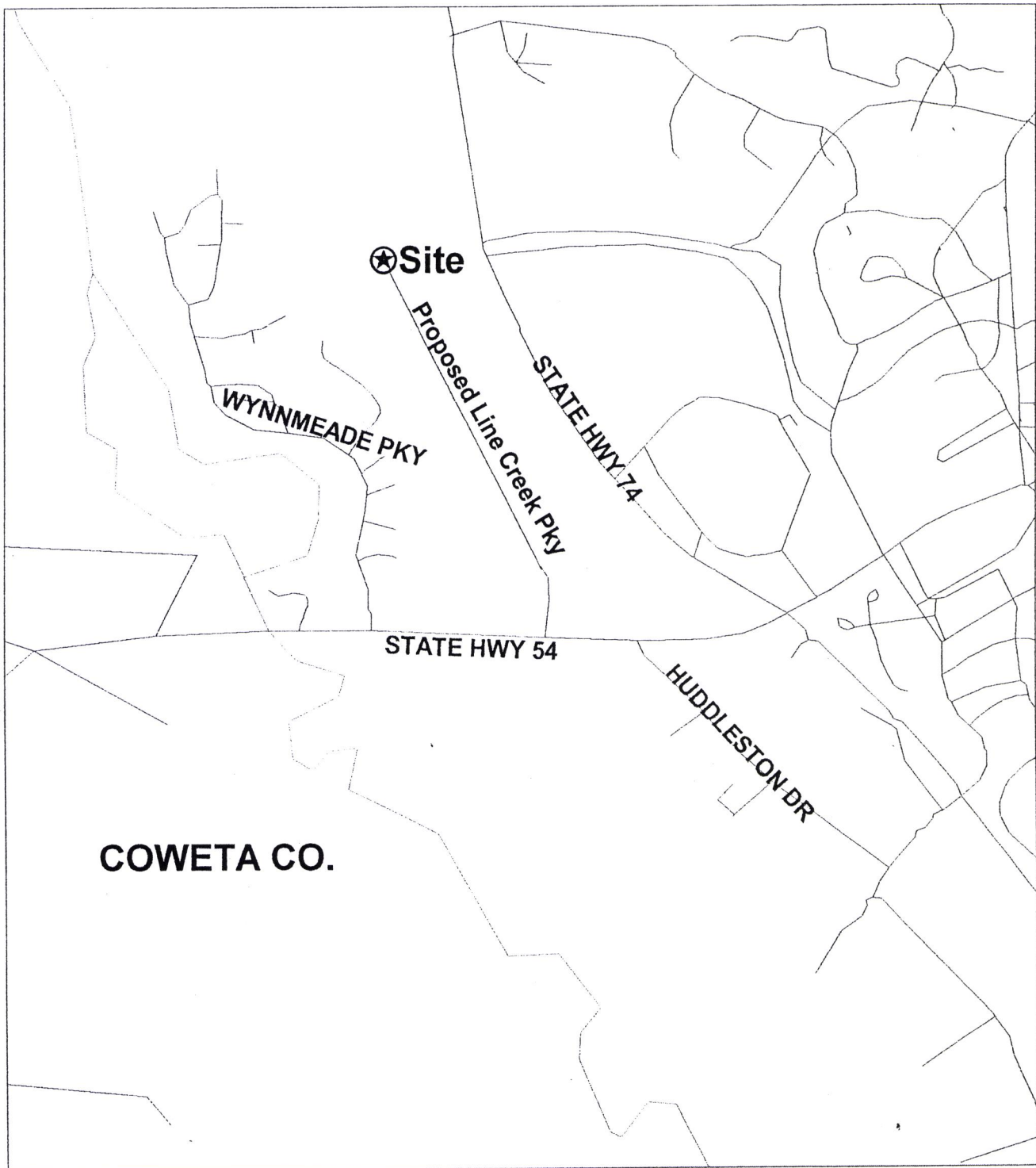


Figure 1. Site Location

Roadway Inventory

In order to determine existing traffic conditions in the area, an inventory was made of the major roads surrounding the site. The following describes the primary road network in the vicinity of the new development:

1. S.R. 54 is a two-lane arterial west of S.R. 74 and a 4-lane divided arterial east of S.R. 74. S.R. 54 runs east through downtown Peachtree City toward Fayetteville and west into Coweta County to connect with S.R. 34, which runs west to I-85 and Newnan. S.R. 54 has a 45 mph speed limit and serves a mixture of land uses. There are traffic signals on S.R. 54 at S.R. 74 and at Wynnmeade Parkway. There is a bridge on S.R. 54 over the railroad between S.R. 74 and Huddleston Drive. There is another bridge on S.R. 54 over Line Creek at the Fayette-Coweta county line, west of Wynnmeade Parkway.
2. S.R. 74 is a 4-lane divided arterial north of S.R. 54 and a 2-lane arterial south of S.R. 54. It runs north through Tyrone toward I-85 and Fairburn and south toward S.R. 85, which in turn runs north to Fayetteville and Atlanta and south to Columbus. S.R. 74 has a 50 mph speed limit north of S.R. 54. Much of the land along S.R. 74 to the north is undeveloped. S.R. 74 has a 40 mph speed limit south of S.R. 54 and serves mainly industrial and office uses.
3. Huddleston Drive is a 2-lane collector with a 30 mph speed limit that runs parallel to S.R. 74 to the west from S.R. 54 to where it ties into S.R. 74. It forms the south leg of a T-intersection with S.R. 54. There is a stop sign on Huddleston Drive at S.R. 54. Left turns off of S.R. 54 onto Huddleston Drive are restricted from 3 to 6 p.m. Monday through Friday; however, several vehicles were observed making this turn anyway.
4. Wynnmeade Parkway is a two lane residential road with a 30 mph speed limit. It forms the north leg of a T-intersection with S.R. 54. There is a traffic signal and turn lanes on S.R. 54 at Wynnmeade Parkway.
5. Line Creek Parkway is a proposed roadway that will serve three proposed developments: Line Creek Apartments (399 units), Cedarcroft subdivision (218 single family units), and the John Wieland Homes development. Information provided by the developer indicates that the probable configuration of the roadway will be two lanes with a landscaped median. It will form the north leg of a T-intersection with S.R. 54.

Existing Traffic Conditions

A.M. and P.M. peak hour turning movement counts were collected for the following intersections:

- S.R. 54 and S.R. 74
- S.R. 54 and Huddleston Drive
- S.R. 54 and Wynnmeade Parkway

The turning movement counts were performed after school was out for the summer. Based on previous experience, the count data were increased by 10% for the existing conditions analysis to reflect conditions when school is in session.

The A.M. counts also had to be adjusted due to construction activity on S.R. 54. Construction was being done on S.R. 54 west of S.R. 74 on the morning of the day the counts were taken. One lane of S.R. 54 was closed, and flagmen would alternate between letting the eastbound and westbound traffic move. While the directional distribution of the turning movements collected was felt to be unaffected by this activity, it was felt that the volumes would probably be lower than they would have been under normal operating conditions.

The volumes were adjusted based on comparison of the P.M. turning movement count collected at the intersection of S.R. 74 and S.R. 54 for this study and the count performed in May 1994 as part of the *Major Thoroughfare Report for Peachtree City* which Street Smarts prepared for the City of Peachtree City in September 1995.

Figure 2 shows the existing peak hour turning volumes after they were adjusted for school traffic and construction activity.

Twenty-four hour directional counts were also taken using automatic traffic recorders on S.R. 54 between Huddleston Drive and Wynnmeade Parkway and on S.R. 74 south of S.R. 54.

Major Roadway Projects

Three major roadway projects are planned in the vicinity of the site. S.R. 74 will be widened to 6 lanes from S.R. 54 to TDK Boulevard. Between TDK Boulevard and S.R. 85, S.R. 74 will be widened to 4 lanes. From conversations with the Georgia DOT, the widening of S.R. 74 between S.R. 54 and TDK Boulevard should be complete by 2009.

S.R. 54 is planned be widened to 4-lane divided west of S.R. 74. Median openings are planned at City Circle and Wynnmeade Parkway. No median opening is planned at

Wynnmeade Pkwy

SR 74

(24)27
(699)2401
SR54

30(18)
171(53)

39(91)
725(1475)

813(1494)
85(15)*

149(345)
485(557)
76(142)

124(78)
359(717)
256(160)

(763)2304
(53)420
Huddleston Dr

(72)51
(149)82

(416)581
(700)1014
(333)579

(549)235
(536)701
(182)90

SR54

Legend

XX - AM Peak Hour Volume
(XX) - PM Peak Hour Volume

* Left turns restricted 3-6 pm Monday - Friday



Adjusted Existing Traffic Volumes

FIGURE 2

Huddleston Drive due to the proximity of the railroad bridge. There is a possibility that Wynnmeade Parkway would be realigned to T into Line Creek Parkway and that Line Creek Parkway would then have a median opening and a traffic signal on S.R. 54. If the Wynnmeade Parkway opening were kept at the existing intersection of Wynnmeade Parkway and S.R. 54, Line Creek Parkway would probably not receive a median opening because it would be too close to the opening at Wynnmeade Parkway. The DOT will not commit to the widening of S.R. 54 being complete by 2009 since the project is currently unfunded and may be subject to air quality restrictions. However, it is more likely than not that it will be completed by 2009.

Future Background Conditions

The future growth in an area can be forecast a number of different ways. One method is to compare historic traffic volumes to determine a growth rate for the area. A comparison of 1993 and 1996 Georgia DOT AADT volumes yields an overall growth rate for the roadways around the site of 4%.

Another way to predict future traffic volumes is to use the Atlanta Regional Commission's (ARC's) *Vision 2020 Baseline Forecasts*. The ARC used the 1990 census data and knowledge of current trends and policies in the Atlanta region to predict the employment and population in the 417 census tracts in the Atlanta region for every five years from 1995 to 2020. Comparison of the ARC's 1995 and 2010 population and employment figures for the census tracts surrounding the site indicates a growth rate of 3.6% per year.

An annual growth factor of 4% was applied to the adjusted existing volumes for twelve years to develop the background traffic for the Year 2009 buildout. Four percent is moderate for a rapidly developing area such as Peachtree City; however, given the relatively long time period over which it was applied, it was felt to be a reasonable factor.

Project Traffic

The typical procedure for determining the traffic generated by a new development is to apply the rates or equations developed by the Institute of Transportation Engineers (ITE) as published in *Trip Generation, 5th Ed.* and *Trip Generation, 5th Ed., February 1995 Update*. The rates and equations in these informational reports are calculated from nationally collected data.

The trip generation for the site was based on information provided by the developer. The results of the trip generation are shown in Table 1.

Table 1. Trip Generation

Land Use	Intensity	Daily	A.M. Peak Hour		P.M. Peak Hour	
			In	Out	In	Out
Single family homes	326 units	3,065	59	166	203	110

Source: ITE *Trip Generation*, 5th edition, and *Trip Generation*, 5th Edition, February 1995 Update

Distribution and Assignment

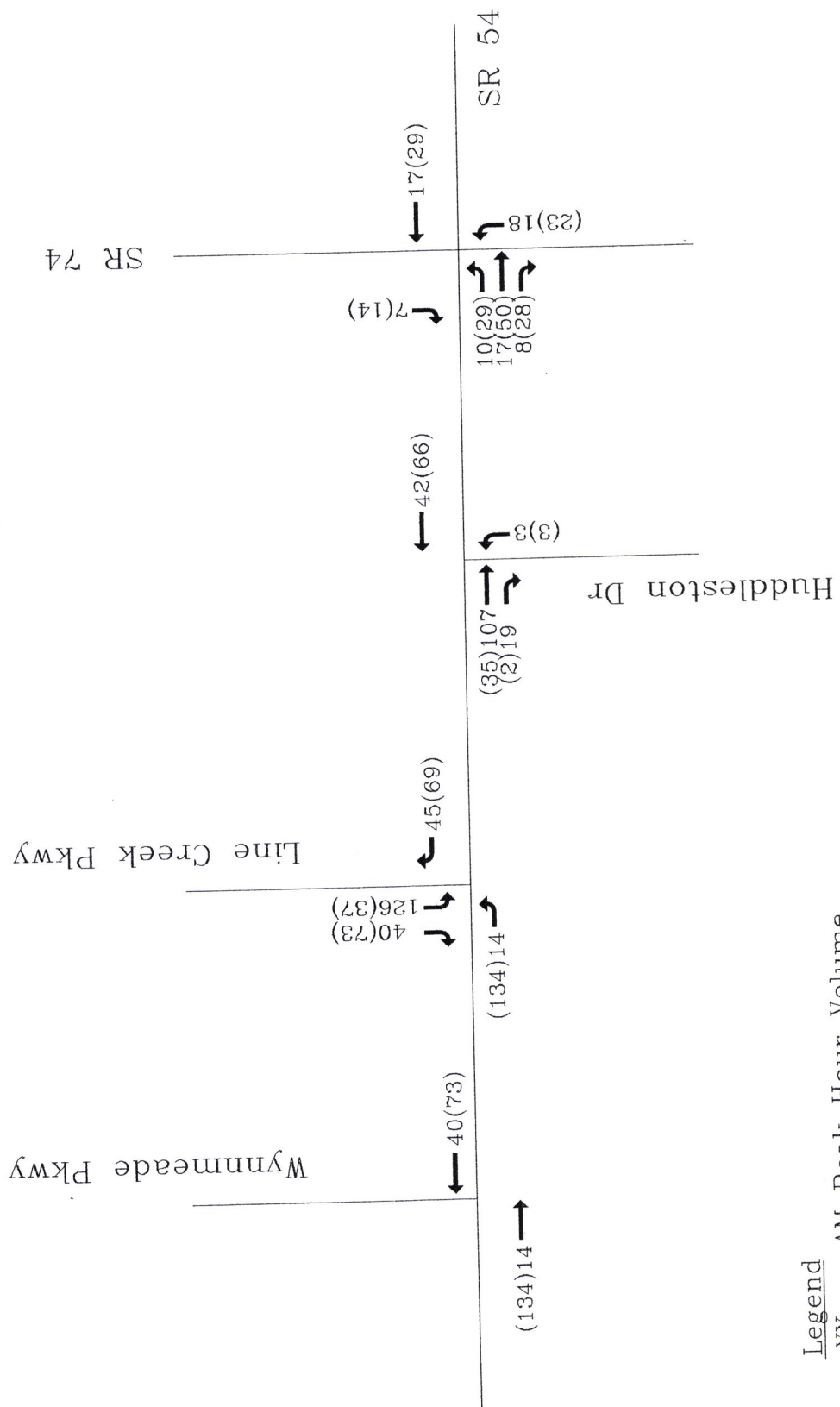
The trip distribution for the traffic generated by the proposed development was based on the existing traffic counts. The directional split on S.R. 54 is approximately 77% EB/23% WB during the A.M. and 34% EB/66% WB during the P.M. The appropriate distribution percentages were applied to the trips generated by the proposed development as shown in Table 1. The site generated traffic volumes were assigned to the road network and added to the future background traffic volumes to represent future conditions expected after the proposed development is built out. Figure 3 shows the site generated traffic assigned to the road network, and Figure 4 shows the projected volumes for the total future traffic conditions.

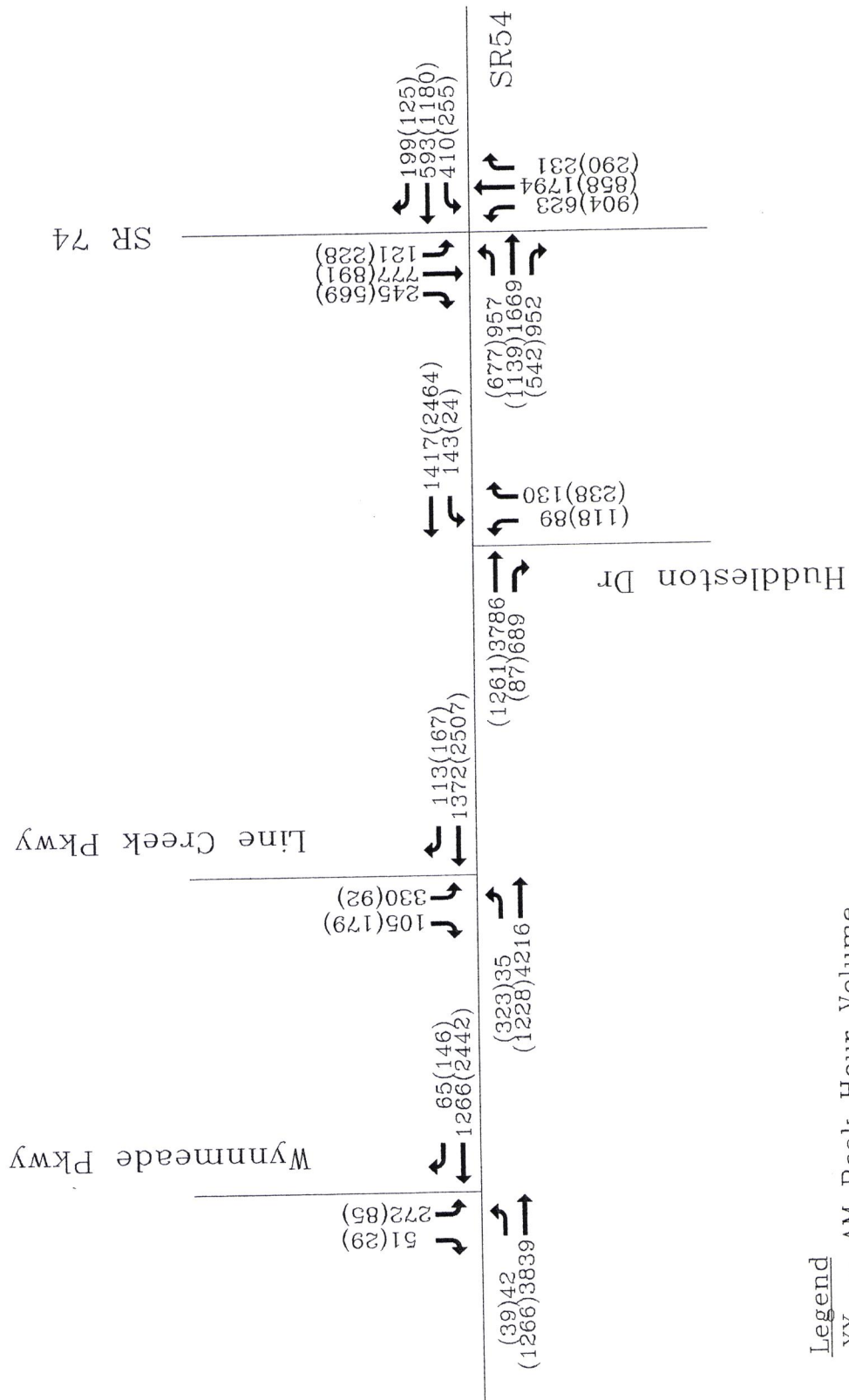
Future Conditions Analysis

Future conditions were analyzed using the procedures in the *Highway Capacity Manual (HCM)*, 3rd Edition, 1994 Update. This is the standard methodology for the analysis of traffic conditions.

Traffic conditions at signalized intersections are evaluated in terms of average vehicle delays and are reported as a level of service (LOS). Levels of service A through D are generally accepted by most reviewing agencies as acceptable peak hour operations. LOS E and F are generally considered unacceptable peak hour conditions, requiring improvements at some point in time.

The criteria for levels-of-service for signalized intersections are shown in Table 2. Levels of service for signalized intersections are reported in composite fashion, i.e., one LOS for the entire intersection and are presented in terms of average stopped vehicle delay.





Legend

- XX - AM Peak Hour Volume
- (XX) - PM Peak Hour Volume



Total Future Traffic Volumes

FIGURE 4

Table 2. LOS for Signalized Intersections

Level of Service	Stopped Delay Per Vehicle (sec.)
A	< 5.1
B	5.1 to 15.0
C	15.1 to 25.0
D	25.1 to 40.0
E	40.1 to 60.0
F	> 60.0

Source: *Highway Capacity Manual, 3rd Edition, 1994 Update*

Traffic conditions at unsignalized intersections are evaluated in terms of average total delay. Poor levels of service for minor street approaches to unsignalized intersections are not uncommon, because the continuous flow traffic will always get the right-of-way priority. The level of service criteria for unsignalized intersections are shown in Table 3.

Table 3. LOS for Unsignalized Intersections

Level of Service	Stopped Delay Per Vehicle (sec.)
A	< 5.1
B	5.1 to 10.0
C	10.1 to 20.0
D	20.1 to 30.0
E	30.1 to 45.0
F	> 45.0

Source: *Highway Capacity Manual, 3rd Edition, 1994 Update*

Using the methods described above, the level of service was determined for each of the study intersections with the existing lane configurations for: 1) existing, 2) existing + project, 3) future background without the project, and 4) future with project traffic conditions. The level of service was also determined for Line Creek Parkway. Table 4 shows the results of the analysis.

Table 4. Intersection Level of Service with Existing Lane Configurations

Intersection	Existing		Existing + Project		Future Background		Future with Project	
	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.
S.R. 54 & Wynnmeade Parkway	F	C	F	C	F	F	F	F
S.R. 54 & Line Creek Parkway	-	-	F	F	F	F	F	F
S.R. 54 & Huddleston Drive	F	F	F	F	F	F	F	F
S.R. 54 & S.R. 74	F	F	F	F	F	F	F	F

As can be seen from Table 4, the levels of service for the existing lane configurations is unacceptable for at least one time period for all of the study intersections. The poor levels of service are a result of the roadways being inadequate to handle the growth which has occurred and will continue to occur in the Peachtree City area. ***It should be noted that the adding the project traffic does not cause a decrease in level of service.***

The intersections were reanalyzed with their probable lane configurations after the S.R. 54 and S.R. 74 widenings are complete. A through lane was added in each direction on S.R. 54 with left turn bays as appropriate. The traffic which would reroute because there would be no median openings at Huddleston or at Line Creek Parkway was reassigned. A southbound through lane on S.R. 74 at its intersection with S.R. 54 was added. This improvement was recommended in the *Major Thoroughfare Report for Peachtree City*. The levels of service which would result from the improvements are shown in Table 5.

Table 5. Intersection Level of Service after S.R. 54 and S.R. 74 Widenings

Intersection	Existing		Existing + Project		Future Background		Future with Project	
	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.
S.R. 54 & Wynnmeade Parkway	F	A	F	A	F	B	F	B
S.R. 54 & Line Creek Parkway	-	-	A	A	A	A	B	F ¹
S.R. 54 & Huddleston Drive	A	A	A	A	F	A	F	C
S.R. 54 & S.R. 74	D	D	D	E	F	F	F	F

¹Level of service for southbound right turn movement is F. The through volume on S.R. 54 will experience no delay.

As can be seen from Table 5, the levels of service improve at most of the intersections after the widenings. By comparing the future background and future with project levels of service, it can be seen that the project traffic is predicted to cause a decrease in level of service at the intersection of S.R. 54 and Huddleston Drive for P.M. peak hour conditions, but that the level of service is still forecast to be acceptable. A similar situation occurs at Line Creek Parkway for the A.M. peak hour. For the P.M. peak hour at Line Creek Parkway, the addition of the project traffic and the heavy westbound through volume on S.R. 54 causes the level of service for the southbound right turn movement to deteriorate to an unacceptable level. An acceleration lane should be build on S.R. 54 to facilitate the right turn movement.

It should be remembered that to account for the construction on the day the counts were taken, the A.M. counts were adjusted upward. The poor levels of service during the A.M. peak may indicate that the adjustment was overly conservative.

In the *Major Thoroughfare Report for Peachtree City*, it was recommended that dual lefts be installed on the northbound, eastbound, and westbound approaches of the intersection of S.R. 54 and S.R. 74. These improvements are still recommended and would provide a higher level of service than shown in the table for the intersection during both the A.M. and the P.M. peak.

A third scenario which was assessed was the possibility of rerouting Wynnmeade Parkway to tie in with Line Creek Parkway and putting a median opening and traffic signal at Line Creek Parkway. The traffic which would reroute was reassigned. The rerouting of Wynnmeade Parkway would have no effect on the intersection of S.R. 54 at S.R. 74. The levels of service which would result are shown in Table 6.

Table 6. Intersection Level of Service after Rerouting Wynnmeade Parkway

Intersection	Existing + Project		Future Background		Future with Project	
	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.
S.R. 54 & Line Creek Parkway	F	B	F	F	F	F
S.R. 54 & Huddleston Drive	A	A	F	A	F	B

By comparing the levels of service shown in Tables 5 and 6 for Line Creek Parkway and Wynnmeade Parkway, it can be seen that combining the two roadways does not provide a higher level of service for either one. By combining the volumes, the portion of the traffic signal cycle length allotted to the side street must be higher, which means there is less green time for the main street and thus causes more delay for the through movements. While a traffic signal would be convenient for vehicles wishing to turn left into or out of Line Creek Parkway, it would cause the overall intersection level of service to decrease to an unacceptable level during the P.M. peak hour for future conditions, with or without the John Wieland Homes project.

Conclusions and Recommendations

The substantial amount of growth which is anticipated to occur in the Peachtree City area is going to place a strain on the transportation infrastructure of the area. The Georgia DOT and Peachtree City are taking positive steps to improve the traffic conditions in the City by widening S.R. 54 and S.R. 74.

This traffic study was conducted for John Wieland Homes for a proposed housing development north of S.R. 54 and west of S.R. 74 in Peachtree City, Georgia. The project will consist of 326 single family dwelling units. The buildout year for the development is 2009. Due to the long buildout time frame, it is predicted that many other developments will already be open in the vicinity of the site and therefore that the traffic from these other developments will be on the road network before the traffic from the John Wieland development.

There are two major roadway projects in the vicinity of the site which will improve traffic conditions around the site. The widening of S.R. 74 will allow for an additional southbound through lane at the intersection of S.R. 74 and S.R. 54. This widening should be complete by 2009. The widening of S.R. 54 will improve operating conditions along S.R. 54 considerably. It should be noted that the widening of S.R. 54 is not funded but that the Georgia DOT is confident that the project will be constructed.

The traffic from the proposed development is not predicted to cause the level of service at any of the study intersections to decrease to an unacceptable level. An acceleration lane should be built on S.R. 54 at Line Creek Parkway to improve the level of service for the southbound right turn.

The realignment of Wynnmeade Parkway to feed into Line Creek Parkway is not recommended because it is forecast to concentrate too much traffic in an already congested area.

It is recommended that Peachtree City continue to consider adding dual lefts northbound, eastbound, and westbound at the intersection of S.R. 74 and S.R. 54 to improve the operating conditions and accommodate areawide growth.



Planning and Transportation Engineering

5 May 2000

Mr. Dan Fields
John Wieland Homes
1950 Sullivan Road
Atlanta, Georgia 30337
Sent via Fax: (770) 907-3419

Subject: Trip Generation Comparison

Dear Mr. Fields;

As you requested, we have done a trip generation comparison for a 100-acre parcel located in Peachtree City. The parcel is currently zoned industrial; a rezoning to residential has been requested. The number of trips expected if the land is developed under the two zonings was estimated.

The trip generation was based the information you provided regarding the size and intensity that could be built under the two zonings. If the land were developed under the existing industrial zoning at 10,000 square feet per acre, a typical density for the area, approximately 1 million square feet of industrial use could be developed. If the land is rezoned residential, 350 to 400 single family units will be built.

The rates and equations given in Institute of Transportation Engineers' (ITE) *Trip Generation, 6th Edition* were used. The rates and equations in this informational report are calculated based on nationally collected data. This is the usual method for estimating the number of trips expected from a new development. The results of the trip generation are shown in the table below.

According to the ITE *Trip Generation*, trucks make up approximately 8% of the total trips at an industrial park (similar to light industrial). According to the U.S. Department of Transportation's *Urban Transportation Planning for Goods and Services*, approximately 2.27 truck trips per acre per day are expected for residential developments. The daily truck trips expected under the two zonings are shown in the table as well. The

Mr. Dan Fields
5 May 2000
Page 2 of 2

truck trips are not in addition to the total trips shown; they are already included in the total.

Zoning	ITE Land Use	Intensity	Daily	A.M. Peak Hour		P.M. Peak Hour	
				In	Out	In	Out
Industrial	General Light Industrial (Code 110)	1,000,000 s.f.	7,366	963	131	152	1,118
Truck trips	8% of total		589				
Residential	Single Family Detached Housing (Code 210)	400 units	3,711	72	217	239	135
Truck trips	2.27 per acre	100 acres	227				

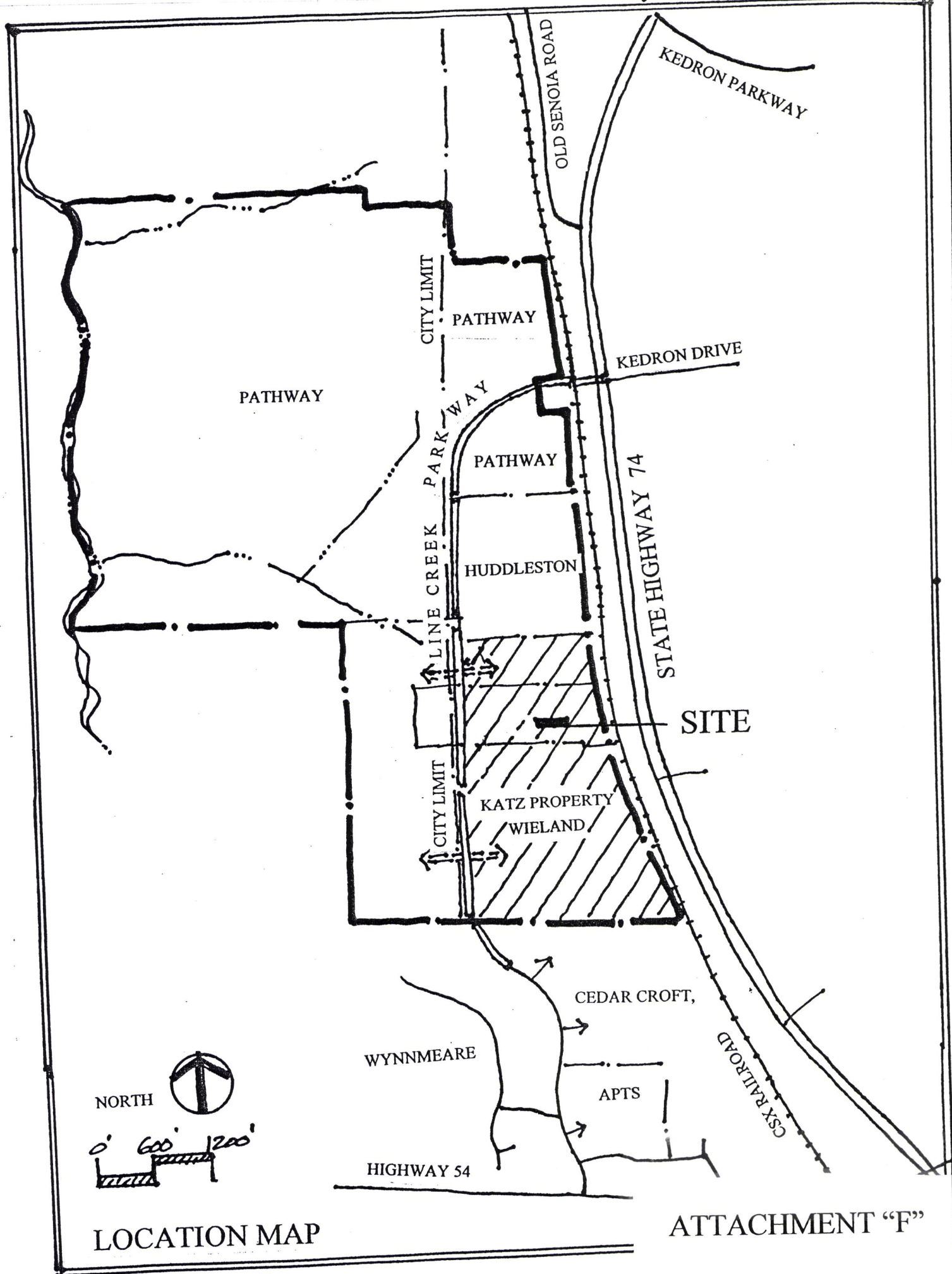
As can be seen from the above table, the current industrial zoning would be expected to generate twice as many trips on a daily basis as the requested residential zoning. It would generate over three times as many during the A.M. and P.M. peak hours. It would generate over twice as many truck trips on a daily basis as well.

We hope you find this information useful. Please call if you have any questions.

Sincerely,

Julie M Doyle

Julie M. Doyle

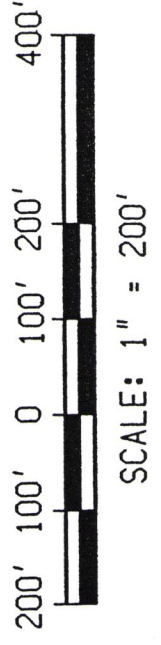
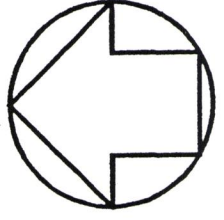


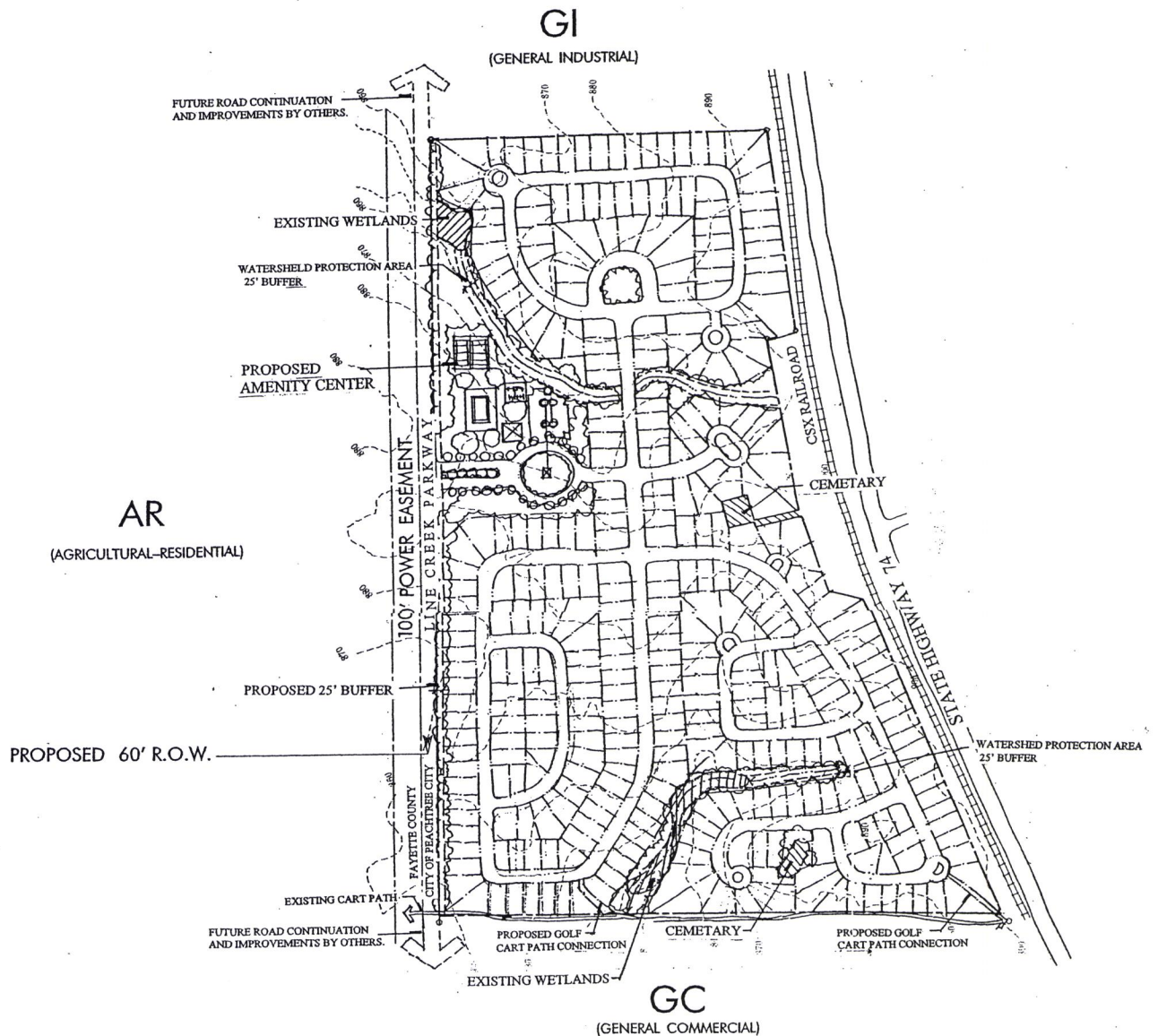
LOCATION MAP

ATTACHMENT "F"

DEVELOPMENT SUMMARY

TOTAL SITE AREA: 102.1 +/- ACRES
EXISTING ZONING: GI (GENERAL INDUSTRIAL)
PROPOSED ZONING: GR-4 (4 LOTS PER ACRE)
TOTAL NUMBER OF ALLOWABLE LOTS: 408





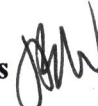
PROJECT	TASK	ORIGINAL	REVISIONS
KATZ PROPERTY Westside Village PEACHTREE CITY, GEORGIA	SITE PLAN	FEBRUARY 24, 2000	6
		1	7
		2	8
		3	9
		4	10
		5	11
			12

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Director of Developmental Services 

DATE: May 25, 2000

SUBJECT: Redevelopment of Leach Station Property

Since the very early days in the history of Peachtree City, Leach Station has stood as a symbolic monument at the main entrance to the City's Industrial Park. Even before NCR built its incredible facility across the street, and even before most of the businesses that now line Dividend Drive were created, Leach Station signaled to prospective investors in Peachtree City that this community was serious about its industrial development program. It put its first--and, at that time, its most important--public facility at a corner that would ordinarily be reserved for a valuable commercial use. It was located so it could provide industries with an almost instant response to a fire or medical emergency. But it was also located so as to make it clear to all newcomers that this community was committed to having its infrastructure in place before it developed rather than as a reaction to development.

Over the years, as the Fire Department grew from a small volunteer organization to the large, well-equipped operation it is today, Leach Station played a vital role in the creation of one of the most successful industrial areas in the Southeast. Now that it is being replaced with a bigger and better facility, the question arises as to how we should reuse the property once the station is deactivated. There have been many suggestions. Some feel we should sell the land to FC & A to expand its warehouse and parking facilities. Some feel we should sell it to a commercial developer for a convenience store or a fast food restaurant. Some feel we should use the property for the City's service and maintenance operations. In fact, ideas abound as to how the property can be put to its "highest and best use."

The Planning staff would like to add to the list of ideas with the suggestion that the corner be devoted to a permanent open space monument to that wonderful and dedicated bunch of volunteers who got our Fire Department off on the right foot, and especially to its Founding Father, Brother Leach.

Redevelopment of Leach Station Property
May 25, 2000
Page 2

We would like to propose that the existing building be removed and replaced by a Volunteer Memorial Park that would continue the tradition of a symbolic entrance to the Industrial Park and, at the same time, pay honor to the entire group of volunteers who did, and are continuing to do, so much to make the community the great place it is today.

We would like to suggest that the City sponsor a design competition like we did for the Plaza and for its Fountain. Only this time, the competition would be for the most fitting way to create a park area on this prime corner that would serve as a permanent monument to our volunteers, past and present, in recognition of their service for which we are all greatly indebted.

JBW/jir

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Clerk 
VIA: City Manager 
City Attorney
DATE: June 7, 2000
SUBJECT: Ethics Ordinance

The Board of Ethics held a three-hour workshop on May 24th to review the Ethics Ordinance and make recommendations for improvements. A copy of the Ethics Ordinance is attached for your consideration with their recommendations noted.

The Board discussed the purpose and applicability of the ordinance. They felt that the ordinance should apply to anyone conducting official city business. The proposed amendment clarifies that volunteers and those appointed by Council to conduct official city business should uphold the Code of Ethics. A provision has been added to the ordinance requiring individuals to acknowledge receipt of the ordinance by signing an agreement stating they have read, understood and agree to abide by the ordinance.

The majority of the discussion concerned the establishment of hearing procedures and amendments to the enforcement/administration section of the ordinance. The Board felt they should be empowered to make final decisions regarding a complaint rather than make recommendations to Council. This would provide the respondent an opportunity to appeal the decision to Council, if desired.

Additionally, the Board felt the ordinance still needed work as it related to the subjects of "Conflict of Interest" and "Financial Disclosure." The City Attorney advised the Board he would prepare recommendations regarding these subjects. These recommendations will be forward to Council within the next 90 days.

If Council decides to adopt the ordinance amendment as recommended by the Board, staff recommends that the "Distribution/Acknowledgement" requirements of the ordinance be waived for a period of 90 days in anticipation of the City Attorney's proposed changes.

Finally, the City received notice this afternoon that GMA has officially certified Peachtree City as a City of Ethics.

PEACHTREE CITY CODE OF ETHICS

Section 62-71. Declaration of policy.

(a) The proper government and administration of the city requires that:

(1) *that conducted are* Its officials ~~and~~ employees, ^{ies} volunteers, and those appointed by City Council to conduct official City business (including Commission & Authority members):

- a. serve others and not themselves;
- b. be independent, impartial and responsible;
- c. use resources with efficiency and economy;
- d. treat all people fairly;
- e. use the power of their position for the well being of their constituents; and
- f. create an environment of honesty, openness and integrity

(2) Governmental policies and decisions are made in the proper channels of the government structure;

(3) Public office and employment not be used for undue personal gain; and

(4) The citizens of the city have confidence in the integrity of their government.

(b) Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of city officials and employees, the public interest mandates that the city protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of its officials and employees in situations in which a conflict may exist or appear to exist.

(c) Yet it is also essential to the efficient operation of the city that those persons best qualified be encouraged to serve in positions of public trust. Accordingly, the standards set forth in this article must be understood and interpreted in a way that will not unreasonably

frustrate or impede the desire to seek public office by those best qualified to serve. To that end, officials and employees should not, except as otherwise provided by law, be denied the opportunity available to all citizens to acquire and maintain private, economic and other interests except when a conflict would necessarily result.

- (d) The policy and purpose of this article, therefore, is to clarify those standards of ethical conduct that shall be applicable to the officials and employees of the city in the discharge of their public duties and to foster the development and maintenance of a tradition of responsible and effective public service.

Section 62-72. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency means the city council, and all other agencies, authorities, boards, commissions, committees, departments, and offices of the city, without exception.

Business means a corporation, a partnership, a limited liability company, a sole proprietor, or any other person or organization carrying on an enterprise for profit.

Business relationship means an agreement between parties designed to result in an enterprise for profit to those parties.

Censure means a public expression of severe criticism or reproach.

Confidential information means any information, which by law or practice is not available to the general public.

Contract means any lease, claim, account or demand against or agreement with any person, whether express or implied, executed or executory, verbal or in writing.

Employee means any person holding a classified position as defined in policy I, section 3, of the city's personnel policy.

Employment means any rendering of services on request, whether paid or unpaid.

Immediate family means spouse and children.

Interest means any direct or indirect pecuniary or material benefit accruing to a public officer or employee as a result of a contract or transaction, which is or may be the subject of an official act or action by or within the city. This does not, however, include those contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this article, an official or employee shall be deemed to have an interest in the affairs of:

- (1) Any person in his immediate family.
- (2) Any person or business with whom a contractual relationship (either written or implied) exists, whereby he may receive a payment or other benefit, including an agreement for employment.
- (3) Any business in which he is an officer, director, employee, prospective employee or substantial shareholder (owning or controlling in excess of five percent of the total stock or total legal and beneficial ownership).

Official means any official, officer or member of the government of the city who is not an employee, whether elected or appointed, whether paid or unpaid, whether permanent, temporary or alternate.

Official act or action means any executive, legislative, administrative, appointive or discretionary act of any official or employee of the city or any agency of the city.

Paid means the receipt of, or right to receive, a salary or commission, percentage, brokerage or contingent fee.

Participate means to take part in official acts, actions or proceedings personally as an official or employee through approval, disapproval, decision or the failure to act or perform a duty.

Person means any individual, business, labor organization, representative, fiduciary, trust, or association, whether paid or unpaid, including any official or employee.

Property means any property, whether real or personal, tangible or intangible, including currency and commercial paper.

Reprimand means an expression of disapproval, either public or private.

Transaction means the conduct of any activity that results in or may result in an official act or action of the city.

Section 62-73. Impartiality.

No official or employee shall by his conduct give reasonable basis for the impression that any person improperly can influence such official or employee or unduly enjoy such official's or employee's favor in the performance of official acts or actions, or that such official or employee is affected unduly by kinship, rank, position or association with any person. (Cross reference: PTC personnel policy XIX.)

Section 62-74. Gifts and favors.

- (a) No official or employee shall accept any gift, loan, reward, favor or services that may reasonably tend to improperly influence him or her in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value, which are distributed generally, nor to prohibit officials or employees from accepting loans from regular lending institutions. It is particularly important that employees and officials guard against relationships, which might be construed as, or give the appearance of favoritism, coercion, unfair advantage or collusion.
- (b) Nothing in this article shall prohibit any official or employee from accepting a gift on behalf of the city, provided that the person accepting the gift shall promptly report the receipt of such gift to the city council, which shall have the gift added to the inventory of the property of the city. (Cross reference: PTC personnel policy XVII.)

Section 62-75. Campaign contributions.

The provisions of this article shall not apply to campaign contributions made to an official in compliance with the Georgia Campaign and Financial Disclosure Act (O.C.G.A. § 21-5-30 et seq.).

Section 62-76 Coercion

No official or employee shall use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons within his immediate family, or those with whom a council member has business or financial ties.

Section 62-77. Confidential information.

No official or employee shall disclose or otherwise use confidential information acquired by virtue of his position with the city for his or another's personal gain.

Section 62-78. Representation.

Except in the regular discharge of official duties, no official or employee shall appear on behalf of any person, other than himself and his immediate family, before any city agency or municipal court. Neither shall any official or employee receive compensation for any services rendered on behalf of any person in relation to any case, proceeding or application before a city agency with respect to which such official or employee was directly concerned; or in which he has personally participated during the period of his service or employment, or which was under his active consideration or with respect to which knowledge or information was made available to him during the period of service or employment. However, a member of the city council may appear before city agencies on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

Section 62-79. Incompatible employment.

No official or employee shall engage in or accept employment with or render services for any private business or professional activity when such is adverse to and incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

Section 62-80. Outside employment.

No employee shall engage in any other employment, or in any private business, or in the conduct of a profession, during the hours for which he is employed to work for the City or outside such hours in a manner or to an

extent that affects or is deemed likely to affect his usefulness as an employee of the City. Toward this end, all outside employment must be reported to and approved by the employee's Division Director/Chief and the City Manager, and filed in the Personnel Office. (Cross reference: PTC personnel policy XVI.)

Section 62-81. Abstention.

An official or employee who has an interest that he has reason to believe may be affected by his official acts or actions or by the official acts or actions of the city shall disclose that interest. Such official or employee shall abstain from participating in any such discussion, voting or otherwise participating in any official acts or actions affected by such interest. That interest shall be disclosed by such official or employee prior to there being taken any official act or actions.

Section 62-82. Public contracts.

The City shall not enter into a contract involving services or property with any official or employee or with a business in which the official or employee has an interest. This section shall not apply in the case of:

- (a) The designation of a bank or trust company as a depository for City funds;
- (b) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;
- (c) Contracts entered into in accordance with the Official Code of Georgia Annotated 16-10-6;
- (d) Contracts entered into under circumstances that constitute an emergency situation, provided that the Mayor prepares a written record explaining the emergency;
- (e) Contracts entered into with an official or employee, or with a business in which the official or employee has an interest, provided that such contract is:
 - (1) awarded through a process of public notice and competitive bid,

- (2) disclosure of the nature of such members interest is made prior to the time a bid is submitted; and
- (3) after this section is complied with, a waiver of the prohibition contemplated by this section is issued by the City Manager.

Section 62-83. Zoning.

- (a) All officials and employees are deemed subject to the provisions of Chapter 67A of Title 36 of the Official Code of Georgia Annotated, and shall make the disclosures required in such Chapter, and shall be subject to the penalties stated in said chapter.
- (b) In addition, any official required to make the disclosures set forth in Chapter 67A of Title 36 of the Official Code of Georgia Annotated shall be prohibited from participating in the zoning matter in which such official or employee has a direct or indirect interest. A violation of the aforesaid provisions of the Official Code of Georgia Annotated shall also constitute a violation of this article.

Section 62-84. Preacquisition of interest.

No official or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the city shall acquire an interest in such contract or transaction at a time when the official or employee has reason to believe that it will directly or indirectly be affected by an official act or action of the city.

Section 62-85. Disclosure of relationships.

- (a) Each party ^{at a public meeting} subject to this article shall disclose to the city council, either orally or in writing, the following information:
 - (1) Any current business interests between or among any parties subject to this article, with a description of such involvement;
 - (2) Any ^{fd -} ~~business~~ interests between or among any parties subject to this article which have been terminated within the past six months; and
 - (3) Any ^{finet} ~~business~~ interests between or among any parties subject to this article anticipated in the next six-month period.

- (b) Additionally, each party subject to this article shall inform the city council, either orally or in writing, of any business relationship entered into with another party subject to this article, within ten days of such contractual or implied relationship.
- (c) Failure on the part of any party subject to this article to comply with the provisions of this section shall be deemed to be a violation of this article.

Section 62-86. Use of city property.

No official or employee shall use or permit the use of any city property, services, personnel, labor or other thing of value for personal gain or for any purpose other than the official business of the city. Any parties violating this provision shall be required to pay to the city a sum equal to the value of the benefits received, and shall likewise be deemed to have violated the provisions of this article. (Cross reference: PTC personnel policy XVIII.)

Section 62-87. City Attorney used for private business.

No official or employee shall use the attorney or attorneys who are under retainer by the City of Peachtree City for personal or private business without paying just compensation.

Section 62-88. Compliance with applicable laws.

No official or employee shall engage in any activity or transaction that is prohibited by any law, now existing or subsequently enacted, which is applicable to him by virtue of his office. Without limiting the applicability of other statutory provisions, the provisions of O.C.G.A. § 45-10-1 are incorporated in this section by reference.

Section 62-89. Political Activity

- (a) An employee of the city shall not have a right to publicly or otherwise hold himself out as a candidate in any Peachtree City Municipal election while holding employment with the City of Peachtree City.
- (b) City employees shall not take part in any political management or political campaigns for the election of mayor or any member of the city council for the City of Peachtree City during any period of time for which he is expected to perform work or receive compensation from the city.

- (c) No employee, official or other person shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during his hours of duty, service, or work with the city.
- (d) Employees shall not represent the city by wearing any uniform or portion thereof that is issued by the city while participating in any campaign at any time.
- (e) The city in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties after work hours, or to campaign actively during off duty hours in all areas of political activity.
- (f) Employees shall not utilize any city equipment or vehicles in support of any political campaign.

Section 62-90. Enforcement and administration

(a) Board of Ethics.

- (1) The Board of Ethics of the City of Peachtree City is hereby created and authorized by the Mayor and City Council of the City of Peachtree City.
- (2) The Board of Ethics of the City shall be composed of five (5) residents of the City to be appointed as provided in paragraphs 2 and 3 of this subsection. Each member of the Board of Ethics shall have been a resident of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the City while serving as a member of the Board of Ethics. No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract, transaction, or official action of the City.
- (3) The Mayor and Councilmembers shall each designate two (2) qualified citizens to provide a pool of ten individuals who have

consented to serve as a member of such Board of Ethics. These individuals and who will be should be available to be called upon for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed. The Mayor and Council shall re-designate individuals to serve on the Board each January following a regular scheduled municipal election. Board members can be reappointed and there shall be no term limits for the Board members since future members of Council may wish to appoint the same Board members. However, the term for individuals appointed by the Mayor or a Councilmember shall end when a new Mayor or Councilmember replaces the appointing Mayor or Councilmember, and when the new Mayor or Councilmember appoints new individuals to the pool. The City Manager shall maintain a listing of these ten qualified citizens.

- (4) All complaints against an official or city employee shall be filed in writing and submitted to the City Manager. The City Manager shall provide a copy of the complaint to the Mayor and Council. The Mayor and Council, at the first public meeting after such complaint is filed, shall each draw names randomly from the listing of qualified citizens until the specified five (5) members of the Board of Ethics have been appointed. The Mayor shall draw two additional names to serve as alternates in the event that one or two of the chosen members cannot serve. Such Board will elect one of its members to serve as Chairman.

- (5) The City Clerk shall notify the selected members of their appointment by telephone the following day and shall ask if there is any reason the member feels they can not or should not (due to a conflict of interest) serve on the Board concerning the particular complaint.

- (5)(6) The members of the Board of Ethics shall serve without compensation. The Governing Authority of the City shall provide meeting space for the Board of Ethics. Subject to budgetary procedures and requirements of the City, the City shall provide the Board of Ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.

- (6)(7) The City Attorney is designated to be the legal advisor of the Board, except that the City Attorney is not authorized to

represent the Board in any legal action if doing so would create a conflict, which would prevent the City Attorney from also representing the Mayor, the City Manager, or the governing body.

~~(7)~~(8) The City Clerk shall serve as the recording secretary to the Board and shall provide such administrative services to the Board as may be necessary.

(b) The constituted Board of Ethics shall have the following duties and powers:

- (1) To hold a public hearing within sixty (60) days after the receipt of complaint;
- (2) To receive and hear complaints of violations of the standards required by this ordinance;
- (3) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this Ordinance;
- (4) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
- (5) Recommend any legislative or administrative action regarding the City's policies and practices which the Board believes would or could enhance the ethical environment in which public servants work;
- (6) To report its findings and action to the City Council ~~for such action as the Governing Authority deems appropriate.~~
- (7) Upon completion of its investigation of a complaint, the ethics committee shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction; provided, however, that a rejection of such complaint by the ethics committee shall not deprive the complaining party of any action he might otherwise have at law or in equity against the respondent government servant.

(8) All other duties and powers listed in subparagraph (f)

(c) **~~Penalty and~~ Member Rights.**

~~(1) The City Council at its next regular meeting not less than 15 days after the Board of Ethics makes its report, shall act upon the report either by censuring or reprimanding the official/employee, or, in its discretion, by taking no further action.~~

At any hearing held by the Board of Ethics, the official, employee, or respondent who is the subject of inquiry shall have the right to written notice of the allegations at least 10 business days before a hearing, to be represented by counsel, to hear and examine the evidence and witnesses and to present evidence and witnesses in opposition or in extenuation according the procedures contained in subparagraph (f).

(d) **Appeals.**

- (1) Any official, employee or respondent adversely affected by these findings of the Board of Ethics may appeal to the City Council to reverse or otherwise modify such ~~obtain judicial review of such~~ decision. City Council shall review the record of the hearing conducted by the Ethics Board or upon motion duly accepted by a majority of City Council may conduct a new hearing and receive evidence. If Council votes to conduct a hearing, it shall follow the procedures set forth in subparagraph (f) substituting itself for the "Ethics Board" and the Mayor as the "Chairman". After either reviewing the record, conducting a new hearing, or both, the City Council shall receive a decision by majority vote as set forth in subparagraph (f).
- (2) Any official, employee or respondent adversely affected the findings of City Council may obtain judicial review of such decision.
- (3) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Fayette County within thirty (30) days after the final decision by the Mayor and City Council. The filing of such application shall act as supersedes.

(e) **Advisory opinions.**

- (1) When any official, ~~—or—~~ employee, or person appointed by Council has a doubt regarding the applicability of any provision of this article to a particular situation, or regarding the definition of its terms, he may apply in writing or verbally during a public meeting to the city attorney for an advisory opinion. The advisory opinion shall be written unless it is given verbally during a public meeting, and may be provided directly to the requestor of such opinion. Nothing in this ordinance shall be construed to prohibit a request for an informal opinion by any public servant for the City Attorney regarding a potential conflict of interest. Neither a request for an informal opinion, nor the making of a statement concerning a potential conflict of interest made by a member of the governing body in the course of abstaining from voting shall create a presumption or inference that a public servant actually has a personal interest in the matter about which the opinion was requested.
- (2) Such written or publicly stated opinion until amended or revoked shall be binding on the city, the city council, the ethics board and the city attorney in any subsequent actions concerning the official or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. ~~Such opinion, however, shall not be binding in any action initiated by any private citizen.~~
- (3) Any advisory opinion prepared by the city attorney shall be made public.

(f) Hearing Procedures.

- (1) Generally, hearings shall be conducted following the same procedures of Court Hearings in the State of Georgia.
- (2) The Chairman of the Board of Ethics ("Board") shall conduct the Hearing.
- (3) The Hearing shall be tape recorded and the City Clerk shall prepare a written summary of the Hearing. The Complainant and/or Respondent may provide a Court Reporter at their

expense for a verbatim transcript of the Hearing, if so desired.

- (4) A Quorum of the Board shall be required to conduct to conduct the Hearing. A quorum shall be defined as five members. If a member is unable to attend the Hearing, the Mayor shall designate one of the alternates to replace the member.
- (5) The person who filed the Complaint ("Complainant") shall present his case to the Board first.
- (6) Each witness presented by the Complainant, and including the Complainant, shall be subject to cross-examination by the individual accused of the ethical violation ("Respondent") or such person's representative;
- (7) At the conclusion of the Complainant's case, the Respondent shall be entitled to move for dismissal based on insufficient evidence on the part of Complainant's case. If Respondent makes such a Motion and the Board, by majority vote, agrees to dismiss the Complaint, the Hearing shall be terminated at this point. If either the Respondent fails to make such a Motion, or, if the Board decides by majority vote to overrule Respondent's Motion, the Hearing shall continue.
- (8) Respondent shall then be entitled to present his evidence to the Board.
- (9) Respondent is not required to testify. The absence of Respondent's testimony shall not be viewed by the Board as an admission of any sort.
- (10) If Respondent testifies, then Respondent shall be subject to cross-examination by Complainant. All other witnesses who testify in the Respondent's case shall be subject to cross-examination by Complainant.
- (11) All persons who testify before the Board, shall be placed under oath, by either the Chairman or a person designated by the Chairman. The oath shall read as follows:

"Do you solemnly swear or affirm that the testimony you are about to give to this Board shall be the truth, the whole truth, and nothing but the truth, so help you God?"

- (12) At the conclusion of Respondent's case, the Complainant may offer rebuttal evidence only to those items presented in Respondent's case. At the conclusion of Complainant's rebuttal, Respondent shall be entitled to offer rebuttal evidence only to those matters presented in Complainant's rebuttal case.
- (13) At the conclusion of all of the testimony and closure of all of the evidence, the Board members may ask questions of any of the individuals who testified before the Board.
- (14) At the conclusion of all questions by Board members, the Chairman shall end the Hearing and permit the Board to debate the issues in public. If the Board decides by majority vote that additional evidence is needed to make a decision, the Board shall have the authority to conduct its own investigation or to require either the Complainant or Respondent to submit additional evidence at a continuation of the Hearing which must be held no later than forty-five (45) days after the date of the initial Hearing. The Board has no authority to continue the Hearing past this forty-five (45) day deadline.
- (15) Following the conclusion of any additional evidence received at the continued Hearing, the Board shall continue to debate the issues. When the debate is concluded, the Chairman shall call for a vote. The Board's first vote must be whether the Respondent violated the Ethics Code as charged by the Complainant. If, by majority vote, the Board rules that the Respondent did not violate the Ethics Code as charged by the Complainant, then the matter is concluded. If the Board, by majority vote, concludes that the Respondent did violate the Ethics Code as charged by the Complainant, then the Board must make a second decision by majority vote. The second decision involves the form of reprimand. The Board shall have three options of reprimand which include:
- (a) No formal reprimand, but an admonishment not to violate the Ethics Code in the future;
 - (b) Formal reprimand; and
 - (c) Public censure and/or recommendation to Council for removal of office.

- (16) The Complainant's evidence must prove that Respondent is guilty of the offense charged by the evidentiary standard commonly referred as "Preponderance of the Evidence."
- (17) All complaints of ethical violations must be filed with the City Clerk, in writing, no later than ninety (90) days after the alleged act occurred unless the Complainant, by exercising reasonable diligence, failed to discover the alleged ethical violation within such ninety (90) day period. In such a case, the Complainant must file a written Complaint with the City Clerk no later than ninety (90) days after the Complainant discovered the alleged violation. In all such cases brought after ninety (90) days from the date of the alleged ethical violation, the Complainant bears the burden of convincing the Board of the true date Complainant learned of the alleged violation.
- (18) In no event, shall an ethical charge be filed with the City Clerk more than two (2) years from the date of the alleged ethical violation.
- (19) The City Clerk, or in her absence another individual appointed by the City Manager, shall cause the Hearings to be tape-recorded and shall take minutes of the Hearing, specifically including the name of the Board members who make any Motions, the Board members who second any such Motions, and the names of the individuals on the Board and how each voted. This written report shall be presented to the City Council at the conclusion of the Board's proceedings.
- (20) All documentary evidence which is anticipated to be submitted to the Board at the Hearing by either the Respondent or the Complainant, and the names, with telephone numbers, of all individuals expected to present testimony to the Board on behalf of either the Respondent or Complainant, must be given to the City Clerk at least ten (10) days in advance of the Hearing. This requirement shall not apply to evidence used solely for purposes of cross-examination or rebuttal. The failure of a party to adhere to this rule shall preclude such party from tendering such evidence or individual's testimony at the Hearing through any form. Both the Respondent, Complainant, and the public shall be entitled to see all such lists which are placed on file with the City Clerk.

- (21) The Board shall have subpoena power to require the production of documents and testimony of individuals. If a subpoena is not honored, and the documents are not produced or individuals do not come forward as required under the subpoenas, the Board is to take into consideration in making its decision the refusal to produce such documents or the refusal of such individuals to come before the Board and testify.
- (22) Neither party shall have the right to require depositions of any individual, including the opposite party. The Respondent and Complainant shall have the right to obtain Affidavits which may be submitted to the Board for consideration provided that such Affidavits were filed with the City Clerk no less than forty-eight (48) hours prior to the Hearing, and that the name of the Affiant is provided to the City Clerk as required in Rule 19. Both the Respondent, Complainant, and the public shall be entitled to see all such Affidavits, which are placed on file with the City Clerk.
- (23) The Complainant may not withdraw his or her Complaint at any time without the approval of the Board, by majority vote.
- (24) If any question concerning the hearing procedures which is not otherwise addressed in this ordinance, the City Attorney, or in his absence, the appointed legal advisor to the Board shall resolve the procedural question. Such resolution shall be placed in writing by the City Attorney or other legal advisor and given to both parties. Such resolution shall also be presented to the Board for final approval and recommendation to amend the ordinance by adding such procedure.

Section 62-91. Distribution and Acknowledgement Agreement.

The Personnel Manager shall cause a copy of this article to be distributed to every official, volunteer and employee of the city within 30 days after its enactment, as well as to those appointed by City Council to conduct official City business (including Commission and Authority Members). Each ~~official and employee~~ person elected, appointed or otherwise hired thereafter shall be furnished a copy before entering upon the duties of his office or employment.

All persons subject to the Code of Ethics shall acknowledge receipt of such by signing an agreement stating they have read, understood and agreed to abide by the ordinance.

Section 62-92. Construction, application.

- (a) This article shall be construed liberally to effectuate its purposes and policies and to supplement such existing laws as may relate to the conduct of the persons made subject to this article.
- (b) This article shall in no way be construed as creating an employment contract between the city and its officials and employees. Nevertheless, any official or employee affected by this article shall be required to affirm in writing that he has received a copy of this article and has read it and understands its provisions.
- (c) The propriety of any official act or action taken by or transaction involving any official or employee immediately prior to the time this article shall take effect shall not be affected by the enactment of this article.
- (d) The provisions of this article are severable; and if any of its provisions shall be held unconstitutional or invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.