

City Council of Peachtree City
Minutes of Meeting
June 5, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, June 5, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Mayor Logsdon read a proclamation for Jefferson Davis' bicentennial birthday. Logsdon also reminded those at the meeting that registration for the July 4th parade was underway.

Public Comment

There were none.

Agenda Changes

Plunkett moved to move Agenda Item 06-08-02 to the beginning of the New Agenda Items. Boone seconded. The motion carried unanimously.

Minutes

Plunkett moved to accept the May 15, 2008, regular meeting minutes with one change on page 8 and the May 19, 2008, workshop minutes as written. Haddix seconded. The motion carried unanimously.

Monthly Reports

Logsdon noted a correction to the Public Services monthly report. The number of hours for Right of Way Litter Pickup for FY 2008 YTD should be 3,246 hours instead of 324 hours.

Consent Agenda

- 1. Consider Approval of Fayette County Water Easement for USGS Monitoring Station in Line Creek Nature Area for Lake McIntosh**
- 2. Consider Budget Adjustments**

Plunkett moved to approve the Consent Agenda. Boone seconded. The motion carried unanimously.

Old Agenda Items

- 05-08-05 Public Hearing – Consider Variance Request – Buffer, Northlake/Aberdeen Parkway**

Logsdon noted that the applicant had requested the public hearing be continued. Plunkett moved to continue the public hearing until June 19. Boone seconded. The motion carried unanimously.

New Agenda Items

- 06-08-02 Public Hearing – Consider Lifting Multi-family Housing Moratorium – Wieland's 89-acre Tract**

Dan Fields of John Wieland Homes and Neighborhoods said they had a plan ready to present; however, the Atlanta Christian College task force was scheduled to meet on June 10. Fields continued that they wanted to defer the request until after the task force meeting and asked Council to continue the public hearing until June 19.

Plunkett moved to continue agenda item 06-08-04 until June 19 based on the petitioner's request. Boone seconded. The motion carried unanimously.

06-08-01 Public Hearing – Consider Special Use Permit, Line Creek Retail

Logsdon said the applicant would present first, followed by City Planner David Rast, and then comments would be taken from the public. The public hearing protocol was read.

Rick Lindsey spoke on behalf of the applicant, Doug McMurray of Capital City Development. He noted that the site plan shown at the meeting (a copy of the PowerPoint presentation is included in the official meeting file) was an earlier rendition of the site plan, and minor changes had been made to it. The parking lot drive had been perpendicular to SR 54 and had been turned 90 degrees so it was parallel to SR 54, providing more ease in moving traffic and better access from Retail A to the smaller shops and restaurants. The buffer in the back would be in excess of 100 feet in some areas and up to 130 feet in other areas bordering Cardiff Park. He added that there had been many changes, and Rast had asked them to not submit another plan until after the special use permit. The development was off of SR 54. Retail A would be as close as possible to SR 54 per the request of the Planning Commission and the requirements of the SR 54 Overlay District. Lindsey referenced the elevation of Retail A and said there would be a covered trellis patio area between the building and the highway. The shops would complement the development on the north side of SR 54. There would not be any large expanses of blank walls. The intent was to make a statement that people were in a quality city with a quality development. The entrance off SR 54 was a grand avenue type of entrance with larger than normal trees, two lanes coming in and two lanes going out, and traffic-calming devices made with pavers. The east side of the development was along Planterra Way. Per the development agreement signed earlier, the developer and the City would look at what needed to be replanted to screen and buffer the retail center once the grading was done. On the southern portion along Cardiff Park, there would be a 50-foot dedicated greenbelt (given to the City) and an enhanced buffer with a six-foot berm topped by a six-foot fence/wall supplemented by additional trees. The elevation of the rear portion of the development would be brought down so the buildings would be lower than the rear buffer. Cardiff Park residents would not see the back of the development. Lindsey showed a cross-section of the buffer. He said great pains were also being taken to protect the Line Creek Nature Area. The developer would work with the Southern Conservation Trust and set aside parking places and put up signage for the preserve, if it was wanted.

Lindsey continued that the Planning Commission had looked at the application several times. The application was originally filed in March, and the City Planner had asked for supplemental information. The application was filed again in mid to late April. Lindsey summarized the requirements for a Special Use Permit. It had to be compatible with the Comprehensive Plan for the City, and it was compatible with the Comprehensive Plan as well as the SR 54 West Corridor Overlay District, which was designed to build continuity along SR 54. Lindsey noted that the overlay district contemplated there would be some mixed use development and that all the tracts along Line Creek Drive would be combined into one larger retail center under one owner. Another requirement was that the Special Use Permit must be compatible with the adjacent properties. The property across the highway was zoned General Commercial (GC). Lindsey said the tract itself was zoned GC, and Cardiff Park had been rezoned for residential use from GC. One side was zoned Open Space (OS). All the utilities were available to the site. There would be safe pedestrian and vehicular traffic access. The developer had applied to the Georgia

Department of Transportation (DOT) for a signal at the entrance on SR 54. Switching the parking lanes inside the development made the development pedestrian-friendly. The plan was compatible with the GC zoning district and with the Land Development ordinance.

Lindsey summarized the development agreement's major points. It must be binding on the successors. Any ambiguities between the development agreement and the ordinances would be resolved via the most restrictive regulation. The developer would pay the City \$500,000 for abandonment of the right-of-way. The development would not exceed 175,000 square feet. There would be no more than three buildings with single tenants exceeding 32,000 square feet, and the proposed plan presented to the Planning Commission had two buildings that exceeded 32,000 square feet. There would not be a freestanding restaurant with a drive-through window, except for a coffee shop. There would be no business whose primary business was the sale of gasoline. There would be the minimum number of parking spaces per the ordinance. There would be no stormwater detention in the 30-foot buffer adjacent to SR 54. Golf cart parking would be available throughout the site. The vegetative buffer next to Cardiff Park had been discussed, and there would be no building closer than 75 feet. Schematic plans for lighting, landscaping, stormwater management plan, building elevations, amenities, traffic circulation, pedestrian circulation, and golf cart paths must be submitted. The retaining walls in the back of the site must be built of earthen filled baskets, which would help with sound absorption. There would be no disturbance in the Line Creek Nature Area. The developer would work with the City to determine if additional plants or trees would be required along Planterra Way. Sound baffles would be installed on roof-top mechanical equipment. Delivery trucks would be restricted from making deliveries between 8:00 p.m. and 8:00 a.m. The outdoor sound system would be similar to that at The Avenue. The developer had agreed to work with the Planterra and Cardiff Park Homeowners Associations (HOAs) to design a landscape plan for the entrance to Planterra Way and to install the landscaping once there was an agreement on what to put in. There would be no internal road connection to Planterra Way. The developer would approach the DOT about a traffic signal.

Lindsey continued that the developer agreed with all of staff's recommendations, but two which would be discussed with Council. The development must take place according to the master plan and the schematic building elevations as presented in the application with the ability to make minor modifications. The uses in the retail center were restricted to retail businesses, offices, indoor commercial recreation facilities, publicly-owned buildings or facilities, open space, and accessory uses such as parking lots and dumpsters. No more than one business with the primary business of selling alcohol was allowed, and the size of the store had to be smaller than 3,000 square feet. There would be no auto repair business on site. Other prohibited uses included hotels, motels, cocktail lounges, auto washing facilities, boat sales, businesses whose primary business was the sale of gasoline, animal hospitals, adult bookstores, bingo parlors, bowling alleys, pool halls, skating or roller rinks, electronic gaming centers whose primary business was game playing, pawn shops, second-hand stores, close-out or liquidation stores, flea markets (consignment stores would be allowed), blood banks, tattoo parlors, or facilities whose primary business was check cashing. There would be no dumping of garbage, congregation of day laborers, transportation facility or terminal, self-storage facility, off-street auto parking facility, and no open yard for the sale of materials or equipment. They agreed with the list of businesses that were not permitted. Lindsey noted that all those businesses were allowed in GC zoning without a special use permit. No conditional uses would be permitted as outlined in the

ordinance. There must be dedicated access to the Flexxon development. The parking areas must comply with the City ordinance. Dumpster locations would be identified in the conceptual site plan. The use of garbage compactors would be encouraged, which would be discussed with the retail users. The rear of Buildings B, C, D, and E would have architectural features and parapets to prevent large blank walls and to hide mechanical equipment. The lighting plan must be approved by the City to prevent glare and spillover onto the adjacent residential subdivisions. The plant material would be inspected two, three, and five years after the certificate of occupancy was issued, and diseased or dying plants would be replaced by the owner. Detailed plans of the buffer must be provided. There must be a six-foot high berm with a privacy fence on top at the rear of the development. The developer must obtain state approval before installing any sidewalk or path along the right-of-way of SR 54. Land disturbance permits would not be approved until the DOT approved the signal request. Any modifications to the side building elevations must be approved by the City, and the City had the right to make minor modifications to those elevations. The developer must continue to work with the City staff to ensure adherence to all the ordinances. Any substantial change to the site plan must be approved by bringing a new site plan before the Planning Commission.

Lindsey said the developer agreed to the conditions in the development agreement, but had an issue with the recommendation that there be no land disturbance permit be issued until the DOT approved the signal request. The DOT told the developer that the entrance met the warrants for a traffic signal, but getting the signal permit could take up to nine months. The developer would like to start on the demolition of the existing buildings and the grading before that, and Council approval was needed. The right-of-way property appraisal had come back at \$364,000, but the developer had agreed to \$500,000 that would be paid to the City upon approval of the final site plan. The hydrology study showed that the water runoff would be contained in the two retention ponds. There was no floodplain on the site, but the ponds would hold that water and allow it to flow off the site at the current rate. The traffic study met the guidelines of the City. One intersection would go from a C to a D by a delay of just a few seconds. The development was restricted to a single entrance and exit. There was a right-in and right-out at the Flexxon development that would hook up to the site. Lindsey noted that Council Member Haddix had discovered an access road on a master plan that ran from Fulton Court to the SR 54/MacDuff Parkway intersection. The developer had no opposition to that, but the developer had agreed to not be hooked up to Planterra Way. The property would develop as GC. Without a signal, traffic would be more dangerous. With a signal, everyone understood what they would be getting. The developer understood the importance of the SR 54 West corridor and was doing everything possible to minimize the impact of the shopping center.

Lindsey noted that a resident had asked about requiring median plantings along SR 54 similar to SR 74 at a Planning Commission meeting. Lindsey continued that McMurrain and Rast had discussed the plantings, and McMurrain had agreed to landscape the highway median from the edge of the City to Planterra Way, which would complete the look along the corridor and bring it up to City standards.

Lindsey said a problematic piece of property would become a quality development if the Special Use Permit were granted. Lindsey added that, as required by state law, not granting the permit was a deprivation of the developer's constitutional rights under due process and equal protection

under the federal and state constitution. Lindsey acknowledged this was the most important project to come before Council in a long time. The proposal was a win-win for all involved.

Rast said that the Planning Commission and staff had been working on several variations of plans for the proposed development for approximately 18 months. The plan had been discussed 10 to 12 times in public workshops and meetings with the Planning Commission. The Special Use Permit application had been reviewed by the Planning Commission and had a full review by City staff. Rast continued that, when the GC ordinance was amended to include the Special Use Permit, there had been a lot of detail about what was required to consider a Special Use Permit application. Staff had looked at ordinances and recommendations from several organizations and had included the best of the best in the Special Use Permit process. This was the first Special Use Permit application to be considered. Rast said the first time the application was turned in (March), the presentation was weak. Staff sent the application back, and it was turned in again with a very detailed report. The Planning Commission had reviewed the application more than any commercial project in the last eight to nine years, and the plan had been revised based on the Planning Commission's comments. The first public hearing was more of a workshop session to go over the information. A special called meeting was held for the Planning Commission to take action. Four Planning Commissioners attended the meeting and unanimously approved the application with conditions.

Rast went over the Special Use Permit procedures set forth in Section 1006.4(d) Review procedures. Although Lindsey had gone over some of the items in detail, Rast said he also wanted to bring up some things Council might not be aware of.

In considering applications for special use permits, the planning commission and city council shall use the standards set forth in section 1305 of this appendix and shall consider the following criteria:

- (a) Compatibility of the proposed use and location with the policies established in the comprehensive plan.*

Rast noted that the property had been zoned GC for many years. Until it was rezoned for residential use in the late 1990s, Cardiff Park had also been zoned GC. The SR 54 West Corridor was intended to be regional retail center, according to Land Use Plans dating back to the 1960s and 1970s. Some of the uses in the area could be considered regional, while others were considered village retail. The SR 54 West Overlay District was adopted in 2001. The City had looked at the development in the corridor, and the consensus had been to combine the smaller tracts for larger developments. The proposal complied with that. The intent of the master plan and overlay district had been to create a combined corridor with the commercial development, and design guidelines were adopted. All the buildings had met those guidelines since they were adopted. Wal-Mart and Home Depot were built prior to adoption of the guidelines. The initial plan for the south side of the SR 54 corridor included a frontage road from MacDuff Parkway to Planterra Way, but the road would not be built due to resistance from the Planterra HOA and Pathway Communities' refusal to lift deed restrictions. The application met the intent of the SR 54 Overlay District with the exception of the frontage road.

- (b) Compatibility of the proposed use with the character of adjacent properties and the surrounding neighborhoods and with existing and proposed development.*

Rast said that, in the 54 West master plan, they had tried to develop guidelines for commercial development that would blend the developments together. The retail backed up to residential on the south side of the highway. The Special Use Permit was not in place at the time those businesses had been built, so there was only so much that could be done.

(c) Availability of, or ability to provide, adequate utilities, drainage, parking and loading space, lighting, screening, landscaping and open space.

The application had been sent to all the utilities. All of the utilities were in place. The Stormwater Manager had reviewed the hydrology study, and it met the required criteria. The traffic study met the criteria, also. In addition to what had been provided regarding site lighting and landscaping, the aesthetics of the project were also important and had been addressed by the task force that worked on the project. The applicant had met that criteria as well.

(d) Provision of safe and convenient vehicular, pedestrian, bicycle, and alternate modes of transportation.

There would be extensive golf cart traffic to and through the development once the multi-use path connections were in place. The applicant had committed to building a path to the Tennis Center, which would allow golf carts to get to Huddleston Road.

(e) Compatibility of the proposed use with the intent and function of the GC zoning district.

The application complied with the intent and function of the GC zoning district. The property had been zoned GC for years. The SR 54 West Overlay District had requirements for the aesthetics and how the project should blend in with the corridor.

(f) Compliance with applicable performance standards and requirements as set forth in the city's land development ordinance.

The plan complied with the land development ordinance. Once it reached the conceptual site plan stage, more details would be required regarding the hydrology study and making sure the landscaping and drive aisles in the parking lot met all the specifications in the ordinances. The engineer who did the site plan assured staff that everything was done based on the City's current ordinances.

Rast continued that, as far as approving the application, there was not an automatic permit given if an application was submitted. The applicant had to comply with all the submittal requirements before it was accepted. During the staff, Planning Commission, and Council review, additional requirements could be imposed based on what would be best for the project and the impact on the neighborhood. The applicant had agreed to a number of conditions in the development agreement, which was a binding document. Another 18 conditions had been added that were tied to the Special Use Permit. The list of permitted uses in GC zoning was appropriate for developments adjacent to residential zoning. To protect the adjacent homeowners and the City, criteria were outlined as far as businesses that could not be located in the retail center. The schematics for the building elevations complied with the SR 54 West guidelines. There were also special stipulations for site light in the guidelines. There was concern about allowing clearing and grading before the permit was issued for the traffic signal, which meant traffic would be going in and out without a signal. They did not want to end up with 14 acres of cleared dirt with nothing on it. The master plan had identified a signal at the intersection. All of the

signals were to be evenly spaced and synchronized. At the time the master plan was done, the intersection had not met the warrants for a signal.

The following 18 conditions were recommended for the approval of the application:

1. *Approval of the Special Use Permit is conditioned upon the execution of all items identified within the recorded Development Agreement, attached hereto as Exhibit "A" and incorporated herein by express reference.*
2. *Development shall take place in conformance with the master plan and schematic building elevations prepared by Site Solutions (last revised April 16, 2008), a copy of which is attached hereto as Exhibit "B" and incorporated herein by express reference. Any substantive change to these plans or any of the conditions and requirements of this section shall require an amendment of the Special Use Permit application approved by City Council.*
3. *In addition to those uses identified within the Development Agreement, the following uses shall be permitted:*
 - a) *Retail business involving the sale of merchandise on the premises.*
 - b) *Business involving the rendering of a personal service on the premises.*
 - c) *Office for governmental, business, professional or general purposes.*
 - d) *No more than one business whose primary business is the sale of alcohol; provided that this restriction shall not prohibit individual restaurants from selling beer, wine, distilled spirits or other beverages. Such business whose primary business is the sale of alcohol shall not be located within a freestanding building or tenant space exceeding 3,000 square feet in gross floor area.*
 - e) *Automobile parts sales; provided that the repair of vehicles on the premises of any business by the property owner, the tenant or customers shall be prohibited.*
 - f) *Indoor commercial recreation facility.*
 - g) *Publicly owned building, facility or land.*
 - h) *Building, facility or land for a non-commercial park, recreation, thoroughfare or open space purposes.*
 - i) *Accessory use, in accordance with Section 908.*
4. *In addition to those uses identified within the Development Agreement, the following uses shall **not** be permitted:*
 - a) *Hotel or motel.*
 - b) *Cocktail lounge, disco or dance hall.*
 - c) *Automobile repair facilities, including oil change facilities and emissions testing centers.*
 - d) *Automobile washing facilities.*
 - e) *Automobile sales and leasing (new and used vehicles).*
 - f) *Boat sales and leasing (new and used).*
 - g) *Establishments whose primary business is the sale of gasoline or diesel.*
 - h) *Animal hospitals or veterinary clinics with outdoor kennel facilities.*
 - i) *Adult novelty stores, book stores, entertainment centers, theatres, and amusement facilities, peep shows and massage parlors, provided that this restriction shall not prohibit a day spa from locating within the development.*
 - j) *Bingo parlor, bowling alley, pool hall, billiards parlor, skating rink and roller rink.*
 - k) *Electronic gaming centers where the primary business is from game playing.*

- l) Pawn shops, second hand stores, closeout or liquidation stores, flea markets, bankruptcy or fire sales, provided that this restriction shall not prohibit a consignment store from selling new and/ or unused merchandise.
 - m) Blood bank and plasma centers.
 - n) Tattoo parlors.
 - o) Check-cashing facilities, where check-cashing is the primary function of the business.
 - p) Facilities for dumping, disposal, incineration or reduction of garbage or refuse.
 - q) A site for day laborers to congregate or to solicit work.
 - r) Transportation facility or terminal.
 - s) Self-service storage facilities, i.e., mini-warehouses.
 - t) Off-street auto parking facility.
 - u) Open yard for the sale, rental, and/ or storage of materials or equipment, including junk or salvage materials.
5. There shall be no conditional uses permitted on the property.
 6. The site plan shall provide for a dedicated access drive to the adjoining Flexxon tract (formerly known as the Peachy Clean car wash tract) as shown on the final site plan approved for The Shoppes at the Village Piazza on August 21, 2007. The location and design of this access drive shall be coordinated with the adjoining property owner and approved by City Staff prior to being shown on the conceptual site plan.
 7. The design of all parking areas, including the dimensions of all planting islands, shall comply with city ordinances and be reflected on the conceptual site plan submittal.
 8. The location of all dumpsters and associated dumpster enclosures shall be identified on the conceptual site plan. Those dumpsters located behind retail buildings "B", "C", "D" and "E" shall be located and designed such that noise generation will be kept to a minimum. Where applicable, compactors shall be located within these buildings to minimize noise.
 9. The rear building elevations of retail buildings "B", "C", "D" and "E" shall contain architectural features to minimize the appearance of blank walls. The parapets on the rear of these buildings shall be increased in height and designed to screen views from off-site to the roof-mounted mechanical and utility equipment.
 10. Site lighting shall comply with current city ordinances. A detailed photometric site lighting plan, which includes lighting on the exterior of all buildings, shall be prepared and submitted prior to approval of the final site plan. Site and security lighting along the rear of retail buildings "B", "C", "D" and "E" shall be designed to prevent glare and spillover onto the adjoining residential subdivision.
 11. In addition to the required maintenance inspection of all plant material at the end of the 2-year period from the date the Certificate of Occupancy is issued (conducted by the City Landscape Architect), the developer and/ or project owner shall agree to meet with the City Landscape Architect and a representative from the Cardiff Park Homeowner's Association to inspect the plant material located between the development and Cardiff Park at a 3-year and 5-year period from date the Certificate of Occupancy is issued. Any vegetation that is dead, dying or diseased must be replaced at the owner's expense.
 12. It is understood the buffer at the rear of the subject tract is paramount and the Applicant shall agree to develop a detailed berming, fencing and landscape plan that is reviewed and approved by the City Landscape Architect and the Planning Commission as a part of the conceptual site plan submittal package.

13. *In addition to the 50' greenbelt along the southern property boundary adjoining the Cardiff Park subdivision that is to be dedicated to the city, the Applicant shall install a berm of no less than 6' in height from finish grade to the top of the berm with slopes not exceeding a 3:1 slope. The top of the berm must be designed with a minimum 4'-wide crown, where a 6' tall stockade-type privacy fence shall be installed. The fence shall be painted or stained a neutral color. At the base and on both sides of the fence, evergreen vines (Confederate Jasmine, Boston Ivy, etc.) shall be planted at 4' on center and be trained to ultimately cover the fence. The slopes of the berm shall be planted with a combination of evergreen plant material (Leyland Cypress, Cryptomeria Japonica, etc.) planted in staggered rows at 8' on center. The minimum height of the evergreen plant material shall be no less than 5-6' in height from finish grade to the top of the plant material at the time of planting. All exposed areas on the berm shall be mulched with no less than 4" of fresh hardwood bark mulch. A drip irrigation system shall be installed and utilized to irrigate all plant material for no less than twelve (12) months from date of installation and acceptance by the city. The berm, fence and landscaping shall be installed once the site is cleared and graded and prior to issuance of a Building Permit.*
14. *The Applicant shall secure appropriate approvals from GDOT prior to installing any sidewalk, lighting, landscaping and/ or irrigation within the GDOT right-of-way and shall provide appropriate documentation to City Staff indicating GDOT approval.*
15. *It is understood that clearing or grading shall not be permitted until the final site plan is approved. Approval of the proposed traffic signal and appropriate turn lanes shall be obtained from GDOT and submitted to City Staff prior to approval of the final site plan.*
16. *It is understood that modifications to the proposed site plan and building elevations may be required based on conditions that may be imposed as a part of the Special Use Permit review process.*
17. *The Applicant shall continue to work with City Staff and the Planning Commission to ensure that all elements of the proposed site plan and building elevations comply with current city ordinances. It is imperative that the Applicant coordinate with the Building Official, Fire Marshal and City Engineer to review the proposed development.*
18. *Should there be substantial changes to the schematic site plan submitted as a part of the Special Use Permit application, the Applicant shall file a new site plan and supporting documentation in accordance with the established criteria within Section 1006.4(f) of the GC General Commercial zoning ordinance.*

Those who spoke in favor of the Special Use Permit included Lynda Wojcik, Jeff Slade, Gerald Monroe, and Karen Russell. Their reasons included the following:

- Something would eventually be built, and this plan was the best that could be gotten.
- The developer, the City, and the citizens worked to get a quality project.
- The City needed to ensure everything that was promised was done.
- The Special Use Permit had more conditions attached to it than any other development.
- The plan had a lot of greenspace.
- Cardiff Park would not see the development.

Those who spoke against the Special Use Permit included Robert Brown, Brian Dingivan, and Beth Pullias. Their concerns included the following:

- There was a lot of impervious surface, and some pervious surface should be required so the water could go into the ground.
- There was vacant retail all over the City.
- It would be best for the City to have a frontage road connecting the development to the Shoppes at the Piazza and to Planterra Way so that another traffic signal would not be needed.
- The public had no input on the elimination of the connection to Planterra Way.
- There was no reason to put in another light when there were existing lights.
- There was really nothing special about the plan that would warrant a Special Use Permit.
- A 50-foot buffer was not that much.
- Council should consider whether a Special Use Permit was valid in this case.
- The development should be smaller due to the single entrance/exit.

The public hearing closed.

Lindsey said there was nothing to rebut, but he had two requests. He asked Council to allow the developer to demolish the buildings on the ground so they would be ready to go once DOT made a decision regarding the signal. The developer would wait to take the final site plan to the Planning Commission until the signal permit was issued.

Lindsay referred to the requirement to have architectural treatments on the backs of Buildings B, C, D, and E. The back of the buildings would be invisible to everyone but delivery people. He asked that the condition (condition #9 of 18 recommended for the Special Use Permit approval) be removed. Rast said that would be fine. He said there was not a final grading plan, but did have the sections based on the schematic grading plan. The intent of the condition was that the parapets be placed on the areas of the buildings that would be visible off site, not along the entire rear elevation of those buildings. The wording would be changed to reflect that. The development agreement included wording that would turn the fans and exhaust away from the residential neighborhood to help with the noise. The requirement was to screen any visible views.

Boone said the earlier Kohl's plan had been great and had been approved by Cardiff Park and Planterra, but Council had sent it back to the developer and staff to come up with a smaller plan. The citizens, staff, and the developer went to the table and came up with a great plan. The Planning Commission had gone to great lengths to build in the rigors. It was a good test for a Special Use Permit. He also liked the landscaping that would be put in the medians on SR 54. Boone complimented staff on their hard work. He said the development would generate revenue that the City needed, and it would be a quality shopping center. The Avenue got a lot of traffic. This project should generate the equivalent revenue.

Sturbaum said his position was known, but the developer had made progress on the plan. Two of the buildings could be smaller. He saw no reason for granting a Special Use Permit for those two buildings. He was concerned about traffic flow, especially to the Flexxon property. The plan had come a long way, but it was still too large.

Haddix said everyone knew where he stood also. He saw nothing special or unique about the proposed plan. There was nothing different about it, especially when there was so much empty commercial space. It was a good looking design. If the development were built, then other buildings would go empty or the new buildings would be empty. The real concern was traffic, and people trying to jump across the lanes to Wal-mart. Haddix said the original drawings for the Livable Centers Initiative (LCI) dated July 2001 had shown a frontage road from the Flexxon area to Huddleston Road. The traffic would become worse, and people would use Planterra Way for a short cut as the traffic got heavier. Planterra would have more protection if there were a way to get to Huddleston Road. Planterra Way was a neighborhood connector, which allowed for cut-through traffic.

Plunkett said it was not Council's job to look at the open commercial space and determine whether more retail should be built. Building the space was McMurrain's constitutional right. It was also not her job to help developers make money, but to protect the City. She had two opportunities to look at the project, one with 150,000 square feet of little boxes that would not require a traffic signal. Because of the Special Use Permit application, the City had been given an opportunity to shape things. Cardiff Park should be protected, but not at the expense of the City. The proposed project was still too big, and there had not been enough done on the buffers on the back and front of the project. Her preference would be to have everything finalized before Council voted on it. Changes had been made, but nothing was in writing. The things excluded in the Special Use Permit were the most important part and would protect the property in the long run. What was presented was close, but it was not there yet. She could either move to deny it, or the developer could go back to the Planning Commission one more time. If Council denied the project, the developer had to wait six months before coming back.

Lindsey said the revisions to the plan, which they did not have yet, included more buffers. He did not want to go back through the whole process again. Plunkett said the plan needed more buffer and more trees along the front, then it might get a Special Use Permit. The developer did not have a constitutional right to the permit. Lindsey asked Plunkett how far back they needed to go. Plunkett said the proposal should be tabled. The public hearing had been held. The buffer needed to be bigger along the sides and front, and the plan should include all the conditions that had been talked about, but were not in writing. Logsdon said he thought they had added buffer. Lindsey said they had, but did not have a plan submitted yet. McMurrain showed Plunkett the only copy he had of the plan with the latest revisions (A copy was not available for the official file.) Plunkett said that was why the Planning Commission should look at it again. It was only another month. Lindsey said it cost money every day the project was delayed. The project had been going on for two years. Lindsey added that Council had the right to put more conditions on the approval. City Attorney Ted Meeker said he did not think that, legislatively, Council could defer the action and make it subject to the Planning Commission approval. Meeker felt that Plunkett was contemplating having the Planning Commission iron out the minor details, then it would come back to Council. Plunkett said that was correct, and that the project might become smaller in order to get the additional buffers. Logsdon noted that it would be July 17 before Council would see the application again due to the meeting schedule.

Logsdon said he did not think anybody wanted the development, but the land was zoned commercial many years ago. Compatibility had been established with the Comprehensive Plan. It was compatible with the SR 54 Overlay District guidelines. He liked the detailed list of uses

and prohibited uses. The buffers on the back were okay. The Planning Commission had insisted that the Cardiff Park not be able to see, smell, or hear the development. Nothing would be gained by adding another 20 feet to the buffer. The development agreement was legally binding. Financially speaking, the first plan for a Costco would have been the best as far as sales tax revenue. This plan had been a compromise. The City had approximately eight big boxes; four were grocery stores. One of the boxes in the development might be a grocery store. The other box was 42,000 square feet, which was more of a medium box. He read the traffic study and compared what would happen with and without the project. The intersections in question (SR 54/Planterra Way and SR 54/SR 34) would degrade at the same amount by 2009 with or without the development. This plan was as good as it got; the next plan would not be as good. Logsdon said the Planning Commission had sided with the HOAs on the frontage road. A right-only entrance, left-only exit on Planterra Way was something to consider since people would not be able to go through Planterra. He supported the plan as it was, but he would support delaying it if there was a good reason.

Lindsey committed to an 85-foot buffer after talking with McMurrain. He pointed out that the buffer would be 85 feet in the narrowest area. The back of the building was invisible to Cardiff Park, and they agreed to an additional 10 feet of greenspace.

McMurrain told Council that the box in the front of the development (Building A) would be a grocery store. Three of the four spaces in the back would be national credit-anchored tenants. He agreed there was softness in the market, which was cyclical. He wanted credit-anchored tenants that paid rent and provided a tax base to the City. He continued that the developers of the Coweta County Development of Regional Impact (DRI) would like nothing more than for Council to deny the Special Use Permit. He would increase the buffer, but he needed Council's assistance. Plunkett said the front, back, and side buffers needed increasing. She said Council was not in a position to plan those issues. The buffer along the front was a concern. The idea was that it could not be seen from SR 54. McMurrain pointed out that the intent of the 54 West Overlay District was to bring the projects closer to the front so people entering the City would truly be entering something different. It was important to mirror the other side of the road, so they related to each other. There were buffers on the sides. The nature center was on one side, and the Planterra swath was on the other. He had agreed to landscape that swath. He was not sure what increasing the buffer in the back would do, but he would do it.

Rast said a 30-foot landscaped buffer in front was identified in the Overlay District. Building A was set back beyond that. The plan included an outdoor plaza and a possible path connection. There would be a terraced wall with substantial plantings to screen the side of the building from the highway. McMurrain said they were using the same landscape architect as The Avenue, who had done something very special.

Plunkett asked if it would be possible to have something in the plan about a road with the left turn, right in only on Planterra Way for the future. Rast said the reorientation of the parking lot made it more feasible, but it would depend on the grading of the property. The back of the grocery store would be screened by existing vegetation. Plunkett said that was another plan they had not seen. She asked Rast if he would have to go back to the Planning Commission with any of the recommended changes. Rast said he could look at it with the Planning Commission representatives assigned to the project. The Planning Commission could also hold a special

called meeting before June 19 so it could be brought to Council at the June 19 meeting. Plunkett said a lot had been added, and she felt the Planning Commission should look at the plan again.

Boone said commitments had been made. The changes were in the public record. Council did not need to micromanage the project. Plunkett said the public record was not enforceable in a court of law.

Rast referred to condition #13, which identified the height of the fence and the types, height, and spacing of the plant material to be used in the rear buffer. They would be required to install a drip irrigation system, which had to be used for a minimum of 12 months. Staff had attempted to identify specifics. As for submitting a revised plan, Rast said that they had talked about changing the parking during the last Planning Commission meeting, but staff felt something firm was needed to bring to Council. Plunkett said the plan before Council was not the one they would vote on. She would not vote on a plan she had not seen. It was the developer's choice whether she voted no or the plan went back. It was almost where it needed to be.

Lindsey asked if they could bring the plan back to Council at the June 19 meeting. He pointed out that Plunkett was talking about a conceptual site plan, but the developer was not ready for a conceptual site plan yet. It came later in the process, after the Special Use Permit. He asked if they could show the revisions to the Planning Commission representatives rather than the full board. The conceptual site plan process would tweak everything further. Rast said he would send an e-mail to the Planning Commission. He was certain he could get a quorum together before the next Council meeting. Plunkett said they should look at the buffers, an easement for a possible future road to Planterra Way, and finalize, in writing, what the medians should look like. Rast verified that the buffers should be enhanced, with more detail on the front buffers, landscaping for the median, and an easement for a possible road with a left-turn only egress. Plunkett said there would be no traffic on Planterra at all.

Sturbaum asked to open negotiations with Pathway Communities concerning the deed restrictions and the frontage road. If staff could not undertake it, then he said he would to it. City Manager Bernard McMullen said those conversations had taken place. Logsdon said he met with the president, vice-president, and Doug Mitchell. The answer had been a resounding no. Plunkett suggested that McMurray and the Flexxon developer could come up with something to protect Line Creek that Pathway might be willing to consider. Haddix understood how Planterra felt about the frontage road, but there needed to be an allowance for the future. Rast said the bulk of the frontage road would be on City property.

Plunkett moved to continue the Special Use Permit for two weeks to allow a chance to see the new plan and for the developer to work with the City Planner and Pathway. Boone seconded. The motion carried unanimously.

06-08-03 Consider Bid for Bobcat

Plunkett moved to approve the bid for the Bobcat T320 (M0039). Haddix seconded.

John Warham of Atlanta JCB asked to address Council, and said when the bid first came out it had been for a generic piece of equipment, not brand name. At the bid opening, his company's bid was not there. There was a discussion on how to proceed from that point. In the mean time,

they brought in their product for a demonstration. He knew his company was the lowest bidder based on the prices given out at the bid opening. When the equipment was re-bid, it was a brand name bid, which cut out every one else. He felt the bid process was suspect, and said his product came with a better warranty and matched all the criteria set in the bid.

Sturbaum asked Warham if his product was considered the industry equivalent of the Bobcat T320 and was recognized to do the same job. Warham said it was. Sturbaum asked if there was anything different between the two brands. Warham said their brand was probably safer. Over 90% of all injuries on skid loaders occurred when people climbed in and out the front, slipping as they came over it. JCB had re-designed the machinery with single left arm, which came with a lifetime warranty, and a side entrance.

Stormwater Manager Mark Caspar said that staff had tested several brands, including Warham's. Atlanta JCB's bid was misplaced, so they had rejected all bids and re-bid the equipment. Staff asked the City Manager to bid for a brand name when it was re-bid for several reasons. Currently, the City owned several Bobcat brand skid steer loaders with 25 attachments, which were also Bobcat brand. Since it was all the same equipment, the maintenance technicians were familiar with the brand. During the field test, the brands, which included others in addition to Bobcat and JCB, were all operated under the same conditions by the City's best drivers. Their opinions on the operation of the vehicles were valuable. One of the specifications was a forestry attachment on front end. The Bobcat did not bog down during operation. There were not any issues with the JCB, but the drivers felt the other brand did not operate to the same standard. The vehicle would be used to clean out detention ponds with two to one slopes. Using the forestry attachment, the Bobcat cleared the tree limbs going up and down the slope without bogging down or slowing down. The drivers had to back up and go forward with the JCB. The Bobcat had a brake on the forestry attachment, which was an important safety feature. If necessary, the attachment could be shut down as soon as possible. The JCB had to slow down by momentum. It could be pushed into the ground to slow it down, but that could damage the equipment. Another piece of equipment threw a track in the first five minutes. The City Manager had agreed those were justifiable reasons for a brand name.

Warham said all the attachments for the vehicles were interchangeable. The operators were not used to the power differential on their equipment. Their vehicles had not had any significant power loss in any other competitions. Plunkett asked the difference in the price. Caspar said the other equipment was \$1,500 less. Warham said the difference was not a significant amount, adding that his machine was built in Georgia and had a longer warranty.

Haddix said the more maintenance that could be standardized, the better and the less it cost. Unless there was a legal reason not to, the City should stick with the Bobcat brand. Meeker said he was comfortable with staff's recommendation, and there was no legal reason to award the bid to the other company.

The motion carried unanimously.

06-08-04 Consider FY 2009 Funding Request – Huddleston Elementary School

Leisure Services Director Randy Gaddo said the request was to build a running track around the playground area that would be available to the public after school and on weekends. The request

conformed to the requirements of CAR 8-3. Gaddo introduced Kate Ward and Huddleston Elementary School Coach Mike Davis, co-chairs for the school's track committee. Gaddo continued that CAR 8-3 addressed playgrounds, but in the past, the City had provided in-kind labor and equipment for schools that built tracks. The cost for the materials was \$12,000, and Public Works would provide \$5,000 in labor and equipment to build the track. There had been a miscommunication, and Huddleston understood they would receive \$5,000 in cash from the City. They had raised \$7,000. Plunkett said they would still need to raise another \$5,000 for the materials. Davis said they would raise the additional money for the materials.

Gaddo said they had hoped to get the work done before school started. Even though the request was for FY 2009, the cost was in-kind, and he asked Council to allow the work to be done before school started. The FY 2009 fiscal year would begin in October.

Plunkett moved to approve up to \$5,000 in in-kind services effective immediately to help Huddleston Elementary build a track around the playground. Boone seconded. The motion carried unanimously.

06-08-05 Consider/Discuss Multi-use Sports Complex Proposal

Dar Thompson asked Council to consider a \$19.8 million bond for a multi-use sports complex. The proposed location was north of the soccer fields at the Baseball/Soccer Complex on SR 74 South. He said that a group of local engineers, architects, builders, and businesspeople had been working on the plan for four months. The complex would consist of one building with two ice rinks, a multi-purpose area for indoor lacrosse and soccer that would hold events for up to 1,000 people, a privately-run fitness center, four basketball/volleyball courts, two large meeting rooms, a potential teen center, and 19 acres of nature trails in the wetlands behind the proposed building. The complex would be 180,000 square feet. Thompson went over the conceptual plan for the complex (a copy of the drawing is included in the official meeting file). One ice rink would have 1,200 seats, and the other would have 300 seats. Thompson added that the ice could be covered so there would be an indoor area for high school graduations, which was a problem in the area. Space was left for a future performance hall for the performing arts.

Plunkett asked Meeker if anyone could ask for a bond referendum. Meeker said that, ultimately, citizen input was gathered. It was up to Council to decide whether to put it on the ballot. Plunkett said it would be cheaper to put it on the ballot this year since there was a County election. Acting Administrative Services Director/City Clerk Betsy Tyler said there would be incremental costs. The City would have a municipal election next year, so there would not be an additional cost. Logsdon noted the City had a split precinct. Tyler said that, for this year's election, one City precinct would have to go to one polling place to vote in the County election, and then would have to go to another place to vote on a City bond referendum. Meeker added that, in order to put the bond on the November ballot, Council would have to make a decision by the July 17 meeting.

Logsdon noted that there was an additional document on the dais – a cost analysis for the proposal. McMullen said that staff had done the cost analysis. They had talked to someone who built similar facilities, and staff was comfortable with the construction costs. The total annual operating cost for the facility would be approximately \$1,557,300. The building cost was estimated at \$17,300,205. Staff had talked to a design build architectural firm, whose costs were

based on a pad ready site. More site work would be needed due to the topography of the location. The total construction cost was estimated at \$19.5 million. The annual debt service on the bond, over 20 years at five percent, would be \$1,588,803. The total annual costs for the facility would be \$3,146,103. The revenue from the ice rink, fitness center, and tenant payment of utilities totaled \$1,283,000. The City's total annual cost would be \$1,863,103, but that cost did not include staffing for functions operated by the City (basketball courts, indoor multi-purpose court, and meeting rooms). McMullen added that, based on the 2008 tax digest, one mill was \$1,866,764. Logsdon clarified that the annual cost to the City would be \$1.9 million. McMullen said it would be more than that when staffing was included.

Logsdon said he loved the plan, but hated the numbers. Putting it on the ballot gave the perception that Council approved the plan. He was not against it, but he had a hard time justifying a one mill increase in property taxes. It would also cost money to get the proposal on the ballot. The ideal situation would be for the facility to be revenue neutral so the bond was nothing more than the City backing the debt with the operation paying the debt. To get a bond referendum to pass, it had to be treated like a campaign. The numbers needed to come down.

Thompson pointed out that Northwest Airlines was on its way to Atlanta. There were 300 ice rinks in Minnesota, and they would all move to Cobb County to be close to an ice facility.

Plunkett said that anything the City added to its uniqueness and its bottom line increased the quality of life and made the City more attractive. The voters had not approved a one-time \$4 million bond proposal for additional sports fields. She was not sure they would approve an ongoing obligation of \$2 million a year.

Haddix said he had no problem putting the proposal before the citizens. He was neutral about it and told Thompson he would have to sell it to the voters. Thompson said that, if a business mentality was behind it, it could be sold. People were already taking their children out of the City to play indoor soccer and basketball during the off-season. The tradeoff was between \$8 more each month in taxes and \$60 a month in gas. Haddix said he was willing to let Thompson try.

Plunkett suggested that those involved in the proposal hold advertised focus groups to see if there were enough people to support it. Logsdon said they had until the July 17 meeting, which was six weeks away, to convince the citizens and get the numbers down. Plunkett said there had to be enough voters to support it.

Rick Halbert of Group VI, one of those involved in the proposal, said that the location for the fire station had been allocated because they knew there was a need for one in the area. The sloping topography of the site would give a stadium feel to people as they walked into the facility. He asked what the parameters were to make the numbers smaller. He asked if they could include the money the City received from the County for recreation. Plunkett said that was a staff question, but if they could get money from the County they should try it. They had not shown any revenue coming in because it would be a City building. He asked if civic groups could be charged to use the meeting rooms. Plunkett noted that, since this project would start from scratch, the City could charge for using the facility. It was difficult to get people to start paying a fee for space they had used for free in the past. She added the youth basketball association paid the schools

for the use of the gyms, so there might be some potential revenue from groups that used the facilities.

Logsdon said that, with the budget crunch, users would have to start paying to use some of the recreation facilities, and this facility could be a good transition. Plunkett said Thompson could work with the Recreation Department to get some numbers on the revenue. Thompson said that dropping the basketball courts and the meeting rooms would drop the numbers considerably. Logsdon asked Thompson to work a couple of scenarios so people see how much it would cost.

06-08-06 Consider Change Order with Leslie Contracting for Completion of Police Station Drainage Renovation

Caspar said the change order was to correct the grade around the building to fix the areas that held water. While going through the process, it was a good idea to renovate the grading and drainage to ensure water around the building and the roof water on south side of the building had a better place to go. McMullen said the work was included in the cost model.

Boone moved to approve the change order with Leslie for a lump sum not to exceed \$69,796. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics

Gaddo gave an update on the Clover Reach swimming pool. The FY 2007 operating cost had been \$22,223 compared to the FY 2006 cost of \$22,355. The total revenue from the pool for FY 2007 was \$4,369 for daily pool pass attendance and swim lessons. In FY 2006, the revenue was \$2,857. The operational uses for Clover Reach included summer swim lessons, overflow camps from the Kedron pool, and as a backup site in case of contamination at another pool. Gaddo said the service area had many small children, and its retention was tied into the linear park concept. Plunkett said the cost for keeping the pool open was approximately \$37 per swimmer per use. Gaddo said there should be a public workshop with the Recreation Commission before closing the pool. Plunkett said the City could give the pool back to the neighborhood's HOA. Gaddo said the neighborhood did not have an HOA at this time. He said he would talk to the Recreation Commission chairman and set up a workshop.

Rast reported that negotiations on the right-of-way acquisition for the CSX golf cart bridge had begun with Ethan Allen and Cousins Properties. The City's consultant would begin contacting them on a daily basis on June 6.

Plunkett said the consensus among the Council Members she had spoken with was that the July 3 meeting should be cancelled. McMullen said there was nothing on the agenda at this time, and staff would recommend cancelling the meeting at the June 19 meeting.

Plunkett asked for an update on Huddleston Pond. Caspar said the work on the dock should be completed by Monday, June 9. Permission had been given to remove the silt fence. Then, they would be able to close the valves to allow the pond to refill.

Rast reported that the City had received an e-mail from the Fayette Arts Council regarding the sound walls on SR 74 and using them as a canvas. Another citizen wanted to purchase a Leyland cypress to plant, hoping that would spur other citizens to do the same. There was not enough

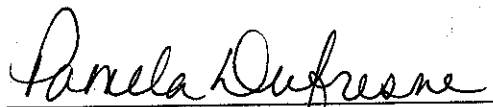
planting space between the sidewalk and the face of the wall. There was a mesh product that could be used on the walls that let vines grow up the wall, but he did not have costs yet. Plunkett asked Meeker to ensure that painting murals on the sound walls did not open up the door to allow billboards. Rast said he would gather costs on the mesh material.

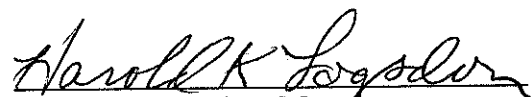
McMullen asked if Council wanted to hold another budget workshop on June 12. Logsdon said he did not think it was needed. McMullen said there would be a public hearing on the budget and three public hearings on the millage rate. Plunkett asked if a workshop could be held at the end of the June 19 meeting since more people would attend the regular meeting. Meeker said it could be a discussion item, and McMullen said it would be added to the June 19 agenda. It would be the first new agenda item. McMullen said something would be placed on the website. Logsdon noted that it should be labeled as "draft" or "tentative."

Plunkett moved to convene in executive session for threatened or pending litigation and a personnel matter at 10:10 p.m. Haddix seconded. The motion carried unanimously.

Haddix moved to reconvene in regular session at 10:39 p.m. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Haddix moved to adjourn. Boone seconded the motion. The motion carried unanimously. The meeting adjourned at 10:40 p.m.


Pamela Dufresne, Deputy City Clerk


Harold K. Logsdon, Mayor