

City Council of Peachtree City

Agenda

June 2, 2005

7:00 p.m.

- I. Prayer
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Recognize Chris Clark for Service on Library Commission
 - Recognize Jesse Brooks for 10 years of service
 - Recognize Jenni Learnard for Earth Day Project
 - Recognize Fayette County Teacher of the Year – Dawn Burnette, McIntosh
 - Recognize McIntosh Girls Soccer Team as 4A Champions
- IV. Minutes
 - May 5, 2005, Regular Meeting Minutes
 - May 19, 2005, Regular Meeting Minutes
- V. Monthly Reports
- VI. Consent Agenda
 - 1. Consider Budget Amendments
 - 2. Consider PIP Project Location Change
- VII. Old Agenda Items
 - 05-05-10 Consider Change in Planning Assistant Position from Part-time to Full-time
 - 05-05-12 Consider Rezoning – Ergle Tract, GA 74/Wisdom Road – AR to LUC
- VIII. New Agenda Items
 - 06-05-01 Public Hearing – Consider Amendments to Sign Ordinance
 - 06-05-02 Consider Approval of Two Maintenance Technician I (Cartpath) Positions
 - 06-05-03 Consider Tinsley Mill Agreement for FEMA Grant Match
 - 06-05-04 Consider Ordinance Prohibiting Heavy Trucks on Kelly Green, Terrane Ridge and Planterra Way
 - 06-05-05 Discussion of Annexation Policy
- IX. Council/Staff Topics
- X. Executive Session

This agenda is subject to change at any time up to 24-hours prior to the scheduled meeting.

City Council of Peachtree City
Minutes of Regular Meeting
May 5, 2005
7:00 p.m.

The City Council of Peachtree City met Thursday, May 5, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:08 p.m. Present were: Steve Rapson, Judi Rutherford, and Murray Weed. Stuart Kourajian arrived at 7:55 p.m. due to a late flight.

Announcements, Awards, Special Recognition

Brown recognized Sonia Volz for her efforts to help single parents and parents who work out of the City in regards to recreation programs for children. Paul Massey was recognized for his efforts to protect the City's scenic views. Proclamations were read for Older Americans Month and Building Safety Week. The Line Creek Association and several McIntosh High School students were recognized for their work with the Adopt-A-Stream program. Dennis Chase of the Line Creek Association gave a short presentation on the program. The Starr's Mill High School Debate Team was recognized for its participation in the National Forensic League's national tournament. The Booth Middle School Science Olympiad was recognized for winning the state competition.

Brown noted that there was an e-mail from Council Member Kourajian on the dais. He continued that Kourajian asked for New Agenda Items 05-05-01 and 05-05-02 to be held until he arrived. Rutherford said Kourajian was on his way.

Minutes

Rutherford moved to approve the April 21, 2005, regular meeting minutes as amended. Rapson seconded. The motion carried 4-0.

Monthly Reports

Brown announced that the annual Touch-a-Truck event for children was scheduled on May 7. A Wellness Fair was scheduled in conjunction with Touch-a-Truck. The Second Annual Community Action Day was slated for May 14. Spring Clean-up at the Recycling Center would be held May 14-15. The Top Five Accident Sites for April and March were GA 54/74, GA 54/Peachtree Parkway, GA 54/Huddleston Drive, GA 74/Clover Reach, and GA 54/Planterra Way. Rutherford noted that the Police and Fire Departments had been making more calls than last year, but their response times had gone down.

Consent Agenda

- 1. Appoint Members to Comprehensive Plan Committee**
- 2. Consider DOT LARP Contract**
- 3. Consider Donation of Surplus Fire Department Equipment**

Brown noted there was an additional document on the dais for Consent Agenda item #3 – a memo from the City Planner to Mayor and Council dated May 5, 2005, with the subject “Appointments to Comprehensive Plan Advisory Board.”

Rutherford moved to approve the Consent Agenda. Rapson seconded.

Rutherford asked City Attorney Ted Meeker if he had read the LARP contract. Meeker said he had.

Weed asked Meeker to ensure that the receiving City Councils accepted the donation of the fire equipment. Weed noted that the fire chiefs could not bind the Councils. Meeker agreed that a formal acceptance of the donations would be needed from elected officials. Brown explained the donation program.

The motion carried 4-0.

Rapson pointed out the members of the Comprehensive Plan Committee included 27 members from different areas of the City. The first meeting would be held within three weeks. Brown said all groups, political parties, and areas of the City were included. The Comprehensive Plan update was to be completed in 2007.

New Agenda Items

05-05-01 Public Hearing – Consider Change in Land Use Plan – CS to COM

**05-05-02 Public Hearing – Consider Rezoning – Christ Our Shepherd
Lutheran Church – OI to LUC**

Brown moved to postpone agenda items “05-05-01 Public Hearing – Consider Change in Land Use Plan – CS to COM” and “05-05-02 Public Hearing – Consider Rezoning – Christ Our Shepherd Lutheran Church – OI to LUC” until Council Member Kourajian arrived. Rapson seconded. The motion carried 4-0.

05-05-03 Consider Extension of Moratorium on Sign Ordinance

Meeker told Council his cover memo was self-explanatory. Staff had finished its review and proposed changes had been sent to the Planning Commission. Meeker continued that he had hoped the changes would be on the Planning Commission’s May 9 agenda, but it could be on the May 23 agenda due to the City’s computer problems this week.

Rutherford moved to extend the moratorium on the sign ordinance. Weed seconded. The motion carried 4-0.

**05-05-04 Consider Extension of Moratorium on General Commercial (GC)
Zoning Ordinance (Big Box)**

Meeker reported that there had been problems meeting with the consultant. Meeker said he and City Manager Bernard McMullen met with the consultant on Monday, May 2. The changes should be ready to present to Council within 45 days.

Rutherford moved to extend the moratorium on the General Commercial Zoning Ordinance (Big Box). Rapson seconded.

Rapson pointed out that the moratorium only applied to buildings in excess of 32,000 square feet and was not a blanket moratorium. Meeker said it was the same moratorium adopted previously and was very limited in scope.

The motion carried 4-0.

05-05-05 Update on Status of Stormwater Utility Formation

Brown noted there was an additional document on the dais – a PowerPoint presentation entitled “Peachtree City Stormwater Utility Setup Update, May 5, 2005.” Brown added that the state and federal governments had many requirements regarding the quantity and quality of water going back into the streams. He added that a stormwater utility would be the best way to make the needed improvements.

City Engineer Dave Borkowski and Ron Feldner of Integrated Science & Engineering (ISE), the City’s stormwater consultant, addressed Council. (A copy of the PowerPoint presentation is included in the official meeting file.)

Feldner said that the City was in Step Four of the Stormwater Utility Setup’s Flow Chart. One of the elements was to continue the public education program. Feldner continued that they were doing everything possible to raise awareness regarding stormwater issues. Feldner showed a detailed schedule, which slated the proposed stormwater utility bill issuance in February 2006. Details included operation and maintenance of the actual system, capital improvement projects that must be undertaken, and regulatory compliance issues.

Borkowski noted that the personnel details were still being worked out. He continued that City employees were currently serving in some of the functions, so he cautioned Council not to write the personnel numbers in stone. Feldner said the new state and federal regulatory requirements required additional staff both in the field and in the office. The summary of the cost of service from FY 2006-FY 2010 included Enterprise Fund Admin, \$130,000-\$145,000; Personnel, \$85,000-\$223,000; Water Quality Monitoring, \$30,000-\$35,000; Operations & Maintenance, \$280,500-\$480,000; Capital Projects (debt service), \$200,000-\$300,000; and Equipment, (\$500,000 loan). The estimated cost was \$1 million-\$1.275 million. The current stormwater program cost was \$500,000-\$550,000 annually.

In addition to continuing the public education program, the Step 4 tasks included updating impervious area data, creating the utility/rate ordinances, developing a credit manual, creating master account files, linking master account files to the billing system, setting up the customer service program, and issuing stormwater utility bills. Feldner concentrated on the update of the impervious area data. He explained that impervious areas were those where water could not readily infiltrate, such as parking lots and

rooftops. He noted that recent color aerial photography would help with the data collection and could be used for other purposes by the City.

Feldner continued that they were also looking at the projected billing units as part of the study of the impervious area data. The customer classes were residential and non-residential. The City accounts included roads and cartpaths. The total number of units was 27,428. The estimate of the billing units from the feasibility study had been 25,500 billing units, so the revenue projections were in line. Feldner referred to the FY 2008 rate model summary and noted that the program cost per year should be \$1.117 million. The revenue adjustments included a fund balance carryover (\$246,839), delinquencies at 10% (-\$135,000), and credits at 5% (-\$67,500). The adjusted total revenue should be \$1.072 million. The total number of billing units in FY 2008 should be 28,350, with a monthly charge of \$3.95 per billing unit. The charge would be the flat rate charge for a residential customer. Non-residential units would pay \$3.95 for every 4,100 square feet of impervious area in their parking lot and rooftop areas.

Feldner said they were working on credits for customers who reduced the burden on the storm drainage system. The credits would be finalized over the next several months. They were working with the City Attorney on establishing utility and rate ordinances, which would also finalize the billing mechanism and frequency. He said they were considering an outsourced billing and collection system, which was common in Georgia. The estimated cost was \$75,000-\$100,000 annually, which would fall under the administrative category. They were also working to finalize the cost of service, the rate structure, and to develop the credit manual and policies.

Feldner said they would establish master account files (MAF), which included calculating individual customer billing amounts and creating the accounts/bills. They would work with City staff on customer service training and developing the future customer service base management system so the City could continue to update and manage the database for the utility.

Brown recalled that the City had a list of projects that needed to be rebuilt or worked on, and asked Feldner how much those projects would cost. Feldner said that the estimate had been \$9 million at the 2004 Retreat. Council tasked them to do a more thorough assessment of the 45 projects. The projects were re-evaluated and the cost was down to \$5 million - \$6 million. Approximately \$2 million - \$3 million were high priority projects that impacted public health and safety. Failure of the projects could lead to road failure or downstream flooding. Second tier projects were about another \$3 million. Brown said those projects could take some time with revenues projected at approximately \$1 million annually. Feldner explained that was why they were looking at GEFA bonds or loans to address the high priority projects, then retire the debt over 10-20 years. About \$550,000 was spent out of the City's general fund annually to address stormwater problems. The City's share of the utility's annual cost should be approximately \$400,000. Borkowski said the list of projects was growing everyday. No action was required.

Council Member Kourajian arrived.

05-05-01 Public Hearing – Consider Change in Land Use Plan – CS to COM
05-05-02 Public Hearing – Consider Rezoning – Christ Our Shepherd
Lutheran Church – OI to LUC

Brown asked if there were any objections to combining the two agenda items. No one objected. Weed asked the attorney for Christ Our Shepherd if he had any objections to combining the public hearings. He did not.

Ted Thomas spoke for Christ Our Shepherd Lutheran Church. Thomas, a former planning commissioner, noted there had been many changes to the zoning ordinances and Land Use Plan over the years. A lot had changed since the church requested the property be rezoned from AR Agricultural Reserve to OI Office Institutional in 1981. The biggest change Council face today was re-development. Thomas said they hoped to present a win-win situation. He said they had appreciated working with staff, but had been surprised and disappointed by the negative recommendation. The staff report had required the church to seek outside information, and they had asked for a delay in the public hearing before Planning Commission. He introduced John Weber, the church's pastor, who gave a brief history of the church.

Weber said the church had 1,800 members and was located on three acres of land. The lack of space severely restricted the church's ministries. There were two services on Sunday. Parking had always been a serious issue and over 100 cars had to park across the street, which was not a problem on Sundays, but was a problem during the week or for special services such as funerals. He said the church was unable to host the Community Good Friday service due to the parking issues on business days. Their top priority was to secure land for a move. They needed a family life center, room for their adult and youth education ministries, and a safe outside area for children and youth. Their present space was maxed out.

Brown noted that he had been handed an additional document – a copy of a PowerPoint presentation entitled "Christ Our Shepherd – Yesterday, Today & Tomorrow."

Thomas continued that the members had explored many avenues, including starting another church, starting a satellite operation, and expanding on the site. Those solutions were either unworkable, undesirable, or cost prohibitive, and none met their needs for growth. The best way to facilitate relocation was to pursue a LUC Limited Use Commercial zoning. They had worked with the developer to come up with development restrictions. A rezoning to LUC gave an avenue to enhance the beauty of the property and provide buffers and landscaping. They met with neighbors and staff to develop a site plan that enhanced the project and improved the public safety of the community. A denial of the request would not keep things as they were. The church would relocate, just later rather than sooner. The members were frustrated that some believed the rezoning request was about money. The money would not be a windfall. Office Institutional zoning was not attainable due to the acreage requirement. They could get a variance on

the acreage, but OI was not economically feasible. The Land Use Plan prohibited much of the OI potential. The land use designation of CS Community Service only permitted government buildings, churches, and schools. Thomas said the church's attorney would address the OI potential question and the restrictive nature of the Land Use Plan.

Newton Galloway, the church's legal counsel, addressed Council. Galloway presented a PowerPoint on a Planning and Zoning Analysis and an Appraisal and Economic Use Analysis prepared for the church. The consultants who prepared the reports were Bill Johnston of Strategic Planning Initiatives, LLP, a consultant in planning, zoning, and economic development, and James Lawton of Lawton & Associates, Inc., a member of the Appraisal Institute, who looked at the economic value of the property subject to use. Copies of both reports had been delivered to Council after the Planning Commission hearing. (A copy of the PowerPoint is included in the official meeting file.)

Galloway said the emotion had to be removed from the case, and that they must look at and assess the factors in the zoning ordinance. He reviewed the criteria for rezoning as stated in the City code Section 1304(1)(d). He said that until the Johnston report had been completed, there had been no staff analysis on these factors.

Galloway continued that the staff report had been dreadfully incomplete. Due to the press coverage, he said the inappropriate considerations included the number of people attending a hearing, the number of people who supported or opposed the rezoning, the number of signatures on a petition, newspaper editorials, non-existent covenants, and "we don't want it." The bulk of opposition fell into the "we don't want it" category. Galloway pointed out that was not a factor listed in 1304(1)(d).

Galloway reminded Council that judicial standards on zoning decisions looked at whether the decision was arbitrary, without factual or legal support, denied equal protection, if the applicant had been treated differently from others in similar situations, and whether the decision denied the owner of reasonable economic use and value of the property.

Galloway analyzed the staff recommendations. He said the staff report said the church had reasonable use of the property under OI zoning. Office Institutional zoning required a minimum three-acre tract. The tract started as three acres 30 years ago, but was no longer three acres. The legal problem was that the church was a non-conforming use that could not expand or enlarge on the property. Whoever used the property would need a variance. The City might not allow expansion of a nonconforming use, which could also be controversial. A practical consideration was what else could go on the property, or the existing facility. The existing structure was 32,000 square feet. There was no available room for parking. There were too many Lutherans per acre.

Galloway addressed staff's findings that the redevelopment was not consistent with the village master plan and the village center. Galloway said he had looked at all the plans and documents since 1970. Peachtree City Development Corp. (PCDC, currently Pathway Communities) had called the area the village center for Glenloch. The Land

Use Plan specifically identified the area as a village center. Village centers were identified as those areas at major intersections located along major thoroughfares. The concept was to discourage strip development. The area was obviously the village center and, under the Land Use Plan, the property was appropriate for commercial development.

Galloway continued that, after the Planning Commission meeting, he had analyzed the parcels on GA 54. Seventy-one percent of the parcels on both sides of the highway had been identified for commercial use. There were 84 parcels from the City limits at Governors Square to the Coweta County line. Fifty-eight of the parcels were commercial. He said the staff opinion was their request would expand the commercial strip development. Galloway said the request would concentrate the commercial zoning at the village center.

Galloway addressed staff's position that the applicant had not shown how the development met the needs of the residents and that the proposed use was a duplication of uses. He said those criteria were not found in the zoning ordinance, Section 1304(1)(d). Galloway said it was not appropriate for any City to manage the market.

Galloway addressed staff's statement that the proposed rezoning was not consistent with the Comprehensive Plan and the Land Use Plan. He noted that Community Service (CS) designation had been applied to all church property since 1995 and was applied retroactively. The CS land use design was not consistent with the village center plan since commercial zoning should be concentrated at the intersections. According to the Land Use Plan, the CS uses included water systems, health facilities, recreation, schools, EMS, and libraries. The CS designation was applied after a finding in the 1995 update to the Land Use Plan. He read from paragraph 13 of the 1995 Land Use Plan:

All churches should be located on land that is shown on the Land Use Plan as Community Service. Churches should be permitted only in Open Space, Office, and Commercial zoning districts.

Galloway pointed out the churches were the only private property use in the CS designation. The City had, intentionally or unintentionally, established a policy that confined churches to their location.

Galloway addressed how Section 1304(1)(d) applied to the rezoning. He referred to Johnston's analysis regarding the suitability of use and read the following:

Limited commercial is appropriate in view of the intense commercial use and development of adjacent and nearby property that is Peachtree Crossing Shopping Center, Eckerd's, Ruby Tuesday's, and Edward Jones forming this commercial node.

Galloway addressed Section 1304(1)(d)(3) which dealt with adverse impact on adjoining or nearby properties. The only single-family residential zoning on the north side of GA 54 was The Highlands, which was adjacent to the portion of the tract that would remain

OI. The properties already adjoined property zoned OI, and those uses would not change. He said they would have preferred to divide the property into two tracts with the LUC in the corner and the remainder OI; however, the three-acre requirement for OI prevented that. The only thing that could be done was to limit development of the property closest to The Highlands. Galloway said Lawton had looked at the residential properties located behind Eckerd and Ruby Tuesday to determine the economic impact the commercial properties had on the residential properties. Lawton said there was no market evidence that those homes sold at a discount compared to other homes in the neighborhood, and there was no reason to believe the market would discount homes in The Highlands.

Galloway continued that property owners were entitled to reasonable economic use of property. The question was whether there was a market for the property if it remained zoned OI. The market value and appraisal of the tract exceeded \$3.1 million, if commercially zoned. Lawton determined that the market value of land zoned OI was \$175,000-\$250,000 per acre. The difference was approximately \$2.5 million. To recover their costs, the office space in a 10,000 square-foot building would have to rent at \$25 per square foot. The current market rate was \$19-\$21 for Class A office space. The development cost would be \$250 per square foot for one acre valued at \$3.1 million. He compared the project to the World Airways building in Kedron Village, which sold for \$140 per square foot in 2004. Lawton's conclusion was that the "LUC zoning is clearly a 'reasonable and probable use that supports the highest present value' of the land. In the appraiser's opinion, there was no reasonable economic use of the property as zoned OI in today's market."

Section 1304(1)(d)(5-6) dealt with the burden on streets, transportation, and schools. Galloway said they had provided the Fayetteville customer transaction counts, which was what Walgreen's counted. The Fayetteville store had 507-716 transactions per day. The weekday car count at the church was 296 and the Sunday car count was 564. The right in/right out made the intersection safer. He encouraged Council to test it by trying to turn into the church. He said there would be no burden on schools and the zoning would be consistent with the village center plan. When the factors were considered, there was a different picture. Galloway said the Johnston report also applied the Guhl v. Holcomb Bridge Road Associates factors, and the factors supported the rezoning.

Galloway addressed comments made by staff and the Planning Commission. He noted that City Planner David Rast had questioned whether or not redevelopment at this intersection created a "slippery slope" of redevelopment where there might be unexpected redevelopment such as the Aberdeen, Stevens Entry and Petrol Point office centers. He said those properties were not located in the village node and, according to the Land Use Plan, rezonings should be denied in those areas. The value of those properties still allowed a "reasonable economic use" under OI zoning. The values of those properties were worth \$4.32-\$4.96 a square foot on resale, or a value of \$188,000-\$216,000 per acre. Lawton found that was the going rate for OI in the City. The church's location made the property unique.

Galloway said the Planning Commission told the church that their growth was "their problem" and they should be creative. The Catholic church hired police to help direct traffic. The Methodist church had split campuses. Galloway said that was the beginning of a policy where the City was telling churches how to expand. The other churches might have reached a compromise, but the Lutheran church's options were limited. It was not appropriate to tell a church to shuttle people back and forth between campuses.

Some of the Planning Commissioners said they would rather see a bookstore or coffee shop at the location. Galloway said that some members appeared to be willing to give full commercial zoning to the property, which would have been required for those uses. The issue was whether the property was commercial, not whether anyone liked the use.

Galloway continued that the argument that the church did not complain in 1981 was also inappropriate. He said it was not appropriate to impose a standard that applied when the population was 10,000 people.

Galloway referred to page 20 of the April 11, 2005, Planning Commission draft minutes. He said Commissioner Mullin noted none of the criteria addressed a "sense of community." Galloway said the City established the criteria. If the City wanted that as a factor, then it should be added as a standard. The bulk of the Planning Commission's objection related to "a sense of community," which was not a factor that could be considered legally.

Galloway reiterated the legal issues. The value of the property was too high to support OI redevelopment. If the criteria were properly applied, the rezoning to LUC was supported by the Land Use Plan as a village center redevelopment. There would be no harm to the value of the adjoining property. Galloway said he was sympathetic that people might not want the commercial development, but that was not a factor for consideration under the zoning ordinance. Council's first and foremost obligation was to follow the law.

Thomas summarized the church's position and said there were Walgreen's representatives, Paul Montgomery from Commercial Net Realty and Kris Sand from Walgreen's, at the meeting who could address site plan issues. He continued that the congregation had examined all the options and the solution was relocation. They had presented a solid case for rezoning and Land Use Plan Amendment. There would be no negative impact to nearby property owners. There was no data to support the claims regarding traffic, lighting, or noise problems. Limited Use Commercial zoning provided a win-win situation for the needs of the church and community.

Residents who spoke in favor of the proposed rezoning included John Durden, Bill Graybill, Steve Bingham, Andrew Markel, Keith Moore, James Arnold, Diane Durden, Ashley Helvig, Michael Muetzel, Fairy Wortham, and Lance Rothfusz.

The reasons to support the rezoning included:

- Church landlocked and could not grow at present location;
- Church had outgrown facilities;
- Church did not have enough parking;
- Church parking lot used as short cut to avoid light at GA 54/Peachtree Parkway;
- Church was concerned about public safety and safety of members crossing street;
- Church ministries contributed to City's quality of life;
- Church members did not want to harm community, but to help;
- No outdoor play space for children or recreation area for youth.

Residents who spoke in opposition to the rezoning included Bill Nigro (he also gave a PowerPoint presentation entitled "Ten Reasons to Deny the Rezoning," and showed photos he took of traffic at the intersection), Fran Plunkett, John Paul Jones, Ray Helton, Rob Welch, Phyllis Aguayo, Bob Brown, Michael Moore, Jeff Kern, Nancy Ames, Pat Hancock, Robert Smith, and Paul Fisher.

The reasons to oppose the rezoning included:

- Rezoning opposed by community;
- Rezoning would set a bad precedent;
- Rezoning would add to existing traffic problems;
- Traffic congestion would increase fire/EMS response times;
- Rezoning would compromise safety;
- Moral covenant ignored;
- A drugstore would be supersized;
- Rezoning violated planned community concept;
- Rezoning would lessen quality of life;
- Rezoning ignored City ordinances and Land Use Plan.

Brown closed the public hearing. Weed clarified that only the evidentiary portion had closed. Brown said the applicant would have the opportunity to rebut.

Rutherford moved to go beyond the 11 p.m. time limitation. Rapson seconded. The motion carried unanimously.

City Planner Rast addressed Council. Rast said he understood what the church's congregation was going through. While researching the issues, Rast said he tried to find as much factual information as possible on the church and the village center concept. He referred to drawings from the mid-1970s with maps that identified areas. He said a church had been planned at the intersection as far back as the 1970s. The 1985 Land Use Plan identified the village centers and the future land use pattern. He read from the 1985 Land Use Plan that "development of Peachtree City around the four village centers should and will promote the basic development concepts described in Chapter 1." He said Chapter 1 discussed commercial, transportation, and economic development. He continued to read, "crucial to this idea are mixed use and step-down development. Mixed

use involves a proximity of various uses in a compatible manner. Village centers should include retail, office, and community facilities, and be situated at major intersections...The village center should provide the major convenience retail shopping, local office space, community recreational and educational activities that would be used by residents on a daily basis. The village centers will vary in size of retail activity dependent upon road access and population served."

Rast said the 1985 Land Use Map identified the property that Christ Our Shepherd was developed on as CS. All property was originally zoned AR when it came into the City. As the village centers were planned and developed, the zoning was adopted and incorporated into the Land Use Map. The tract was originally brought into the City as AR (Agricultural Reserve) and was rezoned from AR to OI in 1981. Every document he could find identified the tract as OI and CS.

Rast continued that the applicant stated that current zoning prohibited the development of the tract as OI because of the required lot size. The proposed plan for the site was two-thirds LUC, with the remaining to be OI, and would not work anyway. The OI zoning district had a minimum lot area of 20,000 square feet. The property could be developed as currently zoned and meet the requirements. Rutherford clarified that multiple lots could go on the property. Rast said that was correct.

Rast said he did not believe the church had marketed the property as OI. Walgreen's came to the church with an offer. Rast continued that the study claimed the office market was overbuilt; however, approximately 140,000 square feet of office space had been approved in the last two-three years, and it was all located in OI or already zoned LUC to permit the office component.

Rast noted that the rezoning was an emotional issue. He said it was not staff's intent to limit growth or deny the church the right to move. The recommendation was based on the fact that the property has been zoned OI since 1981, and had been land used CS since 1985. Changing the land use designation and changing the zoning would set an awful precedent for future rezonings. He continued that staff knew redevelopment was coming and all redevelopment to this point had been consistent with the Land Use Plan and zoning.

Rast continued that the applicant's analyst said, because the property was located on a corner lot at a signalized intersection, that the highest and best use for the property was commercial. The Eastbrook Bend office park was a quarter mile down the road, which was located on a corner that probably met the warrants for a signal. The building was 25-30 years old and a similar request could come for that area. It was also one of many areas in the City where redevelopment might occur that neither the City nor the Land Use Plan had planned. The Planning Commission unanimously voted to deny the request. Staff's recommendation was that the rezoning not be approved.

Weed asked Rast to show the zoning areas on the map. Kourajian asked if all the churches were zoned OS. Rast said they were not, but it was a recommendation of the 1995 task force to give all churches a land use designation of CS and rezone the church tracts to OS. The City went through the process of implementing the task force recommendation, but the churches made it clear they did not want the OS zoning. Some of the churches stayed in their zoning categories. The Line Creek Baptist Church property had always been zoned GC, and that area along GA 54 West had been designated as the town center. All of the property was zoned GC and was supposed to be the major concentration of large retail in the City.

Galloway rebutted the points made by the opposition. Galloway asked where to find the minimum lot size in the OI ordinance. Meeker said it was under Section 1005A.4(a). Galloway said he pulled his copy of the ordinance off the City website and could not find any reference to 20,000 square feet. He said, based on his information, the minimum lot requirement was three acres. A correct copy was provided from the website.

Galloway addressed the opposition's ten reasons. The first point, opposed by the community, was not relevant to zoning. Zoning was not a popularity contest, but a land use contest based in large on planning and value. He noted the offices at Eastbrook Bend, but said the big difference in property values was that GA 54/Peachtree Parkway was a commercial corner with a signal. If commercial uses were restricted to commercial nodes and village centers, then there would not be an issue of commercial spreading into Petrol Point and Stevens Entry.

Galloway continued that there was a decrease in traffic coming up the parkway because the accel/decel lanes on GA 54. Those lanes improved and protected traffic at the corner. The purpose of the traffic pattern was to improve traffic, not make it worse. He did not believe that the traffic would be a threat to the school bus stop located past the fire station, especially since 50% of the traffic coming in and out of Walgreen's would be passing traffic, not destination traffic centered on that location.

Galloway explained that the covenant in the deed to the church had been designed to protect PCDC. In 1970, there had been no village plan at Peachtree Parkway/GA 54. The village node, or center, became planned when PCDC got an offer to buy property across from the church, or what was now the shopping center. The covenant was designed to protect PCDC from the risk of the church selling to a commercial developer.

As for the "supersize" defense, Galloway said the stores in Fayetteville were mature stores. Mature stores were 30 months old, or had gone through two Christmas seasons. Both of the stores had been in existence since 2002. The issue was the use of the property.

Galloway noted the opposition's assertion that the rezoning was not consistent with the planned community concept. He reviewed the same plans the City reviewed, and the

plan called for this type of development at the village center. Churches were not listed as a use in the 1985 Land Use Plan village center definition, but offices were.

Galloway said a sale to another church ignored the market value of the property and the investment of Christ Our Shepherd. It was a multi-million dollar acquisition, and another church would have the same issues. A feeder church was not a likely purchaser based on the economics.

Galloway continued that, according to his research, the CS land use designation started in 1995 when the Land Use Plan was amended. He and Rast disagreed on that point. If development was required according to CS, and churches were the only private property in CS, churches' capacity was strapped since churches were not a public use. He noted they agreed with Nigro's traffic count. In an area with 10,000 cars going one way and 20,000 going in the other direction, it was not realistic to believe that traffic would double because of a Walgreen's.

Galloway said a request had been made to rezone the church property to C-2 in 1977. The request had been tied to the shopping center development. The church was developed at the same time as the shopping center.

As for the quality of life issue, Galloway said the property could not reasonably be used for what the church planned to do, which was a valid consideration for Council. He continued that the church represented a different quality of life than a bike path or good landscaping. He asked if the church's quality of life and the role it played were equal to that. He asked if quality of life was tied to golf carts. The church had impacted his quality of life. His son was adopted through the Lutheran Ministries of Georgia. That quality of life was more important than a particular building.

Weed asked Galloway if he agreed with the six standards in Section 1304(d). Weed asked Galloway if he agreed that the rezoning could be denied if any one of the six criteria were not met. Galloway disagreed. Weed said there was no magic formula as to how many, or which, criteria must be met. Galloway agreed that zoning was a balance of those factors based on how Council made the call, and the burden of proof was on the applicant. Weed clarified that Galloway agreed that, beyond one criterion the applicant failed to meet, there was no magic formula for Council to consider. Weed asked Galloway if he agreed that the property had never been zoned commercial. Galloway agreed.

Weed noted there had been a lot of discussion on the mixed-use element referred to in the future land use patterns and village center description. He read from Galloway's paper he submitted, "Crucial to this idea are one, mixed use, and, two, step down development." Galloway said that was correct in regard to the village centers, but he wished it had been applied to the other village centers as Council was going to apply it at this village center. Weed said the other village centers were not relevant to the rezoning request before Council. Galloway said the policy on implementing the village centers

was relevant. Weed asked what policy Council had established. Galloway said there was not another village center with mixed use at all; they were all commercial. The policy was in the Land Use Plan. Weed read the village center definition.

Kourajian asked Rast to identify the four village centers on the map. Rast said the Aberdeen Village center was at the intersection of GA 54/Northlake. The center was commercial/mixed use on two corners and greenspace. The Braelinn Village center was at the intersection of Peachtree Parkway/Crosstown Drive, which included the retail center, Crosstown Court was retail, a bank on the corner, and open space. Kedron Village was at GA 74/Peachtree Parkway. Kedron Village retail center was on one quadrant, the Kedron Office Park was on the north quadrant, Crabapple Elementary School was on one quadrant, and a fire station and open space was on the fourth quadrant.

Weed asked Galloway if he concurred that staff and the Planning Commission could only make non-binding recommendations and could not set policy. Galloway agreed staff and the Planning Commission were supposed to assess the policy and apply it to applications as they came through. Weed noted that the City owned the land behind the fire station adjacent to the parcel. He asked, if the City was willing to help the church expand, would the church be committed to leaving the site. Thomas said the three-acre size limited the use of the property. They had looked at the land behind the fire station and had spoken to Council Members. There had been no violent objection and a soil evaluation had been done. The land was not considered a wetland, but there would have to be some serious culverting done for run-off. The ability to build on the property was almost impossible. They would have to sink pylons into the soil because the soil would not support the weight of a building. The land could be used for additional parking, but would not meet the needs of the church. It also would not meet the church's need for growth. A three to four story building would have to sit right on the setback. There would also be no buffering.

Weed asked if the property had ever been marketed as OI. Thomas said the only offer they had received was from Walgreen's. The property had not been marketed as OI.

Weed asked about the traffic figures in the applicant's packet and who supplied the figures. Galloway said the traffic figures came from Walgreen's. Walgreen's traffic engineer was Ashford Engineers.

Weed asked Galloway why Council could not consider what was on the ground in the area. Weed also asked Galloway if he agreed that it should be a suitable and compatible use in view of the development of nearby property. Galloway said Council could not deny the rezoning because a competitor was located across the street. The zoning around the property was relevant. Weed said it was not just the zoning, but also the use of the surrounding property. Weed asked Galloway if he concurred that the map accurately portrayed the zoning on the ground. Galloway said he could not attest to the zoning for the Latter Day Saints church located on the opposite corner of the intersection or the

subdivision tracts. He was not disputing the zoning map. Rast said the City had prepared the map for the applicants.

Weed asked the size of the largest delivery truck. Kris Sand of Walgreen's said smaller trucks made Walgreen deliveries, but they had no control over the various vendors. They could restrict the vendors, but could not control them. If accessible, an 18-wheeler could make deliveries. She said Walgreen's could limit the times of deliveries by those vehicles.

Weed said there was nothing in the applicant's paperwork regarding noise mitigation. Galloway noted there was a subsequent study on noise and he could make that available. Weed said if Galloway felt it was important, then the study should have been made available to Council.

Rutherford asked Meeker if Council was bound to make a zoning change when an applicant presented an application. Meeker said no. Rutherford asked if Council was bound to approve the request if all six of the criteria were met. Meeker said the church could continue to operate. Meeker said the provision required Council to weigh the factors and all of the factors might not be relevant to the application under consideration. Council was to look at the factors, determine which applied, then determine if the factors balanced toward rezoning.

Rutherford asked Galloway how the church situation differed from PCDC's situation when the shopping center was built. Galloway said whether there was an offer on the property or not, the property was appropriate for commercial development. Rutherford said it was also appropriate as it sat. Galloway said he did not disagree the property was appropriate for OI use under the village center concept. What was proposed was consistent with the village center concept because it was step down and mixed use.

Weed asked Galloway how LUC and OI would be step down. Galloway said the corner would be LUC and OI to the west abutting The Highlands. The church wanted it to be that way because they realized their responsibility to not impact the neighboring properties. Thomas said the entire parcel had to be zoned LUC, with the OI component next to the residential area, due to the lot size requirements as they understood them. Thomas said that had also been staff's direction to them. Galloway said, under the current application, the lot would be rezoned to LUC with the condition of an OI use next to The Highlands. Weed said the zoning would not be a step down because it would all be LUC.

Rapson said staff appeared to disagree with the directions the applicant said they had been given. Rast said they had talked about limiting the second building to OI, but did not tell them that the use had to be OI because of the lot size. It was a conditional use based on rezoning the entire tract as LUC. Galloway said if there was a way to provide for OI zoning on that part of the tract, then he would advise the church and Walgreen's to consider that option. He said it was a better zoning policy for the tract. Weed asked if

traffic information had been included for the OI building. Galloway said he did not know the answer.

Galloway said the decibel level of the parking lot would be the same as normal traffic in a standard parking lot, and would give it to Council subject to returning a copy to him. The traffic generated from Walgreen's would be undetectable based on the current traffic. Weed said the traffic consideration was just for Walgreen's and did not include the other building.

Brown read the additional document into the record – a fax copy from Diebold, Inc., to Spero Shizas of Walgreen's dated October 30, 1994. Galloway verified there was not a specific study for this site. The study was a general study for Walgreen's.

Kourajian asked the applicant to further discuss the marketing of the property as OI. Thomas said the church desired to relocate. They had checked with Christian City, but there was no interest in purchasing the building. They had not been marketing the property prior to the offer from Walgreen's. The property might be zoned OI, but could not be marketed as OI because of the land use requirements. Rapson asked Meeker if that was a true statement. Meeker said it was not, in his opinion. Meeker explained that the property had the land use designation, but zoning controlled the use, and the property could be used for compatible OI uses. If an OI permitted use application were turned in, the City could not turn it down.

Galloway said he generally agreed with Meeker, but continued that the CS designation was a bit strange. The uses were a problem. Council should not look at a planning instrument as a zoning instrument. The Lawton report said that under OI there was no office use because of the economic value of the property.

Rutherford noted that \$3.1 million was a premium price for the property. Thomas verified that the property appraisal was \$3.1 million. He said the assessed value was \$3.1 million and the offer was \$3.5 million. Rapson said he was not sold on the report's findings and cited OI properties on Georgian Park. Galloway said, barring the value of the church property, that Georgian Park properties were generating values of \$300,000 per acre, which was higher than Eastbrook Bend. Rapson said he disagreed about the value of the property if marketed as OI.

Weed asked when CS became a land use designation. Rast said the May 1985 future land use map identified the church property as CS. Brown noted that they were referencing the paper entitled "Glenloch Study Area North Parkway Neighborhood, GI." Rast said he could find no documents earlier than 1985. Galloway said he did not contest the date of the land use designation.

Galloway referred to Rapson's earlier question regarding property values. He said Georgian Park had two lots that sold in December 2004. The prices were \$532 per square foot and \$465 per square foot. The value of those properties was \$200,000-

\$250,000. Rapson said he would not argue, but noted the church location was one of the prime intersections in the City. Galloway said that was the point.

Rapson asked if Walgreen's had any studies on the impact for competing small businesses. He noted that the GA 54/Peachtree Parkway intersection had been the top accident spot in the City last month and year-to-date. A rezoning would establish precedent. Of the 20 churches in the City, only two were OI. If it was all right to rezone this one, then there were another 13 churches on GA 54, GA 74, Peachtree Parkway, and Robinson Road, sitting at prime intersections. He said that was a major concern. Galloway said he did not dispute that, but those churches were not located at village centers. Eckerd's could either deal with Walgreen's or provide better service. He said they were not obligated to think about the effect of Walgreen's on Eckerd. Weed agreed, but added that the plan addressed adjacent uses and the Kroger and Eckerd were adjacent. Kourajian said he was concerned about the small businesses in the shopping center, not Eckerd or Kroger. Rapson said Walgreen's was a mini-Wal-Mart.

Rutherford addressed the comment that the City "did not need a Walgreen's." She said it was not Council's job to decide if a Walgreen's was needed. The church was unable to grow in its space. It was not the job of Council to rezone the property because the church had outgrown the space. It was a policy issue, not an issue of the church or whether Walgreen's and Eckerd's could compete. She referred to Section 1304 and whether or not a rezoning would adversely affect the use of an adjacent property. She said a rezoning would affect the response time for the fire station because traffic would increase on the corner. Some people might just stop by, but the store would be a destination for others. Traffic would increase on the corner. She continued that Council was looking at the zoning and whether the proposed rezoning fit in with the plan.

Brown said the City had high standards and just because Walgreen's was a franchise store did not mean it could not meet those standards. It meant stores could be built to the standards of the community.

Brown asked where Glenloch's village center was located. Rast said all four quadrants of the intersection composed the village center. He pointed out the areas on the map. Brown said ground zero was where the pavement of 54 crossed the pavement of Peachtree Parkway. Brown noted that the most intensive uses should be at the core of the village center when referring to step down zoning. Rast said it depended on the development. There was no set pattern of uses, but all included a mixed use. At Kedron, the most intense use was not at the four quadrants. Brown said that in typical step down zoning the most intense use was at the core. Rast said the village center was an assemblage of property with a mix of uses. The intent of the step down was for usage to be less intense when moving away from the village center. The Land Use Plan talked about the village centers being in certain areas with a mix of uses. It did not specify which uses were where. The plan talked about adjacent uses to the village center and that started the step down. Rast said Braelinn was a perfect example. Brown asked Rast if he agreed that Walgreen's was freestanding and not a strip shopping center. Rast agreed.

Brown asked if there was a document called the village master plan or if the master plan was created by zonings in the 1970s that evolved into a format. Rast said the information came from a zoning and rezoning file for the Peachtree Crossing shopping center. The properties in the shopping center area were rezoned at the same time to create the village center. The first phase of the church already existed. The City had not acquired the property for the fire station at that time. The property for the fire station was donated by Garden Cities, which did have a deed restriction so the City could not sell the land later. In 1981, the City initiated a rezoning on the fire station property and the church property. Brown asked if there was a document called a master plan created by planners for the City or was the master plan created from the zonings in the 1970s that evolved into a format. Rast said he had a master plan document from Garden Cities dated 1977, which had a master plan for the shopping center.

Rapson said he understood there were issues from the past, but even the attorney had agreed that the site had been OI since 1981. Rutherford clarified that the Mayor's point was there was no document entitled "Master Plan." Weed said there was a clear description of village center, and what was on the map was the prototypical village center. (Weed was referring to maps displayed in Chambers.) Rast showed the areas on the maps. Rapson said all those documents evolved into the village master plan. The members agreed. Brown asked how the City today compared to the map. Rast said they were very close, and there had been very few changes. They had gone back and changed the Land Use Plan in conjunction with development, but they had not rezoned areas and then changed the Land Use Plan. Rapson said the development in the area today was consistent with the general development plan developed in 1977. The general development plan became the Village Master Plan. Rast agreed. Brown said City Circle would be the most significant change.

Galloway pointed out that the church had been built in 1975, which predated the Land Use Plan. Brown noted that the land use designation for all the churches changed to CS in 1995. Rast said the recommendation of the Land Use Plan task force was that all churches be rezoned to Open Space and that the land use designation change to CS. Weed said this was irrelevant. Galloway had already conceded the land use designation change. The decision was Council's to make. Weed said, according to what he had read, what was on the ground in the area was consistent with what occurred from 1985, maybe 1977, to today.

Rast read the following portion from Chapter 5, Present Land Use, under Community Services from the 1985 Land Use Plan:

Community services include the municipal building which house City government offices, the police department and the public library, fire stations, schools, churches, cemeteries and Public Works such as water treatment, pollution control and storage facilities. These areas are scattered throughout the City's developed areas, but concentrate along the State Route 54 axis. These facilities generally are located near the existing village centers of Aberdeen and Glenloch and arterial thoroughfares. These locations are easily

accessible by City residents. There are an estimated 226 acres in Peachtree City currently developed as community service facilities. This accounts for 5.3% of all developed land and 1.5% of the total area of the City.

Rast said between 1985 and 1995 several churches were built. The intent of the Land Use Plan update was to put all churches within one land use designation, and that was the language in the 1995 Land Use Plan. Brown asked if there was any language in the Land Use Plan or the Comprehensive Plan that dictated the exact size of a village center. He also asked if there was any language that defined expansion or concentration of the village center. Rast said there was, to his knowledge, not a specific acreage set aside for the village center. He recalled that the villages were designed for roughly 10,000 residents and the village centers were designed for that. He had not found any formulas or acreages. Brown asked Rast what he meant by "expansion of the village center." Rast clarified that the Land Use Map of 1985 designated the northeast and southwest quadrants of the village center as commercial. The church property was designated as CS. By using the word "expansion," Rast said he meant known elements were changing by taking the CS element and changing it to commercial. Brown asked why that was a reason for denial based on the Land Use Plan and Comprehensive Plan. Rast said it went back to the definitions of a village center and mixed-use component, and what should be included in that component. It was taking the office component out of the village center. Brown said expansion should be away from the core, not in the core. Rast noted the village center on the map. He also noted the parcels that were commercial. By rezoning the church property to commercial, the commercial portion of the village center expanded. Brown told Rast that was his personal theory. Rast said it was his position as the city planner and it was an expansion of uses set in 1985. Brown said he could not find what Rast was talking about in the document. Rapson noted it was Rast's professional opinion as the City Planner.

Brown said the Land Use Plan called for "flexible" application of the village center concept. He asked Rast to define "flexible" and whether that would allow room to put varied uses in the center. Rast said that within the general commercial area of village center there were outparcels, combinations of properties, and retail centers that could be mixed within that zoning district. The OI allowed churches, offices buildings, medical offices, and professional office space. The land use designation and zoning provided that mix of uses in the village center.

Brown said Rast had cited "duplication of other available uses" as a reason for denial. He asked if they could regulate duplication. Rast said his evaluation based on the facts was there was an existing drug store across the street. Putting a similar use directly across the street was contrary to the village use concept. Weed said they knew that would be contrary based on Section 1304(d)(2) and in the future Land Use Plan. He continued that, since the origin of the document, there would not be duplicative services. If there were duplicative services, the village center would miss out on other important services. Weed said that legally Council could consider the fact that there was a drug

store across the street. Weed said they could legally regulate the distance between duplicate uses.

Brown asked Rast why he did not discuss traffic in his position paper. Rast said he felt there were other aspects to be considered, but the zoning and land use were most important. He evaluated the traffic, but the zoning and land use were more paramount than the traffic, lighting, and architecture. Those issues presented a strong enough case.

Brown noted that Rast said the rezoning would set precedent. He pointed out that the proposed LUC would be located next to General Commercial (GC) zoning. Rast said staff evaluated the GA 54 East corridor. The office buildings at Eastbrook Bend were dated and zoned OI with exposure to GA 54, and there was a potential to signalize GA 54/Stevens Entry intersection. The applicant's reasoning would also apply to Eastbrook Bend if a rezoning request was submitted, as well as Prime Point, Robinson Road, and Carriage Lane.

Brown noted that Rast's staff document said the land use designation had changed from commercial to CS. He read from a staff document dated February 10, 2005, "subsequently the land use designation of the church was changed from COM Commercial to CS Community Service." Rast said the document presented to Council was dated April 28, 2005. Brown said he was reading from the document presented to the Planning Commission. Weed said that was irrelevant. Council did not have to consider what the Planning Commission did or the staff report. Council was charged with reading the zoning ordinance, listening to the facts as presented, and making a decision.

Rapson said a lot of hurtful things had been said. He had spoken to both sides. Basically an offer had been made and evaluated. He found the church motives to be pure, and felt the church was driven to a calling to its ministry. The church members had been professional, respectful, and godly. While he respected their position, Rapson said he could not support the rezoning. Rapson continued that Galloway said none of the criteria in Section 1304 mentioned quality of life. He disagreed and said all of the criteria were about quality of life, but the central issue was the rezoning. It would have a negative impact on the planned community concept and would degrade the character of the City. The redevelopment was the first of many to come. Rapson continued that he thought there was still an opportunity to expand on the church's existing land, and he was willing to look at leasing the City land to them. Too many Lutherans per acre was a good problem for the City to have. It was worth evaluating whether the City could help or not.

Brown showed a drawing of a Walgreen's in Roswell and said the LUC would require a better building than Walgreen's usually built. It was possible to get a nice Walgreen's.

Rapson moved to accept staff's recommendation of denial as well as the Planning Commission's recommendation of denial for this rezoning. Weed seconded and said he would add reasons to the record. Meeker asked if both the rezoning and change in the

land use had been addressed. Rapson and Weed confirmed that they were addressing both agenda items.

Weed addressed the six criteria to consider for rezoning. He said one of the criteria was whether the rezoning followed the intent of the Land Use Plan and said it had been clearly established since at least 1985 that the property was deemed to be CS. The land use was also consistent with the information on the village center concept, and the current zoning was consistent. As currently zoned, the property was prototypical of good village center step-down.

Weed addressed whether the proposal conformed to the Land Use Plan. Weed said it was irrelevant whether there was a drug store across the street. The Land Use Plan said duplication of services should be considered. The use being proposed would negatively impact the fire station, the traffic flow, the zoning behind the parcel, and would create a health and welfare issue by increasing the traffic. Weed continued that the applicants had presented no evidence of noise mitigation and had not even covered the second proposed building in their traffic estimates.

Weed addressed criterion #3, which was whether the zoning proposal would adversely affect the use of nearby property. He reiterated the reasons listed above. The proposal to alleviate traffic, a right in/right out curb cut on GA 54, would be a death trap. It would be a dramatic change to the traffic pattern in place.

Weed said the property had a reasonable economic use as zoned (criterion #4). Weed continued that OI was, in effect, a type of commercial use, and the church could use the property as zoned without Council's permission. He noted that the City had 75% of the major industry in the County.

Weed continued that a commercial use would not have a negative impact on schools (criterion #5), but could have an impact on school children waiting for the bus on Peachtree Parkway. The applicant did not present any evidence. They submitted only what Walgreen's told them to submit, which did not address the proposal in question.

Weed noted there was no noise mitigation plan (criterion #6), which was reason enough to turn the request down. The applicant and Walgreen conceded there could be 18-wheel trucks coming in and out of the 24/7 operation, which was not fair to the residential neighborhoods.

Weed said all this had been framed as either a religion or anti-religion issue. It was not, and Council could not make a decision based on emotion. The evidence was not there to do what the property owner wanted to do. Weed told the church members that they did wonderful things for the community. Rapson asked Weed if he was agreeable to working with the church on finding a solution for remaining on the existing site. Weed said he could not hint bigger than he had already that he was willing to do so.

Brown said even if the church expanded the parking lot their expansion needs would not be met. Limited use commercial zoning gave the ability to do a lot of things to help control the impact of the development. The main reason the opposition stated as a reason for denial never showed up on the front burner in the staff paper. He was shocked staff did not share the same paramount concerns as the opposition, which was a quandary for him.

The motion carried 4-1 (Brown).

05-05-06 Consider Funding for Remodeling Project at Neely Station

Fire Marshal John Dailey approached Council. Rapson moved to approve the recommendation. Rutherford seconded. The motion carried unanimously.

Weed said the important points were the project would cost \$30,000, and there would still be more than \$200,000 left in PIP contingency.

05-05-07 Briefing on Proposed Intergovernmental Agreement between WASA and City of Senoia

Larry Turner, WASA general manager, addressed Council. Members of WASA in attendance were Steve Bradley, Tim Meredith, Mike Harman, and Jeff Prellberg. Turner added that WASA Chairman John Gronner was unable to attend the meeting.

Turner apologized to Council for their finding out about the talks with the City of Senoia in the newspaper. The negotiations were ongoing. Senoia had met with their planning commission and wanted to make the issue public. A draft document was in the works. Turner gave a PowerPoint presentation (a copy of the PowerPoint is included in the official meeting file).

Turner said the flow discharged into Line Creek. Planterra Golf Course reused the discharge from May to October. Turner went through the expansion at Line Creek and projected use by residential and commercial. Based on the projected estimate at build out, Turner said there should be a flow contingency of 0.76 mgd (million gallons per day). The additional available flow after Photocircuits closed down would be 0.18 mgd, for a total of 0.94 mgd. Senoia was interested in purchasing 0.5 mgd, which left the City with a contingency flow of 0.44 mgd, twice the amount estimated in the initial planning stages.

Turner addressed the financial implications. With the closing of Photocircuits building 810, the system was losing 6.56%, or \$450,033, of its revenues, which meant WASA would run at a deficit. The options included a future rate increase or replacing the revenue stream. Turner pointed out that WASA's budget and revenue matched. Turner said Photocircuits would maintain Building 350. Without a rate increase, WASA would have to go to its reserves.

Turner continued that there had been several comments about density and growth. He went over some quotes from the Metropolitan North Georgia Water Planning District regarding critical areas and septic tanks. The district recognized that septic tanks were a water quality issue, and were not an option in developing and dense areas. Residents within one mile of existing sewer would be required to hook into the sewer. Turner said that the septic tanks used today would not be permitted in the future and everyone would have mini-treatment plants, according to health Department officials.

Turner showed a slide from the Metropolitan North Georgia Water Planning District's 2030 plan. He pointed to the demand center 19, which included parts of Coweta County and all of Fayette County. The area had three treatment plants, two in the City and one in Fayetteville with a total capacity of 10 mgd. The demand center would need 24 mgd in 2030, according to the plan. Twenty-one would come from Fayette County and three from Coweta County. Turner said the agreement would be in line with the Metropolitan North Georgia Water Planning District's plan.

Turner continued that Senoia currently had a 0.49 mgd treatment facility. Senoia's choices were to expand the facility, build a new facility, or contract with WASA. Either way would not change the density. He said Senoia had a 10-year growth plan and it would take approximately one and one-half years until the first flow.

The contract provisions were that WASA would provide 0.5 mgd of capacity in the Rockaway treatment facility, and that Senoia would pay \$3 million for the hook-up to the system over five years at five percent interest. Senoia's cost would be \$3.50 per 1,000 gallons, which was different from the City's rate. Turner explained that approximately \$1 million of WASA's budget was to maintain collection systems and pump stations. Senoia was going to pump the sewage directly to the treatment facility. The actual cost of treatment was \$3.50. Senoia would be restricted on peak flows and wastewater characteristics. Senoia had to comply with the City's sewer use ordinance and design standards. Senoia would have to provide odor control and limit sulfides due to proximity to the park. It would be a win/win for WASA and Senoia.

Kourajian asked how Senoia's use would compare to Photocircuits. Turner said there would be more flow when Senoia reached full capacity. Rapson asked Turner if he was asking for Council's permission. Turner said he was just presenting the facts. Turner said WASA had seen a draft agreement. He was scheduled to meet with Senoia next week.

Rutherford moved to take no action regarding this matter and that Council's lack of action was not considered an approval or disapproval of the potential agreement between WASA and the City of Senoia, and to continue the discussion at a joint workshop. She recommended that two Council Members meet with WASA representatives. Rapson seconded.

Turner said WASA preferred that there be a workshop rather than a committee. He said he would take Council's wishes to the board, and then get back to the City Manager. Rutherford said her point was that Council had the information and Council's lack of action was not approval or disapproval. She said they needed to start talking.

Rapson asked what the residential equivalent was of 500,000 mgd. Turner said the design standard was 300 gallons per lot. Rapson said it was about 1,667 residences. Kourajian asked if entering into an agreement with Senoia would lower rates for the City. Turner said the City's rates would not decrease, but it would offset an increase. Rapson said he would need statistical information on WASA's revenue stream and expenditures for the last three years when the workshop was held. He added that it was critical for WASA's board to take a position on the contract and come to Council to ask permission. Turner said he understood.

Weed asked if providing sewer capacity to Senoia would allow Senoia to increase its population or expand its city limits. Turner said he had not discussed annexation with Senoia. It was strictly a sewer issue for WASA. Rapson clarified that the Authority felt it was their right to sell any excess capacity and they were putting the offer from Senoia on the table. Weed said this could quickly become a development of regional impact and that issue had to be considered.

Brown asked if the agreement would be for 50 years. Turner said it would. Rapson implored WASA to reconsider their position. Brown asked if the plan called for an increase in capacity during the 50 years. Turner said WASA's policy was to review rates every two years. Brown asked if WASA's plan called for an increase in capacity in the next 50 years. Turner said the Metropolitan North Georgia Water District called for an increase in capacity in the demand center area. Rutherford pointed out that Senoia could ask for more capacity, but there was no guarantee they would get it. Turner agreed and said the contract would only guarantee Senoia the 500,000 gallons. Rapson asked if other treatment facilities abutted other counties. Turner said both the Rockaway and Line Creek facilities were on Line Creek.

The motion carried unanimously.

05-05-08 Consider Ordinance on Formation of Peachtree City Governmental Finance Corporation

Brown noted there was an additional document on the dais entitled "Articles of Incorporation of Peachtree City Governmental Finance Corporation."

Financial Services Director Paul Salvatore told Council the corporation formation had to do with the lease/purchase of equipment. If approved, the agreement for the lease/purchase would be considered at the next Council meeting. He continued that the City could not hold title to equipment during the lease period. Currently, those titles were held by the Georgia Municipal Association (GMA), which charged fees for doing so. Salvatore said the corporation would be a Georgia non-profit that existed solely to

hold title to those vehicles. He said Council should move to adopt the ordinance. Council could hold the necessary corporation meetings prior to regular Council meetings. Once done, the City would not have to pay GMA, or any other agency, a fee. All Points Capital would pay all the legal fees for setting up the corporation.

Rutherford asked about the liability of the board of directors. Salvatore said that there was an indemnity clause in the articles of incorporation. The position of the attorney, Earle Taylor, was that the lessor and lessee would be sued if there was a lawsuit. Taylor said they rarely went after the board of directors. Rapson asked if anyone who sued the board of directors could be successful. Salvatore said Taylor doubted there would be any liability.

Weed asked if there would be an insurance fund and who would pay for it. Salvatore said that, by approving the ordinance, Council would not automatically become the directors. The directors would be approved at the corporation's first meeting.

Rapson move to approve the ordinance and have the City Attorney research liability. Weed said without insurance funding he would not participate on the board of directors. Rutherford seconded.

Kourajian asked if there were any negatives to forming the corporation. Meeker said it was becoming more common and that a number of municipalities had done the same thing. Now was the time to do this since the agreements were up for renewal. Meeker said he was not aware of any negatives other than the possible liability issue.

The motion carried unanimously.

Council/Staff Topics

Update on Vehicle Accidents

Weed said he appreciated the information on the accidents. He noted that accidents had doubled, but most were things like backing into the fire station and there were no outside victims. Rutherford said the increase was not as bad as she thought. McMullen said he was concerned about City employees backing vehicles into other objects.

Update on TDK Blvd.

Brown reported that he had spoken to a Coweta County commissioner and to Pathway Communities. The movements were positive and they were playing phone tag. Developmental Services Director Clyde Stricklin said staff had reviewed the modified bridge plans and sent the plans to GDOT for approval. Brown asked if the bridge would accommodate golf carts. Stricklin said the bridge would be wide enough. He said staff had also met with property owners about right-of-way. Rapson pointed out that the City was doing nothing to interfere with the progress of the road.

Rutherford asked the status of the light at GA 74/Georgian Park. Stricklin reported that the traffic study was complete, coupled with the study for Wisdom Road. Weed noted there had been more accidents than usual at the intersection during the last few weeks.

Rapson asked about a building under construction on Commerce Drive that appeared to be made out of solid sheet metal. Rast gave an update on the project. The metal and insulation were going up before the brick and efis. Rapson said it was odd the way it was being done, but it would look fine when completed.

Brown asked about getting the dais documents into the meeting packets so everything would be together. Weed asked if there was a way to cut down on the dais documents. System Administrator Matt Robinson said this was still in its infancy, and staff was still working out the kinks. A CAR was being worked on to address some of the issues.

Kourajian asked if there was an update on the Little League issue. Leisure Services Randy Gaddo said he sent a letter to the association president about the issues she had raised. It came to a lack of communication between the association and staff. Staff was developing a web page system to report suggestions and make complaints. Everything would be documented. He added that they would be doing this for all the athletic associations. Brown said the City needed to provide training sessions since there was such a high turnover of parent volunteers in the organizations. Gaddo agreed that was part of the communication gap. Gaddo said he suggested the association send a letter to the newspaper. Rutherford said either that, or a press release should be prepared. She noted the City spent a lot of time and money on the fields. Gaddo said he sent a letter to the association presidents.

Rutherford moved to convene in executive session to discuss pending litigation and personnel. Rapson seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Brown seconded. The motion carried unanimously.

There being no further business to discuss, Kourajian moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 2:00 a.m.

Betsy Tyler, Deputy City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

City Council of Peachtree City
Minutes of Regular Meeting
May 19, 2005
7:00 p.m.

The City Council of Peachtree City met Thursday, May 19, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:05 p.m. Other Council Members present were: Steve Rapson, Judi Rutherford, and Murray Weed. Stuart Kourajian arrived late.

Announcements, Awards, Special Recognition

Mayor Brown recognized the companies and volunteers that participated in Community Action Day on May 14.

Consent Agenda

- 1. Alcohol License – Change in Licensee and License Representative –
Wal-Mart**
- 2. Consider Sanitary Sewer Easement for Line Creek**
- 3. Consider Easement Agreement with Fayette County for Weather Warning
Siren (Braelinn Road)**
- 4. Consider Appointment of City Attorney**
- 5. Consider Library Commission Appointments**
- 6. Consider Disposal of Surplus Property**

Brown noted there were additional documents on the dais regarding Consent Agenda Item #3 – a letter from City Attorney Ted Meeker dated May 17, 2005, regarding the City Attorney appointment and a memo from the Assistant City Manager to Mayor and Council dated November 15, 2002, with the subject, "Appointment of City Attorney/City Solicitor."

Rutherford moved to approve the Consent Agenda. Rapson seconded.

Rapson asked if staff had confirmed the easement line with Southern Conservation Trust (SCT) (Consent Agenda Item #2) since they were responsible for the Line Creek conservation area. Developmental Services Director Clyde Stricklin said the easements were right on the edge of the property. He added that he had discussed the matter with SCT.

Rapson asked if the residents along Braelinn Road knew the weather-warning siren (Consent Agenda Item #3) was going in their area rather than at the Baseball/Soccer Complex on GA 74. City Manager Bernard McMullen told Council he did not know if Fayette County had notified the residents or not. Rapson said, in that case, they should pull Item #3.

Rapson noted that his mother-in-law was the Library Commission chairman (Consent Agenda #5).

Rutherford amended her motion to approve Consent Agenda #1, #2, #4, #5, and #6. Rapson seconded the amendment. The motion carried 4-0.

Rapson moved to table Consent Agenda #3 until staff could find out if Fayette County sent notification to residents. Rutherford seconded.

Weed asked if Council was saying they were not committed to putting the siren on Braelinn Road at all, or if they were just making sure the County notified the residents. Weed clarified that if Council's approval was contingent upon notifying the neighbors, then they could go ahead and approve the siren. Rapson said he was not in favor of putting the siren in that area if the neighbors did not like the location. He understood that the County felt the Braelinn Road location was better than GA 74 South. Rutherford, a resident of the Braelinn Road area, said she understood why Rapson wanted to notify the residents. She noted that the siren would be tested in February during National Severe Weather Week, and she would be glad to know whether roaring the roaring noise was the train or tornado. In the end, Rutherford said it was good for the whole community.

McMullen asked which areas should be included in the notification. The siren could be heard for one and one-half miles. Rapson said the issue was aesthetics, not noise. Assistant City Manager Colin Halterman said the siren would be located in a greenbelt area and would be brown, similar to the warning siren located on Robinson Road. Halterman said the pole on Robinson Road could not be seen from the road. Rutherford clarified that Rapson's objection was to the pole, not the siren. Rapson said he wanted to know what the pole would look like before the City just put it somewhere. Brown suggested that something about the siren be placed in the newspapers to get comments. Rapson said he would approve the siren based on staff's recommendation that the location was not an issue. Weed said he felt better about that position.

Rapson rescinded his prior motion and moved to approve Consent Agenda #3 based on staff's review of the location and the look of the pole. Rutherford seconded. The motion carried 4-0. Meeker clarified that, pending staff's approval, the Mayor could sign the easement. Weed said yes.

Kourajian arrived at 7:40 p.m.

New Agenda Items

05-05-09 Consider Appointment of Solicitor Pro Hac

Public Information Officer/Deputy City Clerk Betsy Tyler addressed Council. She explained that a solicitor pro hac was needed in the event City Solicitor Marcia Moran took vacation or was ill. Keith Martin had agreed to provide the services for \$100 an hour for two court days, or approximately 16 hours. Tyler said there might also be a few hours of prep time. Tyler said Martin was very experienced and currently served as the solicitor for Tyrone and Fayetteville.

Rutherford asked if the City had advertised for the position. Tyler said they had not advertised for the position due to the short duration. Rutherford said that, potentially, if something were to happen to the City Solicitor, there was no pro hac. She had no problem with approving the appointment for June only. If there was a need for a back-up

long term, she would prefer the position be advertised. Tyler said Council could approve the position for up to three or four times in event something else happened. She agreed that anything repetitive or long-term should go out for bid.

Rapson suggested they approve the appointment through July and advertise for a solicitor pro hac. Council could include the position with other appointments at the end of the year.

Rutherford moved to approve the appointment of the solicitor pro hac through July 2005 and, in the interim, to advertise the position. Rapson seconded. The motion carried unanimously.

05-05-10 Consider Change in Planning Assistant Position from Part-time to Full-time

Stricklin requested Council increase the current planning assistant's position from part-time to full-time. Since the approval of the original request, the Department of Community Affairs (DCA) had changed the deadline for submittal of the Comprehensive Plan from February 2007 to October 2006. The citizens advisory committee had also grown from 12 members to 30 members. The original request had been for two years, five months of time for \$43,500. Stricklin proposed that the change in the position start now rather than in October for an increase of \$6,000 this fiscal year. The budget for the position would increase from \$18,000 to \$40,000 next fiscal year. Stricklin said the increase looked like it would be \$20,000, but that was not the full picture. He said the actual increase over the \$43,000 originally requested to fund the position through February 2007 was \$9,000. Stricklin said they could double the amount of time worked for about \$20 an hour, which was a reasonable expense. The person had been trained, knew the system, and was a cost effective way to get the job done. Stricklin said this was not something he wanted to do, but he felt it needed to be done to get the job done in the cost-efficient manner.

Rutherford moved to approve changing the planning assistant position from part-time for two years and five months, to temporary full-time through October 2006. Kourajian seconded.

McMullen said the position should be approved through September 30, 2006.

Weed said approval of the agenda item would be fiscally irresponsible since they had not looked at hiring an outside consultant. He continued that, not more than four months ago, the Planning staff had assured Council that two and one-half people could handle the workload with the annexation study. Now the department was abandoning the budget to do something different. Weed said the request was totally reactionary and was a perceived crisis. He continued that this was exactly the concern he had expressed during the annexation application. If approved, there would be three full-time planners for the City, which was an incredible number of people for a City this size.

Rapson asked what the funding source was. Financial Services Director Paul Salvatore said the money would come from salary savings, or if not, there was ample money in the general administration contingency account. Rapson asked if there was full support from the City Manager. McMullen said he supported the request.

Rapson said he understood the need associated with filing for the Qualified Local Government status. His concern was that once the position became full-time, it would be hard to take the position out. He asked what would prevent the person holding the job from leaving the position early. Rapson said the argument would be more persuasive if they needed an extra person to handle re-development issues, or other issues the City was handling as buildout approached. Rapson continued that he supported the funding through the end of the budget cycle and through the first quarter of the next fiscal year. Rapson said, based on his experience, that it was more expensive to outsource such positions. He suggested that the person could be utilized in other areas. He said Council could look at the position in October, then decide whether to fund it through the end of the next budget year.

Weed said a consultant, not an employee, was hired when there was a definite termination point. Rapson said the work could be done by an employee for \$40,000, rather than spending \$65,000-\$70,000 for a consultant. Weed said they did not know that because the work had not gone out for bid. Rutherford pointed out that some people were willing to take such a position for the experience, and the person could work on a project they enjoyed. She felt hiring a consultant might also be fiscally irresponsible when someone on staff with experience could do the job. Weed said Rutherford's logic was false since no effort had been made to determine if a consultant would be less expensive. Rutherford said Council had discussed the issue during the budget cycle. Weed said they should try to find out if a consultant would be cheaper. If not, then the person should be hired full-time.

Kourajian said the temporary position was really a consulting position. It might not have gone out for bid, but it was a fixed price contract. He asked if the position was contract or at will. McMullen said the nature of temporary employment was that it was at will. The request was to fund the position through September 30 of this fiscal year. They would bring the position forward to fund it through FY 2006.

Kourajian asked if the employee would be let go if the position were not needed in March 2006. Meeker said all Council was doing was creating and funding a position as a temporary position. A temporary employee could be let go at any time. Weed said the City would have to provide benefits and they would not have to do that for a consultant. McMullen said a consultant would pay for their own benefits out of their rate. McMullen said, even if the position were approved in next year's budget, the longest the person would work for the City would be through September 2006. They would not be spending the money for retirement that was spent on a normal employee. Kourajian said that was a good point, but noted that a consultant would have a fixed contract and they would have to keep the consultant the entire time.

Rapson proposed a compromise that they take the incremental difference and offer the employee a contract to give him incentive to stay through the end of September 2006. McMullen said the position could be done as a contract employee. Rapson said it would depend on how important health insurance and other benefits were to the employee, but the City could make it palatable for the person to stay through September 2006. Weed said he was willing to do that as long as Council knew the actual figures. Rutherford said health insurance would cost more for an independent contractor, anywhere from \$500-\$900 a month. She noted that one of the reasons consultants made so much was because of the expenses. The City would require them to carry liability insurance. She said it was not realistic to hire the person as a contractor for the same amount he was paid now.

Kourajian asked if this matter was coming up because the employee wanted health insurance. McMullen said no. He continued that, after Council Retreat, he and Stricklin had discussed everything that had to be done in order to ensure the Comprehensive Plan was completed. About the same time, they received notification that the plan was due October 1, 2006, rather than February 28, 2007. Staff now had five months less time to complete a monumental task. Someone was already working for the City that was doing a good job. McMullen said it had been his recommendation to hire that planning assistant full-time and he had been agreeable. Brown reiterated that they had to have someone to help meet the DCA deadline.

Weed said the position would not be needed if the City had not taken on the annexation study. Rutherford asked if the employee would work on the annexation study. Stricklin said the employee would not work on the annexation. Weed asked Stricklin how he would accomplish the annexation process. Stricklin said he did not know. They would deal with that issue when it was time. Stricklin noted that Council had asked John Wieland to provide \$20,000 for additional staffing to work on the annexation. Stricklin said when he needed that additional staff he would come to Council. Weed said Council had not asked for additional staff, but funds to cover the costs of the work.

Rapson asked if Council could go back and request the part-time planner be a contract employee, then pay the employee an additional \$5,000 for this year and \$15,000 over next year. He said that would be less expensive than making the person a full-time employee. Rutherford said she was not looking at three full-time planners, but someone to help with a very large project for a short period of time. Rapson said the solution was to make a contract offer to the employee, paying more than he was making today, with a known termination date. Rutherford noted Council had discussed sharing information and consultants with Fayette County and pulling out the City's piece of it, but the person working on the City's Comprehensive Plan should be focusing on the City and not what other things their company was doing at the same time.

Brown asked McMullen how he felt about looking at a consultant and bringing the information to the next meeting. McMullen said, in his experience, consultants took the amount paid to the City employee and marked it up by a 2 or 2.5 ratio to cover their costs. McMullen said his concern was the time. It would take two to three months to put

an RFP together and get it approved. They would also need someone familiar with the area, or who had worked with other jurisdictions. It would take time to bring the consultant up to speed.

Kourajian asked how many hours a week the part-time employee worked currently. McMullen said he worked 20 hours a week. Weed named three planners and said there were a lot of credible planning people in the metro area.

Rapson asked Rutherford to amend her motion to add the stipulation that staff speaks to the individual to see if he was willing to accept a contract with the \$5,000 for this year and \$15,000 next year, which would be cheaper. Rapson said the person would not be paid any more as a full-time employee, but the person would not have benefits. As a contractor, the money would be in the paycheck. Rutherford did not accept the amendment.

Rutherford restated her motion to extend the position to temporary full-time to September 2006. Rapson said he had abstained. Meeker asked the reason for abstention. Rapson said he did not have a reason. Meeker said an abstention for no reason, or without a conflict, counted in favor of the motion. The motion failed 2 (Rapson, Rutherford)-3 (Brown, Kourajian, Weed).

Kourajian said he preferred to wait until the next meeting to make a decision rather than throwing out another motion. Weed said he would provide a list of planning consultants the next day to call. Rutherford said she would not support that without advertising.

Rapson moved to increase the position's hours from 20 hours to 40 hours through the end of the calendar year at the current rate. Kourajian said that was a good idea, but he was not ready to vote. Rapson withdrew his motion.

Weed said he wanted to talk to the employee about a contract and to talk to some consultants. If a third planner was needed, then staff should convince Council during the budget process.

Brown moved to bring the matter up on the next agenda. Kourajian seconded. The motion carried unanimously.

05-05-11 Discuss Term Limitations for Commissions and Authorities

Brown said the City turned down a lot of very qualified people for available positions. He wanted to get feedback.

Rutherford moved to move "05-05-12 Public Hearing – Consider Rezoning – Ergle Tract, GA 74/Wisdom Road – AR to LUC" to be the next item on the agenda. Rapson seconded. The motion carried unanimously.

05-05-12 Public Hearing – Consider Rezoning – Ergle Tract, GA 74/Wisdom Road – AR to LUC

Brown noted there was an additional document on the dais – one page of photos entitled “Ergle Tract (GA74 N & Wisdom Rd.).”

Jerry Peterson represented the owners, Virgil Ergle and Annette Ergle, and applicants, Level 5, the development management team. Peterson requested that the 4.03-acre parcel located at the intersection of GA 74 and Wisdom Road be rezoned from AR Agricultural Reserve to LUC Limited Use Commercial. The plan was to build two multi-tenant office buildings connected by an enclosed atrium. The Delta Employees Credit Union (DECU) would occupy the lower floor of one building. Peterson introduced Joe Kassler of Level 5, who represented the DECU management team who were not able to attend the meeting.

Kassler told Council that the DECU had an office in Braelinn Village for two years. The DECU was a member of the Chamber of Commerce and was the largest credit union in the state with 178,000 members worldwide. Fayette County was home to 5,800 members and half of those members lived in the City. The facility would allow DECU to better serve its growing membership. The DECU would own the buildings, which would be an addition to commercial class A office space. Other projects were proposed in Fayetteville, Mt. Zion Road area, and Eagle’s Landing. Rutherford asked if the Braelinn Village office would close. Kassler said it would remain open.

Peterson said the proposed rezoning was consistent with the Land Use Plan, which was commercial, as well as what was going on along GA 74. He noted that the parcel was surrounded on the north side by another LUC tract, Dalton Carpets and a building under construction. Fairfield subdivision, zoned GR-12, was to the east. The Shell station and the Wisdom Pointe retail center were located across Wisdom Road to the south. The four-lane highway and railroad tracks were located to the west.

Peterson continued that DECU was buying the entire site, so the City would not be dealing with three or four little owners, but one quality development. The plan included the credit union, office space, and limited retail for businesses such as a coffee shop or copy center to serve the development. The proposed plan had 37,600 square feet, with one two-story building and one three-story building connected by an enclosed atrium. Peterson pointed out that the building under construction in Wisdom Pointe was three stories. Other three-story buildings in the area included the Brookside building (60,000 square feet) and the old Siemens building (100,000 square feet). Peterson said the scale of the building would be appropriate for the site.

Peterson pointed to a proposed site plan. He noted there was a 40-foot setback from GA 74, a 25-foot setback from Wisdom Road, and a 75-foot building setback from the residential neighborhood. Although the site was four acres, the area where the building could go was limited. The building had been pushed up as far as possible to GA 74 to get as far away as possible from the residential. Peterson added that it would also present the

right image for GA 74, rather than having the parking all around. He said the use would be good for the site and would put away worries about another gas station or strip center. The internal drive would extend down to Wisdom Road. There would be five drive-in tellers and two ATMs. The headlights would not point toward the residential. There would be four parking areas broken up by landscaping. Detention would be underground. Peterson said they agreed with all of the conditions from staff and the Planning Commission.

Fairfield residents who spoke regarding the proposed rezoning included Rick Walton, Ruth Cooper, and Iris Wong, who lived with her sister, Wendy Wong, and also gave a letter to Council listing her sister's concerns.

Their concerns included:

- A need for more information on what was going in their backyards;
- Security concerns due to the money kept at the credit union;
- Noise and light pollution;
- More information on buffers and lighting; and,
- Traffic flow in parking lot area close to residential.

Stricklin addressed Council and noted that the first step was for Council to approve the rezoning. The next step would be the concept approval. The Planning Commission would have a hearing so the residents could hear specifics about the site plan. The Planning Commission would also approve the final concept plan and the landscape plan. Stricklin pointed out that the building location was restricted due to the setbacks. Limited Use Commercial required a minimum rear building setback of 75 feet. The schematic plan showed that the building would be at least 110 feet from the property line. The site plan met, or exceeded, the building setback requirements for LUC districts.

Stricklin pointed out there were 14 conditions. He read condition #6, which addressed lighting, and limited parking lot lighting to 250-watt metal halide fixtures with a maximum pole height of 30 feet. The illumination level was not to exceed three foot-candles, except at the ATMs. Condition #8 addressed the area between the parking lot and the subdivision. Additional landscaping was required in the buffer area. Stricklin said the applicant showed a 10-foot area of landscaping, and that staff would prefer a 20-foot area. Stricklin said he had discussed the change with the applicant, who indicated they would discuss the change this evening. He said staff felt there was merit to rezoning both parcels LUC. The classification would be consistent with the zoning to the north and would provide a reasonable transition between the commercial developments to the south. He added that a three-story building was under construction in that development. Stricklin referred to attachment "F," the ordinance proposal, and suggested that Section (h) Landscape concept be changed to include the proposed 20-foot landscaped area.

Stricklin referred to the traffic study supplied by the applicant, that indicated a signal was needed at the GA 74/Wisdom Road intersection. The warrants for a signal had been met.

Brown said he would like for the parking lot lighting to be measured, and the limit set on the adjacent properties rather than on the tract. Stricklin said they could require a light analysis with measurements taken every 10 feet. Brown said he wanted a specific reading taken on the adjacent residential properties.

Weed noted there was a huge oak tree on the parcel that looked like it might have to be taken down. Peterson said they had spent a lot of time on the tree and a tree botanist had looked at the tree. The tree was fairly healthy, but it was old. The drip line was about three-quarters of an acre. The expert said any disturbance close to the drip line would endanger the tree. Peterson said they had to remove the existing house and shed, which would endanger the tree. The tree would sit right in front of the building. Weed said the tree would not impact the zoning, but it was an issue that would be there. People would be upset if anything happened to the tree. Rapson said it was more acceptable if the tree died due to the site work rather than from a chainsaw. Peterson added that sometimes it took a few years to know if the tree would survive.

Weed clarified that the drawing they were looking at was Exhibit A and that Council was not by any action accepting the proposed site plan. Weed said he would prefer the rear portion of the tract, which was originally two parcels, be zoned OI Office Institutional. Weed said the OI zoning protected the residents and allowed the applicant to accomplish their goals. He continued that the entire area was either LUC or OI. He felt OI on the rear portion would be a better blend into the residential. Council had been consistent about step-down zoning. Peterson said he was not sure what that would accomplish.

Kourajian clarified that Weed's suggestion would maintain the precedents Council had established. He said splitting the zoning on the parcel could help Council in the future. Peterson said that, under LUC zoning, Council could condition the back portion to OI uses. Rapson said Council's ability to impact future zoning terminated when the zoning was changed. Peterson asked if they could have the drive-in tellers in OI. Weed said they would find out. Kourajian suggested moving the drive-in tellers into the LUC portion. Peterson said that the rear portion of the parcel could be restricted to OI uses under LUC zoning. He pointed out that OI zoning setback requirements were less than LUC requirements. Weed said that could be dealt with in the site plan review. Meeker said Council would have to establish the setbacks now if they wanted them to be stricter than the OI requirements. Peterson pointed out that the setback and buffer areas in their plan were already quite a bit more than required and were more than what was in place on the Dalton Carpets tract. They wanted to be a good neighbor and recognized they had residential neighbors.

Rutherford said she was concerned about the buffers, especially since there was little vegetation in them. Stricklin said that, conceptually, Council could do that, especially with LUC zoning. If Council was concerned about future uses, then there would be more buffer control with LUC. The track record with LUC zoning was also better. Weed asked about OI zoning in the back to be consistent with step-down zoning. Brown said they could create OI zoning within the LUC. Brown noted that LUC zonings were

recorded as ordinances and the ordinance would specifically list the uses. He said it was feasible both ways. Meeker said the property could be zoned OI with conditions. Stricklin pointed out that the LUC with OI uses there would be one zoning, one set of documents, and one set of conditions. The portion was less than an acre.

Stricklin said the proposed rezoning would comply with step-down zoning theory. Applying the theory on a small case-by-case basis was really not consistent with the overall concept. Council could do it that way, but they would accomplish the same thing with the LUC zoning. It was more convenient to have one zoning on one parcel and there was no question what could be done with the property if it was sold.

Rutherford pointed out that the purpose of LUC was to limit the use. Peterson agreed with Stricklin. Peterson said the City really had not done step-down along GA 74, but categories. He pointed out examples on the map. Weed said the "we" was important. Past Councils might have done that, but this Council had not.

Brown said they should take a more in-depth look at appearance, not just consistency of materials, in LUC. Stricklin said that was looked at during the plan approval process. Weed said that the City was ripe for an architectural design ordinance, which was part of Stricklin's mission.

Rapson commented that nothing Council did, except for setting the millage rate, was more important than rezoning. The Planning Commission would handle the conceptual site plan. Council's control ended the moment the lot was rezoned. Meeker said that was correct, unless there was an appeal if the conceptual site plan was denied. Rapson, who voted against the rezoning on the Dalton Carpet parcel, said it was important to set the standard in the corridor to be LUC with step-down to OI. It would make a difference as the corridor was built.

Rapson continued that he was concerned with the height of the buildings and how they looked from Fairfield. The residents would be able to see the buildings. The Planning Commission made decisions on enhanced buffering and landscaping. He would rather see the buffer extended to the east and the ATMs pulled back. Rapson said he did feel the proposed use was good for the property, but he was not prepared to relinquish zoning until he had some answers.

Peterson said there was a 75-foot building setback along the back portion, so there would be no buildings in that area no matter what the zoning was. Rapson agreed, but said the cars would come in along the crest. He suggested pulling the entrance to the west and increasing the buffering. Peterson said the Planning Commission was trying to reduce impervious surface. The plan was already at the minimum number of parking spaces. Peterson said they were open to looking at the landscaping. Rapson said the subdivision appeared to be higher than the parcel and asked Peterson if they would consider a berm. Peterson said if a berm worked they would consider it. He said he would rather save any trees.

Rutherford said there should be enough buffering so the residents could not see people using the ATM. She did not want the residents to feel like they were in the middle of a commercial area. Peterson said they could use a combination of fencing, berms, and trees. Rutherford said she preferred the buffer be green.

Rapson asked about the cart path connections. Peterson said the path was not on the map, but was a condition. The path currently ended at the Fairfield entrance. Stricklin said condition #13 referred to the cart path. Stricklin read from condition #8, and said they could add a fence to the condition.

Brown said to add language to condition #6 so the light must be measured off the property.

Walton asked if the public would have the opportunity to speak when the Planning Commission reviewed the site plan. Stricklin said yes.

Rapson referred to condition #3 and said that it was confusing as written. The condition could be interpreted to read that one building should exceed 37,600 square feet, rather than the maximum for both buildings. Stricklin said the numbers were on the plan and that the larger building was 21,000 square feet. Rapson said he wanted the condition to read, "the total square footage for all buildings will not exceed 37,600 square feet and the maximum for an individual building will not exceed 21,000 square feet."

Peterson said that, for building inspection purposes, the project would be considered as one building since they connected by an enclosed atrium. Rutherford said she could not support Rapson's proposed change. Rapson asked which building would be three stories. Peterson said the northern building would be three stories and approximately 58-60 feet tall. Rapson said they should clarify that the northern building would be three stories and the southern building would be two stories. Peterson showed the buildings on the map and noted the atrium was three stories.

The public hearing closed.

Brown said the proposed use was good for the property. He reiterated that they needed to include measuring the light off the property in condition #8. Brown said he would like to lock up the architecture and materials more. He wanted to ensure what was built fit in with the other developments. He would like to see a pattern book, similar to what had been done with the Lexington commercial area. Rapson asked Brown if he was talking about a design overlay. Brown said they should condition the buffer to include trees and fencing. Rutherford said she did not want to see a straight stockade fence. Brown said they should ensure some understory plantings in front of the fence, on both sides, and overstory trees to help with the view of the building from Fairfield. Rutherford said those items would be covered during the Planning Commission's landscape plan review, but anything Council wanted would not have to be considered at that time. Brown said if there was a 20-foot area with no trees he would rather mandate that a berm go in.

Kourajian said they might need both. Brown said there could be 11 feet, with a five-foot berm and a six-foot fence, then there would be overstory trees staggered on either side of the fence. The understory would block the view of the fence.

Rapson looked at condition #14, the allowed uses. He wanted to narrow and define "restaurants and any business involving the sale of food or beverages on the premises." Rapson discussed the allowed uses, which he said were too generic. He said the uses should be narrowed as much as possible. Brown noted that the uses were listed in the proposed ordinance for the LUC. Weed said they did not want to have another Hangar 74. Brown agreed and said they should condition that there be no 24-hour operation on the site other than the ATMs. Kourajian said the site could become overflow parking for the Wisdom Pointe area. Weed agreed.

Rapson asked Peterson about restaurant uses. Peterson said restaurants were a permitted use, but they planned to have a restaurant that would primarily serve the building's needs, not a bar. He noted that the ordinance said the restaurant should serve the needs of the building. Weed said that was reasonable, but asked what reasonable meant.

Rutherford suggested Council table the rezoning. She said the applicant and staff knew Council's concerns and they should sit down to work on the request, and then come back to Council. Kourajian agreed. He added that Council had thrown out a lot of little ideas that needed to be pulled together. Weed said he was not beyond the OI issue. Rapson said the OI was a deal breaker and was doable.

Rutherford moved to table the rezoning to June 2. Kourajian seconded.

Peterson said he could deal with the OI issue, but it would complicate things. He was not sure if ATMs and drive-in windows were allowed in OI. The restaurant would not be a 24-hour operation and they could finalize that now. He was bothered by the architectural overlay. This was one custom building. An overlay was used for multiple buildings to ensure the buildings tied together. Weed said they had not seen a rendering of the building and had no idea how it would look. Brown said the visual appearance of the corridor was paramount. There were good things, but also some deterioration. Peterson said this building would be better looking than any of the others, but did not want to be tied to the look of the gas station or carpet store.

The motion carried unanimously.

05-05-12 Discuss Term Limitations for Commissions and Authorities

Brown reiterated this agenda item was for discussion only. He pointed out that Council had term limits. A lot of qualified people were turned down for the positions. His philosophy was that if it could not be done in two terms, then perhaps it should not be done. Kourajian agreed to consider it since they were turning away good people to keep someone in a position. He continued that he felt the commissions and authorities were there to help guide, lead, make decisions, and develop a vision, not a specific task.

Brown agreed, but said the inverse was true. People became stagnant and lost their innovation. Kourajian said Council was remiss if they were turning away qualified people just to keep people in a position because they have been there.

Weed said they should call this what it was. The fear was that long-term appointees created powerful fiefdoms and retained control, and began to ignore the wishes of Council. Rutherford said every Council had the opportunity to change that. People had served on boards for 20 years, which was a bad decision made by a lot of Councils. She said she would rather limit the length of the terms so the terms would roll over faster. Rapson agreed and said if there was a fiefdom, then Council let it happen. The length of terms varied from three to five years.

Weed said the point of the appointment process was to take the politics out, but it also took the accountability out. Elected officials were accountable to the voters. He said he would talk about shorter terms, which also meant more community voices would be involved in the governing process other than the elected officials.

Rapson and Rutherford both said terms should be three years. Rutherford said she had always been concerned about the length of the terms, even when she served on the Library Commission. Three years were sufficient. If the person was doing a good job, then Council would put them back in the position. They did not need to limit the number of terms, but the length of terms.

Meeker pointed out that the Water and Sewerage Authority, the Airport Authority, and the Development Authority had been created by local acts of the legislature. The state law limited Development Authority terms to four years. Halterman said the WASA terms were five years. Meeker said WASA's terms were set by the enabling legislation and any change must be made by the General Assembly. Rutherford said she was not opposed to asking for a change in the legislation. Weed said they should also look at the Tourism Association. He noted that McMullen was a member as long as he was the city manager. The Recreation Commission chairman was also a designated member. Weed said there might be nuances to tweak.

Rapson said three or four years would be a good length. Weed said multiple Councils would have the opportunity to review appointments if the terms were limited to three years. Staff was directed to look into the matter.

Council/Staff Topics

Brown noted that a resident stated the home values were plummeting in Planterra Ridge during the May 3 meeting. Brown asked Karen Demsky, the Planterra Ridge Homeowners Association president and a realtor, to provide some information. Brown pointed out that compared to Fayette County and the rest of the City, the home sales in Planterra Ridge outperformed the others in all areas. (A copy of the information is included in the meeting file.)

McMullen noted that Council had received a letter from Virginia Gibbs, the president of the Fayette County Chamber of Commerce, concerning the Chamber's support for the TDK project. Rapson had suggested Council send a response. McMullen said he e-mailed the response and had received no changes. Rapson said he had some changes and suggested that the "we" used in the last two sentences of the middle paragraph be changed to "they," since the sentences referred to the Airport Authority. Rapson also wanted to add the following sentence at the end, "Finally, there is nothing, I repeat nothing, that the City can be doing, is not doing, nor will not do, in regards to expediting this project." Weed said he would not sign the letter if it said there was nothing the City would not do to support the project. Weed was not willing to spend more money. Rapson suggested adding, "There is nothing the City is doing that we have not done." Council directed Tyler to make the corrections and bring the letter back for signature.

Rutherford moved to convene in executive session to discuss pending litigation and personnel. Rapson seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Rapson seconded. The motion carried unanimously.

Rutherford moved to authorize the City Attorney to file the appropriate legal action, if necessary, regarding the matter discussed in executive session. Kourajian seconded. The motion carried unanimously.

Weed moved to waive any potential conflicts regarding one law firm, Mullins, Whalen and Westbury, representing the City and the other defendants in the Jennifer Geddie case, and to authorize the Mayor to sign the conflict waiver form as requested by James Westbury. Rutherford seconded. The motion carried unanimously.

There being no further business to discuss, Brown moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 10:15 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

2005 City Event Calendar

	<u>May</u>	<u>June</u>
	5/30 – Memorial Day, City Offices Closed Memorial Day Celebration, 7:30 am at City Hall	6/2 – City Council Meeting, 7 pm 6/16 – City Council Meeting, 7 pm
<u>July</u>	<u>August</u>	<u>September</u>
7/4 – Independence Day, City Offices Closed 9 AM – Parade 7 PM – Concert on Plaza 9:30 PM - Fireworks 7/7 – City Council Meeting, 7 pm 7/21 – City Council Meeting, 7 pm	8/4 – City Council Meeting, 7 pm 8/18 – City Council Meeting, 7 pm	9/1 – City Council Meeting, 7 pm 9/5 – Labor Day, City Offices Closed 9/12-16 – Qualifying for City Election 9/15 – City Council Meeting, 7 pm 9/17 & 18 – Shakerag Arts & Crafts Festival
<u>October</u>	<u>November</u>	<u>December</u>
10/6 – City Council Meeting, 7 pm 10/20 - City Council Meeting, 7 pm	11/3 – City Council Meeting, 7 pm 11/8 – Peachtree City General Election 11/17 - City Council Meeting, 7 pm 11/24 & 25 – Thanksgiving Holiday, City Offices closed 11/29 – Runoff Election (if needed)	12/1 – City Council Meeting, 7 pm 12/15 – City Council Meeting, 7 pm 12/23 & 26 – Christmas Holiday, City Offices closed.
2006		
<u>January</u>	<u>February</u>	<u>March</u>
1/5 – City Council Meeting, 7 pm 1/19 – City Council Meeting, 7 pm	2/2 – City Council Meeting, 7 pm 2/16 – City Council Meeting, 7 pm	3/2 – City Council Meeting, 7 pm 3/16 – City Council Meeting, 7 pm

Note: Items in **BOLD** are new additions

Updated 5/26/05

ADMINISTRATIVE SERVICES MONTHLY REPORT

For Month of: April 2005

	<u>March-05</u>	<u>April-05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
<u>Human Resources</u>				
Workers Compensation Claims Filed	5	3	14	16
City Vehicle / Equipment Accidents	2	0	8	8
Lawsuit Legal Fees	\$8,489.78	\$8,277.80	\$70,046.40	\$33,515.84

Municipal Court

Fines Collected	\$125,737.90	\$96,595.50	\$752,007.88	\$753,039.57
Online Transactions	146	131	1,001	820
Citations Closed	730	605	4,760	5,036
Jail Fund Balance	\$4,935.63	\$3,793.08	\$60,354.69	\$52,429.16

A positive Jail Fund Balance reflects a credit with the County based on jail fees paid versus number of prisoners housed

Public Information

New Businesses Registered	27	16	201	203
Public Contacts, Questions & Complaints	95	74	475	374

This includes 4 complaints against Comcast Cable Company, 3 sanitation complaints (2 against EPI, 1 against Allsouth), and 6 Open Records/Lawsuit Discovery Requests.

**PEACHTREE CITY BUILDING DEPARTMENT
FY 2005**

	Mar-05	Apr-05	Fiscal Y-T-D 2005	Fiscal Y-T-D 2004
DEVELOPMENT PERMITS:	28	16	94	192
BUILDING PERMITS:				
Single Family Residential	17	13	62	177
Multi-Family Residential	9	0	9	5
Misc.-Pools/fences/additions	67	41	341	426
Commercial/Industrial	8	10	73	57
TOTAL INSPECTIONS:	597	512	3,683	5,587
CERTIFICATE OF OCCUPANCY:				
Residential	15	8	113	159
Commercial	4	10	24	26
Multi-Family Residential	0	0	3 *	12
CODE ENFORCEMENT:				
Sign Violations	80	15	508	962
Rehab	13	26	114	84
Notice of Violations	237	368	1712	2,315
Citations	1	4	12	25
Stop Work Orders	8	8	58	92
Complaints From Citizens	16	21	113	158
PERMIT FEES COLLECTED:	34,592	27,711	246,584	362,415
POPULATION:	35,703	35,720	35,720	35,183

Based on 2.09 of completed occupancy

***Fire rebuild in Twiggs Corner, not added to population figure.**

**PEACHTREE CITY FIRE/EMS DEPARTMENT
2005 MONTHLY REPORT**

	Mar. 05	Apr. 05	2005 Y-T-D	2004 Y-T-D
FIRE/ACCIDENT CALLS				
Residential	4	3	26	16
Business/Industrial	1	0	7	9
¹ Rescue/EMS Assist	159	127	949	
¹ Vehicle/Golfcart Accidents	27	19	143	
¹ False Alarms	28	16	166	
² Other	39	32	223	1293
Total Engine Response	258	197	1514	1318
 Dispatched Fire Calls	 87	 52	 428	 330
 Response Time Fire	 4:55	 4:56	 4:56	 4:39
 RESCUE/EMS				
Trauma	36	56	438	272
Medical	58	60	551	416
Total # Patients	94	116	989	688
 Patients Transported	 46	 54	 468	 333
 Dispatched EMS Calls	 172	 147	 1095	 1001
 Total Medic Response	 224	 172	 1339	 876
 Dispatched Fire/EMS Total	 259	 199	 1523	 1331
 Response Time EMS	 4:04	 4:17	 4:10	 4:22
 EMS BILLING				
Patients Billed	87	119	588	532
 Revenue Generated	 34,467	 45,070	 226,481	 203,375
 ³ Total Revenue Received	 28,897	 26,869	 134,336	 169,823

¹Previously categorized as Other

²Other miscellaneous responses; gas and water leaks, hazmat spills, etc.

³Revenue Received on All Outstanding Accounts

**PEACHTREE CITY FIRE/EMS DEPARTMENT
2005 MONTHLY REPORT**

	Feb. 05	Mar. 05	2005 Y-T-D	2004 Y-T-D
FIRE/ACCIDENT CALLS				
Residential	4	4	23	11
Business/Industrial	0	1	7	8
¹ Rescue/EMS Assist	129	159	822	
¹ Vehicle/Golfcart Accidents	21	27	124	
¹ False Alarms	18	28	150	
² Other	22	39	191	1103
Total Engine Response	194	258	1317	1122
 Dispatched Fire Calls	 49	 87	 376	 280
 Response Time Fire	 4:19	 4:55	 4:56	 4:39
 RESCUE/EMS				
Trauma	57	36	382	228
Medical	74	58	491	385
Total # Patients	131	94	873	613
 Patients Transported	 69	 46	 414	 305
 Dispatched EMS Calls	 148	 172	 948	 854
 Total Medic Response	 178	 224	 1167	 701
 Dispatched Fire/EMS Total	 197	 259	 1324	 1134
 Response Time EMS	 4:20	 4:04	 4:09	 4:22
 EMS BILLING				
Patients Billed	124	87	469	469
 Revenue Generated	 47,556	 34,467	 181,411	 178,914
 ³ Total Revenue Received	 12,646	 28,897	 107,467	 140,721

¹Previously categorized as Other²Other miscellaneous responses; gas and water leaks, hazmat spills, etc.³Revenue Received on All Outstanding Accounts

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)
STATUS OF FUNDS AS OF
APRIL 30, 2005

Fund	Cash Balance	Total Investment	Total Cash and Investments	YTD Interest
General Fund	\$ 1,845,125	\$ 9,685,776	\$ 11,530,901	\$ 135,409
Neighborhood Parks Fund	14,056	-	14,056	7
DARE Fund	1,337	-	1,337	13
Federal Seizures Fund	8,274	-	8,274	45
HAZMAT Fund	2,354	-	2,354	14
Library Sales Tax Fund	11,174	-	11,174	119
Police Tuition Fund	4,080	-	4,080	29
Youth Council Fund	950	-	950	10
Fire/EMS Grant Fund	-	-	-	-
Athletic Assoc. Funds	35,050	-	35,050	271
Hotel/Motel Tax Fund	-	-	-	-
Library Construction Fund	-	3,015,391	3,015,391	55,263
Public Improvement Funds	60,433	1,008,198	1,068,631	27,530
Debt Service Funds	-	18,273	18,273	24
Municipal Court Fund	45,427	-	45,427	-
Landscape Deposit Fund	116,137	-	116,137	-
Total Collateralized Funds	\$ 2,144,397	\$ 13,727,638	\$ 15,872,035	\$ 218,734
Pension Trust Fund	-	7,173,140	7,173,140	-
Grand Total	\$ 2,144,397	\$ 20,900,778	\$ 23,045,175	\$ 218,734

Collateral Analysis as of April 30, 2005		
Safe-keeping Bank	Bank	Total Held
Bank of New York	Wachovia/SouthTrust Bank	\$ 19,065,146
Bank of New York	Peachtree National Bank	494,375

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)
GENERAL GOVERNMENTAL FUNDS BUDGET COMPARISON
FOR SEVEN MONTHS ENDED APRIL 30, 2005

REVENUES BY MAJOR CATEGORIES				
Description	2005 Amended Budget	YTD Actual	Dollar Difference	Percentage To-Date
General Property Taxes	\$ 8,642,166	\$ 8,138,650	\$ (503,516)	94.17%
Franchise Taxes	1,942,633	995,684	(946,949)	51.25%
Local Option Sales Tax	6,338,418	3,602,210	(2,736,208)	56.83%
Other Sales & Use Taxes	644,013	348,700	(295,313)	54.14%
Business Taxes	1,825,422	1,850,382	24,960	101.37%
Licenses & Permits	909,228	579,897	(329,331)	63.78%
Grants	204,616	-	(204,616)	0.00%
Charges for Services	1,286,591	530,170	(756,421)	41.21%
Fines & Forfeitures	975,667	632,675	(342,992)	64.85%
Investment Income	81,134	135,158	54,024	166.59%
Surplus Carryover	1,761,583	-	(1,761,583)	0.00%
Other Revenue	56,985	87,789	30,804	154.06%
Other Financing Sources	502,436	196,155	(306,281)	39.04%
Total General Fund	\$ 25,170,892	\$ 17,097,470	\$ (8,073,422)	67.93%
Hotel/Motel Tax Fund	946,308	557,806	(388,502)	58.95%
Total General & Hotel/Motel Tax Funds	\$ 26,117,200	\$ 17,655,276	\$ (8,461,924)	67.60%

EXPENDITURES BY DIVISION AND/OR TYPE PERCENTAGE OF BUDGET YEAR COMPLETED - 58%				
Division and/or Type	2005 Amended Budget	YTD Actual	Dollar Difference	Percentage To-Date
Administrative Services	\$ 1,373,422	\$ 713,310	\$ 660,112	51.94%
Developmental Services	1,630,045	747,471	882,574	45.86%
Financial Services	758,073	407,099	350,974	53.70%
Leisure Services	4,422,161	2,371,070	2,051,091	53.62%
Public Safety	9,084,393	4,750,488	4,333,905	52.29%
Public Works	4,445,041	1,961,558	2,483,483	44.13%
Council Contingency	100,000	-	100,000	0.00%
Non-Profit Organizations	15,000	15,000	-	100.00%
Grant Incentive Program	50,000	-	50,000	0.00%
Transfer to Development Authority	35,000	35,000	-	100.00%
Transfers to Other Funds	3,495,772	1,568,590	1,927,182	44.87%
Liability Insurance	73,485	44,213	29,272	60.17%
Legal Services	52,500	86,756	(34,256)	165.25%
General Administration	145,000	-	145,000	0.00%
Other	(509,000)	-	(509,000)	0.00%
Total General Fund	\$ 25,170,892	\$ 12,700,555	\$ 12,470,337	50.46%
<u>Hotel/Motel Tax Fund</u>				
Transfer to General Fund	315,436	158,278	157,158	50.18%
Transfer to Tourism Fund	630,872	316,555	314,317	50.18%
Total General & Hotel/Motel Tax Funds	\$ 26,117,200	\$ 13,175,388	\$ 12,941,812	50.45%

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)

SUMMARY OF MAJOR EXPENDITURES BY CITY MANAGER APRIL 2005			
Description	Vendor	Award	Date
Organic Material Grinding Services	Conkle Tree Service	\$ 12,600	04/18/05
Turf Maintenance Services	TruGreen ChemLawn	24,212	04/27/05

PURCHASING REPORT FOR SEVEN MONTHS ENDED APRIL 30, 2005 AND APRIL 30, 2004		
Activity	Fiscal Year 2005	Fiscal Year 2004
Purchase Orders / Requisitions Processed	1,655	1,344
City Store Requisitions Processed	78	63
Sealed Bids Requested	37	21
Requests for Proposals	11	8
Bids Awarded	18	12
Requests for Proposals Awarded	9	7
Contracts Prepared	12	4
Fixed Assets Purchased	22	15

INFORMATION TECHNOLOGY REPORT APRIL 2005 AND YEAR-TO-DATE		
Activity	Current Month	Fiscal Year 2005
Work Orders Created	95	743
Work Orders Closed	61	619
Work Orders Open	34	53
Corrective Work Orders	6	373
Project Work Orders	5	46
Technical Support	21	223
Website Visits	31,170	164,579

LEISURE SERVICES MONTHLY REPORT

April 2005

<u>Activity Description</u>	<u>Unit</u>	<u>April 05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
Library				
Books Circulated	number	15,322	107,694	114,810*
Internet Usage	visits	2,624	16,096	15,701
Computer Lab Use	hours	16	132	174*

*Library Closed to Move to Temp Location

Recreation

Class/Program Revenue	\$	\$4,995	\$29,741	\$25,277
Playing Surface Mowing	hours	475	1,398	1,334
Playing Field Preparations	hours	840	4,010	3,554
Building Maintenance	hours	472	2,990	2,945
Safety Inspections	visits	50	350	350
Litter Removal	hours	304	2,032	1,898
Complaints answered	number	2	8	11

**PEACHTREE CITY POLICE DEPARTMENT
2005 MONTHLY REPORT**

	APR 05	MAR 05	2005 CYTD	2004 CYTD
PART I CRIMES				
Murder	0	0	0	0
Rape	0	0	1	2
Robbery	0	1	2	0
Aggravated Assault	1	0	3	2
Arson	0	0	2	0
Auto Theft	8	8	19	15
Theft	14	27	66	74
Burglary	4	1	6	9
TOTAL PART I CRIMES	27	37	99	102
ALCOHOL/DRUG ARRESTS				
DUI – TOTAL	18	17	78	91
DUI – ADULT	16	16	66	77
DUI – UNDERAGE	2	1	7	14
MINOR IN POSSESSION OF ALCOHOL	8	3	18	52
DRUG ARRESTS	7	6	31	69
ARRESTS				
PROPERTY CRIMES	3	16	33	44
PERSON CRIMES	4	4	18	25
CITY ORDINANCES	40	50	143	184
OTHER	75	93	272	391
AVERAGE RESPONSE TIME	6.05	5.35	5.49	5.19
CALLS ANSWERED	6026	6692	25,141	25,013
TRAFFIC				
CITATIONS ISSUED	551	627	2318	3578
WARNINGS	359	388	1646	2843
ACCIDENTS	83	112	351	381

TOP 5 ACCIDENT LOCATIONS – MONTH

HWY 54 / HWY 74	7
HWY 54 / PLANTERRA WAY	5
HWY 54 / HUDDLESTON DR	5
HWY 74 / CROSSTOWN RD	3
ABERDEEN / COMMERCE DR	2

TOP 5 ACCIDENT LOCATION – Y T D

HWY 54 / HWY 74	18
HWY 54 / HUDDLESTON DR	14
HWY 54 / PLANTERRA WAY	12
HWY 54 / PEACHTREE PARKWAY	12
HWY 74 / CROSSTOWN DR	11

PUBLIC SERVICES MONTHLY REPORT

APRIL 2005

<u>Activity Description</u>	<u>Unit</u>	<u>April- 05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
Street Patching	Hrs.	131	533	2,040
Street Crack Sealing	Hrs.	201	461	411
Drainage Maintenance	Hrs.	328	2,146	1,330
Street Sweeping	Hrs.	15	279	358
Cart Path Paving	Ft.	0	6,612	11,221
Cart Path Litter Removal	Hrs.	140	664	496
Cart Path Drainage Maintenance	Hrs.	25	903	1,295
R.O.W. Mowing	Hrs.	461	1,241	1,230
R.O.W. Litter Removal	Hrs.	216	1,994	2,766
Landscape Maintenance	Hrs.	28	535	760
Landscape Planting/Mulching	Hrs.	541	2,573	4,031
Litter Removal	Hrs.	0	14	47
Subdivision Sign Maintenance	Hrs.	42	215	400
Traffic Sign Maintenance	Hrs.	67	1,206	815
Vandalism Repairs	Hrs.	6	85	57
Citizen Requests Answered	Num.	130	717	325
Community Service	Hrs.	14	51	84

RECYCLING SITE

Manhours	Hrs.	78	453	626
----------	------	----	-----	-----

PARTICIPANTS

Recycling	Num.	252	1,562	3,254
Composting	Num.	1,419	10,195	7,759
Mulch Pick Up	Num.	154	541	1,510

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Bernard J. McMullen, City Manager

FROM: Colin W. Halterman, Assistant City Manager
Paul J. Salvatore, Financial Services Director
Janet I. Camburn, Assistant Finance Director

DATE: May 24, 2005

SUBJECT: Budget Amendments
June 2, 2005 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached fiscal year 2005 budget amendments.

Discussion:

Attached please find several budget amendments for fiscal year 2005 submitted for your approval.

- Budget amendment 05-022 increases expenditures in the General Fund for indigent care that is offset by revenues from court restitution already received to date and deposited in the General Fund.
- Budget amendment 05-023 increases expenditures in the General Fund for Memorial Day program costs that is offset by donations already received and deposited in the General Fund.
- Budget amendment 05-024 increases expenditures in the General Fund for Battery Park benches that is offset by a donation from the Kiwanis Club of Peachtree City already received and deposited in the General Fund.
- Budget amendment 05-025 transfers approved budget from the Information Technology Department to the General Administration area of the budget to better account for these expenditures.

Explanations also appear on each attached budget amendment.

Budget Impact:

The proposed budget amendments increase the General Fund revenues and expenditures by \$8,050 bringing the 2005 General Fund revenues and expenditures to \$25,178,942.

Thank you for your attention to this matter. If you have any questions please do not hesitate to contact either Paul or Janet.

Attachments

JIC/BUDGET AMENDMENTS – FY 05 – 6/2/05

CITY OF PEACHTREE CITY

BUDGET AMENDMENTS - FISCAL YEAR 2005

June 2, 2005

General Fund

Budgeted Revenue and Expenditures before amendments	\$ 25,170,892
Budget Amendments:	
Indigent Care - Municipal Court	6,500
Memorial Day	350
Battery Park benches	1,200
Budgeted Revenue and Expenditures after amendments	<u>\$ 25,178,942</u>

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 05-022

TRANSACTION

DATE June 2, 2005

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-00-34-1190	Court Restitution	6,500	
100-2650-52-1267	Indigent Care	6,500	
TOTAL		\$ 13,000	\$ -

To increase budgeted expenditures for indigent care for Municipal Court. This increase is offset with actual court restitution that has been received and deposited in the General Fund.

ENTERED

APPROVED

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 05-023

TRANSACTION

DATE June 2, 2005

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-00-38-9000	Other Revenue	350	
100-6110-52-1330	Non-Supportable Recreation Programs	350	
TOTAL		\$ 700	\$ -

To increase budgeted expenditures for Non-Supportable Recreation Programs for Memorial Day program expenses. The costs are offset by donations from the Kiwanis Club of Peachtree City, the Veterans of Foreign Wars, and Peachtree National Bank. Checks totaling \$350.00 have been received and deposited in the General Fund.

ENTERED

APPROVED

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 05-024

TRANSACTION

DATE June 2, 2005

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-00-38-9000	Other Revenue	1,200	
100-6110-53-1650	Small Tools & Equipment	1,200	
TOTAL		\$ 2,400	\$ -

To increase budgeted expenditures for Small Tools & Equipment in the Recreation Department for the purchase of park benches at Battery Park. Funds have been received from the Kiwanis Club of Peachtree City to offset these costs. The check for \$1,200 has been credited to the General Fund.

ENTERED

APPROVED

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 05-025

TRANSACTION

DATE June 2, 2005

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1505-57-	Contingency - Technology	20,500	
100-1535-54-2060	Computer Equipment		20,500
TOTAL		\$ 20,500	\$ 20,500

To transfer budgeted funds from the Information Technology Department for computer equipment to the Administrative area as a Technology Contingency to be better account expenditures.

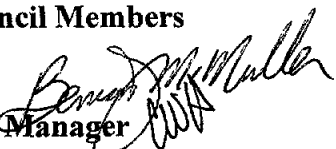
ENTERED

APPROVED

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Assistant City Manager
Director of Financial Services

FROM: Director of Leisure Services 

DATE: May 25, 2005

SUBJECT: Consider PIP Project Location Change
June 2, 2005 City Council Agenda

Recommendation:

That Council approves a request to change the location of construction of a restroom from the Meade adult softball area to the McIntosh Trail Recreation Complex. The Meade project would be reprogrammed in the FY2006 PIP at \$150,000.

Discussion:

We had originally planned on building a restroom to serve the Meade adult softball area. We are now using a port-a-jon there. We were planning on constructing a restroom at the McIntosh Trail complex in FY07. However, the Meade adult area property is in a zone where future development options are uncertain. Since future development may involve this property, we have decided it is prudent to wait before we construct any new facilities there. The McIntosh Trail Recreation Complex (Amphitheater, Gathering Place, BMX track, Shakerag Knoll, Recreation Admin, upcoming dog park) is our most heavily used general recreation complex, in addition to being the prime site for special events. The high usage certainly qualifies it for a public restroom that can be used after normal working hours and on weekends by the wide array of users.

Budget Impact:

We have expended \$3,500 from the Meade budget on engineering work at Meade, leaving \$146,500 for the McIntosh facility. This should be ample funding to complete the project.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: Developmental Services Director *CWS*

VIA: City Manager *Benjamin M. Muller*

DATE: May 26, 2005

SUBJECT: Retain as is Part-time staff and reschedule Planning Commission
June 2, 2005 City Council Agenda

Recommendation:

Retain as is the Part-Time Planning Assistant position. Authorize the Planning Commission to consider current planning applications once per month and issues related to the Comprehensive Plan once or more often as needed until the Plan update is completed.

Discussion:

Planning staff reviewed the "Tasks and Deliverables" and the "Overview of Local Planning Requirements" provided by the Georgia Department of Community Affairs (DCA) on May 1, 2005. As per DCA this Comprehensive Plan process must meet the data as well as a sequential consideration process including the following components: Phase I - Community Assessment, Phase II - Community Participation Program, and Phase III - Community Agenda. Staff proposes to telescope the process of the Tasks and Deliverables and to shift the current planning workload of both Staff and the Planning Commission during the three phases such that no additional staffing will be required. The Planning Commission would meet on its regular schedule (second and fourth Mondays) but would consider current planning applications only on the second Monday and would consider Comprehensive Plan issues with the Citizens Committee on the fourth Monday and other dates as required. Staff would then be able to assemble data and evaluate it with the Citizens Committee and Planning Commission on an advanced schedule. Attached is the proposed schedule for consideration.

Budget Impact:

This request has no budget impact for FY 2005. Funding for the existing part-time position is included in the FY 2006 budget request as previously authorized.

CWS/jir

Attachment

Comprehensive Plan Schedule

Task	2005												2007								
	June	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.
Project initiation																					
Public Hearing to announce Comprehensive Plan update	X																				
Initial organizational Advisory Board meeting	X																				
Data and mapping specifications																					
Population and demographic inventory and projections																					
Economic development assessment																					
Housing assessment																					
Natural and cultural resources assessment																					
Community Facilities assessment - water and sewer																					
Community Facilities assessment - other services																					
Intergovernmental coordination assessment																					
Transportation assessment																					
Prepare Draft Community Assessment																					
Public Hearing																					
Regional and State review and response																					
I. Community Assessment																					
Identification of potential issues and opportunities																					
Analysis of existing development patterns:																					
Update existing Land Use Map																					
Evaluate existing land use patterns and trends																					
Identify boundaries of existing or potential character areas																					
Evaluate current policies, activities and dev. patterns																					
II. Community Participation																					
Identification of stakeholders																					
Identification of participation techniques																					
Develop schedule for completion of Community Agenda																					
III. Community Agenda																					
Develop Community Vision																					
Prepare Future Development Map																					
Define a specific vision for each character area																					
Develop community issues and opportunities																					
Develop implementation program																					
Prepare Short Term Work Program (STWP)																					
Identify long-term and ongoing activities																					
Identify policies to achieve Community Agenda																					
Prepare supplemental plans																					
Adoption Process																					
Public Hearing																					
Submit to ARC and DCA																					
Adopt Comprehensive Plan																					
Preparation of final deliveries																					

Task	2005											
	June	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May

X
X

Project initiation
Public Hearing to announce Comprehensive Plan update
Initial organizational Advisory Board meeting

Data and mapping specifications

Population and demographic inventory and projections
Economic development assessment
Housing assessment
Natural and cultural resources assessment
Community Facilities assessment - water and sewer
Community Facilities assessment - other services
Intergovernmental coordination assessment
Transportation assessment
Prepare Draft Community Assessment
Public Hearing
Regional and State review and response

I. Community Assessment

Identification of potential issues and opportunities
Analysis of existing development patterns:
Update existing Land Use Map
Evaluate existing land use patterns and trends
Identify boundaries of existing or potential character areas
Evaluate current policies, activities and dev. patterns

II. Community Participation

Identification of stakeholders
Identification of participation techniques
Develop schedule for completion of Community Agenda

III. Community Agenda

Develop Community Vision
Prepare Future Development Map
Define a specific vision for each character area
Develop community issues and opportunities
Develop implementation program
Prepare Short Term Work Program (STWP)
Identify long-term and ongoing activities
Identify policies to achieve Community Agenda
Prepare supplemental plans

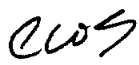
Adoption Process

Public Hearing
Submit to ARC and DCA
Adopt Comprehensive Plan
Preparation of final deliveries

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: Developmental Services Director 

VIA: Assistant City Manager 

DATE: May 27, 2005

SUBJECT: Proposed rezoning of Ergle tract (AR to LUC and OI)
June 2, 2005 City Council agenda

At the May 19 City Council meeting, discussion on this item was continued in order to provide Staff and the Applicant an opportunity to research and address concerns raised by Council and residents of the adjoining subdivision. The Applicant has been meeting individually with City Council members to discuss these concerns, and a meeting has been scheduled for this afternoon with City Staff.

An amended Position Paper has been prepared which takes into account many of the items discussed by City Council, the Applicant and Staff. An amended LUC Ordinance has been prepared with the suggested modifications to this document underlined and in bold print.

Additionally, two alternative amended ordinances have been prepared, with the suggested modifications underlined and in bold print. The first provides for an LUC-20 zone and the second for an OI-1 zone as suggested at Council. Both documents are attached for your review and consideration.

Attachments

POSITION PAPER

Proposed Rezoning: Ergle tracts, GA Highway 74 North and Wisdom Road
City Planner/ Zoning Administrator *David*
May 12, 2005 (originally prepared)
May 26, 2005 (amended)

Situation:

Mr. Virgil Ergle and Mrs. Annette Ergle own two adjoining tracts of land at the intersection of GA 74 North and Wisdom Road. Each tract contains a single-family home. The property fronting GA 74 North is 2.59 acres in size and has two approved driveway cuts from GA 74. The property fronting Wisdom Road is 1.44 acres in size and has a single driveway cut from Wisdom Road.

Level 5, in conjunction with the Delta Employees Credit Union, desires to combine both tracts of land and rezone the entire 4.03-acre parcel from its current designation of AR Agricultural Reserve to LUC Limited Use Commercial. The purpose of the rezoning is to allow the development of two multi-tenant office buildings and associated retail space. One of the buildings would be two stories in height and the other building would be three stories in height. Both buildings would be interconnected by an enclosed atrium. The Delta Employees Credit Union would occupy the lower floor of one of the buildings, and the remainder of the building would contain speculative office space.

Because the property is not currently zoned for commercial use, the Applicant is requesting that it be rezoned to an appropriate classification. A copy of the application is included as Attachment "A".

Facts:

1. The combined tract is 4.03 acres in size and is currently zoned AR Agricultural Reserve. The owners of the property, Mr. Virgil Ergle and Mrs. Annette Ergle, have lived on the property for many years.
2. The Applicant is requesting that the entire tract be rezoned to LUC, Limited Use Commercial, to accommodate two multi-story office buildings. The recent update to the Land Use Plan designated the property fronting GA 74 North as COM, Commercial, and the property fronting Wisdom Road as SFC, Single-Family Cluster. Both parcels were recommended for rezoning under the Limited Use zoning designation (Attachment "B").
3. The property adjoins the Dalton West tract to the north, which was recently rezoned to LUC-18.
4. The property adjoins the Fairfield subdivision to the east, which is zoned GR-12 Residential. A 25' landscape buffer was required along the rear of each lot within this

Ergle tracts, GA 74 North

May 26, 2005

Page 2

subdivision to provide a landscaped separation between the homes and future use of the adjoining properties.

5. The property adjoins Wisdom Road to the south, which requires a 25' wide tree save and landscape buffer. The property adjoins GA 74 to the west, which requires a minimum 40' wide tree save and landscape buffer.
6. The Applicant has submitted a schematic site plan identifying two freestanding buildings interconnected by an enclosed atrium and associated parking and drive-thru lane (Attachment "C"). The drive-thru lanes would not be attached to the building; however, they would have a roof over the individual bank tellers. The plan proposes a 40' wide tree save and landscape buffer adjacent to GA 74 and a 25' wide tree save and landscape buffer adjacent to Wisdom Road.
7. The LUC Limited Use Commercial zoning district requires a minimum rear building setback of 75' if the property adjoins a residential zoning lot (Attachment "D"). The schematic site plan provides a minimum separation of 110' between the property line and the edge of the building. The site plan meets or exceeds all other building setbacks specified within the LUC Limited Use Commercial zoning district.
8. The site plan provides for a natural separation ranging from approximately 20'-50' from the Fairfield subdivision to the edge of paving, which will allow the preservation of existing vegetation or the installation of a substantial landscaped buffer between the two developments. Additionally, the plan proposes an underground stormwater detention system at the rear of the property, which will eliminate the need for a stormwater pond adjacent to the Fairfield subdivision.
9. A right-in/ right-out curb cut from GA 74 will provide access to the northern boundary of the site. The second curb cut from GA 74 will be removed. Two driveways will provide access from Wisdom Road, one of which will interconnect to the existing access road behind the Dalton West tract. This road connection has been discussed for many years and will eventually provide access between Wisdom Road and the Whitlock Place commercial subdivision to the north. No other vehicular access points are proposed.
10. Although not shown on the site plan, a multi-use path connection will be provided from the Fairfield subdivision entrance to the eastern entrance on Wisdom Road.
11. The Applicant contracted with Qk4 to conduct a Signal Warrant Analysis for the intersection of GA 74 North and Wisdom Road, which is identified in the current Peachtree City SPLOST project list for the installation of a traffic signal. The study was prepared assuming existing conditions only and did not include the 6,600 SF Three Dollar Café restaurant, the 62,400 SF Wisdom Pointe retail and office building, or the 34,600SF

Ergle tracts, GA 74 North

May 26, 2005

Page 3

Delta Center. The recommendations from this study found that existing conditions at this intersection warrant the installation of a traffic signal (Attachment "E").

12. At their meeting on April 25, the Planning Commission voted unanimously to forward the proposed rezoning request to City Council with a recommendation that it be approved (Attachment "F").

Recommendation:

Staff recommends that City Council approve the rezoning request for the two parcels at the northeast corner of the GA 74 North and Wisdom Road intersection from AR Agricultural Reserve to LUC-20 Limited Use Commercial with the following conditions:

1. The proposed rezoning applies to both the 2.578-acre and the 1.44-acre tract. A plat must be prepared and recorded which combines both parcels into one 4.03-acre zoning lot.
2. The schematic site plan is intended only to suggest a concept and shall not be considered the final approved development plan. That plan must be prepared and approved as part of the regular site plan review process.
3. The total square footage of all buildings on the subject parcel, including the atrium, must not exceed 37,600 SF. All building setbacks identified within the LUC Limited Use Commercial zoning guidelines must be adhered to.
4. **A minimum buffer of 20' in width must be provided between this development and the adjoining Fairfield subdivision. Within this buffer, a combination of meandering berms, fencing and landscaping must be installed to provide a permanent buffer separating the two properties. The overall height of the berm must be a minimum of 4' in height with a minimum 4-6' high privacy fence. The fence shall be painted or stained a neutral color. A combination of evergreen shrubs and trees shall be installed on both sides of the fence.**
5. The overall plan must be developed in accordance with a unified concept that must be approved by the Planning Commission as a part of the site plan review process. In addition to an architectural concept, a complete landscape concept, a site lighting plan, and a sign program must be submitted to and approved by the Planning Commission.
6. **All lighting on the exterior of each building and all site furnishings must be exactly the same or similar to the exterior building lighting and site furnishings identified within the GA 54 West Design Guidelines.**
7. The architectural design of all buildings must be compatible with the surrounding developments. All sides of each building must include architectural detailing and similar

Ergle tracts, GA 74 North

May 26, 2005

Page 4

building materials and color selections. Additionally, no wall pack security lights or other external security lighting sources will be permitted on the building without prior approval by the Planning Commission.

8. All lighting within the parking lots will be limited to 250-watt metal halide fixtures with a maximum pole height of 30' from finish grade to the top of the pole. Lights must be directed away from the adjoining residential subdivision and public streets. The level of illumination within all parking and service areas must not exceed 3 foot-candles. The level of illumination underneath the ATM canopy must comply with Federal guidelines. **The level of illumination at all property boundaries must not exceed 0.5 foot-candles.**
9. **The business hours of operation for all tenants within both buildings, unless a specific business operates by appointments, shall not extend beyond 9:00PM.**
10. **All outdoor speaker systems must be adjusted so that noise from these speakers does not carry onto adjoining properties.**
11. The site plan must provide for a fully landscaped entrance off of GA 74 and Wisdom Road.
12. Existing vegetation within the area between the parking lot and the adjoining residential subdivision must be preserved to the greatest extent practicable. Additional landscaping will be required within these areas to supplement existing vegetation and to provide for a natural buffer between this and the adjoining residential subdivision. All landscaped areas throughout the site must be irrigated.
13. The site plan will be limited to one right-in/ right-out access drive from GA 74 and two full turning access drives from Wisdom Road. The owner of the property must agree to allow inter-parcel access to the properties to the north via the internal access road from Wisdom Road.
14. The property must be connected to the sanitary sewer system, and all existing septic systems must be properly removed from the site.
15. All of the existing structures on the site must be removed.
16. All existing overhead utility lines that traverse the site must be relocated underground.
17. A multi-use path connection must be provided from the entrance to the Fairfield subdivision to the eastern entrance to the overall development on Wisdom Road.
18. The permitted uses for the combined parcels shall be limited to:
 - (a) Retail business involving the sale of merchandise on the premises.

Ergle tracts, GA 74 North

May 26, 2005

Page 5

- (b) Business involving the rendering of a personal service on the premises.
- (c) Office for governmental, business, professional, or general purposes.
- (d) Restaurants and any business involving the sale of food or beverage on the premises, the purpose of which is to primarily serve the needs of the tenants and visitors within the retail and office complex.

Discussion:

The proposed rezoning of the property fronting GA 74 is consistent with the recommendations of the Land Use Plan. The Land Use Plan recommends that the parcel adjacent to the Fairfield subdivision be developed as a single-family cluster development. The size of this lot (1.44 acres) and the required building setbacks would make this site difficult, if not impossible, to develop as residential. Combining this parcel with the remainder of the overall Ergle tract will allow the provision of substantial landscaped buffers between the developed area and the adjoining residential subdivision, extensive planting areas throughout the site, and a site plan and building that will allow the development of a signature building at this important corner.

The LUC Limited Use Commercial zoning category allows the City to adopt stringent site, building, and aesthetic design guidelines as a part of the zoning process, as well as adopt an overall site plan that provides substantial buffering between the Fairfield subdivision and the proposed development. Also, certain use restrictions can be incorporated as a part of the rezoning. The Applicant has agreed to abide by these restrictions as the property is developed.

Staff feels there is merit to rezoning both parcels to LUC Limited Use Commercial. This zoning classification will be consistent with the zoning classification to the north and provide for a reasonable transition between the commercial developments to the south (across Wisdom Road) and the mixed-use development occurring within the GA 74 North corridor.

The proposed language for the LUC-20 zoning district is attached to this document after Attachment "F."

BOTH TRACTS

LUC-20

**AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE
TO REZONE TWO PARCELS AT THE INTERSECTION
OF GA 74 NORTH AND WISDOM ROAD
FOR A MIXED-USE RETAIL, COMMERCIAL AND OFFICE COMPLEX,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that a 2.578-acre parcel and an adjoining 1.440-acre parcel at the northeast corner of the GA 74 North and Wisdom Road intersection be rezoned from their current designation of AR Agricultural Reserve to LUC-20 Limited Use Commercial by amending Section 1006B Specific Limited-Use Commercial Districts and adding Section 1006B.20 as follows:

(Section 1006B.20) *Limited use commercial district no. 20.*

- (a) Two tracts of property described below shall be rezoned from their present classification of AR Agricultural Reserve to LUC-20. Said properties are more particularly described as follows:

Tract 1

All that tract or parcel of Land lying and being in Land Lot 158 of the 7th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at an ½" rebar placed at the northern right-of-way of Wisdom Road and the eastern right of way of State Road 74 and the thence along said eastern right of way line along a curve to the right an arc distance of 281.58 feet having a radius of 2,754.80 feet being subtended by a chord of North 08°18'59" West a distance of 281.46 feet to a point; thence North 08°18'59" West, a distance of 258.43 feet to an axle found; thence North 88°15'12" East, a distance of 230.09 feet to a ½" rebar set; thence South 08°05'23" East, a distance of 164.19 feet to an axle found; thence South 86°09'27" West, a distance of 20.92 feet to a point; thence South 09°39'51" East, a distance of 343.73 feet to a point on the northern right of way of Wisdom Road; thence along said right of way along a curve to the left an arc distance of 126.34 feet having a radius of 1885.25 feet being subtended by a chord of South 80°38'37" West a distance of 126.32 feet to a point; thence South 78°06'30" West, a distance of 78.02 feet to a ½" rebar placed and the Point of Beginning. Containing 112,309 square feet or 2.578 acres.

Tract 2

All that tract or parcel of Land lying and being in Land Lot 158 of the 7th District, Fayette County, Georgia and being more particularly described as follows:

Commencing at a ½" rebar placed at the northern right-of-way of Wisdom Road and the eastern right of way of State Road 74 and the thence along said eastern right of way line North 78°06'30" East, a distance of 78.02 feet to a point; thence along said right of way along a curve to the right an arc distance of 126.34 feet having a radius of 1885.25 feet being subtended by a chord of North 80°38'37" East a distance of 126.32 feet to a point and THE TRUE POINT OF BEGINNING; thence leaving said right of way North 09°39'51" West, a distance of 343.73 feet to a point; thence North 86°09'27" East, a distance of 20.92 feet to an axle found; thence North 86°09'27" East, a distance of 164.49 feet to a 1-1/2" open top pipe found; thence South 09°21'05" East, a distance of 342.78 feet to an axle found on the northern right of way of Wisdom Road; thence along said northern right of way South 87°53'27" West, a distance of 88.22 feet to a point; thence continuing along said right of way along a curve to the left an arc distance of 95.35 feet having a radius of 1885.25 feet being subtended by a chord of South 84°05'45" West a distance of 95.34 feet to a point an THE TRUE POINT OF BEGINNING. Containing 62,694 square feet or 1.440 Acres.

- (b) The above-described tracts are illustrated in attachment "A", which is included with this Ordinance. It is intended that the LUC-20 zoning district be established specifically for a mixed-use retail, commercial and office complex to be developed substantially in accordance with the following express conditions:

(1006B.20.1) *Conformance with master plan.*

Development shall take place in conformance with the master plan prepared by Summer/ Wise & Associates Architects (last revised April 25, 2005). Any substantive change to this plan or any of the conditions and requirements of this section shall require a new rezoning action.

(1006B.20.2) *Permitted uses.*

- (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) Restaurants and any business involving the sale of food or beverage on the premises, the purpose of which is to primarily serve the needs of the tenants and visitors within the mixed-use retail, commercial and office complex.

(1006B.20.3) *Uses not permitted.*

- (a) Transportation facility or terminal.
- (b) Self-service storage facilities, i.e., mini-warehouses.

- (c) Adult bookstores.
- (d) Package stores.
- (e) Gas stations.
- (f) Off-street auto parking facility.
- (g) Massage parlors.
- (h) Open yard for the sale, rental, and/or storage of materials or equipment, including junk or salvage materials.
- (i) Convenience-type stores.

(1006B.20.4) *Conditional uses.*

No conditional uses shall be permitted within this zoning district.

(1006B.20.5) *Other requirements.*

- (a) Maximum commercial area.

The overall area of retail, commercial and/ or office space shall not exceed 37,600 SF. All requirements listed in Section (1006A.4) are requirements for any development within the LUC-20 zoning district.

- (b) Parking.

Parking shall be provided as set forth in Section 909. Dumpsters, loading and service areas shall not be located within any building setbacks and shall be properly screened from view in accordance with current City ordinances.

- (c) **Buffers and screening.**

A minimum buffer of 20' in width must be provided between this development and the adjoining Fairfield subdivision. Within this buffer, a combination of meandering berms, fencing and landscaping must be installed to provide a permanent buffer separating the two properties. The overall height of the berm must be a minimum of 4' in height with a minimum 4-6' high privacy fence. The fence shall be painted or stained a neutral color. A combination of evergreen shrubs and trees shall be installed on both sides of the fence.

- (d) Curb cuts.

The overall development shall be limited to one right-in/ right-out curb cut on GA 74. The teardrop island within this entrance must consist of stamped and stained concrete or brick or concrete pavers as opposed to plain concrete. The overall site will be limited to two full-turning entrances from Wisdom Road.

(e) Access drive.

The internal access drive interconnecting with the adjoining Dalton West tract shall be designed in such a manner as to allow the free-flow of traffic through this site from Wisdom Road to the adjoining property.

(f) Architectural concept.

A unified architectural concept for the overall tract must be developed and approved by the Planning Commission. The architectural design, building materials and color selections of all buildings and structures on the site must be similar in nature and provide a uniform theme for the overall development. All sides of each building and structure on the site must include similar architectural detailing, building materials and color selections. **Standard wall pack or other security lighting shall not be permitted on the exterior of the buildings unless approved by the Planning Commission.**

(g) Site lighting.

A complete site lighting plan, including all lighting proposed on the exterior of the buildings, must be developed and approved by the Planning Commission. A lighting plan must be submitted which indicates that light from the parking lots, drive aisles, drive-thru and ATM and buildings does not leave the property boundaries of the site. Standard wall pack security lights or other external lighting sources will not be permitted on the exterior of the buildings without approval. The level of illumination within all parking and service areas must not exceed 3 foot-candles. Lighting underneath the ATM canopy shall comply with current Federal regulations. **The level of illumination at all property boundaries must not exceed 0.5 footcandles.**

(h) Signage program.

Signage shall be provided as set forth within the City's Sign Ordinance and in accordance with an overall sign program for the tract that shall be approved by the Planning Commission.

(i) Outdoor speakers

All outdoor speaker systems must be adjusted so that noise from these speakers does not carry onto adjoining properties.

(j) Landscape concept.

A complete landscape plan must be developed and approved by the Planning Commission. The plan must provide for a fully landscaped entrances off of GA 74 and Wisdom Road, including meandering berms and substantial landscaping within the tree save and landscape buffer adjacent to GA 74. Clearing and grading shall be kept to a minimum within the landscaped buffers adjacent to the adjoining subdivision, and these areas must be heavily landscaped with evergreen trees and plant material to assist in providing a visual separation between the proposed development and the adjoining subdivision. All landscaped areas within the site, including the GA 74 and Wisdom Road right-of-ways, must be irrigated.

(k) Utility connections.

The property must be connected to the City's sanitary sewer system, and the existing septic systems must be removed. All overhead utility lines that traverse the site must be relocated underground.

(l) **Business hours.**

The business hours of operation for all tenants within both buildings, unless a specific business operates by appointments, shall not extend beyond 9:00PM.

(m) Application of requirements and conditions:

The requirements and conditions specified in this section shall remain in effect unless specifically amended or revoked by subsequent action of City Council in accordance with the established procedure for zoning amendments; and, in addition, if it is determined that the property will not be developed in substantially the same manner as depicted on the Summer/ Wise & Associates Architects master plan referenced above, and each condition of that plan substantially complied with, the zoning of this property shall automatically revert back to the zoning the property currently holds.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2005.

Stephen D. Brown, Mayor

Attest: _____
City Clerk

ALTERNATIVE

ONE TRACT, LUC-20

ONE TRACT, OI

**AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE
TO REZONE TWO PARCELS AT THE INTERSECTION
OF GA 74 NORTH AND WISDOM ROAD
FOR A MIXED-USE RETAIL, COMMERCIAL AND OFFICE COMPLEX,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that a 2.578-acre parcel and an adjoining 1.440-acre parcel at the northeast corner of the GA 74 North and Wisdom Road intersection be rezoned. **The 1.440-acre parcel is rezoned to OI-1 in a separate section.** The 2.578-acre parcel from their current designation of AR Agricultural Reserve to LUC-20 Limited Use Commercial by amending Section 1006B Specific Limited-Use Commercial Districts and adding Section 1006B.20 as follows:

(Section 1006B.20) *Limited use commercial district no. 20.*

- (a) **The 2.578-acre tract** of property described below shall be rezoned from their present classification of AR Agricultural Reserve to LUC-20. Said properties are more particularly described as follows:

Tract

All that tract or parcel of Land lying and being in Land Lot 158 of the 7th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at an ½" rebar placed at the northern right-of-way of Wisdom Road and the eastern right of way of State Road 74 and the thence along said eastern right of way line along a curve to the right an arc distance of 281.58 feet having a radius of 2,754.80 feet being subtended by a chord of North 08°18'59" West a distance of 281.46 feet to a point; thence North 08°18'59" West, a distance of 258.43 feet to an axle found; thence North 88°15'12" East, a distance of 230.09 feet to a ½" rebar set; thence South 08°05'23" East, a distance of 164.19 feet to an axle found; thence South 86°09'27" West, a distance of 20.92 feet to a point; thence South 09°39'51" East, a distance of 343.73 feet to a point on the northern right of way of Wisdom Road; thence along said right of way along a curve to the left an arc distance of 126.34 feet having a radius of 1885.25 feet being subtended by a chord of South 80°38'37" West a distance of 126.32 feet to a point; thence South 78°06'30" West, a distance of 78.02 feet to a ½" rebar placed and the Point of Beginning. Containing 112,309 square feet or 2.578 acres.

- (b) The above-described tract is illustrated in attachment "A", which is included with this Ordinance. It is intended that the LUC-20 zoning district be established specifically for a mixed-use retail, commercial and office complex to be developed substantially in accordance with the following express conditions:

(1006B.20.1) *Conformance with master plan with no internal setbacks*

Development shall take place in conformance with the master plan prepared by Summer/ Wise & Associates Architects (last revised April 25, 2005). Any substantive change to this plan or any of the conditions and requirements of this section shall require a new rezoning action. **No Internal setbacks will be required between the uses in this LUC-20 Zone and the Adjacent OI-1 zone as long as it is developed in conformance with the master plan.**

(1006B.20.2) *Permitted uses.*

- (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) Restaurants and any business involving the sale of food or beverage on the premises, the purpose of which is to primarily serve the needs of the tenants and visitors within the mixed-use retail, commercial and office complex.

(1006B.20.3) *Uses not permitted.*

- (a) Transportation facility or terminal.
- (b) Self-service storage facilities, i.e., mini-warehouses.
- (c) Adult bookstores.
- (d) Package stores.
- (e) Gas stations.
- (f) Off-street auto parking facility.
- (g) Massage parlors.
- (h) Open yard for the sale, rental, and/or storage of materials or equipment, including junk or salvage materials.
- (i) Convenience-type stores.

(1006B.20.4) *Conditional uses.*

No conditional uses shall be permitted within this zoning district.

(1006B.20.5) *Other requirements.*

(a) Maximum commercial area.

The overall area of retail, commercial and/ or office space shall not exceed 37,600 SF. All requirements listed in Section (1006A.4) are requirements for any development within the LUC-20 zoning district.

(b) Parking.

Parking shall be provided as set forth in Section 909. Dumpsters, loading and service areas shall not be located within any building setbacks and shall be properly screened from view in accordance with current City ordinances.

(c) **Buffers and screening.**

A minimum buffer of 20' in width must be provided between this development and the adjoining Fairfield subdivision. Within this buffer, a combination of meandering berms, fencing and landscaping must be installed to provide a permanent buffer separating the two properties. The overall height of the berm must be a minimum of 4' in height with a minimum 4-6' high privacy fence. The fence shall be painted or stained a neutral color. A combination of evergreen shrubs and trees shall be installed on both sides of the fence.

(d) Curb cuts.

The overall development shall be limited to one right-in/ right-out curb cut on GA 74. The teardrop island within this entrance must consist of stamped and stained concrete or brick or concrete pavers as opposed to plain concrete. The overall site will be limited to two full-turning entrances from Wisdom Road.

(e) Access drive.

The internal access drive interconnecting with the adjoining Dalton West tract shall be designed in such a manner as to allow the free-flow of traffic through this site from Wisdom Road to the adjoining property.

(f) Architectural concept.

A unified architectural concept for the overall tract must be developed and approved by the Planning Commission in general conformity with the GA 54

Design guidelines. The architectural design, building materials and color selections of all buildings and structures on the site must be similar in nature and provide a uniform theme for the overall development. All sides of each building and structure on the site must include similar architectural detailing, building materials and color selections. **Standard wall pack or other security lighting shall not be permitted on the exterior of the buildings unless approved by the Planning Commission.**

(g) Site lighting.

A complete site lighting plan, including all lighting proposed on the exterior of the buildings, must be developed and approved by the Planning Commission. A lighting plan must be submitted which indicates that light from the parking lots, drive aisles, drive-thru and ATM and buildings does not leave the property boundaries of the site. Standard wall pack security lights or other external lighting sources will not be permitted on the exterior of the buildings without approval. The level of illumination within all parking and service areas must not exceed 3 foot-candles. Lighting underneath the ATM canopy shall comply with current Federal regulations. **The level of illumination at all property boundaries must not exceed 0.5 footcandles.**

(h) Signage program.

Signage shall be provided as set forth within the City's Sign Ordinance and in accordance with an overall sign program for the tract that shall be approved by the Planning Commission.

(i) Outdoor speakers

All outdoor speaker systems must be adjusted so that noise from these speakers does not carry onto adjoining properties.

(j) Landscape concept.

A complete landscape plan must be developed and approved by the Planning Commission. The plan must provide for a fully landscaped entrances off of GA 74 and Wisdom Road, including meandering berms and substantial landscaping within the tree save and landscape buffer adjacent to GA 74. Clearing and grading shall be kept to a minimum within the landscaped buffers adjacent to the adjoining subdivision, and these areas must be heavily landscaped with evergreen trees and plant material to assist in providing a visual separation between the proposed development and the adjoining subdivision. All landscaped areas within the site, including the GA 74 and Wisdom Road right-of-ways, must be irrigated.

(k) Utility connections.

The property must be connected to the City's sanitary sewer system, and the existing septic systems must be removed. All overhead utility lines that traverse the site must be relocated underground.

(l) Business hours.

The business hours of operation for all tenants within both buildings, unless a specific business operates by appointments, shall not extend beyond 9:00PM.

(m) Application of requirements and conditions:

The requirements and conditions specified in this section shall remain in effect unless specifically amended or revoked by subsequent action of City Council in accordance with the established procedure for zoning amendments; and, in addition, if it is determined that the property will not be developed in substantially the same manner as depicted on the Summer/ Wise & Associates Architects master plan referenced above, and each condition of that plan substantially complied with, the zoning of this property shall automatically revert back to the zoning the property currently holds.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2005.

Stephen D. Brown, Mayor

Attest: _____
City Clerk

**AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE
TO REZONE TWO PARCELS AT THE INTERSECTION
OF GA 74 NORTH AND WISDOM ROAD
FOR A MIXED-USE RETAIL, COMMERCIAL AND OFFICE COMPLEX,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that a 2.578-acre parcel and an adjoining 1.440-acre parcel at the northeast corner of the GA 74 North and Wisdom Road intersection be rezoned. **The 2.578-acre parcel is rezoned to LUC-20 in a separate section.** The **1.440-acre** parcel from their current designation of AR Agricultural Reserve to **OI-1 Office Institutional District no.1** by amending and adding Section 1005C Specific Office Institutional District no. 1 and adding Section **1005C** as follows:

(Section 1005C.) *Office Institutional district no. 1.*

- (a) The **1.440-acre** tract of property described below shall be rezoned from their present classification of AR Agricultural Reserve to **OI-1**. Said properties are more particularly described as follows:

Tract

All that tract or parcel of Land lying and being in Land Lot 158 of the 7th District, Fayette County, Georgia and being more particularly described as follows:

Commencing at a ½" rebar placed at the northern right-of-way of Wisdom Road and the eastern right of way of State Road 74 and the thence along said eastern right of way line North 78°06'30" East, a distance of 78.02 feet to a point; thence along said right of way along a curve to the right an arc distance of 126.34 feet having a radius of 1885.25 feet being subtended by a chord of North 80°38'37" East a distance of 126.32 feet to a point and THE TRUE POINT OF BEGINNING; thence leaving said right of way North 09°39'51" West, a distance of 343.73 feet to a point; thence North 86°09'27" East, a distance of 20.92 feet to an axle found; thence North 86°09'27" East, a distance of 164.49 feet to a 1-1/2" open top pipe found; thence South 09°21'05" East, a distance of 342.78 feet to an axle found on the northern right of way of Wisdom Road; thence along said northern right of way South 87°53'27" West, a distance of 88.22 feet to a point; thence continuing along said right of way along a curve to the left an arc distance of 95.35 feet having a radius of 1885.25 feet being subtended by a chord of South 84°05'45" West a

distance of 95.34 feet to a point an THE TRUE POINT OF BEGINNING. Containing 62,694 square feet or 1.440 Acres.

- (b) The above-described **tract** is illustrated in attachment "A", which is included with this Ordinance. It is intended that the **Ol-1** zoning district be established specifically for a mixed-use retail, commercial and office complex to be developed substantially in accordance with the following express conditions:

(1005C.1) Conformance with master plan no internal setback required.

Development shall take place in conformance with the master plan prepared by Summer/ Wise & Associates Architects (last revised April 25, 2005). Any substantive change to this plan or any of the conditions and requirements of this section shall require a new rezoning action. **No Internal setbacks will be required between the uses in this Ol-1 Zone and the Adjacent LUC-20 zone as long as it is developed in conformance with the master plan.**

(1005C. 2) Permitted uses.

- (e) Retail business involving the sale of merchandise on the premises.
- (f) Business involving the rendering of a personal service on the premises.
- (g) Office for governmental, business, professional, or general purposes.
- (h) Restaurants and any business involving the sale of food or beverage on the premises, the purpose of which is to primarily serve the needs of the tenants and visitors within the mixed-use retail, commercial and office complex.

(1005C.3) Uses not permitted.

- (j) Transportation facility or terminal.
- (k) Self-service storage facilities, i.e., mini-warehouses.
- (l) Adult bookstores.
- (m) Package stores.
- (n) Gas stations.
- (o) Off-street auto parking facility.
- (p) Massage parlors.

(q) Open yard for the sale, rental, and/or storage of materials or equipment, including junk or salvage materials.

(r) Convenience-type stores.

(1005C.4) Conditional uses.

No conditional uses shall be permitted within this zoning district.

(1005C.5) Other requirements.

(a) Maximum commercial area.

The overall area of retail, commercial and/ or office space shall not exceed **Ol District Standards**. All requirements listed in Section (1005C) are requirements for any development within the Ol-1 zoning district.

(b) Parking.

Parking shall be provided as set forth in Section 909. Dumpsters, loading and service areas shall not be located within any building setbacks and shall be properly screened from view in accordance with current City ordinances.

(c) **Buffers and screening.**

A minimum buffer of 20' in width must be provided between this development and the adjoining Fairfield subdivision. Within this buffer, a combination of meandering berms, fencing and landscaping must be installed to provide a permanent buffer separating the two properties. The overall height of the berm must be a minimum of 4' in height with a minimum 4-6' high privacy fence. The fence shall be painted or stained a neutral color. A combination of evergreen shrubs and trees shall be installed on both sides of the fence.

(d) Curb cuts.

The overall development shall be limited to one right-in/ right-out curb cut on GA 74. The teardrop island within this entrance must consist of stamped and stained concrete or brick or concrete pavers as opposed to plain concrete. The overall site will be limited to two full-turning entrances from Wisdom Road.

(e) Access drive.

The internal access drive interconnecting with the adjoining Dalton West tract shall be designed in such a manner as to allow the free-flow of traffic through this site from Wisdom Road to the adjoining property.

(f) Architectural concept.

A unified architectural concept for the overall tract must be developed and approved by the Planning Commission **in general conformity with the GA 54 Design guidelines**. The architectural design, building materials and color selections of all buildings and structures on the site must be similar in nature and provide a uniform theme for the overall development. All sides of each building and structure on the site must include similar architectural detailing, building materials and color selections. **Standard wall pack or other security lighting shall not be permitted on the exterior of the buildings unless approved by the Planning Commission.**

(g) Site lighting.

A complete site lighting plan, including all lighting proposed on the exterior of the buildings, must be developed and approved by the Planning Commission. A lighting plan must be submitted which indicates that light from the parking lots, drive aisles, drive-thru and ATM and buildings does not leave the property boundaries of the site. Standard wall pack security lights or other external lighting sources will not be permitted on the exterior of the buildings without approval. The level of illumination within all parking and service areas must not exceed 3 foot-candles. Lighting underneath the ATM canopy shall comply with current Federal regulations. **The level of illumination at all property boundaries must not exceed 0.5 footcandles.**

(h) Signage program.

Signage shall be provided as set forth within the City's Sign Ordinance and in accordance with an overall sign program for the tract that shall be approved by the Planning Commission.

(i) Outdoor speakers

All outdoor speaker systems must be adjusted so that noise from these speakers does not carry onto adjoining properties.

(j) Landscape concept.

A complete landscape plan must be developed and approved by the Planning Commission. The plan must provide for a fully landscaped entrances off of GA 74 and Wisdom Road, including meandering berms and substantial landscaping within the tree save and landscape buffer adjacent to GA 74. Clearing and grading shall be kept to a minimum within the landscaped buffers adjacent to the adjoining subdivision, and these areas must be heavily landscaped with evergreen trees and plant material to assist in providing a visual separation between the proposed

development and the adjoining subdivision. All landscaped areas within the site, including the GA 74 and Wisdom Road right-of-ways, must be irrigated.

(k) Utility connections.

The property must be connected to the City's sanitary sewer system, and the existing septic systems must be removed. All overhead utility lines that traverse the site must be relocated underground.

(l) Business hours.

The business hours of operation for all tenants within both buildings, unless a specific business operates by appointments, shall not extend beyond 9:00PM.

(m) Application of requirements and conditions:

The requirements and conditions specified in this section shall remain in effect unless specifically amended or revoked by subsequent action of City Council in accordance with the established procedure for zoning amendments; and, in addition, if it is determined that the property will not be developed in substantially the same manner as depicted on the Summer/ Wise & Associates Architects master plan referenced above, and each condition of that plan substantially complied with, the zoning of this property shall automatically revert back to the zoning the property currently holds.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2005.

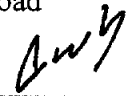
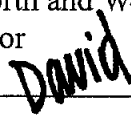
Stephen D. Brown, Mayor

Attest:

City Clerk

POSITION PAPER

Proposed Rezoning: Ergle tracts, GA Highway 74 North and Wisdom Road
City Planner/ Zoning Administrator
May 12, 2005



Situation:

Mr. Virgil Ergle and Mrs. Annette Ergle own two adjoining tracts of land at the intersection of GA 74 North and Wisdom Road. Each tract contains a single-family home. The property fronting GA 74 North is 2.59 acres in size and has two approved driveway cuts from GA 74. The property fronting Wisdom Road is 1.44 acres in size and has a single driveway cut from Wisdom Road.

Level 5, in conjunction with the Delta Employees Credit Union, desires to combine both tracts of land and rezone the entire 4.03-acre parcel from its current designation of AR Agricultural Reserve to LUC Limited Use Commercial. The purpose of the rezoning is to allow the development of two multi-tenant office buildings and associated retail space. One of the buildings would be two-stories in height and the other building would be three stories in height. Both buildings would be interconnected by an enclosed atrium. The Delta Employees Credit Union would occupy the lower floor of one of the buildings, and the remainder of the building would contain speculative office space.

Because the property is not currently zoned for commercial use, the Applicant is requesting that it be rezoned to an appropriate classification. A copy of the application is included as Attachment "A".

Facts:

1. The combined tract is 4.03 acres in size and is currently zoned AR Agricultural Reserve. The owners of the property, Mr. Virgil Ergle and Mrs. Annette Ergle, have lived on the property for many years.
2. The Applicant is requesting that the entire tract be rezoned to LUC, Limited Use Commercial, to accommodate two multi-story office buildings. The recent update to the Land Use Plan designated the property fronting GA 74 North as COM, Commercial, and the property fronting Wisdom Road as SFC, Single-Family Cluster. Both parcels were recommended for rezoning under the Limited Use zoning designation (Attachment "B").
3. The property adjoins the Dalton West tract to the north, which was recently rezoned to LUC-18.
4. The property adjoins the Fairfield subdivision to the east, which is zoned GR-12 Residential. A 25' landscape buffer was required along the rear of each lot within this subdivision to provide a landscaped separation between the homes and future use of the adjoining properties.

Ergle tracts, GA 74 North

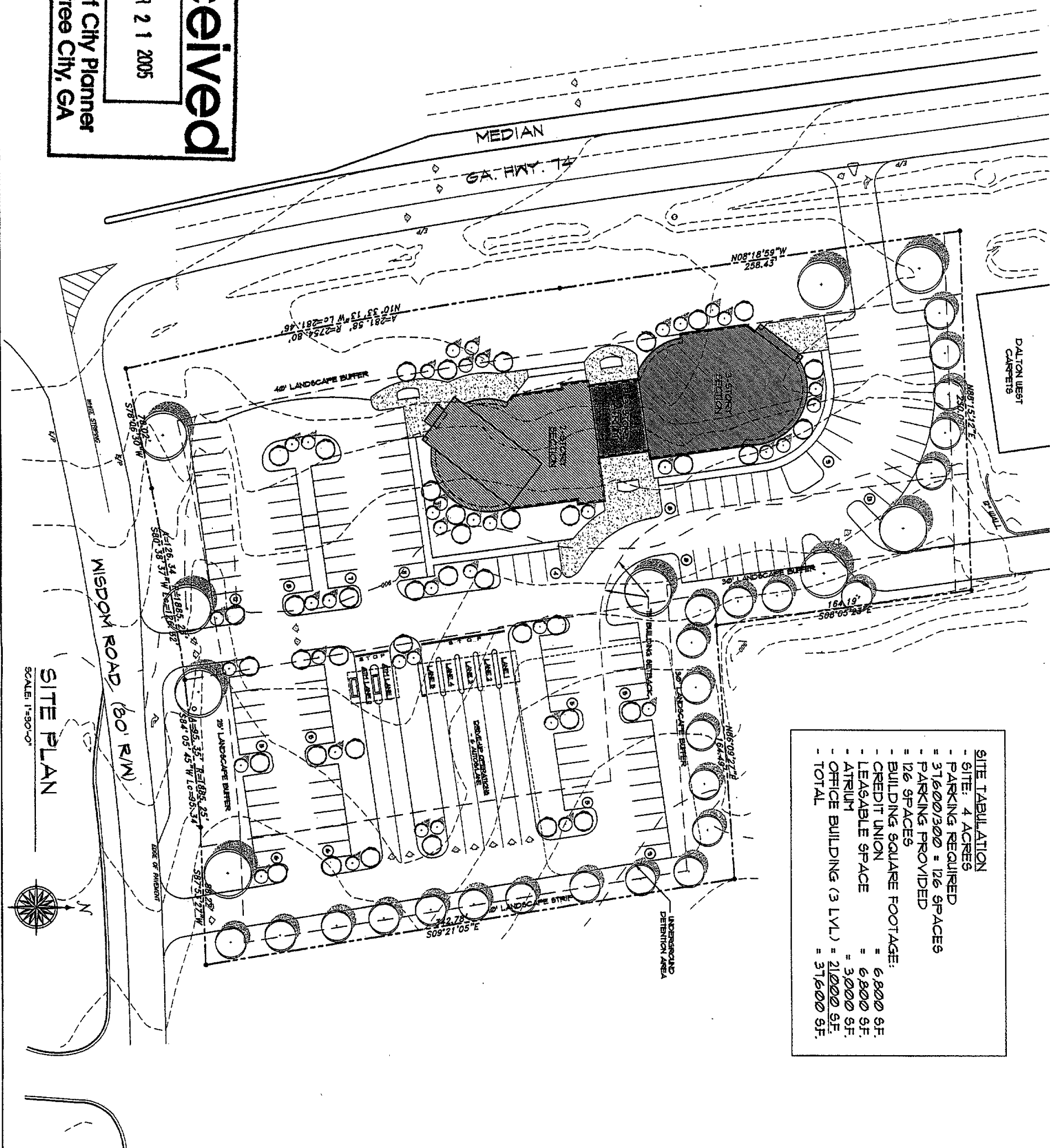
May 12, 2005

Page 2

5. The property adjoins Wisdom Road to the south, which requires a 25' wide tree save and landscape buffer. The property adjoins GA 74 to the west, which requires a minimum 40' wide tree save and landscape buffer.
6. The Applicant has submitted a schematic site plan identifying two freestanding buildings interconnected by an enclosed atrium and associated parking and drive-thru lane (Attachment "C"). The drive-thru lanes would not be attached to the building; however, they would have a roof over the individual bank tellers. The plan proposes a 40' wide tree save and landscape buffer adjacent to GA 74 and a 25' wide tree save and landscape buffer adjacent to Wisdom Road.
7. The LUC Limited Use Commercial zoning district requires a minimum rear-building setback of 75' if the property adjoins a residential zoning lot (Attachment "D"). The schematic site plan provides a minimum separation of 110' between the property line and the edge of the building. The site plan meets or exceeds all other building setbacks specified within the LUC Limited Use Commercial zoning district.
8. The site plan provides for a natural separation ranging from approximately 20'-50' from the Fairfield subdivision to the edge of paving, which will allow the preservation of existing vegetation or the installation of a substantial landscaped buffer between the two developments. Additionally, the plan proposes an underground stormwater detention system at the rear of the property, which will eliminate the need for a stormwater pond adjacent to the Fairfield subdivision.
9. A right-in/ right-out curb cut from GA 74 will provide access to the northern boundary of the site. The second curb cut from GA 74 will be removed. Two driveways will provide access from Wisdom Road, one of which will interconnect to the existing access road behind the Dalton West tract. This road connection has been discussed for many years and will eventually provide access between Wisdom Road and the Whitlock Place commercial subdivision to the north. No other vehicular access points are proposed.
10. Although not shown on the site plan, a multi-use path connection will be provided from the Fairfield subdivision entrance to the eastern entrance on Wisdom Road.
11. The Applicant contracted with Qk4 to conduct a Signal Warrant Analysis for the intersection of GA 74 North and Wisdom Road, which is identified in the current Peachtree City SPLOST project list for the installation of a traffic signal. The study was prepared assuming existing conditions only and did not include the 6,600 SF Three Dollar Café restaurant, the 62,400 SF Wisdom Pointe retail and office building, or the 34,600SF Delta Center. The recommendations from this study found that existing conditions at this intersection warrant the installation of a traffic signal (Attachment "E").

APR 21 2005

Received

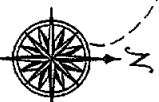


SITE TABULATION

- SITE: 4 ACRES
- PARKING REQUIRED
- 37600/300 = 126 SPACES
- PARKING PROVIDED
- = 126 SPACES
- BUILDING SQUARE FOOTAGE:
- CREDIT UNION = 6,800 S.F.
- LEASABLE SPACE = 6,800 S.F.
- ATRIUM = 3,000 S.F.
- OFFICE BUILDING (3 LVL) = 21,000 S.F.
- TOTAL = 37,600 S.F.

PLAN

SCALE: 1"=30'-0"



Delta Financial Center
Peachtree City

**Delta Employees
Credit Union**
▲ Delta

PROJECT#

**SEMMER WISE
& ASSOCIATES**
ARCHITECTS

180 HARTSFIELD CENTER PKWY., SUITE 1E
ALANTA, GA 30325
(404) 351-0008 FAX (404) 358-2525

1000 CENTURY BLVD., N.E.
ATLANTA, GA 30345
(404) 321-8666 FAX (404) 321-0669

Think strategically, Build creatively

ה. ח. א. ב. ג. ד.

Drawn By: GM
 Checked By: CK
 Scale: 1" = 30'-0"

SITE PLAN

AN

SD-1

NOT ISSUED FOR CONSTRUCTION

Ergle tracts, GA 74 North

May 12, 2005

Page 3

12. At their meeting on April 25, the Planning Commission voted unanimously to forward the proposed rezoning request to City Council with a recommendation that it be approved (Attachment "F").

Recommendation:

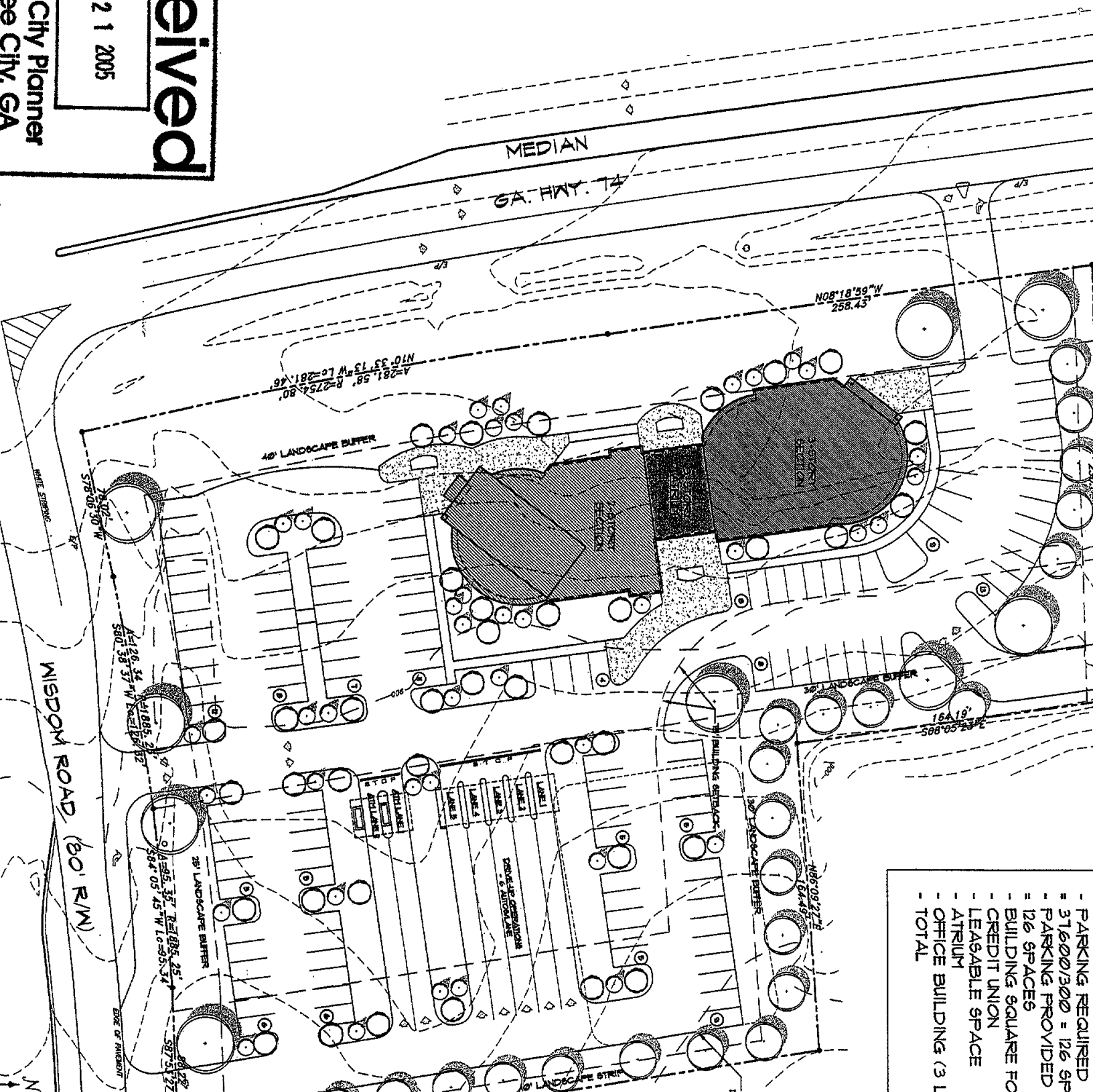
Staff recommends that City Council approve the rezoning request for the two parcels at the northeast corner of the GA 74 North and Wisdom Road intersection from AR, Agricultural Reserve to LUC-20, Limited Use Commercial with the following conditions:

1. The proposed rezoning applies to both the 2.578-acre and the 1.44-acre tract. A plat must be prepared and recorded which combines both parcels into one 4.03-acre zoning lot.
2. The schematic site plan is intended only to suggest a concept and shall not be considered the final approved development plan. That plan must be prepared and approved as part of the regular site plan review process.
3. The total square footage of all buildings on the subject parcel, including the atrium, must not exceed 37,600 SF. All building setbacks identified within the LUC Limited Use Commercial zoning guidelines must be adhered to.
4. The overall plan must be developed in accordance with a unified concept that must be approved by the Planning Commission as a part of the site plan review process. In addition to an architectural concept, a complete landscape concept, a site lighting plan, and a sign program must be submitted to and approved by the Planning Commission.
5. The architectural design of all buildings must be compatible with the surrounding developments. All sides of each building must include architectural detailing and similar building materials and color selections. Additionally, no wall pack security lights or other external security lighting sources will be permitted on the building without prior approval by the Planning Commission.
6. All lighting within the parking lots will be limited to 250-watt metal halide fixtures with a maximum pole height of 30' from finish grade to the top of the pole. Lights must be directed away from the adjoining residential subdivision and public streets. The level of illumination within all parking and service areas must not exceed 3 foot-candles. The level of illumination underneath the ATM canopy must comply with Federal guidelines.
7. The site plan must provide for a fully landscaped entrance off of GA 74 and Wisdom Road.
8. Existing vegetation within the area between the parking lot and the adjoining residential subdivision must be preserved to the greatest extent practicable. Additional landscaping

Received

APR 21 2005

Office of City Planner
Peachtree City, GA



- PARKING REQUIRED
- 31600/300 = 126 SP
- PARKING PROVIDED
- 126 SPACES
- BUILDING SQUARE FO
- CREDIT UNION
- LEASABLE SPACE
- ATRIUM
- OFFICE BUILDING (3 L
- TOTAL

Ergle tracts, GA 74 North

May 12, 2005

Page 4

will be required within these areas to supplement existing vegetation and to provide for a natural buffer between this and the adjoining residential subdivision. All landscaped areas throughout the site must be irrigated.

9. The site plan will be limited to one right-in/ right-out access drive from GA 74 and two full turning access drives from Wisdom Road. The owner of the property must agree to allow inter-parcel access to the properties to the north via the internal access road from Wisdom Road.
10. The property must be connected to the sanitary sewer system, and all existing septic systems must be properly removed from the site.
11. All of the existing structures on the site must be removed.
12. All existing overhead utility lines that traverse the site must be relocated underground.
13. A multi-use path connection must be provided from the entrance to the Fairfield subdivision to the eastern entrance to the overall development on Wisdom Road.
14. The permitted uses for the combined parcels shall be limited to:
 - (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) Restaurants and any business involving the sale of food or beverage on the premises, the purpose of which is to primarily serve the needs of the tenants and visitors within the retail and office complex.

Discussion:

The proposed rezoning of the property fronting GA 74 is consistent with the recommendations of the Land Use Plan. The Land Use Plan recommends that the parcel adjacent to the Fairfield subdivision be developed as a single-family cluster development. The size of this lot (1.44 acres) and the required building setbacks would make this site difficult, if not impossible, to develop as residential. Combining this parcel with the remainder of the overall Ergle tract will allow the provision of substantial landscaped buffers between the developed area and the adjoining residential subdivision, extensive planting areas throughout the site, and a site plan and building that will allow the development of a signature building at this important corner.

The LUC Limited Use Commercial zoning category allows the City to adopt stringent site, building, and aesthetic design guidelines as a part of the zoning process, as well as adopt an overall site plan that provides substantial buffering between the Fairfield subdivision and the

Ergle tracts, GA 74 North

May 12, 2005

Page 5

proposed development. Also, certain use restrictions can be incorporated as a part of the rezoning. The Applicant has agreed to abide by these restrictions as the property is developed.

Staff feels there is merit to rezoning both parcels to LUC Limited Use Commercial. This zoning classification will be consistent with the zoning classification to the north and provide for a reasonable transition between the commercial developments to the south (across Wisdom Road) and the mixed-use development occurring within the GA 74 North corridor.

The proposed language for the LUC-20 zoning district is attached to this document after Attachment "F."

RECEIVED MAR 1 8 2005

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property:

4 ACRES ON THE NORTH EAST CORNER OF GA. HIGHWAY 74
AND WISDOM ROAD IN LL 158 OF 7TH DISTRICT, FAYETTE CO.

This property is presently zoned: AR

The proposed zoning classification is: LUC

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

Signature: [Signature]

Owner: (print) [Signature]

Agent: (print) J. F. KASSLER

Address: _____

Phone: _____ Date: _____

This request, along with the required fee (\$600 + \$25/acre) and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: David E. Rant

Title: City Planner / Zoning Administrator

Date: March 25, 2005

Request Number: 2005-021

Date of Planning Commission Public Hearing: April 11, 2005

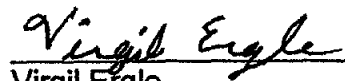
Date of City Council Public Hearing: May 5, 2005

07/01/01

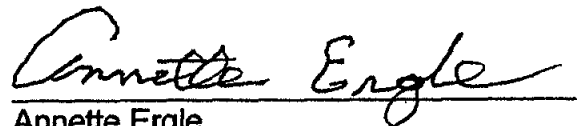
RECEIVED MAR 1 8 2005

DELEGATION OF AGENT

We hereby authorize a representative of Level5, LLC to act as our duly authorized agent for the purpose of requesting a rezoning for that certain property located on the northeast corner of Georgia Highway 74 and Wisdom Road in Land Lot 158 of the 7th District, Fayette County, Georgia, consisting of approximately 4.0 acres.



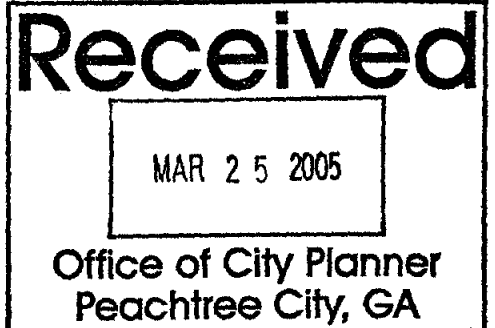
Virgil Ergle



Annette Ergle

DELTA CENTER

LUC ZONING REQUEST



A ZONING REQUEST FOR DELTA CENTER

4.0 ACRES ON THE NORTHEAST CORNER
OF HIGHWAY 74 AND WISDOM ROAD IN
PEACHTREE CITY, GEORGIA

CONTENTS:

1. INTRODUCTION
2. PROPOSAL
3. ANALYSIS
4. SUMMARY

Submitted by:
Fulton Realty Associates, Inc.
361 Highway 74 North
Peachtree City, Georgia 30269
For:
Delta Employees Credit Union

Prepared by:



March 24, 2005

1. INTRODUCTION

Delta Employee Credit Union is acquiring the 4 acres at the corner of Highway 74 and Wisdom Road to provide a larger and more permanent position in Peachtree City. The site is proposed to contain the Credit Union, office and support retail totaling approximately 37,600 square foot.

This portion of Highway 74 has seen substantial retail and office growth in the past few years. To the south of Wisdom Road is the Shell Convenience Store and other retail/ restaurant centers, while to the north is the new Dalton Carpet store. This four acres is about the last of the Highway 74 frontage property to remain undeveloped and in the AR (Agricultural Reserve) zoning, which is the interim holding zoning category. This request to zone the property from AR to LUC (Limited Use Commercial) is consistent with the other properties along Highway 74 and the Land Use Plan.

Delta Employees Credit Union

Delta Employees Credit Union is a cooperative, owned by its members. DECU is a state-chartered credit union with over \$2.5 billion in assets and approximately 178,000 members. The mission is to provide quality and fairly-priced financial services to their members. DECU was organized in 1940, and by 1983 had assets in excess of \$200 million, a first for any credit union in Georgia, and has been the largest credit union in the state since then. DECU has a substantial number of members in Peachtree City and Fayette County.

2. PROPOSAL

This proposal is to zone the 4.0 acres from AR (Agricultural Reserve) to LUC (Limited Use Commercial) to allow the Credit Union, office and support retail to be developed on the site. Delta Employees Credit Union will occupy about 7,000 square feet on the first floor, with office on the second floor, and connected to a three story office building which will contain some support retail. There are five remote drive up operations and two ATM drive ups. These drive up operations are not attached to the building and thus can be located to the rear, and not effect the appearance of the office building.

The site will have access from Wisdom Road which has full turning at Highway 74, a single right in- right out on Highway 74, and a continuation of the rear service road behind Dalton Carpets to access Wisdom road. The detention is proposed to be underground on the rear of the site which will eliminate the often times unsightly open drainage areas associated with detention areas. The plan has incorporated the building and parking setbacks of 40' from Highway 74, 25' from Wisdom Road, and a building setback of 75' from the adjoining residential neighborhood.

The proposed zoning is compatible with the Land Use Plan and the surrounding commercial and office uses to the north and south along Highway 74. The architecture will be of high quality and not only complement or exceed that existing, but also become a landmark for the Highway 74 corridor into Peachtree City.

LUC (Limited-Use Commercial) Zoning District

1006A.2 Permitted uses:

This LUC will allow the permitted uses with the exception of not allowing the following.

- (j) Hotel or motel.
- (l) Commercial trade or vocational school.
- (m) Radio and/or television station, not including a transmission tower.
- (n) Wholesale business involving the sale of merchandise on the premises.
- (o) Newspaper publishing facility.

1006A.3 Conditional uses:

There will be no conditional uses allowed in this LUC.

SD-1

Delta Financial Center
Peachtree City

Delta Employees
Credit Union
A Delta

LEVEL!
Think differently. Build creatively.

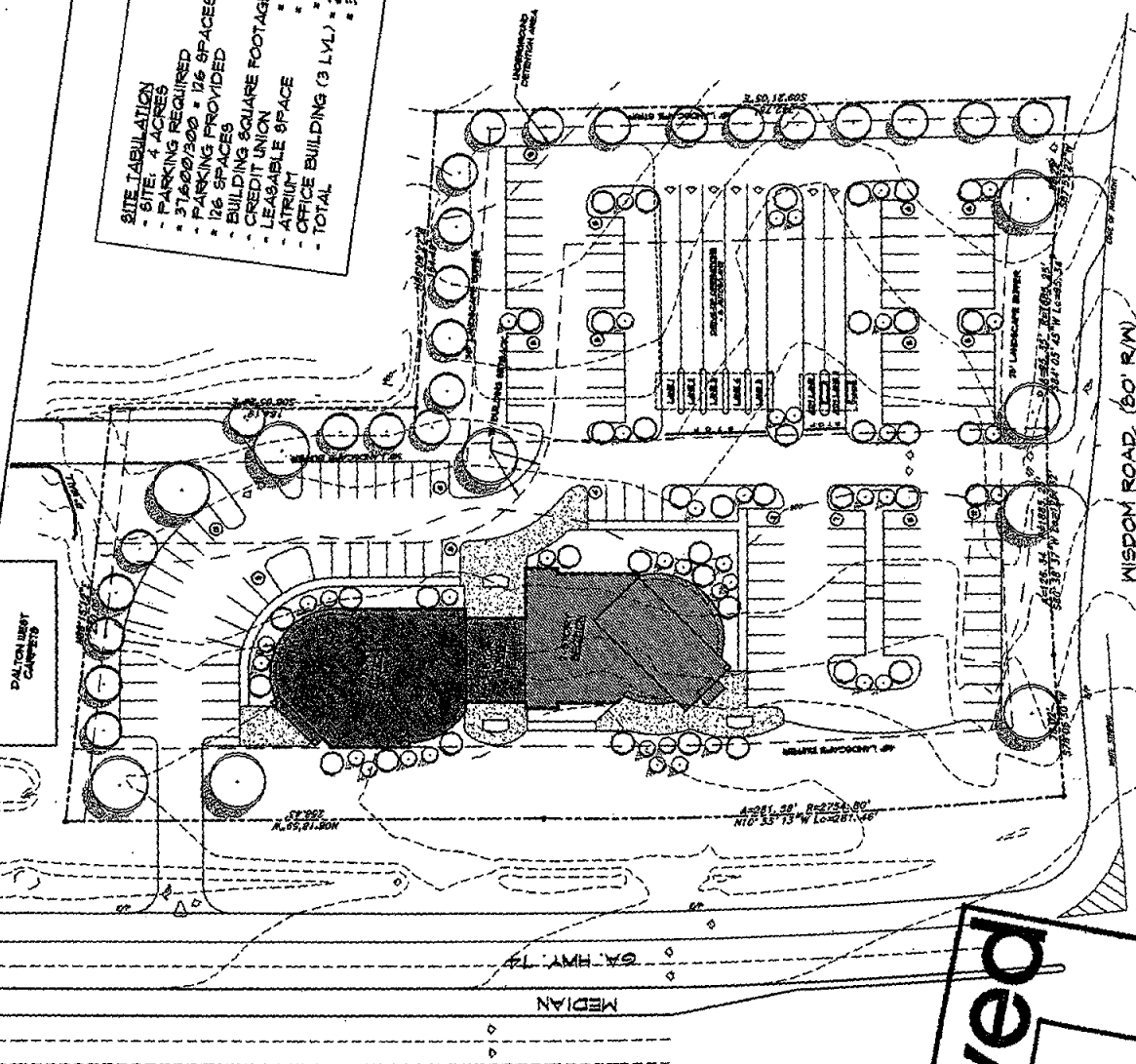
105 HUNTERWOOD CENTER DRIVE, SUITE 100
ATLANTA, GA 30346
(404) 526-0600 FAX (404) 526-0601

**SUMMER ADVISE
& ARCHITECTS**

1100 CENTURY WALK, 10TH FLOOR
ATLANTA, GA 30303
(404) 526-0600 FAX (404) 526-0601

PROJECT:

- SITE TABULATION
- SITE: 4 ACRES
- PARKING REQUIRED
- 37600/300 = 126 SPACES
- PARKING PROVIDED
- 126 SPACES
- BUILDING SQUARE FOOTAGE:
- CREDIT UNION
- LEASABLE 9 SPACE
- ATRIUM
- OFFICE BUILDING (3 LVL) = 21000 SF.
- TOTAL
- = 6800 SF.
- = 6800 SF.
- = 3000 SF.
- = 21000 SF.
- = 37600 SF.



SITE PLAN

Received

APR 21 2005

Office of City Planner
Peachtree City, GA

3. ANALYSIS

The 4.0 acre site is in the northeast corner of Highway 74 and Wisdom Road and has approximately 541' of frontage on Highway 74, and a depth of 230' on the north and 387' along Wisdom Road on the south.

The Land:

The property is undeveloped with two older one story houses on it. The topography is fairly level with a slight slope from Highway 74 to the eastern boundary. The land is mostly open grass with some scattered trees.

Tax base:

The taxes generated for Peachtree City from the proposed building will be considerably more than the current use. The estimated tax revenues for the Delta Credit Union and office are:

$$37,600 \text{ sq. ft.} = \$8,000,000 \times 40\% (\text{accessed}) \times 5.28 \text{ mills} = \$16,896$$

Public education:

No impact.

Police, fire and emergency medical:

The property is located about mid way between the fire and emergency station on Paschall Road to the south, and the station on Crabapple Lane to the north. Leach station on Paschall Road is the primary response for this site. The police station is located at 350 Highway 74 South.

Transportation:

Georgia Highway is a four lane state highway and Wisdom Road a collector street serving this area of Aberdeen Village. There is a full turning intersection at Highway 74 and Wisdom Road. The proposed plan has two access drives onto Wisdom Road, a single right in-right out access onto Highway 74, and an internal connection to the retail driveway and business to the north including Dalton Carpets. This dispersal of traffic will help to avoid a concentration of traffic at any single location.

Utilities:

All utilities are in place, or can be extended to serve this property.

Environmental protection:

There are no unique environmental or historic features on this site. On site detention will be installed as required by ordinance to protect adjacent properties.

Recreation programs:

No impact

Implementation of the plan:

Implementation of the plan should provide no unusual impact on the City. The entire plan will be constructed in a single phase.



CONVENIENCE STORE



DALTON CARPET



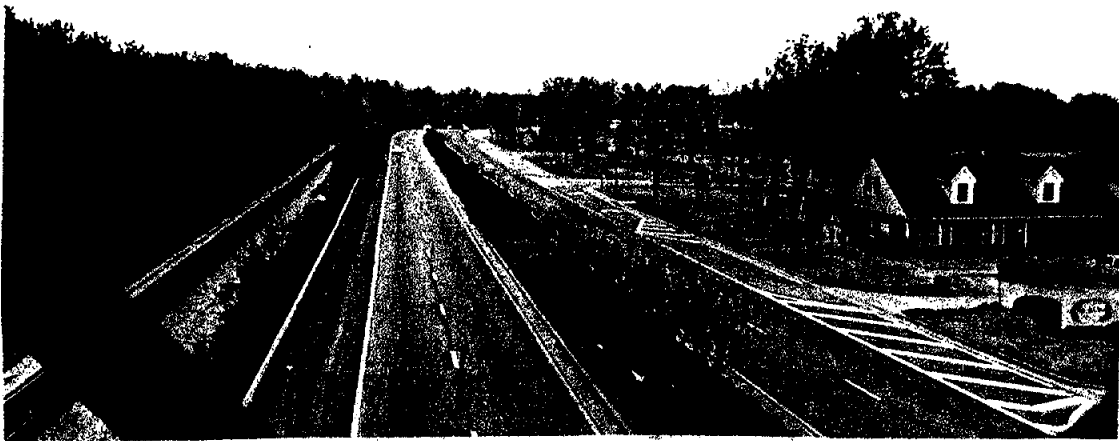
FAIRFIELD

NEIGHBORHOOD

4. SUMMARY

The Delta Employees Credit Union has been serving its members for 65 years and is proud of its history and the support in Peachtree City. This quality of business will be a landmark and good citizen to the City. The zoning will allow the business to remain in Peachtree City and grow with its citizens.

This zoning request is consistent with the Land Use Plan and compatible with other uses along this area of Highway 74 in Peachtree City. It will also help to complete the internal driveway circulation among the several parcels in this area to relieve traffic on Highway 74. Delta Center will provide a first class office address for Peachtree City companies.



HIGHWAY 74

Legend

DATE 1, 2000

MARK R. WELBORN GA. R. L. S. NO. 2711
Member Surveying and Mapping
Society of Georgia



WELBORN LAND SURVEYING, INC.
507 HOOD ROAD
NEWNAK, GEORGIA 30863
PHONE: 770-224-1283
FAX: 770-224-1283

PHONE: 770-254-1383

GA. STATE ROUTE NO. 74 R/W VARIES
(DOT PROJECT NO. RS-1057 (11))

TRACT I
AREA: 2.59 ACRES
(112,981 SQ.FT.)

TRACT II
AREA: 1.44 ACRES
(62,760 SQ.FT.)

FINAL PLAT APPROVAL--
This plat complies with the Zoning Regulations, the Land Development Ordinance and all other regulations governing the land development for the CITY of MOHAWEE CITY.

City Engineer	Date
City Planner	Date
Mayor/City Manager	Date
City Clerk	Date

Recorded _____, 20____
 Plot Book _____
 Page(s) _____
 Fayette County, Georgia

BOUNDARY SURVEY

**ANNETTE ERGLE
&
VIRGIL ERGLE**

LAND LOT 158 7TH DISTRICT
PEACHTREE CITY, FAYETTE COUNTY, GEORGIA
SCALE 1" = 50' DATE 7/08/02

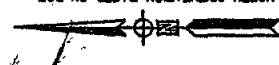
FINAL SURVEYORS CERTIFICATE

It is hereby certified that this plot is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown herein actually exist or are marked on "future" and their location, size type, and material are correctly shown. This plot conforms to all requirements of the Georgia Plat Act. By _____ Registered

No. 2711
Date 7/8/02

NOTE: THE RIGHT-OF-WAY OF WISDOM ROAD WAS ESTABLISHED BASED ON MONUMENTS FOUND AND CENTERLINE LOCATION.

NORTH ORIENTATION BASED ON DOT
PLANS, PROJECT NO. RS-1057 (11)



0' 25' 50' 100'

GRAPHIC SCALE

Survey References

- 1.) Survey for H.S. Properties prepared by Jefferson Consultants recorded in Plat Book 23 page 123.
- 2.) Survey for H.S. Properties prepared by Jefferson Consultants dated 1-4-93 recorded in Plat Book 23 page 137
- 3.) Survey for Annette Ergle & Virgil Ergle prepared by Welborn Land Surveying, Inc. dated 7/08/02.

Legal Description Tract 1

Beginning at an $\frac{1}{2}$ " rebar placed at the northern right-of-way of Wisdom Road and the eastern right of way of State Road 74 and the thence along said eastern right of way line along a curve to the right an arc distance of 281.58 feet having a radius of 2,754.80 feet being subtended by a chord of North 08°18'59" West a distance of 281.46 feet to a point; thence North 08°18'59" West, a distance of 258.43 feet to an axle found; thence North 88°15'12" East, a distance of 230.09 feet to a $\frac{1}{2}$ " rebar set; thence South 08°05'23" East, a distance of 164.19 feet to an axle found; thence South 86°09'27" West, a distance of 20.92 feet to a point; thence South 09°39'51" East, a distance of 343.73 feet to a point on the northern right of way of Wisdom Road; thence along said right of way along a curve to the left an arc distance of 126.34 feet having a radius of 1885.25 feet being subtended by a chord of South 80°38'37" West a distance of 126.32 feet to a point; thence South 78°06'30" West, a distance of 78.02 feet to a $\frac{1}{2}$ " rebar placed and the Point of Beginning. Containing 112,309 square feet or 2.578 acres.

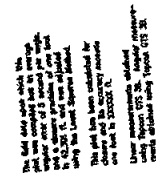
Legal Description Tract 2

Commencing at a $\frac{1}{2}$ " rebar placed at the northern right-of-way of Wisdom Road and the eastern right of way of State Road 74 and the thence along said eastern right of way line North 78°06'30" East, a distance of 78.02 feet to a point; thence along said right of way along a curve to the right an arc distance of 126.34 feet having a radius of 1885.25 feet being subtended by a chord of North 80°38'37" East a distance of 126.32 feet to a point and THE TRUE POINT OF BEGINNING; thence leaving said right of way North 09°39'51" West, a distance of 343.73 feet to a point; thence North 86°09'27" East, a distance of 20.92 feet to an axle found; thence North 86°09'27" East, a distance of 164.49 feet to a 1-1/2" open top pipe found; thence South 09°21'05" East, a distance of 342.78 feet to an axle found on the northern right of way of Wisdom Road; thence along said northern right of way South 87°53'27" West, a distance of 88.22 feet to a point; thence continuing along said right of way along a curve to the left an arc distance of 95.35 feet having a radius of 1885.25 feet being subtended by a chord of South 84°05'45" West a distance of 95.34 feet to a point on THE TRUE POINT OF BEGINNING. Containing 62,694 square feet or 1.440 Acres.

THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRANT TITLE SEARCH

TOTAL AREA
175,003 SQ.FT.
4.018 ACRES

DESCRIPTION



Property Owners: Within 200 Feet of Subject Property

Parcel #	Name	Address	City	State	Zip
0734 005 01	Jamie A. White Wyatt	P.O. Box 881	Fairburn	GA	30213
0734 006 01	Leach Clyde Estates c/o L & Virgil Annette	105 Wisdom Road	Peachtree City	GA	30269
0734 007 01	Kemp Investment Group	7 Jefferson Parkway	Newman	GA	30263
0734 027 01	Sylvia & Virgil Egle	105 Wisdom Road	Peachtree City	GA	30269
0734 200 05 01	Janice Frey	138 S. Fairfield Drive	Peachtree City	GA	30269
0734 200 04 01	Geraldine B. Holt	136 S. Fairfield Drive	Peachtree City	GA	30269
0734 200 03 01	Sylvia Flesher	134 S. Fairfield Drive	Peachtree City	GA	30269
0734 200 02 01	David J. & Yvonne M. Kohout	132 S. Fairfield Drive	Peachtree City	GA	30269
0734 200 01 01	Veronica Salcedo	130 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 15 01	Catherine & Edward Stoner	394 Calloway Road	Fayetteville	GA	30215
0734 058 01	Michael W. Hyde	103 County Club Court	Peachtree City	GA	30269
0734 240 14 01	Christopher J. & Karen M. Sellers	230 Lakemount Drive	Fayetteville	GA	30214
0734 240 13 01	Larry L. & Suzanne K. Reamy	124 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 12 01	Michael B. Caudle	122 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 11 01	Angela L. Olivera	120 Couth Fairfield Drive	Peachtree City	GA	30269
0734 240 10 01	Daniel J. Maxfield	2315 Huntington Chase	Dunwoody	GA	30350
0734 240 09 01	Ruth W. Cooper	116 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 08 01	Wendy O. Wong	114 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 07 01	Florence F. Hurst	201 Fieldstone Lane	Peachtree City	GA	30269
0734 240 06 01	Rick C. Wall	110 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 05 01	James & Shirley F. Parks	528 Saltlick Trace	Peachtree City	GA	30269
0734 240 04 01	Tina Blair	106 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 03 01	William J. & Lgena L. Prevatt	104 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 02 01	Freeman T. Randolph Jr.	205 Creekstone Bend	Peachtree City	GA	30269
0734 240 29 01	Peachtree City	P.O. Box 2371	Peachtree City	GA	30269
0734 200 25 01	Robert D. Spillers & Monica C. Garcia	2415 Lodge Trail	Fayetteville	GA	30215
0734 200 26 01	Brenda Godfrey	135 S. Fairfield Drive	Peachtree City	GA	30269
0734 200 27 01	David L. & Janice M. Wagner	211 Albemarle Lane	Peachtree City	GA	30269
0734 200 36 01	Joyce A. Ewert	201 Birch Road	Peachtree City	GA	30269
0734 200 35 01	Marcia E Morgan	203 Birch Road	Peachtree City	GA	30269
0734 240 16 01	Mindi J. Mastin	115 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 17 01	Aliriza Zeqiri & Hye Im Seung	113 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 18 01	Paula Rutledge	111 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 19 01	W M. Whitted	109 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 20 01	Raymond S. Santiago	107 S. Fairfield Drive	Peachtree City	GA	30269
0734 240 21 01	Courtney E. Bremer	105 S. Fairfield Drive	Peachtree City	GA	30269
0734 034 01	Peachtree Housing Ltd. C/O The Morrow Co.	P.O. Box 020168	Tuscaloosa	AL	35402
0734 012 01	CSX Transportation Incorporated	Tax Dept. J-910, 500 Water St.	Jacksonville	FL	32202
0734 002 01	John Weiland Homes	1950 Sullivan Road	Atlanta	GA	30337

ABERDEEN A-V		WISDOM NEIGHBORHOOD			
	Tract	Existing Land Use	Proposed Land Use	Existing Zoning	Notes
1.000	Pinegate Estates S/D	SFM	SFL	R-43	
2.000	Cobblestone Creek Condos	MF	MF	GR	Adjust Zoning Density
3.000	Wisdom Park	OS	REC	GR	Adjust Zoning to OS
4.000	Elementary School	CS	CS	GR	Adjust Zoning to OS
5.000	Riley Field	OS	REC	GR	Adjust Zoning to OS
6.000	Nursing Home	MF	MF	GR-12	
7.000	Fairfield S/D	SFC	SFC	GR-12	
8.000	Whitlock Place S/D:				
8.001	Animal Clinic	OFF	OFF	OI	
8.002	Whitlock Office Bldg.	OFF	OFF	OI	
8.003	Remax Office Bldg.	OFF	OFF	OI	
8.004	Wright Galleries	OFF	OFF	LUC-12	Zoning litigation
8.005	Masonic Lodge	OFF	OFF	OI	
8.006	Dental Office Bldg.	OFF	OFF	OI	
8.007	Undeveloped	OFF	OFF	OI	
9.000	Lee Residence, Vacant	OFF	OFF	AR	Limited Use, Office
10.000	Coldwell Banker Bldg.	OFF	OFF	OI	
11.000	Helen Leach Residence #1	OFF	OFF	AR	Limited Use, Office
12.000	Clyde Leach Residence #2	COM	COM	AR	Limited Use, Commercial
13.000	Leach Residence #3, 105 Wisdom Road	SFM	SFC	AR	Limited Use, Residential

Sec. 1006A. LUC limited-use commercial district.*

***Editor's note:** Specific LUC districts are set out in § 1006B.

(1006A.1) *Intent of district:* It is intended that the LUC zoning district be established and reserved for restricted commercial business purposes. Recognizing that a commercial district with its variety of land uses could cause a detrimental impact on neighboring lands, the regulations which apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for businesses to serve city and regional commercial needs and to promote the interests of the particular neighbors and the public welfare at large. These regulations are intended for use only when a commercial district, in its unrestricted form, would be an isolated district, unrelated and detrimental to the surrounding area. These regulations are also intended to reduce traffic congestion, provide for adequate off-street parking, prohibit the development of "strip" type business areas, and prohibit encroachment by other uses capable of adversely affecting the character of the district.

(1006A.2) *Permitted uses:* Any one or more of the following uses may be permitted in any LUC zoning district. (The specific use and any related activity anticipated by the party requesting the rezoning must be delineated in the zoning request.) The property will be rezoned for one or more specific uses only to the exclusion of all other listed permitted uses. The limits of permitted uses of the property, density or intensity of use, and height and size restrictions must have a reasonable relation to the rezoning, and must be in the best interest of public safety, welfare and convenience.

- (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) Commercial recreation facility located entirely within a building on the premises.
- (e) Publicly owned building, facility or land.
- (f) Building, facility or land for the distribution of utility services.
- (g) Building, facility, or land for noncommercial park, recreation, thoroughfare or open space purposes.
- (h) Private or semiprivate club, lodge or social center.
- (i) Building, facility or land for off-street automobile parking.
- (j) Hotel or motel.
- (k) Restaurant/lounge.
- (l) Commercial trade or vocational school.
- (m) Radio and/or television station, not including a transmission tower.

- (n) Wholesale business involving the sale of merchandise on the premises.
- (o) Newspaper publishing facility.
- (p) Accessory use: See section 908.

(1006A.3) *Conditional uses*: The following uses shall be permitted in any LUC zoning district on a conditional basis. (The specific use and any related activity anticipated by the party requesting the rezoning must be delineated in the zoning request.) The city council may, in its discretion, approve a zoning request subject to additional conditions so long as those conditions are reasonable and are imposed for the protection or benefit of neighboring land owners to ameliorate the effects of the zoning change. (The property will be rezoned for one or more specific uses only to the exclusion of all other listed permitted uses.)

- (a) All conditional uses permitted in section (1005.3) for LC zoning districts, subject to the same conditions.
- (b) Dwelling in combination with any use permitted in this district, provided all dwelling units have direct access to a street or other public area.
- (c) All uses permitted in section (1004.2) for GR zoning districts, subject to the same requirements.
- (d) All conditional uses permitted in section (1004.3) for GR zoning districts, subject to the same conditions.
- (e) Open yard for the sale, rental and/or storage of materials or equipment, excluding junk or salvage materials, provided that the area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The above required fence or wall must provide for a reasonable visual separation between the use and adjoining properties.
- (f) Commercial recreation facility or land where the use is not located entirely within a building on the premises, on the following conditions:
 - (1) The zoning lot is not less than one acre in area.
 - (2) The zoning lot is not adjacent to or across the street from any residential zoning lot.
- (g) Transportation facility or terminal, provided service is primarily for passenger transportation rather than freight transportation.
- (h) Community hospital, including customary accessory functions, provided the zoning lot is not less than ten acres in area.
- (i) Self-service storage facilities (mini-warehouses), permitted subject to the following conditions:
 - (1) Storage facilities shall be limited to dead storage use only.
 - (2) No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises. (Ord. No. 419, 12-18-1986)

(1006A.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in LUC zoning districts shall conform to the following standards:

- (a) Minimum zoning lot area: 30,000 square feet.
- (b) Minimum lot width: 150 feet.
- (c) Minimum front setback depth:
 - (1) Building: 40 feet.
 - (2) Driveway/parking: 20 feet.
- (d) Minimum side setback depth: Ten feet. (If adjoining a residential zoning lot, the building setback shall be 75 feet.)
- (e) Minimum rear setback depth: 20 feet. (If adjoining a residential zoning lot, the building setback shall be 75 feet.)
- (f) Maximum building height: Ten stories, but if over 35 feet, it must be approved by the fire department.
- (g) Parking: See section 909.
- (h) Signs: See Peachtree City sign ordinance.

Cross references: Sign ordinance, § 66-1 et seq.

- (i) Storage: No storage will be permitted on the zoning lot outside a fully enclosed building unless the storage area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above the finished grade. The required fence or wall must provide for a reasonable visual separation between the storage area and any adjoining property.
- (j) All zoning lots shall have direct access onto a major thoroughfare, or have access to a major thoroughfare via an access street.
- (k) No automobile parking or service areas will be permitted within the required front setback depth or within 30 feet of the property line of any adjoining residential zoning lot.
- (l) All parking and service areas must be separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.
- (m) No outside loudspeaker systems shall be utilized.
- (n) All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.
- (o) A landscape plan is required for the site, and must be reviewed by a registered landscape architect to be designated by the city and by the planning commission prior to issuance of occupancy permit. If no action is taken or time extended within 30 days from filing, such request shall be considered approved.

The landscape plan shall be fully implemented prior to occupancy and if not completed an occupancy permit will not be issued. If it is infeasible to complete the landscaping due to weather conditions or other extenuating circumstances then the owner shall post a performance bond or other acceptable security in an amount equal to 110 percent of the cost of the landscaping improvements which remain incomplete. The owner shall have a one year period in which to complete the required improvements in a satisfactory manner.

The owner shall provide adequate maintenance of the landscaping improvements for a minimum of one year from implementation. The city shall inspect special screening at least once during this period to ensure that the approved plan has been fully implemented and maintained. If it is found that the landscaping, as stated in this section has died within the one-year period such landscaping shall be replaced by the owner.

- (p) The limits of permitted usage and/or any conditional uses must be clearly defined. A complete description of each district created, its location, its permitted uses, conditional uses, related activities and special restriction must appear in the appendix of the zoning ordinance. LUC districts shall be listed in this appendix in a numerical sequence related to the order in which they were created. This numerical suffix shall also be shown on the official zoning map, affixed to each district so created.

(Ord. No. 262, 4-8-1982; Ord. No. 366, § 19, 5-22-1985)

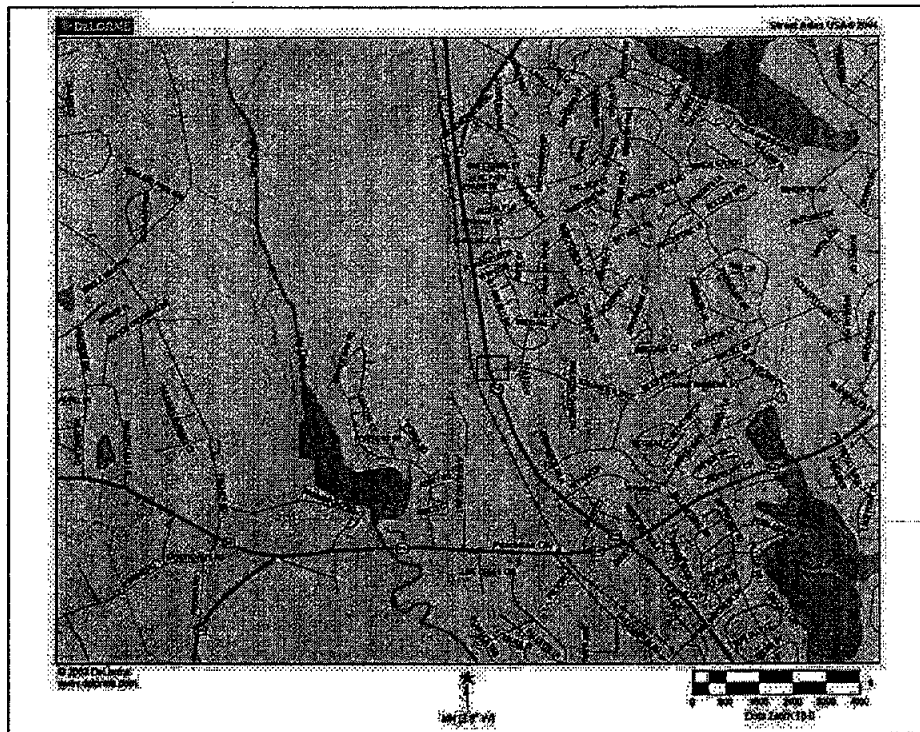
DEPARTMENT OF TRANSPORTATION

STATE OF GEORGIA

TRAFFIC ENGINEERING REPORT

For the intersection of:
SR 74 @ WISDOM ROAD

County of FAYETTE
At Mile log:.



Report prepared by:
Jeffrey W. Dyer, P.E.
Qk4
3169 Holcomb Bridge Road, Suite 455
Norcross, Georgia 30071

Telephone Number: (404)329-5900
E-mail Address: jdyer@qk4.com
FAX Number: (404)329-5901

Date report prepared: May 4, 2005

Location

This intersection is located in Fayette County and within the city limits of Peachtree City. The intersection is located 4100 feet south of the intersection with the Kedron Drive and 2700 feet north of the intersection with Aberdeen Parkway. It is a three-legged intersection with Wisdom Road approaching from the east and the missing approach being to the west.

Reason for the investigation

This intersection is included in the current Fayette County SPLOST for installation of a traffic signal. This corridor has experienced tremendous growth over the last twenty years with many commercial and retail establishments. Even though the Traffic Engineering Report has assumed existing volumes only, in the southeast quadrant, Wisdom Pointe is currently constructing a single story restaurant with 6,600 square feet plus a 3-story building totaling 62,400 square feet. This development is scheduled to open this summer. The multi-story building will include restaurants, retail, and offices. The number of generated trips from this development will be significant. Also on the horizon is the future construction of Delta Center, a 34,600 square feet office park in the northeast quadrant of this intersection. This development will add another 589 daily trips to this intersection beyond what is considered in this report, according to the ITE Trip Generation Manual, 7th Edition. Both site plans are shown in Appendix F.

Description of the intersection

- SR 74 currently has two through lanes in each direction through the intersection with a 20-foot raised median. There are single left-turn lanes on each approach with a Type C median crossover. The northbound left-turn lane is used for U-turning movements only. There is also an exclusive right-turn lane in the northbound direction. SR 74 is relatively level through the intersection area, with excellent sight distance in both directions. The surrounding land use in the vicinity is mostly commercial, with a Shell gas station and convenience store located in the southeast quadrant of the intersection that also connects to a group of restaurants immediately south. These facilities have a shared access driveway along SR 74 that is located 275 feet south of the intersection. This approach is right-in-right-out-only with no median break on SR 74. The proposed developments, Wisdom Pointe and Delta Center (Appendix F) both plan right-in-right-out driveways along SR 74 and full movement access to Wisdom Road.
- Wisdom Road is a two-lane facility that begins at SR 74 and continues east to Riley Pkwy. It serves Peachtree Elementary School and several commercial properties and subdivisions. The Wisdom Road approach is a two-lane facility plus an exclusive right-turn lane provided westbound. The Delta Center site plan shows two access points along Wisdom Road, both full-movement. Wisdom Pointe will access Wisdom Road via an existing access roadway that is located behind the Shell station. The Shell station and existing restaurants use the same access roadway to Wisdom Road, located 550 feet east of SR 74. Peachtree Elementary School is located one-half mile east of this intersection along Wisdom Road. The profile of Wisdom Road is relatively level with excellent sight distance.

Traffic volumes in vehicles per day (vpd)

YEAR	SR 74 County Station 118 (vpd)	Wisdom Road (vpd)
2005	34,213*	1287**
2002	26,096	N/A
2001	31,554	N/A
2000	29,643	N/A
1999	30,480	N/A
1998	24,150	N/A

*Two-way approach volumes recorded in vicinity of intersection in April 2005

**One-way approach volume only, recorded in April 2005

Turning movement volumes were recorded during the a.m. and p.m. peak hours on April 12, 2005. These turning movement volumes are included in Appendix D.

Existing Traffic Control

- SR 74: northbound and southbound-free flow for through traffic; southbound left-turn lanes yield to through traffic in the northbound direction.
- Wisdom Road: westbound – stop sign control for left-turns, yield sign control for right-turns.

Vehicular speeds

- SR 74 – 50 MPH Posted Speed.
- Wisdom Road – 30 MPH Posted Speed

Pedestrian movements

There are no significant pedestrian movements observed in any quadrant of this intersection. However, if a signal is added here, the installation pedestrian crosswalks and landings would likely be added as required by GDOT policy and the ADA.

Other modes of transportation present: None. There are no sidewalks or cart paths in the vicinity of this intersection.

Parking:

There is no on-street parking on any intersection approach, nor is any expected in the future. The nearest parking is within the Shell Station property near the southeast quadrant of the intersection.

Accident History

Accident reports were collected between 1998 and 2005 from Peachtree City. A total of 49 reports were collected for this intersection and its vicinity. Each of these accident reports were reviewed and analyzed as to the cause and type of accident. Of the 49 reports we received, 30 of them actually occurred at or in the intersection. These accidents are summarized in the following table.

Accident History: SR 74 @ Wisdom Road

Year	Rear-End	Not-Sure	Angle	Trans- fers	Struck Animal	Struck Object	Run- off-Road	Total	Injury	Fatal	Accidents that could have been prevented by signal
2005*	1		1		0	0	0	2	1	0	1
2004			4		1	2	0	7	2	0	3
2003	2		2			1	0	5	3	0	3
2002	1		2			0	0	3	1	0	3
2001	1					1	0	2	0	0	0
2000	3	1				1	0	5	0	0	1
1999			2				0	2	0	0	2
1998			2			1	1	4	1	0	2

*Partial year

It appears that 15 of the 30 total accidents at the intersection might have been prevented by signalization. Most of these are right-angle accidents. The number of rear end collisions at the intersection approaches could actually increase with the addition of a signal.

Signal Warrant #7 is related to crash experience. This warrant is met if at least five intersections per calendar year occur that could have been prevented by signalization. This warrant is not met in any of the calendar years where data was collected. However, there are three years with three such accidents. In the year 2004, there are two additional accidents that probably would not have been prevented by signalization, but they did involve northbound to southbound U-turning vehicles. 2004 showed the greatest number of accidents for any year. Appendix B contains a collision diagram that shows the locations of the accidents listed above.

Adjacent Signalized Intersections

The nearest existing signalized intersections to this location are SR 74 @ North Kedron Drive, which is located 8000 feet north of this intersection. The other is SR 74 @ SR 54, which is located 5400 feet south.

Signal Warrant Analysis

A signal warrant analysis was performed on this intersection, assuming proposed lane configurations and current approach counts. Warrants checked are as defined in the *Manual of Uniform Traffic Control Devices, Millennium Edition (MUTCD)*. 24-hour approach volumes, broken down into 15-minute intervals, were recorded on April 14, 2005 for use with the signal warrant analysis. Appendices C and D both contain these hourly approach volumes. The westbound approach volumes have been reduced by 25% for the purposes of signal warrant analysis. This 25% reduction results from an assumption that approximately one-third of the westbound right-turning traffic would turn right on red.

The two warrants based on approach volumes are "Warrant 1 – Eight-Hour Vehicular Volume", Warrant 2 – Four-Hour Vehicular Volume", and Warrant 3 – Peak Hour Volume. Within Warrant 1, there are two separate conditions to be evaluated. Condition A is minimum vehicular volume. Condition B is interruption of continuous traffic. For each warrant, there are different tables provided based on certain assumptions. The most conservative tables are defined as "100%". According to the MUTCD, if the posted speed limit of the major street exceeds 40 MPH, the 70% columns or tables can be used. Since the posted speed on SR 74 is 50 MPH, both the 70% and 100% tables were checked.

- Using the 70% tables and graphs, Warrant 3 is MET.
- The accident analysis discussed previously did not include enough accidents in a single year to meet Warrant 7, although there were three qualifying accidents in the calendar year 2004.
- All remaining warrants (4,5,6, and 8) were not evaluated.

The warrant analysis included in this report does not include Wisdom Pointe or Delta Center traffic, since neither is open. This intersection already meets Warrant 3 and comes close to meeting Warrants 2 and 7. When these developments open, Warrant 3 will probably be met using both the 70% and 100% tables, Warrant 2 will probably be met using the 70% table, and Warrant 7 may be met as well.

Level of Service Analysis

Peak-hour turning movements were recorded at this intersection on April 12, 2005. The a.m. peak hour is between 7:15 a.m. and 8:15 a.m. The p.m. peak hour is between 4:45 p.m. and 5:45 p.m. Level of service analysis was performed using the methodologies described in the *Highway Capacity Manual, 2000 Edition*. Since this intersection is currently unsignalized, the unsignalized

Level of Service Analysis (continued)

methodology was used initially. Level of service was then calculated using the signalized methodology, assuming both two-phase and three-phase operation (with an additional southbound through/protected left-turn phase on SR 74).

The following table is a summary of the unsignalized level of service analysis for the existing lane configuration, existing volumes, and existing peak hour factors. The two worst approaches are included in the table. The peak hour turning movements are included in Appendix D and the computer printouts for all level of service analyses are included in Appendix E.

**SR 74 @ Wisdom Road - Level of Service Summary
Unsignalized, Existing Lane Configuration**

Year	Time Period	WB LT Control Delay (sec)	WB LT Level of Service	SB LT Control Delay (sec)	SB LT Level of Service
2005	a.m. peak hour	41.4	E	13.3	B
2005	p.m. peak hour	31.2	D	12.1	B

The unsignalized level of service analysis reveals that the side street left-turn movements have level of service C, D, or E, depending on which peak hour. Both level of service printouts are included in Appendix E.

Level of service analysis has also been performed assuming the signalization of this intersection. The HCM signalized methodology was used for the analysis. Two signalization scenarios have been evaluated. One scenario assumes simple two-phase operation. The other scenario assumes a third phase of simultaneous SR 74 southbound through and left-turn movements, with westbound right-turns allowed as well. The following table summarizes the results. The computer printouts are included in Appendix E.

**Level of Service Summary- SR 74 @ Wisdom Road - 2005 volumes
Existing Lane Configuration, Signalized Intersection**

Scenario	Time Period	Average Delay (sec/vol)	Level of Service
Two-phase	a.m. peak	8.3	A
Two-phase	p.m. peak	6.0	A
Three-phase	a.m. peak	14.3	B
Three-phase	p.m. peak	11.0	B

The level of service analysis reveals this intersection would operate at level of service A or B with two-phase operation and level of service B with three-phase operation both peak hours. The lower level of service for the three-phase operation would be caused by the shorter green time remaining for the northbound through movements on SR 74. Appendix A shows the existing traffic control.

Recommendations:

It is recommended that a signal permit be issued for the installation of a traffic signal at the intersection of SR 74 @ Wisdom Road.

RECOMMENDED BY: _____
District Traffic Engineer

DATE: _____

RECOMMENDED BY: _____
State Traffic Operations Engineer

DATE: _____

APPROVED BY: _____
Director of Operations

DATE: _____

UNAPPROVED EXCERPT OF MINUTES

PLANNING COMMISSION MEETING

APRIL 25, 2005

PUBLIC HEARING

The Vice-Chairman called the public hearing to order. He explained the rules for conducting a public hearing and informed the people in the audience that printed copies of the rules were available at the entrance.

PH-05-02 Proposed Rezoning, Ergle Tract, GA 74 North and Wisdom Road.

Mr. Jerry Peterson of Peterson Planning was in attendance to represent the Delta Employees Credit Union. Mr. Rick Fully, the President of the Credit Union, as well as the architect and representatives from Level 5, the development management company, and Fulton Realty were also in the audience.

Mr. Peterson explained that the request was to rezone a four-acre tract of land on the northeast corner of Wisdom Road and Highway 74 from AR Agricultural Reserve to LUC Limited Use Commercial. Mr. Peterson indicated that two buildings totaling 37,600SF were proposed for the site, and that one of the buildings would be two stories in height and contain a branch of the Delta Employees Credit Union on the lower level and speculative office space on the second level. The second building would be three stories in height and would contain support retail and potentially a restaurant on the first floor with speculative office space on the second and third levels. An enclosed atrium would connect the two buildings.

Mr. Peterson briefly described the history and background of the Credit Union, the Ergle tract, and the property surrounding the proposed site. He stated that the request was consistent with the recent amendments to the City's Land Use Plan and would provide a cohesive development on the overall site as opposed to three or four individual office or commercial buildings.

Mr. Peterson stated that the Applicant had requested the LUC zoning to limit what types of commercial could be developed on the site and to allow the credit union, speculative office space and support retail to be developed on the overall tract. He indicated they hoped a small bookstore, office supply store, coffee shop or restaurant would be located on the ground floor of the three-story building, and that these tenants would be designed

to support the needs of the tenants within both buildings as opposed to being a destination for those not working within the buildings.

Mr. Peterson described the minimum building setbacks and required tree save and landscape buffers that were applicable to this property and noted that the options for the building's location were limited. He noted that each building would have its own entrance and share an atrium. He indicated that the internal access drive would be interconnected to the existing access drive on the adjoining Dalton West tract which would allow inter-parcel access to several of the outparcels on the east side of GA 74 North. He also mentioned that the existing property had two driveways approved from GA DOT and the site plan reduced this to one right-in/ right-out on the north side of the overall tract. Two access points would be provided from Wisdom Road.

Mr. Peterson stated that, as requested by the Planning Commission during the workshop at the meeting on April 11, they had modified the site plan to eliminate an additional internal driveway at the rear of the site, which provided a larger landscaped buffer between the parking area and the adjoining subdivision. Deleting this drive also allowed them to increase the width of the linear planting islands. They had also shifted another internal drive to provide additional planting area between the buildings and the front sidewalk. He pointed out that the LUC zoning ordinance required a minimum landscape buffer of 10' between the property line and the edge of paving, and their site plan proposed between 20' and 50' of buffer between the two developments.

Mr. Peterson said that they agreed to the conditions as recommended by City Staff with the following comments:

- Condition # 6 –The architects had selected lighting fixtures that were very directional, and they would be directed away from the residents. He noted that there were Federal regulations pertaining to lighting at ATM's, and the wattage would be higher in that area to meet these guidelines. He indicated they would do what they could to minimize the lighting in this area.
- Condition # 5 – Mr. Peterson thought the reference to the buildings being architecturally compatible with surrounding developments concerned the quality of their design.

Mr. Rast stated that this was one of the City's prime corners for development, and he felt the City was getting two signature buildings on the corner. However, he also stated his biggest concern was how this development might impact the residents of the adjoining Fairfield subdivision. He noted that Staff had met on numerous occasions with the residents of Fairfield whose property abutted the Leach tract to discuss that project, and they were concerned about the loss of trees and how this would impact them once the site was developed. He further commented that once the retaining wall was complete, the fence was in place and the landscaping was installed, many of those residents who were initially concerned spoke in favor of the development. Mr. Rast stated his point was that the increase in the landscape buffer as proposed would allow additional landscaping, berming or other forms of buffering to separate the two developments. He mentioned that the developer was proposing to install an underground stormwater detention system that would provide additional room for landscaping at the rear of the site.

No one else spoke in favor of the proposed rezoning nor did anyone speak in opposition to it.

In response to questions from Mr. Johnson, Mr. Rast stated that the underground stormwater detention system was located at the back corner of the property. Mr. Mullin asked about the differences in LUC and OI; and Mr. Rast stated that if the property was zoned OI, conditions about lighting, architecture, and buffers could not be added. However, if zoned LUC, the types of uses could be limited and other criteria specific to this site could be added. Mr. Green wondered whether we would have control of the property 20 years from now, and Mr. Rast responded that zoning the property to a specific zoning designation was different than a deed covenant or restriction. He stated that the zoning would be "site-specific" and would apply to these tracts of land only, and the LUC zoning designation provided the City with an opportunity to identify what specifically they wanted on the site and how they wanted it to appear. He suggested that the Commission identify uses they would like to restrict, and recommended that they use the restrictions on the adjoining Leach tract as a starting point.

Mr. Peterson said they would be willing to work with Staff to ensure the concerns of the Planning Commission were addressed pertaining to limiting uses on the overall site.

It was noted that although not shown on the site plan, a multi-use path connection would be provided from the Fairfield Subdivision entrance to the eastern entrance on Wisdom Road.

After discussion, a motion was made by Mr. Green, seconded by Mr. Scott, and unanimously adopted to forward to City Council the proposed rezoning of the Ergle tracts from AR to LUC with a recommendation for approval subject to the following conditions:

1. *The proposed rezoning applies to both the 2.578-acre and the 1.44-acre tract. A plat must be prepared and recorded which combines both parcels into one 4.03-acre tract.*
2. *The schematic site plan is intended only to suggest a concept and shall not be considered the final approved development plan. That plan must be prepared and approved as part of the regular site plan review process.*
3. *The total square footage of all buildings on the subject parcel, including the atrium, must not exceed 37,600 SF. All building setbacks identified within the LUC Limited Use Commercial zoning guidelines must be adhered to.*
4. *The site plan must be developed in accordance with a unified architectural concept that must be approved by the Planning Commission as a part of the site plan review process. In addition to an architectural concept, a complete landscape concept, a site lighting plan, and a sign program must be submitted to and approved by the Planning Commission.*
5. *The architectural design of all buildings must be compatible with the surrounding developments. All sides of each building must include architectural detailing and similar building materials. Additionally, no wall-packs or other external security lighting sources will be permitted on the building.*
6. *All lighting within the parking lots will be limited to 250-watt high-pressure sodium fixtures with a maximum pole height of 30' from finish grade to the top of the pole. Lights must be directed away from the adjoining residential subdivision. The level of illumination within all parking and service areas must not exceed 3 foot-candles.*
7. *The site plan must provide for a fully landscaped entrance off of GA 74, including meandering berms and extensive landscaping within the tree save and landscape buffer.*
8. *Existing vegetation within the area between the parking lot and the adjoining residential subdivision must be preserved to the greatest extent practicable. Additional landscaping will be required within these areas to supplement existing vegetation and to provide for a natural buffer between this and the adjoining residential subdivision. All landscaped areas throughout the site must be irrigated.*
9. *The site plan will be limited to one right-in/ right-out access drive from GA 74 and two full turning access drives from Wisdom Road. The owner of the property must agree to allow inter-parcel access to the properties to the north via the internal road from Wisdom Road.*
10. *The property must be connected to the sanitary sewer system, and all existing septic systems must be removed.*

Unapproved Excerpt of Minutes
Planning Commission Meeting
April 25, 2005
Page 5

- 11. All of the existing outbuildings on the site must be removed.*
- 12. All existing overhead utility lines that traverse the site must be relocated underground.*

The Applicant agreed to the conditions.

**AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE
TO REZONE TWO PARCELS AT THE INTERSECTION
OF GA 74 NORTH AND WISDOM ROAD
FOR A MIXED-USE RETAIL, COMMERCIAL AND OFFICE COMPLEX,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that a 2.578-acre parcel and an adjoining 1.440-acre parcel at the northeast corner of the GA 74 North and Wisdom Road intersection be rezoned from their current designation of AR Agricultural Reserve to LUC-20 Limited Use Commercial by amending Section 1006B Specific Limited-Use Commercial Districts and adding Section 1006B.20 as follows:

(Section 1006B.20) *Limited use commercial district no. 20.*

- (a) Two tracts of property described below shall be rezoned from their present classification of AR Agricultural Reserve to LUC-20. Said properties are more particularly described as follows:

Tract 1

All that tract or parcel of Land lying and being in Land Lot 158 of the 7th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at an ½" rebar placed at the northern right-of-way of Wisdom Road and the eastern right of way of State Road 74 and the thence along said eastern right of way line along a curve to the right an arc distance of 281.58 feet having a radius of 2,754.80 feet being subtended by a chord of North 08°18'59" West a distance of 281.46 feet to a point; thence North 08°18'59" West, a distance of 258.43 feet to an axle found; thence North 88°15'12" East, a distance of 230.09 feet to a ½" rebar set; thence South 08°05'23" East, a distance of 164.19 feet to an axle found; thence South 86°09'27" West, a distance of 20.92 feet to a point; thence South 09°39'51" East, a distance of 343.73 feet to a point on the northern right of way of Wisdom Road; thence along said right of way along a curve to the left an arc distance of 126.34 feet having a radius of 1885.25 feet being subtended by a chord of South 80°38'37" West a distance of 126.32 feet to a point; thence South 78°06'30" West, a distance of 78.02 feet to a ½" rebar placed and the Point of Beginning. Containing 112,309 square feet or 2.578 acres.

Tract 2

All that tract or parcel of Land lying and being in Land Lot 158 of the 7th District, Fayette County, Georgia and being more particularly described as follows:

Commencing at a ½" rebar placed at the northern right-of-way of Wisdom Road and the eastern right of way of State Road 74 and the thence along said eastern right of way line North 78°06'30" East, a distance of 78.02 feet to a point; thence along said right of way along a curve to the right an arc distance of 126.34 feet having a radius of 1885.25 feet being subtended by a chord of North 80°38'37" East a distance of 126.32 feet to a point and THE TRUE POINT OF BEGINNING; thence leaving said right of way North 09°39'51" West, a distance of 343.73 feet to a point; thence North 86°09'27" East, a distance of 20.92 feet to an axle found; thence North 86°09'27" East, a distance of 164.49 feet to a 1-1/2" open top pipe found; thence South 09°21'05" East, a distance of 342.78 feet to an axle found on the northern right of way of Wisdom Road; thence along said northern right of way South 87°53'27" West, a distance of 88.22 feet to a point; thence continuing along said right of way along a curve to the left an arc distance of 95.35 feet having a radius of 1885.25 feet being subtended by a chord of South 84°05'45" West a distance of 95.34 feet to a point an THE TRUE POINT OF BEGINNING. Containing 62,694 square feet or 1.440 Acres.

- (b) The above-described tracts are illustrated in attachment "A", which is included with this Ordinance. It is intended that the LUC-20 zoning district be established specifically for a mixed-use retail, commercial and office complex to be developed substantially in accordance with the following express conditions:

(1006B.20.1) *Conformance with master plan.*

Development shall take place in conformance with the master plan prepared by Summer/ Wise & Associates Architects (last revised April 25, 2005). Any substantive change to this plan or any of the conditions and requirements of this section shall require a new rezoning action.

(1006B.20.2) *Permitted uses.*

- (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) Restaurants and any business involving the sale of food or beverage on the premises, the purpose of which is to primarily serve the needs of the tenants and visitors within the mixed-use retail, commercial and office complex.

(1006B.20.3) *Uses not permitted.*

- (a) Transportation facility or terminal.
- (b) Self-service storage facilities, i.e., mini-warehouses.

- (c) Adult bookstores.
- (d) Package stores.
- (e) Gas stations.
- (f) Off-street auto parking facility.
- (g) Massage parlors.
- (h) Open yard for the sale, rental, and/or storage of materials or equipment, including junk or salvage materials.
- (i) Convenience-type stores.

(1006B.20.4) *Conditional uses.*

No conditional uses shall be permitted within this zoning district.

(1006B.20.5) *Other requirements.*

- (a) Maximum commercial area.

The overall area of retail, commercial and/ or office space shall not exceed 37,600 SF. All requirements listed in Section (1006A.4) are requirements for any development within the LUC-20 zoning district.

- (b) Parking.

Parking shall be provided as set forth in Section 909. Dumpsters, loading and service areas shall not be located within any building setbacks and shall be properly screened from view in accordance with current City ordinances.

- (c) Curb cuts.

The overall development shall be limited to one right-in/ right-out curb cut on GA 74. The teardrop island within this entrance must consist of stamped and stained concrete or brick or concrete pavers as opposed to plain concrete. The overall site will be limited to two full-turning entrances from Wisdom Road.

- (d) Access drive.

The internal access drive interconnecting with the adjoining Dalton West tract shall be designed in such a manner as to allow the free-flow of traffic through this site from Wisdom Road to the adjoining property.

(e) Architectural concept.

A unified architectural concept for the overall tract must be developed and approved by the Planning Commission. The architectural design, building materials and color selections of all buildings and structures on the site must be similar in nature and provide a uniform theme for the overall development. All sides of each building and structure on the site must include similar architectural detailing, building materials and color selections.

(f) Site lighting.

A complete site lighting plan, including all lighting proposed on the exterior of the buildings, must be developed and approved by the Planning Commission. A lighting plan must be submitted which indicates that light from the parking lots, drive aisles, drive-thru and ATM and buildings does not leave the property boundaries of the site. Standard wall pack security lights or other external lighting sources will not be permitted on the exterior of the buildings without approval. The level of illumination within all parking and service areas must not exceed 3 foot-candles. Lighting underneath the ATM canopy shall comply with current Federal regulations.

(g) Signage program.

Signage shall be provided as set forth within the City's Sign Ordinance and in accordance with an overall sign program for the tract that shall be approved by the Planning Commission.

(h) Landscape concept.

A complete landscape plan must be developed and approved by the Planning Commission. The plan must provide for a fully landscaped entrances off of GA 74 and Wisdom Road, including meandering berms and substantial landscaping within the tree save and landscape buffer adjacent to GA 74. Clearing and grading shall be kept to a minimum within the landscaped buffers adjacent to the adjoining subdivision, and these areas must be heavily landscaped with evergreen trees and plant material to assist in providing a visual separation between the proposed development and the adjoining subdivision. All landscaped areas within the site, including the GA 74 and Wisdom Road right-of-ways, must be irrigated.

(i) Utility connections.

The property must be connected to the City's sanitary sewer system, and the existing septic systems must be removed. All overhead utility lines that traverse the site must be relocated underground.

(j) Application of requirements and conditions:

The requirements and conditions specified in this section shall remain in effect unless specifically amended or revoked by subsequent action of City Council in accordance with the established procedure for zoning amendments; and, in addition, if it is determined that the property will not be developed in substantially the same manner as depicted on the Summer/ Wise & Associates Architects master plan referenced above, and each condition of that plan substantially complied with, the zoning of this property shall automatically revert back to the zoning the property currently holds.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2005.

Stephen D. Brown, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: City Planner *David*

VIA: City Manager *Bonnie M. Mall*
Developmental Services Director *CWS*

DATE: May 26, 2005

SUBJECT: Amendments to Chapter 66. Signs
June 2, 2005 City Council agenda

Attached is a "clean" version of the Sign Ordinance, which has been modified to reflect all proposed amendments to date. In addition to these modifications, Staff has inserted language in response to concerns raised at the May 19 workshop, the May 23 Planning Commission meeting, and additional concerns from Staff.

Should there be additional modifications to this document prior to next Thursday's meeting, we will forward a copy of the revised ordinance to you for review and consideration.

**AN ORDINANCE TO AMEND CHAPTER 66, SIGNS, OF THE
PEACHTREE CITY CODE OF ORDINANCES IN ITS ENTIRETY
PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITS AND
PROCEDURES; PROVIDING FOR REGULATIONS OF SIGNS BY LAND
USE; PROVIDING FOR NON-CONFORMING SIGNS; PROVIDING FOR
ENFORCEMENT AND SIGN REMOVAL PROCEDURES, AND FOR
OTHER PURPOSES.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Chapter 66, Signs, of the Code of Ordinances be repealed in its entirety and amended as follows:

DIVISION 1. GENERAL

Section 66-1. Purpose

Intent of article and declaration of public policy. The City of Peachtree City finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners desiring ever-increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

Regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the City's citizens.

Section 66-2. Authority.

This ordinance is enacted pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, the Charter of the City of Peachtree City, the general

police powers of Peachtree City and other authority provided by federal, state or local laws applicable hereto.

Section 66-3. Definitions.

As used in this ordinance, the following terms shall have the meanings respectively ascribed to them.

Awning: A roof-like-cover that projects from the wall of a building for the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoned lot as the light source; also, any light with one or more beams that rotate or move.

Building Official: The Building Official of the City of Peachtree City.

Business premises: A building, suite, office or other unit used for nonresidential purposes. In the case of businesses licensed by the City, the area occupied by a single business license holder shall be deemed as one (1) business premises. In the case of professionals paying individual taxes to the City, each professional corporation, partnership or other entity in which the professional participates shall be considered the occupant and all area occupied by that occupant shall be the business premises. For the purpose of this Ordinance, business premises shall include nonresidential space occupied by charitable organizations, political organizations, institutions or other noncommercial entities.

Canopy: A roof-like structure supported by columns or projecting from a building and open on at least three sides.

City Planner: The City Planner of the City of Peachtree City.

Commercial message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity

Election cycle or election season: That period of time commencing with the closing date for filing notices of candidacy and ending with the final determination of each ballot issue or successful candidate for office.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of government, political subdivision, or other entity

Frontage or street frontage: The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

Fronts or fronting on a street. A business “fronts” on a street when the lot line on the property on which the business is located also forms the line marking the edge of a publicly dedicated right-of-way.

Lot: See definition of “zoned lot” herein.

Non-commercial message: Any sign wording, logo or other representation promoting an activity or idea other than a commercial activity or idea.

Pennant: Any lightweight plastic, fabric, or material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind as a means of attracting attention.

Person: Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind

Principal building: A building in which the primary use of the lot on which the building is located is conducted.

Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured from the property line to that portion of the building, statutory or sign which is most proximate to such line.

Sign: Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement or illumination. Individual signs shall be defined as follows:

A-frame or easel sign: A portable sign consisting of two sign faces placed back to back and hinged together at the top in such a manner that each sign face leans toward the other, connecting at the top and forming a self-supporting structure which is not permanently affixed to the ground.

Animated sign: Any sign or attention-getting device, including spinners, which involves motion or rotation of any part by any means, or which is illuminated by flashing, intermittent, or color changing light or lighting, or which uses movement or change of lighting to depict action or create a special effect or scene.

Awning sign: A sign imposed or painted upon an awning.

Banner sign: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or

more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Building sign: A sign that in any manner is fastened to, projects from, or is placed upon the exterior wall, window or door of a building.

Canopy sign: A display attached to the underside of a marquee or canopy and protruding over any public or private sidewalk or right-of-way.

Changeable copy sign: A sign that is capable of changing the position or format or word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods; provided these changes are actuated by either by a control mechanism or manually on the face of the sign.

Directional sign: A sign used to give direction or specific instruction to the public, such as, but not limited to, "enter," "exit," "no parking," "drive through," "rest room," etc. Such signs shall contain only instructional information, and shall not contain any logos, trademarks, or other commercial message.

Directory sign: A sign used to identify the location of structures or a single structure.

Externally-illuminated sign: Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Incidental sign: A sign that provides information that is secondary to the use of the zoned lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. Any commercial message on such a sign must be less than six square inches (6") in area.

Internally-illuminated sign: Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face (prohibited).

Marquee sign: Any permanent, roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Monument sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A monument sign may include individual letters, numbers, figures mounted on a surface composed of stone, brick or other permanent structures. The supporting structure must rest on the ground

Portable sign: Any sign not permanently attached to the ground or other permanent structure, or sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal, day-to-day operations of the business, then the vehicle shall be parked in a designated parking space at the location of the business and furthest from the right-of-way at the location of the business.

Projecting sign: A sign affixed to a wall and extending more than four inches from the surface of such wall, usually perpendicular to the wall surface

Residential sign: Any sign located in a district zoned for residential uses that contains no commercial message.

Roof sign: A sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. Roof signs shall also constitute any signage placed upon sloped building fascia intended to appear as or actually be roof elements of the building.

Shared sign: A sign that serves as common or collective use for a group of persons or businesses operating on the same lot such as, but not limited to, a shopping center or business park. Ownership of and responsibility for a shared sign shall remain with the owner of the building or buildings served by the sign.

Special event sign: A temporary sign utilized in conjunction with and for the same time period as a valid special event permit issued by the City.

Spectacular sign or device: Spectacular sign or device includes, but is not limited to:

- (a) any piece or strip of cloth, paper, canvas, plastic or similar material, including banners, but excluding flags, on which a message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped for the purpose of advertising or drawing public attention;
- (b) any advertising display, sign or copy that is animated;
- (c) balloons, air and gas filled devices;
- (d) streamers;
- (e) other attention-getting devices.

Subdivision sign: A sign located at the main entrances for identifying the name of the subdivision.

Suspended sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign: Any sign that is used only temporarily and is not permanently mounted or affixed to the ground.

Wall sign: A sign that is fastened directly to the exterior wall of a building and extends from the surface of the wall no more than 18 inches.

~~Window: Any portion of a building that is translucent in nature and allows views into or out of a structure.~~

~~Window sign: A sign that is placed on or behind a windowpane and intended to be viewed from outside the building. Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, or which communicates a non-commercial message, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window or building. Any type of sign that is located on the interior of a business premises and is either attached to or is located within 48" of an exterior window, and is intended primarily to be viewed from the exterior of the premises. Glass doors are to be considered windows for the purposes of administration of this Article. Merchandise located within a window shall not be considered a window sign, as long as there are no commercial messages attached to or associated with the display of merchandise.~~

Sign face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street frontage: The length of any one property line of a zoned lot, which property line abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the zoning definition for yards.

Window: An opening made in the wall of a building to admit light and air, and/or to furnish a view; provided, however, that as such term is used herein, the term "window" shall not include the framework for such opening, but shall only include the glass or translucent portion of such opening.

Zoned lot: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations

Section 66-4. Applicability.

A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

The effect of this ordinance as more specifically set forth herein, is:

- (1) To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;
- (2) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
- (3) To provide for temporary signs with and without commercial messages in limited circumstances;
- (4) To regulate signs so as to prevent the degradation of the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth;
- (5) To prevent the proliferation of signs which may result in roadside clutter that would impede the flow of information from businesses to consumers thereby harming the economic health of the community, and that would impede the flow of information from traffic signs and signal and therefore create hazards to drivers and pedestrians;
- (6) To lessen hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrians and vehicular traffic, and impede vision of traffic, traffic control signs and devices;
- (7) To prohibit all signs not expressly permitted by this Ordinance; and
- (8) To provide for the enforcement of the provisions of this Ordinance.

Section 66-5. Prohibited signs.

The following types of signs are prohibited:

- (1) Signs imitating warning signals; signs displaying lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles; signs using words, slogans, dimensional

shape or size, or colors of governmental traffic signs in such a manner as to resemble official traffic signs.

- (2) Signs with lights blinking and / or flashing in series, lines, or rows.
- (3) Flashing, blinking, fluctuating, or otherwise animated signs.
- (4) Signs attached to trees or utility poles or boxes; signs painted on or otherwise attached to rocks or other natural objects; signs, other than those placed by a local, state or federal government, located within the public street right-of-way or within five (5) feet of the edge of curb or closest edge of the pavement of any public street.
- (5) Signs emitting or utilizing in any manner any sound capable of being detected on a public road by a person of normal hearing.
- (6) Signs which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; signs attached in any manner to any fire escape.
- (7) Banners, fringe, twirling, sidewalk or curb-type signs, balloons, streamers, portable display signs, air or gas filled figures and other similar temporary signs, other than as specifically authorized in this Chapter.
- (8) Roof signs.
- (9) Signs displaying any statement, word, character or illustration of an obscene nature.
- (10) Illuminated signs from or to which direct rays of light are projected onto a lot other than on the lot where the illumination occurs.
- (11) Portable signs, other than as specifically authorized by this Chapter.
- (12) Search lights or similar devices.
- (13) Benches, vending machines, trash cans, or other outdoor devices which display a commercial message.
- (14) Animated Signs.

No sign otherwise prohibited by this ordinance shall be installed within a building in such a manner that is visible from the public right-of-way.

Section 66-6. Signs exempt from the regulations of this ordinance.

The following signs shall be exempt from regulation under this ordinance:

- (1) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- (2) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zoned lot on which such sign is located;
- (3) Works of art that do not include a commercial message;
- (4) Holiday lights and decorations with no commercial message;
- (5) Traffic control signs on private property, such as Stop, Yield, and similar signs, which meet Georgia Department of Transportation standards and which contain no commercial message of any sort;

- (6) Address numerals that are affixed to a single family residential structure on the property, or to a mailbox on the property, that are no more than six inches (6") in height, or Address numerals that are affixed to a multi-family, commercial, office, or residential structure on the property, or to a mailbox on the property, that are no more than twelve inches (12") in height; and
- (7) Signs evidencing the presence of a security, or alarm system, on the property that are no more than one (1) square foot in area.

DIVISION 2. PERMITS AND PROCEDURES

Section 66-7. Permits and procedures.

- (a) Unless specifically exempted from obtaining a permit under provisions of this ordinance, no person shall erect, construct, replace, relocate or structurally alter any sign within the City without first obtaining a sign permit from the City Planner. No permit shall be required to repaint or change the lettering of an existing conforming sign, provided that no change of ownership of the entity displaying the message thereon has been made. A permit is not required for a change limited solely to the copy of an existing changeable copy sign, for example, a change in the normal price or products offered on the premises.
- (b) Applications for permits shall be made upon forms provided by the City and shall contain or have attached thereto the following information:
 - (1) Name, address and telephone number of the applicant.
 - (2) Address of building, structure, or lot to which or upon which the sign is to be attached or erected.
 - (3) One accurate drawing showing the position of the sign in relation to nearby buildings or structures, including other signs, driveways, parking areas, and any other limiting site features (survey not required).
 - (4) One accurate drawing of the plans, specifications and method of construction and attachment of the sign to the building or ground. Such drawings shall include the size of the sign area, overall height of the sign, location of the sign installation and its relation to existing rights-of-way and all driveways, and, if a monument sign, any protective devices or landscaping around the base of the sign.
 - (5) Name, address and telephone numbers of person erecting the sign.
 - (6) Written consent of the owner, manager, leasing agent or lessee of the building or land to which or upon which the sign is to be erected.
 - (7) The location and size of all other signs on the lot upon which the sign is to be erected.

- (8) The size of the lot on which the sign is to be erected and the length of the street frontage for the street to which the sign is oriented.
 - (9) If the sign is to be lighted, an application for electrical permit meeting all standards of the City's electrical code.
 - (10) Such other information as the City shall require to show full compliance with this and other ordinances of the City.
- (c) For signs shared by more than one person or entity, the owner or sign contractor shall secure a permit for the sign structure and the owner shall be responsible for the maintenance of the structure as well as for removal of individual sign panels identifying uses which no longer exist within the building or buildings covered by the shared sign. In addition to the permit required for a shared sign structure, a separate permit shall be required for each panel, which shall be obtained by the owner, his tenant, an authorized agent, or the sign contractor.
- (d) Fees for permits shall be as fixed from time to time by the City Council.
- (e) Upon the filing of an application for a permit and the payment of all necessary fees, the City Planner shall examine all plans and specifications submitted, including electrical wiring and connections, and the premises upon which the sign is proposed to be erected. Such review shall be completed within thirty (30) days of submission of a completed sign application. If it appears from review of the permit application and the site that the proposed sign is in compliance with the requirements of this ordinance and all other ordinances and laws of the City, the City Planner shall issue a permit no later than thirty (30) days from receipt of the completed application.
- (f) *Denial of permit.* The City shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this ordinance, are incomplete, or contain any false material statements. The City may deny permits for master sign programs, or amendments to master sign programs, based upon the architectural appearance of the program; such review, however, shall not include the content of the message(s) conveyed in the master sign program. Violation of any provision of this ordinance will be grounds for terminating a permit granted by the City for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this ordinance, the City Planner shall revoke the permit. Should the City Planner deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before thirty (30) days after the City received the application. Alternatively, the City may personally serve the sign applicant with a copy of the written notice of

denial within thirty (30) days after the City's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission.

No permit shall be denied or revoked, except for due cause as hereinafter defined, and after the applicant is given ten (10) days written notice containing a statement of the reasons for the proposed denial of the permit application or the revocation of a permit. "Due cause" is the violation of any provision of this ordinance, or other applicable ordinances, state or federal law, or the submission of an incomplete application or an application containing false material statements.

- (g) *Appeals.* An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision to the City Council, provided such appellant files a written notice of appeal with the City Clerk within ten (10) business days of the City Planner's notice. Such appeal shall be considered by the City Council at the next City Council meeting held after the City's receipt of the written notice of appeal, provided that such notice of appeal is received a minimum of five (5) business days before the next meeting. Appeal notices received within five (5) days of a scheduled City Council meeting shall be heard at the next available meeting more than five (5) days following receipt of appeal. The City Council shall issue a written decision to the applicant no later than thirty (30) days following the close of the appeal hearing. Decisions of the City Council to affirm the decision of the City Planner or to overrule the decision of the City Planner and grant or continue the permit for which appeal is taken shall be reduced to writing and served upon the applicant in the same manner as the original notice to deny or notice of revocation. Such decision shall constitute a final determination by the City of Peachtree City.

In the event an applicant whose permit has been denied or a permit holder whose permit has been revoked is dissatisfied with the decision of the City Council, such applicant or permit holder may appeal such decision via a Petition for Writ of Certiorari to the Superior Court as provided by law.

- (h) *Variances.* Variances from the regulations of this ordinance shall be limited to the following hardship situations:
- (1) Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or
 - (2) Where visibility of a conforming sign from the proposed street and within fifty (50) feet of the proposed sign would be substantially

- impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and
- (3) Placement of the sign elsewhere on the lot would not remedy the visual obstruction;
 - (4) Such visibility obstruction was not created by the owner of the subject property; and
 - (5) The variance proposed would not create a safety hazard to vehicular traffic or pedestrians as determined by the City Engineer.

Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.

Relief from the application of the provisions of this ordinance by use of variances granted by the City Council shall be granted only upon a finding of hardship as previously defined. Hearing on such variances shall be noticed using this same time frames and notice requirements as for variances from zoning decisions.

- (i) *Double permit fees.* Any person commencing work on a sign before securing the necessary permit from the City Planner shall be subject to double permit fees under the permit fee schedule.

Section 66-8. Expiration of sign permit.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed within three (3) months after the date the permit was issued. No refunds will be made of permit fees for permits that expire due to failure to erect a permitted sign; provided that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign but the fabrication has not yet been completed, one ninety (90) day extension may be granted by the City Planner on the duration of the permit. Where a permit has expired for failure to erect the sign, if an individual later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule in effect at the time of resubmission.

Section 66-9. Display of permit.

The owner of the sign shall be responsible for maintaining the permit for every sign approved, erected or maintained for which a permit is required by this ordinance. Such permit shall be affixed to the sign or kept on the premises served by the sign and shall be exhibited promptly upon request of city officers and employees.

Section 66-10. Compliance with technical codes and zoning.

All signs hereafter erected, replaced, reconstructed, altered, relocated or modified within the City shall conform with the requirements of the City's Building Code in effect on the date the application for a sign permit is submitted, the requirements of the National Electrical Code, and the requirements of all other applicable codes as adopted by the City. Where the provisions of the building or electrical code and this ordinance conflict or overlap, the most stringent requirement shall prevail and be controlling.

All signs hereafter erected, replaced, reconstructed, repaired, altered or relocated within the City shall conform to the zoning ordinance of the City. In the event of conflict between the provisions of this ordinance and the zoning ordinance, the most stringent requirement shall prevail and be controlling.

DIVISION 3. REGULATION OF SIGNS BY LAND USE

Section 66-11. Scope.

The sign standards by district in this section apply to all zoning districts within the city. The districts are defined by the zoning ordinance, Appendix A to this Code, and referenced on the official Zoning Map of the City of Peachtree City.

Section 66-12. Public use, all districts.

A Church, public school, community center, or other public institutional building shall be permitted one monument sign not exceeding thirty two (32) square feet in area and shall extend no more than five (5) feet in height above the ground as described herein.

Section 66-13. Single-family residential (R1 – R43, ER and VR)

Any developed residential property which is zoned other than multi-family residential may post only such signs as are authorized by this section and shall comply with the following requirements:

- (a) *Residential signs.* Such property may contain not more than one residential sign, the area of which may be not greater than sixteen (16) square feet. Any monument sign shall be five (5) feet in height or shorter and shall be setback so that such sign is no closer than five feet (5') from the curb or edge of pavement on streets with no curbing. Signs shall not project over the property lines.
- (b) *Permanent subdivision signs.* In addition to any other signs authorized by this section, one single faced-sign, one double-faced sign, or two single-faced signs may be permitted at the entrance to any residential subdivision to identify the name of the subdivision, which shall not exceed twenty-four (24) square feet each.

- (c) Any sign permitted under Section 66-17.

Section 66-14. Multi-family residential.

- (a) In multifamily residential districts, one directory sign per building shall be required, no larger than four (4) square feet. Such sign shall indicate only the name, number, and/ or address of the individual building. Each such sign shall be reflective, and shall be placed so that it is visible from the interior street or access drive adjacent to the structure.
- (b) One subdivision sign shall be permitted at each major entry, no larger than twenty-four (24) square feet.
- (c) Any unit in which a sales or rental office is allowed shall be permitted one (1) building sign not exceeding four (4) square feet.
- (d) Window signs, provided that no more than one (1) window per unit or residence shall be used to display window signs, and further provided that no commercial message is displayed on such window signs.
- (e) Any sign permitted under Section 66-17.

Section 66-15. Retail, commercial, office or industrial.

For properties which are zoned for any retail, commercial, office or industrial use, such properties may post only such signs as are authorized by this section. All signs not expressly authorized by this section are prohibited on such properties. Authorized signs shall comply with the following requirements:

- (a) *Monument signs.* Such property may contain one or more monument signs in accordance with the following:
 - (1) Except for regulatory signs approved and erected by appropriate federal, state or local authorities, no signs shall be constructed, erected or maintained closer than two (2) feet to the edge of a public right-of-way as measured from the closest point of the sign structure as it relates to the legally defined boundary of such right-of-way. If the building to which the sign relates is less than ten (10) feet to the edge of a public right-of-way, the setback shall be not less than forty percent (40%) of the distance from the public right-of-way to the building. No free standing or projecting sign shall be erected within five (5) feet of the nearest point of the public right-of-way at the intersection of two or more streets.
 - (2) Only one Monument sign per platted lot shall be allowed along the right-of-way, provided that for business premises fronting on more than one street, one Monument sign shall be allowed along

- no more than two (2) right-of-way frontages, which signs shall be separated a minimum of two hundred (200) feet.
- (3) All Monument signs shall be surrounded by protective concrete curbing and shall be placed in a landscaped area. No Monument sign shall be permitted to encroach in a parking area to such extent that the remaining parking spaces fail to meet the minimum standards of the zoning ordinance for off-street parking.
 - (4) The maximum sign area of any Monument sign, inclusive of any border and trim, but excluding the base, apron, supports and other structural members shall be:
 - (A) Monument signs on lots zoned commercial or industrial, including shared signs, on lots with more than one (1) occupant, fifty (50) square feet in sign area.
 - (B) Monument signs on lots zoned commercial or industrial with one (1) occupant, thirty-five (35) square feet in sign area.
 - (C) Monument signs on lots zoned OI, Office Institutional, thirty-five (35) square feet in sign area.
 - (D) Monument signs for single business premises, thirty-five (35) square feet in sign area.
- (c) *Exceptions.* Exceptions to the size restrictions for shared signs may be made by the City Council upon petition by the property owner where it is determined that the number of tenants to be served by the sign are such that individual sign panels would measure less than four and one-half (4 ½) square feet each. Exception to the size limits shall be limited to the maximum relief necessary to allow such individual sign panels at a size of four and one-half (4 ½) square feet.
- (d) *Drive thru menu boards.* In addition to any other Monument signs authorized by this Section, if such property contains a business premises where materials are delivered at a drive thru delivery point other than on the front side of the building, then one additional Monument sign per delivery point shall be allowed to be located on the property in the side or rear yard; no such sign shall exceed thirty (32) square feet in sign area nor five (5) feet in height. The location of the menu board on the lot shall be approved as a part of the site plan review process.
- (e) *Building signs* (retail, commercial and office zoning districts):
- (1) For single-tenant and multi-tenant occupancy with less than 100 linear feet building frontage, one and one-half (1 ½) square feet per linear foot to building frontage, to a maximum area of one hundred (100) square feet.
 - (2) For multi-tenant (commercial shopping center with one hundred (100) linear feet building frontage or greater) occupancy, each tenant, two and one-half (2 ½) square feet per linear foot of building

frontage, to a maximum area of one hundred fifty (150) square feet per tenant.

- (3) For multi-tenant office or occupancy, each building may have one-half ($\frac{1}{2}$) square foot per lineal foot of building frontage to a maximum of thirty (30) square feet as a building identification, or a Monument sign as defined herein. Each tenant in a multi-tenant office building may have one (1) wall sign not to exceed ten square feet. In a multi-building complex, each building may have an identification sign not exceeding five (5) square feet.

(f) *Building signs* (industrial zoning districts):

- (1) For single-tenant occupancy, one-half ($\frac{1}{2}$) square foot per linear foot of building frontage, to a maximum area of fifty (50) square feet.
- (2) For multi-tenant occupancy, each tenant shall be allowed one (1) wall sign not to exceed thirty (30) square feet. In a multi-building complex, each building may have an identification sign not exceeding five (5) square feet.
- (3) For single-tenant or multi-tenant occupancy, with more than 30,000 square feet of floor space, one (1) square foot per linear foot of building frontage, to a maximum area of one hundred fifty (150) feet.
- (4) Signs may be flat against the wall or pinned away from the wall, but in no case project more than fifteen (15) inches from the wall surface.

(g) For any building that is primarily used for retail and service commercial, office/ institutional or industrial purposes, no part of a wall or building sign shall extend above the eave line or the top of a parapet on the wall to which it is attached.

(h) For any building that is primarily used for retail and service commercial purposes, no part of a wall sign shall be located more than twenty-five (25) feet above the existing level of the ground. In addition, for any retail or service commercial buildings, no sign shall be installed on any wall over the level of the bottom of any second story window on that wall unless the building is a multi-tenant structure where tenants have direct access from their second floor space to the outside. This direct access must include outside walkways and stairways properly designed for public use.

(i) Signs may not cover or interrupt architectural features of a structure.

(j) Multi-frontage sites are calculated with one major frontage only.

- (k) Multi-tenant building directories are allowed if not in excess of six (6) square feet in width, two-inch maximum size letters, and must be located within ten (10) feet of the structure(s) on the lot.
- (l) *Directional signs.* In addition to any other signs authorized herein, any such property may contain not more than two directional signs per driveway entrance. Such signs are limited to no more than twenty-four (24) inches in height and no more than two (2) square feet in sign area.
- (m) *Master sign plan.* All multiple-occupancy development complexes, such as shopping centers or planned industrial parks, shall submit to the City Planner a master sign plan prior to the issuance of new sign permits, which plan must comply with all provisions of this Chapter.

The master sign plan shall establish standards and criteria for all signs in the complex, which require permits and shall address, at a minimum, the following:

- (1) Proposed sign locations.
- (2) Materials and colors.
- (3) Type of illumination, including fixture specifications and wattage.
- (4) Design of free standing and wall sign structures.
- (5) Size.
- (6) Quantity.
- (7) Uniform standards for non-business signage, including directional and informational signs.
- (8) Identification of delivery or rear access door by name and suite number.

All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

Any amendments to a master sign plan must be approved by the City Planner and the property owner(s) within the development complex before such amendment will become effective. Approval by the City Planner shall apply only to the architectural elements, uniformity of size, color and placement of the master sign program. The review by the City Planner shall not address the content of the master sign program.

It shall be the responsibility of the owner or leasing agent of the property to provide the occupant with a copy of the approved master sign plan.

The signing for new businesses within existing projects shall comply with the provisions of this chapter.

- (n) *Banners.* Banners shall be permitted in all zoning districts of the City except single-family residential zoning districts. Banners shall be permitted for no more than fourteen (14) calendar days, and the maximum size of a permitted banner shall not exceed thirty-five (35) square feet. Unless specifically permitted elsewhere in this chapter, no banner will be permitted off the premises.

Banners shall be securely attached to a building and maintain a seven (7) foot clearance between walking surface and bottom edge of the banner if placed over a walk surface. Only one banner will be permitted for a particular premises during a period of 120 days. Banners shall not be attached to the roof of the structure, or above the parapet line of the structure.

- (o) *Window signs.* Except as otherwise provided in this Chapter, Window signs are allowed for each tenant within only in commercial zoning districts only (GC, LC, and LUC). Window signs may be installed without a permit, but they must be installed in accordance with the provisions of this chapter.

No more than fifty percent (50%) of the windows of a business premises shall be used to display window signs. The total square footage of all window signs shall not exceed twenty five (25%) percent of the individual tenant's total window area exposed to public view, subject to the following conditions:

- (1) No more than six (6) windows shall be used to display window signs; and
- (2) If the business premises has three (3) windows or less, no more than two (2) windows shall be used to display window signs.
- (3) No more than fifty percent (50%) of an area of a window shall be used to display window signs, and no window sign shall extend from one window to another. As used in this section, the term "window" shall include on only the glass portion of a window, and shall not include any frames or other non-glass portion of such window. Glass doors are to be considered windows for the purposes of administering this article.

- (p) If a lot contains a mixture of commercial and/or industrial and/or residential uses, the signage requirements for each use shall apply. For example, if a lot contains residential and commercial uses, the sign regulations for the residential uses on such lot shall be as set forth in Section 66-13 or Section 66-14, and the sign regulations for the commercial uses on such lot shall be as set forth in this Section 66-15.

Section 66-16. Computation of sign area.

The following principles shall control the computation of sign area for Monument, and Wall signs:

- (a) Monument signs. The area of a monument sign shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign face modules may be placed, including all portions of a sign structure that provide a background for the sign face and are not intended to contain any message or idea and are purely structural or decorative in nature.

The supports or structure upon which the sign face is located shall not be included in determining the overall size of the monument sign unless they are designed in a manner to form an integral part of the display and the surface area of the frame that is parallel to the display is no greater than one hundred percent (100%) of the area of the sign displayed, and provided that no part of the monument sign is no higher than five (5) feet.

- (b) Wall signs. The area of a wall sign shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign face modules may be placed, including all portions of a sign structure that provide a background for the sign face and are not intended to contain any message or idea and are purely structural or decorative in nature. Any open space contained within the limits of the rectangle delimiting the sign face, sign face module, or sign structure shall be included in the computation of the area of such sign face, sign face module, or sign structure.
- (c) Computation of sign height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is lower.

The maximum height of monument signs shall be no greater than five (5) feet.

Section 66-17. Signs permitted in all districts without approval.

In addition to any other signs permitted under this Chapter, the following signs may be erected without a sign permit, subject to the following:

- (a) *Real estate signs.* Real estate signs which indicate the sale, rental or lease of the property are permitted, provided such signs are located on the property, are at least five feet from the paved portion of any street or driveway, and are no more than five feet above ground level. Only one real estate sign per property is permitted.
 - (1) In residential zoning districts, the maximum size is six square feet, and the sign must be removed no later than seven days after closing of sale, rental or lease of the property.
 - (2) In all other zoning districts, the maximum size is 32 square feet; and the sign must be removed no later than seven days after closing of sale, rental or lease of the property.
- (b) Real estate directional signs. Real estate signs which indicate the location of a structure for sale, rental or lease, provided such signs are located at least five feet (5') from the paved portion of any street or driveway. Real estate directional signs shall be of a uniform design with standard colors and graphics. No company names shall appear on the face of the sign. A sample of the approved sign design shall be available at city hall. Real estate directional signs shall be installed pursuant to the following:
 - (1) No sign shall be allowed at any intersection with a state highway or at the intersection of any two major thoroughfares.
 - (2) A maximum of two signs (one per direction) shall be allowed at any other intersection (signs must direct from the major street onto the lesser street only). If any street intersects another street at more than one place, signs may be placed at only one of the intersections.
 - (3) A maximum of four directional signs may be located along any single collector street.
 - (4) No such sign shall be more than two (2) square feet in area, nor more than four (4) feet above ground level.
- (~~ebc~~) *Construction signs.* Construction signs are permitted in all districts subject to the following:
 - (1) Signs can be no more than five feet in height and are limited to one sign for each site. The sign may be erected after a building permit has been issued for the site and work is in progress; this sign shall be confined to the site of construction. Construction signs shall be used to identify the name of the project, architect, engineers,

- contractors, and other individuals or firms involved with the construction.
- (2) In single-family residential zones, the maximum size is six square feet; and the sign must be removed no later than seven days after issuance of an occupancy permit by the city (in no case more than two years).
 - (3) The sign must be removed when the builder places property for sale or not later than seven days after the closing of the sale.
 - (4) In all other zoning districts, the maximum size is 32 square feet; and the sign must be removed no later than seven days after issuance of an occupancy permit by the city (in no case more than two years).
- (ed) *Vacant or unimproved property.* Each vacant or unimproved lot shall be allowed to have one (1) monument sign, the size of which shall be limited to sixteen (16) square feet for residentially zoned property, and thirty-two (32) square feet for property zoned office, commercial, or industrial. Such signs shall not exceed five feet (5') in height. Once construction begins on any such vacant or unimproved lot, such signs shall be removed and the provisions regarding construction signs set forth above shall be applicable.
- (de) *Flags.* One (1) flag is permitted on each lot, provided that each such flag does not exceed five feet by eight feet on a lot zoned industrial, four feet by six feet on a lot zoned commercial, and three feet by five feet on a lot zoned to any other zoning classification under the Peachtree City Zoning Ordinance.
- (ef) *Memorial signs or tablets.* Memorial signs or tablets, names of buildings and date of erection are permitted when cut into any masonry surface or when constructed of bronze or other incombustible material.
- (fg) *Bulletin boards.* A bulletin board not over 15 square feet in area for a public, charitable or religious institution is permitted when located on the premises of such institution and located in such manner as not to interfere with the vision of motorists.
- (gh) *Municipal graphics.* Traffic or other municipal street graphics such as railroad crossing signs, legal notices and such temporary emergency signs may be required by the city council.
- (hi) *Utilities signs.* Signs of public utilities companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities, or of public telephones are permitted.
- (ij) *Directional, informational, public service signs.* Directional, informational or public service signs erected for the convenience of the public, not

identifying any commercial or public entity, and only used to identify entrances, exits, parking areas, no parking areas, restrooms, public telephones, walkways, cart paths, and similar such features are permitted. Such signs, if located on public property, shall be limited to two square feet in area except as provided herein. Such signs, if located on other than public property (or publicly controlled sign easement), shall be limited in area to one square foot for each four feet the sign is located from public property (or two square feet, whichever is greater) to a maximum of 25 square feet, and shall not exceed five feet in height. No directional, informational or public service sign exceeding two square feet in area may be placed on or attached to a building or structure. Privately owned and maintained traffic control signs or devices, placed entirely on private property, shall also be permitted, provided such signs or devices are of the same size, shape and color as the official such sign or device.

- (k) *Signs regulating use of property.* No trespassing signs or other such signs regulating the use of property such as no hunting, no fishing, etc., of no more than two square feet in area are permitted.
- (l) *Garage sale, similar type retail signs.* Garage sale signs or similar type retail signs are permitted and shall be limited to the following:
 - (1) each sign must be acquired at city hall;
 - (2) signs shall not be placed on city-owned property or within any public highway or street right-of-way within 200 feet of any intersection with State Highway Routes 54 and 74, or in any median strips;
 - (3) signs may be placed the day prior to the sale and shall be removed immediately after the sale has been completed;
 - (4) each property owner shall be limited to no more than two garage or yard sales annually.

All signs, other than those acquired at city hall, are prohibited; and any other types will be removed without notice.

- (m) Unless otherwise described in this Chapter, and in addition to other signs authorized by this Chapter, temporary signs shall be permitted irregardless of the message conveyed on each temporary sign, subject to the following:
 - (1) Each temporary sign cannot exceed sixteen (16) square feet in area on residential zoned property, and cannot exceed thirty-two (32) square feet on all non-residential zoned property; and
 - (2) Each temporary sign cannot exceed four (4) feet in height; and
 - (3) One (1) temporary sign per lot shall be permitted; provided, however, that an unlimited number of temporary signs are allowed during a

political election, between the date of close of filing for qualification of candidates or issues and final determination on each ballot candidate or issue.

Section 66-18. Signs permitted within the public right-of-way.

- (a) *Signs permitted.* Signs permitted within the public right-of-way shall be placed a minimum of five (5) feet from the back of curb, edge of pavement, sidewalk, multi-use path or sidewalk, if present. No signs shall be allowed in the public right-of-way, except for the following:
 - (1) *Public signs.* Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
 - (2) *Informational signs.* Informational signs of public utility regarding its poles, lines, pipes, or facilities; and
 - (3) *Emergency signs.* Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- (b) *Forfeiture of signs.* Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing or maintaining such a sign the full costs of removal and disposal of such sign.

Section 66-19. Special events permits.

- (a) In addition to signs otherwise permitted in this Chapter, properties in commercial, office and industrial districts wishing to erect special event signs and devices including portable signs and spectacular signs and devices, may do so only by obtaining a permit under the following conditions and requirements:
 - (1) *Application.* Prior to display of a special event sign, an application for a permit shall be filed with the City Planner. One permit shall be issued to cover all signs and devices during the period of permit coverage. Handling of permit requests shall conform to Section 66-7. All signs and devices to be covered by the permit shall be specifically described as to their construction and/or composition and location on the business premises.
 - (2) *Size.* The maximum size allowed for the total of all window signs to be displayed under the permit shall be twenty-four (24) square feet. The maximum size allowed for the total of all special signs, including window signs, shall be seventy two (72) square feet.

- (3) *Number of permits.* The maximum number of special event permits to be issued to a single premises in a business, office or industrial district shall be four (4) per year for a period of time not to exceed seven (7) days for each permit issued. No more than one special event permit shall be issued per calendar quarter per business premises.
 - (4) In considering an application for a special event signs, the City Planner shall only consider the size of signs and number of permits issued, and shall not consider the content of the signs.
- (b) Except as modified by this Section all special event signs or devices must comply with all other applicable regulations and conditions set forth in this ordinance governing their usage.

Section 66-20. Noncommercial message permitted on all signs.

Any sign otherwise permitted by this ordinance may contain a noncommercial message in lieu of a commercial message.

DIVISION 4. NON-CONFORMING SIGNS.

Section 66-21. Non-conforming signs.

- (a) Signs that, on the effective date of this ordinance, were approved and legally erected under previous sign restrictions, and became or have become non-conforming with respect to the requirements of this ordinance, may continue in existence subject to the following provisions:
 - (1) No increase in size of the non-conforming sign shall be permitted.
 - (2) Existing signs which were legally erected and which have become non-conforming and do not meet the setback requirements of this ordinance due to road widening may be moved to meet the setback requirement of this ordinance but shall not be increased in size, shape or changed in any manner except as to become conforming.
- (b) In all zoning districts, signs which were:
 - (1) Illegally erected or maintained with respect to prior ordinances,
 - (2) Made of paper, cloth or non-durable materials (except standard informational signs); or
 - (3) Located in the public right-of-way (except as permitted by this ordinance) shall be prohibited and shall be removed by the owner.
- (c) Upon failure to comply with any requirement of this section, the City Planner may cause the removal of such sign at the expense of the owner.

- (d) A non-conforming sign shall not be replaced by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards or de-mountable material on non-conforming signs shall be permitted.
- (e) Minor repairs and maintenance of non-conforming signs such as electrical repairs or lettering repair shall be allowed. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this ordinance; provided that signs damaged by fire or act of God may be restored to their original condition.
- (f) Each non-conforming sign shall be registered within ninety (90) days of the enactment of this ordinance by the sign owner, and if it is determined that such non-conforming sign was legally erected under the prior ordinance, then a sign permit shall be issued to the sign owner without charge and the sign shall be marked with a permit decal. Should the owner of a non-conforming sign fail to register such sign with ninety (90) days from the enactment of this ordinance, such failure to register shall be deemed a violation of this ordinance, and such person shall be subject to citation in Municipal Court.

Existing signs on the property of newly annexed territory that were legally erected under the county ordinance which would become non-conforming under this ordinance upon annexation by the City shall be allowed to remain, provided such sign shall be registered with the City within ninety (90) days of annexation.

- (g) The City Planner shall be responsible for enforcement of the provisions of this Section. Notices of violation shall be provided to the sign owner in accordance with the requirements herein.

DIVISION 5. ENFORCEMENT AND SIGN REMOVAL PROCEDURES.

Section 66-22. Inspection

The City Planner or other designated city officials, ~~including, but not limited to Code Enforcement officers,~~ shall periodically inspect each permanent and temporary conforming and non-conforming sign for the purpose of ascertaining whether the same is secure or insecure, whether it is in compliance with the requirements of this ordinance and whether it is in need of repair.

In addition to these inspections, the City Planner shall cause to be removed any sign that falls under the following classifications:

- (a) *Traffic hazards.* Any sign constituting a traffic hazard or a menace to the motoring public or pedestrians, as determined by the City Planner in consultation with the Chief of Police, shall be removed as provided herein.
- (b) *General maintenance.* Every sign, including those signs for which permits are required and those for which no permits or permit fees are required shall be maintained in a safe, presentable and good structural condition at all times. The sign owner shall be responsible for repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety and maintenance standards, the City Planner shall require its removal in accordance herein.
- (c) *Abandoned signs.* Except as otherwise provided in this ordinance, any sign that is located on property that becomes vacant and unoccupied for a period of ~~three~~one (1) months or longer, including any tenant in a multi-tenant commercial, office, or industrial structure, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. Sign panels from abandoned signs shall be removed by the owner of the premises on which the sign is located within the time frame specified in this Subsection. The supporting structure of an abandoned sign shall be subject to the non-conforming use provisions herein.
- (d) *Dangerous or defective signs.* No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the City Planner shall proceed as described herein.
- (e) *Unlawful signs.* No person shall erect or permit to be erected any sign that does not comply with the provisions of this ordinance.

The City Planner shall prepare a written notice that shall describe the sign and specify the violation involved. The notice shall state that if the sign is not removed or the violation is not corrected within ten (10) business days, the sign shall be removed in accordance with the provisions of this Section.

All notices by the City Planner shall be personally served or sent by certified mail, return receipt requested. Any time periods provided in this Section shall be deemed to commence on the date received if hand delivered or otherwise on the date delivered as shown upon the return receipt of the U.S. Postal Service.

The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign, and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

Any person having an interest in the sign or the property may appeal the determination of the City Planner ordering removal or compliance by filing a written notice of appeal with the City Council within ten (10) business days after receipt of the notice. Appeals will be handled as provided in Section 66-7.

If the person to whom notice is directed fails to take corrective action within the time period prescribed, or if on appeal the City Council affirms the decision of the City Planner and the person fails to take corrective action or remove the offending sign within the time period prescribed, then the City Planner shall proceed to have the sign removed or corrected to bring such sign into compliance with this ordinance or to remove any unsafe condition.

When it is determined by the City Planner that the sign would cause imminent danger to the public safety and contact cannot be made with the sign owner or building owner, no written notice shall have to be served prior to removal. In such emergency situation, the City Planner shall document the unsafe condition and may correct the danger, with all costs being charged to the sign owner or the property owner.

If it shall be necessary for the City Planner to remove the sign pursuant to the provisions of this Section, and it should be practicable to sell or salvage any material derived in the removal, the City Planner may sell or salvage any material derived in the removal. He may sell the same at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds, if any, shall be use to offset the cost of removal to be charged to the sign owner or property owner. Any proceeds in excess of the cost of removal shall be returned to the sign owner, if known or if unknown, shall be deposited in the City Treasury and maintained for benefit of the owner for a period of three years. At the end of three years, all unclaimed proceeds shall become the property the City. Where the proceeds derived from such sale are less than the costs of removal, such deficiency shall constitute a lien against the property on which the sign is located. Such lien shall be collectable in the same manner as City property taxes.

Any sign removed by the City Planner pursuant to the provisions of this Section shall become the property of the City and may be disposed of in any manner deemed appropriate by the City. The cost of removal of the sign by the City shall constitute a lien against the property and shall be recoverable in the same manner as City property taxes. The cost of removable shall include any and all incidental expenses incurred by the City in connection with the sign removal.

Section 66-23. Violations

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided herein:

- (a) To install, create, or erect any sign requiring a building permit without such a permit;
- (b) To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zoned lot on which sign is located;
- (c) To fail to remove any sign that is installed, created, or erected in violation of this ordinance, or for which the building permit for such sign has lapsed; or,
- (d) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.

Section 66-24. Notice of violation.

Illegal signs erected in the public right-of-way shall be removed without notice. If any sign is erected or maintained in violation of any of the provisions of this article, the City Planner shall have the duty to give the owner thereof written notice of such violation, such notice to include a brief statement of the particulars in which this article is violated and the manner in which such violation is to be remedied. If a sign has been registered with the City Planner, notice to the registered owner or to the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing a copy of the notice to the sign, sign structure or building for a period of ten (10) days shall be sufficient.

Section 2. Chapter 66 of the Code of Ordinance of the City of Peachtree City, Georgia, is hereby repealed in its entirety.

Section 3. Any ordinances or parts of ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council hereby declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases maybe declared illegal, invalid or unconstitutional.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council Members

VIA: City Manager *[Signature]*
Assistant City Manager *[Signature]*

FROM: Public Services Director *[Signature]*

DATE: May 24, 2005

SUBJECT: Hiring of Two Maintenance Technicians
June 2, 2005 City Council Meeting

Recommendation:

Staff recommends the hiring of two (2) Maintenance Technician I's beginning immediately. Both positions will be assigned to the Cart Path Maintenance function.

Discussion:

The demand for manpower in the Cart Path Maintenance function continues to grow as new mileage is added annually and old mileage continues to decline. This area has benefited in 2005 with the addition of a second asphalt spreader, which requires a large and steady supply of man-hours to be effective and efficient. This entire function needs to have its staffing brought up to a level that can effectively respond to current and future needs to revitalize the City's investment in multi-use path infrastructure. With the receipt of SPLOST funding, the work on City cart path system will increase significantly. Resurfacing and widening of existing paths along with construction of over 10 miles of new paths within the next 5 years will require additional staff.

Budgetary Impact:

New staff positions will be funded from SPLOST sources. Staff estimates that SPLOST funding for cart paths will take up to 6 years to execute. During the last year of SPLOST funding availability, staff will look to absorb individuals filling these positions into the other positions that would become vacant in either Public Works or Leisure Services. Annual cost per employee will be as follows:

	Per Employee	Total
Salary:	\$21,257	\$42,514
FICA:	\$ 1,626	\$ 3,252.
Benefits:	\$ 2,621	\$ 5,242
Uniforms:	\$ 453	\$ 906
Total:	\$25,957	\$51,914

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: Developmental Services Director 

VIA: City Manager 
Financial Services Director 

DATE: May 25, 2005

SUBJECT: Tinsley Mill FEMA Grant Match
June 2, 2005, City Council Agenda

Recommendation:

Approve Agreement with Tinsley Mill Homeowners Association to provide the 25 percent required match for the FEMA Grant.

Discussion:

The Tinsley Mill Homeowners Association submitted an application for a Pre-Disaster Mitigation (PDM) Grant to reduce flooding damages in the Tinsley Mill subdivision. The Grant would provide \$167,437.50 in Federal Disaster funds which requires a match of \$55,812.50 to implement the project designed by Integrated Science and Engineering at the Homeowners Association's expense and at their request. The proposed project includes grading activities within the existing Cherry Branch overflow to Lake Peachtree. It will lower the invert elevation of the overflow by 1.5 feet to engage the vegetated swale when Cherry Branch exceeds a 3-foot depth. It will augment two existing berms and replace and enlarge four culverts with 8' by 8' box culverts. The Tinsley Mill Match Agreement that the City Attorney has reviewed and approved is attached.

Budget Impact:

The Federal Program requires City Administration to insure that all costs are expended as per the grant requirements. Funding would require a special fund but is a wash since the Homeowners Association agrees to pay the match and any cost in addition to the match.

CWS/jir

Attachment

STATE OF GEORGIA
COUNTY OF FAYETTE

AGREEMENT

This Agreement entered into this _____ day of _____, 2005, by and between TINSLEY MILL HOMEOWNERS ASSOCIATION, INC., (hereinafter "TMHA"), and the CITY OF PEACHTREE CITY, GEORGIA (hereinafter "City").

WHEREAS, the City has been awarded a FEMA Pre-Disaster Mitigation (PDM) Grant to reduce flooding damages in the Tinsley Mill Subdivision located on Peachtree Parkway in the City with a total approved Project cost in the amount of \$223,250; and

WHEREAS, the Grant Terms require that 75% of the total approved cost, or \$167,437.50, be in the form of Federal reimbursement for documented monies expended on the Project; and

WHEREAS, the Grant Terms require that 25% of the total approved cost, or \$55,812.50, be from local matching fund sources; and

WHEREAS, TMHA has agreed to be the local matching funds, and to provide 25% of the total approved cost, or \$55,812.50, for the Project; and

WHEREAS, the City has agreed to serve as the local sponsor of the Grant; and

WHEREAS, the Grant Terms divide the total Project cost into three categories, Management Costs in the amount of \$5,000.00, Engineering Costs in the amount of \$33,250.00, and Construction Costs in the amount of \$185,000.00; and

WHEREAS, TMHA has already fully paid for \$23,250.00 of the Engineering Costs.

NOW THEREFORE, and in consideration of the mutual terms and conditions contained herein, the parties hereto agree as follows:

1.

The City will serve as the local point of contact with Federal and State Project administration and will submit PDM Quarterly Progress Reports and PDM Progress Payment Requests as the local sponsor of the Grant.

2.

TMHA will prepare the PDM Quarterly Progress Reports and PDM Progress Payment Requests along with appropriate documentation to ensure reimbursement of the Federal share of the Project costs.

3.

TMHA will fully fund the Management Costs and Engineering Costs of the Project in the amount of \$38,250.00, of which \$23,250.00 has already been paid and is eligible for federal share reimbursement, and request reimbursement through the PDM Progress Payment Request for both monies already paid and monies to be paid.

4.

The City will administer the construction bid process and construction contract of the Project in accordance with existing City procurement procedures.

5.

The City will pay 100% of the Construction costs, or \$185,000.00, with 75% of the Construction costs, or \$138,750.00, reimbursed to the City from the Federal share of the Project costs, and with 25% of the Construction costs, or \$46,250.00, reimbursed to the City by TMHA as the local matching fund source.

6.

TMHA will fully fund, without reimbursement, any costs that exceed the following total maximum of the three categories of Grant costs, \$5,000.00 of Management costs, \$33,250.00 of Engineering costs, and \$185,000.00 of Construction costs.

7.

By entering into this Agreement, the TMHA represents and warrants to the City that it has been authorized by the members of its association to enter into this Agreement.

[Signatures of parties on next page]

Executed the day and date first above mentioned.
TINSLEY MILL HOMEOWNERS
ASSOCIATION, INC.

By: President

Attested by: _____

Title: _____

CITY OF PEACHTREE CITY,
GEORGIA

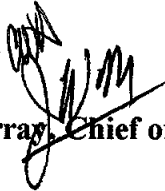
By: Steve Brown, Mayor

Attested by: Jane Miller
Title: City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: James V. Murray, Chief of Police

DATE: May 27, 2005

SUBJECT: Amended Ordinance Relating to Heavy Trucks Prohibited 78-16
(June 2nd, 2005) City Council Agenda

Recommendation:

It is my recommendation that the Mayor and City Council approve the attached amended City Ordinance 78-16, Heavy trucks prohibited on certain streets, which includes Planterra Way, Terrane Ridge, and Kelly Green. These streets lie between State Rout 54 (west) and Dividend Drive.

Discussion:

Due to the construction on State Route 54 (west), the Police Department and the residents of Planterra Ridge have observed numerous heavy trucks utilizing the above-mentioned streets as a "cut-through" to access the industrial park area. These heavy trucks pose a significant danger to the residents, pedestrians, golf carts, and motoring public which access and live within the immediate area. In addition, trucks in excess of twelve thousand (12,000) lbs. appear to be causing damage to the subdivision's roadways. Continued use might possibly result in additional damage. The restriction of these heavy trucks is a public safety matter and the use of these streets by heavy trucks should be restricted immediately.

Budget Impact:

The initial budgetary impact to enact the amended Ordinance 78-16 is minimal. Additional signage will be required. Failure to approve this Ordinance could result in a significant budget impact in the future if the city has to repair the damage caused by these trucks.

Ordinance _____

**AN ORDINANCE TO AMEND SECTION 78-16
OF THE PEACHTREE CITY CODE OF ORDINANCES**

HEAVY TRUCKS PROHIBITED ON CERTAIN STREETS

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 78-16 of the Peachtree City Code of Ordinances be amended by adding paragraphs (9) as follows:

Sec 78-16

(9) That section of Planterra Way, Terrane Ridge, and Kelly Green which lies between State Route 54 and Dividend Drive.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed in their entirety.

Done, Ratified and Passed this _____ day of _____ 2005

Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: Assistant City Manager 

DATE: May 27, 2005

SUBJECT: Discussion on Annexation Policy
June 2, 2005, City Council Agenda

Council Member Rapson asked that this item be placed on the agenda for discussion.