

City Council of Peachtree City
Minutes of Meeting
June 1, 2000
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, June 1, 2000, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Annie McMenamin, Dan Tennant and Bob Brooks.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox recognized Marie Washburn for her service on the Library Commission.

Mayor Lenox read a proclamation for the McIntosh High School Lady Chiefs Soccer Team.

MINUTES

McMenamin made a motion to approve the minutes of May 4, 2000, meeting as presented. Fritz seconded the motion. Motion carried unanimously.

McMenamin made a motion to approve the minutes of May 18, 2000, meeting as presented. Fritz seconded the motion. Motion carried unanimously.

CONSENT AGENDA

There were no consent agenda items.

Mayor Lenox read the rules for conducting public hearings, which would apply for the first two agenda items.

OLD AGENDA ITEMS

05-00-08 Public Hearing – Variance, Lot 1 Kedron Office Park

Mayor Lenox explained that although the public hearing portion had been closed at the previous meeting, he would open the floor for 15 minutes for additional comments or questions.

Bill Foley restated his reasons for requesting the variance. He added that the height of the proposed building would actually be lower than if it were built at the current grade because the grade of the site would be lowered.

David Rast, City Planner, summarized meetings and discussions he had with the residents of Kedron Hills since the last Council meeting. He stated that after visiting the site and discussing the issue at length, some residents continued to have concerns.

Robert Brown spoke in favor of the variance and asked if the buffer would be left undisturbed. Rast said that it would be left undisturbed.

— Gary Richards asked if there were plans to install a traffic light for the development. There were no plans to do so.

Several residents of Kedron Hills Subdivision spoke in opposition to the variance, including: Cheryl Pendleton, Kathryn Stone, Michael Weiss, Russell Wilson, and Bob Gasko.

Cheryl Pendleton thanked Rast for his efforts to meet with residents and discuss the issue. She expressed concerns that Mr. Foley was unwilling to do the same. She said there were many questions that had not been answered; specifically she asked if residents of Kedron Hill would be able to see the building from their homes.

A summary of Council's comments regarding the variance are provided as follows:

Brooks was in favor of the variance. He assured the citizens that they probably would be able to see the building from their homes, and he felt they would be able to see the building even if the variance was not granted. He felt that the topography of the lot and its relation to Highway 74 provided an unusual circumstance to grant the variance. He noted that by lowering the current grade, the building would actually be lower than it would if it were built at current grade. He also felt approval of the variance would support the City's Buffer Ordinance. He explained that Pathway Communities, the current owner of the lot, filed suit against Peachtree City regarding the City's Buffer Ordinance. Since Pathways would be complying with the buffer ordinance, Brooks felt the City's defense of the ordinance would be strengthened.

— Tennant was not in favor of the variance. He felt the developer should construct the building using the standards and rules that were in place when the Kedron Hills Residents purchased their homes. He was also concerned about setting a precedent.

McMenamin was not in favor of the variance. She felt Brooks made a good point about the Pathway's lawsuit regarding the buffer ordinance, but she felt that if the variance was approved in order to comply with the buffer ordinance, it would strengthen Pathways case. She was concerned with setting a precedent and defending legal challenges for future variance requests.

Rick Lindsey, City Attorney, felt that if the motion were worded correctly there would be no danger of setting a precedent.

Lenox supported the variance. He explained that if the variance had not been requested, the citizens of Kedron Hills would not have been notified of the construction of the building as part of the normal site plan review process. He instructed David Rast, City Planner, to make a special effort to notify the Kedron Hills residents of future development in the Kedron Office Park.

— Fritz supported the variance and noted that the proposed building would actually be lower than it would if constructed at the current grade. She also said a four-story building with the same square footage of a three-story building would reduce the total amount of impervious surface which would affect water run-off and water quality. She also felt that the ordinance should not be changed to accommodate the proposed development. She felt that Council should consider future variances on a case by case basis.

Brooks felt Council should not anticipate similar variances in the future. He felt that the

proposed variance had special circumstances that should be considered to approve the variance that could not be duplicated in future requests. Brooks made a motion to grant the variance as requested due to the topography of the property as it related to Highway 74 and since the height of the building would be lower than it would have been if it were not regraded. Lenox seconded the motion. Motion carried with McMenamin and Tennant opposing.

NEW AGENDA ITEMS

06-00-01 Public Hearing – Variance, MA Industries, 305 Dividend Drive

Ed Koons, Hamilton Engineering, addressed Council to request a 100% variance from the 50' rear setback requirement on behalf of MA Industries for the expansion of an existing building. The existing structure already encroaches into the setback area as provided by a variance granted in 1991.

David Rast, City Planner, spoke in favor of the ordinance. He stated that MA Industries owned all of the surrounding property except a 100-foot railroad right of way. He recommended approval of the variance with the following two conditions: 1) a sprinkler system should be installed and the fire protection program for the entire building should be approved by the Fire Marshall, and 2) the applicant should be required to plant 28 new trees on the site, which was what the Land Development Ordinance would require if the area was not already paved.

Bill Peacock from MA Industries addressed Council concerning the variance. He said he would comply with staff's conditions, but he requested a specific location to plant the proposed trees since there was very little room on the site.

Walt Mashburn spoke in favor of the variance.

Hearing no one else speak in favor of the variance, Lenox asked if anyone would like to speak in opposition to the variance. Hearing no opposition, Lenox asked if there were any questions. Hearing none, Lenox called the hearing to a closed and opened the floor for Council to debate the issue and render a decision.

McMenamin did not feel the variance should be approved with the condition that the applicant plant trees on the site because the proposed addition did not affect existing trees.

Brooks made a motion to grant the variance as requested with the condition that a sprinkler system be installed in the building as required by the Fire Marshall. Fritz seconded the motion. Motion carried unanimously.

06-00-02 Consider Funding Request - Oak Grove Elementary School

Randy Gaddo, Director of Leisure Services, said the Recreation Commission recommended approval of a funding request from Oak Grove Elementary School for \$5,000 to be used for playground enhancements. Cindy Liebes-Lindsey from the Oak Grove PTO addressed Council to explain the funding request. Brooks made a motion to grant the funding request

in the amount of \$5,000 as requested, conditioned upon the receipt of a signed agreement from the school. Fritz seconded the motion. Motion carried unanimously.

06-00-03 DOT Contract – Sumner Road

At staff's recommendation, McMenamin made a motion to approve the Agreement for the City to receive funding assistance from the GA Department of Transportation in the amount of \$71,835.34, which will be applied to the cost of materials for making improvements to Sumner Road. Fritz seconded the motion. Motion carried unanimously.

Lenox instructed staff to make sure the contractor knew to save as many trees as possible to make the improvements.

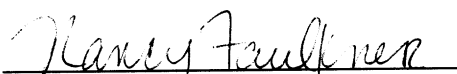
COUNCIL/STAFF TOPICS

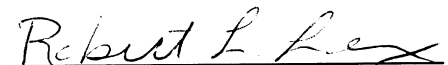
Paul Salvatore, the new Director of Financial Services, was introduced to Council.

Basinger asked Council if they would consider declaring Monday, July 3, as a City holiday this year, since many employees would be working on Tuesday, July 4th. The Mayor instructed Basinger to place the item on the consent agenda for the next meeting for action.

Basinger explained that the construction of the new Police Station was underway, as well as a new warehouse in the same vicinity on Highway 74 South across from Fasson.

Mayor Lenox made a motion to adjourn the meeting. Fritz seconded the motion. Motion carried unanimously. The meeting adjourned at 8:45 p.m.


City Clerk, Nancy Faulkner

Attest: 
Mayor Robert L. Lenox