

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.

City Council of Peachtree City
Agenda
May 19, 2005
7:00 p.m.

- I. Prayer
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Recognize Community Action Day Volunteers
- IV. Minutes
- V. 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
- VI. Old Agenda Items
- VII. New Agenda Items
 - 05-05-09 Consider Appointment of Solicitor Pro-Hac
 - 05-05-10 Consider Change in Planning Assistant Position from Part-time to Full-time
 - 05-05-11 Discuss Term Limitations for Commissions and Authorities
 - 05-05-12 Public Hearing – Consider Rezoning – Ergle Tract, GA
74/Wisdom Road – AR to LUC
- VIII. Council/Staff Topics
- IX. Executive Session

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: Deputy City Clerk 

DATE: May 10, 2005

SUBJECT: Alcohol License – CHANGE IN LICENSEE AND LICENSE
REPRESENTATIVE – Wal-Mart #3461
May 19, 2005, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for a change in the alcoholic beverage license.

Discussion:

Wal-Mart #3461, 2717 Highway 54 West, has submitted an application for a change to the alcoholic beverage license. Ms. Robin Forbis has requested she be appointed as the Licensee. Mr. John Kilgore has requested he be appointed as the License Representative. Mr. Kilgore will attend the meeting on Thursday, May 19th, to answer any questions you may have.

Budgetary Impact:

The change in Licensee and License Representative will have no impact on the budget.

JSM:pd

Attachments



CITY HALL
 151 WILLOWBEND ROAD
 PEACHTREE CITY, GA 30269
 PHONE: 770-487-7657
 FAX: 770-631-2505
 WWW.PEACHTREE-CITY.ORG

Application For Alcoholic Beverage License

Business Name: Wal-Mart Supercenter #3461	Business Location: 2717 Hwy 54 W., Peachtree City	770/632-6373
Nature of Business: Retail Discount Merchandiser with full line grocery	Mailing Address: 702 SW 8th St, Dept 8916 Bentonville, AR 72716-0500	Business Phone Number: 479/204-2233
Name of Licensee: Wal-Mart Stores East, LP Robin E. Forbis	Home Address: 702 SW 8th Street Bentonville, AR 72716-0500	Home Phone Number: 479/ 204-2233
Name of License Representative: John Robert Kilgore	Home Address: 7258 Shell Road Winston, GA 30187	Home Phone Number: 770/ 947-1108

Please indicate type of licenses applying for:

Retail Consumption Dealer	Retail Package Dealer	Wholesale Dealer
☐ Malt Beverage	☒ Malt Beverage	☐ Malt Beverage
☐ Wine	☒ Wine	☐ Wine
☐ Distilled Spirits	☐ Distilled Spirits	☐ Distilled Spirits

Please complete information below (use separate sheets if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
See attached list of officers/directors		

Is any person who owns an interest in the license an employee of the City of Peachtree City? YES NO

If YES, Please Provide Name of Employee: _____

OFFICERS AND DIRECTORS

NAME AND TITLE	RESIDENCE ADDRESS	SSN AND DATE OF BIRTH
H. Lee Scott, Jr. President & CEO Director	702 S.W. 8 th Street Bentonville, AR 72712	[REDACTED] 3-14-49
Robin E. Forbis Senior Vice President Of Finance	702 S.W. 8 th Street Bentonville, AR 72712	[REDACTED] 4-4-68
Tom Gean Assistant Secretary	702 S.W. 8 th Street Bentonville, AR 72712	[REDACTED] 10-28-62
Rick W. Brazile Vice President of Finance	702 S.W. 8 th Street Bentonville, AR 72712	[REDACTED] 4-29-56

The above officers/directors own less than 1% stock of Wal-Mart Stores, Inc., a public corporation.

The above officers/directors are those designated authority for all licensing matters and serve in the capacity as listed above for Wal-Mart Stores, Inc., Wal-Mart Stores East, Inc., Wal-Mart Stores East, LP, Wal-Mart Louisiana, LLC, Wal-Mart Stores Texas, LP, Sam's East, Inc. and Sam's West, Inc.

WSE Management, LLC and WSE Investment, LLC own the limited and general partnership interest in Wal-Mart Stores East, LP.

WSE Management, LLC - General Partner - 1%
WSE Investment, LLC - Limited Partner - 99%



Supercenter #3461

CITY HALL
151 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
PHONE: 770-487-7657
FAX: 770-631-2505
WWW.PEACHTREE-CITY.ORG

AFFIDAVIT AND CRIMINAL HISTORY CONSENT FORM FOR ALCOHOLIC BEVERAGE LICENSE APPLICATION WITH THE CITY OF PEACHTREE CITY

I, Robin E. Forbis (PRINT FULL NAME), swear that I am at least 21 years of age and am competent to provide this affidavit.

My address is: 5103 S. 44th Street, Rogers, AR 72758. I have resided at this address for: 5 years and months. My previous addresses for the last 10 years are as follows:
4504 Highland Knolls Road, Rogers, AR 72758

Social Security #: Driver's License #/State:
Date of Birth is: 4/4/1968 Race: White Sex: Female

I have / have not (circle one), within 5 years prior to this application, been convicted of (nor entered a plea of nolo contendere to) any felony or misdemeanor relating to the sale/use of alcoholic beverages or illegal drugs.

I have / have not ever (circle one) been ever arrested for a crime. If so, details below and the disposition of the arrest are listed below. I understand that failure to disclose any arrest (including DUI's) may result in denial of the application.

(Attach a separate sheet if necessary.)

I have / have not ever had beneficial interest in any other alcoholic beverage business in this or any other state in which the alcohol license was denied, revoked or other disciplinary action taken. (Beneficial interest here means when a person holds the license in his own name or when he has a legal, equitable or other ownership interest in, or has any legally enforceable interest or financial interest, or derives any economic benefit from, or has control over a business.) If so, please describe in detail. Attach a separate sheet if necessary:

I am / am not the applicant for license representative. If so, I swear that I am a manager of the business and a resident of the State of Georgia.

I have read the Peachtree City Ordinance regarding the sale of alcoholic beverages and I understand and will comply with the rules and regulations. I hereby authorize the PEACHTREE CITY POLICE DEPARTMENT to receive any criminal history record information pertaining to me, which may be in the files of any state or local criminal justice agency. I solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for city license for sale of alcoholic beverages are true, and no false or fraudulent statement or answer is made herein to procure the granting of such license.

Robin E. Forbis

SIGNATURE OF APPLICANT

Robin E. Forbis - SR VP of Finance

I do hereby certify that the foregoing applicant is personally known to me, that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath actually administered to me, has sworn that said statements and answers are true.

NOTARY PUBLIC: Sharon Pitt

This 18 day of April, 2005



CITY HALL
151 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
PHONE: 770-487-7657
FAX: 770-631-2505
WWW.PEACHTREE-CITY.ORG

AFFIDAVIT AND CRIMINAL HISTORY CONSENT FORM FOR ALCOHOLIC BEVERAGE LICENSE APPLICATION WITH THE CITY OF PEACHTREE CITY

I, John Robert Kilgore (PRINT FULL NAME), swear that I am at least 21 years of age and am competent to provide this affidavit.

My address is: 7258 Shell Road, Winston, GA 30187 I have resided at this address for: 9 years and 9 months. My previous addresses for the last 10 years are as follows:

Social Security #: [REDACTED] Driver's License #/State: [REDACTED]
Date of Birth is: 11/12/1959 Race: White Sex: Male

I have / have not (circle one), within 5 years prior to this application, been convicted of (nor entered a plea of nolo contendere to) any felony or misdemeanor relating to the sale/use of alcoholic beverages or illegal drugs.

I have / have not ever (circle one) been ever arrested for a crime. If so, details below and the disposition of the arrest are listed below. I understand that failure to disclose any arrest (including DUI's) may result in denial of the application.

(Attach a separate sheet if necessary.)

I have / have not ever had beneficial interest in any other alcoholic beverage business in this or any other state in which the alcohol license was denied, revoked or other disciplinary action taken. (Beneficial interest here means when a person holds the license in his own name or when he has a legal, equitable or other ownership interest in, or has any legally enforceable interest or financial interest, or derives any economic benefit from, or has control over a business.) If so, please describe in detail. Attach a separate sheet if necessary:

I am / am not the applicant for license representative. If so, I swear that I am a manager of the business and a resident of the State of Georgia.

I have read the Peachtree City Ordinance regarding the sale of alcoholic beverages and I understand and will comply with the rules and regulations. I hereby authorize the PEACHTREE CITY POLICE DEPARTMENT to receive any criminal history record information pertaining to me, which may be in the files of any state or local law enforcement agency. I solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made to the foregoing questions in this application for city license for sale of alcoholic beverages are true, and no false or fraudulent statement or answer is made herein to procure the granting of such

Notary Public, Fayette County, Georgia

My Commission Expires November 11th 2006



SIGNATURE OF APPLICANT

John Robert Kilgore -- Co-Mgr

I do hereby certify that the foregoing applicant is personally known to me and that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath actually administered to me, has sworn that said statements and answers are true.

NOTARY PUBLIC: Mary L. Loo This 22 day of April, 2005

State of Georgia

City of Peachtree City:

I, James V. Murray, Chief of Police for the City of Peachtree City, do hereby certify that:

Robin E. Forbis

Name

5103 S. 44th Street

Rogers, AR 72758

Address

Has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal narcotics or drugs within five (5) years prior to the date of the application for this license.

Robert L. M. Decker
Witness

James V. Murray
Signature
April 29, 2005
Date

State of Georgia

City of Peachtree City:

I, James V. Murray, Chief of Police for the City of Peachtree City, do hereby certify that:

John Robert Kilgore

Name

7258 Shell Road

Winston, GA 30187

Address

Has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal narcotics or drugs within five (5) years prior to the date of the application for this license.

Megan L.M. DeLue
Witness

James V. Murray
Signature
April 29, 2008
Date

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Planner *David Hines*

VIA: City Manager *Bonnie J. McCall*
Developmental Services Director *EW 2*

DATE: May 12, 2005

SUBJECT: Approval of Sanitary Sewer Easement for Line Creek office park
May 19, 2005 City Council agenda

Recommendation:

Staff recommends that City Council approve the easement request from Kingston Hill, LLC and authorize the Mayor to sign the Temporary Sanitary Sewer Easement (Attachment "A"). Staff also recommends that this approval be contingent upon the Applicant re-vegetating all disturbed areas once the installation of the sewer line is complete.

Discussion:

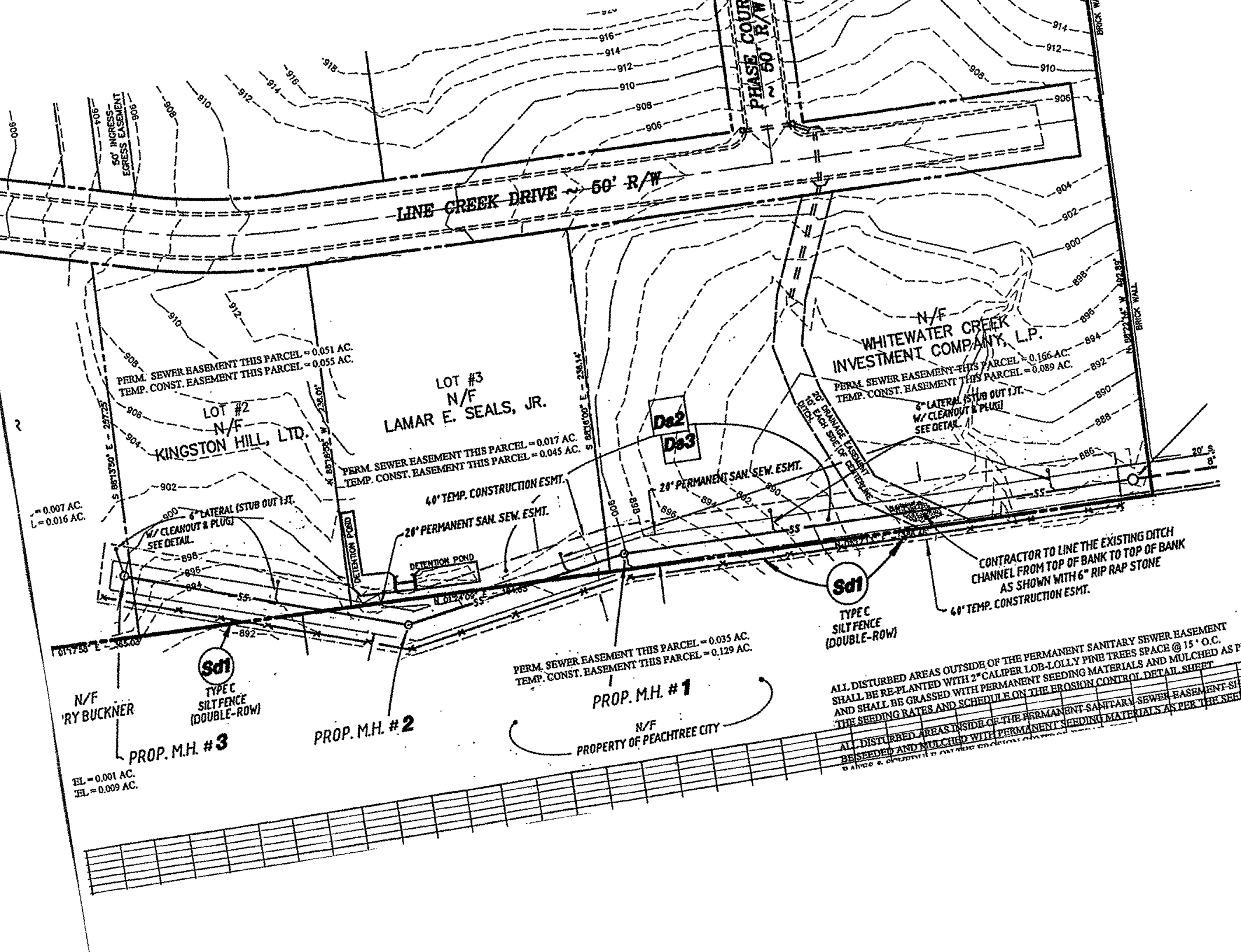
The existing buildings within the Line Creek office park are served by private septic systems. Four of the property owners desire to install a sanitary sewer line that would tie into the existing manhole at the rear corner of the Cardiff Park subdivision, which would allow them to connect to the city sewer system. Construction of this new line will be limited to the rear of the properties. In order to avoid an existing detention structure at the rear of Lot #3, the sanitary sewer line and associated easement will need to traverse a portion of the Line Creek Nature Area.

The construction documents indicate they will need a temporary construction easement of 0.129 acres and a permanent sanitary sewer easement of 0.035 acres once the sanitary sewer is installed. The construction plans have been reviewed and approved by the Peachtree City Water and Sewerage Authority and the Applicant has secured easements from each of the affected property owners. Because a portion of this line and associated easement will be located on City-owned property, the Applicant cannot begin construction until this easement is secured. Once the construction is complete, the Applicant must record a permanent easement in favor of the Peachtree City Water and Sewerage Authority.

Budget impact:

There are no budget impacts associated with this request.

Attachments



**AFFIDAVIT
TEMPORARY SANITARY SEWER EASEMENT**

Draft

THIS Temporary Sanitary Sewer Easement is given this 1st day of Mar. 2005, by Kingston Hill, Ltd. (hereinafter "Grantor") to The Peachtree City Water and Sewerage Authority, a political subdivision of the State of Georgia (Hereinafter "Grantee").

WITNESSETH

WHEREAS, the Grantor is the owner of said property known as Lots 2, 4, 5 & 12, Line Creek Subdivision, Line Creek Drive, Peachtree City, Fayette County, Georgia, Records; and

WHEREAS, the Grantee has requested that the Grantor grant and convey to the Grantee a temporary construction easement over, upon, across, under and through a portion of the property of the Grantor for the purpose of constructing, operating, maintaining, repairing, inspecting, and reconstructing sanitary sewer lines and appurtenances and the Grantor has agreed to do so.

NOW, THEREFORE, the Grantor, For and in consideration of the sum of One Dollar (\$1.00). and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, has given, granted and conveyed, and by the presents does give, grant, and convey unto the Grantee, its successors and assigns, the temporary right, privilege and easements to construct, operate, maintain, repair, inspect and reconstruct sanitary sewer lines and appurtenances over upon, across under and through the above referenced property of the Grantor, said temporary easements being described as follows:

TEMPORARY EASEMENT: A nonexclusive temporary easement for purposes of constructing, and inspecting sanitary sewer lines, together with the full right of access to and egress from said temporary easements. Said temporary easements consisting of approximately 8,000 square feet or .2 acre.

Said temporary easements being shown on the Easement Plat for Peachtree City Water & Sewerage Authority dated _____ prepared by _____ and attached hereto as Exhibit A and made a part hereof.

The Grantee agrees to restore the topography of said easement area after installation of the sewer lines and appurtenances to as near as possible to the same condition as existed before said installation and to remove any waste or spoils including excess dirt and rocks.

The Grantor shall have the right to pass over and upon said temporary easement with appropriate roadways for the full use of their property, provided, however that the construction, maintenance and use of said roadways shall in no way interfere with the sewer lines and appurtenances constructed within said easement.

The Grantor shall not construct any permanent structure that would interfere with the maintenance or repair of the sanitary sewer in the permanent easement or place any additional fill within the permanent easement, without permission of the Grantee and shall not allow additional utilities within the permanent easement except with approval of the Grantee,

TO HAVE AND TO HOLD said temporary easement unto said Grantee, its successors and assigns, upon the terms and for the time period's set Forth above.

The Grantor covenants to and with the Grantee, its successors and assigns, that the Grantor is lawfully seized in fee simple of said lands and premises and has full right and power to convey these easements to the Grantee, and that said lands and promises are free from any and all encumbrances, and that they will and their successors and assigns shall forever warrant and defend the title to said easements unto the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

PERMANENT EASEMENT: A nonexclusive permanent easement will be executed by all parties upon construction completion. The permanent easement will be for purposes of constructing, operating, maintaining, repairing, inspecting and reconstructing sanitary sewer lines, together with such pipes, manholes, fittings, fixtures and other accessories as from time to time may be required, and for purposes of inspecting and performing appropriate tests within said permanent easement, including but not limited to, archaeological and environmental studies, and together with the full right of access to and egress from said permanent easements. Said permanent easements consisting of _____ square feet or _____ acre.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals, or if corporate, have caused this document to be executed by its duly authorized officers and its seal to be hereunto affixed, as of this day and the year first above written.

ATTEST:

By: _____
Printed Name

Signature

OWNER:

Kingston Hill, Ltd
By: Habersham & Cowan, Inc.,
Its General Partner

Joel H. Cowan
Joel H. Cowan, President

NOTARY:

Ann H. Garrard
Printed Name

Ann H. Garrard

My Commission Expires

By: _____
Printed Name

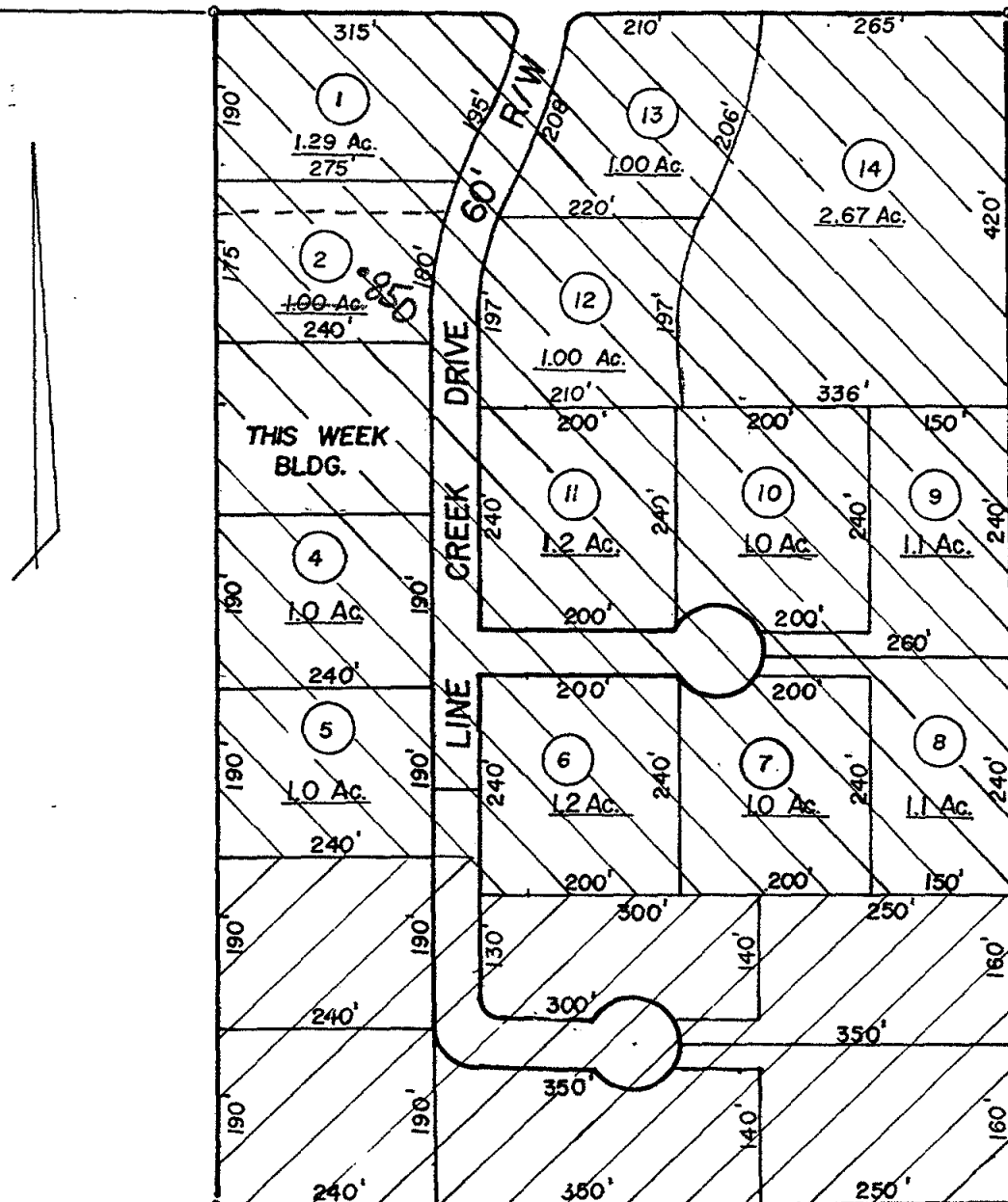
Signature



STATE

ROUTE

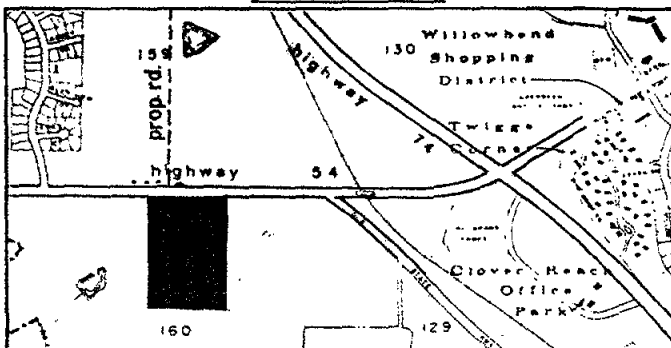
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- OFFICE (PHASE 1)
 OFFICE (PHASE 2)

NOTE: ALL DISTANCES AND ACREAGES ARE SCALED APPROXIMATIONS ONLY.

LOCATION MAP



PRELIMINARY PLAN LINE CREEK COMMERCIAL PARK-SOUTH

LAND LOT 160
FAYETTE COUNTY
SCALE: 1" = 200'

7th DISTRICT
GEORGIA
1/20/78

PREPARED FOR

T.E. FARR

P.O. BOX 2204
487 - 7601

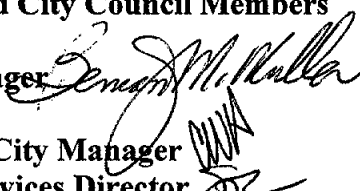
PEACHTREE CITY

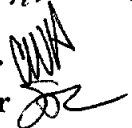
GEORGIA
30269

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council Members

VIA: City Manager 

FROM: Assistant City Manager 
Public Services Director

DATE: May 10, 2005

SUBJECT: Deed of Easement Agreement for Emergency Warning System, Braelinn Road and Morallion Hills
May 19, 2005 City Council Agenda

Recommendation:

That Council authorizes the Mayor to sign an easement agreement with the County for installation and maintenance of an Advanced Emergency Warning System at the intersection of Braelinn Road and Morallion Hills. (Agreement attached)

Discussion:

At the February 17, 2005, Council Meeting, Council approved an easement agreement for an Advance Warning System at the South 74 Baseball Soccer Complex (BSC). Pete Nelms, County Emergency Management coordinator, approached the City requesting to relocate the Advanced Emergency Warning System from the BSC to the greenbelt at the intersection of Braelinn Road and Morallion Hills. Placing the system here is in line with the overall County plan to strategically distribute these systems to enhance the County's emergency warning capability because this location provides better coverage. He explained that the system is similar to the one on Robinson Road across from Mowell's Funeral Home. The warning siren enables emergency announcements to be broadcast over a wide area. One system can cover a total area of one to one-and-one half miles, and broadcasts in all directions simultaneously. It can be used to broadcast severe weather warnings or to make other emergency-related announcements. This advance system not only has a siren, but also allows the County Emergency Management staff to make specific announcements and give direct verbal guidance to citizens. The system has a silent, self-diagnostic testing mode that tests weekly, and it will also be audibly tested one each year in February as part of the annual severe weather awareness week.

This device consists of the broadcast mechanism on top of a 50-foot wooden pole installed, wired and maintained by Coweta-Fayette EMC.

Budget Impact:

There will be a fee for electricity to Coweta-Fayette EMC of about \$5.00/month, which can be covered in the existing Public Services operating budget.

WARNING SIREN LOCATIONS

Existing Locations

Rivers Road and Cedar Trail	Unincorporated Fayette County
Ellis Road and Hwy 85	Unincorporated Fayette County
Robinson Road at Hwy 74	Peachtree City
McCurry Park	Unincorporated Fayette County
Old Senoia Road at Whispering Pines Mobile Home Park	Tyrone
Huiet Road at the YMCA Play Park	Unincorporated Fayette County
Landmark Mobile Home Park	Unincorporated Fayette County

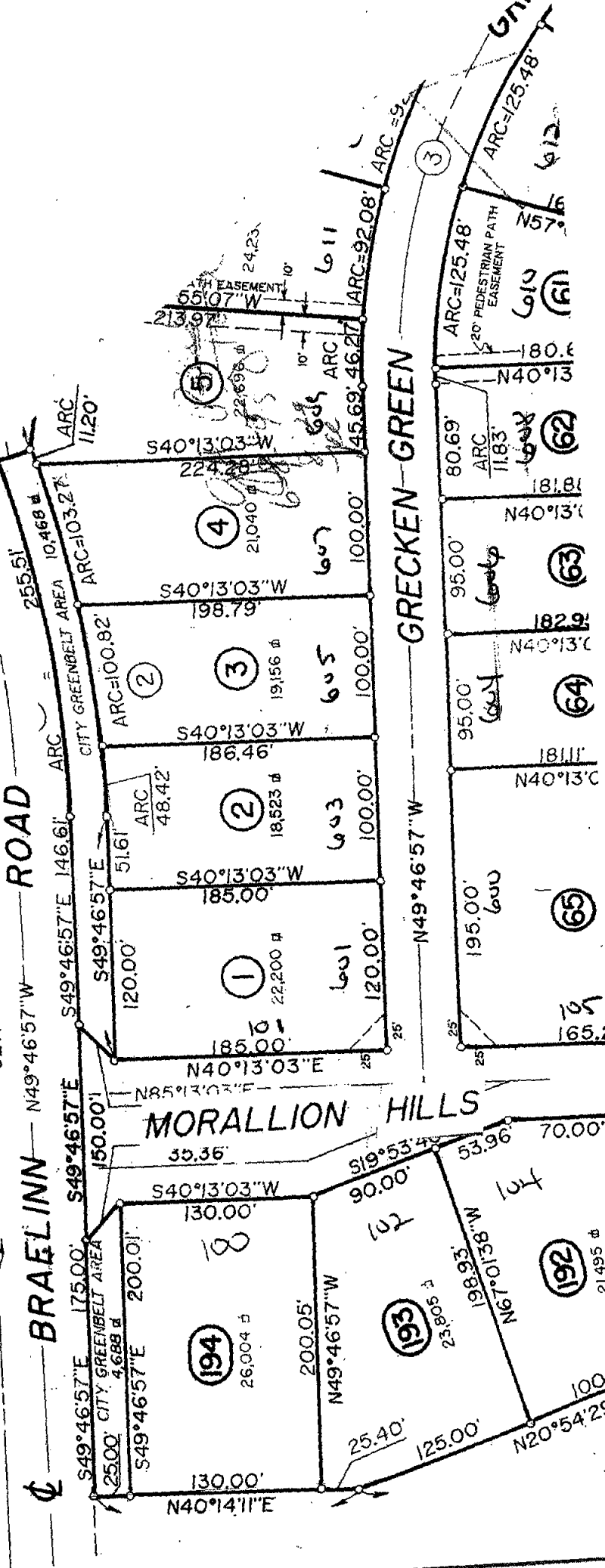
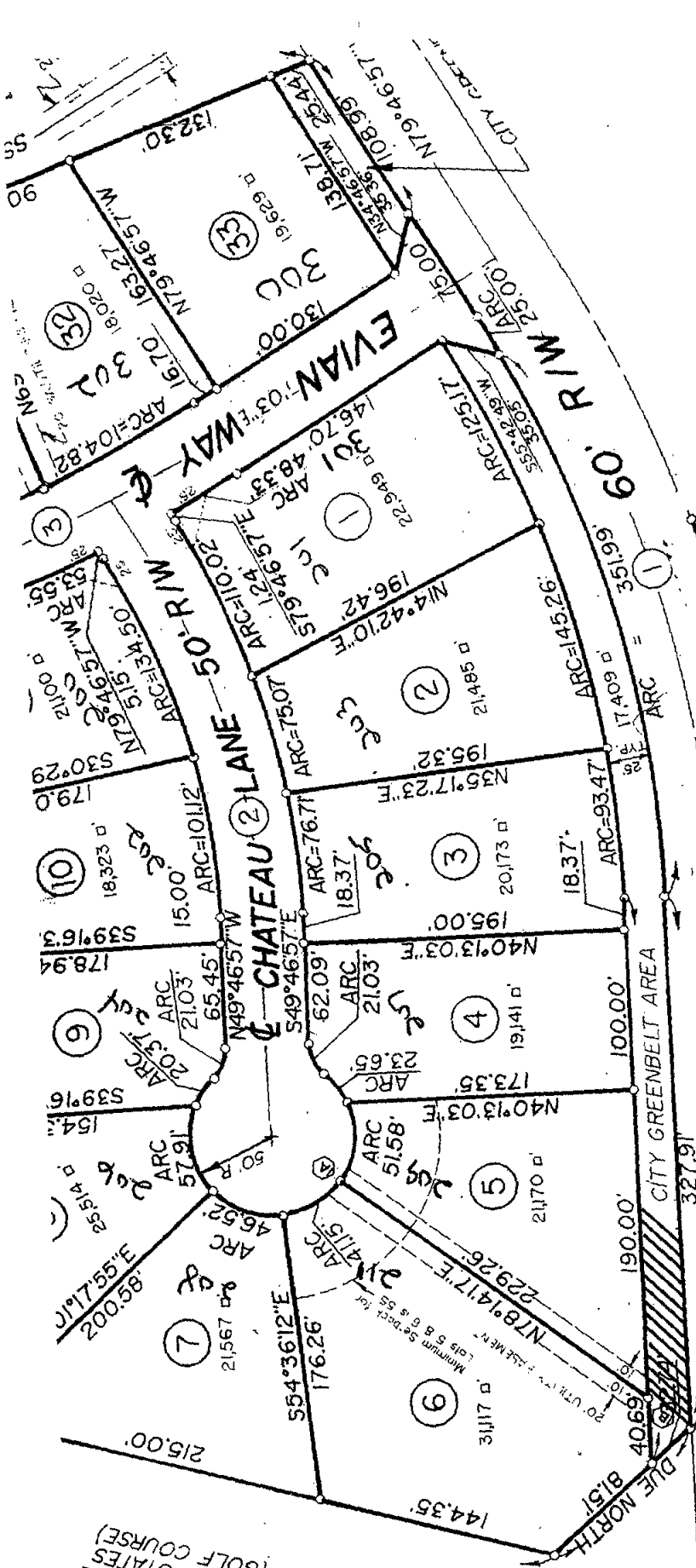
To be Installed

Braelinn Road at Morallion Hills	Peachtree City
Starr's Mill School Complex, Redwine Road at Hwy 74	Unincorporated Fayette County
Kiwanis Field off Redwine Road	Unincorporated Fayette County
Baseball Complex off Hwy 74	Tyrone

Phase Installation of Warning Sirens

Phase I was to warn manufactured housing communities.
Phase II is public venues such as recreation facilities.
Phase III is high-density populations.

N/F
THE EQUITABLE
LIFE ASSURANCE
SOCIETY OF THE
UNITED STATES
(GOLF COURSE)



STATE OF GEORGIA
COUNTY OF FAYETTE

DEED OF EASEMENT

THIS INDENTURE, made and entered into this _____ day of _____, in the year Two Thousand Five, between CITY OF PEACHTREE CITY, Georgia, as party of the first part, hereinafter referred to as "GRANTOR"; and FAYETTE COUNTY, a political subdivision of the State of Georgia, as party of the second part, hereinafter referred to as "GRANTEE" ("GRANTOR" and "GRANTEE" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESS THAT: Grantor, for and in consideration of TEN (\$10.00) Dollars and other good and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, alienated, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantee the following:

A permanent nonexclusive easement, over, through, under and across certain property of the Grantor located in Land Lot 35 of the 6th District of Fayette County, Georgia. Said easement is hereby described in Exhibit "A" attached hereto. Such Exhibit is, by this reference, incorporated herein and made a part hereof.

The purpose of this grant of easement is to allow the Grantee, through its agents and employees, the right and privilege to install, construct and maintain a severe weather warning siren for the use of the public, together with all necessary and required structures and related apparatus, over, through, under, and across the subject property. The permanent easement herein granted shall be perpetual in duration.

This instrument shall be binding upon the heirs, successors and assigns of the Grantor herein, and shall inure to the benefit of the successors in interest of the Grantee herein.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed of Easement, the day and year first above written.

CITY OF PEACHTREE CITY

By: _____ (SEAL)

WITNESS

NOTARY PUBLIC

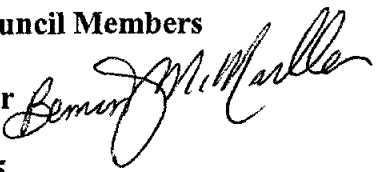
Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 35 of the 6th District of Fayette County, and being more particularly described as follows:

All that land contained in that certain parcel of land shown as parcel 34 described as City Greenbelt area on that certain plat of survey of Evian Subdivision of record at Plat Book 18 page 107, Fayette County, Georgia records.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
FROM: City Manager 
DATE: May 12, 2005
SUBJECT: Appointment of City Attorney
May 19, 2005, City Council Meeting

Recommendation: Staff recommends that Council appoint Davis & Meeker, LLC, to serve as City Attorney.

Discussion: In November of 2002, Council appointed the firm of Sanders, Haugen, Sears & Meeker, PC, to serve as City Attorney. Ted Meeker of that firm has served as representation for the City since that time, with Brad Sears filling in on the few occasions that Ted has been unavailable.

On Monday, May 16, Mr. Meeker will join the firm of Davis & Meeker, LLC in Union City, and would like to continue his service to the City as City Attorney. Staff feels this is of benefit to the City due to the direct knowledge of City legal issues and the working relationship with Staff that Mr. Meeker has developed in the past two and a half years.

Mr. Meeker has agreed to retain the same fees and terms of service as were approved in 2002 for his service to date. He will send a request letter and confirmation of fees upon taking his new position on Monday, and this will be forwarded to Council upon receipt.

Budget Impact:

This item has no budgetary impact.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council
FROM: City Manager 
DATE: May 10, 2005
SUBJECT: LIBRARY COMMISSION APPOINTMENTS
May 19, 2005, *City Council Agenda*

The Selection Committee composed of Mayor Steve Brown, Council Member Stuart Kourajian, Library Commission Chairman Marie Washburn and myself considered five applicants for the vacancies on the Library Commission.

It is the recommendation of the Committee that Ms. Madge Quick be reappointed to a term from June 1, 2005, to May 31, 2008. The Selection Committee also suggests that Ms. Kathleen Akins be appointed to serve a term from June 1, 2005, to May 31, 2008.

Copies of applications for those recommended are attached for your review.

BJM:gr

Attachments

LIBRARY COMMISSION
APPLICATION FOR APPOINTMENT

Thank you for your interest in being considered for appointment to the Library Commission.

Applicant must be a legal resident of the State of Georgia and have been a resident of Peachtree City for at least six months prior to the date an application is submitted. Elected officials of any governmental jurisdiction in the County and City employees are not eligible for appointment.

The Library Commission is comprised of five members who are appointed to 3-year terms. The Commission meets the second Wednesday of the month at 6:30 p.m. at City Hall. Members are required to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Commission meetings as possible in an effort to become familiar with the responsibilities of the Commission.** The Commission is responsible for promoting and supporting library services in Peachtree City, assisting in recommending policies that enhance the operation and programs of the Library, providing recommendations regarding budgeting needs of the library, and advising City Council and staff in their efforts to establish and maintain the highest quality of library services for Peachtree City.

Please take a few minutes to complete the form below and to answer the questions on the reverse side of this letter and return it with a resume, if available, to the Gloria Reid, Peachtree City Hall, 151 Willowbend Road, Peachtree City, GA 30269 **by 5:00 p.m. on Friday, March 11, 2005.** The City will contact you within two weeks of the application closing date.

If you have any questions, please contact Gloria Reid at 487-7657.

NAME MADGE QUICK

ADDRESS 100 SPRINGRIDGE COURT

PEACHTREE CITY, GA 30269

TELEPHONE: (Day Time) 770-631-9680

(Evening) SAME

(Fax No:) _____

(Email): VANQUICK@AOL.COM

Madge L. Quick
SIGNATURE

JAN 30, 2005
DATE

How long have you been a resident of Peachtree City?

15 YEARS

Why are you interested in serving on the Library Commission?

I AM SEEKING REAPPOINTMENT TO THE LIBRARY COMMISSION. WE WORKED DILIGENTLY TO SECURE A SUCCESSFUL REFERENDUM FOR LIBRARY EXPANSION, BUT OUR WORK IS NOT YET COMPLETED.

What qualifications and experience do you possess that would benefit the Library Commission?

FORMER TEACHER
FRIEND OF THE LIBRARY
PTC LIBRARY COMMISSION MEMBER
LIBRARY CORPORATION MEMBER

List major jobs you have held during your working career to include name of company and position.

NONE

Do you have any past experience relating to a library? If so, please describe.

IN ADDITION TO BEING AN AVID READER, I HAVE BEEN A "FRIEND OF THE LIBRARY" THROUGHOUT MY ADULT LIFE.

Would there be any possible conflict of interest between your employment and serving on the Library Commission?

NO - RETIRED

Describe your current community involvement.

PTC LIBRARY COMMISSION MEMBER
LIBRARY CORPORATION - VICE PRESIDENT
FAYETTE COUNTY HISTORICAL SOCIETY - DOCENT
RALLY FOR A CURE

469
LIBRARY COMMISSION
APPLICATION FOR APPOINTMENT

Thank you for your interest in being considered for appointment to the Library Commission.

Applicant must be a legal resident of the State of Georgia and have been a resident of Peachtree City for at least six months prior to the date an application is submitted. Elected officials of any governmental jurisdiction in the County and City employees are not eligible for appointment.

The Library Commission is comprised of five members who are appointed to 3-year terms. The Commission meets the second Wednesday of the month at 6:30 p.m. at City Hall. Members are required to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Commission meetings as possible in an effort to become familiar with the responsibilities of the Commission.** The Commission is responsible for promoting and supporting library services in Peachtree City, assisting in recommending policies that enhance the operation and programs of the Library, providing recommendations regarding budgeting needs of the library, and advising City Council and staff in their efforts to establish and maintain the highest quality of library services for Peachtree City.

Please take a few minutes to complete the form below and to answer the questions on the reverse side of this letter and return it with a resume, if available, to the Gloria Reid, Peachtree City Hall, 151 Willowbend Road, Peachtree City, GA 30269 by 5:00 p.m. on Friday, April 8, 2005. The City will contact you within two weeks of the application closing date.

If you have any questions, please contact Gloria Reid at 487-7657.

NAME

Kathleen Akins

ADDRESS

118 Hanbury Lane
PTC GA 30269

TELEPHONE: (Day Time)

770 969 2820

(Evening)

770 632 1596

(Fax No:)

(Email): aakins kp@aol.com

or

akins.kathy@pebae.org

Kathleen P. Akins

SIGNATURE

DATE

4/2/05

How long have you been a resident of Peachtree City?

I first moved to PTC in 1977. I lived here for 12 years before moving to Fayetteville. I moved back to PTC 5 years ago.

Why are you interested in serving on the Library Commission?

I am an educator and an avid reader. I frequent the library often and know what an asset a great library is to any community.

What qualifications and experience do you possess that would benefit the Library Commission?

I have taught 4th, 5th and 2nd grade in Fayette City for 17 years. I love books and know the books children love. I read 2-3 books a week. Also, I have taken 2 classes in children's lit.
List major jobs you have held during your working career to include name of company and position.

1988-present Teacher, Fayette City. Currently at Robert J. Burk Elem, Tyrone

1975-1985 Macy's Atlanta - payroll manager, Customer Service Manager

Do you have any past experience relating to a library? If so, please describe.

Only as a frequent visitor to PTC library and our school library. I have helped in our school library and am familiar with Athena Library Computer System.

Would there be any possible conflict of interest between your employment and serving on the Library Commission?

No

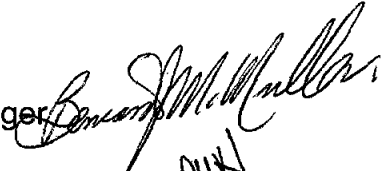
Describe your current community involvement.

Member of Holy Trinity Catholic Church
Volunteer with Baby Peaches - a local charity that provides books, educational materials and baby necessities to new mothers in need at Grady Memorial Hospital.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and Councilmembers

VIA: Bernard J. McMullen, City Manager 

FROM: Colin W. Halterman, Assistant City Manager 
Paul J. Salvatore, Financial Services Director P.S.
Angela R. Egan, Purchasing Agent 

DATE: May 4, 2005

SUBJECT: Disposal of Surplus Property
May 19, 2005 City Council Consent Agenda

Recommendation:

That City Council declare the following vehicles, identified by the City's Fleet Manager, as surplus property to be used as trade-ins against new vehicles budgeted for purchase this fiscal year:

1999 Ford Crown Victoria	VIN #2FAFP7190XX159629
1989 Ford Crown Victoria	VIN #2FABP72F2KX225867
1993 Ford Ranger	VIN #1FTCR10X7PUC29963
1999 Ford Crown Victoria	VIN #2FAFP7199XX159628
1999 Ford Crown Victoria	VIN #2FAFP7197XX159627
1994 Ford Crown Victoria	VIN #2FALP71WORX149792
1994 Ford Crown Victoria	VIN #2FALP71W8RX149796
1986 Ford F-150	VIN #1FMEE11Y7GHB94664

Discussion:

Six new vehicles for Development Services, one for Public Works, and one for Leisure Services were approved for purchase in the fiscal year 2005 budget. Experience has shown that the City receives a trade-in allowance for vehicles comparable or greater than can be obtained at the occasional Fayette County auction. Additionally, by trading-in vehicles, the City does not have to store and maintain the vehicles awaiting the County auction.

It is Staff's recommendation that these vehicles be declared surplus property and be used as trade-ins against the purchase of new vehicles.

Budget Impact:

There is no specific budget impact. Using these vehicles, as trade-ins against the purchase of new vehicles will reduce the overall cost of the new vehicle, which was considered when the 2005 budget was submitted and approved by City Council.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
FROM: City Manager 
DATE: May 16, 2005
SUBJECT: Appoint Solicitor Pro Hac
May 19, 2005, City Council Meeting

Recommendation:

Staff will forward a recommendation, with proposed hourly rates and budgetary impact, prior to the May 19 meeting.

Discussion:

Last year, Council approved a city position for the duties of Municipal Court Solicitor, which had previously been a contracted service. Ms. Marcia Moran has been serving in that capacity. However, there are occasions when Ms. Moran may not be able to attend Court due to illness, vacation, or other accrued leave that city employees earn. In those cases, an alternate should be designated to represent the City in court.

Staff is still working to confirm fees and availability with an interested potential appointee. A decision at the May 19 meeting is important because Ms. Moran must miss two meetings during the month of June.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: Developmental Services Director *QLS*

VIA: City Manager *Emory McCall*
Human Resource Manager

DATE: May 13, 2005

SUBJECT: Consider Change in Planning Assistant Position from Part Time to Full Time
May 19, 2005 City Council Agenda

Recommendation:

Increase Part-Time Planning Assistant to Full Time through September 30, 2006.

Discussion:

The Georgia Department of Community Affairs (DCA) recently informed all jurisdictions that the State Qualified Local Government (QLG) requirement of February 28, 2007, as when **DCA** is required to complete its certification. Local jurisdictions must complete and submit their information by October 1, 2006.

Planning Staff had previously requested and was granted authorization for a Part-Time Planning Assistant. With this shorter time frame, assistance will be needed full time to accomplish the updates that include housing, transportation, capital facilities, environment, and land use. Census data on population and growth trends must also be identified to discern growth impacts and trends within the City and to define needs for new streets, roads, cart paths, schools, water and sewer facilities, fire and police services. The Assistant will help quantify anticipated needs and costs for future impact fees. All data will be analyzed by City staff and included for consideration by the Citizens Advisory Committee, Planning Commission and ultimately the City Council. The Planning Assistant will also help in the day-to-day work of the department.

Budget Impact:

This request has the following budget impact for FY 2005. Funding for full time is being included in the FY 2006 budget request.

Mayor & Council Members

May 9, 2005

Page 2

	Proposed	Current	
	Full-Time	Part-Time	Increase
Salary			
FICA	711.52	355.76	355.76
Medicare			
Health/Dental	407.58	-	407.58
L.T. Disability			
Life	6.67	-	6.67
Retirement Match (401)			
Workers' Compensation	26.67	13.33	13.34
	12,801.53	6,397.23	6,404.30

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
FROM: City Manager 
DATE: May 11, 1005
SUBJECT: Discuss Term Limitations for Commissions and Authorities
May 19, 2005, City Council Meeting

Recommendation:

Staff requests that Council provide direction on how to proceed with possible term limitations for commission and authority members, and any other appropriate bodies.

Discussion:

Mayor Brown has expressed interest in imposing term limitations for volunteers serving on Peachtree City commissions and authorities. Currently, City Ordinance does not impose any limits, and the enabling legislation for each of the City's three authorities imposes no limits.

Each of Peachtree City's three commissions (Planning, Library and Recreation) has three-year terms, the Development Authority of Peachtree City has four-year terms, and the Airport and Water and Sewerage Authorities have five-year terms.

Currently, there are two options for imposing term limits on any or all of the above boards:

- 1) Council could follow an internal policy of limiting appointees to two consecutive terms: or
- 2) Council could adopt an amendment to the ordinance officially prohibiting individuals from being appointed to serve more than two consecutive terms.

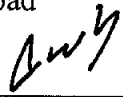
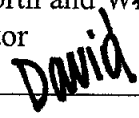
Council may also wish to consider whether limits should also apply to such bodies as the Peachtree City Tourism Association (two-year, three-year and unspecified terms), the Board of Ethics (two-year terms), the Youth Council (one-year terms), and the Senior Adult Council (one-year, two-year, and three-year terms).

Budget Impact:

This item has no budgetary impact.

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").

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

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 LV 15B 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

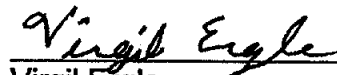
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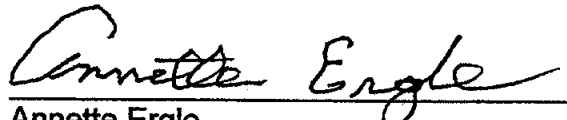
Attachment "A"

RECEIVED MAR 1 8 2005

DELEGATION OF AGENT

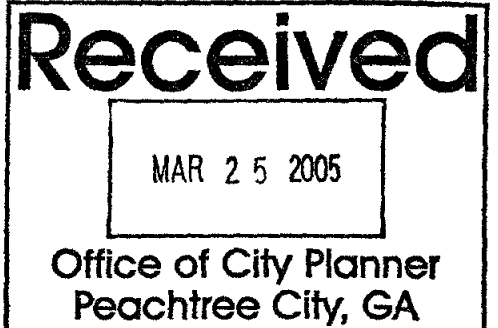
We hereby authorize a representative of Level5, LLC to act as our duly authorized agent for the purpose of requesting a rezoning for that certain property located on the northeast corner of Georgia Highway 74 and Wisdom Road in Land Lot 158 of the 7th District, Fayette County, Georgia, consisting of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

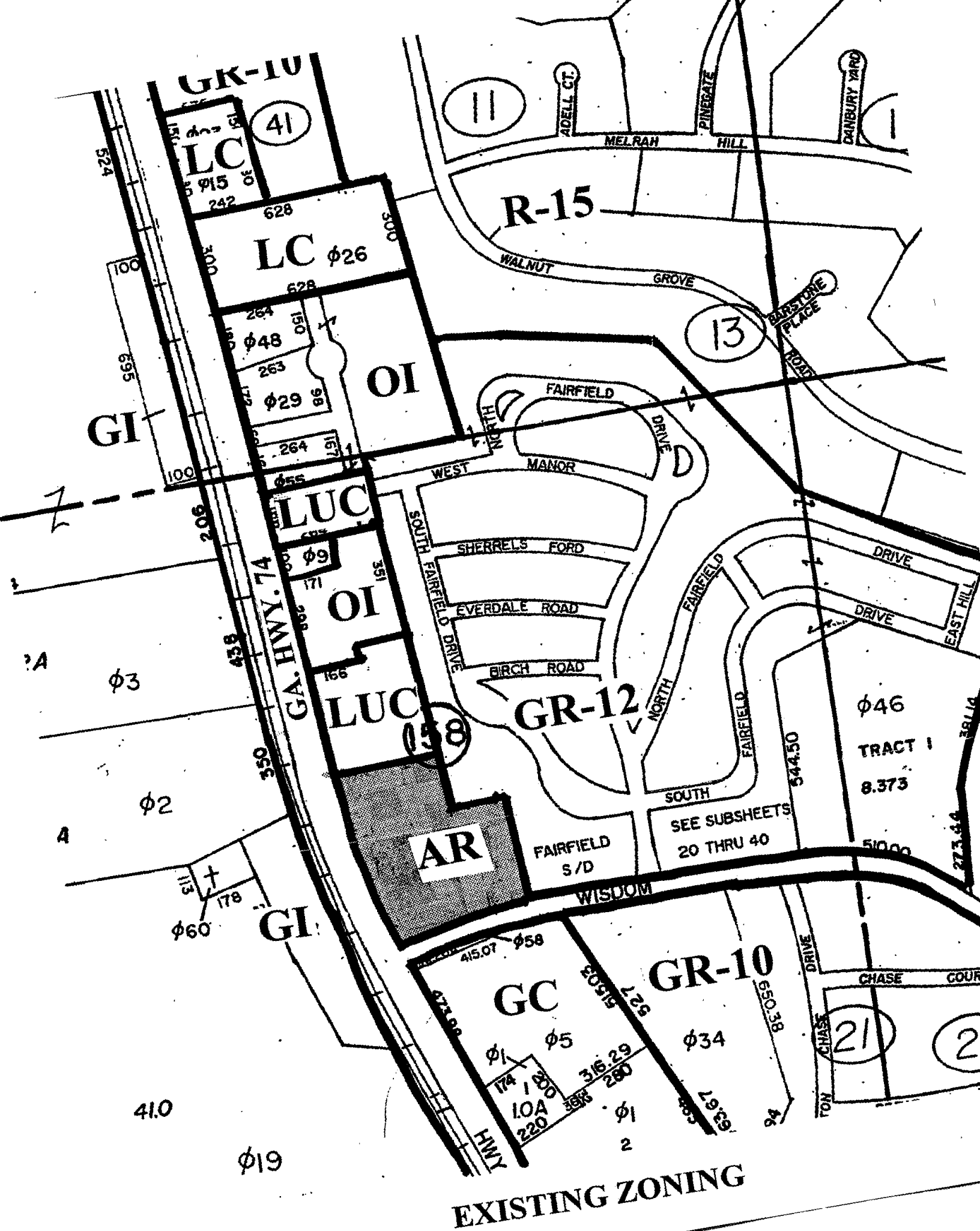
1006A.2 Permitted uses:

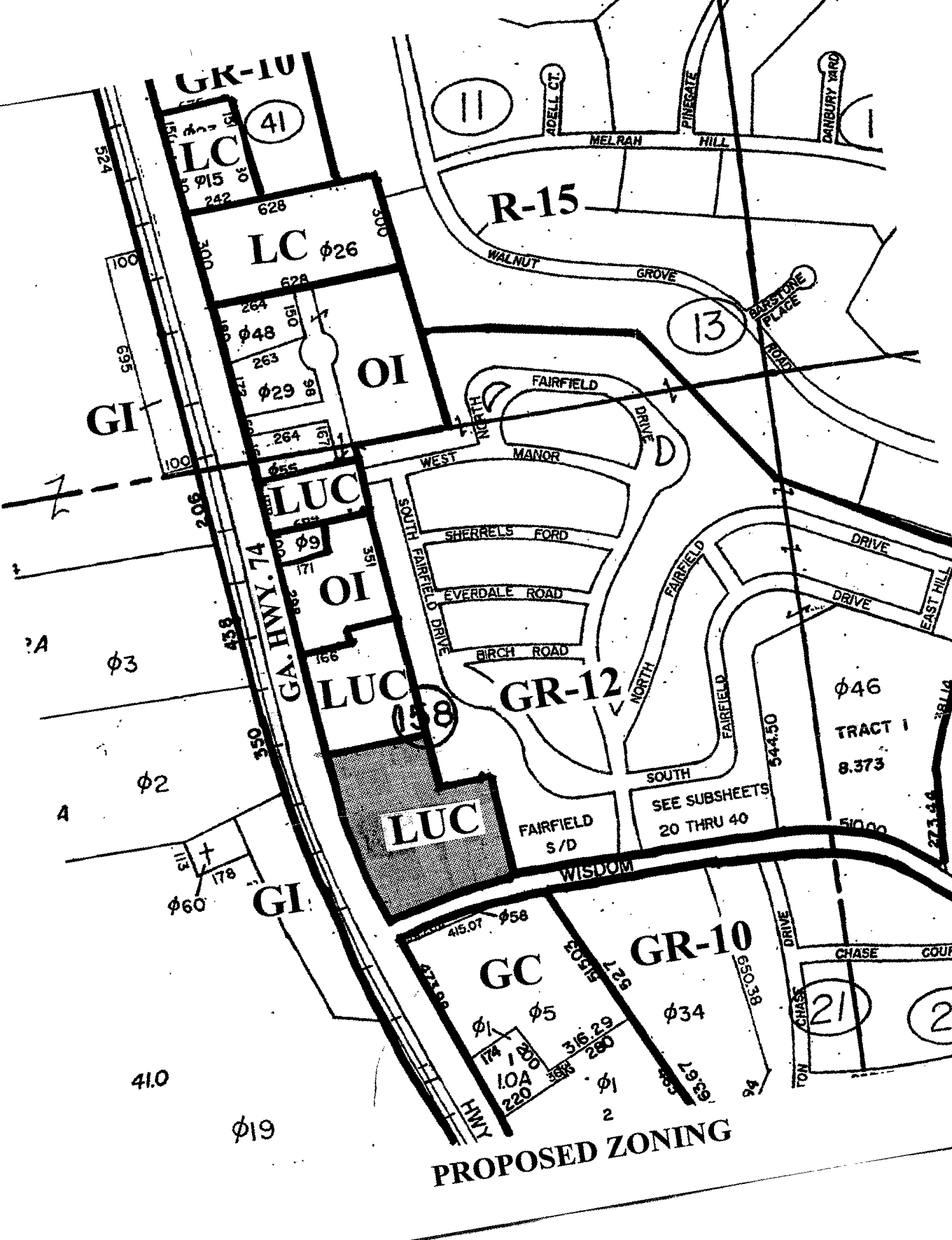
This LUC will allow the permitted uses with the exception of not allowing the following.

- (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.





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



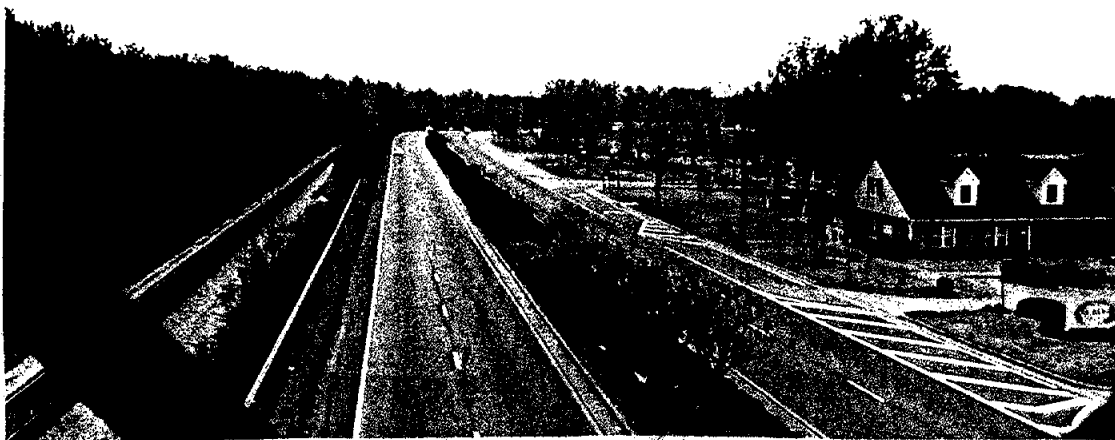
FAIRFIELD

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

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
I.P.S. = IRON PIN SET
I.P.F. = IRON PIN FOUND
R/W = RIGHT-OF-WAY
C.L. = CENTERLINE
P.L. = PROPERTY LINE
N/F = NOW OR FORMERLY
C.M.F. = CONCRETE MONUMENT FOUND
M.H. = MARKER
C.O. = CLEARDUT
L.A.T. = LATERAL
S. = SANITARY SEWER
A.L. = ARC LENGTH
L.L.L. = LAND LOT LINE
E.O.P. = EDGE OF PAVEMENT
B.O.C. = BACK OF CURB
P.P. = POWER POLE
F.H. = FIRE HYDRANT
D.E. = DRAINAGE EASEMENT
S.E. = SANITARY SEWER EASEMENT
B.L. = BUILDING LINE

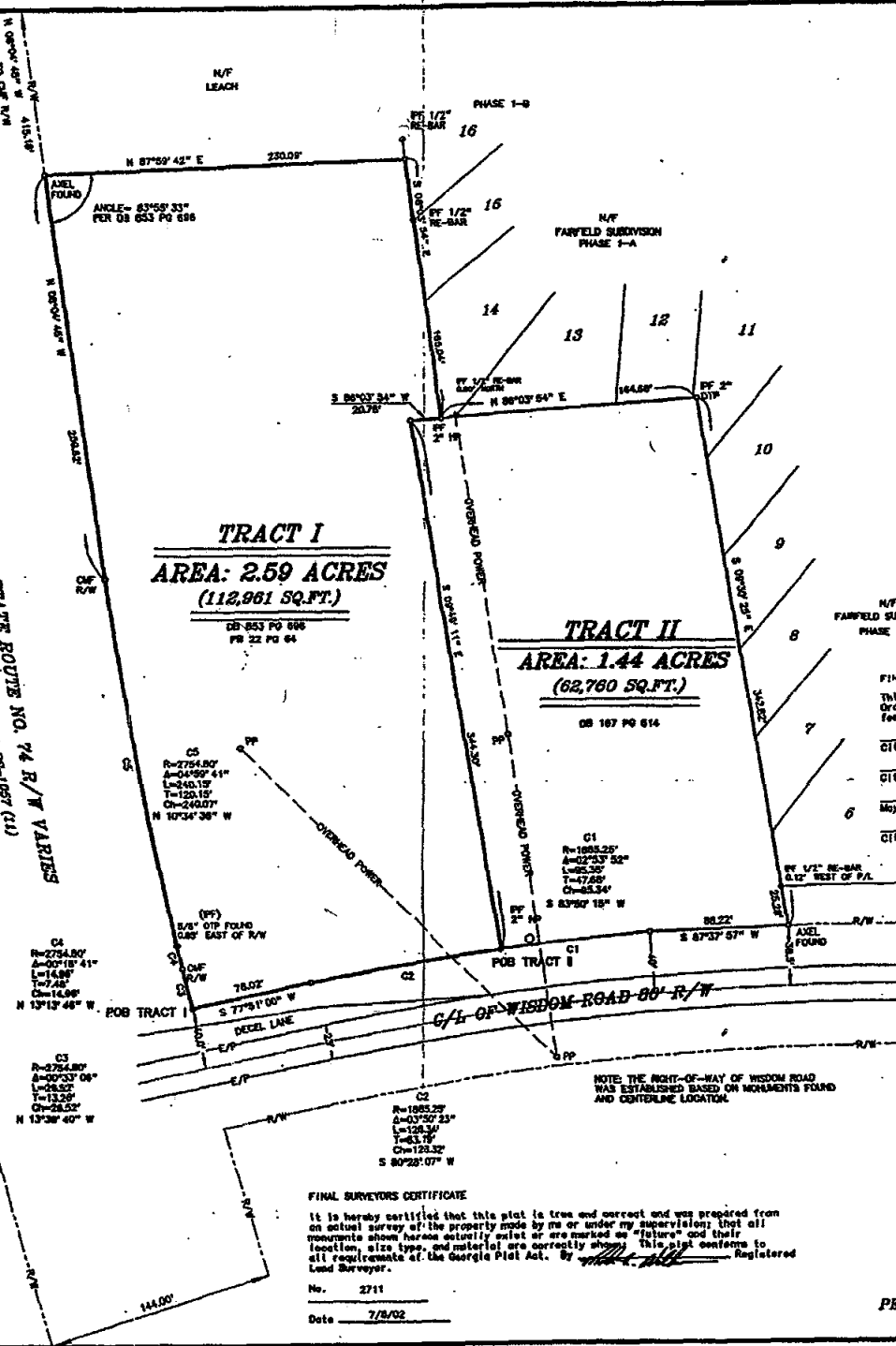
The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 100,000 ft. and an angular error of 10" per angle point, and the NO ADJUSTMENT rule was used for adjustment. A GTS-301 was used to obtain linear measurements and a GTS-301 was used to obtain angular measurements.
FIELD WORK PERFORMED: NOVEMBER 1, 2000
THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

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



WELBORN LAND SURVEYING, INC.
507 HOOD ROAD
NEWNAN, GEORGIA 30863
PHONE: 770-234-1363 FAX: 770-234-0700

GA. STATE ROUTE NO. 74 R/W VARIES
(SEE PROJECT NO. 88-1087 (1))



FINAL SURVEYORS CERTIFICATE

It is hereby certified that this plat 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 as "future" and their location, size type, and material are correctly shown. This plat conforms to all requirements of the Georgia Plat Act. By Mark R. Welborn Registered Land Surveyor.

No. 2711
Date 7/8/02

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 13.
- 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 $08^{\circ}18'59''$ West a distance of 281.46 feet to a point; thence North $08^{\circ}18'59''$ West, a distance of 258.43 feet to an axle found; thence North $88^{\circ}15'12''$ East, a distance of 230.09 feet to a $\frac{1}{2}$ " rebar set; thence South $08^{\circ}05'23''$ East, a distance of 164.19 feet to an axle found; thence South $86^{\circ}09'27''$ West, a distance of 20.92 feet to a point; thence South $09^{\circ}39'51''$ 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 $80^{\circ}38'37''$ West a distance of 126.32 feet to a point; thence South $78^{\circ}06'30''$ 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 $78^{\circ}06'30''$ 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 $80^{\circ}38'37''$ East a distance of 126.32 feet to a point and THE TRUE POINT OF BEGINNING; thence leaving said right of way North $09^{\circ}39'51''$ West, a distance of 343.73 feet to a point; thence North $86^{\circ}09'27''$ East, a distance of 20.92 feet to an axle found; thence North $86^{\circ}09'27''$ East, a distance of 164.49 feet to a 1-1/2" open top pipe found; thence South $09^{\circ}21'05''$ 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 $87^{\circ}53'27''$ 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 $84^{\circ}05'45''$ 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.

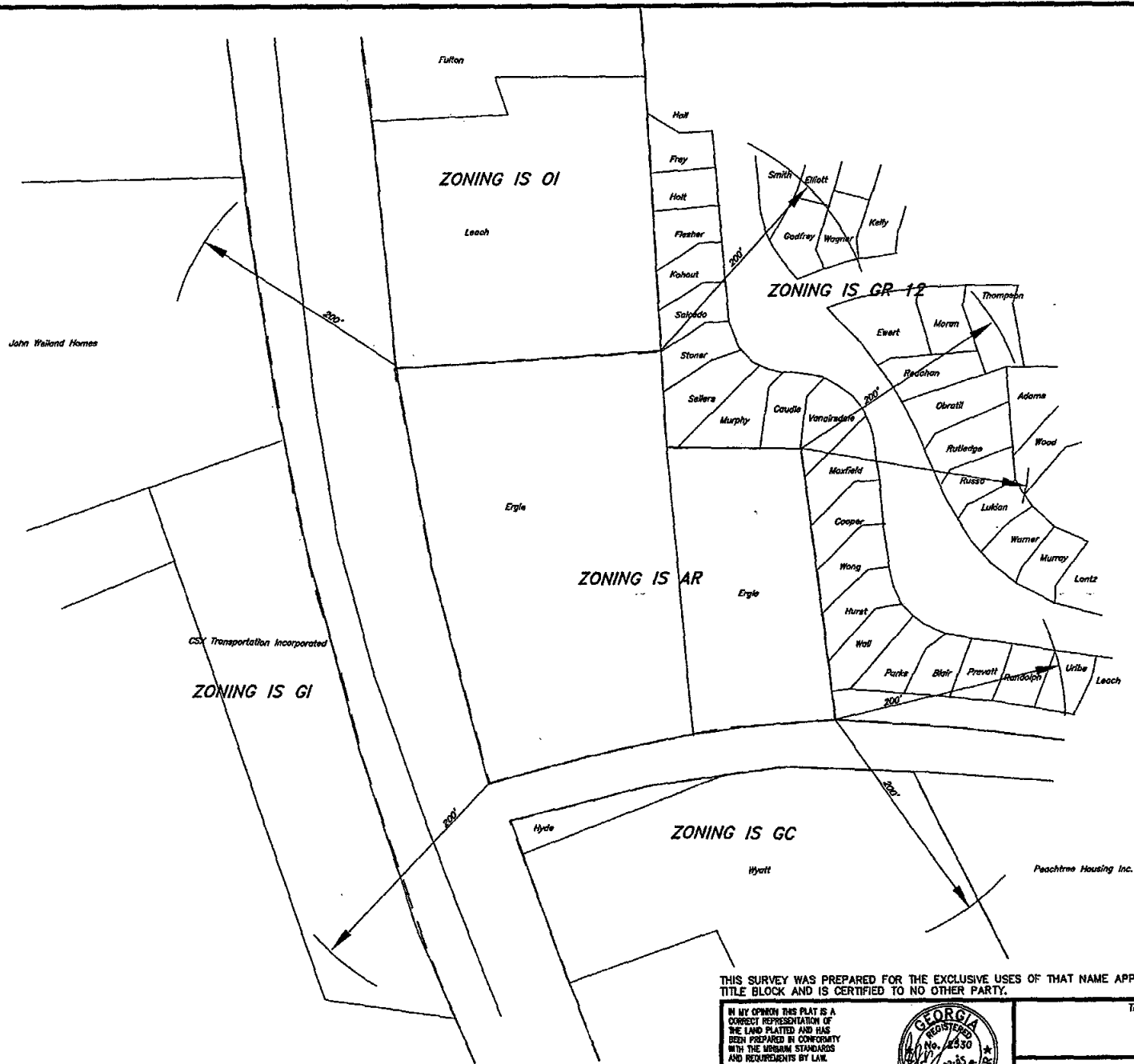
THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRANT TITLE SEARCH

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	Newnan	GA	30263
0734 027 01	Sylvia & Virgil Ergle	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



THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USES OF THAT NAME APPEARING IN THE TITLE BLOCK AND IS CERTIFIED TO NO OTHER PARTY.

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE URBAN STANDARDS AND REQUIREMENTS BY LAW.



METRO ENGINEERING AND SURVEYING CO., INC.
CLAYTONARA AIRPORT
186 SELFRIDGE ROAD
HAMPTON, GA 30228
(770) 707-0777

38

TAX RECORDS

		REVISIONS
LAND LOTS: 156		
DISTRICT: 7TH		
COUNTY: FAYETTE		
STATE: GEORGIA		
DATE: 03-23-05	SCALE: NTS	FILE: TAXMAP

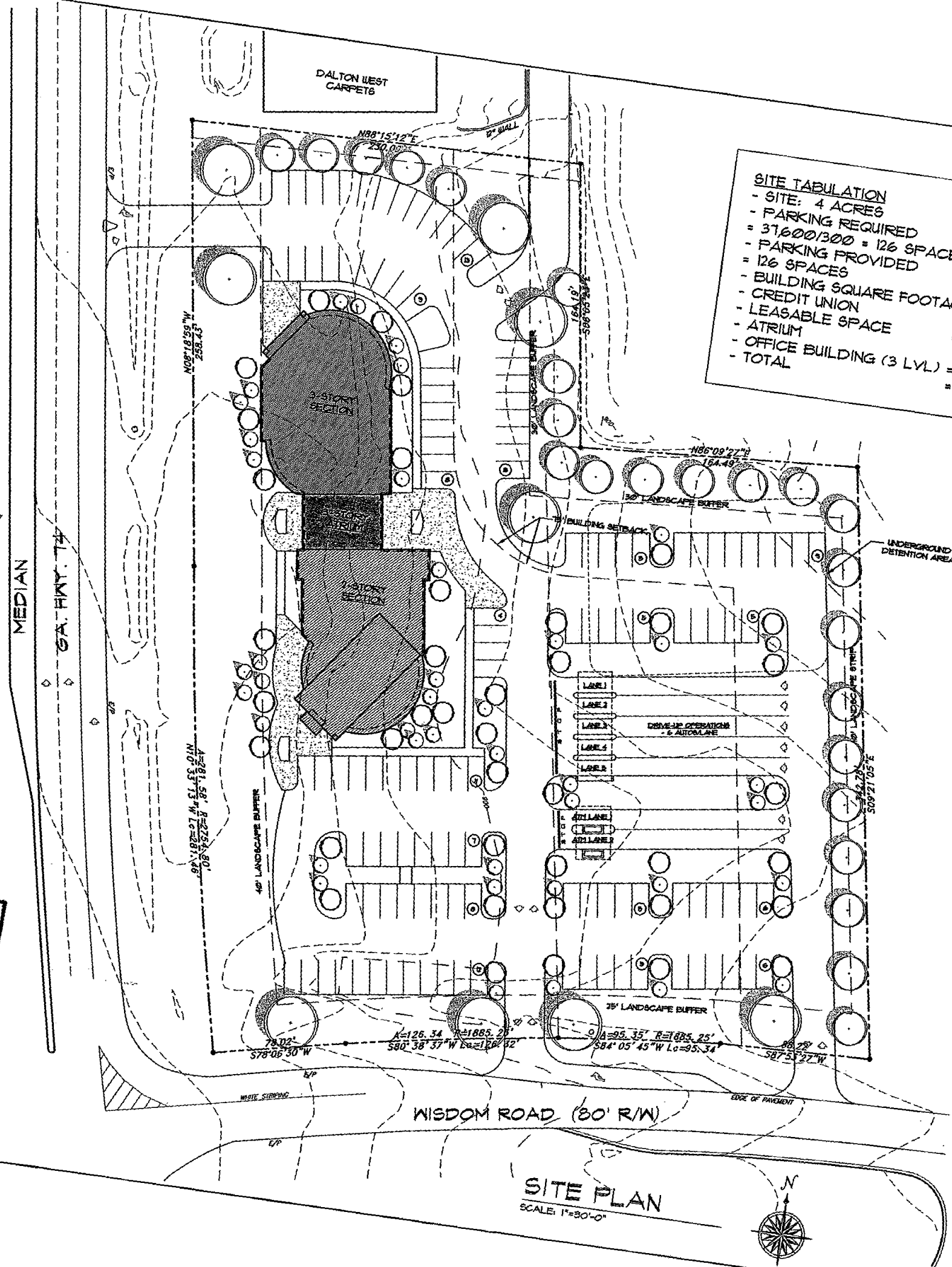
NOTE:
THIS PLAT IS NOT VALID UNLESS
SURVEYOR'S SIGNATURE APPEARS
IN BLACK INK.

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

Received

Office of City Planner
Peachtree City, GA



SITE TABULATION

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

LEVEL.

Think strategically. Build creatively.

100 HARTSFIELD CENTER PKWY. SUITE 100
ATLANTA, GA. 30334
(404) 761-0008 FAX (678) 538-2850

SUMMER WISE
& associates
ARCHITECTS

CENTURY BLVD., NE.
ATLANTA, GA 30341
(404) 371-0666
FAX (404) 371-0666

PROJECT# :

Delta Employees
Credit Union

Delta Financial Center
Peachtree City

[illegible]

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

1" = 30'

SITE PLAN

FOR CONSTRUCTION

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.

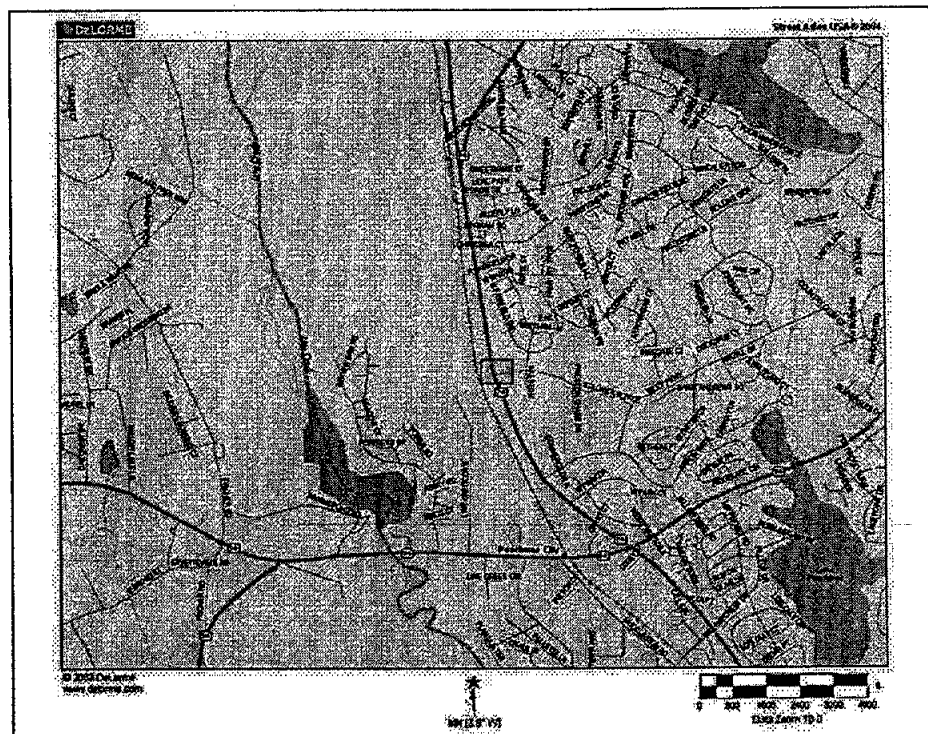
- (p) The limits of permitted usage and/or any conditional uses must be clearly defined. A complete description of each district created, its location, its permitted uses, conditional uses, related activities and special restriction must appear in the appendix of the zoning ordinance. LUC districts shall 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 Count 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	Side-Swipe	Angle	Head-On	Struck Animal	Struck Object	Ran off the Road	Total	Injury	Fatal	Total Accidents that could be 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 is 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/veh)	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.

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- 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.*

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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