

City Council of Peachtree City
Minutes of Meeting
May 18, 2000
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, May 18, 2000, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Annie McMenamin, Dan Tennant and Bob Brooks.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Employee of the Month – David McDaniel

MINUTES

The City Clerk was on vacation last week, therefore the minutes of May 4, 2000 were scheduled to be presented at the next meeting for approval.

CONSENT AGENDA

There were no consent agenda items.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

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

05-00-08 Public Hearing – Variance, Southern Shore, Lot 155

Mayor Lenox called the hearing to order and set a time limit of 15 minutes for each side to present its case. He asked to hear from the applicant and those supporting the variance.

Mr. Rick Sewell addressed council. He recently purchased a under construction located at lot 155 Southern Shore, 211 Palisades. He said the home was currently situated one foot behind the required building setback line, but stairs needed to be built on the front porch. He requested permission to construct a set of stairs on the front of the house that would encroach into the setback area 11 feet.

David Rast, City Planner, spoke in favor of the variance. He said staff felt Mr. Sewell had done a good job in rescuing the abandoned construction project. If the variance was not approved, additional fill would be needed near the front door and would be unattractive. He also pointed out that due the pie shape of the lot the front setback line had been moved back from 40 feet to 54 feet in order to maintain a lot width of at least 95 feet at the side setback line. The front setback line for both of the adjoining lots was 40 feet.

Hearing no one else speak in favor of the variance, Lenox asked to hear from those opposing the variance. Hearing no opposition, Lenox asked if there were any questions. Hearing none, he called the hearing to a close for Council to debate the issue and render a decision.

McMenamin said she had received several phone calls in the past concerning the abandonment of the construction of the home. She was glad the construction would be complete soon. McMenamin made a motion to grant a variance of 11 feet into the front setback as requested. Fritz seconded the motion. Motion carried unanimously.

05-00-09 Public Hearing – Variance, Lot 1 Kedron Office Park

Mayor Lenox called the hearing to order and set a time limit of 30 minutes for each side to present its case. He asked to hear from the applicant and those supporting the variance.

Mr. Bill Foley addressed council to request a variance to construct a four-story office building on Lot 1, Kedron Office Park, which would be between 55 feet and 58 feet high. The property was zoned for OI Office Institutional use, and according to the zoning ordinance the maximum building height permitted in that district was 35 feet. He requested a variance of 23 feet in order to build the proposed building which was designed to save as many trees as possible on the site. He said the Planning Commission had asked staff to review the zoning ordinance building height restrictions because similar zoning districts had different height restrictions. (LC and OI districts stipulate a maximum building height of 35 feet, while GC and LUC districts stipulate a maximum building height of 10 stories, but if over 35 feet must be approved by the Fire Department.)

David Rast, City Planner, spoke in favor of the variance. He said the site had always been zoned OI. He said the Planning Commission and staff were concerned about the impact the height restriction would have on the entrance to the City. At the request of the Planning Commission, balloons were flown at the corners of the proposed building and set at the height of the proposed four-story building. The balloons could not be seen above the tree line from Highway 74 and Peachtree Parkway. He said if granted, the variance would apply only to Lot 1 of Kedron Office Park. He said staff intended to review the height restrictions in the zoning ordinance and would hold appropriate public hearings if changes were necessary. If the variance was denied the building would be reduced to two stories and would occupy a much greater portion of the site and many of the best features of the site plan would be lost.

Hearing no one else speak in favor of the variance, Lenox asked to hear from those opposing the variance. Several residents of Kedron Hills Subdivision spoke in opposition to the variance, including: Cheryl Pendleton, Jim Stefan, Michael Weiss, and Karen Shealy. Concerns raised were as follows:

1. Balloons were flown during the spring, could they be seen in the dead of winter?
2. Changing zoning restrictions would be unfair to property owners who purchased their property with an understanding of the current restrictions.
3. The sign on the property fell down and many residents only had 10 days notification of the variance.
4. Requested the variance be tabled to give citizens more time to study the issue.

5. Concern with setting a precedent.
6. The elevation of Kedron Hills Subdivision is very high and citizens were concerned they would be able to see the building from their homes.

Hearing no further opposition, Lenox asked if there were any questions. There were several questions regarding the site and the ordinance. A lengthy and informal question and answer discussion took place between Council, staff and members of the audience until Lenox called the hearing to a close for Council to debate the issue and render a decision.

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

McMenamin felt the balloons should have been flown to determine if they could be seen above the tree line from Kedron Hills Subdivision as well as from Highway 74 and Peachtree Parkway. She said several years ago Council denied a request to rezone the property for apartments. She felt existing OI zoning was the best use for the site and suggested the variance be tabled for two weeks to give the residents of Kedron Hills an opportunity to discuss the issue in more detail with staff.

Lenox supported the variance. He said much time had been spent planning for the development of that site. He felt the proposed plan was exactly what was needed because it provided adequate buffers.

Brooks supported the variance because the roofline would be below the tree canopy. He pointed out that one side of the building would only be three stories due to the layout of the land. Using the layout of the land, and designing the building with four floors allowed the same square footage building to be constructed on a smaller footprint which would allow for more buffering. He was concerned with setting a precedent and did not want staff to make recommendations for changes to the zoning ordinance. He felt that each site should be considered individually, with a variance if necessary.

Fritz supported the variance because it would reduce the amount of impervious surface. She felt the proposed building fit nicely on the lot and its design saved trees. She agreed with Brooks and felt the ordinance should not be changed, but that each site should be considered individually.

Tennant questioned the height of the roof accessories and asked if the canopy around the air conditioning units was included in the overall height of the building. Mr. Foley said it was. He did not indicate support for the variance and supported the residents of Kedron Hills with their concerns.

McMenamin made a motion to table the issue until June 1st so that the residents of Kedron Hills Subdivision could meet with City staff regarding the issue. Tennant seconded the motion. Motion carried unanimously.

05-00-10 Consider Alcohol License Transfer, Valentino's, 460 Crosstown Drive

The Valentino's Restaurant was being sold to the Tailwind Development Corporation, Inc. At the applicant's request, McMenamin made a motion to transfer the alcohol license for Valentino's Restaurant to the Tailwind Development Company, Inc and to appoint Craig May as the Licensee

— for the corporation and Carl Smosna as the License Reprehensive. Fritz seconded the motion. Motion carried unanimously.

05-00-11 Briefing on Community Messenger System

At the Retreat in April, staff briefed City Council on a possible Community Emergency Warning System. A possible component of the system was the Community Messenger recently developed by the DataFM Company. Acting Fire Chief Lohr said the Catoosa County Commissioner Hudon Tatum has written the Georgia Legislature praising the system and urging its use in lieu of weather radios and sirens. Lohr introduced Mr. Marshall Bandy, President of DataFM, who provided a briefing to Council on the Community Messenger system.

Mr. Bandy said the system was first activated in Catoosa County on March 5th, 2000. He explained that the Community Messenger was a digital satellite linked radio data service, or "interactive smart radio". He said the unit operated like a normal radio, but that it could receive text messages that were demographically and geographically addressable to a street, subdivision, community, ZIP code, City, county, or other target area.

— He explained that each receiver contained embedded chips that were always active for transmittal of emergency public information (alerts, warnings and instructions for weather emergencies, community disasters, police emergencies, or hazardous materials incidents) and limited advertising and communications by the system operator and DataFM. He said each user could also program the radio to receive only those other messages that he or she was interested in receiving, such as: community messaging from a group leader to group members; community specific messages such as weather, local news, daily restaurant specials, sports, school information or local government communications; traffic information on specific routes; local and regional weather from the National Weather service satellite; E-mail notification; school bus notification; paging; and personal security system monitoring. Bandy said emergency notifications automatically override normal operation of the unit and trigger an alarm. Other notifications are collected, indicated by a beep or notification light, and maintained until reviewed by the user.

He said if Council wanted to use the system for emergency notification, the system would be installed at the 9-1-1 Center at no cost. DataFM would then contract with someone in the community to sell the radio unit at manufacturing cost (typically \$117). He said there be no service cost to receive information and there would be no cost for emergency service use of the system. He said his company's revenues would be generated primarily from monthly rental of telephone numbers, advertising messages, and subscription services. Bandy said the system could be operational within a short period of time and asked if Council would be interested in using the system.

— Council discussed the situation. Lenox felt that the County should also look at the system. Brooks asked the City Attorney to determine the City's liability if DataFm were to go bankrupt or cease to exist.

Brooks made a motion to encourage other governmental entities in Fayette County to schedule a similar briefing with DataFM and consider using the system. McMenamin seconded the motion. Motion carried unanimously.

05-00-12 Consider Authorization of LARP Contract

Lenox made a motion to approve the Georgia Department of Transportation (GA DOT) Local Assistance Road Program (LARP) contract LAU 29-8530-92 (113) in the amount of \$69,954.43. McMenamin seconded the motion. Motion carried unanimously.

COUNCIL/STAFF TOPICS

There were no council/staff topics.

Mayor Lenox made a motion to adjourn the meeting. Fritz seconded the motion. Motion carried unanimously. Meeting adjourned at 9:15 p.m.

Nancy Faulkner
City Clerk, Nancy Faulkner

Attest: Robert L. Lenox
Mayor