

City Council of Peachtree City

Agenda

May 5, 2005

7:00 p.m.

- I. Prayer
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Recognize Sonia Vols for Efforts to Help Single Parents and Parents Who Work Out of the City
 - Recognize Paul Massey for Efforts to Protect Scenic Views
 - Proclamation for Older Americans Month
 - Proclamation for Building Safety Week
 - Recognize Line Creek Association, Peachtree City Rotary, and McIntosh High School Students For Adopt-A-Stream
 - Recognize Booth Middle School Science Olympiad Team
 - Recognize Starr's Mill Debate Team Participation in National Forensic League's National Tournament
- IV. Minutes
 - April 21, 2005, Regular Meeting Minutes
- V. Monthly Reports
- VI. Consent Agenda
 - 1. Appoint Members to Comprehensive Plan Committee
 - 2. Consider DOT LARP Contract
 - 3. Consider Donation of Surplus Fire Department Equipment
- VII. Old Agenda Items
- VIII. New Agenda Items
 - 05-05-01 Public Hearing – Consider Change in Land Use Plan – CS to COM
 - 05-05-02 Public Hearing – Consider Rezoning – Christ Our Shepherd Lutheran Church, OI to LUC
 - 05-05-03 Consider Extension of Moratorium on Sign Ordinance
 - 05-05-04 Consider Extension of Moratorium on General Commercial (GC) Zoning Ordinance (Big Box)
 - 05-05-05 Update on Status of Stormwater Utility Formation
 - 05-05-06 Consider Funding for Remodeling Project at Neely Station
 - 05-05-07 Briefing on Proposed Intergovernmental Agreement between WASA and City of Senoia
 - 05-05-08 Consider Ordinance on Formation of Peachtree City Governmental Finance Corporation
- IX. Council/Staff Topics
 - Update on Vehicle Accidents
 - Update on TDK Blvd.
- X. Executive Session

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

**City Council of Peachtree City
Minutes of Regular Meeting
April 21, 2005
7:00 p.m.**

The City Council of Peachtree City met Thursday, April 21, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:01 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown recognized Tim Maret of Code Enforcement as Employee of the Month. April 24-30 was proclaimed as Georgia Cities Week. Brown recognized Capt. Stan Pye of the Police Department for 15 years of service. The Citizen Police Academy graduates were recognized. Starr's Mill varsity cheerleaders were recognized as the Region 4 5A champions. Mark Adams was recognized for his efforts to protect scenic views in the City.

Minutes

Rutherford moved to approve the March 17, 2005, regular meeting minutes as amended. Rapson seconded. The motion carried unanimously.

Rutherford moved to approve the 2005 Retreat minutes as written. Rapson seconded. The motion carried 4-0-1 (Weed).

Rutherford moved to approve the March 19, 2005, special called meeting minutes as written. Rapson seconded. The motion carried 4-0-1 (Weed).

Rutherford moved to approve the March 24, 2005, special called meeting minutes as written. Rapson seconded. The motion carried unanimously.

Monthly Reports

Brown announced that the annual Touch-a-Truck event for children was scheduled on Saturday, May 7, and would be held in conjunction with a Wellness Fair for adults. Community Action Day was scheduled on May 14. Spring Cleanup would be held May 14-15 at the City's Recycling Center. City offices would be closed on May 30 for Memorial Day. The Peachtree City Youth Council Three-on-Three Dodgeball Tournament was slated for April 23. City staff would participate in the March of Dimes WalkAmerica on April 30.

Brown noted that single-family residential building permits were down significantly from this time last year, 142 compared to 32 this year. No multi-family residential permits were issued either year. The Top 5 Accident Locations for the month were GA 54/GA74, GA 74/Holly Grove Road, Flat Creek/Peachtree Parkway, GA 54/Market Place Connector, and GA 74/Crosstown Drive.

Consent Agenda

- 1. Consider Proposals for Equipment Lease/Purchase Financing**
- 2. Consider Amendment to Debt Policy**
- 3. Consider Approval of Letter to County Commission Initiating Review of Service Delivery Strategy**
- 4. Consider Budget Amendments**
- 5. Consider Cooper Turn Lane Bid Withdrawal Request**

Rutherford removed Consent Agenda #3 for further discussion. Rutherford moved to approve Consent Agenda #1, #2, #4, and #5. Kourajian seconded. The motion carried unanimously.

Brown noted there was an additional document on the dais concerning Consent Agenda item #3 – the letter to County Commission Chairman Greg Dunn requesting review of the service delivery strategy with changes from City Attorney Ted Meeker and the same letter with additional changes from Mayor Brown. Brown noted that his change to the letter was to include Fayette Senior Services in the discussion. City Attorney Ted Meeker said his change tied the request to statute that allowed Council to call for the review.

Rutherford moved to approve the letter to the County Commissioners initiating review of the Service Delivery Strategy with both the City Attorney and Mayor's amendments. Weed seconded. The motion carried unanimously.

Old Agenda Items

03-05-CA2 Consider Annual HVAC Services for City Facilities

Public Services Director Tom Corbett addressed Council. Six proposals were received and they had looked at the three lowest bids. The recommendation was made according to a number of criteria, with experience at the top of the list. All of the companies were well matched, but Shumate took the lead in terms of experience. Corbett continued there was a five percent differential in terms of cost between the three lowest bidders. The low bidder had an escalator clause that closed the gap a great deal. The City had been working off an extension of the old contract with Shumate. The remaining eight months should cost \$37,783 for the calendar year and the full cost for the additional two extensions.

Rutherford moved to approve the award of HVAC services to Shumate based on the bid and the recommendation of staff. Rapson seconded.

Rapson added, for the record, that the Request for Proposal (RFP) stated that the proposals would be evaluated on the dollar amount as well as years of service, ability to provide full service maintenance, qualified technicians, and the service availability references. He noted that City staff had researched Brown's April 1 response to Tim Powers' letter.

Kourajian asked if the criteria used to determine the award was implied or explicit. Rapson said the criteria had been listed in the RFP.

The motion carried unanimously.

New Agenda Items

**04-05-01 Public Hearing – Consider Rezoning – Sanders/Cash Tract, 287
Greenwood Lane, ER to R-43**

Brown noted there were additional documents on the dais – a letter from Rosenzweig, Jones & MacNabb to City Clerk Jane Miller dated April 21, 2005, regarding the rezoning request; an e-mail from the City Manager to Mayor and Council dated April 20, 2005, with the subject "Section of 5/20/94 Minutes;" a site map of the Sanders/Cash tract; an e-mail dated April 13, 2005, from Fire Chief Stony Lohr to Harry Sanders with the subject "Traffic Concerns;" a letter dated April 12, 2005, to Richard Simms from Doug Warner related to the rezoning; and a letter dated April 20, 2005, to Mayor and Council from Adrian Brooks.

Melissa Griffis of Rosenzweig, Jones & MacNabb addressed Council on behalf of the property owners. She noted that the letter from her law firm would be made part of the record and was a requirement by Georgia law to put the City on notice that denying the process would deny the property owner of rights. The total acreage of the tract was 11.437 acres. Griffis noted that the request pertained only to the rear portion of the tract, which was 4.034 acres. The front portion was currently zoned R-43. She continued that the future Land Use Plan showed the area as residential with low-density, and the City defined low-density as one-acre to three-acre tracts. The Planning Commission unanimously recommended approval of the rezoning request, and staff recommended approval. Griffis added that the neighbors directly across the street from the property had written letters in support of the rezoning.

Griffis said the proposed rezoning was consistent with the designation identified on the Land Use Plan. The City's Comprehensive Plan encouraged less dense residential development as development moved out from the village center. She said that was what they were looking for with the proposed rezoning.

Griffis continued that Council had questions about Tyrone's position on the proposed rezoning. She said Council had a copy of the Tyrone Council minutes and a letter from Tyrone City Manager Barry Amos. There was nothing in the minutes regarding any promises made to Tyrone. In his letter, Amos verified that no promises had been made regarding zoning and the City had the right to address zoning of the property as appropriate. She noted that the property owners had agreed to the five conditions listed in the April 13, 2005, position paper. Griffis said they were aware that some of the Kedron Hills homeowners were opposed to the rezoning, but noted that they lived on lots zoned R-22, ½ acre, which was more dense than the proposed rezoning.

Paul Fink told Council he had addressed this issue during the previous rezoning request last year. He said there was high-density traffic around the playground/pool area. Brown asked Fink to point out the playground/pool area on the map. Rapson asked Griffis to point to where the road from the property would come out.

Russ Walter noted that if this rezoning were approved, then the other property owners would request rezonings. One of the other property owners noted that at the Planning Commission hearing. He added that the property directly across the street from the tract belonged to the homeowners' association and the association was not in favor of the rezoning. He asked Council to deny the rezoning and stop the stepping stone effect.

Brown closed the public hearing.

Griffis addressed the high-density traffic issue. She noted there was a large parking lot on the Greenwood Lane side of the area. She said the entrance to the tract would not go into the pool parking area, but would face the parking lot. She added there were sidewalks and that signage could be put up to indicate it was a pool/playground area. If traffic became a problem, the developer would address it at that time.

Griffis noted the concerns about future rezoning requests, but pointed out that they had no control over any other properties. The land behind the Hughes tract was in the Town of Tyrone.

Weed said that the site map they were referring to would be Exhibit A and was the map shown on the screen. Weed referred to the Comprehensive Plan. He asked if E-R zoning was less dense than R-43. Griffis said yes. Weed noted the zoning around the tract. Weed said Griffis statement that the rezoning would reflect the "growth, redevelopment, and outreach" the City was looking for was an assumption on Griffis' part. Griffis said she was not quoting that comment, but she had read her prior comment from the Comprehensive Plan. The portion was "residential development that becomes less dense as you move away from the village center."

Griffis continued that R-43 was less dense than R-22. Kedron Hills had both R-43 and R-22 lots. She clarified that R-43 was one-acre lots and tracts zoned ER were one-three acres. R-43 would still be step-down zoning. Griffis reiterated that 7.403 acres of the tract was already zoned R-43. If approved, the rezoning would make the entire tract R-43.

Weed asked Griffis if there was any R-22 zoning contiguous to the Sanders/Cash tract and to indicate it on Exhibit A. Griffis said she did not prepare Exhibit A; it was a City document. Weed said they could get a zoning map to make sure. Griffis said she did not say the R-22 parcels were touching the Sanders/Cash tract, but that R-22 lots were in Kedron Hills. She agreed there were no lots marked R-22 on Exhibit A, but she could not answer the question without a zoning map of the City.

Rapson said the Land Use Plan clearly designated the area as low-density residential. Either the R-43 or ER zoning met those criteria. Rapson said Griffis was trying to allude that R-43 was just as good as ER. He said leaving the tract in its current condition was also in compliance with the Land Use Plan. Griffis reiterated that the City's definition of low-density tracts was one- three acre tracts.

Brown closed the public hearing.

Weed asked City Planner David Rast for an official zoning map to be introduced into the record to show that R-22 zoning was not contiguous to the tract in question. Weed told Griffis she could waive that, or the map would be included in the record. Griffis said she had already agreed that R-22 zoning was not contiguous, but was within the Kedron Hills subdivision.

City Planner David Rast read the two paragraphs in the residential section of the Land Use Plan.

Provide opportunities for an appropriate mix of dwelling types, sizes and prices in order to meet the current and projected needs of city residents of all socio-economic groups in accordance with their financial capabilities, mobility and preferences.

Low-density single-family usage should continue to be developed along the eastern and northern border of Peachtree City; as well as in the extreme northwest corner of the city. That area along the eastern border is probably economically unfeasible to sewer. Low-density development in this area will promote the step-down theory, in that these uses are located physically further away from existing and future village centers. This type development is conducive to independent, potentially self-sufficient homesteads.

Rast noted there were other areas in Kedron Hills, Smokerise and Stoneybrook, along the City's boundaries that were zoned R-43. In those areas, the theory was that R-43 zoning met the definition of a step-down. Rast continued that the zoning often depended on whether the home was on sewer or septic. Sewer was not available in Stoneybrook and Smokerise. The lots were zoned R-43 and were on septic. The rear portion of Kedron Hills was the Kedron Estates subdivision, which abutted Tyrone and the unincorporated County. Those lots were zoned R-43 and were all on septic.

Rast continued that the owners of the properties north of Greenwood Lane had asked that their portion of their parcels, located in Tyrone, be annexed into the City several years ago. The properties were zoned both ER and R-43. The section of the Sanders/Cash property located next to Greenwood Lane was zoned R-43 and the rear portion of the property was zoned ER. The Hughes tract was located immediately adjacent and to the north of the Sanders/Cash tract. The Hughes tract was zoned ER and was not under consideration. Neither were the King, Care, nor Stephan tracts. Rast said he talked to staff in Tyrone and asked for the minutes of the meeting when the Town Council voted to de-annex the parcels. Rast said he could find nothing in the minutes regarding rezoning

of the property. He said staff's position was that the proposal was consistent with the Land Use Plan and was consistent with some of the other rezonings that had occurred along the fringes of Kedron Hills, and other subdivisions. The tract abutted property that was zoned R-43. The Planning Commission's recommendation was unanimous to forward the request to Council for approval. Rapson noted that the recommendation had been the same when the property owners requested a rezoning last year. Rast concurred.

Brown said he had attended the meetings in 1999 when the property had been annexed into the City. He said it had been an unusual situation. The Hughes had requested that the City annex their tract, which could not be done unless the Sanders/Cash property was also annexed, because their tract did not share a common border. Brown said he had listened to the tape of the March 18, 1999, meeting and had transcribed portions of the tape. Brown quoted statements from former Developmental Services Director Jim Williams.

Jim Williams: "That would cause both annexed properties [Hughes (3.705-acre) and Sanders (3.9-acre)] to come into the city at Estate Residential and [in] this particular area that is the preferred zoning district."

Jim Williams: "They [Sanders] have no objection to their 3-acre site being zoned Estate Residential. They would prefer that their 7.6-acre site be rezoned to R-43."

Brown said that, at the time of the discussion, the Sanders were looking at R-43 because they wanted to subdivide the property to allow their children to live on the property.

Jim Williams (re: 7.6-acre Sanders site): "As you go down Greenwood Lane, to the west, there are several other parcels [Stephan property] that are Agricultural. But our plan is, and has been for some time, for those properties, eventually, to come to be rezoned to R-43 to match the zoning of all of the rest of all of the property fronting on Greenwood Lane, the portion that's a part of the Kedron Hills subdivision."

Brown noted that the Stephan property and the front parcel of the Sanders/Cash tract fronted Greenwood Lane. The Sanders/Cash parcel was zoned R-43.

Jim Williams: "The other two pieces of property that are involved in this are owned by the Care family and the King family respectively. They own rather large tracts of land that are within the city and then some additional pieces of the same property outside the city. The request here is that those parcels outside the city be annexed in at Estate Residential, the same as the Sanders [3.9-acre tract] and the Hughes, and in addition, that the portion within the city be rezoned to Estate Residential from Agricultural. So that as you come around the cul-de-sac [on Greenwood Lane] with the R-43 lots [heading east], you come to the Sanders property [7.6-acre tract] which is proposed for R-43 and then the property would step down to the Estate Residential on around to the city limits as you wrap around Greenwood Lane and Loring Lane and Crabapple [East]. So we feel that the entire pattern out there makes sense from a land use and

zoning standpoint. We feel it is consistent with the development patterns that are out there and that it does appear to solve a number of problems."

Brown's conclusion: The future plan was for (1) R-43 at the road frontage on Greenwood Lane; (2) Estate Residential step down on the 3.9-acre Sanders tract and the Hughes tract; (3) and a lateral step down zoning to Estate Residential on the Care tract and King tract.

Brown said there was a lateral step down going towards the Care and King tracts, out toward the City of Tyrone. Brown said the deannexation and annexation would not have been done if the City had not made a commitment via resolution to let the actions take place. The resolution was sent to the Town of Tyrone and to the State Legislature.

Mayor Lenox (reading from the resolution agreement for the State Legislature for the de-annex/annex legislation): "Whereas, it is in the best interest of the City [Peachtree City], the City of Tyrone and the applicants to annex the property into the City for the more efficient provision of municipal and emergency services and; Whereas the applicants have requested the city consider zoning the property Estate Residential if the property is annexed. Be it resolved that the Mayor and Council of Peachtree City hereby inform applicants that should the property be de-annexed from the City of Tyrone, the City will promptly annex the property into the City and the property will be zoned Estate Residential."

Brown said that essentially the resolution was the City's confirmation to Tyrone and the State Legislature that the property would be zoned ER if the property was deannexed. Brown added that without the resolution, there would have been no deannexation and no annexation. The resolution confirmed what they were trying to do. Brown said that Williams' methodology was consistent with creating the R-43 barrier using the road as a demarcation. Brown said it made sense in 1999 and made sense today.

Rapson also noted for the record the e-mail from the Kedron Hills Homeowners Association, which opposed the rezoning. The reasons cited included safety issues with traffic in the pool area, a single entrance served the subdivision and the addition of homes could increase safety risks in event of emergency, increased difficulty getting to and from homes due to construction, and granting the rezoning could lead to further rezonings. Rapson said the bigger issue was the City's boundaries and following the City's Land Use Plan. He said the area was consistent with the Land Use Plan.

Rapson moved to deny the rezoning request. Weed seconded.

Brown pointed out that any property owner had the right to request a rezoning. The City would never deny a property owner's right under the law. The Land Use Plan was a living document that could be altered. In this case, it had worked well.

The motion carried unanimously.

04-05-02 Public Hearing – Consider Variance, 205 Rockspray Ridge

Scott Quamme, property owner, addressed Council. He said he wanted to build a six-foot privacy fence on his lot, a corner lot that fronted on Rockspray Ridge and Gray Plum. He continued that his property was unusual, and it would be difficult to build a fence according to the ordinance that would be aesthetic or logical. Quamme presented letters in support of his request from the property owners in the cul-de-sac behind his property to Council. Quamme noted that the letters were from the property owners most affected by his plans.

Brown asked Quamme to state his unusual circumstances. Quamme said his property was located on a cul-de-sac, and the rear yard property pin was actually located in his neighbor's front yard. The side setback requirement was 11 feet. He proposed to move the fence away from the rear property line. Quamme told his neighbor he would give him that portion of his property if the neighbor had it surveyed and recorded, provided Council approved the variance. He continued that his backyard was his neighbor's front yard. He wanted to provide privacy for his family and keep his neighbor from having to look at the activity in his backyard.

No one spoke in favor or in opposition of the variance.

Quamme said he could build a four-foot fence without a variance. The setback requirement for his backyard was 40 feet. He got a different story on the setback requirements every time he asked. The property line along the back yard was 98 feet, six inches. The rear setback requirement cut his yard in half.

Quamme said a four-foot fence would look silly and would not be fair to his neighbors. Quamme said what he proposed fit with the intent of the ordinance. A privacy fence provided his family with more safety and made him feel better about his property and looking in his neighbor's front yard. Quamme said he had looked around the City and there were a lot of fences similar to what he proposed. It seemed most asked for forgiveness. He was asking for permission. He reiterated that his property met the criteria for which the variance ordinance was written. It had an unusual shape and there were unusual circumstances.

Brown said that residents that asked for forgiveness and did not have extenuating circumstances that met the variance criteria were told to rip out their fences. He said Council was very staunch on that.

Rast said there were issues that had been dealt with in the past on similar lots. The lot was a corner lot with multiple frontages. The ordinance stipulated that the front setback was measured from both right-of-ways in those cases. The ordinance also restricted the types of fences that could be installed in residential areas. Rast read from the ordinance that, "no fence in excess of four feet in height shall be installed within the required setback area that abuts the street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard." Rast said the height of the

fence installed along Gray Plum would be limited to four feet. He continued that the ordinance stipulated that front yard fences could not restrict the view more than 50%. He explained that front yard fences should be along the lines of a picket fence. Rast continued that there had been a four-foot fence in the backyard in the past that had been removed. A request for a building permit for a four-foot fence had been submitted. The homeowners association approved the plan for the four-foot fence, but the plan changed to a six-foot privacy fence. The City had denied several permits in the past for similar situations, especially for corner lots. The City did not want six-foot tall barriers two feet behind the curb. Other residents had changed the type of fencing or had installed landscaping to provide a buffer. Staff did not recommend approval. Rast said approval of the variance request would set a dangerous precedent. Rast showed photos of the property to give Council an idea of the layout. Quamme also showed Council where he planned to place the fence.

Brown asked if there was a house across from Quamme's that conformed to the fence ordinance. Rast said there was.

Weed asked Rast if Quamme could physically comply with the ordinance as written if he installed a four-foot fence. Rast said he could. Weed clarified that the City was not denying Quamme the ability to put up a fence. Rast agreed. Rapson noted that Quamme could also build a six-foot fence if he pulled it back. Rast said Quamme could.

Meeker said he wanted to include the 31-page agenda packet as part of the minutes for this meeting. Weed said he would make sure all materials would be included in the motion for part of the record.

Quamme said what he was proposing would not affect anyone other than the homes in the cul-de-sac. No one had voiced any opposition to the fence. He could build a four-foot fence on his property without a permit and could build on the property line. Everyone was concerned about future problems. He said those problems were not his concern. The language was clear and the intent of the code was clear. Quamme said he was not asking for anything that fell outside of the intent of the code. He saw no reason to deny his variance request other than fear of future problems. He could build a four-foot fence that would be ridiculous, something Council would not be proud of, and something that he would not want in his front yard.

Rutherford asked Quamme if he purchased or built his home. Quamme said he purchased the home. He continued that the house had a deck, a sunroom, and an outbuilding built by previous owners, none of which complied with the code. When he was ready to sell his house, Quamme said he would be back for more variances on things built before he bought the house. Quamme said Council should set a precedent for people to come and ask before they built things that did not comply with the code.

Kourajian asked if the property had a fence when he bought it. Quamme said there was a four-foot fence that was about 13-14 years old and was in bad shape. Kourajian told

Quamme that his comment about the future disappointed him. He said part of Council's responsibility was to look forward and every decision had a ramification. Once a precedent was set, it became more difficult to turn down requests that did not meet the criteria. Kourajian told Quamme he had every right to request a variance, but part of their responsibility was to look forward. Quamme corrected his previous statement. He did care about future variances, but they were not his concern.

Rapson told Quamme his request did not meet the three conditions for a variance, which were special circumstances, unnecessary hardship, and no intentional act. He said he felt compassion for Quamme, but the situation did not meet the criteria. Rapson said Council was not restricting Quamme from building either a four or six-foot fence. It might not be what Quamme wanted. Quamme asked Rapson if he had visited his property. Rapson said he had.

Brown asked Quamme if he had anything else to say. Quamme asked Rapson if he had read his packet. Rapson said he read everything. Quamme said he had two thefts in the four years he had lived in his home. He said that was unusual and affected the health, safety, and welfare of his family. Quamme said there were plenty of fences that did what he proposed and did not have variances.

Weed assured Quamme that if he called City staff regarding any homes that were not in compliance that the issues would be dealt with. If they were not taken care of, then the building official would answer to Council. Brown closed the public hearing.

Weed moved to deny the variance for the following reason:

There were three standards required – 1) whether or not there were special circumstances that contributed to the request that were peculiar to the piece of property. The applicant admitted there were other double frontage lots in the City and this would set a dangerous precedent for those lots to build the height of fence requested. 2) Whether or not the situation forced an unnecessary hardship on the applicant. Weed said the applicant admitted he could comply with the ordinances already in effect. He could build a six-foot fence and could build a four-foot fence. There was no compelling evidence to present a hardship for the applicant. Weed read his request, which said he might purchase some dogs that could jump a four-foot fence. He did not own the dogs yet. 3) Whether or not the request is due to the intentional action of the applicant to violate the article. The applicant did not want to intentionally violate the article in the sense of bad intent. What he wanted to do was purely for aesthetic purpose when he could comply with the ordinance, which was not enough for Weed to move forward. Based upon these facts and the information provided in the meeting packet, which was 31 pages, and on the additional documents and testimony provided by the applicant and staff, Weed moved to deny the variance request. Rapson seconded.

Meeker noted that Weed needed to include the meeting packet information in the minutes. Weed amended his motion to include that the meeting packet on the agenda

item be included in the minutes (The packet is attached to last page of the minutes). Rapson seconded the amendment.

Brown told Quamme he was sure the fence would look good, but he had only voted to approve two variances since he had become mayor. One variance was because previous Councils had allowed the variance so many times that the code was no longer enforceable. He did not want the same situation with this variance so he would vote against it.

The motion carried unanimously.

04-05-03 Consider Animal Control Agreement

04-05-04 Consider Amendment to Animal Control Ordinance

Deputy City Clerk/Public Information Officer Betsy Tyler addressed Council. She explained that the two items were interrelated. The County had provided animal control services in the City since 1980. The County had requested changes to the agreement. The City Attorney had seen the changes. The change was that the animal control officers could try their cases at State Court. Currently, the agreement was to try the cases in Municipal Court, which put the animal control officers in different courts on different days. The change allowed the officers to try all cases in one court. Tyler said animal control cases involving City officers would still be tried in Municipal Court.

Rutherford moved to approve "04-05-03 Consider Animal Control Agreement" and "04-05-04 Consider Amendment to Animal Control Ordinance," an amendment to the City's animal control ordinance to reflect the changes in the agreement. Kourajian seconded.

Rapson clarified that nothing was changing as far as service hours or services provided. Meeker said nothing was changing to his knowledge. The motion carried unanimously.

04-05-05 Public Hearing – Comprehensive Plan Presentation

Rast told Council that the public hearing started the process of reviewing the City's Comprehensive Plan. Approximately 25 applications had been received for the task force. Rast said the people were not the usual group of residents that volunteered. He added that the task force should represent all the geographical areas of the City.

Rast explained that the Comprehensive Plan was a 20-year plan prepared in accordance with the minimum standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, as established and adopted by the Georgia Department of Community Affairs (DCA). He continued that the City was in the advanced level of planning due to its size. Each of the entities in Fayette County, as well as the County, were also working on their plans and all the entities would work together on common areas.

The required minimum planning elements were population, economic development, natural and cultural resources, community facilities and services, transportation, housing,

land use, and intergovernmental coordination. Rast noted that under the housing element the City needed to designate areas for moderate and low-income housing.

Rast went over the proposed schedule. Brown said all meetings were open to the public. He asked Rast how they were providing for external participation. Rast said they would advertise well in advance and hoped to have meetings on a recurring date. Rast said they could also work with civic clubs or other groups to get the word out.

Kourajian asked who made the final decision on the Comprehensive Plan. Rast said Council would make the final decision. The task force was an advisory group. Planning Commission would review the recommendations, then forward to Council. Kourajian asked what happened when the group could not agree on certain points. Rast said both sides would be brought forward to Council.

Rutherford asked Rast if he would consider a survey of residents. Rast said Coweta County had a survey on their website. Rutherford suggested a survey with non-traditional questions, such as why they commuted out of town, or what colleges they went to. Brown said the multi-use path system would also be good for a survey and might provide information on path infrastructure, fees, and other concerns.

Rapson clarified that Council would provide two people each for the task force. Rast said he could also provide the names of the people who had turned in applications to serve on the task force to Council.

No action was required.

04-05-06 Consider Library Change Order #5

Brown noted there was an additional document on the dais – a memo from the Leisure Services Director to Mayor and Council with the subject “Consider Change Order #5, Library Construction Contract Unforeseen Site Condition, Inadequately Secured Walls on 1994/95 Addition, for April 21, 2005, Council Meeting;” a letter dated March 2, 2005, from James Porter of Leo A. Daley to Randy Gaddo re: Peachtree City Library— Revised Potential Change Order #2; and CMU DEMO/REPLACEMENT PROPOSAL from Leslie Contracting.

City Manager Bernard McMullen said the problem was with the exterior wall built during the 1994-95 renovation. The architects brought in consultants and masonry experts to look at the wall, and they determined that the only reliable fix was to replace the wall. He asked for an amount not to exceed \$155,506. The costs were attached. McMullen said that the construction should not extend the project more than 30 days.

Weed noted that left \$106,284 in contingency and asked if that would be enough to finish the project. McMullen said he was comfortable that would be enough. They had paid out about 50% of the project and had about \$1.8 million left. They had about a 5% contingency for the remaining work. The furniture bids were looking good. The only

other item that could come from the contingency was not a high dollar item. There was nothing in the plans to take care of the standing water in the middle of the courtyard. There were storm/sewer lines in the area so it should not be an expensive fix.

Kourajian asked where the construction was on the timeline. McMullen said they were right on schedule. The builders said the work should be complete in August and McMullen said it should be September. McMullen said it should be late September at the latest and the lease for the temporary location could be extended up to three months. The City had agreed to give the landlord 60 days notice.

Brown noted that every engineer that had looked at the wall had rated the construction as substandard and in desperate need of repair, or demolition and rebuilding. It was a hazardous situation. They could not guarantee using the existing wall. They would not give a warranty. McMullen explained that fixing the wall required between 600-800 fasteners drilled through the wall from the outside, which would have been visible. He added that putting 800 holes in a wall that was not structurally sound could bring the wall down.

Rutherford asked if there was any recourse with the old contractor. Meeker said they would be dealing with an act of fraud. The corporation had gone out of business. He added that they were also probably out of statute.

Rutherford moved to approve Change Order #5 for an amount not to exceed \$155,506 for unseen site revision to rebuild the wall. Kourajian seconded. The motion carried unanimously.

Council/Staff Topics

Rutherford noted that City vehicle accidents were already twice as high than they were all of last year. She asked if there was a reason and if staff was being educated on safe driving practices. McMullen said the accidents were discussed at the quarterly safety meetings. He did not have a specific reason for the increase, but could have the answer by the next Council meeting. Weed asked McMullen to also find out where the fault had been assigned for the accidents.

Kourajian noted the letter to editor that recently ran in the paper from the Little League president and the response from Gaddo. He said he would like an update at the next meeting, especially since most of the letter appeared to be inaccurate based on Gaddo's responses. He said the letter was a bad representation of the Recreation Department and the Recreation Commission and he wanted something else to go out.

Meeker said the City should have the traffic analysis from QK4 in a week concerning the light at GA 54/Georgian Park.

McMullen said the conceptual designs for TDK Boulevard had come back and had been reviewed with the Airport Authority members. There had been a meeting with Pathway

Communities. There were some real estate issues. The next step was to get property appraisals. John Crosby was checking with the FAA to see if they would pay for the appraisals that had to be done. Several Council Members noted that the City was doing nothing to stop progress on the project.

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

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

There being no further business to discuss, Rutherford moved to adjourn the meeting. Kourajian seconded. The motion carried unanimously. The meeting adjourned at 10:22 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

POSITION PAPER

Proposed Variance: Lot 59, Rockspray subdivision

Scott J. Quamme

City Planner/ Zoning Administrator

April 13, 2005

David C. O'S

Situation:

Mr. Scott J. Quamme owns the property located at 205 Rockspray Ridge within the Rockspray subdivision. The lot is a corner lot, and the home was constructed facing Rockspray Ridge. Mr. Quamme's back yard is immediately adjacent to his neighbor and is in full view of the remaining four homes on Gray Plum. Mr. Quamme is in the process of landscaping his property, which will include the removal of several trees, installation of an underground drainage system and irrigation system, sodding the front and back yards and installing plant material on both sides of the proposed fence.

Because the subject parcel has frontage on both Rockspray Ridge and Gray Plum, it is classified as a multiple frontage lot. This designation stipulates that the minimum front building setback be applied to the portion of the property that abuts both streets. In essence, the front building setback (40') is measured from the right-of-way of both Rockspray Ridge and Gray Plum.

The Applicant desires to install a six-foot (6') tall privacy fence fifteen feet from the property line of Gray Plum to enclose his back yard. Because the City's Fence Ordinance prohibits the installation of fences taller than four feet in height within the front building setback, the Applicant is requesting a variance in order to install the fence as desired adjacent to Gray Plum (Attachment "A").

Facts:

1. The subject parcel is zoned R-12 Residential. Section 1001.4 (g) of the City's Zoning Ordinance stipulates that the minimum front building setback within this zoning district shall be no less than 40' (Attachment "B").
2. Because the subject parcel has frontage on both Rockspray Ridge and Gray Plum, it is classified as a multiple frontage lot. Section 905, Multiple frontage lots, of the City's Zoning Ordinance states: "Any lot having a property line adjacent to more than one public street right-of-way or private street shall be deemed a multiple frontage lot. Any rear or side setback that also fronts on a public street right-of-

Proposed Variance: Lot 59, Rockspray subdivision

April 13, 2005

Page 2

way or private street shall have a setback depth equal to the minimum front setback depth specified for the appropriate zoning district." (Attachment "C").

3. The City's Fence Ordinance identifies specific requirements for fencing within residential subdivisions. Section 18-341(e) states: "No fence in excess of four feet in height shall be installed within the required setback area that abuts a street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard." (Attachment "D").
4. The City's Fence Ordinance also defines parameters as to what types of fencing would be permitted within the required setback area. Section 18-341 (f) states: "No fence installed in a residential front yard shall be constructed of any material that restricts the view through the fence by more than 50 percent of the total barrier as viewed from the street." (Attachment "D").
5. It is our understanding the home had a four-foot high picket fence surrounding the entire back yard when Mr. Quamme purchased the home. The Applicant indicated he removed the fence because it was in a state of disrepair and he planned to replace the fence.
6. Mr. Quamme applied for and received a Building Permit on March 2, 2005, to construct a four foot high fence extending from his home to the right-of-way of Gray Plum, then extending along the right-of-way to the cul-de-sac and turning at the rear property line and transitioning into a six foot high fence at the required front building setback (40' from the right-of-way). A representative from the Rockspray Homeowner's Association also approved this fence (Attachment "E").
7. Mr. Quamme then requested that he be allowed to construct a six-foot high privacy fence around his entire backyard, which was denied by the Building Official (Attachment "F").
8. Mr. Quamme then submitted a Request for Variance asking that he be allowed to construct the six-foot high privacy fence instead of the four-foot high fence originally approved.
9. Mr. Quamme has provided a detailed report justifying the requested variance. Specifically, the report was prepared in response to the criteria used by City Council when making a determination on a variance request (Attachment "G").

Proposed Variance: Lot 59, Rockspray subdivision

April 13, 2005

Page 3

Recommendation:

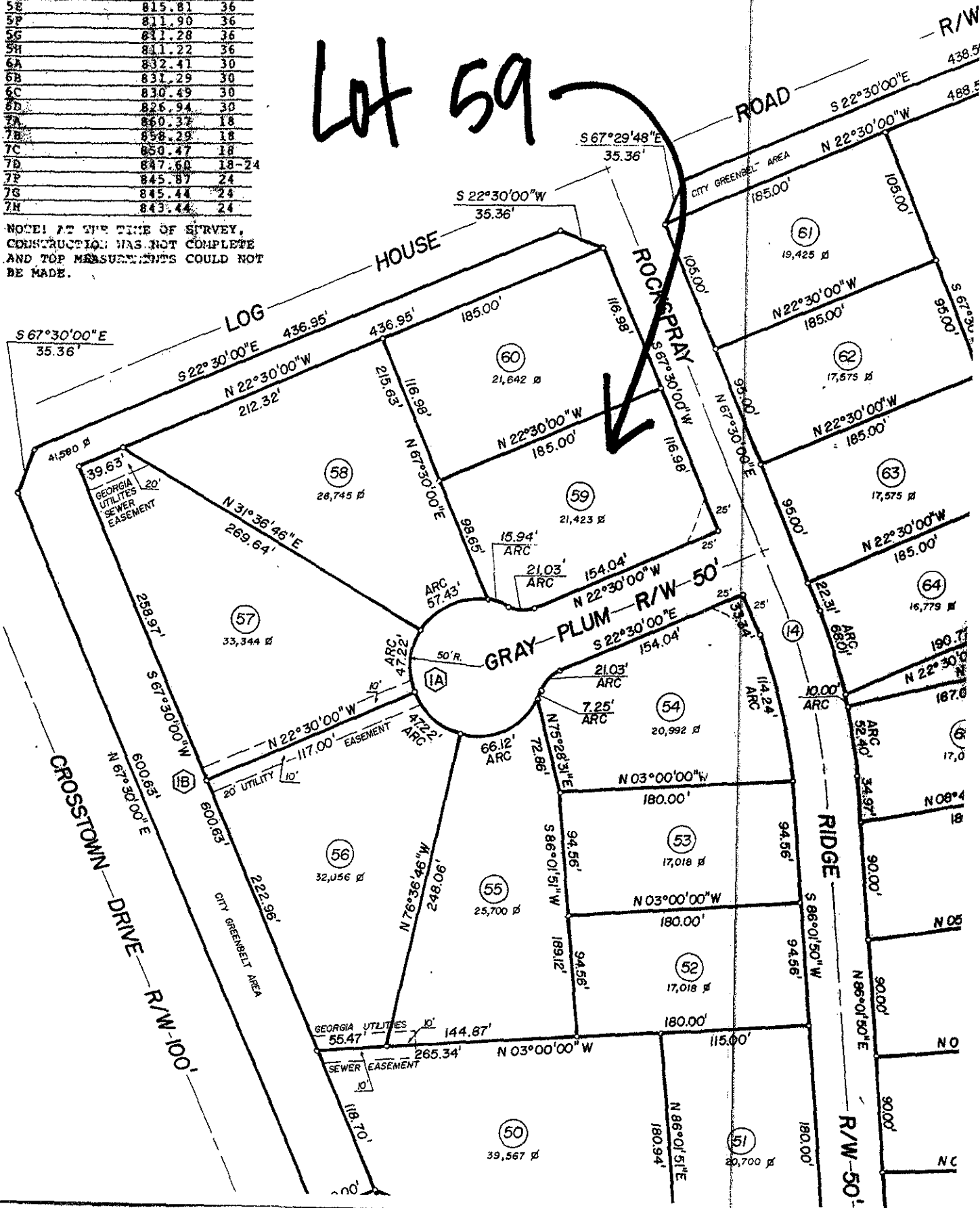
City Staff recommends that the variance not be approved. Although the Applicant has provided a detailed analysis as to why the variance should be granted, the fact is the residential section of the City's Fence Ordinance was written to protect adjoining property owners and the public from views of unsightly privacy fences along residential streets and thoroughfares. While the Applicant may be burdened somewhat by the placement of his home on the property, there are numerous parcels with similar circumstances throughout the City that have installed fences or other means of privacy screening without the need for a variance. It could also be argued that granting this variance would set a precedent and would make it difficult to deny similar requests in the future.

Attachments "A" – "G"

2A	850.93	18
2B	849.48	18
2C	847.45	18
2D	836.95	18
3A	838.11	18
3B	837.51	18
3C	829.85	18
4A	826.93	18
4B	826.50	18
4C	809.66	18
5A	822.95	30
5B	822.41	30
5C	822.01	30
5D	821.42	30
5E	815.81	36
5F	811.90	36
5G	811.28	36
5H	811.22	36
6A	832.41	30
6B	831.29	30
6C	830.49	30
6D	826.94	30
7A	860.37	18
7B	858.29	18
7C	850.47	18
7D	847.60	18-24
7E	845.87	24
7F	845.44	24
7H	843.44	24

NOTE: AT THE TIME OF SURVEY, CONSTRUCTION WAS NOT COMPLETE AND TOP MEASUREMENTS COULD NOT BE MADE.

Lot 59



**REQUEST FOR VARIANCE
ZONING ORDINANCE, CITY OF PEACHTREE CITY**

This is a request for a variance from the requirements of the Peachtree City Zoning Ordinance for the property located at: 205 ROCKSPRAY RIDGE

The reason this variance is being requested is as follows: SEE ATTACHED

Along with this form, the applicant should submit a detailed report justifying the granting of the requested variance. In preparing the report, please consider the following:

Variances from the provisions of this Ordinance may be approved by the City Council if it is determined that they will not cause substantial detriment to the other parties or impair the purpose or intent of this Ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this Ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the City Council shall consider the following factors:

- a. Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- b. Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- c. Whether or not the request is due to an intentional action of the applicant to violate the requirements of this Ordinance.

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

Name: (Please type or Print) SCOTT J. PLAMME

Address: 205 ROCKSPRAY RIDGE

Phone: 678 571-3513 , 770 487-9750

Signature: [Signature]

This request, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below:

Signature: David E. Rost V-2005-01

Title: City Planner / Zoning Administrator

Date of Acceptance: 03-21-05

Date of Public Hearing: 04-21-05

07/01/01

Attachment "A"

SCOTT J. QUAMME

205 Rockspray Ridge
Peachtree City, Georgia 30269
HM (770) 487-9750
Mobile (678) 571-3513

March 21, 2005

To Whom it May Concern,

I am requesting a variance to the city ordinances for fencing on my property at 205 Rockspray Ridge (lot 59). I would like to install a privacy fence in my backyard. I wish to encroach into the setback requirements for corner lots (treated as two front yards with setback requirements of 40 feet from property line). I'd like to build a six foot high **privacy** fence that would be no closer than fifteen feet from the curb of Gray Plum. This would give my family and neighbors some much needed privacy and added safety without violating the intent (18-337) of the Fencing regulations. In fact, this variance request actually helps my proposed fence comply with the intent of the ordinance because of the unusual layout of my property (trees, slope etc) and my neighbors property (Health, Welfare and Safety). In order to construct a fence that would enhance the look and value of the property in the area (not just merely comply with ordinances). I propose to build a fence 10-12 feet offset from my rear property line. This addresses "line of sight" issues and corrects a poorly planned lot layout (approved by city planning years ago). I would be giving my adjoining neighbor in the rear of my property, in essence the use and enjoyment of: 10-12 feet of my property. I have plans to landscape both inside and outside the fenced area, creating a "park like" area.

The reasons for my request, et al are as follows:

1. Special Circumstances, Safety, Health & Welfare: Two thefts have taken place in the past 3 years at my home (this does not include many other thefts that have taken place in the neighborhood. A privacy fence would prevent easy access and a eyeball view of my backyard from the street (out of sight, out of mind).
2. Special Circumstances, Safety Health & Welfare: My children will have a place to play without being in, or being seen from the street. My wife and I have three young children, it would be a blessing to "turn them loose" in the backyard without worry.
3. Special Circumstances, Safety, Health and Welfare: The dogs my family are hoping to get would easily be able to jump a four foot high fence. Even less controllable, children (and thieves) in the neighborhood would be able to easily see into and jump over a four foot picket fence into my back yard ...

4. Special Circumstances, Unusual Property Layout: A group of oak trees would be within the boundaries of the fenced area so my children can enjoy the rope swings that are on the trees. The trees are just inside of the code setback requirements. If I have to build to code...the trees will be outside the fenced area of my back yard. The slope of my property is also an issue with regard to the average grade issues not properly addressed by the code. Also, my backyard is in the front yard of the four homes on Gray Plum. One of the property "pins" is literally in my neighbors front yard. It should be noted that only four homes exist on Gray Plum...this fence would only affect the line of sight of one of these properties (see reason #5).

5. Special Circumstances, Property Value, My neighbors in the rear of my property will gain approximately 10-12 X 98.65 feet of property that will help his property "make sense" aesthetically. This should address any line of sight issues with regard to his view (or others) from his front yard (in which my property is located). This would, in effect, increase the width his front yard by more than 20%.

6. Special Circumstances, Property Value: The fence will correct aesthetic errors made by the builder (slab placement and grading of mine as well as neighbors property).

7. Special Circumstances, Health & Welfare: My family will have some privacy and my neighbors will not be forced to look at our backyard, directly from their front yards.

8. Financial Hardship, Health & Welfare, I will not have to correct a sprinkler system installation and grading to coincide with a fence that "meets code". More importantly, I will not be able to enjoy the use of my property. If I build a privacy fence to code, the use of my backyard will be basically "cut in half" and will look awkward. I have no idea what value could be placed on basically half my back yard, but certainly the value of my home as a whole would be diminished significantly. I have spent \$250.00 and a lot of my time in pursuit of permission to build a fence on my property. A financial hardship certainly will be realized if I have to pursue this issue further.

9. Common Sense: It just makes sense to approve this request. A fence can be built on this property that would comply with code...but it will look ridiculous and the reasoning for variance language in the City Code is for unusual properties such as the property I own. (If I built a fence to code based on the prior "approved" fence permit...the fence would be in my neighbors front yard!) I would much rather improve the look of Peachtree City than comply with a Code that's doesn't work sensibly with this property.

10. The et al portion of my reasons has to do with ownership/property rights and other issues that will hopefully not have to be addressed during this variance request process. All I want is permission to build a fence on "my" property. I have been told many times that requesting a variance is a waste of effort, time, and money (so far... I agree with the money portion). I'm certainly willing and able to pursue this matter by whatever legal means necessary to build a fence, that makes sense, on my property. I feel that it is my right as a property owner, so please consider thoughtfully what rights you may tread on if you deny my request. It is my estimation that this is a valid, reasonable request with little, if any reason for denial.

Requested Variance:

Scallop design and fence above 4 feet 18-341(e)
Privacy Fence 18-341(f)
Fence setback 18-341(e), Section 905, 18-340 (a, b, h), if applicable.
As well as any other conflicting City Ordinance (See proposed plan).

Following this request is a copy of the Ordinances involved, I have highlighted the points that I am seeking a variance. I pray for written approval of my variance request from the City. If it is not approved, I ask for a written copy specifying the basis for its denial.

Any interested party is welcome to visit my home, but please call before you come. My mobile phone number is 678.571.3513.

Thank You,


Scott J. Quamme

ARTICLE XIII. FENCING*

*Editor's note: Art. XIII was formerly numbered as Art. X.

Sec. 18-337. Intent.

This article is intended to promote the general health, safety and welfare of the residents of the city by regulating the height, location, design, construction and maintenance of fences within the city limits.

(Code 1980, § 5-171)

Sec. 18-338. Interpretations and definitions.

For purposes of administering this article, the following interpretations and definitions shall apply:

Words and terms not explicitly defined in this article shall have the meaning given by the zoning ordinance, appendix A to this Code.

Words and terms not explicitly defined in this article or in the zoning ordinance shall have the meaning given by common use and as defined in Webster's New Collegiate Dictionary.

Fence means any structure constructed or erected to provide a barrier, either physical or visual, for the purpose of protecting property, providing for security and privacy, and properly containing activities on the property.

Fence, height, means the vertical dimension from the natural ground level to the top of the fence measured at any point along the length of the fence.

Natural ground level means the level of the ground prior to any recent manmade changes in the elevation of the ground. For purposes of administering this article, "natural ground level" shall also include the level of the ground established on any site plan or landscape plan approved in accordance with the review process set forth in the land development ordinance, appendix B.

Yard, front, means that area bounded by a line along the front of the principal structure extended to intersect the side property lines; those side property lines; and the front property line. This area is usually identified by the placement of the primary driveway access and/or the placement of the street address assigned to the property in question.

(Code 1980, § 5-172)

Cross references: Definitions generally, § 1-2.

Sec. 18-339. Administration.

(a) Primary responsibility. The building official shall have the primary responsibility for administering this article.

(b) Permits. A building permit shall be required for the construction or alteration of any fence which is in excess of four feet in height. As a part of the permitting process, the building official shall review plans, issue permits, inspect installations, and in general

secure compliance with the requirements of this article. Whether or not a permit is required, all fences in the city must comply with the provisions of this article.

(c) Hazardous conditions. If the building official determines that a hazardous condition exists in the city, he may require the installation of a fence adequate to protect the safety of the general public. If such a fence is required, it must also comply with the appropriate standards for the area in which it is located.

(d) Temporary fence. The building official may permit the installation of a temporary fence at a construction site, if it is felt that the fence would be necessary to protect the public safety or would be necessary to provide proper security for the site. A temporary fence shall remain in place for no more than one year and must comply with the following conditions:

(1) In residential zoning districts, a temporary fence shall not exceed six feet in height if located within any setback area.

(2) In any commercial or industrial zoning district, a temporary fence shall not exceed eight feet in height if located within any setback area.

(3) No signs shall be attached to any temporary fence.

(e) Enforcement.

(1) The building official is responsible for the enforcement of this article.

(2) If a suspected violation is reported, it will be investigated by the code enforcement officer.

(3) If it is determined that a violation has occurred, the city shall notify the property owner of the violation as well as the steps that should be taken to correct the violation.

(4) If the property owner does not agree to take immediate action to correct the violation, the city shall take any action as provided by law, including the issuance of a citation, to promptly and properly correct the violation.

(5) A property owner may request a variance as provided in section 18-344.

(6) If a fence is legally existing at the time of the enactment of this article, it shall continue to be allowed to exist as a nonconforming use, but must still be properly maintained.

(7) If a nonconforming fence is substantially damaged or is allowed to fall into a state of disrepair, it shall be required to either be removed or brought into conformance with this article.

(8) No nonconforming fence shall be extended in any way except as permitted by this article.

(Code 1980, § 5-173)

Sec. 18-340. General standards.

~~(a) All fences built or erected within the city shall conform to the standards specified in this article; the standards in this article shall apply to all fences within the city.~~

~~(b) No fence in excess of four feet in height shall be installed within 40 feet of the right-of-way of an arterial street or a major collector street.~~

~~(c) For any zoning lot adjacent to a greenbelt that is required along a collector street, no fence in excess of four feet in height shall be installed within 35 feet of the right-of-way of that collector street.~~

~~(d) No privately owned fence shall be installed within any public street right-of-way or within any city-owned greenbelt area.~~

(e) No fence shall be installed so that, in the opinion of the city engineer, it obstructs vision at any street intersection, or in any way creates a hazard to traffic.

(f) No fence shall be installed so that, in the opinion of the fire chief, it prevents or unduly restricts access to property for emergency purposes.

(g) If a fence is designed so that its structural supports are primarily on one side, that side must always be toward the interior of the property.

(h) Wire fencing may be attached to the interior of or made a part of any wooden, stone, brick, wrought iron, or other such non-wire-type fencing, where the other type fencing would not provide an adequate barrier to contain pets or animals. When so applied, the wire shall be vinyl coated or painted in a standard dark brown, dark green or black color. When used under these conditions, it shall not be considered a wire fence.

(i) If a fence is required by any governmental authority to provide for the safety and security of the residents of the city, that fence shall not be removed or otherwise left in an unsafe condition for any reason without the approval of the building official, and without proper precautions being taken to provide for continuous protection.

(j) It shall be the responsibility of the owner of the property on which a fence is located to maintain that fence in good and proper repair so that at all times it presents a neat and orderly appearance to surrounding property owners and to the general public.

(k) Any fence damaged by accident or an act of God shall be properly repaired within 90 days of occurrence. Fencing required for public safety purposes shall be repaired immediately.

(l) Swimming pool fences shall be constructed in accordance with the provisions of section 18-300.

~~(m) In those instances where fence height is limited to four feet, other than in a front yard or within the required setback area that adjoins a street right-of-way, fences with decorative features such as newels, finials and scallops may exceed four feet in height but in no case more than five feet in height.~~

(Code 1980, § 5-174(1))

Sec. 18-341. Residential standards.

(a) The standards in this section shall apply to all fences in the following zoning districts: R-1, R-10, R-12, R-15, R-22, R-43, ER, GR, VR, UR, AR and OS.

(b) No fence or portion of a fence shall exceed eight feet in height; however, if a property owner wishes to install a tennis court or some other similar special-purpose facility, a fence not to exceed ten feet in height may be erected on the condition the site plan for the special purpose facility is first approved in accordance with the site plan review process in the land development ordinance, appendix B to this Code.

(c) Unless further restricted by this article, no fence within a required side or rear setback area shall exceed six feet in height; however, if due to variations in topography or if the fence contains decorative features such as newels, finials or scallops, it may exceed six feet in height, but in no case shall it exceed seven feet in height.

(d) No fence comprised of metal parts shall be installed in a residential area unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.

(e) No fence in excess of four feet in height shall be installed within the required setback

area that adjoins a street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard.

(f) No fence installed in a residential front yard shall be constructed of any material that restricts the view through such fence by more than 50 percent of the total barrier as viewed from the street.

(g) Except as provided in subsection (h) of this section, no fence which is constructed of wire, including chain link fencing, shall be installed between the principal structure on a residential zoning lot and any adjoining street right-of-way.

(h) Except in ER estate residential, and AR agricultural zoning districts, no fence permitted in subsection (h) of this section shall be installed in a residential front yard.

(Code 1980, § 5-174(2))

Sec. 18-342. Commercial standards.

(a) The standards in this section shall apply to all fences in the following zoning districts: LC, GC, LUC, and OI.

(b) No fence or portion of a fence shall exceed eight feet in height, unless specifically approved in accordance with the site plan review process in the land development ordinance, appendix B to this Code; however, in no instance shall any fence exceed ten feet in height.

(c) No fence comprised of metal parts shall be installed in a commercial area unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.

(d) No fence which is constructed of wire, including chain link fencing, and no fence in excess of four feet in height shall be installed between the principal structure on a zoning lot and any adjoining street right-of-way line. On a zoning lot with multiple street frontages, this restriction shall apply on all street frontages. On a zoning lot with no principal building erected on the lot, this restriction shall apply to required setback areas that adjoin a street right-of-way.

(Code 1980, § 5-174(3))

Sec. 18-343. Industrial standards.

(a) The standards in this section shall apply to all fences in the following zoning districts: LI, FI, LUI, and AFI.

(b) No fence or portion of a fence shall exceed ten feet in height.

(c) No fence comprised of metal parts shall be installed in a front yard setback area unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural landscape.

(d) No fence which is constructed of wire, including chainlink fencing, and no fence in excess of six feet in height shall be installed between the principal structure on a zoning lot and any adjoining street right-of-way line. On a zoning lot with multiple street frontages, this restriction shall apply on all street frontages. On a zoning lot with no principal building erected on the lot, this restriction shall apply to all required setback areas that adjoin a street right-of-way.

(Code 1980, § 5-174(4))

Sec. 18-344. Variances.

(a) The purpose of this section is to authorize variances from the terms of this article as will not be contrary to the public interest so that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done.

(b) An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

(c) Variance applications shall be filed with the city planner on forms provided by the city planner.

(d) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.

(e) An application fee of \$50.00 must accompany each variance application.

(f) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.

(g) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.

(h) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.

(i) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.

(j) Variances from the provisions of this article may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this article; however, no variance can be granted for a use that is specifically prohibited by this article within the zoning district in which the property is located.

(k) In making a determination on a variance request, the city council shall consider the following factors:

(1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;

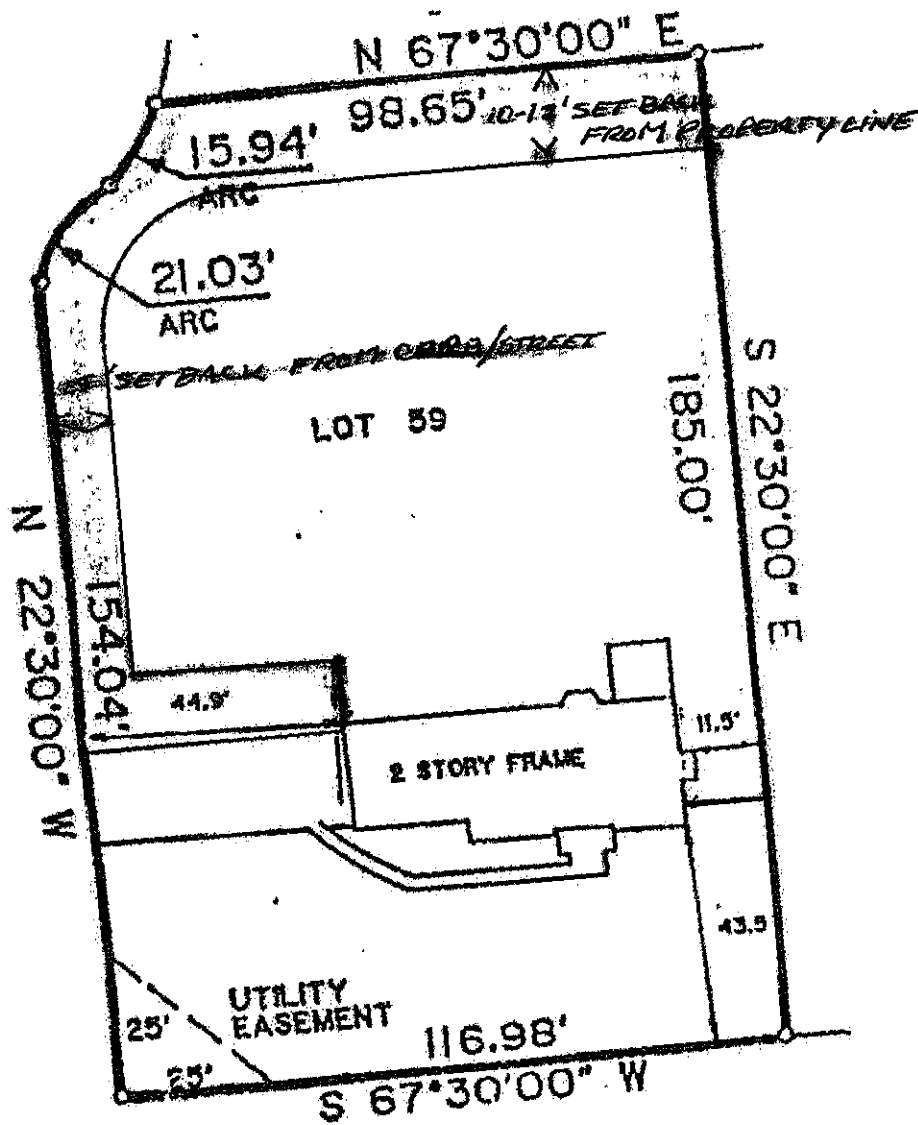
(2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and

(3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this article.

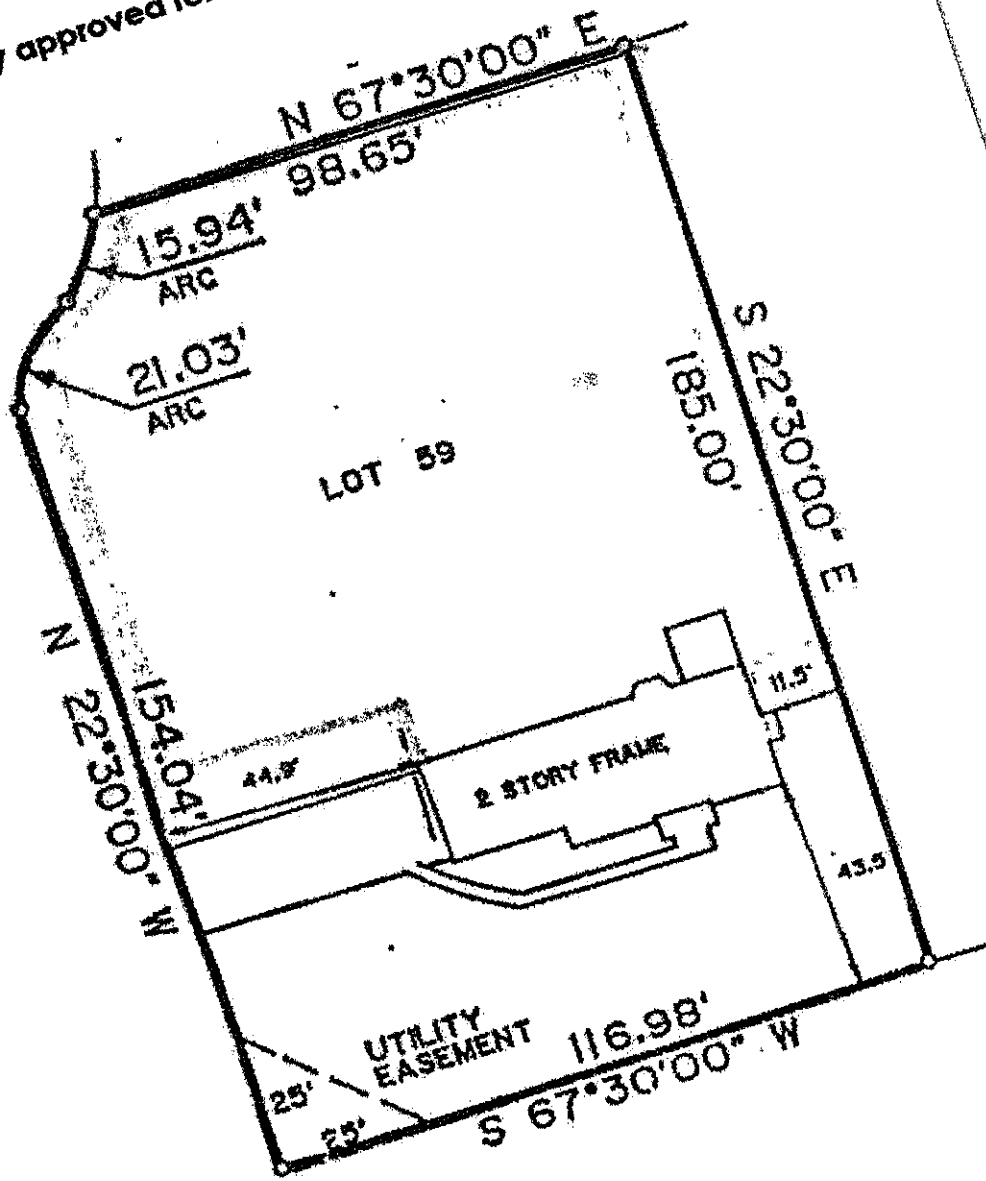
(Code 1980, § 5-175)

Secs. 18-345--18-375. Reserved.

Proposed 5.5-6.6' Privacy Fence



Previously approved fencing



(1001.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in R-10, R-12, R-15 and R-22 residential zoning districts shall conform to the following standards:

- (a) Minimum floor area per dwelling unit:
 - R-10: 1,000 square feet.
 - R-12: 1,200 square feet.
 - R-15: 1,400 square feet.
 - R-22: 1,600 square feet.
- (b) Minimum zoning lot area:
 - R-10: 10,000 square feet.
 - R-12: 12,000 square feet.
 - R-15: 15,000 square feet.
 - R-22: 22,000 square feet.
- (c) Minimum land area per dwelling unit:
 - R-10: 10,000 square feet.
 - R-12: 12,000 square feet.
 - R-15: 15,000 square feet.
 - R-22: 22,000 square feet.
- (d) Maximum dwelling units per net acre:
 - R-10: 4.36 units.
 - R-12: 3.63 units.
 - R-15: 2.90 units.
 - R-22: 1.98 units.
- (e) Minimum lot width:
 - R-10: 80 feet.
 - R-12: 85 feet.
 - R-15: 95 feet.
 - R-22: 120 feet.
- (f) Minimum lot width adjacent to existing or future public or private street right-of-way line:
 - (1) 40 feet on street.
 - (2) 35 feet on cul-de-sac.
- (g) Minimum front setback depth:

R-10: 30 feet.

————— R-12: 40 feet.

R-15: 40 feet.

R-22: 50 feet.

(h) Minimum side setback depth:

R-10: 10 feet.

————— R-12: 10 feet.

R-15: 10 feet; however, no two principal buildings on adjacent zoning lots shall be closer than 25 feet from each other.

R-22: 15 feet.

(i) Minimum rear setback depth:

R-10: 30 feet.

————— R-12: 30 feet.

R-15: 30 feet.

R-22: 30 feet.

(j) Maximum building height: 35 feet.

(k) Parking: See section 909.

(l) Signs: See Peachtree City sign ordinance.

(Ord. No. 366, § 19, 5-22-1985; Ord. No. 394, 4-8-1986; Ord. No. 457, 3-17-1988)

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

Sec. 905. Multiple-frontage lots.

Any lot having a property line adjacent to more than one public street right-of-way or private street shall be deemed a multiple frontage lot. Any rear or side setback that also fronts on a public right-of-way or private street shall have a setback depth equal to the minimum front setback depth specified for the appropriate zoning district. (Ord. No. 366, § 17, 5-22-1985)

Sec. 18-341. Residential standards.

- (a) The standards in this section shall apply to all fences in the following zoning districts: R-1, R-10, R-12, R-15, R-22, R-43, ER, GR, VR, UR, AR and OS.
- (b) No fence or portion of a fence shall exceed eight feet in height; however, if a property owner wishes to install a tennis court or some other similar special-purpose facility, a fence not to exceed ten feet in height may be erected on the condition the site plan for the special purpose facility is first approved in accordance with the site plan review process in the land development ordinance, appendix B to this Code.
- (c) Unless further restricted by this article, no fence within a required side or rear setback area shall exceed six feet in height; however, if due to variations in topography or if the fence contains decorative features such as newels, finials or scallops, it may exceed six feet in height, but in no case shall it exceed seven feet in height.
- (d) No fence comprised of metal parts shall be installed in a residential area unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.
- (e) No fence in excess of four feet in height shall be installed within the required setback area that adjoins a street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard.
- (f) No fence installed in a residential front yard shall be constructed of any material that restricts the view through such fence by more than 50 percent of the total barrier as viewed from the street.
- (g) Except as provided in subsection (h) of this section, no fence which is constructed of wire, including chainlink fencing, shall be installed between the principal structure on a residential zoning lot and any adjoining street right-of-way.
- (h) Except in ER estate residential, and AR agricultural zoning districts, no fence permitted in subsection (h) of this section shall be installed in a residential front yard.

(Code 1980, § 5-174(2))

100 WILLOWBEND ROAD
Peachtree City, GA 30269
Phone (770) 487-8901
Inspection Request Line (770) 631-2588 Ext. 222

BUILDING PERMIT

PERMIT#: 050406

DATE APPLIED: 3/02/2005
PERMIT TYPE: RF

JOB ADDRESS: 205 ROCKSPRAY RIDGE
SUBDIVISION: ROCKSPRAY RIDGE

LOT: 59

ISSUED TO: SCOTT & CINDY QUAMME
ADDRESS: 205 ROCKSPRAY RIDGE
PEACHTREE CITY GA 30269

PHONE#: 770-487-9750

CONTRACTOR: SCOTT & CINDY QUAMME
ADDRESS: 205 ROCKSPRAY RIDGE
PEACHTREE CITY GA 30269

PHONE#:

WORK: 4' - 6' WOOD FENCE
BLDG USE:

HT SQ FT: 0.00
SQ FT:
STORIES:
MINIMUM SETBACKS
FRONT: 40
SIDE: 10
REAR: 30
CORNER:

ZONED: VALUATION: \$ 5,000.00
FEES DUE: \$ 20.00
FEES PAID: \$ 0.00

VARIANCE GRANTED BY: _____ DATE: _____
CROSS PLAN APPROVED BY: _____ DATE: _____
APPROVED FOR ISSUANCE BY: PER AB (attached) Left DATE: 3-3-05
PLANS CHECKED BY: AB DATE: 3-2-05

***** NOTICE *****

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED. SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, FIREPLACE VENTILATION, AIR CONDITIONING.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

CONTRACTOR/OWNER SIGNATURE _____ DATE _____ BUILDING DEPT. REPRESENTATIVE _____ DATE _____

BUILDING PERMIT APPLICATION

Peachtree City Building Department

153 Willowbend Road

Peachtree City, GA 30269

PHONE: (770) 487-8901 FAX: (770) 631-2552

DATE: 03-02-2005

PERMIT # 05-406

☐ COMMERCIAL	☒ RESIDENTIAL	CONSTRUCTION TYPE _____
☐ REPAIR	☐ ADDITION	OCCUPANCY TYPE _____
☐ ACCESSORY USE	☐ EXTERIOR FINISH	_____

FENCES: ☐ COMMERCIAL ☒ RESIDENTIAL ☐ POOL

FENCE HEIGHT 48" to 72" FENCE MATERIAL Wood

SUBDIVISION/PROJECT NAME: <u>ROCKSPRAY RIDGE</u>	BLOCK _____	LOT NUMBER <u>59</u>
---	-------------	-------------------------

SITE ADDRESS:
205 ROCKSPRAY RIDGE

OWNER: <u>Scott & Cindy Quamme</u>	ADDRESS _____	PHONE NO. <u>74879750</u> FAX NO. <u>678571-3513</u>
---	---------------	---

CONTRACTOR: <u>SELF</u>	ADDRESS _____	PHONE NO. <u>6785713513</u> FAX NO. _____
----------------------------	---------------	--

APPLICANT'S NAME: SCOTT Quamme

ARCHITECT/DESIGNER: <u>SELF</u>	ADDRESS _____	PHONE NO. <u>6785713513</u>
---------------------------------	---------------	-----------------------------

HOMEOWNER ASSOCIATION APPROVAL: ☒ YES ☐ NO

☐ SEWER TAP APPROVAL ☐ SEPTIC SYSTEM APPROVAL ☐ WATER TAP APPROVAL

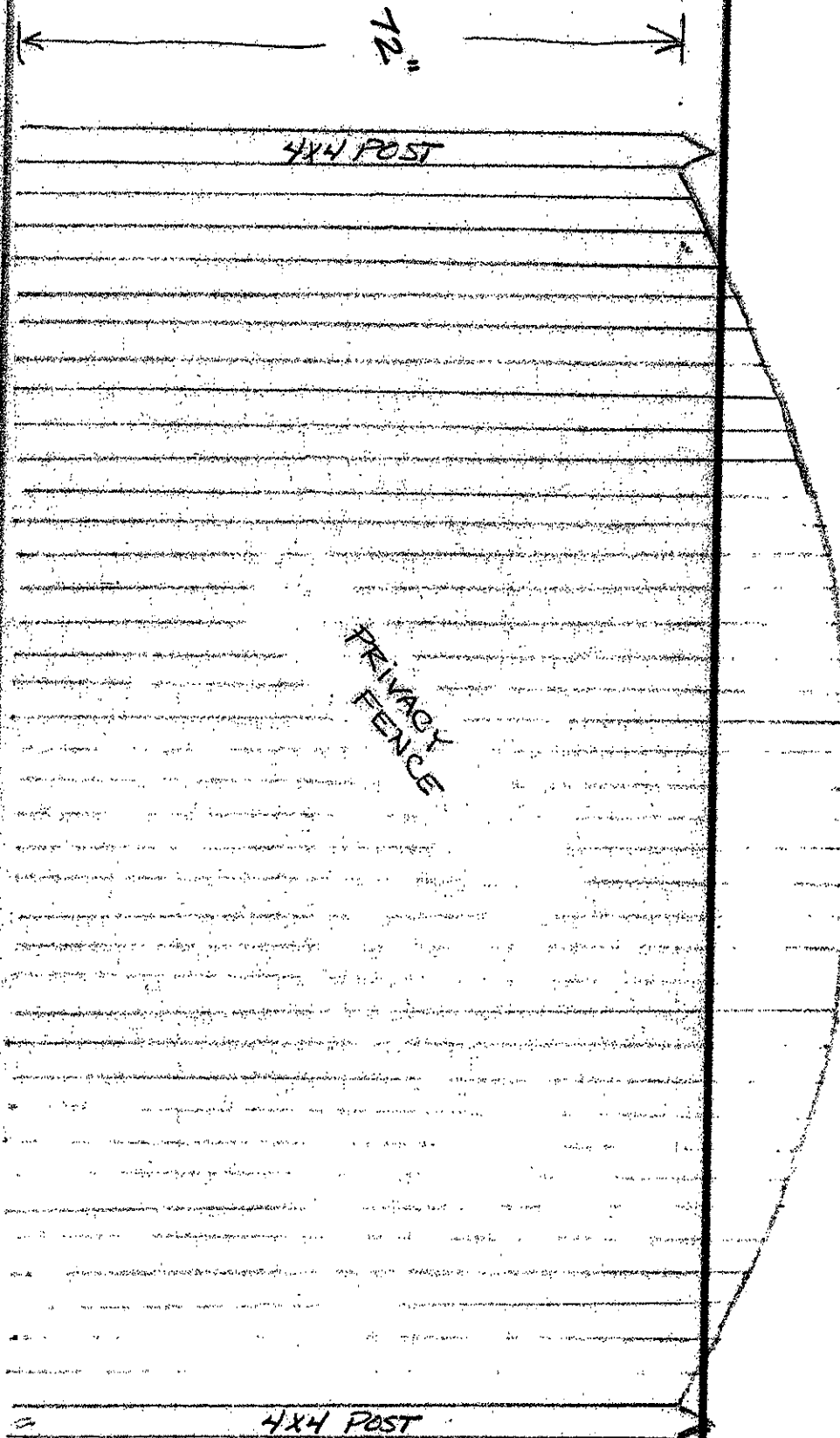
ZONED _____	SETBACKS: FRONT <u>40</u> SIDE <u>10</u> REAR <u>30</u>	PLAN NAME _____	PLAN ON FILE YES ☐ NO ☐
NO. OF STORIES _____	NO. OF BATHS _____	BASEMENT _____	NO. OF FIREPLACES _____
		HEATED SQ FT _____	TOTAL SQ FT _____
		EST. COST \$ <u>5000.00</u>	CONSTRUCTION _____

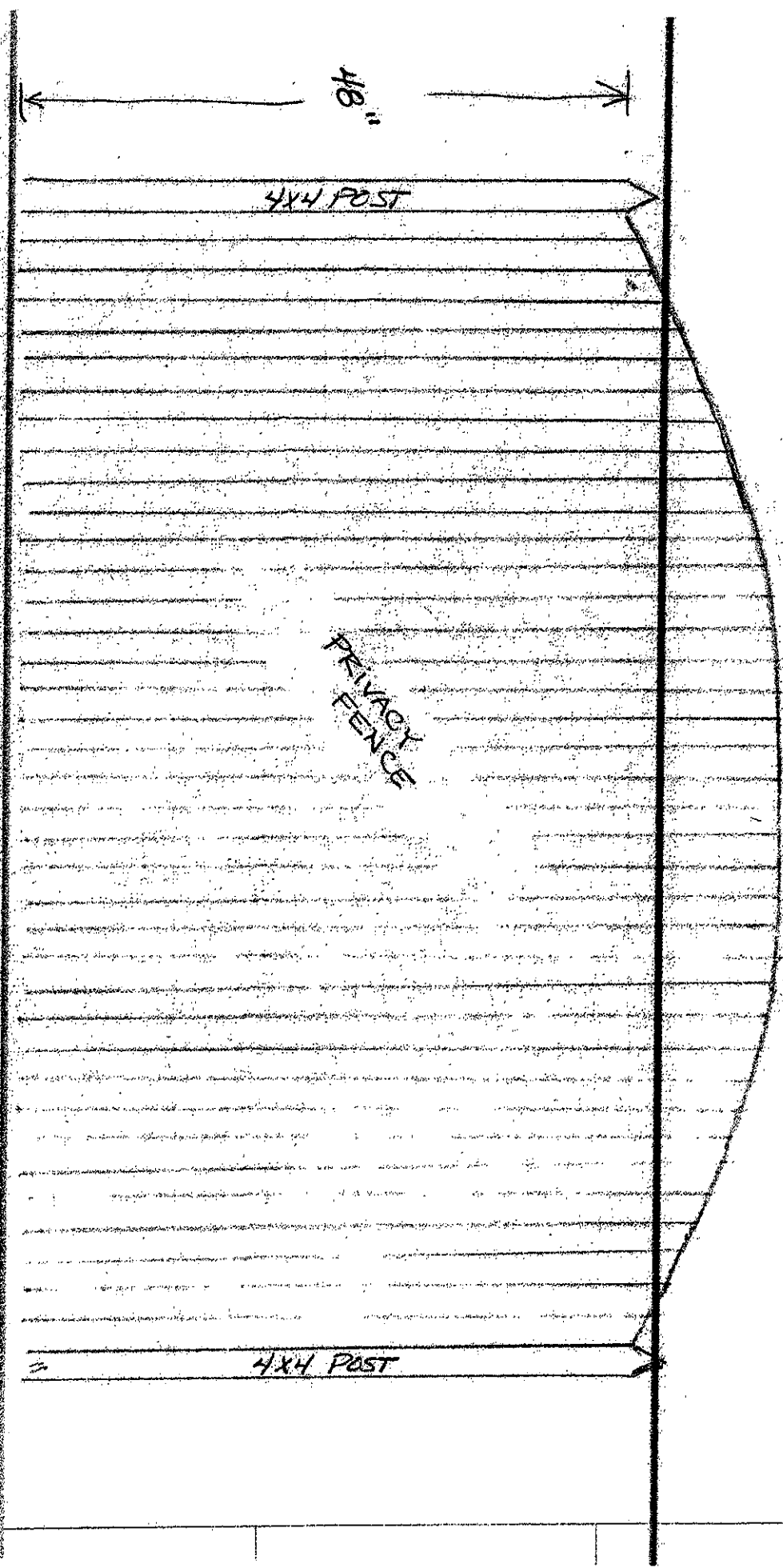
DESCRIBE WORK: WOOD FENCE UTILIZING PT OR CEDAR.

ALL POSTS TO BE CONCRETED INTO GROUND.

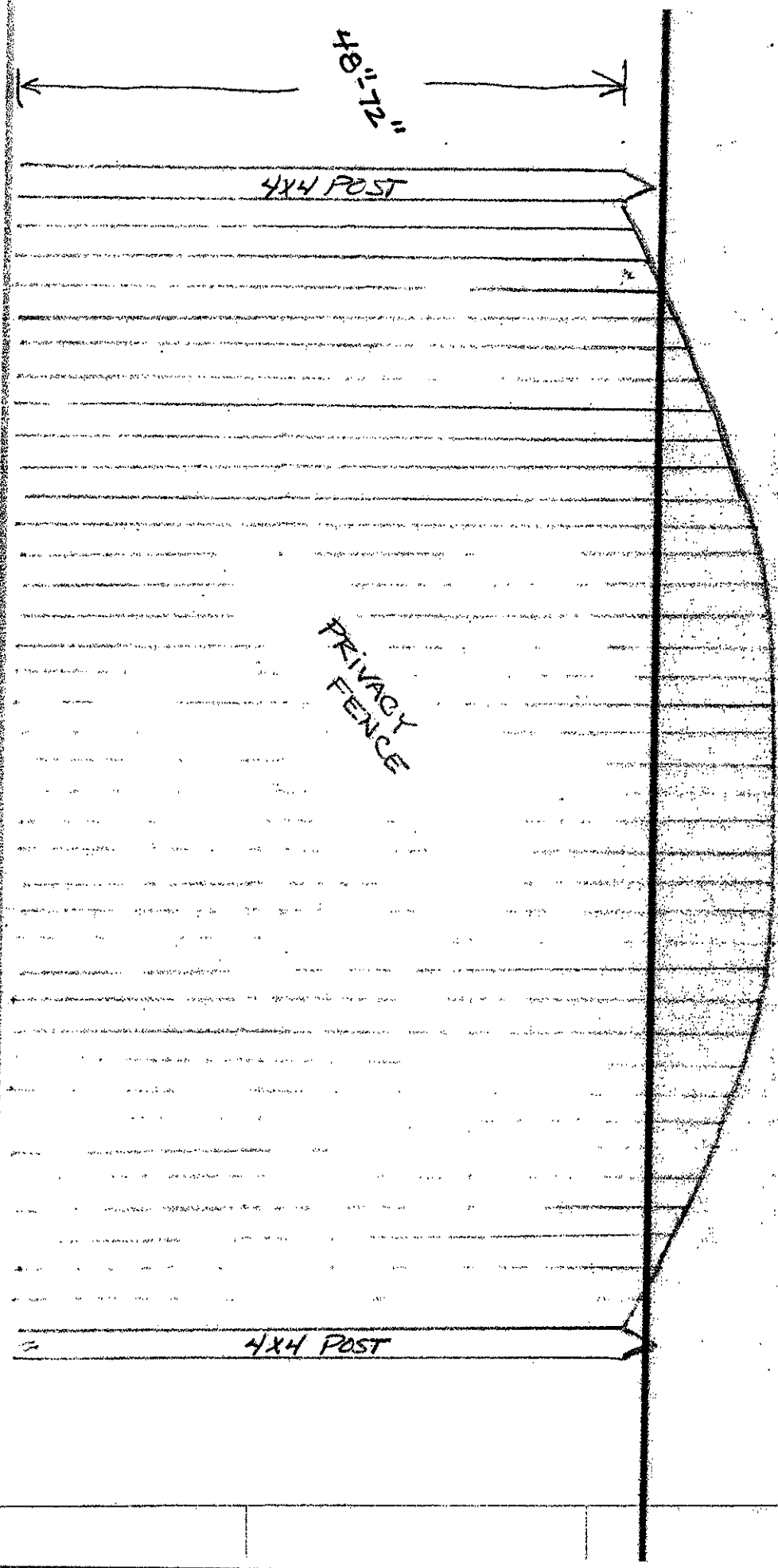
FINISH WILL BE STAIN, PAINT OR NATURAL.

ORANGE HIGH LIGHTED AREA OF PLAT DIAGRAM
FENCE TO BE LOCATED "ON" OR NEAR PROPERTY LINE
IS DIAGRAM



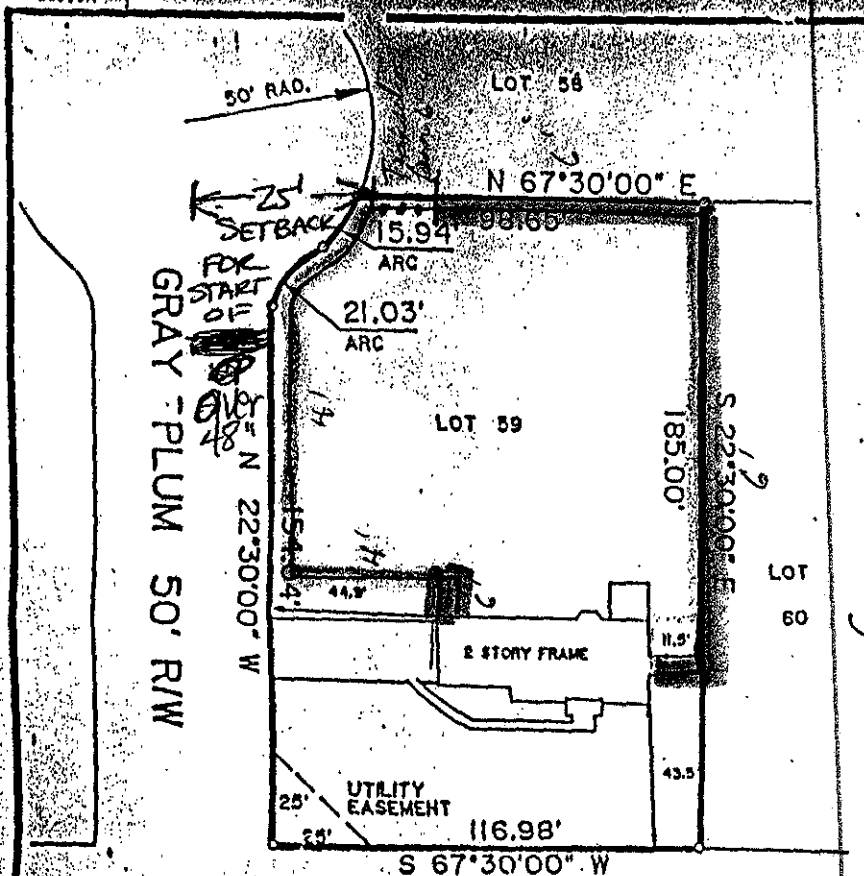


YELLOW HIGHLIGHTED AREA OF PLATE DIAGRAM
 FENCE TO BE LOCATED 15' FROM CURB OF GRAY PLUM
 IF DIAGRAM



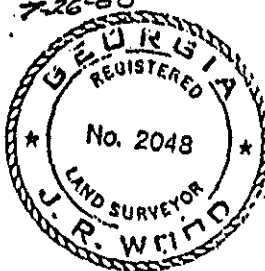
RED DOTTED AREA OF DIAGRAM
FENCES TO BE LOCATED 'ON' OR NEAR PROPERTY LINE
--- is DIAGRAM

AP 28073A



ROCKSPRAY RIDGE 50'R/W

[Signature]
 BUILDING OFFICIAL
 CITY OF PEACHTREE CITY



NOTE: HOUSE LOCATION BY
 THIS OFFICE ONLY. BOUNDARY
 DATA TAKEN FROM A PLAT
 BY M.T. PERDUE DATED 8-3-85.

In my opinion, this property does not
 lie within a flood hazard area.

This plat is a correct
 representation of the land platted and
 has been prepared in conformity with
 the minimum standards and require-
 ments by law.

[Signature]
 S. A. W. S. O. G.

PREPARED FOR:

K. NEAL MORRIS & BARBARA H. MORRIS

SUBDIVISION: ROCKSPRAY

LOT: 59

LAND LOT: 37

DATE: 8-26-85

BLOCK:

DISTRICT: 6th

REV: 2-6-86 10/28/86

SCALE: 1" = 40'

COUNTY: FAYETTE, GA

JOB NO: 85867

Loons
 CONSULTING ENGINEERS

consulting engineers · surveyors · planners

YAHOO! MAIL

Print - Close Window

From: "David Furey" <davidfurey@hotmail.com>
To: tbabb@ptcgovernment.org
CC: quammefamily@yahoo.com, mdrennen@ptcgovernment.org
Subject: 205 Rockspray Ridge - fence permit
Date: Tue, 01 Mar 2005 21:31:58 -0500

Tami -

The Rockspray Homeowners Association has approved the detailed plans for a fence permit at 205 Rockspray Ridge. Your office should be receiving the necessary paperwork from the homeowner within the next few days.

Regards,

David Furey
RHA

Tami Babb

From: David Furey [davidfurey@hotmail.com]
Sent: Tuesday, March 01, 2005 9:32 PM
To: Tami Babb
Cc: quammefamily@yahoo.com; Molly Drennen
Subject: 205 Rockspray Ridge - fence permit

Tami -

The Rockspray Homeowners Association has approved the detailed plans for a fence permit at 205 Rockspray Ridge. Your office should be receiving the necessary paperwork from the homeowner within the next few days.

Regards,

David Furey
RHA

March 14, 2005

Scott & Cindy Quamme
205 Rockspray Ridge
Peachtree City, GA 30269

Ref: Building Permit Application, 4-6' Wood Fence

Dear Scott & Cindy Quamme,

I have received and reviewed your permit application and set of plans dated March 2, 2005, to construct a wooden fence on your property at 205 Rockspray Ridge here in Peachtree City. The following items are in violation of our City Ordinance, Section 18-341 (3), (f) and Section 905, (attached):

- 1) The scallop design along Gray Plum exceeds (4) four feet in height. (ref. City Ordinance Section 18-341 (e))

(e) No fence in excess of four feet in height shall be installed within the required setback area that adjoins a street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard.

- 2) The "privacy" fence along Gray Plum is not permitted per City Ordinance 18-341 (f)

(f) No fence installed in a residential front yard shall be constructed of any material that restricts the view through such fence by more than 50 percent of the total barrier as viewed from the street.

- 3) The (6) six-foot fence adjacent to Lot 58 must not encroach into the (40) forty-foot setback area along Gray Plum. (ref. City Ordinance Section 18-341 (e) and Section 905)

Section 905. Multiple-frontage lots.

Any lot having a property line adjacent to more than one public street right-of-way or private street shall be deemed a multiple frontage lot. Any rear or side setback that also fronts on a public right-of-way or private street shall have a setback depth equal to the minimum front setback depth specified for the appropriate zoning district. (Ord. No. 366, § 17, 5-22-1985).

As previously mentioned during our recent phone conversation, I am available to visit your home if necessary as you revise the design of your proposed fence in order to comply with the Residential Standards for Fences according to our City Ordinance.

If you have any questions, or if I can be of any assistance to you, please do not hesitate to contact me at (770) 487-8901 ext. 1121. I look forward to working with you in the completion of this project.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Carty", with a stylized flourish at the end.

Thomas J. Carty
Building Official

cc: Plans Examiner
Code Enforcement
City Planner
Permit Specialist
Rockspray Home Owners Association

COPY

§ 18-341

PEACHTREE CITY CODE

Sec. 18-341. Residential standards.

(a) The standards in this section shall apply to all fences in the following zoning districts: R-1, R-10, R-12, R-15, R-22, R-43, ER, GR, VR, UR, AR and OS.

(b) No fence or portion of a fence shall exceed eight feet in height; however, if a property owner wishes to install a tennis court or some other similar special-purpose facility, a fence not to exceed ten feet in height may be erected on the condition the site plan for the special purpose facility is first approved in accordance with the site plan review process in the land development ordinance, appendix B to this Code.

(c) Unless further restricted by this article, no fence within a required side or rear setback area shall exceed six feet in height; however, if due to variations in topography or if the fence contains decorative features such as newels, finials or scallops, it may exceed six feet in height, but in no case shall it exceed seven feet in height.

(d) No fence comprised of metal parts shall be installed in a residential area unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.

(e) No fence in excess of four feet in height shall be installed within the required setback area that adjoins a street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard.

(f) No fence installed in a residential front yard shall be constructed of any material that restricts the view through such fence by more than 50 percent of the total barrier as viewed from the street.

(g) Except as provided in subsection (h) of this section, no fence which is constructed of wire, including chainlink fencing, shall be installed between the principal structure on a residential zoning lot and any adjoining street right-of-way.

(h) Except in ER estate residential, and AR agricultural zoning districts, no fence permitted in subsection (h) of this section shall be installed in a residential front yard.
(Code 1980, § 5-174(2))

Sec. 18-342. Commercial standards.

(a) The standards in this section shall apply to all fences in the following zoning districts: LC, GC, LUC, and OI.

(b) No fence or portion of a fence shall exceed eight feet in height, unless specifically approved in accordance with the site plan review process in the land development ordinance, appendix B to this Code; however, in no instance shall any fence exceed ten feet in height.

(c) No fence comprised of metal parts shall be installed in a commercial area unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.

(1202.2) The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

- (a) Variance applications shall be filed with the city planner on forms provided by the city planner.
- (b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (c) An application fee of \$50.00 must accompany each variance application.
- (d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
- (f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
- (g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
- (h) Variances from the provisions of this ordinance may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the city council shall consider the following factors:

- (1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved.
- (2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- (3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance. (Ord. No. 589, 11-19-1992; Ord. No. 618, 7-7-1994)

(1202.3) After due consideration of an application for special exception, the city council shall take such action or establish such reasonable conditions of approval as will accomplish the intent and purposes of this ordinance.

2005 City Event Calendar

	<u>May</u>	<u>June</u>
	5/5 – City Council Meeting, 7 pm 5/7 – Touch-A-Truck & Wellness Fair 5/14 – Community Action Day 5/14 & 15 – Spring Cleanup (Recycling Center) 5/19 – City Council Meeting, 7 pm 5/20 – Employee Picnic, 11:30 am 5/30 – Memorial Day, City Offices Closed	6/2 – City Council Meeting, 7 pm 6/16 – City Council Meeting, 7 pm
<u>July</u>	<u>August</u>	<u>September</u>
7/4 – Independence Day, City Offices Closed 7/7 – City Council Meeting, 7 pm 7/21 – City Council Meeting, 7 pm	8/4 – City Council Meeting, 7 pm 8/18 – City Council Meeting, 7 pm	9/1 – City Council Meeting, 7 pm 9/5 – Labor Day, City Offices Closed 9/12-16 – Qualifying for City Election 9/15 – City Council Meeting, 7 pm 9/17 & 18 – Shakerag Arts & Crafts Festival
<u>October</u>	<u>November</u>	<u>December</u>
10/6 – City Council Meeting, 7 pm 10/20 – City Council Meeting, 7 pm	11/3 – City Council Meeting, 7 pm 11/8 – Peachtree City General Election 11/17 – City Council Meeting, 7 pm 11/24 & 25 – Thanksgiving Holiday, City Offices closed 11/29 – Runoff Election (if needed)	12/1 – City Council Meeting, 7 pm 12/15 – City Council Meeting, 7 pm 12/23 & 26 – Christmas Holiday, City Offices closed.
2006		
<u>January</u>	<u>February</u>	<u>March</u>
1/5 – City Council Meeting, 7 pm 1/19 – City Council Meeting, 7 pm	2/2 – City Council Meeting, 7 pm 2/16 – City Council Meeting, 7 pm	3/2 – City Council Meeting, 7 pm 3/16 – City Council Meeting, 7 pm

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

Updated 4/14/05

ADMINISTRATIVE SERVICES MONTHLY REPORT

For Month of: March 2005

	<u>February-05</u>	<u>March-05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
<u>Human Resources</u>				
Workers Compensation Claims Filed	1	5	11	13
City Vehicle / Equipment Accidents	1	2	8	6
Lawsuit Legal Fees	\$8,176.50	\$8,489.78	\$61,768.60	\$30,639.84

Municipal Court

Fines Collected	\$80,685.00	\$125,737.90	\$655,412.38	\$611,666.00
Online Transactions	118	146	870	644
Citations Closed	630	730	4155	4,022
Jail Fund Balance	\$3,615.65	\$4,935.63	\$56,561.61	\$40,731.58

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

Public Information

New Businesses Registered	33	27	185	172
Public Contacts, Questions & Complaints	67	95	401	325

This includes 6 complaints against Comcast Cable Company, 3 complaints against EPI - Environmental Partners, and 9 Open Records/Lawsuit Discovery Requests.

**PEACHTREE CITY BUILDING DEPARTMENT
FY 2005**

	Feb-05	Mar-05	Fiscal Y-T-D 2005	Fiscal Y-T-D 2004
DEVELOPMENT PERMITS:	14	28	78	172
BUILDING PERMITS:				
Single Family Residential	13	17	49	159
Multi-Family Residential	0	9	9	0
Misc.-Pools/fences/additions	61	67	300	343
Commercial/Industrial	4	8	63	51
TOTAL INSPECTIONS:	446	597	3,171	4,744
CERTIFICATE OF OCCUPANCY:				
Residential	21	15	105	130
Commercial	1	4	24	21
Multi-Family Residential	0	0	3 *	9
CODE ENFORCEMENT:				
Sign Violations	47	80	493	844
Rehab	21	13	88	65
Notice of Violations	187	237	1344	2,013
Citations	0	1	8	24
Stop Work Orders	7	8	50	89
Complaints From Citizens	8	16	92	120
PERMIT FEES COLLECTED:	24,779	34,592	218,873	308,888
POPULATION:	35,672	35,703	35,703	35,166

Based on 2.09 of completed occupancy

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

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)
STATUS OF FUNDS
AS OF MARCH 31, 2005

Fund	Cash Balance	Total Investment	Total Cash and Investments	YTD Interest
General Fund	\$ 2,215,340	\$ 9,788,411	\$ 12,003,751	\$ 102,801
Neighborhood Parks Fund	13,271	-	13,271	3
DARE Fund	1,111	-	1,111	5
Federal Seizures Fund	8,257	-	8,257	29
HAZMAT Fund	2,340	-	2,340	-
Library Sales Tax Fund	11,109	-	11,109	54
Police Tuition Fund	4,224	-	4,224	4
Youth Council Fund	944	-	944	5
Fire/EMS Grant Fund	-	-	-	-
Athletic Assoc. Funds	22,574	-	22,574	106
Hotel/Motel Tax Fund	-	-	-	-
Library Construction Fund	-	3,340,780	3,340,780	47,620
Public Improvement Funds	52,011	948,885	1,000,896	23,509
Debt Service Funds	-	18,273	18,273	24
Municipal Court Fund	85,150	-	85,150	-
Landscape Deposit Fund	116,137	-	116,137	-
Total Collateralized Funds	\$ 2,532,468	\$ 14,096,349	\$ 16,628,817	\$ 174,160
Pension Trust Fund	-	7,096,818	7,096,818	-
Grand Total	\$ 2,532,468	\$ 21,193,167	\$ 23,725,635	\$ 174,160

Collateral Analysis as of March 31, 2005			
Safe-keeping Bank	Bank		Total Held
Bank of New York	Wachovia/SouthTrust Bank		\$ 19,070,231
Bank of New York	Peachtree National Bank		487,970

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)
GENERAL GOVERNMENTAL FUNDS BUDGET COMPARISON
FOR SIX MONTHS ENDED MARCH 31, 2005

REVENUES BY MAJOR CATEGORIES				
Description	2005 Amended Budget	YTD Actual	Dollar Difference	Percentage To-Date
General Property Taxes	\$ 8,642,166	\$ 7,936,653	\$ (705,513)	91.84%
Franchise Taxes	1,942,633	935,886	(1,006,747)	48.18%
Local Option Sales Tax	6,338,418	3,097,105	(3,241,313)	48.86%
Other Sales & Use Taxes	644,013	296,532	(347,481)	46.04%
Business Taxes	1,825,422	1,829,912	4,490	100.25%
Licenses & Permits	909,228	539,674	(369,554)	59.36%
Grants	204,616	-	(204,616)	0.00%
Charges for Services	1,286,591	455,696	(830,895)	35.42%
Fines & Forfeitures	975,667	535,528	(440,139)	54.89%
Investment Income	81,134	102,801	21,667	126.71%
Surplus Carryover	1,761,583	-	(1,761,583)	0.00%
Other Revenue	56,985	45,768	(11,217)	80.32%
Other Financing Sources	502,436	131,795	(370,641)	26.23%
Total General Fund	\$ 25,170,892	\$ 15,907,350	\$ (9,263,542)	63.20%
Hotel/Motel Tax Fund	946,308	469,726	(476,582)	49.64%
Total General & Hotel/Motel Tax Funds	\$ 26,117,200	\$ 16,377,076	\$ (9,740,124)	62.71%

EXPENDITURES BY DIVISION AND/OR TYPE PERCENTAGE OF BUDGET YEAR COMPLETED - 50%				
Division and/or Type	2005 Amended Budget	YTD Actual	Dollar Difference	Percentage To-Date
Administrative Services	\$ 1,373,422	\$ 608,651	\$ 764,771	44.32%
Developmental Services	1,630,045	609,106	1,020,939	37.37%
Financial Services	758,073	362,402	395,671	47.81%
Leisure Services	4,422,161	2,025,011	2,397,150	45.79%
Public Safety	9,084,393	4,053,776	5,030,617	44.62%
Public Works	4,445,041	1,659,976	2,785,065	37.34%
Council Contingency	100,000	-	100,000	0.00%
Non-Profit Organizations	15,000	15,000	-	100.00%
Grant Incentive Program	50,000	-	50,000	0.00%
Transfer to Development Authority	35,000	35,000	-	100.00%
Transfers to Other Funds	3,495,772	1,498,526	1,997,246	42.87%
Liability Insurance	73,485	44,213	29,272	60.17%
Legal Services	52,500	78,266	(25,766)	149.08%
General Administration	145,000	-	145,000	0.00%
Other	(509,000)	-	(509,000)	0.00%
Total General Fund	\$ 25,170,892	\$ 10,989,927	\$ 14,180,965	43.66%
<u>Hotel/Motel Tax Fund</u>				
Transfer to General Fund	315,436	128,918	186,518	40.87%
Transfer to Tourism Fund	630,872	257,835	373,037	40.87%
Total General & Hotel/Motel Tax Funds	\$ 26,117,200	\$ 11,376,680	\$ 14,740,520	43.56%

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)

SUMMARY OF MAJOR EXPENDITURES BY CITY MANAGER MARCH 2005			
Description	Vendor	Award	Date
Thermal Blankets/Storage Reels	Leslie's Poolmart, Inc.	\$ 16,467	03/08/05
Laptop Computers	New Tech Solutions	19,533	03/28/05
MacDuff Pkwy Extension Analysis	QK4-Presnell	31,910	03/29/05

PURCHASING REPORT FOR SIX MONTHS ENDED MARCH 31, 2005 AND MARCH 31, 2004		
Activity	Fiscal Year 2005	Fiscal Year 2004
Purchase Orders / Requisitions Processed	1,448	1,118
City Store Requisitions Processed	66	51
Sealed Bids Requested	22	19
Requests for Proposals	8	6
Bids Awarded	15	11
Requests for Proposals Awarded	5	7
Contracts Prepared	7	4
Fixed Assets Purchased	20	15

INFORMATION TECHNOLOGY REPORT MARCH 2005 AND YEAR-TO-DATE		
Activity	Current Month	Fiscal Year 2005
Work Orders Created	122	648
Work Orders Closed	115	558
Work Orders Open	7	26
Corrective Work Orders	71	313
Project Work Orders	15	41
Technical Support	26	212
Website Visits	27,524	133,409

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

	Feb. 05	Mar. 05	2005 Y-T-D	2004 Y-T-D
FIRE/ACCIDENT CALLS				
Residential	4	4	23	11
Business/Industrial	0	1	7	8
¹Rescue/EMS Assist	129	159	822	
¹Vehicle/Golfcart Accidents	21	27	124	
¹False Alarms	18	28	150	
²Other	22	39	191	1103
Total Engine Response	194	258	1317	1122
Dispatched Fire Calls	49	87	376	280
Response Time Fire	4:19	4:55	4:56	4:39
RESCUE/EMS				
Trauma	57	81	346	228
Medical	74	149	433	385
Total # Patients	131	230	779	613
Patients Transported	69	123	368	305
Dispatched EMS Calls	148	172	948	854
Total Medic Response	178	224	943	701
Dispatched Fire/EMS Total	197	259	1324	1134
Response Time EMS	4:20	4:04	4:09	4:22
EMS BILLING				
Patients Billed	124	87	469	469
Revenue Generated	47,556	34,467	181,411	178,914
³Total Revenue Received	12,646	28,897	107,467	140,721

¹Previously categorized as Other

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

³Revenue Received on All Outstanding Accounts

LEISURE SERVICES MONTHLY REPORT

March 2005

<u>Activity Description</u>	<u>Unit</u>	<u>March 05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
Library				
Books Circulated	number	16,465	92,372	98,197*
Internet Usage	visits	2,550	13,472	13,299*
Computer Lab Use	hours	16	116	139*

*Library Closed to Move to Temp Location

Recreation

Class/Program Revenue	\$	\$6,082	\$24,746	\$22,615
Playing Surface Mowing	hours	0	923	874
Playing Field Preparations	hours	830	3,170	2,958
Building Maintenance	hours	480	2,518	2,350
Safety Inspections	visits	50	300	300
Litter Removal	hours	332	1,728	1586
Complaints answered	number	1	6	9

**PEACHTREE CITY POLICE DEPARTMENT
2005 MONTHLY REPORT**

	MAR 05	FEB 05	2005 CYTD	2004 CYTD
PART I CRIMES				
Murder	0	0	0	0
Rape	0	0	1	1
Robbery	1	1	2	0
Aggravated Assault	0	0	2	1
Arson	0	2	2	0
Auto Theft	8	1	11	8
Theft	27	15	52	55
Burglary	1	1	2	5
TOTAL PART I CRIMES	37	20	72	70
ALCOHOL/DRUG ARRESTS				
DUI – TOTAL	17	26	60	62
DUI – ADULT	16	24	55	53
DUI – UNDERAGE	1	2	5	9
MINOR IN POSSESSION OF ALCOHOL	3	4	10	39
DRUG ARRESTS	6	11	24	52
ARRESTS				
PROPERTY CRIMES	16	8	30	29
PERSON CRIMES	4	5	14	23
CITY ORDINANCES	50	27	103	140
OTHER	93	61	197	295
AVERAGE RESPONSE TIME	5.35	5.30	5.30	5.14
CALLS ANSWERED	6692	5582	19,115	18,632
TRAFFIC				
CITATIONS ISSUED	627	558	1767	2788
WARNINGS	388	425	1287	2226
ACCIDENTS	112	84	268	285

TOP 5 ACCIDENT LOCATIONS – MONTH

HWY 54 / HWY 74	6
HWY 54 / PEACHTREE PARKWAY	6
HWY 54 / HUDDLESTON DR	5
HWY 74 / CLOVER REACH	4
HWY 54 / PLANTERRA WAY	3

TOP 5 ACCIDENT LOCATION – Y T D

HWY 54 / PEACHTREE PARKWAY	12
HWY 54 / HWY 74	11
HWY 54 / HUDDLESTON DR	9
HWY 74 / CROSSTOWN RD	8
HWY 54 / PLANTERRA WAY	7

PUBLIC SERVICES MONTHLY REPORT

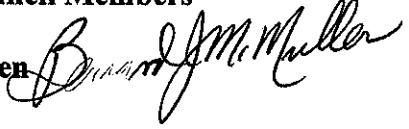
MARCH 2005

<u>Activity Description</u>	<u>Unit</u>	<u>March- 05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
Street Patching	Hrs.	0	402	1,493
Street Crack Sealing	Hrs.	0	260	411
Drainage Maintenance	Hrs.	577	1,818	1,089
Street Sweeping	Hrs.	0	264	350
Cart Path Paving	Ft.	1,231	6,612	8,859
Cart Path Litter Removal	Hrs.	140	300	458
Cart Path Drainage Maintenance	Hrs.	240	775	1,194
 R.O.W. Mowing	 Hrs.	 0	 780	 442
R.O.W. litter Removal	Hrs.	371	1,778	2,373
 Landscape Maintenance	 Hrs.	 122	 2,524	 1,751
Landscape Planting/Mulching	Hrs.	755	2,269	2,695
Litter Removal	Hrs.	0	14	40
 Subdivision Sign Maintenance	 Hrs.	 78	 173	 357
Traffic Sign Maintenance	Hrs.	160	1139	658
 Vandalism Repairs	 Hrs.	 3	 79	 46
Citizen Requests Answered	Num.	111	587	203
Community Service	Hrs.	0	35	0
 <u>RECYCLING SITE</u>				
Manhours	Hrs.	74	375	548
 PARTICIPANTS				
Recycling	Num.	357	953	2,238
Composting	Num.	1,628	8,776	6,465
Mulch Pick Up	Num.	151	387	1,312

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: Bernie McMullen 

DATE: April 29, 2005

SUBJECT: Members for the Comprehensive Plan Committee
May 5, 2005 Council Agenda Item

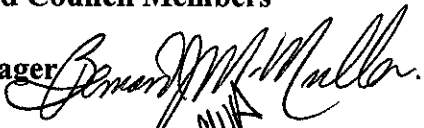
Staff will be forwarding to you, by Tuesday, their recommendations for volunteers to serve on the Comprehensive Plan Committee. Staff anticipates recommending three volunteers from each village. These are in addition to the two volunteers to be selected by each council member to serve on the committee.

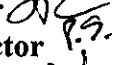
BJM/jsm

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager 

FROM: Assistant City Manager 
Public Services Director 
Financial Services Director 
Assistant Finance Director 

DATE: April 28, 2005

SUBJECT: Local Assistance Road Program (LARP) Contract
May 5, 2005 City Council Agenda

Recommendation:

Staff recommends that the City execute this contract for resurfacing the following streets:

LAU 05-S007-00 (767)

<i>STREET</i>	<i>LENGTH (MILES)</i>
Auburn Court	0.130
Log House Road	0.890
Peachtree Parkway – Battery Way to SR 54	0.860
Wexford Way	0.080
<i>Total Miles</i>	<i>1.960</i>

Discussion:

Staff has reviewed the Georgia Department of Transportation (GADOT) Local Assistance Road Program (LARP) contract LAU 05-S007-00 (767) which is a standard GADOT contract. This contract is available for review should Council desire.

The contract amount of \$96,397.26 is approximate cost of materials only and does not include labor, equipment or delivery costs for the installation of the asphalt paving. The Fayette County Public Works Department will again provide labor and equipment to complete these resurfacing projects. Additionally, City staff will be utilized for traffic control and cleanup.

Budget Impact:

This has no budgetary impact on FY 2005 Budget but does enable the City to get these streets resurfaced through the GADOT LARP program.

cc: City Engineer



Department of Transportation

HAROLD E. LINNENKOHL
COMMISSIONER
(404) 656-5206

DAVID E. STUDSTILL, JR., P.E.
CHIEF ENGINEER
(404) 656-5277

State of Georgia
#2 Capitol Square, S.W.
Atlanta, Georgia 30334-1002

LARRY E. DENT
DEPUTY COMMISSIONER
(404) 656-5212

EARL L. MAHFUZ
TREASURER
(404) 656-5224

April 19, 2005

HON. STEVE BROWN, MAYOR
City Hall
Peachtree City, GA 30269

LAU05 - S007-00(767)
Fayette County

RE: VARIOUS STREETS - PLANT MIX RESURFACING

Dear Sir or Madam:

Please find attached three copies of the contract on the above project for execution by your officials.

Approval of this contract requires the original signature of the officials, the signature of a witness, the city IRS number, and the statement signed by the clerk giving place and date of approval.

After execution, kindly return all copies to this office for further execution by the Department, after which your copy will be returned to you. You are not authorized to begin construction until these contracts have been executed by the Department and you are so notified by telephone or letter from this office.

****PLEASE DO NOT UNSTAPLE CONTRACT BOOKLET - DOING SO WILL VOID CONTRACT AND
DELAY PROCESSING****

Yours very truly,

Department of Transportation

Gregory T. Mayo, P.E.
State Transportation Office Engineer

Enclosure

District Engineer 3
Terry Gable
General Files

Hon. Ronnie Chance
Hon. Valencia Seay
Hon. Virgil Fludd

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

ORIGINAL

CONTRACT

CITY CONTRACT

DO NOT UNSTAPLE THIS BOOKLET....ENTER ALL REQUIRED INFORMATION

EITHER BY HAND OR BY STAMP.

DATE OF OPENING : NONE

CALL ORDER : NONE

CONTRACT ID : C36908-05-000-0

PCN	PROJECTS AND CONTRACT NO.
-----	-----
S007767C10000	LAU05-S007-00(767) C1

COUNTY : FAYETTE

CODE: 5PE090

1. CITY OF PEACHTREE CITY

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

CONTRACT ID : C36908-05-000-0

1.960 MILES OF PLANT MIX RESURFACING ON VARIOUS STREETS.

SITE	CONTRACT TIME	LIQUIDATED DAMAGES
00	NONE	
COMPLETE CONTRACT		

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
CONTRACT SCHEDULE

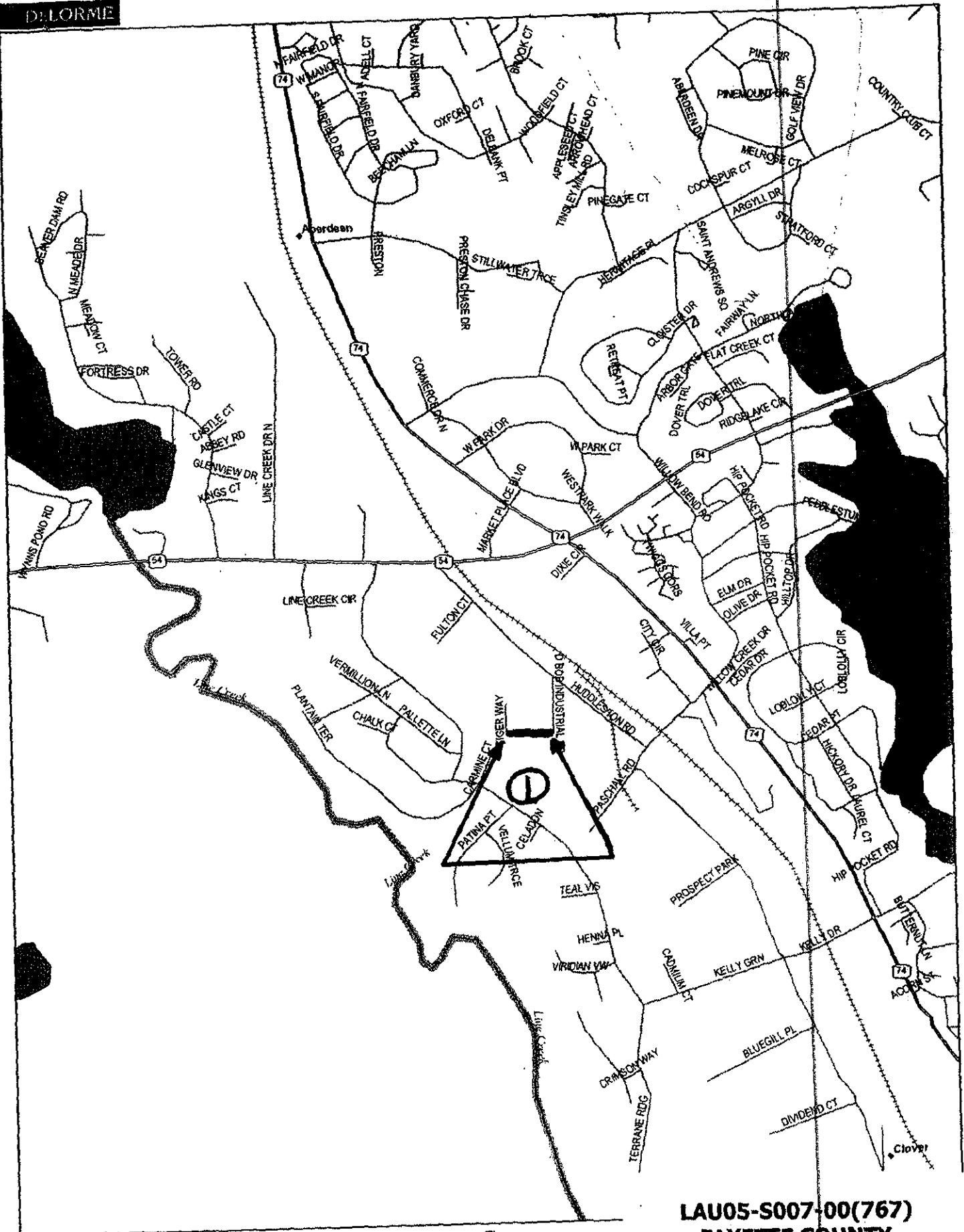
DATE : 04/19/05
PAGE : 3

CONTRACT ID: C36908-05-000-0

PROJECT(S) : S007767C10000 LAU05-S007-00(767) C1

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
SECTION 0001 ROADWAY					96,397.26	
0005	402-1811 RECYCLED ASPH CONC LEVELING, INCL BITUM MATL	10.000 TN	25.20000		252.00	
0010	402-1812 RECYCLED ASPH CONC LEVELING, INCL BITUM MATL & H LIME	142.000 TN	25.20000		3,578.40	
0015	402-3110 RECYCLED ASPH CONC 9.5 MM SUPERPAVE, GP 1 OR 2, INCL BITUM MATL & H LIME	1,009.000 TN	24.00000		24,216.00	
0020	402-3131 RECYCLED ASPH CONC 9.5 MM SUPERPAVE, GP 2 ONLY, INCL BITUM MATL & H LIME	2,520.000 TN	24.00000		60,480.00	
0025	402-3140 RECYCLED ASPH CONC 9.5 MM SUPERPAVE, GP 1 OR 2, INCL BITUM MATL	245.000 TN	24.00000		5,880.00	
0030	413-1000 BITUM TACK COAT	2,416.000 GL	0.54000		1,304.64	
0035	652-2502 SOLID TRAFFIC STRIPE, 5 IN, YELLOW	3.300 LM	162.00000		534.60	
0040	652-3501 SKIP TRAFFIC STRIPE, 5 IN, WHITE	0.860 GLM	114.00000		98.04	
0045	652-3502 SKIP TRAFFIC STRIPE, 5 IN, YELLOW	0.470 GLM	114.00000		53.58	
TOTAL BID					96,397.26	

DeLORME

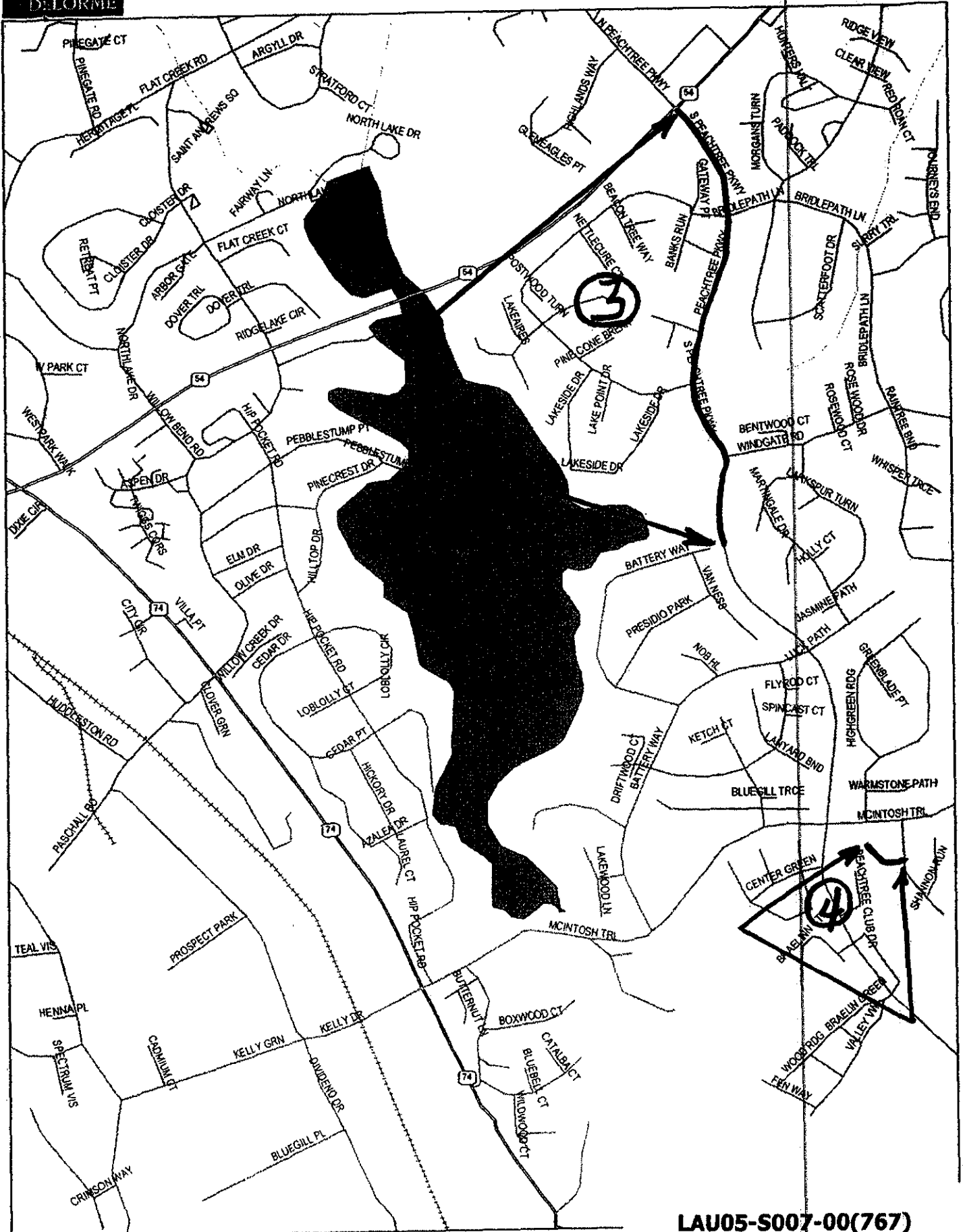


LAU05-S007-00(767)
FAYETTE COUNTY
CITY OF PEACHTREE CITY





DeLORME



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
Janet I. Camburn, Assistant Finance Director
Angela R. Egan, Purchasing Agent

DATE: April 25, 2005

SUBJECT: Donation of Surplus Property
May 5, 2005 City Council Consent Agenda

Recommendation:

That City Council approve the donation of the following surplus property:

- Fire Department Bunker Gear to the Concord Volunteer Fire Department located in Pike County, Georgia.
- Fire Department Hi-Band Radios to the City of Molena Fire Department located in Clayton County, Georgia.

Discussion:

As indicated in the first attached memorandum from Fire Chief Lohr and Assistant Fire Chief Eiswerth, the Peachtree City Fire/Rescue Department has surplus bunker gear (13 Nomex Hoods, 36 Red Helmets, 11 Yellow Helmets, 22 Goggles, and 5 Hard Hats) that they would like to donate to the Concord Volunteer Fire Department. Most of this gear is between 7 and 20 years old. The gear is now excess to the Peachtree City Fire/Rescue Department, since it was replaced through a federal grant received in 2004. The Concord Department has a need for this equipment and has provided a letter releasing the City of all liability concerning any and all equipment donated to their department (see attached).

Fire Chief Lohr and Assistant Fire Chief Eiswerth have also indicated that the Peachtree City Fire/Rescue Department has two surplus hi-band radios that they would like to donate to the City of Molena Fire Department. As indicated in the attached memorandum, the radios with limited frequency range, are 15 years old and are difficult to repair. The City recently replaced these radios. The City of Molena Fire Department has a need for these radios.

Although City Administrative Regulation (CAR) 7-1, Section V, Number A (3), does not specifically address the donation of surplus property, City Council has in the past approved the donation of computer equipment to a not-for-profit entity and surplus fire equipment to the Concord Volunteer Fire Department.

City Staff recommends this donation of surplus property to the Concord Volunteer Fire Department and the City of Molena Fire Department. City Attorney, Ted Meeker, has indicated that the City can donate property to another governmental unit.

Budget Impact:

There is no budget impact.

JIC/CITY COUNCIL – DONATION OF SURPLUS PROPERTY

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Bernard McMullen
Chief Lohr

FROM: Assistant Chief Eiswerth, Operations

DATE: 3-21-05

SUBJECT: Surplus Personnel Protection Equipment (PPE)

The Department has received all the Personnel Protection Equipment that we had in the FY03 Fire Grant. This included 98 helmets, 98 hoods, 98 boots, 98 sets of bunker pants and coats.

A few months ago we donated boots, bunker coats and pants to a local volunteer fire department in Pike County who are less fortunate than us. One of the volunteer firefighters is an employee at Public Works. I'm requesting that we donate more equipment since we just received the last of the grant equipment.

- (13) Nomex Hoods
- (36) Red Helmets
- (11) Yellow Helmets
- (22) Goggles
- (5) Hard Hats

The Department is keeping some spare gear for brand new volunteers and in case we have equipment that must be repaired. Please advise on what we must do next.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Bernard McMullen
Chief Lohr

FROM: Assistant Chief Eiswerth, Operations

DATE: 4-08-05

SUBJECT: Surplus of Hi-Band Radios

The Department has updated two of the Fire Department vehicle's Hi-Band radios in the past year. The radios that were replaced are 15 years old and hard if not impossible to find replacement parts. They had limited frequency range.

A few days ago the City of Molena purchased our surplus Fire Engine. During the course of the discussion with their Council Member and Fire Chief we became aware that they are a very small town with limited resources. The total city budget was less than \$200,000. The Department would like to donate two Hi-Band radios to their Fire Department so that their vehicles may be outfitted with radios. Our intent was to sell these radios at the County wide "surplus" sale in the future. I am not sure how much money the city would receive (it would be nominal), but I would feel much better if a Fire Department received the use of these radios verse some radio amateur (who sits around listening to fire departments respond).

I am requesting we donate two Hi-Band radios to the City of Molena for use in their Fire Department.

On a side note we have offered our services to help them write grants for the upcoming Fire Grant starting in September 2005.

**Concord Volunteer Fire Department
50 Main St.
Concord, GA 30206**

April 14, 2005

Chief Lor
Peachtree City Fire Department
Peachtree City, GA

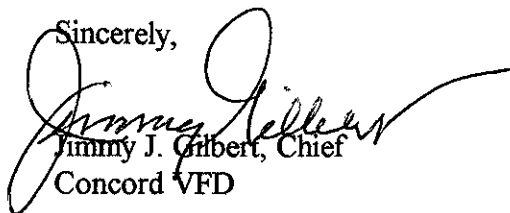
Dear Sir,

Please accept our gratitude for your generous donation of helmets, nomax hoods and other equipment. We also appreciate your departments' willingness to help the volunteers in your neighboring counties and cities. As you are aware, funds are very hard to come by, especially in small municipalities such as Concord..

By accepting this donation, the City of Concord release the Peachtree City Fire Department of all liability when utilizing this equipment.

Again, the undersigned along with the Concord Volunteer Firefighters thank you for your support.

Sincerely,


Jimmy J. Gilbert, Chief
Concord VFD

CITY OF MOLENA
P. O. BOX 247
MOLENA, GEORGIA 30258

TELEPHONE 770/884/9711
FAX 770/884/0344
April 18, 2005

Assistant Fire Chief
Peachtree City, Ga.

Dear Sir:

This letter releases Peachtree City and the Peachtree City Fire Department from any liability incurred by the donation of radios or any other equipment

We appreciate this donation and all your assistance in the purchase of the fire truck the Molena Volunteer Fire Department recently acquired.

Sincerely,



Betty D. McCrary,
Mayor

POSITION PAPER

Proposed Rezoning and Land Use Plan Amendment
Christ Our Shepherd Lutheran Church tract
101 North Peachtree Parkway

City Planner/ Zoning Administrator
April 28, 2005

David/oe

Situation:

Christ Our Shepherd Lutheran Church owns approximately 2.977 acres on the northwest corner of the intersection of GA 54 East and Peachtree Parkway. Existing development on the property includes office and classroom space, a Sanctuary, a multi-purpose building and associated parking. Access to the property is from Peachtree Parkway, with an exit only onto GA 54. Commercial Net Lease Realty, Inc., desires to rezone the property from its current designation of OI Office Institutional to LUC Limited Use Commercial. The purpose of the rezoning is to redevelop the site with a freestanding Walgreen's drug store and a freestanding office building. 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".

Additionally, the current Land Use designation of the subject parcel is CS Community Service. Because the proposed use would not be appropriate within that land use category, the Church is requesting that the Land Use designation be changed from CS Community Service to COM Commercial. A copy of that request is included as Attachment "B".

Facts:

1. The Board of American Missions of Lutheran Churches in America purchased 3.038 acres of property at the northwest corner of the GA 54 East and Peachtree Parkway intersection from the Garden Cities Corporation on July 21, 1975, for the purposes of establishing and constructing a Lutheran Church in Peachtree City. The zoning of the property was AR Agricultural Reserve.
2. At that time, our records indicate the portion of Glenloch Village at the intersection of GA 54/ Peachtree Parkway was beginning to emerge with residential, commercial and retail development.

Christ Our Shepherd Lutheran Church tract

April 28, 2005

Page 2

3. On April 6, 1977, Garden Cities Corporation requested that the property on the northeast corner of the GA 54/ Peachtree Parkway intersection be rezoned from RR Reserve Residential to General Commercial District C-2 for the purpose of developing a freestanding retail center to serve Glenloch Village. According to the Zoning Ordinance at that time, C-2 was intended for "*general business and limited manufacturing activities, including retail and personal services.*" Development within this area includes the Peachtree Crossing and Peachtree Point retail centers.
4. At the same time, Garden Cities Corporation requested that the property on the southwest corner of the GA 54/ Peachtree Parkway intersection be rezoned from Planned Community Development PCD multi-family use to PCD commercial and residential use. The five-acre tract at the southwest corner of GA 54 and Peachtree Parkway was rezoned to PCD commercial use and the remaining seven-acre tract was rezoned to PCD single-family residential. Development within this area includes the Ruby Tuesday, Eckerd and Edward Jones retail tracts (zoned GC General Commercial) and the Piney Knoll subdivision (zoned R1 Residential).
5. The 1977 Zoning Ordinance, which became effective on September 12, 1977, replaced the C-2 and PCD zoning designations with GC General Commercial. The northeast and southwest quadrants of the GA 54/ Peachtree Parkway intersection were rezoned to GC General Commercial at that time.
6. A Certificate of Occupancy was issued to Christ Our Shepherd Lutheran Church on October 12, 1978, for the first phase of their Church campus. The size of this building was approximately 8,700 SF.
7. On February 26, 1981, the City acquired a 2.1-acre tract on Peachtree Parkway from the Equitable Life Assurance Society of the United States "*for the construction of a fire station and for no other purposes.*" The subject tract was located immediately north of the Christ Our Shepherd tract and was zoned AR Agricultural Reserve.
8. In 1981, the City initiated a request to change the zoning of both the fire station tract and the Christ Our Shepherd Lutheran Church tract from AR Agricultural Reserve to OI Office Institutional (Attachment "C"). The Planning Commission heard this request at their meeting on March 2, 1981 (Attachment "D"), and forwarded a memorandum to City Council indicating they "*were unanimous in their support for office institutional zoning for the area in question*" (Attachment

Christ Our Shepherd Lutheran Church tract

April 28, 2005

Page 3

- "E"). City Council considered this request at their meeting on March 27, 1981, and approved the change in zoning classification for both parcels (Attachment "F").
9. The Church has continued to expand their building through a series of renovations and expansions. On May 19, 1988, a Certificate of Occupancy was issued for a 9,964 SF Sanctuary and classroom expansion. Subsequently, an expansion in 1998 added a total of 16,000 SF, including a multi-purpose room, classroom space and a new playground.
 10. Several of the illustrative village master plans and marketing information for Glenloch Village within the Library's History Room and the Planning Department and Pathway Communities (Peachtree City Development Corporation) archives identify the Church tract and the fire station tract as an institutional use.
 11. The Future Land Use Map adopted as a part of the 1985 Land Use Plan designated the Church tract and the adjoining fire station tract as CS Community Service. The land use designation of both tracts has remained CS Community Service since that time (Attachment "G").
 12. The 1985 Land Use Plan encourages mixed-use and step-down developments around the four village centers to maintain the basic development patterns of the City. Within the Future Land Use chapter, the plan states "*Mixed-use involves the proximity of various uses in a compatible manner. The village centers should include retail, office and community facilities and be situated at major intersections*" (Attachment "H").
 13. At their meeting on April 11, 2005, the Planning Commission voted unanimously to recommend to City Council that the rezoning request and the proposed Land Use Map amendment not be approved (Attachment "I").

Staff analysis:

The OI Office Institutional zoning district permits Churches as a Conditional Use, and the development on the subject tract meets the requirements of this ordinance. The OI zoning district also permits a variety of uses that could be developed or redeveloped on the subject parcel without changing the zoning designation (Attachment "J").

Christ Our Shepherd Lutheran Church tract

April 28, 2005

Page 4

The goal of the Commercial component of the Comprehensive Plan is to *"provide commercial facilities concentrated in the four village centers already established that serve the needs of the residents of that Village. Ensure that these facilities do not adversely affect the adjoining residential areas, the environment, or existing traffic patterns."*

The goal of the Land Use component of the Comprehensive Plan is to *"establish appropriate land uses in areas that are suitable for development that would not endanger but protect the surrounding environment and aesthetics."* Policies within this section include *"follow the village concept adopted by the city"* and *"keep a proper balance of different land uses."*

Further, the City's Land Use Plan encourages mixed-use and step-down developments around the four village centers to maintain the *"basic development concepts"* identified within the Land Use Plan. These concepts *"are primarily concerned with the natural and human environment; the village center concept; and the basis for economic stability."*

The plan further states: *"Mixed-use involves the proximity of various uses in a compatible manner. The village centers should include retail, office and community facilities and be situated at major intersections."* Existing zoning and land use designations within the Glenloch Village retail center currently permit each of these uses.

Conclusion:

The existing development on the subject parcel is permitted as a Conditional Use within the OI Office Institutional zoning district. Likewise, a number of uses permitted within the OI Office Institutional zoning district could be developed on the property without changing the zoning classification.

Removing the parcel zoned OI Office Institutional from the Glenloch Village retail center would not be consistent with the village retail center concept adopted as a part of the City's Land Use Plan or the master plan originally adopted and currently in effect for the Glenloch Village retail center.

The proposed rezoning is not consistent with the policies stated within the Commercial, Transportation or Land Use components of the City's Comprehensive Plan and Land Use Plan.

Christ Our Shepherd Lutheran Church tract

April 28, 2005

Page 5

Recommendation:

Staff recommends that the proposed rezoning of the Christ Our Shepherd Lutheran Church tract from OI Office Institutional to LUC Limited Use Commercial and the proposed amendment to the Land Use Plan from CS Community Service to COM Commercial not be approved based on the following findings:

- 1. The current zoning of the property does not prohibit the development or redevelopment of the property to a use that is permitted within the OI Office/Institutional zoning district.*
- 2. The proposed development is not consistent with the current village master plan adopted by the original property owner and enforced through the years by various Planning Commission and City Council members.*
- 3. The proposed development provides for an expansion of the commercial component and changes the mixture of the uses within the village center.*
- 4. The Applicant has not addressed how the proposed duplication of other uses available within the village center will maintain a proper balance of different land uses as required by the Land Use component of the Comprehensive Plan.*
- 5. The proposed development is not consistent with the goals and objectives adopted as a part of the City's Comprehensive Plan and Land Use Plan.*

Attachments

PEACHTREE CITY, GEORGIA REZONING APPLICATION

INSTRUCTIONS FOR SUBMITTING A REZONING APPLICATION

A proper and complete Application for Rezoning, as required in Section 1302 of the Zoning Ordinance, shall consist of the following:

- I. A completed and signed Rezoning Request Form;
- II. An application fee, as provided by City Ordinances; and
- III. The following supplemental documents and information:
 - a) Three (3) copies of a complete and certified boundary survey of the property, including the area of the property;
 - b) One (1) copy of an accurate legal description of the property;
 - c) A statement as to the reasons for the proposed rezoning;
 - d) A complete and accurate indication of all zoning classifications that presently exist on and adjacent to the property;
 - e) Name and address of all property owners within 200 feet of the boundary of the property (these property owners must be shown on an appropriate map);
 - f) A location map showing the property in relation to the rest of the City;
 - g) An accurate and detailed map which shows the proposed new City zoning districts at a scale of 1" = 800';
 - h) An identification of all major natural, geographic, and cultural features which presently exist on or near the property;
 - i) An identification and description of all public services which are presently available to the property;
 - j) An identification and description of all public facilities which are presently on or near the property, or are proposed to be built on or near the property;
 - k) Any development plans, feasibility studies, impact analyses, population projections, or other such planning documents which have been prepared relative to the property;

l) A report analyzing how the proposed rezoning will affect the City, especially with respect to:

- a. Tax base;
- b. Public education;
- c. Police and fire protection;
- d. Emergency medical service;
- e. Transportation facilities (a traffic study may be required);
- f. Utilities;
- g. Environmental protection;
- h. Recreation program; and
- i. Implementation of the overall development plan.

m) An accurate topographic map of the property at a contour interval of two (2) feet or less, showing all protected or specimen trees located on the property, as well as any area within the 100-year floodplain, any wetland area, or any other area specifically affected by the City's environmental codes and ordinances;

n) A site plan showing the proposed use of the property, including:

- a) Buildings;
- b) Drives and parking areas;
- c) Landscape areas and retention areas;
- d) Buffers, screens and open spaces;
- e) Signs and other accessory uses.

An Application for Rezoning shall be submitted to the Zoning Administrator for review to determine whether it is proper and complete. Upon a determination by the Zoning Administrator that the Application is proper and complete, the Application shall be officially accepted and filed with the City Clerk and, thereupon, scheduled for hearings by the Planning Commission and the City Council, as provided by the Zoning Ordinance.

An applicant may request that he/she be provided with a schedule for the required hearings at the time of official acceptance and filing. Unless withdrawn by the applicant, a proper and complete Application must be acted upon by the City Council within sixty (60) days following the official acceptance and filing of the Application.

REQUEST FOR REZONING
CITY OF PEACHTREE CITY, GEORGIA

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

This property is presently zoned: OI Office Institutional

The proposed zoning classification is: LUC Limited Use Commercial

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

Signature: Richard P. Klein

Owner:(print) _____

Agent: (print) RICHARD P. KLEIN

Address: 827 Southern Shore Drive PTC GA 30269

Phone: 770-631-2907 Date: 11/3/04

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: 11-04-04

Request Number: 2004-10

Date of Planning Commission Public Hearing: 11-22-04

Date of City Council Public Hearing: 12-16-04

Commercial Net Lease Realty, Inc.
Single Fund Disbursements Account
450 South Orange Ave., Suite 900
Orlando, FL 32801

No. 125253

DATE: 12-AUG-04 CUST. ACCT. NO.

VENDOR NAME	City of Peachtree City	VENDOR NO.	306
DESCRIPTION			

[illegible]

PLEASE DETACH AND RETAIN THIS STATEMENT AS YOUR RECORD OF PAYMENT.

Thank You

0.00

675.00

THIS CHECK CONTAINS SAFETY FEATURES FRONT AND BACK. DO NOT CASH UNLESS YOU CAN SEE THE WORD "SAFE" WHEN HOLDING AT AN ANGLE.

Commercial Net Lease Realty, Inc.
 100 East Pittsburgh Avenue
 Pittsburgh, Pa. 15203
 (412) 325-1000

101 Union National Bldg
30 North Orange Ave
Orlando, Fla. 32801

No. 125493

[illegible]

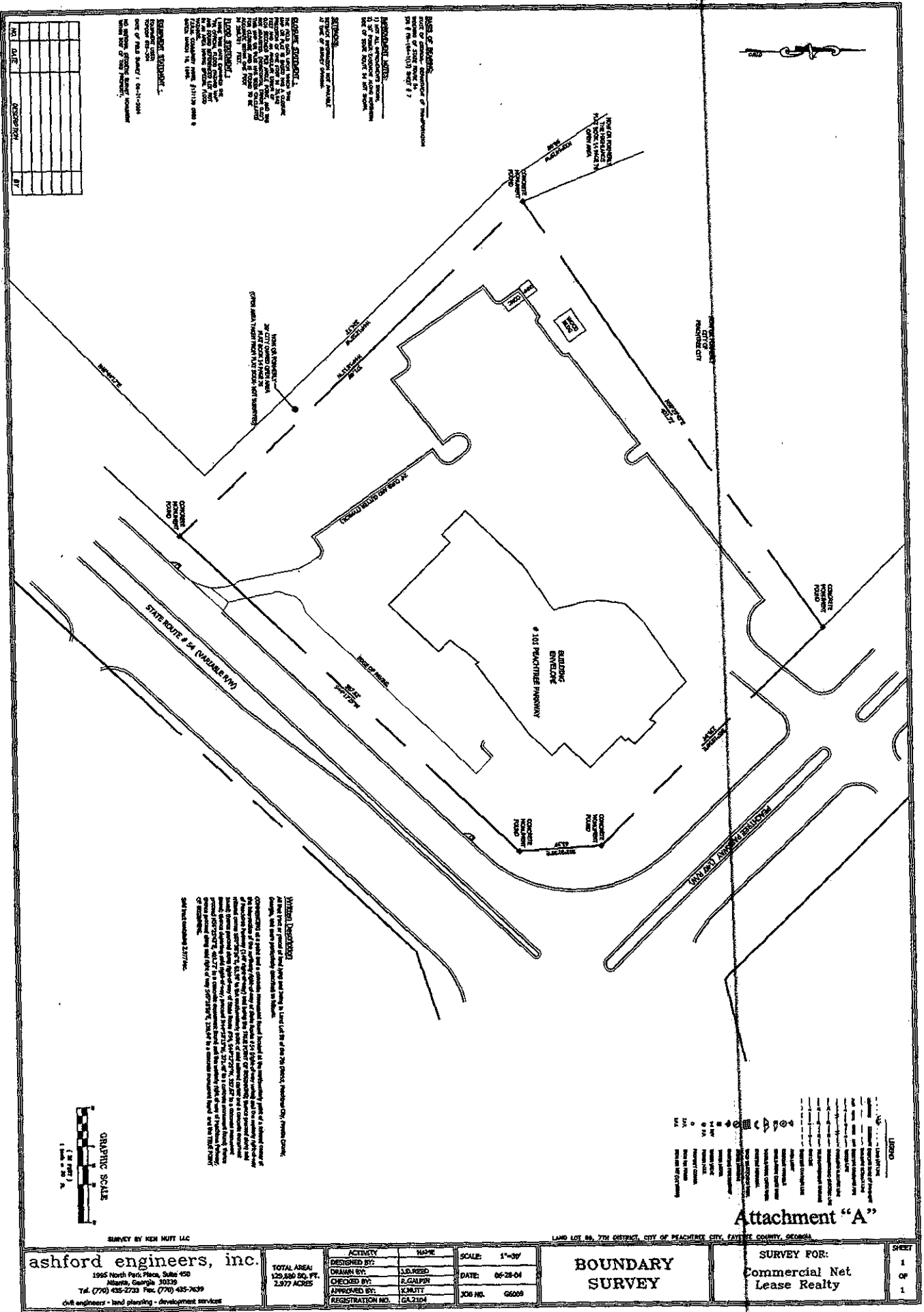
Six Hundred Seventy Five Dollars And No Cents

City of Peachtree City, Georgia

"125264" 110641075130 200000741344 30

Table of Contents

- a) Three copies of certified boundary survey
- b) Legal description of property
- c) Statement as to the reasons for the proposed rezoning
- d) Indication of all zoning classifications
- e) Name and address of all property owners within 200 feet
- f) Location map showing the property in relation to the rest of the city
- g) Detailed map which shows the proposed new City zoning districts at a scale of 1" = 800
- h) Narrative of all major natural , geographic, and cultural features which presently exist on or near the property
- i) Identification of all utilities and other public services available to site
- j) Identification of all public facilities which are presently on or near the property
- k) Development plans, feasibility studies, impact analyses, population projections, and planning documents
- l) Report analyzing how the proposed rezoning will affect the City
- m) Topographic Map
- n) Site Plan
- o) Supplemental information
 - 1. Existing site plan condition
 - 2. Existing overlay vs. proposed
 - 3. Building elevations
 - 4. 3-D Rendering
 - 5. Cross-sectional perspective of adjoining property view point
 - 6. Traffic analysis



NO.	DATE	DESCRIPTION
1	10/1/87	10/1/87
2	10/1/87	10/1/87
3	10/1/87	10/1/87
4	10/1/87	10/1/87
5	10/1/87	10/1/87
6	10/1/87	10/1/87
7	10/1/87	10/1/87
8	10/1/87	10/1/87
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13	10/1/87	10/1/87
14	10/1/87	10/1/87
15	10/1/87	10/1/87
16	10/1/87	10/1/87
17	10/1/87	10/1/87
18	10/1/87	10/1/87
19	10/1/87	10/1/87
20	10/1/87	10/1/87

STATE OF GEORGIA
COUNTY OF FAYETTE
CITY OF PEACHTREE CITY
LAND LOT 88, 7TH DISTRICT, CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA

BOUNDARY SURVEY
THIS SURVEY WAS MADE BY ME, THE SURVEYOR, ON THE 10TH DAY OF OCTOBER, 1987, FOR THE PURPOSE OF DETERMINING THE BOUNDARY OF THE LAND OF THE CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA, AND FOR THE PURPOSE OF DETERMINING THE BOUNDARY OF THE LAND OF THE CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA, AND FOR THE PURPOSE OF DETERMINING THE BOUNDARY OF THE LAND OF THE CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA.

LEGEND
CONCRETE MONUMENT
WOOD MONUMENT
ADJACENT PROPERTY
EXISTING EASEMENTS
PEACHTREE ROAD
PEACHTREE INDUSTRIAL ROAD
STATE ROUTE # 54 (VARIABLE W/D)

NOTES
1. THE SURVEY WAS MADE BY ME, THE SURVEYOR, ON THE 10TH DAY OF OCTOBER, 1987, FOR THE PURPOSE OF DETERMINING THE BOUNDARY OF THE LAND OF THE CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA, AND FOR THE PURPOSE OF DETERMINING THE BOUNDARY OF THE LAND OF THE CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA, AND FOR THE PURPOSE OF DETERMINING THE BOUNDARY OF THE LAND OF THE CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA.

2. THE SURVEY WAS MADE BY ME, THE SURVEYOR, ON THE 10TH DAY OF OCTOBER, 1987, FOR THE PURPOSE OF DETERMINING THE BOUNDARY OF THE LAND OF THE CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA, AND FOR THE PURPOSE OF DETERMINING THE BOUNDARY OF THE LAND OF THE CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA, AND FOR THE PURPOSE OF DETERMINING THE BOUNDARY OF THE LAND OF THE CITY OF PEACHTREE CITY, FAYETTE COUNTY, GEORGIA.

- LEGEND**
- CONCRETE MONUMENT
 - WOOD MONUMENT
 - ADJACENT PROPERTY
 - EXISTING EASEMENTS
 - PEACHTREE ROAD
 - PEACHTREE INDUSTRIAL ROAD
 - STATE ROUTE # 54 (VARIABLE W/D)

ashford engineers, inc. 1965 North Park Place, Suite 450 Atlanta, Georgia 30339 Tel. (770) 435-2733 Fax. (770) 435-7639 Civil engineers - land planning - development services		TOTAL AREA 120,880 SQ. FT. 2.977 ACRES	ACTIVITY DESIGNED BY: J.D. REED DRAWN BY: R. GALPIN CHECKED BY: K. MUIR APPROVED BY: J. D. REED REGISTRATION NO.: 1242104	SCALE: 1"=30' DATE: 05-28-04 JOB NO.: 06009	BOUNDARY SURVEY	SURVEY FOR: Commercial Net Lease Realty	SHEET 1 OF 1
---	--	---	---	--	------------------------	---	------------------------

THREE FULL SIZE COPIES OF BOUNDARY
SURVEY OF THE PROPERTY ATTACHED

Written Description

All that tract or parcel of land lying and being in Land Lot 99 of the 7th District, Peachtree City, Fayette County, Georgia, and more particularly described as follows:

COMMENCING at a point and a concrete monument found located at the northwesterly point of a mitered corner at the intersection of the northerly right-of-way of State Route #54 (right-of-way varies) and the westerly right-of-way of Peachtree Parkway (140' right-of-way) and being the TRUE POINT OF BEGINNING; thence proceed along said mitered corner S03°30'36"E, 63.39' to the southwesterly point of said mitered corner and a concrete monument found; thence proceed along right-of-way of State Route #54, S44°17'25"W, 357.62' to a concrete monument found; thence departing said right-of-way, proceed N44°18'13"W, 371.48' to a concrete monument found; thence proceed N56°25'43"E, 401.72' to a concrete monument found and the westerly right of way of Peachtree Parkway; thence proceed along said right of way S45°18'56"E, 239.94' to a concrete monument found and the TRUE POINT OF BEGINNING.

Said tract containing 2.977±ac.

SUPPLEMENTAL DOCUMENTS AND INFORMATION

c. Statement Pertaining to the Reason for the Proposed Rezoning

The subject property is currently zoned O-I, Office-Institutional, and it is currently used as a church facility by Christ Our Shepherd Lutheran Church, a major congregation in the City with membership exceeding 1800 members. The church has significantly outgrown the parcel, and its opportunity to redevelop the property is limited by the physical confines of the parcel as well as legal requirements governing expansion of existing church facilities contained in the Zoning Ordinance. Current use of the property by the Church already generates significant daily traffic in and out of the intersection of Ga. 54 and Peachtree Parkway and requires parking on adjoining commercial property (across Peachtree Parkway) for regular services. The Church desires to relocate to a larger parcel to permit it adequate and reasonable opportunity for expansion.

In seeking to redevelop the property, the Church has insisted that any redeveloped use be consistent with good zoning and planning practices and that the use allowed on the property be reasonably limited to protect adjoining property owners and the best interests of the citizens of Peachtree City. Current zoning would allow redevelopment as a matter of right for an office building (without size limitation), educational facility (without size limitation) or other institutional use. Further, it is certainly foreseeable that a land use allowed as a matter of right within the O-I zoning district could well create greater impact and hardship on adjoining property owners than other uses. The key to redevelopment of the property must focus on the uses proposed for redevelopment rather than blind adherence to a specific zoning district.

The Church and developer believe that it is more reasonable for the property to be rezoned LUC, Limited Use Commercial to allow neighborhood commercial uses on the property within the conditional authority of the City's zoning ordinance. Such use is more realistic and rational, given the size and location of the property, while giving the City the opportunity to participate in the development criteria for the site. LUC allows exactly what the name says, "limited use commercial." LUC allows neighborhood supportive commercial uses while prohibiting more noxious uses, such as automotive uses (gas stations, car wash, etc.), liquor sales, clubs, convenience stores and restaurants. These use restrictions will also be included as deed covenants in the transfer documents from the Church. The redevelopment of a full service drug store on the property will be consistent with this intent.

However, LUC zoning appears to also require minor modification to the City's future land use map and comprehensive plan. The property is designated "Community Service" under those documents, which was applied by the Comprehensive Plan to each church in the City. The "Community Service" designation is not rationally applied to the subject property located at the corner of one of two major intersections in the City. Given the text of the City's Comprehensive Plan describing "community service" objectives, virtually any use other than for a church would require modification to the

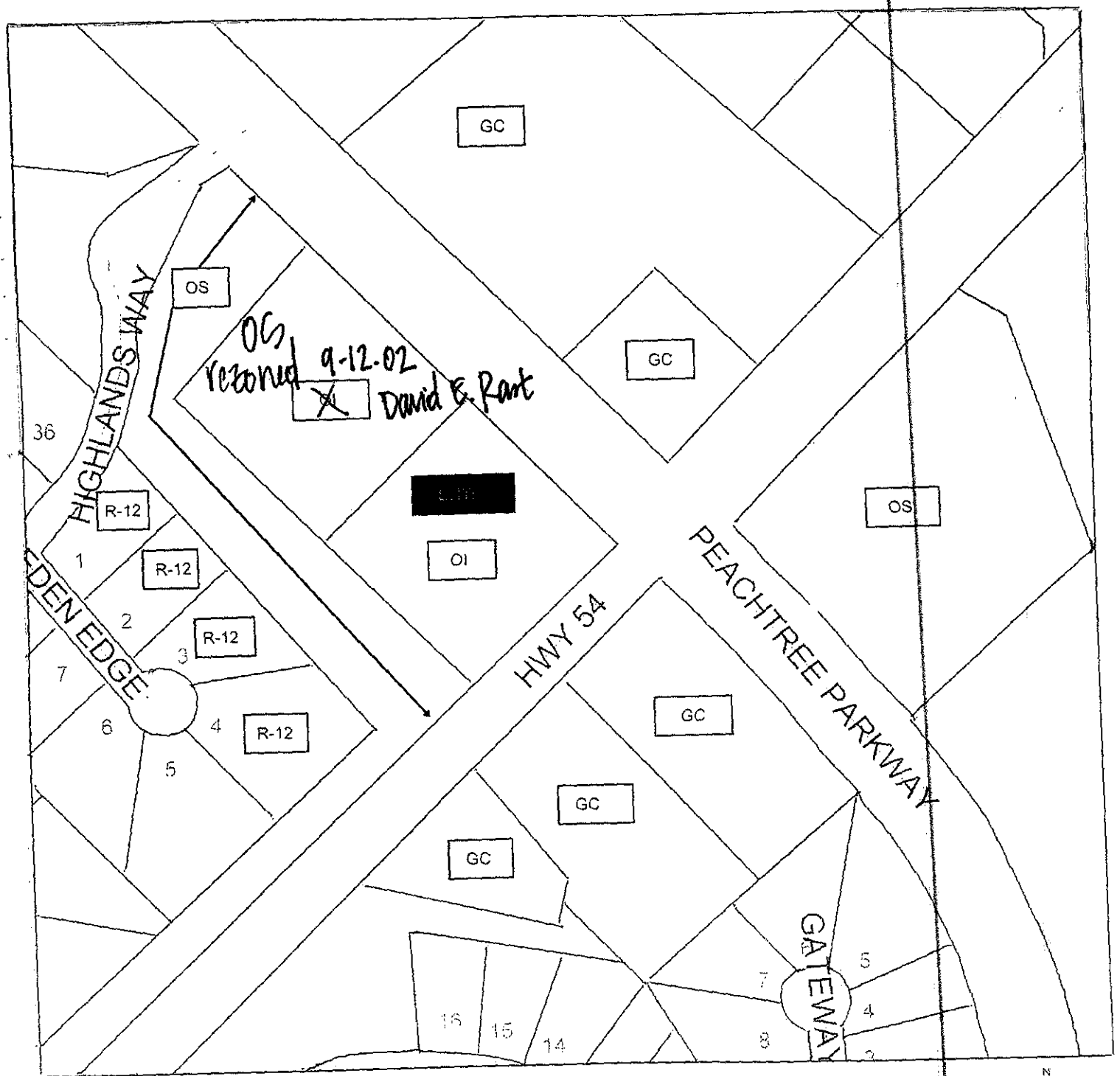
RECEIVED JAN 26 2005

future land use map. Consequently, the rezoning application seeking the zoning change from O-I to LUC must also include a request to modify the Comprehensive Plan and future land use map to be consistent herewith, if for no other reason that the property (upon redevelopment) will no longer be used as a church.

Walgreen's and Commercial Net Lease Realty Services, Inc. (CNL), the developer have identified the subject property as appropriate for redevelopment for such purpose. Walgreen's drug store products are primarily prescriptions, health care, over the counter drugs, as well as other health and beauty products. Walgreen's, who will own the property rather than lease it from a third party investor, is developing the property for its own use. They will bring pride of ownership and have complete responsibility for its maintenance, use and any other functions of the property.

RECEIVED JAN 26 2005

d) Zoning classifications that presently exist on and adjacent to the property



SCALE 1 : 2,339



Zoning Abbreviations

OI - Office Institutional
GC - General Commercial
R-12 - One Family Residential
OS - Open Space

Attachment "D"

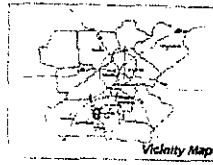
SUPPLEMENTAL DOCUMENTS AND INFORMATION

e) Name and address of all property owners with 200 feet of the boundary of the property

Surrounding Businesses	Physical Address	Property Owner	Mailing Address
Eckerd Drugs	2228 Hwy 54 East Peachtree City, GA 30269	Middlethon GA Properties	3498 Nancy Creek Rd Atlanta, GA 30327
Ruby Tuesdays	100 S. Peachtree Pkwy Peachtree City, GA 30269	Morrison, Inc.	Four Executive Park E. Suite 100 Atlanta, GA 30329
Mormon Church	101 S. Peachtree Pkwy Peachtree City, GA 30269	Church of Jesus Christ of Latter- Day Saints	101 Peachtree Pwky Peachtree City, GA 30269
Wachovia	1104 N. Peachtree Pkwy Peachtree City, GA 30269	Prevost, Jack G c/o First Union National Bank	1420 Two First Union Ctr Charlotte, NC 28288
Kroger	100 N. Peachtree Pkwy Peachtree City, GA 30269	Peachtree Crossing Assoc.	P.O. Box 725148 Atlanta, GA 31139
Neely Fire Station	105 N. Peachtree Parkway Peachtree City, GA 30269	Peachtree City	P.O. Box 2371 Peachtree City, GA 30269
The Highlands Lot 1	100 Highlands Way Peachtree City, GA 30269	Norman & Robyn Michael	100 Highlands Way Peachtree City, GA 30269
The Highlands Lot 2	102 Eden Edge Peachtree City, GA 30269	Carroll & Anita Frederick	102 Eden Edge Peachtree City, GA 30269
The Highlands Lot 3	104 Eden Edge Peachtree City, GA 30269	Spath & Marilyn Thomas	104 Eden Edge Peachtree City, GA 30269
The Highlands Lot 4	106 Eden Edge Peachtree City, GA 30269	Hamman Richard	106 Eden Edge Peachtree City, GA 30269
Christ Our Shepherd Lutheran Church	101 N. Peachtree Pkwy Peachtree City, GA 30269	Lutheran Church	Hwy 54 Peachtree City, GA 30269

) Location map showing the property in relation to the rest of the city

City of Peachtree City Street & Path Map 2002 edition

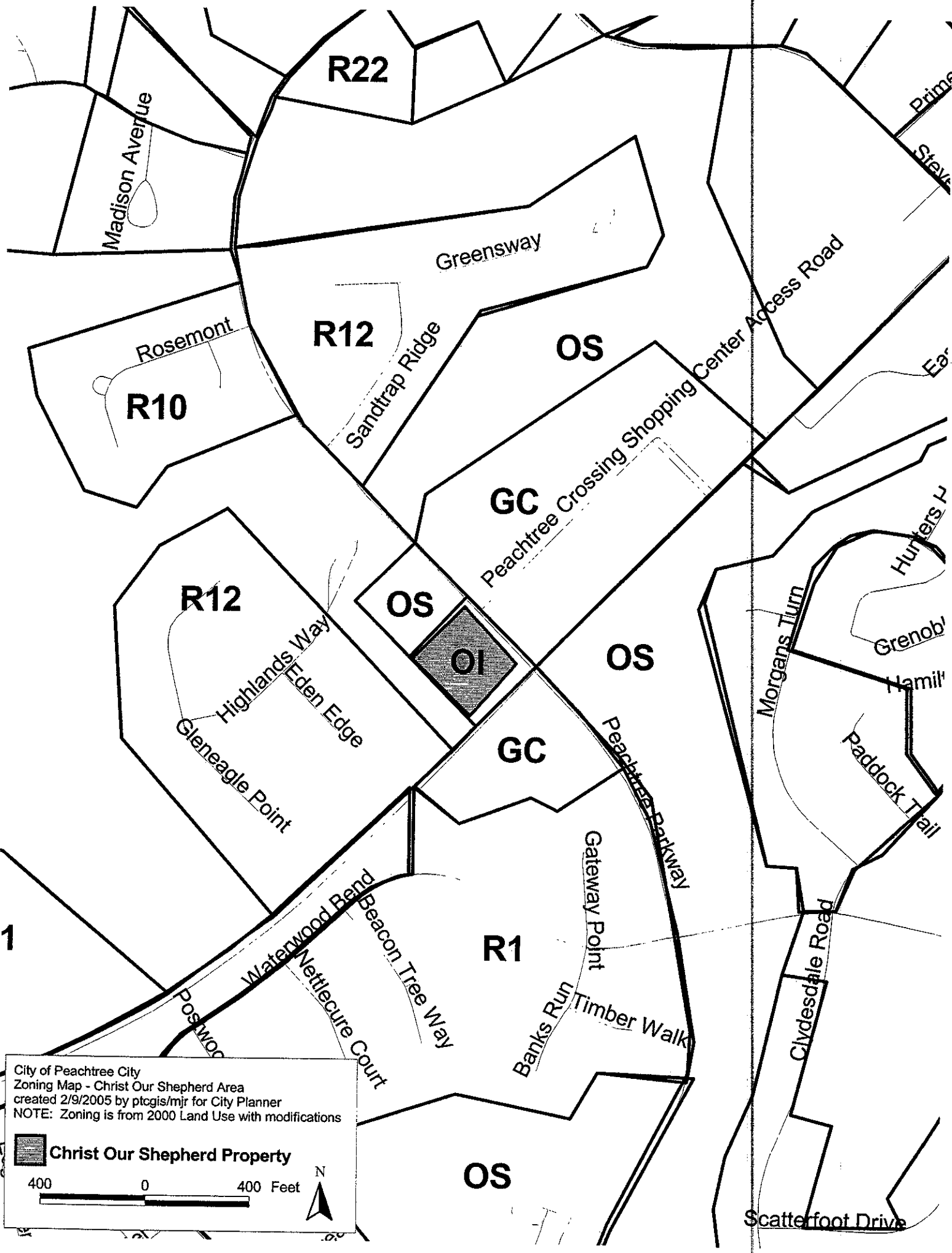


SITE LOCATION

- Municipal Buildings and Schools
- Recreation Facilities
- Neighborhood Recreation Areas
- Roads
- Cart Path Bridges
- Cart Paths
- City Boundary
- Roads Outside City Limits

This map is a reproduction of the original map as published by the City of Peachtree City. It is not a legal document and should not be used for legal purposes. The City of Peachtree City is not responsible for any errors or omissions in this map.

0 1 2 Miles



City of Peachtree City
Zoning Map - Christ Our Shepherd Area
created 2/9/2005 by ptcgis/mjr for City Planner
NOTE: Zoning is from 2000 Land Use with modifications

 Christ Our Shepherd Property

400 0 400 Feet



Fayette County/Detailed Map Showing New City Zoning Districts at a
scale of 1" = 800

(To Be Added By City)

h) Narrative of all major natural, geographic, and cultural features which presently exist on or near the property

The site consists of 2.98 acres located on the northwest corner of the intersection of S.R. 54 and Peachtree Parkway. The site contains one building of approximately 32,000 sqft, two approximately 10'x20' storage buildings, a single dumpster located in the northwest corner of the parking area, and a fenced playground area on the west side of the site. There is one full access drive to the site located on Peachtree Parkway and one right-out-only drive located along S.R. 54. Parking is located to the rear of the main building. The adjacent property to the west of the site is City greenbelt containing a cart path which meanders onto the northwest corner of the subject property. The adjacent property to the north is Neely Fire Station.

The site contains landscape islands throughout the parking area containing small hardwoods and decorative shrubs. There is a landscaped area approximately 20' wide along S.R. 54 containing a mixture of mature pines and decorative shrubs. A grassed area is located along Peachtree Parkway frontage. The rear of the site is wooded with mixture of mature pines and small hardwoods. The church has various decorative shrubs around the perimeter of the building. The church monument sign is stone with a small waterfall located in a grass area adjacent to S.R. 54.

The site drains to the north, utilizing flumes at various locations throughout the parking area and one grate inlet located south of the Peachtree Parkway access drive. All site drainage flows to an existing drainage swale which drains through the wooded area along the north end of the site,

I) Report analyzing how the proposed rezoning will affect the City.

The rezoning of this property will allow the redevelopment of the property to Limited Use Commercial. The current use is a tax-exempt user. This will no longer be the case, thus permitting the city to receive property taxes and a proportionate share of the local option sales tax for the new property value assessments.

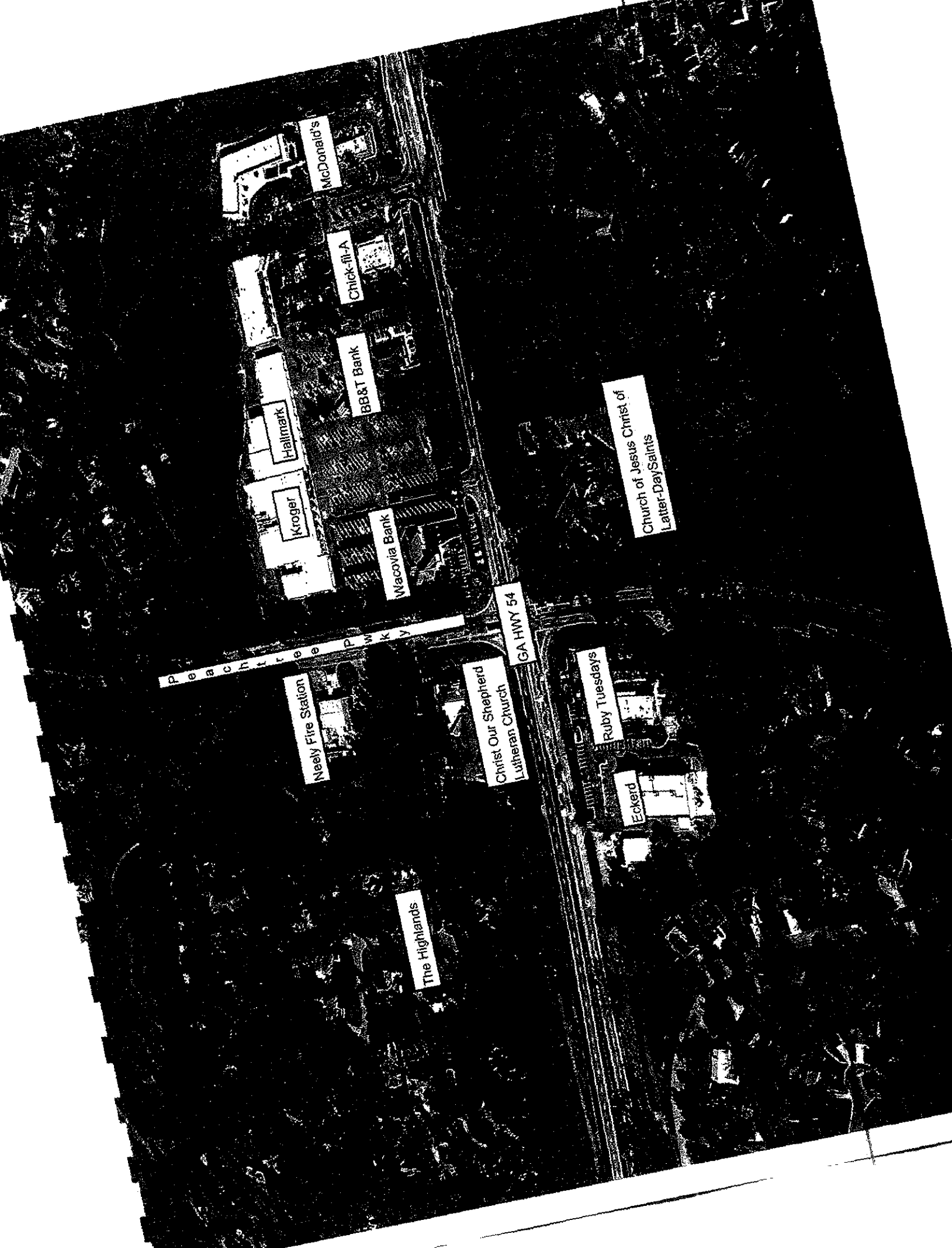
The property will have significant use restrictions. These restrictions will help ensure that the uses will maintain a high standard and service to the broader community.

The architectural design of the facility will be a Walgreen's which will be like no other in the United States. We have referenced the Highway 54 overlay district design standards, which are in place within the city to base our design characteristics. This design aligns itself with current city standards and will have all current life safety codes and standards. The site design will consider all current storm drainage requirements. Current landscaping requirements of the City and other environmental considerations will be integrated into the final design of the site and facility.

As the healthcare demands of the community grow because of the maturing of Peachtree City's population, Walgreen's will provide an option for prescription needs and over the counter healthcare products.

This property will accommodate a second user in the area designated within the site plan as the "Out-Parcel". The site plan parameters set forth in our exhibits to this application and the conditions imposed by the Limited Use Zoning District will apply to this portion of the site as well as the Walgreen's store. Walgreen's, as the intended owner of the entire site, will restrict the possible uses of this "Out-Parcel" section to the same uses that are permitted within a Peachtree City Zoning Ordinance Office Institutional District. We request that at the time of development of the second user facility, the architectural considerations will be reviewed at that time.

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Deer Creek Pkwy

Neely Fire Station

The Highlands

Christ Our Shepherd
Lutheran Church

GA HWY 54

Kroger

Hallmark

BB&T Bank

Chick-fil-A

McDonald's

Wacovia Bank

Eckerd

Ruby Tuesdays

Church of Jesus Christ of
Latter-Day Saints

Demographic Information

The information is a detailed analysis of the site-specific demographics geared towards the use of a freestanding drug store facility.

Retail users evaluate a commercial property using differing considerations that they deem important to their business model and product or services they offer. Thus one demographic component that is important to one retail user may not be important to another.

As the developer presenting a potential site to a national retail drugstore user, we select real estate that has the best combination of site characteristics such as trade area household income levels, roadway traffic volumes and a road with traffic access, population ages, population education, community crime index ratings, metropolitan statistical area ratings, availability of the real estate to be able to contracted and redevelopment for the drugstore user. We have evaluated the Peachtree City trade areas and pursued a number of locations and have concluded that the proposed rezoning location is the best location available.

Attached is the information that the developer and the retailer have used to determine that this project location is the best site that is currently available and meets the investment criteria set forth internally by each party to go forward.

DEMOGRAPHICS

Date: October 18, 2004

Subject Site: 1, 1.5, 3 mile radii: STATE
HWY 54 & PEACHTREE PKWY, PEACHTREE
CITY, GA 30269

City: Peachtree City **Pop:** 33,745

County: Fayette County **Pop:** 98,985

Zip: 30269 Peachtree City **Pop:** 34,082

Benchmark Report

	1 Miles:	1.5 Miles:	3 Miles:	Fayette County	Georgia	Entire US
Population						
1990 Census Actual	3,981	8,098	18,186	62,419	6,478,221	248,710,012
2000 Census Actual	5,021	10,507	28,552	91,263	8,186,453	281,421,906
2003 Estimated	6,018	11,942	31,896	101,180	8,836,148	298,686,994
1990-2000 Population Change	26.1%	29.7%	57.0%	46.2%	26.4%	13.2%
2003 Estimated Employment	3,247	6,383	16,436	52,509	4,159,696	136,799,974
2008 Population (Five- Year Projection)	7,076	13,468	35,627	112,509	9,593,847	308,074,238
Projected Five-Year Growth (2003-2008)	17.6%	12.8%	11.7%	11.2%	8.6%	4.9%
Average Age						
2003 Estimated by Age						
0-4	289	581	1,695	5,127	666,241	19,906,513
5-17	1,185	2,328	6,737	20,162	1,653,616	53,202,541
18-19	215	434	1,112	3,670	249,734	8,316,877
20-24	419	808	1,921	6,712	628,814	20,423,721
25-44	1,326	2,708	7,719	24,299	2,727,778	84,183,586
45-54	1,185	2,291	5,907	18,376	1,218,041	41,619,717
55-64	802	1,553	3,729	12,563	820,350	29,157,399
65 OVER	597	1,240	3,076	10,271	871,574	36,876,640
2003 Estimated by Race						
White	5,390	10,689	27,993	83,777	5,750,056	220,410,670
Black	287	595	2,039	12,632	2,536,013	36,105,469
Asian/Pacific Islander	180	364	1,074	2,430	186,914	10,749,549
Native American	7	16	51	217	23,461	2,600,793
Other	59	98	285	824	211,869	16,236,219
Hispanic	178	350	941	2,458	593,693	41,920,073

Households

2003 Estimated Households	2,318	4,550	11,604	36,632	3,380,742	112,708,665
2008 Households (Five-Year Projection)	2,843	5,362	13,544	42,641	3,821,241	121,218,050
Projected Five-Year Household Growth	22.7%	17.8%	16.7%	16.4%	13.0%	7.5%
2000 Owner Occupied Units	77.2%	77.5%	79.3%	83.3%	61.8%	60.2%
2000 Renter Occupied Units	18.4%	18.5%	16.8%	13.1%	29.8%	30.8%

Income**2003 Estimated Household Income**

\$0-\$14,999	38	153	435	1,598	503,490	16,800,683
\$15,000-\$34,999	273	553	1,292	4,337	761,729	26,537,772
\$35,000-\$49,999	273	513	1,215	4,278	539,094	17,853,856
\$50,000-\$74,999	437	883	2,203	7,235	670,868	21,851,370
\$75,000-\$99,999	434	857	2,199	6,960	398,378	12,984,275
\$100,000-\$149,000	477	930	2,558	7,682	329,281	10,748,439
\$150,000 And More	385	662	1,702	4,542	177,902	5,932,270
2003 Estimated Average Household Income	\$99,637	\$94,295	\$99,381	\$91,839	\$61,351	\$61,246
2003 Estimated Per Capita Income	\$38,374	\$35,929	\$36,156	\$33,250	\$23,473	\$23,504
2003 Estimated Median Household Income	\$80,511	\$78,522	\$80,233	\$77,433	\$46,667	\$45,660
2003 Estimated Aggregate Income (<i>in millions</i>)	\$230.9	\$429.1	\$1,153.2	\$3,364.2	\$207,410.6	\$6,902,910.9

Livability

2003 Crime Index	13	13	16	27	114	101
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Current year data is for the year **2004**, 5 year projected data is for the year **2009**. More About Our Data.

Demographic data © 2004 by Experian/Applied Geographic Solutions.

Crime data © 2004 by Experian/Applied Geographic Solutions.

The shopping center data used in this site is licensed by Directory of Major Malls, Inc.

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Traffic Count data © 2004 by GDT. All rights reserved.

Commercial Net Lease REALTY, INC.

Major Retail Map

**STATE HWY 54 & PEACHTREE
PKWY, PEACHTREE CITY, GA
30269**

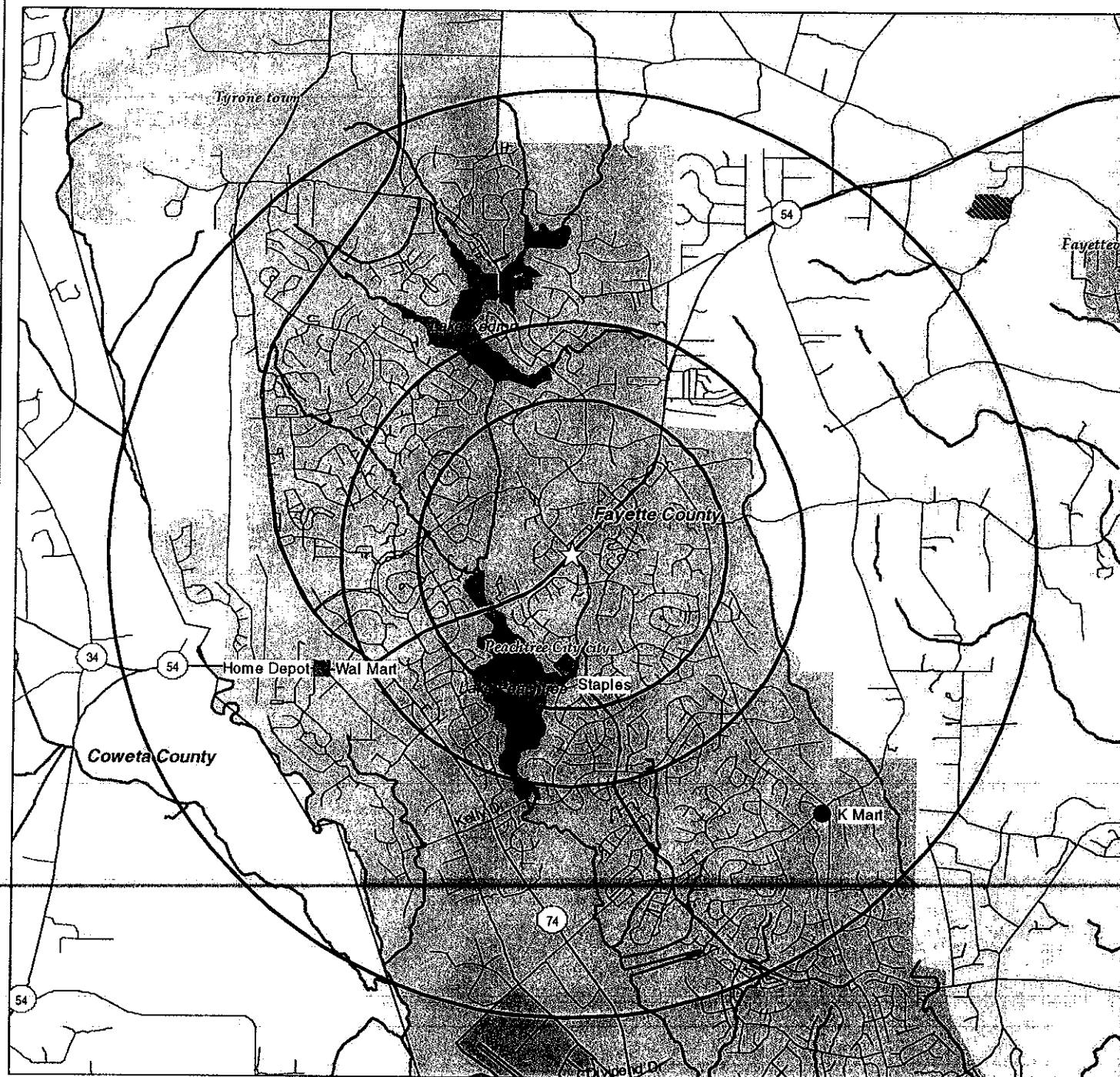
Atlanta, GA MSA
2000 MSA Population Ranking(8)

Legend

- ★ Subject Site
- Discounters
- K Mart
- Target
- Wal Mart
- Electronics
- ▲ Best Buy
- △ Circuit City
- Home Furnishings
- Home Depot
- Lowe's
- Office Supply
- ◆ Office Depot
- ◇ Office Max
- ◆ Staples
- 1, 1.5, 3 mile radii
- Interstates
- US Highways
- State Highways
- Major Roads
- Local Roads
- Airports
- Cities and Towns
- County

Source: Dun & Bradstreet, CY (with
enhancements by CNLR GIS staff)

October 18, 2004



**Commercial Net Lease
REALTY, INC.**

Regional Context Map

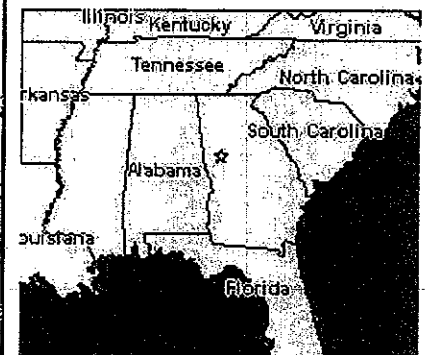
**STATE HWY 54 & PEACHTREE
PKWY, PEACHTREE CITY, GA
30269**

Atlanta, GA MSA
2000 MSA Population Ranking(8)

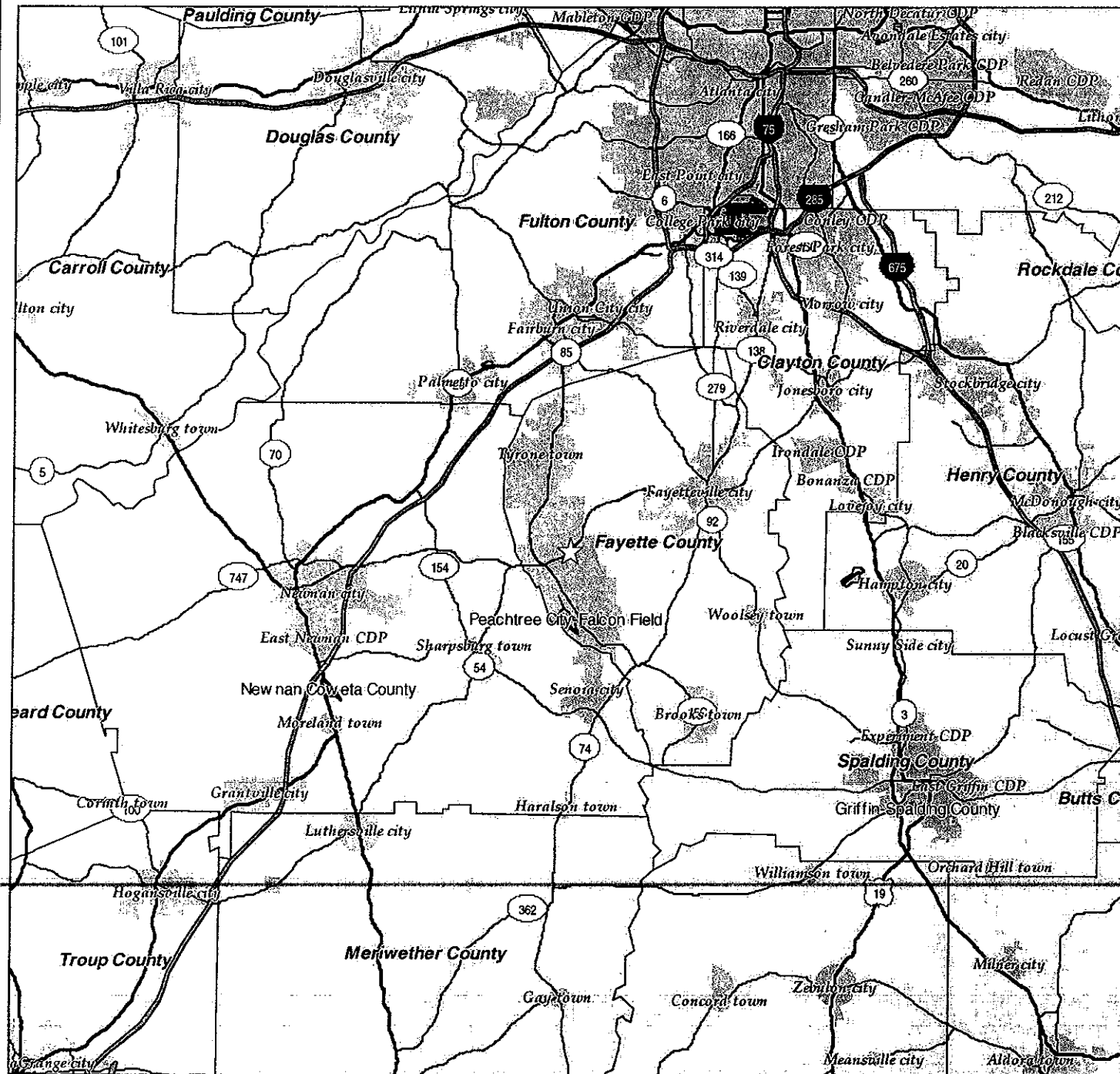
Legend

★ Subject Site

- Interstates
- US Highways
- State Highways
- Major Roads
- Local Roads
- ✈ Airports
- Cities and Towns
- County



October 18, 2004



- Subject Site
- Above 90,000.00
- Above 55,000.00 to 90,000.00
- 55,000.00 to 33,500.00
- 33,500.00 to 20,250.00
- 20,250.00 to 10,000.00
- Below 10,000.00
- No Data

- 1, 1.5, 3 mile radii
- Interstates
- US Highways
- State Highways
- Major Roads
- Local Roads
- Airports and Towns
- Cities and Towns
- County

Median Household Income Summary

3 Miles: \$80,233

1.5 Miles: \$78,522

1 Miles: \$80,511

Source: Experian/Applied Geographic Solutions, CY

October 18, 2004



County Est. Population by 2000
Census Block Groups
CY Est. Population by 2000
Census Block Groups
STATE HWY 54 & PEACHTREE
CITY, GA
30269
PEACHTREE, GA MSA
Atlanta, GA MSA
Population Ranking (8)
2000

Legend

- Subject Site
- Above 2,950.00
- Above 2,950.00 to 2,950.00
- 1,600.00 to 1,600.00
- 880.00 to 880.00
- Below 480.00
- No Data

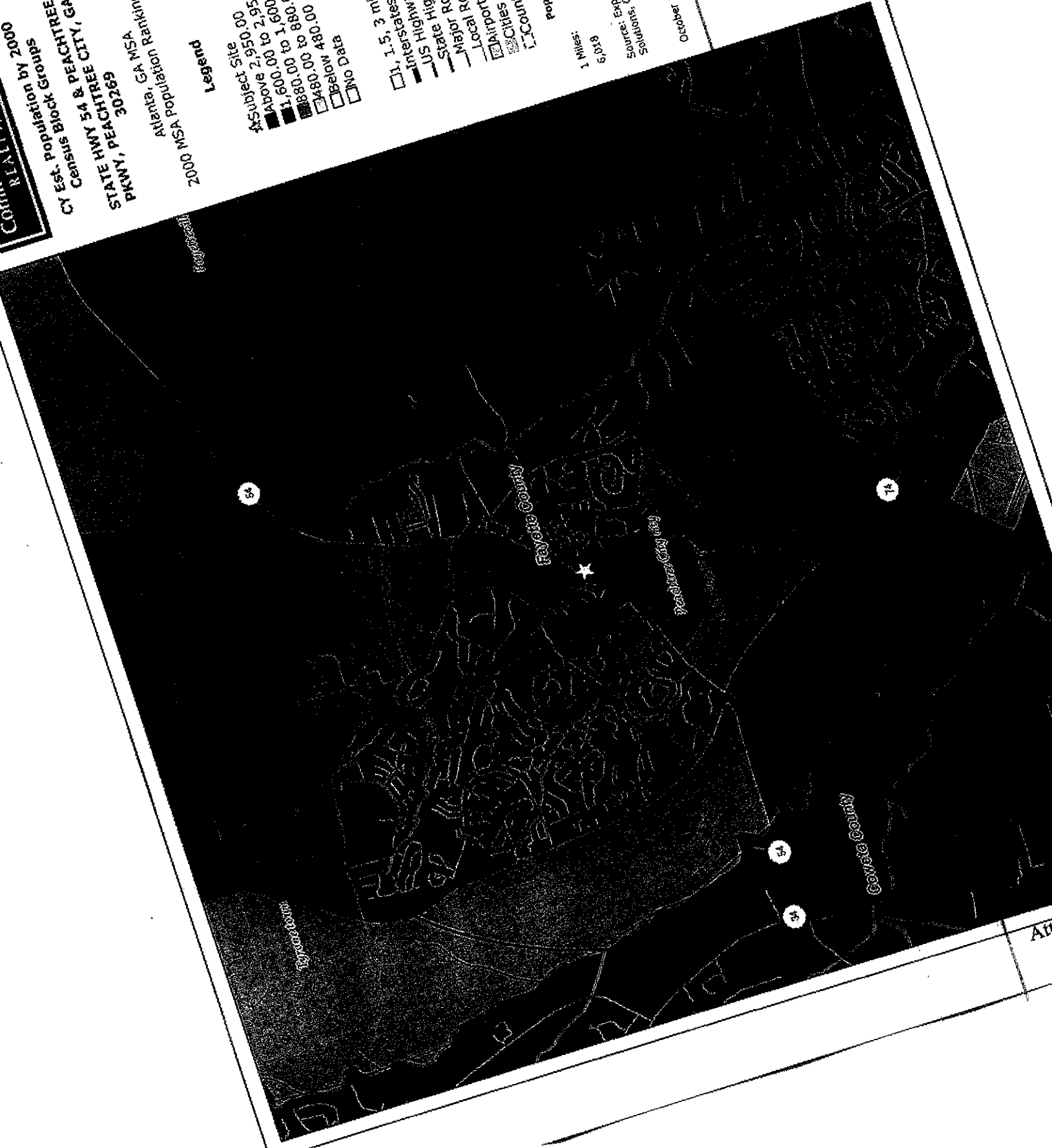
- 1, 1.5, 3 mile radius
- Interstates
- US Highways
- State Highways
- Major Roads
- Local Roads
- Airports and Towns
- Cities and Towns
- County

Population Summary

1 Miles:	31,896
1.5 Miles:	11,942
3 Miles:	5,018

Source: Esri, Inc. Geographic Information Systems

October 18, 2004



**Commercial Net Lease
REALTY, INC.**

**CY Households by 2000 Census
Block Groups**

**STATE HWY 54 & PEACHTREE
PKWY, PEACHTREE CITY, GA
30269**

Atlanta, GA MSA
2000 MSA Population Ranking(8)

Legend

- ☆ Subject Site
- Above 1,162.50
- 620.00 to 1,162.50
- 330.00 to 620.00
- 177.50 to 330.00
- Below 177.50
- No Data

- 1, 1.5, 3 mile radii
- Interstates
- US Highways
- State Highways
- Major Roads
- Local Roads
- Airports
- Cities and Towns
- County

Households Summary

1 Miles:	1.5 Miles:	3 Miles:
2,318	4,550	11,604

Source: Experian/Applied Geographic
Solutions, CY

October 18, 2004



**Commercial Net Lease
REALTY, INC.**

**Average Daily Traffic - Urban
STATE HWY 54 & PEACHTREE
PKWY, PEACHTREE CITY, GA
30269**

Atlanta, GA MSA
2000 MSA Population Ranking(8)

Legend

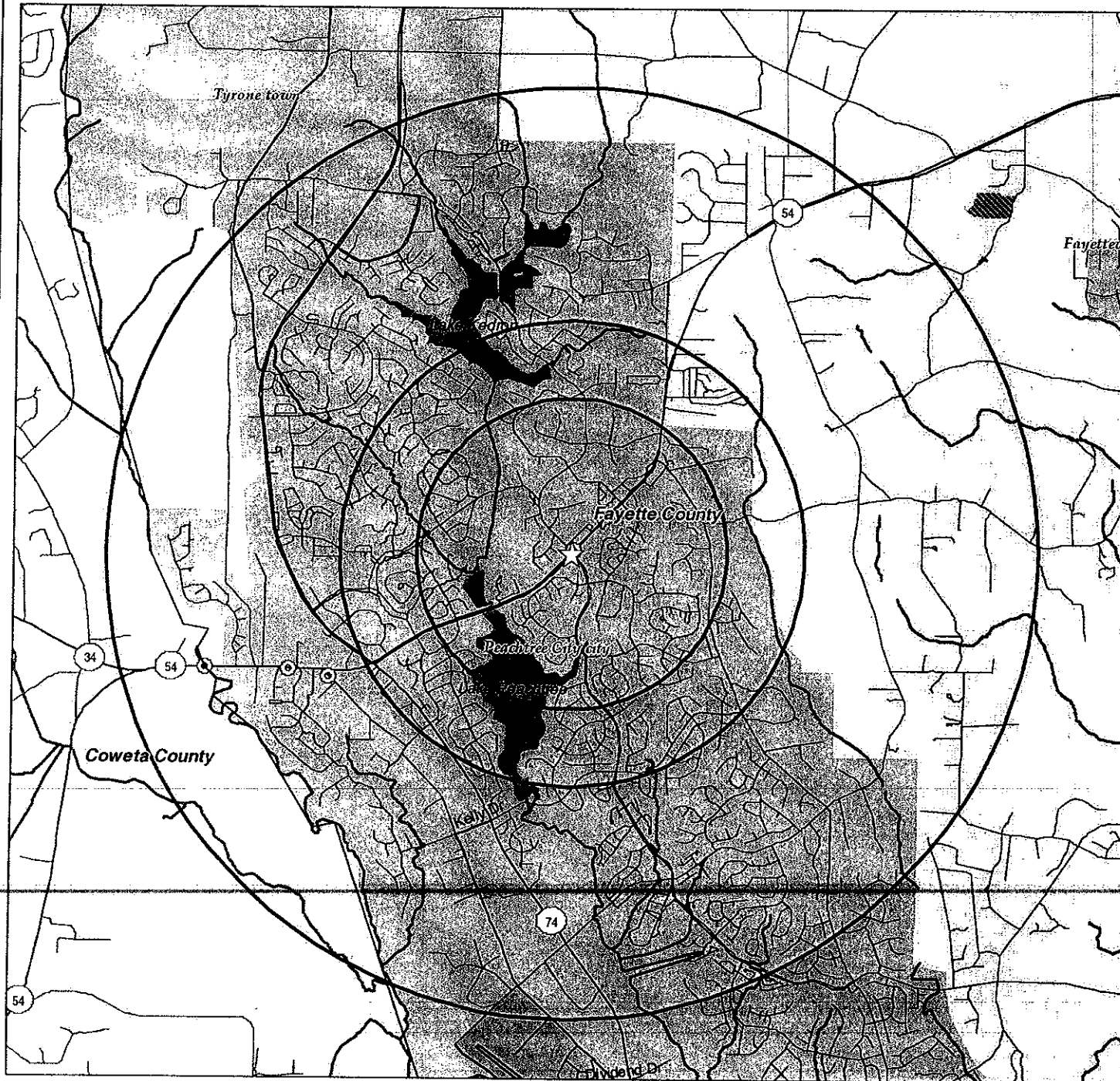
☆ Subject Site

- 0-30,000 ADT
- ◐ 30,001-50,000 ADT
- ◑ 50,001-70,000 ADT
- > 70,000 ADT
- No Data

- 1, 1.5, 3 mile radii
- Interstates
- US Highways
- State Highways
- Major Roads
- Local Roads
- Airports
- Cities and Towns
- County

Source: GDT, CY

October 18, 2004



AERIAL PHOTOGRAPHS



View To North



Kroger

SITE

Wickes

attach

View To South

SITE

Kroger

View To East

N

Chubb

Wekerd

511

Kroger

1000000

N

View To West

1000

ELIS

KROGER

1000



1) Report analyzing how the proposed rezoning will affect the City.

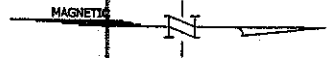
The rezoning of this property will allow the redevelopment of the property to Limited Use Commercial. The current use is by a tax-exempt user. This will no longer be the case; the new property value assessments will allow the city to receive property taxes and a proportionate share of the local option sales tax.

The property will have significant use restrictions. These restrictions will help insure that the uses will maintain a high standard and service to the broader community.

The architectural design of the facility will be a Walgreens which will be like no other in the United States. We have referenced the Hwy 54 overlay district design standards, which are in place within the city to base our design characteristics. This design aligns itself with current city standards and will have all current life safety codes and standards. The site design will consider all current storm drainage requirements. Current landscaping requirements of the City and other environmental considerations will be integrated into the final design of the site and facility.

As the healthcare demands of the community grow, Walgreens will provide an option for prescription needs and over the counter healthcare products.

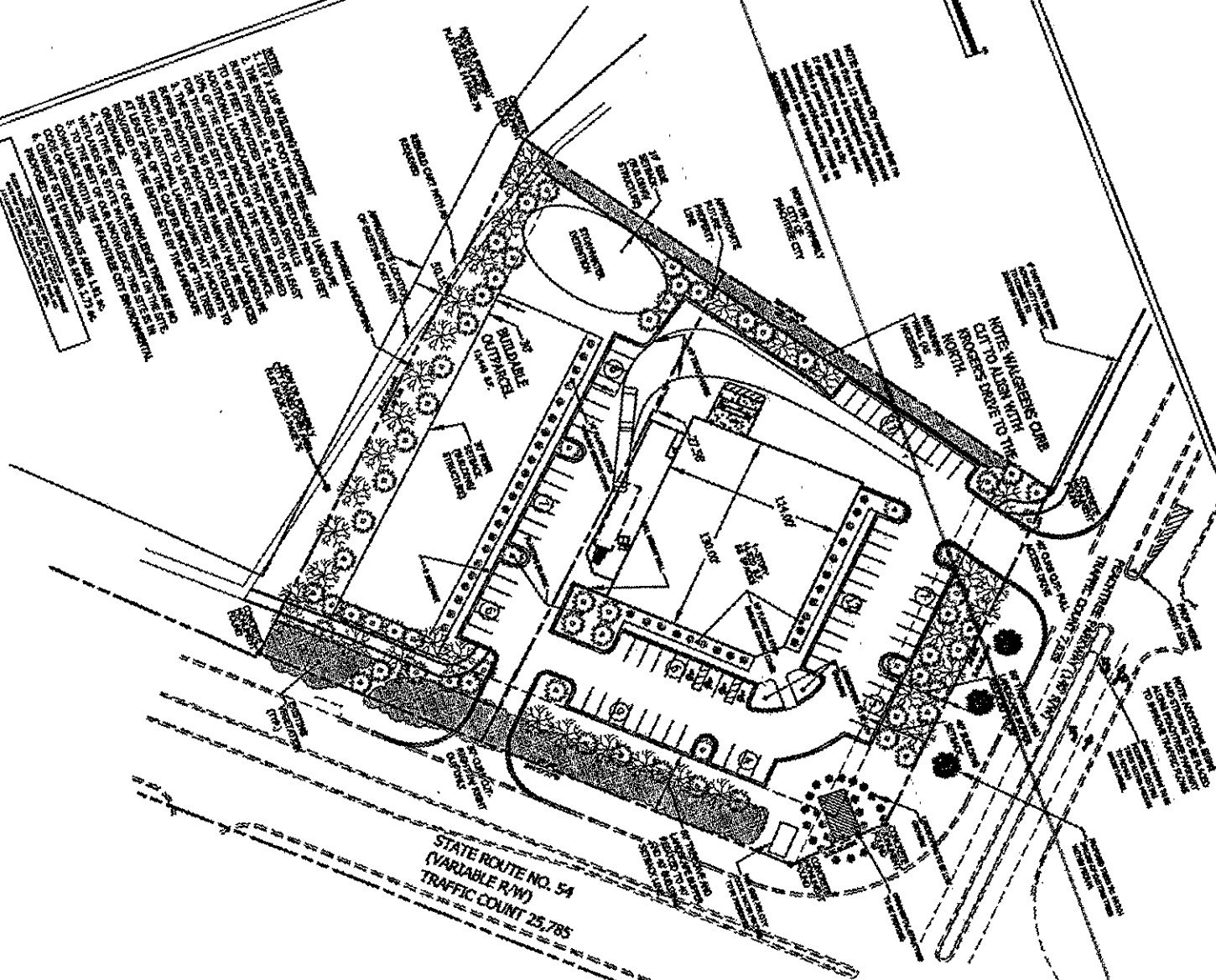
This property will accommodate a second user such as a proposed bank or medical facility. The limited use zoning will be applied to that user. The site plan parameters set forth in our exhibits to this application will apply to the second user. We request that at the time of development of the second user facility, the architectural considerations will be reviewed at that time.



EXISTING SITE TOPOGRAPHY CHRIST OUR SHEPARD LUTHERAN CHURCH			
DRAWN BY: R. SINGLETON		SCALE: 1"=30'	
APPROVED BY:		DATE: 10-15-04	
SHEET 1	SHEET OF 1	FIELD SURVEY DATE N/A	JOB NO. G6009

THREE FULL SIZE COPIES OF TOPOGRAPHY
OF THE PROPERTY ATTACHED

1. THE SITE IS LOCATED IN THE NORTHWEST CORNER OF THE INTERSECTION OF STATE ROUTE NO. 54 AND WALKERS CREEK ROAD. THE SITE IS A 2.44 ACRES LOT, 100 FEET WIDE BY 244 FEET DEEP. THE SITE IS CURRENTLY ZONED R-1 (RESIDENTIAL SINGLE-FAMILY) AND IS OCCUPIED BY A 1.5 ACRES LOT, 100 FEET WIDE BY 244 FEET DEEP, WHICH IS A REMNANT OF A LARGER LOT. THE SITE IS BOUND BY WALKERS CREEK ROAD TO THE NORTH, STATE ROUTE NO. 54 TO THE WEST, AND A 100 FEET WIDE LOT TO THE EAST. THE SITE IS A 2.44 ACRES LOT, 100 FEET WIDE BY 244 FEET DEEP. THE SITE IS CURRENTLY ZONED R-1 (RESIDENTIAL SINGLE-FAMILY) AND IS OCCUPIED BY A 1.5 ACRES LOT, 100 FEET WIDE BY 244 FEET DEEP, WHICH IS A REMNANT OF A LARGER LOT. THE SITE IS BOUND BY WALKERS CREEK ROAD TO THE NORTH, STATE ROUTE NO. 54 TO THE WEST, AND A 100 FEET WIDE LOT TO THE EAST.



Received
 Office of City Planner
 Peachtree City, GA
 JAN 26 2003

EXHIBIT FOR
COMMERCIAL NETLEASE REALTY SERVICE
ashford engineers, inc.
 1995 North Park Place, Suite 450
 Atlanta, Georgia 30339
 Tel. (770) 435-2733 Fax. (770) 435-7639
 civil engineers - land planning - development services

RE-ZONING EXHIBIT			
DRAWN BY:	R. SINGLETON		
APPROVED BY:			
SHEET 1	OF 1	SHEET 1	FIELD SURVEY DATE N/A

THREE FULL SIZE COPIES OF SITE PLAN
OF THE PROPOSED PROPERTY ATTACHED

Section O) Additional Supplemental Information

We offer additional information to the application in an attempt to clarify a number of issues. This information will provide further clarity of how the property will be transformed from what exists today to what will exist in the future. Included is the following information:

- 1) Existing Site Plan showing the current conditions on the property. The purpose of this exhibit is to bring clarity of what current facilities exist on the property and how they relate to the overall land area of the platted lot.
- 2) A Site Plan showing an overlay of the existing facility and the proposed redevelopment.
- 3) Building Elevations
- 4) 3-Dimensional rendering of the new facility. It is our attempt to bring a further understanding of the completed transformation of this redevelopment.
- 5) A Cross-Sectional Perspective of the adjoining property viewpoint. We have made a concerted effort to communicate and accommodate the concerns of the neighboring property owners. This exhibit is a result of the input we have received to minimize any impact and attempt to enhance the integration of this redevelopment into the overall neighborhood.
- 6) We offer a traffic analysis. We realize that with the redevelopment of any property, the effect upon the traffic patterns and safety of the intersection is of a paramount consideration. Our initial findings show that the redevelopment will increase the safety of the traffic flow through the intersection. Furthermore, these findings indicate an insignificant increase in traffic count.

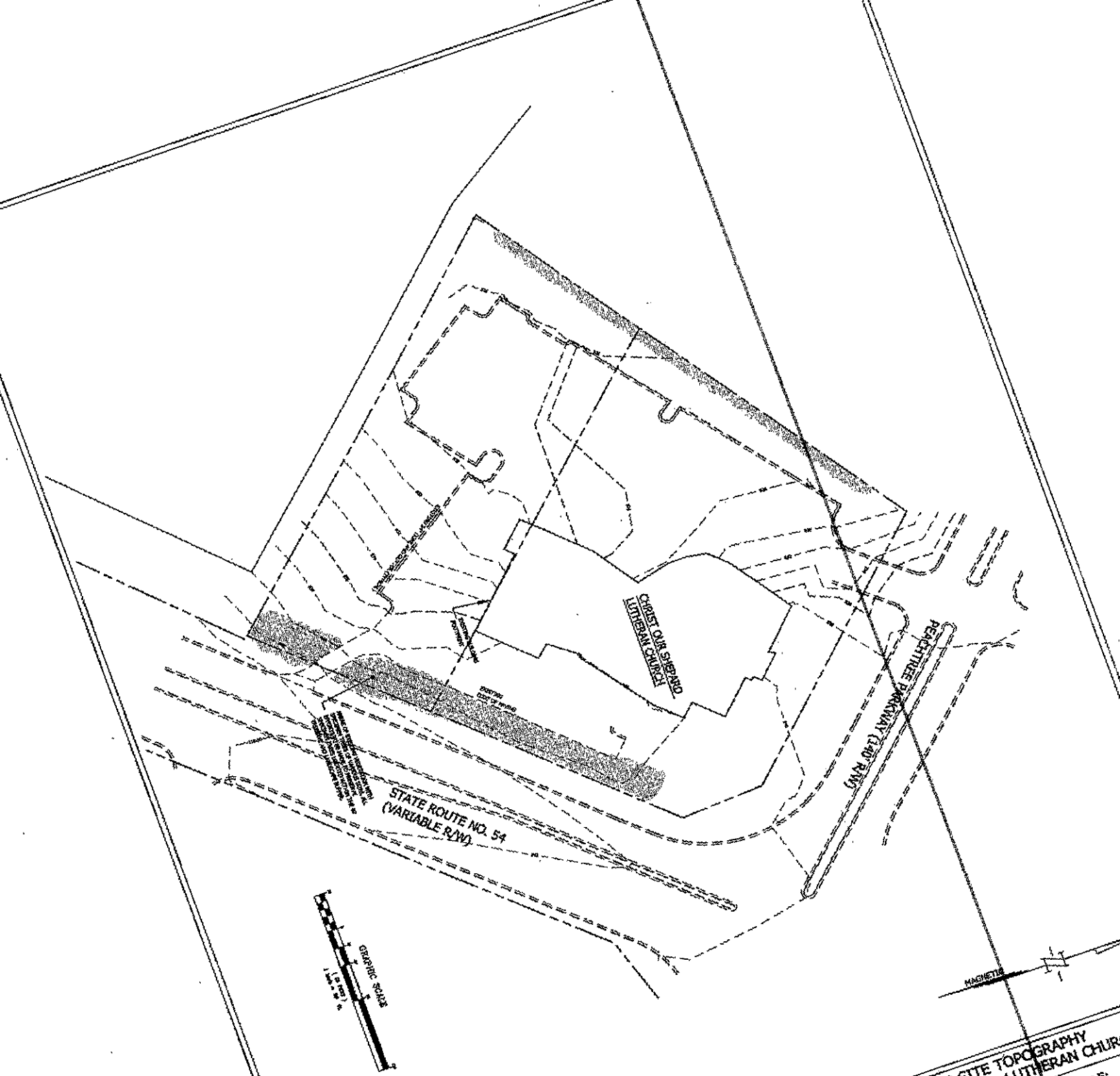
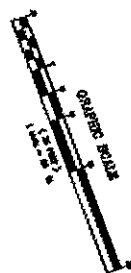


EXHIBIT FOR				EXISTING SITE TOPOGRAPHY	
COMMERCIAL NETLEASE REALTY SERVICE				CHRIST OUR SHEPARD LUTHERAN CHURCH	
ashford engineers, inc.				SCALE:	
1995 North Park Place, Suite 450				DATE:	
Atlanta, Georgia 30339				JOB:	
Tel. (770) 435-2733 Fax. (770) 435-7639				FIELD SURVEY DATE	
civil engineers - land planning - development services				N/A	
DRAWN BY:		SHEET		OF	
R. SINGLETON		1		1	
APPROVED BY:		SHEET		OF	
		1		1	

Received

JUN 29 2005

Office of City Planner
Peachtree City, GA



STATE ROUTE NO. 54
(VARIABLE R/W)
TRAFFIC COUNT 25,785

EXHIBIT FOR
COMMERCIAL NETLEASE REALTY SERVICE
ashford engineers, inc.

1995 North Park Place, Suite 450
Atlanta, Georgia 30339
Tel. (770) 435-2733 Fax. (770) 435-7639
civil engineers - land planning - development services

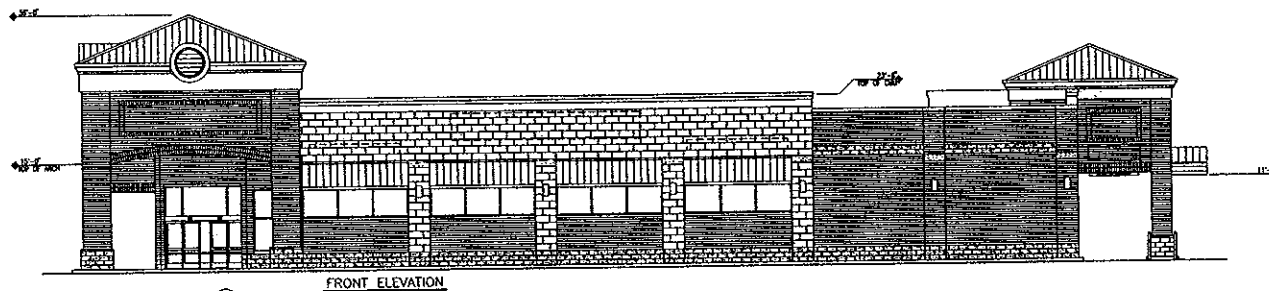
DRAWN BY: R. SINGLETON

APPROVED BY:

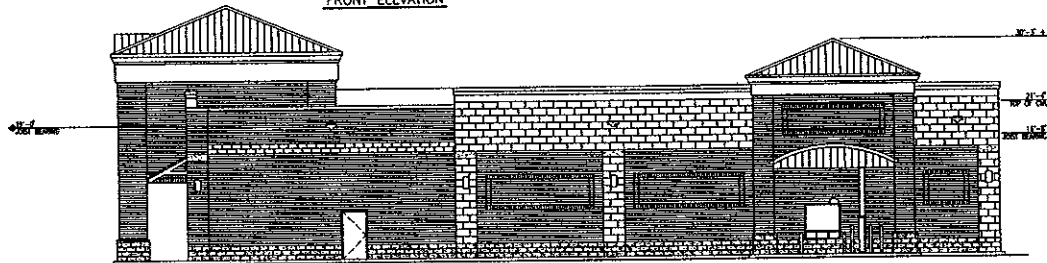
SHEET 1 OF 1

FIELD SURVEY DATE
N/A

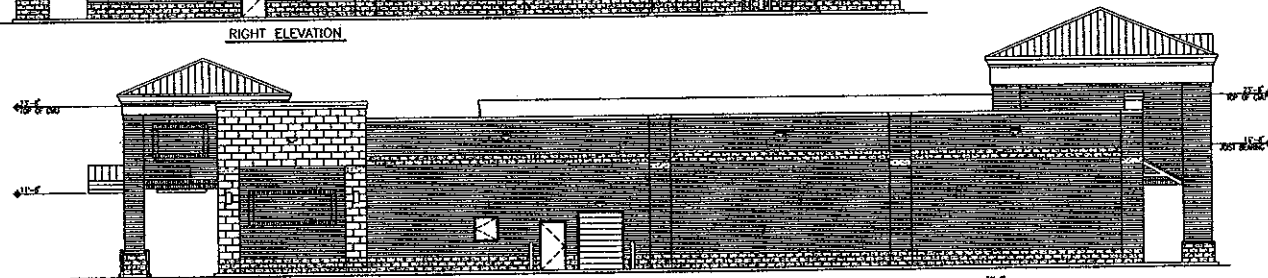
RE-ZONING EXHIBIT SITE OVERL



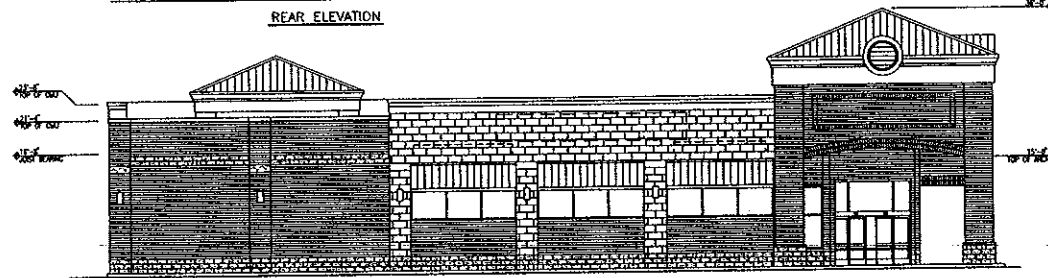
FRONT ELEVATION



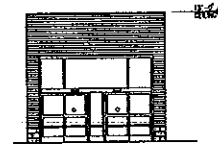
RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



FRONT TOWER ELEVATION

Received
 JAN 26 2005
 Office of City Planner
 Peachtree City, GA

NOTES:
 • ELEVATIONS ARE CONCEPTUAL AND MAY BE ADJUSTED TO MATCH SITE PLAN.
 • ALL WALL PACE SHOWN TO REFLECT DOWNWARD.
 • SHOWN AREAS ARE SHOWN AS DASHED BLOCKS. FINAL SHOWN AREAS TO BE DETERMINED SEPARATELY TO THE CITY OF PEACHTREE CITY.

WALGREENS
 Peachtree City, GA

Lyman
 Davidson

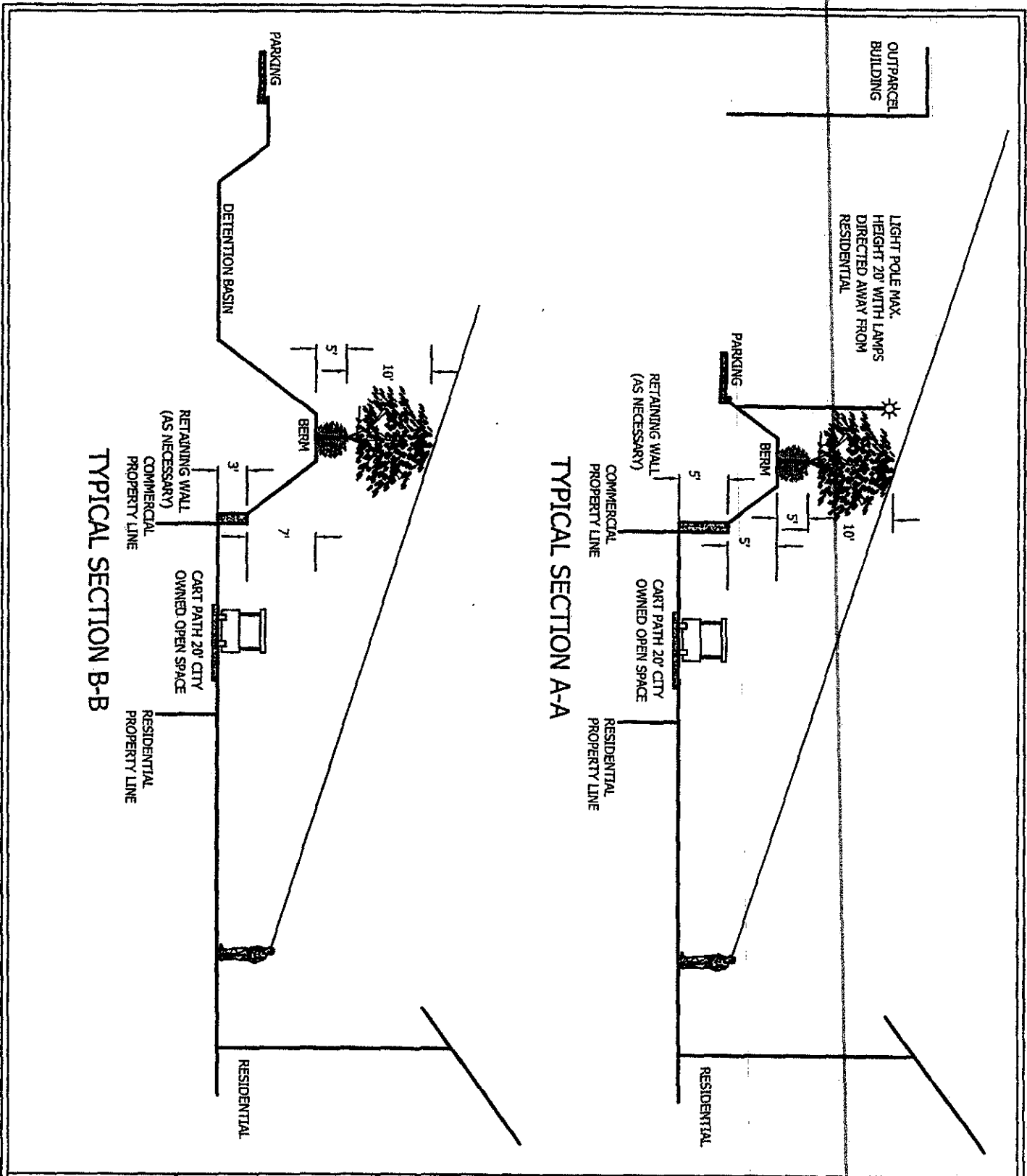


EXHIBIT FOR COMMERCIAL NET LEASE REALTY SERVICE		CONCEPT CROSS SECTIONS WALGREENS	
ashford engineers, inc.		DRAWN BY: R. SINGLETON	SCALE: N.T.S.
1995 North Park Place, Suite 450 Atlanta, Georgia 30339 Tel. (770) 435-2733 Fax. (770) 435-7639 civil engineers - land planning - development services		APPROVED BY:	DATE: 10-15-04
SHEET 1	OF 1	FIELD SURVEY DATE N/A	JOB NO. G6009

Christ Our Shepard Lutheran Church- Preliminary traffic data

The site is located on the northwest corner of the intersection of State Route 54 and Peachtree Parkway. This preliminary traffic data has been generated in order to analyze the effects of a Walgreens store on the site. Thus, assumptions have been made. We were provided daily traffic count numbers for locations northeast and southwest of the site on State Route 54, and locations northwest and southeast of the site on Peachtree Parkway.

The primary assumption, based upon peak operating hours, is that the business could produce approximately 1,488 trips daily. These 1,488 trips were then adjusted for assumed direction of traffic flow through the intersection of State Route 54 and Peachtree Parkway to and through the site.

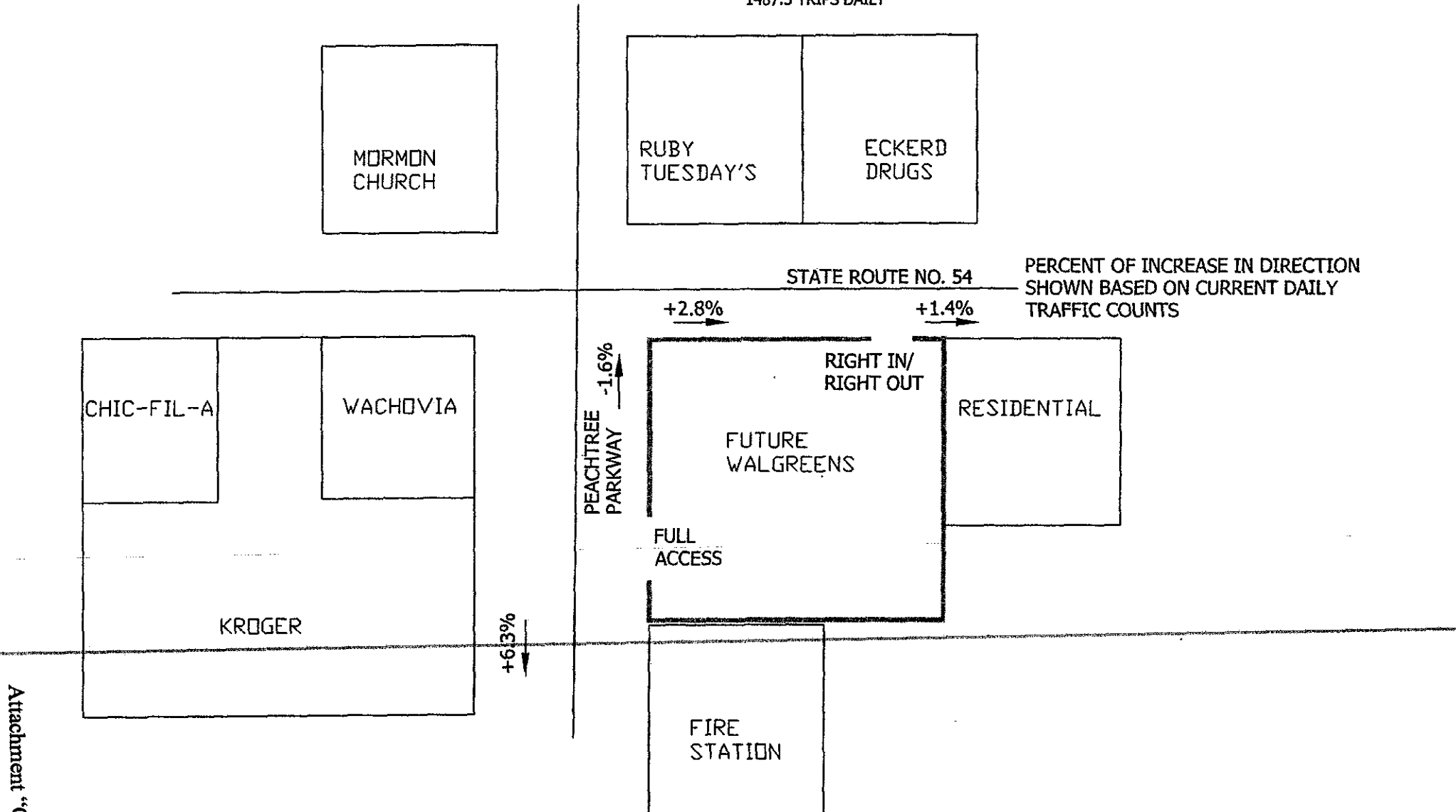
Analyses of these flows indicate that there will be minimal increase in traffic through the intersection of State Route 54 and Peachtree Parkway. Traffic flows southwest along State Route 54 through the intersection will be increased by only 2.8%. Traffic through the intersection from vehicles traveling southeast along Peachtree Parkway will be decreased due to site pass-through that will utilize this site to bypass the intersection. Traffic flow northwest along Peachtree Parkway after the proposed driveway for the site will be increased by approximately 6.3% or 251 daily trips.

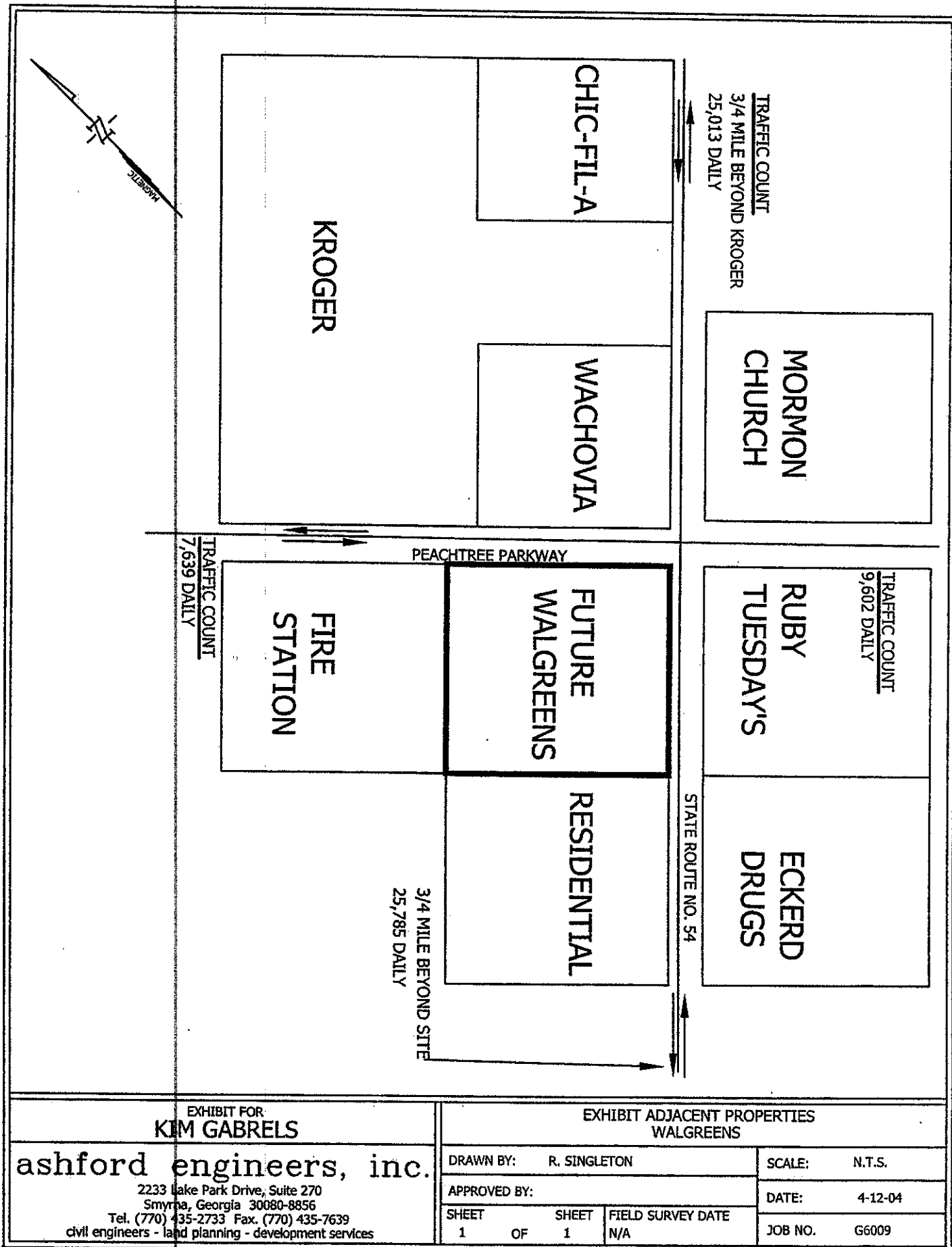
The right-in / right-out driveway proposed on State Route 54 is essential to facilitate safer traffic flows. This drive will allow traffic traveling southwest on State Route 54 to pass through the intersection and make a right turn into the site rather than turning right onto Peachtree Parkway and then making a left turn into the site against traffic at an un-signalized drive. If traffic is required to make this un-signalized left turn it will disrupt the flow of traffic northwest on Peachtree Parkway and in turn complicate traffic flows through the entire intersection. This right-in / right-out driveway will also allow for traffic entering the intersection from the southeast on Peachtree Parkway to make a signaled left hand turn and make the right into the site.

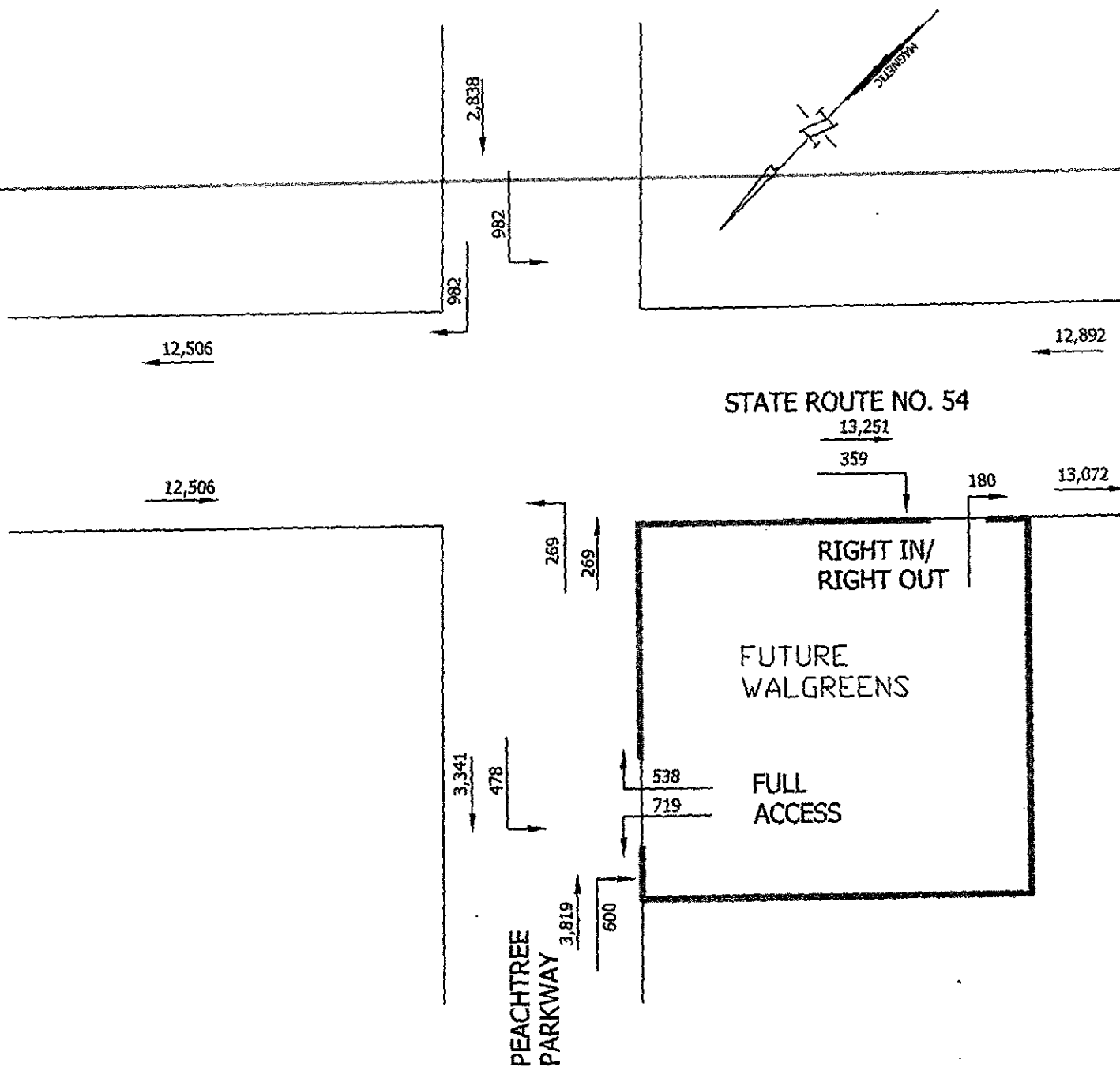
ASSUMPTIONS BASED ON GENERATED TRIPS OF
140 IN/ 140 OUT PEAK HOUR

9:00 PM TO 6:30 AM	35/ HR	X 9.5 HR	= 332.5
6:30 AM TO 8:00 AM	50/ HR	X 1.5 HR	= 75
8:00 AM TO 9:00 AM	140/ HR	X 1 HR	= 140
9:00 AM TO 4:00 PM	70/ HR	X 7 HR	= 490
4:00 PM TO 5:00 PM	100/ HR	X 1 HR	= 100
5:00 PM TO 6:00 PM	140/ HR	X 1 HR	= 140
6:00 PM TO 9:00 PM	70/ HR	X 3 HR	= 210

1487.5 TRIPS DAILY







Christ Our Shepherd Lutheran Church

P.O. Box 2189, 101 Peachtree Parkway N.
Peachtree City, GA 30269
(770) 487-8717

December 20, 2004

Mr. David E. Rast ASLA
City Planner
City of Peachtree City
153 Willowbend Road
Peachtree City, Georgia 30269

Re: Proposed Rezoning and Amendment to The City Land Use Plan by Christ Our Shepherd Lutheran Church

Dear David,

We have been advised that our pending application for the rezoning of the church's current site from Office Institutional to Limited Use Commercial, should be accompanied by an additional request to amend the Peachtree City Land Use Plan and Map from its designation of "Community Service" to "Commercial". Please accept this letter as an official petition by our church to so amend the Land Use Plan and Map.

It is our understanding that consideration of the amendment to the Land Use Plan and Map to show this site as "Commercial" from its current designation of "Community Service" will be held concurrently with the Public Hearings scheduled for the rezoning application. At the present time, we are anticipating that the Planning Commission Public Hearing will be held on January 24, 2005.

Please advise us of any additional requirements and/or procedures that should be accomplished to complete the process. We appreciate your time and consideration on this matter.

Sincerely,

Richard P. Klein

Richard P. Klein
President
Congregational Council

Attachment "B"

December 21, 2004

Application No. 003

REZONING APPLICATIONS

Location of Property Peachtree Parkway North -adjacent to
Lutheran Church Property

Date Presented to City Clerk Submitted by City for rezoning

Fee Paid \$ 0

Zoning Requested From AR to OI

Date Advertised In Paper 2/11/81

Date Signs Posted 2/11/81

Date Heard by Planning Commision 3/2/81

Date Heard by City Council 3/5 /81 called hearing

Date Advertised in Paper by City Council 3/11/81

Date Signs Posted by City Council 3/11/81

Date Public Hearing Held 3/27/81

Action Taken Approved by Council - 3/27/81

Rezoning Approved ✓

Rezoning Disapproved

Other Comments:

Zoning Administrator

Date

Application No. 004

REZONING APPLICATIONS

Location of Property Peachtree Parkway & Highway 54

Date Presented to City Clerk _____ Submitted by City to zone to
proper classification
Fee Paid \$ 0

Zoning Requested From AR to OI

Date Advertised In Paper 2/11/81

Date Signs Posted 2/11/81

Date Heard by Planning Commision 3/2/81

Date Heard by City Council 3/5/81 called hearing

Date Advertised in Paper by City Council 3/11/81

Date Signs Posted by City Council 3/11/81

Date Public Hearing Held 3/27/81

Action Taken _____

Rezoning Approved _____

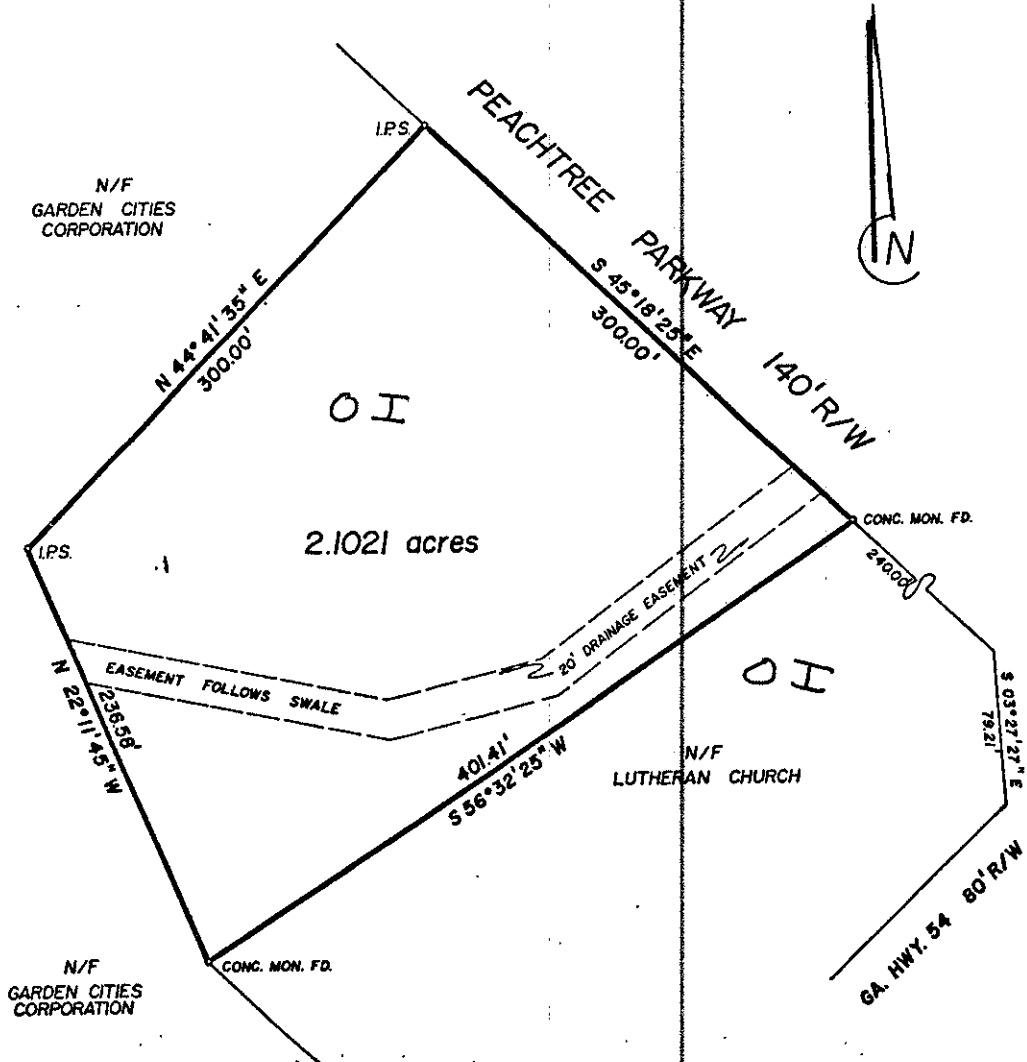
Rezoning Disapproved _____

Other Comments: _____

Zoning Administrator

Date

EXHIBIT "A"



PREPARED FOR
CITY OF PEACHTREE CITY
 LAND LOT 99 7TH DISTRICT
 FAYETTE COUNTY, GEORGIA
 SCALE 1"=50' 2/14/79



The field data upon which this survey is based has been computed for closure by the sides and departures and has a closure greater than one foot in 100,000 ft. and an angular error of 0.05 for angle point, and the NONE has been used for adjustment. A 200' STAFF was used to obtain linear measurements and a 20' TRANSIT was used to obtain angular measurements.

It is my opinion, that this plot is a true and correct representation of the land platted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 100,000 ft.

JRW
 J.R. Wood, R.L.S. No. 2048
 Member Surveying and Mapping
 Society of Georgia

Miller-Rosetti

He felt the two issues that kept coming up were the existing uses of the property in the area and it has come out clear that the existing uses are residential. The land use plan has also shown residential uses in that area. Another subject that has been raised and is on the checklist is the gain to the public as compared to the property loss or hardship in value of property owners in the surrounding area. He agreed with some of the statements about the need for commercial development and increased competition but he questioned as to whether that benefit outweighed the hardships that would be caused to the other residents in the area and to the community as a whole. Other points were traffic control with the school being built in the area. Thomas felt the commercial development in that area would be out of scale with what is planned for the community.

Thurman commented that his vote was based on the Clarke County checklist.

Chairman Thomas called for vote on the motion and motion was defeated with Strickland, Houghton and Wells voting aye; Heil, Wilde, Graw and Thurman voting nay.

Wilde explained that his vote was based on the Clarke County Checklist and the blanket presentation of the commercial area.

Chairman Thomas asked the applicant, Jack Miller, if he would want to consider any modification of his request that could be considered by the Planning Commission and forwarded to City Council.

Mr. Miller asked that the plan remain as submitted. Thomas explained that the action of the Planning Commission will be forwarded to City Council for their public hearing.

PUBLIC HEARING - FIRE STATION SITE AND LUTHERAN CHURCH

Chairman Thomas opened public hearing on zoning for the proposed fire station property and the property on which the Christ our Shepherd Lutheran Church is located on Peachtree Parkway North. Zoning proposed is from Agriculture Reserve to Office Institutional. The purpose of rezoning the church property is to place it in a proper zoning and take it out of a non-conforming use category. Chairman Thomas reported that he has spoken to the church council and they agree with the action.

The floor was opened to the public for comments and there was no public input on the zoning applications.

Strickland asked for site plan on the fire station to show how the station would be built. Councilman Jack Barrett presented plans on site development for Planning Commission review. After review Strickland expressed objection to the entrance to the fire station feeling that it should be in line with the entrance to the Peachtree Crossing Shopping Center entrance. He felt it would be compounding the traffic problem in that area and wouldn't want to spend city funds in the wrong way. Mr. Strickland also expressed concern about the exterior finish of the building.

Motion was made by Thurman that recommendation be forwarded to City

Zoning Continued:

Council that 5.13 acres be zoned from AR to OI. Motion seconded by Houghton. Chairman Thomas pointed out that the 5.13 acres includes the Lutheran Church property and the fire station property. Heil stated that he had no problem with the zoning but did feel that Strickland had made good points with the fire station building and felt that the city itself should set an example as to what it expects others to comply with. Strickland stated that he hoped that City Council would be as concerned as he is about the use of materials on the building and the appearance of the fire station building. He expressed the wish that City Engineer Kopns were present to discuss the project as he didn't think it was as well thought out as it could or should be and additional study should be done on it. Graw pointed out that warning lights were planned for the site and suggested that another light be placed at the intersection of the shopping center and Peachtree Parkway and another on Peachtree Parkway North. Houghton also expressed concern about the safety of the location.

Chairman Thomas stated that all these concerns would be forwarded to City Council along with recommendation on zoning.

Motion carried unanimously.

OTHER BUSINESS:

Chairman Thomas pointed out that members must let it be known if they do not plan to attend the workshop meetings. If enough are not available on a chosen night it might be to the advantage of the Commission to change the meeting to another time.

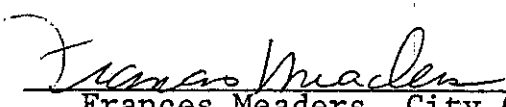
SPECIAL CALLED MEETING

Chairman Thomas explained that Pitney-Bowes is planning to build a facility in the city and PCDC has requested that a special meeting be set up for a zoning change. Special meeting date was set for March 30th at 7:30 P.M..

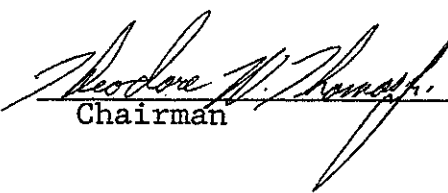
ZONING BOARD OF APPEALS

Commission discussed the proposed ordinance establishing the zoning board of appeals and Chairman Thomas asked for written comments before the next workshop so that a draft document may be prepared.

There being no further business the meeting was adjourned.



Frances Meaders, City Clerk



Chairman

Attest

safety problems.

3. Commercial development in this area is contrary with the future land-use plan for Peachtree City and with the established surrounding residential use patterns.
4. Commercial development would create an isolated district, unrelated to and detrimental to the residential character of the area.
5. Commercial development in this area would be "out-of-scale" with the needs of the community. Existing commercial districts in "Aberdeen", "Peachtree Crossing", and the Highway 54/74 intersection, are adequate to supply the central area of the city. Future commercial areas in Village III and possibly the north end of the city are envisioned by the commission.
6. The public welfare would be adversely affected by allowing commercial development in this area (i.e. Living conditions, traffic congestion, safety, and property values) while granting a special privilege to the requesting developer.

When a modification was suggested for the commercial district, changing it to a reduced area of office institutional zoning and increased acreage of GR-14, Mr. Miller stated that he would submit his request unchanged for council consideration. As directed by the vote on the motion, the Planning Commission would recommend a denial of this request.

Lutheran Church and Fire Station Site

The Planning Commission was unanimous in their support for office institutional zoning for the area in question. During the discussion of this motion the matter of aesthetic quality and building material was discussed. This still appears to be a matter of great concern to some commission members, and a review of their input should be considered prior to building construction.

P. H. Miller
3/27/81

While reviewing the proposed site plan for the fire station, concern was expressed by the commission on the safety of the planned ingress-egress drive. While understanding the problems of topography (drainage ditch), the commission feels every effort should be made to locate the drive opposite the shopping center drive/cut. The City Engineer was not present at this portion of the meeting for consultation but should be called on for review.

The safety of this area is in question when the drives are not cross-related and the highway itself diminishes from

Memorandum - (continued)
3/4/81 - Page #3

four lane divided to two lanes at the same point. Several suggestions relating to this area were made such as additional signal lights and additional four laning. Perhaps a traffic engineer could be consulted for review and assistance.

The Planning Commission recommends the area in question be approved as a office institutional district.

MINUTES OF MEETINGSPECIAL CALLED MEETING - CITY COUNCIL OF PEACHTREE CITY, GEORGIA
March 27, 1981

A special called meeting of City Council was held on Friday Night, March 27, 1981, at 7:30 P.M. in the Municipal Building for the purpose of hearing two zoning requests.

Mayor Protem, Jack Barrett, called the meeting to order in the absence of Mayor Frady who was out of town. Those present were: Jack Barrett, David Good, Mary Kaurin and Howard Morgan.

Barrett explained that the hearings were for zoning of the property of the Christ our Shepherd Lutheran Church and adjacent property to be used for construction of second fire station and for 115 acres on McIntosh Trail. The first application was for zoning of land for fire station and to put the Lutheran Church in a proper zoning classification and the second application was submitted by Peachtree City Development Corporation.

CHURCH AND FIRE STATION PROPERTY

Barrett explained that the proposed zoning for the church property and fire station was Office Institutional (OI) from Agriculture Reserve (AR) and called for comments from those in attendance. Ted Thomas, Chairman of the Peachtree City Planning Commission called attention to the concerns of the Planning Commission regarding the entrance to the fire station and asked if it could be better lined up with the entrance to the shopping center across Peachtree Parkway. Barrett reported that the City Engineer is still working on plans for that area and all the concerns of the Planning Commission are being taken into consideration including warning lights.

Motion was made by Morgan that the proposed rezoning for the before-mentioned land be approved. Motion seconded by Kaurin. Motion carried unanimously.

MCINTOSH TRAIL REZONING - 115 ACRES

Barrett reported that PCDC has requested a rezoning of 115 acres located on McIntosh Trail with 30 acres at Robinson Road and McIntosh Trail to be zoned R-22. The adjacent 85 acres are to be zoned R-12. Ted Thomas reported that following concern expressed by the residents of Robinson Road area, the property at Robinson Road and McIntosh Trail was changed from R-15 to R-22 zoning. He also expressed concern about future development down Robinson Road and stated that the Planning Commission has discussed it to some extent but questions could not be answered at the meeting.

Mr. Paul Dewsnup expressed a lack of confidence in what is going to be developed on down Robinson Road to Robinson Bend Estates. He felt there should be an orderly pattern of zoning but didn't feel there was evidence of same. He felt the property bordering Robinson Road should be R-43 - not R-22.

Doug. Mitchell and Jerry Peterson, representing PCDC, explained that all of this area was land use planned following a number of public

GLENLOCH STUDY AREA

NORTH PARKWAY NEIGHBORHOOD, G-I:

TRACT		EXISTING LAND USE	PROPOSED LAND USE	NOTES
1.	Executive Conference Center LUC-1	Commercial	Commercial	
2.	Flat Creek Golf Course	Open Space	Open Space	
3.	Highlands R-12	Single-Family Medium Density	Single-Family Medium Density	
4.	Christ Our Shepherd Lutheran Church OI	Community Service	Community Service	
5.	Neely Fire Station OI	Community Service	Community Service	
6.	Rosemont R-12	Single-Family Medium Density	Single-Family Medium Density	
7.	Peachtree Crossing Shopping Center GC	Commercial	Commercial	
8.	Peachtree Point Shopping Center GC	Commercial	Commercial	
9.	First Union Bank GC	Commercial	Commercial	
10.	Newnan Savings Bank GC	Commercial	Commercial	
11.	Chick-Fil-A GC	Commercial	Commercial	
12.	McDonald's, Glenloch Store GC	Commercial	Commercial	
13.	Greensway R-12	Single-Family Medium Density	Single-Family Medium Density	

Old quarries, gravel, and sandpits and other mining sites, when properly reclaimed, should have second lives as recreational areas for swimming and boating.

● Future Land Use Patterns

Development of Peachtree City around four village centers should and will promote the basic development concepts described in Chapter One. Crucial to this idea are:

1. Mixed-use, and
2. Step-down development.

Mixed-use involves the proximity of various uses in a compatible manner. The village centers should include retail, office and community facilities and be situated at major intersections. The neighborhood activity centers are smaller versions of a village center, and decentralized to convenience, energy conservation and promoting a sense of neighborhood. In both instances, adjacent developable land should be in the form of residential development of sufficient density to support the village center or neighborhood activity center. Further distances should be developed as medium density single-family, providing a transition to outlying areas of large lot, low density single-family development.

Village Centers. The village centers should provide the major convenience retail shopping, local office space, community recreational and educational activities that will be used by residents on a daily basis. The village centers will vary in size of retail activity dependent upon road access and population served.

In terms of community, recreational and educational uses, the concept of multiple-use is basic to the planning of the village centers. The multi-use of these facilities will assure a high utilization and provide an opportunity to intensify activity and contact among people. Such multiple-use reduces the unnecessary duplication of facilities and, thus frees resources for additional programs or specialized facilities.

To achieve the multiple-use of school facilities, the junior and senior high schools should be physically related to each other whenever possible. A part of each secondary school should be available for use by residents for community activities such as recreation, adult education, cultural and entertainment events conducted in the evenings, weekends and vacations.

The village centers should be located at points of special amenity and high accessibility. All centers should be linked by the path system and primary roads. The range of facilities at the village centers includes: secondary schools, commercial and office space, religious facilities,

health clinic, recreational and community facilities. The magnitude and variety of activities should vary at each center with site conditions, size of population served, and level of accessibility.

Appropriate mix of uses at each village center should promote shared use of the following facilities:

- Retail
- Office space
- Community facilities
- High school and/or junior high school
- Early learning and/or adult education
- Religious facilities
- Banking institutions
- Recreation facilities
- Medical clinic
- First aid and/or emergency medical services
- Shared parking
- Path link to residential areas

Neighborhood Activity Centers. A small, decentralized version of the village center should be constructed at various locations around the city. These neighborhood activity centers (NAC) should be convenient, easily accessible, and provide a variety of activities. Multi-use of facilities should be emphasized. Basic components include day care, a community meeting room, neighborhood recreation, post office, and small commercial activity. The intention of the neighborhood activity center, so organized, is to enhance local neighborhood relationships based on an understanding of the social organization of the community, and the role the neighborhood can play in the lives of adults and children.

The NAC should be architecturally flexible to reflect the dynamic needs at the neighborhood level. These structures may be modular units, capable of alterations as needs change.

Appropriate mix of uses at each NAC should promote the shared use of the following facilities:

- Convenient store
- Community meeting room
- Early learning, elementary school, or adult education
- Recreation
- Post office
- First aid
- Shared parking
- Path link to residential areas

Map 20 illustrates the development concepts relative to mixed-use village centers, neighborhood activity centers and the step-down principle.

UNAPPROVED EXCERPT OF MINUTES

PLANNING COMMISSION MEETING

APRIL 11, 2005

PUBLIC HEARING

The 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-05-01 Proposed Land Use Map Amendment and Rezoning, Christ Our Shepherd Lutheran Church Tract, GA 54 East and Peachtree Parkway.

Mr. Ted Thomas, a resident of Peachtree City and a member of the Church's Building Committee as well as a former member of the Planning Commission, addressed the Commission. He noted that when he was a Commissioner, they dealt with development whereas now the Planning Commission had to deal with redevelopment. He said the Church wanted to show how their property at the northwest corner of the intersection of GA 54 East and Peachtree Parkway could be redeveloped in a way that would benefit both the Church and the community. He expressed his appreciation to Mr. Rast and Mr. Stricklin for the hours they had spent over many months in discussions about what could be done to make this a win/win situation for the Church and the City. They were surprised and disappointed in Staff's negative recommendation to their proposal.

The Pastor for Christ Our Shepherd Lutheran Church, John Weber, presented a brief history of the Church which began holding services in 1974. He explained how the congregation had grown and they had expanded their 3.1-acre property to the point that no further expansion was possible on this site. He noted the limitations to their present and future ministries that had resulted as well as the difficulty of providing adequate parking.

Pastor Weber noted that four years ago, a Vision Team was put together to look at their future ministry. Their recommendation was that the Church seek land to expand their ministries and their space. He noted that they had always been a part of Peachtree City and sought to minister to the needs of the community by expanding their ministries to children, youth, young adults, and the aging population of the City.

Mr. Thomas then explained the different options that had been considered. The possibility of expanding their present site was dismissed because it would, in essence,

eliminate all of the landscaping and buffering that was presently on the site. In addition, the Church would need to acquire additional land from the Fire Station, and this option had since become very improbable. To try to expand in their current location, everything on the lot would be either a building or a parking lot; and this still would not provide sufficient parking or address the need to expand their present ministries. The ultimate recommendation was that the Church needed to relocate.

Mr. Thomas pointed to the report they had provided to City Staff and the Planning Commission. He emphasized that they had been extensive in their efforts to research their options, and their decision to relocate was not an easy one. He added that it had been made by 80 percent of the church members who attended the congregational meeting they had called for this purpose. After this decision was made, they also decided to create certain use restrictions and pursue Limited Use Commercial LUC zoning rather than General Commercial GC for the proposed Walgreen's store.

Mr. Thomas stated that they also tried to meet with the nearby neighbors to come to a joint solution as to what would be best for this corner. He felt they had done everything they possibly could. Their biggest disappointment was that they had not been able to convey their full commitment to expanding their ministry, and this commitment ultimately meant they would relocate. Regardless of the outcome of the rezoning request, they were committed to the growth of their ministry and wanted to provide for the recreational needs of the church as well as adequate and sufficient parking. He reiterated that they were trying to create something that was really good for the neighbors, the community, and for themselves.

Mr. Newton Galloway of Galloway and Lyndall in Griffin, Georgia, was in attendance to represent the Church as their legal counsel. He noted that he was an attorney who worked in zoning and also did regulatory work at the Public Services Commission. A Planning Analysis had been provided to Staff and the Planning Commission as part of the document they received prior to this meeting. Mr. Galloway noted that this analysis had been prepared by Mr. Bill Johnson of Strategic Planning Initiatives LLC. An appraisal of the property had also been conducted by Mr. James Lawton, MAI, of Macon; and copies of this were provided as well.

Mr. Galloway stated that the analysis of this rezoning request must begin and end with what the City Ordinance said in Section 1304(1)(d). He noted that this analysis could not be based on factors such as the number of people who attended the hearing, the number

of people who supported or opposed the proposal, the number of signatures on a petition, newspapers editorials, or statements about covenants. He said that, as he understood the law, zoning was supposed to be based on land use analysis which was based upon the factors set by State law and the City's Ordinance. He added that although the other factors might create public attention and political controversy, they were irrelevant to the decision.

Mr. Galloway continued his presentation with a discussion and analysis of Staff's recommendation. He noted that the Staff recommendation did not reference Section 1304(1)(d) but addressed the following six points which were the basis for Staff's recommending that the proposed Land Use Map amendment and rezoning be denied:

1. *The current zoning of the property does not prohibit the development or redevelopment of the property to a use that is permitted within the OI Office/Institutional zoning district.*

Mr. Galloway noted that the Church was currently a non-conforming use which could not expand or enlarge because their property no longer met the three-acre minimum required by the OI zoning. Even though a variance would probably be granted for this exception, he questioned how the property could be expanded. He thought adding to the height of the building or constructing a parking deck would be more abusive and intrusive than what they were proposing.

Mr. Galloway stated that operating under the existing zoning could have very significant ramifications to the people opposing this rezoning, the property owners that adjoin this parcel of land. He added that just because it could be used, it did not mean it made common sense. He said from the time he was first consulted on this case, he identified it as a density issue – too many Lutherans to the acre.

2. *The proposed development is not consistent with the village master plan adopted by the original property owner and enforced through the years by various Planning Commission and City Council members.*

Mr. Galloway considered Points 2 and 3 simultaneously, and they are discussed below.

3. *The proposed development provides for an expansion of rather than a concentration of a village center.*

Mr. Galloway contended that the Land Use Plan specifically identified the intersection of GA 54 and Peachtree Parkway as the existing Glenloch Village center. The Land Use Plan guidelines provided that Glenloch would be one of four village centers which would be the primary commercial and office areas in Peachtree City. He continued that the Land Use Plan also provided that commercial village centers would be located at major intersections and along major thoroughfares to discourage strip commercial development. He said that was exactly what was proposed in this case. Mr. Galloway maintained that the intersection where the Church was located was in the Glenloch Village center and that the proposed development was consistent with the Village Master Plan, the Land Use Plan, and the City's Ordinance. He noted that the authority given to the City under LUC zoning would allow them to control the uses on the property and were much more expansive and authoritative than under OI. He said the reality was that the intersection of GA 54 and Peachtree Parkway was the village center, and it was ultimately intended to be commercial under the Land Use Plan.

4. *The Applicant has not demonstrated how the proposed development is needed in order to meet the needs of the residents as required for consideration of a commercial development.*

This item was discussed simultaneously with Item no. 5.

5. *The Applicant has not addressed how the proposed duplication of other uses available within the village center will maintain a proper balance of different land uses as required.*

Mr. Galloway contended that this criteria was nonexistent in the Zoning Ordinance. He said the ultimate issue before City Council would be zoning, and it was assumed the market would decide the nature and the manner of commercial uses that would be developed.

6. *The proposed development is not consistent with the goals and objectives adopted as a part of the City's Comprehensive Plan and Land Use Plan.*

Mr. Galloway stated that the Land Use Plan identified the Lutheran Church property as Community Service, a designation that was applied retroactively in 1995 to all churches regardless of whether they were located at a village center. He said he had been through all of the old Land Use Plans and found that since approximately 1970 to 1975, the property had been planned for commercial development. Mr. Galloway further contended that he found it interesting that the property in this area was not necessarily planned for commercial development until a developer showed up to build Peachtree Crossings. He also felt that Community Service was inconsistent with the Land Use guidelines dealing with village centers.

Mr. Galloway proceeded to analyze the rezoning request based on the criteria in the Zoning Ordinance Section 1304(1)(d) which he felt were not assessed in the Staff's report. His facts were based on the findings of the Johnson report and covered the following items:

- *Whether the zoning proposal is in conformity with the policy and intent of the land use plan;*

This issue had previously been addressed under Item 3 above.

- *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;*

The Johnson Report found that LUC zoning was appropriate in view of intense commercial use and development of adjacent and nearby property, Peachtree City Crossing Shopping Center, Eckerd's, Ruby Tuesday's, and Edward Jones.

- *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;*

Mr. Galloway noted that the property use closest to the Highlands Subdivision would remain an OI use. He added that the Church and the developer would prefer that property continue to be zoned OI. However, it was not possible to split the tract and comply with the Zoning Ordinance. He added that the uses next to the residences would remain OI but with control because there was a

proposed plan for site development. He pointed out that the Church and the OI zoning were in place before the Highlands Subdivision was built.

Mr. Galloway added that the Lawton Report stated that there was no market evidence that houses that backed up to commercial development on Highway 54 sold at a discount compared to other homes in the neighborhood and that there was no reason to believe that homes that backed up to this development would be discounted by the market.

- *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;*

Mr. Galloway stated that information from the Fayette County Tax Assessors office put the market value of the Church property at \$3.1 million. The Lawton Appraisal Report stated that the market value of OI property in Peachtree City was \$175,000 to \$250,000, a differential of \$2.3 to \$2.5 million on a 3-acre site. Mr. Galloway used a formula he said showed that a market rent of \$25/foot would be required to make investment in OI property profitable compared to the current rate of \$19 to \$21/foot for Class A space in the City. He stated that the Lawton Report concluded that LUC zoning was a reasonable and probable use that supported the highest present value of the land; and in the appraiser's opinion, there was no reasonable use of the property zoned OI.

- *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;*

Mr. Galloway stated that there would be minimal traffic impact and that redevelopment would facilitate traffic flow with a right turn in and out on GA 54. He said there would be no impact on the schools.

- *Whether there are other existing or changing conditions affecting the use and development of the property which give supportive grounds for either approval or disapproval of the zoning proposal.*

Mr. Galloway contended that this proposal was consistent with the village center plan and the site plan development controls that could be imposed under LUC zoning.

Mr. Galloway stated that State law basically required a balance between the hardship on the property owner when they could not use the property under the current zoning against the hardships on adjoining property owners as a result of rezoning. The analysis contained in the Johnston Report supported rezoning the property.

In summary, Mr. Galloway stated that, when properly applied, this rezoning application was supported by the City's Land Use Plan, the City's Village Center development concept, and analysis under Section 1304(1)(d). He said there was no evidence that there would be any harm to the adjoining property owners and that there was plain, clear, and convincing evidence that the property could not be economically used under OI zoning. He repeated that the test was application of the ordinance rather than emotion, rumor, or speculation; and he felt the law supported rezoning the property.

Mr. Lane Ramsfield of Commercial Net Lease Realty Service, Inc., the developer of the property, was in attendance to provide a business perspective to the redevelopment of this property. He stated that the following individuals were available to answer questions if necessary: Ms. Debbie Harber, District Manager of the Atlantic South District for Walgreen's; Mr. Steve Lyman of Lyman, Davidson, Dooley, the architect, and Mr. Rodney Singleton and Mr. Steve Tate of Ashford Engineers.

Mr. Ramsfield stated that they came to this project with the expectation that they would have to work with the community and that there would be various opinions for and against their project. He said that by listening to the opposition, the staff, and the community leadership, they felt they had come up with something that worked for the community as a whole.

Mr. Ramsfield noted that the current use of this property was a church, but he pointed out that it was also a continuing operation seven days a week. He stated that from a business perspective, to be able to use this property as OI was economically challenging.

Mr. Ramsfield compared the existing site conditions with what was proposed. He said that the Church was adamant that there be specific property restrictions associated with the redevelopment of this site. There would be two separate buildings and two different

out lots. He said their site plan would reduce the amount of impervious surface on the site, and the property would be designed so that stormwater would be controlled.

Mr. Ramsfield reviewed the factors that influenced their selection of a site for development: economic feasibility, location, parking, visibility, accessibility, etc.

He stated that Peachtree City had a solid income base and was attractive to many developers. They believed that as Baby Boomers began to retire, they would stay in this area and there would be a continuing demand for prescriptions. They also specifically looked at the intersection of the site which they felt, as currently developed, was already a busy intersection that handled approximately 35,000 cars a day.

Mr. Ramsfield said they had met with the neighbors and City Staff regarding the details of the site plan and building elevations, and they had tried to address all of their comments in order to accommodate the needs of the community and had also tried to emulate what was in the Highway 54 Overlay District in their building design.

Mr. Ramsfield then reviewed the specifics of their site plan.

- There would be two buildings, the one on the corner being a Walgreen's freestanding drug store facility of approximately 14,950SF. The outbuilding of approximately 13,000SF would be for uses particular to the OI zoning.
- There would be a reciprocal easement agreement that would make both parcels function as one.
- The buildings would be similar architecturally.
- The cart paths would be integrated into the site. A new cart path would be built; the current path would not be abandoned.
- Landscaping would be improved.
- Right-of-way traffic controls would be installed.
- Signage would be increased.

Mr. Ramsfield noted that their design was not complete and that this was a conceptual plan. He felt improvements were needed relative to the traffic to and from the church and stated that they would like to make those improvements so this would be a safer intersection.

Mr. Ramsfield also stated that they would be working with the City to design landscaping or a monument that would enhance the corner; he said it would be some type of "welcoming" design. He noted that they did not plan to disrupt the landscaping along Highway 54 "whatsoever, minimally."

Mr. Ramsfield stated that they recognized that one of the big issues was the residential property on the other side of the cart path, and they knew they would have to buffer it with earth berms; filling; retaining wall work; low-level, thick landscaping as well as various trees. He said they planned to attempt to use the outbuilding as a barrier to help control light and sound pollution. He added that they had worked through several renditions of their building design with City Staff and what they were proposing was specific to Peachtree City. He said this Walgreen's building would be unlike any they had elsewhere. Although it was not a requirement of this property, Mr. Ramsfield stated the design was very similar to the Highway 54 Overlay District.

Mr. Ramsfield also stated that from a business perspective, this project was not a financial windfall for the developer, Commercial Net Lease Realty Service. Walgreen's was going to be the fee owner of the property. They would be paying for this project and wanted to be a member of the community.

Although they had not done a full-blown traffic study, Mr. Ramsfield stated that they felt the traffic impact of their development would be very minimal.

In conclusion, he stated that their intent was to bring something to the community that was architecturally in line with Highway 54, economically viable, and an OI usage on the out parcel.

Pastor Weber stated, in summary, that their decision to move ahead with this request was based on two things, their ministry calling and rezoning this property in the best way. They felt the LUC zoning was the best way because it gave them and the City the opportunity to say what could be developed. He said they also wanted to take care of the residents to whom they had been good neighbors and who had been good neighbors to them.

Mr. Rast presented the Staff position on the proposed rezoning. He noted that this was an emotional issue for a lot of people, and he agreed with Mr. Galloway that it was necessary to keep emotion out of the review process. A lot of research was required in

order to meet Staff's goal of providing factual information for this review. They had met on a number of occasions with both representatives of the Church and the nearby subdivision. They also spent a lot of time in the History Room of the Library researching some of the City's original documents as well as some of the office files so that the information provided could be as factual as possible.

Mr. Rast stated that Staff had been discussing issues related to redevelopment with the Planning Commission and City Council for some time, i.e., what direction we wanted redevelopment to take, where we thought it was going to occur, and how it would be handled. It was thought that redevelopment would most likely occur in some of the older retail centers and residential areas, but it had actually occurred with some of the newer developments – Boston Market, the Westpark Theater, and Pizza Hut/KFC.

Mr. Rast added that thus far the redevelopment had occurred in strict accordance with the existing zoning and land use designations. That, he said, was the major issue with this particular development because it was not consistent with the zoning or the Land Use Plan.

Mr. Rast further stated that he had looked at how the City had developed, how the Land Use Plan was prepared, and how the Zoning Ordinance was amended. In so doing, he had yet to come across an application where the City had been asked to rezone a property and change the Land Use Plan to accommodate a different development for the site. He reiterated that this was Staff's main concern with this application.

Mr. Rast explained that Staff had identified some other parcels at intersections along the major corridors within the City. He noted that if the theory the Church and their representatives used were applied in other locations, existing office developments such as the Stevens Entry, Prime Point, and Line Creek Office Parks could all disappear and become commercial developments.

Mr. Rast noted that the Church running out of room was a "good problem to have;" other churches in the community also had this problem and had found other ways to address it. He acknowledged that Mr. Thomas had mentioned that Christ Our Shepherd had also explored other options. However, Staff's main concern was upholding the zoning designations and the Land Use Plan -- which the City had fought hard to establish and defend for many, many years -- and not setting a precedent for the future. He did not feel it was in the best interests of the City to start changing the Land Use Plan to

accommodate a commercial development on a site where it may or may not be the best location.

Mr. Rast continued that something else that had been mentioned was that the property as zoned could be developed as OI but that it was not economically feasible to do so. He said his research showed that the Planning Commission had approved over 140,000SF of new office space in the last 18 months that was either under construction or approved and ready for construction. This told him that there was not a glut of office space but rather a need for it, and it was not accurate to say that there was too much office space.

As far as the village centers were concerned, Mr. Rast stated that for years and years, the City had tried hard not to have competing businesses across the street from each other. He did not think you could look at any of the existing village centers and find a competing grocery or drug store across the street from another grocery or drug store, which was exactly what this proposal would create. He did not feel this was the intent of the village plan when it was adopted years and years ago.

Mr. Rast stated that although it had been a pleasure working with the Church and their representatives and they had agreed and disagreed on a lot of different issues, Staff's recommendation was that the rezoning request and the request to change the Land Use Plan not be approved and that the City uphold both the zoning and Land Use Plan for this tract and for future tracts.

In response to a request from Mr. Ray Helton, one of the citizens opposing this rezoning, Mr. Payton reviewed the rules that were being followed for this public hearing. He stated that the Church, the proponents of the rezoning, as a group was allotted 40 minutes to present their request. Staff and another group opposing the request, if there was one, would also be allotted 40 minutes. If Staff did not use all of the 40 minutes and wished to relinquish the remaining portion to one person who would represent the group opposing this recommendation, they could do so. After that time, each person who wished to speak for or against the rezoning would be allotted three minutes to do so. Mr. Helton requested that several people be permitted to speak, but Mr. Payton stated only one person would be allowed. Mr. Galloway stated that the Church had no objections to several people speaking within the time remaining. The Church was allotted 20 minutes for their five people to speak.

Mr. Helton apologized for the confusion. His group did not realize that they might have this opportunity to speak as a group although they had organized in that way. He intended to cover three issues related to this rezoning: the impact of the zoning change, Walgreen's itself, and the Church as the private property owner.

Mr. Helton said the first issue was the impact this rezoning would have on the Land Use Plan. Their group was not as concerned about the impact on the intersection as they were about the impact on the Land Use Plan; they agreed with Staff that this was a City-wide issue. He noted that the portion of Highway 54 from the City's eastern border to the GA 54/74 intersection was a mixed-use corridor with six churches, a lake, the municipal building, fountains, residential development, etc. They looked at this area as the heart of Peachtree City and the focal point of those traveling north and south on Peachtree Parkway.

The second issue Mr. Helton addressed was Walgreen's. He quoted from the first line of their 2003 Annual Report: "We build stores where we want to be rather than where sites happen to be." They felt that this was more about Walgreen's than Christ Our Shepherd. He pointed out that there were already nine pharmacies in the City with a tenth on the way as part of the Target development. He said their group believed that Walgreen's was not so interested in the community as they were in how this location would affect them nationally as they competed with Eckerd's and other drug stores. He added that there were other sites in the City that could be considered.

Mr. Helton agreed that Churches were private property owners with rights. He noted that they already had many opportunities in that they did not pay taxes and could build in any zoning, residential or otherwise. Mr. Helton mentioned that about 3 percent of Peachtree City residents were members of this Church.

Mr. Todd Nigro, a resident who lived in Planterra Ridge Subdivision, read a letter on behalf of his father, Mr. Bill Nigro, who was out of town on business. The letter urged the City not to approve this rezoning application. He noted that he had moved to Peachtree City 15 years ago because of the planned community concept that included a land use plan. In addition, he had written two newspaper articles that had been published in *The Citizen Newspaper* and *The Atlanta Journal Constitution*. He also initiated a petition drive that was picked up by several businesses and numerous citizens. Ninety percent of the people contacted signed the petition indicating that they felt it was not in the best interests of Peachtree City to rezone this land. Mr. Bill Nigro felt it was apparent

that this rezoning was very unpopular with most residents of Peachtree City regardless of where they lived. When he had finished reading the letter, Mr. Todd Nigro presented the signed petitions to the Planning Commission.

Mr. Helton stated that they had not hired legal staff, but Mr. Rob Welch, another Peachtree City resident, presented the citizens' view of the City Ordinances. He felt that for many months, a PR campaign had been waged for this rezoning to try to obscure the true and simple issues surrounding the request. He also felt that throughout the process, the wrong questions had been continuously posed. The question was not about the congregation of Christ Our Shepherd Lutheran Church and whether or not they were a fine group of people and neighbors or whether they should be able to pursue building a new facility to expand their ministry. The question was not about whether Peachtree City really needed a Walgreen's store on this site or anywhere else. After reviewing the City Ordinances for himself, he felt it was very clear and his conclusions were different from Mr. Galloway's.

In addressing the same six points that Mr. Galloway addressed, Mr. Welch stated the following:

- The zoning proposal clearly did not conform to either the policy or the intent of the Land Use Plan.
- The property had always been intended for OI development. A drug store with 24-hour lighting and the operation of noisy service and supply vehicles at unknown hours was not a suitable use in view of residential neighbors less than 150 feet away. He asked, "Would you want this Walgreen's built directly behind your home?"
- To say that this rezoning and this Walgreen's store would not have an adverse effect on values in the Highlands Subdivision was dishonest or choosing to ignore the obvious.
- The Church and Walgreen's had relentlessly pursued this rezoning because it was in the financial interests of both of parties. No significant effort at all had been made to sell the property under the existing zoning because this offer was extremely lucrative for the Church. Walgreen's only saw value if the property's long-standing zoning was abandoned. In the end, this request was all about money and another corporation trying to run over the wishes of Peachtree City citizens.

- Logic would say that Walgreen's and some other undetermined commercial user would certainly generate a large volume of traffic at an already very congested intersection.
- The real significant change to the conditions was a lucrative offer from a developer to a Church contingent upon the City abandoning their Land Use Plan. Walgreen's and the Church could easily make other arrangements.

Mr. Welch concluded that notwithstanding a terrific presentation by Mr. Galloway, the Peachtree City planning documents were a covenant between the City and its residents. The clear inference was that, barring some compelling reason, the Land Use Plan was to be adhered to. The citizens of Peachtree City counted on that, and this was the reason many of them chose to live here. He felt the Ordinances were clear, and the proposed rezoning should be denied.

Mr. George Kadel, a resident of Greensway Subdivision, addressed those in attendance. Prior to making his comments on the impact this rezoning would have on traffic, he said that it disturbed him to think that a petition signed by approximately 1600 people was unimportant as far as attorneys were concerned. Mr. Kadel contended that the proposed change in zoning would increase the number of vehicles to the site nine-fold. This assumption was based on information on the traffic flow at the Wachovia Bank in Peachtree Crossing Shopping Center and information previously provided by Walgreen's. He felt this intersection could become as congested as the GA 54/74 intersection with no prospect for improvements.

Mr. Wayne King, a resident of the Highlands Subdivision, stated that he had been a resident of Peachtree City for over 20 years. He had moved here in search of quality of life for his family, and he had a fundamental problem with tearing down a church to build a drug store and a bank. He appreciated the path the Methodist Church had chosen when they were faced with growth in their congregation. This church stood as a testimony of their members' commitment to community values and quality of life. He noted that he was not against development or commercial zoning and understood their contribution to both the local economy and the quality of life, but too much of almost anything was not good and everything should be taken in moderation. A Walgreen's in this location would put several drug stores and banks within a few hundred feet of each other.

As far as the traffic was concerned, Mr. King noted that at one time Peachtree Parkway was expected to remain a two-lane road and was to be designated a scenic drive. Lakes,

churches, greenspaces, parks, golf courses, golf cart paths, and residential areas graced this two-lane road that cut through the heart of Peachtree City. Small shops, restaurants, and a few convenience stores consistent with the village concept were pictured for them when they moved here. Mr. King also stated that traffic was already problematic during rush hour and impacted response time of fire trucks within a few hundred feet of the Church site. He also said that reportedly there were already more accidents at this intersection than in any other intersection in Peachtree City.

He stated that he was not an environmental activist but he did have a healthy respect for the environment and felt we should be good stewards. Natural areas, lakes, streams, parks, greenspace, and greenescapes played a major role in a sustainable environment and contributed immensely to good health and a sense of well-being.

Stormwater quality was another issue he mentioned. Trading greenspace for more impervious surfaces

He felt that tax-paying residents of Peachtree City deserved better than the noise of dumpsters slamming in the middle of the night, trucks making deliveries, bright lights, trash, traffic congestion and accidents associated with a 24-hour drug store.

Mr. Helton said that the residents wanted the church to reach their dream but they also had a dream. He asked the Planning Commission the following questions:

- How will tearing down an architectural gem help? Are we going to become a disposable city or Peachtree City?
- Who is responsible for fulfilling a church's wants? Is it unfair to ask the Community to do so? Is it equally unfair to ask the Planning Commission to recommend intervening to make such a change?
- Can the Church's desires be objectively separated from Walgreen's rezoning request?

They were impressed with Staff's recommendation. As citizens, they recommended that the Planning Commission stayed in step with Staff.

Pastor Steve Bingham of Peachtree City First Baptist Church spoke in favor of the proposed rezoning. He said he was basically ignorant about all the things that had thus far been presented. However, he believed that the value that Christ Our Shepherd

brought to this City could not be calculated in costs or in any terms except that which was eternal. He felt that their only desire was to serve the City and that their desires were pure. He said he could not speak for Walgreen's. He thought it would be a disservice to the people of this City to disallow a church from trying to expand her ministry. He encouraged the Commission to look at what this Church brought to the people and to find some alternative to give them every opportunity to continue flourishing because they served this community so well.

A woman who lived in Edgewater Subdivision across the street from where the Wyndham Conference Center was built stated that at the time the conference center was proposed, they fought that development very strongly with some of the same concerns that had been voiced at this meeting. As it turned out, however, not one of the things that they were so fearful of ever happened. She felt that this development would be handled equally as well and that possibly the end result would be the same.

Mr. Rich Parlontieri, a resident of North Cove Subdivision, said he thought Mr. Rast needed to reexamine the vacant office space. As a citizen, he did not think the City had the right to legislate any free enterprise with respect to competitive businesses. He noted BBT and Wachovia Banks in Peachtree Crossings and McDonald's and Wendy's across the street on Crosstown Road. He felt they had presented a very compelling argument based on the facts the way they were. When looking at the Land Use Plan village center, he thought they had addressed the issues very systematically, very diligently, and very correctly. He added that the Planning Commission should recommend to the City Council that this land be rezoned because, at the end of the day, they were a non-compliant zoning and at some point they would be looking at a 50,000SF office building on this site. Mr. Parlontieri reiterated what Mr. Thomas had said earlier, this church was committed to moving whether it would be this time or next time. "God had called them to move, and they shall do so."

Mr. Jack Elrod of Oakmount Drive in Peachtree City stated that he bought a house in 1975 when he moved to Peachtree City that had a Georgia Power easement behind it. He was told at that time that the Land Use Plan would not allow anyone except Georgia Power to do anything with this easement. He said about three years ago he found out that Georgia Power had decided they no longer needed the easement, and Bob Adams was going to put a subdivision on the land. He said he found out about the proposal the night of the public hearing before City Council. The property was rezoned, and all of the

buffer zone was against the street and nothing against the property that backed up to the subdivision.

Another Peachtree City resident, Ms. Phyllis Aguayo, spoke in opposition to the proposed rezoning. She stated that she had been in Peachtree City for 20 years and during those 20 years had been coming to City Council and Planning Commission meetings, had served on the committee to update the Land Use Plan and the Comprehensive Plan, and in many other capacities. She noted that Staff and citizens had put in multiple months and years looking at the Land Use Plan and Comprehensive Plan, and she was very glad to hear that Mr. Rast and others had gone back to see the intent which was not for the church property on this corner to become commercial. As far as the village center was concerned, she stated that the village center already existed and was not supposed to be on four corners. She pointed out that there was a church on the other corner that probably would be able to find just as much profit if they were to allow themselves to look at commercial zoning. She said that approval of this rezoning request would set a precedent and an unfortunate one.

Ms. Aguayo further stated that over the years she had seen citizens come, as they had to this meeting, concerned about what was going to be behind them or adjacent to them. Usually the admonition was that they should have looked at the Land Use Plan and they would have known that it was zoned for that particular development. She added that these residents came many years ago, and the Land Use Plan was clear that it was not zoned for commercial. They had the right to come and ask that the Commission uphold the Land Use Plan for them. She said that the Land Use Plan needed to be protected for the reasons Mr. Rast mentioned. There would be redevelopment in the future, and the action taken on this request would set a precedent. Ms. Aguayo said she always intended to stay in Peachtree City forever, and she hoped that the decision made on this rezoning proposal would allow her to do so. Too many things were threatening what they came here for. She urged the Commission to look at the promises that were made to the citizens of this City when they made their decision.

Mr. David Browning, a resident of the Highlands Subdivision, strongly urged the Commission to vote against this proposal. He did not feel this request was about ministry at all; it was about money. It was a win/win proposition in that the Church would win and get a lot of money for their property; and Walgreen's would win and get a choice location to set up business, right across the street from a perfectly adequate drug store. Mr. Browning said it was also a lose/lose proposition. The Church would move on,

Walgreen's would move in, and the community, both those who live in the neighborhood and also Peachtree City, would get to deal with what would come in. He said there was no way this would have a positive impact. It would make no improvement, would adversely affect traffic, would adversely affect property values, and would change the Land Use Plan which was the reason so many residents came to Peachtree City. He hoped both the Planning Commission and City Council would deny the proposed rezoning. Mr. Browning stated that they had loved having the Lutheran Church as a neighbor, but they did not want dueling pharmacies across the street from each other.

Mr. Mike Kelsch, a resident of Greensway Subdivision, said he moved to Peachtree City 18 years ago; and the driving force for him and most of the people in attendance was quality of life. He had never seen this type of planned community, and in some ways reminded him of living in Disneyland. He felt the appeal of this City would be lost if commercial zoning was allowed on every corner.

Ms. Fran Plunkett said she was one of "those people" who had been referred to earlier. She said she was offended by this inference because "those people" wanted Christ Our Shepherd to expand, and they understood evangelism. She said they were all members of churches in the community, and they could sympathize and empathize with Christ Our Shepherd. She was an ordained elder at Peachtree City First Presbyterian Church and thought that one day their church could possibly be making this same proposal. Ms. Plunkett noted that Mr. Galloway stated that this proposal would have no impact on the schools. However, the Fayette County Board of Education determined last year that all of their children would stand out on the Parkway to be picked up each morning and dropped off every afternoon.

Ms. Plunkett also referred to an article in the *Fayette Neighbor* newspaper dated April 7, 2005, in which Randy Gaddo mentioned that the Peachtree City Recreation facilities were getting a make-over. She proposed that the Church sell their property including the church building to the City.

The Chairman closed the public hearing portion of the meeting at 9:10 p.m.

As part of Mr. Payton's comments, he confirmed the following statements about this property and village centers in general:

- This property was originally zoned AR.
- In 1981 when the fire station was built, the Church property was rezoned OI and it had been in the Land Use Plan as OI for some time with no objections.
 - Mr. Galloway contended that since the church was developed, this property was identified in the Land Use Plan as commercial. Mr. Rast verified that the 1985 Future Land Use Map had the property designated as Community Service.
- The village centers would be located at significant intersections and would include a variety of retail, office, service, educational, and recreational facilities which at this point this corner did.
- Village centers were to be accessible by major thoroughfares.

Mr. Payton was not convinced this was the right thing to do with this property and questioned whether there was sufficient property to accommodate the proposed development. He said there had been no evidence given that would justify changing the intent of the Land Use Plan for last 20+ years. He felt the intent of the Land Use Plan was clear and noted that the Land Use Plan and the zoning were changed to OI many years ago with no objections. He also felt the Ordinance was very explicit about limiting the number of curb cuts in the areas of the village centers. He did not want to see any further curb cuts on Highway 54 into this property and felt there was already a serious problem with traffic at this intersection that would continue to get worse.

Mr. Payton told the Commissioners that they should look at this proposal only from a business perspective and how it applied to the Land Use Plan and zoning. They must set aside emotion.

Mr. Green did not think that this proposal conformed to the Land Use Plan and felt it would change the character of this intersection. He sympathized with the Church and thought they had done all they could do. He also recognized that the Church needed the money to buy more property and build another building. However, he did not think the drug store was the appropriate use nor did this proposal conform to the overall plan for this community.

In response to a question from Mr. Mullin, Mr. Rast reviewed Section 1304 of the Zoning Ordinance relative to amending the zoning map.

Mr. Green and Mr. Mullin both felt that a big issue was that this rezoning would change the character of the area. Mr. Mullin thought it was ironic that none of the six criteria addressed a sense of community, the character of a community, or the betterment of a community. He felt there was a lot of substance to this aspect of consideration. He added that he thought this building would not improve the community regardless of what type of cosmetic appeal was added to the façade.

Mr. Green noted that despite the busyness of a Sunday morning, the Church was a much more serene place and a retail building was much more intense and would change the character of this corner.

Mr. Mullin noted that Walgreen's might serve a group of people but his goal as a Planning Commissioner was to look out for what was best for the community, and he did not see it here. He read a quote from the proposal which stated that the architectural design of the facility would be "like no other in the United States." He stated that their proposal did not even come close to living up to that quote which he felt was part of the reason the community was so opposed to Walgreen's coming here. He just did not see how the community would be a better place by doing this.

Mr. Mullin asked what the distance was from the back of the retail strip to the property line. He noted that the highest peak of their one-story building would be 36'. Mr. Payton noted that Mr. Ramsfield had said that their other building would be used as a buffer. Mr. Mullin said this was done to address the eyesore they were creating on the back of the building which was also the reason 15-foot tall plant material would be planted on the 10-foot high berm. He said the placement of the building was his biggest concern and pointed out that the storage, trash collection, and service entrance on the back of Eckerd's was always a mess. He also had a problem with the right-in/right-out access to the site.

In response to Mr. Mullin's question, Mr. Rast explained that there was a 20-foot City-owned greenbelt from the rear property line of the homes in the Highlands Subdivision and a cart path 8 feet wide meandered through it. The berm would be within the 30-foot rear building setback

Mr. Johnson thought it was incumbent for the City to maintain the integrity and the quality of life that the residents enjoyed. He felt this proposal would have an adverse effect on the quality of life in Peachtree City because of the proposed use, the traffic, etc.

Mr. Scott noted that all of the churches in Peachtree City were experiencing similar problems, and there had to be creative ways to handle the growth. He did not feel that this proposal should be a detriment to any of the churches growing or seeking innovative ways to solve the problems that were common to all of them. He felt the Commission should maintain the flavor of this community, and the facts remained that in 1981 the zoning was changed to OI; it had remained OI with no objections. He felt that to approve this proposal would be a detriment to the City and what was already here. Even if approved, he felt the site plan was "horrific" because the site was very limited. He thought that better solutions should be investigated.

After discussion, a motion was made by Mr. Scott, seconded by Mr. Johnson, and unanimously adopted to forward to City Council the proposed change to the Land Use Map and rezoning of the Christ Our Shepherd Lutheran Church tract from OI to LUC with a recommendation that it not be approved.

Sec. 1005A. OI office institutional district.

(1005A.1) *Intent of district:* It is intended that the OI zoning district be established for office oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for office uses that are located so as to provide nearby areas with convenient service facilities. These regulations are also intended to reduce traffic congestion, provide adequate off-street parking, avoid the development of "strip" type business areas, and discourage encroachment by other uses capable of adversely affecting the limited character of the district.

(1005A.2) *Permitted uses:* The following uses shall be permitted in any OI office/institutional zoning district:

- (a) Business, professional, and government office facilities.
- (b) Business involving the rendering of a personal service in establishments having a size of 6,000 square feet or less.
- (c) Masonic lodge.
- (d) Funeral home.
- (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) Building, facility or land for off-street automobile parking.
- (i) Accessory use: See section 908. (Ord. No. 588, 11-19-1992; Ord. No. 709, 3-18-1999)

(1005A.3) [*Conditional uses:* The following uses shall be permitted in any OI zoning district on a conditional basis:]

- (a) Church or other legitimate place of worship, including a one-family dwelling for a minister, on the following conditions:
 - (1) Notwithstanding any other requirements in this ordinance the following conditions shall apply to all churches regardless of zoning district.
 - (2) Minimum zoning lot area is three acres.
 - (3) Minimum lot width: 100 feet.
 - (4) Minimum setback area, front:
 - (a) Building: 40 feet.
 - (b) Parking: 20 feet.
 - (5) Minimum setback area, side: 15 feet. If adjoining a residential lot, the building setback shall be 75 feet.

- (6) Minimum setback area, rear: 30 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
- (7) Maximum building height: As approved by the fire department.
- (8) All zoning lots shall have direct access onto an arterial, major collector road or have access to an arterial, major collector or industrial/commercial road via a minor collector.
- (9) No parking shall be permitted within 20 feet of the property line of any adjoining residential zoning lot.
- (10) Parking and/or service areas shall be separated from adjoining residential lots by a suitable fence or wall six feet in height or a suitable planting screen six feet in height at time of planting. The required fence, wall, or screen must provide for a reasonable visual separation between properties. No fence or wall in excess of four feet may be placed in a setback area adjoining a public street.
- (11) One nonilluminated sign not greater than 32 square feet in area for each panel of a double-sided structure is permitted.
- (12) Parking: See section 909.
- (13) Lighting: See section (1005A.4)(n).
- (14) Any existing church in any zoning district may comply with either the requirement existing prior to enactment of this ordinance or they may comply with the conditions of this section. They shall not be permitted to comply with various sections of both requirements.

(Ord. No. 408, 8-21-1986)

Editor's note: Ord. No. 408, adopted Aug. 21, 1986, renumbered former section (1005A.3) as (1005A.4) and added a new § (1005A.3), as herein set out, except that subsection classifications were provided by the editor in order to maintain the classification system used herein. Material in brackets was added by the editor for purposes of clarity.

(1005A.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in OI zoning districts shall conform to the following standards:

- (a) Minimum zoning lot area: 20,000 square feet.
- (b) Minimum lot width: 100 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: 35 feet.
- (g) Parking: See section 909.
- (h) Signs: See Peachtree City sign ordinance [§ 66-1 et seq.].
- (i) Storage: No storage will be permitted on the zoning lot outside a fully enclosed building.
- (j) All zoning lots shall have direct access onto an arterial, major collector or industrial/commercial road or have access to an arterial, major collector or industrial/commercial road 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) Parking and service areas must be separated from adjoining residential 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 a one-year period such landscaping shall be replaced by the owner.
- (p) Items (c) and (o) above shall be binding standards on all development after March 5, 1981. Development completed prior to this date will not need to meet such standards now or in the future and will be limited to a 20-foot front setback depth.

(Ord. No. 174(b), 1-25-1979; Ord. No. 233, 4-2-1981; Ord. No. 260, 5-6-1982; Ord. No. 268, § 1(C)(6), 6-3-1982; Ord. No. 366, § 19, 5-22-1985)

Note: See the editor's note following § (1005A.3).

GALLOWAY & LYNDALL, LLP
ATTORNEYS AT LAW

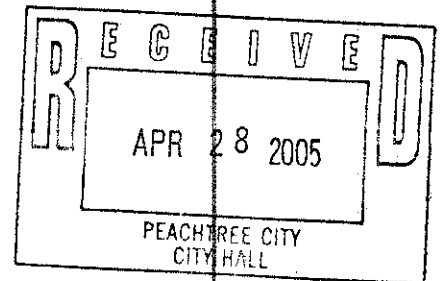
THE LEWIS-MILLS HOUSE ■ 406 NORTH HILL STREET ■ GRIFFIN, GEORGIA 30223 ■ (770) 233-6230 ■ FACSIMILE (770) 233-6231

NEWTON M. GALLOWAY
TERRI M. LYNDALL
J. CHADWICK TORRI

BY HAND DELIVERY

April 25, 2005

Hon. Steve Brown
Mayor, City of Peachtree City, Georgia
City Hall
151 Willow Bend Road
Peachtree City, Georgia 30269



Re: Christ Our Shepherd Lutheran Church
Rezoning Application No.: 2004-10

Dear Mayor Brown:

The above rezoning application is presently scheduled for hearing before the Mayor and Council on May 5, 2005. Attached hereto are documents and reports that the Church submitted to the Planning Commission in advance of its hearing on April 11, 2005 in support of the application, as follows:

- a. Mission Statement of Christ Our Shepherd Lutheran Church – a document which details the Church's decision to relocate based on its lack of space for expansion of its ministry programs at the current site;
- b. Rezoning Application – the materials submitted to support the rezoning by CNL/Walgreens;
- c. Planning Analysis reports on both the application to amend the City's Future Land Use Map and the Rezoning Application -- prepared by Bill Johnston, a planning expert retained by the Church. (This is the only analysis to date which addresses the merits of the rezoning application based on criteria set forth in the City's zoning ordinance and Georgia law.);
- d. Economic Analysis – prepared by James Lawton, MAI retained by the Church to address whether the property has any reasonable economic use under current OI zoning; and

Hon. Steve Brown

April 25, 2005

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- e. Constitutional Objections to the existing OI (Office-Institutional) zoning and CS (Community Service) future land use designation.

We are providing these documents and reports to you and each Councilmember well in advance of the hearing for your review. Full review of these materials is crucial to your consideration of the application.

I would like to highlight certain issues that are presented with the Church's application:

- a. The Lawton report on the economic value of the Church's property is very significant. His opinion makes clear that OI uses on the property cannot be sustained because of the economic value of the property. The property's value far exceeds the value of other OI property in the City. This renders redevelopment under OI uneconomical. Even though the law requires that a property owner enjoy reasonable economic use of their property, the Planning Commission did not even discuss this point.
- b. The Johnston report makes clear that commercial development on the property is consistent with the City's comprehensive plan which projects commercial development at the City's village nodes. The Johnston report also makes clear that the future land use designation of CS (Community Service) on the property is so limiting that future development is essentially precluded thereby. It is also clear that CS was applied to church properties in Peachtree City retroactively, long after each one already existed and longer still after the City implemented plans for village node development. We also have reason to believe that the City's representation that all churches were placed within the CS classification is incorrect. We believe that certain churches (including Line Creek Baptist) were not designated CS and were actually zoned commercial. This recent information causes significant concern. In a best case scenario for the City, there is significant conflict between the CS classification under the comprehensive plan and the plan's policy of encouraging commercial development at the village node.
- c. The Johnston reports also represent the only planning analysis completed on the property. The Staff report failed to analyze the rezoning application on the basis of the factors set forth in the City's Zoning Ordinance. The Staff has never analyzed the request to modify the CS Future Land Use Map designation. At best, the Staff report is incomplete.

I am also very concerned about comments made by the Planning Commission about church expansion during its hearing on April 11, 2005. The Planning Commission made it very clear that its policies do not favor church expansions in the future. Several members of the Planning Commission noted that traffic and growth issues are present in several churches. However, their comments were clear that growth was a church problem, not a City concern.

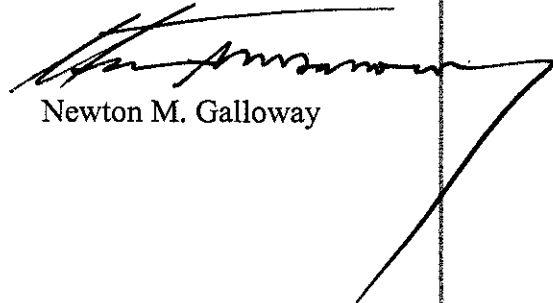
Hon. Steve Brown
April 25, 2005
Page 3

They noted that churches could accommodate the City by solving their own traffic and space problems by hiring traffic policemen and developing two campuses served by shuttle. The comments of the City's Planning Commission were as anti-church growth and expansion as I have experienced in a zoning hearing. If the Planning Commission's comments represent the actual position of the City on church redevelopment and expansion, the City is on a head-on collision course with several existing churches in the City. Long term, the City cannot dictate that churches split, function on two campuses served by shuttle or retain their own traffic enforcement in order to continue to exist. I will address this at the upcoming hearing.

I appreciate your attention to this letter and your review of the documents and reports conveyed herewith. Should you have any questions, please do not hesitate to contact me.

Sincerely,

GALLOWAY & LYNDALL, LLP

A handwritten signature in black ink, appearing to read "Newton M. Galloway", is written over a horizontal line. A long, sweeping diagonal line extends from the bottom right of the signature area towards the bottom right of the page.

Newton M. Galloway

NMG/alf
Enclosure

cc: Rev. John Weber
Mr. Ted Meeker
Mr. David Rast

SANDERS, HAUGEN, SEARS & MEEKER, P.C.

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THEODORE P. MEEKER, III
E-MAIL: tmeeker2@numail.org

WALTER D. SANDERS
(1909 - 1989)

TO: Mayor and Council
City of Peachtree City

FROM: Theodore P. Meeker, III
City Attorney

DATE: April 29, 2005

RE: Moratorium on Sign Permits

On March 19, 2005, the Council adopted a moratorium on sign permits so as to allow staff to complete its review of the City's Sign Ordinance. That review is now complete, and staff will be submitting a new ordinance to the Planning Commission on May 9, 2005 and City Council for consideration in June, 2005

So as to avoid any issues that may arise while the new ordinance is under consideration, it is my recommendation that Council adopt a second moratorium, for a period of forty-five (45) days. At this time, it is anticipated that the new ordinance will be adopted within such forty-five (45) day period.

The moratorium resolution will be identical to the resolution that was discussed and adopted by the City Council on March 19, 2005.

TPM/bjc

CITY OF PEACHTREE CITY
STATE OF GEORGIA

RESOLUTION No.

A RESOLUTION TO ADOPT A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR SIGN PERMITS, OR THE ISSUANCE OF SIGN PERMITS, WITHIN THE CITY OF PEACHTREE CITY, GEORGIA; TO REPEAL CONFLICTING LAWS AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Peachtree City, Fayette County, Georgia, was duly incorporated by an act appearing at 1959 Ga. Laws, p.2049, as amended by Ordinance No. 770, adopted September 6, 2001, et. seq.; and

WHEREAS, the City Council of the City of Peachtree City has adopted regulations for signs within the City, as codified in Chapter 66 of the Code of Ordinances of the City of Peachtree City; and

WHEREAS, the City Council of the City of Peachtree City, Georgia, is the duly authorized governing body of the City; and

WHEREAS, decisions by the City Council are binding law upon all persons within the corporate boundaries of the City of Peachtree City, Georgia; and

WHEREAS, the City Council is concerned about staff reports that Federal and State Appellate Court decisions may impact sign regulations adopted by the City Council; and

WHEREAS, the City Council will refer to the Planning Commission and staff for a review of the City's existing Sign Ordinance and to determine if a revision to the Sign Ordinance of the City of Peachtree City is necessary; and

WHEREAS, the Planning Commission should consider the review at a meeting in May 2005 and the City Council should consider the report of the Planning Commission in June 2005; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens and property owners in the City of Peachtree that a moratorium on the issuance of sign permits for new construction of signs and acceptance of applications for sign permits be adopted during the pendency of the review and consideration of and the possible adoption of a text amendment to the Sign Ordinance for the City of Peachtree City.

THEREFORE, BE IT RESOLVED that the City Council of the Peachtree City Council does hereby impose a moratorium on the acceptance of applications of sign permits, and on the issuance of sign permits, for a period of forty-five (45) days from the date of adoption of this resolution;

BE IT FURTHER RESOLVED that this moratorium shall not apply to any applications for sign permits received by the City as of the date of this Resolution and which are complete in all material aspects.

IT IS SO RESOLVED, this _____ day of May 2005.

ATTEST:

Jane Miller, City Clerk

Steve Brown, Mayor

Judi-ann Rutherford, Council Member

Stuart Kourajian, Council Member

Steve Rapson, Council Member

Murray Weed, Mayor Pro Tem

SANDERS, HAUGEN, SEARS & MEEKER, P.C.

**ATTORNEYS AT LAW
11 PERRY STREET
P. O. BOX 1177
NEWNAN, GEORGIA 30264-1177**

**(770) 253-3880
FAX (770) 254-0093**

**THEODORE P. MEEKER, III
E-MAIL: tmeeker2@numail.org**

**WALTER D. SANDERS
(1909 - 1989)**

TO: Mayor and Council
City of Peachtree City

FROM: Theodore P. Meeker, III
City Attorney

DATE: April 29, 2005

RE: Moratorium on Commercial Structures over 32,000 square feet

On March 19, 2005, the Council adopted a moratorium on this issuance of building permits, or receipt of site plans, which reference or pertain to commercial structures in excess of 32,000 square feet. Since that date, staff has been coordinating with a planning consultant so as to examine the need for the City's current "Big Box" regulations, and to provide planning support for such regulations.

The City Manager and I are meeting with the consultant on Monday, May 2, 2005 to further discuss this issue. While this issue is still under review, it is my recommendation that Council adopt a second moratorium, for a period of forty-five (45) days. The extension of the moratorium should be sufficient to further analyze this issue, and to make a recommendation to the Planning Commission and City Council regarding the regulations.

The moratorium resolution will be identical to the resolution that was discussed and adopted by the City Council on March 19, 2005.

TPM/bjc

CITY OF PEACHTREE CITY
STATE OF GEORGIA

RESOLUTION No.

A RESOLUTION TO ADOPT A MORATORIUM ON THE ACCEPTANCE OR APPROVAL OF APPLICATIONS FOR BUILDING PERMITS FOR COMMERCIAL STRUCTURES IN THE GENERAL COMMERCIAL ZONING DISTRICT IN EXCESS OF 32,000 SQUARE FEET, OR THE ACCEPTANCE OR APPROVAL OF CONCEPTUAL SITE PLANS, OR FINAL SITE PLANS WHICH REFERENCE OR INCLUDE COMMERCIAL STRUCTURES IN EXCESS OF 32,000 SQUARE FEET WITHIN THE CITY OF PEACHTREE CITY, GEORGIA; TO REPEAL CONFLICTING LAWS AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Peachtree City, Georgia, is the duly authorized governing body of the City; and

WHEREAS, decisions by the City Council are binding law upon all persons within the corporate boundaries of the City of Peachtree City, Georgia; and

WHEREAS, the City Council of the City of Peachtree City has adopted regulations for commercial structures to be occupied by any single use, owner, occupant or tenant that exceeds 32,000 square feet, as codified in the Zoning Ordinance of the City of Peachtree City; and

WHEREAS, the City Council of the City of Peachtree City desires to review and potentially revise and amend the regulations applicable to commercial structures to be occupied by any single use, owner, occupant or tenant that are in excess of 32,000 square feet within the General Commercial (GC) district; and

WHEREAS, the City Council will refer to the Planning Commission and staff for a review of the regulations applicable to commercial structures within the General Commercial (GC) district and the requirements for the construction thereof and determine if a revision to the Zoning Ordinance of the city of Peachtree City is necessary; and

WHEREAS, the Planning Commission should consider the review at its May 2005 meeting and the City Council should consider the report of the Planning Commission in June 2005; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens and property owners in the City of Peachtree City that a moratorium on the acceptance of applications for, or the issuance of, building permits for new construction of commercial structures to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet within the General Commercial (GC) zoning district, and the acceptance or approval of conceptual or final site plans for developments zoned General Commercial (GC) upon which a commercial structure to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet is indicated, be adopted during the pendency of the review and consideration of and the possible adoption of a text amendment to the Zoning Ordinance for the City of Peachtree City.

THEREFORE, BE IT RESOLVED that the City Council of Peachtree City does hereby impose a moratorium on the acceptance and approval of applications for building permits for commercial structures within the General Commercial (GC) zoning district to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet, and upon the acceptance and approval of conceptual site plans and final site plans for parcels zoned General Commercial (GC) and upon which it is indicated that any commercial structure to be occupied by any single use, owner, occupant or tenant will be in excess of 32,000 square feet, for a period of forty-five (45) days from the date of adoption of this resolution;

BE IT FURTHER RESOLVED that this moratorium shall not apply to any applications for building permits received by the City as of the date of this Resolution for commercial structures to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet, or to any applications for building permits received by the

City for commercial structures within the General Commercial (GC) zoning district to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet which are located in a development for which the conceptual site plan and/or the final site plan for such development has been approved as of the date of this Resolution, provided that such structure(s) was indicated on the approved conceptual or final site plan.

IT IS SO RESOLVED, this _____ day of May 2005.

ATTEST:

Jane Miller, City Clerk

Steve Brown, Mayor

Judi-ann Rutherford, Council Member

Stuart Kourajian, Council Member

Steve Rapson, Council Member

Murray Weed, Mayor Pro Tem

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *Samuel M. Maller*
Developmental Services Director *CWS*

FROM: City Engineer *David Borkowski*

DATE: April 28, 2005

SUBJECT: Update on Stormwater Utility Formation
May 5th City Council Meeting

Integrated Science and Engineering (ISE) has been diligently working with Staff on the formation of a Stormwater Utility for the City of Peachtree City. ISE and Staff will update Council on the status of various activities and provide recommendations on where we need to proceed from here.

In addition City Engineer, David Borkowski, will advise council of forthcoming Stormwater Maintenance Agreements. These agreements are required in our current ordinance and will be coming before Council after the City Engineer and the City Attorney work out some details.

Again, no vote on the approval of the Stormwater Utility is warranted at this time. This presentation is for the sole purpose of updating the City Council on where we are in the process.

Attachments (PowerPoint presentation)

PEACHTREE CITY

Presentation for

Peachtree City Stormwater Utility Setup Update

May 5, 2005



Stormwater Utility Setup

Flow Chart



[illegible]

Step 4	Step 3	Step 2	Step 1
Utility Implementation Implement Public Education Program Establish Utility Ordinance Establish Master Account Database Establish Rate Ordinance Link Master Account Database to Billing Establish Credit Manual Establish Data Management Process Establish Customer Service Program Initiate Billing Process	Utility Data Development Detailed Cost of Service Analysis Parcel Categorization (SFR & NSFR) Delineate Impervious Surfaces Perform Rate Structure Analysis Perform Rate Study	Stormwater Advisory Committee SWMP Goals & Priorities Extent & Level of Service Definition SWMP Cost Projections Advisory Committee Summary Report	Feasibility Study SWMP Needs & Priorities Analysis Utility Financing Methodology Billing & Database Assessment Feasibility Study Final Report
	Completed	Completed	Completed

Proposed
Stormwater
Utility Bill
Issuance
(Feb 06)

**Proposed
Stormwater
Utility Bill
Issuance
(Feb 06)**

Detailed Cost of Service

EXPENSE		YEAR 1 (FY 06)	YEAR 2 (FY 07)	YEAR 3 (FY 08)	YEAR 4 (FY 09)	YEAR 5 (FY 10)
		Oct 05 - Sep 06	Oct 06 - Sep 07	Oct 07 - Sep 08	Oct 08 - Sep 09	Oct 09 - Sep 10
ADMINISTRATION						
Enterprise Fund Administration @ 10%		\$130,435	\$134,348	\$138,379	\$142,530	\$146,806
Subtotal		\$130,435	\$134,348	\$138,379	\$142,530	\$146,806
ENGINEERING						
Personnel / Overhead	Salary	Benefits				
City Engineer (0.25 FTE)	\$65,000	1.35	\$21,938	\$22,596	\$23,273	\$23,972
Stormwater Program Coordinator (1 FTE)	\$50,000	1.35		\$69,525	\$71,611	\$73,759
Programmatic Regulatory Compliance						
Stormwater Technician	\$35,000	1.35	\$47,250	\$48,668	\$50,128	\$51,631
Stormwater Technician	\$35,000	1.35		\$48,668	\$50,128	\$51,631
Outsourced Regulatory Compliance			\$15,000	\$15,450	\$15,914	\$16,391
Water Quality Monitoring			\$30,000	\$30,900	\$31,827	\$32,782
Subtotal		\$114,188	\$235,806	\$242,880	\$250,166	\$257,671
OPERATIONS & MAINTENANCE						
Personnel / Overhead	Salary	Benefits				
Drainage Maintenance Crew (3-man Crew)	\$110,000	1.35	\$148,500	\$152,955	\$157,544	\$162,270
Drainage Maintenance Crew (3-man Crew)	\$110,000	1.35			\$157,544	\$162,270
Operations						
Routine Maintenance			\$84,000	\$86,520	\$89,116	\$91,789
Remedial Maintenance			\$48,000	\$49,440	\$50,923	\$52,451
Subtotal			\$280,500	\$288,915	\$455,126	\$468,780
CAPITAL OUTLAY / CIP						
Capital Outlay						
Mapping / Stormwater Master Planning			\$250,000	\$250,000		
Programmed CIP (\$2.5 Million - Debt Service)	Budget =	\$200,000			\$100,000	\$200,000
Un-programmed System Upgrades	Budget =	\$100,000	\$100,000	\$103,000	\$106,090	\$109,273
Equipment Purchase	Budget =	\$50,000	\$50,000	\$50,000	\$75,000	\$75,000
Subtotal		\$400,000	\$403,000	\$281,090	\$384,273	\$387,551
TOTAL		\$925,123	\$1,062,069	\$1,117,475	\$1,245,749	\$1,274,871

100% of Stormwater Management Program Funded Through Stormwater Utility

Utility Implementation Report

Step 4 Tasks

- Update Impervious Surfaces
- Create Stormwater Utility / Rate Ordinances
- Create Credit Manual
- Develop Account Files to Billing System
- Create Master Account Files
- Link Master Service Program
- Setup Customer Utility Bills
- Issue Stormwater Utility Bills

Update Impervious Surface Data Update Impervious Surface Data (Dec 27, 2004)

- Acquire New Aerial Photography Since 1999
- Delineate Impervious Surfaces
- QA/QC Existing Impervious Surface Data

2004 Color Aerial Photography

1999 B&W Aerial Photography

Update Impervious Surfaces

Parcel / Rate Class	ERUs from 1999 Aerials	ERUs from 2004 Aerials
	6,975	-
	685	6,341
NSFR (From 1999 Aerials)	6,341	824
NSFR (Est. Since 1999)	824	10,316
Roads	10,316	27,428
Golf Cart Paths	25,141	
SFR	Total	

Preliminary Rate Model

	YEAR 1 (FY 06) Oct 05 - Sep 06	YEAR 2 (FY 07) Oct 06 - Sep 07	YEAR 3 (FY 08) Oct 07 - Sep 08	YEAR 4 (FY 09) Oct 08 - Sep 09	YEAR 5 (FY 10) Oct 09 - Sep 10
EXPENSE					
Annual Program Budget / Inflation					
Annual Program Expense, Inc. 3% Inflation	\$525,123	\$659,069	\$836,385	\$861,476	\$887,321
Capital Expense / Debt Service					
Annual Capital Expense	\$400,000	\$403,000	\$281,090	\$384,273	\$387,551
Total: EXPENSE	\$925,123	\$1,062,069	\$1,117,475	\$1,245,749	\$1,274,871
REVENUE ADJUSTMENTS					
Revenue Additions					
Funds Carried Forward	\$0	\$183,577	\$246,839	\$271,575	\$185,170
Revenue Reductions					
Delinquencies (10%)	\$130,435	\$132,392	\$134,378	\$136,393	\$138,439
Credits (5%)	\$65,218	\$66,196	\$67,189	\$68,197	\$69,220
ADJUSTED REVENUE REQUIREMENT	\$1,120,776	\$1,077,079	\$1,072,202	\$1,178,764	\$1,297,360
RATE CALCULATIONS					
ESTIMATED # ERUS	27,518	27,931	28,350	28,775	29,207
ERU INFLATION RATE	1.5%	1.5%	1.5%	1.5%	1.5%
MONTHLY PROGRAM COST PER ERU (\$)	\$3.39	\$3.21	\$3.15	\$3.41	\$3.70
MONTHLY CHARGE PER ERU (\$)	\$3.95	\$3.95	\$3.95	\$3.95	\$3.95
ESTIMATED ANNUAL REVENUE	\$1,304,353	\$1,323,918	\$1,343,777	\$1,363,934	\$1,384,393
YEAR-END FUND BALANCE	\$183,577	\$246,839	\$271,575	\$185,170	\$87,033

Create Credit Manual

- Establishes Credits for Customers to Reduce Bill
 - Stormwater detention, water quality treatment, greenspace/open space percentage, NPDES compliance, public education, etc.
 - Stormwater connection, public education, etc.
 - system connection, public education, etc.
- Establishes Credit Maintenance Procedures
 - Procedures to procure initial credit
 - Procedures to maintain credit
 - Procedures to maintain benefit
 - Regulatory compliance benefit

Additional Step 4 Tasks

- Establish Master Account Files (MAF)
 - Develop individual customer billing amounts
- Establish Customer Service Program
 - Prepare to answer questions
- Upload MAF to Billing Software
 - Prepare Stormwater Utility bills for mailing
 - Issue/mail bills to customers

Outstanding Issues

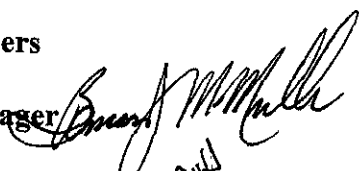
- Establish Utility & Rate Ordinances
- Establish Billing Mechanism & Frequency
 - Outsource billing & collections
 - Utilize existing County billing system
 - City operated billing & collections
- Finalize Cost of Service
 - City operated
 - Capital, O&M, and Regulatory Compliance
- Finalize Rate Structure
 - Flat rate SFR bills versus custom SFR bills
- Credit Policies

Questions & Discussion

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council Members

VIA: Bernard J. McMullen, City Manager 

FROM: Colin W. Halterman, Assistant City Manager 
Paul J. Salvatore, Financial Services Director 
Stony Lohr, Fire Chief 

DATE: April 26, 2005

SUBJECT: Space Modifications and Fire Protection For Fire Station 82
May 5, 2005 Council Agenda

Recommendation:

That City Council approve the use of available funds from the City's 2005 PIP contingency account in the amount of \$30,000 for space modifications at Fire Station 82 for the following projects:

1. Modify existing space, (the old training room), located at Fire Station 82 into office space for the Fire Marshal and Assistant Fire Marshal. Also, this area is being planned for (a) storage closet for records/boxes, (b) public education materials storage, (c) storage for additional uniforms, turnout gear, and other wearables.
(Estimated Cost \$25,000.)
2. Modify the existing Assistant Chief's office to include conference space.
(Estimated Cost \$1,500.)
3. Extend the existing fire sprinkler system to protect the engine bay.
(Estimated Cost \$3,500.)

Discussion / Justification:

The department has recently filled the budgeted new position of Assistant Fire Marshal. Presently there is no office space available for this individual. As a part of the old training room remodel the Fire Marshal and Assistant Fire Marshal will share office space and be provided with more efficient work area along with needed storage for files and fire investigation evidence and public education materials.

Page 2
Modifications Neely Fire Station #82
April 26, 2005

Also, the fire department does not have a small conference room for smaller meetings. This new conference room will become a part of the Assistant Chief's office, where many meetings are already held.

The requested extension of the fire sprinkler system will better protect the area where fire apparatus are parked, and other equipment is stored. This work was originally programmed as a part of the fire station remodel that took place in 2003. However, budget funds were not made available at that time to complete this portion of the project.

The estimated cost to complete this work, along with Information Technology upgrades for the new office space, totals \$30,000.

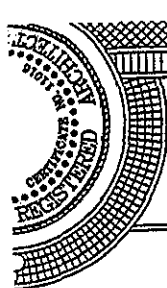
If funding is approved, this work will be put out to bid this year.

Attached are the plans for the proposed remodel project.

Budget Impact:

Funds are currently available in the 2005 PIP contingency account to cover the cost of this project. Should City Council approve this project, the PIP contingency account will have a remaining balance of \$201,300.

Attachments



Neely Fire Station Roof over Offices

PEACHTREE CITY, GEORGIA

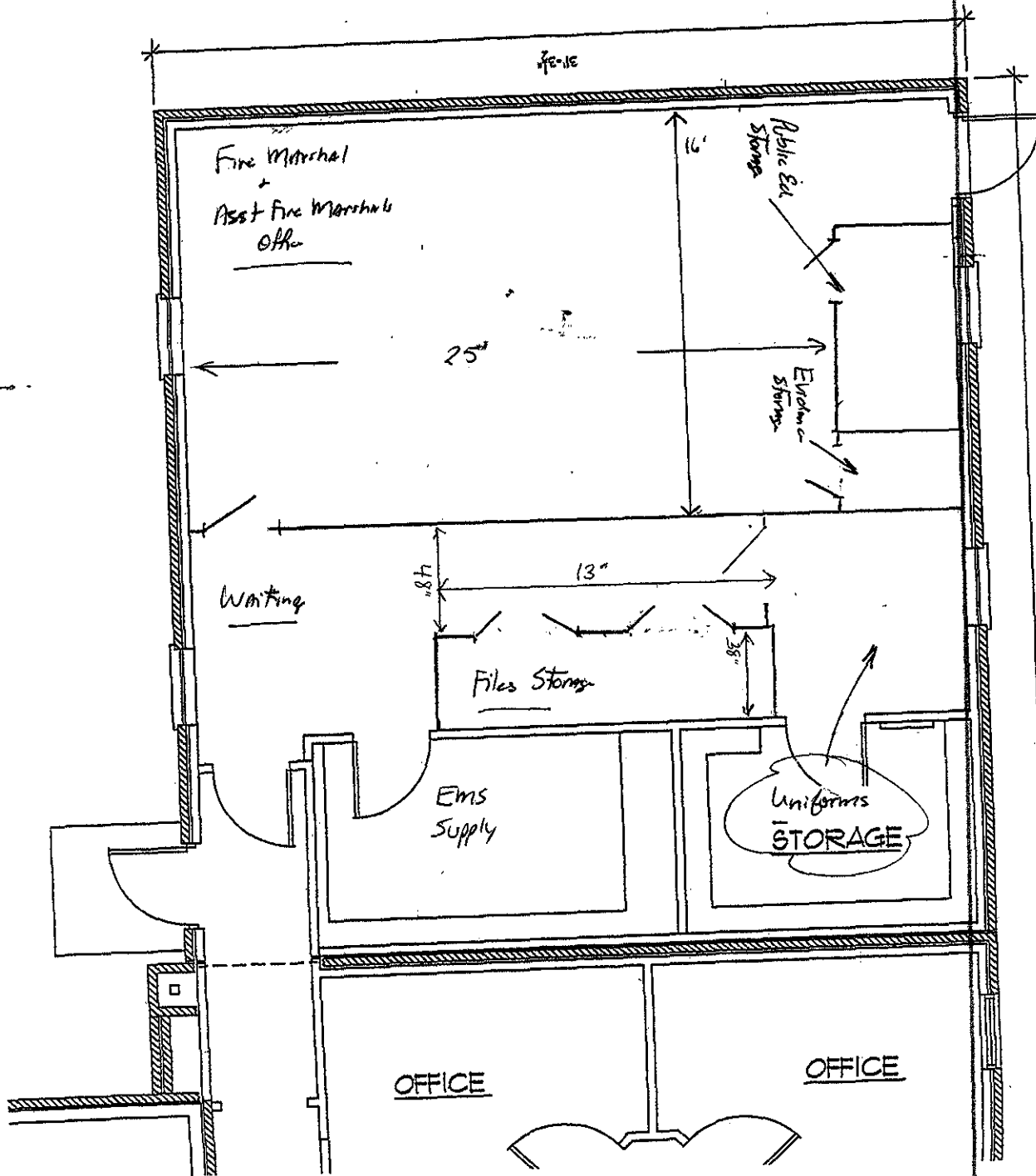
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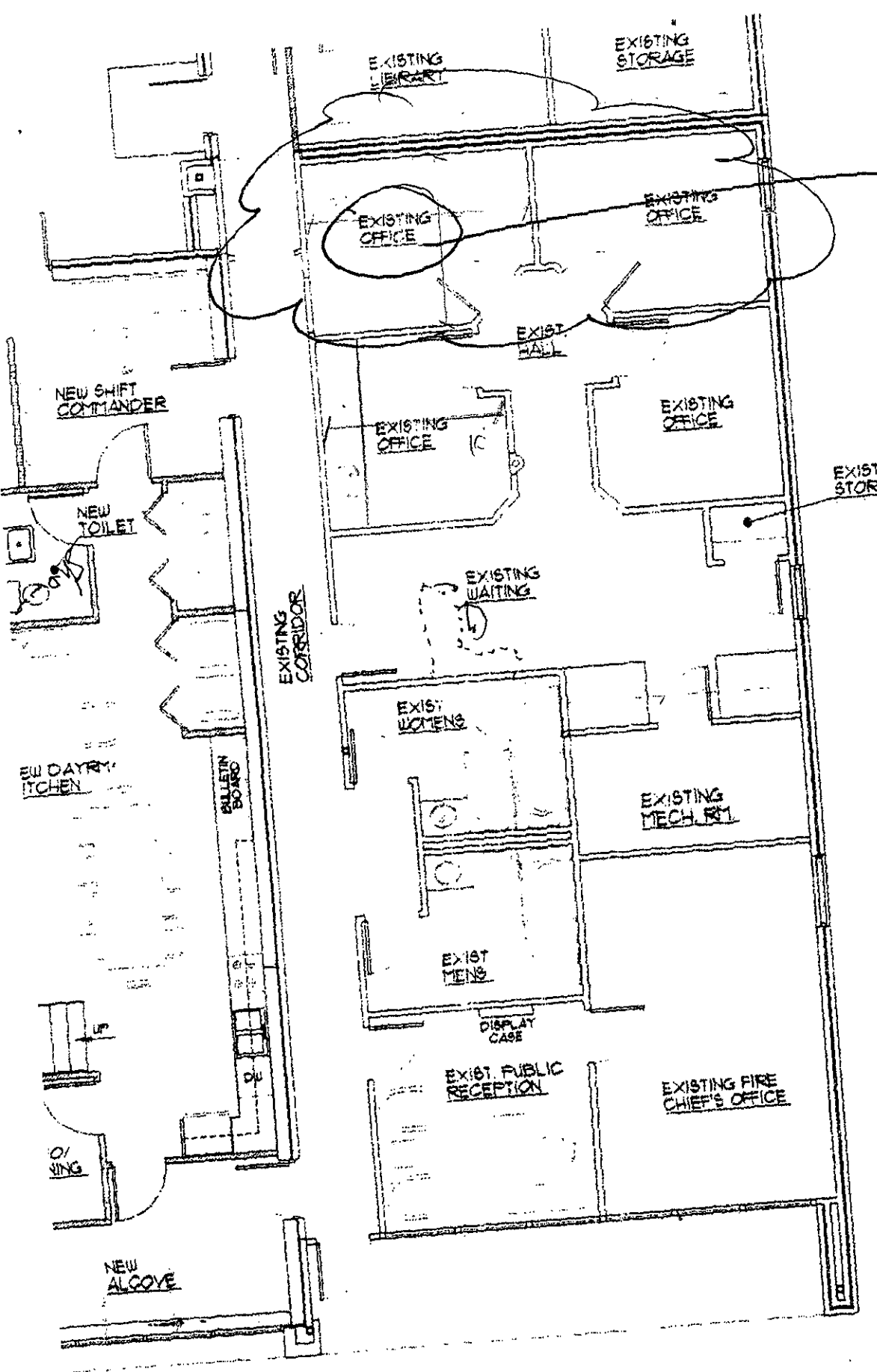
Date: 11-2-84

Job No.: N/A

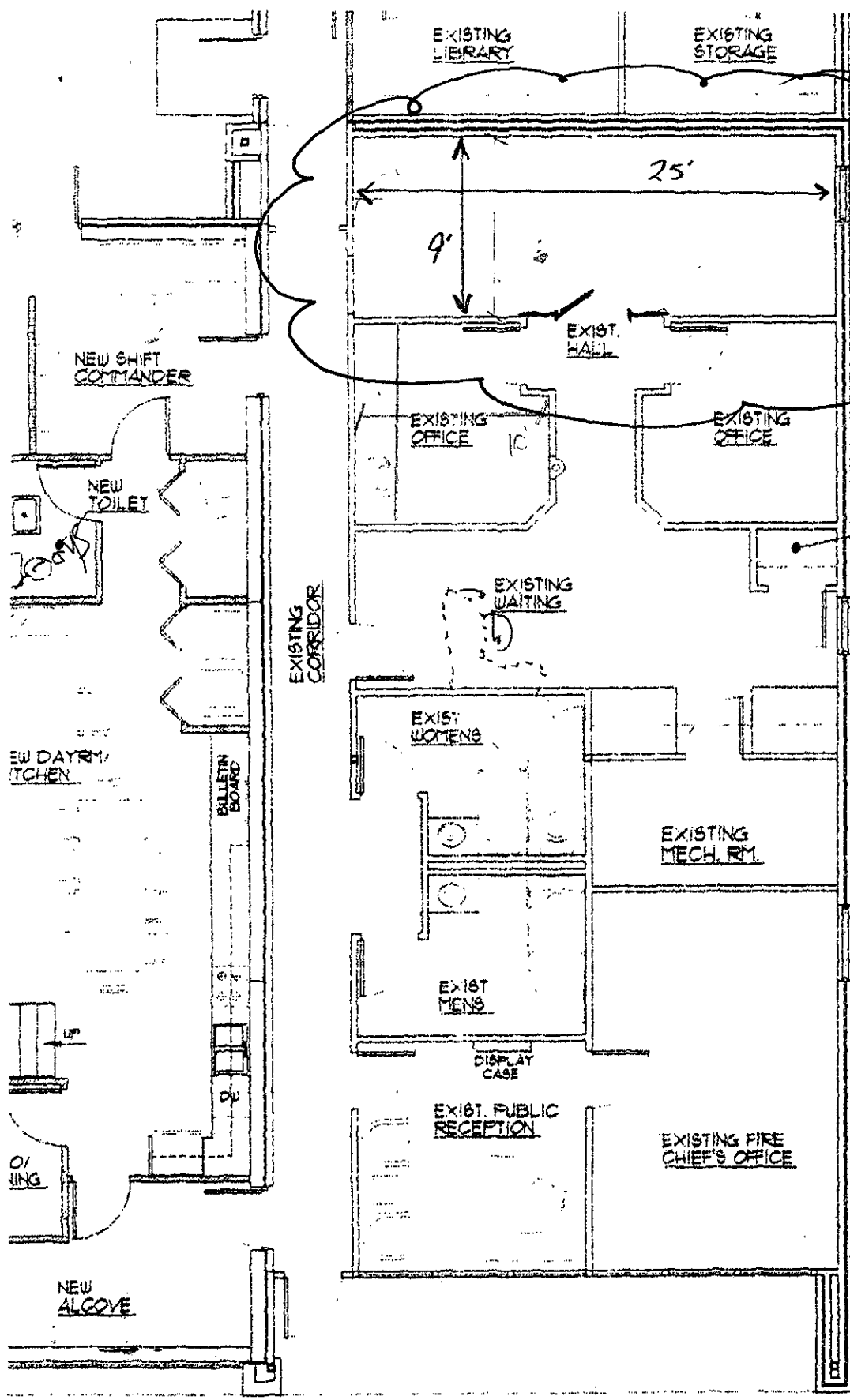
Sheet No.

Highlighted Area Indicates Existing Wall
Old Training Room





Existing
Asst Chiefs
Office



*New
Modified
Spec for
Asst. Chief*

EXIST.
STOR



Peachtree City Water and Sewerage Authority

April 26, 2005

Mr. Bernard J. McMullen
City Manager
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

RE: SENOIA SEWER SERVICE AGREEMENT

Dear Mr. McMullen,

The purpose of this letter is to request that the Authority be placed on the City Council agenda for the May 5, 2005 council meeting. The purpose of this request is to present the pertinent point of staff discussions and to request input from the City.

If you require any additional information, please call me.

Sincerely,

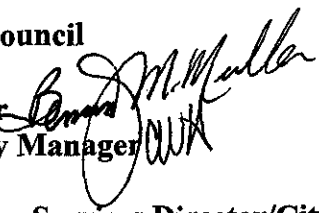
A handwritten signature in black ink, appearing to read "L. B. Turner".

Larry B. Turner, PE
General Manager

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: Administrative Services Director/City Clerk 

DATE: April 29, 2005

SUBJECT: Vehicle Accidents Involving City Employees

At the last Council meeting, Council asked about the increase in vehicle accidents from FY2004 when there were three accidents to FY2005 when there have been six accidents during the same time period. These are accidents where the City employee was determined to be at fault. Most of the vehicle accidents involve public safety and public works employees, which is understandable when you consider the number of vehicles and miles they drive. Of the six reported accidents, four involved the fire department, one involved the police department and one the public works department. Three of the fire department accidents involved damage to bay doors or engine compartment doors while backing up a vehicle. Spotters are required, if available, according to the Fire Department SOPs. Assistant Chief Eiswerth indicates that this SOP is followed, and shift supervisors continue to reemphasize this to station personnel. Disciplinary action is taken on those who do not follow the procedure. The police accident involved an officer scraping a cement pole while on patrol in a parking lot and the public works accident involved limbs in one of the City trucks scratching two other City trucks. There were no injuries to our employees in any of these accidents and no privately owned vehicles were involved in any of these accidents.

Directors/Chiefs meet quarterly and review all accidents and incidents and discuss ways to improve safety. Departmental safety training includes supervisors stressing safe driving and safe operation of equipment.

/jsm

cc: Directors/Chiefs

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *Bennett M. McCallister*
Assistant City Manager *W.K.*

FROM: Financial Services Director *P.S.*

DATE: April 28, 2005

SUBJECT: Consider Ordinance for the Formation of the Peachtree City Governmental Finance Corporation

May 5, 2005 City Council Meeting

Recommendation:

Approve ordinance authorizing the formation of the Peachtree City Governmental Finance Corporation.

Discussion:

In accordance with a recommendation made by the city's bond counsel, Earle Taylor of Kilpatrick Stockton, staff is asking Council to approve the creation of a Georgia not-for-profit corporation to serve as a legal entity for holding title to equipment and other property during the term of any lease-purchase agreements for such property. Title to the property will revert to the city upon termination of the lease(s). The corporation can also be used for any future lease-purchase finance transactions such as bricks and mortar loans. In addition, the corporation will be exempt from federal income tax under IRS Code Section 115 (municipal income exclusion). The elected members of the city council will serve as the board of directors for the corporation. As referred to in the ordinance, Exhibit A will be sent out to Council prior to next week's meeting. The city attorney has discussed this matter with Mr. Taylor and concurs with his recommendation.

Budgetary Impact:

None. Legal fees for setting up the corporation will be paid for by the city's new lease-finance company, All Points Capital Corporation. For prior lease-purchase agreements, we paid a fee to GMA (for each separate agreement) to serve the function of this corporation. Therefore, we will no longer have to pay these fees.

ORDINANCE NO. ____

**AN ORDINANCE OF THE COUNCIL OF PEACHTREE CITY
APPROVING THE FORMATION OF THE PEACHTREE CITY
GOVERNMENTAL FINANCE CORPORATION; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, in order to finance various capital projects for use by Peachtree City (the "City"), the "Peachtree City Governmental Finance Corporation" (the "Corporation") will be organized and incorporated under the laws of the State of Georgia as a nonprofit corporation to acquire certain properties and to lease or sell them to the City under the terms of lease, purchase, or lease purchase contracts (the "Agreements"); and

WHEREAS, the Corporation has not made and does not intend to make any profit itself, or by reason of the acquisition of any projects, and no part of the income or assets of the Corporation will inure to the benefit of any person, firm, or corporation, other than the City; and

WHEREAS, the Corporation intends to convey all right, title, and interest of the Corporation in and to all the property constituting a project to the City upon retirement of any obligation or indebtedness of the Corporation incurred in connection with such project, and the City does hereby find and determine that the formation of the Corporation and its assistance in financing City projects are necessary and desirable in order to promote and preserve the health, safety, and welfare of its residents; and

WHEREAS, the Corporation has requested the Council of the City to approve its formation;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City, and it is hereby ordained, as follows:

SECTION 1. The formation of the Corporation, subject to the approval of its initial members and directors, in accordance with the Articles of Incorporation in substantially the form attached hereto as Exhibit A, for the purposes described in the foregoing recitals, is hereby approved.

SECTION 2. The City hereby consents to accept title to property constituting the projects, to be surrendered free and clear of all liens and encumbrances, upon retirement of obligations or indebtedness of the Corporation incurred in connection therewith.

SECTION 3. Nothing herein contained shall be construed to create any obligation, direct, indirect, or contingent, on the part of the City to pay any part of the cost of any project or any obligation or indebtedness of the Corporation incurred in connection therewith, either in the event of a default or failure by the Corporation or otherwise, or at such time as the transfer of title to any projects to the City shall become absolute.

SECTION 4. This Ordinance shall take effect immediately upon its adoption.