

CITY COUNCIL OF PEACHTREE CITY

Minutes of Meeting

March 21, 1996

7:00 p.m.

The Mayor and City Council of Peachtree City met in regular session on Thursday, March 21, 1996, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those in attendance in the pledge of allegiance. Present were: Mayor Robert L. Lenox, Councilmembers Annie McMenamin, Robert Brooks, Jim Pace and Caroline Price.

Additional Agenda Items

None.

Announcements, Awards, Special Recognition

Mayor Lenox presented Employee of the Month award to Arthur Smith for the month of January.

Mayor Lenox presented Employee of the Month award to Gloria Strobel for the month of February.

Mayor Lenox presented certificates to volunteer firefighters for completing rookie training.

Minutes

Price made a motion that the minutes of the March 7, 1996, meeting be approved. McMenamin seconded the motion. Motion carried unanimously.

Old Agenda Items

None.

NEW AGENDA ITEMS

**03-96-6 Public Hearing - Rezoning Request
Palmer/Hyde Property - Stagecoach Road**

Lenox read the rules for conducting a public hearing and set a time limit of thirty (30) minutes for those who wished to speak in favor or in opposition of the rezoning request. Lenox asked first to hear from the applicant.

— Scott Jacobson, attorney for the applicants, addressed Council and explained that Ms. Katherine Palmer and Mr. W. Michael Hyde owned 31.75 acres located on the northside of Old Stagecoach Road adjacent to a trailerpark, cemetery and lots owned by Mr. Ranes, Ms. Hayes, Mr. Mascara, Mr. Barber and Mr. Manwaring. Jacobson said there was also undeveloped property to the east that was located in the County.

Jacobson said the vacant property was flat with few trees and included a 10 acre lake which would be maintained and incorporated as part of the development. He said when Mr. Hyde originally purchased 20 acres in 1983, the land was zoned AR. He said Hyde never requested ER zoning but that the City imposed that zoning as part of a blanket zoning resolution. Jacobson said Hyde purchased an additional 10 acres last year which had been zoned ER under the same blanket zoning resolution.

— Jacobson said his applicants had tried on numerous occasions to market the property under the existing ER zoning classification to no avail. He said, in 1993 the applicants took the time to formally plat the property as a subdivision under the ER classification and attempted to market it exclusively and intensively for eighteen months without any success. He said there was no genuine economic interest in the property at any time under that classification. Jacobson said the existing zoning was robbing the property of its value and the costs for infrastructure necessary to develop the property in a first class manner could not be accomplished under the existing zoning classification. He said the applicants were asking for a rezoning from ER to R-43 which would only change the density and lot size. Jacobson said R-43 was a low-density classification with a minimum requirement of 1 acre and the proposed sites would be greater than 1.4 acre per lot.

— Jacobson said the proposed zoning was consistent with the current Land Use Plan which was amended in 1995 following several public hearings and a one-year study by a task force. He said the Land Use Plan currently stated "Undeveloped tracts in the Carriage Lane/Robinson Road area should be developed in accordance with R-43 standards with special buffering considerations for adjacent lots already developed at 3 acres or more." Jacobson said the applicants would provide for extensive buffering along adjacent property and would abide by all the conditions recommended by the City.

— Jacobson said they intended a single builder to develop the property into a first class residential neighborhood with the prices of homes ranging from \$215,000 to \$350,000. He said they would include: significant neighborhood restrictions and

covenants to ensure quality development, construct a new road from Robinson Road to the development, and tie into the City's carpath system.

Jacobson said the applicants were submitting a revised conceptual site plan as a result of comments at the Planning Commission meeting that eliminated any change to Carriage Lane or Old Stagecoach Road. He said his clients were willing to address the issue if the community or council so desired.

Bob Moody, builder for proposed development, addressed Council and said the homes in the development would be similar to homes in Charleston, SC and Seaside, FL. Moody said Seaside, FL was a well known development with lots that were less than three acres, and the development had won numerous awards. Moody said he felt the development would be one of Peachtree City's finest neighborhoods.

Ethyl Kubiak, a resident of Peachtree Colony subdivision, asked Council to approve the rezoning because she felt it would help improve the value of homes in her neighborhood.

Jim Williams, Director of Developmental Services, addressed Council and stated that the proposed development was part of a much larger situation. Williams said there was additional acreage across from the property that would also be affected by this rezoning because that property could also be considered for rezoning. Williams said there was a major shopping center that been developed near the property and more commercial development would be taking place across the street. He said the characteristic of the area had changed drastically. Williams felt Hyde's proposal addressed the issue of the need for additional infrastructure in that area. He said something should be done to improve the Peachtree Colony subdivision and he felt the proposed project would be part of a solution and not a problem. He said that, because property would have a zoning classification of R-43 would not mean that every lot in that project would be 43,560 square feet. He said the recommendations included a provision for proper transitions between existing developed property and the new development. He said good land planning would provide an adequate buffer. Williams said he did not believe it would be possible to make the infrastructure improvements that were needed in that area unless the density could justify the income needed for expenses. He said Hyde could develop the site with a minimum infrastructure expenditure and probably make more money, but he felt Hyde was interested in a project the community could be proud of.

Williams said the Planning Commission could not come to a consensus for a recommendation because Hyde was a member of the Planning Commission and had to abstain and that the remaining votes resulted in a tie. He said staff recommended approval of the rezoning.

Mike Johnson, 311 Sandown Drive, asked Council to approve the rezoning. He said he decided to rent his home in Peachtree Colony because he could not sell his property. He said he felt he had difficulty selling the home because it was located between commercial development and undeveloped property. He felt the proposed zoning would provide a good transition between Peachtree Colony and the low-density development.

Hearing no one else speak in favor of the rezoning, Lenox asked to hear from anyone opposed to the rezoning. The following people responded to oppose the rezoning: Ted Thomas, Camp Creek Trail; Martha Bryson, Spear Road; Mr. Ranes, Carriage Lane; Elliott Hogan, Camp Creek Trail; Don Dickinson, Spear Road; Kelly Ranes, Carriage Lane; Larry Manwaring, Spear Road; and Howard Pringle, Carriage Lane.

The following comments and points were made:

- Council has turned down similar zoning requests in the past.
- Council initiated a rezoning request themselves to zone the property from AR to ER to preserve the lowest possible density in that area.
- Questioned how the Land Use Plan Task Force was formed and commented that many qualified and interested people were not invited to sit on task force.
- There is a great need and demand for ER lots but very few areas remain in the City.
- People who purchased property relied on the ER zoning in the surrounding area.
- People who chose to live in an area zoned ER would not have bought property if R-43 zoning was adjacent to their property.
- Rezoning would only benefit Hyde family

- Improvements are needed for Carriage Lane but this rezoning request would not address those issues.
- If approved, the rezoning would lower property values.
- Concerns that higher density development would damage the environment.
- Infrastructure improvements should be City's responsibility.
- Hyde could still make a profit by developing expensive homes on larger lots with ER zoning.
- The Carriage Lane area does not need to be revitalized or have their road access changed.
- The proposed development would cause a 244% increase in the number of septic systems up stream from most homeowners in the area.
- If the rezoning request was approved, PCDC would follow suit and also request a rezoning for their property
- Changes that were made to the Land Use Plan should be reconsidered and revised.

Martha Bryson said she was a licensed real estate broker and said she knew that lots zoned ER sell very quickly. She said she searched the computer files of real estate listings which contained eighteen months history and she could find no evidence that the property was ever listed for sale. She said she also went back through the books that were published and could not find any evidence that the property was ever listed for sale. She said the only other way someone could possibly sell property would be to put up a "For Sale by Owner" sign or advertise in the newspaper. She said she was a neighbor and Realtor, and never saw a sign. She said if the property had been marketed for sale she believed she would have taken notice. She also said she went to the court house and found that if the property was ever platted as Mr. Jacobson said, it was never recorded.

Larry Manwaring, said he owned 10 acres adjacent to the applicant's property. He said he could probably make a profit if the rezoning were to be approved because he could then rezone his property, but he did not feel that would be fair to his neighbors. He asked that Council deny the rezoning request.

Lenox closed the hearing for comments and allowed the applicant to make a rebuttal.

Hyde said he was a 24 year resident, and he believed his proposal would provide planning and direction to the area which was currently haphazardly developed. He said his proposed development was not a cluster project but a low density development with lot sizes varying from one acre or more. He said he felt it was good planning and was consistent with the current Land Use Plan.

Jacobson said his applicant wanted to make a reasonable economical use of property. Jacobson said his applicant did market the property and it was platted; however, no genuine offer was received under ER zoning classification. He also said he felt the surrounding property values would increase because of the proposed project.

Lenox called the hearing to a close and called for Council debate. There was no constitutional challenge raised during the hearing or reference to a letter that was previously provided to Council.

McMenamin said she served on the Land Use Plan Task Force. She said in many public meetings she had stated there was not a consensus of opinion from the Task Force on all of the recommendations. Instead of arguing about those items, the Task Force felt the plan should be presented in a public hearing. The Planning Commission held a public hearing and Council was told there was no opposition from residents. She said Council also held several public hearings about the Land Use Plan, which were advertised to notify the public, and there was no opposition. McMenamin stressed that citizens need to attend public hearings to give Council guidance and direction. She said information about meetings is available in the newspapers, on the cable information channel, posted on agendas, and printed monthly in the "Update" which is mailed to each home in Peachtree City. She said she did not feel there would be an issue to consider if citizens had responded to the public hearings. She said many citizens on the Land Use Plan Task force were chosen because they had been very vocal about wanting to get involved.

Price said some of the property owners of that area were not present at the meeting and she felt they should all work together toward a cohesive plan. Price

— recommended that Hyde go back to the Planning Commission and try to come up with a better plan for the entire area.

Lenox said he felt the proposed plan did not address all of the issues needed to improve that area. He felt the land could be developed with an ER zoning and that the adjacent property owner's opinions should be considered.

McMenamin asked the City Attorney if it would be proper for her to make a motion to amend the Land Use Plan to reflect that the proposed property and property owned by Peachtree City Holdings should be zoned ER. Webb said that because the changes to the Land Use Plan had been made in public hearings which were advertised, it would be more appropriate to hold another public hearing to take that action.

McMenamin made a motion to deny the rezoning request. Brooks seconded the motion. Motion carried unanimously.

— McMenamin instructed staff to advertise for a public hearing to consider amending the Land Use Plan for properties owned by Hyde, Palmer and Peachtree City Holdings and that the Land Use Plan should recommend those properties should be developed with ER zoning.

Pace instructed staff to do the following:

1. Include information in the next "Update" to notify citizens how the Land Use Plan Task Force was organized.
 2. Have the City Engineer look at the storm water runoff from Publix into Peachtree City. Pace said he felt it was a County problem coming into the City and that it needed to be addressed.
 3. Look into the feasibility of having Peachtree Colony subdivision tied into the sewer system that is currently connected to the Publix Shopping Center. Pace said those lots were less than one acre and were not in compliance with County standards.
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Webb said that Williams indicated that the Planning Commission should probably take a look at the Land Use Plan before Council consideration. Webb said he would

ensure staff would comply with regulations and call the Public Hearing at the proper time.

Lenox had to leave the meeting to attend to urgent business and turned the meeting over to Mayor Pro tem Brooks.

**03-96-7 Consider Alcohol License Change
Longhorn Steaks**

Basinger said an application for a change in the Alcoholic Beverage License for Longhorn Steaks had been submitted. He said Mr. Kelly Clark had applied to be the License Representative and was present to answer any questions the Council might have.

Price made a motion to appoint Mr. Clark as the License Representative. McMenamin seconded the motion. Motion carried unanimously.

03-96-8 Consider Tuition Assistance Program

Basinger said the City had a policy on educational enrichment which allows for tuition reimbursement for job related coursework. He said the criteria was vague and no funds had been budgeted for reimbursement. He said staff recommended the following changes to the Personnel Policy:

1. Tuition assistance is limited to three (3) courses per calendar year.
2. Tuition assistance is limited to 50% of the tuition cost up to a maximum of \$200 per course with a grade of "B" or better.
3. To be eligible for assistance, an employee must be enrolled in a degree program at an accredited college or university or a diploma program at a certified technical school and be taking coursework relevant to a position with the City.
4. Coursework must be pre-approved by the Director/Chief. Unusual requests for coursework must have City Manager approval.
5. If an employee leaves City employment within twelve (12) months of receiving tuition assistance, the employee shall be required to repay the City the amount of tuition assistance received.

Basinger said that if Council should approve the policy, he recommended an effective date of October 1, 1996 to enable Directors/Chiefs to budget funding for the program.

Price made a motion to approve the policy as presented to be effective October 1, 1996. Pace seconded the motion. Motion carried unanimously.

**03-96-9 Consider Financial Assistance
 Council on Battered Women**

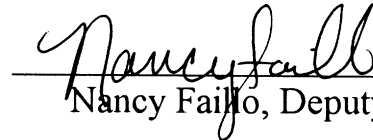
Linda Wells, Executive Director of the Fayette County Council on Battered Women addressed Council and requested financial support of \$6,000. She said that last year 40% of requests for assistance from battered women originated from Peachtree City. Wells added that the funding would be used toward their annual rental of office space.

McMenamin made a motion that \$6,000 be taken from the Council Contingency Fund and given to the Fayette County Council on Battered Women. Pace seconded the motion. Motion carried unanimously.

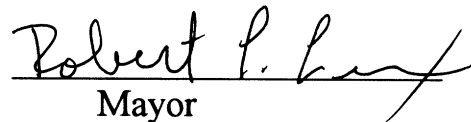
Brooks made a motion to adjourn the meeting for a brief recess to reconvene in Executive Session to discuss a legal matter. Price seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

No action was taken in Executive Session. Price moved to adjourn the meeting at 9:20 p.m. McMenamin seconded the motion. Motion carried unanimously.



Nancy Faillo, Deputy City Clerk

Attest: 

Mayor