

City Council of Peachtree City
Minutes of Meeting
March 20, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, March 20, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Logsdon recognized Sandy Faulkner of the Fire Department for 15 years of service to the City. Tim Maret of the Code Enforcement Department was recognized as the February Employee of the Month.

Logsdon recognized Steve Fraas and David Miller for their service on the Development Authority of Peachtree City and Council Member Plunkett for her previous service on the Peachtree City Recreation Commission.

Public Comment

Juan Matute expressed concern about the ongoing problems with the Police Station. Matute noted the ongoing expenses and lack of guarantee and asked for more detail to be made public about the nature of the problems, where the land came from, and what actions the City has taken over the years to address the problem and improve the work to date.

Agenda Changes

There were no agenda changes.

Minutes

Plunkett moved to approve the February 21, 2008, Regular Meeting Minutes. Boone seconded. The motion carried unanimously.

Consent Agenda

1. **Consider Easement Request for Georgia Power**
2. **Consider Lease Extension for Police Department**

Plunkett moved to approve the Consent Agenda. Boone seconded. The motion carried unanimously.

New Agenda Items

03-08-05 Alcohol License – NEW – Pit Stop #28

Plunkett moved to approve the alcohol license for Pit Stop #28 at 555 Highway 74 South, with W. Michael Hyde as Licensee and License Representative. Boone seconded. Motion carried unanimously.

03-08-06 Consider Appointment of Police Chief

Plunkett moved to appoint H.C. "Skip" Clark as the Peachtree City Police Chief, per Section 2-12 of the Peachtree City Code of Ordinances. Boone seconded. Motion carried unanimously.

Plunkett and Logsdon commended staff for their efforts in reviewing the applications and interviewing applicants to find the best candidate for the position.

03-08-07 Public Hearing – Consider Rezoning, GC to LUC-21, Wisdom Road (Fairfield Inn)

Ishwar Dayabhai, architect for the project, addressed Council. Dayabhai indicated his client purchased the property after checking the height limitations in the existing GC General Commercial zoning (then 10 stories with approval of the Fire Marshal). The Fire Marshal was also approached at the time, and he had indicated he was fine with the height of the building exceeding the 35-foot limit. Dayabhai said his understanding of the zoning intent was to allow commercial properties to develop up to 10 stories, with consideration given for fire protection. He understood that now there was concern about buildings exceeding the tree canopy. He had come to Council because his client had done what they could to comply, and now their only recourse was to request a rezoning.

No one spoke in favor of the request. Phyllis Aguayo spoke against the rezoning, saying the change in the ordinance eliminating the 10-story limit was good because that size of building was not what was originally envisioned for the City. She said that, if Council were going to consider granting the rezoning, they should impose additional buffering and other requirements to soften the building.

Logsdon closed the public hearing.

City Planner David Rast addressed Council, noting that the property at Wisdom Point has been zoned GC for several years. Rast confirmed that the ordinance had allowed buildings up to 10-stories, but that was changed in March of 2006 to a maximum of 35 feet. At about the same time, the City received plans for three structures exceeding the height limit. Comfort Inn at City Circle met the height requirements for that zoning district, but the two requests before Council at this meeting exceeded the limit for GC. Staff came back to Council requesting reconsideration of the height limit due to several structures exceeding the limit. Council asked staff to come back with the same limit, but, instead of granting variances, to provide for rezoning to LUC to allow for greater Council input into the site plan and facility.

Staff had been working with the applicant for Fairfield Inn and Hilton Gardens for several months. One of the concerns of the Planning Commission was the impact the development would have on adjoining properties, and the buffering necessary to help screen the buildings. Rast said, in this case, the property was located behind the first phase of Wisdom Point, with a three-story building next door. In working with the applicant, one of the things staff requested was that the building be turned so that the entrance faced away from the service court behind Wisdom Point. They created a four-sided building, with the side facing Highway 74 being designed as the front. The plan also left a greater buffer between the site and Woodsmill apartments.

Rast said the elevations reflected the Planning Commission's input, and the colors would be compatible with the existing structures in Wisdom Point. The maximum height was 55 feet,

which was 13 feet higher than the building next door, but the topography would make them consistent. Rast said the Planning Commission recommended approval of the rezoning. Staff recommended approval as well, and Rast noted Council had an ordinance specifying the uses and requirements for the site.

Rast said that one of the requirements staff had added was an increase in the perimeter landscaping to enhance the buffers over time. Rast said that, since the height of the building exceeded the limit by 33%, staff recommended increasing the canopy and understory landscaping requirements by a corresponding 33%.

Haddix echoed Aguayo's assertion that the original vision for the City did not include tall buildings. Haddix also said that he understood the occupancy rates of the existing hotels were currently low, and adding hotels would increase the problem. Haddix also felt this would be spot zoning, and he saw no justification to approve the request.

Boone disagreed, saying this was a high-end hotel that added value to the community and would draw customers, increasing revenue to the community. Boone also felt the modifications to the plan were good, especially because there was no vegetation on the existing site. Boone said Council had specifically added the LUC option to address the 35-foot height limit and to be consistent with the other buildings in the area. Approval was justified.

Plunkett asked when the 35-foot limit was instituted, and Rast said March of 2006. Plunkett asked when the site plan was submitted, and Rast confirmed it was after the change in the ordinance. Plunkett asked for clarification on the term "spot zoning," since a hotel was allowed in the current zoning, and they were not changing the use. Rast said the LUC zoning allowed Council to adopt site-specific requirements within the Commercial zoning. The LUC zoning gave the City more control over the building materials and elevations.

Plunkett said she liked the placement at the front of the site, but she had concerns about the traffic flow onto Wisdom Road and felt that the conditions and requirements in the ordinance should be more stringent and more specific.

Haddix asked for further clarification, saying that, since the zoning would change from GC to LUC in this one spot, it was spot zoning. Logsdon disagreed, saying it was still commercial and that argument could be applied to any of the LUC zonings in existence. Logsdon said he did not have a real problem with 60 feet in commercial areas, especially with two tall office buildings so close to this site.

Logsdon said it concerned him that, without the zoning, the project would be a lower-end, two-story hotel, and complimented Rast on the added landscaping requirements. Logsdon said that there were currently issues under consideration that might require additional hotel space. At the Town Hall meeting he held with the Industrial Park residents last year, the companies said they often had to send visiting employees to Newnan because the hotels in town were full. The current economy was having a impact, but the local companies did not think there was adequate hotel space here. Logsdon said he hoped the owners had done the appropriate research because

the City did not need a vacant hotel. Logsdon said he planned to support the request, but would yield to Plunkett's request for some additional requirements on the site.

Rast said the applicant was moving forward with construction and grading plans, and staff could use those plans to add more specific language on the landscaping requirements. Rast noted the site plan would also be codified.

Plunkett said that, ultimately, if they left the zoning as GC, they would get a hotel and none of the concessions. She made a motion to send the plan back to the Planning Commission for more specific improvements and requirements. Boone seconded. The motion carried unanimously.

03-08-08 Public Hearing – Consider Rezoning, GC to LUC-22, Commerce Drive North (Hilton Garden)

Raj Patel with Apsilon Management, the property owners, addressed Council and provided a brief history of the project. He indicated they met with the City Planner and City Manager prior to buying the property, submitting the plans to see if it would be feasible. There were no zoning issues at the time, but the code changed limiting buildings to 35 feet. Patel noted the building in front of this project exceed that height limit. He said they had worked diligently with the City, decreasing the number of rooms, decreasing banquet space, adding landscaping, and decreasing parking lots.

Patel addressed Haddix's previous concerns about the hotel market, saying their feasibility study indicated additional hotel space was needed. He said knowing the zoning allowed hotels up to 10 stories led them to pursue the project, even though they had not intended to build one that high.

No one spoke in favor of the request. Aguayo again addressed Council, saying her concerns were the same about visibility and buffering, and she felt this site was higher, which could compound the impact of the structure.

Logsdon closed the public hearing.

Rast showed the location of the site at the end of Commerce Drive. The sites in that location were previously cleared and graded in accordance with the ordinance, and the adjacent vacant site was being marketed for a restaurant. These represented the last commercial sites in Westpark.

Rast confirmed that the original request was for a five-story hotel with over 100 rooms, and that was reduced to four stories with a maximum height of 60 feet. The majority of the parking would be in the back, and a substantial amount of landscaping was proposed. Rast said the building incorporated the requirements of the design guidelines for buildings over 35 feet to help decrease the appearance of the building size.

Rast said this hotel differed from the Fairfield Inn, with a conference facility and dining room. Rast also showed the BB&T facility that had been approved across the street, which was 60 feet

in height, saying that the Hilton Garden architect had used the same color pallet as the BB&T. The Planning Commission recommended approval of the rezoning with specific criteria, and Rast said staff should probably make those conditions more specific as well.

Haddix said that basing approval on something that was a good idea but unlikely was not reasonable, and that adding this hotel could make the other existing hotels vacant or undesirable.

Boone disagreed, noting the great lengths to which the owners had gone to design something that would draw conferences. Plunkett confirmed that she would like the requirements spelled out, but she had fewer problems with this use because it did not abut residential property and did not empty onto Wisdom Road. However, she shared Aguayo's concern that the elevation was higher and felt the landscaping might also need to be higher.

Plunkett and Rast noted that the Wyndham and Holiday Inn were higher than 35 feet. Boone agreed that the wording for the conditions should be more specific, and Logsdon said he would support it when it came back. Plunkett made a motion to send the request back to the Planning Commission for more detail on the requirements for the site plan. Boone seconded. The motion carried unanimously.

Rast said he would like to bring these back at the next meeting if the issues could be addressed at the next Planning Commission meeting.

03-08-09 Public Hearing – Consider Variance to Sign Ordinance, 315 Highway 74 North (Delta Community Credit Union)

Gina Hughes of ELRO Signs spoke on behalf of Delta Community Credit Union. She said the OI zoning currently allowed for 30 square feet of signage. Delta Community Credit Union had reimaged their logo and wanted new signage to reflect that. The proposed was 142 square feet when fully enveloped, but was closer to 100 square feet when the elements were boxed individually. The building faced a busy highway and was very hard to see. They were looking to increase the size and to add the back halo lighting permitted by code.

No one spoke in favor of the variance. Aguayo addressed Council saying she vehemently opposed this variance because the City's sign ordinance prevented the City from looking like other communities. The building itself was very visible, and approving this would set a precedent for all other commercial uses. Juan Matute addressed Council, saying he was a retired Delta employee, and said Council needed to consider what approving this would imply to the other major businesses. Matute echoed that people in town knew where the credit union was, and felt the signage size should be kept the way it was.

Logsdon closed the public hearing.

Rast addressed council, saying this was the first variance application to the sign ordinance in his memory. Rast said when the property was rezoned from AR to OI, staff had worked very carefully with the owners and architects to address issues on the site. The building had three entrances and was allowed to have two wall signs. The signs submitted as part of the original

sign program complied with the signage requirements in the ordinance. The two existing wall signs had been in place for a year, and two monument signs, one on Highway 74 and one on Wisdom Road, were also allowed and in place.

Rast said the sign ordinance was restrictive in all zoning districts, but was more restrictive in OI than in Commercial. The proposed sign was 450% larger than the ordinance permitted. Rast expressed concern about a domino effect in area signage, noting that the ordinance had been modified over the years to keep it consistent with case law, and that granting variances could chip away at its effectiveness. Staff recommended denial of the variance.

Haddix expressed concern about the numerous requests for changes, exceptions, and variances that the City was receiving, saying they eroded the City's ability to enforce requirements. Haddix opposed the variance. Boone asked if the new logo could be added in compliance with the existing requirements, agreeing that he had a problem with granting a variance.

Rast confirmed that they could add the logo and backlight the sign within the current size requirements. Rast said staff had some suggestions for the applicant that might work.

Plunkett asked if there were two tenants, could they both have 30 square-foot signs. Meeker said that there could be one large sign, and each tenant could have up to 10 square feet immediately above their entrance.

Logsdon said he was proud to have Delta Community Credit Union here, but the sign ordinance was very important to the City, and giving in on it would put the whole ordinance at risk.

Haddix made a motion to deny the variance. Sturbaum seconded. The motion carried unanimously.

03-08-10 Public Hearing – Consider Variance to the Fence Ordinance, 233 Smokerise Trace

Elaine Lariviere, the applicant, requested Council grant her request for a variance to the fence ordinance for a gate they had installed on their property in October. She said they were unaware they needed a separate permit from the fence permit they had obtained. There were several other gates of this nature in town, and it was installed for the security of their home. They submitted the paperwork to the Homeowners Association (HOA) with no objections, so they installed the gate.

David Cree, former president of the Smokerise HOA, said the request was approved several years ago. He was also a neighbor and felt the gate was gorgeous and enhanced the neighborhood. The HOA's Architectural Review Board (ARB) had been unaware of the height limitation on gates.

Bill Hughes, president of Medallion Security, addressed Council, saying they started on the project in 2004. They prided themselves on quality work. The homeowners had done a wonderful job on the landscaping, and the lion elements in the gate echoed a statue in the yard.

Most of the gates in the City were right by the street, and this was not even visible from the street.

John Covall, current chairman of the ARB, said the committee noticed deliveries of materials last October. The committee requested work to stop and the paperwork be submitted, but had not received it. Past architectural chairs had not mentioned the approval, and the records did not reflect any previous approval. Covall said the gate violated the covenants, but the ARB was just asking for an opportunity to see the plans.

Scott Bradshaw, 251 Smokerise Trace, said he opposed the variance because the owners did not go through the Architectural Review process. Bradshaw said City staff usually made sure that approval had been gained prior to acting on a request. The process was circumvented. Bradshaw estimated the gate was actually 30-35 feet from the City right-of-way, which might violate setback requirements, and the 110-foot distance noted in the application was measured by the driveway. There was no permit for the gate. One of the other gates cited was also opposed by the HOA, but had been approved by Council due to some personal issues with the homeowners. Bradshaw said he hoped Council would consider the future requests this could generate if the variance were approved.

Cree addressed Council and reiterated that he had received the plans when he was president and gave them to the ARB. The gate was approved, but it was a bit different and did not include the lions. Cree said the current board had never requested the paperwork from the HOA during his tenure.

Wade King, immediate neighbor to the property, addressed Council, saying the resident had a history of failure to abide by the zoning and building code or to observe the property lines. The owner had encroached onto his property because they refused to get a survey. Their pool pump was on the property line, and the drain lines encroached onto his property, originally to drain into the street and currently onto his property. King argued that a gate unconnected to any fence provided any type of security.

Hughes said they started with the gate to keep people from going up the drive by the side of the garage to where the pool was.

Logsdon closed the public hearing.

Rast addressed Council, noting that there had been a number of improvements to the property. Rast said staff became aware of the gate in October when the code enforcement officer put a stop work order on the property and found there was no permit for the gate. The officer advised them to apply, but that it would be denied and they would ultimately have to go through the variance process to keep this design due to the height of the gate.

Rast said that the department staff would not accept permit applications from residents of neighborhoods with an HOA unless there was correspondence from the HOA on the request.

Rast said the application packet included the April 25, 2005, approval letter signed by David Cree.

Rast said the gate crossed a 50-foot building setback line, but fences in the front yard were permitted to do that. However, fences in the front yard, which this technically was based on the orientation of the lot, could not exceed four feet in height. The gate was considered a fence and reached a height of over six feet in the center.

Rast said that Council had recently passed an ordinance on the variance procedure listing criteria for fence variance, and noted that the request met two of the four criteria. Staff had initially recommended approval under the special exception variance, but based on the current ARB's assertion that they had not had an opportunity to review the gate, Rast said he did not know if staff could support the request. Ultimately, without the approval of the current ARB, staff would not even have accepted the application for the permit.

Logsdon confirmed that the letter Rast received was the letter the current board had not seen. Plunkett asked if the covenants would allow a four-foot gate, and the current HOA representatives confirmed this. Rast clarified that the letter from Cree was not an approval, but an acknowledgement of receipt of the plans. Plunkett said she did not feel this represented a hardship, and even if it had been approved by the HOA, it still would have required a variance. Rast said he felt it met some of the criteria in the special exception variance language. However, the language required that it meet all four.

The homeowner said they thought they had approval from the ARB because they did not hear anything after 30 days.

Haddix said that his HOA requirement was to have a drawing, to get the neighbors' comments, to get approval from the association, and then to obtain the permit. He felt the applicant should go back to the HOA. Boone agreed that the request needed to go back to the HOA first. Hughes asked if the fence would be acceptable if the height was changed to four feet. Meeker said a variance would not be needed, but the homeowner would still need HOA approval to get the permit.

Haddix made a motion to deny the variance. Plunkett seconded. The motion carried unanimously.

**03-08-11 Public Hearing – Consider Variance to Rear Building Setback, 516
Clearwater Cove**

Bob Barnard addressed Council representing the homeowner, Betty Vaughn. Barnard said she was looking at adding onto her home in Brookfield, which had homes very close together precluding additions to the side. She would like to expand the kitchen and breakfast area by 10 feet toward the rear property line to provide for a real dining room and extend the patio. The roofing and siding colors would be maintained. The extension encroached by 10 feet into the setback, which abutted City-owned greenbelt. Barnard said this was the test case on the

amendments Council recently made to the ordinance on variances to make some allowances for people looking to improve their homes.

No one spoke in favor of the request. Aguayo said she was commenting on the request, noting that there had been concerns voiced about buffers, setbacks, and appearance when homes were originally permitted on these smaller lots. She said her heart went out to someone who loves their home and wanted to improve it, but they were asking to move into the setbacks and closer to the greenbelts. Her concern was that, the more variances that were granted, the more that would be requested.

Juan Matute echoed his agreement with Aguayo's concerns and suggested Council postpone the issue to consider it further.

Logsdon closed the public hearing.

Rast said this request was the first test of the amended variance procedures, explaining that staff had researched variance procedures from several jurisdictions, picking the best of the best, and holding meetings with the Planning Commission before bringing it to Council.

One of the issues addressed was homes abutting greenbelts because the encroachment would not negatively impact a neighbor on that side. Council had not wanted to have blanket variances for this, and wanted to evaluate these requests.

Rast said there were a number of criteria adopted by Council for these types of variance, and this request merited consideration because there was no other room on the property to expand the home and enhance the property. Rast noted that the adjacent property built a sunroom several years previously after receiving a variance to encroach five feet into the setback. At that time, Council felt it had no impact and granted the variance. Staff recommended approving the variance with conditions on the amount of the encroachment, the appearance of the structure, and the requirement to add buffering landscaping to the yard.

Boone said he felt that some of the areas needed redevelopment and improvement, and the greenbelt in the back meant a neighbor was not being impacted.

Plunkett asked what the maximum encroachment into the greenbelt would be for the next level down of variance. Rast said five feet, but the variance would still have to come to Council. Plunkett and Logsdon said that was not what they remembered. Rast said staff had recommended going to Planning Commission, but there had been concern about Planning Commission approving variances.

Barnard said this plan had not yet been to the Brookfield HOA. The owner said she had spoken to the HOA, who indicated they usually accepted the City's decision. Logsdon and Council felt it should go to the HOA first.

Plunkett made a motion to table the issue until the HOA portion of the process had been met. Boone seconded. The motion carried unanimously.

03-08-12 Consider FY08 Police ATV Purchase and Path Patrol

Plunkett made a motion to approve the purchase of the Yamaha YFM-350 from City Cycle of Newnan for a price not to exceed \$5,602.71 and approve overtime funding of \$10,000 for patrols in 2008. Haddix seconded. The motion carried unanimously.

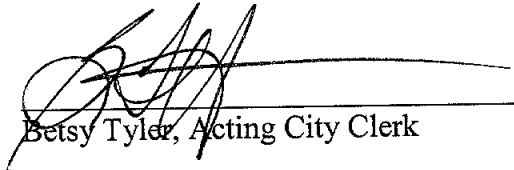
Council/Staff Topics

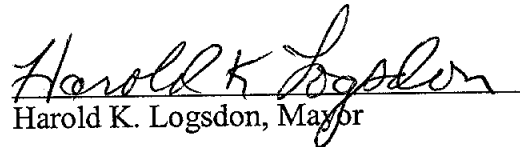
Plunkett asked System Administrator Matt Robinson to look at ways to increase the number of events on the City's web page events calendar.

Plunkett moved to go into executive session for a personnel matter and for threatened or pending litigation. Boone seconded. The motion carried unanimously.

Boon moved to reconvene into regular session at 9:34 p.m. Sturbaum seconded. The motion carried unanimously.

There being no further business to discuss, Boon moved to adjourn the meeting. Haddix seconded. The motion carried unanimously. The meeting adjourned at 9:35 p.m.


Betsy Tyler, Acting City Clerk


Harold K. Logsdon, Mayor