City Council of Peachtree City
Agenda
March 2, 2006
7:00 p.m.

I. *Call to Order*

II. Pledge of Allegiance

III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Proclamation for Exceptional Children's Week

IV. Minutes
February 16, 2006, Regular Meeting Minutes

V. Monthly Reports

VI. Consent Agenda
1. Consider Budget Amendments for FY 2006

VII. Old Agenda Items

VIII. New Agenda Items

03-06-01	Public Hearing – Consider Amendments to GC (Special Use Permit) – Big Box
03-06-02	Alcohol License – NEW – Taco Mac
03-06-03	Consider Approval of Stormwater Facility Maintenance Agreement (Park Place at The Avenue)
03-06-04	Consider Fire Department Volunteer Stipend Program

IX. Council/Staff Topics
Tourism Association Presentation on Current Status

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 Meeting
February 16, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, February 16, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions
Mayor Logsdon recognized Ursula Todd of the Building Department for 10 years of service.

Minutes
Rutherford moved to approve the January 25, 2006, workshop minutes as written. Boone seconded. The motion carried 4-0-1 (Kourajian).

Rutherford moved to approve the February 2, 2006, regular meeting minutes as written. Kourajian seconded. The motion carried unanimously.

Consent Agenda

1. **Alcohol License – Change in Ownership, Licensee, and License Representative – Hangar 74**
2. **Alcohol License – Change in Licensee (Yoon-Joo Kim Hartigan) and License Representative (Rory Don Evans) – Hartigan's Fine Wines, Spirits & Cigars**

Rutherford moved to approve the Consent Agenda. Kourajian seconded. The motion carried unanimously.

Old Agenda Items
09-05-09a Consider Amendment to Motorized Cart Ordinance (Registration)
Administrative Services Director/City Clerk Jane Miller said that, as staff began to implement the registration process, they realized that there was nothing specific in the ordinance regarding payment of the $12 for decal replacement for out-of-city golf carts. The proposed amendment clarified the cost of for out-of-city golf carts.

Rutherford moved to approve the amendment to the motorized cart ordinance (registration). Kourajian seconded.

Kourajian asked how the City knew if the out-of-city owners had not paid. Miller said the owners were billed, and the payments were tracked. The owners were contacted twice by letter, then by phone. Those that still did not pay were told that the Police Department would be notified they were out of compliance. If the Police Department saw them, they could be cited for being out of compliance.

The motion carried unanimously.

Miller noted that when staff first presented the plan for re-registration, the schedule was to go by the golf cart number. After further discussion, the plan changed. The City would be divided into geographic zones and a letter would be sent to every address in the zone to ensure everyone was notified. There would be extra postage, but this should help locate residents with carts. The decals had been ordered. The process would start in March with out-of-city golf carts and businesses first. Rutherford said this should catch the golf carts that were not registered. Logsdon said there was the risk that people did not read mail addressed to "Occupant." Miller said there could be something on the envelope to indicate it was about golf carts. Kourajian asked if the apartment residents would also be notified. Miller said they were working on getting those addresses. The notices would not be sent to post office boxes, but to homes with a mailbox.

02-06-05 Consider Amendments to Stormwater Credit Manual

City Engineer Dave Borkowski pointed out that there were two additional documents on the dais – revisions to the cover page and the right-of-entry form. The revisions to the cover sheet included the addition of the date of original adoption and the revision date. The changes to the right-of-entry agreement clarified specifically what the agreement was for, which was for credit purposes. He added that the City Attorney had looked at the changes. Borkowski continued that other significant changes included adding a definition of best management practices. The amendments also clarified the deadline for turning in credits and refund policies in the "Basic Procedures" section. In addition, the single credit application was split to one for residential properties and one for non-residential properties. More eligible activities under the Watershed Stewardship Credit were added for residential parcels, and residents had the potential to earn up to 50% credit.

Kourajian asked what waterfront stewardship was. Borkowski explained that it included volunteering to clean up trash and debris through various programs such as Rivers Alive, Adopt-a-path, and Adopt-a-park. Eight hours were equal to 25% credit for one year. Logsdon said that adopting a mile would take more than eight hours a year. City Manager Bernard McMullen said that a minimum of eight hours was required for the credit. Borkowski said the Board of Education would earn credits system-wide, not just in the City. The curriculum would have to be approved by the stormwater manager. The educational credit would not exceed 50%. The right-of-entry form would be submitted with the application.

Rutherford asked if 50% was the maximum credit, or if a school received additional credit for detention ponds. Borkowski said the Board of Education had the potential to get more than 50% credit. If the curriculum was approved, the Board of Education received 50% credit, and then the individual schools could receive additional credit for ponds or water quality. Logsdon asked if the parents could receive any credit for any classes taught to their children. Borkowski said those credits applied only to the Board of Education.

Rutherford moved to approve the amendments to the Stormwater Credit Manual. Boone seconded.

Kourajian asked how people, especially the single-family homeowner, would find out about the credits. Borkowski said information would be included with the bills directing people to the website for credit information. McMullen added that a four-page mailer would also be sent out to everyone next week. Borkowski said that everyone who got a bill would receive the mailer.

Plunkett asked who would monitor the streams and paths. McMullen said Public Works would monitor the cart paths, and that Dennis Chase would monitor the streams. He continued that all the criteria had not been developed. There would be specific trash bags for Adopt-a-Cartpath and Adopt-a-Street. Residents could call when they had completed the work, and Public Works would verify completion when the bag was picked up. Rutherford said it was based on the current Adopt-a-Mile criteria. Kourajian clarified that the eight hours had to be completed before receiving credit. McMullen said yes. Rutherford said the schools could also send home flyers with students that had residential credit information.

The motion carried unanimously.

New Agenda Items

02-06-08 Public Hearing – Consider Variance Request – Lot 1, Country Downs Subdivision (101 Leisure Trail)

Felton Taylor asked Council to approve his request for a 25-foot variance to build a detached garage due east of his existing parking pad. He said he had 4.58 acres, and the variance would allow him to save greenspace and concrete. Taylor explained that if the variance were approved, he would be able to build the structure behind the existing pad. Without a variance, he would have to put the structure behind his house, which would require additional concrete and electrical wiring. Taylor said the curvature of Crabapple Lane caused some problems with placement of the structure and the setbacks on the property. The proposed location was more convenient and would be directly off the existing parking pad. The garage would provide adequate space for a third vehicle, as well as storage for a riding lawnmower and utility trailer.

Plunkett asked Taylor about the cost of the additional concrete to build the structure on a site in compliance with the setbacks. Taylor said there was a patio with a brick wall, and he would have to have adequate space to get around that. He did not have exact numbers. The land behind the parking pad was fairly flat. The area in the back yard was sloped, and the entire back yard would have to be re-landscaped.

Rutherford asked Taylor if he was the original owner of the house, and whether it was pre-built. Taylor said he was the original owner, and he had contracted the house construction.

No one spoke in favor of, or against, the variance.

City Planner David Rast told Council that the tract was at the corner of Crabapple Lane and Leisure Trail. The tract was zoned ER Estate Residential, and all the lots in the subdivision were four to five acres in size. The minimum front setback was 100 feet for ER zoning. This lot was multi-frontage so the front building setback applied to both streets. Rast gave an overview of the tract's topography. He said Taylor also had concerns about the back areas of his home opening

up onto the structure rather than the natural area on the property. Rast said staff did not recommend approval of the request. Staff tried not to recommend variances for structures in the setback unless there was a dire situation. There were other places on the tract for the structure, other than encroaching into the setback.

Rutherford noted there were criteria that Council had to meet. Rast noted that the criteria were included in his position paper as "Attachment D." He continued that there were three criteria Council had to consider for variances – whether or not the special circumstances contributing to the request were peculiar to the particular property involved, whether or not the situation in which the request was being made posed an unnecessary hardship for the applicant, and whether or not the request was due to an intentional act of the applicant to violate the requirements of the ordinance. Rast continued that staff looked at the situation and whether a precedent would be set, especially with variances in the front setback. It would open the door for other property owners who wanted to build a structure in the setback. Structures were not just buildings; they included gazebos, pergolas, and fences. Rast clarified that anything over 36 inches in height was a structure. Boone asked if such variances had been allowed in the past. Rast said not to his knowledge. There had been requests for fences and a pergola, but all had been denied. Rutherford added that in one case the pergola was up, and the owner had to take it down. Boone asked if the request qualified as a hardship. Rutherford said a hardship would be a requirement. The building was something Taylor would like to do. Rast said the financial impact was not a requirement. There were also other areas on the tract where the structure could go without encroaching into the setback.

Kourajian said the biggest thing for him was that approving the variance would set a precedent. There was not a lot of foliage this time of year, so people would be able to see the structure. It would be difficult to turn down similar requests. Kourajian said he did not want to turn down any opportunity to improve property, but he could not support the request.

Rutherford moved to deny the request for Lot 1, Country Downs subdivision. Kourajian seconded. The motion carried unanimously.

02-06-09 Public Hearing – Consider Amendments to the Sign Ordinance

City Attorney Ted Meeker told Council that staff been directed to do a comprehensive re-write of the ordinance last year. They had noticed areas that needed to be modified and tweaked, particularly from the enforcement standpoint. The proposed amendments made those modifications and also addressed the issue of signs in the right-of-way. Under the ordinance approved last year, signs were not allowed in the right-of-way. The amendments permitted signs in the right-of-way, while limiting the time and size of those signs.

Rutherford asked if yard sale and real estate signs would be permitted. Meeker said yes. Plunkett asked if the signs would be dated. Meeker said the signs would be dated and were allowed to be up for two weeks. If any sign was not dated or was outside of the two-week window, then Code Enforcement could take them. Rutherford asked if realtors would have to get new signs or if they could just change the date. Meeker said that there was no problem with the true real estate "for sale" signs that were placed in the yards. The real estate directional signs

would have to put up new signs every two weeks. Meeker said they could put on new stickers or re-date the signs every two weeks. Plunkett clarified there would be no charge except for buying the signs.

Logsdon said he had a series of questions. He referred to page 20, Section 66-17(a) – only one real estate sign per property was permitted. Logsdon said that homes on the golf courses usually had "for sale" signs in the front yard and in the back yard, along the golf course. He questioned whether that should be allowed. Meeker said that was not allowed under this regulation. Kourajian said that had never been allowed. Rast said that many times the signs were not actually on the homeowner's property, but were located on the City greenbelt or on golf course property. Kourajian asked Logsdon if he wanted to make a special exception for homes on golf courses. Rutherford said that had always been a violation. Logsdon said he would rather allow two signs. Rutherford asked if he wanted to do that for everyone or just the residents with homes on golf courses. Logsdon said it should be allowed for everyone. Meeker said that was insignificant from a legal standpoint; it was up to Council. Kourajian said that would have the potential of doubling all the real estate signs. Meeker said people also had the right to have a temporary sign; however, temporary signs could not be commercial in nature. Logsdon said it happened all over town all the time, but was not a big deal. Kourajian noted that the ordinance had always only allowed one real estate sign. Logsdon said everyone was breaking the law. Rutherford said every house for sale in the City could have two signs.

Plunkett asked if the Board of Realtors had been notified of the public hearing. She noted they had attended previously. Rast said the Board of Realtors had not been specifically notified. They had talked to a number of realtors to let them know that the original guidelines had been re-inserted. Code Enforcement had also gathered up the signs in the right-of-way recently.

Plunkett asked if the changes for the yard sale and real estate direction signs opened the door for commercial advertising. Meeker said yes. He referred to page 24 of the ordinance, which allowed quasi-commercial and non-commercial signs as long as they complied with the size and color requirements. Meeker said they were trying to be fair to everyone. Rutherford said Council only wanted to allow the yard sale and real estate directional signs. Plunkett said that created a constitutional question because once the door opened for some, it had to open for all. Meeker said that was right from the non-commercial speech standpoint. From the commercial speech or quasi-commercial standpoint, it was not as significant. If commercial signs were allowed, they had to allow non-commercial signs. Rutherford asked what was considered non-commercial speech. Meeker said it was religious speech, political speech, or anything that did not advertise a product.

Plunkett asked if there was a limit to the number of signs. Meeker said there was no limit. Rutherford asked if they could make the ordinance specific to real estate and take the risk. Meeker said he did not recommend that Council do that. Rutherford asked if it was all or nothing. Meeker said that was correct. Plunkett noted that yard sale signs were basically up for 24 hours. Plunkett suggested making the ordinance really restrictive and allow the signs for 72 hours. She said that would put the onus on realtors, but they would still have their signs. Those who put up the other types of signs might not be as apt to change the signs so often. Meeker said

allowing commercial speech and not allowing non-commercial speech would not be good from a legal standpoint. Commercial speech could be discriminated against, but non-commercial speech could not be discriminated against. It was the purest form of expression under the U.S. Constitution.

Rutherford asked if the City could limit commercial speech. She wanted to be very specific and not interfere with non-commercial speech except for the size and color. Logsdon asked how many political signs were allowed during election season. Meeker said it was unlimited during the campaign season.

Rutherford asked if commercial window signs could be smaller and if the number could be limited. Rast said they had included language regarding window signs on page 18. The signs were allowed in General Commercial, Limited Commercial, and Limited Use Commercial zoning. The signs would all have to be of the vinyl adhesive variety, rather than paper signs. He continued that shoe polish on windows was also prohibited. Rutherford asked why six windows could display signs. Rast said that was from the previous ordinance. Rutherford asked if they could replace six with three windows. Kourajian suggested using size instead. Meeker asked if staff could look at that and bring it back to Council. Rutherford said that would be fine. She said she did not want to restrict anyone's speech, but window signs were visual pollution. Plunkett asked if the only other option was to allow no signs. Meeker said yes.

Meeker referred to page 24 regarding the duration of signs. He said the signs were good for 14 days, then they had to buy another sign. Rutherford said she did not want them to have to buy another sign. Meeker said the City had never sold real estate signs. Miller said the real estate directional signs were not available at City Hall. City Hall only had yard sale signs, and had discussed having blank card stock that was the right color and size for the other signs. Rutherford asked Miller if people would have to get a permit to put up those signs. Miller said, as she understood the ordinance, the sign had to come down at the end of 14 days. Rutherford said they should be able to change the date at the end of a 14-day period. Meeker said from a practical standpoint Code Enforcement would be looking at the dates. There had to be a certain amount of honesty from the people putting up the signs and from Code Enforcement. Rutherford said they should not have to go out and physically move the sign so it can remain up for another 14 days. Kourajian said the only solution was to change the date or change the sign.

Logsdon pointed out that yard sale signs could not go out until after 7 p.m., which was after dark during the winter. He suggested changing the time to 5 p.m. Meeker said staff had no problem with that suggestion. Most of the changes were on page 24. Meeker went through the suggested changes.

Logsdon, Kourajian, and Plunkett expressed concern about the time limit and whether there would be a limit to the number of times a sign could be up for 14 days. Changing the date on a sign made it a new sign. Meeker said that could be a problem, especially in the summer when the sun and rain would damage the sign. McMullen said that was the current situation. He continued that the objective was to make sure there were not signs posted that were no longer

valid for an extended period of time. Realtors would only go out and change signs every 14 days if the sign was valid.

Plunkett said the City would have the same issue with non-commercial signs. The sign could stay up for five years, or 50 years, as long as the date was changed every 14 days. Rutherford said that in order to get what Council wanted, the signs had to be changed every 14 days.

Rutherford asked what Council needed to change to ensure the commercial signs were only yard sale and real estate signs. Meeker said the motion would be to approve the sign ordinance as presented with the following changes – page 24, paragraph 4(d) change 7 p.m. to 5 p.m.; delete paragraph 6, which read "other commercial or quasi-commercial speech;" re-designate paragraph 7, non-commercial speech, as paragraph 6.

Rutherford moved to approve the sign ordinance as presented with the following changes – page 24, paragraph 4(d) change 7 p.m. to 5 p.m.; delete paragraph 6, which read "other commercial or quasi-commercial speech;" re-designate paragraph 7, non-commercial speech, as paragraph 6. Kourajian seconded.

Logsdon asked to amend the motion to allow two real estate signs as was being done today. Plunkett seconded the amendment. Plunkett asked if that could be restricted to those homeowners with public access to the back of their property. Meeker said that could exclude the golf courses since they were privately owned. Plunkett explained that people on the path system might want two signs. Meeker said the simplest way to do that would be to allow one sign in front and one sign in back. Kourajian said he did not like that. Logsdon said if the ordinance did not allow two signs, then he would insist that Code Enforcement pull the signs. He said the real estate people had been doing it for years. Kourajian said he did not see a reason to make it legal because people were doing it. Plunkett withdrew her second to the amendment. Boone seconded the amendment. The vote on the amendment on the motion failed 2-3 (Rutherford, Kourajian, Plunkett).

The vote on the original motion carried 4-1 (Logsdon).

02-06-10 Hear Comments on Alcohol Server Ordinance

Bob Stieber of Valentino's addressed Council. He said everyone had an agenda, and Council was responsible for balancing those agendas. Stieber said he understood Police Chief Jim Murray's position and wanted to present his position. The state of the hospitality industry had shifted from one extreme to the other. Before 9/11/2001, there was higher traffic in the businesses, there were more mom and pop businesses, and his business attracted the best employees available considering there was not a local college. Today, there was major restaurant growth in Fayetteville, Tyrone, and Coweta County. He noted there were only a handful of mom and pop restaurants. All the rumors of closings had come true. The number one issue for the industry was, and always had been, labor. He had learned what to look for and had made hiring adjustments. People who made mistakes could become good, hard-working employees. He did not trust everyone. The permit had been touted as a tool to screen potential employees. In order to apply for a permit, the worker had to have a job and a letter that

confirmed they had been hired. Some businesses had stopped selling alcohol because of the difficulty in getting the permits. Stieber asked why the Police Department had recently called and asked for a list of employees who served alcohol. His employees who served alcohol had permits.

Stieber continued that the information the Police Department received should be given to the employer, so the employer could make the decision on whether or not to hire an employee. The income the City had made from the permits should have already paid for the equipment. He said the fee should be lowered and made business specific. The Police Department also needed to lower expectations. The City was known for a "holier than thou" attitude, but that was not who the City was. People did not forgive others when they failed or erred, but Stieber said that was not how he felt. He continued that the City was infamous for luring sexual predators here online. He recommended mellowing the restriction to allow less than perfect people to serve alcohol. The police would know exactly where the people worked. If they broke the law, punish them. Allow the restaurant owners to make the decision. It was their responsibility to hire good people to help their business. Stieber said his business was at a crossroads. They had the opportunity to move to a bigger restaurant, which would require three times his current staff. He could barely keep the staff he had now. Big box restaurants in the City were closing because of the inability to maintain staff levels. There was a limited workforce. The young people left in the City were the ones that had been in trouble, were not going to school, and they were not allowed to work in the industry. Workers turned down in the City were able to get permits in Fayetteville and Coweta County.

Stieber said that his business had followed the law since it had been established. They were not looking for a business partner to tell them whom they could or could not hire. They had covered for the minors and the good employees who could not serve. It would not be as easy as the business grew. He asked Council to relax the law and allow them to operate efficiently. Stieber said he had a three-year employee. He knew the young man had been trouble, and he did not take orders or deliver alcohol. The young man made a mistake. He was a good employee. His customers all supported the young man. He asked Chief Murray to reconsider and give the young man a permit. Stieber said the existing law could be improved for the better for the Police Department and the businesses. A small change would make a big difference in the industry.

Arnie Geiger told Council the ordinance was a travesty. It infringed on the individual rights of business owners and the person applying for a job. It was a hidden tax. Geiger continued that the ordinance had passed in May, but businesses did not know about it for months. It was a burden was on young people who wanted to work. He said he could not hire a part-time person and make them get a $25 permit. As a businessperson, he knew whom he was hiring. He did not need the City as a business partner.

Angie Hiltzheimer of Big Daddy's said they had no problem with the permit. She continued that there should also be a required alcohol awareness program to go along with the permit. The applicants and the police could work together, and the program could be included in the cost of the license. The police would know the applicants had been trained in what they needed to know, and the employer would know his employees had been educated. Kourajian asked her if

she knew of such a program. Hiltzheimer said that the City of Atlanta had an online program with Georgia State University. Stieber said he knew of similar programs in Florida. Chief Murray said that the employer was responsible for ensuring his employees knew the law. The Police Department also offered to work with the businesses to provide training.

Melissa Walden and Katelyn Moran addressed Council. Both were employed by Beef O'Brady's and had worked there for several years. Walden said she had gotten into trouble for "Minor in Possession" and her job had been taken away. She continued that there were not a lot of jobs available, and now she had to work as a host, not a server. She said she had paid her fine, but was still being punished. Moran suggested that Council adopt a "grandfather" rule to allow those employed prior to the ordinance adoption to continue to work. She said all of their income was from serving tables. She understood that criminals could not work. She and Walden waited on tables during the day since most people did not order alcohol, but they could not work at night since they could not serve, which was when they made the most money.

Jim Royal of Partners II Pizza said the industry paid probably $175,000 a year in license fees, plus three percent each month for liquor. The industry needed a voice. The industry had worked with the City on the smoking ordinance. He recommended that Council hold a workshop with industry representatives and the Police Department. Rutherford said there would be no vote taken at the meeting.

Logsdon said he had listened to the comments. No action would be taken at this meeting. He wanted to talk to staff and take the comments into consideration. Royal said money was the bottom line, and the permits generated a lot of money. Chief Murray said the permit cost, personnel-wise, was more than the $25 fee that was charged.

Boone said Royal's proposal was valid. He agreed there should be a workshop for all the parties work together and come up with a solution. Logsdon said he wanted to talk to staff before the next meeting. Chief Murray said he had no problem sitting down with the license holders to discuss the issue. There were 85 liquor licenses, so it would be better to talk to representatives. He continued that the permit process had removed a lot of criminals from the industry. It was a good idea to sit down with a group of individuals from the industry.

Rutherford asked why the Police Department had asked for a list of employees. Chief Murray said the ordinance required every owner to give a list of employees to cross-reference with the permit holders. There were also people in the industry who were paid under the table.

Boone asked why people who had paid for their crime were still being penalized. Chief Murray said he could not discuss criminal records, but certain crimes had a five-year requirement and less serious violations had a two-year requirement. A "minor in possession" charge had a two-year period, while felony charges had a five-year period. Stieber said he was looking for more individuality.

Rutherford said the problem with regulations was that there had to be parameters. Chief Murray pointed out there was an appeal process. Kourajian said the process should be revisited. Chief

Murray said there were areas of the ordinance that needed tweaking. There were not any problems with underage sales anymore. They had worked together in the past. They could work together now to come up with an agreement everyone could work with. Walden said she had to wait two years because of a "minor in possession" charge. The court had considered her not guilty, but she was turned down for a permit. Kourajian clarified that the Mayor was going to work with staff to come up with a plan.

02-06-11 Consider request for Lake Kedron Community Association to Plant Trees on Georgian Park

Mark Norris, president of the Lake Kedron Community Association, told Council they had been working with staff to come up with a plan to mitigate the impact of the Target shopping center to the community. They wanted to plant a row of trees in the greenbelt on either side of Regents Park. They had received a bid for the trees and had located a line along the edge of the greenbelt that would improve the appearance as well as protect the community from light and noise.

Kourajian asked McMullen and Rast if staff had approved the plan. McMullen confirmed that they had.

Plunkett moved to approve to accept the trees. Kourajian seconded. The motion carried unanimously.

02-06-12 Consider Request from Scarbrough & Rolader, LLC, for Sewer Connection Approval

Bob Rolader addressed Council. He said the property was a 215-acre parcel north of Starr's Mill High School and contained the confluence of Camp Creek and Line Creek, which was a sensitive water system for the County. Fayette County had approved their plan for a conservation subdivision with 63 homes. The property had been soil tested and there were three options – a large number of alternate septic systems, a spray field that would cross Camp Creek to the area called "the mountain" on the east side of Camp Creek, or to connect to the force main sewer that ran up the south side of the property. A gravity sewer was located 474 feet to the northwest corner of the property. A lift station was located on the school property to the southeast. He continued that they had a written agreement with the Board of Education to tie in to the sewer if they built a cart path along the school driveway. The density of the subdivision would remain at 63 homes. State law required that developments tie into sewer if it is within 500 feet. They needed Council approval to tie in to the sewer to follow that law. Rolader continued that they met with WASA and the lift station had capacity for the 63 homes.

Rolader continued that there were smell problems with the sewer during the summer when school was out, and the 63 homes could help alleviate that problem. The request was not precedent setting. The Chimneys subdivision was already tied into the sewer system. It was environmentally smart. There would be 115 acres of greenspace. Rutherford asked where the homes would be. Rolader said the homes would be in the western portion of the tract on one-acre lots.

Kourajian said The Chimneys did not count since its connection to the sewer was part of the agreement to purchase the system. He asked if the sewer had gone outside the City. Rutherford said there were individual homes outside the City on the sewer system. Kourajian asked if there were any subdivisions outside the City served by the sewer system. Larry Turner, the WASA general manager, said Dogwood Church in Tyrone was also connected to the sewer, but there were no subdivisions. There was adequate capacity at the pump station and at the Rockaway Road treatment plant. Rolader noted that the homes would still be built if Council turned down the request. The question was whether to use alternate systems or a spray field that close to a water system. There were already homes in Jefferson Woods with failing systems. Kourajian expressed concern about the traffic on Redwine Road.

Rutherford moved to approve the request from Scarbrough and Rolader for sewer connection approval. Boone seconded. The motion carried unanimously.

02-06-13 Consider Approval of Letter to National Delegation Concerning Local Telecommunications and Cable Franchising

Meeker told Council the letter addressed current legislation in the United States Senate and was self-explanatory. The legislation would impact the City's ability to regulate its right-of-way and to regulate cable franchises in the City. The draft was prepared based on information from the Georgia Municipal Association (GMA) and other national organizations.

Rutherford moved to approve the letter to the national delegation concerning local telecommunications and cable franchising. Boone seconded. The motion carried unanimously.

02-06-14 Consider Resolution on State Legislation on Annexation and County Authority

Meeker said GMA also brought this to the City's attention. The legislation would give counties veto power over any annexations. There was currently a process in place for cities and counties to resolve any land dispute objections that were raised in the event the annexation resulted in a more intense land use. The current process was a compromise between GMA, the Association of County Commissioners of Georgia (ACCG), and the legislative delegations involved in the process. The proposed legislation would dramatically impact cities in terms of the ability to annex property.

Rutherford moved to approve the resolution on state legislation on annexation and county authority. Boone seconded. The motion carried unanimously.

02-06-15 Consider Award of Bid for HVAC Units at Kedron Fieldhouse

Leisure Services Director Randy Gaddo told Council that the two HVAC units in the back of the fieldhouse needed to be replaced. Bid packages were sent to 43 contractors, and 18 attended the pre-bid meeting. Nine submitted bids. Powers Heating & Air was the low bidder at $41,000, which was $1,000 more than budgeted. He said they should be able to absorb the additional $1,000 through savings in the Kedron budget.

Rutherford moved to approve award the bid for the HVAC units at Kedron Fieldhouse to Powers Heating & Air for $41,000 and that the extra $1,000 be absorbed by the Kedron operating budget. Kourajian seconded. The motion carried unanimously.

02-06-16 Consider Approval of Stormwater Utility Budget

Financial Services Director Paul Salvatore said there were four specific items for approval – the budget, two job descriptions for the positions included in the FY 2006 budget, the General Fund budget reallocation to pay the City's own stormwater bill, and the billing methodology for handling invoices. The methodology included generating electronic bills in-house and having an outside vendor print and mail the bills. The items required Council action in order to move forward with implementation of the utility.

Rutherford asked how the billing would be handled. Salvatore said staff had selected a vendor that worked closely with the City's current software system, Incode, which was the most efficient, customer friendly, and cost effective method. Rutherford asked if additional software was needed. Salvatore said there was a software package that integrated with the General Ledger and Building software. It all interfaced.

Rutherford moved to approve the stormwater utility budget. Boone seconded. Rutherford clarified that, by approving the budget, the positions would also be approved. Plunkett clarified that Council would review the budget every year. Salvatore said Council was actually approving the FY 2006 column and that it was effective immediately. Rutherford amended her motion to approve the stormwater utility budget for FY 2006 effective immediately. Boone seconded the amended motion.

Kourajian questioned the increases in tier one and tier two. McMullen said the numbers reflected the increase in the number of residential units available. Boone asked if that covered the capital improvements. McMullen said yes.

The motion carried unanimously.

02-06-17 Consider Pursuit Cars and Required After-market Accessories

Assistant Finance Director Janet Camburn said staff recommended the purchase of 10 Crown Victoria vehicles from Allan Vigil Ford for $326,590. The bid price included all of the after-market items except the 800 mhz radios. Staff recommended the purchase of ten 800 mhz radios with software and setup from Diversified Electronics for $33,910.

Camburn said the City received three bids for the vehicles, and Allan Vigil submitted the lowest bid. The budget for the vehicles was $330,000. The vehicles would be financed and the radios would be purchased with cash from the savings in the debt service fund that accrued from the delay in purchasing the vehicles. Rutherford asked if there had been a bid package for the radios. Camburn said the radios were sole source brand name to be compatible with the existing system used by the Police Department.

Kourajian asked what would happen with the old cars. Chief Murray said five of the cars would come off line because they had reached 100,000 miles and would go to other departments in the City that wanted them. Two were to be traded in for the new vehicles. Rutherford clarified that the cars were called pursuit cars because they were police vehicles, not because they were made to be high-speed pursuit vehicles. She asked if the radios would be compatible with state radios. Chief Murray said the state radios were part of the aftermarket package. The new radios met all the Homeland Security specifications. All the radios in the cars were six to seven years old, and as the radios were replaced they were transitioning to radios that met the Homeland Security requirements. Kourajian asked if Homeland Security had given a deadline to meet all the requirements. Chief Murray said they had not. Instead of trying to buy 40 cars at one time, he explained the Salvatore had come up with a plan to phase the cars in over four years.

Rutherford asked if the other cars would go to a website that sold government vehicles. Chief Murray said the City's cars had 100,000 miles of city driving on them when they came off line and were not worth enough to go to another police department. Logsdon said that govdeals.com had a lot of good deals and several area cities used it. Plunkett recommended that the City at least try the website and any proceeds could go towards the radios. She asked if the radios would be compatible with the GPS program that the IT department was working on. System Administrator Matt Robinson said it was an entirely different system and was designed for emergency services.

Rutherford moved to approve the bid package from Allan Vigil for $326,590 and the Diversified Electronics radios for $33,910, and that the cars coming off line that are not kept by the City be put on the govdeal.com website for disposal. Kourajian seconded.

Boone asked what would happen with the radios coming off line. Chief Murray explained that they were converted for use by Public Works or other departments.

The motion carried unanimously.

02-06-18 Consider Resolution Opposing Inverse Condemnation Legislation

Meeker told Council this was one of the scarier pieces of legislation he had seen in a while from a local government standpoint. The intent was to get compensation for property owners for setbacks and buffers required by ordinance. GMA was opposed to the legislation. Meeker said Council should be opposed from a fiscal standpoint, as well as a philosophical standpoint.

Plunkett moved to approve the resolution opposing the inverse condemnation legislation. Boone seconded. The motion carried unanimously.

Council/Staff Topics

Gaddo reported that a site had been selected for the tot lot playground that would be constructed with the funds given by Chadwick Homes. The playground would be built at Shakerag behind the gazebo in the wooded area. Some picnic tables were going to be placed there also.

Kourajian asked about the Center Green subdivision sign now that the sign ordinance had been approved. McMullen said that the purchase order was issued. The sign was ready and would be delivered next week.

Miller reported that that 83 residents had filled out the cards for the Senior Homestead Exemption. Forty were still waiting to return with income verification; the other 43 had qualified. Residents had until March 1 to apply for the exemption and until April 21 to bring in their income verification.

Kourajian noted that the sign was up at the Three Dollar Café.

Rutherford asked if an agenda was available yet for Retreat. McMullen said he had sent it out a few weeks ago, but would send it again.

Rutherford moved to convene in executive session for threatened or pending litigation and a personnel matter+. Kourajian seconded. The motion carried unanimously.

Plunkett moved to reconvene in regular session. Kourajian seconded. The motion carried unanimously.

There being no further business to discuss, Kourajian moved to adjourn. Rutherford seconded the motion. Motion carried unanimously. The meeting adjourned at 9:37 p.m.

_____
Jane Miller, City Clerk

_____
Harold K. Logsdon, Mayor

_____
Pamela Dufresne, Recording Secretary

2006 City Event Calendar

		March
		3/2 – City Council Meeting, 7 pm 3/16 – City Council Meeting, 7 pm 3/24 & 25 – City Council Retreat, Wyndham Conf. Center
April	**May**	**June**
4/6 – City Council Meeting, 7 pm **4/15 – Spring Yard & Garden Show, 10 am – 6 pm, Shakerag Knoll** 4/20 – City Council Meeting, 7 pm	5/4 – City Council Meeting, 7 pm **5/7 - Japanese American Friendship Festival, 11 am – 2 pm, Shakerag Knoll** **5/13 – Touch-A-Truck/Wellness Fair, 10 am – 2 pm, McIntosh Trail** 5/18 – City Council Meeting, 7 pm 5/29 – Memorial Day, City Offices Closed Memorial Day Celebration, 7:30 am at City Hall	6/1 – City Council Meeting, 7 pm 6/15 – City Council Meeting, 7 pm
July	**August**	**September**
7/4 – Independence Day – City Offices Closed 7/6 – City Council Meeting, 7 pm 7/20 – City Council Meeting, 7 pm	8/3 – City Council Meeting, 7 pm 8/17 – City Council Meeting, 7 pm	9/7 – City Council Meeting, 7 pm 9/4 – Labor Day, City Offices Closed **9/16 – 17 – Shakerag Arts & Crafts Festival, Shakerag Knoll** 9/21 – City Council Meeting, 7 pm
October	**November**	**December**
10/5 – City Council Meeting, 7 pm 10/19 – City Council Meeting, 7 pm	11/2 – City Council Meeting, 7 pm 11/16 – City Council Meeting, 7 pm 11/23 & 24 – Thanksgiving Holiday – City offices closed	12/7 – City Council Meeting, 7 pm 12/21 – City Council Meeting, 7 pm 12/25 & 26 – Christmas Holiday – City offices closed.

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

Updated 2/24/06

ADMINISTRATIVE SERVICES
MONTHLY REPORT

For Month of: *January 2006*

	December-06	January-06	FY 2006 YTD	FY 2005 YTD
Human Resources				
Workers Compensation Claims Filed	0	**2**	**4**	5
City Vehicle / Equipment Accidents	0	**0**	**4**	6
Lawsuit Legal Fees	$6,306.36	**$4,895.24**	**$25,194.53**	$45,102.32
Municipal Court				
Fines Collected	$98,599.21	**$157,131.25**	**$494,931.62**	$448,989.48
Online Transactions	128	**266**	**711**	606
Citations Closed	398	**872**	**2,651**	2,795
Jail Fund Balance	-$1,035.93	**$6,516.09**	**$77,299.62**	$48,010.33

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	17	**35**	**92**	125
Public Contacts, Questions & Complaints	53	**129**	**321**	239

This includes 11 complaints against Comcast Cable Company, 10 sanitation company complaints, and 6 Open Records/Discovery Requests.

PEACHTREE CITY BUILDING DEPARTMENT
FY 2006

	Dec-05	Jan-06	Fiscal Y-T-D 2006	Fiscal Y-T-D 2005
DEVELOPMENT PERMITS:	15	7	59	36
BUILDING PERMITS:				
Single Family Residential	9	14	61	19
Multi-Family Residential	0	0	0	0
Misc.-Pools/fences/additions	22	31	133	172
Commercial/Industrial	13	7	44	51
TOTAL INSPECTIONS:	576		1,701	2,128
CERTIFICATE OF OCCUPANCY:				
Residential	21	3	36	69
Commercial	2	4	17	19
Multi-Family Residential	0	0	0	3
CODE ENFORCEMENT:				
Sign Violations	70	114	1093	366
Rehab	7	27	55	54
Notice of Violations	85	181	566	920
Citations	2	2	5	7
Stop Work Orders	7	6	28	35
Complaints From Citizens	13	13	53	68
PERMIT FEES COLLECTED:	45,213	51,193	256,615	159,502
POPULATION:	35,838	35,844	35,844	35,628

Based on 2.09 of completed occupancy

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)
AS OF JANUARY 31, 2006

Fund	Cash Balance	Total Investment	Total Cash and Investments	YTD Interest
General Fund	$ 1,098,889	$ 12,205,300	$ 13,304,189	$ 154,370
Neighborhood Parks Fund	1,923	-	1,923	44
DARE Fund	1,358	-	1,358	40
Federal Seizures Fund	9,172	-	9,172	118
HAZMAT Fund	2,461	-	2,461	37
Library Sales Tax Fund	9,786	-	9,786	158
Police Tuition Fund	4,073	-	4,073	61
Youth Council Fund	643	-	643	17
Fire/EMS Grant Fund	(17,398)	-	(17,398)	-
PD Cert/GEMA Grant	(793)	-	(793)	-
Athletic Assoc. Funds	48,184	-	48,184	678
Hotel/Motel Tax Fund	-	-	-	-
Library Construction Fund	-	264,195	264,195	12,964
S.P.L.O.S.T.	-	1,180,460	1,180,460	11,695
Public Improvement Funds	918,595	990,197	1,908,792	46,818
Debt Service Funds	-	-	-	-
Municipal Court Fund	106,048	-	106,048	-
Landscape Deposit Fund	145,540	-	145,540	-
Total Collateralized Funds	**$ 2,328,481**	**$ 14,640,152**	**$ 16,968,633**	**$ 227,000**
Pension Trust Fund	-	8,277,331	8,277,331	-
Grand Total	**$ 2,328,481**	**$ 22,917,483**	**$ 25,245,964**	**$ 227,000**

Collateral Analysis as of January 31, 2006		
Safe-keeping Bank	**Bank**	**Total Held**
Bank of New York	Wachovia	$ 18,668,347

CITY OF PEACHTREE CITY
GENERAL GOVERNMENTAL FUNDS BUDGET COMPARISON (UNAUDITED)
FOR THE FOUR MONTHS ENDED JANUARY 31, 2006

REVENUES BY MAJOR CATEGORIES				
Description	2006 Budget	YTD Actual	Dollar Difference	Percentage To-Date
General Property Taxes	$ 9,119,954	$ 8,104,201	$ (1,015,753)	88.86%
Franchise Taxes	2,100,128	115,434	(1,984,694)	5.50%
Local Option Sales Tax	6,554,692	2,199,832	(4,354,860)	33.56%
Other Sales & Use Taxes	635,702	223,389	(412,313)	35.14%
Business Taxes	1,921,788	1,864,572	(57,216)	97.02%
Licenses & Permits	945,801	543,925	(401,876)	57.51%
Grants	209,679	-	(209,679)	0.00%
Charges for Services	1,197,915	263,833	(934,082)	22.02%
Fines & Forfeitures	1,174,904	334,705	(840,199)	28.49%
Investment Income	281,208	154,370	(126,838)	54.90%
Surplus Carryover	2,032,540	-	(2,032,540)	0.00%
Other Revenue	87,666	4,107	(83,559)	4.68%
Other Financing Sources	455,014	124,254	(330,760)	27.31%
Total General Fund	**$ 26,716,991**	**$ 13,932,622**	**$ (12,784,369)**	**52.15%**
Hotel/Motel Tax Fund	999,413	361,224	(638,189)	36.14%
Total General & Hotel/Motel Tax Funds	**$ 27,716,404**	**$ 14,293,846**	**$ (13,422,558)**	**51.57%**

EXPENDITURES BY DIVISION AND/OR TYPE PERCENTAGE OF BUDGET YEAR COMPLETED - 33%				
Division and/or Type	2006 Budget	YTD Actual	Dollar Difference	Percentage To-Date
Administrative Services	$ 1,630,065	$ 538,863	$ 1,091,202	33.06%
Developmental Services	1,708,368	542,474	1,165,894	31.75%
Financial Services	812,370	278,304	534,066	34.26%
Leisure Services	4,802,038	1,456,479	3,345,559	30.33%
Public Safety	9,473,551	3,028,646	6,444,905	31.97%
Public Works	4,834,968	1,269,323	3,565,645	26.25%
Council Contingency	94,500	-	94,500	0.00%
Non-Profit Organizations	15,000	-	15,000	0.00%
Grant Incentive Program	50,000	-	50,000	0.00%
Transfer to Development Authority	35,000	35,000	-	100.00%
Transfers to Other Funds	3,516,926	1,306,682	2,210,244	37.15%
Liability Insurance	73,486	50,375	23,111	68.55%
Legal Services	155,125	23,848	131,277	15.37%
General Administration	75,000	2,928	72,072	3.90%
Other	(559,406)	-	(559,406)	0.00%
Total General Fund	**$ 26,716,991**	**$ 8,532,922**	**$ 18,184,069**	**31.94%**
Hotel/Motel Tax Fund				
Transfer to General Fund	333,138	120,408	212,730	36.14%
Transfer to Tourism Fund	666,275	240,816	425,459	36.14%
Total General & Hotel/Motel Tax Funds	**$ 27,716,404**	**$ 8,894,146**	**$ 18,822,258**	**32.09%**

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)
AS OF JANUARY 31, 2006

SUMMARY OF MAJOR EXPENDITURES BY CITY MANAGER
JANUARY 2006

Description	Vendor	Award	Date
Electrical Services - City Hall Plaza	Frontier Electric	$ 38,457.00	01/06/06

PURCHASING REPORT
FOR MONTH ENDED JANUARY 31, 2006 AND JANUARY 31, 2005

Activity	Fiscal Year 2006	Fiscal Year 2005
Purchase Orders / Requisitions Processed	199	207
City Store Requisitions Processed	8	10
Sealed Bids Requested	12	1
Requests for Proposals	0	0
Bids Awarded	0	1
Requests for Proposals Awarded	1	0
Contracts Prepared	1	0
Fixed Assets Purchased	4	4

INFORMATION TECHNOLOGY REPORT
JANUARY 2006 AND YEAR-TO-DATE

Activity	Current Month	Fiscal Year 2006
Work Orders Created	126	419
Work Orders Closed	107	360
Work Orders Open	12	44
Corrective Work Orders	87	259
Project Work Orders	7	25
Technical Support	25	119
Website Visits	37,375	136,791

PEACHTREE CITY FIRE/EMS DEPARTMENT
2006 MONTHLY REPORT

	Dec. 05	Jan. 06	2006 Y-T-D	2005 Y-T-D
FIRE/ACCIDENT CALLS				
Actual Residential Fires	2	4	12	15
Actual Business/Industrial Fires	0	4	6	6
[1]Rescue/EMS Assist	147	156	581	534
[1]Vehicle/Golfcart Accidents	42	26	112	76
[1]False Alarms	22	17	79	104
[2]Other	28	32	106	130
Total Engine Response	241	239	896	865
Dispatched Fire Calls	62	59	230	240
Response Time Fire	5:19	4:19	4:57	5:00
RESCUE/EMS				
Trauma	131	40	322	289
Medical	89	147	433	359
Total # Patients	220	187	755	648
Patients Transported	101	90	337	299
Dispatched EMS Calls	177	182	670	628
Total Medic Response	222	234	823	765
Dispatched Fire/EMS Total	239	241	900	868
Response Time EMS	3:58	4:11	4:05	4:07
EMS BILLING				
Patients Billed	98	90	323	258
Revenue Generated	38,279	34,097	126,200	99,388
[3]Total Revenue Received	12,458	28,026	91,229	65,924

[1]Previously categorized as Other

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

[3]Revenue Received on All Outstanding Accounts

LEISURE SERVICES MONTHLY REPORT

January 2006

Activity Description	Unit	January 2006	FY 2006 YTD	FY 2005 YTD
Library				
Books Circulated	number	21,697	67,888	59,054
Internet Usage	visits	3,019	6,570	2,091*
Computer Lab Use	hours	46	59	77*

***Classes and Computer Use behind due to down time during move/holidays**

Recreation

Class/Program Revenue	$	$3,106	$12,268	$14,459
Playing Surface Mowing	hours	0	930	923
Playing Field Preparations	hours	460	1,621	1,540
Building Maintenance	hours	395	1,630	1,618
Safety Inspections	visits	50	200	200
Litter Removal	hours	234	1,050	1,156
Complaints answered	number	0	3	4

PEACHTREE CITY POLICE DEPARTMENT
2006 MONTHLY REPORT

	JANUARY 06	DECEMBER 05	2006 CYTD	2005 CYTD
PART I CRIMES				
Murder	0	0	0	0
Rape	0	0	0	1
Robbery	0	1	0	0
Aggravated Assault	0	1	0	2
Arson	0	0	0	0
Auto Theft	7	2	7	2
Theft	20	25	20	10
Burglary	1	2	1	0
TOTAL PART I CRIMES	**28**	**31**	**28**	**15**
ALCOHOL/DRUG ARRESTS				
DUI – TOTAL	19	32	19	17
DUI – ADULT	17	26	17	15
DUI – UNDERAGE	2	6	2	2
MINOR IN POSSESSION OF ALCOHOL	10	17	10	3
DRUG ARRESTS:				
MARIJUANA	4	11	4	9
METHAMPHEDIMINE	0	1	0	0
COCAINE	0	0	0	0
OTHER (opium, etc)	0	0	0	0
ARRESTS				
PROPERTY CRIMES	18	14	18	6
PERSON CRIMES	4	11	4	5
CITY ORDINANCES	33	33	33	26
TRAFFIC OFFENSES	84	44	84	21
OTHER	61	58	61	22
AVERAGE RESPONSE TIME	5.44	6.05	5.44	5.26
CALLS ANSWERED	**6783**	**6830**	**6783**	**6841**

TRAFFIC				
CITATIONS ISSUED	818	606	818	582
WARNINGS	626	495	626	474
ACCIDENTS	102	148	102	71

TOP 5 ACCIDENT LOCATIONS – MONTH

HWY 54 / HWY 74	8
HWY 54 / COMMERCE DRIVE	6
HWY 74 / CROSSTOWN DRIVE	5
HWY 54 / PEACHTREE PARKWAY	4
HWY 74 / SENOIA ROAD	4

TOP 5 ACCIDENT LOCATION – Y T D

HWY 54 / HWY 74	8
HWY 54 / COMMERCE DRIVE	6
HWY 74 / CROSSTOWN DRIVE	5
HWY 54 / PEACHTREE PARKWAY	4
HWY 74 / SENOIA ROAD	4

PUBLIC SERVICES MONTHLY REPORT
JANUARY 2006

Activity Description	Unit	January-06	FY 2006 YTD	FY 2005 YTD
Street Patching	Hrs.	18	688	357
Street Crack Sealing	Hrs.	0	0	120
Drainage Maintenance	Hrs.	59	630	1,009
Street Sweeping	Hrs.	0	165	150
Cart Path Paving	Ft.	3,700	8,704	5,381
Cart Path Prepped for Paving	Ft.	5,752	5,752	~~~
Cart Path Litter Removal	Hrs.	145	469	358
Cart Path Drainage Maintenance	Hrs.	99	1,168	423
R.O.W. Mowing	Hrs.	0	504	780
R.O.W. litter Removal	Hrs.	346	1,674	1,185
General Maintenance	Hrs.	262	1,037	1,496
Mowing (Subdivision Entrances	Hrs.	0	1,433	2,017
Landscape Maintenance	Hrs.	62	381	306
Landscape Planting/Mulching	Hrs.	922	1,844	295
Litter Removal	Hrs.			
Subdivision Sign Maintenance	Hrs.	69	117	73
Traffic Sign Maintenance	Hrs.	141	662	774
Vandalism Repairs	Hrs.	4	21	72
Vandalism Repairs	Dls.	125	732	1,067
Citizen Complaints Answered	Num.	50	212	380
Community Service	Hrs.	0	97	35
RECYCLING SITE				
Manhours	Hrs.	70	252	229
PARTICIPANTS				
Recycling	Num.	285	899	748
Composting	Num.	1,227	3,882	5,400
Mulch Pick Up	Num.	68	287	169

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

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

DATE: February 23, 2006

SUBJECT: Budget Amendments – Fiscal Year 2006
March 2, 2006 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached fiscal year 2006 budget amendments.

Discussion:

Attached please find several budget amendments (06-011 through 06-015) for fiscal year 2006 submitted for your approval. Budget amendment 06-011 transfers budget associated with 2006 PIP project from the General Fund to the 2006 PIP Fund to cover purchase order carried over from 2005. Budget amendment 06-012 increases expenditures in the General Fund offset by Surplus Carryover to transfer unspent 2005 professional services in Engineering to cover Traffic Study project incomplete at September 30, 2005. Budget amendment 06-013 supplements a budget amendment approved in December 2005. The prior budget amendment inadvertently omitted the carryover of the GA DOT budget for LARP revenue. Budget amendment 06-014 increases both revenue and expenditures for the DARE Fund to account for a donation from Kiwanis to be used for DARE operating supplies. Budget amendment 06-015 adjusts the original 2006 SPLOST Fund budget approved by City Council in September 2005 and is based on project review and current information regarding SPLOST projects.

Budget Impact:

The budget impact on the General Fund, DARE Fund, SPLOST Fund, and 2006 PIP Fund is attached.

Thank you for your attention to this matter. If you have any questions please do not hesitate to contact either Paul or Janet.

Attachments

JIC/BUDGET AMENDMENTS – FY 06 – 2-1-06

CITY OF PEACHTREE CITY

BUDGET AMENDMENTS - FISCAL YEAR 2006

March 2, 2006

General Fund (100)	
Budgeted Revenue and Expenditures before amendments	$ 26,716,991
Budget Amendments:	
S74 Tunnel at Ballfields	-
Engineering Professional Services	15,950
LARP Revenue	-
Budgeted Revenue and Expenditures after amendments	$ 26,732,941
DARE Fund (202)	
Budgeted Revenue and Expenditures before amendments	$ 1,102
Budget Amendments:	
Kiwanis Donations	4,700
Budgeted Revenue and Expenditures after amendments	$ 5,802
PIP Fund (356)	
Budgeted Revenue and Expenditures before amendments	$ 2,918,262
Budget Amendments:	
S74 Tunnel at Ballfields	3,350
Budgeted Revenue and Expenditures after amendments	$ 2,921,612
SPLOST Fund (320)	
Budgeted Revenue and Expenditures before amendments	$ 2,570,175
Budget Amendments:	
Adjust Budget	(544,390)
Budgeted Revenue and Expenditures after amendments	$ 2,025,785

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 06-011

DATE March 2, 2006

ACCOUNT	*DESCRIPTION*	*INCREASE*	*DECREASE*
356-4110-54-1430	Tunnel - S74 at Ballfields - Design	3,350	
356-00-39-1110	Transfer from General Fund	3,350	
100-1505-61-1356	Transfer to 2006 PIP Fund 356	3,350	
100-1575-52-1200	Professional Service - Engineering		3,350
	TOTAL	$ 10,050	$ 3,350

To transfer budget associated with 2006 PIP Project from the General Fund to the 2006 PIP Fund to cover purchase order carried over from fiscal year 2005.

ENTERED _____

APPROVED _____

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 06-012

DATE March 2, 2006

ACCOUNT	*DESCRIPTION*	*INCREASE*	*DECREASE*
100-1575-52-1200	Professional Services - Engineering	15,950	
100-00-38-9025	Surplus Carryover	15,950	
	TOTAL	$ 31,900	$ -

To carryover balance of unspent 2005 budget for professional services in Engineering to cover Traffic Study project incomplete at 9/30/2005.

ENTERED _____

APPROVED _____

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 06-013

DATE March 2, 2006

ACCOUNT	*DESCRIPTION*	*INCREASE*	*DECREASE*
100-00-33-4311	GA DOT - LARP Revenue	101,250	
100-00-38-9025	Surplus Carryover		101,250
TOTAL		$ 101,250	$ 101,250

In December 2005, City Council approved the carryover of 2005 unspent funds for Street Resurfacing projects due to the postponement of paving projects to be completed by Fayette County. This corresponding expected LARP revenue for these projects was inadvertently omitted from the budget amendment previously approved by City Council.

ENTERED _____

APPROVED _____

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 06-014

DATE March 2, 2006

ACCOUNT	*DESCRIPTION*	*INCREASE*	*DECREASE*
202-00-37-1000	Donations	4,700	
202-3210-53-1175	Operating Supplies	4,700	
	TOTAL	$ 9,400	$ -

To increase budget in DARE Fund to account for donations already received and deposited from the Kiwanis.

ENTERED _____

APPROVED _____

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 06-015

DATE March 2, 2006

ACCOUNT	*DESCRIPTION*	*INCREASE*	*DECREASE*
320-4110-54-1416	Pascall/Willow Tunnel	109,400	
320-00-31-3200	SPLOST Revenue		512,190
320-4110-54-1411	Rockaway Road Construction		536,180
320-4110-54-1409	Flat Creek Multi-Use Path Design		25,000
320-4110-54-1406	SR74 N Multi-Use Bridge Design		92,610
320-00-33-4127	CMAQ Grant		12,200
320-00-33-4218	TIP Grant		20,000
TOTAL		$ 109,400	$ 1,198,180

To adjust originally approved SPLOST budget based on project review and most current information.

ENTERED _____

APPROVED _____

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council Members**

VIA: **City Manager**
Interim Developmental Services Director

FROM: **City Planner/ Zoning Administrator** David

DATE: **February 23, 2006**

SUBJECT: **Amendments to Article X, Section 1006, General Commercial zoning ordinance establishing procedures for reviewing large retail developments**
March 2, 2006 City Council agenda

Recommendation:
Staff recommends that Council adopt the proposed amendments to Article X, Section 1006 and authorize Staff to incorporate the amended ordinance into the City's Zoning Ordinance.

Discussion:
The GC, General Commercial zoning ordinance was amended on November 2, 2000, specifically to restrict the size of buildings within this zoning district to no more than 32,000 SF and the size of overall developments to no more than 150,000 SF. We have since learned these restrictions may not hold up in court, and were asked to review similar ordinances and determine how we might amend our ordinance accordingly.

Staff spent a considerable amount of time researching similar ordinances from other municipalities and developed specific criteria that would be required in order to obtain a Special Use Permit prior to approving such developments. The amended ordinance language requires the Applicant to provide information as to how the proposed development may or may not have an impact on the city, and leaves discretion of approval to the City Council. The amended ordinance will replace the existing GC zoning ordinance in its entirety.

The proposed amendments to the GC, General Commercial zoning ordinance were discussed in a joint workshop with City Council on December 5, 2005 (Attachment "A"). At that time, a number of items were addressed, and Staff was asked to research various topics and include additional language within the ordinance. The proposed ordinance has been revised to incorporate these changes.

At their meeting on February 13, 2006, the Planning Commission voted unanimously to recommend that the proposed amendments be forwarded to Council with a recommendation that they be approved (Attachment "B").

Copies of the existing ordinance (Attachment "C") and the proposed amendments (Attachment "D") are included for your review. The proposed amendments are identified in bold print. Additionally, the City hired a planning consultant, Mr. Roger Rupnow, to assist in development of the ordinance revisions. A copy of his report (Attachment "E") contains his "Findings" and "Effects" of big box development. Staff and the City Attorney will be available to discuss these amendments and to answer any questions that may arise.

Budget impact:
There are no budget impacts associated with this request.

Attachments

CITY OF PEACHTREE CITY
JOINT CITY COUNCIL/ PLANNING COMMISSION WORKSHOP
MINUTES OF WORKSHOP
December 5, 2005

Review of proposed criteria to establish a Special Use Permit for large retail developments within the GC General Commercial zoning district

A workshop was held in the City Hall Council Chambers on December 5, 2005, and was attended by the following individuals:

- Mayor Stephen Brown
- Ms. Judi-ann Rutherford, City Council Member;
- Mr. Dennis Payton, Chairman of the Planning Commission; and Commissioners, Mr. Marty Mullin, Theo Scott and Mr. Paul Johnson;
- Mr. Ted Meeker, City Attorney;
- Members of City Staff, Mr. David Rast, City Planner; Mr. Bernard McMullen, City Manager; Mr. Colin Halterman, Assistant City Manager and Ms. Cinnamon Mack, Recording Secretary;
- Roger Rupnow, Planning Consultant;
- Ms. Kendal Jones, Hull Story Retail Group;
- Mr. John Ford, Metro-Brokers GMAC Real Estate;
- Mr. David Rossetti, Group VI;
- Mr. Mike Hyde, property owner/ developer;
- Two students

Mr. Ted Meeker, City Attorney called the meeting to order. He thanked those in attendance for coming and encouraged them to "not hold anything back" during the discussion.

He stated that the stipulations within the GC General Commercial zoning ordinance pertaining to the establishment of big boxes had been in effect since 1999 or 2000. During the litigation of the Target development, Faison and Pathway Communities hinted at a potential challenge to the ordinance as written. In response to this, the City's insurance carrier retained an expert to research and develop a defense as to why the ordinance was on the books. Mr. Roger Rupnow was hired as the Planning Consultant, as he was a retired Professor of Land Planning from Georgia Tech and served on the Fulton County Planning Commission for over twenty years. A report of his findings was provided to everyone in attendance.

Mr. Meeker stated that there must be a rational basis for ordinances that are on the books. One of the recommendations within Mr. Rupnow's report was to remove the blanket

prohibition of a single retail building larger than 32,000 SF or a gross retail development larger than 150,000 SF. The recommendation being considered was to treat these types of development as a "special use" and develop specific criteria prospective developers would need to address before that particular application could be considered by Staff and the Planning Commission. He also mentioned that Georgia law permitted a municipality to review and approve of an application for Special Use Permit as a formal zoning decision, which would be similar to an application for rezoning or annexation. The City Council would then have the ability to approve or deny the proposed request for a Special Use Permit. If a request was denied and ends up in litigation it would be similar to a zoning decision.

Mr. Meeker stated that the intent of the amendments were to provide a framework that did not have the blanket prohibition in place but the ability for such a development to occur if the Council thought it was in the best interest of the City.

Mayor Brown asked what the largest development could be that would not require a Special Use Permit. Mr. Meeker replied that it was the same standards that were on the books right now, and that a 32,000 SF single retail building or an overall retail development not exceeding 150,000 SF would still be allowed. He further explained that the limitations adopted by City Council in 2000 would still apply, such as:

- No single occupancy shall occupy more that 32,000 square feet.
- No three commercial tenants combined in access of 80,000 square feet.
- No six can occupy more than 10,000 square feet each.

Mr. Scott questioned how the BestBuy was permitted, and Mayor Brown responded that the total square footage was only 30,000.

Ms. Rutherford suggested that Developmental Services Staff review the proposed amendments before the document was forwarded to the Planning Commission and City Council for comments prior to voting on the recommendations.

Mr. Meeker stated the purpose for working with Mr. Rupnow was to clarify the justifications for implementing criteria for the review of large retail developments. He also stated that Mr. Rupnow's report would be introduced into the Council minutes as opposed to being referenced in the actual ordinance.

Mr. Meeker then reviewed the proposed changes to the ordinance, which included:

- Page 1 – the addition of owner, occupant, or business. This would include every applicable person.

- Page 1 – the change of "avoid" to "limit" the development of strip type business areas (last line of 1006.1)
- Page 2 – Table inset for theater and restaurant space from "50,000 square feet" to "32,000 square feet". Traffic related issues would make this fall into the special use category.
- Page 2 – General retail space for 150,000 square feet would be included in the sentences.
- Page 2 – Number 5 refers to the "expanses of blank walls". Mayor Brown was concerned about the exposure and finish of the back of the building. Mr. Payton stated that it was imperative for there to be Architectural Guidelines that would provide a basis for recommending improvements to the appearance of a building. Mr. Meeker confirmed that there should be concrete architectural guidelines. Ms. Rutherford stated that generally speaking there should be architectural guidelines for developments anywhere within the City, and there should be something to point to as the basis for decisions. Mr. Mullin suggested that incentives be considered, which might include allowing more space if the development was one in where you could park and walk versus having to drive from store to store. Mr. Rast stated that similar language was included within the GA 54 West Corridor Overlay District and Design Guidelines, which might provide a basis for design guidelines throughout the city.
- Page 3 – 8B - the conditional uses in LC are allowed as conditional uses in the GC district subject to the same conditions in the LC and any other conditions in the GC.
- Page 3 – Mayor Brown asked what the drainage basin impact was as a whole. Mr. Rast stated that water management was addressed in GC. The language would be addressed with Ted Meeker.
- Page 3 – 7&8 – must be approved by the city engineer should then add, "before the site plan can be approved or the issuance of a building permit, whichever occurs first.
- Page 3C- "units" were added in combination with any other use. Mayor Brown asked if it should be more narrowly defined. Mr. Rast replied that a developer could not come into a lot zoned General Commercial. After further discussion this would be removed entirely.
- Page 3E2 – Does this exclude a golf course? Mr. Rast and Mr. Meeker would address this after further research.

Mr. Rast stated that a developer could still come in and go through the rezoning process if they wanted uses not permitted in General Commercial. The proposed amendments

deal specifically to uses larger than those currently permitted within the GC zoning ordinance. Special Use Permit submittal requirements and review procedures be similar to those established for the rezoning of property. Mr. Meeker stated these submittal requirements and conditions have been around for years.

- Page 18 – Ms. Rutherford questioned the continuous period of two years before a special use is discontinued. She felt that two years was a long time for a building to remain empty. Mr. Rast and Mr. Meeker would discuss this item.
- Page 7-3- "The City" should be added with Economic development.
- Page 8 – 7 - The level of service shown is "D". Mr. Rast stated that was used due to the information gathered from QK4. Mayor Brown stated that he would love to see that as a "C" or better.

Mr. Mullin asked if there was a way to get the developers to reference "Smart Growth" in showing how their development might benefit the community. Mayor Brown suggested that Mr. Mullin gather that information and bring it to the next meeting so that it could be addressed. Mr. Rast stated this information could also be considered as a part of the update to the Comprehensive Plan.

- Page 11K – Mayor Brown asked how we are setting the criteria for schools and libraries. Since the ordinance is addressing commercial they should be removed.
- Page 20F – Mayor Brown asked if the maximum building height of ten stories was correct. Also how was this addressed with the fire department?
- Page 20J – Mayor Brown would like to stress multiple road access.
- Page 21O- Landscape improvements for a minimum of one year should be changed to "two" years.
- Page 21Q – This should refer to the parking ordinance.

Mr. Meeker asked if everyone was satisfied with the progress of the proposed amendments, and all agreed they were making good progress. It was agreed that the proposed amendments should be removed from the December 12 Planning Commission agenda and that an additional meeting should be held to review the modifications before the ordinance was presented for review.

The workshop was concluded at 7:46 p.m.

_____
Dennis Payton, Chairman

Attest: _____
Cinnamon Mack, Recording Secretary

UNAPPROVED EXCERPT OF MINUTES

OF PLANNING COMMISSION MEETING

February 13, 2006

PH-06-01 **Proposed Amendment to Zoning Ordinance, Article X, Section 1006, General Commercial, providing for the addition of specific criteria dealing with big box and large retail developments.**

Mr. Rast provided background information regarding this item. He explained that several years ago, the City had amended the GC General Commercial zoning ordinance to include language that in essence prohibited large-scale retail developments from coming to Peachtree City. Some of the language that was adopted limited the maximum size of a single retail building to 32,000 SF and limited the overall size of the development to no more than 150,000 SF.

Mr. Rast further explained that during the review of the plans for the Target store in the Kedron Village Retail Center expansion, the developer's attorney made several references to the fact that some of the language in the ordinance might not be Constitutional. Consequently, Staff was asked to reevaluate the language within the General Commercial Ordinance. As part of that process, similar ordinances from other municipalities were reviewed.

Mr. Rast stated that as a result, the maximum cap had been eliminated and a process had been provided whereby a Special Use Permit could be issued. He noted that the information required for this new process would be reviewed by both the Planning Commission and City Council. He added that ultimately there would be a modified rezoning and conditions would be adopted as a part of that modification. If City Council felt that the Applicant had not demonstrated that the development would not have a negative impact, they would not be required to approve the permit.

Minutes of the joint Planning Commission and City Council workshop that was held on December 5, 2005, to discuss the proposed language had been provided to the Commissioners. Mr. Rast stated that a number of items were addressed at that time, and Staff was asked to research various topics and include additional language within the ordinance. The proposed ordinance had been revised to incorporate these changes.

Mr. Rast stated that the top paragraph on page 16 of the proposed amendment should be deleted as it was not applicable.

No one else spoke in favor of nor did anyone speak in opposition to the proposed amendment.

Mr. Mullin noted that during the workshop there had been discussion about traffic studies that would be done in association with the special use permit. He wanted to confirm that this requirement was part of the proposed amendment. Mr. Rast explained the proposed language that addressed that requirement. He pointed out that instead of the developer choosing the intersections that would be analyzed, based on the size of the development, Staff would determine the boundaries for the traffic impact analysis.

Mr. Scott asked about the Community Facilities and Infrastructure Plan mentioned on page 11. Mr. Rast stated that this plan would be submitted by the Applicant, and the Police and Fire Departments would determine what impacts the development would have on their coverage.

After discussion, a motion was made by Mr. Mullin, seconded by Mr. Scott, and unanimously adopted to forward the proposed amendment to Article X, Section 1006, of the Zoning Ordinance (with the deletion of the paragraph at the top of page 16) be forwarded to City Council with a recommendation for a approval.

Sec. 1006. GC general commercial district.

(1006.1) *Intent of district:* It is intended that the GC zoning district be established and reserved for general 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 businesses to serve city and regional commercial needs. These regulations are also intended to accommodate businesses which benefit from being located in close proximity to each other, and to discourage any encroachment by other uses capable of adversely affecting the basic commercial character of the district. It is further intended that these regulations will reduce traffic congestion, provide for adequate off-street parking, and avoid the development of "strip" type business areas.

(1006.2) *Permitted uses:* The following uses shall be permitted in any GC zoning district:

(a) Retail business involving the sale of merchandise on the premises, provided no single tenant occupies more than 10,000 square feet.

(b) Business involving the rendering of a personal service on the premises.

(c) Office for governmental, business, professional or general purposes.

(d) Commercial recreation facility located entirely within a building on the premises.

(e) Publicly owned building, facility or land.

(f) Building, facility or land for the distribution of utility services.

(g) Building, facility, or land for noncommercial park, recreation, thoroughfare or open space purposes.

(h) Private or semiprivate club, lodge or social center.

(i) Building, facility or land for off-street automobile parking.

(j) Hotel or motel.

(k) Commercial trade or vocational school.

(l) Radio and/or television station, not including a transmission tower.

(m) Wholesale business involving the sale of merchandise on the premises.

(n) Newspaper publishing facility.

(o) Accessory use: See section 908.

(1006.3) *Conditional uses:* The following uses shall be permitted in any GC zoning district on a conditional basis:

(a) Retail business involving the sale of merchandise on an individual zoning lot where an individual tenant occupies more than 10,000 square feet subject to the following conditions:

(1) Maximum areas (on any zoning lot):

TABLE INSET:

General retail space	150,000 square feet
Theater and restaurant space	50,000 square feet

(2) No single commercial tenant shall occupy more than 32,000 square feet of floor area.

(3) No three commercial tenants shall occupy a combined floor area of more than 80,000 square feet.

(4) No more than six commercial tenants shall occupy more than 10,000 square feet of floor area each.

(5) All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including but not limited to the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review process.

(6) Any tenant that occupies more than 10,000 square feet shall provide the city attorney with a copy of the rental agreement between the tenant and its landlord which contains a contract provision prohibiting the tenant from voluntarily vacating such premises or otherwise ceasing to conduct its retail business on such premises while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. If such a tenant voluntarily vacates such premises or otherwise ceases to conduct its retail business on the premises, the landlord shall be free to market and lease such premises to another person or company, except to a direct competitor of the tenant, regardless of any contractual rights the tenant may have with the landlord.

(7) The owner of the zoning lot shall prepare a traffic management plan which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional traffic planner at no cost to the city, and it must be approved by the city engineer.

(8) The owner of the zoning lot shall prepare a water management plan which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional engineer at no cost to the city, and it must be approved by the city engineer.

(b) All conditional uses permitted in subsection (1005.3) for LC zoning districts, subject to the same conditions.

(c) Dwelling in combination with any use permitted in this district, provided all dwelling units have direct access to a street or other public area.

(d) Open setback depth for the sale, rental and/or storage of materials or equipment, excluding junk or salvage materials, provided that the area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The above required fence or wall must provide for a reasonable visual separation between the use and adjoining properties.

(e) Commercial recreational facility or land where the use is not located entirely within a building on the premises, on the following condition:

(1) The zoning lot is not less than one acre in area.

(2) The zoning lot is not adjacent to or across the street from any residential zoning lot.

(f) Transportation facility or terminal, provided service is primarily for passenger transportation rather than freight transportation.

(g) Community hospital, including customary accessory functions, provided the zoning lot is not less than ten acres in area.

(h) 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 section, the following conditions shall apply to all churches regardless of zoning district:

(2) Minimum zoning lot area is three acres.

(3) Minimum lot width is 100 feet.

(4) Minimum setback area, front:

TABLE INSET:

Building	40 feet.
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. 220, 11-6-1980; Ord. No. 408, 8-21-1986; Ord. No. 650, 11-16-1995; Ord. No. 743, § 1, 2, 11-2-00)

(1006.4) *Other requirements:* Unless otherwise specified in this Ordinance, uses permitted in GC zoning districts shall conform to the following standards:

(a) Minimum zoning lot area: 30,000 square feet.

(b) Minimum lot width: 150 feet.

(c) Minimum front setback depth:

(1) Building: 40 feet.

(2) Driveway/parking: 20 feet.

(d) Minimum side setback depth: Ten feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.

(e) Minimum rear setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.

(f) Maximum building height: Ten stories, but if over 35 feet, it must be approved by the fire department.

(g) Parking: See section 909.

(h) Signs: See Peachtree City sign ordinance.

Cross references: The "sign ordinance" is found in § 66-1 et seq. of the Code.

(i) Storage: No storage will be permitted on the zoning lot outside a fully enclosed building unless the storage area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The required fence or wall must provide

for a reasonable visual separation between the storage area and any adjoining property.

(j) All zoning lots shall have direct access onto 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) All parking and service areas must be separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.

(m) No outside loudspeaker systems shall be utilized.

(n) All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.

(o) A landscape plan is required for the site, and must be reviewed by a registered landscape architect to be designated by the city and by the planning commission prior to issuance of occupancy permit. If no action is taken or time extended within 30 days from filing, such request shall be considered approved. The landscape plan shall be fully implemented prior to occupancy and if not completed an occupancy permit will not be issued. If it is infeasible to complete the landscaping due to weather conditions or other extenuating circumstances then the owner shall post a performance bond or other acceptable security in an amount equal to 110 percent of the cost of the landscaping improvements which remain incomplete. The owner shall have a one year period in which to complete the required improvements in a satisfactory manner.

The owner shall provide adequate maintenance of the landscaping improvements for a minimum of one year from implementation. The city shall inspect special screening at least once during this period to ensure that the approved plan has been fully implemented and maintained. If it is found that the landscaping, as stated in this section, has died within 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.

(q) No use permitted in this zoning district shall be allowed to cover more than 75 percent of the zoning lot on which it is located with impervious surfaces.

(r) All properties developed for commercial purposes, whether they are occupied or not, shall be regularly maintained so they are not allowed to fall into a state of disrepair or neglect; and they shall consistently present a neat and orderly appearance to the general public as well as adjacent and nearby tenants and property owners.

(Ord. No. 233, 4-2-1981; Ord. No. 268, § 1(C)(7), 6-3-1982; Ord. No. 366, § 19, 5-22-1985; Ord. No. 743, 11-2-00)

Ordinance Number _____

AN ORDINANCE TO AMEND ARTICLE X, SECTION 1006, OF THE PEACHTREE CITY ZONING ORDINANCE IN ITS ENTIRETY PROVIDING FOR CLARIFICATION OF PREVIOUS AMENDMENTS AND TO ESTABLISH PROCEDURES FOR SPECIAL USE PERMIT REVIEW OF LARGE RETAIL DEVELOPMENTS, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Article X, Section 1006, of the Peachtree City Zoning Ordinance be repealed in its entirety and amended as follows:

Section 1006. GC general commercial district.

(1006.1) *Intent of district:* It is intended that the GC zoning district be established and reserved for general business purposes. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for businesses to serve city and regional commercial needs. These regulations are also intended to accommodate businesses which benefit from being located in close proximity to each other, and to discourage any encroachment by other uses capable of adversely affecting the basic commercial character of the district. It is further intended that these regulations will reduce traffic congestion, provide for adequate off-street parking, and **limit** the development of "strip" type business areas.

(1006.2) *Permitted uses:* The following uses shall be permitted in any GC zoning district:

(a) Retail business involving the sale of merchandise on the premises, provided no single tenant, **owner, occupant, or business** occupies more than 10,000 square feet.
(b) Business involving the rendering of a personal service on the premises.
(c) Office for governmental, business, professional or general purposes.
(d) Commercial recreation facility located entirely within a building on the premises.
(e) Publicly owned building, facility or land.
(f) Building, facility or land for the distribution of utility services.
(g) Building, facility, or land for noncommercial park, recreation, thoroughfare or open space purposes.
(h) Private or semiprivate club, lodge or social center.

(i) Building, facility or land for off-street automobile parking.
(j) Hotel or motel.
(k) Commercial trade or vocational school.
(l) Radio and/or television station, not including a transmission tower.
(m) Wholesale business involving the sale of merchandise on the premises.
(n) Newspaper publishing facility.
(o) Accessory use: See section 908.

(1006.3) *Conditional uses:* The following uses shall be permitted in any GC zoning district on a conditional basis:

(a) Retail business involving the sale of merchandise on an individual zoning lot where an individual tenant, **owner, occupant, or business** occupies more than 10,000 square feet subject to the following conditions:

(1) In addition to the conditions set forth in this subparagraph 1006.3. The maximum aggregate size of any commercial development shall be 150,000 square feet of floor area.
(2) No single commercial tenant, **owner, occupant, or business** shall occupy more than 32,000 square feet of floor area.
(3) No three commercial tenants, **owners, occupants, or businesses** shall occupy a combined floor area of more than 80,000 square feet.
(4) No more than six commercial tenants, **owners, occupants, or businesses** shall occupy more than 10,000 square feet of floor area each.
(5) All exterior building elevations that face public streets and/ or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including but not limited to the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review process.
(6) Any tenant, **occupant, or business** that occupies more than 10,000 square feet shall provide the city attorney with a copy of the rental agreement between **such** tenant, **owner, occupant, or business** and its landlord which contains a

contract provision prohibiting **such person or entity** from voluntarily vacating such premises or otherwise ceasing to conduct its retail business on such premises while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. If such a tenant, **occupant or business** voluntarily vacates such premises or otherwise ceases to conduct its retail business on the premises, the landlord shall be free to market and lease such premises to another person or company, except to a direct competitor of the tenant, regardless of any contractual rights the tenant may have with the landlord.

(7) The owner of the zoning lot shall prepare a traffic management plan which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional traffic planner at no cost to the city, and it must be approved by the city engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, which ever occurs first.

(8) The owner of the zoning lot shall prepare a water management plan which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional engineer at no cost to the city, and it must be approved by the city engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, which ever occurs first.

(b) All conditional uses permitted in subsection (1005.3) for LC zoning districts shall be permitted as conditional uses in the GC zoning district, subject to the same conditions set forth in subsection 1005.3 and any additional conditions set forth in this subsection 1006.3.

(c) Open setback depth for the sale, rental and/or storage of materials or equipment, excluding junk or salvage materials, provided that the area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The above required fence or wall must provide for a reasonable visual separation between the use and adjoining properties.

(d) Commercial recreational facility or land where the use is not located entirely within a building on the premises, on the following conditions:
  (1) The zoning lot is not less than one acre in area.
  (2) **Except for golf courses or other passive recreation areas,** the zoning lot is not adjacent to or across the street from any residential zoning lot.

(e) Transportation facility or terminal, provided service is primarily for passenger transportation rather than freight transportation.

(f) Community hospital, including customary accessory functions, provided the zoning lot is not less than ten acres in area.

(g) 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 section, the following conditions shall apply to all churches regardless of zoning district:
  (2) Minimum zoning lot area is three acres.
  (3) Minimum lot width is 100 feet.
  (4) Minimum setback area, front:

Building	40 feet.
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 non-illuminated 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.

(1006.4) Special Use Permit. **Certain uses, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted within the GC zoning district as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of a Special Use Permit by the Mayor and City Council after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the city will be protected.**

No inherent right exists to receive a Special Use Permit; such permits are a special privilege granted by the City under a specific set of circumstances and conditions, and each application and situation is unique. Consequently, mere compliance with the generally applicable requirements may not be sufficient and additional measures, occasionally substantial, may be necessary to mitigate the impact of the proposed development. In other situations, no set of conditions would be sufficient to approve an application, even though the same request in another location might be approved.

1006.4 (a) Applicability. **The following uses may be permitted within the GC zoning district following issuance of a Special Use Permit by City Council:**

(a) Commercial and/ or retail developments with more than 150,000 SF of general commercial uses.
(b) An individual retail business involving the sale of merchandise on an individual zoning lot where an individual tenant, owner, occupant or business occupies more than 32,000 SF subject to the following:

1006.4 (b) Application. **The City Planner shall prescribe the form(s) on which applications for a Special Use Permit are made. Applications**

shall include the name and address of the applicant, the name and address of the owner of each zoning lot involved, and the relationship of the applicant and property owner in connection with the application. If the applicant or property owner is an entity other than an individual, the application shall also include detailed information regarding the principals of the entity. The City Planner shall prescribe any other material that may reasonably be required to determine compliance with this article, with sufficient copies for necessary referrals and records.

Applications for Special Use Permits shall not be deemed complete until each of the following items have been submitted to the City Planner:

(a) *Application package.* One copy of the appropriate application form and all necessary documentation must be fully completed and signed by the property owner or duly authorized agent with power of attorney.

(b) *Fees.* Appropriate application fees as identified by City Council shall be attached to the application package. Checks should be made payable to the City of Peachtree City.

(c) *Property Deed.* Two copies of the property deed(s) for all properties included in the application.

(d) *Boundary Survey.* Two copies of the Boundary Survey for each property included in the application shall be prepared by a certified land surveyor or licensed civil engineer and shall contain the following information:

(1) Bearings and distances with a scale of 1" = 100' or less, for all property lines and existing and proposed zoning district lines.

(2) Area of land proposed for consideration, in square feet or acres.

(3) Scale and north arrow.

(4) Names of boundary roads or streets and width of existing rights-of-way.

(5) Geographic Parcel Identification Number (GPIN).

(6) The Land Use and/or zoning classification of adjacent properties.

(7) An electronic copy of the Legal Description for each parcel included in the application.

(e) *Written narrative.* The written narrative is a description of how the proposal relates to the relevant chapters of the Comprehensive Plan and should address the following elements at a minimum, as applicable:

(1) *Land use.* Whether the proposed zoning and/ or land uses are consistent with the long-range land use designation, as well as:

(a) Proposed uses and impacts on public facilities.
(b) Proposed maximum number of dwelling units.
(c) Maximum height of all proposed structures.
(d) Mitigation of impacts on neighboring properties, including vehicular access plan, landscaping and screening, setback and buffer requirements, and transitioning of density/ intensity of land use.
(e) Proposed special amenities including a commitment to landscaping with indigenous, drought tolerant species.
(f) Proposed phasing of development and their relationship to supportive utilities, facilities, transportation, and service components to accommodate the impacts of the development.

(2) *Community design.* How the proposal will address the principles and standards of community design including, but not limited to:

(a) How the project fits within the village concept of the city as set forth in the City's Comprehensive Plan.
(b) Providing multi-use path connections between residential and commercial properties and community facilities.
(c) Incorporating crime prevention principles into site and building designs.
(d) Providing parking at the rear of commercial buildings.
(e) Locating structures close to the street edge.
(f) Eliminating or limiting large parking lots between public streets and building entrances.
(g) Preserving natural resources on the site.
(h) Incorporating natural storm water management designs as wet ponds and as architectural features of new developments.
(i) Protecting and restoring the natural terrain, drainage, and vegetation.
(j) Aligning new roads to the natural contours of the land.
(k) Building architecture, signs, landscaping, lighting,

and retention of natural vegetation along roadways and property boundaries.

(l) Preserving and/or providing open space.

(3) *Economic development.* Identify whether or not the proposed use is an existing county-based business or targeted industry, as identified by the Fayette County Development Authority and/ or the Development Authority of Peachtree City. Provide an estimate the development will have on the City's tax base.

(4) *Fire and rescue.* Discuss how fire safety will be addressed:

(a) Impacts of the proposal on established level of service (LOS) standards.

(b) Additional mitigation measures such as sprinklers and fire-rated construction if outside travel time.

(c) Proposed improvements, including possible transportation improvements to achieve a satisfactory LOS.

(5) *Potable water.* Describe how water will be provided to the site:

(a) Relationship of the proposed development to supportive public utilities.

(b) Improvements proposed, especially if the proposal relies on groundwater or recharge areas.

(6) *Sewer.* Describe how sanitary sewer service will be provided to the site:

(a) Relationship of the proposed development to supportive public utilities, where consistent with the Comprehensive Plan.

(b) Proposed improvements to accommodate development.

(7) *Transportation.* Describe measures to achieve level of service 'D' or better. The limits of any traffic study shall be determined by the City Engineer and the City's Traffic Consultant and shall include:

(a) Impacts of the proposal on established level of service (LOS) standards.

(b) Improvements proposed, both motorized and non-motorized.

(c) Address connectivity of sidewalks and/ or multi-use path system to adjacent properties, as well as the connectivity of internal roads to adjacent properties.

(f) *Schematic site plan.* Ten (10) full size, one 11" x 17" reduction and one electronic copy of the schematic site plan shall be submitted as a part of the application package. All graphic plans shall be prepared at a scale of 1" = 100' or less and on a sheet size not to exceed 24" X 36". If prepared on more than one sheet, match lines shall be clearly indicated where the sheets join.

The schematic site plan shall be prepared by a Registered Landscape Architect, Architect or Civil Engineer licensed to practice in the State of Georgia, and shall identify the existing features of the property such as existing structures, vegetation, and watercourses, and provide a schematic presentation of its intended use in a graphic, visual, and written format. The schematic site plan shall include specific site plan features of the proposed development including layout of internal roads, lots, and open space. At a minimum, the schematic site plan shall include the following:

(1) Vicinity map at 1" = 2,000'.
(2) Owner and project name.
(3) Parcel identification numbers, name, present zoning, and zoning and use of all abutting or contiguous parcels.
(4) Property lines with bearings and distances, and existing and proposed zoning district lines.
(5) Area of land proposed for consideration, in square feet or acres.
(6) Scale and north arrow.
(7) Names of boundary roads or streets and width of existing rights-of-way.
(8) Any easements and encumbrances on the property.
(9) Topography, indicated by contour lines with an interval of not more than 5 feet.
(10) Proposed roads, with right-of-way width, including those identified in the Comprehensive Plan that will connect with or pass through the subject property.
(11) General locations of proposed major access points to

existing streets and to future rights-of-way identified in the Comprehensive Plan.

(12) Both sides of existing rights-of-way, with all existing and planned curb cuts shown.

(13) Tabulation of all building square footage proposed on the property.

(14) Location of any open space and buffer areas, storm water management facilities, and community and public facilities.

(15) Location of existing and proposed utilities.

(16) Vehicular and pedestrian circulation plan, including current and projected traffic counts and typical street sections, right-of-way improvements, access points, travel ways, parking, loading, stacking, sidewalks, and multi-use paths.

(17) Layout and orientation of any current and/or all proposed buildings and /or improvements, building use, height restrictions and building setback lines.

(18) Location and design of screening and landscaping.

(g) *Environmental constraints analysis.* The environmental constraints analysis shall provide a description and generalized mapping of natural site conditions, with an emphasis on those significant environmental features that could be affected by the proposed development, and those that will be retained upon completion. A quantification of the acreage and percentage of the environmental features should also be included.

The analysis shall include a written description and generalized mapping of natural site conditions, with an emphasis on those significant environmental features that could be affected by the proposed development and those that will be retained upon completion of the project. The analysis shall also describe avoidance efforts and/or mitigation techniques to minimize the environmental impacts of the proposal.

The following information shall be addressed by a graphic plan and accompanying text:

(1) Areas having slopes of 15% and greater, clearly indicated by separate shading devices (or written indication of "no areas having slopes of 15% and greater").

(2) Estimate the amount and extent of impervious and proposed pervious surfaces (show in tabular form).

Identify general locations of impervious surfaces and estimate maximum impervious surface amounts upon completion of a development.

(3) Delineation of the areas of the property that will remain in a natural or undisturbed state upon completion of the project.

(4) Watercourses, to include the approximate location of the 100-year floodplain, if applicable, based on FEMA maps (or written indication of "no floodplain"), and proposed buffers along the watercourses.

(h) *Traffic impact analysis.* A Traffic Impact Analysis shall be submitted with each application. In addition, requests for a Special Use Permit shall include the following:

(1) Detailed transportation information identifying how the proposed development will interconnect with adjoining commercial and/ or residential properties or developments, including, but not limited to, internal streets, sidewalks, multi-use paths, etc.

(2) A traffic impact analysis.

(3) An estimated parking tabulation for both on- and off-street parking, including an assessment for shared parking, which may supersede the requirements of the City's Parking Ordinance.

(i) *Schematic land use plan.* This plan shall depict land areas within the overall development, including proposed land uses, buffers, open space, building setbacks and density.

(j) *Phasing plan.* This plan shall identify the order in which development, public facilities, improvements, and amenities will be provided, constructed, dedicated, or reserved.

(k) *Community facilities and infrastructure plan.* This plan shall identify the impact on community facilities and infrastructure, such as police and fire protection facilities, utilities, and other public use elements, and how the plan will address these issues.

(l) *Urban design guidelines.* These guidelines shall address in narrative and/ or graphic form those characteristics relating to proposed buildings and structures, including heights, massing, setbacks, etc.

(m) *Streetscape and landscape plan.* This plan shall demonstrate the planting concepts intended to be implemented within the proposed development.

(n) *Emergency response plan.* This plan shall address how the various components of the development will be accessible in the event of an emergency, and shall be coordinated and acceptable to the City's Fire and Police Chief.

(o) *Architectural program.* This plan will identify the proposed architectural design, building materials and other aesthetic components of the overall development. The plan will also include details on the exterior lighting, site lighting and signage.

(p) Any information submitted by the Applicant which references an impact on the City shall also set forth the mitigation measures to be implemented by the Applicant to offset, reduce, or eliminate such impacts.

1006.4 (d) Review procedures. Application for the establishment of special uses shall be submitted to the City Planner and, upon determination that such application contains all necessary elements, shall be deemed received by the City and referred to the Planning Commission for its review and recommendation.

The Planning Commission shall report to the Mayor and City Council its recommendation as to the approval or disapproval of such application and any recommendation for establishment of conditions, in addition to those set forth in this article, deemed necessary to protect the public interest and welfare.

In considering applications for Special Use Permits, the Planning Commission and City Council shall use the standards set forth in Section 1305 of the Peachtree City Zoning Ordinance and shall consider the following criteria:

(a) Compatibility of the proposed use and location with the policies established in the Comprehensive Plan.
(b) Compatibility of the proposed use with the character of adjacent properties and the surrounding neighborhoods and with existing and proposed development.

(c) Availability of, or ability to provide, adequate utilities, drainage, parking and loading space, lighting, screening, landscaping and open space.
(d) Provision of safe and convenient vehicular, pedestrian, bicycle, and alternate modes of transportation.
(e) Compatibility of the proposed use with the intent and function of the GC zoning district.
(f) Compliance with applicable performance standards and requirements as set forth in the City's Land Development Ordinance.

In approving any application for Special Use Permit, the City may by resolution:

(a) Impose such reasonable standards, conditions or requirements, in addition to any specified within this chapter, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but are not limited to, special setbacks, buffer requirements, increased screening or landscaping requirements, and standards pertaining to traffic, circulation, noise, lighting, hours of operation and similar characteristics.
(b) Require that a performance guarantee, acceptable in form, content and amount to the City be posted by the applicant to ensure continued compliance with all conditions and requirements that may be specified.
(c) Specify time limits or expiration dates for any such Special Use Permits, including provisions for periodic review and renewal.

1006.4 (e) Procedures applicable to permits. Unless otherwise specified by the conditions of the permit, failure to establish the special use authorized by the permit within two (2) years from the date of approval by the City Council shall cause the permit to terminate automatically. In the case of uses involving the construction of new buildings or other structures, the use shall be deemed "established" if all necessary foundation work has been completed within the two-year period and construction work is continuously and diligently pursued thereafter under a valid building permit. In the case of uses involving occupancy of land or an existing building, the use shall be deemed "established" only if the land or buildings have been occupied and the proposed activity conducted within the two-year period.

Unless otherwise specified in the conditions of a permit, the initial term of each special use permit shall be for one (1) year from the date of approval. Upon compliance with those conditions and restrictions imposed by the City Council and all relevant City ordinances, the special use permit shall, without application, be renewed automatically for additional successive one (1) year terms. However, a special use permit shall not be so renewed and shall expire at the end of the term or current renewal thereof if notice of noncompliance with any material condition or restriction is mailed by certified mail to the permittee, at the address shown on the application for the permit or any new address of which the City Planner subsequently receives written notice, more than thirty (30) days before the end of the term or the renewal thereof then in effect and such noncompliance is not corrected within thirty (30) days to the satisfaction of the City Planner.

The provisions of this section are cumulative with the power of injunction and other remedies afforded by law to the City and, further, shall not be so interpreted as to vest in any applicant any rights inconsistent or in conflict with the power of the City to rezone the subject property or to exercise any other power provided by law.

Once a special use permit is granted, such use may be enlarged, extended, increased in intensity or relocated only in accordance with the provisions of this section unless the City Council, in approving the initial permit, has specifically established alternative procedures for consideration of future expansion or enlargement. If the use that is the subject of the special use permit becomes a use permitted as a matter-of-right through subsequent amendment of this chapter, the special use permit conditions shall be voided but only to the extent they are more restrictive than those conditions applicable generally to such by-right use.

Uses in a district for which a special use permit is required, which were legally existing without such a permit at the time of adoption of this chapter or an amendment thereto which required such a special use permit, shall not be deemed nonconforming uses, but shall, without further action, be deemed conforming special uses so long as they continue in existence. Such special uses shall be subject to the provisions of subsection (d) below with respect to any enlargement, extension, and increase in intensity or relocation.

Where any special use is discontinued for any reason for a continuous period of two (2) years or more, the special use permit shall automatically terminate without notice. A use shall be deemed to have

been "discontinued" when the use shall have ceased for any reason, regardless of the intent of the owner or occupier of the property to reinstitute the use at some later date. The approval of a new special use permit shall be required prior to any subsequent reinstatement of the use.

1006.4 (f) Amendment of special use permits. An amendment is a request for any enlargement, expansion, and increase in intensity, relocation, or modification of any condition of a previously approved and currently valid special use. Amendments shall be processed as follows:

(a) Non-material and insignificant modifications, shifts in location, slight changes in size, shape, intensity, or configuration may be authorized by the City Planner provided there is nothing in the currently valid permit to preclude such action, the changes comply fully with other provisions of the permit and the Code, and that there will be a five percent (5%) or less increase in either lot coverage or floor area over what was originally approved.

(b) Minor enlargements, expansions, increases in intensity, relocations, or modifications of any conditions of an approved and currently valid special use may, without public hearing, be authorized, including the establishment or reestablishment of reasonable conditions, by resolution of the City Council provided that such minor changes comply with the following criteria:

  (1) There will be a cumulative total of less than a ten percent (10%) increase in either total lot coverage or floor area;

  (2) There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;

  (3) Nothing in the currently valid special use permit precludes or otherwise limits such expansion or enlargement;

  (4) The proposal conforms to the provisions of this article and is in keeping with the spirit and intent of the adopted comprehensive plan.

Any proposed amendment other than those provided for in paragraphs (1) and (2) above shall be considered a major amendment of a previously approved and currently valid special use and shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original permit.

(1006.**5**) *Other requirements:* Unless otherwise specified in this Ordinance, uses permitted in GC zoning districts shall conform to the following standards:

(a) *Minimum zoning lot area:* 30,000 square feet.

(b) *Minimum lot width:* 150 feet.

(c) *Minimum front setback depth:*

(1) Building: 40 feet.

(2) Driveway/ parking: 20 feet.

(d) *Minimum side setback depth:* Ten feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.

(e) *Minimum rear setback depth:* 20 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.

(f) *Maximum building height:* **The height of all buildings shall be limited to no more than 35 feet above finish grade unless approved by the Fire Marshal.**

(g) *Parking:* Refer to Section 909.

(h) *Signs:* Refer to Chapter 66.

(i) *Storage:* No storage will be permitted on the zoning lot outside a fully enclosed building unless the storage area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The required fence or wall must provide for a reasonable visual separation between the storage area and any adjoining property.

(j) *Access:* 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) All parking and service areas must be separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.

(m) No outside loudspeaker systems shall be utilized.

(n) All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.

(o) The plan must be designed in accordance with the requirements identified within the city's Vegetation Protection and Landscape Requirements ordinance.

(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.

(q) No use permitted in this zoning district shall be allowed to cover more than 75 percent of the zoning lot on which it is located with impervious surfaces.

(r) All properties developed for commercial purposes, whether they are occupied or not, shall be regularly maintained so they are not allowed to fall into a state of disrepair or neglect; and they shall consistently present a neat and orderly appearance to the general public as well as adjacent and nearby tenants and property owners.

Section 2. Article X, Section 1006 of the Peachtree City Zoning Ordinance is hereby repealed in its entirety.

Section 3. Any ordinances or parts of ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council hereby declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases maybe declared illegal, invalid or unconstitutional.

Section 5. This ordinance shall be in full force and effect upon its official adoption by the City Council.

Done, Ratified, and Passed this _____ day of _____ 2006.

_____
Harold Logsdon, Mayor

_____

_____

_____

_____

Attest: _____
City Clerk

November 30, 2005

MEMORANDUM

TO: Mayor, City Council Members and Planning Commissioners

FROM: Roger F. Rupnow, Planning Consultant

RE: Large scale retail development in Peachtree City.

Cities throughout the nation are currently being confronted with a major change in the scale of development for retail commercial land use. Historically retail stores occupied small buildings in the center of the city, sold a specific line of goods, such as clothing, drugs furniture etc. and were often owner occupied. Over time the central business district became less attractive and the development of the "shopping center" which assembled many of the single purpose stores around a major department store (anchor) and located it at the edge of the city. Now the "big box" concept is occurring. It is a facility that one owner under one roof provides a one stop-shop to meet most all of the shopper's needs, food, clothing, drugs, etc.

Peachtree City began as a planned city 45 years ago. Since its beginning the elected officials have worked diligently to maintain the quality of life that the original plan which established "villages" created.

Recently this "village" concept is being challenged with the introduction of "big box" retail establishments. The question before you as its elected and appointed officials is how to address this challenge. I have been retained to provide you with a review of various elements that may/will assist you to meet this challenge.

I have divided these elements into "Findings" and "Effects"

FINDINGS:

These "findings" are decisions that you as officials of the City should consider and make as a part of your on-going planning process.

Planning Findings:

- The extent to which the proposed development conforms to the City's Comprehensive Plan.
- The extent to which the proposed development conforms to the regions Smart Growth efforts.

Attachment "E"

Economic Findings:

- The extent to which the project will place an unreasonable burden on the City's ability to provide current services to the proposed development.
- The extent to which additional City services will be required and the cost of said services.
- The extent to which the increased tax revenue will off-set the cost of the required additional services.
- The extent to which any capital improvements will be required and the cost of said improvements.
- The extent to which the proposed development is compatible with the character and scale of the neighboring (adjacent) property.
- The extent to which the proposed development impacts the existing commercial (business) development.
- The extent to which the applicant's required "Impact Statement" supports these "Findings".
- The extent to which there is now or in the reasonable future a market (population) to support the proposed future development.

Aesthetic Findings:

- The extent to which the proposed development is compatible with the adjacent properties.
- The~ extent to which the proposed development is compatible with City and the region.
- The extent to which the proposed development has an adverse effect on the scenic or natural beauty of the area.

Environmental Findings:

- The extent to which the traffic generated by the proposed development impacts the areas air quality standards.
- The extent to which the proposed development impacts the areas aquifers and water quality.

- The extent to which the proposed development impacts the management of the City's storm water.

EFFECTS:

The "effects" relate to the possible consequences of a decision supporting a request to change the "village" concept. There are both positive and negative "effects".

Positive:

- There would probably be a nominal increase in the real estate tax base and other local fees.
- There would probably be a small number of jobs created.
- There would be an increase in the supply and number of choices in the purchase of retail goods.
- There is the possibility that the prices of some retail goods might be less than those that currently available.
- The competition for the sale of retail goods would increase.

Negative:

- It would cause dramatic changes to the "quality of life" in the community. A change from a "small community" to a "big city".
- The scale of retail development in the community would be drastically changed.
- It would have substantial negative effects on existing retail businesses.
- Initially it would create a substantial over-supply of retail space.
- It would change the current employment philosophy from full time employment to a practice of part time employment which leads to lower wages and no employment benefits.
- The current "ripple effect" economy that occurs in the community would disappear. (Big Box stores do not use local services or purchase goods locally).
- It would shift the economic focus of the community from the CBD/ downtown! square to the city's edge.

- It is contrary to current national planning efforts which create mixed use development areas which include "live, work, play" areas.

- It would complicate the City's efforts to design and build an efficient and economic infrastructure system.

- The existence of Big Box stores in a community has done a great deal to eliminate the small retail store and hence create a monopolistic economy.

- The Big Box stores usually provide lower paying jobs which leads to less discretionary income. The local economy depends on "cashiers and stock boys" to support its economy.

- Experience shows that these stores which operate 24/7 increase the community's crime rate and as a result require additional expenditures to insure the safety of its residents.

- In some areas the existence of low paid workers of the "Big Box" stores places a large negative burden on area wide health insurance programs.

I would hope that this information will be helpful to you in your efforts to maintain the quality of life that has existed in Peachtree City since its founding.

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CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

VIA: **City Manager**
Assistant City Manager

FROM: **City Clerk**

DATE: **February 23, 2006**

SUBJECT: **Alcohol License – NEW – Taco Mac**
March 2, 2006, Regular Meeting

Recommendation:
Staff recommends Council consider the attached application for a new alcohol license.

Discussion:
Taco Mac, a restaurant to be located at 275 Market Place Boulevard (formerly On the Border), has submitted a request for a new alcohol license. Mr. Joseph F. Ardagna had requested he be appointed as the Licensee. Mr. John Griffith has requested he be appointed as the License Representative. They will attend the meeting on Thursday, March 2nd, to answer any questions you may have.

Budgetary Impact:
The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee of $5,000 for a pouring license for beer, wine, and distilled spirits, plus $500 for Sunday Sales.

JSM:pd

Attachments

PEACHTREE CITY
PLAN TO STAY™

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

Application For Alcoholic Beverage License

Business Name: DBA TACO MAC Peachtree City Mac Restaurant, LLC	Business Location: 275 Market Place Blvd Peachtree City, GA 30269	
Nature of Business: Full service restaurant	Mailing Address: 66 Norcross St Roswell GA 30075	Business Phone Number: (770) 643-1090
Name of Licensee: Joseph F. Ardagna	Home Address: 5055 Heatherwood Ct Roswell, GA 30075	Home Phone Number: (770) 310-8109
Name of License Representative: John Griffin	Home Address: 644 Dover St. Marietta, GA 30066	Home Phone Number: (404) 786-4116

Please indicate type of licenses applying for:

Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
✓	Malt Beverage		Malt Beverage		Malt Beverage
✓	Wine		Wine		Wine
✓	Distilled Spirits		Distilled Spirits		Distilled Spirits

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

NAME Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	ADDRESS Please provide Home Addresses for the individuals listed:	PHONE NUMBERS Please provide Home and Business Phone Numbers for individuals listed:
Joseph F. Ardagna OWNER	5055 Heatherwood Ct Roswell, GA 30075	(770) 310-8109 Home (770) 643-1090 Bus.
Robert W. Campbell OWNER	4715 Lake Forrest Dr. Atlanta, GA 30342	(770) 310-8221 Home (770) 643-1090 Bus.
Gregory S. Wakeham OWNER	62 Kennedy Ln. New Boston, NH 03070	(603) 560-2541 Home (770) 643-1090 Bus.
Susie Odds CONTACT PERSON	508 Weatherstone Ct Woodstock, GA 30188	(678) 665-6654 Home (770) 643-1090 Bus.

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

If YES, Please Provide Name of Employee: N/A

PEACHTREE CITY
PLAN TO STAY™

City Hall
151 Willowbend Road
Peachtree City, GA 30269
Phone: 770-487-7657
Fax: 770-631-2505
www.peachtree-city.org

State of Georgia

City of Peachtree City:

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

Joseph F. Ardagna
Name

5055 Heatherwood Court Roswell, GA 30075
Address

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

James V. Murray
Signature

Feb. 9, 2006
Date

Major R.M. Durden
Witness

PEACHTREE CITY
PLAN TO STAY™

City Hall
151 Willowbend Road
Peachtree City, GA 30269
Phone: 770-487-7657
Fax: 770-631-2505
www.peachtree-city.org

State of Georgia

City of Peachtree City:

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

John Scott Griffin
Name

644 Dover St. Marietta, GA 30066
Address

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

James V. Murray
Signature

Feb. 9, 2006
Date

Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and City Council**

VIA: **City Manager**
Interim Developmental Services Director

FROM: **City Engineer**

DATE: **February 23, 2006**

SUBJECT: **Stormwater Facility Maintenance Agreement**

Recommendation:

Staff recommends approval of the attached Stormwater Facility Maintenance Agreement for Park Place at The Avenue.

Discussion:

The Peachtree City Land Development Ordinance requires that a Stormwater Facility Maintenance Agreement be completed for each new development within the City. The developer of Park Place at The Avenue has completed their portion of the attached Agreement, and the City Attorney has reviewed it. Signatures by the Mayor as well as the City Attorney are necessary to formalize the document.

Due to their size, the plans referenced as Exhibit A in the Agreement are not included with this memo. However, they are on file in the City Engineer's office and can be viewed upon request.

Budget Impact:

There is no budgetary impact associated with this action.

DAB/jir

Attachment

STATE OF GEORGIA
COUNTY OF FAYETTE

After Recording Return to:
City Manager, City of Peachtreee City
151 Willowbend Road
Peachtree City, Georgia 30269

Peachtree City
STORMWATER FACILITY MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this 19 day of JANUARY, 2006, by and between (Insert Full Name of Owner) H & R LAND DEVELOPMENT CORP. hereinafter called the "Landowner", and the City of Peachtree City, hereinafter called the City. WITNESSETH, that WHEREAS, the Landowner is the owner of certain real property described as (Tax Map/Parcel Identification Number) 7-33-074 as recorded by deed in the land records of the City of Peachtree City, Georgia, Deed Book 1471 Page 201, hereinafter called the "Property".

WHEREAS, the Landowner is proceeding to build on and develop the property; and WHEREAS, the Site Plan/Subdivision Plan known as PARK PLACE AT THE AVENUE, (Name of Plan/Development)

hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for detention of stormwater within the confines of the property; and

WHEREAS, the City and the Landowner, its successors and assigns, agree that the health, safety, and welfare of the residents of City of Peachtree City, Georgia, require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plan attached hereto as Exhibit "A" and incorporated herein by express reference.

2. The Landowner, its successors and assigns shall adequately maintain the stormwater management facilities. This includes all pipes, channels or other conveyances built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions. The Stormwater Structural Control Maintenance Checklists found in the latest edition of the *Georgia Stormwater Management Manual* are to be used to establish what good working condition is acceptable to the City.

3. The Landowner, its successors and assigns, shall inspect the stormwater management facility and submit an inspection report annually. The inspection shall be performed by a registered professional engineer with experience in stormwater facility design, construction, and maintenance. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report.

4. The Landowner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management facilities whenever the City deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. The City shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

5. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to the City, the

City may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner, its successors and assigns. The Landowner shall be given notice of the deficiencies identified in the inspection report so as to take the necessary corrective action. Such corrective action shall be completed within thirty (30) days of the Landowner's receipt of such notice. In the event that the Landowner cannot complete such remedial action within this time period, the Landowner shall provide a schedule for completion, which schedule must be approved by the City. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.

6. The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.

7. In the event the City pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.

8. This Agreement imposes no liability of any kind whatsoever on the City and the Landowner agrees to hold the City harmless from any liability in the event the stormwater management facilities fail to operate properly.

9. This Agreement shall be recorded among the land records of City of Peachtree City, Georgia, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests.

WITNESS the following signatures and seals:

H&R Land Development Corp,

Company/Corporation/Partnership Name (Seal)

By: T Harper

Tim Harper Pres.

(Type Name and Title)

Jessica P. Landon

Witness

The foregoing Agreement was acknowledged before me this 19th day of January, 2006, by

_____.

Angie R Francis

NOTARY PUBLIC

Notary Public, Coweta County, Georgia
My Commission Expires Dec. 28, 2009

My Commission Expires:

COUNTY OF Coweta, GEORGIA

Please Sign & Return

_____

Mayor of Peachtree City

_____

Witness

Please Sign Here

The foregoing Agreement was acknowledged before me this ____ day of _____, 20___, by

_____.

_____

Please Sign Here

NOTARY PUBLIC

My Commission Expires: _____

Received

Approved as to Form:

_____

Please Sign Here

City Attorney **Date**

Office of City Attorney
Peachtree City, GA

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: Mayor Logsdon and Members of Council

VIA: Mr. Bernard McMullen, City Manager
Mr. Colin Halterman, Assistant City Manager
Paul Salvatore, Director of Finance
Janet Camburn, Assistant Director of Finance
Jane Miller, Director of Administrative Services
Brenda Rogers, Human Resources Manager
Stony Lohr, Fire ~~Chief~~

FROM: Assistant Chief Eiswerth, Operations

DATE: February 16, 2006

SUBJECT: Volunteer Stipend Program
(Council Agenda March 2, 2006)

1. RECOMMENDATION: Staff recommends that the City allocate a total of $34,000 from Council Contingency for a Fire Department pilot program to provide volunteers an incentive to respond to calls and training starting 1 April 2006.

2. DISCUSSION: a. The Fire Department proposes to try a 6-month trial stipend incentive for volunteers starting 1 April 2006. Volunteers would be provided a set amount per call or training event based on certification. This is a technique recognized by the National Report "Lighting the Path of Evolution, The Red Ribbon Report, Leading the Transition in Volunteer and Combination Fire Departments". This report, dated November 2005, was received January 9, 2006. It has been/is being used in many Fire Departments around the United States, including Farmington Hills, MI; Hailey, ID; Rochester, MI; Payson, AZ; Coons Rapids, MN; Plainfield, MI; Eden Praire, MN; Lake Havasu, AZ; and Lacey, WA. The pay would be calculated at the end of each month. Pay documentation/time sheet would be sent to the Finance Department for each volunteer. At the end of the 6-month period an analysis will be done to see if call response and training attendance has increased for volunteers and by how much. The goal is to increase call response and training. The Department wants to have at least two volunteers respond per call at a minimum and more if possible. Average Volunteer response for CY 2005 dropped to 1.36 from the CY2004 average of 1.89. Our ultimate goal is 3-4 volunteers average per call.

b. **Project Parameters.**

1. Each Volunteer's stipend will be "capped" at $750 for the 6-month period. The total amount required if all volunteers' increase their response could be as high as $32,000 for volunteer stipends and an additional $2,000 for FICA and Medicare. If all volunteers doubled their effort and they responded to at least 50 calls for a 6-month period this would increase

manning to every call by almost 2 personnel. Today, it costs the city approximately $344,000 to add two firefighters to each shift.

2. No volunteer will be eligible for a stipend until they have completed NPQ Firefighter I or Georgia Firefighter certification, and NPQ Haz-Mat Awareness certification.

3. Levels of stipend would be based on certification and training: The net stipend provided to Volunteers would be as listed. That equates to a gross stipend as shown to offset the impact for FICA and Medicare. The stipend will offset expenses required to respond or attend, which should result in greater incentive or at least a lesser impediment to respond or attend.

As of 6 Feb 2006

Certification Level	Number Vol Eligible	Gross Stipend *Per Event	Net Stipend **Per Event
Recruits	8	$0.00	
National Professional Qualification (NPQ) Firefighter (FF) I or Georgia certified FF	18	$ 5.42	$ 5.00
NPQ FF I & GA Certified First Responder or NPQ FF II	13	$ 8.12	$ 7.50
NPQ FF I & GA EMT-I or NPQ Apparatus Operator	7	$ 10.83	$ 10.00
NPQ Fire Officer I or above (Acting in Officer Role) or NPQ FF I & GA Paramedic	4	$ 13.54	$ 12.50

*Due to rounding issues, this may not come out exactly to the required net stipend, if volunteer is provided a stipend for more than one event

**Subject to state and federal withholding, if eligible

3. BUDGET IMPACT: This is an unfunded request for FY2006. Funds are being included in our request for FY2007. Staff requests that Council authorize the initial FY2006 ($34,000) funding from Council Contingency. If approved, this would leave a balance remaining in the Council Contingency fund of $60,500.00.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

FROM: **City Manager**

DATE: **February 24, 2006**

SUBJECT: **Tourism Association Presentation on Current Status**
March 2, 2006, Council Agenda

Lauren Yawn of the Peachtree City Tourism Association will give a PowerPoint update on the current status of the organization.