City Council of Peachtree City
Agenda
February 21, 2008
7:00 p.m.

I. Call to Order

II. Pledge of Allegiance

III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Recognize Al Yougel, Keep PTC Beautiful Campaign Coordinator

IV. Public Comment

V. Agenda Changes

VI. Minutes
January 8, 2008, Workshop Minutes
February 6, 2008, Workshop Minutes

VII. Consent Agenda
1. Consider Request for Funding from Promise Place
2. Consider Lease Amendment – Tourism Association (Agenda Item 01-08-15)
3. Consider Lease – Southern Conservation Trust
4. Consider RFP for Solicitor Pro Hac

VIII. Old Agenda Items

IX. New Agenda Items

02-08-09	Public Hearing – Consider Amendment to Article X., Section 1007, LI Limited Industrial District
02-08-10	Public Hearing – Consider Amendment to Article X., Section 1008, GI General Industrial District
02-08-11	Public Hearing – Consider Ordinance Amendment – Unrestricted Kennels in Residential Zoning Areas
02-08-12	Public Hearing – Consider Ordinance Amendment – Variance Procedures (Zoning Ordinance)
02-08-13	Public Hearing – Consider Ordinance Amendment – Height Restrictions in GC Zoning
02-08-14	Consider Request for Funding from Fayette Senior Services
02-08-15	Consider Ordinance Amendment – General Design Guidelines
02-08-16	Consider Ordinance Amendment – Variance Procedures (Land Development Ordinance)
02-08-17	Consider Fee Change – Ambulance Services
02-08-18	Discussion/Consideration on Repair of Police Department Building
02-08-19	Consider DOT Request for Donation of Right-of-Way for SR 74

X. Council/Staff Topics

XI. Executive Session

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

City of Peachtree City
WORKSHOP
Minutes of Meeting
January 8, 2008
6:30 p.m.

The City Council of Peachtree City met in workshop session on Tuesday, January 8, 2008 at 6:30 p.m. Council Members attending were: Mayor Harold Logsdon, Don Haddix, Doug Sturbaum, Steve Boone, and Cyndi Plunkett.

Staff members attending were: City Manager Bernard McMullen, Acting Administrative Services Director/City Clerk Betsy Tyler, Acting Developmental Services Director David Rast, and Planning Assistant Tony Bernard.

The purpose of the workshop was to discuss maximum building heights in the General Commercial zoning district, review recommended amendments to the variance process, and status of the update to the Comprehensive Plan and related ordinance amendments

Rast indicated that staff was presenting two items that were previously discussed at Council workshops and in Planning Commission meetings. Rast stated that the order the topics were listed on the agenda was not the order that he would be presenting them. (Copy of PowerPoint presentation is included in the official meeting file.)

Comprehensive Plan Update and Related Ordinance Amendments
Rast said that staff had been working on the Comprehensive Plan for about two years. The Community Assessment and the Community Participation Program had been presented to Council and were authorized to be released to the Department of Community Affairs (DCA) and Atlanta Regional Commission (ARC). Both plans had officially been approved by DCA and ARC.

Rast continued that, as a part of this process, a complete inventory of all parcels of every tract of land within the City had been completed. The inventory identified the zoning, land use, and the size of the building that was located on the tract, as well as other characteristics. This inventory provided staff with a very accurate database for existing developments within the City. The database was being used for a number of reasons; primarily to update the zoning and land use maps. Rast said that Bernard had been working closely with GIS Technician Tony Whitley to create the City's parcel-based zoning and land use map. Rast continued that while the current land use map was official, but was not truly parcel based and did not reflect the accurate representation of the number of acres zoned and designated for different land uses. Rast indicated that staff would bring the parcel-based map to Council the first meeting in February so that it could be adopted as the official zoning and land use map for the City as the parcels were currently zoned and designated.

After the new map was adopted, staff would bring some amendments to Council over the next few months that would address some topics that were brought to the forefront as a result of the public forums and from some of the advisory board meetings that affected the current land use and zonings. Rast used an example one of the revisions off of Georgian Park. The subdivisions were all designated as multi-family and zoned as multi-family development. Although the subdivisions were not developed as dense as the tracts were zoned, it opened the potential for someone in the future to purchase several tracts, combine the tracts, and rebuild with duplexes. Logsdon asked what happened if one of the current property owners objected. Rast indicated that it would have to be addressed through the public hearing process. Plunkett clarified that it would be the same process as a regular public hearing for rezoning with the posting and a 30-day time period to object prior to the public hearing. Plunkett continued that, if there were no objections, the City could continue with the rezoning. Rast confirmed that was correct. Logsdon asked if letters needed to be sent out to each property owner. Rast indicated that it was not required, but staff had already alluded to these changes with the various homeowners associations (HOAs). Rast indicated there were not a lot of areas of the City with this type of situation.

Rast continued that staff had held at least seven public forums, with one held in each of the villages and one in the industrial park. The average attendance was 30-40. Staff felt that, while the number of people in attendance at each of the events was not very high, the input received was very good. During the Community Assessment, a survey was sent via direct mail to approximately 1,100 residents, and approximately 750 surveys were returned. Rast said that he thought that the response had been very good. Rast said that the Visual Preference Survey that was conducted at each of the forums did not return as good of a response as staff had hoped, but the surveys that were returned supplied them with enough information to conduct an updated Visual Preference Survey.

Rast said that there were several things that are left to be done regarding the Comprehensive Plan, and the Community Agenda was the major portion. He said that DCA had established procedures that every jurisdiction had to follow for the Comprehensive Plan, Assessment, and Agenda. Rast indicated that staff's plan was to present the updated plan to the public at several forums, and then present to the Planning Commission and finally to City Council. Rast said that after Council approved the update, the plan would be sent ARC and DCA for review and ultimately adopted by June 30, 2008. As a part of the process, Rast continued, there were several ordinances that were going to be reviewed and modified, as well as areas where ordinances needed to be written to address some of the goals and objectives in the plan. Rast indicated that the department was going to be extremely busy over the next couple of months. As the items were completed, they would be added to the City website for the public to review.

Rast reviewed a timeline for the plan completion with March 24 as the date noted for the plan to be presented to the Planning Commission and April 3 for the plan to be presented to City Council. After City Council adopted a transmittal resolution, the document would be submitted to DCA and ARC for the final review and approval. Rast indicated that the deadline to adopt the Community Agenda/Comprehensive Plan update was June 30, 2008. Logsdon commented that Council will attempt to get the plan done by April 3, but as he understood it, it could not be done any later than April 17. Rast said that was correct.

Rast showed Council a listing of ordinances that had the potential of being amended:

- Update of the permitted uses within all zoning districts;
- Overlay district – SR 74 N, SR 74 S, and SR 54 E;
- Establishment of guidelines for redevelopment of residential, retail, commercial, and industrial properties;
- Update of tree removal process for residential properties;
- Redevelopment of Huddleston Road corridor (Rast said whether the City received the LCI grant or not, there were plans to work with the property owners on the redevelopment of this area. The award decision should be known by the end of February.); and,
- Creation of a pattern book for all new development

Plunkett asked if there was any organization that consolidated and identified best practices of ordinances by other municipalities, such as Hilton Head. Rast said that there was not, but that he had been gathering ordinances that touched on scenarios similar to what the City would be facing. Rast continued that there were industry websites that had links to ordinances that staff visited and reviewed when developing or changing City ordinances. Council and staff discussed future grants and grant opportunities. Rast provided information about the concept behind a pattern book and the benefits of having the book for the remaining undeveloped properties and the redevelopment of older areas.

Recommended Amendments to the Variance Process
Rast said that, at the 2006 Council Retreat, staff was asked to look at the criteria to deny or grant certain types of variances. Currently, the City has two types of variances. The first was an administrative variance, which was a type of housekeeping process used to clear up situations where older structures may have been constructed within a building setback. Those types of situations were reviewed and approved per the City ordinance by the Mayor, City Manager, and City Planner. Rast said that these situations were in the older subdivisions such as Glenloch and Pinegate. The second type of variance was a plain (standard) variance. The situation was where a property owner might want to build, or has already started to build without a permit, and encroached into the setback. Council had been reluctant in the past to grant variances because it set precedent. Unless there was a true hardship, it would not benefit the City to allow someone to build into the setback.

Rast continued that staff wanted to present a special exception variance. This type of variance could be considered if it allowed someone to improve their property. The construction would not affect neighbors or another zoning district. Staff proposed three criteria that would have to be met to qualify for a special exception variance. The first criterion involved property that abutted a City-owned greenbelt. If there were no other building options, the variance would allow a property owner to encroach 25% into the setback. The second criterion was if a developer wanted to construct a building and the developer did not feel that the all of the parking spaces were not going to be required, parking spaces could be decreased 25% with the approval from Council provided that the parking space area would be 'saved' for the future. The third criterion addressed increasing the maximum height of fences with certain provisions. Rast showed photos of previous variance requests that came before Council and explained how the proposed changes to the ordinance would address the problems and concerns related to the properties. Rast said that all of the situations under the proposed variances would still come before Council for final approval.

Haddix wanted to ensure there were no gray areas concerning the intended purpose of the variance process to avoid any perceived subjectivity in the variance process. Rast said that he would verify with City Attorney that the same type of review process was to be used for all three types of variances – administrative, standard, and special exception variance. Logsdon and Plunkett commented that they liked the criteria that staff had suggested. Sturbaum asked how staff felt these changes would affect the number of variances that were brought to the City. Rast said that he did not anticipate these changes to increase the volume; typically staff received about seven to 10 per year. Plunkett asked what would happen if these changes were made, and later discovered that the changes were not in the best interest of the community. Rast indicated that, if that was to be the case, changes would be promptly made. Rast asked if there were any changes that Council wanted to address in the proposed amendment. Boone indicated that he was satisfied with the proposal. Logsdon and Haddix agreed with Boone.

Maximum Building Heights within the GC General Commercial Zoning District
Rast said that, over the years, the maximum building height in the GC General zoning district was not to exceed 10 stories. Plans that exceeded 35 feet had to go to the fire marshal for approval. In March 2006, Council asked for a change to the ordinance to make the maximum building height 35 feet. As a result of the change, many existing buildings were made nonconforming. Rast provided an overview of the maximum heights in residential areas. Rast indicated that AR Agricultural Reserve areas were currently unlimited in height. Rast said this should be addressed. Logsdon agreed. Rast continued that recently the Planning Commission was presented with a couple of plans from hotel developers with proposed heights that exceeded 35 feet, but did not exceed the original 10-story limit in GC zoning. Rast commented that SANY's plans also would exceed the limit, but would be acceptable because the property was industrially zoned. Rast showed photos of familiar existing buildings referencing their finished heights to help Council visualize the impacts of revisiting the 35-foot height limit in GC zoning. There was a discussion regarding the existing buildings to better access what Council felt was acceptable. Logsdon asked Rast what he was recommending. Rast indicated that residential be limited to 35 feet, with districts that are zoned GR General Residential limited to three stories, and buildings with total building height exceeding 35 feet to receive approval of the fire marshal. Rast continued that, in the GC and OI Office-Institutional districts, the proposed changes would be limited to 60 feet with the approval of the building official and fire marshal. There would be additional requirements to improve the aesthetics.

Haddix said that he did not want to see Peachtree City grow up too high, to have high-rise buildings in the City would be wrong. Logsdon agreed, but said that he did not have a problem with limiting it to 60 feet with approval from the fire marshal and the elevations to be included in the conceptual site plans. Rast stated that the Planning Commission did not intend to allow 60-foot buildings. The intention was to set the limit and then establish very stringent guidelines that would address the aesthetics of the buildings by adding additional landscaping and additional design guidelines. Logsdon, Plunkett, and Haddix indicated that the height should be limited to 35 feet and addressed through a variance with recommendations from Planning Commission. McMullen said that he would rather approach remedying those issues through a rezoning request opposed to a variance request. Logsdon and Plunkett said that, by rezoning, it would provide an opportunity for overlays. Logsdon asked if there was a fee associated with a rezoning request versus a variance request. Plunkett said that the rezoning would require public notices and public hearings. Rast thanked Council indicating that was the guidance that he needed. Logsdon said that was a good end result.

There being no further business to discuss, the meeting adjourned at 8:15 p.m.

Betsy Tyler, Acting City Clerk

Harold K. Logsdon, Mayor

Nikki Vrana, Recording Secretary

City of Peachtree City
WORKSHOP
Minutes of Meeting
February 6, 2008
6:30 p.m.

The City Council of Peachtree City met in workshop session on Wednesday, February 6, 2008, at 6:34 p.m. Council Members attending were: Mayor Harold Logsdon, Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Staff members attending were: City Manager Bernard McMullen, Finance Director Paul Salvatore, Acting Administrative Services Director/City Clerk Betsy Tyler, Fire Marshal John Dailey, Assistant Fire Marshal Clint Murphy, Building Official Tom Carty, Systems Administrator Matt Robinson, City Planner David Rast, City Engineer Dave Borkowski, and City Attorney Ted Meeker.

The purpose of the workshop was to discuss a sprinkler ordinance, a community forum on the City web site, the Gateway Bridge, and repair of the Police Department building.

Sprinkler Ordinance

Dailey noted that the proposed sprinkler ordinance had been discussed at the December 3, 2007, workshop, and Council had some concerns and questions. (A copy of the PowerPoint presentation is included in the official meeting file.) He pointed out a change to the proposed ordinance in Section 38-102(b) – the word "assessed" was changed to "appraised." The ordinance would mandate automatic fire sprinkler systems for commercial and new large residential structures to reduce the risk of loss of life to fires. It would apply to commercial structures 5,000 square feet or larger, assembly occupancies with seating for 100 or more persons, assembly occupancies where live entertainment was planned or allowed, all bars and nightclubs, and existing buildings that were already equipped with sprinkler systems. It would apply to residential occupancies for structures greater than 3,000 square feet, greater than two stories in height, or greater than 25 feet from grade to a window of a room used for sleeping purposes (including unfinished or bonus rooms), homes built within five feet or closer to the property line or another significant building, homes or other buildings with limited fire apparatus access (requiring hoses of 200 feet or more), and multi-family buildings, including apartments, town homes, nursing or assisted living homes, row houses, or condominiums.

Dailey continued that the presence of sprinklers reduced the chances of dying in a fire by one-half, and property loss per fire was cut by one-half to two-thirds when sprinklers were present. Defective sprinkler heads occurred once of out every 16 million sprinkler heads produced, and they operated as designed in all but seven percent of fires. In almost all the known failures, human error was a factor. Breakage or accidental discharge was no more common than with any other water pipe in a home or business. Only the sprinklers closest to the fire would activate, and the heads controlled or extinguished fires in area of 80 to 130 square feet.

Carty addressed the types of construction used for residences. He noted that there were some types of materials allowed by code, such as engineered lumber, having no sheetrock as protection. Silent floor systems and light weight roof truss systems were inexpensive, but burned rapidly when exposed to fire compared to "stick-built" homes. Home furnishings made of polyurethane foams also burned like diesel fuel. Plunkett asked if Council could tighten the construction standards. Carty said sprinklers were an alternate to fire-rated sheetrock. He added that, in commercial buildings over 5,500 square feet, 500 feet were allowed to be unprotected for utility storage. Carty said that, at their annual meeting in the fall, the International Building Code would look at several proposed changes. Meeker noted that the International Building Code had been adopted as the City's building code and was referenced in the Code of Ordinances.

Dailey said that smoke detectors saved lives, but relied on a regular change of batteries and on not being disabled by occupants. Automatic sprinkler systems operated with little or no occupant maintenance or regular service. Cost had been a question at the last workshop. Dailey's estimates were based on a 3,000 square-foot home with an average price of $359,994.45. He noted that it would be less expensive to add sprinklers to new homes at $1.50 to $2 per square foot or one and one-half to two percent of cost. The estimated cost to retrofit an existing residence was $3 per square foot or 2.9% of the cost of the remodel or rebuild of the home.

Scott Bradshaw and Bob Barnard of the Homebuilders Association of West Georgia had concerns about the proposed ordinance. Both said they were willing to serve on any committee the City might form to look at the proposed ordinance and asked Council to be cautious in making a decision. They noted that a proposed sprinkler requirement was voted down last year by the International Building Code.

Bradshaw cited three issues – the housing industry was in a recession; the number of deaths from fires was decreasing, many of those deaths were due to personal habits; and insurance. He pointed out that insurance companies could exclude sprinklers from coverage if the rate of claims due to water damage from sprinklers increased. The National Homebuilders also participated in the International Building Code, which had voted down a sprinkler requirement last year. Barnard added that insurance companies looked at sprinklers in a residential setting as more detrimental than a fire due to the water damage. He asked how square footage would be calculated. Dailey said the exceptions to the sprinkler coverage included bathrooms under 55 square feet and closets under 20 square feet. Unfinished basements and attics were not part of the system. The code did not typically include garages.

Meeker asked if requiring firerock would achieve some of the same goals and asked how much they would cost. Dailey said the firerock walls would be better than what there was now. Barnard said there would be an issue in basements with firerock due to the plumbing and mechanicals, but the product was fantastic.

Dailey asked Barnard why the building industry was fighting against sprinkler systems rather than helping the homebuyer understand the benefits for a relatively small cost. Barnard said that the costs for sprinklers had come down, but at one time it was far less expensive to install firerock. The national and state associations' position was to have fire detectors in every room. The question was how far the industry should go to save a life without putting home ownership out of reach. Insurance companies had been very outspoken about the cost factor for residential sprinkler systems and the possible issues with water damage. Dailey said he would like to see the insurance data. Barnard asked that sprinkler systems be left as an option for residential construction. Haddix said he also would like to see insurance company statistics on water damage.

Plunkett suggested that "under heat and air" be added to Sec. 38-102(1) after 3000 square feet, or wording to define the actual living space, excluding the garage and any outbuildings. McMullen noted that the 3,000 square-foot requirement would be for new construction. Sprinklers would be required for remodels that were valued at 50% of the market price of the existing home.

Plunkett said that, if the City had a rule, it had to be enforced. She saw a lot of issues regarding enforcement. McMullen said new homes needed building permits. The person remodeling a home would get the necessary permits if they were doing things the right way. Plunkett said the requirements should be as clear as possible when people came in.

Sturbaum was concerned with any possible insurance issues and asked what could be done to get insurance companies to understand the residential sprinklers were required by ordinance, if approved. Meeker said the City could not mandate what was included or excluded by the insurance companies. McMullen said that they would need to check with the Insurance Commissioner's office, which set the rules for the insurance business in the state.

Boone supported having sprinklers left as an option for homeowners. If the International Building Code changed, then the City would have to fall in line with it. Carty said sprinklers were on the agenda for the September meeting. It would take two-thirds of the floor at the convention to overturn it. Barnard said the supporters were 100 votes shy of approval last year. Logsdon felt Council should wait until after the International Builders conference regarding the requirement for residential. Plunkett noted that there seemed to be a consensus on the commercial aspect and suggested putting that portion on an agenda.

Dailey said he would work on the ordinance to address commercial construction and multi-family buildings. The main issue was single-family residential. Barnard said that, if approved in September, it would take some time for the changes to become part of the International Building Code. Meeker confirmed that staff was to go forward with the commercial and multi-family, but to hold off on single-family portion until there was information from the Insurance Commissioner and the International Building Code meeting in the fall. Rast noted that they needed to make sure the definitions were consistent with others in the Code of Ordinances.

Community Forum on the City Web Site

Robinson said he had researched community forums and contacted the municipalities that had them. There were more blogs than forums, so he was not able to get much information on forums used in municipal settings. There were also moderation concerns.

Staff looked for alternatives, and Robinson found FayetteNet.com, which was very similar to the model Haddix had suggested. He introduced Brian and Todd Wilson, who hosted the forum on County topics. The Wilsons demonstrated the site and how the forum would work. A link on the City's web site would take people to the forum. Robinson said any other community-based forums could also request a link. Meeker said the link would be like any of the other links on the City's site. The sites on those links were not monitored by the City. The forum would not be moderated by the City, but the City's web site would be a conduit to the site. Boone said any City business matter was a public record. Meeker said any City e-mail was City business. Boone said any discussion by Council or staff would be City business. Meeker said if a City computer was used, a record would be available. The forum itself would not be considered a document in the City's possession.

Haddix said the FayetteNet option was a combination of how a forum should run and what Council wanted as requirements. It moved the forum out from under the City's legal requirements and into the private sector. No City technology would be used, so the forum would not be under the Open Records law. Plunkett said that had not been challenged yet, so there was not much law. Haddix said there was law available on forums. The webmaster was responsible for dealing with illicit and improper materials in a timely manner when it was protested. The person posting was responsible for the content.

Plunkett clarified that the Supreme Court had not looked at how forums would come under the Open Records laws and whether the City would be liable for content. Robinson pointed out that there would not be a charge for the forum on FayetteNet. Salvatore asked if any City employee or official participating in the forum from their personal computer would fall under the Open Records law. Meeker clarified that was why he specified using a City computer. He added that posts on the forum were not a record the City maintained. There were reasons for the records the City maintained.

Plunkett asked if someone from the City was expected to look at the forum and answer any questions. Wilson said he did not expect the City to do that. They were just providing a space the City could choose to use. Meeker said it would not be a regulatory contract. Staff would not respond to items on the forum unless directed to do so.

Haddix noted that private communication could be done on the forum. Wilson confirmed that people could communicate with each other outside of the main view. Meeker said the forum would be an alteration to the City's policy on what links were allowed on its web site. He asked Council for their thoughts on the policy and the link, and whether they would want staff to respond to items on the forum. He noted that the City had called the Wilsons.

Plunkett agreed that the link was not illegal, but did not want to pay any money for it or participate. Sturbaum compared the forum to a town meeting. Meeker said a town meeting was a City-sponsored event, and the forum was a link to a web site. They might be distantly related. Logsdon said he saw the forum as a place for inaccurate information that people fed off of, and he would not participate. Plunkett and Logsdon both indicated they did not want any staff time spent on monitoring or participating in the forum. The City had other forms of open communication. Haddix pointed out that Council Members could not be stopped from participating if they wanted to do so.

Wilson said the forum was a place to invite citizens to comment on any topic the City chose. People could moan and groan if they wanted, but there was also an opportunity to move posts that were off-topic. Haddix reiterated that the City would generate the ideas.

Meeker said he did not want there to be a misconception that this would be the only link. The door would be opened to other groups that wanted a link until the policy was changed again. McMullen said the City policy would have to change to allow the forum. Meeker said obscene materials would be limited. Wilson added that was already in their agreement. Any posting that violated the agreement would be moved to another area or deleted. The person posting would be sent an e-mail explaining why. Blogs were person-oriented, and forums were subject-oriented. The City would set the topics and invite citizen comment.

The consensus on the topic was mixed. The change in policy would be placed on a future agenda.

Gateway Bridge
Rast introduced Hal Wenal and Bill Raabe from Flexxon and Scott Morgan, who worked on the plans and cost estimate. He gave a brief history on the multi-use bridge that would be located on the City's western boundary, west of MacDuff Parkway. (A copy of the PowerPoint presentation is included in the official meeting file.) On the north side of the road, there was a 43-45-foot grade change between where the bridge would land and the tunnel underneath MacDuff Parkway. The path would meander through the trees to the tunnel and the path to Wynnmeade. The City planned to build another tot lot in the area to replace the one that was torn down when Gatehouse Drive was built.

Rast continued that the bow truss bridge, the same type as the CSX bridge, had increased in length from 130 feet to 150 feet because of turn lanes and sidewalks on SR 54. All the required environmental documents had been approved. Due to the increased cost estimate, Rast asked for guidance from Council on how to proceed. The next step was the construction plans, which had to be submitted to the Department of Transportation (DOT), then acquisition of the right-of-way, and the City owned the property on the north side.

Plunkett noted that the revised cost was $1,464,000. Salvatore confirmed that the revised estimate was $822,000 more than the original. Rast added there was a possibility of more funding from the Atlanta Regional Commission (ARC) and the Livable Centers Initiative (LCI) program. Some of the projects in other cities were not going to happen, and the funds had been returned for reallocation. There was also a possibility that some funds from another part of the City's LCI plan could be shifted. McMullen noted that the bridge was identified as a SPLOST project, so additional SPLOST funds could be used.

Rast said the greatest cost would be the fill for the slopes. He suggested that the City work with John Wieland and Brent Scarbrough, the Wilksmoor Village developers, on the fill.

Salvatore confirmed that SPLOST funds could be shifted from lower-rated projects. McMullen added that the SPLOST projects would be discussed during Council Retreat. Some of the projects were cancelled, and some the City had chosen not had to do. Plunkett noted that the bridge would be a gateway to Fayette County, as well as the City. She suggested asking the County for funding. McMullen said that there were 10 projects funded by 70% of the County's SPLOST money, and that money could only go to those projects. He did not believe they would contribute any funds, but he would ask the question. Rast added that it would take time to complete the construction plans, so there was time to look at different funding avenues.

Logsdon asked how long it would take to complete the project. Rast said one of the most time-consuming environmental parts was done. McMullen noted that the project had already been approved as part of the Public Improvement Program (PIP). When originally presented, the bridge was a \$600,000 project and it was now a \$1.4 million project. The question was whether staff should proceed. Council would need to approve any additional money. The design contract was approved. The next step was to give the go-ahead to the architectural and engineering firm to begin the design. Staff needed a consensus from Council whether to proceed on that track. Logsdon asked if Council could pull the plug at any time. McMullen said staff would have to come back to Council for approval of the construction funds. They might know more at Retreat regarding LCI grants that were available. Logsdon asked if the bridge would be done by 2009. Rast said they would do everything possible. McMullen said it would be very late 2009.

Repair of the Police Department building
Borkowski introduced Jim Porter of Leo A. Daley, Ronald Strong, and R.L. Ward. He gave a brief update on the repairs, the moisture, where things were, and possible options. (A copy of the PowerPoint presentation is included in the official meeting file.) No mold was found on the drywall that had problems. Mold was found growing on the inside of the paper of the foil-backed insulation on the exterior walls. It was concentrated at the bottom and disappeared at a certain height. The bottom metal runner on the outside wall of the training room extended outside the foundation slab, which meant the wall coverings did not seal against the slab, providing an air gap and pulling in moist air from the outside. It was the worst room in the whole building. Additional destructive testing had been recommended on the outside walls. Sections were cut from the brick wall and the exterior finish installation system (efis), and the back of one of the metal panels was opened. They discovered the walls were not constructed properly. The problems included improper flashing behind the brick walls, improper flashing and weeps around the windows, lack of a sealant at the base of the efis, and insufficient air gaps between the metal panels and the plywood. The improper construction contributed to the moisture problems inside the building. The estimated cost was substantial since a lot of hand work needed to be done. One recommendation was to demolish all outside coverings.

Borkowski continued that Option 1 was to continue with repairs with an additional cost of $720,476 over the funds currently allocated. Salvatore said the total for encumbrances and expenses was $863,000. Borkowski said the additional funds included the additional construction estimates; the architectural design and construction administration, which was a key point; site improvements for drainage; and additional rent. The estimated timeline was to have the design and repairs completed by October 1.

Borkowski said Option 2 was to sell the existing building and build a new building on a new site at a cost of $6.5 million, which included the purchase of six acres of land and a 15,000 square-foot building with amenities. They were assuming the sale of the existing building and land would cover the balance of the loan for the original construction. The cost estimate included costs for the existing loan, including prepayment and a breakage fee. Salvatore said $1.4 million was left on the existing loan. Rates had dropped so much there would be a substantial breakage fee, which could make the pay off as high as $1.66 million. He did not know how to refinance the existing loan if the City no longer owned the building. McMullen said the building would have to be put back together before it could be sold. Council expressed concerns that no one would buy it. McMullen said the probability was low that the property could be sold for its appraised value because of its uniqueness. Borkowski said money was included in the cost estimate to get the building into habitable condition. The timeline would be January 1, 2010, before the Police Department could move into a new building.

Borkowski said Option 3 was to demolish the existing building and build a new building on the existing site. The cost estimate was $7.6 million. The costs included everything listed in the other items, but also included the demolition of the existing building. The timeline for Option 3 was also January 1, 2010.

Borkowski addressed several recent incorrect comments in the newspaper that the building sat on top of an old landfill. The property did have trash pits on it, but there was no evidence that the pits were under the building slab itself, but from the parking lot back. He continued that another comment was that the building might be sinking due to soil or debris. Only one significant crack was found in the training room, a 15-foot crack that extended from a control joint to a footer of one of the structural steel support beams. It did not appear to be significant. The structural engineer had looked at it, and the concrete floor was in good shape. There was no evidence of any water entering the building, only water vapor. No groundwater had been found in the borings taken in 1999, 2004 or 2006. Monitoring wells were installed in 2006 to monitor the groundwater, and they had been consistently dry with only a small amount of water in January. The closest the groundwater had been was six and one-half feet below the slab. There were rust issues on the exterior steel. They needed to sandblast the steel, then re-prime and repaint them. The exterior metal was not prepared as it should have been at the factory. The structural steel and wall studs appeared to be in good condition. There was mud on the steel from being stored outside. As for the comments about the building being a "sick building," Borkowsi said the concentration of mold that was found was minor and encapsulated between the paper, the foil, and insulation, so it was not exposed to the air. The duct work had been cleaned, and no mold was found. The roof was serviceable for a few more years. New seals would be provided around the HVAC units to keep out any rainwater. No roof drips were found after the recent rains.

Borkowski continued that, based on the cost comparison, staff felt they should continue with Option 1. Staff would work with Leo Daley to develop a change order for the additional interior work and design drawings for the walls. The proposal for the additional architectural services would be on a future agenda. Salvatore said, based on the financing, the building had to serve as an essential government building and could not be used for recreation purposes. Meeker said a loan modification might be possible to allow other uses.

Sturbaum asked what Council could tell the taxpayers. McMullen said the building was not constructed properly, and there was inadequate architectural oversight during construction in terms of construction administration. Sturbaum asked about the possibility of renovating an existing building in town for the Police Department's use. McMullen said staff had discussed the option, but had not looked at anything. Based on his experience with renovation and remodel projects, the cost to renovate an existing building would be in excess of $2 million. There would still be property costs, design costs, and rent. It would cost an additional $1.5 million to get out of the existing building. Location was also an issue. The most economical option was to proceed with repairs, even though no one liked that option.

Porter said the building could be brought up to standard, and the Police Department could be back in the building by October 1. They had experience renovating this type of building. They must proceed quickly. They were working with the contractors and the City. There would be some Planning Commission activity since they were re-designing the skin of the building. There would be a guarantee and warranty on all new materials in the building. There was usually a one year warranty on a building skin and five years on the efis. The existing skin was non-breathable and held water.

Boone said the City was running out of sites and supported getting a usable building. He was not willing to ask the residents for a millage rate increase. Plunkett did not like the options, but the cost of a new building was not palatable. Logsdon supported Option 1. He added that no one on Council liked the position they were in.

McMullen said that Salvatore had checked on the economic impact of Option 1, which could be added to the existing loan for a yearly impact of $64,000 for 15 years. If the City disposed of the building, they would not be able to finance the loan payoff. The City would have to have the funds to payoff the loan.

Haddix asked Porter what would happen if the building failed. Porter said there had been an extensive review of the building. He was not aware of any other facets. There were no underground materials, no erosion around the building, and no trees close enough to fall on the building. The HVAC would be retrofitted. Haddix said all of the bore holes were done during the drought, and water was already showing up. When he had looked at the building, the ground was muddy. He asked where the water come from. When metal was erected, the mud should have come off the threads. The beams were evenly coated. With the amount of rust on the exterior metal, there would be metal lost when it was sandblasted. The things he had seen violated every concept of construction he was aware of. There was no guarantee this work would be the end. The pattern appeared to be every three years.

McMullen said the exterior metal trellis on the front side would be removed since it had no function, and then replaced with a functional awning. The decorative steel would be removed where it was possible. Additional grading would be done on the south side so the finished grade would be below the finished floor elevation. Unless the water was under pressure, there should not be a problem with water coming into the building. Porter agreed, and added that the original rough and finished gradings were not done properly. Haddix asked why the ground was wet during a drought. Porter said the adjacent areas sloped toward the building. He had been there after a rainfall, and it was muddy. All the water from the roof dumped in that area. Additional drainage and revised grading was necessary all around the perimeter of the building.

Sturbaum asked for a cost analysis to be done on an existing building in the City as a fourth option. McMullen clarified that it would be a 15,000 square-foot metal stud commercial building with an efis exterior. Sturbaum said it did not need to have efis. Logsdon asked if it could be done by the February 21 meeting. McMullen said the issue would be finding a building, and they would check with the commercial realtors. Staff also needed to look at any modifications needed to the existing loan. McMullen said he could approve funds for Leo Daley to work with R.L. Ward on the change order for the interior modifications so the contractor could proceed with that work. Staff would bring the Leo Daley contract for the exterior work on February 21. Completion of the work would be the middle of October.

There being no further business to discuss, the meeting adjourned at 9:45 p.m.

Betsy Tyler, Acting City Clerk

Harold K. Logsdon, Mayor

Pam Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**
Financial Services Director

FROM: **Acting Administrative Services Director / City Clerk**

DATE: **January 31, 2008**

SUBJECT: **Request for Funding from Promise Place**
February 21, 2008, City Council Agenda

Recommendation:

That Council consider approving the request from Promise Place (formerly Fayette County Council on Domestic Violence) for $7,500 in City funding and authorize Mayor Logsdon to sign the agreement for services.

Discussion:

Promise Place has submitted the attached request for $7,500 in funding assistance from the City of Peachtree City (attachment 1). As required in CAR 8-3, Promise Place has included with their request a copy of their latest completed Form 990. The City has, for the past several years, provided $7,500 in annual funding to this non-profit organization and this amount has been included in the City's FY08 budget. Ms. Sonja Strickland, Executive Director, will be at the Council meeting to answer any questions you may have. Should Council approve this request, both the City and Promise Place must sign the annual agreement indicating what services are provided (attachment 2).

A copy of CAR 8-3 is included for your review (attachment 3)

Budget Impact:

The budget impact to the City would be $7,500, and funds have been included for this item in account 100-1505-57-2020.

Attachments

Promise Place

P.O. Box 854 • Fayetteville, GA 30214 • Telephone (770) 460-1604 • Fax (770) 460-6591

TELECOMMUNICATION INFORMATION PAGE

TO: Jane Miller

FROM: Sonja Strickland

DATE: May 24, 07

RE:

TOTAL PAGES INCLUDING THIS PAGE: 10

COMMENTS:

Funding Request
For Non-Profit Organizations

Organization Information:

Organization Name: Promise Place - Fayette Co. Council on Domestic Violence

Address: P.O. Box 854 Fayetteville, GA 30214

Phone #: 770-460-1604 Fax #: 770-460-6591

Contact Person: Sonja Strickland

Title: Executive Director

Financial Information:

Total Annual Budget: $175,000

Total Clients Served Annually: 3,779 Direct Services - 748, Prevention: 3031

Peachtree City Residents Served Annually: 1764 Direct Services - 281, Prevention 1,483

Funding Request Information:

Funding Amount Requested: $7,500.00

Funding Use(s): To Enhance Our Legal Advocacy Program to Clients and to help operate our Emergency Domestic Violence Shelter

Additional Information on Organization/Services: Promise Place just opened our emergency shelter in Fayette Co. for women and their children. We provide 24 hr crisis services for domestic violence victims and their children. We also assist with legal advocacy. We have a teen dating violence prevention program that we present to Fayette County 9th grade students

REQUIRED ATTACHMENTS: 501c3 non-profit organizations must provide a copy of the previous calendar year form 990. Other non-profits must provide a current fiscal year budget.

Date Submitted: 5-24-07 *Council Approval Date:* *Amount Approved:*

Promise Place

P.O. Box 854 • Fayetteville, GA 30214 • Telephone (770) 460-1604 • Fax (770) 460-6591

May 17, 2007

Ms. Jane S. Miller
Director of Administrative Services
151 Willowbend Rd.
Peachtree City, GA 30269

Dear Ms. Miller:

The Fayette County Council on Domestic Violence, Inc d/b/a Promise Place wishes to take this opportunity to thank Peachtree City for its continued support of our organization. Last year Promise Place provided direct services to 748 individual clients (representing 813 children). Of those clients, 633 were Fayette County residents and 281 lived in Peachtree City. 19 clients were Fayette County residents but did not identify their city of residence. 108 women attended our support group and we assisted 96 clients in obtaining emergency protective orders. Our Teen Dating Violence Prevention Program reached 1,573 high school students in Fayette County and our domestic violence awareness talks were presented to 1,458 community members.

The breakdown of our services by city is as follows:

Direct Services	No. of Clients	% of F.C.	% of Total
Brooks	22	2%	2%
Fairburn	19	4%	3%
Fayetteville/Unincorp.F.C.	258	38%	32%
Peachtree City	281	43%	35%
Tyrone	34	5%	4%
Unknown F.C.	19	8%	7%
Out of County	115		17%

Prevention/Awareness Services	Participants	No. of PTC
Teen Dating Violence Prevention Program	1,573	786
Community Awareness Presentations	1,458	697

Additionally, we collaborate with the Peachtree City Police Department as well as the other law enforcement agencies in Fayette County to ensure that domestic violence victims are given our information at the time of a violent incident and that police officers are able to contact us for assistance. We believe that this is an important service because when we are able to assist DV victims in escaping violent homes, we help reduce the number of 911 calls to officers, alleviating their volume of calls and reducing the danger to them in responding to DV calls.

Promise Place

P.O. Box 854 • Fayetteville, GA 30214 • Telephone (770) 460-1604 • Fax (770) 460-6591

Place also recognizes that victims of domestic violence and their children need an emergency shelter to go to in a moment of crisis. Promise Place welcomed our first domestic violence victim and her child into the shelter on May 17th. Promise Place has been working on opening an emergency shelter for victims and their children to go to in Fayette County. Promise Place opened our emergency shelter on May 15, 2007. Promise Place welcomed our first domestic violence victim and her child into our shelter two days later. This emergency shelter will be a safe refuge for victims of domestic violence and their children to go in their moment of crisis. Additionally, Promise Place will provide counseling services and many other programs to both the victim and her children, as they heal from the trauma that they have experienced.

Because of your continuing support, Promise Place is making a difference in the lives of abused women and their children in Fayette County. To help continue this much needed service, we are requesting $7,500.00 from the FY 2008 Annual Budget's designated funds for nonprofit organizations. Our cost in this past fiscal year to provide direct services and prevention services was $46.91 per person. Your donation would help defray the $82,753.00 cost of providing direct and prevention services to Peachtree City residents.

We hope that the Peachtree City Council will continue to support us in our work and will grant our request for the amount of $7,500.00.

Sincerely,

Sonja Strickland

Sonja Strickland
Executive Director

Fayette County Council on Domestic Violence, Inc.

Financial Statements

June 30, 2006

James A. Roy
Certified Public Accountant

To the Board of Directors
Fayette County Council on Domestic Violence, Inc.
Fayetteville, Georgia

I have compiled the accompanying statement of financial position of the Fayette County Council on Domestic Violence, Inc. as of June 30, 2006 and the related statement of activities for the year then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. I have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures and statement of cash flows required by generally accepted accounting principles. If the omitted disclosures and statement of cash flows were included in the financial statements, they might influence the user's conclusions about the Company's financial position, results of operations and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

I am not independent with respect to the Fayette County Council on Domestic Violence, Inc.

James A. Roy

James A. Roy, CPA

August 4, 2006

271 Highway Seventy Four North, Ste 5, Peachtree City, GA 30269 Tel 770-487-4170 Fax 770-487-4214
Member Private Companies Practice Section of The American Institute of CPA's and GA Society of CPA's

Fayette County Council on Domestic Violence, Inc.
Statement of Financial Position
As of June 30, 2006

		2006
CURRENT ASSETS		
Regions Bank	$	30,181.86
BB & T		26,695.87
Employee Receivables		938.00
Total Current Assets		57,815.73
PROPERTY AND EQUIPMENT		
Land		17,143.07
Buildings		154,287.66
Equipment		10,928.47
Equipment-Transition House		7,654.84
Less: Accumulated Depreciation		(85,509.86)
Net Property and Equipment		104,504.18
TOTAL ASSETS	$	162,319.91

Liabilities and Net Assets

		2006
CURRENT LIABILITIES		
LONG-TERM LIABILITIES		
NET ASSETS		
Unrestricted Net Assets		130,011.91
Temporarily Restricted Net Assets		32,308.00
Total Net Assets		162,319.91
TOTAL LIABILITIES AND NET ASSETS	$	162,319.91

See Accountants' Compilation Report

STATE OF GEORGIA
COUNTY OF FAYETTE

AGREEMENT

This agreement entered into this _____ day of ____________________, 2008, by and between FAYETTE COUNTY COUNCIL ON DOMESTIC VIOLENCE, INC., D/B/A PROMISE PLACE (hereinafter "Promise Place"), and the CITY OF PEACHTREE CITY, GEORGIA (hereinafter "City").

WHEREAS, Promise Place provides services to residents of Fayette County, Georgia, including residents of Peachtree City, Georgia, who are victims of domestic violence; and

WHEREAS, In providing such services, Promise Place assists the Police Department of the City

WHEREAS, Promise Place has requested funding assistance from the City so as to continue to provide such services to residents of Fayette County and the City; and

WHEREAS, Promise Place is a qualified non-profit corporation pursuant to Section 501(c)(3) of he Internal Revenue Code;

THEREFORE, and in consideration of the mutual terms and conditions contained herein, the parties agree as follows:

1.

In exchange for the services provided by Promise Place to the City and residents of the City, the City hereby agrees to pay the sum of $7,500.00 for the period October 1, 2007, through and including September 30, 2008.

Executed the day and date first above mentioned.

FAYETTE COUNTY COUNCIL ON
DOMESTIC VIOLENCE, INC.
D/B/A PROMISE PLACE

BY: ______________________ President

CITY OF PEACHTREE CITY,
GEORGIA

BY: Harold K. Logsdon, Mayor

CAR 8-3 City Council Funding for Non-Profit Organizations in Fayette County CAR 8-3

OPR: City Hall
4/00 (Amended 5/04)

I. Purpose

The Purpose of this regulation is to establish a policy for consistent response to requests for donations on behalf of non-profit organizations, including public schools, in Fayette County.

II. Policy

While the City of Peachtree City has no financial responsibility to assist non-profit organizations, including public schools, with funding or providing labor, there have been requests in the past for this assistance, and it is anticipated that there may be requests in the future. In an effort to ensure consistency and fairness, the following guidelines have been established:

A. Council will budget no more than $25,000 annually for all non-profit funding.

B. The City would assume no liability for any project for which the City provides funding and/or labor.

C. Services provided to Peachtree City residents by a non-profit organization shall be addressed in a contract between the City of Peachtree City and the organization.

D. Non-Profit Organizations

1. Basic Needs

As a general rule, funding for non-profit organizations serving Fayette County should be provided by the Fayette County Commission to ensure that Peachtree City residents are not subject to double payment through their municipal and County taxes. However, Council reserves the right to make contributions to non-profit organizations that provide services that meet the basic needs (food, shelter, protection) of Peachtree City residents based upon the merit of the request. Requests for funding for non-profit organizations that provide basic needs shall not require matching funds but such requests shall be prorated based upon the total annual budget of the organization and the percentage of Peachtree City residents served by the organization in comparison to the total number of people they serve. The amount of funding provided shall be the lesser of the amount requested, the amount of the annual budget used to serve Peachtree City residents based on the percentage of Peachtree City residents served, or $7,500.00. The percentage of Peachtree City residents served will be based on the total number of residents and non-residents served for the 12-month period ending with the month prior to the month in which the request is made. These funds, once identified, will be budgeted for annually, upon written request by the organization that would be subject to prorated allocation as noted above.

2. General Needs

Should Council approve a funding request for an organization that provides for general needs (other than food, shelter and protection), a dollar for dollar match up to a limit of $5,000 in funding/labor may be provided as a match to any non-government funding provided to the organization. If the organization serves people other than Peachtree City residents, request shall be prorated based upon the percentage of Peachtree City residents served in comparison to the total population served. The amount of funding provided shall be the lesser of the actual amount requested, the amount of the annual budget used to serve Peachtree City residents based on the percentage of Peachtree City residents served, or $5,000.00. The percentage of Peachtree City residents served will be based on the total number of residents and non-residents served for the 12-month period ending with the month prior to the month in which the request is made. Requests from a non-profit organization in the General Needs category will be considered no more often than every five years.

3. Public Schools

   a. Each request for funding/labor will be considered by the Peachtree City Recreation Commission, who will forward a recommendation to the City Council for final decision.

   b. Council will evaluate each request and make a decision based on the merit of the request.

   c. No more than one request, per school, will be considered in any five consecutive year period.

   d. Only Fayette County public schools whose attendance boundaries include Peachtree City will be eligible for consideration.

   e. Requests for funding/labor must be for enhancements to playgrounds and playing fields only. Any playground/playing field for which the City makes a contribution must be made available for use by City residents when not being used by the school. A formal agreement with the School Board would be required.

   f. Should Council approve a funding request, a dollar for dollar match up to a limit of $5,000 in funding/labor may be provided as a match to any funding provided by the school or any school organization (i.e. booster club). All funding requests must be submitted by June 1.

E. All requests for funding must be made using the attached form. 501c3 non-profit organizations should include a copy of the previous calendar year form 990. Other non-profits should attach a copy of their current fiscal year budget.

F. The City Council will have final approval on all funding requests. All funding requests must be submitted by June 1 for consideration for funding in the next fiscal year budget.

APPROVED:
Mayor and Councilmembers

Funding Request
For Non-Profit Organizations

Organization Information:

Organization Name: ______________________________

Address: ______________________________

Phone #: ____________________ Fax #: ____________________

Contact Person: ______________________________

Title: ______________________________

Financial Information:

Total Annual Budget: ______________________________

Total Clients Served Annually: ______________________________

Peachtree City Residents Served Annually: ______________________________

Funding Request Information:

Funding Amount Requested: ______________________________

Funding Use(s): ______________________________

Additional Information on Organization/Services: ______________________________

____

____

____

REQUIRED ATTACHMENTS: 501c3 non-profit organizations must provide a copy of the previous calendar year form 990. Other non-profits must provide a current fiscal year budget.

Date Submitted: __________ ***Council Approval Date:*** __________ ***Amount Approved:*** __________

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**City Council**
VIA:	**City Manager**
FROM:	**Director of Leisure Services**
DATE:	**Feb. 14, 2008**
SUBJECT:	**Consider Lease Agreement Amendment with Tourism Association for Tennis Center, Amphitheater, Office Space** *For Feb. 21, 2008 City Council Meeting*

Recommendation: Recommend that Council authorizes the mayor to sign the attached lease agreement amendment between the Peachtree City Tourism Association Inc. and the City of Peachtree City relative to use of the property and facilities used for operation and administration of the Amphitheater and Tennis Center.

Discussion: This is an amendment to a previous lease agreement with the Tourism Association for operation of the Amphitheater and Tennis Center. This amendment accounts for the facilities and the property they encompass at the two venues, as well as other housekeeping items. The City Attorney drafted this revision. The Tourism Association attorney has reviewed the agreement and edits have been incorporated. The Tourism Association Board approved this agreement on Wednesday Jan. 16, incumbent on city staff and Tourism Assoc. staff working out a pro rata share of the utility costs.

Budget Impact: The City and Tourism Association will share utility costs on a pro rata basis calculated by the square footage of space used. The average total utility cost for the entire building is approximately $382/mo. Based on square footage used, the city would pay about $50/mo for the SCT space, $50/mo for the City Space and $25/month for one-half of the basement Tourism Assoc. space (because the City programs activities there when the TA is not using it).

STATE OF GEORGIA

COUNTY OF FAYETTE

AMENDMENT TO LEASE AGREEMENT

WHEREAS, a Lease Agreement (hereinafter "Agreement") by and between the City of Peachtree City (hereinafter called "Lessor") and the Peachtree City Tourism Association, Inc. (hereinafter called "Lessee") was entered into on January 5, 2004; and

WHEREAS, Lessor and Lessee amended Section 3.3 of said Lease on December 7, 2006; and

WHEREAS, Lessor and Lessee have mutually agreed that the terms of said Agreement set forth in Paragraphs 1.1 and 19.1 should be amended.

NOW THEREFORE, Lessor and Lessee agree to amend Paragraphs 1.1 and 19.1 of the Agreement as follows:

1.1 Lessor does hereby rent and lease to the Lessee property and facilities thereon designated as the Frederick W. Brown, Jr. Amphitheater , the Peachtree City Tennis Center (hereinafter referred to collectively as "Premises"), and the former recreation building located 201 McIntosh Trail, Peachtree City, Georgia 30269 which is utilized by Lessee; provided, however, that the premises and property leased by Lessee does not include the space depicted as "SCT space" on the attached basement floor plan of the building located at 201 McIntosh Trail, Peachtree City, Georgia 30269 and shown on Exhibit "A" to this Second Amendment to Lease Agreement.

19.1 Utility costs in the shared space at the former Recreation Administration building will be handled on a pro-rata basis with the Lessor and Lessee paying a percentage of the total utility cost commensurate with the square footage of space used by each party. Lessee shall be responsible for all utilities consumed by Lessee at the Frederick W. Brown, Jr. Amphitheater and Peachtree City Tennis Center, and proper and lawful waste disposal. The Lessor shall not be responsible for interruption of utility services.

The parties agree and acknowledge that all remaining terms and conditions set forth in the Agreement remain in full force and effect, but if any of the terms of said Agreement are in conflict with the terms of this Amendment, the terms of this Amendment shall control.

THIS AMENDMENT TO LEASE AGREEMENT EXECUTED IN COUNTERPARTS ON THE DATE BELOW EACH PARTY'S SIGNATURE, AND THE PARTIES HEREBY AFFIX THEIR NAMES, SIGNATURES AND SEALS WITH THE FULL INTENT TO BE BOUND THEREBY.

City of Peachtree City, Georgia

By______________________________
Mayor

Attest:

Date: ___________________________

____
City Clerk (SEAL)

Peachtree City Tourism Association, Inc.

By ______________________________
Chairperson of the Peachtree City Tourism Association, Inc.

Attest:

Date: ___________________________

____
Secretary (SEAL)

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**City Council**
VIA:	**City Manager**
FROM:	**Director of Leisure Services**
DATE:	**Feb. 14, 2008**
SUBJECT:	**Consider Lease Agreement with Southern Conservation Trust for Administrative Office Space** *For Feb. 21, 2008 City Council Meeting*

Recommendation: Recommend that Council authorizes the mayor to sign the attached lease agreement between the Southern Conservation Trust and the City of Peachtree City relative to use of the approximately 194 sq. ft. of office space in the basement of the former Recreation Administration building (see attached basement floor plan).

Discussion: The attached lease agreement establishes terms for the SCT's use of office space in exchange for services provided by SCT to the City of Peachtree City in administering the Line Creek and Flat Creek nature preserves and providing periodic educational nature and environment programs for youth and adults.

Budget Impact: The utility costs for this space ($50/month based on square footage used) will be absorbed in the Recreation budget with no adverse impact.

STATE OF GEORGIA
COUNTY OF FAYETTE

LEASE AGREEMENT

THIS LEASE, executed on the dates shown next to the parties' signatures, by and between City of Peachtree City, first party (hereinafter called "Lessor") and **Southern Conservation Trust, Inc**., second party (hereinafter called "Lessee"); "Lessor" as used in this Lease shall include first party, its heirs, representatives, assigns and successors in title to premises. "Lessee" shall include second party, its heirs and representatives, and if this Lease shall be validly assigned or sublet, shall include also Lessee's assignees or sub-lessees, as to premises covered by such assignments or sub-lease. "Lessor" and "Lessee" include male and female, singular and plural, corporation, partnership, LLC or individual, as may fit the particular parties.

For and in consideration of the mutual obligations contained herein, the receipt and sufficiency of which is hereby acknowledged the parties agree as follows:

1.
PREMISES

1.1 Lessor does hereby rent and lease to the Lessee property and facilities thereon designated that portion of the bottom floor of the structure located at 201 McIntosh Trail, Peachtree City, Georgia 30269 as depicted on the attached floor plan (hereinafter referred to as "Premises").

1.2 Lessee accepts Premises in its present condition and that such is suited for use intended by Lessee. Lessor shall not be required to make any alterations or improvements to the Premises.

1.3 Lessee shall manage and operate the Premises in furtherance of Lessee's corporate purpose as of the date of this lease.

1.4 In addition to the Premises, Lessee may, from time to time, rent or use at no cost, as determined by the Director of Leisure Services, a portion of the structure located at 201 McIntosh Trail, Peachtree City, Georgia 30269, subject to the availability of such areas. The use of such other areas by Lessee on an "as-needed" basis must be approved, in advance, by the Director the Leisure Services Division of the Lessor. Such approvals shall not be unreasonably withheld, subject to the availability of such rooms.

2.
TERM/RENEWAL TERMS

2.1 The Initial Term of this Lease shall be for twelve (12) months (the "Initial Term"), beginning on the 22nd day of February, 2008 (the "Commencement Date") and ending on the 31st day of December, 2008. Each Renewal Term shall be for one (1) year (twelve (12) consecutive months) beginning on January 1 and ending December 31.

2.2 Pursuant to O.C.G.A. §36-60-13(a)(2), the term of this Lease shall automatically renew for ten (10) additional one-year terms (the Renewal Term(s)"), annually, unless notice of non-renewal is sent to the Lessee from the Lessor, as appropriate. Notices of non-renewal shall be sent no later than ninety (90) days prior to the end of the term (initial or renewal term).

3.
CONSIDERATION

The Lessor and Lessee recognize the continued relationship of the parties as set forth in the "Lease Agreement Line Creek Nature Preserve," dated December 29, 1997 and the "Lease Agreement" for the Flat Creek Nature Preserve dated July 27, 1993. In consideration of the duties and obligations performed by Lessee under the terms of the "Lease Agreement Line Creek Nature Preserve" and "Lease Agreement" for Flat Creek Nature Preserve, no additional consideration will be paid by Lessee for the use of the Premises.

4.
USES OF PREMISES

4.1 Premises shall be used for the operational office of Lessee, conducting of business by Lessee, in furtherance of the corporate purpose of Lessee including, but not limited to, the duties and obligations performed by Lessee under the terms of the "Lease Agreement Line Creek Nature Preserve" and "Lease Agreement" for Flat Creek Nature Preserve referenced in Paragraph Three (3) of this Lease, and for meetings with employees, members, and other persons affiliated with Lessee, including members of the general public, in furtherance of the corporate purpose of Lessee. Premises shall not be used for any illegal purposes; nor in violation of any regulation of any governmental body, nor in any manner to create any nuisance or trespass; nor in any manner to vitiate the insurance, or increase the rate of insurance, on premises. The Lessee will comply with all rules and regulations of the building published from time to time by the Lessor.

4.2 Lessee may grant (no fee) or other licenses to third parties for temporary use of the Premises and facilities located thereon only for the purpose above-stated, and provided such parties are "responsible third parties". The term "responsible third parties" shall mean parties who: a) comply with all rules and regulations of state and local governing authorities; b) supply a certificate of insurance in accordance with the rules and regulations established for the operation of the Premises; and c) agree in writing to abide by the rules and regulations established for the operation of the Premises. All such use will be coordinated with the Director of Leisure Services prior to entering into any formal or informal agreements with any third party.

4.3 Lessee shall maintain the premises in the same condition as the Premises and facilities thereon are presently in, and repair or cause to be repaired damage if caused by Lessee or other appropriate sub-lessees as noted elsewhere in this agreement.

4.4 Prior to authorizing third party use of the Premises, Lessee will develop, and Lessor shall approve, policies for the use and care of the Premises, including bond and insurance requirements.

5.
CARE OF PREMISES

Lessee shall commit no act of waste and shall take good care of the Premises and the fixtures and appurtenances therein, and shall in the use and occupancy of the Premises, conform to all lawful orders, regulations, ordinances, and laws issued by any duly constituted governmental body or agency that governs the premises.

6.
REPAIRS/MAINTENANCE/IMPROVEMENTS

6.1 Lessor shall make all necessary repairs to Premises, including the exterior, building structure, heating, air conditioning, plumbing (excluding damage by substances deposited in plumbing by Lessee, its employees or agents) for building systems that support that portion of the Premises being leased by Lessee. Lessee will coordinate any needed repairs to the Premises, interior or exterior, with the Director of Leisure Services or someone he appoints as liaison. This includes the exterior, building structure, heating, air conditioning, plumbing or electrical of any portion of the Premises being leased by the Lessee. Lessee shall be liable for and shall indemnify and hold Lessor harmless with respect to damage or injury to the leased Premises, or the person or property of the Lessee, or the person or property of Lessees other sub-lessees or anyone in its control or hire for damage caused by Lessee, its employees or agents. Lessor shall not be responsible to Lessee for any loss of property from the Premises hereby leased, however occurring or for any damages therefore, except if caused by Lessor's sole negligence or willful misconduct.

6.2 Lessor shall cause the exterior building structure and common exterior areas to be cleaned and generally cared for; and will furnish electricity for lighting the exterior of building. Lessor shall not be liable for any damages directly or indirectly resulting from the installation, use, or interruption of use of any equipment in connection with the furnishing of services referred to in this paragraph, and in particular any interruption in services by any cause beyond the immediate and direct control of Lessor.

6.3 Lessee shall not install any capital improvements, as hereafter defined, without the written permission of the Lessor. All capital improvements installed by the Lessee shall be fixtures and appertain to the Premises. Title to all fixtures, including fixtures installed by Lessee, shall be held by Lessor. As used herein, "capital improvements" means any fixture installed on the Premises that costs Lessee five thousand dollars ($5,000.00) or more and has a useful life of at least three (3) years.

7.
INSURANCE

7.1 Lessee shall carry extended insurance insuring Lessee's interest in its improvements and betterments to the Premises, and any and all furniture, equipment, supplies, and other property owned, leased, held, or possessed by it and contained therein. Lessee agrees to carry a policy or policies of comprehensive general liability insurance, including personal injury with minimum limits of $500,000.00 per occurrence, $1,000,000.00 per occurrence in the aggregate. Such general liability insurance policy described above shall; (i) name Lessor as an additional insured(s); and (ii) be issued by an insurance company having an A.M. Best rating of "A" or better and a financial category of "VI" or better (or otherwise approved by Lessor, which approval shall not be unreasonably withheld) which is licensed to do business in the State of Georgia; and (iii) provide that said insurance shall not be cancelled unless thirty (30) days prior written notice shall have been given to Lessor. Said policy or policies, or certificates adequate to evidence such insurance coverage, shall be delivered to Lessor by Lessee at least annually or upon request by Lessor.

7.2 Lessor may carry insurance to cover property damage for the full insurable value of the premises and liability insurance including personal injury with minimum limits of $1,000,000.00 per occurrence, $3,000,000.00 per occurrence in the aggregate

8.
LESSOR ACCESS

Lessor and/or its agents may enter the Premises to inspect Premises to see that Lessee is complying with all his obligations hereunder; and to make repairs required of Lessor under the terms hereof or repairs or modification to any adjoining space. Lessor will maintain in a secure location a set of keys for subject premises in order to gain emergency access.

9.
DEFAULT/REMEDIES

9.1 The following shall be events of default of this Lease:

9.1.1 Any petition is filed by or against Lessee under any section or chapter of the United States Bankruptcy Act as amended; provided that if an involuntary petition in bankruptcy is filed against Lessee,

Lessee shall have thirty (30) days within which to have the petition dismissed.

9.1.2 Lessee shall become insolvent or make a transfer in fraud of creditors;

9.1.3 Lessee shall make an assignment for benefit of creditors;

9.1.4 A permanent receiver is appointed for a substantial part of the assets of Lessee;

9.1.5 The leasehold interest is levied on under execution;

9.1.6 The Lessee shall fail to comply with any material term, provision, condition, or covenant of this Lease (excluding 9.1.1 through 9.1.5 above), or comply with any of Lessor's Rules and Regulations now or later established for the government of this building, and shall not cure such failure within ten (10) days after written notice to the Lessee of such failure to comply;

9.2 In any such event, Lessor shall have the option to (in addition to and not in limitation of any other remedy permitted by law or by this Lease) terminate this Lease, in which event Lessee shall immediately surrender the Premises to Lessor, but if Lessee shall fail to surrender the Premises, Lessor may, without further notice and without prejudice to any other remedy Lessor may have to repossession or arrearages in rent or damages for breach of contract, enter upon the Premises and expel or remove Lessee and its effects, by force if necessary, without being liable to prosecution or any claim for damages therefore; and Lessee agrees to indemnify Lessor for all loss and damage which Lessor may suffer by reason of such Lease termination, Lessor's right to collect from Lessee all amounts owed pursuant to this Lease, including amounts accrued prior to termination and all future post-termination rents, taxes and penalties owing Lessor pursuant to this Lease shall survive the termination of the Lease by Lessor pursuant to this Paragraph.

9.3 If Lessee remains in possession of the Premises after the termination or expiration of this Lease and without the execution of a new Lease, Lessee shall be deemed to be occupying the Premises as a tenant at sufferance and shall be subject to all the covenants and provisions of this Lease insofar as the same are applicable to a lessee at sufferance and in no event shall there be any renewal of this Lease by operation of law.

9.4 At termination of this Lease, Lessee shall surrender Premises and keys thereof of Lessor in same condition as at commencement of term, reasonable natural wear and tear only excepted.

10.
ASSIGNMENT/SUBLEASE

Lessee shall not, without the Lessor's prior written consent: (i) mortgage, pledge, encumber, assign, convey, or transfer (whether voluntarily, by operation of law, or otherwise) all or any interest in this Lease of the Premises; (ii) allow any lien to attach to Lessee's interest in the Premises or this Lease; (iii) permit the use or occupancy of the Premises of any part thereof by any one other than Lessee except for purposes stated herein; (iv) sub-lease any part or all of the Premises or assign this Lease Agreement; or (v) any attempt to consummate any of the foregoing without the Lessor's prior written consent shall be void.

11.
INDEMNIFICATION

To the extent permitted by Georgia law, Lessee and Lessor agree to indemnify and shall hold the other harmless from any and all claims, liability, costs, or expenses for any injury or death to any person or damage to any property arising out of or in any way relating to any act or omission of its respective agents, employees, contractors, invitees, licensees, sub-lessees, or assignees, including attorney's fees and costs of litigation. The provisions of this Lease with respect to any claims or liability occurring or cause prior to any expiration or termination of this Lease shall survive such expiration or termination.

12.
ENVIRONMENTAL INDEMNITY

Lessee shall conduct its business within the Premises in compliance with all applicable federal, state, or local laws and regulations related to pollution control, hazardous or toxic waste, substances, and other environmental and ecological matters, including, but not limited to the Federal Water Pollution Control Act (33 U.S.C. §1251, et seq.), Resource Conservation and Recovery Act (42 U.S.C. §6901, et seq.), Safe Drinking Water Act (42 U.S.C. §300f, et seq.), Toxic Substances Control Act (15 U.S.C. §2601, et seq.), the Clean Air Act (42 U.S.C. §300f, et seq.), Comprehensive Environmental Response of Compensation and Liability Act (42 U.S.C. §9601, et seq.), and other comparable state laws, as well as the Georgia Comprehensive Solid Waste Management Act (O.C.G.A. §12-8-20, et seq.) and the Georgia Rules for Solid Waste Management (particularly Chapter 39-3-4 and Rule 391-3-4-.15 pertaining to biomedical waste). Lessee agrees to indemnify and hold Lessor harmless from and against all causes, claims, demands, losses, liabilities, costs, and expenses (including, without limitation, attorney's fees) incurred, directly or indirectly, by Lessor as a result of or in connection with Lessee's failure to comply with any of the foregoing provisions.

13.
ATTORNEY'S FEES/EXPENSES

Lessee agrees to pay all reasonable attorney's fees and reasonable expenses the Lessor incurs in enforcing any of the obligations of the Lessee under this Lease, or in any litigation or negotiation in which the Lessor shall, without its fault, become involved through or an account of the Lessee.

14.
ENTIRE AGREEMENT

This Lease contains the entire agreement of the parties and no representations or agreements, oral or otherwise, between the parties not embodied herein shall be of any force or effect.

15.
WAIVER

No failure of Lessor to exercise any power given Lessor, hereunder, or to insist upon strict compliance by Lessee of any obligation hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of Lessor's right to demand exact compliance with the terms hereof.

16.
TIME ESSENCE

Time is of the essence of this Lease Agreement.

17.
NO ESTATE

This contract shall create the relationship of landlord and tenant between Lessor and Lessee; no estate shall pass out of Lessor; Lessee has only a usufruct, not subject to levy or sale.

18.
SUBORDINATION

Lessee agrees that this Lease shall be subject and subordinate to any bond indenture, loan deed or loan now on said Premises and all future loan or loan deed on said Premises and to all advances made, or which may be hereafter made, on account of said loan deeds or encumbrances to the full extent of all debts and charges secured thereby and to any renewals or extensions of all or any part and to any loan deeds which any owner of said Premises may hereafter at any time elect to place on said Premises, and Lessee agrees upon request to hereafter execute any paper or papers which the counsel for Lessor may deem necessary to accomplish that end and, in default of Lessee so doing, that Lessor is hereby empowered to execute such paper or papers in the name of Lessee, and as the act and deed of Lessee, and this authority is hereby declared to be coupled with an interest and not revocable, and it is further expressly agreed that Lessor shall not be liable to Lessee for breach of covenant or quiet enjoyment by reason of the foreclosure and/or sale of the demised Premises under any loan deed or mortgage now or hereafter affecting the demised Premises.

19.
UTILTIES

19.1 Lessee shall be responsible for proper and lawful waste disposal. The Lessor shall not be responsible for interruption of utility services. Lessor will pay for utilities consumed by Lessee.

20.
NOTICES

Whenever notice is required under the terms of this Lease, such notice shall be deemed given ten (10) days from the mailing of said notice via U.S. Certified or Registered Mail, Return Receipt Requested, unless sooner received, addressed to the following:

If to Lessor:
City of Peachtree City
c/o City Manager
151 Willowbend Road
Peachtree City, Georgia 30269

If to Lessee:
Southern Conservation Trust, Inc.
201 B McIntosh Trail
Peachtree City GA 30269

[Signatures on next page]

IN WITNESS WHEREOF, the parties herein hereunto set their hands and seals the day and year written below.

THIS AGREEMENT EXECUTED IN COUNTERPARTS ON THE DATE BELOW EACH PARTY'S NAME BELOW, AND THE PARTIES HEREBY AFFIX THEIR NAMES, SIGNATURES, AND SEALS, WITH THE FULL INTENT TO BE BOUND HEREBY.

LESSOR:

City of Peachtree City

____

By: __________________________

Title: _________________________

Date: _________________________

LESSEE:

Southern Conservation Trust, Inc.

____

By: __________________________

Title: _________________________

Date: _________________________

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**
Financial Services Director
Assistant Finance Director
Purchasing Agent

FROM: **Acting Administrative Services Director / City Clerk**

DATE: **February 13, 2008**

SUBJECT: **Appoint Solicitor Pro HacVice**
February 21, 2008, City Council Meeting

Recommendation:

That Council appoint Mary L. Skene as Solicitor Pro Hac Vice at a rate of $95.00 per hour.

Discussion:

In January, Council appointed the Jason Thompson as Judge Pro Hac Vice for Peachtree City Muncipal Court. Mr. Thompson previously served as Solicitor Pro Hac Vice, necessitating a replacement for that position. The Solicitor Pro Hac Vice prosecutes cases in court when the City's solicitor on staff must be absent (vacation, training, illness, etc.).

The Purchasing Department sent out requests for proposal in January to over seventy (70) attorneys registered with the Fayette County Bar Association. Only one proposal was submitted.

Although it is not the customary procedure to make a selection based on one proposal, the Court Clerk, City Solicitor, and Municipal Court Judge reviewed the proposal of Ms. Skene, an attorney who practices in Peachtree City, and feel she meets the requirements to serve as Solicitor Pro Hac Vice. Additionally, Ms. Skene's proposed hourly rate is slightly lower than the rate paid last year.

Due to the City's need to fill the position (to ensure the continued operation of Court should the solicitor be absent), the extensive effort to reach qualified attorneys, the qualifications of the applicant, and the competitive pricing proposed, staff is asking Council to move forward with the appointment.

Budget Impact:

This item should have no significant budgetary impact.

Mary L. Skene
Attorney at Law
300 Prime Point, Suite 100
Peachtree City, Georgia 30269
770-486-8011
Fax 770-487-4725
maryskene@skenelaw.com
February 7, 2008

Ms. Angela Egan
Purchasing Agent
Peachtree City

Dear Ms. Egan:

Please accept this letter and the enclosed resume as my application for the position of Solicitor Pro-Hac Vice for Municipal Court of Peachtree City.

1. My hourly rate will be $95.00.
2. I am a sole practitioner.
3. I was a Juvenile Prosecutor for two years in Barrow, Banks and Jackson Counties. That job included prosecuting juveniles in traffic court. I also handled some Superior Court matters as a prosecutor in those counties. In 1985, I was Solicitor Pro-Hac Vice for State Court of Candler County. During that time, there was no Solicitor, making me the sole prosecutor. As Judge Pro-Hac Vice of Superior Court, I handled many criminal cases. As Chief Magistrate for Candler County, I issued criminal warrants (search warrants and arrest warrants) and conducted First Appearance hearings.
4. I was Judge of Metter (Georgia) Municipal Court for 18 ½ years – from 1980 – 1998. During this time, I often provided training and research for the Police Department.
5. During 2001-2003, I served as Solicitor for Jefferson (Georgia) Municipal Court and for Arcade (Georgia) Municipal Court, as the sole prosecutor for each of those courts.
6. In addition to the information of the attached resume, I am a 1977 graduate of Mercer University's Walter F. George School of Law. In 1974, I graduated from Huntingdon College in Montgomery, Alabama. My two children are grown and living in other areas of Georgia.

7. I do not represent any clients (defendants) in Peachtree City Municipal Court, nor will I represent defendants in this court in the future if I become Solicitor Pro-Hac.

As you can see from the information submitted above, I have served in numerous capacities in numerous courts of this state, many of which were simultaneous service opportunities. I feel that I have a great deal of experience in the municipal courts of this state and would be a valued resource for this Court and its officials and participants, such as the Peachtree City Police Department. I look forward to this possible opportunity to serve my new community.

Thank you for your consideration.

Very truly yours,

Mary L Skene

Mary L. Skene

MARY L. SKENE
300 Prime Point, Suite 100
Peachtree City, GA 30269
maryskene@skenelaw.com
770-486-8011

JUDICIAL EXPERIENCE:

Superior and Juvenile Courts Judge, pro hac vice (1998-2000)

Averaged several days per week filling in for judges in several circuits, hearing motions, taking pleas, hearing bench trials, presiding over jury trials in civil and criminal cases. I established a reputation as one who would listen carefully, keep court organized and orderly, and would work hard, keeping long hours if needed, to clean up a calendar.

Chief Magistrate Judge, Candler County (1997-2000)

Hired and trained staff for Magistrate Court, oversaw the daily workings of the office, heard all civil matters that went to trial, organized system with the jail personnel for First Appearance Hearings, issued search warrants and arrest warrants, held First Appearance hearings and probable cause hearings.

Municipal Court Judge, Metter, Georgia (1980-1998)

Heard all matters that came before this Court and trained and oversaw office personnel.

LAW PRACTICE:

Private Practice, Peachtree City, Georgia (September 1, 2006 – present)

Attorney, King & Spalding, LLP (Atlanta, GA) (July 22, 2003-August 31, 2006)

Worked in a team setting on multiple large litigation cases for high profile clients.

Private Practice (2002-2003)

Worked for various individual clients, handling civil cases involving probate matters, real estate transactions, and financial matters.

Assistant District Attorney, Piedmont Circuit, Georgia (2000-2002)

Worked as sole Juvenile Prosecutor for three county circuit, drafting Petitions, conducting arraignments, motion hearings, negotiations and pleas, detention hearings, probation revocations, trials, and disposition hearings. Assisted in revamping court schedules for efficiency. Provided several law enforcement trainings in juvenile procedures and charges. Caught up large back-log of cases while handling new cases timely.

Worked as a Superior Court prosecutor, preparing indictments, handling cases before the Grand Jury, arraignments, negotiations and pleas, motion hearings, bench trials and jury trials. Was first back-up for writing briefs for Georgia Court of Appeals. Wrote brief that defined law that a Special Assistant Attorney General and his law partner do not have an automatic conflict of interest in cases involving Department of Family and Children's Services.

Solicitor, Jefferson Municipal Court, Jefferson, Georgia (2001-2003)

Handled all cases as the only prosecutor of all cases that came before this court, including police officer training, arraignments, motion hearings, negotiations and pleas, and bench trials.

Solicitor, Arcade Municipal Court, Arcade, Georgia (2002-2003)

Handled all cases as the first prosecutor for this Court, setting up procedures, providing police officer training, handling all matters in court including arraignments, negotiations, pleas, and bench trials.

Private Practice of Law, Metter, Georgia (1986-1996)

Sole practitioner in general law practice, with emphasis on real estate transactions and family law.

Solicitor Pro Tempore, State Court of Candler County (1985)

Handled all criminal matters before the State Court, including arraignments, negotiations and pleas, bench trials and jury trials.

Partner in Private Practice Law Firms, Metter, Georgia

Neville & Skene 1979-1986

Neville, Neville & Skene1978-1979

General practice of law with offices in Metter and Statesboro, Georgia, with emphasis on real estate, financial matters, probate matters, and personal injury cases.

ASSOCIATION INVOLVEMENT:

2006-present	Member, Fayette County Bar Association	
1978-present	Member, State Bar of Georgia	
2003-2006	Ga. Assn. of Women Lawyers	Atlanta, GA
2001-2003	Member, Piedmont Circuit Bar Association	Piedmont Circuit, GA
1978-2001	Member, Middle Judicial Circuit Bar Association	
	One term as Chair	Middle Circuit, GA
1999-2003	Child Fatality Board	Candler & Banks Counties, GA
2001-2002	Truancy Protocol Committee	Barrow County, GA
2001-2002	Multi-Disciplinary Team	Barrow County, GA
1999-2000	Family Connection Board	Candler County, GA
1999-2000	Inter-Agency Council	Emanuel County, GA
1984-1998	Chair, Foster Care Review Panel	Candler County, GA
1983-1997	Child Abuse Council (term as Chair)	Candler County, GA
1977-1983	Business and Professional Women	Candler County, GA

OTHER ACTIVITIES:

2004-present	Charter Member, Line Creek Civitan (past President; past	
	Secretary; Past President-Elect)	Peachtree City, GA
1978-present	Member, Metter United Methodist Church	Metter, GA
	Chair, Staff-Parish Relations Committee	
	Administrative Board; Annual Lay Delegate	
1979-present	Daughters of the American Revolution	Metter, GA
	Regent for two terms	
	Chair, Flag Committee and National Defense	

1984-2003	Visual Effects Director, Metter High School Performing Arts	Metter, GA
1986-1990	Substitute Teacher	Candler County, GA
1979-1983	Candler County Cancer Society	Candler County, GA

References are available upon request.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**

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

DATE: **February 13, 2008**

SUBJECT: **Proposed amendments to Article X., Section 1007, LI Limited Industrial District, modifying uses permitted within the LI zoning district, and for other purposes.**
February 21, 2008 City Council Agenda

Recommendation:

Staff recommends that Council adopt the proposed amendments to Article X., Section 1007, LI Limited Industrial District of the city's Zoning Ordinance, specifically to modify uses permitted within the LI zoning district (Attachment "A").

Discussion:

In an effort to differentiate between uses that are permitted within the LI Limited Industrial (Attachment "B") and the GI General Industrial (Attachment "C") zoning districts, Staff was asked to evaluate both ordinances and develop recommendations for review. The GI ordinance as currently written states the uses permitted within LI are also permitted within GI, as long as the lot size and width meet specified dimensions, which has allowed a variety of uses on parcels zoned GI, which may or may not meet the intent of the zoning district.

The LI district was established *"for light industrial uses which are not significantly objectionable, in terms of appearance, noise, odor, fumes, etc., to surrounding properties."* The GI district was established *"for basic or primary types of industrial uses which involve extensive manufacturing, processing or assembly operations."*

The intent of the proposed amendments is to clearly delineate between the LI and GI zoning districts. While the uses proposed within LI are generally geared toward small contracting companies, home repair showrooms, business operations, light manufacturing and assembly, the uses proposed within the GI district are primarily geared toward large construction companies, manufacturing, distribution and assembly facilities.

It is our intent that some retail uses would still be permissible within the LI zoning district only and would be reviewed and approved as a conditional use. No retail sales would be permitted within the GI zoning district.

The proposed amendments have been discussed in a workshop format (Attachment "D") and two Public Hearings (Attachments "E" and "F") with the Planning Commission. At their meeting on January 28, 2008, the Planning Commission voted unanimously to forward the proposed amendments to City Council with a recommendation that they be approved.

Budget impact:

There is no budget impact associated with this request.

Ordinance Number _____

AN ORDINANCE TO AMEND ARTICLE X, REQUIREMENTS BY DISTRICT, SECTION 1007, LI LIMITED INDUSTRIAL ZONING DISTRICT TO CLARIFY USES PERMITTED WITHIN THE LI ZONING DISTRICT, AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City that:

Section 1. Article X, Requirements by District, Section 1007, LI Limited Industrial zoning district of the Peachtree City Zoning Ordinance, be repealed in its entirety and replaced as follows:

Sec. 1007. LI limited industrial district.

(1007.1) *Intent of district.* It is intended that the LI zoning district be established for light industrial uses which are not significantly objectionable, in terms of appearance, noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses of a light industrial nature, to protect and reserve undeveloped areas of Peachtree City which are suitable for such industries, and to discourage encroachment by other uses which are capable of adversely affecting the limited industrial character of the district.

(1007.2) *Permitted uses.* The following uses shall be permitted in any LI zoning district provided no noise, vibration, smoke, gas, fume, odor, dust, fire hazard, radiation or other injurious or obnoxious condition related to those uses creates a nuisance beyond the premises on which they are located.

Only the uses specified below shall be permitted within the LI zoning district:

(a) Accessory uses to permitted uses;

(b) Agriculture and forestry;

(c) Ambulance service;

(d) Amusement or recreational activities located wholly within a building;

(e) Animal hospital, veterinary clinic, kennel, animal boarding or animal grooming salon;

(f) Assembly and distribution of products and merchandise;

Attachment "A"

(g) Automatic teller machine, provided that it is not a part of, or on the same parcel as, a bank or financial institution;

(h) Automobile repair and maintenance facility;

(i) Automobile, truck and trailer leasing or rental facility;

(j) Bakery and catering service;

(k) Building material sales and service (wholesale, with no sales to the general public);

(l) Cabinet shops and furniture repair;

(m) Car wash facility;

(n) Day care facilities;

(o) Dry cleaning plant operations and service outlets;

(p) Electrical/ electronic appliances, sales and service;

(q) Electrical/ electronic supply facility;

(r) Electrical, telephone or other public utility station;

(s) Electronic, video or mechanical game amusement center;

(t) Emissions and inspection testing;

(u) Equipment rental;

(v) Fabricating shops (woodworking, upholstery, sheet metal, etc.);

(w) Farm and garden supply stores, including nurseries and greenhouses;

(x) Floor coverings sales and supply;

(y) Fraternal clubs and lodges (non-commercial);

(z) Furniture repair, refinishing, refurbishing and upholstery;

(aa) Glass sales and installation;

(bb) Golf cart rental, sales and service facility;

(cc) Hardware sales;

(dd) Health service clinics, including accessory pharmacies;

(ee) Indoor shooting range;

(ff) Light manufacturing, processing, and assembly;

(gg) Lighting assembly, sales and service;

(hh) Office furniture sales and supply;

(ii) Paint sales and supply:

(jj) Photography studio, photo processing facility;

(kk) Plumbing and/ or HVAC sales and supply;

(ll) Printing, blueprinting, book binding, Photostatting, lithography and publishing facility;

(mm) Public buildings, facilities and utilities;

(nn) Radio, television, recording and/ or rehearsal studio facility;

(oo) Research laboratories, including medical and dental labs;

(pp) Self-storage mini-warehouse facility;

(qq) Sign painting and fabricating shops;

(rr) Small electric motor repair;

(ss) Studio for teaching music, voice, dance, karate, etc.;

(tt) Telecommunications towers;

(uu) Telegraph or messenger service;

(vv) Trade or vocational school.

(1007.3) *Conditional uses.* The following uses shall be permitted in any LI zoning district on a conditional basis:

(a) Open yard for the 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.

(b) 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) 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.

(1007.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in LI zoning districts shall conform to the following standards:

(a) Minimum zoning lot area: 20,000 square feet.

(b) Minimum lot width: 100 feet.

(c) Minimum front setback depth: 30 feet.

(d) Minimum side setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.

(e) Minimum rear setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.

(f) Maximum building and structure height: Unlimited, but if the height of a proposed building exceeds 35', as measured from finish grade to the ridge line or the tallest portion of the roof, the proposed site access, site circulation and building design details regarding the overall building layout, proposed construction methods, and overall fire protection plan shall be reviewed and approved by the Fire Marshal and Building Official in accordance with current fire and building codes prior to the review by the Peachtree City Planning Commission. The Fire Marshal and Building Official may impose additional or alternative requirements to the approval based on conditions to include but are not limited to, the type of building, construction type and/ or the planned occupancy and use of the building and overall life safety considerations.

In addition to this review, federal air space regulations may apply should the building exceed 35' in height.

(g) Maximum structure size for retail uses permitted in this district: 10,000 square feet.

There is no maximum structure size for other non-retail uses permitted in the LI zoning district.

(h) 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.

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

(j) No open burning will be permitted on any zoning lot.

(k) All industries must be approved by state and federal regulatory agencies relative to meeting standards for environmental quality.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. 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 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 may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _________ day of _______________________ 2008.

____

Harold K. Logsdon, Mayor

____

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____

____

Attest: _________________________________

City Clerk

Sec. 1007. LI limited industrial district.

(1007.1) *Intent of district.* It is intended that the LI zoning district be established for light industrial uses which are not significantly objectionable, in terms of appearance, noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses of a light industrial nature, to protect and reserve undeveloped areas of Peachtree City which are suitable for such industries, and to discourage encroachment by other uses which are capable of adversely affecting the limited industrial character of the district.

(1007.2) *Permitted uses.* The following uses shall be permitted in any LI zoning district provided no noise, vibration, smoke, gas, fume, odor, dust, fire hazard, radiation or other injurious or obnoxious condition related to those uses creates a nuisance beyond the premises on which they are located.

(a) Accessory uses to permitted uses;

(b) Agriculture and forestry;

(c) Animal care wholly within a building;

(d) Automotive, boat and trailer sales and service;

(e) Building materials and farm equipment;

(f) Commercial recreation and entertainment;

(g) Communication;

(h) Community facilities;

(i) Construction facilities;

(j) Education;

(k) Light manufacturing, processing, and assembly, including research and development;

(l) Printing;

(m) Religious;

(n) Services;

(o) Transportation and storage;

(p) Wholesale trade.

(Ord. No. 430, 5-7-1987)

(1007.3) *Conditional uses.* The following uses shall be permitted in any LI zoning district on a conditional basis:

(a) Open yard for the 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.

(b) Retail business; provided such business is incidental to a permitted use or is intended to primarily serve the commercial needs of the uses permitted in the LI zoning district.

(c) One-family dwelling, provided such dwelling is incidental to a permitted use for purposes of housing a watchman or caretaker, and provided there is only one dwelling on a zoning lot of at least ten acres in area.

(Ord. No. 408, 8-21-1986; Ord. No. 430, 5-7-1987)

(1007.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in LI zoning districts shall conform to the following standards:

(a) Minimum zoning lot area: 20,000 square feet.

(b) Minimum lot width: 100 feet.

(c) Minimum front setback depth: 30 feet.

(d) Minimum side setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.

(e) Minimum rear setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.

(f) Maximum building and structure height: Unlimited, but if over 35 feet, it must be approved by the fire department, and if applicable, by federal air space regulatory agencies prior to any construction.

(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) 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.

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

(k) 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.

(l) No open burning will be permitted on any zoning lot.

(m) All industries must be approved by state and federal regulatory agencies relative to meeting standards for environmental quality.

(n) 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 the one-year period such landscaping shall be replaced by the owner.

(o) Item (n) above shall be a binding standard on all development after March 5, 1981. Development completed prior to this date will not need to meet such standards now or in the future and will be limited to a 20-foot front setback depth.

(Ord. No. 199, 6-5-1980; Ord. No. 233, 4-2-1981; Ord. No. 366, § 19, 5-22-1985)

Sec. 1008. GI general industrial district.

(1008.1) *Intent of district:* It is intended that the GI zoning district be established and reserved for basic or primary types of industrial uses which involve extensive manufacturing, processing or assembly operations. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for industries which require sizable tracts of land and/or employ large numbers of workers. The intention is also to reserve and protect undeveloped areas of Peachtree City which are suitable for such industries, and to discourage encroachment by other uses which are capable of adversely affecting the basic industrial character of the district.

(1008.2) *Permitted uses:* The following uses shall be permitted in any GI zoning district: All uses permitted in section (1007.2) for limited industrial (LI) zoning district, with a minimum lot area of 40,000 square feet and a minimum lot width of 150 feet. (Ord. No. 201, 6-5-1980)

(1008.3) *Conditional uses:* The following uses shall be permitted in any GI zoning district on a conditional basis:

(a) All conditional uses permitted in subsection (1007.3) for LI zoning districts (except paragraph (a)), subject to the same conditions.

(b) Open yard for the storage of materials or equipment, excluding junk or salvage materials, provided the yard is securely fenced with a wall or fence at least six feet in height above finished grade.

(c) Open yard for a land fill provided that the yard is separated from adjoining properties by a suitable planting screen, fence or wall at least eight feet in height above finished grade. The required screen, fence or wall must be of an attractive appearance and provide for a visual separation between the use and adjoining properties. No open burning of materials or products shall be conducted on the premises at any time.

(1008.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in GI zoning districts shall conform to the following standards:

(a) (1) Minimum zoning lot area: 80,000 square feet.

(2) Minimum zoning lot area complying with the LI requirements: 40,000 square feet.

(b) (1) Minimum lot width: 200 feet.

(2) Minimum lot width complying with the LI requirements: 150 feet.

(c) Minimum front setback depth: 50 feet.

(d) Minimum side setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.

(e) Minimum rear yard: 50 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.

(f) Maximum building height and structure height: Unlimited, but if over 35 feet, it must be approved by the fire department and, if applicable, by federal air space regulatory agencies prior to any construction.

(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) No automobile parking or service areas will be permitted within the required front setback depth or within 50 feet of the property line of any adjoining residential zoning lot.

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

(k) No open burning will be permitted on any zoning lot.

(l) All industries must be approved by state and federal regulatory agencies relative to meeting standards for environmental quality.

(m) 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 the one-year period such landscaping shall be replaced by the owner.

(n) Item (m) above shall be a binding standard on all development after March 5, 1981. Development completed prior to this date will not need to meet such standards now or in the future and will be limited to a 20-foot front setback depth.

(Ord. No. 201, 6-5-1980; Ord. No. 233, 4-2-1981; Ord. No. 366, § 19, 5-22-1985)

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION WORKSHOP
December 10, 2007

Discuss potential amendments to uses permitted within the LI and GI zoning districts.

Mr. Rast stated that a lawsuit was filed against the city regarding the potential Builders Supply Outlet at TDK and Highway 74. The judge found that there were businesses within the industrial park that were retail in nature and there were discrepancies in the types of businesses that were permitted. The LI Limited Industrial and GI General Industrial zoning districts did state that the retail businesses were permitted if the purpose was to serve the employees within the Industrial Park. He also stated that Staff would look at the list of current uses for the GI and LI zoning districts and determine which uses should remain. Staff would also clarify the uses prior to presenting the amendments to City Council for approval.

Mr. Rast presented a PowerPoint presentation identifying the various permitted uses within the LI zoning district.

He stated that the problem incurred with Builder's Supply was that the proposed usage stated building material and farm equipment. There was a question as to whether the building materials were strictly industrial or not.

Mr. Rast stated that the Land Use Plan was updated in 1995. At that time there was discussion to bring businesses into the Industrial area to support the employees. However, there was not a specific list of businesses that should not have been permitted in the industrial park which had resulted in the existing variety of uses.

The permitted uses within the GI zoning district basically reverted to the LI uses. This use required a larger lot area and minimum lot width.

Mr. Rast stated that the zoning ordinances were updated in 1977 and had been amended throughout the years. Staff was currently comparing the Land Use Map and Zoning Map to determine any discrepancies as well as gathering data from the Industrial Park to categorize the uses.

Mr. Rast stated that the City Attorney suggested that the Standard Industrial Classifications, which was a very extensive government listing, be used.

Mr. Staples asked what the City's standard would be in disallowing future use. Mr. Rast replied that he did not know the answer. He also stated that existing businesses should be grandfathered in. Yet, if a business closed and a new business came in the same spot, they could have the same use not a different use. Mr. Rast stated that he would have to verify that with the City Attorney.

Mr. Rast stated that the majority of the retail-oriented businesses were in buildings where Pathway Communities no longer had control due to the expiration of the deed restrictions. The City was not involved with deed restrictions and covenants.

(Comments were made by Ms. Lynda Wojcik but were inaudible because she did not come to the microphone)

Mr. Mullin asked if the members of the Planning Commission were being asked to remove any permitted uses from the list. Mr. Rast stated that he did require their input for any changes that should be made.

After further discussion, it was determined that Mr. Rast would speak with the City Attorney before bringing the issue back before the Planning Commission in January.

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION MEETING
January 14, 2008

PH-07-17 **Proposed amendments to Article X, Requirements by district, Section 1007, LI Limited Industrial (permitted uses).**

The Chairman opened the public hearing at 7:13 p.m.

Mr. Rast explained that this public hearing and the next one dealt with ordinance amendments relative to permitted uses within the LI and GI General Industrial zoning districts. Council had asked Staff to review the ordinances and come up with a list of specific uses that would be permitted instead of the open-ended list of uses that was currently being used.

Mr. Rast stated that Staff had done a comparison of 10 to 12 jurisdictions within metro Atlanta as well as two or three other jurisdictions. A spreadsheet was then prepared that showed the uses in all of the jurisdictions, and the ones Staff did not think were appropriate for Peachtree City's industrial park were removed. This had resulted in a pretty well-rounded list of uses that it was thought would be appropriate for both the LI and GI zoning districts.

Mr. Rast further stated that over the years, some of the uses that had located in the industrial park really were not appropriate within that area. For instance, there were hair salons, children's gyms, karate studios, etc., which in a lot of cases were located next door to assembly and shipping and receiving facilities. He noted that recently City Hall's procedure for issuing occupational tax licenses had been changed to require that all applications for occupational tax licenses be approved by the Planning and Zoning Department to ensure the use was compatible with the zoning.

Mr. Rast also said that the retail uses within the industrial park were to be a support and provide a convenience to the employees in the industrial park. It was felt, however, that these should be located within the LI zoning district and that the GI zoning district should be limited to manufacturing, distribution, warehousing, and other intense uses of the industrial park.

Mr. Rast said that more than likely, Staff would be suggesting that some of the parcels within the industrial park be rezoned from GI to LI. The concentration of retail-oriented uses was primarily within three or four areas, and he thought it only made sense to rezone those areas and allow those uses to continue. The rest of the park would remain GI and be limited to the pure industrial uses.

Mr. Rast stated that in the LI zoning only the uses that were included within the zoning would be permitted. That was the reason for the fairly extensive list that he displayed. The list included uses that would be a convenience to those in the industrial park such as automatic teller machines, car wash and day care facilities, some retail, etc. In preparing the list, the uses that were already in the industrial park and would fall into the LI zoning classification were included. He noted that the businesses related to home repair such as upholstery, carpet, and paint stores would only be permitted in LI. There were approximately 50 to 60 uses that had been identified.

Mr. Rast stated that another caveat Staff had identified related to the size limitation for retail uses. Currently it was open-ended; however, it would be changed to 10,000 SF. There would be no structure limitation for non-retail uses so they could exceed 10,000 SF.

Mr. Rast added that due to the fact that the proposed amendment was being reviewed by the City Attorney, Staff was not able to provide a copy to the Planning Commission until this meeting. Consequently, he recommended that no action be taken at this meeting to give the Commissioners time to review the ordinance and any comments the public might have.

Ms. Phyllis Aguayo of Stonington Drive thought there were some good things about the changes and that they were necessary. She liked the 10,000 SF limitation for retail uses and that some of the uses would be limited to the industrial park. This would allow uses that were inappropriate in other areas to be directed to the industrial park.

Ms. Aguayo wondered how the City could prevent this industrial area where so much commercial use was allowed from becoming a retail center. She asked if there would be any limit to the percentage of retail that would be allowed.

Mr. Rast said he could partially answer that question. As part of the Comprehensive Plan, Staff had been preparing an inventory of all of the property in the city. Within the industrial park, there were very few parcels left that were zoned LI. This was one way the amount of commercial within the industrial park could be limited. He noted that there were two to three parcels that should be considered for rezoning to LI which would allow Staff to encourage uses to go in those specific areas. An analysis had not been done to determine what the ultimate square footage would be if these parcels were rezoned and fully developed. He said that information would be available for the next meeting as well as the specific parcels to which he was referring.

In response to another question from Ms. Aguayo, Mr. Rast stated that any uses not included in the list would not be allowed in the LI zoning district.

Mr. Mike Hyde, a Peachtree City resident and a business owner in the industrial park, also had a question. He wondered what the process would be if a business not listed wanted to locate in the industrial park.

Mr. Rast thought that was a good question and said Staff had tried to think of different uses that might be appropriate but was willing to add other uses that might also be appropriate before the amendment was forwarded to City Council.

Mr. Hyde agreed the list was fairly exhaustive, but he felt confident there would be other uses that would come up.

Mr. Rast agreed and said that this issue would need to be addressed with the City Attorney. Mr. Rast would prefer a mechanism that would not involve a variance if it was a logical use.

Mr. Hyde agreed but noted that if the City's intention was to not encourage new business in the city, this amendment would certainly do that.

Mr. Hyde also wondered about the businesses that were not on the list but already were located in the industrial park. Mr. Rast stated that they would be grandfathered and would be allowed to continue doing business. Mr. Hyde specifically wondered about the pure commercial uses such as Wendy's, McDonald's, etc.

Mr. Rast stated that the industrial park had developed in such a way that the commercial uses were clustered together. Those parcels met the standards of commercial zoning and he would like to see them rezoned to a more appropriate zoning classification. This would be addressed as changes to the Land Use Plan and zoning map were reviewed.

No one else spoke in favor of or in opposition to the proposed amendments.

Excerpt from approved minutes
Planning Commission meeting
January 14, 2008

The Chairman closed the public hearing at 7:31 p.m.

In response to questions from Mr. Mullin and Mr. Scott, Mr. Rast stated that churches were permitted in all zoning districts. "Religious uses" was taken off the specific list of permitted uses in the LI zoning district, but it was included in the list of conditional uses as it was in other zoning districts. The ordinance included standards for them such as acreage and setback requirements, but there were no such guidelines for churches that would locate within the industrial park. Consequently, Staff was recommending that the same language that was applied to other zoning districts be part of the LI zoning.

Mr. Scott wanted to confirm that, for example, a recording studio could be established as one of the church's ministries without meeting the 11 conditions that would be listed in the ordinance. Mr. Rast confirmed that was correct.

Mr. Rast stated that there currently were a number of churches in the industrial park, most of them start-up churches. Staff preferred including acreage requirements so they would not be located next to a use that did not mesh. In that way, it would be a product that could stand on its own. It was noted that a church would still have to meet the 11 conditions if they were re-using an existing building in the industrial park.

Mr. Rast said these ordinance amendments would be posted on the City's website so that Staff could receive as much feedback as possible.

After discussion, a motion was made by Mr. Scott, seconded by Mr. McCann, and unanimously adopted to continue discussion of the proposed amendments to Article X, Requirements by district, Section 1007, LI Limited Industrial (permitted uses) to the January 28, 2008 Planning Commission meeting.

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION MEETING
January 28, 2008

PH-07-17 **Proposed amendment to Article X, Requirements by district, Section 1007, LI Limited Industrial (permitted uses).**

Mr. Rast gave an overview of what had been discussed at the Planning Commission meeting on January 14, 2008. Council had asked Staff to identify specific uses that should be located within both the LI Limited Industrial zoning district and GI General Industrial zoning district.

Mr. Rast stated that staff had researched zoning ordinances from 14 municipalities to compile a list of uses permitted within these municipalities. Staff then removed the uses that were not appropriate for Peachtree City, and then separated the remaining uses between the limited industrial and general industrial zoning districts. Mr. Rast stated that uses within the LI zoning district would be those that were not offensive to the neighbors in terms of appearance, noise, odor, fumes, etc., and indicated that smaller service oriented businesses as well as some retail would be allowed strictly within the LI zoning district.

Mr. Rast stated that the GI zoning district would be restricted primarily to manufacturing, assembly, distribution and warehousing. The City Attorney had reviewed the identified uses and was comfortable with the uses proposed by city staff. Staff was requesting that the existing ordinance be repealed in its entirety and replaced with the changes being presented.

Mr. Rast presented a PowerPoint presentation to give a general overview of the various uses that would be allowed in the LI zoning district. He also stated that if City Council approved the proposal, the next step would be recommend changes to the zoning and land use maps for various parcels so they would be compatible with the ordinance amendments.

Staff found that most of the uses categorized as LI were located on the same parcel and were primarily office/ warehouse or spaces that were sub-divided into smaller tenant spaces. He indicated many of these parcels were zoned GI, and these were the parcels that staff would recommend a change in the zoning designation.

Mr. Rast also stated the uses not on the list but already located in the industrial park would be grandfathered in so that they could continue doing business.

Mr. Rast stated one of the stipulations they were recommending was that any retail use within the LI zoning district be restricted to no more than 10,000 SF. The existing retail oriented businesses would be brought into conformance while setting a limit on any future businesses with the LI zoning district.

The Chairman chose to continue the discussion to include the following public hearing since the two items were similar.

PH-07-18 **Proposed amendment to Article X, Requirements by district, Section 1008, GI General Industrial (permitted uses).**

Mr. Rast explained that the GI General Industrial zoning district should be geared to more intense uses, i.e., manufacturing, assembly, distribution warehousing, etc. However, the ordinance as written states any use permitted in the LI Limited Industrial zoning district was permitted in the GI zoning district if minimum lot sizes were met.

Mr. Rast stated that situations had occurred where children's gyms were opening in existing buildings where shipping and/ or warehousing businesses were located, which involved a significant amount of truck traffic. He felt it was not suitable to have those two uses adjacent to each other. With the proposed changes, GI would be limited to larger manufacturing, warehouse, wholesale warehouses and distribution. All of these would be suitable to be located on the same parcel.

The Chairman asked if anyone wished to speak in favor or against the proposed changes.

Ms. Phyllis Aguayo, a resident of Stoneybrook subdivision, inquired if Staff would look into buffers, setbacks and the protection for residential and offices where sound could be an impact. Mr. Rast confirmed that would happen and would also be the next step to address in the ordinance.

Ms. Lynda Wojcik, a resident of Peachtree City, came forward and inquired as to why churches or offices were allowed in GI. Mr. Rast responded there were existing office uses within the industrial park, including Cooper Wiring and Cooper Lighting, and he felt these types of uses were appropriate within the industrial park. He also indicated buffers and setbacks would be addressed as the site plans were submitted for future businesses. He stated that in reference to churches, specific criteria must be established to allow for churches in all zoning districts. Start up churches were leasing space in larger buildings where there was only a wall separating these assembly-type uses from other uses that may or may not be compatible with an assembly space. Staff would prefer to limit Churches to stand alone parcels.

Ms. Phyllis Aguayo again came forward to state that she recalled when changes were done to the Land Use Map. There had been discussion of churches, that in some cases, having a negative impact on surrounding residential. If appropriate locations were found in the industrial park that allowed the churches to expand their uses, yet not affect traffic, lighting or noise in residential areas then the church should be allowed to stay in the area and not have to battle with the community.

Ms Aguayo went on to state that by allowing offices in industrial there would be no need to look at rezoning. A company could have their corporate offices with their industry and would not need rezoning that may not be suitable for the area.

Mr. Paul Van't Hof, a resident of Planterra Ridge subdivision, came forward to ask if the industrial uses closest to Planterra Ridge would be grandfathered like those of LI. Mr. Rast responded that the parcels that abutted Planterra Ridge were already zoned GI. If the amendments were added to GI, it would apply to the existing lots. The areas considered for rezoning to LI were located in the industrial park but would take property that was currently zoned GI and it would be rezoned to LI which would fit the current uses.

Mr. Van't Hof also wanted to verify that the current business would be grandfathered in and that any new businesses would have to abide by the amendments. Mr. Rast stated that if a business located in the industrial park and was not on the extensive list of uses, they would have to go through a variance process. In addition if there was a change in ownership, the same type use would be acceptable.

After discussion, a motion was made by Mr. Staples seconded by Mr. McCann, and unanimously adopted that the proposed amendments to Article X, Requirements by district, Section 1007 LI Limited Industrial (permitted uses) and Article X, Requirements by district, Section 1008 GI General Industrial (permitted uses) be forwarded to City Council with a recommendation that it be approved.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**

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

DATE: **February 13, 2008**

SUBJECT: **Proposed amendments to Article X., Section 1008, GI General Industrial District, modifying uses permitted within the GI zoning district, and for other purposes.**
February 21, 2008 City Council Agenda

Recommendation:

Staff recommends that Council adopt the proposed amendments to Article X., Section 1008, GI General Industrial District of the city's Zoning Ordinance, specifically to modify uses permitted within the GI zoning district (Attachment "A").

Discussion:

In an effort to differentiate between uses that are permitted within the LI Limited Industrial zoning district and the GI General Industrial zoning district, Staff was asked to evaluate both ordinances and develop recommendations for review. The GI ordinance as currently written states the uses permitted within LI are also permitted within GI, as long as the lot size and width meet specified dimensions (Attachment "B"). This language has allowed uses to be located on parcels zoned GI which do not meet the intent of the zoning district.

The LI district was established *"for light industrial uses which are not significantly objectionable, in terms of appearance, noise, odor, fumes, etc., to surrounding properties."* The GI district was established *"for basic or primary types of industrial uses which involve extensive manufacturing, processing or assembly operations."*

The intent of the proposed amendments is to clearly delineate between the LI and GI zoning districts. The uses permitted within the GI district would be restricted to large construction companies, manufacturing, distribution and assembly facilities. No retail uses would be permitted within the GI zoning district.

The proposed amendments have been discussed in a workshop format (Attachment "C") and two Public Hearings (Attachments "D" and "E") with the Planning Commission. At their meeting on January 28, 2008, the Planning Commission voted unanimously to forward the proposed amendments to City Council with a recommendation that they be approved.

Budget impact:

There is no budget impact associated with this request.

Ordinance Number _____

AN ORDINANCE TO AMEND ARTICLE X, REQUIREMENTS BY DISTRICT, SECTION 1008, GI GENERAL INDUSTRIAL ZONING DISTRICT TO CLARIFY USES PERMITTED WITHIN THE GI ZONING DISTRICT, AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City that:

Section 1. Article X, Requirements by District, Section 1008, GI Limited Industrial zoning district of the Peachtree City Zoning Ordinance, be repealed in its entirety and replaced as follows:

Sec. 1008. GI general industrial district.

(1008.1) *Intent of district:* It is intended that the GI zoning district be established and reserved for basic or primary types of industrial uses which involve extensive manufacturing, processing or assembly operations. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for industries which require sizable tracts of land and/ or employ large numbers of workers. The intention is also to reserve and protect undeveloped areas of Peachtree City which are suitable for such industries, and to discourage encroachment by other uses which are capable of adversely affecting the basic industrial character of the district.

(1008.2) *Permitted uses:* The following uses shall be permitted in any GI zoning district:

(a) Accessory uses;

(b) Agriculture and forestry;

(c) Aircraft hangar and maintenance facility;

(d) Aviation facility;

(e) Building contractor and related construction;

(f) Building material sales and service (wholesale, no sales to the general public);

(g) Commercial greenhouse or plant nursery (wholesale);

(h) Distribution facility;

(i) Electrical, telephone or other public utility;

(j) Golf course;

(k) Manufacturing and assembly;

(l) Offices, professional;

(m) Outdoor storage facilities, excluding junk, salvage yards or wrecked vehicles;

(n) Printing services;

(o) Public buildings, facilities and utilities;

(p) Radio, television, recording and/ or rehearsal studio facility;

(q) Ready-mix concrete plants and pre-cast concrete manufacturing and sales;

(r) Recovered materials processing facility;

(s) Recycling collection centers;

(t) Research and development facility;

(u) Research laboratories, including medical and dental labs;

(v) Self-storage warehouse facility;

(w) Sewage treatment facility;

(x) Telecommunications towers and antennas;

(y) Trade or vocational school;

(z) Transportation equipment storage and maintenance facility;

(aa) Truck fleet maintenance shop;

(bb) Warehouse and storage facility;

(cc) Wholesale trade and distribution facility, including office showrooms and display areas.

(1008.3) *Conditional uses:* The following uses shall be permitted in any GI zoning district on a conditional basis:

(a) Open yard for the 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.

(b) 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) 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.

(1008.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in GI zoning districts shall conform to the following standards:

(a) Minimum zoning lot area: 80,000 square feet.

(b) Minimum lot width: 200 feet.

(c) Minimum front setback depth: 50 feet.

(d) Minimum side setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.

(e) Minimum rear yard: 50 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.

(f) Maximum building height and structure height:

Unlimited, but if the height of a proposed building exceeds 35', as measured from finish grade to the ridge line or the tallest portion of the roof, the proposed site access, site circulation and building design details regarding the overall building layout, proposed construction methods, and overall fire protection plan shall be reviewed and approved by the Fire Marshal and Building Official in accordance with current fire and building codes prior to the review by the Peachtree City Planning Commission. The Fire Marshal and Building Official may impose additional or alternative requirements to the approval based on conditions to include but are not limited to, the type of building, construction type and/ or the planned occupancy and use of the building and overall life safety considerations.

In addition to this review, federal air space regulations may apply should the building exceed 35' in height.

(g) No automobile parking or service areas will be permitted within the required front setback depth or within 50 feet of the property line of any adjoining residential zoning lot.

(h) No open burning will be permitted on any zoning lot.

(i) All industries must be approved by state and federal regulatory agencies relative to meeting standards for environmental quality.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. 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 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 may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _________ day of _______________________ 2008.

____
Harold K. Logsdon, Mayor

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____

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Attest: _________________________________
City Clerk

Sec. 1008. GI general industrial district.

(1008.1) *Intent of district:* It is intended that the GI zoning district be established and reserved for basic or primary types of industrial uses which involve extensive manufacturing, processing or assembly operations. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for industries which require sizable tracts of land and/or employ large numbers of workers. The intention is also to reserve and protect undeveloped areas of Peachtree City which are suitable for such industries, and to discourage encroachment by other uses which are capable of adversely affecting the basic industrial character of the district.

(1008.2) *Permitted uses:* The following uses shall be permitted in any GI zoning district: All uses permitted in section (1007.2) for limited industrial (LI) zoning district, with a minimum lot area of 40,000 square feet and a minimum lot width of 150 feet. (Ord. No. 201, 6-5-1980)

(1008.3) *Conditional uses:* The following uses shall be permitted in any GI zoning district on a conditional basis:

(a) All conditional uses permitted in subsection (1007.3) for LI zoning districts (except paragraph (a)), subject to the same conditions.

(b) Open yard for the storage of materials or equipment, excluding junk or salvage materials, provided the yard is securely fenced with a wall or fence at least six feet in height above finished grade.

(c) Open yard for a land fill provided that the yard is separated from adjoining properties by a suitable planting screen, fence or wall at least eight feet in height above finished grade. The required screen, fence or wall must be of an attractive appearance and provide for a visual separation between the use and adjoining properties. No open burning of materials or products shall be conducted on the premises at any time.

(1008.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in GI zoning districts shall conform to the following standards:

(a) (1) Minimum zoning lot area: 80,000 square feet.

(2) Minimum zoning lot area complying with the LI requirements: 40,000 square feet.

(b) (1) Minimum lot width: 200 feet.

(2) Minimum lot width complying with the LI requirements: 150 feet.

(c) Minimum front setback depth: 50 feet.

(d) Minimum side setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.

(e) Minimum rear yard: 50 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.

(f) Maximum building height and structure height: Unlimited, but if over 35 feet, it must be approved by the fire department and, if applicable, by federal air space regulatory agencies prior to any construction.

(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) No automobile parking or service areas will be permitted within the required front setback depth or within 50 feet of the property line of any adjoining residential zoning lot.

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

(k) No open burning will be permitted on any zoning lot.

(l) All industries must be approved by state and federal regulatory agencies relative to meeting standards for environmental quality.

(m) 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 the one-year period such landscaping shall be replaced by the owner.

(n) Item (m) above shall be a binding standard on all development after March 5, 1981. Development completed prior to this date will not need to meet such standards now or in the future and will be limited to a 20-foot front setback depth.

(Ord. No. 201, 6-5-1980; Ord. No. 233, 4-2-1981; Ord. No. 366, § 19, 5-22-1985)

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION WORKSHOP
December 10, 2007

Discuss potential amendments to uses permitted within the LI and GI zoning districts.

Mr. Rast stated that a lawsuit was filed against the city regarding the potential Builders Supply Outlet at TDK and Highway 74. The judge found that there were businesses within the industrial park that were retail in nature and there were discrepancies in the types of businesses that were permitted. The LI Limited Industrial and GI General Industrial zoning districts did state that the retail businesses were permitted if the purpose was to serve the employees within the Industrial Park. He also stated that Staff would look at the list of current uses for the GI and LI zoning districts and determine which uses should remain. Staff would also clarify the uses prior to presenting the amendments to City Council for approval.

Mr. Rast presented a PowerPoint presentation identifying the various permitted uses within the LI zoning district.

He stated that the problem incurred with Builder's Supply was that the proposed usage stated building material and farm equipment. There was a question as to whether the building materials were strictly industrial or not.

Mr. Rast stated that the Land Use Plan was updated in 1995. At that time there was discussion to bring businesses into the Industrial area to support the employees. However, there was not a specific list of businesses that should not have been permitted in the industrial park which had resulted in the existing variety of uses.

The permitted uses within the GI zoning district basically reverted to the LI uses. This use required a larger lot area and minimum lot width.

Mr. Rast stated that the zoning ordinances were updated in 1977 and had been amended throughout the years. Staff was currently comparing the Land Use Map and Zoning Map to determine any discrepancies as well as gathering data from the Industrial Park to categorize the uses.

Mr. Rast stated that the City Attorney suggested that the Standard Industrial Classifications, which was a very extensive government listing, be used.

Mr. Staples asked what the City's standard would be in disallowing future use. Mr. Rast replied that he did not know the answer. He also stated that existing businesses should be grandfathered in. Yet, if a business closed and a new business came in the same spot, they could have the same use not a different use. Mr. Rast stated that he would have to verify that with the City Attorney.

Mr. Rast stated that the majority of the retail-oriented businesses were in buildings where Pathway Communities no longer had control due to the expiration of the deed restrictions. The City was not involved with deed restrictions and covenants.

(Comments were made by Ms. Lynda Wojcik but were inaudible because she did not come to the microphone)

Mr. Mullin asked if the members of the Planning Commission were being asked to remove any permitted uses from the list. Mr. Rast stated that he did require their input for any changes that should be made.

After further discussion, it was determined that Mr. Rast would speak with the City Attorney before bringing the issue back before the Planning Commission in January.

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION MEETING
January 14, 2008

PH-07-18 **Proposed amendments to Article X, Requirements by district, Section 1008, GI General Industrial (permitted uses).**

The Chairman opened the public hearing at 7:36 p.m.

Mr. Rast explained that the GI ordinance currently stated that anything permitted in the LI zoning district was permitted in the GI zoning district if it met certain lot dimensions. He felt the GI zoning district should stand on its own. The uses that had been identified for this portion of the ordinance primarily dealt with larger-scale developments, i.e., manufacturing, distribution, warehouses, assembly, etc. He noted that golf courses were also added because the Planterra Ridge golf course was located within the industrial park. Professional offices such as Cooper Wiring and Cooper Lighting were also in the industrial park as were outdoor storage facilities. The uses listed were consistent with the uses that currently existed in the industrial park.

Mr. Paul Vant Hof, a resident of Planterra Ridge subdivision, wanted to know if Planterra Ridge was the only residential area that abutted GI property. Mr. Rast said it was. However, he noted that there was undeveloped land in Wilksmoor that abutted industrial property.

Mr. Vant Hof thought that, since this ordinance was being reviewed, it was time to protect the Planterra residences that abutted industrial zoning from certain types of uses. In particular, he noted that Clayton International was flying military-style helicopters in and out of their site. He thought that at least noise-causing activities in that strip of land should be grandfathered and that any such use that abutted residential property should be limited. He had met with Clayton International and thought they had a workable agreement but pointed out that when the helicopters strayed from over the industrial site, they were over their houses and it caused their windows to rattle. He also thought a kennel would cause problems for them.

Ms. Aguayo agreed with Mr. Vant Hof's comments and pointed out that there were uses that had been allowed in the past which could actually cause a danger to adjacent homes, i.e., chemicals that would be stored on the premises. She thought that possibly something different should be done for those lots that would impact the residential uses.

Attachment "D"

Excerpt from approved minutes
Planning Commission meeting
January 14, 2008

Ms. Beth Pullias, a Peachtree City resident, noted that the uses permitted in GI included "building materials, sales and service, wholesale." She wondered if that included stores such as Lowe's and Home Depot. Mr. Rast said it did not but rather referred to a larger facility that would be something like a contractor's lumber yard.

Ms. Pullias also wondered if this was the time to consider requiring larger buffers between roads and neighboring lots. Mr. Rast stated that at this time, the uses were the primary focus. He noted that there were some fairly stringent buffers within the industrial park. She thought they should be even larger if they were abutting areas near residential homes.

The Chairman closed the public hearing at 7:44 p.m.

Mr. Mullin asked what the setback was for GI property abutting residential. Mr. Rast stated that there was a wide greenbelt floodplain as well as the Planterra Ridge golf course that separated the industrial park from the homes in Planterra. He noted that the once mature vegetation was no longer there due to water from the floodplain that had backed up over the years. He also pointed out that the Photocircuits facility was located in the industrial park before the subdivision was built, and it would be very difficult to screen the equipment associated with that facility after the fact.

Mr. Rast thought the Planning Commission's review should look at a development's noise impact. He noted that Staff had been asked to create a noise ordinance that could be enforced.

Mr. Rast also mentioned that some of the industries on Dividend Drive and closer to Planterra were some of the City's older industrial developments, and restrictions to address the noise issue were not in place when they were built. He also noted that some of them were vacant now but would ultimately be occupied again.

Mr. Mullin wondered if it would be possible to impose tighter restrictions before someone else purchased the buildings and there was a noise or odor issue.

Mr. Rast said Staff would look at some of the different jurisdictions to see how they had addressed this issue. He thought the City of Savannah had a zoning above their industrial zoning that was more restrictive. Mr. Mullin thought the building code itself addressed this issue.

Excerpt from approved minutes
Planning Commission meeting
January 14, 2008

After discussion, a motion was made by Mr. Scott, seconded by Mr. McCann, and unanimously adopted to continue discussion of the proposed amendments to Article X, Requirements by district, Section 1008, GI General Industrial (permitted uses) to the January 28, 2008 Planning Commission meeting.

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION MEETING
January 28, 2008

PH-07-17 **Proposed amendment to Article X, Requirements by district, Section 1007, LI Limited Industrial (permitted uses).**

Mr. Rast gave an overview of what had been discussed at the Planning Commission meeting on January 14, 2008. Council had asked Staff to identify specific uses that should be located within both the LI Limited Industrial zoning district and GI General Industrial zoning district.

Mr. Rast stated that staff had researched zoning ordinances from 14 municipalities to compile a list of uses permitted within these municipalities. Staff then removed the uses that were not appropriate for Peachtree City, and then separated the remaining uses between the limited industrial and general industrial zoning districts. Mr. Rast stated that uses within the LI zoning district would be those that were not offensive to the neighbors in terms of appearance, noise, odor, fumes, etc., and indicated that smaller service oriented businesses as well as some retail would be allowed strictly within the LI zoning district.

Mr. Rast stated that the GI zoning district would be restricted primarily to manufacturing, assembly, distribution and warehousing. The City Attorney had reviewed the identified uses and was comfortable with the uses proposed by city staff. Staff was requesting that the existing ordinance be repealed in its entirety and replaced with the changes being presented.

Mr. Rast presented a PowerPoint presentation to give a general overview of the various uses that would be allowed in the LI zoning district. He also stated that if City Council approved the proposal, the next step would be recommend changes to the zoning and land use maps for various parcels so they would be compatible with the ordinance amendments.

Staff found that most of the uses categorized as LI were located on the same parcel and were primarily office/ warehouse or spaces that were sub-divided into smaller tenant spaces. He indicated many of these parcels were zoned GI, and these were the parcels that staff would recommend a change in the zoning designation.

Mr. Rast also stated the uses not on the list but already located in the industrial park would be grandfathered in so that they could continue doing business.

Excerpt from approved minutes
Planning Commission meeting
January 28, 2008

Mr. Rast stated one of the stipulations they were recommending was that any retail use within the LI zoning district be restricted to no more than 10,000 SF. The existing retail oriented businesses would be brought into conformance while setting a limit on any future businesses with the LI zoning district.

The Chairman chose to continue the discussion to include the following public hearing since the two items were similar.

PH-07-18 **Proposed amendment to Article X, Requirements by district, Section 1008, GI General Industrial (permitted uses).**

Mr. Rast explained that the GI General Industrial zoning district should be geared to more intense uses, i.e., manufacturing, assembly, distribution warehousing, etc. However, the ordinance as written states any use permitted in the LI Limited Industrial zoning district was permitted in the GI zoning district if minimum lot sizes were met.

Mr. Rast stated that situations had occurred where children's gyms were opening in existing buildings where shipping and/ or warehousing businesses were located, which involved a significant amount of truck traffic. He felt it was not suitable to have those two uses adjacent to each other. With the proposed changes, GI would be limited to larger manufacturing, warehouse, wholesale warehouses and distribution. All of these would be suitable to be located on the same parcel.

The Chairman asked if anyone wished to speak in favor or against the proposed changes.

Ms. Phyllis Aguayo, a resident of Stoneybrook subdivision, inquired if Staff would look into buffers, setbacks and the protection for residential and offices where sound could be an impact. Mr. Rast confirmed that would happen and would also be the next step to address in the ordinance.

Ms. Lynda Wojcik, a resident of Peachtree City, came forward and inquired as to why churches or offices were allowed in GI. Mr. Rast responded there were existing office uses within the industrial park, including Cooper Wiring and Cooper Lighting, and he felt these types of uses were appropriate within the industrial park. He also indicated buffers and setbacks would be addressed as the site plans were submitted for future businesses. He stated that in reference to churches, specific criteria must be established to allow for churches in all zoning districts. Start up churches were leasing space in larger buildings where there was only a wall separating these assembly-type uses from other uses that may or may not be compatible with an assembly space. Staff would prefer to limit Churches to stand alone parcels.

Ms. Phyllis Aguayo again came forward to state that she recalled when changes were done to the Land Use Map. There had been discussion of churches, that in some cases, having a negative impact on surrounding residential. If appropriate locations were found in the industrial park that allowed the churches to expand their uses, yet not affect traffic, lighting or noise in residential areas then the church should be allowed to stay in the area and not have to battle with the community.

Ms Aguayo went on to state that by allowing offices in industrial there would be no need to look at rezoning. A company could have their corporate offices with their industry and would not need rezoning that may not be suitable for the area.

Mr. Paul Van't Hof, a resident of Planterra Ridge subdivision, came forward to ask if the industrial uses closest to Planterra Ridge would be grandfathered like those of LI. Mr. Rast responded that the parcels that abutted Planterra Ridge were already zoned GI. If the amendments were added to GI, it would apply to the existing lots. The areas considered for rezoning to LI were located in the industrial park but would take property that was currently zoned GI and it would be rezoned to LI which would fit the current uses.

Mr. Van't Hof also wanted to verify that the current business would be grandfathered in and that any new businesses would have to abide by the amendments. Mr. Rast stated that if a business located in the industrial park and was not on the extensive list of uses, they would have to go through a variance process. In addition if there was a change in ownership, the same type use would be acceptable.

After discussion, a motion was made by Mr. Staples seconded by Mr. McCann, and unanimously adopted that the proposed amendments to Article X, Requirements by district, Section 1007 LI Limited Industrial (permitted uses) and Article X, Requirements by district, Section 1008 GI General Industrial (permitted uses) be forwarded to City Council with a recommendation that it be approved.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**

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

DATE: **February 13, 2008**

SUBJECT: **Proposed Amendments to Article IX, Section 908, Accessory uses of the Zoning Ordinance, addressing private kennels in residential areas, and for other purposes.**
February 21, 2008 City Council Agenda

Recommendation:

Staff recommends that Council adopt the proposed amendments to Article IX, Section 908 of the city's Zoning Ordinance, specifically to address private kennels in residential areas (Attachment "A").

Discussion:

The city's Zoning Ordinance defines kennel as *"Any location where more than three dogs, cats or other animals are kept for commercial or noncommercial purposes. This definition does not include litters of animals of not more than four months of age."* Through the years, this definition has been used by Code Enforcement to limit the number of dogs or cats that could be located within a single dwelling unit.

According to Section 908.1, Uses accessory to dwellings, a private kennel is permitted as an accessory use *"in any R-12, R-15, R-22, R-43 or ER zoning districts for no more than three dogs or cats four months of age or older. A permitted kennel shall not be maintained in such a way as to constitute a nuisance to any adjoining property."* For some reason, the zoning designations identified within this ordinance section did not include all areas zoned for residential use.

Staff is recommending that this ordinance section be changed such that it would be applicable to all areas zoned for residential use. The purpose of this amendment would be to limit the number of dogs or cats that could be kept within residential areas. The keeping of animals within the ER Estate Residential and the AR Agricultural Reserve zoning districts would remain the same, as these districts have strict restrictions as to where animals can be located.

At their meeting on January 28, 2008, the Planning Commission voted unanimously to forward the proposed amendments to City Council with a recommendation that they be approved (Attachment "B").

<u>Budget impact:</u>

There is no budget impact associated with this request.

Ordinance Number ______

AN ORDINANCE TO AMEND ARTICLE IX, SECTION 908, ACCESSORY USES, OF THE PEACHTREE CITY ZONING ORDINANCE, TO ESTABLISH RESTRICTIONS FOR PRIVATE KENNELS WITHIN RESIDENTIAL ZONING DISTRICTS, AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City that:

Section 1. Article IX, Section 908, Accessory uses, specifically (908.1) Uses accessory to dwellings, paragraph (d), be amended as follows:

Sec. 908 Accessory uses.

(908.1) Uses accessory to dwellings:

~~(d) Private kennel in any R-12, R-15, R-22, R-43 or ER zoning districts for no more than three dogs or cats four months of age or older. A permitted kennel shall not be maintained in such a way as to constitute a nuisance to any adjoining property.~~

(d) Private kennel in any zoning district designated for residential use, with the stipulation that no more than three dogs or cats (total) four months of age or older shall be kept on a single premise at any one time. A permitted kennel shall not be maintained in such a way as to constitute a nuisance to any adjoining property.

The keeping of animals as identified within the ER and AR zoning districts shall abide by regulations established within those districts.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. 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 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 may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _________ day of _________________________ 2008.

____
Harold K. Logsdon, Mayor

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Attest: _____________________________________
City Clerk

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION MEETING
January 28, 2008

PH-08-03 **Proposed Amendment to Article XI, Section 908, Accessory uses of the Zoning Ordinance, addressing private kennels in residential areas.**

Mr. Rast stated the city's Accessory Use ordinance permitted private kennels within specific zoning districts. He also stated the zoning designations identified within the accessory use ordinance did not include all areas zoned for residential use within the city, which was creating enforcement issues for the city's Code Enforcement officers.

Mr. Rast stated in some subdivisions, primarily those zoned GR General Residential, there were some homes with six or seven dogs or cats which was creating a nuisance for the neighbors as well as the neighborhood in general. Because the GR zoning ordinance was not listed within the accessory use ordinance, there was no code violation to address.

After reviewing this section of the ordinance with Code Enforcement and the City Attorney, Staff was recommending an amendment so that it would be applicable to all areas zoned for residential use. The proposed amendment would limit the number of dogs or cats that could be maintained on a residentially-zoned lot to no more than three dogs or cats four months of age or older. He also stated that there should be the addition of language stating that a permitted kennel shall not be maintained in such a way as to constitute a nuisance to any adjoining property. Also, the keeping of animals within the ER Estate Residential and the AR Agricultural Reserve zoning districts would remain the same, as these districts have strict restrictions as to where the animals could be located.

Ms. Lynda Wojcik, a resident of Peachtree City, asked what would happen to the residents currently housing four to five dogs, and whether or not those animals need to be removed immediately or would they be grandfathered. Mr. Rast responded that depending on the nuisance, there may be immediate action or a time limit to reduce to three animals.

Ms. Wojcik went on to say that she felt that there was already a problem with unwanted animals and that she felt the animals should be grandfathered in and not be replaced at their time of passing.

Mr. Mullin stated that if the number of dogs or cats was not a nuisance to the neighbors, it was likely that no one would complain. If these situations did become a nuisance, the code enforcement would now have an ordinance to refer to when issuing a warning and/ or citation.

Mr. Rast stated that Staff would certainly try to work with the property owner if removing the animals became a burden, but they also needed to protect the neighborhood as a whole if the animals became a nuisance. He also stated he would speak with the City Attorney to make sure there were no issues with this approach.

After discussion, a motion was made by Mr. Roach, seconded by Mr. Scott, and unanimously adopted that the proposed amendments to Article IX., Section 908, Accessory uses of the Zoning Ordinance, addressing private kennels in residential areas be forwarded to City Council with a recommendation that it be approved.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council Members**

VIA: **City Manager**

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

DATE: **February 13, 2008**

SUBJECT: **Proposed amendments to Article XII, Appeals, of the Peachtree City Zoning Ordinance, amending and establishing procedures for submitting, reviewing and granting requests for variances and appeals, and for other purposes.**
February 21, 2008 City Council meeting

Recommendation:

Staff recommends that Council adopt the proposed amendments to Article XII, Appeals of the city's Zoning Ordinance, specifically to refine the procedures for submitting, reviewing and granting requests for variances and appeals (Attachment "A").

Discussion:

The city's Zoning Ordinance includes established variance procedures which allow an applicant to apply for relief from specific requirements within specific sections of the ordinance. For instance, an applicant may apply for a variance from a specific zoning ordinance to allow a building to encroach into a minimum building setback established within that ordinance section.

At last year's City Council Retreat, Staff was asked to review our existing variance process to determine if enhancements could be made to the criteria used to either grant or deny a variance request. Staff researched variance procedures from several jurisdictions and found that many included specific criteria that Staff and Council evaluated when reviewing variance requests.

The city's current variance process allows an Applicant to request either an Administrative Variance or a Variance, depending on specific circumstances. An Administrative Variance is typically a "housekeeping" process and is used to clear up situations where older structures may have been constructed within a building setback. Variances are typically granted for extreme hardship cases only, but not for "self-induced" hardships. It is not envisioned this would change with the proposed amendments to the variance process.

Staff is proposing amendments to both the Administrative Variance and Variance process, primarily in the criteria used to review each application. Administrative variances would still be reviewed by a committee consisting of the Zoning Administrator, City Manager and a representative from City Council. Variances would be reviewed by City Staff and City Council.

In addition, Staff is suggesting the creation of a Special Exception Variance, whereby an Applicant may request relief from specific criteria identified within the Zoning Ordinance. This type of variance would be applicable if an Applicant desired to encroach into an established building setback only if the property abuts city-owned greenbelt or open space; reduce the number of parking spaces from the minimum required; or install a fence higher than typically permitted. Again, specific criteria would be established in order to qualify for this type of variance.

The proposed amendments have been discussed in two workshops with City Council and the comments received from these workshops have been incorporated into the proposed ordinance. In addition, the amendments were discussed in a Public Hearing at the January 28, 2008 Planning Commission meeting, at which time they voted unanimously to forward the proposed amendments to City Council with a recommendation that they be approved (Attachment "B").

Budget impact:

There are no budget impacts associated with this request.

Attachments

Ordinance Number _____

AN ORDINANCE TO AMEND ARTICLE XII, APPEALS OF THE PEACHTREE CITY ZONING ORDINANCE TO AMEND AND ESTABLISH PROCEDURES FOR SUBMITTING, REVIEWING AND GRANTING REQUESTS FOR VARIANCES AND APPEALS, AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City that:

Section 1. Article XII, Appeals of the Peachtree City Zoning Ordinance be repealed in its entirety and replaced as follows:

ARTICLE XII. Variances and appeals.

Sec. 1201. Purpose

The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance is a request for relief from the provisions of the Zoning Ordinance. The power to grant a variance does not extend to use restrictions established within a particular zoning district.

Sec. 1202. Application

An application for a variance may be submitted only by the owner of the property for which a variance is desired or his authorized agent. Application requirements shall be as described herein.

Variances may be considered in all districts and shall only be granted upon showing that:

(a) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,
(b) The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

Sec. 1203. Variance type.

The Zoning Administrator shall determine the type of variance required, and shall classify the request as:

(a) Administrative variance
(b) Special exception variance

(c) Variance.

Sec. 1204 Administrative variance.

Review and approval of a Request for an Administrative Variance shall be administered by a special administrative variance committee consisting of the Zoning Administrator, the City Manager and a member of City Council. Applications may be considered only if the following requirements are met:

(a) The request only pertains to a zoning setback requirement;
(b) The request only pertains to an existing setback violation;
(c) The request is for an encroachment that would not exceed 25 percent of the required setback, up to a maximum of ten feet;
(d) The setback violation being requested has been existing for at least one year; and,
(e) The property owner making the request is not the same property owner who was responsible for the violation.

In reviewing the application, the administrative variance committee shall analyze the application to determine whether granting the request would cause substantial detriment to other property owners in the surrounding area or would impair the purposes of the zoning ordinance. If it is found that the request is in conformance with these requirements and does not adversely affect the area, the administrative variance committee shall issue an official determination in writing approving the request. The property owner, the city clerk, and the building official shall be provided with a copy of this determination.

If it is found that the request is not in conformance with these requirements or may possibly have an adverse effect on the surrounding area, the administrative variance committee shall deny the appeal in writing, stating the reasons for the denial.

The administrative variance committee shall act on all appeals within fifteen (15) working days after the application is deemed complete by the Zoning Administrator.

If a request for an administrative variance is denied by the administrative variance committee, the property owner may appeal this decision to the City Council in accordance with the procedures identified herein.

Sec. 1205 Special exception variance.

A special exception variance is recognized as having a potential impact on only the immediate neighborhood and adjoining properties. Review and approval of special exception variance requests shall be administered by the Zoning Administrator, City Staff (as applicable), the Planning Commission and City Council.

A special exception variance may be considered for only the following:

(a) A decrease of not more than 25 percent of the minimum building setback; provided that the property line in question and the associated building setback adjoins a city-owned greenbelt or open space and there is no other possible location on the property that would accommodate the proposed building expansion without encroaching into the established building setback.

(b) A decrease of not more than 25 percent in the minimum number of parking spaces required by the city's parking ordinance; provided the applicant identifies on the site plan where this parking would be located if needed in the future.

(c) An increase in the maximum height of a fence or wall; provided that,
   (1) such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the surrounding neighborhood; or,
   (2) such greater height is justified by requirements for security of persons or property in the area; or,
   (3) such greater height is justified for topographic reasons; or,
   (4) such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

In no case shall a special exception variance be granted from the conditions of approval imposed on a parcel through a zoning change granted by the City Council.

Sec. 1206 Variance.

A variance is recognized as having potential impact on the larger area and may affect enforcement of the Zoning Ordinance elsewhere in the city. A Request for Variance shall be reviewed by the Zoning Administrator, City Staff (as applicable), and City Council.

Sec. 1207 Review criteria.

In reviewing a Request for a Variance, the City Council shall not grant the request unless all of the following findings can be made:

(a) There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;

(b) The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Ordinance, or would deprive the Applicant of privileges granted to others in similar circumstances;

(c) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property which preclude the applicant from complying with this ordinance and that do not apply generally to other property in the same zoning district and which prevent the applicant from complying with existing regulations;

(d) The granting of such variance will not constitute the granting of special privileges inconsistent with the limitations on other property in the same zoning district; and

(e) The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located.

(f) The granting of such variance will not create inconsistencies with any objective of the Comprehensive Plan.

If it is found that the request is not in conformance with these requirements or may possibly have an adverse effect on the surrounding area, the City Council shall deny the request in writing, stating the reasons for the denial.

Sec. 1208 Filing procedure

All variance applications shall be filed with the Zoning Administrator on forms provided by the Zoning Administrator.

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

An application fee, as established within the city's Schedule of Fees, shall accompany each variance application.

Upon receiving an application, the Zoning Administrator shall have no less than ten (10) working days to review the application for compliance with these requirements. Once the application is deemed complete, the Zoning Administrator shall schedule Public Hearings with the Planning Commission and/ or City Council (as appropriate). Such hearings shall take place within forty five (45) days after the application is deemed complete.

A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 10 days prior to a Planning Commission meeting and not less than fifteen (15) days prior to a City Council meeting, as appropriate.

A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear not less than ten (10) days prior to a Planning Commission meeting and not less than fifteen (15) days prior to a City Council meeting, as appropriate.

At the public hearing, the applicant may appear in person or be represented by an agent or attorney.

Sec. 1209 Limitations on authority.

The authority and jurisdiction of individuals as provided herein shall be limited as outlined in the following. In exercising this jurisdiction, each individual shall have authority to determine whether it has jurisdiction.

(a) There shall be no variances to permitted uses or accessory uses as specified in the zoning district regulations, administrative/ use permit or conditions of approval imposed on a parcel through a zoning change granted by the City Council.

(b) There shall be no variances to the minimum lot area or the minimum district size requirements in each zoning district.

(c) There shall be no variances to the minimum lot frontage on a street as required in designated zoning districts.

(d) There shall be no modification to increase the density or change the use approved under the zoning case except as to allow the development of a conservation subdivision.

(e) There shall be no modification to revise a site plan that, as determined by the Planning Commission and/ or City Council, results in a significant change in the approved concept.

Sec. 1210 Appeal procedures.

Appeals to the City Council based on decisions of the Zoning Administrator (Administrative Variance) shall be filed with the City Clerk in writing and shall clearly specify the grounds for the appeal. All documents constituting the record of the action which is being appealed shall be transmitted to the City Council by the City Clerk.

(a) Action shall not be initiated on the same appeal by the same applicant more than once in every 12 months.

(b) Any communication relative to an appeal will be regarded as information only until a proper application is filed with the City Clerk.

(c) An application fee, as established within the city's Schedule of Fees, shall accompany each Request for Appeal.

(d) Before acting on any appeal, the City Council shall hold a Public Hearing as described herein.

(e) The City Clerk shall place notice of the time, place, and subject matter of the hearing in the newspaper of general circulation which serves as the legal organ for the city not less than fifteen (15) days prior to the hearing.

(f) The process of advertising the public hearing, holding the public hearing, and rendering a decision on the appeal shall not be unduly delayed.

Sec. 1211 Appeals of City Council decision or action.

Any person or persons severally or jointly aggrieved by any decision on any appeal for variance may appeal such decision to the Superior Court of Fayette County by Writ of Certiorari.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. 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 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 may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _________ day of _______________________ 2008.

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Harold K. Logsdon, Mayor

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Attest: ________________________________

City Clerk

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION MEETING
January 28, 2008

PH-08-01 **Proposed amendments to Article XII, Appeals of the Zoning Ordinance updating procedures for review and approval of variances and appeals.**

Mr. Rast stated that at the City Council Retreat, Staff was asked to review the existing variance process to determine if enhancements could be made to the criteria used to either grant or deny a variance request. As Staff researched the variance procedures from other jurisdictions and agencies, it was determined that criteria should be included when reviewing variance requests.

Mr. Rast stated that an applicant could currently request either an Administrative Variance or a Variance.

The Administrative variance was created for situations where someone other than the original homeowner had purchased a home and the property contained a setback issue. Through the years, the city had received a number of building permit applications, and it was found that the existing structure did not comply with the required building setbacks. The majority of these situations were when the home was more than 10 years old and the city did not require foundation surveys prior to this. This administrative variance process was created to "clean up" these encroachments and not penalize the current property owner. Specific criteria was established in order to apply for an administrative variance and, if the encroachment does not meet these requirements, the application would be required to go before city council as a full variance.

Mr. Rast stated that the process for Administrative Variances would remain the same. Administrative variances would be reviewed by a committee consisting of the Zoning Administrator, City Manager and a representative from City Council.

Mr. Rast stated that the full variance, would typically apply to an applicant who had built into the setback without going through the building permit process or proposed to build into the setback. The full variance would still be reviewed by the Zoning Administrator, Staff and City Council.

In addition to amendments to the administrative variance and variance process Staff was proposing a Special Exception Variance. This would be geared towards property owners who abut the city-owned greenbelt and would not be able to expand their home without encroaching into an established building setback. A Special Exemption Variance would be considered only if there was a decrease of not more than 25 percent of the minimum building setback provided that the property line and the associated building setback adjoined a city-owned greenbelt. At the workshop, the City Council suggested that there had to be no other place on the property to expand the building.

The Special Exemption Variance would also apply to an applicant with a site plan, who wanted to decrease the number of parking spaces required by the city's parking ordinance. This variance would also apply to those seeking to increase the maximum height of a fence or wall as long as the request met specific criteria.

The Special Exemption Variance would be reviewed by the Zoning Administrator, Staff, Planning Commission and City Council.

Mr. Rast went on to state that the Special Exemption Variance would only impact the residents on each side of the applicant.

Ms. Phyllis Aguayo, a Stoneybrook resident came forward to state that the citizens were never pleased with cluster neighborhoods or their proximity to city-owned greenbelts. She was appalled to know that a variance was being presented that would depreciate the value of the buffers. She was also concerned that neighbors would not comfortably complain about a neighbors' expansion. This would set a negative precedent.
Mr. Mullin stated that there was difference in a buffer and a setback and wondered if that was being made clear. Mr. Rast responded that they would not be encroaching into the city-owned greenbelt. The only way a property owner in this situation would request a special exemption variance was if the encroachment did not 25% of the minimum building setback, which in this case would be no more than 7.5'. In addition, there was no other location on the property where the addition could be built without encroaching into a building setback.

Ms. Lynda Wojcik, a Peachtree City resident came forward to state that she was against the special variance. She stated that in several neighborhoods the property lines were close to the cart paths. She felt that any encroachment would be an impact on the property. Ms. Wojcik also felt that if someone was interested in purchasing property and were interested in expanding their property it should not be the responsibility of the city to aide that. The option was there to sell your home and purchase a larger one.

Mr. Rast stated that he did agree but City Council hoped that the proposed variance would allow and encourage residents within the older subdivisions to maintain or enhance their homes, which in turn would increase property values.

Mr. Brian Dingivan, a Wilshire Estates resident came forward to ask how 25% was from the original property line. Mr. Rast responded that each neighborhood had setbacks that were determined by the zoning. The minimum set back would not change just the ability to request a variance to build into the setback.

Mr. Rast also stated that through the years the city had received requests from property owners who wanted to enclose an existing deck or patio and were prohibited from doing so because the deck or patio encroached into the minimum building setback. The city considered anything over 30" as a structure, which prevented many property owners from doing this. This variance would allow residents to utilize their outside space.

Ms. Wojcik again came forward to state that there were ordinances within the city that required property owners to maintain their property. She said there was no need to have to expand into the greenbelt. She felt that the proposed variance would be "too easy".

Mr. Mullin stated that steps had not been taken out of the reviewing process and now there would be more areas involved. Mr. Rast agreed and stated that each application would be analyzed on a case by case analysis of what was being requested and the impact it would have on the immediate surroundings. He did not see the granting of a special exception variance as setting a precedent, as each application should be reviewed on its own merit.

The Chairman chose to continue the discussion to include the following public hearing since the two items were similar.

PH-08-02 Proposed amendments to Article XIII, Appeals and Variances of the Land Development Ordinance updating procedures for review and approval of variances and appeals.

Mr. Rast explained that the appeals and variance process that was currently established within the Land Development Ordinance would limit an applicant to requesting a variance or appealing the decision of the Planning Commission or Staff to City Council.

The Land Development Ordinance identified a process for an Applicant to request a variance from various ordinances such as landscaping, tree protection, stormwater etc. This would allow an Applicant or a property owner affected by a decision of city staff or the Planning Commission to appeal the decision to City Council in a Public Hearing.

Mr. Scott asked if a property owner lived more that 300' from a property in question, would be able to file an appeal. Mr. Rast stated that if the Planning Commission took action on a site plan and a resident living within 300' opposed the plan they could appeal the decision. If the property owner lived more than 300' from the development, they could not file a formal appeal.

After discussion, a motion was made by Mr. Scott seconded by Mr. McCann, and unanimously adopted that the proposed amendments to Article XII Appeals of the Zoning Ordinance updating procedure for review and approval of variances and appeals and the proposed amendments to Article XIII, Appeals and variances, of the Peachtree City Land Development Ordinance, amending and establishing procedures for submitting, reviewing and granting requests for variances and appeals, and for other purposes both be forwarded to City Council with a recommendation that it be approved.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**

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

DATE: **February 13, 2008**

SUBJECT: **Amendment to Article X, Requirements by District, Section 1006.5(f), Maximum building height, specifically to provide for maximum building heights within the GC General Commercial zoning district.**
February 21, 2008 City Council Agenda

Recommendation:

Staff recommends that Council adopt the proposed amendment to Article X, Requirements by District, Section 1006.5(f), Maximum building height, specifically to provide for maximum building heights within the GC General Commercial zoning district (Attachment "A").

Discussion:

When the amendments establishing procedures for reviewing large retail developments within the GC zoning district were adopted on March 2, 2006, City Council also included an amendment to establish the maximum building height within the GC zoning ordinance to no more than 35' above finish grade.

Up until that date, this portion of the ordinance stated:

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

Staff recently discovered the adoption of this amendment has resulted in several existing buildings being nonconforming with the current height restrictions. It also prevents all new buildings within most retail and commercial areas from exceeding 35' in height. Through the years, buildings within the GC zoning district could exceed 35' in height as long as they were approved by the fire department through the site plan review process. It appears that many buildings exceeding 35' in height were reviewed and approved during this time.

This issue surfaced during a recent Planning Commission workshop where site plans and building elevations for two new hotels were being discussed. Both projects would be located within the GC zoning district, which would limit the building height to no more than 35'. Each building was proposed at three stories in height, with an approximate building height of 60' from finish grade to the ridge line of the roof.

Staff researched the architectural plans for many of the retail and office buildings approved during the past few years, and found a significant number exceed 35' in height. Staff also researched building heights identified in each of the city's zoning ordinances and found that some zoning districts would still permit a 10-story building. We are currently reviewing each of our zoning classifications and will be bringing various ordinance amendments to City Council to ensure consistency between each of the zoning districts.

In discussing the height issue with the Planning Commission, it was felt that the review of buildings that exceeded a specified height should not only be based on the height, but the actual design and aesthetics of the building. Several members of the Planning Commission recommended that Staff research and propose enhancements to the city's Design Guidelines Ordinance pertaining to building height. These proposals were presented to the Planning Commission in a workshop format on October 22, 2007 and were well-received.

Staff initially recommended that the building height be increased to no more than 60' in height, with the stipulation that if a building exceeded 60' in height, the Applicant would first meet with the Fire Marshal and the Building Official to determine if the building, circulation and site layout met Fire and Building Codes. Additionally, if the building exceeded 35' in height, the Applicant would also be required to submit schematic building elevations to Staff and the Planning Commission as a part of the conceptual site plan review process. These elevations would be reviewed in conformance with the proposed amendments to Section 726 of the General Design Guidelines Ordinance.

The Planning Commission initially voted to recommend that the proposed amendments be forwarded to City Council with a recommendation that they be approved (Attachment "B"). These recommendations were presented to City Council on November 1, 2007, at which time Council expressed concern with the proposed amendment (Attachment "C"). Staff was asked to research the issue further and present additional recommendations to City Council.

At a workshop on January 8, Staff presented a proposal to Council that would establish a maximum building height of 35'. If an Applicant desired to construct a building taller than 35', the Applicant would first have to request that the property be rezoned to accommodate the additional height. This would provide Staff and the Planning Commission the opportunity to review specifics of the building design prior to forwarding a recommendation to City Council.

There appeared to be a consensus that, even with a rezoning, no building should exceed 60' in height.

As a part of the rezoning process, the Applicant would meet with the Fire Marshall and the Building Official to review site access and life safety issues. In addition, the site plan and schematic building elevations would be reviewed by the Planning Commission in accordance with the city's Design Guidelines Ordinance. The results of these reviews would be presented to City Council for deliberation as a part of the rezoning.

Budget impact:

There is no budget impact associated with this request.

Ordinance Number ______

AN ORDINANCE TO AMEND ARTICLE X, REQUIREMENTS BY DISTRICT, SECTION 1006.5 (f), MAXIMUM BUILDING HEIGHT, OF THE PEACHTREE CITY ZONING ORDINANCE TO PROVIDE FOR MAXIMUM BUILDING HEIGHT RESTRICTIONS WITHIN THE GC GENERAL COMMERCIAL ZONING DISTRICT, AND FOR OTHER PURPOSES

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City that:

Section 1. Article X, Section 1006.5, Other requirements, paragraph (f), be amended as follows:

Sec. 1006.5 Other requirements

~~(f) Maximum building height: The height of all buildings shall be limited to no more than 35 feet above finish grade.~~

(f) Maximum building height: The maximum height of all buildings shall not exceed 35' in height from finish grade to the ridge line or the tallest portion of the roof without first rezoning the property. In no case shall the maximum height of a building exceed 60' in height from finish grade to the ridge line or the tallest portion of the roof.

As a part of the rezoning process, the proposed site access, site circulation and building design details regarding the overall building layout, proposed construction methods, and overall fire protection plan shall be reviewed and approved by the Fire Marshal and Building Official in accordance with current fire and building codes. The Fire Marshal and Building Official may impose additional or alternative requirements to include, but not limited to, the type of building, construction type and/ or the planned occupancy and use of the building and overall life safety considerations.

In addition, City Staff and the Planning Commission shall review the building elevations in accordance with the city's Design Guidelines Ordinance.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. 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 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 may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this ______ day of __________ 2008.

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Harold Logsdon, Mayor

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Attest: ______________________________
City Clerk

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION MEETING
October 22, 2007

PH-07-13 **Proposed Amendment to Article X., Section 1006, GC General Commercial District, providing for the addition of specific criteria addressing maximum building heights.**

Mr. Rast stated that at the last Planning Commission meeting, Staff was asked to expand upon the design guidelines that were adopted several months ago and develop specific criteria for reviewing the architectural design of buildings that exceeded a specific height.

Mr. Rast stated that in reviewing the zoning ordinance, he felt that the language addressing building height and massing was not appropriate for that section.

Mr. Rast stated if architectural design was being addressed, the appropriate area to include the language would be in section 725, under Architectural design. He also added a section (Sec. 726), to specifically address building height and massing. Any questions would refer to this section.

Mr. Scott approved of the addition stating that if a building exceeded 35' in height, a schematic building elevation would be required. He felt that incorporated the earlier discussions. He also felt there was a problem regarding the distance from the road and that this language should be clarified. Mr. Rast replied that although not previously included, guidelines would now be in place for any development or redevelopment within 500' of Highway 54 or 74 or any scenic road.

Mr. Scott asked if this would give the Planning Commission more say in the architectural design. Mr. Rast responded that it would.

Mr. Staples stated that Division 4 did not refer to the trees, coverage or buffers and wondered if there was a reason that was not expanded upon.

Ms. Lynda Wojcik, a resident of Peachtree City, stated that she had spoken with several neighbors who were concerned about the removal of trees. She felt that pine trees should be looked at as closely as specimen trees and that there should be a clause addressing all trees that were 20' or higher. Trees were being cut prior to the property being sold.

Mr. Daniel Klinger, a resident of Peachtree City, came forward and asked if the need to increase to 60' was due to the new hotels that were being proposed. Mr. Rast responded that the primary reason this was being addressed was that for years within the GC General Commercial zoning district, the maximum building height was ten stories with a requirement for review by the Fire Department if the building's height exceeded 35'. Several buildings in GC were built according to those standards. He also stated that City Council made an amendment making the building

Attachment "B"

heights no more than 35' which then made some of the existing buildings nonconforming. Mr. Rast also stated that Staff wanted to create consistency between GC and OI Office Institutional. There were still areas where a plan could be submitted to build a ten-story building and the City would not be able to challenge that.

Mr. Klinger also asked whether the plan would not be approved if the Fire Marshall felt the building was not accessible with current city equipment. Mr. Rast responded that several requirements would need to be met for the Fire and Building Departments.

Mr. McKernan, another resident of Peachtree City, reminded staff that height should be reviewed by the Federal Aviation Administration (FAA). Mr. Rast responded that buildings around the airport already required approval from the Fire and Building Departments along with FAA approval.

Mr. Staples stated that he liked all of Staff's additions but felt that the treescape issue was not being addressed.

Mr. Mullin stated that there were separate issues regarding what could be done for buildings that went above the tree line. He was also pleased that developers would now have to get architectural approval for buildings over 35'. The pine trees were providing a buffer when used properly.

Mr. Rast stated that in the Vegetation Protection and Landscape Ordinance, developers had minimal criteria as to what had to be provided on the site. He also stated that 20 years ago when buildings like the Wyndham were built, the current tree coverage was not there. The developer left enough room for the trees that were planted to mature and spread out. This was not seen for several years but with the new ordinance that was being seen again. Mr. Rast stated that if a site was redeveloped, they would have to bring the site into compliance with the ordinances.

Mr. Mullin stated that when the Delta Employees Credit Union property was purchased, there were no trees on the property. There was a perception that Staff and Council allowed them to cut down all of the trees but that was not the case. Mr. Rast stated that the trees that had been planted on the site would not provide a dense buffer but there would be a nice cluster of trees when matured.

Mr. Mullin stated that each site was unique. The lots on the Commerce Drive property were not selling due to the amount of rock on the site. This was the reason the developer received approval to clear cut the property.

Mr. Rast stated that one of his biggest disappointments during his tenure with Peachtree City was the way the Department of Transportation removed the trees on Highway 74. He felt this was the opportunity to recreate and reestablish that corridor.

Excerpt from approved minutes
Planning Commission meeting
October 22, 2007

Mr. Staples asked when the median trees would be installed on Highway 54. Mr. Rast stated that the City did not have funding and would have to apply for grant funding. If approved, it would be addressed then.

Mr. Rast stated that more changes would come at a later date. The building height was all that was being addressed at this meeting.

After discussion, a motion was made by Mr. Staples, seconded by Mr. Scott, and unanimously adopted that the proposed amendment to Article X., Section 1006 GC General Commercial District, providing for the addition of specific criteria addressing maximum building heights be forwarded to City Council with a recommendation that it be approved.

EXCERPT FROM MINUTES
CITY COUNCIL MEETING
November 1, 2007

10-07-12 Public Hearing – Consider Amendment to Art. X, Sec. 1006(f), GC Commercial District Regarding Maximum Building Heights

City Planner David Rast noted that a large part of the amendments were housekeeping items and an introduction to proposed amendments to the Design Guidelines Ordinance. He said that when the zoning ordinance was adopted in 1977, the GC district set the maximum building height at 10 stories, with buildings over 35 feet having to be approved by the Fire Marshal. The language stayed in the ordinance until the Special Use Permit amendments were made to the GC zoning requirements. The maximum height was now limited to 35 feet, which made many buildings nonconforming. Rast showed photos of some of the more recent buildings now considered nonconforming because they no longer met the maximum height requirement. (A copy of the presentation is included in the official meeting file.) The new hotel developments would have buildings that were 55 to 60 feet tall, which would have been permitted prior to the last ordinance amendments.

Rast continued that the maximum height for the majority of residential zoning districts was 35 feet. There was no limit for the Agricultural Reserve (AR) district. Industrial zoning districts allowed taller buildings because of the nature of the buildings, as long as they were approved by the Fire Marshal, the Building Department, and the Federal Airport Administration (FAA). One zoning district allowed 10 stories; there was no continuity in what was allowed. Eventually, Rast said staff planned to bring to Council recommendations to establish a 60-foot height limit on buildings in GC, OI, and LUC zoning districts, which would keep the new buildings consistent and bring the nonconforming buildings into compliance. Instead of opening the door for taller buildings, there would also be criteria to bring the elevations to the Planning Commission to help design the façade of the building. The proposed amendments would require the Planning Commission to review the architecture as part of the conceptual site plan process. The Planning Commission was also considering amendments dealing specifically with height to the Design Guidelines Ordinance, which was adopted approximately 18 months ago.

Rast said the Planning Commission had a number of workshops on the height restrictions and had two public hearings. The Planning Commission recommended approval, with the understanding that the ordinance amendments to the Design Guidelines would be adopted, so there would be more flexibility in reviewing the buildings and elevations when they came in.

The only resident who spoke during the public hearing was Lynda Wojcik, who said it was very necessary to have height restrictions, especially as the City would be redeveloped and the fact that the City already had 60-foot buildings. The design guidelines proposal should also be looked at.

Kourajian said he did not disagree with much, but he was struggling with 60 feet and wanted to keep the limit at 35 feet. The taller buildings were grandfathered. Builders could come and ask for a variance for any building over 35 feet. He did not see a need for an upper limit of 60 feet, which could encourage some to build taller buildings. Rast said that, until the ordinance changed a year ago, GC zoning allowed 10 stories, with Fire Marshal approval required for buildings over 35 feet tall. No one wanted to see a 10-story building. The 60-foot limit brought what had been approved under the original ordinance into compliance and established a threshold of 60 feet. They had also looked at the average height of the trees. The Planning Commission did not want the buildings to be taller than the canopy of trees around them. Fire Marshal John Dailey said a 60-foot tall building was equal to a six or seven-story building. Any buildings taller than that would be harder for the fire apparatus to reach. Kourajian said that he was hearing the limit should be 60 feet because the tallest building was 60 feet. By changing the limit to 60 feet, they would be inviting builders to come in with 60-foot buildings. Meeker said the maximum height limitation was based on the current fire apparatus and what they could handle. Rast clarified that 10-story buildings were no longer allowed in GC zoning, but 10-story buildings were allowed in OI under the current ordinance.

Plunkett agreed with Kourajian. She was more inclined to keep the building maximum height at 35 feet. If the ordinance had a 60-foot limit, then they would be discussing 70-foot buildings. She liked the design guidelines and tightening up the review standards. She saw no reason to change the limit.

Boone said the amendments would bring current buildings into compliance. Any plan had to go the Planning Commission if it exceeded 35 feet. The proposed amendments tightened the ordinance and gave the City a chance to say yes or no. Plunkett asked why it was a problem to have nonconforming buildings. Meeker pointed out that the City made the buildings nonconforming by the changes made to the ordinance 14 months ago. Rast added that the buildings had complied with the former ordinance when they were built. Boone said the proposed amendment cleaned up the ordinances.

Harman clarified that change required the buildings over 35 feet to be approved by the Fire Marshal and to go to the Planning Commission for the design. Rast said that was correct. Rast said, if the building was over 35 feet, they must also bring in a design element as part of the conceptual site plan review by the Planning Commission. It would prevent buildings with three stories of efis. There would be specific guidelines on how a building should look.

Kourajian asked Rast what the current process was for a building over 35 feet. Rast said that buildings over 35 feet had to get a variance from Council. Kourajian said he liked that. He did not want Council to abdicate its approval authority. Rast said that the Planning Commission was charged to monitor the aesthetics of the City. There were trained architects and engineers on the Planning Commission. He was hesitant to bring buildings to Council for aesthetic review when they were not trained for it. Kourajian said he did not disagree with that. Rast said it was an effort to bring continuity to areas throughout the City. There were very few tracts left that would suit taller buildings due to the required parking and landscaping. Any building taller than 35 feet would need a much larger site because of the increased parking requirements, which pushed them away from the major thoroughfares. The increased height of a building reduced the developable footprint of the property and increased the stormwater requirements.

Harman agreed that no one currently on Council was a trained architect, but that was only one small part of the decision-making process. The recent Kohl's proposal had been approved unanimously by the Planning Commission, but it would not have been approved by Council. In that situation, the citizens' representatives would not have agreed with what would be presented. The Planning Commission would do the architectural review and put everything in laymen's terms for Council to understand. The plans still needed to come to Council for a variance for the height. Rast said that made sense, but clarified that the Planning Commission had reviewed the Kohl's plan during a workshop, but had not taken a formal vote.

Logsdon asked Rast what would happen if Council did nothing. Rast said there were two sites, the Hilton Garden Inn and the Fairfield Inn, where the Planning Commission had approved the conceptual site plans contingent on Council's approval of the proposed amendments. If the amendments were not approved, those developments would have to start the variance process. Rast said he could bring the original elevations of the Hilton Gardens to the next meeting so Council could see how the proposed amendments and design guidelines had worked on the project.

Plunkett said she did not want Council to be the Planning Commission; however, both needed the opportunity to look at plans and make determinations. She did not support 60 feet. It would raise the threshold, and everyone would want 60 feet. Rast noted that the current building height limit in GC zoning was 35 feet and 10 stories for OI zoning. Plunkett said a 60-foot building could be built, but they should jump through the hoops. Boone said they needed to bring continuity and conformity to the buildings and the ordinances. Plunkett said the nonconforming buildings could be labeled and included in the ordinance. Meeker said the existing buildings were already grandfathered by the operation of law. A nonconforming use could not be expanded, which meant the owners would not be able to expand if they needed to. Meeker said they could bring back another amendment. Boone said they should bring back an amendment with different language.

The proposed amendment died from lack of a motion.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**Mayor & Council Members**
VIA:	**City Manager** Bernard M. Mulle **Financial Services Director** P.G.
FROM:	**Acting Administrative Services Director / City Clerk**
DATE:	**January 31, 2008**
SUBJECT:	**Request for Funding from Fayette Senior Services** ***February 21, 2008, City Council Agenda***

Recommendation:

That Council consider approving the request from Fayette Senior Services for $7,500 in City funding and authorize Mayor Logsdon to sign the agreement for services.

Discussion:

Fayette Senior Services has submitted the attached request for $7,500 in funding assistance from the City of Peachtree City (attachment 1). As required in CAR 8-3, Fayette Senior Services has included with their request a copy of the latest completed Form 990 tax filing. The City has, for the past several years, provided $7,500 in annual funding to Fayette Senior Services and this amount has been included in the City's FY08 budget. Debbie Britt, Executive Director, will be at the Council meeting to answer any questions you may have. Should Council approve this request, both the City and Fayette Senior Services must sign the annual agreement indicating what services are provided (attachment 2).

In addition to the $7,500 requested annually, Fayette Senior Services requested additional funding in the amount of $16,231.87, to help defray increased operational costs. The amount requested reflects the proportional service to Peachtree City residents. This amount was not included in the FY 2008 Budget, and would require a change to CAR 8-3 on funding for non-profit organizations.

Staff will be placing CAR 8-3 on an agenda in March for discussion on funding amounts as the FY 2009 budget is developed.

Budget Impact:

The budget impact to the City would be $7,500, and funds have been included for this item in account 100-1505-57-2020.

Attachments

Fayette Senior Services™

390 Lee Street
Fayetteville, GA 30214-2056
Phone: 770-461-0813
www.fayss.org

April 3, 2007

City Council
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

Dear Mayor and Council members:

Re: FY 2008 Funding Request

Ladies and Gentlemen, Fayette Senior Service's (FSS) requests **a continuation budget of $7,500;** however, I must go further and share with you other considerations for funding. *The CAR 8-3 Revised Policy approved several years ago does not address several areas: 1) Cost of services to PTC residents go up (i.e.) Meal cost have risen, Fuel and Maintenance cost to the Fleet have risen, In-Home Services Contract cost have risen, Utilities cost have risen, Salaries cost have risen, etc. 2) Level of Services has expanded to PTC residents 3) Scope of Services has expanded.* The following display is offered for your consideration to adjust FSS's funding above the maximum of $7,500.

FY 2008, FSS Annual Operating Budget		**$841,838**
Less: ExceptionalOPS Agreement for Voucher Transport - Developmentally Disabled	$47,082	
Less: Consideration for Taxes being paid		
Fayette County Funding	$105,631	
Local Governments Funding - FAYV	$17,739.27	
Local Governments Funding – PTC	**$7,500**	
Federal and State Funding through ARC	$378,423	
Less: Consideration for Agency Resources	$152,015	
Sub Total of Adjustments	$708,390.27	
Value Unaddressed by Above Items		$133,447.73
Requested Funding for New Building Utilities – Fay Co.	$40,000	
Sub Total Unaddressed Value by Above Items		$93,447.73
City of Peachtree City Share of Unaddressed Value:		
– Fair Share by Clients of 17.37% = $16,231.87		

The requested amount from City of Peachtree City is:

Continuation -	**$7,500.00**
Unaddressed Value -	**$16,231.87**
Total FY 2008 Request	**$23,731.87**

Programs provided through the FSS's Annual Operating Budget to comply with the Older Americans Act Reauthorized are Information and Assistance, Case Management, Nutritional Meals [Congregate Meals and Home Delivered Meals], Transportation [Fixed Route, Demand Route and Vouchers], Volunteers, Senior Center, In-Home Services [Homemaker and Personal Care], Just Older Youth Club, and Administration. Of these, the Senior Center is the only one that is not covered by the provisions of federal and state resources.

What has changed for FSS is that Peachtree City and Fayette are growing and the 2000 Census data shows Fayette County ages 55 years and up was 18.5% of our population. Fayette led the region with this percentage. **The growth in the 55 years and above during the five years to 2005 increased by 37.40% for Fayette.**

City of Peachtree City population during 2000 was 31,580 in the Census and 2005 was 34,524 in the 2007 County Guide. The results being a growth of 2,944 or 9.32% increase. The 2007 Georgia County Guide reflects that 22.91% of Fayette's population is 55 years old and above. This figure yields for Peachtree City 55 years of age and above, 7,909 [34,524 x 22.91%] in the age group. 55 years of age is the beginning point for emphasizing the active senior's interest and the age group that we must plan for.

Fayette Senior Services is at the cross roads. The future is bright with opportunity in the new Multi-purpose Senior Center. Now, however, all of us must be aware that funding is limited. Essentially, federal and state money is adjusted with the 10 year Census studies resulting in changes to our funding levels around FY 2013. Some state fund growth occurs outside of that formula, but it is targeted.

The 37.40% impact can not continue without increased assistance from local governments.

If I may be of further assistance, please call me at 770-461-0813.

Andy Carden
Executive Director

Funding Request For Non-Profit Organizations

Organization Information:

Organization Name: Fayette Senior Services

Address: 390 Lee Street, Fayetteville, GA 30214

Phone # (770) 461-0813 Fax # (770) 461-2448

Contract Person. Andy Carden

Title: Executive Director

Financial Information:

Total Annual Budget: $841,838

Total Clients Served Annually: 2,024

Peachtree City Residents Served Annually: 633

Funding Request Information.

Funding Amount Requested: $7,500 plus $16,231.87 for a total of $23,731.87

Funding Use(s): To support operational cost of Fayette Senior Services

Additional Information on Organization/Services: An exciting new collaboration is underway with ExceptionalOPS to serve the Developmentally Disabled ages 18 to 59 through the Transportation Voucher Program.

REQUIRED ATTACHMENTS 501 c 3 non-profit organizations must provide a copy of the previous calendar year form 990. Other non-profits must provide a current fiscal year budget.

Date Submitted: 4-5-07

Council Approval Date:

Amount Approved

NUV 05 '19

Department of The Treasury

Internal Revenue Service
EO Group 7404
Suite 1109
401 West Peachtree St.
Atlanta, GA 30365

Person To Contact:
Terry Williams
Telephone Number:
(404)331-3793
Refer Reply To:
EO:7404:NC
EIN:
58-1364158
Date: November 03, 1992

Fayette Senior Services Inc
390 Lee St
Fayetteville GA 30214-2056

Dear Sir or Madam:

We have received the information that you submitted in regards to your organization's change of name, from 'Council of Mature Adult Organizations of Fayette County Inc' to 'Fayette Senior Services Inc.' This information has been made a part of your file.

Your organization shall continue to be recognized as exempt under Section 501(C)(03) and 170(b)(1)(A)(vi) of the Internal Revenue Code, effective as of July 1982. You may rely on this exemption until it is modified, terminated or revoked by the Internal Revenue Service.

Please continue to let us know of any changes in the purpose, character, method of operation, name or address of your organization. This is a requirement for retaining your exempt status.

A copy of this letter should remain in your permanent records, as it may help resolve any questions about your exempt status.

Thank you for your cooperation.

Sincerely,

Terry Williams

Coordinator
Exempt Organizations

Internal Revenue Service
District Director

Department of the Treasury

Date: JUL 16 1982

Employer Identification Number:
58-1364158
Accounting Period Ending:
December 31
Form 990 Required: [X] Yes [ ] No

Person to Contact:
Carman Avery/acw
Contact Telephone Number:
404/221-4516
FFN: 580003994

Council of Mature Adult ~~Citizens~~
Organizations of Fayette County, Inc.
c/o Friendship Center
390 Lee Street
Fayetteville, Georgia 30214

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(1) & 170(b)(1)(A)(vi).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. Also, you should inform us of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact us. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

The box checked in the heading of this letter shows whether you must file Form 990, Return of Organization Exempt from Income tax. If Yes is checked, you are required to file Form 990 only if your gross receipts each year are normally more than $10,000. If a return is required, it must be filed by the 15th day of of the fifth month after the end of your annual accounting period. The law imposes a penalty of $10 a day, up to a maximum of $5,000, when a return is filed late, unless there is reasonable cause for the delay.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees.

If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

Michael J. Murphy

District Director

Enclosures: Form 990, Schedule A & Instructions

Form **990**

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047

2005

Open to Public Inspection

A For the 2005 calendar year, or tax year beginning JUL 1, 2005 and ending JUN 30, 2006

B Check if applicable:
[ ] Address change
[ ] Name change
[ ] Initial return
[ ] Final return
[ ] Amended return
[ ] Application pending

Please use IRS label or print or type. See Specific Instructions.

C Name of organization: Fayette Senior Services, Inc.

Number and street (or P.O. box if mail is not delivered to street address): 390 Lee Street | Room/suite

City or town, state or country, and ZIP + 4: Fayetteville, GA 30214

D Employer identification number 58-1364158

E Telephone number (770) 461-0813

F Accounting method: [ ] Cash [X] Accrual [ ] Other (specify) ▶

• **Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).**

H and I are not applicable to section 527 organizations.

H(a) Is this a group return for affiliates? [ ] Yes [X] No

H(b) If "Yes," enter number of affiliates ▶ N/A

H(c) Are all affiliates included? N/A [ ] Yes [ ] No
(If "No," attach a list.)

H(d) Is this a separate return filed by an organization covered by a group ruling? [ ] Yes [X] No

G Website: ▶www.fayss.org

J Organization type (check only one) ▶ [X] 501(c) (3) ◀ (insert no.) [ ] 4947(a)(1) or [ ] 527

K Check here ▶ [ ] if the organization's gross receipts are normally not more than $25,000. The organization need not file a return with the IRS; but if the organization chooses to file a return, be sure to file a complete return. **Some states require a complete return.**

I Group Exemption Number ▶ N/A

M Check ▶ [ ] if the organization is **not** required to attach Sch. B (Form 990, 990-EZ, or 990-PF).

L Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12 ▶ 2,260,601.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances

Revenue

Line	Description			Line	Amount
1	Contributions, gifts, grants, and similar amounts received:				
a	Direct public support	1a	1,610,589.		
b	Indirect public support	1b	65,370.		
c	Government contributions (grants)	1c	507,705.		
d	**Total** (add lines 1a through 1c) (cash $ 2,183,664. noncash $)			1d	2,183,664.
2	Program service revenue including government fees and contracts (from Part VII, line 93)			2	24,865.
3	Membership dues and assessments			3	
4	Interest on savings and temporary cash investments			4	4,648.
5	Dividends and interest from securities			5	29,830.
6 a	Gross rents	6a			
b	Less: rental expenses	6b			
c	Net rental income or (loss) (subtract line 6b from line 6a)			6c	
7	Other investment income (describe ▶)			7	

Line	Description	(A) Securities		(B) Other	Line	Amount
8 a	Gross amount from sales of assets other than inventory		8a	4,200.		
b	Less: cost or other basis and sales expenses		8b	266,516.		
c	Gain or (loss) (attach schedule)		8c	<262,316.>		
d	Net gain or (loss) (combine line 8c, columns (A) and (B)) Stmt 1				8d	<262,316.>

Line	Description			Line	Amount
9	Special events and activities (attach schedule). If any amount is from **gaming**, check here ▶ [ ]				
a	Gross revenue (not including $ 0. of contributions reported on line 1a)	9a	23,394.		
b	Less: direct expenses other than fundraising expenses	9b			
c	Net income or (loss) from special events (subtract line 9b from line 9a) See Statement 3			9c	23,394.
10 a	Gross sales of inventory, less returns and allowances	10a			
b	Less: cost of goods sold	10b			
c	Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)			10c	
11	Other revenue (from Part VII, line 103)			11	<10,000.>
12	**Total revenue** (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)			12	1,994,085.

Expenses

Line	Description	Line	Amount
13	Program services (from line 44, column (B))	13	1,308,759.
14	Management and general (from line 44, column (C))	14	129,466.
15	Fundraising (from line 44, column (D))	15	5,550.
16	Payments to affiliates (attach schedule)	16	
17	**Total expenses** (add lines 16 and 44, column (A))	17	1,443,775.

Net Assets

Line	Description	Line	Amount
18	Excess or (deficit) for the year (subtract line 17 from line 12)	18	550,310.
19	Net assets or fund balances at beginning of year (from line 73, column (A))	19	1,236,979.
20	Other changes in net assets or fund balances (attach explanation) See Statement 2	20	<30,370.>
21	Net assets or fund balances at end of year (combine lines 18, 19, and 20)	21	1,756,919.

Part II Statement of Functional Expenses

All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I.		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22 Grants and allocations (attach schedule) (cash $ 0. noncash $ 0.) If this amount includes foreign grants, check here ▶ ☐	22				
23 Specific assistance to individuals (attach schedule)	23				
24 Benefits paid to or for members (attach schedule)	24				
25 Compensation of officers, directors, etc.**	25	37,440.	28,701.	3,189.	5,550.
26 Other salaries and wages	26	192,580.	173,322.	19,258.	
27 Pension plan contributions	27				
28 Other employee benefits	28	20,242.	18,218.	2,024.	
29 Payroll taxes	29				
30 Professional fundraising fees	30				
31 Accounting fees	31				
32 Legal fees	32				
33 Supplies	33	23,563.	21,207.	2,356.	
34 Telephone	34	8,009.	7,208.	801.	
35 Postage and shipping	35	2,753.	2,478.	275.	
36 Occupancy	36	20,020.	18,018.	2,002.	
37 Equipment rental and maintenance	37	6,526.	5,873.	653.	
38 Printing and publications	38	3,023.	2,721.	302.	
39 Travel	39				
40 Conferences, conventions, and meetings	40				
41 Interest	41				
42 Depreciation, depletion, etc. (attach schedule)	42	15,886.	14,297.	1,589.	
43 Other expenses not covered above (itemize):					
a	43a				
b	43b				
c	43c				
d	43d				
e	43e				
f	43f				
g See Statement 4	43g	1,113,733.	1,016,716.	97,017.	
44 **Total functional expenses.** Add lines 22 through 43. (Organizations completing columns (B)-(D), carry these totals to lines 13-15)	44	1,443,775.	1,308,759.	129,466.	5,550.

Joint Costs. Check ▶ ☐ if you are following SOP 98-2.

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ▶ ☐ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs $ N/A ; (ii) the amount allocated to Program services $ N/A ; (iii) the amount allocated to Management and general $ N/A ; and (iv) the amount allocated to Fundraising $ N/A

Form 990 (2005)

** See Statement 5

523011
02-03-06

Part III Statement of Program Service Accomplishments *(See the instructions.)*

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

What is the organization's primary exempt purpose? ▶ See Statement 6 All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)	Program Service Expenses (Required for 501(c)(3) and (4) orgs., and 4947(a)(1) trusts; but optional for others.)
a Elderly care services - Program provides information and referral services, congregate meals, home delivered meals, transportation, community care and in-home services for elderly persons in the community. (Grants and allocations $) If this amount includes foreign grants, check here ▶ ☐	1,308,759.
b (Grants and allocations $) If this amount includes foreign grants, check here ▶ ☐	
c (Grants and allocations $) If this amount includes foreign grants, check here ▶ ☐	
d (Grants and allocations $) If this amount includes foreign grants, check here ▶ ☐	
e Other program services (attach schedule) (Grants and allocations $) If this amount includes foreign grants, check here ▶ ☐	
f **Total of Program Service Expenses** (should equal line 44, column (B), Program services) ▶	1,308,759.

Part IV Balance Sheets *(See the instructions.)*

Note: *Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.*

				(A) Beginning of year		(B) End of year
Assets	45	Cash - non-interest-bearing		114,336.	45	185,677.
	46	Savings and temporary cash investments			46	
	47 a	Accounts receivable	47a			
	b	Less: allowance for doubtful accounts	47b		47c	
	48 a	Pledges receivable	48a 358,817.			
	b	Less: allowance for doubtful accounts	48b	105,773.	48c	358,817.
	49	Grants receivable			49	
	50	Receivables from officers, directors, trustees, and key employees			50	
	51 a	Other notes and loans receivable	51a			
	b	Less: allowance for doubtful accounts	51b		51c	
	52	Inventories for sale or use			52	
	53	Prepaid expenses and deferred charges			53	
	54	Investments - securities Stmt 7 ▶ ☐ Cost [X] FMV		754,437.	54	1,126,562.
	55 a	Investments - land, buildings, and equipment: basis	55a			
	b	Less: accumulated depreciation	55b		55c	
	56	Investments - other			56	
	57 a	Land, buildings, and equipment: basis	57a 186,555.			
	b	Less: accumulated depreciation	57b 87,179.	274,380.	57c	99,376.
	58	Other assets (describe ▶)			58	
	59	**Total assets** (must equal line 74). Add lines 45 through 58		1,248,926.	59	1,770,432.
Liabilities	60	Accounts payable and accrued expenses		11,947.	60	13,513.
	61	Grants payable			61	
	62	Deferred revenue			62	
	63	Loans from officers, directors, trustees, and key employees			63	
	64 a	Tax-exempt bond liabilities			64a	
	b	Mortgages and other notes payable			64b	
	65	Other liabilities (describe ▶)			65	
	66	**Total liabilities.** Add lines 60 through 65)		11,947.	66	13,513.
Net Assets or Fund Balances		**Organizations that follow SFAS 117, check here ▶ [X] and complete lines 67 through 69 and lines 73 and 74.**				
	67	Unrestricted		579,052.	67	245,540.
	68	Temporarily restricted		657,927.	68	1,511,379.
	69	Permanently restricted			69	
		Organizations that do not follow SFAS 117, check here ▶ ☐ and complete lines 70 through 74.				
	70	Capital stock, trust principal, or current funds			70	
	71	Paid-in or capital surplus, or land, building, and equipment fund			71	
	72	Retained earnings, endowment, accumulated income, or other funds			72	
	73	**Total net assets or fund balances** (add lines 67 through 69 or lines 70 through 72; column (A) must equal line 19; column (B) must equal line 21)		1,236,979.	73	1,756,919.
	74	**Total liabilities and net assets/fund balances.** Add lines 66 and 73		1,248,926.	74	1,770,432.

523031
02-03-06

Part IV-A Reconciliation of Revenue per Audited Financial Statements With Revenue per Return (See the instructions.)

a	Total revenue, gains, and other support per audited financial statements			a	2,238,031.
b	Amounts included on line a but not on Part I, line 12:				
1	Net unrealized gains on investments	b1	<30,370.>		
2	Donated services and use of facilities	b2	12,000.		
3	Recoveries of prior year grants	b3			
4	Other (specify):	b4			
	Add lines b1 through b4			b	<18,370.>
c	Subtract line b from line a			c	2,256,401.
d	Amounts included on Part I, line 12, but not on line a:				
1	Investment expenses not included on Part I, line 6b	d1			
2	Other (specify): Loss on disposal of fixed assets	d2	<262,316.>		
	Add lines d1 and d2			d	<262,316.>
e	**Total revenue** (Part I, line 12). Add lines c and d ▶			e	1,994,085.

Part IV-B Reconciliation of Expenses per Audited Financial Statements With Expenses per Return

a	Total expenses and losses per audited financial statements			a	1,718,091.
b	Amounts included on line a but not on Part I, line 17:				
1	Donated services and use of facilities	b1	12,000.		
2	Prior year adjustments reported on Part I, line 20	b2			
3	Losses reported on Part I, line 20	b3			
4	Other (specify):	b4			
	Add lines b1 through b4			b	12,000.
c	Subtract line b from line a			c	1,706,091.
d	Amounts included on Part I, line 17, but not on line a:				
1	Investment expenses not included on Part I, line 6b	d1			
2	Other (specify): Loss on disposal of fixed assets	d2	<262,316.>		
	Add lines d1 and d2			d	<262,316.>
e	**Total expenses** (Part I, line 17). Add lines c and d ▶			e	1,443,775.

Part V-A Current Officers, Directors, Trustees, and Key Employees (List each person who was an officer, director, trustee, or key employee at any time during the year even if they were not compensated.) (See the instructions.)

(A) Name and address	(B) Title and average hours per week devoted to position	(C) Compensation (If not paid, enter -0-.)	(D) Contributions to employee benefit plans & deferred compensation plans	(E) Expense account and other allowances
Andy Carden 390 Lee Street Fayetteville, GA 30214-2056	Executive Director 40.00	37,440.	0.	0.
Board of Directors - See attached	0.00	0.	0.	0.

Part V-A Current Officers, Directors, Trustees, and Key Employees *(continued)*

		Line	Yes	No
75 a	Enter the total number of officers, directors, and trustees permitted to vote on organization business at board meetings ▶ 18			
b	Are any officers, directors, trustees, or key employees listed in Form 990, Part V-A, or highest compensated employees listed in Schedule A, Part I, or highest compensated professional and other independent contractors listed in Schedule A, Part II-A or II-B, related to each other through family or business relationships? If "Yes," attach a statement that identifies the individuals and explains the relationship(s)	75b		X
c	Do any officers, directors, trustees, or key employees listed in Form 990, Part V-A, or highest compensated employees listed in Schedule A, Part I, or highest compensated professional and other independent contractors listed in Schedule A, Part II-A or II-B, receive compensation from any other organizations, whether tax exempt or taxable, that are related to this organization through common supervision or common control?	75c		X
	Note. Related organizations include section 509(a)(3) supporting organizations. If "Yes," attach a statement that identifies the individuals, explains the relationship between this organization and the other organization(s), and describes the compensation arrangements, including amounts paid to each individual by each related organization.			
d	Does the organization have a written conflict of interest policy?	75d		X

Part V-B Former Officers, Directors, Trustees, and Key Employees That Received Compensation or Other Benefits

(If any former officer, director, trustee, or key employee received compensation or other benefits (described below) during the year, list that person below and enter the amount of compensation or other benefits in the appropriate column. See the instructions.)

(A) Name and address	(B) Loans and Advances	(C) Compensation	(D) Contributions to employee benefit plans & deferred compensation plans	(E) Expense account and other allowances
None				

Part VI Other Information *(See the instructions.)*

		Line	Yes	No
76	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity	76		X
77	Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes.	77		X
78 a	Did the organization have unrelated business gross income of $1,000 or more during the year covered by this return?	78a		X
b	If "Yes," has it filed a tax return on **Form 990-T** for this year? N/A	78b		
79	Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement	79		X
80 a	Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?	80a		X
b	If "Yes," enter the name of the organization ▶ N/A and check whether it is ☐ exempt or ☐ nonexempt			
81 a	Enter direct or indirect political expenditures. (See line 81 instructions.) 81a 0.			
b	Did the organization file **Form 1120-POL** for this year?	81b		X

Part VI Other Information *(continued)*

				Yes	No
82 a	Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?		82a	X	
b	If "Yes," you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.)	82b 12,000.			
83 a	Did the organization comply with the public inspection requirements for returns and exemption applications?		83a	X	
b	Did the organization comply with the disclosure requirements relating to quid pro quo contributions?		83b	X	
84 a	Did the organization solicit any contributions or gifts that were not tax deductible?	N/A	84a		
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	N/A	84b		
85	*501(c)(4), (5), or (6) organizations.* a Were substantially all dues nondeductible by members?	N/A	85a		
b	Did the organization make only in-house lobbying expenditures of $2,000 or less?	N/A	85b		
	If "Yes" was answered to either 85a or 85b, **do not** complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.				
c	Dues, assessments, and similar amounts from members	85c N/A			
d	Section 162(e) lobbying and political expenditures	85d N/A			
e	Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices	85e N/A			
f	Taxable amount of lobbying and political expenditures (line 85d less 85e)	85f N/A			
g	Does the organization elect to pay the section 6033(e) tax on the amount on line 85f?	N/A	85g		
h	If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?	N/A	85h		
86	*501(c)(7) organizations.* Enter: a Initiation fees and capital contributions included on line 12	86a N/A			
b	Gross receipts, included on line 12, for public use of club facilities	86b N/A			
87	*501(c)(12) organizations.* Enter: a Gross income from members or shareholders	87a N/A			
b	Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	87b N/A			
88	At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Part IX		88		X
89 a	*501(c)(3) organizations.* Enter: Amount of tax imposed on the organization during the year under: section 4911 ▶ 0. ; section 4912 ▶ 0. ; section 4955 ▶ 0.				
b	*501(c)(3) and 501(c)(4) organizations.* Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction		89b		X
c	Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958	▶ 0.			
d	Enter: Amount of tax on line 89c, above, reimbursed by the organization	▶ 0.			

90 a List the states with which a copy of this return is filed ▶ GA

b Number of employees employed in the pay period that includes March 12, 2005 — 90b — 18

91 a The books are in care of ▶ Andy Carden Telephone no. ▶ (770) 461-0813

Located at ▶ 390 Lee Street, Fayetteville, GA ZIP + 4 ▶ 30214-2056

			Yes	No
b	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	91b		X
	If "Yes," enter the name of the foreign country ▶ N/A			
	See the instructions for exceptions and filing requirements for **Form TD F 90-22.1,** Report of Foreign Bank and Financial Accounts.			
c	At any time during the calendar year, did the organization maintain an office outside of the United States?	91c		X
	If "Yes," enter the name of the foreign country ▶ N/A			

92 *Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of* **Form 1041-** Check here ▶ ☐
and enter the amount of tax-exempt interest received or accrued during the tax year ▶ 92 N/A

Part VII Analysis of Income-Producing Activities (See the instructions.)

Note: Enter gross amounts unless otherwise indicated.	Unrelated business income (A) Business code	(B) Amount	Excluded by section 512, 513, or 514 (C) Exclusion code	(D) Amount	(E) Related or exempt function income
93 Program service revenue:					
a Transportation					4,256.
b Home delivered meals					720.
c Respite care					1,982.
d Seniors activities					6,385.
e Miscellaneous services					11,522.
f Medicare/Medicaid payments					
g Fees and contracts from government agencies					
94 Membership dues and assessments					
95 Interest on savings and temporary cash investments			14	4,648.	
96 Dividends and interest from securities			14	29,830.	
97 Net rental income or (loss) from real estate:					
a debt-financed property					
b not debt-financed property					
98 Net rental income or (loss) from personal property					
99 Other investment income					
100 Gain or (loss) from sales of assets other than inventory			18	<262,316.>	
101 Net income or (loss) from special events					23,394.
102 Gross profit or (loss) from sales of inventory					
103 Other revenue:					
a Loss on uncollectible					
b contribution					<10,000.>
c					
d					
e					
104 Subtotal (add columns (B), (D), and (E))		0.		<227,838.>	38,259.
105 Total (add line 104, columns (B), (D), and (E))					<189,579.>

Note: *Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I.*

Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes (See the instructions.)

Line No.	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes).
93	All activities are directly related to the organization's exempt
101	purpose, which is providing programs to improve the quality of life
	for older residents of Fayette County, Georgia including those who may
	be handicapped.

Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See the instructions.)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
	%			
N/A	%			
	%			
	%			

Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See the instructions.)

(a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No

(b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

Note: *If "Yes" to (b), file Form 8870 and Form 4720 (see instructions).*

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Signature of officer — Date 2/11/07 — Andy Carden, Executive Directo

Type or print name and title.

Paid Preparer's Use Only

Preparer's signature: E. Wayne Williams Jr. — Date — Check if self-employed ☐ — Preparer's SSN or PTIN

Firm's name (or yours if self-employed), address, and ZIP + 4: BKR Metcalf Davis, CPAs, 3340 Peachtree Road, NE, Suite 2600, Atlanta, Georgia 30326-1089

EIN

Phone no. (404) 264-1700

523163 02-03-06

SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Organization Exempt Under Section 501(c)(3)

(Except Private Foundation) and Section 501(e), 501(f), 501(k), 501(n), or 4947(a)(1) Nonexempt Charitable Trust

Supplementary Information-(See separate instructions.)

▶ MUST be completed by the above organizations and attached to their Form 990 or 990-EZ

OMB No. 1545-0047

2005

Name of the organization: Fayette Senior Services, Inc.

Employer identification number: 58 1364158

Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees

(See page 1 of the instructions. List each one. If there are none, enter "None.")

(a) Name and address of each employee paid more than $50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
None				
Total number of other employees paid over $50,000 ▶	0			

Part II-A Compensation of the Five Highest Paid Independent Contractors for Professional Services

(See page 2 of the instructions. List each one (whether individuals or firms). If there are none, enter "None.")

(a) Name and address of each independent contractor paid more than $50,000	(b) Type of service	(c) Compensation
None		
Total number of others receiving over $50,000 for professional services ▶	0	

Part II-B Compensation of the Five Highest Paid Independent Contractors for Other Services

(List each contractor who performed services other than professional services, whether individuals or firms. If there are none, enter "None." See page 2 of the instructions.)

(a) Name and address of each independent contractor paid more than $50,000	(b) Type of service	(c) Compensation
None		
Total number of other contractors receiving over $50,000 for other services ▶	0	

Part III Statements About Activities (See page 2 of the instructions.)

			Yes	No
1	During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities ▶ $ ______ $ ______ (Must equal amounts on line 38, Part VI-A, or line i of Part VI-B.)	1		X
	Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes" must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities.			
2	During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? *(If the answer to any question is "Yes," attach a detailed statement explaining the transactions.)*			
a	Sale, exchange, or leasing of property?	2a		X
b	Lending of money or other extension of credit?	2b		X
c	Furnishing of goods, services, or facilities?	2c		X
d	Payment of compensation (or payment or reimbursement of expenses if more than $1,000)?	2d		X
e	Transfer of any part of its income or assets?	2e		X
3 a	Do you make grants for scholarships, fellowships, student loans, etc.? (If "Yes," attach an explanation of how you determine that recipients qualify to receive payments.)	3a		X
b	Do you have a section 403(b) annuity plan for your employees?	3b		X
c	During the year, did the organization receive a contribution of qualified real property interest under section 170(h)?	3c		X
4 a	Did you maintain any separate account for participating donors where donors have the right to provide advice on the use or distribution of funds?	4a		X
b	Do you provide credit counseling, debt management, credit repair, or debt negotiation services?	4b		X

Part IV Reason for Non-Private Foundation Status (See pages 3 through 6 of the instructions.)

The organization is not a private foundation because it is: (Please check only **ONE** applicable box.)

5 ☐ A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i).

6 ☐ A school. Section 170(b)(1)(A)(ii). (Also complete Part V.)

7 ☐ A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).

8 ☐ A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).

9 ☐ A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). **Enter the hospital's name, city, and state** ▶ ______

10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the **Support Schedule** in Part IV-A.)

11a [X] An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)

11b ☐ A community trust. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)

12 ☐ An organization that normally receives: **(1) more than 33 1/3%** of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions - subject to certain exceptions, and **(2) no more than 33 1/3%** of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the **Support Schedule** in Part IV-A.)

13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: **(1)** lines 5 through 12 above; or **(2)** sections 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). Check the box that describes the type of supporting organization: ▶ ☐ Type 1 ☐ Type 2 ☐ Type 3

Provide the following information about the supported organizations. (See page 6 of the instructions.)

(a) Name(s) of supported organization(s)	**(b)** Line number from above

14 ☐ An organization organized and operated to test for public safety. Section 509(a)(4). (See page 6 of the instructions.)

Part IV-A **Support Schedule** (Complete only if you checked a box on line 10, 11, or 12.) **Use cash method of accounting.**
Note: *You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.*

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2003	(c) 2002	(d) 2001	(e) Total
15 Gifts, grants, and contributions received. (Do not include unusual grants. See line 28.)	594,209.	594,350.	482,693.	785,217.	2,456,469.
16 Membership fees received					
17 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose	21,632.	38,053.	45,559.	51,005.	156,249.
18 Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975	39,155.	38,075.	16,920.	23,135.	117,285.
19 Net income from unrelated business activities not included in line 18					
20 Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf					
21 The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge					
22 Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets	20,323.		See Statement 8 18,852.	19,353.	58,528.
23 Total of lines 15 through 22	675,319.	670,478.	564,024.	878,710.	2,788,531.
24 Line 23 minus line 17	653,687.	632,425.	518,465.	827,705.	2,632,282.
25 Enter 1% of line 23	6,753.	6,705.	5,640.	8,787.	

26 **Organizations described on lines 10 or 11:** a Enter 2% of amount in column (e), line 24 ▶ 26a 52,646.

b Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 2001 through 2004 exceeded the amount shown in line 26a. **Do not file this list with your return.** Enter the total of all these excess amounts ▶ 26b 0.

c Total support for section 509(a)(1) test: Enter line 24, column (e) ▶ 26c 2,632,282.

d Add: Amounts from column (e) for lines: 18 117,285. 19 ______ 22 58,528. 26b ______ ▶ 26d 175,813.

e Public support (line 26c minus line 26d total) ▶ 26e 2,456,469.

f **Public support percentage (line 26e (numerator) divided by line 26c (denominator))** ▶ 26f 93.3209%

27 **Organizations described on line 12:** a For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," prepare a list for your records to show the name of, and total amounts received in each year from, each "disqualified person." **Do not file this list with your return.** Enter the sum of such amounts for each year: N/A

(2004) ______ (2003) ______ (2002) ______ (2001) ______

b For any amount included in line 17 that was received from each person (other than "disqualified persons"), prepare a list for your records to show the name of, and amount received for each year, that was more than the **larger** of **(1)** the amount on line 25 for the year or **(2)** $5,000. (Include in the list organizations described in lines 5 through 11b, as well as individuals.) **Do not file this list with your return.** After computing the difference between the amount received and the larger amount described in **(1)** or **(2)**, enter the sum of these differences (the excess amounts) for each year: N/A

(2004) ______ (2003) ______ (2002) ______ (2001) ______

c Add: Amounts from column (e) for lines: 15 ______ 16 ______ 17 ______ 20 ______ 21 ______ ▶ 27c N/A

d Add: Line 27a total ______ and line 27b total ______ ▶ 27d N/A

e Public support (line 27c total minus line 27d total) ▶ 27e N/A

f Total support for section 509(a)(2) test: Enter amount on line 23, column (e) ▶ 27f N/A

g **Public support percentage (line 27e (numerator) divided by line 27f (denominator))** ▶ 27g N/A %

h **Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator))** ▶ 27h N/A %

28 **Unusual Grants:** For an organization described in line 10, 11, or 12 that received any unusual grants during 2001 through 2004, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. **Do not file this list with your return.** Do not include these grants in line 15.

None

Part V **Private School Questionnaire** (See page 7 of the instructions.) N/A
(To be completed ONLY by schools that checked the box on line 6 in Part IV)

			Yes	No
29	Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?	29		
30	Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?	30		
31	Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves?	31		
	If "Yes," please describe; if "No," please explain. (If you need more space, attach a separate statement.)			
32	Does the organization maintain the following:			
a	Records indicating the racial composition of the student body, faculty, and administrative staff?	32a		
b	Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?	32b		
c	Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?	32c		
d	Copies of all material used by the organization or on its behalf to solicit contributions?	32d		
	If you answered "No" to any of the above, please explain. (If you need more space, attach a separate statement.)			
33	Does the organization discriminate by race in any way with respect to:			
a	Students' rights or privileges?	33a		
b	Admissions policies?	33b		
c	Employment of faculty or administrative staff?	33c		
d	Scholarships or other financial assistance?	33d		
e	Educational policies?	33e		
f	Use of facilities?	33f		
g	Athletic programs?	33g		
h	Other extracurricular activities?	33h		
	If you answered "Yes" to any of the above, please explain. (If you need more space, attach a separate statement.)			
34 a	Does the organization receive any financial aid or assistance from a governmental agency?	34a		
b	Has the organization's right to such aid ever been revoked or suspended?	34b		
	If you answered "Yes" to either 34a or b, please explain using an attached statement.			
35	Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev. Proc. 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If "No," attach an explanation	35		

Part VI-A **Lobbying Expenditures by Electing Public Charities** (See page 9 of the instructions.) N/A

(To be completed **ONLY** by an eligible organization that filed Form 5768)

Check ▶ a ☐ if the organization belongs to an affiliated group. Check ▶ b ☐ if you checked "a" and "limited control" provisions apply.

Limits on Lobbying Expenditures (The term "expenditures" means amounts paid or incurred.)		(a) Affiliated group totals	(b) To be completed for ALL electing organizations
		N/A	
36 Total lobbying expenditures to influence public opinion (grassroots lobbying)	36		
37 Total lobbying expenditures to influence a legislative body (direct lobbying)	37		
38 Total lobbying expenditures (add lines 36 and 37)	38		
39 Other exempt purpose expenditures	39		
40 Total exempt purpose expenditures (add lines 38 and 39)	40		
41 Lobbying nontaxable amount. Enter the amount from the following table -			
If the amount on line 40 is - / **The lobbying nontaxable amount is -**			
Not over \$500,000 — 20% of the amount on line 40			
Over \$500,000 but not over \$1,000,000 — \$100,000 plus 15% of the excess over \$500,000			
Over \$1,000,000 but not over \$1,500,000 — \$175,000 plus 10% of the excess over \$1,000,000	41		
Over \$1,500,000 but not over \$17,000,000 — \$225,000 plus 5% of the excess over \$1,500,000			
Over \$17,000,000 — \$1,000,000			
42 Grassroots nontaxable amount (enter 25% of line 41)	42		
43 Subtract line 42 from line 36. Enter -0- if line 42 is more than line 36	43		
44 Subtract line 41 from line 38. Enter -0- if line 41 is more than line 38	44		

Caution: *If there is an amount on either line 43 or line 44, you must file Form 4720.*

4-Year Averaging Period Under Section 501(h)

(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the instructions for lines 45 through 50 on page 11 of the instructions.)

	Lobbying Expenditures During 4-Year Averaging Period				N/A
Calendar year (or fiscal year beginning in) ▶	(a) 2005	(b) 2004	(c) 2003	(d) 2002	(e) Total
45 Lobbying nontaxable amount					0.
46 Lobbying ceiling amount (150% of line 45(e))					0.
47 Total lobbying expenditures					0.
48 Grassroots nontaxable amount					0.
49 Grassroots ceiling amount (150% of line 48(e))					0.
50 Grassroots lobbying expenditures					0.

Part VI-B **Lobbying Activity by Nonelecting Public Charities**

(For reporting only by organizations that did not complete Part VI-A) (See page 11 of the instructions.) N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:	Yes	No	Amount
a Volunteers			
b Paid staff or management (Include compensation in expenses reported on lines c through h.)			
c Media advertisements			
d Mailings to members, legislators, or the public			
e Publications, or published or broadcast statements			
f Grants to other organizations for lobbying purposes			
g Direct contact with legislators, their staffs, government officials, or a legislative body			
h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means			
i Total lobbying expenditures (Add lines c through h.)			0.

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities.

Part VII Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations (See page 12 of the instructions.)

51 Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

		Yes	No
a Transfers from the reporting organization to a noncharitable exempt organization of:			
(i) Cash	51a(i)		X
(ii) Other assets	a(ii)		X
b Other transactions:			
(i) Sales or exchanges of assets with a noncharitable exempt organization	b(i)		X
(ii) Purchases of assets from a noncharitable exempt organization	b(ii)		X
(iii) Rental of facilities, equipment, or other assets	b(iii)		X
(iv) Reimbursement arrangements	b(iv)		X
(v) Loans or loan guarantees	b(v)		X
(vi) Performance of services or membership or fundraising solicitations	b(vi)		X
c Sharing of facilities, equipment, mailing lists, other assets, or paid employees	c		X

d If the answer to any of the above is "Yes," complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received: N/A

(a) Line no.	(b) Amount involved	(c) Name of noncharitable exempt organization	(d) Description of transfers, transactions, and sharing arrangements

52 a Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ▶ ☐ Yes ☒ No

b If "Yes," complete the following schedule: N/A

(a) Name of organization	(b) Type of organization	(c) Description of relationship

523151
02-03-06

Schedule B
(Form 990, 990-EZ, or 990-PF)
Department of the Treasury
Internal Revenue Service

Schedule of Contributors

Supplementary Information for
line 1 of Form 990, 990-EZ, and 990-PF (see instructions)

OMB No. 1545-0047

2005

Name of organization	**Employer identification number**
Fayette Senior Services, Inc.	58-1364158

Organization type (check one):

Filers of:	**Section:**
Form 990 or 990-EZ	[X] 501(c)(3) (enter number) organization
	[ ] 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
	[ ] 527 political organization
Form 990-PF	[ ] 501(c)(3) exempt private foundation
	[ ] 4947(a)(1) nonexempt charitable trust treated as a private foundation
	[ ] 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule.** (**Note:** *Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule-see instructions.)*

General Rule-

[ ] For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, $5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

Special Rules-

[X] For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33 1/3% support test under Regulations sections 1.509(a)-3/1.170A-9(e) and received from any one contributor, during the year, a contribution of the greater of $5,000 or 2% of the amount on line 1 of these forms. (Complete Parts I and II.)

[ ] For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than $1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. (Complete Parts I, II, and III.)

[ ] For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than $1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of $5,000 or more during the year.) .... ▶ $ ____________

Caution: *Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF), but they* **must** *check the box in the heading of their Form 990, Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).*

Name of organization: Fayette Senior Services, Inc.

Employer identification number: 58-1364158

Part I **Contributors** (See Specific Instructions.)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	Robert W. Woodruff Foundation, Inc. 50 Hurt Plaza Suite 1200 Atlanta, GA 30303	$ 200,000.	Person [X] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
2	J. Bulow Campbell Foundation 50 Hurt Plaza Suite 850 Atlanta, GA 30303	$ 237,500.	Person [X] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
3	Linda S. Hannon 307 Abercorn Square Peachtree City, GA 30290	$ 1,022,000.	Person [X] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
4	Linda S. Hannon 307 Abercorn Square Peachtree City, GA 30290	$ 42,500.	Person [ ] Payroll [ ] Noncash [X] (Complete Part II if there is a noncash contribution.)
		$	Person [ ] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
		$	Person [ ] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)

Name of organization	Employer identification number
Fayette Senior Services, Inc.	58-1364158

Part II **Noncash Property** (See Specific Instructions.)

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
4	Cadillac Escalade	$ 42,500.	07/01/05
		$	
		$	
		$	
		$	
		$	

Form 990 Gain (Loss) From Sale of Other Assets Statement 1

Description	Date Acquired	Date Sold	Method Acquired
Fixed Assets			PURCHASED

Name of Buyer	Gross Sales Price	Cost or Other Basis	Expense of Sale	Deprec	Net Gain or (Loss)
	4,200.	303,071.	0.	36,555.	<262,316.>
To Fm 990, Part I, ln 8	4,200.	303,071.	0.	36,555.	<262,316.>

Form 990 Other Changes in Net Assets or Fund Balances Statement 2

Description	Amount
Unrealized gains (losses) on securities	<30,370.>
Total to Form 990, Part I, line 20	<30,370.>

Form 990 Special Events and Activities Statement 3

Description of Event	Gross Receipts	Contribut. Included	Gross Revenue	Direct Expenses	Net Income
Country Concert - Fundraising concert with various local bands.	11,494.		11,494.		11,494.
Project Love - Fundraising event during holiday season.	8,126.		8,126.		8,126.
Other events - Various other minor special events	3,774.		3,774.		3,774.
To Fm 990, Part I, line 9	23,394.		23,394.		23,394.

Form 990 Other Expenses Statement 4

Description	(A) Total	(B) Program Services	(C) Management and General	(D) Fundraising
Contract expense	158,148.	142,333.	15,815.	
Professional fees	9,268.	8,341.	927.	
Dues and subscriptions	1,291.	1,162.	129.	
Meals	143,562.	143,562.		
Staff training	2,668.	2,401.	267.	
Insurance	20,754.	18,679.	2,075.	
Miscellaneous expense	775,000.	697,500.	77,500.	
Non-contracted cost	3,042.	2,738.	304.	
Total to Fm 990, ln 43	1,113,733.	1,016,716.	97,017.	

Form 990 Officer Compensation Allocation Part II, Line 25 Statement 5

Name of Officer, etc.	Compensation	Employee Ben. Plans	Expense Accounts	Totals
Andy Carden	37,440.			37,440.
A. Program Services	29,203.			29,203.
B. Management and General	2,995.			2,995.
C. Fundraising	5,242.			5,242.

Total Program Services	29,203.
Total Management and General	2,995.
Total Fundraising	5,242.
Total Officer, etc., Compensation included on Parts V-A and V-B	37,440.

Form 990 Statement of Organization's Primary Exempt Purpose Part III Statement 6

Explanation

To help maintain the dignity, self-respect and independent living for Fayette County, Georgia residents age 60 and over.

Form 990 Non-Government Securities Statement 7

Security Description	Cost/FMV	Corporate Stocks	Corporate Bonds	Other Publicly Traded Securities	Total Non-Gov't Securities
Common stock	FMV	0.			
Corporate bonds	FMV		100,204.		100,204.
Mutual Funds	FMV			1,026,358.	1,026,358.
To Form 990, line 54, Col B			100,204.	1,026,358.	1,126,562.

Schedule A — Other Income — Statement 8

Description	2004 Amount	2003 Amount	2002 Amount	2001 Amount
Special events	20,323.	0.	18,852.	19,353.
Total to Schedule A, line 22	20,323.	0.	18,852.	19,353.

STATE OF GEORGIA
COUNTY OF FAYETTE

AGREEMENT

This agreement entered into this _____ day of ____________________, 2008, by and between FAYETTE SENIOR SERVICES, INC. (hereinafter "FSS"), and the CITY OF PEACHTREE CITY, GEORGIA (hereinafter "City").

WHEREAS, FSS provides services to residents of Fayette County, Georgia, including residents of Peachtree City, Georgia, who are senior citizens, including, but not limited to, transportation, providing meals, and social functions; and

WHEREAS, FSS has requested funding assistance from the City so as to continue to provide such services to residents of Fayette County and the City; and

WHEREAS, FSS is a qualified non-profit corporation pursuant to Section 501(c)(3) of he Internal Revenue Code;

THEREFORE, and in consideration of the mutual terms and conditions contained herein, the parties agree as follows:

1.

In exchange for the services provided by FSS to the City and residents of the City, the City hereby agrees to pay the sum of $7,500.00 for the period October 1, 2007, through and including September 30, 2008.

Executed the day and date first above mentioned.

FAYETTE SENIOR SERVICES, INC.	CITY OF PEACHTREE CITY, GEORGIA
BY: ______________________ President	______________________ BY: Harold K. Logsdon, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council Members**

VIA: **City Manager**

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

DATE: **February 13, 2008**

SUBJECT: **Proposed amendments to Article XIII, Appeals and variances, of the Peachtree City Land Development Ordinance, amending and establishing procedures for submitting, reviewing and granting requests for variances and appeals, and for other purposes.**
February 21, 2008 City Council Agenda

Recommendation:

Staff recommends that Council adopt the proposed amendments to Article XIII, Appeals and variances of the city's Land Development Ordinance, specifically to amend and establish procedures for submitting, reviewing and granting requests for variances and appeals (Attachment "A").

Discussion:

At the City Council Retreat, Staff was asked to review our existing variance process to determine if enhancements could be made to the criteria used to either grant or deny a variance request. Staff researched variance procedures from other jurisdictions and found that many included specific criteria that Staff and Council evaluated when reviewing variance requests.

Article XIII of the Land Development Ordinance identifies a process for an Applicant to request a variance from ordinances contained within that portion of the Code of Ordinances (Attachment "B"). In addition, this article allows an Applicant or a property owner affected by a decision of city staff or the Planning Commission to appeal this decision to City Council.

Staff is proposing a variety of changes to enhance this portion of the Land Development Ordinance. The variance submittal and review process will now be similar to that being proposed within the zoning ordinance, as will the appeal process. Requests for variances and appeals will be submitted to and reviewed by City Council in a Public Hearing.

These amendments were discussed with City Council in two workshops and the ordinance was revised accordingly. At their meeting on January 28, 2008, the Planning Commission voted unanimously to forward these amendments to City Council with a recommendation that they be approved (Attachment "B").

<u>Budget impact:</u>

There are no budget impacts associated with this request.

Attachments

Ordinance Number _____

AN ORDINANCE TO AMEND ARTICLE XIII, APPEALS OF THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE TO AMEND AND ESTABLISH PROCEDURES FOR SUBMITTING, REVIEWING AND GRANTING REQUESTS FOR VARIANCES AND APPEALS, AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City that:

Section 1. Article XIII, Appeals of the Peachtree City Land Development Ordinance shall be repealed in its entirety and replaced as follows:

ARTICLE XIII. Variances and appeals.

Sec. 1301. Administrative authority.

These land development regulations shall be administered by the city planner and other city staff members, along with the planning commission for the city council.

Sec. 1302. Variance.

A variance is a request for relief from the provisions of the land development ordinance. The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

An application for a variance may be submitted only by the owner of the property for which a variance is desired or his authorized agent. Application requirements shall be as described herein.

Variances shall only be granted upon showing that:

(a) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the land development ordinance; or,

(b) The application of the particular provision of the land development ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

Sec. 1303. Review criteria.

In reviewing a request for a variance, the city council shall not grant the request unless all of the following findings can be made:

(a) There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;

(b) The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the land development ordinance, or would deprive the Applicant of privileges granted to others in similar circumstances;

(c) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property which preclude the applicant from complying with this ordinance and that do not apply generally to other property in the same zoning district and which prevent the applicant from complying with existing regulations;

(d) The granting of such variance will not constitute the granting of special privileges inconsistent with the limitations on other property in the same zoning district; and

(e) The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located.

(f) The granting of such variance will not create inconsistencies with any objective of the Comprehensive Plan.

If it is found that the request is not in conformance with these requirements or may possibly have an adverse effect on the surrounding area, the city council shall deny the request in writing, stating the reasons for the denial.

Sec. 1304. Filing procedure.

All variance applications shall be filed with the zoning administrator on forms provided by the zoning administrator.

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

An application fee, as established within the city's schedule of fees, shall accompany each variance application.

Upon receiving an application, the zoning administrator shall have no less than ten (10) working days to review the application for compliance with these requirements. Once the application is deemed complete, the zoning administrator shall schedule a public hearing with the city council. Such hearings shall take place within forty five (45) days after the application is deemed complete.

A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than fifteen (15) calendar days prior to a city council meeting, as appropriate.

A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear not less than fifteen (15) calendar days prior to a city council meeting.

At the public hearing, the applicant may appear in person or be represented by an agent or attorney.

Sec. 1305. Limitations on authority.

The authority and jurisdiction of individuals as provided herein shall be limited as outlined in the following. In exercising this jurisdiction, each individual shall have authority to determine whether it has jurisdiction.

There shall be no modification to revise a site plan that, as determined by the planning commission and/ or city council, results in a significant change in the approved concept.

Sec. 1306. Appeal procedures.

Appeals to the city council based on decisions of the city planner and/ or planning commission shall be filed with the city clerk in writing and shall clearly specify the grounds for the appeal. All documents constituting the record of the action which is being appealed shall be transmitted to the city council by the city clerk.

Sufficient information shall be provided by the applicant, affected city staff members, and the planning commission to ensure a timely decision by the city council. An applicant must first exhaust all appeals set out in this article before an appeal is made to the city council. For purposes of this section, an interested party shall be an applicant or a city resident who lives within 300 feet of the proposed subdivision or development at issue on appeal.

(a) Action shall not be initiated on the same appeal by the same applicant more than once in every 12 months.
(b) Any communication relative to an appeal will be regarded as information only until a proper application is filed with the city clerk.
(c) An application fee, as established within the city's schedule of fees, shall accompany each request for appeal.
(d) Before acting on any appeal, the city council shall hold a public hearing as described herein.
(e) The city clerk shall place notice of the time, place, and subject matter of the hearing in the newspaper of general circulation which serves as the legal organ for the city not less than fifteen (15) calendar days prior to the hearing.
(f) The process of advertising the public hearing, holding the public hearing, and rendering a decision on the appeal shall not be unduly delayed.

Sec. 1307. Appeals of city council decision or action.

Any person or persons severally or jointly aggrieved by any decision on any appeal for variance may appeal such decision to the Superior Court of Fayette County by Writ of Certiorari.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. 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 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 may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the city council.

This _________ day of ________________________ 2008.

____
Harold K. Logsdon, Mayor

____

____

____

____

Attest: ______________________________
City Clerk

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION MEETING
January 28, 2008

PH-08-01 **Proposed amendments to Article XII, Appeals of the Zoning Ordinance updating procedures for review and approval of variances and appeals.**

Mr. Rast stated that at the City Council Retreat, Staff was asked to review the existing variance process to determine if enhancements could be made to the criteria used to either grant or deny a variance request. As Staff researched the variance procedures from other jurisdictions and agencies, it was determined that criteria should be included when reviewing variance requests.

Mr. Rast stated that an applicant could currently request either an Administrative Variance or a Variance.

The Administrative variance was created for situations where someone other than the original homeowner had purchased a home and the property contained a setback issue. Through the years, the city had received a number of building permit applications, and it was found that the existing structure did not comply with the required building setbacks. The majority of these situations were when the home was more than 10 years old and the city did not require foundation surveys prior to this. This administrative variance process was created to "clean up" these encroachments and not penalize the current property owner. Specific criteria was established in order to apply for an administrative variance and, if the encroachment does not meet these requirements, the application would be required to go before city council as a full variance.

Mr. Rast stated that the process for Administrative Variances would remain the same. Administrative variances would be reviewed by a committee consisting of the Zoning Administrator, City Manager and a representative from City Council.

Mr. Rast stated that the full variance, would typically apply to an applicant who had built into the setback without going through the building permit process or proposed to build into the setback. The full variance would still be reviewed by the Zoning Administrator, Staff and City Council.

In addition to amendments to the administrative variance and variance process Staff was proposing a Special Exception Variance. This would be geared towards property owners who abut the city-owned greenbelt and would not be able to expand their home without encroaching into an established building setback. A Special Exemption Variance would be considered only if there was a decrease of not more than 25 percent of the minimum building setback provided that the property line and the associated building setback adjoined a city-owned greenbelt. At the workshop, the City Council suggested that there had to be no other place on the property to expand the building.

The Special Exemption Variance would also apply to an applicant with a site plan, who wanted to decrease the number of parking spaces required by the city's parking ordinance. This variance would also apply to those seeking to increase the maximum height of a fence or wall as long as the request met specific criteria.

The Special Exemption Variance would be reviewed by the Zoning Administrator, Staff, Planning Commission and City Council.

Mr. Rast went on to state that the Special Exemption Variance would only impact the residents on each side of the applicant.

Ms. Phyllis Aguayo, a Stoneybrook resident came forward to state that the citizens were never pleased with cluster neighborhoods or their proximity to city-owned greenbelts. She was appalled to know that a variance was being presented that would depreciate the value of the buffers. She was also concerned that neighbors would not comfortably complain about a neighbors' expansion. This would set a negative precedent.

Mr. Mullin stated that there was difference in a buffer and a setback and wondered if that was being made clear. Mr. Rast responded that they would not be encroaching into the city-owned greenbelt. The only way a property owner in this situation would request a special exemption variance was if the encroachment did not 25% of the minimum building setback, which in this case would be no more than 7.5'. In addition, there was no other location on the property where the addition could be built without encroaching into a building setback.

Ms. Lynda Wojcik, a Peachtree City resident came forward to state that she was against the special variance. She stated that in several neighborhoods the property lines were close to the cart paths. She felt that any encroachment would be an impact on the property. Ms. Wojcik also felt that if someone was interested in purchasing property and were interested in expanding their property it should not be the responsibility of the city to aide that. The option was there to sell your home and purchase a larger one.

Mr. Rast stated that he did agree but City Council hoped that the proposed variance would allow and encourage residents within the older subdivisions to maintain or enhance their homes, which in turn would increase property values.

Mr. Brian Dingivan, a Wilshire Estates resident came forward to ask how 25% was from the original property line. Mr. Rast responded that each neighborhood had setbacks that were determined by the zoning. The minimum set back would not change just the ability to request a variance to build into the setback.

Mr. Rast also stated that through the years the city had received requests from property owners who wanted to enclose an existing deck or patio and were prohibited from doing so because the deck or patio encroached into the minimum building setback. The city considered anything over 30" as a structure, which prevented many property owners from doing this. This variance would allow residents to utilize their outside space.

Ms. Wojcik again came forward to state that there were ordinances within the city that required property owners to maintain their property. She said there was no need to have to expand into the greenbelt. She felt that the proposed variance would be "too easy".

Mr. Mullin stated that steps had not been taken out of the reviewing process and now there would be more areas involved. Mr. Rast agreed and stated that each application would be analyzed on a case by case analysis of what was being requested and the impact it would have on the immediate surroundings. He did not see the granting of a special exception variance as setting a precedent, as each application should be reviewed on its own merit.

The Chairman chose to continue the discussion to include the following public hearing since the two items were similar.

PH-08-02 **Proposed amendments to Article XIII, Appeals and Variances of the Land Development Ordinance updating procedures for review and approval of variances and appeals.**

Mr. Rast explained that the appeals and variance process that was currently established within the Land Development Ordinance would limit an applicant to requesting a variance or appealing the decision of the Planning Commission or Staff to City Council.

The Land Development Ordinance identified a process for an Applicant to request a variance from various ordinances such as landscaping, tree protection, stormwater etc. This would allow an Applicant or a property owner affected by a decision of city staff or the Planning Commission to appeal the decision to City Council in a Public Hearing.

Mr. Scott asked if a property owner lived more that 300' from a property in question, would be able to file an appeal. Mr. Rast stated that if the Planning Commission took action on a site plan and a resident living within 300' opposed the plan they could appeal the decision. If the property owner lived more than 300' from the development, they could not file a formal appeal.

After discussion, a motion was made by Mr. Scott seconded by Mr. McCann, and unanimously adopted that the proposed amendments to Article XII Appeals of the Zoning Ordinance updating procedure for review and approval of variances and appeals and the proposed amendments to Article XIII, Appeals and variances, of the Peachtree City Land Development Ordinance, amending and establishing procedures for submitting, reviewing and granting requests for variances and appeals, and for other purposes both be forwarded to City Council with a recommendation that it be approved.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**

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

DATE: **February 13, 2008**

SUBJECT: **Amendment to Article VII, General Design Requirements, specifically Division 4, Standards for retail, commercial and industrial design pertaining to building height and massing.**
February 21, 2008 City Council Agenda

Recommendation:

Staff recommends that Council adopt the proposed amendments to Article VII, General Design Requirements, specifically Division 4, Standards for retail, commercial and industrial design pertaining to building height and massing (Attachment "A").

Discussion:

In an effort to enhance the existing Design Guidelines ordinance, specifically addressing building height and massing, Staff has researched and developed a proposed amendment to Division 4 of this ordinance. This amendment adds specific criteria that must be incorporated into the design of a building should a building be located within specific areas throughout the city or if the height of the building exceeds a specified height within a zoning district. This amendment would give the Planning Commission the opportunity to review and approve the building elevations, exterior materials and color selections as a part of the conceptual site plan review process.

These amendments were researched in response to the submittal of conceptual site plans for three hotel projects, two of which exceeded the height restrictions established within the GC zoning district. As Staff and the Planning Commission reviewed these plans it became evident we needed to enhance our existing ordinances dealing with the aesthetic appearance of large buildings.

At their meeting on November 12, 2007, the Planning Commission voted unanimously to forward the proposed amendments to City Council with a recommendation that they be approved (Attachment "B").

Budget impact:

There is no budget impact associated with this request.

Ordinance Number ______

AN ORDINANCE TO AMEND ARTICLE VII, GENERAL DESIGN REQUIREMENTS, SPECIFICALLY DIVISION 4, STANDARDS FOR RETAIL, COMMERCIAL, AND INDUSTRIAL DESIGN PERTAINING TO BUILDING HEIGHT AND MASSING, AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City that:

Section 1. Article VII, General Design Requirements, specifically Division 4, Standards for retail, commercial and industrial design, Sections 726, 727, 728, 729 and 730 be repealed in their entirety and replaced as follows:

DIVISION 4. STANDARDS FOR RETAIL, COMMERCIAL AND INDUSTRIAL BUILDING DESIGN.

~~Sec. 726. Exterior building materials and architectural elements.~~

~~All sides of a building may have an impact on adjoining developments and should be considered for treatment with an architectural finish of primary materials (i.e., brick, wood and stone), unless other materials demonstrating equal or greater quality are used. As a general rule, front facades should be at least 80 percent brick and/or stone. Side facades should be at least 50 percent brick and/or stone. Rear facades do not have a minimum requirement for primary materials and can consist entirely of secondary materials (e.g., stucco). Tertiary materials (i.e., wood and metal) should be used for decorative elements and trim only.~~

~~The following types of building materials should not be used on any part of the exterior of a building exposed to public view:~~

~~(a) Metal building without a masonry base course or other architectural features.~~
~~(b) Prefabricated steel panels.~~
~~(c) Highly reflective, shiny, or mirror-like materials.~~
~~(d) Mill-finish (non-colored) aluminum metal windows or doorframes.~~
~~(e) Aluminum, vinyl or fiberglass siding or roofing materials.~~
~~(f) Unfaced or painted concrete block.~~
~~(g) Pre-cast concrete panels or exposed, unfinished foundation walls.~~
~~(h) Exposed plywood or particle board.~~

~~Sec. 727. Exterior color selection.~~

~~Material or color changes generally should occur at a change of plane. Piecemeal embellishment and frequent changes in material and/or color selections will be avoided.~~

~~Facade colors should be low reflectance, and subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors should not be used.~~

~~Building colors should be carefully chosen so that each building color complements that of its neighbors. Colors can be classified as the "base" color (used on the majority of the building surface), "trim" color (used on the window trim, fascia, balustrades, and posts), and "accent" color (used on signs, awnings, and doors). The base color should consist of more subdued earth tones or brick shades. Trim colors should have contrasting lighter or darker shade than the base color. If natural brick is used, it should not be painted.~~

~~Sec. 728. Primary color(s).~~

~~A maximum of three predominant colors should be designated as a primary unifying element. Accent colors should not be considered predominant colors. Flexibility may be used to allow additional colors and/or a range of predominant colors provided that these colors are in the same family of colors or are similar to each other. Any color specified as a primary unifying element shall be dominant in the building facade.~~

~~Sec. 729. Accent colors.~~

~~Accent colors may be used as a secondary unifying element provided they are used throughout the development.~~

~~Sec. 730. Awnings.~~

~~The use of awnings on buildings is encouraged to provide protection from sun, wind, and rain, and to improve aesthetics of the building exterior. It is recommended that awnings be constructed with a durable frame, covered by a canvas material. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs.~~

~~Solid colors are preferred over striped awnings, but striping is permitted if colors complement the character of the structure or group of buildings.~~

~~Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face. Awnings on second floor windows can be~~

~~used to soften the appearance of a particular elevation or to assist in reducing the scale of the overall building.~~

Sec. 726. Building height and massing.

The height of proposed buildings should be coordinated with the height of adjoining structures, especially where buildings will be located very close to each other. It is often possible to adjust the height of a wall, cornice, or parapet line to match that of an adjacent building. Similar design linkages, such as window lines, should be placed in a pattern that reflects the same elements on neighboring buildings.

The massing of a building can be defined as the overall geometry (length, width and height) of its perceived form. Massing is a significant factor that contributes to establishing the character of a specific building. Of particular importance in defining the massing of a building is the overall height of the form, both actual and perceived, as well as the geometry of the roof.

In order to reduce the apparent bulk of multi-story buildings and maintain pedestrian scale by providing a sense of "base," "middle," and "top", the following guidelines must be met:

(a) Top: The "top" of the building shall emphasize a distinct profile or outline with elements such as projecting parapets, cornices, upper level setbacks, or pitched rooflines.

(b) Middle: The middle of the building must be made distinct by change in building materials and/ or color, windows, balconies, recessed panels, step backs, or other decorative features. The middle of a building typically consists of a pattern of upper-story windows.

(c) Base: Buildings shall have a distinct "base" at the ground level by using articulation and materials such as stone, masonry, or decorative concrete. Distinction of the base may also be defined by windows, alcoves, water tables, a change in materials, texture or color, building overhangs, canopies, awnings, or other architectural elements. For multi-story buildings, a base may be one story tall, defined by a storefront, a cornice, or a change in materials.

The facades of all buildings shall be proportionally divided using architectural elements including windows and entries in conjunction with porches, arcades, and awnings. Any wall surface over 30 feet in length should include at least one change in plane. Larger buildings shall be divided into bays of 25 to 40 foot widths. Bays can be articulated by pilasters, piers, differentiation in material, texture, or color, or by variation in the wall plane.

Sec. 727. Exterior building materials and architectural elements.

All sides of a building may have an impact on adjoining developments and should be considered for treatment with an architectural finish of primary materials (i.e., brick, wood and stone), unless other materials demonstrating equal or greater quality are used. As a general rule, front facades should be at least 80 percent brick and/ or stone. Side facades should be at least 50 percent brick and/ or stone. Rear facades do not have a minimum requirement for primary materials and can consist entirely of secondary materials (e.g., stucco). Tertiary materials (i.e., wood and metal) should be used for decorative elements and trim only.

The following types of building materials should not be used on any part of the exterior of a building exposed to public view:

(a) metal building without a masonry base course or other architectural features
(b) prefabricated steel panels
(c) highly reflective, shiny, or mirror-like materials
(d) mill-finish (non-colored) aluminum metal windows or doorframes
(e) aluminum, vinyl or fiberglass siding or roofing materials
(f) unfaced or painted concrete block
(g) pre-cast concrete panels or exposed, unfinished foundation walls
(h) exposed plywood or particle board

Sec. 728. Exterior color selection.

Material or color changes generally should occur at a change of plane. Piecemeal embellishment and frequent changes in material and/ or color selections will be avoided.

Facade colors should be low reflectance, and subtle, neutral, or earth-tone colors. High-intensity colors, metallic colors, black, or fluorescent colors should not be used.

Building colors should be carefully chosen so that each building color complements that of its neighbors. Colors can be classified as the "base" color (used on the majority of the building surface), "trim" color (used on the window trim, fascia, balustrades, and posts), and "accent" color (used on signs, awnings, and doors). The base color should consist of more subdued earth tones or brick shades. Trim colors should have contrasting lighter or darker shade than the base color. If natural brick is used, it should not be painted.

Sec. 729. Primary color(s).

A maximum of three predominant colors should be designated as a primary unifying element. Accent colors should not be considered predominant colors. Flexibility may be used to allow additional colors and/ or a range of predominant colors provided that these colors are in the same family of colors or are similar to each other. Any color specified as a primary unifying element shall be dominant in the building facade.

Sec. 730. Accent colors.

Accent colors may be used as a secondary unifying element provided they are used throughout the development.

Sec. 731. Awnings.

The use of awnings on buildings is encouraged to provide protection from sun, wind, and rain, and to improve aesthetics of the building exterior. It is recommended that awnings be constructed with a durable frame, covered by a canvas material. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs.

Solid colors are preferred over striped awnings, but striping is permitted if colors complement the character of the structure or group of buildings.

Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face. Awnings on second floor windows can be used to soften the appearance of a particular elevation or to assist in reducing the scale of the overall building.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. 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 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 may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _________ day of ________________________ 2008.

____

Harold K. Logsdon, Mayor

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____

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Attest: __________________________________

City Clerk

EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION MEETING
November 12, 2007

PUBLIC HEARING

The Chairman called the public hearing to order. He explained the rules for conducting a public hearing and informed the people in the audience that printed copies of the rules were available at the entrance.

PH-07-16 **Proposed amendment to Article VII, General Design Requirements, specifically Division 4, Standards for retail, commercial and industrial building design pertaining to building height and massing.**

The Chairman opened the public hearing at 7:20 p.m.

Mr. Rast gave an overview of what had been discussed at the Planning Commission meeting of October 22, 2007. The proposal was to add some language within Division 4 of the Design Guidelines ordinance discussing building height and massing and how to break up a larger building. The verbiage was basically what was discussed at that meeting, and he recalled that the members in attendance had been in favor of the way Staff was approaching this subject.

Mr. Rast further explained that he envisioned this as the next step in the Design Guidelines ordinance where pictures and sketches of the City's proposals would be included. In essence, as the buildings got taller and exceeded 35' in height, they would be reviewed by the Planning Commission. He said that a way to break up the façade of the building was to introduce the base, middle, and top; a definition of each was included. It was thought this would give some teeth to the Design Guidelines and allow the Planning Commission to review these buildings for aesthetics and how they blended in with surrounding buildings.

As far as massing was concerned, Mr. Rast stated that this too would involve breaking up the façade. It was recommended that language be introduced to require that the elevation be changed if the building was more than 50' long. Language addressing blank façades was already included in the guidelines to require that elements be added for architectural interest.

Mr. Rast stated that, as Staff and the Commissioners worked through the Design Guidelines ordinance, he would like to prepare a companion design guidelines manual that could be given to the developers. Different sections would be added, augmented, etc., to make the ordinance more enforceable and user friendly. He mentioned the BB&T

building and the new hotels currently being reviewed and noted that those developers were working with staff to design their buildings with more architectural interest. He thought more results would be seen as buildings were reviewed in relation to this ordinance.

Ms. Phyllis Aguayo of Stonington Drive repeated a concern she had expressed previously. She felt it was important to have this ordinance and understood the Planning Commission's motives. However, her concerns were relative to future Planning Commissions and future City Councils. She thought it was necessary to have protection in place that would not leave the decisions to individual tastes. She added that there were some buildings that would fit in other areas but had no place in Peachtree City. Development had to be appropriate to Peachtree City's village concept as well as architecturally sound and not left to the individual tastes of future Planning Commissions and City Councils.

Ms. Aguayo further stated that in the past when a maximum was set in the ordinance, the maximum seemed to become the standard. This had happened with the Buffer Ordinance, where the minimum buffer had become the standard rather than the exception. She strongly felt that 35' should be the standard and that only under special circumstances and with special review should developers be permitted to exceed that height. In this way, the ability to negotiate would be maintained.

Ms. Aguayo also thought that Peachtree City's village concept should dictate that village type designs be the standard. She did not think that breaking up the design was enough.

No one else spoke in favor of or in opposition to the proposed amendment.

The Chairman closed the public portion of the public hearing at 7:30 p.m.

Mr. Mullin noted that building height was not being addressed at this meeting but rather a proposal to add language to Section 726 of Division 4 of the General Design Requirements. Mr. Rast confirmed that Mr. Mullin was correct.

Mr. Mullin stated that he liked what was being proposed, but he did not know what could be added to make it more restrictive. He thought something in black and white to define Peachtree City architecturally was needed. He felt this language helped a lot and was in favor of passing it. He also thought it should be addressed further but did not think that should keep the Commission from approving the proposed amendment. Further consideration could still be given to building height limitations.

Mr. Rast thought the height limitations and design guidelines that had been discussed at the last two or three meetings went hand in hand. He would like to be able to address both this proposal and the proposal relative to building height limitations at a joint workshop with Planning Commission and City Council.

Mr. Rast stated that the majority of the comments that were received at the Comprehensive Plan Public Forums related to maintaining the aesthetics, keeping out chain architecture, and other issues involving aesthetics. He thought ordinances were now in place that added a very good layer of protection and that they should be enhanced so that a manual could be created for the developers to reference. Mr. Rast noted that prior to developing the Design Guidelines ordinance, there was nothing available for them. He agreed that there would be changes to the Planning Commission, City Council, and City Staff. However, if something could be developed that, for the most part, was agreeable to all parties, it could easily be passed on to the next Planning Commission, City Council, or City Staff. This proposal was a small portion of that effort. Even though there were not a lot of undeveloped sites in the City, he felt this would be even more important in redevelopment.

Mr. Staples thought this was a great direction to be taking and wanted to be sure it was being paralled with efforts to address clear cutting, tree save areas, buffers, canopy considerations, etc. Mr. Rast said this was another ordinance that was on Staff's list of things to do. He noted that concerns had been voiced by the Planning Commission and City Council as well as others who were frustrated because there was no ordinance to preclude this from happening.

Mr. Rast agreed with Ms. Aguayo that if a building exceeded a certain threshold identified in the ordinance, there should be additional requirements that would need to be met. He referenced the Comfort Suites at Lexington development and the significant planting areas and architectural details that had been provided to reduce the scale of the building.

Mr. Scott said that he would like the city's "village concept" to be referenced in the Intent statement of Section 724 because "this is who we are." In this way, he thought other people would understand that Peachtree City's unique approach was different from anywhere else.

Mr. Mullin thought the problem was the difficulty in trying to define this concept with words. The ordinance amendment being proposed was just one small step in a much larger task that would define the specifics and thereby control the architecture in Peachtree City.

Mr. Staples thought that Mr. Scott's point was that the language should be broadened to say that architectural design should be compatible with the developing character of the neighboring areas. He thought each village should have some degree of unspecified uniqueness that should be considered.

Mr. Mullin thought it was fine to define the intent but he wondered how that could be done with developers.

Mr. Scott thought the process that had been used in working with the developers of the three new hotels had worked well.

Mr. Mullin noted that in some cases, developers had been more willing to step up to the plate for their developments in Peachtree City. He thought that was because Staff and the Planning Commission were willing to go the extra mile. He also agreed with Ms. Aguayo that the ordinance needed to be such that future Planning Commissions, City Councils, and staffs would be able to accurately interpret the intent of this ordinance. He was excited that an effort was underway to better define the different aspects of development because he felt it would outlive all of us and make Peachtree City a better place.

Mr. Staples redirected the discussion to landscaping requirements. One of his pet peeves had been the lack of landscaping in city areas, e.g., medians, etc. He wondered if there was any way to allow developers who might be restricted on their own property to compensate with landscaping on property other than their own.

Mr. Rast thought this was a good point, but noted that sites should not be overdeveloped to the point where all of the required plant material could not be planted. He pointed to the Storage Xxtra site as an example of a site that had been developed to the point where it would be a challenge to get all of the trees on the site. He added that he did not like to see trees planted right next to each other because they would never survive. He was aware of some jurisdictions that allowed "tree banks" where a developer would plant what they could on their site and then donate the remainder of the plants or the funds for them to the tree bank so that the city could use them for planting in other areas.

Mr. Rast stated this would be on the list of ordinances Staff would be working on. He added there were a lot of innovative planning and design ideas that could be incorporated into ordinance format and he felt there was an opportunity for the city to on the forefront in establishing achievable Design Guidelines. He would like to get the Planning Commission and City Council together to discuss some of them so as not to waste time on items in which Council was not interested.

Mr. Staples wanted to confirm that the ordinances the Commission was looking at were the early stages of Staff's rule book. Mr. Rast stated that they were and noted that, although not a pattern book that would be used for historical districts, it was a reference manual. He added that Staff would want to stay away from the urban feel but still try to bring things that were compatible with what was being done in Peachtree City.

Mr. Staples thought it was very important to go to the extreme (the ideal) with any illustrations in the manual.

Mr. Mullin thought looking at what was and was not working in Peachtree City would be a good place to start. He noted that in New Orleans, the pattern book for developing a building basically consisted of snapshots of what was there. He stated that this might be where Peachtree City should start, photographing buildings that were to scale and nestled in the trees. He thought Ms. Aguayo would be a good resource for that since she had lived here longer than most people.

Mr. Mullin pointed out that there was a tree island located in the middle of the Aberdeen Village Retail Center. He thought this was a good example of the charm and character of Peachtree City. The City was not typical in the way most cities were developed.

Ms. Aguayo made several comments, but since she did not come to the microphone, her comments were inaudible.

Mr. McCann thought there should be more "shall's" and "will's" in the language in Division 4. Mr. Rast agreed but noted this document was just to get the thought process going. Mr. Mullin noted that Section 726 had the "shall's" and "must's."

After discussion, a motion was made by Mr. Staples, seconded by Mr. Scott, and unanimously adopted to forward the proposed amendment to Article VII, General Design Requirements, specifically Division 4, Standards for retail, commercial and industrial building design pertaining to building height and massing to City Council with a recommendation for approval.

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: **Mayor & City Council**

VIA: **Bernie McMullen, City Manager**
Paul Salvatore, Director of Finance P.S.
Janet Camburn, Assistant Director of Finance
Angela Egan, Purchasing Agent
Ed Eiswerth, Fire Chief

FROM: **David Williamson, Asst. Opns. / EMS Officer**

DATE: **February 13, 2008**

SUBJECT: **Emergency Medical Fee Structure Modification**
Council Agenda February 21, 2008

Recommendation:

Staff recommends that Council authorize modifications to the Emergency Medical Fee structure with the intent of aligning our fees with those of surrounding agencies. The recommended implementation date of the new fee structure will be March 1, 2008.

Discussion:

The current EMS fee structure was established in 2000. Peachtree City's EMS fees are the lowest in the region. Our goal is to continue to provide excellent emergency medical services at a cost that is inline with other regional emergency medical services. The implementation date of the new fee structure will be March 1, 2008. The recommended new fee structure with comparison to the current Peachtree City and five other agency fees and the current Medicare reimbursement schedule is at enclosure 1.

The proposed fee structure would consist of the following six (6) billing categories:

> Treat & Release $125.00 - To be used for patients that refuse transport to a hospital after receiving a procedure(s) that includes an administration of a pharmaceutical drug. Currently there is no charge for this service.
>
> Basic Life Support (BLS) $425.00 - as defined by Medicare. Example: non-life threatening trauma or long bone fracture and transport. The current charge is $300.00.

Advance Life Support (ALS) Level I $475.00 - as defined by Medicare. Example: life threatening trauma or severe difficulty breathing and transport. The current charge is $300.00.

Advance Life Support (ALS) Level II $650.00 – as defined by Medicare. Example: serious cardiac or cardiac arrest and transport. The current charge is $300.00.

Helicopter Assistance $200.00 – Procedures, equipment and supplies used for patient treatment prior to helicopter transport. Currently there is no charge for this service.

Mileage $10.00 per patient loaded mile. Assessed from the scene to the receiving hospital. The current charge is $5.00 per patient loaded mile.

The proposed EMS fee structure also changes our current method of itemized billing to flat rate billing based upon the level of service provided. This change in billing methodology will put Peachtree City into compliance with Medicare mandates. It is our policy to provide emergency medical care regardless of a patient's ability to pay. The proposed fee increase will only have a slight affect, less than $10.00, on patients using Medicare without a secondary insurance. These patients are only required by federal law to pay 20% of the Medicare reimbursable charge. Patients using Medicaid will not be affected at all. The City is required to accept the Medicaid payment without seeking additional payment from the patient. Medicaid patients have no co-pay. Patients that are self pay may be given exemptions by the EMS Director based on their individual circumstances. Employees of Peachtree City, elected officials, and their immediate family members would not be billed for EMS services.

During FY 2007 there were 936 patients billed for a total of $388,513, an average of $415.08 per patient. Peachtree City collected $286,433 of the total billed, (73.7% of amount billed) an average of $306.02 per patient. Based upon the 936 patients transported in FY 2007 the new EMS fee structure would generate approximately a total of $448,179 billed. Based upon the FY 2007 collection rate of 73.7%, approximately $330,307 can be expected to be collected. This represents an approximate 16% ($43,874) increase in revenue generated

Budget Impact:
The proposed Emergency Medical Fee structure modification is expected to increase annual reimbursement from $286,433 to $330,307 a 16% increase. This will result in an estimated annual revenue increase of $43,874. The estimated increase for FY 2008 would be $25,593, if implemented March 1.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**Mayor and City Council**
VIA:	**City Manager** **Financial Services Director** P.S. **Assistant Financial Services Director** **Developmental Services Director** David
FROM:	**City Engineer**
DATE:	**February 14, 2008**
SUBJECT:	**Second Update on Police Station Repairs** ***February 21, 2008 City Council Meeting***

Recommendation:

Staff recommends that City Council authorize staff to proceed with additional repairs to the Police Station at 350 State Route 74 South.

Discussion:

City staff had presented an update to City Council at a workshop on February 6, 2008. Staff had presented 3 options at this workshop. The options ranged from finishing the repairs to the existing building to demolishing and building a new facility on another site.

The first option was to finish the repairs to the existing facility. The breakdown of this option is as follows.

Estimated Additional Cost of Completing P.D. Headquarters Renovation
As of January 31, 2008

Additional construction estimate (including contingencies)	$538,476
Architectural Design/Construction Administration	$80,000
Site improvements (drainage, etc.)	$50,000
Additional rent (4 months @ $13K) June-August 2008	$52,000
Total estimated cost of completing renovations *	**$720,476**

* Does not include credit(s) for amounts that may be recovered from other sources.

Timeline

Design exterior repairs & modifications (5 weeks)	April 1, 2008
Award construction contract	June 1, 2008
Construction (16 weeks)	October 1, 2008

For this first option it should be noted that the estimated cost of construction is $538,476. The total of $720,476 includes additional rent and professional fees. If approved, the total amount that would be spent on the actual repairs to the building at this point would be approximately $1.1 million.

The second option was to sell the existing building and build a new building on a new site. The breakdown for this option is as follows.

Estimated Additional Cost to Abandon Existing P.D. Headquarters & Construct New
Assumes Sale of Existing Site & Building
As of January 31, 2008

<u>**New Building Costs**</u>		
Estimated construction cost (15,000 s.f.) (assumes January 2010 completion date)	$4,028,696	
Site development and access/egress from roads	$604,304	
Architectural design/engineering/construction administration	$694,950	
Land acquisition (approx. 6 acres industrial @ $50K/acre)	$300,000	
Furniture & Fixtures (communications, security system, etc.) (assumes some use of existing)	$120,000	
Additional temporary facilities- June 2008 thru Dec 2009 (19 months @ $13K)	$247,000	
Closing costs on new Bricks & Mortar Loan	$75,000	
Other (survey, permits, geotechnical, legal, etc.)	$50,000	
Project contingency @ 5%	$302,248	
Total New Building Costs:		**$6,422,198**
<u>**Existing Loan Costs**</u>		
Pre-payment of existing loan	$1,366,312	
Breakage fee on loan prepayment (as of 2/1/2008) (can change daily - fluctuates as interest rates move)	$200,000	

Total Existing Loan Costs:		**$1,566,312**
Additional expense to do interior wall repairs		**$45,000**
Total Estimated Costs:		**$8,033,510**

<u>**Credits ****</u>

Sale of land - existing site (5.55 acres @ $50K)	$277,500	
Sale of improved building	$1,300,000	
Total Credits:		**$1,577,500**
Net Estimated Cost of New Building:		**$6,456,010**

* Note 5% contingency not calculated on prepayment & financing costs shown above.

* * Note: May be difficult to recover market value of land/building based on reasons for abandonment.

Timeline

Identify & procure new site (4 months)	June 1, 2008
Award Architectural Engineering contract for new building (4 months)	June 1, 2008
Design new building (4 - 6 months)	November 1, 2008
Award construction contract (2 months)	January 1, 2009
Construction (12 months)	January 1, 2010

The third option was to demolish the existing building and build a new building on a new site. The breakdown for this option is as follows.

Estimated Additional Cost to Abandon Existing P.D. Headquarters & Construct New
Assumes Demolition of Existing Building
As of January 31, 2008

Estimated construction cost (15,000 s.f.) (assumes January 2010 completion date)	$4,028,696
Site development and access/egress from roads	$604,304
Architectural design/engineering/construction administration	$694,950
Land acquisition (approx. 6 acres industrial @ $50K/acre)	$300,000
Furniture & Fixtures (communications, security system, etc.) (assumes some use of existing)	$120,000
Additional temporary facilities- June 2008 thru Dec 2009 (19 months @ $13K)	$247,000
Closing costs on new Bricks & Mortar Loan	$75,000

Demolition of existing structure	$85,000	
Other (survey, permits, geotechnical, legal, etc.)	$50,000	
Project contingency @ 5% *	$306,498	
Total New Building & Demolition Costs:		**$6,511,448**
<u>**Existing Loan Costs**</u>		
Pre-payment of existing loan	$1,366,312	
Breakage fee on loan prepayment (as of 2/1/2008) (can change daily - fluctuates as interest rates move)	$200,000	
Total Existing Loan Costs:		**$1,566,312**
Total Estimated Costs:		**$8,077,760**
<u>**Credits**</u>		
Sale of land - existing site (5.55 acres @ $50K)	$277,500	
Cost avoidance from cancelling renovation project	$150,000	
Total Credits:		**$427,500**
Net Estimated Cost of New Building:		**$7,650,260**

* <u>Note:</u> 5% contingency not calculated on prepayment & financing costs shown above.

Timeline	
Identify & procure new site (4 months)	June 1, 2008
Award Architectural Engineering contract for new building (4 months)	June 1, 2008
Design new building (4 - 6 months)	November 1, 2008
Award construction contract (2 months)	January 1, 2009
Construction (12 months)	January 1, 2010

Based on the review of the above three options, Council directed staff to look into a fourth option, existing commercial/industrial buildings in the City that could be renovated to accommodate a new police station and compare costs.

The property located at 350 Dividend Drive (Photocircuits) had been suggested to staff as a potential site suitable for renovations to accommodate the Police Department, as well as expansion space fro the departments. Staff set up a site visit to the building on February 14, 2008. A group tour of the facility was attended by representatives from the Police Department, City staff, City Council, the real estate company and the architectural firm Leo A. Daly.

The Photocircuits building is a vacant manufacturing facility that used to manufacture circuit boards. The site consists of a manufacturing plant, administrative offices and a process wastewater treatment plant. The entire building complex is about 105,000 square feet. The group toured the entire facility except for the process wastewater treatment facility.

While the facility has an abundant amount of office space, storage, and parking, staff found the facility to be in need of significant maintenance. Specifically the parking lot would need to be repaved, large sections of the roof were not safe to walk on and would have to be replaced, office space would need to be reconfigured, HVAC and electrical systems would also need to be evaluated and configured for a smaller space and specific needs.

In addition to the maintenance issues the site has some potentially significant environmental concerns. Since the site was a circuit manufacturing facility, there were various heavy metals and volatile organic compounds being stored and used on site. Because of these constituents, a complete environmental assessment of the building and site would have to be performed to confirm any contamination and perform any necessary remediation. In addition, an inventory and inspection of all the process lines and storage facilities would have to be done to confirm the presence of any raw materials or waste materials. If any materials were found they would have to be disposed of properly as hazardous waste.

Based on the potential repair and renovation costs with the Photocircuits building, and the unknown environmental liabilities, staff is not recommending any further investigation into the use of the Photocircuits building. Staff recommends proceeding with renovating the existing building at 350 State Route 74 South.

Budget Impact:

The cost of finishing the renovations at the existing police facility is an additional $538,476. With additional rent, architecture fees, and site improvements the total additional cost would be $720,476. Staff recommends that these additional charges be financed through a modification agreement on our existing loan for the Police Headquarters facility. The monthly payment on the loan would be approximately $5,700, or $68,000 per year, for a 15-year term

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**Mayor and City Council**
VIA:	**City Manager** **Developmental Services Director**
FROM:	**City Engineer**
DATE:	**February 14, 2008**
SUBJECT:	**Additional Easement Request from the Georgia Department of Transportation** ***February 21, 2008 City Council Meeting***

Recommendation:

Staff recommends that Council authorize the Mayor to sign the attached paperwork to donate an additional easement to the Georgia Department of Transportation (DOT) on two parcels, and to correct the amount purchased on another parcel.

Discussion:

At the October 18, 2007 Council Meeting City Council authorized the sale of easements and right-of-way to the Georgia DOT. The easements and right-of-way sold to the DOT were for the second phase of the widening of State Route 74.

Last week the DOT approached staff about some errors that they made during the preparation of the easement and right-of-way documents. The first error was that the DOT did not include a small strip of land between the right-of-way and the back of the existing Fayette County water line easement in their easement request. This small strip of land in their easement request is in the area of the Baseball Soccer Complex and the wastewater treatment plant. The amount of additional easement being requested for donation is approximately 0.6 acres. The other error was in the right-of-way request on the land adjacent to Flat Creek and the Publix's shopping center. The original right-of-way request showed Peachtree City owning all the property from the road north to the wetlands next to the shopping center. However after the title research was done it revealed that some of the property was still owned by CENTEX Homes. Therefore the amount offered to the City previously on this parcel will be reduced from $16,500 to $4,650. This reduction in the offer is because the amount of property required is being reduced from 2.3 acres to 0.5 acres.

Staff recommends donation of the easements and approval of the revised right-of-way documentation in order to expedite the construction of the widening. In addition the value of the requested easement is insubstantial due the existing water line easement.

Budget Impact:

The donation of the additional easement will not have a significant impact on the budget. The donation of the right-of-way on the parcel adjacent to the Publix's shopping center will reduce the previous offered amount by $11,850.

Attachments (Deeds and right-of-way options)

cc: City Engineer
City Manager

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council Members**

VIA: **City Manager**
Development Services Director

FROM: **City Planner/ Zoning Administrator**

DATE: **February 21, 2008**

SUBJECT: **Endorsement of request for Quality Growth Implementation Assistance for Huddleston Road Corridor**
February 21, 2008 City Council agenda

Recommendation:

Staff recommends that City Council endorse the request for Quality Growth Implementation Assistance for the Huddleston Road Corridor (Attachment "A") by signing the Resolution of Endorsement (Attachment "B").

Discussion:

As a part of the 2001 LCI Study of the SR 54 West Corridor, the Huddleston Road corridor was identified as an area where further study was needed to establish an overall master plan and design guidelines to promote development and redevelopment activities. The Huddleston Road corridor was also identified as a "character area" within the Community Assessment portion of the update to the city's Comprehensive Plan.

Additionally, City Council identified the Huddleston Road corridor within their 2007 Goals and Objectives and asked Staff to prepare a master plan as well as explore the possibility of extending sanitary sewer to serve existing and proposed businesses within the corridor.

Staff recently applied for funding through the Atlanta Regional Commission's 2008 LCI Study Application program, but our application was not selected for funding. We are now requesting assistance through the Quality Growth Implementation Assistance program, which is a part of the Community Choices program established by ARC. If selected, City Staff will work closely with ARC Staff and project stakeholders to develop a plan for the corridor and supporting ordinances to encourage redevelopment.

Budget impact:

There are no fees or matching funds associated with this program.

Attachments

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY ENDORSING THE REQUEST FOR QUALITY GROWTH IMPLEMENTATION ASSISTANCE FOR THE HUDDLESTON ROAD CORRIDOR AND AUTHORIZING STAFF TO FORWARD THIS APPLICATION TO THE ATLANTA REGIONAL COMMISSION FOR CONSIDERATION.

WHEREAS, the City Council of the City of Peachtree City supports the efforts to enhance the quality of life for the citizens of Peachtree City; and

WHEREAS, the Atlanta Regional Commission's Community Choices program was established to encourage local governments to plan for quality growth and to adopt policies and plans to support these planning efforts; and,

WHEREAS, the City of Peachtree City's location within the Atlanta Metropolitan Planning Organization boundary grants eligibility for Atlanta Regional Commission assistance; and,

WHEREAS, the City Council of Peachtree City met on February 21, 2008 to vote in support of submitting a request for Quality Growth Implementation Assistance to the Atlanta Regional Commission; and,

WHEREAS, the City Council of Peachtree City further pledges to provide Staff support and resources to assist Atlanta Regional Commission staff in developing a master plan and associated policies and ordinances to support these planning efforts.

BE IT THEREFORE RESOLVED, the Mayor and Council of the City of Peachtree City do hereby express their support in submitting the request for Quality Growth Implementation Assistance to the Atlanta Regional Commission for the study of the Huddleston Road Corridor.

SO RESOLVED, this _____ day of _____________, 2008.

____
Harold Logsdon, Mayor

____

____

____

____

Attest: _____________________________
City Clerk

Community Choices

Community Choices
Application for Implementation Assistance
2008

Jurisdiction The City of Peachtree City

Address 153 Willowbend Road **Phone** 770-487-5731

Contact Person David E. Rast, ASLA **E-mail** planner@peachtree-city.org

Local government plans, policies and practices that reflect the principles of quality growth are often characterized by a common set of principles:

- a mix of land uses;
- a range of housing and transportation opportunities and choices;
- walkability;
- distinctive, attractive communities with a strong sense of place;
- open space, natural beauty and critical environmental areas;
- encourage community and stakeholder collaboration in development decisions.

EVALUATION CRITERIA

1. The applicant must be a city or county in the ten county Atlanta region or an LCI recipient in the expanded metropolitan region.
2. The community must have a demonstrated understanding of and commitment to the principles of quality growth.
3. The application should include a discussion of growth conditions in the community, as well as assets and challenges to implementing quality growth policies and plans. The application should also specify the type of assistance being requested (i.e. the development of an ordinance, a quality growth audit and recommendations, etc.) and how it will be applied.
4. The community must have a specific, clearly defined project, and there must be a clear role for a team to assist with implementing the project. Applicants must describe the project, discuss how it relates to local and regional growth, and explain how its success would affect the community's environmental, social, and economic health.
5. The community must form a local team to work with the ARC team and to follow up on the technical assistance. This team should include representatives from a variety of sectors of the community, including public, private and nonprofit partners.
6. **Elected officials – mayors, county commissioners, city council members – must support this project and be committed to its success. The response to this request for applications will require a letter of support from the primary elected official in the community, as well as a list of other elected officials who support it.**

Important Dates

Applications Distributed:	January 15, 2008
Application Deadline:	February 21, 2008
Recipients Notified:	March 24, 2008
Initial meetings with selected Communities:	March 31- May 2, 2008
Assistance Begins:	Week of May 5, 2008

1. Briefly describe the project for which you are requesting implementation assistance. (150 words)

The overall Huddleston Road study area encompasses approximately 169.14-acres, with the majority of the parcels being less than one acre in size. A total of 53 individual parcels are located within the study area, 30 of which are controlled by 8 property owners.

The Huddleston Road corridor serves as the primary entrance into the city's 2,700-acre industrial park from SR 54 West. The corridor consists of a variety of retail, commercial and light industrial uses, which are reflected in both the current zoning and land use designations. Each parcel within the corridor is served by individual septic systems, as sanitary sewer is not available within this area.

As a part of the city's initial LCI Study of the SR 54 West Corridor, the Huddleston Road corridor was identified as an area where further study was needed to establish an overall master plan and design standards to promote quality growth and redevelopment.

2. Identify and explain how this project focuses on implementing quality growth concepts in your community (200 words).

The Huddleston Road corridor borders a highly successful walkable retail district, a residential neighborhood, and various open space and recreational destinations. Combined with its proximity to the SR 54 West corridor, the city's industrial park, as well as existing retail and commercial centers, the Huddleston Road area is a prime candidate for redevelopment. The corridor has the potential of developing into a highly successful mixed-use destination center to include retail, restaurants, office, open space, and possibly housing opportunities as well as a potential site for a future commuter rail station.

Incorporation of alternate forms of transportation will be a key element of the revitalization of this area. Peachtree City currently owns and maintains over 90-miles of multi-use paths interconnecting retail, commercial, office, residential, schools and recreation areas. Extensions to this path network are currently being installed within a portion of the corridor as a part of the LCI Construction program. An active CSX rail line also borders the study area, which provides an opportunity for a future rail transit.

There are currently no sidewalks or sanitary sewer lines within the study area, and community leaders and stakeholders have determined these as the major deficiencies to any potential redevelopment opportunities.

3. Describe the specific tasks for which you are requesting assistance.

1) Help researching and creating development strategies that plan and budget for infrastructure investments, primarily for the addition of sanitary sewer along the Huddleston Road corridor.

2) Create ordinances and/ or incentives that increase the potential for redevelopment, mixed use, and infill opportunities within the study area.

3) Examine transportation choices and transit-oriented development (TOD).

4) Indentify the potential for housing options within the study area.

5) Improve on ordinances that preserve and enhance the existing residential neighborhoods.

6) Develop ordinances/ incentives to promote and encourage sustainable development.

7) Increase current ordinances that protect environmentally-sensitive areas.

8) Prepare a plan to enhance green space along the existing network of multi-use paths to create a more natural connection between developments.

9) Design an overlay district and/ or design guidelines to prepare for the potential redevelopment of the Huddleston Road corridor.

10) Develop a community involvement process that promotes input from all stakeholders.

11) Perform a detailed land use analysis to identify and classify each parcel within the study area.

12) Prepare a detailed Transportation plan.

13) Identify locations of sidewalks, multi-use paths, and other infrastructure.

14) Complete a market and housing analysis.

15) Develop a five-year schedule of local actions that are planned within the study area to implement the study goals, programs, and projects. Schedules should include start date, completion date, estimated costs, and responsible parties.

4. Describe how elected officials have demonstrated support for this project and how they will be involved throughout the process.

The City of Peachtree City was one of the first communities within metro-Atlanta selected to receive funding through the LCI program for the study of the SR 54 West Corridor. At the time, GDOT was preparing their final construction plans for the road-widening project and city officials initiated detailed discussions with GDOT personnel to incorporate several items within the actual road construction plans. These items included, but were not limited to, the incorporation of multi-use tunnels underneath the road on either side of the CSX rail line, removal of sidewalks and replacement with wider, multi-use paths, utilization of decorative mast arms at intersections, replacement of the standard bridge railing detail with a more decorative railing, and many other items.

Elected officials and staff had already received funding through the Transportation Enhancement Act (TEA-21) for a multi-use bridge that would span the CSX rail line as well as other grant-related projects within the SR 545 West Corridor, the majority of which have been implemented.

The elected officials' planning efforts and forethought have resulted in several projects being implemented as a part of the road-widening project. These efforts have proved to be beneficial to the city, as we now have the infrastructure in place to allow multi-use path connections throughout the SR 54 West corridor.

Elected officials and city staff has also been in discussions with GDOT as they move forward with the SR 74 South road-widening project, and we will now have three (3) additional multi-use tunnels underneath SR 74 South to allow connections to the industrial park and recreational facilities.

Until recently, matching funds for these projects was identified within the city's Capital Improvements Program. While some projects are still funded through this program, elected officials' have designated SPLOST funding for several multi-use paths and larger infrastructure projects.

In conjunction with the Development Authority of Peachtree City, the city has identified the need to extend sanitary sewer to the businesses along Huddleston Road. We are currently exploring alternative funding sources including, but not limited to, Tax Allocation Districts, Community Improvement Districts, grants through the Georgia Department of Community Affairs, etc. It is our intent to utilize the 2008 Community Choices implementation program to assist us in facilitating these improvements as well.

The Mayor and City Council identified the redevelopment of Huddleston Road as one of their Goals for 2008. As a part of the city's update to the comprehensive plan, staff and elected officials have identified this area as a character area and have solicited input from the community through a series of public workshops as well as dialogue with stakeholders and property owners.

Over the past fifty (50) years, the elected officials of Peachtree City have listened to and addressed community issues. At the heart of all these issues has always been early and open communications with citizens and consideration of local planning efforts. It is envisioned that extensive dialogue will begin early in this planning stage and continue through the project development and implementation process.

5. Identify key actors who will work with ARC staff on this project.

Project Manager

David E. Rast, ASLA

Development Authority of Peachtree City

Steve Fraas, Chairman
Todd Strickland
Tyler Duffy
David Miller
Tom Lacy
Michael Moore
Jay Herzog

Project Stakeholders

John Feenaghty
Mike Fitzgerald
Marvin Funk
Tom Gray
Kevin Hannani
Jim Harris
Tom Hildebrand
Frank Kadkhodaian
Jeff Martin
Rodney Moore
Norman Paschall
Tim Powers
John Proffitt, Jr.
Ray Self
Tom Sellmer
Richard Simms
Pete Waldrop

Staff Advisory Board

Bernard McMullen	City Manager
David Rast, ASLA	City Planner/ Zoning Administrator
Tony Bernard	Planning Assistant
Dave Borkowski, P.E.	City Engineer
Mark Caspar, E.I.T.	Stormwater Manager
Tom Carty	Building Official
John Dailey	Fire Marshal
Betsy Tyler	Public Information Officer
Cinnamon Mack	Administrative Assistant

Technical Advisory Board

Tom Corbett	Public Services Director
Paul Salvatore	Financial Services Director
Ted Meeker	City Attorney
Larry Turner	Peachtree City Water and Sewerage Authority
Robert Kurbes	Fayette County Health Department
Tony Parrott	Fayette County Water Department
Matt Forshee, ASLA	Fayette County Development Authority
Thomas Howell	Georgia Department of Transportation
Joe Cobb	Georgia Power
Stanley Sitzler	Coweta-Fayette EMC

Planning Commission

Marty Mullin, Theo Scott, Patrick Staples, John McCann, Larry Roach

Public involvement

Public involvement will be vital to the success of the Community Choices implementation program in the Huddleston Road area. The Project Manager will brief both Planning Commission and City Council on a regular basis on the status of the plan. Stakeholder meetings will be scheduled in advance and properly publicized to ensure the public's awareness of these meetings. Meetings will be held at City Hall and at locations within the study area. A separate web page will be created and will include all elements of the study process, including an area for public comment. It is envisioned the planning process will include several design workshops, charettes, and other efforts to engage public input.

6. **How will assistance with this project lead to implementation of Community Choices quality growth principles and concepts? (200 words)**

   1) Mixed land use: Development of an overall master plan connecting the city's industrial park with the SR 54 West Corridor, to include office, retail and commercial as well as light industrial areas.

   2) Create walkable environment: Enhancement of pedestrian and multi-use path connectivity to ensure alternate forms of access are available, which will assist in reducing local automobile trips.

   3) Transportation alternatives: Investigate location and scope of establishing a future commuter rail station as identified within the long-range Transportation Improvement Program (TIP).

   4) Create housing opportunities: Study potential of developing housing opportunities to provide workforce housing for surrounding retail, commercial and industrial tenants.

   5) Strengthen existing development: Explore feasibility of installing sanitary sewer to serve existing developments and to remove existing underground septic tanks.

   6) Cost effective development: Explore possibility of implementing Community Improvement District (CID), Tax Allocation District (TAD) or other funding mechanism to assist in funding infrastructure improvements.

   7) Community input & Green design: Develop and implement architectural design guidelines for all developments.

   8) Preserve open space: Explore possibility of replacing above ground utilities underground and establishing overall landscape plan.

   9) Creation of place: Seek grant funding to implement goals and objectives of the master plan.

In order to demonstrate full commitment to implementation, the completed application must be signed by the chief elected official in your jurisdiction. Applications will not be accepted without this signature. All other elected officials are also encouraged to sign the application as a show of support for the effort.

Print Name	Signature	Title	Date

Print Name	Signature	Title	Date

Print Name	Signature	Title	Date

Print Name	Signature	Title	Date

Print Name	Signature	Title	Date

Please Mail 5 Copies of the Completed Application and Supplemental Materials* to:

Atlanta Regional Commission
Community Choices
ATTN: KELLIE BROWNLOW
40 Courtland St. NE
Atlanta, GA 30303
kbrownlow@atlantaregional.com

Supplemental Materials may include plans, amendments, newspaper articles, brochures and/or other materials that demonstrate community commitment

PLEASE INCLUDE NO MORE THAN 3 SUPPLEMENTAL MATERIALS PER APPLICATION