CITY COUNCIL OF PEACHTREE CITY
Minutes of Meeting
February 1, 1996
7:00 p.m.

The Mayor and City Council of Peachtree City met in regular session on Thursday, February 1, 1996 at 7:00 p.m. in the City Hall Council Chambers.

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

Additional Agenda Items

Lenox moved to add agenda item 2-96-4 - Public Forum for Concerned Citizens of Peachtree City at the request of several citizens who were present. Brooks seconded the motion. Motion carried unanimously.

Announcements, Awards, Special Recognitions

Mayor presented an award to Gary Churchwell for his service on the Water and Sewerage Authority.

Mayor presented 20-year service pin to Fire Chief Gerald Reed.

Minutes

McMenamin made a motion that the minutes of the January 18, 1996 meeting be approved with a minor change in spelling. Price seconded the motion. Motion carried unanimously.

Lenox suggested rearranging the agenda to hear the new agenda items first.

New Agenda Items

02-96-1 Consider Resolution, Water and Sewerage Authority

Basinger said the resolution under consideration was a request for State Representative Dan Lakly and Senator Skin Edge to introduce legislation during the next session of the State Legislature to amend the Act that created the Peachtree City Water and Sewerage Authority. He said the proposed change would give the City the authority to purchase any and all of the issued and outstanding capital stock of a corporation that owned and operated a water and/or sewerage system.

McMenamin made a motion to adopt the resolution. Price seconded the motion. Motion carried unanimously.

02-96-2 Frederick Brown, Jr. Amphitheater Stage Reconstruction Plans

Lenox introduced Bob Truitt, member of the Development Authority and the project architect, Don Cobb.

Truitt said the City had asked the Development Authority to manage the Amphitheater, but they felt they should ask City Council for permission before making any changes to the stage and seating area. Truitt explained the Development Authority felt a stage renovation project to reduce the current size of the stage would provide an area that could be used for an orchestra pit and additional seating space. Truitt explained that the front of the stage was very wide and unusable because it could not be lighted properly. He said the front of the stage also sloped down slightly and created a safety hazard because it was slippery when wet. Truitt said the Amphitheater currently had 2,100 seats and the improvements would add an additional 300 seats. Truitt said this would not only increase revenue but also allow those people on a waiting list to purchase season tickets. The improvements would also provide room for a wheelchair ramp.

Truitt said the Development Authority would use their existing funds and proceeds from the Amphitheater to pay for the renovation.

Don Cobb, architect, presented a drawing to Council and described the materials that would be used.

Pace made a motion for the Development Authority to proceed with their plans. Price seconded the motion. Motion carried unanimously.

02-96-3 Purchase Equipment - Front-end Loader & Bucket Truck

Basinger said staff was requesting to purchase a front-end loader and bucket truck from PCDC. He said these pieces of equipment, along with others, were going to be sold at a PCDC auction and, as a courtesy, PCDC offered the pieces of equipment to the City at the minimum auction price.

Basinger said the City had borrowed both pieces of equipment numerous times over the years. The front-end loader had been used to pile up and manage the limbs and debris at the Recycling Center for a number of years. He said City staff would use the bucket truck primarily for tree trimming along right-of-ways and for tree decorations at the City Hall plaza at Christmas time.

Basinger explained that since staff had extensive use of both pieces of equipment, they were aware of the mechanical condition of the equipment. He said the front-end loader had a new engine and under carriage installed last year and the City had put most of the hours on it since that time. The bucket was also in very good mechanical condition.

Basinger said staff verified the value of both pieces of equipment by contacting vendors selling this equipment. Based on the fact that the front end loader had a new engine and a new under carriage, the value was estimated between $57,000 - $62,500 by one dealer and between $48,000 and $58,000 by another dealer.

Basinger said Steve Rapson, Finance Director, set the depreciated value of the front-end loader at $60,000 and the bucket truck's value at $9,000. PCDC's asking price for the loader was $40,000 and the bucket truck was priced at $5,000; a total projected savings of $24,000.

Basinger explained that, since these pieces of equipment had been available to the Public Works department over the years, staff has not budgeted to purchase them, except for a loader in the 5-year PIP. He said staff felt this was a very good buy and recommended purchasing the equipment for a total of $45,000 and that an additional $1,000 be budgeted for painting the equipment. He said staff had closely scrutinized the budget and recommended that $26,000 be taken from the Public Improvement Program Contingency Fund and $20,000 be taken from the Recreation budget with funds that are available due to the fact that the Kedron Fieldhouse and Aquatic Center were several months late in opening.

Price made a motion to purchase the front-end loader and bucket truck from PCDC and that $26,000 be taken from the Public Improvement Program Contingency Fund and $20,000 be taken from the Recreation budget to fund and paint the equipment. McMenamin seconded the motion. Motion carried unanimously.

2-94-4 - Public Forum for Concerned Citizens of Peachtree City

Marion Higgs addressed Council and said the Concerned Citizens would rather wait to comment on the next agenda item concerning the apartment issue.

OLD AGENDA ITEM

11-95-11 Public Hearing- Rossetti Request for Multi-Family Grandfather Status

Lenox said the public hearing to consider grandfather status for multi-family use on Mr. Rossetti's property zoned for commercial use had been continued so that Mr. Rossetti could prepare and present a modified plan. Lenox said action had been taken on all requests for grandfather status except what is referred to as the Cedarcroft Apartment project; however, he said the whole process had evolved into trying to find an alternative plan for the entire area.

McMenamin said she felt strongly that the City had advertised a public hearing to consider Rossetti's request only for grandfather status for his multi-family project. She did not feel Council should be considering any other project without proper notice.

Lenox said at the last meeting Council specifically requested Rossetti come back with a proposal for the area, not specifically the Rossetti property.

Brooks said he did not want to ignore the other plan but felt Council should start the discussion with a brief overview of what the Cedarcroft Apartment project is.

Lenox said the project had already been through the public hearing process and Council was in discussion when the issue was tabled.

Brooks said the Cedarcroft Apartment project had never actually been discussed by Council. He said the Reeser/Cline project had been discussed in detail, but the Cedarcroft project had been tabled without discussion at each meeting. Brooks said, before a compromise could be made, a decision would have to be made concerning Cedarcroft Apartments. He said any kind of compromise concerning the entire area would have to be advertised and go through the entire rezoning process.

Mr. Reeser addressed Council and said he was representing Ravin Homes, CR Partners, & Regent Partners. He said they were jointly involved in a law suit against the City. He explained that CR Partners had a contract to purchase the Rossetti property. He said it was their intention to discuss a modified plan for the entire area. He said the concept was to develop the entire Line Creek Village, including 140 acres of land which he felt should be developed as one project because of the infrastructure issues that need to be addressed. Reeser asked that Council table making a decision on the Rossetti property until a development agreement could be reached for the entire 140 acres.

McMenamin said she did not want to mislead the public and explained that the minutes of January 18 clearly stated that Price made a motion to table the consideration of Grandfather rights for Cedarcroft Apartments until the next meeting. She did not feel they should be considering any other project.

Doug Dillard, attorney for the applicants, addressed Council. He said McMenamin was correct and Council did only advertise consideration of the Rossetti property but he felt his clients were in a trap because Council already acted on the Reeser property and denied grandfather rights. He said that issue was going to court and his clients were now trying to reach a compromise. Mr. Dillard said he did not understand why Council interjected itself into the process because the Planning Commission was normally the body to consider the site plan. He said the City's ordinance did not make provisions for the City Council to be responsible for the site plan review process. Dillard said, in an effort to resolve the situation, they wanted to discuss the possibility of transferring the apartment density from the Rossetti property to the Reeser property which had already been denied grandfather rights. He said, if Council were to deny grandfather rights on the Rossetti property, it would further complicate the ability to settle the issue. He said his clients were requesting that Council table making a decision on the Rossetti property with the specific direction that the Planning Commission review the new plan. He said he could not have his client (Rossetti) waive any rights to having apartments on his property until a resolution could be worked out and Council could offer specific direction to transfer the density from the Rossetti property to the Cline property.

McMenamin said, if Council were to deny grandfather rights for the Cedarcroft Apartment project, the new plan could be presented in two weeks.

Webb said he did not disagree with the options Dillard suggested, but Council could also deny Rossetti's grandfather rights and then they could file a law suit against the

City; however, they would only have 30 days to file the suit and it was unlikely the issue could be resolved in that short period of time.

Dillard said his clients did not want to file another unnecessary law suit and would prefer Council to table making a decision on the Rossetti property until a compromise could be worked out. He said if a compromise could not be reached his clients would insist on building multi-family on both tracts.

McMenamin asked if Rossetti would agree to develop his property as a single-family development without requesting the density to be transferred to the Reeser/Cline property.

Rossetti explained that he had an obligation to Reeser and Cline because they had a contract to purchase his property. He said he had been under a legal binding contract to sell his property to them since last July.

Price said that throughout the whole process, she felt the entire area should be considered as an integrated plan. She said she was pleased with the progress being made between the property owners and developers; however, she said she was not comfortable with discussing grandfather rights because she felt Council should consider designating the appropriate zoning for the property.

Webb said Council could give clear direction as to what action they would like to take concerning zoning; however, rezoning property would require Council to hold additional public hearings.

Lenox said he felt everyone agreed that the property being discussed represented a major development for the City. He said he felt it would be a better development if it were one project. He said Council should decide what was acceptable to the community but what was also economically feasible from a development standpoint.

Lenox said Council could turn down Rossetti's request and deny grandfather rights and allow the law suit to go forward, but there were many risks and ramifications to consider. He said, before making a decision, he would like to hear the alternative proposal.

Brooks said he felt Council should first consider the original Cedarcroft Apartment plan because it had not been discussed. He said he felt the Cedarcroft plan should be considered separately because the plan had already been approved by the Planning Commission, while the other property had not been discussed by the Planning Commission.

Dillard said the Planning Commission had not considered the other plans because of the action Council had taken. He said their plans had been scheduled to be considered by the Planning Commission on October 9, but Council declared the moratorium on October 5. Dillard said he felt rezoning the property could take place through a development agreement or consent order. He said he could not let his clients take a chance on agreeing to go through the entire zoning process because he felt they had the right to develop their project before Council changed the commercial use classification.

Lenox described the original Rossetti plan. He said the Planning Commission approved Rossetti's original plan to develop 220 single-family homes in the $120,000 price range on 165 acres of land. Subsequent to that approval, Rossetti entered into a transaction with Mr. Reeser and Mr. Cline to sell them 23 1/2 acres. Together those two groups presented a new plan to the Planning Commission which consisted of approximately 155 single-family homes on 42 acres and 300 apartments on 23 1/2 acres. Council then became aware of the fact that residential and multi-family were permitted uses in Commercial zoning and, subsequently, changed the zoning law to remove that stipulation. Lenox went on to explain that all projects that were in the planning process were presented to Council to request they be grandfathered under the old zoning ordinance. Lenox said Council made the decision to deny grandfather rights on all of those tracks, except the Rossetti property. Council granted grandfather rights for Rossetti's 155 unit single-family project on 42 acres and tabled consideration of the 300 unit apartment project on 23 1/2 acres. Lenox said, during the whole process Council had been discussing the entire area in a broader context to determine what was feasible for the entire piece of land in that area of town.

Lenox asked Reeser to proceed with a presentation of a new plan.

Reeser said he represented Ravin Homes, CR Partners & Regent Partners. He said another tract of land belonged to the Huddleston family and, while no official agreement had been made, they were all trying to work together to plan a joint development on the 140 acres with the village concept in mind. Reeser said they did not want to profit from a law suit but wanted to develop a village that everyone could be proud of.

Reeser said it appeared the major concern from the community was that the apartment project would be cheaply developed, offer low or subsidized rent, and severely impact the school system. He explained that several studies indicate that the market in Peachtree City had a demand for rental property. He said many single-family residences were being rented and he explained that the property value of a single-family home goes down in value because the renter does not maintain the property. He said that is not the case in an apartment project because the management is responsible for maintaining the property.

Reeser said the price of the land and the infrastructure that would need to be in place would demand a high quality project with high rent. He said he expected their project to be of higher quality than Balmoral Village.

Reeser said they had also conducted studies pertaining to the impact on the school system. Reeser said that single-family homes would have a higher impact on the school system because there are less than .4 children in each apartment unit and taxes are paid on each unit.

Mike Lorber, a consulting planner, said he was a resident of Peachtree City and was involved in the preparation of the Land Use Plan in 1985. He presented the new apartment plan based on 40 acres which did not include the Rossetti property. The plan called for an apartment project, commercial buildings, a hotel, a major parkway, a feeder road to match up with Planterra Ridge, and traffic signals. He said this plan would require the old commercial buildings along Highway 54 to be torn down, including the miniature golf and batting cages, the old Frank-n-Fries building, etc. Lorber said natural buffers and wetlands would separate density.

Lorber explained there were still 1,000 acres north of this project to be developed and he felt it was discouraging to only plan development of such a small portion of the village. He said he expected the rest of the village to be developed in the same step-down zoning theory as the rest of the City so that when it was built it would have commercial, multi-family, single-family cluster, R10, R12, R15 and then one-acre lots.

Lorber said he expected the Huddleston property would eventually have a shopping center on it comparable to that in Braelinn Village.

Someone from the audience expressed concern about traffic on Highway 54. Lenox said the current schedule from the State shows that engineering and right-of-way acquisition will take place in 1997 and the widening project should be complete 4 1/2 years after that.

Reeser said a collector road and traffic light would be installed at the developer's expense which would help the traffic situation but the state would still be responsible for the expense to widen the road.

Lorber said that he helped prepare the Land Use Plan in 1980 and that the plan called for 40% of the units in Peachtree City to be multi-family. He explained that over time, cluster homes became very marketable and drastically reduced the number of multi-family homes in Peachtree City. He said he previously worked for Equitable and knew they had a policy that they would not sell any of their land zoned for apartments because they wanted to raise the value of their apartment complex, Balmoral Apartments. Lorber went on to explain that unless Council were to rezone property, this apartment project on Highway 54 would be the last project developed. He said there was one other parcel of land zoned for apartments but he felt it could not be developed because of the shape and topography of the land. Lorber said if the apartments were built on Highway 54, there only 16% of the units in Peachtree City would be multi-family as opposed to the 40% planned in 1980.

Tom Grisim, resident, asked how many homes were currently rented in Peachtree City. Lenox said he did not know the answer to that question but that he knew of two men who were in the real estate business in Peachtree City who specialize in managing private rentals of single-family dwellings and, between them, they manage over 400 dwellings in Peachtree City. Lenox said he felt that represented only a few of the rental homes in Peachtree City.

Brooks said, according to the 1990 census, 18% of the dwellings in Peachtree City were rental units. Brooks said that figure included multi-family and single-family homes.

David Dick, Regent Partners, addressed Council. He said his firm was owned by Philip Holtsman out of Frankford Germany with over 48,000 employees world-wide. He said Philip Holtsman generated over $11 billion in revenue last year, with Regent Partners generating over $200,000 million. He said his company had developed over 22 quality projects over the last few years. He explained that his company was interested in developing an apartment project in Peachtree City but they had not completed a market study. He said much research would need to be done before they could commit to the project but they were anticipating financing the project 100%.

Brooks asked how they expected to rent the most expensive apartments in Peachtree City when there would be railroad tracks 400 yards to the east of the project and major power lines 200 yards to the left. He also said there would be a serious traffic problem on Highway 54.

Dick said if his company were to develop the project it would be nothing but a high quality development but they had not completed a market study on the project and did not know if the railroad tracks and power lines would affect the market. He felt the proximity to the intersection of Highway 54 and Highway 74 made it a great location.

Mr. Higgs addressed Council. He said he completed a study on the amount of taxes paid by apartments in Peachtree City. The results were as follows:

$646 per unit in Balmoral Village
$478 per unit in Gables Court
$395 per unit in Woodsmill

Higgs said, if the average price of a home in Peachtree City was $150,000, the taxes would be $2,200. He said it costs $4,029 per student to attend Fayette County schools annually. He said 43.2% of the cost of education came from property taxes with the balance coming from state taxes. Higgs said the Peachtree City Concerned Citizens Committee was opposed to any new apartments in Peachtree City. He said there were currently 840 apartment units, another 456 units currently being developed, and now another 450 units were being considered.

Lenox asked the citizens to think about what they would like developed on the property. He said the entire 140 acres was zoned for commercial use and the only development precluded from being built on that property was residential.

Brooks expressed his concern about building residential units so close to the railroad tracks.

Orville Barber, Wynnmeade resident, pleaded with the Council to approve the apartment project and grant grandfather rights for residential development. He said he felt it would help improve the quality of his neighborhood and he resented people who did not live in the area demanding commercial development on that property. He asked Council to consider the wishes of the residents of Wynnmeade. He said he felt there was a great demand for apartments because his neighborhood had deteriorated drastically because of the large number of rental units in his neighborhood. He said one person owns 50 rental units in Wynnmeade and there were many others.

Mike Rossetti, president of Ravin Homes, addressed Council. He said, when he first considered this project in 1993, he obviously knew the zoning was in place for a residential project or he would not have pursued it. He considered what would be best for the entire area, the location, and railroad tracks. He said he was concerned about the residents in Wynnmeade because their neighborhood had deteriorated so drastically. He said he felt the only thing that would help them would be for their land values to go up and he felt a residential project in that area would help accomplish that. Rossetti said he declined Mr. Cline's request to purchase land several times beginning in 1994 because he did not want apartments next to his subdivision. He said he finally agreed when he was able to have input in the plan and was assured of the quality of the project. He said he felt the project would compliment his houses so he presented a plan to the Planning Commission which was approved last July. Rossetti said Council became aware of the density problem when Mr. Cline through Regent Partners requested to present a plan to the Planning Commission for apartments on the front tract of land. Rossetti said it was important for people to remember when he first moved to Peachtree City the projected population was 80,000. He said projected buildout population had been decreased to 45,000 but that another 15,000 people would move to Peachtree City in the next few years. He said it was important to plan for those people and not let haphazard development to take place. He said the City came to him and asked him to consider not building apartments on Cedarcroft and to give up the profit that would generate in order to go along with a plan that would benefit the City. He said he agreed to that even though he would be giving up over $1 million in profit. He said he did not know how many developers would do that for their community but he was because it was a good plan for the community which would bring up the property values in the area and would kick of the West Village.

McMenamin said her concern all along was for the health and welfare of the citizens and asked Chief Murray to speak on this issue. Murray said apartment complexes do generate many calls most of which are domestic-type situations. Murray said rental units in single-family neighborhoods also generate many calls. Lenox said he studied the statistical information available, and the number of calls per residential unit at Balmoral and Gables Court was approximately equal to the number of calls in single-family subdivisions. He said the number of calls to Peachtree Station was five times higher so he felt it was important to consider the definition of the type of apartments being considered.

Pace said the land was zoned commercial use and Council would not be able to dictate what will be developed, but he felt Council had an opportunity to be proactive instead of reactive by considering the apartment project. He said he felt everyone had a common goal and that was to do what is right for the City.

Price explained that when Peachtree Station apartments were developed, they were developed on property that was zoned appropriately and at no time is the Planning Commission or the City required to ask applicants about their funding sources. Price said the problem she had with the subsidized housing was that forms that were submitted to the federal government used many figures that were not specific to Peachtree City or Fayette County.

The following citizens expressed concerns: Jim Ryan, Peter Rolin, Charles Lear, Rene Skinner, Richard Skinner, Brian Warner, Loyd London, Mike Lorber, Skip Waitman, Howard Morgan, and Mildred Harris.

Concerns expressed were as follows:

The need for more recreation in City, general agreement was that it would be good to tear down old commercial buildings along Hwy 54, need to consider proactive stance, concern about large commercial development in the area, concern about traffic situation on Hwy 54, concern about commuter rail in Peachtree City, need for housing for different income levels, concern about low income people living in City, concern about property values, concern about noise from trains, need to plan for whole village, concern for safety of children living near railroad tracks, concern about commercial development near county line in Coweta County, concern about preservation of Line Creek, concern about expertise of Planning Commission.

Lenox said he had a vision for Peachtree City and that vision was to develop a Westside Village from Planterra up to the Tyrone city limits. He said he wanted to turn the Westside Village into a village just like every other village in Peachtree City, which would include a commercial center with high density housing around it and step-down zoning from there. He said everyone moved to Peachtree City because it was a planned community and he felt it was important to plan the development of the west side of Peachtree City just as the rest of the City was developed. He said the problem was that one major developer did not own the land on the west side and it would not be developed with one individual plan unless the City initiated the plan. Lenox said unless someone took the initiative to plan the development it would be developed haphazardly. Lenox said the land could not be economically developed for residential use by anyone unless it included a significant number of apartments. He said the only other use that could be developed in that area would be heavy commercial development of the worst possible kind. Lenox said it was important to consider the best interest of the entire area and he would approve apartments if it would benefit the entire plan.

Price agreed that the entire village needed to be planned for development and she was pleased that the various property owners were working together.

Brooks said he agreed with Lenox but felt they should only consider approval of the 300 apartment units that had already been approved. He said it may be a good idea to consider building a road on the Huddleston property which would allow orderly development in that area.

Pace said he would like to be more pro-active and do the right thing for the entire village. He said he would like to see the issue tabled until it can be studied further and people could decide what it is they want on that property if apartments are not developed.

Price made a motion to continue the discussion of Rossetti's request for grandfather rights for Cedarcroft Apartment project. Webb said a motion was not necessary because the issue was already on the table. Price withdrew her motion.

Lenox moved to take a brief recess to reconvene in Executive Session to discuss a Personnel matter. McMenamin seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

Brooks made a motion to uphold a personnel decision made by staff. McMenamin seconded the motion. Motion carried unanimously.

Price made a motion to adjourn the meeting. McMenamin seconded the motion. Motion passed unanimously and meeting adjourned at 11:20 p.m.

Nancy Faillo

Nancy Faillo, Deputy City Clerk

ATTEST: Robert L. Lenox

Robert L. Lenox, Mayor