

City Council of Peachtree City
Meeting Minutes
Thursday, November 17, 2022
6:30 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, November 17, 2022. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Council members attending: Frank Destadio, Mike King, and Phil Prebor.

Announcements, Awards, Special Recognition

The Mayor noted there were problems with the City's website and suggested Facebook for those who wanted to watch the meeting live.

Council honored the graduates of the latest Certified Emergency Response Team (CERT). Auxiliary Captain Arline Cuebas explained that CERT was started in 2005 with support from the Peachtree City Police Department. It was a federal program that trained citizens to help with emergencies, big or small. Peachtree City's team had helped with weather-related issues, collected for donations, and aided in searches for missing persons. They traveled to Coweta County after the tornado in 2021 for several days and assisted with clean up.

Cuebas said this was the 32nd CERT class to graduate, adding that the next class would begin February 23rd and was taking registrations.

Public Comment

Shaun Lowe of Planterra Ridge subdivision thanked Council and City staff for listening and helping with their concerns about traffic through the neighborhood. He said they had decided, in a landslide vote, to take action to protect the children, pets, and all residents. Lowe asked Council to remember, when they took this matter up at a future meeting agenda, that a traffic study showed 18,000 cars going through the neighborhood in a 10-day period at an average speed of more than 40 mph, with a maximum speed of 83 mph.

A young Planterra Ridge resident, Sadie Painter, also thanked Council and the Mayor for looking out for the safety of children by supporting a gated entrance.

Agenda Changes

None

Minutes

October 28, 2022, Executive Session Minutes

November 3, 2022, Regular Meeting Minutes

November 3, 2022, Executive Session Minutes

King moved to approve the October 28, 2022, Executive Session Minutes, the November 3 Regular Meeting Minutes, and the November 3, 2022, Executive Session Minutes. Prebor seconded. Motion carried unanimously.

Consent Agenda

1. FY2022 Budget Amendment

2. FY2023 Budget Amendment

3. Transfer of funds from Public Works to Recreation for Contractual Services at Kedron

4. Request to Reclassify Two Part-Time Recreation Assistant Positions to One Full-Time Recreation Assistant Position at the Kedron Fieldhouse & Aquatic Center

Destadio moved to accept Consent Agenda items 1-4. King seconded. Motion carried unanimously.

Old Agenda items

None

New Agenda items

11-22-02 Consider Increase to Public Safety Recruitment Sign-On Bonus

Interim City Manager Justin Strickland said he would speak for Human Resources & Risk Management Director Ellece Brown, who was absent. He recalled that about a year and a few months ago, Council voted to institute a sign-on bonus program to encourage recruitment, especially for Public Safety. Right now, it was \$3,500 for certified officers and paramedics, \$2,000 for non-certified, and \$2,000 for non-Public Safety positions. This had been a successful program, he stated, and Council voted to extend it for six months a few months ago.

But, he continued, there were still difficulties in recruitment. Staff was looking at other solutions, but he thought increasing the Public Safety bonus to \$6,000 for certified and \$4,000 for non-certified would show results. If they only got one or two good applications, it would be worth it, he stated. They currently had nine police officer positions open and two paramedic/EMT positions. This was something they could do in this moment while they looked for other options.

Destadio moved to approve New Agenda item 11-22-02, Consider Increase to Public Safety Recruitment Sign-On Bonus. Prebor seconded. Motion carried unanimously.

Public Hearings

11-22-03 Variance – Transitional Yard Buffer – 100 McWilliams Drive

This property was at the intersection of McWilliams Drive and SR 74 North, near the Heritage and Beechwood subdivisions, Planning and Development Director Robin Cailloux explained. It was an undeveloped lot zoned Office/Institutional (OI), and the applicant wanted to construct a medical office building. To do so, they were asking for a variance to encroach into the 75-foot transition yard, which was the setback for any non-residential property adjacent to residential. This setback must be undisturbed.

She showed a map of the site, pointing out the homes in Beechwood behind it, and highlighting the outer perimeter, along with what would be the setback in OI zoned property if it were next to anything other than residential. That would be 30 feet, and they could put their parking within 10 feet of the property line. But, because they were subject to the transition yard setback, all development, including parking, had to adhere to the 75-foot setback, which she had indicated on the map.

This lot, Cailloux explained, was subdivided as part of the Heritage and Beechwood process in 1998. The current owner purchased the lot in 2000, and the transition yard ordinance was adopted by the City in 2009. The lot had never been developed, and, therefore, was subject to the ordinance.

She reviewed the six criteria for a variance as stated in the Zoning Ordinance. The first looked at any special circumstances that applied to this property, and Cailloux pointed out that, in addition to having the 75-foot buffer, this was a corner lot with two front setbacks. There was only one other OI lot

in the entire City in this situation. All of the other office zonings were in office parks or not directly adjacent to residential. This was a typical size for an office lot, but most office lots had about 65% developable. This one, accounting for the setbacks, had about 39% developable land. The regulations created a practical difficulty, Cailloux stated, that was inconsistent with the Zoning Ordinance. By having the setback at 75 feet, they reduced usability by 30%.

The ordinance's intent statement for the transition yard said the purpose was to mitigate some of the effects that non-residential uses could have on residential uses, specifically noise and light pollution, but there were alternate solutions that could mitigate these impacts, if Council approved this. Another criterion asked if this situation applied to any other lots? and Cailloux again said this and one other office-zoned lot, which was to the north in the same development, were the only ones with this condition. She pointed out both lots on the plat from 1998, noting they were created 10 years before the transitional yard requirement was adopted.

Granting this variance would not constitute a special privilege inconsistent with the limitations on this property, she went on. It would not be detrimental to the public health, safety, or welfare, and Staff was recommending conditions that would help reduce impact on the adjacent homes. The request did not conflict with any policies listed in the Comprehensive Plan.

There were five lots that could be impacted by development on this property, and to mitigate that, staff recommended Council require additional evergreen landscaping between the parking lot and the residential lots to provide a visual buffer. To mitigate light pollution, the site lighting, which meant stand-alone parking lot lights on poles, should be limited to three feet in height and must be full cut-off in accordance with dark sky standards. That meant all light went directly down so it would benefit pedestrians, but not illuminate the surrounding area.

A third recommended condition called for a public access and path easement to be preserved through the rear 75 feet of the lot to allow for future potential connection of the network from McWilliams Drive to Kedron Drive. This lot and the ones to the south were sandwiched between SR 74 and the subdivision, with no access to the path network. This lot, once developed, could have access to McWilliams Drive, but any lot to the south, if Council did not preserve access now, would be stripped of any possibility of connecting to the path network in the future, Cailloux explained, adding that she requested 75 feet because they did not know if they would add a separate path or, as in many places, use the parking lot for access to the path system.

A final condition called for inter-parcel connectivity to the lot to the south. That lot was undeveloped, and if it was developed without this inter-parcel access, they could possibly request a driveway onto SR 74. Cailloux noted they had spent a lot of money trying to protect capacity on SR 74 and adding another driveway would not be ideal.

Those were the four conditions staff recommended, Cailloux concluded, adding that she had summarized the variance criteria at the end of her report. She offered to answer questions.

The Mayor asked if the applicant was present? Jason Walls of Integrated Science & Engineering (ISE) stepped up, along with architect Jefferson Brown. Walls said they agreed with the proposed conditions. He noted that they needed the driveway to be as far from the highway as possible, and

that is what this layout was showing. The site, he commented, was rendered pretty much undevelopable with the 60-foot buffer off the highway and the 75-foot buffer off the residential.

The Mayor opened the public hearing. No one wished to speak in favor of the proposal, and three people indicated they would like to speak in opposition. Learnard told them they had 10 minutes to speak in total.

Tom Peterson of Lenox Drive said he only found out about this proposal that day. He recalled that several years ago, someone proposed a gas station/retail stops for this site, but the Planning Commission denied the plans several times because the adjacent neighborhood brought forth environmental concerns. He pointed out this was a depressed area in terms of topography, and they would need to raise it. Ingress and egress in icy conditions would be a problem because it was so depressed. He again said the subdivision had never been notified this was being requested, and he asked Council to table a decision until January so they could prepare.

Daniel Walsh, also of Lenox Drive, said this lot was right behind his house, specifically his bedroom. He had moved in about a year ago and did not expect a commercial building to be built there. He said he was sorry the lot had problems, but sometimes people made bad investments. The codes were in place so people could live peacefully, he said, adding that drainage was also a concern. He, too, said they were not notified, and he only learned about it because Destadio came to the neighborhood and told him that day. Walsh urged Council to postpone a decision.

John Dufresne of Preston Chase remarked that the buffer was there to protect residents. There was a 60-foot buffer from the highway, and he noted that Council in 2015 approved a reduction of a 60-foot buffer at Sigvaris to 10 feet. These applicants would only need 45. Why could they not go with that option and move the parking lot to the front of the building?

No one else wished to speak, and the Mayor closed the public hearing.

Firstly, Destadio said he wanted to clarify that he was in the neighborhood only to get a firsthand view of the area and not to change anyone's opinion.

He went on to note that the variance application listed Tommy Webb as the applicant but was signed by Jason Walls as a principal of ISE. Destadio said he called his friend at ISE and that friend was surprised to learn he was supporting this since it was on his paperwork. He said he did not know anything about this.

Also, the applicants usually had talked to the owners of the adjacent properties when there was a zoning issue like this. Often, there were letters from neighbors in support. But here, Destadio noted, there was no evidence of support, and that is why he walked around in the neighborhood. He could not find anyone there who supported this, even though there were other medical facilities in the neighborhood.

Walls, who had to leave early, asked if he could address Destadio before he left. He stated that ISE was contracted with Southtree Commercial, as was architect Brown, to design and build this project. That was what caused Destadio's confusion on the application. Webb was with Southtree, while ISE was the engineer of record for the project.

Destadio said they should not use ISE's paperwork if the owner did not know anything about it. Wall again said he was a principal at ISE. Destadio told him he understood that, but the owner did not know anything about this and would be talking to Walls later.

Why did they not have any alternatives? Destadio asked Cailloux; was there anything that could be put onto this lot without requiring a variance?

Cailloux said she had done some rough calculations that showed a 2,000 square foot building could fit in there with the required parking. She then looked at plans for other medical office buildings in the city, and the smallest she found was 4,500 square feet for a small dentistry practice. But they could put a small office building there. Cailloux said she was not saying the lot was undevelopable; it was just that the development ability was reduced.

But there were alternatives, Destadio continued; they had heard from one person that maybe the parking could be moved to the front. But then they would have to get both the parking lot and the building completely out of those 75 feet, Cailloux explained, because they could not do anything there without a variance. By taking that strip off the front, the only thing they could do would be to reduce the size of the building by more than half.

The ordinance said that moving the development forward and lessening the front buffer was a decision the Planning Commission would have to make, she added. They could decide to move it from 60 to 40 if additional landscaping was provided. If the Planning Commission denied that, the applicant would have to come back for a variance.

Why did this not go before the Planning Commission first? Destadio asked, and Cailloux said he should remember from his time on the Planning Commission that they preferred to see conceptual site plans only after variances had been approved. They did not want to approve a conceptual site plan only to then have Council deny the variance, which would require them to review a different conceptual site plan.

That was true, Destadio admitted, but they could have asked for a number of things. It did not have to be something that would require a variance.

Cailloux said she understood, but the property owner had the right to petition for a variance, and that was what they had chosen to do.

Destadio agreed, but he thought they could have asked for something that did not require a variance. Also, he discovered on his visit that a lot of people thought this was already approved, and they did not have any opportunity to have a say in the matter.

King observed that they were not in the business of choosing what a landowner could put on his property, although they could restrict size, lighting, the transitional buffer. He noted that this property was purchased nine years prior to the transition buffer going into effect. Just to the north, he pointed out, right across the street from Beechwood, was a day care center and a doctor's office that might be even less distance from the homes. He did not want Council to get in the business of choosing what could go here and what could go there. Landowners had a right, with some restrictions, to develop

their property to its maximum potential within the criteria, King continued. Council did not have the right to pick and choose.

Destadio said he agreed, but they did have to meet the criteria.

As for drainage, King commented that he was sure they would have an adequate system that would not impact the homeowners to the east. Walls had left, so Brown responded to this with the caveat that he was an architect, not an engineer. However, he said, there was an easement and a pipe with a headwall on the property that exited to the east connecting to master detention that was proposed. Brown said engineering would confirm that with stormwater studies. So, drainage was not a problem? King asked. Cailloux said the City's ordinance required that no drainage leave their lot.

King said he empathized with the man who moved in a couple of years ago and now would have an office behind his house. King said he had bought and sold property over the years and knew that if he wanted to control what was near his property, he had to buy that adjacent property. You could not control it if you did not own it.

There were several issues, Prebor noted. One was that the person who owned this property bought it before they put in the 75-foot buffers. Another was that the nearby homeowners felt like they did not have enough information. As King said, something was going to go in there. He proposed they table this until the developers could meet with homeowners. He knew all the homeowners would not agree, but it was important that they at least have a say and come up with something they could live with. He asked Cailloux what kind of evergreens she mentioned as a buffer? Cailloux said she would recommend something native, like magnolias and cedars.

Prebor stated they should be problem solvers instead of problem finders. That was something they could do better with as a city, he remarked, and King agreed. They needed to find something both the developers and the neighbors could live with, whether it was putting parking on the front or something else. He said he would like for them to table this and work on a solution.

Brown commented that he would love that opportunity. To address the drainage concerns, he said they were planning on importing 45,000 pounds of dirt. He understood concerns about dumpster placement, lights, and noise, plus the worry about what they would see architecturally from the neighboring homes. They could address that architecturally, and landscape architects would be able to plant those evergreens that were recommended.

Learnard said she agreed with Prebor that they table this to give the neighbors a fair chance at involvement. She emphasized Prebor's comments that something was going in there, and the issue was how could they work together for the best solution.

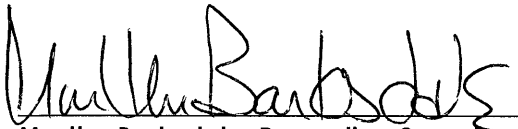
How long did they want to table it for? King asked, and Brown said he could be available in the next 10 days. That might be a little hurried, Council agreed, with the holidays coming up. King moved they table this until the first meeting of 2023.

Destadio said he had confidence Brown could do it in 10 days, but they needed more time. Brown said he just wanted to show that he was committed to this project.

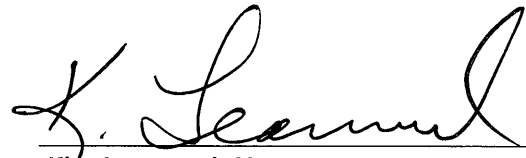
Learnard said they had a motion. Prebor seconded. Motion carried unanimously.

Council/Staff Topics

There being no further business, Prebor moved to adjourn at 7:15 p.m. Destadio seconded. Motion carried unanimously.



Martha Barksdale, Recording Secretary



Kim Learnard, Mayor