

MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
November 15, 1990

The City Council of Peachtree City met in regular session on Thursday Night, November 25, 1990, at 7 PM in the City Hall Council Chambers.

Mayor Brown called the meeting to order and led those in attendance in the pledge of allegiance. Members present were: Mayor Frederick Brown Jr. and Council members David Good, Annie McMenamin, Robert Brooks and Rich. Parlontieri.

No items were added to the agenda.

Announcements, Awards, Special Recognition

Mayor Brown announced that City Offices would be closed on November 22nd and 23rd for the Thanksgiving holidays. He also announced that the City Council meeting scheduled for December 20, 1990 had been cancelled because it was so near the holidays.

The Mayor also announced that the Christmas Tree Lighting Ceremony would be held November 30th, Friday Night, at 7 PM and invited the public to attend.

The Mayor expressed appreciation to the public for their indulgence in the delays toward completing construction on the City Hall Plaza. He explained that due to problems with the contractor the project had taken longer than expected.

Mayor Brown presented the Employee of the Month Award for the month of October to Police Corporal William Estes.

Department Reports

Mayor Brown called attention to the monthly departmental reports and encouraged the public to review them in City Hall. He reported that the population stood at 19,082.

Minutes of Meeting

Mayor Brown called for action on minutes of meeting held October 4, 1990. Motion was made by Parlontieri and seconded by Brooks that they be approved as published. Motion carried unanimously.

New Agenda Items

Mayor Brown explained that the first two agenda items were zoning hearings for properties adjacent to one another on Highway 74 North and he would like to combine the public hearings if there were no objections. Hearing none he called the public hearing to order for rezoning of the Banks property and Moore property on Highway 74 North. Neither property owner had any comments to make.

City Planner, Jim Williams, explained that the rezoning applications were initiated more or less jointly between the property owners and the City.

The reason for these rezonings was that these two pieces of property were accidentally included in the Kedron Village zoning in 1988, involving about 1500 acres, which should have only included Equitable owned land.

Williams explained that the property owners were notified of the 1988 rezoning plans but they did not feel that it would effect their property and did not attend the rezoning hearing. Williams stated tht the properties were relatively small tracts with the Banks property having approximately one half acre and the Moore property having approximately three quarters of an acre. The current zoning shows the property as multi-family (GR-10) and the property owners wish for it to remain Agriculture (AR). Williams explained that the lots are small and will have difficulty complying with many of the zoning districts and Council could be facing variance requests in the future. Williams stated that city staff rcommended the Planning Commissions recommendation to rezone the property back to the original zoning of Agriculture Reserve.

Mayor Brown called for separate actions on the properties.

11-90-4 Public Hearing - Rezoning of Banks Property

Motion was made by Parlontieri that the recommendation of the Planning Commission and City staff be accepted and the Banks property be rezoned from GR-10 to Agriculture Reserve. Motion was seconded by Brooks. Motion carried unanimously.

11-90-5 Public Hearing - Rezoning of Moore Property

Motion was made by Parlontieri that the Moore property be rezoned from GR-10 to Agriculture Reserve as recommended by City Staff and Planning Commission. Motion seconded by McMenamin. Motion carried unanimously.

11-90-6 Public Hearing - Rezoning of Fincher Property - Highway 74 N.

Mayor Brown called the public hearing to order to consider the rezoning of property located at the intersection of Highway 74 North and Wisdom Road owned by Fincher Bros., Inc. and doing business as the Village Paint Store.

Mayor Brown stated that he had received a letter from Doug. Warner, Attorney representing Fincher Bros, Inc. , requesting that the hearing be rescheduled to the December 6th Council meeting. Letter was read by Mayor Brown.

Motion was made by Good that the public hearing to consider the rezoning of the property be continued to the December 6th Council meeting. Motion was seconded by Parlontieri. Motion carried unanimously.

11-90-7 Public Hearing - Finley Variance - 409 Golfview Drive

Mayor Brown called to order the public hearing for the purpose of considering a variance request submitted by Mr. Clyde Finley of 409 Golfview Drive regarding the construction of a storage building. Mr. Finley was not present when called upon to present his case.

Mayor Brown called on Jim Williams, City Planner, to present the City's explanation of the situation. Mr. Williams reported that a citizen had reported the construction of a storage building on the property at 409 Golfview Drive because of the size of the building and the effect it was having on the neighborhood.

An investigation by the City discovered that the building was substantially completed and there was no building permit for it. The owner was then notified of the problem and instructed to apply for a building permit. The owner applied and it was found at that time that the building was constructed too close to the rear property line which required a 30 foot setback and the building permit submitted showed 20 feet.

The owner, Mr. Finley, had tried, unsuccessfully, to acquire more land to correct the rear setback. He was unable to acquire additionally land and he filed for a variance. After the variance application was filed it was discovered that the building also encroached into the side setback and a variance had also been requested to correct that problem as well as the rear setback problem.

Williams stated that it was the opinion of staff that there was no justification for the variances and recommended they be denied.

Mayor Brown asked if the applicant had been notified of the hearing for this meeting and the City Clerk stated that he was notified by mail and a sign had been posted on his property for fifteen days advertising the date and time of the hearing.

Council indicated reluctance to take action in the absence of the applicant and during discussion Mr. Finley arrived.

Mr. Finley apologized for his late arrival stating that he misunderstood the time. He explained that he purchased his property in December of 1987 and at that time there was a storage building on the property. That building was in disrepair and was torned down. Mr. Finley stated that he contacted the building department and the building inspector, Allen Goode, gave him permission to go ahead and construct the new building. He stated that he proceeded to construct the building with what he thought were appropriate setbacks but has now found that they are off. He asked that the City Council grant the variances to allow him to leave the building as it was located. He presented letters from neighbors indicating no objections to the building and he explained that it would be used for storage of lawnmowers, chairs etc. Mr. Finley stated that the two story building was 20 feet x 20 feet.

Mr. Finley reported that he needed a 30 foot rear setback and in one area he had 23 feet and another there was 19 feet. On the side he had 12 feet and needed 15 feet.

Parlontieri questioned Mr. Finley about his contact with the building department. Mr. Finley stated that he contacted the building inspector and told him that he was tearing down a building, that they had attempted to move it but it was too rotten, and he wanted to build another one. Mr. Goode told him to go ahead and construct the building. Mr. Finley stated that he subsequently applied for a building permit and submitted a check.

Finley stated that he talked to the City Manager and Mr. Goode before he started construction.

Mr. Williams responded to Mr. Finley's comments by stating that he didn't believe anyone in the building department would give verbal permission for any structure. He pointed out that the City found out about the building due to a complaint from a citizen about the size of it and the building department followed up on the complaint. At that time the building was substantially completed. At that time the instructions were for Mr. Finley to obtain a building permit and that was when the violations were discovered and the building department denied the building permit. All this had been ongoing for over a years time with Mr. Finley stating that he was attempting to obtain additional property from a neighbor to correct the problem. Mr. Williams repeated his statements he gave earlier in the meeting from there on and again recommended the variances not be approved.

City Manager Basinger reported that he did discuss this situation with Mr. Finley after the problems were discovered and he thought at that time the building might have been built on a pad of the previous building. Mr. Finley stated that he did not use the previous pad but constructed a new concrete slab for the new building at a different location.

Mayor Brown called for action on the item and motion was made by McMenamin that both variances be denied and the building be removed from the setback areas. Motion was seconded by Good. Motion carried with Brooks voting nay.

11-90-8 Public Hearing-Trinity Fellowship Church Variance

Mayor Brown called to order the public hearing for the purpose of considering a variance requested by the Trinity Fellowship Church regarding ingress and egress to the church property from Carriage Lane. He stated that appropriate public notice had been given.

Mayor Brown called upon the Reverend Epps of the Trinity Fellowship Church who did not have any comments to make at that time.

City Planner, Jim Williams, presented the situation as it pertained to the City.

He stated that the church building was located on the corner of Carriage Lane and Highway 54 and was a permitted use in the Estate Residential zoning district. He stated that it was built on a platted and recorded lot in a single family subdivision which included a number of occupied homes.

Mr. Williams explained that the Department of Transportation was in the process of widening and improving Highway 54 and as part of that project they want to realign Carriage Lane so that it would come into the intersection of Walt Banks Road. This would require a modified "S" curve through the property currently owned by the Church and would also cause the closing of the access drive from the Church to Highway 54. The zoning district requires that a church have direct access to a collector road and this would, by eliminating the access road, put the church in a non-conforming status. Many alternatives had been looked at with no solution being seen and the church had requested a variance to allow the

Church access by using Carriage Lane and this be the legal access to the church property.

Williams stated that City staff had no quarrel with allowing the church this variance so long as the property is used for a church. His concern came from the possibility that at a later date something would happen on the property that was not a church and would be detrimental to the adjoining neighborhood.

Williams recommended that the variance be granted with two conditions. The conditions were:

1. The variance would apply only so long as the property was used for activities specifically permitted within the Estates Residential zoning district; and
2. The variance would in no way be used to provide access from Carriage Lane to the cemetery property or any accessory use to the cemetery.

Williams felt the conditions would protect the residents of Carriage Lane and stated that if the conditions were not applied the staff would recommend the variance not be approved.

The Reverend Epps stated that he had no objection to the conditions inasmuch as a cemetery was a permitted use under the zoning.

Motion was made by Parlontieri that the variance be approved as recommended with the two conditions stated. Motion was seconded by Brooks. Mayor Brown reported that he had received a letter from one resident of Carriage Lane, Robert Bertlesbeck, agreeing to the variance provided the conditions were made part of the approval. The letter was made a part of the file. Motion carried unanimously.

11-90-9 Wynnmeade Bikepath

Mayor Brown explained that Wynnmeade residents had asked that they be allowed to address the Council and that he had placed the item on the agenda for that purpose. He commented also that he was willing to meet with representatives of Wynnmeade at any time to discuss the bikepath or any other item they wished to discuss. He opened the floor to the Wynnmeade residents.

Mr. Kenneth Crowder, President of the Wynnmeade Homeowners Association, addressed the Council. He stated that he had been a resident for approximately sixteen months and as a concerned citizen was presenting a petition to the Council. The petition which he read aloud stated:

(1) We respectfully request that the Council immediately undertake to connect the Wynnmeade Cart Path to the existing citywide carpath system. This carpath has been closed at the Highway 74 crossing point for more than two years, to the detriment of the taxpaying residents of Wynnmeade subdivision. We note that the city is spending significant sums of tax revenues in other areas of the city to improve existing connected sections of the carpath system. We respectfully request that the city immediately appropriate and expend sufficient tax funds to remedy a discriminatory

situation that currently exists.

(2) We respectfully request that the council extend the existing Wynnmeade cartpath to more than one cul-de-sac by using the existing cleared and otherwise unusable right of way formed by the Oglethorpe Power Co. distribution line.

The petition appeared to have approximately 200 signatures.

Mr. Crowder stated that there were approximately 288 students that had no safe way of crossing Highway 74 other than going through the Highway 54/74 intersection. He explained that other residents would like to drive their carts to other sections of town but have no way to do so.

Mayor Brown explained that the State DOT has denied requests on several occasions to permit a crossing on Highway 74 since the road had been furlaned. Approval had been received to cross Highway 74 at the traffic signal intersection but the City felt it was too dangerous to provide a cartpath crossing at that intersection. The Mayor reported that he had an appointment with the State on Monday to discuss several areas of concern regarding the State highways and this would be one topic of conversation. The Mayor explained that there had also been discussion about a pedestrian bridge over the railroad tracks and Highway 74 but he realized this didn't help Wynnmeade at this time. The Mayor committed to getting the cartpath reconnected at some point just as soon as some safe method could be worked out.

Parlontieri commented that he felt there was a way this could be worked out and that it was time to stop blaming the State.

Brooks felt there were others on the Council that also felt the City had been somewhat remiss in it's responsibilities to the residents of Wynnmeade. He asked that some time be committed where representatives of Wynnmeade could meet with the Mayor and/ or City Manager and discuss the situations Wynnmeade is interested in.

Mr. Crowder expressed appreciation to the Council in their response to the Wynnmeade residents and committed to meeting with the Council. Mayor Brown stated that he would call him and set up an appointment.

Good stated that he didn't feel the crossing should have been taken out when Highway 74 was widened but it was. He felt the residents should hold out for a pedestrian bridge across the highway. He pointed to underpasses that had been planned and budgeted for in the City and didn't feel that a bridge would be that expensive.

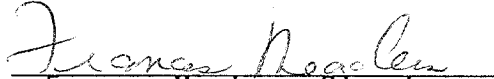
A resident asked if the Wynnmeade path could be utilized and the Mayor stated that it was illegal to cross Highway 74 with golfcarts but there was no reason the path itself could not be used by pedestrians. The resident asked that the rubble be removed from the path so that the residents could at least use it as a foot path. Mayor Brown felt the cartpath could be cleaned and maintained but that golfcarts could not use it to access and cross Highway 74.

After hearing from several other residents of Wynnmeade, Mayor Brown thanked those in attendance for their appearance and interest. He hoped that they would stay involved in the community.

Motion was made by Mayor Brown that the meeting be recessed to be reconvened in executive session to discuss lawsuits. Motion was seconded by Parlontieri. Motion carried unanimously.

Executive Session

No action was taken in executive session and motion was made by Mayor Brown that the meeting be adjourned. Motion was seconded by Parlontieri. Motion carried unanimously. Meeting was adjourned at 8:30 PM.



Frances Meaders, Director
Administrative Services



Mayor Attest