

MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
November 1, 1990

The City Council of Peachtree City met in regular session on Thursday Night, November 1, 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. Those 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.

There were no announcements, awards, or special recognitions.

Minutes of Meeting- 9/20/90

Parlontieri asked that the minutes of the September 20, 1990 meeting be corrected to show that he was present and made a motion that they be approved with the correction. Motion seconded by McMenamin. Motion carried unanimously.

Mayor Brown moved agenda item 11-90-2 up to accomodate a member of the public.

11-90-2 Appointment of Youth Member to Commission on Children and Youth

City Manager Basinger explained tht the Commission on Children and Youth and the selection committee recommended that Mr. Paul (P.J.) McCurdy, a 9th grader at McIntosh High School, be appointed to the Commission on Children and Youth to fill the vacant youth position. The position would expire August 31, 1991. Mr. McCurdy was present and was recognized by the Mayor. McMenamin stated that she felt his parents should be proud of him and congratulated him on developing leadership abilities at this early age that would be important to him in the time to come. Mayor Brown also congratulated and commended him for volunteering for this position.

Motion was made by Parlontieri that Mr. McCurdy be approved as a member of the Commission on Children and Youth. Motion was seconded by Brooks. Motion carried unanimously.

11-90-1 Informational Hearing - Highway 74 West Development

Mayor Brown opened the hearing scheduled to provide information to the public on proposed development of Highway 74 West - North of Highway 54. He explained that the City had been looking at the Northwest section of Peachtree City and an area beyond Peachtree City for development for some time. He stated that one annexation request had been submitted for property in that area but it was subsequently withdrawn. Other property owners have been talking about seeking annexation into Peachtree City for some time but he was not aware of their time table. The Mayor explained that in discussing this area with Peachtree City Development Corporation they had devised a plan for what could be a fifth village for Peachtree

City if it all worked out.

The Mayor reported also that the Georgia Municipal Association, the Association of all municipalities in the State, and the ACCG, the County organization, through the State, had developed annexation guidelines that would be introduced during the next session of the legislature. These plans would be one of attempting to eliminate so called "islands of property" and this property under discussion was one of the "islands" with it being bounded by Peachtree City, Tyrone and Coweta County.

The Mayor called upon the City Planner, Jim Williams, to explain the plan and the process. Approximately fifty (50) interested citizens were in attendance.

Mr. Williams provided a map for the area for viewing by the public and stated that the area was being called the West Side Village or Line Creek Village at this time. He emphasized that nothing was "locked in" at this time but was a beginning of discussion of the planning process. He stated that it was for discussion of what could or would be done with this area of land in the future for certainly something would be done with it.

Williams explained that the area consisted of approximately 1500 acres which was about the size of Kedron Village but was long and narrow. It was bounded on the north by a line which would eventually be the City limit line of Tyrone and was the area with asphalt plant, rock quarry etc. The western border of the village was Line Creek which separated Coweta County from Fayette County and was a wetland area. The southern border was Highway 54 and the eastern border was the railroad track along Highway 74.

Williams explained that of the 1500 acres 600 acres were in the City limits with 900 being in an unincorporated area owned by at least six major property owners. He felt the significant natural features were Line Creek and its wetlands and Wynns Pond. He stated that those were the natural parts and the physical parts that needed to be figured into the plan were the railroad, Highway 74, a major Oglethorpe Power Line and an old landfill formerly known as the Peach Pit. He stated the existing development in that area was primarily the Wynnmeade Subdivision, several homes, several churches, the Cable T.V. business and the Highway 54 Commercial area.

Williams explained that the proposed development would be a creative mixture with the predominate development being single family residential with about 1100 acres planned for this type development. This 1100 acres would include the wetlands and greenbelts that separate various neighborhoods shown on the map. Distribution and Institutional use planned would flank the railroad and the power line area. He felt this could be a transition area from industrial use and residential use. There were plans also for commercial and office development. Williams felt that in both the warehouse and distribution and the commercial and office area there could be a blend of multi-family housing developments. He figured the distribution and warehouse area would be approximately 250 acres with 150 acres being used for commercial and office.

Williams explained that there were plans to have only two entrances into the village from Highway 74. He stated that the reasons for this was it would be fairly difficult to get an entrance across the railroad and again,

he didn't want to do anything to impair the function of Highway 74. He stated that one of the entrances would be an at grade crossing at the Cable T.V. site and the other to the North would be by utilizing a bridge.

He stated that a pedestrian bridge would also be planned to connect the village to others and this would be roughly in the vicinity of the Fulton ERA Real Estate Office.

Williams explained there would be community facilities just as other villages such as a fire station, school, and recreation area.

Williams at this point went to the map and pointed out the areas he had described and gave a detailed explanation of the plans for each area. He again emphasized that this was only a start of the plan and nothing was locked in.

Mayor Brown also emphasized that the City had not committed to anything for this area and that this meeting was to obtain information from the citizens. He stated again that there had been one request for annexation which was withdrawn but he expected it to be back at some time in the future. The Mayor explained that the City policy on annexation was to only annex undeveloped land.

The Mayor opened the meeting to the public for their comments.

Jack Joyner: Expressed concern about the plan showing single family residential adjacent to property currently zoned limited industrial in the northern boundary area.

Cal Beverly: As a resident of Wynnmeade Subdivision questioned which crossings would be at grade and which would be separated. Williams stated that the at grade crossing would be the Cable TV location with separated crossing to the north. These were from Highway 74 and others off Highway 54 would be direct access.

Beverly also questioned the access road and Williams explained that the road would be similar to Crosstown Road with only subdivisions or commercial areas having access to it.

Beverly also questioned zoning. Williams explained that he would recommend rezoning current GI area to Limited Use Industrial and the GC area to Limited Use Commercial.

Beverly asked if land was being donated for a fire station in the area and the Mayor stated that he did not know at this time.

Phyllis Aquerro: As a resident of Kedron Village questioned what this would do to the build out population. She felt that most people moved to the City expecting a build out population of approximately 40,000.

Mayor Brown explained that the figure of 40,000 was one for property owned by Equitable but did not include outparcel development. He felt this would increase the population by approximately 3000 people.

Aquerro also questioned density. She asked what density was planned in the

single family development.

Mayor Brown felt it would be on lots smaller than one quarter acre. He supported and believed that the City needed starter homes and this would provide property for those in the \$60,000 range.

Aquerro also questioned traffic and felt the additional population would affect traffic flow and create congestion along the major highways possible requiring traffic signals at all intersections with streets. She expressed concern about the schools and also about density. She felt the quality of life in the City had a lot to do with what the area looks like, the amount of traffic and the lack of need for traffic signals. She felt there were affordable homes in the City already because the type industry in the City did not attract unskilled workers.

Caroline Price: As Chairman of the Planning Commission she wanted to emphasize the fact that the planning went along with the annexation policy of only annexing raw land. This would allow planning for traffic flow, density, etc. She pointed out that the railroad would be something that would have to be dealt with. She felt that comprehensive planning could be done by dealing with the entire area but that if one property owner came forth for annexation this comprehensive planning would not be possible. She also felt that a noise abatement plan would need to be in place before developing the area along the railroad.

Joe Micelli: Expressed opposition to the plan. His major concerns had to do with the environment regarding the wetlands. He asked if there were natural resources in Fayette County to support additional development. He felt the water was an area that should be explored. He felt a study should be done to ensure that there were adequate resources for water, waste disposal, land pollution etc.

Mayor Brown asked to respond to questions raised by Ms. Aquerro and Mr. Micelli. He stated that Peachtree City currently had industry occupying approximately 600 acres of industrial land with approximately 2000 additional industrial acreage available. He stated that the City had never sought that property for annexation but he did think that if the land was proposed for annexation it could be annexed by Tyrone. He felt it was just a matter of time before the property was developed by some jurisdiction.

The Mayor expressed the opinion that those making less than \$30,000 had the right to expect the same quality of life as those making considerable more. He stated that a recent publication regarding housing in Peachtree City did not have one home for under \$60,000. He felt this type housing should be available for the single family member, couples just starting out, etc.

Ike Issacson: Mr. Issacson expressed anger over the plan. He felt that if the plan were placed in effect it would necessitate the need for developing Lake McIntosh. He objected to this developing as it would be destroying wetlands. He felt there was sufficient water for the current plan without additional lakes.

He felt the advocates of growth were destroying the quality of life in the City.

Gerard Bernier: As member of Planning Commission he felt Peachtree City was in a better position to develop this property than other jurisdictions. He pointed out that the boundaries were contiguous with the borders of Peachtree City and he felt development would come whether or not it was wanted. He felt a concern was the density and he agreed housing should be available to all groups. He also pointed to the airport as a possible problem for housing in this area because of the airport noise.

Orville Barber: As a resident of Wynnmeade he wanted Council to know he supported the plan. He stated that he had been a resident of PTC since 1972 and if the gates had been closed at that time as some had wanted to do, many of those speaking tonight would not be here.

Cal Beverly: Expressed support for the plan. He stated that he was glad to see planning expertise being utilized and hoped that the results would improve the already zoned and partially developed area around Wynnmeade and the surrounding area. He applauded the Council for their foresight in this plan.

Phyllis Aquierro: Ms. Aquierro asked to clarify her earlier statement regarding quality of life. She stated that it had nothing to do with economics but more with peace, quiet, natural environment, wooded areas, lack of traffic congestion and uncrowded conditions. She was not opposed to having affordable housing but she did not see why people who earned less money had to be crowded together and had to live in an environment with less amenities than others. She did not object to annexing more land into the City but was against annexing and developing the land in a nature different from the rest of Peachtree City. She objected to crowding people together, causing traffic congestion, not having the services and, not having the resources, would necessitate raising taxes to provide those.

Councilman Brooks expressed appreciation for those who had attended and participated in this forum. He stated that this did not mean that Council had made any decisions regarding this area but did want to inform the public early of what could be happening in the future.

Parlontieri also thanked the people for their participation. He mentioned the fact that sewers would be required for any development in the area.

Mayor Brown echoed the statements of the others and thanked those who had attended and participated in this public forum.

The item was closed.

11-90-3 Appeal to Resubdivision of Robinson Bend Estates Property

Mayor Brown explained that Mr. John McGinn, property owner in Robinson Bend Estates Subdivision, had filed an appeal to the decision of the Planning Commission to allow Lot 5 in the Subdivision to be resubdivided.

The Mayor explained that the property was zoned Estate Residential which required a minimum lot size of three acres. Mr. Phil Jones, property owner had obtained approval from the Planning Commission to replat his property into two lots rather than one for the purpose of building an additional a house on the property. The Mayor stated that the Planning

Commission had determined that he could do this and meet all the zoning and building restrictions.

Mr. McGinn raised several constitutional issues and questioned the legality of the action. He explained that when he purchased his property there were covenants on the property restricting resubdivision.

He also questioned whether resubdivision should be allowed within a single family residential subdivision where the plan and the obvious purpose of the subdivision had always been of one house on one lot.

He also questioned whether the resubdivision should be approved when there was no real need for it.

Mr. McGinn also stated that the subdivision was on septic tanks and questioned whether or not the property would handle another septic tank.

Mayor Brown called upon the City Planner, Jim Williams, to present the City's comments on this appeal and asked him if the residents of the subdivision were notified of the hearing. Mr. Williams stated that his staff telephoned those they could reach and then hand delivered letters to the residents of Robinson Bend Trail. He stated that some of the letters were placed in mail boxes.

Mr. Williams explained to Council the owner of the property that was resubdivided Mr. Jones, was required to be out of town this evening but had provided a letter to the Council explaining his situation. Mr. Jones stated in the letter that he regretted this had caused a problem in the community and explained that he planned to place another single family residence along a single driveway that served his home. He did not feel the addition of one additional home without adding another drive would damage any property owner in the subdivision.

In response to several issues Mr. McGinn raised, Williams stated that the deed covenants were not something the City would get involved in, however, they had expired. Also, regarding the septic tank issue, Mr. Jones was required to have two perk tests done prior to the approval and there was no problem with placing another septic tank on the property.

Williams acknowledged that there was opposition from several of the residents of the subdivision at the Planning Commission hearing and that the Commissioners delayed action until they had time to visit the site and see it for themselves. He explained that at the hearing the approval was unanimous and the City Staff concurred with the action and recommended that the decision not be reversed.

Brooks asked that the City Attorney address the legal issues in this matter and City Attorney, Mitch Powell, responded. He explained that in regard to the constitutional issues raised, Mr. McGinn would have to prove that his property had been damaged by the action. Another thing was that the City had certain minimum standards for zoning but the regulations did not provide for those that develop beyond the zoning standards. He stated that there was nothing to prevent the resubdividing of the property except perhaps for deed covenants which the City did not enforce. Powell felt that if the owner could meet all the standards for zoning and development

it was necessary to grant the request. Powell explained that this subdivision developed beyond the minimum standards for zoning with lots that exceeded three acres and there were no provisions in the zoning for that.

A resident of Robinson Bend Trail addressed the Council. He reported that he only received his notice of the appeal hearing when he returned home this afternoon and he was not sure his neighbors realized the meeting was being held. He stated that several of the residents were present at the Planning Commission meeting when the resubdivision of the lot was approved and spoke in opposition to the action. He stated that the residents of the subdivision were concerned about their property value and traffic and congestion. He stated that he and others in the subdivision purchased their property for privacy. He asked that Council listen to the majority of the residents of the subdivision speaking against the resubdivision.

Caroline Price, Chairman of the Planning Commission, reported that the item was on their agenda for October 8th at which time they realized that the property owners had not been notified.. The item was tabled to the next meeting to allow time for this notification to take place. At that meeting on October 22nd and four homeowners attended speaking against the resubdivision.

City Attorney Powell pointed out that there was no official notification required in cases like this as there is in zoning hearings.

Mayor Brown called on Council for comments.

McMenamin stated that it would seem that Mr. Jones was within his rights to take this action as long as all requirements of the Estate Residential Zoning were met.

Good stated that it seemed that once a subdivision was zoned and platted that a property owner should be able to expect the subdivision to remain as it was planned. He realized that the ordinance allowed for a resubdivision but he felt what was right should prevail and that was that the subdivision remain the same. He would support overturning the Planning Commission's decision.

Parlontieri questioned whether there was authority to not approve the resubdivision and City Attorney Powell felt that as long as Mr. Jones met the requirements there were no provision on which to base denial. He stated that he would be concerned should Mr. Jones take the City to Court.

Parlontieri stated that he sympathized with Mr. McGinn but he felt the appeal should be denied.

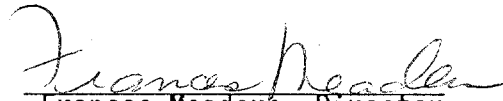
Motion was made by Parlontieri that the appeal be denied. Motion was seconded by McMenamin. Mayor Brown stated that he agreed with the Planning Commission's decision based on information provided him and he regretted that there was dissention in the neighborhood. Letters from Mr. Jones and Mr. McGinn were made part of the official record of the hearing.

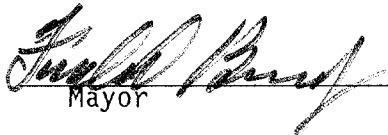
Motion carried with vote as follows: Mayor Brown, McMenamin and Parlontieri voting aye; Brooks and Good voting nay.

There being no further business 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.


Frances Meaders, Director
Administrative Services


Mayor Attest