City Council of Peachtree City
Minutes of Meeting
October 19, 2000
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, October 19, 2000, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert Lenox led those attending in the pledge of allegiance. Other Council members present were: Annie McMenamin, Carol Fritz, and Bob Brooks. Dan Tennant was absent.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox recognized the Employee of the Month, David Murphy.

Mayor Lenox presented a ten-year service pin to Robert Todd.

Mayor Lenox recognized Tom Carty and the West Georgia Inspectors Association for receiving the Chapter of the Year award from the Southern Building Code Congress International.

Chief Murray recognized his Police Department for achieving Re-accreditation.

MINUTES

McMenamin made a motion to approve the minutes of the October 5, 2000, as presented. Fritz seconded the motion. Motion carried with Lenox abstaining.

CONSENT AGENDA - approved 4-0

1. Consider Agreement – Tower Lease
2. Consider Ordinance Revision – Outdoor Burning

McMenamin made a motion to approve the consent agenda items. Fritz seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

Consider Ordinance – Outside Storage Display - approved 4-0

Jim Williams, Director of Developmental Services, said the proposed Outside Storage Display Ordinance was presented to Council on September 7, 2000. Since that time, staff met with about 30 business owners and members of the Chamber of Commerce. Based on those discussions, the draft of the ordinance had been substantially revised. He said the revised draft was approved by the Planning Commission at its meeting on October 9, 2000 and staff recommended that it be adopted by Council. Williams reviewed the ordinance in detail. McMenamin made a motion to adopt the ordinance as presented. Fritz seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

Mayor Lenox read the rules for conducting Public Hearings and set a time limit of fifteen minutes for each side to present their case.

10-00-06 Public Hearing – Consider Lifting the Moratorium on Multi-Family Zoning as it applies to the Lexington Commons Commercial Development at the Walt Banks/SR-54 Intersection - approved 4-0

Developer Bob Adams addressed Council to request lifting the moratorium on multi-family zoning as it applied to the Lexington Commons Development at the Walt Banks/SR 54 Intersection. His intention was to submit a rezoning request to change his limited use zoning classification to permit him to replace some of the commercial development with residential development. Brooks supported the request because he felt the surrounding neighbors were strongly in favor of it. McMenamin also supported the request. She felt it would give citizens an opportunity to review the history of the property and that they would have an opportunity to give input at the rezoning hearing. Brooks made a motion to lift the moratorium on Multi-Family Zoning as it applied to the Lexington Commons Commercial Development at the Walt Banks/SR 54 Intersection. Fritz seconded the motion. Motion carried unanimously.

10-00-07 Public Hearing – Variance, Potash, 121 Cedar Point - approved 4-0

Mr. Martin Potash, the owner of Lot 2 at 121 Cedar Point, addressed Council to request a variance to extend his existing garage a total of 12 feet toward his rear property line, which would encroach into the required setback area about 9 feet. Jim Williams spoke in favor of the variance stating that Mr. Potash owned the lot behind his home, and the encroachment would be in the setback area between Lots 1 and 2, making the applicant also the adjoining property owner. Hearing no one else speak in favor of the variance, Lenox asked if anyone wished to speak in opposition. Hearing no opposition, Lenox called the hearing to a close and opened the floor for Council to debate the issue and render a decision. McMenamin noted that the concrete slab for the garage was already in existence. Brooks made a motion to grant the variance as requested. McMenamin seconded the motion. Motion carried unanimously.

10-00-08 Public Hearing - Consider Ordinance – "Big Box" Regulations – remanded to staff for modifications 4-0

Jim Williams presented the proposed "Big Box" regulation, which would be an amendment to the zoning ordinance as recommended by staff and the Planning Commission. He said the ordinance would apply to any business that would be more than 10,000 square feet in area, but it would not apply to major developments currently in the planning stages. The said it would not apply to the Huddleston Property, which had an approved site plan for Home Depot and plans for development of a Walmart, and Phase Two of Kedron Shopping Center.

Businesses over 10,000 square feet would be subject to the following conditions:

1. General Retail Space would be limited to 150,000 square feet with an extra 50,000 square feet for theater and restaurant space.

2. No single commercial tenant shall occupy more than 32,000 square feet of floor area.

3. No three commercial tenants shall occupy a combined floor area of more than 80,000 square feet.

4. No more than six commercial tenants shall occupy more than 10,000 square feet of floor area each.

5. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including but not limited to the following: Doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior-building elevations must be reviewed and approved as a part of the overall Final Site Plan review process.

6. Any tenant that occupies more than 10,000 square feet shall provide the City Attorney with a copy of the rental agreement between the tenant and its landlord which contains a contract provision prohibiting the tenant from voluntarily vacating such premises or otherwise ceasing to conduct its retail business on such premises while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. If such a tenant voluntarily vacates such premises or otherwise ceases to conduct its retail business on the premises, the landlord shall be free to market and lease such premises to another person or company regardless of any contractual rights the tenant may have with the landlord.

7. The owner of the zoning lot shall prepare a Traffic Management Plan, which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The Plan must be prepared by a qualified professional Traffic Planner at no cost to the City, and it must be approved by the City Engineer;

8. The owner of the zoning lot shall prepare a Water Management Plan, which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The Plan must be prepared by a qualified professional Engineer at no cost to the City, and it must be approved by the City Engineer;

9. No use permitted in this zoning district shall be allowed to cover more than 75 percent of the zoning lot on which it is located with impervious surfaces.

McMenamin asked how far along was Phase 2 of Kedron Shopping Center in the development process? Williams said the developer was negotiating a site plan with staff. She asked if Williams thought the developer was trying to circumvent the new ordinance since they had originally negotiated with Home Depot for their site before it was relocated to the Huddleston property? Williams did not feel that was the developer's intent. He said the developer made changes in their site plan that would include two anchors instead of one large anchor.

Fritz asked Williams to confirm that the master plan for the Kedron Shopping Center was submitted and approved in 1996. Williams said that was the City Attorney's interpretation of the situation.

Lenox opened the floor for public comments and questions.

Bob Adams asked if Lexington Commons would also be excluded from the ordinance? Williams said the proposed ordinance would not apply to buildings over 10,000 square feet if the property was rezoned to Limited Use Commercial, as the Lexington Commons Development was.

Rick Shumacher, Planning Commission member addressed Council and urged them to approve the ordinance to safeguard the City's ambiance and future lifestyle.

Steve Brown, 148 Terrane Ridge, said the ordinance had been revised many times. He objected to giving exemptions to some of the developments. He felt there were legally justifiable reasons to require the developments to abide by the ordinance. He felt by including an exemption in the ordinance, the city was pandering to the developer's attorneys.

Doug Dillard, attorney for Pathway Communities, Ram Development Group and Home Depot, addressed Council and provided them with a copy of a letter sent to them previously, dated August 11. He said while the developer had pending conceptual plans for the property on Highway 74, the original master plan for the property was approved by the City in 1994, and as a result the developer spent $1.37 million to develop the property, as well as for system wide improvements that the whole City benefits from such as road improvements, sewer, water, etc. Dillard said he questioned the purpose of the ordinance and said that Council needed to have a clear public purpose served by any legislative act they adopt.

Mayor Lenox noted for the record that the City also received a letter from Powell, Goldstein, Frazer and Murphy on behalf of the Huddleston Family Limited Partnership, owner of a 42-acre tract on Highway 54, stating their objections to the ordinance.

Lenox asked if there were any comments or questions. Hearing none, Lenox said that he did not want to call the Public Hearing to a close because he did not want to preclude any further input, but he opened the floor for Council discussion.

Lenox voiced concerns about the ordinance. He said under the proposed ordinance, Braelinn and Kedron Shopping Center would not have been built. He was concerned with restricting the size of developments that had already been accepted in the past. He was also concerned with how the preamble was worded. He said the original master plan of Peachtree City called for a regional commercial center. He also felt that there should be a provision in the ordinance requiring all commercial buildings to be maintained as though they were occupied to preclude any vacant buildings from becoming an eye-sore.

Fritz felt that some of the information from the original master plan should be published for public information because it is often misquoted. She pointed out that the regional commercial center was planned for the intersection of Highway 54/74 and that there were originally seven villages planned. She asked the City Attorney for a legal opinion regarding the developer's vested rights. He said Georgia Law balanced facts to determine a property owner's vested rights. He felt it would be difficult to argue with the developer's claim of having vested rights due to the fact they have already spent over one million dollars to develop the project. He felt the entire ordinance could be jeopardized.

Brooks also felt the preamble should be changed. He agreed with Mayor's comments.

McMenamin felt that the plan for a regional shopping center in Peachtree City was intended for its citizens and not for the surrounding areas. She said it was important to look ahead toward the future. She said stores were already beginning to downsize because they no longer had the need to store large quantities of inventory. She said computers made it possible to have goods delivered within 24 to 48 hours. She also felt there would be a tremendous increase in Internet shopping in the future and that communities would see the development of smaller neighborhood stores.

A citizen addressed Council and pointed out that the Master Plan was an evolving document and that the way things were done in the seventies was not the way things are done now.

Steve Brown agreed that the Master Plan was a living document. He also said that the size of department stores have increased up to three times since the seventies.

Lenox called the public hearing to a close and made a motion to remand the ordinance back to staff for modifications. McMenamin seconded the motion. Motion carried unanimously.

10-00-09 Consider Jail Impact Fees – approved 4-0

Jim Basinger, City Manager, presented revised jail impact fees to Council as suggested by other municipalities. A comparison of the fees approved on September 7, 2000 are as follows:

Type Fee	Structure Size	Approved 9/7/00	Revision
Retail Trade	≤10,000 S.F.		$ 4,744.23
	>10,000 S.F. ≤50,000 S.F.		$ 9,488.46
	<50,000 S.F.	$ 4,331.56	
	>50,000 S.F.	$ 8,663.12	$ 14,232.69
Other	N/A	$ 1,588.24	$ 2,609.33

Lindsey advised that he had reviewed the intergovernmental agreement pertaining to the jail impact fees and recommended adoption.

Brooks made a motion to approve the revised fee schedule and to approve the intergovernmental agreement. McMenamin seconded the motion. Motion carried unanimously.

COUNCIL/STAFF TOPICS

Basinger announced that Council would consider the final results of the Pay Plan on November 2, 2000.

McMenamin suggested a joint workshop with the City of Tyrone to discuss zoning overlay. She felt the Planning Commissions of both municipalities should be invited as well as the elected officials.

Fritz said she attended the Local Emergency Planning Committee (LEPC) meeting last week and was very impressed with the Train Derailment Plan. She suggested Acting Chief Lohr give a presentation on such at the next Council meeting.

Lenox made a motion to take a brief recess and reconvene into Executive Session to discuss a legal matter. McMenamin seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

No action was taken in Executive Session. McMenamin made a motion to adjourn the meeting. Lenox seconded the motion. Motion carried unanimously and meeting adjourned at 8:30 p.m.

Attest: Robert L. Lenox
Mayor Robert L. Lenox

Nancy Faulkner
City Clerk, Nancy Faulkner