

City Council of Peachtree City
Workshop Minutes
October 7, 2014
6:30 p.m.

The Mayor and Council of Peachtree City met in workshop session on Tuesday, October 7, 2014, 6:30 p.m., at City Hall. Attending: Mayor Vanessa Fleisch, Council Members Eric Imker, Mike King, and Kim Learnard. Terry Ernst was unable to attend.

The purpose of the workshop was to review the annexation process.

City Manager Jim Pennington opened the discussion, saying staff had been working on the analysis for some time. He continued that it was important for the City to take a firm look at where it was now and where it could be in 20 years. There was a lot of activity on the City's borders, and there were people who thought some of those areas were in the City. They were not, and they did not conform to the City's standards. The City could do something about that, but it needed to be done from a planned perspective.

Community Services/Public Services Director Jon Rorie said the City had been operating from the 1985 Land Use Plan, which staff felt was still solid. He continued that what they would discuss at the workshop was not a specific recommendation. This presentation was only about potentials and possibilities. Staff needed direction from Council on where to go.

Rorie pointed out that the City's original plan in 1957 called for a population of 85,000 and 27,000 dwelling units. There had been changes over the years, including a decision to scale back development. Today, the City had a population of 35,000, with 14,000 dwelling units. The 1985 Land Use Plan was a physical development plan that had been used as a guide. The components included mixed uses, step-down zoning, inter-connectivity, recreational amenities, and 25% greenspace. The purpose of the plan had been to influence, manage, and direct the growth of the City. The City was due to completely update its Comprehensive Plan by 2017, and the direction provided by Council would help with that.

Rorie discussed the possible trends for the next 50 years, including the demographic shift to an aging population, residential build-out, and aging housing stock. From a planning perspective, the City needed to look at what it wanted for the next 50 years. He continued that the City had annexed approximately 630 acres from 1971 – 2001 to clean up the City's borders. In 2007, approximately 820 acres had been annexed in Wilksmoor Village. At least a part of the land annexed had been done to eliminate service islands. In 2013, the City received requests to annex 77 acres for The Gates on the southern border of the City and seven acres on SR 54 East.

One trend the City should examine, according to Rorie, was the urban fringe development along the City's borders. Urban fringe development took advantage of the proximity to City's population and eventually led to the concept of urban sprawl. The areas along SR 54 East included Governor's Square, Peachtree East (Publix), Longboat, and the Peachtree Professional Building. The Chimneys, Millpond Manor, Brechin Park, and New Hope South Church were located off SR 74 South. Mountbrook, Woodcreek, and Jefferson Woods were located off Redwine Road. The Fishers Crossing retail/mixed use development was located along SR 54 West in Coweta County.

Rorie asked Council to consider where the City would go from here, and presented three options:

1. Maintain the status quo;
2. Expand to include urban fringe properties as requested, one property at a time; and
3. Establish natural growth boundaries/potential annexation areas to enhance long-range planning for fire and EMS station locations, parks, and multi-use path connections.

Senior Planner David Rast gave an overview of the Fayette County Future Land Use Map 2004 – 2005, noting the City's growth patterns had been consistent with the City's Comprehensive Plan and Land Use plan to grow to the natural borders on the eastern (center line of Camp Creek) and western (Coweta County) boundaries.

Rast continued there were four distinct areas along the City's boundaries that were considered study areas. The SR 54 East (HWY 54 E) area was composed of several tracts from Peachtree East (Publix, including mobile home park), Sumner Road, Governor's Square, Genevieve Court, Longboat, and Ebenezer Road, totaling 384 acres. Rast said annexing these areas would clean up the border and provide the ability for long-range planning.

The SR 74 North (HWY 74 North) area included tracts along Dogwood Trail that totaled 550 acres. This area tied into the potential northeast collector in the City's thoroughfare plan. The tracts were all served by septic systems.

The Wilksmoor Study Area included three tracts that totaled 66 acres. One of the tracts was located in unincorporated Fayette County, one was in Tyrone, and one was split between Fayette County and Tyrone. One tract bordered Shamrock Industrial Park in Tyrone, which Rast said was something the City should keep an eye on. The Tyrone tract faced Senoia Road, and it might have a commercial designation.

Imker asked if the property owners were willing to be annexed. Rast said they were. Imker asked if it would create an island in the County if the tracts were annexed. Rast said an island had already been created when some other properties were annexed several years ago. There would still be an unincorporated island if the three tracts were annexed, but it would be a smaller island.

The SR 74 Study Area (HWY 74 South) included the Starr's Mill School Complex, Mills Farm, The Chimneys, Jefferson Woods, Brechin Park, Mountbrook, Millpond Manor, and New Hope South Church tracts, which totaled 439 acres. Rast said the school complex was tied into sanitary sewer, as were the Mountbrook and The Chimneys subdivisions. The Jefferson Woods developer had requested annexation when the subdivision was originally built, but the City did not annex the area. It was developed in the unincorporated County. There were some large tracts on SR 74 that the County was trying to convert to office zoning, as well as some commercial tracts along SR 85. Rast said there could be a hodge-podge of development in the area, and it might end up looking like SR 54 going towards Fayetteville.

Rast said the potential annexations totaled 1,450 acres, which would be an increase of 10% in the City's 15,000 acres. There would not be a drastic increase in the City's boundaries.

The pros for annexation included contiguity, which created efficient service areas; land management/regulation of urban development; environmental protection with sewer connections; and economic interest. Rorie pointed out that annexation provided fiscal viability by diversifying the tax base and an increase/maintenance of revenues related to Local Option Sales Tax (LOST), user fees, business licenses, and alcohol licenses. He continued that a growing

community was perceived as a vibrant area, and the eligibility for federal and state grants could increase.

The cons included the perception of excessive financial burden among current residents concerning service level expansions ranging from public safety to road and street maintenance, as well as increased tax burdens vs. service levels.

Rorie discussed the current Annexation Review Process, Section 704 of the Zoning Ordinance. The process had two steps. Step One was a general analysis to identify how the annexation might or might not be compatible with goals of the City's Comprehensive Plan with an affirmative recommendation required from Council for further analysis with Step Two. Under Step Two, the applicant submitted additional and detailed information pertaining to the impacts of the proposal and development, including water/ sewer, road/street access, police and fire protection, zoning compliance, and a fiscal impact analysis showing the economic and service feasibility.

There were three primary methods of annexation, Rorie said. Under the 100% Method, property owners of all the land in an area might seek annexation by signing a petition. This would be a voluntary annexation. Using the 60% Method, petitioners owning at least 60% of property in an area and 60% of voters might sign a petition for annexation. This was an involuntary method. Under the Resolution and Referendum Method, a referendum would be held for the voters to determine if an area should be annexed.

Rorie further explained the 100% Annexation Procedures, saying the property must be contiguous – 1/8th of aggregate property line or 50 feet, whichever was less, or would be contiguous if not for lands owned by municipality, other political subdivision, the state, or the width of street/right-of-way, river/stream, or right-of-way of railroad or other public service corporation. Exceptions applied if multiple parcels were petitioned for annexation as long as one parcel met the contiguous requirement. A signed petition was required, and the entire parcel must be annexed. Any building had to meet the minimum building lot size of the municipality. An identification of the property must be filed with county and Department of Community Affairs.

Rorie continued that 60% Annexation Procedures must also be contiguous, which was defined as an aggregate external boundary at the time of annexation plus other components such as width of street, or other municipal/public service owned land. A signed petition of 60% owners and 60% electors was required, and there was a one-year time limit to get the petition signed. An extension-of-service plan was required. This procedure could not be used to annex across county lines, and a public hearing was required.

The question of whether the Resolution and Referendum Method was applicable had to be discussed first to determine when this method would be used, according to Rorie. The property had to be contiguous as defined. It could not be receiving water, sewer, police, or fire services from another government entity. The purpose of annexation must be to develop for urban purposes. Urban was defined as two people per acre, or having 60% of land divided into tracts of five acres or less where 60% of the total number of lots were one acre or less. Service expansion plans were required. Annexation required a majority vote of existing voters within the area to be annexed.

King asked if the Water & Sewerage Authority (WASA) had been involved in any of the annexation discussions. John Dufresne, a member of WASA, said he could not speak officially,

but he was aware that a member of WASA's staff had been talking with City staff. King said WASA would be an integral part of any annexation, and he wanted to ensure they were involved, along with the Fire and Police Departments.

Rorie said the discussions thus far had been generalized, not specific. WASA was at 50% capacity, with six million gallons per day available. The City would have to look at capacity, which could be a tipping point, in providing services.

Fleisch said she was concerned about the Wilksmoor study area since those properties abutted everything in that village. There was a potential for the zoning of those properties to be incompatible with what had already been done.

Rast said there were three tracts of land: Peachtree City Holdings owned six acres, the Martha Lee tract had 24 acres, and the Davis tract had 36 acres. Fleisch noted they were all currently zoned AR, but that could be changed by the County or Tyrone. Rast said that was correct.

Imker asked if the City could do anything if the properties did asked to be annexed one at a time.

City Manager Jim Pennington said Georgia did not have Extraterritorial Zoning Jurisdiction (ETJ). Other states allowed cities to annex property one to three miles outside the city limits. The City was handcuffed by its own Code of Ordinances. He had never seen the Step One and Step two process until he came to the City. The City did not have the ability to ask property owners if they were interested in annexation. This presentation was just information that staff had analyzed. It was a control or no-growth issue. The City could not market annexation.

Learnard asked why the annexation steps had been put in place. Rast said that, in the late 1990s and early 2000s, the City had received a lot of requests for annexation. Work would start at the staff level, then when it got to Council, Council would ask why they should even consider annexation because there was no plan. The Council at that time came up with the Step One and Step Two process so the applicant would come to Council first to see if Council wanted to even consider the annexation.

Fleisch said people moved outside the City because they did not want to pay the taxes, but wanted to be close enough that they were considered to be in the City. She asked what annexing would do to any potential redevelopment of the City's older neighborhoods. Rorie said he did not know, but one of the issues relating to annexation was the aging housing stock. People were beginning to redevelop/renovate the older homes. He did not see anyone plowing over an older subdivision to redevelop it, but annexations could spur economic development in other areas. Some areas just were not ready for redevelopment at this point.

Fleisch pointed out that, if there was an annexation, the property an owner paid \$100,000 for would be assessed at a higher value. In some ways, it would be a favor for them because the property values would go up, but she asked who would pay. The City could barely keep up with its maintenance now. Adding more growth to the City could become an issue. Rorie said that was a good discussion point.

Pennington said the whole point was that the City did not have a plan. From his point of view, Pennington said any annexations the City would consider should be about economic development. During the last LOST negotiation, the City's population had decreased while

populations had increased for the other entities, so the City's ability to negotiate for a higher level had eroded. It was not an issue now, but it could be when it was time to negotiate again.

Learnard said a balance that made sense had to be considered. Residential used more services and cost more. Council was elected to protect the best interests of the taxpayers.

Pennington said Council needed to address the Step One and Step Two process. Georgia did not require a mandatory plan for annexations. In North Carolina, an annexation required a plan of operation that stipulated everything from the first day of annexation. It had to be a documented plan that would stand up in court. The procedures needed to be adjusted, and a plan should be developed.

Learnard asked what was needed to develop a plan. Pennington said staff needed Council input. Rorie said there were pieces moving along SR 54 East, so it would be good time to look at that corridor to see what it would look like and what benefit it would be to current residents to pursue annexations.

Imker asked about SR 74 South, asking if annexing the school complex was the first piece of the puzzle in that area. Rorie said labeling the tracts A, B, C, and D had been a way to break things down and get the data.

Imker suggested creating a Step IA and IB. Step IB would allow the City to talk to certain property owners. Step Two would remain as it was. The current Step One would be Step IA, Step IB would allow staff to ask Council if they could ask other property owners in the area, based on Council interest. Imker added that, at any step, Council could say no. Rorie said the City's ordinance would have to be amended.

Pennington said if that was the direction from Council, staff could get the language ready.

Fleisch asked about Publix and annexation. Rast said Peachtree East approached the City 10 years ago when the property had been sold under the assumption it was in the City limits. It had been discovered during the closing that the center was not inside the City limits. The applicants got through Step One, then they changed their minds during the discussions on bringing the signage and landscaping into compliance with City standards.

King asked if the County would have a reason to veto any annexation. Rast said that, once the City received a formal application, the City was required to notify the County. The County could object to the annexation, and then it would go to arbitration. If it was not worked out before arbitration, it would be resolved through arbitration.

Pennington said the County would not lose anything. They would continue to get taxes from the property, but would not have to pay for any services.

Rast said every municipality and the County had to update its Comprehensive Plan by June 2017. As the City went through its analysis on expanding the coverage, the County would need to make sure it was not over programming services in areas. Timing-wise, this was an ideal situation.

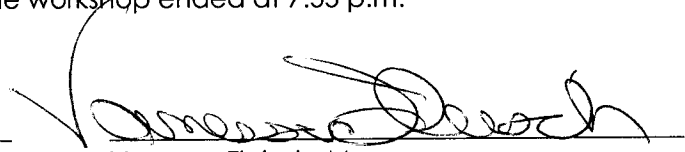
Pennington said everything Council had seen during the workshop had been reviewed by the Atlanta Regional Commission (ARC). The ARC would not take a position, but they were asked if

this would be a sensible approach. The ARC had responded that it was as good as what they would have done.

There being no further business to discuss, the workshop ended at 7:55 p.m.



Pamela Dufresne, Deputy City Clerk



Vanessa Fleisch, Mayor