

City Council of Peachtree City
Minutes of Meeting
October 6, 2005
7:00 p.m.

The City Council of Peachtree City met Thursday, October 6, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7 15 p.m. Other Council Members present were: Steve Rapson, Judi Rutherford, and Murray Weed. Stuart Kourajian arrived at 8:00 p.m.

Announcements, Awards, Special Recognition

Mayor Brown recognized Ray Green for his service on the Planning Commission.

Minutes

Rutherford moved to approve the September 15, 2005, regular meeting minutes as amended. Rapson seconded. The motion carried 4-0

Reports

Brown noted the Great Georgia Airshow on October 8-9, 4 Nights in October, October 6-9, Peachtree City Classic Road Race on October 15, Fire Department Open House on October 16, Library grand opening on October 29, and Halloween would be on October 31, as always. There had been one more Part 1 Crime this year (238) compared to last year (237). The Top Five accident locations for the month were GA 74/GA 54, GA 74/Crosstown Drive, GA 54/Commerce Drive, GA 54/Planterra Way, and GA 54/Robinson Road. Rutherford asked when the GA 54 paving (east of GA 74) would be completed. City Manager Bernard McMullen said the only real date he had regarding the traffic signal synchronization, and that would be November 6. Brown noted that the project was going smoothly and a lot of the work was being done at night.

Consent Agenda

- 1. Consider Big Box Moratorium**
- 2. Consider Amendment to Fire Protection and Prevention Ordinance**
- 3. Consider Budget Amendments**

Rutherford removed Consent Agenda #1 for further discussion. Rutherford moved to approve Consent Agenda #2 and #3 Rapson seconded. The motion carried 4-0

Rutherford asked if this would be the last extension of the Big Box moratorium. City Attorney Ted Meeker said it would be the last one. Staff was currently working on a draft of the ordinance. The consultant on some of the background information had been on vacation, which had been part of the delay. There could also possibly be a joint Council/Planning Commission workshop finish the work.

Rutherford moved to extend the Big Box moratorium for the last time. Rapson clarified for 60 days and seconded the motion. The motion carried 4-0

Old Agenda Items

09-05-15 Public Hearing – Consider Rezoning Wilks/Blocker Tracts, Old Senoia Road, (AR to LUR)

Becky Morris represented the applicant, Chad Floyd of Chadwick Homes. She noted that the property was located in the upper most quadrant of the City in the Kedron Village area. The site faced Old Senoia Road and was located on the western backside of the Ardenlee subdivision. The 8.45-acre parcel was two tracts, the 4.5-acre Wilks tract and the 3 8-acre Blocker tract. The request was to combine the tracts and rezone the entire parcel from Agricultural Reserve (AR) to Limited Use Residential (LUR) at a density of four lots to the acre. The concept plan showed 32 home lots. Morris said the proposed rezoning was consistent with Ardenlee, which was zoned General Residential-4 (GR-4). She continued that 2.6 acres would be dedicated to the City consisting of a 50-foot greenbelt along Old Senoia Road, and a 20-foot wide greenbelt that expanded in some areas along the sides and rear of the property

Morris continued that a stormwater detention area would be in the southeast corner and would be designed to meet the most current standards for erosion control and water quality, as well as provide extra buffering between the subdivision and Ardenlee. The homes along the westside would have knowledge of the railroad tracks across Old Senoia Road. She noted that extra insulation would be added to homes in that area to aid in noise reduction. There would be a minimum 45-foot separation between the lots and the adjacent homes in Ardenlee. The proposed path connection would be on the center east side, which would also follow the utility access into Ardenlee. The developer would also construct the tot lot in Ardenlee. The passive recreation would be an asset for both subdivisions. There would be no driveway access directly onto Old Senoia Road. The land north of the parcel was designated AR and was land used multi-family. The land to the south was Limited Use Industrial. The land in the City to the west was zoned Industrial. Morris continued that the proposed rezoning would be a nice step-down land use category. It would also guarantee some green along Old Senoia Road.

Brown asked what would block the noise from the train. Morris said there were lots of large pines and smaller understory growth such as dogwoods and sweetgums. She pointed out that the railroad track was lower than the grade of the street in the area, which provided a natural berm.

Phyllis Aguayo asked about the lot size. She pointed out that once 2.6 acres, roads, and tot lot was removed from the total for greenbelt, that the lot size would be a lot less than ¼ acre each for 32 houses. She also questioned how the property was addressed in the Land Use Plan. She asked how actual step-down zoning was addressed, and added that the City's borders were supposed to be less dense.

City Planner David Rast addressed Council. He said the parcels had been undeveloped for years. He showed the location on an aerial map and noted the surrounding uses. The parcels had been addressed when the Land Use Plan was updated. He continued that a rezoning request was in the works for the AMF industrial park, but the application had not been received. The Land Use Plan designated the parcels as single-family cluster with the potential to rezone to limited use, which was what the applicant was proposing. The applicant's proposal was consistent with the Land Use Plan. The plan was modified based on comments from the Planning Commission. The proposed homes were similar to those in Ashton Park, which was a very successful development.

Rast continued that a 50-foot buffer was required along Old Senoia Road that would be deeded to the City. The developer also planned to increase the buffer along the rear anywhere from 25 to 40 feet. Those areas would be deeded to the City as greenbelt. There would be a natural buffer around the subdivision. There would be a 50-foot wide greenbelt between the proposed subdivision and Ardenlee. Some of the homeowners in Ardenlee had cleared some of their 25-foot greenbelt area. Rast said the property owners were being notified about the violation. The northern tract was heavily wooded. The southern tract had an existing structure that would be removed, and was also wooded. The southern tract's curb cut would be removed. There would be a single access to the subdivision at the crest of the hill. The developer had agreed to work on the homes in the area of the railroad tracks to baffle the sound.

Rast said staff recommended approval of the request with the conditions listed. The rezoning would stop the industrial growth from Tyrone and would provide a nice entrance to the City. Rast continued that the original proposal had been for GR-4 zoning, but the LUR designation was a better fit. The LUR designation provided the opportunity for additional greenbelt. The parcels were zoned AR and land used for cluster residential. Rapson said that cluster could mean anything from GR-4 to ER (Estate Residential). Anyone of those would fall under single family. Rast said the definition of cluster lots included three to five lots per acre. Rapson added that when people heard the word, "cluster," they heard density. Rutherford noted that the purpose of the cluster was to pull the houses together. The lots would be small. Rapson said it would be the same density as GR-4. Rast added there would be no buffers. Rapson said they could zone it GR-4 and place conditions that would get back to the same plan.

Brown asked if the stormwater drainage would cause problems on the back end of Ardenlee. City Engineer Dave Borkowski said the plan would have to comply with the Georgia Stormwater Management Plan, which was very restrictive. Staff would ensure it complied when reviewing the site plan. Rast said the greenbelt was wide with flowing streams. The current state guidelines required there be no impact on those downstream. Rapson said the detention pond looked bigger than the cul-de-sac. Rast said he did not know how big the pond would be. The drawings showed the general location and shape for the detention pond, but the engineering had not been done to determine how large or what shape was needed. A lot of things could be done to soften the impact of the pond. Borkowski added there were a lot of things to look at, and he would look at the engineering for the detention pond.

Rutherford said there had been attention paid to the lot, but not to the egress. There would be only one way in and out on Old Senoia Road. Brown expressed concern over the sight lines on Old Senoia Road with the two bends on the road. He said there could be a problem with cars coming from Tyrone at a fast clip, especially if traffic on the road increased. Rast explained that staff had asked them to show the road coming in at the highest point of the parcel, which was the crest of the curve. With the two tracts combined, the entrance location was the best for sight lines and engineering-wise. Rast said they had discussed a connection to Ardenlee. The developer had talked with the Ardenlee Homeowners Association, but Ardenlee was not interested. Rutherford said a

connection between the two subdivisions would provide both with an alternative. If there was a disaster, there would be no way out.

Floyd said the lots would be 5,500 square feet, and houses would start at 2,000 square feet to about 3,200 square feet.

Rapson said they were not just talking about these two lots, but the entire length of the road. The parcels were bordered by AR lots to the north and south. The area included in the proposed annexation was to the west. The lots were adjacent to GR-4. Rapson said he understood the reasoning behind the LUR, but said R-43 would be more appropriate. There would be eight homes, not 32. For him, it was a question of density. Depending on whether the remaining tracts in the area (approximately 20 acres) were developed as GR-4 or R-43, there could be another 22 to 90 homes.

Morris pointed out that the zoning on the adjacent property in Tyrone was AR. Rutherford said there was step-down zoning in Kedron, where the developer wanted much higher density. Step-down meant fewer homes, not 32 homes. Rapson said either Council followed the land use plan principals or not.

Brown said he was also concerned about the bends in the road from a safety standpoint. He said residents that lived off similar roads were complaining they could not get out of their subdivisions safely, and this development would just exacerbate the problem. More people would be trying to get in and out. He said it would be a better option to hook into Ardenlee so there would be another way out with a light.

Weed noted that he was a resident of Ardenlee. He had spoken to the City Attorney regarding a possible conflict, and he did not have a conflict so he would vote on the issue.

Brown asked Morris if she had read and agreed with the 10 staff recommendations. Morris said yes. Morris showed Council a sketch that showed the topographical measurements with a cut-through road into Ardenlee. Brown asked Morris how that scenario would work. Morris explained that the topography gently leveled off, so it would be easy to bring a road through and still have greenbelt on either side since there would not be much grading. Morris continued that the detention area flowed directly into the greenbelt between Ardenlee and the subdivision to the south. The drainage would not go between or beside anyone's lot, but directly into the greenbelt.

Rapson said the parcel was a tough piece of land, but he could not support what was in front of him. He wanted the developer to cut a road through to Ardenlee and increase the buffering. He said R-22 might be palatable, but not GR-4, just because of the density.

Weed reminded everyone that the Ardenlee residents needed to be consulted before Council had the developer put a road through the subdivision. He said Harrell v Lil' Pup was a similar situation. The cul-de-sac neighbor sued to keep the same thing from happening. He would only support a road if the density were less in the area. The proposal was simply too dense for step-down zoning.

Brown said the City needed to get out of the collector into the cul-de-sac mode. Rapson said the road was a deal breaker for him. Brown noted that there had been a similar situation with Cardiff Park and Planterra. The road was tied into Planterra Way. The people in the proposed subdivision would have a problem in 10 years as the population grew in Tyrone. Morris asked if the proposed bridge over the railroad track would end at Old Senoia Road. Brown and Rapson said it would go over to 74. Morris said if that happened she did not see how the traffic would be such an impact. The traffic was very light. The road was not heavily traveled. Weed said the plan would bring at least 64 cars. The tentative OI application coming in would become residential, and the traffic would increase. Morris said the traffic would increase, but it was still not heavily traveled. The curve was gentle and the sight distance was good. Brown said there was a lot changing in the traffic patterns. He wanted to see less density and another egress. Rapson said he was not in favor of changing the character of the Ardenlee subdivision just because the City owned the land. He also did not want the developer to work on something that would not happen. Most people thought that area would be office-institutional, not residential. Morris said they were just following the Land Use Plan.

Rapson moved to deny the rezoning request as presented. Rutherford seconded.

Kourajian asked how many ways there were to get out of Ardenlee. Weed said there was a back way out to Crabapple and GA 74, where there was a traffic signal.

Rast asked if Council could continue the rezoning, rather than deny it, to give the developer time to explore the larger lots and possible connection to Ardenlee. Rapson withdrew his motion.

Rapson moved to continue the rezoning request for at least 90 days. Rutherford seconded. The motion carried unanimously.

New Agenda Items

10-05-01 Public Hearing – Consider Amendment to Article VII, Section 704, Annexations

Rast said staff was trying to bring the section on annexation in line with the rezoning procedure. The language had been open-ended. If Council denied an application, the applicant could turn in another request the next day. The amendment included the exact language used in regards to rezoning. If an annexation request was denied, the applicant would be required to wait six months before submitting another request for that parcel of land. No one spoke either for or against the amendment.

Kourajian asked the benefit of aligning this portion of the ordinance with the rezoning section. Rast noted that annexation requests were time-consuming for staff. If an application came in, got all the way to Council, and was denied, Council usually gave some direction as to what they wanted to see on the property. The proposed change to the ordinance would allow staff and the applicant more time to bring the request in line. Kourajian said he did not want to penalize anyone if the change was minor. Rutherford said Council could continue a request rather than denying it. Kourajian asked what the point of the amendment was. Rutherford said Council could deny an annexation if they

were dead set against it. She agreed the whole ordinance should be in line. Brown said the amendment applied only to the applicant. Another person could turn in an application the next day

Rast explained that there was a lot of staff time put into an annexation request before it got to Council. The request went to Planning Commission and workshops. Council had one shot at a meeting to review the application and make comments. It was a set process. He noted that there was not a waiting list of applications.

Kourajian said he liked the amendment for two reasons – it aligned the annexation process with the rezoning process and the request could be denied if Council really did not like it. Council would really be choosing who would wait six months and who would come back the next day. Rapson said the majority of Council would make the decision.

Rapson said there was currently an application in Step 2 of the process. He said there should be a time limit to that stage. He said they should also evaluate closing that loophole.

Rutherford moved to approve the amendment. Rapson seconded. Weed said that annexations did not require due process. There was no right to annexation, so he did not know if there needed to be a process. Weed said he supported the amendment because there should be an end date if there was a process at all. Brown said when annexations were approved a condition should be that all the current standards be met. Meeker said that could be done. The motion carried unanimously

Rapson clarified that staff would look at setting a time limit on Step 2 of the process. Rast said that would be done.

10-05-02 Public Hearing – Consider Amendment to Article XI, Section 1108, Landscape Plan Requirements

Rast explained to Council that, following the landscape plan revisions approved a few months ago, developers had been able to remove some of the understory and scrub vegetation. It had been a success for the most part, but there had been some instances where the developer had gone in and removed the vegetation without approval. There was no way to go back and identify what had been in the buffer and what had been removed. The amendment would require a tree survey for the buffer as part of the landscape plan. The survey would be field prepared for an accurate depiction of the existing vegetation. After the clearing was done, the remaining buffer vegetation could be identified based on the tree survey. If some of the vegetation disappeared down the road, staff would know what should be replaced.

Brown noted that a tree had to be replaced under any circumstances. Rast agreed.

Rapson asked if the developer would be required to put money in a landscape escrow account. Rast said it would go back to the owner of the property. Rutherford clarified that the City had to replace vegetation in buffers deeded to the City. Brown said if the buffer was to be left in a natural state, that was different. It was more difficult if the

developer was allowed to limb up the area. Rapson said there was some flexibility to allow the City to remove diseased vegetation. Weed pointed out that the City was different from other governments since the City forced itself to comply with its ordinances. Cities had a maximum amount of tax money from the citizens as opposed to the private sector, which could negotiate the price. The City should revisit forcing itself to comply with ordinances because it chained the City in its ability to do things.

Rast clarified that the ordinance applied just to areas where the vegetation had been removed, not to acts of God. He did not know if the City could force someone to replace something they had no control over. Rutherford said that was why she asked the question. Rapson said there should be an acts of God clause to allow for common sense in applying the ordinance. Meeker clarified that the ordinance addressed intentional acts of removal. He said he looked at it from the viewpoint of intentional removal. Rutherford said someone could interpret it another way.

Rutherford moved to table the agenda item to tweak the amendment. Rapson seconded.

Kourajian asked if there was a time limit on the proposed requirement. Rast said it was for the life of the project, which was how the landscape ordinance was structured. The owner of the property at the time was responsible for replacing vegetation that died, along with the building and the parking.

Kourajian asked what "or else" meant. Meeker said there was penalty clause in the ordinance. The owner would be cited for failure to maintain the buffer. Rast explained there was a section that dealt with ordinance violations.

Phyllis Aguayo said the City was losing many of its buffers, and a lot of people were talking about them. Buffers that had been limbed up so they could be seen through served no purpose and changed the look of the thoroughfares. The purpose of the buffer was being lost.

Annette Bowman, a landscape architect, told Council it was hard to do buffers correctly. It was also hard when the property owner wanted it done another way. Buffers were living objects that needed to be maintained.

Bill Aleshire asked if the City could go after the original owner of a property. Rast said they had to go with the owner holding title at the time of the incident.

Weed noted there had been a lot of clearing in the buffer between St. Paul's Lutheran Church and the street. He asked if they had a permit. Rast said the church had a plan. Weed said he felt too much had been cleared. He did not want to clear buffers for lines of sight to enhance the visual appeal of the development. Buffers provided noise and erosion control, and enhanced the quality of life. He told Rast he had faith in his skills, but was worried if the church buffers were an example of good clearing.

Rast clarified that clearing was not allowed. During the last several years, he had not allowed any clearing or thinning of the buffer until the site was graded and the building

was under construction. Developers initially wanted to clear entire lots. During the inspection, he would look at every tree and flag those that needed to come out. If trees were too close, one would have to come out. Most hardwoods would be left. He said it was survival of the fittest. There were also a lot of native understory trees that did well in the shade and did not compete with larger trees. The buffer ordinance allowed commercial property owners to reduce the buffer from 60 feet to 40 feet if they replaced a percentage of the trees within the buffers. Rast spoke with a Forestry Commission representative who had suggested taking out more of the pine trees so they would have a better chance of surviving. Rast said they City did not have manpower to do that and it would open the buffers up more.

Brown said the City had to manage the greenbelt areas. One of the City's failings was there was no management of those areas, which caused some of the problems with the trees that were rotting and had crowded each other out.

Kourajian asked what was the standard buffer size. Rast said the buffer size depended on whether the area was in a residential, commercial, or industrial area, and the road classification. The worst case was a 40-foot natural buffer. Residential buffers on major thoroughfares had to be deeded to the City.

Aguayo said the purpose of limbing up was to have a line of sight to see through. The intention of the buffer was to buffer. People should not be able to see through the buffer to advertise or make it evident there was a business there.

The motion carried unanimously.

**10-05-03 Public Hearing – Consider Amendment to Article IX, Section 908,
Accessory Uses for Outdoor Displays**

Rast explained that this section had been in the original sign ordinance, but had been taken out when the sign ordinance was revised in June. The amendment used the same language, but had moved to "Accessory Uses" in the zoning ordinance. The amendment limited the amount of merchandise that could be stored and displayed outside of businesses. Staff recommended adoption.

Rutherford moved to approve the amendment to move Accessory Uses to somewhere else in the ordinances. Rapson seconded.

The motion carried unanimously.

**10-05-04 Citizen Request to Address Use of Amphitheater for September 11
Observance**

Brown noted there was an additional document on the dais – a note from Bill Aleshire with his comments on the agenda item. Aleshire addressed Council about the September 11 observance, which was moved from the Frederick Brown, Jr Amphitheater to First Baptist Church. He called upon Council to do something about the Peachtree City Tourism Association (PCTA) and the cost of holding City events at the Amphitheater.

He said the City was the leader in the surrounding communities in observing memorial events.

Aleshire said he had spoken to Leisure Services Director Randy Gaddo and McMullen about the matter. He said McMullen explained that there was a cost to holding events at the Amphitheater, including the clean-up after events and electricity. Aleshire said this was a City affair run by a City department. He was very critical of the PCTA's management of the Amphitheater and the Tennis Center. He asked Council to take action to bring the PCTA into reality.

Weed, who served as the PCTA chairman, said that Aleshire had not spoken with him regarding this issue. He said the buck stopped with him. He told Aleshire he could have alleviated some of his concerns before the Council meeting had they talked. The PCTA never had the opportunity to vote on holding the event at the City facility that the PCTA managed. If the PCTA had that opportunity, the event would have been at the Amphitheater. He said the City Manager and Randy Gaddo made the decision to move the event.

Weed continued that the PCTA was a separate corporate entity from the City. He compared the use of the Amphitheater to use of the All Children's Playground, which he helped build. If the PCTA wanted to have an event at the All Children's Playground, the corporation would be required to pay because the members recognized the different roles of the City and the PCTA. The PCTA was charged with breaking even. He explained that the PCTA had approved a rental scale. He assured Aleshire that the City would not have been charged \$1,500 for the event. There was also an application system. Events that created economic development could have the fee waived. An application was not submitted and the request never came before the PCTA. The criticism was not fair or accurate. He invited Aleshire to come to a PCTA meeting.

Brown noted that there were also certain fixed costs associated with having the facility open. Something would be figured out.

10-05-05 Consider Appointment of Solicitor Pro-Hac

Administrative Services Director/City Clerk Jane Miller reminded Council about previous discussions on the need for a solicitor pro-hac, who could take over duties when the solicitor was on vacation or had to be out of the office on a court day. The RFPs were sent to 19 attorneys. Two responded. David J. Studdard submitted a cost of \$65 per hour and Jason Thompson submitted a fee of \$100 per hour. Staff recommended that Council appoint David J. Studdard at the rate of \$65 per hour. She said he had the qualifications to do a good job.

Rapson moved to approve staff's recommendation. Kourajian seconded. The motion carried unanimously.

10-05-06 Consider Approval of Stormwater Sewer Easement for Delta Financial Center

Rast said that the developer was in the process of finalizing the site plan for the project, which was located at the corner of Wisdom Road and GA 74. The Georgia Department of Stormwater Management Manual required a hydrology study. The request was to use the existing carpath easement between two lots in the Fairfield subdivision to allow them to connect to the underground system in Fairfield. Rast acknowledged that this was an unusual request. He continued that the homeowners had flooding problems from another development. This plan would correct that flooding problem. Rast said the applicant had secured the necessary easements. Staff recommended Council approve the request to use the existing easement, which would keep the stormwater underground and correct the drainage situation in this portion of Fairfield.

Rapson clarified that the request was for Lots 10 and 11 only. He asked if there was any reason not to put in the carpath. Rast said the easement was there in case a connection was needed as the parcels developed. There was another easement farther north in the subdivision. The homeowners did not want the carpath because of the way the commercial sites had developed.

Rutherford moved to approve the stormwater sewer easement for Delta Financial Center. Rapson seconded. The motion carried unanimously.

Kourajian and Brown both noted the good quality of the aerial photos used during the meeting.

10-05-07 Consider Signage for Peachtree City Hometown Holiday

Brown noted there was an additional document on the dais – a memo with attachments to Mayor and Council from the City Planner/Zoning Administrator dated October 5, 2005, with the subject, "Approval of Signage for Peachtree City Hometown Holiday."

Brown said several improvements had been made to the annual holiday event. There would be a concert at the Amphitheater, and possibly a silent auction to benefit the hurricane victims. A mammoth tree would be planted in the plaza to serve as the annual Christmas tree. A trail of lights would lead from the Amphitheater to City Hall where the tree would be lit.

Rutherford suggested that the date be left off the signage so it could be reused. Rapson suggested that the City's name be on the banners instead of the date. Kourajian suggested that the banners could be auctioned off every year. Brown said the cost should be relatively inexpensive.

Weed moved to approve the request with no date. Rapson seconded. The motion carried unanimously.

Brown said the banners would advertise the event, but they would work it out. Rapson said the banners could be left up through the end of the year as holiday decorations if there was no a date on them.

Council/Staff Topics

Kourajian asked when the library would re-open. McMullen said the City would take possession on Friday, October 7. The furniture should be delivered the same day. The grand opening was planned on October 29.

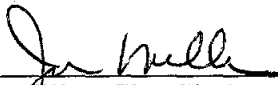
Rapson asked if the City was doing anything to impede the progress of the TDK Boulevard extension. McMullen said no.

Rutherford noted that some of City's firefighters had been in the hurricane area as part of the search and rescue mission. McMullen confirmed that they had returned just prior to the meeting. Rutherford and Rapson said they would like to recognize those who had worked in the hurricane area.

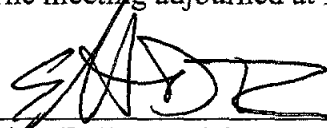
Rutherford moved to convene in executive session for pending or threatened litigation and a personnel matter. Rapson seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Kourajian seconded the motion. The motion carried unanimously.

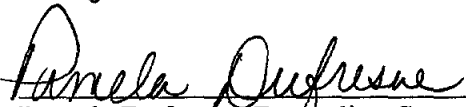
There being no further business to discuss, Rutherford moved to adjourn. Rapson seconded the motion. Motion carried unanimously. The meeting adjourned at 9:40 p.m.



Jane Miller, City Clerk



Stephen D. Brown, Mayor



Pamela Dufresne, Recording Secretary