

**MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
October 5, 1995
7:00 p.m.**

The Mayor and City Council of Peachtree City met in regular session on Thursday, October 5, 1995 at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those in attendance in the pledge of allegiance. Present were: Mayor Robert Lenox, Councilmembers Annie McMenamin, Robert Brooks, Ed Bradford and Caroline Price.

Addition of Agenda Items

Lenox made a motion to add agenda item 10-95-6 to consider bids for dump trucks. Lenox also recommended that the Public Hearing to discuss the Land Use Plan be moved to the end of the meeting because he expected the Public Hearing would take more than one meeting.

Announcements, Awards, Special Recognitions

Mayor Lenox presented a 10-year service pin to Scott Hicks, Public Works Grounds Supervisor.

Department Reports

Lenox announced that the departmental reports for the month of September would be available for review at City Hall after the next meeting.

Minutes

McMenamin moved to approve the minutes of September 19, 1995 with a minor change in spelling. Brooks seconded the motion. Motion carried unanimously.

Old Agenda Items

None.

New Agenda Items

10-95-1 Public Hearing - Petersen Re-zoning

Mayor Lenox stated that the item to consider a re-zoning request for the Petersen Property would be conducted as a public hearing. Mayor Lenox read the rules for a public hearing and

stated that each side of the issue would have thirty minutes to be heard. Mayor Lenox asked to hear first from anyone in favor of the re-zoning.

The applicant, Tom Reese, came forward and said he had filed an application to rezone 46.35 acres located on Crabapple Lane West from AR Agricultural Reserve to R-12 Residential. He said they had planned to develop the property into one acre tracts and build homes in the \$200,000 range.

Reese said he understood that the Planning Commission had recommended approval for the re-zoning with six conditions. Reese addressed the following conditions:

1. The development concept for the Petersen tract must include provision for access to the adjoining undeveloped property on its east side.

Reese said he would have no problem including a provision for access to the adjoining undeveloped property on its east side.

2. The development concept must include provision for the proper development of the adjacent parcel on its south side along Crabapple Lane.

Reese said he would agree to include provision for the proper development of the adjacent parcel on its south side along Crabapple Lane.

3. The development concept must include provision for an acceptable connection to the cart path system.

Reese said he was in favor of installing a carpath system but that there was no conclusive area to connect it to.

Reese asked Barry Amos, with Southeast Engineers to address the next three conditions.

4. The development concept must include a dedication of at least 30 feet along its southern property line for the Crabapple Lane West right-of-way. This road is classified as a Neighborhood Collector with a 60-foot right-of-way. The project would provide one-half of the required right-of-way.

Amos said there was no official deeded right-of-way along Crabapple Road but that the developer would provide the right-of-way along their property.

5. The development concept must include provision of a City-owned greenbelt adjacent to the required right-of-way. This greenbelt must be at least 25 feet wide.

Amos said the developer would provide the 25 ft greenbelt.

6. The developer must pave Crabapple Lane West from the end of the existing paving near the Fire Station to the western property line of the tract. This paving must be to City standards and include 22 feet of asphalt with 2-foot vertical curb and gutter sections on both sides.

Amos said the developer did want the road paved but did not feel they should pay the entire cost of paving the road. Amos said that the City Charter allowed the City to pave the road and split the cost with the property owners. Amos said the developer would be glad to pay one third of the cost as permitted in the ordinance. Amos also stressed that the developer did not own the other side of the road and they would need the City's assistance to obtain the right-of-way.

Lenox asked if anyone else wished to speak in favor of the re-zoning. Jim Williams, Director of Developmental Services, came forward and stated that City staff and the Planning Commission had recommended the re-zoning with the six conditions previously discussed. He stressed that he felt it was important for access to a new subdivision to be built to City standards.

Lenox asked if anyone would like to speak against the re-zoning. Elizabeth Sorrow said she was a 26-year resident of Crabapple and she was against the re-zoning and felt she would be forced to move somewhere else.

Bonnie Beerbower, resident of Crabapple, addressed Council and thanked them for arranging for a traffic light to be installed at the intersection of Hwy 74 and Crabapple. Ms. Beerbower said that the area along Crabapple was a low density area. She stressed that the residents along Crabapple did not want their road paved and they would not want to pay a portion of the costs to have it paved. Ms. Beerbower said she felt that if the road were paved it would create a safety problem because it would generate through traffic from Tyrone, especially trucks from the quarry. She also felt there would be a problem with cars speeding if the road were paved.

All of the residents along Crabapple were present and said they agreed with Ms. Beerbower.

Lenox called the hearing to a close for Council debate.

McMenamin said she felt that both the residents and developer had rights that need to be considered and she felt it was important to pave the road.

Price said she felt that it should be the sole responsibility of the developer to pave the road because the paving would only be necessary because of his development.

Brooks said he agreed that the area along Crabapple was a developed neighborhood. He said that while some of the property was zoned AR, most of it was zoned ER with three acres or

more. He said he felt that granting the variance as requested would fundamentally change the area. Brooks said he was not in favor of the re-zoning but that if the property were rezoned he felt strongly that the existing homeowners should not have to share in the cost of paving the road.

Bradford asked what it would cost to pave the road. It was estimated that it would cost approximately \$100,000.

City Attorney, Jim Webb, said that if the homeowners did not want to give an easement on their property to construct the road the City would have to go to court to obtain the easement. Bradford asked what was the recommendation of the Land Use Task Force. McMenamin replied that the task force recommended zoning the property R-43.

Williams said the adjacent property located in Tyrone is zoned for a mobile home park.

Price said she felt the plan presented by the developer would be permitted in R-43 zoning but that she felt the development could be more creative to blend in with the existing homes.

Lenox said that PCDC owned property adjacent to it that was already zoned R-43 and he was concerned about the traffic situation.

Price asked how PCDC could develop their tract of land unless the Petersen property was developed and provided access. Williams replied that the land could not be developed unless it utilized access through the Kedron Fire Station property. He said if that was the case, it would probably be developed as office/institutional rather than residential.

Reese said he was asking the City to help him obtain a right-of-way to pave the road to the entrance of his development and not to the end of the road. Lenox said Reese could not just pave to the entrance of his development but should pave the entire frontage of his property.

A homeowner, Ms. Yearty, said she and her neighbors did not want the road paved because it only causes problems and disrupts their neighborhood. Lenox said he felt it was important to pave the entire road. He said if there was a problem with gravel trucks utilizing the road, the police department would patrol the area and put a stop to it.

City Attorney, Jim Webb, said if the residents along Crabapple did not want to provide the right-of-way to pave the road, the City may have to pay legal fees associated with obtaining the right-of-way.

McMenamin suggested that paving the road should be a condition of the re-zoning. Basinger suggested that the developer should be responsible for all costs of paving the road including any legal costs.

McMenamin made a motion to approve the re-zoning with the six conditions recommended by the Planning Commission and with the understanding that the City would facilitate but not spend any money on it. Motion was seconded by Price.

Mr. Reese said he felt uncomfortable with the motion and stressed that he could not afford to pay the entire cost of paving the road.

Brooks said that none of the residents wanted the road paved and the only reason to pave the road would be for Mr. Reese's development. Reese asked that Council delay taking action on the re-zoning so that he could determine whether or not he could work out the details of paving the road.

McMenamin withdrew her motion and made another motion to table the issue until the November 2, 1995 City Council meeting. Price seconded the withdrawal and the new motion. Motion carried unanimously.

10-95-03 Police Vehicle Lease

Basinger said the staff was recommending the City enter into a vehicle leasing program for acquiring Police cars as opposed to purchasing them. He said this program would also call for the leased vehicles to be operated on natural gas as opposed to regular gasoline. He said he had spent a significant amount of time with the Police Chief and Finance Director over the past few months, discussing the costs of numerous engine and transmission maintenance problems that the Police vehicle fleet has had and the benefits of converting to a lease program along with converting to natural gas.

Chief Murray said that he has been evaluating the Police Department's long-term needs. He said vehicle costs have increased because the number of calls have increased which increased the amount of mileage being driven for each vehicle. Murray said by leasing an appropriate number of vehicles, his department would save over \$95,000 in purchase and maintenance costs.

10-95-4 Consider Appointments - Water & Sewerage Authority

Basinger said the Selection Committee interviewed five applicants for a vacancy on the Water and Sewerage Authority and recommended that Mr. T. Edwin Taylor be appointed to fill an unexpired term ending 12/31/97. The Committee also recommended that Mr. John Williams be appointed to serve as an alternate for any vacancies which would occur prior to December 31, 1995.

Brooks moved to appoint the applicants to the Water and Sewerage Authority as recommended by staff. McMenamin seconded the motion. Motion carried unanimously.

10-95-5 Water & Sewerage Authority Funding

Lenox explained that during a joint executive session meeting with the Water & Sewerage Authority on September 28, Council met with consultants hired by the Authority to render professional services for the acquisition of Georgia Utilities. Following a review of costs for these services, Council voted to authorize the Authority to spend up to \$45,000 for initial services with funding to come from the Contingency Reserve Fund.

He said while this action was taken in executive session, for public affirmation, Lenox moved to authorize the Water and Sewerage Authority to spend up to \$45,000 for professional services with funding to come from the Contingency Reserve Fund. Price seconded the motion. Brooks stated that Council had asked the Authority to submit a budget. Motion carried unanimously.

10-95-6 Consider bids for Dump Trucks

Basinger said \$60,000 had been budgeted in the 1996 Public Improvement Fund for the purchase of two dump trucks. He said staff recommended the trucks be purchased off state contract and explained that Peach State Ford Truck Sales, Inc. of Norcross had the state contract for supplying dump trucks. The base price for each dump truck was \$36,007.44. A trade-in allowance of \$4,225 was granted for a 1983 F-600 truck and an allowance of \$3,195.00 was granted for a 1983 F-700 truck. Basinger said the total amount of the bids with trade-in allowances was \$64,594.88. Basinger said there were adequate funds available in the 1996 Public Improvement Program to cover the \$4,594.88 shortfall for the purchase of the two trucks.

Price made a motion to declare the 1983 F-600 and F-700 trucks as surplus property and to allow the trucks to be used as a trade-in allowance for two 1995 Ford F-800 single axle dump trucks, to be purchased from Peach State Ford Truck Sales, Inc. of Norcross for the amount of \$64,594.88. Brooks seconded the motion. Motion carried unanimously.

10-95-2 Public Hearing - Land Use Plan

Lenox said this public hearing would allow the public to hear recommendations made by the Land Use Task Force to update the Land Use Plan. He said the task force had consolidated their recommendation to 19 discussion points. He said some recommendations require changes to the ordinances and some were philosophical in nature.

Williams said he wanted to bring Council up-to-date on the great deal of interest in apartment development over the past few weeks. He said approximately 1,300 units were proposed for development and that these proposals were unanticipated by the task force. Williams said that these projects were being proposed on property that was zoned general commercial.

McMenamin said it was difficult for Council to continue with updating the Land Use Plan if every other week the Planning Commission is considering apartment projects. McMenamin suggested Council consider directing the Planning Commission to issue a moratorium on all apartment projects that do not already have a permit in order to get a handle on the Land Use Plan so that we are not in a constant mode of change.

Brooks asked Williams how many different apartment project had been submitted. Williams said that the following projects had been submitted:

- 300 units west of Cedarcroft Subdivision;
- 300 units south of the first project;
- 300 units east of the second project;
- 140 units north of the third project

He said all four projects were in a relatively confined area on the Cowan/Farr property and the Huddleston property.

Williams said the Planning Commission approved the 300 unit project near Cedarcroft, and will be considering the remaining projects at its next meeting.

Brooks asked City Attorney, Jim Webb, what legal obligation the City incurred when staff accepted the applications for review. Webb said he had not researched the issue, but generally with respect to zoning issues, if the property is zoned for a proposed use, then the City doesn't have a right to change the zoning. Webb said he felt the Council may be able to impose a short-term moratorium to decide what needed to be done.

Williams said the Planning Commission would be holding a public hearing at their next meeting to discuss eliminating allowing apartments in areas zoned for commercial use.

Brooks said he was concerned about having 1,000 residential units going into a relatively small commercial area. He was also concerned about the traffic problems that were already existing.

Brooks made a motion to "declare a 120 day moratorium on accepting any other applications for apartments in Peachtree City." McMenamin seconded the motion.

Williams asked Brooks to clarify if the motion would allow apartment projects that already had plans in the process to move forward. Williams said the Planning Commission would be considering several projects at its next meeting.

City Attorney, Jim Webb, said that it would be difficult to legally stop those projects and Council would be taking a legal risk to do so.

Lenox said he felt it was a legitimate risk because it was important to the future development pattern of the community and for the health, safety and welfare of the citizens.

Brooks said he felt they needed to act aggressively and amended his motion to add "that the Planning Commission can take no further actions or deliberations on any applications that are already in the process".

He said that would allow the projects that have been approved to go ahead with the process but stop the ones that are in the beginning of the process at the point that they are at presently. He said if it is determined that it is something Council was willing to take a risk on, they might have to reimburse the developer of their costs to this point but that he felt the costs were certainly controllable. Brooks said he felt Council wanted to be fair to business people in the community and also to the citizens in the community. He said that he did not believe the citizens wanted 1,000 apartments right in that area. He stressed that he did not want to take control from the Planning Commission but felt it was important for Council to be aggressive so that they could move forward with the Land Use Plan.

Bradford seconded the amendment. Motion passed unanimously.

Lenox said he felt each recommendation of the Task Force should be discussed separately and take action on each recommendation toward the end of the Public Hearings.

Land Use Plan Update Recommendation #1

The recommendations presented in the report should be adopted as official amendments to the Land Use Plan and that in the future, the plan should be updated on an annual basis.

Council was in agreement that the plan should be updated annually.

Land Use Plan Update Recommendation #2

Williams said the current Land Use Plan included the following eleven land use classifications:

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|---|-------------------------------|----|--------------------|
| 1 | Single-Family, Low Density | 6 | Office/Institution |
| 2 | Single-Family, Medium Density | 7 | Industrial |
| 3 | Multi-Family, Medium Density | 8 | Community Service |
| 4 | Multi-Family, High Density | 9 | Recreation |
| 5 | Commercial | 10 | Open Space |
| | | 11 | Water |

The task force recommended four changes in the classifications for house keeping purposes.

1. Both multi-family classifications should be combined into a single category "Multi-Family."
2. Create a new category of residential called, "Single-Family, Cluster."
3. Change "Office/Institution" to simply, "Office."
4. Combine "Open Space" and "Water" into a single category, "Open Space."

These changes would result in the following land use classifications:

1	Single-Family, Low Density	6	Office
2	Single-Family, Medium Density	7	Industrial
3	Single-Family, Cluster	8	Community Service
4	Multi-Family	9	Recreation
5	Commercial	10	Open Space

Bradford expressed his concern with eliminating "Water" from the land use classifications. Council was in agreement to approve the changes because the classifications would not change the zoning.

Land Use Plan Update Recommendation #3

The new land use category of Single-Family Cluster should be created for the small lot, single-family detached subdivisions that have recently become popular with home builders and consumers alike. The following standards should apply to each cluster:

1. No single cluster should exceed 12 acres in area.
2. Clusters should be separated from themselves and from other land uses with an undisturbed greenbelt buffer no less than 35 feet in width.
3. There should be an undisturbed greenbelt along major thoroughfares of at least 75 feet (some of this greenbelt can be on the right-of-way itself).
4. There should be an undisturbed greenbelt along minor thoroughfares of at least 50 feet (some of this greenbelt can be on the right-of-way itself).
5. Individual home sites within a cluster project should be subject to the City's Landscape Ordinance. The objective of cluster should be to gain a sense of openness as a result of

higher density development. It should not be used strictly as a way to get more units on a given piece of land.

Brooks and Lenox voiced concerns about limiting a cluster to 12 acres. Lenox said the buffer requirements would only leave 20% of the land to build upon.

Land Use Plan Update Recommendation #4

The tract at the southeast corner of GA 74 and Willow Road (A-I-12) should be shown on the Land Use Plan as Single-Family, Cluster. It should be developed as a Limited Use Residential project at a density not to exceed 4 units per acre. Access to the site should be limited to a single entrance from Willow Road. The project should be property buffered from the surrounding streets and developed property. Development of this property requires connection to the cart path system. The zoning classification should remain R-1 until an acceptable development plan is prepared.

Lenox was concerned with the guidelines for a cluster development. Williams recommended setting a policy and letting the Planning Commission make the decision.

Land Use Plan Update Recommendation #5

The property around the Episcopal Church, Tracts G-III-2, 4, 5, and 6, should be shown on the Land Use Plan as Single-Family, Cluster. They should be developed as a single Limited Use Residential project at a density not to exceed 4 units per acre. An appropriate greenbelt buffer should be provided along both Peachtree Parkway and Stevens Entry. The project should be properly buffered from the Greensway Subdivision. The zoning classification should remain as is on all tracts until an acceptable development plan is prepared.

Brooks expressed his concerns with this project and the quality of homes that would be built. He urged other Councilmembers to consider the expensive homes that were in that area.

Lenox recommended discussing Recommendation #18 a) for the benefit of the Crabapple Lane residents that were in attendance.

Land Use Plan Update Recommendation #18 (a)

As a general rule, the City should not undertake an aggressive annexation program. However, several areas have been identified for consideration.

Williams said a 50-acre undeveloped parcel along Crabapple Lane West is actually surrounded by the city limits of Tyrone and Peachtree City. If annexed into Peachtree City, it should provide a logical transition between the Single-Family Cluster land use to the south and the Single-Family, Low Density land use along Crabapple.

Residents from Crabapple were present and expressed concerns of the zoning that would be imposed on the land if it were annexed.

Brooks said he felt the residents were not opposed to the annexation but wanted a low density zoning. He said that Chase Broward from PCDC was present and that PCDC owned the property that was being discussed. Brooks suggested that the homeowners meet with the developer to discuss the issues.

Brooks said it was very important to look at the borders of the City and that any annexation should be very specific. He said he did not feel comfortable supporting a general statement in the Land Use Plan concerning annexation.

Lenox said he felt the Land Use Plan recommendation was a philosophical statement. Brooks said he would feel more comfortable if the statement did not include zoning classifications and specific comments.

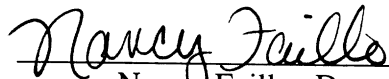
Lenox made a motion to adjourn the meeting to reconvene in executive session. Bradford seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

No action was taken in Executive Session. Meeting adjourned at 10:30 p.m.

Attest:


Robert L. Lenox, Mayor


Nancy Faillio, Deputy City Clerk