

**MINUTES OF MEETING  
CITY COUNCIL OF PEACHTREE CITY  
SEPTEMBER 15, 1994  
7:00 P.M.**

The Mayor and Council of Peachtree City met in regular session on Thursday Night, September 15, 1994 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, Edward Bradford, Robert Brooks and Caroline Price.

No items were added to the agenda.

**Announcements, Awards, Special Recognitions**

Mayor Lenox presented the "Employee of the Month Award" for August to Corporal Bill Weston, Detective in the Police Department.

Mayor Lenox proclaimed September 22, 1994 as American Business Women's Week in Peachtree City. Ms. Carol Stallings, President of the American Business Womens Association in Fayette County, along with other members from the organization were present. Ms. Annie McMenamin and Ms. Caroline Price joined the representatives to receive the proclamation.

**Department Reports**

Mayor Lenox announced that Department Reports for the month of August were available for review at City Hall.

**Minutes**

McMenamin made a motion that the minutes of the August 18, 1994 City Council meeting be approved as presented. Bradford seconded the motion. Motion carried unanimously.

Price made a motion that the minutes of the September 1, 1994 City Council meeting be approved as presented. Bradford seconded the motion. Motion carried unanimously.

Mayor Lenox reported that item 9-94-8 was a public hearing scheduled to consider the rezoning of six acres of land, owned by Bobby and Sarah McWilliams, at the corner of Highway 74 North and the entrance to The Heritage Subdivision. Mayor Lenox stated that a continuance to the meeting of October 20, 1994 had been requested due to a death in the family of Mr. Mike Lorber, agent for the McWilliams. Mayor Lenox asked if there was anyone in attendance who would object to Council continuing the hearing. Hearing no objection, Mayor Lenox made a motion that item 9-94-8, a public hearing to consider the rezoning of six acres of land at the

corner of Highway 74 North and the entrance to the Heritage Subdivision, be continued to the meeting of October 20, 1994. Price seconded the motion. Motion carried unanimously.

9-94-6 1994 Tax Millage Rate

City Manager Jim Basinger reported that the 1994 Digest report from the Tax Commissioners office reflected an 11.22 percent increase based on growth and development over 1993. Basinger stated that a 4.31 mill rate would generate \$2,637,420 in revenue which was \$130,477 more than the budgeted amount of \$2,506,943. Basinger stated that staff recommended that the revenue overage be held in the Council Reserve Fund. Basinger stated that state law required that ad valorem property taxes be reduced or rolled back by the millage equivalent to the amount of Local Option sales Taxes projected to be collected. Basinger stated that based on the 1994 official digest and the projected Local Option Sales Tax Revenues a gross millage of 8.36 mills with a 4.05 rollback would provide for a 4.31 net millage and stated that staff recommended that the mill rate be set at 4.31 mills.

Price made a motion that the 1994 tax millage rate be set at 8.36 gross mills with a 4.05 rollback and a net millage rate of 4.31 mills and that the overage revenue be placed in the Council Reserve Fund. Brooks seconded the motion. Motion carried unanimously.

9-94-7 Public Hearing - Consider rezoning of 6 acres of property  
on the corner of Flat Creek Road and Peachtree Parkway  
North - PCDC/Bob Adams Homes

Mayor Lenox stated that the item to consider a rezoning of 6 acres of property on the corner of Flat Creek Road and Peachtree Parkway North would be conducted as a public hearing. Mayor Lenox read the rules for a public hearing and set a time limit of 45 minutes for each side of the issue. Mayor Lenox asked to hear first from the applicant.

Mr. Bob Adams, Bob Adams Homes, came forward and stated that he had an agreement with The Equitable, the owner of the property, to purchase the land and that he was asking that the 6 acres be rezoned from LUC Limited Use Commercial to LUR Limited Use Residential for the construction of a 15 home subdivision to be called Central Park. Mr. Adams stated that the homes would be single family with a density that was less than some of the other neighborhoods in the surrounding areas. Mr. Adams stated that it would be an empty nester community with a price range of \$180,000 to \$250,000. Mr. Adams stated the prices would exceed some price ranges of other neighborhoods in the area. Mr. Adams went on to say that the Planning Commission had recommended only 12 homes be constructed and Mr. Adams stated that the project would not work financially without at least 14 homes being constructed, and that he could not purchase the property. Mr. Adams stated that the buffers along Flat Creek Road would be double the required 25 foot buffer and along the Parkway the buffers at some points would be 80 feet. Mr. Adams stated that it was his intention to preserve the woodlands along Flat Creek and stated that the lot sizes were larger than the adjacent Rosemont Subdivision and equal to those in the Greensway Subdivision across the street. Mr. Adams stated that he understood that traffic was of concern to some residents and stated that the residential

subdivision proposed would create far less traffic than that of a commercial area, which was what the property was currently zoned.

Mr. Jerry Peterson, Peachtree City Development Corporation, agent for the landowner The Equitable, came forward and stated that they had been working very closely with Mr. Adams and that Mr. Adams had changed the concept to accommodate the neighborhood and that they had worked together on price to reach the lot total and price of homes. Mr. Peterson stated that the proposal asked for 15 homes and that PCDC would support even 14, but that was all the flexibility there was and that they could not support the Planning Commissions recommendation of 12 lots.

Mr. John Williams, Kimmeridge Subdivision, came forward and stated that he was in support of the LUR zoning and that he would much rather see a residential neighborhood on the corner than commercial such as what was developed at the corner of Robinson Road and Peachtree Parkway.

Mr. Jim Williams, Director of Developmental Services, came forward and stated that the Planning Commission had recommended a total of 12 units with a 2.0 density. Mr. Williams stated that was in compliance with the surrounding neighborhoods. Mr. Williams stated that the density between neighborhoods would be so close you could not tell the difference by appearance. Mr. Williams stated that 12 lots seemed to fit the property and that 15 seemed too high for the property. Mr. Williams stated that he would urge Council not to rezone the property and then have variances to deal with, that with 12 lots no variances should be necessary. Mr. Williams stated that the current zoning of the property was LUC Limited Use Commercial for recreation use. Mr. Williams stated that recreation use could be a skating rink, bowling alley, etc; and felt that the residents would rather see residential, but in any case the property would not stay undeveloped. Mr. Williams stated that he believed Mr. Adams to be a first class developer and felt it was important to get the property zoned residential and not leave the commercial zoning to chance.

Mr. Doug Hoggard, speaking on behalf of the Rosemont Subdivision Residents, came forward and stated that the majority of the Rosemont residents would prefer to see the property undeveloped. Mr. Hoggard stated that if the property was to be developed the residents would rather see residential zoning than commercial but at a lessor density than Mr. Adams was requesting. Mr. Hoggard asked that the value of the surrounding homes be kept intact and that setbacks that already exist be specified. Mr. Hoggard went on to say that the residents were concerned about trees being taken down as they had been in Mr. Adams other developments and asked that the trees be preserved.

Mr. Rick Gallop, Ashford Engineers, came forward and stated that the infrastructure had been researched, and the storm drainage and water and sewer had been looked at. Mr. Gallop stated that the Central Park Subdivision would be different from other developments that Mr. Adams had constructed, that there would be an undisturbed buffer.

Mr. Adams stated that Central Park would not be like Masters Square or The Fairways where many homes were under construction at once. Mr. Adams stated that he felt there was a

misunderstanding among the community about the trees and stated that one homesite would be developed at a time and assured the residents that the whole area would not be cleared of trees.

Ms. Lynn Bride, Greensway Subdivision, came forward and stated that she was in favor of the rezoning and felt it was a very good proposal.

Mayor Lenox asked to hear from anyone in opposition.

Ms. Mary Ann Browning, Rosemont Subdivision, came forward and asked if the owner of the Flat Creek Golf Course had been involved with the project and stated that she did not think anyone from the golf course had been consulted.

Mr. Walt Mashburn came forward and stated that he had spoken with Mr. Roquemore, the owner of Flat Creek Golf Course, and was told that he was unaware of the development and would like to see the land undisturbed. Mr. Mashburn was informed by Staff that Patten Seed Company, parent company of the club which Mr. Roquemore owned, had been informed by certified mail of the public hearing.

Mayor Lenox stated that the land was owned by an individual and was presently zoned LUC Limited Use Commercial, and that the City did not have the right to stop them from developing the land. Mayor Lenox stated that the petition that had been signed by residents to leave the area undisturbed was a fantasy, and should the City try to stop development it could spend hundreds of thousands of dollars and would still lose. He explained that the City could not prevent an owner from developing his or her property.

Mr. Ray Helton, Highland Subdivision, stated that he had conducted a survey and that the survey showed that the majority of residents did not support the zoning change to residential. Mr. Helton stated that Council needed to consider the public views, that 20% of the residents surveyed wanted the land left as it was, that those wanting residential zoning did not know the alternatives for LUC zoning. Mr. Helton stated that the land was prime property and felt that it would be a good central location for a City park. Mr. Helton made an appeal to Mr. Jerry Peterson, PCDC, to donate the land to the City for a park.

Ms. Bobbie Gribble, Flat Creek Road, came forward and stated that the petition that was circulated was for those against the density of the zoning, and gave additional names to the clerk to have added to the petition previously submitted.

Ms. Teresa Joiner, Greensway Subdivision, came forward and asked Mr. Williams if North Peachtree Parkway was widened in the future, what it would do the buffer on that side of Mr. Adams Property. Mr. Williams stated there was sufficient right of way in place to avoid disturbing the buffer.

Mr. Jim Mash, Greensway Subdivision, stated that he was in favor of a park on the property and did not feel that \$180,000 homes could compare to other homes in the surrounding subdivisions which were in the \$200,000+ range. Mr. Mash stated that he felt it would lower the property values of other homes in the area. Mr. Mash went on to say that the square footage

of the homes would be much less than that of adjacent subdivisions. Mr. Mash stated that he felt the square footage of the homes was more important than the density.

Ms. Phyllis Aguayo, Stoneybrook Plantation, stated that she was not opposed to the zoning, but was concerned about the density. Ms. Aguayo stated that during other public hearings many residents had come forward and expressed their wish to keep Peachtree Parkway and Flat Creek road scenic.

Hearing no further opposition, Mayor Lenox called the public hearing closed and called for Council debate.

Price asked Mr. Jim Williams if there were concerns over emergency equipment getting in around the three lots that would share a common driveway. Williams stated that the question had been addressed and that the street would accommodate emergency vehicles. Mr. Williams stated that the shared driveway could sustain damage due to heavy equipment.

Brooks stated that while he agreed with some of the concerns raised, the homes would range from \$180,000 to \$250,000 and that the minimum square footage would be 1800 square feet. Brooks stated that most often residents built homes larger than the minimum square footage and that the value was comparable with that of other neighborhoods and even higher than some. Brooks went on to say that he did not want to see the land developed as commercial and that the area did have pedestrian and cart traffic. Brooks stated that he did not support the Peninsula rezoning due to density, but on the property in question one or two lots were the difference in density between what was being requested and what staff recommended. Brooks went on to say that with City guidelines he felt that the trees could be protected. Brooks stated that he felt it to be a good project for the property and would support the rezoning.

McMenamin stated that she felt the need to move toward the direction of residential and that Central Park would be an upscale neighborhood, with less traffic being created than if the property was zoned Limited Use Commercial. McMenamin stated that she was in support of the rezoning.

Price stated that she was not comfortable with 15 lots and was concerned about Lot 7 due to the safety issue. Price stated that Lot 11 was also a concern and she felt that 13 lots would be a good number for the parcel. Price stated that she was glad that the City had an LUR Limited Use Residential Category, giving the City more control over issues such as trees. Price stated that she did not want to see a commercial development on the property and stated that she could support 13 homes in Central Park.

Bradford stated that he could not see a commercial development on the parcel. Bradford stated that if it had been developed as a tennis center, as originally intended, the tennis courts would be lighted and residents would not be happy. Bradford stated that he would like to see a park on the property, but with the price of the land, it would not be realistic to spend \$600,000 to \$700,000 on a City park. Bradford stated that residential would be the best suited zoning for the area. Bradford stated his concerns over Lots 7 and 11 for safety reasons and driveway access and stated that he would like to see that avoided. Bradford stated that 13 lots seemed

suitable for the area but understood Mr. Adams to say that 14 lots was the limit for him to be able to financially develop the neighborhood. Bradford asked Mr. Jerry Peterson, PCDC, if he would be withdrawing the request if less than 14 lots were approved. Mr. Peterson stated that he would like to see at least 14 lots approved, but that he would not withdraw the request.

Mayor Lenox stated that PCDC had been asked to donate the land to the City for a park and reported that PCDC had donated all the land to the City it would ever have to based on homes not yet built. Mayor Lenox stated that he was more concerned with the streetscape than with the number of lots.

Mayor Lenox made a motion to approve the request for rezoning from LUC Limited Use Commercial to LUR Limited Use Residential for a maximum of 14 homesites, with the site plan to go through the normal Planning Commission process and Council review, that the two requirements or conditions for that zoning be a special tree save procedure wherein the builder will designate, with tree save fencing and material, the exact clearing plan and it will be approved by the City inspection department before any trees were removed, that the condition apply not only to the buffer, but each individual lot, and lastly that a minimum fifty foot combination of greenbelt and uncleared, undisturbed buffer around the entire parcel be maintained. Brooks seconded the motion.

City Attorney Jim Webb asked that the developer be asked if the conditions were acceptable. Mayor Lenox asked Mr. Peterson and Mr. Adams if the conditions were acceptable. After conferring with Mr. Adams, Mr. Peterson asked if they could clarify the motion, and asked if the fifty feet was along the two roads or along the parking lot and the golf course too. Mayor Lenox stated it was along the two road frontages not the other two sides. Peterson stated that the fifty foot minimum on the roadsides was acceptable. Webb asked if the other conditions were acceptable. Peterson stated that the tree save and the fourteen lot maximum was also acceptable. City Attorney Webb asked that Mr. Peterson, for clarification, agree that all conditions recited in the motion were agreeable with the clarification that the fifty foot buffer only applied to the two road sides. Mr. Peterson stated that the conditions were acceptable. Bradford stated that he was still concerned about lots 7 and 11 and would like the Planning Commission to look at the lots very carefully. Motion carried unanimously.

#### 9-94-9 Extension of Franchise Agreement with Peach State Cable

City Manager Jim Basinger stated that the City was in the process of negotiations with Peach State Cable to renew the current franchise agreement. Basinger stated that the current franchise would expire on October 3, 1994 and that staff would have a completed proposed franchise agreement for Council consideration at the meeting of October 20, 1994. Basinger stated that a thirty day extension was needed on the current franchise and stated that staff recommended approval of the extension. Price asked if negotiations were progressing and was told that they were. Mayor Lenox announced that Peach State, as a result of the public hearing held on August 18, 1994, would be adding the Learning Channel 37, CNBC Channel 38, and C-SPAN Channel 14 as of November 1, 1994. Brooks stated that a Spanish Channel would also be available. Brooks made a motion to extend the franchise between the City and Peach State to November 3, 1994. Price seconded the motion. Motion carried unanimously.

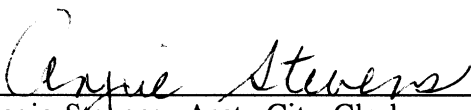
There being no further business to come before Council, Mayor Lenox made a motion that the meeting be recessed to be reconvened in executive session to discuss a real estate and a personnel matter. Price seconded the motion. Motion carried unanimously.

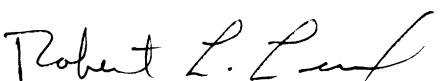
### **Executive Session**

Brooks made a motion that the Mayor be authorized to sign a option agreement with a utility company that wishes to lease space on the communications tower. Bradford seconded the motion. Motion carried unanimously.

Bradford made a motion that salary bonuses be awarded as recommended by the City Manager. Brooks seconded the motion. Motion carried unanimously.

McMenamin made a motion that the meeting be adjourned at 9:30 p.m. Price seconded the motion. Motion carried unanimously.

  
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Angie Stevens, Asst. City Clerk

  
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Mayor

Attest: