

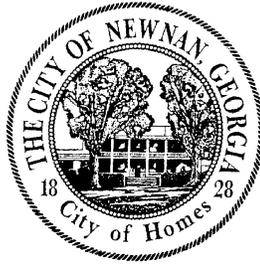
City of Newnan Georgia



Planning Commission

Agenda Book

January 12, 2021



City of Newnan
PLANNING COMMISSION

Agenda for January 12, 2021 Regular Planning Commission Meeting
7:00 PM, Richard A. Bolin Council Chambers, City Hall

TAB NUMBER	AGENDA CATEGORY / ITEM
	Elect Chairman and Vice Chairman
TAB # 1	Minutes of the October 13, 2020 Planning Commission Meeting
TAB # 2	Discussion – Proposed Zoning Ordinance Amendments
	Public Comments
	Adjourn

Unless otherwise posted, all Planning Commission Meetings
Are held in the:
Richard A. Bolin Council Chambers, City Hall
25 LaGrange Street, Newnan, Georgia 30263
Any questions prior to the meeting
should be directed to the Planning and Zoning Department.
Phone: 770-254-2354
E-mail: tdunnavant@cityofnewnan.org



**CITY OF NEWNAN
Planning Commission
Meeting Minutes**

October 13, 2020
7:00 p.m.

Commissioners Present: Proctor Smith, Chris Hunt, Robert Coggin, Fred Hamlin, Joe Crain, Jr., Clay McEntire
Commissioners Absent: Alton West
Others in Attendance: Tracy Dunnivant, Planning & Zoning Director
Dean Smith, Planner
Tina Fronebarger, Planning & Zoning Administrative Assistant
Brad Sears, City Attorney

CALL TO ORDER

Chairman Smith called the meeting to order at 7:00 p.m. in the Richard A. Bolin Council Chambers.

READING OF MINUTES

Chairman Smith asked if everyone reviewed the minutes from the meeting on September 8, 2020. Commissioner Hunt stated the Diplomat Parkway case motion shows (7-0) and the motion was actually (6-0) as Chairman Smith recused himself. Commissioner Crain motioned to approve the minutes as amended. Commissioner Coggin seconded the motion.

MOTION CARRIED (6-0)

Public Hearing – Annexation Request – 65.77+/- acres located off Parks Road (Tax Parcel # 123 1050 005): Melissa Griffis on behalf of Linchwood Coweta, LLC (Annex2020-01)

Chairman Smith explained the public hearing process. He then opened a public hearing on the annexation and rezoning request. Dunnivant explained the request was by Melissa Griffis on behalf of Linchwood Coweta, LLC to annex and zone 65.77+/- acres located off Parks Road with a RU-7 zoning. She stated the tract is located to the east of Parkside Village and is contiguous to the city limits across Parks Road. She stated the applicant is proposing the construction of 106 single-family homes, down from the original request of 118. Dunnivant mentioned the applicant indicated the homes would be priced between \$300,000 and \$500,000 and are anticipated to be between 2,000 and 3,000 square feet of heated space. She stated the property will have an amenity center with a pool, walking trails, and 43 acres of green space. Dunnivant reviewed and summarized the staff report and addressed the eight rezoning standards. She also discussed a letter from the County addressing the impact from the annexation and asking the Commission to either make the applicant pay their fair share for road improvements or deny the request. In conclusion, Dunnivant stated the development met 7 of the 8 standards and should the Commission elect to recommend approval of the request, staff would suggest the following conditions be considered:

1. The project will be consistent with the revised concept plan, density, project data, amenities, proffered conditions and elevations provided as part of the application.
2. The City will require right turn lanes at each entrance.

3. The subdivision will be limited to 106 units.

Chairman Smith asked the applicant to present their request. Melissa Griffis came forward and stated that Todd Freeman, Morgan Bennett, Neal Spradlin and Vern Wilburn were all present representing the applicant. Griffis explained that they have had meetings on this case with the city and county due to the road improvements issue and said Vern Wilburn will explain how they came up with the \$60,000 that they are willing to pay. Griffis stated they are going to be custom built 2,000-3,000 square foot homes with an amenity center and walking trails. She added that the conditions as outlined by Dunnavant in the planner's report are acceptable as written. Griffis explained Todd Freeman will speak regarding the homes and then Wilburn will speak regarding the traffic study. She added Neal Spradlin is here for questions regarding engineering. Todd Freeman stated there are pictures of homes in the agenda packet that reflect what they plan to build on the site. He added they are trying to bring a little more custom features to Newnan instead of the 4,000 square foot box. Freeman said they may have 3,200-3,500 square feet, but they see this building as more custom than square footage. He explained the homes would have many upgrades throughout, including custom cabinets (no box cabinets), granite, hardwood floors, etc. Freeman said he thinks the development will be something the Commission can be proud of when it is completed.

Vern Wilburn came forward explaining his company did the traffic study for this development. He said it's obvious there are existing problems on both ends of Parks Road as the County listed those intersections in the TSPLOST which failed last fall. He said what we did in our study is identify the easiest way to fix the impact of this development which would be to add turn lanes on either end of Parks Road. Wilburn stated you just need to widen it to where you have separate left and right turn lanes. He said that will make it operate better than it does right now. Wilburn said the most difficult thing is to determine this development's fair share or their impact. Wilburn stated the easiest way to do it is to look at what would happen if the TSPLOST had passed and we had two roundabouts installed there and then this development comes along and adds more traffic. He said they have capacity analysis tools that lets us estimate how much delay per vehicle for everyone going through the intersection. Wilburn said the level of service is a an "A" that is around 5 or 6 seconds per vehicle. He said single-family residents generate around one trip in the peak hour and so you are talking about 100 cars going both ways. He said that 118 cars or 106 is not that big of a number in those movements. Wilburn stated when you add that in with the existing traffic, if there was already a roundabout it would be a delay of one to two seconds for an increase of 1.85%. He said it would be more logical to say that the impact caused by this development would be 1.85% of the cost of those two roundabouts that they estimate to be about 3.2 million dollars. He said 1.85% of that is roughly \$60,000 and that is how we came up with that figure.

Chairman Smith asked if anyone else would like to speak on behalf of the applicant. With no one coming forward, he asked if anyone would like to speak in opposition to the request. Mike Boone came forward stating he is the President of the Turnberry Park Homeowners Association. Boone provided a letter and stated that he prepared it prior to coming to City Hall and reviewing all the materials. He stated after reviewing it, the Homeowners Association opposes the project due to four identified problems:

- 1) The wetland areas that cuts across our backyards is the head of the wetlands stream that connects to White Oak Creek. He said it connects into a network and has not been properly shown on the concept plan. Boone stated as far as he knows none of the property owners in Turnberry Park have given permission for their properties to be surveyed and there is no jurisdictional determination from the US Army Corp of Engineers or wetlands delineation, and all of those factors need to be considered before the property is annexed or before anything is built on it.

- 2) Another problem is the entrance and exits and water/sewer connections go over the wetlands. He said this is not a wetlands pool. It is a stream that feeds a larger tributary system and they would like to see it addressed as well.
- 3) The Homeowners Association would also like to have the retaining ponds addressed. Where is the water going to go as the topography of the land shows it is sloping down towards the stream on both sides? He added the more houses you build, the potential for damage to the wetlands and the streams that flow onto our properties.
- 4) The last thing that they are concerned about are snakes. He said they bought land there so the kids could enjoy the woods. Boone said these snakes kept showing up in every season that they have been there over the last four years. He said they are the eastern worm snake and are protected by the State of Georgia. He said these snakes have a habitat around wetlands, and forested areas near wetlands. Boone showed where their habitat was located and stated that something needed to be done to address this concern.

He asked the Commission to consider their concerns before making a recommendation.

Boone explained he looked at the traffic study that was done in October 2019, which was when the kids were out of school on fall break. He said he would like to know how the numbers were extrapolated, as the real numbers should reflect when everyone was going to school. Boone said in the letter, he mentioned a proposed remedy for each issue and asked them to read it and take it to heart as this is a beautiful piece of property. He said he knows someone will develop the land eventually, they only ask that it be done correctly. Boone said they would like to see larger lots with more consideration for the stream and wetlands. He invited the Commissioners to come out and look at the area prior to voting. Chairman Smith asked if anyone else would like to speak in opposition to the request.

Jason Dietz came forward stating he lives down the street from Boone and echoes his sentiments. He mentioned living in Summergrove for 18 years then moving out to a more country setting. Dietz said he sees a wooded lot with a creek from his back porch. He said he knew the property would be developed one day, but anticipated it would be done per the county regulations. Dietz mentioned he makes 6-8 trips out of the neighborhood each day. He said the problem is not right turn lanes on Lower Fayetteville/Poplar, it's turning left onto Parks Road. He explained Lower Fayetteville is on a hill and at peak times you stand the risk of getting rear-ended and on Poplar you come around a bend and stand the risk of getting rear-ended as well. He said his concern is turning into Parks Road safely. He invited Todd Freeman to come out and observe the situation. Chairman Smith asked if anyone else would like to speak in opposition.

Rebecca Mills came forward and showed where her property is located. She stated when the traffic study was done it was clearly not conducted at the right time. She said the majority of people are not going to Lower Fayetteville Road. Mills said they are going to Poplar Road, which is going to get worse with increased development near the hospital and people going to the interstate. She said when she comes out at Poplar/Parks, she sits there for five minutes, not 86 seconds. Mills said she was concerned that someone was going to get killed. She discussed the issues around traffic generated by school activities. She stated they moved to the neighborhood trying to get away from houses being built on top of each other. Mills said before they moved to Turnberry, they looked at a Todd Freeman home. She said his homes are gorgeous, but the homes he represented in the photos are not craftsman style homes. They are DR Horton, production builders style homes, not brick craftsman.

Chairman Smith stated that is the end of the opposition's time. Rick Bevington questioned not being able to speak. Chairman Smith explained that was the end of the 15 minutes that is given to each side. Bevington stated he didn't feel that was sufficient as he should have time to speak. Chairman Smith stated he would give him two minutes and would add two minutes on the applicant's remaining time.

Rick Bevington came forward showed where his property was located and said he has lived there for 30 years. Bevington discussed drainage issues and their impact on the proposed road, especially after rain events. He said traffic is not safe on Parks Road and added if you are not contributing to the roads, you cannot expect to benefit from them. Bevington said the City refuses to pay the County for the safety improvements and he feels the County will push back. He does not feel the City should be annexing land with high-density development without safe road access. Bevington said once the City approves the annexation and the roads become unsafe, they won't care because it won't be their road. He said this is the time to affect the safety of Parks Road, not after the development is built. Bevington said Parkside Village is an outlier that should never have happened and it is a mistake. He stated this development predicated itself by Parkside Village which is surrounded by the county on three sides, and should not be a point of reference for continuing a mistake. Bevington mentioned he read through the scoring standards which staff said met 7 out of 8. He said he used the same scoring and came up with a zero. He said something is flawed in the outcome when the facts don't support the scoring. Bevington said the Commission should take this back and study it a whole lot more and added he would be happy to share his observations with staff.

Melissa Griffis asked for a copy of the letter that Boone provided. Griffis stated that she would like Wilburn to address the traffic but first Spradlin would address the comments on the wetlands, drainage and the retaining ponds along with the access. Spradlin came forward addressing some of the environmental issues regarding wetlands and streams. He stated that the shaded areas on the drawings are wetlands and streams identified by their environmental consultant who visited the site. Spradlin stated Boone is correct, the wetlands shown on this drawing starts in the northwest corner and continues across the additional property. He showed the point where the environmental consultant delineated the head water and explained this is where you will see the stream buffers show up around the streams. Spradlin said for us to do this development, there are some things that will be required to be addressed because we will be impacting wetlands and streams. He added there are permitting requirements that will have to be met and stated they will have to abide by the EPD's regulations. Spradlin said regarding storm water runoff, every project creates impact. He said the City and State have existing stormwater regulations and those regulations govern the volume of water discharged, the velocity of the water, and the water quality. Spradlin said the stormwater management ponds are conceptual as they have not done a grading plan or hydrology study. He said the regulations will ensure the stormwater volume discharged from this site is less than or equal to what exists today. Spradlin said they will comply with all regulations and necessary permitting procedures dictated by the City, the Corp of Engineers and the EPD.

Wilburn came forward stating he did not mean to imply that there were no traffic issues at the intersections as they acknowledge there are existing problems since those two intersections were included in the TSPLOST program. He said the question they are really trying to address is the impact caused by this development. Wilburn said the County wanted to get \$300,000 from the developer, but when you have just over a 100 households it is only one to two percent of the impact; not 25 to 30 percent. He said as far as the traffic counts, he used the counts from studies going on for both Poplar and Lower Fayetteville Roads. Wilburn mentioned they were done before COVID and that is why they used them. Griffis stated when the County, City, and applicant met regarding the annexation issues, all parties agreed that those numbers were more accurate as they were pre COVID. Chairman Smith closed the public hearing and asked the Commissioners if they had any questions for the applicant or staff.

Commission Coggin asked if the City would be expected to make up the difference between what the developer was willing to pay and what the County was seeking. Dunnivant stated she did not believe the City would be willing to pay the additional funds. She said the applicant has indicated the \$60,000 is what they are willing to pay and it appears the County still wants the \$300,000 per their letter. Commissioner Hamlin asked who would pay that difference. Dunnivant stated it would have to come from the County's funds. Commissioner McEntire asked when the mediations were going to happen.

Dunnivant explained what occurred with the Notice of Objection and the Department of Community Affairs' determination that the timeframe to set up a hearing board had expired even though all parties had an extension agreement in place.

Chairman Smith asked for clarification on how the impact on the traffic was determined and how that plays out if you compare it to post development instead of pre development and was it the same percentage. Wilburn stated he assumed the roundabout existed already and then added the additional traffic from these houses and evaluated the situation again with the additional homes. He said with everyone coming and going, it increased on the average of 1 to 2 seconds per vehicle. Chairman Smith asked based on the traffic count themselves without the roundabout, how many cars does this add compared to the number of cars on that road per day. Wilburn asked if he was asking how many additional trips. Chairman Smith asked from the 650 trips a day what is that percentage of the current trips a day on the road. Wilburn said as I stated before, I look at peak hour instead of whole day as that is when you see problems occur. He said on Poplar Road, the through traffic is about 520-530 in each direction and the additional traffic is like 20-30 cars. A lady from the crowd spoke with Griffis objecting that the public hearing is closed and the Commission is currently allowing the applicant to have questions answered by the experts. Griffis stated they are trying to be respectful but it is very difficult for Wilburn to give input with people yelling different numbers in the background. Wilburn provided an example for when you are turning left from Poplar onto Parks during rush hour. He said 181 cars making that left turn with 529 continuing on through to Highway 16. He said with this development, there will be an increase of 33 cars. Chairman Smith asked if there were any other questions.

Commissioner Coggin asked what happens if the developer does not comply with environmental laws. Spradlin stated if the developer gets permits and doesn't comply with regulations, a complaint would be filed with the City inspection department. He said if they do not respond, you can complain to the State and they will send an inspector out to monitor the situation. He said if they are not in compliance with the approved and permitted plans, a stop work order will be issued and they can assess a fine. Commissioner Coggin said the wetlands appears to be a very significant part of this proposal. Spradlin stated he doesn't see it as significant or insurmountable as they cross streams and wetlands all the time with roads accessing property. He said this is very routine and the Corp of Engineers has a process for the developer to provide onsite mitigation or buy stream or wetland credits. Spradlin mentioned the environmental consultant will continue to work with them as well. He reminded the Commission that this is a concept plan and all of these issues will be handled pre-construction. Chairman Smith stated the streams and wetlands are a legitimate concern, but they are beyond the scope the Commission is looking at tonight. He said they are determining whether or not to bring this property into the City of Newnan and what the zoning should be if they do. He asked if anyone had any questions regarding that. Mills came forward asking how the city can come into the county where it is surrounded on three sides and take the center section. Dunnivant explained the annexation law and how it can be annexed across Parks road.

Chairman Smith mentioned the square footage ranging from 2,000 to 3,000 and asked if they would stipulate the 2,000 square feet as a minimum. Griffis stated yes. Chairman Smith mentioned in the application, the price range is from \$300,000-\$500,000 and asked her to explain. Griffis stated it is based on the square footage, having a custom-built home atmosphere, and what the homeowners select in each home. She said the square footage and upgrades make up the difference. Commissioner Hamlin asked how many homes will have a basement verses being on a slab. Griffis stated they have not done a calculation. Commissioner Hamlin said the photos look like all slabs. Freeman stated the majority will be on slabs. Griffis stated the applicant agrees to contribute the \$60,000 toward transportation improvements and is fine with adding that as an additional condition. Chairman Smith asked if the 50-foot buffer is undisturbed or planted with Griffis stating undisturbed. Chairman Smith asked if the areas within the existing buffers don't have enough vegetation, would the applicant be willing to add more plantings. Griffis stated as long as they are not in areas where they could not enter. Commissioner Crain asked how fire and police service would be provided. Dunnivant

stated the closest fire station is on Lower Fayetteville Road from which they would go down Lower Fayetteville to Parks or use Poplar Road. She mentioned there is also an intergovernmental agreement with the County to provide fire assistance as needed. She mentioned the police already patrol Parkside Village, a portion of Woodstream, and the Summergrove area. Chairman Smith asked if there are any other questions for staff. He said it is always a difficult decision when looking at an annexation request. He said the City zoning ordinance allows more density and therefore, there will always be a greater impact. Chairman Smith added they try to maintain a balance between the least amount of impact to the surrounding area and finding where people moving into the area can live. He said we see apartments, high-density townhomes, and if we are going to have single family residential, we have to have somewhere for them to locate. Chairman Smith mentioned there isn't much available land left in the City and discussed "building up" instead of "building out". Commissioner Hamlin agreed but said he feels this is too much density for such a small area. He expressed concern about the impact on schools. Commissioner Hamlin added that he agrees with growth, but felt this type of density was not fair to the community in that area. Chairman Smith asked for a motion.

Commissioner Coggin motioned to deny the application. Commissioner Hamlin seconded the motion.

MOTION FAILED (3-3) (Clay McEntire, Chris Hunt, Proctor Smith)

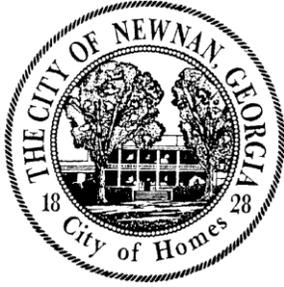
Sears explained this goes to council with a tie vote; therefore, without a recommendation. Commissioner Smith clarified that the Commission is just a recommending board and Council makes the final decision. Dunnavant stated the request will go before the Mayor and Council on November 24, 2020 at 6:30 p.m.

ADJOURN

With no further business, the meeting adjourned at 8:14 p.m. on a motion from Commissioner Hunt and seconded by Commissioner Crain.

MOTION CARRIED (6-0)

Chairman Proctor Smith



City of Newnan, Georgia - Memorandum

To: Planning Commission

From: Dean Smith

Date: January 12, 2021

RE: Proposed Zoning Ordinance Revisions

Over the past year, staff have been chronicling some changes that we think need to be amended in the Zoning Ordinance. Here's a list of some of the items we would like to present to the Planning Commission for your consideration:

Zoning Regulations

Usage Changes:

- Micro-Producers, i.e. microbreweries, microdistilleries, Microwineries, in the CBD, MXD, General Commercial, Industrial and Heavy Commercial districts.
- Vehicles for Hire allowed with restrictions in CBD zoning.
- Apartments Above Commercial Storefronts allowed with restrictions across all commercial zoning districts.
- Medical labs allowed uses in PDC, OI-1, OI-2, CUN, CCS, CGN and CHV.
- Direct Mail Advertising allowed in CUN.
- Banks as an allowed use in PDO.
- Banks with drive-throughs allowed uses in OI-1, OI-2, PDO and CUN.
- Laundry and Dry Cleaners allowed uses in PDC
- Truck Rental and Leasing allowed use in CHV.
- Dance studios allowed in PDO
- Automobile repair light uses (emissions, oil change, etc.) allowed in PDC and CGN.
- Automobile repair heavy uses (including body shops) allowed in CGN.
- Boat Dealers allowed in CHV and ILT
- RV Dealers allowed in CHV and ILT
- Agricultural supply stores allowed in CGN.
- Drug Stores and Pharmacies allowed in OI-1 and OI-2.
- Convenience stores with fuel pumps allowed in CCS with restrictions.
- Flea Markets as allowed uses in CHV, ILT and IHV.
- Office Supply and service allowed uses in CUN.
- Pawn Shops allowed in ILT and IHV.
- Pet stores allowed in PDC and CUN.
- Fast-Food and drive-in restaurants allowed use in CUN.
- Archery Range as special exception use in PDC, CBD and CGN.
- Skating rinks allowed in ILT and IHV.

- Coliseums, stadiums, etc. as special exception uses in all zoning districts.
- Change Automobile Salvage yards to a non-permitted use in CHV. Use should be restricted by special exception to just ILT and IHV zoning districts.
- Paper Mills, Paperboard Mills and quarrys change to special exception uses in IHV.
- Under Accessory Uses, allow church offices in PDO zoning, and Parking lots and garages as allowed with restrictions in PDO.

Usage Restrictions

- Requiring fences in front yards and street side yards to be offset from property line by 5 feet.
- Designating dumpster/compactor locations for apartment/multi-family developments, i.e., in rear or non-street side yards only.
- Designating locations for detention/retention ponds for residential developments, i.e. away from main roads and streets.
- Change setback for swimming pool decks to 0 from the primary structure and from 10 feet to 5 feet to match other changes elsewhere in this same chapter.
- Allow gazebos in side yards.
- Allow storage sheds in side yards.

Parking:

- Revise parking language for restaurants, to differentiate between sit-down, fast-food with drive-through, etc.

Signs:

- Reduce distance a digital monument sign has to be from another digital monument sign on the same side of the road from 5,000 feet to 100 feet.
- Increase the number of allowed menu boards from 1 per drive-thru window to 2 signs per drive-thru lane.

Design/Overlay Districts:

- Remove neon sign language prohibition on signs.
- Historic Residential District Overlay Map update.

Environmental

- Minor editing and cleaning up some language on Water Resource Protection Districts.

Administrative:

- Expanding administrative variances to include 33% of setback reduction for an addition no larger than 250 square feet.
- Clarifying language that only Developments of Regional Impact (DRI) review will be required when the proposed development meets the DRI requirements promulgated by the Department of Community Affairs.
- Changing timeframe on when a variance application must be acted upon from 30 days to 45 days to align with State requirements.

Subdivision Regulations:

- Changing the authority to approve streets from City Council to designated City staff, the Public Works Director and City Manager.

At this point, staff would like to elicit the input and thoughts of the Planning Commission regarding these items. Our goal would be to bring the proposed changes back before the Commission at the February 9th meeting for a formal public hearing.