

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

OCTOBER 27, 2020

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, October 27, 2020 at 6:30 p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

CALL TO ORDER

Mayor Brady called the meeting to order and delivered the invocation.

PRESENT

Mayor Keith Brady: Council members present: Ray DuBose; George Alexander; Paul Guillaume, Dustin Koritko, Rhodes Shell and Cynthia E. Jenkins. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; City Clerk, Della Hill; Planning Director, Tracy Dunnavant; Public Works Director, Michael Klahr; City Attorney, Brad Sears and Police Chief, Douglas "Buster" Meadows.

MINUTES – REGULAR COUNCIL MEETING – OCTOBER 13, 2020

Motion by Councilman Koritko, seconded by Mayor Pro Tem Alexander to dispense with the reading of the minutes of the Regular Council meeting on October 13, 2020 and adopt them as presented.

MOTION CARRIED. (7 – 0)

APPOINTMENTS – NEWNAN YOUTH ACTIVITIES COMMISSION – 3 YEAR TERM

Motion by Councilman Guillaume, seconded by Councilman Koritko to appoint Sara Arnall to the Newnan Youth Activities Commission for a three year term.

MOTION CARRIED. (7 – 0)

Mayor Brady asked the City Manager to place Councilman Koritko appointment to the Newnan Youth Activities Commission on the agenda for the next Council meeting.

APPOINTMENT – CONVENTION CENTER AUTHORITY

Motion by Councilman Guillaume, seconded by Councilman Koritko to appoint Brent Snodgrass to the Convention Center Authority for a three year term.

MOTION CARRIED. (7 – 0)

APPOINTMENTS – FARMER STREET CEMETERY COMMISSION

Motion by Councilman DuBose, seconded by Councilman Guillaume to appoint Cynthia A. Finney to the Farmer Street Cemetery Commission for a three year term.

MOTION CARRIED. (7 – 0)

Mayor Brady asked the City Manager to place his appointment and Councilman Koritko's appointment to the Farmer Street Cemetery Commission on the agenda for the next Council meeting.

APPOINTMENT – ETHICS COMMISSION – 2 YEAR TERM

Mayor Brady asked the City Manager to place Councilwoman Jenkins's appointment on the agenda for the next Council meeting for the Ethics Commission.

APPOINTMENT - NEWNAN URBAN REDEVELOPMENT AGENCY – REPLACE ANTOINE MARTIN – EXPIRES APRIL 2021

Motion by Mayor Brady, seconded by Mayor Pro Tem Alexander to appoint Kassie Hooks to the Newnan Urban Redevelopment Agency.

MOTION CARRIED. (7 – 0)

NEWNAN YOUTH ACTIVITIES COMMISSION - REPORT

Information only.

AGREEMENT – CORPORATE HEALTH PARTNERS – 2021

Motion by Mayor Pro Tem Alexander, seconded by Councilman Koritko to adopt an Agreement with Corporate Health Partners for 2021 for wellness program.

MOTION CARRIED. (7 – 0)

AGREEMENT RENEWAL – BETWEEN THE CITY OF NEWNAN AND THE COWETA COUNTY GENEALOGICAL SOCIETY

Motion by Mayor Pro Tem Alexander, seconded by Councilman Shell to adopt an agreement renewal for another 5-year period to run from January 2021 until December 2025 between the City of Newnan and the Coweta County Genealogical Society for property located at 8 Carmichael Street.

MOTION CARRIED. (7 – 0)

ORDINANCE – AMEND THE CODE OF ORDINANCES, CHAPTER 5, SECTION 5-25, DEMOLITION, REMOVAL OR RELOCATION OF STRUCTURES

The Assistant City Manager stated this was discussed and agreed to amend the existing demolition ordinance to utilize a 50-year standard, which is recognized by many organizations as a time period in which a structure may be deemed eligible for recognition as historically significant at 2020 Council Retreat.

Motion by Councilman DuBose, seconded by Councilman Guillaume to adopt on First reading an Ordinance to Amend the Code of Ordinances, Chapter 5, Section 5-25, Demolition, Removal or Relocation of Structures. Opposed: Koritko.

MOTION CARRIED. (6 – 1)

2nd AND FINAL READING - ORDINANCE TO AMEND THE LICENSE FEE FOR RETAIL CONSUMPTION DEALER (DISTILLED SPIRITS, MALT BEVERAGES AND WINE)

Motion by Councilman Shell, seconded by Councilman Guillaume to adopt on 2nd and final reading an Ordinance to Amend the License Fee for Retail Consumption Dealer (Distilled Spirits, Malt Beverages and Wine). Opposed: Alexander, Koritko.

MOTION CARRIED. (5 – 2)

PUBLIC HEARING – REZONING REQUEST RZ2020-03, MELISSA GRIFFIS – BEHALF OF TURNSTONE GROUP, LLC AND KM HOMES – 10.120± ACRES – NEWNAN CROSSING BOULEVARD EAST – (#086 5021 005, #086 5021 011, #086 5021 012) FROM CCS AND RMH WITH CONDITIONS TO RMH CONDITIONED FOR TOWNHOUSES - CONSIDERATION OF AN ORDINANCE

Mayor Brady opened a public hearing on the application for Rezoning request by Melissa Griffis on behalf of Turnstone Group LLC and KM Homes for 10.120± acres – Newnan Crossing Boulevard East.

The Planning Director stated this is a request by Melissa Griffis on behalf of the Turnstone Group, LLC and KM Homes to rezone 10.120± acres located on Newnan Crossing Boulevard East from CCS and RMH (with conditions) to RMH for the development of 98 townhomes. The tracts are located just south of the apartment tract on NCBE and are currently vacant. In March of 2017, the three tracts were rezoned as a part of an overall development plan and were shown to be developed with a grocery store, 35 townhome units and 140 senior residences. The applicant would like to decrease the number of units and change one of commercial tracts to residential in order to accommodate 98 townhomes. It should be noted that in 2017, a transfer of density rights was given to this development via the 10 acres of park land that was dedicated to the City. That is how they are able to build an additional 175 units when RMH allows 8 units per acre.

The applicant would like to develop 98 townhome units on the three tracts. The targeted final sales price will be around \$260k with approximately 1,919 of heated square footage. In terms of amenities, the applicant has proffered the following an outdoor playground area, basketball court, covered picnic area and passive recreation with walking paths throughout the community. The residents will also have access to the LINC.

The townhouses will have to meet all of the City's standards for townhouses and a copy of those regulations have been included in the report.

Staff felt the use was suitable in view of the zoning and development of adjacent and nearby property since there is already a mixture of commercial and residential uses. In addition, the future land use map shows the area as future commercial, mixed use. Also, the additional housing will provide a built-in customer base for the commercial businesses in the area.

Adversely impact on adjacent or nearby property – two of the tracts are already zoned residential and the third tract is commercial, which would be developed with a less intense use. By building the 98 townhomes, there would be less traffic on both LFR and NCBE. Staff felt the adverse impact would actually be less.

Could it be used as currently zoned – Yes, but the senior residences tract may have a more difficult time being developed/sold since the applicant has indicated that they have not had any luck marketing it over the last 8 year and there have been several new senior developments approved in the past three years (Watercrest, 74 units in Stillwood, Dominion's 202, and 135 at the Claiborne).

Would the project cause an excessive or burdensome use of public facilities - After reviewing all responses, staff determined that the project will have an impact on public services, but it would not be excessive or burdensome. Newnan Utilities indicated they could serve the property and the Engineering Department report showed 970 less trips per average weekday being generated as well as less impervious surface. The school system did express concern over the change from senior units to family units and they asked the applicant to provide advance notice regarding project specifics so that they could plan for the additional students.

In terms of the Comprehensive Plan, The Future Land Use Map shows the property as commercial, mixed use. So, the project would be compatible with the comprehensive plan's vision as these tracts are part of the overall master plan previously approved for the area.

Townhouses are permitted in RMH zoning districts and two of the tracts are already zoned RMH. In addition, the Zoning Ordinance states that new RMH zonings should be located adjacent to existing RMH and the tracts would actually abut the existing apartments. Therefore, Staff feels the development would be consistent with the purpose and intent of the proposed zoning.

Would the proposed use be supported by new or changing conditions not anticipated by the Comprehensive Plan? The City completed its full update on the Comp Plan in 2016 and adopted a new Zoning Ordinance and corresponding map in September of 2017 and both show the property as commercial. Adding more townhouses would have no bearing on the future land use map and the area has been approved for mixed use development.

Staff feels the project shows a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right to unrestricted use of property. By developing 98 townhouse units, the site will generate less traffic, less impervious surface, and provide a larger built-in customer base for the commercial businesses.

At their September 8, 2020 meeting, the Planning Commission held a public hearing and voted 6-1 to recommend approval with the following conditions.

The project will be consistent with the plan, density, project data, amenities, proffered conditions, and architectural details as provided as part of the application. The project shall consist of a maximum of 98 townhouse units.

The community will have amenities to include but not limited to outdoor playground area, basketball court, covered picnic area and passive recreation with walking paths throughout the community.

Additional buffering and fencing will be provided to help screen the basketball court from Lower Fayetteville Road.

The townhouse elevations will be revised to meet all standards for townhouses as specified in Article 3 of the Zoning Ordinance.

Applicant:

Ms. Melissa Griffis on behalf of Turnstone Group. owner and KM Homes, developer, stated she wanted to make sure the application and all of rezoning request, proffered and additional proffered conditions, plans, profile, elevations, materials and letter are part of the records. There is a 77 unit decrease on the rezoning request. All of the conditions are approved.

Adam Goldstein, Turnstone Group, indicated this property has been marketed at its current zoning for eight years and has not been successful in gaining any interest as currently zoned. We are looking for the opportunity to bring a community of Townhomes to this area and decrease the total number of units previously approved.

Doug Strall indicated KM Homes is a privately held business that has operated for over 64 years located in Georgia. They will be building the Eaves floor plan homes with 1,900 square feet. All rear two car garages with parking in rear for 4 additional cars. The streets will be public. There will be right in right out on Lower Fayetteville Road. The number of rental units will be limited to 20 percent which will be added to the proffered conditions.

Mayor Brady stated we have a stacking situation already with right in right out on Lower Fayetteville Road with people making a left turn. He is asking for a condition to be placed

where it will not be possible to make a left turn at the right in right out onto Lower Fayetteville Road before this can be approved.

The City Manager informed Council there has been a lot of attempts over the years to stop this. There needs something in the actual medium that will prohibit this movement. He stated there is a gore area that is in between the middle of Lower Fayetteville that separate those right in right out. A raised island could be the solution.

The following two additional conditions will be added to the proffered conditions for the rezoning request.

Applicant/Developer agrees to engineer and construct a raised median in the area of the existing yellow painted gore in the center of Lower Fayetteville Road at the location of the existing right in right out located on the north side of Lower Fayetteville Road west of the intersection of Lower Fayetteville Road and Newnan Crossing Blvd East.

The covenants and restrictions shall provide that no more than 20% of the 98 townhouse units will be rental units, not owner occupied.

Opposition:

Spencer Lewis does not agree with the overall price point of the housing, however, thinks there is lack in affordable housing.

Mayor Brady closed the public hearing.

Motion by Mayor Pro Tem Alexander, seconded by Councilman Shell to accept the Planning Commission report for the rezoning request location at Newnan Crossing Boulevard East consisting of 10.120 acres.

MOTION CARRIED. (7 – 0)

Motion by Mayor Pro Tem Alexander, seconded by Councilman Shell to approve the rezoning request with all conditions for property located on Newnan Crossing Boulevard East consisting of 10.120 acres.

MOTION CARRIED. (7 – 0)

ORDINANCE – AMEND THE ZONING MAP FOR PROPERTY LOCATED ON NEWNAN CROSSING BOULEVARD EAST – 10.120± ACRES – FROM CCS TO RMH

Motion by Councilman DuBose, seconded by Mayor Pro Tem Alexander to adopt an Ordinance to Amend the Zoning Map property located on Newnan Crossing Boulevard East containing 10.120± acres from CCS (Community Shopping Center District) and RMH (Residential Multiple Family Dwelling-Higher Density District) to RMH (Residential Multiple Family Dwelling-Higher Density District) with all conditions.

MOTION CARRIED. (7 - 0)

PUBLIC HEARING – REZONING RZ2020-04, MELISSA GRIFFIS – BEHALF TURNSTONE GROUP, LLC – 2.70± ACRES – DIPLOMAT PARKWAY (#098 5052 001 – FROM CGN TO CHV CONDITIONED FOR CLIMATE CONTROLLED STORAGE UNITS – ORDINANCE

Mayor Brady opened a public hearing on the rezoning request on behalf of Turnstone Group, LLC for 2.70± acres located off Diplomat Parkway from CGN (General Commercial District) to CHV (Heavy Commercial District) with conditions for indoor climate-controlled storage units.

The Planning Director stated this is a request by Melissa Griffis on behalf of the Turnstone Group, LLC to rezone 2.70± acres tract located off Diplomat Parkway from CGN to CHV (with conditions) for indoor climate-control storage units.

The tract is located behind the Woodspings Suites hotel that is currently under construction and abuts the Highlands at Newnan Crossing subdivision. The tract is within the QDC (Quality Development Overlay District) and the I-85 Building Height Overlay District which allows a building height up to 85 feet. The 850-unit self-storage facilities would be limited to that specific use and would meet all of the Zoning Ordinance requirements which have been listed in the report. The facility will be 96,000 square feet (gross) with 70,000 rentable. There will be no outdoor storage or long-term parking. The facility will have a 1,200 square foot office with anticipated hours running from 8:00 am to 6:00 pm. Tenant access will be from 6:00 am to 10:00 pm daily. Before/afterhours access will be limited by key fob/key pad access that works only during those times. The applicant has provided elevations representative of the facility they plan to build.

While there are several commercial tracts fronting on Diplomat Parkway, the subject tract also abuts two residential uses (apartments and a SF neighborhood) along the side and rear. Typically, CHV uses buffer industrial developments from either commercial or MF. In this case, the CHV is being limited to self-storage units only with no outdoor storage or long-term parking. The units will be in a single structure and will resemble an office building. It should also be noted that the Highlands HOA agent has provided a letter stating that they feel it would be in their best interest to support the rezoning as it means less traffic and no windows overlooking their homes. Also, the applicant is willing to proffer that the building height would be limited to 40 feet, which is 45 feet less than the

allowable height in the area. Staff felt the use is suitable in view of the zoning and development of adjacent and nearby property.

Adverse impact on adjacent or nearby property would be minimal – the greatest impact would be potential truck traffic and noise generated by the renters of the storage units. However, access will be limited to certain hours with controlled after/before hours entry and the structure and required plantings could actually buffer some of the noise from the interstate. In terms of traffic, the units are predicated to generate around 240 trips per day, which is much less than the majority of uses that can currently be built on the site.

Are there substantial reasons why the property cannot or should not be used as currently zoned? The property could be used as currently zoned.

Would the project cause an excessive or burdensome use of public facilities – After reviewing all responses, staff determined that the project will have an impact on public services, but it would not be excessive or burdensome.

In terms of the Comprehensive Plan, the FLU map shows the property as future commercial, mixed use. Staff feels it would be more compatible with the commercial future land use category as it does not have mixed uses. The development would be consistent with the purpose and intent of the proposed zoning.

Staff feels the project shows a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property. The Highlands HOA is supporting the request. They feel the development will generate less traffic, ensure they don't have windows overlooking their homes and would have building limited to 40 feet in height.

The Planning Commission held a public hearing at their September 8, 2020 meeting and voted unanimously to recommend approval with conditions:

The use shall be limited to indoor climate-controlled storage units only and will be consistent with all plans, profiles, elevations pictures and other demonstrative materials submitted as part of the application.

No outdoor storage or long-term parking allowed.

The building height shall be limited to 40 feet.

The subdivision of the tract will not create a flag lot.

Applicant:

Melissa Griffis, on behalf of the applicant, Turnstone Group, LLC has made application to amend the zoning ordinance to allow rezoning of 2.70 acres from CGN to CHV Conditional. The applicant is excited to provide an indoor climate-controlled storage unit facility located in the City of Newnan, Georgia with no outdoor storage allowed. The applicant has approved all of the proffered conditions. Some home owners were present at the Planning Commission in support of the project. Letters were sent out to home owners within 250 feet.

Adam Goldstein indicated they are requesting the property be rezoned in order to build an indoor storage unit facility. We have had hotels and other businesses interested in the property but we felt the home owners would not want that type of business looking in their backyards. We want to be good neighbors. We met with a member of the HOA board and they felt storage units would be in their best interest. The storage units will look like an office building. No outdoor storage will be allowed.

No one spoke in opposition.

Mayor Brady closed the public hearing

Motion by Councilman Koritko, seconded by Mayor Pro Tem Alexander to approve the report and recommendation from the Planning Commission.

MOTION CARRIED. (7 – 0)

Motion by Councilman DuBose, seconded by Councilwoman Jenkins to approve the rezoning request from CGN to CHV with conditions for 2.70 acres off of Diplomat Parkway with proffered conditions. Opposed: Alexander

MOTION CARRIED. (6 – 1)

ORDINANCE

Motion by Councilman Shell, seconded by Councilman Guillaume to amend the zoning map for 2.70 acres located off Diplomat Parkway from CGN to CHV conditioned for climate-controlled storage units with proffered conditions. Opposed: Alexander

MOTION CARRIED. (6 – 1)

REPORT – CONDITIONS/CONSIDERATION - DRAINAGE COMPLAINT – 29
DOMINECK STREET

The Public Works Director/City Engineer reported in 2014 this same property owner requested relief from a drainage issue associated with an open ditch on her property running from an outlet-end of a storm pipe at Tuxedo Avenue to the inlet-end of a storm pipe at Domineck Street. The Street Department made improvements to the inlet-end of the pipe at Domineck Street, including replacing the existing downstream pipe with a larger pipe. Following those improvements, no issues had been raised with the City until 2019. He indicated in staff position the two lots adjacent to the ditch are not adequately graded to drain. They are in effect, bowls that will fill up with stormwater until they can empty to the ditch, or over the curb to the Street. The wetted perimeter of the ditch has been reduced by the property owner and the sides of the ditch raised, constricting flow and drainage into the ditch. In 2015 Council directed staff to develop a design and set of construction plans to reroute the stormwater. This was done, and the Engineer's construction cost estimate was \$358,196.25.

Mayor Brady indicated several years ago we went through a large study on the Storm Water Utility program for user fee.

The City Manager stated after a study the Council decided not to move forward with the Storm Water Utility program but chose to adopt Service Policy instead. This policy clarifies the responsibility of the City on our policy for drainage maintenance problems. Also, to clarify the responsibilities for the property owner. When start making improvements on private property you are opening the door for more and more request. We recommend not doing anything in the ditch it would mean going against the policy. It is our opinion the two lots adjacent to the ditch are not adequately graded to drain.

The Public Works Director indicated they have explained the situation to the home owner letting her know she will still have the problem because the two lots adjacent to the ditch are not adequately graded to drain properly.

Ms. Annie Lou Warrner, resident 29 Domineck Street stated she has a problem with flooding in her yard. She indicated there are not enough drains on the other streets to take care of the drainage causing the water to run down causing flooding in her yard. She insisted she needs help and they need to look at the video.

This item was continued until the next meeting November 10, 2020.

EXECUTIVE SESSION

MOTION EXECUTIVE SESSION

Motion by Mayor Pro Tem Alexander, seconded by Councilman Koritko that we now enter into closed session as allowed by O.C.G.A. Section 50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing real estate and legal issues and that we move, in open session to adopt a resolution authorizing and directing the Mayor or presiding officer to execute an affidavit in compliance with O.C.G.A. Section 50-14-4, and that this body ratify the actions of the Council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law at 7:45 pm.

MOTION CARRIED. (7 – 0)

RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION

Motion by Mayor Pro Tem Alexander, seconded by Councilman Koritko to adopt the resolution authorizing the Mayor to execute the affidavit stating that the subject matter of the closed portion of the Council was within the exceptions provided by O.C.G.A. Section 50-14-4(b).

MOTION CARRIED. (7 – 0)

REESE CLAIM

Motion by Mayor Pro Tem Alexander, seconded by Councilman Koritko to deny the Reese Claim.

MOTION CARRIED. (7 – 0)

ADJOURNMENT

Motion by Councilman Koritko, seconded by Mayor Pro Tem Alexander to adjourn the Council meeting at 7:51 pm.

MOTION CARRIED. (7 – 0)

Della Hill, City Clerk

Keith Brady, Mayor