

City of Newnan Georgia



Planning Commission Agenda Book

May 10, 2022



City of Newnan
PLANNING COMMISSION

Agenda for May 10, 2022 Regular Planning Commission Meeting
7:00 PM, Richard A. Bolin Council Chambers, City Hall

TAB NUMBER	AGENDA CATEGORY / ITEM
TAB # 1	Minutes from the April 12, 2022 meeting.
TAB # 2	Public Hearing – Rezoning Request – 0.27 ± acres located at 39 Main Street (Tax Parcel #N58-0004-007) Requested zoning CGN (General Commercial District): Alice Cornejo d/b/a DUI School of Coweta, Inc. (RZ2022-02)
TAB #3	Public Hearing – Rezoning Request – 0.22 ± acres located at 14 Lee Street (Tax Parcel # N05-0004-006) Requested zoning RU-I (Urban Residential Dwelling District-Historical and Infill): Cher McWilliams (RZ2022-03)
	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**

April 12, 2022
7:00 p.m.

Commissioners Present: Proctor Smith, Alton West, Joe Crain, Jr., Robert Coggin, Fred Hamlin

Commissioners Absent: Chris Hunt, Clay McEntire

Others in Attendance: Tracy Dunnavant, Planning & Zoning Director
Samantha Wood, Administrative Assistant Planning & Zoning
Dean Smith, Planner
Chris Cole, Planner
Brad Sears, City Attorney

CALL TO ORDER

The meeting was called to order by Chairman Smith at 7:00 p.m. in the Richard A. Bolin Council Chambers, City Hall, 25 LaGrange Street.

READING OF MINUTES

Chairman Smith asked if everyone reviewed the minutes from the March 8, 2022 meeting. Crain motioned to approve the minutes as drafted. Coggin seconded the motion.

MOTION CARRIED (5-0)

Rezoning Request Approximately 38.70+/- acres located at Celebrate Life Parkway RZ2022-02

The Board was informed that the applicant has requested a postponement of this item to the May meeting.

Motion made by Crain to postpone this item to the May meeting. West seconded.

**MOTION CARRIED
(5-0)**

Certificate of Appropriateness Request – 4 Tax Parcels on Spring Street and First Avenue – Parcel Nos: N03-0009-007; N03-0009-008; N03-0009-010 and N03-0009-011

This item involves a certificate of appropriateness application from Dustin Shaw with Dustin Shaw Homes. The applicant is seeking approval on designs to develop a residential townhouse development. The certificate of appropriateness application involves the design, material and appearance of the structures that are being proposed.

Dean Smith indicated the proposal is for seven townhomes. The exteriors will be all brick with different color schemes. Per the City's Zoning Ordinance, the Planning Commission must grant a certificate of appropriateness for new residential development within an area designated as a Historic Residential Overlay District (HRDO). Staff has reviewed the certificate of appropriateness request from a planning and zoning perspective and found it to be in conformance with the Zoning Ordinance. Staff recommends approval of the Certificate of Appropriateness as presented.

Chairman Smith asked if there were any questions for staff. Hearing none, Chairman Smith asked if a representative of the applicant would like to speak.

Joy Barnes stepped forward for the applicant. Chairman Smith asked Barnes if she knew the approximate size of each unit. Barnes told the board that each unit will be between 3,000 to 3,500 square feet, with a possible price point in the mid 600's. Coggin asked if the entrance to the units would be off of Spring Street and if each unit would have a driveway. Barnes said yes. Commissioner Hamlin asked if the units would have an elevator or if that was even an option. Barnes stated that each unit would have its own elevator. Chairman Smith asked if all the front walls would be painted brick and Barnes stated that they will be painted.

Motion was made by Commissioner West to approve the Certificate of Appropriateness as presented. Commissioner Coggin seconded the motion.

**MOTION CARRIED
(5-0)**

Annexation Request 1.1994 +/- acres on State Route 34 Bypass (Portion of Tax Parcel #073B 033) Annex2022-01

Rezoning Request 20.0119 +/- acres on Roscoe Road (Portion of Tax Parcel #073B 010) RZ2022-01

Chairman Smith opened the Public Hearing. Chris Cole presented the staff report while also reviewing the various related maps and site plan. He stated that this is a request by Melissa Griffis on behalf of Apex Land Company to rezone 20.0119± acres located off Roscoe Road from CGN (with proffered conditions) to RML and to annex 1.1994± acres on State Route 34 Bypass with an RML zoning designation for the construction of 138 townhomes. He added the townhome community will be fee-simple ownership with a maximum of 20% allowed as rentals.

Cole stated the expected price points would be in the mid- to upper-\$200's and the minimum square footage would be 1,700 square feet. In terms of amenities, the applicant has proffered a pool and clubhouse, playground, dog park, and three (3) picnic areas. Cole added the townhomes will also have to be built according to the City's townhouse standards.

Cole stated the concept plan shows a proposed site density of 6.27 units per acre with 138 townhomes; however, the Zoning Ordinance only allows 6 units per acre for townhomes. Therefore, the allowed density would be 135 units, which the applicant agreed to adjust prior to going before the City Council.

Cole mentioned that one of the parcels shown on the concept plan is needed to provide the required second entrance to the site off of Roscoe Road. This parcel is in the County and the applicant is scheduled to appear before the Coweta County Board of Commissioners on April 19, 2022 to ask for a rezoning in order to include this parcel in the development plan. This tract cannot be annexed into the City as it would create an island which is not permitted under state law.

Cole discussed the required standards and gave a quick summary of each. He stated staff believes the use is suitable in view of zoning and development of adjacent and nearby properties since there is already a mixture of commercial and residential uses in the surrounding area. Cole added that the adverse effect on adjacent or nearby property would be minimal due to the urban minor arterial access, the required buffers, and the fact that a commercial site (which would be allowed as currently zoned) will not be developing on the site if the rezoning is approved.

Cole said the subject properties could be used as currently zoned. He added that staff believes the project would not cause an “excessive or burdensome” use of public facilities as all of the service providers have indicated they are able to address the needs of the development. The project will impact service provision, but the impact will not be excessive or burdensome.

In terms of the Comprehensive Plan, Cole stated both the rezoning and annexation sites meet the intent of their respective Future Land Use categories. He mentioned that the City’s Comprehensive Plan does identify the lack of available land for development purposes as a Need and Opportunity and it also points out the need to balance more intense uses with usable greenspace and amenities in appropriate locations.

Cole said staff believes the development would be consistent with the purpose and intent of the proposed zoning, which is RML for both the rezoning and annexation sites. RML functions as a buffer or transition between major streets, or commercial or higher-density residential areas.

Cole stated there are no new or changing conditions that would impact the rezoning site’s future land use designation as “Emerging Missing Middle Residential.” He concluded by stating 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. There are many intense uses that are permitted in the CGN zoning category that are often not ideal uses to be located next to residences. Staff believes the proposed use of a townhome development provides a use extremely similar to the adjacent property of the rezoning site and nearby RML-zoned properties. The idea of a providing a noncommercial use for the rezoning site that is slated on the City’s Future Land Use Map as Emerging Missing Middle Residential, and that is adjacent to many residences, is appropriate. In addition, one of the Land Use Goals and Policies in the City’s Comprehensive Plan is “Encouraging higher densities in appropriate locations as a means for continued growth and development.” These proposals would certainly help pursue this goal.

Regarding the required buffers, Cole mentioned that the City Landscape Architect added the following since the compilation of the packet:

1. The buffer to the south between the project and the Overby Park will be a 10-foot densely planted Area 1 buffer.

2. The buffer to the east against the existing residential will be will be a 25-foot densely planted Area 2 buffer. However, this buffer is currently 35 feet and may be recommended to remain as such.

Cole stated that a *Current Projects Type* map and corresponding spreadsheet had been included in the agenda packet. He mentioned there are five townhome developments either existing or under construction in the city limits. He discussed the numbers and added that there are currently no townhome developments on the western side of Newnan.

Cole found that the project met 7 of the 8 criteria and suggested the following conditions if the Commission recommended approval:

1. The project will meet all City requirements and be consistent with the concept plan, density, project data, amenities, proffered conditions, and elevations provided as part of the application.
2. The applicant shall provide a second entrance to the property if the County Board of Commissioners denies the rezoning request to be heard on April 19, 2022 for Tax Parcel # 073B 032 along Roscoe Road.
3. The subdivision will be limited to 135 units.
4. A final plat will be provided reflecting the combination of all tracts.
5. The concept plan will be revised to reflect all City buffers and density will be updated.
6. The 50-foot strip on the far western portion of the annexation site will remain undisturbed and supplemented with additional plantings if necessary.

Chairman Smith asked the applicant to come forward and state their case. Attorney Melissa Griffis stated that she was here with Aaron Rissler from Apex Land Company and Civil Engineer Dana Johnson. Griffis stated the townhomes will serve as a transition area and the rezoning tract is unique with natural challenges. She added her team worked for many months with the City and County staffs and the applicant is agreeable with staff's recommendations.

Rissler stated Apex Land Company is only involved in single-family attached and detached projects. He added that his group had done 20 projects in metro Atlanta. Rissler pointed out there is twice as much open space as is required and mentioned that an HOA would be responsible for all the greenspace and lawns on the individual units. Rissler discussed the amenities and stated all townhomes will have front stoops and porches. He added the units will run from the upper 200's to the lower 300's. Rissler said the townhomes will consist of brick, stone, cement shake, and cement fiber and will be equally split between rear entry and front entry.

Chairman Smith asked for anyone in opposition to come forward. Adam Cash, 150 Roscoe Road, stated that he is not opposed but has a few items he would like the board to consider. He stated the subject property currently has a 35-foot buffer and he would like to see that 35-foot buffer remain and be as densely planted as possible. Cash suggested the row of trees along his property line stay and the rest of the buffer be planted with new vegetation. He also asked that a privacy fence be located on the opposite side of the buffer closest to the townhomes so that he could look at the plantings instead of the fence. Cash also asked that the townhome unit closest to him have no 2nd floor windows facing his home. Cash stated the building code requires each bedroom have one egress window but does not specify which direction it has to face.

Susan Green, owner of the rental property at 64 Roscoe Road, stated her property value will lessen if the proposal is approved. She believes the house will be more difficult to rent and is also concerned about the noise and congestion along Roscoe Road. Green asked the board to keep the zoning as is and the buffer at least 35 feet. She also asked for densely planted trees and some type of privacy fence for a noise barrier.

Roger Landry, the majority owner of Overby Park Townhomes stated that he had to meet the setback requirements when Overby Park was developed 19 years ago (including a 50-foot setback on the north and south property lines). Landry stated that he is requesting a 50-foot setback between the applicant's property and his property. He also asked for a privacy fence and said he would prefer the applicant have just one ingress/egress point. Landry did add that he prefers this use over commercial.

Matthew Cauthen stated 135 townhomes seems like a large number. He expressed concern over the two entrances and automobile stacking at the signalized intersection at Roscoe Road and State Route 34 Bypass. He was also mentioned the effect on local schools, the 20% rental allowance, and the lack of usable greenspace.

Melissa Griffis spoke in rebuttal. She stated the City required two entrances based on the number of units being proposed. Griffis added that her team had spoken with Cash before this meeting and stated that her client does not have a problem adding a condition that a densely planted 35-foot buffer be required between the subject property and the Cash and Green properties. Griffis also said a privacy fence would be acceptable, but the applicant would prefer that the fence be on the property line itself due to HOA landscaping maintenance.

Regarding Landry's comments, Griffis stated it is not appropriate to ask for a fence to run the whole length of the adjoining property line with Overby Park. Griffis added that Overby Park Townhomes are also part of a townhome association and are also all rental. Griffis concluded by saying City and County staffs were involved in the buffer and entrance designs.

Chairman Smith closed the Public Hearing. Commissioner Coggin complemented the applicant and staff for compiling the data in an understandable manner. Commissioner West asked about the topography in relation to the end unit window facing Cash's home. Griffis stated that she cannot agree to the request for "no end-unit" window. Griffis stated the fence and the plantings will provide adequate privacy and that townhome end units often have more windows for natural light. The prohibition on the end-unit window would also not allow the applicant to follow the proffered elevations and pictures showing the facades.

Dana Johnson stated that Green's and Cash's combined property lines are 245 linear feet. In according with the City's Landscape Ordinance, landscaping in the 35-foot planted buffer along this line would include 25 large canopy trees, 7 to 8 small trees, 50 evergreens/flowering trees, and 69-70 shrubs (which could reach 6 feet in height). Johnson added that the plantings will not allow a view into Cash's house from the end-unit townhome's window. Johnson added that it is possible that due to the decreased density and the 35-foot buffer, the proposed end unit closest to Cash's and Green's properties will be lost.

Dunnavant asked the applicant if the fence can be placed 35 feet inside the applicant's property line (placing the 35-foot buffer between the fence and Cash's and Green's property lines. Griffis stated that this would not be feasible due to maintenance and confusion regarding ownership.

Commissioner West asked if a Memorandum of Agreement could address this issue between the applicant and the homeowners. Griffis answered it is potentially possible if they are agreeable and the City approves it. Commissioner West asked Cash if he would agree to maintain the landscaping if the fence is placed in the "interior" location. Cash answered yes but added that if the applicant plants mature trees there should not be any maintenance. Commissioner West also asked about the secondary entrance and what would happen if the County denied the rezoning request. Griffis stated they would have to reevaluate the plans as two entrances are required.

Commissioner Coggin asked if they could include a condition that the County had to approve the second entrance. Dunnivant mentioned the applicant would have to provide a second entrance elsewhere, if denied by the County.

Chairman Smith said the first issue is to decide if it is appropriate to rezone the bigger piece from CGN to RML. Chairman Smith stated CGN would cause a different set of issues and added that the recently completed Comprehensive Plan slated this property for “missing middle residential”; not for apartments but for higher density projects in lieu of single-family detached homes. Chairman Smith stated that townhomes would be in keeping with the Comprehensive Plan. He added he would like to see more architectural features and materials. Chairman Smith said that due to the large amount of road frontage on the site, the submitted rear elevations would not be attractive for those traveling on the bypass. He suggested making the “visible” elevations consistent with the front treatments.

Commissioner Hamlin asked if the 20% rental allowance could change over time. Griffis stated that is a proffered condition and will be part of the Ordinance. Commissioner Hamlin stated that he is concerned with the impact on school, the negative impact on real estate values, and the overall density with the corresponding “lower” price points. Chairman Smith stated all townhome developments will have an impact and, in this case, the Comprehensive Plan supports the project and there are adjacent and nearby townhomes. Commissioner Hamlin said we need to start listening to our citizens who are saying that they do not want these types of developments. Commissioner West stated the letter from the school system says the concept will present challenges, but that the system will try to meet the challenges. He asked the developer about the target market. Rissler stated the project is not age-restricted and will be singles, families, retirees, etc. Griffis added the developer will work with the school system to plan the timelines. Rissler added that it will take over a year for the first unit to be built.

Commissioner Crain said we have to strive for a product that is great for the developer and the neighbors. The proposed townhomes are stacked together and there is a great deal of unusable greenspace – though the concept is far better than commercial. Commissioner Coggin added that in his experience, almost everyone in Newnan is opposed to apartment or townhome growth. Commissioner Coggin added that we cannot stop that type of growth. Commissioner Hamlin said instead of 138 units, why not reduce the amount to 100 or 110 units and focus on nicer products. Chairman Smith asked the applicant if her team is open to looking at density changes. Griffis relied that they would like to leave the proposal at 135 units. Rissler added that the units are likely to be in the upper 300’s due to the price of development.

Commissioner Coggin asked if the board could approve the rezoning without approving the specific development plan. Chairman Smith stated the board should not approve the zoning independent of the concept as it could allow for other uses.

Motion made by Commissioner Hamlin to deny both the rezoning and the annexation requests. Motion failed for lack of a second.

Motion made by Commissioner West to approve the annexation of the small parcel and the rezoning of both parcel to RML with the following conditions:

- Applicant shall meet all the staff-suggested conditions
- Elevations on rear facades visible from public rights-of-way be consist with the front elevations.
- Enhancements to the architectural elevations as discussed including more architectural difference between the townhomes (example – placement of dormers/different types of materials to “break up” the roof lines).
- A 35-foot densely planted buffer be established in accordance with the City’s Landscaping Ordinance along the property line with Cash and Green.
- A 6-foot privacy fence be installed along the property line with Cash and Green.

Coggin seconded the motion.

**MOTION CARRIED
(3-2)**

Crain and Hamlin opposed

Annexation Request (Via the 60% Method) – Annex2022-02; 5.19 +/- acres located on State Route 29 (Tax Parcel #'s 073C 002; 073C 002A; 073C 003; 073C 004 and 073C 004A) Requested zoning of CGN (General Commercial District)

Chairman Smith opened the Public Hearing. Tracy Dunnivant stated there are 5 tracts involved with this request. Unlike most annexations, this one is a 60% method which means not less than 60% of the resident electors and not less than 60% of the owners of the real property within the proposed annexation boundary must agree to the request. In this case, 77% of the land area agree and there are no resident electors. The tract owned by Newnan Auto Body and Glass Repairs, Inc. is not petitioning for the annexation, but is included in the application.

Dunnivant added that staff has completed an assessment of each of the 8 required standards and gave a summary of each. She said the properties abutting the tract are primarily zoned for commercial uses with the northern most property line being residential homes that are part of Avery Park. Three of the five tracts are already zoned commercial in the County and all five front on arterial roads. While the lots do abut the rear yards of several homes in Avery Park subdivision, a 35' densely planted buffer would be required between the two uses. Currently, there are existing mature trees in the proposed buffer area. Staff would recommend saving those large trees and supplementing the buffer with additional plantings, as approved by the City's Landscape Architect. Therefore, Staff feels the use is suitable in view of zoning and development of adjacent and nearby properties based on the existing uses on adjacent and nearby tracts and the fact the property abuts two arterial roads.

In terms of adverse impact on adjacent or nearby property, Dunnivant stated the greatest would be traffic; however, the proposed commercial subdivision would be located at the corner of two arterial roads. In terms of the Auto Body Shop Property, "heavy automobile repair and maintenance" is permitted as a special exception in CGN. Therefore, Staff would recommend a condition whereby the special exception is granted as part of the annexation process to ensure the body shop is a conforming use. In addition, heavy automobile repair is not permitted within 200 feet of commercial uses and 500 feet from residential. Therefore, staff would also recommend a variance from these distances be granted as well. Dunnivant stated while there will be some adverse impact in terms of additional traffic, it will not affect the usability of the adjacent or nearby properties and the conditions of granting a special exception and a distance variance would allow the body shop to be a conforming use.

Dunnivant advised the Commission that the current zoning is RC (Rural Conservation) and C (Commercial) in the County. The RC district permits agricultural, forestry, and low density single-family residential land uses. With this area designated as an "Employment Center" by the County, staff feels the RC zoning is no longer appropriate. Therefore, while the commercial uses could definitely be used as currently zoned, the RC zoning would not fit the vision and existing uses for the area.

Dunnivant advised the Commission since the tracts are part of a 60% annexation request, state law requires a service extension plan to be developed which was included in the packets. She discussed impact on traffic, police, fire, water and sewer service, the environment and the school system. Dunnivant stated while the project will have an impact; all service providers have indicated that they

can adequately service the development and a plan has been provided that would allow the extension of water/sewer service to the parcels.

Dunnavant said in terms of the Comprehensive Plan, the property is outside the City's planning area. The County's current Comprehensive Plan shows the area as an "Employment Center" Character Area and the majority of the properties in the City that abut the tracts (with the exception of the Avery Park homes) are shown as future "planned development" and "business/office". Since the development will be for commercial uses, it would be compatible with the adjacent tracts currently in the City and the County's "Employment Center" Character Area.

Dunnavant stated, the applicant is seeking to develop a commercial subdivision, which would be consistent with the purpose and intent of the proposed zoning. She added that the proposed use would be supported by the Comprehensive Plan and she does feel 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.

Dunnavant informed the Commission that the City notified the County of the annexation and advised the City of their intent not to file a Notice of Objection. She added that the County did not ask for any conditions to be applied to the ordinance should Council decide to annex the properties.

Dunnavant found that the development met 7 1/2 of the 8 standards. She suggested the Commission consider the following conditions if they decided to recommend the annexation:

- 1) The Newnan Auto Body and Glass Repair tract should be granted a special exception to allow their business to be a conforming use and a variance from the distance requirements from planned developments and residential properties.
- 2) The tracts will be included in the QDC (Quality Development Corridor Overlay District)
- 3) The developer will save the mature trees within the 35' buffer area between the proposed commercial subdivision and the Avery Park lots and supplement the buffer with additional plantings as approved by the City's Landscape Architect.

Chairman Smith asked the applicant to come forward. Attorney Melissa Griffis stated that she was here with Katherine Gargan from her practice, John Strickland with North 390 and Civil Engineer George Harper with Paramount. Griffis went over the 60% annexation details. Griffis added this tract is very unique and that the conditions outlined by staff are acceptable to the applicant.

Chairman Smith asked if there was anyone in opposition to the application. Nick Stottler, Newnan Auto Body and Glass Repair, came forward and stated he was only concerned about any negative impact on his business. Stottler stated he has always tried to beautify his site and added that the lack of space is a big issue. Stottler added that the main thing with this case is that he does not want to lose usable space.

During rebuttal, Griffis stated that she has had numerous conversations with Stottler. His tax increase will only be \$39.53 based on the current millage rate going from County to City. Griffis added that Stottler does not desire to have sewer at his location and that he is only interested in potentially fencing the north side of his property (and not around the entire property). She added that Stottler is aware of the 35-foot buffer in the rear he has to maintain since residential is behind his property.

Chairman Smith closed the Public Hearing. He asked about the loss of usable space. Stottler explained his concern about having to change architectural treatments and other site conditions. Dunnavant explained he will only have to maintain the rear buffer, but not create a new buffer since he is an

existing business. Regarding the architectural treatments, Stottler's building is grandfathered. The Special Exception and Variance as conditions will assure that Stottler remains grandfathered for his use.

Commissioner West asked if the applicant would be able to go ahead and pay his County taxes this year, and then switch to the City taxes going forward. Dunnavant said the law is specific on when the taxes must be paid. Dunnavant stated the Council can grant the Special Exception and Variance as part of the annexation so the owner would not have to go to a separate meeting. Griffis verified that the privacy fence between the subject property and Stottler's property would be a proffered condition.

Commissioner Hamlin asked Strickland if there is any certain use being sought after. Strickland said not at this time. Commissioner Hamlin expressed concern with not knowing the intended uses. Chairman Smith stated the uses in the area are heavy commercial and that the CGN category and QDC requirements will address some of those concerns. Commissioner Crain said they cannot recruit for the site until they are annexed and zoned. Commissioner West asked if there are any businesses currently being pursued. Strickland said not at this time. Griffis stated the annexation also allows for City utilities being made available and this will help with the marketing.

Motion made by Commissioner Crain to approve the annexation and the rezoning to CGN with the following conditions:

- The Newnan Auto Body and Glass Repair tract should be granted a special exception to allow their business to be a conforming use and a variance from the distance requirements from planned developments and residential properties.
- The tracts will be included in the QDC (Quality Development Corridor Overlay District).
- The developer will save the mature trees within the 35' buffer area between the proposed commercial subdivision and the Avery Park lots and supplement the buffer with additional plantings as approved by the City's Landscape Architect.
- Applicant shall meet the proffered conditions regarding the fence, saving the mature trees, and a 35-foot buffer.

Coggin seconded the motion.

**MOTION CARRIED
(5-0)**

NEW BUSINESS

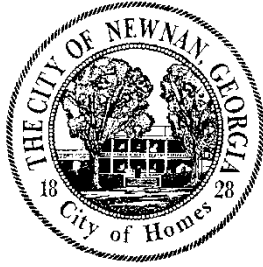
Dunnavant stated the Commission will have a meeting in May.

ADJOURN

With no further business, the meeting adjourned at 8:53 p.m. on a motion from Commissioner Coggin and seconded by Commissioner West.

**MOTION CARRIED
(5-0)**

Chairman Proctor Smith



City of Newnan, Georgia – Planning Commission

Date: May 10, 2022

Agenda Item: Rezoning Request – RZ2022-02
0.27± acres located at 39 Main Street (Tax Parcel # N58
0004 007) from RU-7 (Urban Residential Dwelling District
– High Density) to CGN (General Commercial District)

Prepared and Presented by: Tracy Dunnavant, Planning Director

REZONING ASSESSMENT

APPLICANT INFORMATION:

Alice Cornejo (on behalf of DUI School of Coweta, Inc.)
4 Arbor Way
Newnan, GA 30265

SITE INFORMATION:

The site consists of 0.27 ± acres located at 39 Main Street. The tax parcel ID number is N58 0004 007. The tract is located just to the northeast of the intersection of Main Street and Sprayberry Road.

The site is zoned RU-7 (Urban Residential Dwelling District – High Density). There is an existing single-family home on the property.



OVERVIEW OF REQUEST:

The applicant is requesting the rezoning of 0.27± acres located at 39 Main Street. The property is currently zoned RU-7 and the applicant is requesting CGN zoning designation to use the existing house as a counseling office.

STANDARDS:

In making a decision, the Zoning Ordinance requires the Planning Commission and the City Council to give reasonable consideration to the following standards. Staff has assessed each standard and identified those with a green check mark ✓ as standards being met by the proposed rezoning and those with a red "X" ✗ as standards not being met.

Is the proposed use suitable in view of the zoning and development of adjacent and nearby property? The property is located between RU-7 zoned property to the east and CGN zoned property to the west. There are a mixture of uses in the area including numerous residences, two churches, a DUI school, and a multiple tenant commercial building. The majority of the neighboring residences on Main Street are rental properties and appear to be historic homes built in the early 1900s (per the tax assessor's website).



Staff does feel that the CGN zoning designation would be suitable if the applicant continues to use the current house and if the rezoning was limited to office uses. An office would serve as a suitable transition between the commercial uses to the west and the residential homes to the east. Since there are already two parcels zoned CGN, the requested zoning designation is appropriate, but staff feels a limitation on the uses is necessary to protect the neighborhood in the future. While an OI-1 zoning could be a less intense option, there are no other properties zoned with that designation in the immediate area, so the zoning could be considered "spot zoning". In addition, by utilizing the existing home, the historic character of the neighborhood would be maintained.

Staff Assessment – PROPOSED USE IS SUITABLE WITH CONDITIONS ✓

Will the proposed use adversely affect the existing use or usability of adjacent or nearby property? The applicant has indicated that there will be two counselors on site who will meet with individuals both in person and via teleconference. Some additional traffic may be generated, but it will not be enough to impact usability of the adjacent or nearby properties. In addition, the proposed office hours are 10:30 a.m. to 5:30 p.m. on Monday through Friday, which limits the impact on the adjacent residential properties.

Staff did receive an email from the property owner of 42 Main Street who indicated that she is in opposition to the rezoning and has concerns about the impact of having a commercial business that close to residential homes. A copy of her email has been included in the rezoning packet.

Staff Assessment – LIMITED ADVERSE AFFECT ✓

Are their substantial reasons why the property cannot or should not be used as currently zoned? The property is currently zoned RU-7, and could continue to be used as a single-family residence. The existing house has been on that site since it was originally built in the early 1900's.

Staff Assessment – PROPERTY COULD BE USED AS CURRENTLY ZONED ❌

Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

Staff feels impact on service provision will be minor. With the applicant using the existing house, the office space will be limited. There will be less of an impact on schools since it will no longer be a residence and very little increase in water/sewer usage and police/fire calls. In addition, Jefferson/Main Street is an urban collector, so it should easily be able to handle any additional traffic created by the change in use.

Staff Assessment – THERE WILL BE VERY LITTLE IMPACT ON SERVICE PROVISION ✔️

Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Future Land Use Map shows this property as future "Built Community". Newnan defines this category as "areas that have been developed with a variety of residential dwellings and nonresidential uses that provide goods and service to the surrounding neighborhoods. Future land uses within this area should closely mirror the built community as already established." Therefore, since this would be a use that serves the community and the applicant plans to use the existing house, the use is compatible with the purpose and intent of the Comprehensive Plan.

Staff Assessment – THE FUTURE LAND USE MAP SHOWS THIS PROPERTY AS FUTURE BUILT COMMUNITY ✔️

Is the proposed use consistent with the purpose and intent of the proposed zoning district? The applicant is seeking a CGN, general commercial, zoning designation. Since offices are permitted in CGN, the use would be consistent.

Staff Assessment – PROPOSED USE IS CONSISTENT WITH THE PROPOSED ZONING DISTRICT ✔️

Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan? The City completed a full update of its Comprehensive Plan in 2021 which included the future land use map. The subject property was given a "Built Community" designation by the City Council. There are no new or changing conditions that have been discussed or considered since the update.

Staff Assessment –THE COMPREHENSIVE PLAN ALREADY SHOWS THE PROPERTY AS FUTURE BUILT COMMUNITY ✔️

Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

In reviewing the request, Staff would be concerned if a blanket CGN zoning was applied to the property. While the applicant plans to use the existing house as an office today, a CGN designation without conditions would open it up to numerous potential uses in the future. Staff feels that by limiting the CGN to office uses only and requiring the use of the existing house, there is a balance between maintaining the character of the neighborhood, providing a transition between the existing commercial uses, and allowing the petitioner to use the property as requested. If there was a desire to change to a different use in the future or to demolish and build a new structure on the site, the applicant would have to request another rezoning, allowing for public input.

Staff Assessment – THE PROPOSED PROJECT WOULD REFLECT A REASONABLE BALANCE IF THE REZONING IS APPROVED WITH CONDITIONS ✓

SUMMARY OF STAFF FINDINGS:

After assessing the project based on the standards to be considered for rezoning requests, Staff found that the development meets **7 of the 8 standards**.

STAFF SUGGESTED CONDITIONS TO CONSIDER:

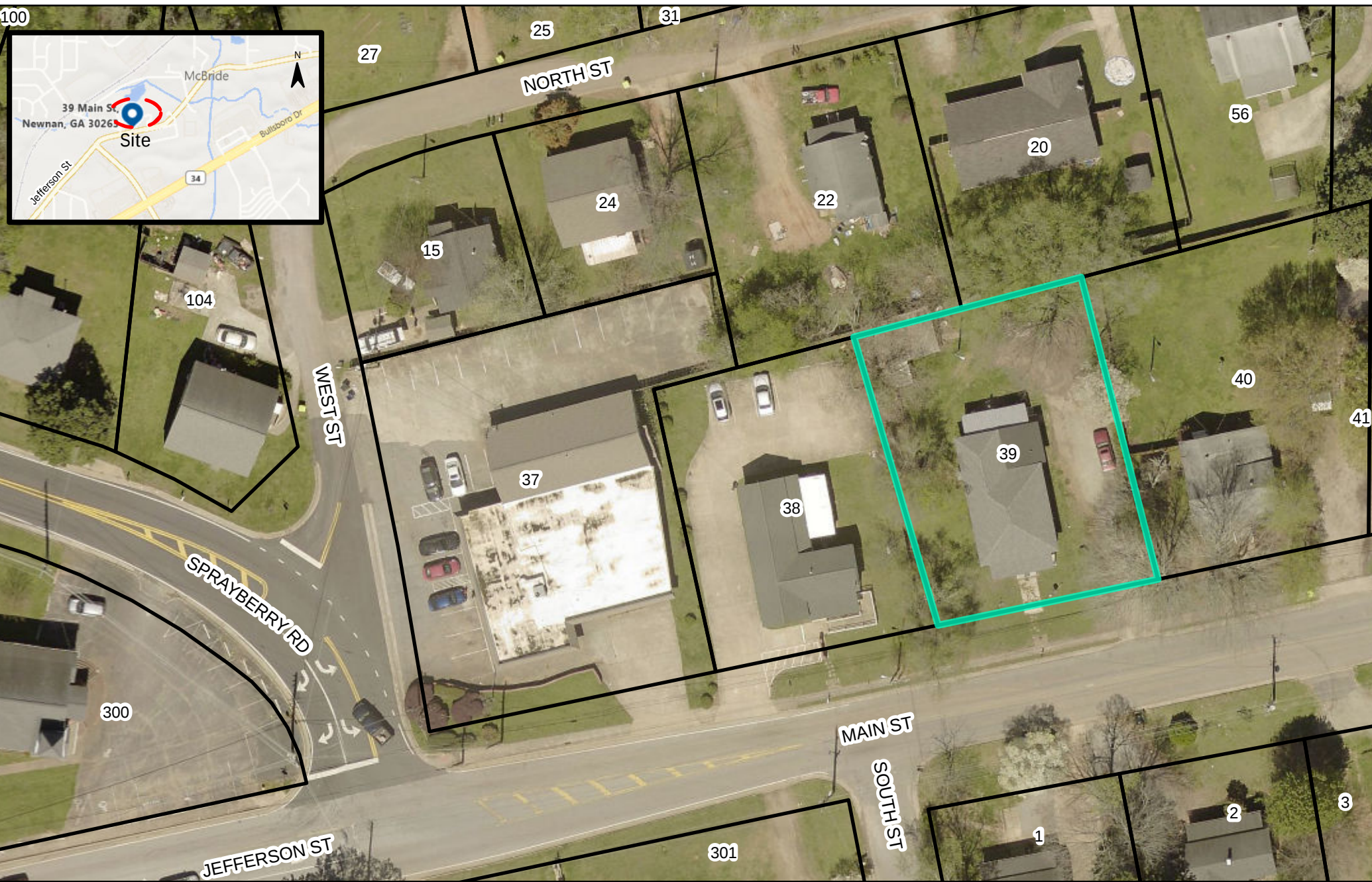
- 1) The property will be used for office uses only.
- 2) The business will be housed in the existing house on the property.

OPTIONS:

- A. Approve the rezoning request as submitted
- B. Approve the rezoning request with conditions
- C. Deny the rezoning request

ATTACHMENTS:

Application for Rezoning
Location Map
Letters of Support/Petition
Opposition Email from Neighboring Property Owner



CITY OF NEWNAN  CITY OF NEWNAN PLANNING DEPT. 25 LAGRANGE STREET NEWNAN, GEORGIA 30263 www.cityofnewnan.org	Project Location 1 = 600 feet Date: 4/4/2022 9:34 AM	RU-7 to CGN Project Location	Parcel # N58 0004 007 ADDRESS 39 MAIN STREET NEWNAN, GA 30263
--	--	--	---

March 25, 2022

Tracy S. Dunnavant
Planning Director
City of Newnan
25 LaGrange St.
Newnan, GA 30263

Re: 39 Main St., Newnan, GA

Dear Ms. Dunnavant:

I am respectfully requesting a change in the current zoning for the property referenced above from residential to commercial. I purchased this property at the end of 2021 for the purpose of utilizing it to extend the services provided by my business, DUI Scholl of Coweta, Inc. I plan to use the facility as a counseling center. Currently, I operate my business at 38 Main St., Newnan, GA which is next door to this property. Also, the property next door to me at the corner of Jefferson St. and Sprayberry Rd. is also commercial.

Please contact me at 404-916-5112 or at asusan76@hotmail.com should you have any questions or need me to provide any further information. I greatly appreciate the help and assistance you have provided me in making this request, and I greatly appreciate any help, advice, and assistance you can give me going forward in the pursuit of this matter.

Sincerely,



Alice Cornejo
Owner
DUI School of Coweta, Inc.



NEWNAN
GEORGIA

CITY OF NEWNAN, GEORGIA
Planning & Zoning Department

25 LaGrange Street
Newnan, Georgia 30263
Office (770) 254-2354
Fax (770) 254-2361

APPLICATION TO AMEND ZONING MAP

Note to Applicant: Please be sure to complete all entries on the application form. If you are uncertain to the applicability of an item, contact The Planning & Zoning Department at 770-254-2354. Incomplete applications or applications submitted after the deadline will not be accepted.

Name of Applicant Alisa S. Cornejo

Mailing Address 4 ARBOR WAY Newnan, GA 30265.

Telephone 404.916.5112 Email: asusan76@hotmail.com

Property Owner (Use back if multiple names) _____

Mailing Address Same

Telephone Same

Address/Location of Property 39 Main St Newnan, GA 30263.

Tax Parcel No.: N58-0004-007 Land Lot _____

District/Section - Size of Property (Square Feet or Acres) 0.27

Present Zoning Classification: RU-7 Proposed Zoning Classification: CGN

Present Land Use: residential

To the best of your ability, please answer the following questions regarding the application:

Explain how conditions have changed that renders the zoning map designation invalid and no longer applicable C

It is next to commercial zone uses. I have an existing bus school and I need additional space for counseling services/alcohol treatment.
If the proposed zoning map change is an extension of an existing adjacent zoning district, provide an explanation why the proposed extension should be made There are already two existing commercial properties and this one will just continue that zoning designation.

If the requested change is not designed to extend an adjacent zoning district, explain why this property should be placed in a different zoning district than all adjoining property. In other words, how does this property differ from adjoining property and why should it be subject to different restrictions? N/A

Please attach all the following items to the completed application:

1. A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:
 - What the property is to be used for, if known.
 - The size of the parcel or tract.
 - The zoning classification requested and the existing classification at the filing of this application.
 - The number of units proposed.
 - For non-residential projects, provide the density of development in terms of floor area ratio (FAR).
 - Any proposed buffers and modification to existing buffers.
 - Availability of water and sewer facilities including existing distance to property.
2. Name and mailing addresses of all owners of all property within 250 feet of the subject property (available from the County Tax Assessor records). This is encouraged to be submitted in a mail merge Microsoft Word data file format.
3. Legal description of property. This description must establish a point of beginning; and from the point of beginning, give each dimension bounding the property that the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.
4. A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect that shall include the following information:
 - ✓ Boundary survey showing property lines with lengths and bearings
 - ✓ Adjoining streets, existing and proposed, showing right-of-way
 - ✓ Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other property improvements
 - ✓ North arrow and scale
 - ✓ Adjacent land ownership, zoning and current land use
 - ✓ Total and net acreage of property
 - ✓ Proposed building locations
 - ✓ Existing and proposed driveway(s)
 - ✓ Lakes, ponds, streams, and other watercourses
 - ✓ Floodplain, wetlands, and slopes equal to or greater than 20 percent
 - ✓ Cemeteries, burial grounds, and other historic or culturally significant features
 - ✓ Required and/or proposed setbacks and buffers
5. Submit one (1) copy in an 18" x 24" format and one copy in a pdf digital file format.
6. Completed Proffered Conditions form.
7. Completed Disclosure of Campaign Contributions and Gifts form.
8. If the applicant and the property owner are not the same, complete the Property Owner's Authorization form and/or the Authorization of Attorney form.
9. For multiple owners, a Property Owner's Authorization form shall be submitted for each owner.
10. A community impact study must be submitted if the development meets any of the following criteria:
 - Office proposals in excess of 200,000 gross square feet
 - Commercial proposals in excess of 250,000 gross square feet
 - Industrial proposals which would employ over 500 persons
 - Multi-Family proposals in excess of 150 units

11. A Development of Regional Impact form shall be completed and submitted to the City if the request meets any of the criteria in §10-10 (b)(2)(h) on page 10-7 of the Newnan Zoning Ordinance.
12. Fees for Amending the Zoning Map shall be made payable to the **City of Newnan** and are listed below:
- Single-Family Application.....\$500.00/Plus \$15.00 Per Acre
 - Multi-Family Application.....\$500.00/Plus \$25.00 Per Acre
 - Office/Institutional Application.....\$500.00/Plus \$15.00 Per Acre
 - Commercial Application.....\$500.00/Plus \$25.00 Per Acre
 - Industrial Application.....\$500.00/Plus \$15.00 Per Acre
 - Mixed Use Application.....\$500.00/Plus Per Acre fee based upon proposed land use.
 - Planned Development Application.....\$500.00/Plus per Acre fee based upon proposed land use.
 - Overlay Zoning Application.....\$350.00

PLEASE NOTE: THIS APPLICATION MUST BE FILED BY THE 1st OF THE MONTH TO BE CONSIDERED FOR THE PLANNING COMMISSION MEETING OF THE FOLLOWING MONTH.

I (We) hereby authorize the staff of the City of Newnan to inspect the premises of the above-described property. I (We) do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

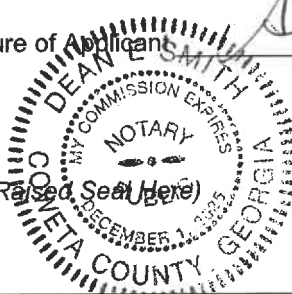
Sworn to and subscribed before me this

28th day of March, 2022

Signature of Applicant


Notary Public

(Affix Raised Seal Here)



FOR OFFICIAL USE ONLY

DATE OF PRE-APPLICATION CONFERENCE: _____

RECEIVED BY: Tracy S. Donnavant

DATE OF FILING: 03/28/2022

FILING FEE RECEIVED: \$525.00

DATE OF NOTICE TO NEWSPAPER: _____

DATE OF PUBLIC HEARING: _____

PLANNING COMMISSION RECOMMENDATION (DATE): _____

DATE OF TRANSMITTAL TO CITY COUNCIL: _____

CITY COUNCIL DECISION (DATE): _____



NEWMAN
GEORGIA

City of Newnan, Georgia
Attachment B

Disclosure of Campaign Contributions & Gifts

Application filed on March 28TH, 2022 for action by the Planning Commission on rezoning requiring a public hearing on property described as follows:

39 Main St. Newnan, GA 30263.

The undersigned below, making application for Planning Commission action, has complied with the Official Code of Georgia Section 36-67A-1, et.seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

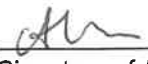
All individuals, business entities, or other organizations¹ having a property or other interest in said property subject of this application are as follows:

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Newnan City Council or a member of the Newnan Planning Commission? ☐ Yes ☒ No

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date of Contribution (Within last 2 years)

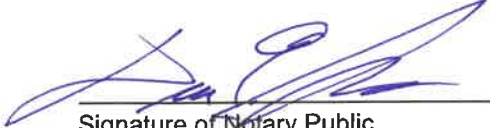
I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

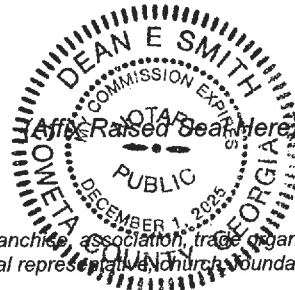

Signature of Applicant

Alice S. Corry
Type or Print Name and Title

Signature of Applicant's Representative

Type or Print Name and Title

 3/28/22
Signature of Notary Public Date



¹Business entity may be a corporation, partnership, limited partnership, firm, enterprise, franchise, association, trade organization, or trust while other organization means non-profit organization, labor union, lobbyist or other industry or casual representative and church, foundation, club, charitable organization, or educational organization.



City of Newnan, Georgia
Attachment C

Property Owner's Authorization

The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name of Property Owner

Alice Susan Gargio / DUF School of Coweta, Inc.

Telephone Number

404.916.5112

Address of Subject Property

39 Main Street

Newnan, GA 30263

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.

Signature of Property Owner

Personally appeared before me

who swears the information contained
in this authorization is true and correct
to the best of his/her knowledge and
belief.

Notary Public

3/28/22

Date



MAH T.
4044980040
PARTICIPANT ID
CHARLES E. DICKENSON JR., P.C.
P.O. BOX 4488
CANTON, GA 30114

OK:5463 PG:476-476
D2021032802
FILED ON: 04/01/2021
CLERK OF COURT
11:27:20 AM
CINDY BROWN, CLERK
SUPERIOR COURT
COWETA COUNTY, GA

ADMINISTRATOR'S DEED

CD21926
STATE OF GEORGIA
COUNTY OF FULTON

REAL ESTATE
TRANSFER TAX
PAID: \$170.00

PT-81038-2021-068455

This Indenture made this 12 day of NOVEMBER in the year TWO THOUSAND TWENTY ONE, between

CARLA DENISE JOINER, AS ADMINISTRATOR OF THE ESTATE OF LORRINDA THOMPSON, DECEASED RESIDENT OF COWETA COUNTY, GEORGIA, (PROBATE COURT OF COWETA COUNTY, GEORGIA, ESTATE NO. 2021-979)

as party or parties of the first part, hereinafter called Grantor, and

DUI SCHOOL OF COWETA, INC., a Georgia corporation

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits)

WITNESSETH that: Grantor, acting under and by virtue of the power and authority as Administrator and for and in consideration of the sum of ONE DOLLAR and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that certain tract or parcel of land situate, lying and being in 5th Land District of Coweta County, Georgia, same as being Lot No. 39 according to a survey and plat of property of McIntosh Corporation made January 27, 1951, by T. Y. Mathox, County Surveyor, and recorded in Plat Book 1, Page 213, Office of the Clerk of Superior Court, Coweta County, Georgia, reference to which said plat is hereby made for a more complete and accurate description of the meter, courses, and distance of land herein conveyed.

Subject Property Address: 39 Main St, Newnan, GA 30263
Parcel ID: N38 9004 007

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances therof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered 11/22/2021 in the presence of:

Witness: Jason Holley

Notary Public

Carla Joiner (Seal)
CARLA DENISE JOINER, AS
ADMINISTRATOR AFORESAID



BK 02226 PG 430

FILED IN OFFICE
CLERK OF
SUPERIOR/JUVENILE
COURT

2003 JUN 13 PM 12:27

Real Estate Transfer Tax
Paid \$ 77.40
Date 6-13-03

JUDITH S. BROWN, CLERK
COWETA COUNTY, GA

RETURN TO:
GLOVER & DAVIS, P.A.
P.O. DRAWER 1038
NEWNAN, GA 30264

Cindy L. Brown
Clerk of Superior Court, Coweta Co. Ga.

Return Recorded Document to:
GLOVER & DAVIS, P.A.
10 Brown Street
Newnan, GA 30264

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COWETA

IN CONSIDERATION OF OTHER GOOD AND VALUABLE CONSIDERATION AND TEN (\$10.00) Dollars, the receipt whereof is hereby acknowledged, **William A. Killmeier**, (hereinafter called Grantor(s)) of Coweta County, Georgia does hereby give, grant, sell, alien, and convey unto **Collis M. Thompson, Jr. and Lorrinda D. Thompson**, (hereinafter called Grantee(s)) of Coweta County, Georgia, heirs and assigns, the following property, to-wit:

All that certain tract or parcel of land situate, lying and being in 5th Land District of Coweta County, Georgia, same as being Lot No. 39 according to a survey and plat of property of McIntosh Corporation made January 27, 1951, by T. Y. Mattox, County Surveyor, and recorded in Plat Book 1, Page 213, Office of the Clerk of Superior Court, Coweta County, Georgia, reference to which said plat is hereby made for a more complete and accurate description of the metes, courses, and distance of land herein conveyed.

together with all privileges and appurtenances thereto in anywise belonging in fee simple.

And the said Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

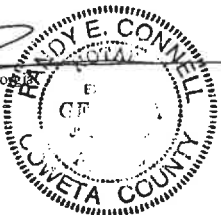
IN WITNESS WHEREOF, the said **William A. Killmeier** has hereunto set his/her hand(s), affixed his/her seal(s) and delivered these presents this **10th day of June, 2003**.

Signed, sealed and delivered in the presence of:

Beth Ann Laid
Witness

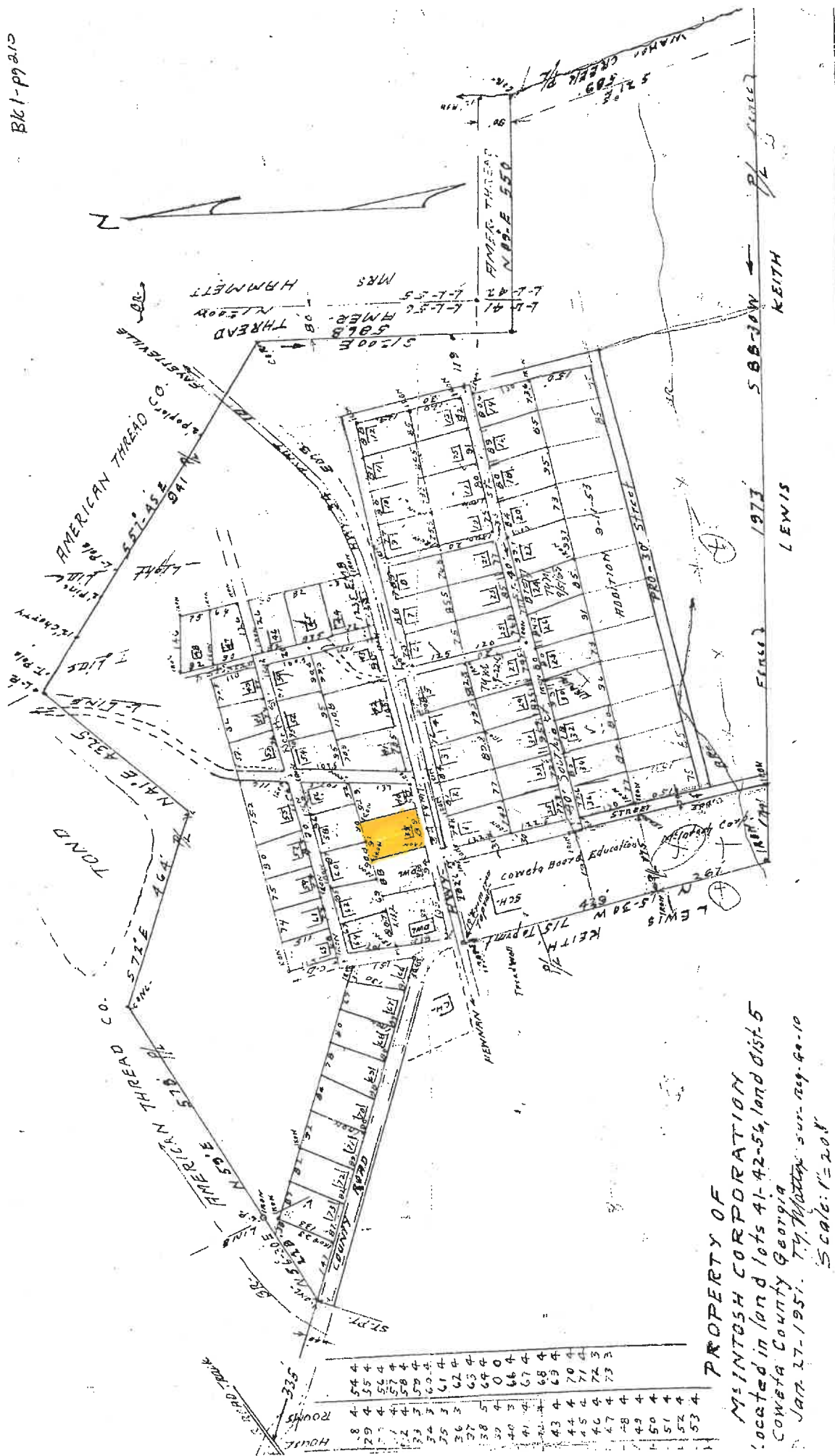
William A. Killmeier [SEAL]
William A. Killmeier

[Signature]
Notary Public, State of Georgia
My Commission Expires: _____
[Seal]



_____ [SEAL]

BK1-pg 210





Circle of Recovery, Inc.
3125 Presidential Parkway
Suite 217
Atlanta, Ga. 30340
404-243-5576

May 1, 2022

Ms. Trace S. Dunnavant
Planning Director
City of Newnan
25 LaGrange Street
Newnan, Ga. 30263

Dear Citizens of Newnan:

For more than 10 years the DUI School of Coweta, has worked to improve the lives of individual plagued with Behavioral Health, issues within the City of Newnan. The services we provide is challenging but rewarding and is assisted by the passion and energy of collaborative in Newnan and the surrounding communities (other service providers).

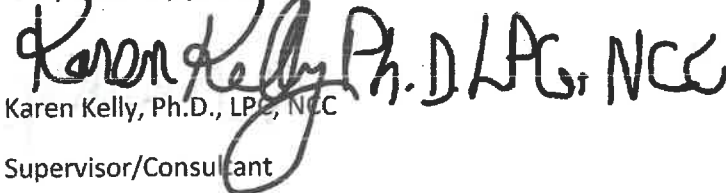
That is why I am excited to provide this letter of support for Alice Cornejo. The addition of a Counseling Center to support the individuals living in Newnan and the surrounding communities, who suffer with mental health issues, and who are at a disadvantage being of Hispanic Decent, a Counseling Center is much needed. By providing the counseling and support, this center will impact the quality of life for the individuals living in our community.

Rural communities, such as Newnan, are disproportionately impacted and underserved. This agency recognizes the capacity that this counseling center could have on combating this issue by providing services, thus providing support to individuals, families, and significant others.

The proposed Counseling Center dovetails nicely with our current programs designed to enhance all who have access to our current programs.

I know that working in support of the services being proposed by Ms. Cornejo. can ensure that all individuals living in the Newnan area will have the support and access they need to effect and improve the quality of their lives.

Very sincerely yours,


Karen Kelly, Ph.D., LPC, NCC
Supervisor/Consultant



Member FDIC

Newnan - Main Office

61 Bullsboro Drive
Newnan Georgia 30263
(770) 567-7211
customerservice@unitedbank.net

April 28, 2022

To Whom It May Concern:

I have known Alice Cornejo for approximately eight years mostly through her being a customer of mine at United Bank. I have found her to be a very professional and responsible individual with high integrity from my interactions with Ms. Cornejo over this time span. She is considered a valued customer of the bank due to her satisfactory banking relationship and being an excellent referral source of other customers to the bank.

She has owned and operated the DUI School of Coweta, Inc. the entire time I have known her. She is very engaged and passionate about her business, and she operates it in the same manner as she does with other aspects of her life with integrity and professionalism. She has shared with me her desire to focus and expand the counseling and therapy side of her business by opening an additional facility adjacent to her current location. This facility will be used to provide counseling services to her clients and will provide an atmosphere and environment conducive to a successful counseling program. She has a strong desire to help those with mental health and substance abuse problems to overcome those issues to regain a healthy and happy lifestyle. She strongly believes that this will be a valuable service to the community. I feel certain she will be able to accomplish this with her background, training, work ethic, and desire to help and serve.

Sincerely,

A handwritten signature in blue ink, appearing to read "Harold McCoy", with a stylized flourish extending to the right.

Harold McCoy
Vice President

Petition For A Change Of Zoning
City of Newnan County of Coweta,
State of Georgia

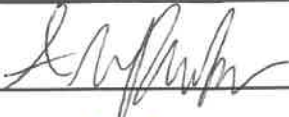
39 Main Street, City of Newnan,
County of Coweta, State of Georgia

This petition is for Re-Zoning from a single family residential to a commercial.

We the undersigned agree to the changes stated herein our attached signatures.

Name	Address	Signature
Quantavious Walton	254 Jefferson St Suite D	Quantavious Walton
Eric L. Boddie	254 Jefferson St Suite D	Eric L. Boddie
Chris Bowles	254 Jefferson St ^{Suite D}	Chris Bowles
Laurinda Arno B	254 Jefferson St	Laurinda Arno B
Yuhanna Parks	254 Jefferson St	Yuhanna Parks
NICK ROCHSTER	254 Jefferson St ^{Ste} C	NICK ROCHSTER
Zerobia Stewart	38 main St.	Zerobia Stewart
Stephen W Kelley	38 Main St N. 6th	Stephen W Kelley
Oran Lind Go	97 Berry Ave	Oran Lind Go
Ramona Cornejo	416 Lake Forest Dr. 41 Main St Newmarket, GA	Ramona Cornejo
Blondy Recinos Ordaz	97 Berry Ave Newmarket	Blondy Recinos Ordaz
Flor Zimmermann	246 Jefferson St	Flor Zimmermann
6 Flor Zimmermann	6 Grayson Trail	6 Flor Zimmermann
Flor Zimmermann	255 Jefferson St	Flor Zimmermann
Scott Zimmermann	26 Sprayberry	Scott Zimmermann
Scott Zimmermann	Grayson Trail	Scott Zimmermann
Scott Zimmermann	109 Temple Avenue	Scott Zimmermann

Name	Address	Signature	Relation To Property
Magdalena Carasco	258 JEFFERSON ST Newnan GA 30263	Magdalena Carasco	Rent space for purpose of business
Erika Aguilar	40 Tipperary Trail Sharpsburg	Erika Aguilar	interesting Counseling Service
Belinda Niguel	29 Pinelea Dr Newnan GA 30263	Belinda Niguel	Rent
Inocencia Alvarado	29 Pinelea Dr. Newnan GA 30263	Inocencia Alvarado	Rent.
Hilda Hernandez	Newnan 30263 258 Jefferson St	Hilda Hernandez	Rent
Maria Hernandez	17 South St Newnan GA 30263	Maria Hernandez	Rent.
Alexandro Espinoza	1 MAIL ST	Alexandro Espinoza	RENT
Cristobal Guevara	1 Mail st	Cristobal Guevara	Rent
Josquin Figueroa	1 Mail st	Josquin Figueroa	Rent
Minion Reyes	27 South St	Minion Reyes	Rent
Marcos Gomez	27 South St	Marcos Gomez	Rent

Name	Address	Signature	Relation To Property
Austin W Parker	3029 Corinth RD, Newnan, Ga 30263		Own
Alejandro Garcia-civita	1230 blalock lakes drive Newnan, GA 30263		Own

Tracy Dunnavant

From: aashull@1791.com
Sent: Saturday, April 30, 2022 8:48 AM
To: Tracy Dunnavant
Subject: Rezoning Tax Parcel N58 0004 007

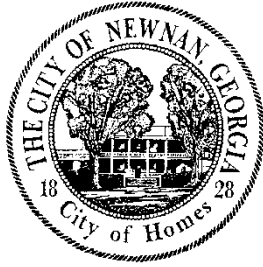
Hi, Tracy.

I am in receipt of your letter regarding the public hearing for rezoning of 39 Main Street Newnan. I will be out of town on May 10th and therefore will not be able to attend the meeting in person.

I currently own 42 Main Street Newnan. I have invested a great deal of time and resources into brining it back to life and I plan to put it on the market within the next 2 months. I have great concerns that a business of this nature so close to residential homes could impact the revitalization efforts for this area and affect the value of living there. It is for these reasons that I oppose the rezoning of 39 Main Street.

I appreciate the opportunity to voice my concerns and for those concerns to be given consideration in this matter.

Sincerely,
Amy Shull
595 Gray Girls Rd
Senoia, GA 30276



City of Newnan, Georgia – Planning Commission

Date: May 10, 2022

Agenda Item: Rezoning Request – RZ2022-03
0.22± acres located at 14 Lee Street (Tax Parcel # N05
0004 006) from OI-1 (Low Density Office and Institutional
District) to RU-I (Urban Residential Dwelling District –
Historical and Infill)

Prepared and Presented by: Tracy Dunnavant, Planning Director

REZONING ASSESSMENT

APPLICANT INFORMATION:

Cher McWilliams
14 Lee Street
Newnan, GA 30263

SITE INFORMATION:

The site consists of 0.22 ± acres located at 14 Lee Street. The tax parcel ID number is N05 0004 006. The tract is located just to the northeast of the intersection of Lee Street and Perry Street.

The site is zoned OI-1 (Low Density Office and Institutional District). There is an existing single-family home on the property that is non-conforming and the applicant is seeking an RU-I (Urban Residential Dwelling District – Historical and Infill) zoning designation to make the property conforming and to construct an addition onto the rear of the house.



OVERVIEW OF REQUEST:

The applicant is requesting the rezoning of 0.22± acres located at 14 Lee Street. The property is currently zoned OI-1 (Low Density Office and Institutional District) and the applicant is requesting an RU-I (Urban Residential Dwelling District – Historical and Infill) zoning designation to make the house a conforming use and to enable her to construct an addition on the rear of the home.

STANDARDS:

In making a decision, the Zoning Ordinance requires the Planning Commission and the City Council to give reasonable consideration to the following standards. Staff has assessed each standard and identified those with a green check mark ✓ as standards being met by the proposed rezoning and those with a red “X” ✗ as standards not being met.

Is the proposed use suitable in view of the zoning and development of adjacent and nearby property? The proposed use is not changing. The structure is currently being used as a single-family residence and the applicant would like to continue to use it that way. In terms of the adjacent and nearby properties, there are a mixture of uses and zoning designations; however, all adjacent properties are currently being used as residences. The house to the south does have a barber shop that operates out of the home, but the primary use is still residential. Further down Lee Street there are several offices, the City's Wadsworth property, and several industrial uses, but these properties are separated from the subject tract by several homes and would not be impacted by the zoning change. The tract to the east is zoned OI-1 as well, but it also is being used as a single-family home. Therefore, Staff feels a single-family residence would be a suitable use for the tract.



Staff Assessment – PROPOSED USE IS SUITABLE ✓

Will the proposed use adversely affect the existing use or usability of adjacent or nearby property? Since the use of the property as a single-family residence would not be changing, there would be no adverse impact on the adjacent and nearby properties.

Staff Assessment – NO ADVERSE AFFECT ✓

Are their substantial reasons why the property cannot or should not be used as currently zoned? The property is currently zoned OI-1, but is being used as a single-family residence which is not permitted in that zoning designation. As such, the residence is a non-conforming use. The applicant plans to build an addition on the rear of her home, but is not permitted to do so under our current ordinance as it would be expanding a non-conformity.



Staff Assessment – PROPERTY COULD NOT BE USED AS CURRENTLY ZONED – A SINGLE-FAMILY RESIDENCE IS NON-CONFORMING ✓

Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

Since the house would continue to be used as a single-family residence, there would be no additional impact on service provision.

Staff Assessment – THERE WILL BE NO IMPACT ON SERVICE PROVISION SINCE THE USE IS NOT CHANGING ✓

Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Future Land Use Map shows this property as future historic neighborhood. Newnan defines this category as “areas that primarily consist of historic residential homes on smaller lots with unique architectural character.” Therefore, the use is compatible with the purpose and intent of the Comprehensive Plan.

Staff Assessment – THE FUTURE LAND USE MAP SHOWS THIS PROPERTY AS FUTURE HISTORIC NEIGHBORHOOD ✓

Is the proposed use consistent with the purpose and intent of the proposed zoning district? Currently, the existing residence is not consistent with the purpose and intent of the OI-1 zoning designation. The change would alleviate this situation and make the existing home a conforming use under an RU-I zoning.

Staff Assessment – PROPOSED USE IS CONSISTENT WITH THE PROPOSED ZONING DISTRICT ✓

Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan? The City completed a full update of its Comprehensive Plan in 2021 which included the future land use map. The subject property was given a “historic neighborhood” designation by the City Council. There are no new or changing conditions that have been discussed or considered since the update.

Staff Assessment –THE COMPREHENSIVE PLAN ALREADY SHOWS THE PROPERTY AS FUTURE HISTORIC NEIGHBORHOOD ✓

Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

As previously stated, the structure is currently being used as a single-family residence, so there will be no change in use or impact to the adjacent properties. There will also be no additional impact on services and the change in zoning will allow the use to become conforming. In addition, the Comprehensive Plan shows this area as future historic neighborhood which would be consistent with the use of the property as a single-family home. Therefore, staff does feel the request reflects a reasonable balance.

Staff Assessment – THE PROPOSED PROJECT WOULD REFLECT A REASONABLE BALANCE ✓

SUMMARY OF STAFF FINDINGS:

After assessing the project based on the standards to be considered for rezoning requests, Staff found that the development meets **8 of the 8 standards**.

STAFF SUGGESTED CONDITIONS TO CONSIDER:

None

OPTIONS:

- A. Approve the rezoning request as submitted
- B. Approve the rezoning request with conditions
- C. Deny the rezoning request

ATTACHMENTS: Application for Rezoning
 Location Map



CITY OF NEWNAN

Project Location

1" = 600 feet

Date: 4/4/2022 9:49 AM



CITY OF NEWNAN
PLANNING DEPT.
25 LAGRANGE STREET
NEWNAN, GEORGIA 30263
www.cityofnewnan.org



OI-1 to RU-I

Project Location

Parcel # N05 0004 006

ADDRESS

14 LEE ST
NEWNAN, GA 30263

Cher McWilliams

14 Lee Street

Newnan, GA 30263

To whom it may concern:

I am requesting rezoning of my property located at 14 Lee street Newnan, GA 30263. The property is currently a residence and I believe it has been since being built in 1949. I purchased the property in April 2021 and I was not aware that the property was not zoned residential. The people I purchased the home from, had been using the dwelling as a residence. I am requesting that the property be rezoned so that I can build on to the existing structure, expanding the house slightly.

Thank you for your consideration.

A handwritten signature in dark ink, appearing to read 'Cher McWilliams', followed by a long, sweeping horizontal line that extends across the page.

Cher McWilliams



CITY OF NEWNAN, GEORGIA
Planning & Zoning Department

25 LaGrange Street
Newnan, Georgia 30263
Office (770) 254-2354
Fax (770) 254-2361

APPLICATION TO AMEND ZONING MAP

Note to Applicant: Please be sure to complete all entries on the application form. If you are uncertain to the applicability of an item, contact The Planning & Zoning Department at 770-254-2354. Incomplete applications or applications submitted after the deadline will not be accepted.

Name of Applicant

Cher McWilliams

Mailing Address

14 Lee Street Newnan GA 30263

Telephone

770-639-7623

Email:

cher.mcwilliams@gmail.com

Property Owner (Use back if multiple names)

Cher McWilliams

Mailing Address

14 Lee Street Newnan GA 30263

Telephone

770-639-7623

Address/Location of Property

14 Lee Street Newnan, GA 30263

Tax Parcel No.:

N050004006

Land Lot

District/Section

Size of Property (Square Feet or Acres)

.22 (RV-1)

Present Zoning Classification:

OI-1

Proposed Zoning Classification:

Residential (R-1)

Present Land Use:

Residential house

To the best of your ability, please answer the following questions regarding the application:

Explain how conditions have changed that renders the zoning map designation invalid and no longer applicable.

The house has always been a residence. I'm not sure why it's not zoned that way. It's grandfathered in but I wouldn't be able to build back it destroys

If the proposed zoning map change is an extension of an existing adjacent zoning district, provide an explanation why the proposed extension should be made.

RV-1 is to the rear and west of the property.

If the requested change is not designed to extend an adjacent zoning district, explain why this property should be placed in a different zoning district than all adjoining property. In other words, how does this property differ from adjoining property and why should it be subject to different restrictions?

N/A

Please attach all the following items to the completed application:

1. A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:
 - What the property is to be used for, if known.
 - The size of the parcel or tract.
 - The zoning classification requested and the existing classification at the filing of this application.
 - The number of units proposed.
 - For non-residential projects, provide the density of development in terms of floor area ratio (FAR).
 - Any proposed buffers and modification to existing buffers.
 - Availability of water and sewer facilities including existing distance to property.
2. Name and mailing addresses of all owners of all property within 250 feet of the subject property (available from the County Tax Assessor records). This is encouraged to be submitted in a mail merge Microsoft Word data file format.
3. Legal description of property. This description must establish a point of beginning; and from the point of beginning, give each dimension bounding the property that the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.
4. A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect that shall include the following information:
 - ✓ Boundary survey showing property lines with lengths and bearings
 - ✓ Adjoining streets, existing and proposed, showing right-of-way
 - ✓ Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other property improvements
 - ✓ North arrow and scale
 - ✓ Adjacent land ownership, zoning and current land use
 - ✓ Total and net acreage of property
 - ✓ Proposed building locations
 - ✓ Existing and proposed driveway(s)
 - ✓ Lakes, ponds, streams, and other watercourses
 - ✓ Floodplain, wetlands, and slopes equal to or greater than 20 percent
 - ✓ Cemeteries, burial grounds, and other historic or culturally significant features
 - ✓ Required and/or proposed setbacks and buffers
5. Submit one (1) copy in an 18" x 24" format and one copy in a pdf digital file format.
6. Completed Proffered Conditions form.
7. Completed Disclosure of Campaign Contributions and Gifts form.
8. If the applicant and the property owner are not the same, complete the Property Owner's Authorization form and/or the Authorization of Attorney form.
9. For multiple owners, a Property Owner's Authorization form shall be submitted for each owner.
10. A community impact study must be submitted if the development meets any of the following criteria:
 - Office proposals in excess of 200,000 gross square feet
 - Commercial proposals in excess of 250,000 gross square feet
 - Industrial proposals which would employ over 500 persons
 - Multi-Family proposals in excess of 150 units

11. A Development of Regional Impact form shall be completed and submitted to the City if the request meets any of the criteria in §10-10 (b)(2)(h) on page 10-7 of the Newnan Zoning Ordinance.
12. Fees for Amending the Zoning Map shall be made payable to the **City of Newnan** and are listed below:
 - Single-Family Application.....\$500.00/Plus \$15.00 Per Acre
 - Multi-Family Application.....\$500.00/Plus \$25.00 Per Acre
 - Office/Institutional Application.....\$500.00/Plus \$15.00 Per Acre
 - Commercial Application.....\$500.00/Plus \$25.00 Per Acre
 - Industrial Application.....\$500.00/Plus \$15.00 Per Acre
 - Mixed Use Application.....\$500.00/Plus Per Acre fee based upon proposed land use.
 - Planned Development Application.....\$500.00/Plus per Acre fee based upon proposed land use.
 - Overlay Zoning Application.....\$350.00

PLEASE NOTE: THIS APPLICATION MUST BE FILED BY THE 1st OF THE MONTH TO BE CONSIDERED FOR THE PLANNING COMMISSION MEETING OF THE FOLLOWING MONTH.

I (We) hereby authorize the staff of the City of Newnan to inspect the premises of the above-described property. I (We) do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

Sworn to and subscribed before me this

30 day of March, 2020

Signature of Applicant

Stephan Chu

Notary Public



FOR OFFICIAL USE ONLY

DATE OF PRE-APPLICATION CONFERENCE : _____

RECEIVED BY: _____

DATE OF FILING: _____

FILING FEE RECEIVED: _____

DATE OF NOTICE TO NEWSPAPER: _____

DATE OF PUBLIC HEARING: _____

PLANNING COMMISSION RECOMMENDATION (DATE): _____

DATE OF TRANSMITTAL TO CITY COUNCIL: _____

CITY COUNCIL DECISION (DATE): _____



City of Newnan, Georgia
Attachment B

Disclosure of Campaign Contributions & Gifts

Application filed on April, 2024 for action by the Planning Commission on rezoning requiring a public hearing on property described as follows:

14 Lee Street
NEWNAN, GA 30263

The undersigned below, making application for Planning Commission action, has complied with the Official Code of Georgia Section 36-67A-1, et seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

All individuals, business entities, or other organizations¹ having a property or other interest in said property subject of this application are as follows:

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Newnan City Council or a member of the Newnan Planning Commission? ☐ Yes ☒ No

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date of Contribution (Within last 2 years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

Stephanie Cherry
Signature of Applicant

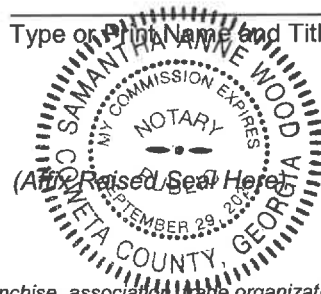
Stephanie Cherry McWilliams
Type or Print Name and Title — owner —

Signature of Applicant's Representative

Type or Print Name and Title

Signature of Notary Public

Date



¹Business entity may be a corporation, partnership, limited partnership, firm, enterprise, franchise, association, trade organization, or trust while other organization means non-profit organization, labor union, lobbyist or other industry or casual representative, church, foundation, club, charitable organization, or educational organization.



City of Newnan, Georgia
Attachment C

Property Owner's Authorization

The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name of Property Owner

Cher McWilliams

Telephone Number

770-639-7603

Address of Subject Property

14 Lee Street

Newnan GA 30263

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.

Stephanie McWilliams
Signature of Property Owner

Personally appeared before me

Stephanie McWilliams

who swears the information contained
in this authorization is true and correct
to the best of his/her knowledge and
belief.

Notary Public

3/30/2022
Date



DOC# 011696
FILED IN OFFICE
04/20/2021 02:28 PM
BK:5304 PG:677-678
CINDY G BROWN
CLERK OF SUPERIOR COURT
COWETA COUNTY

Cindy G. Brown

REAL ESTATE TRANSFER
TAX PAID: \$235.00 /
PT-61 038-2021-002732 /

LIMITED WARRANTY DEED

STATE OF GEORGIA,
COUNTY OF COWETA

After Recording, Return To:

Carson B. Sears, Esq.
Sanders, Haugen & Sears, P.C.
Post Office Box 1177
Newnan, Georgia 30264
(File #22328-A)

THIS INDENTURE is made as of the 15th day of April, 2021, between DENISE WILKIN A/K/A DENISE WILKINS and MELISSA SCOTT (hereinafter referred to as "Grantor") and STEPHANIE C. MCWILLIAMS (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee:

All that tract or parcel of land situate, lying and being in the City of Newnan, Fifth Land District, Coweta County, Georgia,, and being more particularly described in Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the Land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Land unto Grantee against the claims of any persons owning, holding or claiming by, through or under Grantor, except for claims arising under or by virtue of the Permitted Exceptions.

IN WITNESS WHEREOF, the said Grantor have hereunto set their hands, affixed their seals, and delivered these presents this day and year first above written.

Signed, sealed and delivered
in the presence of:

Chris Bass

Unofficial Witness

[Signature]
Notary Public



Denise Wilkin (SEAL)
Denise Wilkin
Melissa Scott (SEAL)
Melissa Scott

2/25
28

EXHIBIT "A"

LEGAL DESCRIPTION

**To Warranty Deed From Denise Wilkin a/k/a Denise Wilkins and Melissa Scott
to Stephanie C. McWilliams**

All that tract or parcel of land situate, lying and being in the City of Newnan, Fifth Land District, Coweta County, Georgia, and being Lots 6 and 7 of Block B, fronting on the Northside of Lee Street, according to Plat of the Berry Lee Subdivision of property of estate of said Gordon Lee and which plat is recorded in Deed Book 27, Pages 220-221, Clerk's Office, Coweta Superior Court, Coweta County, Georgia, Lot 6 fronts said Lee Street fifty (50) feet and runs back North to a depth of ninety-five (95) feet; Lot 7 fronts said Lee Street fifty (50) feet and runs back North to a depth of ninety-eight (98) feet.

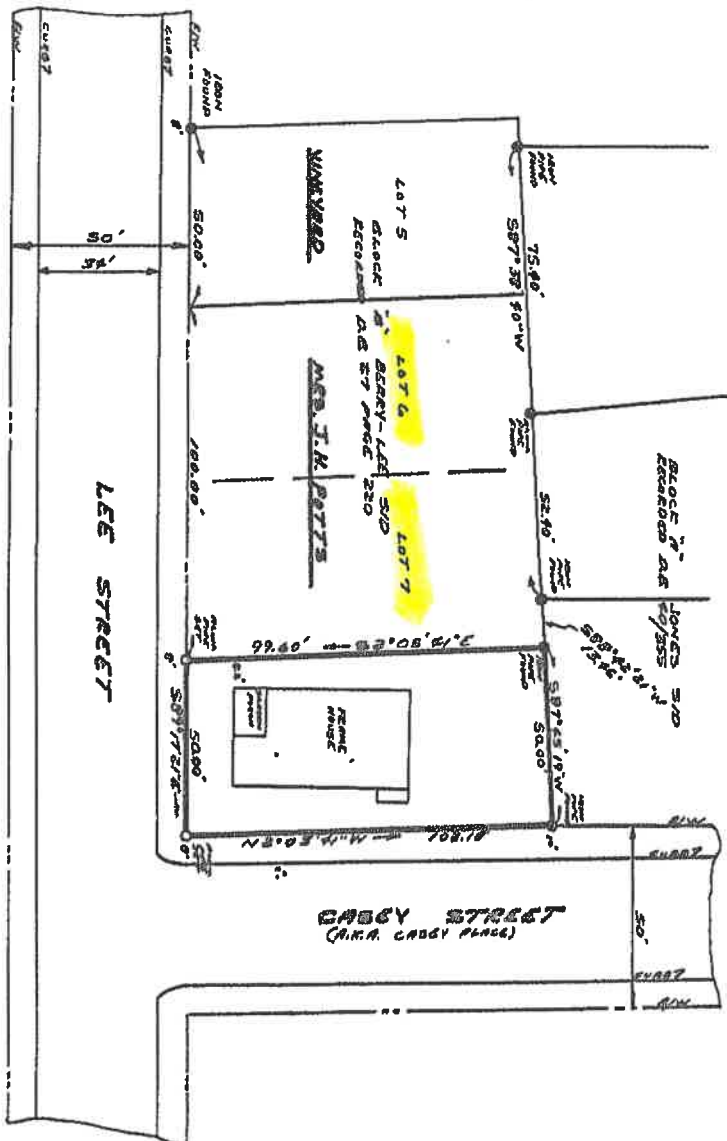
Said property being depicted as Lots 6 and 7 of Block B on that certain plat of survey for Thomas H. Carson, dated June 10, 1980, drawn by John R. Christopher, GA RLS No. 1766, recorded in Plat Book 27, Page 139, Coweta County, Georgia Records.

DANIEL GESS
P.A. 20 PAGE 251

WM. JENSEN

LANDERS

ELMER MANNING



GEORGIA, CONWY COUNTY, CLERK SUPERIOR COURT
FILED IN OFFICE THIS 23 DAY OF June
19 80 AT 1:00 P.M. RECORDED IN BOOK 27
PAGE 139 THIS 23 DAY OF June 19 80

Virginia Bellard
CLERK 2-06

I HAVE THIS DAY EXAMINED THE
F. OFFICIAL FLOOD HAZARD MAP
AND FOUND THAT THIS PROPERTY
IS LOCATED IN AN AREA
DESIGNATED AS A SPECIAL FLOOD
HAZARD AREA.

IN MY OPINION, THIS IS A TRUE
AND CORRECT REPRESENTATION
OF THE PLATTED PROPERTY AND
HAS BEEN PREPARED IN CON-
FORMITY WITH THE STANDARDS
AND REQUIREMENTS OF LAW



SURVEY FOR:		THOMAS H. CRISON	
SCALE: 1"=30'	APPROVED BY:	DRAWN BY:	REVIEWED:
DATE: 6-10-80			
LOT 8 BEECH-LEE S/D CITY OF NEWNAN - CONWY COUNTY GEORGIA			
SURVEY BY:		DRAWING NUMBER	
<i>John R. Christopher</i>		79137	

