



**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 2<sup>nd</sup> 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. Dunnavant 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 replied 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