



Newnan City Council Meeting

October 24, 2023

Newnan City Hall

Richard A. Bolin Council Chambers

25 LaGrange Street

6:30 PM

CALL TO ORDER

INVOCATION

READING OF MINUTES

- A. Minutes from Regular Meeting on October 10, 2023
- B. Minutes from Work Session on October 10, 2023

REPORTS OF BOARDS AND COMMISSIONS

- C. 1 Appointment - Convention Center Authority, 3 year term
- D. 1 Appointment - Cultural Arts Commission, 3 year term
- E. 1 Appointment - Development Authority, 4 year term
- F. 1 Appointment - Tree Commission, 3 year term

REPORTS ON OPERATIONS BY CITY MANAGER

REPORTS AND COMMUNICATIONS FROM MAYOR

NEW BUSINESS

- G. Public Hearing - Request by owner to demolish structure located at 169 West Wahington Street
- H. Consideration to adopt the Municipal Probation Services Ordinance

UNFINISHED BUSINESS

- I. Adoption of the Revised Annual Financial Report for the 2022 Capital Improvements Element (CIE) Update
- J. Consideration of a Resolution to Adopt the 2023 Update to the Capital Improvements Element (CIE), which includes the Short-Term Work Program (STWP)
- K. Consideration of an Intergovernmental Agreement between the City of Newnan and the Newnan Urban Redevelopment Agency regarding the ARPA Murray Street Workforce Housing Project
- L. Public Hearing - Annexation Request - Annex2022-06; 163.61± acres located off Green Top Road (Tax Parcel #s 085 5086 001, 085 5107 002, 085 5086 003 and the

southern portion of 085 5107 003); Requested zoning of PDR (Planned Residential Development) - Consideration of Ordinances

VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

M. Request to Close Streets for 2024 Rock & Road Festival

MOTION TO ENTER INTO EXECUTIVE SESSION

N. Motion to Enter into Executive Session

ADJOURNMENT

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, October 10, 2023 at 2:30 p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

CALL TO ORDER

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

PRESENT

Mayor Keith Brady: Council members present: Ray DuBose, George Alexander, Rhodes Shell, Dustin Koritko and Paul Guillaume. Absent: Cynthia Jenkins. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; City Clerk, Megan Shea and City Attorney, Brad Sears.

READING OF MINUTES

A. Minutes from the Regular Meeting on September 26, 2023

Motion by Councilman DuBose, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council Meeting on September 26, 2023 and adopt them as presented.

MOTION CARRIED. (6-0)

REPORTS OF BOARDS AND COMMISSIONS

B. 1 Appointment – Convention Center Authority, 3-year term

Continue to next agenda.

C. 1 Appointment – Cultural Arts Commission, 3-year term

Continue to next agenda.

D. 4 Appointments – Development Authority, 3-year terms

Motion by Councilman Alexander, seconded by Mayor Pro Tem Koritko to reappoint Patrick McKee for another term.

MOTION CARRIED. (6-0)

Motion by Mayor Brady, seconded by Councilman Alexander to reappoint Parks Avery for another term.

MOTION CARRIED. (6-0)

Motion by Councilman Shell, seconded by Councilman Alexander to reappoint James Poulakos for another term.

MOTION CARRIED. (6-0)

Continue other appointment to next agenda.

E. 1 Appointment – Tree Commission, 3-year term

Continue to next agenda.

F. 1 Appointment – Water & Light Commission, 3-year term

Motion by Mayor Brady, seconded by Councilman Alexander to reappoint Dianne Parker for another term.

MOTION CARRIED. (6-0)

NEW BUSINESS

G. Public Hearing – Application for Alcohol Beverage License – MSF Food Mart, Inc.

Mayor Brady opened a public hearing on the application for Retail off Premise (Package) Sales of Malt Beverages and Wine for MSF Food Mart at 1700 Newnan Crossing Blvd.

A representative of applicant was present for the hearing. No one spoke for or against the application. Mayor Brady closed the public hearing. The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Mayor Pro Tem Koritko, seconded by Councilman Guillaume to approve the application for Retail on Premise (Package) Sales of Malt Beverages and Wine License.

MOTION CARRIED. (6-0)

H. Public Hearing – Application for Alcohol Beverage License – Tacos Mi Veracruz

Mayor Brady opened a public hearing on the application for Retail on Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine for Tacos Mi Veracruz at 21 Bullsboro Dr.

A representative of applicant was present for the hearing. No one spoke for or against the application. Mayor Brady closed the public hearing. The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the application for Retail on Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine License.

MOTION CARRIED. (6-0)

I. Consideration of Recommendation from the Parks Commission for ADA Playground Project at Sprayberry Rd Park

Mike Furbush, City Landscape Architect, explained that this is a recommendation from the Parks Commission for an addition at Sprayberry Rd Park. It is an ADA handicap accessible playground. Mr. Furbush also asked for approval for a contract to construct.

Councilman Shell asked exactly where it would sit on the site? Mr. Furbush said behind the restrooms at the dog park there is an existing playground and this would be between the two and tie to the existing.

Councilman Alexander asked if the Parks Commission will be looking at doing similar projects at other parks? Mr. Furbush listed First Avenue, Lynch Park and Ray Park have playgrounds and said the commission has looked at trying to make those more accessible.

Motion by Councilman Alexander, seconded by Councilman DuBose to approve the project as presented.

MOTION CARRIED. (6-0)

J. Consideration of Contract Award – Culvert System Improvements for Savannah St and Pinson St

Michael Klahr, City Engineer, stated that this contract is to replace the culvert at Savannah St. and Pinson St. The low bid came from Piedmont Paving at \$1,294,577.54, actually under what was estimated.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the contract award as presented.

MOTION CARRIED. (6-0)

K. Consideration of Contract Award – Traffic Signal Installations

Mr. Klahr explained that this is a continuation of a multi-year project updating traffic signals, modernizing the software and hardware. This is for the intersections of Marin Luther King Jr Dr., Dodson St. and Mary Ann St. and Fourth St. and Sunset Ln.

Councilman Shell asked about the video instead of pavement and if DOT does that as well? Mr. Klahr said that they may still be doing pavement but the City has been very successful with the video. The video is web based so you can watch the signal and change timing remotely.

Motion by Councilman DuBose, seconded by Councilman Shell to approve the contract award as presented.

MOTION CARRIED. (6-0)

L. Consideration of Resolution to Amend Plumbing Code to Comply with Agreement between Newnan Utilities and the Metropolitan North Georgia Water Planning District

Bill Stephenson, Chief Building Official, explained that this is the first step in this process. After DCA reviews the resolution then the amendments will come back to Council for consideration.

Mayor Pro Tem Koritko asked why this is not handled at the state level? Mr. Stephenson said he is not sure but it could be since the inspectors enforce the codes at the local level. Also, most of the codes are already being installed by builders.

Mayor Pro Tem Koritko asked why the Metropolitan North Georgia Water Planning District as an unelected board is dictating this to an elected board? City Manager stated that the Water Planning District has been in existence for over 20 years and almost all of the stormwater and erosion control measures adopted have been through the Water Planning District.

Motion by Councilman Shell, seconded by Councilman Alexander to adopt the resolution as presented. Opposed: Koritko

MOTION CARRIED. (5-1)

M. Presentation of FY2024 Newnan Centre Budget

Ms. Peyton Shelnett, Director of the Newnan Centre, presented the budget.

Councilman Guillaume asked about the church that holds Sunday services there, if they were pulled what would the loss be to the Centre? Ms. Shelnett said about \$150,000 a year in rental. She said they do get a lot of calls for business and Sunday weddings.

Mayor Pro Tem Koritko asked how long the church plans to use the space? Ms. Shelnett said they are searching for a property and they have agreed to give a 6-month notice when they do find a property.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the budget as presented.

MOTION CARRIED. (6-0)

VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

N. Request from Foundation Church for 3 parking spaces during Munchkin Masquerade on October 31, 2023

Councilman Shell asked what the time frame is for this? Assistant City Manager stated 9am-12pm was requested. The event goes from 10am-12pm.

Motion by Mayor Pro Tem Koritko, seconded by Councilman Guillaume to approve the request as presented.

MOTION CARRIED. (6-0)

EXECUTIVE SESSION

MOTION EXECUTIVE SESSION

Motion by Mayor Pro Tem Koritko, seconded by Councilman Alexander that we now enter into closed session as allowed by O.C.G.A. Section 50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing legal issues and that we move, in open session to adopt a resolution authorizing and directing the Mayor or presiding officer to execute an affidavit in compliance with O.C.G.A. Section 50-14-4, and that this body ratify the actions of the Council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law at 2:46PM.

MOTION CARRIED. (6-0)

RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION

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

MOTION CARRIED. (6-0)

MOSSIGNAC CLAIM

Motion by Councilman Alexander, seconded by Councilman Shell to deny the claim as presented.

MOTION CARRIED. (6-0)

ADJOURNMENT

Motion by Councilman Alexander, seconded by Mayor Pro Tem Koritko to adjourn the Council meeting at 2:52pm.

MOTION CARRIED. (6-0)

Megan Shea, City Clerk

Keith Brady, Mayor

The special called work session of the City Council of the City of Newnan, Georgia was held on Tuesday, October 10, 2023 at 3:00PM in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

Present

Mayor Keith Brady: Council members present: Ray DuBose, Rhodes Shell, George Alexander, Dustin Koritko and Paul Guillaume. Absent: Cynthia Jenkins. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; City Clerk, Megan Shea and City Attorney, Brad Sears.

Call to Order

Mayor Brady called the meeting to order at 3:05pm and delivered the invocation. He then recused himself due to a personal conflict and he asked Mayor Pro Tem Koritko to run the meeting. Councilman DuBose also recused himself due to a personal conflict.

Annexation Request – Annex 2022-06; 163.61 + acres off Green Top Road (Tax Parcel #s 085 5086 001, 085 5107 002, 085 5086 003 and the southern portion of 085 5107 003); Requested Zoning of PDR

Mayor Pro Tem Koritko began by stating the rules of the work session. There is no public input and staff will present to Council. The applicant was present and Council is allowed to ask the applicant questions and they can answer. No votes will be taken.

Tracy Dunnavant, Planning Director, presented an overview of the request. She stated that the request is to annex 163.61 acres on Green Top Road to develop 300 single family lots. The tracts are currently zoned RC (Rural Conservation) in the County and applicant is requesting PDR (Planned Residential Development) with the City. The PDR zoning is based on a specific plan.

The applicant is proposing a density of 2.04 units per acre. Amenities to include a pool, clubhouse, pickleball complex, playgrounds, dog park and walking trails. There are 3 pod types proposed, Ranch Pod (65 homes) 1,860 sq ft, Traditional Pod (129 homes) 2,640 sq ft and Estate Pod (106 homes) 3,004 sq ft. Sales prices will range from \$392,150 to \$527,190.

Density in the surrounding area ranges from 0.46 units per acre in the County to 4.18 units per acre in the City. The County was notified in accordance with State law and they did object. After going through the arbitration process there were 26 conditions put on the development for a 2-year period. The applicant has also offered 4 conditions, mostly regarding water/sewer and accepting the arbitration conditions.

Staff had 3 suggested conditions as follows:

1. Project will be consistent with the concept plan, density, project data, amenities (including pickleball complex) and elevations provided as part of the application.
2. The average square footages for each Pod will be as follows: Ranch Pod-1,860, Traditional Pod-2,640 and Estate Pod- 3,004.
3. City of Newnan will not issue a permit for land disturbing activities until such time as Coweta County has reviewed and approved the plans for the development to the extent they have jurisdiction, primarily relating to street connections to Green Top Road.

Planning Commission held a public hearing for this annexation and voted 6-0 for denial.

Councilman Alexander asked who was missing from the Planning Commission meeting? Ms. Dunnavant stated it was Chris Hunt.

Councilman Guillaume asked for clarification that there is no way this development could increase from 300 homes? Ms. Dunnavant stated that the arbitration conditions are in place for 2 years. Councilman Guillaume then asked the builder about the price ranges with add-ons that could enhance the home.

Rick Martin, Director of Land Acquisition for Pulte Homes, explained that they have been in this process for a few years now and prices have changed and will probably settle in the low 400's. With additional high options they could end in the 600's.

Councilman Guillaume then asked about sewer and public water and the conditions related to that from arbitration, how it all came about. George Rosenzweig on behalf of the applicant, stated that the condition the applicant is proffering is when the arbitration conditions expire the project will be served by Newnan Utilities. They won't be able to get a certificate of occupancy unless that takes place. They want to be able to start grading the property and getting it ready but nothing can be sold until the utilities are in place.

Mr. Rosenzweig explained that originally the County encouraged them developing the property and had the Water & Sewer Authority discuss a sewer line across the property to connect to a line that they were purchasing from Newnan Utilities on Hwy 29. They granted the easement, then the County didn't rezone. They understand that it's important to Council and the City that this property be serviced by Newnan Utilities so that is what they intend to do.

Councilman Guillaume mentioned the County's comprehensive land use plan and that this property is identified as a growth priority area. Mr. Rosenzweig said that the County redid their plan while they have been in this process. Mayor Pro Tem Koritko then asked what the density is of a new development on Poplar Rd? Ms. Dunnavant said she did not know.

Councilman Guillaume asked about traffic. Mr. Rosenzweig said they have studied it extensively as it's a hot topic. He was permitted to show a few slides pertaining to this. He

showed a comparison between no build and build capacity with intersection breakdowns in AM and PM. The delay increase at one intersection was 8 seconds.

Councilman Shell asked what the age targeted part of the subdivision will be? Mr. Martin stated that the targeted buyer would be 55+. Pulte nationwide has a concept of aging in place. The PDR zoning allows them to build 3 different types of homes to target different ages at different parts of their lives.

Councilman Guillaume asked about this development enhancing Newnan? Mr. Martin said they did a study and found that the age-targeted buyers will probably not have children so less strain on the schools and they will probably have higher disposable income because they may be moving toward retirement or in retirement.

Ms. Dunnavant then verified the dates of the traffic studies. The initial done in November 2021 and the second in July 2022.

Mr. Martin commented that 20% of the homes will be in that age targeted area and that population comes and goes at different times of day and not during peak times.

Mayor Pro Tem Koritko asked about the 10% rental. Mr. Martin said yes but that is for people who move and relocate and may want to lease their home. It's not to have a rental base.

Ms. Dunnavant verified that the density of the development on Poplar that was questioned is 2.75 units per acre. The development is 547 homes on 199 acres per the County's website.

Councilman Alexander commented that citizens are upset about apartments going up and that the City is short on single-family homes. Growth is coming and people are coming here for a quality of life.

Councilman Guillaume asked about safety and the letter submitted from Chief Blankenship, which stated 2 additional officers may be needed. Chief Blankenship explained that as developments are approved and looking at call volumes there will be a need for additional support.

Mayor Pro Tem Koritko asked about the letter to the school board which said the development would be built in 2 phases. Mr. Martin said different phases usually run every 12-18 months depending on what's being done.

Ms. Dunnavant stated that the public hearing for this will be at the next meeting on October 24th and at that time she would go through the standards for rezoning.

ADJOURNMENT

Motion by Councilman Alexander, seconded by Councilman Shell to adjourn the meeting at 3:52PM.

MOTION CARRIED. (6-0)

Megan Shea, City Clerk

Keith Brady, Mayor



To: Mayor and Council
Date: October 24, 2023
Agenda Item: Public Hearing - Request by owner to demolish structure located at 169 West Wahington Street
Prepared By: Bill Stephenson, Chief Building Official

Purpose:

Public Hearing- Request by owner to demolish structure that was built more than 50 years ago and not located within a historic district, (tax record attached). The property address is 169 West Washington Street.

Background:

Ordinance considerations:

Historical significance: This structure was constructed in 1955 according to tax records and is considered historic due to its age. **This property is not in a historic district** and was surveyed in the early 1990's and considered noncontributing to any architectural significance due to alterations performed before the survey was conducted.

Effect of demolition: the property has adequate clear space in order to be demolished without disturbing other structures.

Reasonable preservation of structure, value vs. cost: the cost of renovating the structure would well exceed 50% of the assessed value of \$76,523.00, which is the threshold used by City ordinance to be considered eligible for demolition in the substandard building program.

The property rights of the owner. This property is owned by E T Homes LLC and they plan on constructing a new single family home on this lot.

Denying demolition hardship to owner.

Funding:

N/A

Recommendation:

Approve

Attachments:

1. 169 W Washington Demo Request

Previous Discussion with Council:

None



DEMOLITION PERMIT APPLICATION

Building Department
25 LaGrange Street
Newnan, GA 30263
Ph. 770-254-2362 Fax 770-254-2361
Email – jcantrell@newnanga.gov



Date of Application: 9/12/23

Subject Property
Address: 169 West Washington St
Number and Street Subdivision

Applicant Name and Contact #: Roger Miles
Name Contact Phone Number
ET Homes LLC

Owner Name and Contact #: ERIK FUSAN
Name Contact Phone Number

Check one box only – Every structure needs its own permit. If there are two buildings on one lot, you will be required to obtain two permits. If there is more than one building on a lot, please provide a photo (aerial or ground) of the structure(s) intended to be demolished.

- ☐ Interior demolition only (no routing necessary, permit can be issued)
- ☐ Complete or partial demo or relocation of structure constructed within 50 years from date of application (application must be routed through zoning for sign-off before permit is issued)

Zoning Representative Sign-off

- ☐ Complete or partial demo or relocation of structure constructed more than 50 years from date of application. Application must be routed through the Chief Building Official. Permit cannot be issued without Council approval in accordance with City Ordinance sec. 5-25.1. Please see next page for procedures.

Signature of Applicant [Signature]

9/12/23
Date Signed

Notification to cut power, gas and water is the responsibility of the owner before demolition. Be sure to make the utility companies aware that the structure will be demolished and to terminate them at the street.

Process to comply with the City Ordinance sec. 5-25:

1. Is subject property in any Historical Boundaries as designated by the City of Newnan?
(Historic maps can be found on the City of Newnan web site or through Planning and Zoning).

☐ Yes – Public hearing must be held no earlier than 60 days after posting the property.

☒ No – Public hearing must be held no earlier than 30 days after posting the property.

2. Obtain the date of the Council Meetings from our web site or the Building Department that assures the above time frame can be met and in which you can be present. Place that information in the line below. This date and time are to be used on your posted sign and legal ad.

Oct 24th, 2023 @ 4:30 pm (Always an evening meeting)
Public Hearing Date and Time of Meeting (A copy of this application will be forwarded to the Chief Building Official who will notify historical entities and prepare an agenda item for Council).

3. Post a sign on the subject property in a conspicuous location, the sign is to be no smaller than 6 square feet in area (2'x3'), and shall contain the following information: Sept 22nd

- a. Applicants name
- b. Property owners name
- c. Subject property address
- d. The statement "A demolition permit has been applied for and a public hearing will be held at City Hall, 25 Lagrange St., Newnan, GA regarding this application on *(date and time of public hearing from #2 above).*"

4. Place an ad in the legal organ of Coweta County at least 2 times, the earliest of which shall not be published more than 15 days prior to the hearing, and containing the same information as the posted sign in #3 above. Notify the Chief Building Official at 678-673-5476 or email after the ad has been secured. Oct 11th 18th

5. Give personal notice of application to demolish to all persons owning property within 250 feet of the subject property. Such notice can be hand delivered to the **property owners**, or by Certified or Registered Mail. This must be accomplished no later than 15 days prior to the public hearing date. The notice must contain the information shown in #3 above. Oct 4th

6. In deciding whether to grant or deny the demolition, removal or relocation permit, the Mayor and Council shall consider the following factors:

- a. The historic, scenic or architectural significance of the structure;
- b. The effect of the demolition, removal or relocation and subsequent use of the property, and whether such would result in substantial detriment to neighboring property owners or the public good;
- c. Whether reasonable measures can be utilized to preserve the structures, taking into account the value of the structure and the cost to repair the structure;
- d. The property rights of the applicant; and
- e. Whether denying the permit application would create great practical difficulty or an unnecessary hardship on the applicant or property owner.

7. The decision of the City Council shall be final.

8. If Mayor and Council grant the request, the Chief Building Official will cause the permit(s) to be issued.

Coweta County, GA

Summary

Parcel Number N24 0001 003
Location Address 169 W WASHINGTON ST
Legal Description H/L 169 W WASHINGTON ST 2 SEC S/D
(Note: Not to be used on legal documents)
Tax District NEWNAN 02 (District 02)
Millage Rate 22.85
Acres 0.18
Homestead Exemption No (\$0)
Landlot/District N/A

[View Map](#)

Owner

ET HOMES LLC
15 PERRY ST
STE 340
NEWNAN, GA 30263

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	Res-Rocky Hill	Acres	7,650	51	150	0.18	1

Residential Improvement Information

Style 1 Family (Detached)
Heated Square Feet 1344
Interior Walls Sheetrock
Exterior Walls Vinyl Siding
Foundation Crawl/Masonry
Attic Square Feet 0
Basement Square Feet 0
Year Built 1955
Roof Type Asphalt Shingle
Heating Type Radiant
Number Of Full Bathrooms 2
Number Of Half Bathrooms 0
Value \$69,623
Fireplaces\Appliances Fireplace N.V. 1
House Address 169 WASHINGTON

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite Imp: 1 Poor	2017	0x0 / 1	1	\$1,500

Permits

Permit Date	Permit Number	Type	Description
06/30/2023	GR-00605	ROOF	Replace roof with asphalt shingles, sheetrock, insulation, windows and siding

Sales

Sale Date	Sale Price
2/28/2023	\$40,000
8/7/2006	\$0
12/2/2004	\$45,000
10/22/2004	\$32,500
12/2/2003	\$0
12/2/2003	\$64,406
1/1/2003	\$0
1/26/2001	\$78,000
9/11/2000	\$30,000
4/4/2000	\$0
4/4/2000	\$0
	\$0

Valuation

	2023	2022	2021	2020
Previous Value	\$73,409	\$57,143	\$57,143	\$44,607
Land Value	\$5,400	\$5,400	\$5,400	\$5,400
+ Improvement Value	\$69,623	\$66,509	\$50,243	\$50,243
+ Accessory Value	\$1,500	\$1,500	\$1,500	\$1,500
= Current Value	\$76,523	\$73,409	\$57,143	\$57,143

Assessment Notices 2019

34126 (PDF)

Assessment Notices

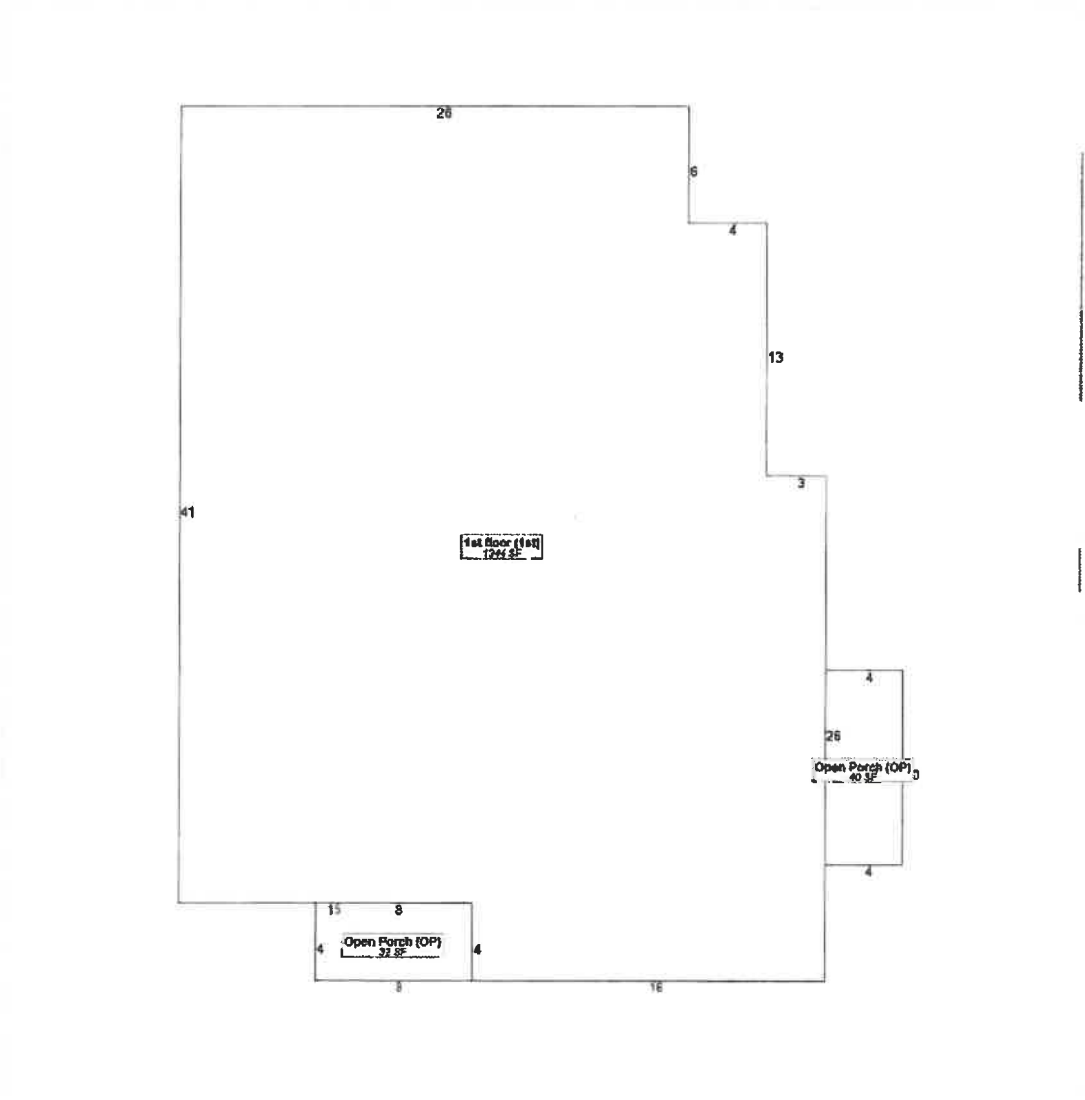
2020 (PDF)

2021 Assessment (PDF)

2022 Assessment (PDF)

2023 Assessment Notice (PDF)

Sketches



No data available for the following modules: Online Appeal, Rural Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes, Septic Drawings, Photos.

possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified subject to change.
| User Privacy Policy | GDPR Privacy Notice
Last Data Upload: 9/15/2023, 12:30:11 AM













Robert Winslow, PE

44 Bruce Jackson Road
Newnan, GA 30263
770.545.6351

August 4, 2023

c/o Jacob McKenzie
Eric Fusan
50 Torero Trail
Newnan, GA 30263

Regarding: 169 W. Washington Street
Newnan, GA 30263

Subject: Inspection of Existing Residential Structure

Mr. Fusan:

Per your request, I inspected the above referenced property on August 3, 2023. The purpose of the inspection was to observe and evaluate the existing structure for remodel and reuse of existing framing.

During the inspection, I observed the following:

- The structure had been demolished to framing and exterior siding.
- Significant portions of the framing had been damaged by fire.
- The wall framing had inconsistent materials and spacing and was not structurally sound
- The exterior siding was not sufficient to meet code requirements
- The building foundation was falling in several locations
- The building floor system was sagging and did not properly support weight
- Utilities in the substructure are damaged beyond repair

Based on these observations, it is my professional opinion that the existing structure has been demolished to a stage that will require rebuild in complete compliance with the 2018 International Residential Code. It is further my professional opinion that the structure is not fit for reuse and cannot be brought up to current code. For life safety reasons, this structure should be demolished completely as soon as possible. There may be portions of the existing foundation that are competent in the rear of the structure, however further observation after demolition of the surrounding structure is required, and saving portions of the foundation likely will not produce cost saving over complete replacement.

If you have any questions, please contact me.

Regards,



Robert Winslow, PE



Ad will run 10/11 + 10/18

NOTICE

Applicants name: Eric Fusan
Property owners name: ET
Homes, LLC
Subject property address: 169 W.
Washington Street, Newnan, GA
30263
A demolition permit has been ap-
plied for and a public hearing will
be held at City Hall, 25 Lagrange
St., Newnan, GA regarding this
application on : October 24th 2023
at 6:30 pm

No.80263-10-11-18

NTH 10/11/23

NOTICE

Applicants name: Eric Fusan
Property owners name: ET
Homes, LLC
Subject property address: 169 W.
Washington Street, Newnan, GA
30263
A demolition permit has been ap-
plied for and a public hearing will
be held at City Hall, 25 Lagrange
St., Newnan, GA regarding this
application on : October 24th 2023
at 6:30 pm

No.80283-10-11-18



PROPOSED DEMOLITION

Dear property owner,

In compliance with The City of Newnan, City Ordinance sec. 5-25 this is a notice that an application has been submitted on behalf of **ET Homes, LLC** for the demolition of the unsafe structure at **169 W. Washington Street, Newnan, GA 30263**. Our company's plan is to enhance the neighborhood by replacing it with a beautiful single-family home.

A public hearing will be held at **City Hall, 25 Lagrange Street, Newnan, GA 30263** regarding this application on **October 24th, 2023, at 6:30 PM.**

If you have any questions about this matter or have interest in selling your property to a dedicated local residential redeveloper, please do not hesitate to contact us.



Eric Fusan | Manager

a: 15 Perry Street, Newnan, GA 30263

w: www.ethomesllc.com

e: contact@ethomesllc.com

p: (404) 369-0772



To: Mayor and Council

Date: October 24, 2023

Agenda Item: Consideration to adopt the Municipal Probation Services Ordinance

Prepared By: Jada Blankenship, Municipal Court Manager

Purpose:

Consideration to adopt the Municipal Probation Services Ordinance, establishing the in-house probation department that will service Newnan Municipal Court.

Background:

The Newnan Municipal Court has historically contracted with private probation entities to provide monitoring services for our defendants. Since 2018, the state has changed many laws concerning fee collection, and private companies have been directly impacted. On August 22, 2023, Council approved the Municipal Court to move forward with the application process to gain approval from the Georgia Department of Community Supervision in an effort to establish an in-house probation entity.

Funding:

The court ordered supervision fees collected from adjudicated defendants.

Recommendation:

It is my recommendation that the Council approve the ordinance providing for the provision of probation services for the Municipal Court.

Attachments:

1. Probation Services for Municipal Court (10-17-2023)

Previous Discussion with Council:

This topic was brought before the Council on August 22, 2023.

ORDINANCE NO. _____

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF
NEWNAN, GEORGIA RELATING TO THE MUNICIPAL COURT OF THE CITY
OF NEWNAN FOR THE PROVISION OF PROBATION SERVICES FOR THE
MUNICIPAL COURT OF THE CITY OF NEWNAN; TO PROVIDE FOR
SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL
ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND
FOR OTHER PURPOSES**

WHEREAS, the City of Newnan Municipal Court has provided probation services under contract with a private provider pursuant to O.C.G.A. §42-8-101(a)(1); and

WHEREAS, pursuant to O.C.G.A. §42-8-101 (b)(2), the Chief Judge of the City of Newnan Municipal Court has by express written consent has requested that the City Council of the City of Newnan establish a probation system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City of Newnan to establish such a probation system.

NOW, THEREFORE, be it ordained, by the City Council of the City of Newnan and it is hereby ordained by the authority of same that Section 13-17, Imposition of Sentences of Chapter 13, Municipal Court, of the Code of Ordinances of the City of Newnan is amended by deleting the Section in its entirety and by adopting a new Section 13-17, Imposition of Sentences, of the Code of Ordinances of the City of Newnan, to read as follows:

SECTION ONE:

Sec. 13-7. Imposition of Sentences.

- (a) The court shall have authority to try offenses against the laws of the City, and shall have power to impose fines and/or sentences of imprisonment. A suspended sentence shall be interpreted to mean that the defendant, during the term of the sentence, shall not again violate the law.
- (b) The court shall have the authority to impose alternative forms of punishment allowed by law in case such fines are not paid, including the establishment of pre-trial diversion programs.

- (c) The court shall have the authority to impose a sentence of community service.
- (d) The court shall have the authority to establish a probation system in accordance with O.C.G.A. § 42-8-101(b)(2) to provide general probation services, supervision, fine collection, counseling, and other probation programs as set forth in a Probation Services Agreement between the City of Newnan and the Chief Judge of the Municipal Court of the City of Newnan.
- (e) The court shall have the authority to impose a sentence consisting of any combination of the penalties provided for in this section.

SECTION TWO: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE: If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR: This ordinance shall become effective immediately upon its adoption by the City Council.

SO ORDAINED, this ____ day of _____, 2023.

ATTEST:

Megan Shea, City Clerk

L. Keith Brady, Mayor

REVIEWED AS TO FORM:

C. Bradford Sears, Jr., City Attorney

Dustin Koritko, Mayor Pro-Tem

Cleatus Phillips, City Manager

George M. Alexander, Councilmember

Cynthia E. Jenkins, Councilmember

Rhodes H. Shell, Councilmember

Raymond F. DuBose, Councilmember

Paul Guillaume, Councilmember



City of Newnan, Georgia - Mayor and Council

Date: October 24, 2023

Agenda Item: Adoption of the Revised Annual Financial Report for the 2022 Capital Improvements Element (CIE) Update

Submitted and Presented by: Chris Cole, Senior Planner

Purpose: To request official adoption of the Revised Annual Financial Report for the 2022 CIE Update

Background: On September 27, 2022, Council adopted the 2022 update to the CIE. In preparing this year's CIE update, it was discovered that there was an error which resulted in last year's Ending Impact Fee Fund Balance and this year's Beginning Impact Fee Fund Balance not matching. Therefore, the Georgia Department of Community Affairs is requiring the City to update the previous financial report prior to adopting this year's version. This will make the financial report consistent with the completed 2022 audit.

Options:

A. Officially adopt the Revised Annual Financial Report for the 2022 CIE Update

Funding: N/A

Recommendation: Option A

Attachments: Revised Annual Financial Report for the 2022 CIE Update

Previous Discussions with Council: None

City of Newnan | Annual STWP-CIE

2022 Update

III. Impact Fee Financial Report Updates

The purpose of annually reporting on the financial state of impact fees is to provide an overview of impact fees collected and spent by category of public facility and service area. As seen below, there is a report for 2021, which is the last completed year.

ANNUAL FINANCIAL REPORT FOR 2021					
Public Facility Type	Parks and Recreation	Fire Services	Police Protection	Roads, Streets, and Bridges	Total
Service Area	City of Newnan	City of Newnan	City of Newnan	City of Newnan	
Beginning Impact Fee Fund Balance	\$770,871.08	\$510,789.32	\$1.92	\$327,545.33	\$1,609,207.65
Impact Fees Collected	\$560,374.44	\$259,662.98	\$0.00	\$179,923.28	\$999,960.70
Accrued Interest	\$104.68	\$69.09	\$0.00	\$44.72	\$218.49
Project Expenditures	(\$858,320.83)	(\$0.00)	(\$0.00)	(\$342.00)	(\$858,662.83)
*Impact Fee Refunds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Ending Impact Fee Fund Balance	\$473,029.37	\$770,521.39	\$1.92	\$507,171.33	\$1,750,724.01
Impact Fees Encumbered	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Source: City of Newnan Finance Department – Fund 375 Impact Fees. Note - The amounts above reflect an update since their initial inclusion as part of the 2022 update to the City of Newnan's Capital Improvements Element, which contained the Short-Term Work Program. It was determined that the retainages were not included in the initial report, which was discovered and corrected during the City's 2021 audit.

Administrative Fees

Three percent of each impact fee is added to the final amount as an administrative fee. This portion of the impact fee pays for banking fees to maintain the impact fee account and helps fund the salaries of the administrator who collects the impact fees and other staff members of the Planning and Zoning Department who update the CIE, prepare financial reports, and other related activities. For 2021, the only costs associated with implementation were banking fees and the salaries of those various employees. The amount collected in administrative fees was \$29,999.27.



City of Newnan, Georgia - Mayor and Council

Date: October 24, 2023

Agenda Item: Adoption of the 2023 update to the Capital Improvements Element (CIE), which includes the Short-Term Work Program (STWP)

Submitted and Presented by: Chris Cole, Senior Planner

Purpose: To request official adoption of the 2023 update to the CIE, which includes the STWP

Background: The Georgia Development Impact Fee Act (GDIFA) was enacted into law in 1990. It sets rules for local governments that wish to charge new development for a portion of the additional capital facilities needed to serve it. Under GDIFA, local governments may impose exactions on developers to help finance the expansion of their infrastructure systems only through an impact fee system and only for the specific types of facilities and infrastructure listed in the law.

All local governments that utilize an impact fee system under the GDIFA must include CIEs in their comprehensive plans and update the CIE portion of their plan annually. The STWP is included as a part of the CIE.

Per the minimum standards of the planning process, all local governments must hold a public hearing prior to the adoption of the update. The City has previously held a public hearing and staff is now requesting official adoption of the document.

Options:

- A. Officially adopt, by resolution, the 2023 update to the Capital Improvements Element, which includes the Short-Term Work Program for the City of Newnan

Funding: N/A

Recommendation: Option A

Attachments: Resolution, CIE Document

Previous Discussions with Council: July 18, 2023 and August 8, 2023

**A RESOLUTION ADOPTING THE 2023 UPDATE TO THE CITY OF NEWNAN'S
CAPITAL IMPROVEMENTS ELEMENT AND SHORT-TERM WORK PROGRAM**

CITY OF NEWNAN, GEORGIA

WHEREAS, the City of Newnan has completed its annual update to the Capital Improvements Element, which contains the Short-Term Work Program; and

WHEREAS, this document was prepared according to the Standards and Procedures for Local Comprehensive Planning effective January 1, 2023 and established by the Georgia Planning Act of 1989, including the required public hearing;

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Mayor and City Council of the City of Newnan, Georgia do hereby adopt the document entitled, Capital Improvements Element with Short-Term Work Program: 2023 Updates.

This Resolution is adopted this ____ day of _____, 2023.

ATTEST:

L. Keith Brady, Mayor

Megan Shea, City Clerk

Dustin Koritko, Mayor Pro-Tem

REVIEWED:

George M. Alexander, Councilmember

C. Bradford Sears, Jr., City Attorney

Cynthia E. Jenkins, Councilmember

Cleatus Phillips, City Manager

Rhodes H. Shell, Councilmember

Raymond F. DuBose, Councilmember

Paul Guillaume, Councilmember

The seal of the City of Newnan, Georgia, is a circular emblem. It features a central shield with a landscape scene, including a building and trees. The shield is surrounded by a wreath. The outer ring of the seal contains the text "THE CITY OF NEWNAN, GEORGIA" at the top and "City of Homes" at the bottom. The years "18" and "28" are also visible on the left and right sides of the seal, respectively.

Comprehensive Plan

2021-2041

Capital Improvements Element
with Short-Term Work Program
2023 Update

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City of Newnan | Annual STWP-CIE

2023 Update

I. Introduction

The Georgia Development Impact Fee Act (GDIFA) requires all jurisdictions that levy impact fees to include a Capital Improvements Element (CIE) within the Community Agenda portion of their comprehensive plan. Furthermore, GDIFA requires those jurisdictions that prepare a CIE for their comprehensive plan to update it annually. An annual CIE update includes three components:

1. An annual update to the Short-Term Work Program (STWP) that covers a five-year period, which includes the current year plus the next four years.
2. An annual report on impact fee finances.
3. An updated list of all CIE projects that receive funding from impact fees, which covers the same five-year period as the STWP.

City of Newnan | Annual STWP-CIE

2023 Update

II. Short-Term Work Program (STWP) Updates and Long-Term and Ongoing Activities

Whether or not a jurisdiction is required to have a CIE in their comprehensive plan they must have a STWP, as required by the Georgia Planning Act. This is necessary to maintain Qualified Local Government (QLG) status. The STWP is a key implementation tool, which reflects those activities and strategies the local government has chosen to undertake in the current five-year period (2023-2027). The City of Newnan has chosen to also provide a long-term and ongoing activities table for reference.

PROJECTS AND ACTIVITIES STWP ADDENDUM						
Project or Activity	Project Start Date	Project Completion Date	Estimated Project Cost	Portion Chargeable to Impact Fees	Sources of Funds (& Share)	Responsible Party
Wadsworth Auditorium Parking Lot	2021	2023	\$2,000,000	\$0	Tourism Fund, General Fund	Leisure Services
Wadsworth Auditorium improvements redevelopment plan	2020	2024	\$1,902,025	\$0	General Fund, Hotel Motel Tourism, SPLOST	Leisure Services
Farmer Street Cemetery	2021	2025	TBD	\$0	General Fund	Farmer Street Cemetery Commission
Improvements to Fire Training Facility	2021	2023	\$5,000,000	\$0	SPLOST	Fire
East Washington Street from Farmer Street to Perry Street	2025	2027	\$1,851,255	\$0	LCI, City, Match Amount is \$370,251	City
Andrew Street Extension from Augusta Drive to East Washington Street	2024	2027	\$2,986,000	\$0	SPLOST	Engineering
Traffic Signal Improvements	2016	2025	\$600,000	\$0	SPLOST	Engineering
Acquire a heavy-duty vehicle for fire department	2025	2025	\$750,000	\$750,000	Impact Fees – 100%	Fire
Obtain National Register District designation for Chalk Level Neighborhood	2013	2025	\$2,000	\$0	NURA	NURA, Planning & Zoning

City of Newnan | Annual STWP-CIE

2023 Update

Project or Activity	Project Start Date	Project Completion Date	Estimated Project Cost	Portion Chargeable to Impact Fees	Sources of Funds (& Share)	Responsible Party
Continue Implementation of Neighborhood Stabilization Program (NSP III)	2011	2024	\$350,000	\$0	NSP Grant	Planning & Zoning, Housing Authority
Continue Implementation of Neighborhood Stabilization Program (NSP I)	2013	2024	\$700,000	\$0	NSP Revenue, NSP Grant	Planning & Zoning, Housing Authority, Habitat for Humanity
Murray Street Housing Revitalization Project	2023	2025	\$1,750,000	\$0	ARPA	Planning & Zoning, NURA
Sidewalks along Greison Trail	2014	2024	\$800,000	\$0	SPLOST	Engineering
Sidewalks along Sprayberry Road	2021	2025	\$2,000,000	\$0	SPLOST	Engineering
Replacement of culvert systems	2022	2026	\$6,850,000	\$0	ARPA	Public Works
Greenville Street at Sewell Road Intersection Improvements	2025	2030	\$1,750,000	\$350,000	Impact Fees - 20% FHWA – 80%	Engineering
Newnan Crossing Boulevard Widening and Operational Improvements	2025	2030	\$13,100,000	\$0	SPLOST/TBD	Engineering
Jefferson Street at Sprayberry Road Roundabout	2023	2028	\$4,000,000	\$0	SPLOST - 20% FHWA – 80%	Engineering
Bullsboro Drive Widening and Operational Improvements	2024	2028	\$22,020,000	\$0	SPLOST - 20% FHWA – 80%	Engineering
Greenville Street at Spence Avenue Intersection Improvements	2024	2030	\$2,200,000	\$0	SPLOST - 20% FHWA – 80%	Engineering
Clark Street Operational and Pedestrian Improvements	2021	2024	\$1,290,000	\$0	SPLOST	Engineering
Completion of Sidewalks/Streetscapes/Pedestrian-Level Lighting for Bullsboro Drive (from State Route 34 to Farmer Street)	2025	2028	\$1,600,000	\$0	SPLOST - 20% & FHWA – 80% (TAP)	Engineering
Network Servers, Storage, and Switches	2026	2026	\$250,000	\$0	TBD	Information Technology

City of Newnan | Annual STWP-CIE

2023 Update

Project or Activity	Project Start Date	Project Completion Date	Estimated Project Cost	Portion Chargeable to Impact Fees	Sources of Funds (& Share)	Responsible Party
Rehabilitate and/or Reconstruction of substandard and dilapidated housing units within the NURA redevelopment area	2021	2031	\$5,100,000	None	CDBG, CHIP, NSP, local homeowner funds, HUD EDI	Planning & Zoning, NURA
Develop LINC trail system (remaining phases)	2025	2030	\$20,000,000	\$6,000,000	Impact Fees – 30%, SPLOST – 60%, City – 10%	City Manager
Improvements to Lower Fayetteville Road (Preliminary Engineering Phases)	2023	2030	\$6,200,000	\$0	Local (City, County) – 20% FHWA - 80 %	Engineering
Sidewalks along Jackson Street	2021	2028	\$11,560,000	\$0	SPLOST - 20% & FHWA – 80% (TAP)	Engineering
Maintain/Resurface Streets	2023	2025	\$11,500,000	\$0	LMIG	Engineering

Source: City of Newnan

Note: Building, Planning & Zoning, Public Works, Beautification, Information Technology, Police, Fire, Engineering, Business Development refer to those respective departments of the City of Newnan. County refers to Coweta County. Acronyms used refer to: RC- Three Rivers Regional Commission, ARC- Atlanta Regional Commission, GRTA- Georgia Regional Transportation Authority, NURA- Newnan Urban Redevelopment Agency, NCAC – Newnan Cultural Arts Commission, HUD – U.S. Department of Housing and Urban Development, EDI – Economic Development Initiative, TAP – Transportation Alternatives Program, ARPA – American Rescue Plan Act, FHWA – Federal Highway Administration, ROW – Right-of-Way, NSP – Neighborhood Stabilization Program, CDBG – Community Development Block Grant, CHIP – Community HOME Investment Program, SPLOST – Special Purpose Local Option Sales Tax, LMIG – Local Maintenance Improvement Grant. Other groups referenced, like the Historical Society, represent those organizations servicing either Newnan or Coweta County as a whole.

City of Newnan | Annual STWP-CIE

2023 Update

IMPROVEMENTS STWP ADDENDUM LONG-TERM, INDEFINITE, AND CONTINUOUS ACTIVITIES*						
Project or Activity	Project Start Date	Project Completion Date	Estimated Project Cost	Portion Chargeable to Impact Fees	Sources of Funds (& Share)	Responsible Party
Improvements to Lower Fayetteville Road (ROW & Construction)	2030	2035	\$67,560,000	\$5,000,000	Impact Fees – 7%, Local (City/County) – 13%, FHWA – 80%	Engineering
Maintain/Resurface Streets	Annual	Continuous	\$2,000,000 annually	\$0	General Fund, SPLOST, LMIG	Engineering, Public Works
Acquire a heavy-duty vehicle for fire department	2030	2030	\$1,000,000	\$300,000	Impact Fees – 30%, SPLOST – 70%	Fire
Acquire a heavy-duty vehicle for fire department	2035	2035	\$1,000,000	\$300,000	Impact Fees – 30%, SPLOST – 70%	Fire
Acquire a heavy-duty vehicle for fire department	2040	2040	\$1,000,000	\$300,000	Impact Fees – 30%, SPLOST – 70%	Fire
City Fiber Ring	2030	2032	\$500,000	\$0	TBD	Information Technology

Source: City of Newnan

Note: Beautification, Fire, Engineering refer to those respective departments of the City of Newnan.

*Long-Term means any activity that is to begin in or more than five years (2028) from the current year (2023). All activities that have an indefinite or continuous end date, but a known start date prior to 2028, are included here to have the STWP represent only activities with known start end dates. Also, it is conceivable that many of the activities with unknown end dates are or may become permanently ongoing activities.

City of Newnan | Annual STWP-CIE

2023 Update

III. Impact Fee Financial Report Updates

The purpose of annually reporting on the financial state of impact fees is to provide an overview of impact fees collected and spent by category of public facility and service area. As seen below, there is a report for 2022, which is the last completed year.

ANNUAL FINANCIAL REPORT FOR 2022					
Public Facility Type	Parks and Recreation	Fire Services	Police Protection	Roads, Streets, and Bridges	Total
Service Area	City of Newnan	City of Newnan	City of Newnan	City of Newnan	City of Newnan
Beginning Impact Fee Fund Balance	\$473,029.37	\$770,521.39	\$1.92	\$507,171.33	\$1,750,724.01
Impact Fees Collected	\$123,412.62	\$44,324.78	\$0.00	\$70,999.07	\$238,736.47
Accrued Interest	\$802.06	\$2,015.95	\$0.00	\$1,339.56	\$4,157.57
Project Expenditures	(\$477,239.96)	(\$249,500)	\$0.00	\$0.00	(\$726,739.96)
*Impact Fee Refunds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Ending Impact Fee Fund Balance	\$120,004.09	\$567,362.12	\$1.92	\$579,509.96	\$1,266,878.09
Impact Fees Encumbered	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Source: City of Newnan Finance Department – Fund 375 Impact Fees. Note - After the completion of the new Public Safety Facility building, the City of Newnan suspended the imposition and charging of the Police Impact Fee (effective date of February 24, 2014). The accompanying Ordinance was included in the 2015 Update to the Capital Improvements Element. Since that time, the City has kept a column in the Annual Financial Report for Police Protection as there is still a remaining Impact Fee Fund Balance of \$1.92.

Administrative Fees

Three percent of each impact fee is added to the final amount as an administrative fee. This portion of the impact fee pays for banking fees to maintain the impact fee account and helps fund the salaries of the administrator who collects the impact fees and other staff members of the Planning and Zoning Department who update the CIE, prepare financial reports, and other related activities. For 2022, the only costs associated with implementation were banking fees and the salaries of those various employees. The amount collected in administrative fees was \$7,196.22.

City of Newnan | Annual STWP-CIE

2023 Update

IV. Capital Improvements Element (CIE) Project Updates

A capital improvement is an improvement that increases the service capacity of a public facility and has a useful life of ten or more years due to new construction or some other action. The CIE projects tables below show all planned capital improvements with expected completion dates within the current five-year period.

Capital Improvements Projects: Fire Services

Newnan	Capital Improvements Projects - 2023						
Public Facility	Fire Services						
Service Area	City Limits						
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Portion Chargeable to Impact Fees	Funding Sources	Responsible Party	Status
Acquire a heavy-duty vehicle for fire department	2025	2025	\$750,000	\$750,000	Impact Fees – 100%	Fire	Planning

Source: City of Newnan Planning and Zoning Department

Capital Improvements Projects: Roads, Streets, and Bridges

Newnan	Capital Improvements Projects - 2023						
Public Facility	Roads, Streets, and Bridges						
Service Area	City Limits						
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Portion Chargeable to Impact Fees	Funding Sources	Responsible Party	Status
Andrew Street Extension from Augusta Drive to East Washington Street	2024	2027	\$2,986,000	\$0	SPLOST	Engineering	Concept Layout
Clark Street Operational and Pedestrian Improvements	2021	2024	\$1,290,000	\$0	SPLOST	Engineering	Design
Sidewalks along Sprayberry Road	2021	2025	\$2,000,000	\$0	SPLOST	Engineering	Final Design
Sidewalks along Greison Trail	2014	2024	\$800,000	\$0	SPLOST	Engineering	Planning
Replacement of culvert systems	2022	2026	\$6,850,000	\$0	ARPA	Public Works	Design
East Washington Street from Farmer Street to Perry Street	2025	2027	\$1,851,255	\$0	LCI, City, Match Amount is \$370,251	City	Planning

Source: City of Newnan Planning and Zoning Department

City of Newnan | Annual STWP-CIE

2023 Update

V. Wastewater Collection and Treatment Updates

As with the Comprehensive Plan, wastewater collection and treatment are being reported separately from the other public facilities. This is due to the fact that Newnan Utilities, the City's appointed authority for administering public utilities, provides service for this specific category. The other public facilities included in this update are direct operations of the City. Newnan Utilities provides all the information for wastewater collection and treatment concerning the Comprehensive Plan and CIE updates. They also levy and collect the impact fees for wastewater collection and treatment.

Similar to previous public facilities, those items for wastewater collection and treatment that have completion dates beyond 2027 are not shown in the CIE and STWP.

ANNUAL FINANCIAL REPORT FOR 2022	
Public Facility Type	Wastewater Collection and Treatment
Service Area	City of Newnan
Beginning Impact Fee Fund Balance	\$5,705,222.64
Impact Fees Collected	\$1,055,166.36
Accrued Interest	\$0 .00
Project Expenditures	(\$1,145,761.00)
Administrative Costs	(\$31,654.99)
Impact Fee Refunds	\$0.00
Ending Impact Fee Fund Balance	\$5,582,973.01
Impact Fees Encumbered	\$0.00

Source: Newnan Utilities

City of Newnan | Annual STWP-CIE

2023 Update

PROJECTS AND ACTIVITIES STWP ADDENDUM						
Project or Activity	Project Start Date	Project Completion Date	Estimated Project Cost	Portion Chargeable to Impact Fees	Sources of Funds (& Share)	Responsible Party
Expansion of Mineral Springs WPCP, White Oak Creek WPCP, Wahoo Creek; WRF	2020	2027	\$14,050,000	\$14,050,000	Impact Fees - 100%	Newnan Utilities
Collection System Improvements	2020	2027	\$1,500,000	\$1,500,000	Impact Fees - 100%	Newnan Utilities

Source: Newnan Utilities

IMPROVEMENTS-STWP ADDENDUM LONG-TERM, INDEFINITE, AND CONTINUOUS ACTIVITIES*						
Project or Activity	Project Start Date	Project Completion Date	Estimated Project Cost	Portion Chargeable to Impact Fees	Sources of Funds (& Share)	Responsible Party
Phase I – Expansion of Mineral Springs WPCP & Wahoo Creek; White Oak Creek WPCP; Conversion to WRF	Indefinite	Indefinite	\$40,513,200	\$40,513,200	Impact Fees - 100%	Newnan Utilities
Phase II – Construction of Land Application System	Indefinite	Indefinite	\$14,130,300	\$14,130,300	Impact Fees - 100%	Newnan Utilities
Collection System Construction	Indefinite	Indefinite	\$21,532,400	\$21,532,400	Impact Fees - 100%	Newnan Utilities

Source: Newnan Utilities and Wiedeman and Singleton, Inc.

*Long-Term means any activity that is to end more than five years (2028) from the current year (2023). It is conceivable that many of the activities with unknown end dates are or may become permanently ongoing activities. In addition, the figures are not exact totals for the projects they represent. They are estimates as used in the "Calculation of Impact Fee in 2005" table.

City of Newnan | Annual STWP-CIE

2023 Update

Wastewater Collection and Treatment CIE

Newnan	Capital Improvements Projects - 2023				
Public Facility	Wastewater Collection and Treatment				
Service Area	City Limits				
Project Description	Project Start Date	Project End Date	Estimated Cost of Project*	Funding Sources	Status
Belt Press Upgrade at Wahoo Creek	2019	2023	\$1,800,000	Impact Fees - 100%	Construction
Mineral Springs Expansion to 1.5 MGD	2021	2023	\$250,000	Impact Fees - 100%	Construction
Collection System Improvements	2020	2027	\$1,500,000	Impact Fees - 100%	Construction
Wastewater Plant Upgrade	2022	2027	\$12,000,000	Impact Fees - 100%	Planning

Source: Newnan Utilities



City of Newnan, Georgia - Mayor and Council

Date: October 24, 2023

Agenda Item: Consideration of an Intergovernmental Agreement between the City of Newnan and the Newnan Urban Redevelopment Agency regarding the ARPA Murray Street Workforce Housing Project

Prepared By: Tracy S. Dunnavant, Planning Director

Purpose: To consider an Intergovernmental Agreement between the City of Newnan and the Newnan Urban Redevelopment Agency (NURA) relating to the ARPA Murray Street Workforce Housing Project

Background: In May of 2022, the City Council voted to allow NURA to construct and sell up to seven houses on existing city owned lots located on Murray Street using State and Local Fiscal Recovery Funds (SLFRF) under the America Rescue Act (ARPA). The goal of the project was to increase home ownership, revitalize the Murray Street area, and use the program income as seed money to build additional workforce housing in the future.

The intergovernmental agreement sets out the purposes and terms of the project as well as the obligations of the two parties.

Funding: ARPA funds previously approved in the amount of \$1,750,000

Recommendation: Staff recommends approving the Intergovernmental Agreement.

Previous Discussion with Council: May 24, 2022

**STATE OF GEORGIA
COUNTY OF COWETA**

**AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NEWNAN,
GEORGIA AND THE CITY OF NEWNAN URBAN REDEVELOPMENT AGENCY,
RELATING TO THE CONSTRUCTION AND SALE OF A HOUSE**

WHEREAS, the City of Newnan, Georgia (hereinafter ("City")) has determined that the vacant lots located at 50 Murray Street, 53 Murray Street, 54 Murray Street, 59 Murray Street, 62 Murray Street, and 65 Murray Street, (hereinafter "Property") which the City acquired as a part of the Murray Street Workforce Housing Project for the purposes set out in the ARPA SLFRF SUBAWARD AGREEMENT between the City of Newnan, Georgia, and the Newnan Urban Redevelopment Agency ("NURA") for the award of State And Local Fiscal Recovery Funds ("SLFRF") under the American Rescue Act ("ARPA") for long-term housing security, affordable housing dated July 6, 2022 ("Subaward Agreement") attached hereto as Exhibit 1 with additional exhibits (hereinafter "Project"); and

WHEREAS, the City has previously determined that this Project should be undertaken by the NURA; and

WHEREAS, in consideration of NURA agreeing to undertake the Project, the City will convey the Property to the NURA by Limited Warranty Deed; and

WHEREAS, the City will provide the funds set out in the Subaward Agreement for the NURA to accomplish the necessary work to complete the Project with the NURA paying all costs thereof; and

WHEREAS, the NURA will be permitted to sell the Property after completion of the Project and retain the net proceeds to apply to future projects of a similar nature; and

WHEREAS, NURA has agreed to undertake the Project on behalf of the City pursuant to the terms and conditions of the Agreement; and

WHEREAS, the City and NURA find it in the best interest of the health, safety and welfare to enter into an agreement to construct this Project; and

WHEREAS, in consideration of the mutual benefits and consideration accruing to each of the parties hereto and for the use of and benefit of the citizens of the City of Newnan, which benefits are hereby expressly acknowledged, the City and NURA, as authorized by Art. IX, Sec. III, Para. I, of the Constitution of the Sate of Georgia, enter into this intergovernmental agreement for the following purposes ("IGA"); and

NOW, THEREFORE, the Parties hereto mutually agree as follows:

Section 1. Representations of the Parties. Each party hereto makes the following representations and warranties, which are specifically relied upon by all of the other parties as a basis for entering this Agreement:

- (a) The City is a municipal corporation as defined by statutory law and judicial interpretation that has validly adopted this Agreement at a public meeting pursuant to the Open Meetings Act, O.C.G.A. §50-14-1, *et seq*; and
- (b) The NURA is a statutory agency as defined in O.C.G.A. §36-61-1 *et seq* and judicial interpretation created by the City Council of the City of Newnan by Ordinance No. 2010-6 dated April 3, 2010 that has validly adopted this Agreement at a public meeting pursuant to the Open Meetings Act, O.C.G.A. §50-14-1, *et seq*.

Section 2. Obligations of the Parties.

- (a) The City shall:
 - deed the Property to the Newnan Urban Redevelopment Agency (NURA) and provide the funds set out in the Agreement to undertake and complete the Project.
 - deed other City owned lots to NURA, at City's discretion
- (b) The NURA shall:
 - Engage an architect/engineer to prepare plans and specifications related to the construction of new single-family affordable homes;
 - Advertise and accept bid proposals for the project from Georgia Licensed Contractors;
 - With concurrence from the City, award and enter into a contract with the bidder who offers the best combination of price and performance capabilities in the best interest of the City and NURA for the Project;
 - Oversee and manage the Project;
 - Verify, process, and make payment for completed and invoiced items of work;
 - Sell the Property for an amount equal to the total expenditures NURA has made on said Property or the appraised value; whichever is less. The total family income for all individuals purchasing the home shall not exceed 120% of the area median income;
 - Ensure the long-term affordability of the home by requiring a twenty (20) year affordability period to be included as part of the closing documents;

- Will seek any variances for the front and side setbacks to make any house to be placed on the lots conforming;
- Will ask the City Council to waive all fees pertaining to the variance, final plat, and building permits;
- Upon completion of the work and sale of the Property, NURA will keep any proceeds from the sales and remaining proceeds to use as seed money to fund future construction of other single-family affordable homes on other City owned lots;
- The Project will be managed by the Planning Director and the Building Official of the City of Newnan or their designees.

Section 3. Term of Agreement. The term of this IGA shall commence upon execution and shall continue for the term of the Subaward Agreement for the Project until the Project is complete or two (2) years from the date of execution, whichever event occurs first.

Section 4. Termination. This Agreement may be terminated at any time, with or without cause, by either party upon thirty (30) days written notice. If notice to terminate is given, the NURA shall complete the Project, complete any additional houses that are being constructed on other City owned lots which may be conveyed by the City to NURA and pay over to the City all remaining funds not used in the construction of the houses.

Section 5. Modification. The City and NURA may modify this Agreement only in writing by having a modification signed by all parties and adopted pursuant to the Open meetings Act, O.C.G.A. §50-14-1 *et seq.*

Section 6. Entire Agreement. this intergovernmental contract is a full and complete statement of the Agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

Section 7. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which together shall constitute the same instrument.

Section 8. Governing Law. This Agreement and all transactions contemplated hereby, shall be governed by, construed and enforced according to the laws of the State of Georgia.

Section 9. Severability. Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement, or the application of such provision, to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be

affected thereof, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

Section. 10. Notices. All notices, demands, or requests required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed to have been properly given or served and shall be effective on being deposited in the United States mail, postage prepaid and registered, or certified with return receipt requested to the addresses appearing on the executed page hereof, or when delivered by hand to the addresses shown below or when transmitted to any email address appearing below; provided, however, in those cases where a email address is stated on the execution page for any particular party, notice to such party must be given by email message to such number to be an effective notice hereunder.

- (a) City of Newnan Urban Redevelopment Agency-Planning Director
Tracy Dunnavant, 25 LaGrange Street, Newnan, Georgia 30263
tdunnavant@newnanga.gov
- (b) City of Newnan, Special Project Manager, Andrew Moody, ARPA,
Special Project Manager
25 LaGrange Street,
Newnan, Georgia 30263
amoody@newnanga.gov

All notices shall be sent to the successors in office to any of the foregoing.

SO AGREED, this _____ day of _____, 20____.

CITY OF NEWNAN. GEORGIA
Acting by and through the Mayor
and Council

By: _____
Mayor

Attest: _____
Clerk (SEAL)

CITY OF NEWNAN URBAN
REDEVELOPMENT AGENCY

By: _____
Chairman

Attest: _____
Secretary (SEAL)



City of Newnan, Georgia – City Council

Date: October 24, 2023

Agenda Item: Annexation Request – Annex2022-06
163.61± acres located off Green Top Road (Tax Parcel #s 085 5086 001, 085 5107 002, 085 5086 003 and the southern portion of 085 5107 003)

Prepared and Presented by: Tracy Dunnivant, Planning Director

ANNEXATION ASSESSMENT

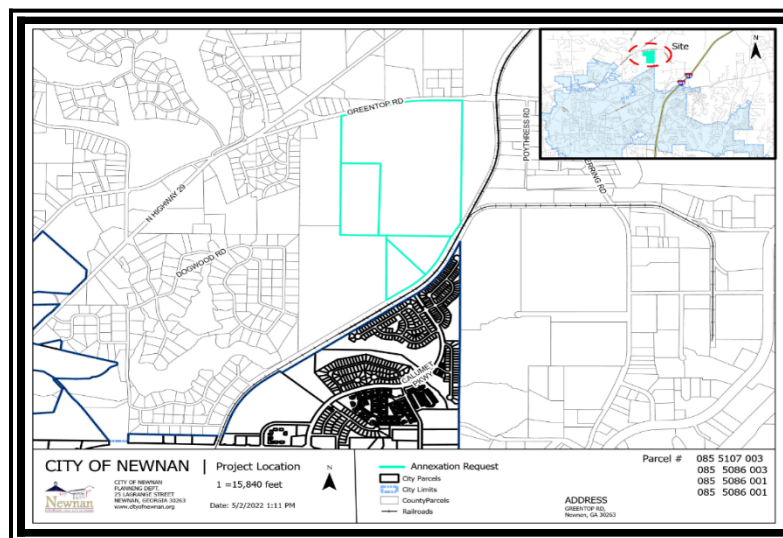
APPLICANT INFORMATION:

George Rosenzweig on behalf of Pulte Group Home Company, LLC and Green Top Road, LLC
75 Jackson Street Newnan, GA 30263

SITE INFORMATION:

The applicant is requesting the annexation of four tracts totaling 163.61± acres located on Green Top Road. The property is contiguous to the city limits via the Calumet development to the south. The applicant is seeking a PDR (Planned Residential Development) zoning designation for the development of 300 single-family lots.

The tracts are heavily wooded and undeveloped with the exception of a small block building built in the 1950's. The tax parcel ID numbers are 085 5086 001, 085 5107 002, 085 5086 003 and the southern portion of 085 5107 003. The tracts are currently under Coweta County's jurisdiction and are zoned RC (Rural Conservation).



OVERVIEW OF REQUEST:

The original annexation/rezoning application was submitted back in August of 2022. The City Council voted in September of 2022 to consider the application and forward it to Coweta County in accordance with the annexation procedures laws. The County voted to object to the annexation and an arbitration panel was appointed by the Department of Community Affairs to conduct a hearing on the matter. At the end of the process, the panel placed a number of conditions on the property that were recorded on March 28, 2023. Since the initial application did not reflect the new conditions, the applicant has revised their application to meet the panel's requirements and is now ready to move forward with the public hearing process.



The applicant is seeking to develop a 300-lot subdivision to accommodate a variety of single-family, detached, fee-simple owned homes. The development will contain 300 lots, open space, a density of 2.05 units per acre, a minimum lot size of 8,200 square feet, and an average lot size of 11,284 square feet. The minimum floor area is being proposed at 1,600 square feet with average square footages as follows: Ranch Pod (65 homes)– 1,860 square feet; Traditional Pod (129 homes) – 2,640 square feet; Estate Pod (106 homes) – 3,004 square feet. Amenities will include a pool, clubhouse, pickleball complex, playgrounds, a dog park and walking trails

throughout the development. In addition, there will be multiple floor plans per product with each plan having a variety of elevations and color combinations. Sales price will range from \$392,150 to \$527,190.

House Plans & related Average Sales Price Examples:

48 foot two story homes

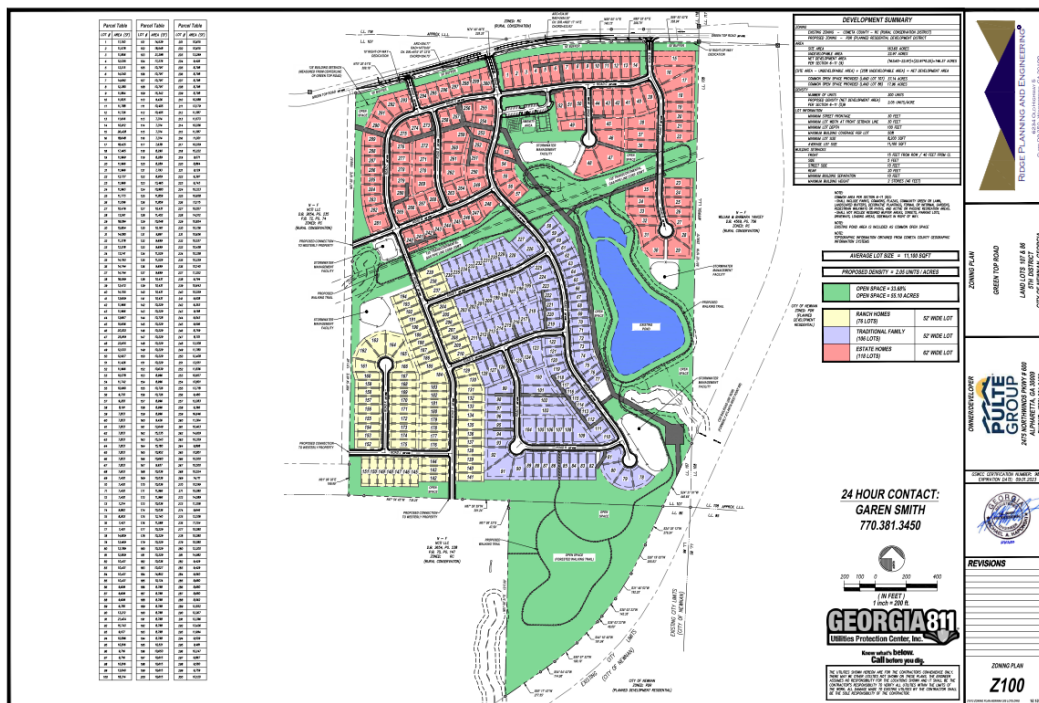
Furman:	\$507,490
Continental:	\$502,490
Wingate:	\$504,490
Woodward:	\$519,490
Riverton:	\$527,490

40 foot two story homes

Hartwell	\$404,150
Hampton	\$409,150
Mitchell	\$392,150
Pennington	\$431,150

Ranches one story homes

Abbeyville	\$479,008
Martin Ray	\$459,008
Summerville	\$464,308



Ranch pods are shown in yellow, traditional pods in purple, and estate pods are in pink.

The applicant has indicated that all homes have several options for finishes and add-ons like sunrooms, screened porches, etc. that will increase the sales pricing.





ARBITRATION CONDITIONS:

As a result of the arbitration process, the following conditions will be in effect for this property for a period of two years:

- 1) The maximum number of lots is restricted to three hundred (300) single-family, detached, fee-simple owned homes.
- 2) A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
- 3) The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.
- 4) Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.
- 5) Left turn and right turn lanes shall be constructed (Acceleration and Deceleration lanes to County Standards) at the proposed full-service access to Green Top Road.

- 6) Physical medians shall be constructed (to County standards) at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
- 7) The applicant shall contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project on Hal Jones Road/Green Top Road at US 29; Bonded amounts will be paid to Coweta County upon proof of Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
- 8) The applicant shall contribute a five-year bond in the amount of \$250,000 to assist with implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
- 9) The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.
- 10) Access on Green Top Road will require a permit from Coweta County.
- 11) All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
- 12) Left turn and right turn lanes shall be constructed at the proposed full service access to Green Top Road.
- 13) Physical medians shall be constructed at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
- 14) There shall be one main entrance with two secondary entrances on each side of the main entrance that are right-in/right-out only.
- 15) The amenities shall be specifically designed to meet the recreational and social needs of families shall include a 2,800 square feet minimum pool, playgrounds, dog park, mailbox kiosk, and walking trails. The clubhouse shall be 1,800 heated square feet minimum of heated floor space.
- 16) The existing ponds and wetlands will be retained in order to create a natural environment.
- 17) Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
- 18) The property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority.
- 19) All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City department for consideration.

- 20) All front, side and rear yards of all disturbed grass areas on lots shall be sodded.
- 21) All utilities that provide service to the proposed subdivision shall be placed underground.
- 22) The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
- 23) There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
- 24) All garage doors shall be architecturally treated similarly to the renderings submitted.
- 25) The lot information and setbacks shall be as follows:
 - Minimum street frontage 30-feet
 - Minimum lot width at front setback 40 feet
 - Minimum floor area 1,600 square feet
 - Maximum impervious area 60%
 - Minimum lot size 8,200 square feet
 - Front setback 30-feet
 - Side setback 5-feet
 - Major side (double frontage) 10-feet
 - Rear setback 20-feet
 - Building separation 10-feet
 - Maximum building height 2 stories/40-feet
- 26) There shall be a 25-foot natural, vegetated buffer around the perimeter of the site along the west, south and east property lines.

In addition, the applicant has proffered the following as conditions of annexation/rezoning:

- 1) The Arbitration Conditions set forth in Exhibit "A", Deed Book 5624, Pages 363-365, shall apply for the entire term of development, except for condition 18 (provision of water and sewerage services addressed in the immediately following paragraph).
- 2) After February 9, 2025 (the date on which the annexation conditions expire), the development shall be served by public water and sewerage facilities provided by Newnan Utilities.
- 3) The Owner and/or Developer of the Property shall be entitled to receive a land disturbance permit, building permits and city inspections for the installed infrastructure upon compliance with applicable ordinances and conditions, but shall not be entitled to receive any Certificates of Occupancy until the Property is served by public water and sewerage provided by Newnan Utilities.
- 4) The development shall be subject to the Development Agreement attached hereto and incorporated herein by reference as attached Exhibit "B" between and among Green Top Road, LLC, Pulte Home Company, LLC, the City of Newnan, Georgia, and Newnan Utilities.

A copy of the recorded arbitration conditions and the proposed development agreement are included in the packet as part of the revisions to the application submitted by the applicant.

The Council considered the annexation of this property back in 2015. At that time, the petitioner was requesting a 161-unit subdivision with zoning designations of RS-15 and RS-20. The target home price was estimated at \$350,000 with a minimum of 2,000 square feet of heated living space. That request was ultimately denied by the City Council.

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 annexation/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 subject tract is located off Green Top Road. It is primarily surrounded by vacant residential zoned property and residential uses. The parcels to the east and west are undeveloped and the tracts to the north are either vacant or contain residential homes. There is also a transmission and cell tower to the north that is owned by Georgia Power. To the south is the railroad and across the railroad is Stony Oak Subdivision which is a residential neighborhood that is part of the Calumet planned development.

In terms of zoning designations, all of the adjacent tracts in the County are zoned RC (Rural Conservation) with one nearby tract to the south zoned M (Industrial). Stony Oak Subdivision is within the city limits and is zoned PDR (Planned Residential Development). The County's RC zoning allows .625 units per acre. PDR, which is a City designation, calculates density for projects as a whole, allowing the units to be clustered on smaller lots in each phase as long as the total number of residential units does not exceed the approved overall project count. Stony Oak, which backs up to this development, is permitted to have a density of 4.18 units per acre. The proposed project would have an overall density of 2.05 units per acre.

If the development were to be built as currently zoned, County staff has indicated that the applicant could build a maximum of 101 units. However, unlike the County (except with their R-PDP designation which allows up to 4 units per acre), the City permits smaller lots since they will be served by sanitary sewer. Stony Oak has a density of 4.18 units per acre and has lots as small as 4,500 square feet. The subject development is proposing a density of 2.05 units per acre and a minimum lot size of 8,200 square feet and an average lot size of 11,100 square feet. Both adjacent tracts to the east and west are vacant, but the closest subdivision, aside from Stony Oak, to the subject tract appears to be Heritage Hills which has a density of roughly 1.4 units per acre (49 lots on 35 acres) and an average lot size of 27,000 square feet.

The use of the land for a residential subdivision would be in keeping with existing and proposed future uses of the adjacent and nearby properties. Although the RC zoning designation only allows .625 units per acre, Heritage Hills which lies to the west of the property, doesn't meet that requirement nor does the majority of residential lots across Green Top to the north. In addition, the proposed density is roughly half of what was approved for Stony Oak and the proposed minimum lot size is almost twice as large as that development as well.

Staff Assessment – PROPOSED USE IS SUITABLE ✓

Will the proposed use adversely affect the existing use or usability of adjacent or nearby property? The greatest impact from this development will be traffic. Per the traffic study

produced by NV5 Engineers and Consultants, Inc., the development at full build out (2028) will generate roughly 3,430 new trips per day with an anticipated 265 additional trips at AM peak hour and 353 additional trips at PM peak hour. It should be noted that this traffic study was based on the original request of 366 homes instead of the 300 specified in the revised applications. This means that those numbers will be decreased by roughly 18 percent. The study did indicate that the roundabout intersection at US 29 and Hal Jones Road would see an "increase delay of eight seconds along the southbound approach during PM peak hour, changing the Level of Service (LOS) from D to E". It also suggested installing a southbound right-turn bypass lane which the consultant believes would improve the LOS from E to C.

As part of the arbitration process, the applicant is required to contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project on Hal Jones Road/Green Top Road at US29 and to contribute a five-year bond in the amount of \$250,000 to assist with implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road. It should be noted that these streets are not under the City's jurisdiction, so the it will be up to the County to make these improvements.

Staff Assessment – ADVERSE AFFECT IN TERMS OF TRAFFIC, BUT APPLICANT WILL HAVE TO PROVIDE BONDS FOR INTERSECTIONAL IMPROVEMENTS ❌

Are their substantial reasons why the property cannot or should not be used as currently zoned? The property is currently zoned RC rural conservation in the County. That particular zoning district permits agriculture, forestry, and low density single-family residential land uses. However, with the .625 units per acre lot requirement, only 101 lots would be allowed. With Heritage Hills and many of the lots to the north on Green Top Road not meeting the RC acreage requirement, staff feels there is room to increase density on this site given the amount of acreage and the fact that these lots will be served by sewer.

In addition, as part of the application materials, a letter from David Hovey, Hovey & Associates, was provided that discusses the development cost for these lots at the current density level. Hovey states that the cost would be so great that it would increase the selling price to the point of creating a very limited market, which he felt may not be viable due to the surrounding area. He estimated the selling price would be in the \$750,000 range.

Staff Assessment – AS CURRENTLY ZONED, DENSITY WOULD BE LIMITED TO .625 UNITS PER ACRE WHICH IS LESS THAN MANY OF THE NEIGHBORING PROPERTIES THAT ARE NOT SEWERED ✅

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?

Traffic: As previously mentioned, outside of the proposed internal streets, all roads impacted by the development will either be under the State or County's jurisdiction. The applicant did have a traffic study conducted in November of 2021 by NV5 Engineers and Consultants, Inc. and a follow up traffic assessment in July of 2022 to specifically assess the impact to the Hal Jones Road roundabout. The study indicated that the southbound approach at the US29 and Hal Jones Road intersection will experience an eight second delay at PM peak hour based on the original request for 366 units; however, all other intersections in the study area are expected to operate satisfactorily and the proposed site driveways are expected to operate well along all

approaches in both peak hours. In addition, as part of the arbitration conditions, the applicant is required to provide bonds to assist with the implementation of the intersection improvements.

Police: Chief Blankenship has indicated that “due to the additional calls for service and the increased density to the area and the affected response time due to distance and traffic volume, it is believed that a minimum of two additional police officers will be needed to manage the impact of the development.

Fire: Chief Stephen Brown has indicated that NFD can service this development but did express concern about the increased traffic and increased call volumes. He also stated that the impact may require additional equipment and manpower in the future.

Newnan Utilities: Scott Tolar, Newnan Utilities, did review the project and indicated that Newnan Utilities does have ample capacity to serve the proposed subdivision with both water and sewer. He also provided a list of needs from the developer in terms of each service that has been provided as an attachment to the assessment.

Engineering:

Development:

1. Design shall follow City of Newnan standards for development, standard details for the Georgia Department of Transportation, and generally accepted Engineering standards, as appropriate.
2. The City of Newnan will be the Local Issuing Authority for the development, and Coweta County will be the Local Issuing Authority for land disturbing activity within the Right-of-Way for Green Top Road.
3. The City of Newnan will not issue a permit for land disturbing activities until such time as Coweta County has reviewed and approved the plans for the development to the extent Coweta County has jurisdiction, primarily relating to street connections to Green Top Road.
- 4.

Environmental:

1. The development plan shall follow the design standards and guidance per the Georgia Storm Water Management Manual, in compliance with the **Post-Development Stormwater Management Ordinance** for the City of Newnan. Note on-site, runoff reduction now required.
2. The development plan shall include a three-phased erosion control plan in compliance with the **Soil Erosion, Sedimentation and Pollution Control Ordinance** for the City of Newnan.
3. All streams, wetlands and other environmentally sensitive areas shall be field delineated and located within open space to the extent practically possible.

Prior to issuance of a permit for conducting land disturbing activities, documentation and/or sufficient evidence shall be provided to the City of Newnan, as the Local Issuing Authority, regarding any required mitigation measures or permits by other agencies.

4. Standard stream buffers apply. Reference is made to the **City of Newnan, Georgia Stream Buffer Protection Ordinance**.
5. Any existing wells or septic tanks that may be on the site will need to be identified and properly closed or removed.

Transportation:

1. ADA compliant sidewalks, 5 feet in width, shall be provided throughout the proposed development along both sides of all streets, with connection provided to all amenities.
2. From the Traffic Study provided, the entrances as proposed along Green Top Road are acceptable to the City, as is the County recommended raised median restricting left turn movements at the Right-in/Right-out driveways. However, it should be noted that Green Top Road will remain within Coweta County's jurisdiction.
3. For internal streets, the development shall incorporate engineered traffic calming measures, such as the use of landscaped medians or islands, traffic circles, chicanes to serve as speed deterrence. Vertical deflection for speed deterrence is not permitted under the International Fire Code.

Coweta County Schools: Ronnie Cheek, Director of Facilities for the Coweta County School System, indicated "the request may present challenges when planning for school enrollment and meeting student needs. Due to the higher density housing in the area of the proposal, school capacity is an ongoing concern. Many of the schools serving that area are at or near capacity. He specified that the current enrollment figures show building utilization of the schools serving the area as follows:

- Northside Elementary School – 74%
- Madras Middle School – 96%
- Newnan High School – 91%
- Northgate High School – 93%

In terms of number of projected students, the average household in Coweta County based on census data from 2020 had .49 school aged children. This would mean an estimated 147 additional students for the Coweta County School System at build out.

Fiscal Impact Analysis

In an effort to ascertain fiscal impact, staff conducted an analysis of the impact to revenues and expenditures, which have been included in this report.

Methodology:

- Total # of proposed households – 300

- Average # of people per household based on 2017 – 2021 average for Newnan – 2.60
- Total new people added for the subdivision: $300 \times 2.60 = 780$ new persons
- Total 2022 Population based on census projections for Newnan – 44,485
- Total 2023 Daytime Population (*Total resident population (+) Total workers working in area (-) Total workers living in area*) – 58,336

Annual General Fund Expenditures per Operating Category based on 2023 Budget:

- General Government: $\$8,601,567 / (44,485 + 58,336) = \83.65 per person; $\$83.65 \times 780 = \mathbf{\$65,247.00}$
- Public Safety: $\$16,221,105 / (44,485 + 58,336) = \157.76 per person; $\$157.76 \times 780 = \mathbf{\$123,052.80}$
- Public Works: $\$3,370,742 / (44,485 + 58,336) = \32.78 per person; $\$32.78 \times 780 = \mathbf{\$25,568.40}$
- Community Development: $\$3,740,214 / (44,485 + 58,336) = \36.37 ; $\$36.37 \times 780 = \mathbf{\$28,368.60}$
- Other Services (Main Street, Business Development, Carnegie Building): $\$997,622 / (44,485 + 58,336) = \9.70 per person; $\$9.70 \times 783 = \mathbf{\$7,566.00}$

Projected Annual Expenditures: **\$249,802.80**

Annual Revenues based on 2023 Budget:

- Property Taxes: Based on \$460,000 home with a 3.051 millage rate = \$561.38; $\$561.38 \times 300 = \mathbf{\$168,414}$
- Sales Tax Generated: $\$11,000,000$ budgeted / $(44,485 + 58,336) = \$106.98$ per person; $\$106.98 \times 780 = \mathbf{\$83,444.40}$
- Inspections and Permits: $\$505,750 / (44,485 + 58,336) = \4.91 per person; $\$4.91 \times 780 = \mathbf{\$3,837.60}$

Projected Annual Revenues for the Subdivision: **\$255,696.00**

Note – Staff used \$460,000 as a median amount based on the applicant's sale prices ranging from \$392,150 to \$527,190.

Up Front Revenues during Construction:

- Impact Fees: $300 \times \$1,110.81$ (residential fee not including Newnan Utilities) = **\$333,243**
- Permits and Inspections: (2,640 square foot house at \$460,000) $\$1,700 \times 300 = \mathbf{\$510,000}$

Projected up front revenues for the subdivision: **\$843,243**

Staff Assessment – PROJECT WILL HAVE AN IMPACT ON SERVICE PROVISION BASED ON ANTICIPATED TRAFFIC, SCHOOLS, AND POLICE/FIRE RESPONSE TIMES ✖

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

The properties are outside of the city limits and therefore were not considered in the City's Comprehensive Plan. However, the County's Comprehensive Plan shows these areas as

Priority Development Character Area on its current Future Land Use Map. In November of 2021, this same project was considered by the Coweta County Commission. In their rezoning assessment, the County staff wrote that the rezoning would be consistent with both the Comprehensive Plan and with their Comprehensive Plan's growth strategy.

Staff Assessment – THE PROPOSED DEVELOPMENT WOULD BE COMPATIBLE ✓

Is the proposed use consistent with the purpose and intent of the proposed zoning district? The overall purpose of the Planned Residential Development district is to allow residential development in a manner open to and advocating innovation in design and layout. This is done through a specific plan for the development which is adopted as a condition of the zoning. In this case, the applicant has provided a concept plan showing a mixture of residential uses, open space, and development requirements as well as proposed house elevations and specific amenities. As such, it would be consistent with the purpose and intent of the proposed zoning designation.

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

Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan? The subject tract was not included in the Comprehensive Plan, but the adjacent tracts within the city limits are shown as future “planned development”. If brought into the city limits, the properties would most likely be shown as future “planned development” as well based on the City’s proposed future land use definitions. In addition, the County updated their Comprehensive Plan including the Future Development Map and showed these properties as “Priority Development Character Area”. They indicate that this character area “intends to channel growth pressure to suitable areas in terms of compact land-use patterns and infrastructure investment”.

Staff Assessment – THERE ARE NO NEW OR CHANGING CONDITIONS AS BOTH THE CITY AND COUNTY UPDATED THEIR COMPREHENSIVE PLANS AND FUTURE LAND USE/DEVELOPMENT MAPS IN 2021 AND THE REQUEST IS CONSISTENT WITH THOSE DOCUMENTS ✓

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 stated above, the surrounding land uses are all either vacant property or single-family homes. Although the density will be greater than the majority of the subdivisions in the area, it is still less than the density previously approved for Stony Oak. Also, many of the neighboring residential tracts have smaller lots than the current RC zoning allows. In addition, the applicant is proffering a 25-foot buffer around the perimeter of the property, which will provide additional screening for future developments. They have also proffered a 50-foot planted buffer along the entire frontage on Green Top Road except at the entrances.

The greatest impact will be traffic; however, the applicant is required by the arbitration conditions to contribute bonds to help cover the cost for transportation improvements. Police and fire will also see impact in terms of response times and the possible need for additional personnel as the subdivision builds out.

The school system will see an increase in the number of students being added to the system, so the developer will need to work with the school system to ensure those students are accounted for in their future planning.

Although the project will impact traffic and some areas of service provision, it appears to be a quality single-family development. In addition, the developer is being required to help mitigate the traffic concerns and is willing to proffer conditions for elevations including limitations on materials and diversity of product. The developer will also be preserving the existing ponds on the site in an effort to maintain the natural environment.

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 **6 of the 8 standards**.

COWETA COUNTY RESPONSE TO THE ANNEXATION:

In accordance with the annexation laws, the City notified the County of the annexation once the City Council decided to accept the application and move forward with the public hearing process. The County reviewed the application and advised the City of their intent to file a Notice of Objection based on the following:

1. A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use.
2. A use which significantly increases the net cost of infrastructure or significantly diminishes the value of useful life of a capital outlay project, as such term is defined in Code Section 48-4-110, which is furnished by the county to the area to be annexed; and
3. Differ substantially from the existing uses suggested for the property or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

The Department of Community Affairs (DCA) was asked to appoint an arbitration panel to hear the objection. That resulted in the previously discussed arbitration conditions which are included in this report.

PLANNING COMMISSION RECOMMENDATION:

At their September 12, 2022 meeting, the Planning Commission held a public hearing on the annexation and rezoning request and voted unanimously (6-0) to recommend denial.

STAFF SUGGESTED CONDITIONS TO CONSIDER:

Should the City Council elect to approve the request, Staff would suggest the following conditions be considered:

- The project will be consistent with the concept plan, density, project data, amenities (including a pickle ball complex), and elevations provided as part of the application.
- The average square footages for each Pod will be as follows: Ranch Pod – 1,860 square feet; Traditional Pod – 2,640 square feet; Estate Pod – 3,004 square feet.
- The City of Newnan will not issue a permit for land disturbing activities until such time as Coweta County has reviewed and approved the plans for the development to the extent Coweta County has jurisdiction, primarily relating to street connections to Green Top Road.

In addition to the conditions suggested by Staff, the City Council can also consider the following conditions:

CONDITIONS FROM THE ARBITRATION PROCESS:

- 1) The maximum number of lots is restricted to three hundred (300) single-family, detached, fee-simple owned homes.
- 2) A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
- 3) The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.
- 4) Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.
- 5) Left turn and right turn lanes shall be constructed (Acceleration and Deceleration lanes to County Standards) at the proposed full-service access to Green Top Road.
- 6) Physical medians shall be constructed (to County standards) at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
- 7) The applicant shall contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project on Hal Jones Road/Green Top Road at US 29; Bonded amounts will be paid to Coweta County upon proof of Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
- 8) The applicant shall contribute a five-year bond in the amount of \$250,000 to assist with implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green

Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.

- 9) The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.
- 10) Access on Green Top Road will require a permit from Coweta County.
- 11) All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
- 12) Left turn and right turn lanes shall be constructed at the proposed full service access to Green Top Road.
- 13) Physical medians shall be constructed at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
- 14) There shall be one main entrance with two secondary entrances on each side of the main entrance that are right-in/right-out only.
- 15) The amenities shall be specifically designed to meet the recreational and social needs of families shall include a 2,800 square feet minimum pool, playgrounds, dog park, mailbox kiosk, and walking trails. The clubhouse shall be 1,800 heated square feet minimum of heated floor space.
- 16) The existing ponds and wetlands will be retained in order to create a natural environment.
- 17) Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
- 18) The property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority.
- 19) All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City department for consideration.
- 20) All front, side and rear yards of all disturbed grass areas on lots shall be sodded.
- 21) All utilities that provide service to the proposed subdivision shall be placed underground.
- 22) The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
- 23) There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
- 24) All garage doors shall be architecturally treated similarly to the renderings submitted.
- 25) The lot information and setbacks shall be as follows:
 - Minimum street frontage 30-feet
 - Minimum lot width at front setback 40 feet
 - Minimum floor area 1,600 square feet

- Maximum impervious area 60%
- Minimum lot size 8,200 square feet
- Front setback 30-feet
- Side setback 5-feet
- Major side (double frontage) 10-feet
- Rear setback 20-feet
- Building separation 10-feet
- Maximum building height 2 stories/40-feet

26) There shall be a 25-feet natural, vegetated buffer around the perimeter of the site along the west, south and east property lines.

CONDITIONS PROFFERED BY THE APPLICANT:

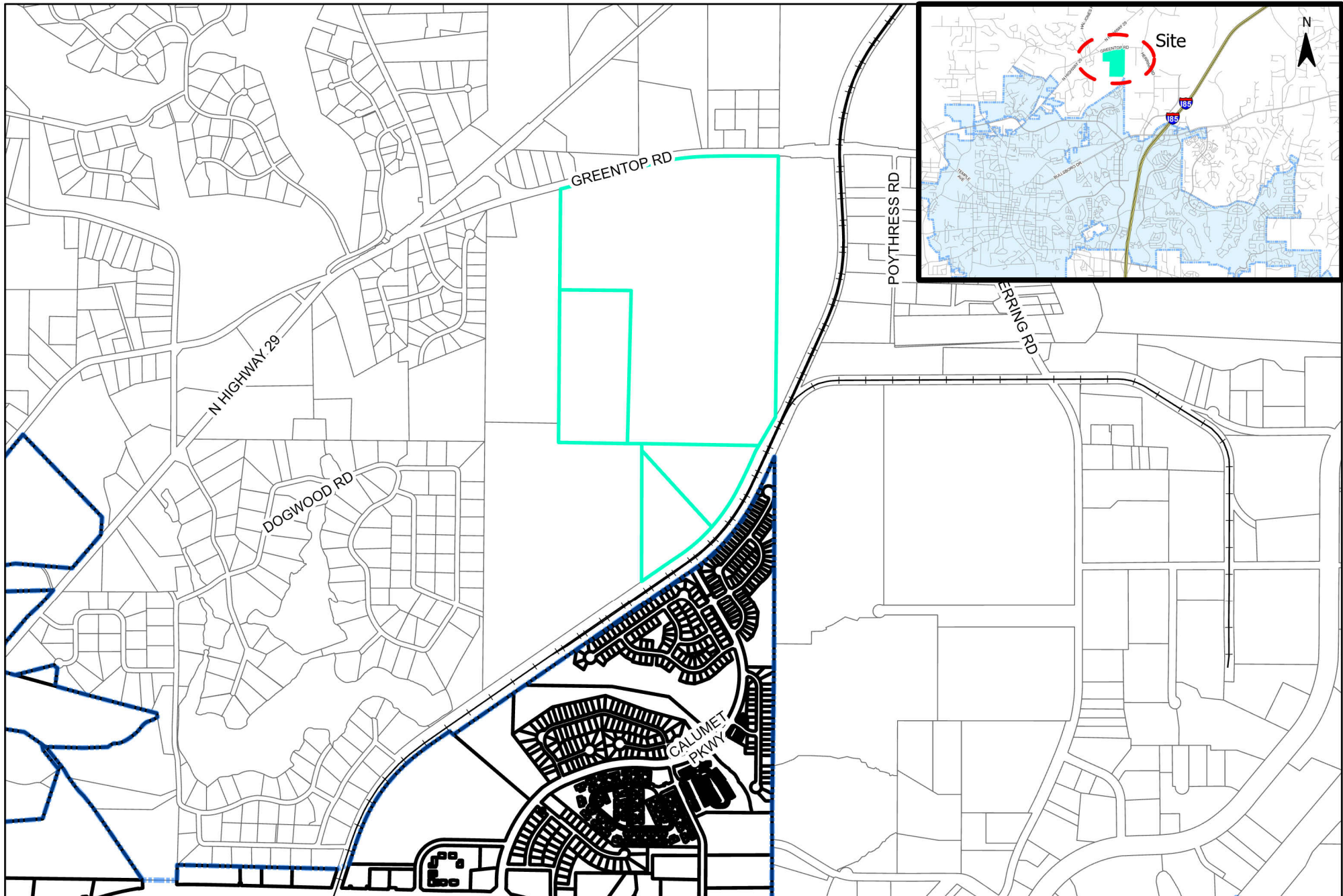
- 1) The Arbitration Conditions set forth in Exhibit "A", Deed Book 5624, Pages 363-365, shall apply for the entire term of development, except for condition 18 (provision of water and sewerage services addressed in the immediately following paragraph).
- 2) After February 9, 2025 (the date on which the annexation conditions expire), the development shall be served by public water and sewerage facilities provided by Newnan Utilities.
- 3) The Owner and/or Developer of the Property shall be entitled to receive a land disturbance permit, building permits and city inspections for the installed infrastructure upon compliance with applicable ordinances and conditions, but shall not be entitled to receive any Certificates of Occupancy until the Property is served by public water and sewerage provided by Newnan Utilities.
- 4) The development shall be subject to the Development Agreement attached hereto and incorporated herein by reference as attached Exhibit "B" between and among Green Top Road, LLC, Pulte Home Company, LLC, the City of Newnan, Georgia, and Newnan Utilities.

OPTIONS:

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

ATTACHMENTS:

Application for Annexation
 Location Map
 Traffic Study Documentation
 Service Provision Comments
 Density Map
 Emails from Citizens
 Letter from Avery Jackson, Tisinger Vance, P.C.
 City Response to CCWSA Attorneys



CITY OF NEWNAN



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

Project Location

1 = 15,840 feet

Date: 5/2/2022 1:11 PM



- Annexation Request
- City Parcels
- City Limits
- County Parcels
- Railroads

ADDRESS
GREENTOP RD,
Newnan, GA 30263

Parcel # 085 5107 003
 085 5086 003
 085 5086 001
 085 5086 001



ZONING	EXISTING ZONING = COMETA COUNTY - RC (RURAL CONSERVATION DISTRICT)	
	PROPOSED ZONING = POP (PLANNED RESIDENTIAL, DEVELOPMENT DISTRICT)	
AREA	SITE AREA	16.60 ACRES
	UNDEVELOPABLE AREA	22.97 ACRES
	NET DEVELOPMENT AREA	(16.60-22.97)/(22.97%)+22.97=16.637 AC
	(SITE AREA - UNDEVELOPABLE AREA) + (20% UNDEVELOPABLE AREA) = NET DEVELOPMENT AREA	
	COMMON OPEN SPACE PROVIDED (LAND LOT 70)	27.14 ACRES
	COMMON OPEN SPACE PROVIDED (LAND LOT 86)	17.86 ACRES
DENSITY	NUMBER OF UNITS	300 UNITS
	PER SECTION (6-11) (50)	2.05 UNITS/ACRE
LOT INFORMATION		
	MINIMUM STREET FRONTAGE	30 FEET
	MINIMUM LOT WIDTH AT FRONT SETBACK LINE	30 FEET
	MINIMUM LOT DEPTH	100 FEET
	MINIMUM BUILDING COVERAGE PER LOT	50%
	MINIMUM LOT SIZE	0.2500 SQFT
	AVERAGE LOT SIZE	0.1500 SQFT
BUILDING SETBACKS		
	FRONT	5 FEET FROM 10' TO 40' FEET FROM CL
	SIDE	5 FEET
	STREET SIDE	5 FEET
	REAR	30 FEET
	MINIMUM BUILDING SEPARATION	10 FEET
	MINIMUM BUILDING HEIGHT	2 STORIES (40 FEET)

LANDSCAPED BUFFERS, DECORATIVE PLANTINGS, FORMAL OR INFORMAL GARDENS, PEDESTRIAN WALKWAYS OR PATHS, AND ACTIVE OR PASSIVE RECREATION AREAS. SHALL NOT INCLUDE REQUIRED BUFFER AREAS, STREETS, PARKING LOTS, DRIVEWAYS, LOADING AREAS, SIDEWALKS IN RIGHT OF WAY.

NOTE:
EXISTING POND AREA IS INCLUDED AS COMMON OPEN SPACE

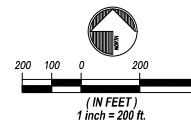
NOTE:
TOPOGRAPHIC INFORMATION OBTAINED FROM COMETA COUNTY GEOGRAPHIC INFORMATION SYSTEMS

PROPOSED DENSITY = 2.05 UNITS / ACRES

	OPEN SPACE = 33.68% OPEN SPACE = 55.10 ACRES
--	--

	RANCH HOMES (76 LOTS)	52' WIDE LOT
	TRADITIONAL FAMILY (106 LOTS)	52' WIDE LOT
	ESTATE HOMES (118 LOTS)	62' WIDE LOT

24 HOUR CONTACT:
GAREN SMITH
770.381.3450



GEORGIA811
Utilities Protection Center, Inc.

Know what's below.
Call before you dig.

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



RIDGE PLANNING AND ENGINEERING[®]
6224 Old Highway E
Suite D9-250 • Woodstock, GA 30188
OFFICE 770.935.9000

ZONING PLAN

GREEN TOP ROAD

LAND LOTS 107 & 86

5TH DISTRICT
CITY OF NEWNAN, GEORGIA

ALPHARETTA, GA 30009
PHONE: (770) 284 2450

THE NORTHSHORE RIDING CLUB

ALPHARETTA, GA 30009
PHONE: (770) 284 2450

OWNER/DEVELOPER

GSWCC CERTIFICATION NUMBER: 988
EXPIRATION DATE: 09.01.2023



REVISIONS

ZONING PLAN

Z100

2011202002 BY AN ATTORNEY FOR CTS CORP. 10.10.2022

**PULTE HOME COMPANY, LLC
GREEN TOP ROAD, LLC
REVISED REZONING AND
ANNEXATION APPLICATIONS**

**RC to Planned Development Project (PDP)
Overlay District
163.61 Acres on Green Top Road
Tax Reference # 085 5107 003, 085 5107 002,
085 5086 003, 085 5086 001**

Pulte Home Company, LLC
Green Top Road, LLC
Applicants' Representative:
George C. Rosenzweig
75 Jackson Street, Suite 405
Newnan, Georgia 30263
george@cowetalaw.com
(470) 347-3651
State Bar: 614925

SECTION 1

TRANSMITTAL LETTER TO TRACY DUNNAVANT REGARDING REVISED ANNEXATION AND REZONING APPLICATIONS



June 20, 2023

Tracy Dunnavant, Planning Director
The City of Newnan
25 LaGrange Street
Newnan, Georgia 30263

RE: Revised Annexation and Rezoning Applications – Green Top Road
Project Parcels: 085 5107 002, 085 5086 001, 085 5086 003, and 085 5107 003
(Portion south of Green Top Road)
Requested Rezoning: RC (Rural Conservative) to PDR (Planned Development Residential District)

Dear Ms. Dunnavant:

As you know, the above-referenced rezoning application is now subject to annexation conditions imposed by a DCA Arbitration Panel and Superior Court Order. Those conditions were recorded March 28, 2023, in Deed Book 5624, Pages 360-365 in the Office of the Clerk of Superior Court of Coweta County. I have attached a copy of the recorded conditions to this revised letter of intent as Exhibit A. Please note that the conditions expire February 9, 2025.

Because of the arbitration conditions, a few revisions are necessary to our previous filings. In order to avoid cluttering up your record with a lot of unnecessary documentation, I am setting forth the changes below and in the attachments. Please let me know if you would prefer submission in some other form.

Revised Annexation Application

On page 1 of the Letter of Intent for Annexation, the number of lots should be changed to 300 and the density should be changed to 2.04 units per acre.

Revised Rezoning Application

Requested revisions to the previous rezoning and annexation applications are as follows:

1. On page 2 of the application to amend zoning map in the second section, last line, the density of the proposed development has now been decreased from 2.23 to 2.04 units per acre.
2. As required by the Annexation Conditions, the number of lots has been reduced from 366 lots to 300 lots, with a density of 2.04 units per acre.

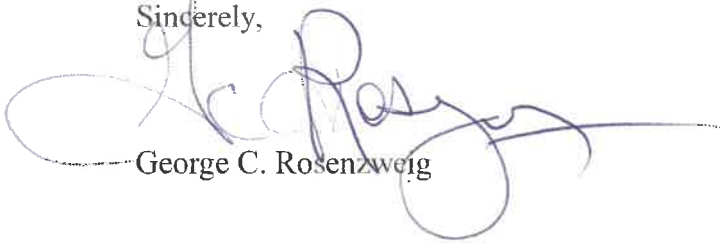
GEORGE C. ROSENZWEIG
75 Jackson Street, Suite 405, Newnan, Georgia 30263
Tel: 470-347-3651 Fax: 470-241-1251 Email: george@cowetalaw.com
www.rosenzweig.law

Tracy Dunnavant, Planning Director
June 20, 2023
Page Two

3. A new conceptual site plan (attached to this letter) is being provided with 300 lots and a substantial increase in open space from 50.01 acres to 70.13 acres.
4. A new tree management plan (attached) is being provided showing the 300 lots (as opposed to the previous 366 lots).
5. New proffered conditions are being submitted in lieu of the previous conditions.
Generally, the new conditions incorporate the annexation conditions, with the exception that, after the annexation conditions terminate on February 9, 2025, public water and sewerage will be provided by Newnan Utilities. Applicant will not be able to receive a Certificate of Occupancy until the property is served by public water and sewer provided by Newnan Utilities.
6. Requested responses to questions relating to public schools.

I do not believe that any other additions or corrections are needed to the pending rezoning and annexation applications. However, if you feel otherwise, or have any questions or comments, please let me know. In the meantime, thank you for your assistance and consideration.

Sincerely,



George C. Rosenzweig

GCR/amc

EXHIBIT A

ARBITRATION CONDITIONS RECORDED MARCH 8, 2023

EXHIBIT A

BK:5624 PG:360-365

D2023004025

FILED IN OFFICE
CLERK OF COURT
03/28/2023 09:41 AM
NIKI SEWELL, CLERK
SUPERIOR COURT
COWETA COUNTY, GA

After Recording return to:
Nathan T. Lee
Glover & Davis, P.A.
10 Brown Street
Newnan, Georgia 30263

Niki Sewell

9281298029
PARTICIPANT ID

(Note: Above space to be used for filing in Superior Court Clerk's Office of Deeds and Records)

IN THE SUPERIOR COURT OF COWETA COUNTY
STATE OF GEORGIA

IN RE:

GREEN TOP ROAD, LLC and PULTE
HOMES, LLC,

Appellants/Petitioners/Annexation
Applicants

vs.

CITY OF NEWNAN, GEORGIA

Municipal Corporation/Appellant

and

COWETA COUNTY, GEORGIA,

Appellee/Respondent

ARBITRATION PANEL

Respondents.

CIVIL ACTION FILE NO. 2023SUV0066

CERTIFICATE OF ZONING, LAND USE OR DENSITY RESTRICTIONS
(Pursuant to O.C.G.A. § 36-36-115)

DATE ORDER GRANTED: February 9, 2023

GRANTEE: Green Top Road, LLC

EXHIBIT A

BK:5624 PG:361

STATE OF GEORGIA

COUNTY OF COWETA

THIS INSTRUMENT, made this the 28th day of March, 2023, placing zoning, land use or density conditions on real property owned by Green Top Road, LLC as shown by the following deeds recorded in the Coweta County, Georgia real property records:

Tax Parcel I.D.: 85 5086 001: Deed Book 5376, Pages 750-751; Deed Book 5376, Pages 752-753; Deed Book 5376, Pages 754-755;

Tax Parcel I.D.: 85 5086 003: Deed Book 5143, Pages 731-732; Deed Book 5143, Pages 733-734;

Tax Parcel I.D.: 85 5107 002: Deed Book 5143, Pages 719-720; Deed Book 5143, Pages 721-722; Deed Book 5143, Pages 723-724; Deed Book 5143, Pages 725-726; Deed Book 5143, Pages 727-728; Deed Book 5376, Pages 745-747; Deed Book 5376, Pages 748-750;

Tax Parcel I.D.: 85 5107 003: Deed Book 5143, Pages 719-720; Deed Book 5143, Pages 721-722; Deed Book 5143, Pages 723-724; Deed Book 5143, Pages 725-726; Deed Book 5143, Pages 727-728;

and being described as:

All that tract or parcel of land, containing 8.92 acres situate, lying and being in Land Lot 86 of the Fifth Land District of Coweta County, Georgia and being Tract B, as shown by plat of property for William F. Lee and Ida Lee Ellis, dated May 29, 1981, made by John R. Christopher, R.L.S., as recorded in Plat Book 29, Page 35, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

And

All that tract or parcel of land, containing 8.92 acres situate, lying and being in Land Lot 86 of the Fifth Land District of Coweta County, Georgia and being Tract A, as shown by plat of property for William F. Lee and Ida Lee Ellis, dated May 29, 1981, made by John R. Christopher, R.L.S., as recorded in Plat Book 29, Page 35, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

And

A certain tract or parcel of land, containing 26.14 acres, situate, lying and being in Land Lot 107, 5th Land District, Coweta County, Georgia, more particularly described as follows:

BEGINNING at an iron pin on the South line of Land Lot 107, said pin being 750 feet, more or less, East of the intersection of said South line with the East line of Land Lot 106 and from said beginning point run thence South 89 degrees 0 minutes East 740 Feet to an iron pin; thence North 0 degrees 8 minutes West

EXHIBIT A

BK:5624 PG:362

1533 feet to a corner post; thence South 90 degrees 0 minutes West 750 feet; thence South 0 degrees 30 minutes East 1520 feet to the point of beginning.

Said property is bound on the North and East by property of T.K. Barron; on the West and South by property of N.T. Brewster.

Said property is more particularly identified according to a plat of survey made by T.Y. Maddox of record in Plat Book 9, Page 23, Office of the Clerk, Coweta County Superior Court.

And

A certain tract or parcel of land lying and being in the Fifth District, said State and County and being a part of lot of land No. 107 in said District and containing 23.18 acres more or less and more particularly described as follows: BEGIN at a point on the North line of said lot of land No. 107 which said point is 1485 feet from the original Northeast corner of said lot; thence run South 1447 feet to the lands hereinbefore conveyed to Mrs. May Herrin Powell; thence run West 737 feet to the lands of McMakin; thence run North along the line between the property herein conveyed and the McMakin lands 1087 feet more or less to where said line crosses or intersect a certain public road known as the Old Atlanta Public Road; thence run Northeast along said Old Atlanta Public Road 137 feet; thence run North 9 degrees West 250 feet; thence run North 41 degrees West 93 feet to the original North line of said lot on land No. 107 thence run East along the original North line of said lot of land No. 107, 685 feet to the beginning point.

This being the same property as that conveyed by Mrs. Willie Herring King to T.K. Barron by Warranty Deed of record in Deed Book 36, Page 299, Office of the Clerk of Coweta Superior Court.

ALSO:

All that certain piece, parcel or tract of land containing One Hundred One and 75/100 (101.75) acres, more or less, lying and being situate on the Atlanta Road about Four (4) miles North of the town of Newnan, in the 5th Land District, Coweta County, State of Georgia, and more particularly described as Tracts Number Four (4) and Five (5) of the W.A. Herring Place, according to a plat prepare by T. Y. Maddox, Surveyor, on June 20 and 21, 1935, a copy of which is now on file with the Federal Land Bank of Columbia. Said property being bounded, now or formerly, as follows, to wit: North by lands of Mrs. H. W. Sieb and Atlanta Road; East by lands of Mrs. H.W. Seib; South by lands of Mrs. J.F. Lee and Eleanor McMakin; West by lands of Mrs. May H. Powell and Mrs. King. This being the same property as that conveyed by Federal Land Bank to T.K. Barron by Warranty Deed of record in Deed Book 33, Page 513, Office of the Clerk, Coweta Superior Court.

WITNESSETH: That pursuant to Georgia Code section 36-36-115(b), the Arbitration Panel designated by the Department of Community Affairs placed the following restrictions or conditions on the use of the property above-described which remains in effect by operation of law for two (2) years as set out in Georgia Code section 36-36-117

EXHIBIT A

BK:5624 PG:363

from the date of the Order affirming said decision, February 9, 2023, and applying to all heirs, successors, and assigns of right, title or interest in the property with such restrictions or conditions automatically expiring on February 9, 2025:

1. The maximum number of lots is restricted to three hundred (300) single-family, detached, fee-simple owned homes.
2. A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
3. The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.
4. Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.
5. Left turn and right turn lanes shall be constructed (Acceleration and Deceleration lanes to County Standards) at the proposed full service access to Green Top Road.
6. Physical medians shall be constructed (to County Standards) at the proposed right-in-right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
7. The applicant shall contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project at Hal Jones Road/Green Top Road at US 29; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
8. The applicant shall contribute a five-year bond in the amount of \$250,000 to assist with the implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
9. The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection

EXHIBIT A

BK:5624 PG:364

Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.

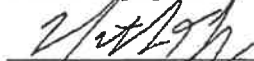
10. Access onto Green Top Road will require a permit from Coweta County.
11. All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
12. Left turn and right turn lanes shall be constructed at the proposed full-service access to Green Top Road.
13. Physical medians shall be constructed at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
14. There shall be one main entrance with two secondary entrances on each side of the main entrance that are right-in/right-out only.
15. The amenities shall be specifically designed to meet the recreational and social needs of families shall include a 2,800 square feet minimum pool, playgrounds, dog park, mailbox kiosk, and walking trails. The clubhouse shall be 1,800 heated square feet minimum of heated floor space.
16. The existing ponds and wetlands will be retained in order to create a natural environment.
17. Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
18. The property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority.
19. All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City Department for consideration.
20. All front, side, and rear yards of all disturbed grass areas on lots shall be sodded.
21. All utilities that provide service to the proposed subdivision shall be placed underground.

EXHIBIT A

BK:5624 PG:365

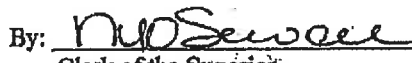
22. The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
23. There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
24. All garage doors shall be architecturally treated similarly to the renderings submitted.
25. The Lot information and setbacks shall be as follows:
- Minimum street Frontage 30-feet
 - Minimum lot width at front setback 40-feet
 - Minimum floor area 1,600 square feet
 - Maximum impervious area 60%
 - Minimum lot size 8,200 square feet
 - Front setback 30-feet
 - Side setback 5-feet
 - Major side (double frontage) 10-feet
 - Rear setback 20-feet
 - Building separation 10-feet
 - Maximum building height 2 stories/40-feet
26. There shall be a 25-foot natural, vegetated buffer around the perimeter of the site along the west, south, and east property lines.

Certificate prepared by:


SIGNATURE OF ATTORNEY

State Bar # 443770

I do hereby certify that the above information is based on the Order of the Superior Court of Coweta County by affirmation of the Arbitration Panel on February 9, 2023, as set forth above.

By: 
Clerk of the Superior

72 Greenville Street
Newnan, Georgia 30263
Superior Court Return Mailing Address

SECTION 2

REVISED ANNEXATION APPLICATION



CITY OF NEWNAN, GEORGIA Planning and Zoning Department

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

REVISED APPLICATION FOR ANNEXATION

The purpose of the Annexation Zoning Policy is to provide a mechanism whereby land, which is subject to annexation by the City of Newnan, shall be evaluated and a zoning district be decided upon to apply to said land upon the annexation becoming final.

Name of Applicant George C. Rosenzweig representing Pulte Group Home Company, LLC and Green Top Road, LLC

Mailing Address 75 Jackson Street, Suite 405, Newnan, Georgia 30263

Telephone 470-347-3651 Fax 470-241-1251

Property Owner (Use back if multiple names) Green Top Road, LLC

Mailing Address 75 Jackson Street, Suite 405, Newnan, Georgia 30263

Telephone 470-347-3651 Fax 470-241-1251

Address/Location of Property Green Top Road, Coweta County, Georgia- 163.61 acres in land lots 86 and 107 of the 5th Land District, Coweta County, Georgia and being tax reference numbers 085 5086 001, 085 5107 002, 085 5086 003, and the portion south of Green Top Road 085 5107 003.

County Zoning Classification RC Requested Zoning Classification PDR

Present Land Use Undeveloped land

Upon receipt of this application for annexation of property to the City, such application shall be placed on an agenda of the City Council meeting within 60 days of the filing of such application. The City Council shall evaluate the application, and if it is decided that the City will pursue annexation, the zoning request for the property is forwarded to the Planning Commission for a zoning recommendation.

Petitioners for annexation must present to the Planning & Zoning Department the following information:

☒ A petition for annexation into the City of Newnan, Georgia, which shall be in the form of a letter and include:

- ✓ Petitioner's Name
- ✓ Mailing Address
- ✓ Contact Telephone Number
- ✓ Address or Tax Map Number of the property(s) proposed for annexation
- ✓ County Zoning Classification(s)
- ✓ Requested Zoning Classification(s)
- ✓ Present Land Use of the property(s)
- ✓ Proposed Land Use of the property(s)

☐ A completed property owners authorization form (attachment A). If multiple properties are being requested a separate application shall be submitted.

☐ A legal description of the property(s) and a legal description for each zoning classification being requested.

— A completed property owners authorization form (attachment A). If multiple properties are being requested a separate application shall be submitted.

— A legal description of the property(s) and a legal description for each zoning classification being requested.

— A survey by a licensed and registered land surveyor (which shall show, at a minimum, the extents of the property, size in acres, adjacent property owners, and the existing city limits line). One paper plat 18" x 24" minimum size and a digital copy in pdf format.

X A preliminary concept plan illustrating the proposed use and/or development for this site which will also include a Preliminary Tree Management Plan illustrating existing location and general tree canopy along with areas proposed for tree conservation and/or replanting.

N/A A check in the amount of \$600.00/Plus fees per acre as determined by the requested zoning classification payable to the City of Newnan.

- Single-Family Zoning Classification.....\$15.00 Per Acre
- Multi-Family Zoning Classification.....\$25.00 Per Acre
- Office/Institutional Zoning Classification.....\$15.00 Per Acre
- Commercial Zoning Classification.....\$25.00 Per Acre
- Industrial Zoning Classification.....\$15.00 Per Acre

— A list of all property owners with addresses within 250 feet of the property(s) being annexed.

The City Council may reject the application or refer it to the Planning Commission to consider zoning and other relevant planning issues including whether the proposed annexation meets the intent of the Comprehensive Plan and whether the property should be annexed. If the annexation is to be passed to the Planning Commission, the City shall notify Coweta County of intent to annex within 5 business days of receipt of the request for annexation. This notification shall include all relevant data pertaining to the proposed land use of the area to be annexed. Upon receiving a recommendation from the Planning Commission, the City Council may choose to proceed with annexation of the property. The annexation shall be effective on the last day of the calendar quarter during which the annexation occurred.

The procedure for rezoning of the property is identical to that of a conventional rezoning except the hearing before the Council shall be conducted prior to the annexation of the subject property into the City.

The zoning classification approved by the City following the hearing shall become effective on the later of:

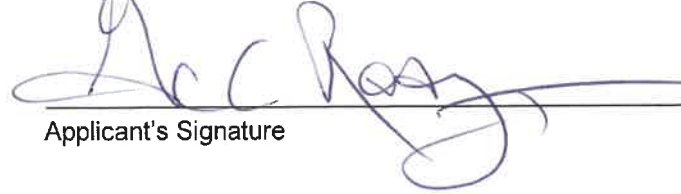
- The date the zoning is approved by the Council, and
- The date the annexation becomes effective pursuant to O.C.G.A. §30-30-4

All annexation into the City of Newnan shall meet all of the requirements for resolution of land use conflicts as required by State House Bill 489 (refer to Article 10, §10-4 of the Newnan Zoning Ordinance).

Application for Annexation Zoning

City of Newnan, Georgia

I do hereby certify that the information provided herein is both complete and accurate to the best of my knowledge, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

 6-20-2023
Applicant's Signature Date

FOR OFFICIAL USE ONLY	
*	DATE RECEIVED: <u>06/20/23</u>
	RECEIVED BY: <u></u>

*Revised application for original submittal accepted by Council on 09/13/22.

SECTION 3

REVISED REZONING APPLICATION



NEWNAN
GEORGIA

CITY OF NEWNAN, GEORGIA
Planning & Zoning Department

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

REVISED 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 George C. Rosenzweig representing Pulte Group Company, LLC and Green Top Road, LLC

Mailing Address 75 Jackson Street, Suite 405, Newnan Georgia 30263

Telephone 470-347-3651

Email: george@cowetalaw.com

Property Owner (Use back if multiple names) Green Top Road, LLC

Mailing Address 75 Jackson Street, Suite 405, Newnan, Georgia 30263

Telephone 470-307-3651

Address/Location of Property Green Top Road, Coweta County

Tax Parcel No.: 085 5086 001, 085 5107 002, 085 5086 003, & 085 5107 003 (Portion south of Green Top Road) Land Lot 86 and 107

District/Section 5

Size of Property (Square Feet or Acres) 163.61 acres

Present Zoning Classification: RC

Proposed Zoning Classification: PDR

Present Land Use: Undeveloped

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 _____

Please see attached

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 _____

Please see attached

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? _____

Please see attached

**GEORGE C. ROSENZWEIG REPRESENTING PULTE GROUP COMPANY, LLC AND
GREEN TOP ROAD, LLC REVISED REZONING APPLICATION**

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

The Property is currently zoned RC (Rural Conservation) in Coweta County. As more specifically set forth on the attached letter from David Hovey, the Property has no viable economic use, as zoned, for a residential development. In the past, the Property has been a cotton farm, a peach farm, a source for timber for sale, and, most recently, a family recreation facility. Farming is no longer a viable use nor is recreation- the Property has been vandalized by arson, burglary, and other acts of extreme vandalism, making it unsafe and undesirable for family recreation.

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:

The proposed zoning map change will be an extension of the existing PDR (Planned Development Residential District) adjoining the property to the south. Adjoining properties to the south, in the city of Newnan, are narrower and about half the size of the lots in the proposed development. Thus, the proposed development represents a step down in intensity from the adjoining property to the south. Also noteworthy, the recent Comprehensive Land Use Plan and Land Use Plan Map update by Coweta County have identified property as Growth Priority, authorizing a density up to four units per acre, whereas the proposed development will be limited to 2.04 units per acre.

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?

Although this section is not applicable, Applicant does note that the property to the west has long been earmarked for more intense residential development and to the west of that property is a subdivision largely populated by half-acre lots on septic tanks. To the south is located industrial development. To the north is undeveloped property and a Georgia Power substation. To the east is undeveloped property and a railroad which also borders the property to the south. Thus, the proposed use is compatible with or less intense than adjoining uses.

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

20 day of June, 2023

Signature of Applicant

Amy M Coria
Notary Public

(Affix Raised Seal Here)

FOR OFFICIAL USE ONLY

DATE OF PRE-APPLICATION CONFERENCE: Held for previous submittal

RECEIVED BY: Tracy S. Dunnivant

DATE OF FILING: 08/29/22 - Revised filed 06/20/23 after arbitration

FILING FEE RECEIVED: N/A part of original submittal

DATE OF NOTICE TO NEWSPAPER: _____

DATE OF PUBLIC HEARING: _____

PLANNING COMMISSION RECOMMENDATION (DATE): _____

DATE OF TRANSMITTAL TO CITY COUNCIL: _____

CITY COUNCIL DECISION (DATE): _____

SECTION 4

REVISED CONCEPTUAL SITE PLANS



DEVELOPMENT SUMMARY

ZONING

PROPOSED ZONING: PDR (PLANNED RESIDENTIAL DEVELOPMENT DISTRICT)

AREA

SITE AREA: 163.61 ACRES
OPEN SPACE PROVIDED: 69.01 ACRES
PERCENTAGE OPEN SPACE: 42.18%

DENSITY

NUMBER OF UNITS: 300 UNITS
PROPOSED DENSITY: 2.04 UNITS/ACRE

LOT INFORMATION

MINIMUM FLOOR AREA: 1,600 SQ FT
MINIMUM LOT SIZE: 8,200 SQ FT
AVERAGE LOT SIZE: 11,284.3 SQ FT

BUILDING SETBACKS

FRONT SETBACK: 15' FROM ROW /
40' FROM CL

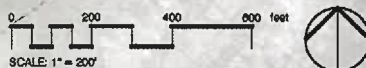
SIDE SETBACK: 5 FEET

STREET SIDE SETBACK: 10 FEET

REAR SETBACK: 20 FEET

BUILDING SEPARATION: 10 FEET

MAX BUILDING HEIGHT: 35 FEET



SECTION 5

REVISED TREE MANAGEMENT PLAN

Owner:



PAULTE GROUP, INC.
3000 N. W. 107th Avenue
Miami, FL 33187

Drawn by:

MOONEY
design studio
1100 E. Highway 100
Atlanta, GA 30316
(404) 525-1000

**GREEN TOP
ROAD**

LAND LOT 107 & 86,
5TH DISTRICT,
COWETA COUNTY, GA



REVISIONS

**EXISTING TREES
EXHIBIT**

SCALE:

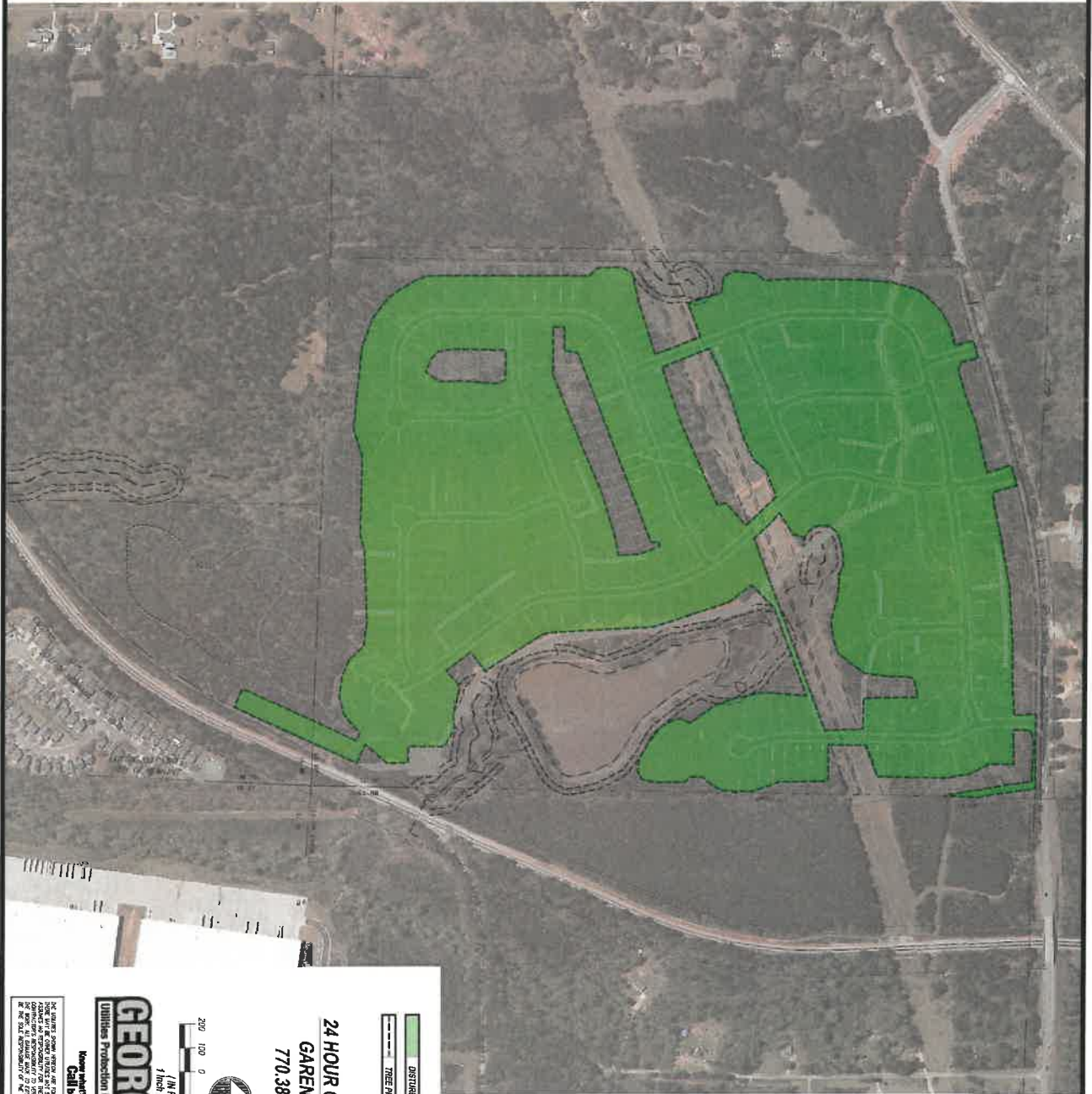
SHEET:

TPR

DATE: 06.06.23

ZONING: -
MUNICIPALITY: COWETA COUNTY

Specimen Tree Table							
Tree#	ID#	Species	Mid Specimen	Condition	Reported Notes	Shed Dates	Boundary Notes
1	20	White Oak	X	Excellent	28	34	
2	21	White Oak	X	Excellent			
3	22	White Oak	X	Excellent			
4	23	White Oak	X	Excellent			
5	24	White Oak	X	Excellent			
6	25	White Oak	X	Excellent	32	34	
7	26	White Oak	X	Excellent			
8	27	White Oak	X	Excellent			
9	28	White Oak	X	Excellent			
10	29	White Oak	X	Excellent			
11	30	White Oak	X	Excellent	34	34	
12	31	White Oak	X	Excellent			
13	32	White Oak	X	Excellent			
14	33	White Oak	X	Excellent			
15	34	White Oak	X	Excellent			
16	35	White Oak	X	Excellent	34	34	
17	36	White Oak	X	Excellent			
18	37	White Oak	X	Excellent			
19	38	White Oak	X	Excellent			
20	39	White Oak	X	Excellent			
21	40	White Oak	X	Excellent	34	34	
22	41	White Oak	X	Excellent			
23	42	White Oak	X	Excellent			
24	43	White Oak	X	Excellent			
25	44	White Oak	X	Excellent			
26	45	White Oak	X	Excellent	34	34	
27	46	White Oak	X	Excellent			
28	47	White Oak	X	Excellent			
29	48	White Oak	X	Excellent			
30	49	White Oak	X	Excellent			
31	50	White Oak	X	Excellent	34	34	
32	51	White Oak	X	Excellent			
33	52	White Oak	X	Excellent			
34	53	White Oak	X	Excellent			
35	54	White Oak	X	Excellent			
36	55	White Oak	X	Excellent	34	34	
37	56	White Oak	X	Excellent			
38	57	White Oak	X	Excellent			
39	58	White Oak	X	Excellent			
40	59	White Oak	X	Excellent			
41	60	White Oak	X	Excellent	34	34	
42	61	White Oak	X	Excellent			
43	62	White Oak	X	Excellent			
44	63	White Oak	X	Excellent			
45	64	White Oak	X	Excellent			
46	65	White Oak	X	Excellent	34	34	
47	66	White Oak	X	Excellent			
48	67	White Oak	X	Excellent			
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60	79	White Oak	X	Excellent			
61	80	White Oak	X	Excellent	34	34	
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64	83	White Oak	X	Excellent			
65	84	White Oak	X	Excellent			
66	85	White Oak	X	Excellent	34	34	
67	86	White Oak	X	Excellent			
68	87	White Oak	X	Excellent			
69	88	White Oak	X	Excellent			
70	89	White Oak	X	Excellent			
71	90	White Oak	X	Excellent	34	34	
72	91	White Oak	X	Excellent			
73	92	White Oak	X	Excellent			
74	93	White Oak	X	Excellent			
75	94	White Oak	X	Excellent			
76	95	White Oak	X	Excellent	34	34	
77	96	White Oak	X	Excellent			
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80	99	White Oak	X	Excellent			
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83	102	White Oak	X	Excellent			
84	103	White Oak	X	Excellent			
85	104	White Oak	X	Excellent			
86	105	White Oak	X	Excellent	34	34	
87	106	White Oak	X	Excellent			
88	107	White Oak	X	Excellent			
89	108	White Oak	X	Excellent			
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91	110	White Oak	X	Excellent	34	34	
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93	112	White Oak	X	Excellent			
94	113	White Oak	X	Excellent			
95	114	White Oak	X	Excellent			
96	115	White Oak	X	Excellent	34	34	
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98	117	White Oak	X	Excellent			
99	118	White Oak	X	Excellent			
100	119	White Oak	X	Excellent			
101	120	White Oak	X	Excellent	34	34	
102	121	White Oak	X	Excellent			
103	122	White Oak	X	Excellent			
104	123	White Oak	X	Excellent			
105	124	White Oak	X	Excellent			
106	125	White Oak	X	Excellent	34	34	
107	126	White Oak	X	Excellent			
108	127	White Oak	X	Excellent			
109	128	White Oak	X	Excellent			
110	129	White Oak	X	Excellent			
111	130	White Oak	X	Excellent	34	34	
112	131	White Oak	X	Excellent			
113	132	White Oak	X	Excellent			
114	133	White Oak	X	Excellent			
115	134	White Oak	X	Excellent			
116	135	White Oak	X	Excellent	34	34	
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118	137	White Oak	X	Excellent			
119	138	White Oak	X	Excellent			
120	139	White Oak	X	Excellent			
121	140	White Oak	X	Excellent	34	34	
122	141	White Oak	X	Excellent			
123	142	White Oak	X	Excellent			
124	143	White Oak	X	Excellent			
125	144	White Oak	X	Excellent			
126	145	White Oak	X	Excellent	34	34	
127	146	White Oak	X	Excellent			
128	147	White Oak	X	Excellent			
129	148	White Oak	X	Excellent			
130	149	White Oak	X	Excellent			
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132	151	White Oak	X	Excellent			
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134	153	White Oak	X	Excellent			
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137	156	White Oak	X	Excellent			
138	157	White Oak	X	Excellent			
139	158	White Oak	X	Excellent			
140	159	White Oak	X	Excellent			
141	160	White Oak	X	Excellent	34	34	
142	161	White Oak	X	Excellent			
143	162	White Oak	X	Excellent			
144	163	White Oak	X	Excellent			
145	164	White Oak	X	Excellent			
146	165	White Oak	X	Excellent	34	34	
147	166	White Oak	X	Excellent			
148	167	White Oak	X	Excellent			
149	168	White Oak	X	Excellent			
150	169	White Oak	X	Excellent			
151	170	White Oak	X	Excellent	34	34	
152	171	White Oak	X	Excellent			
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161	180	White Oak	X	Excellent	34	34	
162	181	White Oak	X	Excellent			
163	182	White Oak	X	Excellent			
164	183	White Oak	X	Excellent			
165	184	White Oak	X	Excellent			
166	185	White Oak	X	Excellent	34	34	
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169	188	White Oak	X	Excellent			
170	189	White Oak	X	Excellent			
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175	194	White Oak	X	Excellent			
176	195	White Oak	X	Excellent	34	34	
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179	198	White Oak	X	Excellent			
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181	200	White Oak	X	Excellent	34	34	
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189	208	White Oak	X	Excellent			
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192	211	White Oak	X	Excellent			
193	212	White Oak	X	Excellent			
194	213	White Oak	X	Excellent			
195	214	White Oak	X	Excellent			
196	215	White Oak	X	Excellent	34	34	
197	216	White Oak	X	Excellent			
198	217	White Oak	X	Excellent			
199	218	White Oak	X	Excellent			
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201	220	White Oak	X	Excellent	34	34	
202	221	White Oak	X	Excellent			
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205	224	White Oak	X	Excellent			
206	225	White Oak	X	Excellent	34	34	
207	226	White Oak	X	Excellent			
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209	228	White Oak	X	Excellent			
210	229	White Oak	X	Excellent			
211	230	White Oak	X	Excellent	34	34	
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215	234	White Oak	X	Excellent			
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217	236	White Oak	X	Excellent			
218	237	White Oak	X	Excellent			
219	238	White Oak	X	Excellent			
220	239	White Oak	X	Excellent			
221	240	White Oak	X	Excellent	34	34	
222	241	White Oak	X	Excellent			
223	242	White Oak	X	Excellent			
224	243	White Oak	X	Excellent			
225	244	White Oak	X	Excellent			
226	245	White Oak	X	Excellent	34	34	
227	246	White Oak	X	Excellent			
228	247	White Oak	X	Excellent			
229	248	White Oak	X	Excellent			
230	249	White Oak	X	Excellent			
231	250	White Oak	X	Excellent	34	34	
232	251	White Oak	X	Excellent			
233	252	White Oak	X	Excellent			
234	253	White Oak	X	Excellent			
235	254	White Oak	X	Excellent			
236	255	White Oak	X	Excellent	34	34	
237	256	White Oak	X	Excellent			
238	257	White Oak	X	Excellent			
239	258	White Oak	X	Excellent			
240	259	White Oak	X	Excellent			
241	260	White Oak	X	Excellent	34	34	
242	261	White Oak	X	Excellent			
243	262	White Oak	X	Excellent			
244	263	White Oak	X	Excellent			
245	264	White Oak	X	Excellent			
246	265	White Oak	X	Excellent	34	34	
247	266	White Oak	X	Excellent			
248	267	White Oak	X	Excellent			
249	268	White Oak	X	Excellent			
250	269	White Oak	X	Excellent			
251	270	White Oak	X	Excellent	34	34	
252	271	White Oak	X	Excellent			
253	272	White Oak	X	Excellent			
254	273	White Oak	X	Excellent			
255	274	White Oak	X	Excellent			
256	275	White Oak	X	Excellent	34	34	
257	276	White Oak	X	Excellent			
258	277	White Oak	X	Excellent			
259	278	White Oak	X	Excellent			
260	279	White Oak	X	Excellent			
261	280	White Oak	X	Excellent	34	34	
262	281	White Oak	X	Excellent			
263	282	White Oak	X	Excellent			
264	283	White Oak	X	Excellent			
265	284	White Oak	X	Excellent			
266	285	White Oak	X	Excellent	34	34	
267	286	White Oak	X	Excellent			
268	287	White Oak	X	Excellent			
269	288	White Oak	X	Excellent			
270	289	White Oak	X	Excellent			
271	290	White Oak	X	Excellent	34	34	
272	291	White Oak	X	Excellent			
273	292	White Oak	X	Excellent			
274	293	White Oak	X	Excellent			
275	294	White Oak	X	Excellent			
276	295	White Oak	X	Excellent	34	34	
277	296	White Oak	X	Excellent			
278	297	White Oak	X	Excellent			
279	298	White Oak	X	Excellent			
280	299	White Oak	X	Excellent			
281	300	White Oak	X	Excellent	34	34	
282	301	White Oak	X	Excellent			
283	302	White Oak	X	Excellent			
284	303	White Oak	X	Excellent			
285	304	White Oak	X	Excellent			
286	305	White Oak	X	Excellent	34	34	
287	306	White Oak	X	Excellent			
288	307						



DISTURBED AREA
 TREE PROTECTION FENCE

24 HOUR CONTACT:
GAREN SMITH
770.381.3450

200 100 0 200 400
 (IN FEET)
 1 inch = 200 ft.

GEORGIA811
 Utilities Protection Center, Inc.
 Know what's below.
 Call before you dig.
 800.488.8848
 www.georgia811.com

BE ADVISED: ANYONE WHO DIGS IN THE DISTURBED AREA OF THIS PROJECT WITHOUT A PROPERLY OBTAINED AND VALID 811 CALL OR A PROPERLY OBTAINED AND VALID 811 CALL IS VIOLATING THE DISTURBED AREA PROTECTION ACT. ANYONE WHO VIOLATES THIS ACT MAY BE SUBJECT TO A FINE OF UP TO \$500 PER VIOLATION.

TREE PROTECTION PLAN EX-01	REVISIONS	OWNER/DEVELOPER PULTE GROUP 2475 NORTHWINDS PKWY # 600 ALPHARETTA, GA 30009 PHONE: (770) 381-3450	ZONING PLAN GREEN TOP ROAD LAND LOTS 107 & 86 5TH DISTRICT CITY OF NEWNAN, GEORGIA	 RIDGE PLANNING AND ENGINEERING® 6234 OLD HIGHWAY 5 SUITE D9-250 WOODSTOCK, GA 30188 OFFICE 770.938.9000
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SECTION 6

REVISED PROFFERED CONDITIONS



City of Newnan, Georgia
Attachment A



Proffered Conditions

As part of an application for an annexation/rezoning, a property owner **MAY** proffer, in writing, proposed conditions to apply and be part of the rezoning being requested by the applicant. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials. *(Please refer to Article 10 of the Zoning Ordinance for complete details.)*

Please list any written proffered conditions below:

See attached proffered conditions.

Any development plans, profiles, elevations, or other demonstrative materials presented as proffered conditions shall be referenced below and attached to this application:

See attached revised site plan dated May 31, 2023.

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


Signature of Applicant

George C. Rosenzweig, Attorney

Type or Print Name and Title

Signature of Applicant's Representative

Type or Print Name and Title


Signature of Notary Public

Date

6/20/23



REVISED PROFFERED CONDITIONS – JUNE 9, 2023

Applicants hereby substitute the following revised Proffered Conditions for the Proffered Conditions contained in their applications for annexation and rezoning dated August 26, 2022.

1. The Arbitration Conditions set forth in Exhibit “A”, Deed Book 5624, Pages 363-365, shall apply for the entire term of development, except for condition 18 (provision of water and sewerage services addressed in the immediately following paragraph).
2. After February 9, 2025 (the date on which the annexation conditions expire), the development shall be served by public water and sewerage facilities provided by Newnan Utilities.
3. The Owner and/or Developer of the Property shall be entitled to receive a land disturbance permit, building permits, and city inspections for the installed infrastructure upon compliance with applicable ordinances and conditions, but shall not be entitled to receive any Certificates of Occupancy until the Property is served by public water and sewerage provided by Newnan Utilities.
4. The development shall be subject to the Development Agreement attached hereto and incorporated herein by reference as attached Exhibit "B" between and among Green Top Road, LLC, Pulte Home Company, LLC, the City of Newnan, Georgia, and Newnan Utilities.

EXHIBIT A

**ARBITRATION CONDITIONS
RECORDED MARCH 28, 2023**

EXHIBIT A

BK:5624 PG:360-365

D2023004025

FILED IN OFFICE
CLERK OF COURT
03/28/2023 09:41 AM
NIKI SEWELL, CLERK
SUPERIOR COURT
COWETA COUNTY, GA

After Recording return to:
Nathan T. Lee
Glover & Davis, P.A.
10 Brown Street
Newnan, Georgia 30263

Niki Sewell

9281298029
PARTICIPANT ID

(Note: Above space to be used for filing in Superior Court Clerk's Office of Deeds and Records)

IN THE SUPERIOR COURT OF COWETA COUNTY
STATE OF GEORGIA

IN RE:

GREEN TOP ROAD, LLC and PULTE
HOMES, LLC,

Appellants/Petitioners/Annexation
Applicants

vs.

CITY OF NEWNAN, GEORGIA

Municipal Corporation/Appellant

and

COWETA COUNTY, GEORGIA,

Appellee/Respondent

ARBITRATION PANEL

Respondents.

CIVIL ACTION FILE NO. 2023SUV0066

CERTIFICATE OF ZONING, LAND USE OR DENSITY RESTRICTIONS
(Pursuant to O.C.G.A. § 36-36-115)

DATE ORDER GRANTED: February 9, 2023

GRANTEE: Green Top Road, LLC

EXHIBIT A

BK:5624 PG:361

STATE OF GEORGIA

COUNTY OF COWETA

THIS INSTRUMENT, made this the 28th day of March, 2023, placing zoning, land use or density conditions on real property owned by Green Top Road, LLC as shown by the following deeds recorded in the Coweta County, Georgia real property records:

Tax Parcel I.D.: 85 5086 001: Deed Book 5376, Pages 750-751; Deed Book 5376, Pages 752-753; Deed Book 5376, Pages 754-755;

Tax Parcel I.D.: 85 5086 003: Deed Book 5143, Pages 731-732; Deed Book 5143, Pages 733-734;

Tax Parcel I.D.: 85 5107 002: Deed Book 5143, Pages 719-720; Deed Book 5143, Pages 721-722; Deed Book 5143, Pages 723-724; Deed Book 5143, Pages 725-726; Deed Book 5143, Pages 727-728; Deed Book 5376, Pages 745-747; Deed Book 5376, Pages 748-750;

Tax Parcel I.D.: 85 5107 003: Deed Book 5143, Pages 719-720; Deed Book 5143, Pages 721-722; Deed Book 5143, Pages 723-724; Deed Book 5143, Pages 725-726; Deed Book 5143, Pages 727-728;

and being described as:

All that tract or parcel of land, containing 8.92 acres situate, lying and being in Land Lot 86 of the Fifth Land District of Coweta County, Georgia and being Tract B, as shown by plat of property for William F. Lee and Ida Lee Ellis, dated May 29, 1981, made by John R. Christopher, R.L.S., as recorded in Plat Book 29, Page 35, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

And

All that tract or parcel of land, containing 8.92 acres situate, lying and being in Land Lot 86 of the Fifth Land District of Coweta County, Georgia and being Tract A, as shown by plat of property for William F. Lee and Ida Lee Ellis, dated May 29, 1981, made by John R. Christopher, R.L.S., as recorded in Plat Book 29, Page 35, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

And

A certain tract or parcel of land, containing 26.14 acres, situate, lying and being in Land Lot 107, 5th Land District, Coweta County, Georgia, more particularly described as follows:

BEGINNING at an iron pin on the South line of Land Lot 107, said pin being 750 feet, more or less, East of the intersection of said South line with the East line of Land Lot 106 and from said beginning point run thence South 89 degrees 0 minutes East 740 Feet to an iron pin; thence North 0 degrees 8 minutes West

EXHIBIT A

BK:5624 PG:362

1533 feet to a corner post; thence South 90 degrees 0 minutes West 750 feet; thence South 0 degrees 30 minutes East 1520 feet to the point of beginning.

Said property is bound on the North and East by property of T.K. Barron; on the West and South by property of N.T. Brewster.

Said property is more particularly identified according to a plat of survey made by T.Y. Maddox of record in Plat Book 9, Page 23, Office of the Clerk, Coweta County Superior Court.

And

A certain tract or parcel of land lying and being in the Fifth District, said State and County and being a part of lot of land No. 107 in said District and containing 23.18 acres more or less and more particularly described as follows: BEGIN at a point on the North line of said lot of land No. 107 which said point is 1485 feet from the original Northeast corner of said lot; thence run South 1447 feet to the lands hereinbefore conveyed to Mrs. May Herrin Powell; thence run West 737 feet to the lands of McMakin; thence run North along the line between the property herein conveyed and the McMakin lands 1087 feet more or less to where said line crosses or intersect a certain public road known as the Old Atlanta Public Road; thence run Northeast along said Old Atlanta Public Road 137 feet; thence run North 9 degrees West 250 feet; thence run North 41 degrees West 93 feet to the original North line of said lot on land No. 107 thence run East along the original North line of said lot of land No. 107, 685 feet to the beginning point.

This being the same property as that conveyed by Mrs. Willie Herring King to T.K. Barron by Warranty Deed of record in Deed Book 36, Page 299, Office of the Clerk of Coweta Superior Court.

ALSO:

All that certain piece, parcel or tract of land containing One Hundred One and 75/100 (101.75) acres, more or less, lying and being situate on the Atlanta Road about Four (4) miles North of the town of Newnan, in the 5th Land District, Coweta County, State of Georgia, and more particularly described as Tracts Number Four (4) and Five (5) of the W.A. Herring Place, according to a plat prepare by T. Y. Maddox, Surveyor, on June 20 and 21, 1935, a copy of which is now on file with the Federal Land Bank of Columbia. Said property being bounded, now or formerly, as follows, to wit: North by lands of Mrs. H. W. Sieb and Atlanta Road; East by lands of Mrs. H.W. Seib; South by lands of Mrs. J.F. Lee and Eleanor McMakin; West by lands of Mrs. May H. Powell and Mrs. King. This being the same property as that conveyed by Federal Land Bank to T.K. Barron by Warranty Deed of record in Deed Book 33, Page 513, Office of the Clerk, Coweta Superior Court.

WITNESSETH: That pursuant to Georgia Code section 36-36-115(b), the Arbitration Panel designated by the Department of Community Affairs placed the following restrictions or conditions on the use of the property above-described which remains in effect by operation of law for two (2) years as set out in Georgia Code section 36-36-117

EXHIBIT A

BK:5624 PG:363

from the date of the Order affirming said decision, February 9, 2023, and applying to all heirs, successors, and assigns of right, title or interest in the property with such restrictions or conditions automatically expiring on February 9, 2025:

1. The maximum number of lots is restricted to three hundred (300) single-family, detached, fee-simple owned homes.
2. A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
3. The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.
4. Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.
5. Left turn and right turn lanes shall be constructed (Acceleration and Deceleration lanes to County Standards) at the proposed full service access to Green Top Road.
6. Physical medians shall be constructed (to County Standards) at the proposed right-in-right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
7. The applicant shall contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project at Hal Jones Road/Green Top Road at US 29; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
8. The applicant shall contribute a five-year bond in the amount of \$250,000 to assist with the implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
9. The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection

EXHIBIT A

BK:5624 PG:364

Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.

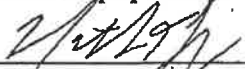
10. Access onto Green Top Road will require a permit from Coweta County.
11. All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
12. Left turn and right turn lanes shall be constructed at the proposed full-service access to Green Top Road.
13. Physical medians shall be constructed at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
14. There shall be one main entrance with two secondary entrances on each side of the main entrance that are right-in/right-out only.
15. The amenities shall be specifically designed to meet the recreational and social needs of families shall include a 2,800 square feet minimum pool, playgrounds, dog park, mailbox kiosk, and walking trails. The clubhouse shall be 1,800 heated square feet minimum of heated floor space.
16. The existing ponds and wetlands will be retained in order to create a natural environment.
17. Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
18. The property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority.
19. All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City Department for consideration.
20. All front, side, and rear yards of all disturbed grass areas on lots shall be sodded.
21. All utilities that provide service to the proposed subdivision shall be placed underground.

EXHIBIT A

BK:5624 PG:365

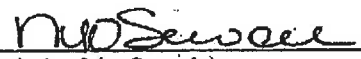
22. The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
23. There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
24. All garage doors shall be architecturally treated similarly to the renderings submitted.
25. The Lot information and setbacks shall be as follows:
 - Minimum street Frontage 30-feet
 - Minimum lot width at front setback 40-feet
 - Minimum floor area 1,600 square feet
 - Maximum impervious area 60%
 - Minimum lot size 8,200 square feet
 - Front setback 30-feet
 - Side setback 5-feet
 - Major side (double frontage) 10-feet
 - Rear setback 20-feet
 - Building separation 10-feet
 - Maximum building height 2 stories/40-feet
26. There shall be a 25-foot natural, vegetated buffer around the perimeter of the site along the west, south, and east property lines.

Certificate prepared by:


SIGNATURE OF ATTORNEY

State Bar # 443770

I do hereby certify that the above information is based on the Order of the Superior Court of Coweta County by affirmation of the Arbitration Panel on February 9, 2023, as set forth above.

By: 
Clerk of the Superior

72 Greenville Street
Newnan, Georgia 30263
Superior Court Return Mailing Address

EXHIBIT B

DEVELOPMENT AGREEMENT BETWEEN AND AMONG GREEN TOP ROAD, LLC, PULTE HOME COMPANY, LLC, THE CITY OF NEWNAN, GEORGIA, AND NEWNAN UTILITIES

STATE OF GEORGIA
COUNTY OF COWETA

RE: 163.61 Acres on Green Top Road
Tax Reference ## 085 5107 002,
085 5086 001, 085 5086 003, and
085 5107 003 (portion south of
Green Top Road)
Land Lots 86 and 107 of the 5th Land
District of Coweta County, Georgia Records

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Development Agreement"), made and entered into this ____ day of _____, 2023, by, between, and among the CITY OF NEWNAN, GEORGIA, a political subdivision of the State of Georgia (hereinafter the "City"), PULTE HOME COMPANY, LLC, a Michigan limited liability company (hereinafter "Developer"), GREEN TOP ROAD, LLC, a Georgia limited liability company (hereinafter "Owner"), and NEWNAN UTILITIES, a Georgia municipal corporation (hereinafter "Newnan Utilities") (hereinafter sometimes collectively referred to as the "Parties").

PREAMBLE:

WHEREAS, Developer currently has a contract to acquire certain property depicted on Exhibit "A" attached hereto and made a part hereof, which consists of approximately 163.61 acres on Green Top Road in Land Lots 86 and 107 of the 5th Land District, Coweta County, Georgia, and being Tax Parcels ## 085 5107 002, 085 5086, 001, 085 5086 003, and 085 5107 003 (portion south of Green Top Road) (hereinafter the "Property"); and

WHEREAS, Developer and Owner have applied for annexation and rezoning into the City; and

WHEREAS, City, Developer, Owner, and Coweta County participated in an annexation arbitration proceeding as required by Georgia law regarding the "Property"; and

WHEREAS, as a result of the arbitration proceeding, there was an Arbitration Panel Decision, which was affirmed by Superior Court Order, as evidenced by the Certificate of Zoning, Land Use or Density Restrictions (pursuant to O.C.G.A. § 36-36-115) recorded March 28, 2023 in Deed Book 5624, Pages 360-365 in the Office of the Clerk of Superior Court of Coweta County, Georgia setting forth at Deed Book 5624, Pages 363-365, twenty-six (26) zoning and development

conditions applicable to the Property until February 9, 2025 (“Arbitration Conditions”, attached hereto as Exhibit “B”, Deed Book 5624, Pages 363-365 and incorporated herein by reference); and

WHEREAS, it is the desire of the Parties to set forth in this Development Agreement the terms and conditions upon which the Property will be developed in the event the Property is annexed into the City and rezoned as requested by the Developer and Owner.

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter stated and for the sum of One and 00/100 Dollar (\$1.00) in hand paid, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

I. Incorporation

The Provisions contained in the Preamble and Recitals are incorporated herein. The Exhibits attached to this Development Agreement are listed below and incorporated herein:

Exhibit A	Legal Description of Property
Exhibit B	Arbitration Conditions
Exhibit C	Site Plan for Property
Exhibit D	Newnan Utilities Will Serve Letter

II. Development Consistent with City of Newnan Goals and Arbitration Conditions

The Parties agree that they are entering into this Development Agreement for the purposes of making the development, application submittals, review, approval process, and administrative process efficient for Developer, Owner, City, and Newnan Utilities, while taking into account the Arbitration Conditions and other provisions of City ordinances.

III. Development Standards for the Property

The Property shall be developed according to the City’s Zoning and Development Ordinance in effect on the date of this Agreement, and the Arbitration Conditions, together with the provisions of this Development Agreement. It is the intention of the Parties that all Arbitration Conditions except Condition 18 (provision of water and sewerage services addressed in the immediately following paragraph) apply throughout the development of the project.

A. Utilities.

After February 9, 2025, public water and sewerage shall be provided by Newnan Utilities. The Developer/Owner shall comply with all conditions contained in the Will Serve letter from Newnan Utilities dated May 10, 2023 (attached hereto as Exhibit “D” and incorporated herein by reference).

B. Permits.

Upon compliance with applicable ordinances and conditions, the Owner and/or Developer of the Property shall be entitled to receive a land disturbance permit, building permits, and city inspections for the installed infrastructure but shall not be entitled to any certificates of occupancy for any residence or clubhouse on the Property unless the residence or clubhouse for which the certificate of occupancy is requested is served by public water and sewerage provided by Newnan Utilities.

C. Site Plan.

The development of the Property shall be generally consistent with the site plan attached as Exhibit "C".

IV. Property Owner's Association Restrictive Covenants

The Parties anticipate that the Developer will voluntarily form an Owner's Association and record a declaration of easements and restrictive covenants applicable to the Property. The covenants and restrictions for the Property shall provide that no more than 10% of the residential units shall be made available for rental at any one point in time.

V. Date of Effectiveness and Term of this Development Agreement

The Development Agreement shall be effective among the Parties, their successors and assignees, immediately upon execution of this Development Agreement by all Parties hereto. The term of this Development Agreement is twenty (20) years, from the effective date or until the obligations of the Parties are complete, whichever occurs first.

VI. Covenants Running with the Land

The terms and conditions of this Agreement shall be recorded in the public records of the office of the Clerk of Superior Court of Coweta County and shall be binding upon the Parties, and their successors in title, and shall run with the title to the Property and shall be a covenant running with the Property.

VII. Miscellaneous

The Parties acknowledge that during the annexation and rezoning process additional conditions may be adopted which will require the modification of this Development Agreement. In the event annexation and/or rezoning are not granted, this Development Agreement shall be voidable by any Party upon written notice to the other Parties.

EXECUTED and made effective as of the last date executed by duly authorized officers of each of the respective Parties in multiple counterparts, each of which shall have the force and effect of an original.

CITY:
CITY OF NEWNAN, GEORGIA
a political subdivision of the
State of Georgia

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

NEWNAN UTILITIES:
NEWNAN UTILITIES
a Georgia municipal corporation

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

DEVELOPER:
PULTE HOME COMPANY, LLC

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

(Signatures Continued on Following Page)

OWNER:
GREEN TOP ROAD, LLC
a Georgia Limited Liability
Company

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

OWNER:
GREEN TOP ROAD, LLC
a Georgia Limited Liability
Company

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

OWNER:
GREEN TOP ROAD, LLC
a Georgia Limited Liability
Company

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

EXHIBIT "A"

SUBJECT PROPERTY

Surveyed Property Line Description for Overall Parcel

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lots 86 & 107 of the 5th District, Coweta County, Georgia, and being more particularly described as follows:

Beginning at a concrete monument found at the intersection of the of the southerly right-of-way of Greentop Road (80' right-of-way) and the easterly line of Land Lot 107, said point being the POINT OF BEGINNING;

Thence leaving said right-of-way running along said Land Lot Line South 01 degrees 02 minutes 16 seconds West 2598.70 feet to a nail set on the westerly right-of-way of CSX Railroad (200' right-of-way);

Thence along said right-of-way South 24 degrees 31 minutes 01 seconds West 446.64 feet to a 3/4" open top pipe found;

Thence along said right-of-way South 24 degrees 38 minutes 13 seconds West 276.24 feet to a point;

Thence along said right-of-way South 26 degrees 19 minutes 03 seconds West 205.83 feet to a point;

Thence along said right-of-way South 31 degrees 46 minutes 53 seconds West 192.25 feet to a point;

Thence along said right-of-way South 38 degrees 03 minutes 23 seconds West 142.35 feet to a 3/4" open top pipe found;

Thence along said right-of-way South 38 degrees 03 minutes 23 seconds West 46.00 feet to a point;

Thence along said right-of-way South 44 degrees 18 minutes 48 seconds West 191.04 feet to a point;

Thence along said right-of-way South 50 degrees 07 minutes 53 seconds West 188.10 feet to a point;

Thence along said right-of-way South 54 degrees 04 minutes 43 seconds West 114.00 feet to a point;

Thence along said right-of-way South 55 degrees 17 minutes 43 seconds West 277.55 feet to a nail set;

Thence leaving said right-of-way North 01 degrees 06 minutes 31 seconds East 1217.08 feet to a 3/4" open top pipe found;

Thence North 01 degrees 06 minutes 33 seconds East 47.50 feet to a 3/4" open top pipe found on the southerly line of Land Lot 107;

Thence along said Land Lot Line North 87 degrees 59 minutes 59 seconds West 301.24 feet to a 1.25" open top pipe found;

Thence along said property line North 87 degrees 54 minutes 45 seconds West 738.25 feet to a 1" open top pipe found;

Thence leaving said Land Lot Line North 01 degrees 09 minutes 38 seconds East 199.99 feet to a 1" square iron found;

Thence North 00 degrees 54 minutes 49 seconds East 1311.40 feet to a #4 rebar found;

Thence North 01 degrees 08 minutes 19 seconds East 1089.83 feet to a 2" open top pipe found on the southerly right-of-way of Greentop Road (80' right-of-way);

Thence along said right-of-way North 75 degrees 20 minutes 01 seconds East 389.18 feet to a point;

Thence along said right-of-way a curve to the left an arc length of 394.77 feet, said curve having a radius of 14779.60 feet, and being subtended by a chord of 394.75 feet, at North 74 degrees 07 minutes 33 seconds East to a point;

Thence along said right-of-way North 74 degrees 40 minutes 46 seconds East 228.35 feet to a point;

Thence along said right-of-way a curve to the right an arc length of 534.96 feet, said curve having a radius of 2484.30 feet, and being subtended by a chord of 533.93 feet, at North 83 degrees 17 minutes 14 seconds East to a point;

Thence along said right-of-way North 89 degrees 05 minutes 11 seconds East 148.73 feet to a point;

Thence along said right-of-way North 89 degrees 53 minutes 07 seconds East 208.79 feet to a point;

Thence along said right-of-way South 89 degrees 55 minutes 43 seconds East 358.04 feet to a concrete monument found, said point being the POINT OF BEGINNING;

Said tract or parcel contains 163.61 Acres (7126809 Square Feet), more or less.

EXHIBIT "B"

BK:5624 PG:360-365

D2023004025

FILED IN OFFICE
CLERK OF COURT
03/28/2023 09:41 AM
NIKI SEWELL, CLERK
SUPERIOR COURT
COWETA COUNTY, GA

After Recording return to:
Nathan T. Lee
Glover & Davis, P.A.
10 Brown Street
Newnan, Georgia 30263

Niki Sewell

9281298029
PARTICIPANT ID

(Note: Above space to be used for filing in Superior Court Clerk's Office of Deeds and Records)

IN THE SUPERIOR COURT OF COWETA COUNTY
STATE OF GEORGIA

IN RE:

GREEN TOP ROAD, LLC and PULTE
HOMES, LLC,

Appellants/Petitioners/Annexation
Applicants

vs.

CITY OF NEWNAN, GEORGIA

Municipal Corporation/Appellant

and

COWETA COUNTY, GEORGIA,

Appellee/Respondent

ARBITRATION PANEL

Respondents.

CIVIL ACTION FILE NO. 2023SUV0066

CERTIFICATE OF ZONING, LAND USE OR DENSITY RESTRICTIONS
(Pursuant to O.C.G.A. § 36-36-115)

DATE ORDER GRANTED: February 9, 2023

GRANTEE: Green Top Road, LLC

EXHIBIT "B"

BK:5624 PG:361

STATE OF GEORGIA

COUNTY OF COWETA

THIS INSTRUMENT, made this the 28th day of March, 2023, placing zoning, land use or density conditions on real property owned by Green Top Road, LLC as shown by the following deeds recorded in the Coweta County, Georgia real property records:

Tax Parcel I.D.: 85 5086 001: Deed Book 5376, Pages 750-751; Deed Book 5376, Pages 752-753; Deed Book 5376, Pages 754-755;

Tax Parcel I.D.: 85 5086 003: Deed Book 5143, Pages 731-732; Deed Book 5143, Pages 733-734;

Tax Parcel I.D.: 85 5107 002: Deed Book 5143, Pages 719-720; Deed Book 5143, Pages 721-722; Deed Book 5143, Pages 723-724; Deed Book 5143, Pages 725-726; Deed Book 5143, Pages 727-728; Deed Book 5376, Pages 745-747; Deed Book 5376, Pages 748-750;

Tax Parcel I.D.: 85 5107 003: Deed Book 5143, Pages 719-720; Deed Book 5143, Pages 721-722; Deed Book 5143, Pages 723-724; Deed Book 5143, Pages 725-726; Deed Book 5143, Pages 727-728;

and being described as:

All that tract or parcel of land, containing 8.92 acres situate, lying and being in Land Lot 86 of the Fifth Land District of Coweta County, Georgia and being Tract B, as shown by plat of property for William F. Lee and Ida Lee Ellis, dated May 29, 1981, made by John R. Christopher, R.L.S., as recorded in Plat Book 29, Page 35, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

And

All that tract or parcel of land, containing 8.92 acres situate, lying and being in Land Lot 86 of the Fifth Land District of Coweta County, Georgia and being Tract A, as shown by plat of property for William F. Lee and Ida Lee Ellis, dated May 29, 1981, made by John R. Christopher, R.L.S., as recorded in Plat Book 29, Page 35, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

And

A certain tract or parcel of land, containing 26.14 acres, situate, lying and being in Land Lot 107, 5th Land District, Coweta County, Georgia, more particularly described as follows:

BEGINNING at an iron pin on the South line of Land Lot 107, said pin being 750 feet, more or less, East of the intersection of said South line with the East line of Land Lot 106 and from said beginning point run thence South 89 degrees 0 minutes East 740 Feet to an iron pin; thence North 0 degrees 8 minutes West

EXHIBIT "B"

BK:5624 PG:362

1533 feet to a corner post; thence South 90 degrees 0 minutes West 750 feet; thence South 0 degrees 30 minutes East 1520 feet to the point of beginning.

Said property is bound on the North and East by property of T.K. Barron; on the West and South by property of N.T. Brewster.

Said property is more particularly identified according to a plat of survey made by T.Y. Maddox of record in Plat Book 9, Page 23, Office of the Clerk, Coweta County Superior Court.

And

A certain tract or parcel of land lying and being in the Fifth District, said State and County and being a part of lot of land No. 107 in said District and containing 23.18 acres more or less and more particularly described as follows: BEGIN at a point on the North line of said lot of land No. 107 which said point is 1485 feet from the original Northeast corner of said lot; thence run South 1447 feet to the lands hereinbefore conveyed to Mrs. May Herrin Powell; thence run West 737 feet to the lands of McMakin; thence run North along the line between the property herein conveyed and the McMakin lands 1087 feet more or less to where said line crosses or intersect a certain public road known as the Old Atlanta Public Road; thence run Northeast along said Old Atlanta Public Road 137 feet; thence run North 9 degrees West 250 feet; thence run North 41 degrees West 93 feet to the original North line of said lot on land No. 107 thence run East along the original North line of said lot of land No. 107, 685 feet to the beginning point.

This being the same property as that conveyed by Mrs. Willie Herring King to T.K. Barron by Warranty Deed of record in Deed Book 36, Page 299, Office of the Clerk of Coweta Superior Court.

ALSO:

All that certain piece, parcel or tract of land containing One Hundred One and 75/100 (101.75) acres, more or less, lying and being situate on the Atlanta Road about Four (4) miles North of the town of Newnan, in the 5th Land District, Coweta County, State of Georgia, and more particularly described as Tracts Number Four (4) and Five (5) of the W.A. Herring Place, according to a plat prepare by T. Y. Maddox, Surveyor, on June 20 and 21, 1935, a copy of which is now on file with the Federal Land Bank of Columbia. Said property being bounded, now or formerly, as follows, to wit: North by lands of Mrs. H. W. Sieb and Atlanta Road; East by lands of Mrs. H.W. Seib; South by lands of Mrs. J.F. Lee and Eleanor McMakin; West by lands of Mrs. May H. Powell and Mrs. King. This being the same property as that conveyed by Federal Land Bank to T.K. Barron by Warranty Deed of record in Deed Book 33, Page 513, Office of the Clerk, Coweta Superior Court.

WITNESSETH: That pursuant to Georgia Code section 36-36-115(b), the Arbitration Panel designated by the Department of Community Affairs placed the following restrictions or conditions on the use of the property above-described which remains in effect by operation of law for two (2) years as set out in Georgia Code section 36-36-117

EXHIBIT "B"

BK:5624 PG:363

from the date of the Order affirming said decision, February 9, 2023, and applying to all heirs, successors, and assigns of right, title or interest in the property with such restrictions or conditions automatically expiring on February 9, 2025:

1. The maximum number of lots is restricted to three hundred (300) single-family, detached, fee-simple owned homes.
2. A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
3. The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.
4. Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.
5. Left turn and right turn lanes shall be constructed (Acceleration and Deceleration lanes to County Standards) at the proposed full service access to Green Top Road.
6. Physical medians shall be constructed (to County Standards) at the proposed right-in-right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
7. The applicant shall contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project at Hal Jones Road/Green Top Road at US 29; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
8. The applicant shall contribute a five-year bond in the amount of \$250,000 to assist with the implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
9. The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection

EXHIBIT "B"

BK:5624 PG:364

Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.

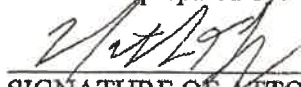
10. Access onto Green Top Road will require a permit from Coweta County.
11. All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
12. Left turn and right turn lanes shall be constructed at the proposed full-service access to Green Top Road.
13. Physical medians shall be constructed at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
14. There shall be one main entrance with two secondary entrances on each side of the main entrance that are right-in/right-out only.
15. The amenities shall be specifically designed to meet the recreational and social needs of families shall include a 2,800 square feet minimum pool, playgrounds, dog park, mailbox kiosk, and walking trails. The clubhouse shall be 1,800 heated square feet minimum of heated floor space.
16. The existing ponds and wetlands will be retained in order to create a natural environment.
17. Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
18. The property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority.
19. All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City Department for consideration.
20. All front, side, and rear yards of all disturbed grass areas on lots shall be sodded.
21. All utilities that provide service to the proposed subdivision shall be placed underground.

EXHIBIT "B"

BK:5624 PG:365

22. The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
23. There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
24. All garage doors shall be architecturally treated similarly to the renderings submitted.
25. The Lot information and setbacks shall be as follows:
 - Minimum street Frontage 30-feet
 - Minimum lot width at front setback 40-feet
 - Minimum floor area 1,600 square feet
 - Maximum impervious area 60%
 - Minimum lot size 8,200 square feet
 - Front setback 30-feet
 - Side setback 5-feet
 - Major side (double frontage) 10-feet
 - Rear setback 20-feet
 - Building separation 10-feet
 - Maximum building height 2 stories/40-feet
26. There shall be a 25-foot natural, vegetated buffer around the perimeter of the site along the west, south, and east property lines.

Certificate prepared by:


SIGNATURE OF ATTORNEY

State Bar # 443770

I do hereby certify that the above information is based on the Order of the Superior Court of Coweta County by affirmation of the Arbitration Panel on February 9, 2023, as set forth above.

By: 
Clerk of the Superior

72 Greenville Street
Newnan, Georgia 30263
Superior Court Return Mailing Address

200 100 0 200 400



GEORGIA811
Utilities Protection Center, Inc.

Call before you dig.

THE UTILITIES SERVICE CENTER AND THE CONTRACTING COMPANIES ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS ADVERTISEMENT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO THE START OF ANY CONSTRUCTION PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO THE START OF ANY CONSTRUCTION PROJECT.

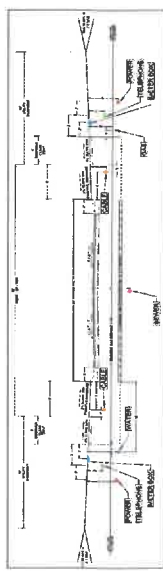
Page 122 of 244

EXHIBIT "C"



DEVELOPMENT SUMMARY

ZONING

PROPOSED ZONING: PDR (PLANNED RESIDENTIAL DEVELOPMENT DISTRICT)

AREA

SITE AREA: 163.61 ACRES
OPEN SPACE PROVIDED: 69.01 ACRES
PERCENTAGE OPEN SPACE: 42.18%

DENSITY

NUMBER OF UNITS: 300 UNITS
PROPOSED DENSITY: 2.04 UNITS/ACRE

LOT INFORMATION

MINIMUM FLOOR AREA: 1,600 SQ FT
MINIMUM LOT SIZE: 8,200 SQ FT
AVERAGE LOT SIZE: 11,284.3 SQ T

BUILDING SETBACKS

FRONT SETBACK: 15' FROM ROW / 40' FROM CL
SIDE SETBACK: 5 FEET
STREET SIDE SETBACK: 10 FEET
REAR SETBACK: 20 FEET
BUILDING SEPARATION: 10 FEET
MAX BUILDING HEIGHT: 35 FEET



EXHIBIT "D"



May 10, 2023

Jason Garrett
Pulte Group
2475 Northwinds Pkwy #600
Alpharetta, GA 30009

RE: 300 Lot Residential Subdivision on Green Top Road in Newnan, GA

Mr. Garrett,

I am writing per your request to confirm Newnan Utilities will service the proposed project on Green Top Road. Newnan Utilities will be the water and sewer service provider contingent on the properties being annexed into the city limits of Newnan. At this time Newnan Utilities has ample capacity to serve this proposed facility based on the following information:

- Parcel Numbers 085 5086 001, 085 5107 002, 085 5086 003, and the southern portion of 085 5107 003
- 163.61 Acres

1. Sanitary Sewer:

- a. Developer shall connect to Newnan Utilities Sanitary Sewer System.
- b. Developer is responsible for all upgrade costs necessary to serve said property, but not limited to:
 - i. Design and Construction of development of sanitary sewer system per Newnan Utilities Specifications.
 - ii. Design and construction of connection to Newnan Utilities Sanitary Sewer System.
 - iii. Cost for analyzing existing sanitary sewer system by an engineer firm approved by Newnan Utilities.
 - iv. Existing sanitary sewer upgrades to handle proposed development. This is to include any lift station upgrades, gravity sanitary sewer upgrades, Sanitary sewer force main upgrades, and any other upgrades deemed necessary by Newnan Utilities.
 - v. Line extension fees associated with connection to Newnan Utilities Sanitary Sewer System.

70 Sewell Road
Newnan, GA 30263
770-683-5516
770-683-0292 fax
www.NewnanUtilities.org

EXHIBIT "D"

- vi. Sanitary Sewer Impact fees associated with connection to Newnan Utilities Sanitary Sewer System.

2. Water:

- a. Developer shall connect to Newnan Utilities Water System.
- b. Developer is responsible for all upgrade costs necessary to serve said property, but not limited to:
 - i. Construction of development of water system per Newnan Utilities Specifications.
 - ii. Design and construction of connection to Newnan Utilities Water System.
 - iii. Cost for analyzing existing water sewer system by an engineer firm approved by Newnan Utilities.
 - iv. Existing water upgrades to handle proposed development. This is to include water system upgrades, fire protection upgrades, and any other upgrades deemed necessary by Newnan Utilities.
 - v. Cost of all water meters, and any additional costs pertaining to the monitoring of water meters.
 - vi. Line extension fees associated with connection to Newnan Utilities Sanitary Sewer System.

Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Tolar", with a stylized flourish at the end.

Scott Tolar, P.E.
Newnan Utilities
(770) 301-0245
stolar@newnanutilities.org

SECTION 7

REQUESTED RESPONSES TO QUESTIONS RELATING TO PUBLIC SCHOOLS

From: [Rick Martin](#)
To: [George Rosenzweig](#)
Cc: [Andrew Moroz](#)
Subject: Let's discuss when free!
Date: Monday, June 12, 2023 2:22:17 PM
Attachments: [image001.png](#)

What is the construction schedule for the project? Phase I of home construction will commence 24 months following final zoning approval. The Phase II and Phase III construction shall both take place 12 months following the previous Phase.

What is the proposed build-out timeline? Final home construction shall occur 4 years from the first house being started.

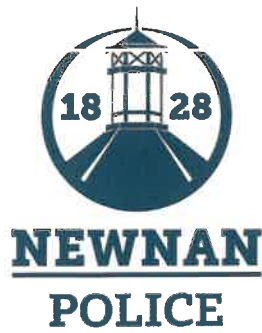
Will the project be built in phases? Constructed in two phases, may have three to four plats.

Will there be a targeted market, e.g., senior citizens? One section of the development will be "Age-Targeted" and the other two sections targeting home buyers in two different segments of more traditional fashion in two separate price points. The overall development strategy will allow families to "age-in-place" over the life of their occupancy.

Rick E. Martin CPM, CCIM
Director Land Acquisition
Rick.Martin@Pulte.com
Cell: (770) 883-0402
Direct: (678) 902-5835
www.Pulte.com



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BRENT BLANKENSHIP
CHIEF OF POLICE

07/12/23

Reference: Green Top Annexation

Dear Tracy,

After taken into consideration of the size of the development, increase in population and distance from the current city limits along with traffic volume on Hwy 29, it would have an impact on motor vehicle accidents and calls of service to that area while also effecting call service and response times to other parts to the city.

Due to the additional calls for service and the increased density to the area and the affected response time due to distance and traffic volume it is believed that a minimum of two additional police officer will be needed to manage the impact of this development.

Thanks,

Brent Blankenship

Chief of Police

Newnan Police Department



NEWNAN FIRE DEPARTMENT

23 JEFFERSON STREET • NEWNAN, GA 30263
770-253-1851 (P) • 770-638-8678 (F)



Stephen R. Brown, Fire Chief

July 13, 2023

Dear Tracy,

The following information is regarding the proposal for 163.61 acres located on Green Top Road and a PDR (Planned Residential Development) zoning to accommodate a 300-lot residential subdivision.

At this time, the Newnan Fire Department has the resources to provide services to the proposed 163.61 proposed annexation. However, upon full completion of a 360 residential subdivision, it will impact the area with a significant increase in population and traffic. The growth in population and traffic could potentially result in increased call volumes and response times to the proposed subdivision and the current established areas served. The increase in call volume will impact our department with additional wear and tear on equipment and will influence the effectiveness and strength of our manpower.

We strive for excellence and to continue serving our citizens as we do currently. Therefore, the impact of the proposed property may require additional equipment and manpower in the future.

Best Regards,

Stephen Brown

Coweta County School System

170 Werz Industrial Blvd.
Newnan, GA 30263
Phone: 770-254-2750

July 12, 2023

Tracy Dunnavant
Planning Director
City of Newnan
25 LaGrange Street
Newnan, GA 30263

Re: Annexation Request Green Top Road

Ms. Dunnavant,

We have reviewed the annexation request referenced above and offer the following comments based on the information provided:

This application requests annexation of 163.61 acres, containing 300 lots, from Coweta County into the City of Newnan. If approved, this request would create a higher density zoning designation than the current zoning for this parcel. This may present challenges when planning for school enrollment and meeting student needs. Due to the higher density housing in the area of the proposal, school capacity is an ongoing concern. Many of the schools serving that area are near capacity.

The current high school district lines for this area shows both Newnan and Northgate. This may need to be adjusted if this development is approved. Current enrollment figures show the building utilization of the schools serving this area as follows:

- Northside Elementary - 74%
- Madras Middle School - 96%
- Newnan High School - 91%
- Northgate High School - 93%

Thank you for the opportunity to provide feedback.

Sincerely,

Ronnie Cheek

Ronald C. Cheek
Executive Director of Facilities
Coweta County Schools
(770)254-2750 x203
ronnie.cheek@cowetaschools.net

Coweta Committed to Student Success

EXHIBIT "D"



May 10, 2023

Jason Garrett
Pulte Group
2475 Northwinds Pkwy #600
Alpharetta, GA 30009

RE: 300 Lot Residential Subdivision on Green Top Road in Newnan, GA

Mr. Garrett,

I am writing per your request to confirm Newnan Utilities will service the proposed project on Green Top Road. Newnan Utilities will be the water and sewer service provider contingent on the properties being annexed into the city limits of Newnan. At this time Newnan Utilities has ample capacity to serve this proposed facility based on the following information:

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- 163.61 Acres

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70 Sewell Road
Newnan, GA 30263
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770-683-0292 fax
www.NewnanUtilities.org

EXHIBIT "D"

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 - ii. Design and construction of connection to Newnan Utilities Water System.
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 - v. Cost of all water meters, and any additional costs pertaining to the monitoring of water meters.
 - vi. Line extension fees associated with connection to Newnan Utilities Sanitary Sewer System.

Please let me know if you have any questions or need additional information.

Sincerely,



Scott Tolar, P.E.
Newnan Utilities
(770) 301-0245
stolar@newnanutilities.org



The City of Newnan, Georgia

Office of the City Engineer

August 8, 2023

City Engineer Review

ANNEXATION REQUEST/ REZONING REQUEST:

Parcel ID: 085 5107 002/ 085 5107 003 (partial) / 085 5086 001/ 085 5086 003
Greentop Road

Development:

1. Design shall follow City of Newnan standards for development, standard details for the Georgia Department of Transportation, and generally accepted Engineering standards, as appropriate.
2. The City of Newnan will be the Local Issuing Authority for the development, and Coweta County will be the Local Issuing Authority for land disturbing activity within the Right-of- Way for Greentop Road.
3. The City of Newnan will not issue a permit for land disturbing activities until such time as Coweta County has reviewed and approved the plans for the development to the extent Coweta County has jurisdiction, primarily relating to street connections to Green Top Road.

Environmental:

1. The development plan shall follow the design standards and guidance per the Georgia Storm Water Management Manual, in compliance with the Post-Development Stormwater Management Ordinance for the City of Newnan.
Note on-site, runoff reduction now required.
2. The development plan shall include a three-phase erosion plan in compliance with the City of Newnan Soil Erosion, Sedimentation and Pollution Control Ordinance.
3. All streams, wetlands and other environmentally sensitive areas shall be field delineated and located within open space to the extent practically possible.

Prior to issuance of a permit for conducting land disturbing activities, documentation and or/ sufficient evidence shall be provided to the City of Newnan, as the Local Issuing Authority, regarding any required mitigations measures or permits by other agencies.

4. Standard stream buffers apply. Reference is made to the City of Newnan, Georgia Stream Buffer Protection Ordinance.
5. Any existing wells or septic tanks that may be on the site will need to be identified and properly closed or removed.

Transportation:

1. ADA compliant sidewalks, 5 feet in width, shall be provided throughout the proposed development along both sides of all streets, with connection provided to all amenities.
2. From the Traffic Study provided, the entrances as proposed along Greentop Road are acceptable to the City, as is the County's recommended raised median restricting left turn movements at the Right In/ Right Out driveways. However, it should be noted that Greentop Road will remain within Coweta County's jurisdiction.
3. For internal streets, the development shall incorporate engineered traffic calming measures, such as the use of landscaped medians or islands, traffic circles, chicanes to serve as speed deterrence. Vertical deflection for speed deterrence is not permitted under the International Fire Code.

Respectfully,



William M. Klahr, P.E., CFM
Director of Engineering

TRAFFIC ASSESSMENT FOR

GREEN TOP ROAD RESIDENTIAL DEVELOPMENT – US 29 AT HAL JONES ROAD ROUNDBOUT INTERSECTION

DATE:

July 1, 2022

LOCATION:

Coweta County, Georgia

PREPARED FOR:

Pulte Group

PREPARED BY:

NV5 Engineers and Consultants, Inc.
10745 Westside Way, Suite 300
Alpharetta, GA 30009
(678) 795-3600



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A. Introduction

A new residential development is proposed for construction along Green Top Road in Coweta County, Georgia, north of Newnan. The proposed development will consist of 366 single-family detached homes. The development will have three (3) new driveways along Green Top Road. The development has a projected build out date of 2028.

Traffic volumes and analyses contained in the Traffic Impact Study (TIS) dated November 30, 2021, for the 366 single-family detached home development includes analysis of the Existing, No-Build, and Build Conditions for the year 2028 at the following intersections:

1. US 29 at Hal Jones Road
2. US 29 at Green Top Road
3. Herring Road at Green Top Road
4. Green Top Road at Driveway 1 (center)
5. Green Top Road at Driveway 2 (eastern)
6. Green Top Road at Driveway 3 (western)

This traffic assessment summarizes the impact of the proposed residential development at US 29/SR 14 at Hal Jones Road roundabout intersection and utilizes the traffic volumes and analyses contained in the Traffic Impact Study (TIS) dated November 30, 2021.

Figure 1 depicts the study area (vicinity map) in Coweta County. The study intersections analyzed in the traffic study including the US 29 at Hal Jones Road intersection are depicted in Figure 2. A copy of the development site plan is included in Appendix A.

Further, it is noted that the site is currently zoned for 100 single-family detached homes, the “As Zoned” condition. The proposed residential development consisting of 366 single-family homes is considered the “Rezoned” condition.

Figure 1. Vicinity Map

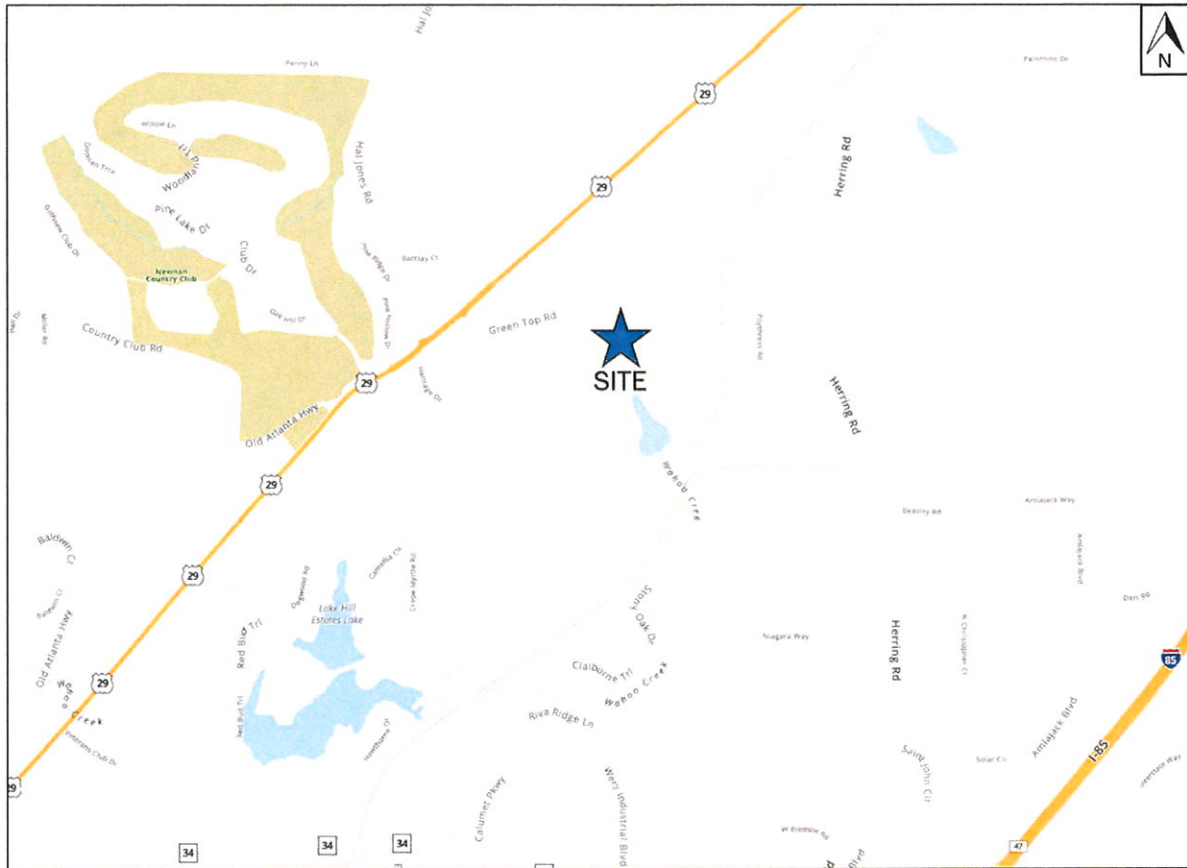


Figure 2. Site Location Aerial



B. Review of 15-year Transportation Plan

The Coweta County Comprehensive Transportation Plan (CTP), last updated in October 2021, was reviewed to identify any infrastructure investments planned for the area adjacent to the proposed development. Table 1 below shows the following roadway, intersection, and safety improvement projects identified near the proposed site and its study intersections.

Table 1: Coweta County Comprehensive Transportation Plan – Projects Near Site

CTP ID	Project Name	Project Type	Project Detail Cost Estimate (Planned Start-Up Year)	Relation to Site/Study Intersections
II-42	Hal Jones Road at Happy Valley Road	Safety Improvement – Roundabout Design	\$888,000 (2022-2026)	One (1) mile north of Green Top Road at Hal Jones Road
NR-07	Madras Connector Phase 1	New Roadway Extension – US 29/SR 14 to Herring Road	\$12,889,844 (2022-2026)	One (1) mile northeast of Green Top Road at Herring Road
NR-11	Herring Road Connector	New Roadway Extension – Amlajack Blvd to Herring Road	\$2,702,000 (2040-2050)	Connection to Madras Connector Phase 1
NR-04	Madras Connector Phase 2	New Interchange – Amlajack Blvd to US 29	\$11,000,000 (2040-2050)	Connection to Madras Connector Phase 1
RI-01	Madras Connector Phase 3 Interchange	Interchange Capacity Project – New I-85 Interchange (Mile Marker 49)	\$33,258,618 (2040-2050)	Connection to Madras Connector Phase 1&2

As shown in Table 1, the Coweta County CTP identifies five (5) planned transportation projects near the study area. However, the CTP does not identify any planned improvements at the study intersections evaluated in the Traffic Impact Study. Further, the CTP does not identify trips associated with the land use on the site.

C. Traffic Impact Analysis Summary

Traffic volumes and analyses contained in the Traffic Impact Study (TIS) dated November 30, 2021, for the 366 single-family detached home development includes analysis of the Existing, No-Build, and Build Conditions for the year 2028 at the following intersections:

1. US 29 at Hal Jones Road
2. US 29 at Green Top Road
3. Herring Road at Green Top Road
4. Green Top Road at Driveway 1 (center)
5. Green Top Road at Driveway 2 (eastern)
6. Green Top Road at Driveway 3 (western)

In Existing Conditions, overall operations at all study intersections are satisfactory during the AM and PM peak hours.

In No-Build Conditions, Levels of Service (LOS) changes from C to D at the southbound approach of the US 29 at Hal Jones Road roundabout intersection. Delays at this southbound approach increase by nearly 20 seconds due to the applied growth rate. However, overall operations at each study intersection are expected to remain satisfactory during both AM and PM peak hours.

In Build Conditions, all study intersections continue to operate at acceptable overall LOS during both peak hours. The addition of project traffic is expected to increase delays along the southbound approach at the US 29 at Hal Jones Road roundabout intersection by eight (8) seconds during the PM peak hour, changing the LOS from D to E, while the overall roundabout intersection LOS changes from C to D.

Improvements were evaluated for the US 29 at Hal Jones Road roundabout intersection in order to mitigate the southbound approach LOS from E to D or better.

D. Build Condition Mitigation Evaluation

The addition of project traffic at the US 29 at Hal Jones Road roundabout intersection is expected to increase delays by eight (8) seconds along the southbound approach during the PM peak hour, changing the Levels of Service (LOS) from D to E. Improvements were developed to mitigate this change in LOS. The improvements consist of adding a southbound right-turn bypass lane along US 29. The concept layout is shown in Appendix B.

As noted, the site is currently zoned for 100 single family detached homes. Trip generation for the “As Zoned” 100-units was developed using the ITE Trip Generation Manual, 10th Edition, 2017, in order to remain consistent with the submitted Traffic Impact Study. Alternate trip generation densities and roadway geometry mitigations were considered at this intersection approach to mitigate the impacts observed. Different trip generations were evaluated for both 100-unit and 366-unit development densities using existing roundabout configurations, trip rates from the ITE Trip Generation Manual, 10th Edition, 2017, and new roundabout design configurations that include a southbound right turn bypass lane.

Table 2 summarizes the results of the southbound approach at the US 29 at Hal Jones Road roundabout intersection during the PM peak hour with and without the southbound approach mitigation, and “As Zoned” with 100 units and “Rezoned” with 366 units.

Table 2: PM Peak Hour Build Mitigations (SB Approach) – US 29 at Hal Jones Road

Roundabout Design		Original Trip Counts Used		Alternate Trip Counts Used			
		From Nov '21 TIS Report		As Zoned (100 units)		Rezoned (366 units)	
		SBR	SBT	SBR	SBT	SBR	SBT
2028 No-Build Volumes		162	699	162	699	162	699
Peak Hour Trips (Per ITE 10 th Edition) to impact roundabout capacity		7	33	2	9	7	33
2028 Build Volumes		169	732	164	708	169	732
Percent Change (Build vs No-Build)		4.3%	4.7%	1.2%	1.3%	4.3%	4.7%
Percent Change (As Zoned vs Rezoned)		-	-	-	-	3.0%	3.4%
Roundabout SB Approach Satisfactory Capacity (Maximum Delay before LOS 'E')	LOS	D		-		-	
	Delay (sec)	34.9		-		-	
Roundabout SB Approach 2028 No-Build LOS (without added trips)	LOS	D		-		-	
	Delay (sec)	34.0		-		-	
Roundabout SB Approach 2028 Build LOS (with added trips, no Mitigations)	LOS	E		E		E	
	Delay (sec)	42.2		36.6		42.2	
Roundabout SB Approach 2028 Build Mitigated LOS (with SB Right-Turn Bypass Lane)	LOS	-		C		C	
	Delay (sec)	-		15.5		16.8	

As shown in Table 2, installing a southbound right-turn bypass lane from US 29 to Hal Jones Road is expected to improve the southbound approach Levels of Service (LOS) from E to C during the PM peak hour. Therefore, the installation of a southbound right-turn bypass lane at the US 29 at Hal Jones Road roundabout intersection is recommended.

APPENDIX

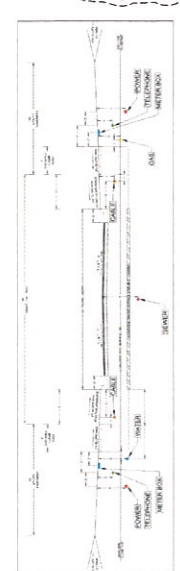
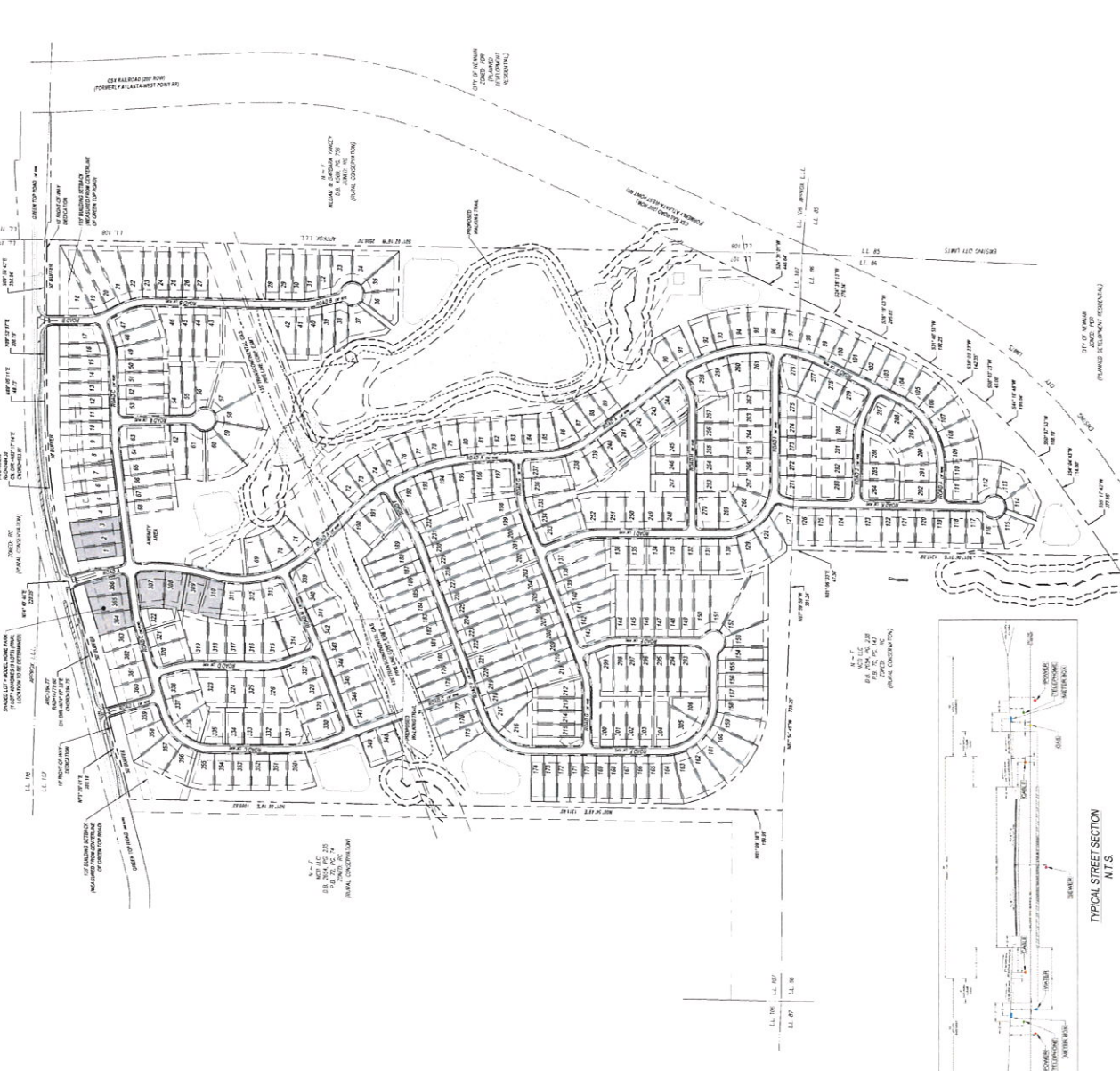
APPENDIX A — SITE PLAN

APPENDIX B — ROUNDABOUT CONCEPT DESIGN LAYOUT

APPENDIX A SITE PLAN

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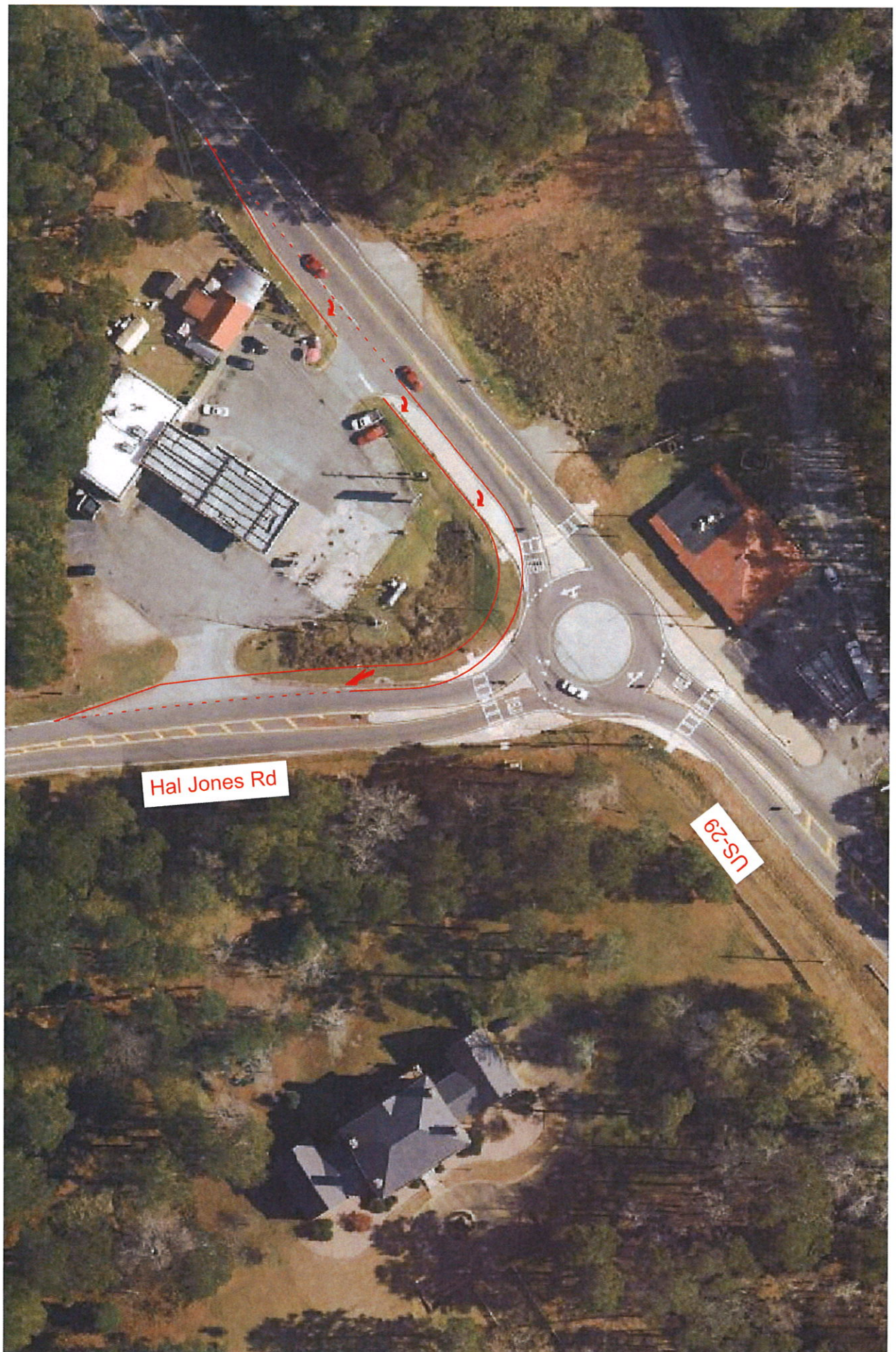
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TOPOGRAPHIC INFORMATION OBTAINED FROM COMBATA COUNTY GEOGRAPHIC
INFORMATION SYSTEM



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APPENDIX B

ROUNDAABOUT CONCEPT DESIGN LAYOUT



GREEN TOP ROAD RESIDENTIAL DEVELOPMENT

DATE:

November 30, 2021

LOCATION:

Coweta County, Georgia

PREPARED FOR:

Pulte Group

PREPARED BY:

NV5 Engineers and Consultants, Inc.
1255 Canton Street, Suite G
Roswell, GA 30075
678.795.3600

Executive Summary

A new residential development is proposed for construction along Green Top Road in Coweta County, Georgia. The proposed development will consist of 366 single-family detached homes. The development will have three (3) new driveways along Green Top Road, one driveway will be full access and the other two driveways will be right-in/right-out. The development has a projected build out date of 2028.

When complete, the development is expected to generate a total of 3,430 new daily trips, with 265 trips during the AM peak hour (66 entering and 199 exiting), and 353 during the PM peak hour (222 entering and 131 exiting).

The following intersections were evaluated in this study:

1. US 29 & Hal Jones Road
2. US 29 & Green Top Road
3. Herring Road & Green Top Road
4. Green Top Road & Driveway 1 (center)
5. Green Top Road & Driveway 2 (eastern)
6. Green Top Road & Driveway 3 (western)

Traffic operations at the study intersections are satisfactory in Existing Conditions. Operations are expected to degrade along the southbound approach at the US 29 & Hal Jones Road intersection in the No-Build scenario as background growth is added and in the Build scenario with the addition of site traffic, however, overall operations are expected to remain acceptable. All other intersections in the study area are expected to operate satisfactorily. The proposed site driveways are expected to operate well along all approaches in both peak hours.

Eastbound right-turn deceleration lanes are warranted at all three driveways. A westbound left-turn lane is warranted at Driveway 1 (center).

Based on this study's analysis, additional improvements at the study intersections are not required to mitigate the impact of the proposed development.

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Appendix B – Traffic Counts & Growth Rate Worksheet
Appendix C – ITE Trip Generation
Appendix D – Synchro Reports
Appendix E – Turn Lane Evaluations

A. Introduction

A new residential development is proposed for construction along Green Top Road in Coweta County, Georgia, north of Newnan. The proposed development will consist of 366 single-family detached homes. The development will have three (3) new driveways along Green Top Road. The center driveway (Driveway 1) will provide full access to the development. The eastern driveway (Driveway 2) and the western driveway (Driveway 3) will be right-in/right-out.

This report identifies the traffic expected to be generated by new vehicular trips when the development is completed. The traffic analyses in this report account for a single phase of construction. This study includes analysis of the Existing, No-Build, and Build conditions at the following intersections for the year 2028:

1. US 29 & Hal Jones Road
2. US 29 & Green Top Road
3. Herring Road & Green Top Road
4. Green Top Road & Driveway 1 (center)
5. Green Top Road & Driveway 2 (eastern)
6. Green Top Road & Driveway 3 (western)

Summaries of the analysis of existing and projected traffic at the study locations, analysis of traffic impacts including Levels of Service (LOS) and conclusions and recommendations from the analysis are included in the report.

Figure 1 depicts the study area (vicinity map) in Coweta County. The study intersections listed above are depicted in Figure 2. A copy of the development site plan is included in Appendix A.

Figure 1: Vicinity Map

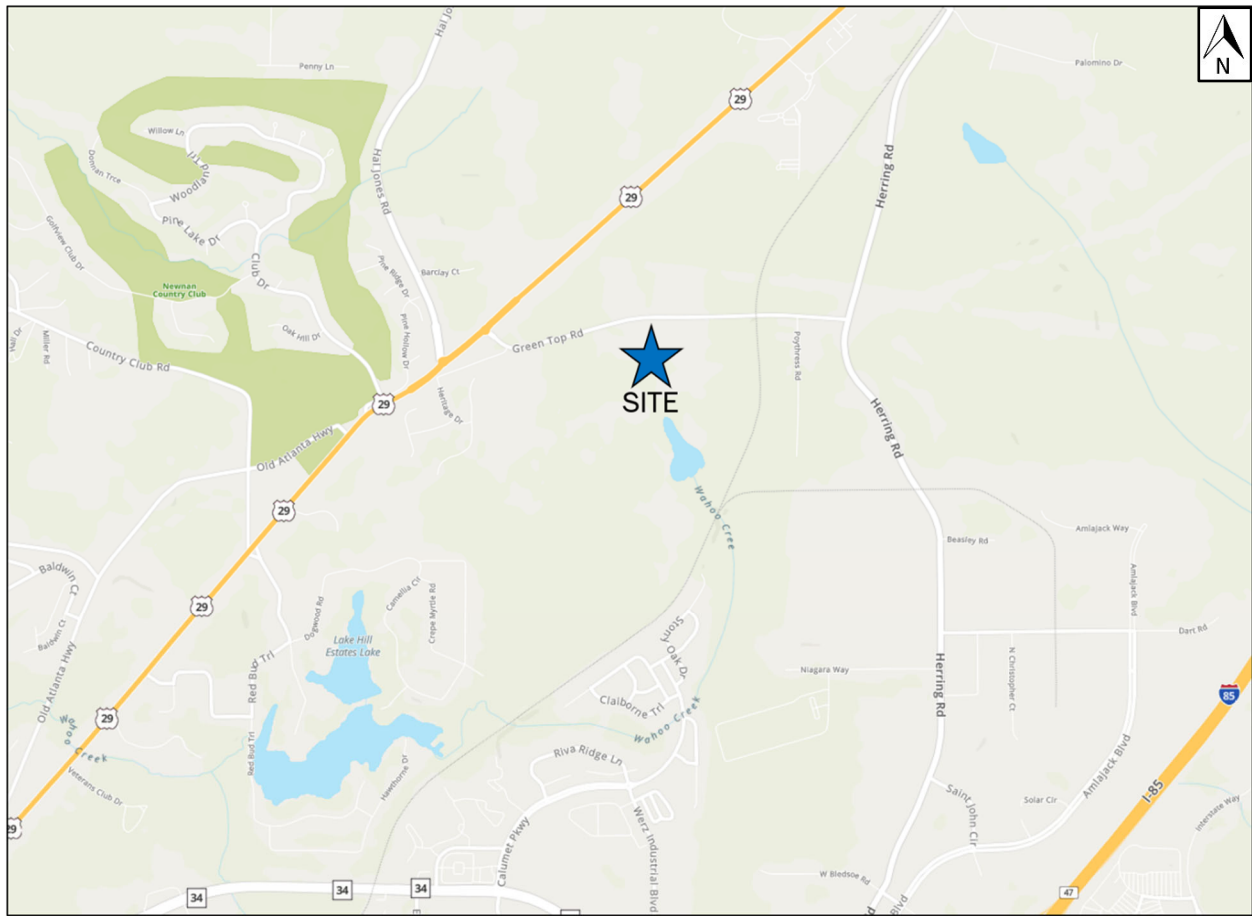
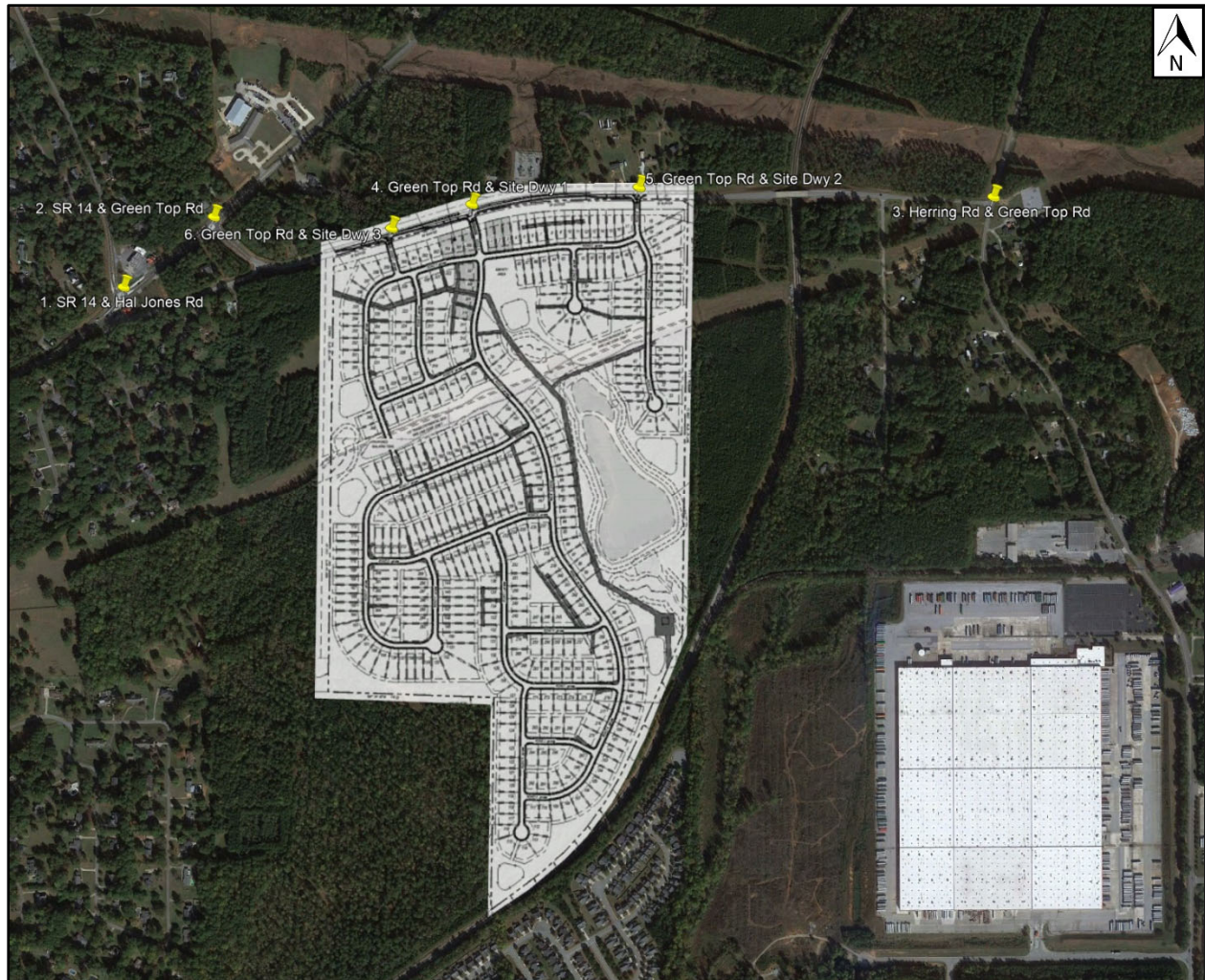


Figure 2: Site Location Aerial



B. Existing Conditions

B.1. Transportation Facilities

Green Top Road is a two-lane undivided roadway with east/west orientation that provides access to Herring Road and US 29 within a mile of the site to the east and west, respectively. Green Top Road has a posted speed limit of 45 miles per hour with residential uses along its length.

Herring Road is a two-lane undivided roadway with north/south orientation that extends south into Newnan, where it intersects with SR 34. The road meets Green Top Road east of the site and is expected to serve as a minor approach for site traffic. Herring Road has a posted speed limit of 45 miles per hour and provides access to various industrial developments to the south.

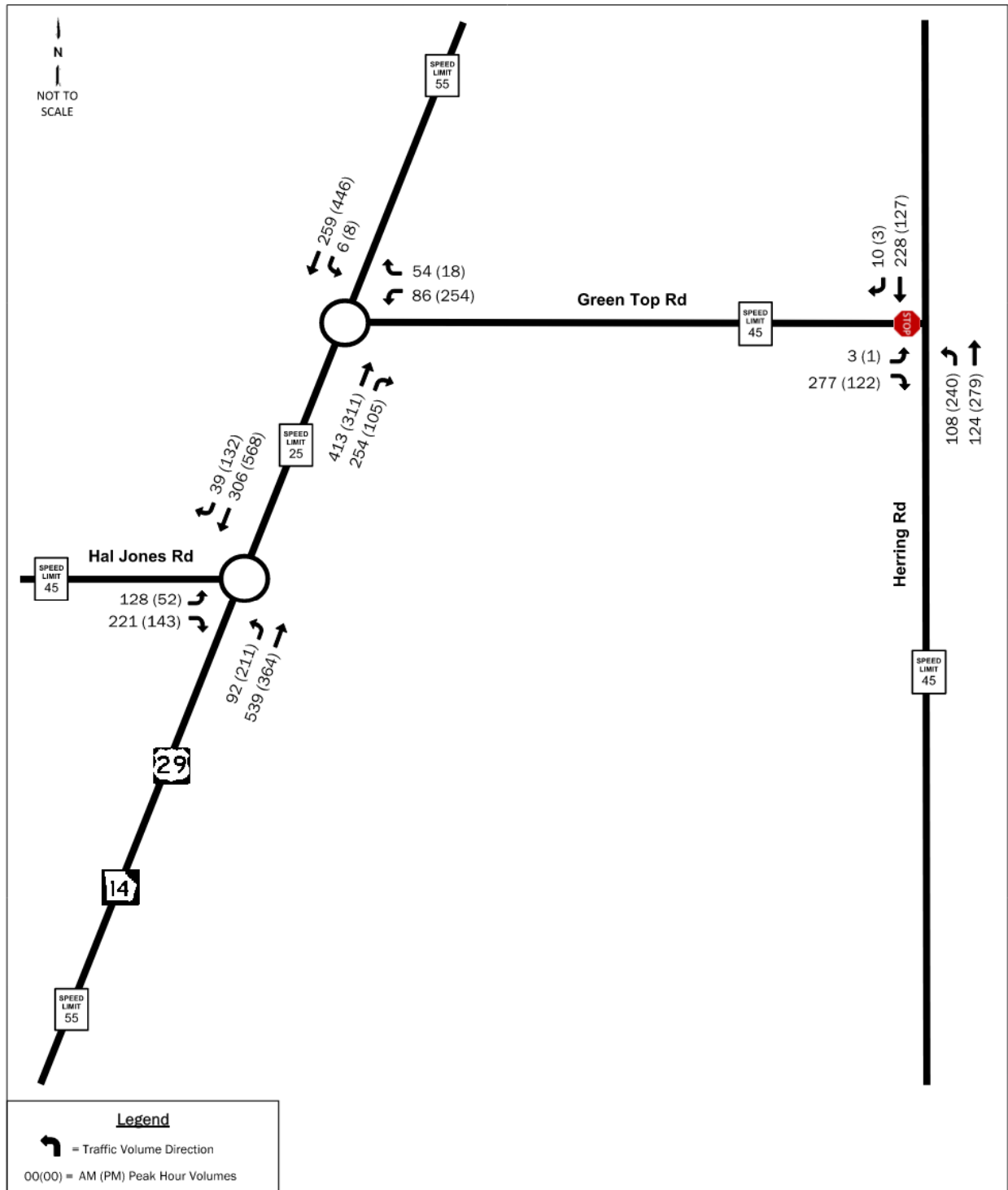
Hal Jones Road is a two-lane undivided roadway extending northwest from its intersection with US 29 west of the site and serves multiple residential developments. Hal Jones Road has a posted speed limit of 45 miles per hour and like Herring Road, is assumed to serve a small portion of the site's traffic.

US 29 (SR 14) is a two-lane undivided road running northeast/southwest to the west of the site that is expected to serve as site users' primary route of travel. Uses along it vary, with institutional, residential, and commercial developments present. Its posted speed limit is 55 miles per hour, though it drops to 25 miles per hour between the two roundabouts found at its intersections with Green Top Road and Hal Jones Road.

B.2. Traffic Counts

Weekday AM and PM peak period turning movement counts were collected at the intersections of US 29 & Hal Jones Road, US 29 & Green Top Road and Herring Road & Green Top Road on Tuesday, November 16, 2021 while schools were in session. A 24-hour tube count was also collected on Green Top Road near the site driveways. Detailed count worksheets are included in Appendix B, with existing traffic counts shown in Figure 3.

Figure 3: Existing Volumes (2021)



C. Future Conditions

C.1. Background Growth

The growth rate in the study area is based upon an analysis of historical traffic counts collected by the Georgia Department of Transportation (GDOT). The project is expected to be built-out in 2028. To account for ambient growth in the area, the existing traffic counts for this study were grown by 3% per year for seven years. The growth rate considers historical GDOT traffic data collected along US 29 near the site. Expected future volumes are depicted in Figure 4. The growth rate development worksheet is included in Appendix B.

C.2. Project Trip Generation

Table 1 summarizes the project trip generation calculated using the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition, 2017. The development consists of 366 single-family detached homes. The development will generate a total of 265 trips (66 entering and 199 exiting) during the AM peak hour, and a total of 353 trips (222 entering and 131 exiting) during the PM peak hour. ITE Trip Generation data can be found in Appendix C.

Table 1: Trip Generation

LAND USE	PERIOD	TOTAL	IN	OUT
Single-Family Detached Housing, LUC 210 (366 Units)	Daily	3,430	1,715	1,715
	AM Peak Hour	265	66	199
	PM Peak Hour	353	222	131

C.3. Trip Distribution and Assignment

The assignment and directional distribution of new project trips was based on existing traffic patterns and nearby development in the overall study area. It is expected that approximately 80% of site traffic will approach the site from the west along Green Top Road. Upon reaching US 29, 50% will travel to/from the north via US 29, with 30% traveling south along US 29 until reaching Hal Jones Road, where 5% will travel to/from the northwest. The remaining 25% will continue to/from the south along US 29. Approximately 20% of site traffic is expected to approach from the east along Green Top Road, with 5% traveling to/from the north and 15% traveling to/from the south along Herring Road. All site traffic is expected to approach the site and exit along the same route, except at the site driveways where access is restricted. Figure 5 depicts the site's expected Trip Distribution. The project trips generated from the development utilizing the trip distribution and are depicted in Figure 6. Build Volumes (No-Build Volumes plus project trips) are depicted in Figure 7.

Figure 4: 2028 No-Build Traffic Volumes

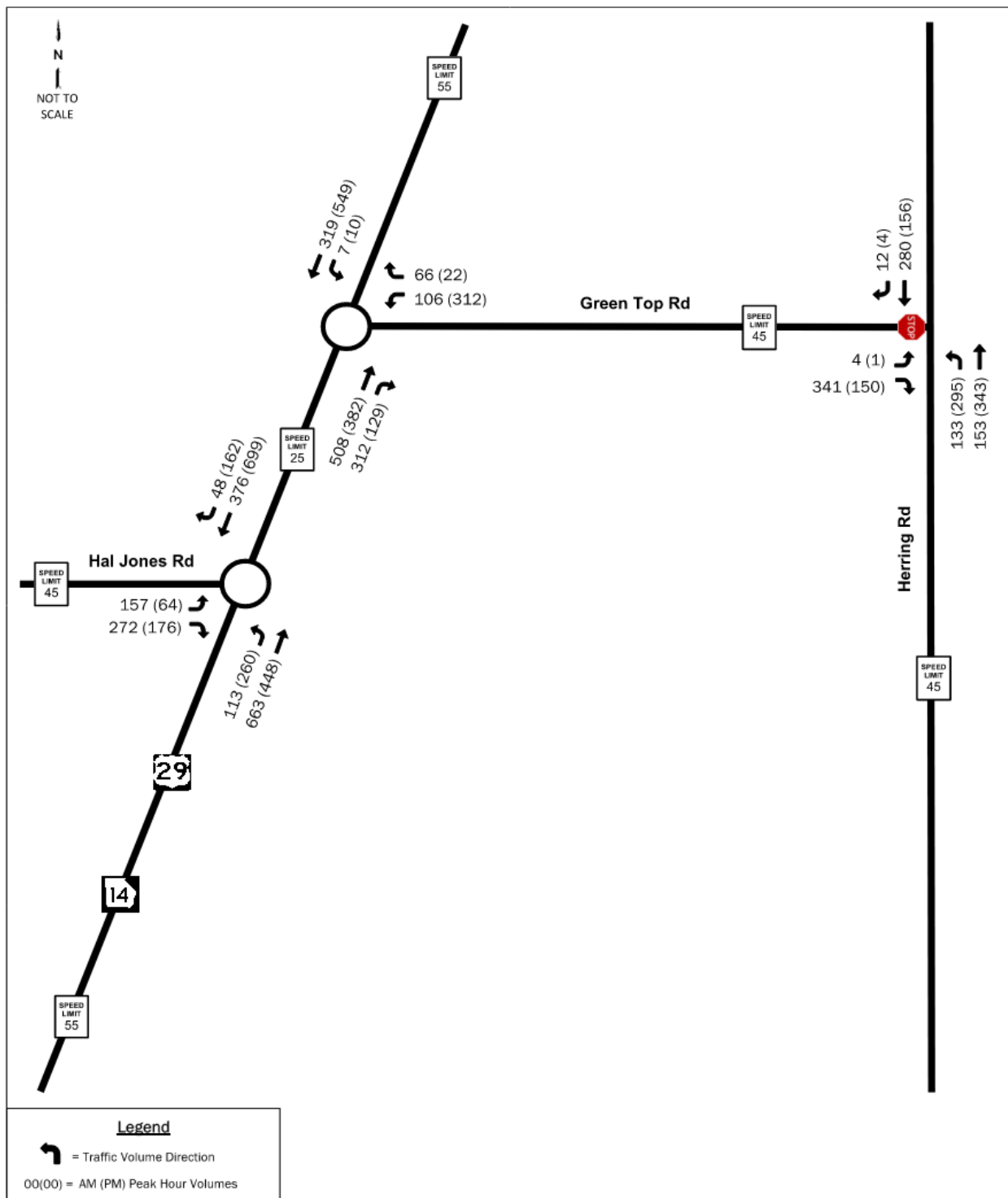


Figure 5: Trip Distribution

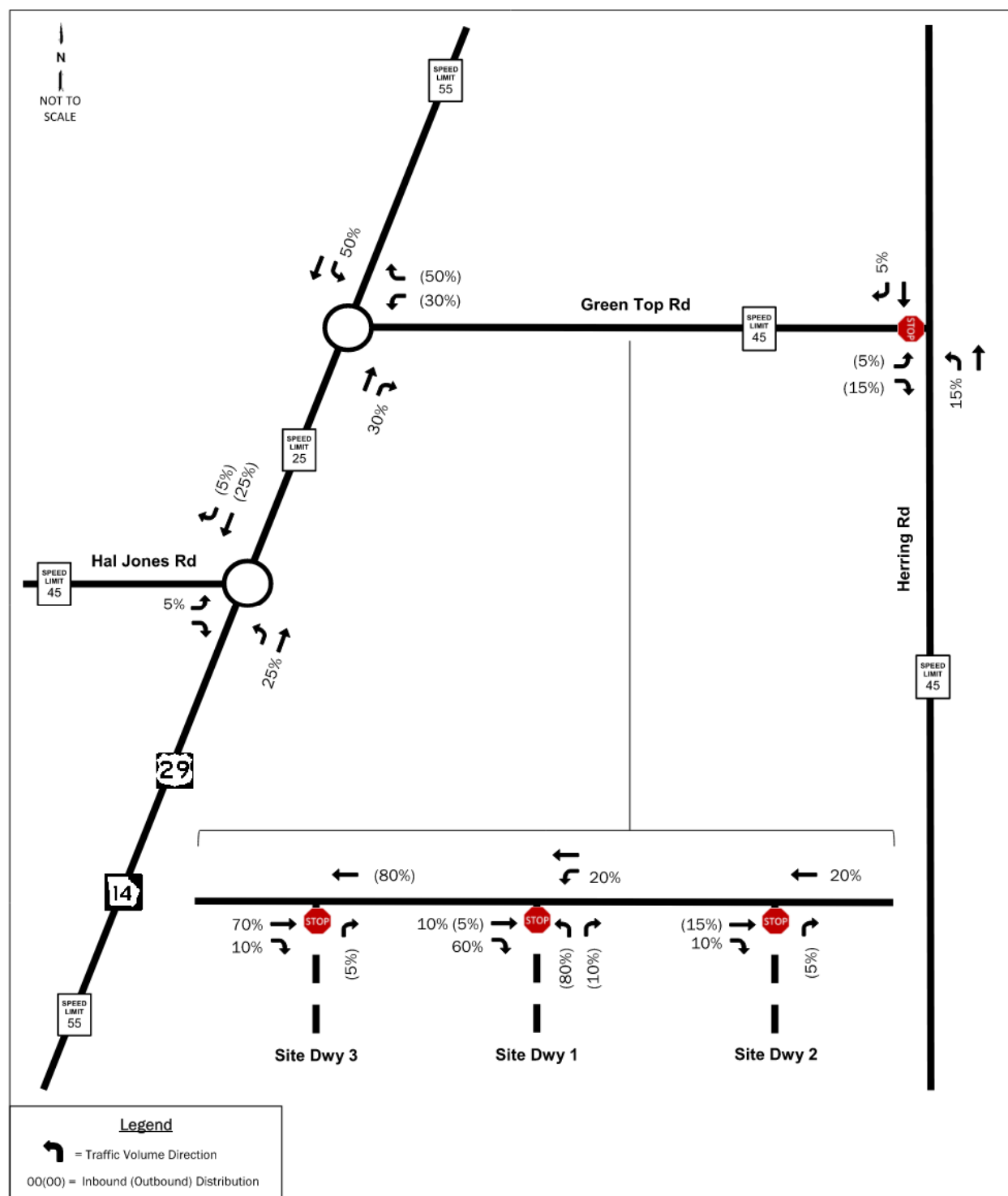


Figure 6: Project Development Trips

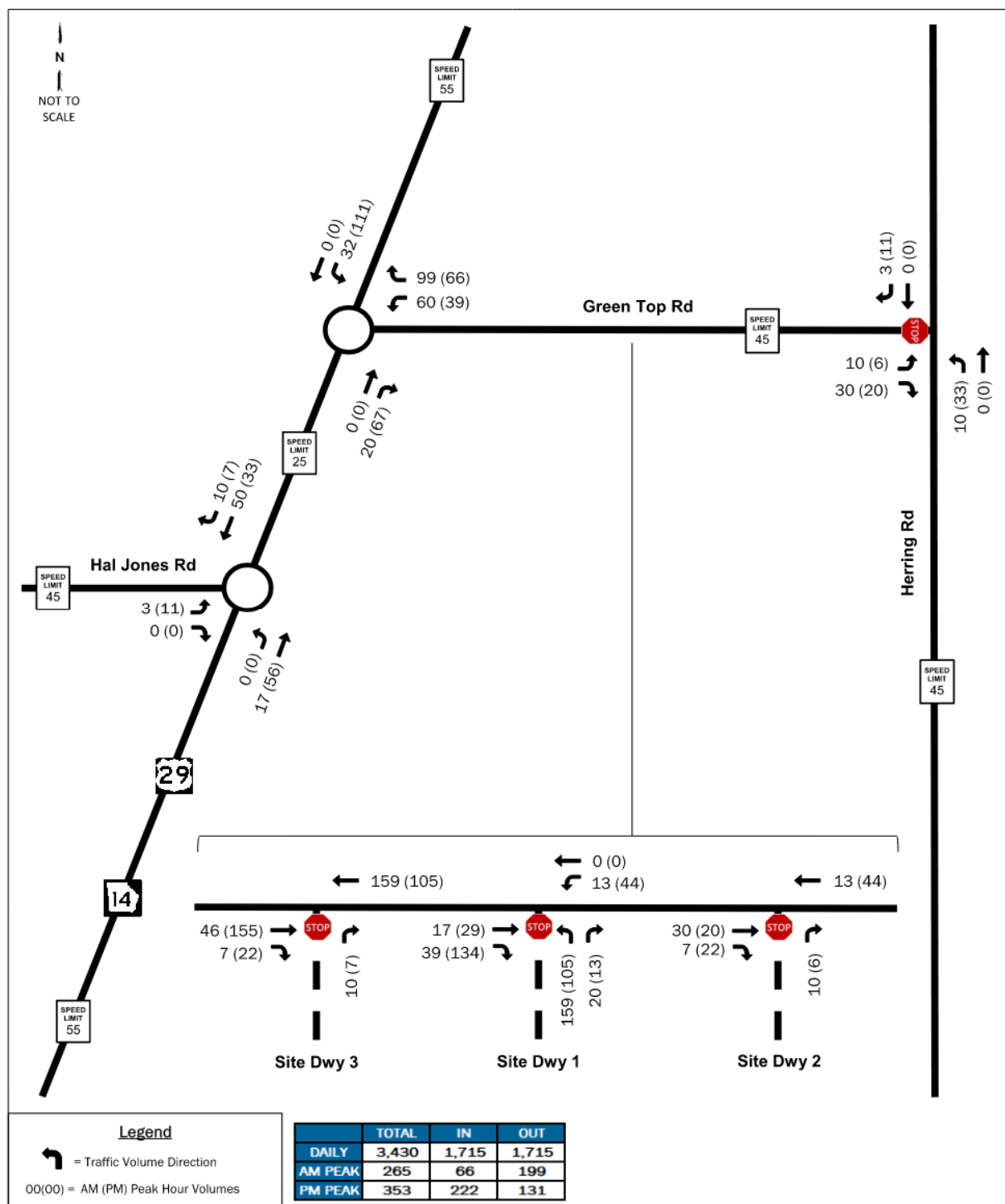
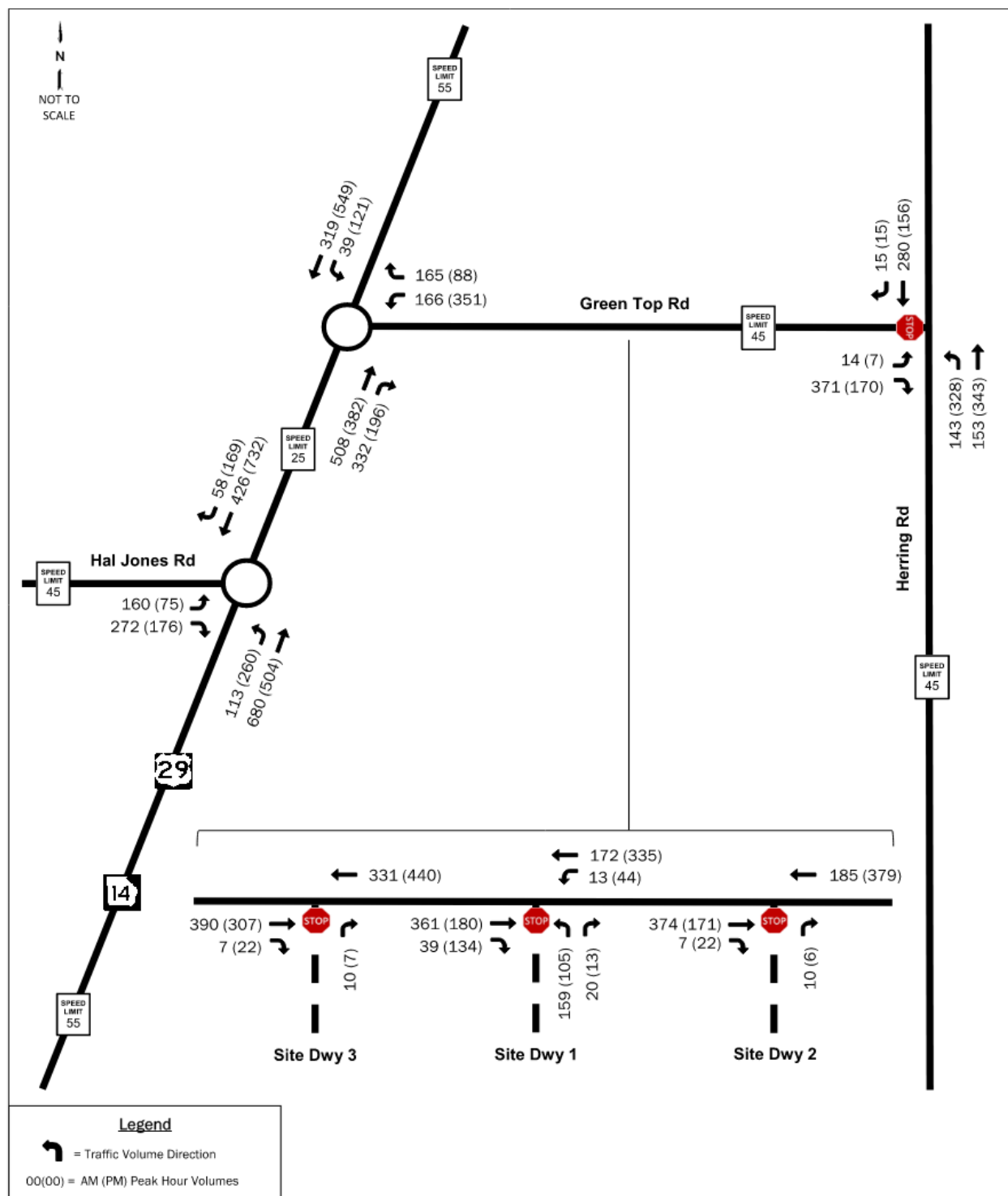


Figure 7: 2028 Build Traffic Volumes



D. Traffic Impact Analyses

The analysis in each of the scenarios for the study was performed using the traffic analysis software Synchro® 11. Average vehicular delays are calculated and reported as Levels of Service (LOS) as defined by the Highway Capacity Manual (HCM 6th Edition). HCM uses a grading system spanning 'A' through 'F', where 'A' is the best (little to no delay) and 'F' is the worst (very heavy delay). HCM LOS standards and Synchro® 11 output reports are included in Appendix D.

D.1. Existing Conditions Analysis

The results of the 2021 Existing Conditions capacity analysis are shown in Table 2 and include analysis of the volumes presented in Figure 3.

Table 2: 2021 Existing Conditions Capacity Analysis

ID	Intersection	Control	Movement	AM		PM	
				LOS	Delay	LOS	Delay
1	US 29 & Hal Jones Rd	Round-about	Overall	A	8.9	B	11.3
			EB	A	8.6	A	8.7
			NB	B	10.5	A	8.0
			SB	A	6.2	B	14.8
2	US 29 & Green Top Rd	Round-about	Overall	A	7.6	A	7.6
			WB	A	6.4	A	7.0
			NB	B	8.7	A	5.8
			SB	A	5.5	A	9.5
3	Herring Rd & Green Top Rd	Stop-Control	EB	B	12.7	A	9.9
			NB	A	3.8	A	3.7

As shown in Table 2, overall operations at all study intersections are satisfactory in Existing Conditions during the AM and PM peak hours.

D.2. 2028 No-Build Conditions Capacity Analysis

The results of the 2028 No-Build Conditions capacity analysis are shown below and reflect the operation of the study intersections with the volumes presented in Figure 4.

Table 3: 2028 No-Build Capacity Analysis

ID	Intersection	Control	Movement	AM		PM	
				LOS	Delay	LOS	Delay
1	US 29 & Hal Jones Rd	Round-about	Overall	B	12.8	C	21.9
			EB	B	11.9	B	12.3
			NB	C	16.1	B	10.5
			SB	A	7.5	D	34.0
2	US 29 & Green Top Rd	Round-about	Overall	A	9.8	A	9.1
			WB	A	7.9	A	6.7
			NB	B	11.5	B	13.9
			SB	A	6.3	B	10.9
3	Herring Rd & Green Top Rd	Stop-Control	EB	C	15.7	B	10.4
			NB	A	3.9	A	3.9

Table 3 above summarizes traffic operations in the No-Build Scenario. Southbound Levels of Service (LOS) changes from 'C' to 'D' at US 29 & Hal Jones Road as delays increase by nearly 20 seconds. However, overall operations at each study intersection are expected to remain satisfactory during both AM and PM peak hours.

D.3. 2028 Build Conditions Capacity Analysis

Results of the 2028 Build Conditions intersection capacity analysis are shown below and reflect No-Build plus project volumes as presented in Figure 7.

Table 4: 2028 Build Capacity Analysis

ID	Intersection	Control	Movement	AM		PM	
				LOS	Delay	LOS	Delay
1	US 29 & Hal Jones Rd	Round-about	Overall	B	13.7	D	26.4
			EB	B	13.4	B	13.5
			NB	C	17.2	B	12.1
			SB	A	8.2	E	42.2
2	US 29 & Green Top Rd	Round-about	Overall	B	11.5	C	15.3
			WB	B	11.8	B	11.7
			NB	B	13.2	A	9.3
			SB	A	7.3	C	22.8
3	Herring Rd & Green Top Rd	Stop-Control	EB	C	18.4	B	12.3
			NB	A	4.0	A	4.2
4	Green Top Rd & Site Dwy 1	Stop-Control	NBL	C	18.1	C	17.3
			NBR	B	10.7	A	9.3
			WBL	A	8.2	A	8.1
5	Green Top Rd &	Stop-	NBR	B	10.7	A	9.2
6	Green Top Rd &	Stop-	NBR	B	10.8	B	10.2

As shown in Table 4, all study intersections continue to operate at an acceptable overall Levels of Service (LOS) during both peak hours. The addition of project traffic is expected to increase delays along the southbound approach at US 29 & Hal Jones Road by eight (8) seconds during the PM peak hour, causing the LOS to change from 'D' to 'E', while the overall LOS changes from 'C' to 'D'. In addition to each study intersection, all site driveways operate acceptably, with LOS 'C' for northbound left turning traffic from Site Driveway 1.

E. GDOT Turn Lane Evaluations

The need for turn lanes was evaluated for the three proposed driveways along Green Top Road using methodologies from the Georgia Department of Transportation (GDOT) Access Manual. ADT data collected on Tuesday, November 16, 2021, along Green Top Road shows the average weekday traffic to be approximately 4,079 vehicles per day. The results of the evaluation are summarized in Appendix E and Table 5 below:

Table 5: GDOT Turn Lane Evaluations

ID	Intersection	Movement/ Turn Lane	Turn Volume	GDOT Volume Criteria	GDOT Criteria met?
4	Green Top Rd & Driveway 1	WBL	343	250 LT/Day	YES
		EBR	1,029	150 RT/Day	YES
5	Green Top Rd & Driveway 2	EBR	172	150 RT/Day	YES
6	Green Top Rd & Driveway 3	EBR	172	150 RT/Day	YES

Based on this analysis, eastbound right-turn movements at all three driveways are expected to exceed the 150 vehicle per day threshold to warrant right-turn deceleration lanes for a two-lane roadway with less than 6,000 daily vehicles and a speed limit of 45 miles per hour. Westbound left-turn movements are expected to meet the 250 vehicle per day threshold to warrant a left-turn lane at Driveway 1 (center).

F. Conclusions

A new residential development is proposed for construction along Green Top Road in Coweta County, Georgia. The proposed development will consist of 366 single-family detached homes and will have three (3) new driveways along Green Top Road: one driveway will provide full access while the other two driveways will allow right-in/right-out access. The development has a projected build out date of 2028.

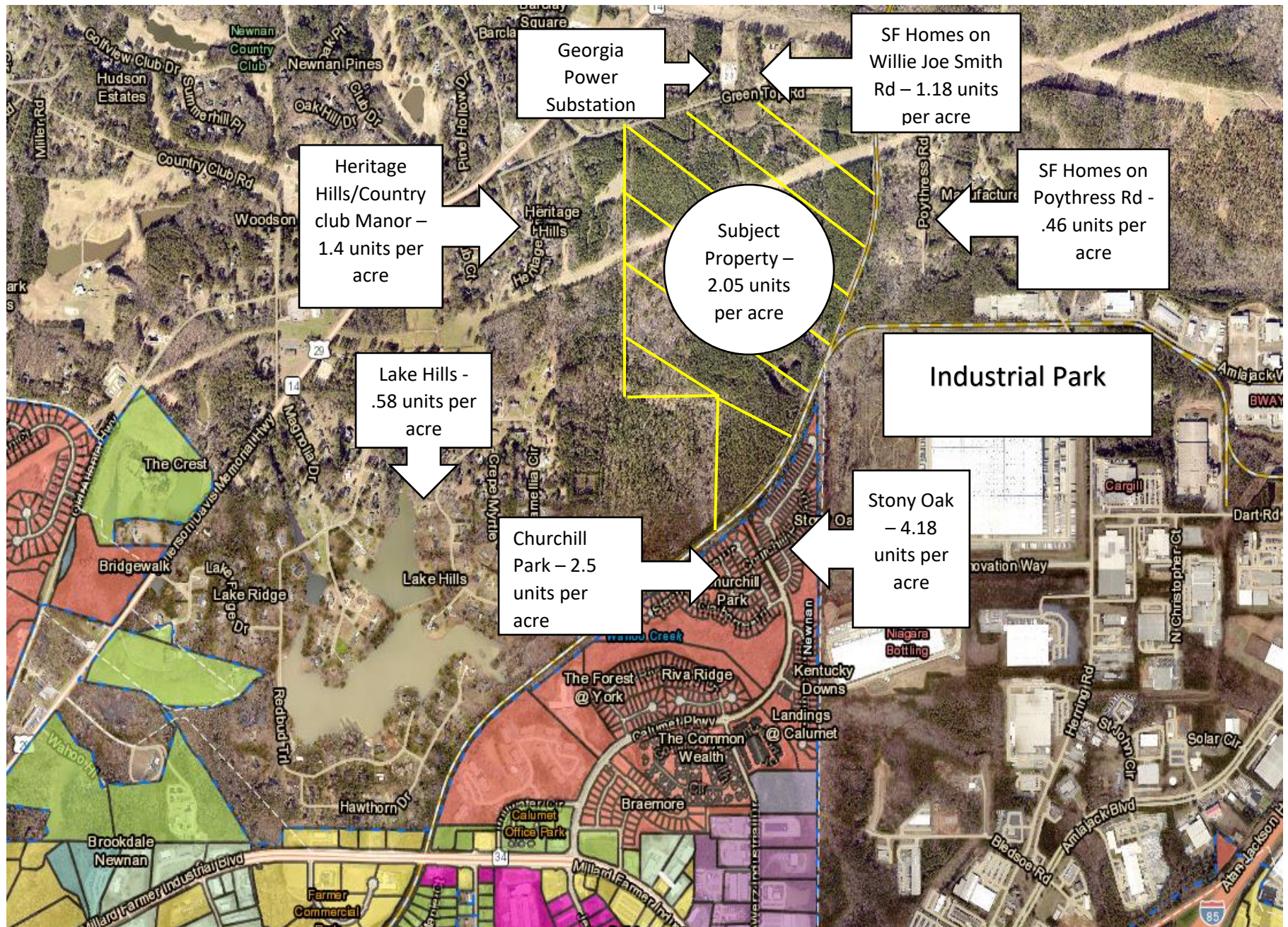
When complete, the development is expected to generate a total of 3,430 new daily trips, with 265 trips during the AM peak hour (66 entering and 199 exiting), and 353 during the PM peak hour (222 entering and 131 exiting).

Overall traffic operations at the study intersections are satisfactory in Existing, No-Build and Build Conditions. The introduction of site traffic increases overall delay by a maximum of six (6) seconds, while overall Levels of Service (LOS) remains at 'D' or better at every study intersection, including driveways.

Eastbound right-turn deceleration lanes are warranted at all three driveways, while a westbound left-turn lane is warranted at Driveway 1 (center).

Based on the analysis prepared for the proposed development, additional improvements at the study intersections are not required to mitigate the impact of the proposed development.

Density Map – Green Top Annexation



LAW OFFICES
TISINGER VANCE, P.C.

100 WAGON YARD PLAZA
CARROLLTON, GEORGIA 30117

WWW.TISINGERVANCE.COM

TELEPHONE: (770) 834-4467
FAX: (770) 834-5426

ROBERT D. TISINGER
1909-1991

DIRECT DIAL AND E-MAIL ADDRESS:

(770) 214-5119
ATJACKSON@TISINGERVANCE.COM

August 8, 2023

The Honorable Mayor and Council
City of Newnan
25 LaGrange Street
Newnan, GA 30263
Via Email: msheu@newnanga.gov

Green Top Road, LLC
Pulte Group Home Company, LLC
c/o George Rosenzweig
75 Jackson Street, Suite
405 Newnan, GA 30263
Via Email: george@cowetalaw.com

Members of City of Newnan
Planning Commission
25 LaGrange Street
Newnan, GA 30263
Via Email: tdunnavant@newnanga.gov

RE: NOTICE OF OBJECTION TO ANNEXATION PROFFERED CONDITIONS AND
DEVELOPMENT AGREEMENT
Pulte Home Company, LLC & Green Top Road, LLC (the "Applicants");
Revised Rezoning and Annexation Applications (the "Revised Applications");
PC to Planned Development Project (PDP);
163.61 acres located on Green Top Road, Coweta County,
Parcel Tax ID Numbers 085-5107-003, 085-5107-002, 085-5086-003,
and 085-5086-001 (the "Property")

Dear Mayor & Council, Members of the Newnan Planning Commission, and Applicants:

This firm represents the Coweta County Water and Sewerage Authority (the "Water Authority") in its objections to the "Proffered Conditions" contained in the above referenced Revised Applications. The Water Authority respectfully requests your compliance with Georgia law concerning the annexation dispute resolution process outlined in O.C.G.A. § 36-36-118, et. seq., in either only approving the annexation with the conditions imposed by the arbitration panel or denying the annexation. In addition, any attempt to move forward with the current "Proffered Conditions" contained in the Revised Applications or the proposed Development Agreement between and among Green Top Road, LLC, Pulte Home Company, LLC, the City of Newnan, Georgia, and Newnan Utilities, would constitute tortious interference with contractual relations and/or tortious interference with business relations. Furthermore, the Water Authority has expended significant sums on valuable property rights and contractual interests in the Property and the approval of the annexation with the proposed "Proffered Conditions" and proposed Development Agreement would constitute a taking and inverse condemnation of the Water Authority's existing property rights and interest in the Property.

City of Newnan
Planning Commission
Green Top Road, LLC
Pulte Group Home Company, LLC
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I submit this statement for you to consider in conjunction with the Applicant's annexation request. Due to the time restraints created by the City of Newnan Zoning Ordinance, I ask that you consider these written comments along with the oral presentation made at the annexation hearing.

Facts

The Applicants, Green Top Road, LLC, and Pulte Homes, LLC, originally prepared and filed an annexation application on August 29, 2022. The Applicants used the forms provided by the City. On the application, one of the required items to be completed was a description of how water and sewerage would be provided. Green Top and Pulte completed the applications and clearly designated the Water Authority as providing water and sewerage services. Specifically, the proffer was "the property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority."

The Water Authority was listed as providing water and sewerage services because the Water Authority has an easement for a sewer line running across the Property, the Water Authority spent over \$3.5 million installing and connecting the sewer line across the subject property, and the Water Authority has a written agreement with Green Top Road, LLC, guarantying capacity for up to 340 residential sewer taps and residential service on the Water Authority's sewer line, which is already located on the Property.

In February 2019, Newnan Utilities entered into a Water Purchase Agreement with the Water Authority, which in part transferred title of the existing sewer line, commonly referred to as the "Highway 29 Line," from the City to the Water Authority. The "Highway 29 Line," which includes the sewer line and all infrastructure along said line, including all lift stations, runs north along Green Top Road. The Water Purchase Agreement further provided that "[a]ll customers connected to the transferred portion of said sewer line shall become customers of the Authority for sewer services. Should said property be annexed into the Newnan city limits, [Newnan Utilities] will have the right to serve water to developments in the annexed area, *except for customers already served by the Authority.*" (Water Purchase Agreement, attached hereto as Exhibit A.)

The Property is adjacent to and will be serviced by the "Highway 29 Line". (See property descriptions and maps within Exhibits A & B.) Thus, in October 2020, Green Top Road, LLC entered into an Agreement with the Water Authority, which is recorded in the Coweta County Public Records at Deed Book 5147, Page 151, and which provides in part that "CCWSA and Owner desire for CCWSA to proceed with installation and construction of the Sewer Line in return for CCWSA's agreement to construct and install the Sewer Line at its expense and to reserve capacity for up to 340 residential sewer taps and residential service and related equipment on the CCWSA sewer system" ("Easement Agreement", attached hereto as Exhibit B.)

In reliance on the written recorded Easement Agreement with Green Top Road, LLC and the Water Purchase Agreement with the City, over the past 2–3 years the Water Authority expended significant resources—approximately \$3.5 million—in construction and other preparations to provide water and sewer to the Property.

The current Service Delivery Strategy (“SDS”) filed with the Georgia Department of Community Affairs and approved by the local governments, authorities, and other organization that provide water and sewer services in the County states in part: “The Coweta County Water and Sewerage Authority provides service primarily to industrial and commercial properties within the unincorporated county and to some incorporated areas.” The SDS further states: “Also, both the City of Newnan and the City of Senoia have annexed properties over the years that included Coweta County Water and Sewerage Authority infrastructure.” (Service Delivery Strategy, attached hereto as Exhibit C.)

Here, again as has occurred in the past, the City is contemplating annexing the Property with the Water Authority’s sewer line already built on the Property. The Applicants first annexation application was accepted by the City of Newnan on September 13, 2022, and the City voted to initiate the annexation procedure with the preferred condition stating that “the property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewerage Authority.” Coweta County objected to the annexation application. An arbitration panel was appointed pursuant to O.C.G.A. § 36-36-114 and the panel held a lengthy trial receiving live witness testimony and admission of evidence in accordance with O.C.G.A. § 36-36-115. The parties, including Green Top Road, LLC, Pulte Homes, LLC, the City of Newnan, and Coweta County, all stipulated to adequate water and sewer infrastructure at the trial before the arbitration panel. None of the parties objected to, retracted, or even discussed the proffered condition that the Water Authority would serve the Property at the arbitration trial. The arbitration panel awarded Green Top Road, LLC and Pulte Homes, LLC exactly what they asked for by approving the conditions they proffered in the rezoning application, including the specific condition that “the property shall be served by public water and sewage facilities provided by the Coweta County Water and Sewerage Authority.” (See Arbitration Panel Decision, attached hereto as Exhibit D.)

The City and Applicants then appealed the arbitration award to the Superior Court of Coweta County. Despite no prior complaints, the sole condition that the City and Applicants complained about on appeal was the condition imposed by the arbitration panel that “the property shall be served by public water and sewerage facilities provided by the Coweta Water and Sewerage Authority.” The Superior Court of Coweta County expressly decided and ordered that “the City, Pulte and Green Top are estopped from now complaining about the very condition it proffered to the panel and which the panel adopted at their request.” The Court further stated “[t]o the extent the Applicants proffered the condition—and the City has worked in concert with the

Applicants from the beginning without taking issue to the proffered condition—the Appellants are estopped from now contending the same cannot be a condition of the annexation.” The Court expressly found that the arbitration award and the proffered condition concerning service of water and sewer to the Property by the Water Authority are not subject to being vacated. (Final Order of Superior Court, attached hereto as Exhibit E.)

Discussion

The annexation process is tightly controlled by Georgia law and the City and Applicants may only proceed with the annexation accepting the express binding conditions of the arbitration panel or abandon the annexation proceeding.

O.C.G.A. § 36-36-111 states:

The municipal corporation shall take no final action on such annexation except as otherwise provided in this article.

O.C.G.A. § 36-36-117 states:

Following the conclusion of the dispute resolution process outlined in this article, **the municipal corporation and an applicant for annexation may either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding.** A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

O.C.G.A. § 36-36-118 provides:

After final resolution of any objection, whether by agreement of the parties, act of the panel, or any appeal from the panel's decision, **the terms of such decision shall remain valid for the two-year period** and such annexation may proceed at any time during the two years without any further action or without any further right of objection by the county.

O.C.G.A. § 36-36-117 further provides that:

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If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, **the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of two years** unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties.

Therefore, Georgia law expressly gives the City and the Applicants only two choices following the conclusion of the annexation dispute resolution process, either (1) accept the express binding conditions of the arbitration panel and proceed with the remaining annexation process or (2) abandon the annexation proceeding. The arbitration panel's award is binding for two years. The City is expressly prohibited from changing, modifying, or supplementing the conditions imposed by the arbitration award during the two years unless by agreement with the County. The Superior Court of Coweta County has already confirmed that the conditions in the arbitration award are not subject to being vacated and the City and Applicants are estopped from complaining about the conditions.

The City and the Applicants cannot now seek to modify and amend the annexation application and the conditions imposed by the arbitration panel award in an attempt to include additional conditions that were not originally raised, noticed, discussed, or objected to during the arbitration dispute resolution process. The goal of the entire annexation dispute resolution process including notice, arbitration hearing, appeal process, and recording the imposed conditions is to establish the binding conditions of the annexation that will remain in place and cannot be changed by the City or Applicant for at least two years.

If the City approves the annexation with the "Proffered Conditions" in the Revised Applications and enters into the proposed Development Agreement in violation of the arbitration dispute resolution law, the arbitration award, and the Superior Court's order, then the Water Authority will seek enforcement of the same and seek any and all damages, including the legal fees and costs, against the City for violation of Georgia's arbitration laws, tortious interference with contractual relations, tortious interference with business relations, taking, and inverse condemnation. Similarly, if the Applicants proceed to enter into the Development Agreement, they will be in breach of the Easement Agreement.

By law, I am required to notify you that the Water Authority contends that an annexation of the Property with the proposed "Proffered Conditions" and proposed Development Agreement would result in an unconstitutional taking of the Water Authority's rights without just compensation in violation of the provisions of the United States and Georgia Constitutions. Failure to either accept the recommendations of the arbitration panel and proceed with the remaining

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annexation process or abandon the annexation proceeding will be unlawful and will violate the Water Authority's constitutional due process rights, and constitutes the taking of their private property without just compensation in violation of the 5th Amendment and 14th Amendment of the Constitution of the United States, Article I, Section 1, Paragraph 1, and Article I, Section 3, Paragraph 1 of the Constitution of the State of Georgia and the due process clause and the protection clause of the 14th Amendment to the Constitution of the United States.

Further, failure to either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding will be an arbitrary, capricious and unreasonable use of the City's annexation and zoning power against the Water Authority, who will have its investment, potential use, and enjoyment of its infrastructure and property interest stripped from them in violation of Article I, Section 3, Paragraph 1 of the Constitution of the State of Georgia and the equal protection clause of the 14th Amendment of the Constitution to the United States.

Very truly yours,

TISINGER VANCE, P.C.



Avery S. Jackson

cc: Cleatus Phillips, City Manager: cphillips@newnanga.gov
Megan Shea, City Clerk: mshea@newnanga.gov
C. Bradford Sears, Jr., Esq., City Attorney: csears@sandershaugen.com
Tracy Dunnivant, Planning and Zoning Director: tdunnivant@newnanga.gov

SUMNER | MEEKER
LLC
ATTORNEYS AT LAW

THEODORE P. MEEKER, III

14 EAST BROAD STREET
NEWNAN, GEORGIA 30263

TELEPHONE 770-251-1750
FACSIMILE 770-251-1770
tmeeker@numail.org

September 11, 2023

Via Email and First Class Mail

Avery S. Jackson, Esq.
Tisinger Vance, P.C.
100 Wagon Yard Plaza
Carrollton, Georgia 30117

**Re: Coweta County Water & Sewer Authority
City of Newnan, Georgia
Annexation and Rezoning Application of Pulte Home Company, LLC
and Green Top Road, LLC**

Dear Avery:

Please be advised that the undersigned and the law firm of Sanders, Haugen & Sears, P.C. represent the City of Newnan ("City") in the above-referenced matter. This letter is in response to your letter dated August 8, 2023.

I will state at the outset that we agree with you as to one issue raised in your August 8th letter: that the City of Newnan has to impose, at a minimum, the conditions set forth in the decision of the Arbitration Panel. We do not agree with your argument that the City cannot impose additional conditions in addition to those set forth in the decision of the Arbitration Panel.

The Georgia Constitution provides that "[T]he governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning. This authorization shall not prohibit the General Assembly from enacting general laws establishing procedures for the exercise of such power." Ga. Const. Art. IX, § II, Para. IV. The plain language of this constitutional provision limits the power to zone property to the elected governing authorities of counties and municipalities and cannot be delegated to any other entity. See Johnston v. Hicks, 225 Ga. 576, 581 (1969) ("[t]he sole authority to amend or repeal existing planning and zoning laws or to enact new planning and zoning laws with respect to unincorporated areas, was granted to the county authorities"). Further illustrative of this point are decisions which held that courts cannot zone property. "The power to zone and rezone property is vested in the county and city governing authorities. The courts have no power to zone or rezone property." Hall Paving Company v. Hall County, 237 Ga. 14, 15 (1976) (citations omitted); Jackson v. Goodman, 247

Avery S. Jackson, Esq.
Tisinger Vance, P.C.
September 11, 2023
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Ga. 683, 684 (1981); Cobb County v. Wilson, 259 Ga. 685 (1989) (“the judicial system has no zoning powers.”); Town of Tyrone v. Tyrone, LLC, 275 Ga. 383 (2002).

O.C.G.A. § 36-36-117 is also contrary to your argument. That statute provides that once the dispute resolution process is concluded, the municipal corporation and the applicant may either accept the recommendations of the panel **and proceed with the remaining annexation process** or abandon the annexation proceeding. Nothing in O.C.G.A. § 36-36-117 precludes the imposition of additional zoning conditions by a municipal corporation. The City has the express power under the Georgia Constitution to impose conditions in addition to the conditions required by the Panel. Nothing in that statute limits the City’s ability to impose additional conditions on the proposed annexation. Further, any such attempt to do so would run afoul of the power of zoning granted to the City under the Georgia Constitution.

The City questions your standing to even raise a challenge to the proposed annexation. The Easement Agreement, attached to your letter as Exhibit “B”, indicates the grant of certain easement rights by the property owner to the Authority. As consideration for the grant of such rights, certain sewer taps were reserved for the property owner. That was addressed in Paragraph 6 of the Easement Agreement, which provides as follows:

Owner shall be guaranteed capacity for up to 340 residential sewer taps and to residential service on the CCWSA sewer system, **as long as Coweta County, Georgia has approved residential sewer service and/or wastewater service to the Property**, at the rate applicable for tap and capacity charges at the time of development of the residential community. (Emphasis Added).

To our knowledge, no such approval has been given by Coweta County, Georgia. Therefore, your alleged standing, or ability to even raise this issue, is specious at best. If such approval has been granted by Coweta County, please provide evidence of the same to us immediately.

Finally, the claims raised with respect to the Authority’s property rights fail for the same reasons outlined above – that the Authority, as of this date, has no such property rights with respect to the Green Top Road, LLC, property. First, no such rights were conveyed to the Authority in the Easement Agreement other than the right to install the sewer line. That sewer line has been installed and is in operation. There is no action, either taken or anticipated to be taken, by the City of Newnan that would impact the Authority’s easement rights. The Easement

Avery S. Jackson, Esq.
Tisinger Vance, P.C.
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Agreement provides certain rights to Green Top Road, LLC for sewer connection. Those are property rights of Green Top Road, LLC, and not of the Authority. Finally, the rights of Green Top Road, LLC to those sewer taps were subject to the aforementioned condition that the same be approved by Coweta County. As noted, to our knowledge no such approval has been given by Coweta County, Georgia.

If you would like to discuss this matter further, please contact either Brad Sears or myself.

Sincerely,

SUMNER MEEKER, LLC



Theodore P. Meeker, III

TPM/jm

cc: C. Bradford Sears, Jr., Esq. (via email)
Cleatus Phillips, City Manager, City of Newnan (via email)
Nathan T. Lee, Esq. (via email)
Michael Fouts, County Administrator, Coweta County (via email)
George C. Rosenzweig, Esq. (via email)

Samantha Wood

From: McEntire, Clay (MMA) <Clay.McEntire@MarshMMA.com>
Sent: Tuesday, August 8, 2023 8:38 AM
To: Samantha Wood
Subject: FW: Greentop Road Annexation

Good Morning,

I wanted to pass this email along for tonight's meeting.

Thanks,

Clay McEntire, CLCS, AAI

Senior Vice President

T 770-683-1020 | M 470-215-5917 | F 770-683-1010

47 Postal Parkway | Newnan, GA | 30263

clay.mcentire@MarshMMA.com | MarshMMA.com



**Marsh McLennan
Agency**

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From: Jane Davis <jsdavis118@gmail.com>
Sent: Monday, August 7, 2023 8:32 PM
To: McEntire, Clay (MMA) <Clay.McEntire@MarshMMA.com>
Subject: FW: Greentop Road Annexation

CAUTION: This email originated outside the company. Do not click links or open attachments unless you are expecting them from the sender.

Dear Clay McEntire,

Thank you for serving on the Newnan Planning and Zoning Committee. I know you are invested in the well being of Coweta County and appreciate your serious consideration of the proposal to annex the property on Greentop Road from the county to the city.

As residents of Newnan Pines subdivision, Jerry and I are very concerned about how this will affect our daily lives. We have lived here for over 30 years and love the area and quality of life we have enjoyed. Although we know change is inevitable, we do not believe our current infrastructure is capable of supporting the influx of people and vehicles that 500 homes on 250 acres will bring.

Coweta County has been very good to us. We chose to live here because it was close enough to a major city to access the opportunities that a city affords, but far enough away to maintain a small town feel. We believe that rapid growth for the sake of "progress" without taking the time to prepare for that growth will make Coweta County a miserable place to live.

We ask you that you vote against recommending annexation to the Newnan City Council.

Thank you,
Jerry and Jane Davis
Sent from [Mail](#) for Windows

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer.

Please note that coverage cannot be bound or altered by sending an email. You must speak with or receive written confirmation from a licensed representative of our firm to put coverage in force or make changes to your existing program. Thank you.

Samantha Wood

From: McEntire, Clay (MMA) <Clay.McEntire@MarshMMA.com>
Sent: Tuesday, August 8, 2023 4:20 PM
To: Samantha Wood
Subject: FW: Green Top

FYI...

Clay McEntire, CLCS, AAI
Senior Vice President
T 770-683-1020 | M 470-215-5917 | F 770-683-1010
47 Postal Parkway | Newnan, GA | 30263
clay.mcentire@MarshMMA.com | MarshMMA.com

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—Original Message—

From: car66stang@gmail.com <car66stang@gmail.com>
Sent: Tuesday, August 8, 2023 3:38 PM
To: McEntire, Clay (MMA) <Clay.McEntire@MarshMMA.com>
Subject: Green Top

CAUTION: This email originated outside the company. Do not click links or open attachments unless you are expecting them from the sender.

Dear Council Member

I'm writing you to express my concern for the development on Green Top. I have attended many of the previous meetings and seen the presentation given by the developers. They paint a very pretty picture but the numbers never add up. The reality is the roads, schools and first responders are not in place for such a development.

I know I don't stand alone in my concerns and will continue to advocate for better infrastructure before development. As our representative please vote no before so many citizens lives will be forever changed.

Thank you

C Welsh

Sent from my iPhone

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer.

Please note that coverage cannot be bound or altered by sending an email. You must speak with or receive written confirmation from a licensed representative of our firm to put coverage in force or make changes to your existing program. Thank you.

Samantha Wood

From: psmith827@numail.org
Sent: Monday, July 31, 2023 3:21 PM
To: Samantha Wood
Subject: FW: Planning Commission Hearing on Greentop Road

Hi Samantha,

I'm sure you will start getting emails to forward to the commission. Please include this one with the rest. Thanks!

Proctor

From: Norma Haynes <norma30263@gmail.com>
Sent: Saturday, July 29, 2023 6:42 PM
To: psmith827@numail.org
Subject: Planning Commission Hearing on Greentop Road

Dear Proctor, yours is the only email address I have, and I would so appreciate if you would kindly pass this along to the other members of the Planning Commission. I understand that the Greentop property is once again coming before all of you. I now live at Wesley Woods, and I just can't get over how much traffic is on Highway 29 here that is at the intersection of Herring Road. As you can see, Wesley Woods drivers have to try to get out of our community right at that intersection, and it is terrifying. I have lived here for three years now, and I have been appalled at the increase in the traffic on these two roads, especially dump trucks and eighteen wheelers. Oh, my goodness, they fly up and down and I just don't see how on earth we can stand another big subdivision pouring out on these two roads. I watch the ambulances and fire trucks try to leave the station and when they try to drive on these roads, there is nowhere safely for anyone in front of them to even pull over because of the configuration of the highway and the bumper-to-bumper cars and trucks going both ways.

I know that progress is inevitable, and I accept that, but I just want all of you to know that I am terrified trying to get out of Wesley Woods or to get into Wesley Woods, and when I watch people trying to get out of the Heritage School, the Newnan Country Club, Lake Hills, I hold my breath. I thank you all so much for your past vote on this critical issue and realize that the City Council may very well deny you should you vote for our safety in this matter, but I pray that you will stand up for us because it is the right thing to do. I am grateful to each of you for serving on this important commission and realize that your job is not

easy. I felt I would just contact each of you by email and not take up someone else's time or yours at the upcoming meeting. God bless you. Norma Haynes 100 Lindsey Barron Drive, Newnan, Georgia 30263.

Pray for America Norma

Samantha Wood

From: Chris Hunt <chris.hunt@bhhsgeorgia.com>
Sent: Tuesday, August 8, 2023 8:47 AM
To: Samantha Wood
Subject: FW: Green Top Rd

Good morning ... I received this email ...

Chris and Julie Hunt - The Hunt Team
BHHS Georgia Properties 2022 #1 Small Team
Serving Clients Since 1998 ...
Call or ... Text For Immediate Response | 404-933-4347

Berkshire Hathaway HomeServices | Georgia Properties
Luxury Collection Specialists | Certified Corporate Relocation Specialists
Newnan / Coweta Office | #1 TEAM 2005-2022!
BHHS Chairman's Circle Award Recipient 2013 – 2022 ... Top 2% REALTORS Nationwide!
BHHS Chairman's Circle Platinum Award 2016, 2019 - 2021 ... Top 1% Nationwide!
BHHS Chairman's Circle Diamond Award 2022 ... Top ½ % Nationwide!
Berkshire Hathaway HomeServices | Georgia Properties 10 Year Legend
NCBOR | Crystal Phoenix | 2016 Top Team | 2021 & 2022 Top Ten Producer
Proudly Serving The City of Newnan ... Planning Commission & Development Authority

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Visit our website @ [https://link.edgепilot.com/s/0f9e7328/lKjiy-](https://link.edgепilot.com/s/0f9e7328/lKjiy-GL50e1ulwc1YVylq?u=http://www.thehuntteam.net/)

[GL50e1ulwc1YVylq?u=http://www.thehuntteam.net/](https://link.edgепilot.com/s/0f9e7328/lKjiy-GL50e1ulwc1YVylq?u=http://www.thehuntteam.net/)



From: Jeane Yancey <jeaneyancey@outlook.com>
Sent: Sunday, August 6, 2023 5:55 PM
To: Chris Hunt <chris.hunt@bhhsgeorgia.com>
Subject: Fwd: Green Top Rd

You don't often get email from jeaneyancey@outlook.com. [Learn why this is important](#)

Thank you for your vote

Jeane

Begin forwarded message:

From: Jeane Yancey <jeaneyancey@outlook.com>
Date: August 4, 2023 at 2:25:18 PM EDT
To: Jeane Yancey <jeaneyancey@outlook.com>
Subject: Re: Green Top Rd

Jeane

On Aug 4, 2023, at 2:17 PM, Jeane Yancey <jeaneyancey@outlook.com> wrote:

Procter and zoning board committee,

Thank you and your team for your service to the community we all love.

As you well know, there are great number of citizens living on the north side of Coweta county that are very concerned with the GREENTOP road annexation. We have voiced our opinion for many we

.We are concerned about this annexation and then development slowly taking and ruining our quality of life. We all see this happening to our county but only if we let. Has the county heard of green space. ... trees etc,, They are a must to all communities. We believe in your service to our community . Please oppose this annexation.

I live at Newnan Pines. We have only one entrance and exit used by all residents.

On Aug 2 I was leaving Newnan Pines before 8am I sat in traffic for literally 10 plus minutes trying to exit.. This is already a problem and the development will make it much worse.

The bottom line is: This is NOT the right location to annex.

I have been around this world long enough to learn a few things!

One of the things I have learned in my 85 years is that people say just about anything

to get what they want. The traffic studies engineers said it will be fine.

Take what you know and keep our community from being destroyed by a publicly owned company Poulte Homes.

Please consider our citizens who live in Coweta County and not flood our roads with new developments and TRAFFIC when you vote. Can you imagine what it will be if the property is annexed into the city and developed as proposed ?

Thank you for your time serving on this committee.

Jeane Yancey

Reminder: email is not secure or confidential. Except in the limited circumstance where you have requested instructions for sending earnest-money deposit (and you will verify the instructions by phone before authorizing any funds transfer), Berkshire Hathaway HomeServices Georgia Properties will never request that you send funds or nonpublic personal information, such as credit card or debit card numbers or bank account and/or routing numbers, by email. If you receive an email message concerning any transaction involving Berkshire Hathaway HomeServices Georgia Properties, and the email requests that you send funds or provide nonpublic personal information, do not respond to the email and immediately contact Berkshire Hathaway HomeServices Georgia Properties to notify of suspected email fraud at: fraud@bhhsgeorgia.com or 678-352-4490. Additionally, contact your sales agent to alert him/her of the suspect email.

Samantha Wood

From: Chris Hunt <Chris.Hunt@bhhsgeorgia.com>
Sent: Tuesday, August 8, 2023 8:50 AM
To: Samantha Wood
Subject: FW: Greentop Road Annexation

And this email as well ...

Chris and Julie Hunt - The Hunt Team
BHHS Georgia Properties 2022 #1 Small Team
Serving Clients Since 1998 ...
Call or ... Text For Immediate Response | 404-933-4347

Berkshire Hathaway HomeServices | Georgia Properties
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From: Jane Davis <jsdavis118@gmail.com>
Sent: Monday, August 7, 2023 8:28 PM
To: Chris Hunt <Chris.Hunt@bhhsgeorgia.com>
Subject: FW: Greentop Road Annexation

You don't often get email from jsdavis118@gmail.com. [Learn why this is important](#)

Dear Chris Hunt,

Thank you for serving on the Newnan Planning and Zoning Committee. I know you are invested in the well being of Coweta County and appreciate your serious consideration of the proposal to annex the property on Greentop Road from the county to the city.

As residents of Newnan Pines subdivision, Jerry and I are very concerned about how this will affect our daily lives. We have lived here for over 30 years and love the area and quality of life we have enjoyed. Although we know change is inevitable, we do not believe our current infrastructure is capable of supporting the influx of people and vehicles that 500 homes on 250 acres will bring.

Coweta County has been very good to us. We chose to live here because it was close enough to a major city to access the opportunities that a city affords, but far enough away to maintain a small town feel. We believe that rapid growth for the sake of "progress" without taking the time to prepare for that growth will make Coweta County a miserable place to live.

We ask you that you vote against recommending annexation to the Newnan City Council.

Thank you,
Jerry and Jane Davis
Sent from [Mail](#) for Windows

Reminder: email is not secure or confidential. Except in the limited circumstance where you have requested instructions for sending earnest-money deposit (and you will verify the instructions by phone before authorizing any funds transfer), Berkshire Hathaway HomeServices Georgia Properties will never request that you send funds or nonpublic personal information, such as credit card or debit card numbers or bank account and/or routing numbers, by email. If you receive an email message concerning any transaction involving Berkshire Hathaway HomeServices Georgia Properties, and the email requests that you send funds or provide nonpublic personal information, do not respond to the email and immediately contact Berkshire Hathaway HomeServices Georgia Properties to notify of suspected email fraud at: fraud@bhhsgeorgia.com or 678-352-4490. Additionally, contact your sales agent to alert him/her of the suspect email.

Green Top Road, LLC and Pulte Group Home
Company, LLC
163.61 ± acres, located on Green Top Road
Land Lots 86 and 107, 5th Land District, Coweta
County, Georgia
Tax Parcels #085086001, 0855086003, 0855107002,
And southern portion of 0855107003

**ORDINANCE TO ANNEX TO THE EXISTING CORPORATE LIMITS OF THE CITY OF
NEWNAN, GEORGIA CERTAIN UNINCORPORATED LAND ADJOINING THE
EXISTING CORPORATE LIMITS OF SAID CITY IN ACCORDANCE WITH SECTION
36-36-21 OF THE OFFICIAL CODE OF GEORGIA, AND FOR OTHER PURPOSES**

BE IT ORDAINED, by the Mayor and City Council of the City of Newnan, and it is hereby ordained by authority of the same and by the authority granted to the governing authority of the City of Newnan by Section 36-36-21, Official Code of Georgia, annotated, that the following described property is hereby annexed and shall hereinafter be treated and considered as a part of the corporate limits of the City of Newnan, Georgia, to-wit:

All that tract or parcel of land lying and being in Land Lots 86 and 107 of the 5th Land District of Coweta County, Georgia, containing 163.61± acres and being more particularly described on Exhibit "A" attached hereto and by reference made a part hereof.

BE IT FURTHER ORDAINED, that said property is annexed into the corporate limits of the City of Newnan subject to the following conditions:

See Exhibit "B" attached hereto and by reference made a part hereof for conditions.

BE IT FURTHER ORDAINED that said property annexed be zoned PDR (Planned Residential Development District subject to the conditions set out herein above and as provided in the separate rezoning ordinance adopted in connection herewith.

BE IT FURTHER ORDAINED that said property is hereby incorporated into the City of Newnan's Election District 2.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

BE IT FURTHER ORDAINED that should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not effect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon adoption and as provided in O.C.G.A. §36-36-2.

DONE, RATIFIED AND PASSED by the City Council of the City of Newnan, Georgia, this ____ day of _____, 2023 in regular session assembled.

ATTEST:

L. Keith Brady, Mayor

Megan Shea, City Clerk

Dustin Koritko, Mayor Pro-Tem

REVIEWED AS TO FORM:

C. Bradford Sears, Jr., City Attorney

George M. Alexander, Councilmember

Cleatus Phillips, City Manager

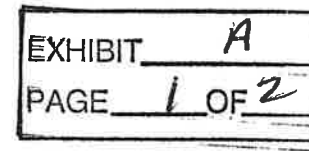
Cynthia E. Jenkins, Councilmember

Rhodes H. Shell, Councilmember

Raymond F. DuBose, Councilmember

Paul Guillaume, Councilmember

EXHIBIT "A"



SUBJECT PROPERTY

Surveyed Property Line Description for Overall Parcel

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lots 86 & 107 of the 5th District, Coweta County, Georgia, and being more particularly described as follows:

Beginning at a concrete monument found at the intersection of the of the southerly right-of-way of Greentop Road (80' right-of-way) and the easterly line of Land Lot 107, said point being the POINT OF BEGINNING;

Thence leaving said right-of-way running along said Land Lot Line South 01 degrees 02 minutes 16 seconds West 2598.70 feet to a nail set on the westerly right-of-way of CSX Railroad (200' right-of-way);

Thence along said right-of-way South 24 degrees 31 minutes 01 seconds West 446.64 feet to a 3/4" open top pipe found;

Thence along said right-of-way South 24 degrees 38 minutes 13 seconds West 276.24 feet to a point;

Thence along said right-of-way South 26 degrees 19 minutes 03 seconds West 205.83 feet to a point;

Thence along said right-of-way South 31 degrees 46 minutes 53 seconds West 192.25 feet to a point;

Thence along said right-of-way South 38 degrees 03 minutes 23 seconds West 142.35 feet to a 3/4" open top pipe found;

Thence along said right-of-way South 38 degrees 03 minutes 23 seconds West 46.00 feet to a point;

Thence along said right-of-way South 44 degrees 18 minutes 48 seconds West 191.04 feet to a point;

Thence along said right-of-way South 50 degrees 07 minutes 53 seconds West 188.10 feet to a point;

Thence along said right-of-way South 54 degrees 04 minutes 43 seconds West 114.00 feet to a point;

Thence along said right-of-way South 55 degrees 17 minutes 43 seconds West 277.55 feet to a nail set;

Thence leaving said right-of-way North 01 degrees 06 minutes 31 seconds East 1217.08 feet to a 3/4" open top pipe found;

Thence North 01 degrees 06 minutes 33 seconds East 47.50 feet to a 3/4" open top pipe found on the southerly line of Land Lot 107;

Thence along said Land Lot Line North 87 degrees 59 minutes 59 seconds West 301.24 feet to a 1.25" open top pipe found;

Thence along said property line North 87 degrees 54 minutes 45 seconds West 738.25 feet to a 1" open top pipe found;

Thence leaving said Land Lot Line North 01 degrees 09 minutes 38 seconds East 199.99 feet to a 1" square iron found;

Thence North 00 degrees 54 minutes 49 seconds East 1311.40 feet to a #4 rebar found;

Thence North 01 degrees 08 minutes 19 seconds East 1089.83 feet to a 2" open top pipe found on the southerly right-of-way of Greentop Road (80' right-of-way);

Thence along said right-of-way North 75 degrees 20 minutes 01 seconds East 389.18 feet to a point;

Thence along said right-of-way a curve to the left an arc length of 394.77 feet, said curve having a radius of 14779.60 feet, and being subtended by a chord of 394.75 feet, at North 74 degrees 07 minutes 33 seconds East to a point;

Thence along said right-of-way North 74 degrees 40 minutes 46 seconds East 228.35 feet to a point;

Thence along said right-of-way a curve to the right an arc length of 534.96 feet, said curve having a radius of 2484.30 feet, and being subtended by a chord of 533.93 feet, at North 83 degrees 17 minutes 14 seconds East to a point;

Thence along said right-of-way North 89 degrees 05 minutes 11 seconds East 148.73 feet to a point;

Thence along said right-of-way North 89 degrees 53 minutes 07 seconds East 208.79 feet to a point;

Thence along said right-of-way South 89 degrees 55 minutes 43 seconds East 358.04 feet to a concrete monument found, said point being the POINT OF BEGINNING;

Said tract or parcel contains 163.61 Acres (7126809 Square Feet), more or less.

GPS NOTES

- 1) HORIZONTAL DATUM IS NAD 83
VERTICAL DATUM IS NAVD 88
- 2) THE HORIZONTAL, EASTING, AND ELEVATION
WERE OBTAINED UTILIZING A TRIMBLE 5800
GPS RECEIVER WITH A TRIMBLE 1522 DATA
COLLECTOR RECEIVING FIX CORRECTIONS AS
A CELL PHONE FROM THE GPS SUDSERS
REAL TIME NETWORK. THE TECHNIQUE USED
WAS A CORRECTED MEASUREMENTS FROM
THE GPS TRIMBLE REAL TIME NETWORK
OPERATED BY GPS SUDSERS, INC. THE
RELATIVE POSITIONAL ACCURACY OBTAINED
ON THE MONUMENTS UTILIZED IN THIS SURVEY
WERE 0.04 +/- HORIZONTAL AND 0.07 +/-
VERTICAL AT THE 95% CONFIDENCE LEVEL

CHAGO FIRE INSURANCE COMPANY
SECTION 2 - SCHEDULE B - EXCEPTIONS
COMMITMENT NUMBER 20-121
EFFECTIVE DATE MAY 31 2021 AT 3:00 PM

[illegible]

LEGEND

[illegible]

L.L. 106 L.L. 107
L.L. 87 L.L. 86

[illegible]

ON GREEN TOP ROAD, LEE, KATHARON BRADY, LEE, BARBARA, SANDRA, JENNIFER CLOVER, WILLIAM F. LEE, JR. MARTHA LEE
DANIEL ROBERT F. LEE, FELIX LEE COMPANY, LLC AND CHICAGO ILL. A SURVANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE
WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/MPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED
AND ADOPTED BY ALTA AND MPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 11, 13 & 14 OF TABLE 4 THEREOF
THE FIELDWORK WAS COMPLETED ON June 28, 2022



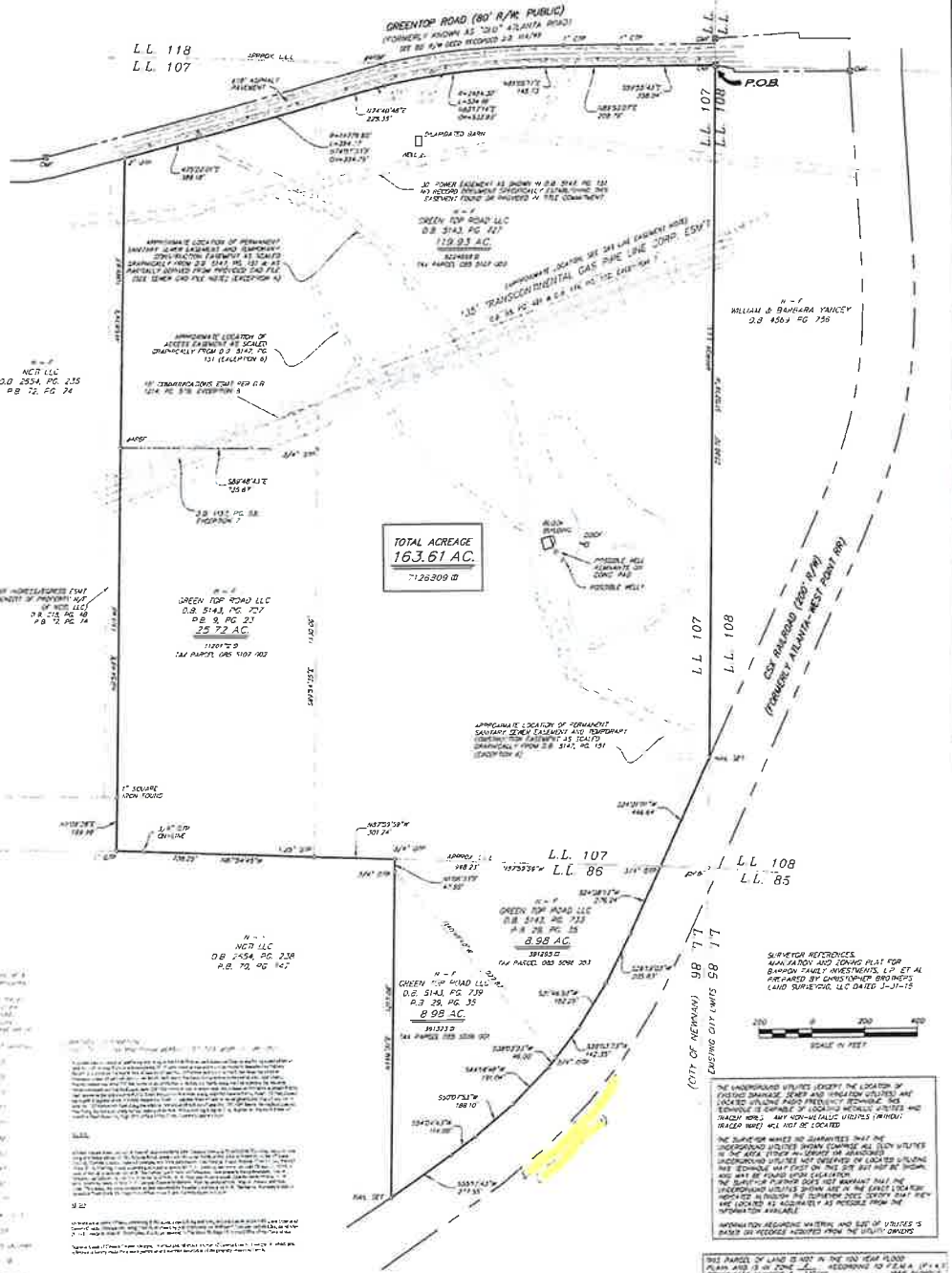
THIS PLAT IS A MEMORANDUM OF AN EXISTING PARTIAL OR PARTIALS OF LAND AND DOES NOT SUBVERT OR OVERTAKE A NEW PLAT. IT MAKES ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES AND THE RECORDING INFORMATION OF THE COORDINATES. THESE PLAT OF OTHER INSTRUMENTS WHICH DECREASED THE PARTIAL OF PARCELS ARE LISTED ABOVE. RECOGNITION OF THE PLAT DOES NOT HAVE ANY EFFECT ON ANY LOCAL JURISDICTION OR ANY OTHER FORM OF RECORDING OR COMPLIANCE WITH LOCAL, STATE OR FEDERAL REQUIREMENTS, OR THE LIABILITY FOR ANY LOSS OR DAMAGE OF THE LAND. FURTHERMORE, THE UNDERSIGNED (LAND SURVEYOR) CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN TEXAS AS SET FORTH IN THE RULES AND REGULATIONS OF THE TEXAS BOARD OF SURVEYING AND MAPPING PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AT 11.01 FORTH IN 2014 C.A. SECTION 13.01-6.02.

GAS EQUIPMENT NUM.
GAS EQUIPMENT SHOWN AS INTERPOLATED
AND SCALED GRAPHICALLY FROM
TRANSCONTINENTAL GAS TIME LINE
PROPOSED RIGHT-OF-WAY CROSSING THE
PROPERTY OF J. HAROLD BARRON ET AL.
W/2, NO E-4978, DATED 11-17-82.
LOCATION IS APPROXIMATE AND
RECOMMEND CIRCUMFERENCE FROM GAS
COMPANY

SEWER AND FILE NOTE:
PROPOSED PERMANENT AND TEMPORARY
SEWER EASEMENTS SHOWN AS TAKEN
GRAPHICALLY FROM D.B. 3147 PG. 151
AND ADJUSTED TO MATCH PROPOSED
SEWER ALIGNMENT IN CAD FILE PROVIDED
BY OTHERS. NO EASEMENTS SHOWN IN
CAD FILE SO EASEMENTS SHOWN ARE
APPROXIMATE.



LOCATION MAP 1" = 2000'



SURVEYOR REFERENCES
 MAPKATION AND ZONING PLAN FOR
 BARRON FAMILY INVESTMENTS, LP ET AL
 PREPARED BY CHRISTOPHER BROWN
 LAND SURVEYING, LLC DATED 5-11-15

[illegible]

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD
PLAIN AND IS IN ZONE 1 ACCORDING TO FEMA (FEMA
COMPLIANCE NUMBER 1 DATE 1/25/02 MAP NUMBER
1 MAP NUMBER 2432 DATE 1/25/02

THIS HEAD IS FORMED FROM A PILE BUILT USING A THE SECOND CYCLES, NEUTRONIC AND ELECTRONIC DISTANCE
METER. LAMIN PRODUCTION OF THERMAL. 1/2 INCH. APPLICANT DURING 1" PER POINT THE CHAIRS WAS
ADAPTED USING THE CONTRAST PILE. LAMIN PRODUCTION OF THIS HEAD 1/2 INCH. WATERS OF 1/2 INCH ARE ENCLOSED

Gaskins

GREEN TOP ROAD, LLC, KATE BARRON,
BRADY, JANE BARRON, SANDRA
BARRON GLOVER, WILLIAM F LEE, JR
MARIONA LEE CHILD, ROBERT L LEE,
PLETE HOME COMPANY, LLC AND
CHICAGO FIRE INSURANCE COMPANY
LOCATED IN LL 36 & 107
SIN DISTRICT,
COMETA COUNTY, GA

EXHIBIT "B"

CONDITIONS APPLICABLE TO THE
GREEN TOP ROAD / PULTE HOME COMPANY, LLC
ANNEXATION AND REZONING ORDINANCES

A. GENERAL CONDITIONS:

- 1) The project will be consistent with the concept plan, density, project data, amenities (including a pickle ball complex), and elevations provided as part of the application, including but not limited to the Concept Plan and elevations attached hereto as Exhibit "C".
- 2) The average square footages for each Pod will be as follows:
Ranch Pod – 1,860 square feet; Traditional Pod – 2,640 square feet; Estate Pod – 3,004 square feet.
- 3) The City of Newnan will not issue a permit for land disturbing activities until such time as Coweta County has reviewed and approved the plans for the development to the extent Coweta County has jurisdiction, primarily relating to street connections to Green Top Road.

B. CONDITIONS FROM THE ARBITRATION PROCESS: (To Expire By Law on February 9, 2025, Unless Otherwise Extended)

- 1) The maximum number of lots is restricted to three hundred (300) single-family, detached, fee-simple owned homes.
- 2) A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
- 3) The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.
- 4) Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.

- 5) Left turn and right turn lanes shall be constructed (Acceleration and Deceleration lanes to County Standards) at the proposed full-service access to Green Top Road.
- 6) Physical medians shall be constructed (to County standards) at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
- 7) The applicant shall contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project on Hal Jones Road/Green Top Road at US 29; Bonded amounts will be paid to Coweta County upon proof of Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
- 8) The applicant shall contribute a five-year bond in the amount of \$250,000 to assist with implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
- 9) The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.
- 10) Access on Green Top Road will require a permit from Coweta County.
- 11) All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
- 12) Left turn and right turn lanes shall be constructed at the proposed full service access to Green Top Road.
- 13) Physical medians shall be constructed at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
- 14) There shall be one main entrance with two secondary entrances on each side of the main entrance that are right-in/right-out only.

- 15) The amenities shall be specifically designed to meet the recreational and social needs of families shall include a 2,800 square feet minimum pool, playgrounds, dog park, mailbox kiosk, and walking trails. The clubhouse shall be 1,800 heated square feet minimum of heated floor space.
- 16) The existing ponds and wetlands will be retained in order to create a natural environment.
- 17) Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
- 18) The property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority.
- 19) All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City department for consideration.
- 20) All front, side and rear yards of all disturbed grass areas on lots shall be sodded.
- 21) All utilities that provide service to the proposed subdivision shall be placed underground.
- 22) The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
- 23) There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
- 24) All garage doors shall be architecturally treated similarly to the renderings submitted.
- 25) The lot information and setbacks shall be as follows:
 - Minimum street frontage 30-feet
 - Minimum lot width at front setback 40 feet
 - Minimum floor area 1,600 square feet
 - Maximum impervious area 60%

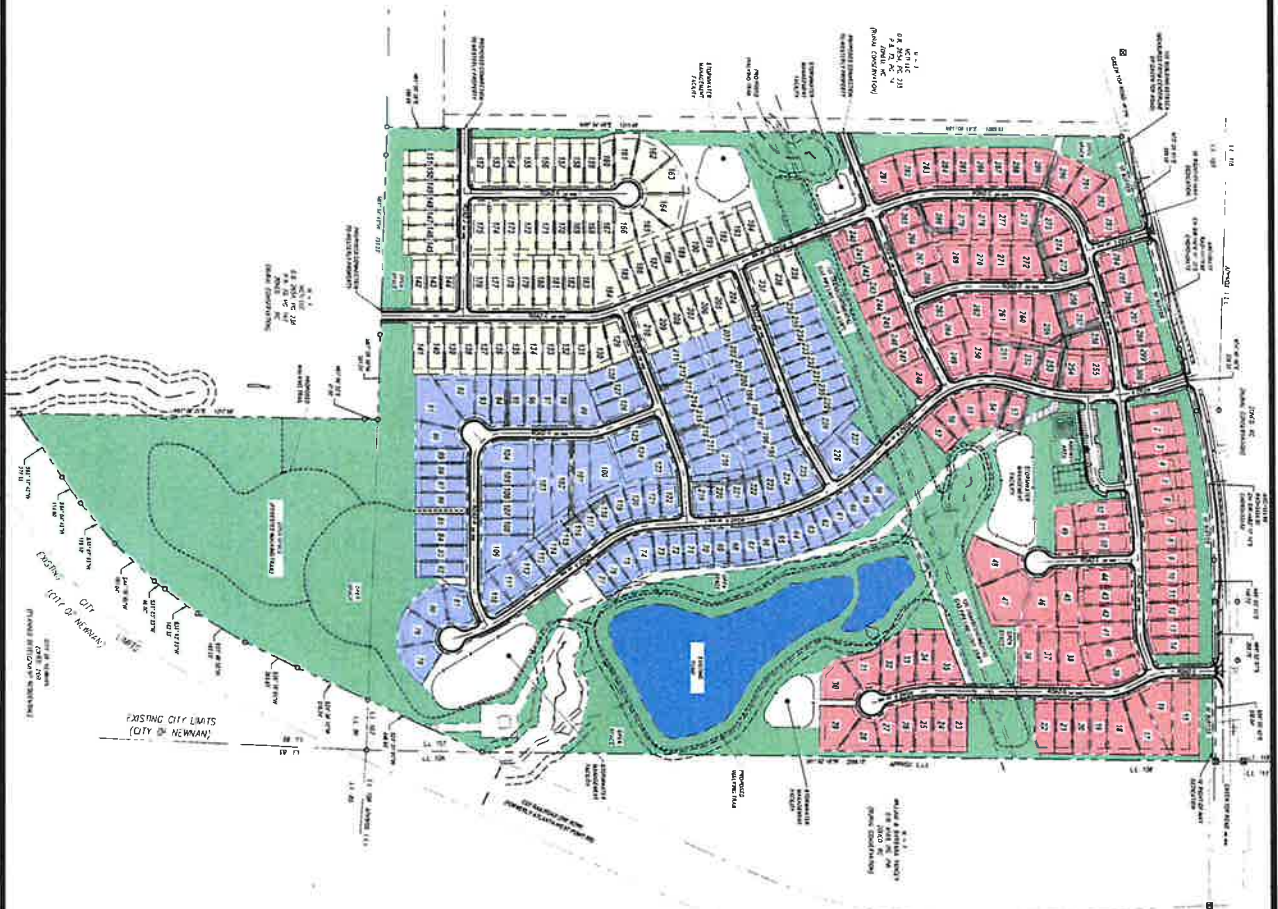
- Minimum lot size 8,200 square feet
- Front setback 30-feet
- Side setback 5-feet
- Major side (double frontage) 10-feet
- Rear setback 20-feet
- Building separation 10-feet
- Maximum building height 2 stories/40-feet

26) There shall be a 25-foot natural, vegetated buffer around the perimeter of the site along the west, south and east property lines.

C. CONDITIONS PROFFERED BY THE APPLICANT:

- 1) The Arbitration Conditions set forth in Deed Book 5624, Pages 363-365, and set out herein above in Paragraph B, Conditions from the Arbitration Panel, shall apply for the entire term of development, except for condition 18 (provision of water and sewerage services addressed in the immediately following paragraph 2).
- 2) After February 9, 2025 (the date on which the annexation conditions expire), the development shall be served by public water and sewerage facilities provided by Newnan Utilities.
- 3) The Owner and/or Developer of the Property shall be entitled to receive a land disturbance permit, building permits and city inspections for the installed infrastructure upon compliance with applicable ordinances and conditions, but shall not be entitled to receive any Certificates of Occupancy until the Property is served by public water and sewerage provided by Newnan Utilities.
- 4) The development shall be subject to the Development Agreement attached hereto and incorporated herein by reference as attached Exhibit "D" between and among Green Top Road, LLC, Pulte Home Company, LLC, the City of Newnan, Georgia, and Newnan Utilities.

EXHIBIT C
PAGE 1 OF 5

[illegible][illegible]

LEONARD, JAMES EARL, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621

AVERAGE LOT SIZE = 11,000 SQFT							
PROPOSED DENSITY = 2.03 UNITS/ACRES							
<table border="1"> <tr> <td>RAUNCH HOMES (76 LOTS)</td> <td>57 WIDE LOT</td> </tr> <tr> <td>TRADITIONAL FAMILY (199 LOTS)</td> <td>57 WIDE LOT</td> </tr> <tr> <td>ESTATE HOMES (119 LOTS)</td> <td>67 WIDE LOT</td> </tr> </table>	RAUNCH HOMES (76 LOTS)	57 WIDE LOT	TRADITIONAL FAMILY (199 LOTS)	57 WIDE LOT	ESTATE HOMES (119 LOTS)	67 WIDE LOT	OPEN SPACE = 33.68% OPEN SPACE = 53.9 ACRES
RAUNCH HOMES (76 LOTS)	57 WIDE LOT						
TRADITIONAL FAMILY (199 LOTS)	57 WIDE LOT						
ESTATE HOMES (119 LOTS)	67 WIDE LOT						

24 HOUR CONTACT:
GAREN SMITH
770.381.3450



Know what's below.
Call before you dig.

GREEN TOP ROAD
LAND LOTS 107 & 86
5TH DISTRICT
CITY OF NEWNAN, GEORGIA



OWNER/DEVELOPER
PULTE GROUP
2475 NORTHWINDS PKWY # 600
ALPHARETTA, GA 30009
PHONE: (770) 381-3450

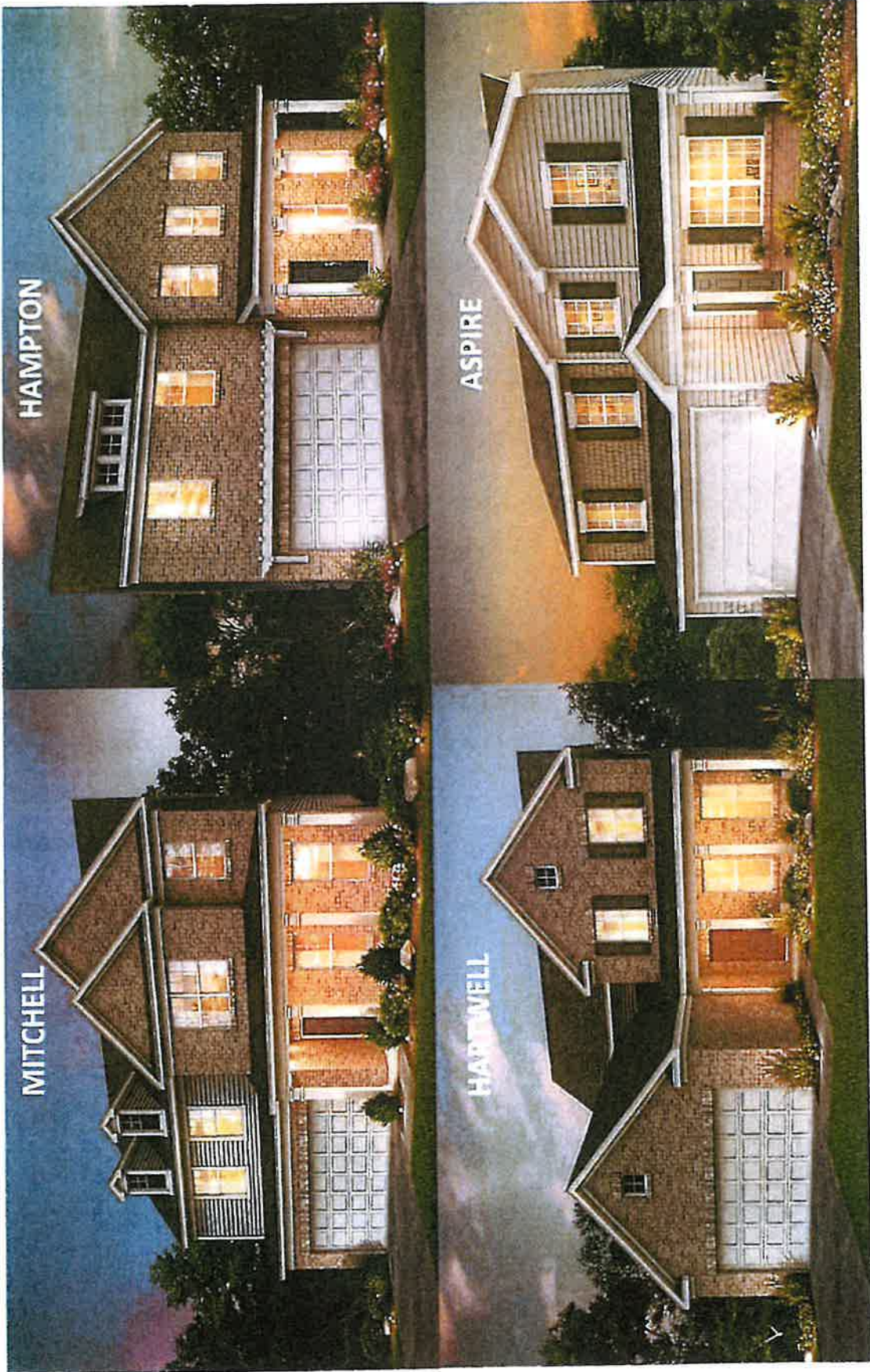
REVISIONS

ZONING PLAN
Z100









DRAFT 6-5-2023

STATE OF GEORGIA
COUNTY OF COWETA

RE: 163.61 Acres on Green Top Road
Tax Reference ## 085 5107 002,
085 5086 001, 085 5086 003, and
085 5107 003 (portion south of
Green Top Road)
Land Lots 86 and 107 of the 5th Land
District of Coweta County, Georgia Records

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Development Agreement"), made and entered into this ____ day of _____. 2023, by, between, and among the CITY OF NEWNAN, GEORGIA, a political subdivision of the State of Georgia (hereinafter the "City"), PULTE HOME COMPANY, LLC, a Michigan limited liability company (hereinafter "Developer"), GREEN TOP ROAD, LLC, a Georgia limited liability company (hereinafter "Owner"), and NEWNAN UTILITIES, a Georgia municipal corporation (hereinafter "Newnan Utilities") (hereinafter sometimes collectively referred to as the "Parties").

PREAMBLE:

WHEREAS, Developer currently has a contract to acquire certain property depicted on Exhibit "A" attached hereto and made a part hereof, which consists of approximately 163.61 acres on Green Top Road in Land Lots 86 and 107 of the 5th Land District, Coweta County, Georgia, and being Tax Parcels ## 085 5107 002, 085 5086, 001, 085 5086 003, and 085 5107 003 (portion south of Green Top Road) (hereinafter the "Property"); and

WHEREAS, Developer and Owner have applied for annexation and rezoning into the City;
and

WHEREAS, City, Developer, Owner, and Coweta County participated in an annexation arbitration proceeding as required by Georgia law regarding the "Property"; and

WHEREAS, as a result of the arbitration proceeding, there was an Arbitration Panel Decision, which was affirmed by Superior Court Order, as evidenced by the Certificate of Zoning, Land Use or Density Restrictions (pursuant to O.C.G.A. § 36-36-115) recorded March 28, 2023 in Deed Book 5624, Pages 360-365 in the Office of the Clerk of Superior Court of Coweta County, Georgia setting forth at Deed Book 5624, Pages 363-365, twenty-six (26) zoning and development

conditions applicable to the Property until February 9, 2025 ("Arbitration Conditions", attached hereto as Exhibit "B", Deed Book 5624, Pages 363-365 and incorporated herein by reference); and

WHEREAS, it is the desire of the Parties to set forth in this Development Agreement the terms and conditions upon which the Property will be developed in the event the Property is annexed into the City and rezoned as requested by the Developer and Owner.

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter stated and for the sum of One and 00/100 Dollar (\$1.00) in hand paid, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

I. Incorporation

The Provisions contained in the Preamble and Recitals are incorporated herein. The Exhibits attached to this Development Agreement are listed below and incorporated herein:

Exhibit A	Legal Description of Property
Exhibit B	Arbitration Conditions
Exhibit C	Site Plan for Property
Exhibit D	Newnan Utilities Will Serve Letter

II. Development Consistent with City of Newnan Goals and Arbitration Conditions

The Parties agree that they are entering into this Development Agreement for the purposes of making the development, application submittals, review, approval process, and administrative process efficient for Developer, Owner, City, and Newnan Utilities, while taking into account the Arbitration Conditions and other provisions of City ordinances.

III. Development Standards for the Property

The Property shall be developed according to the City's Zoning and Development Ordinance in effect on the date of this Agreement, and the Arbitration Conditions, together with the provisions of this Development Agreement. It is the intention of the Parties that all Arbitration Conditions except Condition 18 (provision of water and sewerage services addressed in the immediately following paragraph) apply throughout the development of the project.

A. Utilities.

After February 9, 2025, public water and sewerage shall be provided by Newnan Utilities. The Developer/Owner shall comply with all conditions contained in the Will Serve letter from Newnan Utilities dated May 10, 2023 (attached hereto as Exhibit "D" and incorporated herein by reference).

B. Permits.

Upon compliance with applicable ordinances and conditions, the Owner and/or Developer of the Property shall be entitled to receive a land disturbance permit, building permits, and city inspections for the installed infrastructure but shall not be entitled to any certificates of occupancy for any residence or clubhouse on the Property unless the residence or clubhouse for which the certificate of occupancy is requested is served by public water and sewerage provided by Newnan Utilities.

C. Site Plan.

The development of the Property shall be generally consistent with the site plan attached as Exhibit "C".

IV. Property Owner's Association Restrictive Covenants

The Parties anticipate that the Developer will voluntarily form an Owner's Association and record a declaration of easements and restrictive covenants applicable to the Property. The covenants and restrictions for the Property shall provide that no more than 10% of the residential units shall be made available for rental at any one point in time.

V. Date of Effectiveness and Term of this Development Agreement

The Development Agreement shall be effective among the Parties, their successors and assignees, immediately upon execution of this Development Agreement by all Parties hereto. The term of this Development Agreement is twenty (20) years, from the effective date or until the obligations of the Parties are complete, whichever occurs first.

VI. Covenants Running with the Land

The terms and conditions of this Agreement shall be recorded in the public records of the office of the Clerk of Superior Court of Coweta County and shall be binding upon the Parties, and their successors in title, and shall run with the title to the Property and shall be a covenant running with the Property.

VII. Miscellaneous

The Parties acknowledge that during the annexation and rezoning process additional conditions may be adopted which will require the modification of this Development Agreement. In the event annexation and/or rezoning are not granted, this Development Agreement shall be voidable by any Party upon written notice to the other Parties.

EXECUTED and made effective as of the last date executed by duly authorized officers of each of the respective Parties in multiple counterparts, each of which shall have the force and effect of an original.

CITY:
CITY OF NEWNAN, GEORGIA
a political subdivision of the
State of Georgia

DEVELOPER:
PULTE HOME COMPANY, LLC

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Witness

Notary Public
My Commission Expires: _____

Notary Public
My Commission Expires: _____

NEWNAN UTILITIES:
NEWNAN UTILITIES
a Georgia municipal corporation

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

(Signatures Continued on Following Page)

OWNER:
GREEN TOP ROAD, LLC
a Georgia Limited Liability
Company

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

OWNER:
GREEN TOP ROAD, LLC
a Georgia Limited Liability
Company

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

OWNER:
GREEN TOP ROAD, LLC
a Georgia Limited Liability
Company

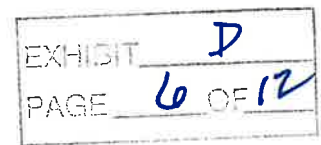
By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

EXHIBIT "A"



SUBJECT PROPERTY

Surveyed Property Line Description for Overall Parcel

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lots 86 & 107 of the 5th District, Coweta County, Georgia, and being more particularly described as follows:

Beginning at a concrete monument found at the intersection of the of the southerly right-of-way of Greentop Road (80' right-of-way) and the easterly line of Land Lot 107, said point being the POINT OF BEGINNING;

Thence leaving said right-of-way running along said Land Lot Line South 01 degrees 02 minutes 16 seconds West 2598.70 feet to a nail set on the westerly right-of-way of CSX Railroad (200' right-of-way);

Thence along said right-of-way South 24 degrees 31 minutes 01 seconds West 446.64 feet to a 3/4" open top pipe found;

Thence along said right-of-way South 24 degrees 38 minutes 13 seconds West 276.24 feet to a point;

Thence along said right-of-way South 26 degrees 19 minutes 03 seconds West 205.83 feet to a point;

Thence along said right-of-way South 31 degrees 46 minutes 53 seconds West 192.25 feet to a point;

Thence along said right-of-way South 38 degrees 03 minutes 23 seconds West 142.35 feet to a 3/4" open top pipe found;

Thence along said right-of-way South 38 degrees 03 minutes 23 seconds West 46.00 feet to a point;

Thence along said right-of-way South 44 degrees 18 minutes 48 seconds West 191.04 feet to a point;

Thence along said right-of-way South 50 degrees 07 minutes 53 seconds West 188.10 feet to a point;

Thence along said right-of-way South 54 degrees 04 minutes 43 seconds West 114.00 feet to a point;

Thence along said right-of-way South 55 degrees 17 minutes 43 seconds West 277.55 feet to a nail set;

Thence leaving said right-of-way North 01 degrees 06 minutes 31 seconds East 1217.08 feet to a 3/4"

open top pipe found;

Thence North 01 degrees 06 minutes 33 seconds East 47.50 feet to a 3/4" open top pipe found on the southerly line of Land Lot 107;

Thence along said Land Lot Line North 87 degrees 59 minutes 59 seconds West 301.24 feet to a 1.25" open top pipe found;

Thence along said property line North 87 degrees 54 minutes 45 seconds West 738.25 feet to a 1" open top pipe found;

Thence leaving said Land Lot Line North 01 degrees 09 minutes 38 seconds East 199.99 feet to a 1" square iron found;

Thence North 00 degrees 54 minutes 49 seconds East 1311.40 feet to a #4 rebar found;

Thence North 01 degrees 08 minutes 19 seconds East 1089.83 feet to a 2" open top pipe found on the southerly right-of-way of Greentop Road (80' right-of-way);

Thence along said right-of-way North 75 degrees 20 minutes 01 seconds East 389.18 feet to a point;

Thence along said right-of-way a curve to the left an arc length of 394.77 feet, said curve having a radius of 14779.60 feet, and being subtended by a chord of 394.75 feet, at North 74 degrees 07 minutes 33 seconds East to a point;

Thence along said right-of-way North 74 degrees 40 minutes 46 seconds East 228.35 feet to a point;

Thence along said right-of-way a curve to the right an arc length of 534.96 feet, said curve having a radius of 2484.30 feet, and being subtended by a chord of 533.93 feet, at North 83 degrees 17 minutes 14 seconds East to a point;

Thence along said right-of-way North 89 degrees 05 minutes 11 seconds East 148.73 feet to a point;

Thence along said right-of-way North 89 degrees 53 minutes 07 seconds East 208.79 feet to a point;

Thence along said right-of-way South 89 degrees 55 minutes 43 seconds East 358.04 feet to a concrete monument found, said point being the POINT OF BEGINNING;

Said tract or parcel contains 163.61 Acres (7126809 Square Feet), more or less.

EXHIBIT "B"

BK:5624 PG:360-365

D2023004025

FILED IN OFFICE
CLERK OF COURT
03/28/2023 09:41 AM
NIKI SEWELL, CLERK
SUPERIOR COURT
COWETA COUNTY, GA

After Recording return to:
Nathan T. Lee
Glover & Davis, P.A.
10 Brown Street
Newnan, Georgia 30263

Niki Sewell

9281298029
PARTICIPANT ID

(Note: Above space to be used for filing in Superior Court Clerk's Office of Deeds and Records)

IN THE SUPERIOR COURT OF COWETA COUNTY
STATE OF GEORGIA

IN RE:

GREEN TOP ROAD, LLC and PULTE
HOMES, LLC,

Appellants/Petitioners/Annexation
Applicants

vs.

CITY OF NEWNAN, GEORGIA

Municipal Corporation/Appellant

and

COWETA COUNTY, GEORGIA,

Appellee/Respondent

ARBITRATION PANEL

Respondents.

CIVIL ACTION FILE NO. 2023SUV0066

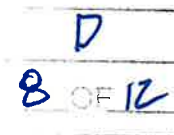
CERTIFICATE OF ZONING, LAND USE OR DENSITY RESTRICTIONS
(Pursuant to O.C.G.A. § 36-36-115)

DATE ORDER GRANTED: February 9, 2023

GRANTEE: Green Top Road, LLC

EXHIBIT "B"

BK:5624 PG:361



STATE OF GEORGIA

COUNTY OF COWETA

THIS INSTRUMENT, made this the 28th day of March, 2023, placing zoning, land use or density conditions on real property owned by Green Top Road, LLC as shown by the following deeds recorded in the Coweta County, Georgia real property records:

Tax Parcel I.D.: 85 5086 001: Deed Book 5376, Pages 750-751; Deed Book 5376, Pages 752-753; Deed Book 5376, Pages 754-755;

Tax Parcel I.D.: 85 5086 003: Deed Book 5143, Pages 731-732; Deed Book 5143, Pages 733-734;

Tax Parcel I.D.: 85 5107 002: Deed Book 5143, Pages 719-720; Deed Book 5143, Pages 721-722; Deed Book 5143, Pages 723-724; Deed Book 5143, Pages 725-726; Deed Book 5143, Pages 727-728; Deed Book 5376, Pages 745-747; Deed Book 5376, Pages 748-750;

Tax Parcel I.D.: 85 5107 003: Deed Book 5143, Pages 719-720; Deed Book 5143, Pages 721-722; Deed Book 5143, Pages 723-724; Deed Book 5143, Pages 725-726; Deed Book 5143, Pages 727-728;

and being described as:

All that tract or parcel of land, containing 8.92 acres situate, lying and being in Land Lot 86 of the Fifth Land District of Coweta County, Georgia and being Tract B, as shown by plat of property for William F. Lee and Ida Lee Ellis, dated May 29, 1981, made by John R. Christopher, R.L.S., as recorded in Plat Book 29, Page 35, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

And

All that tract or parcel of land, containing 8.92 acres situate, lying and being in Land Lot 86 of the Fifth Land District of Coweta County, Georgia and being Tract A, as shown by plat of property for William F. Lee and Ida Lee Ellis, dated May 29, 1981, made by John R. Christopher, R.L.S., as recorded in Plat Book 29, Page 35, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

And

A certain tract or parcel of land, containing 26.14 acres, situate, lying and being in Land Lot 107, 5th Land District, Coweta County, Georgia, more particularly described as follows:

BEGINNING at an iron pin on the South line of Land Lot 107, said pin being 750 feet, more or less, East of the intersection of said South line with the East line of Land Lot 106 and from said beginning point run thence South 89 degrees 0 minutes East 740 Feet to an iron pin; thence North 0 degrees 8 minutes West

EXHIBIT "B"

BK:5624 PG:362

1533 feet to a corner post; thence South 90 degrees 0 minutes West 750 feet; thence South 0 degrees 30 minutes East 1520 feet to the point of beginning.

Said property is bound on the North and East by property of T.K. Barron; on the West and South by property of N.T. Brewster.

Said property is more particularly identified according to a plat of survey made by T.Y. Maddox of record in Plat Book 9, Page 23, Office of the Clerk, Coweta County Superior Court.

And

A certain tract or parcel of land lying and being in the Fifth District, said State and County and being a part of lot of land No. 107 in said District and containing 23.18 acres more or less and more particularly described as follows: BEGIN at a point on the North line of said lot of land No. 107 which said point is 1485 feet from the original Northeast corner of said lot; thence run South 1447 feet to the lands hereinbefore conveyed to Mrs. May Herrin Powell; thence run West 737 feet to the lands of McMakin; thence run North along the line between the property herein conveyed and the McMakin lands 1087 feet more or less to where said line crosses or intersect a certain public road known as the Old Atlanta Public Road; thence run Northeast along said Old Atlanta Public Road 137 feet; thence run North 9 degrees West 250 feet; thence run North 41 degrees West 93 feet to the original North line of said lot on land No. 107 thence run East along the original North line of said lot of land No. 107, 685 feet to the beginning point.

This being the same property as that conveyed by Mrs. Willie Herring King to T.K. Barron by Warranty Deed of record in Deed Book 36, Page 299, Office of the Clerk of Coweta Superior Court.

ALSO:

All that certain piece, parcel or tract of land containing One Hundred One and 75/100 (101.75) acres, more or less, lying and being situate on the Atlanta Road about Four (4) miles North of the town of Newnan, in the 5th Land District, Coweta County, State of Georgia, and more particularly described as Tracts Number Four (4) and Five (5) of the W.A. Herring Place, according to a plat prepared by T. Y. Maddox, Surveyor, on June 20 and 21, 1935, a copy of which is now on file with the Federal Land Bank of Columbia. Said property being bounded, now or formerly, as follows, to wit: North by lands of Mrs. H. W. Sieb and Atlanta Road; East by lands of Mrs. H.W. Seib; South by lands of Mrs. J.F. Lee and Eleanor McMakin; West by lands of Mrs. May H. Powell and Mrs. King. This being the same property as that conveyed by Federal Land Bank to T.K. Barron by Warranty Deed of record in Deed Book 33, Page 513, Office of the Clerk, Coweta Superior Court.

WITNESSETH: That pursuant to Georgia Code section 36-36-115(b), the Arbitration Panel designated by the Department of Community Affairs placed the following restrictions or conditions on the use of the property above-described which remains in effect by operation of law for two (2) years as set out in Georgia Code section 36-36-117

EXHIBIT "B"

BK:5624 PG:363

from the date of the Order affirming said decision, February 9, 2023, and applying to all heirs, successors, and assigns of right, title or interest in the property with such restrictions or conditions automatically expiring on February 9, 2025;

1. The maximum number of lots is restricted to three hundred (300) single-family, detached, fee-simple owned homes.
2. A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
3. The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.
4. Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.
5. Left turn and right turn lanes shall be constructed (Acceleration and Deceleration lanes to County Standards) at the proposed full service access to Green Top Road.
6. Physical medians shall be constructed (to County Standards) at the proposed right-in-right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
7. The applicant shall contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project at Hal Jones Road/Green Top Road at US 29; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
8. The applicant shall contribute a five-year bond in the amount of \$250,000 to assist with the implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
9. The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection

EXHIBIT "B"

BK:5624 PG:364

Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.

10. Access onto Green Top Road will require a permit from Coweta County.
11. All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
12. Left turn and right turn lanes shall be constructed at the proposed full-service access to Green Top Road.
13. Physical medians shall be constructed at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
14. There shall be one main entrance with two secondary entrances on each side of the main entrance that are right-in/right-out only.
15. The amenities shall be specifically designed to meet the recreational and social needs of families shall include a 2,800 square feet minimum pool, playgrounds, dog park, mailbox kiosk, and walking trails. The clubhouse shall be 1,800 heated square feet minimum of heated floor space.
16. The existing ponds and wetlands will be retained in order to create a natural environment.
17. Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
18. The property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority.
19. All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City Department for consideration.
20. All front, side, and rear yards of all disturbed grass areas on lots shall be sodded.
21. All utilities that provide service to the proposed subdivision shall be placed underground.

EXHIBIT "B"

BK:5624 PG:365

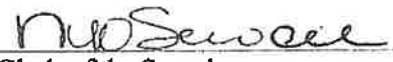
22. The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
23. There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
24. All garage doors shall be architecturally treated similarly to the renderings submitted.
25. The Lot information and setbacks shall be as follows:
- Minimum street Frontage 30-feet
 - Minimum lot width at front setback 40-feet
 - Minimum floor area 1,600 square feet
 - Maximum impervious area 60%
 - Minimum lot size 8,200 square feet
 - Front setback 30-feet
 - Side setback 5-feet
 - Major side (double frontage) 10-feet
 - Rear setback 20-feet
 - Building separation 10-feet
 - Maximum building height 2 stories/40-feet
26. There shall be a 25-foot natural, vegetated buffer around the perimeter of the site along the west, south, and east property lines.

Certificate prepared by:


SIGNATURE OF ATTORNEY

State Bar # 443770

I do hereby certify that the above information is based on the Order of the Superior Court of Coweta County by affirmation of the Arbitration Panel on February 9, 2023, as set forth above.

By: 
Clerk of the Superior

72 Greenville Street
Newnan, Georgia 30263
Superior Court Return Mailing Address

Green Top Road, LLC and Pulte Group Home
Company, LLC
163.61 ± acres, located on Green Top Road
Land Lots 86 and 107, 5th Land District, Coweta
County, Georgia
Tax Parcels #085086001, 0855086003, 0855107002,
And southern portion of 0855107003

**ORDINANCE TO AMEND THE ZONING MAP FOR PROPERTY
LOCATED ON GREEN TOP ROAD CONTAINING 163.61± ACRES IN LAND
LOTS 86 and 107, OF THE FIFTH LAND DISTRICT, IN THE CITY OF NEWMAN,
GEORGIA**

WHEREAS, the owner has filed an application for rezoning of the property described on Exhibit "A" attached hereto and by reference made a part hereof from the Coweta County Zoning Classification RC (Rural Conservation District) to PDR (Planned Residential Development District) following annexation in the corporate limits of the City of Newnan; and

WHEREAS, in accordance with the requirements of the City Zoning Ordinance, the Planning Commission of the City of Newnan has forwarded its recommendation to the City Council; and

WHEREAS, pursuant to said requirements of the City Zoning Ordinance, the City Council has conducted a properly advertised public hearing on the rezoning application not less than 15 nor more than 45 days from the date of publication of notice, which public hearing was held on the 24th day of October 2023; and

WHEREAS, after the above-referenced public hearing, the City Council has annexed the property and has determined the re-zoning of the property would be in the best interest of the residents, property owners and citizens of the City of Newnan, Georgia; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Newnan, Georgia, that the Zoning Map of the City of Newnan be revised as follows:

Section 1. That the property described on Exhibit "A" attached hereto and by reference made a part hereof containing 163.61± acres be rezoned as PDR (Planned Residential Development District) subject to the conditions which follow.

See Exhibit "B" attached hereto and made a part hereof for conditions.

Section II. All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

Section III. That should any phrase, clause, sentence, or section of this ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not effect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section IV. This ordinance shall be effective upon adoption and as provided in O.C.G.A. §36-36-2.

DONE, RATIFIED AND PASSED by the City Council of the City of Newnan, Georgia, this ____ day of _____, 2023 in regular session assembled.

ATTEST:

L. Keith Brady, Mayor

Megan Shea, City Clerk

Dustin Koritko, Mayor Pro-Tem

REVIEWED AS TO FORM:

C. Bradford Sears, Jr., City Attorney

George M. Alexander, Councilmember

Cleatus Phillips, City Manager

Cynthia E. Jenkins, Councilmember

Rhodes H. Shell, Councilmember

Raymond F. DuBose, Councilmember

Paul Guillaume, Councilmember

EXHIBIT "A"

EXHIBIT	<u>A</u>
PAGE	<u>1</u> OF <u>2</u>

SUBJECT PROPERTY

Surveyed Property Line Description for Overall Parcel

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lots 86 & 107 of the 5th District, Coweta County, Georgia, and being more particularly described as follows:

Beginning at a concrete monument found at the intersection of the of the southerly right-of-way of Greentop Road (80' right-of-way) and the easterly line of Land Lot 107, said point being the POINT OF BEGINNING;

Thence leaving said right-of-way running along said Land Lot Line South 01 degrees 02 minutes 16 seconds West 2598.70 feet to a nail set on the westerly right-of-way of CSX Railroad (200' right-of-way);

Thence along said right-of-way South 24 degrees 31 minutes 01 seconds West 446.64 feet to a 3/4" open top pipe found;

Thence along said right-of-way South 24 degrees 38 minutes 13 seconds West 276.24 feet to a point;

Thence along said right-of-way South 26 degrees 19 minutes 03 seconds West 205.83 feet to a point;

Thence along said right-of-way South 31 degrees 46 minutes 53 seconds West 192.25 feet to a point;

Thence along said right-of-way South 38 degrees 03 minutes 23 seconds West 142.35 feet to a 3/4" open top pipe found;

Thence along said right-of-way South 38 degrees 03 minutes 23 seconds West 46.00 feet to a point;

Thence along said right-of-way South 44 degrees 18 minutes 48 seconds West 191.04 feet to a point;

Thence along said right-of-way South 50 degrees 07 minutes 53 seconds West 188.10 feet to a point;

Thence along said right-of-way South 54 degrees 04 minutes 43 seconds West 114.00 feet to a point;

Thence along said right-of-way South 55 degrees 17 minutes 43 seconds West 277.55 feet to a nail set;

Thence leaving said right-of-way North 01 degrees 06 minutes 31 seconds East 1217.08 feet to a 3/4"

open top pipe found;

Thence North 01 degrees 06 minutes 33 seconds East 47.50 feet to a 3/4" open top pipe found on the southerly line of Land Lot 107;

Thence along said Land Lot Line North 87 degrees 59 minutes 59 seconds West 301.24 feet to a 1.25" open top pipe found;

Thence along said property line North 87 degrees 54 minutes 45 seconds West 738.25 feet to a 1" open top pipe found;

Thence leaving said Land Lot Line North 01 degrees 09 minutes 38 seconds East 199.99 feet to a 1" square iron found;

Thence North 00 degrees 54 minutes 49 seconds East 1311.40 feet to a #4 rebar found;

Thence North 01 degrees 08 minutes 19 seconds East 1089.83 feet to a 2" open top pipe found on the southerly right-of-way of Greentop Road (80' right-of-way);

Thence along said right-of-way North 75 degrees 20 minutes 01 seconds East 389.18 feet to a point;

Thence along said right-of-way a curve to the left an arc length of 394.77 feet, said curve having a radius of 14779.60 feet, and being subtended by a chord of 394.75 feet, at North 74 degrees 07 minutes 33 seconds East to a point;

Thence along said right-of-way North 74 degrees 40 minutes 46 seconds East 228.35 feet to a point;

Thence along said right-of-way a curve to the right an arc length of 534.96 feet, said curve having a radius of 2484.30 feet, and being subtended by a chord of 533.93 feet, at North 83 degrees 17 minutes 14 seconds East to a point;

Thence along said right-of-way North 89 degrees 05 minutes 11 seconds East 148.73 feet to a point;

Thence along said right-of-way North 89 degrees 53 minutes 07 seconds East 208.79 feet to a point;

Thence along said right-of-way South 89 degrees 55 minutes 43 seconds East 358.04 feet to a concrete monument found, said point being the POINT OF BEGINNING;

Said tract or parcel contains 163.61 Acres (7126809 Square Feet), more or less.

EXHIBIT "B"

CONDITIONS APPLICABLE TO THE
GREEN TOP ROAD / PULTE HOME COMPANY, LLC
ANNEXATION AND REZONING ORDINANCES

A. GENERAL CONDITIONS:

- 1) The project will be consistent with the concept plan, density, project data, amenities (including a pickle ball complex), and elevations provided as part of the application, including but not limited to the Concept Plan and elevations attached hereto as Exhibit "C".
- 2) The average square footages for each Pod will be as follows:
Ranch Pod – 1,860 square feet; Traditional Pod – 2,640 square feet; Estate Pod – 3,004 square feet.
- 3) The City of Newnan will not issue a permit for land disturbing activities until such time as Coweta County has reviewed and approved the plans for the development to the extent Coweta County has jurisdiction, primarily relating to street connections to Green Top Road.

B. CONDITIONS FROM THE ARBITRATION PROCESS: (To Expire By Law on February 9, 2025, Unless Otherwise Extended)

- 1) The maximum number of lots is restricted to three hundred (300) single-family, detached, fee-simple owned homes.
- 2) A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
- 3) The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.
- 4) Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.

- 5) Left turn and right turn lanes shall be constructed (Acceleration and Deceleration lanes to County Standards) at the proposed full-service access to Green Top Road.
- 6) Physical medians shall be constructed (to County standards) at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
- 7) The applicant shall contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project on Hal Jones Road/Green Top Road at US 29; Bonded amounts will be paid to Coweta County upon proof of Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
- 8) The applicant shall contribute a five-year bond in the amount of \$250,000 to assist with implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
- 9) The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.
- 10) Access on Green Top Road will require a permit from Coweta County.
- 11) All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
- 12) Left turn and right turn lanes shall be constructed at the proposed full service access to Green Top Road.
- 13) Physical medians shall be constructed at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
- 14) There shall be one main entrance with two secondary entrances on each side of the main entrance that are right-in/right-out only.

- 15) The amenities shall be specifically designed to meet the recreational and social needs of families shall include a 2,800 square feet minimum pool, playgrounds, dog park, mailbox kiosk, and walking trails. The clubhouse shall be 1,800 heated square feet minimum of heated floor space.
- 16) The existing ponds and wetlands will be retained in order to create a natural environment.
- 17) Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
- 18) The property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority.
- 19) All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City department for consideration.
- 20) All front, side and rear yards of all disturbed grass areas on lots shall be sodded.
- 21) All utilities that provide service to the proposed subdivision shall be placed underground.
- 22) The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
- 23) There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
- 24) All garage doors shall be architecturally treated similarly to the renderings submitted.
- 25) The lot information and setbacks shall be as follows:
 - Minimum street frontage 30-feet
 - Minimum lot width at front setback 40 feet
 - Minimum floor area 1,600 square feet
 - Maximum impervious area 60%

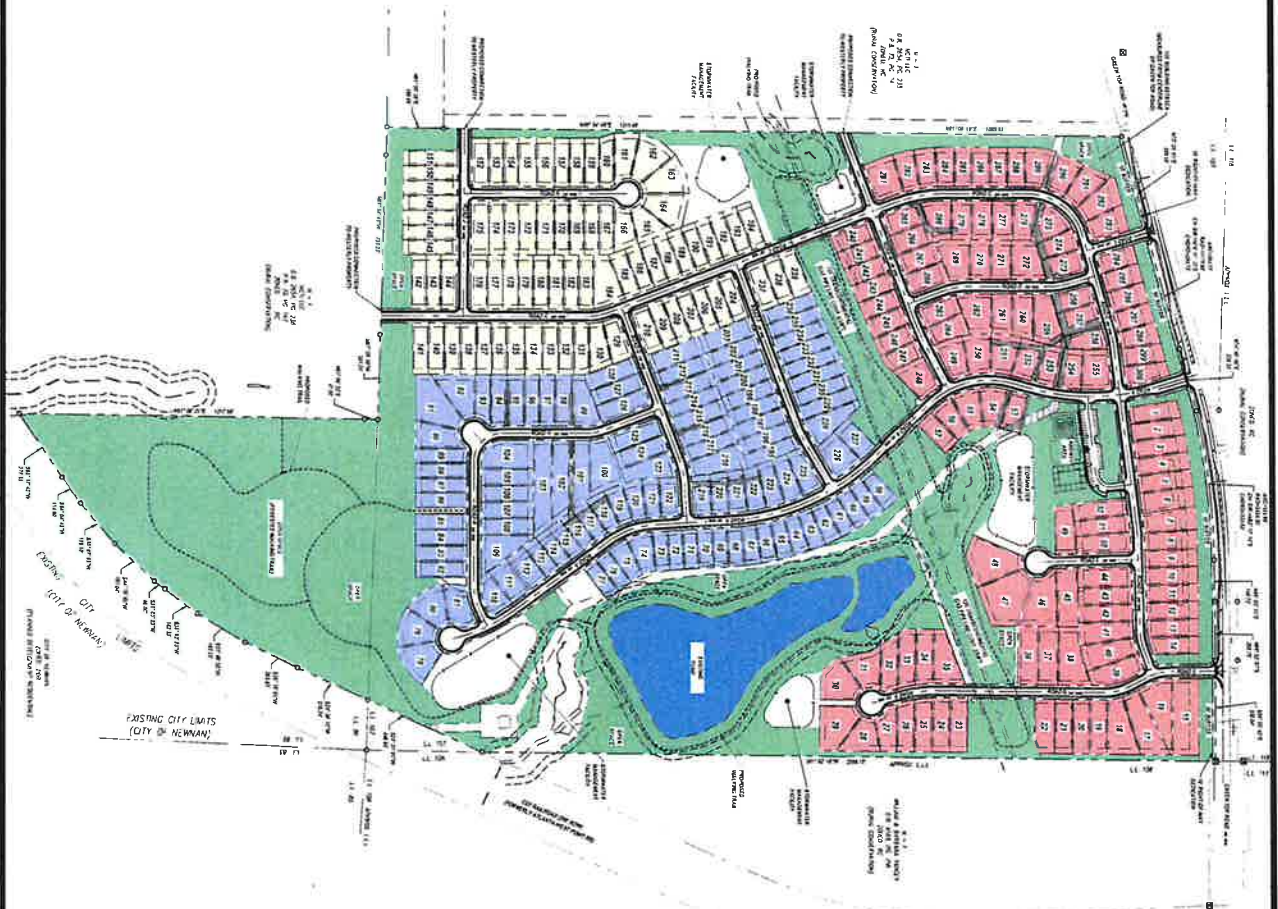
- Minimum lot size 8,200 square feet
- Front setback 30-feet
- Side setback 5-feet
- Major side (double frontage) 10-feet
- Rear setback 20-feet
- Building separation 10-feet
- Maximum building height 2 stories/40-feet

26) There shall be a 25-foot natural, vegetated buffer around the perimeter of the site along the west, south and east property lines.

C. CONDITIONS PROFFERED BY THE APPLICANT:

- 1) The Arbitration Conditions set forth in Deed Book 5624, Pages 363-365, and set out herein above in Paragraph B, Conditions From the Arbitration Panel, shall apply for the entire term of development, except for condition 18 (provision of water and sewerage services addressed in the immediately following paragraph 2).
- 2) After February 9, 2025 (the date on which the annexation conditions expire), the development shall be served by public water and sewerage facilities provided by Newnan Utilities.
- 3) The Owner and/or Developer of the Property shall be entitled to receive a land disturbance permit, building permits and city inspections for the installed infrastructure upon compliance with applicable ordinances and conditions, but shall not be entitled to receive any Certificates of Occupancy until the Property is served by public water and sewerage provided by Newnan Utilities.
- 4) The development shall be subject to the Development Agreement attached hereto and incorporated herein by reference as attached Exhibit "D" between and among Green Top Road, LLC, Pulte Home Company, LLC, the City of Newnan, Georgia, and Newnan Utilities.

Project			Phase 1			Phase 2			Phase 3		
Task ID	Task Name	Task Description	Start Date	End Date	Duration	Start Date	End Date	Duration	Start Date	End Date	Duration
1	Task 1.1	Task 1.1 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
2	Task 1.2	Task 1.2 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
3	Task 1.3	Task 1.3 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
4	Task 1.4	Task 1.4 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
5	Task 1.5	Task 1.5 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
6	Task 1.6	Task 1.6 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
7	Task 1.7	Task 1.7 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
8	Task 1.8	Task 1.8 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
9	Task 1.9	Task 1.9 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
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14	Task 1.14	Task 1.14 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
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84	Task 1.84	Task 1.84 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
85	Task 1.85	Task 1.85 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
86	Task 1.86	Task 1.86 Description	2023-01-01	2023-01-05	5	2023-01-06	2023-01-10	5	2023-01-11	2023-01-15	5
87	Task 1.87	Task 1.87 Description	2023-01-01	2023-01-05	5</						



DEVELOPMENT SUMMARY

[illegible]

LONDON and PARIS (AP)—The U.S. State Department said today that it had received information from a source in the Soviet Union that the Soviet Union was planning to launch a nuclear attack on the United States in the near future. The source said that the Soviet Union was planning to launch the attack in the next few months. The State Department said that it was taking steps to protect the United States from the attack.

AVERAGE LOT SIZE = 11,000 SQFT							
PROPOSED DENSITY = 2.03 UNITS/ACRES							
<table border="1"> <tr> <td>RAUNCH HOMES (76 LOTS)</td> <td>57 WIDE LOT</td> </tr> <tr> <td>TRADITIONAL FAMILY (199 LOTS)</td> <td>57 WIDE LOT</td> </tr> <tr> <td>ESTATE HOMES (119 LOTS)</td> <td>67 WIDE LOT</td> </tr> </table>	RAUNCH HOMES (76 LOTS)	57 WIDE LOT	TRADITIONAL FAMILY (199 LOTS)	57 WIDE LOT	ESTATE HOMES (119 LOTS)	67 WIDE LOT	OPEN SPACE = 33.68% OPEN SPACE = 3.51 IN ACRES
RAUNCH HOMES (76 LOTS)	57 WIDE LOT						
TRADITIONAL FAMILY (199 LOTS)	57 WIDE LOT						
ESTATE HOMES (119 LOTS)	67 WIDE LOT						

City of Houston
 10000
 10000
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24 HOUR CONTACT:
GAREN SMITH
770.381.3450



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ZONING PLAN
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REVISIONS



OWNER/DEVELOPER



2475 NORTHWINDS PKWY # 600
ALPHARETTA, GA 30009
PHONE: (770) 381-3450

ZONING PLAN

GREEN TOP ROAD

LAND LOTS 107 & 86
5TH DISTRICT
CITY OF NEWNAN, GEORGIA



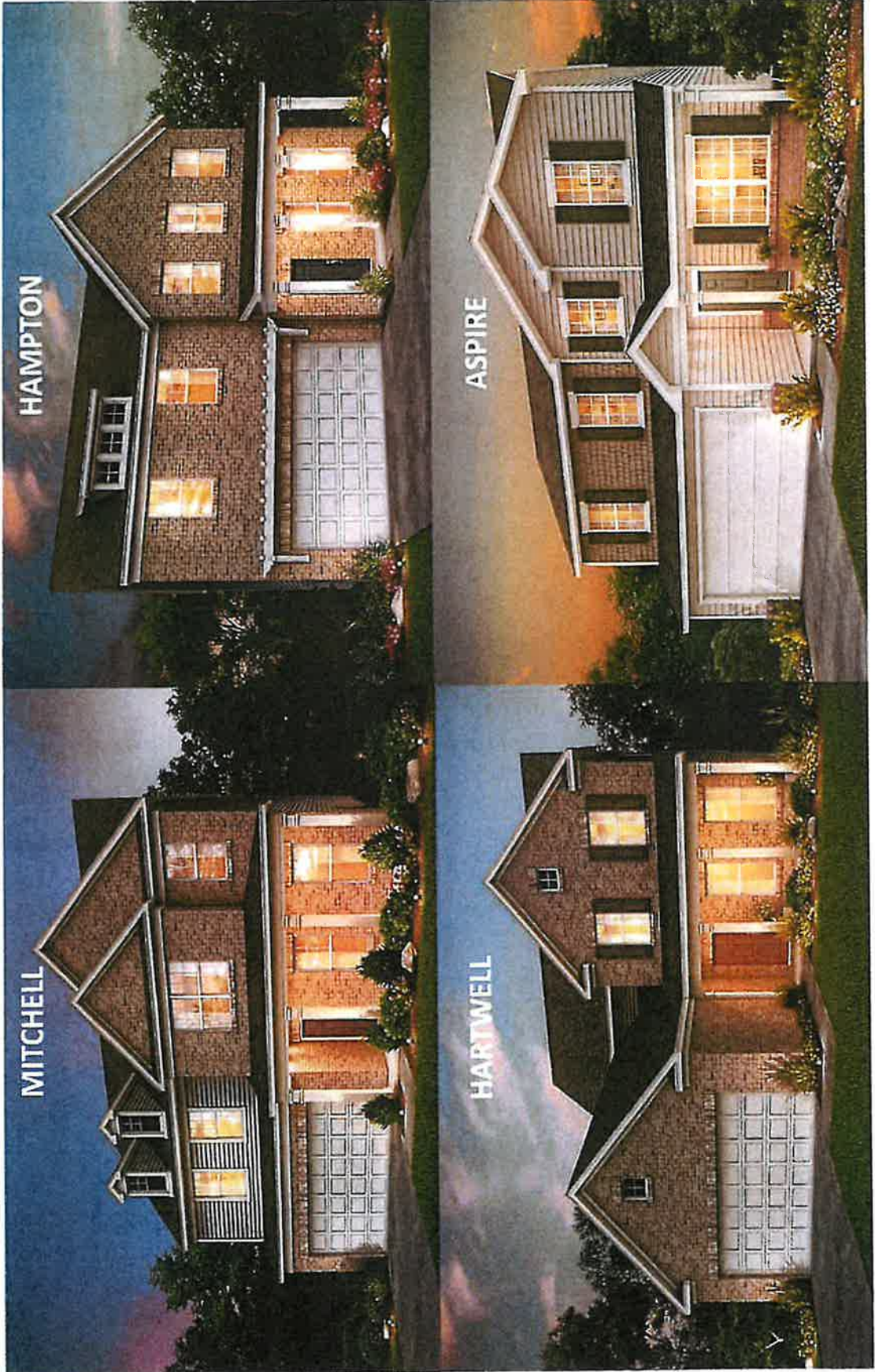
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DRAFT 6-5-2023

STATE OF GEORGIA
COUNTY OF COWETA

RE: 163.61 Acres on Green Top Road
Tax Reference ## 085 5107 002,
085 5086 001, 085 5086 003, and
085 5107 003 (portion south of
Green Top Road)
Land Lots 86 and 107 of the 5th Land
District of Coweta County, Georgia Records

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Development Agreement"), made and entered into this ____ day of _____, 2023, by, between, and among the CITY OF NEWNAN, GEORGIA, a political subdivision of the State of Georgia (hereinafter the "City"), PULTE HOME COMPANY, LLC, a Michigan limited liability company (hereinafter "Developer"), GREEN TOP ROAD, LLC, a Georgia limited liability company (hereinafter "Owner"), and NEWNAN UTILITIES, a Georgia municipal corporation (hereinafter "Newnan Utilities") (hereinafter sometimes collectively referred to as the "Parties").

PREAMBLE:

WHEREAS, Developer currently has a contract to acquire certain property depicted on Exhibit "A" attached hereto and made a part hereof, which consists of approximately 163.61 acres on Green Top Road in Land Lots 86 and 107 of the 5th Land District, Coweta County, Georgia, and being Tax Parcels ## 085 5107 002, 085 5086, 001, 085 5086 003, and 085 5107 003 (portion south of Green Top Road) (hereinafter the "Property"); and

WHEREAS, Developer and Owner have applied for annexation and rezoning into the City;
and

WHEREAS, City, Developer, Owner, and Coweta County participated in an annexation arbitration proceeding as required by Georgia law regarding the "Property"; and

WHEREAS, as a result of the arbitration proceeding, there was an Arbitration Panel Decision, which was affirmed by Superior Court Order, as evidenced by the Certificate of Zoning, Land Use or Density Restrictions (pursuant to O.C.G.A. § 36-36-115) recorded March 28, 2023 in Deed Book 5624, Pages 360-365 in the Office of the Clerk of Superior Court of Coweta County, Georgia setting forth at Deed Book 5624, Pages 363-365, twenty-six (26) zoning and development

conditions applicable to the Property until February 9, 2025 ("Arbitration Conditions", attached hereto as Exhibit "B", Deed Book 5624, Pages 363-365 and incorporated herein by reference); and

WHEREAS, it is the desire of the Parties to set forth in this Development Agreement the terms and conditions upon which the Property will be developed in the event the Property is annexed into the City and rezoned as requested by the Developer and Owner.

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter stated and for the sum of One and 00/100 Dollar (\$1.00) in hand paid, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

I. Incorporation

The Provisions contained in the Preamble and Recitals are incorporated herein. The Exhibits attached to this Development Agreement are listed below and incorporated herein:

Exhibit A	Legal Description of Property
Exhibit B	Arbitration Conditions
Exhibit C	Site Plan for Property
Exhibit D	Newnan Utilities Will Serve Letter

II. Development Consistent with City of Newnan Goals and Arbitration Conditions

The Parties agree that they are entering into this Development Agreement for the purposes of making the development, application submittals, review, approval process, and administrative process efficient for Developer, Owner, City, and Newnan Utilities, while taking into account the Arbitration Conditions and other provisions of City ordinances.

III. Development Standards for the Property

The Property shall be developed according to the City's Zoning and Development Ordinance in effect on the date of this Agreement, and the Arbitration Conditions, together with the provisions of this Development Agreement. It is the intention of the Parties that all Arbitration Conditions except Condition 18 (provision of water and sewerage services addressed in the immediately following paragraph) apply throughout the development of the project.

A. Utilities.

After February 9, 2025, public water and sewerage shall be provided by Newnan Utilities. The Developer/Owner shall comply with all conditions contained in the Will Serve letter from Newnan Utilities dated May 10, 2023 (attached hereto as Exhibit "D" and incorporated herein by reference).

B. Permits.

Upon compliance with applicable ordinances and conditions, the Owner and/or Developer of the Property shall be entitled to receive a land disturbance permit, building permits, and city inspections for the installed infrastructure but shall not be entitled to any certificates of occupancy for any residence or clubhouse on the Property unless the residence or clubhouse for which the certificate of occupancy is requested is served by public water and sewerage provided by Newnan Utilities.

C. Site Plan.

The development of the Property shall be generally consistent with the site plan attached as Exhibit "C".

IV. Property Owner's Association Restrictive Covenants

The Parties anticipate that the Developer will voluntarily form an Owner's Association and record a declaration of easements and restrictive covenants applicable to the Property. The covenants and restrictions for the Property shall provide that no more than 10% of the residential units shall be made available for rental at any one point in time.

V. Date of Effectiveness and Term of this Development Agreement

The Development Agreement shall be effective among the Parties, their successors and assignees, immediately upon execution of this Development Agreement by all Parties hereto. The term of this Development Agreement is twenty (20) years, from the effective date or until the obligations of the Parties are complete, whichever occurs first.

VI. Covenants Running with the Land

The terms and conditions of this Agreement shall be recorded in the public records of the office of the Clerk of Superior Court of Coweta County and shall be binding upon the Parties, and their successors in title, and shall run with the title to the Property and shall be a covenant running with the Property.

VII. Miscellaneous

The Parties acknowledge that during the annexation and rezoning process additional conditions may be adopted which will require the modification of this Development Agreement. In the event annexation and/or rezoning are not granted, this Development Agreement shall be voidable by any Party upon written notice to the other Parties.

EXECUTED and made effective as of the last date executed by duly authorized officers of each of the respective Parties in multiple counterparts, each of which shall have the force and effect of an original.

CITY:
CITY OF NEWNAN, GEORGIA
 a political subdivision of the
 State of Georgia

DEVELOPER:
PULTE HOME COMPANY, LLC

By: _____
 Name: _____
 Title: _____

By: _____
 Name: _____
 Title: _____

Sworn and subscribed to before me this
 _____ day of _____, 2023.

Sworn and subscribed to before me this
 _____ day of _____, 2023.

 Witness

 Witness

 Notary Public
 My Commission Expires: _____

 Notary Public
 My Commission Expires: _____

NEWNAN UTILITIES:
NEWNAN UTILITIES
 a Georgia municipal corporation

By: _____
 Name: _____
 Title: _____

Sworn and subscribed to before me this
 _____ day of _____, 2023.

 Witness

 Notary Public
 My Commission Expires: _____

(Signatures Continued on Following Page)

OWNER:
GREEN TOP ROAD, LLC
a Georgia Limited Liability
Company

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

OWNER:
GREEN TOP ROAD, LLC
a Georgia Limited Liability
Company

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

OWNER:
GREEN TOP ROAD, LLC
a Georgia Limited Liability
Company

By: _____
Name: _____
Title: _____

Sworn and subscribed to before me this
_____ day of _____, 2023.

Witness

Notary Public
My Commission Expires: _____

EXHIBIT "A"

EXHIBIT	D
PAGE	6 OF 12

SUBJECT PROPERTY

Surveyed Property Line Description for Overall Parcel

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lots 86 & 107 of the 5th District, Coweta County, Georgia, and being more particularly described as follows:

Beginning at a concrete monument found at the intersection of the of the southerly right-of-way of Greentop Road (80' right-of-way) and the easterly line of Land Lot 107, said point being the POINT OF BEGINNING;

Thence leaving said right-of-way running along said Land Lot Line South 01 degrees 02 minutes 16 seconds West 2598.70 feet to a nail set on the westerly right-of-way of CSX Railroad (200' right-of-way);

Thence along said right-of-way South 24 degrees 31 minutes 01 seconds West 446.64 feet to a 3/4" open top pipe found;

Thence along said right-of-way South 24 degrees 38 minutes 13 seconds West 276.24 feet to a point;

Thence along said right-of-way South 26 degrees 19 minutes 03 seconds West 205.83 feet to a point;

Thence along said right-of-way South 31 degrees 46 minutes 53 seconds West 192.25 feet to a point;

Thence along said right-of-way South 38 degrees 03 minutes 23 seconds West 142.35 feet to a 3/4" open top pipe found;

Thence along said right-of-way South 38 degrees 03 minutes 23 seconds West 46.00 feet to a point;

Thence along said right-of-way South 44 degrees 18 minutes 48 seconds West 191.04 feet to a point;

Thence along said right-of-way South 50 degrees 07 minutes 53 seconds West 188.10 feet to a point;

Thence along said right-of-way South 54 degrees 04 minutes 43 seconds West 114.00 feet to a point;

Thence along said right-of-way South 55 degrees 17 minutes 43 seconds West 277.55 feet to a nail set;

Thence leaving said right-of-way North 01 degrees 06 minutes 31 seconds East 1217.08 feet to a 3/4" open top pipe found;

Thence North 01 degrees 06 minutes 33 seconds East 47.50 feet to a 3/4" open top pipe found on the southerly line of Land Lot 107;

Thence along said Land Lot Line North 87 degrees 59 minutes 59 seconds West 301.24 feet to a 1.25" open top pipe found;

Thence along said property line North 87 degrees 54 minutes 45 seconds West 738.25 feet to a 1" open top pipe found;

Thence leaving said Land Lot Line North 01 degrees 09 minutes 38 seconds East 199.99 feet to a 1" square iron found;

Thence North 00 degrees 54 minutes 49 seconds East 1311.40 feet to a #4 rebar found;

Thence North 01 degrees 08 minutes 19 seconds East 1089.83 feet to a 2" open top pipe found on the southerly right-of-way of Greentop Road (80' right-of-way);

Thence along said right-of-way North 75 degrees 20 minutes 01 seconds East 389.18 feet to a point;

Thence along said right-of-way a curve to the left an arc length of 394.77 feet, said curve having a radius of 14779.60 feet, and being subtended by a chord of 394.75 feet, at North 74 degrees 07 minutes 33 seconds East to a point;

Thence along said right-of-way North 74 degrees 40 minutes 46 seconds East 228.35 feet to a point;

Thence along said right-of-way a curve to the right an arc length of 534.96 feet, said curve having a radius of 2484.30 feet, and being subtended by a chord of 533.93 feet, at North 83 degrees 17 minutes 14 seconds East to a point;

Thence along said right-of-way North 89 degrees 05 minutes 11 seconds East 148.73 feet to a point;

Thence along said right-of-way North 89 degrees 53 minutes 07 seconds East 208.79 feet to a point;

Thence along said right-of-way South 89 degrees 55 minutes 43 seconds East 358.04 feet to a concrete monument found, said point being the POINT OF BEGINNING;

Said tract or parcel contains 163.61 Acres (7126809 Square Feet), more or less.

EXHIBIT "B"

EXHIBIT	D
PAGE	7 OF 12

BK:5624 PG:360-365

D2023004025

FILED IN OFFICE
CLERK OF COURT
03/28/2023 09:41 AM
NIKI SEWELL, CLERK
SUPERIOR COURT
COWETA COUNTY, GA

After Recording return to:
Nathan T. Lee
Glover & Davis, P.A.
10 Brown Street
Newnan, Georgia 30263

Niki Sewell

9281298029
PARTICIPANT ID

(Note: Above space to be used for filing in Superior Court Clerk's Office of Deeds and Records)

IN THE SUPERIOR COURT OF COWETA COUNTY
STATE OF GEORGIA

IN RE:

GREEN TOP ROAD, LLC and PULTE
HOMES, LLC,

Appellants/Petitioners/Annexation
Applicants

vs.

CITY OF NEWNAN, GEORGIA

Municipal Corporation/Appellant

and

COWETA COUNTY, GEORGIA,

Appellee/Respondent

ARBITRATION PANEL

Respondents.

CIVIL ACTION FILE NO. 2023SUV0066

CERTIFICATE OF ZONING, LAND USE OR DENSITY RESTICTIONS
(Pursuant to O.C.G.A. § 36-36-115)

DATE ORDER GRANTED: February 9, 2023

GRANTEE: Green Top Road, LLC

EXHIBIT "B"

BK:5624 PG:361

EXHIBIT	D
PAGE	8 OF 12

STATE OF GEORGIA

COUNTY OF COWETA

THIS INSTRUMENT, made this the 28th day of March, 2023, placing zoning, land use or density conditions on real property owned by Green Top Road, LLC as shown by the following deeds recorded in the Coweta County, Georgia real property records:

Tax Parcel I.D.: 85 5086 001: Deed Book 5376, Pages 750-751; Deed Book 5376, Pages 752-753; Deed Book 5376, Pages 754-755;

Tax Parcel I.D.: 85 5086 003: Deed Book 5143, Pages 731-732; Deed Book 5143, Pages 733-734;

Tax Parcel I.D.: 85 5107 002: Deed Book 5143, Pages 719-720; Deed Book 5143, Pages 721-722; Deed Book 5143, Pages 723-724; Deed Book 5143, Pages 725-726; Deed Book 5143, Pages 727-728; Deed Book 5376, Pages 745-747; Deed Book 5376, Pages 748-750;

Tax Parcel I.D.: 85 5107 003: Deed Book 5143, Pages 719-720; Deed Book 5143, Pages 721-722; Deed Book 5143, Pages 723-724; Deed Book 5143, Pages 725-726; Deed Book 5143, Pages 727-728;

and being described as:

All that tract or parcel of land, containing 8.92 acres situate, lying and being in Land Lot 86 of the Fifth Land District of Coweta County, Georgia and being Tract B, as shown by plat of property for William F. Lee and Ida Lee Ellis, dated May 29, 1981, made by John R. Christopher, R.L.S., as recorded in Plat Book 29, Page 35, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

And

All that tract or parcel of land, containing 8.92 acres situate, lying and being in Land Lot 86 of the Fifth Land District of Coweta County, Georgia and being Tract A, as shown by plat of property for William F. Lee and Ida Lee Ellis, dated May 29, 1981, made by John R. Christopher, R.L.S., as recorded in Plat Book 29, Page 35, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

And

A certain tract or parcel of land, containing 26.14 acres, situate, lying and being in Land Lot 107, 5th Land District, Coweta County, Georgia, more particularly described as follows:

BEGINNING at an iron pin on the South line of Land Lot 107, said pin being 750 feet, more or less, East of the intersection of said South line with the East line of Land Lot 106 and from said beginning point run thence South 89 degrees 0 minutes East 740 Feet to an iron pin; thence North 0 degrees 8 minutes West

EXHIBIT "B"

BK:5624 PG:362

1533 feet to a corner post; thence South 90 degrees 0 minutes West 750 feet; thence South 0 degrees 30 minutes East 1520 feet to the point of beginning.

Said property is bound on the North and East by property of T.K. Barron; on the West and South by property of N.T. Brewster.

Said property is more particularly identified according to a plat of survey made by T.Y. Maddox of record in Plat Book 9, Page 23, Office of the Clerk, Coweta County Superior Court.

And

A certain tract or parcel of land lying and being in the Fifth District, said State and County and being a part of lot of land No. 107 in said District and containing 23.18 acres more or less and more particularly described as follows: BEGIN at a point on the North line of said lot of land No. 107 which said point is 1485 feet from the original Northeast corner of said lot; thence run South 1447 feet to the lands hereinbefore conveyed to Mrs. May Herrin Powell; thence run West 737 feet to the lands of McMakin; thence run North along the line between the property herein conveyed and the McMakin lands 1087 feet more or less to where said line crosses or intersect a certain public road known as the Old Atlanta Public Road; thence run Northeast along said Old Atlanta Public Road 137 feet; thence run North 9 degrees West 250 feet; thence run North 41 degrees West 93 feet to the original North line of said lot on land No. 107 thence run East along the original North line of said lot of land No. 107, 685 feet to the beginning point.

This being the same property as that conveyed by Mrs. Willie Herring King to T.K. Barron by Warranty Deed of record in Deed Book 36, Page 299, Office of the Clerk of Coweta Superior Court.

ALSO:

All that certain piece, parcel or tract of land containing One Hundred One and 75/100 (101.75) acres, more or less, lying and being situate on the Atlanta Road about Four (4) miles North of the town of Newnan, in the 5th Land District, Coweta County, State of Georgia, and more particularly described as Tracts Number Four (4) and Five (5) of the W.A. Herring Place, according to a plat prepare by T. Y. Maddox, Surveyor, on June 20 and 21, 1935, a copy of which is now on file with the Federal Land Bank of Columbia. Said property being bounded, now or formerly, as follows, to wit: North by lands of Mrs. H. W. Sieb and Atlanta Road; East by lands of Mrs. H.W. Seib; South by lands of Mrs. J.F. Lee and Eleanor McMakin; West by lands of Mrs. May H. Powell and Mrs. King. This being the same property as that conveyed by Federal Land Bank to T.K. Barron by Warranty Deed of record in Deed Book 33, Page 513, Office of the Clerk, Coweta Superior Court.

WITNESSETH: That pursuant to Georgia Code section 36-36-115(b), the Arbitration Panel designated by the Department of Community Affairs placed the following restrictions or conditions on the use of the property above-described which remains in effect by operation of law for two (2) years as set out in Georgia Code section 36-36-117

EXHIBIT "B"

BK:5624 PG:363

from the date of the Order affirming said decision, February 9, 2023, and applying to all heirs, successors, and assigns of right, title or interest in the property with such restrictions or conditions automatically expiring on February 9, 2025:

1. The maximum number of lots is restricted to three hundred (300) single-family, detached, fee-simple owned homes.
2. A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
3. The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.
4. Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.
5. Left turn and right turn lanes shall be constructed (Acceleration and Deceleration lanes to County Standards) at the proposed full service access to Green Top Road.
6. Physical medians shall be constructed (to County Standards) at the proposed right-in-right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
7. The applicant shall contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project at Hal Jones Road/Green Top Road at US 29; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
8. The applicant shall contribute a five-year bond in the amount of \$250,000 to assist with the implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road.
9. The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection

EXHIBIT "B"

BK:5624 PG:364

Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.

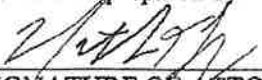
10. Access onto Green Top Road will require a permit from Coweta County.
11. All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
12. Left turn and right turn lanes shall be constructed at the proposed full-service access to Green Top Road.
13. Physical medians shall be constructed at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
14. There shall be one main entrance with two secondary entrances on each side of the main entrance that are right-in/right-out only.
15. The amenities shall be specifically designed to meet the recreational and social needs of families shall include a 2,800 square feet minimum pool, playgrounds, dog park, mailbox kiosk, and walking trails. The clubhouse shall be 1,800 heated square feet minimum of heated floor space.
16. The existing ponds and wetlands will be retained in order to create a natural environment.
17. Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
18. The property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority.
19. All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City Department for consideration.
20. All front, side, and rear yards of all disturbed grass areas on lots shall be sodded.
21. All utilities that provide service to the proposed subdivision shall be placed underground.

EXHIBIT "B"

BK:5624 PG:365

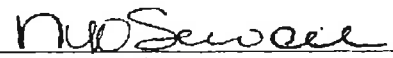
22. The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
23. There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
24. All garage doors shall be architecturally treated similarly to the renderings submitted.
25. The Lot information and setbacks shall be as follows:
- Minimum street Frontage 30-feet
 - Minimum lot width at front setback 40-feet
 - Minimum floor area 1,600 square feet
 - Maximum impervious area 60%
 - Minimum lot size 8,200 square feet
 - Front setback 30-feet
 - Side setback 5-feet
 - Major side (double frontage) 10-feet
 - Rear setback 20-feet
 - Building separation 10-feet
 - Maximum building height 2 stories/40-feet
26. There shall be a 25-foot natural, vegetated buffer around the perimeter of the site along the west, south, and east property lines.

Certificate prepared by:


SIGNATURE OF ATTORNEY

State Bar # 443770

I do hereby certify that the above information is based on the Order of the Superior Court of Coweta County by affirmation of the Arbitration Panel on February 9, 2023, as set forth above.

By: 
Clerk of the Superior

72 Greenville Street
Newnan, Georgia 30263
Superior Court Return Mailing Address

Rock & Road Festival Weekend

Date: April 20-21, 2024

Date	Event	Location	Organizer
April 20	Coweta Grand Prix	Lagrange Street	Coweta Foundation
	Rock & Road Festival	Courthouse Square	Bike Coweta
	Rock & Road Criterium	Downtown Newnan	Bike Coweta
April 21?	Tour of Coweta	Line Creek Brewing	Newnan Rotary Club

Bike Coweta Rock & Road Festival

Closure requests

Bike Coweta requests the closure of Jackson, Salbide, Jefferson and Wesley Streets from 6am to 9pm on April 20, 2024 for the Rock & Road Festival and related events.

Bike Coweta requests that all tree lights and top of building lights downtown be lighted during the Rock&Road Criterium April 20, 2024 from 7pm - 9pm.

Bike Coweta requests the closure of the Courthouse Square between 6am and 9pm on April 20, 2024 for Rock & Road Festival.

The Coweta Foundation requests the closure of West Broad Street between Brown and Jackson Streets between 6am and 5pm for Gran Prix race participant staging.

Bike Coweta and the Coweta Foundation requests traffic control support for the duration of the events on April 20, 2024 from 6am to 9pm.

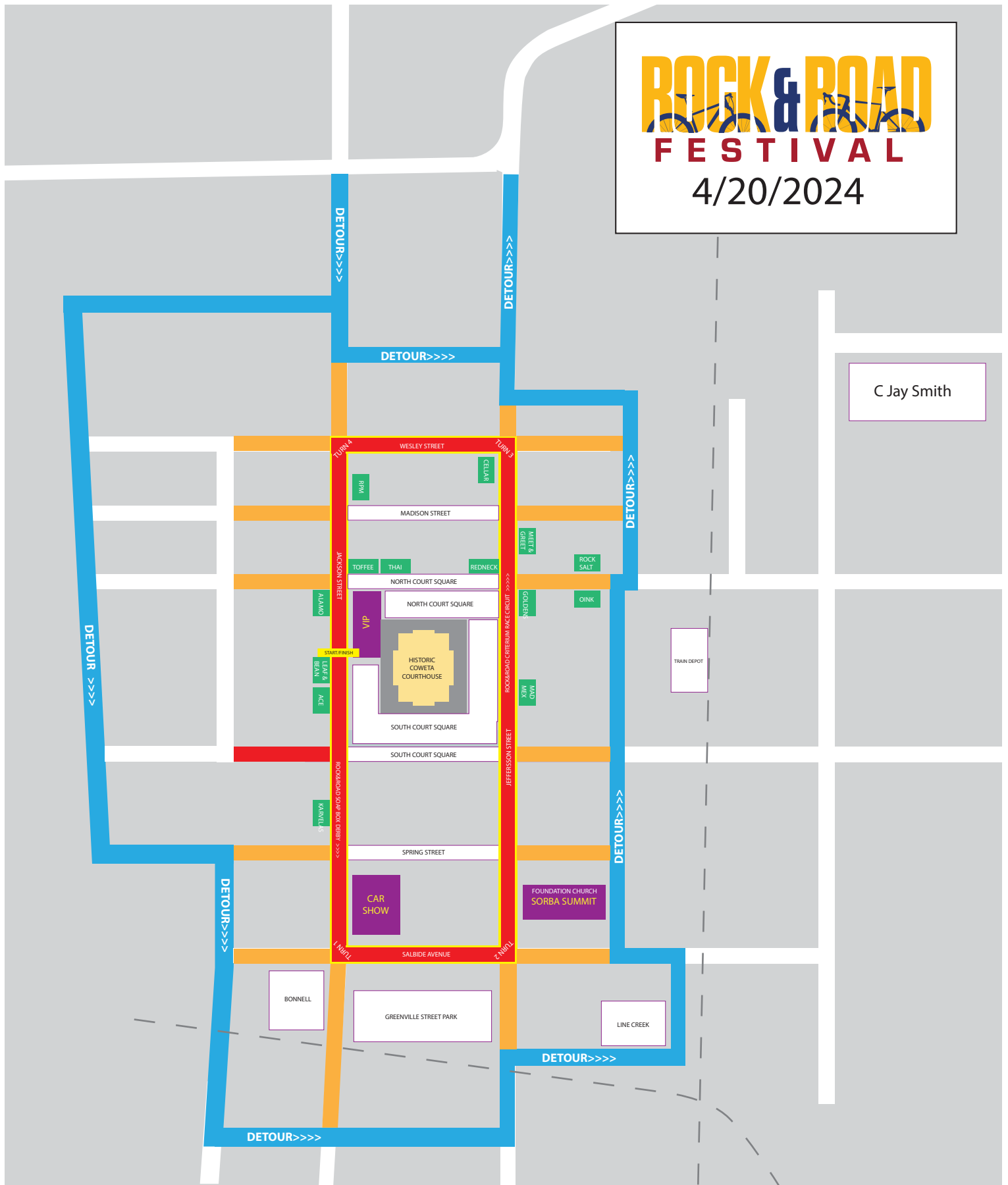
The Newnan Rotary Club requests traffic control support for the Tour of Coweta on April 21, 2024 from 7:45am to 8:15am from Line Creek Brewing to Lagrange Street (Newnan Highschool)

Bike Coweta requests a special exemption to permit sidewalk alcohol sales by downtown restaurants for the day of April 20, 2024

ROCK & ROAD FESTIVAL

4/20/2024

C Jay Smith



FENCED COURSE



DETOUR



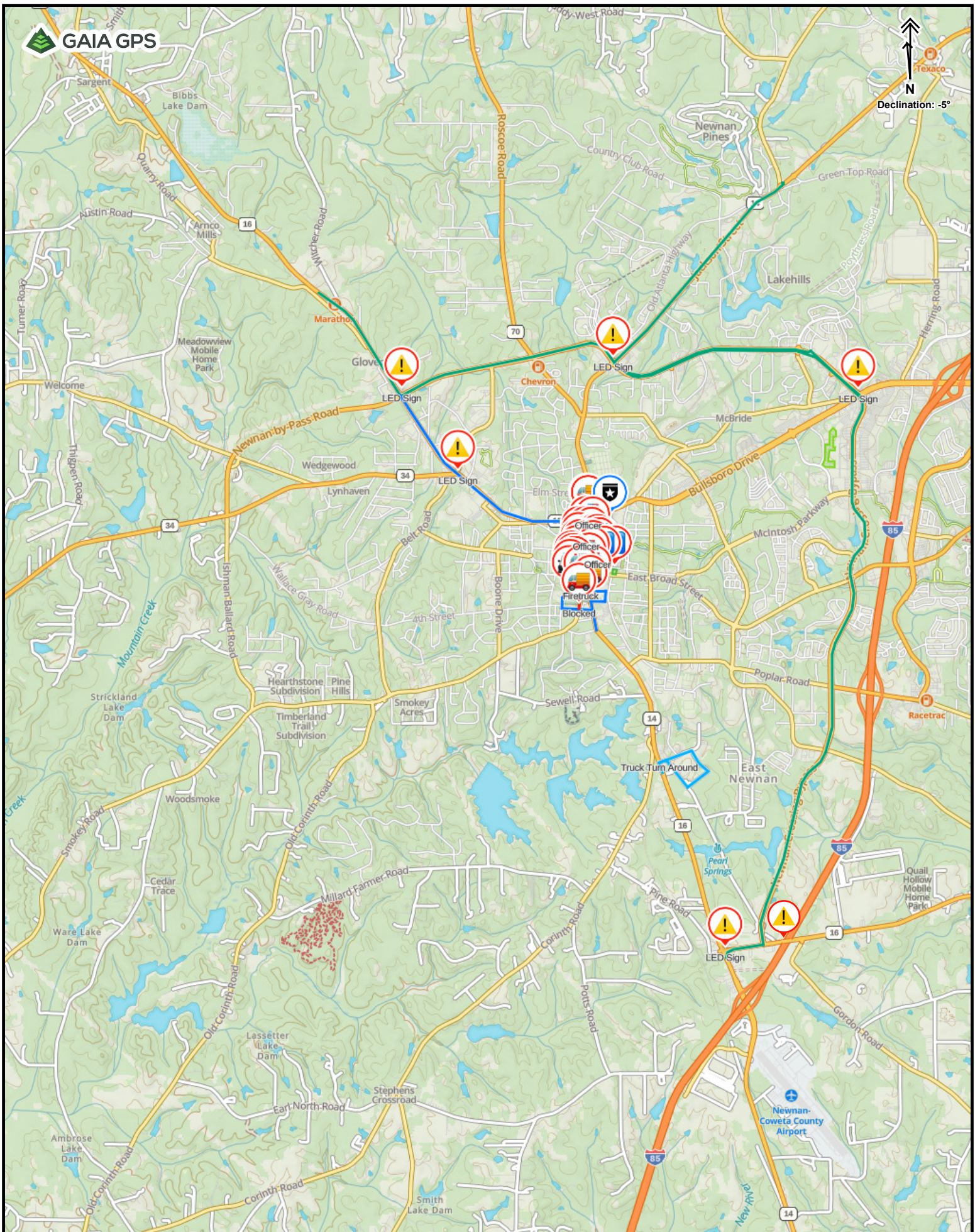
LIMITED ACCESS



ACTIVITY OPS

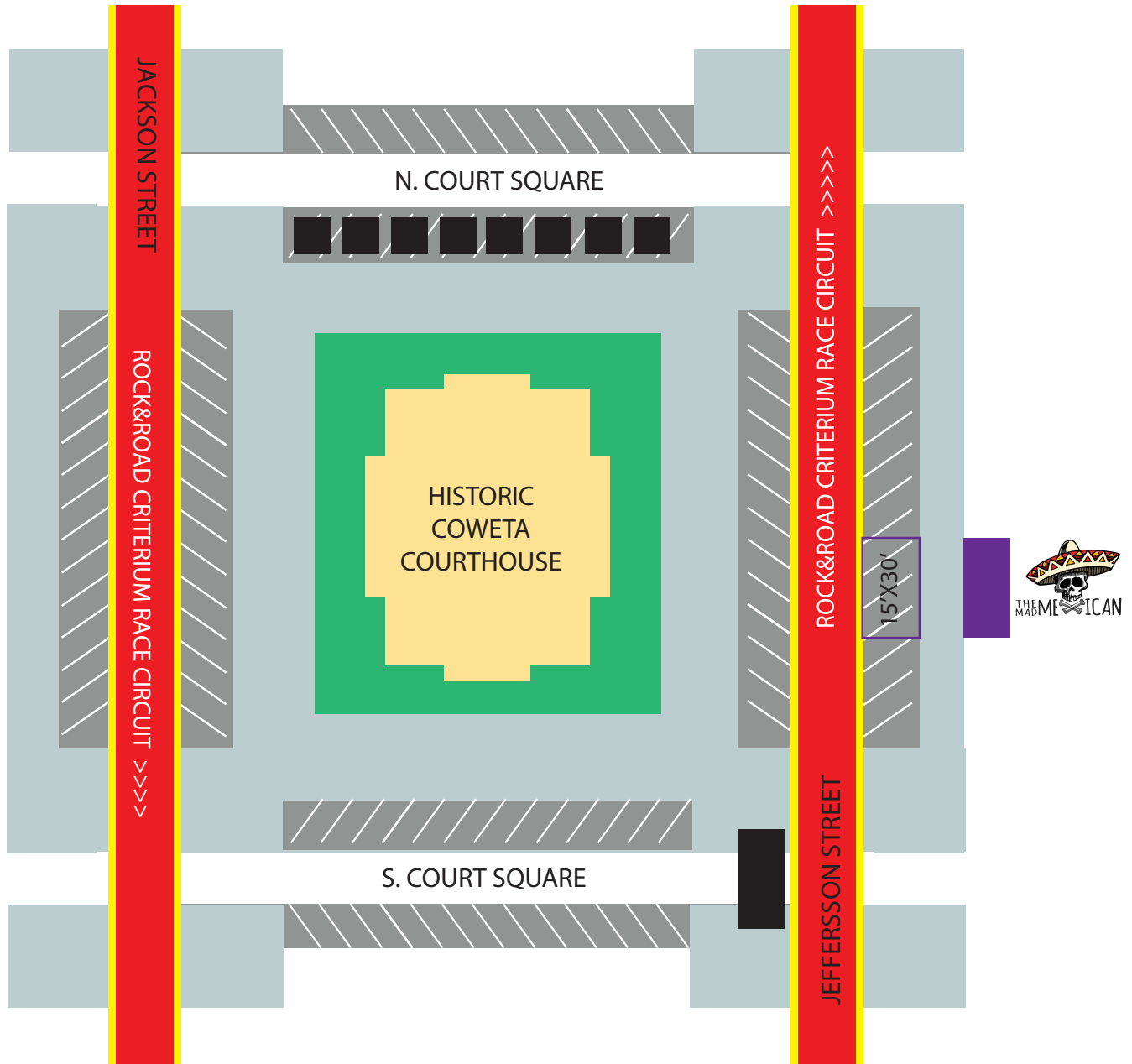


RESERVED

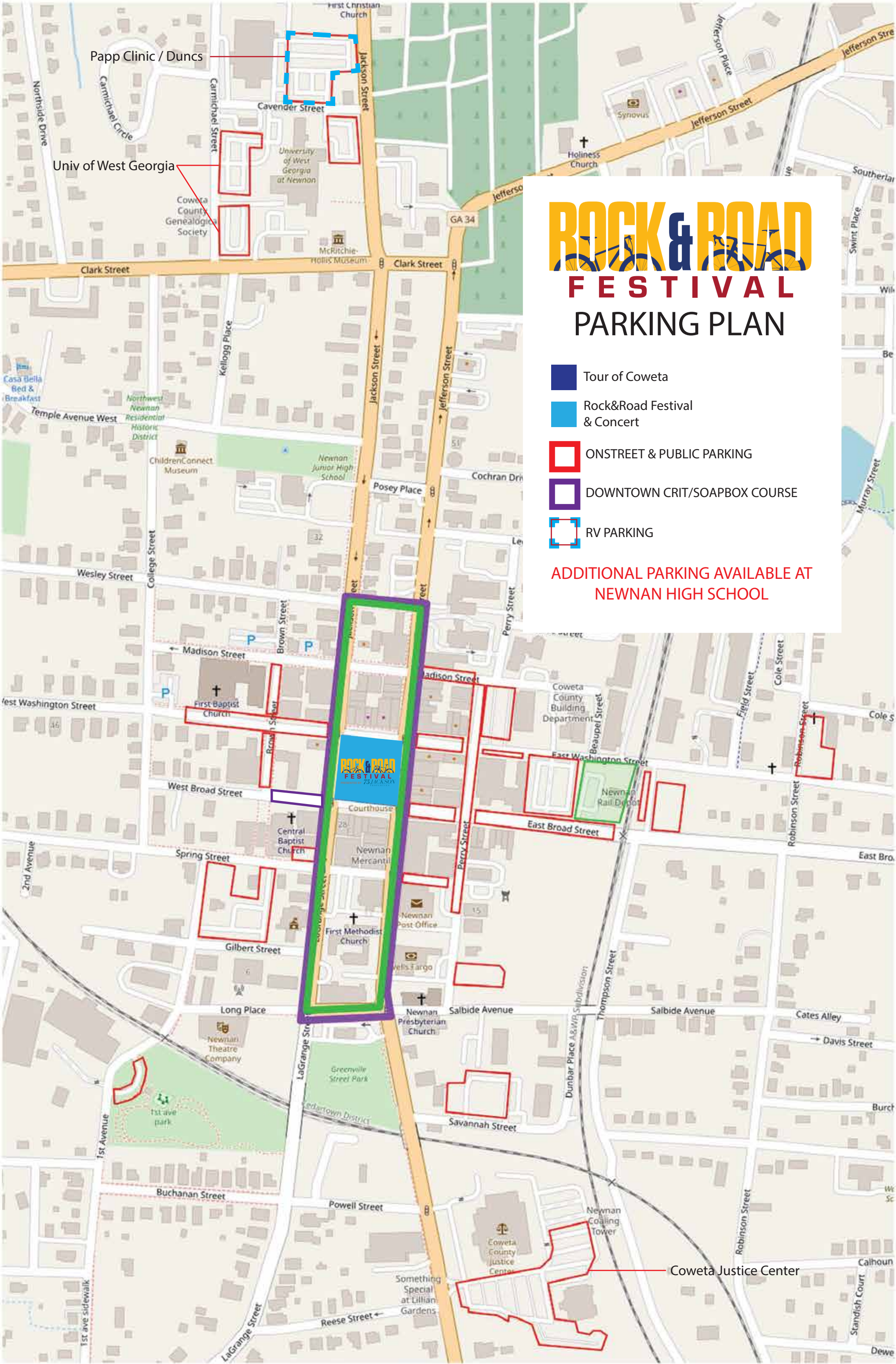


ROCK&ROAD FESTIVAL

ALCOHOL SALES EXEMPTION



-  Rock&Road Criterium Race Circuit
-  Race Circuit Fencing
-  Sample Restaurant
-  Sample Restaurant Cafe



ROCK & ROAD FESTIVAL PARKING PLAN

-  Tour of Coweta
-  Rock&Road Festival & Concert
-  ONSTREET & PUBLIC PARKING
-  DOWNTOWN CRIT/SOAPBOX COURSE
-  RV PARKING

ADDITIONAL PARKING AVAILABLE AT
NEWNAN HIGH SCHOOL

Motion to Enter into Executive Session

I move that we now enter into closed session as allowed by O.C.G.A. §50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing

And that we, in open session, adopt a resolution authorizing and directing the Mayor or presiding officer to execute an affidavit in compliance with O.C.G.A. §50-14-4, and that this body ratify the actions of the Council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law.

Motion to Adopt Resolution after Adjourning Back into Regular Session

I move that we adopt the resolution authorizing the Mayor to execute the affidavit stating that the subject matter of the closed portion of the council meeting was within the exceptions provided by O.C.G.A. §50-14-4(b).