



Coweta County Board of Commissioners

Public Hearing/Regular Session

22 E Broad Street
Newnan, GA 30263
www.coweta.ga.us

Shannon Zerangue
770.254.2601

Thursday, January 20, 2022

6:00 PM

Commission Chambers

~ Minutes ~

COWETA COUNTY BOARD OF COMMISSIONERS

Call to Order

Attendee Name	Title	Status	Arrived
Bob Blackburn	District 3 - Chairman	Present	
John Reidelbach	District 4 - Vice Chairman	Present	
Paul Poole	District 1	Present	
Tim Lassetter	District 2	Present	
Al Smith	District 5	Present	
Michael Fouts	County Administrator	Present	
Eddie Whitlock	Associate Administrator	Absent	
Kelly Mickle	Assistant Administrator	Present	
Nathan Lee	Assistant County Attorney	Present	
Fran Collins	Deputy County Clerk	Present	

The Honorable Board of Commissioners of Coweta County, Georgia met in Public Hearing/Regular Meeting Session on Thursday, January 20, 2022.

Meeting Called to Order

Chairman Blackburn called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Chairman Blackburn led the Pledge of Allegiance.

Invocation

Invocation was given by Commissioner Smith.

Notification of Location of Rules

Chairman Blackburn explained that the rules governing the meeting could be found on the County's website as well as on the table located in the lobby just outside the meeting room.

REGULAR SESSION

Motion To: Amend the Agenda

The Board voted to amend the agenda to remove item # 12 *Request to Set a Public Hearing on February 22, 2022 Regarding Petition # REZ 21-010007 Filed by Fischer Automotive Requesting to Rezone "Parcel A" Located at 195 Fischer Road, Sharpsburg* and item # 13 *Request to Set a Public Hearing on February 22, 2022 Regarding Petition # REZ 21-010008 Filed by ForCAST Real Estate Development Requesting to Rezone "Parcel B" Located at 195 Fischer Road, Sharpsburg* because the applicants previously withdrew these requests in accordance with the Coweta County Code of Ordinances (see Appendix A. Zoning and Development, Article 29. Amendments, Section 290. Application for Zoning Amendment).

RESULT: **APPROVED [UNANIMOUS]**
MOVER: John Reidelbach, District 4 - Vice Chairman
SECONDER: Paul Poole, District 1
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

APPROVAL OF MINUTES

1. **Minutes of Thursday, January 06, 2022**

The Board voted to approve the minutes from the Public Hearing/Regular Meeting Session held on Thursday, January 6, 2022.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Tim Lassetter, District 2
SECONDER: Paul Poole, District 1
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

SUPPLEMENTAL AND NON-AGENDA ITEMS

Motion To: **Approve Supplemental and/or Non-Agenda Items**

The Board voted to approve the addition of one (1) Non-Agenda item for discussion as presented by staff.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Tim Lassetter, District 2
SECONDER: Paul Poole, District 1
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

PUBLIC HEARING (The Chairman will Call for Any Comments Regarding the Following Items After Each Item is Presented)

2. Motion To: **Public Hearing Regarding a New Consumption Distilled Spirits, Beer and Wine License Filed by David Valentine in Operation of Crust & Craft Sharpsburg, LLC Located at 3150 Hwy 34 E Suite 301, Newnan**

Business License Coordinator Joy Thompson explained that Mr. David Valentine, license representative and owner of Crust & Craft Sharpsburg, LLC located at 3150 Hwy 34 East, Suite 301, Newnan has applied for a new consumption distilled spirits, beer, and wine license. The Business Tax and Alcohol Division has reviewed the application and finds that it is in order, meets the applicable requirements, and should be considered by the Board of Commissioners in accordance with *Chapter 6* of the *Coweta County Code of Ordinances*. The required background checks (GCIC) and fingerprint reports (GBI) for Mr. Valentine, as applicant for license representative of the establishment, are complete and show that he meets the requirements set forth in the *Alcohol Ordinance* to be the license representative.

The applicant was present, but declined an opportunity to address the Board.

Chairman Blackburn called for any comments in support of or in opposition to the proposed alcohol license. There were none.

The Board voted to close the Public Hearing regarding a new consumption beer and wine license filed by David Valentine, license representative and owner of Crust & Craft Sharpsburg, LLC located at 3150 Hwy 34 East, Suite 301, Newnan.

RESULT: PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER: John Reidelbach, District 4 - Vice Chairman
SECONDER: Tim Lassetter, District 2
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

- 12753 Public Hearing Regarding a New Consumption Distilled Spirits, Beer, and Wine License Filed by David Valentine in Operation of Crust & Craft Sharpsburg, LLC Located at 3150 Hwy 34 E Suite 301, Newnan - District 4

The Board voted to grant a new consumption beer and wine license to David Valentine, license representative and owner, in operation of Crust & Craft Sharpsburg, LLC located at 3150 Hwy 34 East, Suite 301, Newnan.

RESULT: GRANTED [UNANIMOUS]
MOVER: John Reidelbach, District 4 - Vice Chairman
SECONDER: Paul Poole, District 1
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

3. Motion To: **Public Hearing Regarding a New Distilled Spirits, Beer, and Wine Package Store License Filed by Abid Khutliwala in Operation of Market Place Beverage (Aynur Enterprise, Inc.) Located on the Corner of Posey Road and Market Place Drive, Newnan**

Business License Coordinator Thompson explained that on Tuesday, November 9, 2021, at 8:41 a.m., the Business and Alcohol License Division received a completed new distilled spirits, beer, and wine package store license application from Abid Khutliwala in operation of Market Place Beverage (Aynur Enterprise Inc.) located on the corner of Posey Road and Market Place Drive [(Parcel # 121-6038-072), 1.741± acres, Lot 5A, Land Lot 38, Land District 6]. The application was dated and time-stamped by Ms. Thompson and Assistant Community Development Director Angela White and is the second of four (4) completed applications received. Public Hearings have been scheduled based upon the order the applications were received. In accordance with the *Code of Ordinances*, upon approval of three (3) licenses by the Board, any pending applications will be deemed null and void.

Ms. Thompson further explained that Mr. Khutliwala has requested to be the license representative, his file is in order, and he meets the requirements of the *Alcohol Ordinance* to be the license representative.

Ms. Thompson also informed the Board that the site survey submitted shows that the proposed building and distance requirements comply with the regulations set forth in the *Alcohol Ordinance*. In addition to the building and distance requirements, the site is located in the Quality Development Corridor District (QDCD) and will have to meet those requirements as well. Mr. Khutliwala has indicated that a pre-development site plan will be submitted to Development Review in the next few weeks to begin the process.

In conclusion, Ms. Thompson explained that should the Board choose to grant the alcohol license for the sale of packaged distilled spirits, the applicant will have twelve (12) months from the date the application is approved to open the package store. In accordance with the *Code of Ordinances*, the Business License Director is authorized to grant a 6-month administrative extension if necessary, but any further extension requires approval from the Board of Commissioners.

Ms. Thompson fielded a question from Commissioner Reidelbach regarding the proximity of the proposed building to Posey Road and to Tractor Supply.

In response to a question from Chairman Blackburn, Ms. Thompson explained that

package store licenses are non-transferable, and any new application would be placed "in the queue" after those already received.

In response to questions from Commissioner Reidelbach, Ms. Thompson confirmed that the applicant will be required to construct the building in accordance with the Quality Development Corridor District (QDCD) requirements and will also be required to comply with the *Coweta County Sign Ordinance*.

Mr. George Rosenzweig, applicant representative, explained that the applicant is qualified, meets all requirements in the ordinance, is well funded, is experienced in business, and wishes to fulfill his dream of owning a package store. He briefly reviewed the property location, existing zoning including other permitted uses, exterior materials, lighting limitations, interior quality, and landscaping plan.

Chairman Blackburn called for any comments in support of the proposed new package store license.

Mr. Abid Khutliwala, applicant, expressed appreciation to the Board and the citizens of Coweta County for the opportunity to speak. He explained that he is the owner of Popeyes Chicken located at Fischer Crossings that has been in business for a few years. He is excited about the liquor store project, and believes it is a good opportunity for his family. He will be a good employer, provide good training, and operate the business in an efficient way. He also explained that the landscaping will be such to limit view of the store from the existing residential area. In closing, he explained that he also owns the adjacent parcel and plans to construct another business at that location in the future.

Chairman Blackburn called for any comments in opposition to the proposed new package store license.

The following citizens spoke in opposition to the new package store license citing concerns with proximity to residences and churches, loitering, appearance, negative impact on property values, increased traffic, crime, higher millage rates, speeding, safety issues, intoxicated drivers (DUIs), trash/refuse, and alcohol use.

- Mr. Joel Anderson, Posey Ridge Court, Newnan
- Mr. Steve Minix, Posey Road, Newnan
- Ms. Sherry Pate, Posey Road, Newnan
- Ms. Laura Swieringa, Posey Road, Newnan
- Mr. Frank Beall, Posey Ridge Court, Newnan
- Mr. Kendal Potts, Posey Ridge Court, Newnan

Administrator Fouts explained that in accordance with the rules governing the meeting, the applicant had six (6) minutes [of the ten (10) minutes allotted] remaining for rebuttal.

In rebuttal, Mr. Rosenzweig explained that the subject property is currently zoned for commercial use, is centrally located to Thomas Crossroads, will feature high quality materials on the exterior and interior of the building, will provide increased tax revenue, comments on social media and in the Newnan Times Herald were supportive, and 68% of citizens voted for the referendum. In conclusion, he explained that traffic will be less than other types of uses that could be allowed on the subject property, and the applicant is well qualified and will do a good job.

In response to a question from Commissioner Reidelbach, Assistant Community Development Director Angela White explained that the property is located within the QDCD and will have enhanced requirements including landscaping and tree islands. The applicant has submitted a conceptual site plan and if the application is approved, the next phase will be for the applicant to meet with staff and have the

engineering plans submitted for review. She further explained that trees are not required to block view from the road frontage, but the applicant has indicated that he intends to keep many of the trees as part of their development. In conclusion, she explained that the QDCD requires a minimum of 80% brick, stone, or glass exterior materials on all four (4) sides of the structure.

Chairman Blackburn asked if the applicant had anything further to add.

Mr. Khutliwala explained that should the Board choose to approve his application, he will work hard to be a good neighbor.

Chairman Blackburn called for any further comments. There were none.

The Board voted to close the Public Hearing regarding a new distilled spirits, beer, and wine package store license filed by Abid Khutliwala in operation of Market Place Beverage (Aynur Enterprise, Inc.) located on the corner of Posey Road and Market Place Drive, Newnan [(Parcel # 121-6038-072), 1.741± acres, Lot 5A, Land Lot 38, Land District 6].

RESULT: PUBLIC HEARING CLOSED [UNANIMOUS]

MOVER: John Reidelbach, District 4 - Vice Chairman

SECONDER: Paul Poole, District 1

AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

12752 Public Hearing Regarding a New Distilled Spirits, Beer, and Wine Package Store License Filed by Abid Khutliwala in Operation of Market Place Beverage (Aynur Enterprise, Inc.) Located on the Corner of Posey Road and Market Place Drive, Newnan - District 4

The Board voted to grant a new distilled spirits, beer, and wine package store license as filed by Abid Khutliwala in operation of Market Place Beverage (Aynur Enterprise, Inc.) located on the corner of Posey Road and Market Place Drive, Newnan [(Parcel # 121-6038-072), 1.741± acres, Lot 5A, Land Lot 38, Land District 6].

RESULT: GRANTED [UNANIMOUS]

MOVER: John Reidelbach, District 4 - Vice Chairman

SECONDER: Paul Poole, District 1

AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

4. Motion To: **Public Hearing Regarding Petition # REZ 21-010003 Filed by Forestar Requesting to Rezone Property Located off Ishman Ballard Road, Newnan**

Zoning Coordinator Lisa Eschman presented Petition # REZ 21-010003 filed by Forestar requesting to rezone property located off Ishman Ballard Road, Newnan (Parcel # 048-5030-001B and Parcel # 049-5003-001) from C-6 (*Commercial Minor Shopping District*) and RC (*Rural Conservation*) to RD (*Two-Family Residential District*). She explained that the subject property consists two (2) parcels with a combined total area of 106± acres and the applicant wishes to construct a 187-lot single-family development. Each lot will have a minimum area of 8,500-square feet and a minimum width of 71-feet with a proposed density of 1.76 units per gross acre. A total of 16.5± acres will be provided as open space for the development. Based upon renderings submitted with the application, the exterior building materials of the homes will consist of cement lap-siding, brick, and stone. In conjunction with the rezoning request, the applicant is requesting a variance under Petition # VAR 21-010009 for a 14-feet right-of-way reduction (from 50-feet to 36-feet) to allow placement of the required pedestrian sidewalks to be located 5-feet behind the back of the curb so that cars parked in the driveway will not obstruct the sidewalks. The site plan indicates an amenity area centrally located within the development on 2.1± acres and includes a natural surface

walking path and a dog park. A floodplain and stream area of approximately 31.5% encompasses the property along the entire eastern property boundary, a 25-foot buffer is shown along the northern, southern, and southeastern property boundaries, and two (2) proposed entrances are located off Ishman Ballard Road. In closing, she reviewed the current zoning of properties in the surrounding area, highlighted the factors reviewed by staff during the rezoning process, and presented fourteen (14) conditions for consideration by the Board should they choose to approve the request.

In response to questions from Commissioner Lassetter, Ms. Eschman explained that one (1) of the entrances is located directly across from Derring Circle.

In response to questions from Commissioner Lassetter, County Engineer Tod Handley explained that if approved, site distances must meet requirements at each of the proposed entrances and the applicant would have to pay for the widening of Ishman Ballard for installment of right and left turn lanes.

In response to a question from Commissioner Smith, Ms. Eschman explained that although the proposed zoning district is *RD (Two-Family Residential District)*, only single-family dwellings will be allowed as proffered by the applicant and as a condition of the zoning.

Ms. Melissa Griffis, applicant representative, explained that the property is "grandfathered" with Newnan Utilities for water and sewerage service. *RD (Two-Family Residential District)* zoning will allow for access to water and sewerage; however, only single-family units are proposed. She reviewed the subject property and the existing zoning. She also explained that in conjunction with the rezoning application the applicant has a pending variance for right-of-way reduction that will be heard later in the meeting. In closing, she explained that she has met with deacons and elders of the Pentecostal Church of God located across the street and they are in support of the proposed rezoning.

Chairman Blackburn called for any comments in support of the proposed rezoning.

- Ms. Jessica Loya, Forestar, explained that Forestar is one of the nation's largest lot developers, and brings extensive expertise in the creation of sustaining and lasting developments. The project will fill the void for additional housing as identified in the County's Comprehensive Land Use Plan and will bring a diverse range of housing options to the lesser developed side of the county. She reviewed the proposed development, explained that the density is less than nearby developments, and that it is contiguous with the Growth Priority Area identified in the County's Comprehensive Land Use Plan. She further explained that there are limited options in area that have infrastructure available, and the proposed development will utilize existing sewer and contribute to the overall quality of life for residents in the area. The developer will also ensure the builder selected will abide by the plan and utilize quality materials. In closing, she explained that the developer has met with members of the Pentecostal Church of God and have their support.
- Pastor Rufus Walden, Pentecostal Church of God, explained that he is excited for the community and that the Church wishes to be a good neighbor and supports the rezoning and proposed development.
- Menious Clayton, Pentecostal Church of God, expressed support for the proposed development and expressed his belief that it will benefit the local community.

Chairman Blackburn called for any comments in opposition to the proposed rezoning.

The following citizens spoke in opposition to the proposed rezoning citing concerns with increased traffic, the need for a traffic study, strain on county services and schools, possible future expansion of Ballard Road and tie-in to the Bypass, and the

need for preservation of rural character.

- Mr. Jeff Binion, Smokey Road, Newnan
- Mr. Ben Moore, Smokey Road, Newnan
- Mr. Audie Burks, Hwy 34 W, Newnan
- Mr. Randall Gilmore, Flagstone Drive, Newnan

Administrator Fouts explained that in accordance with the rules governing the meeting, the applicant has eight (8) minutes [of the ten (10) minutes allotted] remaining for rebuttal.

In rebuttal, Ms. Griffis explained that a traffic study has been performed, reviewed by the County Engineer, and raised no significant concerns. She further explained that the average of 460 trips going to residential zoning is significantly less than the current commercial zoning. Also, additional property taxes could be used to pay for increased county services and schools. In closing, she explained that the requested zoning will preserve rural character by adding residential properties with greenspace and amenities instead of commercial development and will consist of single-family residences as proffered.

In response to a question from Commissioner Lassetter, Ms. Griffis explained that she did not obtain any letters of support from residents located on Derring Circle or Ishman Ballard Road, but that no letters of opposition were received either, and that the Pentecostal Church is more supportive of the development.

The Board voted to close the Public Hearing regarding Petition # REZ 21-010003 filed by Forestar requesting to rezone property located off Ishman Ballard Road, Newnan (Parcel # 048-5030-001B and Parcel # 049-5003-001) from C-6 (*Commercial Minor Shopping District*) and RC (*Rural Conservation*) to RD (*Two-Family Residential District*).

RESULT: PUBLIC HEARING CLOSED [UNANIMOUS]

MOVER: Paul Poole, District 1

SECONDER: Tim Lassetter, District 2

AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

12699 Public Hearing Regarding Petition # REZ 21-010003 Filed by Forestar Requesting to Rezone Property Located off Ishman Ballard Road, Newnan

Commissioner Smith explained that according to the staff report and the factors for review, the development is not consistent with the Comprehensive Land Use Plan and is not compatible with the surrounding properties; however, he wishes to approve the request with a condition that the number of lots be limited to 150 (decreased from 187 lots to 150 lots).

In response to a question from Administrator Fouts, Commissioner Smith clarified that proffered Condition # 7 that limits the maximum number of lots to 187 is to be changed to only allow a maximum of 150 lots.

Commissioner Lassetter expressed concerns for the citizens that live in the area of the development and explained that 37 lots less than what has been proposed will not make much of a difference. In closing, he explained that although the proposed development is not in his district he did receive calls about it and not one was in support.

The Board voted to rezone 106± acres located off Ishman Ballard Road, Newnan (Parcel # 048-5030-001B and Parcel # 049-5003-001) from C-6 (*Commercial Minor Shopping District*) and RC (*Rural Conservation*) to RD

(*Two-Family Residential District*) as requested in Petition # REZ 21-010003 filed by Forestar, subject to the following conditions:

1. The applicant shall dedicate right-of-way to provide 50-feet of right-of-way from the centerline of Ishman Ballard Road along the frontage of the property.
2. The applicant shall construct left and right turn lanes on Ishman Ballard Road at each of the proposed entrances to the site.
3. The applicant shall meet all the requirements of Development Review, Public Works, Fire, and Building Department.
4. The applicant shall comply with *Coweta County Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection Ordinances*.
5. The site will be served by municipal sewer and water.
6. The development shall be restricted to single-family dwellings.
7. The development shall be limited to a maximum number of 150 lots.
8. The amenity area shall be situated on 2.1± acres and centrally located within the development as shown on the conceptual site plan dated 11-16-2021.
9. All homes shall be constructed having exterior finishes of brick, stone, and cement-lap siding. No vinyl will be used on the exterior of any homes except with soffit construction.
10. A wide variety of house plans, ensuring no mass repetitions, shall be utilized within the development.
11. All roofs of the main body of the houses shall have a minimum roof pitch of 8:12.
12. A 25-foot buffer shall be maintained or planted around the northern, southern, and southeastern property boundaries around the established residential community and may require additional plantings if the existing vegetation does not provide adequate screening.
13. Lighting shall incorporate full cutoff fixtures so adjacent residential properties and roadways are not adversely affected, and to preclude glare onto or direct illumination of adjacent properties and streets.
14. Any signage must be reviewed and approved by the Community Development Department in accordance with the *Coweta County Sign Ordinance*.

RESULT:	APPROVED [3 TO 2]
MOVER:	Al Smith, District 5
SECONDER:	Paul Poole, District 1
AYES:	John Reidelbach, Paul Poole, Al Smith
NAYS:	Bob Blackburn, Tim Lassetter

5. 12683 Public Hearing Regarding Petition # REZ 21-010006 Filed by Chris Cott Requesting to Rezone Property Located at 4237 East Hwy 34, Sharpsburg WITHDRAWAL SUBMITTED FOR CONSIDERATION

Administrator Fouts explained that the applicant submitted a request to withdraw the petition from consideration and that the *Coweta County Code of Ordinances* (see *Appendix A. Zoning and Development, Article 29*).

Amendments, Section 290. Application for Zoning Amendment) states that if a request to withdraw is received less than seven (7) days prior to the Public Hearing it is the Board's decision whether to allow the withdrawal. In addition, someone has signed up to speak in opposition to the proposed rezoning. In closing, he explained that the Board can choose to accept the withdrawal or to continue with the Public Hearing.

Commissioner Reidelbach explained that he would like to continue with the Public Hearing.

Assistant Attorney Lee explained that the Board must take action by either accepting the withdrawal or by conducting the Public Hearing.

Assistant Community Development Director White explained that a request to withdraw Petition # REZ 21-010006 filed by Chris Cott was received one (1) day short of the seven (7) day deadline and that neither Mr. Cott nor his representative (Kip Oldham) are present at the meeting.

Ms. White presented Petition # REZ 21-010006 filed by Chris Cott requesting to rezone property located at 4237 East Hwy 34, Sharpsburg (Parcel # 133-6101-003) from RC (*Rural Conservation*) to C-3 (*Commercial Retail*). She explained that the subject property contains an existing home that was constructed in 1955, and the applicant is proposing to renovate the interior of the structure in order to relocate his retail business and related party store (Atlanta Brick Co Lego Store) currently located at 2826 Hwy 154. In conjunction with the rezoning request, the applicant has filed variance applications to allow the exterior of the residence to remain as is, and would not meeting the requirements of the Quality Development Corridor District (QDCD). The only proposed changes will be to meet ADA requirements. In closing, she reviewed the current zoning of properties in the surrounding area, highlighted the factors reviewed by staff during the rezoning process, and presented nine (9) conditions for consideration by the Board should they choose to approve the request.

Commissioner Reidelbach explained that staff puts in a lot of effort and work to present rezoning applications to the Board. He further explained that the intent of seven (7) day deadline to withdraw a petition is to protect staff from having to duplicate the process and to allow ample notification to the public that there is no need to hold a Public Hearing.

Ms. White explained that the applicant has requested to totally withdraw the petition, and to review the home design further to address concerns expressed by staff. The next cycle for a Public Hearing on this issue would be in 3-4 months.

Assistant Attorney Lee explained that if the Board approves the withdrawal it could be heard in 3-4 months, but if heard by the Board tonight and subsequently denied, the applicant would have to wait six (6) months to reapply.

In response to a question from Commissioner Smith, Ms. White explained that if the Public Hearing is continued to a future meeting, the petition will proceed with the plans/design already submitted versus any changes to the plans/design.

Commissioner Reidelbach explained that all applicants should be cognizant of the time it takes staff to process and work on the application packages for presentation to the Board.

Commissioner Lassetter added that it is also important to note that

individuals take time out of their day to come to meetings to express their opinions regarding a proposed rezoning. In this case, it appears that the applicant has listened to comments from staff and the Commissioners and is trying to make changes.

The Board voted to approve withdrawal of Petition # REZ 21-010006 filed by Chris Cott requesting to rezone property located at 4237 East Hwy 34, Sharpsburg (Parcel # 133-6101-003) from *RC (Rural Conservation)* to *C-3 (Commercial Retail)*.

RESULT:	WITHDRAWN BY VOTE [UNANIMOUS]
MOVER:	Paul Poole, District 1
SECONDER:	John Reidelbach, District 4 - Vice Chairman
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith

REGULAR SESSION

PUBLIC COMMENT (Items on the Agenda)

Public Comments Regarding Items On the Agenda

Chairman Blackburn called for comments regarding any items on the agenda.

Ms. Melissa Griffis addressed the Board regarding Petition # VAR 21-010009 filed by Forestar requesting a right-of-way variance for property located on Ishman Ballard Road, Newnan (agenda item # 6). She explained that the variance request for a 14-foot right-of-way reduction (from 50-feet to 36-feet) so that the utilities can be placed to allow sidewalks to be located 5-feet behind the back of the curb. In closing, she explained that the Board of Zoning Appeals voted to recommend approval of the variance to the Board of Commissioners.

Mr. George Harper addressed the Board regarding Petitions # VAR 21-010023 and # VAR 21-010024 filed by GeoTom (agenda item # 9). He explained that the applicant is requesting two (2) variances related to a trailer storage lot project for the Cargill Distribution Center. A small pocket of residential property is nearby and is surrounded by a heavy industrial in the area. The applicant is requesting a 50-foot buffer reduction (from 100-feet to 50-feet) along the northern property line and to eliminate paving located along the right-of-way on Herring Road. Letters of support have been obtained from the nearby homeowners and trucks will not be idling in the lot. Lastly, he explained that he is requesting elimination of a condition recommended by the Board of Zoning Appeals for screening on the security fence.

Recommendations from Community Development and/or the Board of Zoning Appeals

6. 12701 Recommend Approval of Petition # VAR 21-010009 Filed by Forestar Requesting a Right-of-Way Reduction for Property Located on Ishman Ballard Road, Newnan

Zoning Coordinator Eschman presented Petition # VAR 21-010009 filed by Forestar requesting a right-of-way variance for property located on Ishman Ballard Road, Newnan (Parcel # 048-5030-001B and Parcel # 049-5003-001) along with a recommendation of approval from the Board of Zoning Appeals. She explained that the applicant is requesting a 14-foot right-of-way reduction (from 50-feet to 36-feet) to allow placement of the required pedestrian sidewalks to be located 5-feet behind the back of the curb so that cars parked in the driveway will not obstruct the sidewalks. The proposed right-of-way reduction will encompass all streets within the proposed development and will move the sidewalks closer to the street;

therefore, allowing the residents to enjoy the sidewalk and provide more front yard usage for the homeowners. All utilities will be placed within a 14-foot utility easement behind the proposed right-of-way. In closing, she reviewed the factors considered by staff during the application process and presented three (3) conditions for consideration by the Board should they choose to grant the variance request.

The Board voted to grant a 14-foot right-of-way reduction (from 50-feet to 36-feet) as requested in Petition # VAR 21-010009 filed by Forestar for property located on Ishman Ballard Road, Newnan, subject to the following conditions:

1. The recorded final plat and the Homeowner's Association (HOA) covenants shall state that the maintenance of sidewalks shall be the responsibility of the Homeowners Association.
2. The front building setback line shall remain 30-feet as shown on the exhibit submitted with the variance application # VAR 21-10009 for all lots that front on streets with right-of-way widths less than 50-feet.
3. There shall be a 14-foot sidewalk and utility easement at the edge of the right-of-way line along all streets with right-of-way less than 50-feet in width.

RESULT:	GRANTED [UNANIMOUS]
MOVER:	Al Smith, District 5
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith

7. 12715 Recommend Approval of Petitions # VAR 21-010010, # VAR 21-010014, and # VAR 21-010015 Filed by Chris Cott Requesting Front Yard, Buffer, and Building Materials Variances for Property Located at 4237 East Hwy. 34, Sharpsburg WITHDRAWAL SUBMITTED FOR CONSIDERATION

The Board voted to deny Petition # VAR 21-010010, Petition # VAR 21-010014, and Petition # VAR 21-010015 filed by Chris Cott requesting front yard, buffer, and building materials variances for property located at 4237 East Hwy. 34, Sharpsburg (Parcel # 133-6101-003).

RESULT:	DENIED [UNANIMOUS]
MOVER:	Paul Poole, District 1
SECONDER:	John Reidelbach, District 4 - Vice Chairman
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith

8. 12702 Recommend Approval of Petition # VAR 21-010021 Filed by Jeff Lindsey Requesting Front and Rear Yard Setback Variances for Property Lot 25 Located in Wimberly Estates Subdivision off Ulas Court, Newnan

Zoning Coordinator Eschman presented Petition # VAR 21-010021 filed by Jeff Lindsey requesting front and rear yard setback variances for Lot 25 located off Ulas Court in the Wimberly Estates Subdivision, Newnan (Parcel # 059-5196-025) along with a recommendation of approval from the Board of Zoning Appeals. She explained that the subject property is an elongated triangular lot that is affected by a cul-de-sac and consists of 1.01± acres currently zoned *RC (Rural Conservation)*, and the lot was reviewed and designed under the *RCSD-A (Rural Conservation - One Acre Cluster)* design. According to the applicant, the required setbacks and configuration of the lot will

not allow for a house to fit in the designated area; therefore, the applicant is requesting a 10-foot front building setback reduction (from 50-feet to 40-feet) and a 6-foot rear building setback reduction (from 40-feet to 34-feet). Based on the site plan, the proposed residence will be located 40-feet from the front property line along Ulas Court, 34-feet from the rear property line, and within the side yard 10.9-feet from the eastern property line. In closing, she reviewed the factors considered by staff during the application process and presented three (3) conditions for consideration by the Board should they choose to grant the variance request.

The Board voted to grant a 10-foot front yard setback reduction (from 50-feet to 40-feet) and a 6-foot rear yard setback reduction (from 40-feet to 34-feet) as requested in Petition # VAR 21-010021 filed by Jeff Lindsey for Lot 25 located on Ulas Court in Wimberly Estates Subdivision, Newnan (Parcel # 059-5196-025), subject to the following conditions:

1. The front building setback shall be 40-feet from the right-of-way of Ulas Court.
2. The rear building setback shall be 34-feet from the rear property line.
3. The applicant shall meet all the requirements of the Building Department.

RESULT:	GRANTED [UNANIMOUS]
MOVER:	Bob Blackburn, District 3 - Chairman
SECONDER:	Al Smith, District 5
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith

**9. 12703 Recommend Approval of Petitions # VAR 21-010023 and # VAR 21-010024 Filed by GeoTom
Requesting Buffer and Paving Variances for Property Located West of 140 Herring Road, Newnan**

Zoning Coordinator Eschman presented Petition # VAR 21-010023 and Petition # VAR 21-010024 filed by GeoTom requesting buffer and elimination of asphalt paving variances for property located west of 140 Herring Road, Newnan (Parcel # 085-5085-005) along with a recommendation of approval from the Board of Zoning Appeals. She explained that the subject property is Tract S-5, is currently zoned *M (Industrial)*, consists of 7.708± acres, and is located within the Shenandoah Industrial Park. She further explained that the property is a vacant wooded tract situated between a small island of residential dwellings to the north and the Cargill Distribution Center to the south. Cargill is proposing to utilize the vacant lot as a gravel storage area for tractor trailers to serve the current warehouse facility. Based on the location and access of the gravel storage lot, the applicant is requesting a 50-foot buffer reduction (from 100-feet to 50-feet) along the northern property line and elimination of the asphalt paving located along the right-of-way of Herring Road. According to the site plan, the only access to the proposed gravel storage lot will be through the existing Cargill site (no proposed driveway off Herring Road). In addition, the applicant will plant a 20-foot screening buffer along the western property boundary fronting Herring Road and will secure the entire lot with an 8-foot chain link privacy fence. In closing, she reviewed the factors considered by staff during the application process and presented five (5) conditions for consideration by the Board should they choose to grant the variance requests.

The Board voted to grant buffer and elimination of asphalt paving variances as requested in Petition # VAR 21-010023 and Petition # VAR 21-010024 filed by GeoTom for property located west of 140 Herring Road, Newnan, subject to the following conditions:

1. A 20-foot screening buffer shall be planted the entire length along the western property boundary fronting Herring Road. A landscape plan shall be submitted and approved by the Community Development Department prior to any installation.
2. A 50-foot buffer shall be maintained or planted along the northern property boundary. A landscape plan shall be submitted and approved by the Community Development Department prior to an installation.
3. An 8-foot privacy chain link fence with opaque screening shall be installed around the entire perimeter of the gravel storage lot. Opaque fence screening shall be provided on the entire west side and 100-feet of the north side of the gravel storage lot. The fence and screening shall stay in good working order and be replaced by the property owner when it becomes damaged or at the County's discretion.
4. No truck idling shall be allowed on site.
5. The applicant shall work with the County in good faith to mitigate any complaints that may be received.

RESULT:	GRANTED [UNANIMOUS]
MOVER:	Bob Blackburn, District 3 - Chairman
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith

10. 12716 Recommend Approval of Petition # VAR 21-010025 Filed by Yokogawa Requesting Building Height and Distance Between Structures Variances for Property Located at 2 Dart Road, Newnan

Assistant Community Development Director White presented Petition # VAR 21-010025 filed by Yokogawa requesting building height and distance between structures variances for property located at 2 Dart Road, Newnan (Parcel # 097-5083-001) along with a recommendation of approval from the Board of Zoning Appeals. She explained that the subject property is located within the Shenandoah Industrial Park, and Yokogawa has been part of the industrial community in Coweta County since 1979. At this time, an expansion is planned with a 30,000 gallon above-ground water tank for testing flow meters built at the plant. The applicant is requesting a 5-feet, 1-inch building height increase (from 34-feet, 11-inches to 40-feet) and 7-feet distance between structures reduction (from 10-feet to 3-feet). According to the applicant, for the pressure testing utilized in the tank and the adjacent buildings, the proposed new pressurized water tank would need the 7-feet reduction. In closing, she reviewed the factors considered by staff during the application process and presented four (4) conditions for consideration by the Board should they choose to grant the variance requests.

The Board voted to grant a 5-feet, 1-inch building height increase (from 34-feet, 11-inches to 40-feet) and a 7-feet distance between structures reduction (from 10-feet to 3-feet) as requested in Petition # VAR-21-010025 filed by Yokogawa for property located at 2 Dart Road, Newnan (Parcel # 097-5083-001), subject to the following conditions:

1. All applicable requirements of the International Building Code shall be

- implemented in design and construction.
2. All applicable requirements of the International Fire Code shall be implemented in design and construction.
 3. Height of tank is not to exceed 40-feet.
 4. Placement of tank shall be no less than 3-feet.

RESULT: GRANTED [UNANIMOUS]
MOVER: Bob Blackburn, District 3 - Chairman
SECONDER: Tim Lassetter, District 2
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

11. 12768 Request to Set a Public Hearing on February 8, 2022 Regarding a New Distilled Spirits, Beer, and Wine Package Store License Filed by Mitkumar Patel and Paresh Patel in Operation of Total Liquor, Wine & Beer (Aashiana LLC) Located off Aces Circle, Newnan - District 4

The Board voted to set a Public Hearing on February 8, 2022 at 6:00 p.m. regarding a new distilled spirits, beer, and wine package store license filed by Mitkumar Patel and Paresh Patel in operation of Total Liquor, Wine & Beer (Aashiana LLC) located off Aces Circle, Newnan.

RESULT: PUBLIC HEARING SET [UNANIMOUS] Next: 2/8/2022 6:00 PM
MOVER: John Reidelbach, District 4 - Vice Chairman
SECONDER: Paul Poole, District 1
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

12. 12803 Request to Set a Public Hearing on February 22, 2022 Regarding Petition # REZ 21-010007 Filed by Fischer Automotive Requesting to Rezone "Parcel A" Located at 195 Fischer Road, Sharpsburg

The Board previously voted to remove Petition # REZ 21-010007 filed by Fischer Automotive requesting to rezone "Parcel A" located at 195 Fischer Road, Sharpsburg (Parcel # 145-6154-003 (partial) and Parcel # 145-6154-004) from the agenda.

RESULT: REMOVED FROM AGENDA

13. 12804 Request to Set a Public Hearing on February 22, 2022 Regarding Petition # REZ 21-010008 Filed by ForCAST Real Estate Development Requesting to Rezone "Parcel B" Located at 195 Fischer Road, Sharpsburg

The Board previously voted to remove Petition # REZ 21-010008 filed by ForCAST Real Estate Development requesting to rezone "Parcel B" located at 195 Fischer Road, Sharpsburg [Parcel # 145-6154-003 (partial)] from the agenda.

RESULT: REMOVED FROM AGENDA

UNFINISHED BUSINESS

14. 8016 Appointments by Chairman for 2022

RESULT: ACCOMPLISHED

Motion To: **Appoint Non-Public Representative to the Three Rivers Regional Commission**

The Board voted to reappoint Mr. Greg Wright to serve as non-public representative to the Three Rivers Regional Commission for calendar year 2022.

RESULT: APPROVED [UNANIMOUS]

MOVER: Tim Lassetter, District 2

SECONDER: Paul Poole, District 1

AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

Motion To: **Appoint Representative to the Three Rivers Regional Commission**

The Board voted to appoint Commissioner Reidelbach to serve as a member of the Three Rivers Regional Commission (TRRC) for calendar year 2022.

RESULT: APPROVED [UNANIMOUS]

MOVER: Bob Blackburn, District 3 - Chairman

SECONDER: Paul Poole, District 1

AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

Motion To: **Appoint Member to the Transportation Coordinating Committee of the Atlanta Regional Commission**

The Board voted to reappoint Ms. Jenny Runions, County Planner, to serve as a member of the Transportation Coordinating Committee (TCC) of the Atlanta Regional Commission (ARC) for calendar year 2022.

RESULT: APPROVED [UNANIMOUS]

MOVER: Bob Blackburn, District 3 - Chairman

SECONDER: Paul Poole, District 1

AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

Motion To: **Appoint Member to the Workforce Investment Board**

The Board voted to reappoint Commissioner Poole to serve as a member of the Workforce Investment Board for calendar year 2022.

RESULT: APPROVED [UNANIMOUS]

MOVER: Bob Blackburn, District 3 - Chairman

SECONDER: Tim Lassetter, District 2

AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

15. 12788 Request Appointments to Various Boards/Authorities

No action was taken by the Board regarding appointments to various boards/authorities.

RESULT: NO ACTION TAKEN

NEW BUSINESS

Additional Action Items

16. 12784 Request Approval/Execution of Resolution to Set Qualifying Fees

Administrator Fouts explained that qualifying fees for the office of County Commissioner must be set at 3% of the base salary established by local legislation, exclusive of supplements for training and cost-of-living increases and is proposed to total \$360.00. Qualifying fees for the office of Superior Court Clerk must be set at 3% of the minimum base salary specified in state law for each county, based on the county's 2020 population, exclusive of supplements, cost-of-living increases, and longevity increases and is proposed to total \$2,591.00. Qualifying fees for the office of State Court Judge must be set at 3% of the total gross salary of the office paid in 2021 and is proposed to total \$4,467.00.

The Board voted to execute a Resolution to set the following qualifying fees for 2022.

- Clerk of Superior Court \$2,591.00
- County Commissioner \$ 360.00
- State Court Judge \$4,467.00 (Non-Partisan)

RESULT: EXECUTED [UNANIMOUS]
MOVER: John Reidelbach, District 4 - Vice Chairman
SECONDER: Paul Poole, District 1
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

17. 12801 Request to Set a Public Hearing on February 22, 2022 Regarding a Proposed Abandonment of a Portion of Old Hwy 85 - District 1

The Board voted to set a Public Hearing on February 22, 2022 a 6:00 p.m. regarding a proposed abandonment of a portion of Old Hwy 85.

RESULT: PUBLIC HEARING SET [UNANIMOUS] **Next: 2/22/2022 6:00 PM**
MOVER: Tim Lassetter, District 2
SECONDER: Paul Poole, District 1
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

18. 12796 Request Approval to Surplus Inoperable Fire Department Vehicles

The Board voted to surplus the following two (2) inoperable vehicles utilized by Fire Rescue and to allow them to be used for parts with any remnants being salvaged or auctioned:

- 2010 Ford Expedition (FD59) - VIN: 1FMJU1G51AEB51395
- 2015 Ford Medix (06548) - VIN: 1FDXE4FS9FDA36802

RESULT: APPROVED [UNANIMOUS]
MOVER: Tim Lassetter, District 2
SECONDER: Al Smith, District 5
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

SUPPLEMENTAL/NON-AGENDA ITEMS

19. 12808 Request Approval to Amend the Budget to Purchase an Extended Warranty on Election Equipment

Administrator Fouts explained that staff is requesting that the Board amend the budget and approve a contract with Dominion Voting for the purchase of extended warranties on election equipment. Pricing is based primarily on a per unit cost of \$136/ballot marking device, and totals \$65,507. Considering all that is included in

the extended warranty, along with discussions with other counties, staff believes the extended warranty is the most cost effective.

In response to a question from Commissioner Reidelbach, Administrator Fouts explained that the fee is annual.

Assistant Administrator Mickle explained that the quote is for \$136/ballot marking device for 425 total devices. The quote also includes free toner cartridges for each printer (valued at approximately \$160 each) and support for staff during elections.

The Board voted to approve a budget amendment and to execute a contract with Dominion Voting (contingent upon legal review) to purchase an extended warranty on elections equipment at a total cost of \$65,507, effective January 1, 2022.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul Poole, District 1
SECONDER:	Al Smith, District 5
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith

PUBLIC COMMENT (Items Not on the Agenda)

Public Comments Regarding Items Not on the Agenda

Chairman Blackburn called for comments regarding any items not on the agenda. There were none.

EXECUTIVE SESSION - In accordance with O.C.G.A. 50-14-4

Motion To: **Enter Into Executive Session**

The Board voted to enter into Executive Session for the purposes of discussing real estate and litigation issues.

Members in attendance included Chairman Blackburn, Commissioner Poole, Commissioner Lassetter, Commissioner Reidelbach, and Commissioner Smith. Staff members in attendance included Administrator Fouts, Assistant Administrator Mickle, Assistant Attorney Lee, and Deputy County Clerk Collins. Public Works Director Tod Handley was also present to discuss real estate issues.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Reidelbach, District 4 - Vice Chairman
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith

REGULAR SESSION

Motion To: **Return to Regular Session**

The Board discussed real estate and litigation issues during Executive Session and voted to return to Regular Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Smith, District 5
SECONDER:	John Reidelbach, District 4 - Vice Chairman
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith

AFFIDAVIT

Motion To: **Execute Affidavit and Resolution for Executive**

The Board voted to execute an Affidavit and Resolution for Executive Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Smith, District 5
SECONDER:	Tim Lassetter, District 2
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith

ADJOURNMENT

Motion To: **Adjourn**

The Board voted to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Smith, District 5
SECONDER:	Tim Lassetter, District 2
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith