



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, December 1, 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	
Shannon Zerangue	County Clerk	Present	

The Honorable Board of Commissioners of Coweta County, Georgia met in Public Hearing/Regular Meeting Session on Thursday, December 1, 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 outside the meeting room.

REGULAR SESSION

APPROVAL OF MINUTES

1. Minutes of Thursday, November 10, 2022

The Board voted to approve the minutes from the Called Meeting/Regular Meeting Session held on Thursday, November 10, 2022.

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

2. Minutes of Thursday, November 17, 2022

The Board voted to approve the minutes from the Public Hearing/Regular Meeting Session held on Thursday, November 17, 2022.

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

CONSENT AGENDA

3. 13501 Confirm Execution of Supplemental Agreements # 1 and # 3 with the Georgia Department of Transportation Associated with the 5311 Transit Program

The Board voted to confirm execution of Supplemental Agreement # 1 (Project # T007136) and Supplemental Agreement # 3 (Project # T006331) with the Georgia Department of Transportation (GDOT) associated with a time extension and additional funding for two (2) transit vehicles.

RESULT: **CONFIRMED [UNANIMOUS]**
MOVER: Paul Poole, District 1
SECONDER: Tim Lassetter, District 2
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 two (2) Non-Agenda items 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)

4. Motion To: **13367 : Coweta County Mixed-Use Plan Development Project**

Chairman Blackburn explained that this is a continuation of the Public Hearing (see the November 1, 2022 minutes) regarding the proposed *Coweta County Mixed-Used Plan Development Project Ordinance (MU-PDP)*.

County Planner Jenny Runions presented the proposed *Interstate Gateway Mixed-Use Planned Development Project Ordinance (MU-PDP)*. She explained that the ordinance has been reviewed by staff and the Board and changes to the draft have been incorporated accordingly. She noted the location of this Interstate Gateway Character Area (as defined in the Comprehensive Plan), explained that the *MU-PDP* is an overlay district with the existing zoning of the highlighted areas remaining in effect, and noted that all *MU-PDP* applications will be presented to the Board for consideration and conditions may be added at the Board's desire. She explained that this development type must be a minimum of thirty (30) acres, and noted that a single application may incorporate a variety of land uses. However, residential shall be no less than 30%, commercial/office/institutional shall be no less than 30%, light industrial may be included and shall be no more than 30% but no less

than 15% and must include a minimum of 15% commercial. In closing, she explained that the ordinance also contains verbiage to address density and incentives that allow for adjustment of the development percentages, additional square feet, etc.

At Commissioner Reidelbach's request, Ms. Runions briefly explained the scoring methodology included in the ordinance (table).

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

The Board voted to close the Public Hearing regarding the *Coweta County Mixed-Used Plan Development Project Ordinance (MU-PDP)*.

RESULT: PUBLIC HEARING CLOSED [UNANIMOUS]

MOVER: Paul Poole, District 1

SECONDER: Al Smith, District 5

AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

13367 Public Hearing Regarding the Coweta County Mixed-Use Plan Development Project Ordinance

The Board voted to execute an amendment to the *Coweta County Code of Ordinances* to adopt the *Mixed-Use Plan Development Project (MU-PDP)* to become effective January 3, 2023.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Al Smith, District 5

SECONDER: Paul Poole, District 1

AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

5. Motion To: **13433 : REZ 22-000030 Grace Premier Senior Living of Georgia, LLC**

Zoning Coordinator Lisa Eschman presented Petition # REZ 22-30 filed by Grace Premier Senior Living of Georgia, LLC requesting to rezone property located on East Hwy 34, Sharpsburg (Parcel # 133-6092-013) from *RC (Rural Conservation)* to *O-I (Office-Institutional)*. She explained that the subject property is a vacant, wooded lot consisting of 7.07± acres situated between the GO Church campus to the east and an established residential community (Bradford Station) to the west and south. The applicant is proposing an eighty-four (84) unit assisted living and memory care facility with a total of eighty-eight (88) beds consisting of twenty-seven (27) studio units, twenty-eight (28) one-bedroom units, four (4) two-bedroom units, and twenty-five (25) memory care units. The proposed one-story, L-shaped structure will consist of 70,000± square feet, with eighty-seven (87) parking spaces in the front, a right-in/right-out only access driveway along SR 34. In conjunction with the rezoning request, the applicant has filed Petition # VAR 22-44 requesting a buffer variance to provide a 24-foot inter-parcel access driveway and sidewalk at the northeast corner to allow connectivity to the GO Church campus, and Petition # VAR 22-46 to allow the stormwater facility to be located 10-feet from the eastern property line. In closing, she reviewed the zoning classifications of the surrounding properties, highlighted the factors considered by staff during the application process, and presented sixteen (16) conditions for consideration by the Board should they choose to approve the rezoning request.

Mr. Roman Schwieterman, applicant representative, explained that he will be the owner/operator of the facility and upon successful completion of the project he intends to relocate with his family to the area so he can work at the facility 3-5 days/week. He further explained that since Grace Senior Living is an owner operated facility, it is very important to them to design a high-end facility and be

good neighbors in the process. He has reached out to some of the existing neighbors to explain the proposed development and discuss the benefits to the community. Further, he is working with qualified contractors, engineers, architects, etc on the project. Any comments or concerns from staff or the neighbors have been taken seriously in order to design a better site and facility. It is very important to him and his partners that the proposed facility will be located next to a thriving church (GO Church). This is an important part of their mission for their residents and staff members. In closing, he explained that they will not only make a difference in the lives of their residents, but also in the lives of their family members.

Mr. Kyle Sharp, Corporate Way, Duluth spoke in support of the proposed rezoning. He explained that he is the civil engineer for the project and is present to field any questions from the Board. He explained that he has spoken with an adjacent property owner to address her concerns regarding stormwater runoff. In closing, he explained that the plan has been reviewed by the Georgia Department of Transportation (GDOT) and the access points to the development are based upon their feedback.

Mr. Schwieterman and Mr. Sharp fielded questions from Commissioner Reidelbach and Commissioner Poole regarding the flexibility to alter the ratio of types of "beds/units" available and security mechanisms planned for the memory care unit. Mr. Schwieterman and Mr. Sharp also briefly highlighted the amenities that are planned for the facility.

In response to a question from Chairman Blackburn, Mr. Schwieterman explained that the development will be a private-pay facility and monthly rates for residents will range from \$4,000 - \$7,200 depending upon the level of care required. He further explained that there is a plan to provide financial assistance through a foundation to members of the community that may need assisted living services but cannot afford them.

Mr. Schwieterman fielded a question from Commissioner Poole regarding staffing and explained that there will be 65-75 employees between three different shifts (if the facility is at full capacity). He also highlighted all the health and sanitization measures and technology that will be utilized at the facility.

Chairman Blackburn called for any comments in support of the proposed rezoning. There were none.

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

Mr. Alonzo Stacey, Pear Court, Sharpsburg expressed concerns regarding stormwater runoff from a neighboring development as well as the proposed development onto his property, the proposed exit from the development onto SR 34 (in addition to the church and the subdivision), and increased traffic congestion.

Ms. Eschman explained that staff also received two (2) letters of opposition from Ms. Londa Wagoner, Pear Court, Sharpsburg and Mr. Bobby Mobley, Stable Creek Road, Sharpsburg.

Administrator Fouts explained that the applicant has two (2) minutes remaining for rebuttal (in accordance with the rules governing the meeting).

In rebuttal, Mr. Schwieterman explained that he has not had an opportunity to speak with Mr. Stacey, but the current topography of the property has a substantial downward grade toward Mr. Stacey's property. The proposed development will be capturing water from the impervious surfaces and directing its flow toward the retention/detention pond. This should improve the runoff that Mr. Stacey is currently experiencing. Regarding access and traffic, he explained that the bulk of

the staff will be in by 7:00 a.m. and out by 3:00 p.m., there will be minimal visitors, and the residents don't drive. In addition, the development is proposing inter-parcel access to the church campus.

Mr. Schwieterman fielded questions from Commissioner Smith and Commissioner Poole regarding the proposed retention/detention pond and the current stormwater drainage pattern. He illustrated on the site plan how they plan to mitigate any stormwater runoff and explained that he is willing to work with Mr. Stacey to address his concerns.

Administrator Fouts also explained that conditions # 8 and # 9 recommended by staff address stormwater runoff.

The Board voted to close the Public Hearing regarding Petition # REZ 22-30 filed by Grace Premier Senior Living of Georgia, LLC requesting to rezone property located on East Hwy 34, Sharpsburg (Parcel # 133-6092-013) from *RC (Rural Conservation)* to *O-I (Office-Institutional)*.

RESULT: PUBLIC HEARING CLOSED [UNANIMOUS]

MOVER: Paul Poole, District 1

SECONDER: John Reidelbach, District 4 - Vice Chairman

AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

13433 Public Hearing Regarding Petition # REZ 22-30 Filed by Grace Premier Senior Living of Georgia, LLC Requesting to Rezone Property Located at East Hwy 34, Sharpsburg

The Board voted to rezone 7.07+ acres located on East Hwy 34, Sharpsburg (Parcel # 133-6092-013) from *RC (Rural Conservation)* to *O-I (Office-Institutional)* as requested in Petition # REZ 22-30 filed by Grace Premier Senior Living of Georgia, LLC, subject to the following conditions:

1. The subject property shall be conditionally zoned for an eighty-four (84) unit assisted living and memory care facility with a maximum of eighty-eight (88) beds.
2. The proposed driveway access will be limited to a right-in/right-out only along SR 34.
3. The applicant shall install a right turn lane (minimum 250-feet of full width storage and 100-feet tapers) along SR 34.
4. The applicant shall provide an inter-parcel access easement to allow for traffic circulation to and from SR 34 through each parcel (Parcel # 133-6092-024/Go Church Campus) and the development site.
5. The applicant shall comply with any additional requirements established by the Georgia Department of Transportation (GDOT).
6. All applicable requirements of Development Review, Building, Public Works/Engineering, Environmental Health, and the State Fire Marshal shall be met unless a variance is granted through the normal procedures of *Article 28 of the Coweta County Zoning and Development Ordinance*.
7. The entire site shall meet all the requirements under *Article 26. Quality Development Corridor District* of the *Coweta County Zoning and Development Ordinance*.
8. The applicant shall comply with *Coweta County Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection Ordinances*. Runoff reduction practices meeting the current *Stormwater Manual* and *Chapter 30, Article IV of the Code of Ordinances* are required for this development and shall not be allowed in the bottom of the

detention/retention pond.

9. A written agreement shall be provided between the permittee and the adjacent property owner(s) specifically as to how the discharge of stormwater shall occur and who will be responsible for the maintenance of areas downstream of the discharge locations.
10. A 50-foot buffer shall be planted along the entire western property line and shall incorporate the landscape requirements under *Articles 25 and 26* of the *Coweta County Zoning and Development Ordinance*. A landscape plan shall be submitted and approved by the Community Development Department to ensure existing and/or planted materials provide appropriate screening and buffer of sound.
11. A 50-foot buffer shall be planted along the southern and southeastern property lines adjoining Lot 7, Lot 8, and Lot 9 (partial) located within the Bradford Station development and shall incorporate the landscape requirements under *Articles 25 and 26* of the *Coweta County Zoning and Development Ordinance*. A landscape plan shall be submitted and approved by the Community Development Department to ensure existing and/or planted materials provide appropriate screening and buffer of sound.
12. The site will be served by public sewer and water under the regulations of the Coweta County Water and Sewerage Authority.
13. The applicant shall obtain a land disturbance permit with a 12-month period beginning the next business day following approval by the Board. If the applicant fails to do so, the Board may initiate rezoning of the property.
14. 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.
15. Any signage must be reviewed and approved by the Community Development Department in accordance with the *Coweta County Sign Ordinance*.
16. Any business activity shall agree to work with the County in good faith to address any concerns or complaints related to odor, glare, noise, or similar objectionable features.

RESULT:	APPROVED [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, applicant representative, addressed the Board regarding an application filed by 141 South, LLC proposing to annex property located south of SR 16 East and north of Luther Bailey Road into the City of Senoia (agenda item # 11). She explained that the subject property consists of approximately 152 acres with 82 acres zoned RC (Rural Conservation) located within the jurisdiction of the County. The applicant

is requesting the annexation into the city and a rezoning for a mixed-use development. Included in the mixed-use development are 227 single-family, detached homes on approximately 110.8 acres with 60-foot wide lots and 2 units per acre. 222,000 square feet of commercial office space is included on approximately 22.2 acres. 93-units of attached townhomes will be located on approximately 19.1 acres with 25-foot wide lots and 4.9 units per acre. In addition, the applicant has filed a variance with the City requesting to exceed their current allowance of 4 units per acre. The open space consists of approximately 60.3 acres or 54.4% of "Pod C". There will be multiple amenities and a traffic study has been started by Marc Acampora, a traffic engineer, and will be submitted to the City prior to any staff report or public hearing. However, there has been a delay on the study because traffic counts cannot be performed when school is closed (fall break, Thanksgiving, Christmas, etc.). The applicant is willing to support a condition that the recommendations of the traffic study must be implemented. Preliminary discussions with the Georgia Department of Transportation (GDOT) regarding traffic have already occurred, and work sessions with the Planning Commission, City Council, and staff in Senoia have been conducted with multiple edits being made to the original plan. There are public safety issues that will be impossible to resolve if the applicant attempts to complete the development in two (2) different jurisdictions which is why he is trying to get the remaining acreage into the city limits of Senoia. This will alleviate the burden to law enforcement, fire, etc. if half of the development is within the city and half is within the county. In closing, she asked that the Board not object to the proposed annexation and explained that the applicant understands that there may be additional conditions that the Board may desire as well as additional conditions that may be a result of the traffic study when it is completed.

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

6. 13426 Recommend Approval of Petition # VAR 22-44 Filed by Grace Premier Senior Living of Georgia, LLC Requesting a Buffer Variance for Property Located at East Hwy 34, Sharpsburg

Zoning Coordinator Eschman presented Petition # VAR 22-44 filed by Grace Premier Senior Living of Georgia, LLC requesting a 50-foot buffer reduction (50-feet to 0-feet) for property located on East Hwy 34, Sharpsburg (Parcel # 133-6092-013), along with a recommendation of approval from the Board of Zoning Appeals. The *O-I (Office-Institutional)* zoned property adjoins an *RC (Rural Conservation)* zoning district along the eastern, western, and southern property boundaries which requires a 50-foot buffer. The applicant is requesting to eliminate the required buffer to provide inter-parcel access with the church campus. Also, the proposed stormwater facility is required to be located 50-feet from any property zoned or utilized as a residential use, and the applicant has filed Petition # VAR 22-46 requesting a variance related to this requirement. 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 50-foot buffer reduction (from 50-feet to 0-feet) for property located on East Hwy 34, Sharpsburg (Parcel # 133-6092-013) as requested by Grace Premier Senior Living of Georgia, LLC, Sharpsburg, subject to the following conditions:

1. The applicant shall provide an inter-parcel access easement to allow for traffic circulation to and from SR 34 through each parcel (Parcel # 133-6092-024, South Metro Ministries, Inc., and the development site).
2. A 50-foot planted buffer shall be planted along the entire western property line. A landscape plan shall be submitted and approved by the Community Development Department to ensure planted materials meet the requirements under *Article 25 of the Coweta County Zoning and Development Ordinance* and provide appropriate screening to the adjoining residentially zoned properties.

3. A 50-feet planted buffer shall be planted along the southern and southeastern property lines adjoining Lot 7, Lot 8, and Lot 9 (partial) located within the Bradford Station. A landscape plan shall be submitted and approved by the Community Development Department to ensure planted materials meet the requirements under *Article 25* of the *Coweta County Zoning and Development Ordinance* and provide appropriate screening to the adjoining residentially zoned properties.

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

7. 13427 Recommend Approval of Petition # VAR 22-46 Filed by Grace Premier Senior Living of Georgia, LLC Requesting a Stormwater Facility Variance for Property Located at East Hwy. 34, Sharpsburg

Zoning Coordinator Eschman presented Petition # VAR 22-46 filed by Grace Premier Senior Living of Georgia, LLC requesting a 40-foot stormwater facility location reduction (from 50-feet to 10-feet) for property located on East Hwy 34, Sharpsburg (Parcel # 133-6092-013), along with a recommendation of approval from the Board of Zoning Appeals. She explained that the proposed stormwater facility is required to be located 50-feet from any property zoned or utilized as a residential use. In closing, she reviewed the factors considered by staff during the application process and presented one (1) condition for consideration by the Board should they choose to grant the variance request.

The Board voted grant a 40-foot stormwater facility location reduction (from 50-feet to 10-feet) for property located on East Hwy 34, Sharpsburg (Parcel # 133-6092-013) as requested in Petition # VAR 22-46 filed by Grace Premier Senior Living of Georgia, LLC, subject to the following condition:

1. A written agreement shall be provided between the permittee and the adjacent property owner(s) specifically as to how the discharge of stormwater shall occur and who will be responsible for maintenance of areas downstream of the discharge locations. All requirements from Chapter 30, Article IV (stormwater ordinance) shall be adhered to by the permittee. Required runoff reduction practices, unless determined to meet the infeasibility exemption, shall be provided for separate of the detention/retention ponds.

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

8. 13437 Recommend Approval of Petition # VAR 22-63 Filed by Samuel Birts Requesting a Rear Yard Setback Variance for Property Located at 2082 Standing Rock Road, Senoia

Zoning Coordinator Eschman presented Petition # VAR 22-63 filed by Samuel Birts requesting a 20-foot rear yard setback reduction (from 40-feet to 20-feet) for property located at 2082 Standing Rock Road, Senoia (Parcel # 149-1159-046) along with a recommendation of approval by the Board of Zoning Appeals. She explained that this corner lot has double road frontage with the front door of the residence facing Standing Rock

Road along the western property line and the driveway access facing Standing Rock Road along the northern property line. The applicant is requesting a reduction from the required 40-foot setback to place a 40-foot by 50-foot detached accessory structure in the side yard along the southeastern corner of the property to give the impression that it is situated in the rear yard. In closing, she highlighted the factors considered by staff during the application process and presented two (2) conditions for consideration by the Board should they choose to grant the variance request.

The Board voted to grant a 20-foot rear yard setback reduction (from 40-foot to 20-foot) for property located at 2082 Standing Rock Road, Senoia (Parcel # 149-1159-046) as requested in Petition # VAR 22-63 filed by Samuel Birts, subject to the following conditions:

1. The applicant shall meet all applicable requirements of the Building and Environmental Health Departments.
2. The proposed detached garage shall not be located any closer than 20-feet from the rear property line.

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

9. 13446 Recommend Approval of Petition # VAR 22-61 Filed by Humberto Tabares Requesting a Front Yard Setback Variance for Property Located at 37 East Lake Drive, Newnan

Assistant Community Development Director Angela White presented Petition # VAR 22-61 filed by Humberto Tabares requesting a 13.3-foot front yard setback reduction (from 50-feet to 36.7-feet) for property located at 37 East Lake Drive, Newnan (Parcel # 131-6085-018) along with a recommendation of approval from the Board of Zoning Appeals. She explained that when reviewing the subject property for a septic system, Environmental Health requested that the driveway be relocated to the opposite side of the house because all suitable soils are located on the left side off the lot. When the applicant moved the drive, he also move the home from its original footprint which affected the required front setback. Instead of waiting for the foundation survey to be done, the applicant ran a tape and measured incorrectly. To compound the problem, the footings were poured, and the framing crew began construction on the residence prior to issuance of a building permit. When the survey was completed for the building permit, it showed the front setback as 36.7-feet instead of the required 50-feet. The structure appears to be 80% framed with sheathing on a large portion of the residence. In closing, she explained that a building permit cannot be issued without a variance, reviewed the factors considered by staff during the application process, and presented three (3) conditions for consideration by the Board should the choose to grant the variance request.

Ms. White fielded questions from the Board regarding the failure of the applicant to obtain the appropriate permits before beginning construction of the home, the number of departments and amount of time involved to rectify this issue, whether the site will be served by a private well or public water, and the distance of the home from the property line.

In response to a question from Commissioner Smith regarding why the

applicant began construction of the home before obtaining the necessary permits, Ms. White explained that to her understanding the applicant wanted to get started while he had a crew available. She further explained that to her knowledge the applicant is a contractor and this is his personal home.

Commissioner Reidelbach expressed his belief that the recommended fine of \$1,335 is not a suitable sum considering the number of staff and amount of time they have had to expend on addressing how to correct this violation. He further expressed his belief that the applicant should have to pay an administrative fee of \$5,000 instead of the fine.

Commissioner Lassetter expressed his frustration regarding the failure of the applicant to knowingly disregard the rules/regulations and the amount of time and energy expended by staff to rectify the violation. He further explained that should the Board vote to impose a \$5,000 administrative fee (in lieu of a fine), that is far less expensive than the alternative (demolishing the structure and starting over).

Commissioner Smith questioned whether \$5,000 was an adequate amount and this was briefly discussed by the Board.

The Board voted to grant a 13.3-foot front yard setback reduction (from 50-feet to 36.7-feet) for property located at 37 East Lake Drive, Newnan (Parcel # 131-6085-018) as requested in Petition # VAR 22-61 filed by Humberto Tabares, subject to the following conditions:

1. The front yard setback reduction shall not exceed the requested 13.3-foot reduction.
2. All building permits shall be obtained and the Stop Work Order removed.
3. The applicant shall pay an administrative fee of \$5,000.00.

RESULT:	GRANTED [4 TO 1]
MOVER:	John Reidelbach, District 4 - Vice Chairman
SECONDER:	Paul Poole, District 1
AYES:	Bob Blackburn, John Reidelbach, Paul Poole, Tim Lassetter
NAYS:	Al Smith

10. 13447 Recommend Approval of Petition # VAR 22-62 Filed by Ben and Vacienta Respress Requesting a Rear Yard Setback Variance for Property Located at 260 Grand Oak Way, Sharpsburg

Assistant Community Development Director White presented Petition # VAR 22-62 filed by Ben and Vacienta Respress requesting a 9-foot rear yard setback reduction (from 40-feet to 31-feet) for property located at 260 Grand Oak Way, Sharpsburg (Parcel # 122-6069-157) along with a recommendation of approval from the Board of Zoning Appeals. She explained that the subject property is located within an *RRCC (Residential Retirement Community and Care District)* zoning district. The applicants wish to cover an existing concrete patio which will not create any additional work on the property other than support columns for the roof, but will create a structure that encroaches into the required rear yard setback (Currently, the ordinances allow for a concrete slab to encroach into the setback area, but a covered porch is not.). She further explained that the applicants have letters of support from the adjoining property owners and have received approval from the Homeowners' Association (HOA). In closing, she highlighted the factors reviewed by staff during the application process and presented two (2) conditions for consideration by

the Board should they choose to grant the variance request.

The Board voted to grant a 9-foot rear yard setback reduction (from 40-feet to 31-feet) for property located at 260 Grand Oak Way, Sharpsburg (Parcel # 122-6069-157) as requested in Petition # VAR 22-62 filed by Ben and Vacienta Respress, subject to the following conditions:

1. The rear yard setback reduction shall not exceed the requested 9-foot reduction.
2. All building permits shall be obtained.

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

11. 13435 Recommendation Regarding Petition # AN 011-22 Filed by 141 South, LLC Proposing to Annex Property Located South of SR 16 East and North of Luther Bailey Road into the City of Senoia

Assistant Community Development Director White presented Petition # AN 011-22 filed by the City of Senoia proposing to annex 82.10± acres located south of SR 16 East and north of Luther Bailey Road (Parcel # 163-1261-002, # 163-1261-012, # 163-1261-013, and # 162-1262-003D) into the City of Senoia. She explained that the subject property adjoins the City of Senoia to the west and Parcels # 163-1261-011 and # 163-1261-005 which are also owned by the applicant. She further explained that the subject property, along with other parcels, previously came before the Board under previous Petition # AN 002-21. However, the annexation would have created an illegal island and the request was withdrawn. Now, the design has been reconfigured to meet State law for annexations. The applicant is requesting the City of Senoia's zoning classifications of GC (*General Commercial*), MR (*Multi-Family Residential*), and R-25C-*Residential*. With the annexation, the applicant will be combining the subject property with Parcel # 163-1261-005 and # 163-1261-011 to encompass a total of 152.14± acres. The concept plan provides a 22.2± acre "Pod A" with 222,000 square feet of buildable commercial/office fronting SR 16 East. Located behind this will be "Pod B" with 19.1± acres which will include 93 townhomes. "Pod C" adjacent to this pod and joining Luther Bailey Road is 110.8± acres with a proposed 227 homes of rear-entry and front-entry single-family homes for a total development consisting of 320 residential units. The site also includes 60.3± acres of open space, some of which includes existing flood plain and the required setbacks. She explained that the County governing authority may vote to object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:

1. Substantial change in the zoning or land use.
2. Substantial increase in density.
3. Substantial infrastructure demands related to the proposed change in zoning or land use.

Ms. White further explained that based upon the constraints of O.C.G.A. § 36-36-113 for an objection to be valid, the proposed change in zoning or land use must result in:

1. A substantial change in the intensity of the allowable use of the property or

- a change to a significantly different allowable use; or
2. A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project; and
 3. Differ substantially from the existing uses suggested for the property pursuant to the County's zoning ordinance or its land use ordinances.

Upon review, staff has determined that there is a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; a use which significantly increases the net cost of infrastructure or significantly diminishes the value or 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 differs 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 due to the substantial increase in density.

Therefore, based upon staff comments and *O.C.G.A. §36-36-113 Objection to annexation; grounds and procedures*, the Coweta County Community Development Department submits these criteria for the Board to consider filing an objection to the proposed annexation.

In response to a request from Commissioner Smith, Ms. White indicated which parcels are already located within the City of Senoia.

In response to a question from Commissioner Poole, Ms. White explained that as currently zoned, the density allowed on the subject property is a combined total of .3 units per acre versus 4.9 units per acre as requested in the annexation application.

In response to a question from Commissioner Smith regarding public safety responses, Ms. White explained that fire and emergency medical services (EMS) are not an issue because the County currently provides these services to the City of Senoia. She further explained that the Senoia Police Department responds to calls within the city limits and the Coweta County Sheriff's Office responds to calls within the jurisdiction of the County.

In response to a question from Commissioner Smith, Ms. White reiterated the three (3) factors allowed by law for the County to submit a valid objection to an annexation request. She also noted that the staff report indicates a substantial increase in density, an increase in responses from Coweta Fire Rescue, and a significant increase in traffic/transportation impacts to the roadways, specifically Luther Bailey Road which is a County-maintained roadway.

In response to a question from Commissioner Smith, Administrator Fouts explained the process to file an intent to object to an annexation as required by State law. He further explained that changes to the law in July do provide an opportunity for the parties to meet and try to resolve the dispute.

In response to a question from Commissioner Smith regarding the County's success in convening an arbitration panel, Administrator Fouts explained that the County has not yet been through an arbitration regarding an annexation.

Commissioner Reidelbach explained that the County did have successful negotiations with the City of Chattahoochee Hills and a productive meeting with the City of Newnan (Lennar Homes). He expressed his belief that it is

more beneficial for the County and any of the municipalities to negotiate and settle disputes regarding annexations versus having an outside panel making the decisions.

Administrator Fouts explained that staff is currently in the process of scheduling a meeting with representatives from the City of Senoia regarding a different annexation that the Board voted to file an objection to and received a response from the Department of Community Affairs (DCA) that the annexation application was invalid.

Commissioner Poole expressed his frustration regarding increased traffic that has resulted from previous annexations with no offer of assistance from the municipalities or the developers to address the issue.

The Board voted to file an intent to object to Petition # AN 011-22 filed by the City of Senoia proposing to annex 82.10± acres located south of SR 16 East and north of Luther Bailey Road (Parcel # 163-1261-002, # 163-1261-012, # 163-1261-013, and # 162-1262-003D) into the City of Senoia.

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

12. 13496 Public Hearing Regarding a New Package Malt Beverage and Wine License Filed by Karima Dhrolia in Operation of South Forks Located at 1996 Corinth Road, Newnan - 2nd District

The Board voted to set a Public Hearing on December 15, 2022 at 6:00 p.m. regarding a new package malt beverage and wine license filed by Karima Dhrolia in operation of South Forks Located at 1996 Corinth Road, Newnan.

RESULT:	PUBLIC HEARING SET [UNANIMOUS] Next: 12/15/2022 6:00 PM
MOVER:	Al Smith, District 5
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Reidelbach, Poole, Lassetter, Smith

UNFINISHED BUSINESS

13. 13494 Request Appointments to Various Boards/Authorities

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

RESULT:	NO ACTION TAKEN
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NEW BUSINESS

Bids and Contracts

14. 13442 Request Approval/Execution of Local Option Sales Tax Intergovernmental Agreement (IGA) and Certificate of Distribution

The Board voted to execute a Local Option Sales Tax (LOST) Certificate of Distribution with the qualified municipalities as presented by staff following a successful LOST mediation.

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

15. 13506 Request Approval/Execution of an Amendment to an Agreement with Empower

The Board voted to execute an Amendment to an Agreement with Empower to change the effective date from October 1, 2022 to December 16, 2022, which is the date that the assets are to be transferred to Empower.

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

16. 13500 Request Approval/Execution of an Agreement Associated with Civil Engineering Services for a Community Center at the Leroy Johnson Park in Senoia - 1st District

The Board voted to execute an Agreement with K.A. Oldham Design (KAOD) to provide civil engineering services at the Senoia Community Center project site at the Leroy Johnson Park for a total cost of \$22,500.

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

Additional Action Items

17. 13486 Request Approval/Execution of a Local Maintenance Improvement Grant Application for 2023 - 1st, 2nd, 3rd, and 4th Districts

The Board voted to execute the 2023 Local Maintenance and Improvement Grant (LMIG) application for submission to the Georgia Department of Transportation (GDOT) for grant proceeds that will be utilized toward the maintenance and resurfacing of various County roadways.

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

18. 13455 Request Approval/Execution of a Resolution to Reimburse the County for Project Expenses Associated with a Public Safety Training Complex

The Board voted to execute a Resolution Authorizing Reimbursement of Expenses from Bonds for Construction of a Public Safety Training Complex.

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

19. 13498 Request Approval to Surplus and Donate a Vehicle Previously Utilized by the Coweta County Sheriff's Office

The Board voted to surplus a vehicle previously utilized by the Coweta County Sheriff's Office (2012 Chevrolet 1500 VIN: 3GCPCSE08CG185151) and to allow it to be donated to the Haralson County Sheriff's Office.

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

SUPPLEMENTAL/NON-AGENDA ITEMS

20. 13522 Request Approval/Execution of the Annual Equitable Sharing Agreement and Affidavit for the Sheriff's Office

The Board voted to execute the annual Federal Equitable Sharing Agreement and Affidavit for the Coweta County Sheriff's Office.

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

21. 13523 Request Approval to Temporary Close a Portion of Line Creek Road for Filming by Netflix Productions, LLC - 1st District

The Board voted to temporarily close a portion of Line Creek Road between Gray Girls Road and the Spalding County line on Monday, December 5, 2022 from 7:00 a.m.- 10:00 p.m. for the purpose of filming by Netflix Productions, LLC.

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.

Mr. Darrell Hester, Gordon Road, Newnan, expressed his concerns regarding who has the primary responsibility for enforcing traffic laws on Interstate 85 within Coweta County, semi-trucks parking along the entrance and exit ramps of Exit 41 on Interstate 85, lack of a traffic signal at Hwy. 16 East and the Newnan Crossing Bypass, the speed limit between Poplar Road and Turkey Creek Road being 45 mph instead of 55 mph when there are currently no pedestrians/residences/businesses/commercial/industrial

establishments along this section of roadway, and the sight distance at the intersection of Gordon Road and Hwy. 16 East.

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 a real estate issue.

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, Public Works Director Tod Handley, and County Clerk Zerangue.

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 a real estate issue during Executive Session and voted to return to Regular Session.

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

ADJOURNMENT

Motion To: **Adjourn**

The Board voted to adjourn the meeting.

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