

Coweta County v. City of Newnan – Annexation Arbitration: Green Top Road

DCA first notified of the objection and request for arbitration: October 13, 2022

Final panel appointed: Friday, October 28, 2022

Decision rendered: January 10, 2023 (The date by which the decision must be rendered was January 7, 2023. Per *Section 36-36-115(a)(1)(A)* the chair of the panel extended the date by which the decision must be rendered, by 10 days. Meaning, the final date by which a decision could be rendered was January 11, 2023.)

Summary: Coweta County (“The County”) objected to the City of Newnan’s (“The City”) proposed annexation of 163.61 acres. The County objected to Zoning/ Land-Use, Infrastructure Demands, and Density Increase. The panel found that all of the objections were valid. The panel recommended several conditions.

Arbitration Panel Decisions

1. Determine if objection is valid.

a. Does the proposed change in zoning or land use result in a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use?

OR

Does the proposed change in zoning or land use result in a use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project furnished by the county to the area to be annexed?

Yes (X)

No ( )

AND

b. Does the proposed change in zoning or land use differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted for the property pursuant to the county's zoning ordinance or its land use ordinance?

Yes (X)

No ( )

2. If objection is valid and involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, quantify such impact in terms of cost.

Coweta County will need to improve the transportation infrastructure due to this project. The development of this subdivision will significantly increase traffic on Green Top Road. The traffic impact at the intersection of Green Top Road and Herring Road as well as on Green Top Road and U. S. Highway 29 will cause traffic ratings that are below acceptable levels.

3. Did the county provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property? O.C.G.A. § 36-36-115(a)(3).

Yes (X)

No ( )

4. In reaching its decision, the panel must consider:

The existing comprehensive land use plans of both the county and the city.

*Facts and Issues Considered:*

*Coweta County Comprehensive Plan (Includes Newnan and other cities), LDGS Points and Growth Priority Map, City of Newnan Future Land use Map, Coweta County Zoning/Land Development Guidance System Interactive Map, Newnan Zoning Map, Combined City-County Comp Plan/Land Use map*

The existing land use patterns in the area of the subject property.

*Facts and Issues Considered:*

*Zoning maps and testimony about the existing land use in the immediate area and housing density maps of surrounding neighborhoods*

The existing zoning patterns in the area of the subject property.

*Facts and Issues Considered:*

*Current maps of existing zoning in nearby neighborhoods, particularly around the HWY 29, Hal Jones Rd, and Green Top Rd. areas.*

Each jurisdiction's provision of infrastructure to the area of the subject property.

*Facts and Issues Considered:*

*Parties stipulated to adequate water and sewer infrastructure so there was very little time spent on water or sewer issues. The contested infrastructure was transportation. The panel considered traffic studies and testimony about the impacts of additional traffic on key intersections such as HWY 29 and Green Top Rd, HWY 29 and Hal Jones Rd. and Green Top Rd. and Herring Rd.*

Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county.

*Facts and Issues Considered:*

*The County Comprehensive Plan lists this area as part of the Priority Development Character Area. In the case of a Planned Development Project it is possible to allow up to 4 units per acre.*

ARBITRATION PANEL FINAL FINDINGS AND RECOMMENDATIONS:

Does the panel find that zoning, land use or density conditions should be placed on the property for one year?

Yes (X)  
No ( )

If yes, the following reasonable zoning, land use or density conditions shall apply for one year and be recorded on the deed records for this property:

See Conditions proffered by the developer and condition requested by Coweta County.

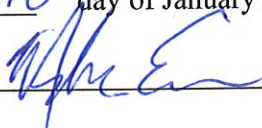
Does the panel propose mitigating measures as to an objection pertaining to infrastructure demands?

Yes (X)  
No ( )

If yes, the following mitigating measures are proposed as to an objection pertaining to infrastructure demands:

The Panel proposed that Bonds be issued by the developer for the transportation infrastructure needed for this project.

Decided this 10 day of January 2023

Signature: 

Print name: Mike Eason

Signature: by email

Print name: Charles Glass.....

Signature: by email

Print name: Dr. Kimberly Gill

Signature: by email :

Print name: Billy Powell

Signature: by email

Print name: Dave Emanuel

**Panel Recommendation**  
**of**  
**Coweta County Proposed Conditions**

1. Residential density maximum of 300 homes
2. **See Pulte Condition #20** A requirement that appropriate amount of vegetation and natural landscape remain;
3. **See Pulte Condition # 16** A limitation on the development to single-family homes with cladding limited to hardy-plank, brick or stone;
4. Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development;
5. Left turn and right turn lanes shall be constructed (Acceleration and Deceleration lanes to County Standards) at the proposed full service access to Green Top Road;
6. Physical medians shall be constructed (to County Standards) at the proposed right-in-right-out access points on Green Top Road as well as any roadway widening to allow for the median construction;
7. The applicant shall contribute a five-year bond in the amount of \$500,000 to assist with the implementation of the intersection improvement project at Hal Jones Road/Green Top Road at US 29; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road;
8. The applicant shall contribute a five-year bond in the amount of \$250,000 to assist with the implementation of intersectional improvement projects at Green Top Road and Herring Road and Herring Road and Bledsoe Road; Bonded amounts will be paid to Coweta County upon proof of a Notice to Proceed with construction being issued for upgrade of intersections located at Green Top Road and Highway 29, Hal Jones Road and Highway 29 and Green Top Road and Herring Road; and
9. ~~Denied A requirement that an updated traffic study be completed with a County approved consultant and that the City or the Applicant pay for a proportion of the costs on any additional designated effects of traffic on existing and prospective capital infrastructure outlays.~~

**PULTE HOME COMPANY, LLC AND GREEN TOP ROAD, LLC  
CITY OF NEWNAN  
REZONING APPLICATION**

**PROFFERED CONDITIONS**

1. The maximum number of lots is restricted to three hundred sixty-six (366) for single-family, detached, fee-simple owned homes.
2. The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District. Access onto Green Top Road will require a permit from Coweta County.
3. All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
4. Left turn and right turn lanes shall be constructed at the proposed full-service access to Green Top Road.
5. Physical medians shall be constructed at the proposed right-in/right-out access points on Green Top Road as well as any roadway widening to allow for the median construction.
6. There shall be one main entrance with two secondary entrances on each side of the main entrance that are right-in/right-out only.
7. ~~The Applicant shall contribute a five-year bond in the amount of \$340,000 towards Coweta County's transportation improvement projects related to the proposed development which include the alignment of Hal Jones Road and Green Top Road and construction of a single full-sized roundabout. In the event such improvements are not made within five years from the effective date of the rezoning, the bond shall be canceled and the obligation shall be null and void.~~
8. ~~The Applicant shall contribute a five-year bond in the amount of \$200,000 towards Coweta County's transportation improvement projects related to the proposed development which include traffic improvements at the intersection of Herring Road and Green Top Road. In the event such improvements are not made within five years from the effective date of the rezoning, the bond shall be canceled and the obligation shall be null and void.~~
9. The amenities shall be specifically designed to meet the recreational and social needs of families shall include a 2,800 square feet minimum pool, playgrounds, dog park, mailbox kiosk, and walking trails. The clubhouse shall be 1,800 heated square feet minimum of heated floor space.

10. The existing ponds and wetlands will be retained in order to create a natural environment.
11. Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
12. The property shall be served by public water and sewerage facilities provided by the Coweta County Water and Sewer Authority.
13. All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City Department for consideration.
14. All front, side, and rear yards of all disturbed grass areas on lots shall be sodded.
15. All utilities that provide service to the proposed subdivision shall be placed underground.
16. The Applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.
17. The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
18. There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
19. All garage doors shall be architecturally treated similarly to the renderings submitted.
20. A landscape plan shall be submitted to the appropriate Department for review and approval prior to any plantings.
21. The Lot information and setbacks shall be as follows:
  - Minimum street frontage 30-feet
  - Minimum lot width at front setback 40-feet
  - Minimum floor area 1,600 square feet
  - Maximum impervious area 60%
  - Minimum lot size 8,200 square feet
  - Front setback 30-feet
  - Side setback 5-feet
  - Major side (double frontage) 10-feet
  - Rear setback 20-feet

- Building separation 10-feet
- Maximum building height 2 stories/40-feet

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