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**To:** Coweta County Board of Zoning Appeals

**From:** Lisa J Eschman, Zoning Coordinator

**Re:** Conditional Use Permit – *Article 7. Sec 75. Item 8.*  
Applicant: Southeastern Trust for Parks and Land, Inc. – Bill Jones  
Location: Cannongate Road, Newnan, GA  
Petition # ZA 012-21  
Tax ID #: 130-6112-150; -151; -152; -153; -154; -155, -156, -157, -158 & 130-6111-217, -218  
“4<sup>th</sup>” Commission District

**Date:** April 15, 2021

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The subject property is approximately 18.696 ± acres located off Cannongate Road, zoned RC (Rural Conservation). The applicant purchased eleven (11) lots from Cannongate Village in December 2020. The individual lots were combined into one tract and is currently in a permanent deed restriction which required the property to remain in its natural state.

The applicant is requesting a Conditional Use Permit to incorporate a passive recreation area for public use such as walking, biking, and bird watching. The passive area will be a natural surface loop trail approximately 3’ wide and less than 2 miles in length. The proposed recreation area will have simple wood benches, picnic tables, bike racks and nature education signage kiosks. There will be no structures on the sight. The applicant desires to utilize a flat, compacted natural surface for a small parking area to accommodate a maximum of ten (10) parking spaces.

The nature preserve/passive park will be operated and maintained by a non-profit organization referred to as STPAL, Inc

Brief descriptions of staff comments regarding this request are as follows:

**Public Safety**

*Fire:*

*Public Works:*

In response to the requested Conditional Use Permit request, the Public Works Department offers the following recommended requirements/conditions:

1. The parking area shall be properly designed and paved.

2. Intersection sight distance from the proposed driveway must meet AASHTO intersection sight distance requirements.
3. No parking will be allowed within the County right of way.

### **Recreation**

With continued growth in Coweta County, there is a definite need for passive recreation areas within our community.

We have experienced a rapid increase in use within our existing passive park areas and only expect this demand to grow in the future.

These types of parks are typically low impact and low maintenance. However, I feel they are best operated in a manner consistent with similar parks in the area to provide an enjoyable experience for all users.

### **Community Development**

#### *Building:*

Since there are no building structures on the subject property, the Building Division has no objections to this request

#### *Development Review:*

*No comments received*

#### *Zoning Division:*

The consideration for a Conditional Use Request must be reviewed through the following eleven factors as provided under *Article 28. Section 284.1 of the Coweta County Zoning and Development Ordinance.*

1. Whether the conditional use will permit a use that is suitable in view of the use and development of adjacent and nearby property.

*Response: The subject property is a collaboration of eleven (11) lots, once part of the Cannongate Village. The site was recently purchased and combined into one tract totaling 18.96± acres. The parcel is located between I-85 to the north and Cannongate Road to the south. All surrounding properties are part of the Cannongate Village Development, zoned RC (Rural Conservation).*

2. Whether the conditional use will adversely affect the existing use or usability of adjacent or nearby property.

*Response: The property will remain in its natural state and be utilized as a natural land passive recreation area; therefore, the proposed use should be compatible with the adjacent and nearby properties. A letter of support has been submitted by the Cannongate Village Homeowners Association.*

3. Whether or not the special circumstances contribute to the request are peculiar to the particular property involved.

*Response: N/A*

4. Whether the conditional use will result in a use, which will or could cause an excessive, or burdensome use of existing streets, transportation facilities, utilities, or schools.

*Response: According to the Public Works Director, sight distance from the proposed driveway entrance must meet AASHTO intersection sight distance requirements. No parking shall be allowed along the right-of-way of Cannongate Road.*

5. Whether there is existing or changing conditions affecting the use and development of the property, which gives supportive grounds for either approval, or disapproval of the conditional use permit request.

*Response: After the purchase of the property by STPAL, it was placed into a permanent deed restriction which only allows the property to be utilized as a natural passive recreation park. Priority must be given to minimize any land disturbance and to preserve all existing trees. The proposed use will keep the property in a natural state while allowing the public to enjoy a nature preserve trail and park.*

6. Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant.

*Response: The proposed request will provide a nature preserve park and trail for public use.*

7. Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance.

*Response: N/A*

8. The available existing street system is adequate to efficiently and safely accommodate the traffic, which will be generated by the proposed use or development.

*Response: N/A*

9. The existing public utilities, facilities and services are adequate to accommodate the proposed use or development.

*Response: N/A*

10. The use or development does not generate or cause conditions such as noise, light, glare or odor, or similar objectionable features which would reduce the value, use or enjoyment of surrounding properties.

*Response: N/A*

11. The proposed building(s) are not out of character with the surrounding area and zoning district in terms of building construction and general aesthetic appearance to the extent that the proposed building will have a detrimental impact on the value of nearby homes, businesses, or other properties.

*Response: There are no building structures proposed for the subject property. The only features located within the nature preserve park will be picnic tables, wood benches, and bike racks. In addition, a letter of support has been submitted by the Cannongate Homeowners Association.*

**The Community Development Department submits the following Factors for Consideration in reviewing the Conditional Use Request:**

1. The proposed recreational use will keep the subject property in a natural state. (Factors 2, 5, 6)
2. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities. (Factor 4)
3. The proposed use should not have an adverse effect on the aesthetic value of the surrounding area. (Factors 1, 2, 5, 6, 11)
4. The Canongate Village Homeowners Association has provided a letter of support for the proposed nature preserve park. (Factors 2, 11)

**Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is submitting the following conditions for consideration:**

1. Sight distance from the proposed driveway must meet AASHTO Intersection Sight Distance requirements.
2. No parking shall be allowed within the county right-of-way along Cannongate Road.
3. The applicant shall meet all the applicable requirements of the Development Review Division.
4. The nature preserve park/trail shall be maintained and operated by Southeastern Trust for Parks and Land, LLC.

The Public Hearing for this request is scheduled for **Thursday, April 22, 2021** at **6:00PM** in the Commission Chambers located at 37 Perry Street, Newnan, GA 30263.

If you have concerns regarding this applicant, please let me know.

c: Bill Jones, Executive Director STPAL, Inc. – bill.jones@stpal.org