

**THE FAYETTE COUNTY PLANNING COMMISSION** met on October 6, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Jim Graw, Chairman  
Brian Haren  
John H. Culbreth Sr.

**MEMBERS ABSENT:** Arnold L. Martin, III, Vice-Chairman  
Al Gilbert

**STAFF PRESENT:** Pete Frisina, Director of Community Services  
Dennis Dutton, Zoning Administrator  
Chanelle Blaine, Planning and Zoning Coordinator  
Patrick Stough, County Attorney

**Welcome and Call to Order:**

Chairman Jim Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff.

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**1. Consideration of the Minutes of the Meeting held on September 15, 2016.**

Brian Haren made a motion to approve the minutes. Motion seconded by John Culbreth. The motion to approve the minutes was 3-0. Arnold Martin and Al Gilbert were both absent from the meeting.

Chairman Graw stated that there were only three (3) members tonight, and that they have a quorum. He said that any actions that are going to be taken tonight, because we only have three (3) members, have to have three (3) affirmative votes. He added that when the petitioner is called for their particular item, he will ask if they would like to continue or table until the next meeting. He stated if you do not have three (3) affirmative votes; for example if there is two (2) that says yes and one (1) that says no that is an automatic denial of the petition, and it goes forth to the Board of Commissioners as an automatic denial.

**2. Consideration of Final Plat of Ebenezer Estates. The property will consist of eight (8) residential lots. This property is located in Land Lot 59 of the 7<sup>th</sup> District and fronts on Ebenezer Road. The property is zoned R-70.**

Chairman Graw asked Rod Wright if he would like to continue.

Rod Wright asked if it was denied what would be his process after that.

Chairman Graw stated that he must have three (3) affirmative votes for approval.

**Page 2**  
**October 6, 2016**  
**PC Meeting**

Rod Wright replied that he understood. He stated that he would like to move forward. Chairman Graw asked if there was anything that he would like to say.

Rod Wright replied that he would like request approval for the final plat submitted for Ebenezer Estates. He said that the property is zoned R-70 and meets all of the ordinances and recommendation of staff is approval.

Chairman Graw stated that he was probably not clear on these final plats, if you do not have three (3) affirmative votes then your petition is denied. He said if it was 2-1 and the motion was made your petition would be denied.

Rod Wright said that he understood and wished to continue. He asked if he was denied what would be his next step.

Pete Frisina stated that these are not held to any kind of limitation in bringing them back like a rezoning. He said if they happen to make a motion to approve and have a 2-1 vote he could come back the next time when there is another board, because there is not a limitation on bringing it back.

Chairman Graw stated that the only ones that would go to the Board of Commissioners are the two (2) rezoning's not yours and not the other final plat either. He said that it would just be a 2-1.

Rod Wright said that it seems like I could just resubmit for the next hearing next month. He said that he would like to move forward.

Chairman Graw asked if anyone from the Planning Commission had any questions.

Brian Haren stated that he is looking at the driveway that connects the landlocked parcel, and asked if they have an easement for that driveway.

Rod Wright replies that they do, and that he is shifting some of the driveway over so that they can have an easement on all of Lot 5.

Chairman Graw asked if that driveway will serve Lot 5 and the Cavender property.

Rod Wright replied yes, and that he was going to build a 20 foot wide drive back into there.

Chairman Graw asked if there had to be an easement filed.

Rod Wright replied yes there is.

Chairman Graw asked if this was approved would you file the easement after the approval.

Rod Wright replied yes.

Chairman Graw asked who would be responsible for the maintenance since the driveway services

Chairman Graw stated that the next two (2) petitions were rezonings and if they receive less than three (3) votes then it's consider a denial, and again we only make recommendations. He said that the recommendations go to the Board of Commissioners and if it is a less than three (3) votes it will be an automatic denial and it would be going to the Commissioners as a recommended denial of the petition.

- 4. Consideration of Petition No. 1261-16. Bob & Nancy Usry, Owner Derrick Johnson, Agent request to rezone 3.286 acres from C-H & M-1 to C-H to develop a HVAC Company / Auto Sales. This property is located in Land Lots 137 of the 5th District and fronts SR 54 and Denesha Todd Court.**

Chairman Graw asked the petitioner if they would like to continue.

Derrick Johnson replied yes.

Derrick Johnson stated that he would be representing Bob and Nancy Usry regarding the rezoning. He said that they want to rezone the entire 3.2 acres to C-H. He added that most of it is already C-H and part of it is M-1. He stated that the issue with the M-1 zoning is that it doesn't allow for the cars to sit there. He said that the address is 1154 Highway 54 and there are older cars sitting there. He added that the cars belong to a tenant of Mr. Usry and they have been trying to contact him to get rid of the cars since February. He stated that they have been unsuccessful and have filed for a dispossessory to get them taken out, but he is not responding to it. He said that if he doesn't show up Mr. Usry is ready to do what is necessary to get rid of those autos. He added that if he makes the entire area C-H he can have an auto sales business where the older cars were. He stated that the auto sales business would have newer vehicles than the ones that are there currently. He said that they are set for the 3<sup>rd</sup> or 4<sup>th</sup> of November to address the dispossessory. He added that if he doesn't show up it goes forward anyway and if he does and hasn't responded it; so it's still in a position to where the dispossessory goes forward and Mr. Usry will be able to get rid of those autos, and clean up that area. He stated that when they were contacted by Zoning Department there were two (2) issues, and the two (2) issues were: there was a land disturbance in terms of there should be gravel parking, and Mr. Usry has address that; and the other issue was the autos, and in early November they will address that. He reiterated that most of the property is already C-H except for that small area of M-1, and he would like to get it rezoned to C-H. He said once the property is cleared out and becomes one (1) type of business there, which is his HVAC Company; it will look more complete and be cleaned up. He added that they are asking for their approval of the rezoning.

Chairman Graw asked if anyone would like to speak in favor of the petition. Hearing none he asked if anyone would like to speak in opposition to the petition. Hearing none he brought it back to the Planning Commission.

Brian Haren asked if his long term intent was to combine those three (3) lots if the rezoning is approved.

Bob Usry replied yes sir that is my intent is to combine all lots to be C-H. He stated that he has been at the location since 1978.

two (2) different lots.

Rod Wright replied that Lot 5 would be.

Chairman Graw asked for a motion.

John Culbreth made a motion for approval.

Brian Haren asked if anyone from the Cavender property was here. Hearing none, Brian Haren seconded the motion.

The motion to approve the minutes was 3-0. Arnold Martin and Al Gilbert were both absent from the meeting.

- 3. Consideration of Final Plat of Hilda Ann Kilpatrick & Billy Lamar & Sandra C. Gerald. The property will consist of two (2) residential lots. This property is located in Land Lot 88 of the 5<sup>th</sup> District and fronts on Callaway Road. The property is zoned R-45.**

Hilda Kilpatrick stated that she was there to submit the final plat for 375 Calloway Road in Fayetteville for recordation. She said that her son is in the process of buying this property and wants to make sure that everything is squared away and compliant with the County.

Chairman Graw asked Pete Frisina if he talked to the County Attorney on this property.

Pete Frisina replied yes, and that there was a note on there that talks about the road frontage and they went through the history of this property and it was rezoned back in the 80's. He stated that it was given a building permit based on a survey plat which should have been a final plat; the lot was legal at the time, and there is evidence that the property owner was working with the County, and that was an oversight of the County. He said when the original building permit was issued for this back lot, the house is located in the front setback, and so there is further evidence that they were working with the County, because they added more property to this lot to alleviate that situation. He reiterated that they worked with the County and it was an oversight on our part. He added that we should look at this as fixing something we should have fixed back in 1989.

Chairman Graw stated that he thinks he is referring to note number 16.

Pete Frisina replied yes.

Chairman Graw asked the Planning Commission if they had any questions.

Brian Haren made a motion to approve the Final Plat of Hilda Ann Kilpatrick & Billy Lamar & Sandra C. Gerald. Motion seconded by John Culbreth. The plat was approved by a vote 3-0. Arnold Martin and Al Gilbert were absent from the meeting.

**Page 5**  
**October 6, 2016**  
**PC Meeting**

John Culbreth stated that he has no question and is going with staff and their recommendation of approval.

Chairman Graw asked if he was currently selling cars on that property.

Bob Usry replied no, he was renting the space to someone who sold the cars.

Chairman Graw asked if he had the HVAC Company there now.

Bob Usry replied yes, and that the HVAC Company has been there since 1972 but he bought the property in 1978.

Chairman Graw asked if he wanted to be able to sell cars on that property.

Bob Usry replied that what he would like to do is rent to someone who would like to sell cars.

Chairman Graw asked staff if Mr. Usry could do what he wanted to do in the M-1 zoning district.

Pete Frisina replied yes, I think it is.

Chairman Graw asked if it was also permitted in C-H.

Pete Frisina replied yes.

Chairman Graw asked Mr. Usry why he wants to rezone to C-H since the current zoning M-1 lets him do what he wants to do.

Bob Usry replied that Denesha Todd Court comes up one (1) side of the property and then he has an easement on the other side of the property. He stated that he wants to make the entire property C-H instead of M-1, so if he ever had to sell it he wouldn't have to rezone it for any reason.

Chairman Graw asked who cemetery is that on the property.

Bob Usry replied that he does not know and it goes back to the 1800's. He stated that there were some Civil War people back there and that the cemetery is fenced in. He said that he asked Dennis Dutton if he needed to clean up the cemetery. He added that Dennis Dutton replied that wasn't his problem.

Chairman Graw asked if anyone has come out to the cemetery and taken care of it.

Bob Usry replied no sir, they have not.

Chairman Graw asked staff if this is approved will there have to be an easement given to that cemetery.

Dennis Dutton replied that the next step if they approve the rezoning, there will have to be a plat showing the property being put all together and show where the cemetery will be designated. He stated that they will have to go through a public hearing to notify any family members of the deceased. He said there will be a 20 foot easement for access to the cemetery indicated on the plat.

Chairman Graw asked if there were any protections for a cemetery in the Zoning Ordinance.

Dennis Dutton replied that the only protection there is, is to not deny access for family members.

Derrick Johnson stated that there is a clear entrance into the cemetery.

Brian Haren asked if any family members been out to visit those graves.

Bob Usry replied no sir. He stated that he has been at the property since 1978 and to his knowledge no family members have knocked on his door about the cemetery.

Brian Haren asked if there were any conditions.

Pete Frisina replied there are no conditions.

Chairman Graw asked if there were any other questions or comments. Planning Commission replied no.

Chairman Graw stated that he doesn't feel comfortable with C-H zoning. He said his reason for it was because it's surrounding area on that side of Highway 54 is M-1 and it's C-H on the south side of Highway 54. He reiterated that he didn't feel comfortable with it because of what it could do and the precedent it could set.

Bob Usry stated that the C-H is on Highway 54 the frontage and M-1 is on the rear.

Chairman Graw stated that M-1 is on the north side where he is and C-H is on the south side of Highway 54. He asked the petitioner had he seen the zoning map.

Bob Usry replied no.

Chairman Graw reiterated that he was afraid of precedent it will set. He stated that Pete Frisina said that the land use is commercial, so C-H could be a proper zoning for it. He said that he is looking at all of the surrounding area and he doesn't feel comfortable.

Derrick Johnson stated that he understood the blue represents M-1, and where Mr. Usry C-H is there are two (2) other parcels that are C-H. He said it would make it more uniform in this one area and it would be the same as the other area that is to the right of all this property.

Bob Usry reiterated that he wanted to change the entire parcel to C-H.

Brian Haren stated that the property owner is looking to the future and wants the best use for his property. He said that C-H zoning is in compliance with the land use plan. He added that the Mr. Usry just want to get the property rezoned, combine the parcels to make it a single parcel, to make it easier to deal with in the future.

Derrick Johnson agreed with Brian Haren and added that they want the property to be uniformed. He stated that if Mr. Usry is doing business in a C-H area and it crosses over a little bit into the M-1 area than we have another issue. He said that the issue may be of him coming over 10 or 20 feet. He added that if his entire area is C-H than there is no problem with what he is doing.

Chairman Graw asked Mr. Usry what his future plans were for the property besides HVAC and Auto sales.

Bob Usry replied at the present that is all.

Brian Haren asked Pete Frisina why the north side of Highway 54 was zoned M-1 and the south side was zoned C-H.

Pete Frisina replied that there has been a mixed of both out there. He stated that many years ago this area was land use for M-1 and they had more request for C-H. He said that when they changed it to commercial the first request they had for it was M-1. He added that either zoning is compatible in that area.

Chairman Graw stated that he has been on the Planning Commission for 22 years and this is the first request we have had for that part of Highway 54 in that area for any kind of rezoning.

Pete Frisina replied that there is a lot in the back that got rezoned from M-1 to C-H at the end of this cul-de-sac some time back. He stated no it is not the first time.

Chairman Graw stated that was an auto repair down there at the very end of the cul-de-sac. He said that he doesn't know if they are doing auto repair now, but they did some years ago.

Bob Usry stated that they have that zoned C-H and that is north of Highway 54.

Chairman Graw asked if you can do auto repair in C-H.

Pete Frisina replied yeah, that may have been there before we changed the ordinance. He stated that you can do limited auto repair.

Chairman Graw asked for a motion.

John Culbreth made a motion to recommend approval of Petition 1251-16. Brian Haren seconded the motion. The motion passed 3-0. Arnold Martin and Al Gilbert were absent from the meeting.

5. **Consideration of Petition No. RDP-013-16. Camp Southern Ground, INC & Spotty Merle, Owner D. Ben Ferguson, Agent request to revise development plan and summary of intent for rezoning petition 1222-11 to rezone 494.39 acres from A-R and PUD-PRL to remove the Equestrian Center and in its place develop a Solar Farm. This property is located in Land Lots 1 and 32 of the 5<sup>th</sup> District and Land Lots 1, 2, & 3 of the 7<sup>th</sup> District and fronts Ebenezer Church Road, Arnold Road, & Green Meadow Lane.**

Ben Ferguson, Director of Construction for Camp Southern Ground, stated that they have had the opportunity to erect some solar array to help augment and offset the cost of our 501c3 charity. He said that the camp is up and running this upcoming weekend. He added that they have their fifth consecutive weekend for our second consecutive year fall mini camps. He stated that they are using the property as intended and moving forward with their mission and help offset the cost.

Chairman Graw asked if he would like to continue.

Ben Ferguson replied yes. He asked the Planning Commission if they had any other questions about what they are trying to accomplish.

Chairman Graw asked if anyone would like to speak in favor of the petition. Hearing none he asked if anyone would like to speak in opposition to the petition. Hearing none he brought it back to the Planning Commission.

Brian Haren asked staff if there is zoning in place to support this.

Pete Frisina replied yes, we amended the PUD-PRL some time back.

Chairman Graw stated in the revised write up said, "You desire to retain the ability to use and house horses on the property". He said that he understood that they're not going to have the Equestrian Center but it sounds like you still want to have horses is that correct.

Ben Ferguson replied yes sir that is correct. He stated that anytime they have a guest come in they can't afford as a charity to have the Equestrian Center unless they get a partner that can help them fund it. He said they can't house them year round, and that many other camps can't house them either. He added that some camps will have the horses in for the day; so if it is a weekend camp we have a lot of trails around the property that we would like to utilize for that. He stated that they would like to welcome in some hippotherapy, because it is one (1) of the biggest things being prescribed to children. He said that they would like the ability to do that but they just don't have the anyway to build the equestrian center like it was originally plan.

Chairman Graw stated that if you are going to house horses you will need a barn. He said that he has looked at the development plan and there is no mention of a barn on the plan. He asked Pete Frisina if there are any changes to the development plan don't they have to come back to us for approval since this is a PUD.

Pete Frisina replied significant changes yes.

Chairman Graw asked what a significant change is.

Pete Frisina replied an eight (8) acre solar farm is a significant change to me.

Chairman Graw asked if the building of a barn would be a significant change.

Pete Frisina replied that they have on here, “the camp has the ability to use and house horses on the property”, and they will need something to house them in. He said the summary of intent references that they want to house them.

Chairman Graw reiterated that on the plat they don’t show where a barn might be. He stated that his suggestion would be if this is approved he would like for them to show where a future barn could be.

Ben Ferguson replied that is a good idea and when they revise their master plan that will be the next step. He said that he believes they show several structures to support the farm and other things. He added that they may not call them barns but they are housing some equipment, and they have some place holders for buildings they have not built yet. He stated that they may have called them utility buildings but they can list it out.

Chairman Graw asked if they already had a building that they could use as a barn is already on their development plan.

Ben Ferguson replied they do.

Chairman Graw stated that there was no need to show a future barn.

Ben Ferguson stated that they have one (1) that is already constructed and they have two (2) that has not been built yet that is already on their site plan.

Brian Haren made a motion to recommend approval of Petition RDP-013-16. John Culbreth seconded the motion. The motion passed 3-0. Arnold Martin and Al Gilbert were absent from the meeting.

Chairman Graw asked about the next meeting.

Pete Frisina replied that we will have a meeting on the 20<sup>th</sup> of October.

Chairman Graw asked what they will be talking about.

Pete Frisina replied that they would be talking about the Bed & Breakfast and the businesses on the property.

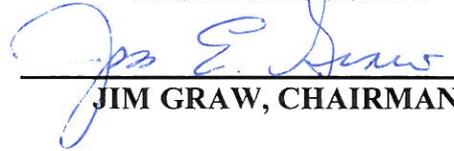
Chairman Graw asked if the Bed & Breakfast went to the Board of Commissioners.

Pete Frisina replied no.

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John Culbreth made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 7:42 pm.

PLANNING COMMISSION OF  
FAYETTE COUNTY



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JIM GRAW, CHAIRMAN

ATTEST:

