

**THE FAYETTE COUNTY PLANNING COMMISSION** met on May 6, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Danny England, Chairman  
Arnold Martin, Vice-Chairman (via *teleconference*)  
John H. Culbreth (via *teleconference*)  
Brian Haren  
Jim Oliver

**STAFF PRESENT:** Pete A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator (via *teleconference*)  
Howard Johnson, Plan & Zoning Coordinator

**Welcome and Call to Order:**

Chairman England called the Planning Commission meeting to order.

**1. Consideration of the Minutes of the meeting held on April 15, 2021.**

Brian Haren made a motion to approve the minutes of the meeting held on April 15, 2021. Jim Oliver seconded the motion. The motion passed 4-0. Arnold Martin was absent.

**NEW BUSINESS**

**2. Consideration of a Minor Final Plat of Vander Woods. The property will consist of 13 lots zoned A-R, is located in Land Lot(s) 95 & 96 of the 4th District and fronts on Morgan Mill Road and Padgett Road.**

Brian Haren made a motion to approve the Minor Final Plat of Vander Woods. Jim Oliver seconded the motion. The motion passed 4-0. Arnold Martin was absent.

**3. Consideration of a Minor Final Plat of Twin Creeks. The property will consist of 19 lots zoned A-R, is located in Land Lot(s) 64 & 65 of the 4<sup>th</sup> District and fronts on Padgett Road.**

Brian Haren made a motion to approve the Minor Final Plat of Twin Creeks. Jim Oliver seconded the motion. The motion passed 4-0. Arnold Martin was absent.

**PUBLIC HEARING**

**4. Consideration of Petition No. 1304-21 A, Harriet S. Hazelton and Sandra S. Barge, Co-Trustees of the Geraldine A. Stinchcomb Trust and Hugh G. Stinchcomb, Executor of the Estate of Hugh M. Stinchcomb, Owners, and Luis Arango and his attorneys, Bovis, Kyle, Burch & Medlin, LLC, Agent, request to rezone 23.421 acres from A-R to R-50 to develop a Residential Subdivision. This property is**

**located Land Lots 59, 60 & 69 of the 5th District and fronts on SR 85 South.**

Arnold Martin entered the meeting.

Pete Frisina said these are two separate rezoning petitions that will be combined for one residential subdivision development. He said they will be discussed as a whole with public comment but they will each require a separate motion and vote.

Steven Jones said this is a request for an R-50 single-family residential subdivision with a working name of Eva Gardens. He added the subject property is made up of two separate parcels totaling 46 acres and fronting on SR 85. He stated to the west, contiguous to the subject property, is a 19.19 acre property owned by the applicant fronting on Old Senoia Road and currently zoned R-50. He said the intent is to combine these properties into one subdivision with the entrance on Old Senoia Road. He added staff has recommended approval of the petitions with one condition for the developer to install a multi-use path connection to Kiwanis Park which the applicant accepts. He stated that the requests are consistent with the Comprehensive Plan. He said within the subject property is a legal nonconforming landlocked A-R parcel which contains a house and pole barn owned by the Brannans. He added that the plan is to incorporate it into the subdivision and not affect its nonconforming status. He stated the Brannans could not be here tonight but Stephanie Cochran is here to speak on their behalf. He said the current access to this property is via an easement from SR 85 and when the subdivision is developed access to the Brannan property would be provided via an easement from the new street. He stated there is no way to viably access the bulk of the subject property from SR 85 because you would have to cross a dam with a new street so the only viable access is from Old Senoia Road. He said the requests are compliant with the four factors used to evaluate a rezoning request. He stated it is consistent with the Comprehensive Plan, it will not have an adverse effect on adjacent property, it will not be burdensome on infrastructure and the proposed lots are similar in size to other subdivision lots in the area. He stated, given these factors we ask that you recommend approval to the Board of Commissioners.

Chairman England asked if there was anyone present that would like to speak in support with of the requests.

Stephanie Cochran said she speaks on behalf of the Brannans who couldn't be here tonight but they are in support of the development.

Chairman England asked if there was anyone present that would like to speak in opposition to of the requests. Hearing none he said we will now open the phone lines for comments from the viewing public. Hearing none after approximately one minute he said I will bring this back to the board.

Brian Haren asked if the current easement from SR 85 serving the Brannan property goes away when the new easement from the subdivision street is established.

Steven Jones stated that is correct and the easement from SR 85 will go away.

Brian Haren asked who owns the dam.

Steven Jones said it is currently owned by the Stinchcombs and would be owned by the Home Owners Association as a common area.

Chairman England asked about lot 34 with an existing house and why it is a part of this petition.

Steven Jones said that is the only existing house on the property and the intent is to renovate the house and sell it.

Chairman England said so it won't be accessed through the development but will still access SR 85.

Steven Jones said that is correct.

Brian Haren made a motion to recommend approval of petition 1304-21 A with one condition. Jim Oliver seconded the motion. The motion passed 5-0.

5. **Consideration of Petition No. 1304-21 B, Harriet S. Hazelton and Sandra S. Barge, Co-Trustees of the Geraldine A. Stinchcomb Trust and Hugh G. Stinchcomb, Executor of the Estate of Hugh M. Stinchcomb, Owners, and Luis Arango and his attorneys, Bovis, Kyle, Burch & Medlin, LLC, Agent, request to rezone 22.612 acres from A-R & C-C to R-50 to develop a residential subdivision. This property is located Land Lots 59, 60 & 69 of the 5th District and fronts on SR 85 South.**

Brian Haren made a motion to recommend approval of petition 1304-21 B with one condition. John Culbreth seconded the motion. The motion passed 5-0.

6. **Discussion of Petition No. 1305-21, Wayne H. Wood, Joseph Scott Wood, Yancy Lee Wood, Ernest R. Wood and Gayle Evonne Blizzard, Owners, and CK Spacemax. LLC/Ellen W. Smith, Esq., Agent, request to rezone 6.7187 acres from R-40 to C-H to develop a Self- Storage Facility. This property is located Land Lot 198 of the 13th District and fronts on SR 138.**

Jahnee Prince said we are requesting a rezoning to C-H on 6.71 acres for a multi-story climate controlled storage facility in the front and single-story storage structures to the rear that will not be climate controlled. She added that the 6.71 acre tract is part of a larger 22 acre parcel that will remain zoned R-40 that can be used for the development of a residential subdivision. She said the comprehensive plan calls for two land uses in this area, General Business and Commercial and we originally applied for General Business but Pete Frisina advised us that the majority of the property was in Commercial land use and C-H would be

appropriate. She added that she is available to answer any questions.

Chairman England asked if there was anyone who would like to speak in favor of the petition.

Chris Poholek said the self-storage division of Childress Kline was started in 2005 and we are excited to start this project. He added that the self-storage product in Fayette County is a little bit older and ours is a newer product. He stated that our product is class A and very security conscience with up to 70 or 80 security cameras monitored 24 hours a day and we pay attention to customer service and cleanliness at our facilities.

Chairman England asked if there was anyone present that would like to speak in opposition to the request. Hearing none he said we will now open the phone lines for comments from the viewing public. Hearing none after approximately one minute he said I will bring this back to the board.

Pete Frisina said there is one condition and the condition is that the single- story storage facilities be to the rear of the multi-story storage facility as it is depicted on the concept plan.

Jim Oliver asked if there is a timeline to develop the residential portion of the property.

Jahnee Prince said there is no definite date for the residential portion.

Arnold Martin asked if the applicant could address the direction of the lighting as this could pose a problem for adjacent property.

Jahnee Prince said all lighting would directed downward to eliminate it shining into adjacent properties.

Brian Haren made a motion to recommend approval of the petition with one condition.

Arnold Martin seconded the motion.

Pete Frisina asked if the applicant is agreeable to the condition.

Jahnee Prince stated the applicant agrees to the condition.

The motion passed 5-0

- 7. Consideration of Petition No. 1306-21, William Kelvin Little, Executor, Golden Development Co, LLC, Owner, and Carrie Guthrie, Agent, request to rezone 1.82 acres from R-20 to O-I to develop Office Uses. This property is located Land Lot 125 of the 5th District and fronts on SR 54 West.**

Carrie Guthrie said she represents the owner of the property and we are requesting to rezone from R-20 to O-I.

Chairman England asked if there was anyone present that would like to speak in favor of the petition. Hearing none he asked if there was anyone present that would like to speak in opposition to the petition. Hearing none he said we will now open the phone lines for comments from the viewing public. Hearing none after approximately one minute he said I will bring this back to the board.

Brian Haren asked if there were plans to demolish the house and build a new office building.

Carrie Guthrie said there were no plans at this time to demolish the house and build a new office building.

Jim Oliver asked if they were comfortable with the Department of Environmental Health comments that additional septic may be needed.

Carrie Guthrie stated they were comfortable with that.

Brian Haren made a motion to recommend approval of petition 1306-21. John Culbreth seconded the motion. The motion passed 5-0.

**8. Consideration of Petition No. RP-078-21, Mary Rebecca Huie-Jolly, Owner, and Rev. Warren Johnson, Agent, request to revise the Final Plats of Pleasant Pointe Subdivision to change the principle use from residential to nonresidential to develop a church on Lot 5 in Unit I and Lot 1 in Unit II. This property is located Land Lots 150 & 151 of the 5th District and fronts on Felton Drive and McElroy Road.**

Mary Huie said the request is to change the principal use on Lot 5 in Unit I and Lot 1 in Unit II of Pleasant Pointe Subdivision from residential to nonresidential to develop a church and also preserve the historic 200 year old farm house on the property as a parsonage. She stated that her understanding is staff had a concern of traffic on McElroy Road for a church but there is a back driveway on Felton Drive which could be used by the parsonage only. She added that they feel the house should be preserved because it dates back to 1830. She said the original portion of the house is set on hand hewn timbers that were cut with an axe and the house is sitting on boulders. She added that the Shockley's originally owned this property where the subdivision is and some of them are buried in the cemetery on Felton Drive in the subdivision.

Pastor Warren Johnson said that he and Mary have been praying over this project for some time and we didn't know that the lot on the corner of McElroy Road and Felton Drive was in the subdivision. He stated that his interest in the property is preserving the house and the vision of a church on this corner where it won't interfere with the subdivision. He added

that there is a power line running along the back on Lot 1 which would provide a separation from the subdivision. He said his heart is to serve the community and give back and his interest is to help young people and build family in the community with mentoring with after school programs and STEM programs. He stated that he has spoken to homeowners that would stand with him for the project and there are a lot of trees on the property that will block the view of the church. He added that it would not be a mega church but a facility that would be prominent to the people in the community where they can worship and be educated.

Robert Shockley said he is in favor of the request and preserving the house as it is historical as it was built about 1830 and all of the timbers are hand hewn. He added about seven years ago a large oak tree fell on the house and the roofer said they don't make houses like this anymore and I am just trying to figure out how to put it back together. He added that the bricks in the chimney are all hand made as well.

Carol Shockley said she grew up in the house and 63 years ago my dad bought that 90 acres for \$3,000. She added that the old farm house had 12 foot ceilings, two bedrooms, a living room and a kitchen and a bathroom was added later. She stated that originally there was another house on the property that they were going to move into but moonshiners who were using the house as a base of operations and didn't want to be discovered so they burnt down the house to destroy the stills. So we had to move into the farm house. She said we found some documentation in the house about the people that had lived in the house and to the best of her knowledge it started in 1830. She added that there was a story that a civil war cannon ball was lodged in the wall of the house but she had never found it.

Jack Gleeson said he lives across the street from the property and he would be Ok with a church on this property.

Chairman England asked if there was anyone present that would like to speak in opposition to the petition. Hearing none he said we will now open the phone lines for comments from the viewing public. Hearing none after approximately one minute he said I will bring this back to the board.

Brian Haren said we heard some great stories about the house but what we are here for is to allow a change in use for the construction of a church and what guarantees could be given that the house would not be torn down in the future.

Mary Huie said she is in the process of having the house listed with the Georgia Department of Historical Preservation and that is no guarantee that the house would be preserved but the zoning allows a church to have a parsonage and she trusts that Pastor Johnson would keep the house and that is part of the deal for the sale of the property.

Pastor Johnson said the house is part of the history of the property and that could draw people to the church knowing that the house is historic. He stated that you have my word that the house will be saved.

Jim Oliver said, Pastor Johnson you realize that a request to change the use in a platted residential subdivision is a heavy lift and it is not an unreasonable expectation of the homeowners when they purchased their homes that the these lots would have homes built on them. He added that you can understand the reluctance on our part to approve this also with the entrance for the church coming off of Felton Drive. He asked if they have spoken to residents of the subdivision.

Pastor Johnson said the Gleeson's across the street and the property owners behind the power line are in agreement with the request. He said the Pleasant Pointe subdivision is about 98 percent Christians. He stated that I think some of it is because of the way it sits the power line separates it from the subdivision and there is a row of trees on Felton Drive. He added that we are looking at a facility that would house about 100 people.

Jim Oliver said this is not a religious issue it is a business issue and is this an appropriate location for a church.

Pastor Johnson said I think it is a great location.

Mary Huie said if you remember then old driver's license building then the next thing is the old house and then empty land until you get to Felton Drive so it doesn't appear as a lot in the subdivision. She added that if the church were set back in the trees it probably would not even be seen.

Jim Oliver said I don't think it is that easy to just issue this as an appropriate location for a church in a platted subdivision.

Mary Huie said it was platted as a subdivision but the Shockley's didn't turn it into a subdivision. She added that it is not like you are in the middle of a subdivision.

John Culbreth said I am concerned with the development and the traffic and I would like to see if we have a majority of the subdivision residents onboard with this request. He added that there needs to be a majority of the residents on record saying they're in favor of this church.

Arnold Martin said I think we are giving the residents to opportunity to oppose it or support it and that has been done through public notice so I feel they have ample opportunity to speak right now.

Chairman England said this is not the only situation where a subdivision has one or two vacant lots and an alternate use is proposed and in this case it seems that everybody that has shown up is in support of the request. He added that we have a lot of language in our code that addresses this situation and some of it was added quire recently to try to mitigate some of these conditions. He stated that some of the items considered is the character of the subdivision such as the placement of a house or someone subdividing a lot in an existing

subdivision where all the lots are three acres but zoned for one acre lots and everyone in the subdivision bought into a three acre subdivision and have expectations that it would stay that way. He stated this request fits into that category as we are being asked to approve a change to lots in a platted residential subdivision and these are difficult decisions to make. He said these are the things we have to look at to evaluate these requests. He added that he agrees that the lot does not look like it is part of the subdivision but it was platted as such and we have to look at in that way. He said I agree that the house is interesting and I hope you can preserve it but if you pursue historic designation please read the fine print as some historic designations are quite restrictive.

Mary Huie asked if there is anything we could do to alleviate the board's concern such as if all of the neighbors are in support of the request.

Chairman England said usually these requests are met with a lot of opposition but there is no one here to oppose the request but you can't assume that there is nobody that is in opposition just because they didn't show up. He added so it's not so much you proving to me that no one is in opposition as it is a bigger question such as when there is another request to put a gas station on a subdivision lot and they can say will you let a church go into a subdivision.

Brian Haren said I was involved in the development of the ordinances Chairman England was referring to and individuals wanting to change platted subdivisions but I think this is a little different in the amount of history that has been bulldozed away. He stated that he would be inclined to recommend approval of this request because otherwise someone is going to buy that lot someday and tear down the old house to build a new one. He added that there is flexibility of these rules and that is why we have these meetings and these discussions. He said it may be a good idea to table this request so you folks can go out and poll the residents and get their opinions in writing. He added that this may make him more comfortable with the request but there is a big issue with people trying to change the fundamental character of a subdivision.

Chairman England asked Brian Haren how much of your support to this request is tied to the fact that the old home place is on the site and if that house were not there how would you feel about this petition.

Brian Haren said he would be inclined to recommend disapproval of the petition if the house were not part of the discussion.

Chairman England said to go back to one of your earlier questions about how we could guarantee that the house would be preserved adds an historic preservation element to this request and the two issues are really separate they just happen to exist on the same piece of property. He added I think I am with you that if the house is not part of the equation then the code is simple about what we should do here. He stated that at the same time I don't know that we should change the use to preserve the house. He added that we can't approve this with a condition that the house be preserved.



Brian Haren said I understand what you are saying that we have a developer that has made a commitment but it is not anything set in stone but that is the most firm commitment we have at this time. He added as I mentioned earlier is someone will buy this lot and tear down the old house to build a new house. He stated that I feel this is a unique enough situation that I would be inclined to recommend approval.

Arnold Martin made a motion to approve the petition.

Brian Haren seconded the motion.

Chairman England called the question. John Culbreth said he would abstain. The motion did not carry as there were two votes in favor of the motion and two votes against the motion.

Pete Frisina said the motion doesn't carry as we need three votes for the motion to carry.

John Culbreth made a motion to table the petition to the June 3, 2021 public hearing meeting.

Chairman England asked if we can make another motion to table after the first motion failed to carry.

Pete Frisina said let me check the ordinance to see if there is any guidance.

Brian Haren asked John Culbreth what the justification is to table the request.

John Culbreth said as I mentioned earlier that while we have had public comment I would feel better if I knew what the majority of the residents of the subdivision thought.

After reviewing the ordinance, Pete Frisina said since the motion didn't carry it is as if it didn't occur as there was no action so a second motion can be made.

John Culbreth restated his motion to table.

Arnold Martin asked John Culbreth if there are any conditions he would like to see.

John Culbreth said that the majority of the residents have stated that they are either in favor or opposition of the petition.

Arnold Martin restated his second.

Brian Haren asked if the Planning Commission is the final authority of the petition.

Pete Frisina said this petition goes to the Board of Commissioners for final action.

Jim Oliver ask if the petitioners want to go to the BOC with a tie vote or accept the table.

Mary Huie said we would agree with the table.

Chairman England said we have a motion to table until June 3, 2021 and John Culbreth has indicated that he would like to see a majority of the residents in favor of the petition. Chairman England added that we have had a significant discussion of the historic home on the property which we are in favor of protecting and at the next meeting I would like to hear about other ways that the house could be preserved that don't rely on a church being built there and perhaps the house could be platted separately to preserve it.

Mary Huie asked how would be if we did both petition the residents to see how they feel and whatever happens still try to preserve the house.

Chairman England said there are two separate issues we are dealing with.

Mary Huie said but one wouldn't cancel out the other and if we can build a church we can still use the house as a parsonage.

Chairman England said that was correct the house could still be used as a parsonage.

Brian Haren said it was important that we hear from the residents of the Pleasant Pointe subdivision.

Chairman England called the question and the motion passed 4-1. Jim Oliver voted in opposition to the motion.

**Consideration of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions, Sec. 110-91. - Recreational Vehicles and Boats, and Sec. 110-79. - Residential Accessory Structures and Their Uses Concerning Recreational Vehicles.**

Pete Frisina said we are amending the definition of a recreational vehicle and adding a definition for a park model home. He added that we clarifying existing regulations for recreational vehicles and creating new regulations for a park model home that can be used as a guesthouse on a temporary basis for up to six months along with specifications on how it can be hooked to power, septic and water.

Chairman England asked if there was anyone present that would like to speak in favor of the petition. Hearing none he asked if there was anyone present that would like to speak in opposition to the petition. Hearing none he said we will now open the phone lines for comments from the viewing public. Hearing none after approximately one minute he said I will bring this back to the board.

Brian Haren made a motion to recommend approval of the amendments. John Culbreth seconded the motion. The motion passed 5-0.

**9. Consideration of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions, Sec. 110-143. - C-C, Community Commercial District, Sec. 110-144. - C-H, Highway Commercial District, Sec. 110-146. - M-1, Light Industrial District, Sec. 110-146. - M-1, Light Industrial District, Sec. 110-147. - M-2, Manufacturing and Heavy Industrial District and Sec. 110-169. - Conditional Use Approval concerning Vehicle/Boat Sales.**

Pete Frisina said these amendments started with allowing vehicle sales in the C-C zoning district and we realized that there was already a definition of vehicle and boats sales in the ordinance but we weren't using it in any of the zoning districts. He added that we have amended the definition of vehicle and boat sales and are now using the same term in C-C, C-H, M-1 and M-2 to be consistent.

Chairman England asked if there was anyone present that would like to speak in favor of the petition. Hearing none he asked if there was anyone present that would like to speak in opposition to the petition. Hearing none he said we will now open the phone lines for comments from the viewing public. Hearing none after approximately one minute he said I will bring this back to the board.

Brian Haren made a motion to recommend approval of the amendments. John Culbreth seconded the motion. The motion passed 5-0.

**10. Consideration of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-144. - C-H, Highway Commercial District Concerning Funeral Establishments.**

Pete Frisina said about two months ago we amended the zoning ordinance to define funeral establishments based on state law and added it to cemeteries. He added that we recently noticed the term funeral home under the permitted uses in C-H. He stated this amendment changes the permitted use in C-H to funeral establishments and adds a caveat that a crematorium is excluded in the C-H zoning district.

Chairman England asked if there was anyone present that would like to speak in favor of the petition. Hearing none he asked if there was anyone present that would like to speak in opposition to the petition. Hearing none he said we will now open the phone lines for comments from the viewing public. Hearing none after approximately one minute he said I will bring this back to the board.

Brian Haren made a motion to recommend approval of the amendments. John Culbreth seconded the motion. The motion passed 5-0.

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John Culbreth made a motion to adjourn. Arnold Martin seconded. The motion passed 5-0.

The meeting adjourned at 9:00pm.

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PLANNING COMMISSION  
OF  
FAYETTE COUNTY



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DANNY ENGLAND, CHAIRMAN

ATTEST:



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HOWARD L. JOHNSON  
PLANNING COMMISSION SECRETARY