

# Meeting Minutes 11/07/2024

**THE FAYETTE COUNTY PLANNING COMMISSION** met on November 7<sup>th</sup>, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** John H. Culbreth Sr., Chairman  
John Kruzan, Vice-Chairman  
Danny England  
Jim Oliver  
Boris Thomas

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator *[absent]*  
Maria Binns, Zoning Secretary  
E. Allison Ivey Cox, County Attorney

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## NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. Ms. Deborah Bell requested to amend the agenda by adding item 6; Draft 2025 Planning Commission Meeting Calendar. ***Danny England made a motion to approve the agenda with the addition of item 6; Draft 2025 Planning Commission Meeting Calendar on the November 7th Agenda. Public Hearing items will now be items 7-11. John Kruzan seconded the motion. The motion carried 5-0.***
4. Consideration of the Minutes of the meeting held on October 3, 2024. ***Jim Oliver made a motion to approve the minutes of the meeting held on October 3, 2024. John Kruzan seconded the motion. The motion carried 4-0. Danny England abstained from voting as he was absent for the October 3, 2024, meeting.***
5. Plats
  - a. Minor Final Plat for The Estate of Dan Victor Stinchcomb (218 Ebenezer Road).  
Mr. Jim Oliver asked about the location of the plat.  
Ms. Bell responded was located on Ebenezer Road and it is creating three parcels out of one parcel.  
***John Kruzan made the motion to approve the Minor Final Plat for The Estate of Dan Victor Stinchcomb (218 Ebenezer Road). Danny England seconded the motion. The motion passed 5-0.***

6. Discussion of Draft Meeting Calendar for the 2025 Planning Commission Meetings. The calendar to be adopted at the next meeting.

Ms. Bell explained the dates for the next calendar dates as she added they are getting applications at the end of December and the changes will be reflected on the next meeting for approval.

***John Kruzan made a motion to approve Draft Meeting Calendar for the 2025 Planning Commission Meetings. Danny England seconded the motion. The motion carried 5-0.***

## **PUBLIC HEARING**

7. Consideration of Petition 1357-24, request to rezone 3.65 acres from R-40 to A-R for the purpose of reconfiguring parcels between family members. The property is located in Land Lot(s) 254 of the 13th District and fronts on Kite Lake Road.

Ms. Bell stated the larger parcels were originally planned to be a residential subdivision, so they do not have the appropriate road frontage. By rezoning this 3.65-acre parcel, they will be able to reconfigure the existing parcels to provide the necessary road frontage. There is also a guest house on one parcel that was modified and exceeds the maximum allowable Square Footage for guest houses. The proposed reconfiguration will provide a separate parcel for this structure, thereby bringing it into compliance. No additional parcels will be created at this time, it will be a reconfiguration. As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 Unit/1 Acre) is designated for this area, so the request for A-R zoning is appropriate because it is a less intensive use. Staff recommends Conditional Approval of the request for a zoning of A-R, Agricultural-Residential District, subject to the following: 1. The recombination plat for parcels 1302-051, 1302-046 and 1302-036 shall be submitted for staff review and approved and recorded within 90 days of approval of the rezoning.

Mr. John Culbreth asked if the petitioner was present.?

Mr. George Richard Moore, he states is recommending approval of the petition.

Mr. Jim Oliver asked if he was doing for family members.? And how many lots are you adding.? Ms. Bell responded its three lots now and will be three lots at the end of the process.

Mr. Moore added that the original property was sold to him and had access to sixty-five plus acres but only two entrances had only sixty feet, now the needed road frontage is 100' for each of the structures. They bought 3.6 acres in 1987 more after the original purchase, and he thinks this will satisfy the property's needs to get approved.

Mr. Culbreth asked the audience if there was anyone in opposition to the petition.? No one responded and the chairman brought it back to the board. After any of the board members had any more questions, they proceeded to make a motion.

***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1357-24 with the following condition:***

- 1. The recombination plat for parcels 1302-051, 1302-046, and 1302-036 shall be submitted for staff review and approved and recorded within 90 days of approval of the rezoning.***

***Danny England seconded the motion. The motion carried 5-0.***

8. Consideration of Petition 1358-24-A, request to rezone 2.242 acres from A-R to M-1 for the purposes of developing a distribution warehouse. The property is located in Land Lot(s) 248 of the 5th District and fronts on State Route 85 N.

Ms. Bell explained the petition is for two parcels and will be done as one presentation, but the board will have to vote separately on items A and B.

She stated Petition 1358-24-A is requesting to be rezoned from A-R (Agricultural-Residential) and C-H (Highway Commercial) to M-1 (Light Industrial) for the purposes of developing a commerce-industry complex with small buildings and as defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Commercial Use is designated for this area, so the request for M-1 zoning is not appropriate. Staff recommends denial, if the rezoning is approved staff recommends the following conditions:

1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 90 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first.
2. Oak Hill Road is a County Local Road on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Oak Hill Road. The Right of way dedication shall be completed within 90 days of rezoning.
3. Article XII. - Watershed Protection Ordinance shall apply to the tracts presented in the rezoning case 1358-24 and these new buffers will be applied during development.

Ms. Bell discussed Parcel 0552 014 and its rezoning and development proposals, but none have been implemented. Petition 126-70 and Petition No. 572-86 were approved for rezoning but never developed. The conditions on the northeastern part of the property, including flood plain and Cartecay and Wehadkee soil complexes, make it undevelopable. The development is subject to the State Route 85 North Overlay Zone, which provides architectural, parking, and access controls, enhanced landscaping requirements, and increased building setbacks. In 2019, there was discussion about developing the area as a recreational complex, but that was not realized. These conditions are now addressed in the County's ordinances and development regulations.

Mr. John Culbreth asked if the petitioner was present and to state if you are the owner or representative.

Mr. Steven Jones with the law firm of Taylor English Duma, showed a PowerPoint presentation and explained to the board the property location and that there is a need for manufacturing uses and data center. He explained the type of buildings that will be on the property from large to small and that the county anticipates a large amount of nonresidential for this area, M-1 zoning is appropriate according to Mr. Jones, and is next to Clayton County which will be good for business. He asked the board for approval.

Mr. Culbreth asked the audience if there was anyone in favor of the petition.? With no response from the audience then he asked if there was anyone in opposition to the petition.?

Ms. Julianna Terpstra states she is in the neighborhood touching where they want to develop where there are only two ways out and for the last seven years, she has been there she would like not to have the extra traffic, strangers, and keep the silence for her family.

Mr. Culbreth asked for any more opposition audience that wants to express their concerns.? No one responded and he brought the petition back to the board.

Mr. Jones spoke on how to resolve the concerns of the opposition questions, where he stated they really would like to target a data center, he wasn't sure what type of user would be there right now, but those users are not heavy on traffic. The property to the south he is proposing a seventy five foot buffer on Oak Hill Road and the building itself to deal with noise and site screening. For the strangers they are not proposing any additional entrances onto Oak Hill Road, they will be two point access on Highway 85.

Mr. Culbreth asked Mr. Jones about the data center and what the specific plans will be, but do you have any clients/potential candidates for the use should the rezoning occur.?

Mr. Jones responded there has been interest but the way the manufacturing and technology infrastructure companies look for something you can put on the ground because the need is there.

Mr. Jim Oliver added a rough piece of property where the petitioner will probably be losing two thirds of it into the swamp. He then asked if they would need more commercial pieces here in the county where some of them have been sitting vacant for a long time and if not, this kind of use then what.? Another commercial strip center.? What exactly what type of light industrial you are talking about.? If it goes against the land use plan you will need to address that.

Mr. Jones asked to go back to his presentation on page four to show his plan where the land use plan contemplates industrial uses in this corridor of north 85 into your other point across the street a commercial was redeveloped into a self storage and that shows that the market is trending away from highway commercial uses to other uses. There is not potential commercial uses for this property, where the co-plan said commercial area requires visibility which this property doesn't have and that's why is perfect for this type

of use, also the majority of the acres lay behind which gives it a vision screen from 85. The zoning issues of this property and the present zoning of it show there is no other what. We don't want a heavy manufacturer we want a light manufacturer. He states the co-plan contemplates such uses where it says light industrial are appropriate. So, from an economic liability perspective which the constitution promises a property owner, we haven't seen that since Fayette County enacted the ordinance, that's why he thinks the co-plan and the lack of liability of the property supposedly zoned really dictate and indicate that it should be rezoned to light industrial.

Mr. Jim Oliver responded he didn't think it unconstitutional if you had not been denied a rezoning, you can't develop as it is in preceding years you are not being denied a development you are asking for a change in the zoning.

Mr. Jones replied this is correct, but the argument is that the market has not brought users to this property as presently zoned otherwise it would it been developed and used as presently zoned.

Mr. Oliver asked the petitioner on each of these petitions you have conditions, do you have any problems regarding these conditions.? The applicant responded no.

Mr. Chairman asked staff originally recommended denial of this petition.?

Mrs. Bell responded they recommended denial of the petition because it does not align with the land use plan but if the petition is approved, we provided three recommended conditions.

Mr. Boris Thomas asked Mr. Jones a couple of things that you said are conflicting, the board does not know what the in use will be but it if is not attracting consumers that leads us to believe that can only be used for a distribution center or a place where vehicles are coming in and out, shifts changes if it a small warehouse where will impact upon the traffic and shopping that is already crowded. If we open the zoning it will impact northern Fayette in a negative way, we are not stopping you from being developed we are not allowing a change in the zoning. If you don't have a consumer plan it can only be a warehouse/ distribution center and that will increase the traffic.

Mr. Jones replied this would be more appropriate for light manufacturing for a company that does not require that direct interstate access.

Mr. John Kruzan asked about the size of the buildings like the one specified on the application's intent 260,000 sf distribution center.

Mr. Jones responded if you look at our LOI we proposed a commerce center, from the market perspective distribution is not a viable option at this property.

Mr. Culbreth asked for a motion for petition 1358-24-A.?

***Boris Thomas made the motion to recommend DENIAL of Petition 1358-24-A. John Kruzan seconded the motion. Jim Oliver and Danny England, the Opposed motion carried 3-2.***

9. Consideration of Petition 1358-24-B, request to rezone 55.066 acres from C-H to M-1 for the purposes of developing a distribution warehouse. The property is located in Land Lot(s) 248 of the 5<sup>th</sup> District and fronts on State Route 85 N and Oak Hill Road.

Ms. Bell asked to have a separate public hearing for petition 1358-24-B.

Chairman Culbreth stated the petitioner was present and to come back in the representation of both items 1358-24-A and B.

Mr. Jones added it was acceptable for the chairman and the commissioners to reincorporate by reference the comments and the presentation I made.

Mr. Culbreth asked the audience if anyone opposed the petition.?

Mrs. Julianna Terpstra added she doesn't want the traffic.

Chairman Culbreth brought the petition back to the board and asked for a motion.

***John Kruzan made the motion to recommend DENIAL of Petition 1358-24-B. Boris Thomas seconded the motion. Jim Oliver and Danny England opposed, the motion carried 3-2.***

10. Consideration of Revised Development Plan RDP-020-24, The Woodlands, request approval of a Revised Development Plan for The Woodlands as depicted in the Preliminary Master Plan approved on November 9, 2006. The request is to remove an undeveloped phase, consisting of 28.450 acres, from the development. Property is located in Land Lot 88 & 73 of the 5<sup>th</sup> District and fronts Dixon Circle and S. Jeff Davis Drive.

Ms. Bell read the petition and added that the applicant is requesting a revision to the Development Plan for The Woodlands Subdivision to remove the undevelopment phase from the original development plan. **Per Sec. 104-595.(2)h.2.**, proposed revisions to a recorded major final plat shall, after prescribed public notice, be considered in public hearings before the planning commission and board of commissioners. The staff recommends approving the revised plan due to the area remaining undeveloped and having independent road access points. The Woodlands subdivision was developed in phases between 1988 and 2006, with Tract D, which contains 28.45 acres, being the last piece of the original plan. The parcel is located southeast of Fayetteville on Jeff David Drive. She showed the location of the lot on the maps.

Mr. John Culbreth asked if the petitioner was present.?

Ms. Christine Flanigan introduced herself as a representative of Jerry Gable who is the owner of the property and stated this is a revised development plan on Mr. Gable's property it was never owned or part of the woodlands because he never sold that parcel to

them, his intention is to sell the parcel.

Mr. Culbreth asked if there was anyone in support of the petition.? With no response from the audience, then he asked if anyone was in opposition to please come forward.

Mr. Charles Bennett stated he resided at the adjacent parcel to the subject property and had been there for thirty three years which we purchased from the father of Jerry Gable, the property is not usable, and the only road access from South Jeff Davis and Dixon Circle ends at our driveway. He stated he was fine if they wanted to subdivide the parcel and asked the county would be a good idea to buy it for refugee animals.

The chairman asked if anyone else was in opposition.?

Mr. Mike Jorgensen resides on the woodlands, he is a lake property owner. I was told the house on South Jeff Davis was not included in the sale of those twenty acres, if that's true there is no access to that property on South Jeff Davis, there is a trail that you can walk to but can not drive to. How do we get to know what is going to be built on it.? The other issue he asked is whether the lake has to be maintained by the new owner, the size of the homes, and access to S. Jeff Davis. The last time the project was approved the county commissioners had major concerns about only one entrance in/out of the woodlands.

The chairman thanked Mr. Mike for his comment and asked if anyone else was in opposition.

Mr. Barry Hitechen, has lived in Dixon Circle for thirty three years and states their concerns about what's going to happen to this property, how many houses are going in, what will be the access points, and adding more traffic to our street. Dixon is a very narrow street, a dead end, there are no sidewalks, and we have to deal with a lot of delivery trucks. He thinks is best to rezone to A-R which will limit the number of houses and traffic in our street.

Ms. Christine Flanigan stated she is aware of their concerns, and they had no offers on the table at the moment, the rezoning will come up later, the owner just wants to be able to sell it the lots.

Mr. Culbreth asked Ms. Flanigan is there was no road access to the property.?

Ms. Flanigan there is a car width access to the Dixon roadside and Mr. Bennett is thinking of selling his property maybe whoever buys the property will buy that too.

Chairman Culbreth added to the statements that came up twice about what going on about the property, which we cannot control. And asked for a motion for the petition.

***Jim Oliver made the motion to recommend APPROVAL of Petition RDP-020-24. John***

***Kruzan seconded the motion. The motion carried 5-0.***

11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding article VII.- Zoning Board of Appeals. – Sec. 110-242. – Powers and Duties.

Ms. Bell explained Staff is presenting a recommendation to amend Sec. 110-242. Powers and Duties. This amendment addresses the powers and duties of the Zoning Board of Appeals. It provides criteria for variances for unimproved nonconforming lots and clarification regarding variances allowed for improved illegal lots. Staff recommends approval of the amendments as presented. We had a number of nonconforming and illegal lots come up recently and various cases specially the zoning board of appeals and before this board and the attorneys had work with us to give us some guidance on when variances will be allowed and there are some very specific criteria. Previously no lot is illegible for a variance as it stands now for reduction in lot size, lot width or road frontage unless is for an improved illegal lot. What this amendment does is it provides at an unimproved nonconforming lot will have some criteria where it would be eligible for a variance and an improved illegal lot also have some criteria where it would be eligible for consideration by the zoning board of appeals. We had several lots where we trying to consider their less than the minimum district is or its zoned A-R but its been in that consideration since 1965, the problem is that it doesn't meet the 250' lot width building line and this will allowed to be approve for a variance to the lot width at building line for that lot up to a certain point but it would it take it down to zero. For example a lot that a lot width of 200 feet wide and it have 3 acres wouldn't meet A-R zoning requirement because its not 250' is 200' but they can get a variance to make it a buildable lot. There is similar criteria for road frontage we have some lots maybe 30-40 feet of road frontage so the same standards that applies to existing nonconforming lots or land lot properties are require if it a legal nonconforming lot to have a 20 foot recorder access easement. This will allow for a variance for those older existing lots as long as they have at least 20 feet of road frontage so it's the same standard we are applying their to this nonconforming lots.

Mr. Oliver asked does this help to address when sometimes people have a piece of property that have an older house that its going to be nonconforming and we were trying to let them live on the old house while they were building the new house.?

Ms. Allison Cox responded this will not impact that at all, the ZBA grant variances of several different sources. If you look at the section that you are considering it their powers as it is currently drafted the ZBA has no power to even consider a variance to lot width, road frontage or size. So, what we are trying to do is in these nonconforming lots that exist in the county for whatever reason to another in other for them to be buildable at all most of them needs to be consider for a variance in their size, if they are an A-R and they are 3.5 they are not buildable as currently is drafted. What you are amending is their authority.

Mr. Danny England added three years ago they were trying to address this issue.

Mr. Culbreth replied this would allow the ZBA to vote on it.



Ms. Cox responded once the ZBA looked at these and if they are granted then if other variances are necessary the property owner will come back at a later time and ask for those sizes yard variances or wood variances as far as the back, but these have to be address first because you can do anything if your lot is not big enough. This will put in place the minimums and the maximums, if you look at letter C which is what we are amending you will never be allowed to go lest than an acre and if you need a well is acre and a half so now the ZBA have some guidepost to look at when they are trying to grant the variances the impact the way the county looks.

Mr. Oliver and Danny England asked if he really thought that we have a power of theirs.

Ms. Cox the ZBA will hear these and then they will go on a later date for variance.

Mr. Culbreth asked if anyone was in favor of the petition.? No one responded, then he asked for anyone in opposition, but no one responded. The chairman asked for a motion for the petition.

*Danny England made the motion to recommend APPROVAL of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding article VII.- Zoning Board of Appeals. – Sec. 110-242. – Powers and Duties. Jim Oliver seconded the motion. The motion carried 4-0-1. Boris Thomas abstained from voting.*

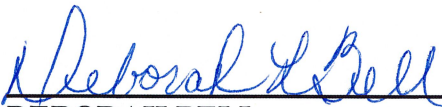
**ADJOURNMENT:**

John Kruzan moved to adjourn the meeting. Danny England seconded. The motion passed 5-0.

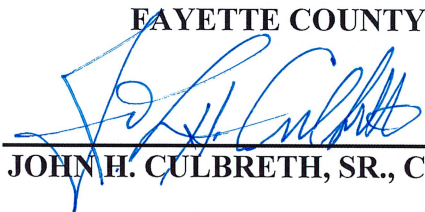
The meeting adjourned at 8:20 p.m.

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**ATTEST:**

  
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**DEBORAH BELL**  
**DIRECTOR, PLANNING & ZONING**

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

  
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**JOHN H. CULBRETH, SR., CHAIRMAN**