

THE FAYETTE COUNTY PLANNING COMMISSION met on August 15, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman
Danny England, Sr., Vice-Chairman
Brian Haren

MEMBERS ABSENT: Al Gilbert
Arnold L. Martin, III

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning and Zoning Coordinator

Welcome and Call to Order:

Chairman Culbreth called the Planning Commission Meeting to order.

1. Consideration of the Minutes of the Planning Commission meeting held on Thursday, August 1, 2019.

Brian Haren made a motion to approve the minutes of the meeting held on Thursday, August 1, 2019. Danny England seconded the motion. The motion passed 3-0.

NEW BUSINESS

2. Consideration of a Final Plat of McKown Acres. The property will consist of nine (9) lots zoned R-55, is located in Land Lot 250 of the 5th District and fronts on McKown Road and Highway 279.

Richard Ferry stated several months ago we were here for preliminary platting regarding these nine (9) lots. He said the project went through several iterations, we had some issues, and we ended with nine (9) frontage lots. He added that the property is zoned R-55; so your minimal acreage is one (1) acre, and we have just one (1) lot that fits one (1) acre, and they expand up to a five (5) acre tract. He stated it's on Highway 279 at McKown Road near Kenwood Park. He said the total acreage of the tract is 31.44 acres. He concluded we are asking for approval of the final plat for nine (9) lots.

Chairman Culbreth asked the Planning Commission if there were any questions.

Brian Haren asked on lot three (3) you show a 30 foot shared access easement is that access easement encroached into lot two (2).

Richard Ferry replied it does not.

Brian Haren asked then why do you need the easement.

Richard Ferry replied it's a shared driveway for lots three (3) and four (4).

Chairman Culbreth asked if there were any more questions.

Danny England replied that was my question.

Brian Haren made a motion to approve the Final Plat of McKown Acres. Danny England seconded the motion. The motion passed 3-0. Al Gilbert and Arnold Martin was absent.

3. Consideration of a Final Plat of Hill Crest Subdivision. The property will consist of 10 lots zoned R-72, is located in Land Lot 2 of the 5th District and fronts on Harris Road.

Rod Wright stated I am requesting the approval of the final plat as submitted. He said he would be willing to answer any questions.

Chairman Culbreth asked the Planning Commission if there were any questions or comments.

Brian Haren asked if there will be curb cuts on all of these.

Rod Wright replied yes.

Brian Haren made a motion to approve the Final Plat of Hill Crest Subdivision. Danny England seconded the motion. The motion passed 3-0. Al Gilbert and Arnold Martin was absent.

4. Consideration of a Final Plat of Blalock Estates. The property will consist of four (4) lots zoned R-72, is located in Land Lot 3 of the 5th District and fronts on Harris Road.

Rod Wright stated I am requesting the approval of Blalock Estates.

Chairman Culbreth asked the Planning Commission if there were any questions.

Brian Haren made a motion to approve the Final Plat of Blalock Estates. Danny England seconded the motion. The motion passed 3-0. Al Gilbert and Arnold Martin was absent.

5. Discussion of the Subdivision Regulations

Pete Frisina stated staff is doing a review of the subdivision regulations in total and we have to make some updates. He said one (1) of the issues we want to talk about the contiguous acreage requirement within the subdivision regulations and with that I am going to turn it over to Randy Boyd and Donna Black. He added I believe they want to address some of the issues.

Donna Black passed out some graphics for her presentation. She stated that Pete has been very kind to them, and has talked to them in the office about this local area issue that we have had on a number

of projects; and to talk to you guys today to show you how this is working in the real world. She said that it is sincerely causing problems for us. She added that you may not be familiar with this because you don't work with them all the time, but the one (1) acre lots we have a contiguous buildable area of, it's on the top of your paper here it's showing grey on the small lot. She stated that on two (2) to three (3) acre lots its .9 acres of contiguous buildable area. She said contiguous buildable area is area that is free or area that you can build in. She added it's not the setbacks, it's not stream buffers, it's not floodplain, it is all the areas outside of jurisdictional wetlands and easements. She stated that on estate lots it's one and a half (1.5) acres and on A-R lots you are required to have two (2) acres of contiguous buildable area. She said if a third of an acre is large enough to put a house, detached garage, and pool on it and a barn on a one (1) acre lot our question is why is that not enough area on a larger lot. She noted if .9 acres is required on a two (2) acre lot that is proportionally larger than an area that is required on a one (1) acre lot and two (2) acre lots are larger in proportion than the one (1) acre lot. She added the thresholds that are set are really capricious from our end. She stated one (1) of the things if you look at the building setbacks don't show it really well on this and I apologize for that; if you look at the five (5) acre lot on the right, almost all of this area in white is your building setbacks, that is two in half (2.5) acres on a five (5) acre lot that is set aside for building setbacks. She said so that means almost the entire lot has to be free of any floodplain buffer or easement. She added that another thing I would like to point out is that two (2) acres which is the grey area you see, that is the size of not one (1) or two (2) but two and a half (2.5) football fields. She stated two and a half (2.5) football fields is what you have to have available for a five (5) acre lot. She added that I don't think the County would grant you that many building permits to build on two in a half (2.5) acres. She said here is a real world example: my house. She stated our lot is about six (6) acres, we're on the lake so we have a big lake buffer, a 75 foot setback because it's zoned agricultural, and that leaves out of the six (6) acres about one and a half (1.5) acres of buildable area. She added there is my house, my giant driveway, a detached garage that is big enough to hold three (3) cars and you can see how much area is left over and that's within one and a half (1.5) acres. She said another thing that should be pointed out all the improvements that a homeowner would like to make don't even have to go in the buildable area, your sidewalk, your driveway and patio, you can correct me if I'm wrong; but ground level structures don't have to be willed in to the buildable area. She added there is plenty of room even on a third of an acre we can see here to put multiple of structures. She stated on this six (6) acre lot if we were trying to subdivide this today, you couldn't subdivide it, that wouldn't be a lot; but on a six (6) acre lot that an acre and a half is not enough area for someone to live. She said instead of this lot on your tax digest being worth what it is now with my house it will stay raw acreage as part of a 25 acre lot. She noted that you are significantly diminishing somebody's property value and you're also decreasing the tax digest in the process by having this really burdensome size requirement that is not based on any kind of useable area. She added we've illustrated how you can put a house and a pool and a driveway and a detached garage all on a third of an acre. She explained on the third page, on the bottom lot I've highlighted in blue is the 25 acre lot, it can't be subdivided into two (2) lots. She stated that there are over four (4) acres of contiguous buildable area in this lot; which you can't divide it in half because when you put a line down the middle of it, you have two (2) new side building setbacks, so your four (4) acres are now three (3) acres and it's not enough for two (2) lots. She said so a 25 acre lot now supposedly doesn't have enough contiguous buildable area for two (2) houses. She added this is the problem we are having not as developers but just as property owners. She said I mean I live here, I live in the County and so maybe the County is trying to protect people from buying a lot that is not buildable and I understand that, but the final subdivision plat shows you

exactly what is buildable on a lot, all of the buffers, all of the floodplain, and all of that sort of thing is shown. She explained with any due diligence at all, looking at the plat is really all that's required to see how much area is buildable of a lot, so my contention is that the County doesn't even need to regulate the buildable area. She stated I understand that minimum lot size is a great thing, if you are going to regulate it then I like to see us go to the already established value that is acceptable, which is 1/3 of an acre. She explained if a 1/3 of an acre is big enough for one acre then 1/3 of an acre is big enough regardless of what size the property is. She concluded, so those are the issues that I want to bring forth to you today.

Chairman Culbreth asked Pete, do you have any history on this classification.

Brain Haren replied thanks for asking that.

Pete replied, yes let's bring Randy Boyd up.

Randy Boyd opened his presentation by stating that he was disappointed that Al Gilbert was not present because he has made fun of me at some of these meetings on these contiguous areas. He also said that Phil Mallon and I did babble nice manner about this about 2005 -2006. He stated that Phil Mallon brought it up to this Planning Commission in either November or December 2005. He stated that what Phil Mallon came up with was scary to me, because it was the eleventh (11) hour and what he wanted was one (1) acre contiguous, free of all buffers, in what he said was good soils. He explained I started my argument off with this Commission as to what does that mean because I went to the on-site manual for waste water treatment, which is the septic tank and drain field, and there is no definition of that. He said I was concerned and I didn't realize and I still don't know that there is a County-wide problem that we have lots of failures with septic tanks and why that was even being brought up that we have to have that contiguous area and in his argument I remember. He stated I am not saying anything bad about Phil Mallon at all, so please don't think that I am giving you the history, but he mentioned that Coweta County had a 1.3 contiguous area, well I don't know if that's totally necessarily true because they have a 1.6 acre lot. He explained that you can't have a 1.3 contiguous area applied to the build area applied to a 1.6 acre lot. He added they may have 1.3 contiguous acre on some lot but it can't be just County-wide, but anyway, he was going for one (1) acre free and clear of the outside building lines. He said we came before this Planning Commission a few times, had a workshop, had engineers, surveyors, soil scientists and they put their input to it. He noted that I have been doing this quite a while, the septic tank drain field and the alternate needs about 8,000 to 10,000 square feet as part of the lot, but that does not have to in the contiguous area, it can be located in the front yard. He explained as a matter of fact, we turned in an application today in the south end of the county where the septic tank has to go between the right-of-way and the building line. He added I know that there are criteria you have to meet to be away from the right-of-way and the building line but still it has to go in the front, so you do not need that gigantic area. So he concluded by saying, that's the history.

Chairman Culbreth replied so now we have our answer.

Randy Boyd then passed out some graphics for his presentation. He stated what I did was review the different zoning classification and took the worst case scenario for each. He stated the first one you see, is R-40 is the least stringent zoning and it's one (1) acre by definition and 150 feet by 291 feet,

which is the perfect lot based on minimum frontage, then I applied all the building lines. He said I was really grasping for straws back then because the guys on the Planning Commission thought that's great idea, let's do the one (1) acre lot and I thought oh my gosh, if you do one (1) acre inside the contiguous area, you will never have another one (1) acre lot. He stated I saw that as kind of a violation of the zoning ordinance, because zoning says you can have a one (1) acre lot. He explained if you put one (1) acre inside that box, the lot is always going to be bigger so we had to come up with something smaller, and I think the Planning Commission was really embracing that unless we come up with some more ideas. He added I came up with what we have existing before us, this is what is existing right now as per your zoning ordinance. He said then I got the R-40 and I got the R-55 on the bottom of the fictitious lot and it is .32, and that's where the .3 part of the contiguous area came from. He noted however, like Donna was saying, most of time that will work, but occasionally you're going to have a buffer in the back, or you say don't squeeze yourself down, that not always that easy when you are designing lots. He stated what you see to the right is basically a square and I couldn't make it square, so I took the square root of the acreage, and it came up .208 or .209, well if you apply the build lines then you don't have any area to build but that one comes down, if you notice to .23 and that is as per your zoning on a one (1) acre lot. He said they get tough sometimes on a one (1) acre lot, if you've got a subdivision street that backs up to an arterial street, then you've got this situation flipped around. He stated that from time to time, you do have these problems with lots that have some restrictions from a street behind the lot. He added so, you may say where does this happen, if you go in and put a street parallel to another street, then you will have this situation, or if you have a flood plain with buffers, you will have the same situation. He stated that Donna said, the lot can be gigantic, but you only have a little area to build in. He added well, it would be nice so see latitude there, but that's where the history of the .3 came from. He stated if you go through these other ones, next is C-S, there is .3 and is the worst case scenario, arterial street or collector, 100 foot building line, 30 foot rear, 20 foot on the side yields a .3. He added if you make the C-S subdivision lot with the minimum frontage of 150 feet and you get .4, so it hovers around .22 up to .40 on a one (1) acre lot. He stated I went to the two (2) acre lots, if you notice the one in the middle, it's the R-78 with the 125 foot into the two (2) acres with 100 foot building line it ends up being .94. He added I think that is where the .9 came from but if you go the square root of the lot, that is almost a perfect square, if you notice, that comes down to .82, so you are going to have that situation from time to time. He explained from a design standpoint, you are not going to get your greatest yield if you go to wider lots, but sometimes you have to do that. He concluded, so, I would like to see something that maybe gives us a little bit of latitude in doing our lots that wouldn't be stuck to a number.

Randy Boyd then explained that Henry County used to have years ago, a bill back then that said ten (10) percent of the lots in the subdivision can be deficient by ten (10) percent of the requirement. He said that gives the design professional a little bit of latitude to make some changes when you had all these rules and regulations that you had to adhere to, and when designing you would have a couple of deficient lots. He added well they had, this was before the great computers we have now. He concluded but there again, why be so stringent, have a little latitude, but of course I think they eventually did away with the relief, but that was great, it was just opportunity to have a little adjustment so you aren't stuck with these hard and fast rules.

Randy Body then discussed the three (3) acre lots, which both of these ended up around 1.5. He said I was very nervous back then because I was watching the commissioners nodding their heads thinking

that we can get rid of any issues by making a contiguous one (1) acre and I thought, oh my gosh, I got to come up with some ideas here to get these guys off this one (1) acre, because if you have one (1) acre contiguous you would never have another one (1) acre lot ever again. He concluded that with the two acre lots, that's the history of how that came up, it was brought before this Commission probably two (2) or three (3) times in work sessions and a couple of months later, took it to the Board of Commissioners.

He noted that Commissioner Frady, a wonderful man who was there about 20 years, grilled me heavily, wondered how I came up with those numbers, so I gave him my notes, and Commissioner Wells thanked me for being there and she asked, Randy are you happy with this and I said I am 100 percent happy. He added I was 100 percent happy because we didn't have the one (1) acre contiguous area, but that where those numbers came from. He stated I share Donna's concerns, if .3 works on one (1) acre, it shouldn't be two (2) acres on five (5) acres. He said for those special situations, it shouldn't be that way at all in my opinion, because you are going to have situations where the buffers and the road conflict, that's probably, ten (10) to 20 percent of them, maybe. He explained it's not the biggest number of lots, but they are always there if you have wetlands, if you have a lake, you're going to have that issue. He concluded Coweta County does have some contiguous area but no other county has it and we have lived without it for so many years, I make a motion, we just can it.

Pete Frisina stated that in zoning, if the whole world turned out like this, which they very seldom do, there is no problem, but when you are dealing with lots like there is so much stuff to deal with.

Brian Haren asked Donna Black, on a lot like yours, is the real issue is the setbacks, the wetlands.

Donna Black replied there are a couple of issues on a lot like that, on that lot there is a 150 foot buffer off the lake, and that lot happens to be a lake frontage lot of so there is huge amount of acreage that's tied into that. She added but, one other issues is now we have 400 foot wide buffers off the streams. She explained, this is a subdivision that does not exist yet, the stream buffers are so complicated, that the staff had to sit down and mark it up and send it to us because even they weren't sure until they spent a lot of time, because in some places you have to have 400 foot buffers and some places you have 100 feet, I can't remember it all, I can confess. She added but what we wound up with is a large depth of unbuildable area on this lot, that far, it's 100s of feet. She concluded I get not building in the floodplain or the side setbacks, but some of these stream buffers are extreme, the State requires 25 feet and the County requires 400 feet or more.

Brian Haren asked Randy Boyd if he has the history on that.

Randy Boyd replied that Al Gilbert has a lot more history on this, but he previously mentioned when the County was building the lakes that's when the Stormwater Ordinance was put into effect in order to obtain the needed State permits for the lakes. He explained that Al Gilbert noted the ordinance expanded everything, and they are stringent based on the fact the buffers were required to obtain the permits for the lakes. He concluded that like Donna Black said, they are strong.

Brian Haren asked what does the State call for.

Donna Black replied 25 feet.

Pete Frisina replied the State has some higher buffers, it depends on where you are, it varies from 50 to 75 depending on the State requirements.

Donna Black said to think about this, the buffers on the drinking water supply, like Lake Horton is 150 feet. She added that's a big buffer, that's the drinking water, I get it, but there is no drinking water intake on this creek, its over 400 feet.

Randy Boyd replied that doesn't make any sense. He added if that were around the lake, it would make more sense, but the drinking water source lakes are 150 foot undisturbed buffer and then 50 foot building line off that, but you can't put your septic tank there, you're not supposed to clear the trees but maybe some thinning. He concluded if the 400 foot buffer was off the lake and the 150 foot buffer off the creeks that would make more sense, you cannot read that ordinance and understand it.

Pete Frisina reminded everyone, not to get too far off from subdivision regulations, that's outside of subdivision regulations, that not under zoning

Brian Haren replied, however it does impact.

Pete Frisina agreed yes that is does impact, but it is not something I really have the ability to change because it is not a part of what I do. He explained that the contiguous area falls under the subdivision regulations but it is tied to zoning, so in my opinion, this is something that we can look into. He added the Subdivision Regulations are your ordinance, by the way, because you guys are the arbiters and administrators of the ordinance and you make all the final approvals. He concluded, I agree that we need to look at the contiguous area, in fact, I sent you guys some information and if you like I will go through some of that really quick, I am not going to go through it all.

Randy Boyd stated that back in 2005, I just humbly requested that the Planning Commission basically say okay guys here is the problem, let's look at it in a couple of work sessions, come back to you a couple of more times. He explained what's the rush, I know we need to get it done but let's not rush through something we are not happy with, we've got all the information out here, maybe we can come back another time or two and then you vote on it or have a workshop. Don't make the decision tonight.

Pete Frisina stated that I sent all of the information to you guys, this is basically the same information that they have come up with and I drew these up based on lot width and different setbacks that come in based on roads. He stated the easy one is the five (5) acres, if you want a 2 acre contiguous area, 2.6 acres is taken up by the setbacks, which really leaves you .4 acres of headroom, which is basically 17,424 square feet on a rectangular laboratory lot. He explained in the laboratory the lot works out, but on the ground, not every lot in A-R is 250 feet wide and perfectly rectangular. He added so you can see that all the way down, as you get down to the one (1) acre lot you get more headroom obviously because again these are laboratory lots based on either on the lot width and road configuration, but on some of them you have almost 2,000 square feet to play with and that is the only flex you have. He concluded, so I don't disagree that we need to look at that.

Pete Frisina stated one of the other things we looked into is what we can do with our GIS system. He added this is decent data from the stormwater utility, so we are able to look at plats or lots that are in subdivisions and then look at the impervious area on the lots, which also includes the driveway. He explained, as you can see, 708 A-R lots that are in subdivisions and the average impervious area was 2.4 acres, the highest one we found was exactly one (1) acre of impervious area, which includes all the buildings and the driveway. He said, again you can see what can be used on these lots and you can see the highest we have. He added I sent to that to you so you can get an idea. He stated that I also did a matrix of the variances that you have approved so far and the reasoning behind it. He noted in more times than not, it is going to be the watershed that's what is driving these variances. He added there were some variance that weren't tagged for watershed, but for flag lot configurations. He explained that when we amended the ordinance those setbacks all changed, and I don't think those lots now need the variances that we had to give back in 2012. He concluded there are some times when right-of way dedication also comes into play for one approved variance for a lot that was 2.2 acres which needed two (2) acre contiguous, but it was non-conforming, the illegal lot was converted by ZBA to a legal non-conforming lot.

Brain Haren stated what I am seeing is that watershed is the issue.

Pete Frisina replied yes, most of the time it is watershed.

Pete Frisina noted that Environmental Management provided the work for the upcoming analysis of the impervious area and really cool pictures for this presentation. He explained as you can see, the acreage of this impervious area is .57, this a two (2) acre tract, this includes all the driveway. He added somehow this must have come after the storm water because they didn't capture the court in the rear which might bring this up to .6, but yet this includes all of the impervious area which includes the driveway. He added here is a 2.24 acre R-20 lot where the impervious area including the driveway is .28, then he presented an A-R lot that had exactly one (1) acre of impervious area which included a huge amount of driveway. He concluded the buildings do not take up that much room and I think that is the highest amount of impervious surface area we found in an A-R lot within a subdivision.

Donna Black replied, again the driveway does not have to be within the buildable area, it can be placed in the setbacks.

Pete Frisina noted that these numbers are inflated because this was done for stormwater analysis.

Donna Black stated so the biggest that you have is an acre and it includes a bunch of impervious that will not have to be in the contiguous buildable area, so that's a good point.

Richard Ferry asked Pete, do you have any idea what is typical, since you had a chart up there showing the averages.

Pete Frisina responded, yes, I think two (2) acres on A-R is too large, with .3 on an acre, there may be a little wriggle room, but it's not that far off, I think somewhere between .3 up to less than 2 is where we need to start arranging these contiguous areas, in my opinion.

Donna Black replied like at .3.

Pete Frisina replied that two (2) is too much, we need to look at it and see what is reasonable. He said

obviously, we did have a narrow lot that almost hit possibly $\frac{3}{4}$ of acre, but not quite an acre because a building area is needed because of the large driveway. He added that is a huge house, they have a pool, a tennis court, but it doesn't have any flood plan or watershed on it either. It is almost a laboratory lot where it didn't have anything other on it.

Donna Black said another issue that I neglected to bring up was that the minimum house size on five (5) acres is actually smaller than the minimum house size on one (1) acre, so you have a smaller house but many times as much the contiguous area.

Pete Frisina replied I would say, that we can probably get this number from the Building Department to try get what the average footprint is. He added that we are currently building homes in the probably in the 3000 to 4000 square foot range right now and that is probably almost average with the unincorporated County. He concluded, now the footprint is not going to be that large cause most homes are two (2) story but we build bigger homes here and people are apt to have pools and detached structures of some type.

Randy Boyd stated the he got a lot rezoned right before this ordinance came forward and it was 6.5 acres. He explained that on one end we put the lot with the excess, let's say 6.5 and we had 4.02 acres left over. He added we had to dedicate 10 feet of right-of-way. He noted that now the owner comes forward and says he said I want to cut the west end of the lot. He added it was always our intent to cut the west end of the lot with a two (2) acre minimum. He said that when I do that now, the contiguous area is in effect, however it was not in effect back then but I can get him two (2) acres, he has moved his septic tank over to take care of that driveway, perfect house, I have two (2), two (2) acre lots, but I don't have the .9, I am right at .82. He explained that what I have to do now, since it is properly zoned, I will have to go get permission to split it up, add a lot to the subdivision. He concluded that I will have to come before you here, then go before the Board of Commissioners, prior to that I got to go to get a variance to come below the 0.9.

Pete Frisina responded what will be the contiguous area be on the two lots.

Randy Boyd responded maybe .82 or .83, it's just below it not much, but it didn't meet it because it's not the long tall drawn out lot, it's squished into almost a perfect square of the two (2) acres, he added that it not always buffered off the flood plain.

Pete Frisina replied it's the configuration aspect.

Randy Boyd agreed yes, that is the configuration aspect and there are lots all over the place like this. He noted there is not a lot of land left in Fayette County, now we are getting the weird configurations coming up. He added that probably is it mostly flood plain but not all the time.

Pete Frisina said thanks for presentation guys, I just want to go over some of the other aspects we are looking at in the subdivision regulations. He added we have a division of subdivision regulations, final plats and minor plats and we are going to make that more definitive. He explained that now that final plats are going be subdivisions where internal streets are going to be constructed regardless of the lot size and minor plats will be those lots created on the side of the road where there are no new

streets. He stated we don't have that division there right now but that's how we will do it in the future. He noted that the state law has changed for platting, we have got some state law references in the subdivision regulations that are now out of date. He stated we have got to fix those up, and then I have got to read the state law and see if I understand it, Randy Boyd will hopefully help me with that. He concluded we are now moving towards electronic submittals for platting; preliminary plats, final plats, minor subdivision plats, the ordinance does not reflect that so I will go through the ordinance so that we understand how things are submitted, in general.

Brian Haren asked is that something that you can cover under the subdivision regulations or is that not a business process in your office.

Pete Frisina replied that part of the subdivision regulations really is based on paper submittal, so I am going to take that language out and make sure it's not confusing anymore because we are moving away from that. He added just to let you know Randy has submitted a minor subdivision plat and his is the first subdivision plat going through the software system for a test, and so it will be reviewed in paper and in the software. He noted that Randy Boyd has submitted it in software, and I sent out the email to all the departments because he has submitted in paper today. He concluded we are going to ask the staff to do parallel review, both on paper and in the software and what we are looking for is feedback from everybody, where are the problems with the software, how does it work, and what can it do.

Brian Haren asked are you using BlueBeam.

Pete Frisina responded we are using BlueBeam to do the review of the actual drawing, but Sages is the processing submittal review and that information is going back to the submittal.

Brian Haren replied that is what we use at the airport.

Pete Frisina replied we all have BlueBeam now.

Donna Black commented that when I got the building permit for the detached garage for my house we went through the Sages and it worked very well, it really did. I had never used it, so it was my first time through, it was pretty easy to use

Pete Frisina replied Sages is the kind of software where they do have some canned processes but then pretty much every city and county does everything differently. He added so basically, they rewrite that program to fit your procedures, and what I have done is taken all of our checklists put them into the software and updated them. He noted now I have a lot more control of how I can do things and it is all segmented by department and hopefully it's going to work better, but software always has a bug in it somewhere. He concluded that Randy Boyd found one yesterday that we got fixed.

Randy Boyd replied but they fixed it immediately, while we were sitting there.

Pete Frisina noted that one of the staff members in the Building Department can go in and work on the software. Randy Boyd replied he immediately fixed it and then tested it, then it worked perfectly.

The submittal was simple.

Pete Frisina replied so far so good.

Pete Frisina noted that one of the things that we are looking at is the public hearing requirement to add a lot to the subdivision, add property to a subdivision, or change a use on the subdivision. He added as you know, we had one of those come in down on State Route 92, we are in Court on that one, we haven't got an answer from that one yet but the attorney is working on that section of the ordinance and want to strengthen it and give it some criteria and some guidelines for the decision that we made, so he'll be working on that. He stated the other thing that we ran across and it kind of goes to this aspect of public hearing. He said I am doing a review of all of the older subdivisions in the county trying to figure out, where's the potential for further subdivision of lots within a subdivision. He explained that you find is back, many years ago, it was routine to (1) get a one (1) acre zoning, and for instance, with one (1) acre zoning create all three (3) acre lots, which has led to people coming in saying hey, now I can get two lots. He also explained the other thing people did, which we do not allow anymore, was to make their subdivision more desirable, they would plat the lots on the final plat with much greater setbacks than what the county requires. He said that is not something we will allow anymore. He added if the subdivision is in an R-40 zoning district and the front yard setback is 40 feet, that's what we will approve, we are not going to approve one that is 100 feet. He noted we have some older subdivisions and that's exactly what they did. He stated in my opinion, the County then is stuck with enforcing what are covenants. He added that in talking to the attorney, trying to figure this out, it falls back to the three (3) acres lot in the (1) acre subdivision. He explained if everybody bought in there with the idea that every house will be setback 100 feet, how do we make that change. He stated that a public hearing change has to go through and a core staff change, and that's something else to be discussed. He added those are the issues we are looking at, and if you guys have any ideas of anything that you think we should change please let me know. He said I have talked to these guys, if you see anything in the subdivision regulations, procedurally, please let me know, and also all the departments that are involved that all have play in the subdivision regulations we will be looking at their sections to see if there is anything they want changed or what's working or what's not. He concluded that's basically it for the subdivision regulations. He noted I am really trying to push this, id like to have it amended and approved by the end of the year. He added if we can't get it by the end of year by the first part of next year, that's the plan and tonight is the first time we start talking. So that's all I have for sub regulations.

Pete Frisina stated in terms of the zoning ordinance, we are compiling a list of little things that need to be changed. He said some of it is housekeeping, and so we are going to be looking, for example, there are uses in C-H that need to be better refined or defined because they don't contain everything that people are wanting to do but they are related to what's already in there, so we are make some allowances for those sort of things or add those uses. He stated that one of the issues that we come up with goes back to the old days when A-R and residential were very separate. He said but now they seem to have grown together because A-R is not specifically A-R anymore, it really just big lots with big houses and a lot of people want to build a lot of buildings on them. He explained that one of the issues that we used to have back in the day, was if you were building a barn or an ag building we didn't allow you to have any kind of living quarters within the barn, but under the accessory use structure, we do. He added now, there's not much difference between the barns that people are building and the

accessory structures that people are building which are very similar. He stated I had a guy building a garage, not too long ago, who called me and he said the building department told me to call you because I want to heat and cool my garage, they said I had to ask you if I can do that. He stated so I asked why are you heating and cooling your garage, he said I got a lot of expensive cars and I don't want them to get too hot or too cold. He added, I said ok if you are not creating a place to live, he said no I just want to garage to be climate controlled. He stated it wasn't like he was trying to create something that should not have been in there. He noted that back in the day, people would take a barn and they would create any kind of living space they could within a barn. He concluded that people would rent a hay loft, so that where I think that rule came from, so I think that is one of the things we could look at. He said the other thing is Randy Boyd had been going through the zoning ordinance and found a typo made back in a zoning ordinance amendment made back in 2012, not discovered until now.

Randy Boyd said the typo was under R-85 and it says the 125 foot width for a R-85 lot is 3 acres and the lot is ten (10) miles deep, it also states a 125 foot lot width with a 50 foot building line.

Pete Frisina explained that he called the attorney about the typo made in the ordinance in 2012 and he said it was too old and it has to go back to a public hearing to make the changes. He added I hope that no one comes in with an R-85 in the next month or two and also I will try to get all of the housekeeping zoning changes done in the same period of time and get it all done at once.

Chairman Culbreth entertained a motion to adjourn.

Danny England made a motion to adjourn. Brian Haren seconded the motion. The motion passed 3-0. Al Gilbert and Arnold Martin, III were absent.

The meeting was adjourned at 7:56 pm.

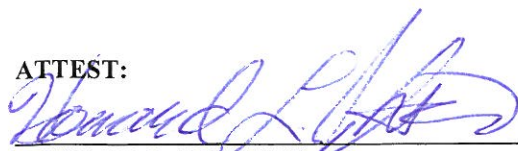
PLANNING COMMISSION

OF

FAYETTE COUNTY


JOHN H. CULBRETH, SR., CHAIRMAN

ATTEST:


HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY