

THE FAYETTE COUNTY PLANNING COMMISSION met on July 15, 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
John H. Culbreth
Brian Haren
Jim Oliver

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
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 July 1, 2021.

Brian Haren made a motion to approve the minutes of the meeting held on July 1, 2021. Arnold Martin seconded the motion. The motion passed 5-0.

PUBLIC HEARING

2. Consideration of Petition No. ASD-002-21, Lenore T Coleman, Owner, requests to revise the Final Plat of Franklin Farms III to reduce the front yard setback on Lot 78 from 50 feet to 40 feet. This property is located in Land Lot 253 of the 5th District and fronts on Benjamin Circle.

Lenore Coleman said she was getting a permit to build a deck and when she came into Planning and Zoning the setback issue was discovered. She added that she was told in 1980 there was change in the zoning ordinance and the setback was changed to 40 feet. She stated that the home was built in 1983 and the plans that the architect submitted said the house was setback 50 feet. She said the house is about three feet into the 50 foot setback. She stated that she was told that she would have to come before the commission as part of the process to get the permit for the deck.

Chairman England asked if there was anyone who would like to make any comments about the petition. Hearing none he brought it back to the board.

Arnold Martin said the deck is going in the back but we discovered this through that process.

Lenore Coleman responded yes.

Arnold Martin made a motion to approve Petition No. ASD-002-21. Jim Oliver seconded the motion. The motion passed 5-0.

Pete Frisina said I want to remind Ms. Colman that she needs to get with her surveyor to submit a revised final plat showing the front setback as 40 feet.

NEW BUSINESS

- 3. Consideration of the Minor Final Plat of the Hatton Estate. The property will consist of two (2) lots zoned A-R and is located in Land Lots 85 and 108 of the 4th District and fronts on Lowery Road.**

Brian Haren made a motion to approve the Minor Final Plat of the Hatton Estate. Jim Oliver seconded the motion. The motion passed 5-0.

- 4. Consideration of the Minor Final Plat of the Walker Estate. The property will consist of 10 lots zoned A-R and is located in Land Lot 166 of the 4th District and fronts on Old Greenville Road.**

Arnold Martin made a motion to approve the Minor Final Plat of the Walker Estate. John Culbreth seconded the motion. The motion passed 5-0.

- 5. Discussion of the Fayette County Subdivision Regulations.**

Pete Frisina said this is a discussion of the subdivision regulations and first we will discuss amendments recommended by the Environmental Health Department. He stated the subdivision regulations were previously amended to require that a level 3 soils map be put on a preliminary and final plats. He added that this was suggested by a local surveyor working with staff on the amendments in the hopes that soils would be taken into consideration when subdivisions were being designed. He said this is now creating a conflict with what the Environmental Health Department is requiring in terms of a soils study and staff is now recommending removing the soils requirement on preliminary and final plats.

Robert Kurbes said he is the Environmental Health County Manager and his department is responsible with enforcing the Georgia Department of Public Health's (DPH) on-site sewage management program. He added that his department reviews subdivisions in conjunction with the County's review process but his department also has a specific DPH subdivision review process the department has to follow which includes a level 3 soils study to determine lot suitability for septic. He stated that the level 3 soils study would include soils mapping as well as a data table with information on depth to groundwater, rock, or restrictions, anticipated percolation rates, or any other exclusionary zones we would need for our review to identify questionable lots. He said

one of the local soil classifiers said he is uncomfortable signing the final plats as it could be a liability for him because it is a recorded document and can't be changed. He added that the problem has become with my review of the final plat for the County I am signing the plat signifying that these lots can be considered for septic system use but they would still need to submit the individual septic permits and subsequent soils information. He said the problem is mainly occurring with the smaller subdivisions and by putting that partial level 3 soils report on the plat, the developer/property owner was making the assumption that was going to get them through our department but we need the additional information in the data table. He stated we need the full soils report to our standards and removing the soils requirement from the preliminary and final plats would eliminate confusion and solve the issue for everyone involved.

Arnold Martin asked if there are risks to the County buy removing the soils requirement on the plats.

Robert Kurbes said including an incomplete soils report on a final plat could actually be a greater risk for the County.

Jim Oliver asked who has the final say on lots because in the past I have been told by your department that a lot is not good for septic. He stated I hire a soil scientist and he says the lot is good and I would bring this back to Rick Feher and he would say I don't care what the soils scientist says I say the lots are not good for septic. He asked who has the final say, Environmental Health or the soil scientist.

Robert Kurbes said this is one of the reasons the State went to a specific level 3 soils study by a Georgia certified soil classifier. He added that if the soil classifier says a soil type is present the department has to accept that finding. He said the department then designs the septic system needs based on the number of bedrooms.

Pete Frisina said to recap we are recommending eliminating the soils requirements on preliminary and final plats.

Chairman England asked procedurally will this change the Environmental Health's review of these plats.

Robert Kurbes said the department will still review and sign plats. He added that our approval of the plat does not say every lot is suitable because that is based on the individual permit for each lot to determine suitability using an individual level 3 soils study.

Bryan Keller said one thing that can happen is a builder strips all of the soil off of the top of the lots and then the level 3 soils on the final plat is nullified.

Arnold Martin asked if the cities require soils on their plats.

Robert Kurbes said the cities do not require soils on their plats.

Jim Oliver said he suggests allowing a designee be able to sign for a County official on these plats.

Pete Frisina said we can look into allowing a designee signature.

Jim Oliver said if the County is requiring some form of storm water control structure and sometime later there is a maintenance issue with a storm water control structure the County says it's not our responsibility but it is the responsibility of the lot owner or the residents of the subdivision. He added that not all subdivisions have an HOA.

Bryan Keller said since 2005 it has been a requirement for a subdivision with storm water control structures to have an HOA that is responsible for a storm water operations plan. He added that storm water control structures are not allowed on a homeowner's lot but has to be on a separate lot owned by the HOA. He stated subdivisions platted prior to 2005 had storm water control structures located on individual homeowner lots and technically those homeowners are responsible for the maintenance of those structures. He added that the Environmental Management Department will be recommending amendments to the Subdivision Regulations for review by the Planning Commission.

Arnold Martin asked how our regulations compare to other communities such as Coweta County and are these type regulations uniform.

Bryan Keller said soil and erosion control regulations are from a model ordinance for the metro area. He added that communities in the North Metro Planning District have to adopt six model ordinances but communities can adopt stricter regulations.

Arnold Martin made a motion to adjourn. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 8:30pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY


ARNOLD MARTIN, VICE-CHAIRMAN

ATTEST:


HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY