

THE FAYETTE COUNTY PLANNING COMMISSION held a **Workshop** on January 19, 2006 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Douglas Powell, Vice-Chairman
Bill Beckwith
Al Gilbert
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Phil Mallon, Director of Engineering
Dennis Davenport, Assistant County Attorney
Delores Harrison, Zoning Technician
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

Chairman Graw called the meeting to order and introduced the Board Members and Staff.

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1. Discussion of proposed amendments to the Fayette County Subdivision Regulations regarding Section 5. The Subdivision Plat and Section 6. Minimum Design Standards as presented by the Engineering Department.

Phil Mallon gave a brief history of the proposed amendments. He reminded the P.C. that he had presented numerous amendments before them but received substantial and valid comments from the development community. He explained that due to the comments, a three (3) hour meeting was held with builders, engineers, two (2) soil scientists, and Rick Fehr from the Environmental Health Department. He advised that soil types and the amount of area required for a septic system are still being discussed. He added that he had forwarded the proposed amendments to the ones who attended the meeting and no comments have been returned.

Mr. Mallon referenced Section 5-1.8 which will require the design professional to delineate all state waters and jurisdictional wetlands along with a certification on the preliminary plat. He explained that there is no criteria for who can be a wetland delineator.

Chairman Graw asked what qualifications are required to be a qualified wetland delineator.

Mr. Mallon replied that during the meeting the term “qualified wetland delineator” was discussed at length and this was the best term at this time.

Bill Beckwith asked Mr. Mallon if he was assuming the responsibility or if the County assumes any liability if he accepts a certain person to be a “qualified wetland delineator”.

Mr. Mallon replied that wetlands need to be delineated for the property owner’s protection because it is not a County issue but the Corps of Engineers’ issue. He explained that if a property owner hires someone to delineate wetlands and it is not performed properly, they will have no defense if the Corps of Engineers comes to the site and discovers that work is being done in the wetlands and then there may be very substantial and severe fines.

Attorney Dennis Davenport expressed concern about utilizing the term “qualified” since that indicates that you are looking for experience, background, and/or certifications. He suggested to delete the word “qualified” and utilize “wetland delineator”.

Chairman Graw asked if the proposed amendments were required by the State.

Mr. Mallon replied no. He explained that the proposed amendment is being driven by the creation of lots which are not good building lots because they contain nothing but poor soils and wetlands.

Pete Frisina asked if anyone else other than a wetland delineator can delineate the state waters.

Mr. Mallon replied that it is usually the same person.

Attorney Davenport suggested to add a signature line for the State Waters Delineator and the company address and telephone line in case it is not the same person.

Doug Powell asked if this requirement was in conflict with the existing ordinance since it states that the County Engineer will make the decision regarding state waters.

Al Gilbert explained that the County Engineer depends on professionals who have performed the work and signed and sealed the information. He added that the ordinance gives the County Engineer the authority to accept or deny the information provided by the professionals.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendments for the February public hearing.

Mr. Mallon referenced Section 5-1.9 which requires the preliminary plat to have the classifications of soils indicated and delineated and a Level III Soil Survey. He added that a certification would also be required with the signature of the Soil Classifier and their Georgia Department of Human Resources' certification number. He reported that this item was discussed at the group meeting and everyone was in favor of this amendment.

Chairman Graw asked if the classifications of soils would be indicated on a rezoning concept plan.

Mr. Frisina explained that there is not a lot of field work performed at the rezoning stage. He pointed out that the petitioner does not spend a lot of money for something that they may or may not get approved. He added that once the rezoning is approved then they do detailed field work. He noted that the preliminary plat currently requires a Level II Soil Survey and the proposed amendment will require a Level III Soil Survey.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendments for the February public hearing.

Mr. Frisina referenced Section 5-1.10 and suggested to delete "for the Planning and Zoning Commission" and insert "or County Engineer" and to delete "the subdivider" and insert "applicant".

Chairman Graw instructed Robyn Wilson to advertise the proposed amendments for the February public hearing.

Mr. Mallon referenced Section 5-2.2 and explained that an engineer cannot perform the work for a Final Plat but rather it should be performed by a Surveyor and signed and sealed by a Registered Land Surveyor.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendments for the February public hearing.

Mr. Mallon referenced Section 5-2.7 and explained that the proposed amendments will require all jurisdictional wetland to be the indicated on the Final Plat with a statement that the property owners may be subject to penalty by law for disturbance to the wetland areas without proper authorization from the U.S. Army Corps of Engineers.

Chairman Graw asked if the proposed amendment should be changed to indicate which law.

Attorney Davenport explained that the wording of the proposed amendment should remain as written because it leaves a broad area to include State law, Federal law, and County law.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendments for the February public hearing.

Mr. Mallon referenced Section 6-3.3 and explained that each residential lot would be required to have a minimum contiguous area that is free and clear of zoning buffers and setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind. He pointed out that he had taken each zoning district, and the minimum lot area, the lot width at the building line, and the setbacks then calculated how much minimum buildable area is available. He presented the P.C. a spread sheet with this information. He advised that the proposed amendment has been discussed with the group who attended the meeting.

Mr. Frisina suggested that the * be moved from beside the C-S and placed beside the acreage to avoid confusion.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendments for the February public hearing.

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2. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West and S.R. 74 South Overlay Zone, 6. Landscaping Requirements, a. Street Frontage; B. S.R. 85 North Overlay Zone, 6. Landscaping Requirements, a. Street Frontage; and C. General State Route Overlay Zone, 7. Landscaping Requirements, a. Street Frontage as presented by the Engineering Department.**

Phil Mallon referenced Section 7-6. and explained that with the newly adopted stormwater ordinance and all the additional requirements, there are more and more constraints on all sites. He stated that all the courses he has attended are geared toward better site design. He advised that the current Zoning Ordinance requires a 50 foot landscape with the first 25 feet as measured from the right-of-way required for landscaping planting only with the remaining 25 feet for landscape and septic. He noted that proposed amendment allows for vegetated channels, overland flow filtration, enhanced swales, filter strips, and grass strips which are all shallow, flat, and heavily vegetated stormwater devices. He added that unless it is raining you would not be able to tell that it is a stormwater management function. He stressed that this is a good compromise to give the developer some flexibility.

Pete Frisina verified that there will be no fences allowed.

Mr. Mallon replied that there would be no fences permitted but there could be grass, shrubs, and cattails.

Chairman Graw suggested to change the verbiage from “septic system” to “septic system placement”.

Mr. Mallon advised that the stormwater management areas would have a signed on-going maintenance agreement which would require a Professional Engineer to state if the area is in good operating condition.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendments for the February public hearing.

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3. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-17. O-I, Office-Institutional District, F. Dimensional Requirements, 7. Height limit, a. as presented by the Planning & Zoning Department.

Pete Frisina explained that the proposed amendment is a “housekeeping” item only to correct the section number from 3-12. which is the definition of Buffer to 3-14. which is the definition of Building Height.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendments for the February public hearing.

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Chairman Graw asked if there was any further business. Hearing none, Doug Powell made a motion to adjourn the workshop. Al Gilbert seconded the motion. The motion unanimously passed 5-0. The workshop adjourned at 8:03 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**JIM GRAW
CHAIRMAN**

**ROBYN S. WILSON
P.C. SECRETARY**