

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Public Meeting/Workshop** on October 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:** Dennis Dutton, Zoning Administrator  
Delores Harrison, Zoning Technician  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator  
Phil Mallon, Director of Engineering  
Jeremy Greenberg, Civil Engineer  
Bill McNally, County Attorney

**STAFF ABSENT:** Pete Frisina, Director of Planning & Zoning  
Tom Williams, Assistant Director of Planning & Zoning

**Welcome and Call to Order:**

Chairman Graw called the Public Meeting/Workshop to order and introduced the Board Members and Staff. He stated that Pete Frisina was under the weather and would not be present tonight.

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1. **Consideration of a Revised Preliminary Plat, Platinum Ridge Subdivision, Peachstate Land Development Corp., Owner, and Rod Wright, Agent. This property consists of 30.55 acres with 3 single-family dwelling lots. This property is located in Land Lots 63 and 64 of the 7th-District, fronts on Diamond Pointe, and is zoned A-R.**

Rod Wright requested approval of the revised preliminary plat stamped received 09/28/06.

Chairman Graw asked if there was anyone present who would like to address the technical aspects of the revised preliminary plat. Hearing none, he closed the floor from public comments.

Doug Powell made a motion to approve the revised preliminary plat. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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2. **Consideration of a Preliminary Plat, Longboat Subdivision, Bob Mooney, Owner/Agent. This property consists of 40.48 acres with 28 single-family dwelling lots. This property is located in Land Lot 70 of the 7th-District, fronts on S.R. 54 West, and is zoned R-40.**

Bob Mooney requested approval of the revised preliminary plat stamped received 10/12/06.

Chairman Graw asked if there was anyone present who would like to address the technical aspects of the revised preliminary plat. Hearing none, he closed the floor from public comments.

Doug Powell pointed out that the landscape strip in the middle of the right-of-way entrance of the subdivision should be indicated as common area owned by the homeowners association.

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Al Gilbert made a motion to approve the revised preliminary plat subject to the landscape strip in the middle of the right-of-way entrance of the subdivision be indicated on the Final Plat as common area owned by the homeowners association. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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3. **Discussion of the proposed amendments to the Fayette County Development Regulations regarding Article XIII. Post-Development Stormwater Management for New Development and Redevelopment as presented by the Engineering Department.**

Phil Mallon reminded the P.C. that when this ordinance was adopted there was a lot of discussion about the best way of how to go about the implementation of enforcing property owners to maintain stormwater management structures. He said that the current ordinance requires the establishment of a Stormwater Tax Assessment Area for each subdivision and if the property owners do not maintain their structures in accordance with their plan, the County can recover the cost through a special tax. He explained that upon implementation some drawbacks became apparent and Attorney Dennis Davenport recommended elimination of the tax due to the following reasons: 1) paperwork associated with establishing the stormwater tax assessment area and keeping track of all of them is a large burden on the Engineering Department and Tax Assessors Department; 2) no other local governments are approaching this problem from this standpoint; 3) the County's liability is not being limited by this approach; 4) tax could have an unfair cost recovery associated with it (i.e. if there were two (2) subdivisions which required work and there was more work performed in one (1) subdivision than the other subdivision, they would both be taxed the same which could be difficult to explain to the property owners); and 5) this requirement could indirectly lead to a stormwater utility. Mr. Mallon said that the alternative is to have the homeowners association perform the work and have a maintenance contract which is signed by the homeowners association stating that they will perform the work and if they fail then we issue a citation to force compliance. He added that this is the system which several other governments are using. He further added that in addition to citations, the County may file liens against properties.

Al Gilbert asked if the County had sufficient personnel to perform the work.

Mr. Mallon replied that the work would be bid out to private agencies.

Chairman Graw asked what would happen if the homeowners association ceases to exist.

Mr. Mallon replied that the homeowners association would still own the property and the County would probably have to repair the deficiencies.

Attorney Bill McNally commented that he was absent from work and was not familiar with how the stormwater tax assessment area came about, but it could be handled similar to the street light districts and the required fee added to the property tax.

Doug Powell asked how big of an impact this could be on the County financially.

Mr. Mallon replied it could easily require two (2) full time crews including backhoes, trucks, trailers, surveyors, etc., plus the liability associated with the downstream property owners.

Mr. Gilbert remarked that this is basically an unfunded mandate.

Attorney McNally said that the County has two (2) choices: 1) set up a utility or 2) pay for the repairs out of the general tax revenues. He added that the B.O.C. did not want to establish a new department which would be funded by the utility, but rather require the individual subdivision pay for its own repairs.

Mr. Mallon commented that one of the major drawbacks, for example, is taking the total amount of money incurred by the County from the repairs performed in three (3) subdivisions and dividing the cost equally among all property owners in the three (3) subdivisions regardless of the individual amount incurred for each subdivision.

Attorney McNally asked why the cost would be divided equally among the three (3) subdivisions instead of each individual subdivision paying for their own repairs.

Mr. Mallon replied that this is the process explained to him by the Tax Assessor's Office.

Attorney McNally advised that he would review this further with the Tax Assessor's Office and Mr. Mallon and provide possible revisions at a future Workshop.

Mr. Mallon confirmed that the Engineering Department is relying on third party engineers for the Storm Sewer Installation Report. He said that the third party engineers perform the inspections for pipe installation for new subdivisions which is not working well. He commented that the proposed amendments should solve the problems. He pointed out that pictures would be required of each structure inspected. He added that the inspectors should be present on-site when all pipes are being placed under roads and twenty percent (20%) of the pipes placed beyond the roadway. He reported that the inspectors are spending very little time on-site and without the inspector being present, the contractor will take the easiest route. He added that the County is one of the few relying on third party engineers.

Chairman Graw remarked that the ordinance needed to be more specific about what is being asked of the third party engineers.

Attorney McNally suggested the following: The report shall be based on field inspections to confirm that construction was observed for all pipes and structures placed under roads and twenty percent (20%) of the pipes beyond the roadway.

Mr. Mallon referenced F. Drainage System Guidelines and stated that the proposed amendment will require the Storm Sewer Installation Report be submitted to the Engineering Department prior to scheduling a proof-roll of the graded aggregate base. He requested that this section be advertised for the November Public Hearing.

The P.C. concurred.

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**4. Discussion of the proposed amendments to the Fayette County Development Regulations regarding Article VII. Watershed Protection Ordinance as presented by the Engineering Department.**

Phil Mallon advised that the proposed amendments are not ready to be approved but are instead for public input. He said that he was going to meet with the Stormwater Technical Advisory Panel which had been a real good group and also receive their input. He pointed out that there were four (4) items driving the proposed amendments: 1) The Metropolitan North Georgia Water Planning District has a model ordinance for watershed protection buffers; however, the State has signed off on the County's watershed protection ordinance. 2) There has been inconsistent implementation of the ordinance over the past few years. 3) There is a lot of talk at the State level asking if buffers are a taking and if local governments should reimburse property owners for the buffers. 4) B.O.C. gave a directive in June of 2005 to make changes to protect the agricultural community.

Mr. Mallon confirmed that buffers are valuable tools in terms of floodplain protection and water quality protection and the County needs to be reasonable in what property owners are allowed to do in the buffer. He said that if property has been reconfigured in any way since the adoption of the Watershed Protection Ordinance in May of 1987, then watershed protection applies; otherwise, the property is exempt. He reported that there are no options for variances. He added that the only exemptions for crossing a buffer are for access and utility crossings.

Mr. Mallon advised that in June, the 50 foot buffer was adopted along all state waters; however, the trigger date remains May of 1987. He commented that the 50 foot buffer would be applied to new developments and redevelopments. He added that he would like this spelled out more clearly in the ordinance.

Mr. Mallon pointed out that one of the proposed amendments would allow vegetation within the buffer areas to be thinned or trimmed of vegetation in accordance with the Fayette County Soil Erosion and Sediment Control Ordinance; however, no trees larger than 5-inch in diameter at breast height (DBH) may be removed without prior approval from the Engineering Department.

Al Gilbert stated that the ordinance prohibits livestock from being in a buffer; however, wild animals are in the buffers and streams.

Chairman Graw expressed concern about homeowners launching their boat from the trimmed out buffer area.

Attorney McNally advised that the Water System passed regulations for Lake Horton to allow the underbrush to be cleared by utilizing hand tools; however, the ground could not be disturbed. He added that this would allow a view of the lake.

Mr. Mallon reported that if someone has a stream going through their property and they want to create a lake, they currently have to get State buffer variance approval and Army Corp of Engineers approval; however, there is no variance exception to the buffer per the County's ordinance.

Doug Powell stated that the County's ordinance should contain a provision to allow the property owner to develop a lake on his property if he complies with the State's and Army Corp of Engineers' requirements.

Mr. Gilbert asked if there were any rules about withdrawing water from streams.

Mr. Mallon replied that this falls under the State.

Mr. Gilbert stated that he knew this was happening.

Mr. Mallon submitted a copy of the State's model ordinance. He asked the P.C. to review the proposed amendments and the State's model ordinance and e-mail their comments for discussion at a future workshop.

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**5. Discussion of the proposed amendments to the Fayette County Development Regulations regarding Article IX. Soil Erosion and Sedimentation Control Ordinance as presented by the Engineering Department.**

Jeremy Greenberg advised that the proposed amendments to the Soil Erosion and Sedimentation Control Ordinance go hand in hand with the proposed amendments to the Watershed Protection Ordinance. He stated the buffer had been clarified to mean a State or County Watershed Protection Buffer. He pointed out that shoreline had been added to apply for lakes and ponds. He noted that

thinning and trimming of the buffer is to be achieved by hand and the use of powered wheeled or tracked equipment is prohibited within the buffer due to compaction of the soil and the damage of the root system and the trees. He added that approval of a plan for trimming or thinning is required by the Engineering Department, including an inspection upon completion of the trimming and thinning of the buffer. He commented that the thinning of the wetland vegetation is prohibited without approval by the Army Corp of Engineers.

Tim Thoms disagreed with the proposed amendments because the ordinance specifies the technique to be utilized instead of the results.

Chairman Graw asked what would be done if someone disturbs the buffer without an approved plan.

Phil Mallon replied that a plan would be required to be prepared by a landscape architect, with a minimal replacement of a certain inches of trees required per every square foot disturbed.

Mr. Greenberg advised that the proposed amendments should be heard at the same public hearing as the proposed amendments to the Watershed Protection Ordinance.

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**6. Discussion of the 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 Overlay Zone as presented by the Planning & Zoning Department.**

Dennis Dutton pointed out that he proposed to amend the height limit from 35 feet to per zoning district for consistency. He also pointed out that fiber-cement siding, rock, cast-stone, and synthetic stucco be added as a facade/siding of a residential character.

Doug Powell asked if height limit could be added to the matrix.

Mr. Dutton replied that he could do that.

The P.C. concurred with the proposed amendments.

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**7. Discussion of the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, B. S.R. 85 North Overlay Zone as presented by the Planning & Zoning Department.**

Dennis Dutton explained that one of the proposed amendments addressed layout issues by deleting the 500 foot requirements on either side of S.R. 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton County line. He said that all development which has road frontage or access to S.R. 85 North shall be subject to the S.R. 85 North Overlay Zone.

Doug Powell suggested to replace the 500 foot requirement with the 1,000 foot requirement as discussed in 4.,a.

The P.C. concurred.

Mr. Dutton stated that Staff was trying to address nonresidential subdivisions in regards to building facade on lots accessing an interior subdivision street from S.R. 85 South.

Al Gilbert expressed concern about placing the requirements on roads which access S.R. 85 North

like Kenwood Road and Corinth Road.

Mr. Powell said that the overlay zone is to protect the corridor and new construction should conform to the standards.

Bill Beckwith suggested to revise the ordinance to address developments which have road frontage on S.R. 85 North and delete access to S.R. 85 North.

Mr. Powell stated that the sections should be reviewed and should be consistent, for example: the use of the word developments vs. the use of the word properties; height limit (35 feet vs. per zoning district); and impervious surface (50% vs. per zoning district).

Mr. Dutton stated that he was proposing to delete the requirement that the principal structure on each lot developed as a nonresidential use shall be required to front S.R. 85 North.

Mr. Dutton noted that he was also proposing to delete the requirement of gasoline canopies and accessory structures being required to have a roof of a type and construction complementary to the facade because this is too vague, complementary to whose standards.

Chairman Graw stated that he was only concerned with those buildings which could be seen from S.R. 85 North.

A lengthy discussion was held with no concensus reached by the P.C.

Attorney McNally suggested that the P.C. submit their input to Mr. Dutton for discussion at a future Workshop.

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Chairman Graw asked if there was any further business. Hearing none, Al Gilbert made a motion to adjourn the Public Meeting/Workshop. Doug Powell seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 9:15 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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**JIM GRAW  
CHAIRMAN**

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