



ZONING PUBLIC HEARING

The Board of Commissioners of Spalding County, Georgia, held their Zoning Public Hearing on Thursday, September 22, 2005 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Chairman Edward Goss presiding and Commissioners Cecil Davis, Johnie McDaniel, Gwen Flowers-Taylor and Eddie Freeman present. Also present were Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

A. Call to Order.

B. New Business:

- 1. Application #04-33Z: Lift from the table** – Aslam Bana and Shelina Hussain, Owners, Acme American, LLC, Agent – 4265 Newnan Road (3.05 acres located in Land Lots 29 and 30 of the 1st Land District) – requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial..

Commissioner McDaniel made a motion to lift Application #04-33Z from the table, seconded by Commissioner Freeman. Motion carried by a unanimous vote.

Community Development Director Chuck Taylor stated the applicant has requested approval from Spalding County to rezone 3.08 acres from AR-1 to C-1 in order to develop a gas station/convenience store, along with a retail component. The property is located at the intersection of Hwy. 16 West and Vaughn Road. After discussion related to State Route 16/Vaughn Road intersection safety concerns and the Georgia Department of Transportation plans for safety improvements at the intersection, the Board of Commissioners tabled this item indefinitely at their meeting in April so that the GDOT can complete modifications. Since then we have learned that the improvements of the intersection depend on the removal or demolition of the existing home on the subject property. Applicant has stated that he needs approval of the rezoning in order to proceed with the demolition or removal of the home. In order to move the process forward, the engineer for the applicant has modified the site design to coincide with the design of the intersection as proposed by GDOT, and GDOT has sent a letter reaffirming their commitment to the project.

Staff recommends conditional approval of the request with conditions as follows:

1. Only 2 curb cuts will be allowed for the proposed development, one on Vaughn Road and the other on S.R. 16.
2. A deceleration lane shall be installed for the curb cut on S.R. 16.
3. The architecture of the building and canopy must match and possess a thematic scheme.
4. The site lighting will be limited so as to not glare into adjacent residential parcels or into public streets.

Planning Commission recommends denial of the request based on the previous plan, but the application has not been back to the Planning Commission with the revised plan.

The thematic scheme recommends the gas station architecture must have an associated theme, including a canopy to match the building's architecture as far as hip roofs, etc. and not just the flat top canopy. This design can be subject to review by staff and can also come up to Board for final review if problems or disagreements are encountered. Light must not glare.

The project has not been let, but the project is in the TIP with a September 2006 scheduled letting date. Commissioner Freeman said he recalled seeing something that indicated the project would be let in September 2005 with the project commencing in spring of 2006.

Planning Commission recommended denial but on the previous plan. The petition has not gone back to them since modifications were made.

Aslam Bana, 1014 Cromwell Point, Snellville, Georgia 30078

Mr. Bana stated safety seemed to be the biggest concern, and they have worked with GDOT to resolve these issues and will continue to do so. He was willing to give any right of way necessary and to do whatever necessary to accomplish this goal. There will be about three more stores in addition to the convenience store. The house is considered historic by GDOT, but once the house is gone, this will allow GDOT to return to the original plans in packet. Mr. Bana has someone who wants to move the house to another location after approval.

Commissioners reviewed the plan in detail. GDOT is requiring right turn in and right turn out only on SR 16. A traffic light with turn signals will be installed and the hill will be cut down. They must meet landscape requirements and designated areas in the parking field are allocated to same, and they must meet tree density requirements according to the landscape ordinance. Some commissioners were concerned about the amount of impervious surface.

The applicant will begin development and work with GDOT to ensure safety issues are resolved. He would like to remove the house hopefully within 60 days and construction will proceed according to schedules dictated by GDOT. Grading and much preparatory work must be done prior to actual GDOT construction on the project. The applicant responded to Commissioner Flowers-Taylor that he would wait for GDOT to begin construction on his project if necessary. She stated she was not asking for that to happen but was just trying to get a timeline in mind. Mr. Bana said he could not rent the house but is still making payments. He would like to proceed with having it moved. He could not wait for two years to move the house and not be able to rent it.

Discussion followed on the driveway cut on S.R. 16 since GDOT work is ongoing. GDOT won't issue a permit for the driveway on S.R. 16 with their project in progress, but Mr. Bana could open the store with the access on the other street, Vaughn Road, only. Accel/decel lanes will be required by GDOT and will begin a fair distance away in order to get the cars out of the way of the intersection.

Commissioner Freeman said he would like to see the convenience store proceed only after GDOT reworks the intersection because of the safety issue. Two or three people have been killed at this intersection in recent months.

Much impervious surface is shown on the plans, but parking restrictions specify spaces only. Nothing is in the ordinance that constitutes an automatic tradeoff: greenspace for parking area. Required buffer areas were discussed, as well as landscaping, topography, drainage and drive-through details. The 25' landscape buffer between the commercial use and residential areas is in place.

Edward Bullard, 124 N. Hill Street, Griffin, Georgia 30223

This is a dangerous intersection with three deaths recently. The Georgia State Patrol noted in the Griffin Daily News front page article regarding the Kory Brown fatal accident there that this intersection has been the site of numerous accidents in the past four years that he worked the Griffin Post. He attempted unsuccessfully to present a video of the Kory Brown accident to demonstrate the magnitude of the danger at this intersection. Mr. Bullard resented a petition with 87 neighbors' signatures indicating their opposition to anything being built at this location. To eliminate this blind hill, grading will have to occur at least a mile back to provide visibility. A traffic signal may actually make it more dangerous with cars then approaching cars stopped for the light over the hill. The Georgia State Patrol cites 34 accidents from 2000 to 2003 as

evidenced by a report he showed commissioners, and this does not include accidents worked by the Spalding County Sheriff's Department, who would be also be responders at this location. The majority of accidents occurred straight on, in daylight and in dry conditions, which speaks to the actual danger of the intersection. Petitioners cite accidents and the unsafe traffic environment, as well as possible leakage from underground storage tanks. An Applied Environmental Sciences, Inc. report from April 2004 indicated natural streams, creeks and lakes make for a high water table and unsuitable soil to accommodate runoff. A lake across the road will receive this runoff. Serious environmental work is needed in addition to GDOT's work. There is already a gas station at this intersection, which he felt was adequate to service the needs of local residents. He presented the Griffin Daily News edition that reported the accident of Kory Brown recently and cited the Georgia State Patrol statistics. The newspaper article did say there the Georgia State Patrol felt the victim may have not looked after his stop before pulling forward. A soil suitability study was referenced stating water could be easily contaminated by runoff.

Mr. Bullard said he was present on behalf of Sam Aly, and he was with the law firm of Shepherd & Johnston at 125 North Hill Street.

Dwayne Ford, 52 Vaughn Road, Griffin, Georgia 30223

With regard to drainage, this was a natural area for runoff. There is a pond behind the restaurant across Vaughn Road and the concrete pipe for runoff feeds into this lake. Much of this area around the creek remains wet most of the time, and his property is adjacent to this property. Mr. Ford sees many accidents here and when his own girls began driving, he would not allow them to travel through this intersection because of dangerous experiences with and knowledge of accidents. Mr. Ford believes this development will actually hurt property values, and he stated strongly he was against this development.

Sam Aly, 4289 Highway 16 West, Griffin, Georgia 30223

Mr. Aly spoke against the petition. He said he opposed this development because of dangerous traffic already, and he felt this situation will only be made worse with greater development. He urged commissioners to deny the petition.

Mr. Bana returned to address some of the issues raised. As far as safety of the accel/decel lane, GDOT confirms it will grade for about a mile back, so the traffic light will have visibility. As for leaks, the state regulates this area very stringently and state-of-the-art technology is greatly advanced, so there's not much of a chance for leaks particularly for new establishments. He has built another such store in another location and has gone through the process already. The water problem will be addressed. Mr. Bana noted he can't build the project overnight, but he can at least get started if the rezoning to C-2 is approved.

Commissioner Freeman made a motion to deny Application #04-33Z until the intersection is improved, and the applicant can reapply after GDOT's work is done. The motion was seconded by Chairman Goss.

Commissioner Flowers-Taylor hates that it is a dangerous intersection, but kids do dangerous things unfortunately such as not wearing a seat belt as the Griffin Daily News reported in its article. She respects individuals who want, and those who don't want, commercial development. This area is slated for dense development on the Future Land Use Map as crossroads commercial. Everyone seems to object to development and growth in their own area, but progress must go forward. She does have a problem, though, that the roadway will be the same and no more safe until GDOT completes their work to realign and correct the intersection. The same danger will exist until that time. Had she made the motion, she would have motioned to rezone but with no access onto S.R. 16 until GDOT work is completed. It is not the fault of the applicant that an unsafe condition exists in the traffic pattern.

Commissioner Davis agreed with Commissioner Freeman. He had no problem with business development, but the danger at the intersection exists until GDOT can rectify

situation with road improvements. He concurred that perhaps they were trying to put the cart before the horse and would be glad to reconsider after the road work is finished.

Commissioner McDaniel said he didn't think anyone was opposed to the commercial development once the safety issues are resolved, and the applicant can reapply in 12 months. He also noted that approval could be given tonight and conditioned in such a way as to establish a time frame that would coincide with construction.

Commissioner Freeman said the Board wouldn't do it for JAL in his petition, and he doesn't want to do that for Mr. Bana in this instance. He knew one of the fatalities well, and he did not want to see more problems at an already dangerous intersection.

Mr. Wilson noted the house had been declared historic by GDOT, and they cannot move it or touch it in their intersection improvement project. This has been a major holdup in acquiring right of way for GDOT. They will have to shift all construction efforts to the other side of the street and will delay the project since the intersection will have to be redesigned.

Zoning Attorney Newton Galloway said the vote tonight can approve with conditions on time or key to grading and terrain improvements by GDOT, or even a combination of both.

Commissioner McDaniel said he was just trying to show there was more than one way to accomplish the goal. If everyone is willing to look at again in twelve months, everyone involved including the applicant, residents, officials and staff will have to go through the process again.

The motion carried by a vote of 3-2, with Commissioners Flowers-Taylor and McDaniel voting in opposition.

2. **Amendment to UDO #A-04-21: Lift from the table** – Development Standards – add provision to allow private driveways in the AR-1, AR-2, R-1, R-1A and R-2 Districts.

On a motion by Commissioner McDaniel, seconded by Commissioner Davis, Amendment to UDO #A-04-21 was lifted from the table by a unanimous 5-0 vote.

Community Development Director Chuck Taylor addressed private driveways, designed to allow in AR-1, AR-2, R-1 and R-2 districts. Up to 5 lots on private driveways in R districts and 4 in the AR districts to be divided if the lots do not meet current County road frontage requirements. The Planning Commission recommended approval with changes that involved the creation of a private driveway that would be an undivided entrance for the purposes of maintenance and the construction of the driveway to require a 4" compacted gravel base of #4 stone with a minimum 2" of topping. They also wanted to see fire hydrants required on lots with access to public water at a distance not exceeding 1000' from the hydrant. These changes are reflected in the new draft of the ordinance. All drafts have included both AR and R districts.

Mr. Taylor continued this allows development of lots known as flag lots and division of lots from a private driveway that would otherwise be undevelopable. Emergency vehicles can utilize the all weather surface and 12' width is the width of a cleared zone; it mirrors the clear zone width of the private driveway allowance for conservation subdivisions. The total width is 16' if you include the clear zones of 2' on either side of drive on the shoulders. Some discussion followed regarding the recommended surface of #4 stone, which is about 1-1/2" to 2-1/2" in diameter followed up with 2" of fines on top, commonly known as crusher run or pond screen. No maximum length restrictions are established but the 30-acre requirement would serve to limit length in itself. Discussion followed.

County Manager Wilson stated there was the problem of public utilities on private property with an easement. He had just required Mr. Greg Pruitt install a fire hydrant at 500 feet because the NFPA Code calls for fire hydrants every 500 feet when there are dwellings that initiate a need for that service. He did not believe the U.S. Postal Service would deliver on private driveways and mailboxes would probably have to be put at the

street. School buses would not pick up on the private driveway and children would have to board at the end of the driveway.

Commissioner Freeman said he felt there were two different possibilities for addressing the issue of private driveways, one to accommodate family members and one for property owners who may just be purchasing.

Commissioner McDaniel said if the flag pole portion of a flag lot totaled 1000 feet and the only additional resident was at the end of the pole, then why would there be a need to require a fire hydrant at 500 feet. It would serve no practical purpose. It was noted that fire trucks carry 1000 feet of fire hose.

Extensive discussion followed regarding water service and fire protection. Mr. Galloway noted the "pole" in the scenario described by Commissioner McDaniel would become a common area. All residents would have a shared interest in the driveway and be responsible for maintenance. Mr. Galloway noted that the County had toyed unsuccessfully in the past with allowing divisions of property for family members for property with no road frontage. There are still the issues of safety and fire protection, and it became difficult to define what constitutes a family member. Many problems arose with practical application of the concept and it was never implemented. This ordinance, as most do, presents a trade off. In order to be able to develop flag lots and keep larger lots, some sacrifices may be required such as mailboxes at the end of the drive and school children boarding the school bus at the end of the drive, as well. Additionally, when the flag lot property is deeded to a family member, the future sale of that property cannot be impeded should they desire to do so, and undesirable situations can arise. Many suits have been filed by family members over division of property. Safety issues should remain the priority.

Commissioner Flowers-Taylor said most people would know the inherent problems going into such a situation.

Chairman Goss said he felt if someone wanted to put their daughter on a flag lot, they should be able to do so. The property owner would be aware of the problems involved.

Commissioner McDaniel said after researching the issue, no county to the north or west of Spalding allows private drives. Pike County does allow them, but commissioners are extremely unhappy and would like to abolish them.

Commissioner Freeman said the original property owner would need to make sure the flag lot property deeded off did not become rental property to alleviate some of the problems.

Greg Pruitt, 55 Partridge Path, Griffin, Georgia 30223

Mr. Pruitt said he would not understand how commissioners could differentiate private driveways for family members versus other property owners or developers like himself. He also urged the Board to take the recommended surface to driveway standards rather than road standards with 2" crushed run and 2" base. This would hold up for quite some time and be safer.

Mr. Pruitt also wondered why Spalding County would require county water on these flag lots that are a minimum 300' to 500' deep. This would be more expensive for family members who are not looking for a return but rather just a place to live. A developer could recoup his expense in the product, but not a family member. He did not agree with the idea of a double standard. A gravel drive leading onto a paved road is dangerous because drivers will actually slip and slide on the gravel surface. He using #5 stone, which is about the size of your thumb. After construction vehicles pack this surface down, they put down crusher run. He had a bad accident several years ago with a fatality involved because of a gravel surface. Additionally, he wondered what becomes of the right of way where he felt there should be no allowance of gravel of any kind. After his accident, he went back to every house he had ever built and paved driveways 15-20 feet from the right of way in order to provide a solid surface. People sometimes don't act very bright, and someone thinking they can beat that oncoming car

will find it difficult to do so on a gravel surface. Gravel would also require greater maintenance. Mr. Pruitt said he didn't consider himself necessarily smarter than anyone else, but he may have had life experiences that provided lessons others may not have learned. He has been in the business all his life and would never do anything that would endanger someone. Other developers might not be as concerned with safety or maintenance.

Commissioner Davis said he felt more study was needed. He was not happy with many aspects of the ordinance as presented, such as public water on private roads and gravel surfaces.

Commissioner Davis made a motion to table Amendment to UDO #A-04-21, seconded by Commissioner Freeman. Commissioner Freeman withdrew his second in order to allow further discussion.

Commissioner Flowers-Taylor said they needed to provide Community Development Director Chuck Taylor with some direction as to what they wanted. She wanted to see the right of way surface addressed, eliminating the gravel where the private drive met the road. She also worried that property owners should not be made to be on public water if they have a well. If they are more than 1000' from the road, then how would a fire truck provide adequate protection.

Chairman Goss said property owners who choose to live more than 1000' from the road and public water, that property owner should know the inherent danger in getting fire protection. When asked about impact fees charged, a portion of which is for fire protection, Mr. Taylor said the County would provide fire service, just not from a fire hydrant. It may not be with the most efficient means of fire protection, and the property owner's insurance rating would reflect that inadequate fire protection was available.

Commissioner Freeman said he still would like to differentiate between individuals with private lots and developers. While Mr. Pruitt may be conscientious enough to make sure emergency vehicles could go down his private driveway, other developers may not be as diligent; hence, the need for a rule.

Commissioner McDaniel said direction to Community Development Director Chuck Taylor for more work should be done only if the Board of Commissioners is inclined to put a private driveway ordinance on the books and then with concrete suggestions. Otherwise, the Board shouldn't send anyone back to do more work.

Mr. Galloway said the ordinance could be revised and come back before the Board of Commissioners. He did not feel they needed to go back through Planning Commission.

Chairman Goss suggested Commissioner Freeman meet with Community Development Director Chuck Taylor and iron out some details, then return to the Board for action. Mr. Wilson said Public Works Director Jake Garner should sit in, as well, particularly in the area of road surfaces.

Commissioner Davis accepted, for his motion, that direction be given to Community Development Director Chuck Taylor to work with Commissioner Freeman and Public Works Director, Jake Garner, to make the modifications discussed. Commissioner Freeman seconded the motion to table, and the motion carried unanimously at 5-0.

3. **Amendment to UDO #A-05-17: Lift from the table** – Article 5. AR-1 Agricultural and Residential – Section 503:A(1), Article 6. AR-2 Rural Reserve – Section 603:A(1), Article 7. R-1 Single Family Residential Low Density – Section 703:A(1), Article 7A. R-1A Single Family Residential – Section 703A:A(1), Article 8. R-2 Single Family Residential – Section 803:A(1), Article 8A. R-2A Single Family and Two Family Residential; Article 10. R-4 Single Family Residential – Section 1003:A(1), and Article 11. R-5 Single Family Residential – Section 1103:A(1) – add provision for minimum size of first floor of any single family dwelling.

No action and Amendment to UDO #A-05-17 was left on the table.

4. Amendment to UDO: #A-05-22: – General Procedures – Section 413:G”(2)(c) – amend Estate Life Neighborhood development criteria.

The Ordinance Review Committee also reviewed this ordinance and recommend approving, as did the Planning Commission, to require that an aggregate 50% of all facades within a development be brick or stone and require greenspace be increased to 30% over the current 25% for estate life neighborhood.

Commissioner McDaniel made a motion to approve on first reading Amendment to UDO #A-05-22, seconded by Commissioner Davis, and motion carried by a unanimous 5-0 vote.

C. Other Business:

County Manager Wilson said the County was notified today by Fast Gas that they are going back into conservation mode. Ms. Jinna Garrison and Mr. Wilson will contact them again tomorrow, but he wanted to cut back again to only essential services with minimum staffing levels maintained. ACCG has suggested a 4-day, 10-hour-per-day work week to conserve fuel resources, as well. Garbage/refuse collection, fire and rescue departments and law enforcement are categorized as essential services, as are building inspection, water taps installation. His question was whether or not grass cutting is essential, and commissioners agreed that was true particularly since it is late in the growing season and won't require much more cutting. All days will be covered with employees choosing different days off.

Greg Pruitt, 55 Partridge Path, Griffin, Georgia 30223

Mr. Pruitt said the federal fire code says a fire hydrant must be placed at 500' if houses are coming into the area, but it doesn't specified who is responsible for this. It does not specify the developer is responsible, but the County Manager's position is that it is the responsibility of the developer. Mr. Wilson states that since it is shown on Mr. Pruitt's final plat, it is his responsibility and he will comply but under great protest. He didn't think he ever told anyone he would do this, but he wanted a concrete rule established. He asked each commissioner individually if they knew of such a rule saying the developer needs to install every 500' if the County's requirement is 1000'.

Mr. Wilson said this item was discussed, and the Board confirmed the policy, at the August 15, 2005 meeting.

Mr. Pruitt said this was a "policy" but not a written one, and he felt he had been unfairly targeted. He believed in right and wrong, and he felt there should be an established rule in place to enforce this policy.

D. Adjournment.

Commissioner Davis made a motion to adjourn, seconded by Commissioner Freeman, and motion carried by a unanimous vote at 8:22 p.m.

County Clerk

Chairman

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