

## ZONING PUBLIC HEARING

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Thursday, May 27 2010, beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Eddie L. Freeman, David Phillips, and Bob Gilreath. Gwen Flowers-Taylor was not present. Also present were Interim County Manager Tim Whalen, Interim Assistant County Manager Virginia Martin, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway, and Executive Secretary Glinda Robertson to record minutes.

### A. Call to Order:

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Time allotted to speakers will be five minutes each, unless otherwise noted at the Board's discretion. No speakers will be allowed to readdress the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times.

### B. New Business:

1. **Application #10-04S:** Mark A. and Julie L. Fritz, Owners – 4373 Jackson Road (34.99 acres located in Land Lot(s) 52, 77 and 76 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a private airport in the AR-1 District.

Chuck Taylor stated this is the second request the Board has received for a private airstrip this year. In this case, there are buildings around the proposed airport strip. Mr. Taylor displayed for the Board a picture of the proposed site which is near the intersection of Jackson Road and Locust Grove Road. Additionally, the homeowner is wishing to build a hangar on this site.

There is a store and several houses in close proximity to the proposed site. Mr. Taylor commented that in reviewing the criteria for this request, the staff's recommendation is for denial. The Board of Appeals also recommends denial of the application.

Mark Fritz – 4373 Jackson Road

Mr. Fritz stated he is a commercial airline pilot and flies for American Airlines. He flies internationally out of JFK and has flown professionally for 27 years. He has been flying since he was 15 years old.

Mr. Fritz read a letter he had written to the Board. He stated in the letter that the Board of Appeals had moved to deny his request, however they did not cite a reason why. Mr. Fritz commented the big issue everyone has is safety. He stated the FAA has addressed the issue of operating an airplane in proximity to a structure. The FAA gives guidance to pilots as to how they should handle this. Mr. Fritz has asked the FAA for their guidance and recommendations. He intends to comply with each and every one of their recommendations.

The NTSB, the FAA and NASA all collect statistics on aviation issues. The NTSB's latest preliminary statistics state that from 1960 until today, the accident statistics and the safety statistics remain relatively flat. Mr. Fritz stated that if he were to fly his light airplane every day, one hour a day, 365 days a year, it would take him 206 years of flying before he reached the statistical probability of having an accident with a fatality.

He further stated that of the 1,435 accidents in 2005, 1,192 of them or 83%, involved pilots with 500 hours or less. Mr. Fritz has been flying professionally for 27 years and has in excess of 16,000 accident free flight hours.

He also stated the other issue the Board of Appeals has is the distance from the house where he will be landing. Again, he stated the FAA provides guidance for these situations.

Mr. Gilreath asked what type of plane he was proposing to fly. Mr. Fritz answered by saying he was looking at either a Cessna 172 that carries four people or a Maul which is built to be utilized in short, rough terrain.

Mr. Fritz stated he is currently flying 18 to 27 hours per week for American Airlines. Mr. Phillips commented he has spoken with Mr. Fritz and he does not in any way question his piloting ability or his safety statistics. In that conversation, he stated that he strongly advise Mr. Fritz to have this item tabled until he could speak with the neighbors and all the people this was going to impact.

Mr. Fritz stated he considered speaking to the neighbors, however he did not because the facts are not going to change. He feels like for each reason to deny him this request, he can meet each reason with solid statistics. Mr. Fritz stated they are not at each others' throats. They are neighbors and they are getting along just fine. He just wants to do something on his property that they don't want him to do. Mr. Fritz is asking Mr. Reeves to tolerate his noise spilling over on to Mr. Reeves property for ten minutes a week tops. Mr. Fritz just wants to be able to use his own property in the way he wishes to use it.

Sandra Reeves – 4263 Jackson Road

Mrs. Reeves stated when Mr. Fritz departs the airstrip from east to west there will be only 400' before crossing her backyard and he will barely be off the ground at that time. He will be 273' from her back door. He will then fly directly over a house she has as rental property. He will then be 124' from Ringold Grocery Store when he crosses over the top. She measured these distances with a laser gun.

Mrs. Reeves called the FAA and spoke with an inspector. The inspector was very concerned about the distance from all the buildings to the end of the airstrip. He was concerned about Ringold Grocery Store because they sell gas and have tanks stored underground. He advised Mrs. Reeves to be sure and come to the Board of Commissioners meeting and to speak out against this. There was also concern that one day in the future Mr. Fritz may not own the property and someone else may move in with several friends with planes.

Ms. Reeves respects the fact that Mr. Fritz has a lot of experience flying airplanes, however if he lets someone else with less experience fly in or out of his airstrip, it could be a dangerous situation. There is pollution and noise concerns, but most of all there are safety concerns. She hopes that one day Spalding County will implement standards for private airstrips. She asked the Board to consider the community and their safety when making their decision. A petition against the airstrip was provided to the Board. In three days they collected 110 names. She stated the bottom line is, this is just too dangerous. They don't want to live in a community where they have to worry every time they hear a plane flying over and worry if it's going to hit their house or the store and cause the gas tanks to explode.

Harry Reeves – 4263 Jackson Road

He has been living on Jackson Road for about 17 years. He moved in before Mr. Fritz moved into his house. He believes in having the opportunity to do what you wish on your own land. He doesn't really like having to come before the Board. He is just asking the Board to keep their neighborhood the way it is. Mr. Reeves reiterated what his wife had stated regarding all of the people that signed the petition against the airstrip. He asked the Board to put themselves in their position. He asked, "Would you want an airplane taking off and landing over the top of your house?" Mr. Reeves stated Mr. Fritz is a good neighbor and a great person. He is not against Mr. Fritz, he's just against the airstrip.

Mr. Gilreath asked about the direction of the planes arrival and departures. Mr. Taylor stated at this point there are no restrictions on takeoffs and landings. It will depend on the winds. Because of prevailing winds, most of the time the wind will come from the west.

Mr. Fritz stated he takes exception to the Reeves saying he will be taking off 400' away from their house. He says he would never operate an airplane so close to someone's house as to pose a danger to them. He commented it's disingenuous for them to say that. His average rate of climb on the Maul is about 1200' a minute and it is similar on the Cessna 172.

Mr. Reeves stated this is their house that they paid good money for. He spoke of the accident several years ago after someone took off from the Griffin Airport and crashed into a grocery store killing two pilots. He says the people that get killed the most are people with the most experience.

Ms. Reeves came back to address the Board again. She stated that when she spoke with the FAA inspector and gave him all the distances she had obtained, the inspector told her the Mr. Fritz would be approximately 50' over the top of the house when he flies over. She also spoke with Kiki Rice with the Airport Division. Ms. Rice stated he could not take off or land in any given direction. It is all based on wind pattern. Mr. Reeves said she tried to get information from people that were competent and could give her the best information.

Mr. Phillips asked if Mr. Fritz was open to any sort of compromise. Mr. Fritz stated he would be open to anything that would mitigate their fears of him crashing into their homes or making noise. He would be willing to say that if anyone buys his home in the future, the zoning exception becomes null and void.

Mr. Phillips wanted to know how the Reeves feel about Mr. Fritz's offer. Mr. Reeves stated he has rental property at that location and if he ever wants to sell it, it will be hard with an airstrip behind it. Ms. Reeves stated she did not want to worry about Mr. Fritz and anyone else he allows to use the airstrip now or in the future. He can't guarantee that he won't have engine problems as he takes off. Those are the things she worries about.

Mr. Gilreath asked if the Board approves this airstrip, will there be any other planes dropping in. Mr. Fritz stated this is a private airstrip for his personal use only. He has no intention of giving anyone else permission to land on his airstrip.

A motion was made by Mr. Goss to deny the request, Mr. Gilreath seconded. Mr. Phillips stated he was hoping something could be worked out by both parties, however at this time he could not support the airstrip. Mr. Freeman stated he went out and looked at the property today and with what he saw, it just doesn't fit to have an airstrip located there. There are too many houses and buildings in the area and he doesn't feel like he could vote for it.

***Motion/second to deny request by Commissioners Goss/Gilreath and carried by a vote of 4-0.***

Mr. Goss had to leave the meeting at this point, so Mr. Freeman was elected as the temporary Chairman.

***Motion by Commissioners Gilreath/Phillips to elect Mr. Freeman as temporary Chairman and carried by all.***

Chuck Taylor stated the Board of Appeals asked if the Board of Commissioners might be interested in putting a moratorium on private airstrips and developing specific criteria for future requests. The commissioners agreed this was needed and asked Mr. Galloway to work on this.

2. **Application #FLA-10-01:** Joe McIntyre has requested a change to the Future Land Use Map from Medium Density Residential to Commercial for the following properties: 365 Wilson Road (0.38 acre) and 375 Wilson Road (0.44 acre) located in Land Lot 206 of the 3<sup>rd</sup> Land District. Also under consideration for change from Medium Density Residential to Commercial are the following properties: 383 Wilson Road (0.48 acre), 391 Wilson Road (0.44 acres), 395 Wilson Road (1.56 acres) and 401 Wilson Road (0.69 acre) located in Land Lot 206 of the 3<sup>rd</sup> Land District.

Chuck Taylor stated this came to the county as a request to revise the land use map for one particular area where there are two properties. In review of the future land use map and the comprehensive plan, one of the things noticed was that this area is more suited for industrial types of uses overall. There has been some transition in the area and the City has annexed much of that area in the last five years and has designated it for commercial use in the future.

Mr. Taylor's recommendation is to include all of the properties that are fronting on Wilson Rd. and between the city limit line and Hudson Road. He stated that Mr. McIntyre has indicated that if the Board approves this request, he is going to come back before the Board potentially with a C-1 type of zoning that will allow either for retail or for office space. Mr. Taylor believes this will be another area much like Airport Road.

Mr. Freeman questioned the fact that Mr. McIntyre only owns one of these properties. Mr. Taylor stated that Mr. McIntyre owns one property, his neighbor owns another, and then the other property is owned by different people. Mr. Freeman asked if the other land owners are aware this request was being made. Mr. Taylor said letters were sent out. He stated the thing to remember is they are only changing future land use designation. So people that own the property, in order for it to be zoned commercial, would still have to come to the county and make an application for actual zoning.

Mr. Freeman stated he recalls 92 Highway where the county did not get out all the letters that needed to be sent out and we didn't do all we were suppose to do at that time. Mr. Phillips remembered this as well. Mr. Freeman wants to make sure these property owners are aware of what's going on.

Mr. Taylor stated this could be done in two parts if need be. He asked the Board to please remember the county is not taking anyone's zoning away from them at this point. All the county is doing is looking at future land assessments. Mr. Freeman stated he has no problem doing that, he just wants to make sure it's not the same situation that occurred on 92 Highway.

*Motion/second to approve request by Commissioners Phillips/Gilreath and carried by a vote of 3-0.*

**Mr. Galloway advised Mr. Taylor to make certain there is a record on each of the other properties that are involved, 383, 391, 395, and 401. Mr. Taylor stated he would bring these properties back to the Board next month.**

**C. Other Business: None**

**D. Adjournment.**

*Motion/second to adjourn at 7:00 p.m. by Commissioners Gilreath/Freeman and carried by a vote of 3-0.*

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Interim County Clerk

.....