

LAMAR COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING
April 20th, 2021
7:00 p.m.

Call to Order

Chairman Charles Glass called the Public Hearing meeting to order at approximately 7:03 p.m.

Kong Real Estate Holdings, LLC

Planning and Community Development Director Buice addressed the board. She said that this is a rezoning application from Kong Real Estate Holdings, LLC to rezone from highway commercial with the condition prohibiting access to and from the property via Silver Dollar Road to highway commercial without the condition prohibiting access to and from the property via Silver Dollar Road subject to certain further conditions of use which shall additionally restrict the use of the property and land as follows:

- 1) No gas stations, liquor store or auto repair shop may be operated from this location
- 2) A natural adequate screening buffer shall be kept along the property line shared with Silver Dollar Road

Public Hearing Comment

Dicksie Duval of 145 Silver Dollar Road addressed the board. She said that the road was paved and they had a very nice road until they started pulp wooding out of Milner, Georgia. She said that they tore it up because the City of Milner would not let them go through there. Mrs. Duval said that they cannot get their road re-paved so if you are going to put a driveway coming out at that area then it will do nothing but make the road worse in that section of the roadway. She said that it is a high incline that will come down from this driveway. Mrs. Duval said that people will be making turns and there will not be enough room and the people coming out of the medical place will be going into the other lane to make a turn. Ms. Duval said she is also concerned about who is going to pay for the work to have the culverts and the county right of way portion of the road.

Chairman Glass said that the property owner is responsible for the culverts and the County is responsible for the road. Ms. Duval said to put this driveway in this area, will tear the road worse than it already is therefore she is opposed to having this driveway put in.

Deborah Johnston of 253 Silver Dollar Road addressed the board. She said that she bought her property on Silver Dollar Road in 1975, when it was still dirt. Mrs. Johnston said that they built their home in 1978 and part of the road was paved before they moved in but the far end of the road was still dirt and they did not

have much thru traffic. She said that they have a great deal of thru traffic now and they need a no thru truck sign as you come off of the four-lane onto Silver Dollar and off of Liberty Hill Road onto Silver Dollar Road. Mrs. Johnston said that they have tractor trailer trucks and 18 wheelers coming onto Silver Dollar Road. Mrs. Johnston said that it is going to be a very dangerous situation if a driveway is at the curve on Silver Dollar Road. She said that the proposed place for them to put a driveway is right before the curve that goes onto the four-lane. Mrs. Johnston said that it not only has a curve but also a drop down and vehicles are coming off the four-lane doing sixty miles an hour. Mrs. Johnston said that they do slow down some but would guess that forty percent of the time those coming off the four-lane, who are coming North, cross over the center line as they come around that curve. She said that they are vary rarely maintaining their lane. Mrs. Johnston said that if someone was pulling out of the driveway, when they pulled out, they would not see anyone that just turned off the four-lane because the view would be blocked. Mrs. Johnston said that she has the same problem where she lives coming out of her drive. She said her concern is not just safety. She said that when Mr. James Williams first approached the Board of Commissioners to change the zoning from Agricultural-Residential(A-R) to Highway Commercial it was only passed because the property faced the four-lane and all the other properties on the four-lane were already zoned Commercial. Mrs. Johnston said that the homeowners up and down Silver Dollar Road protested and they were told that this was why the request could not be denied. She said that the board agreed that when the original property was sold, that there could not be a driveway onto Silver Dollar Road and they had to have a buffer of trees, which has not been done. Mrs. Johnston said that they fought this five or six years ago and the Board of Commissioners voted it down and she asked that they do it again tonight.

Kristina Peterson of 129 Silver Dollar Road addressed the board. She said that she lives directly across the street from the doctor's office. Ms. Peterson brought pictures for the board and said that they included the lack of the tree buffers. She said that she also took pictures standing at the flag where he proposes to put the driveway looking down towards the curve in the road. Ms. Peterson said that it is exactly 182 ft. from that point before you cannot see the driveway and it is 63 ft. from the school bus stop that is used twice a day. She said that it is 255 ft. from the stop sign. Ms. Peterson said that she took another picture where she is sitting at the turn lane looking down onto Silver Dollar Road and said that you cannot see the entrance and exit of the proposed driveway. Ms. Peterson said there are only twenty-five houses on Silver Dollar Road to Liberty Hill and they are zoned A-R and that would like for it to stay that way. She said that people are constantly speeding and the road is terrible in front of her house. Ms. Peterson said that children ride bikes on the road. She said that there is flooding down in the curve of the road and since it has been flattened out and all the trees are gone, she cannot not imagine what it is going to do now if it rains hard. Ms. Peterson said that she does not want this driveway on Silver Dollar Road and she would love to have a buffer so that she does not have to look at the doctor's office. Ms. Peterson

said that she bought her house seven years ago and said that there has not been a buffer since and there never was one. Ms. Peterson said that she is opposed to this.

Paul Proud of 123 Silver Dollar Road addressed the board. He said that he also lives straight across from the doctor's office. Mr. Proud said that this is the third or fourth time they have done this. He said that in the Planning Commission meeting that he was told by two individuals that they went out there and did not see any safety concerns. Mr. Proud said that those people do not live there. He said that they do not see the puddles of water on the road, the kids on the street and the semi-trucks. Mr. Proud said that he heard someone say that this is progress and they need to deal with it. He said that there are major safety concerns and where the driveway comes out it creates a blind drive. Mr. Proud said that there are twelve children under the age of ten that live on the property line across the street. He said that the road condition is legendary and yesterday a guy was on the opposite side of road doing fifty miles an hour right where the proposed driveway will be installed. Mr. Proud said that he has lived there since 1998. Mr. Proud said that one of the Planning Commission board members said that they do not oppose it and they told him to get a petition with signatures and bring it back to them so that you have something to stand on. He said that he did that and they have two pages and it was all done in the last twenty-four hours. Mr. Proud said that the precedent has been set and this has been ongoing since the early 2000's. Mr. Proud said that this has been re-visited three and four times and they have eight to ten reasons as to why this should not happen. He said the number one reason is for the safety of the residents.

Mr. Proud said that another part of the precedent is with Murphy Avenue. He said that the request to put in a driveway on Murphy Avenue was denied three times. He said that the request for the driveway on Silver Dollar Road was denied three times and he is asking the Board of Commissioners to deny it again for the safety of the residents.

Tommy Sizemore of 149 Silver Dollar Road addressed the board. He said that he has lived on Silver Dollar Road for twenty-two years. He said that at the Planning Commission meeting they recommended that they get a petition together and they got thirty-one signatures who were opposed to this request. Mr. Sizemore said that the constituents who vote you in are residents of Lamar County and they do not want a commercial entrance on a residential road. He said that Dr. Kong has a commercial property, a commercial driveway and he needs to keep his commercial traffic off a residential road. Mr. Sizemore said that the road is not safe. Mr. Sizemore asked Dr. Kong what hours his clinic was open. Dr. Kong replied 8:00 a.m. to 9:00 p.m. Mr. Sizemore said that this is thirteen hours a day and said that this is a lot for a residential neighborhood. He said that with the patient load that he would be seeing and the traffic load that he will have will merely be for a convenience for him. Mr. Sizemore said that it is not that their business is too big or that they need to build a new building or go somewhere else

or anything such as that. He said that he has a business in Griffin that is on the same highway and he has the same type of entrance that he has and said that he does not have access for a second entrance nor does he need it. Mr. Sizemore said that Dr. Kong has not lost a customer because they had to turn around and go into Barnesville. He said again that this is merely for convenience and it not for safety and he said that he does not have any concerns for the residential community. Mr. maintained. He said that if they want to put commercial traffic onto Silver Dollar Road then they need to widen it, pave it and maintain it.

Richard Adams pastor of the Apostolic Church of the Lord Jesus Christ located at 148 Silver Dollar Road addressed the board. He said that he appreciated the board and everyone on both sides of this request. He said that he was not opposed to the driveway but he is opposed to the safety concerns that were mentioned previously. Mr. Adams said that the Georgia Department of Transportation Adams said that was okay until the hard rain comes. He said that the hard rain will come regardless of whether they put the driveway in or not. He said that they have already started the construction and the water has to go somewhere. He said that it is either goes onto Hwy 19/41 or it comes down and meets Silver Dollar's water coming down. He said that he does not know what happens underground but he does know what happens above ground. He said that water backs up all the way past the Church. He said that there were times that they worry what they will do if it keeps raining. Mr. Adams said that if the ditch is not deep enough and adequate enough now, the culvert will not be sufficient enough and something will have to be added. He said that they will have to consider the safety whether you put the driveway in or not because that water has got to go somewhere. Mr. Adams said that this is the County's responsibility to make sure the road is safe. He said that he is opposed to the location of the driveway and said that they did not consider the dynamics of the neighborhood. Mr. Adams said that a lot of them have to pull a trailer to go and cut the grass. He said when you have to pull a 16 ft. trailer with a 17 ft. truck and you come off of that deep curve and that high hill coming in off of Hwy 19/41 and you have to stop and wait for someone who is taking a left-hand turn and said that this is dangerous. Mr. Adams said at that point you are backing up traffic. He said that the trailers that the neighbors have, a lot of cattle trailers, are longer than his, and said that this makes this a safety issue and based on where this is located needs more thought. Mr. Adams requested that they find some way to make this safe and requested that they do something about the water before someone gets hurt.

Mr. Proud said that both of his kids have been in accidents at the corner of Silver Dollar Road. He said that if you look at the driveway where it comes off onto Silver Dollar Road, there is a serious break coming from the proposed parking lot down Silver Dollar Road and said that every bit of the runoff will run right into the middle of the road.

Ms. Duval said that as far as having access onto the residential road, as opposed to Hwy 19/41, it is not even thirty seconds to get on the highway and go up and make a U-turn to go South.

Daniel Long of 119 Silver Dollar Road addressed the board. He asked what was the great need for the driveway because this is a residential road. Mr. Long said that if you are coming to see this doctor you are coming North from Griffin or South from Barnesville on Hwy 19/41 and you are not coming down Silver Dollar Road. He said that Silver Dollar Road is just a cut thru for other traffic and again asked what the great need was for the driveway.

Jodi Sizemore of 149 Silver Dollar Road addressed the board. She said that there are three farms that are still active on Silver Dollar Road that are beef cattle farms. Mrs. Sizemore said that she has horses and there are at least four or five properties that have animals that are transported. She said that she has a trailer and said that when it is loaded it weighs up to 15,000 lbs. Mrs. Sizemore said that if she is coming off of Hwy 19/41 to turn onto Silver Dollar Road, she has to go very slow, and almost stop before she makes that turn with a 29 ft. trailer so she does not take anyone out. She said that if she is coming out of that doctors office and they decide to hang a left and they do not see her, she said that she cannot stop with that much weight behind her. Mrs. Sizemore said that Silver Dollar Road is a residential agricultural road and they will continue to haul trailers because this is how they take their cattle to the sale. She said that there was a huge farm on the four-lane when she was a child and that is the property that is now the doctors' office. Mrs. Sizemore said that trailers are a part of it. She said that they do not tear the road up but they do have to deal with the logging aspects of the road. She said that when you are driving a trailer that weighs this much and you hit the potholes because everyone has to get in the opposing lane, it will shake the truck to death. Mrs. Sizemore said that she can hardly hold onto the steering wheel because the potholes are so bad not to mention what the animals in the back are feeling. She said that her vote is to oppose it and said that they want to stay an agricultural community.

Larry Walker of 266 Silver Dollar Road addressed the board. He said that he is the oldest resident on Silver Dollar Road and when he moved there everything was owned by farmers who had Silver Dollar Quarter horses. He said that it used to be a dirt road with a wooden bridge and the only traffic thru there was a mailman and no school buses went down that road. Mr. Walker said that steps were taken to pave the road. He said that tractor trailer trucks, coming from the flour mill, and lumber trucks take a short cut and come down that road. Mr. Walker said that ambulances and fire trucks take that route down Silver Dollar Road because they do not want to take the Hwy 36 truck route. Mr. Walker said that when James Williams built the funeral home he wanted to put in a driveway and the County said no. Mr. Walker said that the pipe that Mr. Williams was going to install is in his pasture. He said that he does not see any need for another driveway and said that this is a terrible place to put it. Mr. Walker said that the

water problem goes into Mary Torbert's yard and because there is not a ditch on her side of the road, the water runs into her yard or down toward the church. Mr. Walker said that he is opposed to the driveway for the same reason that he opposed it before. Mr. Walker said that as Mr. Proud said, they have been through this several times and he hopes the board will make the same decision as they did before.

Dr. Wayne Kong addressed the board and said that himself and his wife Dr. Stephanie Kong own Kong Real Estate Holdings, LLC and Zoe Pediatrics. Dr. Kong said that they have been in Lamar County for eight years. He said that he is asking for a small variance at the entrance of his property and Silver Dollar Road. Dr. Kong said that he had no idea that there would be this much resistance for this access. He said that they have divided up the five acres into two areas. He said that the old building is on one section and the new building is on the other section. Dr. Kong said that the only way to access the new building is through the old parking lot and this is why they are making this request. He said that he is aware that all of these interest have to be balanced. Dr. Kong said that it would help them to have this access if they need to sell one piece of the property or the other otherwise, they will have to handle that through easements. He said that it would be better for the new building to have one access road. Dr. Kong said that as their patients leave their office, they must drive North in order to make a U-Turn to go South and that is an inconvenience for them.

Dr. Kong said that they started their practice nine years ago in Thomaston, Georgia and expanded into Barnesville because of the great need in Lamar County. He said that they were the only pediatricians in Lamar County. Dr. Kong said that started out in the Upson Regional Medical Center across from Ingles and then they bought the building on Hwy 19/41 which was a good investment. He said that the citizens of Lamar County welcomed them and his patient population grew and prompted them to expand their business. Dr. Kong said that the citizens that are opposing the driveway take their kids to Zoe pediatrics. Dr. Kong said he thanks them very much for taking them to Zoe pediatrics. He said that they see approximately sixty to seventy patients per day and they have three full-time pediatricians working in the building. Dr. Kong said that it has been a successful practice. He said that happy children are healthy children and that is their goal to keep children healthy where they can give more hugs and more kisses. Dr. Kong said that he had a patient, a ten-year-old boy who couldn't see out of one eye. He said some other doctors told him that he had to learn to live with it. Dr. Kong said that he came to Zoe Pediatrics and they arranged for the boy to have surgery in Atlanta and when they took off the patches, he had 20/20 vision. Dr. Kong said that he excelled in basketball and he became a happy child and was able to live a productive life.

Dr. Kong said that they started their practice in Thomaston and then they moved to Barnesville and then they moved to Columbus, Georgia. He said that they have three offices in Columbus, they have one hundred and fifty employees with

twelve employees in the Barnesville office. Dr. Kong said that there will be about twenty employees working in the new office in Barnesville. He said that they are National Committee for Quality Assurance (NCQA) certified. Dr. Kong said that this is a National certification for outstanding pediatric practices and only about twenty percent of the pediatric practices in Georgia have this designation and they are very proud of this.

Dr. Kong said that in Columbus they started a very large AVA center. Dr. Kong explained that this is the Appalachian Valley Autism (AVA) Center which provides therapy for children diagnosed with Autism Spectrum Disorder (ASD). He said that there are no other offices within fifty miles of this building. Dr. Kong said that they wanted to offer that service here even though it will not make them rich coming to a rural area and making such a heavy investment for the treatment of autistic children. He said that they have been successful with the model that they exercised in Columbus that they wanted to extend that service to Barnesville. Dr. Kong said that they would be delighted to see the progress that these autistic children make and after about twelve months in their program they are ready to return to a regular classrooms.

Dr. Kong said that should the County grant them access from Silver Dollar Road to the new Zoe Pediatrics building it will house the AVA facility for the treatment of autistic children. He said he had no idea that people felt strongly about this and he did not know that it would stir up a hornet's nest and said that all the issues need to be balanced. He said that all they are asking is for a better access to the new building. Dr. Kong said should the access be granted, maybe yes and maybe no because many points have been raised. He said that he would honor and respect everything that has been said there tonight. Dr. Kong said that he had listened to their concerns very carefully but they are just trying to offer some meaningful services. He said that in the interest of improving the tax base, providing employment, and providing these valuable services for the citizens of Lamar County he feels like that his request should be considered.

Dr. Kong said that a lot was said about traffic and he has heard several complaints about Gordon students cutting through Silver Dollar Road in the mornings because they are late to class. He said that he is on the Board of Trustees at Gordon State College and he will mention that issue to Dr. Nooks because it is something that needs to be addressed. Dr. Kong said that there are obviously different points of views that have to be balanced. He said that he too enjoys the rural environment and loves to look at horses, cows and donkeys. Dr. Kong said that he met with Public Works Director Rigdon and he told him he saw no issue with safety and he told them that this is where they should locate the driveway and they went with his recommendation. He said that he thought that this had been well thought out and urged the board to consider the pros and the cons of their decision. Dr. Kong said that whichever side the board chooses they will live with it and honor their decision but said that he still requests that the driveway be approved.

Mrs. Johnston addressed the board and thanked Dr. Kong for Zoe Pediatrics and said that she is not questioning the fact that they are a valuable asset to Lamar County. She said that they are concerned about the driveway and said that there is no commercial property that has access onto Silver Dollar Road. Mrs. Johnston said that the Church is not commercial property. She said that the Church used to be a daycare center and they fought against the daycare center because this is when they started seeing a lot of cut thru traffic dropping kids off at the daycare center. Mrs. Johnston said that they were told that a daycare was an acceptable building in an Agricultural Residential setting and they are not zoned commercial. She said that there is no commercial property that has access to Silver Dollar Road.

Gary Duvall of 145 Silver Dollar Road addressed the board and asked why it would not be better to come out onto Hwy 19/41 with another driveway instead of coming off onto Silver Dollar Road. He said that if the State will not allow it then why should the County. Mr. Duvall inquired about the property on the other side of the new property that is being graded off. Dr. Kong replied that the area that is being cleared on the other side of the new property is for the septic tank because there is no sewer in Lamar County.

Mr. Proud said that he appreciated Dr. Kong's great concern for children and for that reason alone, where that drive is located, he asked if they could envision a mother coming out onto Silver Dollar Road, with child on the passenger side, and a car coming off Hwy 19/41, running fifty miles an hour.

Ms. Duvall said that at the Planning Commission meeting Dr. Kong spoke about splitting the five acres, two and a half acres each, with one building on one two and a half acres and the other building on the other two-and-a-half-acre lot. She said that Dr. Kong spoke about needing a driveway for each particular building for future sales. Ms. Duvall said that if he chose to sell the property, he could sale each piece of property having its own entrance. She said that Dr. Kong's septic tank for the new building is located on the opposite two and a half acres therefore he would have to have some type of variance to sell it anyway. Ms. Duvall said that she believes that it is all profit to want the extra drive and said that the new building will only be housing approximately thirty patients a day. She said that this is sixty patients at the old building and thirty at the new building which means there will be about ninety patients a day using the Hwy 19/41 commercial road access. Ms. Duvall said that it does not sound like to her that this driveway is even needed and she thinks that it is wanted for future sales and profit. Ms. Duvall said that she believes that this is the reason Dr. Kong is wanting this driveway so badly.

Mr. Sizemore addressed the board and said that he has property in Griffin on the same highway between Moose Lodge Road and O'Dell Road and all those parcels of land are broken up into two acres. He said that each two-acre tract shares the same entrance. He said that you have two acres at the entrance and then two acres. He said that this is true for B&H Lighting, Riner Appliances, and S&J Industrial Supply because all of these lots on Hwy 19/41 for every two acres, share a driveway and this should not be a problem for his building because he is on five acres. Mr. Sizemore said that he still has a common entrance.

Mr. Proud said that at the Planning Commission meeting board member Dwight Fleming mentioned that there is no way that he will be able to split the property because of the septic tank. He said that the point about separating properties is way in the future.

Adjournment

Chairman Glass called for a motion to adjourn the Public Hearing. Vice-Chairman Horton made a motion to adjourn the Public Hearing at approximately 7:51 p.m. Commissioner Traylor seconded the motion. The motion passed unanimously.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

Charles Glass, Chairman

Bennie Horton, Vice-Chairman

Robert Heiney, Commissioner

Ryran Traylor, Commissioner

Nancy Thrash, Commissioner

Attest: _____
Carlette Davidson, County Clerk