

Board of Zoning Appeals/Planning Commission
May 23, 2023 - 2:00PM
Special Discussion Meeting

Opening: Chairman Billy Jackson welcomed everyone and called the meeting to order.

Roll Call: Billy Jackson; Chair, Jenecia Perry; Vice-Chair, Michael Bruner; Parliamentarian, Jeff Ashley, Nancy Cox, Gary Monroe and Charles Orrel. Misty Selph was absent.

Staff: Denise Grabowski (Planning Manager -Consultant-), Robert Wellmaker (Building Official), Mike Dick(Fire Chief), Carlos Nevarez(Fire Marshal) and Jonathan Trego (Planning and Zoning Supervisor)

Visitors: Enclosed

Chairman Jackson announced this is a special discussion meeting regarding zoning and no decision is to be rendered today.

Chairman Jackson asked for a motion to approve the agenda. Commissioner Perry made a motion to approve the agenda, Commissioner Cox seconded, vote passes with no opposition.

Chairman Jackson asked for a motion to un-table PC2304. Commissioner Perry made a motion to un-table; Commissioner Cox seconded; vote passes without opposition.

PC2304: Joshua Yellin; Hunter Maclean requests a general development plan review for proposed development as a service station for electric fleet vehicles to be located at 2202 US Highway 80; PIN 60080 01012, 2207 US Highway 80; PIN 60880 01013, 2301 US Highway 80; PIN 60881 04001, 2303 US Highway 80; PIN 60881 04002, 2305 US Highway 80; PIN 60081 04003 and US Highway 80; PIN 60881 04004

Chairman Jackson gave a reading of the item. Planning Consultant Denise Grabowski gave an overview of the proposal and stated the discussion is to present additional clarification for the proposed electric vehicles, zoning C2 district, the combination of multiple parcels and the primary use of fuel which is electricity. She stated the City Attorney provided additional information with clarification of use and the applicant has provided additional information with the intended use and activities for the maintenance building onsite and details to the EV use.

Commissioner Bruner gave a reading and overview of concerns for the project (see enclosed). Mr. Bruner said this use request is only a partial description, it's not stated fully and is not complete.

Applicant Josh Yellin stated he submitted the zoning request in consultation with Staff as a definition for automotive service station. Motor vehicles is all encompassing(46A), we are a fleet dealer, this will not be major truck repair but we are willing to have dialogue for what is major versus minor – the applicant is open to communicating with everyone.

Commissioner Bruner said this is truck repair which is use 66A.

Commissioner Perry said what criteria is there to determine a primary use versus a secondary use?

Denise Grabowski said per Sec. 90-10 the City Attorney confirmed that this request pertains to the conditions and the clarification as within the previous case meeting – he is who determines the legal interpretation of the Code.

Commissioner Perry said this is not retroactive.

Denise Grabowski said we do not have a memo from the City Attorney in reference to a follow-up from the previous Planning Commission meeting; the City Attorney and I are ethical and these items were confirmed via correspondence on May 15th to the City Manager and City Attorney which was affirmed by email on May 16th.

Commissioner Bruner said if all items were listed would the Building Official have considered signing off on the zoning use?

Robert Wellmaker; Building Official said based on the usage presented, the buildings and trucking terminal this would not have fit. This is new to the area; truck stops involve refueling with the drivers having lounges. Four-wheeled vehicles can use the location – there are some unknowns. Commercial fleets are usually FedEx and UPS which is a commercial use; I have been in this area since 1970 and yet to see an electric 18-wheeler.

Commissioner Bruner said you are familiar with the Code and if there were to be a secondary usage at an existing site wouldn't you typically investigate?

Robert Wellmaker; Building Official said I would send Code Enforcement out.

Mr. Thomas; Voltera said the development would provide 250 jobs not including operations and the security; there will be five employees directly employed by Voltera. The customer is to be determined but it would provide the chance for the fleet customers to take the full site.

Denise Grabowski said as a comparison, this development is considered as a fuel pro that is not opened to the public.

Commissioner Bruner said anyone with a fuel pro card can utilize their site because it's not gated. The previous meeting mentioned other sites – please clarify current site operations.

Mr. Yellin said this development is regulated by occupational safety standards. Power lines, batteries, safety is robust and will be regulated by Local, State and National Fire Codes. This is the GDP but will be regulated as it goes thru the review pipeline.

Mr. Thomas said Voltera currently has one development operating in Arizona with 14 charges for Uber and Lift; this site is only for passenger vehicles the development in California is under construction and is to serve 65 trucks.

Commissioner Bruner said I understand there have been conversations with the City Manager and I have questions for him and the City Attorney.

Mayor Campbell said per my conversation with the City Manager the request should have passed and it met all of the requirements.

Denise Grabowski said per Sec. 90-196, the Building Official has the authority to determine the usage.

Commissioner Ashley said is the use of changing tires allowable?

Robert Wellmaker said a repair shop is not an incidental use to a convenience store, maintenance on a vehicle is considered repair; for a terminal repair this would be an incidental use.

Mike Dick said we have used the past year to research EV's and the finding is that they are less likely to catch fire, it takes large amounts of water to put out but EV's don't come up as unsafe but when it happens then it's a question of how to control. No one has solid information; the State Fire Marshal is willing to help and we will follow codes.

Commissioner Ashley said does the City have the capability of containment from the chemicals and can the City afford the cost of equipment?

Mike Dick said we are aware of hazards for containment and runoff; we would need to call for assistance and if approved once we get actual plans this can be determined.

Commissioner Perry said you have painted the perfect picture for us to be objective but what about the location – is this the ideal location to be near the Palmetto Armory?

Mike Dick said if it caught fire it would be catastrophic – not likely but possible. The building looks good and this is a learning curve; my job is to be ready for when something happens.

Chairman Jackson said this project provides education and training to fire fighters.

Commissioner Ashley said how is handled if trucks hauling small chassis with a container and has low charge?

Mr. Thomas said the routes are short and the charging site is not sized for trailer trucks. We don't feel there's a high risk as the site is designed to serve non-trailer trucks. There is no provision for trailers to be brought onsite.

Commissioner Monroe said something as small as a hoverboard can cause severe damage; what does the Fire department have in the budget to make the upgrades?

Mike Dick said this is an unknown; we do not have the upgrades in the budget and when it catches fire it will burn violently inside the box.

Commissioner Monroe said per the applicant's memo this is not a truck terminal but what about a bobtail; how are assigned trucks and work orders completed?

Josh Yellin said based on the definition on a truck terminal dispatch coordinates the movement of the truck; this is not happening onsite. There is one end user, no goods, no containers, no trucks – it comes from the fleet operator and not Voltera.

Mr. Thomas said Voltera is not a logistics company and we have no knowledge of where trucks are going.

Denise Grabowski said Voltera does not dispatch; they are in the business of charging trucks.

Commissioner Monroe said storage of trucks constitutes an industrial use because they are being stored while charging. We have a residential area nearby and this adds congestion. There is no public use and it's a truck terminal that's storing which classifies as I-1.

Josh Yellin said this development will take existing fleets that reduces pollution, it does not add new trucks to the roads, the traffic analysis submitted to the City shows the same traffic impact as this is a private establishment that does not provide harm. The use is for trucks to be charged.

Mr. Thomas said it will take 2-6 hours depending on the level of charge for the battery to recharge. Voltera will design 12 charges for electric vehicles as an amenity for personal vehicles or light-duty vehicles – we lease charging amenities only. The fleet company is paying for access for quantity of charges and the variable is the utility cost not volume of kilowatt hours.

Denise Grabowski said the hours of operation coincides with the Ports and the charging station for personal vehicles are for those who are driving the trucks. Voltera leases charges and spaces to fleet companies. There is no leasing of property.

Commissioner Bruner said I have questions received from Commissioner Selph but I feel those questions have been addressed.

Commissioner Monroe said space is being leased, the Dean Forest Road project was zoned to I-2; we have to be accountable for the use.

Josh Yellin said Voltera owns the site, they lease the use of the pumps and the employees of Voltera has day to day operations.

Commissioner Perry said the purpose of the meeting is necessary; we don't understand why this was held during the day; the Board is charged with being active and this takes a big responsibility to be prepared by the fire department.

Josh Yellin said this is a great use for Garden City, we were reluctant to get into specifics because its typically not part of a general development review. We want to make sure all safety mechanisms are in place.

Denise Grabowski said this was a fruitful discussion, GDOT has an EV development plan which is high priority in the State of Georgia as a home to the Ports. We will see more developments like this that will have to meet all requirements but because of the novelty this allows Garden City to setup the blueprint.

Chair Jackson asked for questions or comments; being none he called for a motion to table. Commissioner Bruner makes a motion to table. Commissioner Cox seconded; vote passes without opposition.

Commissioner Perry made a motion to adjourn, Commissioner Coxseconded. Motion passes with no opposition.

Respectfully submitted
TTR

May 23, 2023 @ 2:00PM
Planning Commission Meeting
Special Discussion Meeting About PC2304

I would like to first thank everyone for being here for today's meeting. I think it's safe to say that my fellow commissioners and I believe that this is a very important meeting that will not only set a precedence on the Hwy 80 corridor, but also the future of the planning and zoning commission.

PC2304 was brought before the planning commission on May 9, 2023. Several of the commissioners expressed concern about this particular project in the days coming up to this meeting and the day of. When we received our agenda packet for this meeting, this particular item had a pretty vague description of the operation that was to take place with this development. The project description on the application stated: "Service station for electric fleet vehicles". The first statement under Findings read as follows:

"Proposed uses and overall development plan

This facility is the first of its kind in the area and will provide charging facilities for electric vehicles and trucks. The project is proposed for development in two phases. The first phase will include both buildings, passenger vehicle parking, and 37 truck charging stations. The second phase will add an additional 90 truck charging stations. Phase I is anticipated by the end of 2024; the timeline for Phase II is to be determined."

There are 4 other line items of findings about facade elevation plan, fences, landscaping, buffer, driveway and parking orientation, scale, design, and location of exterior signs.

These are then followed up with a recommendation that the General Development Plan be approved.

I believe this particular project sparked a lot more questions than usual, because (as stated in the findings) it is the first of its kind in this area. There were lots of safety concerns. Lots of questions about the facility, operation and business model.

Initially, I personally had several questions in regards to the safety of charging these large capacity lithium batteries. I come from a 20+ year background in electronics repair and have worked with all types of rechargeable batteries. Lithium based batteries are the first ones that I've seen that burn so intense that it is almost impossible to stop the burning process until all of the fuel has been exhausted. Before the May 9th meeting, I contacted Mr. Trego and Mr. Wellmaker to ask if maybe the fire chief would be able to attend at least pre-agenda to possibly answer some question as to what could or would be done in the case of a fire of one of these vehicles. I was given contact information for the assistant to the fire chief and told to call or email to see if that was an option. I did eventually get in touch with the fire chief, he informed me that he would not be attending the meeting. However he did speak with me on the phone for a few minutes and tried to answer some questions about the concerns of control in the event of a fire.

As we got into our pre agenda meeting and this item came up for discussion, several commissioners had safety concern. Then as we got into more detail of the buildings and

operations, there were concerns as to whether or not this was even allowed in a C-2 Zoning. Our pre-agenda time was up, so we had to move to the courtroom and start our official meeting.

Upon discussion with the petitioner, it became more and more evident that this would not be a service station (remember the request was for: "Service station for electric fleet vehicles"). We will get back to this in a few minutes. This facility would be built, then leased to a company running a fleet of electric semi trucks. It will not be open to the public. They will have a repair facility for repairing these semi trucks, ie: brakes, tires, software updates and general repairs that would exclude any type of oils because they are electric (per the petitioner). Upon doing just a small amount of research, you will find that these trucks still use conventional transmission (transmission fluid), rear end (gear oil), brakes (brake fluid) and cooling system (coolant). I think it would be safe to say that these fluids would also need to be changed from time to time and would most likely take place at the repair/maintenance building.

A typical day would consist of a driver coming in for work in the morning (typically around the time the ports open) he/she would park their personal vehicle in the front parking lot, then get in a truck and leave for their shift. They would be back around noon for a possible shift change and charge. Then the next driver would come in for the second shift and be back with the truck at the end of their shift (typically when the ports close). These trucks would then be charged and sit overnight until the morning shift starts. This means that once Phase II would be complete, you would potentially have 127 trucks sitting in this lot every night and over the weekends.

When asked about safety concerns and whether there were federal, state and EPA requirements. We were told that Voltera works with the local government on these requirements. This appears to be because since this is all fairly new, there are not any set standards yet. We asked if Voltera had any other facilities like this. The answer was that they are just breaking ground on a facility in CA and they have one facility that is operational in AZ. When questioned more about the one operational facility in AZ, we found that it only has 14 charging stations. This would be the first or maybe second (If CA was finished first) facility of this magnitude. There were also concerns of strain on our power grid for something of this size. It appears that they power company would basically need a substation just for this facility.

When Mrs. Grabowski was asked how or why this would be allowed in a C-2 zoning, she responded with it has already been approved by Mr. Wellmaker (Building Official). When asked about zoning ordinance 66a (repairing trucks, manufactured homes, and trailers) only being allowed in I-2, we were told by Mrs. Grabowski and Mr. Yellin that the primary usage is a service station and the other usages are secondary so it's allowed and once again that it had already been signed off on as an accepted usage.

Per our ordinance most anything dealing with the sales, service, or maintenance of Heavy trucks, requires a zoning of I-2. So whether it's primary or secondary, and I-2 zoning is still required to conduct repairs on heavy trucks or to have overnight parking of heavy trucks. Several months ago we had a business along Hwy 80 that had about 5 trucks being parked overnight. They were told by code enforcement that their zoning did not allow for the truck to be there. They then came before the zoning commission to ask for a variance. Their request was denied. If we approve this GDP, then we are opening the door for all kinds of "secondary usage".

We (the board of commissioners) were questioned by Mr. Yellin and Mrs. Grabowski about why there were so many concerns about this particular project, yet none of these questions were

brought up during the GDP review of a recent traditional fueling station. I think the answer is pretty simple. First, this is something new to this area, so there are going to be more questions. Not only is this new to the area, but it would be one of the first three being developed by Voltera in the country. Second, there are all kinds of state, federal, and EPA guidelines for traditional fueling stations. They have been around for decades, close to a century. These EV stations have not been around long enough to have these guidelines developed. Therefore it is going to be our responsibility to make sure we have all of the necessary safety precautions and plans in place. Last, when comparing this development to the approved development at the corner of Dean Forest and Hwy 80, a large portion of that development property is already zoned I-2. Therefore, there really wasn't much question as to whether or not heavy trucks could be there. All of the properties in question for this item are zoned C-2. Thus not permitting the repair or storage of heavy trucks.

Now I would like to get back to the "Zoning / Permitted Use Verification". Per my earlier reference, it was stated multiple times that Mr. Wellmaker signed off on the usage being permitted. On Wednesday May 10, 2023 I received a copy of the verification form that was signed by Mr. Wellmaker. When the requestor fills out this form, they are to "Describe Fully ALL business activities or intended use of property:" The requestor (Taylor Stein) answered with this quote: "The proposed use of this property is for it to serve as an Electric Vehicle (EV) Charging Facility for freight vehicle fleet operation and charging. Please confirm that this intended use can be classified as a service station under use #46 of the Garden City Zoning Ordinance." There are several issues here. First of all Mr. Taylor Stein left out several details as to ALL business activities or intended use of property. There is nothing stating that heavy truck repair will take place on the property or that heavy trucks will be parked overnight or that you want to classify this as a service station but not serve the public. Second, the request is to be classified as a service station under use #46 of the Garden City Ordinance. Use #46 in our ordinance states "AUTOMOBILE service station, including AUTOMOBILE washeteria. Heavy trucks are typically noted in separate codes or as a sub code and only allowed in I-2 zoning. For example Code #66 (Automobile repair, automobile upholstery shops and paint shops) this is allowed in C-2, C-2A, C-2A(B&W), I-1, and I-2. Just below we see Sub Code #66a (Repairing trucks, manufactured homes and trailers) this is only allowed in I-2. There is a separation between Automobile and heavy truck operations.

Garden City's Definition of (per zoning in municode Sec. 90-5 Definitions and rules of construction) Automobile service station is as follows:

"Automobile service station means a building or lot having pumps and storage tanks at which fuels, oils or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, and where repair service is incidental."

According to Merriam-Webster.com an automobile is: a usually four-wheeled automotive vehicle designed for passenger transportation

According to Wikipedia: A car or automobile is a motor vehicle with wheels. Most definitions of cars say that they run primarily on roads, seat one to eight people, have four wheels, and **mainly transport people, not cargo**

Late last night (around 8:38 PM) we all recieved an email that was forwarded to us by Mrs. Grabowski. This email was communication between Mrs. Grabowski and Mr. Yellin. On Thursday May 11, 2023 @ 10:23 AM, Mrs. Grabowski asked Mr. Yellin to please provide some

additional information regarding the intended use/activities for the maintenance building for the Voltera project? On Friday May 19, 2023 @ 4:44 PM Mr. Yellin Replied with this (See email)

Commissioners,

Please see the additional information below provided by Josh Yellin, pertaining to the proposed EV charging facility.

Sincerely,
Denise

Denise R. Grabowski, AICP, LEED AP
sybioscity
912.484.2018

From: Joshua Yellin <JYellin@huntermaclean.com>
Sent: Friday, May 19, 2023 4:44 PM
To: dgrabowski@sybioscity.com
Subject: RE: Voltera

Good Afternoon Denise – I wanted to follow-up on your email regarding the intended use/activities for the maintenance building on site and to provide additional details as to the overall EV use (and specifically why this use not a truck terminal).

First, to the maintenance – as required by the GC zoning ordinance, all repairs permitted on site would be minor repairs – there will be no major repairs.

The repairs would be for brakes and tires, but not for the common major repair items (transmission, collision, body work, etc.).

As the site will only provide minor repairs, it would meet the requirements and definitions of Use 46.

To confirm: no major repair will be permitted; no pumps will be located in the front yard setback; and all service, storage, or similar activities (all of which are permitted with a service station) will be conducted entirely on-site.

We did want to make clear, based upon some of the conversation at the prior hearing, that this use is specifically not a truck terminal and would not meet the definition of truck terminal, which under the ordinance is defined as: *a facility used for the purposes of truck assembly or dispatching, which may also include the loading and off-loading of trucks and the storage or handling of goods and materials and major repair and service of trucks.*

As to Voltera's use:

There will be no truck assembly;

There will be no truck dispatching;

There will be no loading of trucks;

There will be no offloading of trucks;

There will be no storage of goods and materials;

There will be no handling of good and materials; and

There will be no major repair and service of trucks.

Typically, we see the main requirements for truck terminals are facilities and parking for the trailers and containers – both of which will not be present at this site.

While I am always reluctant to reference google searches, the Voltera project in no way looks like or functions as a truck terminal:

https://www.google.com/search?rlz=1C1GCEB_enUS1019US1019&q=%22truck+terminal%22&tbm=isch&sa=X&ved=2ahUKEwilvY_D3_AhUzlGoFHdIIcN4Q0pQJegQICRAB&biw=1920&bih=937&dpr=1 – there are no containers, no trailers, and no docks.

Please let me know if we can answer any additional questions prior to the hearing.

Thanks,

Joshua Yellin
Attorney

HunterMaclean

200 E. Saint Julian Street | P.O. Box 9848 | Savannah, GA 31412-0048
Main: 912.236.0261 | Fax: 912.236.4936
[Firm Website](#) | [My Bio](#) | [vCard Download](#) | JYellin@huntermaclean.com

Wildwood Drive	Minor and marginal access
Winoca Drive	Minor and marginal access
Woodlawn Avenue	Minor and marginal access

Street, opened. A street or road shall be deemed to be opened if it either:

- (1) Was available for public use prior to the adoption of the ordinance from which this section derives; or
- (2) Was constructed to city specifications following the adoption of the ordinance from which this section derives.

Street, unopened. A street or road or any part thereof shall be deemed to be unopened if it is not cleared, graded and available for public use.

Structure means anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having a location on the ground.

Temporary labor employment center means a building used to assemble persons applying for temporary day labor work.

Trailer means a vehicle with or without its own motive power, which is mounted on wheels or is designed to be so mounted and transported.

Trailer, camper means a trailer designed or used specifically as a recreation unit and not used as a permanent residence, with an overall length not exceeding 30 feet.

Truck stop means a combination of uses housed under a single structure and designed as a service center to accommodate the needs of truckers. Such uses may include gas pumps, service areas, restaurants, minor vehicle repair, overnight motels and other uses related to truckers. **Code #82 I-1 only**

Truck terminal means a facility used for the purposes of truck assembly or dispatching, which may also include the loading and off-loading of trucks and the storage or handling of goods and materials and major repair and service of trucks. **Code #81 I-1 or I-2**

Use, accessory means:

- (1) A temporary use of a building established in connection with a construction project or real estate development, excluding facilities for sleeping or cooking.
- (2) A use of a building customarily incidental and subordinate to the principal use of building on a lot and located on the same lot with such principal use or building.

Sec. 90-5. - Definitions and rules of construction.

(a) For purposes of this chapter:

- (1) The word "lot" includes the word "plot" or "parcel."
- (2) The word "building" includes the word "structure."
- (3) The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

(b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult day care center means a building in which is provided basic adult social and maintenance day care services to ambulatory adults, but not including rehabilitation services for the care of alcoholics, drug addicts, psychotics, or mentally ill patients. Except for the living quarters of the operators or workers, no overnight facilities or services are provided.

Alteration of building means any:

- (1) Change in the supporting members of a building such as walls, columns or girders, except such changes as may be required for its safety;
- (2) Addition to a building;
- (3) Change in the use of a building; or
- (4) Change in the location of a building.

Animal boarding place means one or more buildings designed or arranged for the boarding, breeding or care of dogs, cats and other animals for other than agricultural purposes, but not including stables.

Automobile service and repair means a building or lot, or both, in or upon which the business of general motor vehicle repair and service is conducted, but excluding a junk or auto wrecking business.

Automobile service station means a building or lot having pumps and storage tanks at which fuels, oils or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, and where repair service is incidental.

Boardinghouse and *roominghouse* mean a dwelling in which meals or lodging, or both, are furnished for compensation to more than three and less than ten nontransient persons.

Building means any structure, except a trailer, which has a roof and which is designed for the shelter, support or enclosure of persons, animals or property of any kind.

Building, accessory means a building on the same lot as the principal building in which is conducted a use which is customarily incidental and subordinate to the principal use. An unattached accessory building is an accessory building which does not share both a common wall and roofline with the principal building.

90-10