

**Statesboro Planning Commission**  
**Minutes**  
**April 10, 2007**

The April 10, 2007 meeting of the Statesboro Planning Commission was called to order by chair Sharon Tracy at 4:05 p.m. in the City Hall Council Chambers. Other Planning Commission members present were Ray Hendley, Wyatt Johnson, Lewis Stewart and Norman Wells. City staff members present were Jim Shaw, Planning Director, and John Kinley, City Planner.

Mr. Stewart moved to approve the minutes of the February 13, 2007 meeting as presented. Mr. Johnson seconded the motion and it was approved unanimously.

Under old business was Application RZ 07-02-01; Mable Sanders requests a zoning change from HOC (Highway Oriented Commercial) to PUD (Planned Unit Development) to allow the construction of condominiums for 14.94 acres located on the south side of Highway 301 North, approximately 500 feet west of Veterans Memorial Parkway.

Mr. Shaw provided the Commission a summary of the staff report. This application was tabled at the February meeting to allow the applicant time to consider the staff comments. The applicant is requesting the rezoning to allow construction of a gated 60-unit condominium development. He stated staff is extremely concerned about the viability of this development. If approved, this rezoning will compromise the established zoning scheme along this commercial and industrial corridor. He stated staff recommends denial of the requested rezoning.

Mr. Shaw said he spoke with Ms. Sanders after the February meeting. She indicated she had chosen to develop the property primarily as commercial, rather than residential. She has failed to request to withdraw the application as had been recommended or to request that she be given additional time. Staff would like a decision so the file can be closed.

Dr. Tracy said the Commission needs to move for or against the request. Mr. Johnson asked if there was any response from the applicant in regards to the staff's recommendations. Mr. Shaw stated that the applicant expressed a desire to develop the property as commercial use. Mr. Hendley asked if the request was denied how long before the applicant could make the request again. Mr. Shaw said the same request could not be made within six months of the City Council decision.

Mr. Johnson made a motion to deny the request. Mr. Stewart seconded the motion and it carried unanimously.

The first item of new business was Application RZ 07-04-02; K State, LLC requests a zoning change from CR (Commercial Retail) to PUD/CR (Planned Unit Development with Commercial Retail Overlay) to allow the construction of two separate fast food restaurants

with common parking and access for a 2.05 acre parcel located at the northeast corner of the intersection of Buckhead Drive and Brannen Road.

Mr. Shaw provided the Commission a summary of the staff report. He stated the property is currently undeveloped. The applicant is requesting the rezoning to allow the construction of two separate fast food restaurants with common parking and access. The current zoning would allow the property to be divided. However, each parcel's development would need to meet the regulations as a standalone lot. The proposed layout would require setback variances on both lots for parking.

Mr. Shaw stated rezoning to PUD would allow two development options. First, the property owner could sell or lease individual building footprints and all other property would remain in common ownership. Parking, access and maintenance would be shared. The second option would allow the property to be divided in a traditional manner, but function as one development with easements and maintenance agreements for shared parking and access. A variance as part of the PUD approval would be required for the parking lot setback along the common property line.

Mr. Shaw said there are other similar developments in the city. The property could have been developed with one multiple-tenant building with a large parking lot. The development that has been proposed is not necessarily better or worse, just different. He stated the staff recommends approval of the request to rezone the property to PUD/CR with a variance to allow parking facilities to encroach on common property lines.

Joey Maxwell, with Maxwell-Reddick & Associates, was present to represent the applicant. He stated the property is the proposed location of the new Krystal restaurant. The property owner would like the ability to lease or sell the rest of the property in the future for a second restaurant.

Mr. Stewart made a motion to approve the request with a variance to allow parking facilities to encroach on common property lines. Mr. Johnson seconded the motion and it carried unanimously.

The second item of new business was Application AN 07-04-03; Maxwell Reddick, on behalf of CJV, LLC, requests annexation by the 100% method and zoning change from HC (Highway Commercial) to PUD/CR (Planned Unit Development with Commercial Retail Overlay) to allow the construction of a commercial strip mall for a 0.87 acre parcel located on Stambuck Lane approximately 1500 feet west of Highway 67.

Mr. Kinley provided the Commission a summary of the staff report. He stated the property is currently undeveloped. The applicant is requesting the annexation and rezoning to allow the construction of a commercial strip mall. The site plan submitted shows a 5,000 square foot building divided into four sections. Two sections are proposed to be restaurants with drive thru windows. A self service ice machine and an ATM are located on the east side of the property. A single ingress and egress is located on the west side of the property. A total of 27 parking spaces are provided.

In January, the Council approved an amendment to the Ordinance that requires a recalculation of parking when the gross leasable area devoted to restaurant use within a shopping center exceeds or is proposed to exceed 30% of the total gross leasable area of the buildings. The parking requirement for all restaurants within the center must be calculated according to the restaurant requirement. The parking for the remaining gross leasable area will be calculated according to the shopping center requirement. The ice machine requires 2 spaces, leaving a total of 25 parking spaces to be used by the tenants. That is sufficient if they are all retail uses. It is unknown if the parking requirement can be met for the restaurants, because it is based on the seating rather than square footage.

Mr. Kinley stated staff is concerned with the one-way traffic flow on the property. The drive thru at eastern side of the building has space for one or possibly two cars to be stacked waiting before blocking the drive aisle in the front parking area. The drive aisle around the east side of the building is narrow and could be difficult for large vehicles to navigate. It would be easy for the drive aisle to become blocked and back up traffic.

The site plan does not show any buffers. The Ordinance requires a 10 foot landscape buffer along the northeast property line adjacent to the Garden District. The applicant is requesting a variance to the buffer requirement as part of the PUD approval. The applicant is also requesting, as part of the PUD approval, a variance to increase the ground sign height from 15 feet to 30 feet. According to the Ordinance the maximum height allowed for the proposed sign is 15 feet. The applicant has stated the reason for the request is because the property sits about 15 feet lower than the Bypass and there are three-story apartments adjacent to the development. The applicant feels a sign that meets the requirements would not be seen by the public. Mr. Kinley stated staff feels the property does not relate to the Bypass. The property does not road frontage on the Bypass and is approximately 540 feet from the Bypass. Any signs should relate to traffic traveling on Stambuck Lane.

Annexing this parcel is a logical extension of the City limits. The commercial development would serve nearby residential developments. The proposed zoning is similar to the adjacent properties zoned CR and PUD/R4/CR. Staff recommends approval of the requested annexation and rezoning. Staff recommends denial of the sign height variance and the landscape buffer variance.

Joey Maxwell, with Maxwell-Reddick Associates, represented the applicant. He said the purpose for the sign variance request was from an advertisement standpoint. The developer wants visibility of the property from the Bypass. He stated the applicant feels the buffer is not warranted. He stated that Georgia Power has a wide easement along the northeast property line and a large un-maintained detention basin lies between the subject property and the Garden District Apartments. He said the applicant would be willing to place a fence along the property line. Mr. Maxwell said the road right of way in front of the property would be given to the City.

Mr. Stewart asked Mr. Maxwell to describe the division of the building. Mr. Maxwell replied stating the building, as proposed, is to be divided into four equal sections, but it is possible one tenant could lease or purchase more than one section. Dr. Wells asked if the ATM was a sure thing. Mr. Maxwell stated it was put on the plan only as a possibility. Mr. Stewart asked what type of ice machine was proposed. Mr. Maxwell responded saying it was similar to ice machines in several locations around town.

Mr. Johnson made a motion to approve the annexation and rezoning, but deny the sign and buffer variances. The motion died due to lack of a second. Dr. Tracy suggested separating the requests into individual motions. Mr. Johnson made a motion to approve the annexation and rezoning. Mr. Stewart seconded the motion and it carried unanimously. Mr. Hendley made a motion to deny the sign height variance. The motion was seconded by Mr. Stewart and it carried unanimously. Mr. Hendley made a motion to approve the buffer variance to reduce the buffer to 3 feet in width with the provision of a 6 foot high wood fence to be covered in climbing vegetation. Mr. Johnson seconded the motion and it carried unanimously.

Dr. Tracy asked if there was any other business to come before the commission. Mr. Shaw stated Dr. Wil Grant had submitted his resignation earlier in the day. It will be forwarded to the Mayor and City Council so a replacement can be named.

There being no other business for the Commission's consideration, Dr. Tracy adjourned the meeting at 5:00 p.m.