

**Statesboro Planning Commission
Minutes
December 12, 2006**

The December 12, 2006 meeting of the Statesboro Planning Commission was called to order by acting chair Wyatt Johnson at 4:15 p.m. in the City Hall Council Chambers. Other Planning Commission members present were Ray Hendley, Will Grant, Maebell Moore, and Lewis Stewart. City staff members present were Jim Shaw, Planning Director, and John Kinley, City Planner.

Mr. Stewart moved to approve the minutes of the November 14, 2006 meeting as presented. The motion was seconded by Ms. Moore and was approved unanimously.

The first item of new business was Application RZ 06-12-01; Kathryn Lovett, et al requests the rezoning of 2.96 acres from O (Office) and CR (Commercial Retail) to PUD/CR (Planned Unit Development with Commercial Retail Overlay) located on the east side of Gentilly Road approximately 330 feet north of the intersection of Brannen Street and Gentilly Road.

Mr. Kinley provided the Commission a summary of the staff report. He stated the request is for rezoning to allow the construction of a commercial development with shared access drives and light retail activity. The site plan submitted shows seven buildings ranging in size from 3,000 square feet to 5,000 square feet. A possible driveway connection to the rear of the existing development at 605 Brannen Street is also proposed. The plan meets the parking requirements of the Ordinance and indicates a ten foot landscaped buffer along the northern property line where the development abuts residential zoning. Other commercial development has occurred in the area recently. He stated staff recommends approval of the requested rezoning with the condition that buffers be provided where property abuts residential zoning in accordance to the Zoning Ordinance.

Wallace Wright, representing the applicant, stated Dr. Edwards purchased 605 Brannen Street and intends to purchase the subject parcel contingent on zoning approval. He spoke to representatives of the neighboring residential property owners about providing a sufficient buffer along the northern property line. His client would agree to provide a fence with shrubbery on both sides.

Stephen Rushing, representing Arthur Sparks of 125 Simmons Road, spoke to further address the issue of the buffer between the subject parcel and his client's property. He encouraged leaving as much of the natural buffer as possible and providing an eight foot high fence.

Mr. Wright replied saying an eight foot fence would be acceptable; however he was not sure if the fence could be built within the utility easement and would not want the fence to extend all the way to Gentilly Road.

Dr. Grant spoke encouraging a fence that would reduce noise.

Mr. Stewart moved to approve the requested rezoning with the condition that a buffer containing an eight foot high opaque fence with trees and shrubs on both sides be provided along the northern property line where it abuts residential zoning. The motion was seconded by Dr. Grant and was approved unanimously.

The second item of new business was Application RZ 06-12-02; Enmark Stations, Inc, on behalf of Richard Johnson, James Hood, and The Salvation Army, requests the rezoning of three parcels of land from R-15 (Single-Family Residential) to CR (Commercial Retail) located at 300 Catherine Avenue, 104 Catherine Avenue, and 0.69 acres at the northeast corner of Fair Road and Herty Drive.

Mr. Shaw provided the Commission a summary of the staff report. He stated the request is to allow the construction of a convenience store. The proposal combines 3 separate parcels and a portion of Hollis Street. If approved the applicant would submit a formal request to close this portion of the road. The plan shows a 3,116 square foot store and six double sided pumping stations. Access would be from Fair Road, Catherine Avenue and Herty Drive. The plan submitted was not in conformance with all requirements of the Ordinance, but if the zoning is approved any site plan problems would be addressed administratively. He said that buffers would be required along Catherine Avenue and Herty Drive between the rear of the property and the entrances. The property is mostly surrounded by single family zoning and uses. The nearest commercial use is two blocks away, north of Pitt-Moore Road. If approval is granted this could become precedent for more zoning changes in this area. He stated staff recommends denial of the request.

Dwight Harrison of Enmark Stations introduced Sam Dipolito who represented the sellers of the property. He stated the neighborhood is an old residential neighborhood and is now a rental neighborhood. He claimed only three homes near the project were still owner occupied. He pointed out that the Georgia Southern campus could be considered nearly commercial with the variety of uses involved. He stated the area is no longer single family in nature.

Dr. Grant expressed concerns about the adjacent property. Mr. Dipolito clarified the property that was included in the request.

Mr. Harrison said he felt they could minimize the impact on the properties adjacent to the rear. He also felt they could comply with the all the zoning requirements. He said the project would not create additional traffic because the business serves the travelers already driving by. He felt the area is ready to transition to commercial uses along the Fair Road corridor.

Mr. Stewart asked what impact the project would have on the traffic light at Herty Drive. Mr. Harrison said they may be able to move the entrance onto Herty away from the intersection and may be required to move the Fair Road entrance to the north.

Mr. Stewart asked how many customers were expected to patronize the store. Mr. Harrison said convenience stores are impulse driven and that it would be difficult to estimate the number of customers.

Dr. Grant said staff concerns are this project would set the stage for commercial development to encroach into the neighborhood. Mr. Dipolito again stated that the homes are rental and the project would not be a detriment to the home owners.

Mr. Johnson asked Mr. Shaw if the problems with the site plan were significant. Mr. Shaw stated that the site plan issues could be addressed without much difficulty.

Mr. Hendley made a motion to approve the requested rezoning to CR. Mr. Stewart seconded the motion. The motion carried unanimously.

The third item of new business was Application V 06-12-03; Sue Schaefer requests a variance to reduce the required side yard setback from ten feet to three feet and appeals an interpretation of the Zoning Ordinance, Section 2203.A for property located at 821 Robinhood Trail.

Mr. Shaw provided the Commission a summary of the staff report. He stated the property currently has a three-bedroom, single-family residence. The applicant wishes to construct a second single-family residence on the same parcel. He stated that staff has interpreted a section of the Zoning Ordinance to prohibit the placement of two single-family residences on the same property. The applicant is also requesting a side yard setback in the event of approval of the appeal. Mr. Shaw said Section 2203.A of the Zoning Ordinance has been interpreted to prohibit the applicant's request. He stated the first sentence of the section says, "Only one principal building and its customary accessory buildings may hereafter be erected on any lot." The second sentence says, "More than one multiple dwelling or institutional, commercial, or industrial building may be located upon a lot or tract in districts other than R-3, R-15, or R-20..." The wording "multiple dwelling" is defined as "A building not a single-family dwelling or two-family dwelling, designed for and occupied exclusively for dwelling purposes by three or more families living independently of one another, not a rowhouse, but customarily called an apartment house." Mr. Shaw said that in this case this means only more than one apartment-type building may be located on one lot or parcel. He said he was not sure of the reasons for this limitation, except that there might be a possibility of future division of the property. In many cases, including this one, it would not be possible to divide the property so that it meets the Zoning and Subdivision Ordinances.

Mr. Shaw stated the applicant is requesting a seven foot variance of the ten foot side yard setback for the construction of the second home. The adjacent lot to the north appears to be unbuildable; however, it is under the same ownership as the Statesboro Place Apartments and could be used in the future if the adjacent access were modified. There appears to be no hardship to warrant the variance.

Mr. Shaw summarized by saying the applicant has a reasonable use of the property in its current configuration. Although the area is zoned R-4 most of the surrounding lots have one, single-family home. Across the street there is a multifamily building. The applicant has the right to expand and modify the existing structure to make it a multifamily dwelling. To do so, it must be one complete building and any addition must be structurally, rather than cosmetically, attached. The applicant also has the right to demolish the existing structure and construct an entirely new structure with up to five units. He stated that staff recommends upholding its interpretation and denial of the requested variance.

Sue Schaefer, the applicant, stated she wanted to place the second home on the property and did not understand why it was permissible to build bigger instead of smaller. She said the home would be hidden from view. She did want to attach the homes because she felt it would be too expensive, be a fire hazard, and look nicer if separated. She said the setback request was to preserve the view of the original house, provide a courtyard and aesthetics. She stated students want to rent houses with yards.

Dr. Grant stated he had concerns about parking. He stated that a courtyard could be a nice feature. Ms. Schaefer stated she wanted to provide home for more students, but did not want to build a second story on the existing home. She said the interpretation is a literal interpretation. She asked the Commission to consider what makes sense.

Mr. Stewart made a motion to deny the appeal and variance. The motion was seconded by Ms. Moore. The motion carried 3 to 1 with Mr. Hendley opposed.

The fourth item of new business was Application RZ 06-12-04; Bruce Lane requests the rezoning of 2.96 acres from R-6 (Single-Family Residential) to R-4 (High Density Multi-Family Residential) located on the west side of Deloach Street, north of West Jones Avenue and south of West Grady Street.

Mr. Kinley provided the Commission a summary of the staff report. He stated the applicant is requesting the rezoning to construct 5 town home buildings on the property. Each building has 6 town home units for a total of 30 units. As proposed, the project would have a density of 10.13 units per acre. A site plan was not submitted but it is important to note that buffers will be required where the property abuts single-family residential zoning. It is expected that all other zoning requirements be met as well. The structures presently located on the property are in disrepair. The property is located in a part of the city that is in need of new housing. He stated staff recommends approval of the requested rezoning.

Bruce Lane, the applicant, said the area is in need of new housing. He wants to bring a new look to the area. He has completed other similar projects in the Florida and is willing to do whatever it takes to make the project happen.

Mr. Stewart made a motion to approve the rezoning. The motion was seconded by Ms. Moore. The motion carried unanimously.

Council Gary Lewis addressed the commission saying he was supportive of the project and feels that this project will be a needed improvement to this part of Statesboro.

The fifth item of new business was Application AN 06-12-05; Jerry Jennings, on behalf of Statesboro Properties, requests annexation by the 100% method and zoning change from LI (Light Industrial) to HOC (Highway Oriented Commercial) and R-10 (Single-Family Residential) for 87.3 acres located on the south side of Highway 301 North approximately 2700 feet northeast of the intersection of Veterans Memorial Parkway and Highway 301 North.

Mr. Kinley provided the Commission a summary of the staff report. He stated the request was to annex and rezone the property to allow the development of a single family residential subdivision with an area of commercial property along the highway. A conceptual plan was provided, but the exact layout and acreage could change. Based on the approximate boundary of the floodplain and wetlands, about 54.6 acres of the property is developable. A wetlands delineation would determine the exact boundary and could result in more or less developable land. The concept plan shows 4 lots of commercial property along 301 North zoned HOC. A total of 124 residential lots are proposed. The majority of the lots range in size from 10,800 square feet to about 15,000 square feet. Some lots are much larger due to the area of wetlands on the eastern side of the property. Other single family development exists in the area. Pinemount subdivision is directly to the south. There is a small residential area to the north and a mobile home park to the west. The lots in Pinemount are just over 25,000 square feet due to septic system requirements. Water and sewer utilities are available to the subject property; therefore the larger lot size is not required. Mr. Kinley said Highway 301 is in need of improvement in this area. If successful, this project should encourage additional improvements to the area. The current commercial property in the vicinity is in disrepair or vacant. He said staff recommends approval of the requested annexation and rezoning.

Mr. Jennings, the applicant, was present to answer any questions.

Ms. Mabel Sanders, developer of Pinemount subdivision, said she no longer had single family lots available in Pinemount and she thought this project, if approved, would be very successful and good for Statesboro.

Ms. Moore made a motion to approve the annexation and rezoning. The motion was seconded by Dr. Grant. The motion carried unanimously.

The sixth item of new business was Application T 06-12-06; An amendment of Article XV, Signs, of the Zoning Ordinance to modify the definitions and add a provision allowing animated signs in shopping centers.

Mr. Shaw provided the Commission a summary of the staff report. He stated the owner of Statesboro Mall wishes to place signs with electronic animation on Northside Drive and the corner of Brannen Street and Lovett Road. Currently, the Ordinance prohibits animated signs. The proposed amendment allows a maximum sign area of 350 square feet

with animated portions limited to 65% of the total sign area or 175 square feet, whichever is less. The ordinance will only apply to the mall. If an unenclosed shopping center of a similar size is constructed the staff would consider amending the ordinance to include it. Allowing animated signs only for the mall provides a test to determine if the signs create safety problems. He stated staff recommends approval of the requested text amendment.

Mr. Stewart made a motion to approve the proposed amendment. The motion was seconded by Dr. Grant. The motion carried unanimously.

The seventh item of new business was Application T 06-12-07; An amendment of Article II, Definitions, and Article XVI, Offstreet Parking and Loading, of the Zoning Ordinance to modify the parking requirement for restaurants within shopping centers.

Mr. Shaw provided the Commission a summary of the Staff report. He stated there are a few shopping centers in Statesboro that have become predominantly a collection of restaurants. The best example is University Plaza, but there are several others. The large number of restaurants creates a parking problem. Currently, recalculation of parking based on the restaurant standard only occurs when an alcohol license is requested. The parking problem, if there is one, is a result of the restaurant use, not the sale of alcohol. The proposed ordinance will require a recalculation of parking once 40% of a shopping center's gross leaseable area is devoted to restaurant use. He said staff recommends approval of the text amendment.

Mr. Stewart moved to approve the text amendment. The motion was seconded by Mr. Hendley. The motion carried unanimously.

At this time Ms. Moore left the meeting.

The eight item of new business was Application T 06-12-08; An amendment of Article XVI, Offstreet Parking and Loading, of the Zoning Ordinance to place restrictions on parking for single-family and two-family dwellings.

Mr. Shaw provided the Commission a summary of the staff report. He said vehicles parked in the yards of single-family houses have become a problem. The proposed amendment will require parking in front yards to be paved and limits the amount of area that can be paved. Parking on unpaved areas of a front yard will not be permitted. Vehicles will be allowed to park on the grass to the side or rear of the house. He stated staff recommends approval of the text amendment.

Mr. Stewart made a motion to approve the text amendment. The motion was seconded by Mr. Hendley. The motion carried unanimously.

The ninth item of new business was Application T 06-12-09; An amendment of Article VII, R-4 High Density Residential District, of the Zoning Ordinance to allow single-family attached dwelling units as a permitted use.

Mr. Shaw provided the Commission a summary of the staff report. He stated until recently, single family attached dwellings were not a permitted use in any district. Several months ago the Council approved them to be permitted in the Central Business District. Staff is now proposing to make them a permitted use in the R-4 district. He said staff recommends approval of the text amendment.

Mr. Stewart made a motion to approve the text amendment. Dr. Grant seconded the motion and the motion carried unanimously.

A plat for the Bonilane Subdivision was presented under other business. Mr. Shaw described the subdivision. The property is located off Harden Road. The subdivision included single family lots and an area to be developed as attached units. Mr. Shaw said the staff recommends approval of the plat.

Mr. Stewart made a motion to approve the plat. The motion was seconded by Mr. Hendley and the motion carried unanimously.

There being no other business for the Commission's consideration, Mr. Johnson adjourned the meeting at 5:50 p.m.