

**Statesboro Planning Commission
Minutes
February 13, 2007**

The February 13, 2007 meeting of the Statesboro Planning Commission was called to order by chair Sharon Tracy at 4:15 p.m. in the City Hall Council Chambers. Other Planning Commission members present were Ray Hendley, Wyatt Johnson, and Maebell Moore. City staff members present were Jim Shaw, Planning Director, and John Kinley, City Planner.

Mr. Hendley moved to approve the minutes of the January 9, 2007 meeting as presented. Ms. Moore seconded the motion and it was approved unanimously.

The first item of new 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. He stated the property is currently undeveloped. The applicant is requesting the rezoning to allow construction of a gated 60-unit condominium development. Six buildings are proposed. Four of the buildings would have six, two bedroom units each and two buildings would have eighteen, three bedroom units each. He stated approximately half of the property is undevelopable due to the pond and surrounding wetlands. As proposed, the density of the project is approximately eight units per developable acre. Sanitary sewer is not currently available at the property. It is dependent on development of the proposed Hartford Subdivision to the south.

Mr. Shaw said the applicant provided a site plan which shows a total of 151 parking spaces. The Ordinance requires 156 spaces for the number and size of units proposed. No handicap spaces are indicated on the plan. The large parking area should be broken up by landscaped islands or peninsulas so the development is not a large expanse of asphalt. The provision of interior landscaping and handicap spaces will further reduce the number of parking spaces available. Mr. Shaw stated there is an unbalanced arrangement of the buildings and parking. While the overall plan comes close to providing the total number of spaces required, the parking spaces should be closer the buildings they will most likely serve. Development options are limited by the pond and wetlands. However, a reduction in the number of units and using buildings smaller than those with eighteen units each would allow greater flexibility in design. He stated the site plan shows a proposed 60 foot road right of way off the highway. With this proposed development scheme, it appears the road will not be built. The City does not allow public streets to serve as direct access to high-density residential development. The entire access should remain private with cross-access easements to allow both the residential development and convenience store to utilize the access.

Mr. Shaw stated the property is located across from the county jail, a used car lot, and flea market. It is adjacent to a convenience store. To the southwest is a bail bondsman and warehouses. On the northeast side of the property is the intersection of Veterans Memorial Parkway and Highway 301. There is substantial truck traffic stopping and accelerating at that intersection, creating noise and exhaust emissions. Buffers may be of some help in decreasing the negative impacts of the surrounding area, but will not eliminate them. He stated staff is extremely concerned about the viability of this development, which is expected to attract retirees. The property is within a section of Highway 301 that extends more than 1½ miles and has only Light Industrial, Commercial Retail, Highway Oriented Commercial, and Highway Commercial (Bulloch County) zoning, except a mobile home park and a parcel zoned R-20, but used by the Georgia Department of Transportation. Mr. Shaw stated, if approved, this rezoning will compromise the established zoning scheme along this commercial and industrial corridor. While there may not be a demand for commercial development of this property now, that does not dictate a change in zoning to allow residential development. Developers and land owners have to wait for the time to be right for development of a particular property. The issue with this request is whether a zoning change is warranted. Staff feels any changes that have or are expected to occur in the area only reinforce the argument for commercial zoning. He stated staff recommends denial of the requested rezoning. If approval is considered, staff has recommended conditions.

Mable Sanders was present to speak for the request. She stated there is a need for condos in the City. The units are estimated to be offered between \$180,000 and \$235,000. Mr. Hendley asked if water and sewer were available to the property. Ms. Sanders replied that sewer would be run to the southern portion of the property by her grandson who is proposing a residential development on the adjacent property to the south. Mr. Hendley asked Ms. Sanders if she was prepared to meet the conditions staff had recommended. Ms. Sanders stated she was not familiar with the conditions.

Mr. Shaw read the recommended conditions, which were:

1. The development is limited to a density of nine units per developable acre or 60 total units, whichever is less.
2. The minimum number of required parking spaces must be provided.
3. Buffers a minimum of ten feet wide and containing a mixture of evergreen shrubs and deciduous shade and ornamental trees must be provided
 - a. along the frontage of Highway 301,
 - b. along the west/southwest property line for a distance of 150 feet from the Highway 301 right of way,
 - c. along the Veterans Memorial Parkway right of way beginning at the convenience store property and extending 450 feet to the southeast, and
 - d. between the proposed development and the convenience store.
4. Along the southeast property line that abuts R-15 zoning, a landscape buffer as specified by Section 2301 shall be provided.

5. Landscaping must be provided within the parking areas. No more than 15 parking spaces will be allowed in row without a landscaped island or peninsula.
6. The final site plan must be reviewed and approved by all applicable departments and agencies prior to the issuance of any building permits. Additional requirements may be placed on the development at that time.

Ms. Sanders stated she would agree to those recommendations. Mr. Wyatt said he feels she has not had adequate time to review and consider the conditions. Ms. Sanders stated timing is important to development and she has been working on it for about two years. The property has been cleared and money has already been spent. Dr. Tracy said if tabled there would only be a delay of 30 days.

Ms. Moore made a motion to table the request to the next meeting. Mr. Johnson seconded the motion and it carried unanimously.

The second item of new business was Application AN 07-02-02; Scott Joyner, on behalf of Inman Miller, requests annexation by the 100% method of 24.78 acres of land and zoning change from R-40 (Single Family Residential) to PUD (Planned Unit Development) for property located on the west side of Cawana Road directly across from Bradford Place Subdivision.

Mr. Kinley provided the Commission a summary of the staff report. He stated the request is to allow the construction of a gated single-family residential community. As required for the PUD process, a site plan was provided. The plan shows 65 single-family detached homes. The property would be accessed by two gated entrances off Cawana Road. A six-foot tall fence will be placed along Cawana Road. Because the development will be gated, the internal road serving the development will be a private street maintained by the homeowner's association. All yard maintenance would also be the responsibility of the association as well. For this proposed development, the amount of land assumed to be allocated to most of the houses is approximately 6000 square feet each. This does not leave much room for parking. To resolve that problem the applicant has proposed a gravel parking area for recreational vehicles, trailers, and other vehicles at the southwest corner of the property. Each home will have a minimum size of 1400 square feet, a one-car garage, and siding on the exterior. He stated that in November of 2006, during the annexation of the property to the north, the Council placed several restrictions on that development. Those are a minimum heated floor area of 1750 square feet, a two-car garage, and an all-brick exterior.

Mr. Kinley stated the pond on the property covers approximately 8.3 acres. This leaves approximately 16.5 acres of the property as developable. The density, as proposed, is about 3.9 units per developable acre. When the property to the north was annexed the Council approved rezoning the property to R-15. The density of an R-15 development, after accounting for roads and rights-of-way, is about 2.4 units per acre. Bradford Place has a density of approximately 1.3 units per acre. An R-15 density on the subject property would allow the applicant to construct 39 units.

Mr. Kinley stated there are several aspects of the property which limit its development options. Its location next to the Bypass decreases its desirability. Most of the usable portion of the property is a narrow strip of land. The area that is developable is limited by the pond. However, it is important to note that a portion of the property to the north is also adjacent to the Bypass and is a narrow strip of land. The developers of that property requested R-15 zoning and agreed to significant restrictions on the size and exterior finish of the homes. The pond is the result of borrow operations and the owner at the time should have received compensation for the decrease in property value. The City is not responsible for providing compensation by decreasing the development standards established for this area just a few months ago. He stated staff's greatest concern is the density of the project. Staff feels a density greater than allowed by R-15 zoning would not be beneficial to the surrounding residents. In the future, factors could change to make this proposal suitable. At this time, the proposal is not consistent with existing nearby development and with development approved by the City Council less than six months ago. Staff recommends denial of the request. Mr. Kinley said if approval is considered staff has recommended conditions.

Wesley Taulbee, an attorney with Franklin, Taulbee, Rushing, Snipes & Marsh, LLC, was present to represent the applicant. He presented a notebook describing the development to the Planning Commission. He began by explaining the history behind the proposal. The applicant's first concept was to construct townhouses on the property, but the County Commissioners denied the request. Mr. Joyner then approached the City about annexation and developing in the City. He reduced the proposed number of units to 65 single family detached units. The minimum size of the homes will be 1400 heated square feet and 1750 square feet under roof. If this project is considered from the standpoint of a PUD, the density of the project is not an issue because the area of the property that is undevelopable is counted as open space. Mr. Taulbee asked the Commission for a favorable decision.

Laura Regassa, resident of Bradford Place, spoke in opposition of the request. She stated that this request was not consistent with the Beasley brothers' annexation request to the north. She feels the project is not feasible for the property. The density is much greater than the density of Bradford Place. Traffic and noise will increase along Cawana Road. The project will decrease the surrounding property values. She stated that about 20 people from the neighborhood had provided letters in opposition to the request. She read portions of the letters to the Commission.

Charles Goodrich, resident of Bradford Place, spoke in opposition of the request. He stated 65 houses was too many, however he is not against seeing the property developed. Dave Bacon spoke in opposition of the request stating that with the annexation to the north great lengths were taken to assure high quality. The proposal is just as bad as townhouses and the various colors of the exterior finish would detract from the aesthetics of the area. Clarence Akins spoke in opposition of the request stating the County has already denied a request for this property where the applicant was jamming homes on the property and the same applies to this request. There is too much development proposed for too little land.

Dr. Tracy allowed Mr. Taulbee to reply to some of the comments made by the opposition. He stated the prices of the homes would be similar to Bradford Place. Approximately forty-three percent of the homes in Bradford Place would not meet the conditions the staff was recommending for the subject property. Twenty-six of the ninety-three homes in Bradford Place are not brick. He feels this proposal is the best possible use of the property.

Mr. Hendley asked about the minimum spacing between the homes. Mr. Joyner stated the homes will be twenty-five feet apart.

Mr. Hendley made a motion to approve the request to include the conditions described in the notebook and a minimum of 1750 square feet under roof. Mr. Hendley's motion died for lack of a second.

Mr. Johnson made a motion to approve the request with the conditions described in the notebook, a minimum 1750 square feet under roof, and a density limited to 2.4 units per net developable acre or 39 homes, whichever is less. Ms. Moore seconded the motion and it carried unanimously.

The third item of new business was Application SUB 07-02-03; Statesboro Blues, LLC requests approval of a preliminary subdivision plat dividing 61.26 acres into 99 lots zoned R-15 for property located on the east side of Packinghouse Road 450 feet south of Acorn Lane.

Mr. Shaw provided the Commission a summary of the staff report. He stated much of the property is forested with an area of wetlands that cuts across the northeast corner. The applicant is proposing the division of the property into 104 single family residential lots. The development could be subject to minor changes before approval of a final plat. The lots will meet the R-15 zoning standards. Access will be from a single entrance off Packinghouse Road. The internal roads will be constructed to City standards. Staff recommends approval of the preliminary subdivision plat conditioned on approval by all necessary City departments and reviewing agencies.

Chuck Perry, with EMC Engineering, represented the applicant. He pointed out the agenda had an incorrect number of lots for the project. The developer plans to divide the property into 104 lots. He is requesting a favorable decision in order to move forward in the process.

Ray Hendley made a motion to approve the preliminary subdivision plat with the condition that approval from all necessary City departments and reviewing agencies must be obtained. Ms. Moore seconded the motion and it carried unanimously.

There being no other business for the Commission's consideration, Dr. Tracy adjourned the meeting at 5:25 p.m.