

**Statesboro Planning Commission
Minutes
January 9, 2007**

The January 9, 2007 meeting of the Statesboro Planning Commission was called to order by chair Sharon Tracy at 4:10 p.m. in the City Hall Council Chambers. Other Planning Commission members present were Ray Hendley, Norman Wells, Wyatt Johnson, and Lewis Stewart. City staff members present were Jim Shaw, Planning Director, and John Kinley, City Planner.

The first item on the agenda was election of Chair and Vice Chair for 2007. Mr. Shaw explained elections should occur once every year. Elections have not been held regularly in the past. Dr. Tracy asked for nominations. Lewis Stewart moved to nominate Dr. Tracy for Chair and Wyatt Johnson for Vice Chair. The motion was seconded by Dr. Wells and was approved unanimously.

Mr. Stewart moved to approve the minutes of the December 12, 2006 meeting as presented. The motion was seconded by Wyatt Johnson and was approved unanimously.

The first item of new business was Application RZ 07-01-01; Betty Givens requests the rezoning from R-15 (Single-Family Residential) to CR (Commercial Retail) to allow the operation of a group daycare for property located at 204 Best Street.

Mr. Kinley provided the Commission a summary of the staff report. He stated the applicant currently operates a family day care on the property and wishes to now operate a group day care. Family day cares allow for the supervision of up to six children and are permitted as home occupations in residential zoning. Group day cares allow for the supervision of seven to eighteen children. Group day cares along with day care centers are only permitted in CR, HOC, CBD, and LI zoning districts.

Mr. Kinley stated the applicant provided a letter describing why a full site plan was not submitted, in response to a comment in the staff report. Although not a requirement for rezoning, if approved, all applicable requirements of the Zoning Ordinance must be met. Mr. Kinley said staff was concerned with parking and access. The Ordinance requires one parking space be provided for every 1.5 employees and one space for every four pupils. The spaces must have an adequate access drive and meet all other applicable provisions of the parking section. He stated that an area for vehicles to pull off the street to drop off and pick up children should be provided to eliminate congestion and safety hazards along Best Street. It does not appear that there is enough space on the property for the required parking facilities and drop off area. Ms. Givens states in her letter the property to the rear is owned by her brother and could be used for parking. Mr. Kinley said without seeing a site plan there is not a way to determine if it would be adequate.

There was no one present to speak for or against the request.

Mr. Johnson stated this request would result in spot zoning and there does not seem to be enough room on the property. Mr. Johnson moved to deny the requested rezoning. The motion was seconded by Dr. Wells and carried unanimously.

The second item of new business was Application RZ 07-01-02; Gary Edwards requests the rezoning from O (Office) to CR (Commercial Retail) and a variance to reduce the side setback from 15 feet to 10 feet to allow the construction of an addition for property located at 605 Brannen Street.

Mr. Kinley provided the Commission a summary of the staff report. He stated the request is to allow the construction of an addition for an animal hospital. The property is split zoned with the front portion Commercial Retail and the rear Office. A small part of the proposed addition will cross the zoning boundary. Although the proposed use is permitted in the Office zoning, staff felt that CR zoning would be more appropriate to match the zoning of the front of the property and of the other property in the area. At last month's Planning Commission meeting staff presented a rezoning request from Office to PUD/CR for the 2.96 acre parcel adjacent to the subject property to the northwest and fronts Gentilly Road. At the public hearing the request was approved with conditions by City Council.

Mr. Kinley stated the applicant is requesting a five foot setback variance to allow the addition of an enclosed kennel area. The addition will continue straight back from the rear of the existing building for a distance of 73 feet. The addition will maintain the setback of the existing building which is ten feet from the western property line. The rear of the building to the west and the building on the subject property appear to be about even, therefore the addition will have limited impact on the adjacent property. The building on the adjacent property to the west appears to be set back ten feet or less from the property line. The building on the adjacent property to the east is set back five feet from the side property line. At the time that building was constructed the Zoning Ordinance required a minimum side setback of five feet in the CR district. Zoning the entire parcel to CR may prevent possible conflicts in the future should a different use be proposed or additional development occur on the property. The setback variance should not create a negative impact on the surrounding properties.

John Edwards, an attorney with Wright and Edwards, represented property owner Gary Edwards. He stated that Dr. Edwards had purchased the 2.96 acre parcel to the northwest that was recently rezoned to PUD/CR and wishes this entire parcel be zoned Commercial Retail as well. He said the addition will have the same setback as the building currently on the property.

Mr. Johnson made a motion to approve the requested rezoning to CR and the variance to reduce the side yard setback to ten feet. Mr. Hendley seconded the motion. The motion carried unanimously.

The third item of new business was Application V 07-01-03; Craig Rigdon requests a variance to reduce the required number of parking spaces from 31 to 15, to allow crush and run within parking facilities instead of required paving, to reduce the required setback for

parking facilities from three feet to zero feet along the south property line, and to reduce the required front building setback from 60 feet to 54 feet for property located at 808 South Main Street.

Mr. Shaw provided the Commission a summary of the staff report. He stated the front half of the property was rezoned to HOC in June of 2005 to allow the construction of a body shop. In November of 2005 the applicant received approval for an 11 foot side yard variance. Since then, the building and a portion of the required parking have been constructed although not in conformance with the approved site plan. The applicant is requesting the variances to open the business as constructed. Mr. Shaw addressed each variance requests.

In the HOC district, there is a minimum front setback of 60 feet, but it may be reduced to 20 feet if there is no parking between the building and street. The plan submitted with the previous variance request showed parking in front of the building and the building itself 83 feet from the front property line. However, a mistake was made during construction and the building was placed 54 feet from the front property line. A crush and run access drive has been placed in front of and around the south side of the building. The access could be removed to meet the front setback requirement without a variance. If the drive is allowed to remain a front setback variance of six feet must be granted.

At the time the side yard variance was approved, the required parking was calculated to be 24 spaces, although the site plan showed 31 would be constructed. However, during construction a 20 foot by 50 foot area at the rear of the building was added. That increased the size of the body shop and increased the number of required spaces to 31. A total of 15 parking spaces have been constructed along the northern property line. The plans show a parking area behind the building containing 22 additional parking spaces, that parking area has not been constructed. The development is short 16 parking spaces.

As stated, there is a crush and run access drive around the front and south side of the building. The Zoning Ordinance requires all parking facilities, including access drives, be paved. The drive appears to be on or beyond the southern property line. The Ordinance requires all parking facilities be set back three feet from any property line. Once that setback is observed, the drive aisle will not have sufficient width for vehicle use.

Mr. Shaw said staff visited the applicant's current location at 6 West Parrish and counted approximately 20 vehicles on the property. Staff also visited Bulloch Body and Paint on North Zetterower Avenue and found 22 vehicles on that property. It could be argued that the applicant's new building will allow more vehicles to be kept inside. However, it could also be argued that the larger building will allow more work to be accepted, which could lead to more vehicles on the property. Staff feels the provided parking is insufficient. The required number of spaces should be constructed to eliminate the possibility of vehicles being stored on the unpaved area at the back of the property. Staff feels parking spaces and access near the building and within view of the highway should be paved for safety and aesthetics. The portions of the parking area to be used by customers should have a smooth, clearly delineated surface for parking and walking. A compromise, should there

be a desire to find one, could be to allow the parking used for vehicle storage to have a crush and run surface. He stated staff recommends denial of the requested variances. If partial approval is considered, staff recommends the remaining 16 required spaces be constructed, but a variance granted to allow the surface to be crush and run. All other dimensional requirements for the parking area must be met. Edging of some type must be used to keep crush and run from migrating into landscaped areas. The crush and run in front and on the south side of the building must be removed, which would eliminate the need for a front setback variance.

Mr. Craig Rigdon was present to speak for the request. He distributed photos of the property to the commissioners. He summarized his requests. He stated there was an error during pouring of the foundation for the building. He said he did not pave the access drive around the front and south side of the building for fear of increased runoff and water flow towards the building.

Mr. Johnson stated it appeared that the additional required parking could be provided at the rear of the property. He asked if the property was on the City's sewer. Mr. Rigdon replied that the property had a septic system with drain fields at the rear of the property. Mr. Stewart asked if the property went back to Old Register Road. Mr. Rigdon answered saying that the property does go to Old Register Road a fence will be constructed at the rear property line along the road.

Mr. Hendley made a motion to approve the request with the following conditions. The remaining 16 required spaces must be provided, but a variance is granted to allow the surface to be crush and run. All other dimensional requirements for the parking area such as aisle width, space size, and setbacks must be met. Edging of some type must be used to keep the crush and run from migrating into the landscaped setback areas. The crush and run in the front of and on the south side of the building must be removed. The motion was seconded by Mr. Stewart. The motion carried unanimously.

The fourth item of new business was Application V 07-01-04; Jason Phillips requests a variance to allow crush and run instead of paved parking and to eliminate the required landscaped buffer adjacent to residential zoning for property located at 17049 Highway 301 North.

Mr. Shaw provided the Commission a summary of the staff report. He stated the rear portion of this property was rezoned by the previous owner from R-4 to HOC in August of 2006. Since that time the applicant has purchased the property and constructed a new building for an auto body shop. As part of the building permit process, staff approved a site plan that met the Zoning Ordinance requirements. The applicant is now asking for relief from some requirements.

Mr. Shaw stated the site plan submitted for the building permit shows two ingress and egress points off Highway 301 North, which provide access to the buildings and to an 18-space parking area along the north property line. Two additional spaces are located at the front of the office building. The parking facilities are labeled on the site plan as "asphalt

paving". He said the applicant wishes for the paving requirement to be waived so all facilities can be crush and run. The Zoning Ordinance requires a landscaped buffer when nonresidential use abuts residential zoning. Mr. Shaw said the rear half of the property is adjacent to R-4 zoning, but is currently undeveloped and wooded. The site plan shows the required buffer. The applicant asks that this requirement be waived due to the fact the adjacent property is undeveloped. Mr. Shaw stated the property could be developed for residential purposes in the future and it is entitled a buffer from the body shop. Staff feels parking and access drives near the building and within view of the highway should be paved for safety and aesthetic reasons. The portion of the parking area to be used by customers should have a smooth, clearly delineated surface. A compromise, should there be a desire to find one, could be to allow the parking used for vehicle storage at the rear of the property to have a crush and run surface.

Mr. Shaw stated staff recommends denial of the requested parking and buffer variances. If approval is considered for the paving variance, staff recommends requiring the entrance, drive aisles, and at least half of the required parking spaces be paved. The remaining required parking spaces should be provided, but the surface may be crush and run. This would be limited to the parking spaces farthest from Highway 301. All other dimensional requirements for parking such as aisle width, space side, and setbacks should be met.

Jack Waters, a contractor, represented the applicant. He stated they were requesting crush and run because the property is served by a septic system and they are not supposed to pave over any of the drain lines. In the past, other businesses have operated in this location with the existing crush and run parking in front of the buildings. He said they met with two individuals from the Georgia Department of Transportation who both stated they are satisfied with the current access to the property, but if there are changes they will not allow two driveways as shown on the plan. Mr. Waters stated, in regards to the buffer, the adjacent property is undeveloped, and therefore the applicant requests the buffer not be required at this time. The applicant would agree to construct the required buffer at the time the adjacent property develops. He said significant improvements have already been made to the property and there is a need for this type of business on this side of the city.

Jeanene Phillips also spoke for the request. She stated the two driveways shown on the plan would not be allowed by the GDOT. The health department does not want them to pave the rear parking because of the septic drain fields. Ms. Phillips said the front parking existed before they bought the property and would be sufficient for the new business. They would provide the buffer, but prefer not to at this time because the adjacent property is undeveloped and heavily wooded.

Mr. Stewart asked Mr. Shaw what the objections were to a crush and run surface. Mr. Shaw stated that safety of customers or employees who have to walk on the surface is the primary issue. Others include the difficulty to clearly mark the spaces and general aesthetics.

Mr. Waters stated there is more than enough room at the front of the property. Ms. Phillips said there is approximately 200 feet of frontage along the highway. Mr. Shaw said if only a single entrance is allowed it would be 24 to 30 feet in width.

Dr. Wells made a motion to approve the variance to allow crush and run instead of paving, conditioned upon all other dimensional requirements for parking such as aisle width, space size, and setbacks being met and denial of the variance to eliminate the required landscaped buffer adjacent to residential zoning. The motion was seconded by Mr. Stewart. The motion carried unanimously.

There being no other business for the Commission's consideration, Dr. Tracy adjourned the meeting at 5:30 p.m.