

**Statesboro Planning Commission
Minutes
October 10, 2006**

The October 10, 2006 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 Will Grant, Wyatt Johnson, Maebell Moore, and Norman Wells. City staff members present were Jim Shaw, Planning Director, and John Kinley, City Planner.

Dr. Grant moved to approve the minutes of the September 12, 2006 meeting as presented. The motion was seconded by Dr. Wells and was approved unanimously.

The first item of new business was Application V06-10-01; George Dickens requests a 10 foot variance of the 50 foot setback required from a residential zoning district and a parking variance to allow 12 spaces instead of the required 18 spaces for property located at 713 South Main Street.

Mr. Shaw provided the Commission a summary of the staff report. He stated the applicant wants to construct a commercial building and parking lot on the property. The HOC zoning district requires a 50 foot setback when this district is adjacent to a residential zoning district, which is the case along the rear property line. He also stated the proposed building actually requires 17 parking spaces instead of 18, but the applicant only wants to provide 12. Staff feels the setback requirement is in place to benefit the adjacent residents. The building and parking could be reconfigured to meet the ordinance requirements. There is no hardship that justifies the requested variances. He stated staff recommends denial of the requested variances.

George Dickens, the applicant, presented information about his request. He stated the building would house a bookstore and would have two or three families at its busiest time. Ms. Moore asked how many employees the store would have. Mr. Dickens said there would be one or two. Dr. Grant asked if the building and parking could be reconfigured. Mr. Dickens stated the proposed building would be the same as Ladybug's next door and he wanted his to line up with it.

Dr. Grant moved to deny the requested variances. The motion was seconded by Ms. Moore and was approved unanimously.

The second item of new business was Application RZ 06-10-02; Robert Byrd requests rezoning from R-6 (Single Family Residential) to CR (Commercial Retail) and requests a 5 foot variance of the 25 foot front yard setback required along Roundtree Street and Martin Luther King, Jr. Drive, a 15 foot variance of the 25 foot rear yard setback requirement, and a variance of the 10 foot buffer requirement along the north property line for a .16 acre parcel located at the northwest corner of Martin Luther King, Jr. Drive and Roundtree Street.

Mr. Kinley provided the Commission a summary of the staff report. He stated approval had been granted for variances to allow a commercial building on the property in 2000, but that approval expired. In 2001 approval was sought for a slightly different development on the property and was denied. The applicant is now proposing a 20 foot by 40 foot, 2-story building with a retail use on the first floor and office use on the second. Martin Luther King Jr. Drive serves as a collector street between West Main and Northside Drive West and has a significant amount of traffic. There are other businesses across the street from this property. Mr. Kinley stated that staff feels the property would be better suited for commercial use than single-family residential. However, the proposal submitted with the application is too much development for the property and staff does not feel the variances are justified. The applicant submitted a revised site plan this morning for a smaller building that would not require any variances. He stated staff recommends approval of the requested rezoning and denial of all the requested variances.

Robert Byrd, the applicant, presented information about his request. He stated that even though the revised site plan does not require any variances, he would like to make the building five feet deeper and, therefore, would like to have that variance on the west side of the property. Dr. Tracy asked if the request should be tabled until next month so staff could review the revised plan. Mr. Shaw stated staff's recommendation would likely remain the same with another month for review. He said the Commission had the ability to approve or deny any or all of the variances.

Mr. Johnson moved to approve the requested rezoning and deny the requested variances. The motion was seconded by Dr. Wells and was approved unanimously.

The third item of new business was Application AN 06-10-03; Terry Motley, on behalf of Affordable Home Builders, Inc, requests annexation by the 100% method of 35.01 acres of land and zoning change from PDR (Planned Development Residential) to R-10 (Single-Family Residential) for property located on the east side of Bird Lane approximately 800 feet south of the intersection of Bird Lane and Lanier Drive.

Mr. Shaw provided the Commission a summary of the staff report. He stated the property to the north was annexed in 2001 and was rezoned to PUD/R-4 with a density of 6 units per acre last year. The proximity to the Parkway and GSU campus make this area desirable for residential development. The R-10 zoning proposed on this property would provide a transition from the higher density multifamily zoning on the north to the existing single-family development on the south. He stated staff recommends approval of the requested annexation and rezoning.

Robert Cheshire of Maxwell Engineering, representing the applicant, presented information about the request.

Ms. Moore moved to approve the requested annexation and rezoning. The motion was seconded by Mr. Johnson and was approved unanimously.

The fourth item of new business was Application AN 06-10-04; JMB Developers, Inc requests annexation by the 100% method of 4.94 acres of land and zoning change from PDR (Planned Development Residential) to R-10 (Single-Family Residential) and PUD w/ R-4 overlay (Planned Unit Development) for property located at 5 Lanier Drive, on the east side of Lanier Drive, south of the intersection of Bird Lane and Lanier Drive

Mr. Shaw provided the Commission a summary of the staff report. He stated the subject property was between Lanier Drive and Bird Lane. When the property immediately north of the previously considered property was annexed, the portion of this property immediately to the west of it was supposed to be annexed as well. The intent was to close that portion of Bird Lane and the new development could have direct access to Lanier. The same is true of the property considered in the previous case. This request takes care of both and, if approved, the property would be divided with the northern portion becoming part of the PUD/R-4 development and the southern portion becoming part of the R-10 development. This will allow better development of those larger parcels and the closing of a portion of Bird Lane. He stated staff recommends approval of the requested annexation and rezoning.

Robert Cheshire of Maxwell Engineering, representing the applicant, presented information about the request.

Dr. Grant moved to approve the annexation and rezoning. The motion was seconded by Dr. Wells and was approved unanimously.

The fifth item of new business was Application RZ 06-10-05; DNA Properties, LLC requests rezoning from R-15 (Single Family Residential) to PUD (Planned Unit Development) to allow for single-family attached dwelling units with a density of 5.3 units per acre for property located on the east side of Zetterower Road, north of Aldred Avenue and 250 feet south of Jef Road.

Mr. Kinley provided the Commission a summary of the staff report. He stated the property was rezoned from R-20 to R-15 in early 2005 and subsequently a 7-lot plat was approved. The applicant is requesting this rezoning to allow 15 single-family attached units developed as six 2-unit buildings and one 3-unit building. Two entrances would serve the vehicular traffic for the development. Mr. Kinley stated the primary issue with the proposal is density. Fifteen units would equate to a density of 5.28 units per acre in comparison to the density of the existing development in the area which ranges from two to three units per acre. He said the density is inconsistent with the surrounding neighborhood. Staff recommends approval of the rezoning with a density limited to 3.53 units per acre, which would equate to ten units on the property.

Tim Durden, the applicant, presented information about the request. He provided a revised proposal that included twelve units. He pointed out the detention pond on the property that will help with drainage problems in the area. Mr. Durden stated the two entrances serving the entire development would be better than the seven individual

driveways if he were to build the previously approved houses. He stated the development would be done in an attractive manner including brick facades on the buildings.

Gene Curry, 29 Jef Road, stated his objections to the request. He was most concerned about the density and whether there was sufficient parking.

Vincent Olliff, 204 Zetterower Road, objected to the proposal because of the additional traffic that would be generated and the glare from lighting on the property and from vehicles exiting the property.

Cloyd Gravely, 200 Zetterower Road, stated that he objects to the request and agrees with the comments made by Mr. Curry.

Andy Aldred, co-owner of the subject property, stated that the homes will be designed and constructed for seniors. He stated they want to live in a development like this so they are not responsible for maintenance of the building exterior and grounds.

Ms. Moore asked for confirmation of whether the site plan showed sufficient parking. Mr. Durden stated that each unit will have one garage space and one space outside the garage. He said there will also be some shared parking across the street available to any of the residents there who have guests.

Nora Stone, 206 Zetterower Road, asked for clarification of the number of units being proposed because Mr. Durden had stated six buildings. Mr. Durden said the revised proposal has six buildings with two units each or a total of twelve units. Ms. Stone stated the density is not consistent with the existing density of the area.

Dr. Tracy stated she was concerned about standing water in the detention pond serving as a breeding area for mosquitoes. She asked for clarification of Mr. Durden's comment regarding parking across the street and whether that could be done. Mr. Durden pointed to parking spaces on the subject property but across the access drive from the proposed buildings.

Mr. Johnson moved to deny the rezoning. The motion was seconded by Dr. Grant and failed by a vote of 1 to 3 with Mr. Johnson voting in favor.

The Commission members discussed the proposal further and asked about the options available to them with respect to approving or denying the request. Mr. Shaw stated that the options ranged from denying the application outright to approving the PUD zoning for single-family attached units at a density of 5.3 units per acre or any density less than that.

Dr. Wells asked about the drainage problems in the area. Mr. Durden stated runoff that leaves the property will continue to run in the ditch along Zetterower Road as it has done for years. Mr. Durden also stated this development is being pursued because of requests from seniors who want housing that meets their particular needs.

Gary McCubbins, 194 Zetterower Road, stated there are drainage problems in the area and that the ditch can not always handle all of the drainage. He stated water has stood on the road at times.

The Commission members again discussed their options for approving or denying the application. Mr. Shaw stated that he thought all options were still available. That would include reconsideration of the original motion because there seemed to be some confusion regarding the original motion and because additional testimony had been heard. He also stated the rezoning could be approved with the density originally requested by the applicant or any density less than that.

Mr. Johnson moved to approve the rezoning with a density limitation of 3.53 units per acre. The motion was seconded by Ms. Moore and approved unanimously.

Mr. Curry stated an earlier motion had been made and never voted on. Dr. Tracy stated Mr. Johnson discussed a motion but never put it in the form of a motion. Mr. Curry insisted that there had been a motion. Dr. Tracy asked for a review of the tape. Mr. Shaw left the room to review the tape.

The sixth item of new business was Application V 06-10-06; Asset Plus, on behalf of Cambridge at Southern, LLC, requests a 3 foot variance of the 35 foot maximum building height and a variance to require 630 parking spaces instead of 648 for property located at 130 Lanier Drive.

Mr. Kinley provided the Commission a summary of the staff report. He stated that the property owner had an as-built survey prepared and it was revealed that some of the buildings exceeded the height limit by three feet or less and that there was a shortage of parking spaces. Normally the planning staff does not review the building plans and check the building height. Staff usually verifies the parking, but it appears the staff here at the time this plan was reviewed did not. The variances that are requested are minimal and should have little impact on the adjacent properties. He states staff recommends approval of the requested variances.

Joey Maxwell, Maxwell Engineering, was present to represent the applicant. He stated changes could have occurred during construction that resulted in the height limit being exceeded. He also stated there was a computer error that resulted in the parking spaces being counted incorrectly on the plan. The computer counted the hatched areas required for handicapped access as parking spaces.

Dr. Grant moved to approve the requested variances. The motion was seconded by Ms. Moore and was approved unanimously.

The seventh item of new business was Application V 06-10-07; Richard F. Marz requests a variance to require 77 parking spaces instead of 102 for property located at 441 South Main Street.

Mr. Kinley provided the Commission a summary of the staff report. He stated that this request is for part of the Midtown development, which was approved as a PUD to allow individual ownership of the buildings and common ownership of the parking and remainder of the property. Since then the front portion of the property was sold to a different owner and work on the development re-started. The first building contains a wine store and two restaurants. A second building is under construction and will contain two retail spaces and a restaurant with an upstairs banquet room. At the time of the PUD approval for the entire development the parking was sufficient for a shopping center. The shopping center requirement assumes a variety of uses with different peak operating hours. Normally the parking demands among the uses will balance out. In this case the division of the property and the high percentage of restaurants in the front portion have created an imbalance. This will be an issue if the remainder of the property does not develop or if an on-premises alcohol license is requested.

Mr. Kinley further stated that staff has determined a total of 102 parking spaces are required based on the individual uses. Seventy-seven spaces will exist once the parking lot is completed. The applicant has argued that the two existing restaurants operate primarily in the middle of the day while the new restaurant will serve only dinner. In addition, the new restaurant will have the upstairs banquet room that requires 26 spaces alone and will not be in use every night.

John Dotson, Lamar Redick and Associates, stated he was not representing anyone but only speaking as someone who assisted with drawing the original site plan for the property. He stated it was assumed a certain percentage of the total space would be allocated to restaurants and the necessary parking provided. The restaurant percentage has been exceeded in this first portion of the development.

Dr. Tracy asked if there was a staff recommendation. Mr. Shaw stated that due to the short amount of time available to review the request, staff had not prepared a formal recommendation. He said that staff normally recommends against any variance that results from a self-created hardship and that appeared to be the case in this instance.

Dr. Wells moved to deny the requested variance. The motion was seconded by Ms. Moore and was approved unanimously.

Dr. Tracy asked for a report on Mr. Curry's assertion regarding a possible motion by Mr. Johnson that was not considered on the DNA Properties request. Mr. Shaw stated he listened to that portion of the tape. There was some confusion voiced by other Commission members regarding the first motion, which was denied. Mr. Johnson explained that motion and then discussed a possible second motion. However, he never made a second motion until the one that was voted upon. Mr. Shaw stated the proper procedures were followed.

There being no other business for the Commission's consideration, Dr. Tracy adjourned the meeting at 7:00 p.m.