



City of Statesboro
Department of Planning and Development Memorandum

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Statesboro Planning Commission

April 6, 2021

5:00 P.M.

City Hall Council Chamber

Meeting Minutes

Present: Planning Commission members: Russell Rosengart, Michele Hickson, Michelle Babot, Benjamin McKay, Sean Fox, and Jamey Cartee; **City of Statesboro**

Staff: Justin Williams (City Planner II), and Elizabeth Burns (City Planner I);

Absent: James Byrd Sr., Kathleen Field (Director of Planning & Development)

I. Call to Order

Commissioner McKay called the meeting to order.

II. Invocation & Pledge of Allegiance

Commissioner McKay led in the invocation & pledge.

III. Approval of Minutes

1.) March 2, 2020 Meeting Minutes.

Commissioner Cartee made a motion to approve the March 2, 2020 meeting minutes, seconded by Commissioner Hickson. The motion carried 5-0.

IV. New Business

1.) **APPLICATION RZ 21-03-01:** Lindsay Martin requests a zoning map amendment from the R-15 (Single-Family Residential) zoning district to the HOC (Highway Oriented Commercial) zoning district, on 2 acres of property in order to construct a multi-tenant commercial building at 141 Williams Road (Tax Parcel# MS49 000004 001).

Justin Williams introduced case 21-03-01, Commissioner Cartee made a motion to open the public hearing of 21-03-01. Commissioner Hickson seconded, the motion carried 5-0. Steve Rushing introduced as the representative for the application. He confirmed that they agreed with everything stated in the staff report. He stated that the property is currently dilapidated and approval of the application would improve the overall condition. He added that the developer, Lindsay Martin is not new to this and has developed other sites like the Five Points Store from a dilapidated site. Rushing clarified that Martin's focus was on neighborhood scale development, leasing

out to smaller businesses within the proposed retail space of the building. He added that while there are some residential lots to the north, a majority of the surrounding area is not residential but smaller scale commercial and retail. Commissioner Hickson questioned if the developer could provide a landscaping and erosion control plan. Rushing stated that Martin would have to consult with engineers and city staff about any delineation of wetlands. Commissioner Cartee made a motion to close the public hearing with a second from Commissioner Hickson. The motion carried 5-0. Commissioner Hickson stated that she was concerned with the flood mitigation. Justin Williams clarified that there are wetlands to the south of the property so there is a concern if those areas would be disturbed but it would be handled through the Army Corps of Engineers. Commissioner Cartee made a motion to approve with staff recommendations. Commissioner Hickson seconded and the motion passed 5-0.

2.) **APPLICATION V 21-03-02:** Mohamed F Alshuaibi requests a variance from Article XV, Section 1509 (Table 4) of the Statesboro Zoning Ordinance in order to construct a building sign exceeding the allowed square footage on a 4.03 acre property located at 1825 Northside Drive East (Tax Parcel# S38 000042 000).

Justin Williams introduced case 21-03-02, Commissioner Cartee asked if the existing businesses in the complex meet the requirements. Justin Williams stated that all of the signs are in compliance except for the Sherwin Williams sign which is over the sixty feet maximum with a variance. Commissioner McKay asked if the proposed signage would be out of character for the rest of the area. Justin Williams confirmed. Commissioner McKay questioned if this variance was approved, would it be opening the door to the rest of the stores come back and request one as well. Justin Williams confirmed. A representative was not present. Commissioner Cartee made a motion to open the public hearing with a second from Commissioner Babot, the motion carried 5-0. Commissioner Cartee made a motion to close the public hearing. With a second from Commissioner Hickson, the motion carried 5-0. Commissioner Babot agreed with the decision and stated that if one business in the complex was granted a larger sign, others would want them too. Commissioner Hickson affirmed the decision by stating that word would have traveled to other businesses within the district. Commissioner McKay stated that the neighboring business may see the larger sign and want that for their business too. Commissioner Babot made a motion to deny with a second from Commissioner Hickson. The motion passed 5-0.

3.) **APPLICATION RZ 21-03-04:** Valnoc, LLC & PDC Statesboro LLC requests a zoning map amendment from R-4 (High-Density Residential) zoning district to the PUD (Planned Unit Development) zoning district on 64.93 acres of undeveloped property in order to construct 230 single-family dwellings and 30 single-family detached dwellings on Cawana Road (Tax Parcel 092 000012 001).

Justin Williams introduced case 21-03-04, briefed the conditions of AN 09-01. The stipulations would still be enforced with the proposed rezoning. Commissioner Cartee made a motion to open the public hearing. With a second from Commissioner Hickson, the motion passed 5-0. Joey Maxwell was introduced as the representative. Maxwell first stated that the property is currently zoned to allow for the construction

of 779 apartments. He stated that this was why the three recommendations were placed on the property at the time of annexation in 2012. The eighty foot road through the property was going to alleviate any traffic from the number of apartments allowed. Maxwell clarified that the proposed plan for the property is cut down to 239 units. Maxwell added that the project is negatively impacted by the recommendations set in 2012 and becomes not feasible. He claimed that the project would have to revert back to the higher density design in able to afford the three requirements for the property. Maxwell asked if the third recommendation could be rephrased because Burkhalter Road is mitigated by the County. He added that to expand the road for a turn lane would be difficult because a private firm cannot condemn property. He stated that if it is a requirement to improve the intersection at Burkhalter, the project is dead and the property is devalued. The only intersection they can improve would be Aspen Heights Drive. He stated that GDOT and city staff requested that they go back to the traffic study and see if a right turn lane could be added to get the level of traffic from a D back to a C rating. According to Maxwell, they did get back to a C level with a marginal difference of 1.7 seconds of delay. He would also prefer to go back to the traffic study done for 260 units and see if the reductions of units gets the level back to a definite C in lieu of constructing a right turn lane on Highway 67. He stated that the traffic level of service is only a problem in the morning. Commissioner Cartee questioned if the submitted development plan shows the eighty foot right of way. Maxwell confirmed that it does not. Commissioner Cartee asked if constructing the right of way would take away developable land and increase density. Maxwell said that the eight foot wide street could not be utilized because the City does not allow traffic to back out onto regulation streets from residences. He added that the development plans show private, not gated streets to try to deter people from driving through the neighborhood. Commissioner Cartee asked if the eighty foot road requirement just created a thoroughfare. Justin Williams said that according to the original annexation, yes. Commissioner Cartee asked if that would just be a city street and development would have to come off of it. Justin Williams added that Aspen Heights Drive does have room for the curb, gutter, and bike lane and would be connecting onto the eighty foot drive. He added that this is why the Planning Department felt as though it is necessary to keep that condition. Joey Maxwell mentioned that they helped to create a water program with the City a few years ago. The purple pipe requirement, he stated, was dropped when it became unfeasible to reach all the way to Aspen Heights. He said that was why he wished to see the first recommendation for the property be removed. Justin Williams clarified that the second condition does allow for removal of the first condition during development and has been taken into consideration. Commissioner McKay asked if the point of contention would be the size and type of road to be developed. Justin Williams confirmed. David Moyer asked if any of the streets in the development were going to be city streets or private. Joey Maxwell responded that they would all be private under the current proposal. He added that this was due to the fact that the City requires at least a sixty foot right of way. Joey Maxwell added that all of their developments in Atlanta consist of private streets and not gated. The private streets would be maintained by the H.O.A. Commissioner Cartee questioned if that would change the condition for the second condition. Justin Williams stated that he was not expecting that answer. David Moyer stated that the original condition was intended to

connect a public road to the eighty foot right of way. If it was private, it would not have to be deeded over. Justin Williams added that it would only have an effect on Highway 67 and Aspen Heights Drive where it changes over to a public street. He added that there still is a level of service issue that would be a concern. Joey Maxwell said that the plan would be to extend Aspen Heights Drive to the property line until it turns into private, then it would not have the right of way into the development. He added that the H.O.A. owns the roads, grounds around it, and porches to keep the neighborhood looking good. Commissioner McKay asked if the idea of the roads being private just came up in the discussion. Justin Williams confirmed. Commissioner Babot made a motion to close the public hearing, with a second from Commissioner Hickson. The motion passed 5-0. Commissioner Babot stated that she lives near the development site and added that if the road through the development was in place, it would be tempting to take it and avoid traffic on Burkhalter. Justin Williams added that without gates, people will still try to drive through the area to avoid traffic even on private roads. Commissioner McKay laid out three options; one being that the commission approves with staff recommendations, second as remove recommendation for the annexation, or the last option of tabling the request because of the new information provided by the applicant and letting the staff work it out. Commissioner Rosengart asked the applicant if it was approved without removing the conditions from annexation would the project still move forward. Joey Maxwell stated that because of the cost to put in the road and other requirements, the project would be critically injured. He added that if it became cost effective, he would pull the zoning case and pack in as many units as possible. Commissioner Cartee asked if the proposal was approved with staff recommendations would negotiations be over. Justin Williams responded that any conditions from the annexation case are found to be not feasible for the developer, the staff has discretion to remove any of them. Commissioner McKay asked if the negotiations would continue regardless of the decision. Justin Williams stated that they would continue based on the third condition dealing with the level of service on Aspen Heights. Joey Maxwell stated that he cannot recommend to his client to lose the R-4 zoning on hopes that it can be resolved. Commissioner Cartee asked if this proposal would remove that zoning. Commissioner Rosengart stated that he would like to see the third option of sending it back to the staff and worked out. He added that he did not feel comfortable approving it with staff recommendations. Commissioner Cartee added that if approved, it would take away their zoning. Joey Maxwell stated that would kill the project. Commissioner Rosengart asked Maxwell if he could sit down with the staff and come up with a reasonable course of action. Joey Maxwell stated that he could try. Commissioner Rosengart asked Maxwell what would be the best outcome. Joey Maxwell stated the best outcome would be that the current plan be approved as a PUD without the right of way requirement. Maxwell claimed that he could stick with the seven hundred unit plan if the conditions cannot be changed. Justin Williams clarified that if they did revert back to the R-4 zoning, they would still have to deal with the conditions placed on the annexed property as well as mitigation of traffic and level of service. Joey Maxwell stated that the proposed plan with lesser units was an attempt to mitigate traffic without the right of way. Commissioner Cartee stated that the submitted site plan is more attractive than the seven hundred units. He added that he did not want to push it back to another meeting just to have the same plan. Justin Williams

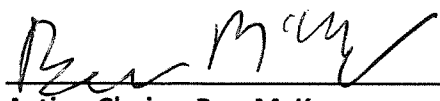
suggested there be an outline to guide discussions. Williams added that a lot of the traffic concerns would remain unless the level of service was decreased. Joey Maxwell said the numbers could be redone with thirty less units that described in the traffic study. Commissioner Cartee asked if the new number would be attainable in thirty days. Joey Maxwell responded that it could be done by the next day. Commissioner Cartee asked what the timeframe would look like to resubmit. Justin Williams stated that they could resubmit on Friday, and if it is tabled it would be on next month's agenda. Commissioner Hickson stated that she would be leaning towards tabling the amendment. Commissioner McKay voiced his concern that if the condition were removed without further discussion, it could set a path that would be bad for both parties. Commissioner Hickson stated that she did not want Joey Maxwell to feel defeated and have options open. Commissioner Fox asked if the outline needed to be put together by the Commission. Justin Williams said the Commission could give specific points they would like to see addressed in the discussion or report. Commissioner McKay stated that he favored the third option of tabling the discussion because he does not like getting new information is introduced outside of the prepared report. He would like to see how the newly proposed private roads would affect the annexation requirements as well as traffic mitigation measures. He stated that he would like to see the internal road issues resolved within the month. Commissioner Cartee stated that if the requirements could be removed and worked out with the staff, it could be a better proposal. Commissioner Fox made a motion to table to discussion pending further review of the level of service provided by the Aspen Heights and Highway 67 and the eighty foot right of way and all of the infrastructure in the adjacent Aspen Heights. The motion was seconded by Commissioner Babot, the motion carried 5-0.

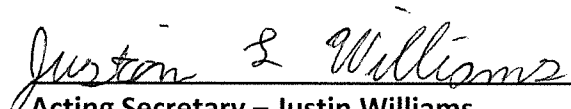
V. Announcements

Justin Williams announced that the Planning Commission would meet again in the month of April to vote on an additional rezoning and a variance for the old Julia P. Bryant building to do a LIHTC project. Commissioner Rosengart made a motion to hold the called meeting on April 15, 2021 at 5:00. With a second from Commissioner Hickson, the motion passed 5-0.

VI. Adjourn

Commissioner Cartee made a motion to adjourn the meeting. Commissioner Hickson seconded, and the motion carried 5-0.


Acting Chair – Ben McKay


Acting Secretary – Justin Williams
City Planner II