



City of Statesboro
Department of Planning and Development Memorandum

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Statesboro Planning Commission

May 4, 2021

5:00 P.M.

City Hall Council Chamber

Meeting Minutes

Present: Planning Commission members: Russell Rosengart, James Byrd Sr., Michelle Babot, Benjamin McKay, and Jamey Cartee; **City of Statesboro Staff:** Kathleen Field (Director of Planning & Development), Justin Williams (City Planner II), and Elizabeth Burns (City Planner I); **Absent:**, Michele Hickson, Sean Fox

I. Call to Order

Commissioner Byrd called the meeting to order.

II. Invocation & Pledge of Allegiance

Commissioner Byrd led in the invocation & pledge.

III. Approval of Minutes

1.) April 15, 2021 Meeting Minutes.

Commissioner Cartee made a motion to approve the April 15, 2021 meeting minutes, seconded by Commissioner Rosengart. The motion carried 4-0.

IV. New Business

1.) **APPLICATION RZ 21-03-04:** Valnoc, LLC & PDC Statesboro LLC requests a zoning map amendment from the 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 209 attached single-family dwellings and 30 detached single-family dwellings on Cawana Road (Tax Parcel # 092 000012 001).

Kathy Field introduced case 21-03-01, Commissioner Cartee made a motion to open the public hearing of 21-03-01. Commissioner McKay seconded, the motion carried 4-0. Commissioner Cartee asked if there was an existing turn lane coming out on Highway 67. Kathy Field stated that there is one shared lane for people turning right and left. Commissioner Cartee asked why the street improvements were not included with the previous development there. Kathy Field clarified that it is a GDOT right of way and was sent to them for review. Commissioner Cartee stated that it

seemed like that would have been addressed on the front end of the project. Kathy Field stated that the concern is that the traffic study assumes all of the new traffic will go to Cawana Road and Burkhalter in order to make a left turn. Commissioner Rosengart, asked if there was a meeting between the parties after tabling the discussion and if the City was still wanting the eighty foot right of way. Kathy Field responded that the developers moved away from the private road offer back to the sixty foot road option. She added that the units were close to the road. Commissioner McKay added that the current development plan would not be consistent with what was done in the previous development. When the two roads meet, they would bottleneck. Commissioner Rosengart asked if Buckhead Drive and Brampton were eighty feet. David Moyer stated that the streets were generally a standard right of way working with GDOT. He added that for this project, city utilities such as gas, water, and sewer are also needed along with the roadway. He added that putting the utilities under the roadway would be costly by tearing up the roads for repairs. Commissioner Rosengart expressed that he had not seen a development like this in fifteen years and questioned why the City was making it difficult to build. Rosengart added that lower income options such as townhomes starting at \$150,000 were needed over traffic concerns from the City and GDOT. David Moyer stated that he had not heard back from GDOT since the developers resubmitted their plan showing less units and a level of service "C". He said this was based on the assumption that everyone wanting to go south on Highway 67 will go around the back on Cawana and Burkhalter as opposed to turning left out of the development with no turning lane or light. Commissioner Rosengart asked if the original apartment plan would need a turn lane. David Moyer clarified that the previous traffic study for the area did not include the new development. The consultant put in the study that 30% of the new traffic going out of the back and 70% of the traffic going out of the front. They also added that all of the projected 200 plus left turns would go around the development and back on to Cawana Road and not directly out of the development on Highway 67. Commissioner Rosengart asked if there had been an issue with left turns coming out of Aspen Heights. David Moyer responded that there was an issue with that at Burkhalter. Commissioner McKay stated that stated that there seemed to be an issue with assuming everyone would be turning right as people are naturally unpredictable. David Moyer gave the example of people turning left near KFC. Commissioner Rosengart questioned if the City had to choose between the right of way width or the left turn which one would be of more concern. David Moyer stated that the right of way was of concern because it was going to be difficult to get another road connection to the bypass. He clarified that the turn lane would still have to be addressed at some point due to traffic once everything is built out. Commissioner Rosengart asked if it would still be needed with the proposed apartments. David Moyer confirmed. Commissioner Cartee asked if the zoning was R-4 when the original annexation took place in 2001. Kathy Field said that the R-4 designation was granted after the annexation. Commissioner Cartee stated that it made sense if the property was zoned R-4 and required an eighty foot right of way. He added that more units could have been added under that zoning and if the right of way was flexible was less density and that the annexation was approved by Council a number of years ago. Commissioner Rosengart and Cartee discussed the difference between the number of units for each proposal. Commissioner Cartee stated that if the property was divided

into two parcels, there could be an entrance on Cawana that did not go through. Kathy Field clarified that there are two developments, the townhomes and the single-family homes. Commissioner Cartee questioned if the two developments with a non-connecting road would be an option. Kathy Field stated that the intent to get a connector road in that area due to the amount of development and need. She added that planning for the future with an adequate right of way was important. City traffic engineers recommended an eighty foot right of way with a thirty five mile per hour speed limit would be the ideal option. David Moyer stated that the eighty foot requirement had more to do with the bikes lanes and sidewalks. If it is built out less than eighty feet, they have fifteen feet into the yards of the townhomes for city utilities such as water, power, gas, and sewer. Commissioner Rosengart asked if the City could do all of the utilities in the proposed sixty foot road. David Moyer stated that it would be difficult because the measurement between the sidewalks would be fifty feet and leave five feet on each side to put all utilities in. Commissioner Cartee asked if there were any incentives from the City for developers. Kathy Field said there was not any incentives unless they came in under the Subdivision Incentive Program. Commissioner Cartee, stated that when things come along the developer gets tagged with the expense that everyone would like. He added that at the end of the day, the City is getting a new road at the expense of the developer, the land, and density. Commissioner Cartee said that the proposal would be better than the land being sold off to an out of town developer that would leave all of the problems and little local investment. Commissioner Rosengart added that the City was forcing the developer into apartments in order to building the required road way. Commissioner Rosengart stated that with sixty feet, there would be a subdivision with a sidewalk. Joey Maxwell introduced himself as the representative for the application. He stated that the development is for single-story townhomes with a garage around 1,800 square feet. Maxwell claimed that it was a simple issue that comes down to economics. He stated that they met with the City and agreed that townhomes would be good for the area and that it could be rezoned to a PUD. Maxwell claims that the problem is that the cost of the road is around \$1.2 million. Maxwell stated that construction prices are high and that they had been working on this project since October. Based on the number of units, Maxwell said that it would add \$5,000 more per unit to the overall cost and would raise the selling cost. Maxwell's ultimatum was that to cover the cost of the road, they would have to build the maximum number of units. Maxwell stated that he would build it like the Atlanta suburbs he has worked in with fifty foot right of ways. That distance, he claimed, covered all utilities and sidewalks. Maxwell stated that he would like a driveway be placed on the main road for residents to back out into. He acknowledged that private roads would allow for this, but they had changed back to the public road decision. The City of Statesboro historically does not allow for residents to back out onto main roadways for traffic safety. With the current layout, the resident's driveways and parking pads would be technically located in the right of way. Maxwell stated that his neighbor keeps both of his cars in the driveway. Maxwell claimed that the compromise on the part of the developer was going up to a sixty foot right of way and got it out of the actual front wall of the buildings. Maxwell stated that the building setback requirement of all residential development within the City limits was excessive for their townhomes. He added that he has done that in one development in Braselton. A parkway was placed throughout the development

because of the number of units, with each phase having 300 homes. Maxwell said that he was there today to ask for relief from the annexation requirements with the compromise of a sixty foot, non-collector road. Maxwell stated that the real reason the City wanted the road was to serve as a connector between Cawana and Highway 67. He said this was acceptable if the City wanted to pay for the road. He said that if his conditions were not met, they would keep the R4 zoning and build out as a higher density development. Maxwell stated that they had been through meetings, and multiple traffic studies based on their varying unit numbers. Maxwell described the credentials of Wilburn, who conducted the traffic studies. Maxwell repeated himself by stating that the issue boils down to economics and whether or not townhomes are wanted in the City. Joey Maxwell added that the compromise got worse as the City "dug their heels in" over the eighty foot right of way. He concluded by stating his plan was "common sense" with townhomes and a more "reasonable" right of way. He added that any variance from the conditions he laid could jeopardize the project. Commissioner Byrd asked what seems to be the City's main concern. Joey Maxwell responded that it was the eighty foot right of way. Commissioner Rosengart asked if Maxwell had built subdivisions with fifty foot right of ways. Joey Maxwell responded that all of the projects he has worked on in the Metro Atlanta region to Kingsland have had fifty foot right of ways. He claimed that eighty foot right of ways were often used in rural areas because GDOT would pay to repave streets. Maxwell elaborated that Statesboro used to require sixty foot right of ways with twenty foot easements on each side for some utilities. He said that this would require them to cut down all the trees. He stated that Brampton and Buckhead, although non-residential, are both sixty foot right of ways. Maxwell stated that in Rosengart's development there are no sidewalks. Commissioner Cartee asked Kathy Field if the Commission's decision was over the zoning and not the actual plan. Kathy Field confirmed that it was the change from R4 to PUD zoning as well as the other requirements. Commissioner Cartee asked if it had to be approved or disapproved with just the zoning or the zoning with the conditions placed on it. He also asked if there could be any changes with the plan if there was a hang up. Kathy Field stated that the PUD would rezone to the plan. Commissioner Rosengart stated that he thought the City needed affordable housing. He vouched for Maxwell in saying that he stood up there and asked for sixty feet and that no one would be put at risk by it. He added that he trusts Joey Maxwell because he lives here. Commissioner Rosengart said Statesboro has an "apartment overdose". Commissioner Cartee stated that the developer will bear the expense of all the installation of utilities. Commissioner Cartee said that everyone in the room might not understand that developers put in everything at their own expense, including fees, and after completion the City owns it. Commissioner Rosengart and Cartee, went into detail about the amount each fee is. Commissioner Cartee, Rosengart, and Joey Maxwell all listed the taxes, fees, and infrastructure that the City would obtain from this project. Joey Maxwell claimed that this was stacked against the developer while also stating that it is common for developers to pay for all installations. Maxwell stated that it is cheaper to develop in the County as opposed to the City because the developer does not have to install water. Commissioner Cartee added that the developer can also put it in and collect the water bill. Commissioner Rosengart stated "nothing against the City" but there has not been a development within the City in years. Joey Maxwell concluded again by stating that the modifications to the

conditions are important to the compromise of the sixty foot right of way. He added that it is meant as a local road not a collector road. Commissioner Cartee made a motion to close the public hearing with a second from Commissioner Rosengart. The motion carried 4-0. Commissioner Cartee made a motion to approve as presented. Commissioner Cartee amended his motion and made a motion to approve with the sixty foot right of way and modifications requested by the developers. Commissioner Rosengart asked if that would void the staff's recommendations. Kathy Field said that there are conditions if the application was approved. Kathy Field listed the conditions as outlined in development services report RZ 21-03-04. Commissioner Cartee stated that they would still have to get the plans approved through engineering. Commissioner Rosengart asked Joey asked if he was ok with the condition about approval by the public works department and if they could throw the whole thing out. Mr. Maxwell responded by saying that they could change the plan and come back. Commissioner Rosengart asked if that needed to be in the conditions. Kathy Field responded that it was to make sure everything fit within the tight area as presented. Commissioner Rosengart asked if that still held veto power over the sixty feet. Commissioner Cartee asked if that happened and it did not go with the plan, would the property revert back to the old zoning. Joey Maxwell stated that once it is approved by the Planning Commission and City Council, the R4 zoning is lost. Commissioner Rosengart called out Commissioner Cartee and said he would approve without staff recommendations. Commissioner Cartee stated that there was a difference between the staff recommendations and stipulations on the property. Commissioner McKay clarified that he did not think anyone had an issue with the staff recommendations besides the fifth recommendation of public utilities approval. Commissioner Cartee said that point was important because arguing over two feet of space could kill the project. Commissioner Byrd stated that if it is disapproved it goes to Council with the denial. Commissioner Byrd stated that the commission can approve with staff recommendations with consideration for the fifth recommendation based on the power they hold. Commissioner Cartee stated they could do it anyway they wanted to. Commissioner McKay clarified that they could approve with staff recommendations minus the fifth recommendation or modified. Commissioner Rosengart asked if the GDOT recommendation was necessary. Commissioner McKay said that it was required. Commissioner Cartee asked how to deal with the fifth recommendation in a way that was fair to the City and the developer. He added that he does not think it should be left to one person to shut down the whole project. Kathy Field stated that there is a development review process that is required before a building permit is issued. The fifth recommendation was so public utilities could review how close it was and if it worked. Commissioner Cartee stated that they had to put a little good faith that the two parties will figure something else. Commissioner McKay said that is why they tabled the application last time. He added that changing plans during the commission meeting is not how they do things. Commissioner Rosengart said to remove number five. Commissioner Cartee amended his motion to approve with staff recommendations and remove the fifth recommendation. Commissioner Rosengart seconded. Joey Maxwell asked if that included the list of items brought by the developer. Commissioner Cartee amended his motion again to approve with list of six items provided by the developer and the first four of the staff recommendations. Commissioner Rosengart seconded, the motion passed 4-0.

2.) **APPLICATION V 21-04-01:** Southern Coastal Investment Properties, LLC requests a zoning map amendment from the R-20 (Single-Family Residential) zoning district to the R-4 (High Density Residential) zoning district, in order to construct 18 single story town homes at 10 Briarwood Court (Tax Parcel # MS87000002A000).

Kathy Field introduced case 21-04-01. Commissioner Rosengart made a motion to open the public hearing with a second from Commissioner McKay. The motion passed 4-0. Commissioner Cartee asked if a house was currently on the property. Joey Maxwell confirmed that the house was there and a portion of the wetlands have been delineated. He added that the development is staying away from the floodplain on the property but that you can build in the floodplain per the City Ordinance with conditions. Maxwell stated that the house was included in the conservation area in the land use plan because it is often covered with trees. He added that it would be beneficial to move the line. Maxwell said that they would not be building in or messing with the wetlands. He stated that next to the property is the waste water treatment plant and other R4 zoned developments. He requests changing the zoning to R4 in order to get the amount of rental units on the property. He stated that the development was similar to Henley projects. He introduced the owner and developer of the property, John Lavender. Joey Maxwell said that the area is mixed use with a doctor's office, church, and parcels zoned R20 around it. Commissioner Cartee stated that it would be comparable to what Hendley's did. Joey Maxwell said that these are triplexes as opposed to duplexes. Maxwell stated that there are utility issues that needed to be worked on. Commissioner Rosengart asked how many units. Joey Maxwell stated that there were eighteen units. Commissioner Rosengart asked Kathy Field if the environmental issue was the main concern for the City. Kathy Field stated that the underlying zoning is sufficient but the main issues were with the inconsistency with the comprehensive plan and amount of wetlands on the site. Commissioner Rosengart asked how close the water sewer plant was. Joey Maxwell showed the proximity on the map. Commissioner Rosengart asked what the City found inconsistent with the defined land use map. Kathy Field responded that the future land use map showed the area as conservation land. Justin Williams added that a lot of the property was in the flood plain as well. John Lavender gave the history of the house and property. He stated that they will not disturb the wetlands and plenty of trees will be left. Commissioner Cartee asked if the dotted line was the floodplain. Lavender confirmed. Commissioner Cartee said that there was not a lot of impact on the area. John Lavender stated that he would have to pay for sewer even though the waste water treatment plant is behind the property. Commissioner Cartee asked if he was developing just half of the property. Lavender said that there was no single family homes nearby. A group home, rentals, and commercial uses around it. Commissioner Cartee asked what the other portion of his land facing the bypass was zoned. Justin Williams stated that it shared the zoning and would get the R4 zoning if approved. Commissioner asked if the parcel was currently R-20. Justin Williams confirmed. Commissioner Cartee asked what the property next to it on the map was. Justin Williams responded that it was an internal medicine business. Commissioner Cartee asked what it was zoned. Justin Williams stated that it was commercial. Commissioner Cartee asked if the City had any traffic concerns. Kathy Field said there was not.

Commissioner Cartee asked if the Hendley project on College Street was a rezone. Commissioner McKay said that the density would be raised because there is no other use for conservation on the property outside of the floodplain. Commissioner Byrd left at 6:10pm and Commissioner McKay became acting chair. Commissioner Cartee made a motion to close the public hearing with a second from Commissioner Babot. The motion passed 3-0. Commissioner Rosengart stated that it was a mix of uses in the area already and that they would not be disturbing the wetlands. Commissioner Cartee stated that wetlands were supervised by the Army Corps of Engineers. Commissioner Babot asked if the property value was affected being in a close proximity to a waste water plant. Commissioner McKay said that it probably does not improve the value. Commissioner Rosengart asked if the submittal of a greenspace plan was required. Kathy Field responded that it is important to preserve as much of the wetlands as possible. Commissioner Cartee stated that all of the wetlands needed to be preserved. Kathy Field added that the City was also concerned about the stormwater and the plan would have to show retention. Commissioner Rosengart asked if they would be required to submit a stormwater plan before they begin. Kathy Field said yes but it is also to highlight the importance of the issues particular to the property. Commissioner Rosengart made a motion to approve with staff recommendations with a second from Commissioner Cartee. The motion passed 3-0.

3.) **APPLICATION RZ 21-04-02**: Jessica Herrmann requests a zoning map amendment from the R-15 (Single-Family Residential) zoning district to the O (Office) zoning district, in order to open a real estate office on the site located at 110 South Zetterower (Tax Parcel # S40 000007 000).

Kathy Field introduced case 21-04-02. Commissioner Cartee made a motion to open the public hearing. With a second from Rosengart, the motion passed 3-0. Jessica Herrmann was introduced as the representative. Commissioner Rosengart asked if she was putting a real estate office there. Herrmann confirmed. Commissioner Rosengart asked how many agents would be there. Jessica Herrmann stated that they have eight agents. Commissioner Rosengart asked how the parking was. Jessica Hernan said she is looking to construct 12-15 spaces in the back. Commissioner Cartee made a motion to close the hearing. With a second from Commissioner Rosengart, the motion passed 3-0. Commissioner Cartee made a motion to approve with staff recommendation and Commissioner Rosengart seconded. The motion passed 3-0.

4.) **APPLICATION SE 21-04-03**: Jamie Lynn Stowbridge requests a special exception to locate a trailer on a 0.3 acre property located in the R-10 (Single-Family Residential) zoning district on a property located on Lewis Street (Tax Parcel #S36 000001 000).

Kathy Field presented the case SE 21-04-03 to the Commission. Commissioner Cartee asked what the current zoning was. Justin Williams stated that it was R10. Commissioner Rosengart asked if there was currently any mobile homes on that street. Justin Williams stated there are some on Raymond Street in a dilapidated state. Commissioner Cartee made a motion to open the public hearing, with a

second from Commissioner Rosengart. The motion passed 3-0. Commissioner Cartee asked if a special exception was for something permanent like this. Kathy Field stated that it is on a case by case basis. Commissioner Cartee asked if it was approved could someone move in to a mobile home and stay there until it falls apart. Kathy Field responded that there was not a timeframe. Commissioner Cartee made a motion to close the public hearing. With a second from Commissioner Rosengart, the motion passed 3-0. Commissioner McKay did not know how this could be approved based on the long discussion for the first case. Commissioner Cartee stated the special exception would be like rezoning the property and that it could set a bad precedent. Commissioner Cartee made a motion to deny and got a second from Commissioner Rosengart. The motion passed 3-0.

2.) **APPLICATION AN 21-04-04 & RZ 21-04-05:**

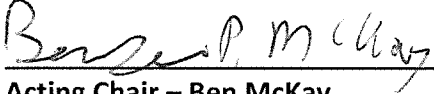
- i. **APPLICATION AN 21-04-04:** Adams Property Group requests an Annexation by the 100% method of 8.72 acres of vacant land for the purposes of constructing a self-storage mini warehouse facility on Veterans Memorial Parkway (Tax Parcel # MS43000022 000).
- ii. **APPLICATION RZ 21-04-05:** Adams Property Group, LLC requests a zoning map amendment from the R-40 (Single-Family Residential) zoning district to the CR (Commercial Retail) zoning district to allow for the construction of a self-storage mini warehouse facility on Veterans Memorial Parkway (Tax Parcel # MS43000022 000).

Kathy Field introduced cases AN 21-04-04 & RZ 21-04-05. Commissioner McKay asked if the white space on the zoning map would still be in the County. Kathy Field said no it would all annex into the City. It was determined to be a discrepancy in the line drawing. Commissioner Cartee asked what was next to the property. Kathy Field stated that it was the Dodge dealership. Commissioner Cartee made a motion to open the public hearing. With a second from Commissioner Rosengart, the motion passed 3-0. Evan Bennett was introduced as the representative. He clarified that the white sliver of land not in the line is where the railroad is. He added that this would be a great use for the narrow lot. The parcel has city water and sewer adjacent to it. Evan Bennett stated that they had worked with the City for the development requirements as well as Georgia Power dealing with the transmission line that crosses the site. They have also worked with GDOT for a right in, right out driveway. He stated that the first building up front was in phase 1. The larger storage units in the back are in phase 2 of the development. Commissioner Rosengart asked how many units there would be. Evan Bennett stated that there were around 180 units. Commissioner Cartee made a motion to close the public hearing. The motion passed 3-0 with a second from Commissioner Rosengart. Commissioner Babot made a motion to approve AN 21-04-04. With a second from Commissioner Cartee, the motion passed 3-0. Commissioner Rosengart made a motion to approve RZ 21-04-05 and a second from Commissioner Cartee. The motion carried 3-0.

V. **Announcements**

VI. **Adjourn**

Commissioner Cartee made a motion to adjourn the meeting. Commissioner Rosengart seconded, and the motion carried 3-0.



Acting Chair – Ben McKay



Secretary – Kathy Field
Director of Planning & Development