



City of Statesboro
Department of Planning and Development Memorandum

50 East Main Street

P.O. Box 348

» (912) 764-0630

Statesboro, Georgia 30458

Statesboro, Georgia 30459

» (912) 764-0664 (Fax)

Statesboro Planning Commission

April 15, 2021

5:00 P.M.

City Hall Council Chamber

Meeting Agenda

I. Call to Order

II. Invocation & Pledge of Allegiance

III. Approval of Minutes

1. April 6, 2021 Meeting Minutes.

IV. New Business

1. **APPLICATION RZ 21-03-05:** Stockyard Housing LLP, requests a Zoning Map Amendment from the R-15 (Single-Family Residential) zoning district to the R-4 (High-Density Residential) zoning district on 4.51 +/- acres of property in order to redevelop and construct a multi-tenant senior housing development at Stockyard & Donnie Simmons Road (Tax Parcel #MS38 000056 000).
2. **APPLICATION V 21-03-06:** Stockyard Housing LLP, requests a variance from Article XVI: Section 1600 of the *Statesboro Zoning Ordinance* regarding off-street parking for multiple-family use developments for a proposed senior housing development at Stockyard & Donnie Simmons Road (Tax Parcel # MS38 000056 000).

V. Announcements

VI. Adjourn



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Statesboro Planning Commission

April 6, 2020

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



ZONING SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

(912) 764-0630
(912) 764-0664 (Fax)

RZ 21-03-05 & V 21-03-06 ZONING MAP AMENDMENT Stockyard Road

LOCATION:	Stockyard Road
EXISTING ZONING:	R-15 (Single-Family Residential)
ACRES:	4.51 Acres
PARCEL TAX MAP #:	MS38000056 000
COUNCIL DISTRICT:	District 2 (Chavers)
EXISTING USE:	Vacant School Building
PROPOSED USE:	Senior Housing Development



PETITIONER Stockyard Housing, LP
ADDRESS 1209 East King Avenue, Kingsland, GA 31548

REPRESENTATIVE William H. Gross
ADDRESS Same As Above

PROPOSAL

The applicant requests a zoning map amendment from the R-15 (Sing-Family Residential) zoning district to the R-4 (High Density Residential) zoning district, in order to construct a senior housing development on the site. The applicant is also requesting a variance from Article XVI, Section 1600 of the Statesboro Zoning Ordinance to reduce the required parking on the site.

STAFF RECOMMENDATION

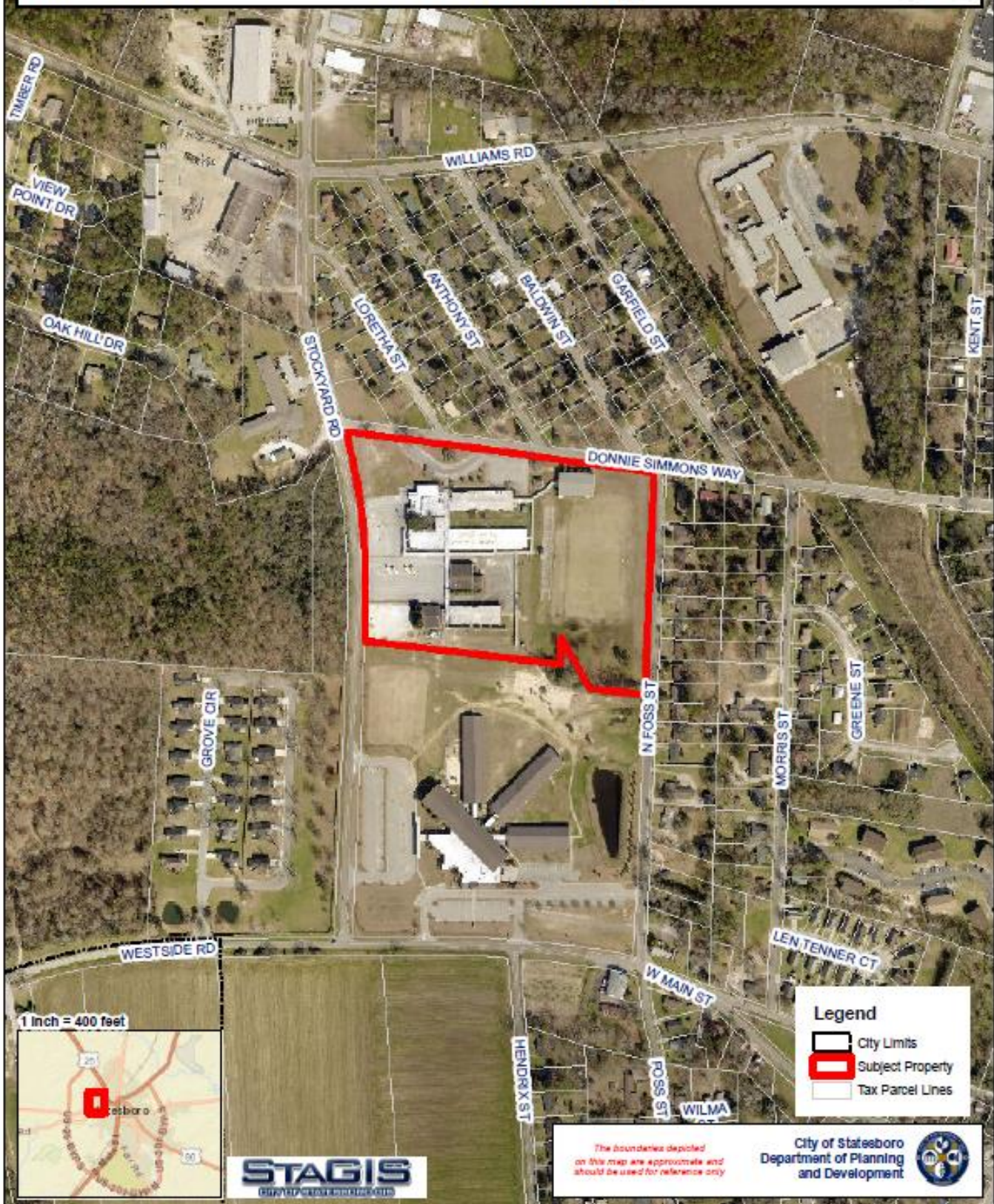
RZ 21-03-05 & V 21-03-06

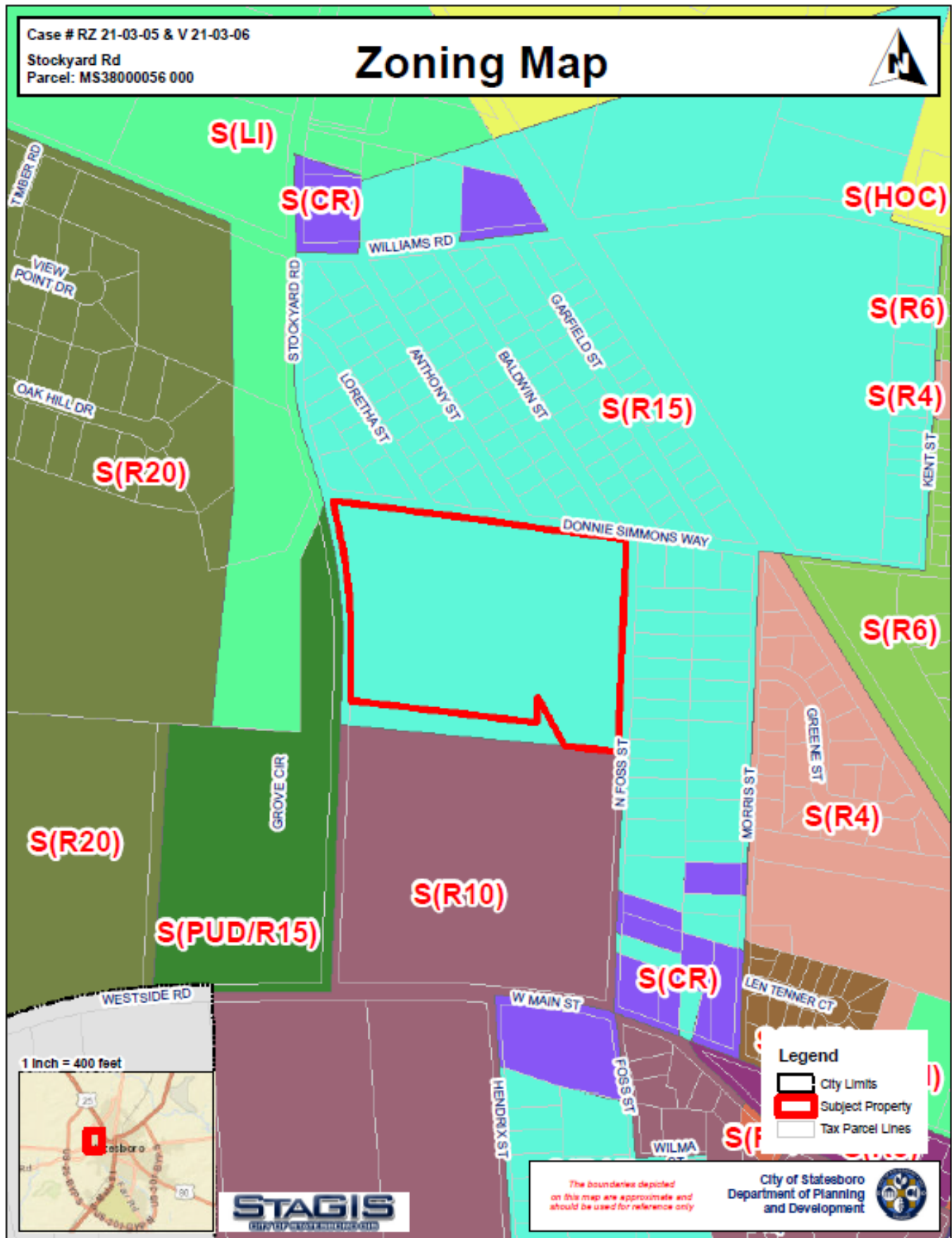
Case # RZ 21-03-05 & V 21-03-06

Stockyard Rd

Parcel: MS38000056 000

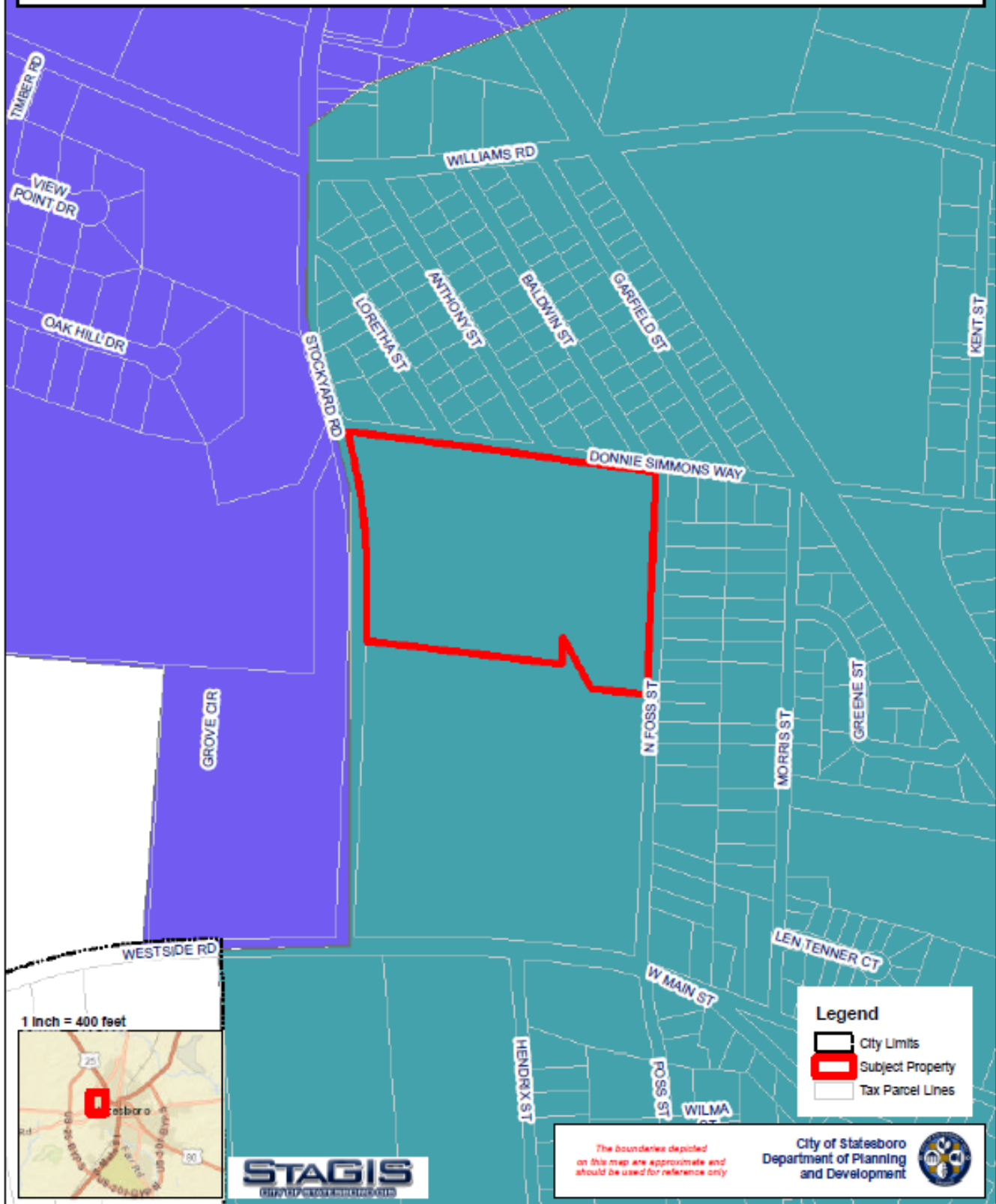
Location Map

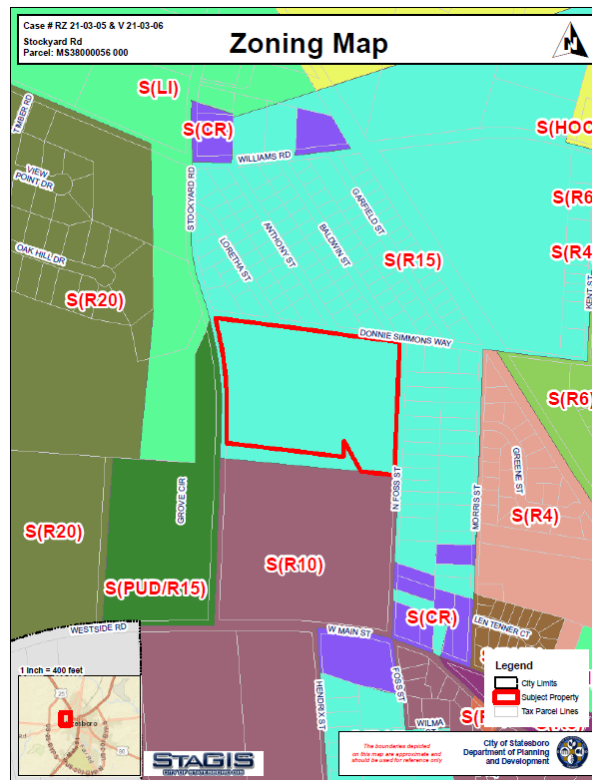




Case # RZ 21-03-05 & V 21-03-06
Stockyard Rd
Parcel: MS38000056 000

Future Landuse Map





SURROUNDING LAND USES/ZONING

Location	Parcel Location & Zoning Information	Land Use
North	Location Area #1 R-15 (Single-Family Residential)	Single Family Dwelling
Northeast	Location Area #2: R-15 (Single-Family Residential)	Educational Complex
East	Location Area #3: R-15 (Single-Family Residential)	Single Family Dwelling
North West	Location Area #4: R20/LI (Single-Family Residential/Light Industrial)	Nursing Home
Southeast	Location Area #5: R-15 (Single-Family Residential)	Single Family Dwelling
South	Location Area #7: R-10/R-15 (Single-Family Residential)	School
Southwest	Location Area #8: PUD/R-15 (Planned Unit Development/Single-Family Residential)	Neighborhood
West	Location Area #9: R20/LI (Single-Family Residential/Light Industrial)	Undeveloped Land

SUBJECT SITE

The subject site consists of one parcel containing 4.51 acres. Currently the parcel contains multiple buildings that made up a former school. The site consists of some vacant buildings while a food bank, café, and outreach program are run out of two of the buildings. The applicant seeks to construct a senior housing development on a portion of the site. The site is currently zoned R15 (Single-Family Residential), and under the current designation, would only be suitable for the construction of single-family homes with subdivided land on 15,000 square foot lots.

The applicant is additionally requesting a reduction in the amount of parking required on the site. As per Article XVI, Section 1600 of the ordinance, developments of this type would generally require a parking space for each bedroom, plus one additional space for each additional ten dwelling units. Overall, this development would require 82 spaces for the proposed 51 units. The applicant is requesting that they add a total of 68 parking spaces, which equals roughly 1.3 parking spaces per unit. The applicant suggests that this amount would be sufficient due to the nature of the development, and past developments of a similar nature.

The *City of Statesboro 2019 – 2029 Comprehensive Master Plan* designates the subject site in the “Established Residential Neighborhood” character area, which is generally intended for small-lot single-family residential and neighborhood scale retail and commercial development.

ENVIRONMENTAL SITE ANALYSIS

The property does contain a small area of wetlands on the southwest end of the property. There are no flood zones being projected on the site.

COMMUNITY FACILITIES AND TRANSPORTATION

This site has access to City of Statesboro utilities. The construction of residential buildings on the site would increase traffic on Stockyard Road, but the development will have access to Donnie Simmons Road as a secondary outlet.

ZONING MAP AMENDMENT STANDARDS OF REVIEW

The *Statesboro Zoning Ordinance* permits a zoning amendment subject to conditions if “approved by the mayor and city council based upon findings that the use is consistent with adopted plans for the area and that the location, construction, and operation of the proposed use will not significantly impact upon surrounding development or the community in general.”

Article XX, Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider “in making its determination” regarding a zoning map amendment request, in **“balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.”** Those standards are as follows:

1. Existing uses and zoning or [of] property nearby.

- The surrounding area is made up of a variety of uses. These include residential, light industrial, a planned development, a nursing home, an elementary school, and undeveloped land.

- 2. The extent to which property values are diminished by the particular zoning restrictions**
 - It is Staff's opinion that the property value would increase with the zoning change.
- 3. The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
 - This development would provide additional housing units, which would provide new housing in an area identified by the Statesboro Housing and Revitalization Commission (Statesboro GICH Team) as the MLK Neighborhood.
- 4. The relative gain to the public, as compared to the hardship imposed upon the property owner.**
 - The property is currently underutilized and would result in a significant improvement of usage if redeveloped.
- 5. The suitability of the subject property for the zoned purposes.**
 - There is nearby residential uses of a lower intensity, but this area has a variety of uses. Locations on the North side of Stockyard Road are generally residential uses (single-family and a nursing home) while those on the South are a mix of apartments, neighborhoods, light commercial, and a school.
- 6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - The property has been underutilized as residential property, and has served as a food bank, outreach program and small café. Other buildings on the property have been vacant since construction of the new Julia P. Bryant school in 2010.
- 7. The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in the adjacent areas; and**
 - The proposed change would increase the density in the area, by adding higher density housing units. This development is likely to increase congestion in the area.
- 8. Consistency with other governmental land use, transportation, and development plans for the community.**
 - The proposed use is consistent with the subject site's character area ("Established Residential Neighborhood") as stated in the *2019 – 2029 Comprehensive Master Plan*. The proposed use is consistent with the current standing development of the area which precludes the passage of the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval of **RZ 21-03-05 & V 21-03-06**. If this petition is approved by the Mayor and City Council, it should be subject to the applicant's agreement to the following enumerated condition(s):

- (1) Approval of this Zoning Map Amendment does not grant the right to develop on the site without approval. All additional construction must be approved by the City.
- (2) The site must be developed to accommodate senior housing, and cannot be developed in another manner without explicit approval from City Council.

Called Planning Commission Meeting
Thu, Apr 15, 2021 5:00 PM - 6:00 PM (EDT)

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