CITY OF BROOKLET

Planning & Zoning

104 Church Street

Brooklet, GA 30415 (912) 842-2137

Melissa Pevey, Debra Alexander, Rene Keene, Ginny Macaluso, Nathan Nall, David Bircher

April 9, 2024

6:00 PM

MINUTES

1. CALL TO ORDER: Debra Alexander
2. PLEDGE OF ALLEGIANCE: David Bircher
3. APPROVAL OF MINUTES FROM MAY 9, 2023
4. COMMISSION ANNOUNCEMENTS:
	1. As granted by the City Council of Brooklet, the Planning and Zoning Commission have the power and exercise of duty to undertake, hear and decide the types of appeals, applications and activities outlined in Brooklet Code of Ordinances, Appendix B, Article XV-Sec. 15-2 — Duties and powers of the Planning Commission. The Planning Commission will follow the procedures outlined in Sec. 14-4(C).
	2. The applicant shall speak first and present the application and any evidence, opinions, or witnesses. The opponents to the proposed change shall present their opposition, evidence, opinions, or witnesses. The applicant may have an opportunity for rebuttal. A minimum time period of ten (10) minutes per side per presentation of data, evidence and opinions for each zoning decision shall be provided. Additional time may be allowed by majority vote of the Commission, but an equal amount of additional time must be awarded to each side if any is awarded.
5. ZONING ITEMS

A. APPLICATION RZ 2024-016:

G3 Ventures, LLC. submitted an application to rezone from R-1 (Single-Family) zoning district to C-2 (General Commercial) zoning district to allow for a cabinet business on the 0.65 acres. The property is located at 407 North Cromley Road.

DISCUSSION AND QUESTIONS for Application RZ 2024-16

Present at the meeting were Nicky Gwinnett, owner and corporate representative of G3 Ventures and attorney Sam DeRocco. Mr. DeRocco stated that he was there on behalf of G3 Ventures, LLC, and that this was a rezoning request to allow a cabinetry business. He said that there was a prior application that was passed unanimously when it came before the Commission, but was denied by the City Council. He asked if there were any initial questions concerning the property at issue or the rezoning request that he could answer.

Commissioner Bircher asked if G3 Ventures has employees. Mr. DeRocco said that they do.

Commissioner Bircher then asked if they had ever undergone any kind of OSHA regulations search, fire search, or any of that nature. Mr. DeRocco said he didn’t believe so.

Mr. DeRocco stated that this is a rezoning request in order to do a cabinetry business. He said that he had researched other cabinetry business or similar companies in Brooklet to compare to the zoning ordinances. He stated that there are 3 that he found that are not associated with G3 Ventures, LLC. The first is American Aero,LLC, at 16274 Hwy 80 East. According to the Bulloch County Tax Accessor’s website, it is currently zoned AG-5 /R-1. Mr. DeRocco stated that there is also is Harbor Cabinetry at 17735 US Hwy 80, in Brooklet., zoned C-2. He said that the third one that he was able to find was Cornerstone Legacy Woodworks. That’s currently at 6255 Stilson-Leefield Road, Brooklet, GA 30415. That is presently zoned AG-5 /Residential.

Chairman Alexander asked if all of those are within the county. Mr. DeRocco stated that those are within the county, within the city of Brooklet. He stated that when you look up a cabinetry business, because you have R-5s, R-1s, C-2s, he knows there’s been some concerns raised whether or not it would have to be industrial. As far as he can tell, none of the cabinetry businesses that are located in the city of Brooklet are zoned for industrial. He stated that a C-2 commercial zoning would allow a cabinetry business to provide business activities that would cater to the needs of individual neighborhoods and highway business areas that are different from those located in the central business district of the city of Brooklet. He said that in this situation, there is going to be the creation of cabinets. Mr. DeRocco stated that he thinks it would be an appropriate zoning to be C-2. He said that this location was used as a cabinetry business even prior to the city of Brooklet adopting zoning ordinances, as well as at the time of the last application, which was unanimously passed by the Planning and Zoning Commission. Mr. DeRocco said that they have been able to dig up additional documents to support their request. He said that they had been able to locate a business license from the City Council of the City of Statesboro that was issued for this location and an additional one from 1984.

Mr. DeRocco said that historically, this location has been used as a cabinetry business and has continued throughout the period of time, between the past owner and then as it was transferred to G3 Ventures. He stated that they continuously used it in the operation of the cabinetry business, and that to the extent that the Commission finds that it doesn’t belong in the AG-5 zoning, he thinks that it would be considered a nonconforming use, because it’s systematically been used as a cabinetry business since prior to the adoption of the zoning ordinances. He asked if anyone had any questions.

Chairman Alexander said that after reading through the materials from the past meetings where this was previously approved, and looking through the materials that were given, it looked as though this request would not comply with non conforming because there was no license that was kept up to show that that property was being used as a business.

Mr. DeRocco said that what would qualify it are the two business licenses that have already been presented to the Commission.

Chairman Alexander said that those have to be within a year in order for it to be non conforming. She continued that there should be business licenses up to that point, and then for up to a year after, it could be dormant or vacant, and it would still qualify for non conforming.

Mr. DeRocco stated that this was also his understanding. He said that he has not looked specifically at the business license issue, and that he thinks she may be talking specifically as it relates to the issue on non conforming use, and Chairman Alexander agreed that she was talking about a non conforming use.

Mr. DeRocco stated that in the section on non conforming use, it doesn’t discuss the business license issue. It just says it has to be in continued operation for at least a year, and if there’s any sort of break in between there, then that would dissolve the nonconformance, and so the fact that it was used continuously as a cabinetry business means there could be a license in one location, and the business could still use another location for a business purpose.

Chairman Alexander stated that one of the things asked for were documents showing any kind of taxes that were paid on that property as a business. She said that the Commission was looking for additional documentation to show that there was something there so the business could qualify for non conforming. She explained that the Commission had not found anything that would show that.

Mr. DeRocco stated that he was unable to find where the taxes were paid. He said that he doesn’t know what information the Commission has, but that there are witness affidavits from neighboring and adjoining property owners where they’ve indicated they are aware of the continuous operation of the cabinetry business, and that they have no objection to the continuation of it through a non conforming use.

Chairman Alexander replied that the Commission has copies of those. She asked him to clarify that the witness affidavits were from Annette Wilson and Becky Hodges. Mr. Di Rocco confirmed that they were.

Commissioner Keene asked for some clarifications on one other topic. She stated that the application appeared to be a rezoning request, not anything about the non conforming issue.

Mr. DeRocco replied, “That’s correct.”

Commissioner Keene asked why G3 Ventures was turning in the same application that the Council rejected the last time. She asked if there is something new about the rezoning, or are they are trying to make this a non conforming decision?

Mr. DeRocco replied that there are two issues. He said that the City Council’s decision, the rejection, was based on what is generally spoken of as spot zoning. He thinks that there’s additional evidence that’s been presented that shows that this would not be an issue of spot zoning, particularly as it relates to the other three properties that he mentioned. He said that the city of Brooklet had adopted a new appeal procedure concerning zoning requests and the denials, and that therefore additional relief that previously had not existed before is now available. He said that he has represented Bulloch County on similar issues, and the law just recently changed within the last year to afford applicants a new appellate right in terms of the rezoning request. He also believes he saw that the city of Brooklet recently petitioned additional changes to their zoning procedures, so, at this point, as it relates to this current stage, he agrees that nothing’s changed in terms of the status, because the status is that it has always been a cabinetry business.

Commissioner Keene asked if this was an appeal.

Mr. DeRocco stated that it is not. He said that this is just the initial part presented for the Commission’s recommendation to the City and then, depending on what the City decides, there’s a new form of appeal that recently has been created by the Legislature, which would go to the Superior Court. He stated that, in terms of Commissioner Keene’s original question, if anything has changed, he would say no, but that additional evidence has been found, so he would ask that the Commission make a recommendation consistent with the last time, supporting the petition for rezoning.

Commissioner Bircher said that he had a 2-part question. He said that since it appears that they are trying to show that this has always been a business, then it would have to fall under business regulations. He asked how many years employees have been employed in the building that is under discussion.

Mr. DeRocco stated that it’s been used as an additional facility for maintenance of inventory, so there are not continuous employees there. There are employees that come in and out to get inventory.

Commissioner Bircher asked if having employees at the location is something new, or something that has been ongoing.

Mr. DeRocco conferred with Mr. Gwinnett and then said that, prior to the application, there have been employees that continuously went in and out of the operation for inventory purposes.

Commissioner Bircher said his second question was that it was his understanding that there is no running water or restrooms in the facility.

Mr. DeRocco replied that he is correct.

Commissioner Bircher said, “And you’re aware, under the OSHA standard 1910.141 that no place can be considered a business with employees if they do not supply at least a restroom and running water.”

Mr. DeRocco stated that he has not specifically looked at that issue, but he said that this discussion is about a part of the business when it needs to be looked at as a whole. When there are two different locations for a business, if one does have operating electric as well as plumbing and things of that sort, it does not preclude a business from having an additional location that is used as inventory.

Commissioner Bircher said, “And your answer is this building has never been inspected by the Fire Department or any other government agency as a business?”

Mr. Gwinnett said, “It’s not required, really.”

Commissioner Bircher said that the reason he was asking is trying to prove the fact is that it is an existing business. That way it would actually make some changes in this situation and how it would be run.

Mr. DeRocco asked if Commissioner Bircher could repeat the question.

Commissioner Bircher said that if it’s a warehouse or if it’s a factory, there are certain things in the law that basically require it to be inspected. It would have to be fire inspected and OSHA inspected to make sure it’s up to code. Any of those things would then prove the case that it’s been an actual business for these lengths of time.

Mr. DeRocco said that he doesn’t believe any of those sorts of inspections have been done, and Mr. Gwinnett added that such inspections are not required.

Commissioner Alexander then asked if there was anything else they would like to present to the Commission.

Mr. DeRocco replied no. He said that he thought that from what has been presented, starting from the very inception of Brooklet, this building has been used as a business. It was approved as a business with the city of Statesboro, and then it was approved as a business with the city of Brooklet when the zoning ordinances were adopted. So, if the argument is that, whether or not it’s been in continuous use, he doesn’t think that’s the question for today. Mr. DeRocco said that the question for today is whether

or not there’s sufficient evidence to support the rezoning, and based on the fact that presently Harbor Cabinetry is zoned C-2 and, that the other two cabinetry businesses that are located in town are actually AG-5, he feels there is sufficient evidence to support this Commission’s supporting of the application.

Chairman Alexander asked if there were any further questions from either Mr. Gwinnett or the Commission.

Commissioner Nall said that the important part to consider is, can we approve this to go from R-1 to C-2? He stated that that in the discussions so far, C-2 may be an appropriate zoning, but the question is not whether it’s appropriate for that business, but whether it meshes up with the master plans for the city. He said that he didn’t see anything different, and he wanted to remind the Commission to look at it from the standpoint of, does this align with the plan or not?

Commissioner Keene said that she felt like we need to make sure that we’re talking about what’s been asked for here. She said she was not sure that the new evidence supports the rezoning. She stated that it might support non conforming use, if that’s requested at some point, but that the City attorney had made it clear that this was a spot zoning issue.

Chairman Alexander stated that some of the businesses Mr. DeRocco brought up are not within the city limits of Brooklet. They’re in the county, and it would be Bulloch County making decisions on those properties, so they wouldn’t be something the Commission could look at. She said the Commission also has to think about the future of the city, and whether we should be putting a business in the middle of a residential area. She said that the Commission needs to be mindful of what the future of the city is going to be.

Commissioner Keene added to also think about how future residents of that area will feel.

Chairman Alexander said that she thought it was time to take a vote, and asked Mr. DeRocco and Mr. Gwinnett if they had any additional questions or comments.

Mr. DeRocco said that he didn’t know which of the three businesses he’s looked at has been excluded for being outside of the city limits.

Ms. Pevey answered that it was Cornerstone Legacy Woodworks.

Mr. DeRocco said that he thinks when talking about a spot zoning issue, it’s really sort of premature at this point to even consider that. He stated that from this situation, G3 Ventures is asking for a rezoning request. He asked if the OSHA regulation that was brought up is number 1910.141.

Commissioner Bircher replied that it was.

Mr. DeRocco asked what subsection, and Commissioner Bircher replied that he did not have that information.

Mr. DeRocco said that looking at the regulation, under the J1 table of that section, it gives a table based on how many employees and the minimum number of toilet locations that you need for a business, not as it relates to a specific location. It says one, so, if looking at this in a vacuum, just as it relates to the singular location, that is probably something that could be considered when you’re considering the fact that this has multiple locations. As long as one has a bathroom, then he thinks it would comply with that OSHA regulation.

Commissioner Bircher asked how many locations Mr. Gwinnett has.

Mr. DeRocco replied that there are two, and Mr. Gwinnett said that he doesn’t have two locations anymore.

David Bircher clarified, “So we are talking about one location.”

Mr. DeRocco stated yes, at the present. He said that it looks like there is one part -time employee. He said that he’d like to point to the idea that Harbor Cabinetry is zoned C-2, and American Aero, LLC is presently zoned AG-5/R-1. He said that he would urge the Commission to consider the idea that if talking about spot zoning, to consider what the difference is between American Aero, LLC and this request.

Chairman Alexander stated that the Commission would need to know what’s surrounding that before they looked at what that particular business is. She said that the Commission has got to look at where we are right now, and the particular situation that we’re in is that this is a commercial business that’s going into a residential area that’s fully surrounded by residential.

 She then called for a vote, with the following results:

Commissioner Bircher: No

Commissioner Nall: No

Commissioner Macaluso: No

Commissioner Keene: No

Chairman Alexander : No

Mr. DeRocco said, “If I may, again, just for purposes of making the record, let me just notate our objection, specifically as it relates to this application as unconstitutional as applied. Thank you.”

Chairman Alexander said that the recommendation to approve rezoning application RZ 2024-01 required a motion to deny this application.

Commissioner Bircher made the motion, and Commissioner Macaluso seconded.

Chairman Alexander stated that the motion passed. The application was denied.

 THE PLANNING COMMISSION RECOMMENDS THE

APPROVAL OF THE REZONE APPLICATION:

YES - 0

NO - 5

B. APPLICATION RZ 2024-017:

Jason T. Franklin submitted an application to rezone from R-2

(Single-Family Dwelling) zoning district to R-3 (Multi-Family Dwelling) to allow for duplex on 19.28 acres. The property is located on Old Leefield Rd. (parcel: 135000022AOOO)

DISCUSSION AND QUESTIONS for Application RZ 2024-17

Keith Stevens and Jason Franklin were both in attendance. Keith Stevens said that he is with EMC Engineering, and was there as a representative for Mr. Franklin. He said that the property in question is approximately 19 acres, and the tract is just west of Leefield Preserve on Old Leefield Road. He stated that construction has already begun, and that horizontal construction has been completed. They haven’t gone vertical with the houses. He explained that this project began back in 2019, and was originally in the county. He said that they met with the city, and the two sides worked together, and they annexed into the city. He said that prices from 2019 compared to now have skyrocketed, so the developers had looked at affordable housing options, and for single family, they have 22 lots. What they were going to have to charge for rent to recoup their money was not going to be affordable for the average person, so that’s why they’re going back to a R-3 zoning. It will be duplexes with 44 units, 2 units per lot. As part of the requirements for a rezoning request, he said they have already resubmitted to the county Health Department and that they have approved the plans for the duplex units, that all lots will have septic systems, and that each duplex will fit on the lot as shown on the plat.

Chairman Alexander asked if it would be one septic for each lot, and Mr. Stevens replied that there will be two septic systems on each lot.

Mr. Stevens stated that all the horizontal construction has been completed and the only thing that would be needed to go from single family lots to the duplex units is approximately six or seven lots that will require directional drilling for another water tap under the road. He said that this is very minor compared to the infrastructure that’s in the ground now.

Commissioner Nall asked if the original intent under single family home or R-2 zoning was to rent out the properties, rather than sell them. Mr. Stevens replied that he was correct. He confirmed that these duplexes will also be rented out.

Commissioner Nall asked if the property will be managed as one whole, like an apartment complex where upkeep and things like landscaping will be maintained., and Mr. Stevens said that he’s correct, and that the duplexes will not be sold to individuals.

Ms. Pevey asked how many bedrooms each unit will have, and how long each lease or contract will be.

Mr. Stevens asked Mr. Franklin to answer the question.

Mr. Franklin said the leases will be for 12 months. He said that each unit will be 2 bed/2 bath per side and include a flex room, like a small office space for each unit.

Ms. Pevey asked for him to confirm that each will be 2 bedrooms, 2 baths, with a flex space, and Mr. Franklin said yes.

Commissioner Macaluso asked if there will be a limit to the maximum number of tenants for each unit. She asked if attention would be paid to keeping large groups of college students, etc., from living in a single unit.

Mr. Stevens said yes, and Mr. Franklin said that Bubba Hunt will be overseeing the rentals, and that they will not market the duplexes to college students.

Ms. Pevey stated that she had a vested interest. She said that she lives within a mile of this property, and is concerned that parents of college students may take a look at the property and decide that its proximity to campus would make it appealing to rent as housing for their students and roommates.

Mr. Franklin said that he doesn’t see that as being a problem for city of Brooklet, since there is a high demand from families looking to live here because of the Southeast Bulloch school system. He said there would be no reason to try and market to college students.

Commissioner Keene asked if their leases would also specify limits on the numbers of people that can be in each unit. Mr. Franklin replied, “They should. I really don’t know the answer to that question.”

Commissioner Keene said, “Okay, but somebody will be watching for that? The management company will ensure that it’s not leased to more people than are allowed to live in it?”

Mr. Franklin replied, “I don’t know about the city of Brooklet, but I know that the city of Statesboro says there can’t be more than 3 or 4 unrelated people, and that might be something that I’d recommend, if that’s y’all’s concern about college students living in them.”

Commissioner Keene said that she believed our ordinances do address that.

Chairman Alexander then asked if there were any more questions or comments. She then called for a vote, with the following results:

Commissioner Bircher: Yes

Commissioner Nall: Yes

Commissioner Macaluso: Yes

Commissioner Keene: Yes

Chairman Alexander: Yes

Chairman Alexander said that with 5 yes votes, the zoning request passed, and she asked for a motion to approve.

 Commissioner Nall moved to approve, and Commissioner Bircher seconded.

The Planning and Zoning Commission recommends the approval of the rezone application:

Yes – 5

No – 0

Commissioner Alexander then asked for a motion to adjourn.

Commissioner Macaluso made the motion, Commissioner Nall seconded, and the meeting was adjourned.

.