



*City of Statesboro*  
*Department of Planning and Development Memorandum*

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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 3, 2018**

**5:00 P.M.**

**City Hall Council Chamber**

**Meeting Agenda**

**I. Call to Order**

**II. Invocation & Pledge of Allegiance**

**III. Approval of Minutes**

1. March 6, 2018 Meeting Minutes

**IV. New Business**

1. **APPLICATION V 18-03-04**: Gemini Construction Co., LLC requests a variance from Article XV Section 1509(C) Table 4 regarding the minimum required setback for a monument sign installed to property addressed 416 Northside Drive East (Tax Parcel MS72 000014 000).
2. **APPLICATION V 18-03-05**: Ken Kitching requests a variance from Article X Section 1003(A) regarding the minimum required lot area for a parcel located in the CR (Commercial Retail) zoning district for property addressed 110 Rushing Lane (Tax Parcel MS75 000009 003).
3. **APPLICATION RZ 18-03-03**: Ken Kitching requests a zoning map amendment of a proposed subdivision of .20 acres of a .73 acre property addressed 110 Rushing Lane from the HOC (Highway Oriented Commercial) zoning district to the CR (Commercial Retail) zoning district to permit new construction (Tax Parcel MS75 000009 003).

**V. Announcements**

**VI. Adjourn**



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**Statesboro Planning Commission**

**March 6, 2018**

**5:00 P.M.**

**City Hall Council Chamber**

**Meeting Minutes**

**Present:** Planning Commission Members: James W. Byrd, Sr.; Carlos C. Brown, Jr.; Mary Foreman; David McLendon; Benjamin McKay and Russel Rosengart **Absent:** Jamey Cartee **City of Statesboro Staff:** Director of Planning and Development Frank Neal, Director of Public Works and Engineering Jason Boyles, City Planner Sharon Anton and Planning and Development Specialist Candra Teshome

**I. Call to Order**

**II. Invocation & Pledge of Allegiance**

**III. Approval of Minutes**

1.) February 6, 2018 Meeting Minutes

Commissioner McLendon made a motion to approve the February 6, 2018 meeting minutes, seconded by Commissioner McKay and the motion carried 6 to 0

**IV. New Business**

1. **APPLICATION # RZ 18-03-02:** JR Hendley Foundation requests a zoning map amendment of .59 acres of property addressed 104 West Inman Street from the CR/R8 (Commercial Retail/Single-Family Residential) zoning district to the R6 (Single-family Residential) zoning district (Tax Parcel S19 000092 000).
2. **APPLICATION # V 18-03-01:** JR Hendley Foundation requests a variance from Article VII-A Section 703-A(A) regarding the minimum required lot area for property addressed 104 West Inman Street (Tax Parcel S19 000092 000).

Frank Neal presented the cases to the Planning Commission and requested that a separate vote be made for each case. He also took any questions. Brian Davis spoke on behalf of both applications. No one spoke against the requests.

Commissioner McLendon made a motion to approve application RZ 18-03-02, seconded by Commissioner Brown and the motion carried 6 to 0. Commissioner McKay made a motion to approve application V 18-03-01, seconded by Commissioner Foreman, and the motion carried 6 to 0.

**V. Announcements**

There were no announcements.

**VI. Adjourn**

Commissioner McKay made a motion to adjourn the meeting, seconded by Commissioner Brown and the motion carried 6 to 0.

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**Chair – James W. Byrd, Sr.**

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**Secretary – Frank Neal, AICP  
Director of Planning and Development**



City of Statesboro – Department of Planning & Development  
**DEVELOPMENT SERVICES REPORT**

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**V 18-03-04  
 VARIANCE REQUEST  
 416 NORTHSIDE DRIVE EAST**

**LOCATION:** 416 Northside Drive East

**REQUEST:** Variance from Article XV Section 1509(C) Table 4 regarding the minimum required setback for a previously installed freestanding sign in Sign District 2.

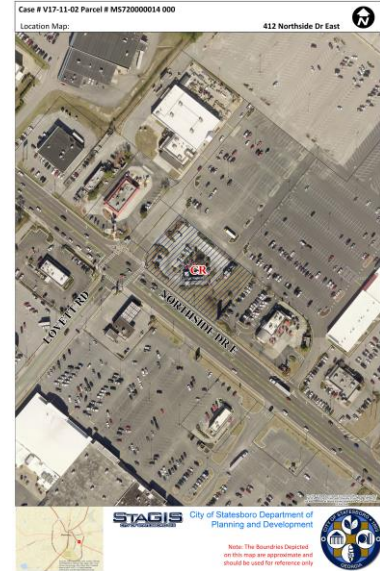
**APPLICANT:** Gemini Construction Co., LLC

**OWNER(S):** Southern Square, LLC

**ACRES:** 1.15 acres

**PARCEL TAX MAP #:** MS72 000014 000

**COUNCIL DISTRICT:** District 5 (Chance)



**PROPOSAL:**

The applicant requests a variance from Article XV Section 1509(C) Table 4 of the *Statesboro Zoning Ordinance* regarding the minimum required setback for a freestanding sign permitted for installation July 17, 2017 (See **Exhibit A** – Location Map).

**BACKGROUND:**

Checkers Drive-In was the previous tenant at the location. Currently, the site is undergoing construction of an Aspen Dental personal services facility and an AT&T retail store. The property owner agreed to remove the original Checkers Drive-in pylon sign and was approved for a 29.41 sq. ft. multiple-tenant freestanding sign in July 2017 (See **Exhibit D**—Permit 3021).

**SURROUNDING LAND USES/ZONING:**

	<b>ZONING:</b>	<b>LAND USE:</b>
<b>NORTH:</b>	CR (Commercial Retail)	Food Service Facilities and Retail Establishments
<b>SOUTH:</b>	CR (Commercial Retail)	Food Service Facilities and Retail Establishments
<b>EAST:</b>	CR (Commercial Retail)	Food Service Facilities and Retail Establishments
<b>WEST:</b>	CR (Commercial Retail)	Food Service Facilities and Retail Establishments

The subject property is located within the CR (Commercial Retail) district and lies across Northside Drive East from Statesboro Mall. Surrounding parcels include mixed uses, such as restaurants and retail shops (See **Exhibit A** – Location Map, **Exhibit B**—Future Development Map and **Exhibit C**—Photos of Subject Site).

**COMPREHENSIVE PLAN:**

The subject site lies within the “Activity Centers/Regional Centers” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Master Plan*. The “Activity

Centers/Regional Centers” character areas are currently dominated by auto-oriented design and large surface parking lots. The Activity Centers will evolve into pedestrian-oriented shopping, office, and entertainment places that may also accommodate high-density residential development. Where excess parking is located, infill development can break up large surface lots. Tree plantings and landscaping will be generous to soften the development intensity in these areas. Access to these activity centers will be easily achieved for pedestrians, cyclists, and drivers alike (See **Exhibit B** – Future Development Map).

Some suggested development and implementation strategies for the “Activity Centers/Regional Centers” character area include the following:

- Encourage infill, new, and redevelopment to build close to the street.
- New developments that contain a mix of residential, commercial uses and community facilities at small enough scale and proximity to encourage walking between destinations

*Statesboro Comprehensive Master Plan, Community Agenda page 23.*

In addition, the Future Development Map and Defining Narrative section of the Comprehensive Plan states the following:

“Statesboro residents have expressed dissatisfaction with a variety of features in the community which clutter streetscapes and obstruct natural landscape features -particularly on major corridors entering and exiting the community. While City leadership has acknowledged the need to comprehensively update land development regulations to holistically address aesthetic concerns, there exist a number of individual topics which can be addressed by ordinance amendments in the short-term. Signs (attached and detached) should be managed by incorporating uniform design features, and by restricting billboards and other off-premise signage which distract from traffic control signage and compete with local and other on-site businesses.”

*Statesboro Comprehensive Master Plan, Community Agenda page 11.*

**ANALYSIS:**

**I. Variance from Article XV Section 1509(C) Table 4: Sign District 2 Dimensional Standards to permit a retroactive variance for the installation of a freestanding sign inside the required setback.**

The applicant is requesting a variance from Article XV (Signs) regarding the minimum required setback for a freestanding sign. Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance* regulates the dimensional standards for all freestanding signs within the City of Statesboro. The subject site is located in the CR (Commercial Retail) zoning district and is regulated by the dimensional standards of Sign District 2 (See **Exhibit D**—Section 1509(C) Table 4). The ordinance states freestanding signs are “not allowed” for Individual establishments within a planned commercial development; however, the applicant removed the original Checkers Drive-in pylon sign and was allowed to install one (1) multi-tenant sign in its place (See **Exhibit D**—Section 1509(C) Table 4).

The applicant’s intention is to decrease the minimum required setback from five feet to 4.23 feet (See **Exhibit E**—Proposed Signage Plans).

<b>Sign District 2 Regulations</b>	<b>Applicant’s Request</b>	<b>Permitted</b>
<b>Freestanding Signs:</b> Not allowed	One (1) 7.92 square feet tenant sign installed to a monument sign	Permitted July 2017 by property owner.

Section 1503(G) states that no variances shall be permitted from the terms of Article XV regarding signs in the *Statesboro Zoning Ordinance*. It continues to state that “Specifically, no variances under article XVIII of this ordinance [chapter] shall be applicable to the standards contained within this article.” However, Article XV regarding signs is part of the *Statesboro Zoning Ordinance*, which provides for the award of variances by the City Council from the zoning regulations stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done” and **Section 1801 states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:**

1. **There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;**
2. **The special conditions and circumstances do not result from the actions of the applicant;**
3. **The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**

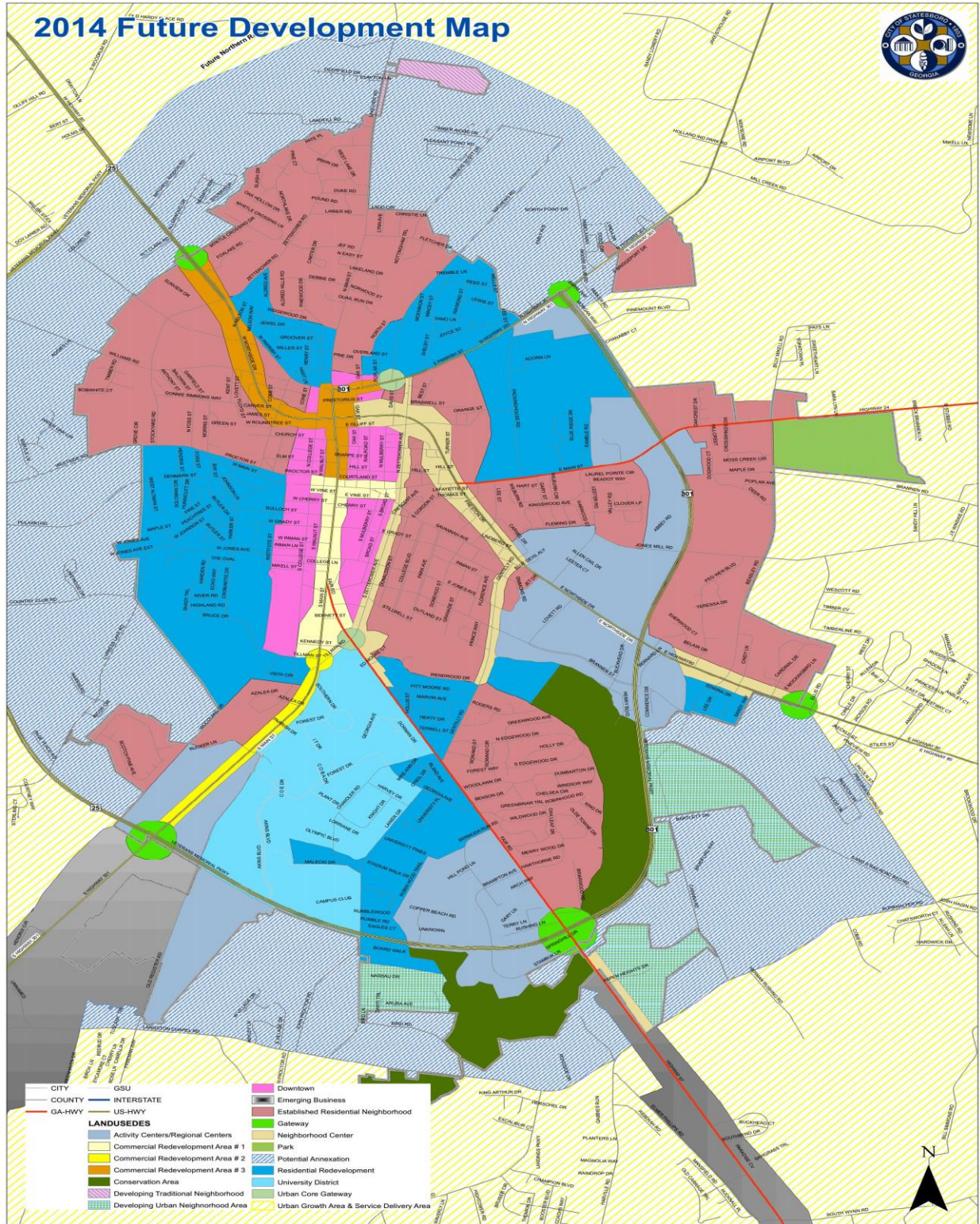
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.

**STAFF RECOMMENDATION:**

Staff recommends approval of the variance requested by application V 18-03-04.



EXHIBIT B: FUTURE DEVELOPMENT MAP





**EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS**

**Picture 1:** Subject Site Depicting Installed Freestanding Sign Facing Northside Drive East



**Picture 2:** Subject Site Depicting Installed Freestanding Sign Facing North-West



**EXHIBIT D: SECTION 1509 TABLE 5**

Table 4. Sign District 2 Dimensional Standards

TABLE INSET:

SIGN DISTRICT 2 (As defined in subsection 1509[A.2])	SIGN FOR AN INDIVIDUAL ESTABLISHMENTS ON AN INDIVIDUAL LOT	MAJOR SIGN FOR PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT	INDIVIDUAL ESTABLISHMENTS, SHOPS, ETC., WITHIN A PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT
<b>AGGREGATE SIGN AREA*:</b>			
1. Maximum Number of Total Square Feet (SF)*	250 square feet including freestanding and building sign	Size is based upon the overall floor space of the center as follows: 0-50,000 sf = 200 sf > 50,000 sf = 350 sf	Not applicable
<b>FREESTANDING SIGNS**:</b>			
2. Freestanding Sign Maximum Square Feet	150 square feet	Varies per overall floor space of the center (See "Aggregate Sign Area" herein)	Not applicable
3. Maximum Height	20' on St. or Fed. Frontage 8' on Local Frontage	25' on St. or Fed. Frontage 15' on Local Frontage	Not applicable
4. Setback Requirements	5 feet from property line	5 feet from property line	Not applicable
5. Number of Signs Allowed*	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	Not allowed
<b>BUILDING SIGNS:</b>			
1. Maximum Number of Total Square Feet	125 square feet	60 square feet	The greater of 60 sf or 5% of wall areas, allotted to the individual establishment
2. Maximum Height	Building elevation	Building Elevation	Building Elevation
3. Number of Building Signs Allowed***	One per elevation	One sign per common entrance	One per building elevation per tenant
<p>*As provided in Section 1501 and Table 2 herein, "aggregate sign area" includes all freestanding or building signs regardless of whether or not a permit for a particular type of sign is required. Where a billboard is to be located on a lot in accordance with the provisions of section 1511 herein, the aggregate sign area shall not exceed the combined maximum number of total square feet permitted for the billboard, as established in subsection 1511(B), and the building sign.</p> <p>**Excludes billboards. Billboards shall be subject to the provisions of section 1511 of this article.</p> <p>*** Two (2) per building elevation where one (1) sign is in the form of a canopy/awning, and where the cumulative square footage of both does not exceed the "maximum number of total square feet" for building signs.</p>			



CITY OF STATESBORO  
Planning and Development  
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SIGN PERMIT

No. 3021

Business / Owner's Name: Aspen Dental/AT+T

Sign Location / Property Address: 412 + 416 Northside Drive East

Applicant: Matt Patrick 1150 Interstate Pkwy Augusta, Ga. 30909 706-434-1736  
Name Address Phone

Contractor: Gemini Construction, LLC  
Name Address Phone

Total Sign Area Approved: <u>29.41 ft.<sup>2</sup></u>	Permit Fee: <u>\$79.41</u>
Permit Expiration (If applicable): _____	Required Setback from property line: <u>5'</u>

Owner/Contractor is hereby authorized to construct, erect, replace, modify, change panels, or leave unchanged the sign(s) as specified below:

Description of Approved Work:

Install one (1) new multiple-tenant  
free-standing monument sign.  
Note: Sign must be installed in location  
and at dimensions depicted on plans. Signs  
must adhere to regulations set forth for  
sign district 2, Article XV.

Approved by: [Signature]

Date: 7/17/2017

Note: The application submitted has been reviewed and approved in accordance with the submitted application (and any supporting documentation) and article XV of the Statesboro Zoning Ordinance. The approved sign(s) must be constructed and installed in accordance with Article XV of the Statesboro Zoning Ordinance and construction must be substantially complete within six (6) months of permit issuance for this approval to remain valid. Electronic changeable copy signs must remain static for a minimum of eight (8) seconds and incorporate no transitional sequence between messages such as dissolves, fading, scrolling or animation.



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**DEVELOPMENT SERVICES REPORT**

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**RZ 18-03-03 & V 18-03-05**  
**ZONING MAP AMENDMENT & VARIANCE REQUESTS**  
**110 RUSHING LANE**

**LOCATION:** 110 Rushing Lane

**REQUEST:** Rezone from HOC (Highway Oriented Commercial) to CR (Commercial Retail) zoning district and variance to reduce the minimum required lot size in the CR (Commercial Retail) zoning district

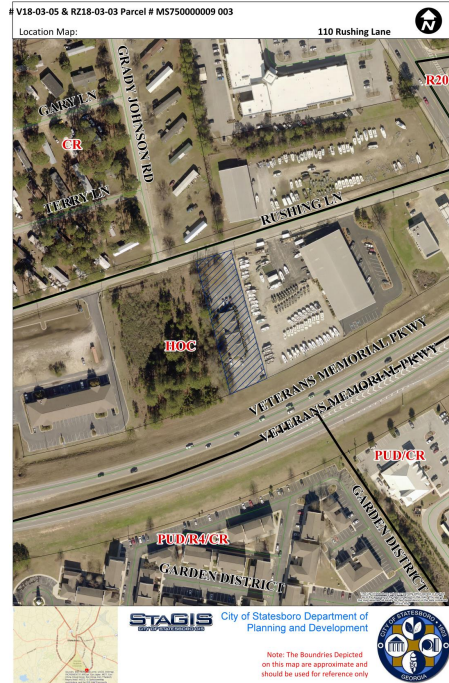
**APPLICANT:** Ken Kitching

**OWNER(S):** A&K LLC

**ACRES:** .73 acres

**PARCEL TAX MAP #:** MS75 000009 003

**COUNCIL DISTRICT:** 5 (Chance)



**PROPOSAL:**

The applicant is requesting a zoning map amendment for roughly .21 acres of a .73 acre parcel from the HOC (Highway Oriented Commercial) zoning district to the CR (Commercial Retail) zoning district. The applicant will subsequently subdivide the entire .73 acre parcel and construct an office building on the resulting .21 acre parcel.

In addition, the applicant requests a variance from Article X Section 1003(A), which requires a minimum lot area of 10,000 square feet. Consideration should first be given to the variance request (See **Exhibit A**—Location Map, **Exhibit B**—Proposed Plat, **Exhibit C**—Photos of Subject Site).

**SURROUNDING LAND USES/ZONING:**

	ZONING:	LAND USE:
<b>NORTH:</b>	CR (Commercial Retail)	Mobile home dwelling units
<b>SOUTH:</b>	PUD/R4/CR (Planned Unit Development with High Density Residential District and Commercial Retail Overlay)	Group of apartment houses
<b>EAST:</b>	HOC (Highway Oriented Commercial)	Retail or wholesale establishments
<b>WEST:</b>	HOC (Highway Oriented Commercial)	Vacant

Properties to the north and south are predominantly residential structures, while properties to the east and west contain a range of uses including a professional business office and vacant land. (See **Exhibit C**—Photos of Subject Site).

## COMPREHENSIVE PLAN:

The subject site lies within the “Activity Centers/Regional Centers” character area as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit D—2014 Future Development Map**) within the City of Statesboro Updated 2014 Comprehensive Plan.

### *Vision:*

Currently dominated by auto-oriented design and large surface parking lots, the Activity Centers will evolve into pedestrian-oriented shopping, office, and entertainment places that may also accommodate high-density residential development. Where excess parking is located, infill development can break up large surface lots. Tree plantings and landscaping will be generous to soften the development intensity in these areas. Access to these activity centers will be easily achieved for pedestrians, cyclists, and drivers alike.

### *Appropriate Land Uses*

- Small, mid-size, and regional retail and commercial, including big box stores.
- Redeveloped shopping center should be encouraged to include diverse uses and pedestrian-scaled elements.
- Diverse mix of higher density housing types, such as multi-family, town houses, apartments, lofts, and condos.
- Entertainment
- Services
- Employment Centers
- Office
- Medical
- Multi-Family

### *Suggested Development & Implementation Strategies*

- Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence (such as screening parking lots or locating parking areas primarily to the sides and rear of buildings). New development should respect historic context of building mass, height and setbacks.
- Focus on redevelopment in areas of disinvestment (such as those that have become or are in danger of becoming greyfields<sup>4</sup>). Development strategy should encourage uses and activities that are suitable for the immediately-surrounding character areas.

*Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 26.*

## COMMUNITY FACILITIES AND TRANSPORTATION:

The subject property is currently serviced by city utilities, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

## ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard area. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

## ANALYSIS:

The subject parcel is currently zoned HOC (Highway Oriented Commercial) and the applicant has immediate plans to construct an office building. The applicant proposes the subdivision of the parcel to accommodate the sale of the existing structure.

- I. **Application RZ 18-03-03: Whether or not to grant a zoning map amendment for the proposed subdivision of a portion of one (1) parcel from HOC (Highway Oriented Commercial) to CR (Commercial Retail) zoning district**

The request to rezone the subject properties should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's primary land use policies: *The Statesboro Comprehensive Plan*, the

*Statesboro Downtown Master Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed CBD (Central Business District) zoning district for uses as set forth in the *Statesboro Zoning Ordinance*.

**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 and “balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.” Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council’s consideration of the application:**

- (1) Existing uses and zoning or (of) property nearby;
- (2) The extent to which property values are diminished by the particular zoning restrictions.
- (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.
- (4) The relative gain to the public, as compared to the hardship imposed upon the property owner.
- (5) The suitability of the subject property for the zoned purposes.
- (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.
- (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 adjacent areas;
- (8) Consistency with other governmental land use, transportation, and development plans for the community.

**II. Application V 18-03-05: Whether or not to grant a variance from Article X Section 1003(A) to decrease the minimum required lot area for a parcel in the CR (Commercial Retail) zoning district from 10,000 square feet to 9,099 square feet**

Section 1801 of the *Statesboro Zoning Ordinance* lists four factors that the Mayor and City Council should consider to be true when determining whether to grant a variance:

- (1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;
- (2) The special conditions and circumstances do not result from the actions of the applicant;
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.

**STAFF RECOMMENDATION:**

Staff recommends approval of the zoning map amendment requested by application RZ 18-03-03 and the variance requested by applications V 18-03-05 with the following conditions:

**CONDITIONS**

1. Future signage must be multi-tenant; the installation of new, individual freestanding signage is prohibited.

**EXHIBIT A: LOCATION MAP**

# V18-03-05 & RZ18-03-03 Parcel # MS75000009 003

Location Map:

110 Rushing Lane



City of Statesboro Department of Planning and Development



Note: The Boundries Depicted on this map are approximate and should be used for reference only





**EXHIBIT C: PHOTOS OF SUBJECT SITE**

**Picture 1:** Subject Site Depicting Front Elevation



**Picture 2:** Rushing Lane Depicting Mobile Dwelling Units Across from Subject Site



**EXHIBIT C: PHOTOS OF SUBJECT SITE**

**Picture 3:** Rushing Lane Facing Fair Road at Entrance to Subject Site



**Picture 4:** Drive of Subject Site



**EXHIBIT C: PHOTOS OF SUBJECT SITE**

**Picture 5:** Rear of Subject Site



**Picture 6:** Rear Elevation of Subject Site



EXHIBIT D: 2014 FUTURE DEVELOPMENT MAP

