



City of Statesboro
Department of Planning and Development Memorandum

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Statesboro Planning Commission

December 4, 2018

5:00 P.M.

City Hall Council Chamber

Meeting Minutes

Present: Planning Commission Members: James W. Byrd, Sr., Carlos C. Brown Jr., Rev. David McLendon, Benjamin McKay, Russell Rosengart, and Jamey Cartee; **City of Statesboro Staff:** Director of Planning and Development Frank Neal, City Planner II Owen Dundee, and City Planner I Justin Williams, Interim Assistant City Manager Jason Boyles; **Absent:** Mary Foreman.

I. Call to Order

Commissioner Byrd called the meeting to order at 5:00 PM.

II. Invocation & Pledge of Allegiance

III. Approval of Minutes

1. November 6, 2018 Meeting Minutes

Commissioner McLendon made a motion to approve the November 6, 2018 meeting minutes, seconded by Commissioner Rosengart. The motion carried 4-0.

IV. New Business

- 1. APPLICATION V 18-11-01:** Habitat for Humanity of Bulloch County requests a variance from Article IV, Section 403(A) to reduce the minimum lot size requirements for property to be considered for the R-20 (Single Family Residential) zoning district in order to develop a single family residence on 0.33 acres located at 7 Jef Road (Tax Parcel S24 000004 000).

Frank Neal introduced the case, and Kathy Jenkins spoke as a representative of Habitat for Humanity of Bulloch County. Ms. Jenkins clarified that the parcel is a combination of two smaller lots and provided an update on some of the surrounding land uses. Robert Costomiris, a member of the public in attendance, inquired on the proposed single family home's distance from the street. Ms. Jenkins responded by stating the lot had plenty of room to meet the standard setbacks. Mr. Neal confirmed that the project would have to meet all City ordinances as a condition of the variance request. Commissioner McLendon inquired on the lot size peculiarity. Mr. Neal and Ms. Jenkins stated that the lot was platted prior to the current zoning ordinance. Commissioner Brown inquired on the size of the proposed single family home. Ms. Jenkins stated approximately 1,100 square feet. Commissioner Cartee made a motion to recommend approval of V 18-11-01. Commissioner Rosengart seconded, and the motion carried 4-0.

2. **APPLICATION V 18-11-02:** Milen Nikolov requests a variance from Article XV, Section 1509, Table 6 to increase the maximum height allowed for wall signage in the Commercial Business District in order to place signage on the currently operating Farmer's Insurance storefront located at 45 East Main Street (Tax Parcel S28 000034 000).

Frank Neal introduced the case, and Milen Nikolov spoke as a representative of Farmers Insurance and the applicant. Commissioner Rosengart and McLendon briefly discussed the proposed signage. Mr. Nikolov stated his reason behind the sign variance request. Commissioner Rosengart made a motion to recommend approval of V 18-11-02. Commissioner McLendon seconded, and the motion carried 4-0.

Commissioner McKay arrived at approximately 5:30 PM.

3. **APPLICATION V 18-11-03:** Annlyn Williams requests a conditional use variance from Article IV of the Statesboro Zoning Ordinance for 0.81 acres of property located at 208 Aldred Hills Road to utilize the property as a community living arrangement facility (Tax Parcel S14 000063 000).

Frank Neal introduced the case, and Annlyn Williams spoke as a representative of the applicant and Marlans Silver Lining PCH, LLC. Commissioner Cartee inquired if the applicant would be renting the home. Owen Dundee responded that the applicant would be purchasing the house not renting it. Commissioner Cartee stated that most of the community living homes did not have a parking issue. Mr. Neal confirmed Commissioner Cartee's statement as accurate. Commissioner Byrd inquired if the application had received any opposition. Mr. Dundee responded that the Planning & Development offices had received a few phone calls with concerns on the conditional use variance request. Mr. Neal then opened the discussion to public comment. Mr. Costomiris stated that he lived in this neighborhood and had some concerns on this case. Mr. Costomiris stated his concerns with the project as the City's process for approving applications of this type, the need for additional background information on the applicant, and the location of the conditional use. Finally, he requested that Planning Commission reject this application. Commissioner Byrd requested further clarification on the telephone calls received expressing opposition for this case. Mr. Dundee responded stating that the concerns were similar to that of Mr. Costomiris. Commissioner Byrd requested clarification on the city's regulations and rules for this type of case. Mr. Neal stated that these types of uses are federally protected by both the Federal Housing Act and Americans with Disabilities Act. Mr. Neal further stated that this process was a formality and the city's right to know where these types of homes are located. Commissioner Rosengart and Mr. Neal discussed the possibility of denying these types of uses. Commissioner Byrd requested clarification on the distance requirement for these types of uses and sex offenders. Commissioner Brown inquired if the applicant had any existing and/or previous issues at their present location. Mr. Neal stated that the City was not aware of any. Commissioner Rosengart expressed concerns on this type of use at this proposed location. Next, Ms. Beverly Mikell spoke on behalf of the applicant. She provided a brief background on the conditional use variance request and her history with Marlans Silver Lining PCH, LLC. Then, Ms. Williams spoke on behalf of Marlans Silver Lining and herself, the applicant. She provided background information on Marlans Silver Lining, the certifications held by the community home, a description of the proposed residents for the Aldred Hills Road location, and

some insight on how the home was regulated and inspected by several government agencies. Commissioner Rosengart requested clarification on the type of use being requested by the applicant at this location. Ms. Williams stated the residents living in this home would be classified as intellectually disabled. Then, Ms. Mikell spoke further on her background and her positive experience with Marlans Silver Lining. Next, Ms. Williams spoke further on the residents that would live at the Aldred Hills Road home. Commissioner Rosengart requested clarification on the number of residents and staff hours at the home. Ms. Williams stated a total of four residents and staff would be available at the home 24 hours. Commissioner Rosengart requested information regarding the funding for this home. Ms. Williams responded that the home would be state funded and provided additional information on the disability program. Next, Eleanor Schneider spoke as representative of the neighborhood. She provided some information on her familiarity and history with the neighborhood. Then, she expressed some concerns on the proposed use type in this neighborhood and the rental market in Statesboro. Next, Ms. Williams addressed some of Ms. Schneider's concerns. Also, she further described the regulations under which the property would be subject to. Then, Mr. Costomiris expressed his concerns that the character of his neighborhood would be greatly impacted by this conditional use if approved. Next, Mr. James Williams spoke as a representative of the applicant and Marlans Silver Lining. He addressed some of the concerns stated by Mr. Costomiris in regards to commercial uses. Then, Ms. Mikell spoke again in favor of the conditional use variance. Next, Ms. Williams addressed some of the concerns expressed by the neighborhood. Commissioner Rosengart requested that Mr. Neal repeat his comment in regards to the federal protection of these community living arrangement facilities. Mr. Neal again stated that these groups are protected by the Fair Housing Act and American with Disabilities Act. Then, he again mentioned the distance requirement from schools are for sex offenders. Next, Mr. Dixon, a member of the community in attendance spoke in favor of the conditional use variance request. Then, Ms. Schneider expressed further concerns with the conditional use being request. Commissioner Byrd addressed some of the concerns. Next, Mr. Costomiris requested clarification on the reasoning for the conditional use variance process. Then, Commissioner McLendon requested clarification on the potential approval and/or denial of the requested conditional use variance. Mr. Neal clarified both items. Then, Mr. Cartee stated the reasoning for the variance was due to the use type and number of unrelated people occupying a home. Next, Ms. Williams further spoke on the regulations under which this home would be subject to. Mr. Cartee requested clarification on the conditional use variance being requested. Mr. Neal stated that the variance was specific to the property ownership and not the property itself. Then, Commissioner McLendon spoke on his views of the requested conditional use variance. Then, Commissioner Rosengart spoke on his views of the requested conditional use variance. Then, Commissioner Byrd spoke on his views of the requested conditional use variance. Next, Commissioner Cartee spoke on his views of the requested conditional use variance. Next, Commissioner McKay spoke on his views of the requested conditional use variance. Lastly, Commissioner Brown spoke on his views of the requested conditional use variance. Commissioner McKay made a motion to recommend approval of CUV 18-11-03. Commissioner Brown seconded and the motion carried 5-0.

Commissioner Cartee exited the meeting at approximately 6:05 PM.

4. **APPLICATION V 18-11-04:** El Larry Dixon IV requests a variance from Article X, Section 1003(A) to reduce the minimum lot size requirements for property to be considered for the CR (Commercial Retail) zoning district in order to renovate an existing commercial building into a fresh seafood market and light convenience store on 0.16 acres of property located at 323 Johnson Street (Tax Parcel S11 000011 000).

Frank Neal introduced V 18-11-04, RZ 18-11-05, V 18-11-06, V 18-11-07, & V 18-11-08 collectively, and Larry Dixon spoke as a representative of the application requests. Commissioner McLendon requested additional information on the existing signage and property boundary line. Mr. Neal responded to Commissioner McLendon's request. Mr. Dixon provided an overview of the property and his proposed commercial land use. Commissioner McLendon inquired on the proposed land use. Mr. Dixon confirmed that he is proposing a fresh seafood market and light convenience store. Commissioner Brown requested some additional information about the seafood being provided at the market. Mr. Dixon answered Commissioner Brown's request. Mr. Neal added one additional staff condition. Commissioner McLendon made a motion to recommend approval of V 18-11-04. Commissioner McKay seconded and the motion carried 4-0.

5. **APPLICATION RZ 18-11-05:** El Larry Dixon IV requests a zoning map amendment of 0.16 acres located at 323 Johnson Street from R-8 (Single Family Residential) to the CR (Commercial Retail) zoning district in order to renovate an existing commercial building into a fresh seafood market and light convenience store (Tax Parcel S11 000011 000).

Commissioner McLendon made a motion to recommend approval of RZ 18-11-05. Commissioner Rosengart seconded and the motion carried 4-0.

6. **APPLICATION V 18-11-06:** El Larry Dixon IV requests a variance from Article XXIII, Section 2301 regarding the required left side yard landscape buffer between non-residential uses abutting a residentially zoned area and multi-family residences adjacent to single-family or two-family residences for 0.16 acres located at 323 Johnson Street (Tax Parcel S11 000011 000).

Commissioner McLendon made a motion to recommend approval of V 18-11-06. Commissioner McKay seconded and the motion carried 4-0.

7. **APPLICATION V 18-11-07:** El Larry Dixon IV requests a variance from Article XXIII, Section 2301 regarding the required right side yard landscape buffer between non-residential uses abutting a residentially zoned area and multi-family residences adjacent to single-family or two-family residences for 0.16 acres located at 323 Johnson Street (Tax Parcel S11 000011 000).

Commissioner McLendon made a motion to recommend approval of V 18-11-07. Commissioner McKay seconded and the motion carried 4-0.

8. **APPLICATION V 18-11-08:** El Larry Dixon IV requests a variance from Article XXIII, Section 2302 regarding the required front yard landscape buffer between all nonresidential and multifamily uses adjacent to a local street and directly across from a single-family or two-family residence or district for 0.16 acres located at 323 Johnson Street (Tax Parcel S11 000011 000).

Commissioner McLendon made a motion to recommend approval of V 18-11-08.
Commissioner Brown seconded and the motion carried 4-0.

V. Announcements

Mr. Neal provided a reminder that the next City Council meeting has been cancelled. The next planning commission meeting will be held on Wednesday, January 2, 2019.

Mr. Neal gave recognition to Commissioner McLendon on serving the Planning Commission well during his term. This was his last meeting as a Planning Commissioner.

VI. Adjourn

Commissioner McLendon made a motion to adjourn the meeting. Commissioner Brown seconded, and the motion carried 4-0. The meeting adjourned at 6:21 PM.

Chair – James W. Byrd, Sr.

Secretary – Frank Neal, AICP
Director of Planning and Development