



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
March 2, 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. February 2, 2020 Meeting Minutes.

IV. New Business

1. **APPLICATION V 21-02-01:** Jason McGibboney requests a variance from Article V, Section 503(D) of the Statesboro Zoning Ordinance on a 1.03 acres of property located at 378 Savannah Avenue in order to construct a new addition to the existing office (Tax Parcel# S52 000021 000).
2. **APPLICATION SE 21-02-02:** Alivia Lloyd requests a special exception from Article IX, Section 901 on 0.49 acres of property located at 372 Savannah Avenue in order to operate a retail tea shop in the existing building (Tax Parcel # S52 000020 000).

V. Announcements

VI. Adjourn



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Statesboro Planning Commission

February 2, 2020

5:00 P.M.

City Hall Council Chamber

Meeting Minutes

Present: Planning Commission members: James Byrd Sr., , Russell Rosengart, Michele Hickson, Michelle Babot, Benjamin McKay, and Jamey Cartee;; **City of Statesboro Staff:** Kathleen Field (Director of Planning & Development), Jason Boyles (Assistant City Manager), Justin Williams (City Planner II), and Elizabeth Burns (City Planner I); **Absent:** 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.) December 1, 2020 Meeting Minutes.

Commissioner Cartee made a motion to approve the December 1, 2020 meeting minutes, seconded by Commissioner McKay. The motion carried 5-0.

IV. New Business

1.) **APPLICATION RZ 21-01-02:** Matthew Lovett requests a Zoning Map Amendment from the CR (Commercial Retail) zoning district to the O (Office) zoning district for 3.2 acres of property located at 16303 Highway 80 West to establish a mortuary (Tax Parcel (MS37000023A000)).

Kathleen Field introduced case 21-01-02, Commissioner Cartee made a motion to open the public hearing of 21-01-02. Commissioner McKay seconded, the motion carried 5-0. Matthew Lovett introduced as the representative for the application. Commissioner Hickson asked what the seating capacity for the building was. Matthew Lovett stated that the Georgia State Board of Funeral Services requires a minimum of thirty for a chapel. Matthew Lovett clarified that his facility will have seating for sixty-four. Commissioner Hickson questioned if the new design would be multiple rooms.

Matthew Lovett said the only change would be making the main room a chapel. Another wall will be put up on the left side of the building to designate a visitation room. Commissioner Hickson asked if all of the rooms are divided, will there still only be thirty seats. Matthew Lovett responded that there will be thirty seats in the chapel per states requirements and because of COVID-19 most of the visits will be in and out for the rest of the building. Commissioner Cartee made a motion to close the public hearing with a second from Commissioner Babot. The motion carried 5-0. Commissioner McKay made a motion to open the discussion and was seconded by Commissioner Hickson. The motion passed 5-0. Discussion was opened. Commissioner Rosengart questioned what the total capacity for the building was in prior uses. Matthew Lovett responded that the current certificate of occupancy for he believes, 112 occupants. Commissioner questioned if that occupancy was enough for the business past COVID-19. Matthew Lovett explained that the original plan was to build a chapel to hold 150 occupants but that has been put on hold due to the pandemic. He added that the construction may start later but that thirty chairs was enough for immediate family. Commissioner McKay stated that it seemed as though the current building was just going to be added onto with future additions. Commissioner McKay made a motion to approve with staff recommendations. Commissioner Cartee seconded and the motion passed 5-0.

2.) **APPLICATION RZ 21-01-03:** Beyond JPR Properties requests a Zoning Map Amendment from the HOC (Highway Oriented Commercial) zoning district to the R4 (High-Density Residential) zoning district for 0.848 acres of property located at 231 South Main Street & 232 South Walnut Street to develop multi-family residential housing (Tax Parcels S19 000018 000 & S19 000020 000).

Kathleen Field introduced case 21-01-03, Commissioner Cartee recused himself from the discussion of the next two items and left the room. Commissioner McKay made a motion to open the public hearing of 21-01-03. Commissioner Babot seconded, the motion carried 4-0. Commissioner Rosengart asked what the timeline was for GDOT approval. The applicant answered that they are waiting on approval of the application. John Dotson introduced as the representative for the application. Justin Williams clarified that the city engineer estimates that it takes forty-five days for approval from GDOT. John Dotson stated that the owner is in agreement with staff recommendations. Commissioner Byrd stated that building one is exempt from GDOT regulations. Commissioner Rosengart added that growth in the downtown is positive for everyone and enhance the area. Commissioner Hickson questioned how the lighting would be incorporated into the plan. John Dotson stated that the lighting would be incorporated into the landscape plan. Commissioner McKay made a motion to close the hearing with a second from Commissioner Hickson. The motion carried 4-0. Commissioner McKay made a motion to open for discussion with a second from Commissioner Rosengart. The motion carried 4-0. Commissioner McKay moved to close the discussion. Commissioner Babot seconded and the motion carried 4-0. Commissioner McKay made the motion to approve with staff recommendation with a second from Commissioner Rosengart. The motion passed 4-0.

3.) **APPLICATION V 21-01-04:** Beyond JPR Properties requests a variance from Article VII, Section 703(B) 1 of the Statesboro Zoning Ordinance to allow for the construction of an additional 12 dwelling units on the property located at 231 S Main Street & 232 S Walnut Street (Tax Parcels S19 000018 000 & S19 000020 000).

Commissioner McKay made a motion to open the floor for discussion with a second from Commissioner Hickson. The motion passed 4-0. Commissioner McKay then made a motion to close the discussion. Commissioner Babot seconded the motion and it carried 4-0. Commissioner McKay made a motion to approve with staff recommendations. With second from Commissioner Hickson, the motion passed 4-0.

V. Announcements

Kathleen Field announced that the City has submitted an application for a CHIP Grant for the purpose of rehabilitation of owner-occupied homes.

Mrs. Field announced that a Commission Chair had to be selected for the one year term. Commissioner Rosengart made a motion to recommend Commissioner Byrd remain Chair of the Commission. With a second from Commissioner Babot, the motion carried 5-0.

Kathleen Field announced that the City is kicking off the Downtown Masterplan with TSW as the consultant. Mrs. Field added that the City is working towards rezoning of the core historic area downtown. She clarified that this would be a starting point then eventually move out to the whole city. Mrs. Field recommended that the Commissioners take part in the stakeholder interview portion.

VI. Adjourn

Commissioner Cartee made a motion to adjourn the meeting. Commissioner McKay seconded, and the motion carried 5-0.

Chair – James W. Byrd Sr.

Secretary – Kathleen Field
Director of Planning & Development



City of Statesboro-Department of Planning and Development
ZONING SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**V 21-02-01
 ZONING VARIANCE REQUEST
 378 Savannah Avenue**

LOCATION:	378 Savannah Avenue
EXISTING ZONING:	O (Office)
ACRES:	1.03 acres
PARCEL TAX MAP #:	S52 000021 000
COUNCIL DISTRICT:	District 3 (Mack)
EXISTING USE:	Medical Office
PROPOSED USE:	Medical Office



PETITIONER Dr. Jason McGibony
ADDRESS 378 Savannah Avenue, Statesboro GA 30458

REPRESENTATIVE Frank D'Archangelo
ADDRESS 12A East Grady Street

PROPOSAL

The applicant requests a variance from Article V, Section 503(D) of the *Statesboro Zoning Ordinance* to construct a new addition on a 1.03 acre lot located in the O (Office) zoning district. The applicant requests a rear setback variance because the existing building is currently located over the setback and the proposed addition would be the same distance from the rear property line.

STAFF RECOMMENDATION

V 21-02-01 CONDITIONAL APPROVAL

Case # V 21-02-01

378 Savannah Ave
Parcel: S52 000021 000

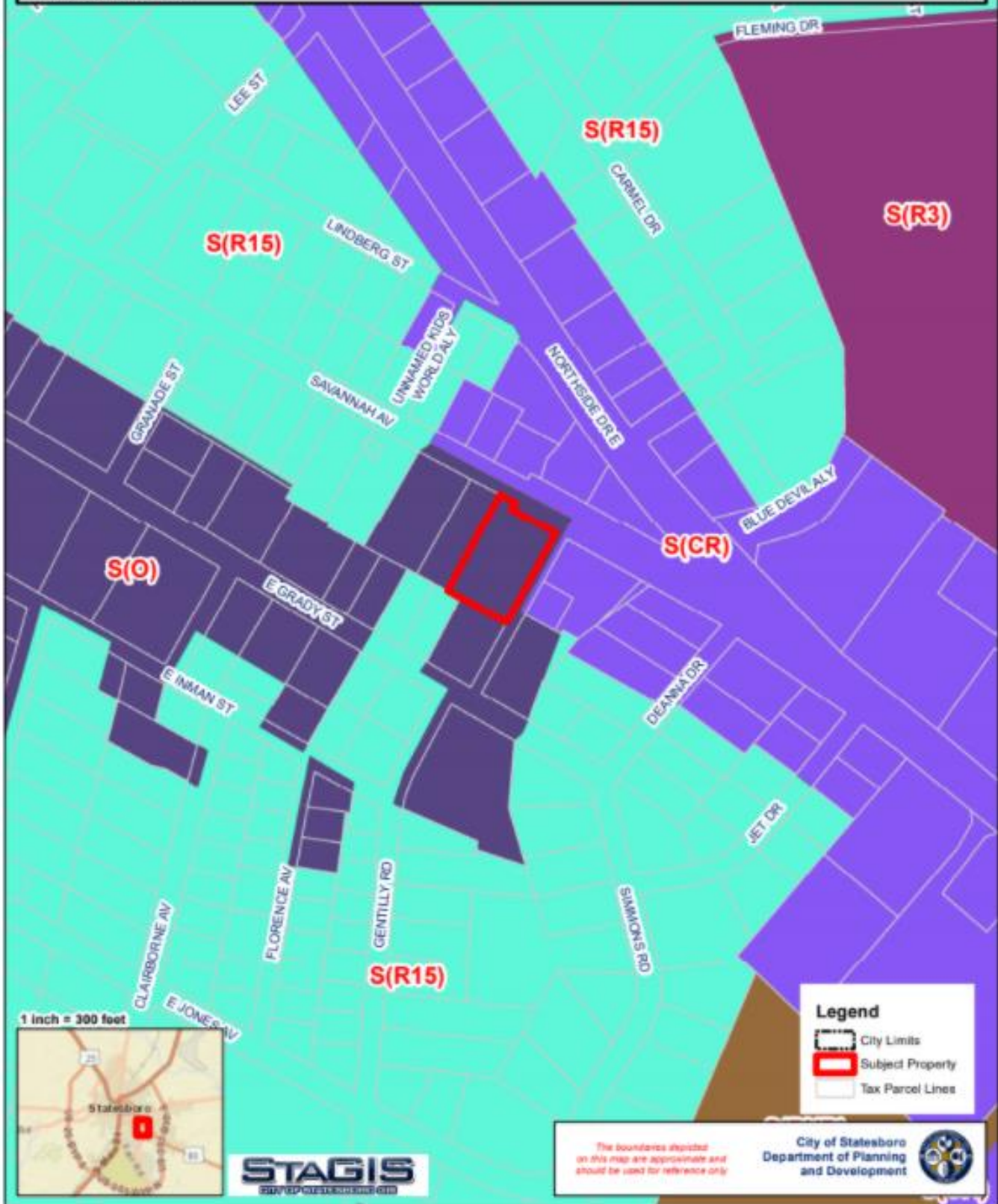
Location Map



Case # V 21-02-01

378 Savannah Ave
Parcel: S52 000021 000

Existing Use Map



1 inch = 300 feet



Legend

- City Limits
- Subject Property
- Tax Parcel Lines

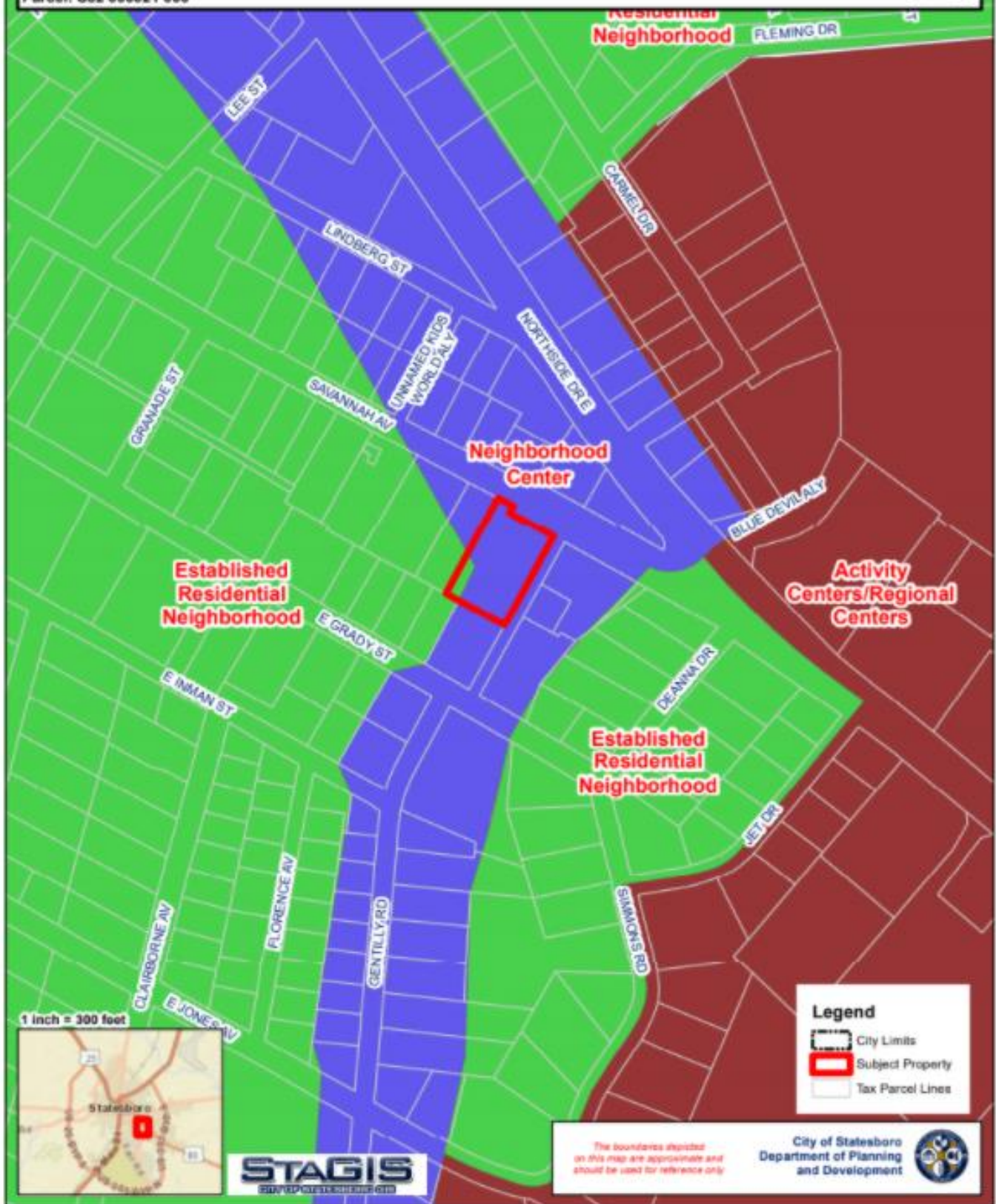
The boundaries depicted on this map are approximate and should be used for reference only.

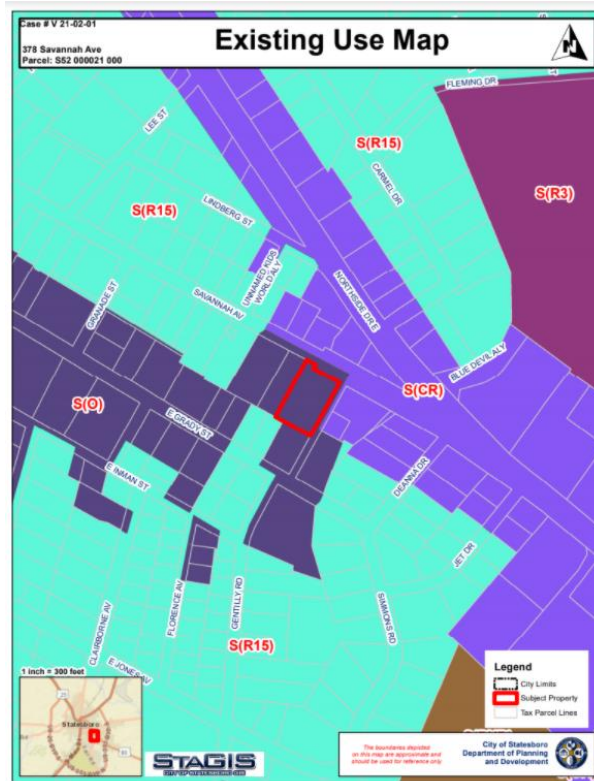
City of Statesboro
Department of Planning
and Development

Case # V 21-02-01

378 Savannah Ave
Parcel: S52 000021 000

Future Landuse Plan Map





SURROUNDING LAND USES/ZONING

Location	Parcel Location & Zoning Information	Land Use
North	Location Area #1: CR (Commercial Retail)	Fraternal Building
Northeast	Location Area #2: CR (Commercial Retail)	Inactive Gas Station
East	Location Area #3: CR (Commercial Retail)	Behavioral Health Office
Northwest	Location Area #4: CR (Commercial Retail)	Daycare
Southeast	Location Area #5: R-15/O (Single-Family Residential/Office)	Medical Office
South	Location Area #6: O (Office)	Single-Family Residential Dwelling
Southwest	Location Area #7: R-15 (Single-Family Residential)	Single-Family Residential Dwelling
West	Location Area #8: O (Office)	Tea Shop

SUBJECT SITE

The subject site is a 1.03 acre lot containing a brick structure built in 1971 with paved concrete parking lot and garage. The applicant is seeking to add an addition onto the existing structure in the rear of the property. The rear of the property has a setback of twenty-five feet from the property line. The current structure is approximately fifteen feet over the rear setback. The applicant is seeking to obtain a variance to build the addition with the same distance from the rear property line as the existing building. Although the building is located in the O (Office) zoning district, regulations regarding setbacks are calculated using the nearest residential zone to the District, therefore requiring the R15 (Single-Family Residential) setback of 25 feet in the rear, and an aggregate of 25 feet for the side yards on all development.

The *City of Statesboro 2019 – 2029 Comprehensive Master Plan* designates the subject site as a part of the “Neighborhood Center” character area, which normally would be characterized by a blend of lower to medium density residential and commercial, personal service, and offices that are neighborhood scale in size and intensity.

ENVIRONMENTAL SITE ANALYSIS

The subject property does not contain wetlands and is not located in a special flood hazard area.

COMMUNITY FACILITIES AND TRANSPORTATION

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

ZONING VARIANCE STANDARDS OF REVIEW

The *Statesboro Zoning Ordinance* 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.” Article XVIII, Section 1801 of the *Statesboro Zoning Ordinance* 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;**
 - Although the subject site has sufficient land to allow for development in the O (Office) zone, the site does not meet setback requirements for an addition. However, the existing building was built over the original setback.
- 2. The special conditions and circumstances do not result from the actions of the applicant;**
 - The building on site is listed as being built in 1971, whereas the applicant took ownership of the property in 2012. There are no records showing the applicant was involved with establishing the current site plan.

- 3. The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - The existing structure was built over the setback but no addition to the existing building could be built on the site without a variance from the *Statesboro Zoning Ordinance*. This would prevent any expansion of the business in the current location, unless creating a new structure on the site.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
 - The building is situated on 1.03 acre lot with room for an addition. An extension could be located on the site if not for the current setback requirements.

Article XVIII, Section 1802 of the *Statesboro Zoning Ordinance* further outlines the qualifications needed to grant a variance to the zoning ordinance. These include uses that are consistent with the purpose and intent of the zoning ordinance and district in which the use is proposed to be located; uses that do not detract from neighboring property; and uses that are consistent with other uses in the area. In order to meet these qualifications, approval of any special exception for the proposed use at the subject parcel should (if necessary) include conditions that will ensure that development along this corridor remains consistent with the *Statesboro Comprehensive Plan* and the *Statesboro Zoning Ordinance* and that serve to mitigate negative effects of the use to the surrounding area's character, uses, and zones.

- The proposed use is consistent with the subject site's character area "Neighborhood Center" as stated in the *2019 – 2029 Comprehensive Master Plan*. The proposed use can be considered a lower intensity commercial use, specifically medical in nature, which is also consistent with the property zoning.

STAFF RECOMMENDATION

Staff recommends **Approval of V 21-02-01**. 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 variance does not grant the right to begin development on this site. All development must be permitted and approved prior to construction.



City of Statesboro-Department of Planning and Development
ZONING SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**SE 21-02-02
 SPECIAL EXCEPTION REQUEST
 372 Savannah Avenue**

LOCATION:	372 Savannah Ave
EXISTING ZONING:	O (Office)
ACRES:	0.49 acres
PARCEL TAX MAP #:	S52 000020 000
COUNCIL DISTRICT:	District 3 (Mack)
EXISTING USE:	N/A
PROPOSED USE:	Retail



PETITIONER Alivia Lloyd
ADDRESS 102 Buckhaven Way, Statesboro GA 30458

REPRESENTATIVE Same as Above
ADDRESS

PROPOSAL
The applicant requests a special exception to locate a retail tea shop in a building on 0.49 acres in the O (Office) zoning district. The use as a tea shop (retail) is not an allowed use in the O zoning district unless granted a special exception by the City Council.
STAFF RECOMMENDATION
SE 21-02-02 <u>CONDITIONAL APPROVAL</u>

Case # SE 21-02-02

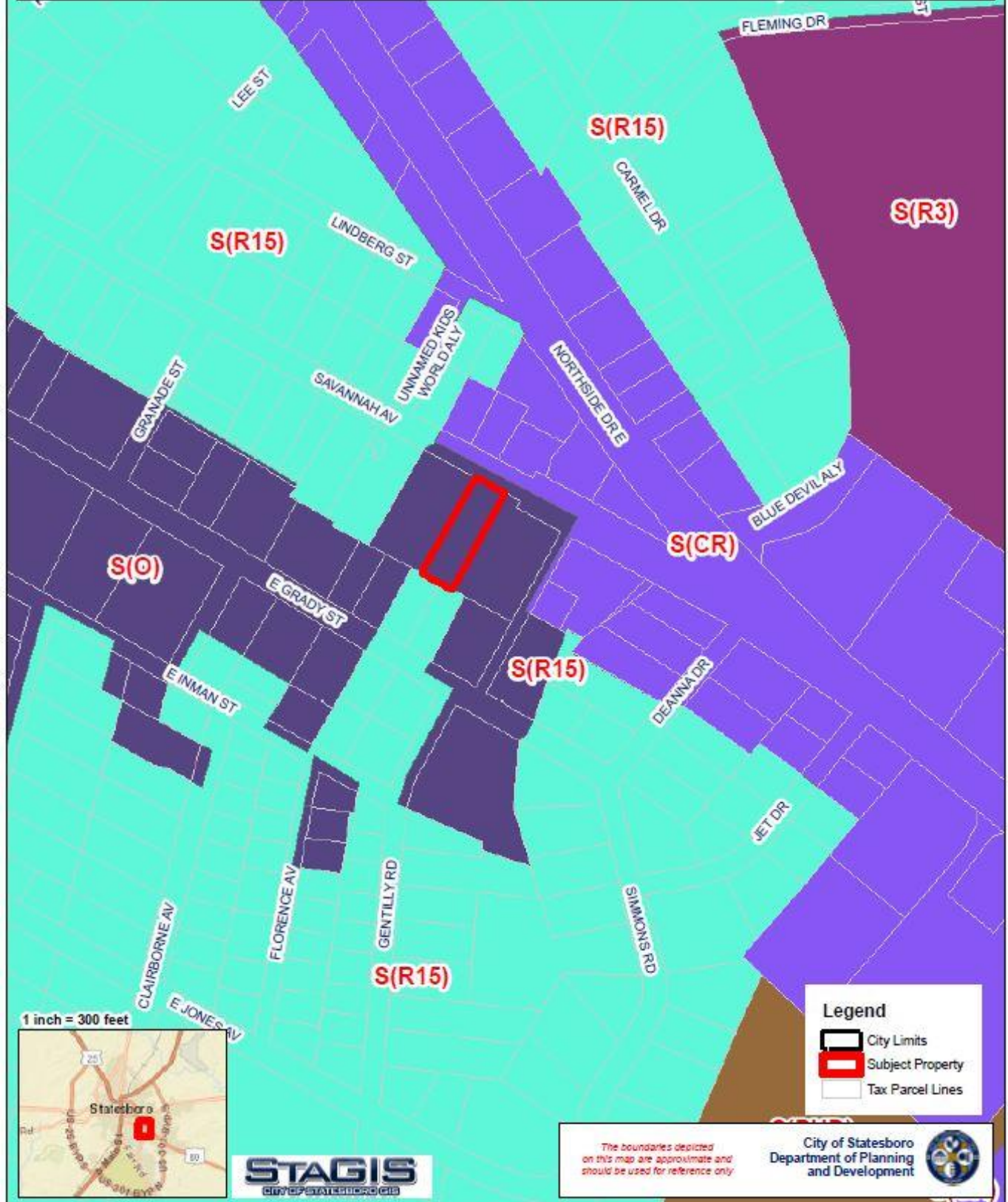
372 Savannah Ave
Parcel: S52 000020 000

Location Map



Case # SE 21-02-02
372 Savannah Ave
Parcel: S52 000020 000

Existing Use Map



Legend

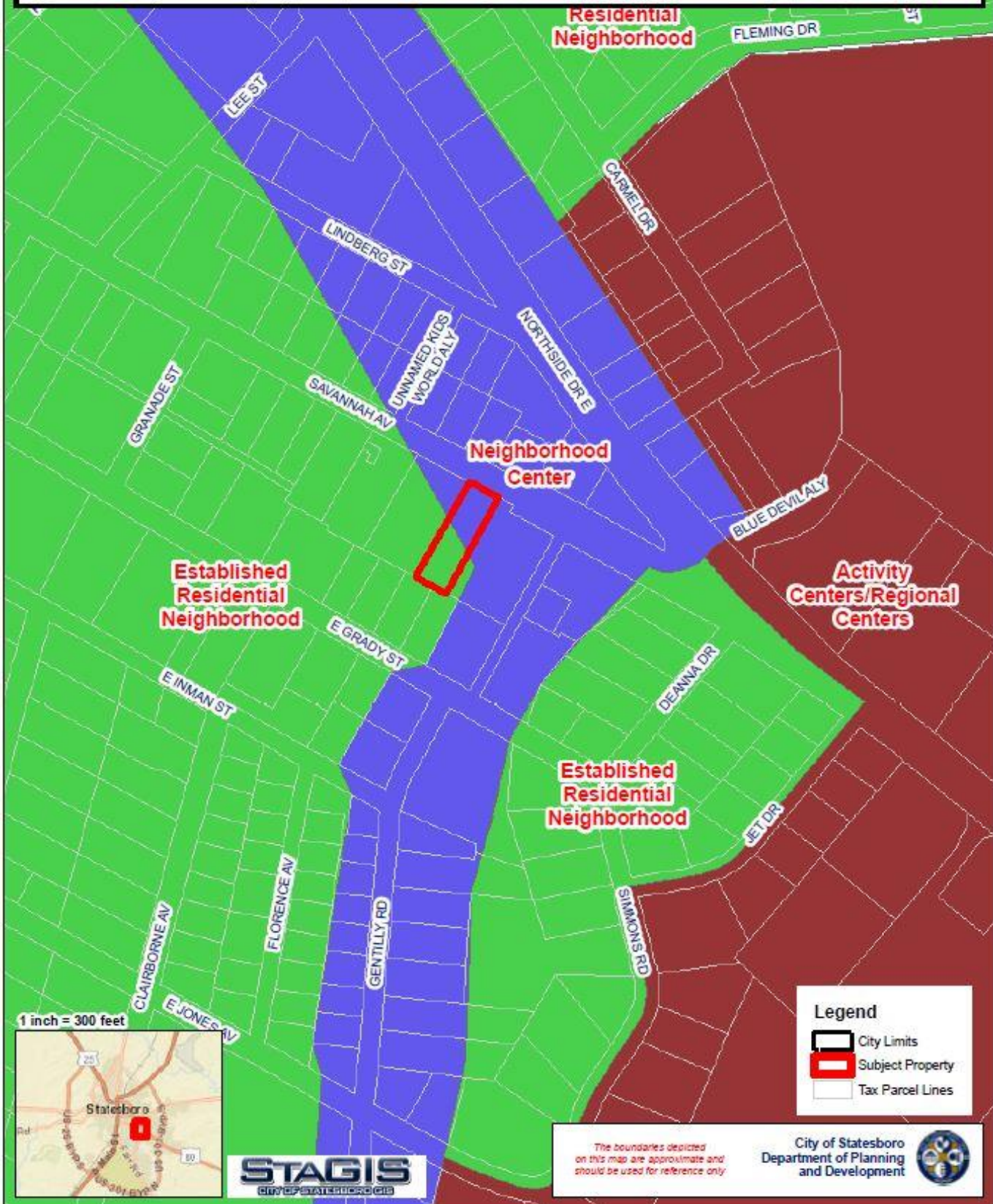
- City Limits
- Subject Property
- Tax Parcel Lines

The boundaries depicted on this map are approximate and should be used for reference only.

City of Statesboro
Department of Planning and Development

Case # SE 21-02-02
372 Savannah Ave
Parcel: S52 000020 000

Future Landuse Plan Map



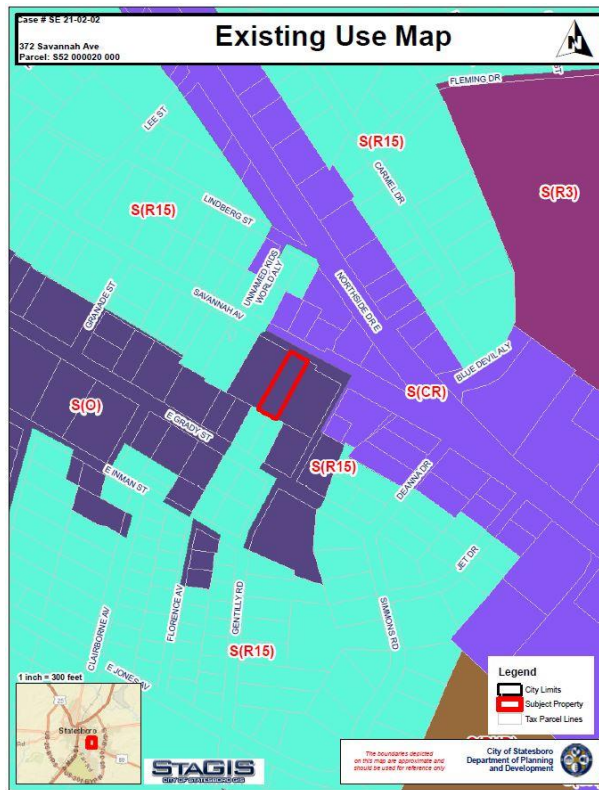
Legend

- City Limits
- Subject Property
- Tax Parcel Lines

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City of Statesboro
Department of Planning
and Development



SURROUNDING LAND USES/ZONING

Location	Parcel Location & Zoning Information	Land Use
North	Location Area #1: CR (Commercial Retail)	Residential Conversion
Northeast	Location Area #2: CR (Commercial Retail)	Fraternal Building
East	Location Area #3: O (Office)	Dentist Office
Northwest	Location Area #4: CR (Commercial Retail)	Daycare
Southeast	Location Area #5: R-15 (Single-Family Residential)	Single-Family Residential Dwelling
South	Location Area #6: R-15 (Single-Family Residential)	Single-Family Residential Dwelling
Southwest	Location Area #7: R-15 (Single-Family Residential)	Single-Family Residential Dwelling
West	Location Area #8: O (Office)	Vacant Lot

SUBJECT SITE

The subject site contains a converted single-family home with 0.49 acres. Tax assessor information shows construction of the building to have taken place in 1930. The last business located in this building was a pet grooming business. Surrounding properties include dental offices, a daycare, and other commercial uses.

The *City of Statesboro 2019 – 2029 Comprehensive Master Plan* designates the subject site as a part of both the “Neighborhood Center” character area and the “Established Residential Neighborhood” character area, which normally would provide a transitional corridor from residential to commercial neighborhoods (established residential) or as a buffer between single-family residential to a more intense commercial use (Neighborhood Center).

ENVIRONMENTAL SITE ANALYSIS

The subject property does not contain wetlands and is not located in a special flood hazard area. No additional permitting would be required unless the incoming business would require significant alterations to the building.

COMMUNITY FACILITIES AND TRANSPORTATION

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

CONDITIONAL ZONING STANDARDS OF REVIEW

The *Statesboro Zoning Ordinance* permits the grant of conditional zoning upon a finding by the governing body that the requested use is “of the same general character” as those uses permitted within the district without the grant of a special exception and requires that “in determining the compatibility of the conditional use with adjacent properties and the overall community, the Mayor and City Council (will) consider the same criteria and guidelines [as for] determinations of amendments, as well as the following factors”.

Article XXIV, Section 2406 of the *Statesboro Zoning Ordinance* lists **seven (7) factors** that should be considered by the Mayor and City Council “in determining the compatibility” of the requested use with adjacent properties and the overall community for considerations of Conditional Use Variances, or Special Exceptions as follows:

(A) Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.

- The nature of the business is more aligned with a traditional commercial venture than would currently be allowed in the Office District. There is currently a traditional retail flag shop in the area, and the proposed use would not have an intense impact on the surrounding area.

(B) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.

- The proposed use of the existing building would not cause any new obstruction to the existing roadway, or the traffic on adjacent streets.

(C) Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.

- The proposed location does contain off-street parking, and based on the type of business, this should be sufficient for the proposed use. Limited seating would not likely cause an increase in the necessity of parking spaces in the front of the building.

(D) Public facilities and utilities are capable of adequately serving the proposed use.

- Building Inspections by the Building Inspections Division (i.e. Building Official) have not been conducted, but will be required for the issuance of the Occupational Tax Certificate.

(E) The proposed use will not have significant adverse effect on the level of property values or the general character of the area.

- An appraisal has not been conducted, however due to the continuously changing nature of the neighborhood, it is unlikely that property values are negatively affected.

(F) Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.

- No new plans have been submitted with this document, as there is currently no desired site changes or additional proposed development.

(G) Approval of a proposed use by the Mayor and City Council does not constitute [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the Planning Commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.

- Any significant future phases or changes to this proposal must first be reviewed and approved by Staff.

Article XVIII, Section 1802 of the *Statesboro Zoning Ordinance* further outlines the qualifications needed to grant a special exception to the zoning ordinance. These include uses that are consistent with the purpose and intent of the zoning ordinance and district in which the use is proposed to be located; uses that do not detract from neighboring property; and uses that are consistent with other uses in the area. In order to meet these qualifications, approval of any special exception for the proposed use at the subject parcel should (if necessary) include conditions that will ensure that development along this corridor remains consistent with the *Statesboro Comprehensive Plan* and the *Statesboro Zoning Ordinance* and that serve to mitigate negative effects of the use to the surrounding area's character, uses, and zones.

- The proposed use is consistent with the subject site's two character areas ("Neighborhood Center, and Established Residential") as stated in the *2019 – 2029 Comprehensive Master Plan*. The proposed use adequately mitigates negative effects of the use to the surrounding area's character, uses and zones.

STAFF RECOMMENDATION

Staff recommends **Approval of SE 21-02-02**. 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 the special exception may only allow for the addition of retail and wholesale establishments as per Article VIII, Section 801(A) of the *Statesboro Zoning Ordinance*.
- (2) No additional development may take place on the property without approval.
- (3) If the business increases the amount of seating in the building, consideration must be taken to expand the parking facilities of the location.

March Planning Commission Meeting
Tue, Mar 2, 2021 5:00 PM - 6:00 PM (EST)

Please join my meeting from your computer, tablet or smartphone.

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