



City of Statesboro
Department of Planning and Development Memorandum

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Statesboro Planning Commission

November 5, 2019

5:00 P.M.

City Hall Council Chamber

Meeting Minutes

Present: Planning Commission Members: James W. Byrd, Sr., Carlos C. Brown Jr., Mary Foreman, Russell Rosengart, Jamey Cartee, Benjamin McKay, and Sean Fox; **City of Statesboro**

Staff: Assistant City Manager Jason Boyles, DSDA Director Allen Muldrew, City Planner II Owen Dundee, and City Planner I Justin Williams

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.) October 1, 2019 Meeting Minutes

Commissioner Cartee made a motion to approve the October 1, 2019 meeting minutes, seconded by Commissioner McKay. The motion carried 7-0.

IV. New Business

1. **APPLICATION V 19-10-01:** Brent Watts requests a variance from Article VIII, Section 801(P) regarding the placement of apartment units on the first floor of a building in the Central Business District for 0.20 acres of property located at 9 Hill Street (Tax Parcel S28 000005 000).

Jason Boyles introduced the case, and Jeff Wilson spoke as a representative of the applicant for this zoning variance case. Mr. Wilson provided some brief background information on the purpose of the proposed renovations of the Old Norris Hotel building and the applicant's success in receiving historical tax credits for this project. Commissioner Cartee requested further clarification on the parking requirements for this project. Mr. Wilson stated that the applicant had reached a ten year lease agreement with BB&T for use of their parking lot facility adjacent to the proposed project. Commissioner Brown requested information on the number of spaces included in the lease agreement with BB&T. Mr. Wilson stated that they had agreed to a total of fifteen (15) parking spaces for the lease. Commissioner Rosengart requested clarification on the public parking located nearby the project. Mr. Dundee confirmed that there is a public parking lot facility located directly across from the project for overflow parking if needed. Commissioner Cartee inquired if there was any on-street parking located near the building. Mr. Wilson stated that there may be approximately six (6) spaces located in this area.

Commissioner Rosengart made a motion to recommend approval of V 19-10-01. Commissioner Cartee seconded, and the motion carried 7-0.

2. **APPLICATION V 19-10-03:** HSE Permit Solutions requests a variance from Article XV, Section 1509(C), Table 5 regarding the maximum square footage of building signs in Sign District 3 for 2.10 acres of property located at 427 South Main Street (Tax Parcel S21 000021 000).

Jason Boyles introduced the case, and Ted Hasbrouck spoke as a representative of the applicant and Holiday Inn Express Worldwide. Mr. Hasbrouck provided some brief information on the hotel renovation project and the requested signage. Commissioner Byrd inquired if the proposed signage was similar to the Holiday Inn signage located on Veterans Memorial Parkway. Mr. Hasbrouck confirmed that the signage is similar to the other Holiday Inn as well as the previous Baymont Hotel located on the subject property. Commissioner Brown inquired if the sign would be illuminated. The applicant confirmed that the signage would be backlit and operating from dusk until dawn. Commissioner Byrd requested a comparison between the previous Baymont Hotel signage and the proposed Holiday Inn Express signage. City staff stated that we did not have any previous signage information available for the subject property. Mr. Hasbrouck confirmed that it will be in a similar location to the previous Baymont Hotel signage on the front of the building. The applicant representative provided some additional information on the proposed signage and the hotel renovation projects. Commissioner Rosengart inquired if the Holiday Inn Express would also have a monument sign. Mr. Hasbrouck stated there would be a monument sign located at street level and provided some additional signage information. Commissioner Cartee inquired on the similarity of this request to other recently approved sign variances. City Staff confirmed that this requested sign variance is similar to that of other recently approved sign variances.

Commissioner McKay made a motion to recommend approval of V 19-10-03. Commissioner Brown seconded, and the motion carried 7-0.

3. **APPLICATION SE 10-10-04:** Barbara W. Lee requests a special exception for 0.09 acres of property located at 380 Johnson Street to utilize a portion of the existing building as a beauty shop in the R-8 (Single Family Residential) zoning district (Tax Parcel MS40 000030 001).

Jason Boyles introduced the case, and the applicant's brother, Percell Hendrix spoke as a representative of the applicant, Barbara Lee. Commissioner Cartee inquired if the proposed use could be transferred to another individual and/or entity. City Staff confirmed that the proposed use could not be transferred to another individual and/or entity if approved. Additionally, the cessation of the proposed use for greater than twelve (12) months would exceed the grandfather clause and necessitate the approval of another special exception request. Commissioner Brown inquired if the subject property's current parking facilities would be adequate to serve the proposed use and neighboring restaurant use. Staff confirmed that the parking facilities would be adequate for the applicant's proposal.

Commissioner Rosengart made a motion to recommend approval of SE 19-10-04. Commissioner Brown seconded, and the motion carried 7-0.

4. **APPLICATION V 19-10-09:** West District Development, LLC requests a variance from Article XXX, Section 3008(A)(e) regarding exterior building materials within the Downtown District for 0.166 acres of property located on South College Street (Tax Parcel S19 000001 002).
5. **APPLICATION CBD 19-10-05:** West District Development, LLC requests approval of the proposed architectural drawings submitted for 0.166 acres of property located on South College Street, which is located in the Central Business District (CBD). Per Article VIII, Section 803, development in the CBD zoning district requires a recommendation from City Council to affirm that the plans will keep in mind the integrity and harmony of the Central Business District (Tax Parcel S19 000001 002).

Jason Boyles introduced V 19-10-09 & CBD 19-10-05 collectively, and Josh Whitfield spoke as a representative of the applicant, West District Development, LLC. Mr. Whitfield provided a brief overview of the integration of metal siding into the proposed events venue building. Per Mr. Whitfield, the metal siding was used as an architectural element to tie the new proposed building into the adjacent 50,000 sq. ft. Whitfield Signs warehouse building. Additionally, Mr. Whitfield provided some additional overview information on the West District Development architectural features and regulations. Commissioner Rosengart inquired on the total occupant load for the proposed events venue building. Mr. Whitfield stated that the events venue space would have an approximately 300 to 400 person occupant load pending final Fire Department calculations.

Commissioner Fox made a motion to recommend approval of V 19-10-09 and CBD 19-10-05. Commissioner Rosengart seconded, and the motion carried 7-0.

6. **APPLICATION V 19-10-10:** West District Development, LLC requests a variance from Article XXX, Section 3008(A)(e) regarding exterior building materials within the Downtown District for 0.112 acres of property located on South College Street (Tax Parcel S19 000001 006).
7. **APPLICATION CBD 19-10-06:** West District Development, LLC requests approval of the proposed architectural drawings submitted for 0.112 acres of property located on South College Street, which is located in the Central Business District (CBD). Per Article VIII, Section 803, development in the CBD zoning district requires a recommendation from City Council to affirm that the plans will keep in mind the integrity and harmony of the Central Business District (Tax Parcel S19 000001 002).

Jason Boyles introduced V 19-10-10 & CBD 19-10-06 collectively, and Josh Whitfield spoke as a representative of the applicant, West District Development, LLC.

Commissioner Foreman made a motion to recommend approval of V 19-10-10 and CBD 19-10-06. Commissioner Brown seconded, and the motion carried 7-0.

8. **APPLICATION CUV 19-10-07:** Paula Becker requests a conditional use variance from Article VII-A of the *Statesboro Zoning Ordinance* for 0.21 acres of property located at 109 Broad Street to utilize the property as an addiction recovery community residence in the R-6 (Single Family Residential) zoning district (Tax Parcel S29 000073 000).

Jason Boyles introduced CUV 19-10-07, and Paula Becker, the applicant, spoke on behalf of her request. Commissioner Rosengart requested clarification on the applicant's request for reasonable accommodations under the Fair Housing Act and the City's current community residence moratorium. Mr. Boyles confirmed that Mr. Dundee worked with the City Attorney closely on this conditional use variance request to arrive at the staff recommendation and conditions of the request's approval. Ms. Becker provided a brief overview of the proposed conditional use variance request by describing the use to be a sober living house for females. Commissioner Rosengart and Commissioner Byrd further discussed the Fair Housing Act. Next, Pete Williams spoke in opposition of the request. He voiced several concerns on the proposed conditional use variance and his 25-year experience of living on Broad Street. He further stated that he owned several properties in the immediate area of 109 Broad Street and has six letters of neighborhood opposition from other surrounding property owners and residents. Lastly, he mentioned four other similar types of the proposed use nearby. Next, David Posner spoke in opposition of this request. He voiced several concerns on the proposed conditional use variance request. Mr. Posner resides directly next door to the requested conditional use. He voiced concerns by comparing the proposed conditional use to a similar use at 207 Broad Street as well as stated several concerns with the proposed use's effect on the neighborhood, potential diminishment of property values, and a general displeasure with this proposed use next door to his residence. Additionally, he stated that he has resided on Broad Street for 40 years. Commissioner Rosengart inquired if Planning Commission would be putting the City at any legal risk by denying this conditional use variance request under the Fair Housing Act regulations. Mr. Boyles stated the City could potentially have some legal risk if this request were to be denied. Further, Mr. Boyles stated that Mr. Dundee worked closely on this request with the City Attorney to craft the staff recommendation of conditional approval for this request. Commissioner McKay stated his concerns on this conditional use variance request. The applicant, Ms. Becker, addressed some of the opposing neighborhood concerns. Ms. Becker stated that the home would have strict regulations, tenants would be required to sign a sober living contract, and that congregation on the front porch of the home would not be allowed. Ms. Becker further stated her support for the population of adults in recovery that are in need of this type of housing being proposed as the conditional use. Commissioner Brown inquired if the applicant had any other sober living rental units in the City. Ms. Becker stated that she owned some other rental properties in the City, where the tenants were required to sign sober living contracts. Commissioner Brown then inquired if Ms. Becker has had any issues with her past tenants. She stated in the six years, which she has been acting as landlord to various sober living arrangements/contracts that she has had two problem tenants, which were both required to vacate her properties immediately upon violation of their lease agreements. Commissioner Byrd commented on the prior zoning history of the subject site, 109 Broad Street. Mr. Williams further spoke in opposition of the location of the proposed conditional use variance request. Next, Mr. Posner provided some additional background information on previous zoning and variance requests for the 109 Broad Street property. Additionally, Mr. Posner stated his concerns regarding inappropriate noise levels from prior tenants of the 109 Broad Street property. Commissioner Rosengart requested some additional clarification on the Fair Housing act regulations as it pertains to this conditional use variance request. Mr. Boyles provided an overview of the Fair Housing Act and the regulations of the proposed conditional use. There was further discussion on the potential legal repercussions of denying this request. Commissioner Byrd commented on the subject property's prior zoning and variance requests. Commissioner McKay stated his frustration on the lack of City regulations for community residence uses. Commissioner Rosengart further clarified the legal risks of potentially denying this request.

Commissioner Cartee requested some additional clarification on reasonable accommodation requests. Mr. Posner inquired if the requested conditional zoning change would be extendable to future property owners. Commissioner McKay responded that this request is non-transferable and would only be applicable to the applicant, Paula Becker. Commissioner Rosengart inquired to Ms. Becker if this property had already been purchased by her. She provided confirmation of being the property owner of record. Mr. Posner requested information on the types of recourse available to neighboring residents if a zoning change presented a potential threat to public safety and the surrounding neighborhood. Commissioner Byrd and Commissioner Fox requested that Mr. Posner clarify what he considers a threat to public safety. Then, Mr. Boyles stated there is an appeals process to any municipal zoning decision. Mr. Posner described some potential threats of the proposed use to the Planning Commission. Next, Commissioner Byrd stated threats cannot be assumed and there are proper authorities in place to deal with any such threats. Mr. Posner then requested additional information on the appeals process to zoning decisions. Mr. Boyles stated that there is an appeals process in place and would need to gather some additional information on how the process can be initiated.

Commissioner McKay made a motion to recommend approval of CUV 19-10-07. Commissioner Rosengart requested that the staff conditions be stated again. Mr. Boyles stated the staff conditions for the Planning Commission. Commissioner Cartee requested additional information from the applicant on the rental rate structure. The applicant stated that the rent is per bedroom and for room and board only. Mr. Posner requested additional clarification on the proposed conditional use variance. Ms. Becker responded to Mr. Posner's question regarding the number of individuals, who would be visiting the home on a daily basis. Commissioner Byrd then requested clarification on the approval process for this conditional use variance request. Mr. Boyles clarified the process for Commissioner Byrd. Commissioner Rosengart, Commissioner Byrd, and Commissioner McKay briefly discussed the procedures of the current motion on the floor to recommend approval of CUV 19-10-07. Commissioner Rosengart seconded the motion, and the motion was denied 7-0.

Mr. Dundee stated this case will next be heard by City Council on November 19th at 5:30 PM.

9. **APPLICATION V 19-10-08:** Richard Haynes 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 an additional single family residence on 0.82 acres of property located at 103 Niver Road (Tax Parcel MS50 000044 000).

Jason Boyles introduced V 19-10-08, and Jay Saxon spoke as representative of the applicant, Richard Haynes.

Commissioner McKay made a motion to recommend approval of V 19-10-08. Commissioner Brown seconded the motion, and the motion carried 7-0.

V. Announcements

Commissioner McKay left the meeting early at 6:04 PM.

There was further discussion on the Fair Housing Act, Reasonable Accommodation Requests, the current Community Residence Moratorium, and Sober Living Arrangements.

VI. Adjourn

Commissioner Byrd made a motion to adjourn the meeting. Commissioner Cartee seconded, and the motion carried 6-0. The meeting adjourned at 6:14 PM.

Chair – James W. Byrd, Sr.

Secretary – Jason Boyles
Assistant City Manager