



November 19, 2013 5:15 p.m.

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman John Riggs
3. Recognitions/Public Presentations
 - A) Presentation of a Purple Heart Proclamation to make the City of Statesboro a Purple Heart City
 - B) Teddye Gandy will present Keep Bulloch Beautiful After School Community Gardens
 - C) Division Chief Scott Ard and Battalion Chief Jason Baker will be presented the Statesboro Fire Department Medal of Honor for their efforts at the Grain Bin Rescue on February 14th. In addition the Department will also be awarding the Statesboro Public Safety Medal of Honor to Tyler Thompson (Bulloch County Fire Department) and Derrel Colson (Bulloch County Rescue) for their efforts on that incident as well.
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 11-05-2013 Council Minutes
 - b) 11-05-2013 Executive Session Minutes
 - c) 11-07-2013 Legislative Breakfast Minutes
 - B) Consideration of a motion for the surplus and disposal of two solid waste trailers in the Solid Waste Disposal Division:
 - (a) 2006 East refuse trailer (#7739)
 - (b) 2006 East refuse trailer (#7740)
6. Consideration of a Motion to approve First Reading of **Ordinance 2013-22**: An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances (Alcoholic Beverages) (Growlers).
7. Public hearing and consideration of a motion to approve the following:
 - A) **APPLICATION # RZ 12-06-06**: Lisa P. Hodges requests a zoning map amendment from CR (Commercial Retail) District to PUD (Planned Unit Development) District with mixed use for property located on Chandler Road. (Tax Parcel Number MS620000099A000)

- APPLICATION # V 12-06-07:** Lisa P. Hodges requests a variance from Section 1402 of the Statesboro Zoning Ordinance regarding lot size for PUD (Planned Unit Development) District for property located on Chandler Road. (Tax Parcel Number MS620000099A000)
- B) **APPLICATION # V 13-10-04:** Gregory M. Parker requests a variance from Section 4.3 of the *Statesboro Subdivision Regulations* regarding minimum right of way widths for property located at the intersection of Brampton Avenue and Veterans Memorial Parkway. (Tax Parcel Number MS63000026022)
8. Consideration of a Motion for approval to use competitive quotes on the Highway 67 gravity sewer project not to exceed \$60,000.00.
 9. Other Business from City Council
 10. Public Comments (General)
 - A) Marshall Ransom request to speak to Council regarding the water sewer system at Foxlake Drive.
 - B) Bill Thomas
 11. Consideration of a Motion to enter into Executive Session to discuss “Potential Litigation” in accordance with **O.C.G.A.§50-14-3 (2012)**
 12. Consideration of a Motion to Adjourn

**City of Statesboro
A Purple Heart City**

WHEREAS, the people of the City of Statesboro have great admiration and utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces; and

WHEREAS, many citizens have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service; and

WHEREAS, November 19th, 2013 has officially been designated as the day in the City of Statesboro to remember and recognize veterans who are recipients of the Purple Heart Medal.

NOW THEREFORE, I, Joe R. Brannen, Mayor of the City of Statesboro, do hereby proclaim the City of Statesboro as a Purple Heart City, a city in the nation so designated, honoring the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

SO PROCLAIMED this 19th day of November, 2013

Joe R. Brannen, Mayor

Sue Starling, City Clerk



**CITY OF STATESBORO
CITY COUNCIL MINUTES
November 05, 2013**

A regular meeting of the Statesboro City Council was held on November 5th, 2013 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Joe R. Brannen, Council Members: Will Britt, Phil Boyum, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Attorney Alvin Leaphart, City Engineer Robert Cheshire and Director of Community Development Mandi Cody.

The meeting was called to order by Mayor Joe Brannen

The Invocation was given by Rev. Lee and Pledge of Allegiance was given by Councilman Phil Boyum

Recognitions/Public Presentations

- A) Consideration of a Motion to Approve Resolution 2013-35 and Presentation for the Dedication of the City of Statesboro Walking and Biking Trail at Luetta Moore Park in honor of Rev. Julius Abraham**

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve Resolution 2013-35 and Mayor Brannen presented the proclamation to Rev Abraham for the Dedication of the City of Statesboro Walking and Biking Trail at Luetta Moore Park in honor of Rev. Julius Abraham. Councilman Britt, Boyum, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) Approval of Minutes**
a) 10-15-2013 Council Minutes
- B) Consideration of a Motion to approve “Vehicle for Hire”**
a) Boro D.D. – Ryan S. Pendergraft (Driver)
- C) Second Reading and Consideration of a Motion to adopt Ordinance 2013-20: An Ordinance Amending Chapter Ninety of the Statesboro Code of Ordinances (Vehicles for Hire)**
- D) Consideration of a Motion to approve Resolution 2013-39: A Resolution Adopting a Schedule of Fees Pursuant to the Taxi Cab Ordinance, Chapter 90 of the Statesboro Code of Ordinances**
- E) Second Reading and Consideration of a Motion to adopt Ordinance 2013-21: An**

Ordinance to adopt the amended City of Statesboro Speed Control Ordinance and the accompanying Lists of Streets Number 09252013 in order to enforce speed limits within the city limits utilizing speed detection devices.

- F) Consideration of a Motion to approved Change Order No.1 in the amount of \$20,076.30 for the STP Generator Replacement for the City of Statesboro**
- G) Consideration of a Motion to authorize the Mayor to execute the GMA Lease Pool Agreement for the City's 2013 Ford F-250 in the amount of \$25,264.00**
- H) Consideration of a Motion to approve Resolution 2013-38: A Resolution Authorizing the opening of a separate bank account for the 2013 SPLOST bank account.**
- I) Consideration of a Motion to approve Resolution 2013-37: A Resolution to adopt the first amendment to the fiscal year 2014 budget for each fund of the city of Statesboro,Georgia, appropriating the amounts shown in each budget as expenditures/expenses,adopting the several items of revenue anticipations, and prohibiting expenditures of expenses from exceeding the actual funding appropriated.**
- J) Consideration of a Motion to amend the City of Statesboro GMEBS Defined Retirement Plan to Allow the City Attorney Employed On December 13, 2011 to Participate in the DB Plan and to Grant Prior Service Credit under the DB Plan to the City Manager for Service as Contract Employee;**
- K) Consideration of a Motion to amend the City of Statesboro GMA 401(a) Defined Contribution Plan to Conform Terms of Plan to Historical Operation of Plan**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Chance to approve the consent agenda in its entirety. Councilman Britt, Boyum, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to Apply for the Georgia Department of Transportation's (GDOT) FY 2014 Local Maintenance and Improvement Grant (LMIG), an annual program in which GDOT allocates transportation funds to local governments. For FY 2014, GDOT will allocate \$209,567.95 to the City of Statesboro if the City will commit to providing at least 30% matching funds. FY 2014 LMIG funds to be used solely for resurfacing city streets.

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve the motion to apply for the Georgia Department of Transportation's (GDOT) FY 2014 Local Maintenance and Improvement Grant (LMIG), an annual program in which GDOT allocates transportation funds to local governments. For FY 2014, GDOT will allocate \$209,567.95 to the City of Statesboro if the City will commit to providing at least 30% matching funds. FY 2014 LMIG funds to be used solely for resurfacing city streets. Councilman Britt, Boyum, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to Adopt Resolution 2013-36 : A Resolution approving the City of Statesboro’s proposed FY 2014 Street Resurfacing List, and further authorizing the Mayor to execute the GDOT LMIG Application. The City’s share (at least 30% matching funds) to be funded through 2007 SPLOST

Councilman Chance made a motion, seconded by Mayor Pro Tem Will Britt to approve Adopt **Resolution 2013-36** : A Resolution approving the City of Statesboro’s proposed FY 2014 Street Resurfacing List, and further authorizing the Mayor to execute the GDOT LMIG Application. The City’s share (at least 30% matching funds) is to be funded through 2007 SPLOST. Councilman Britt, Boyum, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve First Reading of Ordinance 2013-22: An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances (Alcoholic Beverages).

Councilman Boyum made a motion, seconded by Councilman Chance to table the item until the next Council meeting. Councilman Boyum, Lewis and Chance voted in favor of the motion. The motion carried by a 3-0 vote. Mayor Pro Tem Will Britt abstained from voting.

Other Business from City Council

City Manager Frank Parker reminded everyone of the 5K Run that will be taking place on Saturday November 23rd, 2013.

At 9:25 am, Councilman John Riggs joined the meeting.

City Manager Frank Parker also reminded everyone of the 12:00 pm dedication ceremony at the Luetta Moore Park.

Councilman Phil Boyum reminded everyone of the E-Zone event on Thursday afternoon at 3:30 pm.

Mayor Brannen reminded everyone of the Legislative Breakfast Dialogue set for Thursday morning at 7:45 am at the Honey Bowen Building. He also recognized Boy Scout Ian Weaver who is working on his merit badge by attending a Council meeting.

Public Comments (General): None

Consideration of a Motion to enter into Executive Session to discuss “Real Estate” in accordance with O.C.G.A. §50-14-3 (2012)

At 9:30 am, Councilman Boyum made a motion, seconded by Councilman Chance to enter into Executive Session to discuss real estate after a brief recess for the reception of the dedication of the walking and biking trail located at Luetta Moore Park. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Present were Mayor Joe Brannen, Council Members: Will Britt, John Riggs, Gary Lewis, Travis Chance and Phil Boyum. Also present were City Manager Frank Parker, City Clerk Sue

Starling, City Attorney Alvin Leaphart, City Engineer Robert Cheshire and Director of Community Development Mandi Coty.

Regular Session

Councilman Chance made a motion, seconded by Councilman Lewis to come out of Executive Session at 10:30 am. Councilman Britt, Boyum, Lewis, Chance and Riggs voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor Brannen called the regular session back to order at 10:30 a.m. with no action taken.

Consideration of a Motion to Adjourn

Councilman Chance made a motion, seconded by Councilman Lewis to adjourn. Councilman Britt, Boyum, Lewis Chance and Riggs voted in favor of the motion. The motion carried by a 5-0 vote. The meeting was adjourned at 10:31 am.



CITY OF STATESBORO
Public Meeting/ Legislative Breakfast Minutes
November 7, 2013

A meeting was held at the Honey Bowen Building on 1 Max Lockwood Drive on November 7th, 2013 at 8:00 a.m. The Governing Bodies for the County, Board of Education and the City of Statesboro (including elected officials as well as members of the staff from all bodies) were present to discuss local legislative platforms and concerns with regard to the 2014 session of the General Assembly. The Legislative leaders were also present which included Senator Jack Hill, Representative Jan Tankersley, Representative Larry “Butch” Parrish and Representative Jon Burns.

The meeting started at 7:45 a.m. with an informal meet and greet followed by the Chairman of the Board of Commissioners Garrett Neville welcoming everyone. The invocation was given by Chairman of the Board of Education Mr. Maurice Hill which was followed by a country breakfast.

The Legislators made their opening remarks which included topics such as State Revenue Budgets, changes to the primary election dates, listening sessions, balanced budgets, appropriations, health issues, supporting economic growth, LOST agreements and working together as a community.

The officials from the Board of Education, Bulloch County and City of Statesboro talked on such topics as strategic planning, the I-16 project, unemployment and economic development.

While the discussion continued with the group as a whole; topics such as House Bill 1, inert landfill, Renaissance Act, flexibility and responsibility, health care, Innovation Center, TSPLOST and the repaving of roads were some of the topics that were on the top of the list.

The closing remarks were given by City of Statesboro Mayor Pro Tem Will Britt as he talked about education for the younger generation.

The meeting was adjourned at 10:00 a.m.




City of Statesboro
Engineering Department – Public Works

P.O. Box 348
Statesboro, Georgia 30459

912.764.0681 (Voice)
912.764.7680 (Fax)

MEMORANDUM

To: Frank Parker, City Manager

From: Jason Boyles, Senior Assistant City Engineer 

Date: November 13, 2013

Re: Request to Surplus Two Solid Waste Trailers in the Solid Waste Disposal Division

Back in August 2013 city council approved the surplus of six solid waste trailers. At this time we still have two older model trailers that we need to request for surplus. Staff is recommending that the following two trailers be declared surplus at the November 19, 2013 city council meeting to be sold by electronic auction:

- a.) 2006 East refuse trailer (#7739)
- b.) 2006 East refuse trailer (#7740)

As previously stated, following the sale of the aforementioned trailers the Solid Waste Disposal Division will retain two trailers for operations. These two trailers will be used for transportation of bulk tires for disposal and retained for emergency use. Further, staff will continue to evaluate operational and market conditions and will list these trailers for sale over time as conditions warrant, as we have with our other trailers. This process has worked well and we believe has helped the city to receive more for each trailer sold.

Let me know if you need anything further from me on this request.

Cc: Robert Cheshire, PE, City Engineer
Sue Starling, City Clerk
Jeff McCarty, Landfill Superintendent
Darren Prather, Purchasing Director

Ordinance #2013-22
An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances
(Alcoholic Beverages)

WHEREAS, the City has previously adopted an ordinance regulating alcoholic beverages; and

WHEREAS, the Mayor and City Council has determined there is sufficient reason and need to amend certain sections of Chapter 6 (Alcoholic Beverages) of the Code of Ordinances, City of Statesboro, Georgia;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

SECTION 1:

Section 6-92 of the Code of Ordinances, City of Statesboro, Georgia is hereby added, and shall read as follows:

Sec. 6-92 Growlers

- (a) The term “growler” means a properly sanitized reusable bottle made of glass that is capable of being sealed with a screw cap and with a plastic collar over the screw cap and is filled at the time of purchase by the customer by the licensee or employee of the licensed establishment with beer from a keg for off premises consumption.
- (b) The sale of growlers in compliance with this ordinance is authorized for establishments licensed under ordinance section 6-26(c)(1) to make package sales for off premises consumption of beer and wine.
- (c) Growlers must be filled from kegs procured from a duly licensed wholesaler. Each growler must be securely sealed and removed from the premises of the licensed establishment in its sealed condition.
- (d) The licensee must comply with all federal and state laws and regulations regarding packaging and labeling alcoholic malt beverages.
- (e) The licensee must comply with Georgia Department of Agriculture’s General Rules 40-7-1-.40 requiring a “contamination free” transfer process for beverages and the use of washed, rinsed and sanitized growler fill tubes, which must be cleaned between each use.
- (f) The licensee must comply with the Georgia Department of Agriculture Best Management Practices for Growler Refilling.

(g) Samples of beer are exempt from the prohibitions contained in Section 6-136 and Section 6-165(b)(1) only if provided as follows:

- i. Samples of beers from tap may be made available by the licensee for consumption on the premises only if the licensee is providing growlers in compliance with this ordinance; and,
- ii. the sample is provided without charge; and,
- iii. no sample exceeds two ounces (2 oz.); and,
- iv. no more than four samples are provided to any one individual in any 24 hour period.

SECTION 3. All other sections of Chapter 6 not here expressly amended here remain in full force and effect.

SECTION 4. Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

First Reading: November 19, 2013

Second Reading: December 03, 2013

THE MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

By: Joe R. Brannen, Mayor

Attest: Sue Starling, City Clerk



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**RZ 12-06-06 & V 12-06-07
 ZONING MAP AMENDMENT & VARIANCE REQUEST
 CHANDLER ROAD**

LOCATION: Chandler Road

REQUEST: Rezone from CR (Commercial Retail) to PUD (Planned Unit Development) with mixed uses and variance from 10 acre minimum for PUD.

APPLICANT: Lisa P. Hodges

OWNER(S): Lisa P. Hodges

LAND AREA: 1.12 acres

PARCEL TAX MAP #s: MS62000009A000

COUNCIL DISTRICT: 3 (Britt)



PROPOSAL:

The applicant is requesting rezoning of the approximately 1.12 acre vacant lot located on Chandler Road from CR (Commercial Retail) District to PUD (Planned Unit Development) containing mixed uses to include residential, small-scale retail, and offices as well as a variance from Article XIV, Section 1402 which requires a ten acre minimum lot size for a PUD (Planned Unit Development) (See **Exhibit A** – Location Map & **Exhibit B** – Sketch Plan)

BACKGROUND:

The subject area of this request is a 1.12 acre single lot located on Chandler Road and is currently zoned CR (Commercial Retail). This vacant lot has not had any past zoning map amendments or variances granted.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail) & R4 (High Density Residential)	Commercial, Vacant, & Apartments
SOUTH:	Exempt	Georgia Southern University
EAST:	CR (Commercial Retail) & R4 (High Density Residential)	Commercial & Apartments
WEST:	R4 (High Density Residential) & Exempt	Apartments & Georgia Southern University

The subject property is surrounded by high-density residential and commercial uses. The property's eastern property line is surrounded by parcels zoned CR (Commercial Retail) and utilized as a convenience store, car wash, apartments, and vacant lots while the parcels farther east are zoned R4 (High Density Residential) and are developed as an apartment complex. The northern most adjacent property is zoned CR (Commercial Retail) and currently contains a sports bar while the parcels farther north are zoned R4 (High Density Residential) being utilized by apartment complexes. The southern and western parcels are owned by The Board of Regents for Georgia Southern University containing a football stadium and recreational activities facilities and are exempt from the Zoning Ordinance. (See **Exhibit C**)

COMPREHENSIVE PLAN:

The subject site lies within the "University District" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The "University District" character areas are identified as being anchored by Georgia Southern University. Developing areas should focus heavily on pedestrian accessibility, as well as transit. There are residential areas within this district, primarily oriented to student housing. Multi-family, duplex, and single-family are all found in this district while student-oriented commercial uses are found along primary arteries, including restaurants/bars and nightclubs.

Neighborhood-scaled retail, higher education facilities, multi-family, single-family, and mixed use are all appropriate land uses for properties within the University District character areas. Some suggested development and implementation strategies for the area include the following:

- Encourage future growth within the academic core.
- Ensure adequate bicycle and pedestrian facilities for students commuting to and from GSU campus.

Statesboro Comprehensive Plan, Community Agenda pages 20-21.

"Planned Unit Developments typically offer greater flexibility in development standards than a conventional zoning district. With this flexibility, there is also an opportunity to include housing diversity, mixed uses, and amenities." *Statesboro Comprehensive Plan, Community Agenda pages 41-42.*

As illustrated in the *Comprehensive Plan*, mixed-use development in this area is expected. Utilizing the subject site as a Planned Unit Development primarily for residential purposes mixed with small-scale retail and office uses while being adjacent to other small scale retail uses contributes to the mixed use goal set forth by the *Comprehensive Plan*. The *Comprehensive Plan* also encourages pedestrian facilities for students; this site has an existing sidewalk fronting Chandler Road. Other factors of the *Comprehensive Plan* have been considered in the analysis.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a flood zone. 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 vacant 1.12 acre site is currently zoned CR (Commercial Retail) and is located at the corner of Chandler Road and Malecki Drive. The applicant's request is to rezone the property from CR (Commercial Retail) to mixed use PUD (Planned Unit Development) containing residential, small scale retail, and office uses – all uses that are allowed by right in the current zoning designation; however, the proposed Planned Unit Development would offer some creativity and flexibility in design. The CR (Commercial Retail) zoning designation allows high density residential on the top floors only with retail on the bottom floor. In this request, the applicant would be permitted to utilize the bottom floors for mixed retail, office, and residential as well as sell units for condominium ownership.

Mixed use is generally defined as the use of a building or neighborhood for more than one purpose that is a unified cohesive whole. A Planned Unit Development allows flexibility that promotes mixed use. However, Article XIV of the *Statesboro Zoning Ordinance* requires a minimum lot size of 10 acres for a Planned Unit Development; thus, as a 1.12 acre site, the applicant is requesting a variance from the PUD lot size requirement to allow the granting of the requested zoning map amendment.

A Planned Unit Development, hereafter referred to as "PUD", means an area of land to be developed for a number of dwelling units, the plan for which does not correspond in lot size, type of dwelling, density, lot coverage, required open space, etc. to the regulations established in any one or more districts created under the provisions of a zoning ordinance. The purpose of a PUD district is to achieve great flexibility in the use and design of structure and land while providing a more desirable living environment that would not be possible through the application of the zoning ordinance requirements. A PUD zoning designation encourages developers to use a more creative approach and desirable use of open land. The proposed PUD is intended to address the unique needs associated with the residential development proposed by this application. The applicant wishes to develop the site with a unique and innovative approach that the *Statesboro Zoning Ordinance* doesn't contemplate in order to contribute to the mixed use feel and design encouraged by the *Comprehensive Plan*.

“A PUD should be viewed as an alternative available for regulating development when existing land use regulations may not adequately address unique circumstances or opportunities for a particular development.” *Statesboro Comprehensive Plan, Community Agenda page 41*. The modification of the specific provisions of the *Statesboro Zoning Ordinance* proposed by this application is not believed to be contrary to its intent and purpose.

1. Variance Request

The proposed PUD may only be considered and/or permitted if a variance from Section 1402 is granted to allow a PUD on a parcel that is less than 10 acres. 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;**
 - The subject site is a small irregularly shaped corner lot.
 - The subject site is 1.12 acres which does not meet the PUD lot size regulations.
- (2) The special conditions and circumstances do not result from the actions of the applicant;**
 - The size and shape of the property is not the result of any actions of the applicant.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - The application of the ordinance to this property would deny the applicant the opportunity to create a unique mixed-use development to contribute to the existing character of the area, all of which is encouraged by the *Comprehensive Plan*.
 - It is worth noting that this property is located in a highly visible and traveled area with close proximity to Georgia Southern University’s football stadium. Keeping an attractive mixed-use environment while encouraging walkability is crucial to this area of Statesboro.
 - If the applicant is granted a zoning map amendment, application of the ordinance to this particular piece of property would create a hardship by denying the applicant the opportunity to develop the subject site as planned due to the 10 acre minimum for the PUD.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
 - This request, if granted, should not cause substantial detriment to the public good.

2. Rezoning Request

The request to rezone the 1.12 acre subject property from CR (Commercial Retail) district to mixed use PUD (Planned Unit Development) district 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 two (2) primary land use policies: The *Statesboro Comprehensive 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 PUD (Planned Unit Development) zoning district for residential and office uses only 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;**
 - Existing uses and zoning of nearby property range from small scale commercial to high density residential. According to the *Statesboro Comprehensive Master Plan*, this area is under pressure to grow in a mixed use and residential manner. Mixed use can be defined as the use of a building or neighborhood for more than one purpose. Mixed use developments provide a range of commercial and residential unit sizes and options while maintaining the intent and character of the area.
 - “Spot Zoning is or may be the rule in a PUD, rather than something to be avoided.” *Land Use Planning & Development Regulation Law page 286*.
- (2) The extent to which property values are diminished by the particular zoning restrictions.**
 - Given the close proximity to Georgia Southern University’s football stadium and recreation activities facilities, restricting creative and attractive developments which are favorable and encouraged for the area may reduce the property value on the subject site by denying the highest and best use of the property.

- (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.**
 - o The requested rezone of this property would open up opportunities for this vacant property to develop in a manner that is consistent with the land use plans and will give students and others a chance to live close to campus and college activities, thereby realizing the purposes and visions of the *Comprehensive Plan*.
- (5) **The suitability of the subject property for the zoned purposes.**
 - o The proposed land use meets the intent of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan* as all uses in the proposed zoning as allowed by right as independent uses in the CR (Commercial Retail) zoning district of the property.
 - o The property is currently a vacant commercial zoned area that strives to develop in a mixed use manner to allow for better use of the property as a planned development.
- (6) **The amount 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.**
 - o The property has been vacant and zoned commercial retail for numerous years. This proposal would be the property's first development.
- (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;**
 - o The applicant's request is not expected to increase traffic volume in a negative manner. Given the close proximity to GSU, convenience stores, etc., the existing sidewalk will be utilized much more often than presently.
 - o The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its current single family zoning district, and is not expected to be negative or burdensome to the general public or surrounding property owners.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
 - o *The Bulloch County/City of Statesboro Long Range Transportation Plan* expresses the need for pedestrian amenities to fill existing gaps on Chandler Road. This segment of Chandler Road is already served by sidewalks, curbs, and gutters.
 - o As illustrated on the sketch plan submittal, the subject property can be developed in conformance with the requirements for the proposed PUD (Planned Unit Development) zoning districts. **Exhibit A** enumerates the required setback, parking, buffering, and other development requirements that the applicant and staff have agreed upon while meeting the intent of the ordinance.
 - o The *Statesboro Comprehensive Plan* adopts a goal of "promot[ing] infill and redevelopment" stating that "infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place". (*Community Agenda, page 51*). The requested utilization of the subject site would achieve this goal.
 - o The proposed use of this property is consistent with the vision and guiding principles of the "University District" character area as articulated within the *Statesboro Comprehensive Plan* which promotes new developments to include mixed uses such as small-scale retail, multifamily residential, and single residential.

STAFF RECOMMENDATION:

Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and the factors of consideration for a variance given in Section 1801, staff recommends approval of the zoning map amendment requested by application RZ 12-06-06 and the variance requested by V 12-06-07 subject to the conditions listed in **Exhibit A**.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 4-0 to recommend approval of the zoning map amendment and variance requested by this application subject to the conditions listed in Exhibit A.

EXHIBIT A – GENERAL PROVISIONS FOR RZ 12-06-06

The PUD (Planned Unit Development) District for the property proposed within Zoning Map Amendment RZ 12-06-06 and listed in the case file at the time of adoption by Statesboro City Council as Chandler Road or Tax Map Parcel MS6200009A000, shall adhere to all applicable provisions of the *Statesboro Zoning Ordinance* and *Code of Ordinances* for the City of Statesboro not addressed herein, and the general requirements contained within this defining narrative. Where the general requirements of this Planned Unit Development conflict with the provisions of the *Statesboro Zoning Ordinance* and other applicable chapters of City Code, the more stringent shall apply. Where particular development regulations are not addressed herein, the General Provisions of the Statesboro Code of Ordinances shall apply.

A. **Administration:** In addition to the provisions of Article XVII (Administration) of the *Statesboro Zoning Ordinance*, the following shall be applicable to the subject property.

1. The Director of Planning and Development shall have the duty and power to administer the provisions of RZ 12-06-06 unless otherwise provided. Where referenced herein, the term “Director of Planning and Development” may also include her/his designee.
2. The City Engineer shall have those specific and necessary duties and powers referenced herein to administer the provisions of RZ 12-06-06. Where referenced herein, the term “City Engineer” may also include her/his designee.
3. *Minor Amendments.* In addition to the provisions of Article XIV (Planned Unit Development District), the Director of Planning and Development shall have the authority to approve minor amendments to the PUD District created by action of the Statesboro City Council for RZ 12-06-06. Minor amendments shall not include changes that intensify the use of the property as otherwise permitted in the High Density Residential and Commercial Retail districts, or changes that conflict with the requirements listed herein as determined by the Director. Where the Director of Planning and Development determines that a proposed amendment to PUD cannot be classified as “minor” in nature, such amendments shall be deemed as major amendments and will require City Council approval.
4. *Major Amendments.* Deemed a deviation of more than twenty percent (20%) from the standard, or any other deviation, that the Director of Planning and Development feels exceeds the scope of approval of City Council. The intent of this request, if approved, is to allow residential mixed with small-scale retail and office on the bottom floor of the structure. Any future requests for a sole use of the property that would defeat the intent of mixed use would require approval from City Council.
5. *Permits/Subdivision.* Any future subdivision plats shall be approved by the City of Statesboro and shall be recorded by subdividing the parcels subject to RZ 12-06-06 prior to the approval of any building permits for this site.

B. **Land Uses:**

1. *Permitted Uses.*
 - a. High density residential
 - b. Neighborhood Small-Scale Retail including:
 - i. Retail Professional Services
 - ii. Personal Services Facilities
 - iii. Neighborhood Markets not to include Convenience Stores or Gas Stations
 - iv. Business or Professional Offices not to include Medical Service Facilities
 - v. Food Service Facilities with no Drive-Through Services
 - vi. Similar uses as approved by the Zoning Administrator.

Retail uses are restricted to no more than 50% of the first floor of any structure on the site.

2. *Condominiums*: This site is not required to operate as a single proprietary unit. Each unit may be subdivided and owned independently of others upon approval of a subdivision plat.
3. *Alcoholic Beverages*. This property does not meet the proximity restrictions set forth by the City of Statesboro or the state of Georgia and may not serve or sell alcohol on the premises.

C. Area, Width and Yard Regulations:

1. *Dwelling units per acre*. There shall be no more than 66 bedrooms on the site.
2. *Front Yard*. There shall be a front yard on each lot which shall not be less than twenty (20) feet in depth from the property line. The front yard setback shall be required for each street which the lot provides access.
3. *Side Yards*. There shall be two side yards, each having a width of not less than ten (10) feet.
4. *Rear Yard*. There shall be a rear yard on each lot which shall not be less than ten (10) feet.
5. *Accessory Buildings*. Accessory uses and buildings are prohibited from the site.
6. *Distance between Buildings*. There shall be a distance of at least ten (10') feet between any buildings.
7. *Building Coverage*. Not more than seventy percent (70%) of any lot shall be occupied by buildings.

D. Offstreet Parking and Loading:

1. In addition to the provisions of Article XVI (Parking), the minimum number of parking spaces shall not be less than as follows:
 - High Density Residential: 1 space per bedroom.
 - Office/Retail: 1 space per every 1,000 square feet of office or retail space.
2. The Zoning Administrator may authorize joint or shared parking with the adjacent northern parcel if requested by the owners. The Zoning Administrator may approve a reduction up to 20% in the number of parking spaces required for a specific use when inter-parcel access is provided and a shared parking arrangement demonstrates that adequate parking will be provided for the affected use as permitted by Article XVI.
3. The property owner must gain reciprocal access to the adjacent northern parcel for ingress/egress purposes.

EXHIBIT B: LOCATION MAP

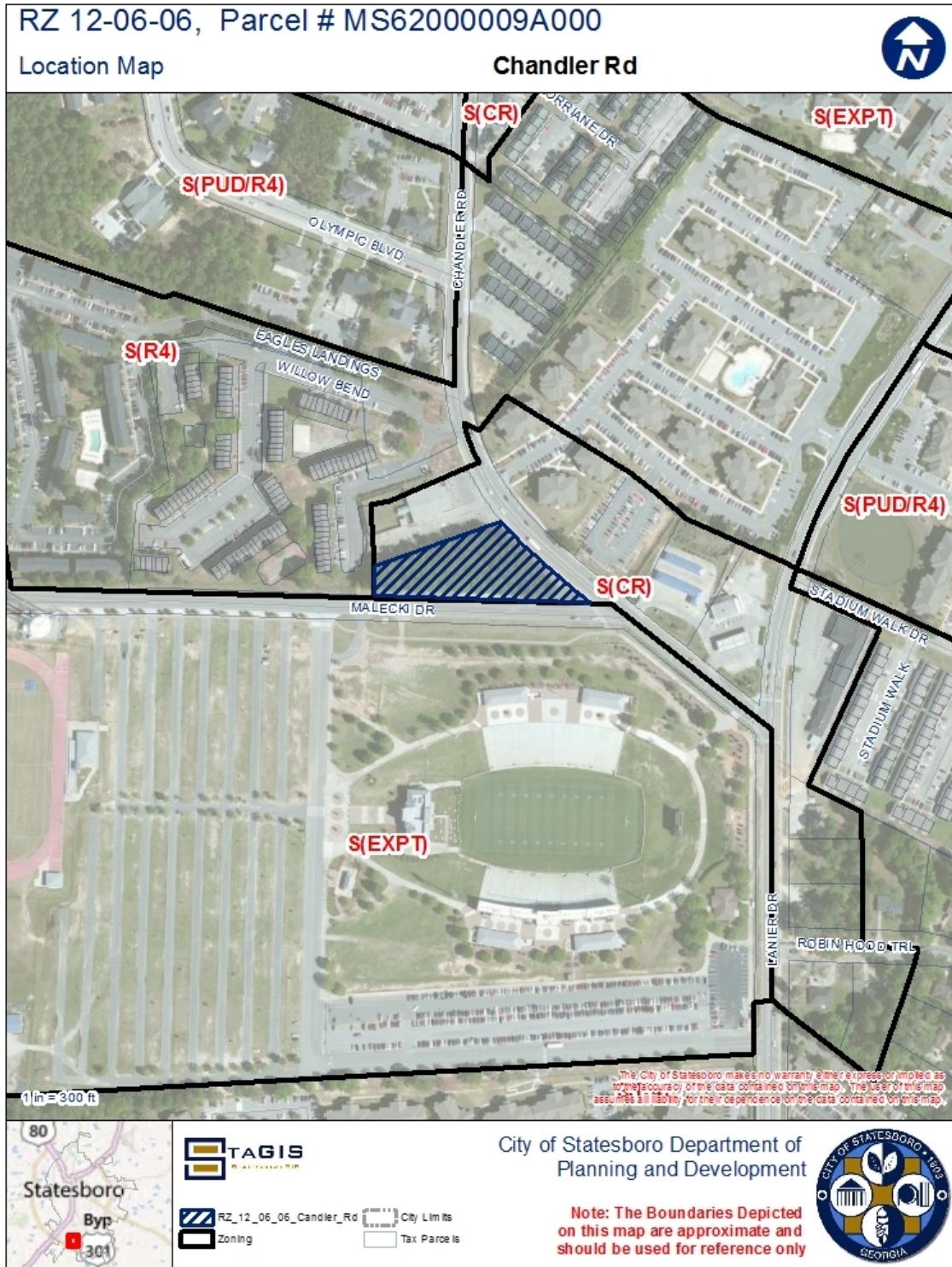


EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The Subject Property showing apartment complex to the rear.



Figure 2: Photo from Subject Site showing Sports Bar to the North.

EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 3: From Malecki Road – Intersection of Malecki & Chandler Road.



Figure 4: From Subject Site – Stadium across Malecki.



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**V 13-10-04
 VARIANCE REQUEST
 BRAMPTON AVENUE**

LOCATION: Brampton Avenue

REQUEST: Variance from Article 4, Section 4.3 of the Statesboro Subdivision Regulations.

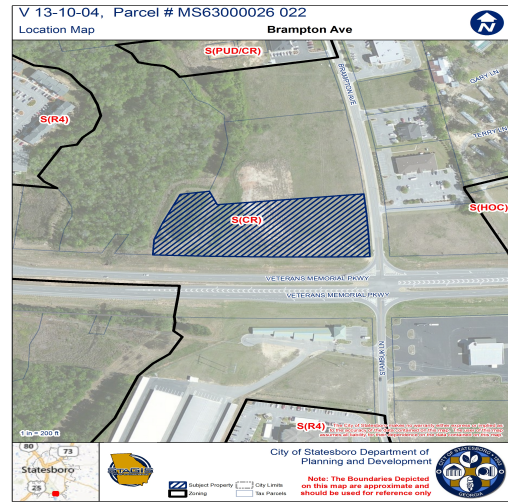
APPLICANT: Gregory M. Parker, LLC

OWNER(S): Citizens Bank of Bulloch County

LAND AREA: 3.98 acres

PARCEL TAX MAP #s: MS63000026 022

COUNCIL DISTRICT: District 5 (Chance)



PROPOSAL:

The applicant is requesting a variance from Article 4, Section 4.3 of the *Statesboro Subdivision Regulations* to construct a 50' public right of way (street) rather than 60' as required by the ordinance at property located at the corner of Brampton Avenue and the Bypass. The applicant anticipates subdivision of the subject property into additional parcels pursuant to the regulations presented in the CR (Commercial Retail) zoning district and construction of commercial retail uses which will necessitate the reservation, dedication, and construction of the right of way so as to create independent parcels, both with public street access. The subject property along with the adjacent northern property has the ability to reserve enough property to successfully construct a building for a 50' right of way.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail)	Offices
SOUTH:	CR (Commercial Retail)	Commercial
EAST:	CR (Commercial Retail)	Offices
WEST	CR (Commercial Retail)	Vacant - Wetlands

The subject property is located in a commercial development surrounded by commercial retail and office uses.

COMPREHENSIVE PLAN:

The subject site lies within the "Activity Centers" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The "Activity Centers" character areas are identified as areas that incorporate (or will incorporate) a wide range of land uses, but have historically developed in a manner that is auto-oriented with an abundance of large surface parking lots. The long-term development pattern preferred for Activity Centers is to incorporate features that mitigate these expanses of surface parking by incorporating new landscaping, framing parking areas with street-oriented infill construction, and including features that support other transportation options. This request would meet the intent of this character area.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city utilities including water and sewer, sanitation, and public safety services. No significant impact is expected on community facilities as a result of this request. Frontage and physical access is granted to the site by Brampton Avenue and the proposed street to be constructed by the applicant and will be dedicated to the City of Statesboro as a public right of way for access use by the general public and to be owned and maintained by the City of Statesboro.

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard area. Any environmental issues related to the development of the right of way will be addressed during the standard permitting and inspection procedures. This request is not expected to have any impact on the wetlands.

ANALYSIS:

The 3.98 acre subject site currently remains vacant with proposals to subdivide and construct general retail uses on the parcels fronting Bypass following subdivision. The proposed use is listed as a permissible use in the current zoning district of the subject property – CR (Commercial Retail). Subdivision of the subject parcel would create additional parcels fronting the Bypass with only one parcel accessible from Brampton Avenue. Section 4.4 of the *Subdivision Regulations* states that all lots shall abut a public right of way for a minimum length of thirty feet (30'). Veterans Memorial Bypass is Georgia Department of Transportation's (GDOT) jurisdiction and is declared limited access; therefore, no curb cuts or access points are allowed. As such, all parcels created adjacent to the bypass must have access from an abutting local road, which often necessitates the construction of a local road along with development of the lots. Without the construction of the proposed right of way along the rear of the subject site, the proposed parcels on the western side of the subject property could not be approved for subdivision because they would be considered "land locked". Land locking a parcel could create issues in future sale and development of the property where no proper access to the property is present. To avoid this issue and meet the terms of the *Subdivision Regulations*, the applicant proposes to construct a right of way along the northern portion of the property to be dedicated to the City as a public right of way.

Section 4.3 of the *Subdivision Regulations* requires local street right of ways to be 60' in width. With an anticipated agreement with the adjacent northern property, which currently contains a 40' easement along the southern portion of the property, the applicant of this request will reserve 10' of the subject property in order to combine and develop the right of way needed to meet the terms of this request. As such, a 50' right of way is proposed to successfully develop the subject property while meeting all other terms of the *Statesboro Zoning Ordinance* such as setbacks, building coverage, etc.; thus, necessitating this request. The City Engineer has reviewed this request and is in support of the construction of a 50' right of way. Other requirements of the City Engineer such as design standards will be reviewed during the permitting and construction stage.

The proposed public right of way will not connect to any other street or property due to wetlands and flood zones adjacent to this property. As such, a turnaround or cul-de-sac will be constructed to the *Subdivision Regulations'* requirements. The applicant is not required to construct the entire right of way but will be required to construct to the end of their property with a temporary turnaround until such time that the adjacent parcel develops. During that time, the future developer of the adjacent property will be required to finish the right of way and install a permanent cul-de-sac.

Although there are no specific guidelines for granting a variance enumerated in the *Subdivision Regulations*, many variances have been given in the past for reduction in right of way widths. Regardless, 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 from zoning regulations and are given here for guidance and consideration:

- (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;**
 - o The subject property is long and narrow and is adjacent to the Bypass. Subdivision of this parcel is not possible without the construction of a right of way to grant access to the portions not fronting Brampton Avenue.
 - o Given the narrow shape of the property, the proposed use may not be constructed to meet all other terms of the *Statesboro Zoning Ordinance* such as setbacks, building coverage, etc.; thus, the applicant is reserving as much property as possible while maintaining other requirements for the construction of the right of way which will result in a 50' right of way rather than 60'.
 - o The majority of the subject property fronts Veterans Memorial Bypass which is the jurisdiction of GDOT and is declared limited access; therefore, no curb cuts or access points are allowed.
- (2) **The special conditions and circumstances do not result from the actions of the applicant;**
 - o The orientation of the subject property in relation to Veterans Memorial Bypass and the long narrow shape of the property do not result from actions of the applicant.

- The size and shape of the property does not result from actions of the applicant.
- Limited access to the property does not result in actions of the applicant.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - Applying the *Subdivision Regulations* to this particular parcel could potentially require several variances from the *Statesboro Zoning Ordinance* and other building/development regulations in order to permit the construction of the proposed use.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
 - This request, if granted, would not cause substantial detriment to the public good. This proposal would achieve the goal of creating inter-parcel connectivity set forth by the *Comprehensive Plan*.
 - There are no traffic counts recorded by the Georgia Department of Transportation for this area; however, recent installation of traffic lights at the intersection of Brampton Avenue and the Bypass should help remedy any traffic concerns.
 - The *Bulloch County/City of Statesboro Long Range Transportation Plan* does not anticipate any issues or future improvements to this area.
 - The City Engineer and other staff have reviewed this application and are in favor of this request.

STAFF RECOMMENDATION:

Based on the factors of consideration for a variance given in Section 1801, *the Comprehensive Plan*, and *the Transportation Plan*, staff recommends approval of the variance requested by V 13-10-04 subject to the following conditions:

1. Applicant must install curb and gutter.
2. Applicant must construct a cul-de-sac with minimal right of way (5' from back of curb) at the end of the proposed road to meet the perceived intent of the ordinance. The paved diameter of the cul-de-sac must be 80'. See **Exhibit B** for a sketch provided by the Engineering Department showing the preferred right of way dimensions and placement.
3. The proposed right of way must be approved prior to subdividing.
4. The proposed right of way must be dedicated to the City of Statesboro as public right of way.
5. Applicant must install a sidewalk on the southern side of the proposed road.
6. The proposed right of way must be improved to the end of the development (not the end of parcel).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted 4-0 to recommend approval of the variance requested by this application subject to the following conditions:

7. Applicant must install curb and gutter.
8. Applicant must construct a cul-de-sac with minimal right of way (5' from back of curb) at the end of the proposed road to meet the perceived intent of the ordinance. The paved diameter of the cul-de-sac must be 80'. See **Exhibit B** for a sketch provided by the Engineering Department showing the preferred right of way dimensions and placement.
9. The proposed right of way must be approved prior to subdividing.
10. The proposed right of way must be dedicated to the City of Statesboro as public right of way.
11. Applicant must install a sidewalk on the southern side of the proposed road.
12. The proposed right of way must be improved to the end of the development (not the end of parcel).

(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual site plan (Exhibit C) submitted on behalf of the applicant for this request to be illustrative only. Approval of the application does not constitute approval of any final building or site plan).

EXHIBIT A: LOCATION MAP

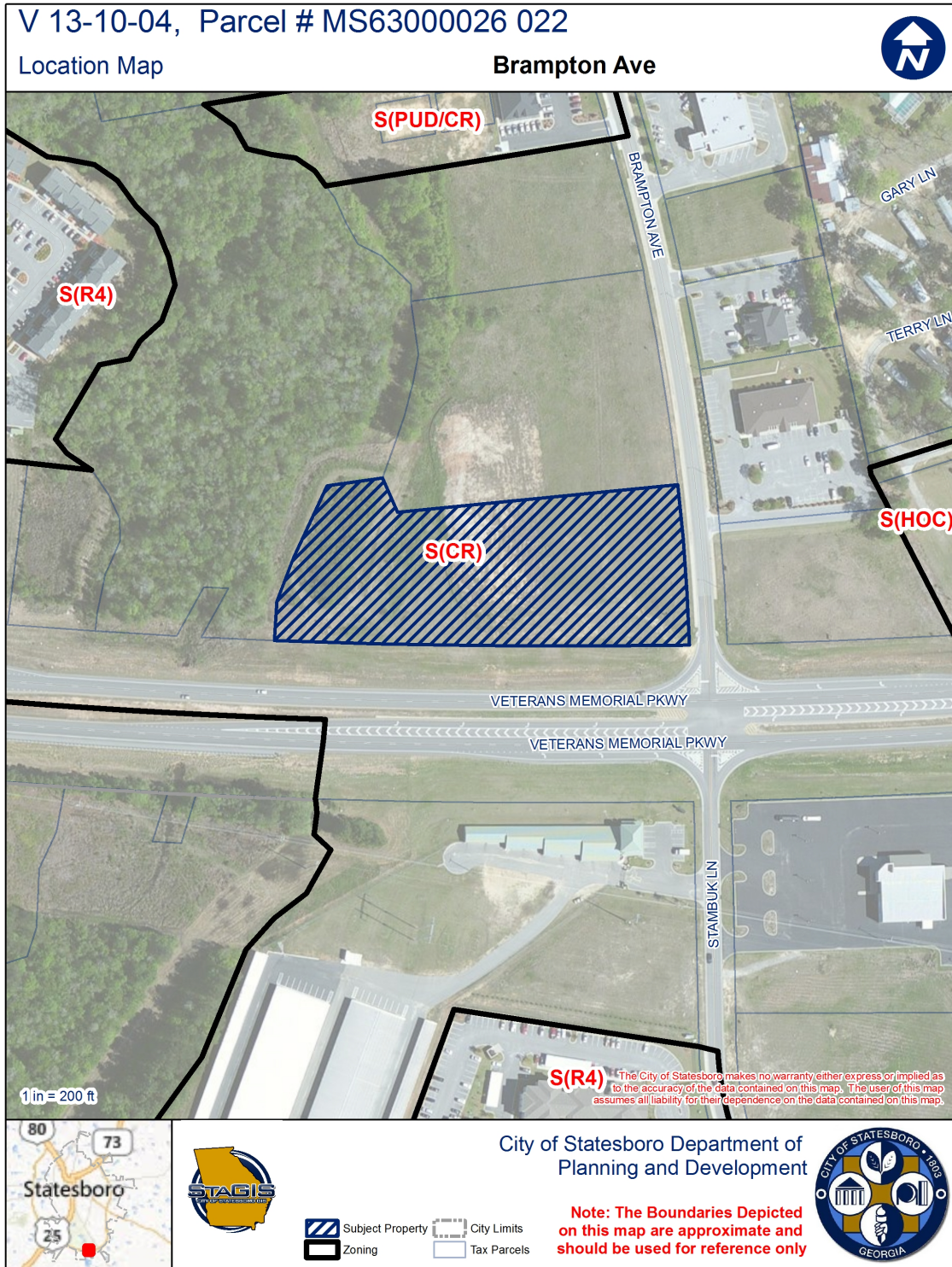


EXHIBIT B: PREFERRED LAYOUT OF ROW PROVIDED BY ENGINEERING DEPT.

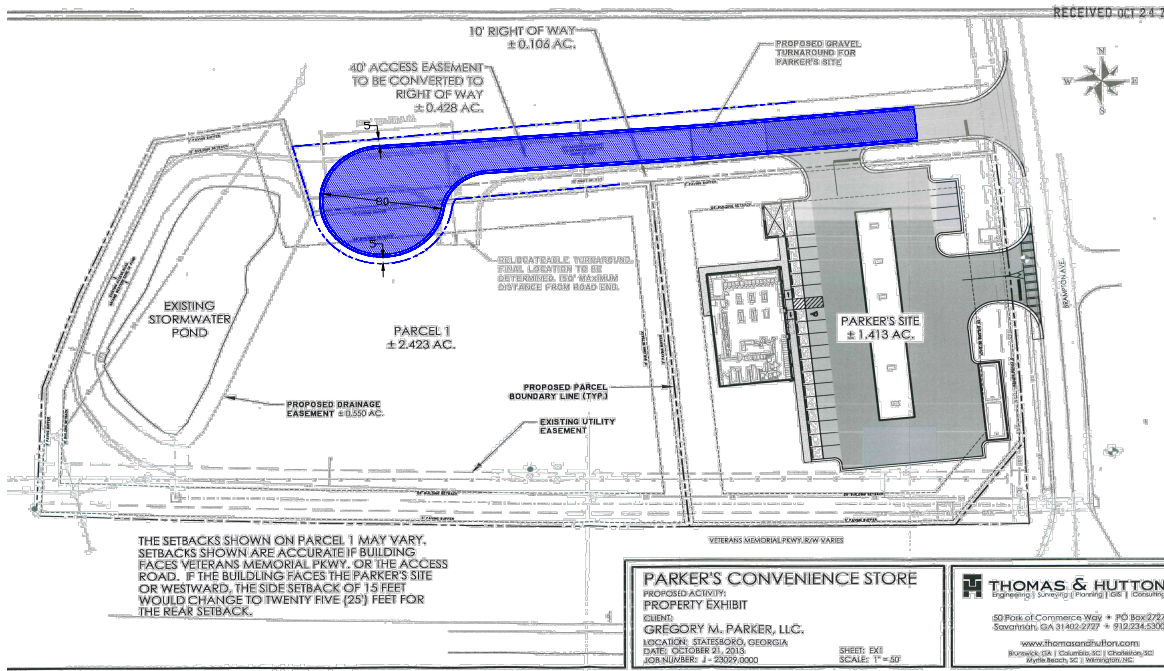


EXHIBIT C: SKETCH PLAN SUBMITTED BY APPLICANT

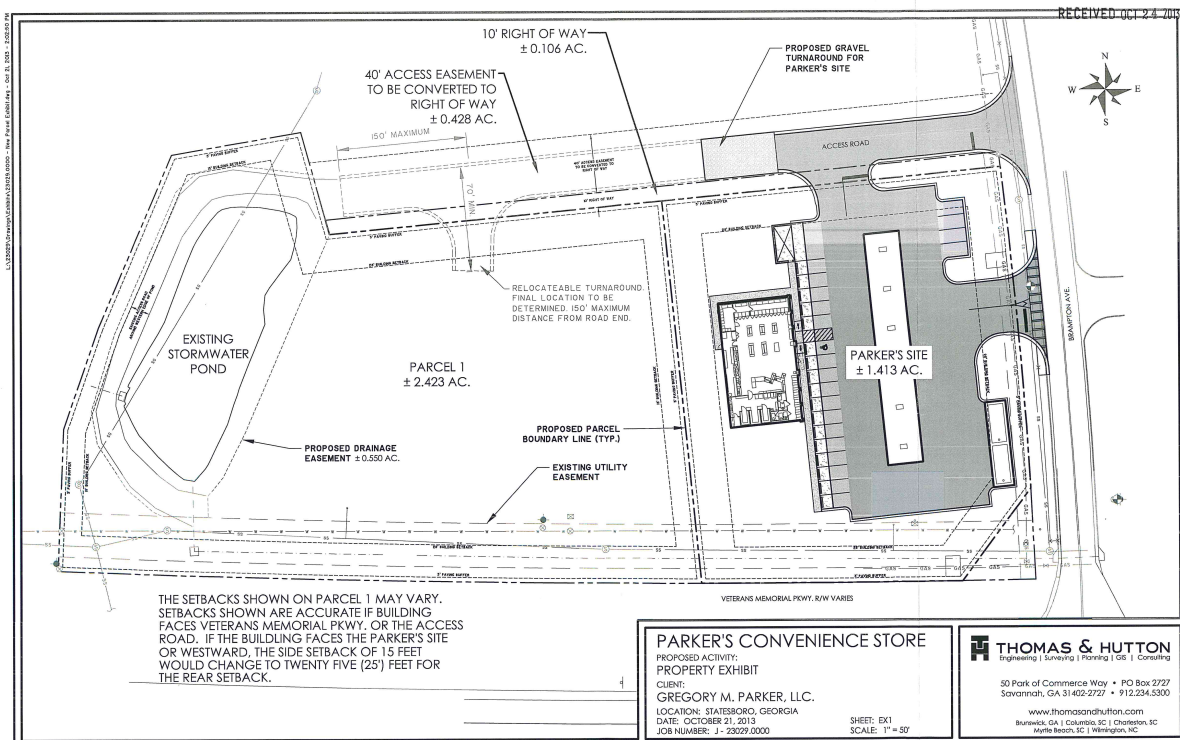


EXHIBIT D: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: Subject Site from Brampton Avenue.



Figure 2: Subject Site.

EXHIBIT D: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 3: Intersection of Brampton Avenue and Bypass from Subject Site.



Figure 4: Subject Site showing office to the North.

EXHIBIT D: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 5: Vacant lot across Brampton Avenue from the Subject Site.



Figure 6: Doctor's Offices across Brampton Avenue from the Subject Site.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
John C. Riggs
William P. Britt
Travis L. Chance
Gary L. Lewis



Joe R. Brannen, Mayor
Frank Parker, City Manager
Sue Starling, City Clerk
J. Alvin Leaphart, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

November 14, 2013

Mr. Parker,

As you are aware the commercial property located adjacent to the south entrance to Aspin Heights is currently under development. We have received inquiries about sewer availability on the west side of Highway 67. The minor sewage pump station installed by Aspin Heights was designed to accommodate the property fronting on the west side of Highway 67 from the Little Lotts Creek south to Burkhalter Rd. In order to serve this area a Gravity sewer needs to be installed under Highway 67. It is my recommendation that the City proceed with installing this line before the current development is completed. I have requested competitive quotes from two contractors capable of making the required jack and bore installation under Highway 67.

To save the cost of preparing detailed Engineering Plans, Specifications and Bid Documents I would like City Council Approval to use Competitive Quotes on this project, project Cost Not To Exceed \$60,000.00. This is allowable under the State Public Works Law.

Wayne Johnson
Director of Water & Wastewater