



**January 15<sup>th</sup>, 2013 6:00 pm**

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman Gary Lewis
3. Recognitions/Public Presentations
  - A) Network Engineer Bryant Tatum would like to update Council on the Public Works Freeance project.
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
  - A) Approval of Minutes
    - a) January 03, 2013 Council Minutes
  - B) Consideration of a Motion to approve **Resolution 2013-01**: A Resolution to Fix and Publish Qualifying Fees for the City of Statesboro November 5, 2013 General Election
  - C) Consideration of a Motion for the surplus and disposal of a 1997 Ford F800 loader truck in the Sanitation Division
  - D) Notification of alcohol license application:
    - a) Licensee: Daniel Long  
DBA: Eagle Creek Brewing Company LLC  
Location: 106 Savannah Avenue (Changing from 403 South Zetterower Avenue)  
Type of Alcohol License: Manufacturing  
Type of Business: Brewery (Packaged Sales)
  - E) Consideration of a Motion to approve Special Event Permit
    - a) Benefit program for Georgia Southern Museum – Tour of Italy
6. Public Hearing and Consideration of a Motion to approve the following:
  - A) **APPLICATION # AN 12-12-06**: Drayton Parker Companies, LLC, requests annexation by the 100% method and rezoning of property located at 6381 Burkhalter Road from HC (Highway Commercial – Bulloch County) to HOC (Highway Oriented Commercial). (Tax parcel # MS88000025000).

- B) **APPLICATION #AN 12-09-01:** Valnoc, LLC requests annexation by the 100% method into the City of Statesboro and rezoning of approximately 65.91 acres of property located on Cawana Road from HC (Highway Commercial – Bulloch County) and R40 (Single Family Residential – Bulloch County) to R4 (High Density Residential). (Tax Parcel # 092000012000).
- C) **APPLICATION # SE 12-11-01:** Mr. Lance Holloway requests a special exception be granted pursuant to the *Statesboro Zoning Ordinance* to allow the operation of a personal care home in an R-4 (High Density Residential) District for property located at 302 Johnson Street. (Tax Map # S11000089000).
- D) **APPLICATION # RZ 12-12-01:** Hussey, Gay, Bell & DeYoung, Inc. requests a zoning map amendment from R15 (Single Family Residential) District to CR (Commercial Retail) District for a portion of property located on 701 Gentilly Road. (Tax Parcel # MS73000003000).
- E)
- **APPLICATION # AN 12-12-02:** The City of Statesboro requests annexation by the 100% method and rezoning of 13.8 acres of property located on Veterans Memorial Parkway from HC (Highway Commercial) to PUD (Planned Unit Development). (Tax Parcel # MS63000026015).
  - **APPLICATION # AN 12-12-03:** The City of Statesboro requests annexation by the 100% method and rezoning of property located on Highway 67 from CP (Conservation Preservation – Bulloch County) and HC (Highway Commercial – Bulloch County) to PUD (Planned Unit Development). (Tax Parcel # MS75000021000).
  - **APPLICATION # AN 12-12-05:** The City of Statesboro requests annexation by the 100% method and rezoning of property located on Langston Chapel from R80 (Residential – Bulloch County) to PUD (Planned Unit Development). (Tax Parcel # 092000008001).
7. Consideration of a Motion to grant a variance from requirements of the Flood Damage Prevention Ordinance to Hendley Properties for the project known as Village at Midtown on South College Street.
8. Consideration of a Motion to award a five year copier and maintenance contract to Digital Office Equipment “piggy-backing” the existing contract with the Bulloch County Board of Education.
9. Consideration of a Motion to approve **Resolution 2013-02:** A Resolution to increase the hotel motel tax by 1%.
10. Public Hearing pursuant to Notice of Hearing issued by the Mayor and City Council of Statesboro on January 2, 2013 to Gracious Development, LLC and Lanika Walden.
11. Other Business from City Council
12. Public Comments (General)
13. Consideration of a Motion to Adjourn



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**CITY OF STATESBORO  
CITY COUNCIL MINUTES  
JANUARY 03, 2013**

A regular meeting of the Statesboro City Council was held on January 03 , 2013 at 9:00 am 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

Invocation and Pledge of Allegiance by Councilman John Riggs

Bulloch County Probate Judge Lee Deloach administered the oath of office to the City of Statesboro's newest Councilmember Phil Boyum. He is the representative for District One.

**Consideration of a Motion to recess for a reception in honor of our newly elected Council Member (20 minutes)**

Councilman Chance made a motion, seconded by Councilman Lewis to recess for a reception in honor of our newly elected Council Member (20 minutes). Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Recognitions/Public Presentations**

**Recognition of Brad Deal of the Engineering Department for passing the Professional Engineer (PE) Exam**

**Presentation of Certificate of Achievement to Teresa Skinner for SOP Manual**

City Engineer Robert Cheshire recognized Brad Deal for his achievement of becoming a Registered Professional Engineer.

City Clerk Sue Starling recognized Teresa Skinner for her accomplishment of creating the Standard Operating Procedures for the Tax Department. Teresa is the Tax Clerk for Business License, Property Taxes and Alcohol License. Mayor Brannen presented her with a Certificate of Achievement.

**Public Comments (Agenda Item):** None

**Consideration of a Motion to approve the Consent Agenda:**

**Approval of Minutes**

- a) December 4, 2012 Council Minutes
- b) December 4, 2012 Council Work Session Minutes

**Consideration of a Motion to approve the surplus and disposal of a 1999 Ford Explorer in the Engineering Department**

**Notification of alcohol license application:**

**Licensee: Ling Lin**

**DBA: Tokyo Japanese Restaurant**

**Location: 100 Brampton Avenue # 1A**

**Type of Alcohol License: Pouring – Beer & Wine**

**Type of Business: Restaurant**

**Licensee: George Lebus**

**DBA: Fuzzy's Taco Shop**

**Location: 1602 Statesboro Place Circle**

**Type of Alcohol License: Pouring – Beer, Wine & Liquor**

**Type of Business: Restaurant**

**Licensee: Matthew Bowser**

**DBA: Fuzzy's Taco Shop**

**Location: 1602 Statesboro Place Circle**

**Type of Alcohol License: Pouring – Beer, Wine & Liquor**

**Type of Business: Restaurant**

Councilman Chance made a motion, seconded by Mayor Pro Tem Will Britt to approve the consent agenda in its entirety. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Consideration of a Motion to authorize negotiations for an architectural service contract to Martin Rule & Associates/Stewart Cooper Newell for fire station designs.**

Councilman Boyum made a motion, seconded by Councilman Lewis to authorize negotiations for an architectural service contract to Martin Rule & Associates/Stewart Cooper Newell for fire station designs. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Consideration of a Motion to award the bid contract for the Wastewater Treatment Plant Filter Replacement to Y-Delta, Inc. in the amount of \$ 339,267.00**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to award the bid contract for the Wastewater Treatment Plant Filter Replacement to Y-Delta, Inc. in the amount of \$ 339,267.00. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Other Business from City Council**

City Manager Frank Parker asked Council to approve a motion for the Mayor to sign an amendment to the contract between the Department of Natural Resources and the City of Statesboro for the design and construction in the area of Luetta Moore Park.

Councilman Lewis made a motion, seconded by Councilman Riggs for the Mayor to approve the amendment to the contract between the Department of Natural Resources and the City of Statesboro for the design and construction in the area of Luetta Moore Park. Councilman Britt,



Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

City Manager Frank Parker asked Mayor Brannen to appoint a committee for the naming of the Luetta Moore Park Trail. Mayor Brannen asked Councilman Lewis to serve on the committee. Councilman Lewis accepted the appointment to the committee.

**Public Comments (General)** None

**Consideration of a Motion to Adjourn**

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to adjourn. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

The meeting was adjourned at 10:05 am.

RESOLUTION 2013-01: A RESOLUTION TO FIX AND PUBLISH QUALIFYING FEES FOR THE CITY OF STATESBORO NOVEMBER 5, 2013 GENERAL ELECTION

WHEREAS, a general election will be held in the City of Statesboro on November 5, 2013 for the purpose of electing a Mayor, a District 1 Council Member, and a District 4 Council Member, all to serve four year terms; and,

WHEREAS, O.C.G.A. 21-2-131 requires the governing body to fix and publish the qualifying fee by February 1<sup>st</sup> of the election year; and,

WHEREAS, O.C.G.A. 21-2-131 requires the qualifying fee to be set at 3% of the annual salary of the office;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Statesboro as follows:

Section 1. As required by O.C.G.A. 21-2-131, the qualifying fee for candidates for Mayor shall be \$560.00.

Section 2. As required by O.C.G.A. 21-2-131, the qualifying fee for candidates for City Council in District 1 and District 4 shall be \$227.00.

Section 3. The qualifying fees for the City of Statesboro November 5, 2013 General Election shall be published in the Statesboro Herald on Sunday, January 27, 2013 and Thursday, January 31, 2013.

Adopted this 15<sup>th</sup> day of January 2013

CITY OF STATESBORO, GEORGIA

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By: Joe R. Brannen, Mayor

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Attest: Sue Starling, City Clerk



*City of Statesboro*  
*Engineering Department – Public Works*

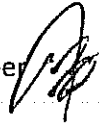
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*P.O. Box 348*  
*Statesboro, Georgia 30459*

*912.764.0681 (Voice)*  
*912.764.7680 (Fax)*

**MEMORANDUM**

To: Frank Parker, City Manager

From: Jason Boyles, Senior Assistant City Engineer 

Date: January 4, 2013

Re: Request to Surplus 1997 Ford F800 Loader Truck in Sanitation Division

The Sanitation Division has a 1997 Ford F800 knuckleboom loader truck that needs to be declared as surplus and sold by electronic auction. This vehicle has an extensive maintenance history, has exceeded its useful life cycle for the city, and has been replaced by a newer model unit. I respectfully request to place this on the January 15, 2013 city council agenda.

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

Cc: Robert Cheshire, PE, City Engineer

Attachment



*City of Statesboro*  
*Engineering Department – Public Works*

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*P.O. Box 348*  
*Statesboro, Georgia 30459*

*912.764.0681 (Voice)*  
*912.764.7680 (Fax)*

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**Memo**

**Date:** 1-2-2013

**To:** Jason Boyles; Senior Assistant City Engineer

**From:** Mike Clifton; Sanitation Superintendent

**Subject:** Request Surplus One Ford F800 and Knuckle Boom Loader

The Sanitation Division has the following vehicle we would recommend to have surplus and disposed of. This unit has recently been replaced by a newer unit and is no longer needed.

1997 Ford F800 with a 2002 Model F-90 Prentice Loader.

Truck #763 Vin # 1FDX80CDVVA37321 Loader SN7204653.

CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION 1-8-12 NEW X RENEWAL \_\_\_\_\_

TYPE OF BUSINESS TO BE OPERATED:

_____ RETAIL BEER & WINE PACKAGED ONLY	\$1,250.00
_____ RETAIL BEER & WINE BY THE DRINK	\$1,250.00
_____ BEER, WINE & LIQUOR BY DRINK	\$3,750.00
_____ WHOLESALE LICENSE	\$1,000.00
_____ APPLICATION FEE - PACKAGED SALES	\$ 150.00
_____ APPLICATION FEE - POURING SALES	\$ 150.00

X Manufacturing

APPLICANTS FULL NAME Daniel Long

OWNERS NAME Daniel Long

DBA (BUSINESS NAME) Eagle Creek Brewing Company, LLC.

CHECK THE TYPE OF ALCOHOL LICENSE YOU ARE APPLYING FOR:

RESTAURANT \_\_\_\_\_ SPORTS RESTAURANT \_\_\_\_\_ PRIVATE CLUB \_\_\_\_\_ PACKAGE \_\_\_\_\_

Manufacturing X

BUSINESS ADDRESS 106 Savannah Avenue

BUSINESS MAILING ADDRESS 320 Pebblestone Trail

BUSINESS TELEPHONE # (912) 541-0517

APPLICANTS HOME ADDRESS \_\_\_\_\_

APPLICANTS HOME PHONE \_\_\_\_\_

APPLICANTS AGE \_\_\_\_\_

ARE YOU A CITIZEN OF THE UNITED STATES? X YES \_\_\_\_\_ NO

HAVE YOU EVER BEEN ARRESTED FOR ANYTHING? \_\_\_\_\_ YES X NO

IF YES, WHEN AND WHY \_\_\_\_\_

IS THE APPLICANT THE OWNER OF THE BUSINESS? X YES \_\_\_\_\_ NO

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? \_\_\_\_\_

HOW MANY PARTNERS, SHAREHOLDERS, ETC. ARE INVOLVED IN THE BUSINESS 1 other

PLEASE LIST BELOW:

Franklin Dismuke \_\_\_\_\_

**CITY OF STATESBORO**  
**P O BOX 348**  
**STATESBORO, GEORGIA 30459**  
**Telephone (912) 764-5468 Fax (912) 764-4691**

**APPLICATION FOR A SPECIAL EVENT PERMIT**  
**30 DAY NOTICE IS REQUIRED BEFORE THE EVENT**

DATE OF APPLICATION January 8, 2013

DATE OF EVENT March 9, 2013

TIME OF EVENT 7:00 pm

LOCATION OF EVENT Nessmith-Lane Conference Center, GSV

TYPE OF EVENT (DETAILED DESCRIPTION) Gourmet dinner, chef demonstration,  
and dancing to benefit the Georgia Southern University Museum

IF THIS IS A THEATRE PRODUCTION, PROVIDE A DESCRIPTION.

\_\_\_\_\_

\_\_\_\_\_

PRODUCTS TO BE SERVED: BEER ☒ WINE ☒ LIQUOR

**\*\* ALCOHOL MUST BE PURCHASED THROUGH A LICENSED WHOLESALE DISTRIBUTOR.**

NAME OF WHOLESALE DISTRIBUTOR United Distributors, Inc.

ADDRESS AND PHONE NUMBER OF WHOLESALE DISTRIBUTOR 770  
King George Blvd, Savannah, GA 31419 - 912-920-9999

**\*\*THE APPLICANT IS NOT ALLOWED TO HAVE A CASH BAR AT THE EVENT.**

**WILL THERE BE FOOD SERVED? IF SO WHO WILL BE CATERING?**

Yes, Georgia Southern University Catering

\_\_\_\_\_

WILL THERE BE MUSIC AND DANCING? IF SO DESCRIBED

After dinner, participants can choose to stay for a dance lesson  
and dancing at the Nessmith Lane ballroom.

IF RAISING MONEY FOR A CHARITY, WHAT IS THE NAME OF THE ORGANIZATION Georgie Southern Museum

PROVIDE A NAME AND PHONE NUMBER OF THE CHARITY

ORGANIZATION CONTACT Brent Tharp, GSO museum Director,  
912-478-5444

IF THE EVENT IS FOR A CHARITY, PROVIDE A COPY OF THE APPROVED RECOGNITION OF EXEMPTION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE.

ARE FLYERS BEING DISTRIBUTED?  
IF YES ATTACH TO APPLICATION.

☒ YES ☐ NO

NAME OF APPLICANT

Brent Tharp

APPLICANT'S ADDRESS

PO Box 8061, Sboro, GA 30460

APPLICANT'S PHONE NUMBER

912-478-5444

APPLICANT IS REQUIRED TO ATTEND THE COUNCIL MEETING.

I HAVE READ AND AGREE TO THE REQUIREMENTS OF THIS PERMIT.

Brent W. Tharp

SIGNATURE OF APPLICANT

OFFICE USE:

DATE OF COUNCIL MEETING

DATE APPROVED BY MAYOR AND CITY COUNCIL



# the Feed Mosasaur

Join us for the Georgia Southern University Museum's premier culinary event.

## Tour of Italy

SATURDAY, MARCH 9, 2013 AT 7:00 P.M.

NESSMITH-LANE CONFERENCE CENTER BALLROOM

GEORGIA SOUTHERN UNIVERSITY

### SERATA

Signature Cocktails with music by  
Dr. Michael Braz

Cooking demonstration by  
Executive Chef Kevin Case of Georgia Southern Catering Services, paired wines,  
commemorative menu, and recipes

Post dinner Tango dancing lesson by ballroom teachers  
Jimmy and Gail McNeely and dancing music by Do Good DJs

### MENU

#### Antipasta

Prosciutto Wrapped Shrimp with Caramelized Figs  
and Melon Coulis

#### Primo

Italian Sausage with Arrabbiata Sauce served over  
Linguini Pasta and Chive Oil Drizzle

#### Secondi

Seared Skate Wing with Brown Butter served with  
Parma Ham Risotto and Truffle Oil

#### Insalata

Heirloom Tomatoes with Fresh Buffalo Mozzarella  
and Fresh Basil Dressed with Extra Virgin Olive Oil  
and Balsamic Vinegar

#### Carne

Grilled Veal Chop with Lemon Porcini Compote  
served with Sautéed Broccoli Rabe

#### Dolce

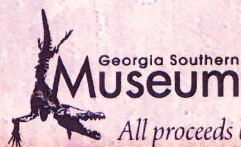
Shortcake Mascarpone Cheese Napoleon with  
Espresso Brandied Berries and Dark Chocolate Sauce

**\$75 per person, \$400 for a reserved table of six**

**Patron Tickets available \$125 per person and includes special recognition in the event signage.**

**RSVP by March 1 to Judy Hendrix-Poole.**

**Call 912-478-5993 or email [jhendrix@georgiasouthern.edu](mailto:jhendrix@georgiasouthern.edu)**



*All proceeds benefit programs of the Georgia Southern University Museum.*







# City of Statesboro – Department of Community Development DEVELOPMENT SERVICES REPORT

P.O. Box 348  
Statesboro, Georgia 30458

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

## AN 12-12-06 ANNEXATION REQUEST 6381 BURKHALTER ROAD

**LOCATION:** 6831 Burkhalter Road

**REQUEST:** Annexation by the 100% method; and, zoning change from HC (Highway Commercial – Bulloch County) District to HOC (Highway Oriented Commercial) District.

**APPLICANT:** Drayton-Parker Companies, LLC

**OWNER(S):** Wendell and Miriam Hodges

**LAND AREA:** 0.9 acres

**PARCEL TAX MAP #s:** MS88000025000

**COUNCIL DISTRICT:** 5 (Chance) – (Projected)



### PROPOSAL:

The applicant is requesting annexation and rezoning of the subject property from HC (Highway Commercial – Bulloch County) to HOC (Highway Oriented Commercial) district in the City of Statesboro. The subject property is a 0.9 acre site located at the corner of Highway 67 and Burkhalter Road just south of the Aspen Heights Development and contiguous to the existing municipal limits (See **Exhibit A – Location Map**). The subject property is proposed to be annexed and zoned HOC (Highway Oriented Commercial) for a proposed convenience store use.

### BACKGROUND:

The subject site to be annexed and rezoned is an undeveloped lot containing a dilapidated church building located in the “Capital Cost Recovery Area” (CCR) identified in the Intergovernmental Agreement between the City of Statesboro and Bulloch County. The CCR allows the City of Statesboro to provide water and sewer infrastructure and indicates that Bulloch County will support future annexation subject to the Intergovernmental Agreement. The zoning proposed by the applicant as part of this annexation request reflects possible construction and utilization of the property as a convenience store.

### SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail) R4 (High Density Residential)	Aspen Heights – Under Development
SOUTH:	HC (Highway Commercial – Bulloch County)	Convenience Store and Mobile Home Park
EAST:	R4 (High Density Residential)	Aspen Heights – Under Development
WEST	HC (Highway Commercial – Bulloch County)	Single Family Homes and Undeveloped

The subject property's western, eastern, and southern property lines are surrounded by property that is zoned for commercial uses located in Bulloch County with actual uses ranging from single family homes to a convenience store. The abutting parcel to the north is split zoned for commercial and residential use and is currently under development by Aspen Heights as a high density residential development.

#### **COMPREHENSIVE PLAN:**

The subject site lies within the "Developing" character area as identified by the City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The "Developing" character areas are identified as being primarily residential, but are under pressure to grow in a suburban manner. Development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development.

Small to mid-size retail and commercial, office, single family, and multifamily residential are all appropriate land uses for properties within the Developing character areas. Some suggested development and implementation strategies for the area include the following:

- Large new developments should be master-planned to include mixed-uses wherever appropriate.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.
- There should be strong connectivity and continuity between each subdivision.

*Statesboro Comprehensive Plan, Community Agenda* pages 16-17.

The subject site also lies within the "Proposed Annexation" area as identified by the City of Statesboro Future Development Map. Other recommendations of the *Comprehensive Plan* have been considered in the analysis of this request.

#### **TRANSPORTATION:**

The subject property currently takes access from Burkhalter Road which is considered a rural major collector which is defined as a roadway which provides service to any county seat not on an arterial route and to the larger towns not directly served by the higher systems according to the Georgia Department of Transportation. Because this property is a corner lot fronting Burkhalter and Highway 67, the applicant may choose to design access from either roadway. Access requirements will be discussed at the permitting stage. Highway 67 is classified as an urban minor arterial street which provides service to trips to lower levels of traffic. In 2011, actual traffic counts suggest a traffic volume on the Burkhalter Road at an average of 4,370 vehicle trips per day both ways and a traffic volume of 15,160 trips per day both ways for Highway 67 in the year 2011.

A review of the *Bulloch County/Statesboro 2035 Long Range Transportation Plan (LRTP)* suggests no expected capacity deficiencies on Burkhalter Road. The *LRTP* also does not recommend any priority roadway improvements for Burkhalter Road with the exception of possible turning lanes on Burkhalter Road at the Cawana Road intersection.

Finally, O.C.G.A 36-36-7(c) indicates that a municipality annexing land assumes ownership and control of a County road right-of-way only where it annexes on both sides of the road – unless agreed otherwise by both jurisdictions. Unless City Council is otherwise inclined to negotiate with County officials, the segment of Burkhalter Road fronting the subject property will remain in County jurisdiction.

#### **COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):**

The subject property has access to City of Statesboro utilities. Other services such as sanitation and public safety services will be extended upon approval of this request.

#### **ENVIRONMENTAL:**

The subject property does not appear to be located within wetlands areas or special flood areas. Any potential issues will be addressed during standard permitting processes and reviews.

#### **ANALYSIS:**

The applicant is requesting to annex approximately a 0.9 acre site located on Burkhalter Road. Section 2207 of the *Statesboro Zoning Ordinance* states that new areas being annexed into the City shall be considered to be in the R40 (Single Family Residential) district unless otherwise classified; thus, the applicant is requesting to zone the subject property HOC (Highway Oriented Commercial). The applicant is currently proposing the construction and utilization of the property as a convenience store.

Ultimately, the request to annex the subject property as well as consideration of the proposed HOC (Highway Oriented Commercial) zoning designation should be considered in light of 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*. Both documents provide information that indicates that the applicant's

request to annex and zone the subject property at HOC (Highway Oriented Commercial) is consistent with the vision and land use policies adopted with the recognition that this area is a proposed annexation area located in the developing character area which encourages mixed uses.

The subject site is contiguous to the City of Statesboro and the proposed zoning district provides for commercial opportunities which complement developing uses adjacent to the subject property.

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the requested annexation and zoning map amendment requested by AN 12-12-06 with the following recommended condition:

- i. **Developer to install a purple pipe/reuse water irrigation system for connection to city reuse system (when available) to the specifications of the City of Statesboro Water/Wastewater.**

**PLANNING COMMISSION RECOMMENDATION:**

Planning Commissioner Nick Propps recused himself from considering this application. Planning Commission voted 5-0 to recommend approval of the annexation and zoning map amendment requested by AN 12-12-06 with the following staff recommended condition:

- i. **Developer to install a purple pipe/reuse water irrigation system for connection to city reuse system (when available) to the specifications of the City of Statesboro Water/Wastewater.**

EXHIBIT A: LOCATION MAP





**EXHIBIT B: PHOTOS OF THE SUBJECT SITE.**



**Figure 1: Subject Site from Highway 67**



**Figure 2: Convenience Store adjacent to the Subject Site.**



## City of Statesboro – Department of Community Development **DEVELOPMENT SERVICES REPORT**

P.O. Box 348  
Statesboro, Georgia 30458

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

### **AN 12-09-01 ANNEXATION REQUEST CAWANA ROAD**

**LOCATION:** Cawana Road

**REQUEST:** Annexation by the 100% method; and, zoning change of approx. 5 acres from HC (Highway Commercial – Bulloch County) District and approx. 60 acres from R40 (Single Family Residential – Bulloch County) District to R4 (High Density Residential) District.

**APPLICANT:** Valnoc, LLC

**OWNER(S):** CEB Enterprises, LLC

**LAND AREA:** 64.93 acres

**PARCEL TAX MAP #s:** 092000012000

**COUNCIL DISTRICT:** 5 (Chance) – (Projected)



#### **PROPOSAL:**

The applicant is requesting annexation and rezoning of the subject property from R40 (Bulloch County – Single Family Residential) and HC (Bulloch County – Highway Commercial) to R4 (High Density Residential) district in the City of Statesboro. The subject property is a portion of an 82.94 acre site located between Highway 67 and Cawana Road just north of the proposed Aspen Heights Development and contiguous to the existing municipal limits (See **Exhibit A – Location Map**). Consistent with the survey prepared for the annexation request, approximately 64.93 acres is proposed to be annexed and zoned R4 (High Density Residential). The remaining 18 ± acres contain a single family home and are proposed to remain in Bulloch County zoned R40 (Bulloch County – Single Family Residential).

#### **BACKGROUND:**

The portion of the subject site to be annexed and rezoned is an undeveloped lot located in the “Capital Cost Recovery Area” (CCR) identified in the Intergovernmental Agreement between the City of Statesboro and Bulloch County. The CCR allows the City of Statesboro to provide water and sewer infrastructure and indicates that Bulloch County will support future annexation subject to the Intergovernmental Agreement. The zoning proposed by the applicant as part of this annexation request reflects no imminent development plans for the approximate 64.93 acres.

**SURROUNDING LAND USES/ZONING:**

<b>ZONING:</b>		<b>LAND USE:</b>
<b>NORTH:</b>	R40 (Single Family Residential – Bulloch County) District CR (Commercial Retail) District	Undeveloped, Restaurant, Convenience Store, and Single Family Residential
<b>SOUTH:</b>	R4 (High Density Residential) District CR (Commercial Retail) District R40 (Single Family Residential – Bulloch County) District	Proposed Aspen Heights Residential Development and Undeveloped
<b>EAST:</b>	R40 (Single Family Residential – Bulloch County) District	Undeveloped
<b>WEST</b>	HC (Highway Commercial – Bulloch County) District CP (Conservation Preservation – Bulloch County) District	Commercial and Undeveloped

The subject property's northern, eastern, and southern property lines are surrounded by property that is mostly undeveloped and located in Bulloch County. The abutting parcel to the southwest is currently under development by Aspen Heights as a high density residential development. The properties just across Highway 67 to the west of the subject property range from undeveloped to residential and commercial uses.

**COMPREHENSIVE PLAN:**

The subject site lies within the "Developing" character area as identified by the City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The "Developing" character areas are identified as being primarily residential, but are under pressure to grow in a suburban manner. Development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development.

Small to mid-size retail and commercial, office, single family, and multifamily residential are all appropriate land uses for properties within the Developing character areas. Some suggested development and implementation strategies for the area include the following:

- Large new developments should be master-planned to include mixed-uses wherever appropriate.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.
- There should be strong connectivity and continuity between each subdivision.

*Statesboro Comprehensive Plan, Community Agenda* pages 16-17.

The subject site also lies within the "Proposed Annexation" area as identified by the City of Statesboro Future Development Map. Other recommendations of the *Comprehensive Plan* have been considered in the analysis of this request.

**TRANSPORTATION:**

The subject property's sole road frontage is Cawana Road. Cawana Road is considered an urban collector street which collects traffic from local streets and channels it into an arterial system according to the Georgia Department of Transportation. In 2011, actual traffic counts suggest a traffic volume on the adjacent Burkhalter Road just south of the subject property at an average of 4,370 vehicle trips per day both ways. A traffic count for Cawana Road was not recorded.

A review of the *Bulloch County/Statesboro 2035 Long Range Transportation Plan (LRTP)* suggests no expected capacity deficiencies on Cawana Road. The *LRTP* also does not recommend any priority roadway improvements for Cawana Road with the exception of possible turning lanes on the adjacent Burkhalter Road at the Cawana Road intersection.

The City of Statesboro Engineer recommends a condition of a road for public access and burden relief; therefore, staff recommends a condition of the dedication of an unimproved 80' wide strip of land running from the adjacent property line to the south (Aspen Heights) to Cawana Road as a right of way, to the City of Statesboro. The developer shall improve the 80' right of way upon development of each parcel or portion of each parcel and any improvements that might be required by the development of the property should be examined by the City of Statesboro upon submittal of development plans to City of Statesboro for permitting activity.

The applicant will develop a portion of the subject property to improve the unimproved portion of the road started by Aspen Heights to connect Highway 67 with Cawana Road. The proposed road will be dedicated to the City of Statesboro as a public road and will offer traffic calming solutions to the adjacent Burkhalter Road.

Finally, O.C.G.A 36-36-7(c) indicates that a municipality annexing land assumes ownership and control of a County road right-of-way only where it annexes on both sides of the road – unless agreed otherwise by both jurisdictions. Unless City Council is otherwise inclined to negotiate with County officials, the segment of Cawana Road fronting the subject property will remain in County jurisdiction.

#### **COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):**

This site has access to City of Statesboro utilities. Other services such as sanitation and public safety will be extended upon approval of this request.

#### **ENVIRONMENTAL:**

Some acreage in the northwest portion of the subject property appears to be located within wetland areas and special flood area. The wetlands are expected to have little impact on the development potential of the subject property. Any potential issues will be addressed during standard permitting process and reviews.

#### **ANALYSIS:**

The applicant is requesting to annex approximately 64.93 acres of an 82.94 acre site located on Cawana Road. Section 2207 of the *Statesboro Zoning Ordinance* states that new areas being annexed into the City shall be default zoned R40 (Single Family Residential) district unless otherwise requested; thus, the applicant is requesting an R4 (High Density Residential) zoning which allows “apartment houses or group of apartment houses which constitute a single operating or proprietary unit” up to 12 dwelling units per acre; duplexes; and single family residential homes as uses by right within the district. This request is not being made subject to a defined development request but allows marketing of the property as a receipt of city services. The request also provides for the natural growth of the municipal boundary to reflect a service area already serviced by City of Statesboro utilities.

Ultimately, the request to annex the subject property as well as consideration of the proposed R4 (High Density Residential) zoning designation should be considered in light of 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*. Staff review of both documents indicate that the applicant’s request to annex and zone the subject property at R4 (High Density Residential) is consistent with the vision and land use policies adopted as this area is included within a proposed annexation area as well as the developing character area which encourages mixed use including high density residential.

Developmental parameters and suggested implementation strategies of the *Comprehensive Plan* are provided for. For example, the *Plan* states that “new development [within the Developing character area] should strive to increase connectivity within developments, to existing streets, and to adjacent undeveloped properties.” Therefore, staff suggests the conditions listed in the staff recommendation. This project proposes that by connecting this development with the adjacent property to the south onto Highway 67 and allowing residents access to the facilities and other amenities provided on the adjacent property while offering traffic calming solutions for the adjacent Burkhalter Road.

The subject site is contiguous to the City of Statesboro and the proposed zoning district provides for potential residential densities which complement developing uses adjacent to the subject property. Increased density also allows for a more efficient use in the future of City water and sewer infrastructure which have been available to the subject property.

#### **STAFF RECOMMENDATION:**

Staff recommends **approval** of the requested annexation and zoning map amendment requested by AN 12-09-01 with the following recommended conditions:

- i. **Developer to install a purple pipe/reuse water irrigation system for connection to city reuse system (when available) to the specifications of the City of Statesboro Water/Wastewater Department.**
- ii. **The dedication of an unimproved 80’ wide strip of land running from the adjacent property line to the south (the property now or formerly being owned by Breckenridge Group – Aspen Heights) to Cawana Road as a right of way, to the City of Statesboro, for the express purpose of future right of way construction and improvements. All plats must show the dedicated right of way on the property. The routing and placement of said lane at the intersection of Cawana Road shall be subject to the approval of the City Engineer or his/her designee.**
- iii. **Developer shall improve the 80’ right of way upon development of each parcel or portion of each parcel to the point of service of each parcel. The right of way must be completed the entire depth of the property to City of Statesboro standards once 50% (as calculated by the City of Statesboro) or more of the property has been developed. Said improvements shall include, but**



not be limited to, road, curb, gutter, bike lanes, and sidewalks (generally 5'wide), and shall be constructed by the developer to City of Statesboro standards.

**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission voted 6-0 to recommend approval of the annexation and zoning map amendment requested by AN 12-09-01 with the following staff recommended conditions:

- i. **Developer to install a purple pipe/reuse water irrigation system for connection to city reuse system (when available) to the specifications of the City of Statesboro Water/Wastewater Department.**
- ii. **The dedication of an unimproved 80' wide strip of land running from the adjacent property line to the south (the property now or formerly being owned by Breckenridge Group – Aspen Heights) to Cawana Road as a right of way, to the City of Statesboro, for the express purpose of future right of way construction and improvements. All plats must show the dedicated right of way on the property. The routing and placement of said lane at the intersection of Cawana Road shall be subject to the approval of the City Engineer or his/her designee.**
- iii. **Developer shall improve the 80' right of way upon development of each parcel or portion of each parcel to the point of service of each parcel. The right of way must be completed the entire depth of the property to City of Statesboro standards once 50% (as calculated by the City of Statesboro) or more of the property has been developed. Said improvements shall include, but not be limited to, road, curb, gutter, bike lanes, and sidewalks (generally 5'wide), and shall be constructed by the developer to City of Statesboro standards.**

EXHIBIT A: LOCATION MAP



DEVELOPMENT SERVICES REPORT  
Case # AN 12-09-01  
Amended January 9, 2013

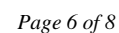




EXHIBIT C: PROPERTY SURVEY SHOWING THE 18.007 ACRE TRACT TO REMAIN IN COUNTY.

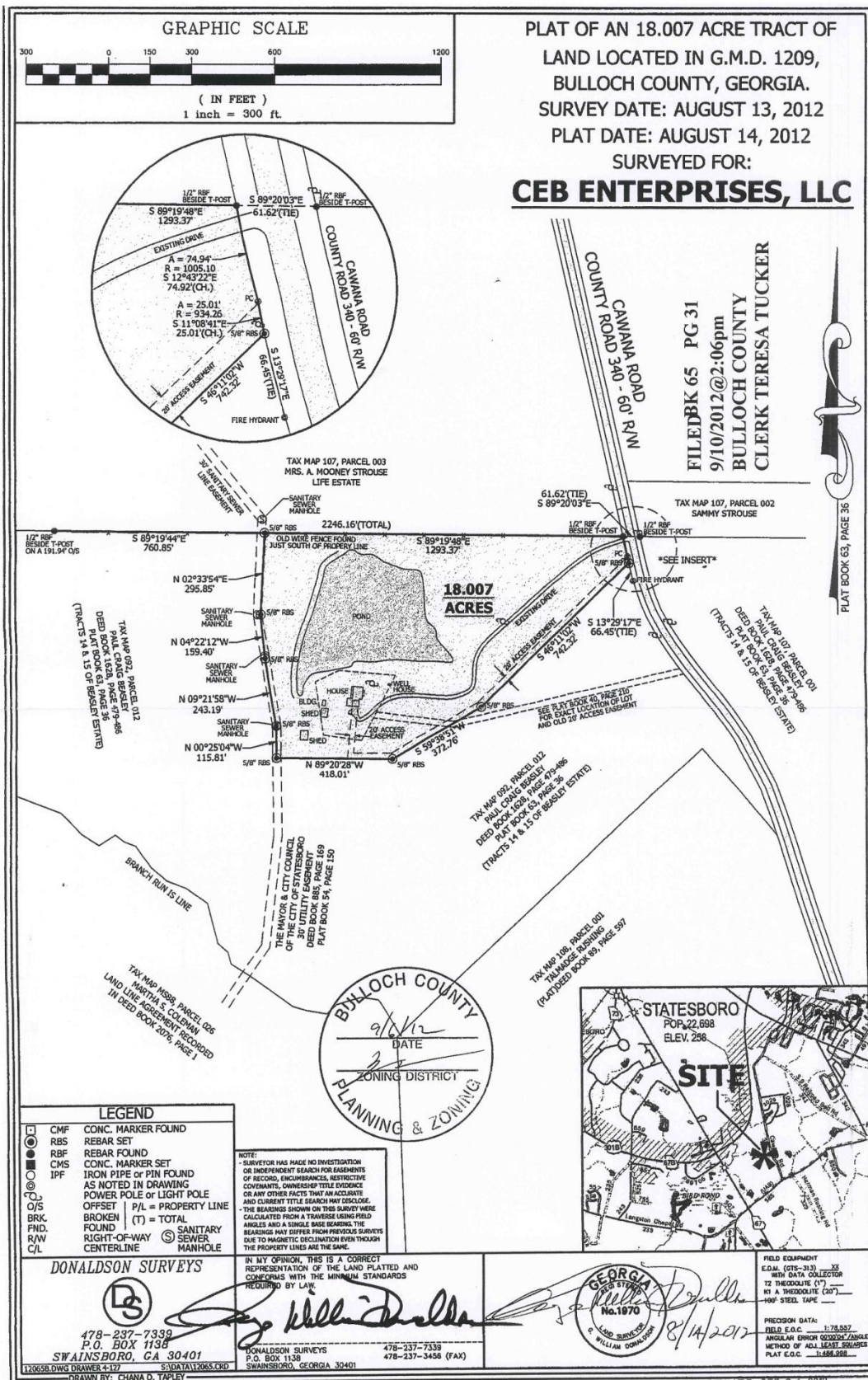




EXHIBIT D: AERIAL





# City of Statesboro – Department of Community Development DEVELOPMENT SERVICES REPORT

P.O. Box 348  
Statesboro, Georgia 30458

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

## SE 12-11-01 SPECIAL EXCEPTION REQUEST 302 JOHNSON STREET

**LOCATION:** 302 Johnson Street

**REQUEST:** Special Exception to allow a group home in a R4 (High Density Residential) district.

**APPLICANT:** Lance Holloway

**OWNER(S):** Lance & Lamar Holloway

**LAND AREA:** .39 acres

**PARCEL TAX MAP #s:** S11000089000

**COUNCIL DISTRICT:** 2 (Lewis)



### PROPOSAL:

The property owner requests a Special Exception to allow for the continued utilization of the property located at 302 Johnson Street as a group or personal care home. The subject site is zoned R4 (High Density Residential). The proposed use is not permitted in the R4 (High Density Residential) zoning district. (See **Exhibit A – Location Map**)

### BACKGROUND:

The .39 acre single lot contains a vacant building and has had multiple Special Exceptions granted for uses related to personal care homes. The first approval was granted in 1997, followed by an additional approval of a different applicant in 1999 with the final approval given in 2003 to Pineland Mental Health.

The use proposed in this application is beyond the scope of City Council's previous approvals in licensees/applicants. It should be noted that the purpose of this application is to consider whether the land uses and licenses proposed at the site may qualify this applicant for a zoning recommendation of approval at the site for the requested uses and licenses.

### SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R8 (Single Family Residential)	Single Family Homes
SOUTH:	R8 (Single Family Residential)	Single Family Homes
EAST:	R4 (High Density Residential)	Single Family Homes
WEST:	R4 (High Density Residential)	Government Housing

The subject property is located in a residential area with the property's boundaries surrounded by single family homes and the Statesboro Housing Authority to the north. (See **Exhibit B**)

## COMPREHENSIVE PLAN:

The subject site lies within the “Established” character area as identified by the City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The “Established” character areas are identified as being traditionally residential in nature. Some neighborhoods within this character area are facing decline and issues with blight. Extra efforts should be made to return them to viable neighborhoods.

Neighborhood-scaled retail and commercial, small-scale office, neighborhood services, and small-lot single family residential are all appropriate land uses for properties within the Established character area. Some suggested development and implementation strategies for the area include the following:

- Ensure that new development and land uses do not encroach upon or detract from the character of the recognized National Historic Districts within this area.
- Provide support for the creation of neighborhood associations and provide continued support for these organizations once established through the development of initiatives to address unique neighborhood issues/characteristics.
- Strengthen enforcement of code violations for private property, including property maintenance, parking, and structural conditions.
- Add crosswalks and pedestrian signals along busy streets, including Johnson Street.

*Statesboro Comprehensive Plan, Community Agenda pages 14-15.*

As illustrated in the *Comprehensive Plan*, small-scale retail and neighborhood services in this area is acceptable. Utilizing the subject site in a neighborhood services manner contributes to the goals set forth in the implementation strategies. Careful attention should be paid to maintaining the residential neighborhoods while reasonably addressing these and code violations in this area. Other recommendations of the *Comprehensive Plan* have been considered in the analysis of this request.

## COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

## ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard 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 .39 acre site is currently zoned R4 (High Density Residential) with one vacant building on the property. A Conditional Use Variance, currently referred to as Special Exception, was granted by the Statesboro Mayor and City Council in 1997, 2000, and 2003 each to a different applicant for the use of the property as a personal care or mental care home. The current property owner invested in this property with the assumption that the proposed use would be permissible for any future tenants due to the previous approvals. However, *Article XXIV* of the *Statesboro Zoning Ordinance* states that approval of a conditional use variance by the Mayor and Council does not constitute an approval for future expansions, additions, or changes to the initially approved operation. Therefore, the proposed change of business ownership necessitates additional approval by the Mayor and Council.

Special Exceptions allow for a land use that is inconsistent with uses permitted of right within a zoning district but which may be granted where requested uses may be deemed appropriate and compatible with the surrounding neighborhood. In this case, a personal care home is not a use permitted by right within the R4 (High Density Residential) zoning district; however, the *Statesboro Zoning Ordinance* lacks regulations providing guidance as to which zoning district this type of use is permissible in. Given past case history and the intent of the *Statesboro Zoning Ordinance*, staff believes the proposed use of a group or personal care home is restricted to retail related districts; therefore, this proposed use by this applicant necessitates approval by the Mayor and Council as for previous applicants.

**Section 2406 of the *Statesboro Zoning Ordinance* lists seven (7) factors that should be considered by Mayor and City Council “in determining compatibility” of the requested use with adjacent properties and the overall community as 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.**
- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**



- Traffic counts for the area and thereby relative to the subject site were 4,830 trips both ways for the year 2011. The proposed use is not being intensified from that which was approved in the past and should not cause an impact on vehicular traffic.
  - The *Statesboro Comprehensive Plan* encourages crosswalks and pedestrian signals particularly on Johnson Street. The subject site connects to a crosswalk that crosses Johnson Street to Statesboro Housing Authority.
- 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.**
- A previous applicant constructed an unpaved parking lot suitable for five (5) spaces and access as part of a condition of approval by Mayor and City Council.
  - The applicant has indicated that there will be four (4) residents. According to Article XVI of the *Statesboro Zoning Ordinance*, the applicant must have 1.4 parking spaces for every four (4) beds; therefore, this site has adequate parking.
- D. Public facilities and utilities are capable of adequately serving the proposed use.**
- Building Inspections by the Building Inspections Division (Building Official) have not been conducted but may be required in the permitting stage.
- E. The proposed use will not have significant adverse effect on the level of property values or the general character of the area.**
- This area is in need of positive development due to issues of blight and criminal activity. The proposed use is not expected to have an adverse effect on property values in the area; however, it is also important that we consider ways to enhance property values and control violations in this neighborhood.
- 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.**
- A proposed site plan or floor plan was not submitted as part of this application.
- G. Approval of a proposed use by the mayor and council does not constitute and [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.**
- The previously approved uses have since expired and the applicant has changed.

Additionally, § 2406 also requires consideration of the following factors given for standards for determination in a zoning change in “balancing the promotions of the public health, safety, morality [morals] and general welfare against the right of unrestricted use of property” given in § 2007 of the *Statesboro Zoning Ordinance*”:

1. Existing uses and zoning or [of] property nearby.
  - Surrounding properties range from single family residential to small scale retail.
2. The extent to which property values are diminished by the particular zoning restrictions.
3. The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public, as compared to the hardship imposed upon the property owner.
5. The suitability of the subject property for the zoned purposes.
6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
  - The subject site has remained empty when not being utilized in a manner similar to the request.
7. The extent the proposed change would impact population density in the area, community facilities, living conditions in the area, traffic patterns and congestion, environmental aspects, existing and future land use patterns, and property values in adjacent areas.

#### **STAFF RECOMMENDATION:**

Based on the factors of consideration for Special Exceptions given in Section 2406 of the *Statesboro Zoning Ordinance*, the *Statesboro Comprehensive Plan*, staff recommends approval of the Special Exception requested by this application with the following condition:

1. Special Exception for use as a personal care home is granted to property owners Lance and Lamar Holloway. Individual operators must obtain an Occupational Tax Certificate (Business License) and any other City of Statesboro required licensing and permitting with evidence of state licensing.

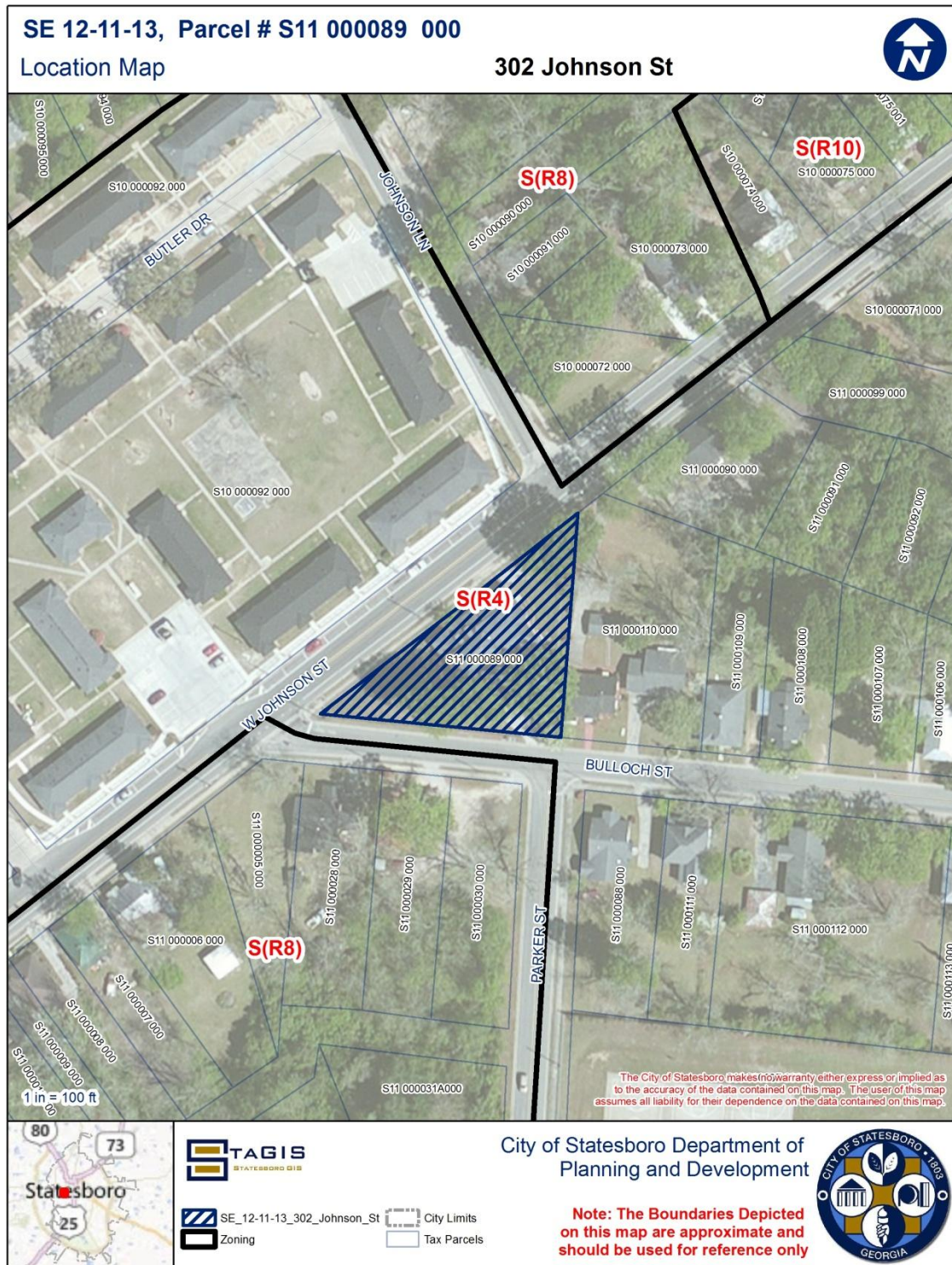


**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission voted 6-0 to recommend approval of the Special Exception requested by SE 12-11-01 with the following staff recommended condition:

1. Special Exception for use as a personal care home is granted to property owners Lance and Lamar Holloway. Individual operators must obtain an Occupational Tax Certificate (Business License) and any other City of Statesboro required licensing and permitting with evidence of state licensing.

# EXHIBIT A: LOCATION MAP





**EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.**



**Figure 1: The Subject Property from Johnson Street**



**Figure 2: Subject Site from Bulloch Street.**



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



**Figure 4: East Side of Building.**



**Figure 4: Statesboro Housing Authority across Johnson Street North of the Subject Site.**



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



**Figure 5: Properties to the East of the Subject Site.**



# 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 12-12-01 ZONING MAP AMENDMENT 701 GENTILLY ROAD

**LOCATION:** 701 Gentilly Road

**REQUEST:** Rezone from R15 (Single Family Residential) to CR (Commercial Retail)

**APPLICANT:** TI – Gentilly Gardens, LLC

**OWNER(S):** New Covenant Church

**LAND AREA:** Approximately .14 acres

**PARCEL TAX MAP #s:** MS73000003000

**COUNCIL DISTRICT:** 4 (Riggs)



### PROPOSAL:

The applicant is requesting rezoning of approximately .14 acres of an entire 9.86 acre lot located at 701 Gentilly Road from R15 (Single Family Residential) District to CR (Commercial Retail) in anticipation of subdividing the property for the sale and combination with the western adjacent property – Gentilly Gardens. (See **Exhibit A** – Location Map & **Exhibit B** – Sketch Plan)

### BACKGROUND:

The subject area of this request is adjacent to property on Gentilly Road that was recently rezoned from R15 (Single Family Residential) to CR (Commercial Retail) to rid the applicant of the burden of a Special Exception and allow a permissible use that is consistent with the current and future use as an assisted living facility for future expansion in case RZ 12-03-01. The applicant of the aforementioned case wishes to combine a portion of New Covenant Church's property with that of Gentilly Gardens' for development purposes necessitating a zoning map amendment.

### SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
<b>NORTH:</b>	R15 (Single Family Residential), R3 (Medium Density Residential)	Vacant, Duplexes
<b>SOUTH:</b>	R15 (Single Family Residential)	Single Family Homes
<b>EAST:</b>	R15 (Single Family Residential)	Church and Single Family Homes
<b>WEST</b>	CR (Commercial Retail)	Assisted Living Facility

The subject property is located in mixed use area with a church to the south east of the subject property, Gentilly Gardens to the west, undeveloped land and duplexes to the north, and single family to the south and extreme east. (See **Exhibit C**)

## **COMPREHENSIVE PLAN:**

The subject site lies within the "Developing" character area and adjacent to a proposed "Green Space" area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The Developing character area is primarily residential in nature, but is "under pressure to grow in a suburban manner." "These developing areas can be found at the periphery of the city, adjacent to existing suburban development and highway corridors." *Statesboro Comprehensive Plan, Community Agenda*, page 16.

Small to mid-size retail and commercial, offices, services, and multi-family residential are all appropriate land uses for properties within the Developing character area. Some suggested development and implementation strategies for the area include the following:

- Large new developments should be master planned to include mixed uses wherever appropriate.
- New developments should provide recreational facilities and open space to meet the needs of their residents.
- Promote walking and bicycling as an alternative means of transportation through the provision of safe, accessible and connected networks and bike storage facilities at destinations.
- There should be good vehicular and pedestrian/bike connections to retail/commercial services as well as internal street connectivity, connectivity to adjacent properties/subdivisions, and multiple site access points.
- Wherever possible, connect to the existing and proposed network of multiuse trails.

*Statesboro Comprehensive Plan, Community Agenda* pages 16-17.

As illustrated in the Comprehensive Plan, the use as an assisted living facility is appropriate for the subject area as it encourages mixed uses in the character area. The Plan also encourages vehicular connections to retail services. The City of Statesboro is currently preparing to construct a sidewalk along Gentilly Road which would connect pedestrians to the S&S Greenway Trail and Brannen Street, a commercial corridor. Other recommendations of the *Comprehensive Plan* have been considered in the analysis of this request.

## **COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):**

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

## **ENVIRONMENTAL:**

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

## **ANALYSIS:**

The entire 9.86 acre site is currently zoned R15 (Single Family Residential) and contains New Covenant Church. The applicant's request to rezone a portion (approximately .14 acres) of the property from R15 (Single Family Residential) to CR (Commercial Retail) would allow for subdivision and combination with the adjacent lot to the west to be developed with the proposed expansion of Gentilly Gardens which was recently rezoned to CR (Commercial Retail).

Staff recommends that Council consider the effect this request would have on split zoning which can be defined as two or more zoning designations on one piece of property. Split zoning can be viewed as a short-term solution but can easily turn into a long-term problem if, for example, the applicant does not follow through with subdivision and combination. In such instance, accurately mapping split-zoned properties can be difficult, causing potential liability issues. The current zoning ordinance does not provide guidance for split-zone requests nor does it prohibit the practice; therefore, staff must consider each request on a case by case basis.

While split zoning of parcels can be problematic and should ordinarily be used with caution, in this case, the applicant has submitted a subdivision/combination plat to be approved by the Mayor and Director of Planning and Development if this request is approved. Therefore, there are no indications that the combination with the adjacent property would not be successful; thereby, alleviating any concerns in this instance.

The request to rezone the subject property 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 CR (Commercial Retail) zoning district for residential 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;**
  - o Existing uses and zoning of nearby property range from commercial to single family residential homes.
- (2) **The extent to which property values are diminished by the particular zoning restrictions.**
- (3) **The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- (4) **The relative gain to the public, as compared to the hardship imposed upon the property owner.**
  - o The proposed combination of the property allows Gentilly Gardens to expand the facility appropriately to accommodate the growing needs of its members and the demand for new members.
- (5) **The suitability of the subject property for the zoned purposes.**
  - o The proposed land use meets the provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*.
  - o Upon combination, the property will meet lot sizes and other regulating standards of the *Statesboro Zoning Ordinance*.
- (6) **The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
  - o The entire parcel is utilized as a church. The portion of the lot to be rezoned is vacant.
  - o Allowing the applicant to rezone for subdivision/combination purposes will allow development of an underutilized wooded portion of property.
- (7) **The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
  - o Traffic counts for the immediate area (and thereby relative to the subject property’s proposed use) states that the total average annual daily trips reached approximately 12,650 trips both ways for the year 2011 which is a decrease of approximately 2,000 trips from 2010 but is not expected to increase significantly with the applicant’s request.
  - 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, 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 requested zoning map amendment is consistent with the policies articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan* and the anticipation of the City’s construction of a sidewalk along Gentilly Road.
  - o As illustrated on the sketch plan submittal, the subject property can be developed in conformance with the requirements for the proposed CR (Commercial Retail) zoning district when combined with the adjacent lot. The combined property will be sufficient in size and shape for proposed commercial use and will help Gentilly Gardens meet the setback and other standards of the CR (Commercial Retail) zoning districts as well as the parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*. If the subject property does not combine with the adjacent parcel after being rezoned, the provisions of the *Statesboro Zoning Ordinance* could not be met. The subdivided portion would be landlocked if combination is not successful.
  - o The remainder of the church property continues to meet regulatory standards of the *Statesboro Zoning 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 This request may pose an issue of split-zoning the property until subdivision and combination is completed. The *Statesboro Zoning Ordinance* does not offer any provisions or guidance in regards to split-zoning parcels. In this case, however, no negative impact on zoning is expected as result of this request since the applicant has already submitted a subdivision/combination plat for approval and recording pending approval of this request. (See **Exhibit B**)



**STAFF RECOMMENDATION:**

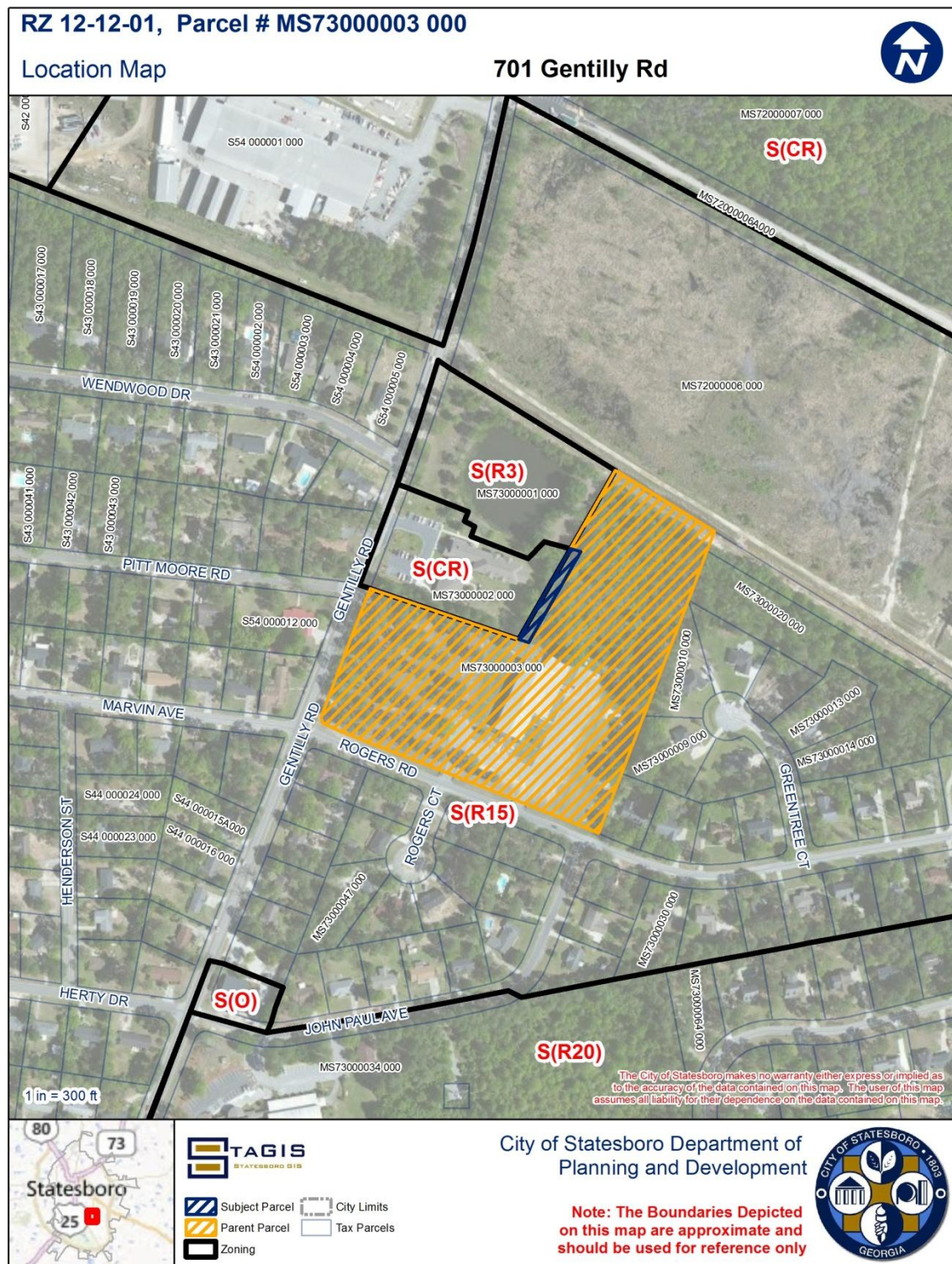
Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and the *Long Range Transportation Plan*, staff recommends approval of the zoning map amendment requested by application RZ 12-12-01.

**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission voted 6-0 to recommend approval of the zoning map amendment requested by RZ 12-12-01.

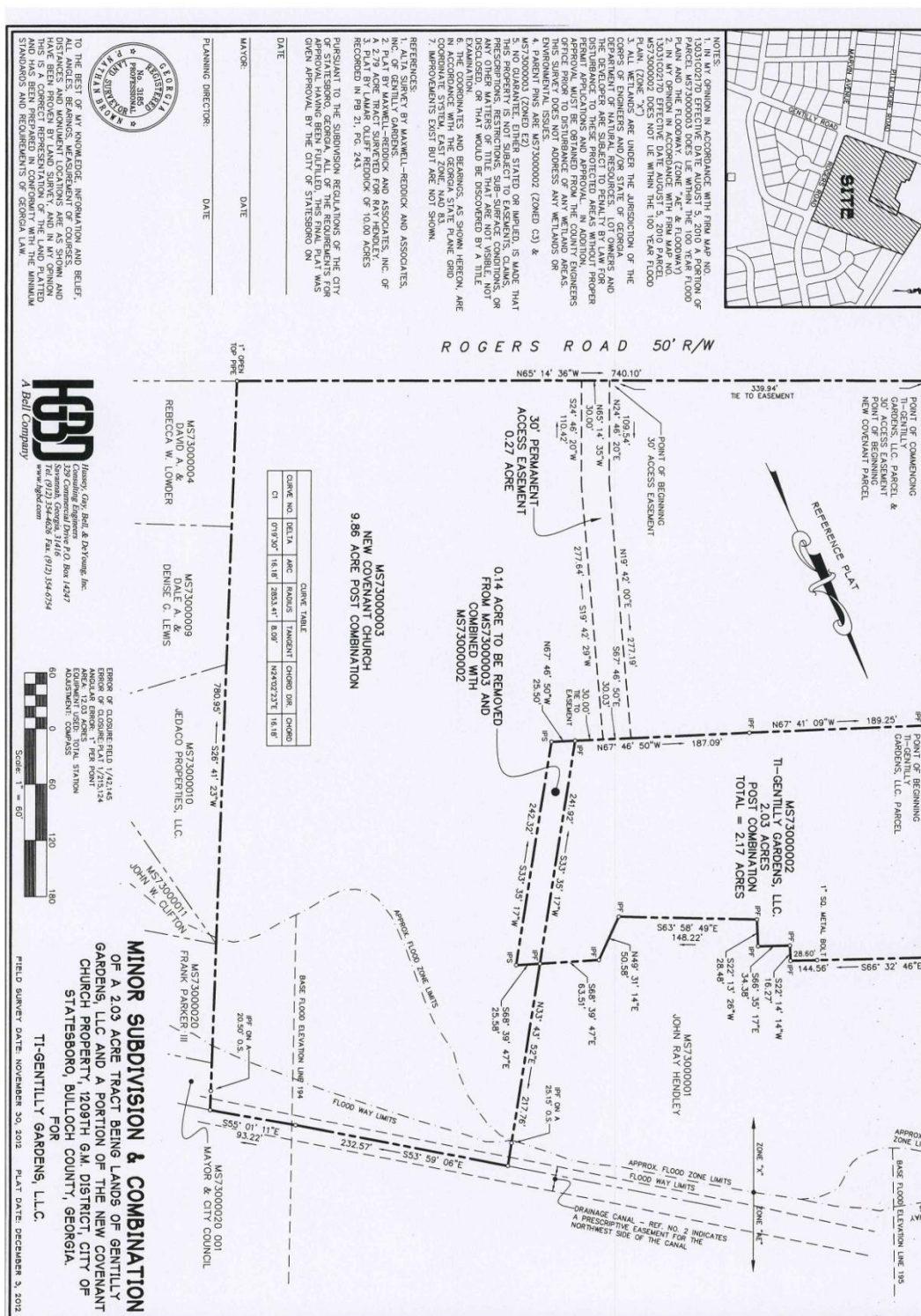
*(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual site plan (Exhibit B) submitted on behalf of the applicant for this request to be illustrative only. Approval of the application does not constitute approval of any final building or site plan).*

## EXHIBIT A: LOCATION MAP





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





**Figure 1: The wooded area of the subject property.**



**Figure 2: Gentilly Gardens (Rear Portion to be combined with Subject Site.)**  
**EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).**





**Figure 4: New Covenant Church.**



# City of Statesboro – Department of Community Development **DEVELOPMENT SERVICES REPORT**

P.O. Box 348  
Statesboro, Georgia 30458

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

## **AN 12-12-02, AN 12-12-03, & AN12-12-05 VETERANS MEMORIAL PARKWAY, HIGHWAY 67, & LANGSTON CHAPEL ANNEXATION REQUESTS**

**LOCATION:** Veterans Memorial Parkway, Highway 67, Langston Chapel Road

**REQUEST:** Annexation by the 100% method; and, zoning change to PUD (Planned Unit Development).

**APPLICANT:** City of Statesboro

**OWNER(S):** City of Statesboro

**LAND AREA:** 13.8 acres, 181.62 acres, & 92.65 acres

**PARCEL TAX MAP #s:** MS63000026015, MS75000021000, & 092000008001

**COUNCIL DISTRICT:** 3 (Britt) – (Projected)



### **PROPOSAL:**

The City of Statesboro staff recommends the annexation and rezoning of the following three (3) parcels owned by the City of Statesboro with a PUD (Planned Unit Development) zoning designation:

1. Parcel MS63000026015 (Veterans Memorial Parkway) is approximately 13.8 acres and contains easements and lift station for waste water reuse purposes. (See **Exhibit A**)
2. Parcel MS75000021000 (Highway 67) is an approximately 181.62 acre tract commonly known as “Birds Pond” and extends to Langston Chapel Road with a water station and drainage basin for utility purposes. (See **Exhibit B**)
3. Parcel 09000008001 (Langston Chapel Road) is approximately 95.65 acres which serves as an extension to the storm water drainage basin originating at Birds Pond. (See **Exhibit C**)

### **COMPREHENSIVE PLAN:**

Once annexed, all parcels are proposed to lie within the “Green Space” character area as identified by the City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. Parcels included within the “Green Space” character areas are environmental, sensitive areas, such as wetlands and floodplains, and are intended to be zoned for conservation purposes and/or environmentally sensitive in design and development.

Open space and multi-purpose paths/trails are appropriate land uses for properties within the “Green Space” character areas. Some suggested development and implementation strategies for the area include the following:

- Protect areas of natural beauty and resources (such as wetlands) from development; consider the use of conservation easements for increased protection in perpetuity.
- New development should be master-planned and carefully linked to surrounding developed areas through a network of streets.
- Incorporate passive recreation, such as multi-purpose trails, in green space areas to increase access to natural areas and increase transportation alternatives.

The green space area is identified as being the only significant wetland area within the city limits and usually lies within a floodplain. Whenever possible, the natural terrain, drainage, and vegetation of the area should be preserved. Since all of the proposed parcels contain wetlands and lie within flood plains, applying a PUD (Planned Unit Development) designation to the subject properties will allow the City to preserve the City owned natural terrain while maintaining a character area similar to its current character area in Bulloch County – Natural Open Space.

#### **ANALYSIS:**

Staff recommends the annexation of the following three (3) contiguous City of Statesboro owned and maintained parcels located outside of the current municipal limits. Each parcel should be considered separately:

1. **Parcel MS63000026015** (Veterans Memorial Parkway) contains a lift station for waste water reuse purposes. The subject property is approximately 13.8 acres and is currently zoned HC (Highway Commercial – Bulloch County). (See **Exhibit A**)
2. **Parcel MS75000032000** (Highway 67) is commonly known as “Birds Pond” and contains a storm water detention pond and waste water aerator utilized by the City of Statesboro’s Waste Water Department. The subject property is approximately 181.62 acres and is currently zoned CP (Conservation Preservation – Bulloch County) and HC (Highway Commercial – Bulloch County). (See **Exhibit B**)
3. **Parcel 092000008001** (Langston Chapel Road) is an approximately 92.65 acre site that serves as an extension to “Bird’s Pond” and is zoned R80 (Single Family Residential – Bulloch County). According to O.C.G.A Section 36-36-20 of the Georgia Annexation Law, a parcel is considered contiguous if at least one-eighth (1/8) of the aggregate external boundary or fifty (50) feet of the area to be annexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary if it were not otherwise separated from the municipal boundary by any street or right of way, any creek or river, or any right of way of a railroad. This property is contiguous in that it abuts Langston Chapel Road at 200’, which abuts Birds Pond (AN 12-12-03), also being considered for annexation. (See **Exhibit C**)

Section 2207 of the *Statesboro Zoning Ordinance* states that new areas being annexed into the City shall be considered to be in the R40 (Single Family Residential) district unless otherwise classified; thus, the City is requesting to rezone the subject properties to PUD (Planned Unit Development). The proposed PUD (Planned Unit Development) zoning designation allows the City the authority to review and prescribe any future development of the subject properties while maintaining the natural green space for preservation.

The *Statesboro Zoning Ordinance* does not incorporate an article devoted to conservation preservation or green space areas; therefore staff recommends that the PUD (Planned Unit Development) zoning designation be used until such time as a more appropriate zoning designation can be adopted by City Council.

#### **STAFF RECOMMENDATION:**

Staff recommends **approval** of the annexations with a “Green Space” character area and PUD (Planned Unit Development) zoning designation requested by the following applications:

1. **AN 12-12-02 (Veterans Memorial Parkway)**
2. **AN 12-12-03 (Highway 67 – Birds Pond)**
3. **AN 12-12-05 (Langston Chapel Road)**

Assuming approval of these annexations, staff will prepare the necessary updates to the City of Statesboro Comprehensive Plan; future land use map; City boundary maps; as well as submit the annexation to the U.S. Department of Justice for pre-clearance pursuant to the Voting Rights Act. All of which will be brought for Council consideration at the next meeting.

#### **PLANNING COMMISSION RECOMMENDATION:**

Planning Commission voted 6-0 to recommend approval of the following annexations:

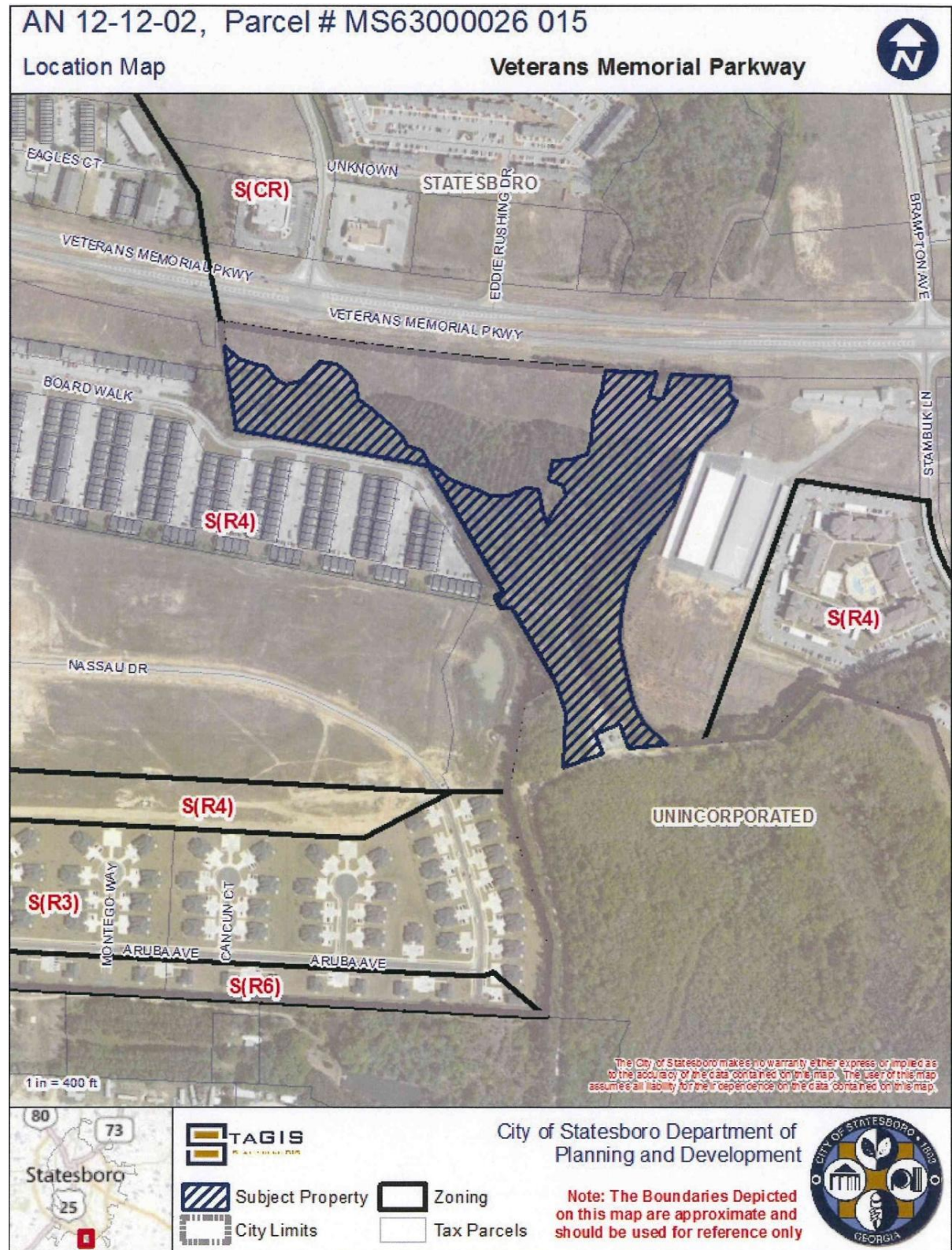
1. **AN 12-12-02 (Veterans Memorial Parkway)**
2. **AN 12-12-03 (Highway 67 – Birds Pond)**
3. **AN 12-12-05 (Langston Chapel Road)**

Assuming approval of these annexations, staff will prepare the necessary updates to the City of Statesboro Comprehensive Plan; future land use map; City boundary maps; as well as submit the annexation to the U.S. Department of Justice for pre-clearance pursuant to the Voting Rights Act. All of which will be brought for Council consideration at the next meeting.



**EXHIBIT A: AN 12-12-02 - PARCEL MS63000026015 VETERANS MEMORIAL PARKWAY**

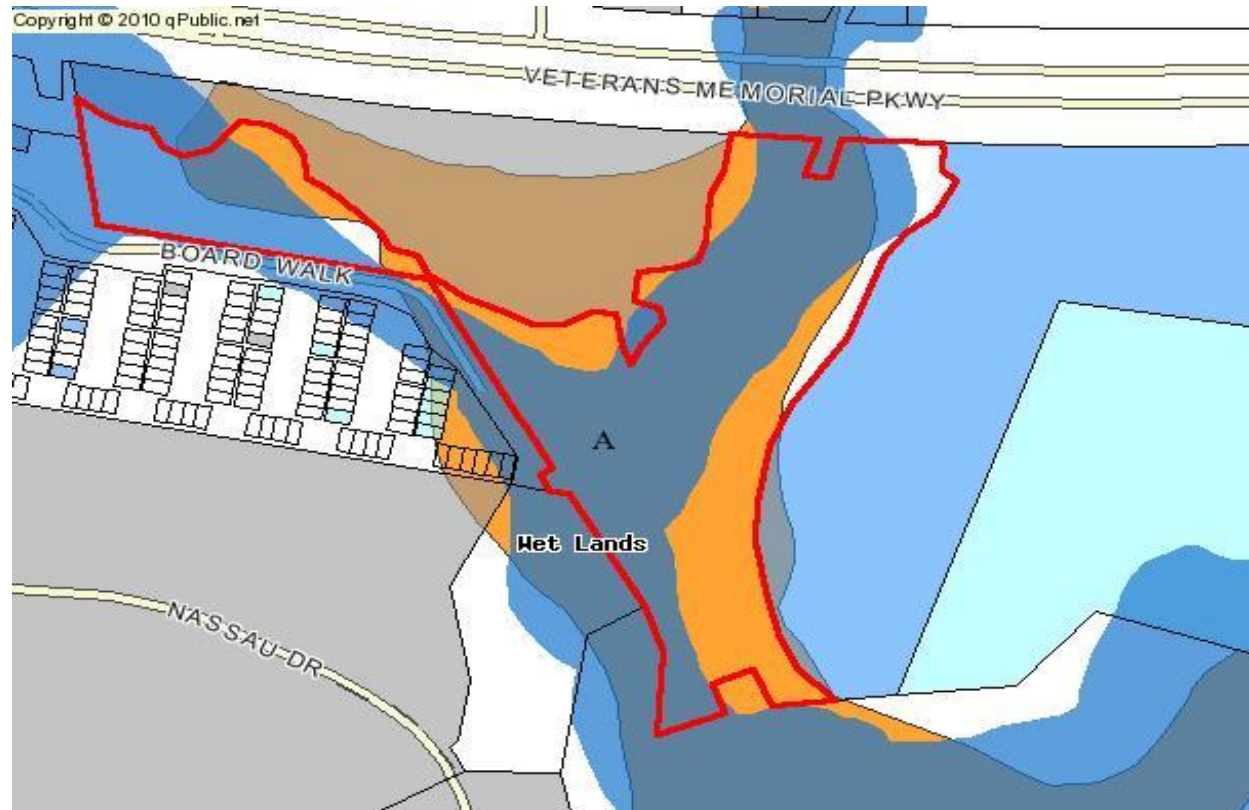
**AN 12-12-02, Parcel # MS63000026 015**



**Figure 1: Location Map.**



**EXHIBIT A: AN 12-12-02 - PARCEL MS63000026015 VETERANS MEMORIAL PARKWAY  
CONTINUED.**



**Figure 2: Wetland & Floodplain Map.**



**Figure 3: City of Statesboro Lift Station with Purple Pipes.**



**EXHIBIT A: AN 12-12-02 - PARCEL MS63000026015 VETERANS MEMORIAL PARKWAY  
CONTINUED.**



**Figure 4: City of Statesboro Lift Station.**



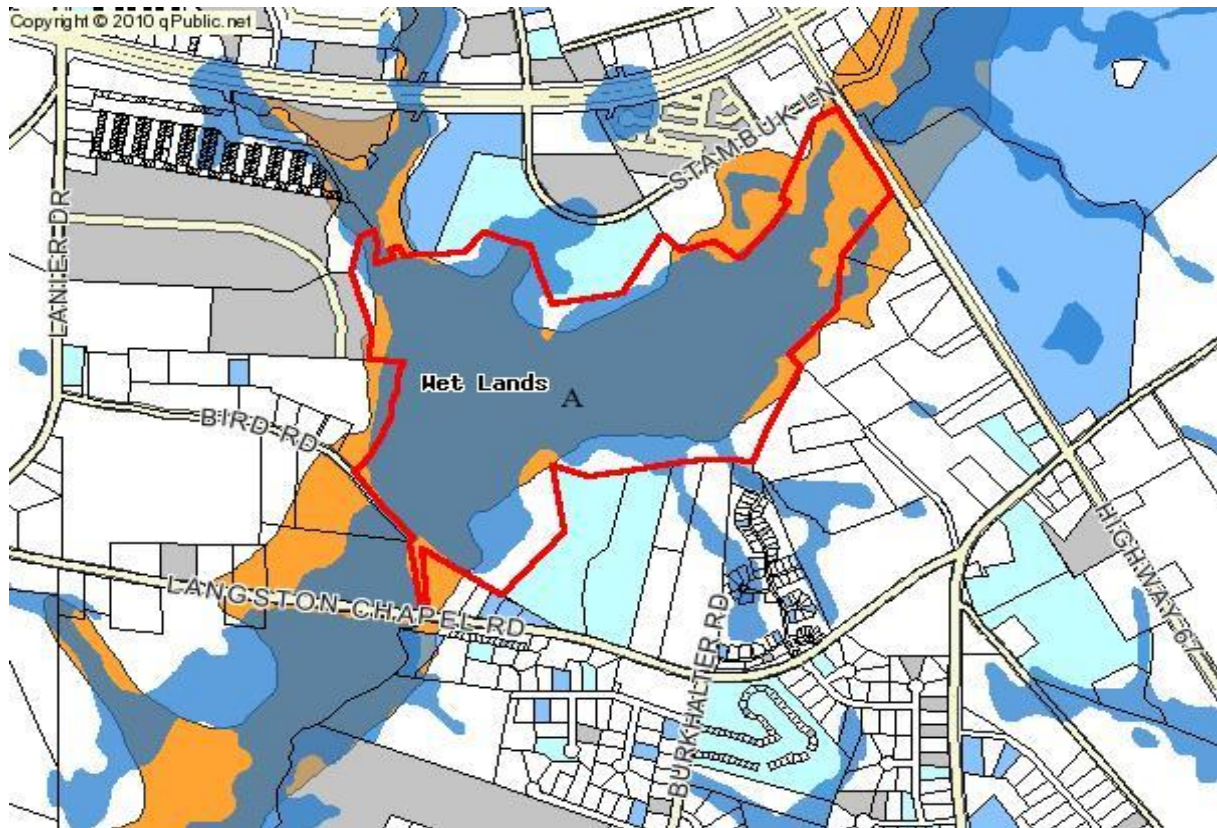
**Figure 5: Subject Property – “The Islands” to the West.**







**EXHIBIT B: AN 12-12-03 - PARCEL MS75000021000 HIGHWAY 67 - "BIRDS POND" CONTINUED.**



**Figure 2: Wetland and Floodplain Map.**



**Figure 3: Entrance from Bird Road.**



**EXHIBIT B: AN 12-12-03 - PARCEL MS75000021000 HIGHWAY 67 - “BIRDS POND”  
CONTINUED.**



**Figure 4: Storm Water Detention.**



**Figure 5: Waste Water Aerator.**

**EXHIBIT B: AN 12-12-03 - PARCEL MS75000021000 HIGHWAY 67 - “BIRDS POND”  
CONTINUED.**



**Figure 6: Storm Water Detention Pond.**

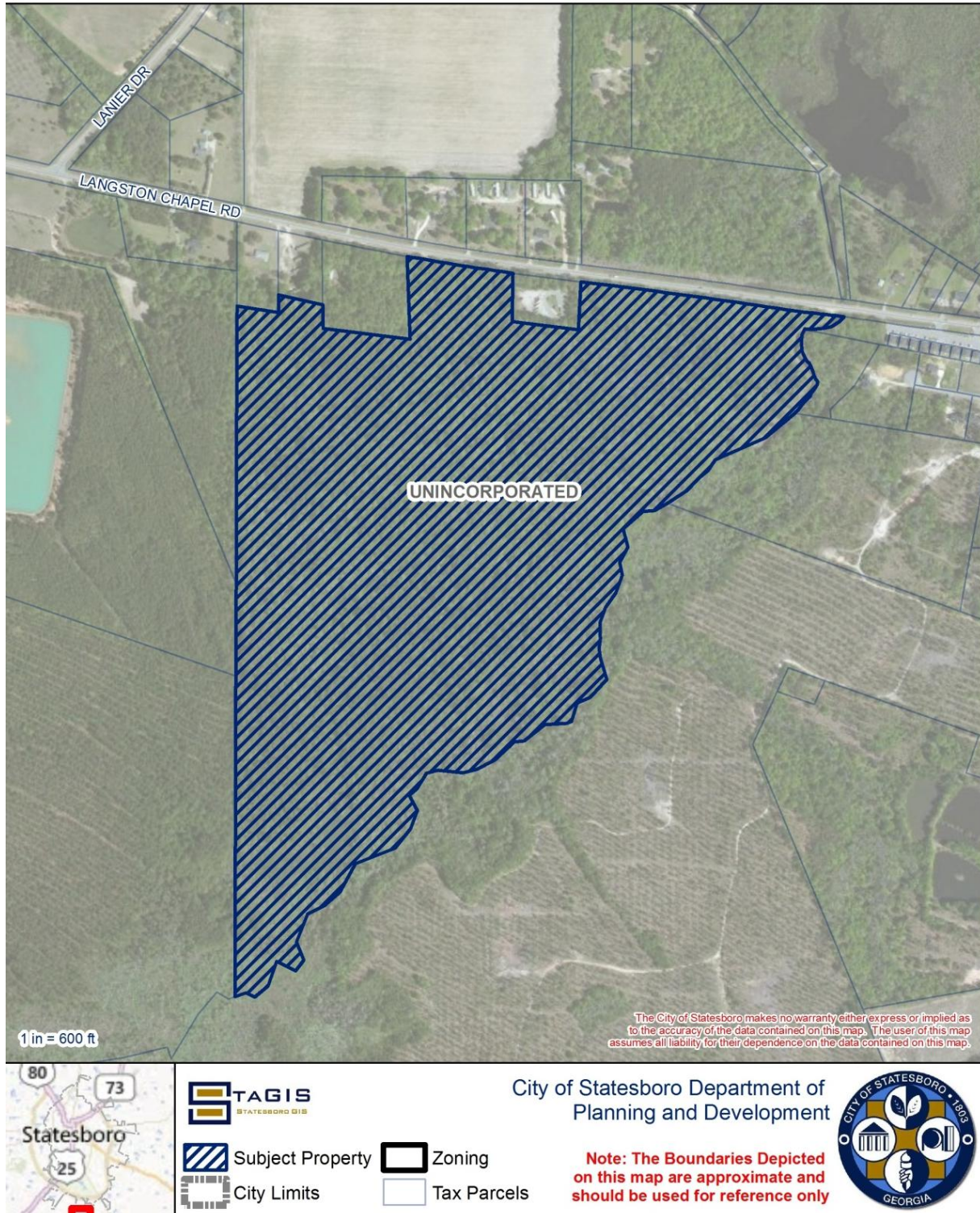


**EXHIBIT C: AN 12-12-05 PARCEL 092000008001 – LANGSTON CHAPEL ROAD**

AN 12-12-05, Parcel # 092 000008 001

Location Map

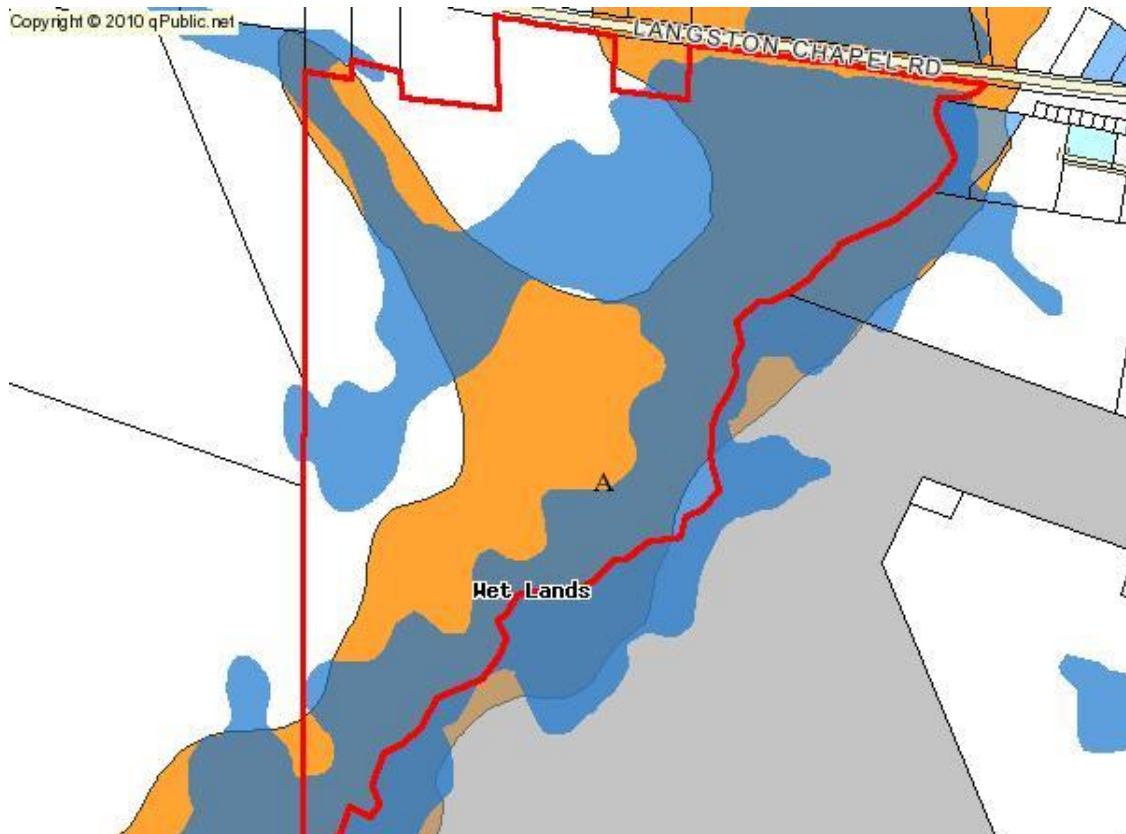
Langston Chapel Rd



**Figure 1: Location Map.**



**EXHIBIT C: AN 12-12-05 PARCEL 092000008001 – LANGSTON CHAPEL ROAD  
CONTINUED.**



**Figure 2: Wetland and Flood Plain Map.**



**Figure 3: Water Crossing under Langston Chapel from Birds Pond.**

**EXHIBIT C: AN 12-12-05 PARCEL 092000008001 – LANGSTON CHAPEL ROAD  
CONTINUED.**



**Figure 4: Storm Water Basin.**



## MEMORANDUM

To: Frank Parker, City Manager

From: Robert Cheshire, PE, City Engineer  
David Hendrix, Assistant City Engineer

Re: Variance from Flood Damage Prevention Ordinance Requirements  
Village at Midtown

Date: January 8, 2013

On behalf of Ray Hendley for his project known as the Village at Midtown, Joey Maxwell requests a variance from the compensatory grading requirement of the City's Flood Damage Prevention Ordinance. The Ordinance requires that no additional fill material be added to project within the floodplain unless, at a minimum, equal amounts of existing material are removed from the project. This is known as compensatory grading. Existing subsurface deleterious materials at the project site make it unfeasible to balance cut and fill in an effort to meet the compensatory grading requirements.

Further, Joey's firm, Maxwell-Reddick and Associates, studied the floodplain upstream and downstream. The firm found that, in their opinion, the floodplain boundaries are incorrect and do not encompass the project boundaries. Maxwell-Reddick has requested a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA) which will officially re-delineate the floodplain boundaries out of the project area. This also means the requirements of the Flood Damage Prevention Ordinance would no longer apply to this project. Based on the data provided by Maxwell-Reddick, we are confident that FEMA will approve the LOMA; however, that may take several months. Such a delay would postpone the project for at least one year. City Council approving this variance will allow the Engineering Department to legally issue a building permit for this project while the developer awaits FEMA's approval of the LOMA. If for some unforeseen reason FEMA denies the LOMA, the developer has agreed to enlarge the proposed detention basin to comply with the compensatory grading requirement.

The Engineering Department recommends the approval of this variance with the condition that the developer shall enlarge the proposed detention pond to provide compensatory grading should FEMA deny the LOMA. If you have any questions or concerns, please do not hesitate to contact one of us.

Attachments: Request for Variance Letter from Joey Maxwell  
Supporting Exhibits





January 7, 2013

David Hendrix  
Assistant City Engineer  
City of Statesboro  
P.O. Box 348  
Statesboro, GA 30459

RE: VILLAGE AT MIDTOWN  
SOUTH COLLEGE STREET  
STATESBORO, GA

Dear Mr. Hendrix,

Maxwell-Reddick and Associates, Inc. respectfully requests a variance of the compensatory grading requirement of the City of Statesboro's Flood Damage Prevention Ordinance for the above referenced site located along South College Street. According to Flood Insurance Rate Map Number 13031C0216D, effective date August 5, 2010, the subject property is located in flood zone AE, which is that area located within the limits of the 100 year flood and has a base flood elevation established (see the attached FIRM map). For this property, the base flood elevation established is 206.00 near South College Street and 205.00 near U.S. Highway 301. The majority of the property is located at or above elevation 207.00, with exception of the drainage ditches located on the site (see the attached topographical map).

Maxwell-Reddick and Associates, Inc. has performed a flood study on the subject property and has produced a HECRAS model of the drainage canal to calculate the base flood elevation based on the actual topography of the property. The results of this study show the flood elevation is actually 206.40, which is 0.4' above the current base flood elevation, but still lower than the elevation of the property. The developer, Hendley Properties, LLC, is currently seeking a Letter of Map Amendment (LOMA) from FEMA to correctly locate the limits of the flood plain along the 206.40 elevation on the property. This LOMA would remove the proposed development from the flood plain and would eliminate the need to provide any compensatory grading, elevation certificates, or flood insurance. However, obtaining the LOMA from FEMA does take considerable time, and, if the developer is required to halt construction until after the LOMA is obtained, then the project would be delayed at least one year.

Over the years, a portion of this site has been filled with deleterious materials. Due to the existing subsurface conditions of the site, it is not feasible to lower the grade of the site to meet the compensatory grading requirement of the City's ordinance without causing the

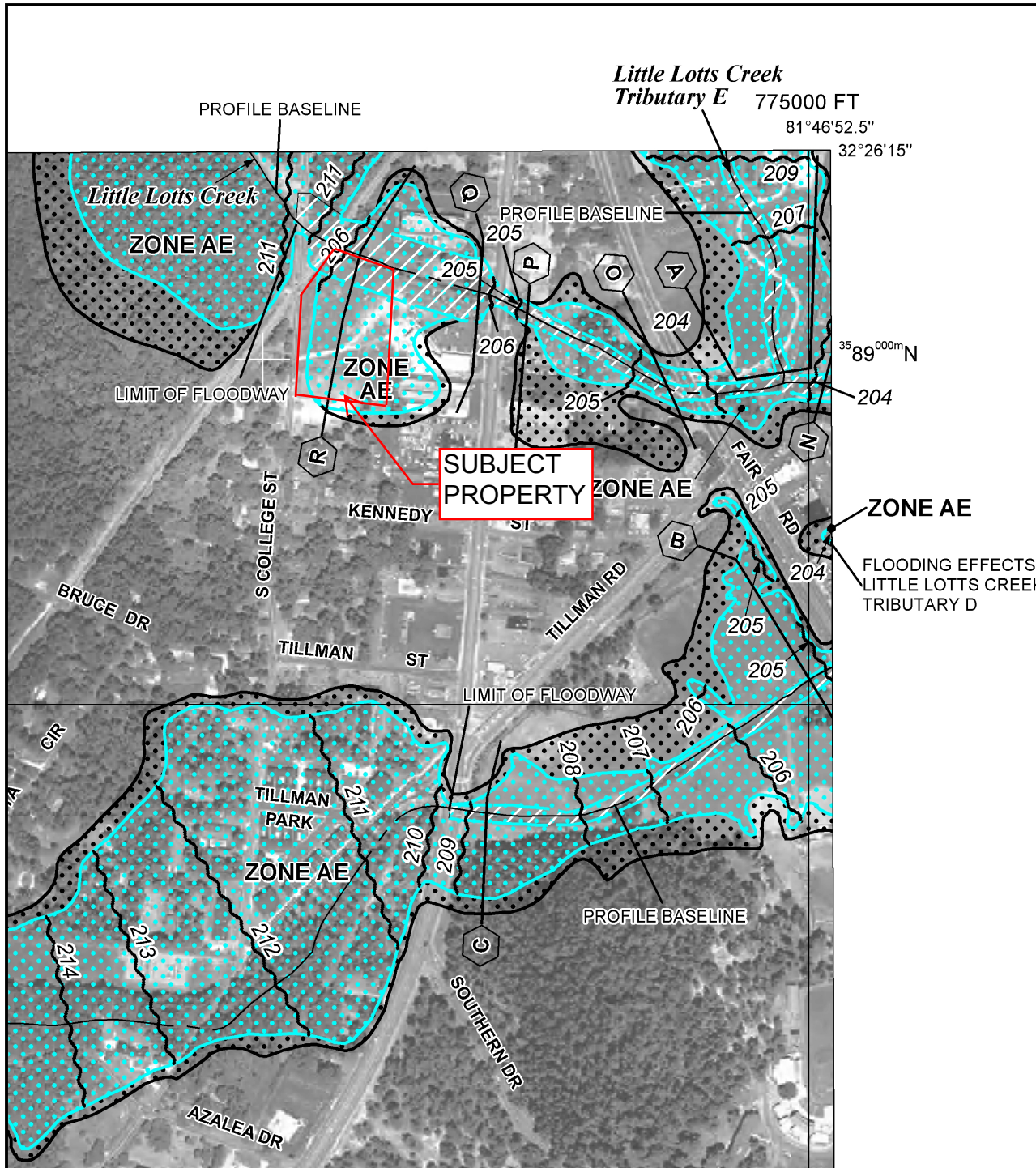
developer to incur expenses for undercutting this material and replacing it with suitable material. Such expense would exceed the budget for this development and would render the project financially infeasible. To avoid this issue, the development will be built above the existing grade in order to eliminate the need for any undercutting.

Should FEMA deny the developer's request for a LOMA, then the proposed detention pond and existing ditches on the site will be expanded and deepened in order to provide the required compensatory grading. Also, the finished floor elevations of the buildings would be set a minimum of 1' above the current base flood elevation to meet the City's ordinance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Maxwell', with a stylized flourish at the end.

Charles J. Maxwell, P.E.







ENGINEERING &  
LAND SURVEYING

1203 BRAMPTON AVE.,  
P.O. BOX 1896  
STATESBORO, GA 30459  
(912) 489-7112 OFFICE  
(912) 489-7125 FAX

**GENERAL NOTICE:** CONTRACTORS, SUBCONTRACTORS, VENDORS AND SUPPLIERS ARE ADVISED THAT THE CONTRACT DOCUMENTS CONSIST OF ENGINEER PRINTED, BOUND AND NUMBERED SPECIFICATIONS, ARCHITECT/ENGINEER PRINTED, BOUND AND NUMBERED BLUE OR BLACK LINE PRINTS, ADDENDA, POST ADDENDA, AND CHANGE ORDERS ONLY. DOCUMENTS REPRODUCED BY PARTIES OTHER THAN THE ENGINEER, WHETHER IN HARD COPY OR ELECTRONIC FORMAT, SHALL NOT BE CONSIDERED PART OF THE CONTRACT DOCUMENTS AND DO NOT SUPERSEDE THE PROVISIONS OF THE CONTRACT DOCUMENTS. THE CONTRACTOR, SUBCONTRACTOR, VENDORS AND SUPPLIERS ARE SOLELY RESPONSIBLE FOR VERIFICATION THAT INFORMATION UTILIZED IN BIDDING DEVELOPMENT OF SHOP DRAWINGS, AND CONSTRUCTION OF THE FACILITY ARE IDENTICAL TO THE CONTRACT DOCUMENTS. COPYRIGHT © 2012 BY MAXWELL-REDDICK AND ASSOCIATES ALL RIGHTS RESERVE.

RAY HENDLEY  
SOUTH COLLEGE STREET  
STATESBORO, GA  
EXISTING FLOOD PLAIN

DESIGNED: JVM  
DRAWN BY: THR  
CHECKED: CJM

DATE: JAN. 08, 2013

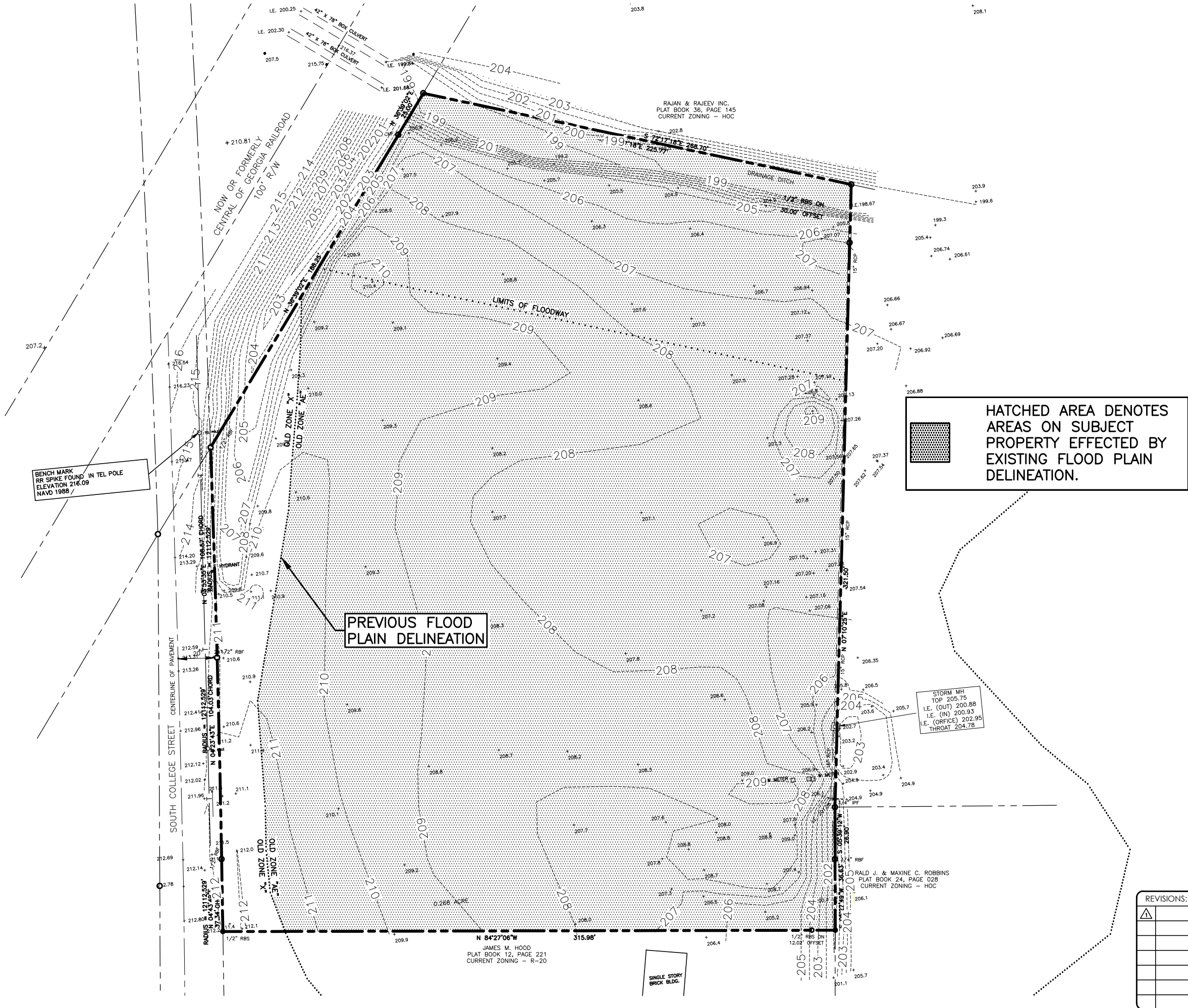
JOB NO.: 2012-037

SCALE: AS SHOWN

DRAWING NUMBER

1.0

1 OF 2 SHEETS





ENGINEERING &  
LAND SURVEYING

1203 BRAMPTON AVE.,  
P.O. BOX 1896  
STATESBORO, GA 30459  
(912) 489-7112 OFFICE  
(912) 489-7125 FAX

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RAY HENDLEY  
SOUTH COLLEGE STREE  
STATESBORO, GA

PROPOSED FLOOD PLAIN

DESIGNED: JVM  
DRAWN BY: THR  
CHECKED: CJM

DATE: JAN. 08, 2013

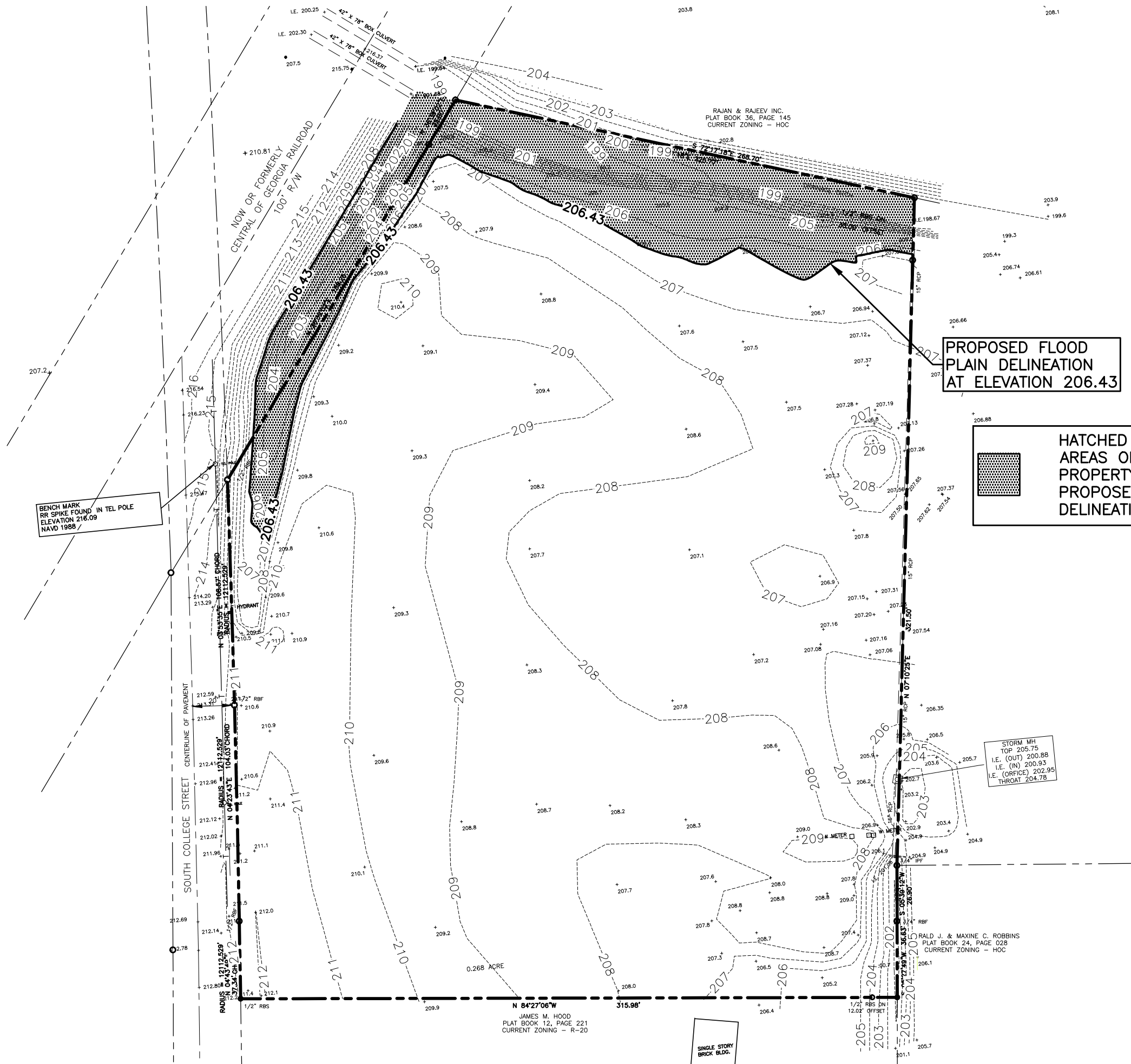
JOB NO.: 2012-037

SCALE: AS SHOWN

DRAWING NUMBER

2.0

2 OF 2 SHEETS



# Memo



**TO: Frank Parker, City Manager**

**FROM: Darren Prather, Purchasing Director**

**DATE: 1-14-2012**

**Re: Recommendation/Copiers and Maintenance Program**

---

The City of Statesboro's current copier/maintenance contract is set to expire in approximately seven months. Recently, the Bulloch County Board of Education conducted a request for proposals for these services. Although we have extremely good pricing, the contract held by the Board of Education is even more advantageous due to the volume of copiers they utilize which is in excess of one hundred (100) units. It is due to this volume that the City of Statesboro would benefit from "piggy-backing" this contract. We can obtain this volume pricing and apply it to our fourteen (14) copier total thereby saving hundreds of dollars per a month. In addition to receiving even better pricing, all of our current machines will be upgraded as to their options and page per minute capabilities. This contract will be for a five year (5) period and the only difference being that, by state law, the Board of Education can opt out for any reason and the City will be able to opt out due to funding shortages only. All pricing for equipment is based on a fifty percent (50%) off manufacturer's suggested retail pricing and the maintenance portion is listed on the following page. Please see a copy of the contract with the Board of Education contained in the following pages. Obviously, their totals are higher on the Board of Education's contract due to their high number of copiers, but our contract would contain the same percentage discounts and maintenance costs per page. Maintenance includes service and toner to be supplied.

Due to the fact that the City of Statesboro will receive an even better contractual price than our current contract and the service currently provided by Digital Office Equipment has been superior, I recommend the City of Statesboro award a copier service and maintenance contract to Digital Office Equipment for a sixty (60) month period. If approved, Digital Office will pay off our current contract with the third-party lease company and finance the new contract in-house as they currently do for the Board of Education. This contract, if approved, will mirror the contract with the Bulloch County Board of Education. The City of Statesboro is permitted to "piggy-back" other governmental contracts per our Cooperative Purchases Ordinance (Section 2.2.7). In addition, this is a local business and has provided excellent service on many projects performed by our IT Department.



### Current Copy Machine Contract

<u>No. of Units</u>	<u>Cost per Month</u>	<u>Maint. Qtr/Mth</u>	<u>Total per Month</u>
14	\$2,026.33	\$1,159.99 /\$386.66	\$2,412.99

Note: The maintenance is based on 210,000 copies per quarter and color at \$.0699 per copy

### New Contract to be "piggy-backed" from the Bulloch County Board of Ed.

14	\$1,851.12	\$1,005.90 /\$335.30	\$2,186.42
----	------------	----------------------	------------

Note: The maintenance amounts above are projected on our current usage in order to  
If the usage increases our savings will increase as the new rates per copy are low  
Color copies are in addition to the totals above, but since the color rate is lower  
that cost will decrease as well.

The new copiers will have higher per minute speeds and have increased features  
These new copiers will eliminate several fax machines and fax lines we currently  
All pricing will be based on the contract with the Bulloch County Board of Ed.  
These numbers may vary due to options both added and deleted.

/

compare the new rates.  
er.  
with this new contract,  
; than our current ones.  
use.

### Copier Contract Agreement

This contract shall be between Digital Office Equipment located at 611-C Northside Drive West, Statesboro, Georgia and Bulloch County Board of Education located at 150 Williams Road, Statesboro, Georgia 30458.

This contract is for the period from November 1<sup>st</sup>, 2012 through October 31<sup>st</sup>, 2013 with automatic annual renewal option for up to 60 months. This contract shall be in compliance with O.C.G.A. Sec: 20-2-506 of the Georgia Law.

This contract shall terminate absolutely and without further obligation on the part of the School System at the close of the then current fiscal year in which it was executed and at the close of each succeeding fiscal year for which it may be renewed as provided in the Georgia Code. This Contract shall automatically renew unless positive action is taken by the school system to terminate the Contract. The parties agree that the Contract shall automatically renew for an additional twelve-month term, for the number of successive twelve-month terms and potential renewal terms specified in the Contract unless Bulloch County Board of Education takes the following action to terminate the Contract. To terminate Contract, Bulloch County Board of Education, shall provide written notification to Digital Office Equipment of its desire to terminate the Contract at least sixty (60) days prior to the end of the then fiscal year. This Contract adheres to the RFP of Copier Services submitted by Bulloch County Board of Education and the Bid submitted by Digital Office Equipment.

The monthly cost for the Copier Contract is \$8,350.57 with a cost per copy to be read monthly. Contract includes all parts, labor, and supplies with the exception of paper for all copies and prints. Please see Attachment A for a list of the equipment.

The parties agree that the estimated obligation of Bulloch County Board of Education for each succeeding year according to the Contract is as follows:

Fiscal Year: <u>2012 -2013</u>	Amount: <u>\$66,804.56</u>
Fiscal Year: <u>2013 - 2014</u>	Amount: <u>\$100,206.84</u>
Fiscal Year: <u>2014 - 2015</u>	Amount: <u>\$100,206.84</u>
Fiscal Year: <u>2015 - 2016</u>	Amount: <u>\$100,206.84</u>
Fiscal Year: <u>2016 - 2017</u>	Amount: <u>\$100,206.84</u>
Fiscal Year: <u>2017 - 2018</u>	Amount: <u>\$33,402.28</u>

Digital Office Equipment

By: John H. Blackmon

Title: Pres

Accepted this date: 9/19/12

Bulloch County Board of Education

By: [Signature]

Title: Superintendent

Accepted this date: \_\_\_\_\_



## Contract Agreement


This contract agreement for copiers, service, and supplies, is by and Between Bulloch County Board of Education and Digital Office Equipment Co. Inc. This Contract for Digital Copiers, Service, and Supplies shall cover the initial contract period and all contract extensions between the periods of November 1<sup>st</sup> 2012 through October 30<sup>th</sup> 2017.

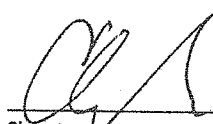
The static lease rate for Digital Copier equipment included in **Attachment A** shall be paid monthly for the term of the contract. The foresaid static lease rate for Digital Copiers is \$8,350.57 per month. The service and supply estimate based upon copy volumes for school year 20011/20012, will be \$5,948.01 per month. This figure is based on .00399 for 65 and 80 copies per minute machines; .00479 for 35, 45 and 55 copies per minute machines; .00659 for Black usage on the color copier; and .00599 for desktop machine. Color Copies will be billed at .06599. The total estimated cost per month to the Bulloch County Board of Education is \$14,298.58 per month.

This contract shall adhere to the official code of Georgia section 20-2-506 and section 36-60-13 relating to Education Contract/Leases.

Digital Office Equipment  
611-C Northside Drive W  
Statesboro, GA. 30458

Bulloch County Board of Education  
150 Williams Road Suite A  
Statesboro, GA. 30458

  
\_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Debbie Blackmon  
President

  
\_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Charles Wilson  
Superintendent

## **Resolution 2013-02**

### **Resolution Calling for Revision of Hotel/Motel Tax Law**

**WHEREAS**, the City of Statesboro, Georgia levies an excise tax of 5% upon the value of the rentals of public lodgings pursuant to O.C.G.A. § 48-13-51 (a) (3); and

**WHEREAS**, the Mayor and Council have determined that additional funding is needed to promote and market the City of Statesboro and tourism development; specifically, the City has determined that funding needed enhancements of the planned Shooting Sports Education Center to be constructed on the campus of Georgia Southern University will generate substantial tourism and thereby increase revenues in our local hotel, dining establishments and other businesses;

**WHEREAS**, additional funds for such purposes could be realized by increasing the excise tax rate charged for public lodgings within the City to 6%, and providing that the 1% increase in said tax be allocated for the purposes stated.

**NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED**, by the Mayor and Council of the City of Statesboro, Georgia, that this resolution be delivered to all state legislators representing the City of Statesboro as a request to said legislators to introduce legislation in the current session of the legislature that would amend O.C.G.A. § 48-13-51 as needed to provide for the levy of a 6% excise tax upon the value of the rentals of public lodgings within the City.

**ADOPTED AND APPROVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2013

CITY OF STATESBORO, GEORGIA

---

**Joe R. Brannen, Mayor**

---

**Phil Boyum, District One**

---

**Gary Lewis, District Two**

---

**Will Britt, Mayor Pro-tem, District Three**

---

**John Riggs, District Four**

---

**Travis Chance, District Five**

ATTESTED TO:

---

Sue Starling, City Clerk



**MAYOR AND CITY OF COUNCIL OF STATESBORO  
NOTICE OF HEARING**

**VIA CERTIFIED MAIL NO. 7004 1160 0002 6792 9925  
RETURN RECEIPT REQUESTED  
AND VIA REGULAR MAIL TO:**

Gracious Development, LLC  
c/o Lanika Walden, Registered Agent of Service  
705 A PAT'S LANE  
STATESBORO GA 30461

**YOU ARE HERBY PROVIDED NOTICE** that the Mayor and City Council shall conduct a public hearing in the Council Chambers on the Second Floor of City Hall located at 50 East Main Street, Statesboro, Georgia 30458 on the 15<sup>th</sup> day of January, 2013 at 6:00 p.m.

The Mayor and City Council shall hear evidence as to whether Gracious Development, LLC and/or Lanika Walden is operating a business in violation of Appendix A (Zoning) of the Code of Ordinances by utilizing property located at 323 Johnson Street (Tax Parcel Numbers S11000011000), Statesboro, Georgia in derogation of the conditions placed on the grant of the Special Exception granted on October 16, 2012 and more fully outlined in Attached Government Exhibit A.

The Mayor and City Council shall also hear evidence as to whether Gracious Development, LLC's and/or Lanika Walden's business license is subject to revocation for operating a business in an unlawful manner or in such a manner to constitute a menace to the health, safety and general welfare of the public by utilizing property located at 323 Johnson Street (Tax Parcel Numbers S11000011000), Statesboro, Georgia in derogation of the conditions placed on the grant of the Special Exception granted on October 16, 2012 and more fully outlined in Attached Government Exhibit A.

The Mayor and City Council shall generally conduct this hearing in accordance with the requirements of due process as required by the United States Constitution and the Constitution of the State of Georgia. The Mayor and City Council shall entertain any and all evidence relevant to this matter without regard to evidentiary rules regarding hearsay. You have the right to be represented by counsel at your expense, present evidence, and cross-examine the evidence presented against you. The standard for action by the City Council against Gracious Development, LLC and/or Lanika Walden shall be a preponderance of the evidence.

THIS 2<sup>nd</sup> DAY OF JANUARY, 2013 IN STATESBORO, GEORGIA.

  
Sue Starling, City Clerk

# CITY OF STATESBORO

## COUNCIL

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



Joe R. Brannen, Mayor  
Frank Parker, City Manager  
Sue Starling, City Clerk

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

October 17, 2012

Lanika Walden  
P.O. Box 2441  
Statesboro, GA 30459

**RE: APPLICATION # SE 12-09-03 – SPECIAL EXCEPTION REQUEST- (323 JOHNSON STREET).**

Dear Ms. Walden:

At its meeting on October 16, 2012 the Statesboro City Council approved in part the following request subject to conditions:

**APPLICATION # SE 12-09-03:** Gracious Development, LLC requests a special exception be granted pursuant to the *Statesboro Zoning Ordinance* to allow the applicants to utilize the property located at 323 Johnson Street (Tax Parcel Numbers 511000011000) as a convenience store and/or a restaurant and that the property qualify for consideration for issuance of an alcohol license by the Mayor and City Council of the City of Statesboro.

### **Conditions:**

1. Approval of this Special Exception is for the utilization of the property as a convenience store only.
2. The use of the property as a restaurant, café, or indoor recreational facility shall not be permitted.
3. The sale of alcoholic beverages at this location shall not be permitted.
4. The use of pool tables as an accessory shall not be permitted.
5. Operation of the business must cease at 12.00 a.m. and may reopen at 6:00 a.m.
6. This approval is granted specific to the applicant (Lanika Walden) and is not transferable to future property and/or business owners. Should the business close for longer than twelve (12) months or ownership be transferred to someone else, this Special Exception becomes void.

Approval of the specific request in your application does not confer rights to develop the site in a manner that may ultimately conflict with other provisions of the *Statesboro Zoning Ordinance* or other applicable chapters of City Code. Adjustments to the final construction plans may be required to accommodate a variety of other development considerations not addressed by your request or taken by City Council.

Please be aware that per Section 2406 of the *Statesboro Zoning Ordinance*, this Special Exception does not constitute an approval for future expansion, additions, or changes to the initially approved operation. Any future phases or changes that are considered significant and not included in the original approval are subject to the review of new detailed plans and reports for said alterations by the Mayor and City Council.

Georgia Municipal Association City of Excellence • Certified City of Ethics  
Telephone: (912) 764-5468 • Fax: (912) 764-4691 • email: cityhall@statesboroga.net



Should you have any questions, please do not hesitate to contact me at 912-764-0630.

Sincerely,

A handwritten signature in black ink that reads "Mandi L. Cody". The signature is written in a cursive, flowing style.

Mandi L. Cody  
Director, Planning and Development

CC: Planning Commission Members via email  
Robert Cheshire, City Engineer via email  
Wendell Turner, Public Safety Director via email  
Justin Daniel, GIS Coordinator via email



**MAYOR AND CITY OF COUNCIL OF STATESBORO  
NOTICE OF HEARING**

**VIA CERTIFIED MAIL NO. 7004 1160 0002 6792 9932  
RETURN RECEIPT REQUESTED  
AND VIA REGULAR MAIL TO:**

Lanika Walden  
P.O. Box 2441  
Statesboro, GA 30459

**YOU ARE HERBY PROVIDED NOTICE** that the Mayor and City Council shall conduct a public hearing in the Council Chambers on the Second Floor of City Hall located at 50 East Main Street, Statesboro, Georgia 30458 on the 15<sup>th</sup> day of January, 2013 at 6:00 p.m.

The Mayor and City Council shall hear evidence as to whether Gracious Development, LLC and/or Lanika Walden is operating a business in violation of Appendix A (Zoning) of the Code of Ordinances by utilizing property located at 323 Johnson Street (Tax Parcel Numbers S11000011000), Statesboro, Georgia in derogation of the conditions placed on the grant of the Special Exception granted on October 16, 2012 and more fully outlined in Attached Government Exhibit A.

The Mayor and City Council shall also hear evidence as to whether Gracious Development, LLC's and/or Lanika Walden's business license is subject to revocation for operating a business in an unlawful manner or in such a manner to constitute a menace to the health, safety and general welfare of the public by utilizing property located at 323 Johnson Street (Tax Parcel Numbers S11000011000), Statesboro, Georgia in derogation of the conditions placed on the grant of the Special Exception granted on October 16, 2012 and more fully outlined in Attached Government Exhibit A.

The Mayor and City Council shall generally conduct this hearing in accordance with the requirements of due process as required by the United States Constitution and the Constitution of the State of Georgia. The Mayor and City Council shall entertain any and all evidence relevant to this matter without regard to evidentiary rules regarding hearsay. You have the right to be represented by counsel at your expense, present evidence, and cross-examine the evidence presented against you. The standard for action by the City Council against Gracious Development, LLC and/or Lanika Walden shall be a preponderance of the evidence.

THIS 2<sup>nd</sup> DAY OF JANUARY, 2013 IN STATESBORO, GEORGIA.

  
Sue Starling, City Clerk

# CITY OF STATESBORO

## COUNCIL

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



Joe R. Brannen, Mayor  
Frank Parker, City Manager  
Sue Starling, City Clerk

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

October 17, 2012

Lanika Walden  
P.O. Box 2441  
Statesboro, GA 30459

**RE: APPLICATION # SE 12-09-03 – SPECIAL EXCEPTION REQUEST- (323 JOHNSON STREET).**

Dear Ms. Walden:

At its meeting on October 16, 2012 the Statesboro City Council approved in part the following request subject to conditions:

**APPLICATION # SE 12-09-03:** Gracious Development, LLC requests a special exception be granted pursuant to the *Statesboro Zoning Ordinance* to allow the applicants to utilize the property located at 323 Johnson Street (Tax Parcel Numbers 511000011000) as a convenience store and/or a restaurant and that the property qualify for consideration for issuance of an alcohol license by the Mayor and City Council of the City of Statesboro.

### **Conditions:**

1. Approval of this Special Exception is for the utilization of the property as a convenience store only.
2. The use of the property as a restaurant, café, or indoor recreational facility shall not be permitted.
3. The sale of alcoholic beverages at this location shall not be permitted.
4. The use of pool tables as an accessory shall not be permitted.
5. Operation of the business must cease at 12.00 a.m. and may reopen at 6:00 a.m.
6. This approval is granted specific to the applicant (Lanika Walden) and is not transferable to future property and/or business owners. Should the business close for longer than twelve (12) months or ownership be transferred to someone else, this Special Exception becomes void.

Approval of the specific request in your application does not confer rights to develop the site in a manner that may ultimately conflict with other provisions of the *Statesboro Zoning Ordinance* or other applicable chapters of City Code. Adjustments to the final construction plans may be required to accommodate a variety of other development considerations not addressed by your request or taken by City Council.

Please be aware that per Section 2406 of the *Statesboro Zoning Ordinance*, this Special Exception does not constitute an approval for future expansion, additions, or changes to the initially approved operation. Any future phases or changes that are considered significant and not included in the original approval are subject to the review of new detailed plans and reports for said alterations by the Mayor and City Council.

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