



March 17, 2015 5:30 pm

1. Call to Order by Mayor Jan Moore
2. Invocation and Pledge of Allegiance by Councilman Will Britt
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 03-03-2015 Council Minutes
 - b) 03-03-2015 Executive Session Minutes
5. Public Hearing and Consideration of a Motion to approve **APPLICATION # SE 14-11-03**: Brason Investments LLC requests a special exception for .38 acres of property located at 101 Hawthorne Road currently zoned R20 (Single Family Residential) in order to utilize the existing single family structure as an office (Tax Parcel Number MS74000085000).
6. Public Hearing and Consideration of a Motion to approve the 2nd reading of **Ordinance 2015-03** for **Application AN 12-05-01**: An Ordinance for W & L Developers, LLC requesting annexation by the 100% method and zoning of 13.05 acres and 1.0 acres of property located at 665 S&S Railroad Bed Road from R25 (Single Family Residential – Bulloch County) to R10 (Single Family Residential) (Tax Parcel Number 107 000007 000) and Tax Parcel Number 107 00006A 000). This Ordinance will combine the first reading of Ordinance 2014-03 and Ordinance 2014-04.
7. Public Hearing and Consideration of a Motion to approve **APPLICATION # RZ 15-02-01**: Shin Real Estate Holdings, LLC requests a zoning map amendment for 4.41 acres of property located at 9 Grady Johnson Road from R4 (High Density Residential) zoning district to CR (Commercial Retail) zoning district to permit a sale of the property for the construction and use of medical office(s). (Tax Parcel Number MS75000002A000).
8. Public Hearing and Consideration of a Motion to approve **APPLICATION # V 15-02-02**: Averitt Center for the Arts requests sign variances from Article XV of the Statesboro Zoning Ordinance to permit the proposed wall signage for the newly renovated Art Center located at 41 West Main. (Tax Parcel Number S18000065000).

9. Consideration of a Motion to approve the City Manager to enter into negotiations with Tyler Technologies to form a final contract for an integrated public sector financial management software solution. This selection is a result of an extensive request for proposals process recently completed. This will be proportionally funded by all departments and several financing options will be evaluated (GMA Lease Pool and any vendor options available). If negotiations are approved, all options and recommendations will be brought to Council final approval.
10. Other Business from City Council
11. City Managers Comments
 - A) City Clerks Dept. (Notice of alcohol application)
 - a) Longhorn's is applying for a change in alcohol license holder pending the background investigation. The name is Jeremy P Coolidge.
 - b) Kali's Food Mart is applying for a change in alcohol license holder pending the background investigation. The name is Ankitbhai Patel.
12. Public Comments (General)
13. Consideration of a Motion to enter into Executive Session to discuss “Real Estate” in accordance with **O.C.G.A.§50-14-3 (2012)**
14. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
Council Minutes
March 03, 2015**

A regular meeting of the Statesboro City Council was held on March 03, 2015 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Jan J. Moore, Council Members: Will Britt, Phil Boyum, John Riggs and Gary Lewis. Also present were Interim City Manager Robert Cheshire, City Clerk Sue Starling, City Attorney Alvin Leaphart, Assistant City Engineer Jason Boyles and Director of Planning and Development Mandi Cody. Absent was Councilman Travis Chance.

The Council Meeting was called to order by Mayor Jan Moore.

The Invocation and Pledge of Allegiance was led by Mayor Jan Moore.

Recognitions/Public Presentations

- A) Presentation of a Proclamation for “Nursing Home Week”**
- B) Presentation by Allen Burns, Executive Director of the Coastal Regional Commission, regarding services provided by the CRC**

Mayor Moore presented a Proclamation to Jo Lucke of Eagle Health and Rehabilitation. Ms. Lucke was joined by other colleagues from various other Nursing Home employees to accept the Proclamation.

Allen Burns updated Council on the increase rate from \$1.00 to \$1.30 per Capita. This number was based on the population from the census report. He further explained the money would be used to increase the reserves for the transit program.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) Approval of Minutes**
 - a) 02-17-2015 Council Minutes**

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

Public Hearing and Consideration of a Motion to Approve APPLICATION # RZ 14-11-03: Brason Investments LLC requests a zoning map amendment for .38 acres of property located at 101 Hawthorne Road from R20 (Single Family Residential) zoning district to O (Office) zoning district to utilize the existing single family residence as an office (Tax Parcel Number MS74000085000).

Councilman Boyum made a motion, seconded by Councilman Riggs to open the public hearing. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

John Dotson representing Brason Investments spoke in favor of the amendment. Jason Parker owner of the property also spoke in favor of the request. No one spoke against the request.

Councilman Britt made a motion, seconded by Councilman Boyum to close the public hearing. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Mayor Moore asked for a motion to approve the rezone amendment for Application RZ 14-11-03. The request died from the lack of a motion. The item will be brought back for the next Council Meeting as a “Special Exception”.

Administrative Hearings for alleged alcohol violations as pursuant to Chapter 6 of the City of Statesboro Alcohol Ordinance:

	<u>Offense in 12 month period</u>	<u>Citation Date</u>
1. Casey Lynn Scarborough (tabled from last Council Meeting) Wings Over Boro Inc/Wild Wings 52 Aspen Heights Drive	1st offense	December 19, 2014
2. J E McCormack & Jay Hildebrand Gate Petroleum #226 240 South Main Street	1st offense	January 22, 2015
3. J E McCormack & Jay Hildebrand Gate Petroleum #227 700 Northside Drive East	1st offense	January 22, 2015
4. Rameshchandra Patel Kevins Food Mart 400 South Zetterower Avenue	1st offense	January 22, 2015
5. Alicia Renee Briley (Dana F Black & Ashley A Hunter) Walgreens Co 516 Northside Drive East	1st offense	January 22, 2015

Mayor Moore conducted the hearing and all participants were sworn in by Mayor Moore.

Mr. John McMann and Mr. Jay Hilderbrand waived their rights to a hearing and agreed to the violation of furnishing alcohol to under age persons at Gate Petroleum #226, 240 South Main Street. Mayor Moore then asked for a motion and Mr. McMann agreed based on the evidence presented here today that Council finds the licensee, his agents and or employees did violate Chapter 6 of the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Boyum made a motion seconded by Councilman Lewis to accept the guilty plea from Mr. McMann. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

For the penalty of the violation, Councilman Lewis made a motion seconded by Councilman Boyum to consider this a first offense with a warning. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Mr. John McMann and Mr. Jay Hilderbrand waived their rights to a hearing and agreed to the violation of furnishing alcohol to under age persons at Gate Petroleum #227, 700 Northside Drive East. Mayor Moore then asked for a motion and Mr. McMann agreed based on the evidence presented here today that Council finds the licensee, his agents and or employees did violate Chapter 6 of the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Boyum made a motion seconded by Councilman Lewis to accept the guilty plea from Mr. McMann. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

For the penalty of the violation, Councilman Lewis made a motion seconded by Councilman Boyum to consider this a first offense with a warning. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Mr. Patel waived his right to a hearing and agreed to the violation of furnishing alcohol to under age persons at Kevin's Food Mart 700 South Zetterower Ave. Mayor Moore then asked for a motion and Mr. Patel agreed based on the evidence presented here today that Council finds the licensee, his agents and or employees did violate Chapter 6 of the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Boyum made a motion seconded by Councilman Lewis to accept the guilty plea from Mr. Patel. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

For the penalty of the violation, Councilman Lewis made a motion seconded by Councilman Riggs to consider this a first offense with a warning. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Mayor Moore asked if anyone was present to represent Walgreens located at 516 Northside Drive. Lt. Rob Bryan stepped forward and stated that the chief paralegal from Walgreens has been in contact with him and that the document was signed by their licensee who is at their corporate headquarters. The document signed by John Mann was to enter a guilty plea; Mr. Mann waived his right to a hearing and agreed to the violation of furnishing alcohol to under age persons at Walgreens Co. 516 Northside Drive East. Mayor Moore then asked for a motion based on the evidence presented here today that Council finds the licensee, his agents and or employees did violate Chapter 6 of the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Lewis made a motion

seconded by Councilman Britt to accept the guilty plea from Mr. Mann. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote. For the penalty of the violation, Councilman Lewis made a motion seconded by Councilman Britt to consider this a first offense with a warning. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Casey Lynn Scarborough from Wings over Boro Inc/Wild Wings entered a plea of not guilty. Lovett Bennett represented Casey Lynn Scarborough Wings Over Boro Inc./Wild Wings. Mr. Bennett presented his case as to why they should be found not guilty in violation of the Chapter 6 Ordinance of the City of Statesboro furnishing alcohol to an underage person. He stated that a minor was served alcohol so in turn the Chapter 6 Alcohol ordinance of the City of Statesboro was violated but that the ordinance does not define a violation. He also stated that the chapter 6 says that you are in violation when you knowingly sell alcohol to a minor. In the young man's statement he admits that he did serve alcohol to the minor by mistake. He looked at the driver's license but for the year of birth he read 1991 instead of what was on the license of 1994. Mr. Bennett says that he did not knowingly sell alcohol to a minor. It was a mistake. Lt. Bryan stated that alcohol was sold to an underage person knowingly. The license that was presented was a GA issued driver's license. Mayor Moore then asked for a motion based on the evidence presented here today Casey Lynn Scarborough from Wings over Boro Inc/Wild Wings that Council finds the licensee, his agents and or employees did violate Chapter 6 of the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Lewis made a motion based on the evidence presented to find Casey Lynn Scarborough from Wings over Boro Inc/Wild Wings guilty of violation of the Chapter 6 Ordinance of the City of Statesboro this motion was seconded by Councilman Britt. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote. For the penalty of the violation, Councilman Lewis made a motion seconded by Councilman Riggs to consider this a first offense with a warning. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve RESOLUTION 2015-08: A Resolution authorizing the waiver of any payment in lieu of taxes (pilot) by the Statesboro Housing Authority to the City of Statesboro for the 2014 tax year in the amount of \$19,021.88.

Councilman Lewis made a motion, seconded by Councilman Britt to approve RESOLUTION 2015-08: A Resolution authorizing the waiver of any payment in lieu of taxes (pilot) by the Statesboro Housing Authority to the City of Statesboro for the 2014 tax year in the amount of \$19,021.88. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to award a contract for a Police records management software system to be funded from SPLOST 2007 and 2013 to SunGard Public Sector in an amount not to exceed \$460,000.00.

Councilman Lewis made a motion, seconded by Councilman Riggs to award a contract for a Police records management software system to be funded from SPLOST 2007 and 2013 to SunGard Public Sector in an amount not to exceed \$460,000.00. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve the installation of a fiber optic conduit system to Gregory Electric in the amount of \$149,202.00. This fiber optic conduit system will provide a buried network infrastructure to City buildings and offer GSU a direct connection with the COS/GSU Fab Lab. This project was budgeted in the IT Department for FY 2015 from 2013 SPLOST.

Councilman Boyum made a motion, seconded by Councilman Britt to approve the installation of a fiber optic conduit system to Gregory Electric in the amount of \$149,202.00. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to set the date, time and place for the 2015 Budget Retreat

Councilman Riggs made a motion, seconded by Councilman Britt to set the budget retreat date for April 2, 2015 at 9:00 am in the City Hall Council Chambers. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Other Business from City Council

A) Discussion of holding off-site Council meetings – Councilman Boyum

Councilman Boyum would like for a Council meeting to be held at GSU, Statesboro High School and Luetta Moore Park. There were no objections to the proposal.

City Managers Comments

A) City Clerks Dept. (Notice of alcohol application)

a) 441 Public Kitchen & Bar is applying for alcohol license pending the background investigation. The name is Janetta Alabi-Isama.

b) Sparker's is applying for a change in alcohol license holder pending the background investigation. The name is Nimisha Patel.

Interim City Manager Robert Cheshire announced a reminder of the new time for the evening Council meeting. It will now begin at 5:30pm. Mr. Cheshire also updated Council on the emergency purchase of a compressor for the Fire Department. He also reported Henry Clay has resigned as chairman of the Tree Board Committee. Wesley Parker will be replacing him.

Finance Director Cindy West updated Council on the ribbon cutting for the Arts Center located on W. Main St.

Director of Public Safety Wendell Turner updated Council on planned events such as Public Field Day and the Youth Citizens Academy.

Director of Human Resource Jeff Grant updated Council on Fit by '16 and presented Steve Gravely with a \$100.00 check for having taken the most steps.

Public Comments (General)

A) Mrs. Mary Sue Hodges request to address Council.

Mrs. Hodges cancelled her request before the meeting.

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

At 12:15 pm, Councilman Lewis made a motion, seconded by Councilman Riggs to enter into Executive Session to discuss “Potential Litigation” in accordance with O.C.G.A.§50-14-3 (2012). Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Mayor Moore called the regular sessions back to order.

At 12:25 pm, Councilman Riggs made a motion, seconded by Councilman Britt to come out of Executive Session. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to Adjourn

At 12:25 pm, Councilman Riggs made a motion, seconded by Councilman Britt to adjourn. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

The meeting was adjourned at 12:25pm.



City of Statesboro – Department of Planning and Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**SE 14-11-03
 ZONING MAP AMENDMENT
 101 Hawthorne Road**

LOCATION: 101 Hawthorne

REQUEST: Special exception to use the existing structure as a business office within the R20 (Single-Family Residential) zoning district.

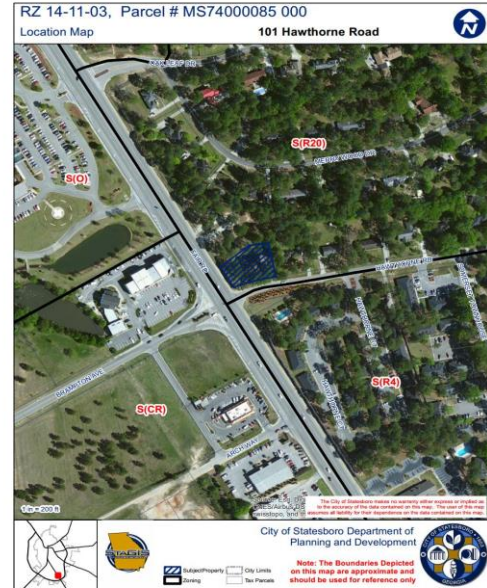
APPLICANT: Brason Investments LLC

OWNER(S): Brason Investments LLC

LAND AREA: .38 Acres

PARCEL TAX MAP #s: MS74000085 000

COUNCIL DISTRICT: District 5 (Chance)



PROPOSAL :

The applicant’s original request was to rezone the subject site. However, the Planning Commission recommended a special exception and the applicant agreed. The applicant is now requesting a special exception to use the existing structure located at 101 Hawthorne Road within the R20 (Single-Family Residential) zoning district as office building. (See **Exhibit A** – Location Map & **Exhibit B** – Survey)

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R20 (Single Family Residential)	Single-Family Residential
SOUTH:	R4 (High Density Residential)	Residential Duplexes
EAST:	R20 (Single Family Residential)	Single-Family Residential
WEST:	CR (Commercial Retail)	Retail; Food Services

The subject property fronts Fair Road and Hawthorne Road with residential uses along the north, east and south property lines. The western property line fronts Fair Road with commercial uses such as restaurants, banks, offices and personal services to the adjacent side of Fair Road. The site takes singular vehicle access from Hawthorne Road. (See **Exhibit A & C**)

COMPREHENSIVE PLAN:

The subject site lies along the transition between the "Activity Center" character area and the "Developing" character area as identified by the 2009 City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. See Exhibit D. 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. The pattern of blending residential and commercial are made even more evident with the growing commercial and office uses that are adjacent to this site within the "Activity Centers" 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.
- 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 for pedestrians between residential and mixed use areas.

Statesboro Comprehensive Plan, Community Agenda pages 16-17.

Suggested land uses of the Developing character area include:

- Neighborhood-scaled retail
- Offices and Services
- Single and Multi-Family Residential
- Mixed use retail/office/residential buildings

The Activity Center character area "will evolve into pedestrian-oriented shopping, office, and entertainment places." Small, mid-size, and regional retail commercial, including big box stores, are identified as appropriate land uses for this character area. Adopted development strategies for this character area include inter-parcel connectivity, especially along major thoroughfares, and encourage land uses that are suitable for the immediately surrounding area. It also states that parking in this area should be evaluated to encourage shared parking provisions.

Suggested land uses of the Activity Center Character area include:

- Small and Midsize regional retail and commercial
- Office
- Medical
- Multi family

(Community Agenda, Pages 20-21)

Applicable goal(s) of the Plan:

- Protection of Existing Neighborhoods: Commercial encroachment into residential neighborhoods seems to be less of a current concern, but as Statesboro continues to grow, the potential for this conflict increases. Commercial, retail, and office uses can co-exist compatibly in residential areas if the design of the establishment is properly considered. The conversion of former homes to professional offices along Zetterower provides a model for how to accommodate non-residential uses as streets begin to carry more traffic and residential uses become less desirable. Whenever possible, existing structures should be preserved and/or renovated to accommodate changing land uses in order to protect both the neighborhood and overall community character.

Applicable Vision Statement(s) from the Plan:

- Develop and implement a balanced and forward thinking land use policy that provides for a sustainable community of thriving neighborhoods, business areas, and civic places that comprise an outstanding quality of life and physical environment. The City will expand in a manner which conserves the natural land resources and integrates new development in ways which minimize negative impacts and provides for a healthy ecosystem. Walkable, neighborhood commercial areas will be supported; pedestrian and bike connections will be emphasized; office and business development will be a priority.

Applicable Policy(ies) from the Plan:

- We will promote development that is sensitive to the land and gives consideration to adjoining, existing, and planned development as well as the overall community.
- We will guide appropriate residential and non-residential in-fill development and redevelopment in a way that complements surrounding areas.

(Please Note: *The 2014 update to the City of Statesboro Comprehensive Plan is currently underway. This analysis was performed under the 2009 version of the Plan and may be affected by adoption of the 2014 update.)*

Since this report was originally prepared for consideration by the Planning Commission, tabled, and returned for consideration, the 2014 update to the City of Statesboro Comprehensive Plan has been adopted by the City Council. The 2014 Future Land Use Map places this property within the Established character area for the City of Statesboro. The vision statement for this character area reads, in part, as follows: The traditional residential neighborhoods in the **Established** area were developed from the late 19th to mid 20th century, and feature connected street grids linked with downtown. Sidewalks should be located on both sides of major streets; lesser streets may have limited facilities. Major corridors in this area may support a mix of residential and commercial uses. As corridors transition from residential to commercial, the original structures should be maintained and renovated whenever possible. Any new structures should respect the existing fabric of the neighborhood, through similar front, side, and rear setbacks.

Applicable implementation strategy(ies):

- In areas that are or were residential but may now be more appropriate for commercial uses, adaptive reuse of the residential structure should be encouraged to maintain the character of the area and to maintain appropriate scale. Excellent examples of adaptive reuse can be seen along Zetterower Avenue.

Small scale office is identified as an appropriate use in this character area.

COMMUNITY FACILITIES:

The subject site is currently served by city utilities including water and sewer, sanitation, and public safety services. No significant impact is expected on community facilities as a result of this request. The property takes access solely from Hawthorne Road and is served by the recently installed traffic signal at its intersection with Fair Road (at Brampton).

ENVIRONMENTAL:

The subject property does not contain wetlands or flood zones.

ANALYSIS:

The entire .38 acre site is currently zoned R20 (Single Family Residential) and contains a 2,269 square foot single family residence with a paved driveway and a paved parking area. The parcel takes singular access from Hawthorne Road. The applicant's request would allow for the utilization of the existing structure to be used as an office. The R20 zones limits uses within the district to single family residential, religious, educational, and governmental uses. The requested special exception would allow for the existing structure to be used as professional and/or business office.

The subject property fronts Fair Road- a Transitional Corridor- which moves traffic from urban uses into suburban commercial and residential uses. Although the Office and Commercial Retail zones are across the street from the site, and R4 High Density Multi Family zone is across Hawthorne Road from the site, all of the property adjacent to and nearby the subject site off of Hawthorne road (and fronting Fair Road) is zoned R20- Single Family Residential with minimum lot sizes of almost one-half acre (20,000 square feet). Therefore, this zoning request raises the significant possibility that to rezone the subject site as requested would be an act of spot zoning. Spot zoning is the application of a zoning district (usually to allow a more intense use) to a single parcel where the immediate areas surrounding that parcel are governed by a different land use classification (zoning) which is generally less intense in nature. (creating an island of more intense use, generally for private gain). Spot zoning is generally considered to be in contradiction of a City's comprehensive plan (vision for its future) as well as the basic tenant of its zoning ordinance (separation of uses). In order to overcome the argument of spot zoning, a showing should be made that the zoning request is compatible with the City's vision for its future as articulated within its Comprehensive Plan. The concern that this request, if granted, would result in spot zoning has been raised with the applicant. The applicant's response is attached hereto as Exhibit E.

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 O (Office) 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;**
 - Immediately adjacent properties are zoned R20 – Single Family Residential.
 - Properties across Fair Road from the site are zoned Office (utilized as East Georgia Regional Medical Center) and Commercial Retail.
 - Properties across Hawthorne Road are zoned R4- High Density Residential Development. Hawthorne Road serves as the dividing line for the zoning districts between Single Family and Multi Family in this area.
 - Rezoning of this site to Office may constitute spot zoning.
- 2. The extent to which property values are diminished by the particular zoning restrictions.**
 - Given its frontage on a Transitional and high volume corridor, the property has likely lost desirability for use as a single family residential structure.
- 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.**
 - Office is considered a more compatible adjacent use to single family zones than commercial and can be considered an appropriate transition zone from single family to multifamily.
- 5. The suitability of the subject property for the zoned purposes.**
 - The site could be developed in accordance with the provisions 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.**
 - The property is not vacant. It is currently being utilized as a single family structure.
- 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;**
 - The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns or property values, and is not expected to be negative or burdensome to the general public or surrounding property owners as offices of this size are generally considered to be low intensity uses.
 - Office use is considered to be a low intensity utilization of property.
- 8. Consistency with other governmental land use, transportation, and development plans for the community.**
 - The subject site is located along a transition from Developing character area to Activity Center character area.
 - The subject site is located along the district line between single family residential zoning and multifamily zoning.

STAFF RECOMMENDATION: Staff suggests that a zoning map amendment would be appropriate in this case if Council were to make a finding that the area around the subject site is changing and that the requested rezone would be in line with present conditions and the projected future needs of the City. Otherwise, staff suggests that Hawthorne Road acts as a zoning boundary between single family and multifamily uses and that commercial and office uses are currently restricted to the opposite side of Fair Road. Therefore, without a finding of changing conditions making the zoning appropriate, grant of the zoning change would result in spot zoning and would act contrary to the Statesboro Zoning Ordinance and the City's Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION:

On January 14, 2015 the Planning Commission accepted the request of the applicant to table the recommendation to allow time to further research and other available options.

The case was reconsidered by the Statesboro Planning Commission at the February 10, 2015 meeting and recommended the following by a vote of 7 to 0:

To grant the applicant a **special exception** for the subject property pursuant to the following conditions:

- a. To allow the use of the property as a professional office.
- b. To require a vegetative buffer along the shared lot lines with lots 109, 110, and 107, but not along Hawthorne Road and Fair Road. Buffer conditions to be clarified by staff and applicant at a site visit on February 13, 2015 for presentation to Council.
- c. To limit parking spaces to a maximum of 10 spaces plus the garage.
- d. Property is not subject to sign district 3 regulations. Rather, signage shall be limited to no more than one monument style sign, no greater than 5X6 in size, brick in material. Signage is limited to Fair Road frontage or may be at the corner at Fair Road and Hawthorne Road, if approved for line of sight by City staff. Wall signage is limited to a 2 X 2 placard at the entrance to the building.

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

EXHIBIT A: LOCATION MAP



EXHIBIT B: LAND SURVEY

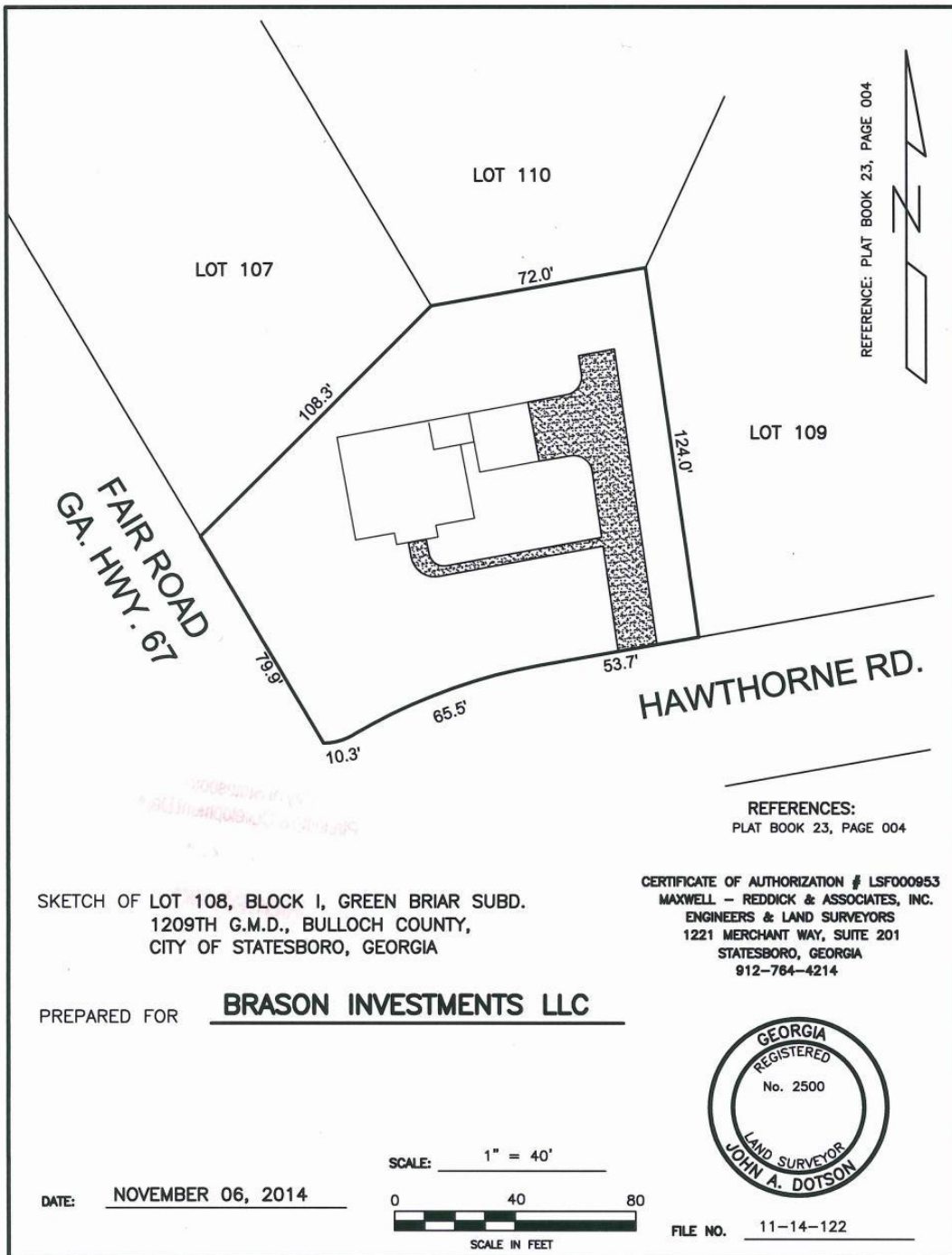


EXHIBIT C: PHOTOS OF SUBJECT SITE AND GENERAL VICINITY

Photo 1: Subject Site from Hawthorne Road



Photo 2: Subject Site from Fair Road



Photo 3: Subject Site driveway, parking and sidewalk to front entrance



Photo 3: Commercial Retail to the West of Subject Site



Photo 5: Property to the South of Subject Site



Photo 6: Property to South West of Subject Site



EXHIBIT D: COMPREHENSIVE PLAN 2009 FUTURE DEVELOPMENT MAP

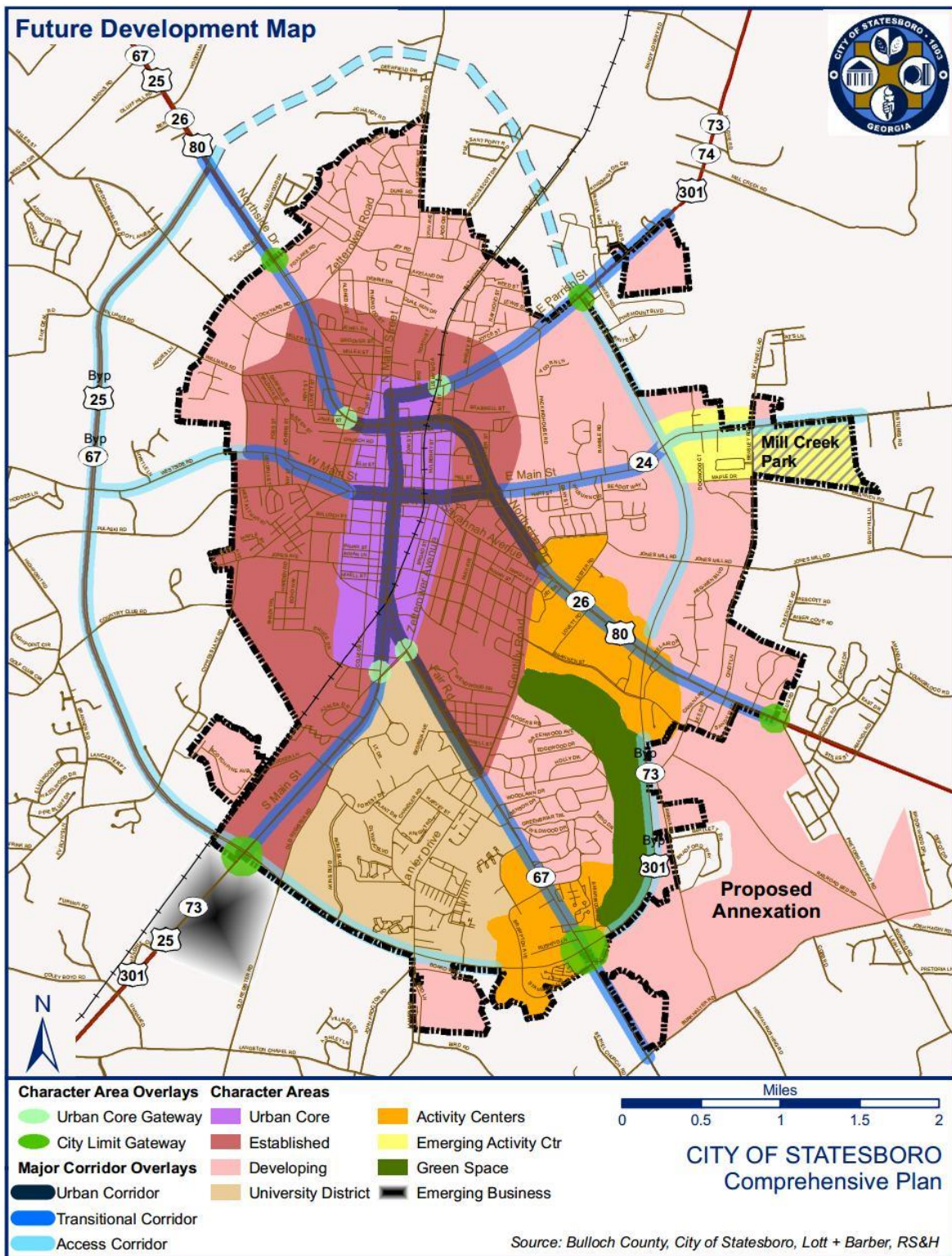


EXHIBIT E: APPLICANT RESPONSE LETTER



City of Statesboro
Planning & Zoning Department
P.O. Box 348
Statesboro, GA 30459
Attention: Cindy Clifton

RE: Brason Investments, Hawthorne Road, Statesboro, Georgia

Dear Cindy:

The area in which the subject property is located has transformed over the past 12 years, from its original primary uses as residential and agricultural to today's uses of commercial, office, institutional, multi-family and single family residential.

The introduction of the new traffic signal to serve the Wal-Mart Neighborhood Grocery Center will transform the intersection, which the subject property is part of, and effectively create a non-desirable residential location for the homes located at or near the intersection.

The existing traffic volumes and commercial uses, as well as the travel distance to GSU, has transformed the area along Fair Road to a rental market for residential, which in itself promotes commercial uses. With everything considered, the highest and best use at the intersection is commercial and office.

The applicant/property owner is currently renting the property as residential. The property adjacent to this site and the property on the south side of Hawthorne Road are being used as rental housing. The property located on the west side of Fair Road (GA. Hwy 67) is zoned CR and Office and is being used as fast food restaurants, offices, retail and hospital/medical. The applicant desires to change the use to office (O) which would be a more desirable use for the neighborhood than commercial.

Please give me a call if you have any questions.

Sincerely,



John A. Dotson

ORDINANCE #2015 - 03__:
AN ORDINANCE TO ANNEX PROPERTY
INTO THE CITY OF STATESBORO, GEORGIA

WHEREAS, the Mayor and City Council of the City of Statesboro, Georgia have received petition from W & L Developers, LLC, who are the owners of 100 percent of the property to be annexed; and,

WHEREAS, pursuant to Chapter 36 of Title 36 of the Official Code of Georgia Annotated, in order to annex property, to provide an effective date and other provisions, the Mayor and City Council must approve an ordinance of annexation;

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

Section 1. All that area contiguous to the City of Statesboro know as Bulloch County Tax Map Parcel 107 000006A 000, being 1 acre in size and Map Parcel 107 00000 7000, being 13.5 acres in size, as shown on the attached Bulloch County Tax Parcel Map, is hereby annexed into the City of Statesboro and made a part of said city.

Section 2. This ordinance shall become effective on April 1, 2015.

Section 3. The Director of Planning & Community Development of the City of Statesboro is instructed to send a report that includes certified copies of this ordinance, the name of the county in which the property being annexed is located and a letter from the City stating the intent to add the annexed area to the Census maps during the next survey and stating that the survey map will be completed and returned to the United States Census Bureau, Georgia Department of Community Affairs, and to the governing authority of Bulloch County, Georgia within thirty (30) days after the effective date of the annexation as set forth in Section 2.

Section 4. On the effective date of the annexation, this property shall be placed in Council District 5 of the City of Statesboro.

Section 5. This property shall be zoned ___ (Single Family Residential) and located in the "Developing" character area as shown on the City of Statesboro Future Development Map pursuant to the vote of the Statesboro City Council held on March 17, 2015 subsequent to a public hearing regarding the zoning of said property.

Passed and adopted on two separate readings.

First Reading: October 7, 2014.

Second Reading: March 17, 2015.

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

By: Jan Moore, Mayor

Attest: Sue Starling, City Clerk



City of Statesboro – Department of Planning & Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

AN 12-05-01
665 S&S RAILROAD BED ROAD
ANNEXATION REQUEST

LOCATION: 665 S&S Railroad Bed Road

REQUEST: Annexation by the 100% method and zoning change from R25 (Single Family Residential - Bulloch County) District to R10 (Single-Family Residential).

APPLICANT: W&L Developers, LLC

OWNER(S): W&L Developers, LLC

LAND AREA:
 a. 13.05 acres
 b. 1 acre

PARCEL TAX MAP #s:
 a. 107 000007 000
 b. 107 00006A 000

COUNCIL DISTRICT: 5 (Chance) – (Projected)



PROPOSAL:

The applicant is requesting annexation and rezoning of the subject property from R25 (Single Family Residential – Bulloch County) to R10 (Single Family Residential) in the City of Statesboro. The subject site is a combination of two vacant parcels that total 14.05 acres. The property is located at 665 Railroad Bed Road and abuts the S&S Greenway Trail and is contiguous to the existing municipal limits. The applicant is proposing to develop a residential subdivision. (See **Exhibit A – Location Map & Exhibit B-Concept Plan**)

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R25 (Single Family Residential – Bulloch County) R20 (Single Family Residential)	Undeveloped & Single Family Homes
SOUTH:	R10 & R15 (Single Family Residential), R4 (High Density Residential)	Undeveloped, Single Family Homes, Church, School
EAST:	R25 (Single Family Residential – Bulloch County)	Undeveloped
WEST	R40 (Single Family Residential), R4 (High Density Residential), CR (Commercial Retail)	Bypass and Undeveloped

The subject parcel's property lines abut the S&S Greenway Trail and is surrounded by property that is zoned for single family to high density residential and commercial uses located in both Bulloch County and City of Statesboro. Actual uses range from single family homes to undeveloped with Sallie Zetterower Elementary School located to the extreme south on Cawana Road inside the municipal limits. The properties across the S&S Greenway Trail were annexed into the municipal limits in 2013 and are planned to be residential developments.

COMPREHENSIVE PLAN:

The subject site lies within the “Developing” character area as identified by the 2009 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.
- 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.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.

Statesboro Comprehensive Plan, Community Agenda pages 16-17.

These implementation strategies are also reflected in the 2009 Quality Community Objectives section of the comprehensive plan .

Furthermore, the issues and opportunities element of the Plan recognizes that “the city has the opportunity to provide a different [housing] product than that which is typically offered in the county or in new subdivisions, thus minimizing the perceived competition between the City and County for new single-family development.” Page 62.

The 2014 update to the Statesboro Master Comprehensive Master Plan, which is under consideration now but not yet adopted, suggest the additional implementation strategies for this character area:

- Traditional neighborhood design principles such as smaller lots, street orientation, mix of housing types, and pedestrian access to neighborhood commercial centers.
- Residential development that offers a mix of housing types (single-family homes; townhomes; live /work units, and apartments) with a mix of densities and prices in the same neighborhood.
- Clustering development to preserve open space
- Site plans, building design and landscaping that are sensitive to natural features of the sites, including topography and views.
- Traditional Neighborhood Design techniques, cluster developments, and the development of a variety of housing types, sizes, costs, and densities are best practices considered in the 2014 Quality Community objectives that may be applicable here and are under consideration in the proposed 2014 Plan Update.

Policies in the Comprehensive Master Plan are intended to help local governments in the decision making process to achieve the Community Vision and address the Community Issues & Opportunities identified in the Comprehensive Plan. Policies in the adopted 2009 plan that are applicable here include the following:

- We will incorporate the connection, maintenance and enhancement of green-space in all new development, especially within the Developing areas.
- We will encourage more compact urban development.

- We will coordinate public facilities and services with land use planning to promote more compact urban development and work collaboratively with Bulloch County to promote long term coordinated growth and service delivery.
- We will ensure that new development does not cause a decline in locally adopted level of service and that capital improvement or other strategies needed to accommodate the impacts of development are made or provided for concurrent with new development.
- The community will encourage patterns of future development expansion in areas contiguous to developed areas with a utility extension policy that is sequential and phased and a related annexation policy to clearly articulate the service provisions.
- Development shall provide for a variety of residential types and densities.
- We will assist and facilitate affordable housing opportunities to insure that all those who work or attend school in the community have a viable choice or option to live in the community.
- We will encourage and accommodate our diverse population by encouraging a harmonious mixture of housing types and uses.
- We will promote efficient use of land by promoting well designed, more pedestrian friendly, development patterns with a mix of uses and an efficient, creative use of land.
- 2014 Proposed Plan Update Policy recommendations include the following:
 - We will project and plan for population growth and prepare through annexations, utility expansions, and housing opportunities.
 - We will actively monitor and prepare for population growth based on national, state, and local trends.

Since the original presentment of this case, the 2014 update to the Comprehensive Plan has been adopted by the Statesboro City Council. The Future Land Use Map for the 2014 update places this property within the Developing Urban Residential Development character area. The vision statement for this area is as follows:

The residential areas in the Developing Urban Neighborhood Areas are located in newly developing or redeveloping areas of the City. The developments in this area will primarily be characterized by urban style housing, likely with clustered densities, green space, and a higher level of resident amenities. Nodal commercial development should also be included to serve the needs of resident. New developments should strive to increase connectivity within developments, to existing streets, and to adjacent undeveloped properties. Sidewalk facilities should be located along major roadways and along neighborhood streets. Pedestrian access should remain a priority.

Appropriate Lane Uses:

- Neighborhood scale retail and commercial
- Small scale office
- Small lot single family residential
- Multi family Residential
- Diverse mix of housing types, such as multi family, town homes, apartments, lofts, and condos
- Mixed residential and neighborhood scale retail, commercial, and office

Some Suggested Development & Implementation Strategies for the area:

- New development that reflect traditional neighborhood design principles, such as smaller lot, orientation to street, mix of housing types, pedestrian access to neighborhood commercial center.
- Residential development that offers a mix of housing types (single family homes, town homes, live/work units, lofts over the shops, and apartments), densities and prices in the same neighborhood.
- Residential development with healthy mix of uses (corner groceries, barber shops, drug stores, within easy walking distances of residences).
- Clustering development to preserve open space within site.
- Plant shade trees along streets and sidewalks
- Allow infill multi family residences to increase neighborhood density and income diversity

- Enlisting significant site features (view corridors, water features, farm land, wetlands, parks, trails, etc.) as amenity that shapes identity and character of development.
- Site plans, buildings design, and landscaping that are sensitive to natural features of the sites, including topography and views.
- Using infrastructure availability and planning to steer development away from areas of natural, cultural, and environmentally sensitive resources.
- Streets should incorporate Context Sensitive Solutions to provide traffic calming and protect community character.
- Promote mix of housing types, options, and styles to create character and neighborhood diversity.
- New developments should provide recreational facilities and open space to meet the needs of their residents.
- There should be strong connectivity and continuity between each subdivision.
- 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.
- Whenever possible, connect to the existing and proposed network of bicycle paths and multi use trails.
- Promote street design that fosters traffic calming such as narrower residential streets, on street parking, and addition of bicycle and pedestrian facilities.

INTERGOVERNMENTAL ISSUES:

Bulloch County – Capital Cost Recovery District area requirements.

Bulloch County and the City of Statesboro entered into a Capital Cost Recovery District Intergovernmental Agreement in 2007. (See Exhibit D -Intergovernmental Agreement) Multiple issues, including the City's elimination of the fee associated with this district raise questions as to the implications and requirements of this Intergovernmental Agreement. However, if the Intergovernmental Agreement is strictly adhered to, then the agreement provides the following requirements:

- 1) Residential equivalent units will be maximized at 2.4 per acre (the equivalent of R15 zoning - which is less density than currently requested at R10) unless those densities are planned and located near planned commercial services or nodes.
- 2) Requires that the City and County participate in at least one joint planning meeting for the property.
- 3) Development generating at or in excess of 1,000 trips per day shall require a traffic impact analysis.
- 4) Dedication of determined right of way.
- 5) Intra development street designs that discourages through traffic.
- 6) Storm water Management
- 7) Joint City of Statesboro and Bulloch County approval of the design and construction of any roadway that interfaces with the S&S Greenway Trail. The Developer may be required to include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowing, and may be required to pave portions. The City of Statesboro originally accepted this application June 4th, 2013 and Bulloch County was notified of that acceptance. Bulloch County was notified of the City's intention to consider annexation and zoning of these parcels on September 22, 2014. A joint planning meeting was requested by the City on September 26, 2014.

TRANSPORTATION:

The subject property currently takes access from Railroad Bed Road adjacent to the S&S Greenway Trail. Staff is of the opinion that the annexation and development of the subject site will require long term transportation planning and implementation during the subdivision and development stages.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject property is being connected to water and waste water services pursuant to previous Council approvals. Individual services will be provided within the development by developers. Other services such as sanitation and public safety services will be extended upon the effective date of annexation.

ENVIRONMENTAL:

The subject property appears to be partially located within wetland area. No negative impact is expected by this request. Any potential issues will be addressed during standard permitting processes and reviews.

ANALYSIS:

The applicant is requesting to annex a 14.05 acre contiguous undeveloped site lying on Railroad Bed Road and abutting the S&S Greenway Trail. 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 R10 (Single Family Residential) to develop a residential subdivision that will consist of 34 lots with a minimum lot size of 10,000 square feet with development restricted to traditional single family structures.

Ultimately, the request to annex the subject property as well as consideration of the proposed R10 (Single Family 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*. Both documents provide information that indicates that the applicant's request to annex and zone the subject property at 665 Railroad Bed Road is consistent with the vision and land use policies adopted by the City of Statesboro given that this area is a proposed annexation area located in the developing character area which encourages master planned development with strong connectivity between subdivisions.

Assuming approval of this annexation, staff will prepare the necessary updates to the City of Statesboro Comprehensive Plan; future land use map; and City boundary maps.

SECTION 2007 FACTORS:

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;**
 - a. Nearby property is zoned for similar uses and densities requested herein.
 - b. Other nearby properties (located within the County) are zoned and utilized as single family neighborhoods.
- (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.**
 - a. The subject site is located within the area of long anticipated residential growth and development for the City.
 - b. Housing styles and options requested by the public are growing and changing to include a variety of attached and detached unit styles.
 - c. The population of the City of Statesboro has increased dramatically in recent years and is projected to continue to grow.
 - d. The number of undeveloped residential lots –particularly for single family- are limited within the City.
- (5) The suitability of the subject property for the zoned purposes.**
 - a. There is no indication that the subject property is not suitable for the requested zoning.
- (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.**
 - a. The subject property is undeveloped and is located within the area most anticipated for residential growth in the City.
 - b. The subject site is surrounded by other properties that are undeveloped but under pressure to develop in similar or complimentary fashions in the near future.
- (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;**

- a. Development of the proposed property as requested would increase population density, community facilities, traffic patterns, and property values in adjacent areas.
- b. Traffic planning – and the expenses associated with the increase traffic in the area- should be addressed by the applicant, the City, and the County in this area.
- c. The development of the S&S Greenway Trail, a popular amenity adjacent to this subject site, increased the value and attractiveness of the subject site for residential development.
- d. The subject site was previously identified as a Future Annexation and Development Area in both the Bulloch County and City of Statesboro 2009 Future Land Development Maps.

(8) Consistency with other governmental land use, transportation, and development plans for the community.

- a. This request is consistent with the City of Statesboro Comprehensive Plan and the 2009 Future Land Development Maps for Bulloch County and the City of Statesboro.
- b. This request should be evaluated for consistency with the Capital Cost Recovery District Agreement between the City of Statesboro and Bulloch County.
- c. Transportation planning and funding should be addressed with this project in order to respond to the increased traffic congestion and the limited public right of way adjacent to and nearby the site. The 2035 City of Statesboro and Bulloch County Long Range Transportation Plan should be referenced.

STAFF RECOMMENDATION:

Staff recommends **approval** of the requested annexation with R10 (Single Family Residential) zoning designation requested by AN 12-05-01 with the following conditions:

1. Reservation, dedication, and/or development of public rights of way and or easements may be required by the developer including fee simple right of ways along Cawana Road to provide for future widening of Cawana Road.
2. Dedication of necessary easements and right of ways for utilities prior to approval of subdivision plats.
3. Transportation infrastructure planning and development to City of Statesboro standards and to the satisfaction of the COS Engineer. Such planning will include crosswalks and traffic claiming measures that shall be designed and approved at subdivision platting and permitting stages and shall be based on approved City of Statesboro standards, specifications, and long range planning.
4. Access roads connecting to the S&S Railroad Bed Road shall be limited to right in/right out configurations unless they connect to the existing crossover drive locations.
5. Developer may be required to install crosswalks and traffic calming measures to City of Statesboro and/or Bulloch County Design Standards at any full access roadway crossings and to provide safe crossings for pedestrians crossing the S&S Greenway Trail.
6. Subdivision, design, and development of the property shall be in conformance with the requirements of all City of Statesboro Development Regulations, including the Statesboro Subdivision Regulations, the City of Statesboro Drainage Ordinance, the Statesboro Tree Ordinance, and all other developmental standards of the City of Statesboro.
7. The Developer must extend 8" Sanitary Sewer main from the pump station to the site's detention pond and a 12" Water Main along the site's southern boundary line.
8. Two percent (2%) of the property acreage (approximately .281 acres) shall be reserved for open green space reserved for community use, but shall be privately maintained by the owner, developer, or appropriate association.
9. Internal sidewalk connectivity must be provided by the developer. Sidewalk connectivity and crosswalks must also be provided from the development to the S&S Greenway Trail.
10. Access points to Railroad Bed Road must be jointly approved by Bulloch County and the City of Statesboro.
11. Requirements of The Capital Cost Recovery Area Intergovernmental Agreement apply as conditions and must be accomplished by the appropriate party.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 4 to 0 to approve the requested annexation with R10 (Single Family Residential) zoning designation requested by AN 12-05-01 with staff recommended conditions and the addition of requiring the Developer to provide a buffer along the property boundary line with the exception of the frontage boundary line along the S&S Railroad Bed Road.

Conditions:

1. Reservation, dedication, and/or development of public rights of way and or easements may be required by the developer including fee simple right of ways along Cawana Road to provide for future widening of Cawana Road.
2. Dedication of necessary easements and right of ways for utilities prior to approval of subdivision plats.
3. Transportation infrastructure planning and development to City of Statesboro standards and to the satisfaction of the COS Engineer. Such planning will include crosswalks and traffic claiming measures that shall be designed and approved at subdivision platting and permitting stages and shall be based on approved City of Statesboro standards, specifications, and long range planning.
4. Access roads connecting to the S&S Railroad Bed Road shall be limited to right in/right out configurations unless they connect to the existing crossover drive locations.
5. Developer may be required to install crosswalks and traffic calming measures to City of Statesboro and/or Bulloch County Design Standards at any full access roadway crossings and to provide safe crossings for pedestrians crossing the S&S Greenway Trail.
6. Subdivision, design, and development of the property shall be in conformance with the requirements of all City of Statesboro Development Regulations, including the Statesboro Subdivision Regulations, the City of Statesboro Drainage Ordinance, the Statesboro Tree Ordinance, and all other developmental standards of the City of Statesboro.
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9. Internal sidewalk connectivity must be provided by the developer. Sidewalk connectivity and crosswalks must also be provided from the development to the S&S Greenway Trail.
10. Access points to Railroad Bed Road must be jointly approved by Bulloch County and the City of Statesboro.
11. Requirements of The Capital Cost Recovery Area Intergovernmental Agreement apply as conditions and must be accomplished by the appropriate party.
12. The Developer must provide a buffer along the property boundary line with the exception of the frontage boundary line along the S&S Railroad Bed Road.

CITY COUNCIL:

At its regular scheduled meeting on October 21, 2014, City Council tabled annexation application AN 12-05-01 to allow for issues to be resolved regarding the proposed concept plan. At the applicants' request, the case has been held for reconsideration until the February 17, 2015 Council meeting.

EXHIBIT A: LOCATION MAP



EXHIBIT B: CONCEPT PLAN

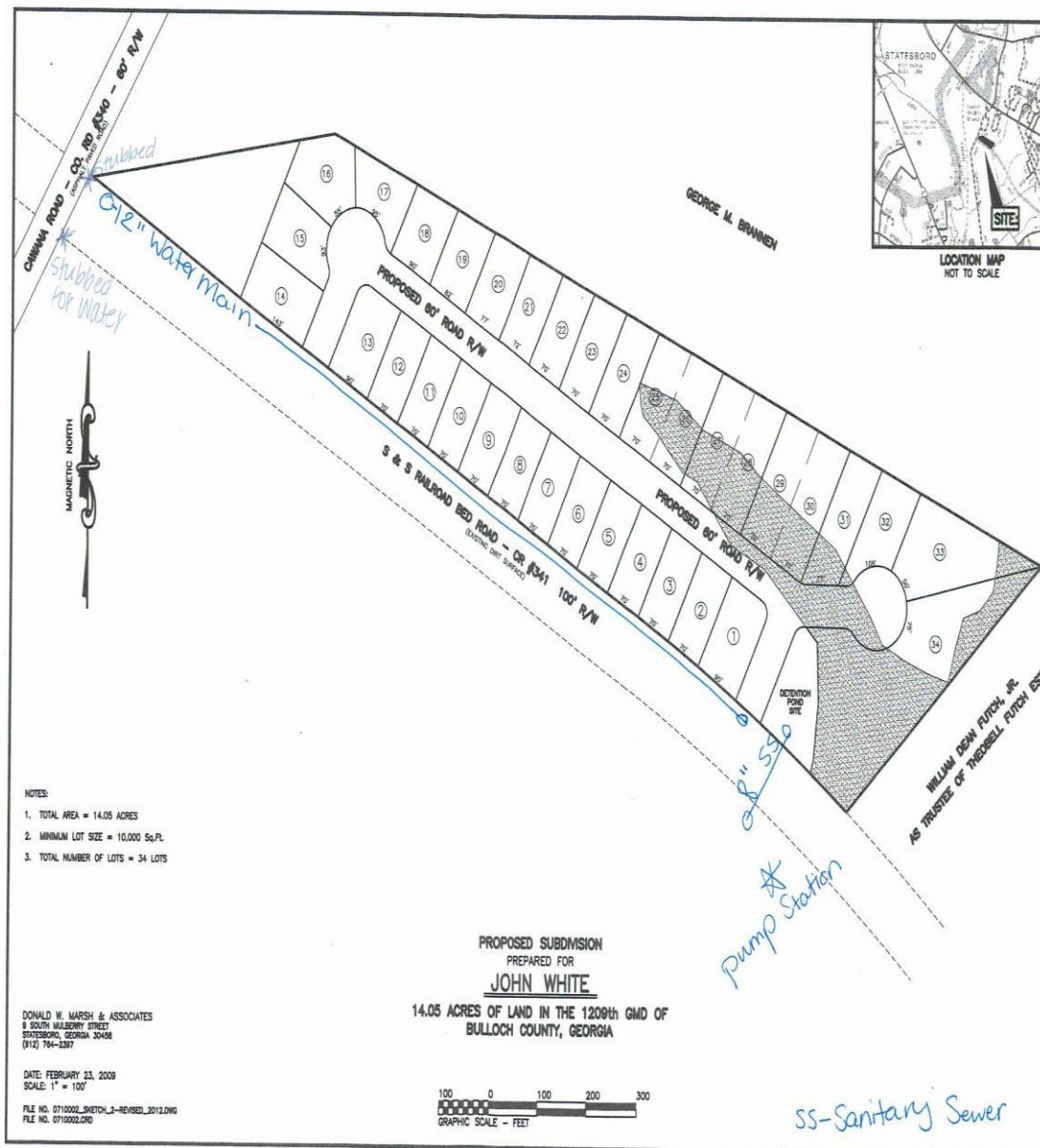


EXHIBIT C: RESOLUTION TO ACCEPT ANNEXATION

**RESOLUTION 2013-20: A RESOLUTION
TO ACCEPT AN APPLICATION FOR ANNEXATION**

THAT WHEREAS; Chapter 36 of the Official Code of Georgia provides municipalities a procedure for annexing property into the corporate limits of the municipality;

WHEREAS, the City of Statesboro's Department of Planning and development has presented an application for annexation by the 100 % method pursuant to O.C.G.A. § 36-36-21 to the Mayor and City Council for acceptance pursuant to O.C.G.A § 36-36-6;

WHEREAS, the Mayor and City Council find the acceptance of the annexation application to be in the interest and welfare of the citizens of Statesboro;

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

Section 1: Pursuant to O.C.G.A § 36-36-6 the application for annexation for the cases described on the attached Exhibit A, incorporated herein by reference, is hereby accepted.

Section 2: The Director of Planning and Development is hereby directed to provide notice of acceptance of this application for annexation to the Bulloch County Board of Commissioners pursuant to O.C.G.A § 36-36-6, O.C.G.A § 36-36-9, and O.C.G.A. §36-36-11.

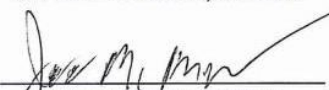
Section 3. The Director of Planning and Development is hereby directed to process said applications, to conduct all necessary analysis of the applications, to administer the City's necessary obligations in processing same , and to present the applications for proper consideration and possible approval before the Mayor and City Council at the proper time.

Section 4. That this Resolution shall be and remain effective from and after its date of adoption

Adopted this 4th day of June, 2013

CITY OF STATESBORO, GEORGIA




By: Joe R. Brannen, Mayor


Attest: Sue Starling, City Clerk

Exhibit "A"

The following applications for annexation have been filed with the City of Statesboro Department of Planning and Development and are hereby presented to the Mayor and Council for formal acceptance.

Upon acceptance by the Mayor and Council, staff will move forward with all proper requirements of process and will bring annexation ordinances, zoning hearings, and other necessary considerations before the Mayor and City Council at the proper time. This shall serve as an acceptance of the application only. Formal consideration of the annexation and zoning requests contained within the applications shall be considered at an appropriate meeting of the Mayor and Council.

1. **APPLICATION # AN 13-05-03:** Paul Beasley requests annexation by the 100 percent method of 22.83 acres of property located at Railroad Bed Road into the City of Statesboro (Tax Map Number 107 00014 005).
2. **APPLICATION # AN 12-05-01:**
 - a. W&L Developers requests annexation by the 100 percent method of 13.05 acres of property located at S & S Railroad Bed into the City of Statesboro (Tax Map Number 107 00007 000).
 - b. W&L Developers requests annexation by the 100 percent method of approximately 1 acre of property located at S & S Railroad Bed into the City of Statesboro (Tax Map Number 107 00006A 000).

EXHIBIT C: INTERGOVERNMENTAL AGREEMENT

STATE OF GEORGIA

COUNTY OF BULLOCH

**INTERGOVERNMENTAL AGREEMENT ON CAPITAL COST
RECOVERY FEE DISTRICTS**

This intergovernmental agreement is entered into this ____ day of November, 2007 by and between **BULLOCH COUNTY, a political subdivision of the State of Georgia, acting by and through its governing authority, the BULLOCH COUNTY BOARD OF COMMISSIONERS** (hereinafter "the County") and the **MAYOR AND COUNCIL OF THE CITY OF STATESBORO, GEORGIA** (hereinafter "the City").

WITNESSETH:

WHEREAS, the City of Statesboro and Bulloch County are undergoing major development in and around the corporate limits of Statesboro, necessitating increased water and sewer installation; and

WHEREAS, it is in the best interests of the public health, welfare, and safety of citizens in both the City of Statesboro and Bulloch County that the development take place with adequate water and sewer facilities to provide potable and fire protection water, and to collect and treat the wastewater generated; and

WHEREAS, the City and County have recognized the need to get the major water and sewer lines extended into areas adjacent to the City before the growth takes place, thereby assuring new development will be on water and sewer systems; and

WHEREAS, the City has needed a mechanism to help finance these extensions in a timely fashion, and has developed with the assistance of its consulting engineers a capital cost recovery fee district as the most suitable method; and

WHEREAS, the City of Statesboro with its consulting engineers has studied the area bounded by Veterans Memorial Parkway, Georgia Highway 67, Burkhalter Road, Pretoria-Rushing Road, and back to Cawana Road then to Brannen Street, minus the property already developed within the boundaries, and has determined that the area can be served as one sewer drainage basin by gravity sewer; and

WHEREAS, the City of Statesboro has adopted an ordinance authorizing the Mayor and City Council to establish capital cost recovery fee districts, and under that ordinance has passed a resolution establishing Capital Cost Recovery Fee District #1 for this Southeast Quadrant Area; and

WHEREAS, the fee can only be imposed on properties that annex into the City limits, and water and sewer service shall only be provided to property owners whose property is within the City limits that request said water and sewer service; and

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

WHEREAS, in order to install the major water and sewer lines ahead of the growth, the City will need to install some of them in property that is currently outside the corporate limits of Statesboro, and the Georgia Constitution at Article IX, Section II, Paragraph III requires a contract between a county and a city, for a city to expand its water and sewer services outside the City limits; and

WHEREAS, prior to making this major investment the Mayor and City Council of Statesboro need assurance that the County Commission is supportive of this plan to finance and install these water and sewer lines;

WHEREAS, the County has an interest in protecting the S&S Greenway and balancing growth between urbanizing areas and transitional areas referred to as Areas of Mutual Concern within the proposed Southeast Quadrant Area and Capital Cost Recovery District #1; and

WHEREAS, the County is supportive of planned annexation that considers logical boundaries, coordination of planning efforts, and the appropriate transfer of infrastructure and service delivery responsibilities; and

WHEREAS, the County is supportive of the City's plan to finance and install water and sewer lines according to proposed engineering plans so long as it results in a high quality of planned development that compliments the County's Future Land Use Plan.

NOW THEREFORE, in consideration of the mutual promises, obligations, and covenants set forth herein, the County and the City agree as follows:

1. The County hereby agrees that the City can establish one or more Capital Cost Recovery Fee Districts in areas contiguous to the corporate limits of Statesboro, or as mutually agreed upon if not contiguous, in order to help finance the cost of engineering design and construction of major water and sewer lines in areas outside the City limits.
2. The County hereby agrees that the City may expand its water and sewer system into any area within any such Capital Cost Recovery Fee District as established by formal resolution of the Mayor and City Council, thereby encouraging quality development and the expansion of both the City's and County's property tax base.
3. The County hereby agrees that the City may require annexation into the corporate limits of the City of Statesboro as a pre-condition to the availability of water or sewer services to any parcel of property lying within any designated Capital Cost Recovery Fee District.
4. The City Manager will notify the County Manager of plans for the establishment of any Capital Cost Recovery Fee District, and shall furnish him with a complete copy of the required engineering study and the duly adopted resolution establishing said district.
5. The City Manager will notify the County Manager when bids have been received, and a contract for construction has been awarded for any segment of any of the major water and sewer lines within any Capital Cost Recovery Fee District.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

6. The City Manager will provide the County Manager with the most current map of each Capital Cost Recovery Fee District so that Bulloch County planning staff can notify potential developers of the location of said districts within the county, and the fees associated with properties lying within said districts.
7. The County and City hereby agree to approve a concept within one hundred twenty (120) days, and a firm consensus no later than one hundred eighty (180) days from the effective date for a future land use plan for the Capital Cost Recovery Fee District #1 and Areas of Mutual Concern that reflect the preferences of this agreement. "Areas of Mutual Concern" is defined as an area that shall generally be within five-hundred (500) feet of Capital Cost Recovery Fee District #1 boundaries.
8. The County and City hereby agree not to approve requests for rezoning, conditional uses or sketch plans for property within the Capital Cost Recovery Fee District #1, or Areas of Mutual Concern, without consideration of mutual input and will notify each other of receipt of such applications, and of the time, date and place of any joint planning staff reviews, public hearings or other public meetings concerning these actions. Input shall be provided within the normal deadlines for other agencies' and departments' comments. At least one joint planning staff review shall be held on each such development project.
9. The County and City hereby agree that all annexations in the Capital Cost Recovery Fee District #1 shall include logical and identifiable boundaries wherever possible and be timed in such a way which allows for transition of services between the City and County. Readily identifiable boundaries should include lakes, rivers, streams, railroads and highways. Nothing herein shall prohibit the annexation of a tract of land at the request of the owner(s) that does not meet these preferred criteria.
10. The County and City hereby agree that if residential densities are proposed in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that are higher than 2.4 housing units per acre (currently the City's R-15 zoning designation), that those areas should be planned and concentrated near planned commercial services or nodes.
11. The County and City hereby agree that commercial uses and facilities in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be allocated in a reasonable amount and in a planned relationship to the people they will serve. Any future expansion of commercial uses in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be developed as centers or nodes rather than strips, and along roadways and intersections that have adequate capacity. Commercial facilities and uses should be very carefully considered so that they do not cause unnecessary traffic congestion and do not detract from the appearance of the community. However, it is recognized that the property fronting Georgia 67 between Briarwood Road and Burkhalter Road, will have commercial development which will serve a population greater than the CCR Fee District #1 and its Areas of Mutual Concern.
12. The County and City hereby agree that any newly proposed development in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that generates traffic at or in excess of 1,000 daily trips according to the latest version of the Institute of Traffic Engineers Trip Generation manual shall require a traffic impact analysis. The content and detail of the traffic impact analysis shall be scaled according to valid trip generation estimates, and shall include

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

proposed project improvements for automobiles, bicycles or pedestrians that will improve capacity within the proximate right-of-way, with the cost of any such improvements shall be borne by the developer.

The County and City hereby agree that the future land use plan called for in Paragraph 7 above, shall determine the necessary right-of-way widths for any collector and arterial streets within the CCR Fee District #1 or an Area of Mutual Concern. Said rights-of-way shall be obtained and preserved as part of the development review process.

13. The County and City hereby agree except for collector streets, street patterns in new residential areas in Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be designed to provide convenient access and circulation for each living unit, but to discourage through traffic.

14. The County and City hereby agree that any required public improvements along any arterial or collector road systems within Capital Cost Recovery Fee District #1 shall be the financial responsibility of the City.

15. The County and City hereby agree that they will adopt and enforce ordinances that meet the requirements of the Georgia Stormwater Management Manual as it regards the speed and volume of stormwater leaving a developed site.

16. The County and City hereby agree that unless the county agrees to retain a road right-of-way in County jurisdiction, the City will annex the entire width of County roads and rights-of-way adjacent to an annexation boundary and will assume full responsibility for maintenance and agreed upon necessary improvements for those portions of roads on the effective date of the annexation. It may also be desirable to include in an annexation adjacent road sections to avoid dead-end segments or portions of roads that meander in and out of jurisdictions. Such situations may be negotiated on a case by case basis.

17. The County and City hereby agree that if any new development occurs as the result of an annexation by the City that requires access along the proposed route of the S&S Greenway before construction by the County has been completed; that as a condition of development permitting by the City, the developer shall be required to pave any portion of the roadway (not including the pedestrian or bicycle path) that is adjacent to his development. The design and construction of any roadway that interfaces with the County's proposed Greenway must be mutually agreed upon by the County and City, and may include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowing.

18. The County and City hereby agree that the County shall own and maintain the right-of-way along the S&S Greenway subject to the provisions of right-of-way transfer set out in Paragraph 17 above, except that the County shall continue to own and maintain the portion of right-of-way to be used for the pedestrian and biking trail.

19. The City hereby agrees that it will consider amendments to its Zoning and Subdivision Ordinances that would require the same buffering requirements for properties adjacent to the S&S Greenway as those adopted by the County upon recommendation by its greenway consultant. Said buffering requirements may include special setbacks, strategic location of

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

access roads, and use of vegetative screens, earthen berms and fences to help reduce trespass of people, animals and vehicles.

20. The County and City hereby agree that until the City assumes the full maintenance and ownership of a former County road right-of-way, all municipal utility encroachments along designated County roads shall require a permit.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

BOARD OF COMMISSIONERS OF
BULLOCH COUNTY, GEORGIA

MAYOR AND COUNCIL OF THE CITY
OF STATESBORO, GEORGIA

By: J. Garrett Nevil
J. Garrett Nevil, Chairman

By: William S. Hatcher
William S. Hatcher, Mayor

Attest: Evelyn H. Wilson
Evelyn H. Wilson, Clerk

Attest: Judy M. McCorkle
Judy M. McCorkle, Clerk

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

ORDINANCE #2007-15: AN ORDINANCE AUTHORIZING A CAPITAL COST RECOVERY FEE FOR THE EXTENSION OF WATER AND SEWER TRUNK LINES INTO AREAS WITHIN AND ADJACENT TO THE CITY LIMITS

THAT WHEREAS, the City of Statesboro continues to experience significant growth within, and in close proximity to the city limits, and such growth is expected to continue; and

WHEREAS, the City needs a financial mechanism to install the water and sewer trunk lines that serve major drainage basins, and to do so ideally in front of the development taking place, so that the new construction is annexed into the City and is on both water and sewer service; and

WHEREAS, with the assistance of Hussey, Gay, Bell & DeYoung, the City's consulting engineers, the City staff has developed a mechanism to install said lines, and to recoup over time most of the City's principal needed to finance these lines; and

WHEREAS, the Mayor and City Council have reviewed this proposal, and wish to adopt it for use by the City of Statesboro;

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

Section 1. That the Statesboro Municipal Code is hereby amended by adding the following language to Chapter 82, UTILITIES:

“Sec. 82-72. Purpose of the capital cost recovery fee. The mayor and city council have determined that an effective means of financing the installation of the major trunk water and sewer lines inside and adjacent to the city limits, is to finance the cost using a GEFA loan or revenue bond with a twenty-year amortization period, and then to recoup most of the principal cost for said loan from a charge against each parcel or equivalent of such parcel. Said cost shall be determined based upon a detailed engineering study that includes an equitable mechanism for prorating the cost among all of the developable property (which excludes wetlands and road rights-of-way). As the property served by the major water and sewer trunk lines is developed, the fee would be paid into the water and sewer fund.

Sec. 82-73. Authorization for the capital cost recovery fee. The mayor and city council hereby establish a capital cost recovery fee (CCR fee), to be charged in any Capital Cost Recovery Fee District created under Sec. 82-74 below.

Sec. 82-74. Establishment of a CCR Fee District by resolution. The mayor and city council may by resolution establish a CCR Fee District, after receiving a detailed engineering study that identifies the sewer drainage basin to be served, and the water system necessary to service that drainage basin. The engineering study must provide a coherent, equitable methodology for apportioning the principal cost of the loan necessary to finance these major water and sewer lines between the various owners of the property, whether used for residential or commercial purposes. The initial costs to be imposed shall be as estimated for construction in the engineering study, and shown on the study's CCR Fee District Maps.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Sec. 82-74 Amendment of a CCR Fee District by resolution. The mayor and city council may amend by resolution a CCR Fee District whenever in their judgment the area needs to be enlarged or contracted, based upon the area to be served; or, to reflect the actual cost of construction once a major line has been installed. This will assure that the final cost of construction is the number used in computing the actual CCR Fee. The estimated costs are for planning purposes, and represent the engineering firm's best estimate of construction costs.

Sec. 82-75. Property must be within city limits to obtain water or sewer service within a CCR Fee District. No water or sewer service shall be offered or provided to any property or its owner within an established Capital Cost Recovery Fee District unless the property to be served has been annexed into the city limits of Statesboro prior to development, and the owner has entered into a Water and Sewer Agreement with the City. This will assure that the City's zoning, subdivision regulations, and development standards are met on each such development, and that it becomes a part of the City.

Sec. 82-76. Collection of the CCR Fee. The CCR Fee shall be collected at the time that a building permit is issued for a new development within a defined CCR Fee District. The City will not take partial payments of any kind.

Sec. 82-77. Separation as a source of revenue within the Water and Sewer Fund. The CCR Fee revenue shall be separated in the accounting records so that the amounts collected within a CCR Fee District can be tracked on an annual basis. The finance director shall be responsible for setting up the accounting system changes to do this.

Sec. 82-78. Appropriation of the CCR Fee. As long as there is any outstanding debt issued for any portion of a CCR Fee District, the revenues generated shall be classified as restricted cash set aside to pay that debt. In the event that sufficient CCR Fees are restricted to cover all principal and interest payments on said outstanding debt, any CCR Fees collected above that amount may be classified as unrestricted cash, and used for any purpose within the Water and Sewer Fund.

Sec. 82-79. Duration of a specific CCR Fee District. Any CCR Fee District established pursuant to this code shall remain in place until all of the available developable property within said district has been developed, and the required fees have been collected."

Section 2. That should any part of this ordinance be declared invalid by a court of competent jurisdiction, then the remaining portions of this ordinance shall continue in full force and effect.

Section 3. That this ordinance shall be effective from and after its adoption on two separate readings.

First Reading: May 1, 2007
Second Reading: May 15, 2007

MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

By: _____
William S. Hatcher, Mayor

Attest: _____
Judy M. McCorkle, City Clerk

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D



**CITY OF STATESBORO
CITY COUNCIL MINUTES
October 04, 2011**

A regular meeting of the Statesboro City Council was held on October 04, 2011 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Pro Tem Will Britt, Council Members: Tommy Blitch, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Engineer Robert Cheshire, and Director of Community Development Mandi Cody. Mayor Joe Brannen was absent.

Note: Councilman Travis Chance arrived to the meeting at 9:15a.m.

Approval of Minutes:

a) September 20, 2011 Council Minutes

Councilman Riggs made a motion, seconded by Councilman Blitch to approve the minutes of September 20, 2011. Councilman Blitch, Riggs and Lewis voted in favor of the motion. The motion carried by a 3-0 vote.

Recognitions/Public Presentations

a) Retirement recognition of Police Commander J.R. Holloway

Public Safety Director Wendell Turner and Mayor Pro Tem Will Britt presented Police Commander J.R. Holloway with a retirement plaque and thanked him for his many years of service to the City of Statesboro.

Public Comments (Agenda Item): None

Consideration of a Motion to approve Special Event Permit:

a) Theatre Production (Shakespeare on Trial) - Tim Chapman Averitt Center for the Arts

Councilman Lewis made a motion, seconded by Councilman Blitch to approve the Special Event Permit for the Averitt Center for the Arts. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Public Hearing and Consideration of a motion to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 2nd Reading of **Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission** with the condition to add Post 6 to Section 1-Section 2-67 #2. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a motion to approve 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve the 1st reading of **Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.** Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a Motion to approve the following request:

- a. **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the Statesboro Zoning Ordinance to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.**

Mr. William Howard representing EQV Development spoke on behalf of Alltel in favor of the variance request to construct a telecommunication tower. Councilman Chance made a motion, seconded by Councilman Lewis to approve **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the Statesboro Zoning Ordinance to construct and operate a 100' monopole wireless telecommunication tower.** Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signage for property located on Henry Boulevard.**

Joey Maxwell representing Maxwell Reddick and Assoc. spoke on behalf of the Heyhami Group, LLC in favor of the variance for signage of the Steak and Shake restaurant. Councilman Riggs made a motion, seconded by Councilman Blitch to approve **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signage for property located on Henry Boulevard with the condition the sign height not to exceed 9 ft. above the concrete.** Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Public Hearing and Consideration of a motion to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission with the condition to add Post 6 to Section 1-Section 2-67 #2. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a motion to approve 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve the 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a Motion to approve the following request:

- a. **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.**

Mr. William Howard representing EQV Development spoke on behalf of Alltel in favor of the variance request to construct a telecommunication tower. Councilman Chance made a motion, seconded by Councilman Lewis to approve APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard.**

Joey Maxwell representing Maxwell Reddick and Assoc. spoke on behalf of the Heyhami Group, LLC in favor of the variance for signage of the Steak and Shake restaurant. Councilman Riggs made a motion, seconded by Councilman Blitch to approve APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard with the condition the sign height not to exceed 9 ft. above the concrete. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

- c. **APPLICATION # SE 11-08-04**: Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales.

Bill Daniel representing Dan Vaden Auto Sales spoke in favor of the special exception for the property's use on Brannen Street. The right of way parcels will be dedicated to the City of Statesboro. Councilman Riggs made a motion, seconded by Councilman Blitch to approve **APPLICATION # SE 11-08-04**: Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales with conditions recommended by staff. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve Resolution 2011-31: A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia.

Councilman Riggs made a motion, seconded by Councilman Blitch to approve **Resolution 2011-31**: A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia. Councilman Blitch, Riggs, and Lewis voted in favor of the motion. Councilman Chance voted against the motion. The motion carried by a 3-1 vote.

Consideration of a Motion to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia.

Councilman Lewis made a motion, seconded by Councilman Chance to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid.

Councilman Blitch made a motion, seconded by Councilman Riggs to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve award of Contract to Ellis Wood Contracting in the amount of \$66,000 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. project to be funded by 2007 SPLOST

Councilman Lewis made a motion, seconded by Councilman Blich to approve contract to Ellis Wood Contracting in the amount of \$44,675.00 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. This project is to be funded by 2007 SPLOST but was not included in the original Council Packet. It was brought to Council just before the start of the meeting. City Engineer Robert Cheshire stated he negotiated a lower price after the original proposal was included in the Packet. Councilman Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion for the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road)

Councilman Riggs made a motion, seconded by Councilman Blich to approve the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road) and to retain the Intergovernmental Agreement. Councilman Blich, Riggs, and Chance voted in favor of the motion. Councilman Lewis left the meeting briefly. The motion carried by a 3-0 vote.

Reports from Staff:

a) City Manager's Report

City Manager Frank Parker announced the April 1st and April 19th, 2010 Budget Retreat would be re-held on Tuesday October 11, 2011 at 9:00 am at the Gateway Pond House

Director of Public Safety Wendell Turner updated Council on the billboards that would be appearing around Statesboro recognizing the "Operation Statesboro Blues" project.

b) Department Head Reports: None

Public Comments (General):

Allen Muldrew (DSDA) thanked the City for their involvement in the "Downtown Excellence" award that was presented to DSDA by the Department of Community Affairs Main Street Program.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Other Business from City Council

a) Nomination and acceptance of nominations for three seats on the Statesboro Planning Commission

The nominations for the vacant seats on the Planning Commission are:

a) Johnathan Mc Collar – 4 year term-Post 6

Councilman Blitch made a motion, seconded by Councilman Lewis to approve the nomination of Johnathan McCollar to the Statesboro Planning Commission for a 4 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

b) Rick Barr- 2 year term- Post 7

Councilman Lewis made a motion, seconded by Councilman Riggs to approve the nomination of Rick Barr to the Statesboro Planning Commission for a 2 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

c) Nick Propps- remainder of 4 year term-Post 2 or 4

Councilman Blitch made a motion, seconded by Councilman Lewis to approve the nomination of Nick Propps to the Statesboro Planning Commission for a 4 year term. He will currently serve 3 years for the remainder of a 4 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote

Consideration of a Motion to Adjourn

Councilman Riggs made a motion, seconded by Councilman Chance to adjourn the meeting. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

The meeting was adjourned at 11:30 a.m.

EXHIBIT E: ORDINANCE TO ANNEX PROPERTY

**ORDINANCE #2014 - :
AN ORDINANCE TO ANNEX PROPERTY
INTO THE CITY OF STATESBORO, GEORGIA**

WHEREAS, the Mayor and City Council of the City of Statesboro, Georgia have received petition from W & L Developers, LLC, who are the owners of 100 percent of the property to be annexed; and,

WHEREAS, pursuant to Chapter 36 of Title 36 of the Official Code of Georgia Annotated, in order to annex property, to provide an effective date and other provisions, the Mayor and City Council must approve an ordinance of annexation;

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

Section 1. All that area contiguous to the City of Statesboro know as Bulloch County Tax Map Parcel 107 000006A 000, being 1 acre in size and Map Parcel 107 00000 7000, being 13.5 acres in size, as shown on the attached Bulloch County Tax Parcel Map, is hereby annexed into the City of Statesboro and made a part of said city.

Section 2. This ordinance shall become effective on November 1, 2014.

Section 3. The Director of Planning & Community Development of the City of Statesboro is instructed to send a report that includes certified copies of this ordinance, the name of the county in which the property being annexed is located and a letter from the City stating the intent to add the annexed area to the Census maps during the next survey and stating that the survey map will be completed and returned to the United States Census Bureau, Georgia Department of Community Affairs, and to the governing authority of Bulloch County, Georgia within thirty (30) days after the effective date of the annexation as set forth in Section 2.

Section 4. On the effective date of the annexation, this property shall be placed in Council District 5 of the City of Statesboro.

Section 5. This property shall be zoned ____ (Single Family Residential) and located in the "Developing" character area as shown on the City of Statesboro Future Development Map pursuant to the vote of the Statesboro City Council held on October 21, 2014 subsequent to a public hearing regarding the zoning of said property.

Passed and adopted on two separate readings.

First Reading: October 7, 2014.

Second Reading: October 21, 2014.

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

By: Jan Moore, Mayor

Attest: Sue Starling, City Clerk

EXHIBIT F: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES

Photo 1: West view of Subject Site from S&S Railroad Bed Road



Photo 2: North view of Subject Site from S&S Railroad Bed Road



EXHIBIT F: PHOTOS OF THE SUBJECT SITE CONT'D

Photo 3: Eastern view from S&S Railroad Bed Road with the Subject Site on the left abutting S&S Railroad Bed Rd & the adjacent property to the South of the Subject Site on the right abutting the S&S Greenway Trail



Photo 4: Property to the direct South of Subject Site abutting S&S Greenway Trail that is zoned R4 & R10



EXHIBIT F: PHOTOS OF THE SUBJECT SITE CONT'D

Photo 5: West view from S&S Railroad Bed Road with Subject Site to the North, Cawana Road and S&S Greenway Trail crossing to the West and undeveloped adjacent property to the South that was recently rezoned to R4 & R10.





City of Statesboro – Department of Planning & Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**RZ 15-02-01
 ZONING MAP AMENDMENT
 9 GRADY JOHNSON ROAD**

LOCATION: 9 Grady Johnson Road

REQUEST: Rezone from R4 (High Density Residential) to CR (Commercial Retail) to allow for the construction of medical offices.

APPLICANT: Shin Real Estate Holdings, LLC

OWNER(S): Estate of Jane Harless Ward c/o Julia Ward Youngblood & Susan Ward Turner, Executors

ACRES: 4.41 Acres

PARCEL TAX MAP #: MS75000002A000

COUNCIL DISTRICT: 5 (Chance)



PROPOSAL:

The applicant is requesting a zoning map amendment for 4.41 acres located at 9 Grady Johnson Road from the R4 (High Density Residential) zoning district to the CR (Commercial Retail) zoning district for the anticipated sale of the property for the construction of medical offices. (See **Exhibit A** – Location Map & **Exhibit B** – Proposed Site Plan)

BACKGROUND:

On June 15, 2010, the subject property was rezoned (RZ 10-04-03) from CR (Commercial Retail) district to R4 (High Density Residential) for the proposed construction of a senior citizen residential development. The proposed development was not constructed and the subject property remains undeveloped.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	CR (Commercial Retail)	Restaurants, Offices & Retail Stores
SOUTH:	CR (Commercial Retail)	Mobile Home Park, Retail & Offices
EAST:	CR (Commercial Retail)	Retail, Offices, & Personal Service Facilities
WEST	CR (Commercial Retail) & PUD/CR (Planned Unit Development with Commercial Retail overlay	Retail, Offices, Personal Services & Restaurants

The property is located off of State Route 67 (also known as Fair Road) and north of the Highway 301 Bypass (also known as Veterans Memorial Parkway). It is bordered on the north and the west by office and retail development

within The Market District and the east by the Statesboro Fire Department's Fair Road Station and Statesboro Self Storage (both of which front on Fair Road).

Properties to the north, south, east, and west of the subject parcel are all zoned CR (Commercial Retail). However, nearly 15 (fifteen) acres of property just across Grady Johnson Road from the subject property are utilized in a residential fashion (Johnson's Mobile Home Park), despite its CR (Commercial Retail) zoning designation. Cotton Ridge Medical Plaza is also adjacent to the residential area and fronts Fair Road.

It is important to note, however, that should the zoning map amendment be granted, development of the property would not be limited to the developer's proposed medical office use represented in the application. Rather, a zoning map amendment would allow for the subject property to be developed into any use permissible in the Commercial Retail zoning district.

COMPREHENSIVE PLAN:

The subject site lies within the "Activity Center/ Regional Centers" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan, 2014 Update*. The *Statesboro Comprehensive Plan* articulates the vision of the Activity Center character area as follows:

"Currently dominated by auto-oriented design and large surface parking lots, the Activity Centers will evolve into pedestrian-oriented shopping, office, and entertainment places that may also accommodate high-density residential development. Where excess parking is located, infill development can break up large surface lots. Tree plantings and landscaping will be generous to soften the development intensity in these areas. Access to these activity centers will be easily achieved for pedestrians, cyclists, and drivers alike."

Appropriate land uses include:

- Small, mid-size, and regional retail
- Office
- Medical
- Mixed uses retail/office/residential buildings
- Diverse mix of higher density housing types

Some suggested development and implementation strategies for the Activity Center character include the following:

- Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence. (such as screening parking lots or locating parking areas primarily to the sides and rear of buildings).
- Encourage infill, new, and redevelopment to build close to the street.
- Incorporate inter-parcel connectivity, especially along major thoroughfares.
- New developments that contain a mix of residential, commercial uses, and community facilities at small enough scale and proximity to encourage walking between destinations.
- Use infrastructure availability to steer development away from areas of natural, cultural, and environmentally sensitive resources.
- Require shade trees to be planted in parking lots and along highway corridors.

COMMUNITY FACILITIES AND TRANSPORTATION:

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

Access to the subject property is available from either Grady Johnson Road or Rushing Lane. Grady Johnson Road, the direct and most logical access route to the site, is a local dead end street which also provides access to two (2) single family residential lots, Johnson Mobile Home Park and secondary access to Cotton Ridge Medical Center (which fronts on Fair Road). No traffic counts were available from the Georgia Department of Transportation for either Grady Johnson Road or Rushing Lane; however, given that both roadways offer limited access and destination points, there is little indication of substantial traffic volumes or "cut-through" traffic on either roadway.

The Georgia Department of Transportation (GDOT) functionally classes Grady Johnson Road and Rushing Lane as local streets. The *2035 Bulloch County/City of Statesboro Long Range Transportation Plan* rated Grady Johnson Road, Rushing Lane, and Fair Road at a level of service (LOS) of C or better. Level of Service ratings are a "qualitative measure of traffic flow describing operating conditions" ranging from A (representing the best operating

conditions) to F (representing the worst operating conditions). A rating of C or better indicates that “travel speeds are slightly lower than the posted speed with noticeable delay in intersection areas.” A rating of D or worse is considered deficient. Neither Grady Johnson Road nor Rushing Road were identified in the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan* as prioritized areas of needed improvement, the nearby intersection of Fair Road with the Veteran’s Memorial Bypass was cited as having operational safety issues and identified by the *Transportation Plan* as a prioritized area of needed safety and capacity improvements.

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 request to rezone the subject property from R4 High Density Residential to CR- Commercial Retail 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 commercial retail uses 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;**
 - a. Adjacent and nearby properties are both zoned and utilized in conformance with the CR (Commercial Retail) district.
- (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.**
 - a. The property is adequate in size and shape to develop in conformance with the CR regulations.
- (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.**
 - a. The property contains one single family structure.
 - b. Property in the nearby area has and continues to develop in a commercial fashion.
- (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;**
 - a. Transportation patterns and congestion along Grady Johnson Road would be impacted by the development of this site.
- (8) Consistency with other governmental land use, transportation, and development plans for the community.**
 - a. Commercial Retail zoning is appropriate for the character area of the property as identified by the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends approval based on evaluation of *Statesboro Zoning Ordinance* and *Comprehensive Plan*.

PLANNING COMMISSION:

Planning Commission voted 5-0 to recommend approval of RZ 15-02-01 based on the staff recommendation.

EXHIBIT A: LOCATION MAP



EXHIBIT B: PROPOSED SITE PLAN

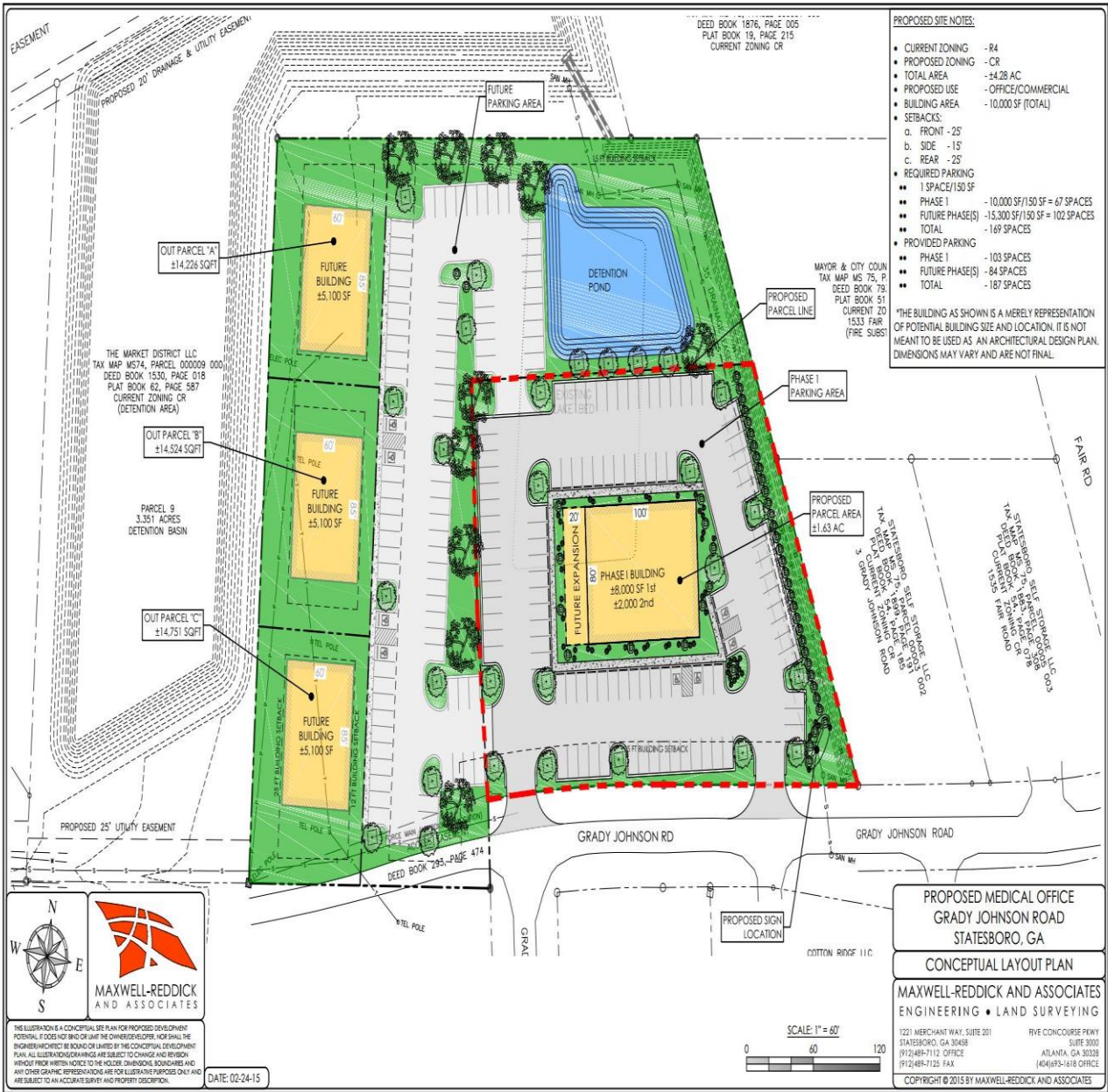


EXHIBIT C: PHOTOS OF SUBJECT SITE & SURROUNDING PROPERTIES

Photo 1: View of subject property from Grady Johnson Road.



Photo 2: Existing Structure on Subject Property



Photo 3: Johnson's Mobile Home Park from the subject property to the south.

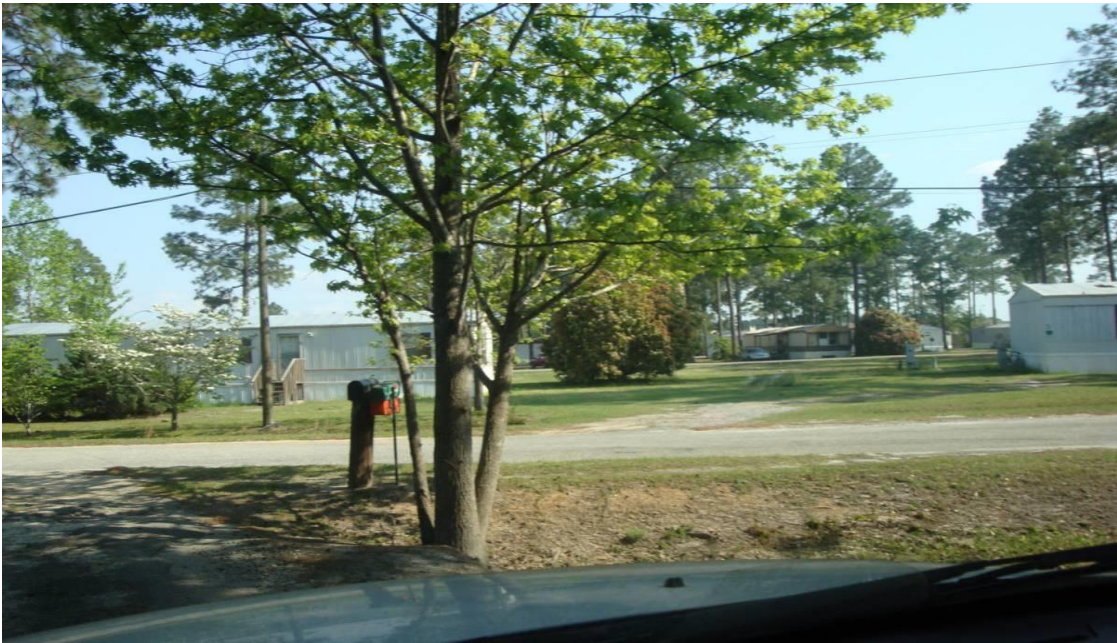


Photo 4: Statesboro Self Storage and Fire Department from the east property line of subject property.





City of Statesboro – Department of Planning and Development DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

V 15-02-02 VARIANCE REQUEST 41 WEST MAIN STREET

LOCATION: 41 West Main Street

REQUEST: Variance from Article XV to allow animated wall signage and LED channel lighting within the CBD (Central Business District) zoning district.

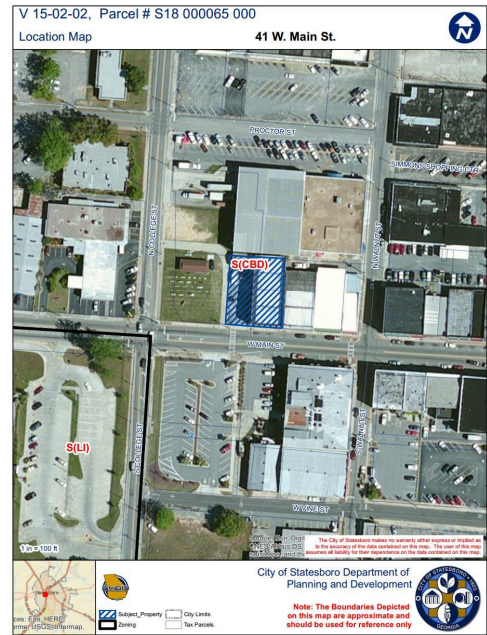
APPLICANT: Averitt Center for the Arts

OWNER(S): Statesboro Arts Council Inc.

LAND AREA: .25 Acres

PARCEL TAX MAP #s: S18000065000

COUNCIL DISTRICT: District 1 (Boyum)



PROPOSAL:

The applicant is requesting a sign variance from Article XV of the Statesboro Zoning Ordinance to allow for the use of animated wall signage and LED channel lighting within the CBD (Central Business District) zoning district. See **Exhibit A-** Location Map & **Exhibit B-**Proposed Sign Rendering.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CBD (Central Business District)	Commercial Retail; office
SOUTH:	CBD (Central Business District)	Commercial Retail; office; food service; loft apartments
EAST:	CBD (Central Business District)	Commercial Retail; office; food service
WEST	CBD (Central Business District)	Commercial Retail; office; food service

The subject property is surrounded by mixed uses including restaurants, retail services, offices, and apartments that are all within the Urban Core.

COMPREHENSIVE PLAN:

The subject site lies within the "Urban Core/ Downtown" character area identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The "Urban Core" character area is identified as the downtown core of the city and should remain the activity and cultural hub of the region.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently serviced by city utilities including water and sewer, sanitation, and public safety services.

ENVIRONMENTAL:

The subject property does not contain wetlands. Any potential issues related to such can be resolved during the standard permitting processes.

ANALYSIS:

The Averitt Art Center is making application for sign permits to erect a marquee style sign with bulb illumination, a manual changeable copy message board, and neon lights at 41 West Main Street for their black box theatre location to be placed on the side elevation facing North College Street. To face West Main Street will be a 5' X 7.75' (38.75 SF) wall sign and 4 banners (12 SF each). Several elements of this design are contrary to the provisions of Article XV of the *Statesboro Zoning Ordinance*, thereby necessitating this variance application.

The subject site is located within Sign District 4, the Central Business District, as identified by the *Statesboro Zoning Ordinance*. Several provisions regarding District 4, including the prohibition against internal illumination in Section 1506 (F) and Table 6's restriction of "two (signs) per building elevation where one sign is in the form of a canopy/awning" and section 1510 (B)(1) restriction of the changeable copy portion of any sign to 50 percent of the overall display surface area, or 20 square feet, whichever is less, are at issue here. As shown on the attached renderings for this sign application, this application contemplates an aggregate of 152.75 SF to include internal illumination, external bulb lighting, and the changeable copy portion of the sign is estimated at 42.4 square feet or 75% of the sign area. Additionally, the 4 banners are more than permissible by the code.

Section 1503(G), as amended effective July 1, 2009, states that no variances shall be permitted from the terms of Article XV regarding signs in the *Statesboro Zoning Ordinance*. It continues to state that "specifically, no variances under Article XVIII (regarding consideration and approval of variances) of this ordinance shall be applicable to the standards contained within this Article [XV]." However, Article XV regarding signs is part of the *Statesboro Zoning Ordinance*, which provides for the award of variances by the City Council from the zoning regulations stating that "approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done" and **Section 1801 states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:**

Section 1801 of the *Statesboro Zoning Ordinance* lists the following four (4) factors that the Mayor and Council [could] consider to be true in its consideration of a variance request:

- (1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;**
 - There are no special conditions pertaining to the land in question because of its size, shape, topography, or other physical characteristic that is not common to other land or buildings in the general vicinity or the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant;**
 - The application for consideration is the result of the actions of the applicant.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - Application of the ordinance to this particular piece of property would not create an unnecessary hardship in terms of land use and ordinance application.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
 - Relief, if granted, would not cause substantial detriment to the public good nor would it impair the purposes and intent of the zoning regulations.
 - The *Statesboro Comprehensive Plan*, the *Downtown Statesboro Development Authority Master Plan*, and the *South Main Street Redevelopment Plan* all support a vibrant and culturally infused downtown area for Statesboro. The subject site is located on West Main

- Street, in the core of downtown, and will operate as a culturally significant artistic theatre in our downtown area thereby serving to further the realization of the goals of each of these plans.
- This signage compliments the signage located at the Art Center's main theatre on East Main Street.

STAFF RECOMMENDATION:

Staff recommends approval of the variance application from Article XV.

PLANNING COMMISSION:

Planning Commission voted 5-0 to approve the requested sign variance based on the facts that the Averitt Center for the Arts is an important community asset that is a quasi-governmental organization funded by hotel/motel taxes.

EXHIBIT A: LOCATION MAP

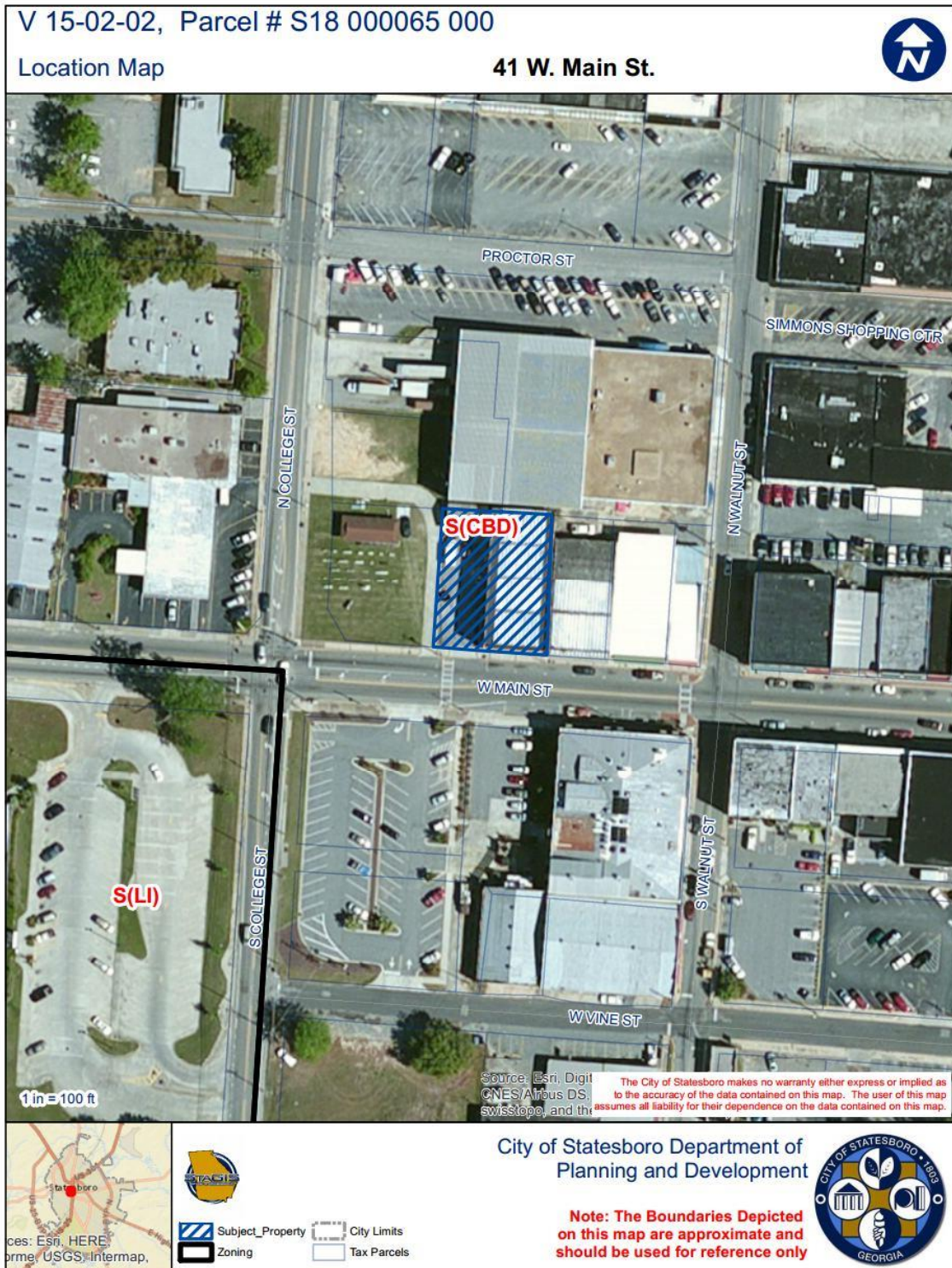
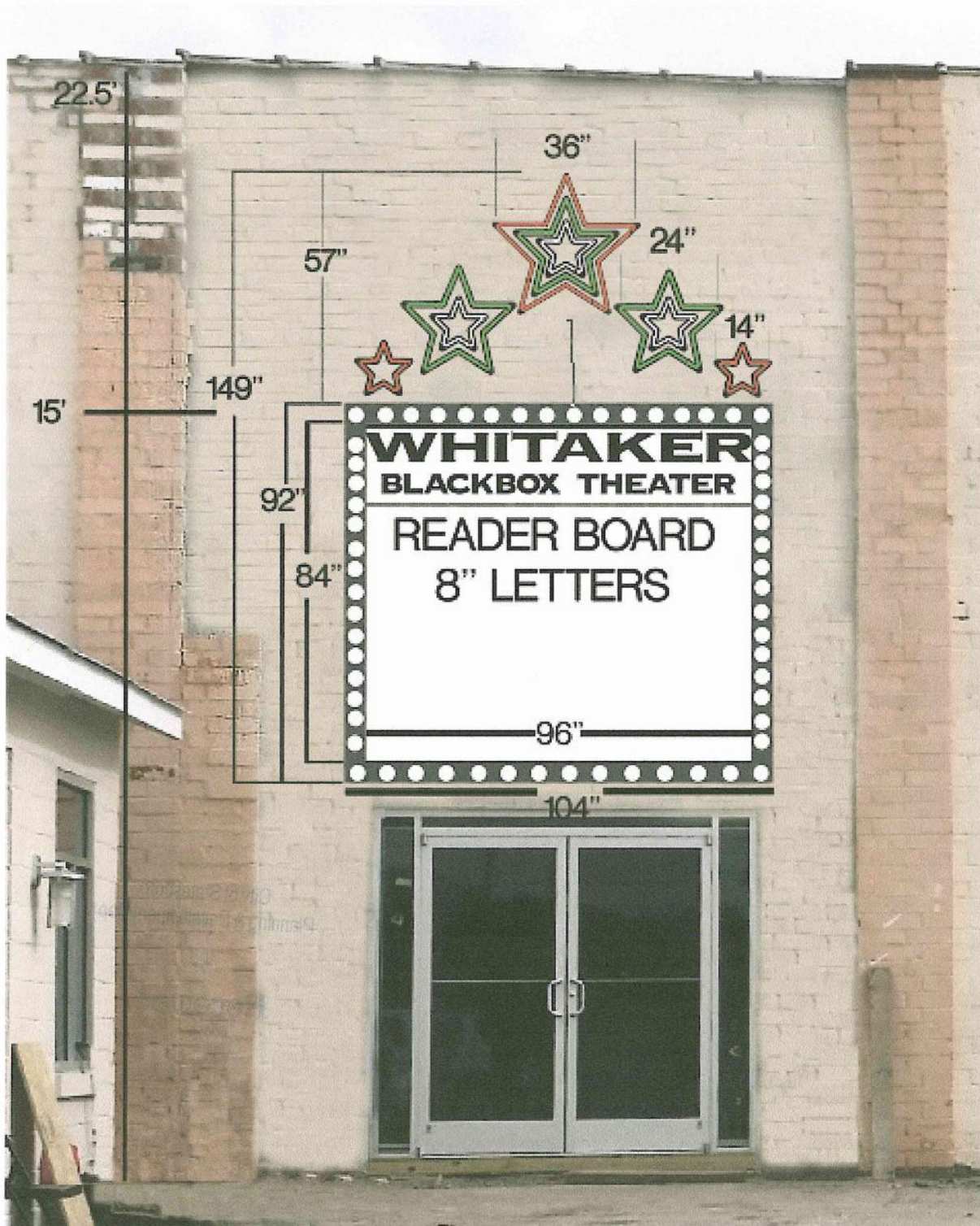


EXHIBIT B: PROPOSED SIGN RENDERINGS

Proposed Wall Signage on side elevation facing North College Street



Four Proposed Banner Flag Designs that will face West Main Street



Proposed Banner Flags and Wall Sign location facing West Main Street



EXHIBIT C: PHOTOGRAPHS OF SUBJECT SITE AND SURROUNDING PROPERTIES

Photo 1: Subject Site from West Main Street



Photo 2: Eastern view from subject site.



Photo 3: Side elevation facing North College Street



Photo 4: Parking to the south of subject site



Memo



TO: Robert Cheshire, City Manager

FROM: Darren Prather, Purchasing Director

DATE: 3-9-2015

Re: Recommendation—Integrated Public Sector Financial Management Software Solution

The City of Statesboro issued a request for proposals (RFP) for an integrated public sector financial management software solution. This software would replace the system currently in use and would include the following modules: financial management, personnel management, utility management and planning/permitting (a module for Municipal Court will be selected at a later date possibly from another vendor). The current system is antiquated and support has been extremely lacking in recent years. The new system will allow for a more efficient use of employee resources and rapid access to more detailed financial reports. The software offered by Tyler Technologies comes highly recommended and is in use in numerous Georgia entities as well as around the rest of the United States. This opportunity was advertised and we received four (4) submittals. The evaluation process contained two rounds with the first round narrowing the scope to two vendors. The criteria used in the evaluation by our seven (7) member team included: market focus, stability of company, customer service reputation, ability to provide a comprehensive system and cost (the cost section was not opened until the second round of evaluation so as to select the highest quality product without price being a factor initially). Once that process was completed, the top two remaining vendors were asked to offer on-site presentations. The original seven evaluators and numerous employees from all departments attended these presentations. At the conclusion of these presentations, the evaluation committee met and viewed the cost submittals of the two presenting firms. Following are the evaluation averages by the seven committee members of each vendor along with the initial cost submittal of the two firms selected to offer presentations in the second round.

<u>Vendor</u>	<u>Rating</u>	<u>Cost</u>	<u>Yearly Maint.</u>
1. Tyler Technologies	88.43/100	\$233,595.00	\$37,500.00
2. New World Solutions	85.29/100	\$495,650.00	\$58,000.00
3. Edmunds	80.00/100	N/A	N/A
4. Harris	68.58/100	N/A	N/A

Note: Vendors were rated on a 100 point scale by a seven member evaluation committee in the first round. The two vendors selected for the final round (Tyler Technologies and New World Solutions) were evaluated based on the same criteria as the first round with cost factored in the final consensus ranking by the committee. Contract amounts are subject to change due to possible negotiations.

After the second round of evaluations, the consensus selection by the evaluation committee was Tyler Technologies. The same criteria were used as in the first round with the addition of the cost component being added for consideration. After this selection, the City of Statesboro scheduled a visitation to the City of Goose Creek, S.C. This city had many of the same modules that we are considering to purchase. City of Statesboro employees that would use each module of the software attended and reported a favorable experience while testing the software.

After a long request for proposal process that included sealed submittals, evaluations, presentations and site visits, we request Council approve the City Manager to enter into negotiations for a final contract to bring to Council for approval. If negotiations are approved, various financing options will be researched to include: GMA Lease Pool and vendor options. This software would be paid proportionally by each using department. Each option will be presented to Council for consideration with a recommendation.



APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES
CITY OF STATESBORO, GEORGIA

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. A non-refundable ONE HUNDRED FIFTY dollar (\$150.00) application fee must be tendered with the application. (cash, credit card, certified check, or money order, checks should be made payable to the City of Statesboro.)

1. BUSINESS TRADE NAME: Longhorn Steakhouse #5084
D/B/A Name

2. APPLICANT'S NAME: Rare Hospitality International, Inc.
(Name of partnership, llc, corporation, or individual)

3. BUSINESS LOCATION ADDRESS: 296 Northside Drive East, Statesboro, GA 30458
STE#

4. BUSINESS MAIL ADDRESS: Attn: Licensing, PO Box 695016

CITY: Orlando STATE: Florida ZIP CODE: 32869-5016

5. LOCAL BUSINESS TELEPHONE NUMBER: (912) 489-5369

CORPORATE OFFICE TELEPHONE NUMBER: (800) 248-4918, X5332

6. CONTACT NAME FOR BUSINESS: Margie Camp

TELEPHONE NUMBER FOR CONTACT PERSON: 1-800-248-4918, X5332

7. NAME OF MANAGER: Jeremy P. Coolidge
(Person responsible for Alcohol Licensing issues)

8. PURPOSE OF APPLICATION IS: (CHECK ALL THAT APPLY)

NEW BUSINESS: _____ NEW OWNER: _____ NEW MANAGER

PREVIOUS ^{Manager} OWNER'S NAME: Heidi H Chauhan

BUSINESS NAME CHANGE: _____ PREVIOUS BUSINESS NAME: _____

ADDRESS CHANGE: _____ PREVIOUS ADDRESS: _____

LICENSE CLASS CHANGE: BEER WINE LIQUOR OTHER _____

9. INDICATE WHERE BUSINESS WILL BE LOCATED:

Above Ground Street or Ground Floor Level

RECEIVED
3-4-15

APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES
CITY OF STATESBORO, GEORGIA

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. A non-refundable ONE HUNDRED FIFTY dollar (\$150.00) application fee must be tendered with the application. (cash, credit card, certified check, or money order, checks should be made payable to the City of Statesboro.)

1. BUSINESS TRADE NAME: Kali's Food Mart
D/B/A Name

2. APPLICANT'S NAME: Nandlal Inc.
(Name of partnership, llc, corporation, or individual)

3. BUSINESS LOCATION ADDRESS: 300 South College St. STE# _____

4. BUSINESS MAIL ADDRESS: 300 South College St.

CITY: Statesboro STATE: GA ZIP CODE: 30458

5. LOCAL BUSINESS TELEPHONE NUMBER: (912) 764-5544

CORPORATE OFFICE TELEPHONE NUMBER: () -

6. CONTACT NAME FOR BUSINESS: Ankitbhai Patel

TELEPHONE NUMBER FOR CONTACT PERSON: _____

7. NAME OF MANAGER: Ankitbhai Patel
(Person responsible for Alcohol Licensing issues)

8. PURPOSE OF APPLICATION IS: (CHECK ALL THAT APPLY)

New Manager

NEW BUSINESS: _____ NEW OWNER: _____

PREVIOUS ^{manager} OWNER'S NAME: Rameshchandra Patel

BUSINESS NAME CHANGE: _____ PREVIOUS BUSINESS NAME: _____

ADDRESS CHANGE: _____ PREVIOUS ADDRESS: _____

LICENSE CLASS CHANGE: BEER _____ WINE _____ LIQUOR _____ OTHER _____

9. INDICATE WHERE BUSINESS WILL BE LOCATED:

Above Ground Street or Ground Floor Level