



November 19, 2019 5:30 pm

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilman Phil Boyum
3. Recognitions/Public Presentations
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 11-05-2019 Council Minutes
 - b) 11-05-2019 Executive Session Minutes
6. Second reading and Consideration of a Motion to Approve proposed **Ordinance 2019-11**: An Ordinance amending Article XV of Appendix A of the Statesboro Code of Ordinances specifically amending 1506(f) regarding illuminated signs in the downtown district.
7. Public Hearing and First reading of proposed **Ordinance 2019-12**: An Ordinance amending Chapter 38 of the Statesboro Code of Ordinances adding Article VII and establishing the Community Redevelopment Tax Incentive Program
8. Public Hearing and Consideration of a Motion to Approve: **APPLICATION V 19-10-01**: Brent Watts requests a variance from Article VIII, Section 801(P) regarding the placement of apartment units on the first floor of a building in the Central Business District for 0.20 acres of property located at 9 Hill Street (Tax Parcel S28 000005 000).
9. Public Hearing and Consideration of a Motion to Approve: **APPLICATION V 19-10-03**: HSE Permit Solutions requests a variance from Article XV, Section 1509(C), Table 5 regarding the maximum square footage of building signs in Sign District 3 for 2.10 acres of property located at 427 South Main Street (Tax Parcel S21 000021 000).
10. Public Hearing and Consideration of a Motion to Approve: **APPLICATION SE 19-10-04**: Barbara W. Lee requests a special exception for 0.09 acres of property located at 380 Johnson Street to utilize a portion of the existing building as a beauty shop in the R-8 (Single Family Residential) zoning district (Tax Parcel MS40 000030 001).

11. Public Hearing and Consideration of a Motion to Approve:

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

12. Public Hearing and Consideration of a Motion to Approve:

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

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

14. Public Hearing and Consideration of a Motion to Approve: **APPLICATION V 19-10-08:** Richard Haynes requests a variance from Article IV, Section 403(A) to reduce the minimum lot size requirements for property to be considered for the R-20 (Single Family Residential) zoning district in order to develop an additional single family residence on 0.82 acres of property located at 103 Niver Road (Tax Parcel MS50 000044 000).

15. Consideration of a Motion to Approve **Resolution 2019-37:** A Resolution Adopting a Language Access Plan for the 2019 Community Development Block Grant project.

16. Consideration of a Motion to Approve **Resolution 2019-38:** A Resolution Approving Application for the Bloomberg Philanthropies Asphalt Art Innovative Grant Program.

17. Consideration of a Motion to Approve the positions of Public Information Officer and Assistant to the City Manager.
18. Other Business from City Council
19. City Managers Comments
20. Public Comments (General)
21. Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters” “Real Estate” and/or “Potential Litigation” in accordance with O.C.G.A 50-14-3(b)
22. Consideration of a Motion to Adjourn



CITY OF STATESBORO
COUNCIL MINUTES
NOVEMBER 5, 2019

Regular Meeting

50 E. Main St. City Hall Council Chambers

9:00 AM

1. **CALL TO ORDER**

Mayor Jonathan McCollar called the meeting to order

2. **INVOCATION AND PLEDGE**

Councilman Derek Duke gave the Invocation and Pledge of Allegiance.

ATTENDENCE

| Attendee Name | Title | Status | Arrived |
|-------------------|---------------|---------|---------|
| Jonathan McCollar | Mayor | Present | |
| Phil Boyum | Councilmember | Present | |
| Sam Jones | Councilmember | Present | |
| Jeff Yawn | Councilmember | Present | |
| John Riggs | Councilmember | Present | |
| Derek Duke | Councilmember | Present | |

Other staff present was: City Manager Charles Penny, Assistant City Manager, Jason Boyles, City Attorney Cain Smith and City Clerk Leah Harden.

3. **Recognitions/Public Presentations: None**

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

5. **Consideration of a Motion to approve the Consent Agenda**

A) Approval of Minutes

a) 10-15-2019 Mayor and Council Work Session Minutes

b) 10-15-2019 Council Minutes

c) 10-15-2019 Executive Session Minutes

B) Consideration of a Motion to dispose of surplus equipment in accordance with the City's Purchasing Policy Section 3: Vehicle and Equipment Surplus and Disposal.

C) Consideration of a motion to approve application for Sec. 6-17(d) exemptions to open container prohibition:

a) **Eagle Creek Brewing Company**

106 Savannah Ave Ste. B

11/09/2019

8pm – 11pm

A motion was made to approve the Consent agenda,

RESULT:

Approved (Unanimous)

MOVER:

Councilman Jeff Yawn

SECONDER:

Councilman Derek Duke

AYES:

Boyum, Jones, Yawn, Riggs, Duke

ABSENT

6. Public Hearing and First reading of proposed Ordinance 2019-11: an Ordinance amending Section 1506 (f) of Article XV Appendix A of the Statesboro Code of Ordinances regarding illuminated signs in the downtown district.

A motion was made to open the Public Hearing

RESULT:

Approved (Unanimous)

MOVER:

Councilman Phil Boyum

SECONDER:

Councilman Jeff Yawn

AYES:

Boyum, Jones, Yawn, Riggs, Duke

ABSENT

A motion was made to close the Public Hearing

RESULT:

Approved (Unanimous)

MOVER:

Councilman John Riggs

SECONDER:

Councilman Jeff Yawn

AYES:

Boyum, Jones, Yawn, Riggs, Duke

ABSENT

A motion was made to move forward to the second reading for Ordinance 2019-11

RESULT:

Approved (Unanimous)

MOVER:

Councilman Phil Boyum

SECONDER:

Councilman Jeff Yawn

AYES:

Boyum, Jones, Yawn, Riggs, Duke

ABSENT

7. Public Hearing and First reading of proposed Ordinance 2019-12: an Ordinance amending Chapter 38 of the Statesboro Code of Ordinances adding Article VII and establishing the Community Redevelopment Tax Incentive Program

A motion was made to open the Public Hearing

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|------------------|---------------------------------|
| RESULT: | Approved (Unanimous) |
| MOVER: | Councilman Jeff Yawn |
| SECONDER: | Councilman Derek Duke |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT | |

Marcus Toole with Habitat for Humanity Bulloch County spoke in favor of the Ordinance.
No one spoke against the Ordinance.

A motion was made to close the Public Hearing

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|------------------|---------------------------------|
| RESULT: | Approved (Unanimous) |
| MOVER: | Councilman Jeff Yawn |
| SECONDER: | Councilman Derek Duke |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT | |

After some discussion

A motion was made to table Ordinance 2019-12 until the next meeting pending a work session

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|------------------|---------------------------------|
| RESULT: | Approved (Unanimous) |
| MOVER: | Councilman Phil Boyum |
| SECONDER: | Councilman Sam Jones |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT | |

8. Consideration of a Motion to approve Resolution 2019-36: A Resolution for the Opening of the 2019 Community Development Block Grant (CDBG) Bank Account

A motion was made to approve Resolution 2019-36

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| RESULT: | Approved (Unanimous) |
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| MOVER: | Councilman Jeff Yawn |
| SECONDER: | Councilman Phil Boyum |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT | |

9. Consideration of a Motion to renew the Health Insurance contract with Anthem Blue Cross Blue Shield.

A motion was made to renew the Health Insurance contract with Anthem Blue Cross Blue Shield.

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| RESULT: | Approved (Unanimous) |
| MOVER: | Councilman Derek Duke |
| SECONDER: | Councilman Jeff Yawn |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT | |

10. Consideration of a Motion to award a contract to Flint Equipment Company in the amount of \$95,000.00 for one John Deere 301SL HI Backhoe Loader with funds approved as part of the 2020 CIP Budget, Item #WWD-76.

A motion was made to award a contract to Flint Equipment Company in the amount of \$95,000.00 for one John Deere 301SL HI Backhoe Loader.

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| RESULT: | Approved (Unanimous) |
| MOVER: | Councilman Derek Duke |
| SECONDER: | Councilman Jeff Yawn |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT | |

11. Consideration of a Motion to Award a Sourcewell Contract to Altec Industries for the purchase of an Altec Model A35G bucket truck body with a 2020 Dodge 4500 Cab and Chassis this unit will be used in the Street Division of Public Works & Engineering Department in the amount of \$108,919.00. This item will be purchased with funds from the 2018 TSPLOST.

A motion was made to award a Sourcewell Contract to Altec Industries for the purchase of an Altec Model A35G bucket truck body with a 2020 Dodge 4500 Cab and Chassis this unit will be used in the Street Division of Public Works & Engineering Department in the amount of \$108,919.00.

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|------------------|-----------------------|
| RESULT: | Approved (Unanimous) |
| MOVER: | Councilman Phil Boyum |
| SECONDER: | Councilman Jeff Yawn |

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|---------------|---------------------------------|
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT | |

12. Other Business from City Council:

Councilman John Riggs stated he is concerned about the high rate of violent crime. He stated the police department needs more officers on patrol. Councilman Riggs stated we need to come up with a plan for the next five years to implement the increase of the City’s police force.

Councilman Duke stated we have a good and benevolent police force that does their job.

Mayor McCollar thanked city staff for their help on the Youth Retreat that was held this past weekend. It was a success.

13. City Managers Comments

City Manager Charles Penny asked if the second meeting December would be cancelled due to the Christmas holiday. It was stated that we would wait until time got closer to make a decision.

14. Public Comments (General) :

John Riggs Councilman for District 4 addressed Mayor and Council as a lifelong citizen of the City of Statesboro regarding the increased violent crime in our city.

15. Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters” in accordance with O.C.G.A 50-14-3(b)

A motion was made to enter into Executive Session 9:51 am

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| RESULT: | Approved (Unanimous) |
| MOVER: | Councilman Jeff Yawn |
| SECONDER: | Councilman Phil Bovum |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT | |

A motion was made to exit into Executive Session 10:30 am

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| RESULT: | Approved (Unanimous) |
| MOVER: | Councilman Derek Duke |
| SECONDER: | Councilman Jeff Yawn |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT | |

16. Consideration of a Motion to Adjourn

A motion was made to adjourn the meeting

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| RESULT: | Approved (Unanimous) |
| MOVER: | Councilman John Riggs |
| SECONDER: | Councilman Sam Jones |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT | |

The meeting was adjourned at 10:31 am

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs
Derek Duke



Jonathan M McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

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

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Cain Smith, City Attorney

Date: November 12, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *Second reading and consideration of proposed amendment to Article XV of Appendix A of the Statesboro Code of Ordinances specifically amending 1506(f) regarding illuminated signs in the downtown district.*

Recommendation: N/A

Background: On November 5, 2019 Council approved the attached amendment 5-0 to proceed from first reading and be considered at the November 19, 2019 meeting of Mayor and Council.

Budget Impact: None

Council Person and District: All

Attachments: Current subsection and proposed amendment

Ordinance 2019-11:

Section 1506

F. Central Business District. Signs in the Central Business District of Statesboro shall be constructed of wood, metal, stone or stone composite materials. Illumination of signs in the Central Business District of Statesboro may be permitted in the following manner:

(1)Types of illumination.

(a)Externally-illuminated sign. An externally illuminated sign shall have concealed wiring and controls, and shall have shielded and screened external light sources.

(b)Internally-illuminated sign. Internally illuminated signs must completely shield the source of light from direct view.

(c)Hazards. Illumination devices shall be placed, filtered, and shielded so direct rays will not be cast into the eyes of drivers or pedestrians.

(d)Light pollution. Sign illumination shall not cast light directly upon adjacent properties or roadways. Mixed-use properties shall be illuminated in such a manner as to not cast light directly into residential units.

(e)U.L. listing. All components of an illuminated sign shall be U.L. listed, or the equivalent thereof, with an identification label, that shows the manufacturer of the sign.

(f) Signs Near Intersections. No red, green, or yellow illuminated sign shall be permitted within three hundred (300) feet of any traffic light.

(g) The Downtown Statesboro Development Authority shall be notified of any application made pursuant to this subsection and shall be granted the opportunity to comment as to permit issuance.

Current 1506 F Central Business District. Signs in the Central Business District of Statesboro shall be constructed of wood, metal, stone or stone composite materials. With the exception of lighting that is an integral part of an automated teller machine, internal illumination of signs in the Central Business District of Statesboro is prohibited.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs
Derek Duke



Jonathan M McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

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

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Cain Smith, City Attorney

Date: November 12, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *First reading of proposed amendment to Chapter 38 of the Statesboro Code of Ordinances adding Article VII and establishing the Community Redevelopment Tax Incentive Program*

Recommendation: N/A

Background: On November 5, 2019 Council voted 5-0 in support of City staff to further research the proposed blight tax ordinance for presentation at work session on November 19, 2019. Attached proposal has redlined and blank spaces for insertion of Council determined factors in order to consider and approve as first reading at November 19, 2019 City Council meeting.

Budget Impact: TBD

Council Person and District: All

Attachments: Proposed amendment

Ordinance 2019-12:

Statesboro, Georgia, Code of Ordinances – Community Redevelopment Tax Incentive Program

Chapter 38, Article VII. – COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM

Section 38-160 – Purpose.

Section 38-161 – Definitions.

Section 38-162 – Levy of increase ad valorem tax on blighted real property.

Section 38-163 – Official identification of property maintained in blighted condition.

Section 38-164 – Remediation or redevelopment to remove designation of blighted condition.

Section 38-165 – Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

Section 38-166 – Duty of code official to provide notice to county tax commissioner.

Section 38-160 – Purpose.

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In furtherance of its objective to eradicate conditions of slum and blight within the City, the Mayor and Council in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the City where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

Section 38-161 – Definitions.

Blighted property, blighted, or blight means any urbanized or developed property which:

(A) Presents two or more of the following conditions:

(1) Uninhabitable, unsafe, or abandoned structure;

- (2) Inadequate provisions for rain, ventilation, light, air, or sanitation;
- (3) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
- (4) A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
- (5) Repeated illegal activity on the individual property of which the property owner knew or should have known; or
- (6) The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and

(B) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property. Property shall not be deemed blighted solely because of esthetic conditions.

'Building Inspector' means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

'Code official' means the City Manager or such officer or employee of the City as designated by the City Manager to perform the duties and responsibilities hereafter set forth in this article.

"Commercial Property" means any type of building other than Residential Property.

'Community redevelopment' means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

'Governing authority' means the Mayor and Council of the City of Statesboro, a Georgia municipal corporation.

‘Millage’ or ‘millage rate’ means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or part, the levying jurisdiction’s general fund expenses for the fiscal year.

‘Person’ means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

“Residential Property” means any building or unit of a building intended for occupancy as a dwelling, but shall not include a hotel or motel.

Section 38-162 – Levy of increase ad valorem tax on blighted real property.

There is hereby levied on all Residential Property within the City which has been officially identified as maintained in a blighted condition an increased ad valorem tax by adding a factor of **seven (7.0)** to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law; provided, however, Residential property on which there is situated a dwelling house which is being occupied as the primary residence of one or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increase taxation.

There is hereby levied on all Commercial Property within the City which has been officially identified as maintained in a blighted condition an increased ad valorem tax by adding a factor of **seven (7.0)** to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law.

Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.

Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the City Manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the City’s program to close, repair, or demolish unfit buildings and structures.

Section 38-163 – Official identification of property maintained in blighted condition.

(A) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:

(1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,

- a. A request may be made by the code official or by at least one resident of the City for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or
- b. The code official may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.
- c. Any individual request or survey produced under this subsection shall be reviewed, amended as desired, and approved at open meeting by Mayor and Council before any further action is undertaken.

(2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the code official. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the City are in question, the inspection shall be conducted by an inspector possessing the requisite qualifications to determine minimal code compliance.

(3) Following completion of the inspection report, the code official shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.

(4) The code official shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Bulloch County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the code official that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad

valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

- (B) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the code official's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the code official's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice in which to request a hearing before the Municipal Court. Written request for hearing shall be filed with the code official and shall be date stamped upon receipt. Upon receipt of a request for hearing, the code official shall notify the Municipal Court and the building inspector or person who performed the inspection and prepared the inspection report.
- (C) Within 30 days of receipt of a request for hearing, the Municipal Court Clerk shall set a date, time, and location for the hearing and shall give at least ten business days' notice to the person(s) requesting the hearing, the code official and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the Statesboro Herald, or other designated legal organ in Bulloch County, at least five days prior to the hearing. Hearings may be continued by the Municipal Court judge upon request of any party, for good cause.
- (D) At the hearing, the code official shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The Municipal Court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the code official and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the Judge of Municipal Court shall make a determination either affirming or reversing the determination of the code official. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the Tax Commissioner of Bulloch County, who shall include the increased tax on the next regular tax bill rendered on behalf of the City.
- (E) Persons aggrieved by the determination of the court affirming the determination of the code official may petition the Superior Court of Bulloch County for a writ of certiorari within 30 days of issuance of the court's written determination.

Section 38-164 – Remediation or redevelopment to remove designation of blighted condition.

- (A) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property maintained in a blighted condition may petition the code official to lift the designation, upon proof of compliance with the following:
- (1) Completion of work required under a plan of remedial action or redevelopment approved by the City’s Director of Planning and Development which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
 - (2) Completion of work required under a court order entered in a proceeding brought pursuant to Article II of this Chapter.
- (B) Before action on a petition to lift the designation, the code official shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the code official shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of Bulloch County.
- (C) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the City’s Director of Planning and Development, and contain the following:
1. The plan shall be consistent with the City’s comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the properties lies;
 2. The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization, and landscaping of the property;

3. On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.
4. The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;
5. The plan shall contain a timetable for completion of required work; and
6. Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

Section 38-165 – Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

- (A) Residential Property which has had its designation as maintained in a blighted condition removed by the code official, as provided in Section 38-164(B) of this article, **and upon which the property owner has spent an amount equal to at least 40% _____ of the property's assessed value for the year in which it was designated in writing as blighted in order to remedy the condition** shall be eligible for a decrease in the rate of city ad valorem taxation by applying a **factor of 0.5** to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law **for three years**; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted
- (B) Commercial Property which has had its designation as maintained in a blighted condition removed by the code official, as provided in Section 38-164(B) of this article, **and upon which the property owner has spent an amount equal to at least 40% _____ of the property's assessed value for the year in which it was designated in writing as blighted in order to remedy the condition** shall be eligible for a decrease in the rate of city ad valorem taxation by applying a **factor of 0.5** to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted.
- (C) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a

notarized affidavit to the building official, supported by receipts or other evidence of payment, of the amount expended.

Alternative Method

Property which has had its designation as maintained in a blighted condition removed as provided in this section will become eligible for a decrease in the rate of city ad valorem taxation equivalent to 50 percent of the normal millage rate applied to the property, applied at the time of issuance of the subsequent tax bill, as provided by general law. This decreased rate is applied to three years tax bills.

Section 38-166 – Duty of code official to provide notice to county tax commissioner.

It shall be the duty of the building official to notify the Tax Commissioner of Bulloch County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Bulloch County Tax Assessor’s Office. The code official shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
Charles W. Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

To: Charles W. Penny, City Manager and Leah Harden, City Clerk

From: Justin Williams, City Planner I

Date: November 8, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance Request*

Recommendation: Staff recommends approval of the zoning variance requested by application V 19-10-01 with conditions.

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

Budget Impact: None

Council Person and District: Boyum (District 1)

Attachments: Development Services Report V 19-10-01.



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 19-10-01 VARIANCE REQUEST 9 HILL STREET | |
|--|---|
| LOCATION: | 9 Hill Street |
| REQUEST: | Variance request to allow apartments on the first floor of a building in the Central Business District. |
| APPLICANT: | Brent Watts |
| OWNER(S): | William Pence Britt |
| ACRES: | 0.2 |
| PARCEL TAX MAP #: | S28 000005 000 |
| COUNCIL DISTRICT: | District 1 (Boyum) |

PROPOSAL:

The applicant requests a variance to Appendix A: Section 801(P) of the Statesboro Zoning Ordinance. Specifically, the applicant is requesting to place 12 apartment units in the property with many of them being on the first floor of a building in the CBD (Central Business) zoning district.

BACKGROUND:

The applicant began an inquiry on the redevelopment of the aforementioned property in July of 2019. The applicant was informed of the requirements for residential uses in the Central Business District, and began the process of sketching out possible unit recommendations and parking opportunities. The building has been vacant for multiple years, and is generally used yearly for the City’s “Scare in the Square” event. The applicant submitted the application for Planning Commission on August 16, but was unable to secure all preliminary documents for a completed application before the proposed deadline. The original use of the structure was a hotel with an effective build date of 1965 based on County Records.

SURROUNDING LAND USES/ZONING:

| | ZONING: | LAND USE: |
|---------------|---------------------------------|---------------------------------|
| NORTH: | CBD (Central Business District) | Federal Building |
| SOUTH: | CBD (Central Business District) | Bulloch County Courthouse |
| EAST: | CBD (Central Business District) | Parking Lot |
| WEST: | CBD (Central Business District) | Bulloch County Probation Office |

The subject property is located within the CBD (Central Business) district. Surrounding parcels include consists primarily of government buildings (See **Exhibit A** –Location Map, **Exhibit B**—Future Development Map & **Exhibit C**—Photos of Subject Site).

ATTACHMENTS: Exhibit A (Location Map), Exhibit B (Future Development Map), Exhibit C (Photos of Subject Site and surrounding sites), Exhibit D (Proposed Floor Plans)

COMPREHENSIVE PLAN:

The *City of Statesboro Comprehensive Master Plan's* Future Development Map includes the subject site in the following character area:

| <u>"Downtown – Urban Core"</u> | |
|--|--|
| <i>Vision:</i> | The Statesboro Downtown character area includes the central historic portion of Statesboro in the intersecting area of Main Street. The area is intended to be redeveloped to create a central business district including many of the characteristics of a traditional downtown by promoting building, site and street-scape design features that encourage street-level pedestrian activity. The area should support a wide mixture of office and retail uses within structures with the potential for residential uses to be located on upper floors. It can also include office-related government and institutional uses. Urban building form should be promoted except for properties that contain the City's few remaining historic homes which should be redeveloped according to their more pastoral character. |
| <i>Suggested Development & Implementation Strategies:</i> | <ul style="list-style-type: none">• Ensure that future phases of streetscape enhancements are developed in harmony with previous efforts as well as economic development goals of the City and the Downtown Statesboro Development Authority (DSDA) /Main Street program.• New development should respect historic context of building mass, height and setbacks.• New developments that contain a mix of residential, commercial and/or community facilities at small enough scale and proximity to encourage walking between destinations should be encouraged.• Historic structures should be preserved or adaptively reused wherever possible.• Encourage mixed-use infill and redevelopment. Uses should typically transition across the rear of properties instead of across the street to soften the transition and maintain appropriate streetscapes.• Create local historic districts. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 85-86.</i></p> |

In addition, the Future Development Map and Defining Narrative section of the Comprehensive Plan states the following:

"Downtown is the historic core of the city and should remain the activity and cultural hub of the region. In the Urban Core, traditional development of buildings along the sidewalk and a lively streetscape should be respected and promoted."

Statesboro Comprehensive Master Plan, Community Agenda page 82.

| |
|-----------------|
| ANALYSIS |
|-----------------|

I. Variance from Article XV Section 801(P): The use of buildings attached dwellings on upper floors.

The applicant is requesting a variance from Article VIII of the *Statesboro Zoning Ordinance*, which prohibits the placement of apartments on the first floor of buildings in the Central Business District. It also restricts the placement of single-family attached dwellings to the second floor of buildings constructed in the district. The building was originally constructed as the Norris Hotel, and has been vacant for a (**Exhibit D**), The applicant is seeking to renovate the current structure of the building and create 12 single bedroom apartment units on both floors, with parking being available in the currently developed BB&T parking lot. (See **Exhibit D** – Proposed Floor Plans).

As per Article XVIII 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:**

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;**
2. **The special conditions and circumstances do not result from the actions of the applicant;**
3. **The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**

| RECOMMENDATION |
|--|
| <p>Staff recommends approval of the variance requested by application V 19-10-01 with conditions.</p> <p>At the regularly scheduled meeting held November 5, 2019 at 5:00 PM, the Planning Commission voted 6-0 to recommend approval of the variance requested by application V 19-10-01 with the following staff condition(s):</p> <ol style="list-style-type: none">1. Approval of this variance does not grant site and/or building plan approval as submitted. Project will be required to meet all City Ordinances and applicable building codes.2. Before issuance of Certificate of Occupancy, the applicant must submit documentation showing a finalized parking plan that meets the requirements of Article XVI of the Statesboro Zoning Ordinance |

EXHIBIT A: LOCATION MAP



EXHIBIT B: FUTURE DEVELOPMENT MAP

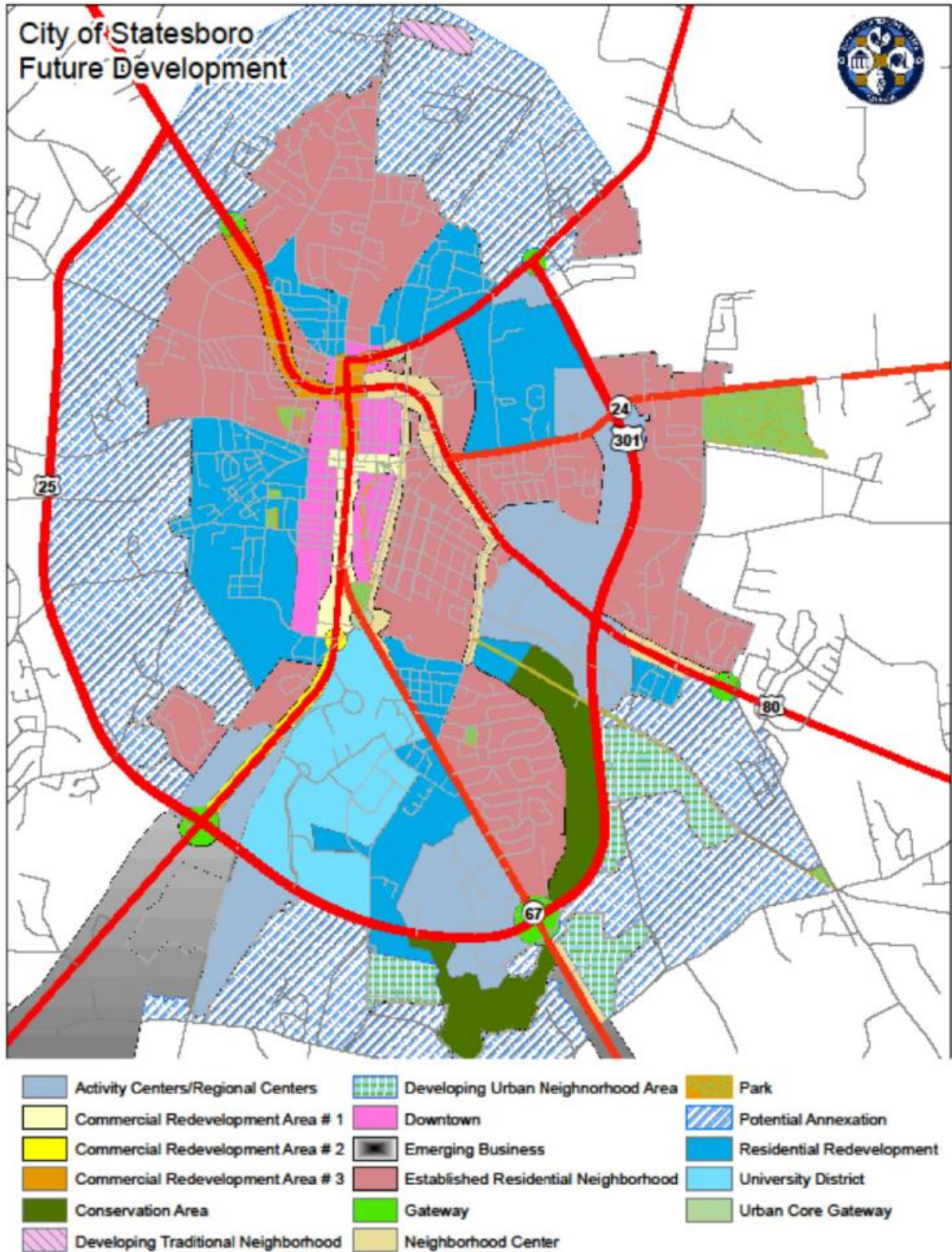


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject property and area where V 19-10-01 is being requested.



Picture 2: View of the adjacent property (BB&T Parking Lot) to the west along Hill Street.



Picture 3: View of the adjacent property to the southwest (BB&T) along Hill Street.



Picture 4: View of the adjacent property to the east looking from Hill Street.

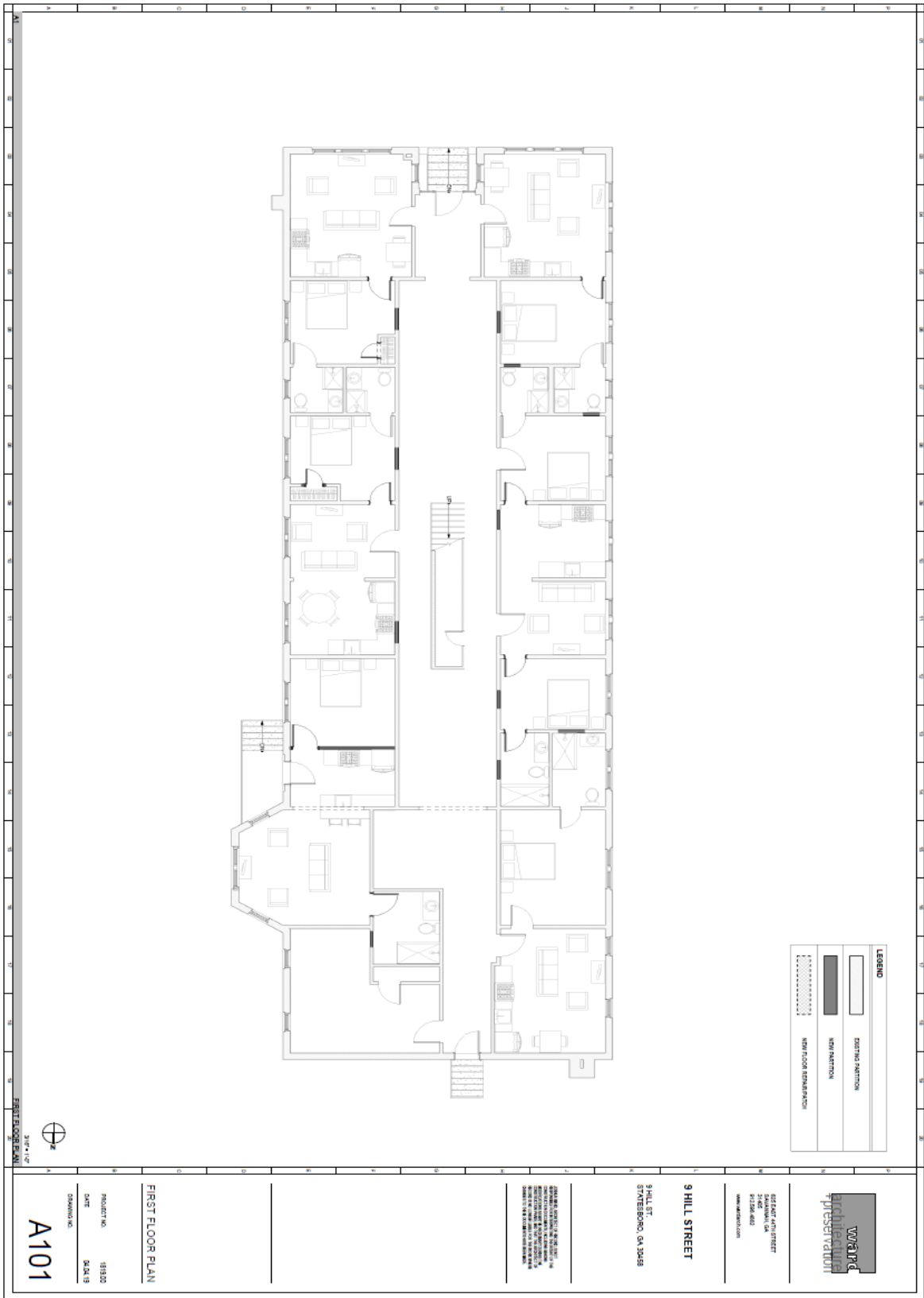


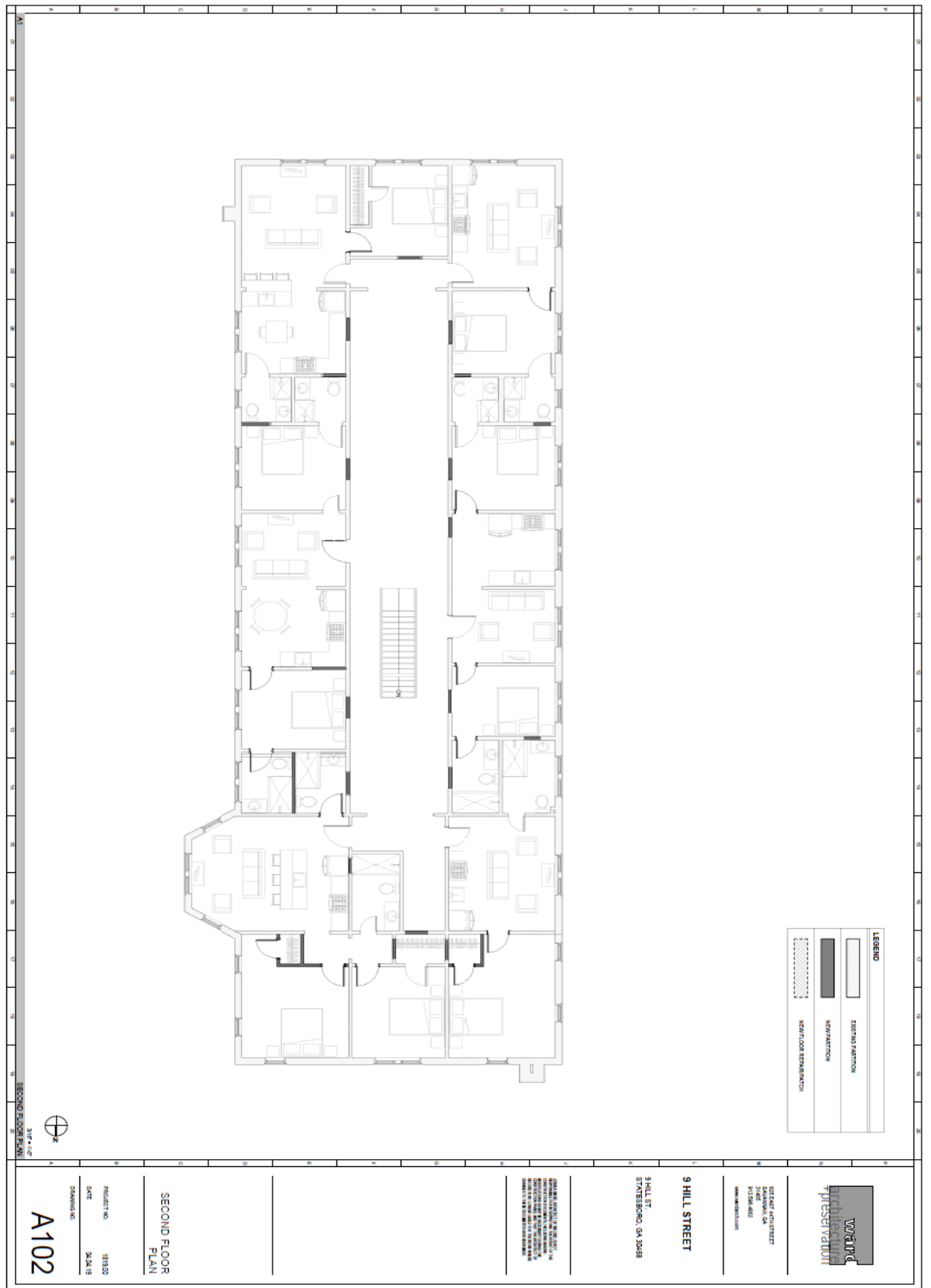
Picture 5: View of the adjacent property to the southwest looking from the subject property.



Exhibit D: Proposed Floor Plans







LEGEND

| | |
|--|---------------------|
| | EXISTING PARTITION |
| | NEW PARTITION |
| | NEW DOOR SEPARATION |



9 HILL STREET
 SAVANNAH, GA 31401
 WWW.WSP|PARSONSBH.COM

9 HILL STREET
 SAVANNAH, GA 31401

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SECOND FLOOR PLAN

PROJECT NO. 191920
 DATE 04.14.19
 DRAWING NO. 200

A102

CITY OF STATESBORO

COUNCIL

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Derek Duke, District 5



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Charles W. Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

To: Charles W. Penny, City Manager and Sue Starling, City Clerk

From: Justin Williams, City Planner I

Date: November 8, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Sign Variance Request*

Recommendation: Staff recommends approval of the sign variance requested by application V 19-10-03 with conditions.

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

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report V 19-10-03.



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 19-10-03 | |
|------------------------------|--|
| SIGN VARIANCE REQUEST | |
| 427 SOUTH MAIN STREET | |
| LOCATION: | 427 South Main Street |
| REQUEST: | Variance from Article XV: Section 1509(C), Table 5; for the placement of building signs over the maximum square footage allowed per elevation. |
| APPLICANT: | HSE Permit Solutions (Heather English) |
| OWNER(S): | Blue Mile Hospitality LLC |
| ACRES: | 2.1 |
| PARCEL TAX MAP #: | S21 000021 000 |
| COUNCIL DISTRICT: | District 2 (Jones) |

PROPOSAL:

The applicant requests a variance to Article XV; Section 1509(C), Table 5 of the Statesboro Zoning Ordinance. Specifically, this application requests a variance from the restriction of square footage in sign district 3. Applicant is requesting to place a sign that exceeds the maximum square footage allowance for an elevation under 100 feet at 427 South Main Street) (See **Exhibit D – Proposed Signage Plans**).

BACKGROUND:

The applicant submitted a sign permit application on September 26, 2019 for the placement of a sign on 427 South Main Street. Permit consisted of the removal of old signage for signs reflecting the former Baymont Suites, and replacement of signs to reflect the new Holiday Inn Express. The originally submitted sign permit application was denied on October 1, 2019 for requesting a building sign that exceeded the allowed amount for a building with a wall length of 100 feet. The building is currently under renovation as per Building Permit 02073.

SURROUNDING LAND USES/ZONING:

| | ZONING: | LAND USE: |
|---------------|--|---|
| NORTH: | HOC (Highway Oriented Commercial) | Commercial Building (Old Archery Shop) |
| SOUTH: | HOC (Highway Oriented Commercial) | Commercial Building /Residential Building (Blue Mile Foundation Building) |
| EAST: | PUD/R4 (Planned Unit Development/High Density Residential) | Undeveloped Lot |
| WEST | HOC | Commercial Building (Gas Station/Convenience Store) |

The subject property is located within the CBD (Commercial Business) district. Surrounding parcels include Commercial retail uses. (See **Exhibit A –Location Map**, **Exhibit B—Future Development Map** & **Exhibit C—Photos of Subject Site**).

ATTACHMENTS: Exhibit A (Location Map), Exhibit B (Future Development Map), Exhibit C (Photos of Subject Site and surrounding sites), Exhibit D (Proposed Signage Plans), Exhibit E (Table 5 – Statesboro Zoning Ordinance)

COMPREHENSIVE PLAN:

The *City of Statesboro Comprehensive Master Plan's* Future Development Map includes the subject site in the following character area:

| “Commercial Redevelopment Area #1” | |
|---|---|
| Vision: | The Commercial Redevelopment #1 character area is intended for a varied scale of commercial, retail and office uses. At the intersection of major thoroughfares, development of large-scale commercial uses to serve surrounding areas of the city and unincorporated portions of Bulloch County is appropriate. In other areas, smaller scale development containing more local community services is desired. This character area incorporates on-site access management features, and uniform building, site, landscaping and sign standards in order to improve function and aesthetics. |
| Suggested Development & Implementation Strategies: | <ul style="list-style-type: none"> • Retrofit buildings to be more aesthetically appealing, and therefore, more makeable to perspective tenants. • Upgrading the appearance of existing older commercial buildings with façade improvements. • Redevelopment of older commercial centers in lieu of new construction further down the corridor. • Building in centers architecturally integrated with the site and one another, and developed at a scale sufficient in size, bulk, and height to provide image identification for the center and the surrounding community. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 86-87.</i></p> |

In addition, the Future Development Map and Defining Narrative section of the Comprehensive Plan states the following:

“Downtown is the historic core of the city and should remain the activity and cultural hub of the region. In the Urban Core, traditional development of buildings along the sidewalk and a lively streetscape should be respected and promoted.”

Statesboro Comprehensive Master Plan, Community Agenda page 82.

ANALYSIS

I. Variance from Article XV Section 1509(C) Table 5: Sign District 3 Dimension standards to allow for installation of a building sign above the maximum allowed square footage.

The applicant is requesting a variance from Article XV (Signs) regarding the size of building signs allowed per elevation in sign district 3. Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance* regulates the placement, maintenance and removal of all signs within the City of Statesboro. The subject site is located in the HOC (Highway Oriented Commercial) zoning district and is regulated by the dimensional standards of Sign District 3. As per Table 5 (**Exhibit E**), a building with a wall length of 100 square feet or less is allotted a maximum of 50 square feet of signage on an elevation.

The intention of this request is to allow for the installation of one (1) building sign above the maximum allowed 50 square feet. (See **Exhibit D** – Proposed Signage Plans).

Section 1503(G) 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 of this ordinance [chapter] shall be applicable to the standards contained within this article.” 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:**

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;**
2. **The special conditions and circumstances do not result from the actions of the applicant;**
3. **The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**

RECOMMENDATION

Staff recommends approval of variance requested by application **V 19-10-03** with conditions.

At the regularly scheduled meeting held November 5, 2019 at 5:00 PM, the Planning Commission voted 6-0 to recommend approval of the variance requested by application **V 19-10-03** with the following staff condition(s):

1. Approval of this variance does not allow for the construction of the proposed signage. Applicant will be required to submit a sign permit application for staff review and approval prior to construction commencement.

EXHIBIT A: LOCATION MAP

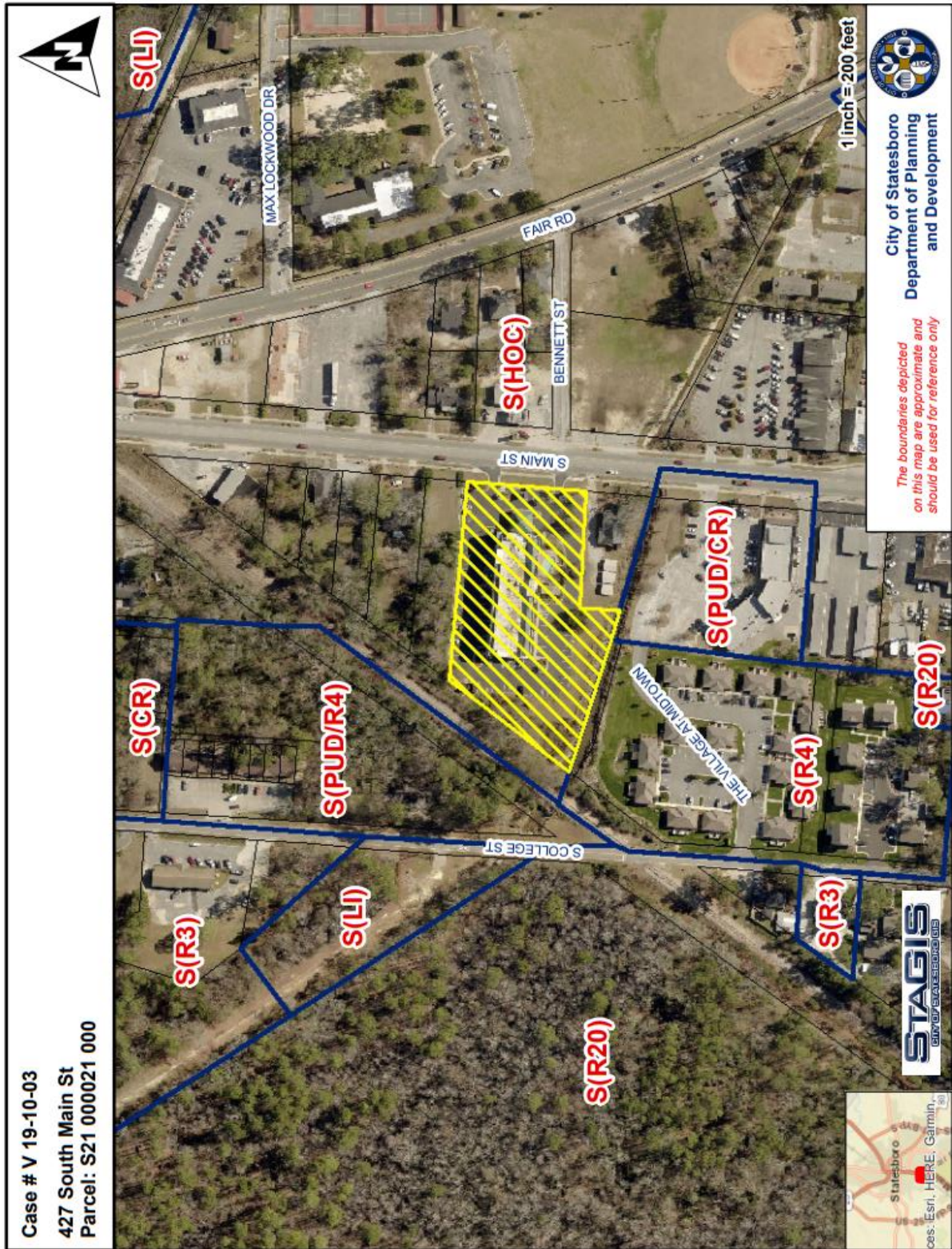


EXHIBIT B: FUTURE DEVELOPMENT MAP

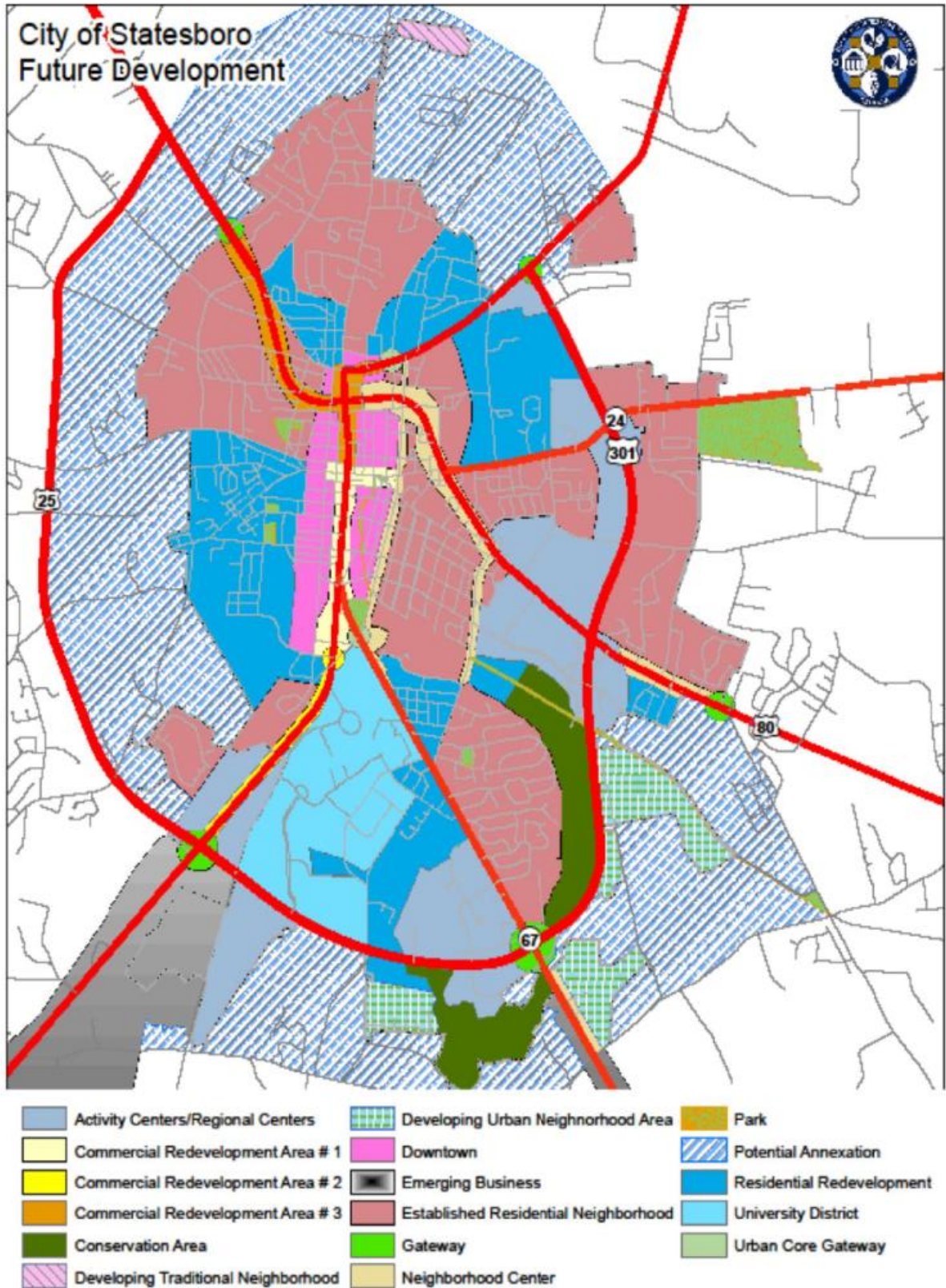


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject property and area where **V 19-09-01** is being requested.



Picture 2: View of the nonadjacent property on the opposite side of South Main Street.



Picture 3: View of the abutting properties to the south of the subject site located along South Main Street.



Picture 4: View of the abutting properties to the north of the subject site located along South Main Street.



Picture 5: Sidewalk view looking South from the subject site along South Main Street



Picture 6: Sidewalk view going north of the subject site along South Main Street.



IMAGING/SCALING IS ESTIMATED



RECOMMENDATION SIGN INFORMATION:

- Quantity: 1
- Square Footage: 340
- Mounting: Parapet Mounting
- Illumination: Face Lit
- Face Lit Fabrication: XL-SM-5-W

INSTALLATION/REPAIR NOTES:

Install in new sign. Wall color is Vertical Taupe. Square footage calculated by combining areas of dotted lines. **Imaging/scaling is estimated. Sign board dimensions need to be confirmed.**

DO NOT SHEETROCK THE WALLS WHERE SIGNS ARE LOCATED. Please notify Colite if pre-wire is needed.

SIGN DETAIL:



PART #:
HEX-LTR-S1 1-EL-PW-142H



Exhibit E: Table 5: Statesboro Zoning Ordinance

| | | | |
|--|---|---|--|
| SIGN DISTRICT 3 (As defined in subsection 1509 A.3) | SIGN FOR AN INDIVIDUAL ESTABLISHMENT ON AN INDIVIDUAL LOT | MAJOR SIGN FOR PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT | BUSINESS SIGN FOR AN INDIVIDUAL ESTABLISHMENT, SHOP, ETC., WITHIN A PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT |
| AGGREGATE SIGN AREA*: | | | |
| 1. Maximum Number of Total Square Feet (square feet) | 150 square feet including freestanding and building signs | Size is based upon the overall floor space of the center as follows: 0—50,000 square feet = 100 square feet >50,000 square feet = 150 square feet | Not applicable |
| FREESTANDING SIGNS**: | | | |
| 2. Freestanding Sign Maximum Square Feet | 60 square feet | Varies per overall floor space of the center (see "Aggregate Sign Area" herein) | Not applicable |
| 3. Maximum Height | Eight feet | 15 feet | Not applicable |
| 4. Setback Requirements | Five feet from property line | Five feet from property line | Not applicable |
| 5. Number of Signs Allowed | One sign structure per road frontage not to exceed the maximum allowable square footage and a total of two such signs | One sign structure per road frontage not to exceed the maximum allowable square footage and a total of two such signs | Not allowed |
| BUILDING SIGNS: | | | |
| 1. Maximum Number of Total Square Feet | Wall length of 100 feet or less; 50 square feet Wall length of greater than 100 feet; 100 square feet | 60 square feet | The greater of 60 square feet or five percent of wall areas, allotted to the individual establishment |
| 2. Maximum Height | Building elevation | Building elevation | Building elevation |
| 3. Number of Building Signs Allowed | One per elevation | One sign per common entrance | One per building elevation per tenant |
| <p>*As provided in section 1501 and Table 2 herein, "aggregate sign area" includes all freestanding or building signs regardless of whether or not a permit for a particular type of sign is required.</p> <p>**Limited to monument and standard informational signs. Billboards and stanchion signs prohibited as provided in Table 2 herein.</p> | | | |

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
Charles W. Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

To: Charles W. Penny, City Manager and Leah Harden, City Clerk

From: Owen Dundee, City Planner II

Date: November 8, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Special Exception Request*

Recommendation: Staff recommends approval of the special exception requested by application SE 19-10-04 with conditions.

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

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report SE 19-10-04.



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 19-10-04
SPECIAL EXCEPTION REQUEST
380 JOHNSON STREET

LOCATION: 380 Johnson Street

REQUEST: Special Exception to utilize a portion of the existing building on the subject site for a barber shop/beauty salon use within the R-8 (Single Family Residential) zoning district.

APPLICANT: Barbara W. Lee

OWNER(S): Barbara W. Lee

LAND AREA: 0.09 acres

PARCEL TAX MAP #s: MS40 000030 001

COUNCIL DISTRICT: District 2 (Jones)



PROPOSAL:

The applicant requests a Special Exception to allow for the utilization of a 360 sq. ft. portion of the building located at 380 Johnson Street as a beauty shop within the R-8 (Single Family Residential) zoning district, which is not a permissible use by right under this district's regulations (Tax Parcel S38 000014 000).

Pursuant to Article VII-B, Section 701-B(1)(7), "Beauty Salons, barbershops, doctors, and dentists, and similar businesses are not permitted home occupations" in the R-8 (Single Family Residential) zoning district. Beauty salons, barbershops, and similar businesses are permissible uses by right primarily within the HOC (Highway Oriented Commercial) and the CR (Commercial Retail) zoning districts (See **Exhibit A — Location Map**). The applicant's desired utilization of the property is not permitted without either the rezoning of the property or the granting of a special exception permitting the requested use.

BACKGROUND:

On October 5, 1999, City Council previously approved a special use variance to operate a church at the subject property located at the intersection of Johnson Street and West Jones Avenue.

Per the Bulloch County Tax Assessor's website, the subject site is currently occupied by a 2,166 sq. ft., multi-unit residential building constructed in 1978.

SURROUNDING LAND USES/ZONING:

| ZONING: | | LAND USE: |
|---------------|----------------------------------|--|
| NORTH: | R-8 (Single Family Residential) | Single Family Residences |
| SOUTH: | R-20 (Single Family Residential) | Single Family Residences |
| EAST: | R-8 (Single Family Residential) | Single Family Residences and Vacant Land |
| WEST | R-8 (Single Family Residential) | Vacant commercial building (previously Lee's Restaurant) |

The subject property has frontage at the intersection of West Jones Avenue and Johnson Street. All of the abutting properties are zoned R-8 (Single Family Residential) and are occupied by single family residences and a vacant commercial building. (See **Exhibit B—Photos of Subject Site and Surrounding Properties**).

COMPREHENSIVE PLAN:

The subject site lies within the "Residential Redevelopment" character area as identified by the City of Statesboro's Future Development Map within the City's 2019 – 2029 Comprehensive Plan.

Vision:

The **Residential Redevelopment** character area has most of its original housing stock in place, but has worsening housing conditions due to low rates of homeownership and neglect of property maintenance. There may be a lack of neighborhood identity and gradual invasion of different type and intensity of use that may not be compatible with the neighborhood residential use, or a neighborhood that has declined sufficiently that housing conditions are bad, there may be large areas of vacant land or deteriorating, unoccupied structures.

Appropriate Land Uses:

- Single family detached housing
- Lower density residential, single family attached housing

Suggested Development Strategies:

- The redevelopment strategy for the area should focus on preserving what remains of the original housing stock, while rebuilding on the remaining land, a new, attractive neighborhood following the principles of traditional neighborhood development.
- Strengthen code enforcement, property maintenance, and the demolition of dilapidated structures in area.
- The neighborhood should include a well-designed new neighborhood activity center at the appropriate location, which would provide a focal point for the neighborhood, while also providing a suitable location for a grocery store, hardware store, school, and similar appropriately scaled retail establishments serving neighborhood residents.
- Public investments in sidewalks, right of way improvements, and redevelopment incentives should be focused where needed to ensure that the neighborhood becomes a more stable, mixed income community with a larger percentage of owner-occupied housing.

Statesboro 2019 - 2029 Comprehensive Plan, Community Agenda page 100-101.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard area. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The applicant is requesting a special exception to permit the property to be utilized as a Beauty Shop. The subject site is located in the R-8 (Single Family Residential) district and the applicant's requested use is primarily permitted in the HOC (Highway Oriented Commercial) and CR (Commercial Retail) zoning districts by right.

Special exceptions allow for land uses that are not permitted by right within a zoning district, but which are defined as an acceptable use type, are of the same general character of permissible uses in the district, can meet the specific requirements contained in the ordinance and are listed as a special exception in the ordinance.

I. **Consideration of the Definition of the Applicant's Proposed Use and its General Character**

The applicant is requesting to use a portion of the building located on the subject site for a Beauty Shop for a parcel zoned R-8 (Single Family Residential). Beauty salons, barber shops and similar businesses are not permissible uses by right within the R-8 (Single Family Residential) zoning district.

II. **Consideration of the Proposed Use's Ability to Adhere to the R-8 District's Requirements**

The *Statesboro Zoning Ordinance* allows for the operation of home occupations in the R-8 (Single Family Residential) district by specifically listing the permissible uses. However, the ordinance states that beauty salons, barbershops, and similar uses are not permitted or defined as a home occupation. Regardless, the applicant does not intend to live in the "unit" that the salon will be operated from; therefore, this use could not be considered as a home occupation otherwise.

Historically, the subject property and neighboring parcel to the west (548 West Jones Avenue) have been utilized for commercial, religious, and restaurant uses. Additionally, the two properties share a parking lot facility suitable for a business.

III. **Consideration of the Proposed Use's Inclusion in the CR District as a Special Exception**

The applicant is requesting a Special Exception to permit the use of a hair salon in a portion of the existing building located at 380 Johnson Street in the R-8 (Single Family Residential) zoning district. Special Exceptions allow for a land use that are not permitted by right within a zoning district, but which may be granted, where the requested use may be

deemed appropriate and compatible with the surrounding neighborhood. In this case, a beauty shop is not a use permitted by right within the R-8 (Single Family Residential) zoning district; thus necessitating this request for approval of the proposed use by the Mayor and City Council.

Furthermore, this request gives the applicant an opportunity to serve members of the community while contributing a neighborhood commercial retail use as encouraged by the *2019 – 2029 Comprehensive Plan*.

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

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

- A. Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.**
 - Staff is unaware of any environmental impacts this request would cause.
 - This building is becoming dilapidated; therefore, use of a vacant portion of this building will be an improvement to the subject site.
- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**
 - The proposed use of the existing building on the subject site is not expected to cause a significant impact to vehicular traffic.
- C. Off street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.**
 - The proposed use is anticipated to occupy a 360 sq. ft. portion of the existing building located on the subject site. Per Article XVI, the applicant must have one (1) parking space for every 500 square feet of area accessible to patrons within a personal service facility. The subject site already has an adequate shared parking lot facility with the adjacent parcel to the west (548 West Jones Avenue) for the required parking.
- D. Public facilities and utilities are capable of adequately serving the proposed use.**
- E. The proposed use will not have significant adverse effect on the level of property values or the general character of the area.**
 - The proposed use is not expected to have an adverse effect on property values in the area given the uses of the surrounding structures. Please note that staff has not consulted a professional appraiser regarding the impact of the requested Special Exception on property value.
- F. Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.**
 - No site plan was required to be submitted for this request.
- G. Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.**
 - This request, if approved, is personal to the applicant. Any future changes to this proposal must be approved by City Council.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Exception requested by application **SE 19-10-04** with conditions.

At the regularly scheduled meeting held on November 5, 2019 at 5:00 PM, the Planning Commission voted 7-0 to recommend approval of the special exception requested by application **SE 19-10-04** with the following staff condition(s):

1. The Special Exception is limited to a 360 sq. ft. portion of the existing building located on the subject site, rather than the entire parcel.
2. Parking must be compliant with the *Statesboro Zoning Ordinance*.
3. Signage limited to that of the Sign District #1 regulations per Article XV of the *Statesboro Zoning Ordinance*.
4. Approval of this Special Exception does not grant Occupational Tax Certificate approval as submitted. Applicant will be required to submit a business license application for City staff’s review and approval.
5. The Special Exception for the use of the subject site is specific to the applicant and therefore cannot be transferred to another individual or entity.

EXHIBIT A: LOCATION MAP

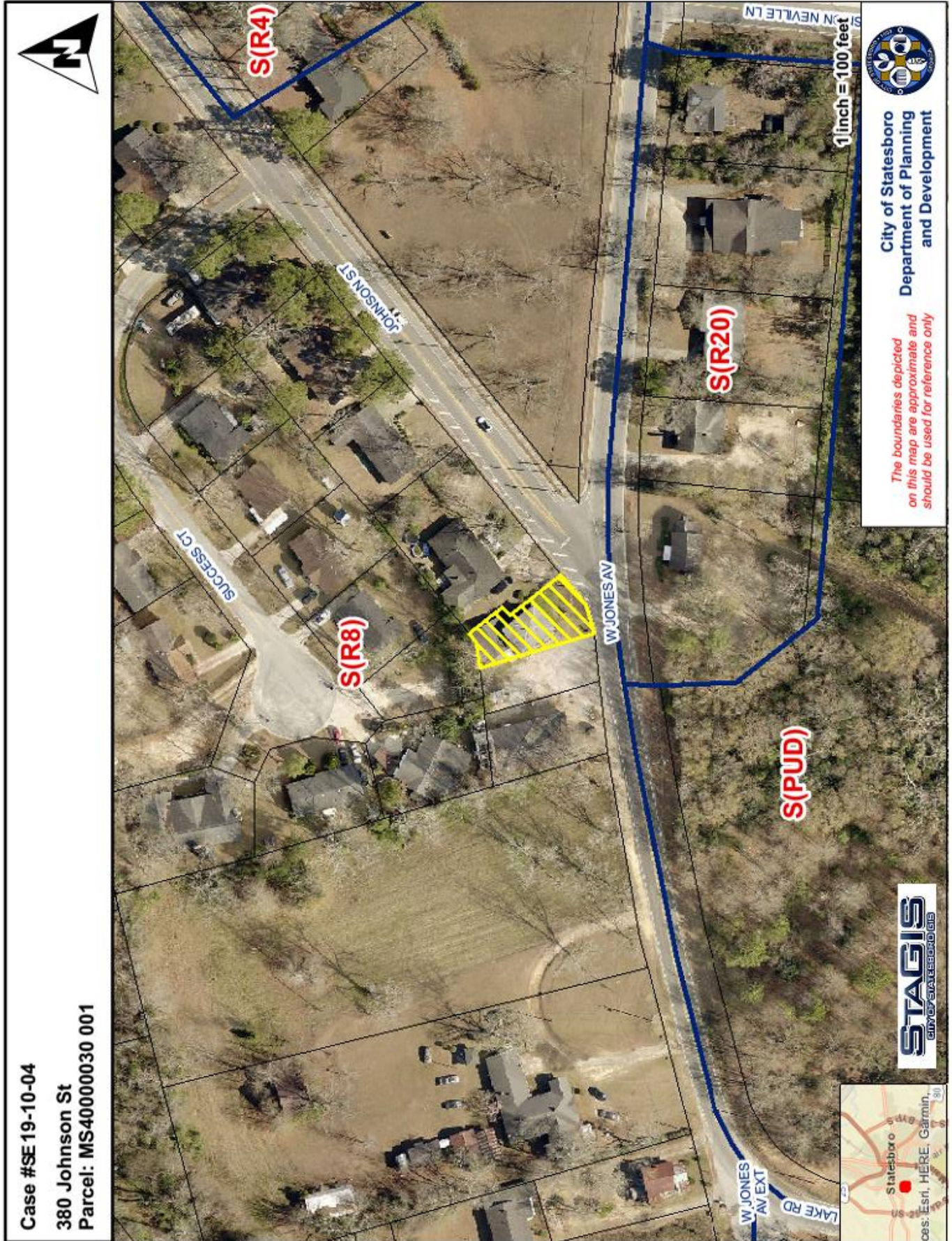


EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES

Picture 1: View of the subject site, looking northeast from the intersection of Johnson Street and West Jones Avenue. Also, a view of the existing building where **SE 19-10-04** is being requested. Please note that the subject site (380 Johnson Street) only includes the blue building shown in the picture below. The vacant restaurant building is **not included** under this request.



Picture 2: Additional view of the subject site, looking northwest from the intersection of Johnson Street and West Jones Avenue.



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONT'D)

Picture 3: View of the adjacent property to the west of the subject site, currently a single family residence.



Picture 4: View of the property located directly across West Jones Avenue to the south of the subject site, currently a single family residence.



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONT'D)

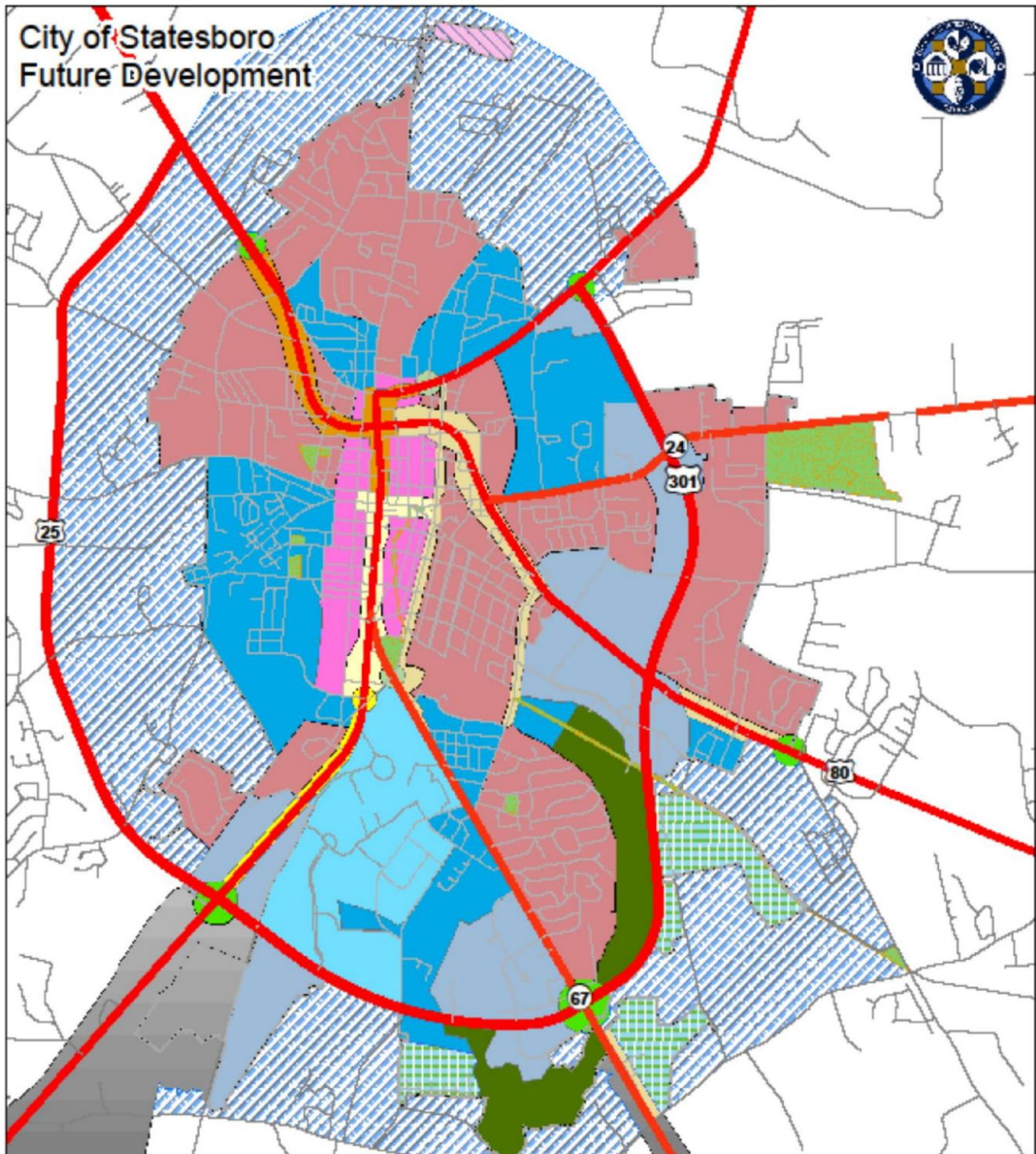
Picture 5: View of the surrounding properties to the east of the subject site, single family residential uses and vacant land.



Picture 6: View of the adjacent property to the west of the subject site, currently a single family residence.

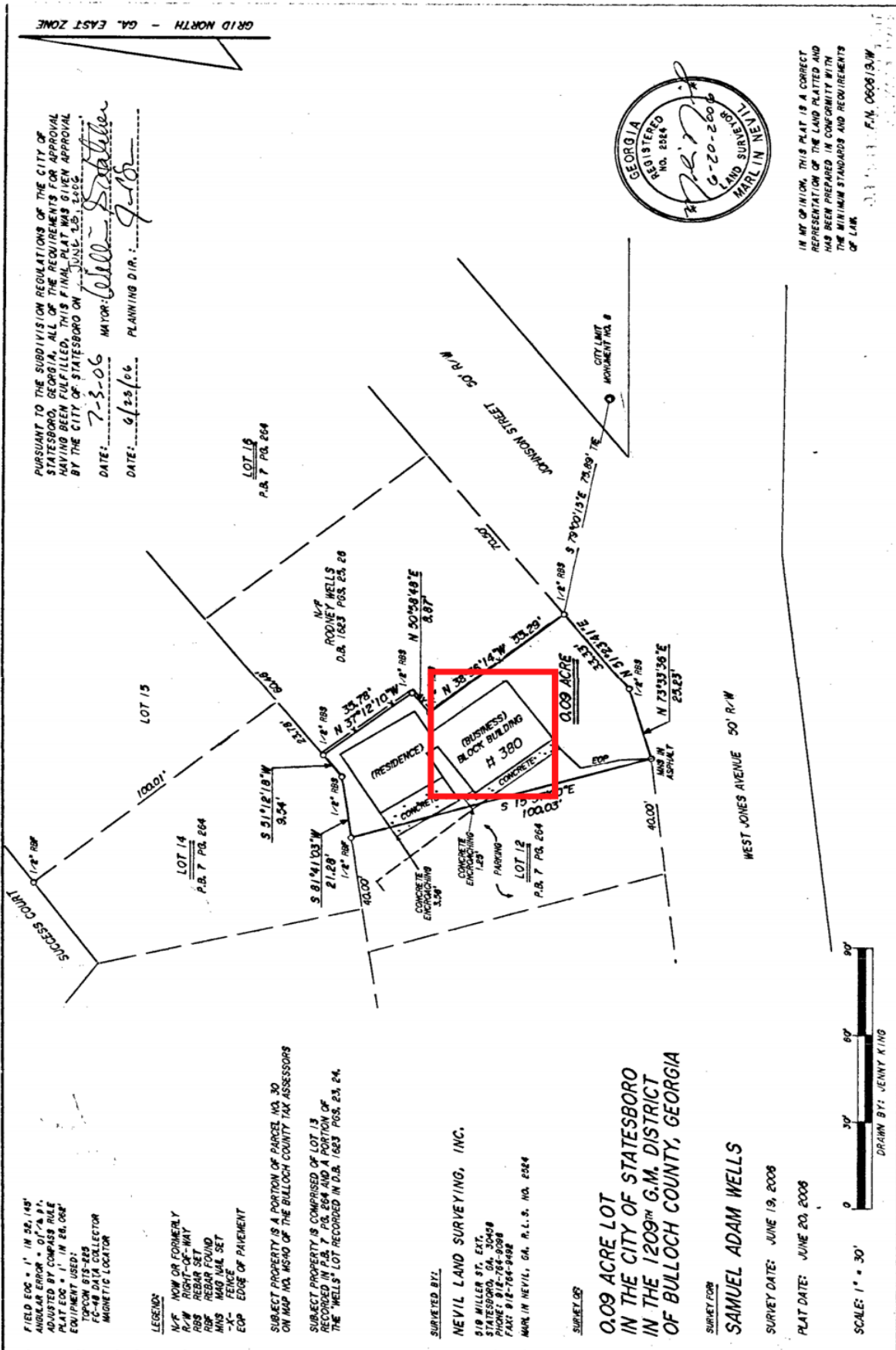


EXHIBIT C: CITY OF STATESBORO'S 2019 – 2029 COMPREHENSIVE PLAN FUTURE DEVELOPMENT MAP



- | | | |
|---|--|---|
|  Activity Centers/Regional Centers |  Developing Urban Neighborhood Area |  Park |
|  Commercial Redevelopment Area # 1 |  Downtown |  Potential Annexation |
|  Commercial Redevelopment Area # 2 |  Emerging Business |  Residential Redevelopment |
|  Commercial Redevelopment Area # 3 |  Established Residential Neighborhood |  University District |
|  Conservation Area |  Gateway |  Urban Core Gateway |
|  Developing Traditional Neighborhood |  Neighborhood Center | |

EXHIBIT D: RECORDED PLAT OF RECORD (dated June 20, 2006) Approximate Location of the Proposed Beauty Shop Use and SE 19-10-04 Highlighted in RED.



CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
Charles W. Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

To: Charles W. Penny, City Manager and Leah Harden, City Clerk

From: Owen Dundee, City Planner II

Date: November 8, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance Request*

Recommendation: Staff recommends approval of the zoning variance requested by application V 19-10-09 with conditions.

Background: West District Development, LLC requests a variance from Article XXX, Section 3008(A)(e) regarding exterior building materials within the Downtown District for 0.166 acres of property located on South College Street (Tax Parcel S19 000001 002).

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report V 19-10-09 & CBD 19-10-05.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
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50 EAST MAIN STREET • P.O. BOX 348 • STATESBORO, GEORGIA 30459-0348

To: Charles W. Penny, City Manager and Leah Harden, City Clerk

From: Owen Dundee, City Planner II

Date: November 8, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Central Business District Plan Review*

Recommendation: Staff recommends approval of the Central Business District plan review requested by application CBD 19-10-05 with conditions.

Background: West District Development, LLC requests approval of the proposed architectural drawings submitted for 0.166 acres of property located on South College Street, which is located in the Central Business District (CBD). Per Article VIII, Section 803, development in the CBD zoning district requires a recommendation from City Council to affirm that the plans will keep in mind the integrity and harmony of the Central Business District (Tax Parcel S19 000001 002).

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report V 19-10-09 & CBD 19-10-05.



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)

| CBD 19-10-05 & V 19-10-09 CBD PLAN REVIEW & ZONING VARIANCE REQUESTS SOUTH COLLEGE STREET – WEST DISTRICT DEVELOPMENT PARCEL #2 | |
|--|---|
| LOCATION: | South College Street/West District Development Parcel #2 |
| REQUEST: | Variance from Article XXX, Section 3008(A)(e) regarding exterior building materials in the Downtown District. Approval of the architectural drawings for a new development within the CBD (Central Business District) zoning district. |
| APPLICANT: | West District Development, LLC |
| OWNER(S): | West District Development, LLC |
| ACRES: | 0.166 Acres |
| PARCEL TAX MAP #: | S19 000001 002 |
| COUNCIL DISTRICT: | District 2 (Jones) |

PROPOSAL & BACKGROUND:

The applicant is in the process of creating a mixed-use development with offices, retail/commercial space, light industrial uses, and residential lofts. The applicant aims to construct an events venue; and therefore requests the following variance: (1) Variance from Article XXX Section 3008(A)(e) regarding the use of metal siding as an exterior building material (See **Exhibit C** – Proposed Architectural Drawings).

Additionally, the applicant requests CBD plan approval of the proposed architectural drawings for the development of parcel #2 (0.166 acres) within the West District Development, which is located in the Central Business District (CBD). Per Article VIII of the City’s zoning ordinance, Section 803, development in the CBD zoning district requires a recommendation from City Council to affirm that the plans will keep in mind the integrity and harmony of the Central Business District. On July 16, 2019, City Council voted to approve the site plan and subdivision plat under **CBD 19-06-08** (See **Exhibit D** – CBD Approve Site Plan). On September 26, 2019, the developer held a Right Start meeting to discuss this project with staff in further detail.

SURROUNDING LAND USES/ZONING:

| ZONING: | | LAND USE: |
|---------------|---|---|
| NORTH: | CBD (Central Business District) & LI (Light Industrial) | Existing Industrial Warehouse, Vacant Land, and West District Phase II Development site |
| SOUTH: | R-4 (High Density Residential) & LI (Light Industrial) | Single Family Homes and Whitfield Signs Warehouse/Office Building |
| EAST: | HOC (Highway Oriented Commercial) | Religious Facilities (First United Methodist Church) |
| WEST | LI (Light Industrial) | Open Hearts Community Mission and Statesboro Bulloch Recycling |

ATTACHMENTS: Exhibit A (Location Map), Exhibit B (Photos of Subject Site), Exhibit C (Proposed Architectural Drawings), Exhibit D (CBD Approved Site Plan), Exhibit E (Future Land Use Map)

COMPREHENSIVE PLAN:

The *City of Statesboro 2019 - 2029 Comprehensive Master Plan's* Future Development Map includes the subject site in the following character area:

| “Urban Core/Downtown District” | |
|---|---|
| Vision: | The Statesboro Downtown character area includes the central historic portion of Statesboro in the intersecting area of Main Street. The area is intended to be redeveloped to create a central business district including many of the characteristics of a traditional downtown by promoting building, site and street-scape design features that encourage street-level pedestrian activity. The area should support a wide mixture of office and retail uses within structures with the potential for residential uses to be located on the upper floors. It can also include office-related government and institutional uses. Urban building form should be promoted except for properties that contain the City’s few remaining historic homes, which should be redeveloped according to their more pastoral character. |
| Suggested Development & Implementation Strategies: | <ul style="list-style-type: none"> • New development should respect historic context of building mass, height and setbacks. • New developments that contain a mix of residential, commercial and/or community facilities at small enough scale and proximity to encourage walking between destinations. • Ensure that future phases of streetscape enhancements are developed in harmony with previous efforts as well as economic development goals of the City and the Downtown Statesboro Development Authority (DSDA) / Main Street program. • Redevelop warehouses for major employers and tenants to build critical mass downtown • Develop architectural guidelines to guide new development and renovations of historic buildings. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 84-85.</i></p> |

In addition, the *Statesboro 2019 – 2029 Comprehensive Plan and “Community Goals”* has the following supporting policies:

- “Utilize the Downtown Statesboro Development Authority Design Standards and Central Business District zoning regulations to protect the design and character of historic structure while providing flexibility in their use.”

ANALYSIS

I. Variance from Article XXX, Section 3008(A)(e): *Exterior Building and Roofing Materials*. Exposed rough or re-sawn siding and exposed, untreated concrete shall not be permitted as a finished exterior. Metal siding and vinyl siding (except as accent materials) are prohibited.

The applicant is requesting a variance from Article XXX, Section 3008(A)(e) to allow for the use of metal siding as an exterior building material, which is otherwise prohibited under Article XXX: Down District Design Standards. This variance is specifically being requested in order to allow for the new development of a special events venue within the West District Development on Parcel #2.

The *Statesboro Zoning Ordinance* provides for the award of variance by City Council from the zoning regulations, stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done.”

Article XVII: Section 1801 of the *Statesboro Zoning Ordinance* states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:

- 1. There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to the other land or buildings in the general vicinity or in the same zoning district;**
- 2. The special conditions and circumstances do not result from the actions of the applicant;**
- 3. The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair purposes and intent of zoning regulations.**

In the course of exercising any of the above powers, the zoning board of appeals may attach conditions to its approval.

II. Whether or not to approve the proposed architectural plans for property in the CBD (Central Business District).

The request should be considered in light of:

- the standards for and intent of the CBD as defined in Article VIII, section 800 of the *Statesboro Zoning Ordinance*
- the vision and community policies articulated within the *Statesboro Comprehensive Plan*

STANDARDS: CENTRAL BUSINESS DISTRICT

Article VIII: Section 803 of the *Statesboro Zoning Ordinance* states the following in regards to the requirements for development in the CBD zoning district:

“A site plan and architectural drawings are required prior to issuance of a building permit. The planning commission shall review these plans and drawings and submit their findings and recommendations to the building inspector and city council prior to the issuance of the building permit. The drawings shall keep in mind the integrity and harmony of the central business district as designated in the future land use plan and other related studies.”

RECOMMENDATION:

Staff recommends approval of the Zoning Variance and Central Business District plan review requested by applications **V 19-10-09 & CBD 19-10-05** with conditions.

At the regularly scheduled meeting held on November 5, 2019 at 5:00 PM, the Planning Commission voted 7-0 to recommend approval of the zoning variance and central business district plan review requested by applications **V 19-10-09 & CBD 19-10-05** with the following staff condition(s):

- (a) Staff approval of the architectural drawings dated August 22, 2019 and included within this staff report under **Exhibit C**.
- (b) Approval of this Zoning Variance and Central Business District plan review does not grant site and/or building plan approval as submitted. Project will be required to meet all City Ordinances and applicable building codes.

EXHIBIT A: LOCATION MAP



EXHIBIT B: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site, looking northwest from 91 South College Street/Whitfield Signs Building. Also, a view of the area being requested for Zoning Variance and Central Business District plan approvals under **CBD 19-10-05 & V 19-10-09**.



Picture 2: Additional view of the subject site, looking southeast from Martin Luther King Jr. Drive.



EXHIBIT B: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 3: Looking south from the subject site (West District Parcel #2), the Whitfield Signs Building.



Picture 4: Looking west from the subject site, a view of 87 South College Street, a mixed-use residential and commercial building currently under construction and approved under **CBD 19-04-05**.



EXHIBIT B: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

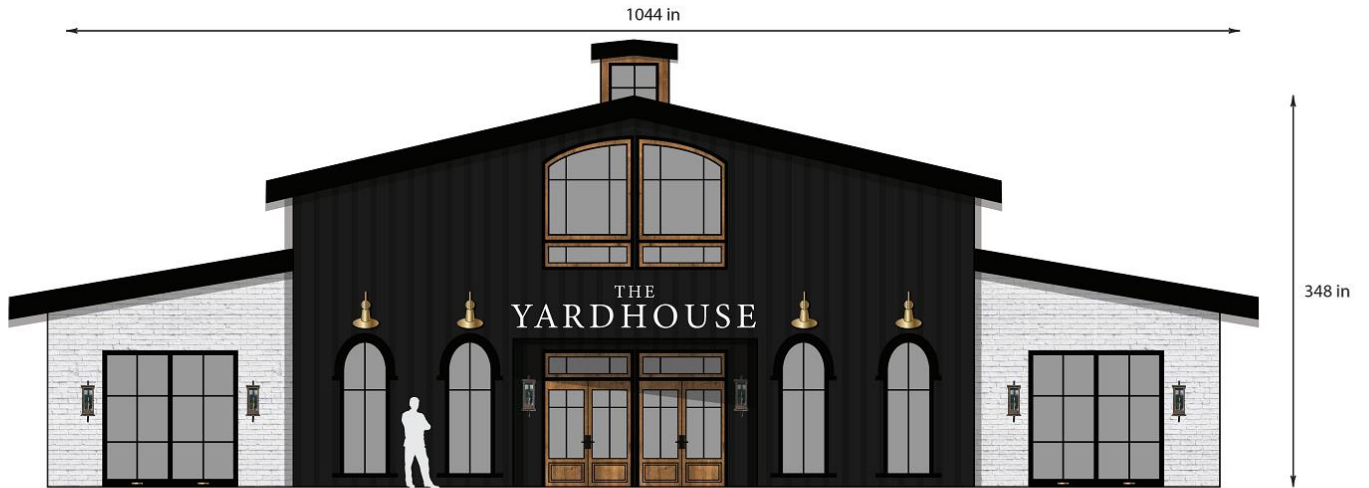
Picture 5: Looking north from the subject site, the West District Development Phase II site.



Picture 6: Looking south from the subject site, Open Hearts Community Mission.



EXHIBIT C: PROPOSED ARCHITECTURAL DRAWINGS



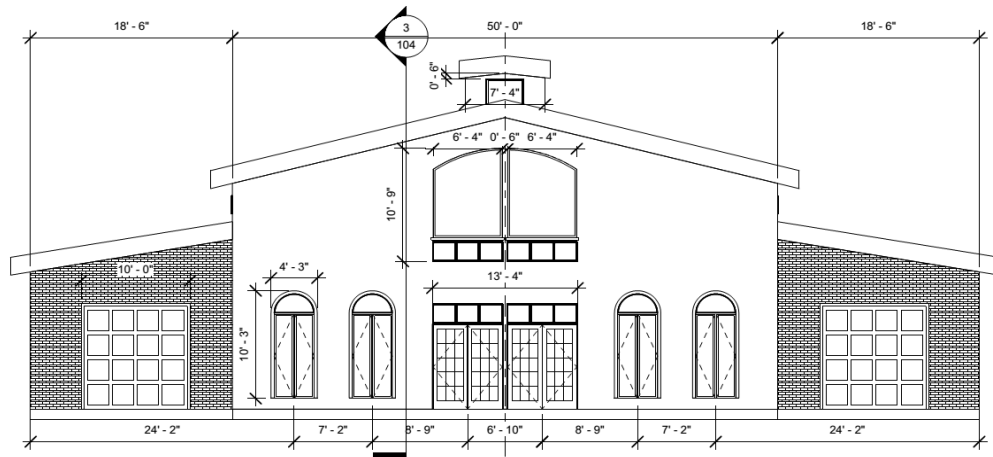
YARDHOUSE- FRONT ELEVATION



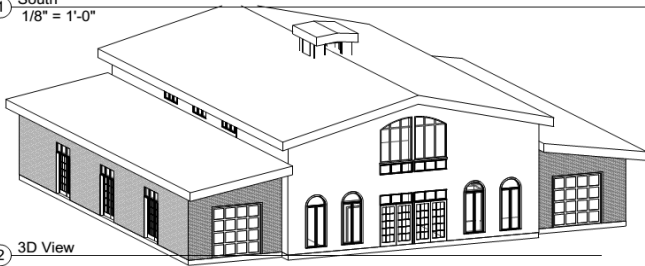
YARDHOUSE- THE YARD SIDE ELEVATION



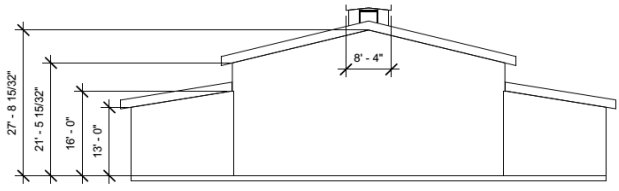
EXHIBIT C: PROPOSED ARCHITECTURAL DRAWINGS (CONT'D)



① South
1/8" = 1'-0"



② 3D View



③ North
1/16" = 1'-0"



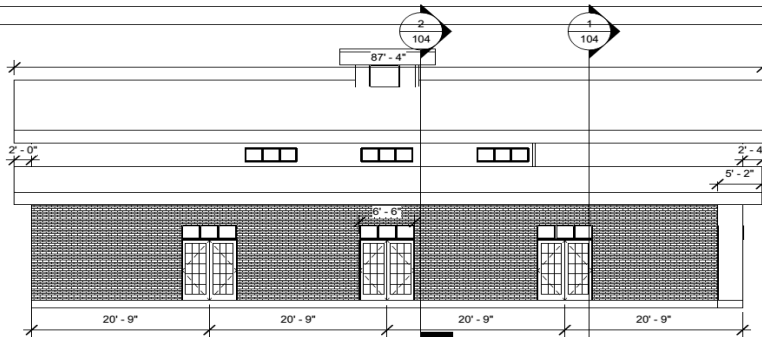
BAK
BUILDERS, LLC
GENERAL CONTRACTORS

West District Development
The Yardhouse

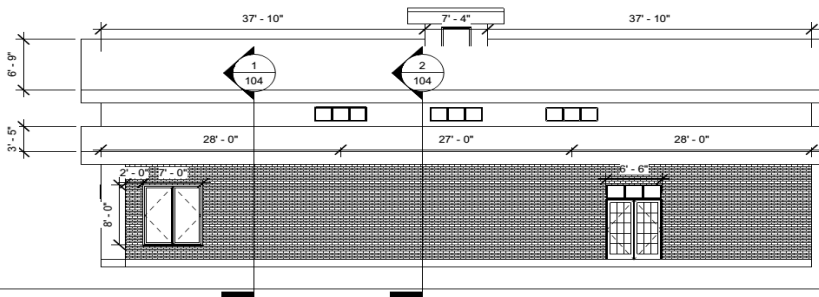
BAK Builders

| | | |
|----------------|-----------------|--------------------|
| Project number | 190XX | 101 |
| Date | 08-22-2019 | |
| Drawn by | Matthew Stewart | |
| Checked by | Checker | |
| | | Scale As Indicated |

8/22/2019 1:59:38 PM



② West
1" = 10'-0"



① East
1" = 10'-0"



BAK
BUILDERS, LLC
GENERAL CONTRACTORS

West District Development
The Yardhouse

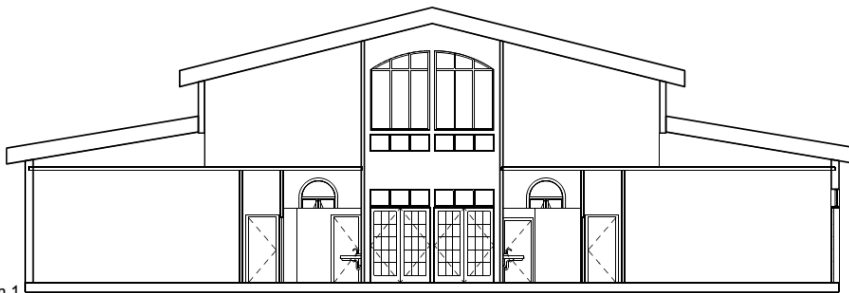
BAK Builders

| | | |
|----------------|-----------------|-------------------|
| Project number | 190XX | 102 |
| Date | 08-22-2019 | |
| Drawn by | Matthew Stewart | |
| Checked by | Checker | |
| | | Scale 1" = 10'-0" |

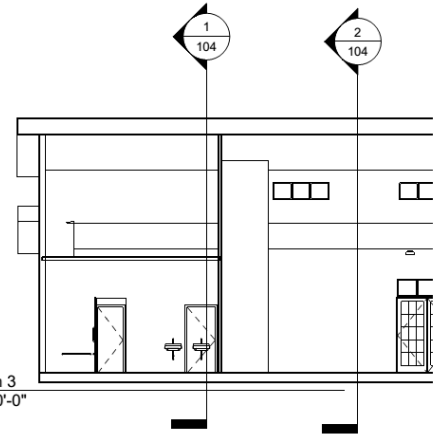
8/22/2019 1:59:54 PM

EXHIBIT C: PROPOSED ARCHITECTURAL DRAWINGS (CONT'D)

① Section 1
1" = 10'-0"



③ Section 3
1" = 10'-0"



② Section 2
1" = 10'-0"



BAK
BUILDERS, LLC
GENERAL CONTRACTORS

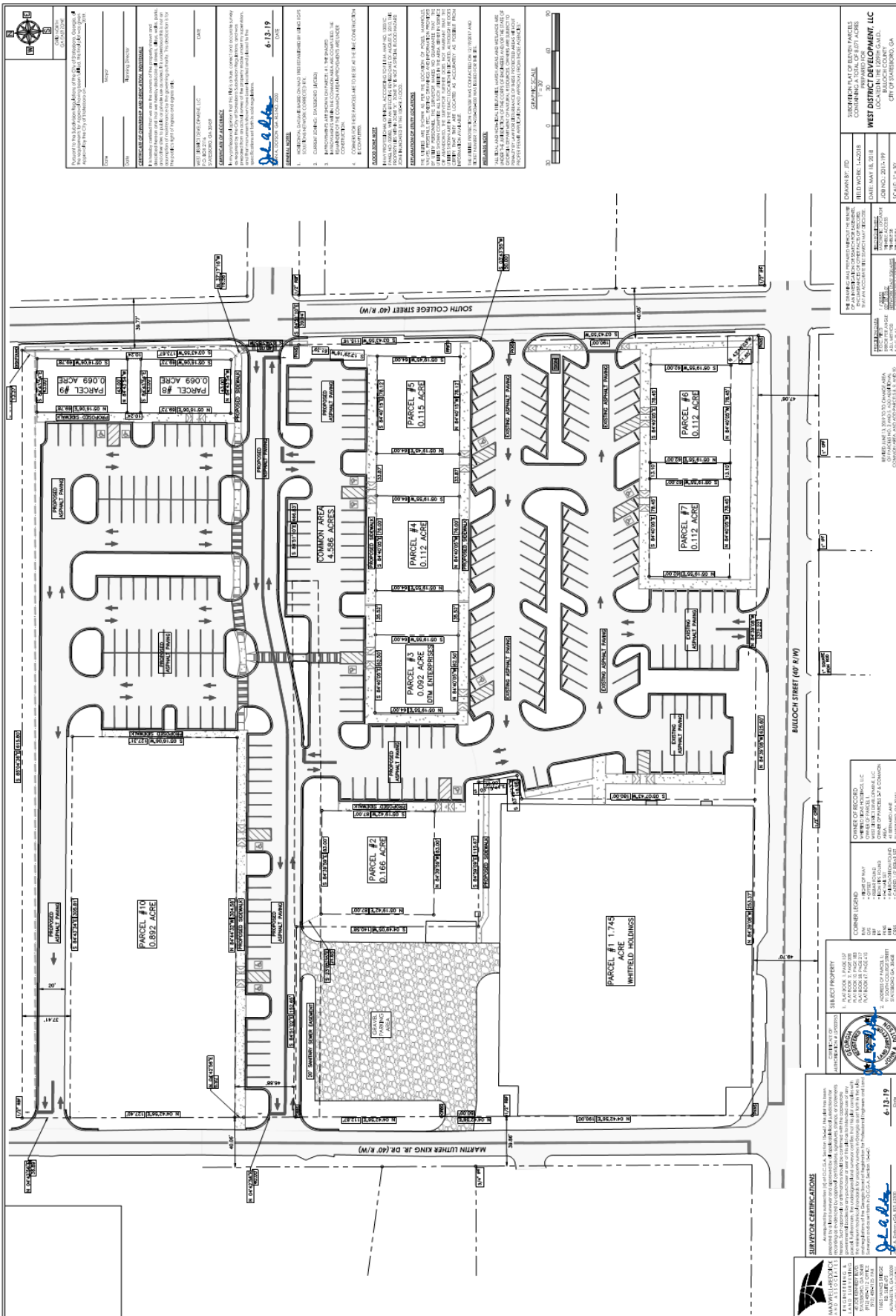
West District Development
The Yardhouse

BAK Builders

| | | |
|----------------|-----------------|-------------------|
| Project number | 190XX | 104 |
| Date | 08-22-2019 | |
| Drawn by | Matthew Stewart | |
| Checked by | Checker | |
| | | Scale 1" = 10'-0" |

8/22/2019 2:01:23 PM

EXHIBIT D: CBD APPROVED SITE PLAN



APPROVED BY: [Signature]

DATE: 6.13.19

CITY OF STAFFORD, GA

DEVELOPER: WEST DISTRICT DEVELOPMENT, LLC

PROJECT: WEST DISTRICT DEVELOPMENT, LLC

LOCATION: 1501 N. E. 10TH ST., STAFFORD, GA

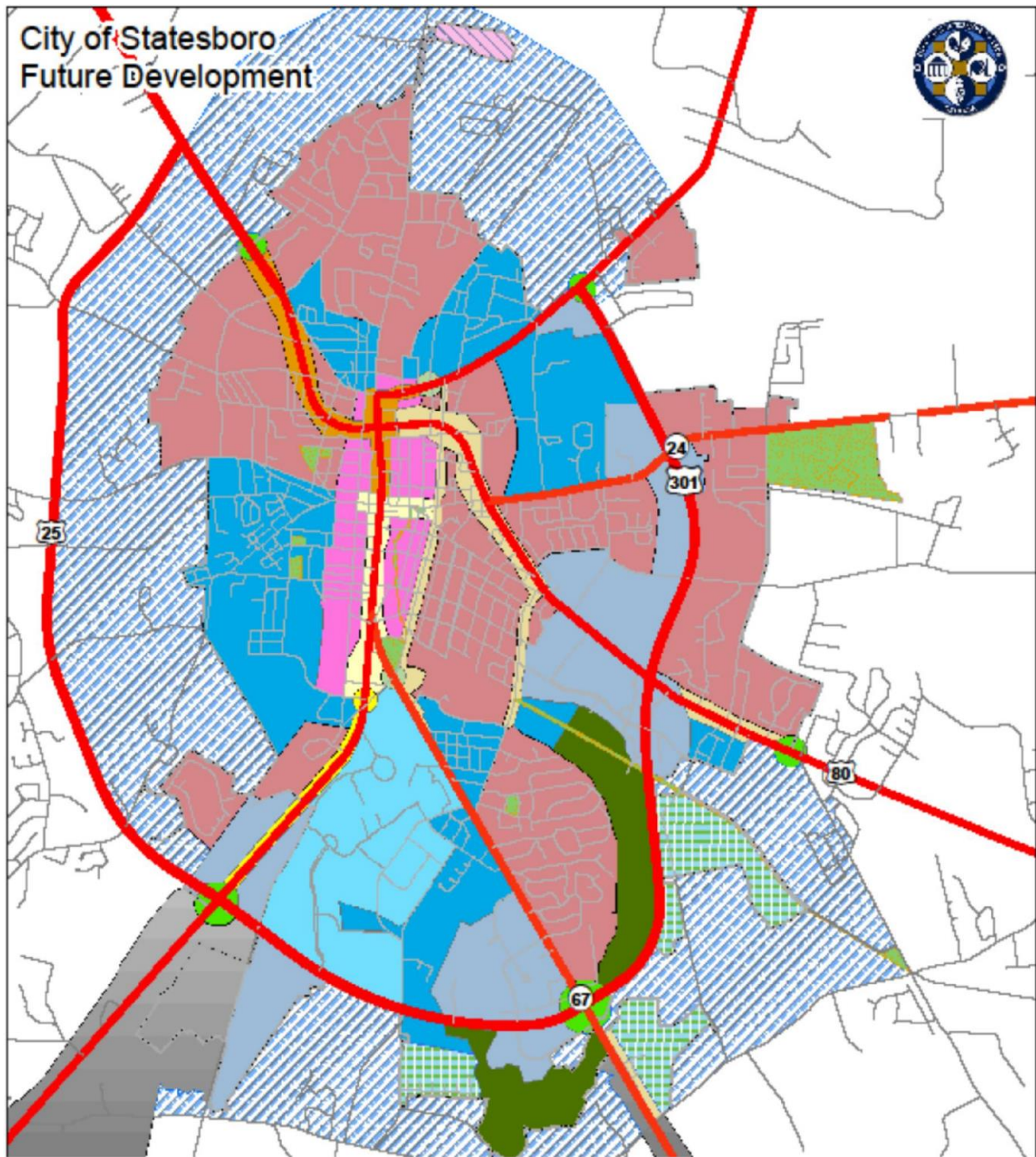
PREPARED BY: [Signature]

DATE: 6.13.19

CITY OF STAFFORD, GA

Development Services Report
 Case CBD 19-10-05 & V 19-10-09

**EXHIBIT E: CITY OF STATESBORO'S 2019 – 2029 COMPREHENSIVE PLAN
FUTURE DEVELOPMENT MAP**



- | | | |
|-------------------------------------|--------------------------------------|---------------------------|
| Activity Centers/Regional Centers | Developing Urban Neighborhood Area | Park |
| Commercial Redevelopment Area # 1 | Downtown | Potential Annexation |
| Commercial Redevelopment Area # 2 | Emerging Business | Residential Redevelopment |
| Commercial Redevelopment Area # 3 | Established Residential Neighborhood | University District |
| Conservation Area | Gateway | Urban Core Gateway |
| Developing Traditional Neighborhood | Neighborhood Center | |

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
Charles W. Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

To: Charles W. Penny, City Manager and Leah Harden, City Clerk

From: Owen Dundee, City Planner II

Date: November 8, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance Request*

Recommendation: Staff recommends approval of the zoning variance requested by application V 19-10-10 with conditions.

Background: West District Development, LLC requests a variance from Article XXX, Section 3008(A)(e) regarding exterior building materials within the Downtown District for 0.112 acres of property located on South College Street (Tax Parcel S19 000001 006).

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report V 19-10-10 & CBD 19-10-06.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
Charles W. Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

To: Charles W. Penny, City Manager and Leah Harden, City Clerk

From: Owen Dundee, City Planner II

Date: November 8, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Central Business District Plan Review*

Recommendation: Staff recommends approval of the Central Business District plan review requested by application CBD 19-10-06 with conditions.

Background: West District Development, LLC requests approval of the proposed architectural drawings submitted for 0.112 acres of property located on South College Street, which is located in the Central Business District (CBD). Per Article VIII, Section 803, development in the CBD zoning district requires a recommendation from City Council to affirm that the plans will keep in mind the integrity and harmony of the Central Business District (Tax Parcel S19 000001 006).

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report V 19-10-10 & CBD 19-10-06.



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)

CBD 19-10-06 & V 19-10-10
CBD PLAN REVIEW & ZONING VARIANCE REQUESTS
SOUTH COLLEGE STREET – WEST DISTRICT DEVELOPMENT PARCEL #6

| | |
|--------------------------|---|
| LOCATION: | South College Street/West District Development Parcel #6 |
| REQUEST: | Variance from Article XXX, Section 3008(A)(e) regarding exterior building materials in the Downtown District. Approval of the architectural drawings for a new development within the CBD (Central Business District) zoning district. |
| APPLICANT: | West District Development, LLC |
| OWNER(S): | West District Development, LLC |
| ACRES: | 0.112 Acres |
| PARCEL TAX MAP #: | S19 000001 006 |
| COUNCIL DISTRICT: | District 2 (Jones) |



PROPOSAL & BACKGROUND:

The applicant is in the process of creating a mixed-use development with offices, retail/commercial space, light industrial uses, and residential lofts. The applicant aims to construct a two-unit commercial building; and therefore requests the following variance: (1) Variance from Article XXX Section 3008(A)(e) regarding the use of metal siding as an exterior building material (See **Exhibit C** – Proposed Architectural Drawings).

Additionally, the applicant requests CBD plan approval of the proposed architectural drawings for the development of parcel #6 (0.112 acres) within the West District Development, which is located in the Central Business District (CBD). Per Article VIII of the City’s zoning ordinance, Section 803, development in the CBD zoning district requires a recommendation from City Council to affirm that the plans will keep in mind the integrity and harmony of the Central Business District. On July 16, 2019, City Council voted to approve the site plan and subdivision plat under **CBD 19-06-08** (See **Exhibit D** – CBD Approve Site Plan). On September 26, 2019, the developer held a Right Start meeting to discuss this project with staff in further detail.

SURROUNDING LAND USES/ZONING:

| ZONING: | | LAND USE: |
|---------------|---|---|
| NORTH: | CBD (Central Business District) | West District Phase I & II Development site |
| SOUTH: | R-8 (Single Family Residential) | Single Family Homes |
| EAST: | HOC (Highway Oriented Commercial) | Religious Facilities (First United Methodist Church) |
| WEST | LI (Light Industrial) & CBD (Central Business District) | Whitfield Signs Office/Warehouse Building and West District Phase II Development Site |

ATTACHMENTS: Exhibit A (Location Map), Exhibit B (Photos of Subject Site), Exhibit C (Proposed Architectural Drawings), Exhibit D (CBD Approved Site Plan)

COMPREHENSIVE PLAN:

The *City of Statesboro 2019 - 2029 Comprehensive Master Plan's* Future Development Map includes the subject site in the following character area:

| <u>“Urban Core/Downtown District”</u> | |
|--|---|
| <i>Vision:</i> | The Statesboro Downtown character area includes the central historic portion of Statesboro in the intersecting area of Main Street. The area is intended to be redeveloped to create a central business district including many of the characteristics of a traditional downtown by promoting building, site and street-scape design features that encourage street-level pedestrian activity. The area should support a wide mixture of office and retail uses within structures with the potential for residential uses to be located on the upper floors. It can also include office-related government and institutional uses. Urban building form should be promoted except for properties that contain the City’s few remaining historic homes, which should be redeveloped according to their more pastoral character. |
| <i>Suggested Development & Implementation Strategies:</i> | <ul style="list-style-type: none"> • New development should respect historic context of building mass, height and setbacks. • New developments that contain a mix of residential, commercial and/or community facilities at small enough scale and proximity to encourage walking between destinations. • Ensure that future phases of streetscape enhancements are developed in harmony with previous efforts as well as economic development goals of the City and the Downtown Statesboro Development Authority (DSDA) / Main Street program. • Redevelop warehouses for major employers and tenants to build critical mass downtown • Develop architectural guidelines to guide new development and renovations of historic buildings. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 84-85.</i></p> |

In addition, the *Statesboro 2019 – 2029 Comprehensive Plan and “Community Goals”* has the following supporting policies:

- “Utilize the Downtown Statesboro Development Authority Design Standards and Central Business District zoning regulations to protect the design and character of historic structure while providing flexibility in their use.”

ANALYSIS

I. Variance from Article XXX, Section 3008(A)(e): *Exterior Building and Roofing Materials*. Exposed rough or re-sawn siding and exposed, untreated concrete shall not be permitted as a finished exterior. Metal siding and vinyl siding (except as accent materials) are prohibited.

The applicant is requesting a variance from Article XXX, Section 3008(A)(e) to allow for the use of metal siding as an exterior building material, which is otherwise prohibited under Article XXX: Down District Design Standards. This variance is specifically being requested in order to allow for the new construction of a two-unit, commercial building within The West District Development on Parcel #6.

The *Statesboro Zoning Ordinance* provides for the award of variance by City Council from the zoning regulations, stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done.”

Article XVII: Section 1801 of the *Statesboro Zoning Ordinance* states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:

- 1. There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to the other land or buildings in the general vicinity or in the same zoning district;**
- 2. The special conditions and circumstances do not result from the actions of the applicant;**
- 3. The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair purposes and intent of zoning regulations.**

In the course of exercising any of the above powers, the zoning board of appeals may attach conditions to its approval.

II. Whether or not to approve the proposed architectural plans for property in the CBD (Central Business District).

The request should be considered in light of:

- the standards for and intent of the CBD as defined in Article VIII, section 800 of the *Statesboro Zoning Ordinance*
- the vision and community policies articulated within the *Statesboro Comprehensive Plan*

STANDARDS: CENTRAL BUSINESS DISTRICT

Article VIII: Section 803 of the *Statesboro Zoning Ordinance* states the following with regarding to requirements for development in the CBD zoning district:

“A site plan and architectural drawings are required prior to issuance of a building permit. The planning commission shall review these plans and drawings and submit their findings and recommendations to the building inspector and city council prior to the issuance of the building permit. The drawings shall keep in mind the integrity and harmony of the central business district as designated in the future land use plan and other related studies.”

RECOMMENDATION:

Staff recommends approval of the Zoning Variance and Central Business District plan review requested by applications **V 19-10-10 & CBD 19-10-06** with conditions.

At the regularly scheduled meeting held on November 5, 2019 at 5:00 PM, the Planning Commission voted 7-0 to recommend approval of the zoning variance and Central Business District plan review requested by applications **V 19-10-10 & CBD 19-10-06** with the following staff condition(s):

- (a) Staff approval of the architectural drawings submitted by the applicant and included within this staff report under **Exhibit C**.
- (b) Approval of this Central Business District plan review does not grant site and/or building plan approval as submitted. Project will be required to meet all City Ordinances and applicable building codes.

EXHIBIT A: LOCATION MAP



EXHIBIT B: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site, looking southwest from South College Street. Also, a view of the area being requested for Zoning Variance and Central Business District plan approvals under **CBD 19-10-06 & V 19-10-10**.



Picture 2: Additional view of the subject site and area being requested for Zoning Variance and Central Business District plan approvals under **CBD 19-10-06 & V 19-10-10**.



EXHIBIT B: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 3: Looking southeast from the subject site (West District Parcel #6), single family residences.



Picture 4: Looking east from the subject site, First United Methodist Church's property and childcare facilities.



EXHIBIT B: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 5: Looking west from the subject site, the Whitfield Signs Office/Warehouse Building.



Picture 6: Looking south from the subject site, single family residential buildings and the parcels recently re-zoned to R-4 (High Density Residential) under RZ 19-09-09 & RZ 19-09-10 (110 & 116 Bulloch Street).



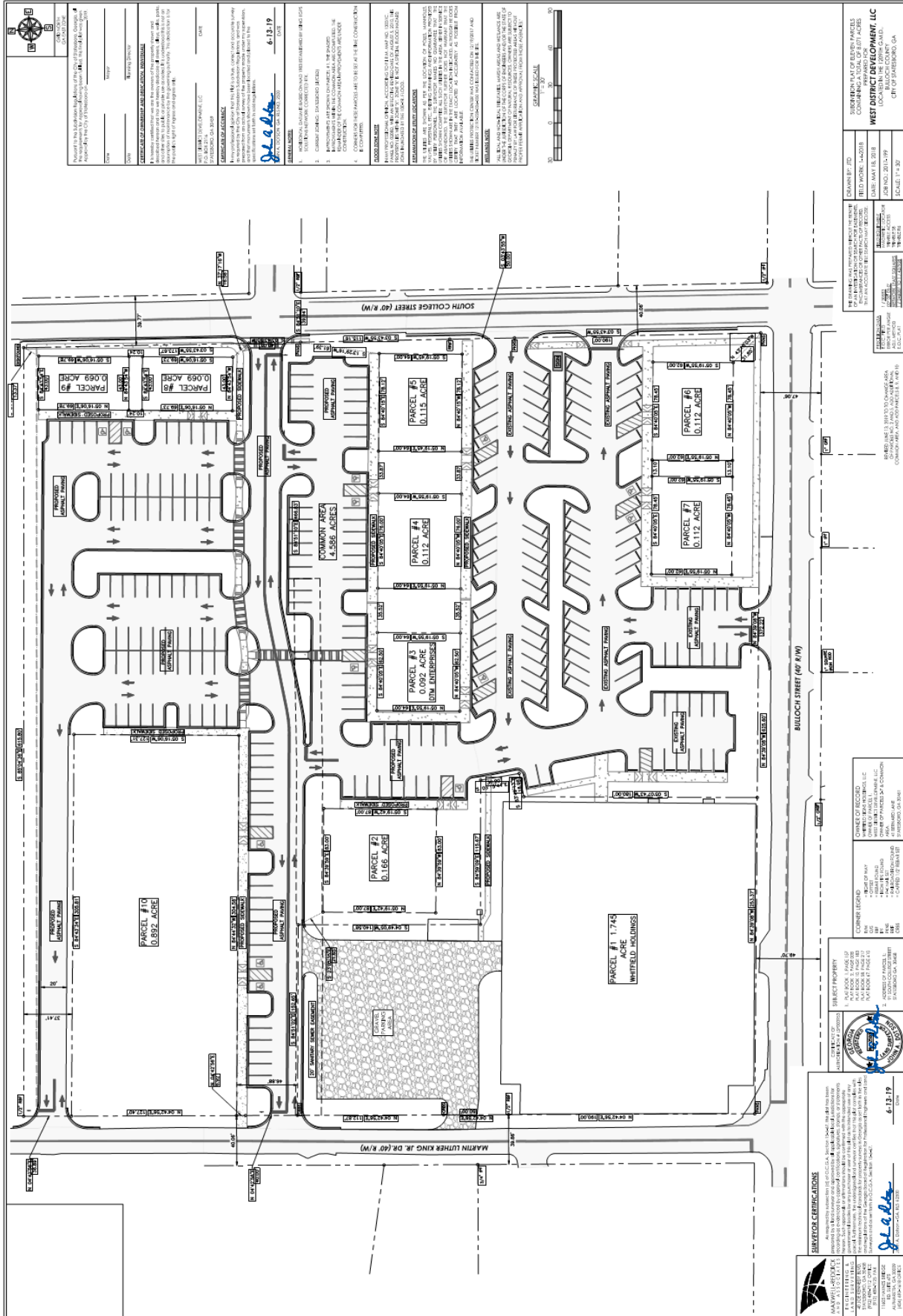
EXHIBIT C: PROPOSED ARCHITECTURAL DRAWINGS (Front & Rear Elevations)



EXHIBIT C: PROPOSED ARCHITECTURAL DRAWINGS (CONT'D) – Side View Elevations



EXHIBIT D: CBD APPROVED SITE PLAN



Approved by the City of Starkville, Georgia, on 6/13/19. Approved by the City of Starkville, Georgia, on 6/13/19.

DATE: 6/13/19
DATE: 6/13/19

PROJECT: WEST DISTRICT DEVELOPMENT, LLC
PROJECT: WEST DISTRICT DEVELOPMENT, LLC

DESIGNER: [Signature]
DESIGNER: [Signature]

SCALE: 1" = 20'
SCALE: 1" = 20'

PROJECT NO.: 19-10-06 & 19-10-10
PROJECT NO.: 19-10-06 & 19-10-10

CITY OF STARKVILLE, GEORGIA

DEVELOPER: WEST DISTRICT DEVELOPMENT, LLC
DEVELOPER: WEST DISTRICT DEVELOPMENT, LLC

ADDRESS: 1000 W. BULLOCH STREET, STARKVILLE, GA 30289
ADDRESS: 1000 W. BULLOCH STREET, STARKVILLE, GA 30289

PHONE: 770-366-1234
PHONE: 770-366-1234

WEBSITE: www.westdistrictdevelopment.com
WEBSITE: www.westdistrictdevelopment.com

OWNER: WEST DISTRICT DEVELOPMENT, LLC
OWNER: WEST DISTRICT DEVELOPMENT, LLC

PROJECT NO.: 19-10-06 & 19-10-10
PROJECT NO.: 19-10-06 & 19-10-10

DATE: 6/13/19
DATE: 6/13/19

APPROVED: [Signature]
APPROVED: [Signature]

DATE: 6/13/19
DATE: 6/13/19

PROJECT NO.: 19-10-06 & 19-10-10
PROJECT NO.: 19-10-06 & 19-10-10

DATE: 6/13/19
DATE: 6/13/19

PROJECT NO.: 19-10-06 & 19-10-10
PROJECT NO.: 19-10-06 & 19-10-10

DATE: 6/13/19
DATE: 6/13/19

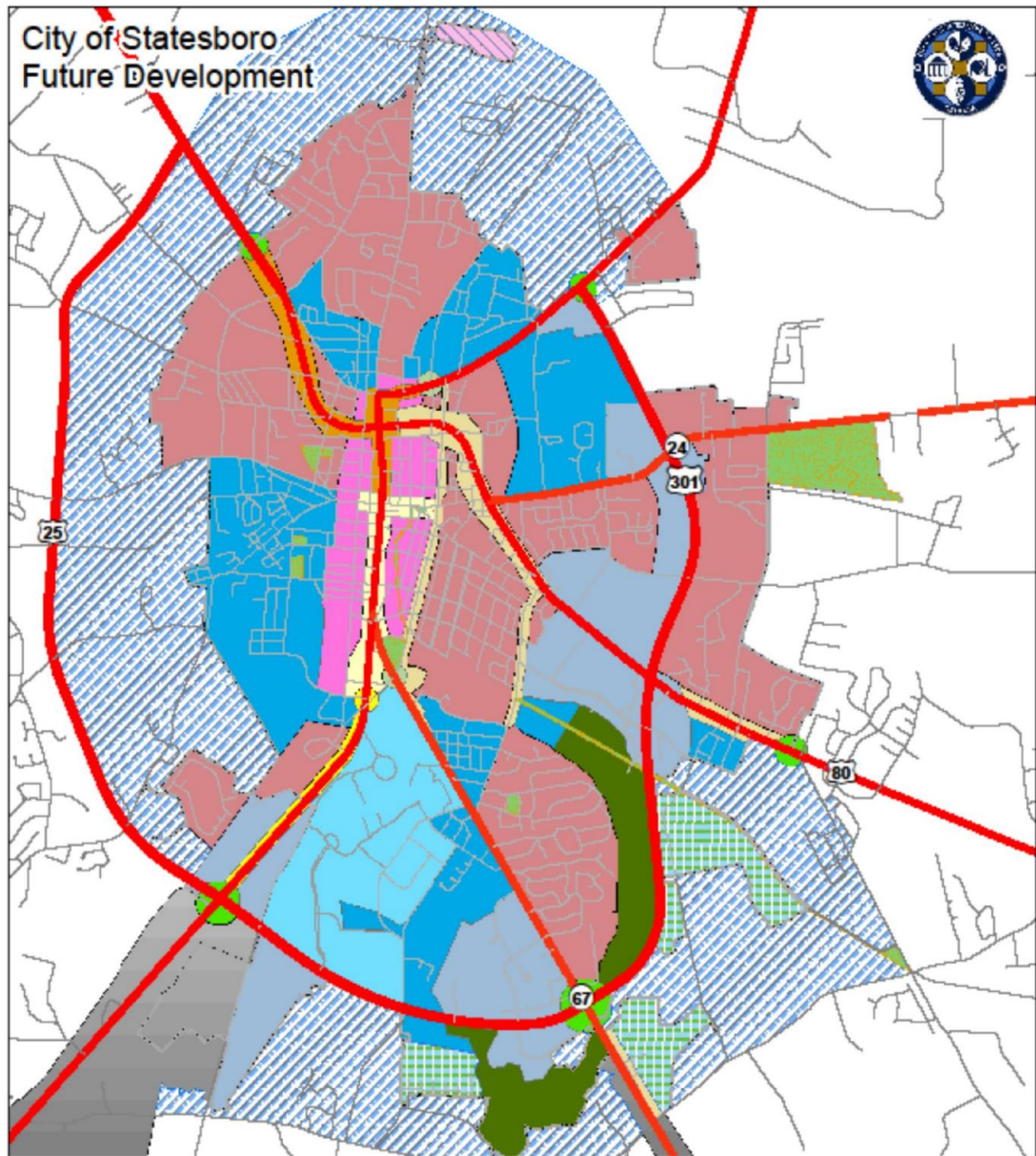
PROJECT NO.: 19-10-06 & 19-10-10
PROJECT NO.: 19-10-06 & 19-10-10

DATE: 6/13/19
DATE: 6/13/19

PROJECT NO.: 19-10-06 & 19-10-10
PROJECT NO.: 19-10-06 & 19-10-10

DATE: 6/13/19
DATE: 6/13/19

**EXHIBIT E: CITY OF STATESBORO'S 2019 – 2029 COMPREHENSIVE PLAN
FUTURE DEVELOPMENT MAP**



- | | | |
|-------------------------------------|--------------------------------------|---------------------------|
| Activity Centers/Regional Centers | Developing Urban Neighborhood Area | Park |
| Commercial Redevelopment Area # 1 | Downtown | Potential Annexation |
| Commercial Redevelopment Area # 2 | Emerging Business | Residential Redevelopment |
| Commercial Redevelopment Area # 3 | Established Residential Neighborhood | University District |
| Conservation Area | Gateway | Urban Core Gateway |
| Developing Traditional Neighborhood | Neighborhood Center | |

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
Charles W. Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

To: Charles W. Penny, City Manager and Leah Harden, City Clerk

From: Owen Dundee, City Planner II

Date: November 8, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Conditional Use Variance Request*

Recommendation: Staff recommends approval of the conditional use variance requested by application CUV 19-10-07 with conditions.

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

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report CUV 19-10-07.



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)

CUV 19-10-07 CONDITIONAL USE VARIANCE REQUEST 109 BROAD STREET

LOCATION: 109 Broad Street

REQUEST: Request for a conditional use variance from Article VII-A of the *Statesboro Zoning Ordinance* for 0.21 acres of property located at 109 Broad Street to utilize the property as an addiction recovery community residence (Tax Parcel # S29 000073 000).

APPLICANT: Paula Becker

OWNER(S): 109 Broad Street LLC

ACRES: 0.21 acres

PARCEL TAX MAP #: S29 000073 000

COUNCIL DISTRICT: 2 (Jones)



PROPOSAL:

The applicant is requesting a conditional use variance to utilize 109 Broad Street (Tax Parcel MS73 000003 000) as a long term residential, addiction recovery community residence of seven (7) adults (See **Exhibit A** – Location Map). The 0.21 acre lot contains a 2,524 square foot, four (4) bedroom/three (3) bath single family house. The subject site is currently zoned R-6 (Single Family Residential) and the *Statesboro Zoning Ordinance* does not address or define group homes, personal care homes or recovery residences or designate an appropriate zoning district for such uses. In addition, Article II of the *Statesboro Zoning Ordinance* states that a family in the R-6 zoning district may not consist of more than three (3) unrelated persons. Lastly, City Council recently approved **Resolution 2019-30** (See **Exhibit D – Resolution 2019-30**), a resolution to put in effect a six-month moratorium on the issuance of conditional use variances for Community Residences. However, Section 2 of the Moratorium **Resolution 2019-30** states the following: “Nothing herein shall be interpreted or applied to prohibit the submission of or review of an application for reasonable accommodation during the moratorium period”. Under **CUV 19-10-07**, the applicant has requested review of this application for reasonable accommodations (See **Exhibit E** – Reasonable Accommodations Request).

BACKGROUND:

This particular subject site has four prior zoning cases. It should be noted that the applicant requesting **CUV 19-10-07** was not the applicant referenced in any of the cases below.

On December 5, 2006, City Council tabled a zoning map amendment request for 109 Broad Street (subject site) to be rezoned from the R-4 (High Density Residential) to the CBD (Central Business District) zoning district to allow for the operation of a daycare center. This request was tabled as the zoning map amendment application filed by the applicant was not signed by the property owner in accordance with the requirements of zoning map amendment application policies and procedures.

On April 3, 2007, City Council approved a zoning map amendment for 109 Broad Street (subject site) to be rezoned from the R-4 (High Density Residential) to the R-6 (Single Family Residential) zoning district in order to allow for the subdivision of the property, creating a new lot fronting on South Mulberry Street.

On January 19, 2016, application **SE 15-10-05** was requested to be withdrawn by the applicant; this was a request for a Special Exception to allow for the accommodation of three or more unrelated adults to reside at 109 Broad Street (subject site) in order to utilize the property as a group home.

On February 16, 2016, City Council did not render a judgment on application **RZ 16-01-01**, a zoning map amendment request for 109 Broad Street (subject site) to be rezoned from the R-6 (Single Family Residential) to the R-4 (High Density Residential) zoning district to allow for the utilization of the property as a group home. City Council requested that the applicant attempt to resolve the concerns of adjacent property owners regarding the zoning map amendment request, then submit a proposed resolution detailing how the adjacent property owner concerns will be addressed. The applicant later requested to withdraw this application.

SURROUNDING LAND USES/ZONING:

| | ZONING: | LAND USE: |
|---------------|---------------------------------|---------------------------------------|
| NORTH: | R-4 (High Density Residential) | Single-family detached dwelling units |
| SOUTH: | R-4 (High Density Residential) | Single-family detached dwelling units |
| EAST: | R-4 (High Density Residential) | Single-family detached dwelling units |
| WEST | R-6 (Single Family Residential) | Single-family detached dwelling units |

Properties to the north, south, east and west are single family residential land uses. (See A – Location Map, See **Exhibit B**—Photos of Subject Site and Surrounding Properties). Also, the property is located within the boundaries of the Downtown Statesboro Development Authority (DSDA) and Tax Allocation District #1.

COMPREHENSIVE PLAN:

The subject site lies within the “Downtown” character area as identified by the City of Statesboro’s Future Development Map (See **Exhibit C**—*Future Development Map*) within the City of Statesboro’s 2019 – 2029 Comprehensive Plan.

Vision:

“The Statesboro **Downtown** character area includes the central historic portion of Statesboro in the intersecting area of Main Street. The area is intended to be redeveloped to create a central business district including many of the characteristics of a traditional downtown by promoting building, site and street-scape design features that encourage street-level pedestrian activity. The area should support a wide mixture of office and retail uses within structures with the potential for residential uses to be located on upper floors. It can also include office-related government and institutional uses. Urban Building form should be promoted except for properties that contain the City’s few remaining historic homes, which should be redeveloped according to their more pastoral character.”

Appropriate land uses include:

- Residential.
- Commercial and Office.
- Mixed-Use.

Suggested Development & Implementation Strategies:

- Maintain/enhance integrity of interconnected grid and pedestrian circulation interconnectivity.
- New development should respect historic context of building mass, height and setbacks.
- New developments that contain a mix of residential, commercial and/or community facilities at small enough scale and proximity to encourage walking between destinations.
- Economic development strategies should continue to nurture thriving commercial activity.

TAX ALLOCATION DISTRICT (TAD) RDEVELOPMENT PLAN:

The subject property falls within the boundaries of Tax Allocation District #1 (TAD). The goal of the TAD is to “encourage private redevelopment of outmoded, highway-oriented commercial development into pedestrian friendly, mixed use centers to achieve the vision set forth in the 2011 Statesboro Downtown Master Plan and 2009 and 2014 Comprehensive Plans”. The plan does not set forth suggestion specific to this subject site. The parcel has a tax value of \$132,362 and is listed in the TAD under Appendix B (pg. 45) (See **Exhibit F** – List of Parcels included in the TAD).

DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY (DSDA) MASTER PLAN:

The 2011 DSDA Locational Guidance for Redevelopment Initiatives Land Use Map places the subject site within zone 10 with targeted use/enhancements identified as residential, institutional and mixed use. This area is classified as a “Tier 2” importance level, as it operates as a supportive element to downtown development. Implementation strategies recommend ensuring that residential and office uses continue with minimal conflict and that land use decisions and strategies contribute to neighborhood stabilization and the maintenance of the existing housing stock (See **Exhibit G** – Locational Guidance/Zone Implementation Table).

COMMUNITY FACILITIES AND TRANSPORTATION:

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

ENVIRONMENTAL:

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

ANALYSIS:

Article XX: 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. Department files indicate that the subject property was previously zoned R-4 and was rezoned to the current zoning of R-6 in 2007 in an effort to transition the neighborhood to a single family zoning designation in order to better align with the primary land uses in the area, which are single family residential. This neighborhood zoning transition did not happen and the subject property’s immediate neighborhood and surrounding properties continue to be zoned and regulated by the R-4 (High Density Residential) district. The subject site and the lot abutting the rear property line of the subject site are the only parcels in the vicinity bearing the R-6 (Single Family Residential) zoning district designation.

2.) The extent to which property values are diminished by the particular zoning restrictions.

a. The proposed use is not expected to have an adverse effect on property values in the area given the uses of the surrounding structures. Please note that staff has not consulted a professional appraiser regarding the impact of the requested Conditional Use Variance on property value.

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.

a. The variance is needed in order to provide rehabilitative services to an adult population.

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 subject site is suitable for the proposed use and could still be used as a single-family residence should this use, if granted, cease.
- 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.**
- 7.) **The extent the proposed change would impact the following:**
 - a. **Population density in the area.**
 - i. The request would add seven (7) additional persons to the area.
 - b. **Community facilities.**
 - c. **Living conditions in the area.**
 - d. **Traffic patterns and congestion.**
 - e. **Environmental aspects.**
 - f. **Existing and future land use patterns.**
 - g. **Property values in adjacent areas.**
- 8.) **Consistency with other governmental land use, transportation and development plans for the community.**

In addition to the standards for determination outlined in Article XX: Section 2007, the Mayor and Council will consider the following factors established by Article XXIV: Section 2406 of the *Statesboro Zoning Ordinance*:

- 1.) **Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.**
 - Staff is unaware of any environmental impacts.
- 2.) **Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**
- 3.) **Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.**
 - The proposed use of the existing single family residence on the subject site is not expected to cause a significant impact to vehicular traffic.
- 4.) **Public facilities and utilities are capable of adequately serving the proposed use.**
- 5.) **The proposed use will not have a significant adverse effect on the level of property values or the general character of the area.**
- 6.) **Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.**
 - No site plan was required to be submitted for this request.
- 7.) **Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.**
 - This request, if approved, is personal to the applicant. Any future changes to this proposal must be approved by City Council.

STAFF RECOMMENDATION:

Given that the applicant has made a request for reasonable accommodations under the Fair Housing Act, Staff recommends approval of the use requested by application **CUV 19-10-07** with the following condition(s):

- 1) Approval of this Conditional Use Variance does not grant Occupational Tax Certificate approval as submitted. Applicant will be required to submit a business license application for City staff's review and approval.
- 2) Within six (6) months from the date of the conditional use variance approval, the applicant will be required to obtain a Georgia Association of Recovery Residences (GARR) certification for the community residence to be located at 109 Broad Street.
- 3) Applicant will be required to coordinate with the City of Statesboro Fire Department to ensure life safety standards meet current code requirements.
- 4) The applicant must not exceed reasonable standards for parking and avoid excessive parking at the location.
- 5) The applicant may not install signage at the location.

PLANNING COMMISSION RECOMMENDATION:

At the regularly scheduled meeting held on November 5, 2019 at 5:00 PM, the Planning Commission voted 7-0 to recommend denial of the conditional use variance being requested by application **CUV 19-10-07**.

EXHIBIT A: LOCATION MAP



Case # CUV 19-10-07
 109 Broad St
 Parcel: S29 000073 000

EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES

Picture 1: View of the subject property, 109 Broad Street, currently a single family residence being proposed as an addiction recovery community residence under **CUV 19-10-07**.



Picture 2: View of the adjacent property to the north of the subject site, a single family residence.



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONTINUED)

Picture 3: View of the property located directly to the east of the subject site, currently single family residences.



Picture 4: View of the adjacent property to the south of the subject site, a single family residence.



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONTINUED)

Picture 5: View of surrounding properties located to the southeast of the subject site, a single family residence.



Picture 6: View of the surrounding properties located to the east of the subject site, single family residences.



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONTINUED)

Picture 7: View of surrounding properties located to the west of the subject site, single family residences located along South Mulberry Street.



Picture 8: View of the surrounding properties, looking south along Broad Street.

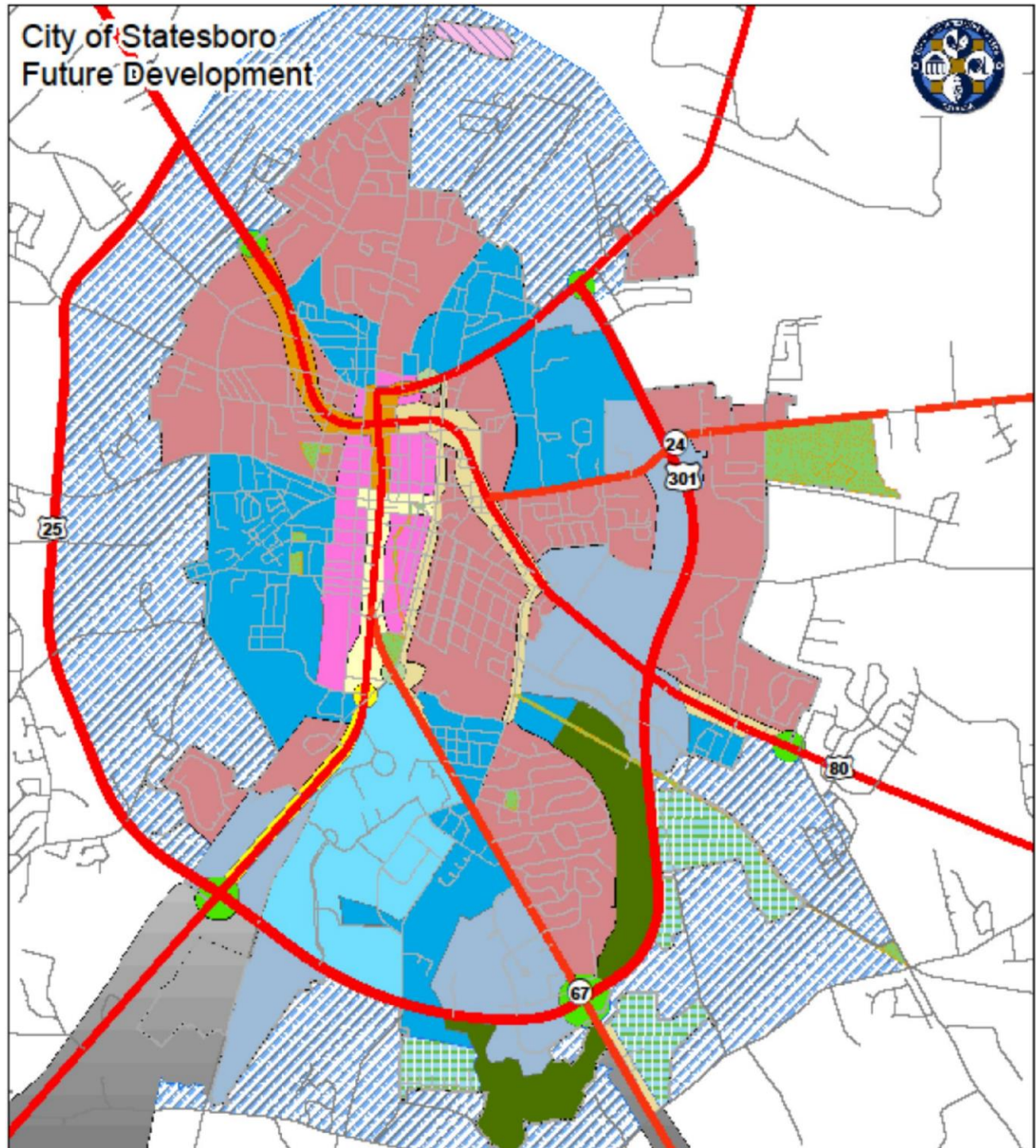


EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONTINUED)

Picture 9: View of surrounding properties, looking north along Broad Street.



EXHIBIT C: CITY OF STATESBORO'S 2019 – 2029 COMPREHENSIVE PLAN FUTURE DEVELOPMENT MAP



- | | | |
|-------------------------------------|--------------------------------------|---------------------------|
| Activity Centers/Regional Centers | Developing Urban Neighborhood Area | Park |
| Commercial Redevelopment Area # 1 | Downtown | Potential Annexation |
| Commercial Redevelopment Area # 2 | Emerging Business | Residential Redevelopment |
| Commercial Redevelopment Area # 3 | Established Residential Neighborhood | University District |
| Conservation Area | Gateway | Urban Core Gateway |
| Developing Traditional Neighborhood | Neighborhood Center | |

EXHIBIT D: Resolution # 2019-30

**STATE OF GEORGIA
COUNTY OF BULLOCH**

MAYOR AND COUNCIL OF THE CITY OF STATEBORO GEORGIA

RESOLUTION # 2019 - 30

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF STATEBORO GEORGIA TO PUT IN EFFECT A SIX MONTH MORATORIUM ON ISSUANCE OF CONDITIONAL USE VARIANCES TO EXCEED CITY ZONING OCCUPANCY LIMITS AND TO COMMISSION A SIX MONTH COMPREHENSIVE STUDY ON GROUP HOMES AND LAND USE RESTRICTIONS IN THE CITY

WHEREAS, the proliferation of group homes in single family neighborhoods throughout the municipal limits of the City of Statesboro has been a source of public health and safety concern for Statesboro residents and elected officials for years; and

WHEREAS, on August 20, 2019 Mayor and Council directed the preparation of a resolution to place a six month moratorium on issuance of conditional use variances in order to facilitate placement of group homes in single family home zoning districts to be considered and opened for first reading and public hearing on September 3, 2019; and

WHEREAS, the Mayor and Council deem it in the best interest of the City and its residents to undertake during the moratorium the review and revision of the zoning and land use regulations as they relate to group housing within the City of Statesboro to find the proper means of protecting the legal rights of group home occupants while preserving the integrity of the City's zoning restrictions; and

WHEREAS, Mayor and Council have legal authority to initiate the review process by declaration of a moratorium; and

WHEREAS, The City of Statesboro and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the public health, safety and welfare is a legitimate public purpose recognized by the courts of the State of Georgia; and

WHEREAS, based upon the above facts, Mayor and Council deem it necessary and to be in the best interests of the health, safety, and welfare of the citizens and residents of the City, to impose a moratorium on the processing and approval of any new applications for conditional use variances for a group homes from October 1, 2019 through March 31, 2020.

EXHIBIT D: Resolution # 2019-30 (Continued)

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STATESBORO THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. These clauses represent the legislative findings of the Mayor and Council. It is the purpose and intent of this Ordinance to promote the health, safety and welfare of the residents and citizens of the City of Statesboro.

Section 2. Mayor and Council hereby declare a moratorium which shall run from October 1, 2019 until March 31, 2020. During such time the City will suspend the processing or approval of any applications for conditional use variances for group homes. The moratorium may be extended by Mayor and Council by subsequent resolution should additional time be needed by the City for the study and presentation of appropriate land development regulations. Nothing herein shall be interpreted or applied to prohibit the submission of or review of an application for reasonable accommodation during the moratorium period.

Section 3. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 4. All Ordinances or parts of Ordinances, Resolutions or part of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 5. This Resolution shall take effect on October 1, 2019.

RESOLUTION APPROVED AND ADOPTED this 3rd day of September, 2019.

By: 
Jonathan McCollar, Mayor

Attest: 
Leah Harden, City Clerk



EXHIBIT E: Request for Reasonable Accommodations

109 Broad Street in the city of Statesboro was purchased solely for the purpose of offering sober rental opportunities for women. Early recovery is an extremely difficult time and having a safe living environment with heavy accountability is highly recommended by addiction professionals.

Many times due to the stigma attached to addiction, individuals in early recovery have a hard time obtaining housing. The Fair Housing Act states that all individuals, even those with a disability, shall have access to housing, however within this population, once it is known that the renter, or property is purposed to be used by individuals in recovery the scrutiny begins.

I mention the Fair Housing Act as the limited resources for individuals in early recovery or suffering with the disease of addiction almost bears a resemblance to discrimination. When speaking of women in addiction the discrimination can be two fold. Allowing for sober living environments, is showing the community that we are not fearful of addiction nor do we look upon addiction as a deviance.

HUD recognizes and utilizes the Fair Housing Act, as well as the American with Disabilities Act, to ensure that HUD recipients and private entities operating housing and community development programs are monitored, to ensure fairness and equality.

It is our understanding that this council has some concerns about the sober living facilities and how they are being regulated. That is understandable, however we are requesting you to reconsider and allow this endeavor to continue. There is a serious need for female sober living in Statesboro. The city has a very reputable, ground breaking addiction hospital, that is in need of sober living for their patients graduating their program.

We are asking for a conditional use for the property at 109 Broad Street. To be used as a sober living rental house. The property is a 3 bedroom/3bath house with 2524 square feet and there would be 2 females per room. The only difference between this rental

EXHIBIT E: Request for Reasonable Accommodations (Continued)

property and other rental houses is that “sober living” is attached to the title, and the renters will be required to follow a set of rules that other rental properties might not have.

The renters will be required to sign a sober contract, and a year lease. They will be required to attend daily AA/NA meetings, and will have a sponsor. These women must find and maintain full time employment, and follow a strict set of guidelines. There will be a house mom who lives there and is present in the evenings to ensure that the house rules are being followed.

This request is being made by one of the partners, Paula Becker. I have had interaction with the disease of addiction since childhood. It is in my family of origin and in my family now. I have studied in the field of addiction, I worked as an addiction counselor for Willingway Hospital for 4 years, getting the hours I needed to test for my Certified Addiction Counselors Certificate. I will be a hands on landlord, being there to help the women make appropriate choices in their early recovery.

I am more than happy to answer any further questions you have regarding the house, the need for the house, the population, the disease of addiction, or myself. Please allow the approval of this conditional use, the recovery community here in Statesboro is in need of it.



Owen Dundee <owen.dundee@statesboroga.gov>

Conditional Use Variance Request - 109 Broad Street

Paula Becker <beckerpaula1@gmail.com>
To: Owen Dundee <owen.dundee@statesboroga.gov>

Wed, Oct 16, 2019 at 11:41 AM

Owen,
It was a pleasure speaking with you on the phone. The conditional use variance being requested is for reasonable accommodations. Thank you for your help.

Best
Paula Becker

Sent from my iPhone

EXHIBIT F: TAX ALLOCATION DISTRICT #1 LIST OF PARCELS (pg. 45)

City of Statesboro Tax Allocation District #1: South Main Redevelopment Plan

2014

| GEOPIN | PARCEL_NO | Legal Description | DIG CLASS | TAXD ISTRIC | Appraised Vaue | Assessed Value | Tax Value |
|--------------|----------------|----------------------------|-----------|-------------|----------------|----------------|-----------|
| 7878-58-1970 | S29 000053 000 | 214 S MULBERRY ST/PT LT 20 | R | 1 | 71,542 | 28,617 | 28,617 |
| 7878-58-2512 | S30 000036 000 | 225 BROAD ST | R | 1 | 69,011 | 27,604 | 27,604 |
| 7878-58-2631 | S29 000085 000 | 223 BROAD ST | R | 1 | 58,355 | 23,342 | 23,342 |
| 7878-58-2659 | S29 000084 000 | 221 BROAD ST | R | 1 | 63,722 | 25,489 | 25,489 |
| 7878-58-2778 | S29 000083 000 | 217 BROAD ST | R | 1 | 93,214 | 37,286 | 37,286 |
| 7878-58-2896 | S29 000082 000 | 215 BROAD ST/JOHNSON | R | 1 | 56,125 | 22,450 | 22,450 |
| 7878-58-2909 | S29 000054 000 | 212 S MULBERRY ST | R | 1 | 54,117 | 21,647 | 21,647 |
| 7878-58-3925 | S29 000081 000 | 213 BROAD ST | R | 1 | 61,534 | 24,614 | 24,614 |
| 7878-59-0361 | S29 000045 000 | OFFICE/EAST GRADY STREET | E | 1 | 75,700 | 30,280 | 0 |
| 7878-59-0888 | S29 000028 001 | 0.22 AC/PAR B | E | 1 | 83,575 | 33,430 | 0 |
| 7878-59-1568 | S29 000009 000 | MULBERRY & E GRADY | C | 1 | 26,280 | 10,512 | 10,512 |
| 7878-59-2027 | S29 000055 000 | 210 S MULBERRY ST | R | 1 | 56,873 | 22,749 | 22,749 |
| 7878-59-2157 | S29 000056 000 | 208 S MULBERRY ST | R | 1 | 88,118 | 35,247 | 35,247 |
| 7878-59-2352 | S29 000057 000 | EAST GRADY STREET | E | 1 | 33,500 | 13,400 | 0 |
| 7878-59-2701 | S29 000010 000 | 111 S MULBERRY ST | R | 1 | 53,756 | 21,502 | 21,502 |
| 7878-59-2717 | S29 000011 000 | 109 S MULBERRY ST | R | 1 | 53,712 | 21,485 | 21,485 |
| 7878-59-2844 | S29 000012 000 | 107 MULBERRY ST | R | 1 | 60,182 | 24,073 | 24,073 |
| 7878-59-2986 | S29 000013 000 | APTS/103 S MULBERRY ST | R | 1 | 181,367 | 72,547 | 72,547 |
| 7878-59-3053 | S29 000080 000 | 211 BROAD ST PART LT 18 | R | 1 | 53,147 | 21,259 | 21,259 |
| 7878-59-3173 | S29 000079 000 | 207 BROAD ST | R | 1 | 84,962 | 33,985 | 33,985 |
| 7878-59-3321 | S29 000058 000 | 110 E GRADY STREET | R | 1 | 11,054 | 4,422 | 4,422 |
| 7878-59-3409 | S29 000060 000 | HART/107 E GRADY / | R | 1 | 112,128 | 44,851 | 44,851 |
| 7878-59-3478 | S29 000059 000 | 109 E GRADY ST | R | 1 | 54,126 | 21,650 | 21,650 |
| 7878-59-3794 | S29 000061 000 | 110 MULBERRY ST/RENTAL | R | 1 | 55,449 | 22,180 | 22,180 |
| 7878-59-4218 | S29 000078 000 | ROWSE EST/114 E GRADY ST | R | 1 | 85,090 | 34,036 | 34,036 |
| 7878-59-4465 | S29 000077 000 | 111 E GRADY ST | R | 1 | 79,532 | 31,813 | 31,813 |
| 7878-59-4630 | S29 000076 000 | 115 BROAD ST | R | 1 | 150,053 | 60,021 | 60,021 |
| 7878-59-4789 | S29 000073 000 | 109 BROAD ST/LT 2/PAR B | R | 1 | 80,910 | 32,364 | 32,364 |
| 7878-59-4801 | S29 000073 001 | | R | 1 | 110,461 | 44,184 | 44,184 |
| 7878-59-4828 | S29 000072A000 | 106 S MULBERRY ST | R | 1 | 20,349 | 8,140 | 8,140 |
| 7878-59-4926 | S29 000062 000 | 104 S MULBERRY ST | R | 1 | 27,985 | 11,194 | 11,194 |
| 7878-59-5710 | S29 000074 000 | LT 3 BROAD ST | R | 1 | 59,110 | 23,644 | 23,644 |
| 7878-59-5854 | S29 000072 000 | 107 BROAD ST | R | 1 | 45,456 | 18,182 | 18,182 |
| 7878-59-5953 | S29 000071 000 | 105 BROAD ST/ADKINS | R | 1 | 61,714 | 24,686 | 24,686 |
| 7878-86-3752 | S53 000001 000 | SALLY ZETTEROWER SCHOOL | E | 1 | 2,846,200 | 1,138,480 | 0 |
| 7879-20-5083 | S11 000116 000 | 130 BULLOCH ST | R | 1 | 13,662 | 5,465 | 5,465 |
| 7879-20-6799 | S18 000175 000 | CLUB ZONE/1.37 AC | C | 1 | 445,550 | 178,220 | 178,220 |
| 7879-20-7236 | S18 000171A000 | 2.24 AC | E | 1 | 94,080 | 37,632 | 0 |
| 7879-20-8033 | S19 000115 000 | 126 BULLOCH ST | R | 1 | 5,100 | 2,040 | 2,040 |
| 7879-20-8306 | S18 000171 000 | 0.50 AC / PAR 2 | C | 1 | 22,885 | 9,154 | 9,154 |
| 7879-20-8584 | S18 000172 000 | 1.13 AC / PAR 1 | R | 1 | 24,600 | 9,840 | 9,840 |

Appendices

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EXHIBIT G: LOCALATIONAL GUIDANCE/ZONE IMPLEMENTATION TABLE

Locational Guidance for Redevelopment Initiatives

The primary purpose of this section is to provide a locational framework for implementing redevelopment initiatives as part of the master plan. This framework is intended to offer guidance and basic parameters related to the general location of redevelopment opportunities and enhancement projects within the DDA. Leveraging the existing assets of Statesboro's downtown and the community in an efficient, market-sensitive and contextual manner that will support a variety of redevelopment projects and initiatives are outlined below. Community assets include:

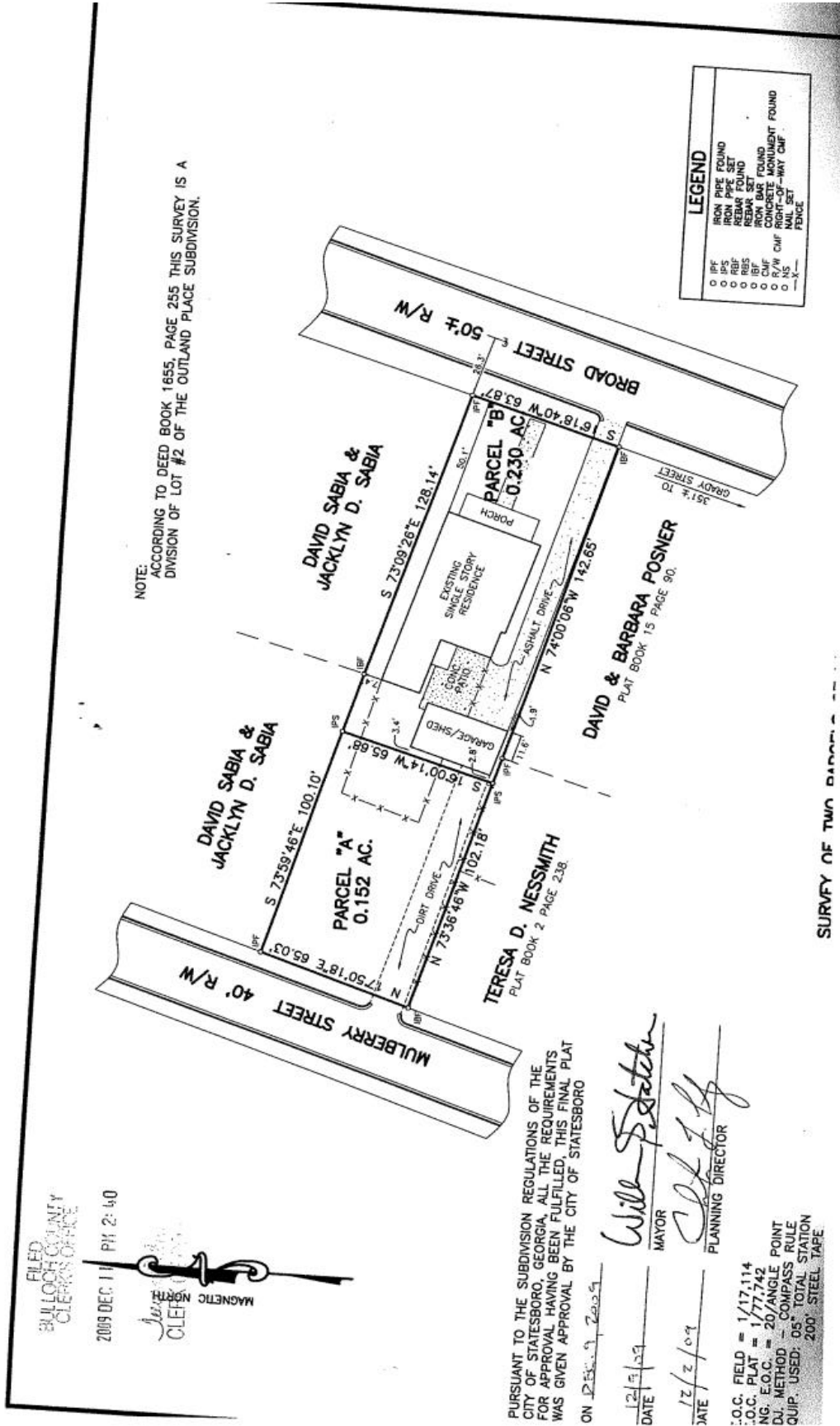
- Georgia Southern University
- The public and private realms of the downtown core
- Properties owned or controlled by the City of Statesboro and the DSDA
- Programmatic and Funding Elements (example: municipal events and functions, public funding strategies, existing initiatives and public/private partnerships, etc.)
- Vehicular and Pedestrian thoroughfares
- Property acquisition opportunities (i.e., vacant land, underdeveloped, unoccupied or substandard structures)

Based on the process utilized to create this master plan, a number of redevelopment opportunities are evident. These elements provide the basis for the locational framework and guidance identified herein.

- Georgia Southern University students and faculty are an important factor in shaping redevelopment opportunities downtown
- Parks, open space and public common areas are a primary consideration in programming new uses in the DDA
- Safe and efficient modes of pedestrian and bicycling circulation (including the potential for transit) are a critical component for evaluating the implementation of new projects within the DDA
- Developing elements that support local and regional destinations with respect to downtown Statesboro is a key redevelopment initiative



EXHIBIT H: PLAT OF RECORD (dated December 11, 2009)



CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
Charles W. Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

To: Charles W. Penny, City Manager and Leah Harden, City Clerk

From: Owen Dundee, City Planner II

Date: November 8, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance Request*

Recommendation: Staff recommends approval of the zoning variance requested by application V 19-10-08 with conditions.

Background: Richard Haynes requests a variance from Article IV, Section 403(A) to reduce the minimum lot size requirements for property to be considered for the R-20 (Single Family Residential) zoning district in order to develop an additional single family residence on 0.82 acres of property located at 103 Niver Road (Tax Parcel MS50 000044 000).

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report V 19-10-08.



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 19-10-08
ZONING VARIANCE REQUEST
103 NIVER ROAD

| | | |
|--------------------------|--|---|
| LOCATION: | 103 Niver Road | <div style="border: 1px solid black; padding: 5px;"> <p>Case # V 19-10-08 103 Niver Rd Parcel: MS5000044 000</p> </div> |
| REQUEST: | Variance from Article IV, Section 403(A) regarding the minimum lot area requirements for the R-20 (Single Family Residential) zoning district. | |
| APPLICANT: | Richard Haynes | |
| OWNER(S): | Jennifer & Richard Haynes | |
| ACRES: | 0.82 acres | |
| PARCEL TAX MAP #: | MS50 000044 000 | |
| COUNCIL DISTRICT: | District 2 (Jones) | |

PROPOSAL:

The applicant requests a variance from Article IV: Section: 403(A) of the *Statesboro Zoning Ordinance*, which requires a minimum lot area of 20,000 square feet. Per Article IV: Section 403(A), “a lot held in single and separate ownership on the effective date of this ordinance, having an area of less than 20,000 square feet, or a width less than 100 feet, a dwelling may be built thereon when authorized as a variance”. (**See Exhibit D** – Proposed Minor Subdivision Plat and Site Plat Sketch). The applicant is proposing a minimum lot size of 15,040 square feet to create a new lot in order to allow for the construction of a single family dwelling. If the variance request is approved, then the applicant will be subsequently subdividing the subject site back to the original property’s subdivision based on the “Orchard Hills” Subdivision Plat surveyed in 1959 (**See Exhibit E** – “Orchard Hills” Subdivision Plat).

BACKGROUND:

Per the Bulloch County Tax Assessor, the subject parcel is currently occupied by a 1,725 sq. ft., 3 bedroom/3 bath single family residence. The subject parcel is approximately 0.82 acres (35,720 sq. ft.) with a lot width of 244.95 ft. The applicant’s son, Chad Haynes, is a senior at Georgia Southern University, projected to finish with a major in Construction Management and a minor in Business. The applicant’s son has partnered with a local home builder in the construction of a new home on the proposed adjacent lot. The construction of this project will serve as an intern project towards Chad’s degree in Construction Management.

ATTACHMENTS: **Exhibit A** (Location Map), **Exhibit B** (Future Development Map), **Exhibit C** (Photos of Subject Site), **Exhibit D** (Proposed Minor Subdivision and Site Plan Sketch), **Exhibit E** (“Orchard Hills” Subdivision Plat), **Exhibit F** (Plat of Record)

SURROUNDING LAND USES/ZONING:

| ZONING: | | LAND USE: |
|----------------|----------------------------------|---------------------------|
| NORTH: | R-20 (Single Family Residential) | Single Family Residences. |
| SOUTH: | R-20 (Single Family Residential) | Single Family Residences. |
| EAST: | R-20 (Single Family Residential) | Single Family Residences. |
| WEST | R-20 (Single Family Residential) | Single Family Residences. |

The subject property is located within the R-20 (Single Family Residential) district. Surrounding parcels consist only of single family residential uses (See **Exhibit A** –Location Map, **Exhibit B**—Future Development Map & **Exhibit C**—Photos of Subject Site).

COMPREHENSIVE PLAN:

The *City of Statesboro 2019 - 2029 Comprehensive Master Plan's* Future Development Map includes the subject site in the following character area:

| <u>“Residential Redevelopment Area”</u> | |
|--|--|
| <i>Vision</i> | <i>Suggested Development & Implementation Strategies</i> |
| <p>The <i>Residential Redevelopment</i> character area has most of its original housing stock in place, but has worsening housing conditions due to low rates of homeownership and neglect of property maintenance. There may be a lack of neighborhood identity and gradual invasion of different type and intensity of use that may not be compatible with the neighborhood residential use, or a neighborhood that has declined sufficiently that housing conditions are bad, there may be large areas of vacant land or deteriorating, unoccupied structures.</p> | <ul style="list-style-type: none"> • Focus on strategic public investments to improve conditions, appropriate infill development on scattered vacant sites, and encouraging more homeownership and maintenance or upgrade of existing properties. • The redevelopment strategy for the area should focus on preserving what remains of the original housing stock, while rebuilding on the remaining land, a new attractive neighborhood following the principles of traditional neighborhood development. • Strengthen code enforcement, property maintenance, and the demolition of dilapidated structures in the area. <p style="text-align: right;"><i>Statesboro 2019 - 2029 Comprehensive Plan, page 100-101.</i></p> |

In addition, the *Statesboro 2019 – 2029 Comprehensive Plan* and “*Community Goals*” has the following supporting policies in regards to *Housing Goals*:

- “Provide safe, clean and affordable housing choices to Statesboro residents of varying income levels.
- Remove deteriorated structures throughout the City.
- Increase homeownership throughout the City.
- Supporting Policies:
 - Focus redevelopment activity in the central portion of Statesboror to promote a more defined town center.
 - Utilize the urban redevelopment plan for development decisions.
 - Acquire and demolish vacant, dangerous buildings that do not conform to minimum building codes.
 - Partner with private sector and/or government agencies to develop housing assistance programs.”

ANALYSIS

I. Variance from Article IV: Section 403(A): Lot Area and Width.

The applicant is requesting a variance from Article IV: Section 403(A), which states a minimum required lot area of 20,000 square feet and a minimum lot width of 100 feet beginning at the front setback line and continuing for the entire depth of the lot to the rear lot line shall be provided for every building hereafter erected, altered or used in whole or in part as a dwelling. The subject site is located in the R-20 (Single Family Residential) zoning district and is regulated by Article IV of the *Statesboro Zoning Ordinance*. The ordinance states that “in the case of a lot held in single and separate ownership on the effective date of this ordinance, having an area of less than 20,000 square feet, or a width less than 100 feet, a dwelling may be built thereon when authorized as a variance”.

The variance in question is regarding the minimum lot size of the proposed subdivided lot, which the applicant has proposed a reduced lot size of approximately 15,040 square feet. The subject site is approximately 4,960 square feet less than the minimum 20,000 square feet required to be considered for the R-20 (Single Family Residential) zoning district. The applicant is requesting the reduced minimum lot size for the proposed subdivision of the subject property to be reduced to 15,040 square feet to allow for the new construction of a single family dwelling.

The *Statesboro Zoning Ordinance* provides for the award of variances by the City Council from the zoning regulations stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done”.

Article XVIII: Section 1801 of the *Statesboro Zoning Ordinance* states that the Mayor and Council [should] consider if the following are true in its considerations 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**
- 2. The special conditions and circumstances do not result from the actions of the applicant;**
- 3. The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**

Article IV of the *Statesboro Zoning Ordinance* specifically restricts minimum lot sizes to 20,000 square feet in the R-20 (Single Family Residential) zoning district.

- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**

It should be noted that the subject site was originally platted as two lots as shown under **Exhibit E**. Per the Bulloch County Tax Assessor’s website, all of the lots adjacent to the subject site and the applicant’s proposed subdivided lot are less than 15,000 square feet and would all be considered non-conforming under the neighborhood’s R-20 (Single Family Residential) zoning district regulations. The R-20 zoning district requires a minimum lot size of 20,000 square feet.

In the course of exercising any of the above powers, the zoning board of appeals may attach conditions to its approval.

RECOMMENDATION

Staff recommends approval of this variance requested by application **V 19-10-08** with conditions.

At the regularly scheduled meeting held on November 5, 2019 at 5:00 PM, the Planning Commission voted 7-0 to recommend approval of the zoning variance requested by application **V 19-10-08** with the following staff condition(s):

- (a) Approval of this variance does not grant site and/or building plan approval as submitted. Project will be required to meet all City Ordinances and applicable building codes.
- (b) Prior to construction commencement, applicant shall be required to submit a minor subdivision plat of the subject property for staff review, approval, then subsequent recording by the Bulloch County Clerk of Courts.

EXHIBIT A: LOCATION MAP



EXHIBIT B: CITY OF STATESBORO'S 2019 – 2029 COMPREHENSIVE PLAN FUTURE DEVELOPMENT MAP

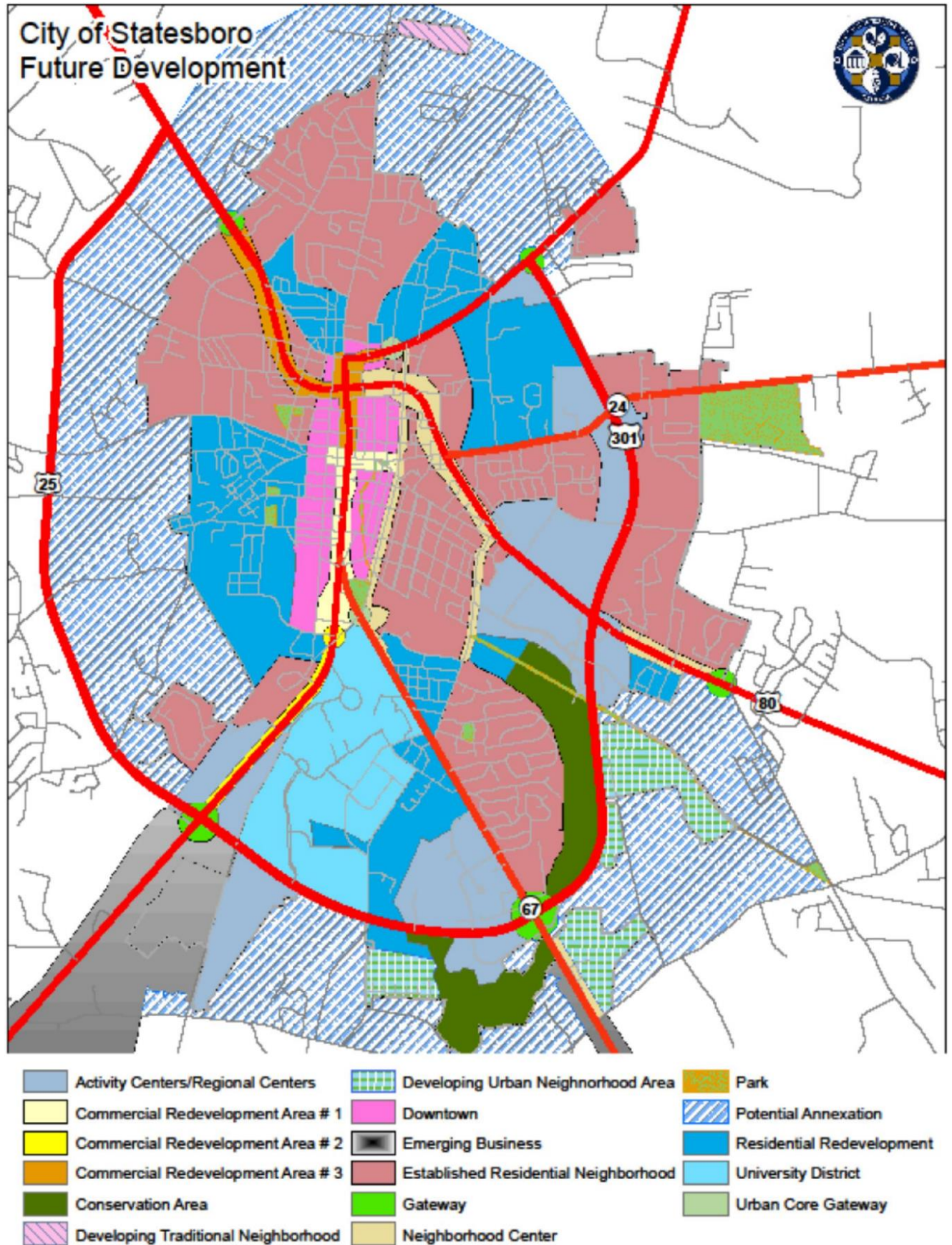


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site and the variance being requested under **V 19-10-08** and area of the proposed subdivided lot, looking east from Echo Way.



Picture 2: View of the subject property, looking north from Niver Road.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 3: View of the subject site and proposed subdivided lot/location of **V 19-10-08** and the adjacent property to the north of the subject site, currently a single family residence and vacant land.



Picture 4: View of surrounding properties to the southeast of the subject site, currently a single family residence.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 5: View of the adjacent property to the west of the subject site, a single family residence.



Picture 6: View of surrounding property located directly east of the subject site, currently a single family residence.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 7: View of the surrounding properties looking north along Echo Way, currently single family residences.



Picture 8: View of property located directly east of the proposed subdivided lot and the area of the zoning variance being requested under **V 19-10-08**, currently vacant land.



EXHIBIT D: Proposed Minor Subdivision and Site Plan Sketch (V 19-10-08 Outlined in Red/Reduced Lot Size Variance)

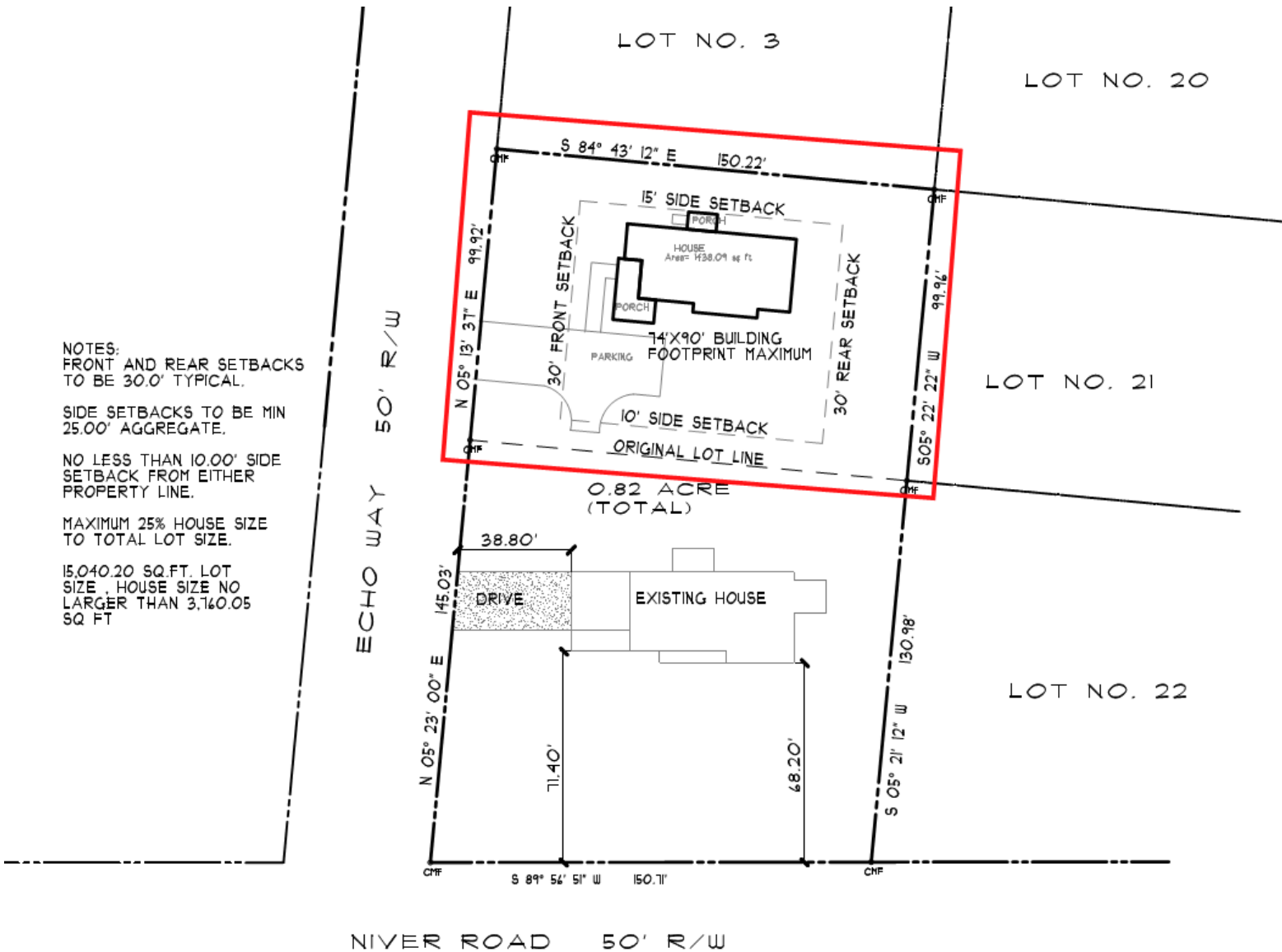


Exhibit E: "Orchard Hills" Subdivision Plat (surveyed in 1959) (Original Subdivision of Subject Site Outlined in Red)

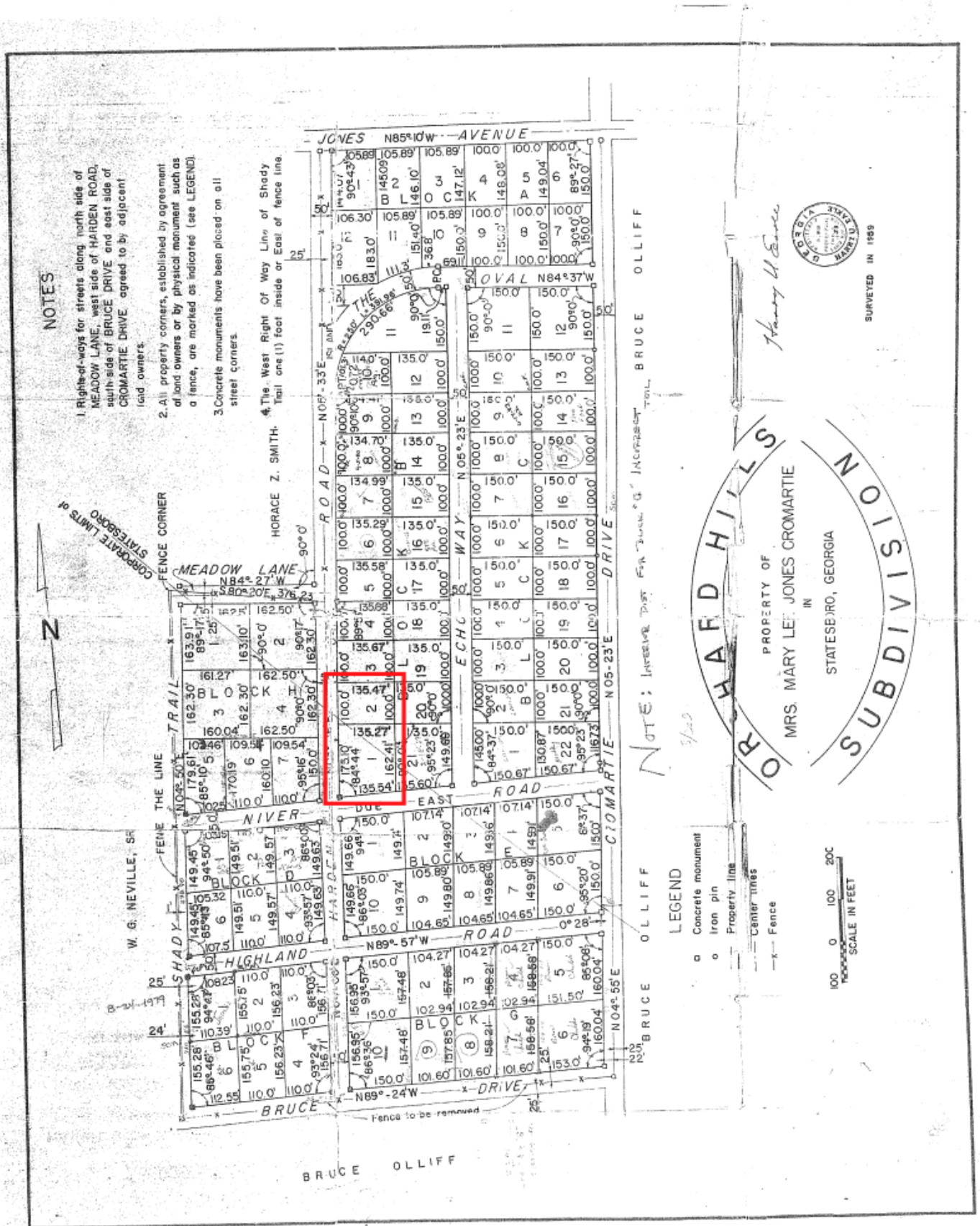
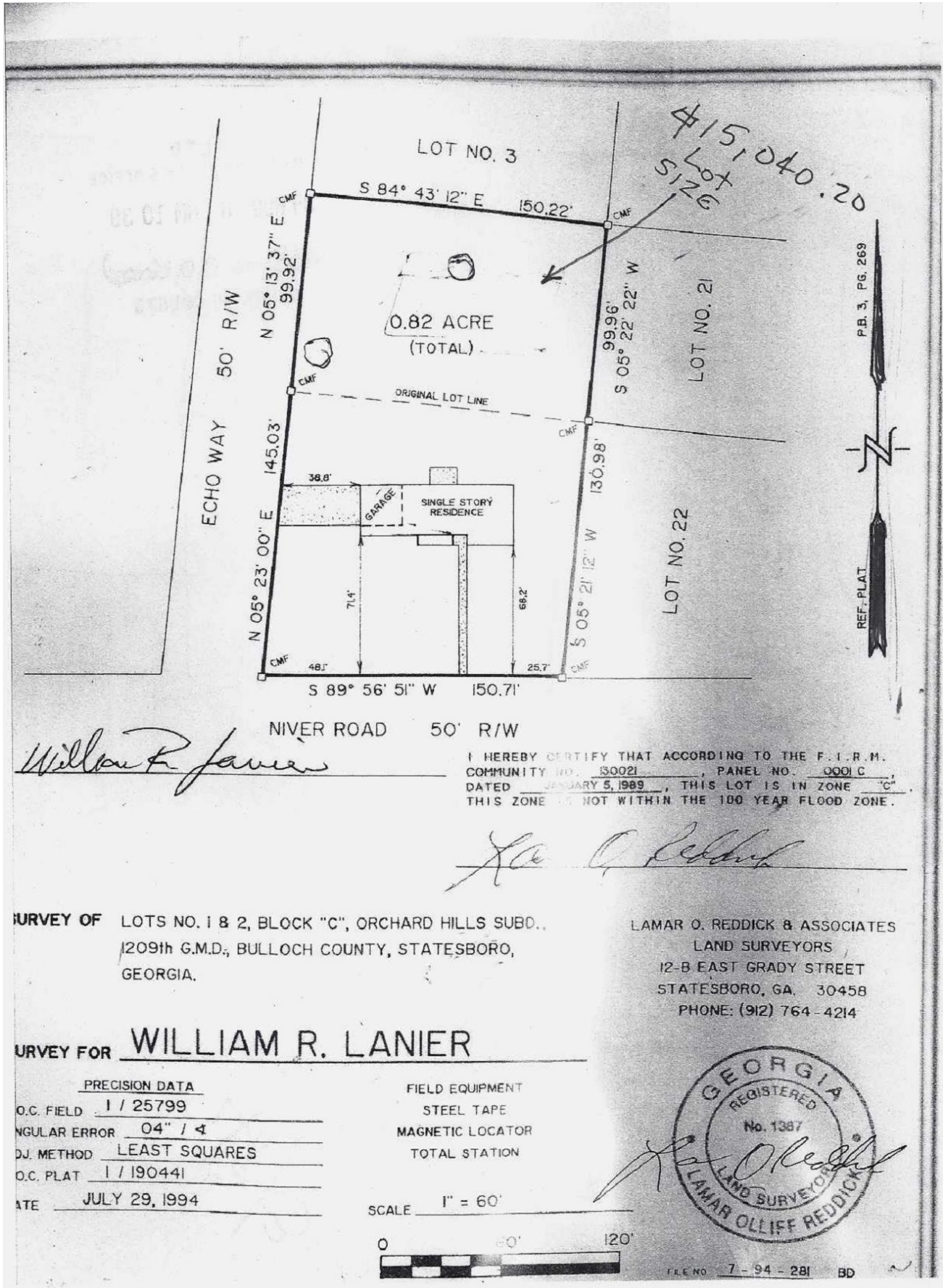


Exhibit F: Plat of Record (dated July 29, 1994)



CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

To: Charles Penny, City Manager
Leah Harden, City Clerk

From: Justin Williams, City Planner I

Date: November 7, 2019

RE: November 19, 2019 City Council Agenda Item

Policy Issue: Resolution 2019-37: A resolution for the adoption of the City of Statesboro Language Access Plan.

Recommendation: Staff recommends adoption of the Language Access Plan in support of the 2019 Community Development Block Grant.

Background: The Department of Community Affairs has mandated that recipients of the Community Development Block Grant ensure the passage of a Language Access Plan in order to receive funding. This item serves as Special Condition #1 for the grant and is required to be submitted no later than December 2nd, 2019.

Budget Impact: None

Council Person and District: All

Attachments: Resolution 2019-37

Resolution 2019-37: A RESOLUTION APPROVING ADOPTION OF A LANGUAGE ACCESS PLAN IN SUPPORT OF THE 2019 COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, the Georgia Department of Community Affairs has announced the award of \$750,000 to the City of Statesboro through the Community Development Block Grant, which may be utilized for infrastructure improvements benefiting low to moderate income residents of the City of Statesboro; and

WHEREAS, the Georgia Department of Community Affairs has issued special requirements for all grant funded municipalities that must be completed prior to the issuance of funds, including the adoption of a Language Access Plan;

WHEREAS, The City of Statesboro seeks to ensure that all citizens in the affected area are capable of receiving information and resources regarding the project;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia in regular session assembled this 19th day of November 2019, as the governing body of the City of Statesboro, Georgia, hereby adopts a Language Access Plan to ensure service to residents are able to receive necessary translation for activity revolving around the activities of the grant and authorized the Mayor to execute all related documents.

So adopted this 19th day of November, 2019.

Jonathan M. McCollar, Mayor

Attested by:

Leah Harden, City Clerk

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum, District 1
Sam Lee Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

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

To: Charles Penny, City Manager
Leah Harden, City Clerk

From: Jason Boyles, Assistant City Manager

Date: November 12, 2019

RE: Asphalt Art Innovative Grant Program Application

Policy: Grant Application

Recommendation:

Staff recommends application to the Bloomberg Philanthropies Asphalt Art Innovative Grant Program in the amount of \$25,000 (maximum award).

Background:

The Bloomberg Philanthropies administers the Asphalt Art Innovative Grant Program is designed to fund visual art interventions on roadways, pedestrian spaces, and public infrastructure in small to medium sized cities. Further, the Grant Program seeks to revitalize and beautify public spaces and to promote collaboration and civil engagement in local communities. To this end the Grant Program requires that the City apply as the lead agency and partner with a nonprofit agency to serve as the fiscal agent for the grant.

City staff seeks to submit application for this grant program for funding of improvements along a space leased by the railroad on East Main Street, across from McTell Trail. The application process for this grant program is due December 12, 2019. Announcement of successful applications will be made Spring 2020.

Budget Impact: No match required

Council Person and District: District 1, Phil Boyum

Attachments: Grant Application Resolution 2019-38

**RESOLUTION 2019 – 38: A RESOLUTION APPROVING APPLICATION FOR THE
BLOOMBERG PHILANTHROPIES ASPHALT ART INNOVATIVE GRANT PROGRAM**

THAT WHEREAS, the Mayor and City Council have found that the Asphalt Art Innovative Grant Program is desirable to improve the quality of life of citizens and visitors in Statesboro; and,

WHEREAS, the Mayor and City Council have found that the Asphalt Art Innovative Grant Program is desirable to promote the display of art and provide funding for improvements to public spaces; and,

WHEREAS, City staff shall prepare application to provide funding for an amount up to the eligible award of \$25,000 in grant funds to be utilized for improvements; and,

WHEREAS, said application requires NO local match in funds, however, City staff will provide in-kind services in support of improvements; and,

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

Section 1. That the Mayor and City Council hereby authorize the submittal of application for the Bloomberg Philanthropies Asphalt Art Innovative Grant Program.

Section 2. That the Mayor and City Council hereby pledge in-kind services by City Staff as necessary.

Section 2. That the Mayor and City Council hereby authorize the partnership with a 501(c)3 nonprofit as necessary to satisfy the fiscal agent terms of said grant.

Section 3. That the Mayor and City Manager are hereby authorized to execute all documents related to the application of said grant.

Adopted this 19th day of November, 2019.

STATESBORO, GEORGIA

By: Jonathan McCollar, Mayor

Attest: Leah Harden, City Clerk

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum, District 1
Sam Lee Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

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

INTEROFFICE MEMORANDUM City Manager's Office

TO: Mayor and Members of the City Council

FROM: Charles W. Penny, City Manager

DATE: October 30, 2019

RE: November 19, 2019 City Council Agenda Items

Policy Issue: The City Council is requested to authorize two new positions. This request is in accordance with Section 3-6. – Administrative and service departments.

Recommendation: The City Manager recommends the approval of the authorization for a Public Information Officer and Assistant to the City Manager. The Public Information Officer will be responsible for working with the media, creating a quarterly employees newsletter, working on branding for the city, and marketing city services. The Assistant to the City Manager position will conduct research for the City Manager and the City Council, and work on special projects. The intent is to advertise the Public Information Officer position immediately, and hold the Assistant to the City Manager position until the end of the third quarter of the fiscal year. The PIO position will be a pay grade 21 and Assistant to the City Manager a 20.

Background: The City Manager reviewed the current organization and the recommendation of the previous administration to establish two Assistant City Managers. Based upon the span of control, it is the City Manager's judgement the span of control does not justify 2 Assistant City Managers, and the Public Information Officer and the Assistant to the City Manager positions would be comparable in cost of one of the ACMs. The tasks of the PIO are currently not being done on a consistent basis, and the Assistant to the City Manager would be a new position for the organization.

Budget Impact: Total cost for fiscal 2020 will be \$70,000.00 including salaries and fringe benefits.

Council Person and District: All

Attachments: Memo on Budget Impact dated August 29, 2019

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum, District 1
Sam Lee Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan McCollar, Mayor
Charles Penny, City Manager
Sue Starling, City Clerk
Cain Smith, City Attorney

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

INTEROFFICE MEMORANDUM City Manager's Office

TO: Mayor and City Council Members

FROM: Charles W. Penny, City Manager

DATE: August 29, 2019

RE: Budget Impact for Recommended Positions

In my organizational recommendations submitted to you, I recommended the city have only one Assistant City Manager, along with two additional positions; a Public Information Officer (PIO) and an Assistant to the City Manager. Many of you inquired about the cost, and I now have the information from the pay consultant in regards to classification for both positions. The estimated annual cost for the two positions for salary only is \$112,277.78, representing \$58,909.07 for the Public Information Officer and \$53,368.71 for the Assistant to the City Manager. The estimated cost is equivalent to the starting salary of the Assistant City Manager.

The pay range for two positions are as follows:

Public Information Officer - \$58,909.07 min, \$73,636.34 mid, \$88,363.61 max; and

Assistant to the City Manager - \$53,368.71 min, \$66,710.89 mid, \$80,053.07 max.

The total compensation package with fringe benefits would include an additional \$28,000.00 for a total cost of \$140,347.22, which again would be comparable to one Assistant City Manager position.

The budgetary impact for this fiscal year would be estimated at \$70,000.00 for the two positions with anticipation, neither would start before the first of the year. My priority would be the Public Information Officer and if I could get the person hired prior to Christmas, it would be a great help to the organization.

Please let me know if I can answer any additional questions for you on this matter. In order to move forward on this matter, you would have to adopt a resolution in a future meeting approving the positions and establishing the pay grade in our compensation plan.

Thank you for your consideration.