



JULY 17, 2012 6:00 P.M.

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman Travis **Chance**
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 07-03-2012 Council Minutes
 - b) 07-03-2012 Work Session Minutes
 - B) Consideration of a Motion to Approve Award of Contract to Needham's Traffic Signal in the amount of \$81,190.16 to install the traffic signal at the intersections of Brannen Street and Wal-Mart Drive. The improvements are funded by 2007 SPLOST
 - C) Consideration of a Motion and 2nd reading to adopt **Ordinance 2012-02**: An Ordinance to amend Article 5 of the Charter of Municipal Code of the City of Statesboro by adding Sections 5-12 through 5-20 which shall be known as the "City of Statesboro Office of Prosecuting Attorney of the Municipal Court Ordinance"
 - D) Consideration of Motion to approve **Resolution 2012-10**: A Resolution appointing J. Alvin Leaphart, IV as the prosecuting attorney of the Municipal Court for the City of Statesboro
5. Public Hearing and Consideration of a Motion to approve **Resolution 2012-17**: A Resolution Exempting Certain Vehicles from Marking Requirements(Decals) for one year
6. Public Hearing and Consideration of a Motion to approve the following:
 - A) **APPLICATION # V 12-06-08**: GSU Development, LLC, requests a variance from Section 703 of the Statesboro Zoning Ordinance regarding density for property located at 111 Rucker Lane (Tax Parcel #s MS52000002A000 and MS52000002002).
 - B) **APPLICATION # V 12-06-09**: Hendley Properties requests a variance from Section 603 and 2203.1 of the Statesboro Zoning Ordinance regarding building size, lot size, and set back requirements for property located in Sagebrush (Tax Parcel # MS7400
7. Other Business from City Council
8. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
CITY COUNCIL MINUTES
JULY 03, 2012**

A regular meeting of the Statesboro City Council was held on July 3rd, 2012 at 9:00 am in the Council Chambers at City Hall Present were Mayor Joe R. Brannen, Council Members: Will Britt, Tommy Blich, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Attorney Alvin Leaphart and Director of Community Development Mandi Cody. Absent was City Engineer Robert Cheshire.

Recognitions/Public Presentations

A) Recognition for "Employee of the Month"

Director of Human Resource Jeff Grant presented the "Employee of the Month Award" to Records Clerk/Assistant City Clerk Heather Anderson.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) June 19, 2012 Council Minutes

B) Consideration of a motion to approve 2nd reading of Ordinance 2012 -03: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety

C) Consideration of a Motion to adopt Resolution 2012-15: Resolution accepting the right of way of Gesmon Neville Lane as a public street to be owned and maintained by the City of Statesboro

D) Consideration of a Motion for the surplus and disposal of two (2) trucks on gov.deal

a) Water/Sewer-1996 F-150 extended cab truck

b) Wastewater- 1997 F-150 extended cab truck

E) Notification of an alcohol license application:

Licensee: Christian Bennett

DBA: Van Gogh's Pizza Brewery, LLC

Location: 120 Lanier Drive

Type of Alcohol License: Restaurant

Type of Business: Beer, Wine, Liquor by the Drink-Pouring Sales

F) Consideration of a Motion to surplus two (2) vehicles from the Natural Gas Department

a) 1994 Top Kick cab and chassis

b) 1997 Ford F-250

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

Consideration of a Motion and 1st reading to adopt Ordinance 2012-02: An Ordinance to amend Article 5 of the Charter of Municipal Code of the City of Statesboro by adding Sections 5-12 through 5-20 which shall be known as the “City of Statesboro Office of Prosecuting Attorney of the Municipal Court Ordinance”.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 1st reading and adopt Ordinance 2012-02: An Ordinance to amend Article 5 of the Charter of Municipal Code of the City of Statesboro by adding Sections 5-12 through 5-20 which shall be known as the “City of Statesboro Office of Prosecuting Attorney of the Municipal Court Ordinance”. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve 2nd reading of Resolution 2012-16: A Resolution amending the Downtown Statesboro Incentive Program

Councilman Lewis made a motion, seconded by Councilman Riggs to approve 2nd reading of Resolution 2012-16: A Resolution amending the Downtown Statesboro Incentive Program. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Other Business from City Council

Councilman Travis Chance and Public Safety Director Wendell Turner gave an update on Scott Brunson

Consideration of a Motion to Adjourn

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

The meeting adjourned at 9:12 am.



**CITY OF STATESBORO
CITY COUNCIL WORK SESSION MINUTES
JULY 03, 2012**

A work session of the Statesboro City Council was held on July 03, 2012 at 9:20 a.m. in the Council Chambers at City Hall. Present were Mayor Joe R. Brannen, Council Members: Will Britt, Tommy Blich, John Riggs, Travis Chance and Gary Lewis. Also present were City Manager Frank Parker, City Clerk Sue Starling, Department Heads as well as staff members, news media and citizens.

Topics for Discussion

Discussion of Fire Study Review

Fire Chief Tim Grams updated Council on what was expected for the ISO review that will be taking place this year. He stated that staffing and the numbers of stations were two areas that are being looked at closely.

Discuss process for approval of Executive Minutes

City Attorney Alvin Leaphart asked Council for their input as to how they would like to approve the Executive Minutes. They suggested that all Councilmembers review and sign the minutes before approval at the next regular Council Meeting. The minutes will not be open for public view.

Reports from Staff:

- a) City Manager's Report
- b) Department Head Reports

Human Resource Jeff Grant updated Council on the 'Employee Forum', the Foundation for Financial Wellness Program, the Health Center, and the Personnel Policy.

City Manager Frank Parker updated Council on the 5-K run in December. He also stated by August the payroll checks would be paperless

City Attorney Alvin Leaphart updated Council on an open records and retention ordinance.

Public Comments (General): None

The meeting was adjourned at 10:15 am



City of Statesboro Engineering Department

P.O. Box 348
Statesboro, Georgia 30459

912.764.0655
912.764.0664 (Fax)

Memorandum

To: Frank Parker, City Manager

From: Robert Cheshire, P.E., City Engineer *RC*
Marcos Trejo, Engineer I *M.T.*

Re: Recommendation of Low Bidder for "Brannen Street at Wal-Mart Drive Traffic Signal"

Date: July 10, 2012

Bids for the above referenced project were received on July 10, 2012. The **bid** results are as follows:

Needham's Traffic Signal	\$81,190.16
Moye Electric Company	\$92,242.50
Corbett Electrical Construction	\$113,026.80

Our budgeted amount for the project is \$100,000.00. Wal-Mart has also agreed to reimburse the City one third of the total cost of the traffic signal installation. This will bring the **total** cost for this project well under budget.

Needham's Traffic Signal meets all requirements of the bid package. Needham has worked with the City on several traffic signal related projects. Needham was the contractor for the Brannen Street at Buckhead Drive/Henry Boulevard Traffic Signal installation and was also recently awarded the contract for the City's Annual Traffic Signal Maintenance. Needham has performed satisfactory work in every project with the City, thus the Engineering Dept. recommends awarding the contract in the amount of \$81,190.16 to the low bidder, Needham's Traffic Signal.

Municipal Court Prosecutor Ordinance

ORDINANCE 2012-02

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF STATESBORO RELATING TO THE MUNICIPAL COURT; TO PROCLAIM THE EXISTENCE AND ESTABLISHMENT OF THE OFFICE OF PROSECUTING ATTORNEY OF THE MUNICIPAL COURT; TO OUTLINE THE DUTIES AND AUTHORITIES OF THE STAFF THEREIN AS EXPRESSLY ALLOWED BY THE CONSTITUTION AND LAWS OF THE STATE GEORGIA; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

SECTION ONE

Article 5 of the Charter of Municipal Code of the City of Statesboro is amended by adding Sections 5-12 through 5-20, which shall include the following language:

Sec. 5-12. Short Title.

Sections 5-12 through Sections 5-20 shall collectively be known as the "City of Statesboro Office of Prosecuting Attorney of the Municipal Court Ordinance."

Sec. 5-13. Findings and Intent.

This ordinance is adopted to address requirements made under Georgia law for the city to pass an ordinance or resolution creating the office of prosecuting attorney of the municipal court should the city choose to hire or have a prosecuting attorney of the municipal court. Under state law, in order to have a municipal court prosecutor, the city must pass this ordinance or resolution and provide to the Prosecuting Attorneys' Council of the State of Georgia a copy of the same. The city is also required to submit the name of the person appointed to be the prosecuting attorney of the municipal court within thirty (30) days of such appointment in order to maintain the office of prosecuting attorney of the municipal court. It is therefore the intent of the city to comply with Georgia law, particularly Article 5, of Chapter 18, of Title 15 of the Official Code of Georgia, Annotated, and to enact this Article.

Sec. 5-14. Establishment of Office.

The Office of Prosecuting Attorney of the Municipal Court is hereby established for the purpose of providing representation of the City of Statesboro in matters pertaining to

ordinance violations of the city and state offenses enforceable in the municipal court as allowed by Georgia law. The prosecuting attorney for the municipal court shall be a part-time position.

Sec. 5-15. Qualifications.

Any person appointed as the prosecuting attorney for the Municipal Court of the City of Statesboro shall be a member in good standing of the State Bar of Georgia and admitted to practice before the trial and appellate courts of this state. Nothing in this Article shall prevent the city from appointing the city attorney to be the prosecuting attorney for the municipal court, so long as all other requirements under the law are met.

Sec. 5-16. Oath.

The prosecuting attorney of the Municipal Court for the City of Statesboro shall take and subscribe to the following oath:

‘I swear (or affirm) that I will faithfully, and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney of the Municipal Court for the City of Statesboro.’

Sec. 5-17. Term of Office.

The prosecuting attorney for the Municipal Court shall serve a term of office of two (2) years.

Sec. 5-18. Jurisdiction, Duties, and Authority.

The Office of Prosecuting Attorney of the Municipal Court for the City of Statesboro shall have the duty and authority to represent the city as defined by the city charter and by state law, particularly as described in Official Code of Georgia, Section 15-18-96.

Sec. 5-19. Assistant Prosecuting Attorney.

The prosecuting attorney of the municipal court may appoint one or more assistant prosecuting attorneys whose appointment shall be ratified by the city council before becoming an assistant prosecuting attorney for the municipal court. Such assistant prosecuting attorney shall be a member in good standing of the State Bar of Georgia or satisfy the provisions of the Third Year Practice Act, found in the Official Code of Georgia, Section 15-18-22.

Sec. 5-20. Ratification.

This Article shall ratify all actions that have been taken by **the** persons acting in the positions of the Office of the Prosecuting Attorney for the **Municipal** Court to date as authorized by the Mayor and his Council.

SECTION TWO

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

If any section, clause, sentence or phrase of this ordinance **is** held to be invalid or unconstitutional by any court of competent jurisdiction, then **said** holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

This ordinance shall become effective immediately upon **its** adoption by the City Council.

SO ORDAINED, this ____ day of _____, 2012

First Reading July 3, 2012
Second Reading July 17, 2012

City of Statesboro, Georgia

Joe R. Brannen, Mayor

Attest:

Sue Starling, City Clerk

Resolution Appointing Municipal Court Prosecuting Attorney

RESOLUTION 2012-10

A RESOLUTION APPOINTING J. ALVIN LEAPHART, IV AS THE PROSECUTING ATTORNEY OF THE MUNICIPAL COURT FOR THE CITY OF STATESBORO, GEORGIA, PURSUANT TO THE OFFICIAL CODE OF GEORGIA ANNOTATED, SECTION 15-18-91(b) AND ARTICLE III OF CHAPTER 34 OF THE CITY CODE OF THE CITY OF STATESBORO.

BE IT RESOLVED by the City Council of the City of Statesboro, Georgia while in regular session on July 17, 2012 at _____(time) as follows:

SECTION 1: That J. Alvin Leaphart, IV is hereby appointed as the Prosecuting Attorney of the Municipal Court for the City of Statesboro, Georgia; and

SECTION 2: This appointment is effective for a term of two (2) years, pursuant to Article III of Chapter 34 of the City Code of the City of Statesboro, Georgia.

SECTION 3: Within thirty (30) days of the effective date of this Resolution the Municipal Court Clerk shall notify the Prosecuting Attorneys' Council of the State of Georgia of this appointment as required under Georgia law.

SECTION 4: That this resolution shall become effective upon its adoption

RESOLVED this the _____ day of _____, 2012

City of Statesboro, Georgia

Joe R. Brannen, Mayor

Attest:

Sue Starling, City Clerk

RESOLUTION 2012-17: A RESOLUTION EXEMPTING CERTAIN
VEHICLES FROM MARKING REQUIREMENTS FOR ONE YEAR

THAT WHEREAS, OCGA 36-80-20 requires that all publicly owned vehicles except those in law enforcement or vehicles owned by individuals that are paid with City funds must have a decal on the front side panels; and

WHEREAS, OCGA 36-80-20 allows the City Council to exempt vehicles from these provisions following a public hearing; and

WHEREAS, some employees receive car allowances in lieu of a City vehicle, and desire that these vehicles continue to be exempt from the requirements to have decals; and

WHEREAS, the 2001 Session of the General Assembly amended OCGA 36-80-20 to limit the duration of such an exemption to one year, requiring an annual exemption instead of doing it one time as under the previous statute; and

WHEREAS, the required Public Hearing on this matter was held on July 17th, 2012;

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

Section 1. That the following employees' vehicles paid for from car allowances provided as part of their compensation are hereby exempted for a period of one year from the requirement to have decals on the side panels, as authorized by OCGA 36-80-20:

Director of Water and Wastewater
Assistant Director of Water and Wastewater
Director of Natural Gas
City Engineer

Section 3. That this Resolution shall be and remain effective from and after its date of adoption

Adopted this 17th day of July, 2012

CITY OF STATESBORO, GEORGIA

By: Joe R. Brannen, Mayor

Attest: Sue Starling, City Clerk



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**V 12-06-08
 VARIANCE REQUEST
 111 RUCKER LANE**

LOCATION: 111 Rucker Lane

REQUEST: Variance from Sections 703 of the *Statesboro Zoning Ordinance* to increase maximum density from 688 bedrooms to 710 bedrooms.

APPLICANT: GSU Development, LLC

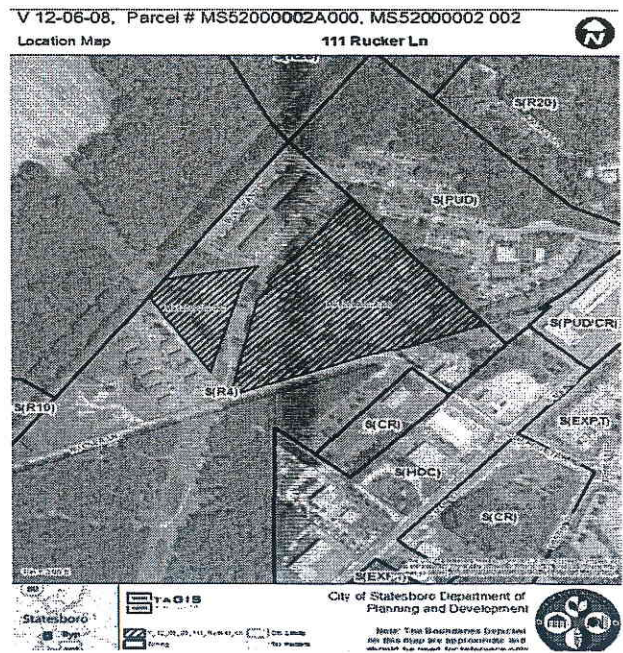
OWNER(S): GSU Development, LLC

LAND AREA: 11.92 acres

PARCEL TAX MAP #s: MS5200002002 & MS52000002A000

COUNCIL DISTRICT: 2 (Lewis)

CURRENT ZONING: R 4 (High Density Residential)



PROPOSAL:

The applicant is requesting a variance from Section 703 of the *Statesboro Zoning Ordinance* for property located at 111 Rucker Lane (see Exhibit A) to allow an increase in the number of permissible bedrooms from 688 to 710.

BACKGROUND:

The 11.92 acre subject site of this request is formerly known as **The Varsity Apartments**. The Varsity Apartments consisted of approximately 200 - one bedroom apartment units. City Council's decision to grant a height and density variance in May, 2011 allowed for the redevelopment of the property and construction of apartment buildings at a maximum height of 55' (or four stories) and capped the density at 29 dwelling units per acres with a maximum of 688 bedrooms for the proposed student oriented multifamily apartment complex.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R4 (High Density Residential) & PUD (Planned Unit Development)	Multifamily residential.
SOUTH:	R4 (High Density Residential); CR (Commercial Retail); and HOC (Highway Oriented Commercial)	Mixed residential and commercial use along transitional corridor.
EAST:	Exempt	Georgia Southern University campus.
WEST:	R25 (Residential, Bulloch County)	Residential located in Bulloch County.

The site is surrounded by a mix of uses including the GSU campus, multifamily student oriented housing, and various commercial developments.

COMPREHENSIVE PLAN:

The *City of Statesboro Comprehensive Master Plan* includes the subject site within the "Established" character area for the City of Statesboro. The *Plan* recognizes that "some neighborhoods within this area are facing decline or even worse, issues with blight. These neighborhoods may require extra attention to return them to viable neighborhoods." *Community Agenda*, page 14. The development at this site is in decline and is in need of extra attention to return it to a viable residential area.

Suggested implementation strategies for the established character area include the following:

- Foster[ing] the establishment of public/private partnerships to redevelop large tracts as appropriate for the character area.
- Streets, especially thoroughfares, should incorporate context sensitive solutions to provide traffic calming and protect community character.
- Evaluate the benefits and potential of urban redevelopment plan(s) for declining neighborhoods. Such plans can provide incentives and access to resources to revitalize these neighborhoods.

In addition to identifying appropriate land uses and suggested development and implementation strategies for the individual character areas within the City, *The Statesboro Comprehensive Plan* also identified issues and opportunities for the City of Statesboro that should be addressed in future development. The potential for "infill and redevelopment" was recognized as an opportunity by the *Plan* stating that "vacant or underutilized sites can become an eyesore and also lead to problems with vandalism or other criminal behavior". The benefits of infill and redevelopment are many, including:

- Utilizing existing infrastructure, including water, sewer, and roads.
- Maximizing local government investment in infrastructure.
- Increasing the value of such properties and in turn the overall tax base.
- Supports existing businesses which have already invested in the area.
- Creating community pride in seeing a detriment turn into an asset.
- Reinvestment of capital in established areas.
- Enhancing opportunities for employment, shopping, residential, etc. in established neighborhoods; and
- Preserving green space and minimizing or negating additional storm water runoff associated with new development."

Community Agenda, page 35.

Decline of multi-family housing units was also recognized by the *Plan* as an issue facing the City of Statesboro. *Community Agenda*, page 40. Prior to this development effort, the subject site has suffered from decline and lack of proper maintenance over the years until the recent demolition for construction of new units.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject property is served by all City services including water, sewer, natural gas, sanitation, and public safety. There are no known issues related to the City's ability to provide public services and utilities to this site or the project contemplated within these applications.

ENVIRONMENTAL:

The subject site does not lie within a wetland or special flood hazard zone. No environmental impact is expected as a result of the variances requested herein or the project anticipated by applicant.

ANALYSIS:

The applicant has requested a variance from Section 703 regarding density of the *Statesboro Zoning Ordinance* to increase the previously approved development cap of 688 bedrooms to 710 bedrooms for proposed development at 111 Rucker Lane. Section 703 of the *Statesboro Zoning Ordinance* limits developments within R4 high density residential districts to 12 dwelling units per developable acre. However, after the recent grant of 29 dwelling units per acre (344 dwelling units), the development was capped at 688 bedrooms (assuming 2 bedrooms per unit).

Although the Rucker Lane project is allowed 344 dwelling units total, they were only permitted for 192 units with 688 bedrooms total accumulating approximately 58 bedrooms per acre. The request to increase the number of bedrooms to 710 would allow approximately 60 bedrooms per acre with an aggregate of approximately 197.5 units per acre (assuming 4 bedrooms per unit), an increase of 5.5 units per acre from that which was permitted.

The *Statesboro Zoning Ordinance* does not expressly regulate the number of bedrooms per acre. However, bedroom density is generally accepted as the better method of impact than unit density and the City has generally considered

4 bedrooms per unit in its density related development requests. The applicant is proposing a change in concept that would maintain the formerly approved development footprint, but exchange a previously planned indoor basketball court with dwelling units, resulting in an additional 22 bedrooms. More recent density variances for the R4 district have allowed density increases up to 29 dwelling units per acre considering 4 bedrooms per unit resulting in 116 bedrooms per developable acre. This request would not have an impact that large as the applicant is only asking for 710 bedrooms, an increase in 22 bedrooms, for the entire site rather than the 1,382.72 bedrooms (4 bedroom units) permitted by 29 dwelling units per acre at 11.92 acres. For example, V 11-07-03 granted Monarch Apartments development a density variance to 29 dwelling units per acre up to 579 bedrooms.

Section 1801 of the *Statesboro Zoning Ordinances* authorizes the City Council to grant variances from provisions of 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 states that the Mayor and Council [should] consider the following 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;**
 - o The onsite cell tower and Georgia Power utility easement reduces the amount of developable acreage on the site.
- 2. The special conditions and circumstances do not result from the actions of the applicant;**
 - o Neither of the above encumbrances were places on the property by the applicant.
- 3. The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - o Strict application of the ordinance to this particular piece of property would create an unnecessary hardship given the bedroom cap placed on the previous request did not assume 4 bedrooms, or a mix thereof, when calculating density. The applicant has met the bedroom cap through permitting but has only reached approximately 55% of the permissible dwelling units per acre.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
 - o Redevelopment of blighted properties in the character area supported by the *Comprehensive Plan*.
 - o This request would only increase the number of units by approximately 5.5 units per developable acre while staying well within the original 29 dwelling units per acre (or 344 units).
 - o The *Long Range Transportation Plan* rated this segment of Rucker Lane at a level of service of C indicating that “travel speeds are slightly lower than the posted speed with noticeable delay in intersection areas” while traffic counts for the immediate area (or thereby relative) were 12,940 trips both ways for the year 2011 (during Varsity Apartments operation). Rucker Lane is serviced by curbs, gutters, and a sidewalk (from Highway 301 South to the boundary of the subject site) due to recent improvements in intersection, signalization, and pedestrian crossing facilities. Additional forthcoming pedestrian improvements are expected.
 - o An increase of 22 bedrooms should not have an impact on traffic volumes at this time. Review of such by the City of Statesboro Engineering Department for previous permits rendered no objection to the anticipated traffic at this intersection and felt that recent intersection and pedestrian improvements at Highway 301 South / Rucker Lane / Old Register Road will serve the needs of the community and meet the potential impact of this development - including the pedestrian traffic anticipated by the student oriented population expected for this project traveling to and from the GSU campus.
 - o No additional significant impact is anticipated.

STAFF RECOMMENDATION:

Based on the factors of consideration given in Section 1801 as applied to this request, the adopted policies of the *Comprehensive Plan*, the public benefit in the redevelopment of the subject site, and past actions of the City Council, it is the recommendation of this report that **approval** of the requested variance from Section 703 of the *Statesboro Zoning Ordinance* be granted.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 4-0 to recommend approval of the variance requested by case V 12-06-08.

(Please note: Sketch plan (Exhibit B) submitted for reference only. Approval of the variances requested herein does not constitute approval of any final site plan or variance).

EXHIBIT A: LOCATION MAP

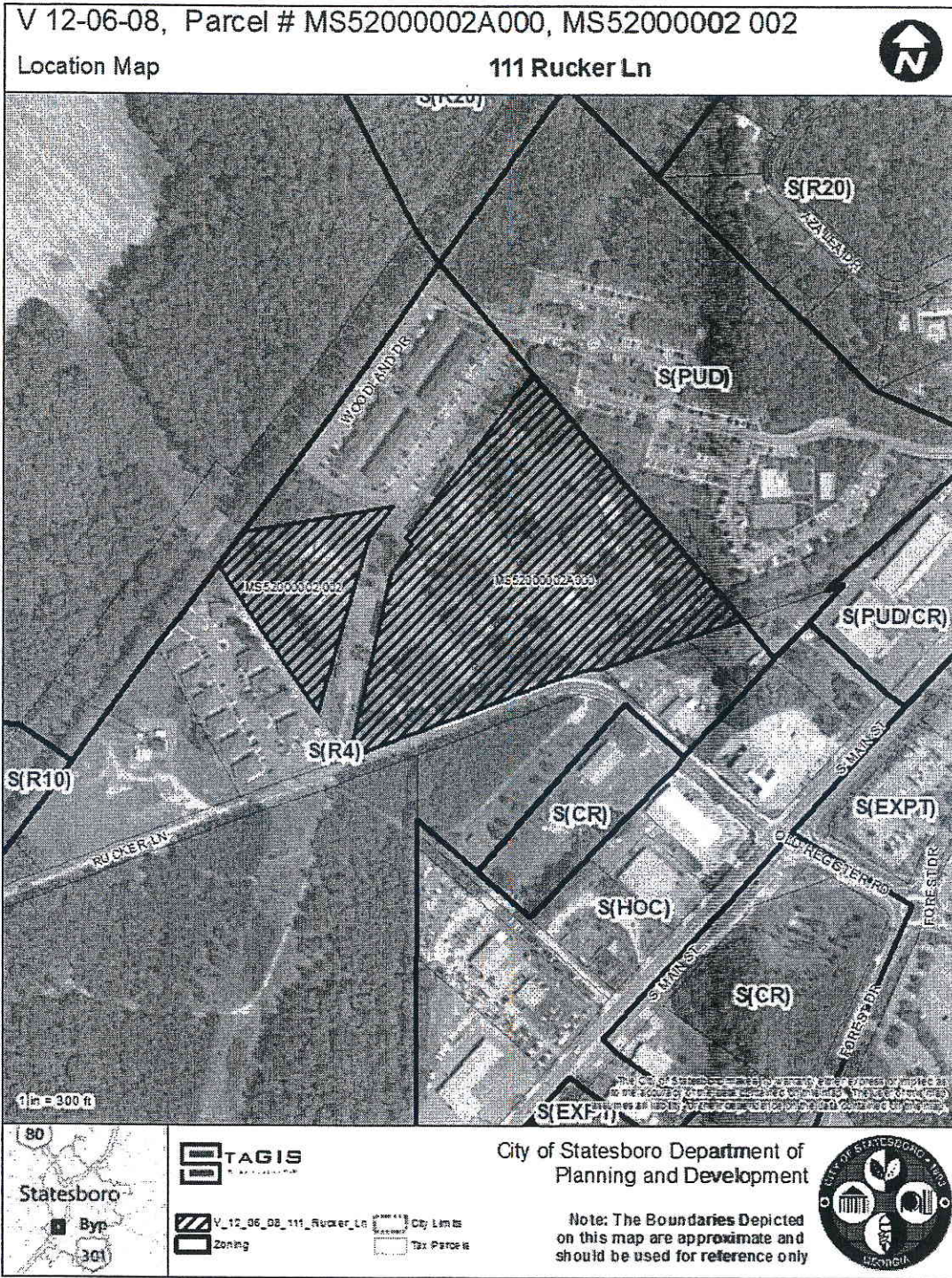
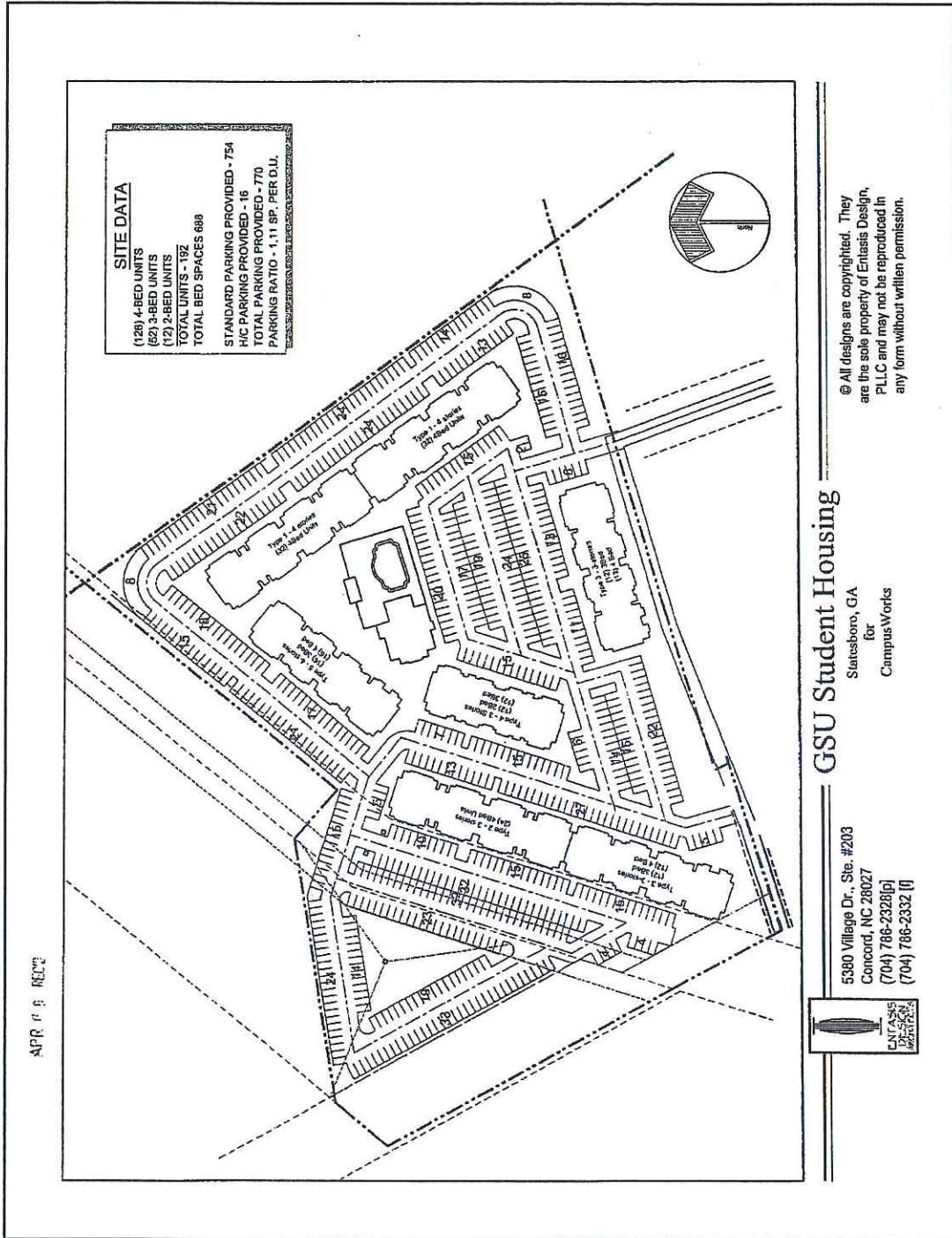


EXHIBIT B: ORIGINAL SKETCH PLAN

REVISION



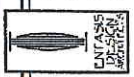
APR 18 2012

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GSU Student Housing

Statesboro, GA
for
CampusWorks

5380 Village Dr., Ste. #203
Concord, NC 28027
(704) 786-2326(j)
(704) 786-2332 (f)



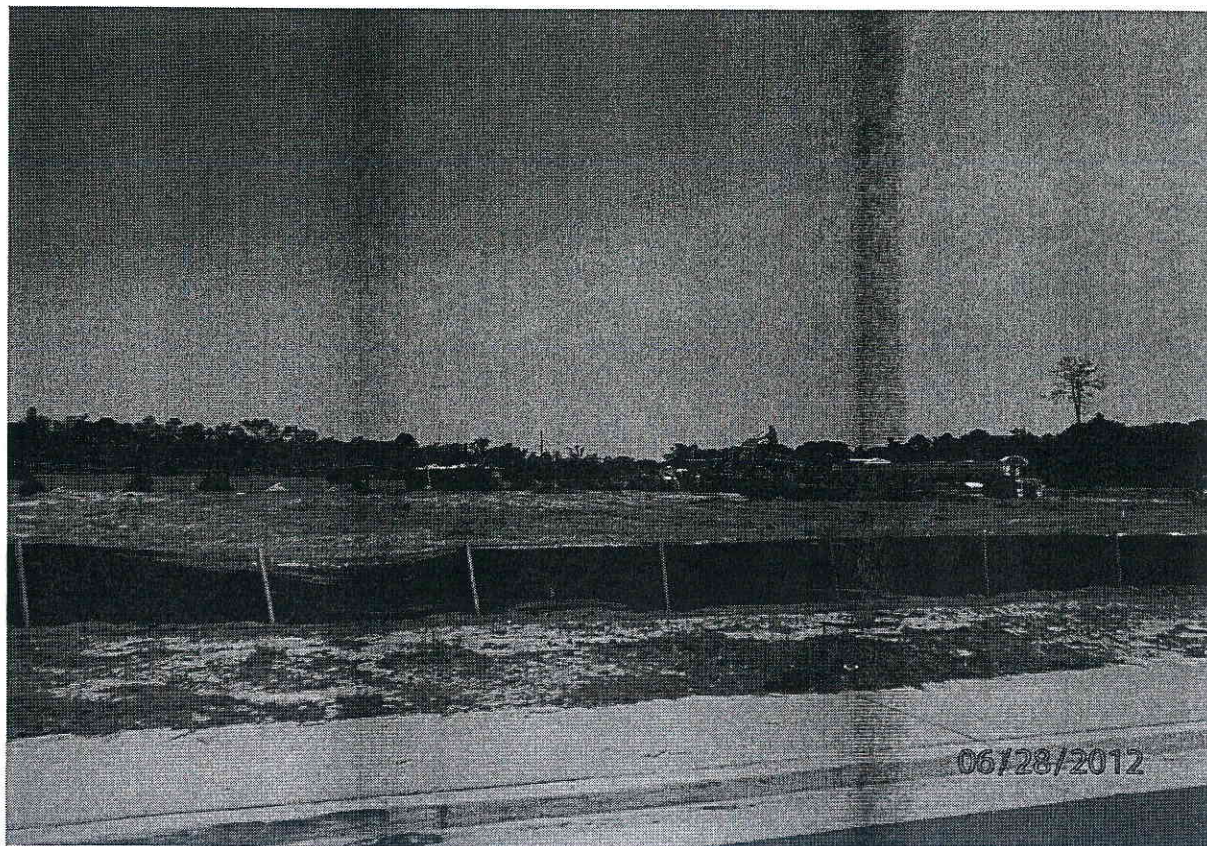


Figure 1: Subject Property – Under Construction.

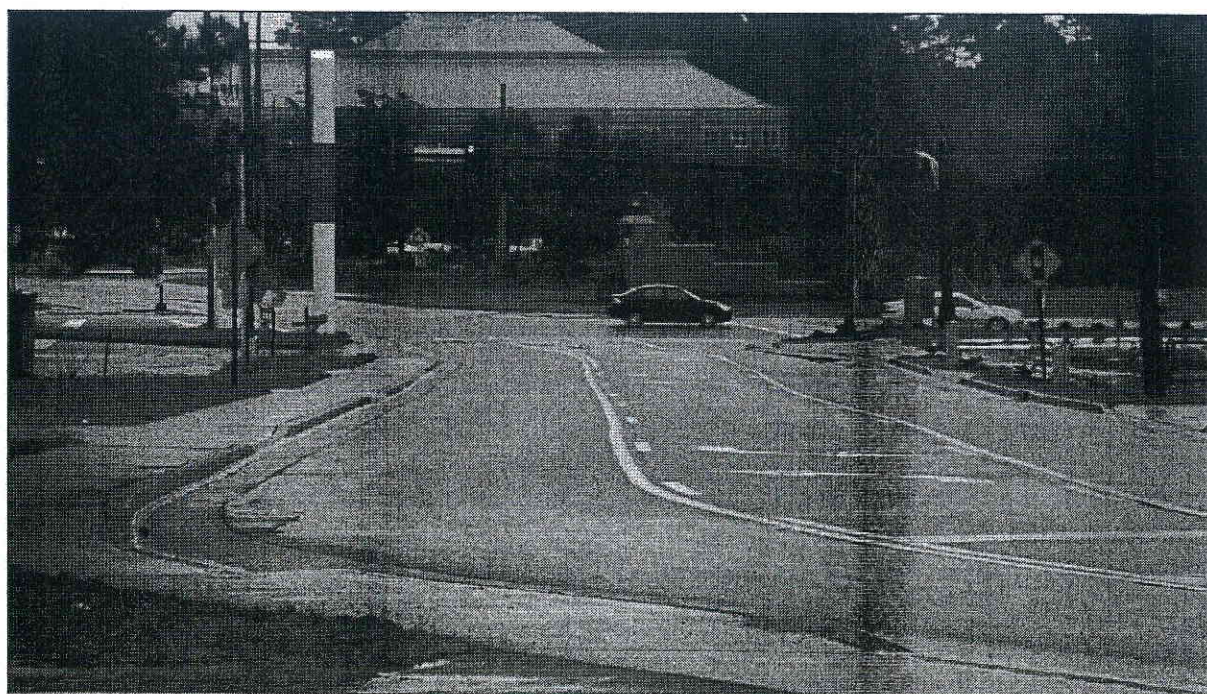


Figure 2: Intersection of Rucker Lane and Highway 310 South – viewed from Rucker Lane.



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**V 12-06-09
 VARIANCE REQUEST
 SAGEBRUSH**

LOCATION: Sagebrush

REQUEST: Variance from Section 603 regarding lot size and setback requirements, and variance from Section 2203.1 regarding minimum size dwelling.

APPLICANT: Hendley Properties

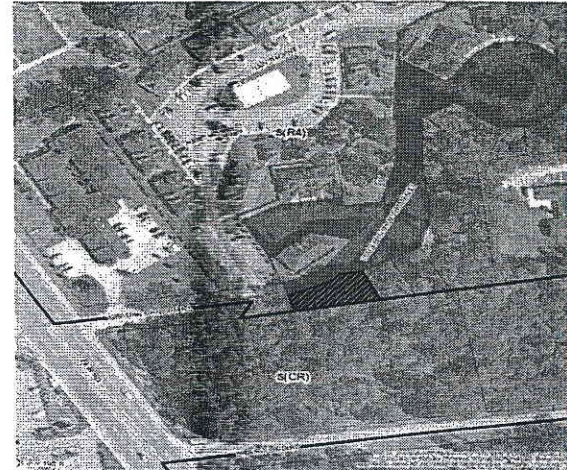
OWNER(S): Hendley Properties

LAND AREA: Approximately .067 acres of 1.29 acre site.

PARCEL TAX MAP #s: MS74000076000

COUNCIL DISTRICT: District 5 (Chance)

V 12-06-09, Parcel # MS74000076 000
 Location Map Sagebrush



PROPOSAL:

The applicant is requesting a variance from the requirements of Section 603 regarding lot size and setbacks and from Section 2203.1 of the *Statesboro Zoning Ordinance* regarding minimum size dwellings for approximately .067 acres of a 1.29 acre lot located in Sagebrush in anticipation of subdividing the parcel into a 2,900 square foot lot to construct a single family studio home. See **Exhibit A** for existing and proposed lot.

BACKGROUND:

The subject area of this request is located in Sagebrush off of Fair Road and is currently zoned R4 (High Density Residential). Sagebrush is an apartment extension of Hawthorne, which has been subdivided for the construction of several apartments, duplexes, and single family homes.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R4 (High Density Residential)	Residential and Retirement Inn
SOUTH:	CR (Commercial Retail)	Church and Medical Facility
EAST:	R20 (Single Family Residential)	Vacant
WEST	CR (Commercial Retail)	Medical Offices and Carwash

The subject property is located in a primarily residential use area with the property's northern property line surrounded by parcels zoned R4 (High Density Residential) and utilized by Hendley Properties as residential facilities. Southern Manor Retirement Inn resides just to the northwest of the subject property. The southern parcels are zoned CR (Commercial Retail) and houses a church and medical facility, while the parcels to the west are also zoned CR (Commercial Retail) and are being utilized medical offices, carwash, etc. The parcels to the east are zoned R20 (Single Family Residential) but currently remain vacant. (See **Exhibit D**)

COMPREHENSIVE PLAN:

The subject site lies within the "Activity Centers" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The "Activity Centers" character areas are identified as being dominated by auto-oriented design which will evolve into pedestrian-oriented shopping, office, and entertainment places that may also accommodate high-density residential development.

Small, mid-size, and regional retail and commercial, office, medical, entertainment, multifamily, and mixed uses are all appropriate land uses for properties within the Activity Centers character areas. Some suggested development and implementation strategies for the area include the following:

- Encourage infill, new, and redevelopment to build close to the street.
- Focus on redevelopment in areas of disinvestment.
- Include community gathering places, such as squares, plazas, etc. into commercial and mixed use developments.

Statesboro Comprehensive Plan, Community Agenda pages 17-18.

As illustrated in the *Comprehensive Plan*, mixed use in this area is favorable. Utilizing the subject site as a single family residential home inside of a planned apartment development promotes the mixed use goal set forth by the *Comprehensive Plan* with the subject site being surrounded by high density residential, single family residential and commercial retail. See **Exhibit A**.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

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

ANALYSIS:

The subject site is currently zoned R4 (High Density Residential) with a minimum lot size of 8,000 square feet for single family detached dwellings. The applicant is requesting a variance from Section 603 of the *Statesboro Zoning Ordinance* to allow for a lot area of 2900 square feet with a reduction in setback requirements from 20 feet to 10 feet for front, side, and rear yards. The applicant is also requesting a variance from Section 2203.1 which requires that each single family detached dwelling have at least 1,050 square feet. The applicant is requesting a reduction in this requirement to allow for a minimum size dwelling of 400 square feet. Furthermore, none of the variances requested by this application should negatively impact the private restrictive covenants established on this property.

The *Statesboro Zoning Ordinance* authorizes City Council to grant variances from provisions of 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". The request for variances from Sections 603 and 2203.1 should be considered in light of the four factors for determination of variances given in Section 1801 of the *Statesboro Zoning Ordinance*:

- (1) **There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;**
 - The subject site is a portion (approximately .067 acres) of a 1.29 acre parcel that is irregular in shape and size making development in conformance with all standards of the *Statesboro Zoning Ordinance* difficult. See **Exhibit A**.
 - The proposed 2,900 square foot portion of the existing parcel is the only developable area of the entire parcel.
- (2) **The special conditions and circumstances do not result from the actions of the applicant;**
 - The minimum size and setback reductions are necessitated by the small lot size.
- (3) **The application of the ordinance to this particular piece of property would create an unnecessary hardship;**
 - Due to the shape and size of this lot, application of the ordinance to this particular piece of property has a different impact and effect on development than to a more regular shaped parcel.
 - A lot size variance, if granted, would hinder the applicant's ability to meet all setback requirements while forcing a reduction in building size; therefore, it is vital to consider reducing the setback requirements and building size as well when allowing a smaller lot than required by the ordinance.

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

- o Section R304 of *The International Residential Code* states that every dwelling unit shall have at least one habitable room that shall not have less than 120 square feet of gross floor area. As shown in **Exhibit "B"**, the applicant's minimum size dwelling request over exceeds these requirements.
- o Although the required minimum lot size for the subject property is 8,000 square feet, many of the surrounding parcels are similar in size to the applicant's request.
- o Traffic counts for the immediate area (and thereby relative to the subject property) were not recorded for the year 2011 while the *Long Range Transportation Plan* rated Fair Road at this segment at a level of service of D, which is considered deficient; however, no significant impact on traffic volume, safety, or capacity is expected as a result of this request.
- o This segment of Fair Road is currently being served by sidewalks, curb, and gutters.

STAFF RECOMMENDATION:

Based on the factors of consideration for a variance given in Section 1801, *The Long Range Transportation Plan*, and *The Comprehensive Plan*, staff recommends approval of the variances requested by **V 12-06-09**.

PLANNING COMMISSION RECOMMENDATION:

Commissioner Hendley stepped down and did not participate in consideration of this application due to conflict of interest. Planning Commission voted 3-0 to recommend approval of the variances requested by case V 12-06-09.

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

EXHIBIT A: LOCATION MAP

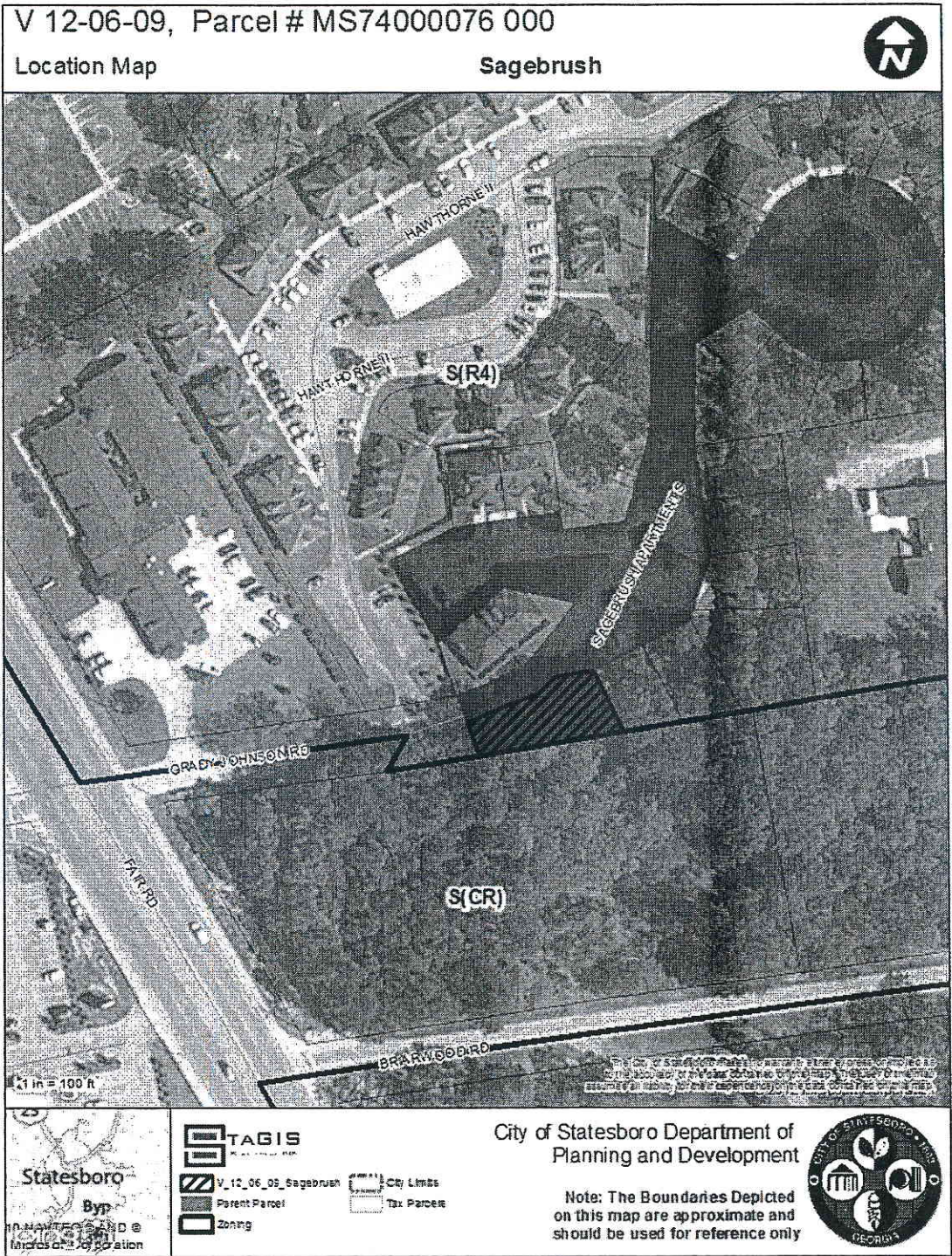


EXHIBIT B: SKETCH PLAN

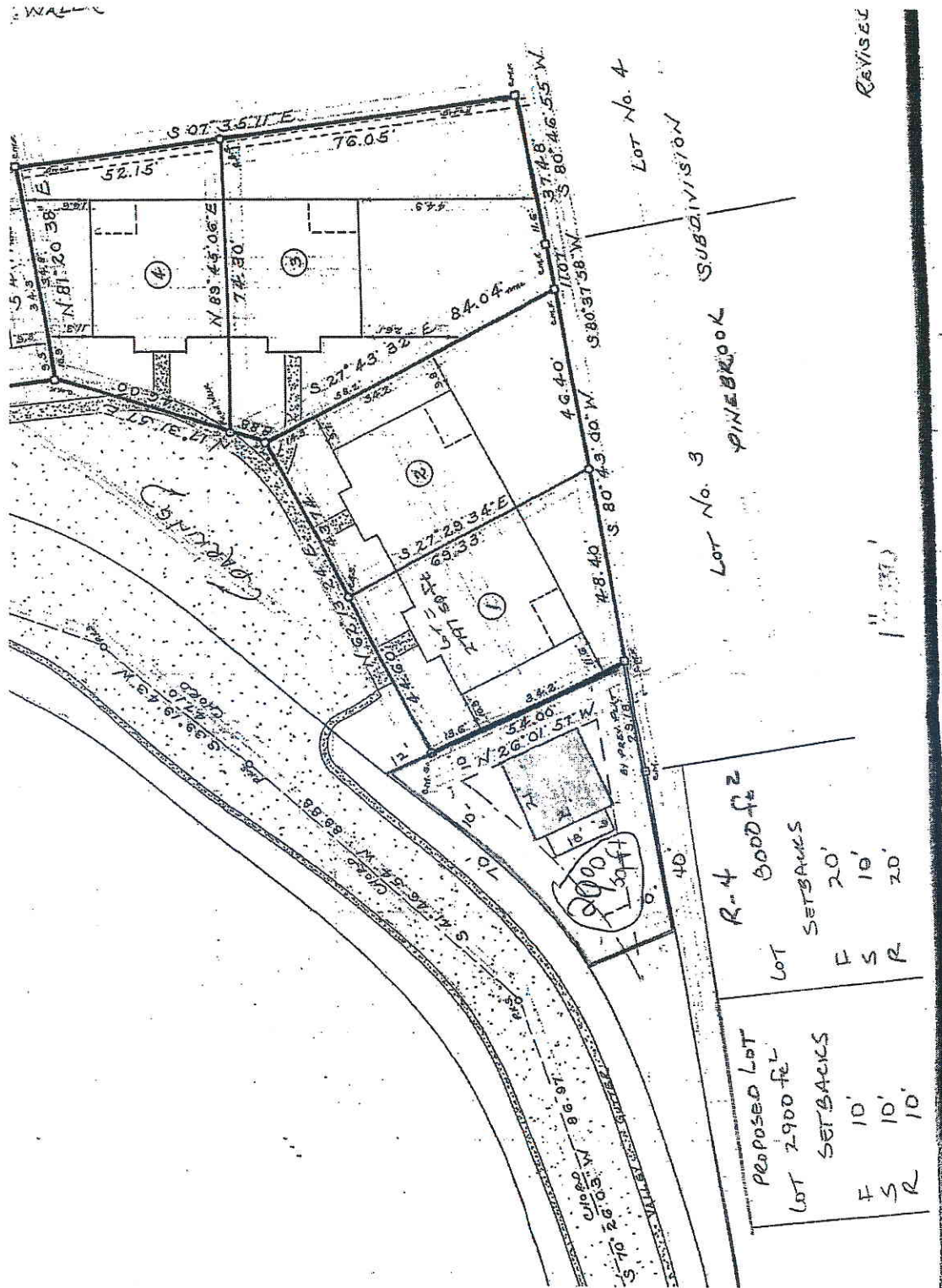


EXHIBIT C: MODEL HOME

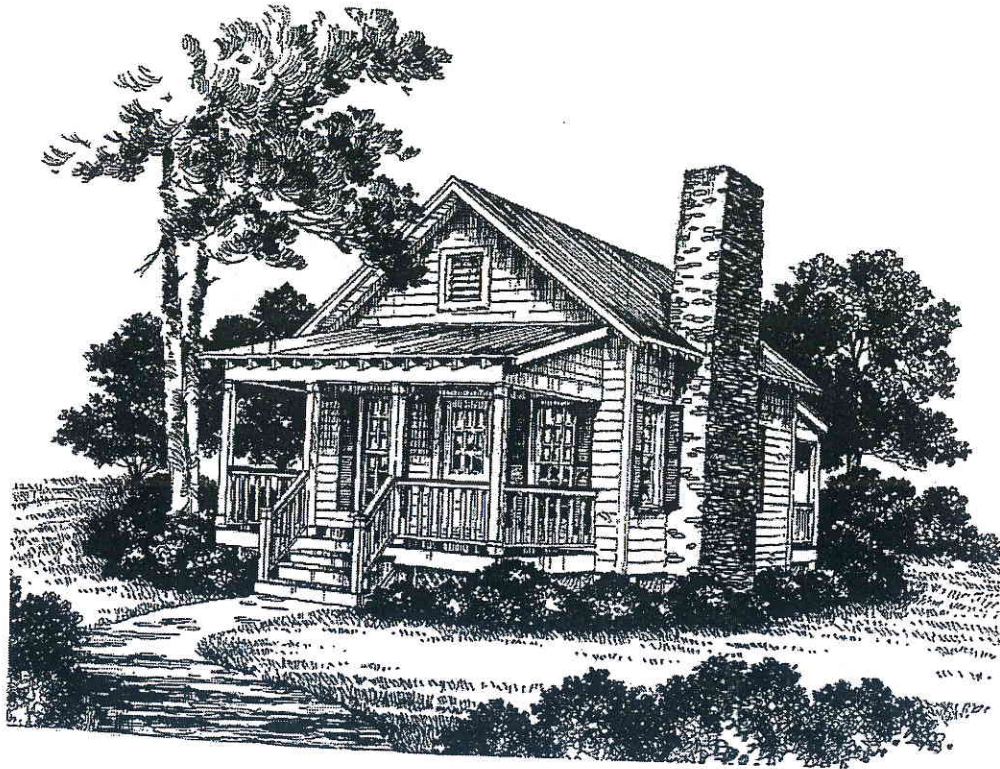


EXHIBIT D: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



06/28/2012

Figure 1: Entrance to Subject Property.

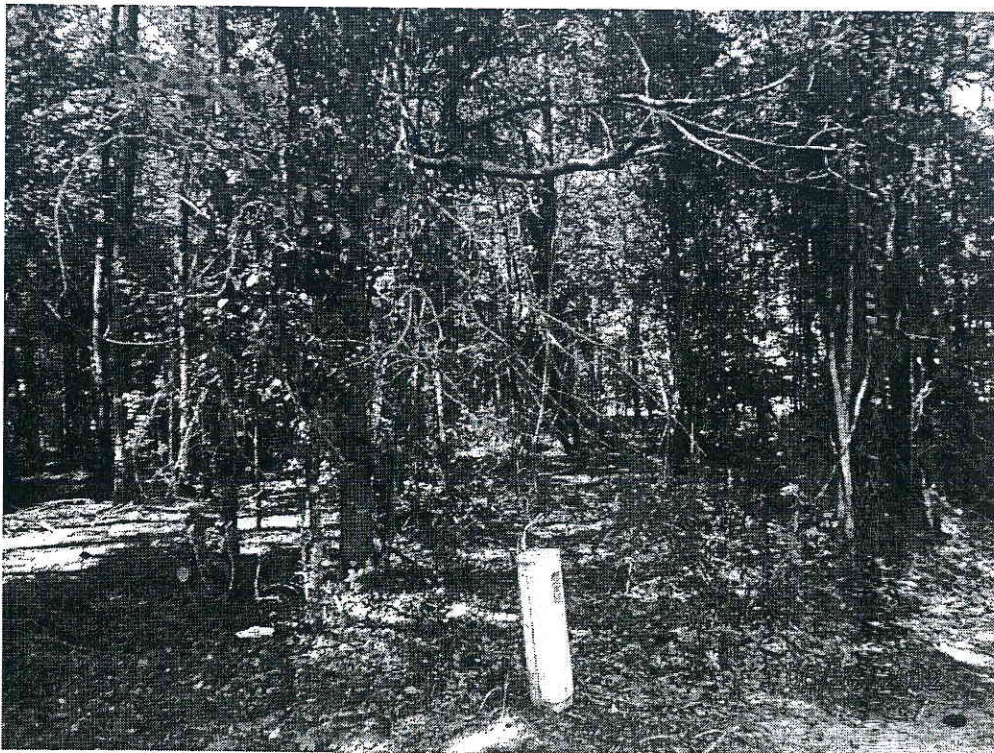


Figure 2: Subject Property.

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



Figure 4: Hawthorne II – Across from the Subject Property.



Figure 5: Exiting the Subject Property.

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



Figure 6: Southern Manor Retirement Inn adjacent to the Subject Property.



Figure 7: Medical Center across Fair Road from the Subject Property.