



City of Statesboro
Department of Planning and Development Memorandum

50 East Main Street P.O. Box 348 » (912) 764-0630
Statesboro, Georgia 30458 Statesboro, Georgia 30459 » (912) 764-0664 (Fax)

Statesboro Planning Commission
July 2, 2019
5:00 P.M.
City Hall Council Chamber
Meeting Agenda

I. Call to Order

II. Invocation & Pledge of Allegiance

III. Approval of Minutes

- 1.) June 4, 2019 Meeting Minutes

IV. New Business

1. **APPLICATION RZ 19-06-01:** West District Development, LLC requests a zoning map amendment for a proposed combination of parcels addressed 40 West Cherry Street and West Cherry Street from the LI (Light Industrial) zoning district to the CBD (Central Business District) zoning district to allow for the construction of a mixed-use development (Tax Parcels S18 000170 000 and S19 000001 A000).
2. **APPLICATION V 19-06-02:** West District Development, LLC requests a variance from Article XII, Section 1213(A) to reduce the required front yard setback in order to create a zero-lot-line parcel for the redevelopment of an existing warehouse building on 0.892 acres, a portion of a larger 2.44 acre tract located at 40 West Cherry Street (Tax Parcel S18 000170 000).
3. **APPLICATION V 19-06-03:** West District Development, LLC requests a variance from Article XII, Section 1213(B) to reduce the required left side yard setback in order to create a zero-lot-line parcel for the redevelopment of an existing warehouse building on 0.892 acres, a portion of a larger 2.44 acre tract located at 40 West Cherry Street (Tax Parcel S18 000170 000).
4. **APPLICATION V 19-06-04:** West District Development, LLC requests a variance from Article XII, Section 1213(B) to reduce the required right side yard setback in order to create a zero-lot-line parcel for the redevelopment of an existing warehouse building on 0.892 acres, a portion of a larger 2.44 acre tract located at 40 West Cherry Street (Tax Parcel S18 000170 000).

5. **APPLICATION V 19-06-05:** West District Development, LLC requests a variance from Article XII, Section 1213(C) to reduce the required rear yard setback in order to create a zero-lot-line parcel for the redevelopment of an existing warehouse building on 0.892 acres, a portion of a larger 2.44 acre tract located at 40 West Cherry Street (Tax Parcel S18 000170 000).
6. **APPLICATION V 19-06-06:** West District Development, LLC requests a variance from Article XXX, Section 3010 regarding the requirement to provide sidewalks along the public right-of-way in the Downtown District for 2.44 acres of property located at 40 West Cherry Street (Tax Parcel S18 000170 000).
7. **APPLICATION V 19-06-07:** West District Development, LLC requests a variance from Article XII, Section 1216 to increase the minimum floor area ratio percentage in order to create zero-lot-line parcel for the redevelopment of an existing warehouse building on 0.892 acres, a portion of a larger 2.44 acre tract located at 40 West Cherry Street (Tax Parcel S18 000170 000).
8. **APPLICATION CBD 19-06-08:** West District Development, LLC requests approval of the proposed site plans submitted for a proposed combination of parcels totaling 5.52 acres of property located at South College Street, 40 West Cherry Street and West Cherry 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 Parcels S19 000001 000, S18 000170 000, and S19 000001 A000).
9. **APPLICATION RZ 19-06-09:** Continental Road, LLC requests a zoning map amendment of 4.74 acres, a portion of a larger 33.35+/- acre tract located at 7130 Veterans Memorial Parkway from the CR (Commercial Retail) zoning district to the HOC (Highway Oriented Commercial) zoning district to allow for the construction of a car dealership (Tax Parcel MS42 000007 000).

V. Announcements

VI. Adjourn



City of Statesboro
Department of Planning and Development Memorandum

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Statesboro Planning Commission
June 4, 2019
5:00 P.M.
City Hall Council Chamber
Meeting Minutes

Present: Planning Commission Members: James W. Byrd Sr., Carlos C. Brown Jr., Mary Foreman, Russell Rosengart, Benjamin McKay, and Jamey Cartee; **City of Statesboro Staff:** City Planner II Owen Dundee; **Absent:** Sean Fox.

I. Call to Order

Commissioner Byrd called the meeting to order at 5:00 PM.

II. Invocation & Pledge of Allegiance

III. Approval of Minutes

1.) May 7, 2019 Meeting Minutes

Commissioner Cartee made a motion to approve the May 7, 2019 meeting minutes, seconded by Commissioner McKay. The motion carried 5-0.

IV. New Business

1. **APPLICATION CUV 19-05-01:** Half Moon Recovery (d/b/a ARCH) requests a conditional use variance from Article VII, Section 701(F)(1) for 0.38 acres of property located at 207 Broad Street to utilize 100 percent of the heated floor space of the property as an addiction recovery community residence in the R-4 (High Density Residential) zoning district (Tax Parcel S29 000079 000).

Owen Dundee introduced the case, and Todd Parrish spoke as a representative of the applicant. Commissioner Cartee inquired on the property returning to the previous same use as proposed by the applicant. Mr. Dundee confirmed that the applicant is requesting the property be continued to operate as it had previously done so. Commissioner Rosengart inquired on the number of residents that were proposed to be housed at this location. Mr. Parrish responded that the maximum number of residents would be ten (10). Mr. Parrish provided some additional background information on his recovery residence business, Half Moon Recovery d/b/a ARCH, and the subject property. Commissioner Rosengart requested additional information on the residency requirements for ARCH. Mr. Parrish provided this information. Commissioner Cartee inquired on the number of bedrooms in the subject property. Mr. Parrish stated that there are four bedrooms and two bathrooms. Commissioner Rosengart requested that Mr. Parrish provide the average

length of resident stay in the ARCH program. Mr. Parrish stated the average length of stay for the residents in the program was approximately nine (9) months. He further stated the program is twelve (12) months with six (6) months of aftercare. Then, he discussed the ARCH program's resident profile further. Commissioner Cartee asked how many program residents wind up staying in the Statesboro Community. Mr. Parrish stated about twenty (20) percent of the residents stay in Statesboro for the long term. Commissioner Brown inquired if the recovery residence had encountered any issues with the surrounding neighbors. Mr. Parrish stated that they have never had one complaint.

Commissioner Foreman made a motion to recommend approval of CUV 19-05-01 with staff recommendations and conditions. Commissioner Rosengart seconded, and the motion carried 5-0.

V. Announcements

VI. Adjourn

Commissioner Cartee made a motion to adjourn the meeting. Commissioner Brown seconded, and the motion carried 5-0. The meeting adjourned at 5:13 PM.

Chair – James W. Byrd, Sr.

**Secretary – Frank Neal, AICP
Director of Planning and Development**



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

P.O. Box 348
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RZ 19-06-01
ZONING MAP AMENDMENT REQUEST
40 WEST CHERRY STREET AND WEST CHERRY STREET

LOCATION: 40 West Cherry Street and West Cherry St.

REQUEST: Zoning map amendment from LI (Light Industrial) to CBD (Central Business District).

APPLICANT: West District Development, LLC

OWNER(S): West District Development, LLC

ACRES: 2.72 acres (combined)

PARCEL TAX MAP #: S19 000001 A000 (0.57 acres) & S18 000170 000 (2.44 acres)

COUNCIL DISTRICT: 2 (Jones)



PROPOSAL:

The applicant is requesting a zoning map amendment for the proposed combination and subsequent subdivision of two (2) parcels: a 2.44 acre parcel located at 40 West Cherry Street (S18 000170 000), a portion (1.55 acres) of which is to be rezoned from LI (Light Industrial) to the CBD (Central Business District) zoning district and a 0.57 acre parcel addressed West Cherry Street (S19 000001 A000), a portion (0.28 acres) of which is to be rezoned from LI (Light Industrial) to CBD (Central Business District) zoning district. The applicant is proposing the construction of mixed-use retail/office buildings containing residential lofts on the upper floors; and the renovation of an existing warehouse to accommodate future commercial and/or industrial uses. See **exhibit D** – Zoning Exhibit.

BACKGROUND:

The applicant recently received site plan approval for revisions to a previously approved site plan for “West District Phase I” under **RZ 19-04-04 & CBD 19-04-05**, specifically for 87 South College Street. The approved site and architectural plans for 87 South College Street will allow for the construction of a two story building with multiple occupancies – the second floor will be four single bedroom apartments and the ground floor will be used as commercial space.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	LI (Light Industrial)	US Post Office
SOUTH:	LI (Light Industrial) & CBD (Central Business District)	Whitfield Signs Building and West District Development Phase I
EAST:	HOC (Highway Oriented Commercial)	Vacant land
WEST	LI (Light Industrial)	Bulloch County Recycling Center & Open Hearts Community Mission

ATTACHMENTS: The subject properties are located within the LI (Light Industrial) zoning district. Surrounding properties include the Open Hearts Community Mission, the Whitfield Signs Building, US Post Office, vacant West District Lots, vacant land, and a recreational area for a nearby religious facility. (See **Exhibit C** – Photos of Subject Site).

COMPREHENSIVE PLAN:

The subject site lies within the “Downtown” character area as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit B—2014 Future Development Map**) within the City of Statesboro Updated 2014 Comprehensive Plan.

Vision:

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 patterns of buildings along the sidewalk and a lively streetscape should be respected and promoted. Historic buildings should be protected from demolition or inappropriate restoration which can degrade the architectural details of the structures. Additional residential opportunities, especially in the form of lofts or other residential over retail, should be promoted. Street-level uses should be reserved for retail, entertainment, or similar high-activity uses.

Appropriate Land Uses

- Neighborhood-scale retail and commercial, especially niche market stores which serve as a destination
- Office
- Neighborhood services
- Range of housing styles & price points
- Loft, mixed use, and urban residential, including small lot single-family residential along secondary streets
- Multi-story buildings with retail on the street and office/residential above

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 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.
- Economic development strategies should continue to nurture thriving commercial activity.

Statesboro Updated 2014 Comprehensive Plan, Community Agenda page 14.

TAX ALLOCATION DISTRICT REDEVELOPMENT PLAN:

The 2014 Tax Allocation District Redevelopment Plan (TAD) seeks to “encourage the 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 the 2009 and 2014 Comprehensive Plans. The plan does not set forth specific suggestions for this subject site. The largest parcel in this request is listed in the TAD under Appendix B (page 46). Tax parcel S19 000170 000 had an assessed value of \$92,432 in the 2014 Tax Allocation District #1 Redevelopment Plan and an assessed value of \$220,000 on June 12, 2019, according to the Bulloch County Tax Assessor’s website.

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:

The subject parcels are currently zoned LI (Light Industrial) and the applicant has immediate plans to construct a mixed-use development containing office and retail space with residential lofts on the upper floors. The applicant proposes the combination of both parcels and the subsequent subdivision of the parcels.

Current Zoning Compared to Requested Zoning

LI – Light Industrial districts permit wholesale, manufacturing, warehousing, assembly or processing and similar uses and regulate odors, gases or other contaminants, noise, air quality, vibrations and any other emissions that might be detrimental to the public health. When compared to the HI (Heavy Industrial) zoning district, this district is much stricter regarding emissions.

CBD – The Central Business District permits general retail, wholesale, office, personal service establishments, health care uses and apartments on upper floors. This district allows for the development of major commerce.

I. **Application RZ 19-06-01: Whether or not to grant a zoning map amendment for the proposed combination and subsequent subdivision of two (2) parcels from LI (Light Industrial) to CBD (Central Business District)**

The request to rezone the subject properties should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's primary land use policies: *The Statesboro Comprehensive Plan*, the *Statesboro Downtown Master Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed CBD (Central Business District) zoning district for uses as set forth in the *Statesboro Zoning Ordinance*.

Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider "in making its determination" regarding a zoning map amendment and "balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property." Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council's consideration of the application:

(1) Existing uses and zoning or (of) property nearby;

- a. Adjacent property to the north is zoned LI (Light Industrial) and occupied by the US Post Office. The property to the south is zoned both LI (Light Industrial) and CBD (Central Business District); and is a portion of the West District Development. The property to the east is zoned CBD (Central Business District), and is currently vacant land. Lastly, the property to the west is zoned LI (Light Industrial) and is operating as Open Hearts Community Mission.

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

- a. The subject parcels are currently zoned LI (Light Industrial), which provides for more intensive uses, including manufacturing and fabrication facilities, than those found in the CBD (Central Business District) zoning district. Consequently, the LI (Light Industrial) zoning district imposes strict regulations on proximity to residential districts, emissions and noise. While the applicant plans to construct a portion of the proposed development under the current zoning designation (LI), the applicant is requesting the remaining portion, approximately 1.83 acres, of the subject property be re-zoned to CBD (Central Business District) to allow for the continued development of the West District.
- b. The proposed uses are not expected to have an adverse effect on property values in the area given the surrounding uses. Please note that staff has not consulted a professional appraiser regarding the impact of the requested zoning map amendment 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.

(4) The relative gain to the public, as compared to the hardship imposed upon the property owner.

- a. While the current zoning (LI) of each parcel supports business and residential development, the surrounding zoning designations and land-use classifications vary from single-family residential to neighborhood-scale services, such as the Statesboro First United Methodist Church. The proposed zoning change to CBD (Central Business District), with less of the parcel designated LI (Light Industrial), allows for mixed-use construction and reduces the possibility of incompatible uses

adjacent to neighborhood-scale zoning designations. Therefore, the public gains a less intensive zoning designation for the majority of the proposed combined parcels.

- (5) The suitability of the subject property for the zoned purposes.**
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - a. The largest parcel (S18 000170 000) has been vacant for several years.
 - b. The smaller parcel (S19 000001 A000) was previously a Public ROW, West Cherry Street, recently abandoned.
- (7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
 - a. Impacts on local traffic should be considered.
 - b. Positive impact on the existing and future land use patterns as the proposed uses are compatible with the surrounding area as well as consistent with the 2014 Future Development Map and the *Statesboro Comprehensive Plan*.
- (8) Consistency with other governmental land use, transportation, and development plans for the community.**
 - a. The Comprehensive Plan supports appropriate infill within established areas of the City; however, the plan also supports that the placement and scale of infill complement surrounding land uses and zoning districts and requires it to occur in a manner that protects established residential areas.

STAFF RECOMMENDATION:

Staff recommends approval of the zoning map amendment requested by application **RZ 19-06-01** with the following conditions:

CONDITIONS:

1. Staff approval of the West District Development's subdivision plat dated June 13, 2019, and zoning exhibit dated June 14, 2019.
2. Approval of this zoning map amendment does not grant site and/or building plan approval as submitted. Project(s) will be required to meet all City Ordinances and applicable building codes.
3. Subdivision, design, and development of the property shall be in conformance specifically with the requirements of the Statesboro Subdivision Regulations and all other developmental standards of the City of Statesboro.

EXHIBIT A: LOCATION MAP

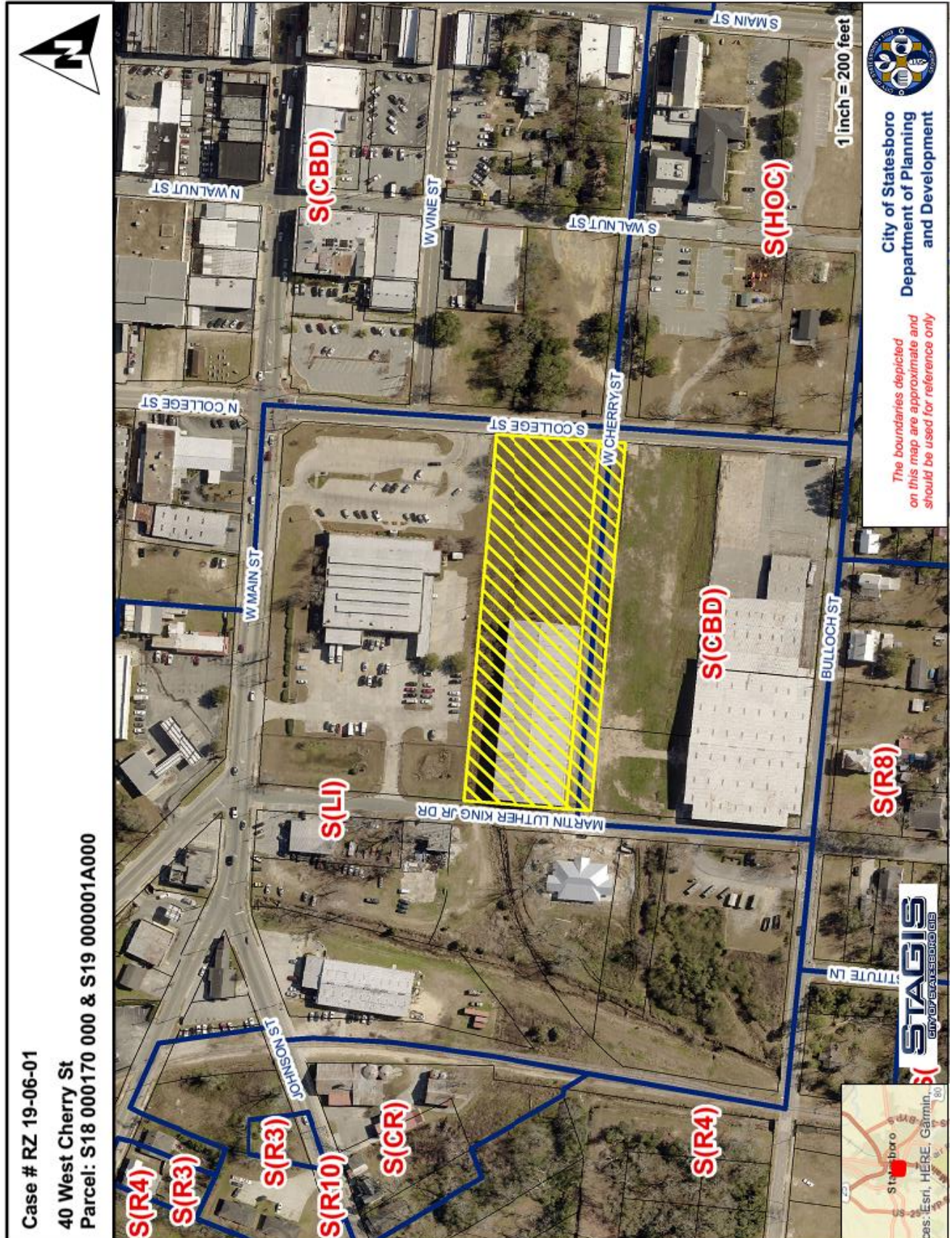


EXHIBIT B: FUTURE DEVELOPMENT MAP

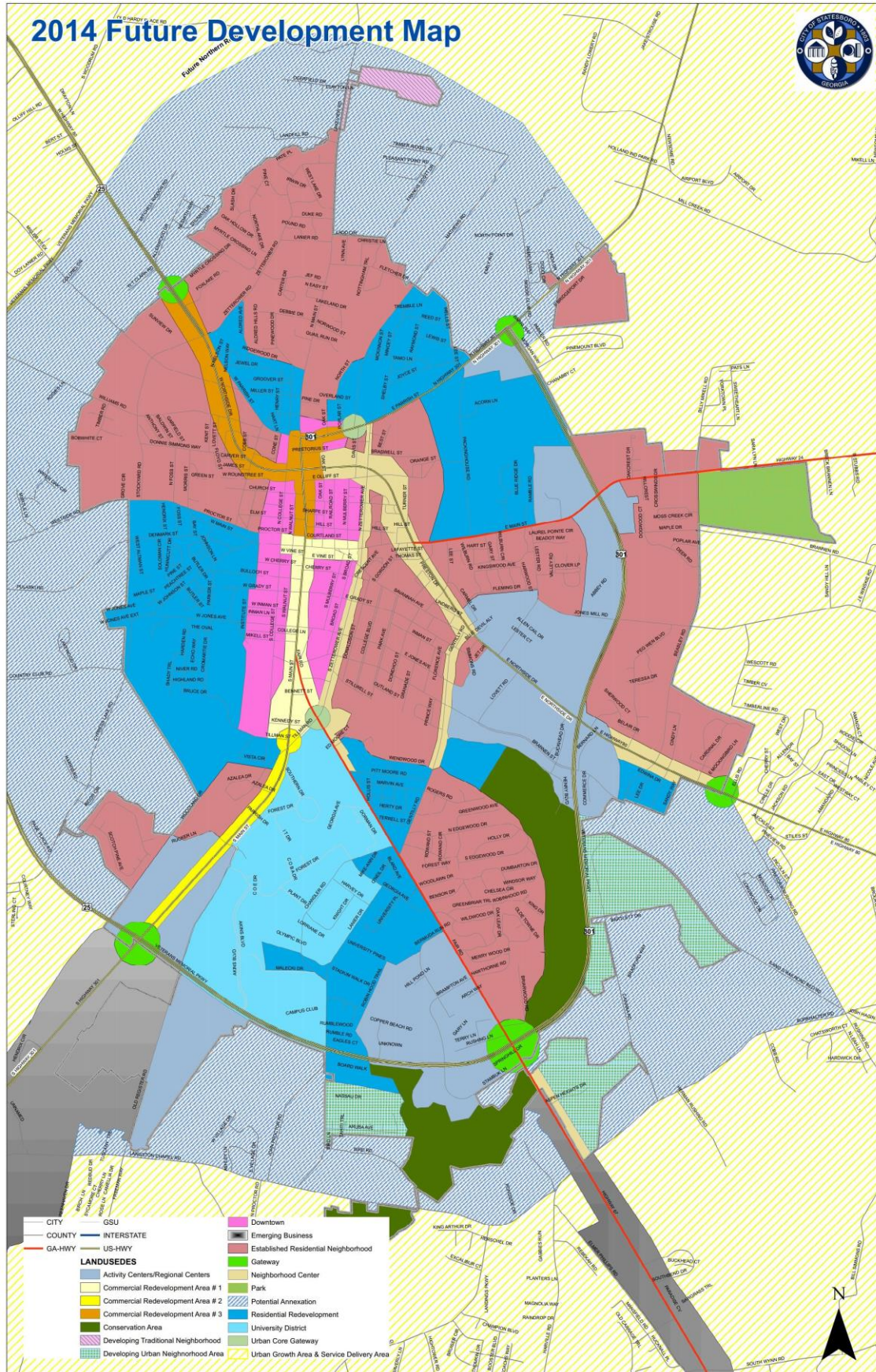


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site and zoning map amendment RZ 19-06-01, looking west from South College Street.



Picture 2: View of the subject site and recently abandoned Public ROW, West Cherry Street, looking west from South College Street.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 3: View of the adjacent properties to the south of the subject site, currently the West District Development Phase I vacant parcels and the Whitfield Signs Building.



Picture 4: View of the adjacent property to the north of the subject site, currently the US Post Office.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 5: View of the surrounding properties, looking west from the subject site, currently Open Hearts Community Mission.



Picture 6: View of the surrounding properties, looking north along South College Street from the subject site, currently vacant land zoned CBD (Central Business District).



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 7: View of the subject site's western property line boundary, looking north along Martin Luther King Jr. Drive and illustrating the area of the side walk variance being requested under **V 19-06-06**.



Picture 8: View of the surrounding properties, looking south from the West District Development Phase I and the subject site.



EXHIBIT D: ZONING EXHIBIT (dated June 14, 2019)

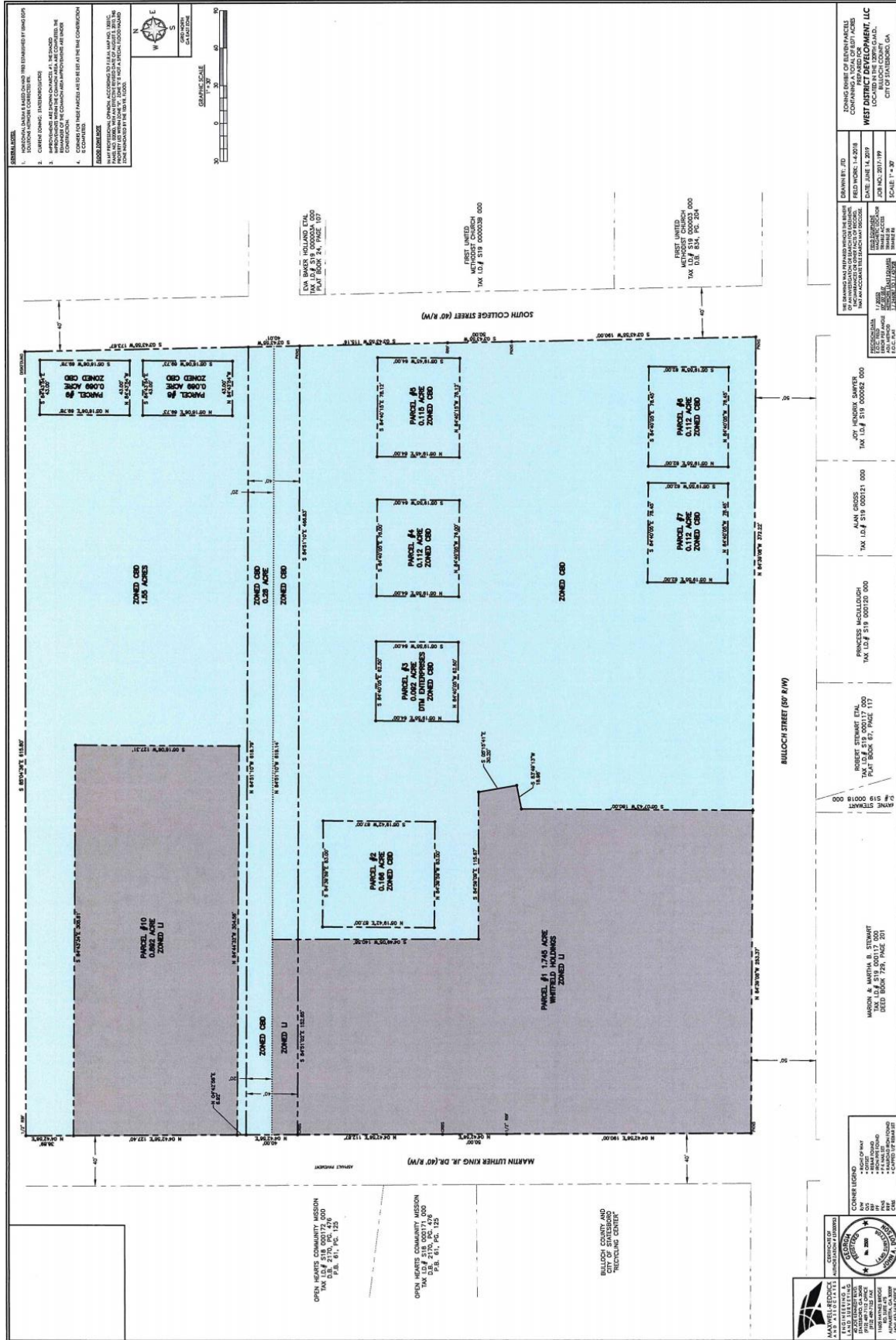
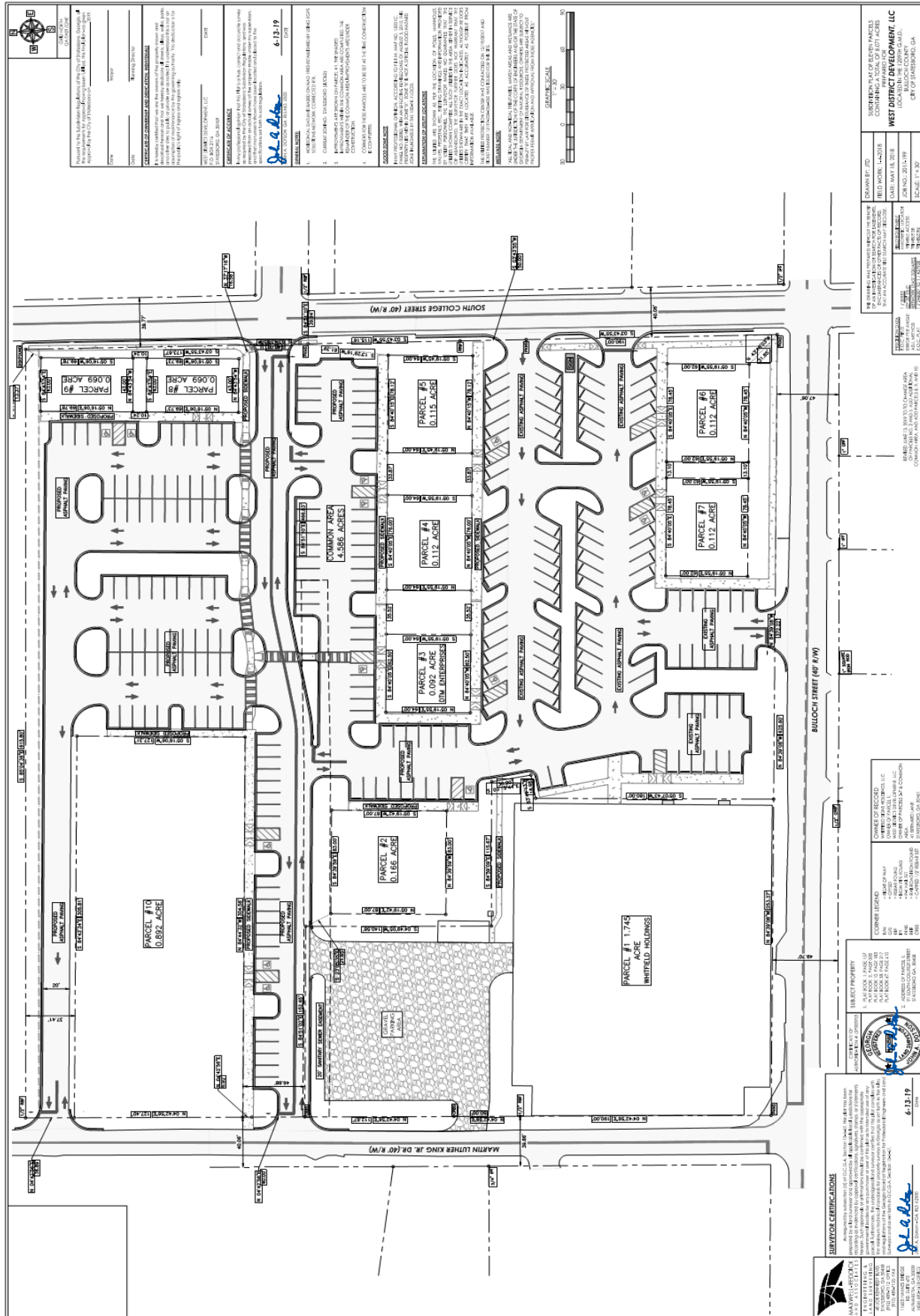


EXHIBIT E: SUBDIVISION PLAT (dated June 13, 2019)





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

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V 19-06-02, V 19-06-03, V 19-06-04, V 19-06-05, V 19-06-06, & V 19-06-07
VARIANCE REQUESTS
THE WEST DISTRICT: 40 WEST CHERRY STREET

LOCATION:	40 West Cherry Street
REQUEST:	Variance from Article XII Section 1213(A) regarding the front yard setback requirement; Variance from Article XII Section 1213(B) regarding the left side yard setback requirement; Variance from Article XII Section 1213(B) regarding the right side yard setback requirement; Variance from Article XII Section 1213(C) regarding the rear yard setback requirement; and Variance from Article XXX, Section 3010 regarding the sidewalk requirement in the Downtown District. Variance from Article XII Section 1216 regarding the floor area ratio requirement.
APPLICANT:	West District Development, LLC
OWNER(S):	West District Development, LLC
ACRES:	0.892 acres, a portion of larger 2.44 acre tract
PARCEL TAX MAP #:	S18 000170 000 (2.44 acres)
COUNCIL DISTRICT:	District 2 (Jones)



PROPOSAL & BACKGROUND:

The applicant is in the process of creating a mixed-use development with offices, retail, residential lofts; and redeveloping the existing warehouse into a mixed-use retail and light industrial complex. The applicant aims to create a zero-lot-line parcel for the existing warehouse; and therefore requests the following six (6) variances: (1) Variance from Article XII Section 1213(A) regarding a reduction in the minimum front yard setback requirements, (2) Variance from Article XII Section 1213(B) regarding a reduction in the minimum left side yard setback requirements, (3) Variance from Article XII Section 1213(B) regarding a reduction in the minimum right side yard setback requirements, (4) Variance from Article XII Section 1213(C) regarding a reduction in the minimum rear yard setback requirements, (5) Variance from Article XXX Section 3010 regarding the requirement to provide sidewalks along the public right-of-way in the Downtown District, and (6) Variance from Article XII Section 1216 regarding an increase in the maximum floor area ratio percentage requirement (see **Exhibit D—Proposed Subdivision Plat**).

ATTACHMENTS: Exhibit A (Location Map), Exhibit B (Future Development Map) Exhibit C (Photos of Subject Site), Exhibit D (Proposed Subdivision Plat)

Development Services Report

Case **V 19-06-02, V 19-06-03, V 19-06-04, V 19-06-05, V 19-06-06, & V 19-06-07**

Specifically of note in **Exhibit D**:

- A. Application **V 19-06-02**, a variance to reduce the **front yard setback of Parcel #10 from 60 feet to 0 feet** in order to create a zero-lot-line parcel, and
- B. Application **V 19-06-03**, a variance to reduce the **left side yard setback of Parcel #10 from 30 feet to 0 feet** in order to create a zero-lot-line parcel, and
- C. Application **V 19-06-02**, a variance to reduce the **right side yard setback of Parcel #10 from 30 feet to 0 feet** in order to create a zero-lot-line parcel, and
- D. Application **V 19-06-02**, a variance to reduce the **rear yard setback of Parcel #10 from 20 feet to 0 feet** in order to create a zero-lot-line parcel, and
- E. Application **V 19-06-06**, a variance from the requirement to provide a sidewalk along the public right-of-way in the Downtown District, and
- F. Application **V 19-06-07**, a variance to increase **the maximum floor area ratio percentage of Parcel #10 from 40% to 100%** in order to create a zero-lot-line parcel.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	LI (Light Industrial)	US Post Office
SOUTH:	LI (Light Industrial) and CBD (Central Business District)	Whitfield Signs Building and West District Development Phase I
EAST:	CBD (Central Business District)	Vacant Land & Proposed West District Development Phase II
WEST	LI (Light Industrial)	Open Hearts Community Mission & Bulloch County Recycling Center

The subject property is located within the LI (Light Industrial) zoning district. Surrounding properties include the Open Hearts Community Mission, Bulloch County Recycling Center, the United States Post Office, West District Development, the Whitfield Signs Building, and vacant land. (See **Exhibit A** –Location Map, **Exhibit C**—Photos of Subject Site).

COMPREHENSIVE PLAN:

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

<u>“Urban Core/Downtown”</u>	
<i>Vision</i>	<i>Suggested Development & Implementation Strategies</i>
<p>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 patterns of buildings along the sidewalk and a lively streetscape should be respected and promoted. Historic buildings should be protected from demolition or inappropriate restoration which can degrade the architectural details of the structures. Additional residential opportunities, especially in the form of lofts or other residential over retail, should be promoted. Street-level uses should be reserved for retail, entertainment, or similar high activity uses.</p>	<ul style="list-style-type: none"> • 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. • There are three former warehouse areas within downtown which offer great opportunity for redevelopment and adaptive reuse. These warehouses could provide the ideal site for locating major employers in the downtown area and introducing more live/work units or loft-style residential units. <p style="text-align: right;"><small><i>Statesboro Comprehensive Master Plan, Community Agenda page 15-16.</i></small></p>

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

- “Mixed use is listed as a preferred development strategy. True mixed use developments place a high priority on scale and design to create places which encourage pedestrian activity through relationships between buildings, interesting streetscapes, and appropriate treatment of parking. Simply placing one use next to another does not constitute mixed use. The components must be evaluated in context with their surroundings for mixed use to be successful.”
- And, “Any new structures should be located on the lot with similar setbacks as surrounding development and designed in a way which complements the existing immediate area.”

Statesboro Comprehensive Master Plan, Community Agenda pages 9-10.

ANALYSIS

- I. **Variance from Article XII Section 1213(A): *Front yard*. There shall be a minimum setback of 60 feet from the street line. This distance may be reduced to 20 feet if no front of structure parking is contemplated, subject to [the] exception hereinafter set forth [in] Section 1214.**

The applicant is requesting a variance from Article XII Section 1213(A) to reduce the **front yard setback of Parcel #10 from 60 feet to 0 feet**. This variance is specifically being requested in order to allow for the redevelopment of an existing warehouse into a mixed-use retail and light industrial complex. The applicant's goal is to create a zero-lot-line, LI (Light Industrial) zoned parcel.

- II. **Variance from Article XII Section 1213(B): *Side yards*. There shall be two side yards, one on each side of the building, together having an aggregate width of not less than 60 feet, but neither having a width of [less than] 15 feet.**

The applicant is requesting a variance from Article XII Section 1213(B) to reduce the **left side yard setback of Parcel #10 from 30 feet to 0 feet**. This variance is specifically being requested in order to allow for the redevelopment of an existing warehouse into a mixed-use retail and light industrial complex. The applicant's goal is to create a zero-lot-line, LI (Light Industrial) zoned parcel.

- III. **Variance from Article XII Section 1213(B): *Side yards*. There shall be two side yards, one on each side of the building, together having an aggregate width of not less than 60 feet, but neither having a width of [less than] 15 feet.**

The applicant is requesting a variance from Article XII Section 1213(B) to reduce the **right side yard setback of Parcel #10 from 30 feet to 0 feet**. This variance is specifically being requested in order to allow for the redevelopment of an existing warehouse into a mixed-use retail and light industrial complex. The applicant's goal is to create a zero-lot-line, LI (Light Industrial) zoned parcel.

- IV. **Variance from Article XII Section 1213(C): *Rear yard*. The required minimum depth of a rear yard shall be 20 feet. Subject to [the] exception hereinafter set forth in section 1214.**

The applicant is requesting a variance from Article XII Section 1213(C) to reduce the **rear yard setback of Parcel #10 from 20 feet to 0 feet**. This variance is specifically being requested in order to allow for the redevelopment of an existing warehouse into a mixed-use retail and light industrial complex. The applicant's goal is to create a zero-lot-line, LI (Light Industrial) zoned parcel.

- V. **Variance from Article XXX Section 3010 (A): *Sidewalks and pedestrian areas shall be provided along the public right-of-way for each property.***

The applicant is requesting a variance from Article XXX Section 3010 (A) to remove the requirement that sidewalks and pedestrian areas be provided along the public rights-of-way for each property in the downtown district. Due to the subject site's physical characteristics in the area along Martin Luther King Jr Drive, the placement of a sidewalk and/or pedestrian areas along this public ROW would not be feasible (see **Exhibit C**—Photos of Subject Site).

VI. **Variance from Article XII Section 1216: *Floor Area Ratio*. The total floor area of principal and accessory buildings shall not exceed 40 percent of the lot area.**

The applicant is requesting a variance from Article XII Section 1216 to increase the **maximum floor area ratio percentage of Parcel #10 from 40% to 100%**. This variance is specifically being requested in order to allow for the redevelopment of an existing warehouse into a mixed-use retail and light industrial complex. The applicant's goal is create a zero-lot-line, LI (Light Industrial) zoned parcel (see **Exhibit D—Proposed Subdivision Plat**).

ANALYSIS (CONT'D)

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."

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.**

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 the variances requested by **V 19-06-02, V 19-06-03, V 19-06-04, V 19-06-05, V 19-06-06, & V 19-06-07** with the following condition(s).

- (1) Staff approval of the West District Development's subdivision plat dated June 13, 2019.
- (2) Approval of these variances does not grant site and/or building plan approval as submitted. Project(s) will be required to meet all City Ordinances and applicable building codes.

EXHIBIT A: LOCATION MAP



Case # V19-06-02, V19-06-03, V19-06-04, V19-06-05, V19-06-06 & V19-06-07
 40 West Cherry St
 Parcel: S18 000170 000

EXHIBIT B: FUTURE DEVELOPMENT MAP

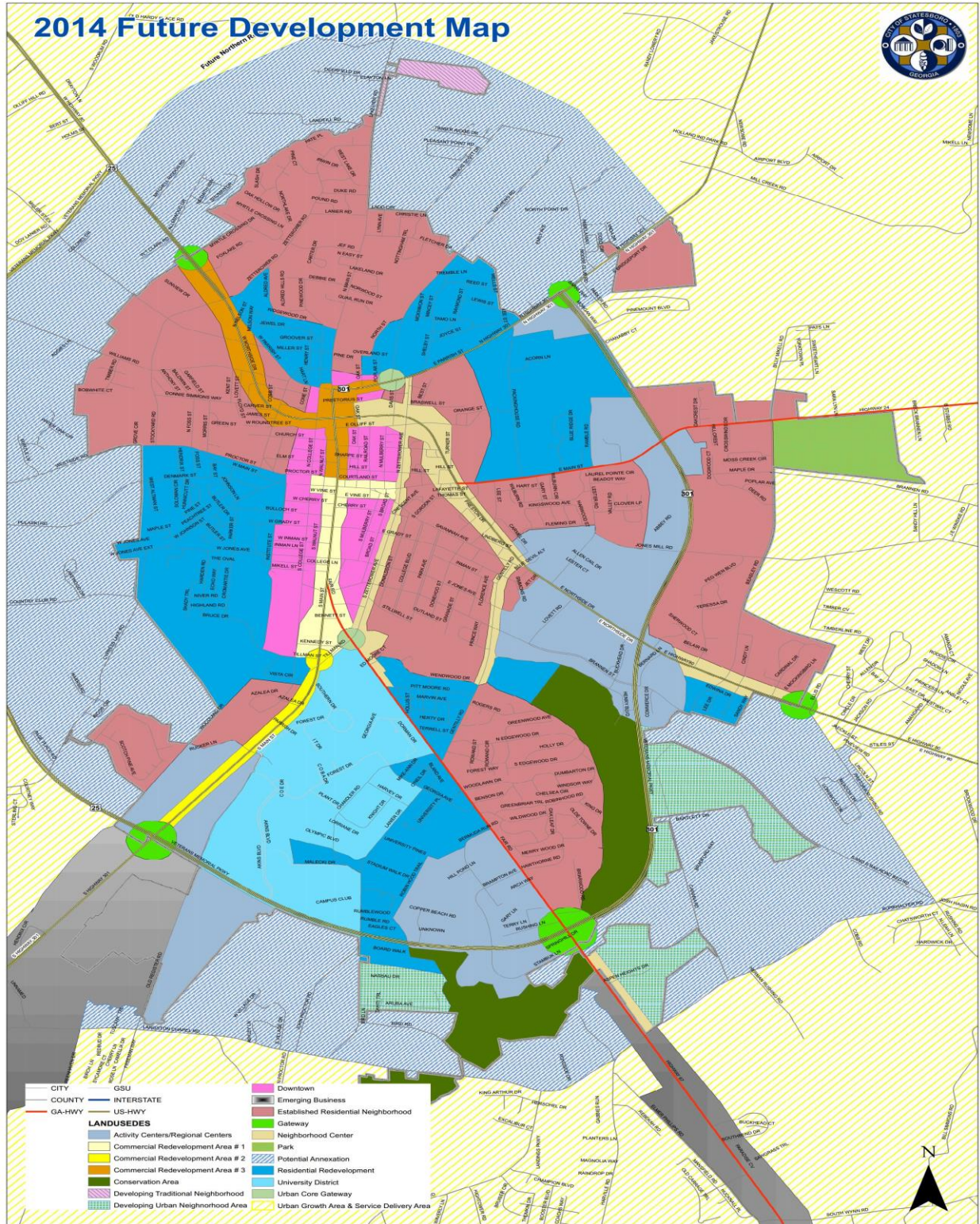


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site and V 19-06-02, V 19-06-03, V 19-06-04, V 19-06-05, & V 19-06-07 looking west from South College Street.



Picture 2: View of the subject site and recently abandoned Public ROW, West Cherry Street, looking west from South College Street.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 3: View of the adjacent properties to the south of the subject site, currently the West District Development Phase I vacant parcels and the Whitfield Signs Building.



Picture 4: View of the adjacent property to the north of the subject site, currently the US Post Office.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 5: View of the surrounding properties, looking west from the subject site, currently Open Hearts Community Mission.



Picture 6: View of the surrounding properties, looking north on South College Street from the subject site, currently vacant land zoned CBD (Central Business District).



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 7: View of the subject site's western property line boundary, looking north along Martin Luther King Jr. Drive and illustrating the area of the side walk variance being requested under **V 19-06-06**.



Picture 8: View of the surrounding properties, looking south from the West District Development Phase I and the subject site.



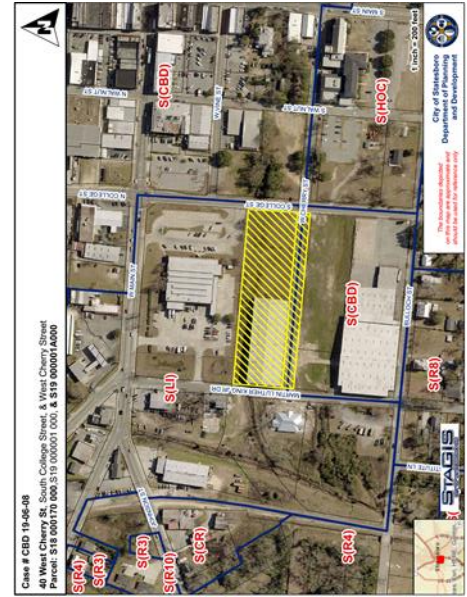


City of Statesboro-Department of Planning and Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

CBD 19-06-08 CBD PLAN REVIEW THE WEST DISTRICT PHASE I & II – SOUTH COLLEGE STREET	
LOCATION:	South College Street (West District Development)
REQUEST:	CBD site plan approval for West District Phase II and to alter a previously approved site plan per the requirements of Article VIII: Central Business District (CBD), Section 803: Requirements.
APPLICANT:	West District Development, LLC
OWNER(S):	West District Development, LLC
ACRES:	5.45 acres (combined)
PARCEL TAX MAP #:	<u>CBD ZONED AREAS</u> S19 000001A 000 (0.50 acres) S19 000001 000 (3.40 acres) S18 000170 000 (1.55 acres)
COUNCIL DISTRICT:	District 2 (Jones)



PROPOSAL:

The applicant is requesting CBD approval of the proposed site plans submitted for a proposed combination of parcels totaling 5.45 acres of property located at South College Street, West Cherry Street, and 40 West Cherry 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. The Whitfield Signs building and the existing warehouse located at 40 West Cherry Street will remain zoned LI (Light Industrial).

BACKGROUND:

The applicant is in the process of creating a mixed-use development with offices, retail/commercial space, light industrial uses, and residential lofts. Therefore, the applicant requests CBD approval of the proposed site plan and in order to revise a previously approved site plan dated May 18, 2018, then revised April 10, 2019 for this combination of parcels, which is considered the West District Development (see **Exhibit D—** Proposed Subdivision Plat and **Exhibit E –** previously approved site plan dated May 18, 2018 and revised April 10, 2019).

Specifically of note in **Exhibit D**:

- A. The site plan dated May 18, 2018, which was approved by Council on May 21, 2019 under the zoning map amendment and central business district plan review, **RZ 19-04-04 & CBD 19-04-05**, respectively. Under **CBD 19-06-08**, the applicant has requested the following revisions to the previously approved site plan:
 - (1) A decrease in the size of Parcel #5 by approx. 2,004 sq. ft. from the previously approved site plan.
 - (2) An increase in the size of Parcel #2 by approx. 21 sq. ft. from the previously approved site plan.
 - (3) CBD zoned portions of the West District Development Phase II have now been incorporated into the overall site plan, thus enlarging the total number of acres of the subject site plan.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	LI (Light Industrial)	United States Post Office
SOUTH:	R-8 (Single Family Residential), CR (Commercial Retail)	Single family homes, Professional and Business Offices
EAST:	HOC (Highway Oriented Commercial) & CBD (Central Business District)	Religious Facilities & Vacant Land
WEST	LI (Light Industrial)	Non-profit organization; Municipal, county, state, or federal use

The subject property is located within the CBD (Central Business District). Surrounding properties include the Open Hearts Community Mission, the Whitfield Signs Building, US Post Office, vacant West District lots, single family residential uses, Bulloch County Recycling Center and a recreational area for a nearby religious facility. (See **Exhibit A** –Location Map, **Exhibit C**—Photos of Subject Site).

COMPREHENSIVE PLAN:

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

<u>"Urban Core/Downtown"</u>	
<i>Vision</i>	<i>Suggested Development & Implementation Strategies</i>
<p>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 patterns of buildings along the sidewalk and a lively streetscape should be respected and promoted. Historic buildings should be protected from demolition or inappropriate restoration which can degrade the architectural details of the structures. Additional residential opportunities, especially in the form of lofts or other residential over retail, should be promoted. Street-level uses should be reserved for retail, entertainment, or similar high activity uses.</p>	<ul style="list-style-type: none"> • New developments that contain a mix of residential, commercial and/or community facilities at small enough scale and proximity to encourage walking between destinations. • 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 streetscape. • Redevelop warehouses for major employer/tenant to build critical mass downtown. <p style="text-align: right;"><small><i>Statesboro Comprehensive Master Plan, Community Agenda page 15-16.</i></small></p>

Per Article VIII: Central Business District (CBD), Section 800: Declaration of legislative intent:

"It shall be the purpose of the CBD district to provide for the orderly development of a major business and commerce area of the City of Statesboro in accordance with the objectives, policies and proposals of the future land use plan of the city. The logical and timely development of land for business purposes is herein a stated purpose of this district. The district proposes to permit a uniformity of design to ensure the orderly arrangement of buildings, land uses and parking areas, and all construction hereafter proposed for this area shall be related to this objective. The architectural and design arrangement of buildings are encouraged to conform to the general character and plans of the central business district".

ANALYSIS

- I. **CBD Plan Review (site plan revision): Section 803 states that “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.**

The applicant has submitted for consideration a revised site plan that shows a smaller parcel (78.12' x 64' sq. ft.) in the central portion of the mixed-use development (specifically Parcel #5), where the site plan approved in the City Council decision of May 21, 2019 showed a larger parcel at 103' x 68' Sq. Ft.

Additionally, the applicant has submitted for consideration additional site plan revisions that show a larger parcel (87' x 83' sq. ft.) in the central portion of the mixed-use development and adjacent to the Whitfield Signs Building (specifically Parcel #2), where the site plan approved in the City Council decision of May 21, 2019 showed a smaller parcel at 100' x 72' (See – **Exhibit E** – previously approved site plan dated May 18, 2018 and revised April 10, 2019).

Lastly, the applicant has submitted for consideration a revised site plan that shows additional acreage (2.722 acres) and three new proposed parcels – Parcel #8 consisting of 0.069 acres, Parcel #9 consisting of 0.069 acres, and Parcel #10 consisting of 0.892 acres. Parcel #8 and #9 are zoned CBD (Central Business District). Parcel #10 remained zoned as LI (Light Industrial). The additional acreage and new proposed parcels are considered Phase II of the West District Development. As stated in the letter to the applicant containing the conditions of the approval, any alterations to the approved site plan would require a new recommendation from the Planning Commission and approval from City Council (See **Exhibit H** – Judgment Letter dated May 22, 2019).

Per Article VIII, Section 803, 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.

Although this request is not a zoning map amendment, the following should still be considered in light of the applicant's request – 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, in “**balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.**” Those standards are as follows:

(1) Existing uses and zoning or (of) property nearby

- a. Existing uses and zoning of nearby property varies. **The surrounding lots are zoned LI (Light Industrial), R-8 (Single Family Residential), HOC (Highway Oriented Commercial), CR (Commercial Retail), and Central Business District (CBD)**, and are occupied by residential structures, Whitfield Signs Building, US Post Office, Open Hearts Community Mission, Vacant Land, Bulloch County Recycling Center, and a religious facility's recreational area.

(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 surrounding uses. Please note that staff has not consulted a professional appraiser regarding the impact of the requested zoning map amendment 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.

-
- (4) **The relative gain to the public, as compared to the hardship imposed upon the property owner.**
- a. This request would provide the applicant an opportunity to serve community members while contributing with a mixed-use development as encouraged by the *Statesboro Comprehensive Plan*.
- (5) **The suitability of the subject property for the zoned purposes.**
- (6) **The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
- (7) **The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and**
- a. Impacts on local traffic patterns should be considered.
- b. Positive impact on the existing and future land use patterns as the proposed use is compatible with the surrounding area as well as consistent with the 2014 Future Development Map and *Statesboro Comprehensive Plan*.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
- a. Use of the property as a mixed-use development is consistent with the vision and guiding principles of the “Urban Core/Downtown” character area as articulated within the *Statesboro Comprehensive Plan* which promotes mixed-use development.

RECOMMENDATION

Staff recommends approval of the zoning map amendment requested by **CBD 19-06-08** with the following condition(s):

- (1) Staff approval of CBD site plan/subdivision plat dated June 13, 2019.
- (2) CBD plan approval does not grant site and/or building plan approval as submitted. Project(s) will be required to meet all City Ordinances and applicable building codes.

ATTACHMENTS: Exhibit A (Location Map), Exhibit B (Future Development Map) Exhibit C (Photos of Subject Site), Exhibit D (Proposed Subdivision Plat), Exhibit E (Previously approved site plan dated May 18, 2018 and revised April 10, 2019), Exhibit F (Previously approved site plan dated January 23, 2018), Exhibit G (Previously approved site plan dated August 11, 2017), Exhibit H (RZ 19-04-04 & CBD 19-04-05 Judgment Letter dated May 22, 2019).

EXHIBIT A: LOCATION MAP

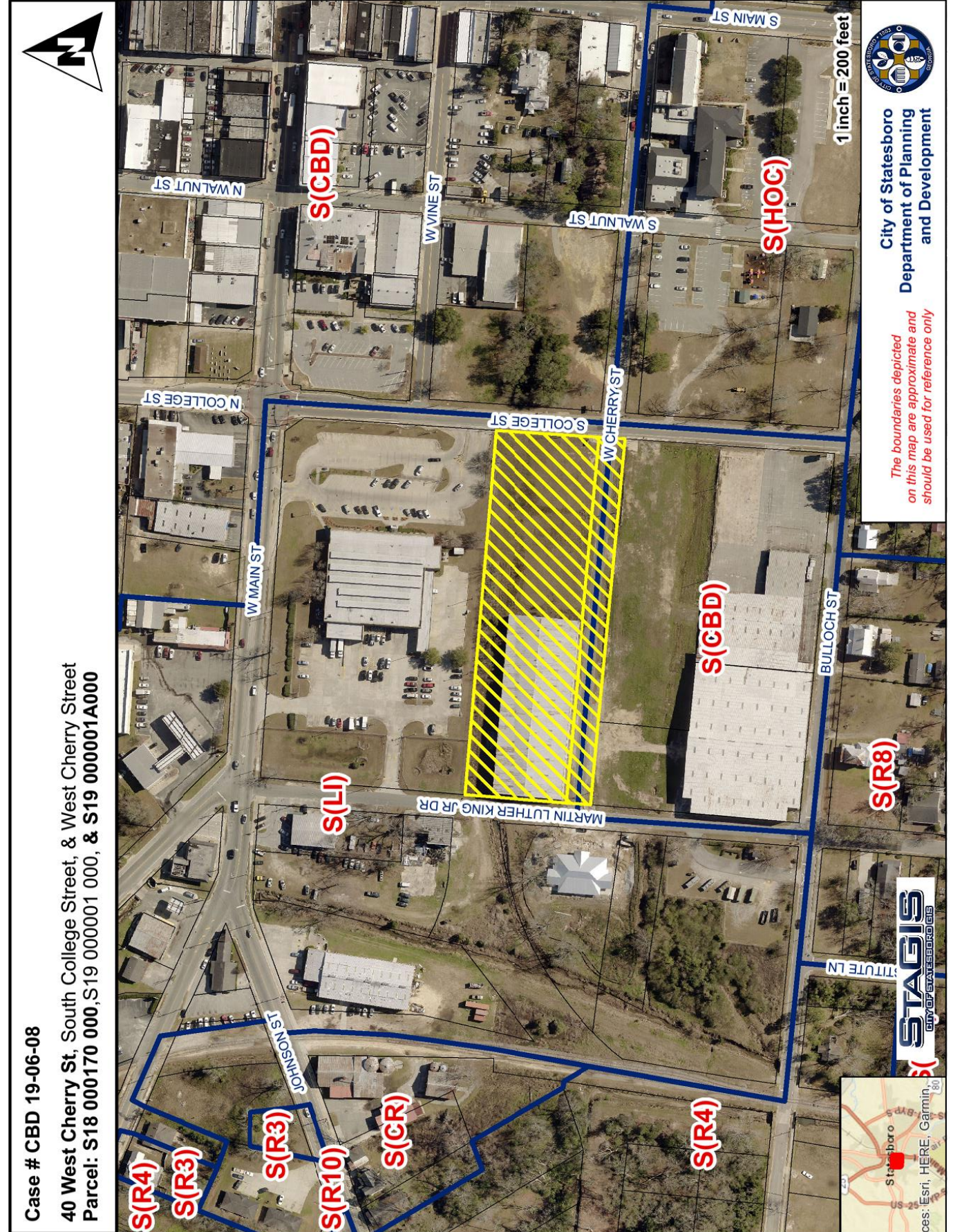


EXHIBIT B: FUTURE DEVELOPMENT MAP

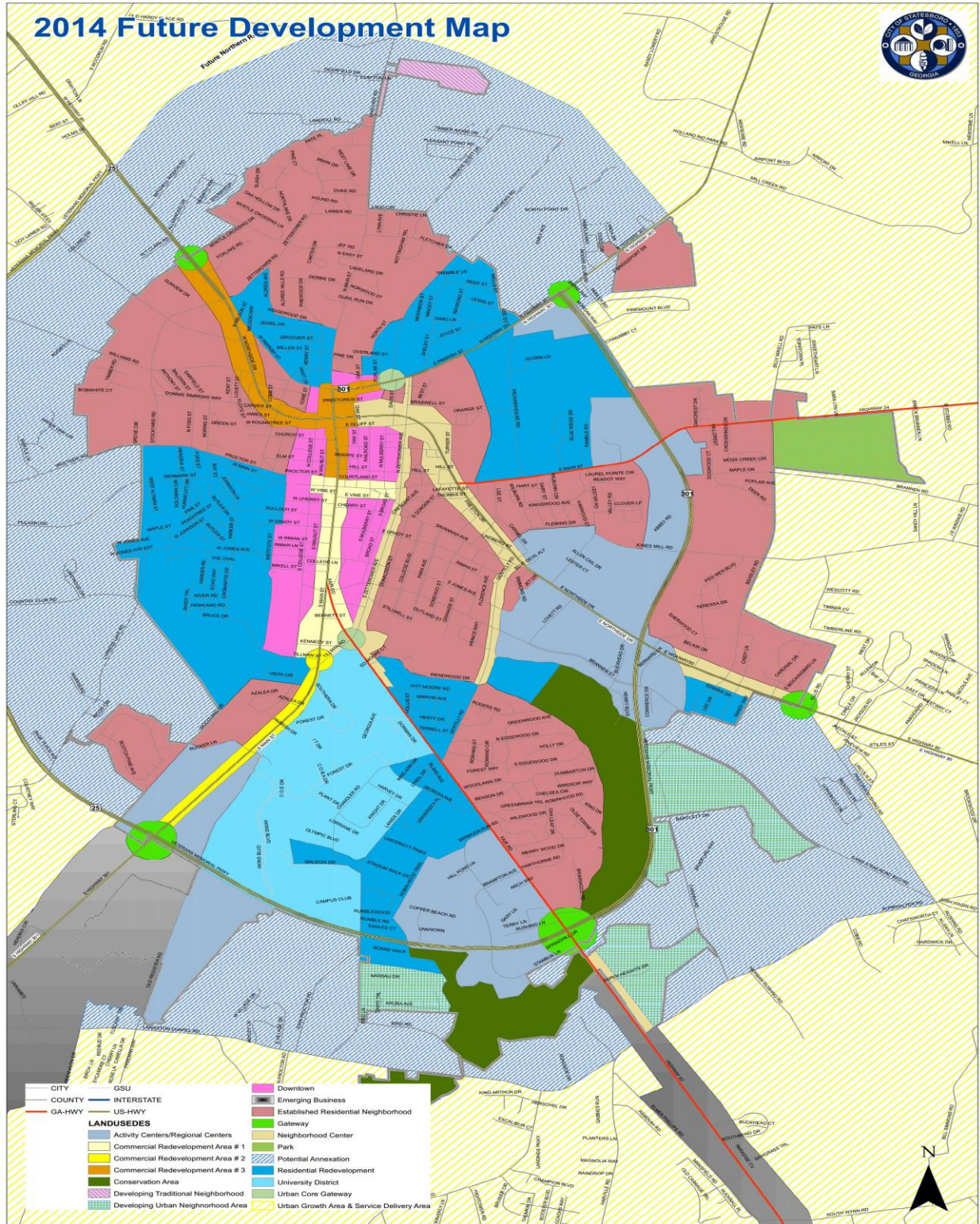


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site and zoning map amendment **CBD 19-06-08**, looking west from South College St.



Picture 2: View of the subject site and recently abandoned Public ROW, West Cherry Street, looking west from South College Street.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (CONT'D)

Picture 3: Panoramic view of the West District Development site and Whitfield Signs Building, looking north from South College Street.



Picture 4: View of the West District Development site and Whitfield Signs Building, looking west from South College Street.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (CONT'D)

Picture 5: View of the adjacent property, looking south from the West District Development and subject site, currently the US Post Office.



Picture 6: View of the surrounding properties, looking south from the West District Development and subject site.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (CONT'D)

Picture 7: View of the surrounding properties, looking northwest from the West District Development and subject site.



Picture 8: View of the proposed development site and location of site plan requesting approval under **CBD 19-06-08**, looking southwest from the boundary of the West District Development and subject site.



EXHIBIT D: PROPOSED SITE PLAN/SUBDIVISION PLAT (DATED JUNE 13, 2019) CBD 19-06-08 Highlighted

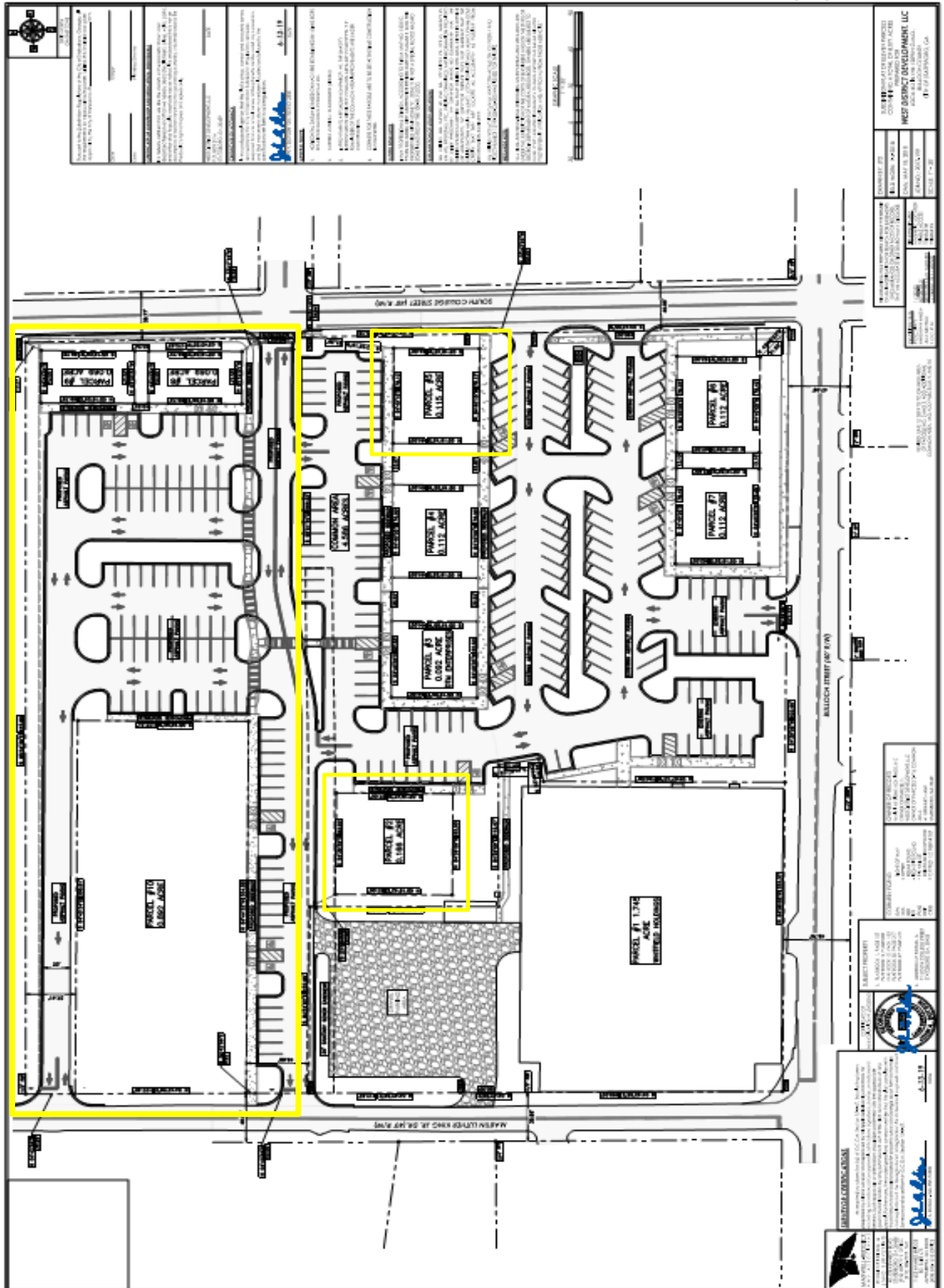
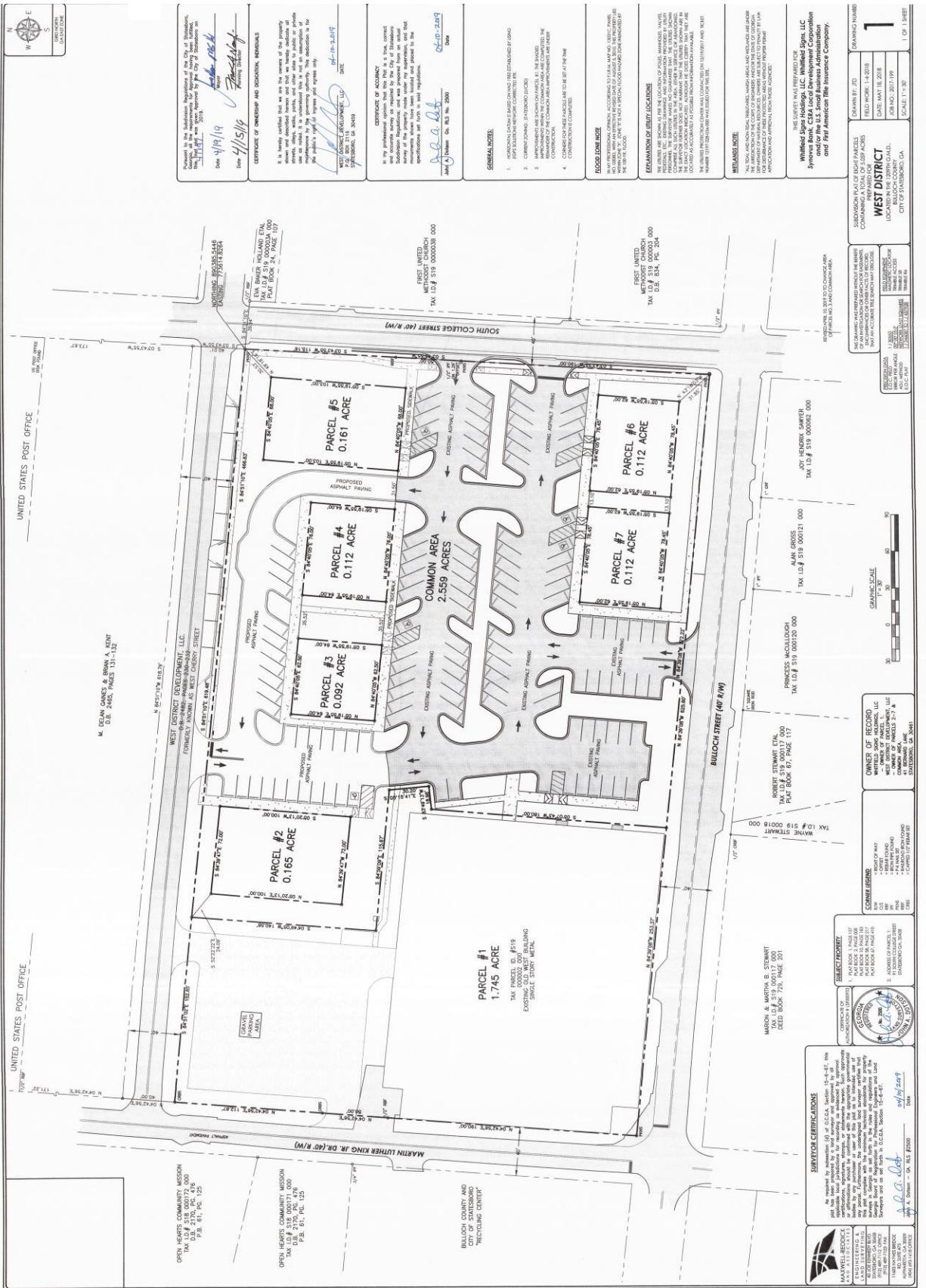


EXHIBIT E: PREVIOUSLY APPROVED SITE PLAN UNDER RZ 19-04-04 (Dated May 18, 2018, then revised April 10, 2019)



Development Services Report
Case **CBD 19-06-08**

Prepared by the Marietta, Georgia, Office of the City Engineer, Georgia Department of Transportation, for the West District Development, LLC, on 4/10/19. The City Engineer's Office is not responsible for the accuracy of the information provided by the applicant.

Date: 4/10/19
Drawn: J. D. Smith, P.E.
Checked: J. D. Smith, P.E.

CERTIFICATE OF ADOPTION AND RECORDATION
I, the undersigned, being duly sworn, do hereby certify that the above described plat has been adopted and recorded in accordance with the provisions of the Georgia Code, and that the same is a true and correct copy of the original as filed with me.

City Engineer
J. D. Smith, P.E.
Marietta, Georgia

CERTIFICATE OF ADOPTION
I, the undersigned, being duly sworn, do hereby certify that the above described plat has been adopted and recorded in accordance with the provisions of the Georgia Code, and that the same is a true and correct copy of the original as filed with me.

City Engineer
J. D. Smith, P.E.
Marietta, Georgia

CERTIFICATE OF ADOPTION
I, the undersigned, being duly sworn, do hereby certify that the above described plat has been adopted and recorded in accordance with the provisions of the Georgia Code, and that the same is a true and correct copy of the original as filed with me.

City Engineer
J. D. Smith, P.E.
Marietta, Georgia

GENERAL NOTES

- HORIZONTAL CURVES BASED ON 1000' RADIUS UNLESS OTHERWISE NOTED.
- VERTICAL CURVES BASED ON 100' RADIUS UNLESS OTHERWISE NOTED.
- CONNECTIONS TO EXISTING UTILITIES TO BE MADE AT THE PROPERTY OWNER'S EXPENSE.
- CONNECTIONS TO EXISTING UTILITIES TO BE MADE AT THE PROPERTY OWNER'S EXPENSE.

FLOOD EVIDENCE
NO FLOOD EVIDENCE HAS BEEN OBSERVED AT THIS LOCATION. THE PROPERTY OWNER IS ADVISED THAT FLOODING IS POSSIBLE IN THIS AREA AND THAT THE PROPERTY OWNER SHOULD CONSULT WITH THE LOCAL FLOOD CONTROL AGENCY FOR FURTHER INFORMATION.

EXAMINATION OF TITLE LOCATIONS
THE TITLE LOCATIONS SHOWN ON THIS PLAN HAVE BEEN EXAMINED AND FOUND TO BE CORRECT. THE PROPERTY OWNER IS ADVISED THAT THE TITLE LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO CHANGE WITHOUT NOTICE AND THAT THE PROPERTY OWNER SHOULD CONSULT WITH THE LOCAL TITLE COMPANY FOR FURTHER INFORMATION.

UTILITIES NOTES
ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE MOST RECENT RECORD DRAWINGS AVAILABLE. THE PROPERTY OWNER IS ADVISED THAT UTILITIES MAY BE LOCATED AT OTHER DEPTHS AND THAT THE PROPERTY OWNER SHOULD CONSULT WITH THE LOCAL UTILITIES COMPANY FOR FURTHER INFORMATION.

THIS REPORT WAS PREPARED FOR:
West District Development, LLC
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309

Prepared by:
J. D. Smith, P.E.
City Engineer
Marietta, Georgia

DATE: 4/10/19

DRAWING NUMBER: WEST DISTRICT DEVELOPMENT, LLC
DATE: MAY 18, 2018
JOB NO.: 2017-199
SCALE: 1" = 30'

SUBDIVISION PLAN OF SEVEN PARCELS
CONTRIBUTING TO THE WEST DISTRICT
LOCAL BULLOCH COUNTY, GA.
CITY OF MARIETTA, GA.

OWNER OF RECORD:
WEST DISTRICT DEVELOPMENT, LLC
1000 PEACHTREE STREET, N.E.
ATLANTA, GEORGIA 30309

CONTRIBUTOR:
WEST DISTRICT DEVELOPMENT, LLC
1000 PEACHTREE STREET, N.E.
ATLANTA, GEORGIA 30309

PREPARED BY:
J. D. Smith, P.E.
City Engineer
Marietta, Georgia

DATE: 4/10/19

DRAWING NUMBER: WEST DISTRICT DEVELOPMENT, LLC
DATE: MAY 18, 2018
JOB NO.: 2017-199
SCALE: 1" = 30'

EXHIBIT F: PREVIOUSLY APPROVED SITE PLAN (Dated January 23, 2018)

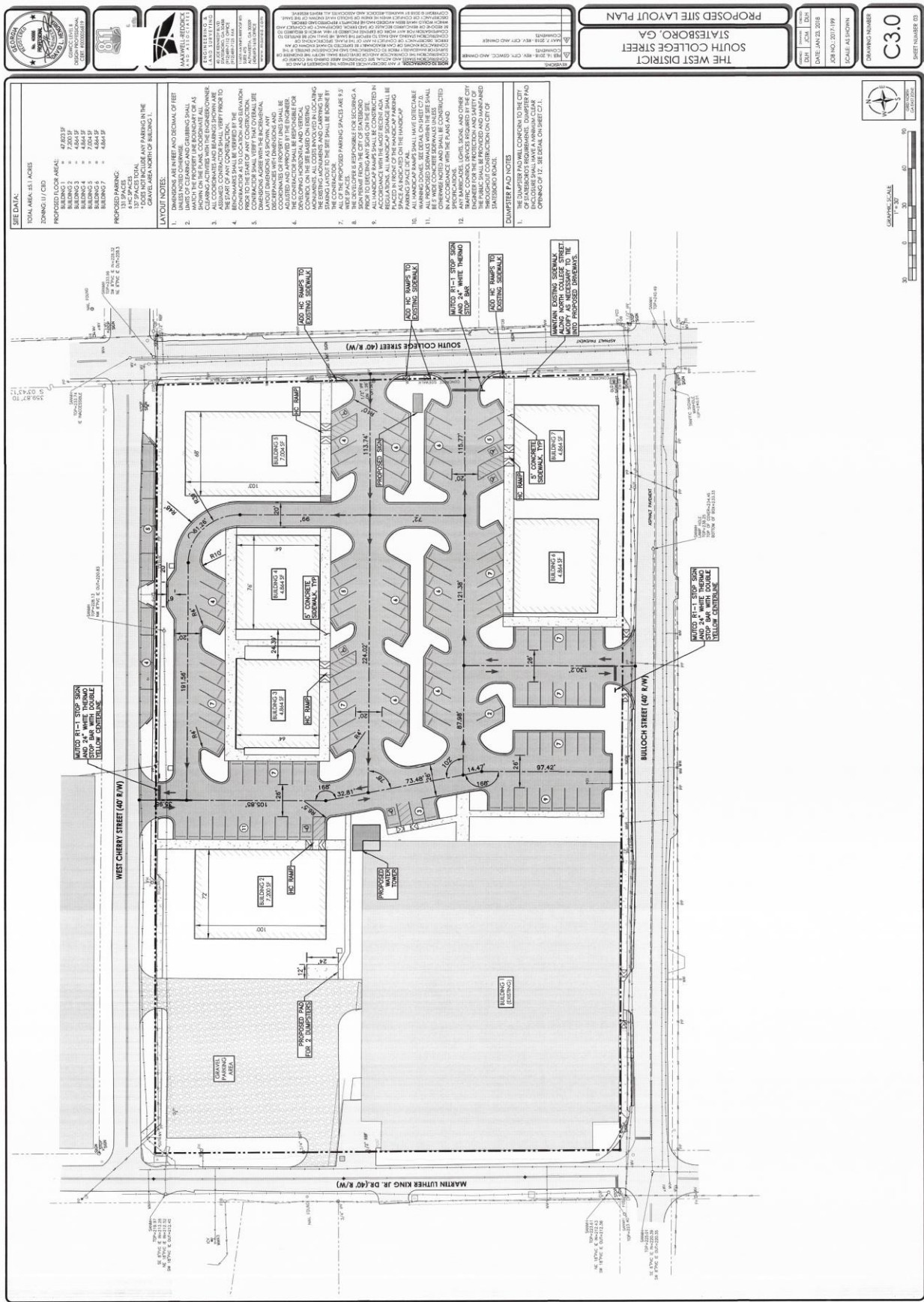


EXHIBIT G: PREVIOUSLY APPROVED SITE PLAN UNDER RZ 18-01-08 (Dated August 11, 2017)



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
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

May 22, 2019

Brian Kent
BAK Builders, LLC
P.O. Box #2115
Statesboro, GA 30459

RE: **APPLICATION # RZ 19-04-04, APPLICATION # CBD 19-04-05: ZONING MAP AMENDMENT REQUEST & CBD PLAN REVIEW (87 SOUTH COLLEGE ST)**

Dear Mr. Kent:

At its regularly scheduled meeting, held Tuesday, May 21, 2019 at 5:30 PM, the Statesboro City Council **approved** the following requests with conditions:

APPLICATION RZ 19-04-04: West District Development, LLC requests a zoning map amendment in order to revise a previously approved site plan for a combination of parcels, dated August 11, 2017, and revised dated January 23, 2018, addressed 91 South College Street and South College Street (Tax Parcels S19 000002 000 & S19 000001 000).

APPLICATION CBD 19-04-05: West District Development, LLC requests approval of the proposed architectural plans submitted for 0.112 acres of property located 87 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 Parcels S19 000002 000).

Conditions:

1. Staff approval of the CBD site plan dated April 10, 2019.
2. Approval of this zoning map amendment does not grant site and/or building plan approval as submitted. Project(s) will be required to meet all City Ordinances and applicable building codes.
3. Staff approval of the architectural plans and elevations dated May 1, 2019.
4. As shown on the revised architectural plans dated May 1, 2019, all exterior metal clad windows will be required to adhere to a grid design (two over two vertical style). The aluminum window with wood veneer will not need to meet the design requirements of the other windows.

EXHIBIT H: APPLICANT JUDGMENT LETTER (Dated May 22, 2019) CONTINUED



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

Please be advised that the approval of amendment to the CBD permits the use of the property pursuant to the CBD (Central Business District) zoning district regulations found in the *Statesboro Zoning Ordinance*. Any development of the property must first be properly reviewed and permitted by the City of Statesboro.

CBD plan approval requested in the application does not confer right to develop the site in a manner that may ultimately conflict with other provisions of the *Statesboro Zoning Ordinance* or other applicable chapters of City code. Additionally, all color selections, building materials, roofing materials, etc. must be submitted and approved prior to the issuance of a building permit, per Article XXX of the *Statesboro Zoning Ordinance*.

Should you have any questions, please do not hesitate to contact me at 912-764-0630 or by email at owen.dundee@statesboroga.gov.

Sincerely,

Owen D. Dundee

Owen Dundee
City Planner II

cc: Planning Commission Members via email
Frank Neal, Interim Assistant City Manager via email
Justin Williams, City Planner I via email
Jason Boyles, Interim Assistant City Manager via email
Justin Daniel, GIS Technician via email
Tim Grams, Fire Chief via email
Marcos Trejo, Interim City Engineer via email



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)

RZ 19-06-09
ZONING MAP AMENDMENT REQUEST
7130 VETERANS MEMORIAL PARKWAY

LOCATION:	7130 Veterans Memorial Parkway	<div style="font-size: small;">Case # RZ19-06-09 7130 Veterans Memorials Parkway Parcel: MS42000007 000</div>
REQUEST:	Zoning map amendment from CR (Commercial Retail) to HOC (Highway Oriented Commercial).	
APPLICANT:	Continental Road, LLC	
OWNER(S):	Continental Road, LLC	
ACRES:	4.74 +/- acres, a portion of a larger 33.35 acre tract	
PARCEL TAX MAP #:	MS42 000007 000	
COUNCIL DISTRICT:	District 2 (Jones) - Projected	

PROPOSAL:

The applicant requests a zoning map amendment from the CR (Commercial Retail) zoning district to the HOC (Highway Oriented Commercial) zoning district in order to allow for the construction of an automotive dealership, which is not an allowed use in the existing zoning designation. **See Exhibit D** – Proposed Zoning Exhibit dated June 6, 2019.

BACKGROUND:

The parcel is currently undeveloped land. In April 2019, the City previously received an annexation and zoning map amendment application (AN 19-04-02 & RZ 19-04-03) to annex and rezone 33.35+/- acres; 20.33+/- acres was proposed to be zoned CR (Commercial Retail) District, 10.31+/- acres to be zoned R-4 (High Density Residential), and the remaining 2.76 acres proposed to be public right-of-way area. In May 2019, the city approved the annexation and zoning map amendment request under Ordinance #2019-07. **See Exhibit E** – Previously Approved Annexation and Zoning Exhibit dated April 2, 2019.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail)	Vacant/undeveloped land (proposed Lot #7)
SOUTH:	HC (Highway Commercial – Bulloch County)	Vacant/undeveloped land
WEST:	CR (Commercial Retail)	Vacant/undeveloped land (proposed Lot #1 and the Stormwater Mgmt Area)
EAST:	HOC (Highway Oriented Commercial) & CR (Commercial Retail)	JC Lewis Ford Lincoln of Statesboro and vacant/undeveloped land (proposed lot #4 and #5)

The subject property is located within the CR (Commercial Retail) district, has significant frontage on Veterans Memorial Parkway, and lies adjacent to several proposed undeveloped lots. Surrounding parcels include vacant/undeveloped land and the JC Lewis Lincoln Dealership (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), Exhibit D (Zoning Exhibit), Exhibit E (Previously approved zoning exhibit)

COMPREHENSIVE PLAN:

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

<u>“Potential Annexation”</u>	
Narrative:	The future annexation area illustrated on the map located southeast of the city is currently a “Capital Cost Recovery Area.” This allows the City to provide water and sewer infrastructure and indicates the County will support future annexation this area subject to the adopted intergovernmental agreement. It is anticipated that additional annexations within this area will occur in the coming years.
General Strategies:	<p>The City and County should continue to review and amend their intergovernmental agreements to include clear direction of the type of development intended, identification of major thoroughfares, and adoption of policies and/or ordinance amendments needed to address design features, especially as related to facilities such as the S&S Greenway. It is anticipated that the City of Statesboro will annex additional properties within the timeframe addressed by this plan. This plan recommends the establishment of an annexation policy which would guide these decisions based upon pre-determined criteria and requirements. A component of the annexation policy should be to identify the appropriate character area for the newly annexed property. Generally, the proposed character area should be consistent with the character area of the adjacent properties. However, this should be determined on an individual basis per annexation and viewed in light of how the annexation will impact the character of the City as a whole.</p> <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Future Development Map & Narrative, page 10.</i></p>

The subject area is also adjacent to the “Activity Centers/Regional Centers” character area.

<u>“Activity Centers/Regional Centers”</u>	
<p>Vision:</p> <p>Currently dominated by auto-oriented design and large surface parking lots, the Activity Centers will evolve into pedestrian-oriented shopping, office, and entertainment places that may also accommodate high-density residential development. Where excess parking is located, infill development can break up large surface lots. Tree plantings and landscaping will be generous to soften the development intensity in these areas. Access to these activity centers will be easily achieved for pedestrians, cyclists, and drivers alike.</p>	<p>Suggested Development & Implementation Strategy:</p> <ul style="list-style-type: none"> • Appropriate land uses include: (1) Small, mid-size, and regional retail and commercial, including big box stores; (2) Entertainment; (3) Employment Centers. • Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Future, page 25-26</i></p>

Per the 2014 update to the *City of Statesboro Comprehensive Master Plan* and the *Future Development Map Narrative*:

“Mixed use is listed as a preferred development strategy. True mixed use developments place a high priority on scale and design to create places which encourage pedestrian activity through relationships between buildings, interesting streetscapes, and appropriate treatment of parking. Simply placing one use next to another does not constitute mixed use. The components must be evaluated in context with their surroundings for mixed use to be successful”.

Statesboro Comprehensive Master Plan, Future Development Map & Narrative, page 10.

ANALYSIS

TRANSPORTATION:

The subject property's frontage is located entirely along Veterans Memorial Parkway. A review of the *Bulloch County/Statesboro 2035 Long Range Transportation Plan (LRTP)* suggests no expected capacity deficiencies on Veterans Memorial Parkway.

COMMUNITY FACILITIES:

The subject site does not currently have City water and sewer utilities located nearby. However, the developer will be required to sign a water/sewer agreement with the City of Statesboro prior to receiving those utility connections and/or extensions. No significant impacts are expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

Per Bulloch County GIS and the applicant, the subject property does contain wetlands, but it should not impact this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ZONING CONSIDERATIONS:

Whether or not to grant a zoning map amendment from the CR (Commercial Retail) zoning district to the HOC (Highway Oriented Commercial) zoning district.

The request should be considered in light of:

- the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*
- the vision and community policies articulated within the 2014 update to the *City of Statesboro Comprehensive Master Plan*
- the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*
- the potential for the property to develop and be utilized in conformance with the requirements of the proposed HOC (Highway Oriented Commercial) district as set forth in the *Statesboro Zoning Ordinance*.

Current Zoning	Requested Zoning
The CR (Commercial Retail) district allows for any use specifically permitted in a CBD district as well as health care facilities, to include hospitals and nursing homes. However, automotive sales and services are not listed as permissible uses allowed by right in the CR district. Those uses are explicitly permitted in the HOC district.	The HOC (Highway Oriented Commercial) district allows for automotive sales and services, new/used car and truck sales, automotive parts and accessories, which are the applicant's intended uses for the subject property.

STANDARDS: ZONING MAP AMENDMENT

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, in "**balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.**" Those standards are as follows:

(1) Existing uses and zoning or (of) property nearby

- a. Existing uses and zoning of property nearby varies. **The surrounding lots are zoned HI (Heavy Industrial – Bulloch County), HC (Highway Commercial – Bulloch County), R-25 (Single Family Residential – Bulloch County), R-80 (Single Family Residential – Bulloch County), HOC (Highway Oriented Commercial), CR (Commercial Retail), R-4 (High Density Residential), and R-10 (Single Family Residential),** and are occupied by a single family residential subdivision, an apartment community, commercial retail stores, JC Lewis Lincoln Ford Dealership, Railroad ROW, and undeveloped/vacant land.

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

- a. Staff has not consulted a professional appraiser regarding the impact of the requested zoning map amendment on the 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.

(4) The relative gain to the public, as compared to the hardship imposed upon the property owner.

- a. The subject site is currently zoned CR (Commercial Retail). Per Article X, Section 1001, this parcel can be occupied by any use specifically permitted in a CBD district, healthcare facilities, hospitals, and nursing homes. Under the proposed HOC zoning, the applicant would be able to construct an automotive dealership, which is the intended use of the proposed 4.74 +/- acre development site. There is very minimal relative gain to the public under this zoning map amendment request. The current zoning of the subject property was a self-imposed hardship by the applicant as they just recently requested the present zoning and council approved the CR zoning designation in May 2019.

(5) The suitability of the subject property for the zoned purposes.

- a. There is no indication that the subject property is not suitable for the requesting zoning.

(6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.

- a. In May 2019, the property was annexed into the city limits and re-zoned to R-4 (High Density Residential) and CR (Commercial Retail). The property has been vacant for approximately 10 years. Recently the property owners have started clearing the site for future development. Also, the subject site is surrounded by recently developed properties.

(7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and

- a. Impacts on local traffic should be considered.
- b. It should be noted that the applicant has incurred great expense to redevelop a brownfield site, which has been blight in our community for a lengthy period of time.

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

- a. Use of the property as commercial retail and high density residential is consistent with the vision and guiding principles of the "Emerging Business" character area as articulated within the *Statesboro Comprehensive Plan*, which promotes office and business development opportunities. However, the applicant should plan for transitions from the Highway Oriented Commercial use to the Commercial Retail and High Density Residential uses. Such transitions can frequently be accommodated with careful attention to the building and site layout in order to maintain continuity in the streetscape and overall community character.

RECOMMENDATION:

Staff recommends approval of the zoning map amendment requested by application **RZ 19-06-09** with the following conditions:

- (a) Staff approval based on Zoning Exhibit dated June 6, 2019.
- (b) Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from unreasonable direct glare or hazardous interference of any kind.
- (c) All signage shall adhere to Sign District #3 and the Restrictive Covenants of the Mixed-Use Subdivision.
- (d) Approval of this zoning map amendment does not grant site and/or building plan approval as submitted. Project(s) will be required to meet all City Ordinances and applicable building code

EXHIBIT A: LOCATION MAP

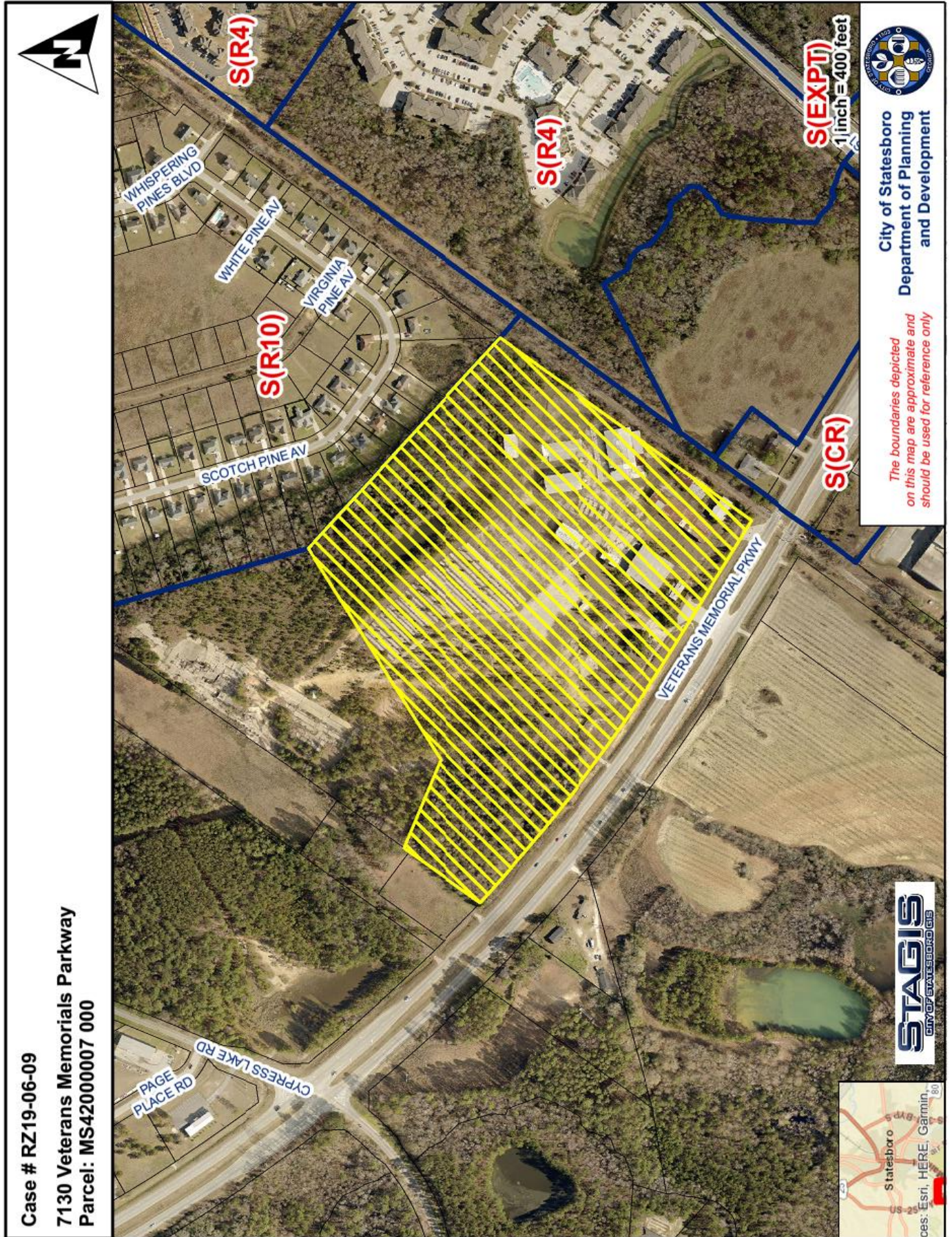


EXHIBIT B: FUTURE DEVELOPMENT MAP

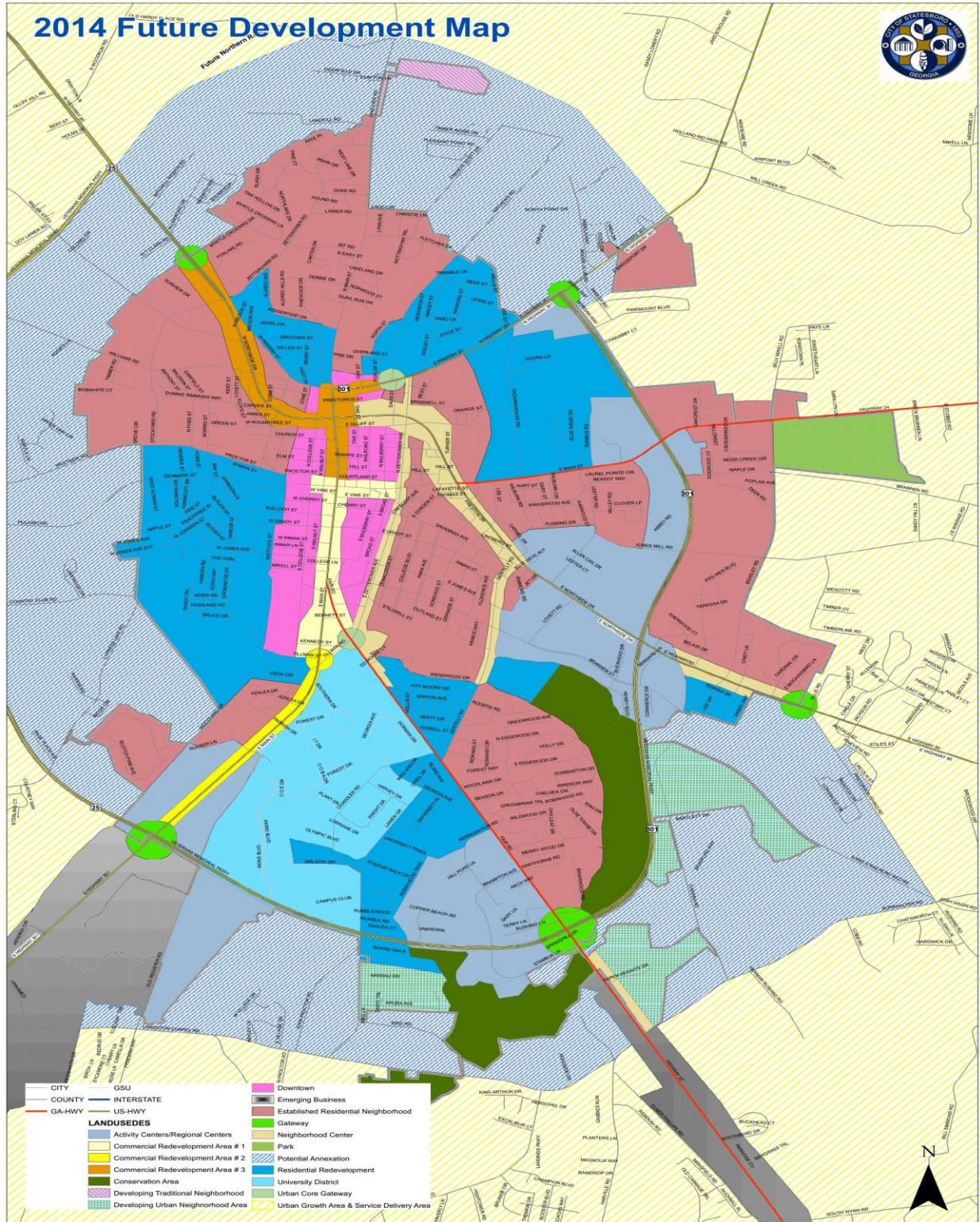


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject property and **RZ 19-06-09**, looking north from Veterans Memorial Parkway.



Picture 2: Looking north from the subject site, a view of the property to the north of the subject site and proposed location of Lot #7.



Picture 3: Looking north from Veterans Memorial Parkway, a view of the property to the east of the subject site and proposed location of Lot #4 and Lot #5.



Picture 4: Looking north from Veterans Memorial Parkway, a view of the property to the west of the subject site and proposed location of the Stormwater Management Area and Lot #1.



Picture 5: Looking south from the subject site, currently vacant/undeveloped land.



Picture 6: Looking southwest from the subject site, currently commercial retail – Family Dollar Store, Advanced Autoparts, and other commercial retail uses.



Picture 7: View of the surrounding properties to the east of the subject site, currently JC Lewis Ford Dealership.



EXHIBIT D: Proposed Zoning Exhibit (dated June 6, 2019)

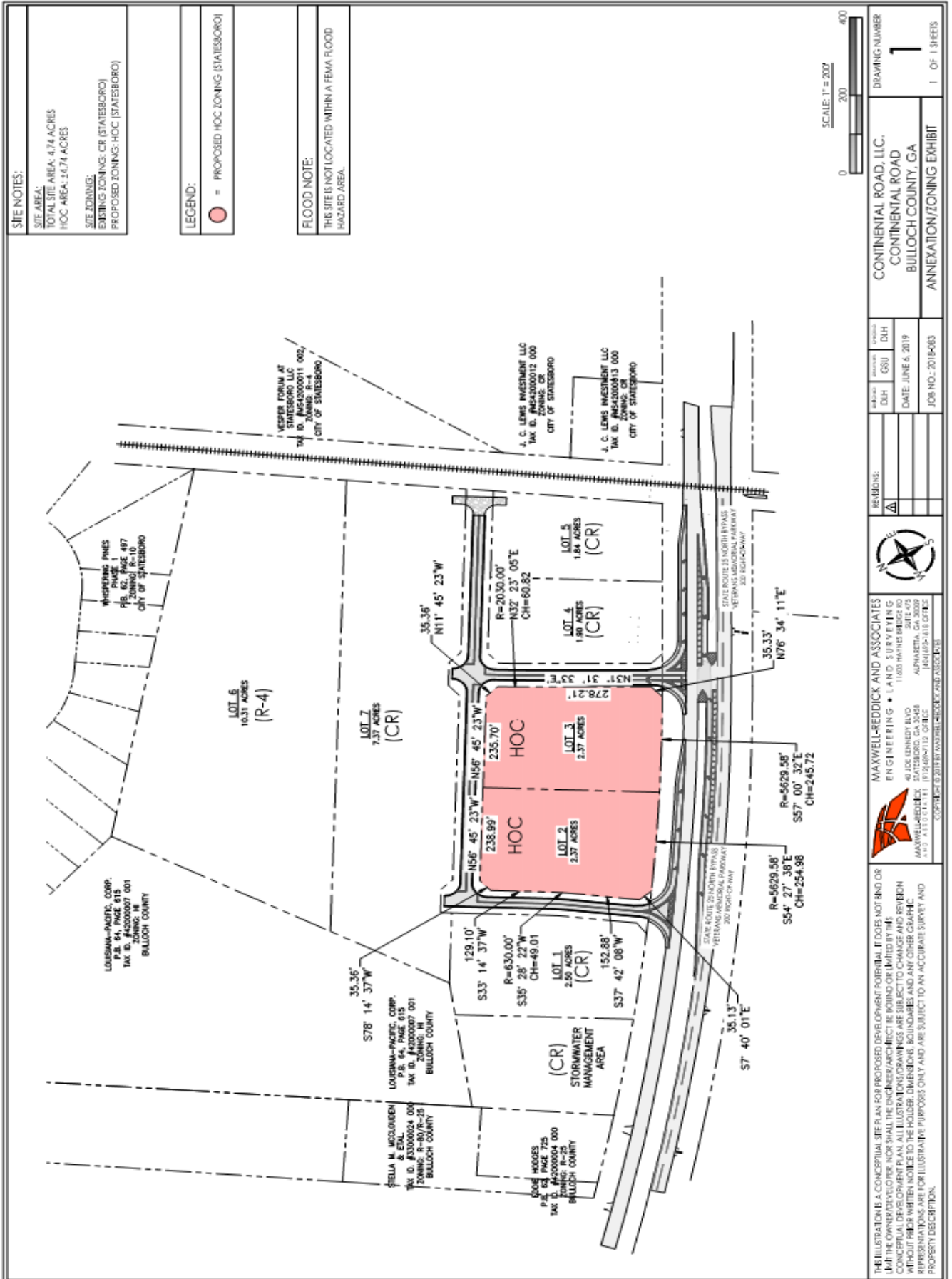
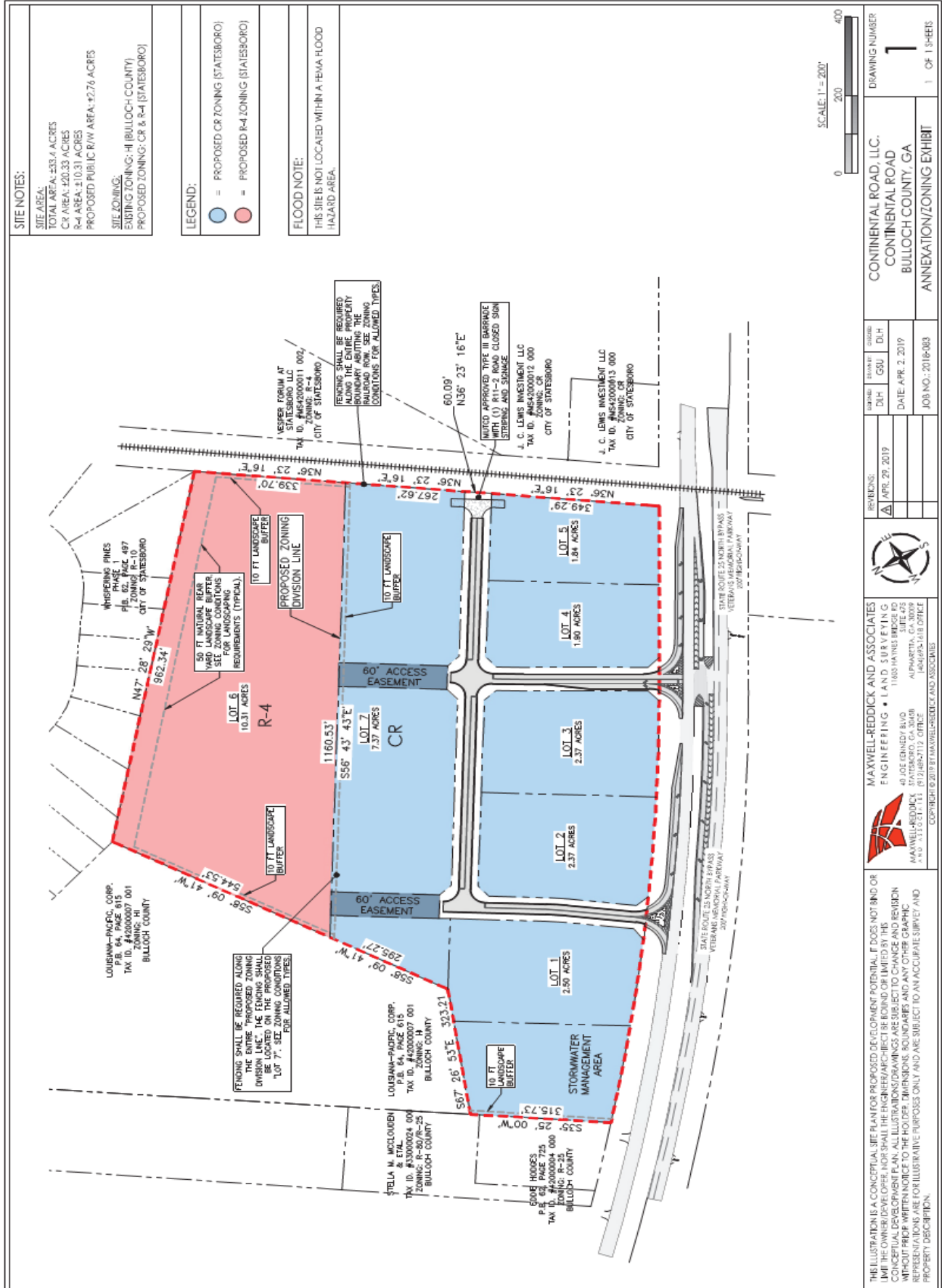


Exhibit E: Previously Approved Zoning Exhibit (under AN 19-04-02 & RZ 19-04-03) dated April 29, 2019



<p>CONTINENTAL ROAD, LLC. CONTINENTAL ROAD BULLOCH COUNTY, GA ANNEXATION/ZONING EXHIBIT</p>		<p>DRAWING NUMBER 1 OF 1 SHEETS</p>
<p>DATE: APR. 29, 2019</p>	<p>DATE: APR. 2, 2019</p>	<p>JOB NO.: 2018-083</p>
<p>MAXWELL-REDDICK AND ASSOCIATES ENGINEERING • LAND SURVEYING 40 JOE GIBNEY BLVD ALPHARETTA, GA 30009 404.993.1111 (F) 770.887.1712 (O) 404.993.1111 (C) Copyright © 2019 by Maxwell-Reddick and Associates</p>		
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