



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

October 2, 2018

5:00 P.M.

City Hall Council Chamber

Meeting Agenda

I. Call to Order

II. Invocation & Pledge of Allegiance

III. Approval of Minutes

1. September 4, 2018 Meeting Minutes

IV. New Business

1. **APPLICATION CBD 18-09-01**: Justin Peay requests approval of the proposed architectural plans submitted for 0.03 acres of property located at 19 Courtland Street, which is located in the Central Business District (CBD). Per Article VIII, Section 803, development in the CBD zoning district requires a recommendation from City Council to affirm that the plans will keep in mind the integrity and harmony of the Central Business District (Tax Parcel S28 000023 000).
2. **APPLICATION V 18-09-02**: Ogburn Realty, Inc. requests a variance from Article X, Section 1003(H) to reduce the required rear yard setback in order to construct an auto parts store on 1 acre of property located at 1044 South Main Street (Tax Parcel MS43 000018 000).
3. **APPLICATION RZ 18-09-03**: Bethany Assisted Living, Inc. requests a zoning map amendment of 26.477 acres, a portion of a larger 39.86 acre tract located at 77 Bethany Way from PUD (Planned Unit Development) to the R-4 (High Density Residential) zoning district in order to develop residential duplex, triplex, and/or single family attached dwelling units (Tax Parcel MS40 000074 000).
4. **APPLICATION RZ 18-09-04**: JGR Development, LLC requests a zoning map amendment of 138.06 acres, a portion of a larger 225.45 acre tract located at 2457 Old Register Road from R-40 (Single Family Residential) to the PUD (Planned Unit Development) zoning district in order to develop the property as mixed use, commercial, office, and residential (Tax Parcel 076 000001 000).
5. **APPLICATION RZ 18-09-05**: JGR Development, LLC requests a zoning map amendment of 19.23 acres, a portion of a larger 19.52 acre tract located at 2802 Old Register Road from PUD/CR (Planned Unit Development/Commercial Retail) to the PUD (Planned Unit

Development) zoning district in order to develop a soccer stadium complex (Tax Parcel 076 000001 002).

6. **APPLICATION V 18-09-07:** Robert Forrest (Stonewalk Companies) requests a variance from Article XIV, Section 1402 to reduce the minimum lot size requirements for property to be considered for the PUD (Planned Unit Development) zoning district in order to develop mixed use student housing on 2.994 acres of property for a combination of parcels addressed 108 Georgia Avenue, Georgia Avenue, 15 University Plaza Avenue, 1 University Place, 8 University Place, and 6 University Plaza (Tax Parcel(s) MS61 000056 000, MS61 000058 000, MS61 000052 B000, MS61 000052 A000, MS61 000055 A000, MS61 000052 000).
7. **APPLICATION RZ 18-09-06:** Robert Forrest (Stonewalk Companies) requests a zoning map amendment of 2.994 acres located at University Plaza from the CR (Commercial Retail) to the PUD (Planned Unit Development) zoning district in order to develop mixed use student housing for a combination or parcels addressed 108 Georgia Avenue, Georgia Avenue, 15 University Plaza Avenue, 1 University Place, 8 University Place, and 6 University Plaza (Tax Parcel(s) MS61 000056 000, MS61 000058 000, MS61 000052 B000, MS61 000052 A000, MS61 000055 A000, MS61 000052 000).
8. **APPLICATION V 18-09-08:** Robert Forrest (Stonewalk Companies) requests a variance from Article XVI, Section 1600 to reduce the minimum parking requirements in order to develop mixed use student housing on 2.994 acres of property for a combination of parcels addressed 108 Georgia Avenue, Georgia Avenue, 15 University Plaza Avenue, 1 University Place, 8 University Place, and 6 University Plaza (Tax Parcel(s) MS61 000056 000, MS61 000058 000, MS61 000052 B000, MS61 000052 A000, MS61 000055 A000, MS61 000052 000).
9. **APPLICATION V 18-09-09:** Robert Forrest (Stonewalk Companies) requests a variance from Article X, Section 1002 to increase the allowable building height in order to develop mixed use student housing on 2.994 acres of property for a combination of parcels addressed 108 Georgia Avenue, Georgia Avenue, 15 University Plaza Avenue, 1 University Place, 8 University Place, and 6 University Plaza (Tax Parcel(s) MS61 000056 000, MS61 000058 000, MS61 000052 B000, MS61 000052 A000, MS61 000055 A000, MS61 000052 000).
10. **APPLICATION V 18-09-10:** Bobby Wilcox (Wilcox Sign Company) requests a variance from Article XV, Section 1509 to exceed the freestanding sign height limit of 8 feet, in order to place a 8.75 foot sign at 6922 Veterans Memorial Parkway(Tax Parcel MS42000012 000).
11. **APPLICATION V 18-09-11:** Bobby Wilcox (Wilcox Sign Company) requests a variance from Article XV, Section 1509 to exceed the freestanding sign height limit of 8 feet, in order to place a 36.708 foot sign at 6922 Veterans Memorial Parkway (Tax Parcel MS42000012 000).
12. **APPLICATION V 18-09-12:** Bobby Wilcox (Wilcox Sign Company) requests a variance from Article XV, Section 1509 to exceed the freestanding sign square footage allowance of 120 square feet in order to place 2 signs totaling 239.507 square feet at 6922 Veterans Memorial Parkway (Tax Parcel MS42000012 000).

13. **APPLICATION V 18-09-13:** Bobby Wilcox (Wilcox Sign Company) requests a variance from Article XV, Section 1509 to exceed the wall sign square footage allowance of 200 square feet in order to place signs totaling 330.746 square feet at 6922 Veterans Memorial Parkway (Tax Parcel MS24000012 000).
14. **APPLICATION V 18-09-14:** Bobby Wilcox (Wilcox Sign Company) requests a variance from Article XV, Section 1509 to exceed the wall sign limit per elevation to place four (4) wall signs on one elevation at 6922 Veterans Memorial Parkway (Tax Parcel MS24000012 000).
15. **APPLICATION V 18-09-15:** Bobby Wilcox (Wilcox Sign Company) requests a variance from Article XV, Section 1509 to exceed the aggregate square footage allowance of 300 square feet in order to place signage totaling 570.253 square feet at 6922 Veterans Memorial Parkway (Tax Parcel MS24000012 000).
16. **APPLICATION CUV 18-09-16:** Journey to Sober Living, LLC requests a conditional use variance from Article V of the Statesboro Zoning Ordinance for 0.55 acres of property located at 24 Carmel Drive to utilize the property as a community living arrangement facility (Tax Parcel S59 000083 000).
17. **APPLICATION CUV 18-09-17:** Journey to Sober Living, LLC requests a conditional use variance from Article V of the Statesboro Zoning Ordinance for 0.48 acres of property located at 17 Carmel Drive to utilize the property as a community living arrangement facility (Tax Parcel S59 000090 000).
18. **APPLICATION CUV 18-09-18:** Journey to Sober Living, LLC requests a conditional use variance from Article V of the Statesboro Zoning Ordinance for 0.36 acres of property located at 207 Donaldson Street to utilize the property as a community living arrangement facility (Tax Parcel S29 0000123 000).

V. Announcements

VI. Adjourn



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Department of Planning and Development Memorandum

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Statesboro Planning Commission

September 4, 2018

5:00 P.M.

City Hall Council Chamber

Meeting Agenda

Present: Planning Commission Members: James W. Byrd, Sr., Carlos C. Brown Jr., Rev. David McLendon, Benjamin McKay, Mary Foreman, Russell Rosengart, and Jamey Cartee; **City of Statesboro Staff:** Director of Planning and Development Frank Neal, City Planner II Owen Dundee, and City Planner I Justin Williams

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. August 7, 2018 Meeting Minutes

Commissioner McKay made a motion to approve the August 7, 2018 meeting minutes, seconded by Commissioner McLendon. The motion carried 7-0.

IV. New Business

1. **APPLICATION RZ 18-08-01:** Deep South Properties requests a zoning map amendment of 13.96 acres of property located at 316 Fletcher Drive from the R-20 (Single Family Residential) to the R-4 (High Density Residential) zoning district in order to develop a multi-family triplex community for a combination of parcels addressed 316 Fletcher Drive and Fletcher Drive (Tax Parcel(s) S35 000009 001 & S35 000009 000).

Frank Neal introduced the case, and David Maxwell spoke as a representative of Deep South Properties. Mr. Neal stated that the project did not have a right start meeting and would be required to have a traffic study completed as a condition of their zoning request if approved. Mr. Maxwell stated that the proposed development would be a good zoning transition from the neighboring R-20 (Single Family Residential) to the light industrial uses on the opposite side of the development site. Mr. Maxwell gave a brief overview of the property's history, stating that the land has sat vacant for some time and there is not much value in developing as single family residential under the current R-20 zoning. Commissioner Rosengart inquired about the target demographic for this proposed development and the proximity of the closest single family home. Mr. Maxwell addressed Commissioner Rosengart's inquiry by stating the community would mostly serve non-students, people desiring a low-maintenance living style. Also, Mr. Maxwell stated the closest single family home being 30 feet from the proposed development's property line with the single family residence having a rear yard setback for additional distance from the proposed multi-

family community. Commissioner McKay inquired as to why the applicant did not schedule a right start meeting. Mr. Maxwell answered Commissioner McKay's inquiry by stating the utilities were available, the zoning request was straightforward, and no additional staff input was needed in their opinion. Commissioner Byrd stated that the applicant would have been better informed on the city's fire protection standards if they had attended a right start meeting. Mr. Maxwell stated that any fire protection concerns on the preliminary design would be addressed during the permitting stage of the project. Commissioner McLendon inquired about the activity of the Railroad adjacent to the proposed development site. Mr. Maxwell stated that he did not have any knowledge on the railroad's activity. Commissioner Cartee inquired about the 2nd entrance location for the proposed development and surrounding land uses. Mr. Maxwell stated the 2nd entrance would be located off of Fletcher Drive and the surrounding land uses included single family residential and industrial. Next, Commissioner Byrd opened the discussion to citizen comment. Mr. Leo Sable representing the Fletcher Neighborhood association voiced a few concerns regarding the proposed development such as population and traffic increases within the neighborhood. He stated that his neighborhood association opposed the proposed development. Commissioner McLendon inquired about current traffic congestion on Fletcher Drive and the other neighborhoods located nearby. Mr. Sable cited traffic congestion as an issue and the problem intersection of Francis Scott and Fletcher Drive. Mrs. Sharon Sable of the local neighborhood also voiced her concerns and opposition to the proposed development and zoning map amendment request. Commissioner Rosengart asked about the development capability of the proposed site under the current single family residential zoning. Mr. Maxwell stated that there would not be any cost benefits to the current ownership for developing the property as single family residential. Commissioner Foreman inquired if the developer currently had a land sale contract for the land parcels. Mr. Maxwell stated that Deep South Properties has a land contract on the property and they are currently in their due diligence period. Commissioner Byrd requested an explanation on the developer's choice not to participate in a right start meeting. Mr. Maxwell stated that they did not feel it was needed. However, the developer did meet with the Public Works department to discuss sewer and water availability. Commissioner McLendon made a motion to deny approval of RZ 18-08-01. Commissioner Brown seconded, and the motion carried 7-0.

2. **APPLICATION RZ 18-08-02:** BVT-AKINS, LP requests a zoning map amendment of 49.65 acres, a portion of a larger 225.45 acre tract located on Veterans Memorial Parkway and Old Register Road from R-40 (Single Family Residential) to the CR (Commercial Retail) zoning district in order to develop a commercial retail center (Tax Parcel 076 000001 000).

Frank Neal introduced the case. John Dotson and Darin VanTassell spoke as a representative of BVT-AKINS, LP. Mr. Dotson stated that the property was annexed in 2010 under the default R-40 (Single Family Residential) zoning district. He further stated that the current zoning today is no longer compatible with the surrounding development patterns, which is the reason behind the request for a zoning change to the CR (Commercial Retail) zoning district. He also discussed connection of existing roadway and utility infrastructure. Mr. VanTassell discussed the new tax allocation district and provided a brief overview of the zoning map amendment request. Commissioner McLendon inquired about the location of the Stadium Complex. Mr. VanTassell answered the inquiry by providing a brief overview of the proposed developments planned for this area, such as a regional grocery store. Commissioner McLendon requested information on the location of single family homes nearby the proposed parcel to be re-zoned. Commissioner Rosengart asked if there were any inconsistencies with the current comprehensive plan. Also, he

inquired if the developer had a traffic study completed for this proposed development. Mr. VanTassell stated a traffic study has been completed for the proposed development area. Commissioner Foreman inquired about the access to the by-pass from the proposed development. Mr. VanTassell stated that his development team was still working with the Department of Transportation on the locations of the access points to the by-pass. Commissioner Rosengart inquired about the construction start date for the proposed development. Mr. VanTassell stated that the stadium complex was to be built by January 2020. Commissioner McKay inquired about an announcement of the regional grocery store. Commissioner Brown requested information on a hospital use for the development site. Mr. Neal clarified that the use was stated for zoning purposes only. Commissioner McKay made a motion to recommend approval of RZ 18-08-02. Commissioner Cartee seconded, and the motion carried 7-0.

3. **Article 31: Solar Installation and Operation:** The Department of Planning & Development request consideration for adoption of an Ordinance Amendment **ARTICLE 31: SOLAR INSTALLATION AND OPERATION** governing solar energy systems within the City of Statesboro.

Frank Neal introduced the new zoning ordinance. Justin Williams made a presentation of Article 31: Solar Installation and Operation. Commissioner Cartee inquired if this ordinance was to allow the permissible use in certain zoning districts with controls. Mr. Williams stated that Commissioner Cartee was correct. Mr. Neal stated that the City of Statesboro solar ordinance was based off the model ordinance proposed by the University of Georgia, Georgia Tech, and Emory University. Commissioner Byrd inquired about the function of the ordinance. Mr. Neal stated that there would eventually be a permitting and fee process associated with this ordinance. Commissioner Rosengart inquired if any other state agency approval would be required for solar installation. Commissioner McKay spoke of the issues of operating a solar farm, such as Georgia Power purchasing the energy produced. Commissioner Byrd stated his concerns for the disposal of the farms once their life expectancy has been reached. Frank Neal further spoke on the operation of the solar farms, disposal of the solar farms, and the land leases for these farms. Commissioner Cartee requested information on estimated energy savings and expressed concerns on the property owner's permitting burden for solar installation. Commissioner Rosengart inquired about the interest of Solar Farm development within the City of Statesboro. Mr. Neal stated that there has been some interest. Commissioner Cartee made a motion to approve Article 31 as presented. Commissioner Brown seconded, and the motion carried 7-0.

V. Announcements

VI. Adjourn

The meeting adjourned at 5:45 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
 Statesboro, Georgia 30458*

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

CBD 18-09-01 CBD PLAN REVIEW 19 COURTLAND STREET	
LOCATION:	19 Courtland Street
REQUEST:	Approval of architectural plans for development on a CBD (Central Business District) property.
APPLICANT:	Justin Peay
OWNER(S):	Justin Peay Productions LLC
ACRES:	0.03 Acres
PARCEL TAX MAP #:	S28 000023 000
COUNCIL DISTRICT:	District 1 (Boyum)

PROPOSAL:

The applicant requests approval of the architectural plans submitted for 0.03 acres of property located at 19 Courtland 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

BACKGROUND:

Located downtown and directly North of the Bulloch County Probate Courthouse, this property is currently home to Divvy Desk, a co-working space for the digital creative. The business rents out desk spaces in an open-air environment to individuals/companies that do not need an entire office, but do not want to work from their homes or coffee shops. Divvy Desk members pay \$250 a month for an annual membership, and Day-Rate Members pay \$20 a day and have access to the lounge area for the day. Perks included with a membership include hi-speed internet, free coffee and filtered water, utilities, cleaning services, mailing services, printer access, and basic office supplies. Currently, Divvy Desk has 8 desk member stations with 6 of them already filled. The proposed expansion will include 2 private offices that will be rented out at a premium, a conference room, and 2 phone booths (for individuals that take a phone call in the open-air office space and would like some privacy).

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CBD (Central Business District)	Business or professional offices and office buildings
SOUTH:	CBD (Central Business District)	Bulloch County Probate Courthouse
EAST:	CBD (Central Business District)	Bulloch County Judicial Annex, business or professional offices and office buildings
WEST:	CBD (Central Business District)	Retail or wholesale establishments, business or professional offices and office buildings

ATTACHMENTS: Exhibit A (Location Map), Exhibit B (Photos of Subject Site), Exhibit C (Proposed Architectural Elevations/Building Plans)

COMPREHENSIVE PLAN:

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

<u>“Downtown”</u>	
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.
Suggested Development & Implementation Strategies:	<ul style="list-style-type: none"> • New development should respect historic context of building mass, height and setbacks. • Ensure that future phases of streetscape enhancements are developed in harmony with previous efforts as well as economic development goals of the City and the Downtown Statesboro Development Authority (DSDA) / Main Street program. • Develop architectural guidelines to guide new development and renovations of historic buildings. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 14-16.</i></p>
ANALYSIS	

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

The request should be considered in light of:

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

STANDARDS: CENTRAL BUSINESS DISTRICT
<p>Section 803 of the <i>Statesboro Zoning Ordinance</i> states the following with regarding to requirements for development in the CBD zoning district:</p> <p style="padding-left: 40px;">“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.”</p>
RECOMMENDATION:
<p>Staff recommends approval of application CBD 18-09-01 based on the submitted architectural building plans and exterior elevations dated August 29, 2018 with the following conditions:</p> <p>(a) Exterior building materials must be composed of brick or smooth hardie plank panels. Traditional siding will not be allowed</p>

EXHIBIT A: LOCATION MAP



Case # CBD18-09-01
19 Courtland St
Parcel: S28 000023 000

EXHIBIT B: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: Front view of subject site, looking north from Courtland Street.



Picture 2: Front view of subject site, looking northwest from Courtland St.



EXHIBIT B: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 3: Looking south from the alley located to the rear of the subject, the proposed expansion area for Divvy Desk.



Picture 4: Looking southwest from the alley located to the rear of the subject site, the proposed expansion area for Divvy Desk



EXHIBIT B: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 5: Looking west along the alley located to the rear of the subject site.



Picture 6: Looking east along the alley located to the rear of the subject site.





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

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V-18-09-02 VARIANCE REQUEST 1044 SOUTH MAIN STREET		
LOCATION:	1044 South Main Street	<div style="display: flex; justify-content: space-between;"> <div style="font-size: 8px;"> Case # V 18-09-02 1044 South Main St Parcel: MS4300018 000 </div> <div style="text-align: right;"> </div> </div> <div style="font-size: 8px; margin-top: 5px;"> <p>The boundaries depicted on this map are approximate and should be used for reference only.</p> <p style="text-align: right;">City of Statesboro Department of Planning and Development</p> </div>
REQUEST:	Variance from Article X Section 1003 (H) Table regarding the rear yard setback requirements.	
APPLICANT:	Ogburn Realty, Inc.	
OWNER(S):	Thomas David Lambie	
ACRES:	1 acre	
PARCEL TAX MAP #:	MS43 000018 000	
COUNCIL DISTRICT:	District 3 (Yawn)	

PROPOSAL:

The applicant requests a variance from Article X: Section: 1003(H) of the *Statesboro Zoning Ordinance*, which requires a minimum rear yard set back of twenty-five (25) feet. The applicant is proposing a ten (10) foot rear yard set back in order to allow for an additional row of parking in the front of the site. Per Article II: Section 201: 42(b), a rear yard is defined as “a yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot. This variance is being requested for the construction of new O’Reilly Auto Parts store (See **Exhibit F** – Applicant’s Reason for Requested Variance Letter).

BACKGROUND:

This one (1) acre lot contains a 4,275 square foot concrete block building that was built in 1987 and was the original home of Dive South, a SCUBA diving business. After being vacant for several years, City Council approved SE 09-04-03 on May 5, 2009, allowing Wayne’s Mobile Home Supplies, LLC to utilize the property for a building material supply business. On February 3, 2015, City Council denied SE 14-10-03 to allow the operation of a used car dealership and other commercial uses for the subject site located at 1044 South Main Street.

ATTACHMENTS: **Exhibit A** (Location Map), **Exhibit B** (Future Development Map), **Exhibit C** (Photos of Subject Site), **Exhibit D** (Topographic Survey), **Exhibit E** (Conceptual Site Plan), **Exhibit F**(Applicant’s Reason for Request Letter)

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R-4 (High Density Residential & EXPT (Exempt))	Apartment Community (The Hudson) and Georgia Southern University's Shooting Sports Education Center (SSEC)
SOUTH:	CR (Commercial Retail)	Parker's Gas Station, Uncle Shug's Chicken Barn, Advance Auto Parts, Subway restaurant, and Flash Foods Gas Station
EAST:	EXPT (Exempt)	Georgia Southern University's Shooting Sports Education Center (SSEC)
WEST:	HOC (Highway Oriented Commercial)	New construction site for the JC Lewis Ford Dealership

The subject property is located within the CR (Commercial Retail) district. Surrounding parcels include a variety of uses, such as restaurants, commercial retail, Georgia Souther University property, highway oriented commercial, and high density residential (See **Exhibit A** –Location Map, **Exhibit B**—Future Development 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>"Gateways – City Limits"</u>	
<i>Vision</i>	<i>Suggested Development & Implementation Strategies</i>
<p>Gateways into Statesboro, which are primarily located on major arterials at their intersections with the by-pass, should make it clear to residents and visitors that they are entering into the incorporated area of the City through careful attention to development standards, signage, landscaping, and similar elements.</p>	<ul style="list-style-type: none"> • There should be good vehicular and pedestrian/bike connections to retail/commercial services as well as internal street network connectivity, connectivity to adjacent properties/subdivisions, and multiple site access points. • Encourage compatible architecture styles that maintain regional character. • Screen parking areas from view through attractive landscaping, low fencing, etc. Where feasible, locate parking beside or behind buildings. • Install streetscape improvements which reflect the character of Statesboro. <p><i>Statesboro Comprehensive Master Plan, Community Agenda page 32-33.</i></p>

In addition, the subject site lies adjacent to the "Commercial Redevelopment" character area. Per the *Statesboro Comprehensive Master Plan and Future Development Map & Narrative*, the proposed use for the subject site will align with the vision of this area, which states:

"The **Commercial Redevelopment** areas are currently in decline with vacant or underutilized properties. These areas are characterized by a high degree of access by vehicular traffic; onsite parking; and a low degree of open space. It is the desire of the community to identify and target these areas for redevelopment and investment, thus returning these areas to their intended state of a thriving commercial and/or mixed use district."

Statesboro Comprehensive Master Plan, Community Agenda page 26

ANALYSIS

I. Variance from Article X: Section 1003(H): Rear Yard Setback Requirements.

The applicant is requesting a variance from Article X: Section 1003(H), which states the minimum required rear yard set back distance from the nearest point of any building and/or structure to the rear lot line of the property. The subject site is located in the CR (Commercial Retail) zoning district and is regulated by Article X of the *Statesboro Zoning Ordinance*. The ordinance states that there shall be a rear yard setback of no less than 25 feet.

The variance in question is regarding the proposed rear yard setback distance from the rear lot line of the subject property, which is stated to be 10 feet. Per the project's engineering firm, the applicant typically attempts to develop the property using parking in the front and double loaded parking on the sides when the depth of the property is a constraint. However with +/- 48 feet needing to be free and clear of obstructions, the applicant is looking at having to squeeze in a single bay of parking along the side and will need to double load the front parking area to get the parking spaces needed. In order to fit this parking, the applicant is requesting the rear yard set back to be reduced to 10 feet to allow the engineer to shift the building backward and allow for the additional row of parking in the front of the site (See **Exhibit F** – Applicant's Reason for Request Letter).

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 this variance requested by application V 18-09-02 with the following condition(s):

- (a) Approval of this variance does not grant site plan approval as submitted. Project will be required to meet all City Ordinances.

EXHIBIT A: LOCATION MAP



EXHIBIT B: FUTURE DEVELOPMENT MAP

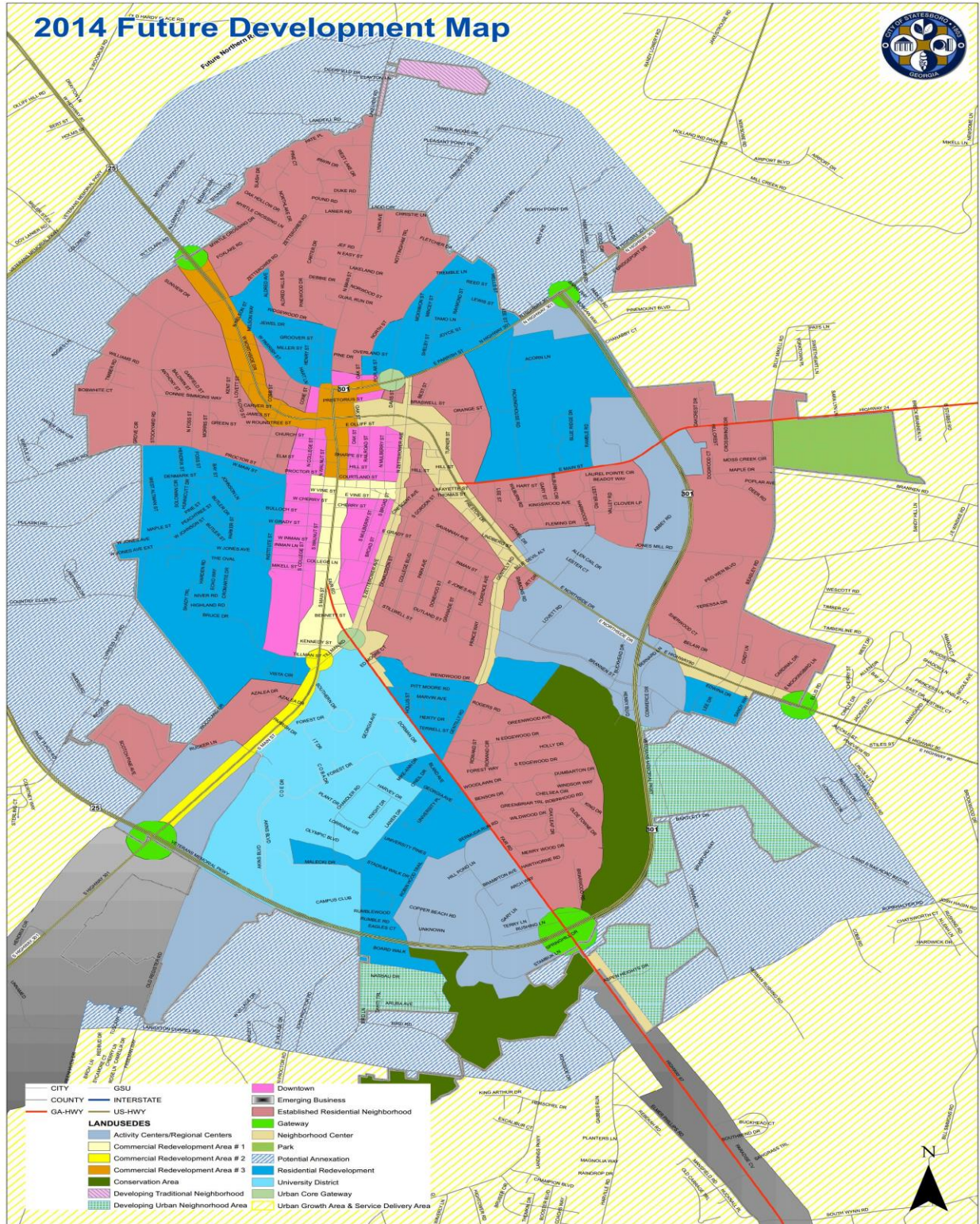


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site, looking north from South Main street.



Picture 2: View of the subject site, looking east from South Main street.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 3: View of the subject site, looking northwest from South Main street.



Picture 4: View of the subject site's site frontage, looking north along South Main street.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 5: View of the subject site's frontage and surrounding properties, looking south along South Main street.



Picture 6: View of the adjacent property to the south, currently Flash Foods Gas Station.

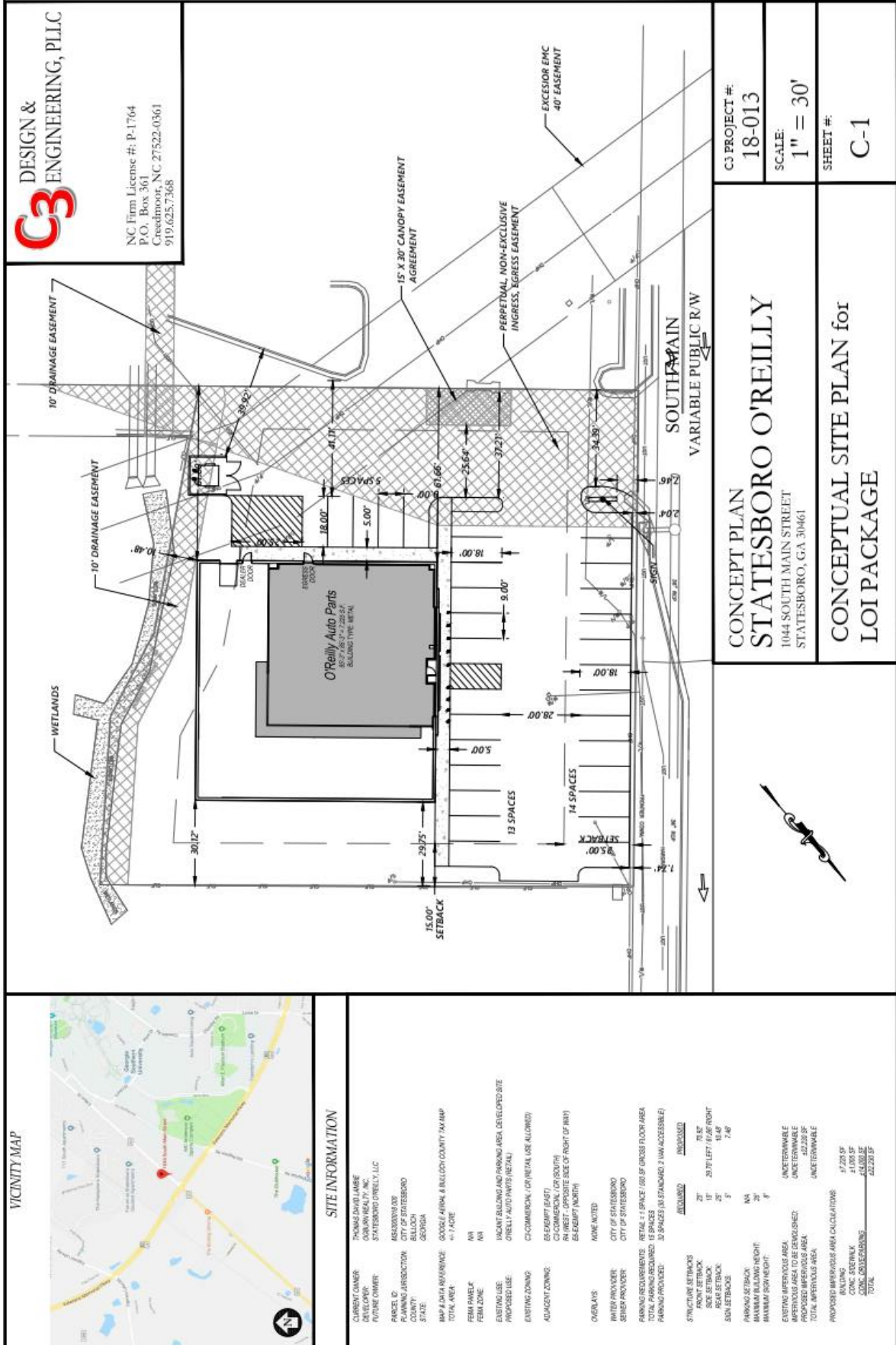


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 7: View of the surrounding property to the west of the subject site, currently new construction site for JC Lewis Ford Car Dealership.



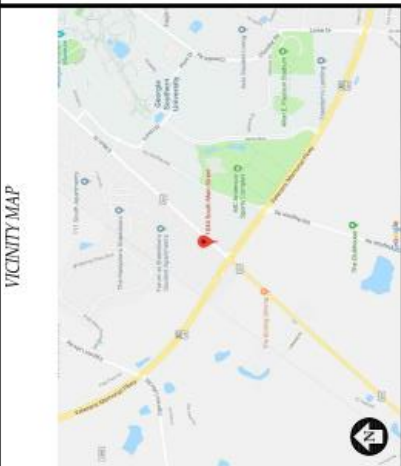
EXHIBIT E: Conceptual Site Plan



C3 DESIGN & ENGINEERING, PLLC
 NC Firm License #: P-1764
 P.O. Box 361
 Creedmoor, NC 27522-0361
 919.625.7368

C3 PROJECT #:
18-013
 SCALE:
1" = 30'
 SHEET #:
C-1

CONCEPT PLAN
STATESBORO O'REILLY
 1044 SOUTH MAIN STREET
 STATESBORO, GA 30961
CONCEPTUAL SITE PLAN for
LOI PACKAGE



SITE INFORMATION

CURRENT OWNER:	THOMAS DANIEL LAMBE
DEVELOPER:	O'DONOVAN REALTY, INC.
FUTURE OWNER:	STATESBORO O'REILLY, LLC
PLANNING ID:	18-000000-001
PLANNING JURISDICTION:	CITY OF STATESBORO
COUNTY:	BALLOCH
STATE:	GEORGIA
MAP AREA REFERENCE:	GOOGLE AIRPHOTO & BULLOCK COUNTY TAX MAP
TOTAL AREA:	44,114 SQ. FT.
FIRM PANEL:	NA
FIRM ZONE:	NA
EXISTING USE:	VACANT BUILDING AND PARKING AREA, DEVELOPED SITE
PROPOSED USE:	O'REILLY AUTO PARTS (RETAIL)
EXISTING ZONING:	C2-COMMERCIAL (OR RETAIL USE ALLOWED)
ADJACENT ZONING:	EX-1 (EMPT/ EAST)
OVERLAYS:	NONE NOTED
MAPS PROVIDED:	CITY OF STATESBORO
SENSUS PROVIDER:	CITY OF STATESBORO
PARKING REQUIREMENTS:	RETAIL = 1 SPACE / 100 SF GROSS FLOOR AREA
TOTAL PARKING REQUIRED:	13 SPACES
PARKING PROVIDED:	13 SPACES (AS STANDARD 21' MAX ACCESSIBLE)
STRUCTURE SETBACKS:	AS SHOWN
FRONT SETBACK:	30'
SIDE SETBACK:	10'
REAR SETBACK:	25'
SIDE SETBACK:	5'
PARKING SETBACK:	NA
MAXIMUM BUILDING HEIGHT:	NA
MAXIMUM SIGN HEIGHT:	NA
EXISTING IMPERVIOUS AREA:	UNDETERMINABLE
PROPOSED IMPERVIOUS AREA:	422,200 SF
TOTAL IMPERVIOUS AREA:	UNDETERMINABLE
PROPOSED IMPERVIOUS AREA CALCULATIONS:	
BUILDING:	17,200 SF
CONC. DRIVEWAY:	41,000 SF
CONC. PAVEMENTING:	45,000 SF
TOTAL:	103,200 SF

EXHIBIT F: Applicant's Reason for Request Letter



C3 Design & Engineering, PLLC
**CLIENT FOCUSED, COMPREHENSIVELY PLANNED, &
COST-EFFECTIVE DESIGNS**

PO BOX 361
CREEDMOOR, NC 27522
919-625-7368

September 6, 2018

RE: 1044 South Main Variance – Reason for Request

C3 Design and Engineering, PLLC, in conjunction with the applicant, Ogburn Realty, Inc. have been conducting due diligence and preparing layouts on the subject property for several months, including holding a "Right Start" meeting with staff reviewing our building and GIS property lines. Upon receiving the boundary survey, we realized that the service station immediately adjacent to the south has a "perpetual non-exclusive ingress/egress easement" that is +/- 48' wide by +/- 70' deep along the frontage of our property. The easement tapers from this point back to the rear lot line at a final width of +/-18' for the remaining +/-85' of property depth. In essence, this easement cuts our developable road frontage from 176' to 128' and reduces the property available for buildings and parking from 0.71 acres to 0.55 acres.

We will typically try to develop the property using parking in the front and double loaded parking on the sides when the depth of the property is a constraint. However with +/-48' needing to be free and clear of obstructions, we are now looking at having to squeeze in a single bay of parking along the side and will need to double load the front parking area to get the parking spaces needed. In order to fit this parking in the front, we respectfully request the rear setback to be reduced to 10' to allow us to shift the building backward and allow for the additional row of parking in the front of the site.

This hardship is unique to this property and fitting the project on this size lot wouldn't typically be a problem, however the gas pump canopy and associated easements are restricting our use of the property. There is a drainage conveyance and naturally wooded area in the rear of the property that also has a 10' drainage easement encumbering our property, hence the request to shift the minimum setback to that location/distance. This drainage area is also decently vegetated and reducing the rear setback should not have a visual impact or any other adverse impacts on the adjacent properties. Adjacent properties are either similarly zoned or operated with a compatible use to our retail project and the reduction in setback would not appear to be out of character with the surrounding development.

We respectfully request your approval to this variance request and look forward to discussing with you further at the appropriate time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chad E. Abbott'.

Chad E. Abbott, PE
C3 Design & Engineering, PLLC
chad@c3designeng.com



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 18-09-03 ZONING MAP AMENDMENT REQUEST 77 Bethany Way		
LOCATION:	West Jones Avenue & Cypress Lake Road; 77 Bethany Way	<div style="border: 1px solid black; padding: 5px;"> <p style="font-size: small; margin: 0;">Case # RZ 18-09-03 77 Bethany Way & Cypress Lake Rd Parcel: MS4000074 000</p> <p style="font-size: x-small; margin: 0; text-align: right;">1 inch = 500 feet</p> <p style="font-size: x-small; margin: 0; text-align: right;">The boundaries depicted on this map are approximate and should be used for reference only.</p> <p style="font-size: x-small; margin: 0; text-align: right;">City of Statesboro Department of Planning and Development</p> </div>
REQUEST:	Zoning map amendment from PUD (Planned Unit Development) to R-4 (High Density Residential).	
APPLICANT:	Bethany Assisted Living, Inc.	
OWNER(S):	Bethany Assisted Living, Inc.	
ACRES:	26.477 Acres (Portion of a larger 39.86 acre tract)	
PARCEL TAX MAP #:	MS40 000074 000	
COUNCIL DISTRICT:	District 2 (Jones)	

PROPOSAL:

The applicant requests a zoning map amendment from the PUD (Planned Unit Development) zoning district to the R-4 (High Density Residential) zoning district in order to develop residential duplex, triplex, and/or single family attached dwelling units, which is not an allowed use in the existing zoning designation. The proposal would allow for a wide variety of age-restricted housing for seniors, 55 years and older. Although, the developer is only proposing four duplexes under “phase one”, this zoning map amendment request would entitle the subject site for 317 multi-family apartment units if approved.

BACKGROUND:

The subject site is currently undeveloped. The proposed cottages development is currently designated as the PUD (Planned Unit Development) zoning district. The PUD was approved by City Council in June of 2010. Per the 2010 PUD approved site plan, the proposed “phase one” land area for the cottages development is reserved for Commercial Retail (CR) land uses. Also, the remaining acreage to be re-zoned (under this request) for future phases of development was originally approved for R-10 (Single Family Residential) land uses per the 2010 PUD approved site plan. Multi-family cottages, duplexes, are not a permitted use in these areas of the approved PUD site plan. Re-designation or relocation of land area inconsistent with the land uses section of the PUD is considered a major amendment. The subject site currently adheres to all applicable provisions of the *Statesboro Zoning Ordinance* and the general requirements for zoning map amendment #RZ 10-04-04 (Exhibit G). Major Amendments to the PUD will require the submittal of a zoning map amendment by the applicant consistent with the provisions of Article XX (Amendments) of the *Statesboro Zoning Ordinance*. Any major amendments shall incorporate revisions to all those portions of the approved conceptual

development, which illustrates intended uses, buildings, parking, streets, etc. (Exhibit(s) D, E, &F). Hence, the applicants request for a zoning map amendment on the subject site.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R-4 (High Density Residential)	Grace Crossing Apartments, Senior Living
SOUTH:	R-20 (Single Family Residential)	Undeveloped
EAST:	R-20 (Single Family Residential)	Single Family Homes
WEST:	PUD (Planned Unit Development)	The Lodge at Bethany, Senior Assisted Living

The subject property is located within the PUD (Planned Unit Development) district. Surrounding parcels include single family residential, multi-family senior living, and undeveloped land (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** (Conceptual Site Plan), **Exhibit E** (Rezoning Plan), **Exhibit F** (Parcel Plan), **Exhibit G** (General Requirements for #RZ 10-04-04), **Exhibit H** (2006 approved Site Plan/Current 2010 PUD approved site plan)

COMPREHENSIVE PLAN:

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

<u>“Residential Redevelopment”</u>	
<i>Vision:</i>	This character area has most of its original housing stock in place, but has worsening housing conditions due to low rates of homeownership and neglect of property maintenance. There may be a lack of neighborhood identity and gradual invasion of different type and intensity of use that may not be compatible with the neighborhood residential use, or a neighborhood that has declined sufficiently that housing conditions are bad, there may be large areas of vacant land or deteriorating, unoccupied structures.
<i>Suggested Development & Implementation Strategies:</i>	<ul style="list-style-type: none"> • Appropriate land uses include: (1) Single Family detached housing; (2) Lower density, Single Family attached housing. • Focus on strategic public investments to improve conditions, appropriate infill development on scatted vacant sites, and encouraging more homeownership and maintenance or upgrade of existing properties. • The redevelopment strategy for the area should focus on preserving what remains of original housing stock, while rebuilding on the remaining land, a new, attractive neighborhood following the principles of traditional neighborhood development. • The neighborhood should include a well-designed new neighborhood activity center at the appropriate location, which would provide a focal point for the neighborhood, while also providing a suitable location for a grocery store, hardware store, school, and similar appropriately scaled retail establishments serving neighborhood residents. • Strong pedestrian and bicycle connections should also be provided to encourage residents to walk/bike to work, shopping, or other destinations in the area. • New streets should be connected (i.e. minimize or prohibit cul-de-sacs), to disperse traffic, shorten walking/biking trips. • Design features that encourage safe, accessible streets should be employed – such as, narrower streets, on street parking, sidewalks, street trees, and landscaped raised median for minor collectors and wider streets. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 21.</i></p>

The subject area lies adjacent to the “Urban Core/Downtown” and “Established Residential Neighborhood” character areas.

<u>“Urban Core/Downtown”</u>	<u>“Established Residential Neighborhood”</u>
<p><i>Vision:</i> 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>	<p><i>Vision:</i> The traditional residential neighborhoods in the Established area were developed from the late 19th to mid-20th century, and feature connected street grids linked with downtown. Sidewalks should be located on both sides of major street; lesser streets may have limited facilities. Major corridors in this area may support a mix of residential and commercial uses. As corridors transition from residential to commercial, the original structures should be maintained and renovated whenever possible. Any new structures should respect the existing fabric of the neighborhood, through similar front, side, and rear setbacks.</p>

Per Article VII, Section 700, the Appendix A of the Code of Ordinances of Statesboro, Georgia:

High density residential purposes shall be “in accordance with the objectives, policies, and proposals of the future land use plan; to permit a variety of housing; to assure the suitable design of apartments in order to protect the surrounding environment of adjacent and nearby neighborhoods; and to insure that the proposed development will constitute a residential environment of sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed”.

ANALYSIS

TRANSPORTATION:

Vehicular access to the site will be provided by West Jones Avenue, Cypress Lake Road, and Country Club Road. A review of the *Bulloch County/Statesboro 2035 Long Range Transportation Plan (LRTP)* currently lists no level of service deficiencies for major thoroughfares which access the site. Under any prior or current development scenario, full development of the subject property will generate substantial motor vehicle traffic on surrounding thoroughfares – and must be mitigated. As this zoning map amendment request has the potential to significantly increase vehicle trips on existing streets, a traffic study in order to determine the trip generation potential of the site, and what type of operational improvements to surrounding thoroughfares may be required by the developer.

Additionally, the *Statesboro Comprehensive Plan* and the *LRTP* both promote development patterns which include interconnected street systems to allow for traffic dispersal, and reduce the need for expensive capacity improvements such as adding travel lanes (which may not be practical for some of the site’s surrounding thoroughfares). The *LRTP* specifically cites the need for – and recommends the construction of a new east-west street connection between Country Club Drive and U.S. 301 South. Both the original 2006 and revised 2010 site plan adhere to this long-range planning objective by providing a linkage between Country Club Road and Bruce Drive (See Exhibit H – Previous Site Plans). The applicant’s provision of a north/south public street (Future Extension of Gesmon Nevil Lane, as shown on Exhibit E &F) linking West Jones Avenue with Country Club Road promotes the recommendations of the City’s long-range transportation plans. However, it should be noted that the proposed 2018 site plan no longer illustrates the proposed Country Club Road/Bruce Drive connector.

COMMUNITY FACILITIES:

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

ENVIRONMENTAL:

The subject property lies outside of the 100 and 500 year floodplains. Per Exhibit D and Bulloch County GIS, the subject property is bordered by wetlands primarily along the southwestern property line, 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 PUD (Planned Unit Development) zoning district to the R-4 (High Density Residential) 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 *Statesboro Comprehensive 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 R-4 (High Density Residential) district as set forth in the *Statesboro Zoning Ordinance*.

Current Zoning	Requested Zoning
Under # RZ 10-04-04, The Planned Unit Development/Commercial Retail (PUD) district can accommodate Commercial Retail, Single-Family Residential, High Density Residential, and Senior Community uses. However, each use is only currently allowed within the areas designated per the current 2010 PUD approved site plan (See Exhibit H).	The R-4 (High Density Residential) district allows for the construction of Residential Duplex, Triplex, and/or Single Family Attached Dwelling Units, which is the applicant’s intended use for the subject property. It should be noted that the property owner would be allowed to develop 317 multi-family apartment unit by right if the zoning map amendment is approved.

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 R-20 (Single Family Residential), R-4 (High Density Residential), and PUD (Planned Unit Development)**, and are occupied by senior living facilities, single family residences, and undeveloped land.
- (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 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 PUD (Planned Unit Development). Per RZ #10-04-04, this parcel can currently be occupied by land uses permitted by the PUD approved site plan (Exhibit H) and listed under the General Requirements section of the PUD (Exhibit G). However, high density residential developments are specifically restricted to R-4 zoned properties. Under the proposed zoning, the applicant would be able to develop residential duplexes, triplexes, and/or single family attached dwelling units.

- b. A review of the approved 2010 PUD and proposed site plans for this land area would suggest the public would potentially gain the provision of a north/south public street linking West Jones Avenue with Country Club Road; a substantial area of conservation buffer; and, a limitation of the eligible type of multi-family housing stock proposed on the property.

(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. In June 2010, the property was re-zoned to PUD (Planned Unit Development). The property is currently undeveloped land.

(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. Proposed land use change would cause an increase in population density.
- c. Positive impact on the existing and future land use patterns as the proposed use is compatible with the surrounding area.

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

- a. While the provisions for Residential Redevelopment areas provide guidance as to the type of design features that may be desirable on this property, use of the property as high density residential is not a land use generally deemed appropriate in the vision and guiding principles of the "Residential Redevelopment" character area as articulated within the *Statesboro Comprehensive Plan*.
- b. Both the original 2006 and revised 2010 site plan adhered to the *LRTP* by providing a linkage between Country Club Road and Bruce Drive. Under this zoning map amendment request, the proposed site plan no longer illustrates this proposed connection road.

RECOMMENDATION:

Staff recommends approval of this zoning map amendment with the following condition(s) as stated:

- (a) Staff approval based on revised site plan dated September 4, 2018.
- (b) 26.477 acres not to exceed 317 dwelling units.
- (c) Zoning map amendment is for an age-restricted tenant population, 55 years and older. Any other type of development would require City Council approval.

EXHIBIT A: LOCATION MAP

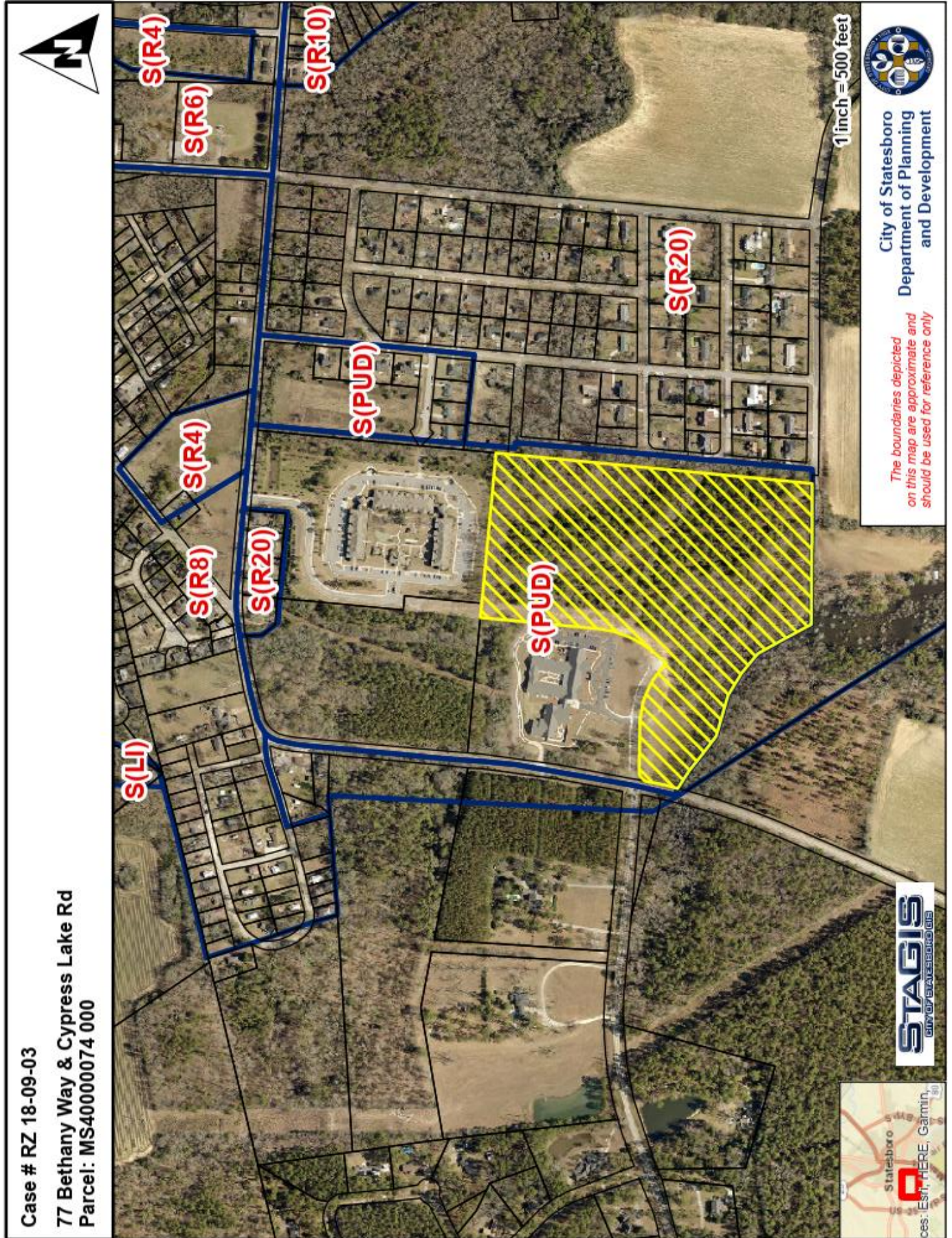


EXHIBIT B: FUTURE DEVELOPMENT MAP

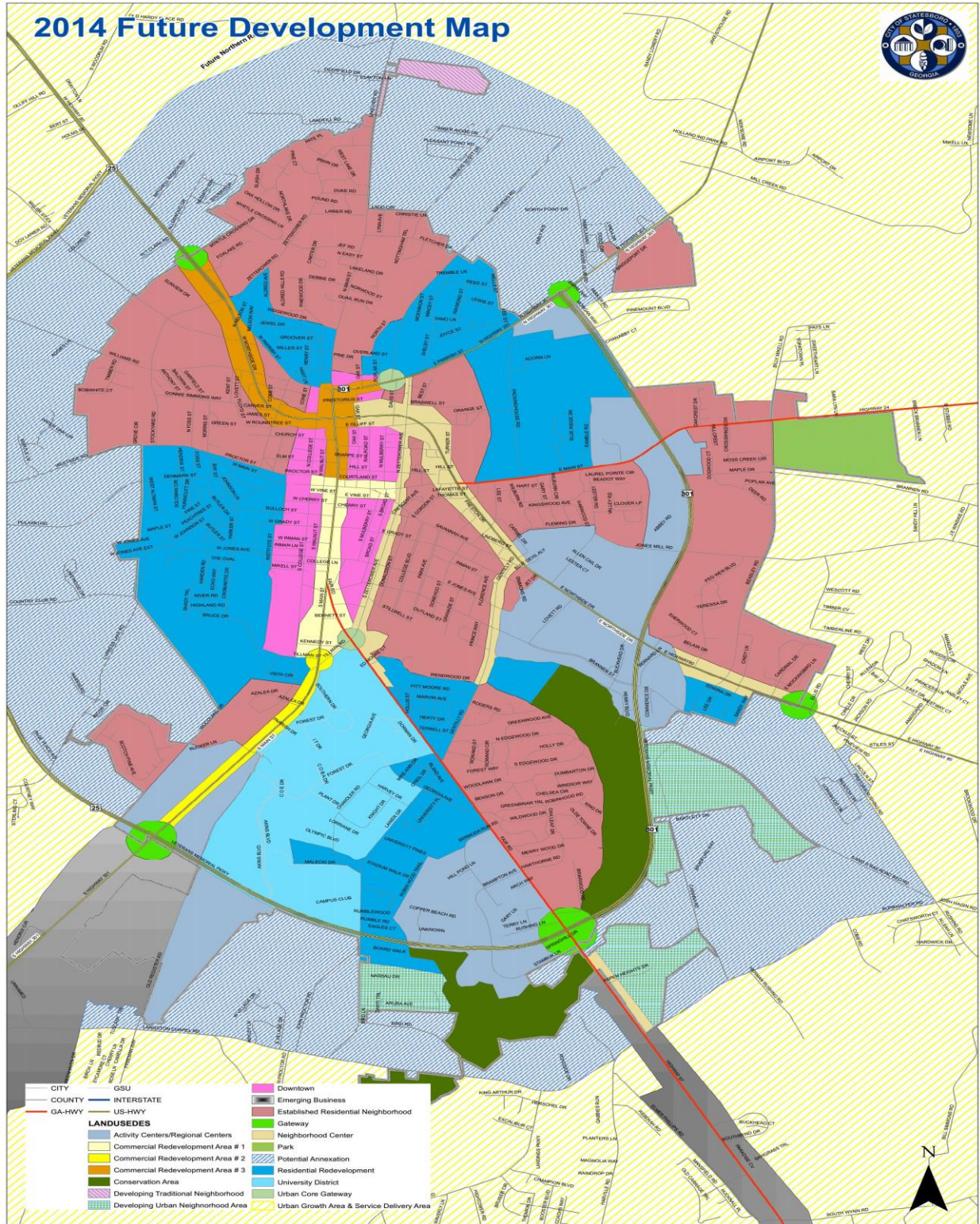


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: Looking east from the intersection of Cypress Lake Road and Country Club Road, view of the subject site and proposed "phase one" land area (four duplex buildings).



Picture 2: Looking east from Cypress Lake Road, additional view of the subject site and proposed "phase one" land area (four duplex buildings).



Picture 3: Looking south along Cypress Lake Road/West Jones Avenue, the western boundary of the subject site.



Picture 4: Looking north along West Jones Avenue/Cypress Lake Road, the western boundary of the subject site.



Picture 5: Looking south from the northern adjacent property across Bethany Way, view of the subject site.



Picture 6: Looking north from the subject site, currently The Lodge at Bethany, Senior Assisted Living Facility.



Picture 7: Looking northeast from the subject site, currently an age-restricted, rent-restricted apartment community, Grace Crossing Apartments.



Picture 8: Looking northwest from the subject site along West Jones Avenue, view of the surrounding property uses – single family residential.



EXHIBIT D: Conceptual Site Plan (Independent Living – Phase One)



EXHIBIT E: Rezoning Plan



EXHIBIT F: Parcel Plan



EXHIBIT G: General Requirements #RZ 10-04-04

EXHIBIT A (GENERAL REQUIREMENTS FOR RZ 10-04-04): The Planned Unit Development (PUD) District for property proposed within zoning map amendment #RZ 10-04-04, and listed in the case file at the time of adoption by Statesboro City Council as West Jones Avenue and tax map parcel #MS40000074 000, shall adhere to all applicable provisions of the *Statesboro Zoning Ordinance*, and the general requirements contained within this defining narrative. Where the general requirements of this Planned Unit Development conflict with provisions of the *Statesboro Zoning Ordinance* and other applicable chapters of City Code, the more stringent shall apply.

A) Administration:

In addition to the provisions of Article XVII (Administration.) of the *Statesboro Zoning Ordinance*, the following shall be applicable to the subject property:

- 1) The Director of Community Development shall have the duty and power to administer the provisions of RZ 10-04-04 unless otherwise provided. Where referenced herein, the term "Director of Community Development" may also include her/his designee.
- 2) The City Engineer shall have those specific and necessary duties and powers referenced herein to administer the provisions of RZ 10-04-04. Where referenced herein, the term "City Engineer" may also include her/his designee.

In addition to the provisions of Article XIV (Planned Unit Development District.) of the *Statesboro Zoning Ordinance*, the following shall be applicable to the subject property:

- 3) *Final Development Plan.* The property owner, or designated agent, must submit a final development plan illustrating all applicable PUD conditions referenced within this Exhibit. The final development plan shall include those components necessary to meet the provisions referenced herein, including but not limited to a uniform lighting plan and uniform signage plan, and shall be reviewed and approved for completeness and accuracy by the Director of Community Development, and City Engineer where specifically referenced.
- 4) *Amendments.* The Director of Community Development shall have the authority to approve minor amendments to the Planned Unit Development District created by action of the Statesboro City Council for RZ 10-04-04. Minor amendments shall not include re-designation or relocation of land area inconsistent with Section C.3 herein, or other similar changes that intensify the use of the property; or, changes that conflict with the requirements listed herein as determined by the Director. Where the Director of Community Development determines that a proposed amendment to the PUD cannot be classified as "minor" in nature, such amendments shall be deemed as major amendments and will require the submittal of a zoning map amendment by the applicant consistent with the provisions of Article XX (Amendments) of the *Statesboro Zoning Ordinance*.
- 5) *Subdivision.* The Planned Unit Development District created by action of the Statesboro City Council for RZ 10-04-04 shall be subject to all applicable provisions of the *Statesboro Subdivision Regulations*.
- 6) *Permits.*
 - a. No land clearance or building permit shall be issued for the subject property until such time as the final development plans referenced within this Exhibit have been approved.
 - b. No land clearance or building permit shall be issued for the subject property until such time as a preliminary subdivision plat has been submitted to and approved by Statesboro City Council in accordance with the *Statesboro Subdivision Regulations*. Such preliminary plat and required supplemental plans shall adhere to the provisions of referenced in Section H herein.

In addition to the provisions of Article II (Definitions) of the *Statesboro Zoning Ordinance*, the following definitions shall be applicable to the subject property:

- 7) *Housing for Older Persons.* Means housing intended and operated for occupancy by persons aged 55 and older ("Older Persons"). According to Georgia law, such housing must also have significant facilities and services serving the Older Persons population even though the requirement has been eliminated from the federal definition of an elderly project. At least 80 percent of the total occupied units in such a housing project must be occupied by at least one Older Person. Up to 20 percent of the units may be occupied by others, including the landlord's employees, the surviving spouses or children of residents who were Older Persons when they died, and caregivers.

B) Building Elements:

The subject property shall adhere to the following:

EXHIBIT G: General Requirements #RZ 10-04-04 (Continued)

- 1) *Exterior Building Materials.* Exterior building elevations shall be constructed primarily of brick, stone or other decorative masonry, or stucco. Wood, hardi-plank or a similar siding may be applied as a secondary material; but shall in no case be utilized on more than 50 percent of any building elevation. Two wall materials may be combined horizontally on one (1) façade with the "heavier" wall material located below. Building materials utilized for the initial tract to be developed shall also be incorporated into subsequent phase of development in a similar manner.
- 2) Elevations illustrating proposed exterior building materials to be utilized, and general method of application, shall be submitted as a component of the final development plan referenced in Section A.3 herein.

C) Land Uses:

The Planned Unit Development District created by action of the Statesboro City Council for RZ 10-04-04 shall adhere to the following:

- 1) *Land Use Areas.* The land use areas illustrated in Exhibit C shall adhere to the following:
 - a. *Commercial Retail.* That portion of the PUD illustrated in Exhibit C as "commercial retail" shall adhere to the provisions of Article X (Commercial Retail District) of the *Statesboro Zoning Ordinance* unless otherwise provided within this Exhibit. The following uses shall also be permitted on that portion of the site:
 - a. *Agencies, studios, schools.*
 - b. *PUD/R-10.* Those portions of the PUD illustrated in Exhibit C as "PUD/R-10" shall adhere to the provisions of Article VII-C (Single-Family Residential) of the *Statesboro Zoning Ordinance*. The Director of Community Development may approve up to a 10 percent reduction of the minimum lot size of up to 10 percent of the lots used for residential purposes in each phase of development in the land use area, so long as the net developable area for all such lots meets the minimum permitted density of the R-10 zoning district (4.356 units per acre).
 - c. *Active Adult Villas Multifamily.* Those portions of the PUD illustrated in Exhibit C as "Active Adult Villas Multifamily" shall adhere to the provisions of Article VII R-4 (High Density Residential) District of the *Statesboro Zoning Ordinance* unless otherwise provided within this Exhibit.
 - a. *Density.* The land use area shall be limited to a maximum of 64 total dwelling units, at an average not to exceed two (2) bedrooms per unit.
 - b. *Height.* Buildings in the Active Adult Villa Multifamily land use area shall be limited to two (2) stories.
 - c. *Occupancy.* Shall be limited to Housing for Older Persons as defined in Section A.7 herein.
 - d. *Senior Community.* Those portions of the PUD illustrated in Exhibit C as "Senior Community" shall be limited to land uses which cumulatively may otherwise constitute a continuing care retirement community as defined by the North American Industry Classification System (NAICS); but, for purposes of this district shall be considered independently. Permitted land uses are limited to:
 - a. *Assisted living facility without on-site nursing care facilities.* (NAICS Code 623312)
 - b. *Nursing care home.* (NAICS Code 623110)
- 2) *Adjustment of Land Use Areas.* The following re-allocation of land use areas may be considered by the Director of Community Development as "minor" in nature:
 - a. *PUD/R-10.* That portion of the PUD illustrated in Exhibit C as "PUD/R-10" may be expanded into those areas currently designated as Commercial Retail, Senior Community, and Active Adult Villa Multifamily. Where such extension of the PUD/R-10 area is adjacent to West Jones Avenue, it shall be accompanied by a corresponding extension of the 50' conservation buffer.
 - b. *Adjustment subject to amended final development plan.* The adjustments referenced in this Section may be approved administratively following submittal and approval of an amended final development plan. Such adjustments shall not be permitted if inconsistent with an approved preliminary plat. Subsequent adjustments may not be approved administratively which cause the PUD to revert to back, in part or in whole, to prior land use allocations with an increased intensity.

D) Lighting:

The subject property shall adhere to the following:

EXHIBIT G: General Requirements #RZ 10-04-04 (Continued)

- 1) Lighting facilities shall be arranged in a manner which will protect the roadway and neighboring properties from glare or hazardous interference of any kind.
- 2) All exterior lighting shall utilize fully-shielded (full cutoff) luminaries emitting no light above the horizontal plane except for those incandescent fixtures of 150 watts or less and other sources of 70 watts or less.
- 3) Maximum light mounting height on private property for parking, loading, outdoor gathering spaces, etc., shall not exceed 20 feet or 100 percent of the horizontal distance to the property line – whichever is less. Maximum light mounting height within public rights-of-way shall be determined by the City Engineer; but, shall closely approximate the mounting heights utilized on private properties.
- 4) *Uniform Lighting Plan.* A lighting plan meeting the provisions of this section shall be provided and submitted as a component of the final development plan referenced in Section A.3 herein, and shall be approved by the City Engineer and Director of Community Development. All portions of the site shall be subject to the lighting plan which shall include at least:
 - a. Lighting fixtures and posts to be utilized within public rights-of-way and outdoor parking, loading, gathering spaces, etc.

E) Pedestrian and Bicycle Facilities:

The subject property shall be developed to incorporate the following:

- 1) *Sidewalks.* Sidewalks of at least five (5) feet in width shall be constructed on both sides of the proposed Country Club/Bruce street connection. Sidewalks of at least five (5) feet in width shall be constructed on at least one (1) side of all other proposed streets.
- 2) *Pedestrian Walkways.* Pedestrian walkways (sidewalks) of a minimum of five (5) feet shall be constructed that provide direct connections between street sidewalks and principal buildings on the site (excluding single-family residential structures). All such walkways shall meet ADA compliance standards, and shall be located on individual development tracts in a manner that provides maximum separation between pedestrian and motor vehicle traffic. Where walkways cross paved parking areas, they shall be delineated by pavement markings approved by the City Engineer.
- 3) *Bicycle Facilities.* Appropriate bicycle racks shall be provided at each individual development tract at a ratio of one (1) per every 50 motor vehicle parking spaces (excluding single-family structures). Each bicycle rack shall be designed to support a bicycle by its frame in two (2) places and allow the use of a cable lock or U shaped lock. Each bicycle parking space shall be located on a paved pad and shall be at least twenty-four (24) inches in width and six (6) feet in length. In addition, bicycle parking spaces shall be accessed on at least one (1) side via an area of clearance not less than forty eight (48) inches. Final placement and design shall be subject to the approval of the Director of Community Development.

F) Screening:

In addition to the provisions of Article XXII (General Provisions) of the *Statesboro Zoning Ordinance*, the subject property shall adhere to the following:

- 1) Dumpsters for this site must be screened from view on all four (4) sides. Screening must consist of three (3) sides of a wall constructed of the same or similar brick, stone or other decorative masonry, or stucco materials primarily utilized for the exterior building elevations of the principal structures on the site. The fourth side may employ a gate, approved by the City Engineer, for removal or servicing of the dumpster. A minimum of six (6) feet in height, or a greater height sufficient enough to screen the entire dumpster, is required.

G) Signage:

In addition to the provisions of Article XV (Signs) of the *Statesboro Zoning Ordinance*, the subject property shall adhere to the following:

- 1) *Free-Standing Signage.* Each individual free-standing sign shall be monument style located on a base constructed primarily of brick, stone or other decorative masonry, or stucco; and, consistent with that applicable material utilized for the exterior building elevations of the principal structures on the site. Each free-standing sign shall be limited to a maximum of 50 square feet of display area, and six (6) feet in height.
- 2) *Building Signage.* Shall be limited to a single building elevation regardless of the total number of street frontages. No building sign shall exceed a maximum total of 50 square feet of display area.
- 3) *Incidental Signage.* Freestanding incidental signage shall mirror all other freestanding signage in type and materials. Incidental signage proposed for the site may exceed the maximum square footage for each sign

EXHIBIT G: General Requirements #RZ 10-04-04 (Continued)

otherwise provided for in Article XV (Signs) of the *Statesboro Zoning Ordinance*, only if submitted and approved as part of a uniform signage plan for the Planned Unit Development District created by action of the Statesboro City Council for RZ 10-04-04.

- 4) *Changeable Copy*. Signs to utilize changeable copy shall be limited to manual technologies.
- 5) *Uniform Signage Plan*. A signage plan meeting the provisions of this section shall be submitted as a component of the final development plan referenced in Section A.3 herein, and shall be approved by the Director of Community Development. The signage plan shall include at least:
 - a. Scaled specifications of freestanding signage to be utilized for the site including: base materials, maximum display area, height, exterior lighting consistent with proposed lighting plan (all subsequent free-standing signage on the site will be required to meet the approved parameters).

H) Streets:

- 1) *Interconnected Streets*. The final development plan referenced in Section A.3 herein shall include a public street connection between the proposed Country Club/Bruce connector street and West Jones Avenue. Such street connection shall either be located in close proximity to the eastern property line; or, provide access into and adjacent to the northwestern PUD/R-10 portion of the site. If the proposed street between West Jones Avenue and the proposed Country Club/Bruce connector street runs along the eastern property line, such street shall include a bisecting connection with Bonielane Drive.
- 2) *Driveway Access*. No additional vehicular access, whether public street or private driveways, shall be provided to West Jones Avenue or Cypress Lake Road other than those public street connections identified within this Section.
- 3) *Subdivision*. The streets segments referenced within this subsection shall be subject to the submittal and approval of a preliminary subdivision plat prior to the issuance of any land clearance or building permits for development within the PUD District.
 - a. Alignment of streets referenced within this subsection may vary slightly from those referenced on the final development plan and submitted on a preliminary plat for approval in order to meet the provisions of the *Statesboro Subdivision Regulations*.
 - b. If submitted within twelve (12) months of the date of approval of Statesboro City Council approval of RZ 10-04-04, the preliminary plat may be reviewed and approved by City Council without the supplementary construction plans required by Section 3.2 (B.3.d,e,f and g). Such construction plans may be subsequently submitted in phases prior to final plat approval, and the approval of the Engineering, Fire, Natural Gas and Water and Wastewater Departments, unless one (1) year should lapse between preliminary plat approval and the initiation of development of applicable public facilities.

I) Utilities:

All utilities, including but not limited to, telephones, cable, electric, etc. shall be buried. Exposed overhead utility wires shall be prohibited.

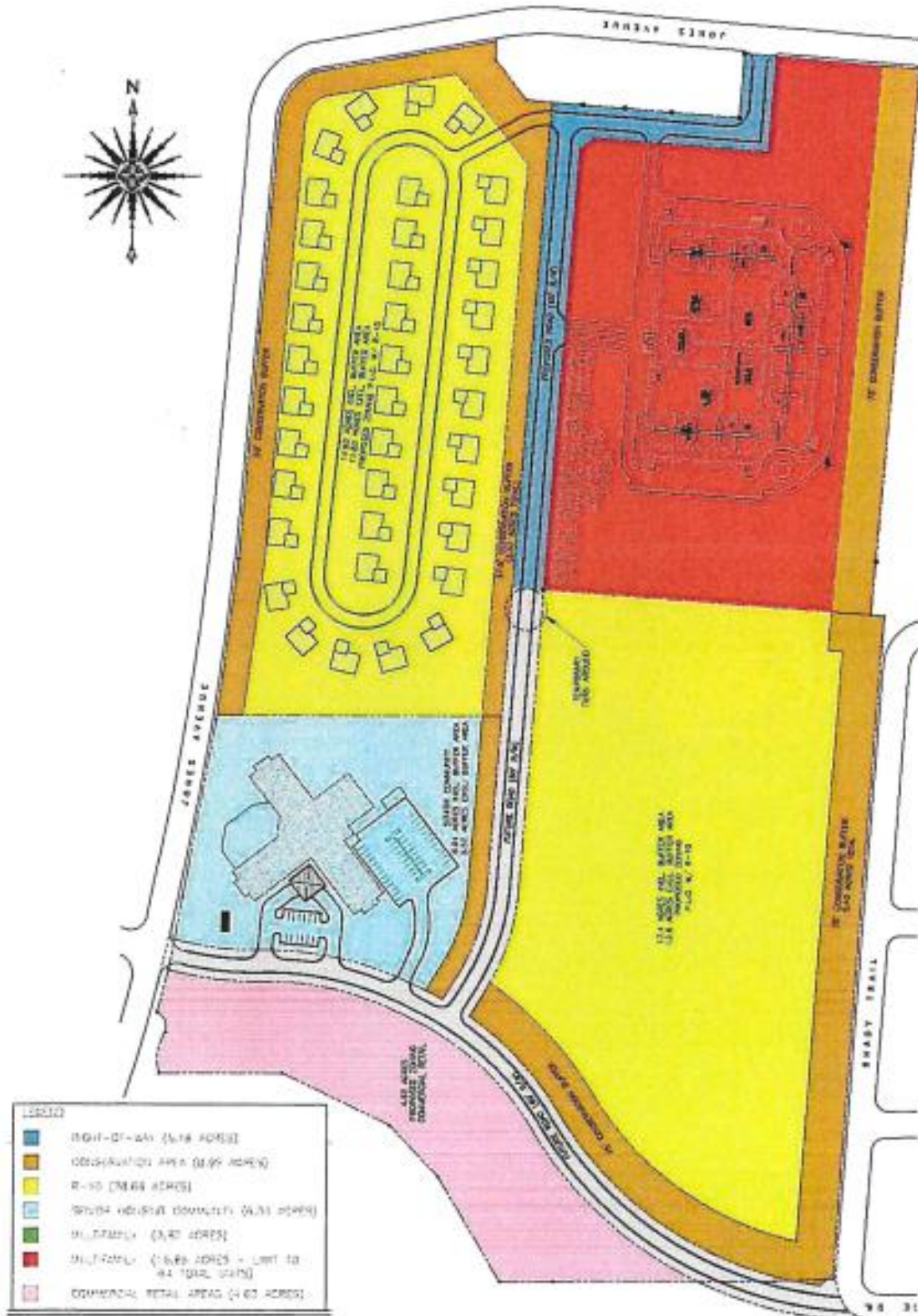
J) Vegetation:

In addition to the provisions of Chapter 86 (Vegetation) of *Statesboro City Code*, the subject property shall adhere to the following:

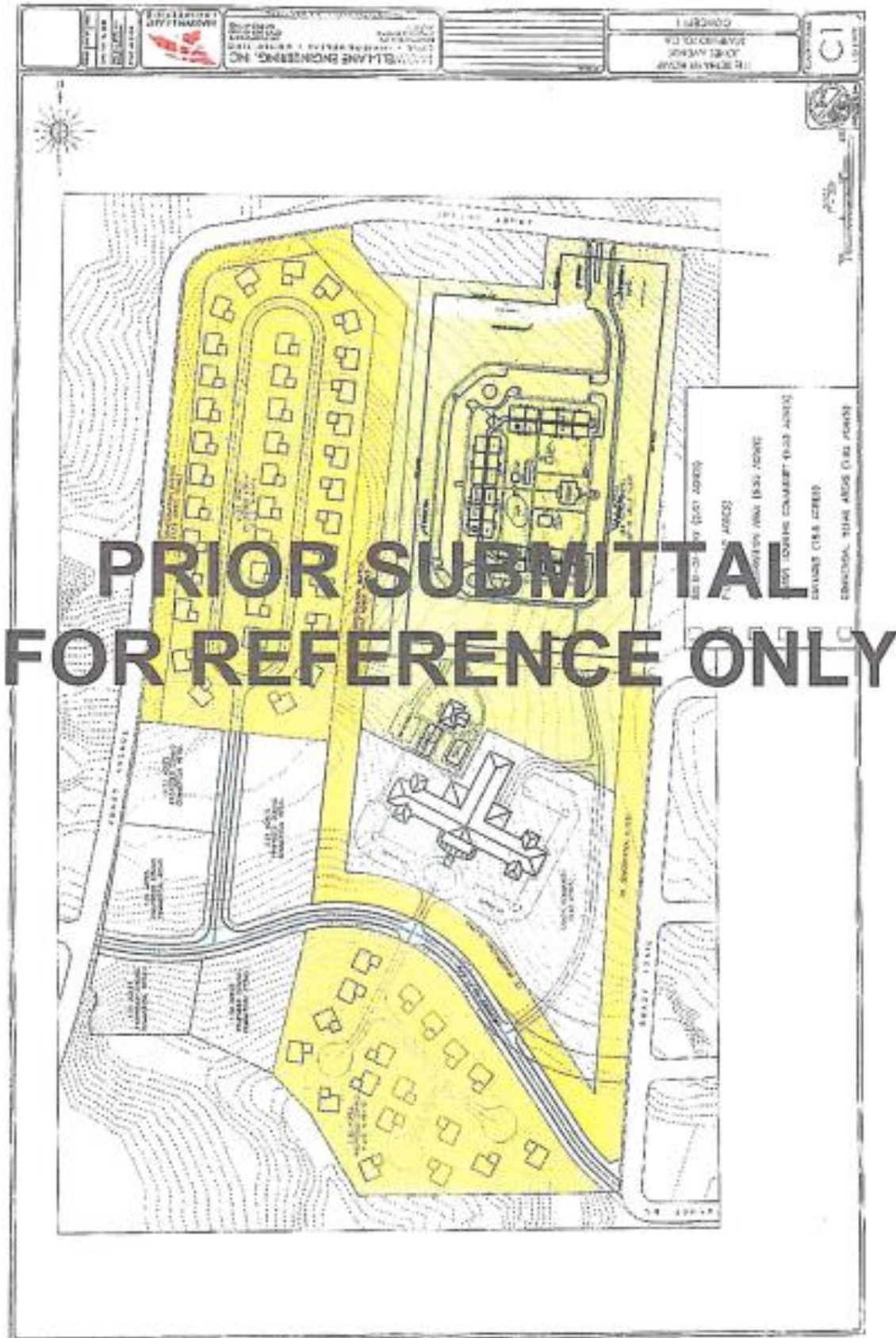
- 1) The conservation buffer provided in **Exhibit C** shall be maintained in its natural state except to allow for under brushing, the provision of necessary street rights-of-way, utility structures or easements as verified by the applicable public authority; or, to allow the removal of trees in poor condition upon evaluation and approval of the City Tree Board.
- 2) The conservation buffer shall not be included in the net developable acreage of the site, and shall not be considered part of the total area of the development for purposes of calculating required green space in Subsection 86-62 (1) of the *Statesboro City Code*.
- 3) In addition to those fines, remedies and charges provided for in the *Statesboro Zoning Ordinance* and *Statesboro City Code* in general, the City Tree Board – upon referral of the City Engineer - is authorized to remedy unpermitted encroachments or clearing activities within the conservation buffer by the provision of a greater tree density for the affected and remaining portions of the site – including those portions for which a site plan may previously have been approved.

EXHIBIT H: 2006 Approved Site Plan & Current 2010 Approved Site Plan

PROPOSED SITE PLAN (INCORPORATES PLANNING COMMISSION RECOMMENDATIONS OF MAY 28, 2010)



PRIOR SUBMITTAL (CONSIDERED BY PLANNING COMM. MAY 28, 2010)



PRIOR SUBMITTAL (CONSIDERED BY PLANNING COMM. MAY 11, 2010)

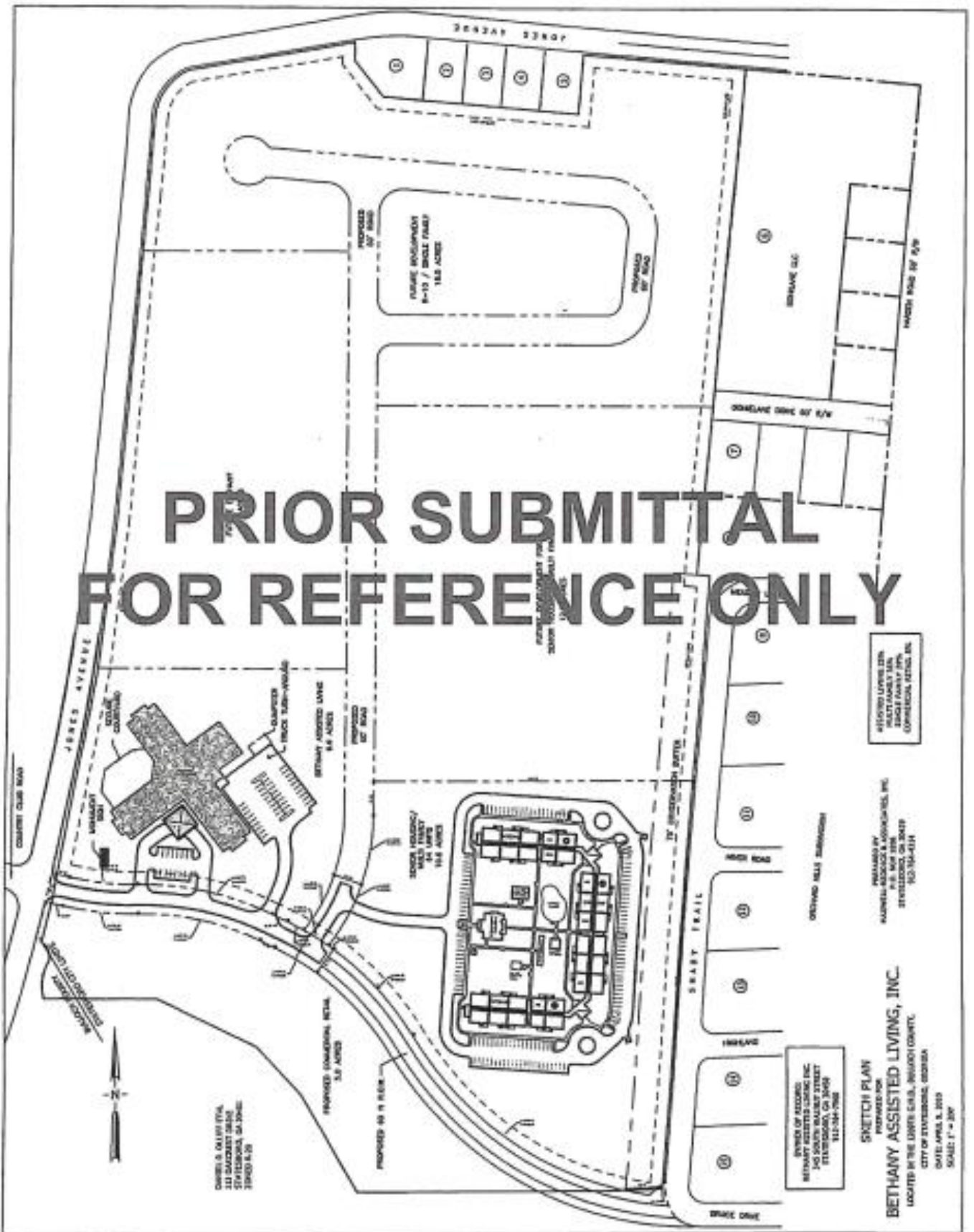
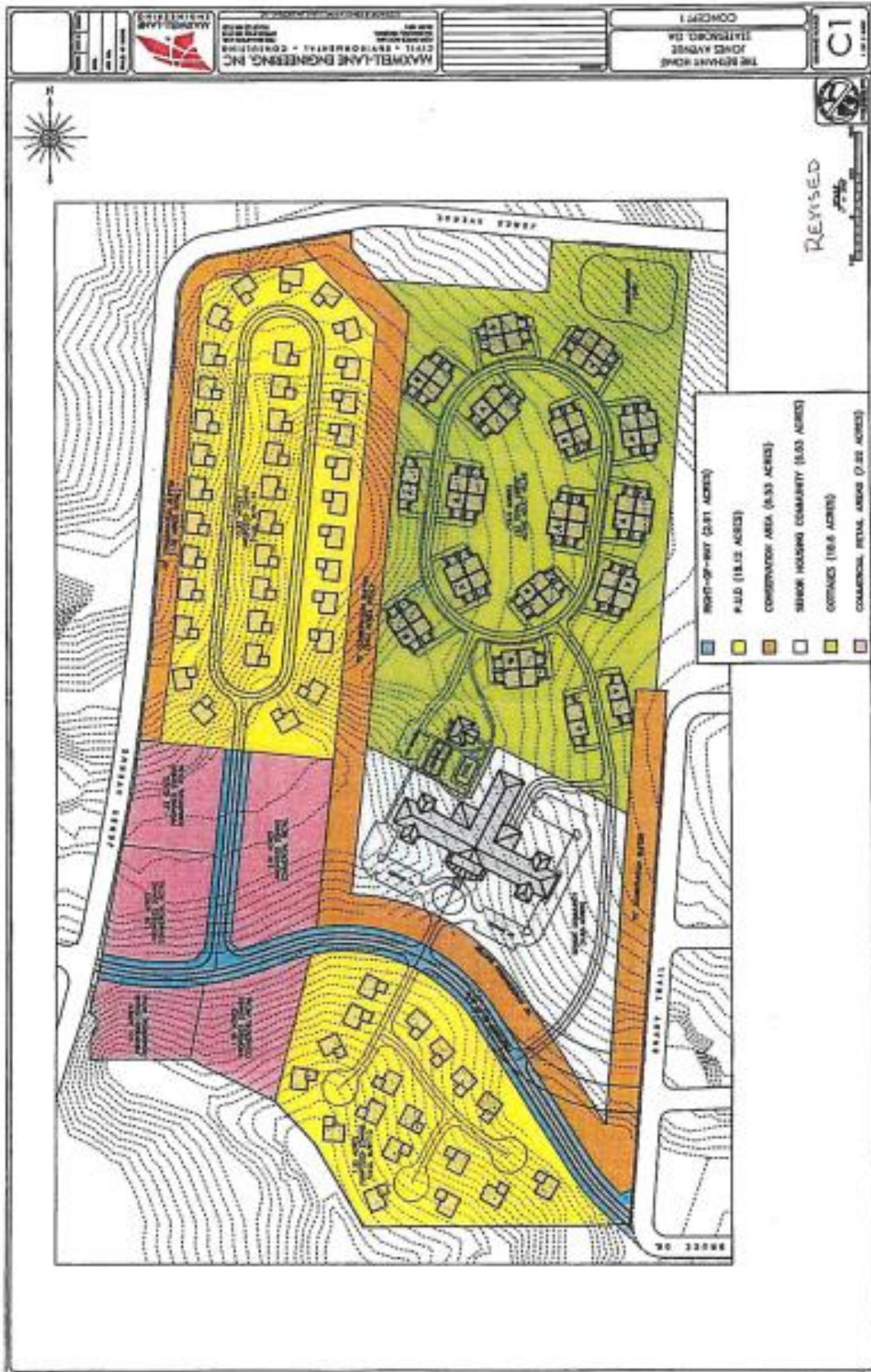


EXHIBIT H: 2006 Approved Site Plan & Current 2010 Approved Site Plan (continued)

EXISTING SITE PLAN (APPROVED OCTOBER 3, 2006)





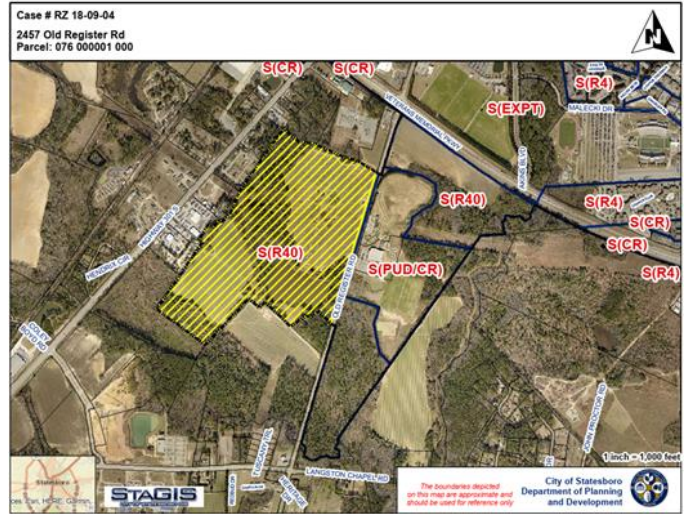
City of Statesboro-Department of Planning and Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

RZ 18-09-04
ZONING MAP AMENDMENT REQUEST
2457 OLD REGISTER ROAD

LOCATION:	2457 Old Register Road
REQUEST:	Zoning map amendment from R-40 (Single Family Residential) to PUD (Planned Unit Development).
APPLICANT:	JGR Development, LLC
OWNER(S):	J. Edwards Akins Farms LTD
ACRES:	138.06 Acres (Portion of a larger 225.45 acre tract)
PARCEL TAX MAP #:	076 000001 000
COUNCIL DISTRICT:	District 3 (Yawn)



PROPOSAL:

The applicant requests a zoning map amendment from the R-40 (Single Family Residential) zoning district to the PUD (Planned Unit Development) zoning district in order to develop the property as mixed use (commercial, office, and residential), which is not an allowed use in the existing zoning designation.

BACKGROUND:

The parcel is currently undeveloped land. In July 2010, the City previously received an annexation and zoning map amendment application (AN 10-06-01) to annex and rezone 291.74 acres; 227.69 acres was proposed to be zoned R-40 (Single Family Residential) District and the remaining 64.05 acres proposed to be zoned PUD-CR (Planned Unit Development – Commercial Retail) District. In August 2010, the city approved the annexation and zoning map amendment request under Ordinance #2010-17.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	HC (Highway Commercial – Bulloch County)	Auto Service Center/Georgia Power Utility Substation
SOUTH:	PUD/CR (Planned Unit Development/Commercial Retail)	Hackers/Clubhouse Entertainment Complex
EAST:	PUD (Planned Unit Development – Bulloch County)	Undeveloped
WEST:	HC (Highway Commercial – Bulloch County)	The Boiling Shrimp Restaurant, Parkwood RV Park & Cottages, JC Lewis Ford Lincoln of Statesboro, and Georgia Chrysler Dodge Jeep Car Dealership

The subject property is located within the R-40 (Single Family Residential) district. A variety of highway commercial uses are located nearby. Surrounding parcels include an auto service center, Hackers/Clubhouse entertainment complex, Boiling Shrimp Restaurant, Car Dealerships, Parkwood RV Park & Cottages, and a utility substation (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 (Conceptual Site Plan)

COMPREHENSIVE PLAN:

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

<u>“Emerging Business”</u>	
Vision:	The Emerging Business area will support the creation of a park to support office and business development opportunities. This area is ideally situated adjacent to the Veteran’s Memorial By-pass, Highway 301, the rail line, and near AgriBusiness Center. This business incubator center is well-positioned to coordinate with the College of Information Technology at Georgia Southern University. Some of this area is currently outside the city limits, but water and sewer is readily available. This character area is shown as a gradient on the future development map (Exhibit B) to indicate that the boundaries of this area are not specific.
Suggested Development & Implementation Strategies:	<ul style="list-style-type: none"> • There should be good vehicular and pedestrian/bike connections to retail/commercial services as well as internal street network connectivity, connectivity to adjacent properties/subdivisions, and multiple site access points. • Encourage compatible architecture styles that maintain regional character. • Screen parking areas from view through attractive landscaping, low fencing, etc. Where feasible, locate parking beside or behind buildings. • Install streetscape improvements which reflect the character of Statesboro through special treatment of sidewalks (such as pavers, scored concrete, etc.), pedestrian-scaled lighting, street trees, hardscape, seasonal plantings, etc. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 33.</i></p>

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

<u>“Activity Centers/Regional Centers”</u>	
Vision: 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.	Suggested Development & Implementation Strategy: <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.

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”.

ANALYSIS

TRANSPORTATION:

Vehicular access to the site will likely be confined to Old Register Road frontage, which is classified as an Urban Collector road. A review of the *Bulloch County/Statesboro 2035 Long Range Transportation Plan (LRTP)* further suggests no expected capacity deficiencies on Old Register Road. The *LRTP* does, however, recommend that Old Register Road warrants further study and potential operational upgrades to ensure long-term carrying capacity. Additionally, the *LRTP* recommends further study to consider intersection improvements at Old Register Road and Veterans Memorial Parkway.

As this zoning map amendment request has the potential to significantly increase vehicle trips on existing streets, a traffic study in order to determine the trip generation potential of the site, and what type of operational improvements to Old Register Road may be required by the developer. Additionally, City Council should consider certain street improvements as well as pedestrian and bicycle system improvements which may not be otherwise incorporated into a standard development

COMMUNITY FACILITIES:

City services including water, sewer, sanitation, and public safety are currently serving the land parcels located just east of the subject site.

ENVIRONMENTAL:

Per Exhibit D and Bulloch County GIS, 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 R-40 (Single Family Residential) zoning district to the PUD (Planned Unit Development) 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 PUD (Planned Unit Development) district as set forth in the *Statesboro Zoning Ordinance*.

Current Zoning	Requested Zoning
The single family residential (R-40) district can accommodate a variety of business, educational, municipal, and some residential uses. However, "Mixed Use Development," is not listed as a permissible use allowable by right in the R-40 district.	The PUD (Planned Unit Development) district has the declared purpose of "is to permit flexibility in situations where modifications of specific provisions of this ordinance will not be contrary to its intent and purpose".

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 HC (Highway Commercial – Bulloch County), R-40 (Single Family Residential – City of Statesboro), PUD/CR (Planned Unit Development/Commercial Retail Overlay – City of Statesboro), and PUD (Planned Unit Development – Bulloch County), and are occupied**

by an entertainment complex/driving range, auto service center, Georgia Power Substation, car dealerships, RV park, restaurant, and undeveloped land.

(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 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 R-40 (Single Family Residential). Per Article VII, section 701-E., this parcel can currently be occupied by single family detached dwelling units, educational institutions, municipal uses, and professional offices/home occupations. However, mixed use developments proposing a variety of uses such as commercial, office and residential, should consider a zoning district with a variety of flexibility. Under the proposed PUD zoning, the applicant would be able to develop all of the aforementioned uses. This request gives the applicant an opportunity to serve members of the community and neighborhood while contributing with a mixed use development as encouraged by the *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.

- a. In August 2010, the property was annexed into the city limits and re-zoned to R-40 (Single Family Residential). The property is currently undeveloped land.

(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. 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 the *Statesboro Comprehensive Plan*.

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

- a. Use of the property as a new mixed use development is consistent with the vision and guiding principles of the "Future Development Map Narrative" as articulated within the *Statesboro Comprehensive Plan* which promotes a mix of residential, commercial uses, and community facilities.

RECOMMENDATION:

Staff recommends approval of this zoning map amendment with the following condition(s) as stated:

- (a) Staff approval of PUD site plan dated September 18, 2018.
- (b) By-laws and restrictive covenants are to be recorded prior to construction commencement.

EXHIBIT A: LOCATION MAP

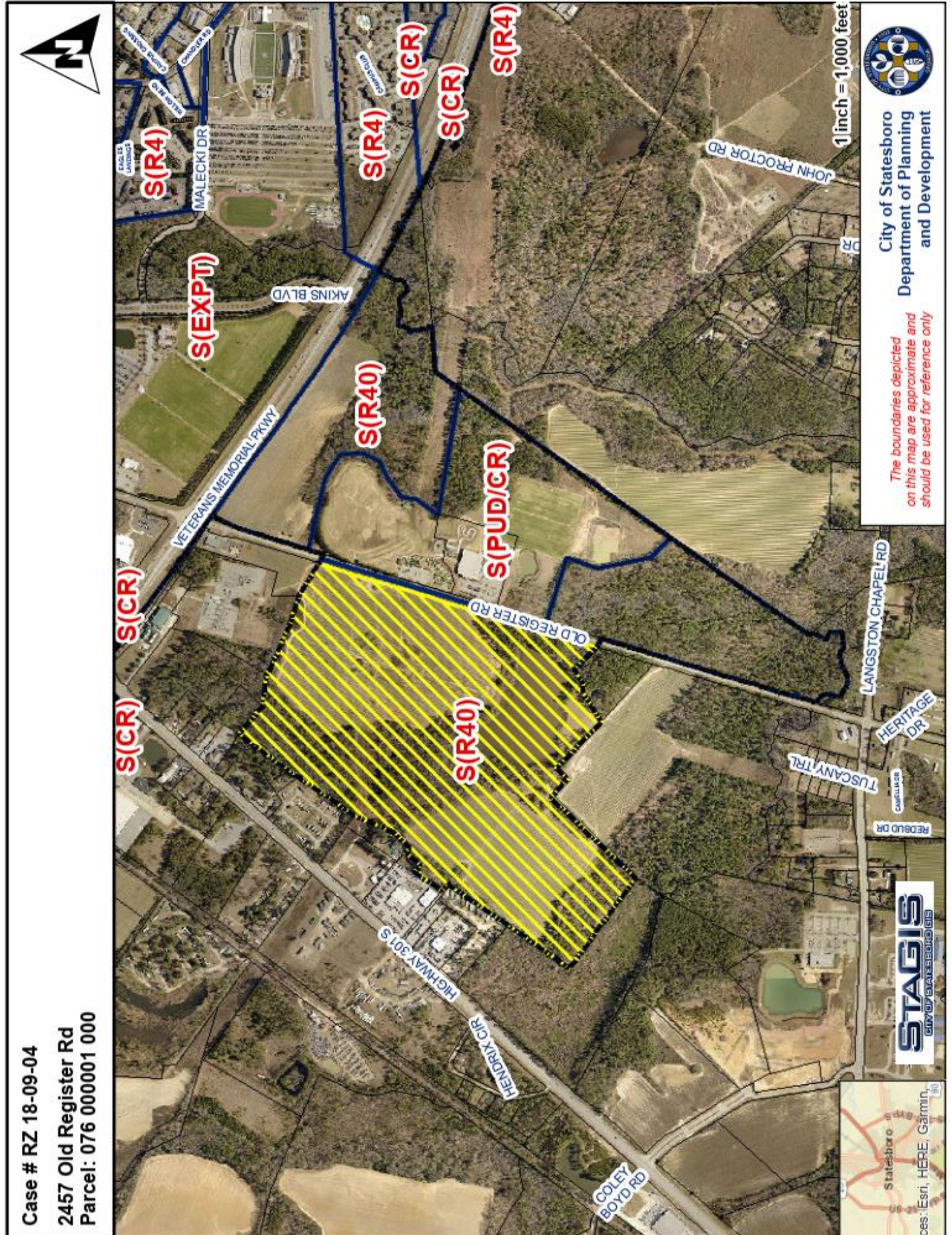


EXHIBIT B: FUTURE DEVELOPMENT MAP

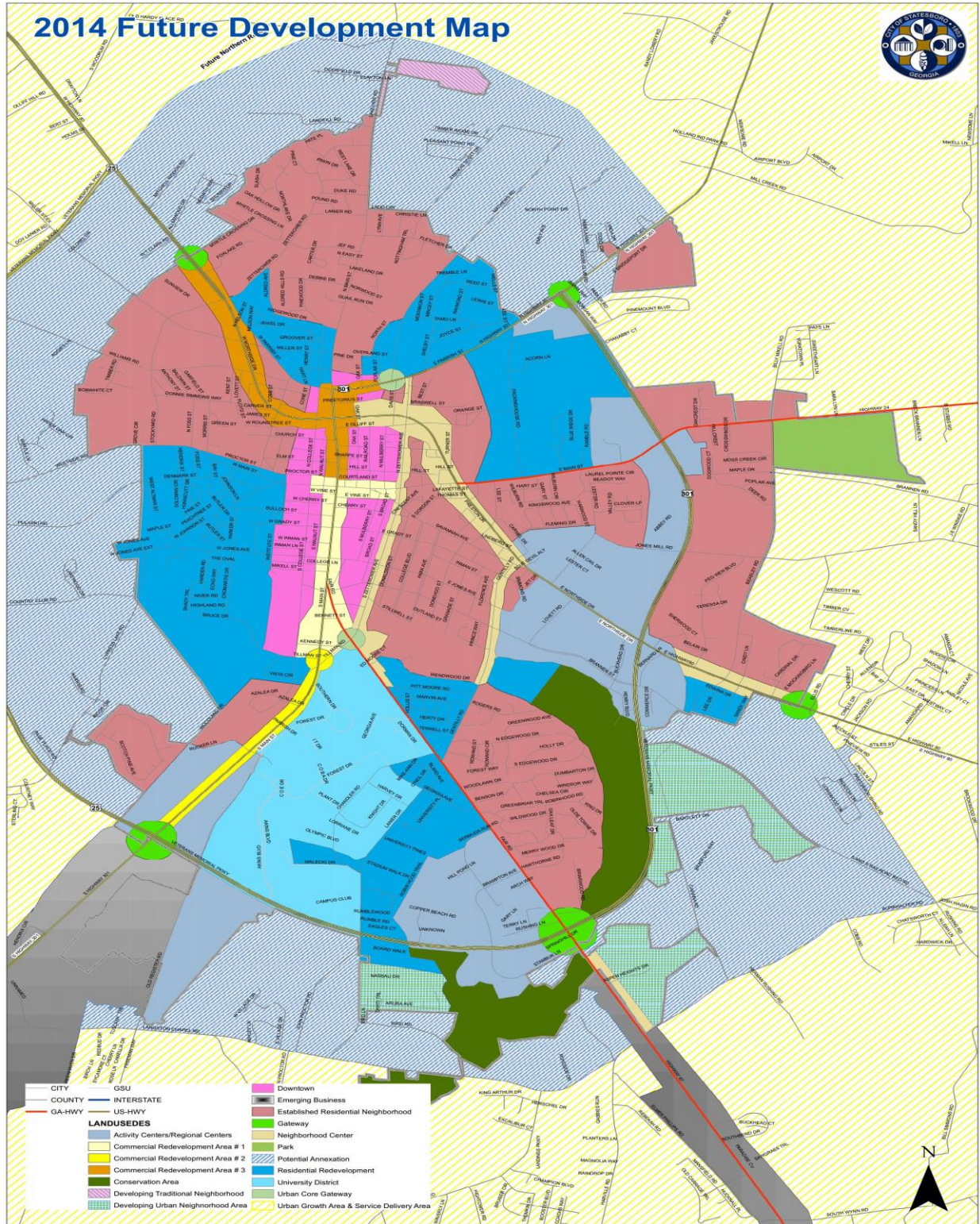


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: Looking south from the northern adjacent property, a view of the subject site.



Picture 2: Looking northeast from subject site, currently undeveloped land recently approved for a zoning map amendment to the CR (Commercial Retail) zoning district under RZ 18-08-02.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (continued)

Picture 3: Looking east from the subject site, currently Hackers/Clubhouse Entertainment Complex.



Picture 4: Looking north from the subject site, currently an automotive services center.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (continued)

Picture 5: Looking north from the subject site, currently a Georgia Power utility substation located along the subject site's northern boundary



Picture 6: Looking east from the subject site, currently a portion of the Hackers/Clubhouse entertainment complex and undeveloped land being considered for a zoning map amendment to PUD (Planned Unit Development) under RZ 18-09-05.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (continued)

Picture 7: Looking south along Old Register Road, the eastern boundary of the subject site.



Picture 8: Looking north along Old Register Road, an additional view of the eastern boundary of 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)

RZ 18-09-05 ZONING MAP AMENDMENT REQUEST 2802 OLD REGISTER ROAD		
LOCATION:	2802 Old Register Road	<div style="border: 1px solid black; padding: 5px;"> <p style="font-size: 8px;">Case # RZ 18-09-05 2802 Old Register Rd Parcel: 076 000001 002</p> </div>
REQUEST:	Zoning map amendment from PUD/CR (Planned Unit Development/Commercial Retail) to PUD (Planned Unit Development).	
APPLICANT:	JGR Development, LLC	
OWNER(S):	BVT-AKINS	
ACRES:	19.23 Acres (Portion of a larger 19.52 acre tract)	
PARCEL TAX MAP #:	076 000001 002	
COUNCIL DISTRICT:	District 3 (Yawn)	

PROPOSAL:

The applicant requests a zoning map amendment from the PUD/CR (Planned Unit Development/Commercial Retail) zoning district to the PUD (Planned Unit Development) zoning district in order to develop a soccer stadium, which is not an allowed use in the existing zoning designation.

BACKGROUND:

The subject site is currently occupied by a portion of the Hackers/Clubhouse entertainment complex. This indoor and outdoor entertainment facility includes a bowling alley, arcade, mini-golf course, driving range, batting cages, and a go cart racing track. The subject site will occupy the current location of the driving range, miniature golf course, and batting cages. In July 2010, the City previously received an annexation and zoning map amendment application to annex and rezone 291.74 acres; 227.69 acres was zoned R-40 (Single Family Residential) District and the remaining 64.05 acres was zoned PUD/CR (Planned Unit Development – Commercial Retail) District. In August 2010, the city approved the annexation and zoning map amendment request under Ordinance #2010-17. The subject site currently adheres to all applicable provisions of the *Statesboro Zoning Ordinance* and the general requirements for annexation case #AN 10-06-01 (Exhibit E). Major Amendments to the PUD will require the submittal of a zoning map amendment by the applicant consistent with the provisions of Article XX (Amendments) of the *Statesboro Zoning Ordinance*. Any major amendments shall incorporate revisions to all those portions of the approved conceptual development, which illustrates intended uses, buildings, parking, streets, etc. Hence, the applicants request for a zoning map amendment on the subject site.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R-40 (Single Family Residential)	Undeveloped (currently being considered for a zoning map amendment to the CR (Commercial Retail) zoning district under RZ 18-08-02).
SOUTH:	PUD/CR (Planned Unit Development/Commercial Retail)	Hackers/Clubhouse Entertainment Complex
EAST:	PUD (Planned Unit Development – Bulloch County)	Undeveloped.
WEST:	R-40 (Single Family Residential), HC (Highway Commercial)	Auto Service Center, Georgia Power Utility Substation, and Undeveloped (Currently being considered for a zoning map amendment to PUD (Planned Unit Development) zoning district under RZ 18-09-04).

The subject property is located within the PUD/CR (Planned Unit Development/Commercial Retail) district. Surrounding parcels include Hackers/Clubhouse entertainment complex, an automotive service center, Georgia Power Utility substation, and undeveloped land (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** (Master Site Plan), **Exhibit E** (General Requirements for case # 10-06-01), **Exhibit F** (Boundary Plat)

COMPREHENSIVE PLAN:

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

<u>“Activity Centers/Regional Centers”</u>	
<i>Vision:</i>	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.
<i>Suggested Development & Implementation Strategies:</i>	<ul style="list-style-type: none"> • Appropriate land uses include: (1) Small, mid-size, 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. • Future developments and highway improvements within these areas should include pedestrian and bicycle access to surrounding neighborhoods. • Require shade trees to be planted in parking lots and along highway corridors. • Incorporate inter-parcel connectivity, especially along major thoroughfares. • Include community gathering places, such as squares, plazas, etc. into commercial and mixed used developments. • Use infrastructure availability to steer development away from areas of natural, cultural, and environmentally sensitive resources. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 25-26.</i></p>

The subject area lies between “Emerging Business” character area and the “Potential Annexation” area.

<u>“Emerging Business”</u>	<u>“Potential Annexation”</u>
<p><i>Vision:</i> The Emerging Business area will support the creation of a park to support office and business development opportunities. This area is ideally situated adjacent to the Veteran’s Memorial By-pass, Highway 301, the rail line, and near AgriBusiness Center. This business incubator center is well-positioned to coordinate with the College of Information Technology at GSU.</p>	<p><i>Vision:</i> The establishment of an annexation policy can provide clear guidance to community leaders in evaluating annexation requests or proposals to extend the city limits. Annexation should be linked to the ability to provide adequate city services. A component of the annexation policy should be to identify the appropriate character area for the newly annexed property.</p>

Per the 2014 update to the *City of Statesboro Comprehensive Master Plan* and the *Issues & Opportunities Narrative*:

“Planned unit developments, or PUDs, typically offer greater flexibility in development standards than a conventional zoning district. With this flexibility, there is also an opportunity to include housing diversity, mixed uses, and amenities. A PUD should be viewed as an alternative available for regulating development when existing land use regulations may not adequately address unique circumstances or opportunities for a particular development. The City may grant more leeway in the certain areas of the regulations for a PUD, but in exchange, there are expectations of the development community for additional design features, amenities, etc. As mentioned previously, an update of the city’s land use regulations can provide better alternatives for producing quality development without necessitating the use of a PUD.”

ANALYSIS

TRANSPORTATION:

Vehicular access to the site will be provided by Old Register Road and a proposed extension of Akins Boulevard, which will serve the northern boundary of the subject site. A review of the *Bulloch County/Statesboro 2035 Long Range Transportation Plan (LRTP)* further suggests no expected capacity deficiencies on Old Register Road. The *LRTP* does, however, recommend that Old Register Road warrants further study and potential operational upgrades to ensure long-term carrying capacity. Additionally, the *LRTP* recommends further study to consider intersection improvements at Old Register Road and Veterans Memorial Parkway.

As this zoning map amendment request has the potential to significantly increase vehicle trips on existing streets, a traffic study in order to determine the trip generation potential of the site, and what type of operational improvements to Old Register Road may be required by the developer. Additionally, City Council should consider certain street improvements as well as pedestrian and bicycle system improvements which may not be otherwise incorporated into a standard development.

COMMUNITY FACILITIES:

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

ENVIRONMENTAL:

Per Exhibit D and Bulloch County GIS, the subject property is bordered by wetlands to the east, 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 PUD/CR (Planned Unit Development/Commercial Retail) zoning district to the PUD (Planned Unit Development) 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 *Statesboro Comprehensive 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 PUD (Planned Unit Development) district as set forth in the *Statesboro Zoning Ordinance*.

Current Zoning	Requested Zoning
Under # AN 10-06-01, The Planned Unit Development/Commercial Retail (PUD/CR) district can accommodate land uses permitted in Article X (Commercial Retail District) of the <i>Statesboro Zoning Ordinance</i> as well as agencies, studios, schools. Also, commercial recreation uses such as bowling alleys, skating rinks, theatres, arcades, amusement parks, golf courses, and golf driving ranges. However, a soccer stadium complex is not a permitted land use under the current zoning regulations.	The PUD (Planned Unit Development) district typically offers greater flexibility in development standards than the conventional zoning district. With this flexibility, there is also an opportunity to include housing diversity, mixed uses, and amenities. A PUD should be viewed as an alternative available for regulating development when existing land use regulations are not adequate for a particular development, such as a soccer stadium, which is the applicant's intended use.

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 HC (Highway Commercial), R-40 (Single Family Residential), and PUD/CR (Planned Unit Development/Commercial Retail)**, and are occupied by an entertainment complex/driving range, auto service center, Georgia Power Substation, and undeveloped land.

(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 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 PUD/CR (Planned Unit Development/Commercial Retail). Per AN #10-06-01, this parcel can currently be occupied by land use permitted in Article X Commercial Retail District of the *Statesboro Zoning Ordinance* as well as agencies, studios, and schools. Also, commercial recreation uses such as bowling alleys, skating rinks, theatres, arcades, amusement parks, golf courses, and golf driving ranges. Under the proposed zoning, the applicant would be able to develop a soccer stadium complex as a PUD zoning provides the subject site greater flexibility in development standards than a conventional zoning district. This request gives the applicant an opportunity to serve members of the community and neighborhood while contributing with an entertainment use as encouraged by the *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.

- a. In August 2010, the property was annexed into the city limits and re-zoned to R-40 (Single Family Residential). The property is currently undeveloped land.

(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. 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 the *Statesboro Comprehensive Plan*.

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

- a. Use of the property as a soccer stadium complex is consistent with the vision and guiding principles of the "Activity Centers/Regional Centers" character area as articulated within the *Statesboro Comprehensive Plan* which promotes the development of entertainment places.
- b. Further, this request will assist in the achievement of the *City of Statesboro Vision Statement for the 2014 Comprehensive Plan* by providing an attractive destination for residents in the form of an entertainment establishment.

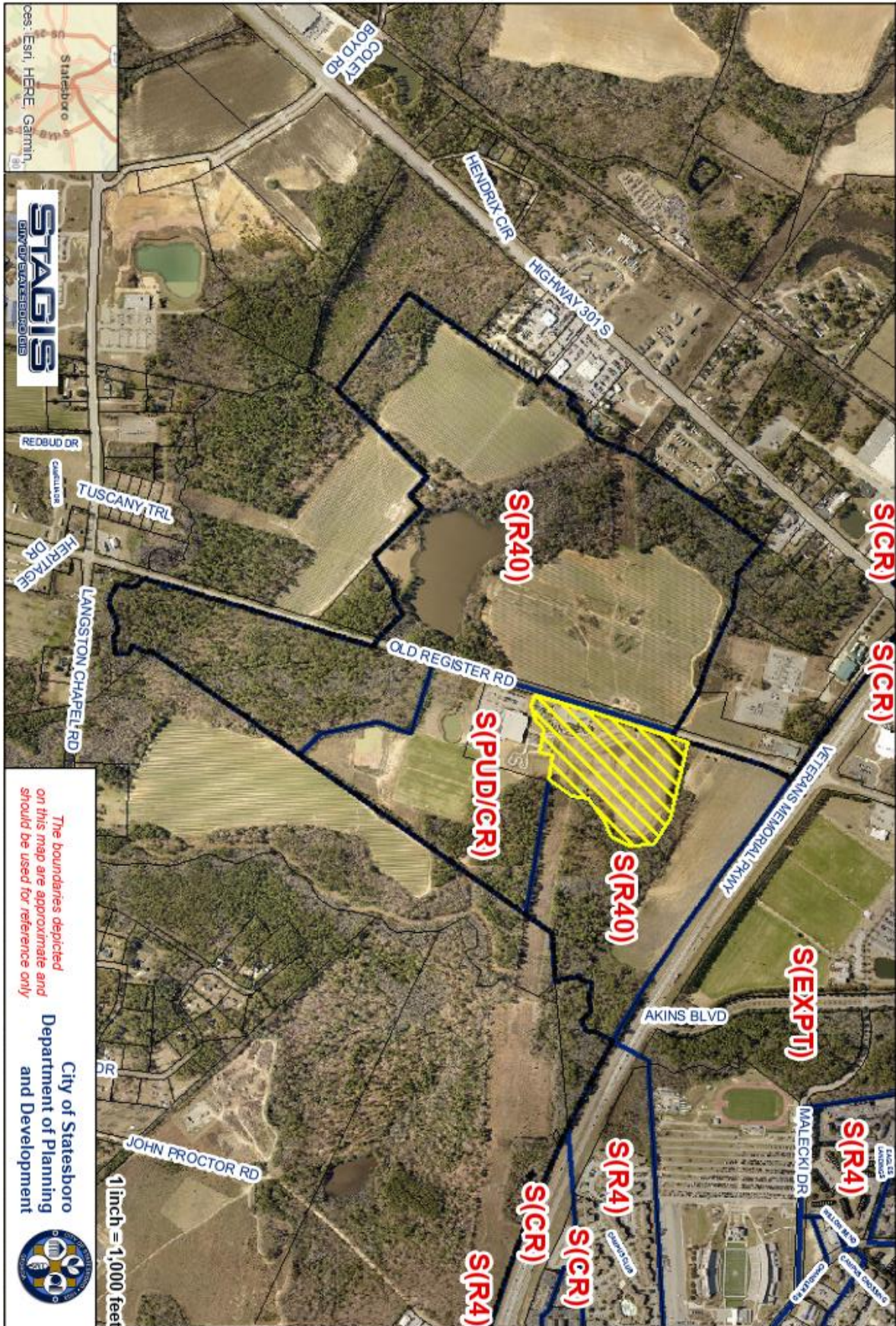
RECOMMENDATION:

Staff recommends approval of this zoning map amendment with the following condition(s) as stated:

- (a) Staff approval of PUD site plan dated September 10, 2018.

EXHIBIT A: LOCATION MAP

Case # RZ 18-09-05
 2802 Old Register Rd
 Parcel: 076 000001 002



The boundaries depicted on this map are approximate and should be used for reference only

City of Statesboro
 Department of Planning
 and Development



EXHIBIT B: FUTURE DEVELOPMENT MAP

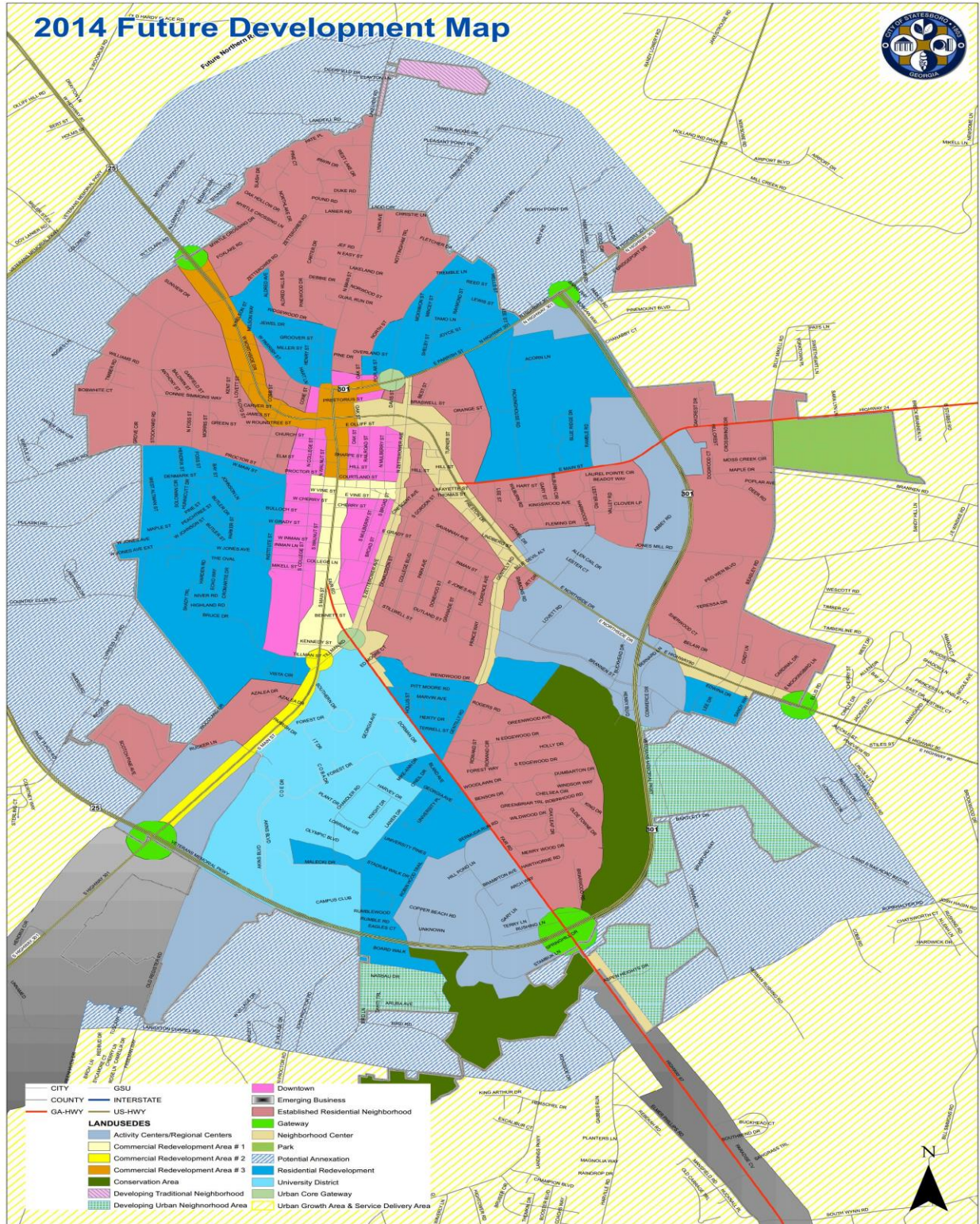


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site, currently a portion of the Hackers/Clubhouse entertainment complex.



Picture 2: Looking north from subject site, currently undeveloped land being consider for a zoning map amendment to the CR (Commercial Retail) zoning district under RZ 18-08-02.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (continued)

Picture 3: Looking south along Old Register Road, the western boundary of the subject site.



Picture 4: Looking west from the subject site across Old Register Road, currently undeveloped land recently approved for a zoning map amendment to the CR (Commercial Retail) zoning district under RZ 18-08-02.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (continued)

Picture 5: Looking south from subject site, currently Hackers/Clubhouse Entertainment Complex and a portion of the western boundary of the subject site.



Picture 6: Looking west from subject site, currently an automotive services center.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (continued)

Picture 7: Looking west from the subject site, currently a Georgia Power utility substation.



EXHIBIT E: General Requirements #AN 10-06-01 (Continued)

EXHIBIT A (GENERAL REQUIREMENTS FOR AN 10-06-01): The Planned Unit Development/Commercial Retail (PUD-CR) District for 64.05 acres of property proposed within annexation case #AN 10-06-01, and listed in the case file at the time of adoption by Statesboro City Council as Old Register Road and tax map parcels #076 000001 002 and 076 000001 000 (Portion), shall adhere to all applicable provisions of the *Statesboro Zoning Ordinance*, and the general requirements contained within this defining narrative. Where the general requirements of this Planned Unit Development District conflict with provisions of the *Statesboro Zoning Ordinance* and other applicable chapters of City Code, the more stringent shall apply.

A) Administration:

In addition to the provisions of Article XVII (Administration.) of the *Statesboro Zoning Ordinance*, the following shall be applicable to the subject property:

- 1) The Director of Community Development shall have the duty and power to administer the provisions of the Planned Unit Development (PUD) created by action of the Statesboro City Council for AN 10-06-01 unless otherwise provided. Where referenced herein, the term "Director of Community Development" may also include her/his designee.
- 2) The City Engineer shall have those specific and necessary duties and powers referenced herein to administer the provisions of the Planned Unit Development (PUD) created by action of the Statesboro City Council for AN 10-06-01. Where referenced herein, the term "City Engineer" may also include her/his designee.

In addition to the provisions of Article XIV (Planned Unit Development District.) of the *Statesboro Zoning Ordinance*, the following shall be applicable to the subject property:

- 3) *Conceptual Development Plan.* The conceptual development plan referenced in Exhibit C of this Staff Report, and entitled "A Compilation Map of BVT-Akins Property" (Dated 6-4-10) is incorporated into and considered a part of this PUD.
- 4) *Minor Amendments.* The Director of Community Development shall have the authority to approve minor amendments to the PUD. Minor amendments shall not include re-designation or relocation of land area inconsistent with the conceptual site plan, the addition of buildings or building square footage not clearly accessory to existing uses or uses under construction on the effective date of the annexation ordinance associated with AN 10-06-01, or other similar changes that intensify the use of the property; or, changes that conflict with the requirements listed herein as determined by the Director. Where the Director of Community Development determines that a proposed amendment to the PUD cannot be classified as "minor" in nature, such amendments shall be deemed as major amendments.
- 5) *Major Amendments.* Major amendments to the PUD will require the submittal of a zoning map amendment by the applicant consistent with the provisions of Article XX (Amendments) of the *Statesboro Zoning Ordinance*. Any major amendment shall incorporate revisions to all those portions of the approved conceptual development plan labeled as "Future Development" which illustrate intended uses, buildings, parking, streets, etc.
- 6) *Permits.*
 - a. Buildings and structures previously permitted by Bulloch County within the PUD may serve as basis for determining architectural compatibility as referenced in Section B herein, and as determined by the Director of Community Development.
 - b. No building permit shall be issued by the City of Statesboro until a uniform lighting plan has been submitted and approved in accordance with Section D herein.

B) Building Elements:

The subject property shall adhere to the following:

- 1) *Principal and Accessory Structures.* All principal and accessory structures shall incorporate compatible architectural details and utilize uniform exterior finishes.
- 2) *Facades.* Exterior facades of all principal and accessory structures shall be constructed primarily of brick, stone or other decorative masonry, or stucco. Wood, hardi-plank or a similar siding may be applied as a secondary material; but shall in no case be utilized on more than 50 percent of any façade elevation. Two wall materials may be combined horizontally on one (1) façade with the "heavier" wall material located below. Materials utilized for the initial tract to be developed shall also be incorporated into subsequent phases of development in a similar manner.
- 3) *Roofs.* Pitched metal roofs may be utilized; however, any material utilized for a pitched roof shall be of an earth tone that is muted and compatible with materials utilized for wall facades. Roof mounted mechanical equipment (i.e. HVAC units, etc.) shall not be visible from the public street.

C) Land Uses:

The subject property shall adhere to the following:

- 1) *Permitted Uses.* In addition to the land uses permitted in Article X (Commercial Retail District) of the *Statesboro Zoning Ordinance*, the following shall also be permitted:

EXHIBIT E: General Requirements #AN 10-06-01 (Continued)

- a. *Agencies, studios, schools.*
 - b. *Commercial recreation: bowling alleys, skating rinks, theatres, arcades, amusement parks, golf courses, golf driving ranges.*
- 2) *Prohibited Uses.* The following land uses shall be prohibited:
- a. *Drive-through service lanes.*
 - b. *Vending machines or any other method of outdoor display or sale of merchandise.*

D) Lighting:

The subject property shall adhere to the following:

- 1) Lighting facilities shall be arranged in a manner which will protect the roadway and neighboring properties from glare or hazardous interference of any kind.
- 2) All exterior lighting shall utilize fully-shielded (full cutoff) luminaries emitting no light above the horizontal plane except for those incandescent fixtures of 150 watts or less and other sources of 70 watts or less.
- 3) Maximum light mounting height on private property for parking, loading, outdoor gathering spaces, etc., shall not exceed 20 feet or 100 percent of the horizontal distance to the property line – whichever is less. Maximum light mounting height within public rights-of-way shall be determined by the City Engineer; but, shall closely approximate the mounting heights utilized on private properties.
- 4) *Uniform Lighting Plan.* A lighting plan meeting the provisions of this section shall be provided and be approved by the City Engineer and Director of Community Development prior to issuance of a building permit by the City of Statesboro. All portions of the site shall be subject to the lighting plan which shall include at least:
 - a. Lighting fixtures and posts to be utilized within public rights-of-way and outdoor parking, loading, gathering spaces, etc.

E) Pedestrian and Bicycle Facilities:

The subject property shall incorporate the following:

- 1) *Pedestrian Walkways.* Pedestrian walkways (sidewalks) of a minimum of five (5) feet shall be constructed that provide direct connections between street sidewalks (or rights-of-way where sidewalks do not yet exist) and principal buildings on the site. All such walkways shall meet ADA compliance standards, and shall be located on individual development tracts in a manner that provides maximum separation between pedestrian and motor vehicle traffic. Where walkways cross paved parking areas, they shall be delineated by pavement markings approved by the City Engineer.
- 2) *Bicycle Facilities.* Appropriate bicycle racks shall be provided at each individual development tract at a ratio of one (1) per every 50 motor vehicle parking spaces. Each bicycle rack shall be designed to support a bicycle by its frame in two (2) places and allow the use of a cable lock or U shaped lock. Each bicycle parking space shall be located on a paved pad and shall be at least twenty-four (24) inches in width and six (6) feet in length. In addition, bicycle parking spaces shall be accessed on at least one (1) side via an area of clearance not less than forty eight (48) inches. Final placement and design shall be subject to the approval of the Director of Community Development.
- 3) *Pre-Existing Development.* The pedestrian and bicycle facilities referenced within this Section shall be incorporated into portions of the PUD previously approved by Bulloch County concurrent with the issuance of a building permit by the City of Statesboro for new construction (including parking) or building expansion.

F) Screening:

In addition to the provisions of Article XXII (General Provisions) of the *Statesboro Zoning Ordinance*, the subject property shall adhere to the following:

- 1) *Dumpsters.* Dumpsters for this site must be screened from view on all four (4) sides. Screening must consist of three (3) sides of a wall constructed of the same or similar brick, stone or other decorative masonry, or stucco materials primarily utilized for the exterior facades of the principal structures on the site. The fourth side may employ a gate, approved by the City Engineer, for removal or servicing of the dumpster. A minimum of six (6) feet in height, or a greater height sufficient enough to screen the entire dumpster, is required.
- 2) *Mechanical Equipment.* Ground mounted mechanical equipment (HVAC units, etc.) must be screened from view with walls constructed of the same or similar brick, stone or other decorative masonry, or stucco materials primarily utilized for the exterior facades of the principal structures on the site; or, by vegetation forming a compact evergreen planting screen within two (2) years of planting; or, by any combination of a wall or vegetative buffer meeting the provisions herein.

EXHIBIT E: General Requirements #AN 10-06-01 (Continued)

G) Signage:

In addition to the provisions of Article XV (Signs) of the *Statesboro Zoning Ordinance*, the subject property shall adhere to the following:

- 1) *Free-Standing Signage.* Each individual free-standing sign shall be monument style located on a base constructed primarily of brick, stone or other decorative masonry, or stucco; and, consistent with that applicable material utilized for the exterior building elevations of the principal structures on the site.
- 2) *Incidental Signage.* Freestanding incidental signage shall mirror all other freestanding signage in type and materials. Incidental signage proposed for the site may exceed the maximum square footage for each sign otherwise provided for in Article XV (Signs) of the *Statesboro Zoning Ordinance*, only if submitted and approved as part of a sign permit application.
- 3) *Changeable Copy.* Signs to utilize changeable copy shall be limited to manual technologies.

H) Streets and Traffic:

- 1) *Driveway Access.* There shall be no more than two (2) vehicular access points for parking serving the Clubhouse Family Entertainment Center building. The principal access point shall be served by the left-hand turn lane required by Section H.2 herein. The secondary access point shall be a right-in/right-out access with raised channelization island and adequate signage and markings for the secondary driveway.
- 2) *Street Improvements.* A left-hand turn lane shall be installed on Old Register Road to access the principal driveway of the Clubhouse Family Entertainment Center building permitted by Bulloch County.
- 3) *Transportation Plans.* The PUD may be subject to additional transportation provisions at the time of any future major amendment in accordance with any transportation plans adopted by the Mayor and City Council of the City of Statesboro, or completion of any other transportation plan or study commissioned by the City of Statesboro.

I) Utilities:

All utilities, including but not limited to, telephone, cable, electric, etc. shall be buried. Exposed overhead utility wires shall be prohibited.

J) Vegetation:

In addition to the provisions of Chapter 86 (Vegetation) of *Statesboro City Code*, the subject property shall adhere to the following:

- 1) Entrance islands at driveways and parking islands within the site shall be landscaped.
- 2) A linear street tree plan shall be provided along the length of Old Register Road in front of the parking area designated for the Clubhouse Family Entertainment Center portion of the site that consists of multi-species shade trees with a minimum of three (3) inch caliper spaced no less than 75 feet apart. The shade trees shall have non-invasive root systems to prevent encroachment, damage or disruption to any dedicated public sidewalks and curbing. The separation between trees shall be in-filled with compact evergreen plantings or combined with a landscaped berm capable of reaching a height of at least four (4) foot from street grade within three (3) years. If such plan has been submitted to, and previously approved by Bulloch County authorities, provide copy of approved plan with certification by applicable County authority.
- 3) A planted 25 foot buffer strip shall be required along all open areas of property between the Planned Development District and the adjacent property to the east with sufficient plantings of trees such as Leyland Cypress and Pines to be approved by the Director of Community Development if not previously installed prior to annexation.

EXHIBIT E: General Requirements #AN 10-06-01 (Continued)

**ORDINANCE #2010-17:
AN ORDINANCE TO ANNEX PROPERTY
INTO THE CITY OF STATESBORO, GEORGIA**

WHEREAS, the Mayor and City Council of the City of Statesboro, Georgia have received petition from BVT Akins, L.P. and J. Edward Akins Farms L.P., who are the owners of 100 percent of the property to be annexed; and,

WHEREAS, the Mayor and City Council have reviewed the petition, and the corresponding staff recommendation, and wish to annex the property into the corporate limits of the City of Statesboro; and,

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

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

Section 1. All that area contiguous to the City of Statesboro described in "Exhibit A," attached hereto and incorporated as a part of this ordinance, and those additional, and is hereby annexed into the City of Statesboro and made a part of said city.

Section 2. Pursuant to Code section 36-36-7(c) of the Official Code of Georgia Annotated, the annexed territory includes that portion of CR 023100 (Old Register Road) which bisects and lies between that area which is identified in Section 1.

Section 3. This ordinance shall become effective on September 1, 2010, provided that it is approved subsequently by the United States Department of Justice under the pre-clearance provisions of the Civil Rights Act.

Section 4. The City Clerk of the City of Statesboro is instructed to send a report that includes certified copies of this ordinance, the name of the county in which the property being annexed is located and a letter from the City stating the intent to add the annexed area to the Census maps during the next survey and stating that the survey map will be completed and returned to the United States Census Bureau, Georgia Department of Community Affairs, and to the governing authority of Bulloch County, Georgia within thirty (30) days after the effective date of the annexation as set forth in Section 3.

Section 5. On the effective date of the annexation, this property shall be placed in Council District 2 of the City of Statesboro.

Section 6. All ordinances and parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

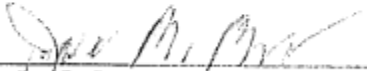
Passed and adopted on two separate readings.

First Reading: August 3, 2010

Second Reading: August 17, 2010

EXHIBIT E: General Requirements #AN 10-06-01 (Continued)

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


By: Joe R. Brannen, Mayor


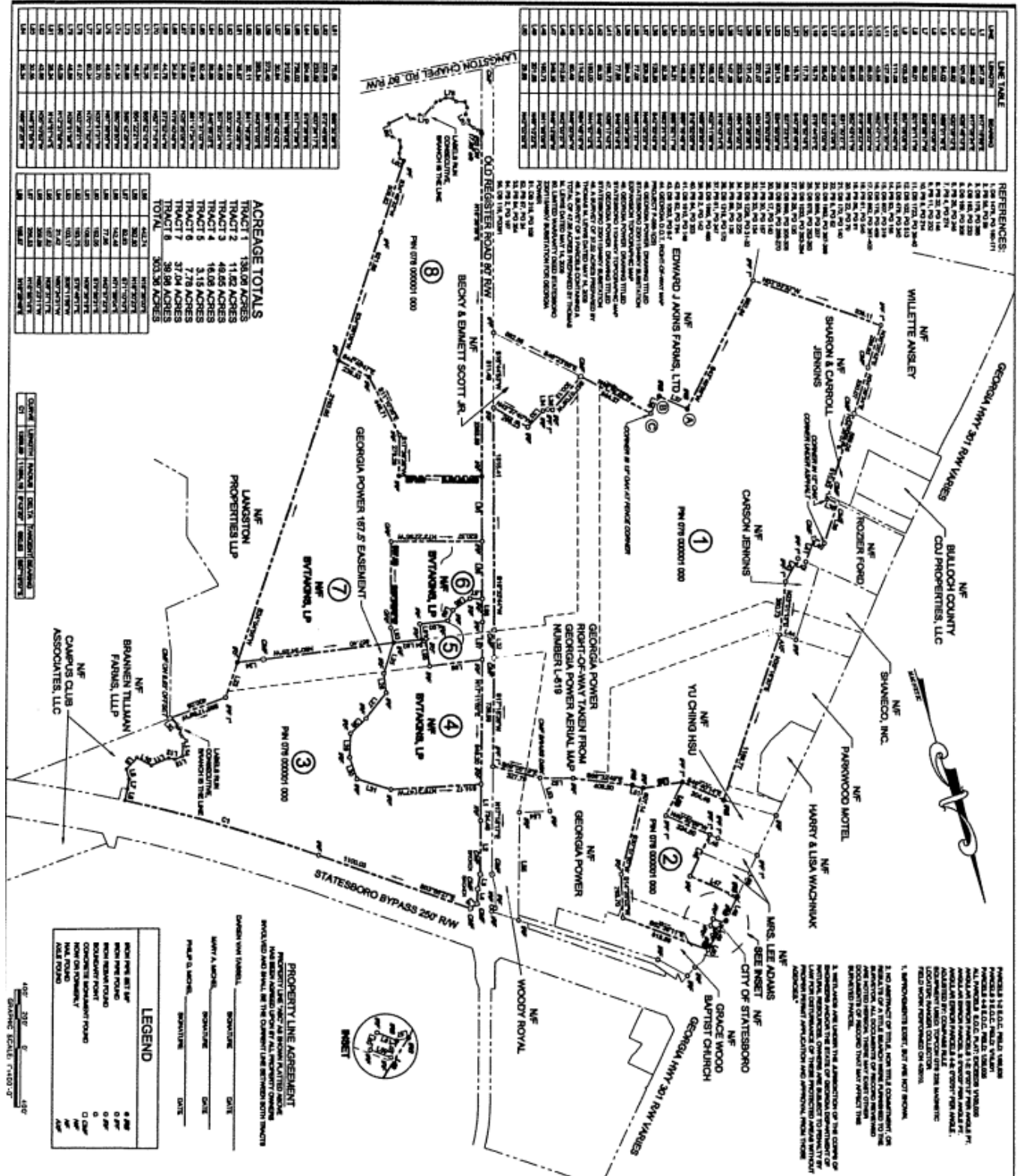

Attest: Sue Starling, City Clerk

EXHIBIT E: General Requirements #AN 10-06-01 (Continued)

EXHIBIT A

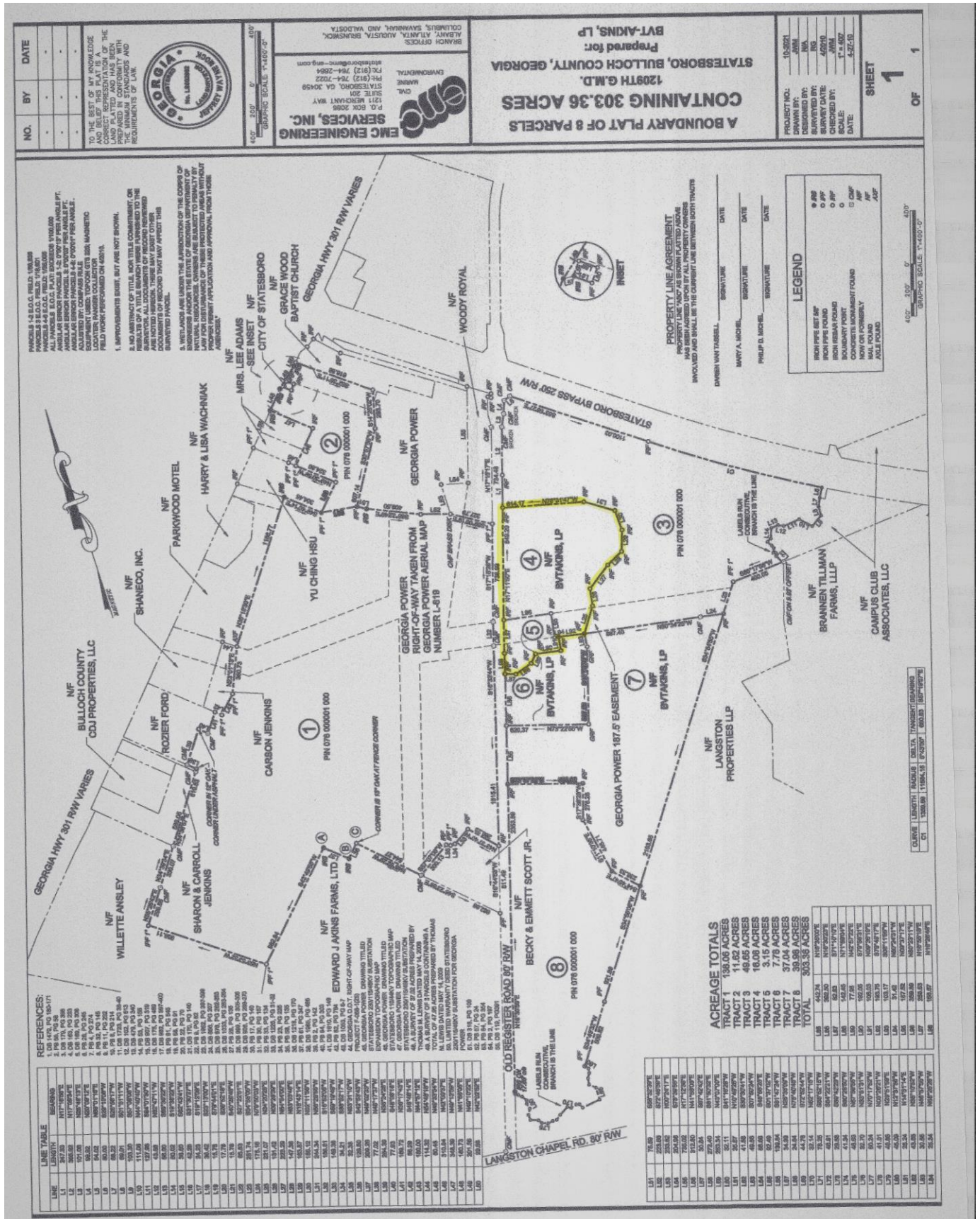
All those certain tracts or parcels of land lying and being in the 1209th G. M. District of Bulloch County, Georgia, containing 291.74 acres identified as Tracts #1, 3, 4, 5, 6, 7 and 8 on a survey titled "A Boundary Plat of 8 Parcels Containing 303.36 Acres, 1209th G.M.D., Statesboro, Bulloch County, Georgia" prepared for BVT-Akins, LP, by Jeffrey Wayne Mock, Registered Land Surveyor No. LS002992, on April 27, 2010.

EXHIBIT E: General Requirements #AN 10-06-01 (Continued)



<p>PROJECT NO.: 10-06-01</p> <p>DESIGNED BY: EMC</p> <p>DATE: 11-1-2011</p> <p>SCALE: 1" = 400'</p> <p>DATE: 4-27-10</p>	<p>A BOUNDARY PLAT OF 8 PARCELS CONTAINING 303.36 ACRES</p> <p>1209TH G.M.D.</p> <p>STATESBORO, BULLOCH COUNTY, GEORGIA</p> <p>Prepared for: BVT-AKINS, LP</p>	<p>EMC ENGINEERING SERVICES, INC.</p> <p>P.O. BOX 2086 1211 MERCHANT WAY SUITE 207 STATESBORO, GA 30459 PH: (912) 784-2022 FX: (912) 784-2884 statesboro@emc-eng.com</p> <p>BRANCH OFFICES: ALBANY, ATLANTA, AUGUSTA, BRIMSWECK, COLUMBUS, SAVANNAH, AND VALDOSTA</p>	<p>NO. BY DATE</p>
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EXHIBIT F: Boundary Plat (Highlighted Area to be considered under RZ 18-09-05)





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

P.O. Box 348
 Statesboro, Georgia 30458

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

V 18-09-07, V 18-09-08, V 18-09-09, & RZ 18-09-06
VARIANCE & ZONING MAP AMENDMENT REQUESTS
University Place: 108 Georgia Avenue, Georgia Avenue, 15 University Plaza Avenue, 1 & 8 University Place, and 6 University Plaza

LOCATION:	University Plaza
REQUEST:	Variance from Article XIV Section 1402 regarding lot regulations; Variance from Article XVI Section 1600 regarding off street parking facilities; Variance from Article X Section 1002 regarding building height regulations; Zoning Map Amendment from CR (Commercial Retail) to PUD (Planned Unit Development)
APPLICANT:	Robert Forrest (Stonewalk Companies)
OWNER(S):	LSCG Fund 2 University Plaza LLC, Henry & Charlene Doyle, and Doyle Rentals, LLC
ACRES:	2.994 acres (combined)
PARCEL TAX MAP #:	MS61 000056 000 (0.33 acres) MS61 000058 000 (0.35 acres) MS61 000052 B000 (0.30 acres) MS61 000052 A000 (0.27 acres) MS61 000055 A000 (0.15 acres) MS61 000052 000 (1.67 acres)
COUNCIL DISTRICT:	District 4 (Riggs)



PROPOSAL:

The applicant is proposing to construct a new mixed-use development on a combination of parcels (University Plaza) located on Georgia Avenue, near the corner of Chandler Road, to be used for student housing and retail. The proposed design includes ground floor retail (18,500 SF), leasing office and community amenity spaces including an elevated amenity terrace, gym, and study rooms (10, 103 SF), and residential units (464 total beds across 116 units). The applicant requests a variance from Article XIV Section 1402 regarding lot regulations, which requires a minimum lot size of ten (10) acres to be considered for the PUD (Planned Unit Development) zoning district. The applicant is proposing a minimum lot size of 2.994 acres. Next, the applicant is requesting a zoning map amendment from the CR (Commercial Retail) zoning district to the PUD (Planned Unit Development) zoning district in order to develop the property as mixed-use student housing, which is not an allowed use in the existing zoning designation. Additionally, the applicant requests a variance from Article XVI Section 1600 regarding off street parking facilities, which requires a minimum of four hundred and ninety-four (494) parking spaces for type of proposed development. The applicant is proposing a minimum of two hundred and seventy (270) parking spaces. Finally, the applicant is requesting a variance from Article X Section 1002 regarding building height regulations, which restricts building heights to a maximum height of fifty (50) feet when approved by the board of appeals. The applicant is proposing a maximum building height of sixty-eight (68) feet (see **Exhibit D**—Site and Landscape Plan, **Exhibit E** – Schematic Elevations, **Exhibit F** – ALTA Land Title Survey, **Exhibit G** – Proposed Development Matrix, **Exhibit H** – Proposed Floor Plans).

Specifically of note in **Exhibit(s) D, E, F, G, and H:**

- A. The proposed subject site is less than ten acres in size.
- B. The proposed development is not an allowed use in the existing CR (Commercial Retail) zoning designation.
- C. The proposed development only allows enough parking for approximately 0.54 spaces per bed.
- D. Proposed development's schematic elevations exhibit a building height of approximately 70 feet to the top of the elevator height.

BACKGROUND:

Located directly adjacent to Georgia Southern University, University Plaza is currently a retail center, which contains nightlife destinations, bars, and restaurants. Not including university buildings, convenience stores, and/or body piercing businesses, there have been approximately 12 restaurant businesses that have been opened or are currently open at the University Plaza location. Currently, the plaza contains Shenanigans Bar, Orient Express restaurant, Fast and Easy Convenience Store, Rumrunners Daiquiri's, Wings & Pizza, Jerry's Barber Shop, Charlie's Fried Chicken restaurant, and vacant retail space (See **Exhibit C** – Photos of Subject Site). The University Plaza businesses primarily serve the student population due to the location's proximity to student housing and the Georgia Southern University campus.

On February 22, 2002, variance application request #V 02-03-03 regarding Article X: Section 1003: Minimum Lot Size, was approved by Council in order to construct a 6,000 square foot commercial building within the Plaza. On December 5, 2006, variance application request #V 06-11-03 was denied by Council. This variance request was regarding a reduction in the minimum number of parking spaces required for a commercial use. The applicant requested a reduction in parking space from 296 to 129.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail), R-3 (Medium Density Multiple Family Residential)	Dingus Magee's Restaurant, Apartment Homes, and Single Family Homes
SOUTH:	EXPT (Exempt)	Georgia Southern University Parking Facilities (C lot and J Lot) and Student Housing (Eagle Village)
EAST:	EXPT (Exempt)	Georgia Southern University Parking Facilities
WEST	CR (Commercial Retail), EXPT (Exempt)	Zaxby's Restaurant, Georgia Southern University (GSU) Campus, GSU Dining Commons, GSU Student Housing (Centennial Place)

The subject property is located within the CR (Commercial Retail) zoning district. Surrounding properties include Dingus Magee's Restaurant, single family residences, apartment homes, Georgia Southern University (GSU), GSU Student Housing, GSU Parking facilities, GSU Dining Commons, and Zaxby's Restaurant. (See **Exhibit A** –Location 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** (Site and Landscape Plan), **Exhibit E** (Schematic Elevations), **Exhibit F** (ALTA Land Title Survey), **Exhibit G** (Proposed Development Matrix), and **Exhibit H** (Proposed Floor Plans)

COMPREHENSIVE PLAN:

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

<u>"University District"</u>	
<i>Vision</i>	<i>Suggested Development & Implementation Strategies</i>
<p>The University District is anchored by Georgia Southern University, a traditional four-year college campus. Academic and administrative buildings, residence halls and dorms, student activity centers, cafeterias, performing arts venues, and ancillary buildings are found in the campus core, which is organized around an internal pedestrian circulation system. Pedestrian and bicycle connectivity within the campus is excellent. Parking lots are found along the periphery, allowing students, faculty and staff to park and walk to buildings and facilities in the core, but this has caused the City exterior circulation issues.</p>	<ul style="list-style-type: none"> • Collaboratively address parking needs on campus that affects public and private property in surrounding areas. • Consider the installation of parking structures on campus as a parking solution. Potential sites include the existing parking areas near the Hwy 67 entrance, along Old Register Road, and along Chandler Road. • Strengthen enforcement of code violations for private property, including property maintenance, parking, and structural conditions. <p align="right"><i>Statesboro Comprehensive Master Plan, Community Agenda page 30-31.</i></p>

In addition, the *Character Areas Narrative* of the Comprehensive Plan states the following:

- “Development within this area, whether on campus or nearby, should focus heavily on pedestrian and bike accessibility, as well as transit. Transitioning the area along the northern side of campus into more active uses, such as residences, educational buildings, activity centers, etc. could significantly bridge the physical gap between downtown and the university.”
- A suggested development strategy to “ensure adequate bicycle and pedestrian facilities for students commuting to and from GSU campus”.

Statesboro Comprehensive Master Plan, Community Agenda pages 30-31.

Also, the *Issues & Opportunities Narrative* of the Comprehensive Plan states the following:

“Planned unit developments, or PUDs, typically offer greater flexibility in development standards than a conventional zoning district. With this flexibility, there is also an opportunity to include housing diversity, mixed uses, and amenities. A PUD should be viewed as an alternative available for regulating development when existing land use regulations may not adequately address unique circumstances or opportunities for a particular development. The City may grant more leeway in the certain areas of the regulations for a PUD, but in exchange, there are expectations of the development community for additional design features, amenities, etc. As mentioned previously, an update of the city’s land use regulations can provide better alternatives for producing quality development without necessitating the use of a PUD”.

Statesboro Comprehensive Master Plan, Issues & Opportunities page 67.

Lastly, the *Future Development Map* 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”.

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

ANALYSIS

TRANSPORTATION:

Per the 2035 *Bulloch County/City of Statesboro Long Range Transportation Plan*, Georgia Southern University (GSU) has a shortage of parking facilities, particularly for students who live off-campus and must commute to school. Based on the 2009 parking data, the University estimates that there is a daily demand for 12,000 parking spaces, but there are only 8,000 spaces available in the campus core. The Southern Express system does help ease this shortage. All students are allowed to park at Paulson Stadium free of charge (no permit required) and use the shuttle to get to the center of campus. The University allocates four to five-hundred spaces at Paulson Stadium for transit parking.

As this zoning map amendment request has the potential to significantly increase vehicle trips on existing streets, a traffic study in order to determine the trip generation potential of the site, and what type of operational improvements to Georgia Avenue may be required by the developer. Additionally, City Council should consider certain street improvements as well as pedestrian and bicycle system improvements which may not be otherwise incorporated into a standard development.

COMMUNITY FACILITIES:

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

ENVIRONMENTAL:

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

ZONING CONSIDERATIONS:

Whether or not to grant a zoning map amendment from the CR (Commercial Retail) zoning district to the PUD (Planned Unit Development) 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 *Statesboro Comprehensive 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 PUD (Planned Unit Development) district as set forth in the *Statesboro Zoning Ordinance*.

Current Zoning	Requested Zoning
The commercial retail (CR) district can accommodate a variety of business types and some residential uses. These uses include, but are not limited to retail establishments, business offices, food service facilities, places of indoor amusement, hotel, churches, upper floor apartments, and healthcare facilities. However, "mixed-use development", is not listed as a permissible use allowable by right in the CR district.	The PUD (Planned Unit Development) district typically offers greater flexibility in development standards than the conventional zoning district. With this flexibility, there is also an opportunity to include housing diversity, mixed uses, and amenities. A PUD should be viewed as an alternative available for regulating development when existing land use regulations are not adequate for a particular development, such as a mixed-use student housing development, which is the applicant's intended use.

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 CR (Commercial Retail), R-3 (Medium Density Multiple Family Residential), and EXPT (Exempt)**, and are occupied by Dingus Magee’s restaurant and bar, apartment homes, single family homes, Georgia Southern University (GSU) parking facilities, GSU Student Housing, GSU dining commons, GSU campus, and Zaxby’s restaurant.
- (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 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). This parcel can currently be occupied by land use permitted in Article X Commercial Retail District of the *Statesboro Zoning Ordinance*. Under the proposed zoning, the applicant would be able to develop a mixed-use student housing development as a PUD zoning provides the subject site greater flexibility in development standards than a conventional zoning district.
- (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 should be considered.
 - b. Proposed land use change would cause an increase in population density. While population growth presents great opportunities, rapid development and lack of direction can erode community character. Growth should be guided to ensure Statesboro maintains its defining character.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
 - a. Use of the property as a mixed use development with both a residential and retail component is consistent with the appropriate land uses of the “University District” character area as articulated within the *Statesboro Comprehensive Plan*.

VARIANCE ANALYSIS

I. Variance from Article XIV: Section 1402: Lot regulations. (V 18-09-07)

The applicant is requesting a variance from Article XIV: Section 1402, Lot Regulations, which states: “The provisions of this section may be applied upon application of the owner, to any lot exceeding ten acres in size. The owner shall file with the planning commission a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, he shall furnish such other information as the planning commission may reasonably require. In acting upon the application, the planning

commission may alter setback requirements, height limits, building size limits, off street parking regulations, landscaping rules and density and intensity limits but only with approval from the zoning board of appeals”.

The variance in question is regarding the total area of the subject site, which is proposed to be 2.994 acres. The subject site is approximately 7.006 acres less than the minimum 10 (ten) acres required to be considered for the planned unit development (PUD) zoning district (see **Exhibit F – ALTA Land Title Survey**).

II. Variance from Article XVI: Section 1600: Off Street Parking and Loading. (V 18-09-08)

The applicant is requesting a variance from Article XVI: Section 1600, Off Street Parking Facilities, which states: Multiple-family uses shall be required to have one (1) parking space per bedroom and one (1) per ten (10) dwelling units. Additionally, one (1) parking space per every 1,000 square feet of retail sales area, applicable only to restaurant, cafeteria, and fast food uses (with seating).

The variance in question is regarding the total number of proposed parking spaces for this project, which is stated to be 270 parking spaces (0.54 per bed). The project, as shown within this development services report, does not meet the ordinance requirements for parking. The parking requirements are enforced across all zoning districts. Under Article XVI, this type of proposed development would typically be required to provide 494 parking spaces (see **Exhibit G—Proposed Development Matrix** and **Exhibit H – Proposed Floor Plans**).

III. Variance from Article X: Section 1002: Height Regulations. (V 18-09-09)

The applicant is requesting a variance from Article X: Section 1002, which states: “The maximum height of any building or other structure erected or used in this district shall be 35 feet except that the height of any such other building or structure may be increased to a maximum of 50 feet when approved by the board of appeals. Said board shall make a finding that any excess height over 35 feet will not be detrimental to the light, air, privacy, or architectural scheme of any other structure or use currently existing or anticipated, provided that for every foot in height in excess of 35 feet there shall be added to each yard requirement one corresponding foot of width or depth.

The variance in question is regarding the proposed building height, which is stated to be approximately 70 feet. The proposed site plan does include increased front, rear, and side yard setbacks due to the increased building height. It should be noted that staff required this variance due to the development’s proposed maximum building height exceeding every allowable building height under *City of Statesboro Zoning Ordinance*.

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.**

RECOMMENDATION:

Staff recommends overall disapproval of the PUD requested due to variance being requested by V 18-09-08 regarding parking requirements.

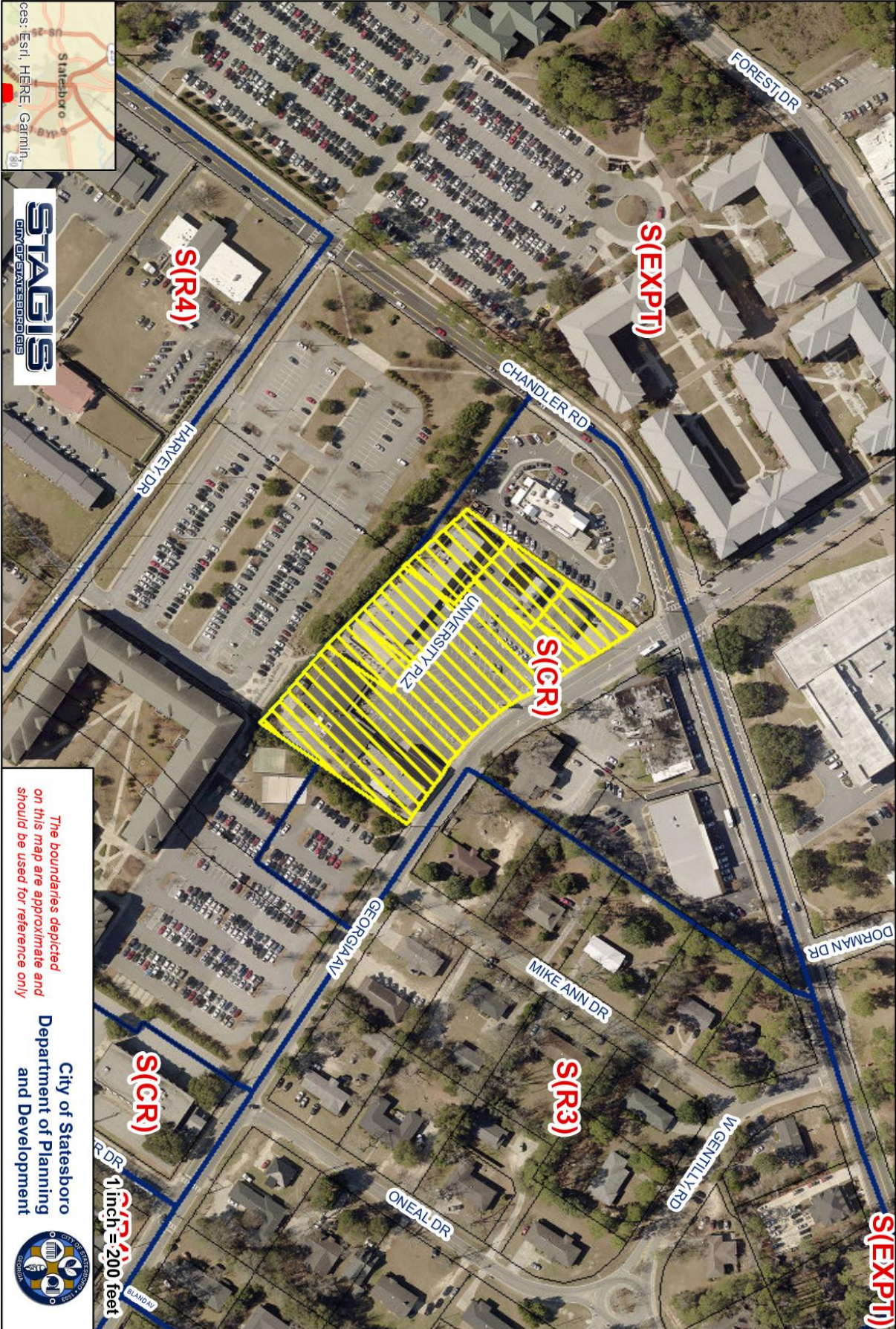
Staff recommends disapproval of the variance requested by V 18-09-08.

Staff recommends approval of the variance requested by V 18-09-07 and V 18-09-09.

Staff recommends approval of the zoning map amendment requested by RZ 18-09-06.

If overall PUD is approved, by-laws and restrictive covenants will be required to be recorded prior to construction commencement.

EXHIBIT A: LOCATION MAP



Case # RZ 18-09-06, V 18-09-07, V 18-09-08 & V 18-09-09
 108 Georgia Avenue, Georgia Avenue, 15 University Plaza Avenue, 8 University Place, 6 University Plaza, & 1 University Place
 Parcel: MS61000056 000, MS61000058 000, MS61000052B000, MS61000052A000, MS61000055A000, & MS61000052 000



The boundaries depicted on this map are approximate and should be used for reference only

City of Statesboro
 Department of Planning and Development



EXHIBIT B: FUTURE DEVELOPMENT MAP

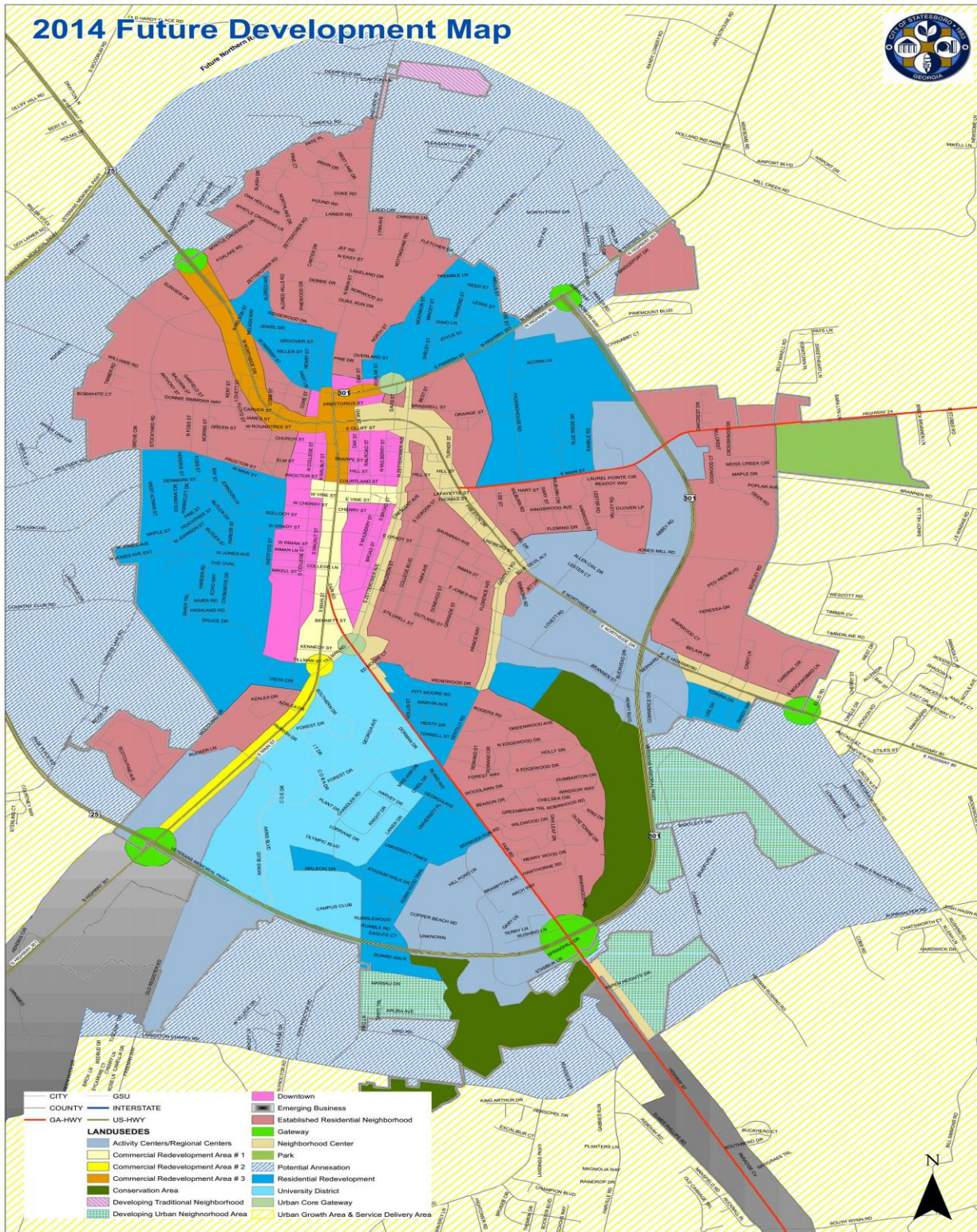


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of subject site from Georgia Avenue at the northwestern corner of the site.



Picture 2: View of subject site from Georgia Avenue at the southeastern corner of the site.



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

Picture 3: Looking south along Georgia Avenue, view of the subject site's frontage along Georgia Avenue.



Picture 4: Looking north along Georgia Avenue, view of the subject site's frontage along Georgia Avenue.



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

Picture 5: Looking northwest from the subject site, currently Zaxby's restaurant.



Picture 6: View of surrounding properties to the northwest of the subject site, currently Georgia Southern University student housing, Centennial Place.



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

Picture 7: View of surrounding properties to the northwest of the subject site, currently Georgia Southern University Campus and Dining Commons.



Picture 8: View of surrounding properties to the north of the subject site, currently Dingus Magee's Bar & Restaurant.



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

Picture 9: View of surrounding properties to the east of the subject site, currently Georgia Southern University student housing, Eagle Village.



Picture 10: View of surrounding properties to the northeast of the subject site, currently single family homes.



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

Picture 11: View of the property on the southern boundary of the subject site, currently Georgia Southern University student parking facilities, Lot C and Lot J.



EXHIBIT E: Schematic Elevations



EXHIBIT E: Schematic Elevations (Continued)



EXHIBIT E: Schematic Elevations (Continued)



EXHIBIT F: ALTA Land Title Survey

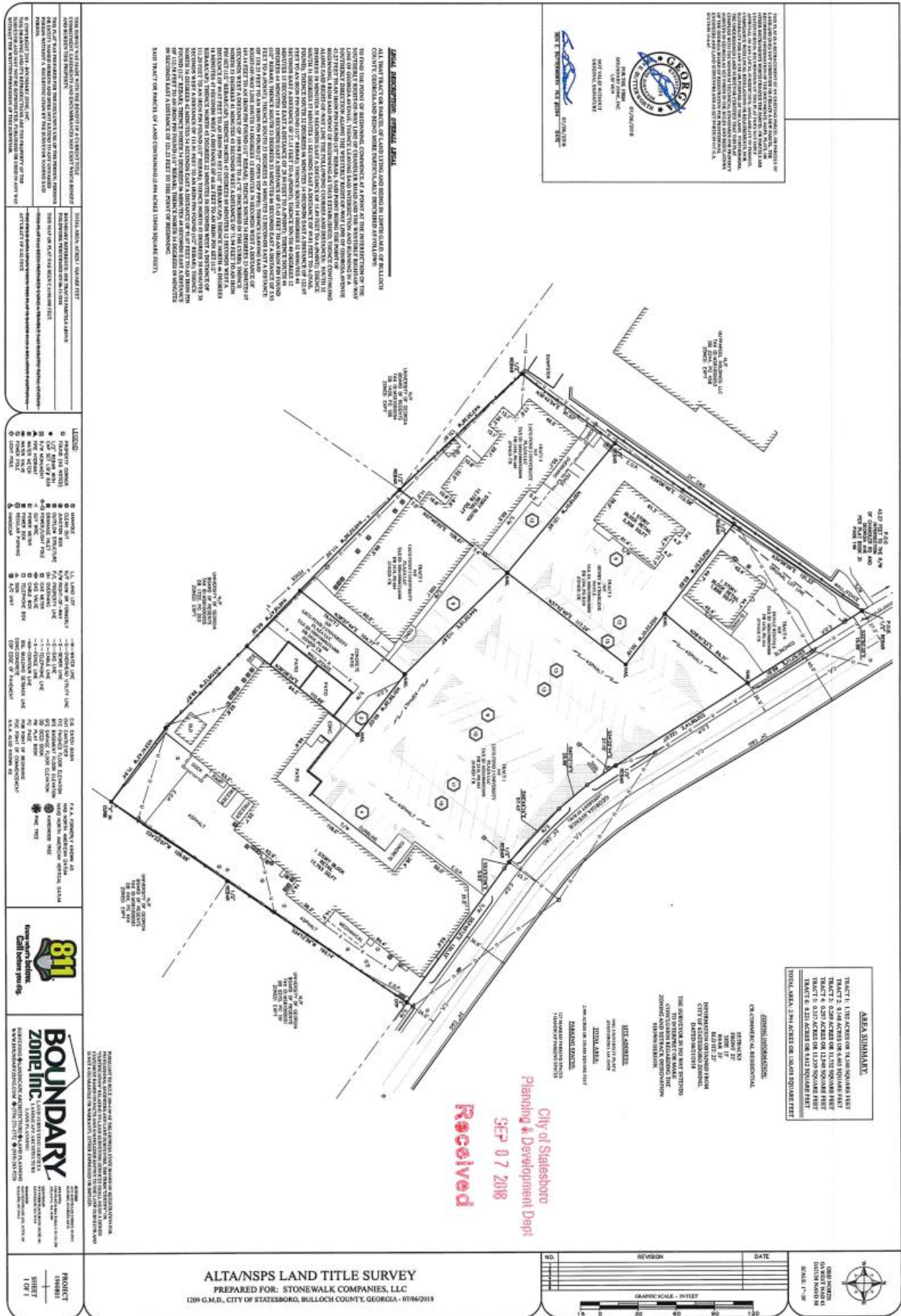
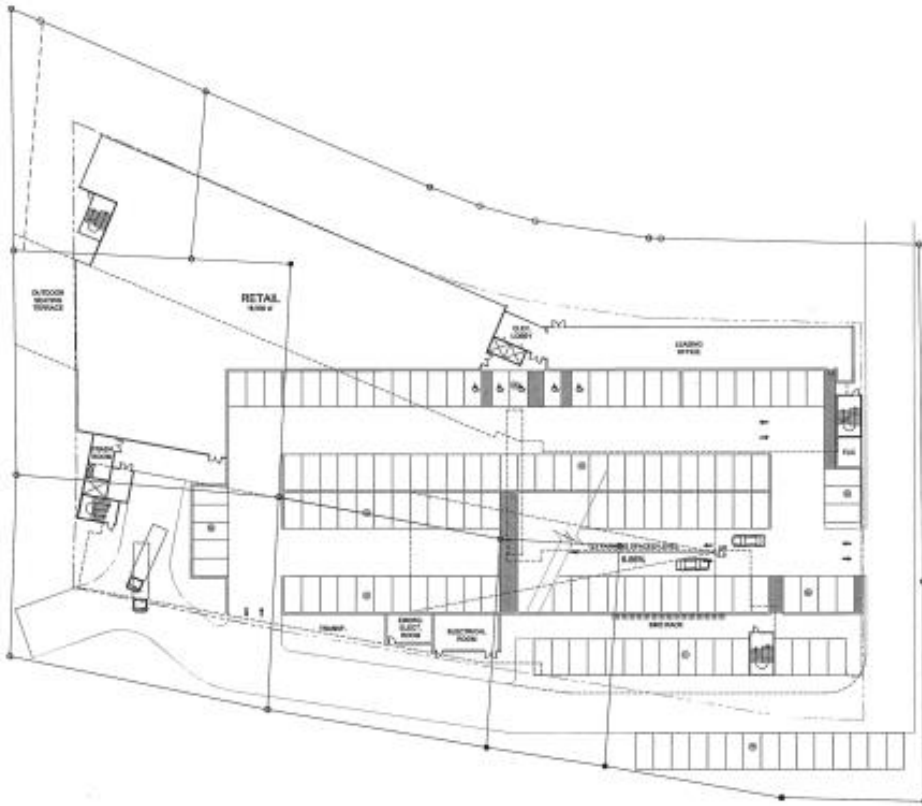
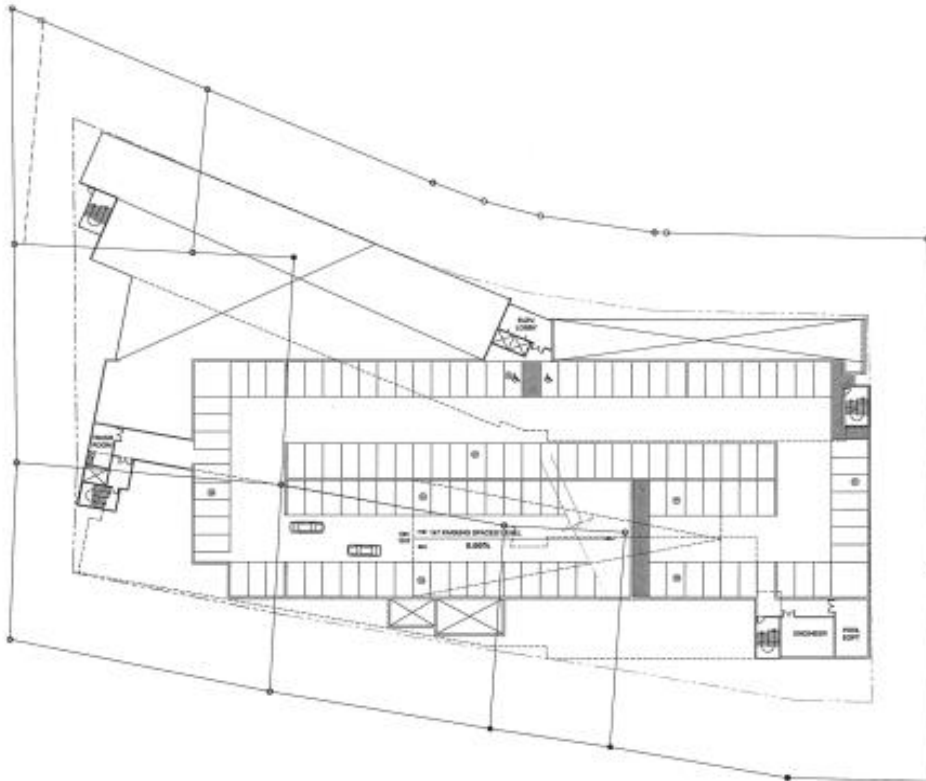


EXHIBIT H: Proposed Floor Plans

Proposed 1st Floor Plan - Lobby
Statesboro, Georgia



Proposed 2nd Floor Plan
Statesboro, Georgia



Proposed 3rd Floor Plan - Amenities

Statesboro, Georgia



Proposed Typical Floor Plan

Statesboro, Georgia





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

*P.O. Box 348
 Statesboro, Georgia 30458*

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

**V- 18-09-10, V18-09-11, V 18-09-12, V 18-09-13, V 18-09-14, V 18-09-15
 VARIANCE REQUEST
 6922 VETERANS MEMORIAL PARKWAY**

LOCATION:	6922 Veterans Memorial Parkway (1067 South Main Street)	
REQUEST:	Sign variance request.	
APPLICANT:	Bobby Wilcox (Wilcox Sign Company)	
OWNER(S):	CFN Partners/L&S Acquisitions LLC	
ACRES:	13.51	
PARCEL TAX MAP #:	MS42000012 000	
COUNCIL DISTRICT:	District 2 (Jones)	

PROPOSAL:

The applicant requests a variance to Appendix A; Section 1509, Table 5 of the Statesboro Zoning Ordinance.

BACKGROUND:

The currently developing JC Lewis Ford Dealership is located at 6922 Veterans Memorial Parkway. The location was previously undeveloped. On November 15, 2016, City Council approved rezoning property from CR (Commercial Retail) to HOC (Highway Oriented Commercial). The addressing of the property was 1067 South Main Street on 7 November 2017. Upon consideration this address was changed.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R4 (High Density Residential District), R10 (Single Family Residential), & Heavy Industrial-Bulloch County)	Apartment houses and Single Family Residences
SOUTH:	CR (Commercial Retail) & HC (Highway Commercial-Bulloch County)	Food Service facilities, retail facilities and automobile sales
EAST:	CR (Commercial Retail) & R4 (High Density Residential)	Service Station
WEST	HI (Heavy Industrial-Bulloch County) & HC (Highway Commercial-Bulloch County)	Warehouses

The subject property is located within the HOC (Highway Oriented Commercial) district. Surrounding parcels include several service stations, retail establishments and multifamily developments (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 (Plans for Proposed Signage), Exhibit E (Table 5 – Statesboro Zoning Ordinance)

COMPREHENSIVE PLAN:

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

<u>“Gateway – City Limits”</u>	
Vision:	Gateways into the Urban Core should make it clear to residents and visitors that they are entering into the heart of the City and the central business district. Changes in the street design, streetscape elements, building types, and paving materials can all serve as gateway elements.
Suggested Development & Implementation Strategies:	<ul style="list-style-type: none"> • Promote street designs that denote entrance to a city and foster traffic calming, such as narrower travel lanes, on-street parking, and prominent bicycle and pedestrian facilities. • Locate parking beside or behind buildings. • Install streetscape improvements and hardscape elements which reflect the character of Statesboro through special treatment of sidewalks (such as pavers, scored concrete, etc.), pedestrian-scaled lighting, street trees, hardscape, seasonal plantings, etc. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 32.</i></p>

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

“Commercial encroachment into residential neighborhoods seems to be less of a current concern, but as Statesboro continues to grow, the potential for this conflict increases. Commercial, retail, and office uses can co-exist compatibly in residential areas if the design of the establishment is properly considered.”

Statesboro Comprehensive Master Plan, Community Agenda page 9.

ANALYSIS

I. Variance from Article XV Section 1509(C) Table 5: Sign District 3 Dimension standards to allow for installation of building signs in excess of the square footage allowance.

The applicant is requesting a variance from Article XV (Signs) regarding the maximum allowed square footage for building signs. Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance* regulates the dimensional standards for all building signs within the City of Statesboro. The subject site is located in the HOC (Highway Oriented Commercial) zoning district and is regulated by the dimensional standards of Sign District 3.

The ordinance states that the maximum square footage for building signs shall be 100 square feet for a building with a wall length greater than 100 feet. Because this location fronts on both Veterans Memorial, and South Main street, the location would be granted the permitted sign area for each street frontage. Total wall signage requested would total 330.75 Square Feet (**See Exhibit D**).

Analysis (Cont'd)

II. Variance from Article XV Section 1509(C) Table 5: Sign District 3 Dimension standards to allow for installation of building signs in excess of the number allowed per elevation.

The applicant is requesting a variance from Article XV (Signs) regarding the maximum allowed number of signs per elevation. Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance* regulates the dimensional standards for all building signs within the City of Statesboro. The subject site is located in the HOC (Highway Oriented Commercial) zoning district and is regulated by the dimensional standards of Sign District 3.

The ordinance states that the number of signs allowed is "one per elevation." The Ford building has a proposal of 4 signs on the front elevation facing Veterans Memorial Parkway (**See Exhibit D**).

III. Variance from Article XV Section 1509(C) Table 5: Sign District 3 Dimension standards to allow for installation of freestanding signs in excess of the Square Footage allowed.

The applicant is requesting a variance from Article XV (Signs) regarding the maximum square footage of freestanding signs. Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance* regulates the dimensional standards for all building signs within the City of Statesboro. The subject site is located in the HOC (Highway Oriented Commercial) zoning district and is regulated by the dimensional standards of Sign District 3.

The ordinance states maximum freestanding signage allowed is 60 square feet. As the property fronts on both Veterans Memorial and South Main Street, the maximum allowable sign square footage would be 120 square feet. The requested signage exceeds the maximum allowed by 119.5 square feet (**See Exhibit D**).

IV. Variance from Article XV Section 1509(C) Table 5: Sign District 3 Dimension standards to allow for installation of freestanding sign in excess of allowed height.

The applicant is requesting a variance from Article XV (Signs) regarding the maximum square footage of freestanding signs. Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance* regulates the dimensional standards for all building signs within the City of Statesboro. The subject site is located in the HOC (Highway Oriented Commercial) zoning district and is regulated by the dimensional standards of Sign District 3.

The ordinance states maximum allowed height of signage cannot exceed 8 feet. The applicant seeks to place a sign measuring at 8.75 feet in height.

V. Variance from Article XV Section 1509(C) Table 5: Sign District 3 Dimension standards to allow for installation of freestanding sign in excess of allowed height.

The applicant is requesting a variance from Article XV (Signs) regarding the maximum square footage of freestanding signs. Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance* regulates the dimensional standards for all building signs within the City of Statesboro. The subject site is located in the HOC (Highway Oriented Commercial) zoning district and is regulated by the dimensional standards of Sign District 3.

The ordinance states maximum allowed height of signage cannot exceed 8 feet. The applicant seeks to place a sign measuring at 36.708 feet.

VI. Variance from Article XV Section 1509(C) Table 5: Sign District 3 Dimension standards to allow for installation of signage exceeding the aggregate square footage of all signage.

The applicant is requesting a variance from Article XV (Signs) regarding the maximum square footage of freestanding signs. Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance* regulates the dimensional standards for all building signs within the City of Statesboro. The subject site is located in the HOC (Highway Oriented Commercial) zoning district and is regulated by the dimensional standards of Sign District 3.

The allowed aggregate square footage of all signage for Sign District 3 is 150. Based on the double frontage, the allowance is 300 square feet. Signage request exceeds the allowed aggregate by 270.253 square feet.

Section 1503(G) states that no variances shall be permitted from the terms of Article XV regarding signs in the *Statesboro Zoning Ordinance*. It continues to state that "Specifically, no variances under article XVIII of this ordinance [chapter] shall be applicable to the standards contained within this article." However, Article

XV regarding signs is part of the *Statesboro Zoning Ordinance*, which provides for the award of variances by the City Council from the zoning regulations stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done” and Section 1801 states that the **Mayor and Council [should] consider if the following are true in its consideration of a variance request:**

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

RECOMMENDATION
Staff recommends approval of V 18-09-10
Staff recommends approval of V 18-09-11
Staff recommends approval of V 18-09-12
Staff recommends approval of V 18-09-13
Staff recommends approval of V 18-09-14
Staff recommends approval of V 18-09-15

EXHIBIT A: LOCATION MAP

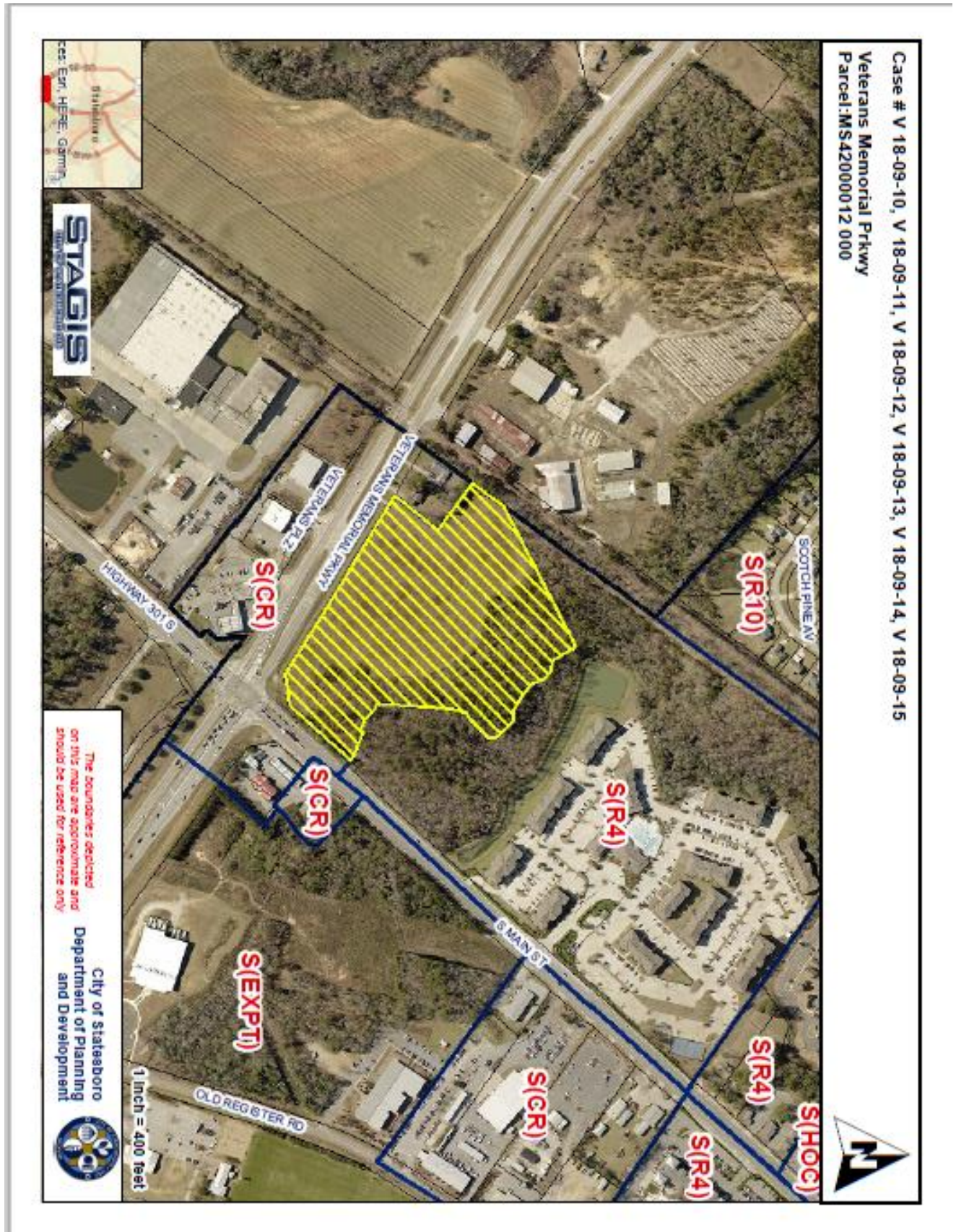


EXHIBIT B: FUTURE DEVELOPMENT MAP

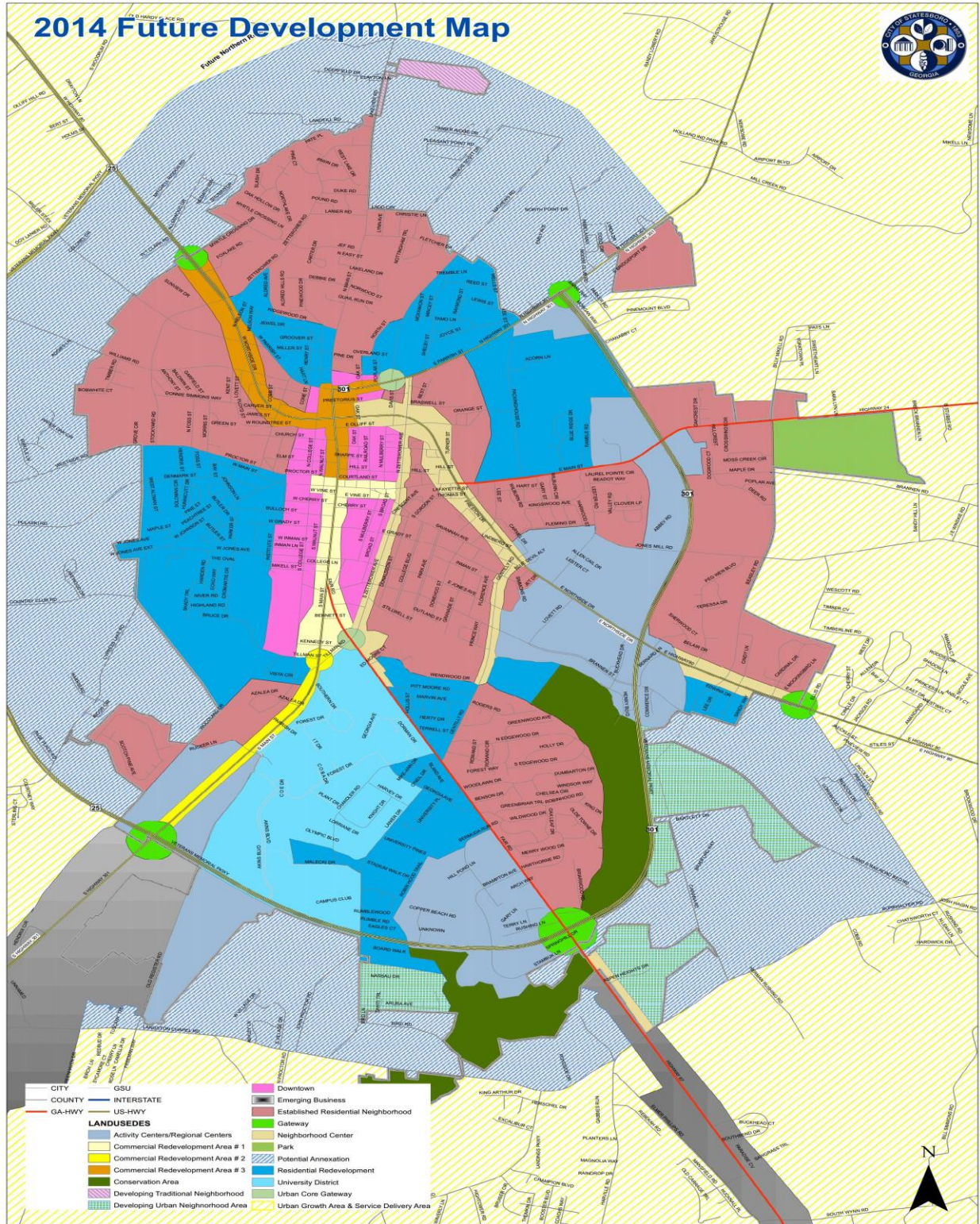


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: Frontal View of subject site from South Main/ Veterans Memorial Intersection



Picture 2: Secondary view of property from Veterans Memorial/South Main intersection. Proposed stanchion location



Picture 3: Adjacent business from site.



Picture 4: Frontal view of primary building.



Picture 5: Frontal View of Secondary building





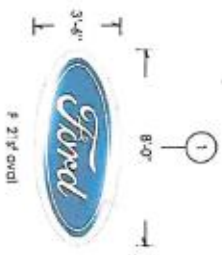
Picture 6: Adjacent Residential Property

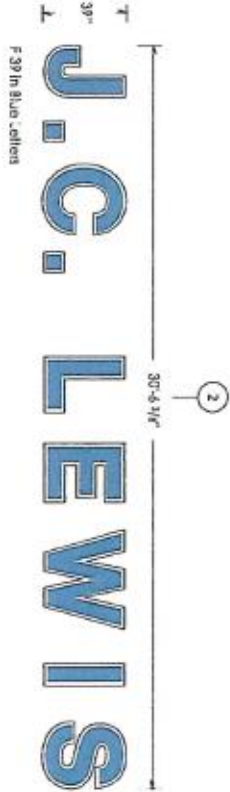


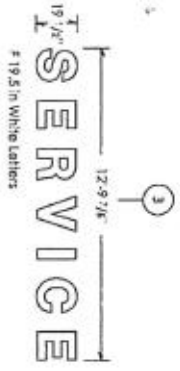
Exhibit D: Proposed Signage Sketches

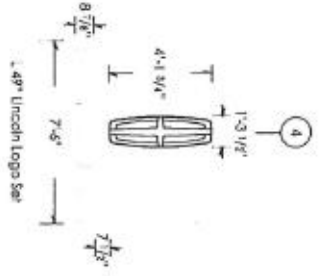
Sketch 1: Primary Dealership Signage

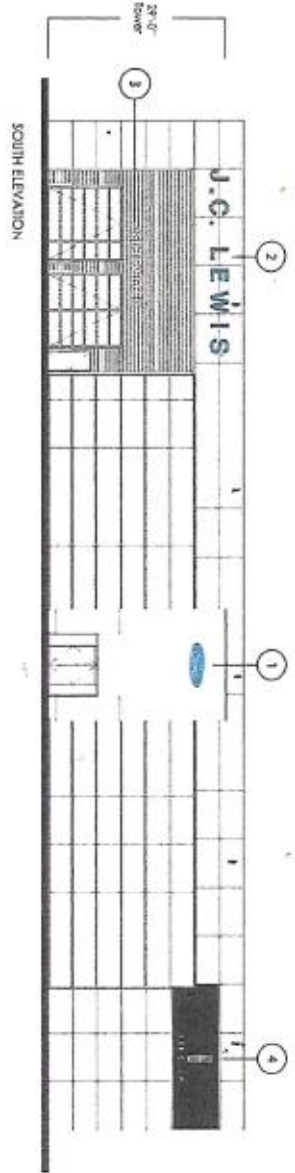
	Dealer Code #: F21785	Dealership Name: J.C. Lewis Ford Lincoln	File Name: JC Lewis Ford Lincoln F21785_ELEV	Approved By: Name _____ Date _____	Rev 1: _____ Rev 2: _____ Rev 3: _____ Rev 4: _____		Sheet No. 1
City/State: Statesboro, GA Date: 8/7/17	Scale: Elevations: 1/16"=1' (1/32" paper) Signs: 1/4"=1'		Drawn By: M. Folden				





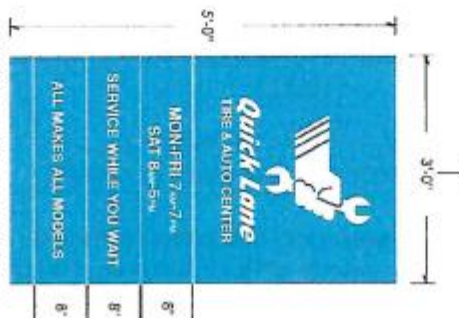
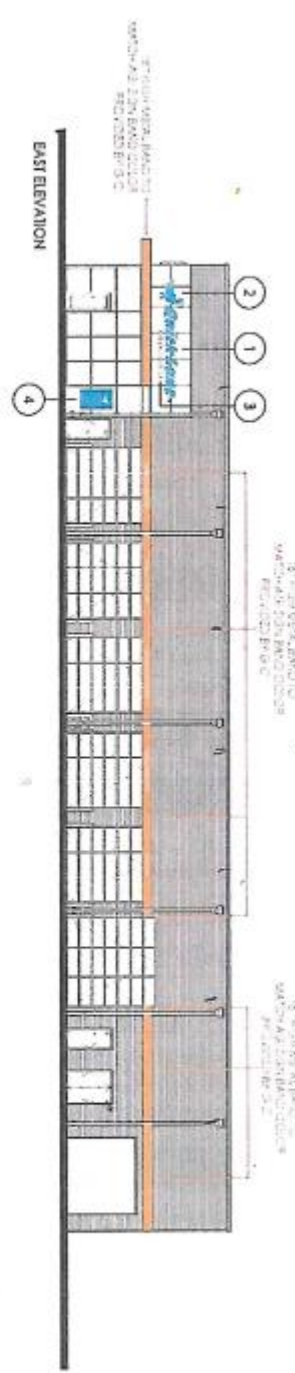




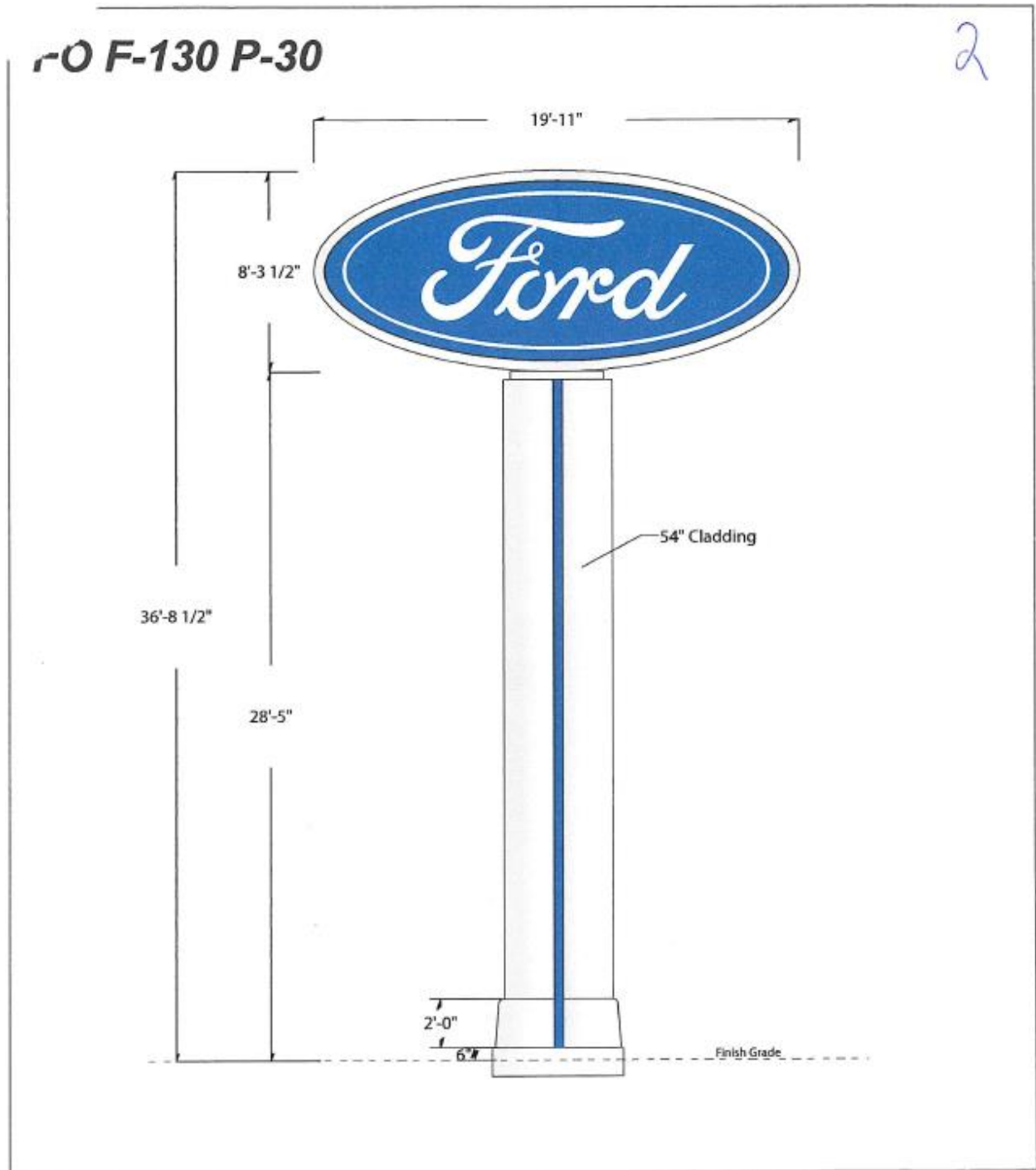




Sketch 2: Secondary Building Signage

 LINCOLN	Dealer Code #: F21785	Dealership Name: JC Lewis Ford	File Name: JC Lewis Ford F21785_Rev2		
City, State: Statesboro, GA	Scale: Elevations: 1/16"=1' (11x17 paper) Signs: As Noted	Date: 8/1/17	Drawn by: M. Folden	Approved by: Name _____ Date _____	Rev 1: 8/10/17 MF Rev 2: 4/25/18 MF Rev 3: _____ Rev 4: _____
 <p> Callouts: 1: 'Quick Lane' 2in blue ILL Letter Set; 2: 'TIRE & AUTO CENTER' 7'-8 3/4" in blue ILL Letter Set; 3: 'TIRE & AUTO CENTER' 7'-8 3/4" in blue ILL Letter Set. </p>					
 <p> Callout 4: 'ALL MAKES ALL MODELS' 8'-0" wide. </p>					
 <p> EAST ELEVATION </p>					

Sketch 3: Proposed Stanchion Sign (Pre-Existing)



Sketch 4: Proposed Monument Sign (Pre-existing)

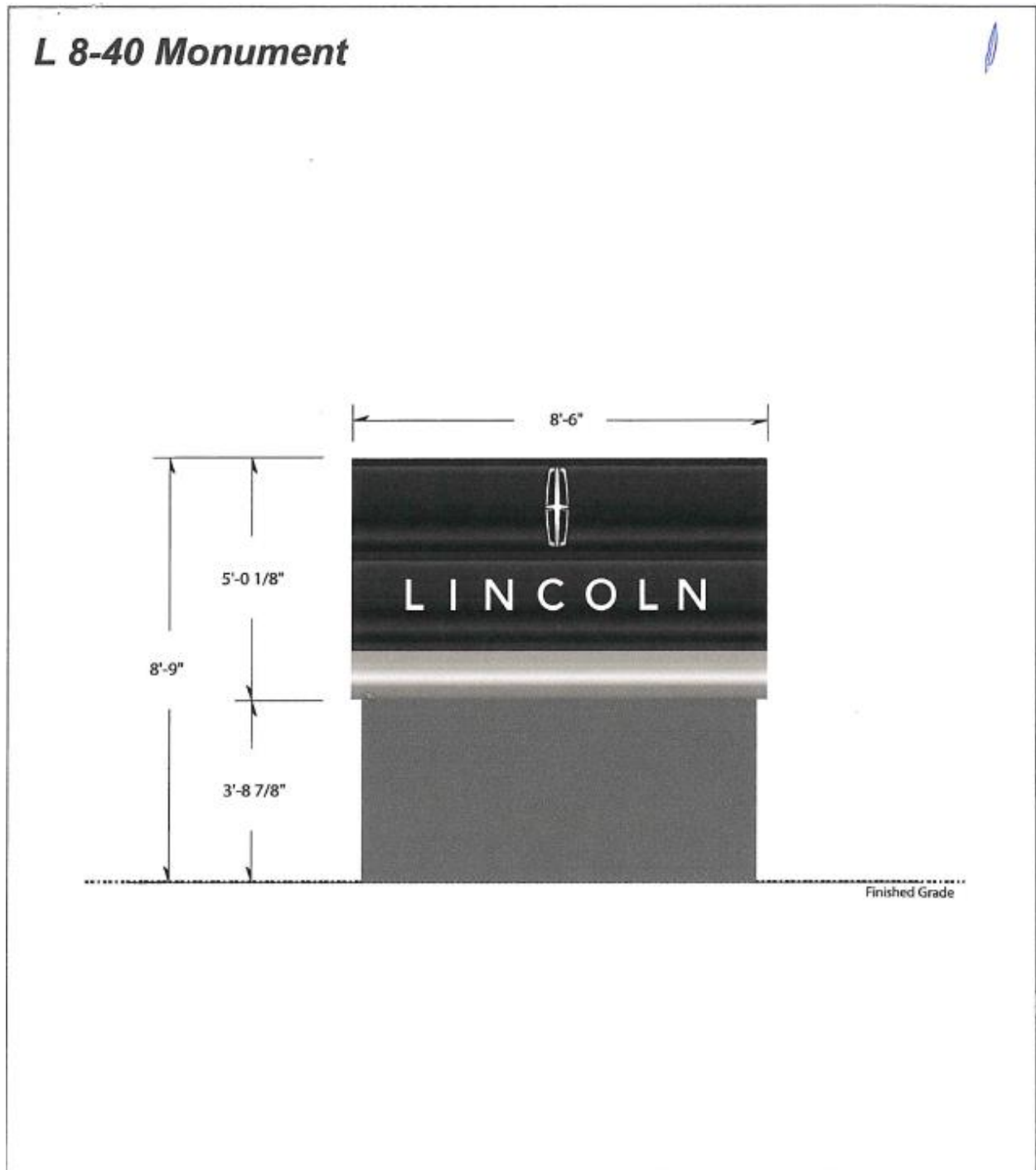


Exhibit E: Table 5: Statesboro Zoning Ordinance

Table 5. Sign District 3 Dimensional Standards

TABLE INSET:

SIGN DISTRICT 3 (As defined in subsection 1509[A.3])	SIGN FOR AN INDIVIDUAL ESTABLISHMENT ON AN INDIVIDUAL LOT	MAJOR SIGN FOR PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT	BUSINESS SIGN FOR AN INDIVIDUAL ESTABLISHMENT, SHOP, ETC., WITHIN A PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT
AGGREGATE SIGN AREA*:			
1. Maximum Number of Total Square Feet (SF)	150 square feet including freestanding and building signs	Size is based upon the overall floor space of the center as follows: 0-50,000 sf = 100 sf > 50,000 sf = 150 sf	Not applicable
FREESTANDING SIGNS**:			
2. Freestanding Sign Maximum Square Feet	60 square feet	Varies per overall floor space of the center (See "Aggregate Sign Area" herein)	Not applicable
3. Maximum Height	8 feet	15 feet	Not applicable
4. Setback Requirement	5 feet from property line	5 feet from property line	Not applicable
5. Number of Signs Allowed	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	Not allowed
BUILDING SIGNS:			
1. Maximum Number of Total Square Feet	Wall length of 100 feet or less: 50 square feet. Wall length of greater than 100 feet: 100 square feet.	60 square feet	The greater of 60 sf or 5% of wall areas, allotted to the individual establishment
2. Maximum Height	Building elevation	Building elevation	Building elevation
3. Number of Building Signs Allowed***	One per elevation	One sign per common entrance	One per building elevation per tenant
<p>*As provided in Section 1501 and Table 2 herein, "aggregate sign area" includes all freestanding or building signs regardless of whether or not a permit for a particular type of sign is required.</p> <p>**Limited to monument and standard informational signs. Billboards and stanchion signs prohibited as provided in Table 2 herein.</p> <p>*** Two (2) per building elevation where one (1) sign is in the form of a canopy/awning, and where the cumulative square footage of both does not exceed the "maximum number of total square feet" for building signs.</p>			



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

P.O. Box 348
 Statesboro, Georgia 30458

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CUV 18-09-16
CONDITIONAL USE VARIANCE REQUEST
24 Carmel Drive

LOCATION: 24 Carmel Drive

REQUEST: Request for a conditional use variance from Article V of the *Statesboro Zoning Ordinance* for 0.55 acres of property located at 24 Carmel Drive to utilize the property as a long term residential addiction treatment community residence (Tax Parcel # S59 000083 000).

APPLICANT: Journey to Sober Living, LLC

OWNER(S): Courtney LLC

ACRES: 0.55 acres

PARCEL TAX MAP #: S59 000083 000

COUNCIL DISTRICT: 1 (Boyum)



PROPOSAL:

The applicant is requesting a conditional use variance to utilize 24 Carmel Drive (Tax Parcel S59 000083 000) as a long term residential addiction treatment community residence of six (6) adults (See **Exhibit A** – Location Map). The subject site is currently zoned R-15 (Single Family Residential) and the *Statesboro Zoning Ordinance* does not address or define group homes, personal care homes or recovery residences or designate an appropriate zoning district for such uses. In addition, Article II of the *Statesboro Zoning Ordinance* states that a family in the R-15 zoning district may not consist of more than three (3) unrelated persons.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R-15 (Single Family Residential)	Single-family detached dwelling units
SOUTH:	R-15 (Single Family Residential)	Single-family detached dwelling units
EAST:	R-3 (Medium Density Multiple Family Residential)	Statesboro High School
WEST	R-15 (Single Family Residential)	Single-family detached dwelling units

Properties to the north, south and west are single family residential land uses. The property to the east is Statesboro High School (See **Exhibit B**—Photos of Subject Site and Surrounding Properties).

COMPREHENSIVE PLAN:

The subject site lies within the "Activity Centers/Regional Centers" character area and lies adjacent to the "Established/Existing Traditional Neighborhood" as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit C—2014 Future Development Map**) within the City of Statesboro Updated 2014 Comprehensive Plan.

Vision:

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

Appropriate land uses include:

- Small, mid-size, and regional retail and commercial, including big box stores.
- Redeveloped shopping center should be encouraged to include diverse uses and pedestrian-scaled elements.
- Diverse mix of higher density housing types, such as multi-family, town houses, apartments, lofts, and condos.
- Entertainment, Services, Employment Centers, Office, Medical, and Multi-Family.

Suggested Development & Implementation Strategies

- New residential development that reflects traditional neighborhood design principles, such as smaller lots, orientation to street, mix of housing types, pedestrian access to neighborhood commercial centers.
- New developments that contain a mix of residential, commercial uses and community facilities at small enough scale and proximity to encourage walking between destinations.

Statesboro Updated 2014 Comprehensive Plan, Community Agenda page 25-26.

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:

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.
- 2.) The extent to which property values are diminished by the particular zoning restrictions.
- 3.) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
 - a. The variance is needed in order to provide rehabilitative services to an adult population.
- 4.) The relative gain to the public, as compared to the hardship imposed upon the property owner.
- 5.) The suitability of the subject property for the zoned purposes.
 - a. The subject site is suitable for the proposed use and could still be used as a single-family residence should this use, if granted, cease.
- 6.) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
- 7.) The extent the proposed change would impact the following:
 - a. Population density in the area.

- i. The request would add six (6) additional persons to the area.
 - b. **Community facilities.**
 - c. **Living conditions in the area.**
 - d. **Traffic patterns and congestion.**
 - e. **Environmental aspects.**
 - f. **Existing and future land use patterns.**
 - g. **Property values in adjacent areas.**
- 8.) **Consistency with other governmental land use, transportation and development plans for the community.**

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

- 1.) Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.
- 2.) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.
- 3.) Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.
- 4.) Public facilities and utilities are capable of adequately serving the proposed use.
- 5.) The proposed use will not have a significant adverse effect on the level of property values or the general character of the area.
- 6.) Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.
- 7.) Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.

STAFF RECOMMENDATION:

Staff recommends approval of the use requested by application CUV 18-09-16 with the following conditions:

- (a) Applicant will be required to coordinate with the City of Statesboro Fire Department to ensure life safety standards meet current code requirements.
- (b) The applicant must not exceed reasonable standards for parking and avoid excessive parking at the location.
- (c) The applicant may not install signage at the location.

EXHIBIT A: LOCATION MAP

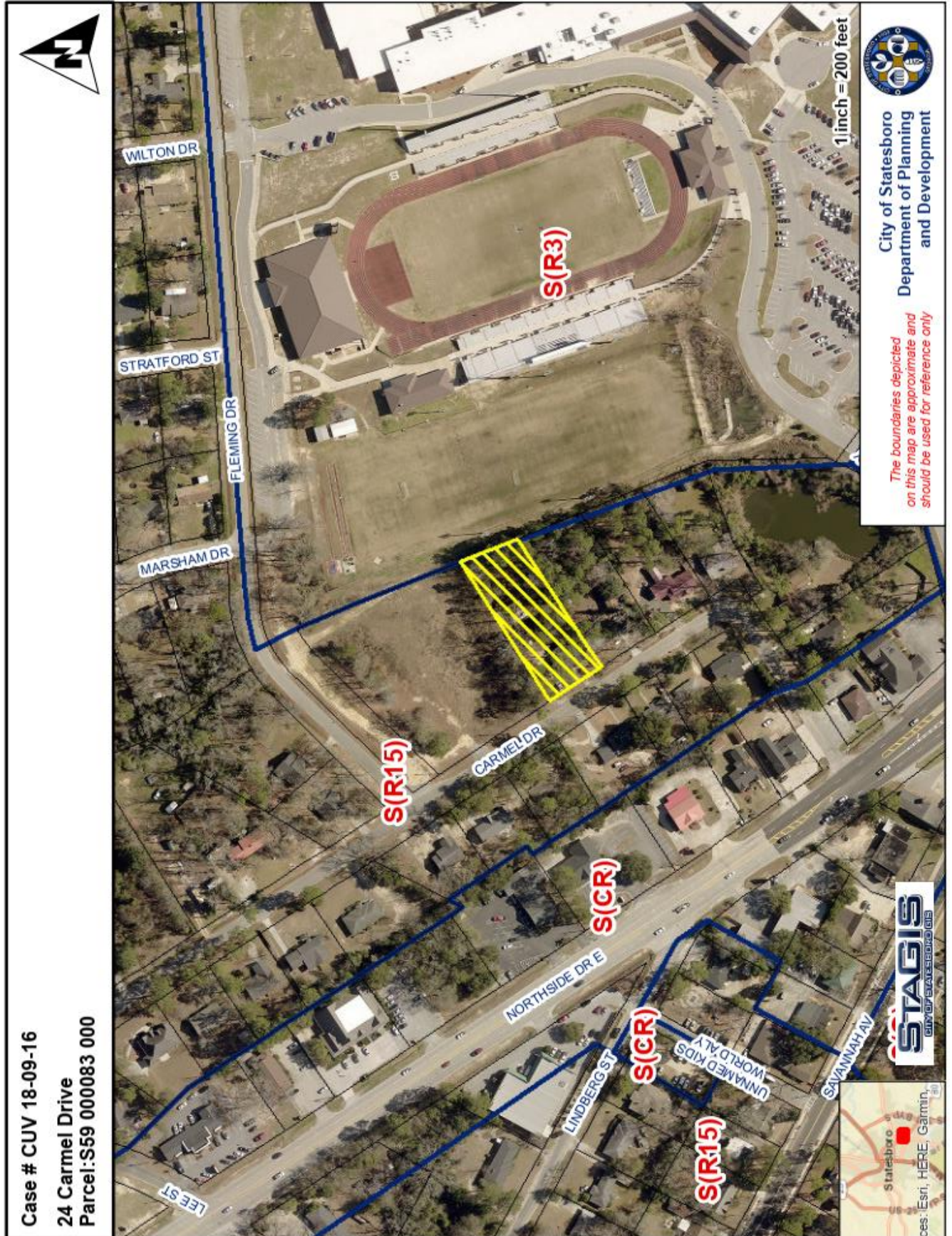


EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES

Picture 1: Picture of the subject property, 24 Carmel Drive, currently a single family residence being operated as a long term residential addiction treatment community residence.



Picture 2: View of surrounding properties, currently a single family residence located to the south of the subject site.



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

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



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



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

Picture 5: View of surrounding properties, currently a single family residence being operated as a long term residential addiction treatment community residence and being considered under CUV 18-09-17 (17 Carmel Drive).



Picture 6: View of surrounding properties, looking north along Carmel Drive.

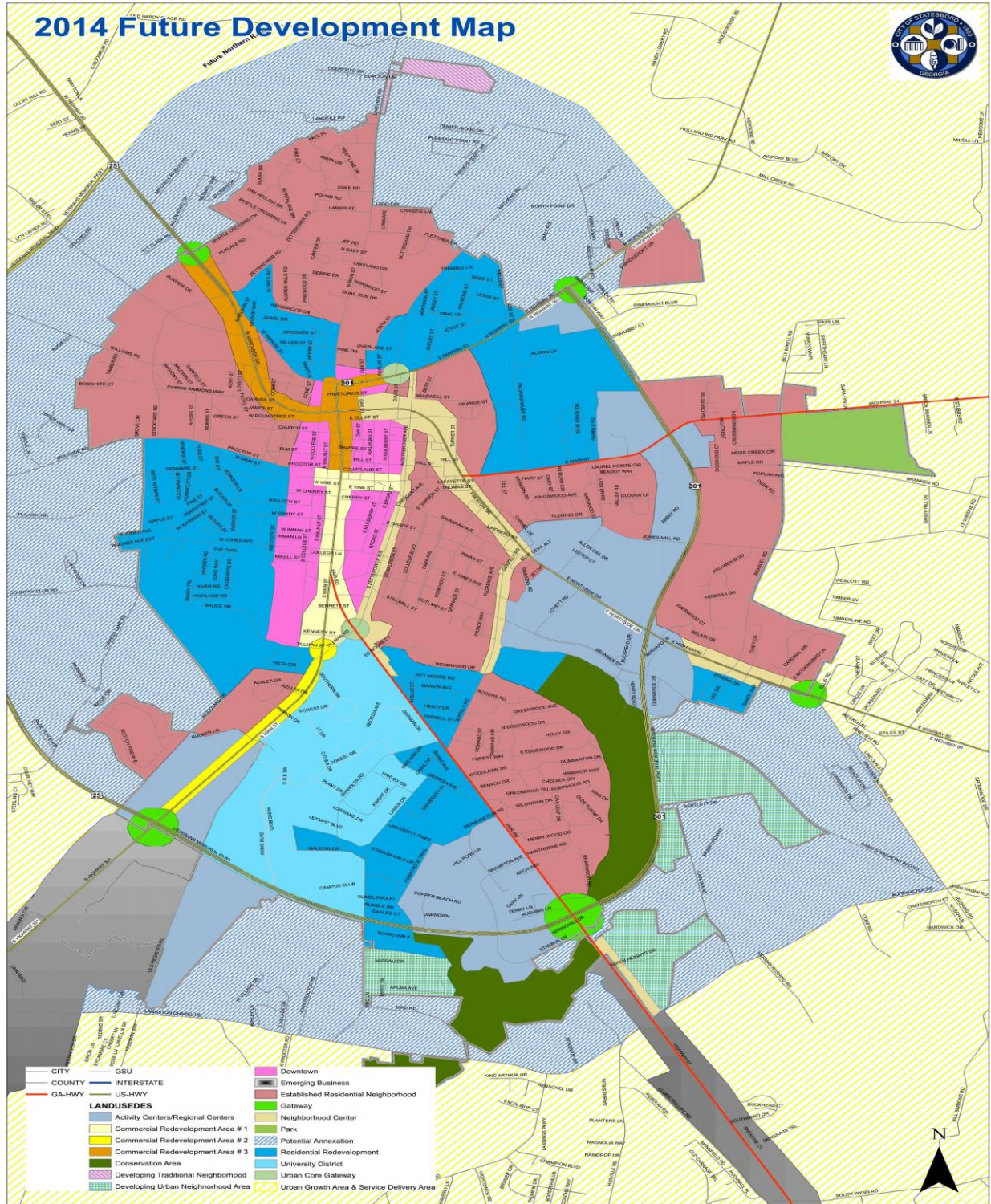


EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONTINUED)

Picture 7: View of surrounding properties, looking south along Carmel Drive.



EXHIBIT C: 2014 FUTURE DEVELOPMENT MAP





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

*P.O. Box 348
 Statesboro, Georgia 30458*

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

CUV 18-09-17
CONDITIONAL USE VARIANCE REQUEST
17 Carmel Drive

LOCATION: 17 Carmel Drive

REQUEST: Request for a conditional use variance from Article V of the *Statesboro Zoning Ordinance* for 0.48 acres of property located at 17 Carmel Drive to utilize the property as a long term residential addiction treatment community residence (Tax Parcel # S59 000090 000).

APPLICANT: Journey to Sober Living, LLC

OWNER(S): James Hendry (Seabean LLC)

ACRES: 0.48 acres

PARCEL TAX MAP #: S59 000090 000

COUNCIL DISTRICT: 1 (Boyum)



PROPOSAL:

The applicant is requesting a conditional use variance to utilize 17 Carmel Drive (Tax Parcel S59 000090 000) as a long term residential addiction treatment community residence of ten (10) adults (See **Exhibit A** – Location Map). The subject site is currently zoned R-15 (Single Family Residential) and the *Statesboro Zoning Ordinance* does not address or define group homes, personal care homes or recovery residences or designate an appropriate zoning district for such uses. In addition, Article II of the *Statesboro Zoning Ordinance* states that a family in the R-15 zoning district may not consist of more than three (3) unrelated persons.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R-15 (Single Family Residential)	Single-family detached dwelling units
SOUTH:	CR (Commercial Retail)	Enterprise Rent-A-Car, Statesboro Golf Carts, and Horace Mann Insurance Agency
EAST:	R-15 (Single Family Residential)	Single-family detached dwelling units
WEST:	R-15 (Single Family Residential)	Single-family detached dwelling units

Properties to the north, east, and west are single family residential land uses. The properties to the south are commercial retail uses including Enterprise Rent-A-Car, Statesboro Golf Carts, and Horace Mann Insurance Agency (See **Exhibit B**—Photos of Subject Site and Surrounding Properties).

COMPREHENSIVE PLAN:

The subject site lies within the "Activity Centers/Regional Centers" character area and lies adjacent to the "Established/Existing Traditional Neighborhood" as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit C—2014 Future Development Map**) within the City of Statesboro Updated 2014 Comprehensive Plan.

Vision:

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

Appropriate land uses include:

- Small, mid-size, and regional retail and commercial, including big box stores.
- Redeveloped shopping center should be encouraged to include diverse uses and pedestrian-scaled elements.
- Diverse mix of higher density housing types, such as multi-family, town houses, apartments, lofts, and condos.
- Entertainment, Services, Employment Centers, Office, Medical, and Multi-Family.

Suggested Development & Implementation Strategies

- New residential development that reflects traditional neighborhood design principles, such as smaller lots, orientation to street, mix of housing types, pedestrian access to neighborhood commercial centers.
- New developments that contain a mix of residential, commercial uses and community facilities at small enough scale and proximity to encourage walking between destinations.

Statesboro Updated 2014 Comprehensive Plan, Community Agenda page 25-26.

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:

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.
- 2.) The extent to which property values are diminished by the particular zoning restrictions.
- 3.) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
 - a. The variance is needed in order to provide rehabilitative services to an adult population.
- 4.) The relative gain to the public, as compared to the hardship imposed upon the property owner.
- 5.) The suitability of the subject property for the zoned purposes.
 - a. The subject site is suitable for the proposed use and could still be used as a single-family residence should this use, if granted, cease.
- 6.) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
- 7.) The extent the proposed change would impact the following:
 - a. Population density in the area.

- i. The request would add ten (10) additional persons to the area.
 - b. **Community facilities.**
 - c. **Living conditions in the area.**
 - d. **Traffic patterns and congestion.**
 - e. **Environmental aspects.**
 - f. **Existing and future land use patterns.**
 - g. **Property values in adjacent areas.**
- 8.) **Consistency with other governmental land use, transportation and development plans for the community.**

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

- 1.) Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.
- 2.) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.
- 3.) Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.
- 4.) Public facilities and utilities are capable of adequately serving the proposed use.
- 5.) The proposed use will not have a significant adverse effect on the level of property values or the general character of the area.
- 6.) Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.
- 7.) Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.

STAFF RECOMMENDATION:

Staff recommends approval of the use requested by application CUV 18-09-17 with the following conditions:

- (a) Applicant will be required to coordinate with the City of Statesboro Fire Department to ensure life safety standards meet current code requirements.
- (b) The applicant must not exceed reasonable standards for parking and avoid excessive parking at the location.
- (c) The applicant may not install signage at the location.

EXHIBIT A: LOCATION MAP

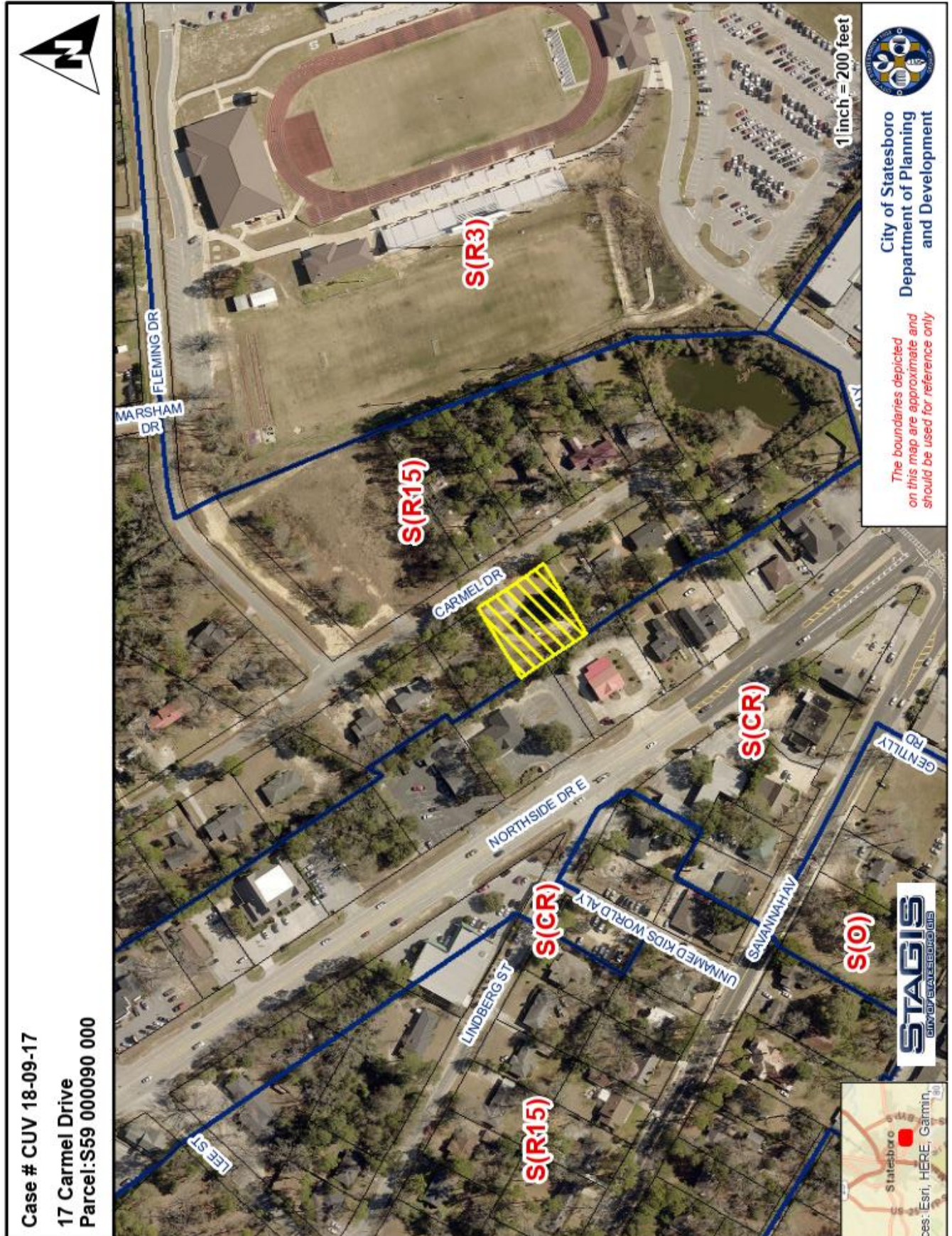


EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES

Picture 1: Picture of the subject property, 17 Carmel Drive, currently a single family residence being operated as a long term residential addiction treatment community residence.



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



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

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



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



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

Picture 5: View of surrounding properties, currently a single family residence being operated as a long term residential addiction treatment community residence and being considered under CUV 18-09-16 (24 Carmel Drive).



Picture 6: View of surrounding properties, looking north along Carmel Drive.

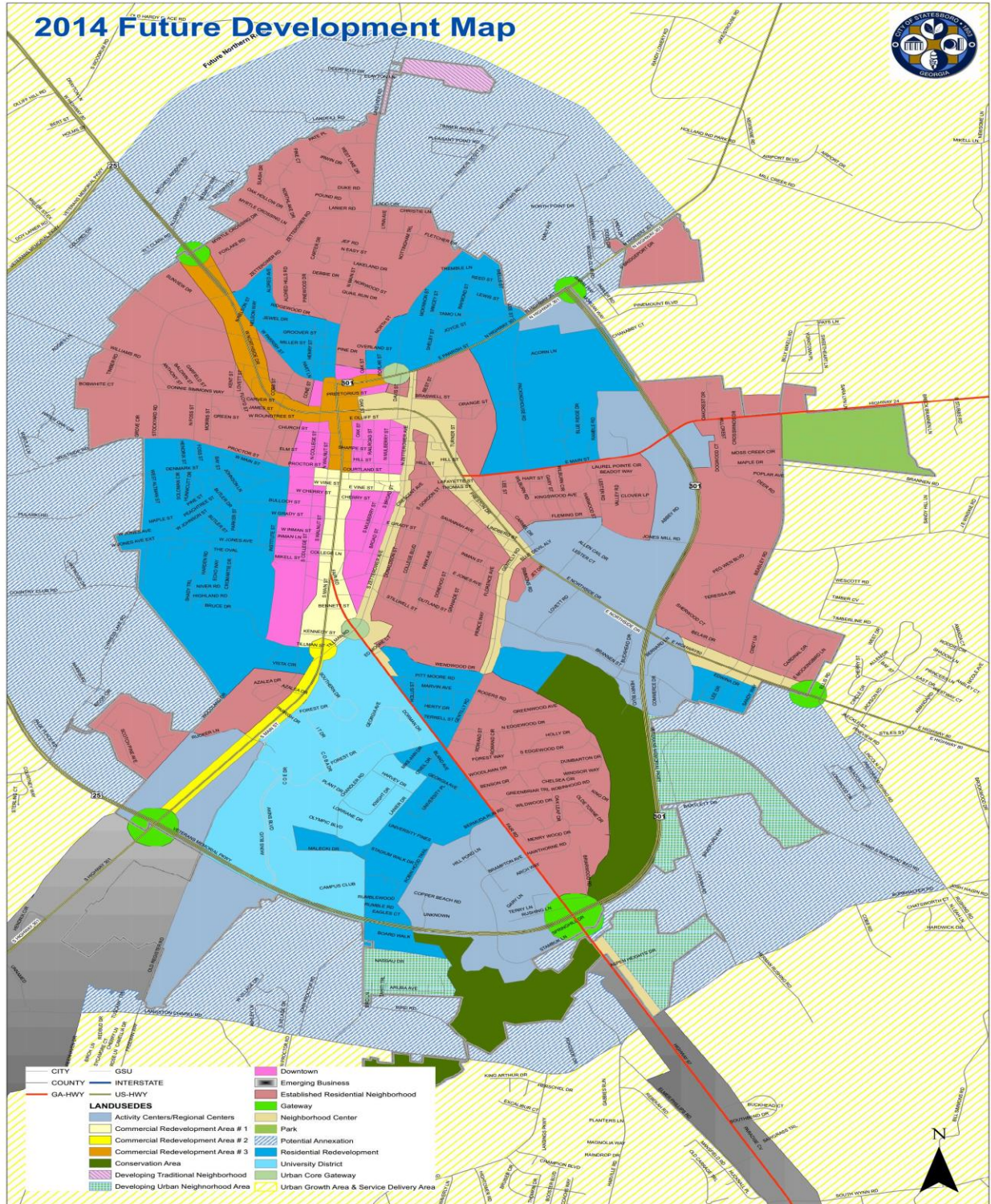


EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONTINUED)

Picture 7: View of surrounding properties, looking south along Carmel Drive.



EXHIBIT C: 2014 FUTURE DEVELOPMENT MAP





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

P.O. Box 348
 Statesboro, Georgia 30458

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

CUV 18-09-18
CONDITIONAL USE VARIANCE REQUEST
207 Donaldson Street

LOCATION: 207 Donaldson Street

REQUEST: Request for a conditional use variance from Article V of the *Statesboro Zoning Ordinance* for 0.36 acres of property located at 207 Donaldson Street to utilize the property as a long term residential addiction treatment community residence (Tax Parcel # S29 000123 000).

APPLICANT: Journey to Sober Living, LLC

OWNER(S): James Hendry (Seabean LLC)

ACRES: 0.36 acres

PARCEL TAX MAP #: S29 000123 000

COUNCIL DISTRICT: 3 (Yawn)



PROPOSAL:

The applicant is requesting a conditional use variance to utilize 207 Donaldson Street (Tax Parcel S29 000123 000) as a long term residential addiction treatment community residence of twelve (12) adults (See **Exhibit A** – Location Map). The subject site is currently zoned R-15 (Single Family Residential) and the *Statesboro Zoning Ordinance* does not address or define group homes, personal care homes or recovery residences or designate an appropriate zoning district for such uses. In addition, Article II of the *Statesboro Zoning Ordinance* states that a family in the R-15 zoning district may not consist of more than three (3) unrelated persons.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R-15 (Single Family Residential)	Single-family detached dwelling units
SOUTH:	R-15 (Single Family Residential)	Single-family detached dwelling units
EAST:	R-15 (Single Family Residential)	Single-family detached dwelling units
WEST	O (Office and Business District)	Chi Alpha Christian Fellowship Building

Properties to the north, south, and east are single family residential land uses. The properties to the west are office and business uses including Chi Alpha Christian Fellowship (See **Exhibit B**—Photos of Subject Site and Surrounding Properties).

COMPREHENSIVE PLAN:

The subject site lies within the "Commercial Redevelopment" character area and lies between the "Established/Existing Traditional Neighborhood" and "Urban Core/Downtown" character areas as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit C—2014 Future Development Map**) within the City of Statesboro Updated 2014 Comprehensive Plan.

Vision:

"The **Commercial Redevelopment** areas are currently in decline with vacant or underutilized properties. These areas are characterized by a high degree of access by vehicular traffic; onsite parking; and a low degree of open space. It is the desire of the community to identify and target these areas for redevelopment and investment, thus returning these areas to their intended state of a thriving commercial and/or mixed use district."

Appropriate land uses include:

- Major employers.
- Commercial, including big box.
- Medium/High density residential.
- Single-Family residential along arterials.

Suggested Development & Implementation Strategies

- Location of higher density housing near commercial centers or along arterial roads, and single family detached housing elsewhere in the neighborhood.
- New housing opportunities that are created out of former undeveloped commercial, warehouse, or industrial spaces.
- Revitalization of existing neighborhood commercial centers to capture more market activity and serve as community focal points.

Statesboro Updated 2014 Comprehensive Plan, Community Agenda page 26-28.

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:

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.
- 2.) The extent to which property values are diminished by the particular zoning restrictions.
- 3.) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
 - a. The variance is needed in order to provide rehabilitative services to an adult population.
- 4.) The relative gain to the public, as compared to the hardship imposed upon the property owner.
- 5.) The suitability of the subject property for the zoned purposes.
 - a. The subject site is suitable for the proposed use and could still be used as a single-family residence should this use, if granted, cease.
- 6.) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.

- 7.) **The extent the proposed change would impact the following:**
 - a. **Population density in the area.**
 - i. The request would add twelve (12) additional persons to the area.
 - b. **Community facilities.**
 - c. **Living conditions in the area.**
 - d. **Traffic patterns and congestion.**
 - e. **Environmental aspects.**
 - f. **Existing and future land use patterns.**
 - g. **Property values in adjacent areas.**
- 8.) **Consistency with other governmental land use, transportation and development plans for the community.**

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

- 1.) Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.
- 2.) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.
- 3.) Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.
- 4.) Public facilities and utilities are capable of adequately serving the proposed use.
- 5.) The proposed use will not have a significant adverse effect on the level of property values or the general character of the area.
- 6.) Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.
- 7.) Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.

STAFF RECOMMENDATION:

Staff recommends approval of the use requested by application CUV 18-09-18 with the following conditions:

- (a) Applicant will be required to coordinate with the City of Statesboro Fire Department to ensure life safety standards meet current code requirements.
- (b) The applicant must not exceed reasonable standards for parking and avoid excessive parking at the location.
- (c) The applicant may not install signage at the location.

EXHIBIT A: LOCATION MAP



Case # CUV 18-09-18
207 Donaldson, St
Parcel: S29 000123 000

EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES

Picture 1: Picture of the subject property, 207 Donaldson Street, currently a single family residence being operated as a long term residential addiction treatment community residence.



Picture 2: View of the surrounding properties, currently an apartment community located to the northeast of the subject site.



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

Picture 3: View of the surrounding properties, currently a single family residence located to the east of the subject site.



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



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

Picture 5: View of surrounding properties, looking north along Donaldson Street.



Picture 6: View of surrounding properties, looking south along Donaldson Street.



EXHIBIT C: 2014 FUTURE DEVELOPMENT MAP

