



City of Statesboro
Department of Planning and Development Memorandum

50 East Main Street
Statesboro, Georgia 30458

P.O. Box 348
Statesboro, Georgia 30459

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Statesboro Planning Commission

February 10, 2015

5:00 P.M.

City Hall Council Chamber

Meeting Agenda

I. Call to Order

II. Motion to Approve Order of the Meeting Agenda

III. Approval of Minutes

- 1) January 13, 2015 Meeting Minutes

IV. New Business

- 1) **APPLICATION # RZ 14-11-03:** Brason Investments LLC requests a zoning map amendment for .38 acres of property located at 101 Hawthorne Road from R20 (Single Family Residential) zoning district to O (Office) zoning district to utilize the existing single family residence as an office (Tax Parcel Number MS74000085000).
- 2) **APPLICATION # RZ 15-01-01:** Alan Gross requests a zoning map amendment for .29 acres of property located at 10 East Grady Street from HOC (Highway Oriented Commercial) zoning district to R4 (High Density Residential) zoning district to allow for construction of two new duplexes (Tax Parcel Number S29000041000).

V. Announcements

VI. Adjourn

STATESBORO PLANNING COMMISSION

January 13, 2015

3:00 P.M.

City Hall Council Chambers

Meeting Minutes

Present: Planning Commission Members: Rev. E. Charles Lee, Rick Barr, Nick Propps, Holmes Ramsey, April Stafford, David McLendon and Jeremy Ragan. City of Statesboro Staff: Director of Planning and Development Mandi Cody and Development Clerk Cindy Clifton.

I. Call to Order

Commissioner Propps called the meeting to order at 3:04 P.M.

II. Motion to Approve Order of the Meeting Agenda

Commissioner Stafford made a motion to approve the order of the meeting agenda; seconded by Commissioner Ramsey. Motion carried 7 to 0.

III. Approval of Meeting Minutes

Motion made by Commissioner Barr; second by Commissioner McLendon to approve minutes for the December 17, 2014 and October 14, 2014 meetings. Motion carried 7 to 0.

IV. New Business

1. **APPLICATION # RZ 14-10-01:** Estate of Martha C. Benson c/o Dr. Robert M. Benson, Jr., Executor requests a zoning map amendment for 4.41 acres of property located at 1301 Fair Road from R3 (Medium Density Multiple Family Residential) zoning district to CR (Commercial Retail) zoning district to permit the use of the property for a free standing fuel dispensing station with convenience store to be owned and operated by Enmark Stations, Inc. and for development of a hotel/motel or other use compatible with the Enmark Station (Tax Parcel Number MS62000054B000).

APPLICATION # V 14-10-02: Estate of Martha C. Benson c/o Dr. Robert M. Benson, Jr., Executor requests a variance from Section 1002 regarding building height from the allowed 35' or three (3) story building height to four (4) stories for property located at 1301 Fair Road (Tax Parcel Number MS62000054B000).

After discussion, Mr. Dotson requested that the map amendment application be tabled to allow an opportunity for the applicant to reconsider his request or bring a proposed concept plan back before the commission during its February meeting. The commission agreed.

3. **APPLICATION # RZ 14-11-05:** Asia World Co. Inc Charles Tsang requests a zoning map amendment to 2 acres of property located at 400 Knight Road from R4 (High Density Residential) zoning district to CR (Commercial Retail) zoning district for the purpose of developing a commercial retail center (Tax Parcel Number MS62000005B000).

Mandi Cody presented the rezone request along with the staffs recommended conditions if approved. She explained that the staff's recommended conditions were to provide guidance and restrictions for what could be developed on the site in the future due to the applicant currently not having a proposed concept plan. Ms. Cody then answered questions from the Commissioners.

Realtor Sam Dipolito spoke as a representative on behalf of the applicant and answered questions. He explained that at the current time the applicant did not have any proposed plans and had not indicated that redevelopment of the site was going to take place any time soon. Mr. Dipolito stated that the current apartments on the site were out of date and would require a complete renovation that would be very costly to applicant and the applicant felt his money would be better spent redeveloping the site as a retail shopping center.

Commissioner Ragan made a motion to recommend approval with the staff recommended conditions as listed in the staff report. Commissioner Stafford seconded the motion and it carried 7 to 0.

4. **APPLICATION # RZ 14-12-01:** John Ray Hendley requests a zoning map amendment for .31 acres of property located at South College Street from R20 (Single Family Residential) zoning district to R3 (Medium Density Multiple Family Residential) zoning district to allow for the development of single family duplexes (Tax Parcel Number S21000003000).

Mandi Cody presented the rezone and then answered questions from the Commissioners.

Bryan Davis, Property Manager for Hendley Properties, spoke on the behalf of the rezone request and explained that the request would allow for them to use this vacant lot as a site to add a single family duplex and provided shared parking for the duplexes that they are currently renovating on the adjoining lot. He then answered questions from the commission.

Commissioner Stafford made a motion to recommend approval of the rezone request application number RZ 14-12-01. Commissioner Lee seconded the motion and it carried 7 to 0.

After discussion, Commissioner Stafford made a motion to recommend approval of the sign variance request. Commissioner McLendon seconded the motion and it carried 7 to 0.

8. **APPLICATION # V 14-11-04:** Connections Ministries of Statesboro, Inc., requests a variance from Article XV of the Statesboro Zoning Ordinance to increase the aggregate building sign square footage from the permissible eighty (80) square feet aggregate allowance to an aggregate of 200 square feet for a nonresidential use within Sign District 1 (Tax Parcel Number 107000005004).

Mandi Cody presented the sign variance and explained that the requested increase of aggregate sign square footage was not an extreme request when you consider the acreage of the property and the massive square footage of the building. She then referred questions to Will Self, owner of Action Signs.

Mr. Self, spoke on behalf of the applicant and answered questions from the commission. Shawn Fox of Connections Ministries of Statesboro also spoke and explained the need for the proposed signage.

Commissioner Ramsey made a motion to recommend approval of the sign variance request. Commissioner McLendon seconded the motion and it carried 7 to 0.

V. Announcements

There were no announcements.

VI. Adjourn

Motion was made to adjourn the meeting at 6:27 P.M. by Commissioner Stafford. Commissioner Ragan seconded the motion and it carried 7-0.

Chair – Nick Propps

Secretary – Mandi Cody
Director of Planning and Development



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

P.O. Box 348
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» (912) 764-0630
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RZ 14-11-03 ZONING MAP AMENDMENT 101 Hawthorne Road

LOCATION: 101 Hawthorne

REQUEST: Rezone from R20 (Single-Family Residential) to O (Office)

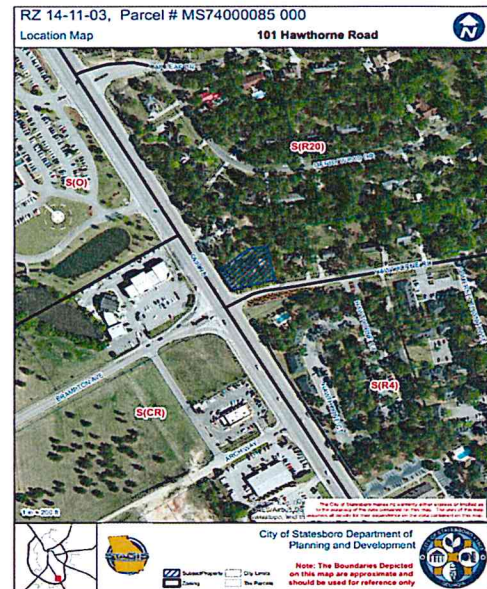
APPLICANT: Brason Investments LLC

OWNER(S): Brason Investments LLC

LAND AREA: .38 Acres

PARCEL TAX MAP #s: MS74000085 000

COUNCIL DISTRICT: District 5 (Chance)



PROPOSAL:

The applicant is requesting the rezoning of .38 acres of property located at 101 Hawthorne Road from R20 (Single-Family Residential) District to O (Office) District in order to utilize the existing structure as an office building. (See **Exhibit A** – Location Map & **Exhibit B** – Survey)

SURROUNDING LAND USES/ZONING:

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

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

COMPREHENSIVE PLAN:

The subject site lies along the transition I between the "Activity Center" character area and the "Developing" character area as identified by the 2009 City of Statesboro Future Development Map adopted by the *City of Statesboro*

Comprehensive Plan. See Exhibit D. The “Developing” character areas are identified as being primarily residential, but are under pressure to grow in a suburban manner. Development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development. Small to mid-size retail and commercial, office, single family, and multifamily residential are all appropriate land uses for properties within the Developing character areas. The pattern of blending residential and commercial are made even more evident with the growing commercial and office uses that are adjacent to this site within the “Activity Centers” character area. Some suggested development and implementation strategies for the area include the following:

- Large new developments should be master-planned to include mixed-uses wherever appropriate.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.
- There should be strong connectivity for pedestrians between residential and mixed use areas.

Statesboro Comprehensive Plan, Community Agenda pages 16-17.

Suggested land uses of the Developing character area include:

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

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

Suggested land uses of the Activity Center Character area include:

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

(Community Agenda, Pages 20-21)

Applicable goal(s) of the Plan:

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

Applicable Vision Statement(s) from the Plan:

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

Applicable Policy(ies) from the Plan:

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

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

COMMUNITY FACILITIES:

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

ENVIRONMENTAL:

The subject property does not contain wetlands or flood zones.

ANALYSIS:

The entire .38 acre site is currently zoned R20 (Single Family Residential) and contains a 2,269 square foot single family residence with a paved driveway and a paved parking area. The parcel takes singular access from Hawthorne Road. The applicant's request to rezone the property from R20 (Single Family Residential) to O (Office) would allow for the utilization of the existing structure to be used as an office. The R20 zones limits uses within the district to single family residential, religious, educational, and governmental uses. The requested Office zone allows for those same uses, but also includes professional and business offices; agencies, studios, and schools; social or fraternal lodges or clubs; financial institutions; undertaking establishments; and health care facilities, to include hospitals and nursing homes as permissible uses by right within the district.

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

The request to rezone the subject property should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's two (2) primary land use policies: The *Statesboro Comprehensive Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed O (Office) zoning district for residential uses only as set forth in the *Statesboro Zoning Ordinance*.

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

1. **Existing uses and zoning or (of) property nearby;**
 - o Immediately adjacent properties are zoned R20 – Single Family Residential.

- Properties across Fair Road from the site are zoned Office (utilized as East Georgia Regional Medical Center) and Commercial Retail.
 - Properties across Hawthorne Road are zoned R4- High Density Residential Development. Hawthorne Road serves as the dividing line for the zoning districts between Single Family and Multi Family in this area.
 - Rezoning of this site to Office may constitute spot zoning.
2. **The extent to which property values are diminished by the particular zoning restrictions.**
 - Given its frontage on a Transitional and high volume corridor, the property has likely lost desirability for use as a single family residential structure.
 3. **The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
 4. **The relative gain to the public, as compared to the hardship imposed upon the property owner.**
 - Office is considered a more compatible adjacent use to single family zones than commercial and can be considered an appropriate transition zone from single family to multifamily.
 5. **The suitability of the subject property for the zoned purposes.**
 - The site could be developed in accordance with the provisions of the *Statesboro Zoning Ordinance*.
 6. **The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - The property is not vacant. It is currently being utilized as a single family structure.
 7. **The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
 - The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns or property values, and is not expected to be negative or burdensome to the general public or surrounding property owners as offices of this size are generally considered to be low intensity uses.
 - Office use is considered to be a low intensity utilization of property.
 8. **Consistency with other governmental land use, transportation, and development plans for the community.**
 - The subject site is located along a transition from Developing character area to Activity Center character area.
 - The subject site is located along the district line between single family residential zoning and multifamily zoning.

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

PLANNING COMMISSION RECOMMENDATION:

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

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

EXHIBIT A: LOCATION MAP

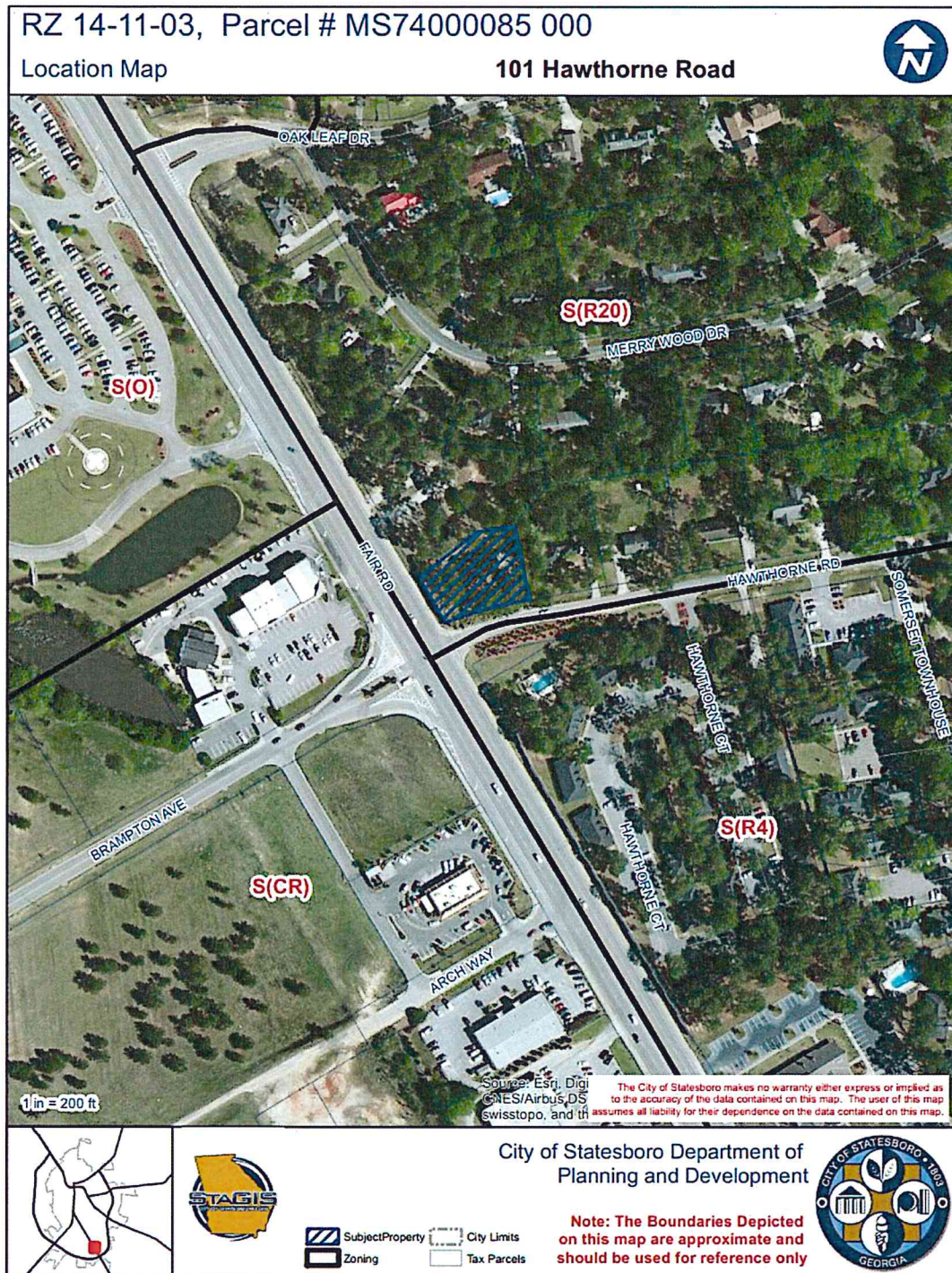


EXHIBIT B: LAND SURVEY

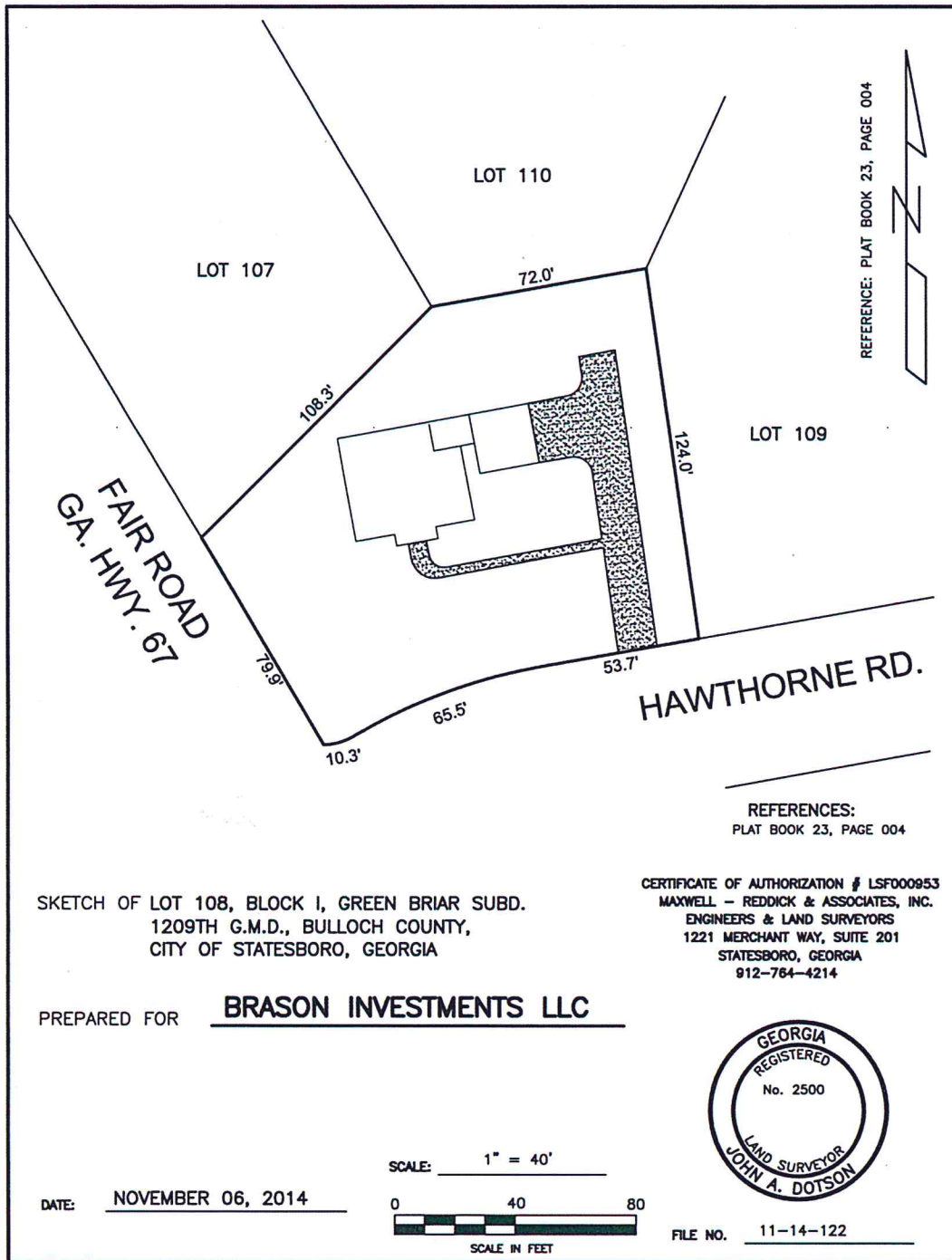


EXHIBIT C: PHOTOS OF SUBJECT SITE AND GENERAL VICINITY

Photo 1: Subject Site from Hawthorne Road



Photo 2: Subject Site from Fair Road



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



Photo 3: Commercial Retail to the West of Subject Site



Photo 5: Property to the South of Subject Site



Photo 6: Property to South West of Subject Site



EXHIBIT D: COMPREHENSIVE PLAN 2009 FUTURE DEVELOPMENT MAP

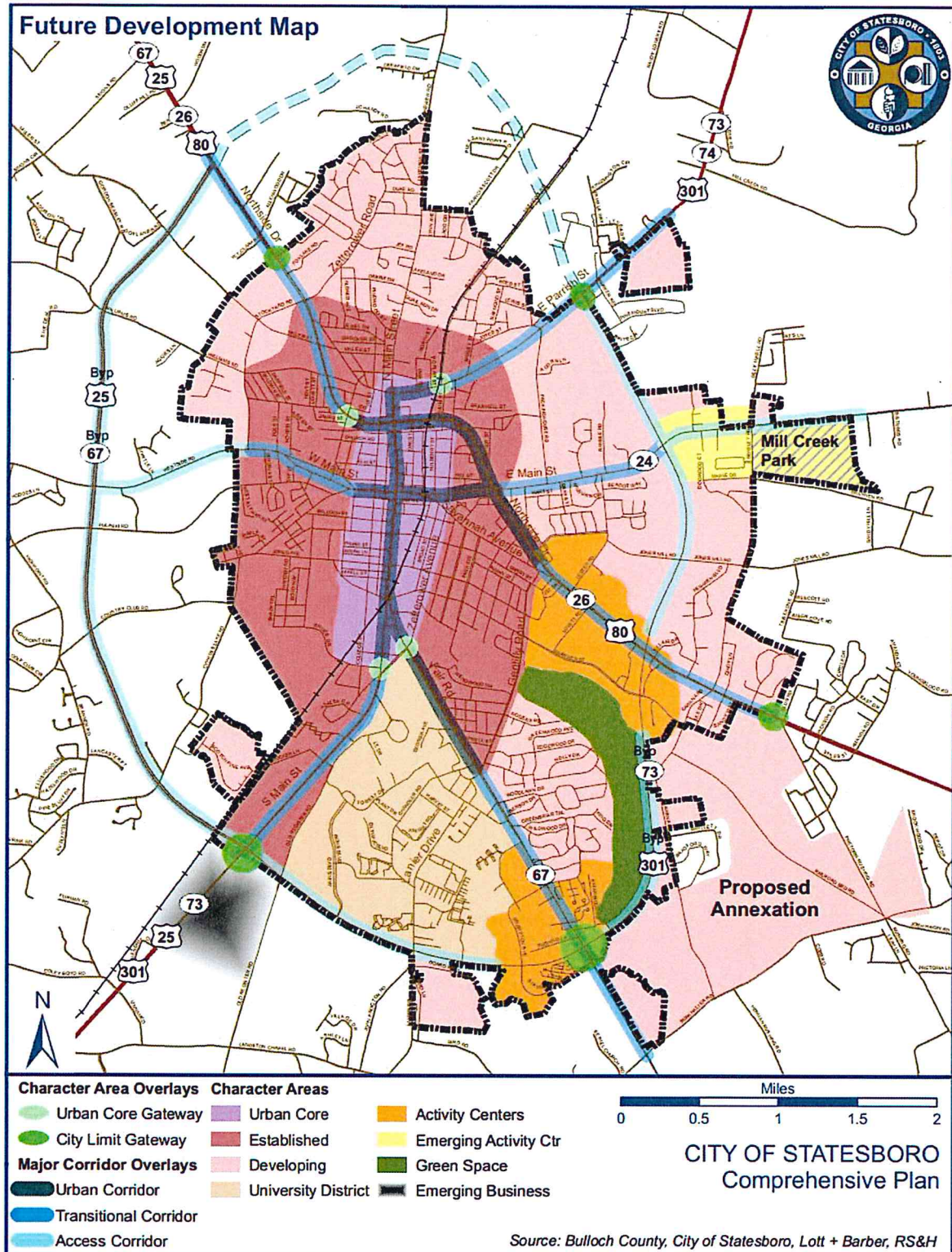


EXHIBIT E: APPLICANT RESPONSE LETTER



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

RE: Brason Investments, Hawthorne Road, Statesboro, Georgia

Dear Cindy:

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

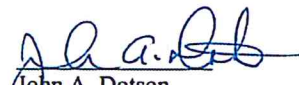
The introduction of the new traffic signal to serve the Wal-Mart Neighborhood Grocery Center will transform the intersection, which the subject property is part of, and effectively create a non-desirable residential location for the homes located at or near the intersection.

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

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

Please give me a call if you have any questions.

Sincerely,



John A. Dotson



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

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RZ 15-01-01 ZONING MAP AMENDMENT 10 EAST GRADY STREET

LOCATION: 10 East Grady Street

REQUEST: Rezone from HOC (Highway Oriented Commercial) to R4 (High Density Residential)

APPLICANT: Alan Gross

OWNER(S): Marilyn Hendrix

LAND AREA: .29 acres

PARCEL TAX MAP #s: S29000041 000

COUNCIL DISTRICT: District 2 (Lewis)



PROPOSAL:

The applicant is requesting a zoning map amendment of .29 acres of property located at 10 East Grady Street from HOC (Highway Oriented Commercial) District to R4 (High Density Residential) District to construct two (2) duplex units (1 bedroom units each for a total of 4 beds) on the vacant parcel (See **Exhibit A** – Location Map & **Exhibit B** – Proposed Concept Plan).

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	HOC (Highway Oriented Commercial) & LI (Light Industrial)	Library, Restaurants and Offices
SOUTH:	HOC (Highway Oriented Commercial)	Warehouses, Offices & Residential
EAST:	HOC (Highway Oriented Commercial) & O (Office)	Offices & Residential
WEST:	HOC (Highway Oriented Commercial)	Gas Station, Restaurants and Offices

The subject property is located within a mixed use area just off of a corridor that has a variety of commercial uses within walking distance of residential uses.

COMPREHENSIVE PLAN:

The subject site lies within the "Downtown" character area (formerly known as the Urban Core) as identified by the City of Statesboro Future Development Map within the 2014 *City of Statesboro Comprehensive Plan*. "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." "There are numerous infill and redevelopment opportunities within the urban core. As a major gateway into downtown, one of the highest priority areas for redevelopment should be the South Main corridor, between Georgia Southern University and Grady Street." "As redevelopment occurs, buildings should be brought closer to the sidewalks, in keeping with downtown development patterns. Parking should generally be placed to the rear or side of buildings." *Statesboro Comprehensive Plan, Community Agenda* page 14. "Housing should be strongly encouraged and supported in the Downtown area to increase downtown destination points and night time population." *Statesboro Comprehensive Plan, Community Agenda* page 15.

Appropriate land uses for this character area include multi-family residential and a range of housing styles and price points. *Statesboro Comprehensive Plan, Community Agenda* page 15.

DSDA Master Plan:

The subject site is located within the boundaries of the Downtown Statesboro Development District and its *Statesboro Downtown Master Plan 2011*. The subject site is identified as part of Zone 10 of the plan's Locational Guidance for Redevelopment Initiatives. *Statesboro Downtown Master Plan, page 71*. This zone's Targeted Use/ Enhancement use recommendation is "residential, institutional, and mixed use". The plan identifies this area as "secondary" in importance level, stating that "this area operates as a supportive element to downtown, but could potentially include some additional enhancement. Discussion points in the Plan for zone 10 are as follows:

- Targeted redevelopment in this area which is consistent with the emerging development pattern is an appropriate approach in this zone
- Identify redevelopment opportunities through land assemblage and enhancement
- Ensure residential and office uses continue with minimal conflict and promote the development of an emerging mixed use corridor
- Implement neighborhood residential revitalization and stabilization program to improve and maintain housing stock

South Main Redevelopment Plan:

The subject site also lies within the recently adopted Tax Allocation District (TAD) #1. The goal of the TAD is to encourage the private redevelopment of outmoded, highway-oriented commercial development into pedestrian friendly, mixed use centers to achieve the vision set forth in the 2011 Statesboro Downtown Master Plan and the City's Comprehensive Plan. Areas within the boundaries are considered to be blighted and underdeveloped with redevelopment potential.

COMMUNITY FACILITIES:

City utilities including water and sewer, sanitation, and public safety services are available. No significant impact is expected on community facilities as a result of this request.

ENVIRONMENTAL:

There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The .29 acre site is currently zoned Highway Oriented Commercial (HOC) and is a cleared, empty lot. The site was formerly built out as a single family detached residence; however, the structure was destroyed by fire in 2010 and the lot cleared. The applicant is requesting to rezone the subject site to R4 (High Density Multiple Family Residential) to allow for the development of two duplex units (2 rooftops / 4 units/ 4 beds total) on a single lot sharing a common ownership. Duplex units are not uses permissible by right by within the HOC district.

"The Highway Oriented Commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies, or services to motorist, and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments, which, although serving the entire community and its trading area do not and should not be encouraged to locate in the retail commercial or nonretail commercial districts. The HOC highway oriented commercial districts ordinarily will be located along roads designated in them major thoroughfare plan as major highways." *Statesboro Zoning Ordinance*, page XI-1.

The legislative intent of the R4 – High Density Residential District is "establishing high density residential districts...for apartment and other high density residential purposes 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." *Statesboro Zoning Ordinance*, page VII -1. Two family duplexes are uses permitted by right within this district.

The applicant requested R4 rather than the Medium Density Residential zone of R3 so that that the two (2) rooftops could share common ownership and occupy a single parcel. R3 requires separate platting of rooftops and a minimum lot size of 12,000 per structure. This lot is 13,068 square feet in size.

The site is surrounded by Highway Oriented Commercially zoned parcels. Therefore, this zoning request raises the question of whether the rezone of the subject site would be an act of spot zoning. Spot zoning is the application of a zoning district (usually to allow a more intense use) to a single parcel where the immediate areas surrounding that parcel are governed by a different land use classification (zoning) which is generally less intense in nature (usually creating an island of more intense use, generally for private gain). Spot zoning is generally considered to be in contradiction of a City's comprehensive plan (vision for its future) as well as the basic tenant of its zoning ordinance (separation of uses). In order to overcome the argument of spot zoning, a showing should be made that the zoning request is compatible with the City's vision for its future as articulated within its Comprehensive Plan. Staff suggests that a zoning map amendment would be appropriate in this case if Council were to make a finding that the area around the subject site is changing or has transitioned since the property was zoned Highway Oriented Commercial and that the requested rezone would be in line with present conditions and the projected future needs of the City. A finding of changed or changing conditions makes the zoning request appropriate, not resulting in an act of spot zoning contrary to the *Statesboro Zoning Ordinance* and the City's Comprehensive Plan.

Staff found no zoning history on this property, therefore drawing the conclusion that the zoning of this site was enacted with the original adoption of the city's zoning map and ordinance in February of 1977.

The request to rezone the subject property should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's land use policies and the potential for the property to develop in conformance with the requirements of the proposed zoning district for residential uses only as set forth in the *Statesboro Zoning Ordinance*.

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

1. **Existing uses and zoning or (of) property nearby;**
 - Adjacent and nearby zones are Highway Oriented Commercial; however, uses of nearby property include single family residential, medium density family residential, office, and governmental (library). Although the properties are zoned HOC, the uses of those properties are not those reserved for the HOC's stated intent.
 - Staff suggests that a zoning map amendment would be appropriate in this case if Council were to make a finding that the area around the subject site is changing or has transitioned since the property was zoned Highway Oriented Commercial (most likely in 1977) and that the requested rezone would be in line with present conditions and the projected future needs of the City.
2. **The extent to which property values are diminished by the particular zoning restrictions.**
3. **The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
4. **The relative gain to the public, as compared to the hardship imposed upon the property owner.**

- a. The HOC zoning district requires 20,000 square feet in lot size per structure. This lot is 13,068 feet in total size and therefore cannot be developed in accordance with the requirements of the HOC zoning district.
 - b. R3 Medium Density zoning district requires each structure to be platted separately and 12,000 square feet per structure. Thereby not allowing for common ownership of rooftops and restricting the build out of this lot to one structure.
5. **The suitability of the subject property for the zoned purposes.**
 - a. The applicant's concept was reviewed by the City's Development Team in a Right Start meeting with the applicant. It is expected that the concept will meet the development regulations of the City of Statesboro.
6. **The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - a. The lot is vacant after the former structure – a single family residential structure- was destroyed by fire in 2010.
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;**
 - This request would not significantly impact the population density, community facilities, living conditions, or traffic patterns in the area as the request is limited to four bedrooms.
8. **Consistency with other governmental land use, transportation, and development plans for the community.**
 - This request is consistent with the vision of the Statesboro Comprehensive Plan and the recommendations of the 2011 DSDA Master Plan and the 2014 South Main Revitalization Plan.

STAFF RECOMMENDATION:

Staff recommends approval of the requested zoning map amendment as it is a reasonable finding of fact that the conditions surrounding the subject site have changed since the HOC zoning in 1977 and the property's inability to develop in conformance with the HOC zone. Furthermore, the property can be developed in conformance with the requested R4 zone and the proposal is consistent with the *Statesboro Comprehensive Plan*, the *2011 Downtown Statesboro Master Plan*, and the *2014 South Main Revitalization Redevelopment Plan*.

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

EXHIBIT A: LOCATION MAP



EXHIBIT B: PROPOSED CONCEPT PLAN

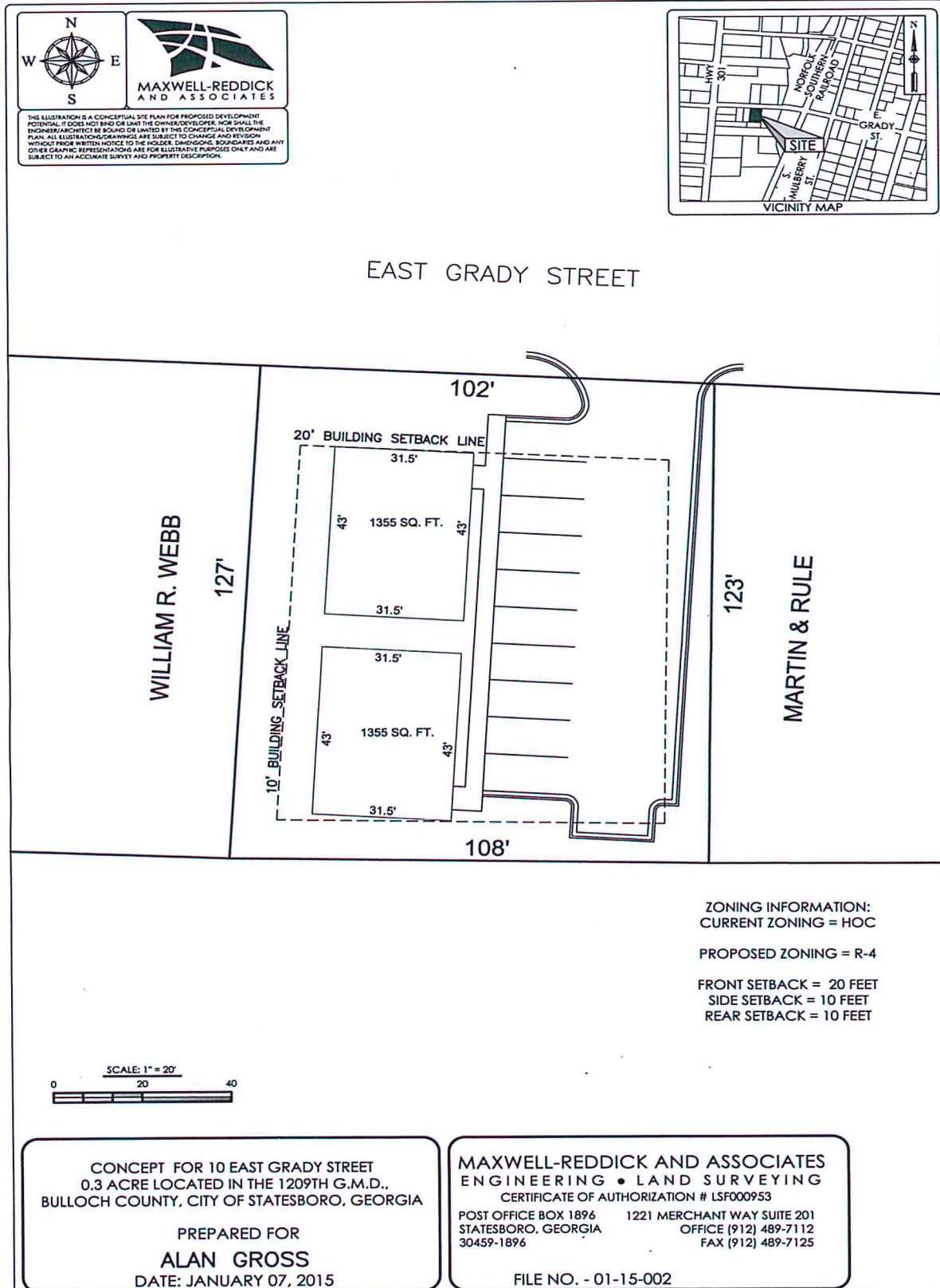


EXHIBIT C: PHOTOS OF SUBJECT SITE AND GENERAL VICINITY

Photo 1: Subject Site from E. Grady toward the South.



Photo 2: Subject Site from the rear property line facing North.



Photo 3: From the Subject Site facing East.



Photo 4: From the Subject Site facing West.

