

STATESBORO PLANNING COMMISSION

November 13, 2012

5:00 p.m.

City Hall Council Chambers

MEETING AGENDA

1. Call to Order.
2. Motion to Approve Order of the Meeting Agenda.
3. Approval of Minutes
  - a. October 9, 2012 meeting.
4. New Business
  - I. a. **APPLICATION # V 12-10-01**: Goo-Goo Car Wash requests a variance from Article X of the Statesboro Zoning Ordinance regarding setback and landscape buffer requirements for property located on Brannen Street. (Tax Map # MS72000016000).
  - b. **APPLICATION # V 12-10-02**: Goo-Goo Car Wash requests a variance from Article XV of the Statesboro Zoning Ordinance regarding maximum square footage and height for signs for property located on Brannen Street. (Tax Map # MS72000016000).
  - II. **APPLICATION # SE 12-10-04**: Mrs. Dorothy Cummings requests a special exception be granted pursuant to the Statesboro Zoning Ordinance to allow the applicant to operate a Group Daycare in an R-6 (Single Family Residential) District for property located at 324 James Street. (Tax Map # S09000033000).
5. Announcements
6. Adjourn

STATESBORO PLANNING COMMISSION

October 9, 2012

5:00 P.M.

City Hall Council Chambers

Minutes

Present: Planning Commission Members: Rick Barr, Nick Propps, April R. Stafford, R. Jeremy Ragan, and Holmes Ramsey. City of Statesboro staff: Director of Planning and Development Mandi Cody, City Manager Frank Parker, Development Clerk Cindy Steinmann, Administrative Assistant Debra Wiese, and Eric Short Code Compliance Officer.

Absent: Planning Commission Members: Jonathan McCollar and Jim Benton

1. a. Approval of Meeting Agenda

Motion made to approve the order of the meeting agenda by Commissioner Holmes Ramsey; second by Commissioner R. Jeremy Ragan. Motion carried 5 to 0. Order of meeting agenda approved.

2. Approval of Meeting Minutes

a. August 14, 2012 meeting.

Motion made to approve minutes by Commissioner Rick Barr; second by Commissioner Nick Propps. Motion carried 2 to 0 (only returning members eligible to vote). Minutes approved.

Commissioner Propps welcomed new commissioners.

b. September 11, 2012—Cancelled meeting due to no items to be heard.

c. October 2, 2012—Orientation and Training completed for Board. No action taken.

3. New Business

- I. a. **APPLICATION # RZ 12-06-04**: DNA Properties requests a zoning map amendment from R-15 (Single-Family Residential) District to PUD (Planned Unit Development) District for property located on Zetterower Road (Tax Parcel # S14000028001).

b. **APPLICATION # V 12-06-05:** DNA Properties requests a variance from Section 1402 of the Statesboro Zoning Ordinance regarding lot regulations for PUD (Planned Unit Development) for property located on Zetterower Road (Tax Parcel # S14000028001).

Motion to approve and 1 b with staff recommendations made by Commissioner Ramsey; second by Commissioner Barr. Motion carried 5 to 0.

**APPLICATION # V 12-09-02:** Vaden Nissan of Statesboro, Inc., requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signs for property located at 686 Brannen Street (Tax Map # MS84000100000).

Motion to approve with staff recommendations at 30' cap and 24' cap made by Commissioner Ragan; no second; motion failed.

New motion made to approve signs at 35' by Commissioner Barr; second by Commissioner Ramsey. Motion carried 4 to 1 (Commissioner Ragan). Motion approved.

- II. **APPLICATION # SE 12-09-03:** Gracious Development, LLC requests a special exception be granted pursuant to the Statesboro Zoning Ordinance to allow the applicants to utilize the property located at 323 Johnson Street (Tax Parcel Number S11000011000) as a convenience store and/or a restaurant and that the property qualify for consideration for issuance of an alcohol license by the Mayor and City Council of the City of Statesboro.

Commissioner Rick Barr was absent from consideration.

Motion made by Commissioner Holmes Ramsey to table this issue until owner Mr. Jerry Washington is in attendance; second by Commissioner R. Jeremy Ragan. Motion carried 4 to 0.

Ms. Cody stated that this application was advertised to go to City Council. She will report to City Council results from tonight's Planning Commission.

4. Adjourn

Meeting adjourned by Commissioner Propps.

These minutes were adopted by the City of Statesboro Planning Commission at its November 13, 2012 meeting.

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Chair – Nick Propps

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Secretary – Mandi Cody, Director of  
Planning and Development

DRAFT





City of Statesboro – Department of Community Development  
**DEVELOPMENT SERVICES REPORT**

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 Statesboro, Georgia 30458

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 » (912) 764-0664 (Fax)

**V 12-10-01 & V 12-10-02  
 VARIANCE REQUEST  
 BRANNEN STREET**

**LOCATION:** Brannen Street

**REQUEST:** Variance from Article X regarding setback requirements and variance from Article XV regarding sign height and size.

**APPLICANT:** Goo-Goo Car Wash

**OWNER(S):** Sawmill Center, Inc.

**LAND AREA:** 1.01 acres

**PARCEL TAX MAP #s:** MS72000016000

**COUNCIL DISTRICT:** District 5 (Chance)



**PROPOSAL:**

The applicant is requesting a variance from Article X, Section 1003 to eliminate the required rear yard setback and a variance from Article XV to increase the freestanding sign height from the required eight (8) feet to thirty (30) feet with an increased freestanding aggregate of 180 square feet, an increased wall sign aggregate of sixty five (65) square feet, and an increased total aggregate of 250 square feet to allow the use of the standard company sign. (See **Exhibit A** – Location Map, **Exhibit B** – Sketch Plan, and **Exhibit C** – Sign Rendering)

**BACKGROUND:**

The subject site is currently zoned CR (Commercial Retail) with no case history.

**SURROUNDING LAND USES/ZONING:**

	<b>ZONING:</b>	<b>LAND USE:</b>
<b>NORTH:</b>	CR (Commercial Retail)	Retail and Food Services
<b>SOUTH:</b>	CR (Commercial Retail)	Retail and Food Services
<b>EAST:</b>	CR (Commercial Retail)	Retail and Food Services
<b>WEST:</b>	CR (Commercial Retail)	Retail and Food Services

The subject property is located in a commercial area with all property lines surrounded by parcels zoned CR (Commercial Retail) and include a mix of restaurants and retail sale sites, including Wal-Mart, Murphy Oil, Vaden Nissan, Statesboro Mall, and Statesboro Crossing. (See **Exhibit E**)

## COMPREHENSIVE PLAN:

The subject site lies within the "Activity Centers" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The "Activity Centers" character areas are identified as areas that incorporate (or will incorporate) a wide range of land uses, but have historically developed in a manner that is auto-oriented with an abundance of large surface parking lots. The long-term development pattern preferred for Activity Centers is to incorporate features that mitigate these expanses of surface parking by incorporating new landscaping, framing parking areas with street-oriented infill construction, and including features that support other transportation options.

The *Statesboro Comprehensive Plan* also lists strategies which should be considered throughout the City, regardless of character area. One of those strategies is to reduce visual clutter of signs by incorporating uniform design features. Additionally, the *Statesboro Comprehensive Plan* indicates that "development decisions should be fair and predictable, relying on well-crafted development regulations."

## COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city utilities including water and sewer, sanitation, and public safety services. Careful placement of the building will ensure no significant impact on community facilities as a result of this request. Frontage and physical access is granted to the site by Brannen Street.

## ENVIRONMENTAL:

The subject property does contain wetlands and is located in a special flood hazard area; however, all environmental issues related to the development of the property have been addressed during the standard permitting and inspection procedures. This request is not expected to have any impact on the wetlands.

## ANALYSIS:

### I. Whether to grant a variance to eliminate the required rear yard setback.

The 1.01 acre site, currently zoned CR (Commercial Retail), is a vacant undeveloped site. The applicant is proposing to utilize the subject site as a carwash.

**Section 1801 of the *Statesboro Zoning Ordinance* lists the following four (4) factors that the Mayor and Council [could] consider to be 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;**
  - The subject site is small and irregularly shaped (triangle) making it difficult to design a building that will accommodate the required setbacks at all property lines.
  - The subject site consists of several undevelopable areas. The property contains a Georgia Power easement and two sewer easements leaving approximately .33 acres developable out of the total 1.01 acres (approximately 33% developable).
  - The design of Brannen Street restricts the subject site to only one access (right in and right out).
- (2) The special conditions and circumstances do not result from the actions of the applicant;**
  - The small irregular shape of the property, excessive easements, and the design of Brannen Street is not the result from actions of the applicant.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
  - Applying the required rear yard setbacks to this property would force the building too close to the road, thereby affecting the parking requirements and access drives, making this property undevelopable and inaccessible by City fire trucks and dump trucks.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
  - This request, if granted, would not cause substantial detriment to the public good. However, to protect the adjacent property owner of any burden due to this request, staff has recommended a five (5) foot rear yard setback.
  - A right-in, right-out access drive and the recent installation of traffic lights at the intersection of Walmart and Vaden Nissan should remedy any traffic concerns.



**II. Whether to grant a variance to increase the required sign height from eight (8) feet to thirty (30) feet, increase maximum freestanding square footage from sixty (60) square feet to one hundred eighty five (185) square feet, increase wall signage from fifty (50) square feet to sixty five (65) square feet thereby allowing a maximum total aggregate of two hundred fifty (250) square feet rather than one hundred fifty (150) square feet in Sign District 3.**

The applicant is requesting a variance from Article XV to allow a maximum height of thirty (30) feet, a maximum aggregate of one hundred eighty five (185) square feet for freestanding signs, a maximum aggregate of sixty five (65) square feet for wall signs, and a maximum total aggregate of two hundred fifty (250) square feet – which includes both freestanding and wall signs.

The *Statesboro Zoning Ordinance* lists regulations for erecting signs within the City of Statesboro by grouping areas into Sign Districts. This property is located in Sign District 3 which restricts signage monumental style signs at eight feet (8') in height and allows only one freestanding style sign to each road frontage per parcel at a maximum aggregate of sixty (60) square feet with a wall sign aggregate limited to fifty (50) square feet. The applicant wishes to increase the height of the freestanding sign by twenty two (22) feet, the freestanding aggregate by one hundred twenty five (125) square feet, and wall signage by fifteen (15) square feet thereby increasing the total aggregate by one hundred (100) square feet.

Much like other sites on Brannen Street, the subject site contains uneven topography and makes the business virtually invisible from Veterans Memorial Bypass which serves as an access corridor. Many of the surrounding developments have historically been permitted for taller signs due to the visibility and topography issues from the Bypass, including the recently granted Vaden Nissan, Steak N Shake restaurant, the old Carey Hilliards restaurant, and the adjacent Statesboro Crossing Development. Due to the evolution of retail businesses, staff has recognized the need to reevaluate the appropriateness of Brannen Street being placed in Sign District 3, or whether it belongs in Sign District 2 where taller signs are permitted. Sign District 2 allows two hundred fifty (250) square feet total aggregate for signs which satisfies this request.

Granting the applicant a variance to allow a sign that is twenty two (22) feet taller than that which is allowed by ordinance should logically result in an increase in square footage for such sign. The increase in square footage of the freestanding sign not only exceeds that allowed by the ordinance but also exceeds the maximum total aggregate of signs (including freestanding and wall signs). This would not allow the applicant to have any wall signage as all of the square footage allowed will be reserved for the freestanding sign alone. The ordinance allows fifty (50) square feet of wall signs within the maximum total aggregate, however, the applicant has requested that the maximum total aggregate be increased to two hundred fifty (250) square feet to include both the freestanding request with one (1) wall sign at approximately sixty five (65) square feet (185+65=250 square feet).

However, it is important to note that the taller aforementioned signs in the vicinity are located on larger parcels making taller signs necessary and appropriate from a sight distance standpoint and to reduce clutter. If a variance is granted to allow a thirty (30) foot tall sign, careful placement is vital in ensuring safe sight clearance on this site.

Section 1503(G), as amended effective July 1, 2009, 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 (regarding consideration and approval of variances) of this ordinance shall be applicable to the standards contained within this Article [XV]." 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;**
  - o Much like other parcels in the area, this subject site has uneven topography, making the site invisible from Veterans Memorial Bypass. Visibility from the Bypass is essential to inform traffic of the businesses existence. (See Exhibit E)
- (2) The special conditions and circumstances do not result from the actions of the applicant;**
  - o This property has a low uneven topography in relation to Veterans Memorial Bypass. The topography is not the result of the applicant.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**

- The proposed sign is designed to company standards all over the United States.
  - Applying the ordinance to the proposed signs could, perhaps, result in a lack of visibility to the site from the nearby access corridor.
  - Most of the signs in the surrounding area are approximately thirty (30) feet in height.
  - Staff has questioned the validity of the current sign district of businesses on Brannen Street and has recognized the need for taller signs in this location than that which is permissible by the ordinance.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
- This request, if granted, would not cause substantial detriment to the public good so long as the placement is carefully reviewed to ensure sight clearance.
  - The preamble of Article XV (Signs) states that the intent of the sign ordinance is to avoid “the interference with the ability of property owners to enjoy or use their property without undue visual obstruction, distraction or hazard”.
  - Much of the commercial signage height and style in the immediate area is in line with the applicant’s request. For example, the recently issued Vaden Nissan, Steak N Shake sign, the existing Moe’s, Statesboro Crossing, and BI-LO signs.

Given concerns that a staff denial to present an applicants’ variance request for a hearing and consideration before the governing body poses a potential violation of an applicants’ right to due process, the requested variance regarding maximum sign aggregate and height for Sign District 3 has been included in this report and presented for Council consideration despite Article XV’s stated prohibition against variances.

**STAFF RECOMMENDATION:**

Based on the factors of consideration for a variance given in Section 1801 and *the Comprehensive Plan*, staff recommends approval of the variances requested by V 12-10-01 and V 12-10-02 with the following recommended conditions:

1. Any proposed buildings must be setback a minimum of five (5) feet from the rear property line.
2. The maximum freestanding sign height must not exceed thirty (30) feet.
3. The maximum total sign aggregate must not exceed two hundred fifty (250) square feet.
  - a. Freestanding sign aggregate must not exceed one hundred eighty five (185) square feet.
  - b. Wall sign aggregate must not exceed sixty five (65) square feet.
4. The placement of the proposed monument sign must be approved by the City Engineer prior to issuance of a sign permit.

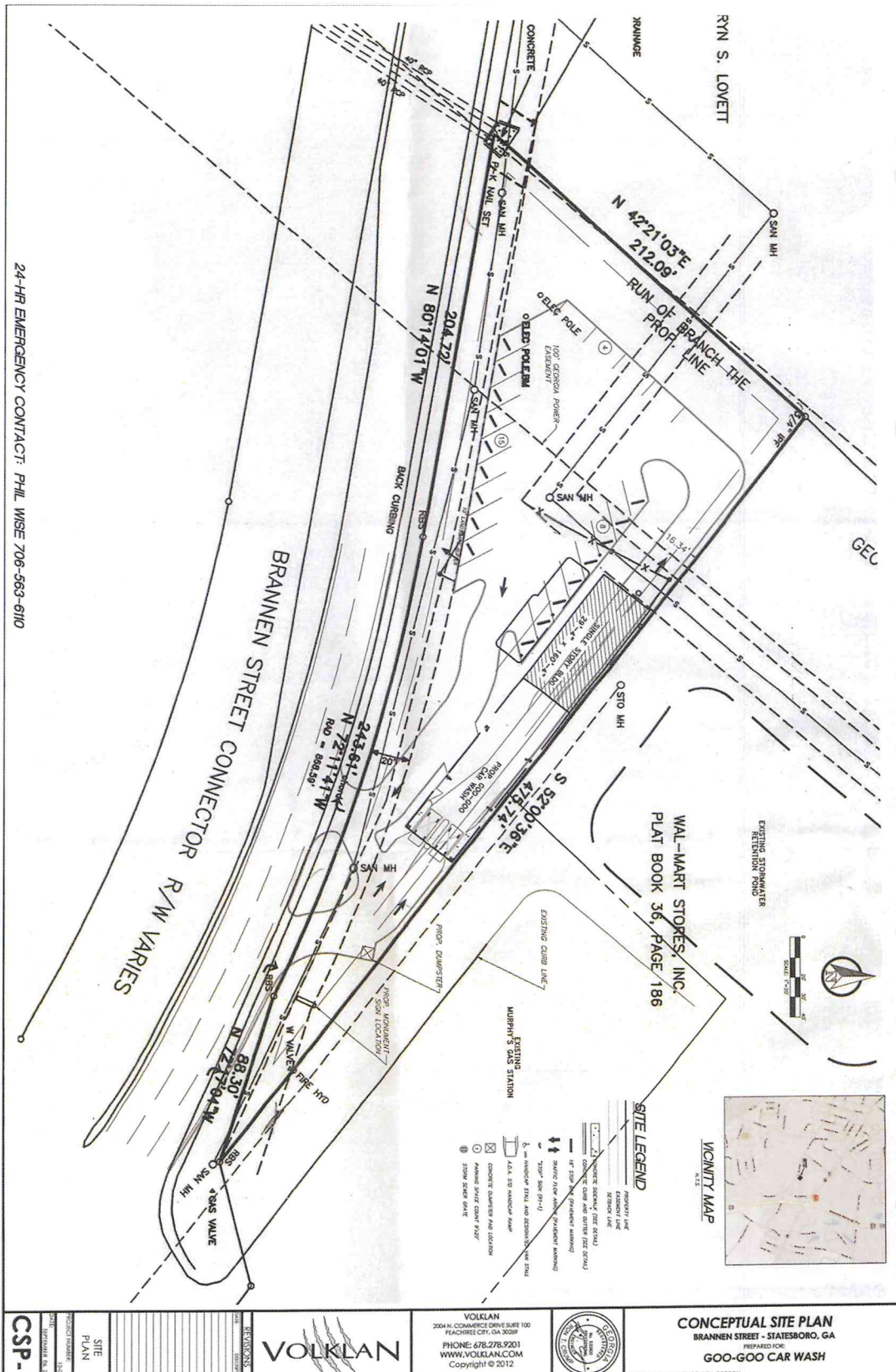
*(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual site plan (Exhibit B) submitted on behalf of the applicant for this request to be illustrative only. Approval of the application does not constitute approval of any final building or site plan).*



EXHIBIT A: LOCATION MAP



EXHIBIT B: SKETCH PLAN



24-HR EMERGENCY CONTACT: PHIL WISE 706-563-6110

	<p><b>VOLKMAN</b> 200 N. COMMENCE DRIVE SUITE 100 STATESBORO, GA 30428 PHONE: 478.278.9201 WWW.VOLKMAN.COM Copyright © 2012</p>		<p><b>CONCEPTUAL SITE PLAN</b> BRANNEN STREET - STATESBORO, GA PREPARED FOR: GOO-GOO CAR WASH</p>
	<p><b>CSP-</b></p> <p>SITE PLAN</p>		



EXHIBIT C: SIGN RENDERING



**EXHIBIT D: PERMITTED SIGNS IN SIGN DISTRICT 3.**

**DIMENSIONAL STANDARDS**

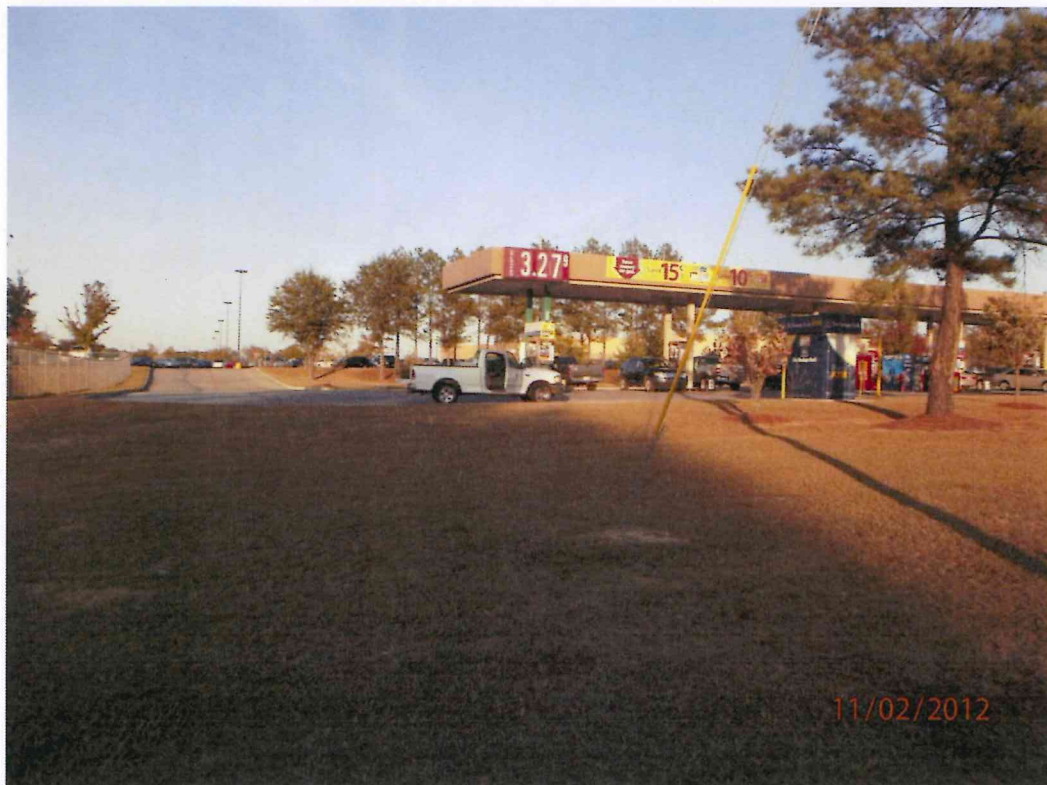
SIGN DISTRICT 3 (As defined in subsection 1509[A.3])	SIGN FOR AN INDIVIDUAL ESTABLISHMENT ON AN INDIVIDUAL LOT	MAJOR SIGN FOR PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT	BUSINESS SIGN FOR AN INDIVIDUAL ESTABLISHMENT, SHOP, ETC., WITHIN A PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT
<b>AGGREGATE SIGN AREA*:</b>			
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
<b>FREESTANDING SIGNS**:</b>			
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
<b>BUILDING SIGNS:</b>			
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><i>*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.</i></p> <p><i>**Limited to monument and standard informational signs. Billboards and stanchion signs prohibited as provided in Table 2 herein.</i></p> <p><i>*** 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.</i></p>			



**EXHIBIT E: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.**



**Figure 1: Subject Site.**



**Figure 2: Subject Site with Murphy Oil to the North.**

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



**Figure 3: East of the Subject Site (Wal-Mart Entrance).**



**Figure 4: Western portion of the Subject Site with Carmike Cinemas abutting.**



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



Figure 5: Vaden Nissan to the South of the Subject Property across Brannen Street.



Figure 6: Adjacent Statesboro Crossing Sign (31' Tall).

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

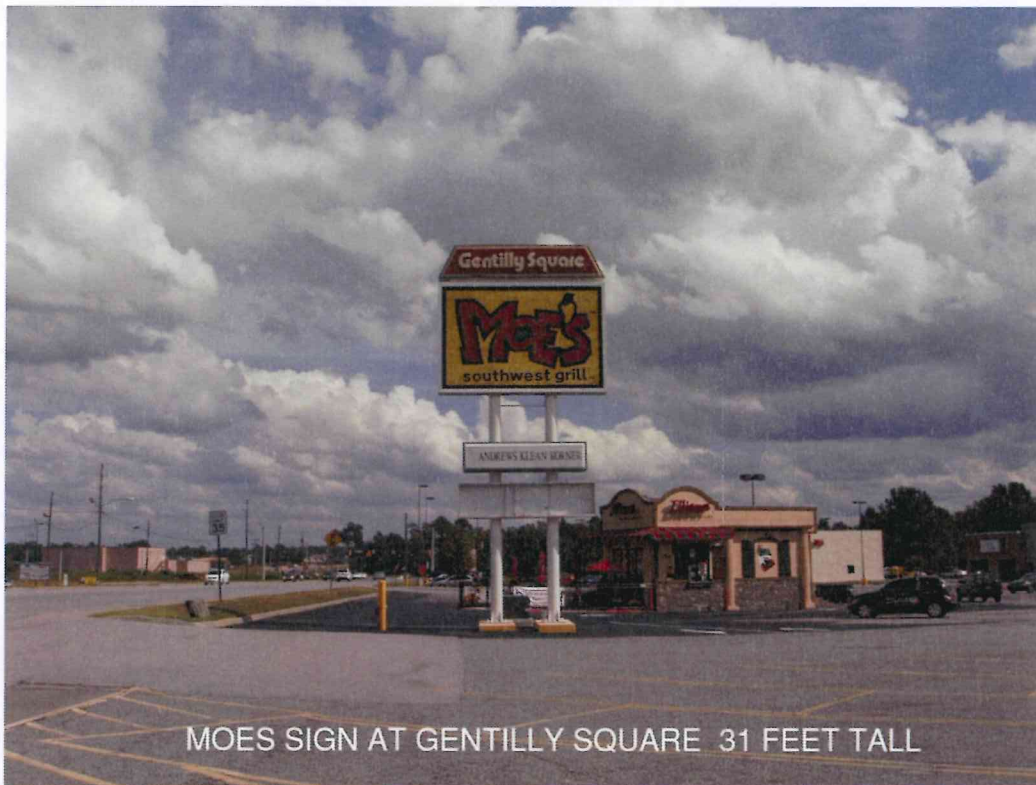


Figure 7: Moe's Stanchion Style Sign at 31' height on Brannen Street.

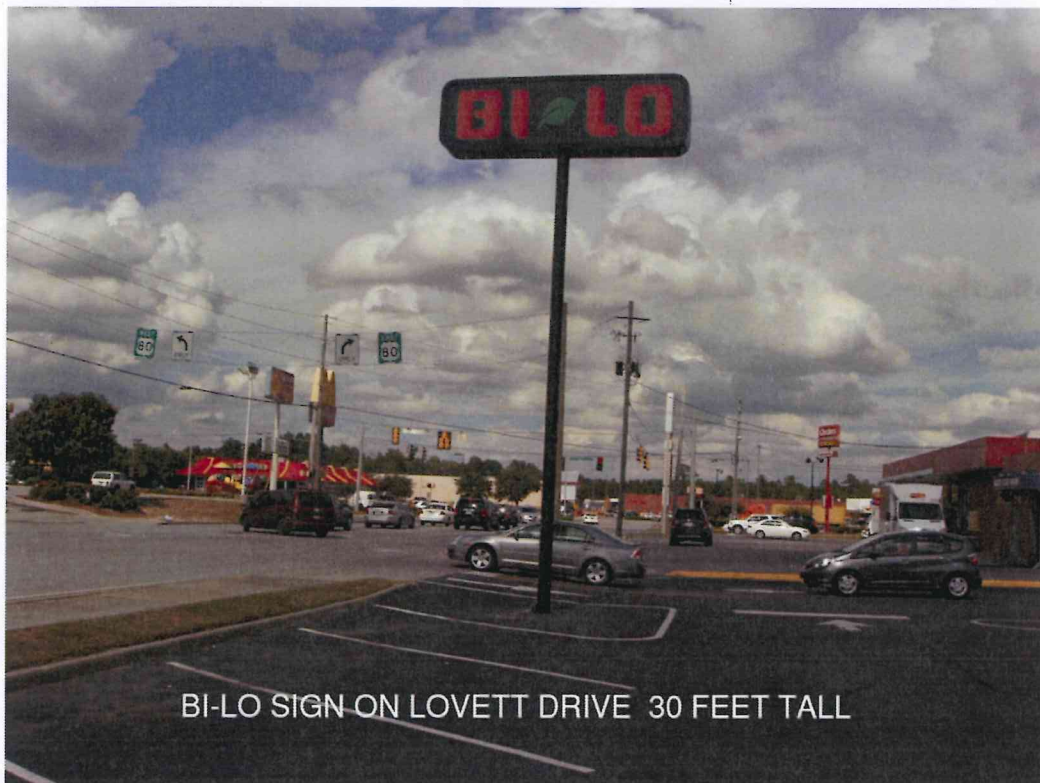


Figure 8: Bi-Lo's Stanchion Style Sign in Same Sign District as Subject Site – 30' Tall Sign.





City of Statesboro – Department of Community Development  
**DEVELOPMENT SERVICES REPORT**

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 Statesboro, Georgia 30458

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 » (912) 764-0664 (Fax)

**SE 12-10-04  
 SPECIAL EXCEPTION REQUEST  
 324 JAMES STREET**

**LOCATION:** 324 James Street

**REQUEST:** Special Exception to allow a group daycare in R6 (Single Family Residential) district.

**APPLICANT:** Dorothy Cummings

**OWNER(S):** John R. Holloway

**LAND AREA:** .14 acres

**PARCEL TAX MAP #s:** S09000033000

**COUNCIL DISTRICT:** 2 (Lewis)



**PROPOSAL:**

Ms. Dorothy Cummings requests a Special Exception to allow for the utilization of the property located at 324 James Street as a group day care in a R6 (Single Family Residential) district. A group daycare is defined pursuant to the *Statesboro Zoning Ordinance* as any place operated by a person, society, agency, institution, or group that receives pay for the supervision of seven (7) to eighteen (18) children under the age of eighteen (18) for less than twenty four (24) hours a day. (See **Exhibit A – Location Map**)

**BACKGROUND:**

The subject site is a .14 acre single lot and is currently zoned R6 (Single Family Residential). A Conditional Use Variance was granted by Mayor and City Council in 2004 to Ms. Beulah Annette Holloway to allow the utilization of the subject property as a retail establishment offering music lessons.

The use proposed in this application is beyond the scope of City Council's previous approvals, both in use and licensees/applicants. It should be noted that the purpose of this application is to consider whether the land uses and licenses proposed at the site may qualify this applicant for a zoning recommendation of approval at the site for the requested uses and licenses.

**SURROUNDING LAND USES/ZONING:**

	ZONING:	LAND USE:
<b>NORTH:</b>	R6 (Single Family Residential)	Single Family Homes
<b>SOUTH:</b>	R6 (Single Family Residential)	Daycare and Mortuary
<b>EAST:</b>	R6 (Single Family Residential)	Single Family Homes
<b>WEST</b>	R6 (Single Family Residential)	Single Family Homes

The subject property is surrounded by single family residential zoning districts that are being utilized in a small scale commercial manner. The land uses of surrounding properties range from residential to a daycare center, a mortuary, and Elks Lodge. (See Exhibit C)

#### **COMPREHENSIVE PLAN:**

The subject site lies within the "Established" character area as identified by the City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The "Established" character areas are identified as being traditionally residential in nature. Some neighborhoods within this character area are facing decline and issues with blight. Extra efforts should be made to return them to viable neighborhoods.

Neighborhood-scaled retail and commercial, small-scale office, neighborhood services, and small-lot single family residential are all appropriate land uses for properties within the Established character area. Some suggested development and implementation strategies for the area include the following:

- Ensure that new development and land uses do not encroach upon or detract from the character of the recognized National Historic Districts within this area.
- Provide support for the creation of neighborhood associations and provide continued support for these organizations once established through the development of initiatives to address unique neighborhood issues/characteristics.
- Strengthen enforcement of code violations for private property, including property maintenance, parking, and structural conditions.
- Add crosswalks and pedestrian signals along busy streets, including Johnson Street.

*Statesboro Comprehensive Plan, Community Agenda* pages 14-15.

As illustrated in the *Comprehensive Plan*, small-scale retail in this area is expected. Utilizing the subject site in a less intensive retail manner contributes to the goals set forth in the implementation strategies and corresponds with the surrounding uses.

#### **COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):**

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

#### **ENVIRONMENTAL:**

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

#### **ANALYSIS:**

The .14 acre site is currently zoned R6 (Single Family Residential). A Conditional Use Variance, currently referred to as Special Exception, was granted by the Statesboro Mayor and City Council in 2004 to a different applicant to allow a retail use of the property for music lessons. The property was utilized as such until 2008. The proposed use and applicant has since changed.

The *Statesboro Zoning Ordinance* distinguishes daycares into the following three (3) distinct categories:

1. **Family Daycare** – private residence who receives pay for supervision of three (3) but not more than six (6) children under eighteen (18) years of age who are not related to such persons and whose parents are not residents in the same private residence.
2. **Group Daycare** – any place operated by a person, society, agency institution, or group who receives pay for the supervision of not less than seven (7) or more than eighteen (18) children under eighteen (18) years of age.
3. **Daycare Center** – Any place operated by a person, society agency, institution, or group who receives pay for the supervision of nineteen (19) or more children eighteen (18) years old or under.

The current applicant presently holds a business license and operates a family daycare which is permissible in private residences. The applicant has provided a copy of the state issued license for a family daycare and anticipates renewing in December with a group daycare status. The applicant has requested to intensify the use from a family daycare to group daycare in order to supervise approximately twelve (12) children.

Special Exceptions (sometimes referred to as Conditional Use Variance) allow for a land use that is inconsistent with uses permitted of right within a zoning district but which may be granted where requested uses may be deemed appropriate and compatible with the surrounding neighborhood. In addition, *Article XXIV* of the *Statesboro Zoning*



*Ordinance* states that approval of a conditional use variance by the Mayor and Council does not constitute an approval for future expansions, additions or changes to the initially approved operation resulting in the filing of this application.

Article XXVII (Daycare) of the *Statesboro Zoning Ordinance* restricts group daycares to CR (Commercial Retail), HOC (Highway Oriented Commercial), CBD (Central Business District), and LI (Light Industrial) zoning districts. **Section 2704 lists nine (9) minimum conditions for Mayor and City Council to consider when granting a proposed group daycare in a building also occupied as a residential dwelling.**

\* Note: The applicant does not intend to live in the building.

- A. The premises on which the child care use is established shall have access on a thoroughfare adequate for traffic.**
  - o James Street is a public road that is considered adequate for traffic.
- B. The child care facility shall contain not less than 30 square feet of indoor play area for each child at maximum enrollment and not less than 100 square feet per child of outdoor play area at maximum enrollment.**
  - o The existing building is approximately 924 square feet which allows adequate square footage of indoor play area for twelve (12) or more children.
  - o The exact square footage of the outdoor play area is unknown at this time but is estimated to be approximately 500 ± square feet which would be adequate for approximately five (5) children if correctly estimated.
- C. The outdoor play areas shall be fenced with fencing not less than four feet in height.**
  - o The aforementioned outdoor play area contains fencing four (4) feet in height.
- D. The premises must contain adequate off-street loading and unloading.**
  - o Although not paved, the access drive is wide enough for approximately three (3) vehicles side by side.
- E. In premises also occupied as a dwelling, the day care portion of the dwelling, shall not occupy over 25 percent of the heated square feet of the dwelling.**
  - o This premise is not proposed to be occupied as a residential dwelling; therefore, this provision does not apply.
  - o If the applicant does choose to live in the residential dwelling, this provision would apply. The existing building is approximately 924 square feet. Limiting the daycare portion to 25% of the overall square footage would reduce the useable space to 231 square feet. At 30 square feet of indoor play area per child, the applicant may supervise only seven (7) kids at any one time.
- F. All signs shall be in compliance with the City's existing sign ordinance.**
  - o Any new signs will be reviewed during the permitting process for compliance with the ordinance.
- G. Off-street parking for employees shall be provided at the rate of one and one-half parking spaces per employee.**
  - o The subject site appears to have adequate room for parking.
- H. The applicant must provide a site plan indicating parking, pick-up and drop-off points, and playground area.**
  - o The applicant has not included a site plan with this application but site visits prove that the area should have adequate room for pick up and drop off points with a sign indicating the location of the playground.
- I. Any other conditions that City Council may deem necessary to promote the health, safety, and welfare of the neighborhood.**
  - o It may be of importance for City Council to consider requiring an expanded outdoor play area totaling a minimum of 1,200 square feet (100 square feet per child – 12 proposed children).

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

- A. Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.**
- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**
  - o Traffic counts for the area and thereby relative were not recorded.
- C. Off street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.**
  - o The *Statesboro Zoning Ordinance* states that any land use that requires a minimum of five (5) spaces or less may use alternative surface material for parking. This particular use is required to have one space per employee which would make the aforementioned provision applicable in this case.

- D. **Public facilities and utilities are capable of adequately serving the proposed use.**
  - o The proposed use will fall under the state fire marshal's jurisdiction.
  - o The Statesboro Fire Marshal is currently working with the applicant to have additional exit signs installed.
- E. **The proposed use will not have significant adverse effect on the level of property values or the general character of the area.**
  - o This area is in dire need of attention due to issues of blight. The proposed use should not have an adverse effect on property values in the area; however, it is important that we consider ways to enhance property values and control violations in this area.
- F. **Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.**
  - o No site plan was submitted as part of this application; however, the applicant does not intend to change or alter the existing structure in any way.
- G. **Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.**
  - o The proposed business is different from that which was previously approved and involves a different applicant; thus, necessitating this request.

Finally, Section 2406 also requires consideration of the following factors given for standards for determination in a zoning change in "balancing the promotions of the public health, safety, morality [morals] and general welfare against the right of unrestricted use of property" given in § 2007 of the *Statesboro Zoning Ordinance*":

1. **Existing uses and zoning or [of] property nearby.**
  - o Although the property is surrounded by residential zoning districts, the surrounding land uses include small scale commercial uses such as daycare centers, a mortuary, and a private club.
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.**
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.**
  - o This property is not currently vacant and has been operated as a family daycare since 2010.
7. **The extent the proposed change would impact population density in the area, community facilities, living conditions in the area, traffic patterns and congestion, environmental aspects, existing and future land use patterns, and property values in adjacent areas.**
  - o Given the current use of the property as a family daycare and the surrounding uses, the proposed group daycare is not expected to have a negative impact.

**STAFF RECOMMENDATION:**

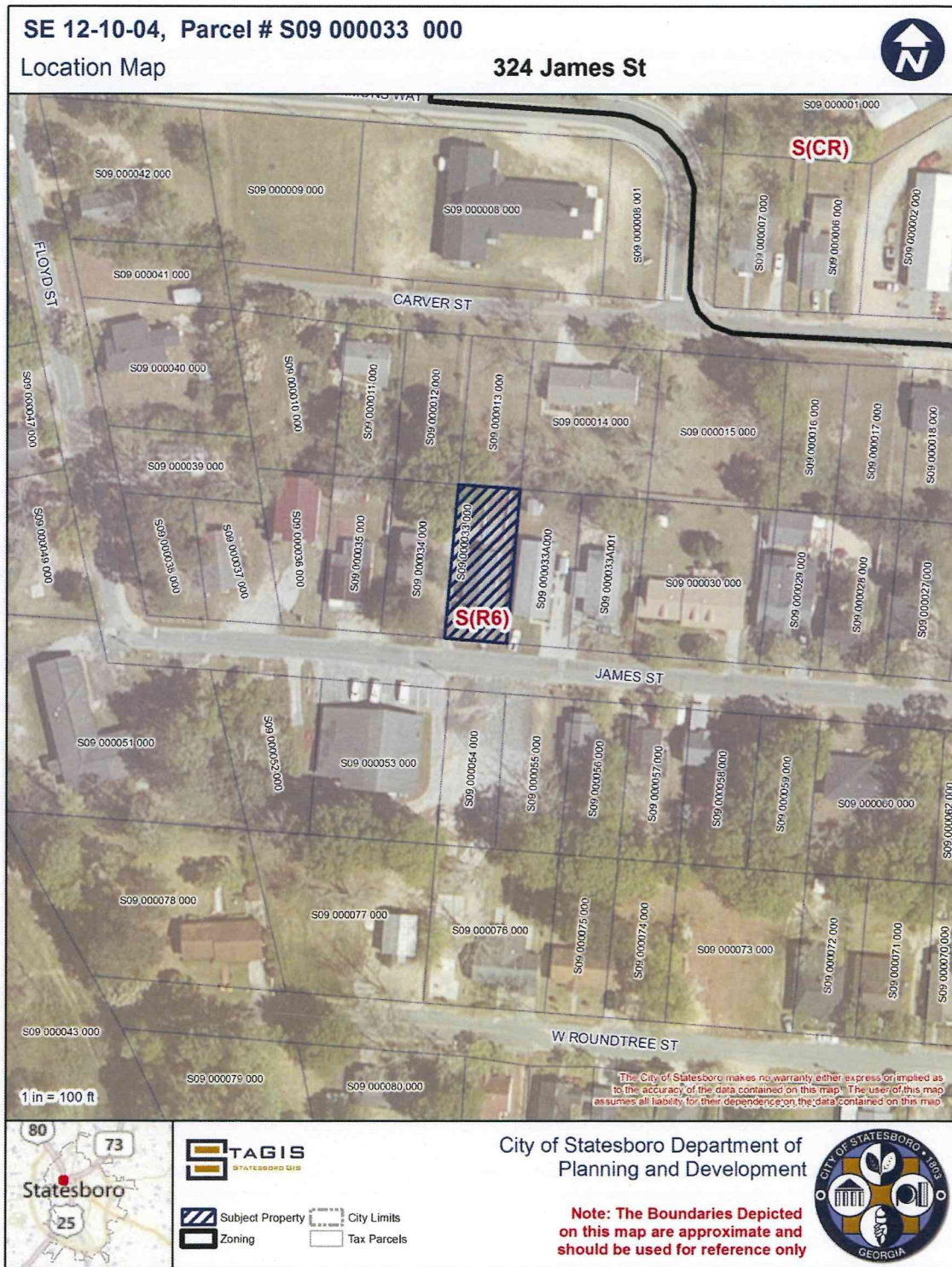
Based on factors of consideration from the *Comprehensive Plan* and the *Statesboro Zoning Ordinance*, staff recommends approval of the Special Exception requested by SE 12-10-04 with the following recommended conditions:

1. **A cap of no more than twelve (12) children being supervised at any one time as long as the building is not occupied as a residential dwelling.**
2. **Expand the existing fenced in outdoor play area to a minimum of 1,200 square feet.**

If the applicant chooses to reside in the dwelling, the number of children to be supervised must be capped at seven (7) with an outdoor play area of 700 square feet.



EXHIBIT A: LOCATION MAP





**EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.**



**Figure 1: The subject property from James Street.**



**Figure 2: The fenced in area behind the building.**



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



**Figure 3: The side of the building showing available parking.**



**Figure 4: View of the back of the building.**



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



**Figure 5: Daycare across James Street from the Subject Site.**



**Figure 6: Mortuary to the southwest of the Subject Site across James Street.**



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



Figure 7: Adjacent properties to the east of the Subject Site.



Figure 8: Adjacent Properties to the west of the Subject Site.