



*City of Statesboro*  
*Department of Planning and Development Memorandum*

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**Statesboro Planning Commission**

**October 6, 2015**

**5:00 P.M.**

**City Hall Council Chamber**

**Meeting Agenda**

- I. Call to Order**
- II. Motion to Appoint Temporary Chair to Preside**
- III. Motion to Approve Order of the Meeting Agenda**
- IV. Motion to Nominate a Planning Commission Member to Serve as Chair of the Commission**
- V. Motion to Nominate Member to Serve as Vice Chair of the Planning Commission**
- VI. Motion to Adopt the Rules of Order (Attachment A)**
- VII. Approval of Minutes**
  - 1.) September 1, 2015 Meeting Minutes
- VIII. New Business**
  1. **a. APPLICATION # RZ 15-09-03:** Bill Simmons requests a zoning map amendment for 3.34 acres of property located at 0 Hill Pond Lane from the R-4 (High Density Residential) and CR (Commercial Retail) zoning districts to PUD/CR (Planned Unit Development with Commercial Overlay) zoning district (Tax Parcel # MS74 000198A 030).
  - b. APPLICATION # RZ 15-09-08:** Bill Simmons requests a zoning map amendment for .74 acres of property located at 0 Brampton Avenue from R-4 (High Density Residential) to PUD/CR (Planned Unit Development with Commercial Overlay) zoning district (Tax Parcel # MS74 000198A 021).
  - c. APPLICATION # V 15-09-02:** Bill Simmons requests a variance from Article XIV of the Statesboro Zoning Ordinance to reduce the lot regulations from the required 10 acres to 4.08 acres for the requested PUD (Planned Unit Development) zoning district (Tax Parcel # MS74 000198A 030 and MS74 000198A 021).

- d. **APPLICATION # V 15-09-09**: Bill Simmons requests a variance from the buffering requirements when a nonresidential use abuts a residential zoning area as required by Article XXIII of the Statesboro Zoning Ordinance (Tax Parcel # MS74 000198A 030).
2. a. **APPLICATION # V 15-09-01**: Pankaj Patel requests a variance from Article X of the Statesboro Zoning Ordinance to increase the maximum building height from 35' to 60' to construct a hotel (Tax Parcel # MS63 000026 022).
- b. **APPLICATION # V 15-09-07**: Pankaj Patel requests a variance from Article XVI to decrease the required parking spaces from 98 to 94 for the referenced hotel (Tax Parcel # MS63 000026 022).
3. a. **APPLICATION # SE 15-09-06**: Trenton Beard requests a special exception to allow for the utilization of the property located at 606 South Zetterower Avenue as an automotive enhancement services retail use. The subject site is zoned CR (Commercial Retail), which does not permit automotive enhancement services by right (Tax Parcel # S31 000021 003).
- b. **APPLICATION # V 15-09-05**: Trenton Beard requests a variance from Article X of the Statesboro Zoning Ordinance to reduce the required side yard setback from 15' to 5' to allow for the proposed addition to be aligned with the existing building (Tax Parcel # S31 000021 003).
4. **APPLICATION # V 15-09-04**: John Wayne Figg requests a variance from Article IV of the Statesboro Zoning Ordinance to reduce the required accessory structure setback from 10' to 2.5' for the rear and right side setback to allow for an 18' X 24' open front wood and metal shed to be constructed to store recreational vehicles (Tax Parcel # S26 000019 000).

**IX. Announcements**

**X. Adjourn**

# ATTACHMENT A

**RULES OF ORDER**

**FOR THE**

**CITY OF STATESBORO**

**PLANNING COMMISSION**

Policy Adoption Date: October 6, 2015

Policy Effective Date: October 6, 2015



# Rules of Order For Meetings of the City of Statesboro Planning Commission

Meetings of the City of Statesboro, Georgia Planning Commission (hereinafter referred to as the Planning Commission) shall be governed by the following policies and procedures, effective as of the date of adoption, and continued until such time as rescinded or amended by vote of the Planning Commission as provided for herein.

## **I. Purpose.**

These rules are intended to establish policies and procedures ensuring that the City of Statesboro Planning Commission performs its responsibilities in an efficient effective and fair manner.

## **II. Governing Statutes and Ordinances.**

The City of Statesboro Planning Commission shall be governed by the laws of the State of Georgia and the City of Statesboro and all policies and procedures promulgated by the City of Statesboro Mayor and City Council and/or the Planning Commission for the purpose of governing the Planning Commission.

## **III. Meetings of the Planning Commission.**

### **A. Regular Meetings.**

1. Meetings of the Statesboro Planning Commission are held in the City Council Chambers, on the second floor of City Hall located at 50 East Main Street in Statesboro, Georgia, unless otherwise advertised.
2. Regular meetings of the Statesboro Planning Commission shall be held in accordance with the meeting schedule adopted for the purpose of establishing the regular meeting dates and times of the Commission. Such schedule shall be adopted at the last regular meeting of each calendar year. Each Member of the Planning Commission shall be provided with a copy of the regularly scheduled meetings for the calendar year. Such schedule may be amended by the Commission with the approval of the Mayor and City Council.
3. The Secretary shall ensure that a current schedule specifying the time and place of the Commission's regular meetings for the calendar year is kept on file with the City Clerk and for public inspection in the offices of the Department of Planning & Development.
4. All regular meetings shall be advertised and conducted in accordance with the Georgia Open Meetings Act.

5. The Chair may cancel or reschedule a regular meeting of the Planning Commission on determining that there will be no business coming before the Planning Commission for consideration at the meeting; or, upon notice that so many Members have indicated their probable absence at the meeting that a quorum will not be present.
6. Upon cancellation of any regular meeting, the Secretary shall notify all Commission Members of the cancellation, send notice of the cancellation to the City Clerk, and post a notice at the advertised location of the meeting as soon as practicable.

**B. Special Meetings.**

1. Special Meetings are meetings of the Statesboro Planning Commission, other than a rescheduled, continued, or regular meeting of the Commission. Special Meetings may be called upon at least 72 hours notice by the Chair of the Commission; the Director of the Department of Planning & Development, or, upon the consent of any three Members of the Commission.
2. The Secretary shall immediately give notice of the time, place, and purpose of the meeting to the City Clerk, and the Commission Members. Written materials, agendas, etc. regarding the special meeting shall be delivered to the City Clerk and each Commission Member as soon as possible after the meeting is called.
3. Special Meetings shall be advertised and conducted in accordance with the Georgia Open Meetings Act.

**IV. Members and Terms of Office.**

- A.** The Members of the Planning Commission and their corresponding terms of office shall be as established by the Statesboro Mayor and City Council in the City of Statesboro Municipal Code.

**V. Officers.**

- A.** The officers of the Statesboro Planning Commission shall consist of a Chairperson and Vice-Chairperson.

**B. Election of Officers.**

1. Officers shall be elected at the beginning of each term of the Commission (generally June). The Secretary shall notify Commission Members of the upcoming election at least thirty (30) days before the meeting at which the elections are to be held.
2. If the offices of both the Chairperson and the Vice-Chairperson become vacant before the end of their terms, the Commission shall hold a special meeting and special election as soon as possible to fill both offices.
3. When conducting elections, the Chair shall first request nominations from Commission Members. If only one Member is nominated, the election may be by unanimous consent. Otherwise, on hearing no further nominations, the Chair shall announce the names of all Members nominated, and then conduct a vote on each nominee, in the order nominated, until someone is elected. The favorable vote of a majority of the full Membership of the Commission is necessary to elect a Member as Chair or Vice-Chair.

**C. Chairperson.**

1. The Planning Commission shall elect one of its Members as Chair, to serve a two year term and until the Commission elects a successor. The Chairperson has the following duties and powers:
  - a. To preside at all meetings of the Commission;
  - b. To decide all points of order and procedure, subject to these Rules of Procedure;
  - c. To call special meetings in accordance with these Rules and the Georgia Open Meetings Act;
  - d. To sign documents on behalf of the Planning Commission, or to authorize the Secretary to do so;
  - e. To place items for consideration on the agenda of the Planning Commission;
  - f. To request, on behalf of the Planning Commission, placement of items on working or voting agendas of the Statesboro Mayor and City Council;
  - g. To present the Commission's recommendations concerning City business to the Mayor and City Council and to otherwise represent the Planning Commission;
  - h. To act as parliamentarian of the Planning Commission; and
  - i. As otherwise provided.
2. The Chairperson shall preside over all Commission meetings and shall take whatever action is necessary to:
  - a. Enforce compliance with these Rules;
  - b. Provide a full opportunity for public comments;
  - c. Focus comments and discussions on issues directly related to the items being considered;
  - d. Promote the efficient and effective disposition of matters before the Commission;
  - e. Limit the time allotted to speakers;
  - f. Provide for the selection of one or two spokespersons to represent groups of persons with common interest;
  - g. Interrupt unnecessary repetition of statements and opinions;
  - h. Interrupt personal attacks or digressions into immaterial issues;
  - i. Order an end to disorderly conduct; and
  - j. Otherwise ensure a polite, orderly, and effective meeting of the Planning Commission.

**D. Vice-Chairperson.**

1. The Commission shall elect another of its Members, to serve a two year term and until the Commission elects a successor, to serve as Vice-Chairperson. The Vice-Chairperson shall serve as acting chair if the Chairperson is absent or the office of Chairperson becomes vacant. During such times, the Vice-Chairperson shall have the same powers and duties as the Chairperson.
2. If both the Chairperson and Vice-Chairperson are absent from the meeting, the Commission Members present shall elect a temporary Chair from among them to preside over the meeting.

## **VI. Secretary.**

- A.** The Director of the Department of Planning & Development shall serve as Secretary to the Commission for most purposes. The Secretary is not a Member of the Commission and therefore cannot vote or otherwise act as a Commission Member. The Secretary, subject to the discretion of the Chairperson, has the following powers and duties:
- 1.** To attend all meetings of the Planning Commission;
  - 2.** To record minutes of the all Commission meetings (including committee meetings);
  - 3.** To conduct correspondence on behalf of the Commission;
  - 4.** To authenticate, by his/her signature, along with the Chairperson, resolutions, policies, minutes, or other documents adopted by the Commission;
  - 5.** To arrange for all public notices required to be given on behalf of the Commission;
  - 6.** To notify Commission Members and interested parties of pending meetings and agendas;
  - 7.** To act as custodian of all Commission records;
  - 8.** To maintain records regarding Commission Members, specifically including each Members appointment and term of Membership; attendance at meetings; training credits; residency; contact information; resignations, etc;
  - 9.** To timely advise the Chair of all resignations, Membership vacancies and appointments, and necessary elections;
  - 10.** To timely and adequately prepare and distribute the meeting agendas and packets for the Planning Commission;
  - 11.** To handle all funds allocated to the Commission in accordance with Commission directive and applicable City regulations and policies; and
  - 12.** To generally supervise the clerical work of the Commission.

## **VII. Meeting Notices and Agendas**

- A.** All meetings of the Statesboro Planning Commission shall be advertised and conducted in accordance with the Georgia Open Meeting Act.
- B.** Matters for placement on the Commission's agenda may include: matters requiring Planning Commission action as established within the Statesboro Municipal Code; appropriately and timely submitted applications for consideration by the Planning Commission; matters continued, postponed, or tabled from a previous meeting; matters the Commission scheduled during a previous meeting; matters for which Commission review has been requested by a Commission Member; matters for which Commission review has been requested by the Mayor and City Council; reviews, adoptions, and matters associated with long range plans affecting the City- such as the Statesboro Comprehensive Plan, the Bulloch County/City of Statesboro Long Range Transportation Plan, regional plans including or affecting Bulloch County; Service Delivery Agreements, etc.; and any other matters necessitating the attention of the Planning Commission.
- C.** Any Commission Member who wishes the Commission to consider a particular matter at an upcoming meeting should notify the Chair or the Director of Community Development of that wish well in advance of the meeting date to allow the Director and the Chair ample

opportunity to review the appropriateness of the request and gather any necessary information for inclusion within the agenda packet.

- D. The agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Commission responsibilities. Items of business likely to attract the attendance of many interested persons (such as those involving notice to adjoining property owners and those involving other public notice) should generally be placed early on the agenda, thereby minimizing the time those persons must wait for consideration of the item that brought them to the meeting).
- E. At least five (5) calendar days prior to a regular meeting, and as soon as practicable for a special meeting, the Secretary shall send each Commission Member and the City Clerk a meeting agenda and all materials related to items on the agenda (commonly referred to as an agenda packet).

#### **VIII. Quorum.**

- A. A total of three (3) Planning Commission Members shall be present to constitute a quorum. A quorum must be present at a meeting if the Commission is to transact any business other than to adjourn. The Chair may not call a meeting to order until such a quorum is present unless, after waiting a reasonable time past the meeting's scheduled starting time, the Chair determines that there is no hope of obtaining a quorum. In that case, the Chair shall call the meeting to order and note the lack of a quorum for the record by either stating the names of the Members present and absent or by establishing a lack of quorum by a voice roll call of the Members.
- B. If a quorum ceases to be present at any time during a meeting, the Chair shall note the lack of a quorum, instruct the Secretary to so note the lack of quorum in the meeting's minutes, and order the cessation of business.
- C. Reports and other general matters may be heard in the absence of a quorum, but no business of the Commission may be conducted.

#### **IX. Voting.**

- A. Planning Commission Members attending a meeting shall vote on each matter placed before the Planning Commission. A Member may abstain from voting only in the instance of a conflict of interest. Where a Member abstains from voting due to a conflict of interest, the nature of the conflict must be stated for the record and included in the meeting's minutes.
- B. A record of all votes shall be taken by the Secretary and maintained in the Planning Commission's official records.
- C. The concurring votes of two-thirds (2/3) of the Members present shall be necessary to adopt the following motions:
  - 1. Suspend or change the Commission's rules, policies, or procedures;
  - 2. Change the established order of business;
  - 3. To limit or close debate;

4. To extend the limits of debate;
  5. To call for the previous question;
  6. Motions objecting to consideration of a question; and
  7. Placement of a non-agenda item before the Commission.
- D.** All other matters coming before the Planning Commission shall require the concurring vote of a majority of Commission Members present unless a different vote is required by law.
- E.** Votes are generally taken by voice (“ayes and nays”). The Chair may take a vote by a show of raised hands if the Commission’s discussion indicates that the vote may be close; or, if after the Chair announces a voice vote, a Commission Member or the Secretary questions the vote count or how Members voted.
- F.** The Commission may not vote by secret ballot, and may vote by written ballot only if each Member signs his or her ballot, the minutes record each Member’s vote, and the Secretary keeps the ballots available for public inspection until the minutes are approved.
- G. Commission Action by Vote:** The Commission has not disposed of an agenda item, until it has adopted some action on the item-whether the action is final (e.g., to approve, approve with stated conditions, deny), or procedural (e.g., refer to staff or committee, to postpone, to table, etc.) A Commission action is adopted by vote only after:
1. A Commission Member makes a proper motion for action;
  2. Another Commission Member seconds the motion;
  3. The Chair restates the motion (including making any clarifications);
  4. All Commission Members have had an opportunity to discuss the motion in accordance with these Rules;
  5. The Chair restates the motion again and asks for a vote;
  6. The requisite proportion of Commission Members present vote in favor of the motion; and
  7. The Chair announces the result of the vote (including the vote count). Where no discussion occurs regarding the motion, the Chair need only state the motion once, when asking for the vote.

**X. Conflict of Interest.**

- A.** A conflict of interest for purposes of the Statesboro Planning Commission shall be as defined by the Conflict of Interest in Zoning Act in the Official Code of Georgia, Section 36-67A-1 et al, as amended.
- B.** No Member shall vote on a question or participate in the discussion on a matter which the Member has a conflict of interest. Where such a conflict is known to the Member, the Member shall complete a disclosure form, provided in Appendix A of this document, and shall announce on the record the conflict prior to commencement of discussion on the issue. When such conflict exists the Member involved shall remove him/herself from the debate until the Commission has acted on the subject matter.
- C.** Each Planning Commission Member shall have the duty to avoid even the appearance of a conflict of interest. A Commission Member, therefore, shall ask the Chair to be excused

from participation in any matter before the Commission in which the Member's impartiality might reasonably be questioned, including, but not limited to, instances where:

1. The Commission Member has a personal bias or prejudice concerning any interested party, or representative of a party, to a matter before the Commission; or
  2. The Commission Member has a close personal or financial relationship with any party or party representative; or
  3. The Commission Member, or Member of the Member's household, has a personal or financial interest that may be substantially affected (directly or indirectly) by the Commission's action on the matter.
- D. If any person questions the impartiality of a Commission Member before or during the Commission's consideration of a matter, the Chair shall treat this as a request that the Member be excused from participation. Any request that a Commission Member be excused from participation must disclose the basis for the request.
- E. On concurring that an actual or apparent conflict of interest exists, the Chair shall excuse the Member from participation in the matter. If excused from participation in a matter, the excused Commission Member may not sit with the Commission during its consideration of the matter, and may not vote on, discuss, advocate, influence, or otherwise take part in the Commission's consideration of the matter, either in public or in private.
- F. On finding that an actual or apparent conflict of interest does not exist, the Chair shall refuse the request and allow the Member to fully participate in the matter.

No actual or apparent conflict of interest shall be deemed to exist where the matter would similarly affect all citizens of Statesboro or where the Commission Member's bias, prejudice, relationship, or interest is so insignificant, is so remote, or is of such a nature as to render it unlikely to affect the Member's actions in any way.

#### **XI. Minutes.**

- A. The adopted and executed Minutes of the Planning Commission meetings represent the official record of the Commission's deliberations and actions.
- B. The minutes may be in any format allowed by State law and local ordinance and approved by vote of the Planning Commission.
- C. The Minutes, at minimum, shall contain the following information:
1. A roll of the present and absent Planning Commission Members;
  2. Each item considered by the Planning Commission;
  3. The content of each motion before the Commission, identify who made and seconded the motion, and record the vote on the motion, and unless unanimous, the names of those voting for or against the motion.
  4. If the vote called for or recommended adoption of an ordinance, resolution, plan, policy, the acceptance of a report, or other such document, the minutes shall also include a copy of such.
- D. An official minute book, containing the agenda, agenda packet, and meeting minutes for each meeting of the Planning Commission shall be maintained by the Secretary.

- E. The Secretary shall maintain the minutes of the Commission meetings on file in a safe and conveniently accessible place within the Department of Planning & Development, and permit them to be inspected at reasonable times by any person.
- F. Request for voluminous information, information pertaining to a specific matter, copies, or certified copies of the minutes and agendas shall be considered a request for information under the Georgia Open Records Act. As records of the Planning Commission are City of Statesboro records, all requests for open records shall be forwarded to, and be issued a response from, the City of Statesboro City Clerk or other duly appointed records custodian for the City of Statesboro.

## **XII. Planning Commission Hearings.**

- A. The Statesboro Planning Commission does not hold public hearings on zoning or subdivision issues. The legally required public hearings are held before the Mayor and City Council for the City of Statesboro. However, consideration of an issue by the Commission may be referred to as a “hearing”, understanding that such is not the legally required “public hearing” mandated by Georgia law.
- B. All meetings of the Statesboro Planning Commission shall be governed by the Georgia Open Meetings Act. It is recognized that a purely social gathering or communication amongst the Members of the Commission does not constitute a “meeting” as defined by and subject to the Georgia Open Meetings Act.

## **XIII. Conduct of Meetings of the Statesboro Planning Commission.**

### **A. Call to Order and Opening of the Meetings of the Planning Commission:**

- 1. At the time the meeting is scheduled to begin (or at some reasonable waiting time thereafter if a quorum is not initially present), the Chair shall call the meeting to order and establish the presence or lack of a quorum.
  - 2. The Chair shall open the meeting, welcome those in attendance, notify the persons attending the meeting of the availability of copies of the agenda, make any general announcements, and otherwise conduct the opening ceremonies of the meeting of the Planning Commission.
  - 3. The Chair shall request the submittal or presentation of any written or oral petitions unrelated to items on the agenda. After receiving or hearing a petition, if any, the Commission may refer the matter to the staff or schedule the matter for discussion (or action, if appropriate) at a later meeting.
- B. The Chair shall put the order of the agenda for a vote of approval or accept any motion by a Commission Member to amend the agenda before considering any substantive matter of business.
- ### **C. Consideration of Substantive Agenda Items/Matters of Business:**
- 1. **Chair’s Introduction.** The Chair shall begin the Commission’s consideration of each agenda item by announcing the title of the item, identifying the nature of the decision involved, and briefly explaining the steps in Commission consideration of the item. In



doing so, the Chair shall note the opportunity for public comments and briefly note the circumstances under which the Commission will receive public comment.

**2. Staff Report and Recommendation:**

- a. Most items considered by the Commission will involve prior review by City staff. After announcing such an agenda item, the Chair shall then ask City staff to describe the nature of the matter being considered and to present the staff's findings and recommendations for Commission action.
- b. At the conclusion of the staff report, Commission Members may ask staff Members for more information about the item and request clarification or explanation of the reasons for the staff's findings and recommendation.

**3. Presentation or Comments from the Applicant:**

- a. The Chair shall then provide the applicant or his/her representative an opportunity to make a presentation and respond to staff findings and recommendations. The applicant is not required to make a presentation. The applicant or his/her representative must state his/her name, address, and interest in the proceeding for the record. Following the applicant's presentation (or the Chair's solicitation of applicant comments, where the applicant declines to make a presentation), the Commission Members may ask the applicant for more information about the proposal or request the applicant's response to staff recommendations. Members may also ask the staff to clarify their recommendations in light of the applicant's comments.

**4. Comments from Other Interested Persons:**

- a. The Chair shall then solicit comments on the agenda item from persons attending the meeting, asking them to first state their name and address.
- b. If the number of persons attending the meeting indicates that a large number of persons may wish to comment on an item, the Chair may first ask those wishing to comment to raise their hands. If a large number of persons wish to comment, the Chair may limit the time allotted to each speaker, encourage those with common interest to select a spokesperson to represent them, or take whatever other action may be necessary to ensure a full opportunity for public comments to be heard in an efficient manner.
- c. The Chair shall determine the order in which persons may speak.
- d. Prior to each interested person's presentation, each presenter must state his/her name and address for the record. Commission Members may ask the person about the nature of his or her interest and to clarify his or her comments.

**5. Questions from Non-Commission Members:**

- a. Persons other than Commission Members, who have questions related to previous presentations and comments, shall direct them to the Chair, who may then redirect them to the appropriate persons. The Chair may choose not to redirect questions that are immaterial, simply rhetorical, misleading, unreasonably biased, that have already been answered, or that constitute a personal attack.

**6. Commission Discussion:**

- a. If the item involves a request for specific Commission action, the Chair shall invite Commission Members to formally discuss the item and recommended action, without the need for a prior motion. Otherwise, the Chair shall state that a motion is in order, and Commission Members may discuss the item only in response to a motion for specific Commission action.
- b. The Chair shall determine the order in which Commission Members are recognized to comment on the pending item or motion, and shall ordinarily give each Member present an opportunity to comment before allowing one Member to comment a second time.
- c. Only Commission Members may participate in the Commission's discussion of an item. If, however, the discussion raises requests for more information or questions about the previously heard presentations and comments, the Chair may relay those questions to the appropriate persons and invite their response in the context of the Commission discussion.

**7. Commission Action:**

- a. At the conclusion of the Commission Discussion, the Chair shall seek a motion from the Commission Members regarding the matter, or re-state a motion given by one of the Members, thereby putting the motion to a vote.
- b. The Commission's action on any matter before it should not only be rational, but should also be perceived as rational. Therefore, any final action by the Commission on substantive matters shall be based on expressed conclusions that reflect a logical connection between the information available to the Commission and the ordinances, standards, policies, and considerations applicable to the particular type of decision being made. These conclusions may be expressed in the motion for action, either directly or indirectly (by reference to adoption of a resolution, or concurrence with a staff report, that includes appropriate conclusions). Or they may have been expressed during the Commission discussion that immediately preceded the Commission's final action. If, when restating a motion before taking a vote, the Chair is uncertain whether the reasons for the moved action are explicit to all persons attending the meeting, the Chair shall ask the Member making the motion to clarify the reasons for the moved action.

**D. Consideration of Routine Business Matters:**

- 1. In accordance with the approved order of the agenda, the Chair shall introduce and invite Commission discussion on those routine business matters on the agenda, such as scheduling, reports, updates, etc. The Commission may act on a routine matter of business by voting on a proper motion for action, or after discussion and motion.

**E. Approval of Minutes:**

1. In accordance with the approved order of the agenda, the Chair shall also present the minutes of the previous meeting before the Commission and inquire as to whether the Commission Members wish to make any corrections and revisions to the draft Minutes. The Commission may adopt or revise the Minutes by voting on a proper motion for action. The Minutes shall become final, and act as the official record of the meeting, upon adoption by the Commission and execution by the Chair and attestation by the Secretary.

**F. Points of Order:**

1. All points of order and procedure in the conduct of meetings of the Statesboro Planning Commission may be governed by Robert's Rules of Order, Newly Revised, unless such directly contradicts with the adopted rules, policies, procedures, or ordinances of the Planning Commission, in which case the rules and policies of the Planning Commission shall apply.

**XIV. Outside Communications**

- A. To preserve public confidence in the fairness of the Planning Commission deliberations and decisions, the Commission should ensure that the public and interested parties have the opportunity to know, and respond to, all information the Commission considers in making its decisions. The Commission should also ensure that each Commission Member has the opportunity to know and consider the information available to other Commission Members.
- B. When considering issues involving an administrative determination (or quasi-judicial) determinations (such as a request for a hardship variance from the Zoning Ordinance), the Commission deals with parties who are directly affected by the Commission's decisions. Each of these interested parties needs the assurance that other interested parties will not have unfair advantage in presenting their version of the relevant facts or concerns to the Commission. In such cases, therefore, the Commission Members shall avoid communicating with applicants or other interested parties about the proposal except during the public Commission meetings at which the proposal is being considered. If a Commission Member receives unsolicited communications about such a proposal outside of a Commission meeting, the Member has the duty to reveal the communications during the Commission's consideration of the proposal. This ensures that the communicated information will become part of the record and those other Commission Members and interested parties will have an opportunity to consider and refute the information.
- C. When the Commission considers rezoning petitions, it is considering a legislative determination, but one that generally pertains to a specific parcel of land, and thus directly affects the interests of specific parties. Because rezoning are legislative determinations, and the Planning Commission's role is only advisory, Commission Members are not required to avoid outside communications about a rezoning proposal. To further foster the appearance of fairness in their deliberations, however, Commission Members are encouraged to do so.
- D. When the Commission considers issues pertaining to the City as a whole, or principally to the general public interest, (such as the Comprehensive Plan, ordinance amendments, etc.),

it often finds access to a broad range of public input helpful in making a decision on the issue. In such cases, therefore, Commission Members may communicate with interested persons outside of the meetings at which the issue is being considered, but each Member has the duty to reveal the general nature and scope of relevant information and opinions gleaned from such communications during the Commission's consideration of the issue. To ensure that each Commission Member's decision is based on the full range of information and public opinion available to the Commission, Members should avoid committing themselves to a position on the issue during any outside communications.

**XV. Parliamentary Authority.**

1. Roberts' Rules of Order, Newly Revised, as amended, together with these Rules of Order are binding upon the Statesboro Planning Commission and shall constitute the rules of parliamentary procedure and authority for this body.

**XVI. Amendments**

1. These Rules, may, within the limits allowed by law, be amended at any time, by an affirmative vote of at least two-thirds (2/3) of the Commission's membership, provided that the amendment is first presented to the Commission in writing at a regular or special meeting held at least forty-eight (48) hours before the meeting at which the vote is taken.

SO ADOPTED, this 6<sup>th</sup> day of October, 2015 with an effective date of the same.

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Chair, Statesboro Planning Commission

Attest:

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Mandi Cody  
Director Department of Planning & Development  
Secretary, Statesboro Planning Commission

## Appendix A

### **CONFLICT OF INTEREST IN ZONING, SITE PLAN AND SUBDIVISION ACTIONS** **DISCLOSURE OF FINANCIAL/PROPERTY INTERESTS**

A Planning Commission Member, who has one or more of the following interests in the rezoning, site plan or subdivision action identified herein, shall disqualify him/herself from voting on such action and shall not take any other action on behalf of him/herself or any other person to influence the action.

\_\_\_\_\_  
**Signature of Statesboro Planning Commission Member**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**CASE Number**

\_\_\_\_\_  
**Property Address**

#### **CHECK THE FOLLOWING STATEMENTS WHICH APPLY:**

\_\_\_\_\_ I have a property interest in real property affected by this rezoning, site plan or subdivision action upon which I am authorized to vote.

\_\_\_\_\_ A member of my family (i.e. spouse, mother, father, brother, sister, son, daughter, niece, nephew or the spouse of one these named relatives) has a property interest in the real property affected by this rezoning, site plan or subdivision action.

\_\_\_\_\_ I have a financial interest in a business entity which has a property interest in the real property affected by this rezoning, site plan or subdivision action.

\_\_\_\_\_ A member of my family has a financial interest in a business entity which has a property interest in real property affected by this rezoning, site plan or subdivision action.

**NAME OF FAMILY**

**MEMBER:** \_\_\_\_\_

**DESCRIPTION OF NATURE AND EXTENT OF PROPERTY INTEREST:**

**DESCRIPTION OF NATURE AND EXTENT OF FINANCIAL INTEREST:**

Definition of terms:

**Business Entity:** means any corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.

**Financial Interest:** means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.

**Property Interest:** means the direct ownership of real property and includes any percentage of ownership less than total ownership.

**Real Property:** means any tract or parcel of land and, if developed, any buildings or structures located on the land.

**Date:** \_\_\_\_\_

**STATESBORO PLANNING COMMISSION**

**September 1, 2015**

**5:00 P.M.**

**City Hall Council Chambers**

**Meeting Minutes**

**Present:** Planning Commission Members: Rick Barr, Nick Propps and Holmes Ramsey. City of Statesboro Staff: Director of Planning and Development Mandi Cody and Development Clerk Candra Teshome.

**Absent:** Planning Commission Members: Rev. E. Charles Lee, April Stafford and David McLendon.

**I. Call to Order**

Commissioner Propps called the meeting to order at 5:14 P.M.

**II. Motion to Approve Order of the Meeting Agenda**

Commissioner Barr made a motion to approve the order of the meeting agenda; the motion was seconded by Commissioner Ramsey and it carried 3-0.

**III. Approval of Meeting Minutes**

Commissioner Ramsey made a motion to approve the August 4, 2015 meeting minutes; the motion was seconded by Commissioner Barr and it carried 3-0.

**IV. Old Business**

**DESIGN STANDARDS FOR THE DOWNTOWN STATESBORO DISTRICT:**

Commissioner Ramsey made a motion to strike paragraph two of Section 3001; the motion was seconded by Commissioner Propps and it carried 3-0.

Commissioner Ramsey requested that paragraph 7 of Section 3005 be edited to include additional language that a mural's theme should be "historical in nature to the City of Statesboro." Commissioner Propps made a motion to accept Section 3005 as edited; the motion was seconded by Commissioner Barr and it carried 3-0.

Commissioner Propps made a motion to approve the Design Standards for the Downtown Statesboro District as modified; the motion was seconded by Commissioner Ramsey and it carried 3-0.

**V. Announcements**

There were no announcements.

**VI. Adjourn**

A motion was made to adjourn the meeting at 5:47 PM by Commissioner Propps; seconded by Commissioner Ramsey and the motion carried 3-0.

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Chair –

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Secretary – Mandi Cody  
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)

## **RZ 15-09-03, RZ 15-09-08, V 15-09-02 & V 15-09-09 ZONING MAP AMENDMENTS & VARIANCE REQUESTS 0 Hill Pond Lane & 0 Brampton Avenue**

**LOCATION:** 0 Hill Pond Lane & 0 Brampton Avenue

**REQUEST:** Rezone from split zoning of CR (Commercial Retail) & R4 (High Density Residential) districts to a PUD/CR (Planned Unit Development/Commercial Retail) zoning district; request for a variance from the 10-acre PUD minimum requirement and request for a variance from Section 2301 regarding landscape buffering.

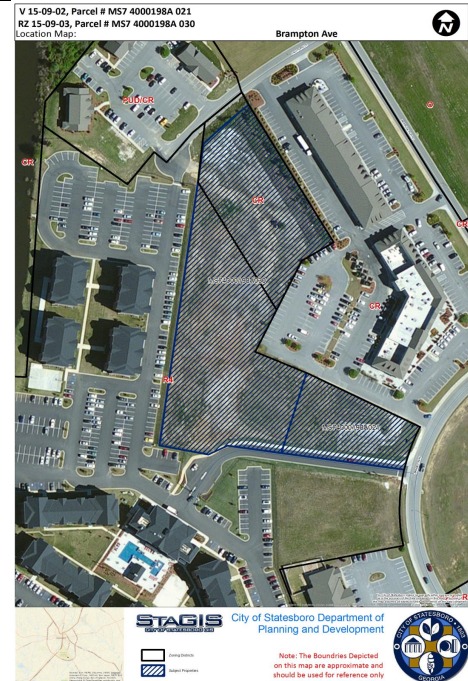
**APPLICANT:** Bill Simmons

**OWNER(S):** Sea Coast Enterprises, Inc.

**ACRES:** 4.08 Acres

**PARCEL TAX MAP #:** MS74 000198A 030 (3.34 acres) & MS74 000198A 021 (.74 acres)

**COUNCIL DISTRICT:** 5 (Chance)



### **PROPOSAL:**

The applicant is requesting a zoning map amendment for two parcels; a 3.34 acre lot of land located at 0 Hill Pond Lane (MS74 000198A 030) to be rezoned from R-4 (High Density Residential) and CR (Commercial Retail) zoning districts to the PUD/CR (Planned Unit Development/Commercial Retail) zoning district and a .74 acre lot of land located at 0 Brampton Avenue (MS74 000198A 021) to be rezoned from R-4 (High Density Residential) to PUD/CR (Planned Unit Development/Commercial Retail).

Tax parcel MS74 000198A 030 is currently split zoned; the southern portion of the lot, which fronts Brampton Avenue and lies adjacent to the Grove Apartments, is zoned R4 (High Density Residential); the northern portion of the lot, which fronts Hill Pond Lane, is zoned CR (Commercial Retail).

In addition, the applicant would like to request a variance (per companion case number V 15-09-02), from Article XIV (Planned Unit Development) of the *Statesboro Zoning Ordinance*, which requires a minimum lot size of ten (10) acres; the subject property is a combined 4.08 acres.

The applicant's final request is a variance from Article XXIII (Buffer Requirements) Section 2301 (per companion case number V 15-09-09), with regard to buffer requirements when a nonresidential use abuts a residential zoning area. The applicant would like to utilize the subject site as a PUD for future development. (See **Exhibit A** – Location Map, **Exhibit B** – Proposed Site Plan, **Exhibit C**—Proposed Interior Concept Plan)

### **BACKGROUND:**

In 2005, tax parcel MS74 000198A 30A, at 17.2 acres, was rezoned from CR (Commercial Retail) to R4 (High Density Residential), per case RZ 05-03-05. The referenced case also granted a 5' variance to allow for a 40' maximum building height for the development of Campus Edge Apartments. This variance expired October 5, 2005.



In 2008, 3.24 acres of the 17.2 acre lot of land was rezoned from R4 (High Density Residential) to CR (Commercial Retail), per case RZ 07-12-02. In addition, a variance to increase the maximum density from 12 units per acre to 17 units per acre and an increase in building height to allow for a 55' building was granted in January 2008, per case V 07-12-03, subject to conditions on the number of allowed bedrooms (512) and that the development would comply with Concept Plan C-6 dated December 10, 2007.

In 2009, 1.263 acres were rezoned from R4 to CR, per case RZ 09-07-04. Finally, a variance to increase the number of allowed bedrooms from 512 to 536 was granted in November 2009, per case V 09-10-02.

#### **SURROUNDING LAND USES/ZONING:**

<b>ZONING:</b>		<b>LAND USE:</b>
<b>NORTH:</b>	PUD/CR (Planned Unit Development/Commercial Retail) & CR (Commercial Retail)	Healthcare facilities; food service facilities
<b>SOUTH:</b>	R4 (High Density Residential), CR (Commercial Retail) & PUD/CR (Planned Unit Development/Commercial Retail)	Apartments; professional offices
<b>EAST:</b>	CR (Commercial Retail)	Food service facilities; hotel; retail establishments
<b>WEST</b>	R4 (High Density Residential); CR (Commercial Retail)	Apartments

Properties to the north, south, and west are predominantly apartments, food service facilities, and professional offices. There are several commercial retail businesses, health care facilities and food service facilities located to the east, including the Walmart Neighborhood Market, McDonald's and East Georgia Regional Medical Center. (See **Exhibit D**—Photos of Subject Site and **Exhibit E**—Photos of Surrounding Properties).

#### **COMPREHENSIVE PLAN:**

The subject site lies within the "Activity Centers/Regional Centers" character area as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit F**—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 multifamily, town houses, apartments, lofts, and condos.
- Entertainment
- Services
- Employment Centers
- Office
- Medical
- Multi-Family

### *Suggested Development & Implementation Strategies*

- 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 (such as screening parking lots or locating parking areas primarily to the sides and rear of buildings).
- Encourage infill, new, and redevelopment to build close to the street.
- Future developments and highway improvements within these areas should include pedestrian and bicycle access to surrounding neighborhoods.
- Connect these areas with existing and proposed networks of bicycle paths, sidewalks and multiuse trails (such as the McTell Trail, the Julius Abraham Trail, and the S&S Greenway Trail).
- Require shade trees to be planted in parking lots and along highway corridors.
- Evaluate parking ordinances for appropriate standards, including maximum standards and shared parking
- Focus on redevelopment in areas of disinvestment (such as those that have become or are in danger of becoming greyfields). Development strategy should encourage uses and activities that are suitable for the immediately-surrounding character areas.
- Incorporate inter-parcel connectivity, especially along major thoroughfares.
- Include community gathering places, such as squares, plazas, etc. into commercial and mixed use developments.
- 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.
- Use infrastructure availability to steer development away from areas of natural, cultural, and environmentally sensitive resources.

*Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 25.*

### **COMMUNITY FACILITIES AND TRANSPORTATION:**

The subject property is currently serviced by city utilities, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

### **ENVIRONMENTAL:**

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

### **ANALYSIS:**

The entire 4.08 acre site is currently split zoned; the northern portion of the subject property is zoned CR (Commercial Retail) and the southern portion of the site is zoned R4 (High Density Residential). The applicant's request is to rezone the property from Commercial Retail and High Density Residential districts to PUD/CR (Planned Unit Development/Commercial Retail) to allow for the development of a commercial complex featuring individually owned parcels for development and shared parking and common areas. In addition, the applicant is requesting a variance from Article XIV, which requires a 10-acre minimum for the development of a PUD. Finally, the applicant is requesting a variance from Section 2301, regarding landscape buffering requirements.

### **Current Zoning Compared to Requested Zoning**

**R4** – High Density Residential District uses are restricted to apartments, single-family attached dwelling units, non-commercial recreational facilities and accessory uses. In addition, construction in R4 districts limits buildings to a maximum height of 35 feet and the district is intended to maintain the desirable benefits of residential areas of this nature.

**CR** – Commercial Retail Districts allow for general retail, wholesale, office, and personal service establishments and health care uses. This district allows for more intense and less dense development, but allows for uses that are not as automobile dependent as the Highway Oriented Commercial District in which the principal use of land is for establishments offering accommodations and supplies or services to motorists and the traveling public and require more land area.

**PUD** – Planned Unit Development Districts provide greater flexibility in development goals, including the opportunity to mix uses, within a defined, contained development.

**1. Applications RZ 15-09-03 and RZ 15-09-08: Request to rezone 3.34 acres of property and .74 acres of property, respectively**

The request to rezone the subject properties should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's 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 PUD (Planned Unit Development) zoning district for uses as set forth in the *Statesboro Zoning Ordinance*.

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

- (1) **Existing uses and zoning or (of) property nearby;**
  - a. Adjacent property to the west, south and east is zoned R4 (High Density Residential) and CR (Commercial Retail). Property to the northeast is zoned O (Office and Business District) and property to the northwest is zoned PUD/CR (Planned Unit Development/Commercial Retail).
- (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.**
  - a. The subject site can be developed in conformance with the Commercial Retail zoning requirements and other 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 property is undeveloped.
- (7) **The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
  - a. No impact is expected on population density.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
  - a. Appropriate infill within established areas of the City is supported by the Comprehensive Plan. However, the plan also supports that the placement and scale of infill compliment surrounding uses and zones and requires it to occur in a manner which protects established residential areas. A finding of fact should be made regarding whether zoning the subject site PUD (Planned Unit Development) (with or without conditions) is consistent with the City of Statesboro Comprehensive Plan.

The subject site is a cleared undeveloped area (known as Parcel 30 and Parcel 21 of the Market District subdivision) surrounded by the R4 (High Density Residential) and Commercial Retail (CR) zoning districts and appropriate CR and R4 land uses to the south, west, and east. An established PUD with commercial retail overlay lies at the northern most portion of the 3.34 acre property (MS74000198A030) across Hill Pond Lane. East Georgia Regional Hospital (zoned Office) is to the northeast of the site.

“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.” Statesboro Comprehensive Plan, Community Agenda page 41. No such need exists here. As illustrated on the sketch plan submittal, see Exhibit B, the subject property can be developed and utilized in conformance with the requirements of CR zoning district as set forth in the Statesboro Zoning Ordinance. That being said, the flexibility offered by a PUD is being requested in this case to allow for development of a medical office complex with independently owned building

pads and shared common areas and parking spaces. City Council has allowed for similar arrangements at other sites within the City. Additionally, the PUD allows for the elimination of various setbacks and other requirements that will permit for greater infill intensity at this site. Furthermore, staff review of the proposed zoning map amendment found no outstanding safety or site design issues nor anticipated any negative impact associated with the requested zoning map amendment. Examples of other sites where this has been permitted include the following:

Previously reviewed cases under the 2009 Comprehensive Plan request zoning map amendments from Commercial Retail to Planned Unit Development:

- A. RZ 10-07-02: Brampton Avenue granted a rezone from Commercial Retail to create a “condominium” lot arrangement, to provide for the sale of individual building pads.
- B. V 10-07-01: Gopher Hole Investments granted a variance from Section 1402 for a PUD with less than 10 acres.
- C. RZ 05-05-01: Bermuda Run granted a rezone from CR to PUD/CR.

## **2. Application V 15-09-02: PUD Variance Request (Section 1402)**

The proposed variance request from Section 1402 regarding the reduction in required acreage from 10 acres to 4.08 acres should only be considered and/or permitted if the rezone from Section 2007 is granted. Section 1801 of the Statesboro Zoning Ordinance lists four factors that the Mayor and City Council should consider to be true when determining whether to grant a variance:

- (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;**
  - a. The lots which are the subject of this request are irregular in shape and surrounded by similar commercial development.
- (2) The special conditions and circumstances do not result from the actions of the applicant;**
  - a. This project is to infill available land.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
  - a. For a variance to be granted, a showing of hardship that is particular—as distinguished from a mere inconvenience or a desire to make a profit—should be shown by the applicant.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
  - a. Staff is unaware of substantial detriment to the public good or the zoning ordinance resulting if this request is granted.

## **3. Application V 15-09-09: Landscape Buffering Variance Request (Section 2301)**

The proposed variance request from Section 2301 regarding deviation from the requirement of a buffer whenever a nonresidential use abuts a residential zoned area may be considered independently of the other two requests.

The subject property abuts The Grove Apartments along the western portion of the 3.34 acre parcel (MS74000198A030). There exists wrought iron fencing, which separates the properties at the property line. It is arguable that Section 2301 allow for the existing fence to act as the only buffer between the sites; however, this request is placed before City Council for clarification purposes. Section 2301 states as follows:

“Whenever any nonresidential use abuts a residential zoned area, or when multifamily residences are adjacent to single-family or two-family residences or districts, or a mobile home park, one of the following buffers shall be installed on the lot with the more intensive and least restrictive use along the common lot lines.

- 1. Natural buffer strip. A strip at least 50 feet wide, having and [an] existing natural growth equivalent to a densely planted evergreen screen. A landscape plan identifying all existing trees of six-inch caliper or greater which are to be retained inside the 50-foot natural buffer strip along with any proposed trees and shrubs must be approved by the zoning enforcement official prior to any site construction. The zoning enforcement officer may require additional planting to acquire a uniform buffer strip.
- 2. Landscape buffer strip. A strip at least ten feet wide, densely planted with shrubs and/or trees at least three feet high at the time of planting, of a type that will possess growth characteristics of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least six feet within three years. A landscape plan identifying all plants to be incorporated in the buffer strips must be approved by the zoning administrator prior to any site construction. The zoning administrator may require additional planting to acquire a uniform buffer strip.

3. Landscape buffer wall. A buffer strip at least ten feet wide, containing an opaque wall or barrier or uniformly painted fence at least six feet in height. Buffer strip shall have five feet of landscape plantings on the exterior side of the wall and shall be planted with appropriate trees, shrubs, and groundcover as to provide a transition from the wall to both edges of the buffer strip. A landscape plan identifying the location and construction of the wall or barrier, and all plants to be incorporated in the buffer strip must be approved by the zoning administrator prior to any site construction. The zoning administrator may require additional planting to acquire a uniform buffer strip.

This ordinance will allow any of these three buffers or a combination thereof to provide flexibility in design.”

Section 2303 (1) states the following:

“The landscaping and buffering requirements set forth in this regulation shall be subject to the following exceptions:

1. Prescribed fence or Walls may be waived if a building, fence, or wall of at least equivalent height, capacity, and maintenance exists immediately abutting and on the opposite side of said lot line.”

Section 1801 of the Statesboro Zoning Ordinance lists four factors that the Mayor and City Council should consider to be true when determining whether to grant a variance:

- (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;**
  - a. The lots which are the subject of this request are irregular in shape and surrounded by similar commercial development.
- (2) The special conditions and circumstances do not result from the actions of the applicant;**
  - a. This project is to infill available land.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
  - a. For a variance to be granted, a showing of hardship that is particular—as distinguished from a mere inconvenience or a desire to make a profit—should be shown by the applicant.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
  - a. Staff is unaware of substantial detriment to the public good or the zoning ordinance resulting if this request is granted.

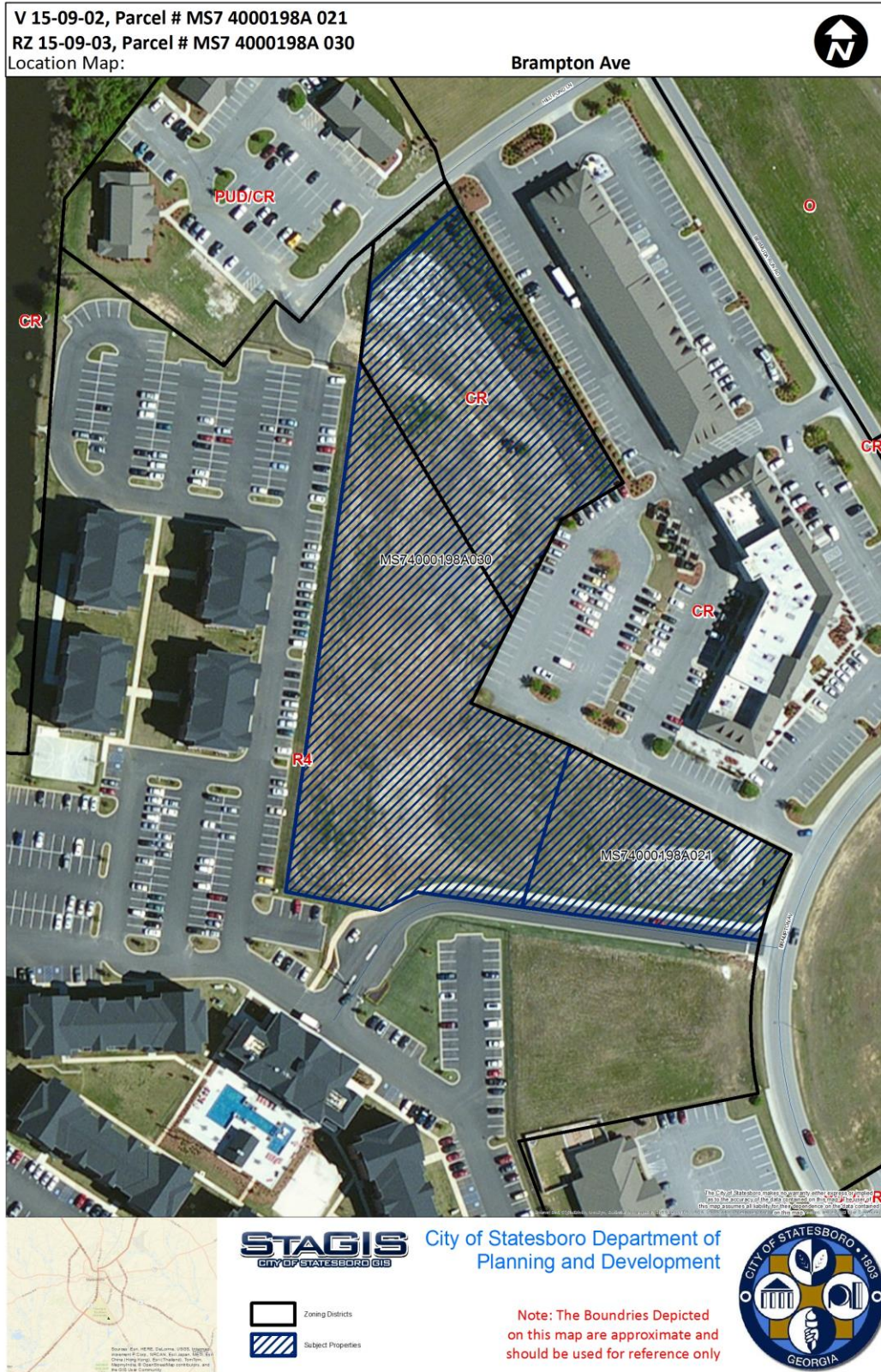
#### **STAFF RECOMMENDATION:**

Staff has no objection to the requested zoning map amendment and variances. However, staff would suggest the following conditions be applied to this site:

1. Utility easements along the property will be granted to the City of Statesboro.
2. A system should be constructed to tie into the existing detention pond.
3. The subject site shall be subject to the private development covenants and architectural standards of the Market District.
4. Hill Pond Lane should be dedicated to the City of Statesboro to facilitate public access.



**EXHIBIT A: LOCATION MAP**

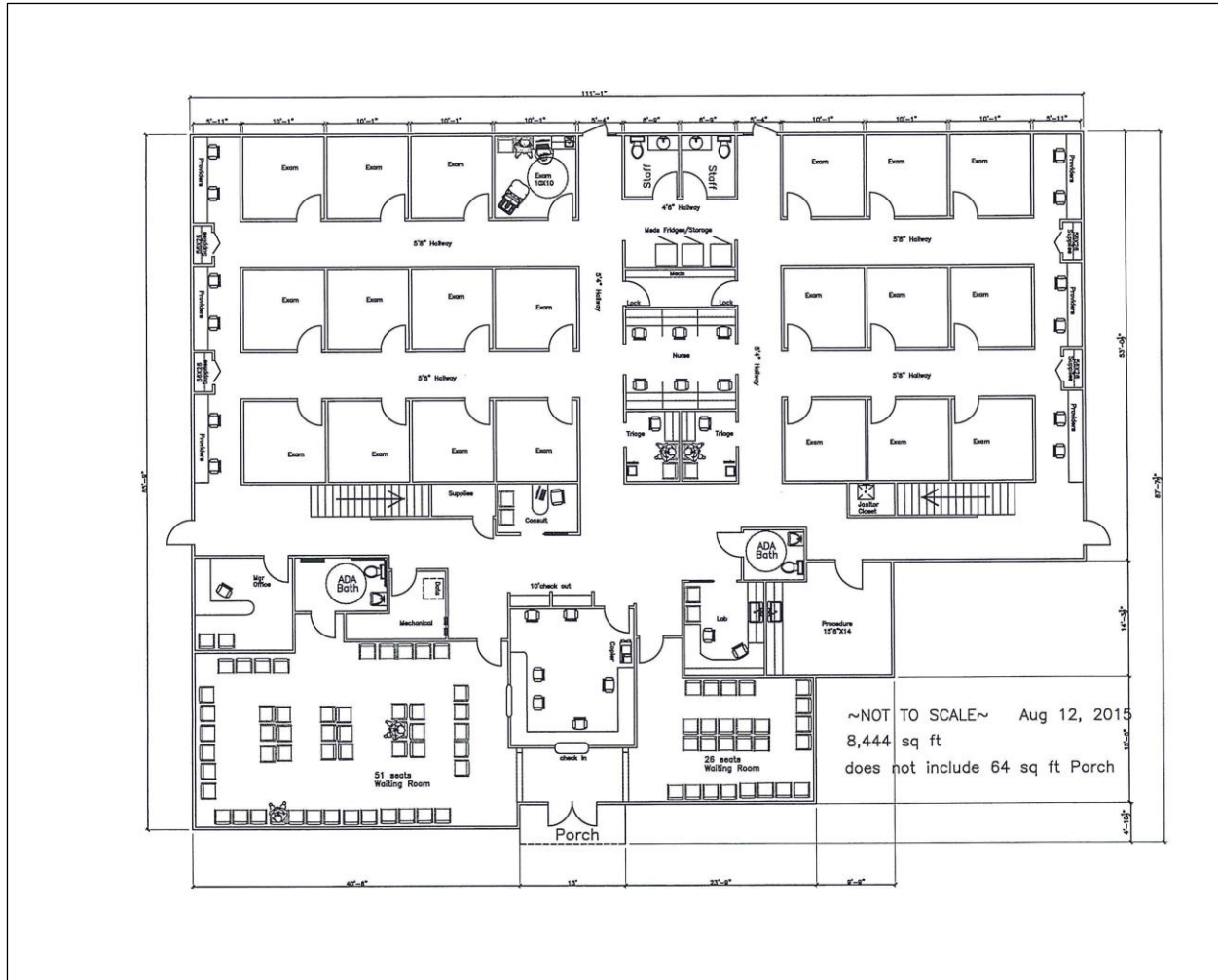




## EXHIBIT B: PROPOSED SITE PLAN



## EXHIBIT C: PROPOSED INTERIOR CONCEPT PLAN





**EXHIBIT D: PHOTOS OF SUBJECT SITE**



**Picture 1 Subject Property Facing East South East Adjacent to the Grove Apartments**



**Picture 2 Subject Property Facing South Adjacent to the Grove Apartments**

**EXHIBIT D: PHOTOS OF SUBJECT SITE CONTINUED**



**Picture 3 Subject Property Facing West North West behind McAlister's Deli**



**Picture 4 Subject Property Facing Northwest**



**EXHIBIT D: PHOTOS OF SUBJECT SITE CONTINUED**



**Picture 5 Subject Property Facing West Southwest toward the Grove Apartments**



**Picture 6 Subject Property Facing East North East**

**EXHIBIT D: PHOTOS OF SUBJECT SITE CONTINUED**



**Picture 7 Subject Property Facing East South East behind McAlister's**



**Picture 8 Subject Site Facing North Abutting The Grove Apartments Depicting Landscape Buffer Variance Request**



**EXHIBIT D: PHOTOS OF SUBJECT SITE CONTINUED**



**Picture 9 Subject Site Facing South Abutting The Grove Apartments Depicting Landscape Buffer Variance Request**

**EXHIBIT E: PHOTOS OF SURROUNDING PROPERTIES**



**Picture 10 Northern Portion (CR) of Subject Site Facing Hill Pond Professional Park**



**Picture 11 Subject Site (CR portion) facing SSW toward the Grove depicting fencing at property line.**

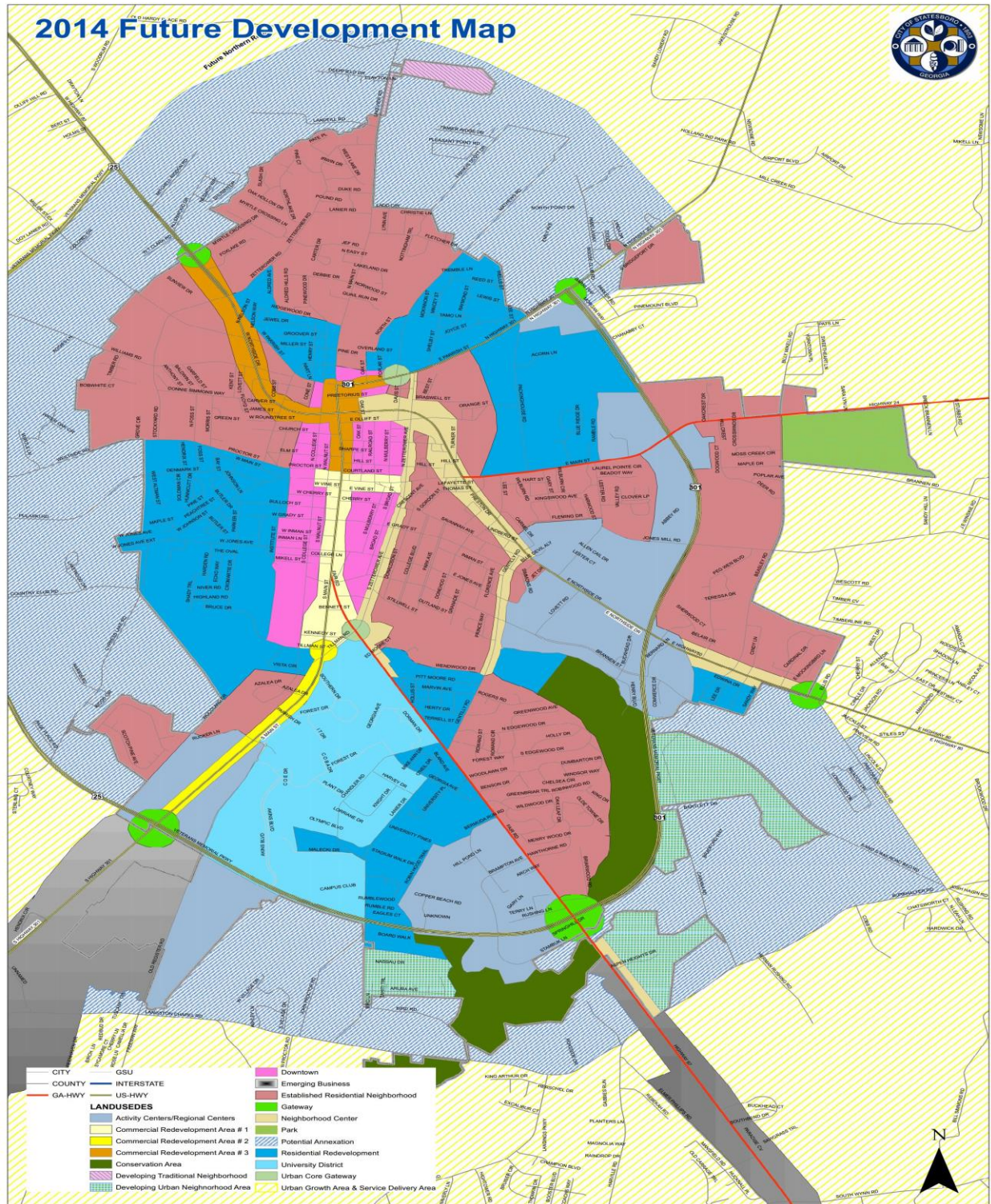
**EXHIBIT E: PHOTOS OF SURROUNDING PROPERTIES CONTINUED**



**Picture 12 Detention Pond behind the Grove Apartments Facing West**



## EXHIBIT F: 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)

## **V 15-09-01 & V 15-09-07 VARIANCE REQUEST Lot 2 1588 Brampton Avenue**

**LOCATION:** Lot 2 1588 Brampton Avenue

**REQUEST:** Variance from Section 1002 regarding building height and variance from Section 1600 regarding parking requirements for a proposed hotel.

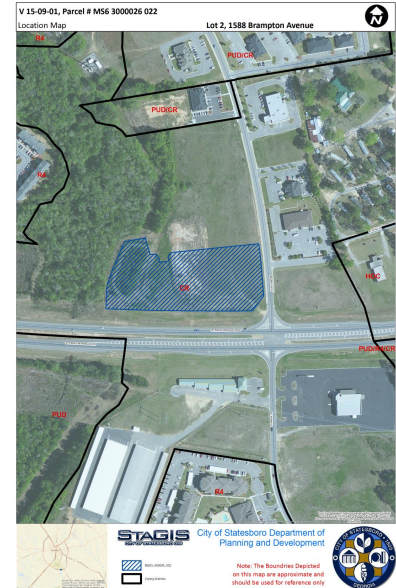
**APPLICANT:** Pankaj Patel

**OWNER(S):** Greg Parker (Drayton Parker Companies, LLC)

**ACRES:** 2.435 Acres

**PARCEL TAX MAP #:** MS63 000026 022 (Lot 2)

**COUNCIL DISTRICT:** 5 (Chance)



### **PROPOSAL:**

The applicant is requesting a variance from Article X (Commercial Retail District) Section 1002 Height Regulations of the *Statesboro Zoning Ordinance* to increase the maximum building height from 35' to 60' for the construction of a hotel. The applicant is also requesting a variance from Article XVI (Off Street Parking and Loading) Section 1600 Off Street Parking Facilities to decrease the required parking spaces from 98 to 94, due to the parcel's size and an existing detention pond. (See **Exhibit A** – Location Map, **Exhibit B** – Proposed Concept Plan, **Exhibit C**- Topographic Site Survey Depicting Detention Pond)

### **BACKGROUND:**

In November 2013, a variance was granted to Gregory M. Parker, pursuant to case number V 13-10-04, to allow for the construction of American Way as a 50' right-of-way, as opposed to a 60' right-of-way. The applicant was required to install curb and gutter, submit a subdivision plat which showed a cul-de-sac (at least 80' in diameter with a minimum 5' right-of-way from back of curb), deed the right-of-way to the City of Statesboro as a public right-of-way and install a sidewalk on the southern side of the proposed road.

In December 2013, a subdivision plat was recorded identifying the subject site as Lot 2 of tax map number MS63 000026 022 and reflecting the referenced variance.

### **SURROUNDING ZONING/LAND USES:**

<b>ZONING:</b>		<b>LAND USE:</b>
<b>NORTH:</b>	CR (Commercial Retail) & PUD/CR (Planned Unit Development & Commercial Retail)	Healthcare facilities; food service facilities
<b>SOUTH:</b>	CR (Commercial Retail)	Apartments; retail establishments
<b>EAST:</b>	CR (Commercial Retail) & HOC (Highway Oriented Commercial)	Healthcare facilities; apartments; hotels
<b>WEST</b>	R4 (High Density Residential) & CR (Commercial Retail)	Apartments; food service facilities

Properties to the north, south, and west are predominantly food service facilities, healthcare facilities, apartments and hotels. There are several personal and food services facilities located to the east, including the Walmart Neighborhood Market, newly constructed Parker's (which is Lot 1 of the subject site), McDonald's and East Georgia Regional Medical Center. (See **Exhibit D**—Photos of the Subject Site and **EXHIBIT E**—Surrounding Properties).

#### **COMPREHENSIVE PLAN:**

The subject site lies within the "Activity Centers/Regional Centers" character area as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit F**) 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*

- 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 multifamily, town houses, apartments, lofts, and condos.
- Entertainment
- Services
- Employment Centers
- Office
- Medical
- Multi-Family

##### *Suggested Development & Implementation Strategies*

- 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 (such as screening parking lots or locating parking areas primarily to the sides and rear of buildings).
- Encourage infill, new, and redevelopment to build close to the street.
- Future developments and highway improvements within these areas should include pedestrian and bicycle access to surrounding neighborhoods.
- Connect these areas with existing and proposed networks of bicycle paths, sidewalks and multiuse trails (such as the McTell Trail, the Julius Abraham Trail, and the S&S Greenway Trail).
- Require shade trees to be planted in parking lots and along highway corridors.
- Evaluate parking ordinances for appropriate standards, including maximum standards and shared
- Focus on redevelopment in areas of disinvestment (such as those that have become or are in danger of becoming greyfields). Development strategy should encourage uses and activities that are suitable for the immediately-surrounding character areas.
- Incorporate inter-parcel connectivity, especially along major thoroughfares.
- Include community gathering places, such as squares, plazas, etc. into commercial and mixed use developments.
- 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.
- Use infrastructure availability to steer development away from areas of natural, cultural, and environmentally sensitive resources.

*Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 25.*

#### **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 extreme western portion of the subject property is within a wetlands area, which includes a detention pond. The subject site is not located in a special flood hazard area. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

## ANALYSIS:

Lot 2 of the subject site is currently zoned CR (Commercial Retail). The applicant is requesting variances from Section 1002 regarding building height and Section 1600 regarding the minimum number of required parking spaces.

### **A. Application V 15-09-01: Section 1002 Height Variance**

Section 1102 of the Statesboro Zoning Ordinance restricts the height of buildings in the CR (Commercial Retail) zoning district to three (3) stories or 35 feet in height. Section 1002 states that the City Council may provide for building heights up to 50 feet in the CR zoning district provided that a finding be made that any 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 applicant is requesting an allowable height to roughly 60 feet and four (4) stories and exemption from the requirement of adding additional building setbacks.

The Statesboro Zoning Ordinance defines "height of building" as "a building's vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and lowest points on the roof" Section 201 (15).

It should be noted that any development above three (3) stories in height is subject to enhanced life safety standards in building construction and design. These standards have been reviewed with the applicant and further review of these building requirements will be undertaken by City staff at the permitting and inspection phases of the project. Furthermore, the City of Statesboro Fire Department has been consulted in this review and agrees that the City has the appropriate equipment to service the needs of a sixty (60) foot structure.

The proposed variance request from Section 1002, regarding building height, from the allowed 35' maximum to a 60' maximum should be considered in light of the standards for determination of variances given in Section 1801 of the *Statesboro Zoning Ordinance*, which provides four (4) standards for the Mayor and City Council to consider "in making its determination" regarding a variance 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 1-4. Staff findings regarding some of the factors are given for Council's consideration of the application:

- (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**
  - a. For a variance to be granted, a showing of hardship that is particular—as distinguished from a mere inconvenience or a desire to make a profit—should be shown by the applicant.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
  - a. This request, if granted, should not cause substantial detriment to the public's safety as the Statesboro Fire Department can provide adequate life safety provisions for a four (4) story building.
  - b. Multiple variances have been granted for a four (4) story building, including the following in the general vicinity of the subject property:
    - A. V 07-12-03: Hill Pond Lane/Campus Crest granted a 20' height variance (to 55')
    - B. RZ 05-03-05: The Grove at Brampton Avenue awarded a 5' height variance (to 40')
    - C. V 10-11-03: The Forum at Highway 301 South awarded a 3' height variance (to 38')

### **B. Application V 15-09-07: Section 1600 Parking Variance**

The proposed variance request from Section 1600 to reduce parking from 98 spaces to 94 spaces should be considered in light of the standards for determination of variances given in Section 1801 of the *Statesboro Zoning Ordinance*, which provides four (4) standards for the Mayor and City Council to consider "in making its determination" regarding a variance 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 1-4. Staff findings regarding some of the factors are given for Council's consideration of the application:

- (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**
- a. For a variance to be granted, a showing of hardship that is particular—as distinguished from a mere inconvenience or a desire to make a profit—should be shown by the applicant.
- (4) **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
- a. Article XVI, Section 1600 requires that hotels, motels or other lodging facilities have a minimum of one (1) paved parking space per guestroom, and spaces for additional uses, including restaurants and meeting areas. The proposed hotel will contain 97 guest rooms and 688 square feet of meeting space—a minimum requirement of 98 spaces. A reduction of four (4) spaces should not have a negative effect on the character of the area or negatively impact the public safety.
  - b. At least one variance has been granted for a reduction in parking requirements under the current Comprehensive Plan:
    - A. V 11-07-05: Northside Drive West granted a reduction of 14 spaces to 55 spaces in PUD with Commercial Overlay district.

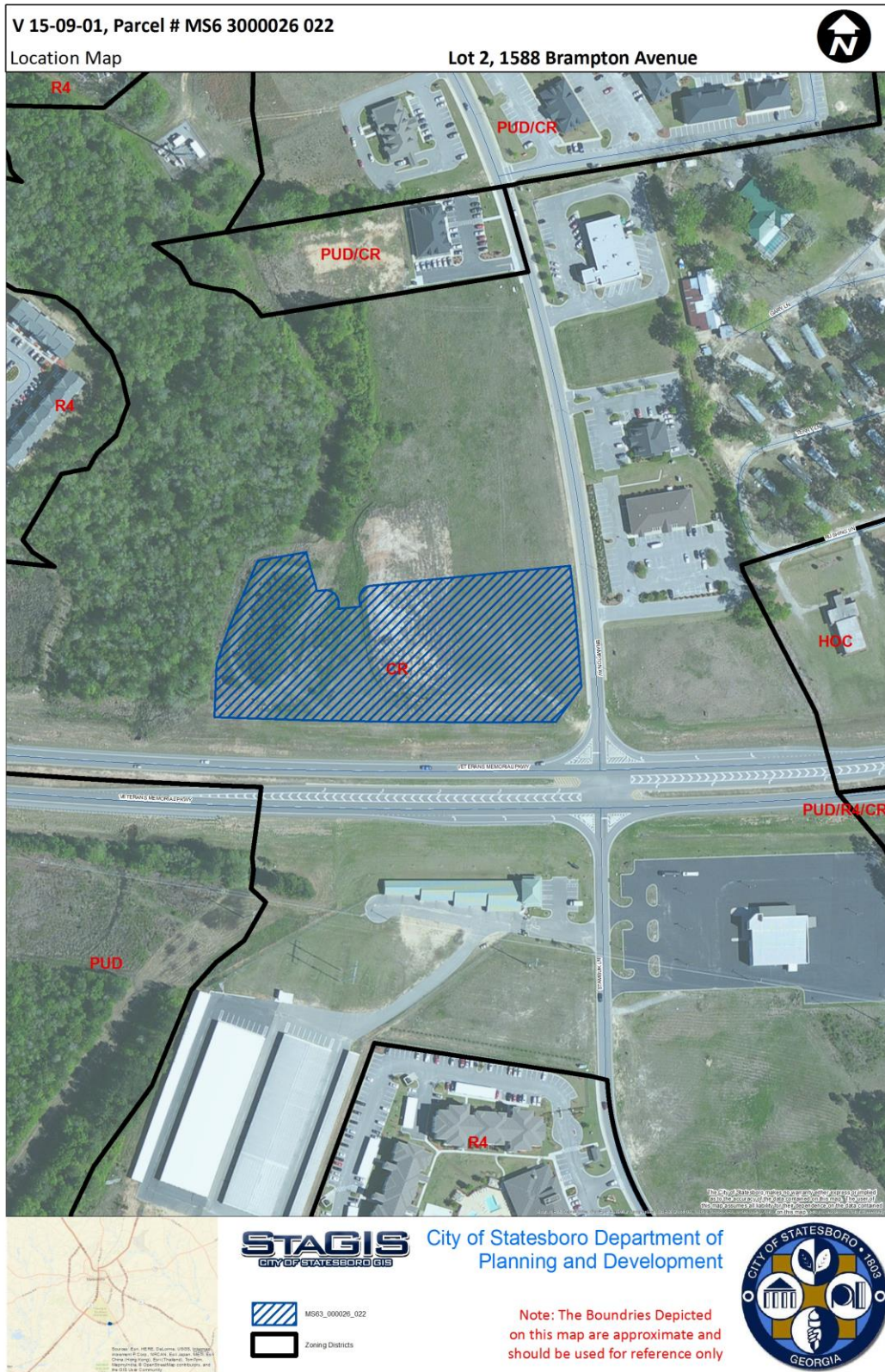
**STAFF RECOMMENDATION:**

Staff has no objection to the requested variance. However, staff would suggest the following conditions be applied to this site:

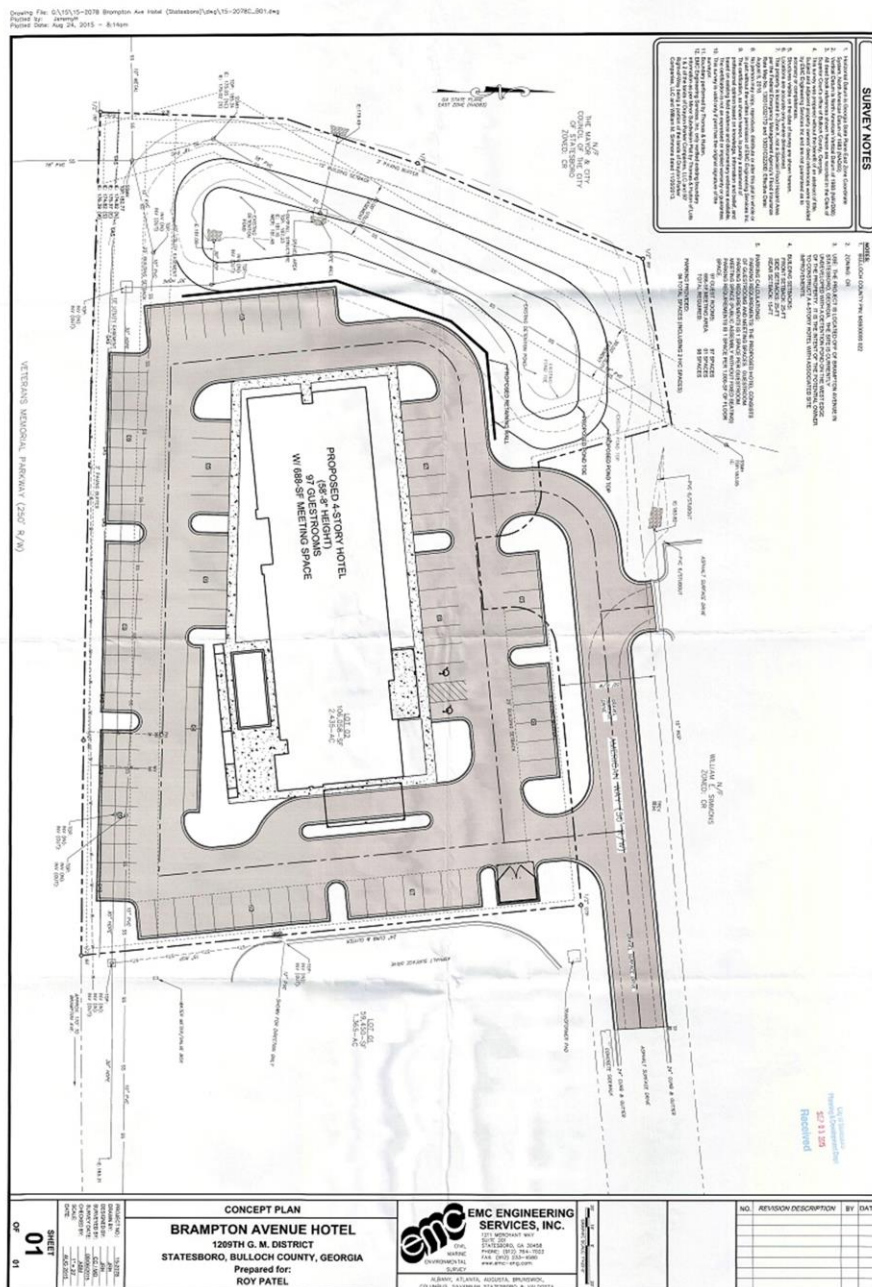
1. The developer is required to complete American Way during development of the parcel, to include a hammerhead turnaround and other features as shown on the attached Exhibit C and to the specifications of the City Engineer.
2. American Way should be constructed pursuant to all City ordinances and standards and then be deeded to the City of Statesboro as a public right of way.
3. The applicant must install a sidewalk on the southern side of the proposed road.



## EXHIBIT A: LOCATION MAP

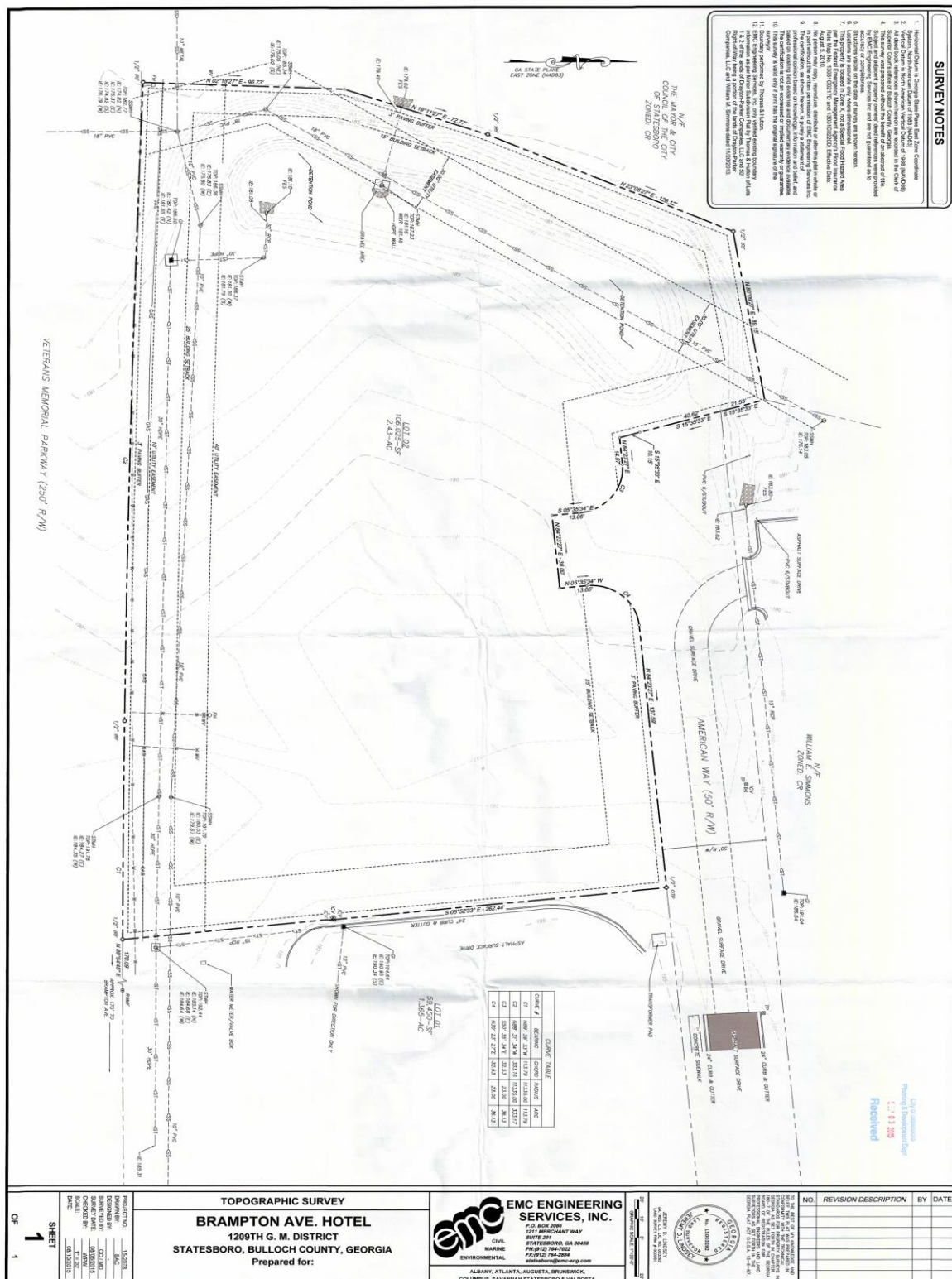


# EXHIBIT B: PROPOSED CONCEPT PLAN





# EXHIBIT C: TOPOGRAPHIC SITE SURVEY DEPICTING DETENTION POND



**EXHIBIT D: PHOTOS OF SUBJECT SITE**



**Picture 1 Subject Property Facing West toward Veterans Memorial Parkway**



**Picture 2 Subject Property Facing West toward Parker's**



**EXHIBIT D: PHOTOS OF SUBJECT SITE CONTINUED**



**Picture 3 American Way to the north of Parker's, abutting the Vidalia Women's Center and other healthcare services facilities**



**Picture 4 Detention Pond**

**EXHIBIT E: SURROUNDING PROPERTIES**



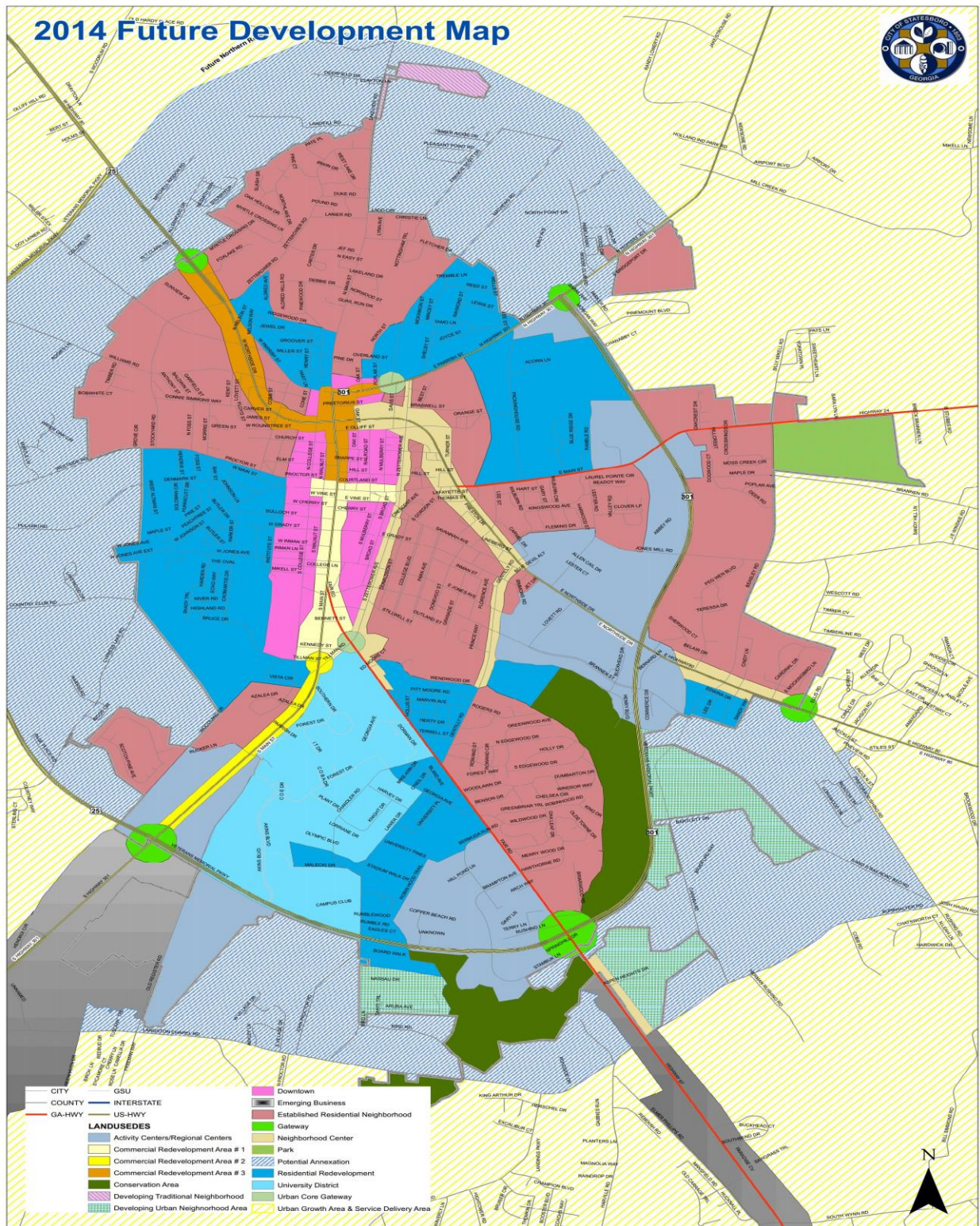
**Picture 5 Subject Property Adjacent Healthcare Facilities, including Statesboro Pediatrics**



**Picture 6 Parker's Located on Lot 1 of the Subject Property Facing West**



# EXHIBIT F: City of Statesboro 2014 Future Development Map







# City of Statesboro – Department of Planning & Development

## DEVELOPMENT SERVICES REPORT

P.O. Box 348  
Statesboro, Georgia 30458

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

### SE 15-09-06 & V 15-09-05 SPECIAL EXCEPTION & VARIANCE REQUEST 606 SOUTH ZETTEROWER AVENUE

**LOCATION:** 606 South Zetterower Avenue

**REQUEST:** Allow a business with automobile service to operate inside a CR (Commercial Retail) district; and variance from Section 1003 regarding the side yard setback.

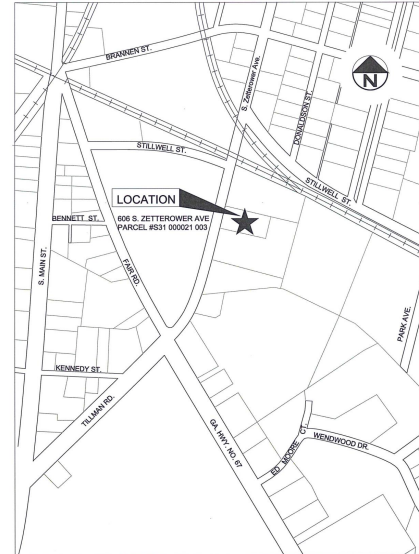
**APPLICANT:** Trenton Beard

**OWNER(S):** Stephen E. Cummings

**ACRES:** 1.02 Acres

**PARCEL TAX MAP #:** S31 000021 003

**COUNCIL DISTRICT:** District 3 (Britt)



#### PROPOSAL:

The applicant requests a Special Exception to allow for the utilization of the property located at 606 South Zetterower Avenue as a retail automotive parts and enhancement services as well as a variance from Section 1003 regarding side yard setback from the required 15' to 5' as to be aligned with the existing building. The subject site is zoned CR (Commercial Retail), which does not permit automotive services by right. (See **Exhibit A** – Location Map)

#### BACKGROUND:

City Council approved RZ 00-02-02 on March 7, 2000, rezoning the property from LI (Light Industrial) to CR (Commercial Retail). The City Council approved V 01-11-03 on December 4, 2001 allowing a variance to Section 1003A to allow for three (3) commercial uses on a lot less than 60,000 SF of land that is an un-subdivided property. (Note: This provision is no longer included within the Statesboro zoning ordinance.)

#### SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
<b>NORTH:</b>	CR (Commercial Retail)	Business or professional offices
<b>SOUTH:</b>	CR (Commercial Retail)	Automotive Service Center and Used Car Sales
<b>EAST:</b>	CR (Commercial Retail)	Automotive Service Center and Used Car Sales
<b>WEST:</b>	HOC (Highway Oriented Commercial)	Public Park and Recreation Area

The subject property is located within a Commercial Retail district and across the street from the DSDA (Downtown Statesboro Development Authority) area. Since the proposed improvements to the property are less than 50% of the fair market value of property the DSDA design standards would not apply to the improvements.

The property to the east and south is occupied by Express Tune and Lube and Express Auto Sales. The property north of the site is currently a medical billing office. The property to the west is Bulloch County Parks and Recreation softball

fields and tennis courts. Please see **Exhibit A** – Location Map, **Exhibit B**-Site Plan and **Exhibit C**-Photos of Subject Site.

#### **COMPREHENSIVE PLAN:**

The subject site lies within the “Neighborhood Center” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Master Plan*. The “Neighborhood Center” character areas are characterized by a blend of lower to medium density residential and commercial, personal service, and offices that are neighborhood scale in size and intensity. This character area often acts as a buffer or transition area between single family residential areas and more intense commercial areas. These areas are likely to experience uncontrolled strip development if growth is not properly managed. This character area strives to balance the provision of neighborhood services with the protection of nearby residential areas. Some suggested development and implementation strategies for the University District character area include the following:

- A mix of approximately scaled retail, services, and offices to serve neighborhood residents day to day need.
- Pedestrian oriented, with strong walkable connections between different uses.
- Encourage compatible architecture styles that maintain local character

*Statesboro Comprehensive Master Plan, Community Agenda page 23.*

#### **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.

#### **ANALYSIS:**

##### **1. Special Exception Request**

The applicant is requesting a Special Exception to permit the property to be utilized as an auto enhancement service (and various other retail outlets) within the CR (Commercial Retail) district. Special Exceptions allow for land uses that are not permitted as right within a zoning district but which may be granted where the requested use makes a special showing of particular circumstances affecting the subject property that merit taking it out of the general legislative rules of zoning and where that use may be deemed appropriate and compatible with the surrounding neighborhood. In this case, an auto service is not a use permitted by right within the CR (Commercial Retail) zoning district; thus necessitating this request for approval of the proposed use by the Mayor and Council.

A similar example of this situation would be case # CUV 02-04-05 for property located at 612 South Zetterower Avenue (Tax Parcel Number S31 000021 004). Statesboro City Council approved May 7, 2002 to allow for an automotive repair business as a permitted use in the CR (Commercial Retail) District. On June 19, 2012 the City Council approved an amendment to this variance to allow for use of vehicle sales from the property.

Another example of this situation would be case # CUV 04-05-02 for the property located at 1723 Northside Drive (Tax Parcel Number S38 000044 000). Statesboro City Council approved June 1, 2004 to allow for an automotive service and tire repair business as a permitted use in the CR (Commercial Retail) District.

Section 1802 of the *Statesboro Zoning Ordinance* outlines the qualifications needed to grant a special exception to the zoning ordinance. These include uses that are consistent with the purpose and intent of the zoning ordinance and district in which the use is proposed to be located; uses that do not detract from neighboring property; and uses that are consistent with other uses in the area. In order to meet these qualifications, approval of any special exception for the proposed use at the subject parcel should (if necessary) include conditions that will ensure that development along this corridor remains consistent with the *Statesboro Comprehensive Plan* and the *Statesboro Zoning Ordinance* and that serve to mitigate negative effects of the use to the surrounding area's character, uses, and zones.

**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 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.**

- Staff is unaware of any environmental impacts this request would cause.

- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**
- The proposed use is not expected to cause a negative impact on vehicular traffic and pedestrian movement on adjacent streets.
  - The site has a private entrance on the north off South Zetterower and also shares access on south off South Zetterower with the adjacent property.
- 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.**
- The subject site will use the existing driveway on the north side of the property and the existing driveway on the south shared with Express Tune and Lube.
  - The proposed use requires one (1) parking space per every 500 square feet of customer space. The site currently has a paved parking area. The paved parking is striped and provides adequate spaces as required by the Statesboro development regulations.
- D. Public facilities and utilities are capable of adequately serving the proposed use.**
- Building Inspections by the Building Inspections Division (Building Official) have not been conducted but may be required in the permitting stage.
- E. The proposed use will not have significant adverse effect on the level of property values or the general character of the area.**
- The proposed use is not expected to have an adverse effect on property values in the area given the uses of surrounding structures.
- 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.**
- The applicant plans to add a 60' x 70' extension to the rear of the existing building for the use of performing auto enhancement services.
- 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.**
- This request, if approved, is personal to the applicant. Any future changes to this proposal must be approved by City Council.

**Additionally, § 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*”:**

- A. Existing uses and zoning or [of] property nearby.**  
Surrounding properties are zoned CR (Commercial Retail), CR (Commercial Retail) and HOC (Highway Oriented Commercial) and uses range from automotive car servicing and used car sales to medical billing office and a public park.
- B. The extent to which property values are diminished by the particular zoning restrictions.**
- C. The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- D. The relative gain to the public, as compared to the hardship imposed upon the property owner.**
- E. The suitability of the subject property for the zoned purposes.**
- This property should meet the zoning regulations set forth by the *Statesboro Zoning Ordinance* as necessary.
- F. 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.**
- Surrounding developed properties are occupied.

**G. 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.**

- The proposed use should not negatively impact any of the above.

**2. Variance Request**

The proposed variance request from Section 1003 (D) regarding side yard setbacks from the allowed 15' to 5' should only be considered and/or permitted if the Special Exception is granted. Section 1801 of the *Statesboro Zoning Ordinance* lists four factors that the Mayor and City Council should consider to be true when determining whether to grant a variance:

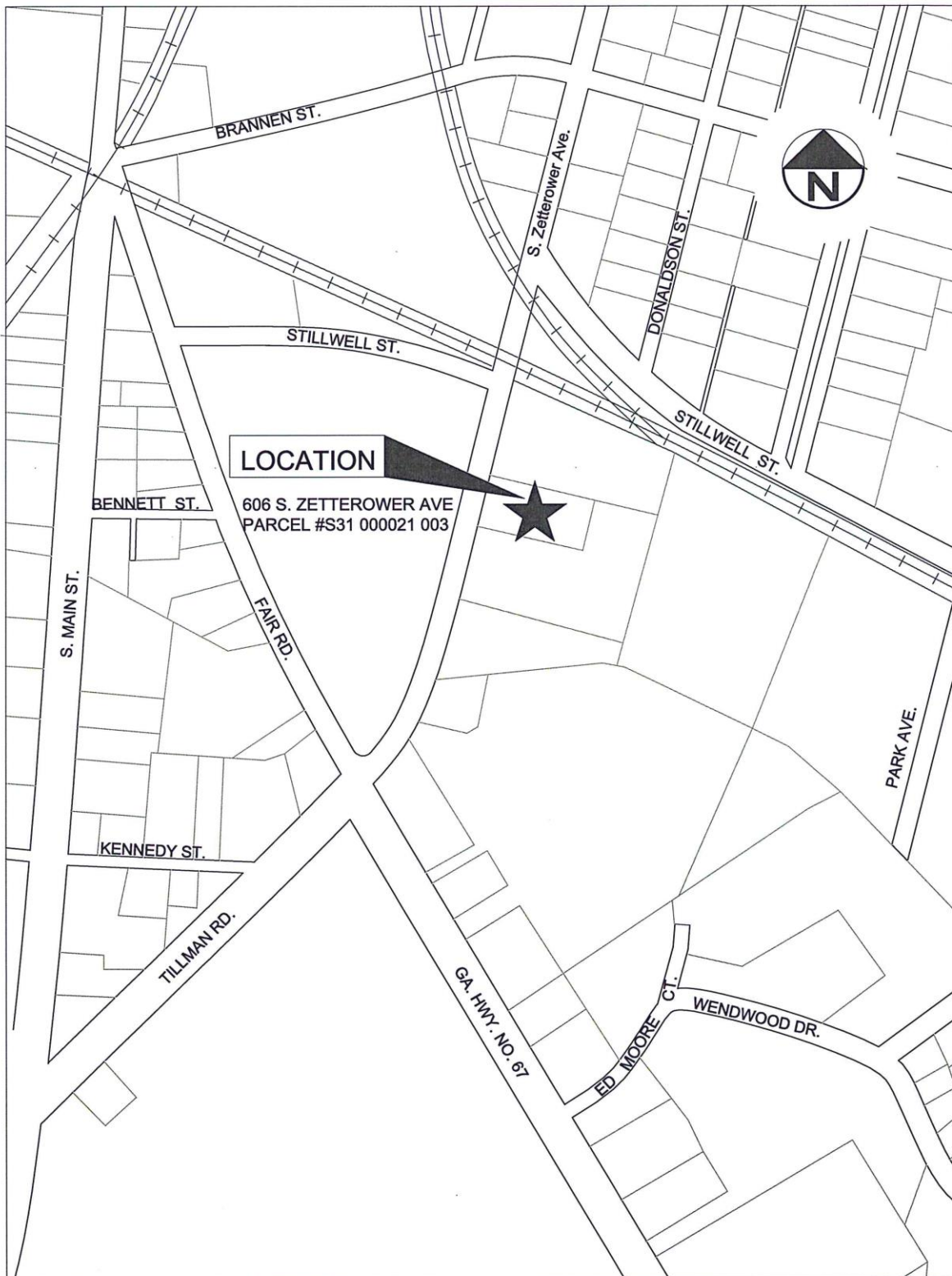
- **There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;**
  - The existing building was constructed with a 5' side yard setback. If the proposed addition to the rear of the existing building adheres to the current 15' setback limits, the proposed addition will be offset 10' from the existing building line. This will have a negative effect to the building aesthetics.
- **The special conditions and circumstances do not result from the actions of the applicant;**
- **The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
  - Application of the ordinance to this particular piece of property would not create an unnecessary hardship in terms of land use and ordinance application.
- **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
- Relief, if granted, would not cause substantial detriment to the public good nor would it impair the purposes and intent of the zoning regulations.

**STAFF RECOMMENDATION:**

Staff recommends approval of the special exception request to allow automobile enhancement services to operate within a CR (commercial retail) district and also recommends approval of variance application from Article X Section 1003 (D) to allow for a 10' reduction in the side yard setback distance.

**PLANNING COMMISSION RECOMMENDATION:**

**Exhibit A: Location Map**



**Exhibit B: Site Plan**





**Exhibit C: Site Photos**



**Subject Property**



**North edge of building along existing 5' setback limit.**





**Rear of Property.**

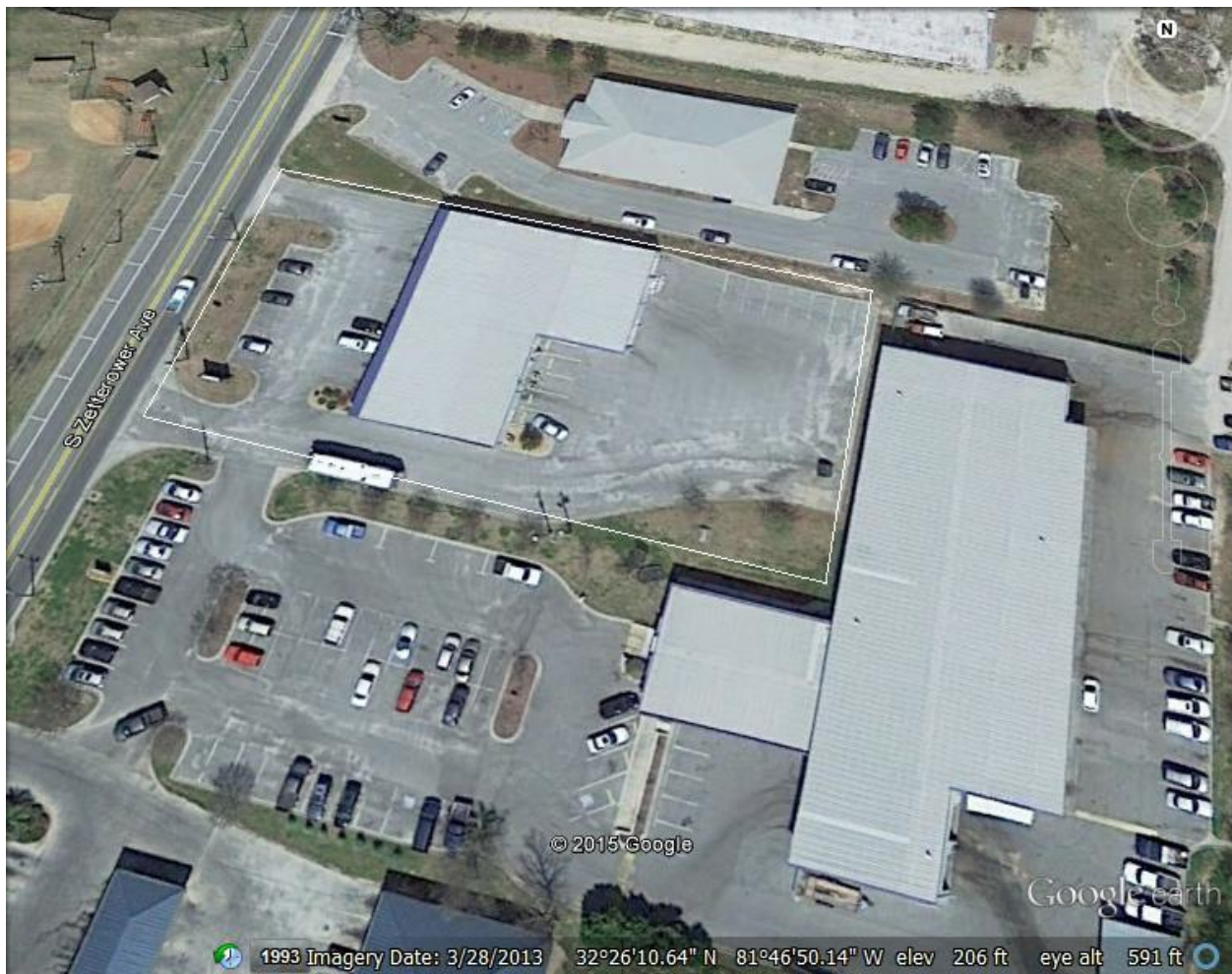


**Rear view of building along 5' setback limit.**



Rear view of property.





**Aerial view of subject property and adjacent properties.**



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

P.O. Box 348  
Statesboro, Georgia 30458

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

**V 15-09-04**  
**VARIANCE REQUEST**  
**318 NORTH MAIN STREET**

**LOCATION:** 318 North Main Street  
**REQUEST:** Variance from Article IV regarding accessory setback requirements  
**APPLICANT:** John Wayne Figg  
**OWNER(S):** John Wayne Figg  
**LAND AREA:** .41 acres  
**PARCEL TAX** S26 000019 000  
**MAP #s:**  
**COUNCIL**  
**DISTRICT:** District 1 (Boyum)



**PROPOSAL:**

The applicant is requesting a variance from Article IV, Section 401 of the *Statesboro Zoning Ordinance* to reduce the required accessory structure setback from 10' to 2.5' for the rear and right side setback to allow for an 18' X 24' open front wood and metal shed to be constructed to store recreational vehicles. (See **Exhibit A** – Location Map, **Exhibit B** – Photos)

**BACKGROUND:**

The subject site is zoned R20 (Single-Family Residential) and fronts North Main Street and East Moore Street. No case history could be found.

**SURROUNDING LAND USES/ZONING:**

	<b>ZONING:</b>	<b>LAND USE:</b>
<b>NORTH:</b>	R20 (Single-Family Residential)	Residential houses and duplexes
<b>SOUTH:</b>	R20 (Single-Family Residential)	Residential houses and duplexes
<b>EAST:</b>	R20 (Single-Family Residential)	Residential houses and duplexes
<b>WEST</b>	R20 (Single-Family Residential)	Residential houses and duplexes

The subject property is located in a single-family residential area with all property lines surrounded by parcels zoned as Single Family Residential. (See **Exhibit B**- Photos)



## COMPREHENSIVE PLAN:

The subject site lies within the "Established Residential Neighborhood" character area identified by the 2014 City of Statesboro Future Development Map within the City of Statesboro 2014 Comprehensive Plan. The Established Residential Neighborhood character areas were developed from the late 19<sup>th</sup> to mid-20<sup>th</sup> century and feature connected street grids and sidewalks that transition into major downtown corridors allowing this area to support a mixed use of residential and commercial uses. Residents within this character area help to strengthen the urban core due to the fact that they can live, work, shop and play all within a walkable distance from their residence to downtown.

Appropriate land uses for the "Established Residential Neighborhood" character area as identified by the City of Statesboro 2014 Comprehensive Plan are as listed below:

- Neighborhood-scale retail and commercial
- Small scale office
- Neighborhood services
- Small lot single family residential
- Garage Apartments

*2014 Statesboro Comprehensive Plan, Community Agenda page 17.*

## COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city utilities including water and sewer, sanitation, and public safety services.

## ENVIRONMENTAL:

The subject site does not contain wetlands nor is it located in a special flood hazard area.

## ANALYSIS:

The subject site is a .41 acre double frontage lot that fronts North Main Street and East Moore Street and is currently zoned R20 (Single Family Residential). The site originally contained a 1528 square foot single family residence and a 360 square foot accessory storage building. In 2013, a building permit was issued for the construction of a 1280 square foot attached carport with a rear covered porch, making the single family principle structure a total of 2808 square feet. The residence and front yard area fronts North Main Street and the north side yard area containing a paved concrete driveway fronts East Moore Street. The existing storage building is located along the rear property line and is only visible from East Moore Street.

The applicant is requesting a variance from Article IV, Section 401 of the *Statesboro Zoning Ordinance* to reduce the required accessory structure setback from 10' to 2.5' for the rear and south side yard setbacks in order to construct an 18' X 24' open front wood and metal shed to store recreational vehicles. By ordinance where a double frontage lot exists, accessory structures shall be setback a distance equivalent to the minimum front yard setback which is 30' from each road frontage. The front and north side yard setbacks which front North Main Street and East Moore Street meet the required 30' double frontage setback. If the requested setback variance is granted, the applicant wishes to locate the accessory structure along the inner rear corner of his property line just passed the existing storage building. (See **Exhibit B- Photos**). The proposed structure would not be visible from North Main Street and the existing storage building would block direct visual sight of the proposed structure from East Moore Street.

It should be noted that desired location for the proposed accessory structure is lined by two individual wooden privacy fences that are owned by the adjoining east and south property owners. In support of the applicant, the adjacent property owners' submitted letters of written support for the applicant's request to be approved (See **Exhibit C- Letters of Support**).

In addition, 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;
- (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.
  - o This request, if granted, would not cause substantial detriment to the public good.

**STAFF RECOMMENDATION:**

*(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: PHOTOS OF SUBJECT SITE & SURROUNDING PROPERTY**

**PHOTO 1:** Subject Site from North Main Street with adjacent South Property beginning at the White Privacy Fence



**PHOTO2:** Subject Site from East Moore Street





**EXHIBIT B: PHOTOS OF SUBJECT SITE & SURROUNDING PROPERTY CONT'D**

**PHOTO 3:** Rear & North Side Yard view of the Subject Property from E. Moore Street & Attached Carport with Paved Driveway



**PHOTO 4:** Rear Yard View of Subject Site with the Existing Storage Building & Wooden Privacy Fence to Rear and South Side Property Line





**EXHIBIT B: PHOTOS OF SUBJECT SITE & SURROUNDING PROPERTY CONT'D**

**PHOTO 5:** Inner Corner Site Layout for the Proposed Shed. The Requested 2.5' Set back Variance would apply along the Fencing of the Rear and Side Property Lines.



**PHOTO 6:** South Side Yard View from the Inner Corner of the Rear Yard of Subject Site. Wooden Privacy Fence is to the left behind the shrub bushes. Porch is the back side of the Attached Carport



EXHIBIT C: LETTERS OF SUPPORT  
LETTER 1: Cover Page & Attachment

9/9/2015

City of Statesboro Mail - Permission for Wayne Figg



Cindy Clifton <cindy.clifton@statesboroga.gov>

**Permission for Wayne Figg**

1 message

ced8393@aol.com <ced8393@aol.com>  
To: cindy.clifton@statesboroga.gov

Wed, Sep 9, 2015 at 11:56 AM

Please find the attached document concerning permission for Wayne Figg to build.

Thanks,

Cathy Davis

ced8393@aol.com

Wayne\_Figg 001.jpg  
171K

Untitled

9/9/2015

Attention:

Cindy Clifton

This is concerning my neighbor, Wayne Figg, and his proposed structure. I have no problem with him building in the back corner where our properties adjoin.

Please contact me if you need anything further.

Cathy Davis

931-980-2300

A handwritten signature in cursive script that reads "Cathy Davis".

Page 1

Wayne\_Figg 001.jpg

9/9/2015



EXHIBIT C: LETTERS OF SUPPORT CONT'D

LETTER 2: Email

9/9/2015

City of Statesboro Mail - Wayne Figg permit



Cindy Clifton <cindy.clifton@statesboroga.gov>

---

**Wayne Figg permit**

1 message

---

Jonathan Aceto <jaceto@frontiernet.net>  
To: cindy.clifton@statesboroga.gov

Wed, Sep 9, 2015 at 11:14 AM

Hello Cindy,

I am the neighbor of Wayne Figg who lives on the corner of N. Main and E. Moore. He has asked for a permit to build a shed on his property next to mine. I understand his plans and approve of them. He has my permission to build.

Thank you!

Jonathan Aceto  
316 North Main St.  
Statesboro GA 30458  
(912) 871-5876  
mobile (706) 231-3071