



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

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50 East Main Street

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**Statesboro Planning Commission**

**October 14, 2014**

**5:00 P.M.**

**City Hall Council Chamber**

**Meeting Agenda**

**I. Call to Order**

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

**III. Approval of Minutes**

- 1) September 9, 2014 Meeting

**IV. New Business**

- 1) **APPLICATION # RZ 14-08-03:** Hendley Properties requests a zoning map amendment to rezone .916 acre of property from O (Office) district to R4 (High Density Residential) district for Lots 4, 5, 6 & B located on Walnut Street to allow the development of the proposed duplex concept plan (Tax Parcel Number S19 000035 002).
- 2) **APPLICATION # AN 12-05-01:**
  - a. W & L Developers, LLC requests annexation by the 100% method; and rezoning of 13.05 acres of property located at 665 S&S Railroad Bed Road from R25 (Single Family Residential – Bulloch County) to R10 (Single Family Residential) (Tax Parcel Number 107 000007 000).
  - b. W & L Developers, LLC requests annexation by the 100% method; and rezoning of 1 acre of property located at 665 S&S Railroad Bed Road from R25 (Single Family Residential – Bulloch County) to R10 (Single Family Residential) (Tax Parcel Number 107 00006A 000).

**V. Announcements**

**VI. Adjourn**

# STATESBORO PLANNING COMMISSION

September 9, 2014

5:00 P.M.

City Hall Council Chambers

## Meeting Minutes

**Present:** Planning Commission Members: Rev. E. Charles Lee, Jeremy Ragan, Rick Barr, and Nick Propps.  
City of Statesboro Staff: Director of Planning and Development Mandi Cody, Development Project Manager Cindy Steinmann, and Development Clerk Cindy Clifton.

**Absent:** Planning Commission Members: April Stafford, and Holmes Ramsey

### **I. Call to Order**

Commissioner Propps called the meeting to order.

### **II. Approval of Meeting Minutes**

- a. July 8, 2014 Meeting
- b. August 12, 2014 Meeting

Motion made by Commissioner Lee; second by Commissioner Ragan to approve minutes for the July 8<sup>th</sup>, 2014<sup>th</sup> and August 12<sup>th</sup>, 2014<sup>th</sup> meetings. Motion carried 4 to 0.

### **III. Motion to Approve Order of the Meeting Agenda**

Commissioner Propps made a motion to approve the order of the meeting agenda; seconded by Commissioner Barr. Motion carried 4 to 0.

### **IV. New Business**

- a. **APPLICATION # RZ 14-06-02:** L & S Acquisitions, LLC and CFN Partners, LLC requests a zoning map amendment pursuant to the Statesboro Zoning Ordinance from R8 (Single-Family Residential) and R10 (Single-Family Residential) Districts to PUD(Planned Unit Development) District for 60 acres of property located on S & S Railroad Bed Road (Tax Parcel Number 107 000009 000).

Commissioner Jim Benton arrived at 5:16 P.M.

Mandi Cody presented the rezone and explained the applicant's need for PUD (Planned Unit Development) zoning. She then answered questions from the Commissioners. Representative John Dotson of Maxwell Reddick and Associates spoke on behalf of the applicant and answered questions. Mr. Dotson requested that special condition #6 be removed from the staff recommendations. He stated that #6 did not apply to the subject site. Ms. Cody agreed.

There was no opposition.

After discussion, Commissioner Ragan made a motion to recommend approval with the staff recommended conditions excluding #6 and to include a 10% increase in density; seconded by Commissioner Barr. Motion carried 4 to 0.

Commissioner Benton did not vote, he was not present for the presentation.

- b. **APPLICATION # RZ 14-08-02:** H. Jackson Wallace requests a zoning map amendment pursuant to the Statesboro Zoning Ordinance from R3 (Medium Density Multiple-Family Residential), R10 (Single-Family Residential), and R4 (High Density Residential) Districts to PUD(Planned Unit Development) District for 38.79 acres of property located on S & S Railroad Bed Road (Tax Parcel Number 107 000005 000).

Mandi Cody presented the rezone and explained the applicant's need for PUD (Planning Unit Development) zoning. She then answered questions from the Commissioners. Representative John Dotson of Maxwell Reddick and Associates spoke on behalf of the applicant and answered questions. Applicant Jackson Wallace also spoke in favor of the request and answered questions. Mr. Wallace gave reassurance that the proposed plan is about reserving as much greenspace as possible and pointed out that the proposed plan provides for a 20' buffer line even though one is not required by ordinance.

Adjacent property owner, Julie Brannen stated that she was against CR (Commercial Retail) zoning coming into the area. She expressed her concern about the increase of traffic this project would create on Cawana Road and near the S&S Greenway Trail. Ms. Cody explained that the portion of the subject site that is labeled CR (Commercial Retail) zoning on the location map represents the existing zoning district which currently applies to that portion of the site. She then explained that the CR (Commercial Retail) portion of the subject site had been sold to another developer and is not included in this request. "The applicant's request for PUD (Planning Unit Development) only includes residential use and zoning" stated Ms. Cody.

Commissioner Propps agreed that increased traffic was a concern. Ms. Cody explained that the City and County were aware of the traffic concerns and all other concerns that accompany an increase in population growth. After discussion, Commissioner Barr made a motion to recommend approval with the staff recommended conditions and amend to include a 5% increase in density and a fence buffer; seconded by Commissioner Ragan. Motion carried 5 to 0.

- c. **APPLICATION # V 14-07-04:** The Hamptons-Statesboro/H. Jackson Wallace requests a variance from Section 701 of the Statesboro Zoning Ordinance regarding building height for a proposed development at 351 Rucker Lane (Tax Parcel #MS52000004000).



Cindy Steinmann presented the variance and answered questions from the Commissioners. The applicant Jackson Wallace and Architect David English spoke and answered questions. Mr. English stressed that the requested increase in height was solely for architectural esthetics required to achieve the steep roof line of the English style concept.

There was no opposition.

After discussion, Commissioner Ragan made a motion to recommend approval with the staff recommended conditions; seconded by Commissioner Benton. Motion carried 5 to 0.

- d. **APPLICATION # RZ 14-08-01:** The Islands Phase III, LLC requests a zoning map amendment pursuant to the Statesboro Zoning Ordinance from R4 (High Density Residential) District to CR (Commercial Retail) District for a 4.89 acre portion of the property located adjacent to Lanier Drive immediately South of Nassau Drive. (Tax Parcel #MS63000002003).

Mandi Cody presented the rezone and answered questions from the Commissioners. Representative Joey Maxwell of Maxwell Reddick and Associates spoke on behalf of the applicant and answered questions. Mr. Maxwell stated that the applicant was in favor of the special conditions recommended by the staff with the exception of #2, #4, and #16. He expressed the importance of offering drive through window service capabilities for restaurant tenants and the fact that limiting individual unit square footage to 1500 square feet is too small to attract most commercial retail tenants. He also stated that it would be hard have 50% of the required parking to the rear/side of the proposed shopping center.

Ms. Cody advised the commission that the square footage of the units and percentage of rear/side parking were flexible issues, but the drive through window service was not. Ms. Cody was not in favor of changing the staff recommendation at the current time.

John Loenthall, President of the Parkway Place Home Owners Association, representative for the residents of Stadium Walk expressed concern about overflow parking and walk through traffic that would be created by the proposed development within Stadium Walk. Mr. Loenthall suggested that a fence be constructed as a buffer at the property boundary line that is adjacent to Stadium Walk to help resolve their concerns.

Mr. Maxwell pointed out that the proposed project would only consist of 4.89 acres of the site and would be located adjacent to The Islands and Nassau Drive. If additional parking is needed, overflow parking can use the remaining portion of the site.



After discussion, Commissioner Ragan made a motion to recommend approval with the staff recommended conditions; seconded by Commissioner Benton. Motion carried 5 to 0.

**V. Announcements**

There were no announcements.

**VI. Adjourn**

Motion was made to adjourn the meeting by Commissioner Propps; seconded by Commissioner Ragan. Motion carried 5-0.

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**Chair – Nick Propps**

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**Secretary – Mandi Cody**  
**Director of Planning and Development**



# DEVELOPMENT SERVICES REPORT

P.O. Box 348  
Statesboro, Georgia 30458

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## RZ 14-08-03 ZONING MAP AMENDMENT Walnut Street

**LOCATION:** Walnut Street Lots 4, 5, 6 & B

**REQUEST:** Rezone from O (Office) district to R4 (High Density Residential) district.

**APPLICANT:** Hendley Properties

**OWNER(S):** John Ray Hendley

**LAND AREA:** .916 acre

**PARCEL TAX MAP #s:** S19 000035 002

**COUNCIL DISTRICT:** District 2 (Lewis)



### PROPOSAL:

The applicant is requesting the rezoning of .916 acre of property located at Walnut Street Lots 4, 5, 6 & B from O (Office) District to R4 (High Density Residential) District to create a small downtown residential development. (See Exhibit A – Location Map & Exhibit B –Concept Plan),

### BACKGROUND:

The subject site is currently vacant and zoned O (Office). It is located on Walnut Street, directly adjacent to the rear of Queensborough National Bank & Trust which is located on South Main Street. In 2001, the subject site was rezoned from R3 (Medium Density Multi Family Residential) district to O (Office) district. The site originally contained three multi-family residential structures that were built in 1975. Over the years, the structures had become dilapidated and too costly to repair. In July 2014 the applicant purchased the subject site and donated two of the structures to the City of Statesboro Fire Department to be used for structural burn training and the third structure was relocated to a site outside of the City of Statesboro boundaries. The site has since been cleared and is ready for redevelopment.

### SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R3 (Medium Density Multi Family Residential) & HOC (Highway Oriented Commercial)	Multi Family Residential & Commercial Retail
SOUTH:	R3 (Medium Density Multi Family Residential) & R4 (High Density Residential)	High Density & Multi Family Residential
EAST:	HOC (Highway Oriented Commercial) & O (Office)	Commercial Retail & Offices
WEST:	R3 (Medium Density Multi Family Residential) & R4 (High Density Residential)	High Density & Multi Family Residential

The subject property is located in a primarily medium to high density residential use area with the north east and eastern property line backed by office and commercial uses such as a bank, restaurants, library etc. (See Exhibit A – Location Map & Exhibit C- Photos of Subject Site & Surroundings)

#### **COMPREHENSIVE PLAN:**

The subject site lies within the “Urban Core” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The “Urban Core” character areas are identified as the activity and cultural hub of the region and support a wide range of acceptable uses. As a major gateway into downtown, traditional development patterns of buildings along the sidewalk and a lively streetscape are respected and promoted, while encouraging retail uses with large storefront windows at street level.

Neighborhood-scaled retail and commercial, arts and entertainment venues, civic centers, office, neighborhood services, lofts and urban residential including single-family residential along secondary streets, mixed use, multi-story buildings with retail on the street and office/residential above are all appropriate land uses for properties within the Urban Core character area. Some suggested development and implementation strategies for the area include the following:

- Encourage mixed-use infill and redevelopment.
- New development should respect historic context of building mass, height and setbacks.
- Economic development strategies should continue to nurture thriving commercial activity.
- Develop sites within the southern portions of the character area (especially along South Main, generally from Grady Street to Fair Road) in a manner that promotes the functional and aesthetic objectives of the character area while providing a greater physical linkage between Georgia Southern University and downtown.

*Statesboro Comprehensive Plan, Community Agenda pages 12-13.*

#### **DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY 2011 MASTER PLAN:**

The *Statesboro Downtown Master Plan* identifies downtown Statesboro as the community’s neighborhood which requires nurturing so it can evolve into a vibrant mixed-use center, offering opportunities to work, live, shop and play. The subject site is located within the DDA (Downtown Development Authority) district. The land use strategy identifies sites in the vicinity of West Cherry Street offer potential locations for high density housing. (See Exhibit D- Land Use Strategy Map) Within that area high-density housing would comprise buildings which are two to four-stories in height with a density of 8 to 12 units per acre. This site was identified as a recommended location for development in the near-term:

- Underutilized or vacant parcels – including a significant number of sites that accommodate infill, high-density construction.
- Amenities – proximate to transit (when available or planned), new parks, retail and services within short walking distances.

*Statesboro Downtown Master Plan, Land Use Strategy page 41.*

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

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

#### **ENVIRONMENTAL:**

The subject property does not contain wetlands and is not located in special flood hazard zones. 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:

This property is located within the DSDA district. (See Exhibit D-DSDA Map) The entire .916 acre site is currently zoned O (Office) and is vacant. The applicant's request to rezone the property from O (Office) to R4 (High Density Residential) would allow for the construction of the proposed residential development that is anticipated to have six duplexes, each structure containing two (2) one bedroom units for a total of 12 bedrooms. Each duplex is anticipated to be a total square footage of 1250 square feet, making each unit 625 square feet. The applicant has expressed a growing increase of demand for one bedroom units from young professionals. The applicant currently has a waiting list that will provide an occupant for each of the twelve proposed units if this request is approved.

The subject site is surrounded by residential uses with the eastern property line backed by office and commercial uses. It should be noted that the O (Office) zoning district is restricted to only office developments. Furthermore the R4 (High Density Residential) zoning district has a stated purpose of encouraging the logical and timely development of land use for apartment and other high-density residential purposes in accordance with the future land use plan and to permit a variety of housing while assuring suitable design of apartments in order to protect the surrounding environment and nearby neighborhoods. The R4 (High Density Residential) zoning district also restricts density to twelve (12) dwelling units per developable acre. As such, at .916 acre, this site would not be permitted to have any additional residential units than that which is being proposed in the concept plan.

This request would allow for a small professional living environment with mixed uses in close proximity to allow for and encourage walkability as recommended by *City of Statesboro Comprehensive Plan and the 2035 Bulloch County/City of Statesboro Long Range Transportation Plan*. Numerous Policies, Goals, and Implementation strategies of the 2009 Comprehensive Plan and the drafted (but not approved) 2014 update recommend the addition of housing in the downtown area. The proposed concept plan was presented at a scheduled Right Start meeting on September 21, 2014. The Right Start Development team evaluated the plan and agreed that the proposed concept plan can be developed in accordance with the City of Statesboro Development Regulations.

The request to rezone the subject property should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's two (2) primary land use policies: The *Statesboro Comprehensive Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed R4 (High Density Residential) zoning district for residential uses only as set forth in the *Statesboro Zoning Ordinance*.

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

- (1) Existing uses and zoning or (of) property nearby;**
  - Existing uses and zoning of nearby property range from high and medium residential housing to commercial and office uses. According to the *Statesboro Comprehensive Master Plan*, this area provides urban style housing opportunities through live-work and loft housing. Expanding housing options in downtown is encouraged.
- (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.**
  - The dilapidated and unsafe structures were removed in anticipation of this project.
- (4) The relative gain to the public, as compared to the hardship imposed upon the property owner.**
  - The proposed residential development is much more desirable and aesthetically pleasing than the existing vacant property while providing unique housing options to young professionals in the downtown area.
- (5) The suitability of the subject property for the zoned purposes.**
  - The proposed land use meets the provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*, and the Downtown Statesboro Master Plan.
- (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.**
  - Due to the unsafe conditions of the previous structures, the property has been vacant for some time now.

- (7) **The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
- The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas, and is not expected to be negative or burdensome to the general public or surrounding property owners.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
- The requested zoning map amendment is consistent with the policies articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*.
  - The *Statesboro Comprehensive Plan* adopts a goal of "promot[ing] infill and redevelopment" stating that "infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place". (*Community Agenda, page 51*). The requested utilization of the subject site would achieve this goal.
  - Use of the property as high density residential is consistent with the vision and guiding principles of the "Urban Core" character area as articulated within the *Statesboro Comprehensive Plan* which promotes new developments to include mixed uses such as small to mid-size retail, single family residential, and multifamily residential.
  - Developing this area as requested realizes the vision of the 2011 DSDA Master Plan and its suggested land uses at this location.

#### **STAFF RECOMMENDATION:**

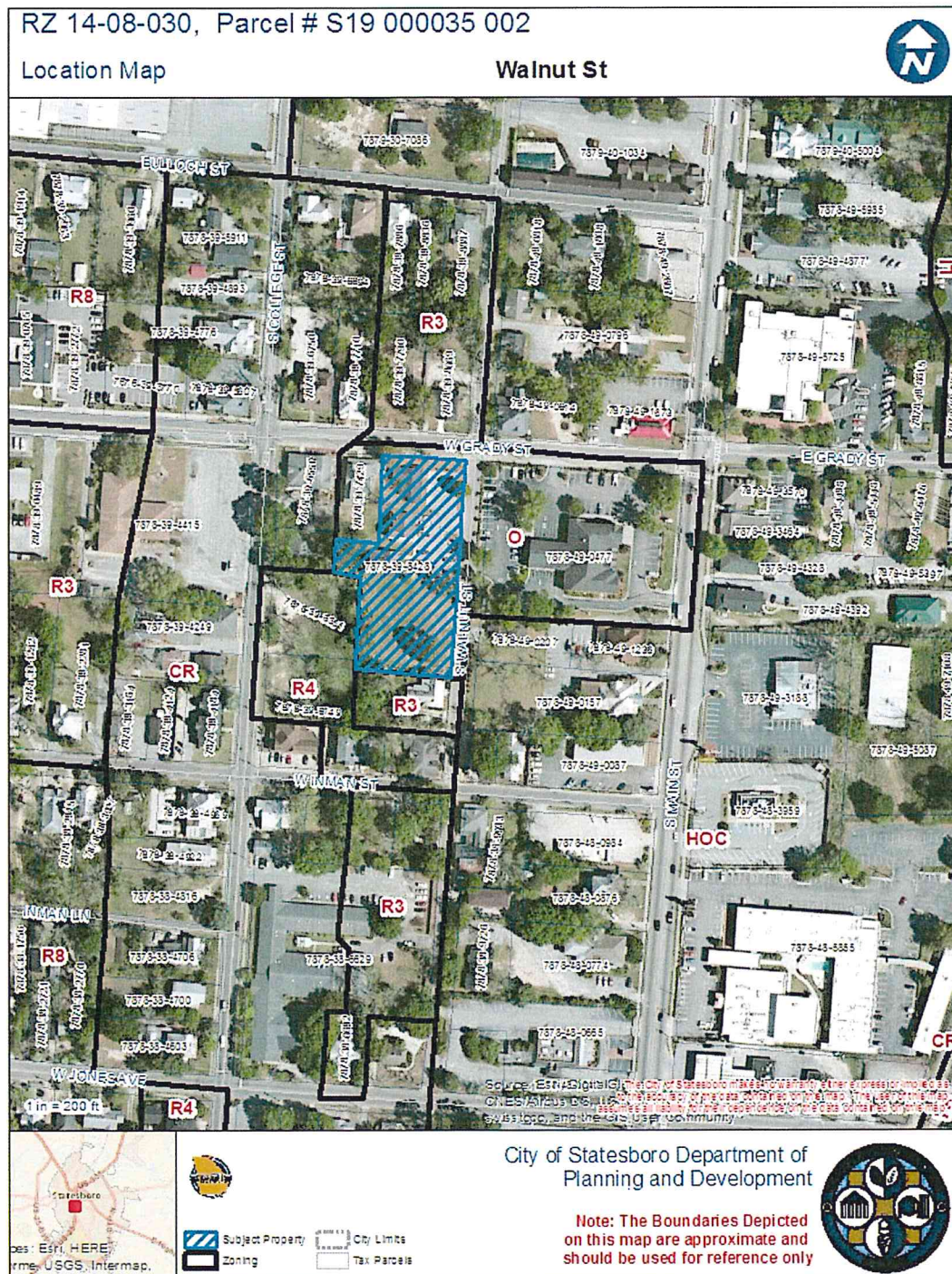
Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and *The Statesboro Downtown Master Plan* staff recommends approval of the zoning map amendment requested by application RZ 14-08-03 with the following conditions:

- Sidewalks within the development must have interconnectivity with the existing sidewalk on Grady Street and the developer must install sidewalk along Walnut Street that interconnects to the development and meets the standard sidewalk requirements of the Statesboro Engineering Department.
- Landscaping or architectural features shall be provided at the corner of West Grady and South Walnut Streets to reduce the angular appearance of the buildings at the street corner.

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

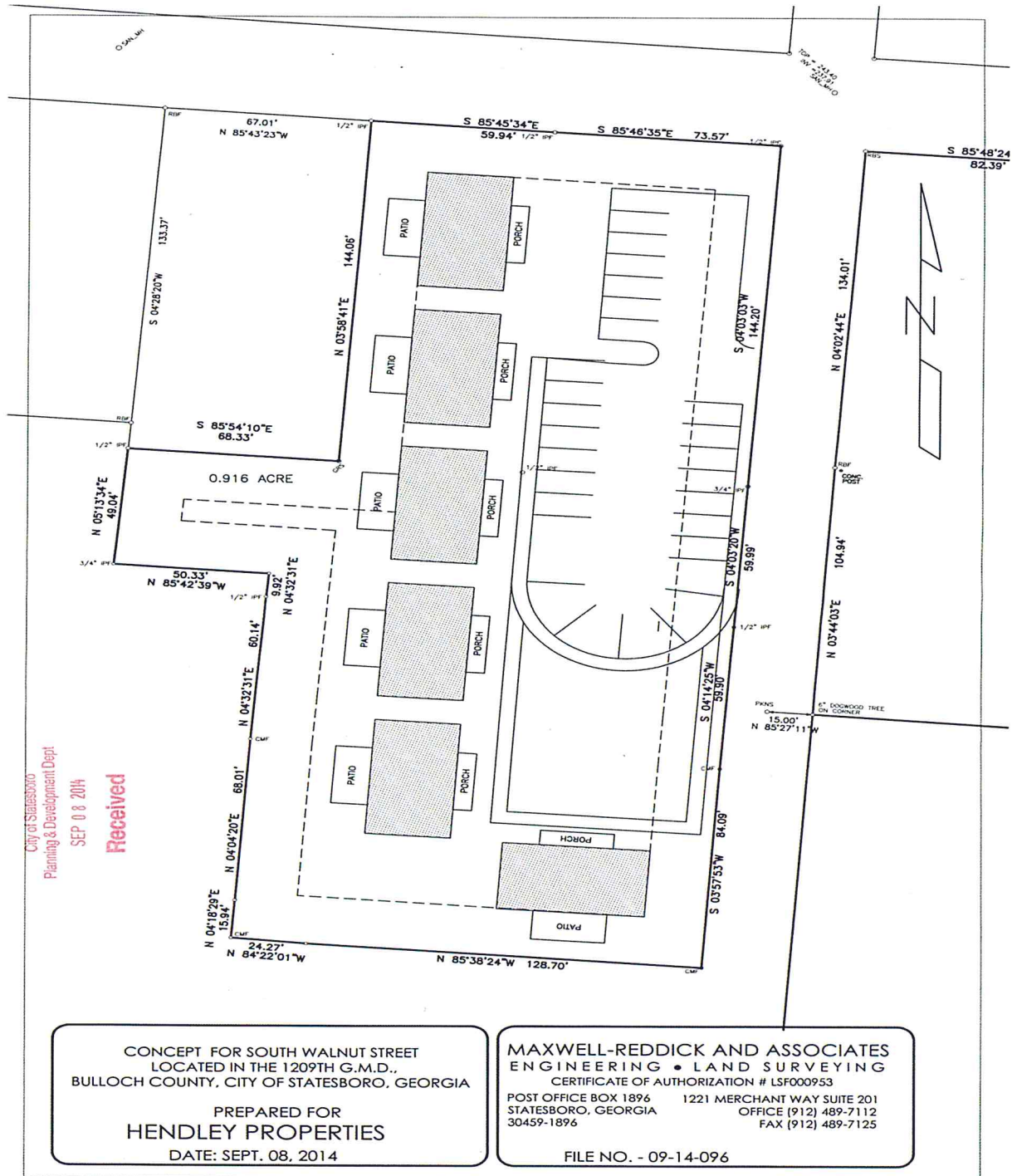


# EXHIBIT A: LOCATION MAP

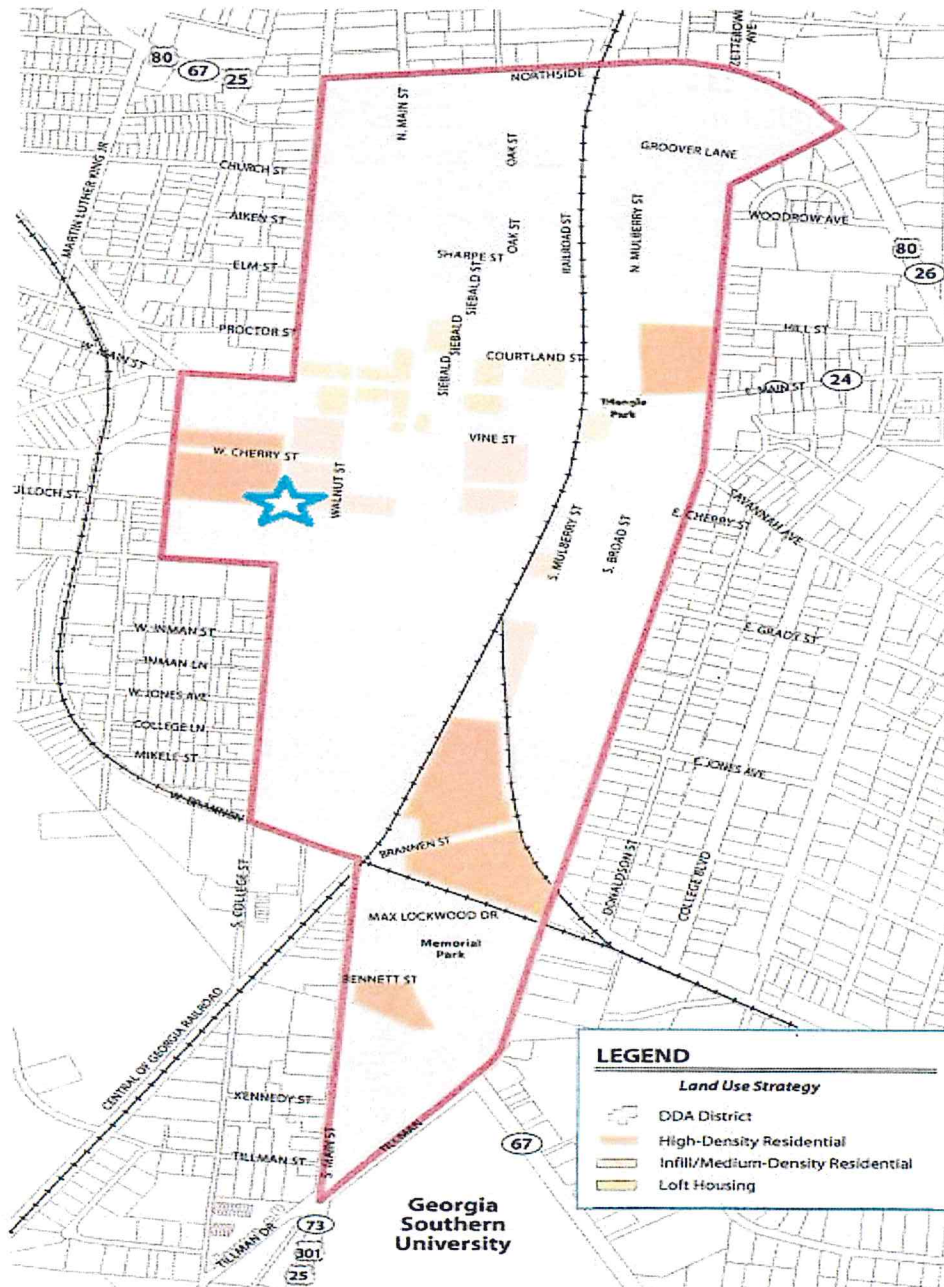




# EXHIBIT B: PROPOSED CONCEPT PLAN



# EXHIBIT C: STATESBORO DOWNTOWN MASTER PLAN, LAND USE STRATEGY MAP



*Loft Housing, High Density, Infill/Medium Density Focus Areas*



DEVELOPMENT SERVICES REPORT  
Case # RZ 14-08-02  
09/30/2014





**EXHIBIT E – PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES**

**Photo 1: Subject Site from Walnut Street currently zoned Office**



**Photo 2: Adjoining properties to the South of the Subject Site zoned R3 & R4**





**EXHIBIT E – PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES**

**Photo 3: Adjoining property to the West of Subject Site zoned R4 (High Density)**



**Photo 4: Adjacent property to the direct East of Subject Site zoned Office**



**EXHIBIT E – PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES**

**Photo 5: Adjacent property to the North of the Subject Site zoned R3 (Single Family)**



**Photo 6: Commercial property to the North East of the Subject Site**







City of Statesboro – Department of Planning & Development  
**DEVELOPMENT SERVICES REPORT**

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**AN 12-05-01**  
**665 S&S RAILROAD BED ROAD**  
**ANNEXATION REQUEST**

**LOCATION:** 665 S&S Railroad Bed Road

**REQUEST:** Annexation by the 100% method and zoning change from R25 (Single Family Residential - Bulloch County) District to R10 (Single-Family Residential).

**APPLICANT:** W&L Developers, LLC

**OWNER(S):** W&L Developers, LLC

**LAND AREA:** a. 13.05 acres  
b. 1 acre

**PARCEL TAX MAP #s:** a. 107 000007 000  
b. 107 00006A 000

**COUNCIL DISTRICT:** 5 (Chance) – (Projected)



**PROPOSAL:**

The applicant is requesting annexation and rezoning of the subject property from R25 (Single Family Residential – Bulloch County) to R10 (Single Family Residential) in the City of Statesboro. The subject site is a combination of two vacant parcels that total 14.05 acres. The property is located at 665 Railroad Bed Road and abuts the S&S Greenway Trail and is contiguous to the existing municipal limits. The applicant is proposing to develop a residential subdivision. (See **Exhibit A – Location Map & Exhibit B-Concept Plan**)

**SURROUNDING LAND USES/ZONING:**

	<b>ZONING:</b>	<b>LAND USE:</b>
<b>NORTH:</b>	R25 (Single Family Residential – Bulloch County) R20 (Single Family Residential)	Undeveloped & Single Family Homes
<b>SOUTH:</b>	R10 & R15 (Single Family Residential), R4 (High Density Residential)	Undeveloped, Single Family Homes, Church, School
<b>EAST:</b>	R25 (Single Family Residential – Bulloch County)	Undeveloped
<b>WEST</b>	R40 (Single Family Residential), R4 (High Density Residential), CR (Commercial Retail)	Bypass and Undeveloped

The subject parcel's property lines abut the S&S Greenway Trail and is surrounded by property that is zoned for single family to high density residential and commercial uses located in both Bulloch County and City of Statesboro. Actual uses range from single family homes to undeveloped with Sallie Zetterower Elementary School located to the extreme south on Cawana Road inside the municipal limits. The properties across the S&S Greenway Trail were annexed into the municipal limits in 2013 and are planned to be residential developments.

## COMPREHENSIVE PLAN:

The subject site lies within the “Developing” character area as identified by the 2009 City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The “Developing” character areas are identified as being primarily residential, but are under pressure to grow in a suburban manner. Development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development.

Small to mid-size retail and commercial, office, single family, and multifamily residential are all appropriate land uses for properties within the Developing character areas. Some suggested development and implementation strategies for the area include the following:

- Large new developments should be master-planned to include mixed-uses wherever appropriate.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.
- There should be strong connectivity and continuity between each subdivision.
- New developments should provide recreational facilities and open space to meet the needs of their residents.
- Promote walking and bicycling as an alternative means of transportation through the provision of safe, accessible and connected networks.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.

### ***Statesboro Comprehensive Plan, Community Agenda pages 16-17.***

These implementation strategies are also reflected in the 2009 Quality Community Objectives section of the comprehensive plan .

Furthermore, the issues and opportunities element of the Plan recognizes that “the city has the opportunity to provide a different [housing] product than that which is typically offered in the county or in new subdivisions, thus minimizing the perceived competition between the City and County for new single-family development.” Page 62.

The 2014 update to the Statesboro Master Comprehensive Master Plan, which is under consideration now but not yet adopted, suggest the additional implementation strategies for this character area:

- Traditional neighborhood design principles such as smaller lots, street orientation, mix of housing types, and pedestrian access to neighborhood commercial centers.
- Residential development that offers a mix of housing types (single-family homes; townhomes; live /work units, and apartments) with a mix of densities and prices in the same neighborhood.
- Clustering development to preserve open space
- Site plans, building design and landscaping that are sensitive to natural features of the sites, including topography and views.
- Traditional Neighborhood Design techniques, cluster developments, and the development of a variety of housing types, sizes, costs, and densities are best practices considered in the 2014 Quality Community objectives that may be applicable here and are under consideration in the proposed 2014 Plan Update.

Policies in the Comprehensive Master Plan are intended to help local governments in the decision making process to achieve the Community Vision and address the Community Issues & Opportunities identified in the Comprehensive Plan. Policies in the adopted 2009 plan that are applicable here include the following:

- We will incorporate the connection, maintenance and enhancement of green-space in all new development, especially within the Developing areas.
- We will encourage more compact urban development.



- We will coordinate public facilities and services with land use planning to promote more compact urban development and work collaboratively with Bulloch County to promote long term coordinated growth and service delivery.
- We will ensure that new development does not cause a decline in locally adopted level of service and that capital improvement or other strategies needed to accommodate the impacts of development are made or provided for concurrent with new development.
- The community will encourage patterns of future development expansion in areas contiguous to developed areas with a utility extension policy that is sequential and phased and a related annexation policy to clearly articulate the service provisions.
- Development shall provide for a variety of residential types and densities.
- We will assist and facilitate affordable housing opportunities to insure that all those who work or attend school in the community have a viable choice or option to live in the community.
- We will encourage and accommodate our diverse population by encouraging a harmonious mixture of housing types and uses.
- We will promote efficient use of land by promoting well designed, more pedestrian friendly, development patterns with a mix of uses and an efficient, creative use of land.
- 2014 Proposed Plan Update Policy recommendations include the following:
  - We will project and plan for population growth and prepare through annexations, utility expansions, and housing opportunities.
  - We will actively monitor and prepare for population growth based on national, state, and local trends.

#### **INTERGOVERNMENTAL ISSUES:**

Bulloch County – Capital Cost Recovery District area requirements.

Bulloch County and the City of Statesboro entered into a Capital Cost Recovery District Intergovernmental Agreement in 2007. (See Exhibit D -Intergovernmental Agreement) Multiple issues, including the City's elimination of the fee associated with this district raise questions as to the implications and requirements of this Intergovernmental Agreement. However, if the Intergovernmental Agreement is strictly adhered to, then the agreement provides the following requirements:

- 1) Residential equivalent units will be maximized at 2.4 per acre (the equivalent of R15 zoning - which is less density than currently requested at R10) unless those densities are planned and located near planned commercial services or nodes.
- 2) Requires that the City and County participate in at least one joint planning meeting for the property.
- 3) Development generating at or in excess of 1,000 trips per day shall require a traffic impact analysis.
- 4) Dedication of determined right of way.
- 5) Intra development street designs that discourages through traffic.
- 6) Stormwater Management
- 7) Joint City of Statesboro and Bulloch County approval of the design and construction of any roadway that interfaces with the S&S Greenway Trail. The Developer may be required to include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowings, and may be required to pave portions. The City of Statesboro originally accepted this application June 4<sup>th</sup>, 2013 and Bulloch County was notified of that acceptance. Bulloch County was notified of the City's intention to consider annexation and zoning of these parcels on September 22, 2014. A joint planning meeting was requested by the City on September 26, 2014.



## **TRANSPORTATION:**

The subject property currently takes access from Railroad Bed Road adjacent to the S&S Greenway Trail. Staff is of the opinion that the annexation and development of the subject site will require long term transportation planning and implementation during the subdivision and development stages.

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

The subject property is being connected to water and waste water services pursuant to previous Council approvals. Individual services will be provided within the development by developers. Other services such as sanitation and public safety services will be extended upon the effective date of annexation.

## **ENVIRONMENTAL:**

The subject property appears to be partially located within wetland area. No negative impact is expected by this request. Any potential issues will be addressed during standard permitting processes and reviews.

## **ANALYSIS:**

The applicant is requesting to annex a 14.05 acre contiguous undeveloped site lying on Railroad Bed Road and abutting the S&S Greenway Trail. Section 2207 of the *Statesboro Zoning Ordinance* states that new areas being annexed into the City shall be considered to be in the R40 (Single Family Residential) district unless otherwise classified; thus, the applicant is requesting to zone the subject property R10 (Single Family Residential) to develop a residential subdivision that will consist of 34 lots with a minimum lot size of 10,000 square feet with development restricted to traditional single family structures.

Ultimately, the request to annex the subject property as well as consideration of the proposed R10 (Single Family Residential) zoning designation should be considered in light of 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*. Both documents provide information that indicates that the applicant's request to annex and zone the subject property at 665 Railroad Bed Road is consistent with the vision and land use policies adopted by the City of Statesboro given that this area is a proposed annexation area located in the developing character area which encourages master planned development with strong connectivity between subdivisions.

Assuming approval of this annexation, staff will prepare the necessary updates to the City of Statesboro Comprehensive Plan; future land use map; and City boundary maps.

## **SECTION 2007 FACTORS:**

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. Nearby property is zoned for similar uses and densities requested herein.
  - b. Other nearby properties (located within the County) are zoned and utilized as single family neighborhoods.
- (2) The extent to which property values are diminished by the particular zoning restrictions.
- (3) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
- (4) The relative gain to the public, as compared to the hardship imposed upon the property owner.
  - a. The subject site is located within the area of long anticipated residential growth and development for the City.
  - b. Housing styles and options requested by the public are growing and changing to include a variety of attached and detached unit styles.
  - c. The population of the City of Statesboro has increased dramatically in recent years and is projected to continue to grow.
  - d. The number of undeveloped residential lots –particularly for single family- are limited within the City.
- (5) The suitability of the subject property for the zoned purposes.
  - a. There is no indication that the subject property is not suitable for the requested zoning.

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

- a. The subject property is undeveloped and is located within the area most anticipated for residential growth in the City.
- b. The subject site is surrounded by other properties that are undeveloped but under pressure to develop in similar or complimentary fashions in the near future.

**(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. Development of the proposed property as requested would increase population density, community facilities, traffic patterns, and property values in adjacent areas.
- b. Traffic planning – and the expenses associated with the increase traffic in the area- should be addressed by the applicant, the City, and the County in this area.
- c. The development of the S&S Greenway Trail, a popular amenity adjacent to this subject site, increased the value and attractiveness of the subject site for residential development.
- d. The subject site was previously identified as a Future Annexation and Development Area in both the Bulloch County and City of Statesboro 2009 Future Land Development Maps.

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

- a. This request is consistent with the City of Statesboro Comprehensive Plan and the 2009 Future Land Development Maps for Bulloch County and the City of Statesboro.
- b. This request should be evaluated for consistency with the Capital Cost Recovery District Agreement between the City of Statesboro and Bulloch County.
- c. Transportation planning and funding should be addressed with this project in order to respond to the increased traffic congestion and the limited public right of way adjacent to and nearby the site. The 2035 City of Statesboro and Bulloch County Long Range Transportation Plan should be referenced.

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the requested annexation with R10 (Single Family Residential) zoning designation requested by AN 12-05-01 with the following conditions:

1. Reservation, dedication, and/or development of public rights of way and or easements may be required by the developer including fee simple right of ways along Cawana Road to provide for future widening of Cawana Road.
2. Dedication of necessary easements and right of ways for utilities prior to approval of subdivision plats.
3. Transportation infrastructure planning and development to City of Statesboro standards and to the satisfaction of the COS Engineer. Such planning will include crosswalks and traffic calming measures that shall be designed and approved at subdivision platting and permitting stages and shall be based on approved City of Statesboro standards, specifications, and long range planning.
4. Access roads connecting to the S&S Railroad Bed Road shall be limited to right in/right out configurations unless they connect to the existing crossover drive locations.
5. Developer may be required to install crosswalks and traffic calming measures to City of Statesboro and/or Bulloch County Design Standards at any full access roadway crossings and to provide safe crossings for pedestrians crossing the S&S Greenway Trail.
6. Subdivision, design, and development of the property shall be in conformance with the requirements of all City of Statesboro Development Regulations, including the Statesboro Subdivision Regulations, the City of Statesboro Drainage Ordinance, the Statesboro Tree Ordinance, and all other developmental standards of the City of Statesboro.
7. Two percent (2%) of the property acreage (approximately .281 acres) shall be reserved for open green space reserved for community use, but shall be privately maintained by the owner, developer, or appropriate association.



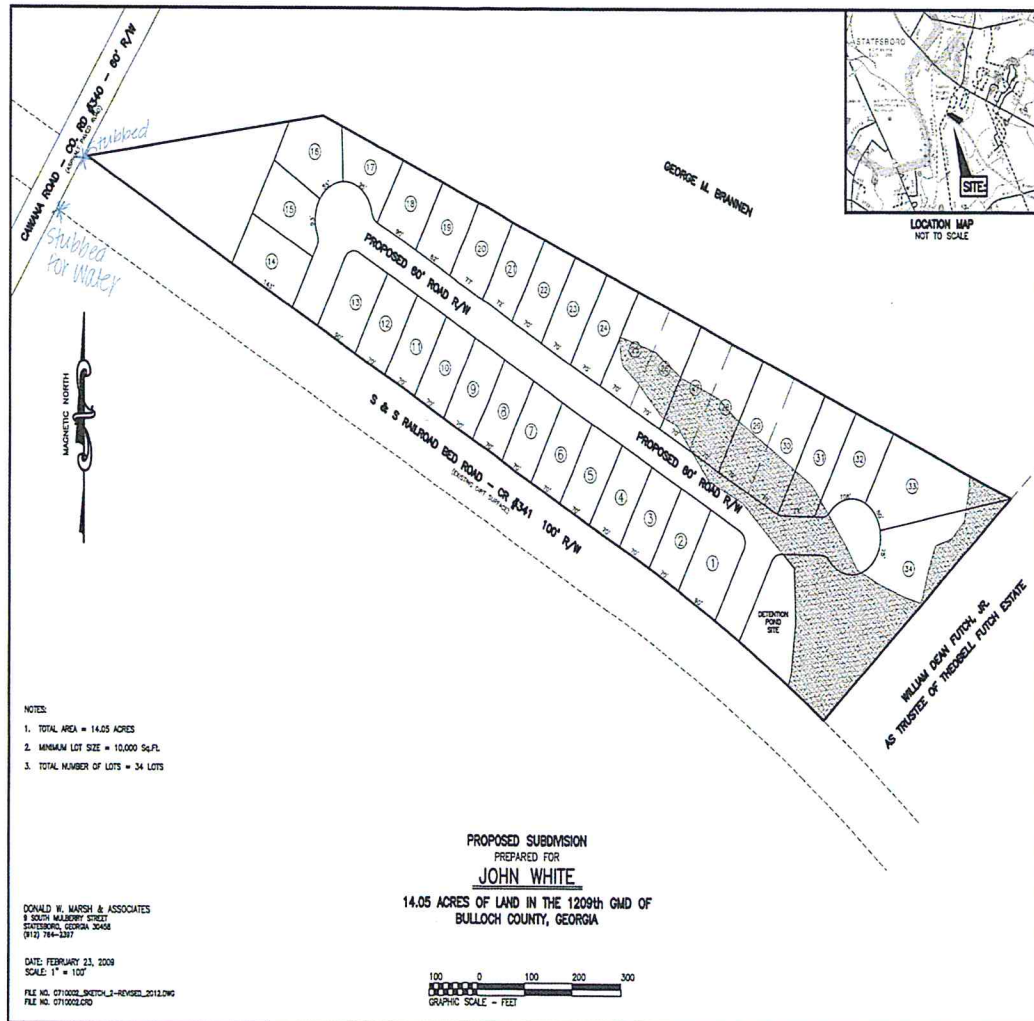
8. Internal sidewalk connectivity must be provided by the developer. Sidewalk connectivity and crosswalks must also be provided from the development to the S&S Greenway Trail.
9. Access points to Railroad Bed Road must be jointly approved by Bulloch County and the City of Statesboro.
10. Requirements of The Capital Cost Recovery Area Intergovernmental Agreement apply as conditions and must be accomplished by the appropriate party.



## EXHIBIT A: LOCATION MAP



# EXHIBIT B: CONCEPT PLAN





## EXHIBIT C: RESOLUTION TO ACCEPT ANNEXATION

### RESOLUTION 2013-20: A RESOLUTION TO ACCEPT AN APPLICATION FOR ANNEXATION

THAT WHEREAS; Chapter 36 of the Official Code of Georgia provides municipalities a procedure for annexing property into the corporate limits of the municipality;

WHEREAS, the City of Statesboro's Department of Planning and development has presented an application for annexation by the 100 % method pursuant to O.C.G.A. § 36-36-21 to the Mayor and City Council for acceptance pursuant to O.C.G.A § 36-36-6;

WHEREAS, the Mayor and City Council find the acceptance of the annexation application to be in the interest and welfare of the citizens of Statesboro;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia as follows:

Section 1: Pursuant to O.C.G.A § 36-36-6 the application for annexation for the cases described on the attached Exhibit A, incorporated herein by reference, is hereby accepted.

Section 2: The Director of Planning and Development is hereby directed to provide notice of acceptance of this application for annexation to the Bulloch County Board of Commissioners pursuant to O.C.G.A § 36-36-6, O.C.G.A § 36-36-9, and O.C.G.A. §36-36-11.

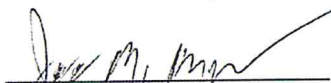
Section 3. The Director of Planning and Development is hereby directed to process said applications, to conduct all necessary analysis of the applications, to administer the City's necessary obligations in processing same , and to present the applications for proper consideration and possible approval before the Mayor and City Council at the proper time.

Section 4. That this Resolution shall be and remain effective from and after its date of adoption

Adopted this 4<sup>th</sup> day of June, 2013

CITY OF STATESBORO, GEORGIA



  
By: Joe R. Brannen, Mayor

  
Attest: Sue Starling, City Clerk

## EXHIBIT C: RESOLUTION TO ACCEPT ANNEXATION CONT'D

### Exhibit "A"

The following applications for annexation have been filed with the City of Statesboro Department of Planning and Development and are hereby presented to the Mayor and Council for formal acceptance.

Upon acceptance by the Mayor and Council, staff will move forward with all proper requirements of process and will bring annexation ordinances, zoning hearings, and other necessary considerations before the Mayor and City Council at the proper time. This shall serve as an acceptance of the application only. Formal consideration of the annexation and zoning requests contained within the applications shall be considered at an appropriate meeting of the Mayor and Council.

1. **APPLICATION # AN 13-05-03:** Paul Beasley requests annexation by the 100 percent method of 22.83 acres of property located at Railroad Bed Road into the City of Statesboro (Tax Map Number 107 00014 005).
2. **APPLICATION # AN 12-05-01:**
  - a. W&L Developers requests annexation by the 100 percent method of 13.05 acres of property located at S & S Railroad Bed into the City of Statesboro (Tax Map Number 107 00007 000).
  - b. W&L Developers requests annexation by the 100 percent method of approximately 1 acre of property located at S & S Railroad Bed into the City of Statesboro (Tax Map Number 107 00006A 000).



EXHIBIT C: INTERGOVERNMENTAL AGREEMENT

STATE OF GEORGIA

COUNTY OF BULLOCH

INTERGOVERNMENTAL AGREEMENT ON CAPITAL COST  
RECOVERY FEE DISTRICTS

This intergovernmental agreement is entered into this \_\_\_\_ day of November, 2007 by and between **BULLOCH COUNTY, a political subdivision of the State of Georgia, acting by and through its governing authority, the BULLOCH COUNTY BOARD OF COMMISSIONERS** (hereinafter "the County") and the **MAYOR AND COUNCIL OF THE CITY OF STATESBORO, GEORGIA** (hereinafter "the City").

WITNESSETH:

WHEREAS, the City of Statesboro and Bulloch County are undergoing major development in and around the corporate limits of Statesboro, necessitating increased water and sewer installation; and

WHEREAS, it is in the best interests of the public health, welfare, and safety of citizens in both the City of Statesboro and Bulloch County that the development take place with adequate water and sewer facilities to provide potable and fire protection water, and to collect and treat the wastewater generated; and

WHEREAS, the City and County have recognized the need to get the major water and sewer lines extended into areas adjacent to the City before the growth takes place, thereby assuring new development will be on water and sewer systems; and

WHEREAS, the City has needed a mechanism to help finance these extensions in a timely fashion, and has developed with the assistance of its consulting engineers a capital cost recovery fee district as the most suitable method; and

WHEREAS, the City of Statesboro with its consulting engineers has studied the area bounded by Veterans Memorial Parkway, Georgia Highway 67, Burkhalter Road, Pretoria-Rushing Road, and back to Cawana Road then to Brannen Street, minus the property already developed within the boundaries, and has determined that the area can be served as one sewer drainage basin by gravity sewer; and

WHEREAS, the City of Statesboro has adopted an ordinance authorizing the Mayor and City Council to establish capital cost recovery fee districts, and under that ordinance has passed a resolution establishing Capital Cost Recovery Fee District #1 for this Southeast Quadrant Area; and

WHEREAS, the fee can only be imposed on properties that annex into the City limits, and water and sewer service shall only be provided to property owners whose property is within the City limits that request said water and sewer service; and

## EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

WHEREAS, in order to install the major water and sewer lines ahead of the growth, the City will need to install some of them in property that is currently outside the corporate limits of Statesboro, and the Georgia Constitution at Article IX, Section II, Paragraph III requires a contract between a county and a city, for a city to expand its water and sewer services outside the City limits; and

WHEREAS, prior to making this major investment the Mayor and City Council of Statesboro need assurance that the County Commission is supportive of this plan to finance and install these water and sewer lines;

WHEREAS, the County has an interest in protecting the S&S Greenway and balancing growth between urbanizing areas and transitional areas referred to as Areas of Mutual Concern within the proposed Southeast Quadrant Area and Capital Cost Recovery District #1; and

WHEREAS, the County is supportive of planned annexation that considers logical boundaries, coordination of planning efforts, and the appropriate transfer of infrastructure and service delivery responsibilities; and

WHEREAS, the County is supportive of the City's plan to finance and install water and sewer lines according to proposed engineering plans so long as it results in a high quality of planned development that compliments the County's Future Land Use Plan.

NOW THEREFORE, in consideration of the mutual promises, obligations, and covenants set forth herein, the County and the City agree as follows:

1. The County hereby agrees that the City can establish one or more Capital Cost Recovery Fee Districts in areas contiguous to the corporate limits of Statesboro, or as mutually agreed upon if not contiguous, in order to help finance the cost of engineering design and construction of major water and sewer lines in areas outside the City limits.
2. The County hereby agrees that the City may expand its water and sewer system into any area within any such Capital Cost Recovery Fee District as established by formal resolution of the Mayor and City Council, thereby encouraging quality development and the expansion of both the City's and County's property tax base.
3. The County hereby agrees that the City may require annexation into the corporate limits of the City of Statesboro as a pre-condition to the availability of water or sewer services to any parcel of property lying within any designated Capital Cost Recovery Fee District.
4. The City Manager will notify the County Manager of plans for the establishment of any Capital Cost Recovery Fee District, and shall furnish him with a complete copy of the required engineering study and the duly adopted resolution establishing said district.
5. The City Manager will notify the County Manager when bids have been received, and a contract for construction has been awarded for any segment of any of the major water and sewer lines within any Capital Cost Recovery Fee District.



6. The City Manager will provide the County Manager with the most current map of each Capital Cost Recovery Fee District so that Bulloch County planning staff can notify potential developers of the location of said districts within the county, and the fees associated with properties lying within said districts.
7. The County and City hereby agree to approve a concept within one hundred twenty (120) days, and a firm consensus no later than one hundred eighty (180) days from the effective date for a future land use plan for the Capital Cost Recovery Fee District #1 and Areas of Mutual Concern that reflect the preferences of this agreement. "Areas of Mutual Concern" is defined as an area that shall generally be within five-hundred (500) feet of Capital Cost Recovery Fee District #1 boundaries.
8. The County and City hereby agree not to approve requests for rezoning, conditional uses or sketch plans for property within the Capital Cost Recovery Fee District #1, or Areas of Mutual Concern, without consideration of mutual input and will notify each other of receipt of such applications, and of the time, date and place of any joint planning staff reviews, public hearings or other public meetings concerning these actions. Input shall be provided within the normal deadlines for other agencies' and departments' comments. At least one joint planning staff review shall be held on each such development project.
9. The County and City hereby agree that all annexations in the Capital Cost Recovery Fee District #1 shall include logical and identifiable boundaries wherever possible and be timed in such a way which allows for transition of services between the City and County. Readily identifiable boundaries should include lakes, rivers, streams, railroads and highways. Nothing herein shall prohibit the annexation of a tract of land at the request of the owner(s) that does not meet these preferred criteria.
10. The County and City hereby agree that if residential densities are proposed in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that are higher than 2.4 housing units per acre (currently the City's R-15 zoning designation), that those areas should be planned and concentrated near planned commercial services or nodes.
11. The County and City hereby agree that commercial uses and facilities in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be allocated in a reasonable amount and in a planned relationship to the people they will serve. Any future expansion of commercial uses in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be developed as centers or nodes rather than strips, and along roadways and intersections that have adequate capacity. Commercial facilities and uses should be very carefully considered so that they do not cause unnecessary traffic congestion and do not detract from the appearance of the community. However, it is recognized that the property fronting Georgia 67 between Briarwood Road and Burkhalter Road, will have commercial development which will serve a population greater than the CCR Fee District #1 and its Areas of Mutual Concern.
12. The County and City hereby agree that any newly proposed development in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that generates traffic at or in excess of 1,000 daily trips according to the latest version of the Institute of Traffic Engineers Trip Generation manual shall require a traffic impact analysis. The content and detail of the traffic impact analysis shall be scaled according to valid trip generation estimates, and shall include

proposed project improvements for automobiles, bicycles or pedestrians that will improve capacity within the proximate right-of-way, with the cost of any such improvements shall be borne by the developer.

The County and City hereby agree that the future land use plan called for in Paragraph 7 above, shall determine the necessary right-of-way widths for any collector and arterial streets within the CCR Fee District #1 or an Area of Mutual Concern. Said rights-of-way shall be obtained and preserved as part of the development review process.

13. The County and City hereby agree except for collector streets, street patterns in new residential areas in Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be designed to provide convenient access and circulation for each living unit, but to discourage through traffic.

14. The County and City hereby agree that any required public improvements along any arterial or collector road systems within Capital Cost Recovery Fee District #1 shall be the financial responsibility of the City.

15. The County and City hereby agree that they will adopt and enforce ordinances that meet the requirements of the Georgia Stormwater Management Manual as it regards the speed and volume of stormwater leaving a developed site.

16. The County and City hereby agree that unless the county agrees to retain a road right-of-way in County jurisdiction, the City will annex the entire width of County roads and rights-of-way adjacent to an annexation boundary and will assume full responsibility for maintenance and agreed upon necessary improvements for those portions of roads on the effective date of the annexation. It may also be desirable to include in an annexation adjacent road sections to avoid dead-end segments or portions of roads that meander in and out of jurisdictions. Such situations may be negotiated on a case by case basis.

17. The County and City hereby agree that if any new development occurs as the result of an annexation by the City that requires access along the proposed route of the S&S Greenway before construction by the County has been completed; that as a condition of development permitting by the City, the developer shall be required to pave any portion of the roadway (not including the pedestrian or bicycle path) that is adjacent to his development. The design and construction of any roadway that interfaces with the County's proposed Greenway must be mutually agreed upon by the County and City, and may include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowing.

18. The County and City hereby agree that the County shall own and maintain the right-of-way along the S&S Greenway subject to the provisions of right-of-way transfer set out in Paragraph 17 above, except that the County shall continue to own and maintain the portion of right-of-way to be used for the pedestrian and biking trail.

19. The City hereby agrees that it will consider amendments to its Zoning and Subdivision Ordinances that would require the same buffering requirements for properties adjacent to the S&S Greenway as those adopted by the County upon recommendation by its greenway consultant. Said buffering requirements may include special setbacks, strategic location of



access roads, and use of vegetative screens, earthen berms and fences to help reduce trespass of people, animals and vehicles.

20. The County and City hereby agree that until the City assumes the full maintenance and ownership of a former County road right-of-way, all municipal utility encroachments along designated County roads shall require a permit.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

BOARD OF COMMISSIONERS OF  
BULLOCH COUNTY, GEORGIA

By: J. Garrett Nevil  
J. Garrett Nevil, Chairman

Attest: Evelyn H. Wilson  
Evelyn H. Wilson, Clerk

MAYOR AND COUNCIL OF THE CITY  
OF STATESBORO, GEORGIA

By: William S. Hatcher  
William S. Hatcher, Mayor

Attest: Judy M. McGorkle  
Judy M. McGorkle, Clerk

## EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

### ORDINANCE #2007-15: AN ORDINANCE AUTHORIZING A CAPITAL COST RECOVERY FEE FOR THE EXTENSION OF WATER AND SEWER TRUNK LINES INTO AREAS WITHIN AND ADJACENT TO THE CITY LIMITS

THAT WHEREAS, the City of Statesboro continues to experience significant growth within, and in close proximity to the city limits, and such growth is expected to continue; and

WHEREAS, the City needs a financial mechanism to install the water and sewer trunk lines that serve major drainage basins, and to do so ideally in front of the development taking place, so that the new construction is annexed into the City and is on both water and sewer service; and

WHEREAS, with the assistance of Hussey, Gay, Bell & DeYoung, the City's consulting engineers, the City staff has developed a mechanism to install said lines, and to recoup over time most of the City's principal needed to finance these lines; and

WHEREAS, the Mayor and City Council have reviewed this proposal, and wish to adopt it for use by the City of Statesboro;

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

Section 1. That the Statesboro Municipal Code is hereby amended by adding the following language to Chapter 82, UTILITIES:

**“Sec. 82-72. Purpose of the capital cost recovery fee.** The mayor and city council have determined that an effective means of financing the installation of the major trunk water and sewer lines inside and adjacent to the city limits, is to finance the cost using a GEFA loan or revenue bond with a twenty-year amortization period, and then to recoup most of the principal cost for said loan from a charge against each parcel or equivalent of such parcel. Said cost shall be determined based upon a detailed engineering study that includes an equitable mechanism for prorating the cost among all of the developable property (which excludes wetlands and road rights-of-way). As the property served by the major water and sewer trunk lines is developed, the fee would be paid into the water and sewer fund.

**Sec. 82-73. Authorization for the capital cost recovery fee.** The mayor and city council hereby establish a capital cost recovery fee (CCR fee), to be charged in any Capital Cost Recovery Fee District created under Sec. 82-74 below.

**Sec. 82-74. Establishment of a CCR Fee District by resolution.** The mayor and city council may by resolution establish a CCR Fee District, after receiving a detailed engineering study that identifies the sewer drainage basin to be served, and the water system necessary to service that drainage basin. The engineering study must provide a coherent, equitable methodology for apportioning the principal cost of the loan necessary to finance these major water and sewer lines between the various owners of the property, whether used for residential or commercial purposes. The initial costs to be imposed shall be as estimated for construction in the engineering study, and shown on the study's CCR Fee District Maps.



**Sec. 82-74 Amendment of a CCR Fee District by resolution.** The mayor and city council may amend by resolution a CCR Fee District whenever in their judgment the area needs to be enlarged or contracted, based upon the area to be served; or, to reflect the actual cost of construction once a major line has been installed. This will assure that the final cost of construction is the number used in computing the actual CCR Fee. The estimated costs are for planning purposes, and represent the engineering firm's best estimate of construction costs.

**Sec. 82-75. Property must be within city limits to obtain water or sewer service within a CCR Fee District.** No water or sewer service shall be offered or provided to any property or its owner within an established Capital Cost Recovery Fee District unless the property to be served has been annexed into the city limits of Statesboro prior to development, and the owner has entered into a Water and Sewer Agreement with the City. This will assure that the City's zoning, subdivision regulations, and development standards are met on each such development, and that it becomes a part of the City.

**Sec. 82-76. Collection of the CCR Fee.** The CCR Fee shall be collected at the time that a building permit is issued for a new development within a defined CCR Fee District. The City will not take partial payments of any kind.

**Sec. 82-77. Separation as a source of revenue within the Water and Sewer Fund.** The CCR Fee revenue shall be separated in the accounting records so that the amounts collected within a CCR Fee District can be tracked on an annual basis. The finance director shall be responsible for setting up the accounting system changes to do this.

**Sec. 82-78. Appropriation of the CCR Fee.** As long as there is any outstanding debt issued for any portion of a CCR Fee District, the revenues generated shall be classified as restricted cash set aside to pay that debt. In the event that sufficient CCR Fees are restricted to cover all principal and interest payments on said outstanding debt, any CCR Fees collected above that amount may be classified as unrestricted cash, and used for any purpose within the Water and Sewer Fund.

**Sec. 82-79. Duration of a specific CCR Fee District.** Any CCR Fee District established pursuant to this code shall remain in place until all of the available developable property within said district has been developed, and the required fees have been collected."

Section 2. That should any part of this ordinance be declared invalid by a court of competent jurisdiction, then the remaining portions of this ordinance shall continue in full force and effect.

Section 3. That this ordinance shall be effective from and after its adoption on two separate readings.

First Reading: May 1, 2007  
Second Reading: May 15, 2007

MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

By: \_\_\_\_\_  
William S. Hatcher, Mayor

Attest: \_\_\_\_\_  
Judy M. McCorkle, City Clerk



**CITY OF STATESBORO  
CITY COUNCIL MINUTES  
October 04, 2011**

A regular meeting of the Statesboro City Council was held on October 04, 2011 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Pro Tem Will Britt, Council Members: Tommy Blitch, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Engineer Robert Cheshire, and Director of Community Development Mandi Cody. Mayor Joe Brannen was absent.

Note: Councilman Travis Chance arrived to the meeting at 9:15a.m.

**Approval of Minutes:**

**a) September 20, 2011 Council Minutes**

Councilman Riggs made a motion, seconded by Councilman Blitch to approve the minutes of September 20, 2011. Councilman Blitch, Riggs and Lewis voted in favor of the motion. The motion carried by a 3-0 vote.

**Recognitions/Public Presentations**

**a) Retirement recognition of Police Commander J.R. Holloway**

Public Safety Director Wendell Turner and Mayor Pro Tem Will Britt presented Police Commander J.R. Holloway with a retirement plaque and thanked him for his many years of service to the City of Statesboro.

**Public Comments (Agenda Item): None**

**Consideration of a Motion to approve Special Event Permit:**

**a) Theatre Production (Shakespeare on Trial) - Tim Chapman Averitt Center for the Arts**

Councilman Lewis made a motion, seconded by Councilman Blitch to approve the Special Event Permit for the Averitt Center for the Arts. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.



**Public Hearing and Consideration of a motion to approve 2<sup>nd</sup> Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission**

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 2<sup>nd</sup> Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission with the condition to add Post 6 to Section 1-Section 2-67 #2. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a motion to approve 1<sup>st</sup> reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.**

Councilman Riggs made a motion, seconded by Councilman Lewis to approve the 1<sup>st</sup> reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Public Hearing and Consideration of a Motion to approve the following request:**

- a. **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the Statesboro Zoning Ordinance to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.**

Mr. William Howard representing EQV Development spoke on behalf of Alltel in favor of the variance request to construct a telecommunication tower. Councilman Chance made a motion, seconded by Councilman Lewis to approve APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the Statesboro Zoning Ordinance to construct and operate a 100' monopole wireless telecommunication tower. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signage for property located on Henry Boulevard.**

Joey Maxwell representing Maxwell Reddick and Assoc. spoke on behalf of the Heyhami Group, LLC in favor of the variance for signage of the Steak and Shake restaurant. Councilman Riggs made a motion, seconded by Councilman Blitch to approve APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signage for property located on Henry Boulevard with the condition the sign height not to exceed 9 ft. above the concrete. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

**Public Hearing and Consideration of a motion to approve 2<sup>nd</sup> Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission**

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 2<sup>nd</sup> Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission with the condition to add Post 6 to Section 1-Section 2-67 #2. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a motion to approve 1<sup>st</sup> reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.**

Councilman Riggs made a motion, seconded by Councilman Lewis to approve the 1<sup>st</sup> reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Public Hearing and Consideration of a Motion to approve the following request:**

- a. **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the Statesboro Zoning Ordinance to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.**

Mr. William Howard representing EQV Development spoke on behalf of Alltel in favor of the variance request to construct a telecommunication tower. Councilman Chance made a motion, seconded by Councilman Lewis to approve APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the Statesboro Zoning Ordinance to construct and operate a 100' monopole wireless telecommunication tower. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signage for property located on Henry Boulevard.**

Joey Maxwell representing Maxwell Reddick and Assoc. spoke on behalf of the Heyhami Group, LLC in favor of the variance for signage of the Steak and Shake restaurant. Councilman Riggs made a motion, seconded by Councilman Blitch to approve APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signage for property located on Henry Boulevard with the condition the sign height not to exceed 9 ft. above the concrete. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.



- c. **APPLICATION # SE 11-08-04:** Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales.

Bill Daniel representing Dan Vaden Auto Sales spoke in favor of the special exception for the property's use on Brannen Street. The right of way parcels will be dedicated to the City of Statesboro. Councilman Riggs made a motion, seconded by Councilman Blitch to approve **APPLICATION # SE 11-08-04:** Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales with conditions recommended by staff. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a Motion to approve Resolution 2011-31:**A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia.

Councilman Riggs made a motion, seconded by Councilman Blitch to approve **Resolution 2011-31:** A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia. Councilman Blitch, Riggs, and Lewis voted in favor of the motion. Councilman Chance voted against the motion. The motion carried by a 3-1 vote.

**Consideration of a Motion to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia.**

Councilman Lewis made a motion, seconded by Councilman Chance to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a Motion to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid.**

Councilman Blitch made a motion, seconded by Councilman Riggs to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a Motion to approve award of Contract to Ellis Wood Contracting in the amount of \$66,000 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. project to be funded by 2007 SPLOST**

Councilman Lewis made a motion, seconded by Councilman Blitch to approve contract to Ellis Wood Contracting in the amount of \$44,675.00 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. This project is to be funded by 2007 SPLOST but was not included in the original Council Packet. It was brought to Council just before the start of the meeting. City Engineer Robert Cheshire stated he negotiated a lower price after the original proposal was included in the Packet. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a Motion for the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road)**

Councilman Riggs made a motion, seconded by Councilman Blitch to approve the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road) and to retain the Intergovernmental Agreement. Councilman Blitch, Riggs, and Chance voted in favor of the motion. Councilman Lewis left the meeting briefly. The motion carried by a 3-0 vote.

**Reports from Staff:**

**a) City Manager's Report**

City Manager Frank Parker announced the April 1<sup>st</sup> and April 19<sup>th</sup>, 2010 Budget Retreat would be re-held on Tuesday October 11, 2011 at 9:00 am at the Gateway Pond House

Director of Public Safety Wendell Turner updated Council on the billboards that would be appearing around Statesboro recognizing the "Operation Statesboro Blues" project.

**b) Department Head Reports: None**

**Public Comments (General):**

Allen Muldrew (DSDA) thanked the City for their involvement in the "Downtown Excellence" award that was presented to DSDA by the Department of Community Affairs Main Street Program.



**EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D**

**Other Business from City Council**

- a) Nomination and acceptance of nominations for three seats on the Statesboro Planning Commission**

**The nominations for the vacant seats on the Planning Commission are:**

- a) Johnathan Mc Collar – 4 year term-Post 6**

Councilman Blitch made a motion, seconded by Councilman Lewis to approve the nomination of Johnathan McCollar to the Statesboro Planning Commission for a 4 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b) Rick Barr- 2 year term- Post 7**

Councilman Lewis made a motion, seconded by Councilman Riggs to approve the nomination of Rick Barr to the Statesboro Planning Commission for a 2 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- c) Nick Propps- remainder of 4 year term-Post 2 or 4**

Councilman Blitch made a motion, seconded by Councilman Lewis to approve the nomination of Nick Propps to the Statesboro Planning Commission for a 4 year term. He will currently serve 3 years for the remainder of a 4 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote

**Consideration of a Motion to Adjourn**

Councilman Riggs made a motion, seconded by Councilman Chance to adjourn the meeting. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

The meeting was adjourned at 11:30 a.m.

**ORDINANCE #2014 - \_\_ :  
AN ORDINANCE TO ANNEX PROPERTY  
INTO THE CITY OF STATESBORO, GEORGIA**

WHEREAS, the Mayor and City Council of the City of Statesboro, Georgia have received petition from W & L Developers, LLC, who are the owners of 100 percent of the property to be annexed; and,

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

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

Section 1. All that area contiguous to the City of Statesboro know as Bulloch County Tax Map Parcel 107 000006A 000, being 1 acre in size and Map Parcel 107 00000 7000, being 13.5 acres in size, as shown on the attached Bulloch County Tax Parcel Map, is hereby annexed into the City of Statesboro and made a part of said city.

Section 2. This ordinance shall become effective on November 1, 2014.

Section 3. The Director of Planning & Community Development of the City of Statesboro is instructed to send a report that includes certified copies of this ordinance, the name of the county in which the property being annexed is located and a letter from the City stating the intent to add the annexed area to the Census maps during the next survey and stating that the survey map will be completed and returned to the United States Census Bureau, Georgia Department of Community Affairs, and to the governing authority of Bulloch County, Georgia within thirty (30) days after the effective date of the annexation as set forth in Section 2.

Section 4. On the effective date of the annexation, this property shall be placed in Council District 5 of the City of Statesboro.

Section 5. This property shall be zoned \_\_ (Single Family Residential) and located in the "Developing" character area as shown on the City of Statesboro Future Development Map pursuant to the vote of the Statesboro City Council held on October 21, 2014 subsequent to a public hearing regarding the zoning of said property.

Passed and adopted on two separate readings.

First Reading: October 7, 2014.

Second Reading: October 21, 2014.

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

\_\_\_\_\_  
By: Jan Moore, Mayor

\_\_\_\_\_  
Attest: Sue Starling, City Clerk



**EXHIBIT F: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES**

**Photo 1: West view of Subject Site from S&S Railroad Bed Road**



**Photo 2: North view of Subject Site from S&S Railroad Bed Road**



EXHIBIT F: PHOTOS OF THE SUBJECT SITE CONT'D

**Photo 3:** Eastern view from S&S Railroad Bed Road with the Subject Site on the left abutting S&S Railroad Bed Rd & the adjacent property to the South of the Subject Site on the right abutting the S&S Greenway Trail



**Photo 4:** Property to the direct South of Subject Site abutting S&S Greenway Trail that is zoned R4 & R10





**EXHIBIT F: PHOTOS OF THE SUBJECT SITE CONT'D**

**Photo 5: West view from S&S Railroad Bed Road with Subject Site to the North, Cawana Road and S&S Greenway Trail crossing to the West and undeveloped adjacent property to the South that was recently rezoned to R4 & R10.**

