



City of Statesboro
Department of Planning and Development Memorandum

50 East Main Street P.O. Box 348 » (912) 764-0630
Statesboro, Georgia 30458 Statesboro, Georgia 30459 » (912) 764-0664 (Fax)

Statesboro Planning Commission
December 6, 2016
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.) November 2, 2016 Meeting Minutes
- IV. Consideration of a Motion to Approve the 2017 Planning Commission Meeting Schedule**
- V. New Business**
 1. **APPLICATION # V 16-11-03**: Monarch 301 Apartments LLC requests a variance from Article XV Section 1509(C) Table 3 of the *Statesboro Zoning Ordinance* regarding the maximum square footage and maximum height allowed for a monument sign to be installed at 816 South Main Street (Tax Parcel MS52 000026 000).
 2. **APPLICATION # RZ 16-12-01**: Home Land Auto Group requests a zoning map amendment for 1.5 acres of property located at 2538 Northside Drive West from CR (Commercial Retail) zoning district to HOC (Highway Oriented Commercial) zoning district to permit a retail used automobile dealership (Tax Parcel # S17 000008 000).
 3. **APPLICATION # SE 16-10-07**: Vaden of Statesboro, Inc. requests a special exception to utilize the property at 600 Brannen Street as a parking lot for automobile sales inventory within the CR (Commercial Retail) zoning district (Tax Parcel S53 000059 000).
- VI. Announcements**
- VII. Adjourn**



City of Statesboro
Department of Planning and Development Memorandum

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Statesboro, Georgia 30458 Statesboro, Georgia 30459 » (912) 764-0664 (Fax)

Statesboro Planning Commission
November 2, 2016
5:00 P.M.
City Hall Council Chamber

Meeting Minutes

Present: Planning Commission Members: Patrick Sullivan, Benjamin McKay, Jamey Cartee and James W. Byrd, Sr. **City of Statesboro Staff:** Director of Planning and Development Frank Neal, Planning & Development Specialist Candra E. Teshome, Development Project Manager Cindy Clifton, Code Compliance Officer Mike Chappel.

I. Call to Order

Commissioner Byrd called the meeting to order at 5:00 PM.
(Commissioner Sullivan arrived at 5:02 PM)

II. Motion to Approve Order of the Meeting Agenda

Commissioner Cartee made a motion to approve the order of the meeting agenda, seconded by Commissioner McKay and the motion carried 4 to 0.

III. Approval of Minutes

Commissioner McKay made a motion to approve the minutes of the October 4, 2016 Planning Commission meeting, seconded by Commissioner Cartee and the motion carried 4 to 0.

IV. New Business

1. **APPLICATION # RZ 16-10-01:** Marc Bruce on behalf of J.C. Lewis Investment Company, LLC requests a zoning map amendment for 1 acre of property located at 115 Continental Road from CR (Commercial Retail) zoning district to HOC (Highway Oriented Commercial) zoning district to permit a retail new and used automobile dealership at the location (Tax Parcel # MS42 000013 000).

Frank Neal presented this case and its companion cases RZ 16-10-02, RZ 16-10-03 and RZ 16-11-02 to the commissioners and took any questions. Mr. Neal introduced Marc Bruce, the applicant's attorney, and he spoke on behalf of the request. No one spoke against the request.

Commissioner Byrd made a motion to approve the applications, seconded by Commissioner Cartee, and the motion carried 4 to 0.

2. **APPLICATION # RZ 16-10-02:** Marc Bruce on behalf of J.C. Lewis Investment Company, LLC requests a zoning map amendment for 8.21 acres of property located at 0 Veterans

Memorial Parkway from CR (Commercial Retail) zoning district to HOC (Highway Oriented Commercial) zoning district to permit a retail new and used automobile dealership at the location (Tax Parcel # MS42 000012 000).

Frank Neal presented this case and its companion cases RZ 16-10-01, RZ 16-10-03 and RZ 16-11-02 to the commissioners and took any questions. Mr. Neal introduced Marc Bruce, the applicant's attorney, and he spoke on behalf of the request. No one spoke against the request.

Commissioner Byrd made a motion to approve the applications, seconded by Commissioner Cartee, and the motion carried 4 to 0.

3. **APPLICATION # RZ 16-10-03:** Marc Bruce on behalf of J.C. Lewis Investment Company, LLC requests a zoning map amendment for a .5 acre parcel located at 0 Veterans Memorial Parkway from CR (Commercial Retail) zoning district to HOC (Highway Oriented Commercial) zoning district to permit a retail new and used automobile dealership at the location (Tax Parcel # MS42 000012 002).

Frank Neal presented this case and its companion cases RZ 16-10-02, RZ 16-10-01 and RZ 16-11-02 to the commissioners and took any questions. Mr. Neal introduced Marc Bruce, the applicant's attorney, and he spoke on behalf of the request. No one spoke against the request.

Commissioner Byrd made a motion to approve the applications, seconded by Commissioner Cartee, and the motion carried 4 to 0.

4. **APPLICATION # RZ 16-11-02:** Marc Bruce on behalf of J.C. Lewis Investment Company, LLC requests a zoning map amendment for 4.8 acres of property located at 0 Veterans Memorial Parkway from CR (Commercial Retail) zoning district to HOC (Highway Oriented Commercial) zoning district to permit a retail new and used automobile dealership at the location (Tax Parcel # MS42 000012 001).

Frank Neal presented this case and its companion cases RZ 16-10-02, RZ 16-10-03 and RZ 16-10-01 to the commissioners and took any questions. Mr. Neal introduced Marc Bruce, the applicant's attorney, and he spoke on behalf of the request. No one spoke against the request.

Commissioner Byrd made a motion to approve the applications, seconded by Commissioner Cartee, and the motion carried 4 to 0.

5. **APPLICATION # V 16-09-02:** Beacon Place Statesboro, LLC requests a variance from Article XV Section 1509(C) Table 3 regarding maximum allowed height for the installation of a monument sign at 0 S&S Railroad Bed Road (Tax Parcel # 107 000005 007).

Frank Neal presented the case to the commissioners and took any questions. Josh Whitfield, of Whitfield Signs, spoke on behalf of the request. No one spoke against the request. Commissioner Sullivan made a motion to approve the request, seconded by Commissioner McKay and the motion carried 4 to 0.

6. **APPLICATION # V 16-10-06**: Compassion Christian Church requests a variance from Article XV Section 1509(C) Table 3 regarding the maximum aggregate sign area and maximum square feet allowed for installation of a monument sign and building signs at 0 Cawana Road (Tax Parcel # 107 000004 000).

Frank Neal presented the case to the commissioners and took any questions. Josh Whitfield, of Whitfield Signs, spoke on behalf of the request. No one spoke against the request. Commissioner Cartee made a motion to approve the request, seconded by Commissioner Sullivan and the motion carried 4 to 0.

7. **APPLICATION # RZ 16-10-05**: Ray Hendley requests a zoning map amendment for a 1.19 acre parcel located at 453 South College Street from R20 (Single-Family Residential) zoning district to R4 (High Density Residential District) zoning district to permit the construction of five (5) one-bedroom cottages (Tax Parcel # S21 000006 000).

Frank Neal presented this case and its companion case V 16-11-01 to the commissioners and took any questions. Bryan Davis—the property manager for Hendley Properties—spoke on behalf of the request. Clarification was made regarding staff’s recommendation to deny the setback variance and approve the minimum dwelling square footage and zoning map amendment requests.

Rick Curlin spoke regarding traffic concerns. He stated his only opposition to the project was an increase in congestion and traffic. Virginia Russell expressed her concerns regarding high density, the minimal amount of square footage and the similarity in design of the Hendley Properties construction projects. Margot McCoy expressed her concerns regarding traffic at the intersection.

Commissioner Cartee abstained from voting due to a contract with Hendley Properties for the subject site. After much discussion, Commissioner McKay made a motion to approve the requests with the condition that future attempts to enclose the patios in the setback are prohibited. Commissioner Sullivan seconded the motion, and it carried 3 to 0.

8. **APPLICATION # V 16-11-01**: Ray Hendley requests a variance from Article XXII Sec. 2203.1(A) regarding the minimum size dwelling requirements and a variance from Article VI Sec. 603(A)(1) regarding the minimum rear yard setback for the parcel located at 453 South College Street (Tax Parcel # S21 000006 000).

Frank Neal presented this case and its companion case RZ 16-10-05 to the commissioners and took any questions. Bryan Davis—the property manager for Hendley Properties—spoke on behalf of the request. Clarification was made regarding staff’s recommendation to deny the setback variance and approve the minimum dwelling square footage and zoning map amendment requests.

Rick Curlin spoke regarding traffic concerns. He stated his only opposition to the project was in increase in congestion and traffic. Virginia Russell expressed her concerns regarding high density, the minimal amount of square footage and the similarity in design of the Hendley

Properties construction projects. Margot McCoy expressed her concerns regarding traffic at the intersection.

Commissioner Cartee abstained from voting due to a contract with Hendley Properties for the subject site. After much discussion, Commissioner McKay made a motion to approve the requests with the condition that future attempts to enclose the patios in the setback are prohibited. Commissioner Sullivan seconded the motion, and it carried 3 to 0.

9. **APPLICATION # DSDA 16-10-002:** AgSouth Farm Credit requests the demolition of a structure located at 20 East Vine Street, a property located within the boundaries of the Downtown District. Article XXX Section 3003 of the Statesboro Zoning Ordinance requires a finding of necessity for the demolition of structures deemed worthy of preservation by City Council (Tax Parcel # S29 000022 000).

Frank Neal presented this case and its companion case DSDA 16-10-001 to the commissioners and took any questions. Robert F. Mikell, of Brown Rountree, represented the applicant as counsel and spoke on behalf of the request. John Rule, an architect with D'Arcangelo Palmer and Rule and John Lavendar of Lavender & Associates presented a summary of the steps required for rehabilitating the buildings. Alisa Gunter, AgSouth's CFO, spoke on behalf of the request.

After much discussion, Commissioner Sullivan asked if the audience had any comments. Kelsey Kirk spoke in opposition to the request. Alan Gross spoke in favor of the request. After additional discussion, Commissioner Sullivan made a motion to approve the request with staff's recommendation as written, seconded by Commissioner McKay and the motion carried 4 to 0.

10. **APPLICATION # DSDA 16-10-001:** AgSouth Farm Credit requests the demolition of a structure located at 0 East Vine Street, a property located within the boundaries of the Downtown District. Article XXX Section 3003 of the Statesboro Zoning Ordinance requires a finding of necessity for the demolition of structures deemed worthy of preservation by City Council (Tax Parcel # S29 000021 000).

Frank Neal presented this case and its companion case DSDA 16-10-002 to the commissioners and took any questions. Robert F. Mikell, of Brown Rountree, represented the applicant as counsel and spoke on behalf of the request. John Rule, an architect with D'Arcangelo Palmer and Rule and John Lavendar of Lavender & Associates presented a summary of the steps required for rehabilitating the buildings. Alisa Gunter, AgSouth's CFO, spoke on behalf of the request.

After much discussion, Commissioner Sullivan asked if the audience had any comments. Kelsey Kirk spoke in opposition to the request. Alan Gross spoke in favor of the request. After additional discussion, Commissioner Sullivan made a motion to approve the request with staff's recommendation as written, seconded by Commissioner McKay and the motion carried 4 to 0.

V. **Announcements**

There were no announcements.

VI. Adjourn

Commissioner McKay made a motion to adjourn, seconded by Commissioner Cartee and the motion carried 4 to 0.

Chair – James W. Byrd, Sr.

**Secretary – Frank Neal, AICP
Director of Planning and Development**



CITY OF STATESBORO PLANNING COMMISSION 2017 SCHEDULE

Deadline Date*	Right Start Meeting**	Planning Commission Meeting***	City Council Meeting****
December 9, 2016	December 15, 2016	January 3, 2017	January 17, 2017
January 6, 2017	January 12, 2017	February 7, 2017	February 21, 2017
February 10, 2017	February 16, 2017	March 7, 2017	March 21, 2017
March 10, 2017	March 16, 2017	April 4, 2017	April 18, 2017
April 7, 2017	April 13, 2017	May 2, 2017	May 16, 2017
May 5, 2017	May 11, 2017	June 6, 2017	June 20, 2017
June 9, 2017	June 15, 2017	July 3, 2017	July 18, 2017
July 7, 2017	July 13, 2017	August 1, 2017	August 15, 2017
August 4, 2017	August 10, 2017	September 5, 2017	September 19, 2017
September 8, 2017	September 14, 2017	October 3, 2017	October 17, 2017
October 6, 2017	October 12, 2017	November 7, 2017	November 21, 2017
November 10, 2017	November 16, 2017	December 5, 2017	December 19, 2017
December 8, 2017	December 14, 2017	January 2, 2018	January 16, 2018

*Applications are due by 4:00 p.m. local time on the deadline date. Applications must be complete and include all required attachments in order to be considered by the Planning Commission and City Council on the corresponding meeting dates.

**Right Start meetings are held in Joe Brannen Hall (City of Statesboro Development Annex) and are by reservation only. Please confirm your reservation time with the Planning and Development Department at (912) 764-0630.

***Planning Commission meetings are held the first Tuesday of each month, 5:00 PM, City Hall, City Council Chambers, 50 East Main Street.

****Anticipated meeting date. City Council meetings are typically held the first and third Tuesday of each month. Confirm City Council meeting dates with the City Clerk's office (912) 764-0621.



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 16-11-03
VARIANCE REQUEST
816 SOUTH MAIN STREET

LOCATION: 816 South Main Street

REQUEST: Variance from Article XV Section 1509(C) Table 3 regarding the maximum square footage and maximum allowed height for a monument sign.

APPLICANT: Monarch 301 Apartments, LLC

OWNER(S): Monarch 301 Apartments, LLC

ACRES: 10.01 acres

PARCEL TAX MAP #: MS52 000026 000

COUNCIL DISTRICT: District 3 (Yawn)



PROPOSAL:

The applicant requests a variance from Article XV Section 1509(C) Table 3 of the *Statesboro Zoning Ordinance* regarding the maximum square footage and the maximum allowed height for a monument sign. The subject site is zoned R4 (High Density Residential District) and located in Sign District 1 (See **Exhibit A** – Location Map).

BACKGROUND:

The subject site was rezoned from CR (Commercial Retail) to R4 (High Density Residential District) on September 7, 2011 (case number RZ 11-07-02) for the purposes of redevelopment. The site is also subject to a variance to allow for 29 dwelling units per acre (case number V 11-07-03), a variance to allow for a maximum building height of 55 feet (case number V 11-07-04) and an administrative variance to allow for 9' wide parking spaces.

The applicant's proposal includes one (1) monument sign, which meets regulations, and one (1) monument sign, which exceeds the maximum square footage (40 sq. ft.) and the maximum height (6 feet) requirements for Sign District 1 (See **Exhibit B**—Site Photos).

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	HOC (Highway Oriented Commercial) and CR (Commercial Retail)	Various commercial uses.
SOUTH:	CR (Commercial Retail) and EXPT (Exempt)	Various commercial uses and GSU campus.
EAST:	Exempt	GSU campus.
WEST	HOC (Highway Oriented Commercial) and R4 (High Density Residential District)	Various commercial uses; high density apartment complexes

The ten acre subject site is adjacent to the campus of Georgia Southern University and in proximity to several other student-oriented apartment complexes (The Woodlands, The Forum, and The Varsity) and several retail, restaurants, and other commercial establishments. It is also within walking distance of the Downtown Statesboro Development Authority's downtown district.

COMPREHENSIVE PLAN:

Vision

Currently dominated by auto-oriented design and large surface parking lots, the Activity Centers/Regional 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 (See **Exhibit C**—Future Development Map).

Some appropriate land uses for the “Activity Centers/Regional Centers” character area include the following:

- 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

Statesboro Comprehensive Master Plan, Community Agenda page 25.

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

“Statesboro residents have expressed dissatisfaction with a variety of features in the community which clutter streetscapes and obstruct natural landscape features -particularly on major corridors entering and exiting the community. While City leadership has acknowledged the need to comprehensively update land development regulations to holistically address aesthetic concerns, there exist a number of individual topics which can be addressed by ordinance amendments in the short-term. Signs (attached and detached) should be managed by incorporating uniform design features, and by restricting billboards and other off-premise signage which distract from traffic control signage and compete with local and other on-site businesses.”

Statesboro Comprehensive Master Plan, Community Agenda page 11.

ANALYSIS:

I. **Variance from Article XV Section 1509(C) Table 3: Sign District 1 Dimensional Standards to permit an increase in the maximum height and maximum square footage for one (1) monument sign.**

The applicant is requesting a variance from Article XV Section 1509(C) Table 3 regarding the maximum height for one (1) monument sign (See **Exhibit D**—Proposed Signage Plans). The subject site is located in the R4 (High Density Residential District) zoning district and is regulated by the dimensional standards of Sign District 1 (See **Exhibit E**—Section 1509(C) Table 3).

The ordinance restricts the height of monument signs to six feet. The applicant’s intention is to increase the maximum height of one (1) monument sign on South Main Street from the permissible 6’ to 11’ 6”, a 5’ 6” increase. In addition, the applicant would like to increase the maximum sign area, for the same sign, from the permissible 40 square feet to 57’ 4”, a 17’ 4” increase.

This portion of South Main Street contains five (5) lanes—one (1) two-way left turn center lane and two (2) lanes in each direction—with a speed limit of 35 miles per hour. Staff conducted a site visit on November 28, 2016 and determined the speed at which traffic moves and other signage along the corridor might have a negative impact on the sign’s visibility.

Section 1503(G) states that no variances shall be permitted from the terms of Article XV regarding signs in the *Statesboro Zoning Ordinance*. It continues to state that “Specifically, no variances under article XVIII of this ordinance [chapter] shall be applicable to the standards contained within this article.” However, Article XV regarding signs is part of the *Statesboro Zoning Ordinance*, which provides for the award of variances by the City Council from the zoning regulations stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be

observed, public safety and welfare secured, and substantial justice done” and **Section 1801 states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:**

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

STAFF RECOMMENDATION:

Staff recommends approval of the variance requested by application V 16-11-03.

EXHIBIT A: LOCATION MAP



City of Statesboro Department of
Planning and Development

Note: The Boundries Depicted
on this map are approximate and
should be used for reference only



EXHIBIT B: SITE PHOTOS



Picture 1 Approximate Proposed Location of Monument Sign (in background near yield sign) in Background Facing Northeast on South Main Street



Picture 2 South Main Street Facing Northwest Depicting Potential for Traffic Approaching Proposed Sign

EXHIBIT B: SITE PHOTOS



Picture 3 Intersection Depicting Proposed Location of Sign Facing Northeast on South Main Street



Picture 4 Intersection Depicting Proposed Location of Sign on Facing Northwest on South Main Street

EXHIBIT C: FUTURE DEVELOPMENT MAP

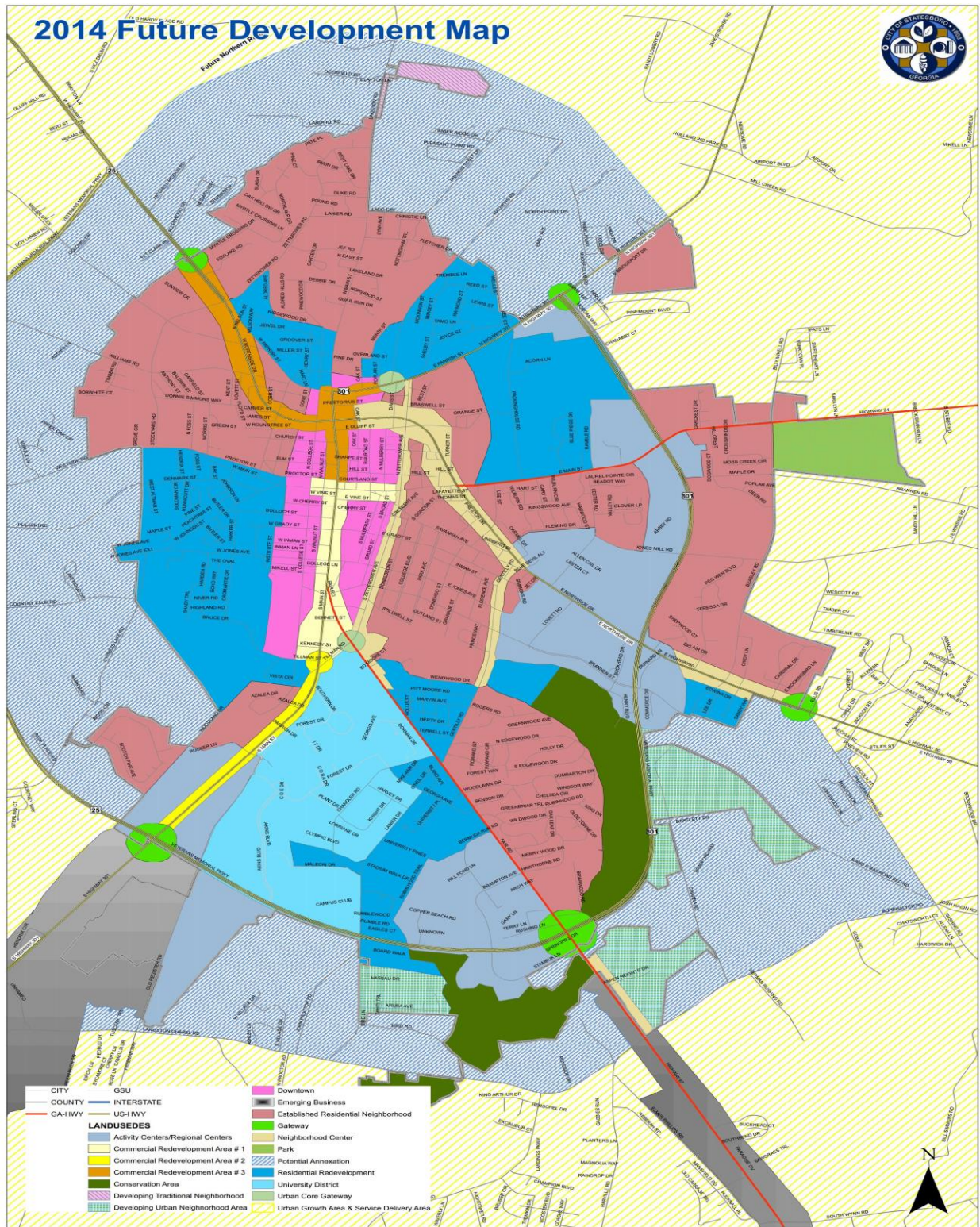


EXHIBIT D: PROPOSED SIGNAGE PLANS



WHITFIELD SIGNS
 41 Belmont Lane
 Statesboro, GA 30458
 Office 912.681.8338

Google: With a few clicks, you can find the location of a sign, and a printed sign can be ordered. The location of the sign is a key factor in the design of a sign. The location of the sign is a key factor in the design of a sign.

Site: _____
 Date: _____
 Project Name/Address: _____
 Manager: _____
 Address: _____
 City: _____
 State: _____
 Zip: _____
 Phone: _____
 Fax: _____
 Email: _____
 Website: _____

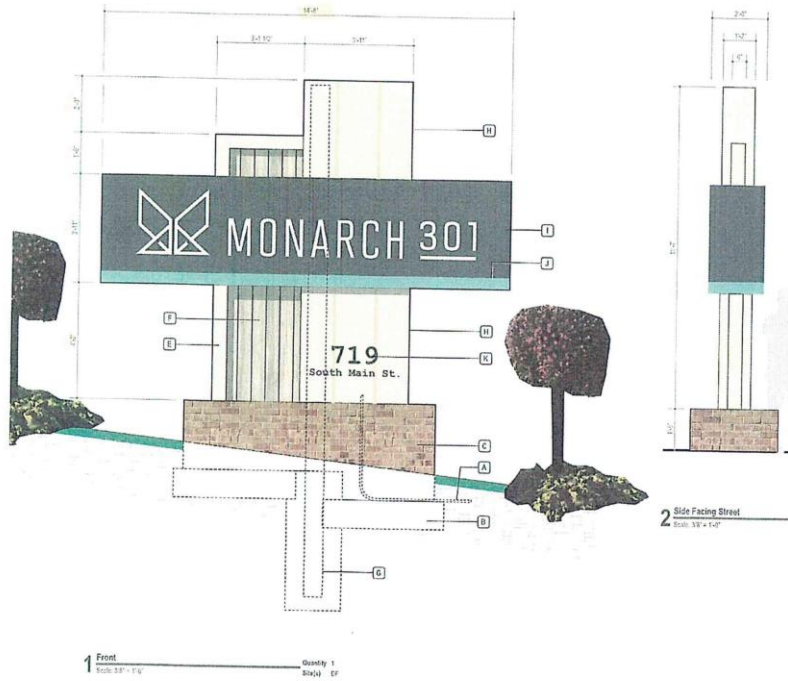
Project Status:
 NOT SUBMITTED
 IN PROGRESS
 COMPLETED
 ON HOLD

Project Details:
 Project Name: _____
 Project Address: _____
 Project City: _____
 Project State: _____
 Project Zip: _____

Project Type:
 New Sign
 Replacement

Property Map: **2**

EXHIBIT D: PROPOSED SIGNAGE PLANS (CONT)



- Colors & Finishes**
- C1** PPG 42 - Semi-Gloss
 - C2** PPG 242 - Semi-Gloss
 - C3** Sherwin - Semi-Gloss
 - GPV** digitally printed vinyl
 - MI** Masonry to Match Existing Building
 - C4** Light Taupe (RFP)
 - C5** Taupe (RFP)
- Code Information**
- Maximum Sign Area Allowed: 100 sq ft
 Maximum Height: 15'0" (above ground)
 Minimum Spacing: 10' (between signs)
 Setback from R.O.W.: 5' (from curb)
- Electrical Specifications & Notes**
- FIELD ELECTRICAL: TOOLS UP BY OTHERS
 Electrical Requirements: 120 volt single phase
 Circuit Breaker: 15 Amps @ 120V
 Sign Size: 15' high x 10' wide
 Conditions: Signs permit continuous operation
- 116 MPH Wind Load / 35 PSF**
- Construction Specifications**
- A** Electrical Protection: Delimited Branch Circuit(s) to be provided and monitored with GFCI and GFI may be required.
 - B** Masonry Foundation
 - C** Brick near CMU Core
 - D** Pier Foundation - Engineering to be determined
 - E** 6" Aluminum Tube
 - F** Wood Pattern Digitally Printed or Applied to Form (ACI) over 1" Aluminum. (Minimum Real Wood Option to be selected by client)
 - G** Steel Support Column - Engineering to be determined
 - H** Pole Core - Aluminum Fabricated Construction with ERS tubes with vertical perforated sections.
 - I** Logo Colors - Aluminum Fabricated Construction. Round Aluminum Face & 3/4" thick clear acrylic with graphics with first surface hardcoat vinyl.
 - J** Altered Face Colors
 - K** 300' Flat Outrylic with patent face, treated studs for both round.
- Notes / Exceptions / Exclusions**
- Field Survey Required - All measurements & site conditions to be field verified prior to production. Patterns may be required for production.

WHITFIELD SIGNS
 41 Belmont Lane
 Suwanee, GA 30058
 Office 912.681.6335

Client: _____
 Project: _____
 Date: 7/26/16

Drawings:
 NOT REVISION NOTED
 REVISIONS NOTED
 RE-DESIGNED
 RE-DESIGNED

Scale: 1/4" = 1'-0"

Sheet: 4

Site 1 / Large Freestanding Monument / Detail

EXHIBIT D: PROPOSED SIGNAGE PLANS (CONT)



1 Existing
Scale: NTS



2 Proposed
Scale: NTS

Site 1 / Large Freestanding Monument / Photo Context

 WHITFIELD -SIGNS-	
41 Bernard Lane Statesboro, GA 30459 Office 912.691.6235	
<small>Whitfield Signs is a wholly owned subsidiary of Whitfield Signs, Inc. All signs are manufactured by Whitfield Signs, Inc. All signs are manufactured by Whitfield Signs, Inc. All signs are manufactured by Whitfield Signs, Inc.</small>	
Client: _____ Project Name/Address: _____ Project No.: _____ Project Start: _____ Project End: _____ Date: _____ Scale: _____ Project: _____ Project No.: _____ Project Start: _____ Project End: _____ Date: _____ Scale: _____ Project: _____ Project No.: _____ Project Start: _____ Project End: _____ Date: _____ Scale: _____	
Drawing Title: _____ <input type="checkbox"/> NO EXCEPTIONS NOTED <input type="checkbox"/> EXCEPTIONS NOTED <input type="checkbox"/> REJECTED <input type="checkbox"/> REDESIGN	
Approved: _____ Date: _____ Prepared By: _____ Checked By: _____	
Drawing No.: _____ <input type="checkbox"/> Print out <input type="checkbox"/> Plot out	
3	

EXHIBIT E: SECTION 1509(C) TABLE 3

Table 3. Sign District 1 Dimensional Standards

TABLE INSET:

SIGN DISTRICT 1 (As defined in subsection 1509[A.1])	RESIDENCE ON AN INDIVIDUAL LOT*	RESIDENTIAL DEVELOPMENT OR SUBDIVISION**	NONRESIDENTIAL USE
AGGREGATE SIGN AREA***:			
1. Maximum Number of Total Square Feet (SF)*	12 square feet	Varies (All signs within a residential development or subdivision must be constructed of brick, stone, masonry, wood, or equal architectural material)	80 square feet including freestanding and building signs.
FREESTANDING SIGNS****:			
2. Freestanding Sign Maximum Square Feet	4 ½ square feet	40 square feet (Per development entrance sign) 18 square feet (Per sign identifying a development common area or facility)	40 square feet
3. Maximum Height	3 feet	6 feet	8 feet
4. Setback Requirements	5 feet	5 feet*****	5 feet
5. Number of Signs Allowed	One	Two (2) sign structures per entrance to the development or subdivision.*****	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs
BUILDING SIGNS:			
1. Maximum Number of Total Square Feet	N/A	18 square feet	40 square feet
2. Maximum Height	N/A (Window signs only)	Building Elevation	Building Elevation
3. Number of Building Signs Allowed	N/A	One per building serving as the principal structure in a common area or facility. \$\$\$	One per building elevation with street frontage. \$\$\$
<p><i>*Per the purposes of this article, "residences on an individual lot" refers to any individual lot principally serving as a single-family residential dwelling [attached, detached, townhouse, etc.] or a duplex.</i></p> <p><i>**Per the purposes of this article signage related to a "residential development or subdivision" includes all common entry signage into the development, and all signage related to common areas and facilities.</i></p> <p><i>***As provided in Section 1501 and Table 2 herein, "aggregate sign area" includes all freestanding or building signs regardless of whether or not a permit for a particular type of sign is required.</i></p> <p><i>****Limited to monument and standard informational signs where permitted by Table 2. Billboards and stanchion signs prohibited as provided in Table 2 herein.</i></p> <p><i>*****Unless incorporated into the street right-of-way as part of landscaped entryway feature – in which case only one (1) sign structure may be located at the entrance, and such sign placement, and maintenance agreements, shall have been approved as part of the major subdivision approval process established in Appendix B of the Statesboro Code of Ordinances (Statesboro Subdivision Regulations).</i></p> <p><i>\$\$\$ Two (2) per building elevation where one (1) sign is in the form of a canopy/awning, and where the cumulative square footage of both does not exceed the "maximum number of total square feet" for building signs.</i></p> <p><i>(NOTE: Illumination of building or freestanding signs is prohibited on any individual lot principally serving as single-family residential dwelling [attached, detached, townhouse, etc.] or a duplex. Land uses within Sign District 1 which may otherwise utilize illumination, shall not incorporate internal illumination.)</i></p>			



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

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 Statesboro, Georgia 30458

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

**RZ 16-12-01
 ZONING MAP AMENDMENT REQUEST
 2538 Northside Drive West**

LOCATION: 2538 Northside Drive West

REQUEST: Rezone from CR (Commercial Retail) to HOC (Highway Oriented Commercial) to permit use of the parcel as a used car dealership.

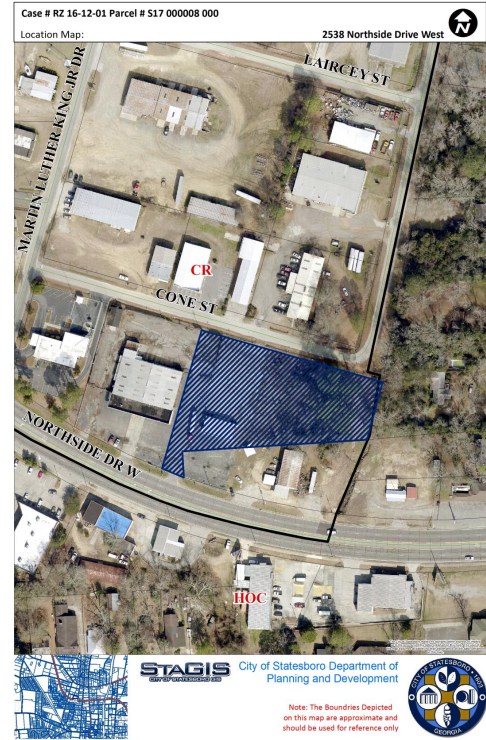
APPLICANT: Home Land Auto Group

OWNER(S): F. Barry Hodges, III & James W. Pilcher, Jr.

ACRES: 1.5 acres

PARCEL TAX MAP #: S17 000008 000

COUNCIL DISTRICT: 2 (Jones)



PROPOSAL:

The applicant is requesting a zoning map amendment for one (1) 1.5 acre parcel from CR (Commercial Retail) to HOC (Highway Oriented Commercial) to permit a used automobile dealership (See **Exhibit A** – Location Map).

BACKGROUND:

The subject parcel is located at 2538 Northside Drive West (tax parcel S17 000008 000). The parcel currently contains one (1) vacant building.

SURROUNDING ZONING/LAND USES:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail)	Miscellaneous sales and service and repair shops
SOUTH:	HOC (Highway Oriented Commercial)	Retail facilities and personal services facilities
EAST:	HOC (Highway Oriented Commercial)	Service and repair shops, used car and truck sales and food service facilities
WEST	CR (Commercial Retail)	Retail facilities

Properties to the north and east are predominantly miscellaneous sales and auto service and repair shops, while properties to the south and west include retail and personal service facilities. The subject site is surrounded by a range of uses including the Walgreen's Pharmacy, Boyd's Pit Bar-B-Q, AutoZone and Jarrard Pre-owned Vehicles and is adjacent to the new Family Dollar (See **EXHIBIT B**—Photos of Subject Site and Surrounding Area).

COMPREHENSIVE PLAN:

The subject site lies within the “Commercial Redevelopment” character area, although it is on the border of the “Downtown” and “Established Residential Neighborhood” character areas, as identified by the City of Statesboro 2014 Future Development Map (See **EXHIBIT C**—2014 Future Development Map) within the *City of Statesboro Updated 2014 Comprehensive Plan*.

Vision:

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

Suggested Development & Implementation Strategies

- Redevelopment of older commercial centers in lieu of new construction further down the corridor.
- Infill development on vacant sites closer in to the center of community. These sites, with existing infrastructure in place, are used for new development, matching character of surrounding
- Driveway consolidation and inter-parcel connections between parking lots.

Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 27.

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. The subject site contains a narrow portion that meets Northside Drive West, which is insufficient for the development of a driveway that services this parcel. Consequently, the applicant will work with Family Dollar to gain cross access to a newly constructed driveway (See **Exhibit D**—Family Dollar Site Plan).

ENVIRONMENTAL:

The subject property does not contain wetlands and are not located in a special flood hazard area. Any environmental issues will be addressed during the permitting phase.

ANALYSIS:

Whether a zoning map amendment requested by applications RZ 16-12-01 should be granted to allow the site to develop as a commercial automobile dealership.

“Automobile and allied sales and services: service stations and repair shops, used car and truck sales, automotive parts and accessories, new car and truck sales, boat and marine sales, trailer and mobile home sales, heavy equipment and/or farm implement sales, and shops” are listed permissible uses allowable by right only within the HOC (Highway Oriented Commercial) zoning district. The subject site requesting the use of automobile sales is zoned CR (Commercial Retail). Automobile and allied sales and services is not a permissible use by right for the subject site under its current zoning designation.

Current Zoning Compared to Requested Zoning

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.

The CR (Commercial Retail) zoning district for the City of Statesboro is generally considered to be appropriate for commercial development that is more compact in density, but likely higher in intensity of use, than those uses permitted within the HOC (Highway Oriented Commercial) district. The HOC (Highway Oriented Commercial) district, therefore, requires deeper setbacks and larger minimum lot sizes than the CR district. Furthermore, the purpose statement for the HOC (Highway Oriented Commercial) district specifically states that HOC (Highway Oriented Commercial) zones should be located along major thoroughfares and should be maintained for those uses “not encouraged in commercial retail areas.” Therefore, it is the recommendation of staff that adjusting the zoning of the subject site to HOC (Highway Oriented Commercial) in order to permit the desired use would be appropriate for this parcel given its location and the surrounding character and context.

The request to rezone the 1.5 acre parcel from CR (Commercial Retail) district to HOC (Highway Oriented Commercial) district 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 HOC (Highway Oriented Commercial) zoning district as set forth in the Statesboro Zoning Ordinance.

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

(1) Existing uses and zoning or (of) property nearby;

- Adjacent and nearby zones are mixed use and include Commercial Retail and Highway Oriented Commercial. Despite the surrounding zoning districts and that a rezone to Highway Oriented Commercial would create a spot-zoned parcel; many of the nearby uses are designed to provide services to the traveling public.
- Staff suggests that a zoning map amendment would be appropriate in this case if Council were to make a finding that the area around the subject site is changing or has transitioned since the property was zoned Commercial Retail (most likely in 1977) and that the requested rezone would be appropriate for present conditions and the projected future needs of the City.

(2) The extent to which property values are diminished by the particular zoning restrictions.

(3) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.

(4) The relative gain to the public, as compared to the hardship imposed upon the property owner.

(5) The suitability of the subject property for the zoned purposes.

- The HOC zoning district requires 20,000 square feet in lot size per structure. This lot exceeds the requirement at 65,340 square feet and can be developed in accordance with the requirements of the HOC zoning district.

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

(7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;

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

STAFF RECOMMENDATION:

Staff recommends approval of the requested zoning map amendment as it is a reasonable finding of fact that the conditions surrounding the subject site have changed since the (CR) Commercial Retail zoning in 1977. Furthermore, the property can be developed in conformance with the requested HOC zoning district and the proposal is consistent with the *Statesboro Comprehensive Plan*. Staff recommends the following condition:

1. A new site and building plan must be submitted to meet all ordinance requirements, including tree ordinance and building ordinance prior to a certificate of occupancy being issued for the location.

EXHIBIT A: LOCATION MAP



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING AREA



Picture 1 Subject Site Facing West Depicting the New Family Dollar



Picture 2 Subject Site Facing East Depicting the Vacant Structure on the Lot

EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING AREA (CONT)



Picture 3 Photo from Family Dollar Parcel Depicting Subject Site and Shared Driveway Facing East



Picture 4 Family Dollar Parcel Facing West on Northside Drive East Depicting Four-Lane Highway and AutoZone

EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING AREA (CONT)



Picture 5 Family Dollar Parcel Depicting Recently Constructed Driveway and Family Dollar Property Line with Cross Access in Far Right Corner



Picture 6 Subject Site Showing Rear End of Parking Lot

EXHIBIT C: CITY OF STATESBORO 2014 FUTURE DEVELOPMENT MAP

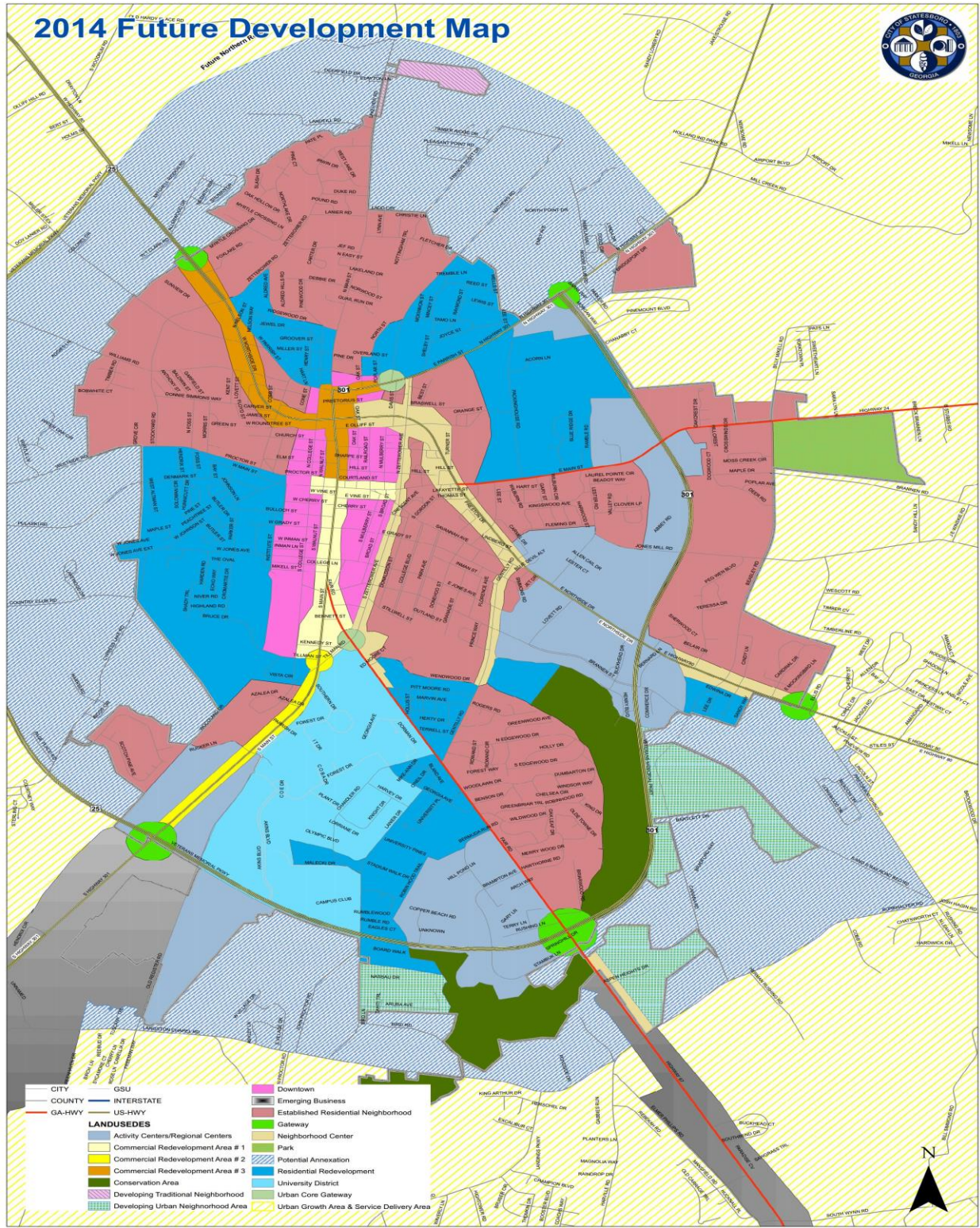
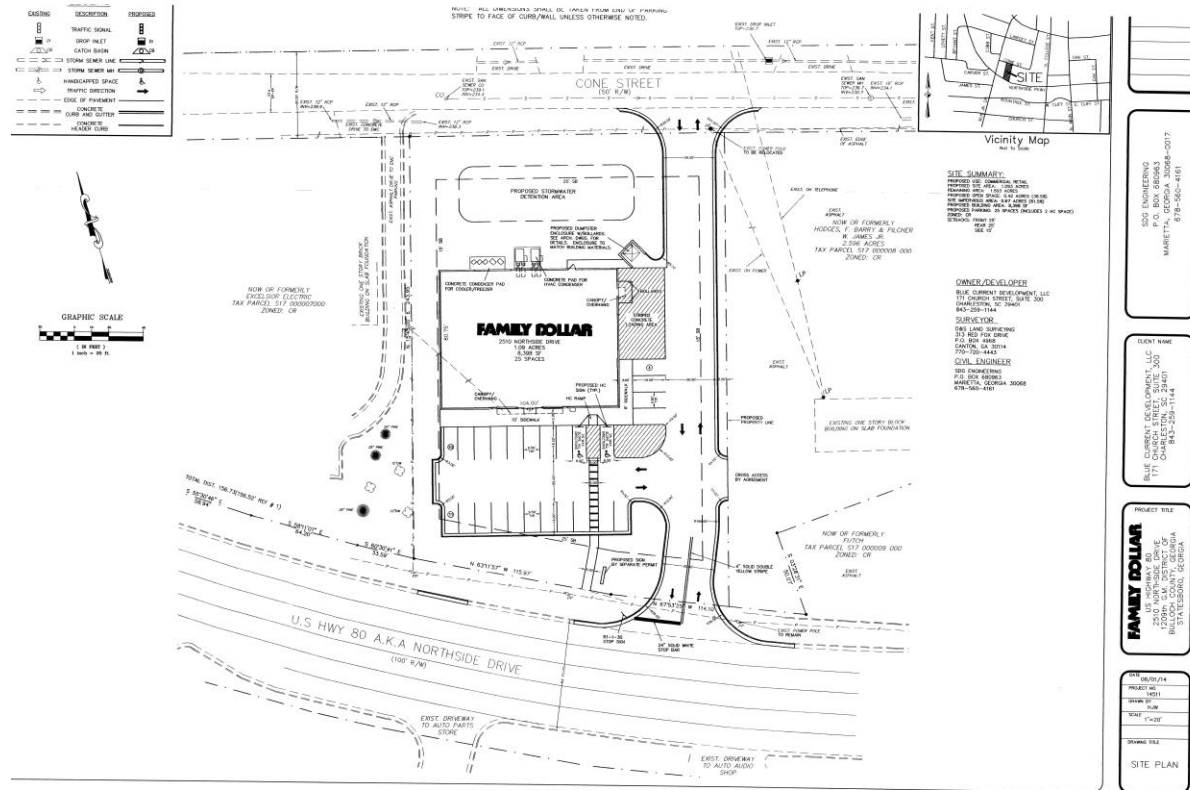


EXHIBIT C: FAMILY DOLLAR SITE PLAN





City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

SE 16-10-07
SPECIAL EXCEPTION REQUEST
600 Brannen Street

LOCATION: 600 Brannen Street

REQUEST: Special Exception to use the subject site as a parking lot for automobile sales inventory within the CR (Commercial Retail) zoning district.

APPLICANT: Vaden Nissan

OWNER(S): James M. Hull, etal

LAND AREA: 8.48 acres

PARCEL TAX S53 000059 000

MAP #s:

COUNCIL DISTRICT: District 5 (Chance)



PROPOSAL:

The applicant requests a special exception to allow for the utilization of the property located at 600 Brannen Street (Gently Square) as a parking lot for automobile sales inventory (tax parcel S53 000059 000). “Automotive and allied sales and services” is a permissible use by right only within the HOC (Highway Oriented Commercial) zoning district and the site is zoned CR (Commercial Retail) (See **Exhibit A** – Location Map). The applicant’s desired utilization of the property is not permitted without either the rezoning of the property to HOC (Highway Oriented Commercial) or the grant of a special exception permitting the requested use.

BACKGROUND:

In 2011, the applicant requested a special exception for auto sales in a CR (Commercial Retail) district at 686 Brannen Street, which City Council approved, with conditions, on October 4, 2011. Condition number three (3) of the judgment letter dated October 10, 2013 for case SE 11-08-04 states the applicant will construct and dedicate a street, with a 60’ right of way, to the City of Statesboro (See **Exhibit B**—SE 11-08-04 Judgment Letter and **Exhibit C**—Warranty Deed). At this time, the applicant’s inventory clearly exceeds the applicant’s space, causing the parking of vehicles on unpaved surfaces at the Vaden Nissan dealership and on Vaden Way, the street deeded to the City of Statesboro, during the day (See **Exhibit D**—Vehicles Parked on Vaden Way and Unpaved Surfaces).

The applicant’s inventory has outgrown the dealership and the applicant executed a lease May 2, 2016 with El Sombrero LLC to park overflow vehicles on an unpaved lot at 0 Brannen Street (tax parcel MS84000100 005); however, the applicant began parking vehicles at the location as early as March 2016, without notifying the City (See **Exhibit E**—El Sombrero Lease Agreement and See **Exhibit F**—Photos of Inventory Parked at 0 Brannen Street). In April 2016, the applicant submitted a special exception application for 0 Brannen Street. The applicant did not intend to improve the subject site’s surface to meet the minimum requirements of the *Statesboro Zoning Ordinance*. Consequently, staff did not feel it appropriate to approve a special exception for an unpaved lot in violation of Article XVI Section 1601(f)(1) of the *Statesboro Zoning Ordinance*, and advised the applicant that staff could not recommend approval of the request, but that a compromise through the issuance of a Notice of Violation allowing parking for 90 days was an option (See **Exhibit G**—Email Detailing a Compromise). The applicant decided, after speaking with staff, that the withdrawal of the application and the issuance of a Notice of Violation were acceptable.

Notice of Violation #0618 was issued May 26, 2016 with an expiration date of August 31, 2016 (See **Exhibit H**—Notice of Violation #0618). On July 25, 2016, the applicant requested an additional thirty (30) days for Notice of Violation #0618 through September 30, 2016, which staff granted. On September 27, 2016, staff met with the applicant to discuss options, at which time, the applicant requested an additional extension through October 28, 2016.

The applicant executed a lease agreement with James M. Hull & Bert Storey for the property located at 600 Brannen Street (Gentilly Square) on October 24, 2016 for a total of 200 parking spaces (See **Exhibit I**—Gentilly Square Temporary License Agreement, **Exhibit J**—Gentilly Square Allowed Parking Area Site Plan and **Exhibit K**—Photos of Gentilly Square Parking Lot).

The applicant submitted an application for land disturbing activity for the expansion of the parking lot located at 686 Brannen Street on April 26, 2016 and received approval from the Georgia Soil and Water Conservation Commission on May 5, 2016. The Environmental Protection Division (EPD) approved the applicant’s request for a variance regarding encroachment into state waters on or about October 25, 2016 and expects the parking lot expansion to begin in November 2016, which will contain the overflow inventory, based on an email dated August 31, 2016. After a review of the site plan submitted for the expansion, staff determined the new parking lot can accommodate roughly 100 vehicles.

As of November 30, 2016, the applicant’s land disturbance permit (contingent on GSWCC approval) had not been issued because the applicant had not requested an initial erosion control inspection and, consequently, the subsequent building permit for the parking lot expansion also had not been issued.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	CR (Commercial Retail)	Personal services facilities
SOUTH:	CR (Commercial Retail)	Undeveloped
EAST:	CR (Commercial Retail)	Undeveloped
WEST	O (Office and Business Office District)	Personal services facilities

The subject property is located on Brannen Street, adjacent to a large undeveloped parcel on the south and east. Surrounding uses to the north and west include retail establishments, business offices, food service facilities and personal service facilities.

COMPREHENSIVE PLAN:

The subject site lies within the “Commercial Redevelopment Area #1” character area as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit K**—2014 Future Development Map) within the City of Statesboro Updated 2014 Comprehensive Plan.

Vision:

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

Appropriate Land Uses:

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

Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 26.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city services including water, sewer, sanitation, and public safety. No significant impact is expected on city 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. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The applicant is requesting a special exception to permit the property to be utilized as a parking lot for automobile sales inventory within the CR (Commercial Retail) district. Special exceptions allow for land uses that are not permitted by right within a zoning district, but which are defined as an acceptable use type, are of the same general character of permissible uses in the district, can meet the specific requirements contained in the ordinance and are listed as a special exception in the ordinance. A special exception is not a deviation from the zoning ordinance, but a use envisioned by the ordinance and if expressed standards in the ordinance are met (such as development requirements), the use is one permitted by the ordinance.

I. Consideration of the Definition of the Applicant's Proposed Use and its General Character

The applicant is requesting the use of the subject site as a parking lot for automobile sales inventory for a parcel zoned CR (Commercial Retail). A parking lot is a defined acceptable use and adheres to the general character of permissible uses within the CR (Commercial Retail) district; however, the applicant's primary business, which the proposed use will serve, is automobile and allied sales and services as defined by Article XI § 1101(c) of the *Statesboro Zoning Ordinance*—a use prohibited in the CR (Commercial Retail) district.

The proposed use will serve as a "satellite" parking lot for automobile sales inventory. As such, the proposed use will create additional traffic on the parcel when the applicant shuttles customers and/or vehicles to and from the site for the purposes of automobile sales. Consideration should be given to the parking lot's construction, which includes three (3) curb cuts on Gentilly Road and four (4) curb cuts on Brannen Street. The lot includes two (2) major thoroughfares that move traffic onto and off of Gentilly Road and Brannen Street.

II. Consideration of the Proposed Use's Ability to Adhere to the CR District's Requirements

Staff is of the opinion the proposed use will adhere to the district's requirements.

III. Consideration of the Proposed Use's Inclusion in the CR District as a Special Exception

Article VIII. CBD Central Business District, as referenced by Article X. CR Commercial Retail District, of the *Statesboro Zoning Ordinance* states the following uses are allowed "when authorized as a special exception: any use of the same general character as any of the uses herein before specifically permitted without requirements of a special exception, and laundry or dry cleaning establishments."

The *Statesboro Zoning Ordinance* permits the grant of a special exception upon a finding by the governing body that the requested use is "of the same general character" as those uses permitted within the district without the grant of a special exception and requires that "in determining the compatibility of the conditional use with adjacent properties and the overall community, the mayor and city council (will) consider the same criteria and guidelines [as for] determinations of amendments, as well as the following factors:"

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.**
- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**
- 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.**
- D. Public facilities and utilities are capable of adequately serving the proposed use.**
- E. The proposed use will not have significant adverse effect on the level of property values or the general character of the area.**
- F. Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.**
- 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 of the *Statesboro Zoning Ordinance* 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) and O (Office and Business Office District) and uses range from personal services facilities and undeveloped parcels.
- 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 can develop in conformity with the zoning regulations set forth by the *Statesboro Zoning Ordinance* and other development regulations of the City of Statesboro.
- 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.**
- 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 applicant is proposing the use of the subject site as an “inventory-only” lot, which may be considered of the same general character of “parking lot, not to include automobile junkyards,” which is a use permitted by right within the CR (Commercial Retail) district; however, since the CR (Commercial Retail) district prohibits automotive and allied sales and services by right, consideration should be given to the use of a parking lot in support of automobile sales.

Review of this application and subject site in light of the criteria established in 2406 and 2007 finds that the property could be developed in accordance with the CR (Commercial Retail) development regulations. The requested use is not anticipated to have a negative impact on the environment, existing or future land use patterns, population densities, living conditions, or property values in the area.

Section 1802 of the *Zoning Ordinance of the City of Statesboro, Georgia* 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 proposed uses along this corridor remain 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.

STAFF RECOMMENDATION:

Staff recommends approval of the special exception requested by application SE 16-04-01 with the following conditions:

1. The special exception for the use of the subject site will expire twelve (12) months from the date of approval, if granted.
2. The special exception for the use of the subject site is specific to the applicant and therefore cannot be transferred to another individual or entity.
3. The applicant is limited to parking two hundred (200) vehicles at the location.
4. The applicant is required to park the vehicles in an orderly manner, within the white striping, which designates parking spaces and keep the vehicles off slash marks, which indicate no-parking areas.
5. The subject site is to be used for new car inventory only.

EXHIBIT A: LOCATION MAP

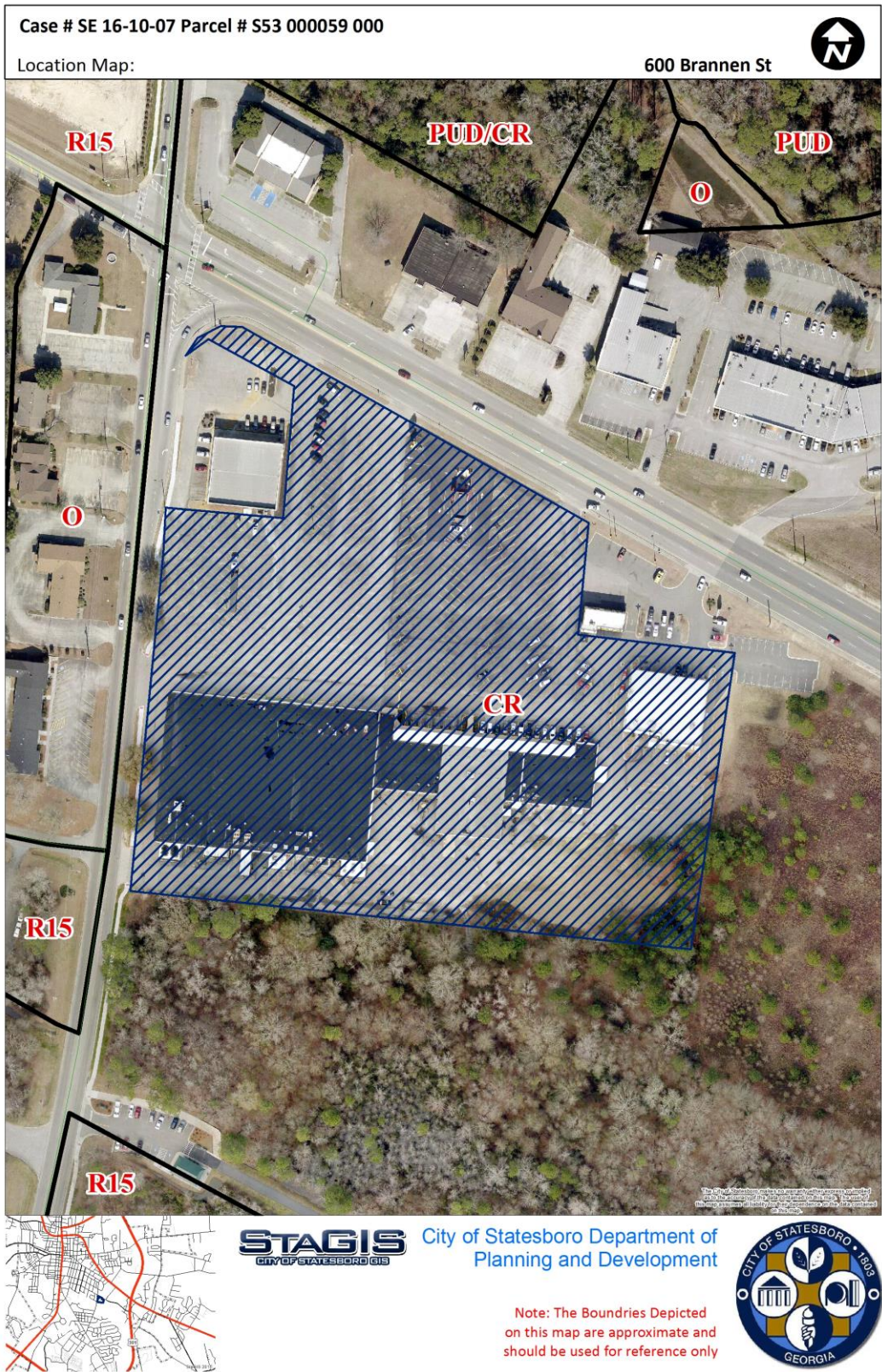


EXHIBIT B: SE 11-08-04 JUDGMENT LETTER

CITY OF STATESBORO

COUNCIL
Thomas N. Blitch
John C. Riggs
William P. Britt
Travis L. Chance
Gary L. Lewis



Joe R. Brannen, Mayor
Frank Parker, City Manager
Sue Starling, City Clerk

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

October 10, 2011

Bill Daniel
Statesboro Dealership Properties
9393 Abercorn Street
Savannah, GA 31406

RE: APPLICATION # SE 11-08-04 – SPECIAL EXCEPTION REQUEST- (Brannen Street).

Dear Mr. Daniel:

At its meeting on October 4, 2011 the Statesboro City Council **approved** the following request subject to conditions:

APPLICATION # SE 11-08-04: Statesboro Dealership Properties, LLC requests a special exception for approximately 13.3 acres of property located on Brannen Street to allow for the use of property as auto sales.

Conditions:

1. Approval of minor subdivision plat in accordance with the standards of the Statesboro Subdivision Regulations.
2. Construction of the proposed street connecting to Brannen Street's intersection with the Wal-Mart driveway at time of development. Said street shall be constructed to City of Statesboro standards, with an 80' right of way, and dedicated to the City of Statesboro as a public street.
3. Construction of the proposed street connecting to Brannen Street's intersection with the Statesboro Mall driveway. Said street shall be constructed to City of Statesboro standards, with a 60' right of way, and dedicated to the City of Statesboro as a public street.
4. Design, route, and construction of said streets to the satisfaction of the City Engineer to permit for the connection of the two proposed streets in a "T" intersection with Henry Boulevard at development of parcel 2.

Approval of the specific request in your application does not confer rights to develop the site in a manner that may ultimately conflict with other provisions of the Statesboro Zoning Ordinance or other applicable chapters of City Code. Adjustments to the final construction plans may be required to accommodate a variety of other development considerations not addressed by your request or taken by City Council.

Please be aware that per Section 1807 of the Statesboro Zoning Ordinance, this special exception shall be void if a building permit is not obtained by the applicant within six months of the date of City Council authorization.

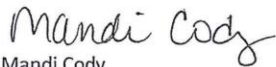
Georgia Municipal Association City of Excellence • Certified City of Ethics
Telephone: (912) 764-5468 • Fax: (912) 764-4691 • email: cityhall@statesboroga.net

EXHIBIT B: SE 11-08-04 JUDGMENT LETTER (CONT)

In addition, this special exception approval was granted to the applicant and should not be presumed to be transferable to future property owners or occupants.

Should you have any questions, please do not hesitate to contact me by phone or e-mail at 912-764-0630 or mandi.cody@statesboroga.net.

Sincerely,



Mandi Cody
Director, Community Development

CC: Planning Commission Members via email
Robert Cheshire, City Engineer via email
Paul Conner, Bulloch County GIS via email
Andy Aldred, Coldwell Banker via email

EXHIBIT C: WARRANTY DEED

Bouhan  Falligant LLP
Attorneys & Counselors at Law

THE ARMSTRONG HOUSE
447 BULL STREET
SAVANNAH, GEORGIA 31401

912 232 7000
912 233 0811 FAX
BOUHAN.COM

January 25, 2013

Mandi Cody
P. O. Box 348
Statesboro, GA 30458

Re: Warranty Deed

Dear Mandi:

Please find enclosed the Warranty Deed.

Yours Truly,



J. Daniel Falligant
BOUHAN FALLIGANT LLP

JDF/tmr
Enclosure

RECEIVED JAN 28 2013

EXHIBIT C: WARRANTY DEED (CONT)

Courington & Chisholm, P.C.
P.O. Box 1368
Savannah, Georgia 31402-1368
Attn: J. Daniel Falligant
File Number: 39474.001

THIS INDENTURE, made and entered into this 24th of January, 2013, by and between

STATESBORO DEALERSHIP PROPERTIES, LLC,
a Georgia limited liability company,

as party or parties of the first part (hereinafter referred to as the "Grantor"), and

THE MAYOR AND CITY COUNCIL OF STATESBORO

(hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits);

WITNESSETH that, Synovus Trust Company, N.A., acting as Intermediary on behalf of Grantor, for and in consideration of property to be received under a tax-free exchange as defined by Internal Revenue Code Section 1031, at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto said Grantee, all of Grantor's right title and interest in and to that tract or parcel of land described as follows, to-wit:

Said property is briefly described as all those tracts or parcels of land lying and being located in Bulloch County, Georgia, and being known as a 60 foot right of way adjoining Lots 2-A and 2-B, G.M. District 1209, City of Statesboro, Bulloch County, Georgia and more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference.

THIS CONVEYANCE and the warranties herein contained are expressly made subject to those easements, covenants, restrictions and rights-of-way of record, and ad valorem taxes for the current year not yet due and payable.

TO HAVE AND TO HOLD the said described Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, only to the proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described Property unto the said-Grantee against the claims of all persons and entities whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed on the day and year first above written.

Signed, sealed and delivered this 24th day of January, 2013, in the presence of:

J. Daniel Falligant Unoffi
J. Daniel Falligant Notary

My Commission Expires: _____



STATESBORO DEALERSHIP PROPERTIES, LLC, a Georgia limited liability company

By: William T. Daniel, Jr.
William T. Daniel, Jr., its manager

(CORPORATE SEAL)

RECEIVED JAN 28 2013

EXHIBIT C: WARRANTY DEED (CONT)

EXHIBIT "A"

80' PROPOSED RIGHT OF WAY

ALL THAT CERTAIN TRACT, PARCEL OR LOT OF LAND LYING AND BEING IN THE 1209TH G.M.D., CITY OF STATESBORO, BULLOCH COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

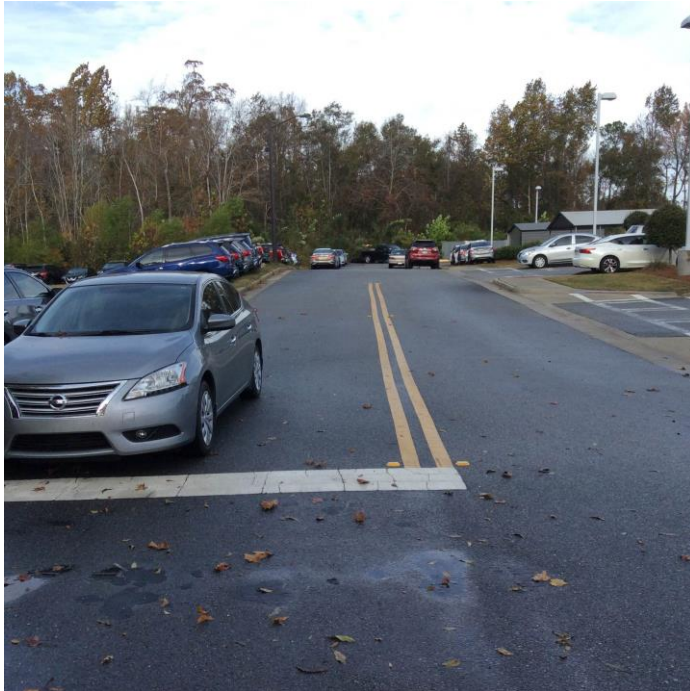
COMMENCING AT A CONCRETE RIGHT OF WAY MONUMENT FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF BRANNEN STREET (RW VARIES) HAVING GEORGIA STATE PLANE GRID, EAST ZONE, NAD83 COORDINATES OF N 885,088.52, E 781,067.83, THENCE ALONG THE AFORESAID RIGHT OF WAY LINE OF BRANNEN STREET S 13°22'06" W A DISTANCE OF 67.35 FEET TO A ¾" IRON PIPE SET AT THE POINT OF BEGINNING; THENCE S 53°00'37" E A DISTANCE OF 4.12 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; THENCE S 53°43'45" E A DISTANCE OF 69.69 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; THENCE LEAVE THE AFORESAID RIGHT OF WAY LINE OF BRANNEN STREET S 53°43'45" E A DISTANCE OF 6.20 FEET TO A ¾" IRON PIPE SET; THENCE S 37°06'29" W A DISTANCE OF 415.22 FEET TO A ¾" IRON PIPE SET; THENCE N 52°53'31" W A DISTANCE OF 80.00 FEET TO A ¾" IRON PIPE SET; THENCE N 37°06'29" E A DISTANCE OF 60.00 FEET TO A ¾" IRON PIPE SET; THENCE N 37°06'29" E A DISTANCE OF 354.10 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 33,171 SQUARE FEET OR 0.76 ACRES OF LAND.

AND BEING MORE PARTICULARLY DESCRIBED ON THAT CERTAIN PLAT ENTITLED "MINOR SUBDIVISION PLAT OF LOT 2, STATESBORO DEALERSHIP PROPERTIES, LLC, TAX PARCEL: MS84000100 016, CITY OF STATESBORO, GMD 1209, BULLOCH COUNTY, GEORGIA" RECORDED IN RECORD BOOK 6S, PAGE 138 OF THE BULLOCK COUNTY, GEORGIA RECORDS.

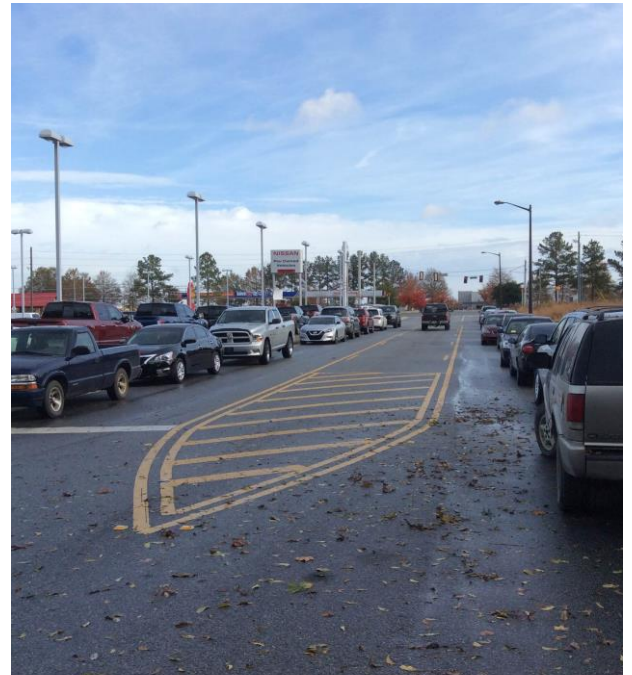
File No. 39474.001

RECEIVED JAN 28 2013

EXHIBIT D: VEHICLES PARKED ON VADEN WAY AND UNPAVED SURFACES



Picture 1 Vehicles in Dedicated Street and on Unpaved Surfaces



Picture 2 Vehicles in Dedicated Street



Picture 3 Vehicles in Dedicated Street at Stop Bar and on Unpaved Surfaces

EXHIBIT E: LEASE AGREEMENT

Actual Copy

STATE OF GEORGIA)
)
 COUNTY OF BULLOCH)

City of Statesboro
 Planning & Development Dept
MAY 05 2016
 Received

SHORT TERM GROUND LEASE

THIS LEASE, by and between **VADEN OF STATESBORO, INC. d/b/a**

"Vaden Nissan of Statesboro" a corporation organized and operating under the laws of the State of Georgia with its principal places of business in Statesboro, Bulloch County, Georgia, (hereinafter called "Tenant") and [PRINT NAME OF OWNER OF PROPERTY] _____

91 Sombrero LLC, a INC

[PRINT TYPE OF BUSINESS - CORP - LLC - OR "business"] operating under the laws of the State of Georgia with its principal address at 406 Saw Rd Statesboro Ga 30458 [PRINT ADDRESS], (hereinafter called "Landlord");

WITNESSETH:

WHEREAS, Tenant desires to lease a specific portion of the real property located at [PRINT SPECIFIC ADDRESS OF PROPERTY] 829 Buckhead dr Statesboro Ga 30458 Statesboro, Bulloch County, Georgia 30458 [ZIP], for the purpose of storing motor vehicles at said location; and

WHEREAS, Landlord is the owner of said real property and has agreed to lease the property to Tenant; and

WHEREAS, the parties have agreed to execute this Lease Agreement setting forth the rights and obligations of each party:

NOW THEREFORE, in consideration of the premises, the parties agree

as follows:

1. **Premises:** The Landlord, for and in consideration of the rents, covenants, agreements, and stipulations hereinafter mentioned, reserved, and contained herein, to be paid, kept and performed by the Tenant, has leased and rented and by these presents does lease and rent, unto the said Tenant, and said Tenant hereby agrees to lease and take upon the terms and conditions which hereinafter appear, the following described property (hereinafter called "premises" or "property"): [DESCRIBE AREA OF PROPERTY, FOR EX. "THE FRONT PORTION" OR "APROX ___ SQUARE YDS LOCATED AT _____"] _____

2. **Term:** The lease shall begin on February 1, 2016 and continue on a month-to-month basis until terminated by either party with thirty (30) days Notice of said termination.

3. **Rental:** Tenant covenants and agrees to pay Landlord at [PRINT ADDRESS WHERE RENT SHOULD BE PAID] 406 Fair Road
Stokesboro, CA 90458, promptly on the first day of the term of this lease, in advance, a monthly rental for of **TWO THOUSAND and NO/100 (\$2,000.00) DOLLARS per month.**

4. **Utility Bills:** If applicable, Tenant shall pay for all services, supplies and utilities and power bills for the leased premises or used by Tenant in connection therewith.

5. **Use of Premises:** Premises shall be used only for storage of motor vehicles. Premises shall not be used for any illegal purposes; or in any manner to create any nuisance or trespass; or in any manner to vitiate the insurance or increase the rate of insurance on the premises. Tenant has determined that the zoning of the Premises and all other regulations and laws applicable to the Premises are suitable for the retail sale of new and used vehicles by the Tenant.

6. **Indemnity; Liability of Landlord:** Tenant shall and does hereby indemnify, release and hold harmless the Landlord, and the Landlord's agents, servants, employees, officers and attorneys from and against any and all suits, actions, judgments, damages, costs, expenses, and attorney's fees incurred in the defense of any actions or proceedings arising out of or related to any loss of life, bodily or personal injury, property damage, or other demand, claim or action of any nature arising out of or related to this Lease or any transaction or occurrence in, or, upon, near or involving the leased premises or the Tenant's occupancy or use thereof, except unless caused by the sole negligence of the Landlord.

7. **Governmental Orders:** Tenant agrees, at it's own expense, to promptly comply with all requirements of any legally constituted public authority.

8. **Assignment:** Tenant will not sublet nor assign this lease in whole or in part without the written consent of the Landlord.

9. **Alterations or Additions:** This is a lease for land only. However, no alterations or additions are to be made to the premises without the written consent of the Landlord.

10. **Holding Over:** If Tenant remains in possession of the premises after expiration of the term, with Landlord's acquiescence and without any express agreement of parties in writing, Tenant shall be a "tenant at will" at a rental rate of \$2,000.00 per month; and there shall be no renewal of this lease by operation of law.

11. **Attorney's Fees:** If any rent owing under this lease is collected by or through an attorney at law, Tenant agrees to pay ten percent (10%) thereof as attorney's fees. Tenant waives all exemptions that it may have under any law as against any obligation owing under this lease. Tenant hereby assigns to Landlord such rights and exemptions.

12. **Notice:** A copy of all notices under this lease shall also be sent to Tenant as follows:

Mr. Mark Beecher
General Manager
Vaden Nissan of Statesboro
686 Brannen St.
Statesboro, Georgia 30458

With a copy of said Notice sent to:

Mr. William T. Daniel, Jr.
Vaden Automotive Group
Post Office Box 14217
Savannah, Georgia 31416
912-921-3579
Email: BillDanielJr@danvaden.com

Any Notice to Landlord shall be made as follows:

[PRINT NAME AND ADDRESS, PHONE# AND EMAIL OF LANDLORD]

El Sombrens
406 Fair Rd Statesboro Ga 30458
912-531-3241

13. **Waiver of Rights:** No failure of Landlord to exercise any power given Landlord hereunder, or to insist upon strict compliance by Tenant with its obligations hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of Landlord's rights to demand exact compliance with the terms hereof.

14. **Time of Essence:** Time is of the essence of this agreement.

15. **Insurance:** Tenant shall throughout the time that this Lease is in force, maintain comprehensive general liability insurance on their business and the premises.

16. **Governing Law:** This lease shall be governed by and construed in accordance with the laws of the State of Georgia.

[Remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto have executed this Lease this the
2 day of 5, 2016.

LANDLORD:

Ed Sombbrero
By: Avel Leon
Avel Leon
PRINT NAME
manager
PRINT TITLE

TENANT:

VADEN OF STATESBORO, INC. d/b/a "Vaden Nissan of
Statesboro"

By: [Signature]
MARK BEECHER
General Manager

EXHIBIT F: PHOTOS OF INVENTORY PARKED AT 0 BRANNEN STREET



Photo 1: Subject Site Facing West along Buckhead Drive



Photo 2: Subject Site Facing East Depicting one Makeshift Lane

EXHIBIT F: PHOTOS OF INVENTORY PARKED AT 0 BRANNEN STREET (CONT)



Photo 3: Subject Site Facing East



Photo 4: Subject Site Facing West Depicting Adjacent Property Line with Walmart

EXHIBIT G: EMAIL DETAILING COMPROMISE

11/29/2016

City of Statesboro Mail - Special Exception: 0 Brannen Street



Candra Teshome <candra.teshome@statesboroga.gov>

Special Exception: 0 Brannen Street

Candra Teshome <candra.teshome@statesboroga.gov>

Tue, May 17, 2016 at 2:13 PM

To: Jason Hagan <Jason.Hagan@danvaden.com>

Cc: Mark Beecher <Mark.Beecher@danvaden.com>, Jason Boyles <jason.boyles@statesboroga.gov>, Cindy Clifton <cindy.clifton@statesboroga.gov>, Mike Chappel <mike.chappel@statesboroga.gov>

Dear Mr. Hagan,

Thank you for taking the time to discuss the update on your case this morning. After careful review and consideration of the facts presented in your case, staff can not support the request and would recommend denial to the Planning Commission.

Article XXIV Section 2403(c) of the *Statesboro Zoning Ordinance* states "...the submittal of inaccurate or incomplete information may be the cause for denial of the request." One requirement for this request is the submission of preliminary building and/or site plans drawn to scale.

Article XVI Section 1601(f) of the *Statesboro Zoning Ordinance* states "all parking lots and loading areas shall be paved..."

Submission of the special exception application without the submission of required site plans depicting improvements meeting the minimum standards required by the City is the basis for staff's denial.

As discussed, we certainly understand that your request is of a temporary nature and going to the expense of paving the location would not be financially feasible; however, the use of the lot in its current state might create a hazard to public safety.

If you would like to withdraw the special exception case, we will reimburse the special exception application fee of \$250.00. If you withdraw the request, Code Compliance Officer Mike Chappel will send the notice of violation stating the vehicles must be removed **no later than September 1, 2016.**

Please keep in mind staff's recommendation of denial to the Planning Commission is a recommendation **only**. Ultimately, City Council determines the outcome of your request, if you choose to proceed.

Please let me know if you have questions or concerns.

[Quoted text hidden]



Candra E. Teshome
Planning & Development Specialist
Planning & Development Department
City of Statesboro
50 East Main Street
Post Office Box 348
Statesboro, GA 30459
PH: (912) 764-0630
FAX: (912) 764-0664

EXHIBIT H: NOTICE OF VIOLATION #0618

City of Statesboro
Code Enforcement Division

VIOLATION NOTICE

0618

Date May 26, 2016

Name Mark W. Beecher / Kiten Nissan Address 686 Brannon St
(owner/tenant)

Location of Violation(s) 686 Brannon St. (If different from address/lane area)

An inspection was conducted at the location cited above and the following violations of () the property maintenance code or () the sanitation code or () other city ordinance was observed.

- () Sec. 38-1. Discarded, dismantled vehicles on public or private
- () Sec. 38-26. Nuisance defined
- () Sec. 38-30. Weeds and noxious vegetation
- () _____
Other
- () Section 1509. Prohibited signs
- () Section 2204. Vision clearance at corners, curb cuts, railroad crossings
- () Section 2205. Unightly or unsanitary storage
- () Section 2205.1 Screening of junkyards
- () Sec. 66-42. Refuse and garbage
- () Sec. 66-46. Collection limits
- () Sec. 66-48. Box collection
- () Sec. 66-49. Yard trash, tree and shrubbery trimmings
- () Sec. 66-55. Prohibited activities
- () Sec. 66-91. Residential garbage collection
- () Sec. 66-95. Building materials
- () Vehicle parked on unpaved surface
Other

Comments Parking lot on side of Elsom not Paved

Violation(s) must be corrected by August 31, 2016

IMPORTANT: PENALTIES FOR FAILING TO CORRECT VIOLATIONS
The above information explains the code violations which must be corrected by the reinspection date unless an extension is granted by the inspector. If you have not corrected the violation(s) by the reinspection date, a subpoena may be issued for you to appear in Recorder's Court. Subsequent Violation Notices may result in a Subpoena to Recorder's Court. If you fail to comply with City ordinances, a penalty may be imposed. For additional information, please call (912) 764-0655.

Code Official(s) Name/Date M.A. [Signature] 05/24/2016

CED CASE UPDATE	CED CASE UPDATE	CED CASE UPDATE
Date Reinsp. By _____	Date Reinsp. By _____	Date Reinsp. By _____
Insp. Results _____	Insp. Results _____	Insp. Results _____
Next Insp. Date _____	Next Insp. Date _____	Next Insp. Date _____
Extension granted by _____	Extension granted by _____	Extension granted by _____

EXHIBIT I: GENTILLY SQUARE TEMPORARY LICENSE AGREEMENT

Temporary License Agreement

THIS TEMPORARY LICENSE AGREEMENT ("License") is made this 24th day of October, 2016 ("Effective Date") by and between Licensor and Licensee, as defined below.

For good and valuable consideration, Licensor and Licensee agree as follows:

SPECIFIC LICENSE PROVISIONS

1. **Licensor:** James M. Hull & M. Bert Storey
2. **Licensor's Address:** c/o Hull Property Group, LLC
1190 Interstate Parkway
Augusta, Georgia 30909
3. **Licensee:** Vaden Nissan of Statesboro
4. **Licensee's Address:** 686 Brannen Street
Statesboro, GA 30458
Phone: 912.681.4700
5. **Premises:** A portion of the parking lot to include, and limited to, two hundred (200) parking spaces of the Gentilly Square Shopping Center as shown on the site plan attached hereto as Exhibit "A". Licensor shall only use the parking spaces indicated on Exhibit A. Licensor reserves the right to modify the location of the parking spaces provided Licensee maintains the right to use two hundred (200) parking spaces at all times during the License Term. Licensee shall be required to move any vehicle parked in an unauthorized space within 24 hour notice of receipt of written notice. Licensee acknowledges that the Premises are leased to Licensee on an AS IS WHERE IS basis, without any representations or warranties, expressed or implied.
6. **Shopping Center:** Gentilly Square Shopping Center in the City of Statesboro, Bulloch County, State of Georgia.
7. **License Term:**
Commencement Date: Effective Date of this License
Expiration Date: Last day of the month containing the one (1) year anniversary of the Effective Date
8. **Permitted Trade Name:** Vaden Nissan of Statesboro
9. **Permitted Use:** Licensee shall use Premises for the temporary parking/ storage of new vehicles to include cars, sport utility vehicles and light duty trucks as sold by Licensee at its local Vaden Nissan of Statesboro dealership and for no other purpose whatsoever. At no time shall the Premises be used for the parking of heavy duty trucks, construction equipment, auto transport trucks and/or trailers (except for temporary loading and unloading of vehicles).
10. **License Fees:** \$9,000.00 per month
11. **Percentage Fees:** N/A
12. **Security Deposit:** \$9,000.00 (due upon the Effective Date)
13. **Special Stipulations:**
 - (a) Licensee shall maintain the Premises and surrounding area and keep the same free of trash, rubbish and debris. Refer to Article 17 of the General License Provisions attached hereto as Exhibit B.
 - (b) Upon the Expiration Date or earlier termination of this License as provided herein, Licensee shall return the

EXHIBIT I: GENTILLY SQUARE TEMPORARY LICENSE AGREEMENT (CONT)

Premises to Licensor in the same or better condition as it was prior to Licensee's occupancy. Refer to Article 16 of the General License Provisions attached hereto as Exhibit B.

(c) Licensee, at its sole cost and expense, shall repair any damage to the Premises occurring during Licensee's use of the Premises, to include but not limited to, damage to concrete/asphalt, light posts and bollards. In the event Licensee fails to repair the Premise, Licensor shall repair Premise at Licensor's sole expense, paid from the Security Deposit. If repair costs exceed the Security Deposit, Licensee shall be deemed to be in default and Licensor shall exercise all remedies available at law as permitted herein.

(d) Security. Licensee shall be solely responsible for providing security for the Premises. Licensee acknowledges that Licensor is not an insurer of security for the Premises or the parking lot and that Licensor does not undertake to provide security for the Premises or the parking lot. Licensee hereby releases Licensor from and against any and all claims, actions or causes of action for alleged liability associated with the security of the Premises or the parking lot.

(e) Lighting. Licensee acknowledges that the Shopping Center parking lot lighting is on schedule to turn off each night at 12:00 P.M. and to turn on each morning at 5:00 A.M. Licensor, reserves the right, at its sole discretion to change or modify the schedule of the Shopping Center parking lot lighting without prior notice to Licensee.

- 14. **Termination and Required Notice:** Licensor and Licensee have the right to terminate this License for any reason upon one hundred twenty (120) days prior written notice provided to the other party.
- 15. **Broker.** Licensor represents and warrants to Licensee, and Licensee represents and warrants to Licensor that neither party has incurred any liability, contingent or otherwise, for brokerage or finder's fee or agent's commissions or other like payments in connection with this License, or the transactions contemplated hereby. Each party hereby agrees to defend, hold harmless and indemnify the other from any claims, demands, causes of action or damages resulting from a breach of such representation and warranty. Each party shall be solely responsible for the payments of all real estate commissions to its respective broker or agent in connection with this License.
- 16. **Exhibits:** The following exhibits are hereby incorporated in their entirety into this License and made a part hereof: Exhibit "A" – Site Plan; Exhibit "B" – General Provisions; ~~Exhibit "C" – Construction Provisions;~~ and Exhibit "D" – Rules and Regulations

THE PARTIES HAVE EXECUTED this License the day and year first above written.

LICENSEE:
Vaden Nissan of Statesboro

By: 
Name: Robin Barber *William T. Donohue Jr*
As Its: Chief Financial Officer *Secretary*

LICENSOR:
James M. Hull & M. Bert Storey
By: Hull Property Group, LLC

By: _____
Name: John Hudson
As Its: Authorized Agent

EXHIBIT I: GENTILLY SQUARE TEMPORARY LICENSE AGREEMENT (CONT)

**EXHIBIT A
SITE PLAN**

Licensors reserves the right to change from time to time the size, dimensions and location of the common areas, as well as the size, number, dimensions, identity and type of any buildings, kiosks or carts in the Shopping Center and to build additional buildings and improvements in the Shopping Center.

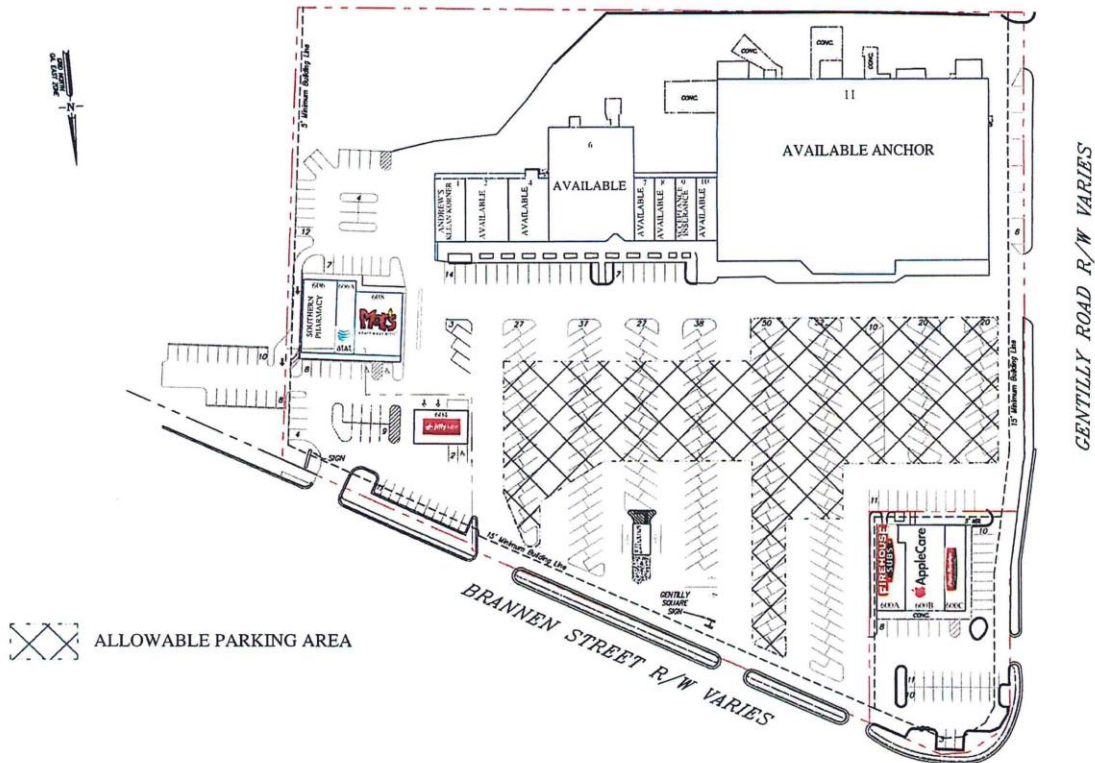
EXHIBIT J: GENTILLY SQUARE ALLOWED PARKING AREA SITE PLAN



FOR LEASING INFORMATION
CALL: 706.434.1700

GENTILLY SQUARE
STATESBORO, GEORGIA

EXHIBIT "A"



8.17.2016

EXHIBIT K: PHOTOS OF GENTILLY SQUARE PARKING LOT



Picture 1 Subject Site Facing West Depicting Curb Cut onto Gentilly Road



Picture 2 Subject Site Facing Northwest Depicting the Rear of Fire House Subs

EXHIBIT K: PHOTOS OF GENTILLY SQUARE PARKING LOT (CONT)



Picture 3 Subject Site Facing North Depicting Vehicles Parked in Breach of Contract and on Striping



Picture 4 Subject Site Depicting Vaden Employee Shuttling Customer to View Inventory