

STATESBORO PLANNING COMMISSION

April 10, 2012

5:00 p.m.

City Hall Council Chambers

MEETING AGENDA

1. Call to Order.
2. Motion to Approve Order of the Meeting Agenda.
3. Approval of Minutes
 - a. February 14, 2012 meeting.
4. New Business
 - a. **APPLICATION # RZ 12-03-01:** TI – Gentilly Gardens, LLC requests a zoning map amendment of 2.03 acres from R15 (Single Family Residential) to CR (Commercial Retail) for property located at 625 Gentilly Road (Tax Parcel Number: MS73000002000)
 - b. **APPLICATION # RZ 12-03-02:** Gopher Hole Investments, LLC requests a zoning map amendment of 1.1 acres from PUD/CR (Planned Unit Development/Commercial Retail) to CR (Commercial Retail) for property located on Brampton Avenue (Tax Parcel Number: MS74000198A005)
5. Announcements
6. Adjourn

STATESBORO PLANNING COMMISSION

February 14, 2012

5:00 p.m.

City Hall Council Chambers

Minutes

Present: Planning Commission Members Ray Hendley, Rick Barr, Teresa Concannon and Nick Propps. City of Statesboro staff: Director of Community Development Mandi Cody, Development Clerk Cindy Steinmann, and City Planner Martin Laws.

Absent: Commissioners Andrew Hansen, Brian Hulseley, and Jonathan McCollar.

1. *Chairman Nick Propps called the meeting to order.*

2. Approval of Minutes

a. December 13, 2011 meeting.

Motion to approve given by Commissioner Hendley; second by Commissioner Barr. Motion carried 4 to 0. Minutes approved.

Commissioner Propps confirmed that there were no issues with the agenda. Hearing none, agenda was set.

3. New Business

a. **APPLICATION # RZ 12-01-01:** Akins Family Limited Liability Limited Partnership requests a zoning map amendment from LI (Light Industrial) to R4 (High Density Residential) for property located at 520 Park Avenue (Tax Parcel Numbers S42000030000 & S42000006000).

City Planner Martin Laws presented the staff report and answered questions from the Commissioners. Community Development Director Mandi Cody answered questions from the Commissioners as well. John Dotson of Maxwell-Reddick & Associates spoke and answered questions on behalf of the applicant. Arthur Howard of Howard Lumber Company spoke against the request stating that he felt the residential use is not compatible in the industrialized area. Mr. Howard suggested the use of a concrete buffer between the residence and the nearby industrial companies. He stated that he would like the request to be postponed until he had a chance to speak to the applicant.

Commissioner Barr motioned to recommend tabling application RZ 12-01-01; seconded by Commissioner Concannon. Motion carried 4-0.

- b. **APPLICATION # T 12-02-01:** An amendment to the text of Article VII (R-4 High Density Residential District) regarding maximum height.

City Planner Martin Laws presented the staff report and answered questions from the Commissioners. He also pointed out a mistake in the staff report, stating that the proposed maximum height is 60' instead of 50'. Community Development Director Mandi Cody answered questions from the Commissioners as well. Commissioner Propps expressed his concern for the height towering over other residences. Commissioner Concannon suggested further research of increased setback requirements as a result of increased height in other communities.

Motion to recommend tabling Application T 12-02-01 given by Commissioner Concannon; seconded by Commissioner Barr. Motion carried 4-0.

- c. **APPLICATION # T 12-02-02:** An amendment to Article XX (Amendments) regarding time frame required between Planning Commission and the public hearing.

City Planner Martin Laws presented the staff report and answered questions from the Commissioners. Commissioner Concannon suggested researching other communities. Community Development Director Mandi Cody stated that an eliminated time period between Planning Commission and the public hearing would increase customer service and allow for the posted signs that advertise for the public hearing required by law to inform the community of the Planning Commission date as well.

Motion to recommend approval of Application T 12-02-02 was given by Commissioner Barr; Commissioner Hendley gave second. Motion carried 3 to 1 with Commissioner Concannon opposed due to her opinion that the Planning Commission meetings can be advertised on the required public hearing signs if placed earlier.

- d. Adoption of Rules of Order.

Commissioner Concannon stated that she had been out of town and did not have time to review any changes made to the Rules of Order. Ms. Cody stated that they had not changed since being tabled at the December meeting.

Motion to approve Rules of Order given by Commissioner Hendley; seconded by Commissioner Barr. Motion carried 4-0.

4. Adjourn

Chairman Nick Propps called the meeting adjourned.

These minutes were adopted by the City of Statesboro Planning Commission at its April 10, 2012 meeting.

Chair – Nick Propps

Secretary – Mandi Cody, Director of
Community Development



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

RZ 12-03-01
ZONING MAP AMENDMENT
625 GENTILLY ROAD (GENTILLY GARDENS)

LOCATION: 625 Gentilly Road (Gentilly Gardens)

REQUEST: Rezone from R15 (Single Family Residential) with Conditional Use Variance to CR (Commercial Retail)

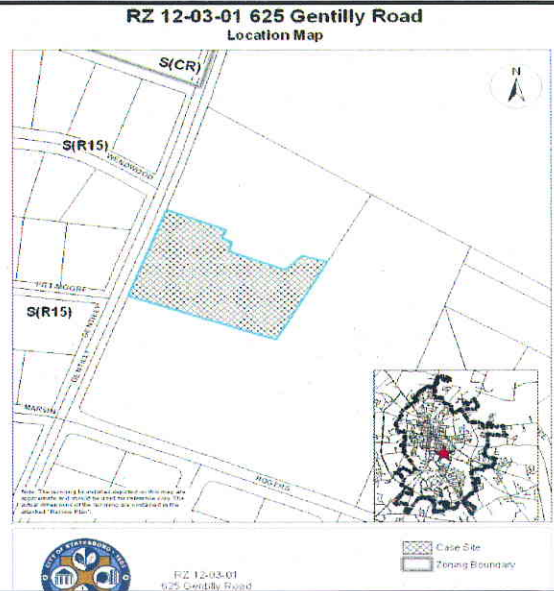
APPLICANT: TI – Gentilly Gardens, LLC

OWNER(S): TI – Gentilly Gardens, LLC

LAND AREA: 2.03 acres

PARCEL TAX MAP #s: MS73000002000

COUNCIL DISTRICT: 4 (Riggs)



PROPOSAL:

The applicant is requesting rezoning of the approximately 2.03 acre subject property located at Gentilly Road from R15 (Single Family Residential) District with Conditional Use Variance to CR (Commercial Retail) District to allow for future expansion of the footprint of the existing assisted living facility. (See **Exhibit A – Location Map & Exhibit B – Sketch Plan**)

BACKGROUND:

The subject area of this request is a 2.03 acre single lot located on Gentilly Road and is currently zoned R15 (Single Family Residential). The existing use of the property as an assisted living facility is the result of Council's decision in 1998 to grant a Conditional Use Variance to allow construction of Gentilly Gardens, in a single family residential zoned district. (See **Exhibit B**)

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R3 (Medium Density Residential)	Duplexes
SOUTH:	R15 (Single Family Residential)	Church
EAST:	R15 (Single Family Residential)	Undeveloped
WEST:	R15 (Single Family Residential)	Single Family Homes

The subject property is located in a mixed use area with the property's eastern and southern property lines surrounded by a parcel utilized by a church; however, only the southeastern portion of the abutting property is developed as such while the rest remains undeveloped. The properties to the west are zoned R15 and contains several single family homes. The property to the immediate north of the subject area is zoned R3 (Medium Density Multiple Family Residential) and is currently utilized as duplexes while the adjacent properties to the north are zoned for commercial use. (See **Exhibit C**)

COMPREHENSIVE PLAN:

The subject site lies within the "Developing" character area and adjacent to a proposed "Green Space" area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The Developing character area is primarily residential in nature, but is "under pressure to grow in a suburban manner." "These developing areas can be found at the periphery of the city, adjacent to existing suburban development and highway corridors." *Statesboro Comprehensive Plan, Community Agenda*, page 16.

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

- Large new developments should be master planned to include mixed uses wherever appropriate.
- 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 and bike storage facilities at destinations.
- There should be strong connectivity and continuity between each subdivision.
- There should be good vehicular and pedestrian/bike connections to retail/commercial services as well as internal street connectivity, connectivity to adjacent properties/subdivisions, and multiple site access points.

Statesboro Comprehensive Plan, Community Agenda pages 16-17.

As illustrated in the Comprehensive Plan, the use as an assisted living facility is appropriate for the subject area as it encourages mixed use development.

TRANSPORTATION:

The subject property is accessed from Gentilly Road. Gentilly Road is functionally classed by the Georgia Department of Transportation as a minor arterial roadway which links cities and larger towns to form an integrated network and should be expected to provide for relatively high overall travel speeds, with minimum interference. *Bulloch County/City of Statesboro Long Range Transportation Plan*, page 67.

Traffic counts for the immediate area (and thereby relative to the subject property's proposed use) states that the total average annual daily trips reached approximately 12,860 trips both ways for the year 2010. The 2035 *Bulloch County/City of Statesboro Long Range Transportation Plan* rated Gentilly Road at this segment at a level of service (LOS) of D or better. Level of Service ratings are a "qualitative measure of traffic flow describing operating conditions" ranging from A (representing the best operating conditions) to F (representing the worst operating conditions). A rating of C or better indicates that "travel speeds are slightly lower than the posted speed with noticeable delay in intersection areas". A rating of D or worse is considered deficient.

The *Bulloch County/City of Statesboro Long Range Transportation Plan* expresses the need for pedestrian amenities along Gentilly Road to connect Georgia Southern University to the Statesboro Mall as a commercial corridor as well as any trails such as the S&S Greenway path which lies adjacent to the subject property. This segment of Gentilly Road is not currently served by sidewalks, curbs, or gutters, but future development of such is expected. The City of Statesboro has budgeted monies in the Capital Improvement Program (CIP) in anticipation of development projects of sidewalks within the city in areas such as Gentilly Road. However, the LRTP does articulate the need for pedestrian facilities along this corridor and as projects are expected in the area, staff requests the dedication of 10' of right of way as a condition to the grant of a rezone in this case to allow for the necessary pedestrian facilities

No significant impact on traffic volume, safety, or capacity is expected as a result of this request.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

This property contains potential wetlands along the northeastern side of the property; however the majority of the property is easily developable and is not located in a floodplain. There is no expected environmental impact associated with this request; however, any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The 2.03 acre site is currently zoned R15 (Single Family Residential) with a conditional use variance. Conditional use variances allows for a use that is inconsistent with uses permitted of right and do not run with the land. In this case, an assisted living facility is inconsistent with the single family residential permitted use. Furthermore, *Article XXIV* of the *Statesboro Zoning Ordinance* states "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."

The R15 (single family residential) district requires a minimum lot size of 15,000 square feet with a maximum building coverage of 25 percent and limits permissible uses to detached single family residences. The applicant is requesting that the subject site be rezoned to CR (Commercial Retail) to allow a permissible use that is consistent with the current and proposed future use as an assisted living facility. Furthermore, rezoning the subject property to CR (Commercial Retail) would allow development of the lot in conformance with the *Statesboro Zoning Ordinance*.

"If an area has developed by way of nonconforming uses, special uses and variances, a rezoning that would make the uses permitted uses is appropriate". *Land Use Planning & Development Regulation Law*, pages 143-144.

The request to rezone the 2.03 acre subject property from R15 (Single Family Residential) district to CR (Commercial Retail) 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 CR (Commercial Retail) 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 as follows:

- (1) Existing uses and zoning or (of) property nearby;
- (2) The extent to which property values are diminished by the particular zoning restrictions.
- (3) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
- (4) The relative gain to the public, as compared to the hardship imposed upon the property owner.
- (5) The suitability of the subject property for the zoned purposes.
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
- (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; and
- (8) Consistency with other governmental land use, transportation, and development plans for the community.

Existing uses and zoning of nearby property range from undeveloped to single family residential with commercial districts located to the north of the subject property and a church to the south. This subject site itself is located in an area that is experiencing a growth in demand with the recent construction of the S&S Greenway Trail to the north of the subject property. This area is under pressure to grow in a mixed use manner. Mixed use can be defined as the use of a building or neighborhood for more than one purpose. Mixed use developments provide a range of commercial and residential unit sizes and options while maintaining the intent and character of the area. While the adjacent roads contain primarily single family homes, Gently Road itself is generally mixed in uses with a church abutting the subject property, duplexes to the north, and a lumber company to the northwest.

The property is already developed and utilized as an assisted living facility in a manner similar to the request. If granted, this request would not have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its current existence, and is not expected to be negative or burdensome to the general public or surrounding property owners.

The applicant's request to rezone the subject property from R15 (Single Family Residential) to CR (Commercial Retail) is not inconsistent with the vision or land use policies adopted in the *Statesboro Comprehensive Plan* or those 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 rezoning and subsequent construction proposed for the subject site would achieve this goal of the *Comprehensive Plan*.

The requested zoning map amendment is consistent with the policies articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan* which encourages pedestrian and bicycle access in the subject area.

As illustrated on the sketch plan submittal, the subject property can be developed in conformance with the requirements for the proposed CR (Commercial Retail) zoning districts as set forth in the *Statesboro Zoning Ordinance*. The subject property is sufficient in size and shape for the expansion of the existing structure and should meet the setback and other standards of the CR (Commercial Retail) zoning districts as well as the parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*.

City Council's decision to grant a Conditional Use Variance in 1998 to allow for an assisted living facility in a residential zoned area considered the compatibility of the request with adjacent properties and the overall community and deemed such to be harmonious. After approximately 14 years of operating under the Conditional Use Variance with considerations of expansion along with growth in demand for mixed uses in the area, it has become evident that a more appropriate zoning district to accommodate the appropriate use is needed.

STAFF RECOMMENDATION:

Staff recommends that the requested zoning map amendment from R15 (Single Family Residential) to CR (Commercial Retail) be granted with the following conditions:

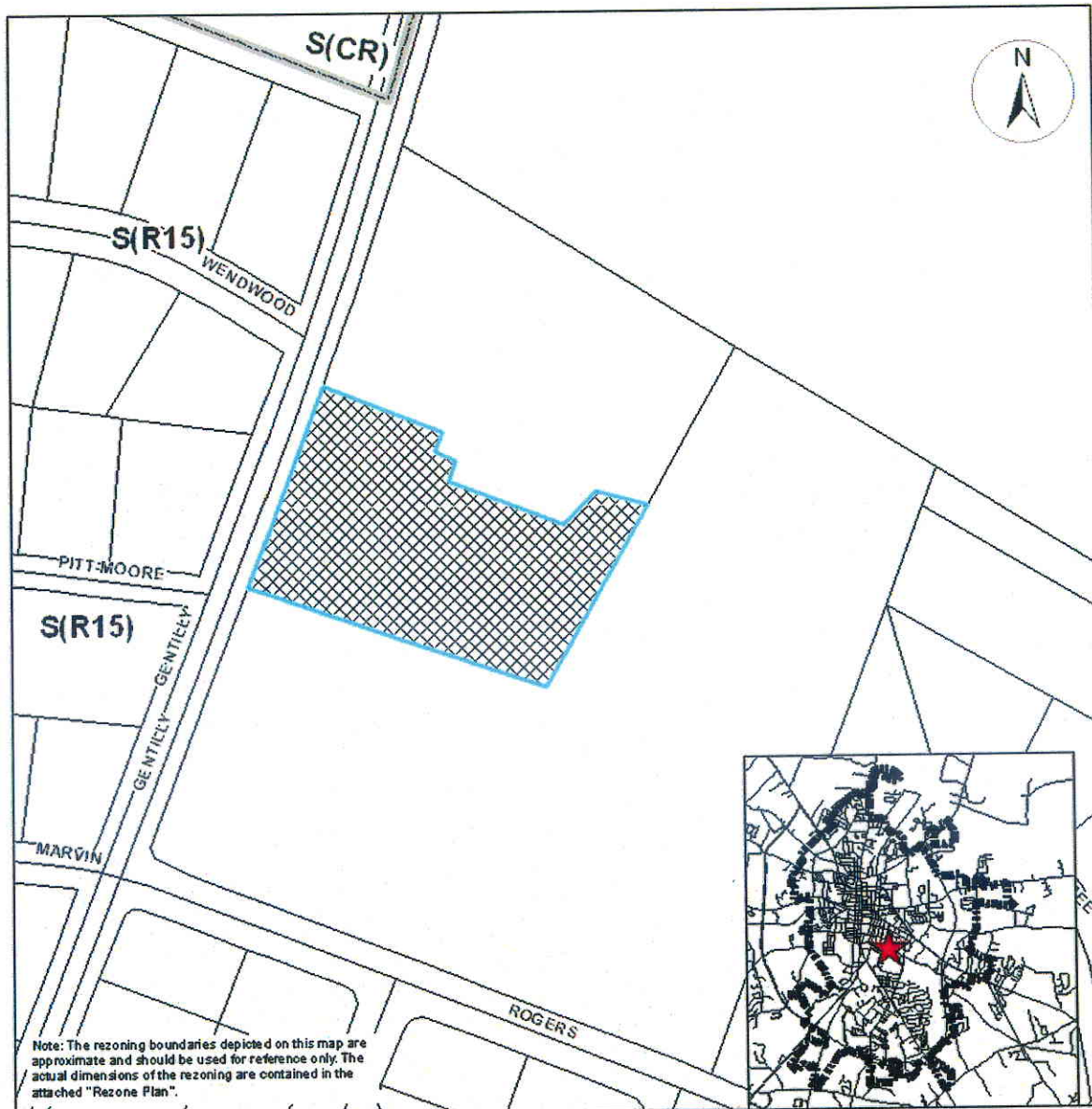
1. 10' behind the back of the curb on Gentilly Road should be dedicated to the City of Statesboro as right of way or permanent easement for construction of sidewalk(s) by the City in the future.

(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

RZ 12-03-01 625 Gentilly Road

Location Map



RZ 12-03-01
625 Gentilly Road

-  Case Site
-  Zoning Boundary

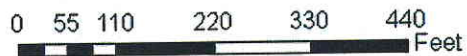
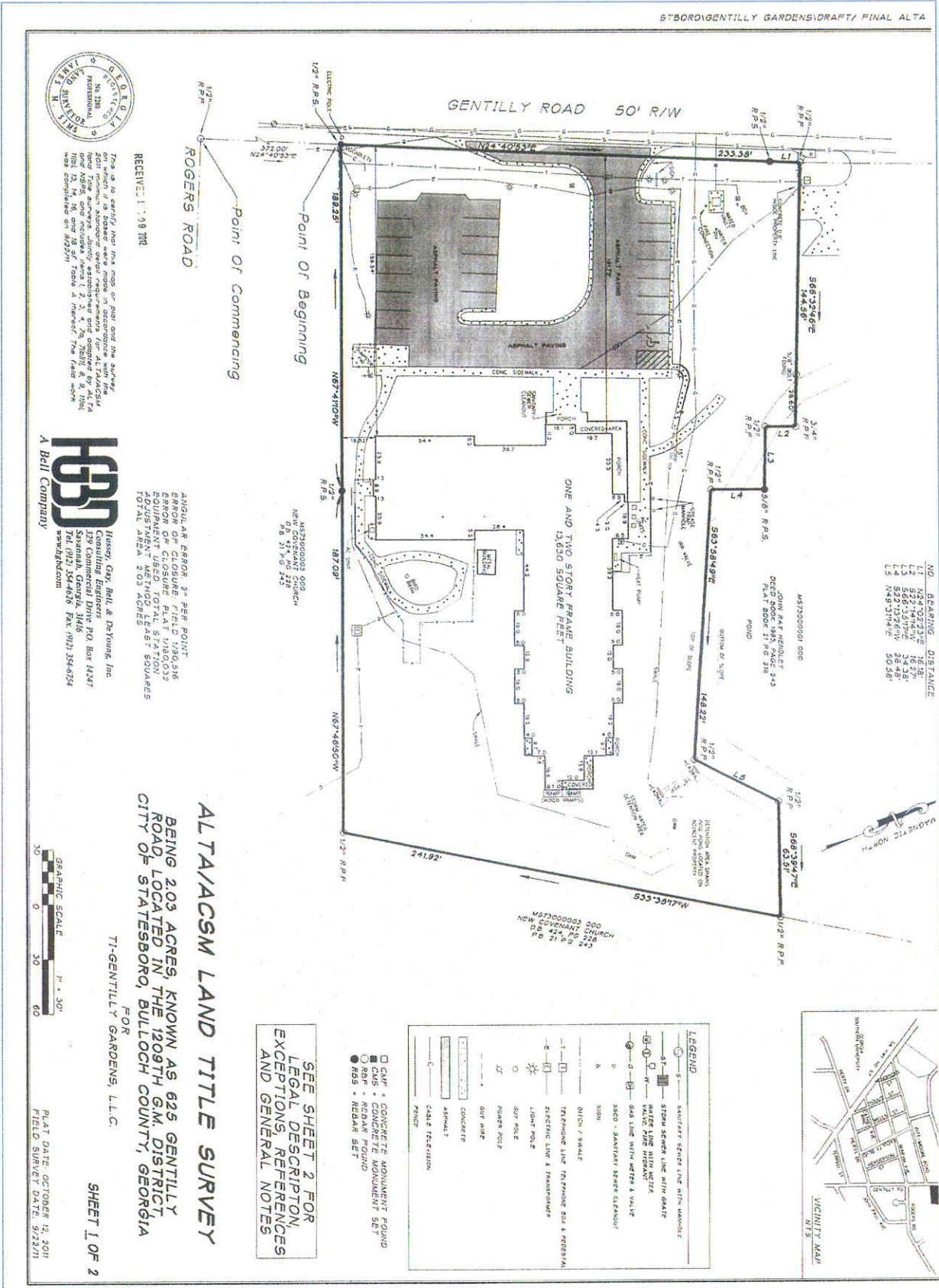


EXHIBIT B: EXISTING SKETCH PLAN



This is to certify that this map or plat and the survey on which it is based were made in accordance with the laws of the State of Georgia, and that the same are correct and true. The same were made and approved by me on this 12th day of October, 2011. My commission expires on 12/31/11.

HBS
A Bell Company
Hussey, Gay, Bell, & DeYoung, Inc.
139 Commercial Drive, P.O. Box 1427
Savannah, Georgia, 31416
Tel: (912) 354-4636 Fax: (912) 354-4734
www.hbs.com

ALTA/GACSM LAND TITLE SURVEY
BEING 2.03 ACRES, KNOWN AS 625 GENTILLY ROAD, LOCATED IN THE 1209TH G.M. DISTRICT, CITY OF STATESBORO, BULLOCH COUNTY, GEORGIA

SEE SHEET 2 FOR LEGAL DESCRIPTION, EXCEPTIONS, REFERENCES AND GENERAL NOTES

- ☐ CMF - CONCRETE MONUMENT FOUND
- ☐ CWS - CONCRETE MONUMENT SET
- RBF - REBAR FOUND
- RBS - REBAR SET

LEGEND

- S — SANITARY SEWER LINE WITH MANHOLE
- ST — STEAM SEWER LINE WITH GAUGE
- W — WATER LINE WITH METERS
- V — VALVE FIVE FEET
- G — GAS LINE WITH METERS & VALVE
- SSG — SANITARY SEWER CLEANOUT
- S — SINK
- D — DITCH / SWALE
- T — TELEPHONE LINE TELEPHONE BOX & WIRELESS
- E — ELECTRICAL LINE & TRANSFORMER
- L — LIGHT POLE
- P — POWER POLE
- G — GUY WIRE
- C — CONCRETE
- A — ASPHALT
- G — GRAVEL
- T — TYPICAL TERRAIN



PLAT DATE: OCTOBER 12, 2011
FIELD SURVEY DATE: 9/22/11

SHEET 1 OF 2

EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The Subject Property from Gentilly Road.



Figure 2: Residential Property to the West.

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



Figure 4: Duplexes to the North of the Subject Property.



Figure 5: Church to the South of the Subject Property.



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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ZONING MAP AMENDMENT
RZ 12-03-02
Brampton Avenue

LOCATION: Brampton Avenue
 Lot 5 Market District

REQUEST: Rezone PUD/CR to CR

APPLICANT: Gopher Hole Investments, LLC

OWNER(S): Parcel 5: Gopher Hole Investments, LLC.

LAND AREA: 1.1 acres

PARCEL TAX MAP #s: MS74000198A005

COUNCIL DISTRICT: 4 (Riggs)



BACKGROUND / PROPOSAL:

Gopher Hole Investments, LLC seeks the rezoning of Lot 5 from PUD/CR (Planned Unit Development/Commercial Retail) to CR (Commercial Retail).

Lot 5 is currently zoned PUD/CR (Planned Unit Development with a Commercial Retail use overlay) as a result of a zoning map amendment granted subject to PUD conditions by the Statesboro City Council in September of 2010. Applicant is seeking the lifting of the conditions associated with the PUD on Lot 5 as being inapplicable to any future development. See **Exhibit A, B, & C.**

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	O (Office)	Hospital
SOUTH:	CR (Commercial Retail)	Commercial and office
EAST:	CR (Commercial Retail)	Commercial
WEST:	CR (Commercial Retail)	Commercial

Properties to the north of the subject site are zoned O (Office) District and are utilized as the East Georgia Regional Medical Center hospital site. Properties to the south, east, and west of the subject site are all zoned CR (Commercial Retail) and include a mix of existing or proposed commercial uses, including office, retail, and a proposed hotel. Directly across Bermuda Run Road from the subject site is the Market District commercial development and The Grove, a multifamily student oriented apartment complex.

COMPREHENSIVE PLAN:

The subject property lies within the "Activity Centers" character area as defined by the *Statesboro Comprehensive Plan*. Activity Center character areas are identified as districts that incorporate (or will incorporate) a wide range of land uses and will evolve into pedestrian-oriented shopping, office, and entertainments places that may also accommodate high-density residential development. Suggested development and implementation strategies of the Activity Center character areas include:

- *Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence (such as screening parking lots or locating parking areas primarily to the sides and rear of buildings).*
- *Incorporate inter-parcel connectivity, especially along major thoroughfares.*
- *Connect these areas with existing and proposed networks of bicycle paths, sidewalks and multiuse trails.*
- *Include community gathering spaces, such as squares, plazas, etc. into commercial and mixed use developments.*

(Community Agenda, Page 18 [List not all-inclusive])

Identified appropriate land uses for the Activity Center character area include retail/commercial, office, medical, services, and multi-family. All of which, excluding multi-family, are uses allowed by right in the CR (Commercial Retail) district.

As a continuation of a requirement along Brampton Avenue, staff recommends a condition that would require a 5' sidewalk to be constructed in the right of way along Brampton Avenue and Bermuda Run as the property develops to encourage connectivity and pedestrian facilities in the area.

TRANSPORTATION:

The project site takes vehicular and pedestrian access from Brampton Avenue and Bermuda Run Road. No traffic counts have been recorded for Brampton Avenue by the Georgia Department of Transportation or the City of Statesboro. As a result, there is no pertinent data on the thoroughfare's current level of service. Although lacking specific traffic data, there is no evidence that the road is operating in a deficient manner. Furthermore, the *Bulloch County/City of Statesboro 2035 Long Range Transportation Plan* does not suggest the need for any capacity or operational improvements along the length of Brampton Avenue, Bermuda Run Road, or its nearby intersection with Fair Road.

No negative impact on transportation or transportation facilities are anticipated by the grant of the requests contemplated herein.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject property is stubbed for services by city utilities and is currently served by the City's public safety departments. There are no known issues related to the City's ability to provide services to this site should the requests herein be granted.

ENVIRONMENTAL:

There are no known environmental concerns regarding this property.

HISTORIC AND CULTURAL RESOURCES:

There are no known historical or cultural resources on or adjacent to the subject property that would be affected by the request.

ANALYSIS:

The request to rezone the subject property from PUD/CR (Planned Unit Development/Commercial Retail) to CR (Commercial Retail) 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 cities 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 and be utilized in conformance with the requirements of the proposed Commercial Retail 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 in "balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property." Those standards are as follows:

- (1) Existing uses and zoning or (of) property nearby;
- (2) The extent to which property values are diminished by the particular zoning restrictions.
- (3) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
- (4) The relative gain to the public, as compared to the hardship imposed upon the property owner.
- (5) The suitability of the subject property for the zoned purposes.
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
- (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; and
- (8) Consistency with other governmental land use, transportation, and development plans for the community.

The subject site is a cleared undeveloped area surrounded by the Commercial Retail (CR) zoning district and appropriate CR land uses to the south, west, and east. East Georgia Regional Hospital (zoned Office) is to the north of the site. The adjacent Lot 4 is zoned Commercial Retail and was considered in case RZ 10-07-02 along with the subject property for

a zoning map amendment for a project that contemplated combining Lots 4 and 5 of the Market District for potential retail and food services development. Specific issues related to the then proposed project resulted in Lots 4 and 5 being zoned as a Planned Unit Development, subject to conditions, with a Commercial Retail overlay by the Statesboro City Council in September 2010. A review of the conditions reveals that they are specific to the concept proposed in that case and, as such, are no longer applicable. Said conditions are attached as "Exhibit C". Lot 4 was then considered in case RZ 11-06-01 which granted a zoning map amendment to lift the PUD conditions. Therefore, the applicant is requesting the same PUD conditions be lifted from Lot 5.

"A PUD should be viewed as an alternative available for regulating development when existing land use regulations may not adequately address unique circumstances or opportunities for a particular development." *Statesboro Comprehensive Plan, Community Agenda page 41*. No such need exists here. The subject property can be developed and utilized in conformance with the requirements of CR zoning district as set forth in the *Statesboro Zoning Ordinance*. Furthermore, staff review of the proposed zoning map amendment found no outstanding safety or site design issues nor anticipated any negative impact associated with the requested zoning map amendment.

Section 2407 of the *Statesboro Zoning Ordinance* states "conditional zoning status shall expire if there has been no action to perform said conditions or if no building permit has been issued within 12 months. The zoning shall convert to its original classification." Unless otherwise noted, the site plan submitted in support of an approved condition shall be considered part of the approval and must be followed to remain valid.

Applicant's request to rezone the subject property from PUD/CR (Planned Unit Development/Commercial Retail) to CR (Commercial "Retail") is not inconsistent with the vision or land use policies adopted in the *Statesboro Comprehensive Plan* or those articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*.

STAFF RECOMMENDATION:

Based on the factors of consideration given in Sections 2007 of the *Statesboro Zoning Ordinance* and the adopted policies of the *Statesboro Comprehensive Plan*, Staff recommends the approval of RZ 12-03-02 to rezone tap map parcel MS74000198A005 from PUD/CR to CR.

Subject to the following conditions:

1. A sidewalk, five (5) foot in width and compliant with ADA standards shall be constructed and installed by the Applicant in the right of way of Brampton Avenue and Bermuda Run Road along the frontage of the subject property to the satisfaction of the City Engineer as the property develops.

EXHIBIT A: LOCATION MAP

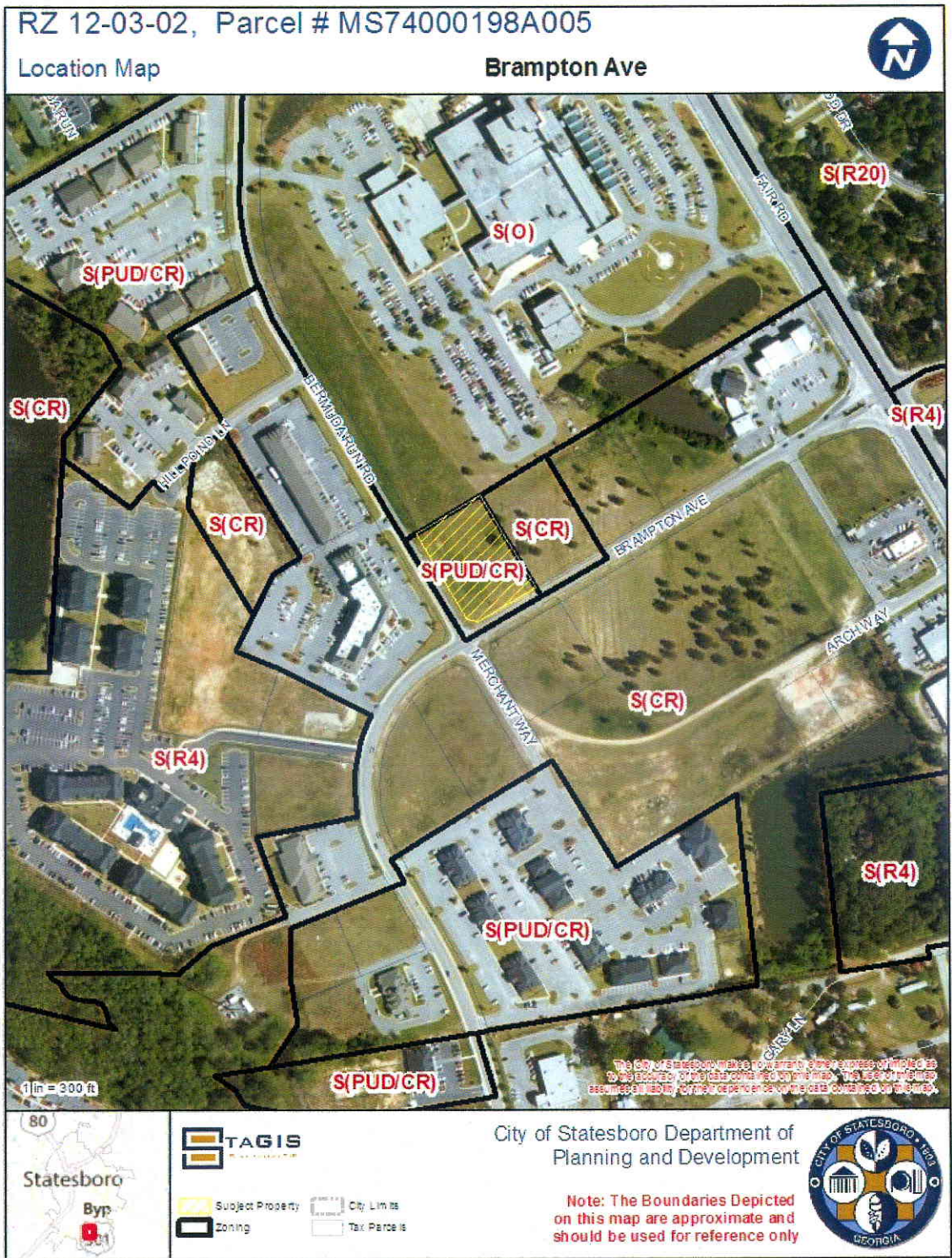


EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Subject Site.



Subject Site.

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



Market District across from the subject site.

REQUIREMENTS FOR RZ 10-07-02
Zoning Map Amendment Request: Brampton Avenue.

The Planned Unit Development – Commercial Retail (PUD-CR) District for property proposed within zoning map amendment #RZ 10-07-02, and listed in the case file at the time of adoption by Statesboro City Council as Brampton Avenue and tax map parcels # MS740000198004 and #MS740000198005 to all applicable provisions of the *Statesboro Zoning Ordinance*, and the general requirements contained within this defining narrative. Where the general requirements of this Planned Unit Development conflict with provisions of the *Statesboro Zoning Ordinance* and other applicable chapters of City Code, the more stringent shall apply.

A) Administration:

In addition to the provisions of Article XVII (Administration.) of the *Statesboro Zoning Ordinance*, the following shall be applicable to the subject property:

- 1) The Director of Community Development shall have the duty and power to administer the provisions of RZ 10-07-02 unless otherwise provided. Where referenced herein, the term "Director of Community Development" may also include her/his designee.
- 2) The City Engineer shall have those specific and necessary duties and powers referenced herein to administer the provisions of RZ 10-07-02. Where referenced herein, the term "City Engineer" may also include her/his designee.

In addition to the provisions of Article XIV (Planned Unit Development District.) of the *Statesboro Zoning Ordinance*, the following shall be applicable to the subject property:

- 3) *Minor Amendments.* The Director of Community Development shall have the authority to approve minor amendments to the Planned Unit Development – Commercial Retail (PUD-CR) District created by action of the Statesboro City Council for RZ 10-07-02. Minor amendments shall not include expansion of building or other impervious surface area, land area of the property, or other similar changes that intensify the use of the property or result in a rearrangement of facilities inconsistent with the approved conceptual development plan; or, changes that conflict with the requirements listed herein.
- 4) *Major Amendments.* Where the Director of Community Development determines that a proposed amendment to the PUD cannot be classified as "minor" in nature, such amendments shall be deemed as major amendments and will require the submittal of a zoning map amendment by the applicant consistent with the provisions of Article XX (Amendments) of the *Statesboro Zoning Ordinance*.
- 5) *Building Area.* The Planned Unit Development created by RZ 10-07-02 may be issued building permits for any combination of buildings, stories, or rooftops of up to a cumulative site total of 15, 600 square feet that will satisfy the requirements of this PUD and the *Statesboro Municipal Code*. However, total building footprint on the site shall not exceed the outside building envelope of 14, 760 square feet, as shown on the approved conceptual site plan. 15, 600 square feet or outside of the 14, 1760 square feet building envelope shown on the approved conceptual plan shall be considered a major amendment.
- 6) *Permits/Subdivision.* A minor subdivision plat shall be recorded combining the parcels subject to RZ 10-07-02 (Lots 4 and 5 of the Market District Subdivision) prior to the approval of any building permits for this site.

B) Building Elements:

The subject property shall adhere to the following:

- 1) *Principal and Accessory Structures.* All principal and accessory structures shall incorporate compatible *architectural details* and utilize uniform exterior finishes.
- 2) *Facades.* Exterior facades of all principal and accessory structures shall be constructed primarily of brick, stone or other decorative masonry, or stucco. Wood, hardi-plank or a similar siding may be applied as a secondary material; but shall in no case be utilized on more than 50 percent of any façade elevation. Two wall materials may be combined horizontally on one (1) façade with the "heavier" wall material located below.
- 3) *Roofs.* Pitched metal roofs may be utilized; however, any material utilized for a pitched roof shall be of an earth tone that is muted and compatible with materials utilized for wall facades. Roof mounted mechanical equipment (i.e. HVAC units, etc.) shall not be visible from the public street.

- C) Buildings shall be oriented such that the primary pedestrian entrance is located on a street-facing building elevation. **Land Uses:**

The subject property shall adhere to the following:

- 1) *Permitted Uses.* In addition to the land uses permitted in Article X (Commercial Retail District) of the *Statesboro Zoning Ordinance*, the following shall also be permitted:

a. *Agencies, studios, schools.*

- 2) *Prohibited Uses.* The following land uses shall be prohibited:

a. *Drive-through service lanes.*

D) **Lighting:**

In addition to the provisions of Section 1004 (B) (Development requirements.) of the *Statesboro Zoning Ordinance*, the subject property shall adhere to the following:

- 1) Lighting facilities shall be arranged in a manner which will protect the roadway and neighboring properties from glare or hazardous interference of any kind.
- 2) All exterior lighting shall utilize fully-shielded (full cutoff) luminaries emitting no light above the horizontal plane except for those incandescent fixtures of 150 watts or less and other sources of 70 watts or less.
- 3) Maximum light mounting height shall not exceed 20 feet or 100 percent of the horizontal distance to the property line – whichever is less.
- 4) *Uniform Lighting Plan.* A lighting plan meeting the provisions of this section shall be provided and be approved by the City Engineer and Director of Community Development prior to issuance of a building permit by the City of Statesboro. All portions of the site shall be subject to the lighting plan which shall include at least:

a. Free-standing lighting fixtures and posts to be utilized within public rights-of-way and outdoor parking, loading, gathering spaces, etc.

E) **Parking:**

In addition to the provisions of Article XVI (Off-street Parking and Loading.) of the *Statesboro Zoning Ordinance*, the subject property shall adhere to the following:

- 1) The Planned Unit Development created by RZ 10-07-02 shall not be subject to Section 1600.1 (Parking for shopping centers with restaurants) of the *Statesboro Zoning Ordinance*. The PUD shall alternatively be subject to Subsection E.3 herein in regard to restaurants within shopping centers.

In addition to the provisions of Section 1600 (Required off-street parking facilities.) of the *Statesboro Zoning Ordinance*, the subject property shall adhere to the following:

- 2) *Parking Requirement (Restaurant, cafeteria, fast food [with seating]):* One (1) space for every 75 square feet gfa – including areas utilized for outdoor seating.
- 3) *Parking for Shopping Centers with Restaurants.* The PUD created by RZ 10-07-02 shall not be required to provide greater than 92 parking spaces, except if the gross floor area of the Planned Unit Development utilized as a restaurant / food service facility(ies) exceeds 33 percent (5,148 SF) of the PUD's total approved gross floor area of 15,600 SF. In such case, the parking required for the gross floor square footage above the initial 5,148 SF utilized as restaurant or food service facility shall be required to provide parking at the rate of one parking space for each 75 SF of gross floor area devoted to restaurant or food service use as provided in Subsection E.2.
- 4) Failure to meet the minimum parking requirements will result in the denial of a building permit and/or occupation tax certificate for any business that causes the PUD's parking requirement to exceed the amount of available parking.

In addition to the provisions of Section 1602 (Design requirements for multi-family, commercial and industrial parking lots.) of the *Statesboro Zoning Ordinance*, the subject property shall adhere to the following:

- 5) In adherence of Subsection 1602 (B), all parking areas shall incorporate curb and gutter as approved by the City Engineer.

- 6) *Cross-Access.* A stub suitable for later development as a commercial driveway way for cross access use between the Planned Unit Development and the adjoining property to the east must be installed within the subject property's parking area at its boundary with the parcel to the east.
- 7) Parking facilities for the PUD must install landscape islands so that no more than ten (10) adjacent parking spaces exist without a landscaped island.
- 8) Parking lot islands shall have a minimum width of eight (8) feet measured from back of curb to back of curb and be equal in length to the adjoining parking space.

F) Pedestrian and Bicycle Facilities:

The subject property shall be developed to incorporate the following:

- 1) *Sidewalks.* Sidewalks of a minimum of five (5) feet in width and which meet ADA compliance standards shall be installed within the rights-of-way of Brampton Avenue and Bermuda Run Road along the frontage of the subject property.
- 2) *Walkways.* Three (3) pedestrian walkways (sidewalk) of a minimum of five (5) feet shall be constructed that provide a direct connection between the sidewalks on Brampton Avenue and Bermuda Run Road, and the proposed walkway which surrounds the proposed buildings on the site. All such walkways shall meet ADA compliance standards, and shall be located on individual development tracts in a manner that provides maximum separation between pedestrian and motor vehicle traffic. Where the walkway crosses paved parking areas, it shall be delineated by pavement markings approved by the City Engineer.
- 3) *Bicycle Facilities.* Appropriate bicycle racks shall be provided at each individual development tract at a ratio of one (1) per every 50 motor vehicle parking spaces. Each bicycle rack shall be designed to support a bicycle by its frame in two (2) places and allow the use of a cable lock or U shaped lock. Each bicycle parking space shall be located on a paved pad and shall be at least twenty-four (24) inches in width and six (6) feet in length. In addition, bicycle parking spaces shall be accessed on at least one (1) side via an area of clearance not less than forty eight (48) inches. Final placement and design shall be subject to the approval of the Director of Community Development.

G) Screening:

In addition to the provisions of Article XXII (General Provisions) of the *Statesboro Zoning Ordinance*, the subject property shall adhere to the following:

- 1) *Dumpsters.* Dumpsters for this site must be screened from view on all four (4) sides. Screening must consist of three (3) sides of a wall constructed of the same materials primarily utilized for the exterior building elevations of the principal structures on the site. The fourth side may employ a gate, approved by the Statesboro Public Works Department, for removal or servicing of the dumpster. A minimum of six (6) feet in height, or a greater height sufficient enough to screen the entire dumpster, is required.
- 2) *Mechanical Equipment.* Placement of ground mounted mechanical equipment (HVAC units, etc.) shall not be oriented to face either Brampton Avenue or Bermuda Run Road; but, shall, be placed to the rear or side of building(s). In no case shall the placement of mechanical equipment obstruct pedestrian facilities. All ground mounted mechanical equipment shall be screened from view with walls constructed of the same or similar brick, stone or other decorative masonry or stucco materials primarily utilized for the exterior facades of the principal structures on the site; or, by vegetation forming a compact evergreen planting screen within two (2) years of planting; or, by any combination of a wall or vegetative buffer meeting the provisions herein.

H) Signage:

In addition to the provisions of Article XV (Signs) of the *Statesboro Zoning Ordinance*, the subject property shall adhere to the following: