

STATESBORO PLANNING COMMISSION

August 14, 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. July 10, 2012 meeting.
4. New Business

APPLICATION # RZ 12-06-10: James M. Hood requests a zoning map amendment from R-20 (Single-Family Residential) District to R-4 (High Density Residential) District for property located at 444 South College Street (Tax parcel # S21000011001).

APPLICATION # RZ 12-07-01: Josh Whitfield requests a zoning map amendment from O (Office) District to CR (Commercial Retail) District for property located at 56 Zetterower Avenue (Tax Parcel # S38000056000).

APPLICATION # RZ 12-07-02: Copper Beech Town Home Communities, LLP, requests a zoning map amendment from CR (Commercial Retail) District to R-4 (High Density Residential) District for property located on Statesboro Place Circle.

5. Adjourn

STATESBORO PLANNING COMMISSION

July 10, 2012

5:00 P.M.

City Hall Council Chambers

Minutes

Present: Planning Commission Members: Teresa Concannon, Andrew Hanson, Rick Barr, and Ray Hendley. City of Statesboro staff: Mayor Brannen, Director of Planning and Development Mandi Cody, City Manager Frank Parker, Development Clerk Cindy Steinmann, and Administrative Assistant Debra Wiese.

Absent: Planning Commission Members: Nick Propps, Jonathan McCollar, and Brian Hulsey.

1. Approval of Meeting Minutes

a. June 12, 2012 meeting.

Motion made to approve minutes by Commissioner Hanson; second by Commissioner Barr. Motion carried 4 to 0. Minutes approved.

2. New Business

Commissioner Hendley excused himself from the proceedings regarding Application V 12-06-09. Commissioner Hansen chaired the meetings proceedings.

- a. **APPLICATION # V 12-06-09**: Hendley Properties requests a variance from Section 603 and 2203.1 of the Statesboro Zoning Ordinance regarding building size, lot size, and set back requirements for property located in Sagebrush (Tax Parcel # MS74000076000).

Cindy Steinmann presented the staff report and with a special mention that the conditions in the staff report were no longer necessary. Bryan Davis, Property Manager for Hendley Properties, spoke in favor of the request. Motion to approve made by Teresa Concannon, second by Rick Barr. Motion carried 3 to 0 to approve request.

- b. **APPLICATION # V 12-06-08**: GSU Development, LLC, requests a variance from Section 703 of the Statesboro Zoning Ordinance regarding density for property located at 111 Rucker Lane (Tax Parcel #s MS52000002A000 and MS52000002002).

Cindy Steinmann presented staff report. John Dotson in favor of the application and took questions of Planning Commission. Motion made by Rick Barr, second by Teresa Concannon to approve application. Motion carried a 4 to 0. Application approved.

3. Announcements

Commissioner asked for any staff announcements to be addressed. Mandi Cody stated several cases were filed for this round for consideration. Either items were withdrawn by applicant at applicant's request, or tabled at applicant's request for additional improvements on their plans/concepts. Friday was the filing deadline. We expect to hear cases at August's meeting.

Mayor Brannen thanked Planning Commission for the work they do.

4. Adjourn

Motion made by Teresa Concannon to adjourn meeting, second by Rick Barr. Motion carried a 4 to 0. Meeting adjourned.

These minutes were adopted by the City of Statesboro Planning Commission at its August 14, 2012 meeting.

Chair -- Nick Propps

Secretary – Mandi Cody, Director of
Planning and Development

DRAFT



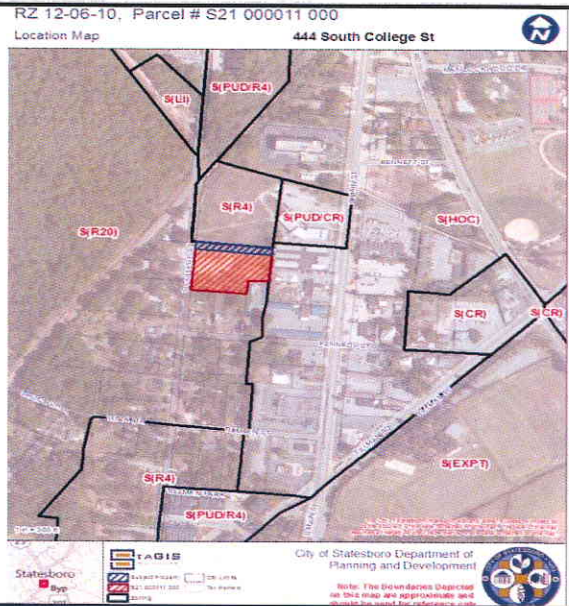
City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

RZ 12-06-10
ZONING MAP AMENDMENT
444 SOUTH COLLEGE STREET

LOCATION: 444 South College Street
REQUEST: Rezone from R20 (Single Family Residential) to R4 (High Density Residential)
APPLICANT: Dr. James Hood
OWNER(S): Dr. James Hood
LAND AREA: 1.59 acres
PARCEL TAX MAP #s: S21000011000
COUNCIL DISTRICT: 2 (Lewis)



PROPOSAL:

The applicant is requesting rezoning of approximately .27 acres of an entire 1.59 acre lot located at 444 South College Street from R20 (Single Family Residential) District to R4 (High Density Residential) in anticipation of subdividing the property for the sale and combination with the northern adjacent property. (See Exhibit A – Location Map & Exhibit B – Sketch Plan)

BACKGROUND:

The subject area of this request is adjacent to property on South College Street that was recently rezoned from PUD/CR (Planned Unit Development with Commercial Retail overlay) to R4 (High Density Residential) for the construction of residential development within the downtown district in case RZ 12-05-02. The applicant of the aforementioned case wishes to combine the subject property with the northern property for development purposes necessitating a zoning map amendment.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R4 (High Density Residential)	Vacant with proposed residential duplexes
SOUTH:	R20 (Single Family Residential)	Residential
EAST:	HOC (Highway Oriented Commercial)	Commercial
WEST	R20 (Single Family Residential) & HOC (Highway Oriented Commercial)	Vacant, Residential, & Commercial

The subject property is located in a primarily residential use area with the property's eastern property line surrounded by commercial uses such as restaurants, convenience stores, etc. (See Exhibit C)

COMPREHENSIVE PLAN:

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

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

- Encourage mixed-use infill and redevelopment.
- New development should respect historic context of building mass, height and setbacks.
- Economic development strategies should continue to nurture thriving commercial activity.

Statesboro Comprehensive Plan, Community Agenda pages 12-13.

As illustrated in the *Comprehensive Plan*, setback and height requirements should be maintained when possible. Allowing this portion of the subject property to be rezoned allows the adjacent property owner the opportunity to purchase the rezoned lot to combine with the proposed development to maintain necessary setbacks. See **Exhibit B**.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property does not contain wetlands but is located in a flood hazard; however, this request should not generate any additional issues. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The entire 1.59 acre site is currently zoned R20 (Single Family Residential) and contains single family homes. The applicant's request to rezone a portion (approximately .27 acres) of the property from R20 (Single Family Residential) to R4 (High Density Residential) would allow for subdivision and combination with the adjacent lot to the north to be developed with the proposed residential development recently rezoned to R4 (High Density Residential). Staff recommends that Council consider the effect this request would have on split zoning which can be defined as two or more zoning designations on one piece of property. Split zoning can be viewed as a short-term solution but can easily turn into a long-term problem if, for example, the applicant does not follow through with subdivision and combination. In such instance, accurately mapping split-zoned properties can be difficult, causing potential liability issues. The current zoning ordinance does not provide guidance for split-zone requests nor does it prohibit the practice; therefore, staff must consider each request on a case by case basis.

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

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

- (1) Existing uses and zoning or (of) property nearby;
 - Existing uses and zoning of nearby property range from commercial to single family residential homes. According to the *Statesboro Comprehensive Master Plan*, this area provides urban style housing opportunities through live-work and loft housing. Expanding housing options in downtown is encouraged.
- (2) The extent to which property values are diminished by the particular zoning restrictions.

- (3) **The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- (4) **The relative gain to the public, as compared to the hardship imposed upon the property owner.**
 - o The proposed residential development is much more desirable and aesthetically pleasing than the existing vacant property while providing unique housing options to the public and downtown area.
- (5) **The suitability of the subject property for the zoned purposes.**
 - o The proposed land use meets the provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*.
 - o The property is currently utilized in a residential manner.
- (6) **The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - o The entire parcel currently holds single family homes. The portion of the lot to be rezoned is vacant. Allowing the applicant to rezone for subdivision/combination purposes will allow development of an underutilized portion of 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;**
 - o 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 1,310 trips both ways for the year 2011 which is an increase of 1,000 trips from 2010 but is not expected to increase significantly with the applicant's request.
 - o *The Long Range Transportation Plan* does not identify the level of service at this segment.
 - o The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its current single family zoning district, and is not expected to be negative or burdensome to the general public or surrounding property owners.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
 - o The requested zoning map amendment is consistent with the policies articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*.
 - o As illustrated on the sketch plan submittal, the subject property can be developed in conformance with the requirements for the proposed R4 (High Density Residential) zoning district when combined with the adjacent lot. The combined property will be sufficient in size and shape for proposed residential use and should meet the setback and other standards of the R4 (High Density Residential) zoning districts as well as the parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*. If the subject property does not combine with the adjacent parcel after being rezoned, the provisions of the *Statesboro Zoning Ordinance* could not be met.
 - o The *Statesboro Comprehensive Plan* adopts a goal of "promot[ing] infill and redevelopment" stating that "infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place". (*Community Agenda, page 51*). The requested utilization of the subject site would achieve this goal.
 - o Use of the property as high density residential is consistent with the vision and guiding principles of the "Urban Core" character area as articulated within the *Statesboro Comprehensive Plan* which promotes new developments to include mixed uses such as small to mid-size retail, single family residential, and multifamily residential.
 - o This request may pose an issue of split-zoning the property until subdivision and combination is completed. The *Statesboro Zoning Ordinance* does not offer any provisions or guidance in regards to split-zoning parcels. In this case, no negative impact on zoning is expected as result of this request.

STAFF RECOMMENDATION:

Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and the *Long Range Transportation Plan*, staff recommends approval of the zoning map amendment requested by application RZ 12-06-10.

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

EXHIBIT A: LOCATION MAP

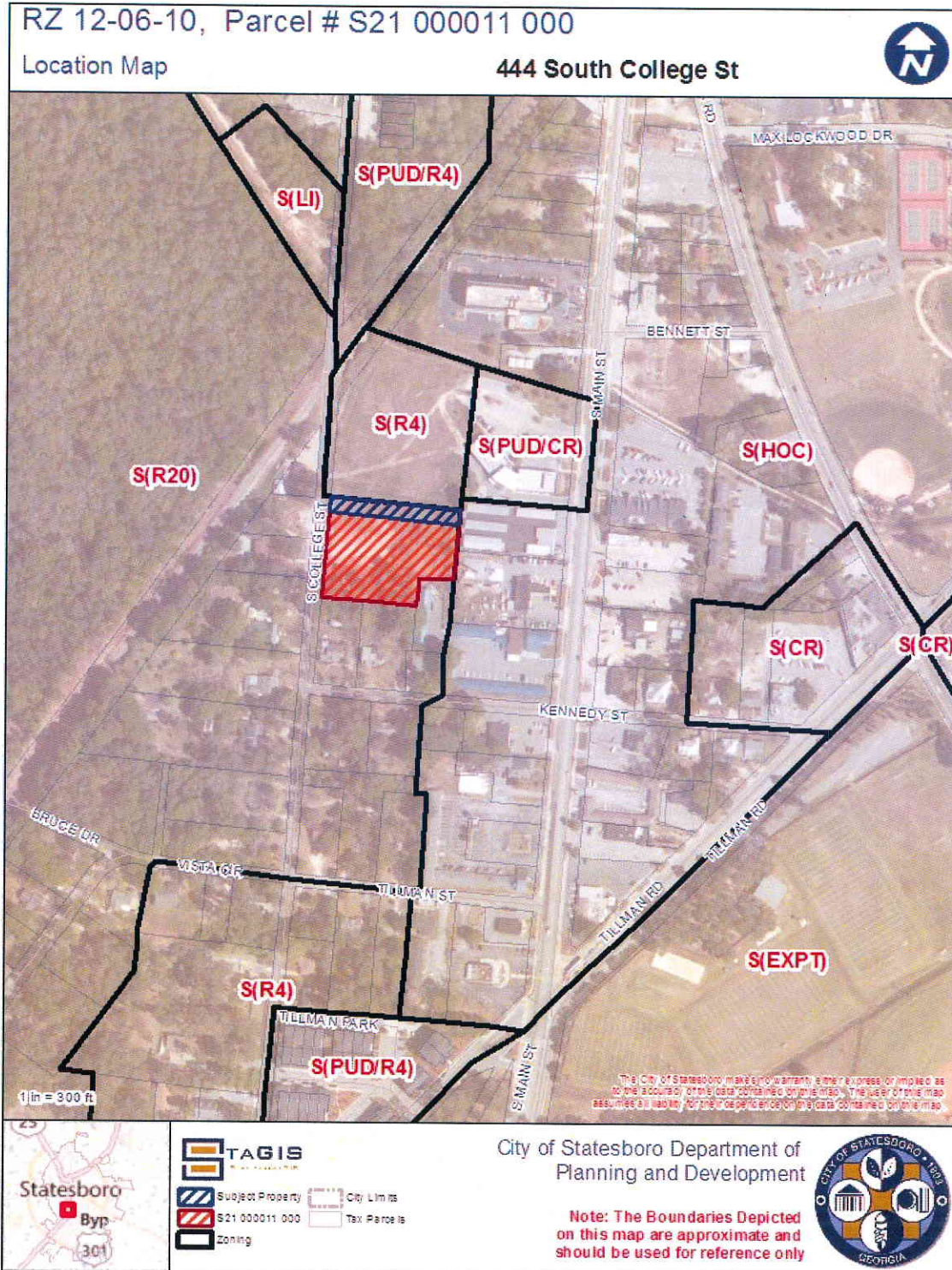


EXHIBIT B: SKETCH PLAN



PROPOSED SITE DEVELOPMENT
 SOUTH COLLEGE STREET
 STATESBORO, GA
 CONCEPTUAL SITE PLAN
 MAXWELL-REDDICK AND ASSOCIATES
 ENGINEERING • LAND SURVEYING
 POST OFFICE BOX 1884
 STATESBORO, GEORGIA
 30449-1898
 1203 BRADSHAW AVE.
 OFFICE (912) 486-2112
 FAX (912) 486-2125
 COPYRIGHT © 2012 BY MAXWELL-REDDICK AND ASSOCIATES

THIS SKETCH PLAN IS A CONCEPTUAL SITE PLAN AND IS NOT A FINAL ENGINEERING DRAWING. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE. THE SKETCH PLAN IS SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT AND THE STATE OF GEORGIA. THE SKETCH PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

W
 N
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 E
 MAXWELL-REDDICK
 AND ASSOCIATES

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



Figure 1: The Subject Property from South College Street.



Figure 2: Subject Property from the Adjacent Northern Parcel.

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



Figure 4: Northern Parcel Adjacent to Subject Site – Anticipated Combination.



Figure 5: Across South College Street from Subject Property.



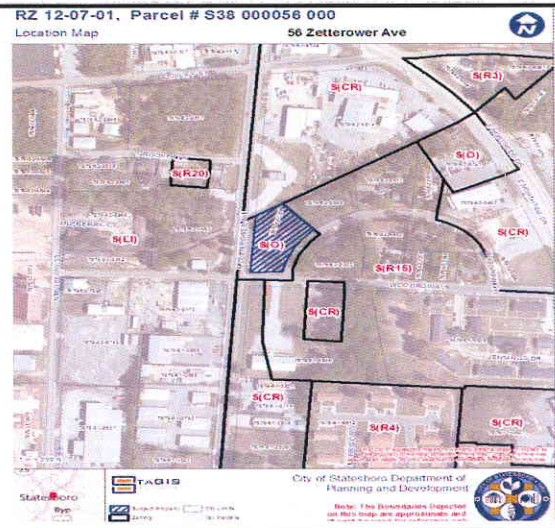
City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

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» (912) 764-0630
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RZ 12-07-01
ZONING MAP AMENDMENT
56 NORTH ZETTEROWER AVENUE

LOCATION: 56 North Zetterower Avenue
REQUEST: Rezone from O (Office) to CR (Commercial Retail)
APPLICANT: Josh Whitfield
OWNER(S): Carroll Baird, III
LAND AREA: .68 acres
PARCEL TAX MAP #s: S38000056000
COUNCIL DISTRICT: 1 (Blitch)



PROPOSAL:

The applicant is requesting rezoning of approximately .68 acres of property located at 56 North Zetterower Avenue from O (Office) District to CR (Commercial Retail). (See **Exhibit A** – Location Map & **Exhibit B** – Sketch Plan)

BACKGROUND:

The subject area of this request was rezoned from O (Office) to R3 (Medium Density Residential) in 2007. The following year, the property was rezoned from R3 (Medium Density Residential) to CR (Commercial Retail) for an office use. After a proposal to construct two buildings on the same lot was made, the property was later rezoned from CR (Commercial Retail) to O (Office) due to a previous provision in the ordinance that required a minimum lot size of 20,000 ft² per structure. Approximately two weeks following the latest rezone, previous administration amended the text of the ordinance to reduce minimum lot sizes from 20,000 ft² to 10,000 ft² in CR (Commercial Retail) districts; thus, making the most previously mentioned zoning map amendment unnecessary. A permit was issued for the construction of an outer shell for one of the two proposed buildings on the site which presently remains vacant and unused. The applicant wishes to rezone the property back to CR (Commercial Retail) to finish the construction of the current empty building shell with an anticipated commercial use. The applicant also anticipates the development of the additional previously proposed building on the same lot in the near future for commercial uses as well.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail)	Commercial
SOUTH:	CR (Commercial Retail) and R15 (Single Family Residential)	Residential & Church
EAST:	CR (Commercial Retail) and R15	Vacant, Residential, & Commercial
WEST	LI (Light Industrial)	Commercial

Properties to the north of the subject property are zoned CR (Commercial Retail) and contain Stubbs Oil and an automotive repair shop. Parcels to the east contain several single family homes zoned R15 (Single Family Residential) and commercial uses to the extreme east zoned CR (Commercial Retail). The southern parcels are zoned R15 (Single

Family Residential) and CR (Commercial Retail) with single family homes and a church. Finally, the western parcels are zoned LI (Light Industrial) and contain several commercial uses such as an automotive repair shop. (See Exhibit C)

COMPREHENSIVE PLAN:

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

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

- Encourage mixed-use infill and redevelopment.
- New development should respect historic context of building mass, height and setbacks.
- Economic development strategies should continue to nurture thriving commercial activity.

Statesboro Comprehensive Plan, Community Agenda pages 12-13.

As illustrated in the *Comprehensive Plan*, It is desirable to encourage mixed-use infill and development while nurturing commercial activity. Permitting the subject property to be rezoned allows the applicant an opportunity to clean up and utilize an overgrown lot containing an abandoned incomplete building and remedy a possible issue of spot zoning. See Exhibit B.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property does not contain wetlands but is located in a flood zone; however, this request should not generate any additional issues. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The .68 acre subject site is currently zoned O (Office) and contains an abandoned incomplete building shell. The applicant's request to rezone the property from O (Office) to CR (Commercial Retail) would allow a commercial utilization of the property as previously proposed. Council's decision to grant a zoning map amendment from CR (Commercial Retail) to O (Office) in 2009 made the proposal consistent with a previous provision in the ordinance that would not have allowed the proposed construction. Just weeks after Council granted a rezone to allow the applicant's proposal, the ordinance for CR (Commercial Retail) zoning districts was amended in a manner that would have permitted the applicant's proposal without initiating the original rezone.

The request to rezone the subject property should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's two (2) primary land use policies: The *Statesboro Comprehensive Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed 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 numbered below 1-8. Staff findings regarding some of the factors are given for Council's consideration of the application:

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

- Existing uses and zoning of nearby property range from commercial to single family residential homes. According to the *Statesboro Comprehensive Master Plan*, mixed use while nurturing thriving commercial activity is encouraged. This request would accomplish that.
- The current O (Office) zoning possible presents issues of spot zoning. Rezoning the subject property would remedy this.

- Although the subject property lies on the outside of a residential district, Council's previous decisions to zone the property for commercial and office uses considered the property's compatibility with surrounding land uses and found the proposed use to be compatible.
- (2) The extent to which property values are diminished by the particular zoning restrictions.**
 - Only office related uses are permitted within the current zoning designation. Rezoning the property to CR (Commercial Retail) will allow office uses as well as many other possible small scale commercial uses.
- (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.**
 - Currently, this lot is in desperate need of attention with overgrown grass, an abandoned unfinished building, and an empty parking lot. Leaving developments of this nature to be abandoned poses a risk to the public both physically and aesthetically. Reducing dilapidated structures is a crucial factor in the City. Allowing an empty structure to sit abandoned would do the opposite. Rezoning opens more already deemed compatible by City Council and allows underutilization of the property.
- (5) The suitability of the subject property for the zoned purposes.**
 - The proposed land use meets the provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*.
 - Although the property did not meet previous standards of the CR (Commercial Retail) district, past text amendments make this property suitable and developable by the provisions of the proposed 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.**
 - After being rezoned from CR (Commercial Retail) to O (Office) for consistency with minimum lot requirements, amendments to the CR text were initiated by staff which made the property consistent with the CR provisions as well. A building permit for the construction of the exterior shell of a building was pulled in 2009 while the rest of the building along with the proposed additional building was never completed. The lot and building have sat vacant and abandoned since that time and has now become overgrown and unsightly.
- (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;**
 - 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 4,200 trips both ways for the year 2011 and is not expected to increase significantly with the applicant's request.
 - *The Long Range Transportation Plan* does not identify the level of service at this segment.
 - The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its current single family zoning district, and is not expected to be negative or burdensome to the general public or surrounding property owners.
- (8) Consistency with other governmental land use, transportation, and development plans for the community.**
 - The requested zoning map amendment is consistent with the policies articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*.
 - 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 district. The subject property is sufficient in size and shape for proposed commercial use 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*.
 - A CR (Commercial Retail) zoning district would allow a wider variety of small scale commercial uses while still maintaining the office use if the applicant so chooses and eliminates the need for future zoning map amendments of the property.
 - The *Statesboro Comprehensive Plan* adopts a goal of "promot[ing] infill and redevelopment" stating that "infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place". (*Community Agenda, page 51*). The requested utilization of the subject site would achieve this goal.
 - Use of the property as commercial retail is consistent with the vision and guiding principles of the "Urban Core" character area as articulated within the *Statesboro Comprehensive Plan* which promotes new developments to include mixed uses such as small to mid-size retail, single family residential, and multifamily residential.

STAFF RECOMMENDATION:

Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and the *Long Range Transportation Plan*, staff recommends approval of the zoning map amendment requested by application RZ 12-07-01 with the following condition:

1. Applicant must reconstruct driveway to meet GDOT specifications.

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

EXHIBIT A: LOCATION MAP

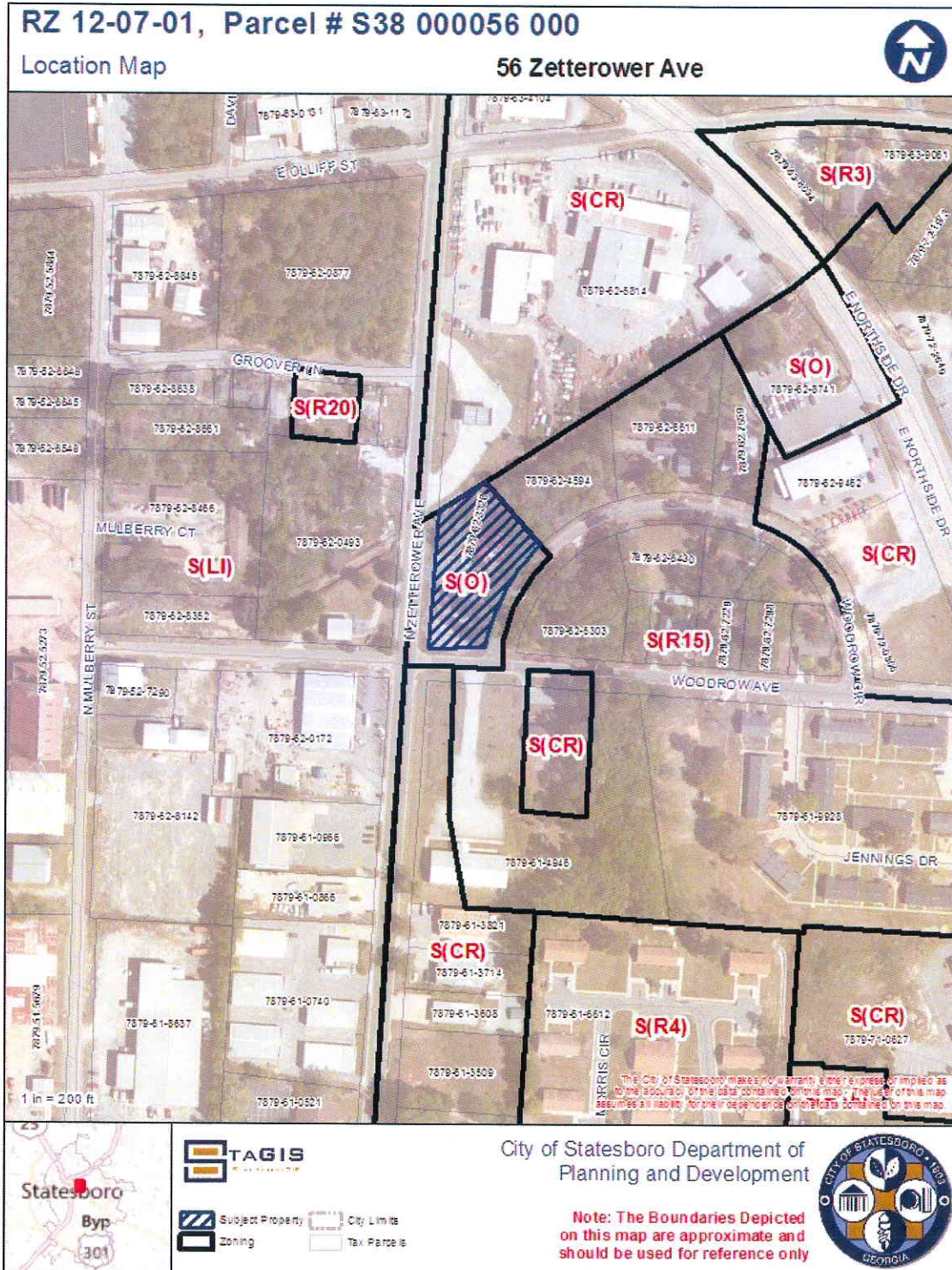


EXHIBIT B: SKETCH PLAN

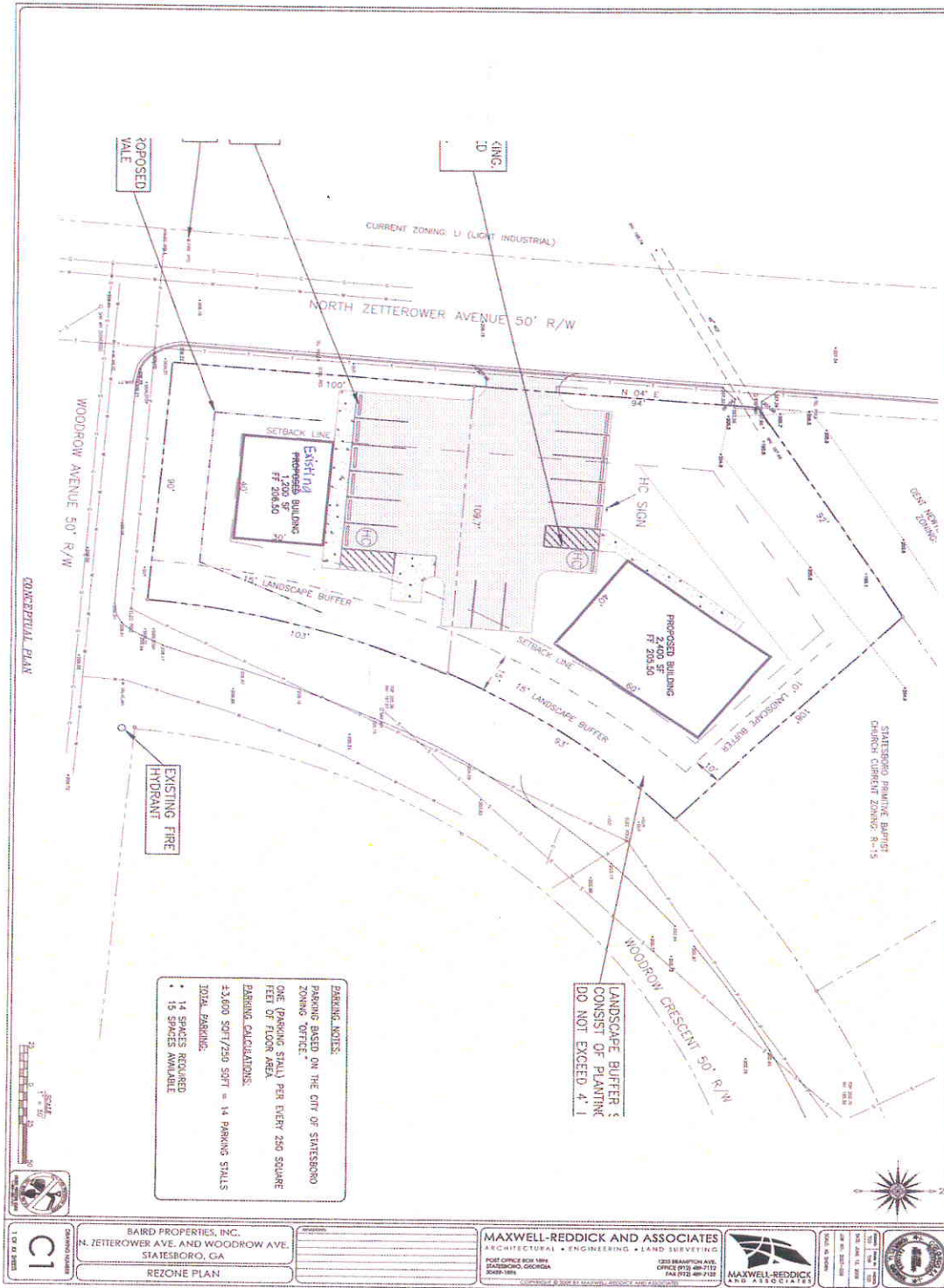


EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The Empty Incomplete Building Shell from North Zetterower Avenue.



Figure 2: North Zetterower Avenue from Parking Lot.

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



Figure 4: Adjacent Commercial Uses across North Zetterower from Subject Property.



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

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 Statesboro, Georgia 30458

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RZ 12-07-02
ZONING MAP AMENDMENT
STATESBORO PLACE CIRCLE

LOCATION: Statesboro Place Circle
REQUEST: Rezone from CR (Commercial Retail) to R4 (High Density Residential)
APPLICANT: Copper Beech Townhome Communities, LLP
OWNER(S): Copper Beech Townhome Communities, LLP, Mary Garrett, and Angela Hoyt c/o Stephen Rushing
LAND AREA: 20.19 acres and 6.9 acres
PARCEL TAX MAP #s: MS63000026019, MS63000026005, & MS63000026001
COUNCIL DISTRICT: 5 (Chance)



PROPOSAL:

The applicant is requesting rezoning of approximately 27.09 acres total of property located on Statesboro Place Circle off the Bypass from CR (Commercial Retail) to R4 (High Density Residential). 20.19 acres contains existing apartments, currently known as Copper Beech Apartments. The applicant wishes to acquire an additional 6.9 acres for future expansion. High density residential is not a permitted use in CR (Commercial Retail) districts; therefore, the applicant must rezone the designated lots for the proposed expansion to R4 (High Density Residential) initiating an additional request to rezone the entire apartment complex as well. (See **Exhibit A** – Location Map & **Exhibit B** – Sketch Plan)

BACKGROUND:

The subject area of this request is located on Statesboro Place Circle and is currently zoned R4 (High Density Residential). None of the subject parcels have pursued previous zoning map amendments or variances. However, at the time of the construction of the existing apartments, high density residential was permitted in a CR (Commercial Retail) district. The provisions of the *Statesboro Zoning Ordinance* have since changed resulting in this request.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R4 (High Density Residential)	Apartments
SOUTH:	CR (Commercial Retail)	Restaurants
EAST:	CR (Commercial Retail)	Offices
WEST	R4 (High Density Residential)	Apartments

The subject property is located in a primarily residential use area with commercial uses east and south. The property's eastern property line is surrounded by parcels zoned CR (Commercial Retail) and utilized as retail and offices. The western and northern property lines are surrounded by parcels zoned R4 (High Density Residential) and currently

contains several apartment complexes. The southern parcels are zoned CR (Commercial Retail) and are or have been utilized for restaurant use as The Millhouse and vacant Sonny's BBQ. (See Exhibit C)

COMPREHENSIVE PLAN:

The subject site lies within the "University District" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The "University District" character areas are identified as being anchored by Georgia Southern University. Developing areas should focus heavily on pedestrian accessibility, as well as transit. There are residential areas within this district, primarily oriented to student housing. Multi-family, duplex, and single-family are all found in this district while student-oriented commercial uses are found along primary arteries, including restaurants/bars and nightclubs.

Neighborhood-scaled retail, higher education facilities, multi-family, single-family, and mixed use are all appropriate land uses for properties within the University District character areas. Some suggested development and implementation strategies for the area include the following:

- Encourage future growth within the academic core.
- Ensure adequate bicycle and pedestrian facilities for students commuting to and from GSU campus.

Statesboro Comprehensive Plan, Community Agenda pages 20-21.

As illustrated in the *Comprehensive Plan*, residential development in this area is expected. The subject site is already being utilized as an apartment complex and wishes to expand. Utilizing the subject site as for residential purposes adjacent to the existing small scale retail uses contributes to the mixed use goal set forth by the *Comprehensive Plan*. The *Comprehensive Plan* also encourages pedestrian facilities for students; this site has an existing interior sidewalk and the expansion is expected to follow a similar concept. See **Exhibit B**.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

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

ANALYSIS:

The existing 20.19 acre site is currently zoned CR (Commercial Retail) as an apartment complex and is located on Statesboro Place Circle which is primarily accessed from Veterans Memorial Bypass. The applicant's request to rezone the property from CR (Commercial Retail) to R4 (High Density Residential) was initiated by a proposal to expand the existing apartment complex by obtaining approximately 6.9 additional acres which are also zoned CR (Commercial Retail). The applicant wishes to rezone all 27.09 acres to R4 (High Density Residential) to allow for expansion on a vacant proposed lot while amending the zoning of the existing apartment complex to provide conformity with the current zoning ordinance.

Although the existing apartment complex was permitted in a CR (Commercial Retail) zoning district when the apartment was originally constructed, current regulations prohibit such use in said district. As such, the existence of the apartment complex is considered a nonconforming use. Expansion of the existing complex, or future utilization of the property as it is presently, would not be permitted if left vacant for a period longer than 12 months. Likewise, the additional vacant property that the applicant wishes to seek to build more units as an expansion of the existing apartment complex is not zoned appropriately. The *Statesboro Zoning Ordinance* limits Commercial Retail districts to retail related uses with apartments on upper floors only.

The request to rezone the subject property from CR (Commercial Retail) district to R4 (High Density Residential) 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 R4 (High Density Residential) zoning district for residential uses only as set forth in the *Statesboro Zoning Ordinance*.

Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider "in making its determination" regarding a zoning map amendment and "balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of

unrestricted use of property.” Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council’s consideration of the application:

- (1) **Existing uses and zoning or (of) property nearby;**
 - o Existing uses and zoning of nearby property range from commercial to high density residential. According to the *Statesboro Comprehensive Master Plan*, this area is under pressure to grow in a mixed use and residential 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.
 - o The existing Commercial Retail zones that front Veterans Memorial Bypass will remain as such.
- (2) **The extent to which property values are diminished by the particular zoning restrictions.**
 - o The property values of an existing apartment complex in a commercial retail zone may be lower due to the restricted use of such by the *Statesboro Zoning Ordinance* and may possibly deny future utilization of the property in the same manner if the current zoning designation is maintained.
- (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.**
 - o The requested rezone of this property would open up opportunities for the vacant property to develop in a manner that is consistent with the land use plans and will give students and others a chance to live in close proximity to campus.
- (5) **The suitability of the subject property for the zoned purposes.**
 - o The proposed and current land use meets the provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*.
 - o The 20.19 acre site is currently being utilized as high density residential apartment complex in a commercial zoned area that strives to develop in a mixed use manner with residential uses encouraged. The vacant 6.91 lot can be developed as proposed in a high density residential zoning district.
- (6) **The amount 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.**

The 20.19 acre site has not been vacant for numerous years but has been considered to be a nonconforming use. The additional 6.91 lot is vacant as zoned and has been for several years.
- (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;**
 - o Traffic counts for the immediate area (and thereby relative to the subject property’s proposed use) were not reported for the year 2011. The applicant’s request is not expected to increase traffic volume in a negative manner due to the existing apartment complexes with the additional access drive leading to and from Veterans Memorial Bypass.
 - o *The Long Range Transportation Plan* did not express the need for future improvements along this corridor.
 - o The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its current use, and is not expected to be negative or burdensome to the general public or surrounding property owners.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
 - o *The Bulloch County/City of Statesboro Long Range Transportation Plan* does not express any issues or necessities for this area.
 - o As illustrated on the sketch plan submittal, the subject property can or has been developed in conformance with the requirements for the proposed R4 (High Density Residential) zoning districts. The subject property is sufficient in size and shape for proposed multifamily use and should meet the setback and other standards of the R4 (High Density Residential) zoning districts as well as the parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*.
 - o The *Statesboro Comprehensive Plan* adopts a goal of “promot[ing] infill and redevelopment” stating that “infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place”. (*Community Agenda, page 51*). The requested utilization of the 6.91 acre subject site would achieve this goal.
 - o Use of the property as high density residential is consistent with the vision and guiding principles of the “University District” character area as articulated within the *Statesboro Comprehensive Plan* which promotes new developments to include mixed uses such as small-scale retail, multifamily residential and single family residential.

STAFF RECOMMENDATION:

Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and the *Long Range Transportation Plan*, staff recommends approval of the zoning map amendment requested by application RZ 12-07-02.

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

EXHIBIT A: LOCATION MAP

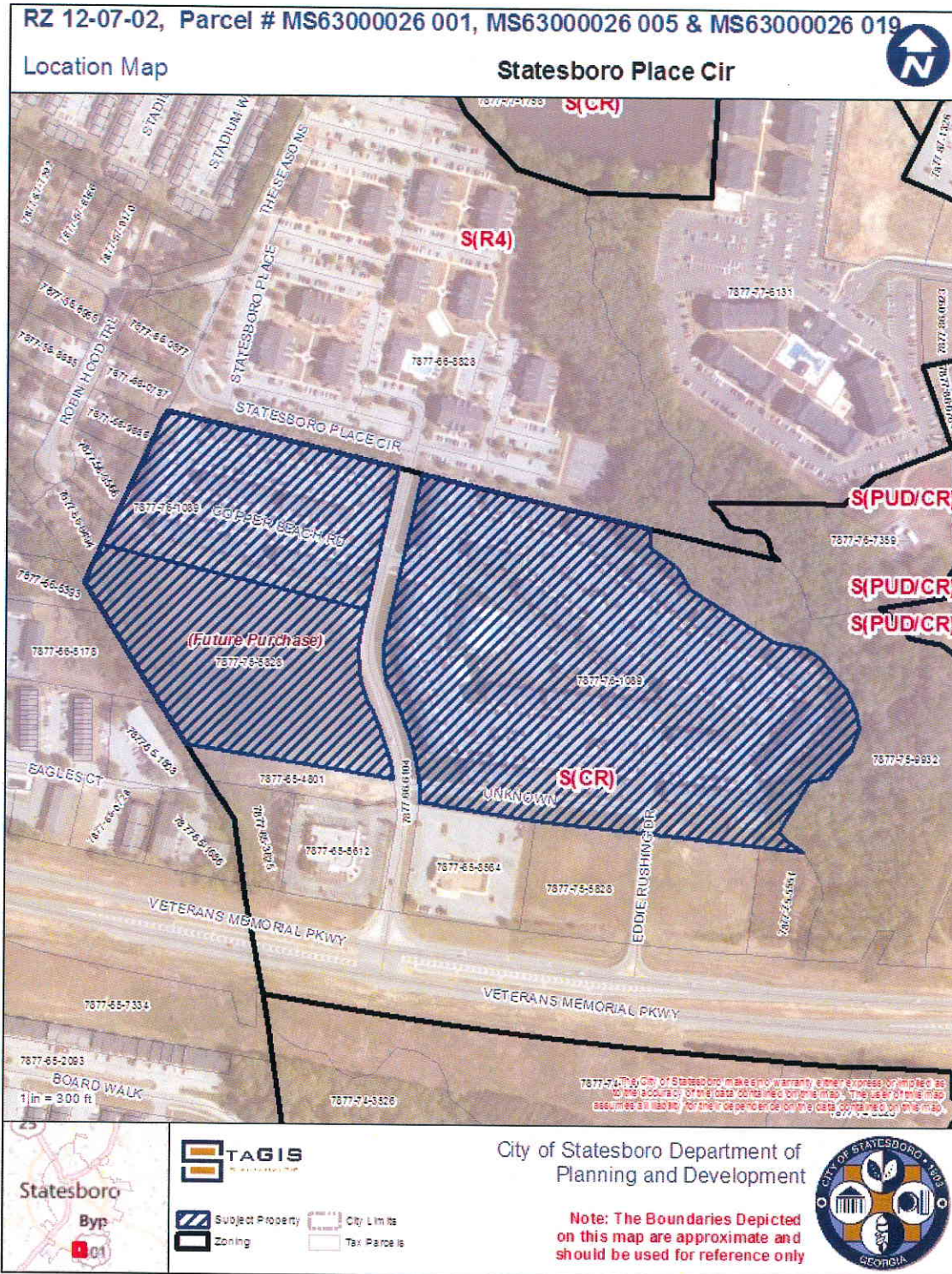


EXHIBIT B: SKETCH PLAN OF THE EXPANSION

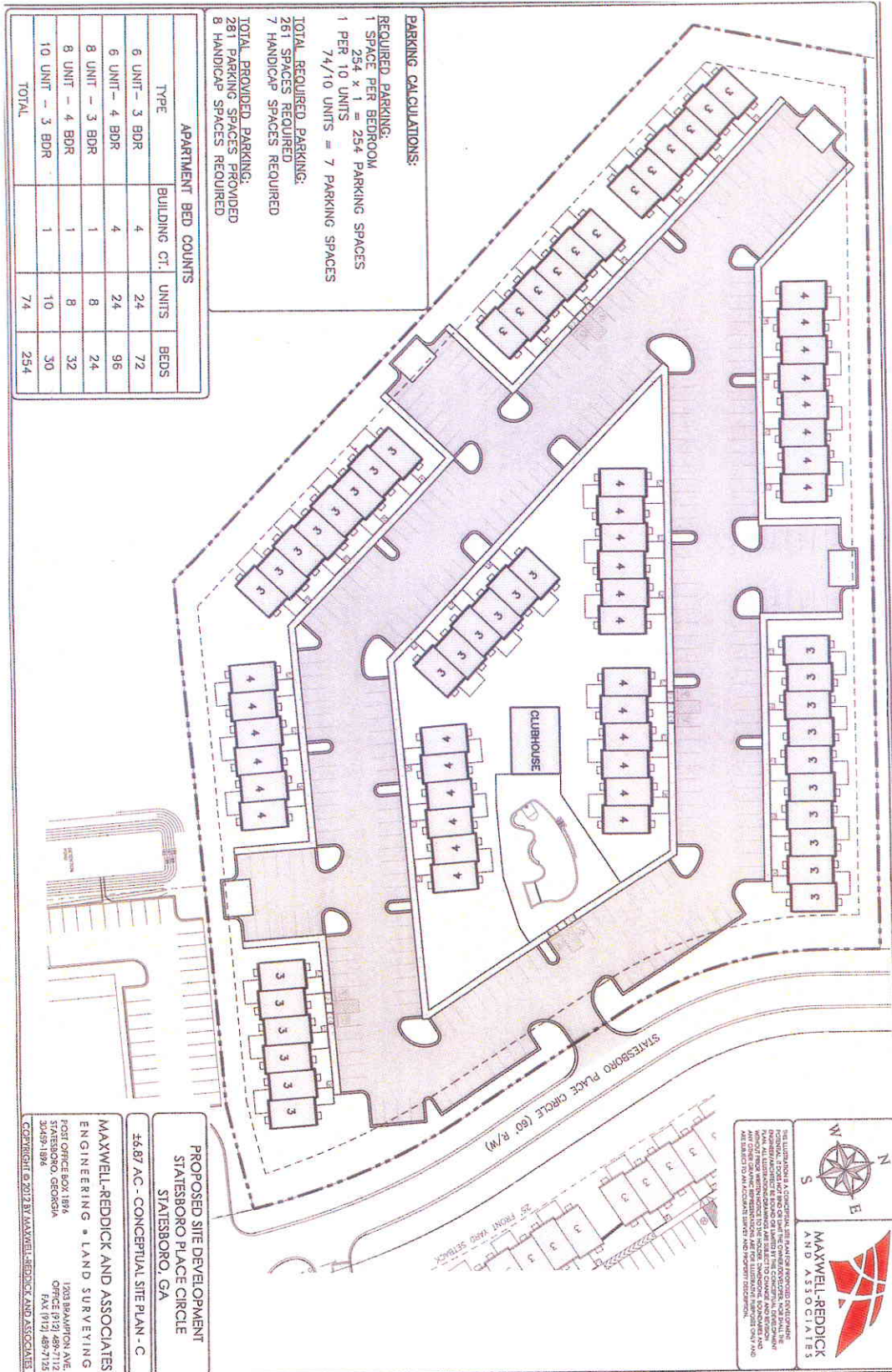


EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The 6.91 Acre Subject Property from the Existing Complex.



**Figure 2: Subject Site from Statesboro Place Circle.
EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).**



Figure 3: Southern Edge of the Subject Property facing Veterans Memorial Bypass.