

STATESBORO PLANNING COMMISSION

February 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. December 13, 2011 meeting.
4. 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).
 - b. **APPLICATION # T 12-02-01:** An amendment to the text of Article VII (R-4 High Density Residential District) regarding maximum height.
 - c. **APPLICATION # T 12-02-02:** An amendment to Article XX (Amendments) regarding time frame required between Planning Commission and the public hearing.
 - d. Adoption of Rules of Order.
5. Adjourn

STATESBORO PLANNING COMMISSION

December 13, 2011

5:00 p.m.

City Hall Council Chambers

Minutes

Present: Planning Commission Members Brian Hulse, Andrew Hansen, Ray Hendley, Jonathan McCollar, Rick Barr, and Nick Propps. City of Statesboro staff: Director of Community Development Mandi Cody, Development Clerk Cindy Steinmann, and City Planner Martin Laws.

Absent: Commissioner Teresa Concannon.

1. *Planning Commissioner Ray Hendley opened the meeting by nominating Commissioner Propps as Chair of the Planning Commission; seconded by Commissioner McCollar. Motion carried 6-0.*

Commissioner Propps presided over the meeting.

Commissioner Hulse motioned to approve the meeting agenda ; seconded by Commissioner Barr. Motion carried 6 to 0. Agenda set.

2. Approval of Minutes

- a. November 8, 2011 meeting.

Motion to approve given by Commissioner Hendley; second by Commissioner McCollar. Motion carried 6 to 0. Minutes approved.

3. New Business

- a. Discussion and Nomination of Vice Chair for Planning Commission.

Commissioner McCollar motioned to approve Commissioner Hendley as the vice chair of the Planning Commission; seconded by Commissioner Barr. Motion carried 6-0.

- b. **APPLICATION # RZ 11-11-01:** Jennings Construction and Development, Inc. requests a zoning map amendment of approximately 11.36 acres from HOC (Highway Oriented Commercial) to R4 (High Density Residential) and approximately 58.48 acres from R10 (Single Family Residential) to R3 (Medium Density Multiple Family Residential) for property

located on Highway 301 in Northbridge Subdivision to allow for the development of duplexes and apartments.

Director Mandi Cody confirmed that the Commissioners would allow for the applicant to speak first, followed by the presentation from staff during this meeting.

Applicant Jerry Jennings and Craig Jennings of Jennings Construction and Development, Inc. spoke in favor of the case and answered questions from the Commissioners. No one spoke in opposition of the application. Development Clerk Cindy Steinmann presented the staff report for application # RZ 11-11-01. Director Mandi Cody asked the Commissioners to consider the request without requiring a buffer between the proposed R10 (Single Family Residential) and R3 (Medium Density Multiple Family Residential) zoning districts while also informing the Commissioners that the buffer between the proposed R4 (High Density Residential) and R10 (Single Family Residential) districts already exists. Ms. Cody also answered questions from the Commissioners.

Motion to recommend approval of Application RZ 11-11-01 with the following staff recommended conditions given by Commissioner Hendley:

- i. Applicant must submit a revised final subdivision plat for approval by the City of Statesboro that conforms to all current and applicable development regulations.

Commissioner McCollar gave second. Motion carried 6 to 0. Ms. Cody confirmed that the intent of the motions were for the zoning map amendment while not requiring a buffer between the R10 and R3 districts; both Commissioners Hendley and McCollar agreed. Motion carried 6-0.

- c. **APPLICATION # RZ 11-11-02:** Mr. Charles Tsang is requesting a zoning map amendment from R4 (High-Density Residential) to CR (Commercial Retail) for property located at 223 Lanier Drive (Tax Parcel Numbers MS63000024 000 & MS63000023 000).

Sam Dipolito of Prudential Kennedy Realty represented the applicant and answered questions from the Commissioners. No one spoke in opposition of the application. City Planner Martin Laws presented the staff report and answered questions from the Commissioners.

Motion to recommend approval of Application RZ 11-11-02 was given by Commissioner Barr; Commissioner Hendley gave second. Motion carried 6 to 0.

Note: Commissioner Propps left at 5:50 p.m. Commissioner Hendley presided over the remainder of the meeting.

d. Adoption of Rules of Order.

Community Development Director Mandi Cody explained that the Commissioners could choose to make a motion or table until Commissioner Concannon returns for the next scheduled meeting.

Motion to table adoption of Rules of Order given by Commissioner McCollar; seconded by Commissioner Hulsey. Motion carried 5-0.

e. Adoption of 2012 City of Statesboro Planning Commission Schedule.

Motion to recommend approval of the adoption of the 2012 City of Statesboro Planning Commission Schedule was given by Commissioner Hulsey; seconded by Commissioner Barr. Motion carried 5-0.

f. Director Mandi Cody informed the Commissioners that the filing deadline for the January meeting had passed with no applications filed. She gave the Commissioners the option to call a meeting in January to discuss the Rules of Order or wait until the regularly scheduled February meeting.

Commissioner McCollar made a motion to reconvene the 2nd Tuesday in February; seconded by Commissioner Barr. Motion carried 5-0.

4. Adjourn

Motion to adjourn given by Commissioner Hendley; seconded by Commissioner McCollar; Motion carried 5 to 0. Meeting adjourned.

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

Chair – Nick Propps

Secretary – Mandi Cody, Director of
Community Development

DRAFT



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

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 Statesboro, Georgia 30458

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ZONING MAP AMENDMENT
RZ 12-01-01 – 520 Park Avenue

LOCATION: 520 Park Avenue
REQUEST: Rezone from LI (Light Industrial) to R-4 (High Density Residential)
APPLICANT: Akins Family Limited Liability Limited Partnership
OWNER(S): Akins Family Limited Liability Limited Partnership
LAND AREA: 1.67 acres and .24 acres (1.91 acres)
PARCEL TAX MAP #s: S24 000006 000 & S24 000030 000
COUNCIL DISTRICT: 3 (Britt)



PROPOSAL:

The Akins Family Limited Liability Limited Partnership (*hereinafter referred to as the Akins Family LLLP*) is requesting zoning map amendments for two parcels located at 520 Park Avenue (**Exhibit A – Location Map**). The two parcels have the same address, according to the Bulloch County Tax Assessors Office, although each parcel has a different parcel identification number. The request is to rezone both parcels from the current designation of a LI (Light Industrial) district to an R-4 (High-Density Residential) district with the intent of developing multi-family units on the property.

BACKGROUND:

The Akins Family, LLLP own two parcels located directly across from each other on Park Avenue. One lot contains 1.67 acres of land and the second lot contains .24 acres of land. The 1.67 acre parcel is currently being used as a storage area for construction materials and contains various structures including a mobile home, a portable office trailer, several shipping containers, and a permanent structure (small office building). (**Exhibit D – Fig. 1a-1c Subject Property**) The .24 acre lot contains a structure containing an office area and a warehouse. (**Exhibit D – Fig. 1d Subject Property**) The Akins Family LLLP is proposing to construct several two-bedroom duplexes on the 1.67 acre lot and transform the office/warehouse structure into a residential use on the .24 acre lot.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R-3 (Medium Density Multiple Family Residential)	Multi-family residential complex (Duplexes)
SOUTH:	LI (Light Industrial)	Industrial (Howard Lumber)
EAST:	LI (Light Industrial) R-15 (Single Family Residential)	Industrial (Howard Lumber) Single family residential neighborhood
WEST:	R-15 (Single Family Residential)	Single family residential neighborhood

The subject properties are surrounded by two land uses. The parcels north, west and a majority of the parcels east of the subject property contain residential land uses. Parcels located to the south and east of the property contain industrial uses as part of Howard Lumber. (Exhibit D – Fig. 2a, Surrounding Land Uses) The adjacent properties to the north include a multi-family residential complex containing duplexes and single-family homes. (Exhibit D – Fig. 2c, Surrounding Land Uses) The adjacent properties to the west of the subject parcels contain single-family homes.

COMPREHENSIVE PLAN:

The subject properties are located within the “Established” character area as defined by the *Statesboro Comprehensive Master Plan*. The “Established” character areas are identified as districts where attention should be given to the appropriate redevelopment of existing areas in order to maintain neighborhood cohesion and reduce the issues of blight and decline. The vast majority of neighborhoods within the “Established” character area are developed and not all implementation strategies are applicable to the subject properties. Appropriate land uses that are suggested within the “Established” character area include:

- *Neighborhood-scaled retail and commercial*
- *Small-scale office*
- *Neighborhood services*
- *Garage apartments*

Suggested development and implementation strategies of the “Established” character area, which may be applicable to this site, include:

- *Ensure that new development and land uses do not encroach upon or detract from character of the National Historic Districts within the area.*
- *Enhance existing pedestrian connectivity by repairing/replacing sidewalks and adding new ones, where necessary.*
- *Plant shade trees along streets and sidewalks.*
- *Infill, redevelopment, and new development should promote lot sizes and setbacks appropriate for each neighborhood. Neighborhood redevelopment should promote a tight grid of small lot single family development which utilizes more efficient lot and block layouts. New structures should respect the existing architectural fabric of the neighborhood.*
- *Foster the establishment of public/private partnerships to redevelop large tracts as appropriate for the character area.*
- *Promote redevelopment of underutilized or vacated properties.*

(Community Agenda, Pages 14 & 15 [List not all-inclusive]).

The proposed redevelopment of the two (2) subject parcels would not be contrary to the strategies set forth in the *Statesboro Comprehensive Master Plan 2009-2029*. The redevelopment of these two (2) lots address the issue of redevelopment of underutilized land, working with the owners of a property to redevelop a large tract of land appropriate for the character area, and the possibility of having new structures in the area which respect the architectural fabric of the neighborhood development. The 1.67 acre lot is currently underutilized as it is being used as a storage area for construction materials. The .24 acre lot is also currently being underutilized as the office and warehouse located on the premises are not actively being used on a daily bases.

TRANSPORTATION:

The two subject parcels, having the shared address of 520 Park Avenue, have vehicular access to Park Avenue. The 1.67 acre lot has vehicular access to both Park Avenue and Stillwell Street. Park Avenue is primarily a residential street connecting Stillwell Street and Savannah Avenue. The residential portion of Park Avenue contains two wide traffic lanes separated by a landscaped median. This median ends at the intersection of Outland Street. Stillwell Street is currently being studied by the Statesboro Engineering Department for improvements to the intersection located at Stillwell Street and South Zetterower. The portion of Park Avenue, where the subject parcels are located, is used by commercial vehicles. The 1.67 acre lot also has vehicular access to Stillwell Street. Stillwell Street is a two lane road used by commercial vehicles primarily for Howard Lumber.

The Georgia Department of Transportation has recorded the Annual Average Daily Traffic (AADT) for Park Avenue 2,425 feet north of the subject parcels. These statistics retrieved through the State Traffic and Report statistics website

reveal a modest increase in traffic between 2005 and 2010. The AADT increased from 1880, in 2005, to 2130 in 2010, a difference of 250 over five years.

The Institute of Transportation Engineers Trip Generation Manual states the two bedroom units proposed in the conceptual plan would generate an average of 6.65 trips per unit per day on Park Avenue (neither ingress nor egress is shown for Stillwell Street). The *Bulloch County / City of Statesboro 2035 Long Range Transportation Plan (LRTP)* does not make any recommendations for improvements for Park Avenue or Stillwell Street. There are no pedestrian facilities located neither on Park Avenue nor on Stillwell Street.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject properties are both currently served by city water and public services. There are no known issues related to the ability city's ability to provide public services to this site.

ENVIRONMENTAL:

The subject property does not contain wetlands nor is it located in a Special Flood Hazard Area (SFHA) / Flood Zone. The request is not expected to have an environmental impact on the property.

ANALYSIS:

The Akins Family LLLP owns the subject parcels which are located directly across from each other on Park Avenue. The Bulloch County Tax Assessor's Office has the addresses of both parcels listed as 520 Park Avenue. The parcels are both currently zoned LI (Light Industrial) and the legislative intent of this district is:

"to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of uses."

The applicant is requesting the zoning designation be changed to R-4(High Density Residential) for which the legislative intent is:

"to encourage the logical and timely development of land for apartment and other high density residential purposes in accordance with the objectives, policies, and proposals of the future land use plan..., to assure the suitable design of apartments in order to protect the surrounding environment of the adjacent and nearby neighborhoods, and to insure that the proposed development will constitute a residential environment of sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed." (Article VII, Sec 700)

The *Statesboro Zoning Ordinance* provides the Mayor and City Council of Statesboro standards in making its determination and balancing the promotions of the public health, safety, morality, and general welfare against the right of unrestricted use of property. This staff report provides information regarding several of these standards. These "Standards for Determination" are found in Article 20, Sec. 2007 of the *Statesboro Zoning Ordinance* and are as follows:

- | | |
|--|---|
| (1) Existing uses of and zoning or (of) property nearby | (6) The length of the time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property |
| (2) The extent to which property values are diminished by the particular zoning restrictions | (7) The extent the property 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, property values in adjacent areas |
| (3) The extent to which the description of the property values of the property owner promotes the health, safety, morals, or general welfare of the public | (8) Consistency with other governmental land use, transportation and development plans for the community |
| (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 zoned purposes | |

The proposed zoning map amendment, if approved, would re-designate two (2) parcels currently in the LI (Light Industrial) district to R-4 (High-Density Residential) district. This designation would allow residential land-uses to encompass the entire block on which the 1.67 acre parcel is located and expand residential land-uses south, on the portion of Park Avenue on which the .24 acre parcel is located.

The conceptual site plan shows a group of twelve (12) two-family duplexes located on the 1.67 acre parcel. This use would be similar to the land-use north of the 1.67 acre parcel, as this parcel contains two-family duplexes (R-3 Medium Density Multiple-Family Residential). Duplexes can be designed and placed in or near single-family residential neighborhoods to fit the character of the area. There are multiple examples of duplexes in multiple zoning districts which fit the character of character of the surrounding neighborhood. (Exhibit D: Figures 2c – 3b)

The R-4 (High-Density Residential) district allows the highest dwelling unit density of all of the residential zoning districts listed in the *Statesboro Zoning Ordinance*. Staff has reviewed the number of units which would be allowed on the 1.67 acre lot and found that this designation would maximize the utilization of this parcel. The following chart shows the number of units that could be placed on the 1.67 acre lot if the lot was sub-divided and units placed on each lot.

Zoning	Number of Units	Zoning	Number of Units
R-20	3	R-6	10
R-15	4	R-8	7
R-3*		R-10	7
A	8	R-30	2
B	5	R-40	1
C	5		

*R-3 contains three different lot size requirements for Single Family (A), Two-Family Twin (B), Two-Family Duplex (C)

The 1.67 acre parcel and the .24 acre parcel should have a side and rear buffer as required by Article XXIII Section 2301. The 1.67 acre parcel currently has in place a densely planted screen along the north and west property line creating a natural buffer strip of more than 20 feet in depth. The .24 acre property will require a buffer to be placed between the existing office building and the adjoining residential property to the north as the existing vegetation is inadequate to meet the provisions of this section of the zoning ordinance.

A legal non-conformity will be created, if this rezoning application is successful, on the .24 acre lot. The existing warehouse/office building is a use which is not allowed in the R-4 (High-density residential) district. If this parcel is rezoned the existing structure will become an existing non-conformity and subject to pertinent regulations regarding nonconforming uses.

The proposed redevelopment of the two (2) subject parcels would not be contrary to the strategies set forth in the *Statesboro Comprehensive Master Plan 2009-2029*. The redevelopment of these two (2) lots address the issue of redevelopment of underutilized land, working with the owners of a property to redevelop a large tract of land appropriate for the character area, and the possibility of having new structures in the area which respect the architectural fabric of the neighborhood development. The 1.67 acre lot is currently underutilized as it is being used as a storage area for construction materials. The .24 acre lot is also currently being underutilized as the office and warehouse located on the premises are not actively being used on a daily bases.

The *Statesboro Comprehensive Master Plan 2009-2029* places the subject parcels in the "Established" character district of the Future Development Map. The "Established" character district seeks eliminate an area, near a residential neighborhood which can be considered an eyesore and unsafe area as it is not an enclosed area which allows access to anyone who might be interested in playing in the area. The conceptual site plan (Exhibit C: Conceptual Site Plan) illustrates the intention of the applicant to plant trees along the exterior of the development along the street. This development will not be small-lot single family residential, however; the proposed development, as shown in the conceptual site plan (Exhibit C: Conceptual Site Plan), should fit the character of the surrounding residential neighborhood.

STAFF RECOMMENDATION:

The rezoning of the subject property from an LI (Light Industrial) district to R-4 (High-Density Residential) zoning district would complement the surrounding zoning districts and land uses and will also serve as an appropriate zoning designation for future land use patterns in the area.

DEVELOPMENT SERVICES REPORT

Case # RZ 12-01-01

February 8, 2012

Staff recommends approval of the proposed rezoning of the tax map parcels currently designated S24 000006 000 & S24 000030 000, two parcels totaling 1.91 acres located at 520 Park Avenue from LI (Light-Industrial) to R-4 (High-Density Residential) rezoning request subject to the following conditions:

- The 1.67 acre site shall remedy all issues regarding code compliance within 30 days of final judgment including but not limited to:
 - Chapter 38, Art. II, Division 1, Section 38-26 – **Nuisance**: Any place, public or private, which because of the accumulation of filth, trash, garbage, junk or water tends to cause sickness and endangers the health of the public or any individual; any place which, because of filth, trash, garbage, junk or water, becomes unsightly or causes stench offensive to the public or any individual; any place which because of the nature of the business carried on there disturbs the peace and quietude of the public; or any place which because of the practices of those frequenting the place tends to corrupt the morals or is offensive to the natural sensibilities of an ordinary man is hereby declared to be a nuisance.
 - Chapter 38, Art. II, Division 1, Section 38-27 – **Maintenance of Nuisance**: It shall be unlawful for any person to keep, allow, permit, maintain or continue any nuisance on his premises within the limits of the city.
 - Chapter 38, Art. II, Division 1, Section 38-30 – **Weeds and Noxious Vegetation**: It shall be unlawful for any person owning or occupying any lot, tract, parcel of land or premises within the city to permit to grow thereon weeds or noxious vegetation to an extent which might endanger the public health. If, after 15 days from service of written notice to such owner or the owner's duly authorized agent by the city engineer, the weeds or vegetable growth are not cut and removed, the city marshal may cut and remove the weeds or growth and charge the expense of such removal to the owner.
 - Appendix A, Article XXII, Section 2205 - **Unsightly or Unsanitary Storage**: No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open and no weeds shall be allowed to go uncut within any zones when the same may be construed to be a menace to public health and safety or to have a depressing influence upon property values in the area.

(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual sketch plan (Exhibit C) 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 12-01-01 520 Park Avenue



Location Map



S(CR1)
Note: The rezoning boundaries depicted on this map are approximate and should be used for reference only. The actual dimensions of the rezoning are contained in the attached "Rezone Plan".



RZ 12-01-01
520 Park Avenue

-  Case Site
-  Zoning Boundary

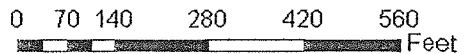


EXHIBIT B: AERIAL SUBJECT PROPERTIES



EXHIBIT C: CONCEPTUAL SITE PLAN

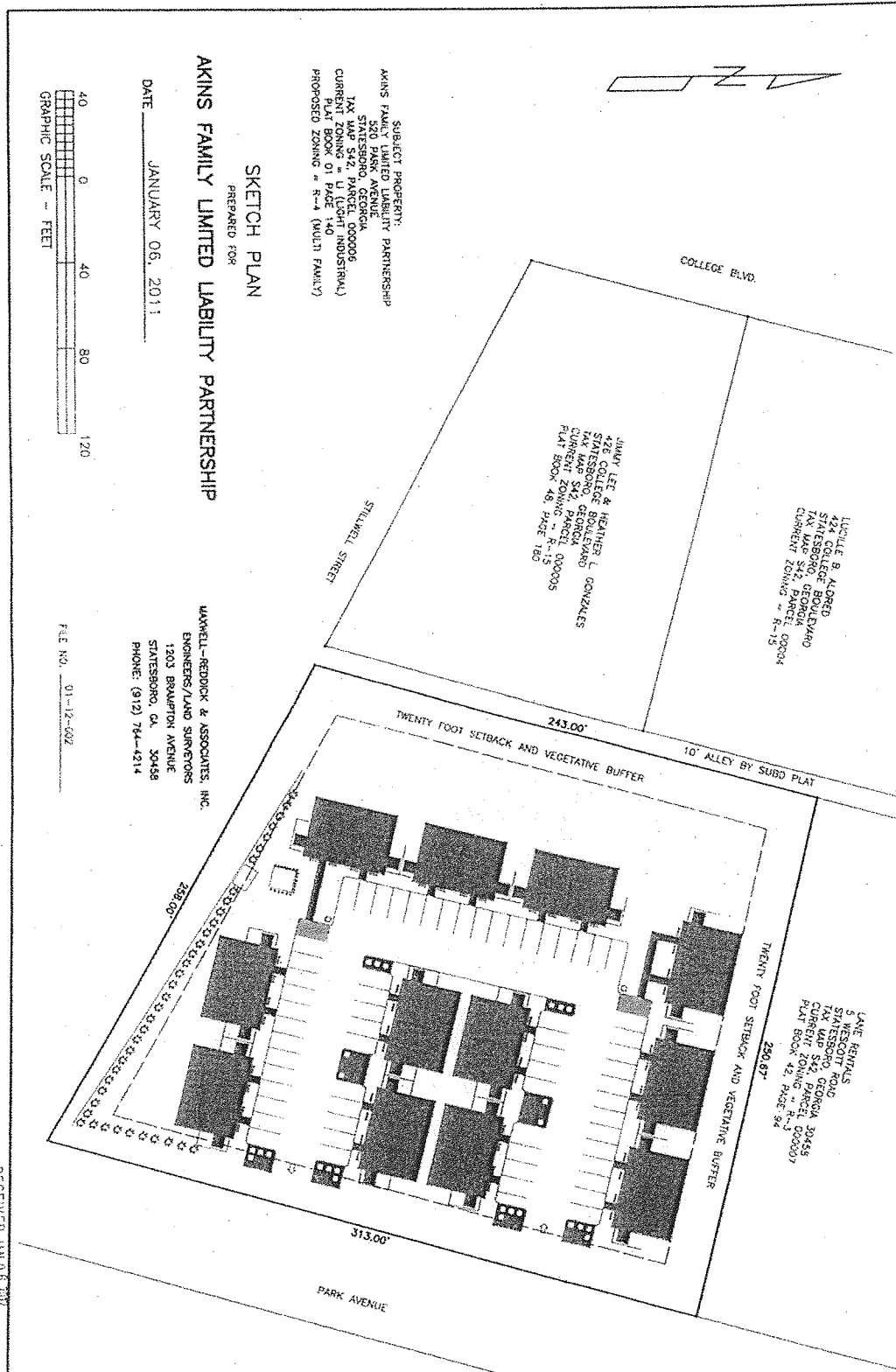


EXHIBIT D: PHOTOS OF THE SUBJECT PROPERTIES AND VICINITY

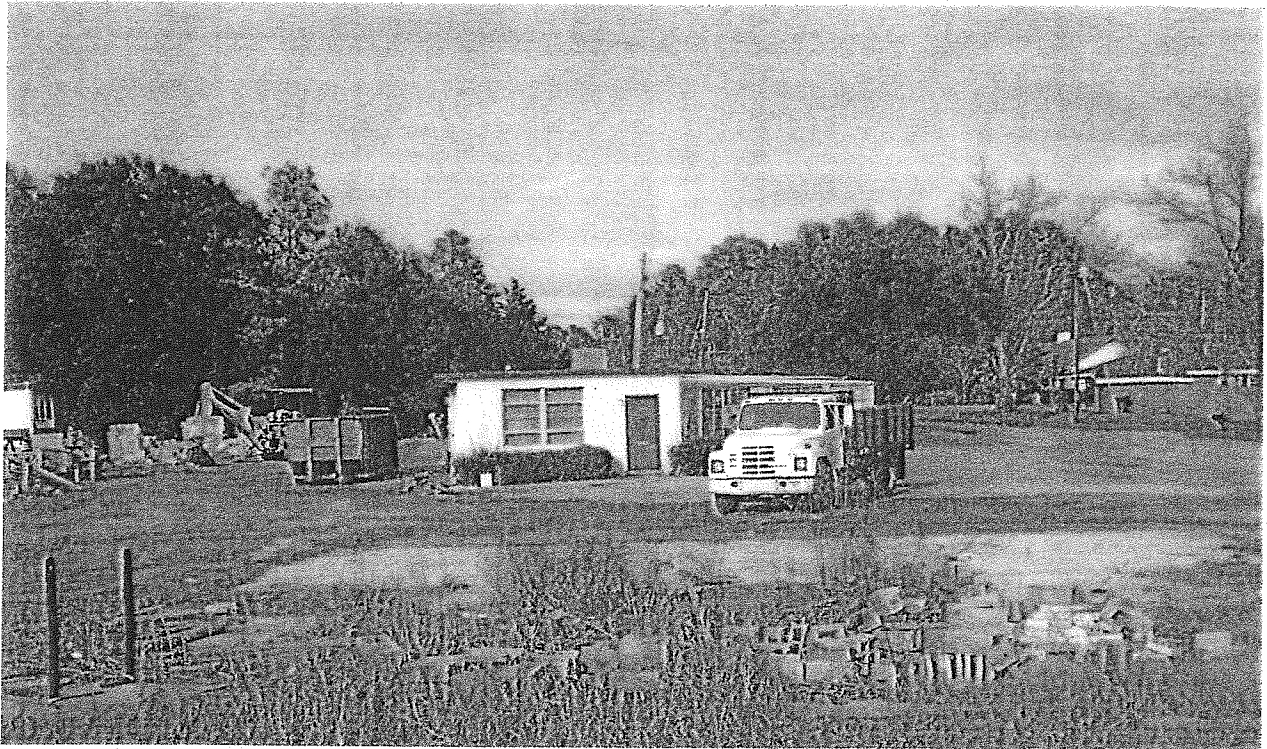


Figure 1a: Subject Property (1.67 acre parcel)



Figure 1b: Subject Property (1.67 acre parcel)

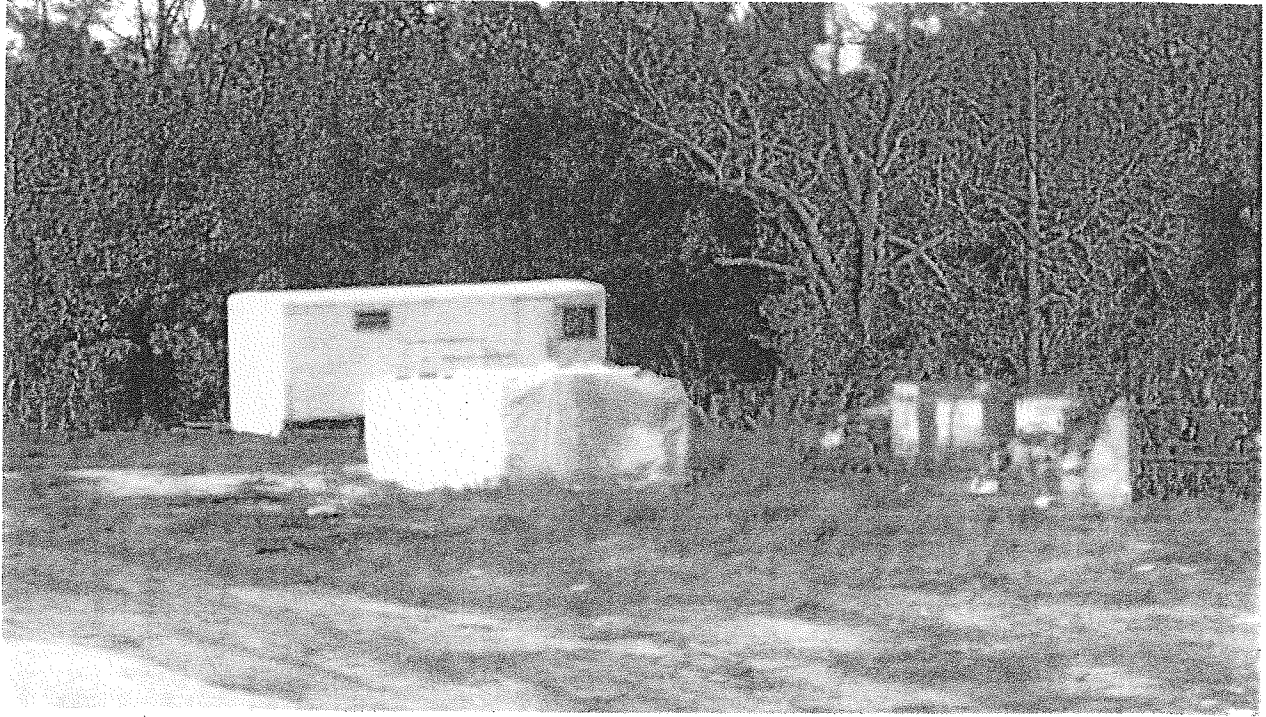


Figure 1c: Subject Property (1.67 acre parcel)

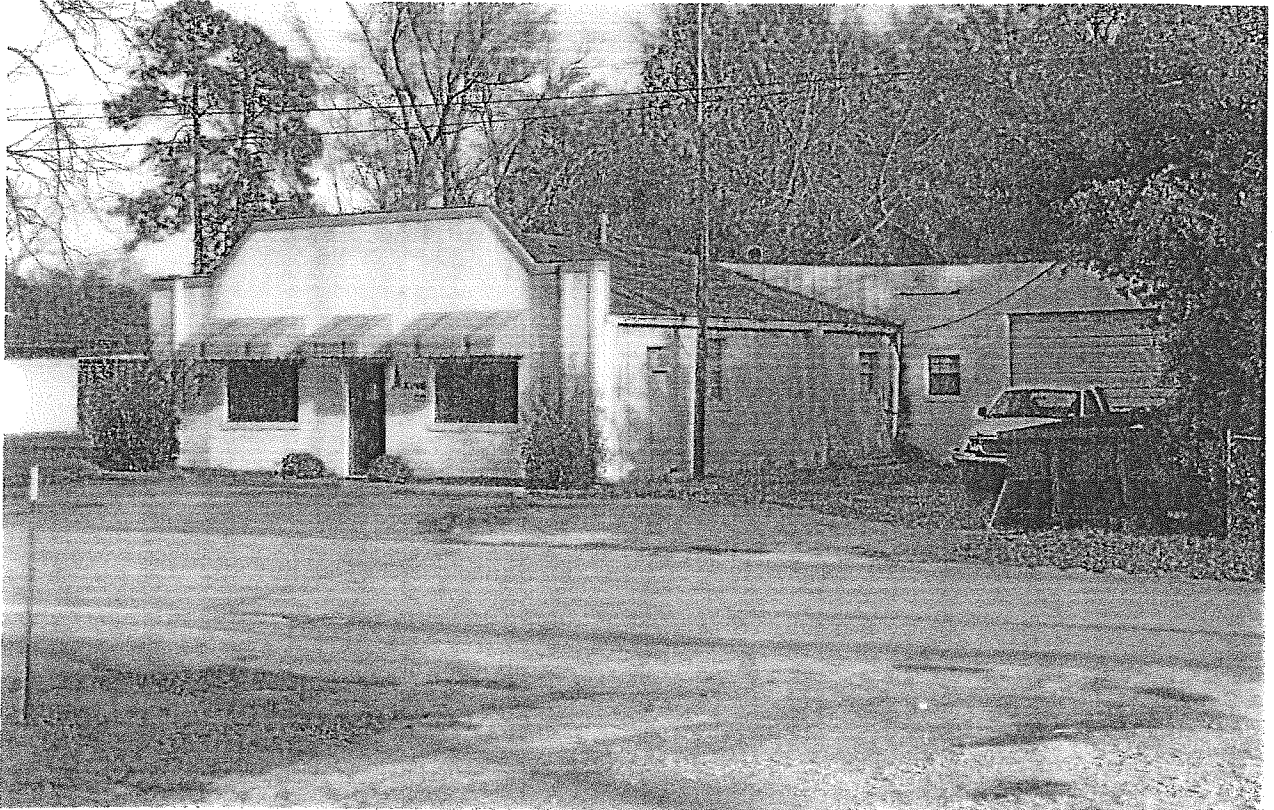


Figure 1d: Subject Property (.24 acre parcel)

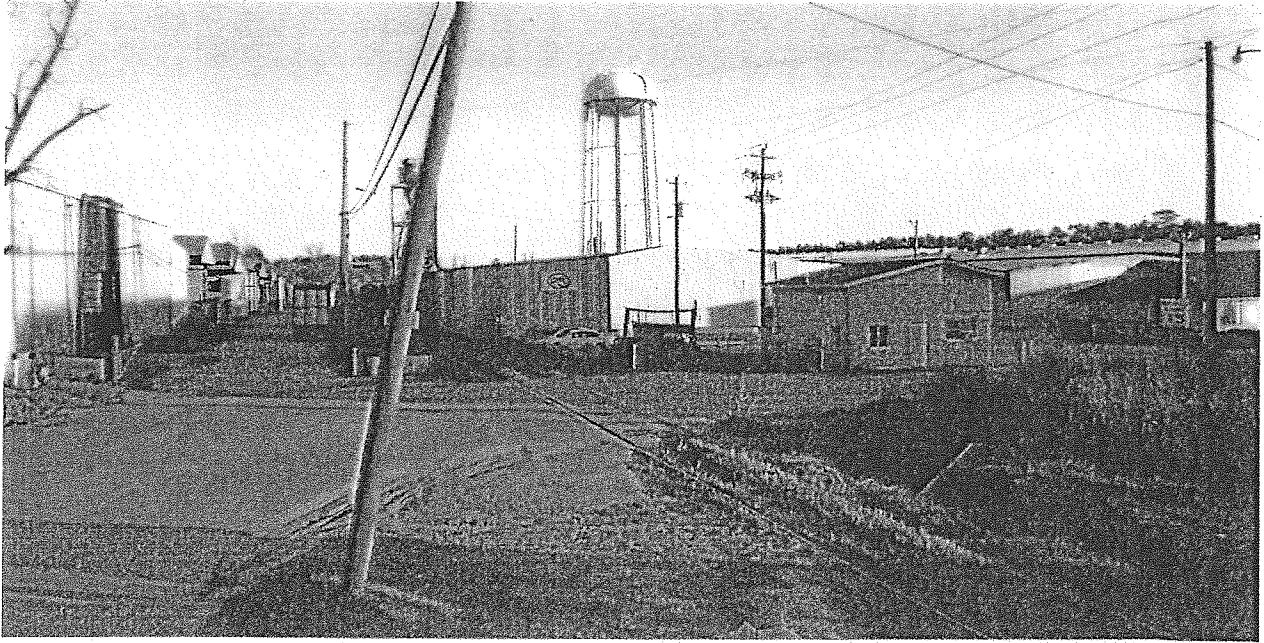


Figure 2a: Surrounding Land Uses – Howard Lumber Yard



Figure 2b: Surrounding Land Uses – Residential area north of subject parcels



Figure 2c: Surrounding Land Use – Duplex north of subject parcels (R-3 Medium-Density Multiple Family Residential)



Figure 3a: Duplexes located in multiple zoning districts – 114 South Mulberry (R-4 High Density Residential)



Figure 3b: Duplexes located in multiple zoning districts – 202 Broad Street (R-4, High-Density Residential)



Figure 3b: Duplexes located in multiple zoning districts – 201 College Avenue (R-15, Single Family Residential)



City of Statesboro
Department of Planning & Development – STAFF REPORT

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TOPIC: Zoning Text Amendments – Height R-4 (High Density Residential District) (T 12-02-01)

DATE: February 9, 2012

APPLICANT/CLIENT: City of Statesboro

BACKGROUND:

The City of Statesboro proposes miscellaneous text amendments to the *Statesboro Zoning Ordinance* as part of periodic updates to the City's various land development regulations. Amendments to the existing codes facilitate efficient land development administration and enforcement within the city.

Case #T 12-02-01 is an addendum to the text of the *Statesboro Zoning Ordinance* regarding the maximum height allowed in the R-4 (High-Density Residential) district. The purpose of Article VII is to encourage the logical and timely development of land for apartments and other high density residential purposes in accordance with the objectives, policies, and proposals of the future land use plan; to permit a variety of housing; to assure the suitable design of apartments in order to protect the surrounding environment of adjacent and nearby neighborhoods; and to insure that the proposed development will constitute a residential environment of sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed.

Case #T 12-02-01 includes a proposed amendment to the text of the *Statesboro Zoning Ordinance* to increase the maximum height requirement for the R-4 (High Density Residential) district.

ANALYSIS:

The proposed zoning text amendments provided in **EXHIBITS A (ARTICLE VII)** have been prepared following the review of applicable state statutes and the ordinances of other communities. Proposed changes to the *Statesboro Zoning Ordinance* presented in the case are summarized as follows:

- **Amendment: R-4 High Density Residential District: Article VII, Statesboro Zoning Ordinance Section 702.** Section 702 (A) restricts the height of buildings located in the R-4 (High Density Residential) district to a maximum of thirty-five (35) feet not to exceed three (3) stories. A number of variances have been applied for, and approved by City Council, to allow an increase in building height in R-4 (High Density Residential) districts. These heights range from one (1) foot above the maximum allowed height to twenty (20) feet above the maximum allowed height to accommodate apartment buildings located in the R-4 (High Density Residential) district. A maximum height of fifty (50) feet not exceeding four (4) stories is being proposed. **(EXHIBIT A: ARTICLE VII)**

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to the *Statesboro Zoning Ordinance* as provided in (EXHIBITS A).

STAFF CONTACT:

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City of Statesboro
Department of Planning & Development – STAFF REPORT

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TOPIC: Zoning Text Amendments – Time Provision (Amendments) (T 12-02-02)
DATE: February 9, 2012
APPLICANT/CLIENT: City of Statesboro

BACKGROUND:

The City of Statesboro proposes miscellaneous text amendments to the *Statesboro Zoning Ordinance* as part of periodic updates to the City's various land development regulations. Amendments to the existing codes facilitate efficient land development administration and enforcement within the city.

Case #T 12-02-02 includes proposed amendments to the text of the *Statesboro Zoning Ordinance* to eliminate the timeframe between Planning Commission recommendations on zoning matters – and subsequent public hearings held by City Council. The elimination of the timeframe between the Planning Commission and the public hearing will allow recommendations on zoning matters to move quickly to the City Council for their review.

ANALYSIS:

The proposed zoning text amendment provided in **EXHIBIT A (Revisions to Article XX)** have been prepared following the review of applicable state statutes and the ordinances of other communities. Proposed changes to the *Statesboro Zoning Ordinance* presented in the case are summarized as follows:

- **Amendments: Section 2004 (Referral to Planning Commission).** The proposed revision to this section would eliminate a required timeframe between the Statesboro Planning Commission consideration of a zoning matter, and the subsequent, City Council-held public hearing. (**EXHIBIT A: Revisions to Article XX**)

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to the *Statesboro Zoning Ordinance* as provided in (**EXHIBITS A**).

STAFF CONTACT:

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ORDINANCE #2012-____:
AN ORDINANCE AMENDING THE STATESBORO ZONING ORDINANCE —
APPENDIX A OF THE STATESBORO CODE OF ORDINANCES.

WHEREAS, the City has previously adopted an ordinance regulating the use of land commonly known as the Statesboro Zoning Ordinance; and

WHEREAS, the City Council has determined there is sufficient reason and need to amend the Statesboro Zoning Ordinance.

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

Section 1. Appendix A of the Statesboro Municipal Code is hereby amended by replacing the existing **Section 702** with the following language:

The maximum height of buildings and other structures erected or enlarged in this district shall be:

- A. For any dwelling, 60 feet, and not to exceed four (4) stories.
- B. For any building assessor to any dwelling, 15 feet and not exceeding one story.

Section 2. Appendix A of the Statesboro Municipal Code is hereby amended by replacing the existing **Section 2004** with the following language:

All proposed amendments to the zoning ordinance or map together with the required site plans shall be referred to the Statesboro Planning Commission prior to a public hearing before the Mayor and City Council for study and recommendation. The planning commission shall study the need and justification for the change based on, but not limited to, the standards outlined below in section 2007. After completing its studies of the proposed amendment, the recommendation of the recommendation and report of the Planning Commission shall be submitted to the Mayor and City Council. The recommendation of the Planning Commission shall be of an advisory nature and not be binding on the Mayor and City Council.

Section 3. Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

Section 4. This Ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

First Reading: March 6, 2012
Second Reading: March 20, 2012

MAYOR AND CITY COUNCIL OF STATESBORO, GEORGIA

By: Joe Brannen, Mayor

Attest: Sue Starling, City Clerk

RULES OF ORDER

FOR THE

CITY OF STATESBORO
PLANNING COMMISSION

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

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

I. Purpose.

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

II. Governing Statutes and Ordinances.

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

III. Meetings of the Planning Commission.

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

IV. Members and Terms of Office.

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

V. Officers.

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

- B. Election of Officers.**

1. Officers shall be elected at the beginning of each term of the Commission (generally June) or as needed to fill vacancies.
2. When conducting elections, the Chair shall first request nominations from Commission Members. If only one Member is nominated, the election may be by unanimous consent. Otherwise, on hearing no further nominations, the Chair shall announce the names of all Members nominated, and then conduct a vote on each nominee, in the order nominated, until someone is elected. The favorable vote of a majority of the full Membership of the Commission is necessary to elect a Member as Chair or Vice-Chair.

- C. Chairperson.**

1. The Planning Commission shall elect one of its Members as Chair, to serve a one year term and until the Commission elects a successor. The Chairperson has the following duties and powers:
 - a. To preside at all meetings of the Commission;
 - b. To decide all points of order and procedure, subject to these Rules of Order and the Parliamentary Authority of this body;
 - c. To place items for consideration on the agenda of the Planning Commission;
 - d. To request, upon vote of the Planning Commission, placement of items on working or voting agendas of the Statesboro Mayor and City Council;
 - e. To act as parliamentarian of the Planning Commission; and
 - f. As otherwise provided.
2. The Chairperson shall preside over all Commission meetings and shall take whatever action is necessary to:
 - a. Enforce compliance with these Rules;
 - b. Provide a full opportunity for public comment;
 - c. Focus comments and discussions on issues directly related to the items being considered;
 - d. Promote the efficient and effective disposition of matters before the Commission;
 - e. Limit the time allotted to speakers;
 - f. Provide for the selection of one or two spokespersons to represent groups of persons with common interest;
 - g. Interrupt unnecessary repetition of statements and opinions;
 - h. Interrupt personal attacks or digressions into immaterial issues;
 - i. Order an end to disorderly conduct; and

- j. Otherwise ensure a polite, orderly, and effective meeting of the Planning Commission.

D. Vice-Chairperson.

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

VI. City Representative.

- A. The Director of the Department of Community Development shall serve as the City of Statesboro's staff representative to the Commission for most purposes. The Director is not a Member of the Commission and therefore cannot vote or otherwise act as a Commission Member. The Director has the following powers and duties:
1. To attend all meetings of the Planning Commission;
 2. To record minutes of the all Commission meetings (including committee meetings);
 3. To conduct correspondence on behalf of the Commission;
 4. To authenticate, by his/her signature, along with the Chairperson, resolutions, policies, minutes, or other documents adopted by the Commission;
 5. To arrange for all public notices required to be given on behalf of the Commission;
 6. To notify Commission Members and interested parties of pending meetings and agendas;
 7. To act as custodian of all Commission records;
 8. To maintain records regarding Commission Members, specifically including each Member's appointment and term of Membership; attendance at meetings; residency; contact information; resignations, etc;
 9. To timely advise the Chair of all resignations, Membership vacancies and appointments, and necessary elections;
 10. To timely and adequately prepare and distribute the meeting agendas and packets for the Planning Commission;
 11. To appropriately advertise the meetings of the Statesboro Planning Commission in accordance with the Georgia Open Meetings Act;
 12. To handle all funds allocated to the Commission in accordance with Commission directive and applicable City regulations and policies;
 13. To generally supervise the clerical work of the Commission;
 14. To establish an agenda for the Planning Commission's consideration, including all items required for consideration by the Planning Commission by ordinance; matters for which Commission review has been requested by the Mayor and City Council; reviews,

- adoptions, and matters associated with long range plans affecting the City; and any other matters necessitating the attention of the Planning Commission; and
15. To otherwise act as the City staff representative for the Commission on behalf of the City Manager and the Mayor and City Council of Statesboro.

VII. Quorum.

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

VIII. Voting.

- A. Planning Commission Members attending a meeting shall vote on each matter placed before the Planning Commission. A Member shall abstain from voting in the instance of a conflict of interest. In such cases, the nature of the conflict must be stated for the record and included in the meeting's minutes.
- B. A record of all votes shall be taken by the Director and maintained in the Planning Commission's official records.
- D. Votes are generally taken by voice ("ayes and nays"). The Chair may take a vote by a show of raised hands if the Commission's discussion indicates that the vote may be close; or, if after the Chair announces a voice vote, a Commission Member or the Director questions the vote count or how Members voted.

IX. Conflict of Interest.

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

- C. Each Planning Commission Member shall have the duty to avoid even the appearance of a conflict of interest. A Commission Member, therefore, shall ask the Chair to be excused from participation in any matter before the Commission in which the Member's impartiality might reasonably be questioned, including, but not limited to, instances where:
 - 1. The Commission Member has a personal bias or prejudice concerning any interested party, or representative of a party, to a matter before the Commission; or
 - 2. The Commission Member has a close personal or financial relationship with any party or party representative; or
 - 3. The Commission Member, or Member of the Member's household, has a personal or financial interest that may be substantially affected (directly or indirectly) by the Commission's action on the matter.
- D. If any person questions the impartiality of a Commission Member before or during the Commission's consideration of a matter, the Chair shall treat this as a request that the Member be excused from participation. Any request that a Commission Member be excused from participation must disclose the basis for the request.
- E. On concurring that an actual or apparent conflict of interest exists, the Chair shall excuse the Member from participation in the matter. If excused from participation in a matter, the excused Commission Member may not sit with the Commission during its consideration of the matter, and may not vote on, discuss, advocate, influence, or otherwise take part in the Commission's consideration of the matter, either in public or in private.
- F. On finding that an actual or apparent conflict of interest does not exist, the Chair shall refuse the request and allow the Member to fully participate in the matter.
- G. No actual or apparent conflict of interest shall be deemed to exist where the matter would similarly affect all citizens of Statesboro or where the Commission Member's bias, prejudice, relationship, or interest is so insignificant, is so remote, or is of such a nature as to render it unlikely to affect the Member's actions in any way.

X. Minutes.

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

- D. An official minute book, containing the agenda, agenda packet, and meeting minutes for each meeting of the Planning Commission shall be maintained by the Director on behalf of the City of Statesboro.

XI. Planning Commission Hearings.

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

XII. Conduct of Meetings of the Statesboro Planning Commission.

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

- 1. At the time the meeting is scheduled to begin (or at some reasonable waiting time thereafter if a quorum is not initially present), the Chair shall call the meeting to order and establish the presence or lack of a quorum.
 - 2. The Chair shall open the meeting, welcome those in attendance, notify the persons attending the meeting of the availability of copies of the agenda, make any general announcements, and otherwise conduct the opening ceremonies of the meeting of the Planning Commission.
 - 3. The Chair shall request the submittal or presentation of any written or oral petitions unrelated to items on the agenda. After receiving or hearing a petition, if any, the Commission may refer the matter to the staff or schedule the matter for discussion (or action, if appropriate) at a later meeting.
- B. The Chair shall put the order of the agenda for a vote of approval or accept any motion by a Commission Member to amend the agenda before considering any substantive matter of business.

C. Consideration of Substantive Agenda Items/Matters of Business:

- 1. **Chair's Introduction.** The Chair shall begin the Commission's consideration of each agenda item by announcing the title of the item, identifying the nature of the decision involved, and briefly explaining the steps in Commission consideration of the item. In doing so, the Chair shall note the opportunity for public comments and briefly note the circumstances under which the Commission will receive public comment.
- 2. **Staff Report and Recommendation:**
 - a. The Chair shall then ask City staff to describe the nature of the matter being considered and to present the staff's findings and recommendations for Commission action.

- b. At the conclusion of the staff report, Commission Members may ask staff Members for more information about the item and request clarification or explanation of the reasons for the staff's findings and recommendation.

3. Presentation or Comments from the Applicant:

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

4. Comments from Other Interested Persons:

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

5. Questions from Non-Commission Members:

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

6. Commission Discussion:

- a. If the item involves a request for specific Commission action, the Chair shall invite Commission Members to formally discuss the item and recommended action, without the need for a prior motion. Otherwise, the Chair shall state that a motion is in order, and Commission Members may discuss the item only in response to a motion for specific Commission action.
- b. The Chair shall determine the order in which Commission Members are recognized to comment on the pending item or motion, and shall ordinarily give

each Member present an opportunity to comment before allowing one Member to comment a second time.

- c. Only Commission Members may participate in the Commission's discussion of an item. If, however, the discussion raises requests for more information or questions about the previously heard presentations and comments, the Chair may relay those questions to the appropriate persons and invite their response in the context of the Commission discussion.

7. Commission Action:

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

D. Consideration of Routine Business Matters:

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

E. Approval of Minutes:

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

F. Points of Order:

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

XIII. Outside Communications

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

XIV. Parliamentary Authority.

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

SO ADOPTED, this _____ with an effective date of the same.

Chair, Statesboro Planning Commission

Attest:

Director Department of Community Development

