



City of Statesboro – Department of Community Development  
**DEVELOPMENT SERVICES REPORT**

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**RZ 16-03-01  
 ZONING MAP AMENDMENT  
 23320 Highway 80 East**

**LOCATION:** 23320 Highway 80 East

**REQUEST:** Rezone from O (Office) to CR (Commercial Retail) for the purposes of leasing to a restricted range of retail businesses.

**APPLICANT:** William B. Morgan and Amy Morgan

**OWNER(S):** William B. Morgan and Amy Morgan

**LAND AREA:** 1.38 acres

**PARCEL TAX MAP #s:** MS92 000095 000

**COUNCIL DISTRICT:** District 5 (Chance)



**PROPOSAL:**

The applicant is requesting a zoning map amendment of 1.38 acres of property located at 23320 Highway 80 East (Tax Parcel # MS92 000095 000) from O (Office) District to CR (Commercial Retail) District for the purposes of leasing the property to retail businesses (See **Exhibit A** – Location Map). In accordance with Article IX Section 901(g) of the *Statesboro Zoning Ordinance*, the O (Office) district allows retail establishments complimentary to surrounding uses when granted a special exception; however, the applicant is requesting a zoning map amendment because a special exception is unique to the applicant and would require each new lessee or potential purchaser to present a case at City Council.

**BACKGROUND:**

The subject site was vacant in 2014, at which time the applicant submitted a building permit application for the construction of two “shell-only” structures. Currently, both 2,762 square foot structures are vacant and the applicant is offering “build to suit” to prospective tenants. Both structures will accommodate two (2) tenants and the applicant has immediate plans to begin leasing the space.

**SURROUNDING LAND USES/ZONING:**

ZONING:		LAND USE:
<b>NORTH:</b>	R20 (Single Family Residential)	Single Family Residences
<b>SOUTH:</b>	HC (Highway Commercial—Bulloch County)	Vacant Parcels
<b>EAST:</b>	HC (Highway Commercial—Bulloch County)	Single Family Residences
<b>WEST</b>	O (Office)	Offices and Single-Family Residential

The properties north of the subject site are zoned R20 (Single Family Residential) and contain single-family residences. Parcels to the south are zoned HC (Highway Commercial—Bulloch County) and are vacant. Properties to the east are also zoned HC (Highway Commercial—Bulloch County) and contain single-family residences. Parcels to the west are zoned O (Office) and contain a church, personal services and a veterinary practice (See **Exhibit B** – Photos of Subject Site and Surrounding Properties).

#### **COMPREHENSIVE PLAN:**

The subject site lies within the “Neighborhood Center” character area as identified by the 2014 City of Statesboro Future Development Map within the *2014 City of Statesboro Comprehensive Plan* (See **Exhibit C** – 2014 Statesboro Future Development Map). The “Neighborhood Center” character area is characterized by a blend of lower- to medium-density residential, offices, personal service and commercial uses. The character area’s intent is to balance the protection of nearby residential areas with the provision of neighborhood services by acting as a buffer between higher intensity commercial developments and residential areas.

Appropriate land uses for properties within the “Neighborhood Center” character area include neighborhood-scale commercial, office and services; medium-density residential and single-family residential. Some suggested development and implementation strategies for the area include the following:

- A mix of approximately scaled retail, services, and offices to serve the day-to-day needs of neighborhood residents
- Pedestrian oriented, with strong walkable connections between different uses
- Enhance the pedestrian friendly environment by adding sidewalks and creating other pedestrian friendly trail/bike routes linking to other neighborhood amenities
- Particular attention should be paid to signage to prevent visual clutter
- Encourage way-finding, on site and monument style signage
- Provide pedestrian linkages to adjacent and nearby residential or commercial districts

*(2014 City of Statesboro Comprehensive Plan, pages 23-24)*

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

The subject site is currently serviced by city utilities including water and sewer, sanitation, and public safety services.

#### **ENVIRONMENTAL:**

The subject property does not contain wetlands and is not located in a special flood hazard area.

#### **ANALYSIS:**

The 1.38 acre subject site is currently zoned O (Office) and contains two (2), “shell-only” connected structures that are each 2,762 square feet. The property owner is requesting a zoning map amendment from O (Office) to CR (Commercial Retail). The site is the last parcel within City of Statesboro city limits. The subject site is adjacent to Boyd Lane; an unpaved, primarily residential road along the site’s eastern property line. While Boyd Lane lies within the boundary of Bulloch County and is under the county’s jurisdiction, Article X Section 1003 (f) of the City of Statesboro Zoning Ordinance states that access to a local road that is primarily residential in nature from a property zoned CR (Commercial Retail) is prohibited.

Additionally, the subject site lies within the “Neighborhood Center” character area, which acts as a buffer between higher intensity commercial uses and residential zones. The applicant is proposing a total of four (4) tenants—two (2) in each building—with some restriction on retail uses allowed. Although adjacent properties to the west are zoned O (Office) and include the Merrywood Baptist Church, professional offices and a veterinarian facility and properties to the east are zoned HC (Highway Commercial—Bulloch County) and contain a mixture of commercial uses and apartments, the property is directly adjacent to the Merrywood Subdivision, a residentially zoned and utilized single-family neighborhood

The O (Office) zoning district recognizes complimentary retail establishments, as noted in Article IX Section 901 (g) of the *Statesboro Zoning Ordinance*. The applicant would like to request a zoning map amendment because a special exception is unique to the applicant granted the special exception, which would require each potential lessee/purchaser to present a special exception request to the Planning Commission and City Council.

**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/office to single-family residential homes.
  - o The property abuts a single family residential neighborhood to the rear.
  - o The property has frontage on a four lane commercial highway (US Hwy 80/ Northside Drive).
- (2) **The extent to which property values are diminished by the particular zoning restrictions.**
  - o Office related uses are permitted within the current zoning designation. Complimentary retail uses are permitted when authorized as a special exception.
- (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 structure was constructed in 2014 and remains unfinished and vacant since that time.
- (5) **The suitability of the subject property for the zoned purposes.**
  - o The proposed land use can comply with dimensional provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*.
  - o The *Comprehensive Plan* promotes mixed uses.
  - o The *Statesboro Zoning Ordinance* generally prohibits commercial ingress and egress from a local road that is primarily residential in nature. Boyd Lane – although a County Road and not subject to the restrictions of the *Statesboro ordinance* – is adjacent to the property.
- (6) **The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
- (7) **The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
  - o Council should make a finding of fact of whether the proposed use will have a negative impact on population density, community facilities, living conditions, traffic patterns or property values in adjacent areas given its current O (Office) zoning, which would allow for complimentary retail establishments.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
  - o Use of the property as low intensity commercial retail is consistent with the vision and guiding principles of the “Neighborhood Center” character area as articulated within the *Statesboro Comprehensive Plan* which promotes a mix of appropriately scaled retail, offices and services that meet the day-to-day needs of neighborhood residents.
  - o The requested zoning map amendment is consistent with the policies articulated within the 2035 Bulloch County/City of Statesboro Long Range Transportation Plan and the *Statesboro Comprehensive Plan*.
  - o Multiple cases requesting a zoning map amendment from O (office) to CR (Commercial Retail) have been heard in the recent past, including the following:
    - RZ 05-09-07: 23609 Highway 80 East (denied)
    - RZ 03-07-02: 23657 Highway 80 East (approved with the following conditions : 1) sale of malt and/or alcohol prohibited on property, 2) rear vegetative buffer on rear of lot along rear parking area, 3) 5-foot rear setback variance for proposed structure , 4) review alternative entrance from Cawana Rd. with final approval by City Engineer)
    - RZ 03-03-04: 500 East Grady Street (denied)
    - RZ 06-12-01: 0 Gentilly Road (Tax Parcel # S53 000064 000) (approved)
    - RZ 07-01-02: 605 Brannen Street (approved)
    - RZ 11-02-01: 151 Williams Road (approved)

**STAFF RECOMMENDATION:**

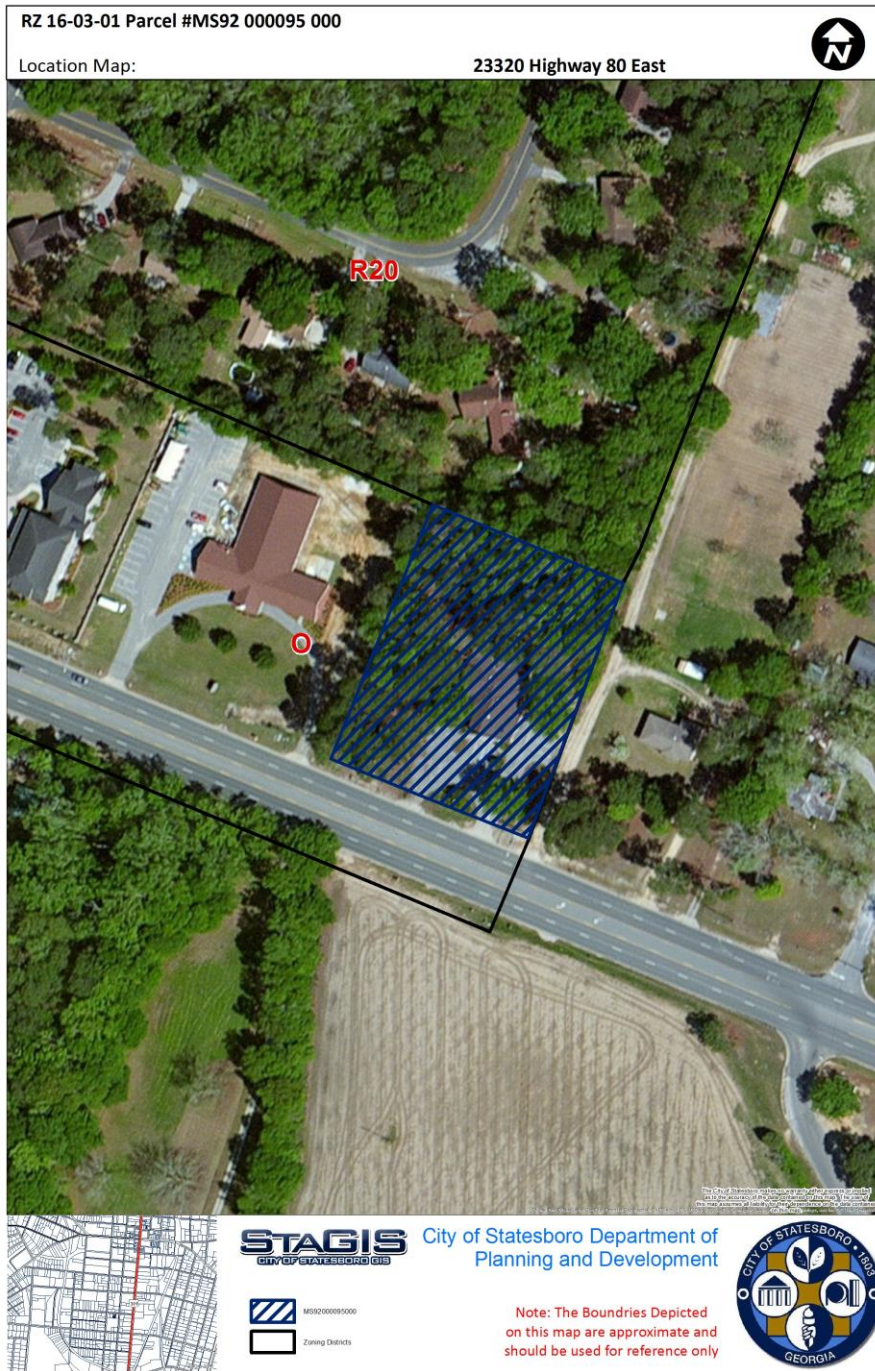
**Council should make a finding of fact of whether the rezone from O (Office) to CR (Commercial Retail) would have a negative impact to the adjacent residential property and local road. If so, staff would recommend against the zoning map amendment. However, if Council finds that a negative impact would not result; or, if conditions could be imposed on the zoning map amendment to eliminate or mitigate the impact, then a zoning map amendment could be granted.**

Should council find a zoning map amendment to be warranted by the criteria in the ordinance, staff would suggest the application of the following conditions to mitigate any negative impacts that could result from such:

1. The subject site shall adhere to the regulations for sign district three (3) of Article XV of the *Statesboro Zoning Ordinance*.
2. Ingress and egress from Boyd Road be prohibited.

3. Commercial uses be restricted based on available parking spaces pursuant to Article XVI of the Statesboro Zoning Ordinance.
4. Permissible uses shall be restricted to those uses permissible by right in the Central Business District for the City of Statesboro.
5. Restaurants may include outdoor seating areas, but are limited to sit down service or walk up service only. Drive through facilities are not permissible.
6. Convenience or general merchandise stores are permissible, but gasoline or fuel pump stations are prohibited.
7. An independent parking lot is not considered a permissible use by right for this parcel or any subdivision thereof.
8. Accessory structures are prohibited.
9. The pedestrian and parking areas shall be planted with street trees in accordance with the Statesboro Tree Ordinance and be furnished with street furniture, including but not limited to benches, litter receptacles, light poles, etc.
10. All outdoor storage shall be screened.

**EXHIBIT A: LOCATION MAP**



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



Picture 1: Front View of Subject Site Facing Northeast from Across Highway 80 East



Picture 2: Back of Subject Site Facing South (one unit on the right side of the lot)

**EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONT'D)**



Picture 3: Side of Subject Site Facing East



Picture 4: Parking Lot of Subject Site Facing Highway 80 East Showing Ingress/Egress onto Highway 80 East

**EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONT'D)**



Picture 5: Boyd Lane (Bulloch County's Jurisdiction) Adjacent to Subject Site



Picture 6: Subject Site Facing West Depicting Surrounding Properties



**EXHIBIT B: PHOTOS OF SUBJECT SITE (CONT'D)**



Picture 7: Subject Site Facing West Depicting Merrywood Baptist Church and Office Park

EXHIBIT C: 2014 STATESBORO FUTURE DEVELOPMENT MAP

