



City of Statesboro
Department of Planning and Development Memorandum

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

Statesboro Planning Commission

September 5, 2017

5:00 P.M.

City Hall Council Chamber

Meeting Agenda

- I. **Call to Order**
- II. **Motion to Approve Order of the Meeting Agenda**
- III. **Invocation & Pledge of Allegiance**
- IV. **Approval of Minutes**
 - 1.) June 6, 2017 Meeting Minutes
 - 2.) July 3, 2017 Meeting Minutes
 - 3.) August 1, 2017 Meeting Minutes
- V. **New Business**
 1. **APPLICATION # V 17-07-02**: Adam Tsang requests a variance from Article XV of the Statesboro Zoning Ordinance for 1.2 acres of property located at 727 Buckhead Drive regarding the maximum height and maximum square footage allowed for a freestanding sign in sign district 3 (Tax Parcel # MS84 000102 07A).
 2. **APPLICATION # CUV 17-01-01**: Carol Lind Mooney requests a conditional use variance from Article II of the Statesboro Zoning Ordinance for 1.46 acres of property located at 207 Lee Street to utilize the property as a drug rehabilitation center (Tax Parcel S51 000009 000).
 3. **APPLICATION # RZ 17-07-04**: Steve Herndon requests a zoning map amendment from HOC (Highway Oriented Commercial) to CR (Commercial Retail) for .9 acres of property located at 6381 Burkhalter Road to construct a hotel (Tax Parcel MS88 000025 000).
 4. **APPLICATION # V 17-07-03**: Steve Herndon requests a variance from Article XXIII Section 2301 of the Statesboro Zoning Ordinance regarding the buffer requirements for a 1.9 acre (combined) parcel located at Highway 67 and 6381 Burkhalter Road in the CR (Commercial Retail) zoning district to construct a hotel (Tax Parcels MS88 000026 007 and MS88 000025 000).
 5. **APPLICATION # RZ 17-07-08**: Five Points Stores requests a zoning map amendment from R6 (Single-Family Residential) to HOC (Highway Oriented Commercial) for a

roughly .344 acre section of a parcel located at 2855 Northside Drive West to permit the construction of a convenience store (Tax Parcel S08 000057 000).

6. **APPLICATION # V 17-07-07**: Five Points Stores requests a variance from Article XI Section 1102 (D) of the Statesboro Zoning Ordinance regarding the minimum required setback for a .88 acre parcel zoned HOC (Highway Oriented Commercial) located at 2855 Northside Drive West (Tax Parcel S08 000057 000).
7. **APPLICATION # V 17-07-06**: Five Points Stores requests a variance from Article X Section 1003 (F) of the Statesboro Zoning Ordinance regarding commercial street access to a primarily residential road for a .88 acre parcel located at 2855 Northside Drive West (Tax Parcel S08 000057 000).
8. **APPLICATION # T 17-07-05**: The City of Statesboro recommends a text amendment to Article XV of the Statesboro Zoning Ordinance regarding the permitted districts in which projecting signs can be installed.

VI. Announcements

VII. Adjourn



City of Statesboro
Department of Planning and Development Memorandum

50 East Main Street P.O. Box 348 » (912) 764-0630
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Statesboro Planning Commission
June 6, 2017
5:00 P.M.
City Hall Council Chamber

Meeting Minutes

Present: Planning Commission Members: Ben McKay; Russell Rosengart; David McLendon; Carlos C. Brown, Jr.; Jamey Cartee; James W. Byrd, Sr. and Mary Foreman **City of Statesboro Staff:** Director of Planning and Development Frank Neal, Planning and Development Specialist Candra Teshome, Director of Public Works and Engineering Jason Boyles, and Code Compliance Officer Mike Chappel.

I. Call to Order

Commissioner Byrd called the meeting to order at 5:00 PM.

II. Invocation & Pledge of Allegiance

The Invocation and Pledge of Allegiance were given by Commissioner Byrd.

III. Motion to Approve Order of the Meeting Agenda

Commissioner McLendon made a motion to approve the order of the meeting agenda, seconded by Commissioner McKay and the motion carried 7 to 0.

IV. Approval of Minutes

Commissioner McLendon made a motion to approve the minutes of the May 2, 2017 Planning Commission meeting, seconded by Commissioner Rosengart and the motion carried 7 to 0.

V. New Business

- 1. APPLICATION # SE 17-05-01:** Enterprise Leasing Company Southeast, LLC requests a special exception for .68 acres of property located at 922 Northside Drive East to utilize the property as a motor vehicle leasing facility in the CR (Commercial Retail) zoning district (Tax Parcel S51 000064 000).

Frank Neal presented the case to the commissioners and took any questions. TJ Watkins, Group Operations Manager for Enterprise Rental Car, spoke on behalf of the applicant's request. No one spoke against the request.

Commissioner McKay made a motion to approve the application, seconded by Commissioner Rosengart, and the motion carried 7 to 0.

2. **APPLICATION # V 17-05-02:** Ellianos Coffee Company requests a variance from Article XV Section 1509(B) Table 2 of the *Statesboro Zoning Ordinance* regarding the installation of a projection sign for a commercial building located at 600 Brannen Street, which is prohibited in sign district 3 (Tax Parcel S53 000059 000).

Frank Neal presented the case to the commissioners and took any questions. No one spoke for or against the request.

Commissioner Cartee made a motion to approve the application with staff's recommended condition, seconded by Commissioner Brown, and the motion carried 7 to 0.

VI. Announcements

There were no announcements.

VII. Adjourn

Commissioner McKay made a motion to adjourn, seconded by Commissioner Foreman and the motion carried 7 to 0.

Chair – James W. Byrd, Sr.

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

STATESBORO PLANNING COMMISSION

July 3, 2017

5:00 P.M.

City Hall Council Chambers

Meeting Minutes

The July 3, 2017 Planning Commission meeting was cancelled due to a lack of agenda items.

Chair – James W. Byrd, Sr.

Secretary – Frank Neal, AICP
Director of Planning and Development

STATESBORO PLANNING COMMISSION

August 1, 2017

5:00 P.M.

City Hall Council Chambers

Meeting Minutes

The August 1, 2017 Planning Commission meeting was cancelled due to a lack of agenda items.

Chair – James W. Byrd, Sr.

Secretary – Frank Neal, AICP
Director of Planning and Development



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

P.O. Box 348
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V 17-07-02
VARIANCE REQUEST
727 Buckhead Drive

LOCATION: 727 Buckhead Drive
Variance from Article XV Section 1509(C) Table 5 of the *Statesboro Zoning Ordinance* regarding maximum height and the maximum square footage allowed for a freestanding sign in Sign District 3.

REQUEST:

APPLICANT: Adam Tsang

OWNER(S): Carey Hilliards Drive-in Restaurants, Inc.

ACRES: 1.2 acres

PARCEL TAX MAP #: MS84 000102 07A

COUNCIL DISTRICT: District 5 (Chance)



PROPOSAL:

The applicant requests a variance from Article XV Section 1509(C) Table 5 of the *Statesboro Zoning Ordinance* regarding the maximum height allowed for a freestanding sign and the maximum square footage allowed in Sign District 3. The customer proposes the installation of a 21.58 feet tall freestanding sign totaling 72.8 square feet at the intersection of Brannen Street and Buckhead Drive. The customer has installed two (2) circular logo building signs and one 41.83 square feet building sign (See **Exhibit A** – Location Map and **Exhibit B** – Future Development Map). The maximum allowed height in Sign District 3 is eight (8) feet and the maximum sign area allowed for a freestanding sign is 60 square feet.

BACKGROUND:

The location originally housed the Carey Hilliard's restaurant. In June 2009, a sign permit was approved for the installation of a 20' tall freestanding sign at the intersection of Brannen Street and Buckhead Drive. At the time of approval, it appears the maximum height allowed was 20' for a freestanding sign. In addition, the permit was reviewed May 29, 2009 and a permit issued June 3, 2009. These dates fall within the period of exemption from the ordinance for existing signs and created a non-conforming condition, pursuant to Article XV Section 1513(A) (See **Exhibit C**—Section 1513 Existing and Nonconforming Signs). Despite this, per Article XV Section 1513(B) of the *Statesboro Zoning Ordinance*, nonconforming signs may not be removed or substantially altered and maintain their nonconforming status (See **Exhibit C**—Section 1513 Existing and Nonconforming Signs).

Today, the site is governed by Sign District 3, in which the maximum height allowed for a freestanding sign is 8 feet and the maximum sign area allowed is 60 square feet. Sometime after the closure of Carey Hilliard's, the branded portion of the sign was removed, while the changeable copy sign and pylon remained. Per Article XV Section 1513(B), this significant alteration revoked the sign's nonconforming status and future alterations are required to meet the ordinance's standards (See **Exhibit C**—Section 1513 Existing and Nonconforming Signs).

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	CR (Commercial Retail)	Food Service Facilities and Personal Service Facilities
SOUTH:	CR (Commercial Retail)	Food Service Facilities, Personal Service Facilities and Retail or Wholesale Facilities
EAST:	CR (Commercial Retail)	Vacant Parcel
WEST:	CR (Commercial Retail)	Vacant Parcel

The subject property is located in the CR (Commercial Retail). Surrounding parcels include mixed uses, such as restaurants, retail shops, and vacant parcels (See **Exhibit A** – Location Map, **Exhibit B**—Future Development Map, **Exhibit D**—Site and Surrounding Property Photos and **Exhibit E**—Proposed Signage Plans).

COMPREHENSIVE PLAN:

The subject site lies within the "Activity Centers/Regional Centers" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Master Plan*. The "Activity Centers/Regional Centers" character areas are currently dominated by auto-oriented design and large surface parking lots. The Activity Centers will evolve into pedestrian-oriented shopping, office, and entertainment places that may also accommodate high-density residential development. Where excess parking is located, infill development can break up large surface lots. Tree plantings and landscaping will be generous to soften the development intensity in these areas. Access to these activity centers will be easily achieved for pedestrians, cyclists, and drivers alike (See **Exhibit B** – Future Development Map).

The Future Development Map and Defining Narrative section of the Comprehensive Plan states the following:

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

Statesboro Comprehensive Master Plan, Community Agenda page 11.

ANALYSIS:

- I. **Variance from Article XV Section 1509(C) Table 5: Sign District 3 Dimensional Standards to permit an increase in the maximum height and maximum square footage for a freestanding sign.**

The applicant is requesting a variance from Article XV (Signs) Section 1509(C) Table 5 regarding the maximum height and total square feet allowed for a freestanding sign. The subject site is located in the CR (Commercial Retail) zoning district and is regulated by the dimensional standards of Sign District 3 (See **Exhibit F**—Section 1509(C) Table 5).

Sign District 3 allows for a maximum 8 feet in height for freestanding signs. The applicant's intention is to increase the maximum height for a freestanding sign from 8 feet to 21.58 feet. In addition, the applicant would like to increase the maximum allowed square footage for a freestanding sign from 60 square feet to 72.8 square feet.

The applicant's building sign was approved August 1, 2017, has been installed and meets the regulatory requirements at 41.83 square feet. The applicant also installed two (2) circular logo wall signs to the southwest and north facing walls, which total 30.34 square feet. The addition of the freestanding sign would increase the site's aggregate square footage to 153.12 square feet, which is well within the maximum 300 square feet aggregate sign area for a site with two (2) frontages.

Sign District 3 Regulations	Applicant's Request	Permitted
Freestanding Signs: One sign structure per road frontage not to exceed 60 square feet and 8 feet in height	One (1) 72.8 square feet freestanding sign	Temporary sign permitted
Building Signs: One per building elevation not to exceed 50 square feet for a wall length 100 feet or less	One (1) 41.83 square feet building sign and two (2) circular 15.17 logo square feet building signs	One (1) 41.83 square feet building sign See Exhibit D

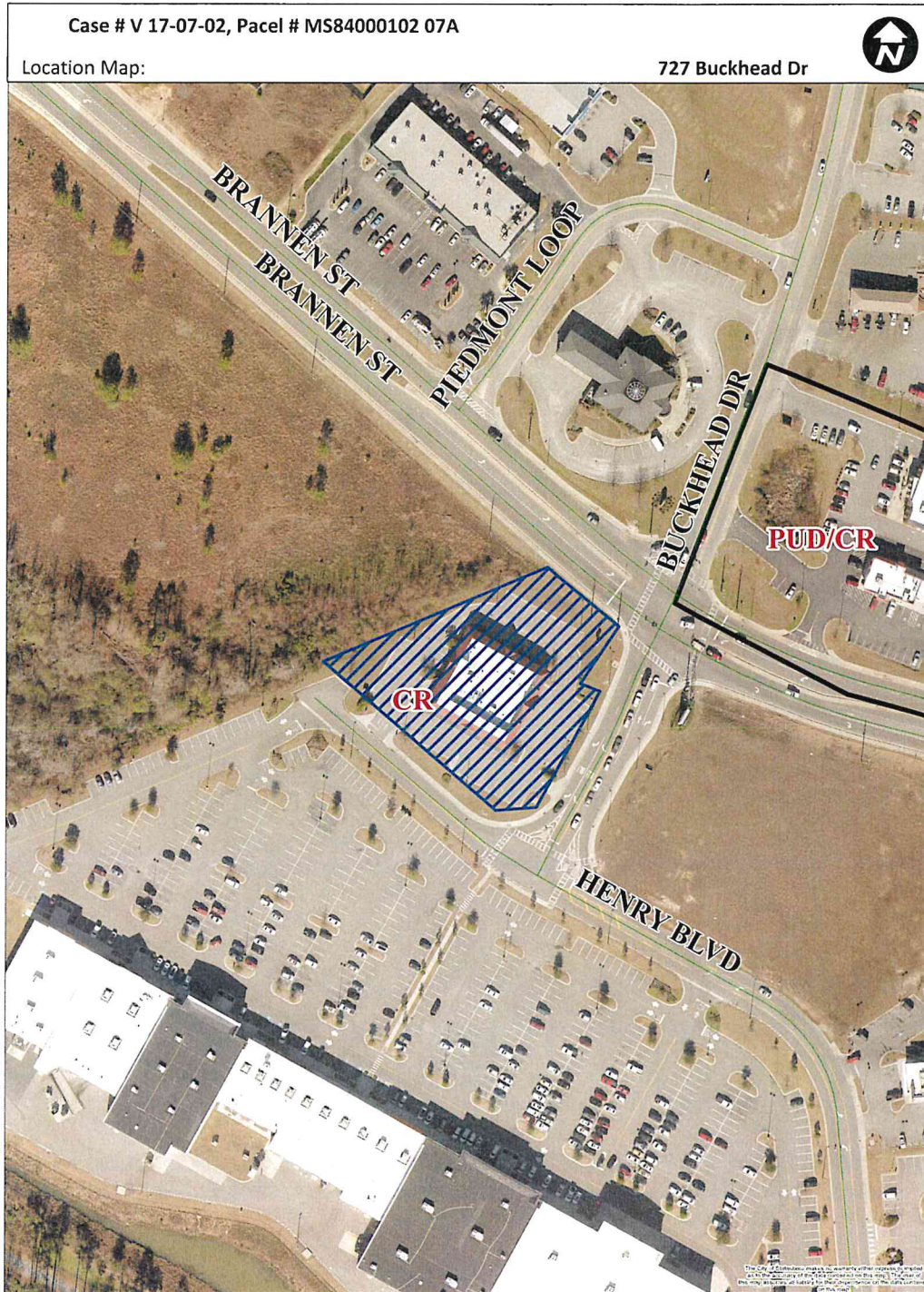
Section 1503(G) states that no variances shall be permitted from the terms of Article XV regarding signs in the *Statesboro Zoning Ordinance*. It continues to state that "Specifically, no variances under article XVIII of this ordinance [chapter] shall be applicable to the standards contained within this article." However, Article XV regarding signs is part of the *Statesboro Zoning Ordinance*, which provides for the award of variances by the City Council from the zoning regulations stating that "approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done" and **Section 1801 states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:**

1. **There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;**
 - The existing pylon is installed below street level due to a change in grade. According to a stormwater management report created for the original construction of Carey Hilliard's, "the developed site slopes at a rate of 2-4% southwest toward the creek [Little Lotts Creek]. It ranges from elevation 216 in the northeast corner to 189 in the southern parcel" (See **Exhibit G—Miller-McCoy, Inc. Stormwater Management Report**).
2. **The special conditions and circumstances do not result from the actions of the applicant;**
 - The special conditions and circumstances do not result from the actions of the applicant.
3. **The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - The application of the ordinance to this particular piece of property would create an unnecessary hardship. The natural slope of the property, the parcel's location and the existence of competing signs in the area would have a negative impact on the applicant's sign exposure if installed in accordance with the ordinance at a maximum eight (8) feet high. In addition, the existing pylon is twelve (12) feet in height.
4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
 - Relief, if granted, would not cause substantial detriment to the public good. The original pylon installation was 20 feet in height.

STAFF RECOMMENDATION:

Staff recommends approval of the variances requested by application V 17-07-02. The subject site has visible and documented changes in grade that would negatively impact visibility if the sign were installed in accordance with the ordinance.

EXHIBIT A: LOCATION MAP



City of Statesboro Department of Planning and Development



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

EXHIBIT B: FUTURE DEVELOPMENT MAP

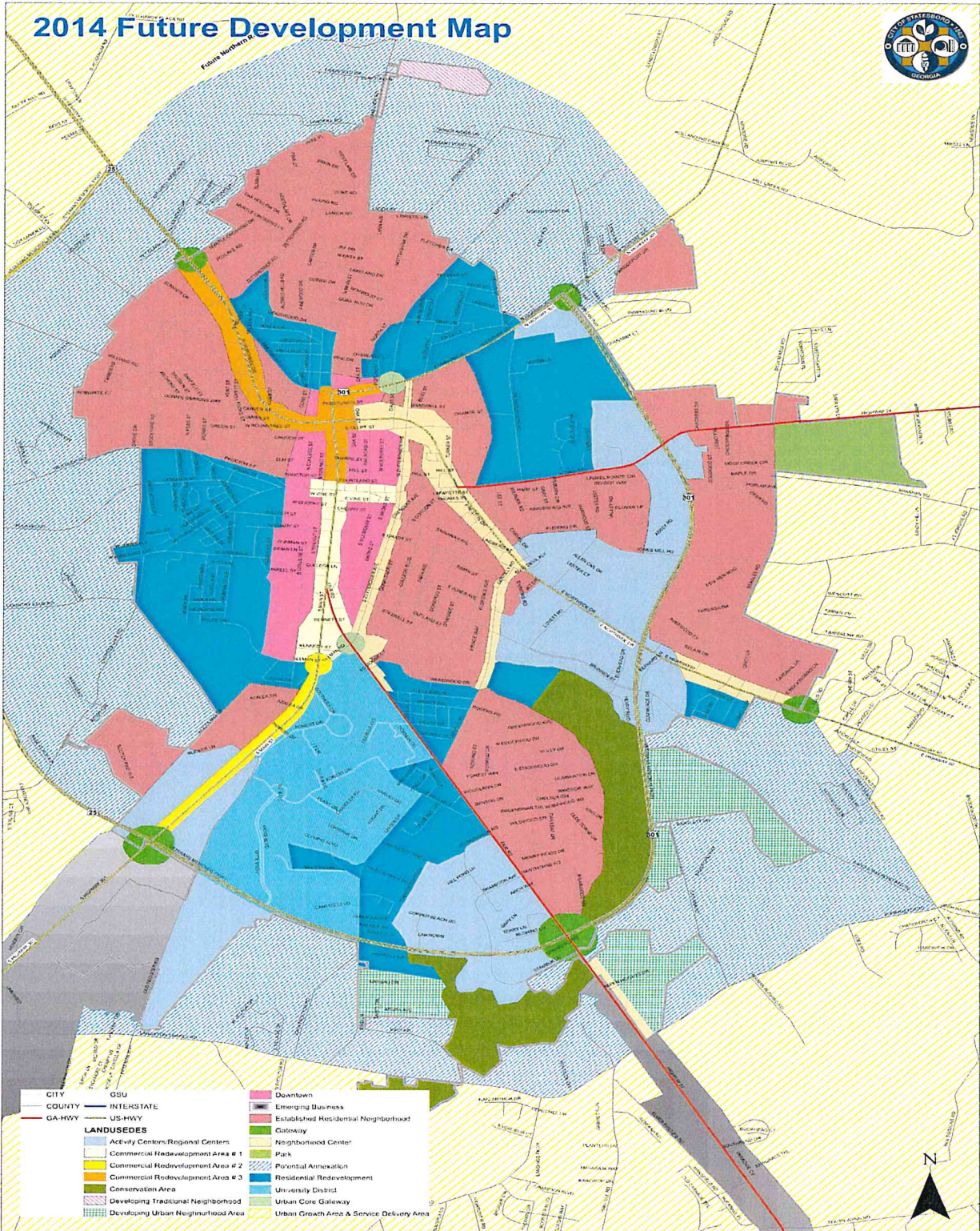


EXHIBIT C: ARTICLE XV SECTION 1513 AND SECTION 1514

- I. *Historic area locations prohibited.* No outdoor advertising sign shall be placed in or obstruct the view of an area of designated historical site in the city. No billboard shall be placed within 500 feet of a designated historical district or site. Historical districts and sites shall be listed in the state or national register.
- J. *Expiration of approval.* The approval for the placement of a billboard shall be void if the applicant fails to obtain a building permit within six (6) months from the date of authorization thereof or to complete erection of the billboard within six months of obtaining a permit.

Section 1512. Design, construction, and maintenance.

- A. All signs shall be designed, constructed, and maintained in accordance with the applicable provisions of the Standard Building Code and National Electrical Code as adopted by the city. All signs must be designed to withstand winds of 105 miles per hour.
- B. With the exception of temporary, special event or spectacular and window signs, all signs shall be constructed of permanent materials and permanently attached to the ground, building or any other structure.
- C. All signs shall be maintained in good structural condition, aesthetically pleasing in appearance, and in compliance with all building and electrical codes. The following are some examples of deficiencies which reflect a lack of care: rust spots; loose boards; paint or lettering faded; paint chipping or peeling; lights not working or burned out; colored or transparent panels used with backlighting which are missing, broken, faded or damaged; inspection plates loose or missing; or overall sign appearance not consistent with the other signs in the general area.

Section 1513. Existing and nonconforming signs.

- A. *Existing signs.* Signs existing and in place at the time of enactment of this ordinance [article] which were legal at the time of erection but are not in compliance with the requirements hereof are nonconforming signs. Nonconforming signs existing as of June 16, 2009, shall be exempt from fees or the requirement to apply for a permit. However, the use of any temporary or portable sign existing at the time of passage of this ordinance shall be continued or considered a nonconforming sign and not subject to the provisions of this section only for 90 days, but shall not be continued or considered a nonconforming use thereafter and shall be removed. The bolting down of signs by their construction and nature designed to be temporary shall not henceforth qualify a sign for consideration as a nonconforming sign. Any person who had a portable changeable copy sign in place on their premises at the time of enactment of this sign ordinance and which must be removed within 90 days of enactment of this ordinance, shall have a grace period of 18 months from enactment of this ordinance in which they may add a changeable copy sign as part of a significant structural alteration to an existing sign without the existing sign losing its status as a nonconforming and existing sign in the event the addition causes the existing sign to exceed the height and size restrictions of this ordinance.
- B. *Nonconforming signs.* Nonconforming signs once removed may not be replaced by signs that do not comply with the requirements of this ordinance [article]. Nonconforming signs may not be renovated in such a manner that significantly alters the nature of the sign and said sign remains in noncompliance with the requirements of this ordinance [article] following renovation. The

City of Statesboro, Georgia Zoning Ordinance

XV-20

EXHIBIT D: SITE AND SURROUNDING PROPERTY PHOTOS



Picture 1: Eastern Wall of Subject Site Facing Buckhead Drive



Picture 2: Southwest Facing Wall Depicting Installed Circular Logo Sign

EXHIBIT D: SITE AND SURROUNDING PROPERTY PHOTOS (CONT)



Picture 3: Southwest Facing Wall Depicting Installed Circular Logo Sign



Picture 4: Existing Pylon and Changeable Copy Freestanding Sign Depicting Temporary Sign Facing South East

EXHIBIT D: SITE AND SURROUNDING PROPERTY PHOTOS (CONT)



Picture 5: Subject Site Depicting Natural Slope Adjacent to Brannen Street



Picture 6: Subject Site Depicting Natural Slope Adjacent to Brannen Street

EXHIBIT D: SITE AND SURROUNDING PROPERTY PHOTOS (CONT)



Picture 7: Freestanding Sign Location Compared to Competing Signs and Traffic Lights

EXHIBIT E: PROPOSED SIGNAGE PLANS

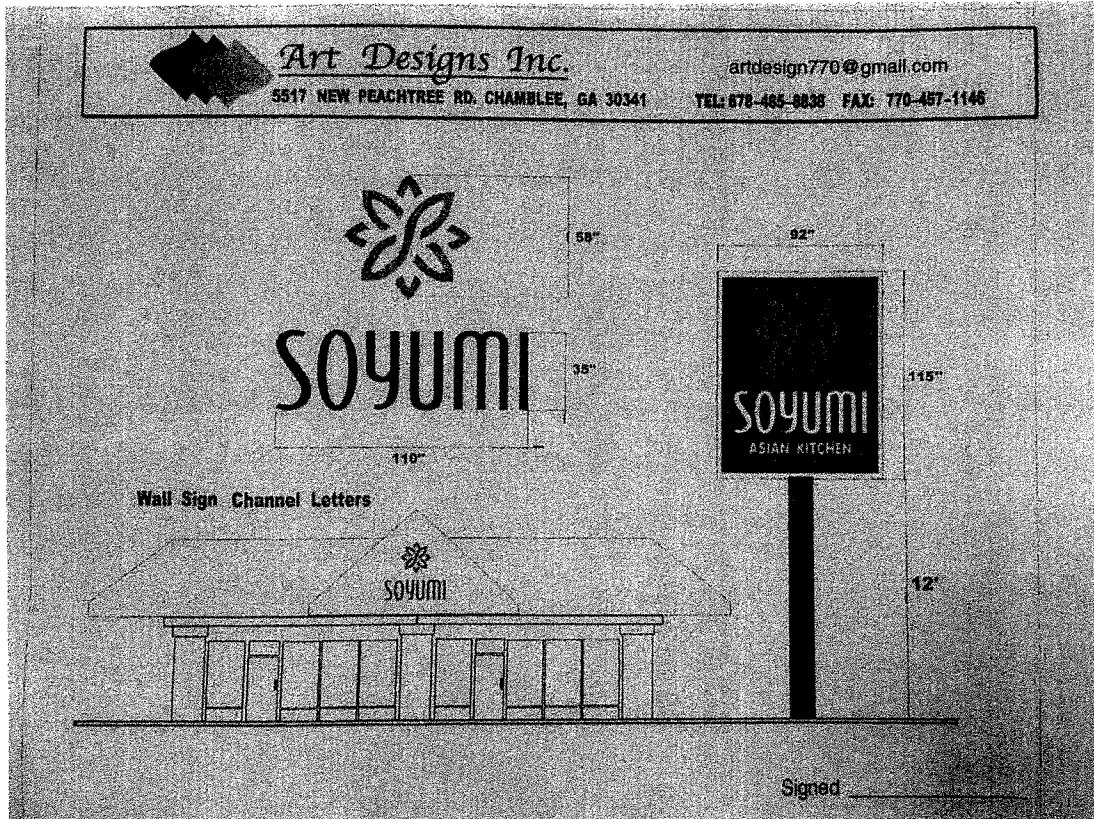


EXHIBIT F: SECTION 1509 TABLE 5

Table 5. Sign District 3 Dimensional Standards

TABLE INSET:

SIGN DISTRICT 3 (As defined in subsection 1509[A.3])	SIGN FOR AN INDIVIDUAL ESTABLISHMENT ON AN INDIVIDUAL LOT	MAJOR SIGN FOR PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT	BUSINESS SIGN FOR AN INDIVIDUAL ESTABLISHMENT, SHOP, ETC., WITHIN A PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT
AGGREGATE SIGN AREA*:			
1. Maximum Number of Total Square Feet (SF)	150 square feet including freestanding and building signs	Size is based upon the overall floor space of the center as follows: 0-50,000 sf = 100 sf > 50,000 sf = 150 sf	Not applicable
FREESTANDING SIGNS**:			
2. Freestanding Sign Maximum Square Feet	60 square feet	Varies per overall floor space of the center (See "Aggregate Sign Area" herein)	Not applicable
3. Maximum Height	8 feet	15 feet	Not applicable
4. Setback Requirement	5 feet from property line	5 feet from property line	Not applicable
5. Number of Signs Allowed	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	Not allowed
BUILDING SIGNS:			
1. Maximum Number of Total Square Feet	Wall length of 100 feet or less: 50 square feet. Wall length of greater than 100 feet: 100 square feet.	60 square feet	The greater of 60 sf or 5% of wall areas, allotted to the individual establishment
2. Maximum Height	Building elevation	Building elevation	Building elevation
3. Number of Building Signs Allowed***	One per elevation	One sign per common entrance	One per building elevation per tenant
<p>*As provided in Section 1501 and Table 2 herein, "aggregate sign area" includes all freestanding or building signs regardless of whether or not a permit for a particular type of sign is required.</p> <p>**Limited to monument and standard informational signs. Billboards and stanchion signs prohibited as provided in Table 2 herein.</p> <p>*** Two (2) per building elevation where one (1) sign is in the form of a canopy/awning, and where the cumulative square footage of both does not exceed the "maximum number of total square feet" for building signs.</p>			

EXHIBIT G: MILLER-MCCOY, INC. STORMWATER MANAGEMENT REPORT

1. INTRODUCTION

Statesboro Crossing is a proposed commercial development located on a 28.68 acre parcel and a 21.36 acre parcel southwest of the Brannen Street and Veterans Memorial Parkway intersection in Statesboro, Georgia. The site is under the jurisdiction the City of Statesboro. This report, in conjunction with the construction plans, is meant to demonstrate that the design is consistent with the rules and regulation of this jurisdiction.

2. EXISTING CONDITIONS

2.1 Site Characteristics

Currently the site vacant, but it is zoned for commercial use. The developed area consists of two drainage basins, each ultimately draining to Little Lotts Creek along the southern property line. The ground cover of Basin 1 consists of 18.4 acres of open pasture, 8.88 acres of wood lands and a small amount of off-site drainage from Veterans Memorial. The ground cover of Basin 2 consists of 1.3 acres of open pasture, 7.62 acres of wood lands and a small amount of off-site drainage from Veterans Memorial. Exhibit A shows the existing drainage basins and land cover. The site also contains approximately 18.8 acres of wetlands. Wetland information and impacts are addressed in an environmental report by others. The developed site slopes at a rate of 2-4% southwest towards the creek. It ranges from elevation 216 in the northeast corner to 189 in the southern parcel.

2.2 Soil Information

A soil map, included in Appendix A, depicts the various soil types found on site. The northern parcel is comprised mostly of Cowarts Loamy Sand, Carnegie Loamy Sand, and Fuquay Loamy Sand. The southern parcel is comprised mostly of Albany Sand and Pelham Loamy Sand. All of these soil types belong to Hydrologic Soil Group C.

2.3 Hydrology

The site is in the Little Lotts Creek Basin. The on-site soils are Hydrologic Soil Group C therefore a curve number of 74 was used for good pasture areas and a curve number of 70 was used for good forest areas. The time of concentration for the site is about 40 minutes and was computed using TR55. Exhibit A shows the flow path used to calculate the time of concentration. A hydrologic analysis was performed for the predevelopment conditions using "HydroCAD-8" computer program. The SCS method (type 2 storm) was used to evaluate the predevelopment discharge for the 2 year, 5 year, 10 year, 25 year, 50 year, and 100 year, 24-hour storm events. The hydrographs are attached in Appendix B and the results are listed in Tables 3 and 4 in Section 3.4 of this report.

2.4 Floodplains & Floodways



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

*P.O. Box 348
 Statesboro, Georgia 30458*

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 (912) 764-0664 (Fax)*

**CUV 17-01-01
 CONDITIONAL USE VARIANCE REQUEST
 207 LEE STREET**

LOCATION: 207 Lee Street

REQUEST: Request for a conditional use variance from Article V of the *Statesboro Zoning Ordinance* for 1.46 acres of property located at 207 Lee Street to utilize the property as drug rehabilitation center (Tax Parcel # S51 000009 000).

APPLICANT: Summit BHC Statesboro, LLC

OWNER(S): Carol Lind Mooney

ACRES: 1.46 Acres

PARCEL TAX MAP #: S51 000009 000

COUNCIL DISTRICT: 1 (Boyum)



PROPOSAL:

The applicant is requesting a conditional use variance to utilize 207 Lee Street (Tax Parcel S51 000009 000) as a drug rehabilitation center for a maximum of nineteen (19) unrelated adults. The subject site is currently zoned R-15 (Single-Family Residential) and the *Statesboro Zoning Ordinance* does not address or define group homes, personal care homes or recovery residences or designate an appropriate zoning district for such uses. In addition, Article II of the *Statesboro Zoning Ordinance* states that a family in the R-15 zoning district may not consist of more than three (3) unrelated persons (See **Exhibit A** – Location Map).

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R15 (Single-Family Residential)	Single-family detached dwelling units
SOUTH:	R15 (Single-Family Residential)	Single-family detached dwelling units
EAST:	R15 (Single-Family Residential)	Single-family detached dwelling units
WEST	R15 (Single-Family Residential)	Single-family detached dwelling units

Properties to the north, south, east and west are predominantly single-family detached dwelling units, with the exception of Statesboro Floor Covering Services and Temple Baptist Church to the northeast. (See **Exhibit B**—Photos of Subject Site and Surrounding).

BACKGROUND:

In 1998, Carol Lind Mooney requested a special use variance to utilize 207 Lee Street as a women’s recovery residence, which Council approved July 21, 1998, pursuant to case number CUV 98-07-02. The “special use” variance granted to Ms. Mooney in 1998 is non-transferable (See **Exhibit C**—CUV 98-07-02 judgment letter) and at this time Summit BHC Statesboro, LLC would like to purchase the subject property and continue the current use.

COMPREHENSIVE PLAN:

The subject site lies within the "Established Residential Neighborhood" character area and adjacent to the "Neighborhood Center" as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit C—2014 Future Development Map**) within the City of Statesboro Updated 2014 Comprehensive Plan.

Vision:

"The traditional residential neighborhoods in the Established area were developed from the late 19th to mid 20th [sic] century, and feature connected street grids linked with downtown. Sidewalks should be located on both sides of major streets; lesser streets may have limited facilities. Major corridors in this area may support a mix of residential and commercial uses. As corridors transition from residential to commercial, the original structures should be maintained and renovated whenever possible. Any new structures should respect the existing fabric of the neighborhood, through similar front, side, and rear setbacks."

Appropriate land uses include:

- Neighborhood-scale retail and commercial
- Neighborhood services
- Small-lot single family residential
- Small-scale office
- Garage apartments

Suggested Development & Implementation Strategies

- Provide support for the creation of neighborhood associations and provide continued support for these organizations once established through the development of initiatives to address unique neighborhood issues/characteristics.

Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 19.

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject property is currently serviced by city utilities, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

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

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.
- 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.
 - a. The variance is needed in order to provide rehabilitative services to an adult population.
- 4.) The relative gain to the public, as compared to the hardship imposed upon the property owner.
- 5.) The suitability of the subject property for the zoned purposes.
 - a. The subject site is suitable for the proposed use and could still be used as a single-family residence should this use, if granted, cease.
- 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:

- a. Population density in the area.
 - i. The request would add nineteen (19) additional persons to the area.
 - b. Community facilities.
 - c. Living conditions in the area.
 - d. Traffic patterns and congestion.
 - e. Environmental aspects.
 - f. Existing and future land use patterns.
 - g. Property values in adjacent areas.
- 8.) Consistency with other governmental land use, transportation and development plans for the community.

In addition to the standards for determination outlined in Section 2007, the Mayor and Council will consider the following factors established by Article XXIV Section 2406 of the *Statesboro Zoning Ordinance*:

- 1.) Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.
- 2.) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.
- 3.) Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.
- 4.) Public facilities and utilities are capable of adequately serving the proposed use.
- 5.) The proposed use will not have a significant adverse effect on the level of property values or the general character of the area.
- 6.) Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.
- 7.) Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.

O.C.G.A § 36-66-4(f) requires that municipalities hold a public hearing on proposed zoning decisions that will allow the location or relocation of a drug rehabilitation center, or other facility for treatment of drug dependency at least six months and not more than nine months prior to the date of the final action on the zoning decision.

STAFF RECOMMENDATION:

Staff recommends approval of the use requested by application CUV 17-01-01.

PLANNING COMMISSION RECOMMENDATION:

At its regularly scheduled meeting on March 7, 2017, the Planning Commission voted 5 to 0 to approve the use requested by application CUV 17-01-01.

EXHIBIT A: LOCATION MAP



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES



Picture 1 Entrance to Subject Site Facing West



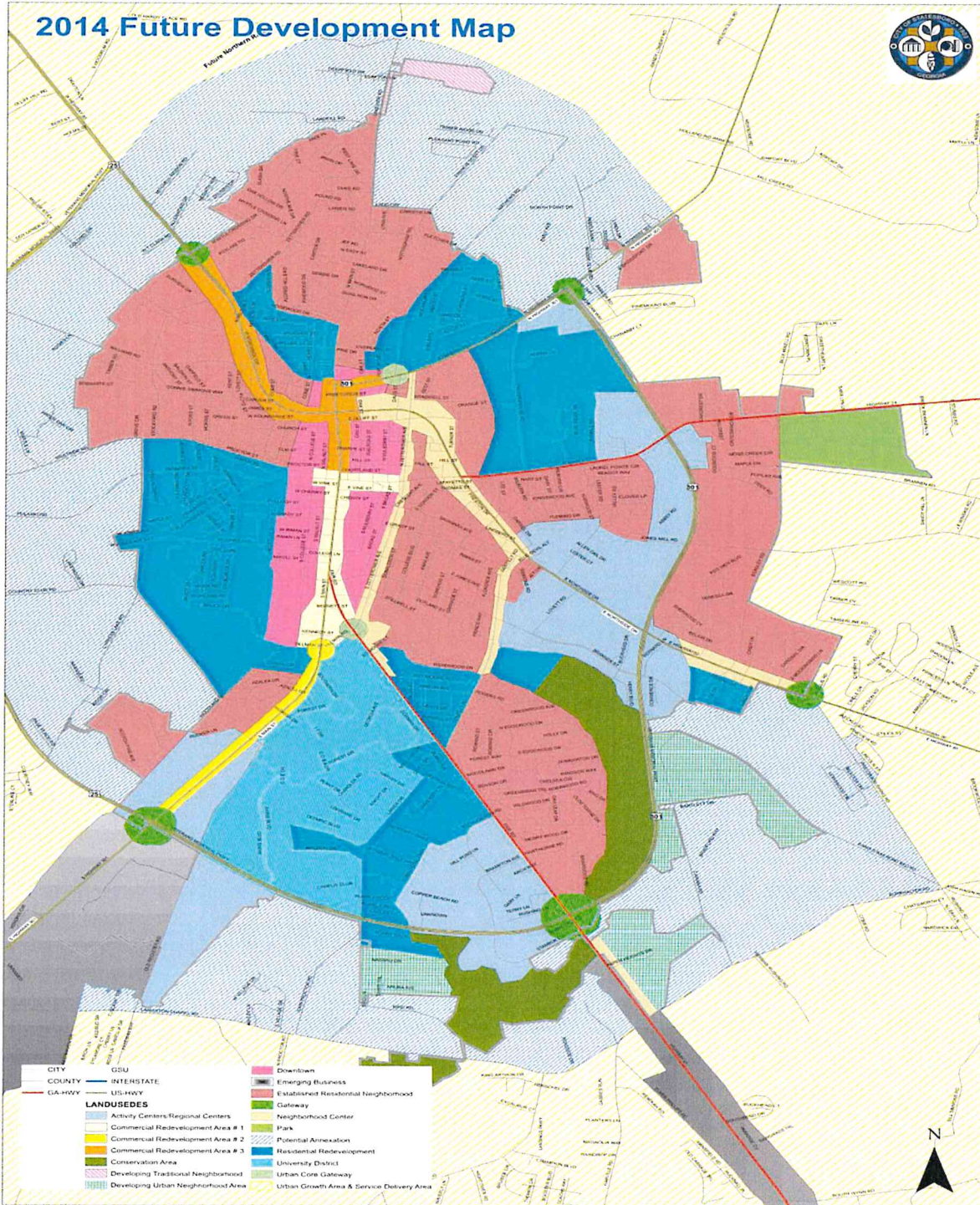
Picture 2 Subject Site facing West Depicting the Group Home

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



Picture 3 Subject Site Parking Area

EXHIBIT C: 2014 FUTURE DEVELOPMENT MAP





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

*P.O. Box 348
 Statesboro, Georgia 30458*

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

RZ 17-07-04 & V 17-07-03
ZONING MAP AMENDMENT AND VARIANCE REQUESTS
6381 Burkhalter Road & Highway 67

LOCATION: 6381 Burkhalter Road & Highway 67

REQUEST: Rezone from HOC (Highway Oriented Commercial) to CR (Commercial Retail) to permit the construction of a new hotel; variance from Article XXIII Section 2301 regarding installation of side yard and rear yard buffers.

APPLICANT: Steve Herndon

OWNER(S): Wendell C Hodges and Miriam H Hodges

ACRES: 1.9 acres combined

PARCEL TAX MAP #: MS88 000025 000 and MS88 000026 007

COUNCIL DISTRICT: 5 (Chance)



PROPOSAL:

The applicant is requesting a zoning map amendment from HOC (Highway Oriented Commercial) to CR (Commercial Retail) for one .9 acre parcel (Tax Parcel MS88 000025 000). If the zoning map amendment is approved, the applicant is also requesting a variance from the buffer requirements for the aforementioned parcel and a 1 acre parcel (Tax Parcel MS88 000026 007) to permit the construction of a hotel (See **Exhibit A** – Location Map, **Exhibit B** – Proposed Concept Site Plan).

BACKGROUND:

The parcel addressed Highway 67 (Tax Parcel MS88 000026 007) was annexed into city limits by the 100% method August 15, 2005 per Ordinance # 2005-08 as part of a 66-acre tract (previous tax parcel MS88 000026 000). In December 2007, the parcel was rezoned to redefine the boundaries of the CR (Commercial Retail) and R4 (High Density Residential District) zoning districts.

The parcel addressed 6381 Burkhalter Road (Tax Parcel MS88 000025 000) was annexed into city limits by the 100% method effective March 1, 2013 per Ordinance # 2013-03. This parcel contains one (1) structure that served as a church in the past.

SURROUNDING ZONING/LAND USES:

	ZONING:	LAND USE:
NORTH:	R4 (High Density Residential District)	Apartment houses and single-family residential
SOUTH:	HC (Highway Commercial—Bulloch County)	Service stations
EAST:	R4 (High Density Residential District)	Apartment houses
WEST	HC (Highway Commercial)—Bulloch County	Warehouses

The property to the north is residential and contains the Aspen Heights apartment complex, while properties to the south include service stations, including Flag Gas Station and Citgo, Jenkin's Pre-owned Auto Sales and Uncle Shug's Chicken Barn. Flash Foods is to the east and several warehouses are to the west in Bulloch County. (See **EXHIBIT C**—Photos of Subject Site and Surrounding Area).

COMPREHENSIVE PLAN:

The subject sites lie within the "Neighborhood Center" character area as identified by the City of Statesboro 2014 Future Development Map (See **EXHIBIT E**—2014 Future Development Map) within the *City of Statesboro Updated 2014 Comprehensive Plan*.

Vision:

This character area is characterized by a blend of lower to medium density residential and commercial, personal service, and offices that are neighborhood scale in size and intensity. This character area often acts as a buffer or transition area between single family residential areas and more intense commercial areas. These areas are likely to experience uncontrolled strip development if growth is not properly managed. This character area strives to balance the provision of neighborhood services with the protection of nearby residential areas.

Appropriate Land Uses

- Single family residential
- Medium density residential
- Neighborhood scale commercial, office, and service

Suggested Development & Implementation Strategies

- A mix of approximately scaled retail, services, and offices to serve neighborhood residents day to day need.
- Implement traffic calming measures along major roadways.

Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 23.

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject properties are currently serviced by city utilities, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

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

ANALYSIS:

I. Whether a zoning map amendment requested by application RZ 17-07-04 should be granted to allow the site to develop as a hotel.

While a hotel or motel is a permissible use by right in both the HOC (Highway Oriented Commercial) and CR (Commercial Retail) zoning districts, the total acreage of the combined parcels and their configuration make meeting the required setbacks for the HOC zoning district difficult.

Current Zoning Compared to Requested Zoning

Commercial Retail Districts allow for general retail, wholesale, office, personal service establishments and health care uses. This district allows for more intense and less dense development, but allows for uses that are not as automobile dependent as the HOC (Highway Oriented Commercial) district, in which the principal use of land is for establishments offering accommodations and supplies or services to motorists and the traveling public and require more land area.

The CR (Commercial Retail) zoning district for the City of Statesboro is generally considered to be appropriate for commercial development that is more compact in density, but likely higher in intensity of use, than those uses permitted within the HOC (Highway Oriented Commercial) district. The HOC (Highway Oriented Commercial) district, therefore, requires deeper setbacks and larger minimum lot sizes than the CR district.

For example, the subject property is adjacent to the Aspen Heights community and the HOC (Highway Oriented Commercial) district requires a minimum 50 feet setback from property lines shared with residential zoning districts and a 60 feet setback from the street line. Consequently, it is the recommendation of staff that adjusting the zoning of the subject site to CR (Commercial Retail) in order to permit the desired use would be appropriate for this parcel given its size and configuration.

The request to rezone the .9 acre parcel from HOC (Highway Oriented Commercial) to the CR (Commercial Retail) zoning district should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the Statesboro Zoning Ordinance; the vision and community policies articulated within the city's two (2) primary land use policies: The Statesboro Comprehensive Plan and the 2035 Bulloch County/City of Statesboro Long Range Transportation Plan; and the potential for the property to develop in conformance with the requirements of the proposed CR (Commercial Retail) zoning district as set forth in the *Statesboro Zoning Ordinance*.

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

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

- Adjacent and nearby zones are mixed use and include Commercial Retail, apartment houses, and Highway Commercial (Bulloch County) zoning districts. Despite the surrounding zoning districts, many of the nearby uses are designed to provide services to the traveling public.
- Staff suggests that a zoning map amendment would be appropriate in this case if Council were to make a finding that maintaining the current HOC zoning designation would create a hardship for the applicant and that the requested rezone would be appropriate for present conditions and the projected future needs of the City.

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

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

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

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

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

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

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

II. Whether the variance requested by application V 17-07-03 should be granted to modify the location of the required buffer installation.

The proposed variance request from Article XXIII Section 2301 regarding deviation from the requirement that a buffer be installed to the most intensive use whenever a nonresidential use abuts a residential zoned area be installed may be considered independently of the zoning map amendment request.

The subject property abuts Aspen Heights apartments along the northwest and northeast portions of both parcels. Due to the total size of the combined parcels, installation of a ten (10) feet wide landscape buffer to the applicant's parcels would create a hardship in meeting the prescribed setbacks of the CR (Commercial Retail) zoning district. Therefore, the applicant has made an agreement with Breckenridge Group Statesboro Georgia, LLC to acquire an easement for the installation of the buffer to the Aspen Heights property (See **Exhibit D—Landscape Buffer Easement**).

Section 1801 of the Statesboro Zoning Ordinance lists four factors that the Mayor and City Council should consider to be true when determining whether to grant a variance:

(1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;

a. The lots which are the subject of this request are irregular in shape and surrounded by similar commercial development.

(2) The special conditions and circumstances do not result from the actions of the applicant;

a. This project is to infill available land.

(3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and

a. For a variance to be granted, a showing of hardship that is particular—as distinguished from a mere inconvenience or a desire to make a profit—should be shown by the applicant.

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.

a. Staff is unaware of substantial detriment to the public good or the zoning ordinance resulting if this request is granted.

STAFF RECOMMENDATION:

Staff recommends approval of the requested zoning map amendment and variance requested by applications RZ 17-07-04 and V 17-07-03.

EXHIBIT A: LOCATION MAP



STAGIS City of Statesboro Department of Planning and Development
CITY OF STATESBORO GIS



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

EXHIBIT B: CONCEPTUAL SITE PLAN

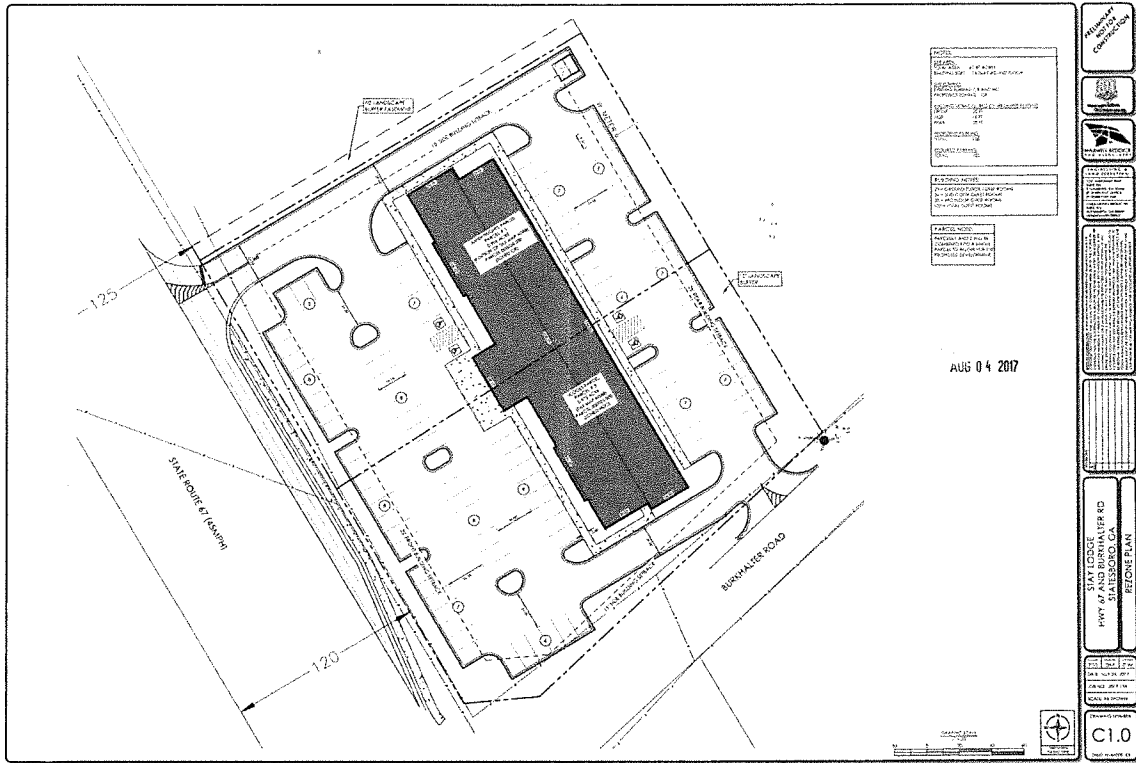


EXHIBIT C: PHOTOS OF SUBJECT SITE AND SURROUNDING AREA



Picture 1 Subject Site Facing North East

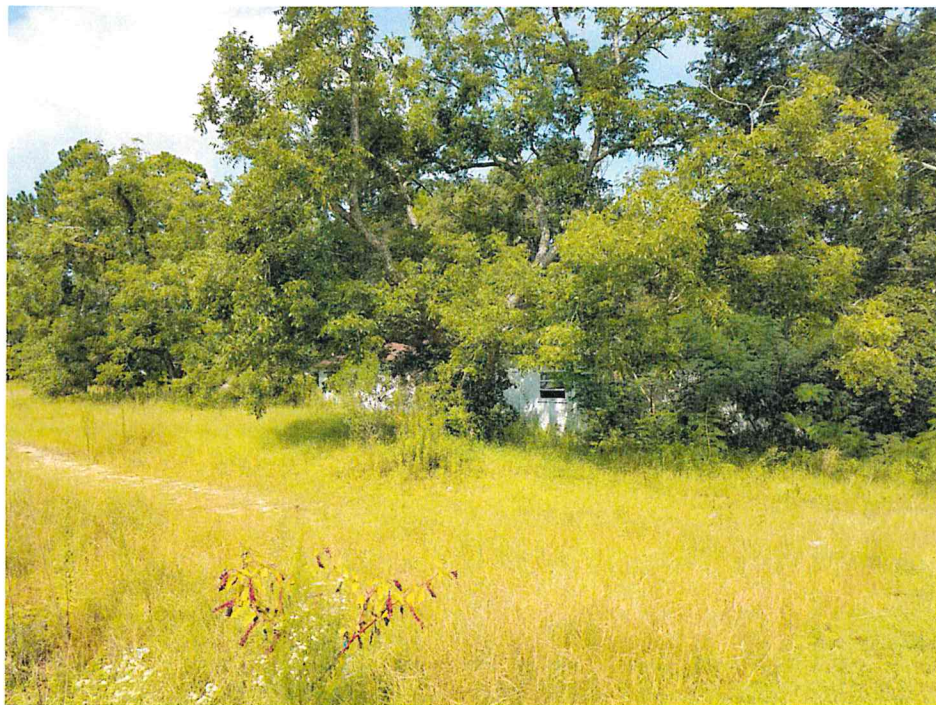


Picture 2 Subject Site Depicting Aspen Heights and Location of Existing Fencing

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



Picture 3 Subject Site Facing Southwest on Burkhalter Road



Picture 4 Subject Site Depicting Existing Church Building

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



Picture 5 Aspen Heights Property Line Depicting Existing Fencing



Picture 6 Aspen Heights Property Line Depicting Existing Fencing

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

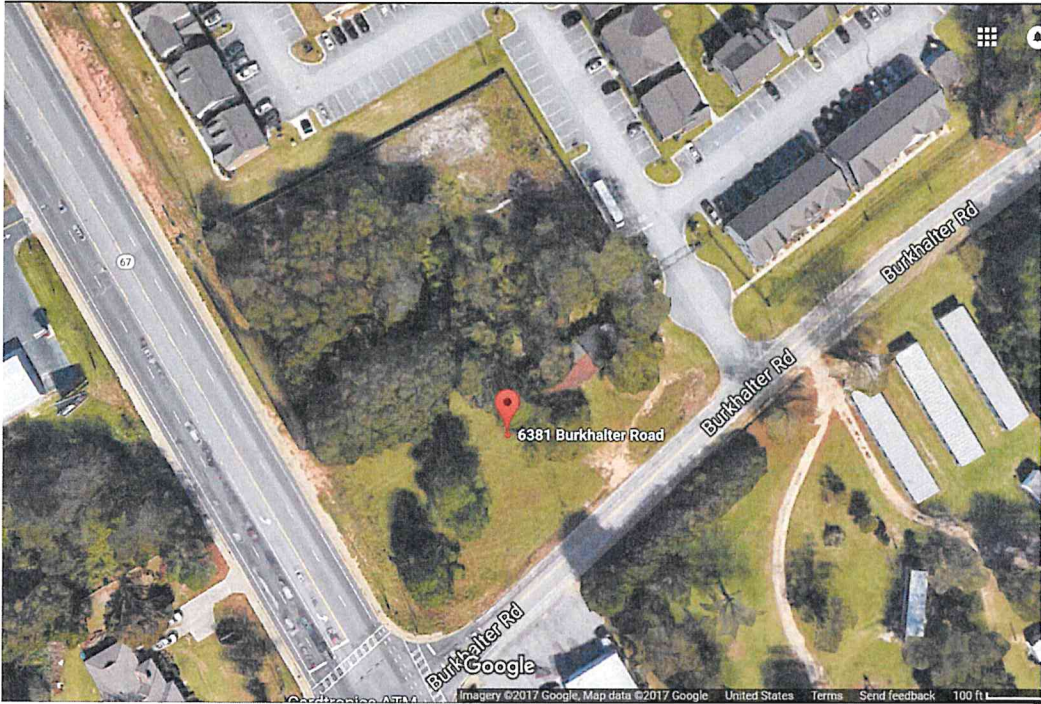


EXHIBIT D: LANDSCAPE BUFFER EASEMENT—BRECKENRIDGE GROUP STATESBORO GEORGIA, LLC

After Recording Return to:
Marc M. Bruce
115 Savannah Avenue
Statesboro, Georgia 30158

STATE OF GEORGIA,
COUNTY OF BULLOCH

LANDSCAPE BUFFER EASEMENT

THIS LANDSCAPE BUFFER EASEMENT, (hereinafter referred to as "Easement,") is made and entered into this ____ day of August, 2017, (hereinafter referred to as "the date hereof,") with said date being inserted herein by Grantor at the time of its execution, by and between **BRECKENRIDGE GROUP STATESBORO GEORGIA, LLC**, whose address is 1301 S. Capital of Texas Hwy, B-201, Austin, Texas 78746, Party of the First Part, (hereinafter referred to as "Grantor,") and **HERNDON PROPERTIES, LLC**, whose address is 522 Elm Street, Dalton, Georgia 30722, Party of the Second Part, (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their successors and assigns where the context requires or permits).

WITNESSETH THAT:

WHEREAS, Grantor is the sole and exclusive owner in fee simple of that certain real property having 46.42 acres, more or less, and lying and being in the 1209th G.M. District, Bulloch County, Georgia, being designated as tax map parcel #MS88000026 000 (hereinafter referred to as the "Grantor's Property"); and

WHEREAS, the Grantee has contracted to purchase the properties described on the attached Exhibit "A" (hereinafter referred to as the "Grantee's Property"), upon which Grantee intends to construct and operate a hotel/motel facility; and

WHEREAS, Grantee has requested an easement for a landscape buffer to meet the setback requirements imposed by the City of Statesboro for Grantee's development of Grantee's property. Said easement area is more particularly described on Exhibit "B," attached hereto and incorporated by reference (hereinafter referred to as the "Easement Area"); and

NOW, THEREFORE, Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, granted and conveyed and by these presents does hereby bargain, sell, grant and convey unto Grantee, to the

EXHIBIT D: LANDSCAPE BUFFER EASEMENT—BRECKENRIDGE GROUP STATESBORO GEORGIA, LLC (CONT)

extent of Grantor's right, title and interest in and to the Easement Area and upon the terms and conditions hereinafter set forth, an easement for the purpose of installing and maintaining a landscape buffer within the Easement Area.

1.

The Easement Area shall be used solely for the purposes of a landscape buffer between Grantor's Property and Grantee's Property. Grantee shall install such plants, trees, and shrubs within the Easement Area as may be required by the City of Statesboro. Subsequent to installation, it shall be Grantee's sole responsibility to maintain the landscape buffer.

2.

Grantee shall have the right to remove or cause to be removed from the Easement Area only such trees, bushes and other natural growth, encroachments, and obstructions as may be reasonably necessary for the purpose of installing the vegetation so required by the City of Statesboro.

3.

During the installation of the landscape buffer, Grantee shall be solely responsible for the acts of his agents, contractors, subcontractors, and employees, and shall hold Grantor harmless with respect to any injury to person or property that may arise during such activity.

4.

No title is conveyed herein by Grantor to Grantee, and, except as herein specifically granted to Grantee, all rights and interest in and to the Easement Area are reserved in Grantor, who may make any use of the Easement Area not inconsistent with or detrimental to the rights and interest herein granted and conveyed to Grantee.

5.

The rights and interest herein granted and conveyed to Grantee are to be used and enjoyed at the sole risk of Grantee.

6.

Grantee shall comply with all applicable city, state, and federal statutes and ordinances in his use of the Easement Area and shall obtain all permits and make such reports to the appropriate governmental agencies as are necessary for his lawful use of the Easement Area.

7.

This instrument embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties, related to the subject matter hereof. This Easement may be amended or modified only by an instrument of equal formality signed by the respective parties.

**EXHIBIT D: LANDSCAPE BUFFER EASEMENT—BRECKENRIDGE GROUP STATESBORO GEORGIA, LLC
(CONT)**

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee, his successors and assigns, forever.

IN WITNESS WHEREOF, Grantor, by and through its authorized officers, has signed, sealed and delivered this instrument under seal as of the day and year first set forth above.

Signed, sealed and delivered in the presence of:

GRANTOR

BRECKENRIDGE GROUP STATESBORO
GEORGIA, LLC

By: _____ (Seal)

NAME:

Title:

Signed this ____ day of August, 2017, in the presence of:

Unofficial Witness

Notary Public

My commission expires: _____

(Notary public seal affixed here)

GRANTEE

HERNDON PROPERTIES, LLC


By:  _____ (Seal)

NAME: Steve Herndon

Title: Sole Member/Manager

Signed this 15 day of August, 2017, in the presence of:

Unofficial Witness



Notary Public

My commission expires: 7-23-21

(Notary public seal affixed here)

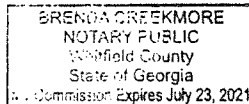


EXHIBIT D: LANDSCAPE BUFFER EASEMENT—BRECKENRIDGE GROUP STATESBORO GEORGIA, LLC
 (CONT)

EXHIBIT "B"
 EASEMENT AREA

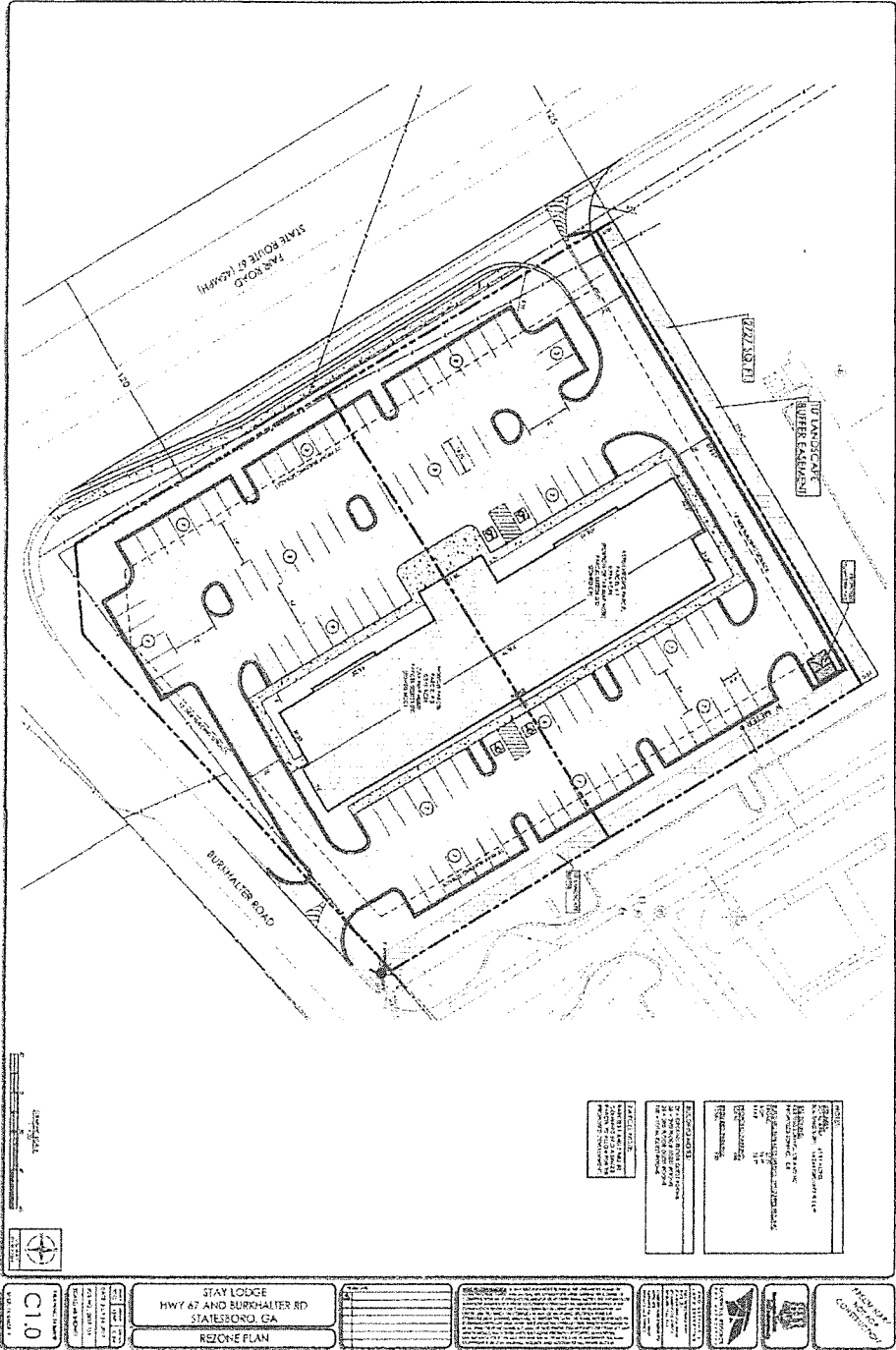
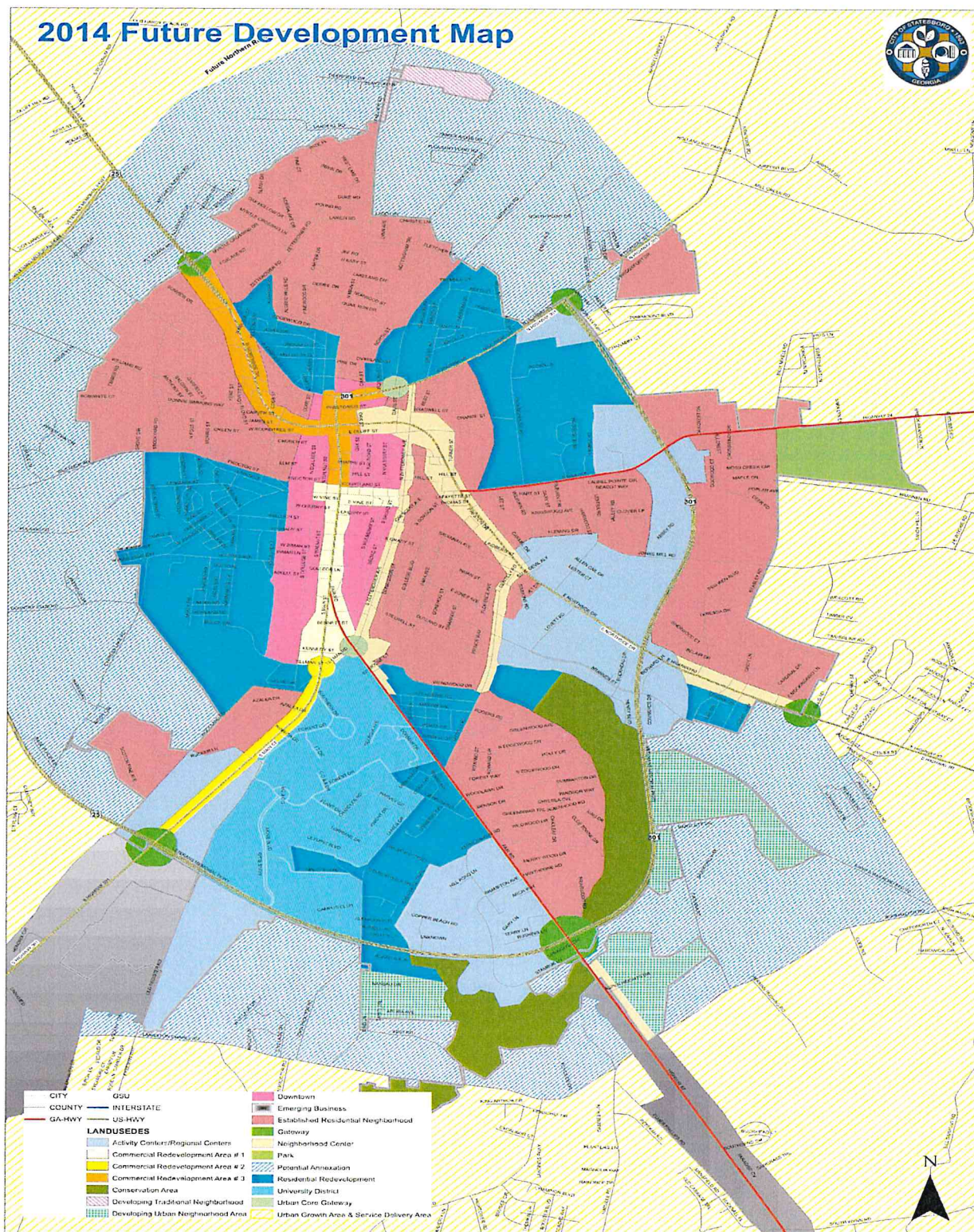


EXHIBIT E: CITY OF STATESBORO 2014 FUTURE DEVELOPMENT MAP





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

*P.O. Box 348
 Statesboro, Georgia 30458*

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

RZ 17-07-08, V 17-07-06 & V 17-07-07
ZONING MAP AMENDMENT & VARIANCE REQUESTS
2855 Northside Drive West

LOCATION: 2855 Northside Drive West

REQUEST: Rezone from split zoning of R6 (Single-Family Residential) and HOC (Highway Oriented Commercial) districts to the HOC (Highway Oriented Commercial) zoning district; request for a variance from Article X Section 1003(F) regarding commercial street access on a residential road; and request for a variance from Article XI Section 1102 (D) regarding the minimum required setback.

APPLICANT: Five Points Stores

OWNER(S): Ray Howell

ACRES: 1.066 acres

PARCEL TAX MAP #: S08 000057 000

COUNCIL DISTRICT: 2 (Jones)



PROPOSAL:

The applicant is requesting a zoning map amendment from R6 (Single-Family Residential) to the HOC (Highway Oriented Commercial) zoning district for roughly .344 acres of a split-zoned 1.066 acre parcel located at 2855 Northside Drive West (Tax Parcel S08 000057 000) to permit the construction of a convenience store. In addition, the applicant is requesting a variance from the required 50 feet setback from a residential zoning district and a variance from the ordinance prohibiting commercial access to a primarily residential road (See **Exhibit A** – Location Map).

BACKGROUND:

In August 2006, Ray Howell was granted a thirteen (13) foot variance from the required sixty (60) foot front yard setback for HOC (Highway Oriented Commercial) zoning districts per case V 06-07-03 (See **Exhibit B** – Proposed Concept Plan). Currently, the property contains a large number of inoperable vehicles and automobile related items.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	HOC (Highway Oriented Commercial)	Business or professional offices
SOUTH:	HOC (Highway Oriented Commercial) and R6 (Single-Family Residential)	Single-family dwelling units and personal service facilities
EAST:	CR (Commercial Retail)	Business or professional offices and personal service facilities
WEST	CR (Commercial Retail)	Church

Properties to the north, south and east are predominantly professional offices and personal services facilities, including the Bulloch Rural Telephone Co-op, Eagle Wholesale Plumbing, Inc. and Wiggins Office Equipment. Parcels to the west are mostly residential in nature and also include the Bethel Primitive Baptist Church. (See **Exhibit C**—Photos of Subject Site).

COMPREHENSIVE PLAN:

The subject site lies within the “Commercial Redevelopment Area #3” character area as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit D**—2014 Future Development Map) within the City of Statesboro Updated 2014 Comprehensive Plan.

Vision:

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

Appropriate land uses include:

- Major employers
- Commercial, including big box
- Medium/high density residential
- Single-family residential along arterials

Suggested Development & Implementation Strategies

- Upgrading the appearance of existing older commercial buildings with façade improvements, new architectural elements, or awnings.
- Building in centers architecturally integrated with the site and one another, and developed at a scale sufficient in size, bulk, and height to provide image identification for the center and the surrounding community.
- Redevelopment of older commercial centers in lieu of new construction further down the corridor.

Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 26.

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject property is currently serviced by city utilities, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard area. 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 1.066 acre site is currently split zoned; the eastern portion of the parcel is zoned R6 (Single-Family Residential) and the remainder of the parcel is zoned HOC (Highway Oriented Commercial). The applicant requests the rezoning of roughly .344 acres of the property from R6 (Single-Family Residential) to HOC (Highway Oriented Commercial) to allow for the construction of a convenience store.

In addition, the applicant is requesting a variance from Article XI Section 1102 (D), which requires a minimum fifty (50) feet setback from districts zoned residential. Finally, the applicant is requesting a variance from Article X Section 1003 (F) regarding commercial access to a primarily residential road.

Current Zoning Compared to Requested Zoning

R6 – Single-family residential uses are restricted to single-family attached dwelling units, educational and religious purposes and other neighborhood-scale uses.

HOC – Highway Oriented Commercial zoning districts provide greater flexibility in development goals, including the opportunity to mix uses, within a defined, contained development. HOC districts provide services to the traveling public and are discouraged from locating in commercial retail or nonretail commercial districts. They are generally located along major highways or thoroughfares and require deeper setbacks to accommodate development and traffic flow.

I. **Application RZ 15-09-03: Whether or not to grant a request to rezone roughly .344 acres of the subject parcel**

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 HOC (Highway Oriented Commercial) zoning district for uses 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;
 - a. Properties to the north, south and east are predominantly professional offices and personal services facilities, including the Bulloch Rural Telephone Co-op, Eagle Wholesale Plumbing, Inc. and Wiggins Office Equipment. Parcels to the west are mostly residential in nature and also include the Bethel Primitive Baptist Church.
- (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.
 - a. Staff is of the opinion a zoning map amendment to the western portion of the parcel would not have a negative effect on the public good, because the majority of the parcel is already zoned HOC (Highway Oriented Commercial). In addition, the construction of a convenience store at the location would improve the property and provide neighborhood-scale commercial retail.
- (5) The suitability of the subject property for the zoned purposes.
 - a. The subject site cannot be developed in conformance with the HOC (Highway Oriented Commercial) zoning requirements and other development regulations of the City of Statesboro without the approval of variances regarding setbacks.
- (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.
 - a. The property is not vacant and contains an older structure and automobiles and related parts. The applicant proposes the demolition of the existing structure and the construction of a new convenience store.
- (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;
 - a. No negative impact is expected on population density as a result of the zoning map amendment.
- (8) Consistency with other governmental land use, transportation, and development plans for the community.

II. **Application V 17-07-06: Whether or not to grant a variance from Article X Section 1003 (F) regarding commercial access to a street that primarily serves a residential zone**

The proposed variance request from Article X Section 1003 (F) regarding commercial access to a street that primarily serves a residential zone should only be considered and/or permitted if the zoning map amendment is approved. Section 1801 of the *Statesboro Zoning Ordinance* lists four factors that the Mayor and City Council should consider to be true when determining whether to grant a variance:

- (1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;
 - a. The parcel's location provides frontage on three (3) streets: Williams Road, Lovett Street and Northside Drive West.

- (2) The special conditions and circumstances do not result from the actions of the applicant;
 - a. The conditions pertaining to the land are not the result of the applicant's actions.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and
 - a. The application of the ordinance to this piece of property would not create an unnecessary hardship because the property currently takes access on Williams Road and Northside Drive West. Staff is of the opinion that the existing curb cuts on Williams Road and Northside Drive West are sufficient to service the property without an additional curb cut on Lovett Street.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.
 - a. Relief, if granted, would detract from the residential character of the community on Lovett Street. Staff is of the opinion that a third access point is unnecessary.

III. Application V 17-07-07: Whether or not to grant a variance from Article XI Section 1102 (D) regarding a reduction of the required 50 feet setback from a residential zone to 20 feet

The subject property abuts a residentially zoned parcel along the southern edge of the property. At this time, the section adjacent to the R6 (Single-Family Residential) parcel is also zoned R6 and is the subject of RZ 17-07-08. Section 1102 (D) states the following:

“Setbacks from property and district lines. There shall be a setback of at least 20 feet from any property line; except that, for any district line abutting any property within the CBD (central business) district, O (office) district, or any residential zoning district, there shall be a setback of at least 50 feet.”

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

STAFF RECOMMENDATION:

Staff recommends approval of the zoning map amendment requested by application RZ 17-07-08 and the variance requested by V 17-07-07. Staff recommends disapproval of the variance requested by application V 17-07-06.

Staff is of the opinion the zoning map amendment and setback variance will provide opportunity to improve the property's current condition and provide neighborhood-scale commercial retail, in accordance with the suggested development strategies outlined in the Comprehensive Plan.

Regarding street access to a residential road, staff is of the opinion a hardship is not evident, considering the two (2) curb cuts on Williams Road and Northside Drive West. In addition, staff recommends we maintain the residential character of the neighborhood by reducing the amount of cut through commercial traffic.

EXHIBIT A: LOCATION MAP



City of Statesboro Department of Planning and Development



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

EXHIBIT B: PROPOSED CONCEPT PLAN

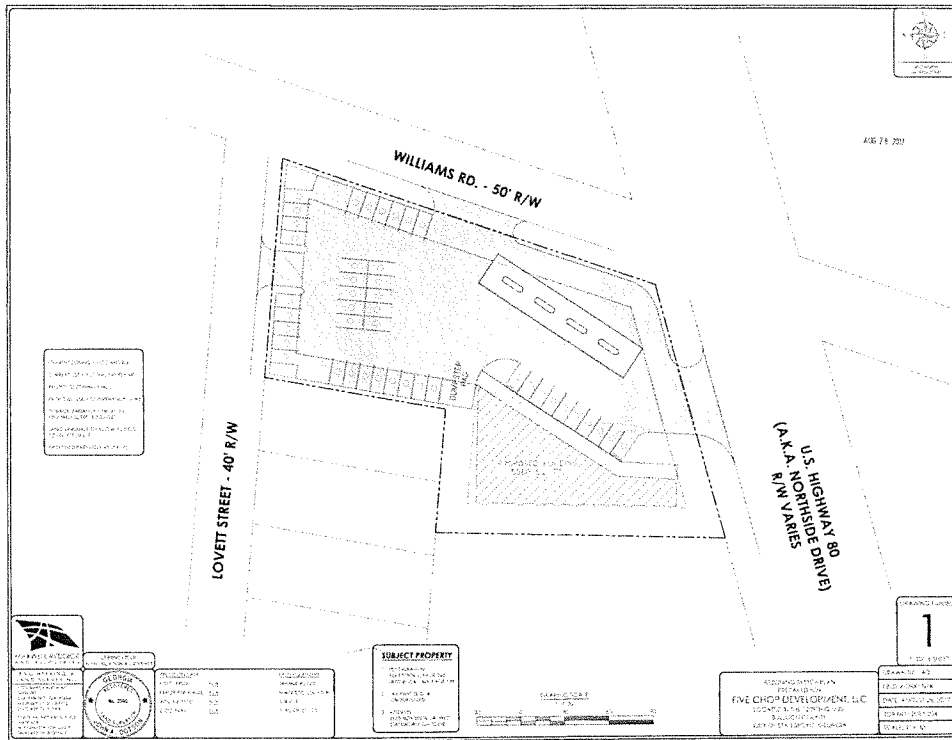


EXHIBIT C: PHOTOS OF SUBJECT SITE



Picture 1 Subject Property Facing South from Williams Road



Picture 2 Subject Property Facing South

EXHIBIT C: PHOTOS OF SUBJECT SITE CONTINUED



Picture 3 Subject Property Facing South West



Picture 4 Subject Property Facing West

EXHIBIT C: PHOTOS OF SUBJECT SITE CONTINUED



Picture 5 Subject Property Facing Southwest Depicting Northside Drive West



Picture 6 Subject Property Southwest Depicting Existing Curb Cut onto Northside Drive West

EXHIBIT C: PHOTOS OF SUBJECT SITE CONTINUED



Picture 7 Subject Property Facing East North toward Williams Road



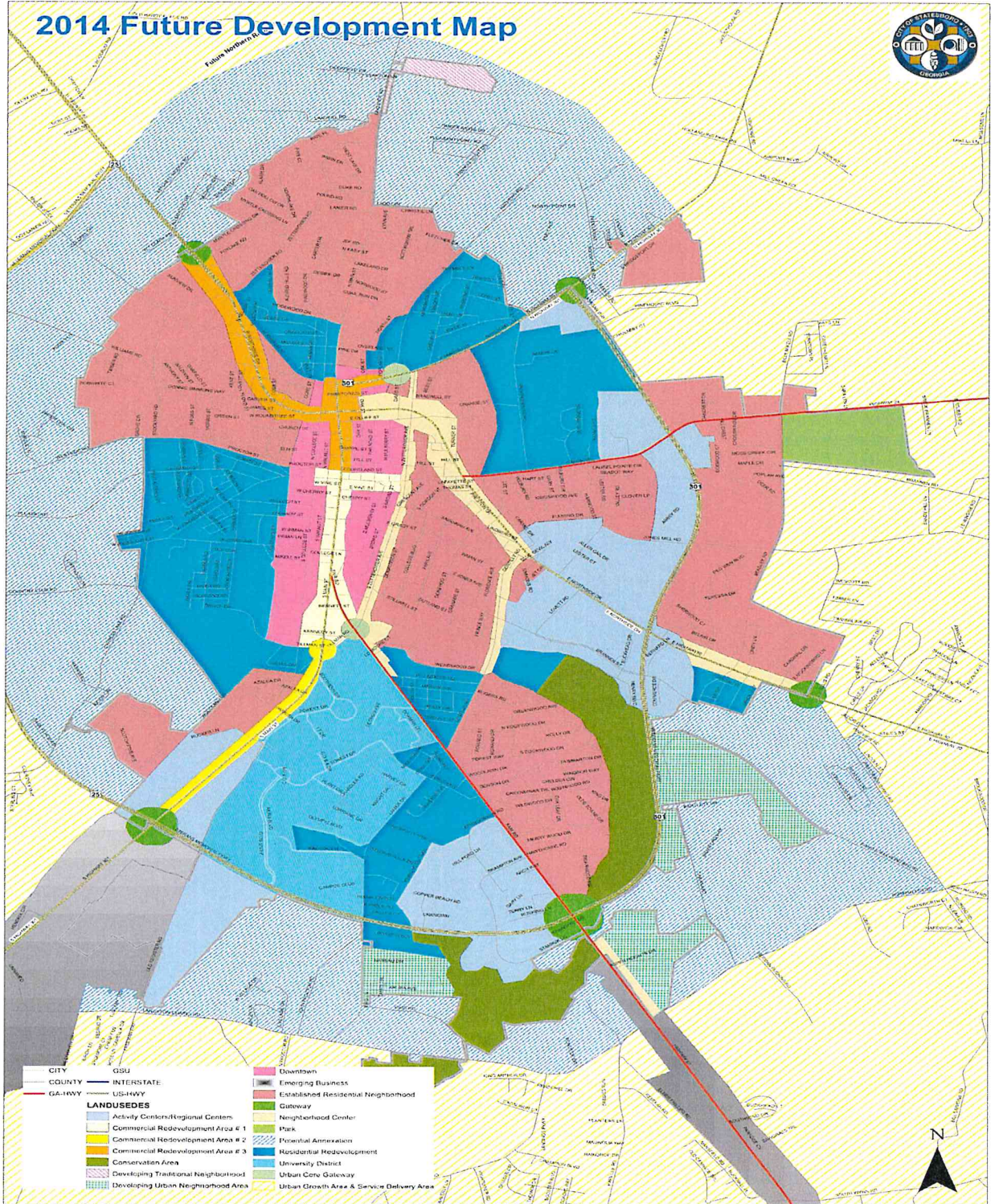
Picture 8 Subject Site Facing East on Lovett Road

EXHIBIT C: PHOTOS OF SUBJECT SITE CONTINUED



Picture 9 Subject Site Facing East Depicting Variance from Commercial Access on Residential Road

EXHIBIT D: 2014 FUTURE DEVELOPMENT MAP



CITY OF STATESBORO

COUNCIL

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Jan J. Moore, Mayor
Randy Wetmore, City Manager
Robert Cheshire, P.E.,
Deputy City Manager
Sue Starling, City Clerk
Cain Smith, City Attorney

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

To: Planning Commission Members and Statesboro City Council

From: Candra Teshome, Planning & Development Specialist

Date: August 31, 2017

RE: Application T 17-07-05: Amendment to Article XV (Signs) of the *Statesboro Zoning Ordinance* regarding projecting signs

Background: The Department of Planning and Development has noted some conflicts between Article XV (Signs) and current trends in the sign industry.

The *Statesboro Zoning Ordinance* states the following regarding projecting signs:

“Projecting sign. Any sign which is affixed to a building or wall and its leading edge extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than 12 inches.”

Projecting signs are a permissible use by right only in Sign District 4 (CBD (Central Business District)), but current trends in sign installation suggest more innovative approaches to utilize projecting signage.

Further, staff is of the opinion the maximum size allowed (12 inches) before triggering the variance process is too small. Motorists or passersby would most likely not see a one (1) foot projecting sign.

Therefore, staff recommends a text amendment that allows the installation of projecting signs in Sign Districts 2 and 3, in addition to Sign District 4. If approved, projecting signs could be permitted in CR (Commercial Retail), O (Office and Business Office), HOC (Highway Oriented Commercial), HI (Heavy Industrial), and LI (Light Industrial).

**Ordinance 2017-_____: An Ordinance Amending Article XV (Signs) of the
Statesboro Zoning Ordinance**

WHEREAS, the City has previously adopted an ordinance regulating projecting signs; and

WHEREAS, the Mayor and City Council has determined there is sufficient reason and need to amend Article XV (Signs) of the *Statesboro Zoning Ordinance*, City of Statesboro, Georgia to allow the installation of projecting signs in sign districts 2 and 3, which includes the Commercial Retail (CR), Office and Business Office (O), Highway Oriented Commercial (HOC), Heavy Industrial (HI) and Light Industrial (LI) zoning districts; and

WHEREAS, the public hearing that preceded the adoption of the ordinance amendment was advertised; and

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

Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance*, City of Statesboro, Georgia is hereby amended and shall read as follows:

A. Amend the existing Section 1509 to strike and include the following language:

Sec. 1509. Location, number and dimension of permitted signs.

B. **Location by sign district.** Signs may be erected in those districts where the applicable sign type is allowed as identified in Table 2.

Table 2. Permitted Signs by Type and Sign District

SIGN TYPE	SIGN DISTRICT 1			SIGN DISTRICTS 2 & 3	SIGN DISTRICT 4
	Residence on an individual lot	Residential development or subdivision	Nonresidential property		
Building:					
Projecting	Prohibited	Prohibited	Prohibited	Prohibited Needs a permit	Needs a permit

First Reading: September 19, 2017

Second Reading: October 3, 2017

THE MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

By: Jan J. Moore, Mayor

Attest: Sue Starling, City Clerk