



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 9, 2014

5:00 P.M.

City Hall Council Chamber

Meeting Agenda

I. Call to Order

II. Motion to Approve Order of the Meeting Agenda

III. Approval of Minutes

- a. July 8, 2014 Meeting
- b. August 12, 2014 Meeting

IV. New Business

- a. **APPLICATION # RZ 14-06-02:** L & S Acquisitions, LLC and CFN Partners, LLC requests a zoning map amendment pursuant to the Statesboro Zoning Ordinance from R8 (Single-Family Residential) and R10 (Single-Family Residential) Districts to PUD(Planned Unit Development) District for 60 acres of property located on S & S Railroad Bed Road (Tax Parcel Number 107 000009 000).
- b. **APPLICATION # RZ 14-08-02:** H. Jackson Wallace requests a zoning map amendment pursuant to the *Statesboro Zoning Ordinance* from R3 (Medium Density Multiple-Family Residential), R10 (Single-Family Residential), and R4 (High Density Residential) Districts to PUD(Planned Unit Development) District for 38.79 acres of property located on S & S Railroad Bed Road (Tax Parcel Number 107 000005 000).
- c. **APPLICATION # V 14-07-04** The Hamptons-Statesboro/H. Jackson Wallace requests a variance from Section 701 of the *Statesboro Zoning Ordinance* regarding building height for a proposed development at 351 Rucker Lane (Tax Parcel #MS52000004000).

- d. **APPLICATION # RZ 14-08-01** The Islands Phase III, LLC requests a zoning map amendment pursuant to the *Statesboro Zoning Ordinance* from R4 (High Density Residential) District to CR (Commercial Retail) District for a 4.89 acre portion of the property located adjacent to Lanier Drive immediately South of Nassau Drive. (Tax Parcel #MS63000002003).

V. Announcements

VI. Adjourn

STATESBORO PLANNING COMMISSION

July 8, 2014

5:00 P.M.

City Hall Council Chambers

Meeting Minutes

Present: Planning Commission Members: Rev. E. Charles Lee, April Stafford, and Holmes Ramsey. City of Statesboro Staff: Director of Planning and Development Mandi Cody, Development Project Manager Cindy Steinmann, and Development Clerk Cindy Clifton.

Absent: Planning Commission Members: Jim Benton, Rick Barr, and Nick Propps.

Motion made by Commissioner Ramsey; second by Commissioner Lee to appoint Commissioner Stafford as Interim Chairman due to the absence of Chairman Propps. Motion Carried 3 to 0.

I. Call to Order

Commissioner Stafford called the meeting to order.

II. Motion to Approve Order of the Meeting Agenda

Motion made by Commissioner Lee; second by Commissioner Ramsey to approve order of the meeting agenda. Motion carried 3 to 0.

III. Approval of Meeting Minutes

- a. March 11, 2014 Meeting
- b. April 8, 2014 Meeting
- c. May 13, 2014 Meeting
- d. June 10, 2014 Meeting

Motion made by Commissioner Ramsey; second by Commissioner Lee to approve minutes for the March 11th, 2014th, April 8th, 2014th, May 13th, 2014th and June 10th, 2014th meetings .

Motion carried 3 to 0.

Commissioner R. Jeremy Ragan arrived at 5:13 P.M.

IV. New Business

- a. **APPLICATION # V 14-06-01**: Polestar Development, LLC requests a variance from Article X, Section 1003 (D) Side Building Setback line and (E) the minimum required setback between buildings for the property located at 349 Brampton Avenue (Tax Parcel # MS74000198A007).

Mandi Cody presented the variance and answered questions from the Commissioners and adjacent property owner Ashley Ellis. Representative Ben Carroll spoke in favor and answered questions.

After all questions were clarified, there was no opposition.

Staff recommended approval with the following conditions:

1. This variance regarding side yard setbacks and building separation shall apply only as shown for internal lot lines as illustrated on the concept in Exhibit C to provide for a singular attached retail development. Variances shall not apply to adjacent properties not participating as an applicant in this case.
2. Public access to the proposed parcel shall be granted through Council's requirement of one of the following options:
 - i. Archway Drive must be improved to City standards and dedicated to the City of Statesboro as a public right of way; or
 - ii. A cross-access easement must be platted and filed for recording in the real estate records.

Commissioner Ramsey made a motion to recommend approval with the condition that Archway Drive must be improved to City standards and dedicated to the City of Statesboro as a public right of way; seconded by Commissioner Ragan. Motion carried 4 to 0.

V. Announcements

There were no announcements.

VI. Adjourn

Motion was made to adjourn the meeting by Commissioner Ragan; seconded by Commissioner Ramsey. Motion carried 4-0.

Chair – Nick Propps

Secretary – Mandi Cody
Director of Planning and Development

STATESBORO PLANNING COMMISSION

August 12, 2014

5:00 P.M.

City Hall Council Chambers

Meeting Minutes

Present: Planning Commission Members: Nick Propps and Rev. E. Charles Lee. April Stafford, and Holmes Ramsey. City of Statesboro Staff: Director of Planning and Development Mandi Cody and Development Clerk Cindy Clifton.

Absent: Planning Commission Members: Jim Benton, Rick Barr, April Stafford, R. Jeremy Ragan and Holmes Ramsey.

Due to lack of a quorum no business was conducted.

Chair – Nick Propps

**Secretary – Mandi Cody
Director of Planning and Development**



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

P.O. Box 348
Statesboro, Georgia 30458

» (912) 764-0630
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RZ 14-06-02 ZONING MAP AMENDMENT Railroad Bed Road

LOCATION: Railroad Bed Road

REQUEST: Rezone from R10 and R8 (Single-Family Residential) to PUD (Planned Unit Development)

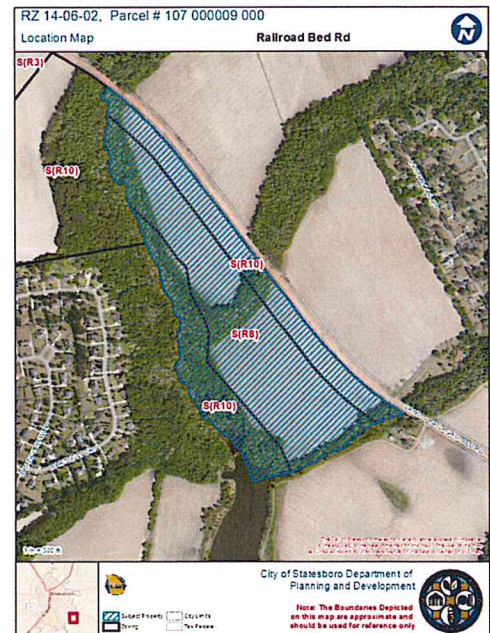
APPLICANT: L & S Acquisitions, LLC & CFN Partners, LLC

OWNER(S): Walter Ray Beasley

LAND AREA: 60.92 acres

PARCEL TAX MAP #s: 107 000009 000

COUNCIL DISTRICT: District 5 (Chance)



PROPOSAL:

The applicant is requesting rezoning of approximately 60.92 acres of property located at Railroad Bed Road from R10 (Single-Family Residential) and R8 (Single-Family Residential) Districts to PUD (Planned Unit Development) District. Although the applicant states its request is intended to increase density, analysis of the request reveals a need to address permissible structure types through the rezone action. (See **Exhibit A** – Location Map)

BACKGROUND:

The subject parcel was annexed into the City of Statesboro in July 2012 by the 100% method and was simultaneously rezoned from R40 (Single-Family Residential/ Bulloch County) to R8 and R10 (Single-Family Residential) with the following conditions:

- Forty-nine percent (49%) of the property acreage (approximately 29.85 acres) shall be zoned R10 (Single Family Residential) – with 10,000 square feet minimum lot sizes.
- The R10 zone shall be designated along the property's border with the S&S Greenway Trail and the boundary with the adjacent Bradford Place residential subdivision.
- Forty-nine percent (49%) of the property acreage (approximately 29.85 acres) shall be zoned R 8- Single Family Residential- with 8,000 square foot minimum lot sizes.

- Two percent (2%) of the property acreage (approximately 1.22 acres) shall be reserved for open green space for community use, but shall be privately maintained by the owner, developer, or appropriate association.
- Transportation infrastructure planning and design for the property shall be designed and approved at subdivision platting stages and shall be based on approved City of Statesboro standards, specifications, and long range planning needs with approval from the City of Statesboro Engineer.
- Subdivision, design, and development of the property shall be in conformance specifically with the requirements of the Statesboro Subdivision Regulations and all other development standards of the City of Statesboro.
- Sidewalk connectors shall be added to Sallie Zetterower Elementary School.

The applicant has requested a zoning map amendment from the above stated zoning to "PUD- Planned Unit Development." The attached Proposed Site Layout submitted for the zoning request anticipates residential use of the property. It is anticipated that approximately half of the property will be developed as attached single family residences. It is expected that the other part of the property will be subdivided out and developed as either attached single family residences or assisted living facilities.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R10 Single Family and R3 and R4 Mid and High Density Residential	Undeveloped
SOUTH:	R40 (Single-Family Residential/ Bulloch County)	Undeveloped
EAST:	R25 (Single-Family Residential/ Bulloch County)	Undeveloped
WEST:	R20 (Single-Family Residential/ Bulloch County)	Single Family Residential and Undeveloped

The subject parcel's property lines are surrounded by property that is zoned for single family uses located in both Bulloch County and City of Statesboro. Actual uses range from single family homes to undeveloped with Bradford Place (residential) Subdivision being located to the southwest located in Bulloch County. **(See Exhibit C)**

COMPREHENSIVE PLAN:

The subject site lies within the "Developing" character area as identified by the 2009 City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The "Developing" character areas are identified as being primarily residential, but are under pressure to grow in a suburban manner. Development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development.

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

- Large new developments should be master-planned to include mixed-uses wherever appropriate.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.
- There should be strong connectivity and continuity between each subdivision.
- New developments should provide recreational facilities and open space to meet the needs of their residents.
- Promote walking and bicycling as an alternative means of transportation through the provision of safe, accessible and connected networks.

- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.

Statesboro Comprehensive Plan, Community Agenda pages 16-17.

These implementation strategies are also reflected in the 2009 Quality Community Objectives section of the comprehensive plan .

Furthermore, the issues and opportunities element of the Plan recognizes that “the city has the opportunity to provide a different product than that which is typically offered in the county or in new subdivisions, thus minimizing the perceived competition between the City and County for new single-family development.” Page 62.

The 2014 update to the Statesboro Master Comprehensive Master Plan, which is under consideration now – but not yet adopted- suggest the additional implementation strategies for this character area:

- Traditional neighborhood design principles such as smaller lots, street orientation, mix of housing types, and pedestrian access to neighborhood commercial centers.
- Residential development that offers a mix of housing types (single-family homes; townhomes; live /work units, and apartments) with a mix of densities and prices in the same neighborhood.
- Clustering development to preserve open space
- Site plans, building design and landscaping that are sensitive to natural features of the sites, including topography and views.
- Traditional Neighborhood Design techniques, cluster developments, and the development of a variety of housing types, sizes, costs, and densities are best practices considered in the 2014 Quality Community objectives that may be applicable here and are under consideration in the proposed 2014 Plan Update.

Policies in the Comprehensive Master Plan are intended to help local governments in the decision making process to achieve the Community Vision and address the Community Issues & Opportunities identified in the Comprehensive Plan. Policies in the adopted 2009 plan that are applicable here include the following:

- We will incorporate the connection, maintenance and enhancement of green-space in all new development, especially within the Developing areas.
- We will encourage more compact urban development.
- We will coordinate public facilities and services with land use planning to promote more compact urban development and work collaboratively with Bulloch County to promote long term coordinated growth and service delivery.
- We will ensure that new development does not cause a decline in locally adopted level of service and that capital improvement or other strategies needed to accommodate the impacts of development are made or provided for concurrent with new development.
- The community will encourage patterns of future development expansion in areas contiguous to developed areas with a utility extension policy that is sequential and phased and a related annexation policy to clearly articulate the service provisions.
- Development shall provide for a variety of residential types and densities.
- We will assist and facilitate affordable housing opportunities to insure that all those who work or attend school in the community have a viable choice or option to live in the community.
- We will encourage and accommodate our diverse population by encouraging a harmonious mixture of housing types and uses.
- We will promote efficient use of land by promoting well designed, more pedestrian friendly, development patterns with a mix of uses and an efficient, creative use of land.
- 2014 Proposed Plan Update Policy recommendations include the following:

- We will project and plan for population growth and prepare through annexations, utility expansions, and housing opportunities.
- We will actively monitor and prepare for population growth based on national, state, and local trends.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject property does not currently have complete access to City of Statesboro utilities. Both water and sewer mains have been approved by City Council for City of Statesboro expansion to the property. Other City services such as sanitation and public safety services will be extended upon approval of this request and development of the property.

It is also important to note that this property abuts the S&S Greenway Trail, an important community recreation area owned and operated by Bulloch County.

ENVIRONMENTAL:

The subject property appears to be partially located within wetlands areas and special flood areas. Potential environmental issues regarding these issues, along with storm-water, and soil and erosion control will be addressed during standard permitting processes and reviews.

ANALYSIS:

According to the 2009 City of Statesboro Comprehensive Master Plan, Planned Unit Developments (PUDs) “typically offer greater flexibility in development standards than a conventional zoning district. With this flexibility, there is also an opportunity to include housing diversity, mixed uses, and amenities. A PUD should be viewed as an alternative available for regulation development when existing land use regulations may not adequately address unique circumstances or opportunities for a particular development. The City may grant more leeway in the certain areas of the regulations for a PUD, but in exchange, there are expectations of the development community for additional design features, amenities, etc. [As mentioned previously,] an update of the city’s land use regulations can provide better alternatives for producing quality development without necessitating the use of a PUD.”

Article XIV of the Statesboro Zoning Ordinance governs the use of Planned Unit Developments. Section 1400 states that “The purpose of the PUD district is to permit great flexibility in the use and design of structures and land in situations where modification of specific provisions of this ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur.” Section 1401 allows the authorization of uses not permitted in the district where the lot is located, provided that the uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood so as to assure that they will not materially alter the existing character of the neighborhood. An order authorizing such uses in accordance with the site plan and description contained in the application modified as the planning commission and council may require to carry out the purposes of the ordinance and to protect the public health, safety, and welfare. Section 1402 requires a site plan submittal by the applicant and allows alteration of setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules and density and intensity limits (Section 1402).

The property is currently zoned R10 and R8 Single Family Residential. Anticipating a twenty percent (20%) reduction in developable acreage for infrastructure, green space, and other issues, it is anticipated that the current zoning would permit approximately 234 detached single family units with approximately 936 beds. The primary issue for the applicant seems to be intensity of development and type of structures permissible rather than actual density as the proposed site layout request a similar density number currently allowed at 268 units and an anticipated 938 beds. It is important to note that R8 and R10 zoning regulations expressly limit structure development to detached single family residential units. The applicant anticipates that a variety of structure types, including but not limited to assisted living facilities, townhomes, cottages, etc – a mixture of detached and attached single family dwelling units - may be appropriate uses for the subject property.

It should be noted that R4- Statesboro's highest density by right zoning district, at 12 units per dwelling (and a policy assumption of four beds per unit) (and which would permit both detached and attached single family units, but not necessarily assisted living) would permit a much larger unit and bed count than requested in this application – 576 units and an estimated 2304 beds throughout the nearly 61 acres.

Furthermore, Council should consider that this subject property and others in this immediate area were annexed in order to provide additional housing opportunities to a growing Statesboro population. (See Department of Planning and Development Memo, **Exhibit C**) As most of the residentially zoned parts of the city have experienced build out, this application presents an opportunity for new housing opportunities within the city limits. Additionally, a PUD zoning would permit the market to offer a variety of housing options, both attached and detached, that would be attractive to the next generation of home buyers. Strong research from multiple sources indicate that several demographic groups including empty nesters, retiring baby boomers, millennials, and young professionals are all seeking housing opportunities that offer a small footprint, community living, greenspace, and proximity to amenities in a live/work/play environment. PUD zoning is one option to providing this and is the only zoning designation currently available in the Statesboro Zoning Ordinance to provide this mix.

It should also be noted that several intergovernmental issues have and will likely arise during the administration and permitting of this subject site, including coordination with Bulloch County for the sites access to the popular S&S Greenway Trail and ingress and egress to Railroad Bed Road – a county right of way. Other inter-governmental concerns include the following:

- O.C.G.A. Section 36-26-11(c)(1) requires that the City of Statesboro notify Bulloch County and that Bulloch County have the opportunity to object to the rezone application of a property annexed within the last year. The City of Statesboro forwarded this notification on July 3, 2014. No objection has been received as of the time of this report.
- Georgia Department of Community Affairs rules and regulations require that within a county of 50,000 or more in population any development which anticipates greater than 400 residential units be submitted to the Coastal Georgia Regional Commission (and a number of other departments) for a Development of Regional Impact Review prior to the local government taking determining action on the property. This application has been submitted for review and determined to be exempt from this process.
- Bulloch County – Capital Cost Recovery District area requirements. Bulloch County and the City of Statesboro entered into a Capital Cost Recovery District Intergovernmental Agreement in 2007. (See Intergovernmental Agreement, **Exhibit D**) Multiple issues, including the City's elimination of the fee associated with this district raise questions as to the implications and requirements of this Intergovernmental Agreement. However, if the Intergovernmental Agreement is strictly adhered to, then the agreement provides the following requirements:
 - 1) Residential equivalent units will be maximized at 2.4 per acre (the equivalent of R15 zoning - which is less density than currently provided at R8 and R10) unless those densities are planned and located near planned commercial services or nodes.
 - 2) Requires that the City and County participate in at least one joint planning meeting for the property.
 - 3) Development generating at or in excess of 1,000 trips per day shall require a traffic impact analysis.
 - 4) Dedication of determined right of way.
 - 5) Intra development street designs that discourages through traffic.
 - 6) Stormwater Management
 - 7) Joint City of Statesboro and Bulloch County approval of the design and construction of any roadway that interferes with the S&S Greenway Trail. The Developer may be required to include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowings, and may be required to pave portions.

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. Nearby property is zoned for similar uses and densities requested herein.
 - b. Other nearby properties (located within the County) are zoned and utilized as single family detached units.
 - c. Similar rezone request is being considered for an adjacent property.
- (2) The extent to which property values are diminished by the particular zoning restrictions.**
 - a. Property values generally increase with higher densities and greater flexibility in housing options and styles of structures when allowed as permissible by right.
- (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. The subject site is located within the area of long anticipated residential growth and development for the City.
 - b. Housing styles and options requested by the public are growing and changing to include a variety of attached and detached unit styles.
 - c. The population of the City of Statesboro has increased dramatically in recent years and is projected to continue to grow.
 - d. The number of undeveloped residential lots –particularly for single family- are limited within the City.
 - e. The Statesboro Zoning Ordinance restricts the available styles of structures in single family zones to detached structures.
 - f. The proposed zoning would result in significantly lower densities than the highest residential zoning district (R4) and increase the available housing options for a growing population.
- (5) The suitability of the subject property for the zoned purposes.**
 - a. There is no indication that the subject property is not suitable for the requested zoning.
- (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 subject property is undeveloped and is located within the area most anticipated for residential growth in the City.
 - b. The subject site is surrounded by other properties that are undeveloped but under pressure to develop in similar fashions in the near future.
- (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. Development of the proposed property as requested would increase population density, community facilities, traffic patterns, and property values in adjacent areas.
 - b. Traffic planning – and the expenses associated with the increase traffic in the area- should be addressed by the applicant, the City, and the County in this area.
 - c. The development of the S&S Greenway Trail, a popular amenity adjacent to this subject site, increased the value and attractiveness of the subject site for residential development.

- d. The subject site was previously identified as a Future Annexation and Development Area in both the Bulloch County and City of Statesboro 2009 Future Land Development Maps.

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

- a. This request is consistent with the City of Statesboro Comprehensive Plan and the 2009 Future Land Development Maps for Bulloch County and the City of Statesboro.
- b. This request should be evaluated for consistency with the Capital Cost Recovery District Agreement between the City of Statesboro and Bulloch County.
- c. Transportation planning and funding should be addressed with this project in order to respond to the increased traffic congestion and the limited public right of way (most of which is owned by Bulloch County) adjacent to and nearby the site. The 2035 City of Statesboro and Bulloch County Long Range Transportation Plan should be referenced.

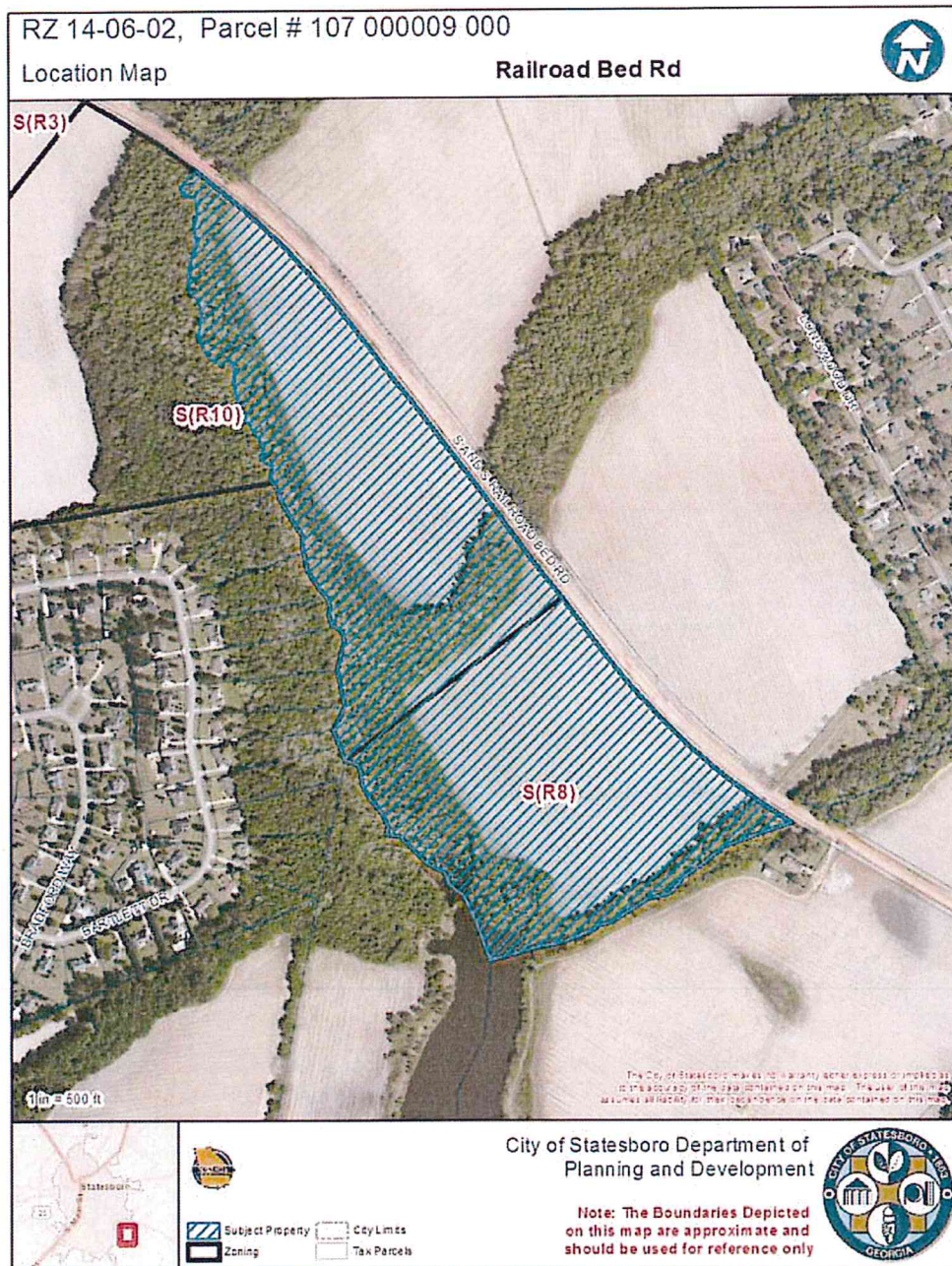
STAFF RECOMMENDATION:

Staff recommends a zoning map amendment to Planned Unit Development with the following development parameters:

- 1) Unless otherwise stated, the property shall develop in conformance with the requirements of the R4 zoning district for the City of Statesboro.
- 2) Permissible uses shall include those included in R4 of the Statesboro Zoning Ordinance. Additionally, assisted living facilities may also be permitted.
- 3) Two percent (2%) of the property shall be reserved for open green space for community use and shall be maintained by the owner, developer, or appropriate association.
- 4) Density shall be capped at equivalent to R10 density per acreage, but may be clustered.
- 5) Subdivision, design, and development of the property shall be in conformance with the requirements of the Statesboro Subdivision Ordinance and all other development regulations of the City of Statesboro.
- 6) Sidewalk connectors shall be provided to Sallie Zetterower Elementary School.
- 7) The City of Statesboro will extend water and sewer services to the property as previously approved by Council. Necessary extensions within the property shall be the responsibility of the developer and must be approved by the Director of Water and Waste Water for the City of Statesboro.
- 8) Internal sidewalk connectivity must be provided within the property's development. Sidewalk connectivity from each development shall also be provided to the S&S Greenway Trail.
- 9) Access points to Railroad Bed Road must be jointly approved by Bulloch County and the City of Statesboro.
- 10) Requirements of the Capital Cost Recovery Area Intergovernmental Agreement apply as conditions and must be accomplished by the appropriate party.
- 11) Transportation infrastructure planning and design for the property shall be presented and approved at subdivision platting stages and shall be based on approved City of Statesboro standards specifications, and long range planning needs with the approval of the City of Statesboro Engineer Reservation, dedication and/or development of public rights of way and/or easements may be required of the developer.

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

EXHIBIT A: LOCATION MAP



DEVELOPMENT SERVICES REPORT
Case # RZ 14-06-02
September 5, 2014

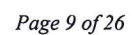


EXHIBIT C: PLANNING AND DEVELOPMENT MEMO



City of Statesboro Department of Planning & Development Memorandum

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

TO: Mayor Joe Brannen
City Councilmen Boyum, Lewis, Britt, Riggs, and Chance
City Manager Frank Parker
Planning Commission Members
Referenced Department Files

FR: Mandi Cody, Director Planning & Development 

RE: Annexation and Zoning Request: Cawana Road area.
AN 13-03-07; AN 13-03-08; AN 13-03-09; & AN 13-03-10; AN 13-03-06; AN13-05-03; RZ 13-03-04; AN 12-05-01; AN 13-04-01; AN130-04-05; AN 13-03-05; AN 13-03-05.

Date: July 5, 2013

The City of Statesboro Department of Planning & Development is in receipt of a number of requests for annexations and zoning in and around the Cawana Road area. Due to the volume of the cases – and the work and timelines associated with each – staff is processing and presenting these requests for review and consideration by the Planning Commission and City Council in rounds which began in June and will continue for the next few months.

As Planning Director, I believe it is important to share several factors that apply to the requests and have served as a basis for the analysis, reviews, and recommendations that are being presented:

- Each property is being considered for annexation pursuant to request of the property owner;
- Each request was approved for acceptance and consideration by the City Council;
- Bulloch County has been appropriately notified of each request pursuant to legal requirements;
- City staff is working through the Development of Regional Impact review with the Department of Community Affairs and the Coastal Regional Commission on a number of the parcels;
- The parcels have been considered independently and as a “whole” for community need, impact, and service demand by City development staff including department heads from planning, engineering, water and wastewater, compressed natural gas, and the City Manager;
- Specific development plans for these properties have not been submitted or considered as part of the analysis of these cases;

EXHIBIT C: PLANNING AND DEVELOPMENT MEMO

- These requests have been processed and analyzed as part of long term PLANNING for the City as opposed to a development project seeking immediate permitting or development permissions;
- The City of Statesboro is experiencing significant increases in population growth;
- Land use opportunities for low and medium density single family residential development are shrinking within the current municipal boundary;
- Housing demands and preferences regarding lot sizes, interior square footages, styles and arrangements will shift from large detached single family homes on large separated lots to smaller homes on smaller lots with a community/ neighborhood design and will include demand for both attached and detached home styles for the next generations of residents seeking homes in Statesboro and across the nation.
- Higher density residential designs, whether in the form of smaller homes, smaller lots, and/or attached styles (row homes, townhomes, apartments, etc.) are more environmentally sound, consume less energy, and cost less to provide infrastructure and public services.

Statesboro experienced a 25% increase in population growth between the 2000 and 2010 Census and is reportedly growing several percentages per quarter. The Census recognizes the City of Statesboro as the 6th fastest growing micropolitan City in the nation; ranks the City as the 6th fastest growing micro area; and has recently designated Statesboro in a micropolitan statistical area for the first time. Figures also indicate that this growth is not solely associated with the student population from the local university and colleges. Furthermore, projections and estimates continue to expect non-student population increases to continue for the foreseeable future. Such growth presents a number of economic opportunities for our community; however, it also requires proper planning and expansions from the City.

Review of current land use and land availability within the City limits indicates that the municipality is not prepared to respond to the long term needs and opportunities associated with this population movement. This is particularly true regarding the housing needs associated with this growth as the greatest majority of the low and medium density residential zones within the City have experienced build out. Therefore, annexation and preparation of properties for such use is appropriate to meet the opportunities and demands of a growing residential population. Failure to plan for and accept the residential opportunities associated with this population growth will result in lost economic opportunity for the City of Statesboro and its citizens. Therefore, the staff of the Department of Planning & Development have worked closely with the City Manager and the Department Heads of Engineering, Water and Wastewater, Natural Gas, and Public Safety to begin preparations for such significant growth in population and land area for the City of Statesboro.

The annexation and zoning request being presented to you for consideration are the first step in this preparation and in seizing this opportunity. Annexation – the incorporation of the property into the municipal boundaries of the City – is the necessary first step in this multi-layered process. Expected land use, in the form of a zoning designation for the property builds the foundation for other areas of planning. Initial – conceptual phases of planning for long range transportation, utility, and service demands associated with the incorporation of these properties are being considered by development staff. Upon approval of the annexation and with the

important consideration of the land uses approved for the properties through the designation of zoning districts - staff will begin working the properties into the master infrastructure and service plans. Plans beyond the conceptual, at this point, are inappropriate and uninformed without the benefit of the completed annexation, land use designations, and comment from the Planning Commission and City Council. This step by step process also allows for important input from the private development market and allows for appropriate development, as specifics in design and routing of infrastructure can be informed by the subdivision and permitting request associated with the property. This allows City infrastructure to be developed timely (but only as needed) and in a fiscally sound manner to meet the immediate development demands of the private market and population growth while realizing the comprehensive vision and long term needs of the City as a whole.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT

STATE OF GEORGIA

COUNTY OF BULLOCH

INTERGOVERNMENTAL AGREEMENT ON CAPITAL COST RECOVERY FEE DISTRICTS

This intergovernmental agreement is entered into this ____ day of November, 2007 by and between **BULLOCH COUNTY, a political subdivision of the State of Georgia, acting by and through its governing authority, the BULLOCH COUNTY BOARD OF COMMISSIONERS** (hereinafter "the County") and the **MAYOR AND COUNCIL OF THE CITY OF STATESBORO, GEORGIA** (hereinafter "the City").

WITNESSETH:

WHEREAS, the City of Statesboro and Bulloch County are undergoing major development in and around the corporate limits of Statesboro, necessitating increased water and sewer installation; and

WHEREAS, it is in the best interests of the public health, welfare, and safety of citizens in both the City of Statesboro and Bulloch County that the development take place with adequate water and sewer facilities to provide potable and fire protection water, and to collect and treat the wastewater generated; and

WHEREAS, the City and County have recognized the need to get the major water and sewer lines extended into areas adjacent to the City before the growth takes place, thereby assuring new development will be on water and sewer systems; and

WHEREAS, the City has needed a mechanism to help finance these extensions in a timely fashion, and has developed with the assistance of its consulting engineers a capital cost recovery fee district as the most suitable method; and

WHEREAS, the City of Statesboro with its consulting engineers has studied the area bounded by Veterans Memorial Parkway, Georgia Highway 67, Burkhalter Road, Pretoria-Rushing Road, and back to Cawana Road then to Brannen Street, minus the property already developed within the boundaries, and has determined that the area can be served as one sewer drainage basin by gravity sewer; and

WHEREAS, the City of Statesboro has adopted an ordinance authorizing the Mayor and City Council to establish capital cost recovery fee districts, and under that ordinance has passed a resolution establishing Capital Cost Recovery Fee District #1 for this Southeast Quadrant Area; and

WHEREAS, the fee can only be imposed on properties that annex into the City limits, and water and sewer service shall only be provided to property owners whose property is within the City limits that request said water and sewer service; and

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

WHEREAS, in order to install the major water and sewer lines ahead of the growth, the City will need to install some of them in property that is currently outside the corporate limits of Statesboro, and the Georgia Constitution at Article IX, Section II, Paragraph III requires a contract between a county and a city, for a city to expand its water and sewer services outside the City limits; and

WHEREAS, prior to making this major investment the Mayor and City Council of Statesboro need assurance that the County Commission is supportive of this plan to finance and install these water and sewer lines;

WHEREAS, the County has an interest in protecting the S&S Greenway and balancing growth between urbanizing areas and transitional areas referred to as Areas of Mutual Concern within the proposed Southeast Quadrant Area and Capital Cost Recovery District #1; and

WHEREAS, the County is supportive of planned annexation that considers logical boundaries, coordination of planning efforts, and the appropriate transfer of infrastructure and service delivery responsibilities; and

WHEREAS, the County is supportive of the City's plan to finance and install water and sewer lines according to proposed engineering plans so long as it results in a high quality of planned development that compliments the County's Future Land Use Plan.

NOW THEREFORE, in consideration of the mutual promises, obligations, and covenants set forth herein, the County and the City agree as follows:

1. The County hereby agrees that the City can establish one or more Capital Cost Recovery Fee Districts in areas contiguous to the corporate limits of Statesboro, or as mutually agreed upon if not contiguous, in order to help finance the cost of engineering design and construction of major water and sewer lines in areas outside the City limits.
2. The County hereby agrees that the City may expand its water and sewer system into any area within any such Capital Cost Recovery Fee District as established by formal resolution of the Mayor and City Council, thereby encouraging quality development and the expansion of both the City's and County's property tax base.
3. The County hereby agrees that the City may require annexation into the corporate limits of the City of Statesboro as a pre-condition to the availability of water or sewer services to any parcel of property lying within any designated Capital Cost Recovery Fee District.
4. The City Manager will notify the County Manager of plans for the establishment of any Capital Cost Recovery Fee District, and shall furnish him with a complete copy of the required engineering study and the duly adopted resolution establishing said district.
5. The City Manager will notify the County Manager when bids have been received, and a contract for construction has been awarded for any segment of any of the major water and sewer lines within any Capital Cost Recovery Fee District.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

6. The City Manager will provide the County Manager with the most current map of each Capital Cost Recovery Fee District so that Bulloch County planning staff can notify potential developers of the location of said districts within the county, and the fees associated with properties lying within said districts.
7. The County and City hereby agree to approve a concept within one hundred twenty (120) days, and a firm consensus no later than one hundred eighty (180) days from the effective date for a future land use plan for the Capital Cost Recovery Fee District #1 and Areas of Mutual Concern that reflect the preferences of this agreement. "Areas of Mutual Concern" is defined as an area that shall generally be within five-hundred (500) feet of Capital Cost Recovery Fee District #1 boundaries.
8. The County and City hereby agree not to approve requests for rezoning, conditional uses or sketch plans for property within the Capital Cost Recovery Fee District #1, or Areas of Mutual Concern, without consideration of mutual input and will notify each other of receipt of such applications, and of the time, date and place of any joint planning staff reviews, public hearings or other public meetings concerning these actions. Input shall be provided within the normal deadlines for other agencies' and departments' comments. At least one joint planning staff review shall be held on each such development project.
9. The County and City hereby agree that all annexations in the Capital Cost Recovery Fee District #1 shall include logical and identifiable boundaries wherever possible and be timed in such a way which allows for transition of services between the City and County. Readily identifiable boundaries should include lakes, rivers, streams, railroads and highways. Nothing herein shall prohibit the annexation of a tract of land at the request of the owner(s) that does not meet these preferred criteria.
10. The County and City hereby agree that if residential densities are proposed in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that are higher than 2.4 housing units per acre (currently the City's R-15 zoning designation), that those areas should be planned and concentrated near planned commercial services or nodes.
11. The County and City hereby agree that commercial uses and facilities in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be allocated in a reasonable amount and in a planned relationship to the people they will serve. Any future expansion of commercial uses in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be developed as centers or nodes rather than strips, and along roadways and intersections that have adequate capacity. Commercial facilities and uses should be very carefully considered so that they do not cause unnecessary traffic congestion and do not detract from the appearance of the community. However, it is recognized that the property fronting Georgia 67 between Briarwood Road and Burkhalter Road, will have commercial development which will serve a population greater than the CCR Fee District #1 and its Areas of Mutual Concern.
12. The County and City hereby agree that any newly proposed development in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that generates traffic at or in excess of 1,000 daily trips according to the latest version of the Institute of Traffic Engineers Trip Generation manual shall require a traffic impact analysis. The content and detail of the traffic impact analysis shall be scaled according to valid trip generation estimates, and shall include

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

proposed project improvements for automobiles, bicycles or pedestrians that will improve capacity within the proximate right-of-way, with the cost of any such improvements shall be borne by the developer.

The County and City hereby agree that the future land use plan called for in Paragraph 7 above, shall determine the necessary right-of-way widths for any collector and arterial streets within the CCR Fee District #1 or an Area of Mutual Concern. Said rights-of-way shall be obtained and preserved as part of the development review process.

13. The County and City hereby agree except for collector streets, street patterns in new residential areas in Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be designed to provide convenient access and circulation for each living unit, but to discourage through traffic.

14. The County and City hereby agree that any required public improvements along any arterial or collector road systems within Capital Cost Recovery Fee District #1 shall be the financial responsibility of the City.

15. The County and City hereby agree that they will adopt and enforce ordinances that meet the requirements of the Georgia Stormwater Management Manual as it regards the speed and volume of stormwater leaving a developed site.

16. The County and City hereby agree that unless the county agrees to retain a road right-of-way in County jurisdiction, the City will annex the entire width of County roads and rights-of-way adjacent to an annexation boundary and will assume full responsibility for maintenance and agreed upon necessary improvements for those portions of roads on the effective date of the annexation. It may also be desirable to include in an annexation adjacent road sections to avoid dead-end segments or portions of roads that meander in and out of jurisdictions. Such situations may be negotiated on a case by case basis.

17. The County and City hereby agree that if any new development occurs as the result of an annexation by the City that requires access along the proposed route of the S&S Greenway before construction by the County has been completed; that as a condition of development permitting by the City, the developer shall be required to pave any portion of the roadway (not including the pedestrian or bicycle path) that is adjacent to his development. The design and construction of any roadway that interfaces with the County's proposed Greenway must be mutually agreed upon by the County and City, and may include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowing.

18. The County and City hereby agree that the County shall own and maintain the right-of-way along the S&S Greenway subject to the provisions of right-of-way transfer set out in Paragraph 17 above, except that the County shall continue to own and maintain the portion of right-of-way to be used for the pedestrian and biking trail.

19. The City hereby agrees that it will consider amendments to its Zoning and Subdivision Ordinances that would require the same buffering requirements for properties adjacent to the S&S Greenway as those adopted by the County upon recommendation by its greenway consultant. Said buffering requirements may include special setbacks, strategic location of

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

access roads, and use of vegetative screens, earthen berms and fences to help reduce trespass of people, animals and vehicles.

20. The County and City hereby agree that until the City assumes the full maintenance and ownership of a former County road right-of-way, all municipal utility encroachments along designated County roads shall require a permit.

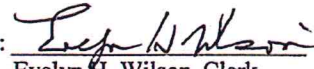
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

BOARD OF COMMISSIONERS OF
BULLOCH COUNTY, GEORGIA

By:



J. Garrett Nevil, Chairman

Attest:


Evelyn H. Wilson, Clerk

MAYOR AND COUNCIL OF THE CITY
OF STATESBORO, GEORGIA

By:


William S. Hatcher, Mayor

Attest:

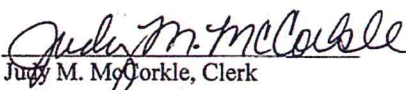

Judy M. McCorkle, Clerk

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

ORDINANCE #2007-15: AN ORDINANCE AUTHORIZING A CAPITAL COST RECOVERY FEE FOR THE EXTENSION OF WATER AND SEWER TRUNK LINES INTO AREAS WITHIN AND ADJACENT TO THE CITY LIMITS

THAT WHEREAS, the City of Statesboro continues to experience significant growth within, and in close proximity to the city limits, and such growth is expected to continue; and

WHEREAS, the City needs a financial mechanism to install the water and sewer trunk lines that serve major drainage basins, and to do so ideally in front of the development taking place, so that the new construction is annexed into the City and is on both water and sewer service; and

WHEREAS, with the assistance of Hussey, Gay, Bell & DeYoung, the City's consulting engineers, the City staff has developed a mechanism to install said lines, and to recoup over time most of the City's principal needed to finance these lines; and

WHEREAS, the Mayor and City Council have reviewed this proposal, and wish to adopt it for use by the City of Statesboro;

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

Section 1. That the Statesboro Municipal Code is hereby amended by adding the following language to Chapter 82, UTILITIES:

"Sec. 82-72. Purpose of the capital cost recovery fee. The mayor and city council have determined that an effective means of financing the installation of the major trunk water and sewer lines inside and adjacent to the city limits, is to finance the cost using a GEFA loan or revenue bond with a twenty-year amortization period, and then to recoup most of the principal cost for said loan from a charge against each parcel or equivalent of such parcel. Said cost shall be determined based upon a detailed engineering study that includes an equitable mechanism for prorating the cost among all of the developable property (which excludes wetlands and road rights-of-way). As the property served by the major water and sewer trunk lines is developed, the fee would be paid into the water and sewer fund.

Sec. 82-73. Authorization for the capital cost recovery fee. The mayor and city council hereby establish a capital cost recovery fee (CCR fee), to be charged in any Capital Cost Recovery Fee District created under Sec. 82-74 below.

Sec. 82-74. Establishment of a CCR Fee District by resolution. The mayor and city council may by resolution establish a CCR Fee District, after receiving a detailed engineering study that identifies the sewer drainage basin to be served, and the water system necessary to service that drainage basin. The engineering study must provide a coherent, equitable methodology for apportioning the principal cost of the loan necessary to finance these major water and sewer lines between the various owners of the property, whether used for residential or commercial purposes. The initial costs to be imposed shall be as estimated for construction in the engineering study, and shown on the study's CCR Fee District Maps.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Sec. 82-74 Amendment of a CCR Fee District by resolution. The mayor and city council may amend by resolution a CCR Fee District whenever in their judgment the area needs to be enlarged or contracted, based upon the area to be served; or, to reflect the actual cost of construction once a major line has been installed. This will assure that the final cost of construction is the number used in computing the actual CCR Fee. The estimated costs are for planning purposes, and represent the engineering firm's best estimate of construction costs.

Sec. 82-75. Property must be within city limits to obtain water or sewer service within a CCR Fee District. No water or sewer service shall be offered or provided to any property or its owner within an established Capital Cost Recovery Fee District unless the property to be served has been annexed into the city limits of Statesboro prior to development, and the owner has entered into a Water and Sewer Agreement with the City. This will assure that the City's zoning, subdivision regulations, and development standards are met on each such development, and that it becomes a part of the City.

Sec. 82-76. Collection of the CCR Fee. The CCR Fee shall be collected at the time that a building permit is issued for a new development within a defined CCR Fee District. The City will not take partial payments of any kind.

Sec. 82-77. Separation as a source of revenue within the Water and Sewer Fund. The CCR Fee revenue shall be separated in the accounting records so that the amounts collected within a CCR Fee District can be tracked on an annual basis. The finance director shall be responsible for setting up the accounting system changes to do this.

Sec. 82-78. Appropriation of the CCR Fee. As long as there is any outstanding debt issued for any portion of a CCR Fee District, the revenues generated shall be classified as restricted cash set aside to pay that debt. In the event that sufficient CCR Fees are restricted to cover all principal and interest payments on said outstanding debt, any CCR Fees collected above that amount may be classified as unrestricted cash, and used for any purpose within the Water and Sewer Fund.

Sec. 82-79. Duration of a specific CCR Fee District. Any CCR Fee District established pursuant to this code shall remain in place until all of the available developable property within said district has been developed, and the required fees have been collected."

Section 2. That should any part of this ordinance be declared invalid by a court of competent jurisdiction, then the remaining portions of this ordinance shall continue in full force and effect.

Section 3. That this ordinance shall be effective from and after its adoption on two separate readings.

First Reading: May 1, 2007
Second Reading: May 15, 2007

MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

By: _____
William S. Hatcher, Mayor

Attest: _____
Judy M. McCorkle, City Clerk



**CITY OF STATESBORO
CITY COUNCIL MINUTES
October 04, 2011**

A regular meeting of the Statesboro City Council was held on October 04, 2011 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Pro Tem Will Britt, Council Members: Tommy Blitch, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Engineer Robert Cheshire, and Director of Community Development Mandi Cody. Mayor Joe Brannen was absent.

Note: Councilman Travis Chance arrived to the meeting at 9:15a.m.

Approval of Minutes:

a) September 20, 2011 Council Minutes

Councilman Riggs made a motion, seconded by Councilman Blitch to approve the minutes of September 20, 2011. Councilman Blitch, Riggs and Lewis voted in favor of the motion. The motion carried by a 3-0 vote.

Recognitions/Public Presentations

a) Retirement recognition of Police Commander J.R. Holloway

Public Safety Director Wendell Turner and Mayor Pro Tem Will Britt presented Police Commander J.R. Holloway with a retirement plaque and thanked him for his many years of service to the City of Statesboro.

Public Comments (Agenda Item): None

Consideration of a Motion to approve Special Event Permit:

a) Theatre Production (Shakespeare on Trial) - Tim Chapman Averitt Center for the Arts

Councilman Lewis made a motion, seconded by Councilman Blitch to approve the Special Event Permit for the Averitt Center for the Arts. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a motion to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission with the condition to add Post 6 to Section 1-Section 2-67 #2. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a motion to approve 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve the 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a Motion to approve the following request:

- a. **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.**

Mr. William Howard representing EQV Development spoke on behalf of Alltel in favor of the variance request to construct a telecommunication tower. Councilman Chance made a motion, seconded by Councilman Lewis to approve APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard.**

Joey Maxwell representing Maxwell Reddick and Assoc. spoke on behalf of the Heyhami Group, LLC in favor of the variance for signage of the Steak and Shake restaurant. Councilman Riggs made a motion, seconded by Councilman Blitch to approve APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard with the condition the sign height not to exceed 9 ft. above the concrete. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a motion to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission with the condition to add Post 6 to Section 1-Section 2-67 #2. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a motion to approve 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve the 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a Motion to approve the following request:

- a. **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the Statesboro Zoning Ordinance to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.**

Mr. William Howard representing EQV Development spoke on behalf of Alltel in favor of the variance request to construct a telecommunication tower. Councilman Chance made a motion, seconded by Councilman Lewis to approve APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the Statesboro Zoning Ordinance to construct and operate a 100' monopole wireless telecommunication tower. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signage for property located on Henry Boulevard.**

Joey Maxwell representing Maxwell Reddick and Assoc. spoke on behalf of the Heyhami Group, LLC in favor of the variance for signage of the Steak and Shake restaurant. Councilman Riggs made a motion, seconded by Councilman Blitch to approve APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signage for property located on Henry Boulevard with the condition the sign height not to exceed 9 ft. above the concrete. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- c. **APPLICATION # SE 11-08-04: Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales.**

Bill Daniel representing Dan Vaden Auto Sales spoke in favor of the special exception for the property's use on Brannen Street. The right of way parcels will be dedicated to the City of Statesboro. Councilman Riggs made a motion, seconded by Councilman Blitch to approve **APPLICATION # SE 11-08-04: Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales with conditions recommended by staff.** Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve Resolution 2011-31:A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia.

Councilman Riggs made a motion, seconded by Councilman Blitch to approve **Resolution 2011-31: A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia.** Councilman Blitch, Riggs, and Lewis voted in favor of the motion. Councilman Chance voted against the motion. The motion carried by a 3-1 vote.

Consideration of a Motion to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia.

Councilman Lewis made a motion, seconded by Councilman Chance to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid.

Councilman Blitch made a motion, seconded by Councilman Riggs to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Consideration of a Motion to approve award of Contract to Ellis Wood Contracting in the amount of \$66,000 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. project to be funded by 2007 SPLOST

Councilman Lewis made a motion, seconded by Councilman Blitch to approve contract to Ellis Wood Contracting in the amount of \$44,675.00 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. This project is to be funded by 2007 SPLOST but was not included in the original Council Packet. It was brought to Council just before the start of the meeting. City Engineer Robert Cheshire stated he negotiated a lower price after the original proposal was included in the Packet. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion for the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road)

Councilman Riggs made a motion, seconded by Councilman Blitch to approve the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road) and to retain the Intergovernmental Agreement. Councilman Blitch, Riggs, and Chance voted in favor of the motion. Councilman Lewis left the meeting briefly. The motion carried by a 3-0 vote.

Reports from Staff:

a) City Manager's Report

City Manager Frank Parker announced the April 1st and April 19th, 2010 Budget Retreat would be re-held on Tuesday October 11, 2011 at 9:00 am at the Gateway Pond House

Director of Public Safety Wendell Turner updated Council on the billboards that would be appearing around Statesboro recognizing the "Operation Statesboro Blues" project.

b) Department Head Reports: None

Public Comments (General):

Allen Muldrew (DSDA) thanked the City for their involvement in the "Downtown Excellence" award that was presented to DSDA by the Department of Community Affairs Main Street Program.

Other Business from City Council

a) Nomination and acceptance of nominations for three seats on the Statesboro Planning Commission

The nominations for the vacant seats on the Planning Commission are:

a) Johnathan Mc Collar – 4 year term-Post 6

Councilman Bitch made a motion, seconded by Councilman Lewis to approve the nomination of Johnathan McCollar to the Statesboro Planning Commission for a 4 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

b) Rick Barr- 2 year term- Post 7

Councilman Lewis made a motion, seconded by Councilman Riggs to approve the nomination of Rick Barr to the Statesboro Planning Commission for a 2 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

c) Nick Propps- remainder of 4 year term-Post 2 or 4

Councilman Blitch made a motion, seconded by Councilman Lewis to approve the nomination of Nick Propps to the Statesboro Planning Commission for a 4 year term. He will currently serve 3 years for the remainder of a 4 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote

Consideration of a Motion to Adjourn

Councilman Riggs made a motion, seconded by Councilman Chance to adjourn the meeting. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

The meeting was adjourned at 11:30 a.m.

EXHIBIT E: PHOTOS OF SUBJECT SITE

Figure 1: Southern View of Subject Site; Planted farm land surrounded by wooded thickets to the North, South, and West, with a narrow wooded area separating R8 & R10, with frontage to S&S Railroad Bed Road on the East.



Figure 2: Wooded Area between R8 & R10



EXHIBIT C: PHOTOS OF SUBJECT SITE

Figure 3: Northern View of Subject Site.



Figure 4: Property to the East, directly across from subject site.





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

P.O. Box 348
Statesboro, Georgia 30458

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

RZ 14-08-02
ZONING MAP AMENDMENT
Railroad Bed Road

LOCATION: Railroad Bed Road

REQUEST: Rezone from R3, R4, R10 (Multi-Family & Single-Family Residential) and CR (Commercial Retail) to PUD (Planned Unit Development)

APPLICANT: H. Jackson Wallace

OWNER(S): George Terrell Beasley Jr

LAND AREA: Total Site 57.5 Acres
Rezone Request Approximately 38.79 Acres

PARCEL TAX MAP #s: 107 000005 000

COUNCIL DISTRICT: District 5 (Chance)



PROPOSAL:

The applicant is requesting rezoning of approximately 38.79 acres of property located at Railroad Bed Road and Cawana Road from R3 (Medium Density Multi-Family), R4 (High Density Residential), and R10 (Single-Family Residential) Districts to PUD (Planned Unit Development) District in order to develop detached and attached residential dwellings (See **Exhibit A** – Location Map & **Exhibit B** – Proposed Site Plans).

BACKGROUND:

The entire 57.5 acre subject parcel was annexed into the City of Statesboro in July 2013 by the 100% method and it was rezoned from R40 (Single-Family Residential/ Bulloch County) to R3, R4, R10 and CR with the following conditions:

1. The five (5) acres property adjacent to the Parkway shall be annexed and zoned Commercial Retail (CR).
2. The five (5) acres adjacent to the Parkway must provide interconnectivity with abutting CR zoned parcels at time of development.
3. The approximate fifty five acres (55) acres of property along Cawana Road and the S&S Railroad Bed Road shall be annexed into the City of Statesboro and zoned as follows:
 - a. Twenty (20%) of the property acreage (approximately 10.5 acres), specifically the acreage along the Cawana Road frontage shall be zoned R4 – High Density Residential with allowable uses for single family residential, medium density family, or attached high density single family residential development to include townhomes, row homes, apartments, or duplexes. This zoning district shall

be developed in conformance with the developmental standards articulated in the R4 Zoning District for the City of Statesboro Zoning Ordinance.

- b. Twenty percent (20%) of the property acreage (approximately 10.5 acres) shall be zoned R3 for medium density residential development, to include allowable uses of attached or detached single family or two family development including detached single family homes, attached single family or duplexes. This zoning designation shall be developed in conformance with the developmental standards articulated in the R3 Zoning District for the City of Statesboro Zoning Ordinance.
 - c. Fifty percent (50%) of the property (approximately 27.5 acres) shall be zoned R 10 – Single Family Detached Residential with 10,000 square feet minimum lot sizes with allowable uses restricted to detached single family residential uses. This zoning designation shall be along the boundary lines with the Board of Education and Bradford Place residential subdivision and shall be developed in conformance with the developmental standards articulated in the R10 Zoning District for the City of Statesboro Zoning Ordinance.
 - d. Two percent (2%) of the property (approximately 1 acre) shall be reserved for open green space and dedicated to shared community utilization, but shall be maintained by the developer.
4. Dedication of necessary easements and right of ways for utilities and the placement of a City of Statesboro sewer pump station prior to approval of subdivision plats.
 5. Transportation infrastructure planning and development to City of Statesboro standards and to the satisfaction of the COS Engineer. Such planning shall be designed and approved at subdivision platting stages and shall be based on approved City of Statesboro standards, specifications, and long range planning.
 6. Subdivision, design, and development of the property shall be in conformance specifically with the requirements of the Statesboro Subdivision Regulations and all other developmental standards of the City of Statesboro

The applicant has requested a zoning map amendment from the above stated zoning to "PUD- Planned Unit Development" to develop detached and attached dwellings. **Exhibit B** - Proposed Site Plans submitted for the zoning request anticipates residential use of the property, with 26 total units. It is anticipated that there will be two different styles of units, one with 6 bedrooms per unit and the other with 4 bedrooms per unit. There will be twenty-two units with six (6) bedrooms each and four units with four (4) bedrooms each which will total 148 bedrooms all together. The proposed plans also contain a 3,433 square foot Community House.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R40 & R25 (Single Family Residential – Bulloch County)	Undeveloped
SOUTH:	R40 (Single Family Residential – Bulloch County), R15 (Single Family Residential), R4 (High Density Residential)	Single Family Home and Undeveloped
EAST:	R8 & R10 (Single Family Residential)	Undeveloped
WEST:	R20 (Single Family Residential)	Bypass and Undeveloped

The subject parcel's property lines are split by Cawana Road and surrounded by property that is zoned for single family and commercial uses located in both Bulloch County and City of Statesboro. Actual uses range from single family homes to undeveloped with Sallie Zetterower elementary school located to the extreme southeast of the Cawana Road inside the municipal limits. The abutting properties to the east are being considered simultaneously to this request for rezoning from R8 & R10 (Single Family Residential) to PUD (Planned Unit Development). Approximately 14 acres that was originally part of the site was recently purchased and is anticipated to be developed as a church (See **Exhibit F**- Plat of Site Purchased by Connection Church).

COMPREHENSIVE PLAN:

The subject site lies within the "Developing" character area as identified by the 2009 City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The "Developing" character areas are

identified as being primarily residential, but are under pressure to grow in a suburban manner. Development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development.

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

- Large new developments should be master-planned to include mixed-uses wherever appropriate.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.
- There should be strong connectivity and continuity between each subdivision.
- New developments should provide recreational facilities and open space to meet the needs of their residents.
- Promote walking and bicycling as an alternative means of transportation through the provision of safe, accessible and connected networks.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.

Statesboro Comprehensive Plan, Community Agenda pages 16-17.

Additionally, the Plan identifies certain Issues and Opportunities as well as Quality Community Objectives that are applicable to this request, including:

- The provision of additional housing choices than those that are currently available in either the City or the County;
- The provision and dedication of open space in new developments to ensure access to green space for new residents;
- The provision of innovative approaches to new housing options.

Statesboro Comprehensive Plan, Community Agenda page 62.

Note: These implementation strategies are also reflected in the 2009 Quality Community Objectives.

The 2014 update to the Statesboro Master Comprehensive Master Plan, which is under consideration now – but not yet adopted- suggest the additional implementation strategies for this character area:

- Traditional neighborhood design principles such as smaller lots, street orientation, mix of housing types, and pedestrian access to neighborhood commercial centers.
- Residential development that offers a mix of housing types (single-family homes; townhomes; live /work units, and apartments) with a mix of densities and prices in the same neighborhood.
- Clustering development to preserve open space
- Site plans, building design and landscaping that are sensitive to natural features of the sites, including topography and views.
- Traditional Neighborhood Design techniques, cluster developments, and the development of a variety of housing types, sizes, costs, and densities are best practices considered in the 2014 Quality Community objectives that may be applicable here and are under consideration in the proposed 2014 Plan Update.

Policies in the Comprehensive Master Plan are intended to help local governments in the decision making process to achieve the Community Vision and address the Community Issues & Opportunities identified in the Comprehensive Plan. Policies in the 2009 that are applicable here include the following:

- We will incorporate the connection, maintenance and enhancement of green-space in all new development, especially within the Developing areas.
- We will encourage more compact urban development.
- We will coordinate public facilities and services with land use planning to promote more compact urban development and work, collaboratively with Bulloch County to promote long term coordinated growth and service delivery.

- We will ensure that new development does not cause a decline in locally adopted level of service and that capital improvement or other strategies needed to accommodate the impacts of development are made or provided for concurrent with new development.
- The community will encourage pattern of future development expansion in areas contiguous to developed areas with a utility extension policy that is sequential and phased and a related annexation policy to clearly articulate the service provisions.
- Development shall provide for a variety of residential types and densities.
- We will assist and facilitate affordable housing opportunities to insure that all those who work or attend school in the community have a viable choice or option to live in the community.
- We will encourage accommodate our diverse population by encouraging a harmonious mixture of housing types and uses.
- We will promote efficient use of land by promoting well designed, more pedestrian friendly, development patterns with a mix of uses and an efficient, creative use of land.
- 2014 Proposed Plan Update Policy recommendations include the following:
 - 2014 recommendations: We will project and plan for population growth and prepare through annexations, utility expansions, and housing opportunities
 - We will actively monitor and prepare for population growth based on national, state, and local trends.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject property does not currently have complete access to City of Statesboro utilities. Both water and sewer main service lines are being extended pursuant to previous Council approval. City services such as sanitation and public safety services will be extended upon approval of this request and development of the property.

ENVIRONMENTAL:

The subject property does not appear to be located within wetlands areas or special flood areas. Any potential issues will be addressed during standard permitting processes and reviews.

ANALYSIS:

According to the 2009 City of Statesboro Comprehensive Master Plan, Planned Unit Developments (PUDs) "typically offer greater flexibility in development standards than a conventional zoning district. With this flexibility, there is also an opportunity to include housing diversity, mixed uses, and amenities. A PUD should be viewed as an alternative available for regulation development when existing land use regulations may not adequately address unique circumstances or opportunities for a particular development. The City may grant more leeway in the certain areas of the regulations for a PUD, but in exchange, there are expectations of the development community for additional design features, amenities, etc. [As mentioned previously,] an update of the city's land use regulations can provide better alternatives for producing quality development without necessitating the use of a PUD."

Article XIV of the Statesboro Zoning Ordinance governs the use of Planned Unit Developments. Section 1400 states that "The purpose of the PUD district is to permit great flexibility in the use and design of structures and land in situations where modification of specific provisions of this ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur." Section 1401 allows the authorization of uses not permitted in the district where the lot is located, provided that the uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood so as to assure that they will not materially alter the existing character of the neighborhood. An order authorizing such uses in accordance with the site plan and description contained in the application modified as the planning commission and council may require to carry out the purposes of the ordinance and to protect the public health, safety, and welfare. Section 1402 requires a site plan submittal by the applicant and allows alteration of setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules and density and intensity limits (Section 1402).

The property is currently zoned R10 and R8 Single Family Residential. Anticipating a twenty percent (20%) reduction in developable acreage for infrastructure, green space, and other issues, it is anticipated that the current zoning would permit approximately 234 detached single family units with approximately 936 beds. The primary issue for the

applicant seems to be intensity of development and type of structures permissible rather than actual density as the proposed site layout request a similar density number currently allowed at 268 units and an anticipated 938 beds. It is important to note that R8 and R10 zoning regulations expressly limit structure development to detached single family residential units. The applicant anticipates that a variety of structure types, including but not limited to assisted living facilities, townhomes, cottages, etc – a mixture of detached and attached single family dwelling units - may be appropriate uses for the subject property.

It should be noted that R4- Statesboro's highest density by right zoning district, at 12 units per dwelling (and a policy assumption of four beds per unit) (and which would permit both detached and attached single family units, but not necessarily assisted living) would permit a much larger unit and bed count than requested in this application – 576 units and an estimated 2304 beds throughout the nearly 61 acres.

Furthermore, Council should consider that this subject property and others in this immediate area were annexed in order to provide additional housing opportunities to a growing Statesboro population. (See Department of Planning and Development Memo, **Exhibit C**) As most of the residentially zoned parts of the city have experienced build out, this application presents an opportunity for new housing opportunities within the city limits. Additionally, a PUD zoning would permit the market to offer a variety of housing options, both attached and detached, that would be attractive to the next generation of home buyers. Strong research from multiple sources indicate that several demographic groups including empty nesters, retiring baby boomers, millennials, and young professionals are all seeking housing opportunities that offer a small footprint, community living, greenspace, and proximity to amenities in a live/work/play environment. PUD zoning is one option to providing this and is the only zoning designation currently available in the Statesboro Zoning Ordinance to provide this mix.

It should also be noted that several intergovernmental issues have and will likely arise during the administration and permitting of this subject site, including coordination with Bulloch County for the sites access to the popular S&S Greenway Trail and ingress and egress to Railroad Bed Road – a county right of way. Other inter-governmental concerns include the following:

- O.C.G.A. Section 36-26-11(c)(1) requires that the City of Statesboro notify Bulloch County and that Bulloch County have the opportunity to object to the rezone application of a property annexed within the last year. The City of Statesboro forwarded this notification on July 3, 2014. No objection has been received as of the time of this report.
- Georgia Department of Community Affairs rules and regulations require that within a county of 50,000 or more in population any development which anticipates greater than 400 residential units be submitted to the Coastal Georgia Regional Commission (and a number of other departments) for a Development of Regional Impact Review prior to the local government taking determining action on the property. This application has been submitted for review and determined to be exempt from this process.
- Bulloch County – Capital Cost Recovery District area requirements. Bulloch County and the City of Statesboro entered into a Capital Cost Recovery District Intergovernmental Agreement in 2007. (See Intergovernmental Agreement, **Exhibit D**) Multiple issues, including the City's elimination of the fee associated with this district raise questions as to the implications and requirements of this Intergovernmental Agreement. However, if the Intergovernmental Agreement is strictly adhered to, then the agreement provides the following requirements:
 - 1) Residential equivalent units will be maximized at 2.4 per acre (the equivalent of R15 zoning - which is less density than currently provided at R8 and R10) unless those densities are planned and located near planned commercial services or nodes.
 - 2) Requires that the City and County participate in at least one joint planning meeting for the property.
 - 3) Development generating at or in excess of 1,000 trips per day shall require a traffic impact analysis.
 - 4) Dedication of determined right of way.
 - 5) Intra development street designs that discourages through traffic.
 - 6) Stormwater Management

Joint City of Statesboro and Bulloch County approval of the design and construction of any roadway that interferes with the S&S Greenway Trail. The Developer may be required to include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowings, and may be required to pave portions.

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. Nearby property is zoned for similar uses and densities of the applicant. Other nearby properties (located within the County) are zoned and utilized as single family detached units.
- (2) The extent to which property values are diminished by the particular zoning restrictions.**
 - a. Property values generally increase with higher densities and greater flexibility in housing options and styles of structures allowed as permissible by right.
- (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. The subject site is located within the area of long anticipated residential growth and development for the City.
 - b. Housing styles and options requested by the public are growing and changing to include a variety of attached and detached unit styles.
 - c. The population of the City of Statesboro has increased dramatically in recent years and is projected to continue to grow.
 - d. The number of undeveloped residential lots –particularly for single family- are limited within the City.
 - e. The Statesboro Zoning Ordinance restricts the available styles of structures in single family zones to detached structures.
 - f. The proposed zoning would result in significantly lower densities than the highest residential zoning district (R4) which does allow attached single family structures and an increase in the available housing options for a growing population.
- (5) The suitability of the subject property for the zoned purposes.**
 - a. There is no indication that the subject property is not suitable for the requested zoning.
- (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 subject property is undeveloped and is located within the area most anticipated for residential growth in the City.
 - b. The subject site is surrounded by other properties that are undeveloped but under pressure to develop in similar fashions in the near future.
- (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. Development of the proposed property as requested would increase population density, community facilities, traffic patterns, and property values in adjacent areas.
 - b. Traffic planning – and the expenses associated with the increase traffic in the area- should be addressed by the applicant, the City, and the County in this area.
 - c. The development of the S&S Greenway Trail, a popular amenity adjacent to this subject site, increased the value and attractiveness of the subject site for residential development.
 - d. The subject site was previously identified as a Future Annexation and Development Area in both the Bulloch County and City of Statesboro 2009 Future Land Development Maps.
- (8) Consistency with other governmental land use, transportation, and development plans for the community.**
 - a. This request is consistent with the City of Statesboro Comprehensive Plan and the 2009 Future Land Development Maps for Bulloch County and the City of Statesboro.
 - b. This request should be evaluated for consistencies with the Capital Cost Recovery District Agreement between the City of Statesboro and Bulloch County. See **Exhibit C**, Intergovernmental Agreement.

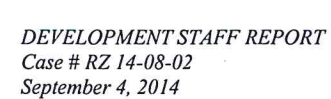
- c. Transportation planning and funding should be addressed with this project in order to respond to the increased traffic congestion and the limited public right of way (most of which is owned by Bulloch County) adjacent to and nearby the site. The 2035 City of Statesboro and Bulloch County Long Range Transportation Plan should be referenced.

STAFF RECOMMENDATION:

Staff recommends a zoning map amendment to Planned Unit Development with the following development parameters:

- 1) Unless otherwise stated, the property shall develop in conformance with the requirements of the R4 zoning district for the City of Statesboro.
- 2) Permissible uses shall include those included in R4 of the Statesboro Zoning Ordinance. Additionally, assisted living facilities may also be permitted.
- 3) Two percent (2%) of the property shall be reserved for open green space for community use and shall be maintained by the owner, developer, or appropriate association.
- 4) Density shall be capped at equivalent to R10 density per acreage, but may be clustered.
- 5) Subdivision, design, and development of the property shall be in conformance with the requirements of the Statesboro Subdivision Ordinance and all other development regulations of the City of Statesboro.
- 6) Sidewalk connectors shall be provided to Sallie Zetterower Elementary School.
- 7) The City of Statesboro will extend water and sewer services to the property as previously approved by Council. Necessary extensions within the property shall be the responsibility of the developer and must be approved by the Director of Water and Waste Water for the City of Statesboro.
- 8) Internal sidewalk connectivity must be provided within the property's development. Sidewalk connectivity from each development shall also be provided to the S&S Greenway Trail.
- 9) Access points to Railroad Bed Road must be approved jointly by Bulloch County and the City of Statesboro.
- 10) Requirements of the Capital Cost Recovery Area Intergovernmental Agreement apply as conditions and must be accomplished by the appropriate party.
- 11) Transportation infrastructure planning and design for the property shall be presented and approved at subdivision platting stages and shall be based on approved City of Statesboro standards, specifications, and long range planning needs with the approval of the City of Statesboro Engineer. Reservation, dedication and/or development of public rights of way and/or easements may be required of the developer.

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



DEVELOPMENT STAFF REPORT
Case # RZ 14-08-02
September 4, 2014

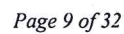
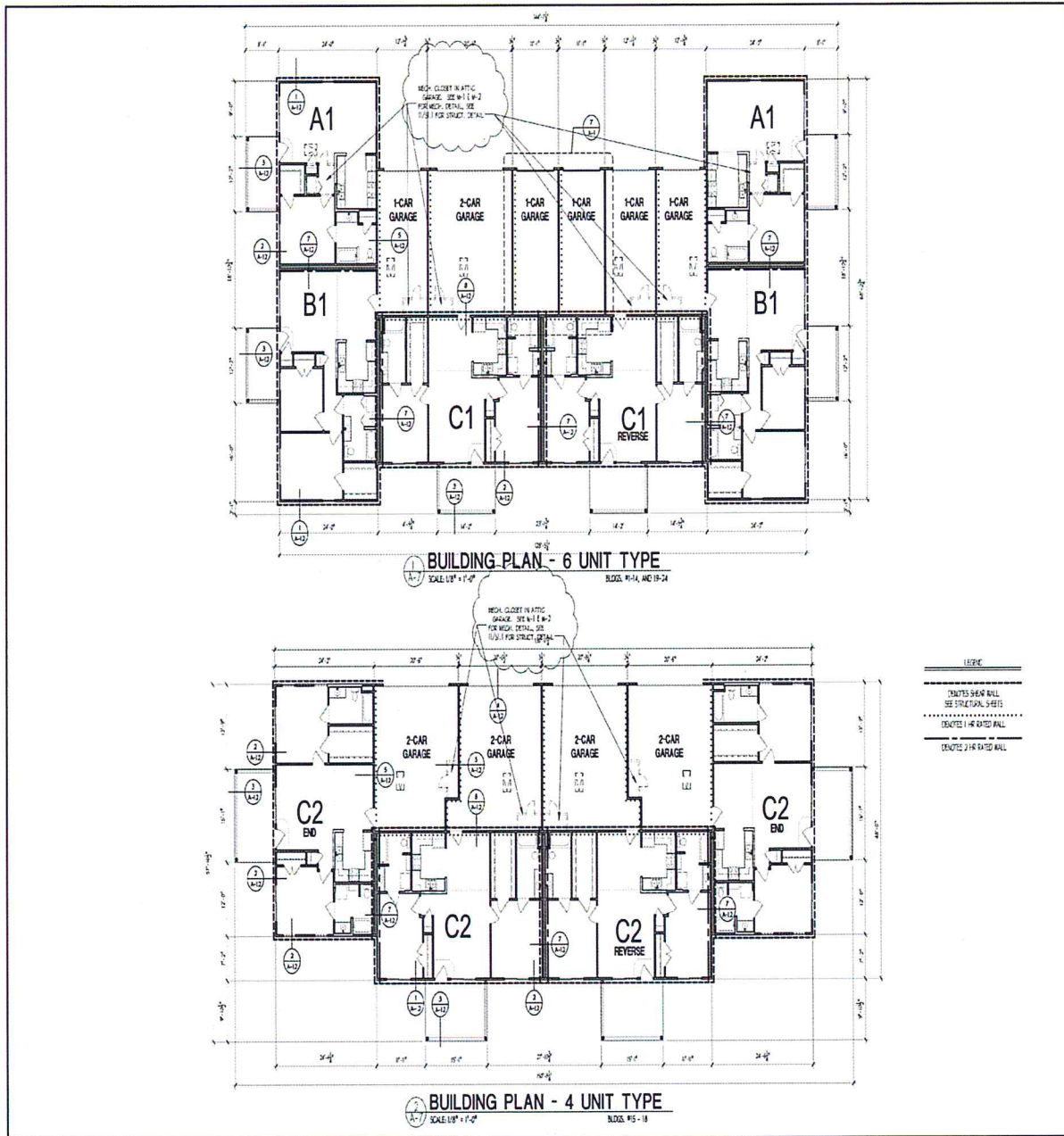


EXHIBIT B: PROPOSED SITE PLAN CONT'D



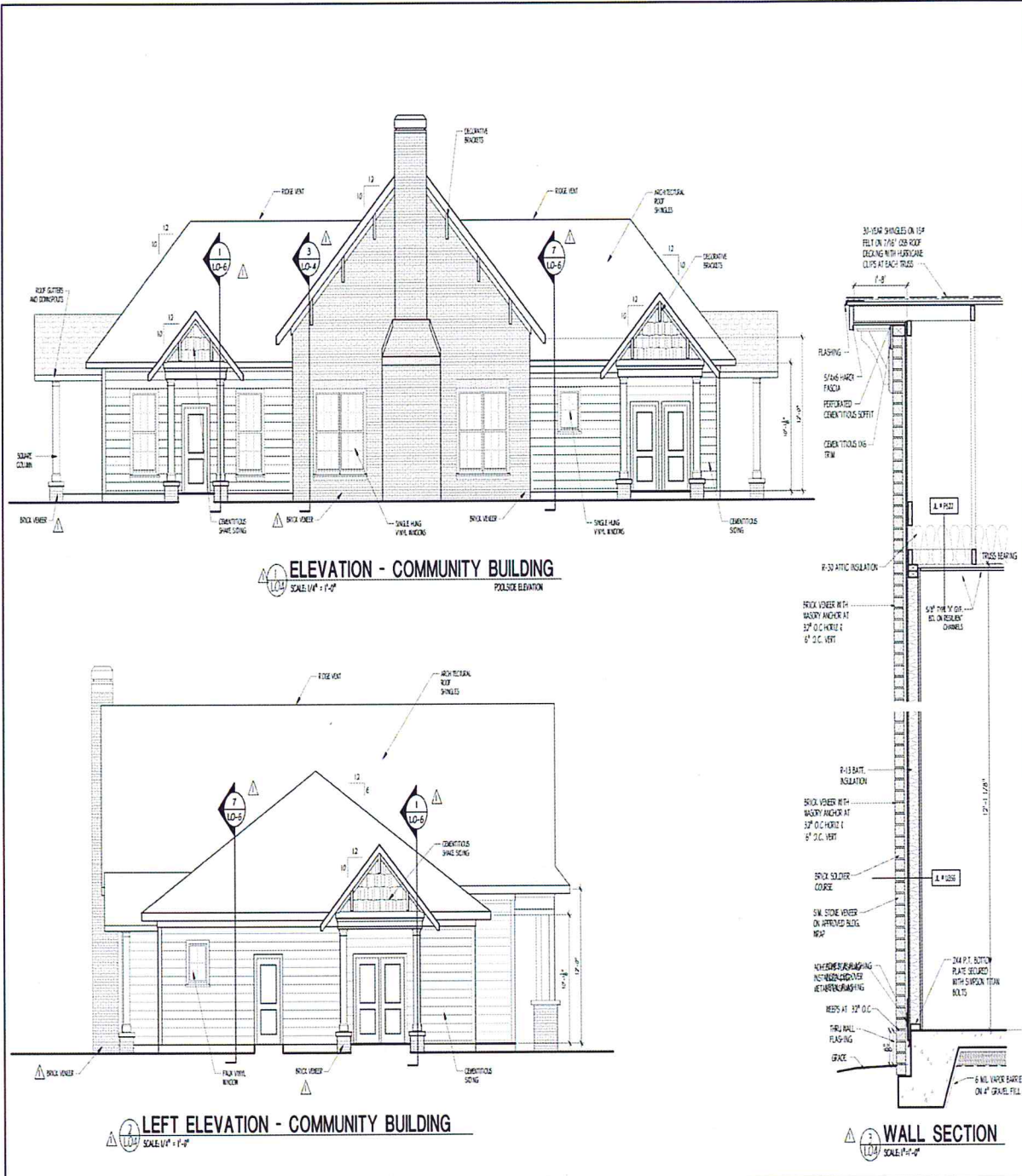
STATE OF ALABAMA
ARCHITECTS, INC.
3004 MERCER UNIVERSITY DRIVE, SUITE 110
ATLANTA, GA 30341
PUCCIANO & ENGLISH, INC.

BEACON HILL APARTMENTS
AN APARTMENT COMMUNITY
IMS DEVELOPMENT
BIRMINGHAM, ALABAMA

BUILDING PLANS
SHEET NO.
A-7

DATE: 4/2/2014
BY: [Signature]
CHECKED BY: [Signature]
REVISIONS:
1. 5/23/14

EXHIBIT B: PROPOSED SITE PLAN CONT'D



Pucciano & English, Inc.
 ARCHITECTS, AIA
 3004 MERGER UNIVERSITY DRIVE, SUITE 110
 ATLANTA, GA 30341
 PH 770-555-0001 FAX 770-555-0002
 WWW.PUCCIANO-AND-ENGLISH.COM

BEACON HILL APARTMENTS
 AN APARTMENT COMMUNITY
 FOR THE
 IMS DEVELOPMENT
 FIVE-STAR, ATLANTA

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COMMUNITY BUILDING
 ELEVATION
 SHEET NO.

L0-4

DEVELOPMENT STAFF REPORT
Case # RZ 14-08-02
September 4, 2014

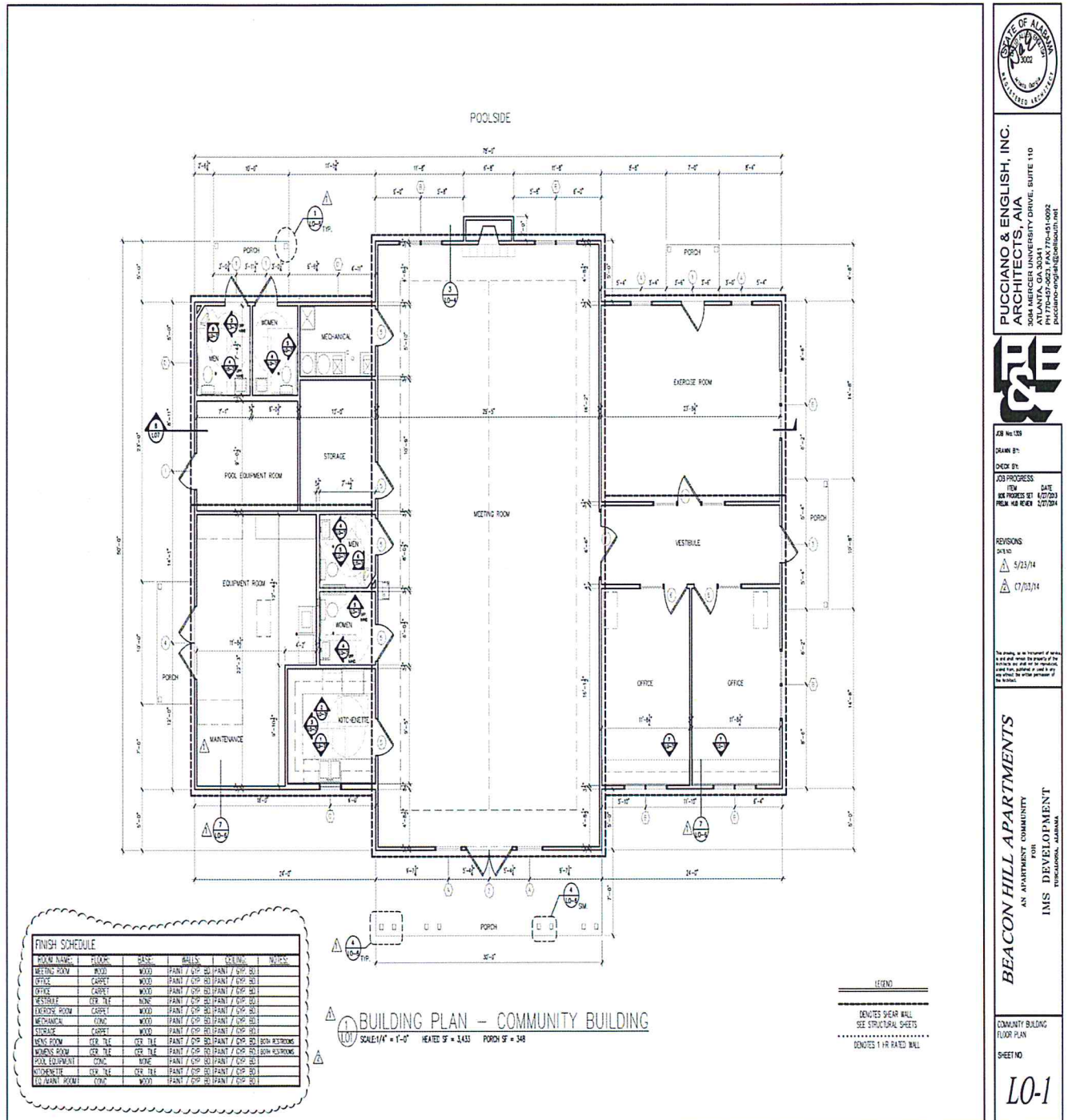


EXHIBIT B: PROPOSED SITE PLAN CONT'D

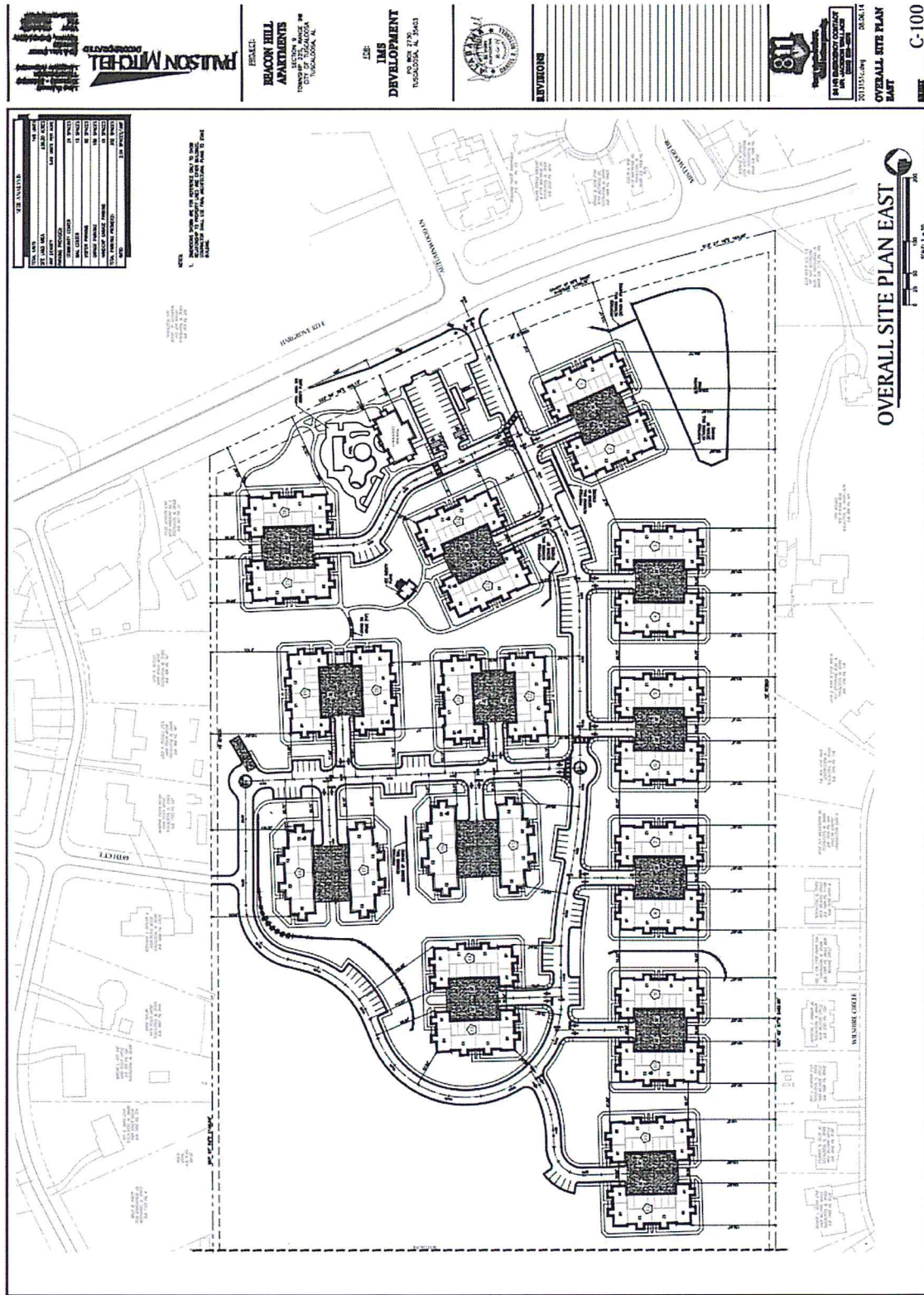


EXHIBIT C: PLANNING AND DEVELOPMENT MEMO



City of Statesboro
Department of Planning & Development Memorandum

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

TO: Mayor Joe Brannen
City Councilmen Boyum, Lewis, Britt, Riggs, and Chance
City Manager Frank Parker
Planning Commission Members
Referenced Department Files

FR: Mandi Cody, Director Planning & Development 

RE: Annexation and Zoning Request: Cawana Road area.
AN 13-03-07; AN 13-03-08; AN 13-03-09; & AN 13-03-10; AN 13-03-06; AN13-05-03; RZ 13-03-04; AN 12-05-01; AN 13-04-01; AN130-04-05; AN 13-03-05; AN 13-03-05.

Date: July 5, 2013

The City of Statesboro Department of Planning & Development is in receipt of a number of requests for annexations and zoning in and around the Cawana Road area. Due to the volume of the cases – and the work and timelines associated with each – staff is processing and presenting these requests for review and consideration by the Planning Commission and City Council in rounds which began in June and will continue for the next few months.

As Planning Director, I believe it is important to share several factors that apply to the requests and have served as a basis for the analysis, reviews, and recommendations that are being presented:

- Each property is being considered for annexation pursuant to request of the property owner;
- Each request was approved for acceptance and consideration by the City Council;
- Bulloch County has been appropriately notified of each request pursuant to legal requirements;
- City staff is working through the Development of Regional Impact review with the Department of Community Affairs and the Coastal Regional Commission on a number of the parcels;
- The parcels have been considered independently and as a “whole” for community need, impact, and service demand by City development staff including department heads from planning, engineering, water and wastewater, compressed natural gas, and the City Manager;
- Specific development plans for these properties have not been submitted or considered as part of the analysis of these cases;

EXHIBIT C: PLANNING AND DEVELOPMENT MEMO

- These requests have been processed and analyzed as part of long term PLANNING for the City as opposed to a development project seeking immediate permitting or development permissions;
- The City of Statesboro is experiencing significant increases in population growth;
- Land use opportunities for low and medium density single family residential development are shrinking within the current municipal boundary;
- Housing demands and preferences regarding lot sizes, interior square footages, styles and arrangements will shift from large detached single family homes on large separated lots to smaller homes on smaller lots with a community/ neighborhood design and will include demand for both attached and detached home styles for the next generations of residents seeking homes in Statesboro and across the nation.
- Higher density residential designs, whether in the form of smaller homes, smaller lots, and/or attached styles (row homes, townhomes, apartments, etc.) are more environmentally sound, consume less energy, and cost less to provide infrastructure and public services.

Statesboro experienced a 25% increase in population growth between the 2000 and 2010 Census and is reportedly growing several percentages per quarter. The Census recognizes the City of Statesboro as the 6th fastest growing micropolitan City in the nation; ranks the City as the 6th fastest growing micro area; and has recently designated Statesboro in a micropolitan statistical area for the first time. Figures also indicate that this growth is not solely associated with the student population from the local university and colleges. Furthermore, projections and estimates continue to expect non-student population increases to continue for the foreseeable future. Such growth presents a number of economic opportunities for our community; however, it also requires proper planning and expansions from the City.

Review of current land use and land availability within the City limits indicates that the municipality is not prepared to respond to the long term needs and opportunities associated with this population movement. This is particularly true regarding the housing needs associated with this growth as the greatest majority of the low and medium density residential zones within the City have experienced build out. Therefore, annexation and preparation of properties for such use is appropriate to meet the opportunities and demands of a growing residential population. Failure to plan for and accept the residential opportunities associated with this population growth will result in lost economic opportunity for the City of Statesboro and its citizens. Therefore, the staff of the Department of Planning & Development have worked closely with the City Manager and the Department Heads of Engineering, Water and Wastewater, Natural Gas, and Public Safety to begin preparations for such significant growth in population and land area for the City of Statesboro.

The annexation and zoning request being presented to you for consideration are the first step in this preparation and in seizing this opportunity. Annexation – the incorporation of the property into the municipal boundaries of the City – is the necessary first step in this multi-layered process. Expected land use, in the form of a zoning designation for the property builds the foundation for other areas of planning. Initial – conceptual phases of planning for long range transportation, utility, and service demands associated with the incorporation of these properties are being considered by development staff. Upon approval of the annexation and with the

important consideration of the land uses approved for the properties through the designation of zoning districts - staff will begin working the properties into the master infrastructure and service plans. Plans beyond the conceptual, at this point, are inappropriate and uninformed without the benefit of the completed annexation, land use designations, and comment from the Planning Commission and City Council. This step by step process also allows for important input from the private development market and allows for appropriate development, as specifics in design and routing of infrastructure can be informed by the subdivision and permitting request associated with the property. This allows City infrastructure to be developed timely (but only as needed) and in a fiscally sound manner to meet the immediate development demands of the private market and population growth while realizing the comprehensive vision and long term needs of the City as a whole.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT

STATE OF GEORGIA

COUNTY OF BULLOCH

INTERGOVERNMENTAL AGREEMENT ON CAPITAL COST RECOVERY FEE DISTRICTS

This intergovernmental agreement is entered into this ____ day of November, 2007 by and between **BULLOCH COUNTY, a political subdivision of the State of Georgia, acting by and through its governing authority, the BULLOCH COUNTY BOARD OF COMMISSIONERS** (hereinafter "the County") and the **MAYOR AND COUNCIL OF THE CITY OF STATESBORO, GEORGIA** (hereinafter "the City").

WITNESSETH:

WHEREAS, the City of Statesboro and Bulloch County are undergoing major development in and around the corporate limits of Statesboro, necessitating increased water and sewer installation; and

WHEREAS, it is in the best interests of the public health, welfare, and safety of citizens in both the City of Statesboro and Bulloch County that the development take place with adequate water and sewer facilities to provide potable and fire protection water, and to collect and treat the wastewater generated; and

WHEREAS, the City and County have recognized the need to get the major water and sewer lines extended into areas adjacent to the City before the growth takes place, thereby assuring new development will be on water and sewer systems; and

WHEREAS, the City has needed a mechanism to help finance these extensions in a timely fashion, and has developed with the assistance of its consulting engineers a capital cost recovery fee district as the most suitable method; and

WHEREAS, the City of Statesboro with its consulting engineers has studied the area bounded by Veterans Memorial Parkway, Georgia Highway 67, Burkhalter Road, Pretoria-Rushing Road, and back to Cawana Road then to Brannen Street, minus the property already developed within the boundaries, and has determined that the area can be served as one sewer drainage basin by gravity sewer; and

WHEREAS, the City of Statesboro has adopted an ordinance authorizing the Mayor and City Council to establish capital cost recovery fee districts, and under that ordinance has passed a resolution establishing Capital Cost Recovery Fee District #1 for this Southeast Quadrant Area; and

WHEREAS, the fee can only be imposed on properties that annex into the City limits, and water and sewer service shall only be provided to property owners whose property is within the City limits that request said water and sewer service; and

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

WHEREAS, in order to install the major water and sewer lines ahead of the growth, the City will need to install some of them in property that is currently outside the corporate limits of Statesboro, and the Georgia Constitution at Article IX, Section II, Paragraph III requires a contract between a county and a city, for a city to expand its water and sewer services outside the City limits; and

WHEREAS, prior to making this major investment the Mayor and City Council of Statesboro need assurance that the County Commission is supportive of this plan to finance and install these water and sewer lines;

WHEREAS, the County has an interest in protecting the S&S Greenway and balancing growth between urbanizing areas and transitional areas referred to as Areas of Mutual Concern within the proposed Southeast Quadrant Area and Capital Cost Recovery District #1; and

WHEREAS, the County is supportive of planned annexation that considers logical boundaries, coordination of planning efforts, and the appropriate transfer of infrastructure and service delivery responsibilities; and

WHEREAS, the County is supportive of the City's plan to finance and install water and sewer lines according to proposed engineering plans so long as it results in a high quality of planned development that compliments the County's Future Land Use Plan.

NOW THEREFORE, in consideration of the mutual promises, obligations, and covenants set forth herein, the County and the City agree as follows:

1. The County hereby agrees that the City can establish one or more Capital Cost Recovery Fee Districts in areas contiguous to the corporate limits of Statesboro, or as mutually agreed upon if not contiguous, in order to help finance the cost of engineering design and construction of major water and sewer lines in areas outside the City limits.
2. The County hereby agrees that the City may expand its water and sewer system into any area within any such Capital Cost Recovery Fee District as established by formal resolution of the Mayor and City Council, thereby encouraging quality development and the expansion of both the City's and County's property tax base.
3. The County hereby agrees that the City may require annexation into the corporate limits of the City of Statesboro as a pre-condition to the availability of water or sewer services to any parcel of property lying within any designated Capital Cost Recovery Fee District.
4. The City Manager will notify the County Manager of plans for the establishment of any Capital Cost Recovery Fee District, and shall furnish him with a complete copy of the required engineering study and the duly adopted resolution establishing said district.
5. The City Manager will notify the County Manager when bids have been received, and a contract for construction has been awarded for any segment of any of the major water and sewer lines within any Capital Cost Recovery Fee District.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

6. The City Manager will provide the County Manager with the most current map of each Capital Cost Recovery Fee District so that Bulloch County planning staff can notify potential developers of the location of said districts within the county, and the fees associated with properties lying within said districts.
7. The County and City hereby agree to approve a concept within one hundred twenty (120) days, and a firm consensus no later than one hundred eighty (180) days from the effective date for a future land use plan for the Capital Cost Recovery Fee District #1 and Areas of Mutual Concern that reflect the preferences of this agreement. "Areas of Mutual Concern" is defined as an area that shall generally be within five-hundred (500) feet of Capital Cost Recovery Fee District #1 boundaries.
8. The County and City hereby agree not to approve requests for rezoning, conditional uses or sketch plans for property within the Capital Cost Recovery Fee District #1, or Areas of Mutual Concern, without consideration of mutual input and will notify each other of receipt of such applications, and of the time, date and place of any joint planning staff reviews, public hearings or other public meetings concerning these actions. Input shall be provided within the normal deadlines for other agencies' and departments' comments. At least one joint planning staff review shall be held on each such development project.
9. The County and City hereby agree that all annexations in the Capital Cost Recovery Fee District #1 shall include logical and identifiable boundaries wherever possible and be timed in such a way which allows for transition of services between the City and County. Readily identifiable boundaries should include lakes, rivers, streams, railroads and highways. Nothing herein shall prohibit the annexation of a tract of land at the request of the owner(s) that does not meet these preferred criteria.
10. The County and City hereby agree that if residential densities are proposed in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that are higher than 2.4 housing units per acre (currently the City's R-15 zoning designation), that those areas should be planned and concentrated near planned commercial services or nodes.
11. The County and City hereby agree that commercial uses and facilities in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be allocated in a reasonable amount and in a planned relationship to the people they will serve. Any future expansion of commercial uses in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be developed as centers or nodes rather than strips, and along roadways and intersections that have adequate capacity. Commercial facilities and uses should be very carefully considered so that they do not cause unnecessary traffic congestion and do not detract from the appearance of the community. However, it is recognized that the property fronting Georgia 67 between Briarwood Road and Burkhalter Road, will have commercial development which will serve a population greater than the CCR Fee District #1 and its Areas of Mutual Concern.
12. The County and City hereby agree that any newly proposed development in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that generates traffic at or in excess of 1,000 daily trips according to the latest version of the Institute of Traffic Engineers Trip Generation manual shall require a traffic impact analysis. The content and detail of the traffic impact analysis shall be scaled according to valid trip generation estimates, and shall include

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

proposed project improvements for automobiles, bicycles or pedestrians that will improve capacity within the proximate right-of-way, with the cost of any such improvements shall be borne by the developer.

The County and City hereby agree that the future land use plan called for in Paragraph 7 above, shall determine the necessary right-of-way widths for any collector and arterial streets within the CCR Fee District #1 or an Area of Mutual Concern. Said rights-of-way shall be obtained and preserved as part of the development review process.

13. The County and City hereby agree except for collector streets, street patterns in new residential areas in Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be designed to provide convenient access and circulation for each living unit, but to discourage through traffic.

14. The County and City hereby agree that any required public improvements along any arterial or collector road systems within Capital Cost Recovery Fee District #1 shall be the financial responsibility of the City.

15. The County and City hereby agree that they will adopt and enforce ordinances that meet the requirements of the Georgia Stormwater Management Manual as it regards the speed and volume of stormwater leaving a developed site.

16. The County and City hereby agree that unless the county agrees to retain a road right-of-way in County jurisdiction, the City will annex the entire width of County roads and rights-of-way adjacent to an annexation boundary and will assume full responsibility for maintenance and agreed upon necessary improvements for those portions of roads on the effective date of the annexation. It may also be desirable to include in an annexation adjacent road sections to avoid dead-end segments or portions of roads that meander in and out of jurisdictions. Such situations may be negotiated on a case by case basis.

17. The County and City hereby agree that if any new development occurs as the result of an annexation by the City that requires access along the proposed route of the S&S Greenway before construction by the County has been completed; that as a condition of development permitting by the City, the developer shall be required to pave any portion of the roadway (not including the pedestrian or bicycle path) that is adjacent to his development. The design and construction of any roadway that interfaces with the County's proposed Greenway must be mutually agreed upon by the County and City, and may include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowing.

18. The County and City hereby agree that the County shall own and maintain the right-of-way along the S&S Greenway subject to the provisions of right-of-way transfer set out in Paragraph 17 above, except that the County shall continue to own and maintain the portion of right-of-way to be used for the pedestrian and biking trail.

19. The City hereby agrees that it will consider amendments to its Zoning and Subdivision Ordinances that would require the same buffering requirements for properties adjacent to the S&S Greenway as those adopted by the County upon recommendation by its greenway consultant. Said buffering requirements may include special setbacks, strategic location of

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

access roads, and use of vegetative screens, earthen berms and fences to help reduce trespass of people, animals and vehicles.

20. The County and City hereby agree that until the City assumes the full maintenance and ownership of a former County road right-of-way, all municipal utility encroachments along designated County roads shall require a permit.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

BOARD OF COMMISSIONERS OF
BULLOCH COUNTY, GEORGIA

By: J. Garrett Nevil
J. Garrett Nevil, Chairman

Attest: Evelyn H. Wilson
Evelyn H. Wilson, Clerk

MAYOR AND COUNCIL OF THE CITY
OF STATESBORO, GEORGIA

By: William S. Hatcher
William S. Hatcher, Mayor

Attest: Judy M. McCorkle
Judy M. McCorkle, Clerk

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

ORDINANCE #2007-15: AN ORDINANCE AUTHORIZING A CAPITAL COST RECOVERY FEE FOR THE EXTENSION OF WATER AND SEWER TRUNK LINES INTO AREAS WITHIN AND ADJACENT TO THE CITY LIMITS

THAT WHEREAS, the City of Statesboro continues to experience significant growth within, and in close proximity to the city limits, and such growth is expected to continue; and

WHEREAS, the City needs a financial mechanism to install the water and sewer trunk lines that serve major drainage basins, and to do so ideally in front of the development taking place, so that the new construction is annexed into the City and is on both water and sewer service; and

WHEREAS, with the assistance of Hussey, Gay, Bell & DeYoung, the City's consulting engineers, the City staff has developed a mechanism to install said lines, and to recoup over time most of the City's principal needed to finance these lines; and

WHEREAS, the Mayor and City Council have reviewed this proposal, and wish to adopt it for use by the City of Statesboro;

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

Section 1. That the Statesboro Municipal Code is hereby amended by adding the following language to Chapter 82, UTILITIES:

"Sec. 82-72. Purpose of the capital cost recovery fee. The mayor and city council have determined that an effective means of financing the installation of the major trunk water and sewer lines inside and adjacent to the city limits, is to finance the cost using a GEFA loan or revenue bond with a twenty-year amortization period, and then to recoup most of the principal cost for said loan from a charge against each parcel or equivalent of such parcel. Said cost shall be determined based upon a detailed engineering study that includes an equitable mechanism for prorating the cost among all of the developable property (which excludes wetlands and road rights-of-way). As the property served by the major water and sewer trunk lines is developed, the fee would be paid into the water and sewer fund.

Sec. 82-73. Authorization for the capital cost recovery fee. The mayor and city council hereby establish a capital cost recovery fee (CCR fee), to be charged in any Capital Cost Recovery Fee District created under Sec. 82-74 below.

Sec. 82-74. Establishment of a CCR Fee District by resolution. The mayor and city council may by resolution establish a CCR Fee District, after receiving a detailed engineering study that identifies the sewer drainage basin to be served, and the water system necessary to service that drainage basin. The engineering study must provide a coherent, equitable methodology for apportioning the principal cost of the loan necessary to finance these major water and sewer lines between the various owners of the property, whether used for residential or commercial purposes. The initial costs to be imposed shall be as estimated for construction in the engineering study, and shown on the study's CCR Fee District Maps.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Sec. 82-74 Amendment of a CCR Fee District by resolution. The mayor and city council may amend by resolution a CCR Fee District whenever in their judgment the area needs to be enlarged or contracted, based upon the area to be served; or, to reflect the actual cost of construction once a major line has been installed. This will assure that the final cost of construction is the number used in computing the actual CCR Fee. The estimated costs are for planning purposes, and represent the engineering firm's best estimate of construction costs.

Sec. 82-75. Property must be within city limits to obtain water or sewer service within a CCR Fee District. No water or sewer service shall be offered or provided to any property or its owner within an established Capital Cost Recovery Fee District unless the property to be served has been annexed into the city limits of Statesboro prior to development, and the owner has entered into a Water and Sewer Agreement with the City. This will assure that the City's zoning, subdivision regulations, and development standards are met on each such development, and that it becomes a part of the City.

Sec. 82-76. Collection of the CCR Fee. The CCR Fee shall be collected at the time that a building permit is issued for a new development within a defined CCR Fee District. The City will not take partial payments of any kind.

Sec. 82-77. Separation as a source of revenue within the Water and Sewer Fund. The CCR Fee revenue shall be separated in the accounting records so that the amounts collected within a CCR Fee District can be tracked on an annual basis. The finance director shall be responsible for setting up the accounting system changes to do this.

Sec. 82-78. Appropriation of the CCR Fee. As long as there is any outstanding debt issued for any portion of a CCR Fee District, the revenues generated shall be classified as restricted cash set aside to pay that debt. In the event that sufficient CCR Fees are restricted to cover all principal and interest payments on said outstanding debt, any CCR Fees collected above that amount may be classified as unrestricted cash, and used for any purpose within the Water and Sewer Fund.

Sec. 82-79. Duration of a specific CCR Fee District. Any CCR Fee District established pursuant to this code shall remain in place until all of the available developable property within said district has been developed, and the required fees have been collected."

Section 2. That should any part of this ordinance be declared invalid by a court of competent jurisdiction, then the remaining portions of this ordinance shall continue in full force and effect.

Section 3. That this ordinance shall be effective from and after its adoption on two separate readings.

First Reading: May 1, 2007
Second Reading: May 15, 2007

MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

By: _____
William S. Hatcher, Mayor

Attest: _____
Judy M. McCorkle, City Clerk



**CITY OF STATESBORO
CITY COUNCIL MINUTES
October 04, 2011**

A regular meeting of the Statesboro City Council was held on October 04, 2011 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Pro Tem Will Britt, Council Members: Tommy Blich, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Engineer Robert Cheshire, and Director of Community Development Mandi Cody. Mayor Joe Brannen was absent.

Note: Councilman Travis Chance arrived to the meeting at 9:15 a.m.

Approval of Minutes:

a) September 20, 2011 Council Minutes

Councilman Riggs made a motion, seconded by Councilman Blich to approve the minutes of September 20, 2011. Councilman Blich, Riggs and Lewis voted in favor of the motion. The motion carried by a 3-0 vote.

Recognitions/Public Presentations

a) Retirement recognition of Police Commander J.R. Holloway

Public Safety Director Wendell Turner and Mayor Pro Tem Will Britt presented Police Commander J.R. Holloway with a retirement plaque and thanked him for his many years of service to the City of Statesboro.

Public Comments (Agenda Item): None

Consideration of a Motion to approve Special Event Permit:

a) Theatre Production (Shakespeare on Trial) - Tim Chapman Averitt Center for the Arts

Councilman Lewis made a motion, seconded by Councilman Blich to approve the Special Event Permit for the Averitt Center for the Arts. Councilman Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Public Hearing and Consideration of a motion to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission with the condition to add Post 6 to Section 1-Section 2-67 #2. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a motion to approve 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve the 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a Motion to approve the following request:

- a. **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.**

Mr. William Howard representing EQV Development spoke on behalf of Alltel in favor of the variance request to construct a telecommunication tower. Councilman Chance made a motion, seconded by Councilman Lewis to approve APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard.**

Joey Maxwell representing Maxwell Reddick and Assoc. spoke on behalf of the Heyhami Group, LLC in favor of the variance for signage of the Steak and Shake restaurant. Councilman Riggs made a motion, seconded by Councilman Blitch to approve APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard with the condition the sign height not to exceed 9 ft. above the concrete. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a motion to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission with the condition to add Post 6 to Section 1-Section 2-67 #2. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a motion to approve 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve the 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a Motion to approve the following request:

- a. **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.**

Mr. William Howard representing EQV Development spoke on behalf of Alltel in favor of the variance request to construct a telecommunication tower. Councilman Chance made a motion, seconded by Councilman Lewis to approve APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard.**

Joey Maxwell representing Maxwell Reddick and Assoc. spoke on behalf of the Heyhami Group, LLC in favor of the variance for signage of the Steak and Shake restaurant. Councilman Riggs made a motion, seconded by Councilman Blitch to approve APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard with the condition the sign height not to exceed 9 ft. above the concrete. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- c. **APPLICATION # SE 11-08-04:** Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales.

Bill Daniel representing Dan Vaden Auto Sales spoke in favor of the special exception for the property's use on Brannen Street. The right of way parcels will be dedicated to the City of Statesboro. Councilman Riggs made a motion, seconded by Councilman Blitch to approve **APPLICATION # SE 11-08-04:** Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales with conditions recommended by staff. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve Resolution 2011-31:A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia.

Councilman Riggs made a motion, seconded by Councilman Blitch to approve **Resolution 2011-31:** A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia. Councilman Blitch, Riggs, and Lewis voted in favor of the motion. Councilman Chance voted against the motion. The motion carried by a 3-1 vote.

Consideration of a Motion to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia.

Councilman Lewis made a motion, seconded by Councilman Chance to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid.

Councilman Blitch made a motion, seconded by Councilman Riggs to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve award of Contract to Ellis Wood Contracting in the amount of \$66,000 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. project to be funded by 2007 SPLOST

Councilman Lewis made a motion, seconded by Councilman Blitch to approve contract to Ellis Wood Contracting in the amount of \$44,675.00 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. This project is to be funded by 2007 SPLOST but was not included in the original Council Packet. It was brought to Council just before the start of the meeting. City Engineer Robert Cheshire stated he negotiated a lower price after the original proposal was included in the Packet. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion for the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road)

Councilman Riggs made a motion, seconded by Councilman Blitch to approve the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road) and to retain the Intergovernmental Agreement. Councilman Blitch, Riggs, and Chance voted in favor of the motion. Councilman Lewis left the meeting briefly. The motion carried by a 3-0 vote.

Reports from Staff:

a) City Manager's Report

City Manager Frank Parker announced the April 1st and April 19th, 2010 Budget Retreat would be re-held on Tuesday October 11, 2011 at 9:00 am at the Gateway Pond House

Director of Public Safety Wendell Turner updated Council on the billboards that would be appearing around Statesboro recognizing the "Operation Statesboro Blues" project.

b) Department Head Reports: None

Public Comments (General):

Allen Muldrew (DSDA) thanked the City for their involvement in the "Downtown Excellence" award that was presented to DSDA by the Department of Community Affairs Main Street Program.

Other Business from City Council

a) Nomination and acceptance of nominations for three seats on the Statesboro Planning Commission

The nominations for the vacant seats on the Planning Commission are:

a) Johnathan Mc Collar – 4 year term-Post 6

Councilman Bitch made a motion, seconded by Councilman Lewis to approve the nomination of Johnathan McCollar to the Statesboro Planning Commission for a 4 year term. Councilman Bitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

b) Rick Barr- 2 year term- Post 7

Councilman Lewis made a motion, seconded by Councilman Riggs to approve the nomination of Rick Barr to the Statesboro Planning Commission for a 2 year term. Councilman Bitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

c) Nick Propps- remainder of 4 year term-Post 2 or 4

Councilman Bitch made a motion, seconded by Councilman Lewis to approve the nomination of Nick Propps to the Statesboro Planning Commission for a 4 year term. He will currently serve 3 years for the remainder of a 4 year term. Councilman Bitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote

Consideration of a Motion to Adjourn

Councilman Riggs made a motion, seconded by Councilman Chance to adjourn the meeting. Councilman Bitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

The meeting was adjourned at 11:30 a.m.

EXHIBIT E: PHOTOS OF SUBJECT SITE CONT'D

Figure 1: Subject Site from S&S Railroad Bed



Figure 2: Undeveloped property to direct North of Subject Site



EXHIBIT C: PHOTOS OF SUBJECT SITE CONT'D

Figure 3: Adjacent property to the East (Currently requesting rezone for PUD)



Figure 4: Boundary line of subject site behind Sally Z Elementary School on Cawana.



EXHIBIT C: PHOTOS OF SUBJECT SITE CONT'D

Figure 5: Construction on site recently purchased by Connection Church that is adjacent to the west of the subject site.

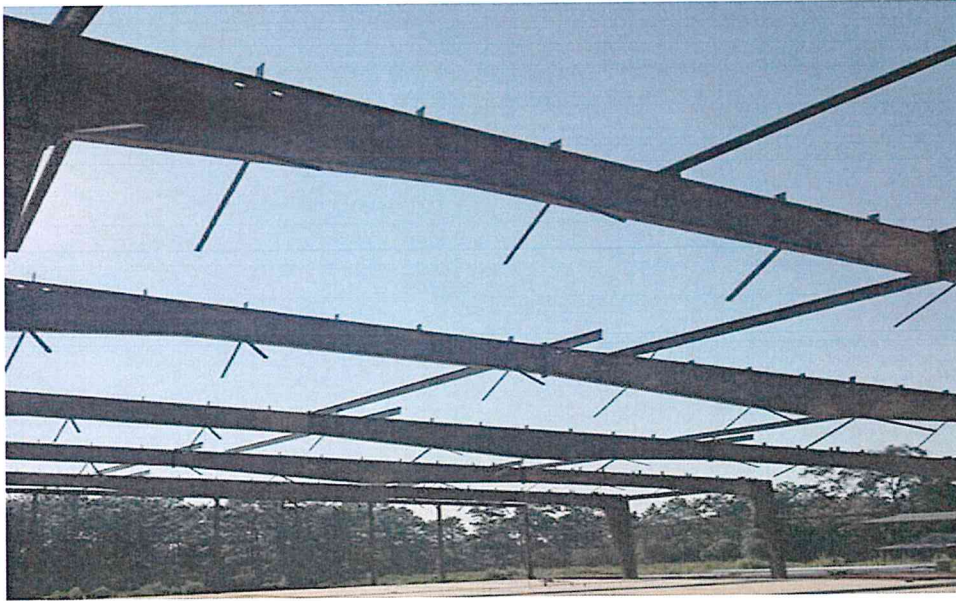
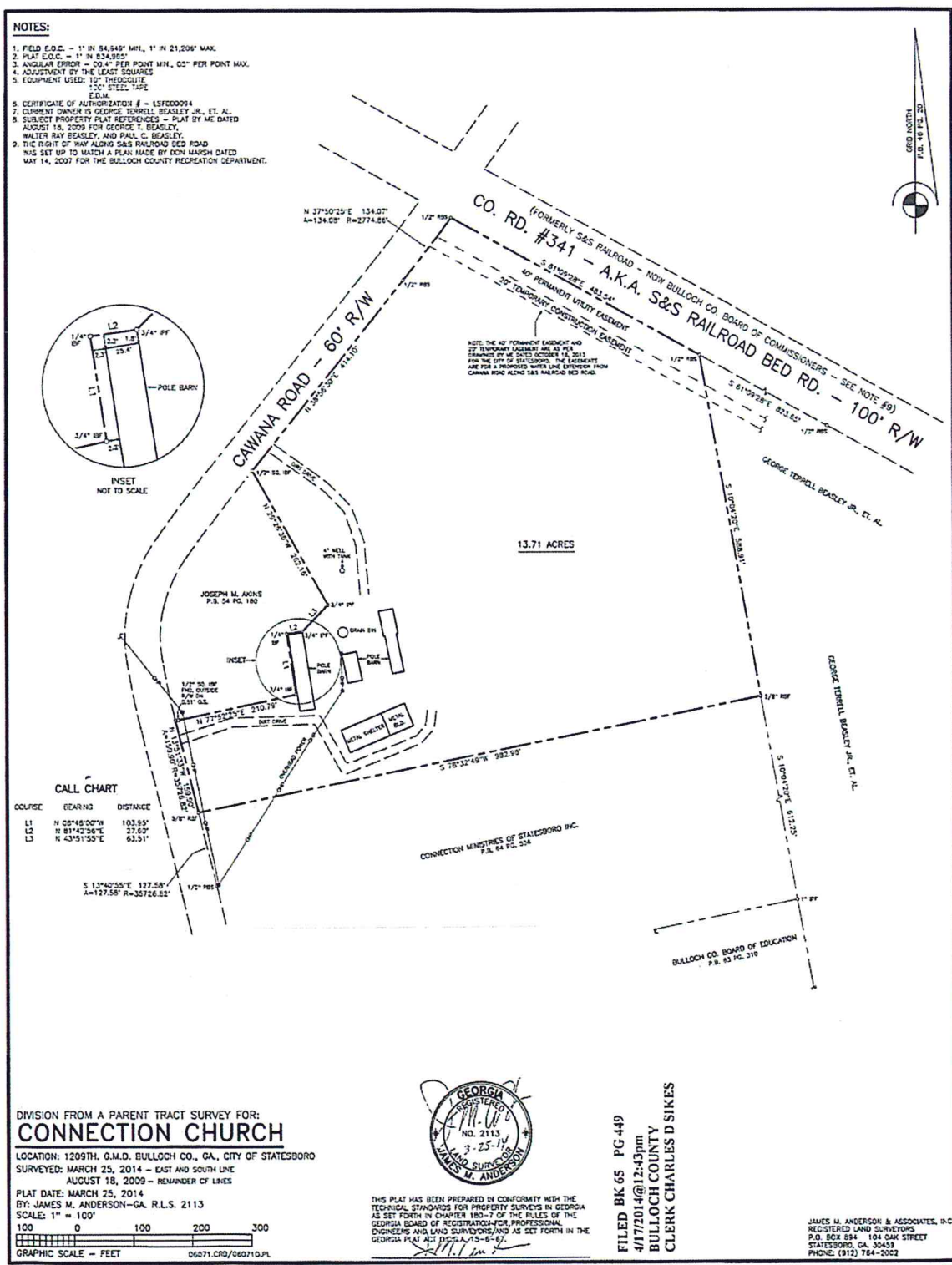


EXHIBIT F: PLAT OF SITE RECENTLY PURCHASED BY CONNECTION CHURCH





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

V 14-07-04
VARIANCE REQUEST
351 Rucker Lane

LOCATION: 351 Rucker Lane

REQUEST: Variance from Section 702 of the *Statesboro Zoning Ordinance* regarding building height.

APPLICANT: H. Jackson Wallace

OWNER(S): Rucker Holdings, LLC

LAND AREA: 24.8 acres

PARCEL TAX MAP #: MS52000004 000

COUNCIL DISTRICT: 2 (Lewis)



PROPOSAL:

The subject site of this request is zoned R4 (High Density Residential) and is currently being developed for high density residential use. The applicant is requesting a variance from Article VII, Section 702 of the *Statesboro Zoning Ordinance* to allow for a building height of 45' for the proposed development.

BACKGROUND:

The subject site was granted a variance from the same provision of this application to allow for a maximum height of 41' for construction of apartment buildings on June 18, 1997 pursuant to Case #V 97-06-01; however, that variance was never exercised and has since expired.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R4 (High Density Residential); R25 (Single Family Residential – Bulloch County)	Multifamily Residential and Single Family Residential
SOUTH:	R4 (High Density Residential); CR (Commercial Retail)	Multifamily Residential and Commercial
EAST:	R4 (High Density Residential); Exempt	Multifamily Residential and Georgia Southern University campus.
WEST	R10 (Single Family Residential) & R25 (Single Family Residential – Bulloch County)	Multifamily residential; Single Family Residential & Undeveloped

The subject site is surrounded by a mix of uses including the GSU campus, multifamily student oriented housing, and various commercial developments. Several apartment complexes, or multifamily housing, about the subject site such as The Forum, The Woodlands, Caribe Condos, the newly built 111 South, and Monarch 301.

COMPREHENSIVE PLAN:

The subject site is located within the Established Character Area as identified by the *City of Statesboro Comprehensive Master Plan*. The proposed use, along with retail, commercial, small-scale office, and single family residential are all appropriate land uses for the Established character area.

The *Plan* recognizes that "some neighborhoods within this area are facing decline or even worse, issues with blight. These neighborhoods may require extra attention to return them to viable neighborhoods." *Community Agenda, page 14*. Some suggested implementation strategies for the Established character area include promoting redevelopment of underutilized or vacated properties and promoting an interconnected street grid through appropriate revisions to development regulations. The potential for "infill and redevelopment" was recognized as an opportunity by the *Plan* stating that "vacant or underutilized sites can become an eyesore and also lead to problems with vandalism or other criminal behavior".

TRANSPORTATION:

The subject site currently takes vehicular and pedestrian access from Rucker Lane off of Highway 301 South. Additionally, a roadway connecting Highway 301 South directly into the development is being constructed to City standards by the applicant with intentions to dedicate it as a City of Statesboro public right of way.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject property is served by all City services including water, sewer, natural gas, sanitation, and public safety. There are no known issues related to the City's ability to provide public services and utilities to this site or the project contemplated within these applications.

ENVIRONMENTAL:

The subject site does not lie within a special flood hazard zone but does contain wetlands; however, any concerns regarding the wetlands have already been addressed at the permitting stage. No environmental impact is expected as a result of the variances requested herein or the project anticipated by applicant.

ANALYSIS:

The subject site is zoned R4 (High Density Residential) and is currently being developed as a multifamily development as permitted by the R4 zoning district. Article VII, Section 702 of the *Statesboro Zoning Ordinance* restricts building height (defined as a building's vertical measurement from the mean level of the ground to a point midway between the highest and lowest points on the roof – Section 201[15]) for any dwelling to a maximum of 35' and not to exceed three (3) stories. This development has obtained a Land Disturbing Permit as well as a Building Permit based on elevation plans submitted showing a maximum height of 35' as required by the *Statesboro Zoning Ordinance*. However, the applicant wishes to amend the building permit to allow a maximum height of 45' (but not to exceed 3 stories) to give the apartment buildings a more aesthetically pleasing appearance. (See Exhibit B). The additional requested height will only increase the roof pitch and will not add an additional floor to be occupied by humans. The City of Statesboro Fire Department has been consulted in this review and agrees that the City has the appropriate equipment to service the needs of this development.

The City Council has granted at least 19 height variances since 1995, with one of those being for the subject property itself. The following are examples of height variances awarded for similar projects:

- V 11-04-01 Rucker 111 granted a 20' variance (to 55') for a four story building.
- V 07-12-03: Hill Pond Lane/Campus Crest granted a 20' height variance (to 55').
- V 05-09-08: Tillman Park Condominiums granted a 13' height variance (to 48').
- RZ 05-03-05: The Grove at Brampton Avenue awarded a 5' height variance (to 40').
- V 10-11-03: The Forum at Highway 301 South awarded a 3' height variance (to 38').

Section 1801 of the *Statesboro Zoning Ordinance* lists the following four (4) factors that the Mayor and Council [could] consider to be 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;**
 - There are no special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic that is not common to other land or buildings in the general vicinity or the same zoning district.
- (2) **The special conditions and circumstances do not result from the actions of the applicant;**
 - The application for consideration is the result of the actions of the applicant for aesthetic purposes.
- (3) **The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - Application of the ordinance to this particular piece of property would not create an unnecessary hardship in terms of land use and ordinance application.
- (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 from the ordinance would allow the applicant to create a more unique development. The increased height would only increase the height of the roof and not create an additional floor for human occupation. As such, there are no safety hazards of people created by the additional height.
 - The Fire Department has been consulted and agreed that they have the necessary equipment to service this development (as well as buildings taller than this request).
 - Relief, if granted, would not cause substantial detriment to the public good nor would it impair the purposes and intent of the zoning regulations. Each consideration of the *Statesboro Zoning Ordinance* considered herein may be addressed through proper life safety arrangements and building codes (setback and building separation variance request); appropriate parking arrangements (which are permitted by the Code); and appropriate provision of access to the proposed parcel (the three alternatives explained above).
 - A grant of relief of this application would serve the vision of the *Statesboro Comprehensive Master Plan*, its development strategies, and policies.

STAFF RECOMMENDATION:

There are no known life safety issues associated with this request. As such, staff does not have an objection to the granting of the variance requested by this application. If the requested variance is granted, staff recommends the following condition:

1. Building height must not exceed 45' or 3 stories.

(Please note: Renderings (Exhibit B) submitted for reference only. Approval of the variances requested herein does not constitute approval of any final site plan or variance).

EXHIBIT A: LOCATION MAP



EXHIBIT B: ILLUSTRATIONS OF DIFFERING ELEVATIONS



Elevation at 35' as required by the Statesboro Zoning Ordinance (currently permitted).



Elevation at the proposed 45' if variance is granted.

EXHIBIT C: PHOTOS OF SUBJECT SITE AND ADJACENT PROPERTIES



Figure 1: Subject Site currently under construction showing the adjacent property to the south (The Forum).



Figure 2: Subject Site currently under construction showing the adjacent property to the south (The Forum).

EXHIBIT C: PHOTOS OF SUBJECT SITE AND ADJACENT PROPERTIES (CONTINUED)



Figure 3: Adjacent property to the north of the subject site (111 South Apartments)



Figure 4: Adjacent property to the north of the subject site (Caribe Condos)

EXHIBIT C: PHOTOS OF SUBJECT SITE AND ADJACENT PROPERTIES (CONTINUED)



Figure 5: Access road being built connecting Highway 301 with the subject property to be deeded to the City of Statesboro as public right of way.



Figure 6: Access road being built from the subject site onto Highway 301 South.



City of Statesboro – Department of Community Development DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

Zoning Map Amendment RZ 14-08-01 - 104 Aruba Drive

LOCATION: 104 Aruba Drive

REQUEST: Rezone from R4 (High Density Residential) to CR (Commercial Retail)

APPLICANT: The Islands Phase III, LLC

OWNER(S): The Islands Phase III, LLC

LAND AREA: 4.89 acre portion of the existing 42.29 acre parcel

PARCEL TAX MAP #s: MS630000020 003

COUNCIL DISTRICT: 3 (Britt)



PROPOSAL:

The applicant is requesting rezoning of a 4.89 acre portion of the subject property that fronts Lanier Drive and is immediately south of Nassau Drive from R4 (High-Density Residential) to CR (Commercial Retail) District in order to construct a small shopping center. (**Exhibit A – Location Map & Exhibit B - Conceptual Site Plan**).

BACKGROUND:

The subject area of this request is a 4.89 acre portion of the 42.29 acre site of The Islands Phase III subdivision – a student oriented housing development located off of Lanier Drive. The subdivision is split zoned R4 (High Density Multi Family Residential) and R3 (Multi Family Medium Density Residential). This split zoning is the result of previous Council decisions to decrease densities and buffer between the higher density portions of the development adjacent to the lower density uses from what use to be the municipal boundary between the City and County before the sites were annexed into the City.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH	R4 (High Density Residential); PUD (Bulloch)	Multi-family (The Islands III); Undeveloped
SOUTH	R3 (Medium Density Residential), R6 (Single Family Residential), R4 (High Density Residential) and PUD (Bulloch County)	Single and Multi-family (The Islands); Undeveloped
EAST:	R4 (High Density Residential)	Multi-family (The Islands)
WEST	PUD (Bulloch County)	Undeveloped

Properties to the immediate north, south, and east are utilized as multi-family and single family residential homes and are all part of The Islands subdivision. Property to the west is zoned PUD Bulloch County and is undeveloped. (**See Exhibit C**).

COMPREHENSIVE PLAN:

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

Small to mid-sized commercial retail is an appropriate land use for properties within the Developing character area. Land uses and development patterns should promote opportunities for appropriate blending of residential, office, and commercial development. Some suggested development and implementation strategies for the area include the following:

- Encourage compatible architecture styles that maintain the regional character, and restrict "franchise" or "corporate" architecture.
- Developments should blend residential uses with schools, parks, retail business, and services to serve the residences needs.
- There should be sidewalk facilities between the mixed uses to encourage walking and minimize the need for auto trips.
- There should be good vehicular connectivity to retail/commercial services as well as internal street connectivity, connectivity to adjacent properties/subdivisions, and multiple site access points.
- Residential development with healthy mix of uses (offices, corner groceries, barber shops, drug stores) within easy walking distances of residences.
- Addition of new uses to single use sites (restaurants and shopping added to office parks).
- New development that contains a mix of residential, commercial uses and community facilities at small enough scale and proximity to encourage walking between destinations.
- Residential development that incorporate "corner commercial" sites, such as dry cleaning or convenience grocery, or similar retail services.
- Clustering development to preserve open space within site.
- Enlisting significant site features (view corridors, water features, farm land, wetland, trails, parks, storm retention, etc.) as amenity that shapes identity and character of the development.
- Site plans, building design and landscaping that are sensitive to natural features of the sites, including topography and views.
- Create neighborhood focal points by locating schools, community centers or well-designed small scale commercial activity centers at suitable locations, within walking distance of residences. Especially areas of concentration for regionally marketed commercial and retail centers, office, and employment areas.

2009 Statesboro Comprehensive Plan, Community Agenda pages 16-17

2014 Statesboro Comprehensive Plan Update, pages 20-21.

It should be noted that many of these strategies are evidenced within the existing Islands development.

TRANSPORTATION:

The subject property is accessed from Lanier Drive.

This segment of Lanier Drive is not served by sidewalks, curbs, or gutters. However, there is a sidewalk system internal to the Islands subdivision terminating at the intersection of Aruba Avenue and Lanier Drive.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site has existing availability to be served by city water. Sewer will need to be extended by the Developer and will be addressed during the building permit process. No significant impact is expected on community facilities as a result of this request.

ENVIRONMENTAL:

There are no known environmental issues, floodplains, or wetlands associated with this property. There is no expected environmental impact associated with this request.

ANALYSIS:

The request to rezone should be evaluated within the context of the land use policies and the zoning ordinance for the City of Statesboro.

The applicant's request to rezone the subject property from R4 (High Density Residential) to CR (Commercial Retail) is not inconsistent with the vision or land use policies adopted in the *Statesboro Comprehensive Plan* or those articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*. The *Statesboro Comprehensive Plan* adopts a goal of "promot[ing] infill and redevelopment" stating that "infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place. (*Community Agenda, page 51*). The requested rezoning and subsequent construction proposed for the subject site would achieve this goal of the *Comprehensive Plan*.

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

- (1) Existing uses and zoning or (of) property nearby;
 - Existing uses and zones include medium and high density residential.
 - Adjacent property is owned by Georgia Southern University and is exempt from zoning. It is being considered for development as an arena/conference center by Georgia Southern University.
- (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.
 - The site is suitable for mixed use.
- (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.
 - The property is zoned for high density development and is surrounded by student oriented housing. The City of Statesboro student housing market is maximized for the near future. Rezoning to higher need uses is advisable.
- (7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and
 - Existing uses and zoning of nearby property range from undeveloped to high density residential. This request, if approved, is not expected to have a significant impact on population density, community facilities, living conditions, traffic patterns and congestion, environmental aspects, or property values in adjacent areas.
- (8) Consistency with other governmental land use, transportation, and development plans for the community.
 - This request is consistent with 2009 Comprehensive Plan, proposed 2014 Update, and the *2035 Bulloch County/City of Statesboro Long Term Transportation Plan*.

STAFF RECOMMENDATION:

Staff recommends approval of a zoning map amendment to Commercial Retail with the following conditions/development standards:

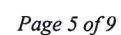
- 1) Permissible uses shall be restricted to those uses permissible by right in the Central Business District for the City of Statesboro.
- 2) Restaurants may include outdoor seating areas, but are limited to sit down service or walk up service only. Drive through facilities are not permissible.
- 3) Convenience or general merchandise stores are permissible, but gasoline or fuel pump stations are prohibited.
- 4) Each tenant space shall be limited in square footage not to exceed 15,000 square feet.
- 5) This area shall be subject to Sign District 3 for the City of Statesboro for a planned unit development.
- 6) This property should not be buffered or separated from the adjacent residential areas, but shall be connected by pedestrian walkways/paths internally and to the adjacent residential area.
- 7) Accessory structures are prohibited.

- 8) The pedestrian 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.
- 9) All outdoor storage shall be screened.
- 10) New buildings shall be compatible in size, scale, and mass with buildings and architectural styles prevalent in the adjacent residential area.
- 11) Buildings shall face street frontage or have double frontage.
- 12) A consistency of high quality architecture shall be used throughout the development.
- 13) Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.
- 14) All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves when the building is designed with a pitch roof.
- 15) Minimum lot size shall be 10,000 square feet. Maximum front setback shall be 10'.
- 16) No less than 50% of parking spaces shall be to the rear or side of buildings.
- 17) Landscaping shall meet the requirements of the Statesboro Tree Ordinance.
- 18) All other applicable development regulations of the City of Statesboro shall apply unless exempted herein.

PLANNING COMMISSION RECOMMENDATION:

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

Staff Report
Case # RZ 14-08-01
September 5, 2014



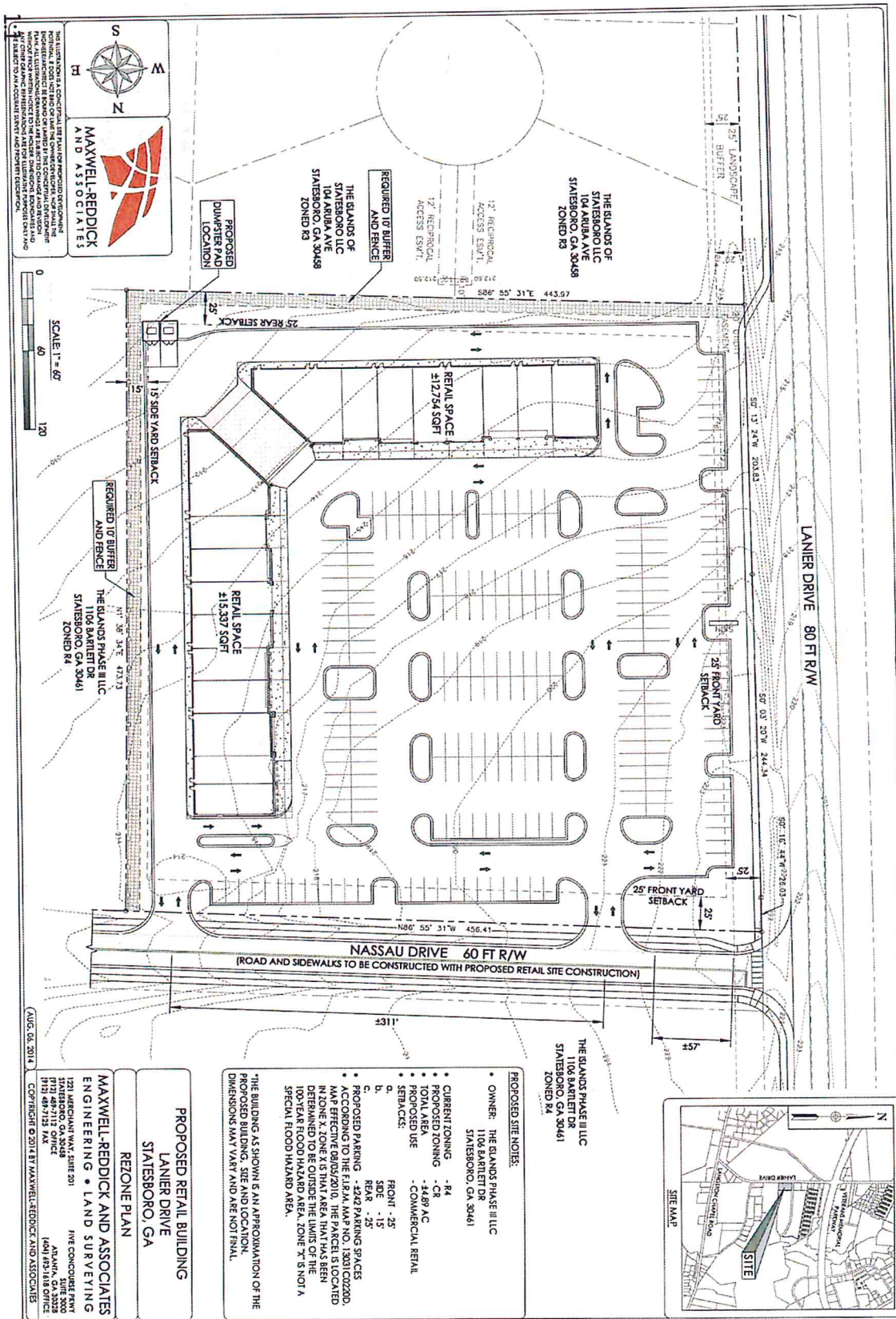


EXHIBIT B: CONCEPTUAL SITE PLANS CONT'D



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

Figure 1: Subject Site at boundary line adjacent to The Islands.



Figure 2: Undeveloped Subject site from Lanier



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

Figure 3: Undeveloped adjacent property to the West.



Figure 4: Adjacent property to the North of Subject Site.



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

Figure 5: The Islands R15



Figure 6: The Islands R3 & R4

