

STATESBORO PLANNING COMMISSION

April 9, 2013

5:00 p.m.

City Hall Council Chambers

MEETING AGENDA

1. Call to Order
2. Motion to Approve Order of the Meeting Agenda
3. Approval of Minutes:
 - a. March 12, 2013 Meeting.
4. New Business
 - a. **APPLICATION # SE 13-03-01**: Marcella Dickerson-Jones requests a special exception be granted pursuant to the *Statesboro Zoning Ordinance* to allow the operation of a group home in the R-15 (Single-Family Residential) District for property located at 104 South Zetterower Avenue. (Tax Parcel number S40000004 000).
 - b. **APPLICATION # V 13-03-02**: Maxwell-Reddick & Associates, Inc., requests a variance from Article VII Section 703 of the *Statesboro Zoning Ordinance* regarding density increase in the R-4 (High Density Residential) District for property located at 552 East Main Street (Tax Parcel number MS82000033 000).
 - c. **APPLICATION # SE 13-03-03**: Venus Mack requests a special exception be granted pursuant to the *Statesboro Zoning Ordinance* to allow the operation of a hair salon in the R-20 (Single-Family Residential) District for property located at 316 Fletcher Drive (Tax Parcel Number S35000009 000).
 - d. **APPLICATION # RZ 13-03-04**: Waldo M .Beasley Estate request a zoning map amendment pursuant to the Statesboro Zoning Ordinance from R 15 (Single Family Residential) to CR (Commercial Retail) for property located at Cawana Road (Tax Parcel Number S107000005 001).
 - e. **APPLICATION # AN 13-03-05**: Waldo M. Beasley Estate requests annexation by the 100 percent method of 1.76 acres of property

located at 1909 Cawana Road into the City of Statesboro and for said property to be zoned from R40 (Single Family Residential Bulloch County) to CR (Commercial Retail) City of Statesboro (Tax Parcel Number 107000005D000).

- f. **APPLICATION # AN 13-03-06:** Waldo M. Beasley Estate requests annexation by the 100 percent method of .5 acres of property located at 1909 Cawana Road into the City of Statesboro and for said property to be zoned from R40 (Single Family Residential Bulloch County) to CR (Commercial Retail) City of Statesboro (Tax Parcel Number 107000005B000).
- g. **APPLICATION # AN 13-03-07:** George Terrell Beasley requests annexation by the 100 percent method of 57.5 acres of property located at Cawana Road into the City of Statesboro and for said property to be zoned from R40 (Single Family Residential Bulloch County) to CR (Commercial Retail) and PUD - Residential (Planned Unit Development) City of Statesboro (Tax Parcel Number 107 000005 000).
- h. **APPLICATION # AN 13-03-08:** Walter Ray Beasley requests annexation by the 100 percent method of 60.92 acres of property located at Josh Hagin Road into the City of Statesboro and for said property to be zoned from R40 (Single Family Residential Bulloch County) to R 8 and R 10 (Single Family Residential) City of Statesboro (Tax Parcel Number 107 000009 000).
- i. **APPLICATION # AN 13-03-09:** George Terrell Beasley requests annexation by the 100 percent method of 68.08 acres of property located at Josh Hagin Road into the City of Statesboro and for said property to be zoned from R40 (Single Family Residential Bulloch County) to R 10 (Single Family Residential) City of Statesboro (Tax Parcel Number 107 000012 000).
- j. **APPLICATION # AN 13-03-10:** George Terrell Beasley requests annexation by the 100 percent method of 38.73 acres of property located at S and S Railroad bed Road into the City of Statesboro and for said property to be zoned from R40 (Single Family Residential Bulloch County) to R 15 (Single Family Residential) City of Statesboro (Tax Parcel Number 107 000014 000).

5. Announcements

6. Adjourn

STATESBORO PLANNING COMMISSION

March 12, 2013

5:00 P.M.

City Hall Council Chambers

Minutes

Present: Planning Commission Members: R. Jeremy Ragan, Jonathan McCollar, Nick Propps, and Jim Benton. City of Statesboro Staff: Director of Planning and Development Mandi Cody, Development Clerk Cindy Steinmann, and Administrative Assistant Debra Wiese.

Absent: Planning Commission Member: April R. Stafford, Rick Barr, and Holmes Ramsey

1. Approval of Meeting Agenda

Motion made by Commissioner Benton to approve order of meeting agenda; second by Commissioner Ragan. Motion carried 3 to 0.

2. Approval of Meeting Minutes

- a. January 8, 2013 Meeting.
- b. February – Notice of Cancelled Meeting.

Motion made to approve minutes by Commissioner Ragan; second by Commissioner Benton. Motion carried 3 to 0.

Commissioner McCollar arrived to meeting.

3. New Business

- I. **APPLICATION # SE 13-02-01:** Damascus, LLC requests a special exception be granted pursuant to the *Statesboro Zoning Ordinance* to allow the operation of a group care home in the CBD (Central Business) District for property located at 120 North College Street. (Tax Parcel number S17000096000).

Cindy Steinmann presented case recommending approval of request. Representative Vern Howard with Damascus, LLC spoke in favor of group home. No citizens attended meeting nor called staff to speak against. Motion made to approve based on staff

recommendations by Commissioner Ragan; second by Commissioner McCollar. Motion carried 4 to 0. Motion approved.

- II. **APPLICATION # RZ 13-02-02:** Mr. Gerald Donaldson requests a zoning map amendment for property located at 101 South Zetterower Avenue from O (Office) District to R4 (High Density Residential) District. (Tax Map # S29000106000).

Cindy Steinmann presented case with staff recommending approval. Representative Sam DiPolito spoke in favor. Commissioner Propps confirmed with Ms. Cody that owners of properties are required to sign all application requests. Motion made by Commissioner Benton to rezone property from O (Office) to R4 (High Density Residential) District and change staff *suggestion* for stripping of parking lot to a *condition*; second made by Commissioner Ragan. Motion carried 4 to 0. Motion approved.

4. Announcements

Commissioner Propps stated that at next Planning Commission meeting a group photo will be taken. He asked that all be here no later than 3:50 P.M. A reminder e-mail will be sent out.

Mandi Cody asked Commissioners to plan a long evening for the next meeting. Staff took in five or six cases.

5. Adjourn

Motion made to adjourn meeting by Commissioner Benton; second by Commissioner Ragan. Motion carried 4 to 0 votes.

Chair – Nick Propps

Secretary – Mandi Cody
Director of Planning and Development



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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SE 13-03-01
SPECIAL EXCEPTION REQUEST
104 SOUTH ZETTEROWER AVENUE

LOCATION: 104 South Zetterower Avenue
REQUEST: Special Exception to allow a group home in the R15 (Single Family Residential) District.
APPLICANT: Marcella Dickerson-Jones
OWNER(S): Dr. John C. Adams, Jr.
LAND AREA: .30 Acres
PARCEL TAX MAP #s: S40 000004 000
COUNCIL DISTRICT: 2 (Lewis)



PROPOSAL:

The applicant requests a Special Exception to allow for the utilization of the property located at 104 South Zetterower Avenue as a group home for girls aged 13 to 17 years old. The subject site is zoned R15 (Single Family Residential), which does not permit group homes by right. (See Exhibit A – Location Map)

BACKGROUND:

There is no past zoning history on this property. This .30 acre single lot contains a vacant 2,366 square foot building and has been utilized for solely for residential purposes in the past.

It should be noted that the purpose of this application is to consider whether the property may qualify for a zoning recommendation for the requested use as a group home.

SURROUNDING LAND USES/ZONING:

| | ZONING: | LAND USE: |
|---------------|---------------------------------|--|
| NORTH: | R15 (Single Family Residential) | Doctor's Office |
| SOUTH: | R15 (Single Family Residential) | Small Scale Retail and Single Family Residential |
| EAST: | O (Office) | Offices |
| WEST | R4 (High Density Residential) | Small Scale Retail and Apartments |

The subject property is located in mixed-use area with offices and small-scale retail surrounding the entire subject property. Property to the northwest was recently rezoned to R4 (High Density Residential) for apartments. (See Exhibit B)

COMPREHENSIVE PLAN:

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

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

- Historic structures should be preserved or adaptively reused wherever possible.
- Encourage mixed-use infill and redevelopment.
- Redevelop warehouses for major employer/tenant to build critical mass downtown.

Statesboro Comprehensive Plan, Community Agenda pages 12-13.

To achieve the *Comprehensive Plan's* vision of evolving into an attractive destination and becoming a regional leader in quality growth, the community should promote the idea that all residents have a right to quality housing regardless of social economic standing by monitoring housing needs, continuing to emphasize walkability, and embracing diverse housing options. "Whenever possible, existing structures should be preserved and/or renovated to accommodate changing land uses in order to protect both the neighborhood and overall community character."

Statesboro Comprehensive Plan, Community Agenda page 7.

The *Comprehensive Plan* also lists mixed use as a preferred development strategy and recognizes the opportunity to increase residential opportunities in the downtown area, which strengthens the Urban Core. The grant of a Special Exception at this site would further support mixed use, infill and redevelopment as encouraged by the *Comprehensive Plan*. Other recommendations of the *Comprehensive Plan* have been considered in the analysis of this request.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

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

ANALYSIS:

The .30 acre site is currently zoned R15 (Single Family Residential) with one vacant 2,366 square foot building on the property which has historically been utilized in a residential manner. The R15 (Single Family Residential) district has a stated purpose of establishing reasonable standards of performance and selection of uses permitted in order to maintain and protect the desirable benefits that single family residential uses have throughout the community.

This location is proposed to be utilized as a group home for the 24 hour supervision, room and board, and education of fire and household safety for approximately six (6) girls ages 13 to 17 years old who reside in the building. The applicant stated that the residents would rotate out from the department of justice or other related programs. It should be noted that the *Statesboro Zoning Ordinance* states that no more than three (3) unrelated individuals may reside in the same household located in any residential district, such as this one; however, it continues to state that such regulation does not include any organization or institutional group but does not define what those are.

Although not defined by the *Statesboro Zoning Ordinance*, a group home is generally classified as a home in which those who reside share a common area and are offered services such as transportation, education, food, etc. but are not cared for medically or physically like that of a personal care home. *Page 80 of Land Use Planning and Development Regulation Law* says that "the argument in favor of allowing group homes in single family areas is that society, whether government by zoning or private parties by covenant, ought not deny such persons the opportunity to enjoy at least a semblance of a way of life that is often characterized as the American dream". The Federal Fair Housing Act backs that up by providing protection from discriminatory treatment in the pursuit of housing for disabled, troubled, or elderly persons.

The applicant is requesting a Special Exception to permit the use of a Group Home in the R15 (Single Family Residential) district. Special Exceptions allow for a land use that are not permitted as right within a zoning district but which may be granted where the requested use may be deemed appropriate and compatible with the surrounding neighborhood. In this case, a group home is not a use permitted by right within the R15 (Single Family Residential) zoning district; however, the *Statesboro Zoning Ordinance* lacks regulations providing guidance as to which zoning district for which this type of use is permissible. Given past case history and the intent of the *Statesboro Zoning Ordinance*, staff believes the proposed use of a group home may be restricted to industrial related districts; therefore, this proposed use by this applicant necessitates approval by the Mayor and Council as for previous applicants.

Section 2406 of the *Statesboro Zoning Ordinance* lists seven (7) factors that should be considered by Mayor and City Council "in determining compatibility" of the requested use with adjacent properties and the overall community for considerations of Conditional Use Variances, or Special Exceptions as follows:

- A. Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.
 - Staff is unaware of any environmental impacts this request would cause.
- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.
 - The proposed is not expected to cause an increased negative impact on vehicular traffic.
- C. Off street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.
 - The applicant has indicated that there will be six (6) residents. According to Article XVI of the *Statesboro Zoning Ordinance*, the applicant must have 1.4 parking spaces for every four (4) beds. This site has adequate room for the required parking and may utilize alternative surface material such as gravel, grass, dirt, etc.
- D. Public facilities and utilities are capable of adequately serving the proposed use.
 - The Fire Inspector has met with the applicant and stated that a registered architect must design and mark his seal on architectural and fire protection system drawings, a sprinkler system and fire alarm must be installed, and a rated assembly wall must be installed to separate the sleeping units.
 - Building Inspections by the Building Inspections Division (Building Official) have not been conducted but may be required in the permitting stage.
- E. The proposed use will not have significant adverse effect on the level of property values or the general character of the area.
 - The proposed use is not expected to have an adverse effect on property values in the area given the uses of surrounding structures.
- F. Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.
 - The existing structure is approximately 2,366 square feet in size and contains approximately 3 bedrooms and 1 bath with a total of 6 rooms.
- G. Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.
 - This request, if approved, is personal to the applicant. Any future changes to this proposal must be approved by City Council.

Additionally, § 2406 also requires consideration of the following factors given for standards for determination in a zoning change in "balancing the promotions of the public health, safety, morality [morals] and general welfare against the right of unrestricted use of property" given in § 2007 of the *Statesboro Zoning Ordinance*":

1. Existing uses and zoning or [of] property nearby.
 - Surrounding properties are zoned R15 (Single Family Residential), O (Office), and R4 (High Density Residential) and uses range from single family residential to small-scale retail.
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.
 - There is a seemingly increasing need for group living arrangements such as that being offered by this applicant.
5. The suitability of the subject property for the zoned purposes.
 - This property is designed to meet the zoning regulations set forth by the *Statesboro Zoning Ordinance* as necessary.

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 subject site has historically been utilized as a single family home only but has been vacant for quite some time.
 - Surrounding properties appear to be developed and occupied.
7. **The extent the proposed change would impact population density in the area, community facilities, living conditions in the area, traffic patterns and congestion, environmental aspects, existing and future land use patterns, and property values in adjacent areas.**
 - The proposed use should not negatively impact any of the above.

STAFF RECOMMENDATION:

Based on the factors of consideration for Special Exceptions given in Section 2406 of the *Statesboro Zoning Ordinance* and the *Statesboro Comprehensive Plan*, staff recommends approval of the Special Exception requested by this application.

EXHIBIT A: LOCATION MAP

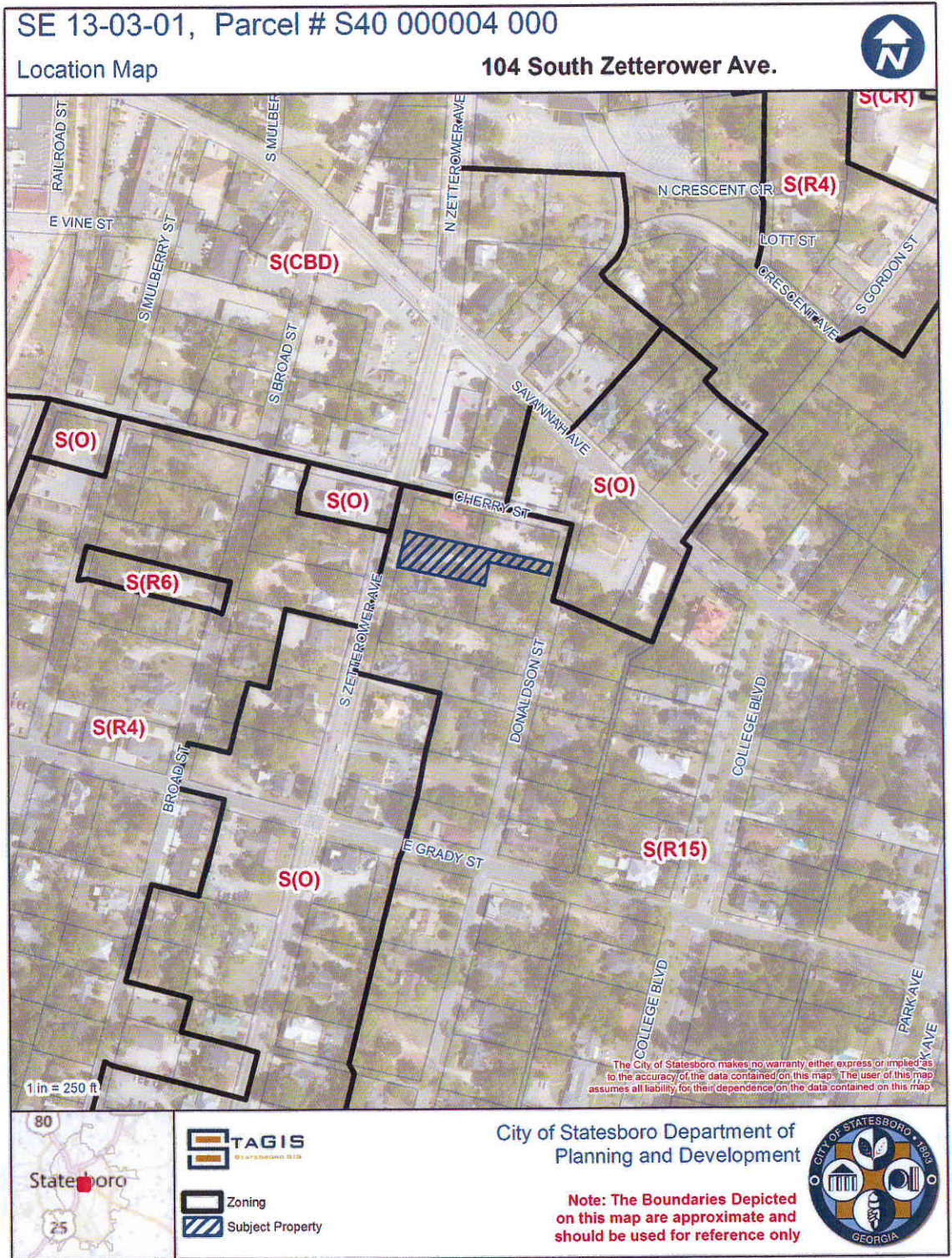


EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: Subject Property.



Figure 2: Rear of the subject property.

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



Figure 3: Rear exit from subject site.



Figure 4: Photo showing available parking at the rear of the subject site.

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



Figure 5: Property across South Zetterower Avenue from subject site.



Figure 6: Properties adjacent to subject site across South Zetterower Avenue – Brick structure recently rezoned.

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



Figure 7: Adjacent doctor's office abutting subject property.



Figure 8: Properties to the west of the subject property.



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

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Statesboro, Georgia 30458

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V 13-03-02
VARIANCE REQUEST
552 EAST MAIN STREET

LOCATION: 552 East Main Street

REQUEST: Variance from Section 703 of the *Statesboro Zoning Ordinance* to increase maximum density from 18 units per acre to 19 units per acre.

APPLICANT: Wardlaw Investments, LLP

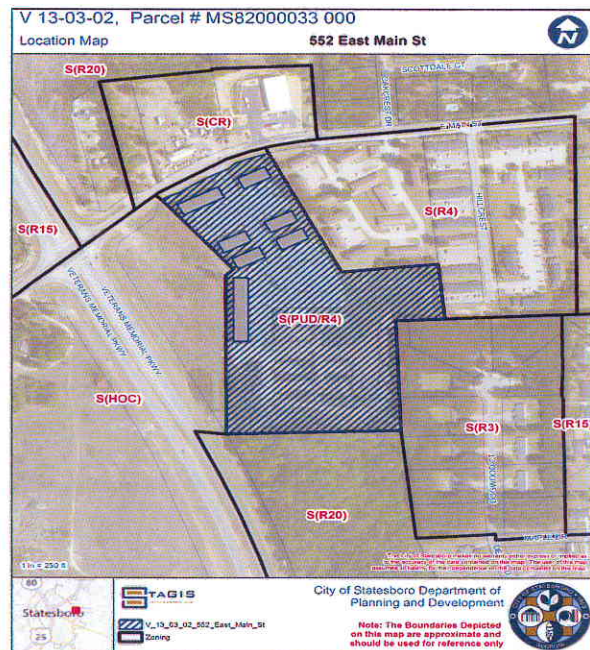
OWNER(S): Wardlaw Investments, LLC

LAND AREA: 12.83 Acres

PARCEL TAX MAP #s: MS82000033000,
MS82000033001,
MS82000033002,
MS82000033003,
MS82000033004,
MS82000033005,
MS82000033006,
MS82000033008

COUNCIL DISTRICT: 1 (Boyum)

CURRENT ZONING: PUD/R4 (Planned Unit Development with High Density Residential Overlay)



PROPOSAL:

The applicant is requesting a variance from Section 703 of the *Statesboro Zoning Ordinance* for property located at 552 East Main Street – Village at Millcreek to allow an increase in the number of previously approved units/bedrooms from 18 units per acre to 19 units per acre resulting in a bedroom increase from 460 to 488.

BACKGROUND:

The 12.83 acre subject site of this request is known as Village at Millcreek which currently consists of seven (7) residential buildings and a clubhouse totaling 72 units and 144 bedrooms. The subject site was rezoned from R3 (Medium Density Residential) to R4 (High Density Residential) in 2005 followed by a zoning map amendment from R4 (High Density Residential) to its current zoning designation of PUD/R4 (Planned Unit Development with a High Density Residential overlay) in 2006. Council's approval was to allow single family attached dwelling units with a cap of 17 units per acre and a maximum of 2 bedrooms per unit (total of 436 bedrooms). In 2008, City Council granted an amendment to the PUD/R4 (Planned Unit Development with High Density Residential overlay) district to increase the cap on the number of units to 18 units per acre (total of 460 bedrooms). The applicant requests to increase the maximum number of units from the previously approved 18 units per acre to 19 units per acre.

SURROUNDING LAND USES/ZONING:

| | ZONING: | LAND USE: |
|---------------|---|--------------------------------|
| NORTH: | CR (Commercial Retail) | Auto Sales & Retail |
| SOUTH: | R3 (Medium Density Residential) & R20 (Single Family Residential) | Duplexes & Single Family Homes |
| EAST: | R4 (High Density Residential) | Apartments |
| WEST | HOC (Highway Oriented Commercial) | Vacant - Bypass |

The subject site is surrounded by a mix of uses including a small car lot and Dollar General to the north with apartments, duplexes and single family homes surrounding the subject site.

COMPREHENSIVE PLAN:

The subject site lies within the “Emerging Activity Center” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The “Emerging Activity Center” character areas are directly influenced by Mill Creek Park. As the largest public recreation facility in the city and county, Mill Creek Park is a family oriented area including opportunities for restaurants, retail, and family entertainment. Land uses in this area should be considered as annexation becomes a possibility.

Small and mid-size regional retail and commercial, office, entertainment, services, multi-family, and mixed use are all appropriate land uses for properties within the “Emerging Activity Center” character area. Some suggested development and implementation strategies for the area include the following:

- New development should be master-planned and carefully linked to surrounding developed areas through a network of streets.
- Wherever possible, connect new development with existing and proposed networks of bicycle paths and multiuse trails.

Statesboro Comprehensive Plan, Community Agenda page 19.

To achieve the *Comprehensive Plan’s* vision of evolving into an attractive destination and becoming a regional leader in quality growth, the community should promote the idea that all residents have a right to quality housing regardless of social economic standing by monitoring housing needs, continuing to emphasize walkability, and embracing diverse housing options. “Whenever possible, existing structures should be preserved and/or renovated to accommodate changing land uses in order to protect both the neighborhood and overall community character.”

Statesboro Comprehensive Plan, Community Agenda page 7.

The existing multi-family structures located on the subject site is an appropriate land use encouraged by the *Comprehensive Plan*. Other recommendations of the *Comprehensive Plan* have been considered in the analysis of this request.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

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

ANALYSIS:

The applicant has requested a variance from Section 703 regarding density of the *Statesboro Zoning Ordinance* to increase the previously approved development cap of 18 units per acre for the existing and proposed development at 552 East Main Street - better known as Village at Millcreek. Section 703 of the *Statesboro Zoning Ordinance* limits developments within R4 (high density residential) districts to 12 dwelling units per developable acre. However, after the previous grant of 18 dwelling units per acre (230 dwelling units), the development was capped at 460 bedrooms (assuming 2 bedrooms per unit).

Of the 230 dwelling units (460 bedrooms) granted by City Council, Village at Millcreek has been permitted for 72 units with 144 bedrooms total, so far. The request to increase the number of units will allow a total of 244 units (or 488 bedrooms) for an increase of 14 units (or 28 bedrooms) from that which was previously approved.

The *Statesboro Zoning Ordinance* does not expressly regulate the number of bedrooms per acre. However, bedroom density is generally accepted as the better method of impact than unit density and the City has generally considered 4 bedrooms per unit in its density related development requests. The applicant is proposing to add some units to existing buildings and possibly build an additional building. At 2 bedrooms per unit, the result would be an additional 28 bedrooms.

More recent density variances for the R4 district have allowed density increases up to 29 dwelling units per acre considering four (4) bedrooms per unit resulting in 116 bedrooms per developable acre – such instance can be seen in Case V 11-07-03 granted to Monarch Apartments with a development cap of 579 bedrooms. This request would not have an impact that large as the applicant is only requesting an increase of 28 bedrooms for the entire site for a total of 488 bedrooms.

Section 1801 of the *Statesboro Zoning Ordinances* authorizes the City Council to grant variances from provisions of the zoning regulations stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done” and states that the Mayor and Council [should] consider the following in its consideration of a variance request:

- A. 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 relating to the land.
- B. The special conditions and circumstances do not result from the actions of the applicant;**
- C. The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - Application of the ordinance is irrelevant in this case given City Council's approval to exceed the number of dwelling units per acre as required by the ordinance. However, there is no hardship created by applying City Council's previous approval of a cap of 18 dwelling units per acre.
- D. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
 - This request would only increase the number of units by approximately 1 unit per developable acre while staying well below other recently approved density variances.
 - An increase of 28 bedrooms should not have a negative impact on traffic volume at this location.
 - No additional significant impact is anticipated.

STAFF RECOMMENDATION:

Although there is no hardship based on the factors of consideration given in Section 1801 as applied to this request, the adopted policies of the *Comprehensive Plan*, and past actions of the City Council show that this request will not have a negative impact; therefore, staff has no objection to City Council granting approval of the requested variance to increase density to 19 units per acre for a total

EXHIBIT A: LOCATION MAP

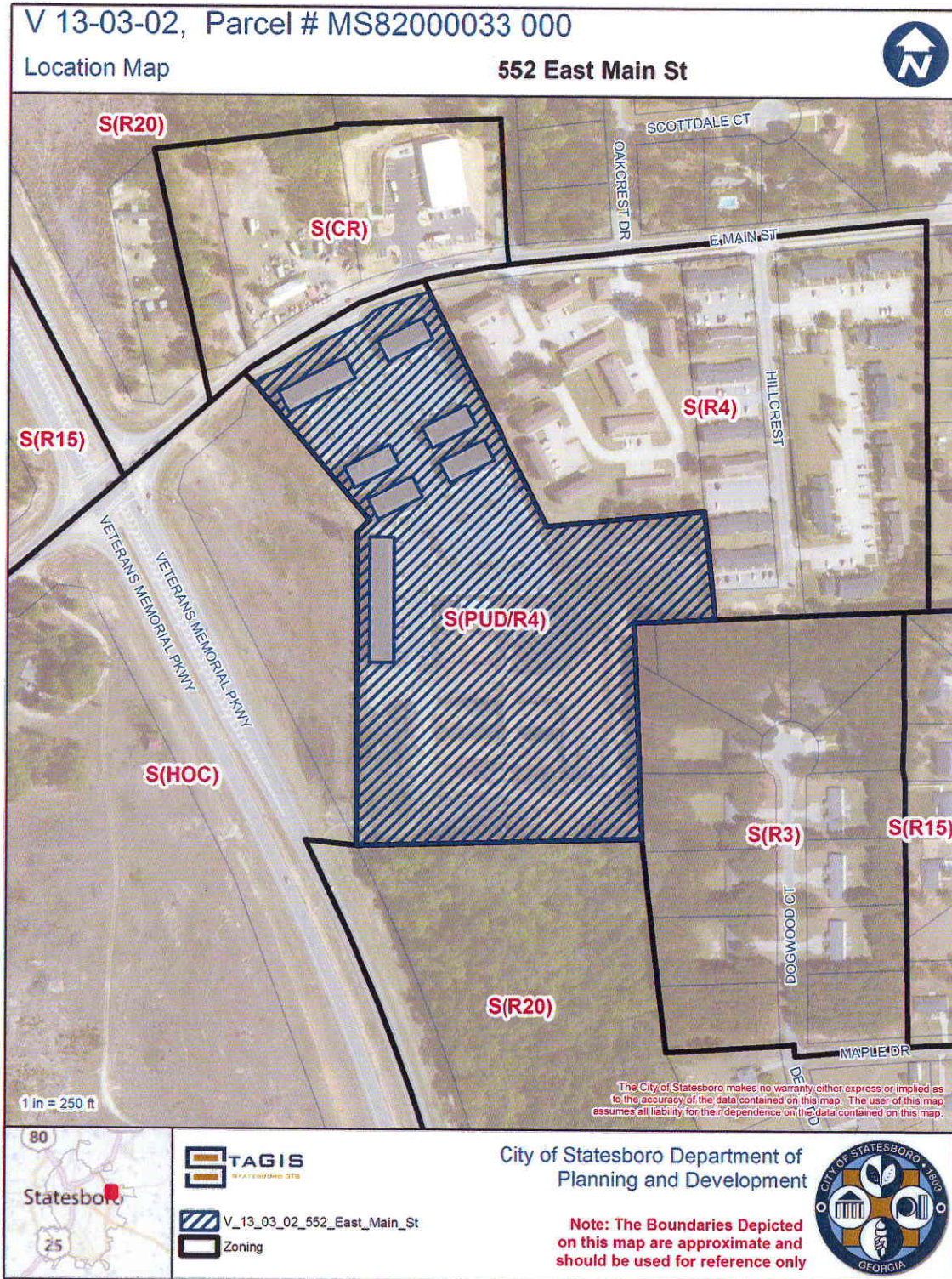


EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: Subject Property.



Figure 2: Subject Property.

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



Figure 3: Building under construction.



Figure 4: Construction site at rear of subject property for future buildings.

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



Figure 5: Car lot across East Main Street from the subject site.



Figure 6: Retail store across East Main Street from subject site.

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



Figure 7: Fence separating subject site from abutting apartment complex.



Figure 8: Bypass abutting subject site.



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

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 Statesboro, Georgia 30458

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**SE 13-03-03
 SPECIAL EXCEPTION REQUEST
 316 FLETCHER DRIVE**

LOCATION: 316 Fletcher Drive

REQUEST: Special Exception to allow a salon in the R20 (Single Family Residential) District.

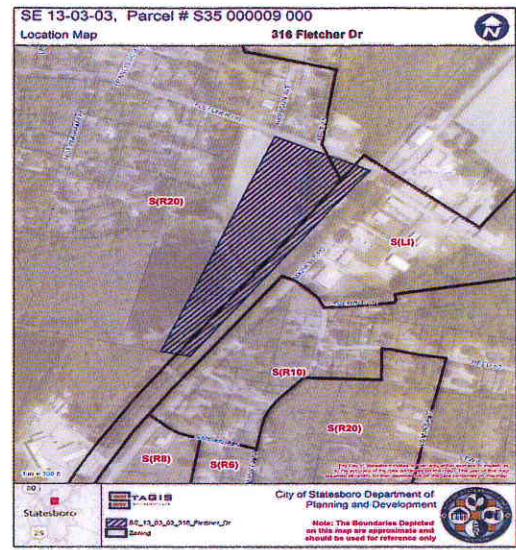
APPLICANT: Venus Mack

OWNER(S): Minnie Faye Newport

LAND AREA: 6.98 Acres

PARCEL TAX MAP #s: S35 000009 000

COUNCIL DISTRICT: 1 (Boyum)



PROPOSAL:

The applicant requests a Special Exception to allow for the utilization of a vacant accessory building on property located at 316 Fletcher Drive as a hair salon. The subject site is zoned R20 (Single Family Residential), which does not permit hair salons by right. (See **Exhibit A – Location Map**)

BACKGROUND:

There is no past zoning history on this property. This 6.98 single lot contains a single family home along with a vacant accessory building (to be utilized in this request).

It should be noted that the purpose of this application is to consider whether the property may qualify for a zoning recommendation for the requested use as a group home.

SURROUNDING LAND USES/ZONING:

| | ZONING: | LAND USE: |
|---------------|---|--------------------------------------|
| NORTH: | R25 (Single Family Residential – Bulloch County) & LI (Light Industrial – Bulloch County) | Storage Warehouse |
| SOUTH: | R20 (Single Family Residential) | Warehouses and Single Family Homes |
| EAST: | LI (Light Industrial) | Industrial Warehouses and Businesses |
| WEST: | R20 (Single Family Residential) | Single Family Homes |

The subject property is located in a largely mixed-use area with the property’s western and southern property lines surrounded by manufacturing facilities and single family homes and the northern and eastern property lines surrounded by predominately industrial uses. (See **Exhibit B**)

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, but 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-size retail and commercial, offices, services, multi-family residential, and redeveloped mixed use are all appropriate land uses for properties within the Developing character area. 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.
- There should be good vehicular and pedestrian/bike connections to retail/commercial services as well as internal street connectivity, connectivity to adjacent properties/subdivisions, and multiple site access points.
- Encourage compatible architecture styles that maintain the regional character, and restrict "franchise" or "corporate" architecture.

Statesboro Comprehensive Plan, Community Agenda pages 16-17.

To achieve the *Comprehensive Plan's* policy of protecting existing infrastructure by encouraging infill, redevelopment, and compact development, the community should promote small scale retail uses when possible - such as this one. "Whenever possible, existing structures should be preserved and/or renovated to accommodate changing land uses in order to protect both the neighborhood and overall community character."

Statesboro Comprehensive Plan, Community Agenda page 7.

The *Comprehensive Plan* also lists mixed use as a preferred development strategy but also recognizes that the Developing Character area is primarily residential consisting largely of single family homes. The grant of a Special Exception at this site would encourage mixed use, infill and redevelopment as encouraged by the *Comprehensive Plan* while maintaining the residential feel. Other recommendations of the *Comprehensive Plan* have been considered in the analysis of this request.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property does contain wetlands and is located in a special flood hazard zone but neither should impact this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The 6.98 acre site is currently zoned R20 (Single Family Residential) and contains a single family home with a small brick accessory building which is the focus of this request. The R20 (Single Family Residential) district has a stated purpose of establishing reasonable standards of performance and selection of uses permitted in order to maintain and protect the desirable benefits that single family residential uses have throughout the community.

The *Statesboro Zoning Ordinance* allows for the operation of home occupations in the R20 (Single Family Residential) district by specifically listing the permissible uses. However, the ordinance also states that beauty salons and barbershops are not permitted or defined as a home occupation. Regardless, the applicant does not intend to live in the structure that the salon will be operated from; therefore, this use could not be considered as a home occupation otherwise.

The applicant is requesting a Special Exception to permit the use of a hair salon in the existing accessory structure located in the R20 (Single Family Residential) district. Special Exceptions allow for a land use that are not permitted as right within a zoning district but which may be granted where the requested use may be deemed appropriate and compatible with the surrounding neighborhood. In this case, a hair salon is not a use permitted by right within the R20 (Single Family Residential) zoning district; thus necessitating this request for approval of the proposed use by the Mayor and Council.

Section 2406 of the *Statesboro Zoning Ordinance* lists seven (7) factors that should be considered by Mayor and City Council “in determining compatibility” of the requested use with adjacent properties and the overall community for considerations of Conditional Use Variances, or Special Exceptions as follows:

- A. Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.
 - Staff is unaware of any environmental impacts this request would cause.
 - This building is becoming dilapidated; therefore, use of the vacant building will be an improvement to this site.
- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.
 - The proposed use is not expected to cause an increased negative impact on vehicular traffic.
- C. Off street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.
 - Although staff does not have the exact square footage of the structure that the proposed use will be located in, it is believed to be approximately 400 square feet in size. According to Article XVI of the *Statesboro Zoning Ordinance*, the applicant must have one (1) parking space for every 500 square feet of area accessible to patrons. This site has adequate room for the required parking and may utilize alternative surface material such as gravel, grass, dirt, etc. The site currently contains gravel.
- D. Public facilities and utilities are capable of adequately serving the proposed use.
 - The applicant intends to hire a licensed contractor to replace much of the interior of the building and install a handicap accessible bathroom and handrails.
 - Building Inspections by the Building Official and Fire Department have been conducted and the applicant is aware of the changes that may be required in the permitting stage.
- E. The proposed use will not have significant adverse effect on the level of property values or the general character of the area.
 - The proposed use is not expected to have an adverse effect on property values in the area given the uses of surrounding structures.
- F. Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.
 - No site plan was required to be submitted for this request.
- G. Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.
 - This request, if approved, is personal to the applicant. Any future changes to this proposal must be approved by City Council.

Additionally, § 2406 also requires consideration of the following factors given for standards for determination in a zoning change in “balancing the promotions of the public health, safety, morality [morals] and general welfare against the right of unrestricted use of property” given in § 2007 of the *Statesboro Zoning Ordinance*”:

1. Existing uses and zoning or [of] property nearby.
 - Surrounding properties are zoned R20 (Single Family Residential), LI (Light Industrial), and R25 (Single Family Residential – Bulloch County) and uses range from single family residential to industrial warehousing, storage, and manufacturing.
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.
 - This request gives the applicant an opportunity to serve members of the community and neighborhood while contributing to the mixed use feel with a neighborhood retail use as encouraged by the *Comprehensive Plan*.
5. The suitability of the subject property for the zoned purposes.
 - This property should meet the zoning regulations set forth by the *Statesboro Zoning Ordinance* as necessary.
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 principle structure on the lot is currently occupied as a single family home but the accessory structure in which the applicant wishes to locate has been vacant since being used as a small store decades ago.
 - Surrounding properties appear to be developed and occupied.

7. The extent the proposed change would impact population density in the area, community facilities, living conditions in the area, traffic patterns and congestion, environmental aspects, existing and future land use patterns, and property values in adjacent areas.
 - The proposed use should not negatively impact any of the above.

STAFF RECOMMENDATION:

Based on the factors of consideration for Special Exceptions given in Section 2406 of the *Statesboro Zoning Ordinance* and the *Statesboro Comprehensive Plan*, staff recommends approval of the Special Exception requested by this application.

EXHIBIT A: LOCATION MAP

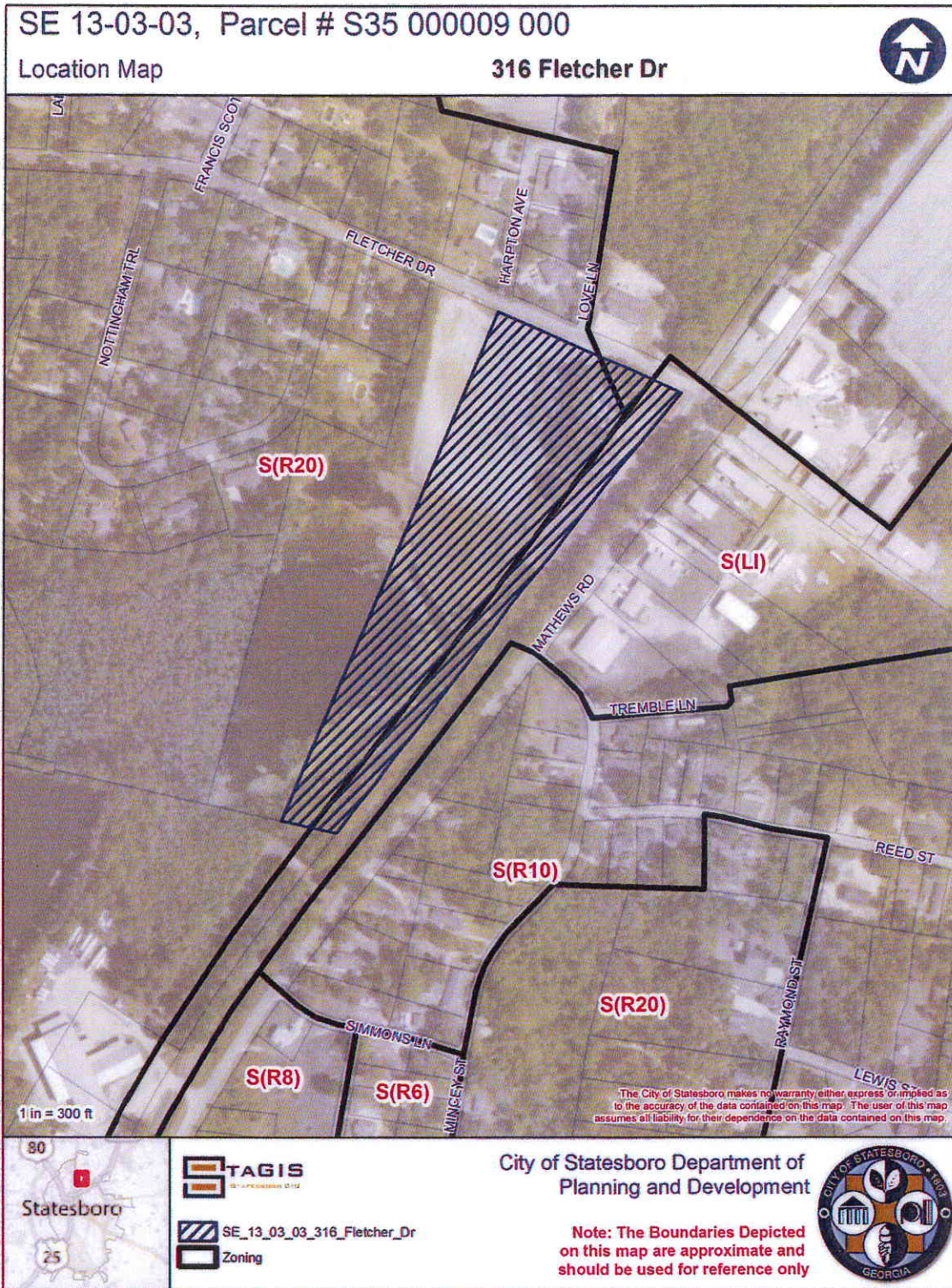


EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: Subject Site from Fletcher Drive.



Figure 2: Side of the Subject Site.

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



Figure 3: Rear of the subject site.



Figure 4: Photo showing available parking on subject site.

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



Figure 5: Storage facility across Fletcher Drive from Subject Site.



Figure 6: Adjacent properties to the northwest of the Subject Site.

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



Figure 7: Manufacturing facilities to the east of the Subject Site.



Figure 8: Subject property that structure is located on.