



September 05, 2012 9:00 A.M.

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman Riggs
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) August 21, 2012 Council Minutes
 - B) Consideration of a Motion to approve 2nd reading of **Ordinance 2012-06**: An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances (Alcoholic Beverages)
 - (D) Consideration of a Motion to approve the due date of December 20, 2012 for the City of Statesboro Property Tax Bills
 - (E) Consideration of a Motion to approve **Resolution 2012-22**: A Resolution adopting maximum fees for towing and storage of illegally parked vehicles
5. Public Hearing and Consideration of a Motion to approve the following:
 - a. **APPLICATION # RZ 12-07-02**: Copper Beech Town Home Communities, LLP, requests a zoning map amendment from CR (Commercial Retail) District to R-4 (High Density Residential) District for property located on Statesboro Place Circle.
6. Consideration of a Motion to approve **Resolution 2012-21**: A Resolution setting the millage rate for ad valorem (property) taxes for the 2012 calendar year for the City of Statesboro, Georgia at 6.358
7. Consideration of a Motion to approve 1st reading of **Ordinance 2012-07**: An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances (Alcoholic Beverages) Sec. 6-218
8. Consideration of a Motion to approve the appointment of Planning Commission members by Mayor and City Council
9. Consideration of a Motion to approve the Ordinance to amend the City of Statesboro GMEBS Retirement Plan to increase Elected Officials monthly normal retirement benefit from \$30 to \$35, effective September 5th, 2012, and to authorize the Mayor to execute the Defined Benefit Master Plan restated documents with GMEBS.

10. Consideration of a Motion for Mayor and Council to approve a guarantee loan between Downtown Statesboro Development Authority (DSDA) and Heritage Bank of the South not to exceed \$350,000.00
11. Other Business from City Council
12. Public Comments (General)
13. Consideration of a Motion to enter into Executive Session to discuss “Potential Litigation” in accordance with **O.C.G.A.§50-14-3 (2012)**
14. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
CITY COUNCIL MINUTES
August 21st, 2012**

A regular meeting of the Statesboro City Council was held on August 21st, 2012 at 6:00 pm in the Council Chambers at City Hall. Present were Mayor Joe R. Brannen, Council Members: Will Britt, Tommy Blicht, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Attorney Alvin Leaphart, City Engineer Robert Cheshire and Director of Community Development Mandi Cody.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) Approval of Minutes**
 - a) 08-07-2012 Council Minutes**
- B) Consideration of a Motion to approve 2nd reading of Ordinance 2012-05: An Ordinance amending the Code of Statesboro Chapter Two in Article One establishing division IV, open records, to comply with O.C.G.A. "The Georgia Open Records Law" as amended in the 2012 session of the Georgia General Assembly**
- C) Notification of an alcohol license application:**
 - Licensee: Janetta Alabi-Isama**
 - DBA: South and Vine Public House**
 - Location: 19 South Main Street**
 - Type of Alcohol License: Restaurant**
 - Type of Business: Beer, Wine, Liquor by the Drink-Pouring Sales**
- D) Consideration of a Motion to approve Special Event Permits**
 - a) Averitt Center for the Arts-Gallery Reception "Warhol Prints"**
 - b) GSU Botanical Garden-Beer Tasting Concert Fundraiser**
- E) Consideration of a Motion to approve "Vehicle for Hire" Driver Applications**
 - a) D W Yellow Cab – Timothy F. McFarland**
 - b) D W Yellow Cab- Justin Phillips**
- F) Consideration of a motion for the surplus and disposal of three trucks in the Public Works divisions:**
 - a) 1998 Volvo/Heil garbage truck (Sanitation Division)**
 - b) 2003 Autocar/Wayne garbage truck (Sanitation Division)**
 - c) 2001 Dodge Ram pickup (Street Division)**
- G) Consideration of a Motion to change the Administrative Assistant position for the Police Department from a part time position to a full time position as it was budgeted for full time in the 2013 budget**

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve the consent agenda in it's entirety. Councilman Britt, Blicht, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve 1st reading of Ordinance 2012-06: An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances (Alcoholic Beverages)

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve 1st reading of **Ordinance 2012-06**: An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances (Alcoholic Beverages). Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to Enter into an Agreement between the City of Statesboro and the Georgia Department of Transportation for an Off-System Safety Enhancement Project including roadway striping, signage and pavement markings. GDOT to provide funding up to \$72,000

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to enter into an agreement between the City of Statesboro and the Georgia Department of Transportation for an Off-System Safety Enhancement Project including roadway striping, signage and pavement markings. The GDOT will provide funding up to \$72,000. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

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

- a. **APPLICATION # RZ 12-06-10**: James M. Hood requests a zoning map amendment from R-20 (Single-Family Residential) District to R-4 (High Density Residential) District for property located at 444 South College Street (Tax parcel # S21000011001).

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Chance to approve **APPLICATION # RZ 12-06-10**: James M. Hood requests a zoning map amendment from R-20 (Single-Family Residential) District to R-4 (High Density Residential) District for property located at 444 South College Street (Tax parcel # S21000011001). Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

- b. **APPLICATION # RZ 12-07-01**: Josh Whitfield requests a zoning map amendment from O (Office) District to CR (Commercial Retail) District for property located at 56 Zetterower Avenue (Tax Parcel # S38000056000).

John Dotson of Maxwell Reddick, representing the property owner, spoke in favor of the request. Councilman Chance made a motion, seconded by Mayor Pro Tem Will Britt to approve **APPLICATION # RZ 12-07-01**: Josh Whitfield requests a zoning map amendment from O (Office) District to CR (Commercial Retail) District for property located at 56 Zetterower Avenue (Tax Parcel # S38000056000) with the condition to reconstruct the drive way. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

- c. **APPLICATION # RZ 12-07-02**: Copper Beech Town Home Communities, LLP, requests a zoning map amendment from CR (Commercial Retail) District to R-4 (High Density Residential) District for property located on Statesboro Place Circle.

John Dotson of Maxwell Reddick spoke in favor of the request. Tom Jones, owner of The Millhouse Steakhouse spoke against the request, stating the restaurant uses the property for parking and if the request was granted, it would cut down on the available parking spaces for the restaurant. He also stated the restaurant employees about 65 people. Councilman Chance made a motion, seconded by Councilman Lewis to table this item until the next Council meeting. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve Resolution 2012-19: A Resolution Adopting the Grant Policy for the City of Statesboro.

Councilman Chance made a motion, seconded by Mayor Pro Tem Will Britt to approve **Resolution 2012-19**: A Resolution Adopting the Grant Policy for the City of Statesboro. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve Resolution 2012-20: A Resolution to adopt the first amendment to the Fiscal Year 2013 budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated

Mayor Pro tem Will Britt made a motion, seconded by Councilman Lewis to **Resolution 2012-20**: A Resolution to adopt the first amendment to the Fiscal Year 2013 budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Other Business from City Council

Director of Public Safety Wendell Turner asked Council to approve a motion to purchase six (6) new patrol cars on state contract not to exceed \$239,091.00. Councilman Chance made a motion, seconded by Mayor Pro Tem Will Britt to approve the purchase of six (6) new patrol cars on state contract not to exceed \$239,091.00. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor Brannen read a letter from Councilman Blich stating the he was retiring from the City. A specific date was not given at this time.

Mayor Pro Tem Will Britt stated that Daniel Long had approached him about brew alcohol in Statesboro. Mayor Pro Tem Will Britt asked City Attorney Alvin Leaphart to bring forward an amendment to the alcohol ordinance to permit this.

City Attorney Alvin Leaphart asked Council to approve the appointment of someone as solicitor in court in the absence of himself. There needs to be ratification from Council to make the position official. Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve the appointment of a solicitor in the absence of the City Attorney Alvin Leaphart. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Comments / Presentations (General)

a) Shannon Mixon request to speak to Council concerning the 911 change of address for some locations on North Side Drive East and West

Shannon Mixon updated Council on the address changes that needed to be made to North-side East up to the Bypass. The current Ordinance reads that Council approves any address changes. Mayor Brannen stated that in the future the City Manager could approve the changes.

Jim Healy, representing the Statesboro Herald, addressed Council with concerns of the Platinum Lounge activities this past weekend resulting in the death of one person and hospitalizing another. He stated his employees were afraid to come to work since their job requires them to be at the Herald very early in the morning to start their paper delivery route. He asked Council to seriously address the issues.

Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters” in accordance with O.C.G.A. §50-14-3 (2010)

Mayor Joe Brannen cancelled the Executive Session.

Consideration of a Motion to Adjourn

Councilman Chance made a motion, seconded by Councilman Lewis to adjourn. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

The meeting was adjourned at 7:15 p.m.

Ordinance 2012-06
An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances
(Alcoholic Beverages)

WHEREAS, the City has previously adopted an ordinance regulating alcoholic beverages; and

WHEREAS, the Mayor and City Council has determined there is sufficient reason and need to amend certain sections of Chapter 6 (Alcoholic Beverages) of the Code of Ordinances, City of Statesboro, Georgia;

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

SECTION 1:

Section 6-56 of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by replacing it in full, and shall read as follows:

Sec. 6-56. - Sale/service in public places.

(a) It shall be unlawful to furnish or dispense alcoholic beverages through kegs, barrels, cylinders or other portable receptacles containing tap or pump-type devices in which the flow of contents is controlled by the operator in a public place and facility. When receptacles are found in violation of this section and the person maintaining the receptacle cannot be identified, the receptacle shall be confiscated and held for 30 days by the city police. The receptacle may be claimed by the owner or lessor, but will be disposed of at the end of 30 days if unclaimed. Nothing in this section shall prohibit persons holding licenses pursuant to this article from dispensing through kegs, barrels, cylinders or other such receptacles inside the establishments or premises approved for a pouring license.

(b) The consumption of alcoholic beverages shall not be permitted at outdoor events unless an Outdoor Event Permit is obtained as provided for in this Code Section.

(1) A producer is any person, group of persons, organization, association, club, or other entity responsible for planning, producing and conducting an Outdoor Event. The producer of an event, if a group or organization, shall be fully identified on the application. However, an Outdoor Event Permit shall be issued only to an individual person, who may be the actual producer or a designated agent of the producer, and such individual person shall be solely and fully responsible for compliance with all provisions, including all financial requirements, of this chapter and other applicable laws.

(2) A producer seeking an Outdoor Event Permit shall make application at the office of the City Clerk on a form prescribed by the City Clerk. Application forms may be obtained from the office of the City Clerk.

(3) An application for an Outdoor Event Permit should be filed at least 45 days prior to the date the event is scheduled to occur. However, no application shall be accepted earlier than one year prior to the date of the event. A nonrefundable application fee of \$25.00 shall be paid at the time of application.

(4) The application for an Outdoor Event Permit shall include, in addition to the map identifying the outermost boundaries of the event, a map no smaller than $8\frac{1}{2} \times 11$ inches in size, clearly identifying the area where the consumption of alcoholic beverages is proposed.

(5) The application for an Outdoor Event Permit shall include a description of the area, including the size and the maximum number of persons for such area. The application also shall contain a description of the method and structures that will be used to secure and separate such area from other public areas. The structure shall be inspected by the Director of Public Safety, to determine compliance with applicable fire and safety codes. Unless approved by the Director of Public Safety no Outdoor Event Permit shall be issued.

(7) The City Clerk or her designee shall cause the application to be circulated to each government department and/or other agency whose services would be affected by the nature and activities of the proposed event. Each department of the government reviewing an application may recommend in writing certain conditions or restrictions as deemed necessary to facilitate the event, to comply with other laws or regulations, and/or to ensure the safety, health and welfare of the community. In reviewing the recommendations of the departments, the City Clerk may impose such conditions or restrictions as a part of the permit and such special conditions so imposed shall be construed to have the full force and effect of law as a provision of this chapter. A violation of such conditions or restrictions shall be deemed a violation of this chapter.

(8) After considering all comments and conditions of the reviewing departments and agencies as well as other information pertaining to the proposed event as described on the application, and with the consent of the Director of Public Safety, and upon payment of all applicable fees the City Clerk is authorized to approve and issue an Outdoor Event Permit.

(9) Prior to the issuance of a permit for the event, the proposed licensee shall sign a statement of understanding and agreement to the terms and conditions imposed on the event. Such a statement shall become a part of the conditions of the permit for the event.

(10) The producer shall provide, at his/her own expense, a sufficient number of security personnel at any outdoor event issued an Outdoor Event Permit. The Director of Public Safety shall determine what number of security personnel is sufficient.

(11) The producer of an outdoor event shall be required to provide temporary outdoor toilet facilities. The number of toilets and their locations shall be determined by the Director of Public Safety or his designee.

(12) The consumption of alcoholic beverages at outdoor events pursuant to an Outdoor Event Permit shall occur within the delineated boundaries of the event.

(13) The delineated boundaries of the event shall be securely enclosed on all sides by a fence, barricade or other similar such structure approved by the Director of Public Safety, or his designee, so as to completely separate that area from the areas in which alcoholic beverages are not permitted.

(14) The dispensing of alcoholic beverages under an Outdoor Event Permit shall be restricted to those persons having a valid business license and a retail consumption-on-the-premises alcoholic beverage license issued by the City of Statesboro, and the dispensing of the alcoholic beverages shall only occur within the boundaries of the licensed premises as defined in Section 6-2 of the Code of Ordinances. The name of each licensee who will dispense alcoholic beverages to be consumed by patrons within the delineated boundaries of the outdoor event shall be required as a part of the application for an Outdoor Event Permit.

(15) Patrons within the delineated boundaries of the Outdoor Event Permit are exempt from the restrictions contained in Section 6-163 of the Code of Ordinances.

(16) The delineated boundaries of the event shall be conspicuously posted at all times at each point of entrance/exit with signs stating the following: "The possession of alcoholic beverages beyond this point is prohibited." The letters of such signs shall not be less than three inches in height and one-half inch in width and shall be in black letters on a contrasting light background.

(17) It shall be unlawful for patrons of any area within the delineated boundaries of an Outdoor Event Permit to bring into or take outside the designated area(s) any alcoholic

beverage or to furnish any alcoholic beverage to any person outside the designated area where alcoholic beverages are permitted.

(18) The fee for a licensed Outdoor Event Permit shall be \$5000.00.

(19) No permit issued under this chapter shall be valid prior to or past the date of the special event for which it is issued.

(20) The safety, health, welfare and good order of all citizens and the community shall be first and foremost and every outdoor event shall be conducted in such manner. The Director of Public Safety may terminate any activity, whether a part of or the entire event, which does not meet this community standard. Upon notification to the event producer in person by the Director of Public Safety to cease any activity, it shall be unlawful for such producer and/or any participants to permit such activity to continue.

(21) Notwithstanding the provisions of this section, any person dispensing and/or consuming alcoholic beverages in accordance with this section shall comply with all other laws and ordinances pertaining to the sale, possession and consumption of alcoholic beverages.

SECTION 2:

Section 6-89 of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by replacing it in full, and shall read as follows:

Sec. 6-89 **Illumination**

The exterior of each building in which alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all entrances thereto are clearly visible at all times.

SECTION 3. All other sections of Chapter 6 not here expressly amended here remain in full force and effect.

SECTION 4. Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

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

First Reading August 21, 2012

Second reading September 5, 2012

By: Joe R. Brannen, Mayor

Attest: Sue Starling, City Clerk

RESOLUTION 2012-22: A RESOLUTION ADOPTING MAXIMUM FEES FOR
TOWING AND STORAGE OF ILLEGALLY PARKED VEHICLES

THAT WHEREAS, the Mayor and City Council have received complaints about some wrecker services engaging in excessive towing and storage charges, cruising for business illegally, and using drop storage areas illegally; as well as some owners not properly posting their properties as required by state statute: and

WHEREAS, the Mayor and City Council may regulate this activity in the absence of its regulation by the Georgia Public Service Commission: and

WHEREAS, the Mayor and City Council have adopted an ordinance to regulate this activity, and said ordinance calls for certain fees to be established by the Mayor and City Council; and

WHEREAS, the City Manager has proposed those fees for their consideration;

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia that the maximum fees for towing and storage of illegally parked vehicles removed without the permission of the vehicle owner, as authorized in Article VIII Sec.18-235(b) of the City of Statesboro Code of Ordinance shall be in accordance with the fees as described in attached Exhibit A.

This Resolution shall be and remain in full force and effect from and after its date of adoption.

Adopted this 5th day of September, 2012

THE MAYOR AND CITY COUNCIL OF STATESBORO, GEORGIA

By: _____
Joe R. Brannen, Mayor

Attest: _____
Sue Starling, City Clerk

TOWING FEES

CLASS I (REGULAR WRECKER SERVICE)

8:01 AM – 6:00 PM

\$85.00 for the first hour

\$15.00 for each additional ¼ hour (15 minutes)

\$85.00 for motorcycles

6:01 PM – 8:00 AM

\$100.00 for the first hour

\$15.00 for each additional ¼ hour (15 minutes)

\$85.00 for motorcycles

CLASS II (EXTRA HEAVY DUTY WRECKER SERVICES)

\$125.00 per call **PLUS** cost for special services

STORAGE (INSIDE AND OUTSIDE)

\$25.00 per 24-hour period

RECOVERY FEE

\$15.00 for each ¼ hour (15 minutes)

FEE EFFECTIVE DATE: _____



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**RZ 12-07-02
 ZONING MAP AMENDMENT
 STATESBORO PLACE CIRCLE**

LOCATION: Statesboro Place Circle

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

APPLICANT: Copper Beech Townhome Communities, LLP

OWNER(S): Copper Beech Townhome Communities, LLP, Mary Garrett, and Angela Hoyt c/o Stephen Rushing

LAND AREA: 20.19 acres and 6.9 acres

PARCEL TAX MAP #s: MS63000026019, MS63000026005, & MS63000026001

COUNCIL DISTRICT: 5 (Chance)



PROPOSAL:

The applicant is requesting rezoning of approximately 27.09 acres total of property located on Statesboro Place Circle off the Bypass from CR (Commercial Retail) to R4 (High Density Residential). 20.19 acres contains existing apartments, currently known as Copper Beech Apartments. The applicant wishes to acquire an additional 6.9 acres for future expansion. High density residential is not a permitted use in CR (Commercial Retail) districts; therefore, the applicant must rezone the designated lots for the proposed expansion to R4 (High Density Residential) initiating an additional request to rezone the entire apartment complex as well. (See **Exhibit A** – Location Map & **Exhibit B** – Sketch Plan)

BACKGROUND:

The subject area of this request is located on Statesboro Place Circle and is currently zoned R4 (High Density Residential). None of the subject parcels have pursued previous zoning map amendments or variances. However, at the time of the construction of the existing apartments, high density residential was permitted in a CR (Commercial Retail) district. The provisions of the *Statesboro Zoning Ordinance* have since changed resulting in this request.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R4 (High Density Residential)	Apartments
SOUTH:	CR (Commercial Retail)	Restaurants
EAST:	CR (Commercial Retail)	Offices
WEST	R4 (High Density Residential)	Apartments

The subject property is located in a primarily residential use area with commercial uses east and south. The property's eastern property line is surrounded by parcels zoned CR (Commercial Retail) and utilized as retail and offices. The western and northern property lines are surrounded by parcels zoned R4 (High Density Residential) and currently contains several apartment complexes. The southern parcels are zoned CR (Commercial Retail) and are or have been utilized for restaurant use as The Millhouse and vacant Sonny's BBQ. (See **Exhibit C**)

COMPREHENSIVE PLAN:

The subject site lies within the "University District" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The "University District" character areas are identified as being anchored by Georgia Southern University. Developing areas should focus heavily on pedestrian accessibility, as well as transit. There are residential areas within this district, primarily oriented to student housing. Multi-family, duplex, and single-family are all found in this district while student-oriented commercial uses are found along primary arteries, including restaurants/bars and nightclubs.

Neighborhood-scaled retail, higher education facilities, multi-family, single-family, and mixed use are all appropriate land uses for properties within the University District character areas. Some suggested development and implementation strategies for the area include the following:

- Encourage future growth within the academic core.
- Ensure adequate bicycle and pedestrian facilities for students commuting to and from GSU campus.

Statesboro Comprehensive Plan, Community Agenda pages 20-21.

As illustrated in the *Comprehensive Plan*, residential development in this area is expected. The subject site is already being utilized as an apartment complex and wishes to expand. Utilizing the subject site as for residential purposes adjacent to the existing small scale retail uses contributes to the mixed use goal set forth by the *Comprehensive Plan*. The *Comprehensive Plan* also encourages pedestrian facilities for students; this site has an existing interior sidewalk and the expansion is expected to follow a similar concept. See **Exhibit B**.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a flood 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 existing 20.19 acre site is currently zoned CR (Commercial Retail) as an apartment complex and is located on Statesboro Place Circle which is primarily accessed from Veterans Memorial Bypass. The applicant's request to rezone the property from CR (Commercial Retail) to R4 (High Density Residential) was initiated by a proposal to expand the existing apartment complex by obtaining approximately 6.9 additional acres which are also zoned CR (Commercial Retail). The applicant wishes to rezone all 27.09 acres to R4 (High Density Residential) to allow for expansion on a vacant proposed lot while amending the zoning of the existing apartment complex to provide conformity with the current zoning ordinance.

Although the existing apartment complex was permitted in a CR (Commercial Retail) zoning district when the apartment was originally constructed, current regulations prohibit such use in said district. As such, the existence of the apartment complex is considered a nonconforming use. Expansion of the existing complex, or future utilization of the property as it is presently, would not be permitted if left vacant for a period longer than 12 months. Likewise, the additional vacant property that the applicant wishes to seek to build more units as an expansion of the existing apartment complex is not zoned appropriately. The *Statesboro Zoning Ordinance* limits Commercial Retail districts to retail related uses with apartments on upper floors only.

The request to rezone the subject property from CR (Commercial Retail) district to R4 (High Density Residential) district should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's two (2) primary land use policies: The *Statesboro Comprehensive Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed R4 (High Density Residential) zoning district for residential uses only as set forth in the *Statesboro Zoning Ordinance*.

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

- (1) **Existing uses and zoning or (of) property nearby;**
 - o Existing uses and zoning of nearby property range from commercial to high density residential. According to the *Statesboro Comprehensive Master Plan*, this area is under pressure to grow in a mixed use and residential manner. Mixed use can be defined as the use of a building or neighborhood for more than one purpose. Mixed use developments provide a range of commercial and residential unit sizes and options while maintaining the intent and character of the area.
 - o The existing Commercial Retail zones that front Veterans Memorial Bypass will remain as such.
- (2) **The extent to which property values are diminished by the particular zoning restrictions.**
 - o The property values of an existing apartment complex in a commercial retail zone may be lower due to the restricted use of such by the *Statesboro Zoning Ordinance* and may possibly deny future utilization of the property in the same manner if the current zoning designation is maintained.
- (3) **The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- (4) **The relative gain to the public, as compared to the hardship imposed upon the property owner.**
 - o The requested rezone of this property would open up opportunities for the vacant property to develop in a manner that is consistent with the land use plans and will give students and others a chance to live in close proximity to campus.
- (5) **The suitability of the subject property for the zoned purposes.**
 - o The proposed and current land use meets the provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*.
 - o The 20.19 acre site is currently being utilized as high density residential apartment complex in a commercial zoned area that strives to develop in a mixed use manner with residential uses encouraged. The vacant 6.91 acre lot can be developed as proposed in a high density residential zoning district.
- (6) **The amount 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 20.19 acre site has not been vacant for numerous years but has been considered to be a nonconforming use. The additional 6.91 acre lot is vacant as zoned and has been for several years.
- (7) **The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
 - o Traffic counts for the immediate area (and thereby relative to the subject property's proposed use) were not reported for the year 2011. The applicant's request is not expected to increase traffic volume in a negative manner due to the existing apartment complexes with the additional access drive leading to and from Veterans Memorial Bypass.
 - o *The Long Range Transportation Plan* did not express the need for future improvements along this corridor.
 - o The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its current use, and is not expected to be negative or burdensome to the general public or surrounding property owners.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
 - o *The Bulloch County/City of Statesboro Long Range Transportation Plan* does not express any issues or necessities for this area.
 - o As illustrated on the sketch plan submittal, the subject property can or has been developed in conformance with the requirements for the proposed R4 (High Density Residential) zoning districts. The subject property is sufficient in size and shape for proposed multifamily use and should meet the setback and other standards of the R4 (High Density Residential) zoning districts as well as the parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*.
 - o 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 utilization of the 6.91 acre subject site would achieve this goal.
 - o Use of the property as high density residential is consistent with the vision and guiding principles of the "University District" character area as articulated within the *Statesboro Comprehensive Plan* which promotes new developments to include mixed uses such as small-scale retail, multifamily residential and single family residential.

STAFF RECOMMENDATION:

Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and the *Long Range Transportation Plan*, staff recommends approval of the zoning map amendment requested by application RZ 12-07-02.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 5-0 to recommend approval of the zoning map amendment requested by Case RZ 12-07-02.

(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



EXHIBIT B: SKETCH PLAN OF THE EXPANSION

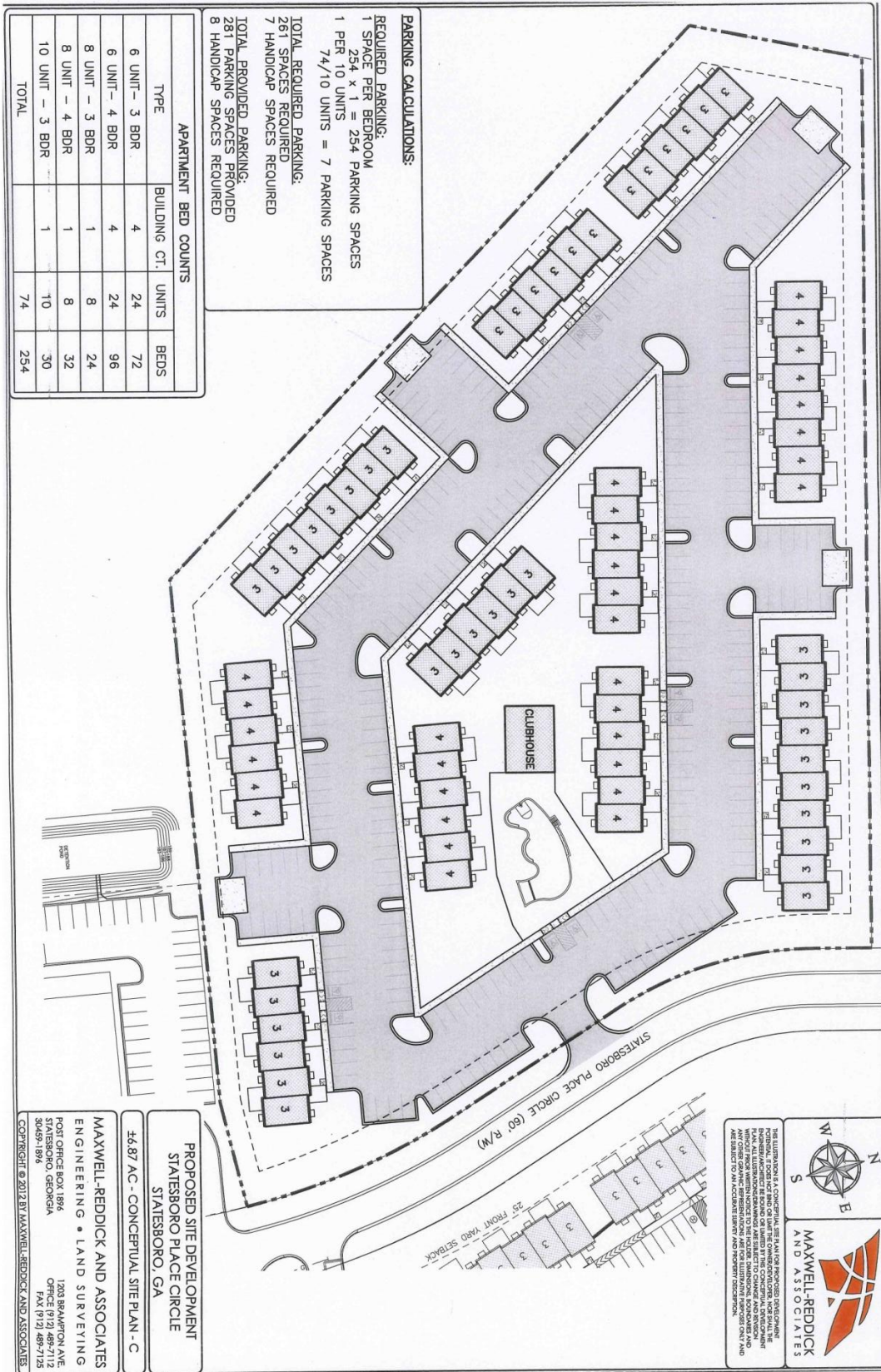


EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The 6.91 Acre Subject Property from the Existing Complex.



Figure 2: Subject Site from Statesboro Place Circle.

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



Figure 3: Southern Edge of the Subject Property facing Veterans Memorial Bypass.

City of Statesboro Members of The Statesboro City Council and to whom it may concern,

This letter is to serve as a reference to the Garrett tract of land located at Statesboro Place Circle. Recently at the rezoning hearing of said parcel, Mr. Tom Jones stated that he has first right of refusal on said property. According to our records and documentation there is no written contract on first right of refusal. Mr. Tom Jones and The MillHouse Restaurant has been using the before mentioned property as parking for over 4 years and in year two was contacted by me (Lance Garrett) about a potential buyer. I offered to sell Mr. Jones the property for \$189,000.0. The offer was refused and unfortunately the potential buyer did not move forward. Forward to March 2012, I contacted Jack Conner to list the Property and gave him Mr. Tom Jones' telephone number to call first for the sale of said property. Mr. Conner called me within a week or so and stated that he had talked to Mr. Tom Jones and presented him with a price of \$149,900 and was received a counteroffer from Mr. Jones at \$100,000.00. Mr. Conner called me and I rejected the offer. Mr. Conner told me that Mr. Tom Jones expressed that the banks would not lend him the money on such a small piece of property. Mr. Conner relayed to me that he had called Mr. Jones several times and obtained no results. Forward to June, 2012, Mr. Conner contacted me stating that Copper Beech was interested in purchasing said property. Mr. Conner expressed to me that Copper Beech would enter into a contract contingent on rezoning. Forward to July, I received a call from Mr. Conner that the contract was signed by Copper Beech and copies were sent and signed by Mary Elizabeth Garrett (my mother).

Mr. Tom Jones was given every opportunity to purchase the property and for what ever reason did not and was not heard from until after the property was put under contract. Mr. Jones did contact me late July/ early August about the property being under contract and I explained that I had given him an opportunity to purchase the property a few years ago and also Mr. Jack Conner had contacted him regarding the property and he did not choose to purchase the property.

Thank you, Lance Garrett

RESOLUTION 2012-21: A RESOLUTION SETTING THE MILLAGE RATE FOR AD VALOREM (PROPERTY) TAXES FOR THE 2012 CALENDAR YEAR FOR THE CITY OF STATESBORO, GEORGIA AT 6.358.

THAT WHEREAS, cities in Georgia rely upon the ad valorem (property) tax as one of the major sources of revenue to finance general government operations and capital outlay acquisitions; and

WHEREAS, Chapter 5 of Title 48 of the Official Code of Georgia authorizes cities to levy an ad valorem tax, and details the requirements necessary to do so; and

WHEREAS, the City of Statesboro has complied with those requirements, including the advertisement of the proposed millage rate and a five-year history of levies; percentage increases; and whether a rollback of the millage rate was required; and

WHEREAS, after careful consideration of the FY 2013 Operating Budget and Capital Budget, the growth in the tax digest from new construction, and the recommendation from the City Clerk that the millage rate be set at the same rate as the prior tax year;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia assembled this 5th day of September, 2012, as follows:

\Section 1. That the millage rate for ad valorem (property) tax purposes for calendar year 2012 is hereby set at 6.358 mills on all of the taxable real and personal property within the corporate limits of the City of Statesboro, Georgia, after applying all legal exemptions, credits, tax relief grants, and similarly authorized deductions.

Section 2. The City Clerk is hereby authorized, empowered, and directed to have the necessary tax bills prepared and mailed, and to use any and all statutorily-approved methods to collect said property taxes in a timely manner.

Passed and adopted this ____ day of _____, 2012.

CITY OF STATESBORO, GEORGIA

By: _____
Joe R. Brannen, Mayor

Attest: _____
Sue Starling, City Clerk

Ordinance 2012-07
An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances
(Alcoholic Beverages)

WHEREAS, the City has previously adopted an ordinance regulating alcoholic beverages; and

WHEREAS, the Mayor and City Council has determined there is sufficient reason and need to amend certain sections of Chapter 6 (Alcoholic Beverages) of the Code of Ordinances, City of Statesboro, Georgia;

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

SECTION 1:

Section 6-218 is hereby added to the Code of Ordinances, City of Statesboro, Georgia and shall read as follows:

Sec. 6-218. – Brokers, Importers and Manufacturers of Alcoholic Beverages

Broker: Means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining stock of the alcoholic beverage.

Importer: Means any person who imports an alcoholic beverage into this state from a foreign country and sells the alcoholic beverage to another importer, broker, or wholesaler and who maintains a stock of the alcoholic beverage.

Manufacturer: Any maker, producer, or bottler of an alcoholic beverage. The term also means:

- (a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; and
- (b) In the case of any malt beverages, any brewer; and
- (c) In the case of wine, any vintner.

Any broker, importer or manufacturer of alcoholic beverages shall who has a place of business in the city shall procure a license under the same provisions applicable to retail licenses.

SECTION 2. All other sections of Chapter 6 not here expressly amended here remain in full force and effect.

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

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

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

First Reading September 05, 2012

Second reading September 18, 2012

By: Joe R. Brannen, Mayor

Attest: Sue Starling, City Clerk