

Planning & Zoning
Commission
Agenda

March 11, 2024 - 3:00 p.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF MINUTES
- IV. NEW BUSINESS
 - A. Text Amendment related to Short Term Rentals
 - B. Map Amendment for 224 E US Highway 80 from C-1 to C-2
- V. ADJOURNMENT



CITY of POOLER
— GEORGIA —

STATE OF GEORGIA }
 }
COUNTY OF CHATHAM }

ORDINANCE O2024-03.A

Short Term Rental Requirements

AN ORDINANCE TO AMEND THE CITY OF POOLER CODE OF ORDINANCES CHAPTER 26 – BUSINESSES BY ADDING ARTICLE VIII – SHORT-TERM RENTALS; AND TO AMEND APPENDIX A, ARTICLE III – GENERAL PROVISIONS BY ADDING SECTION 32 – HOME-BASED LODGING AND TO AMEND APPENDIX A, TABLE 4.1 – ALLOWED USES BY ZONING DISTRICT AND TO AMEND APPENDIX A, ARTICLE III – GENERAL PROVISIONS, SECTION 17 – SECONDARY DWELLING STRUCTURES, SUBSECTION C; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Pooler that the Code of Ordinances of the City of Pooler, Georgia are hereby amended as follows:

I

That CHAPTER 26 – BUSINESSES be amended to add Article VIII. SHORT-TERM RENTALS as follows:

ARTICLE VIII – Short-term Rentals

Section 26-209. – Short title.

This article shall be known as the “City of Pooler Short-term Rental Ordinance”.

Section 26-210. – Purpose; intent.

The purpose of this article is to establish regulations for the use of residential dwellings as short-term rentals to transient occupants, so as to ensure the protection of public health, safety, and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rentals; and to implement rationally based, reasonably tailored regulations to protect the integrity of the City’s neighborhoods.

Section 26-211. – Definitions.

Home-based Lodging. A short-term rental whereby the whole unit is provided as accommodation for a fee. This definition includes both a primary and an accessory structure when the unit is a detached secondary dwelling.

Home-based Lodging, Hosted. A short-term rental whereby a portion of the dwelling unit is provided as accommodation for a fee, as an accessory use to a residence, and where the owner of the property resides there.

Short-term rental. An accommodation where, in exchange for compensation, a residential dwelling unit, or a portion thereof, is provided for transient lodging for a period of time not exceeding 30 consecutive days. Abbreviated as "STR".

Short-term rental agent. A person or organization designated by the owner or long-term tenant of a short-term rental on the short-term rental license application. Such person shall be available for and responsive to contact at all times.

Short-term rental certificate. The certificate issued by the City to owners or designated agents of the short-term rental who have submitted the required documentation, met the requirements for the operation of a short-term rental unit, and have paid all requisite fees.

Short-term rental guest. Any guest(s), tourist(s), lessee(s), vacationer(s), occupant(s), or any other transient person(s) who, in exchange for compensation, occupies a short-term rental for a period of time not exceeding 30 consecutive days.

Short-term rental owner. The owner(s) of record for the property.

Short-term rental verification form. A document executed by the short-term rental owner certifying that the short-term rental complies with all applicable zoning, building, and health and life safety code provisions, which is required for occupancy of the unit as a short-term rental.

Section 26-212. – Applicability.

- (a) This article shall only apply to residential dwelling types, as determined by Section 32 of Article III of Appendix A of the City of Pooler Code of Ordinances.
- (b) This article shall not apply to hotels, motels, boarding houses, inns, or other similar lodging uses that are non-residential in nature.

Section 26-213. – Short-term rental certificate.

- (a) No person or entity shall operate, rent, lease, or otherwise exchange for compensation all or any portion of a dwelling unit as a short-term rental without first obtaining a short-term rental certificate pursuant to the regulations contained in this article and any other applicable provisions of City or state law.
- (b) Operation of a short-term rental without a short-term rental certificate shall be unlawful.
- (c) No certificate issued under this article may be transferred or assigned or used by any person or entity other than the one to whom it is issued.
- (d) No certificate issued under this article may be transferred or assigned to any location other than the one for which it is issued.
- (e) A short-term rental certificate shall be required for each short-term rental property.
- (f) Only one short-term rental certificate shall be allowed per primary dwelling.
- (g) A short-term rental certificate shall expire on December 31st of each year.

- (h) A copy of the short-term rental certificate shall be furnished in a conspicuous manner within the short-term rental.

Section 26-214. – Application for short-term rental certificate; regulatory fee.

(a) Applicants for a short-term rental certificate shall submit annually an application for a short-term rental certificate to the City of Pooler. An applicant for a short-term rental certificate shall be the owner or an owner's authorized agent. If the applicant is not the owner, a notarized letter of authorization shall be provided with the application. The application shall be furnished under oath on a form specified by the City, accompanied by a non-refundable administrative fee. Such application shall include, but is not limited to, the following:

- (1) The address of the unit to be used as a short-term rental and parcel number;
- (2) The zoning of the property and the category of short-term rental as identified in the City of Pooler zoning ordinance;
- (3) The name, address, telephone number, and email address of the short-term rental owner(s);
- (4) The name, address, telephone number, and email address of the short-term rental agent, which shall constitute 24-hr contact information, if different from the owner(s);
- (5) Notarized letter of authorization from the property owner(s) where the short-term rental agent is not the property owner;
- (6) The building floorplan with the proposed number of sleeping accommodations and in which rooms those sleeping accommodations will be provided;
- (7) The number and location of parking spaces allotted to the premises;
- (8) The short-term rental agent's signed agreement to assure that the use of the premises by short-term rental guests will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
- (9) The short-term rental agent's sworn acknowledgement that the requirements for short-term rentals have been reviewed and shall be complied with at all times the certificate is active;
- (10) The short-term rental agent's sworn acknowledgement that there are no private covenants or deed restrictions that prohibit short-term rentals at this location; and,
- (11) Any other information this article requires the owner to provide to the City as part of an application for a short-term rental certification. The City shall have the authority to obtain additional information, not expressly listed in this article, from the applicant as necessary to achieve the objectives of this article.

(b) Attached to and concurrent with submission of the application, the applicant shall provide:

- (1) The owner's notarized short-term rental verification form;

- (2) A copy exemplar rental agreement, which shall consist of the form of documents to be executed between the short-term rental agent and short-term rental guest(s), which shall contain the following provisions, and which shall be posted in the short-term rental:
 - a. The guest(s)' agreement to abide by all of the requirements of this article, any other City of Pooler ordinances, state, and federal law and acknowledge that his or her rights under the agreement may not be transferred or assigned to anyone else;
 - b. The guest(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the City's noise ordinance;
 - c. The guest(s)' acknowledgement and agreement that violation of the agreement or this article may result in immediate termination of the agreement and eviction from the short-term rental by the agent, as well as the potential liability of fines levied by the City; and,
 - d. The guest(s)' acknowledgement on the maximum occupancy of the short-term rental, and if available, the maximum number of vehicles allowed to be parked on the premises and location of on-site parking.
- (3) Proof of ownership of the short-term rental, and proof of residence as applicable;
- (4) Proof of insurance for the premises of the short-term rental; and
- (5) Written certification from the short-term rental agent agreeing to perform all duties specified in Sec. 26-215.
- (c) If the rental agent changes, the property owner shall notify the City within five business days.

Section 26-215. – Short-term rental agent.

- (a) The applicant for a short-term rental shall designate a short-term rental agent on the application for a short-term rental certificate. The owner of the short-term rental may serve as the short-term rental agent.
- (b) The short-term rental agent shall:
 - (1) Be available to handle any problems arising from use of the short-term rental;
 - (2) Keep the agent's emergency contact information, including name and phone number, posted in a readily visible place in the short-term rental;
 - (3) Receive and accept service of any notice of violation related to the use or occupancy of the premises; and,
 - (4) Monitor the short-term rental for compliance with this article.
- (c) Only one person or contact may serve as the short-term rental agent. If an entity or company is utilized, there shall be one person from that company specified as the short-term rental agent.
- (d) The short-term rental agent may be changed temporarily or permanently by the owner. The owner shall notify the City in writing of the change along with all applicable documentation from Sec. 26-213.

Section 26-216. – Grant or denial of application.

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state, or federal regulations. Any false statements or information provided in the application for a short-term rental are grounds for revocation or suspension of the short-term rental certificate, and may result in the imposition of penalties, along with denial of future applications.

Section 26-217. – Fees.

Prior to the issuance of a certificate, the short-term rental certificate fee of \$600 along with a \$25 administrative fee must be paid.

Section 26-218. – Renewal of certificate.

- (a) A short-term rental certificate shall be renewed upon its expiration at the end of each calendar year.
- (b) Renewals shall be processed in accordance with the appropriate form provided by the City.
- (c) If a certificate is not renewed within 30 days of its expiration, it shall be invalidated, and operation of the short-term rental shall be subject to Section 26-219 of this article for violations.
- (d) The fee for the renewal of a short-term rental certificate shall be the same as the initial certificate fee and administrative fee.

Section 26-219. – Requirements; regulation procedure, violations, and penalties.

- (a) All guests on any given night shall be associated with the same rental contract. The maximum number of rental contracts per short-term rental is one.
- (b) Short-term rentals shall comply with all applicable requirements and regulations related to building, health, life safety, and zoning codes and any other applicable regulations of City of Pooler Code of Ordinances, International Residential Code, International Building Code and International Fire Code.
- (c) Short-term rentals require a site inspection by a city-approved fire inspector to ensure compliance of all designated bedrooms, including egress from all designated bedrooms, with all applicable safety codes and city ordinances. The site inspection required by this section shall be required once every year prior to new license being renewed. Periodic spot checks may also be done, at no charge, to ensure all requirements are being met.
- (d) Each bedroom used for the short-term rental shall have at least two (2) means of egress. Each bedroom shall have at least one operable 5.7 square foot window opening or door for emergency escape or rescue that opens directly to the exterior of the residence. The emergency door or window shall be operable from the inside.
- (e) Every bedroom, adjoining hallway, and common area shall be equipped with a dual powered and interconnected operational smoke detector that meets International Residential Code standards and shall be always maintained in good working order.

- (f) A short-term rental equipped with natural gas shall install a carbon monoxide detector outside of each sleep area, each carbon monoxide detector must meet applicable state law standards and shall be always maintained in good working order.
- (g) The owner and/or local contact person shall maintain a house number that is a minimum of 4' in height and a stroke width minimum of 1/2", plainly visible from the street at all times.
- (h) Smoke Alarms - Place one smoke alarm on every floor and sleeping room. Installed inside and outside of every sleeping area/bedroom and on every level of the home. They shall be Interconnected: when one smoke alarm sounds, they all sound (Alarms can be wired or wireless). Smoke alarms should be installed at least 10 feet (3 meters) from a cooking appliance to minimize false alarms when cooking. Mount smoke alarms high on walls or ceilings (remember, smoke rises). Wall-mounted alarms should be installed not more than 12 inches away from the ceiling (to the top of the alarm). Not expired or greater than 10 years old.
- (i) Fireplaces/Wood Stoves require a non-combustible ash receptacle outside the structure. Covered receptacles shall be a minimum of 2 feet from the structure. Uncovered receptacles shall be a minimum of 10 feet from the structure. Combustible materials shall not be store near fuel fire heating equipment, or in special rooms containing fuel fired equipment.
- (j) Each floor of the short-term rental shall be equipped with a fire extinguisher as recommended by the fire inspector that is fully charged and not past its expiration date.
- (k) To ensure the continued application of the intent of this article, the City shall notify the owner of a short-term rental of all instances in which the nuisance behavior of the guest or the conduct of the agent results in a citation for a code violation or other legal action.
- (l) The City shall maintain a file of each short-term rental, including a record of code violation charges, founded accusations, and convictions occurring at or relating to a short-term rental. When a property has accumulated four violations within a calendar year, the City shall revoke the certificate and reject any pending application for the subject premises for a period of 12 consecutive months.
- (m) Any violation cited for a short-term rental must be corrected and compliance demonstrated prior to being eligible for a short-term rental certificate.
- (n) Violations of this article are subject to the following fines, which may not be waived or reduced, and may be combined with any other legal remedy available to the City:
 - (1) First violation: \$250
 - (2) Second violation within the preceding 12 months: \$500
 - (3) Third violation within the preceding 12 months: \$750
 - (4) Fourth violation within the preceding 12 months: \$1,000.
- (o) A person aggrieved by the City's decision to revoke, suspend, or deny a short-term rental certificate may appeal the decision to the City Council. The request for an appeal must be submitted in writing within five business days of the City's decision by filing a notice with the City Clerk. The request for appeal must set forth in detail the reasons

why the action should be reversed. Upon receipt of a proper appeal, the following shall occur:

- (1) The Mayor shall appoint a committee of three members of City Council;
 - (2) The appointed committee shall conduct a de novo hearing at a time and date to be set by such committee to determine if the action should be sustained; and,
 - (3) At least 24 hours in advance of the meeting, shall provide written notice to the person or entity seeking reversal of the action of the time and date of the hearing.
- (p) Nothing in this section shall limit the City from enforcement of its code, state, or federal law by any other legal remedy available to the City. Nothing in this section shall be construed to limit or supplant the power of any City inspector, deputy, or other duly empowered officer under the City's ordinances, rules, and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

Section 26-220. – Taxes.

- (a) All applicants for a short-term rental certificate shall comply with the requirements of Chapter 22, Article II. OCCUPATION TAXES AND REGULATORY FEES.
- (b) Short-term rentals are subject to applicable state and local hotel-motel excise taxes and are responsible for payment thereof as established by state law and the city code.

II

That APPENDIX A – ZONING, Article III. GENERAL PROVISIONS be amended by adding the following:

Section 32. – Short-term Rentals

(A) Purpose.

(B) Definitions.

- (1) *Home-based Lodging*. A short-term rental whereby the whole unit is provided as accommodation for a fee. This definition includes both a primary and an accessory structure when the unit is a detached secondary dwelling.
- (2) *Home-based Lodging, Hosted*. A short-term rental whereby a portion of the dwelling unit is provided as accommodation for a fee, as an accessory use to a residence, and where the owner of the property resides there.
- (3) *Short-term rental*. An accommodation where, in exchange for compensation, a residential dwelling unit, or a portion thereof, is provided for transient lodging for a period of time not exceeding 30 consecutive days. Abbreviated as "STR".

(C) Applicability.

- (1) This section shall only apply to Home-based Lodging and Home-based Lodging, Hosted, uses.
- (2) The provisions of this section shall not apply to hotels, motels, bed & breakfasts inns, or any other Accommodations and Lodging uses.

(D) General requirements.

(1) For Home-based Lodging the following requirements shall apply:

- a. No external signage, except signage typically associated with residential dwellings, shall be allowed.
- b. Street address numbers shall be posted in a conspicuous location and of significant size that is visible and legible from the street.
- c. Adequate off-street parking spaces shall be provided. There shall be no parking of vehicles on grass surfaces or along rights-of-ways unless otherwise allowed.
- d. The number of guests per night shall not exceed the number of occupants allowed by the building code, which varies according to the size of the home and number of bedrooms.
- e. Events and activities, including luncheons, banquets, parties, weddings, meetings, fundraisers, commercial or advertising activities, and any other gatherings of persons in association with the home-based lodging other than the authorized guests, whether for direct or indirect compensation, is prohibited.

(2) For Home-based Lodging, Hosted, the following requirements shall apply:

- a. The owner of the short-term rental must reside in the dwelling used for the short-term rental. The property must be the primary residence of the owner in order to be utilized.
- b. The number of guests per night shall not exceed the number of occupants allowed by the building code, which varies according to the size of the home and number of bedrooms.
- c. No external signage, except signage typically associated with residential dwellings, shall be allowed.
- d. Street address numbers shall be posted in a conspicuous location and of significant size that is visible and legible from the street.
- e. A minimum of one off-street parking space shall be provided for guests in addition to the minimum off-street parking spaces required for the dwelling.
- f. Events and activities, including luncheons, banquets, parties, weddings, meetings, fundraisers, commercial or advertising activities, and any other gatherings of persons in association with the home-based lodging other than the authorized guests, whether for direct or indirect compensation, is prohibited.

III

That Appendix A, Article III. GENERAL PROVISIONS, Table 4.1 *Allowed Uses by Zoning District* be amended to include Home-based Lodging as a permitted use in the R-1, R-2, R-3, and R-4 districts and Home-based Lodging, Hosted, as a permitted accessory use to a residential structure in the R-1, R-2, R-3, and R-4 districts:

p	Permitted by Right
C	Permitted with Conditional Use Approval
	Prohibited

Table 4.1 Allowed Uses by Zoning District

Uses with NAICS Codes are found within the NAICS Manual : <https://www.census.gov/eos/www/naics/>

Uses in R-1A, R-1B, R-1C are listed in this table under R-1

*Uses in a PUD are determined case-by-case by the Board

Uses in R-2A, R-2B, R-2C are listed in this table under R-2

Uses in R-3A, R-3B, R-3C are listed in this table under R-3

NAICS Code	Use	R-1	R-2	R-3	R-4	MH-1	MH-2	MH-3	C-1	C-2	C-P	I-1	I-2	R-A	RA-1	RA-2	PUD*
72	Accommodation and Food Services																
	Hotels and Motels								C	P	C						
	Home-based Lodging	P	P	P	P												
72119	Bed-and-Breakfast Inns	C	C	C					C	P							
7212	RV (Recreational Vehicle) Parks and Recreational Camps													C			
721214	Fishing Camps, Hunting Lodges, Wilderness Camps and Other Overnight Recreational and Vacation Camps													P			

p	Permitted by Right
C	Permitted with Conditional Use Approval
	Prohibited

Table 4.1 Allowed Uses by Zoning District

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*Uses in a PUD are determined case-by-case by the Board

Uses in R-2A, R-2B, R-2C are listed in this table under R-2

Uses in R-3A, R-3B, R-3C are listed in this table under R-3

NAICS Code	Use	R-1	R-2	R-3	R-4	MH-1	MH-2	MH-3	C-1	C-2	C-P	I-1	I-2	R-A	RA-1	RA-2	PUD*
	Accessory Uses to a Principal Use																
	Accessory Uses to a Residential Use																
	Accessory Uses Customary to a Dwelling	P	P			P	P	P						P	P	P	
	Garage Apartment	C	C	C										P	P	P	
	Guest Home	C	C	C	C												
	Farm Dwelling													P	P		
	Manufactured Home													P		P	
	Home Occupation	C	C			P	P	P						P	P	P	
	Home Business Office	P	P	P	P	P	P	P						P	P	P	
	Home-based Lodging, Hosted	P	P	P	P												
	Family Day Care Home	P	P	P	P	P	P	P						P	P	P	
	Accessory Recreation Amenities to a Residential Development	P	P			P	P	P						P	P		
	Horse Stable, Personal													P			
	Accessory Use to an Agricultural Use																
	Accessory Structures to a Working Farm, such as a barn, stable, silo, corral, shed, etc.													P	P	P	
	Accessory Uses to a Non-Residential Use																
	Caretaker Dwelling											C	C	P	P		
	Shipping Container											C	P				

IV

And That APPENDIX A – ZONING, Article III. GENERAL PROVISIONS, Section 17. *Secondary dwelling structures*, subsection 17(C) be amended by deleting the strikethrough text and adding the underline text as follows:

- (C) *Guest home*. Guest homes may only be permitted on a lot with a single-family single-family dwelling and provided that such shall only be permitted in a rear yard, there is adequate parking for two single-family dwelling units, and the lot on which such use is to be established meets 1½ of the minimum lot area requirements for the zoning district. Guest homes may not have a living area greater than one-third of

the primary structure's total living area. Guest homes are intended for housing members of the family occupying the main building ~~and or their non-paying guests~~ and shall not be rented, sold or otherwise used as a separate dwelling, except as Home-based Lodging, Hosted.

V

Any person, entity, corporation, etc., currently operating or intending to operate a short-term rental shall have 45 days from the effective date of this Ordinance to comply with the provisions of this Ordinance before being deemed in violation.

VI

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

VII

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the said holding shall in no way affect the validity of the remaining portions of this ordinance.

VIII

This ordinance shall be effective immediately upon its adoption by the Mayor and City Council of Pooler, Georgia.

FIRST READING: _____ day of _____, _____

SECOND READING: _____ day of _____, _____

ADOPTED: _____ day of _____, _____

CITY OF POOLER, GEORGIA

Karen Williams, Mayor

ATTEST:

Kiley Fusco, Clerk of Council



CITY of POOLER
— GEORGIA —

PLANNING & ZONING STAFF REPORT

Zoning Map Amendment for 224 E US Highway 80

Project:	#A24-00011
P&Z Meeting Date:	March 11, 2024
Public Hearing Date:	March 18, 2024
Applicant and Authorized Agent:	BDSK Property Management LLC / Bobby Morris
Location (Address):	224 E US Highway 80 / 105 Read St
Parcel (PIN):	50007 01002
Existing Zoning:	C-1 (Light Commercial) / Main Street Overlay
Zoning Action:	Zoning Map Amendment
Request:	Request to rezone the subject site from C-1 (Light Commercial) to C-2 (Heavy Commercial)
Application Filed:	February 14, 2024
Legal Notice Published:	March 3, 2024
Sign Posted:	March 1, 2024
Letters Mailed:	February 26, 2024
Staff Recommendation:	Approval w/ conditions Only an automotive repair facility and car rental facility, as well as all other uses as allowed in the C-1 district, be permitted
Planning & Zoning Commission:	TBD
Recommended Motion:	<i>"After review of the criteria, move for approval of the request subject to the condition that only an automotive repair facility and</i>

	<i>car rental facility, as well as all other uses as allowed in the C-1 district, be permitted."</i>
Background:	The subject site is approximately 0.93 acres located on E US Highway 80. The property is accessed via the westbound section of US 80. The site is developed with an existing automotive repair shop and an accessory building. The applicant is requesting to rezone from C-1 to C-2 to obtain more complimentary use permissions related to the automotive repair shop and allow for the accessory structure to be utilized as a car rental facility. Per the applicant, the building was leased under the previous ownership. The tenant owns a small car rental business catering to Hyundai executives for the new plant. The tenant previously applied for a business license but was denied due to the zoning of the property. The request would be a step to allow for operation of the rental car facility. The property is located at the intersection of US 80, Read St, and Kelly St. Two restaurants flank the property on the sides along US 80, with vacant lots to the rear along Kelly St. All adjacent properties are zoned C-1 except for one. The accessory building for the proposed car rental facility fronts Read St with access to it. The Pooler 2040 Comprehensive Plan includes this area within the Residential character area. The FLUM designates this area as Residential. The Main Street Master Plan recommends this site for "commercial/mixed-use" under the Framework Plan.
Relevant Ordinances:	App. A, Art. IV, Table 4.1: Allowed Uses by Zoning District App. A, Art. IV, Sec. 27 Main Street Overlay
Zoning Action Standards:	- Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area? <i>The request would not facilitate the extension of an existing zoning boundary, however, the proposed zoning district would allow for greater variety of uses than those presently allowed. Likewise, it would provide a use that is complementary in nature to the existing automotive repair use.</i> - Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area? <i>The request could be considered spot zoning as there is no abutting C-2 zoning to the subject site; however, the FLUM map identifies this area for commercial</i>

development and the differences between the C-1 and C-2 zoning primarily relates to the allowed uses, whereby C-2 is typically considered more intense. The proposed zoning would be more consistent with the existing development pattern in the area if uses were limited though.

3. Could traffic created by the proposed use or other uses permissible under the zoning sought traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
 - *The subject site is located at the corners of US Highway 80, Read St, and Kelly St. Access is provided from US 80 and Read St. Both areas where access exist do not travel through single-family neighborhoods and would not lead to increased congestion, noise, or traffic hazards.*
4. Will this request place irreversible limitations on the area as it is or on future plans for it?
 - *No, the FLUM designates this area for commercial development, where the C-2 district is identified as an appropriate zoning. Additionally, the Main Street Master Plan recommends commercial uses at this site with various considerations given to orientation and style of uses.*
5. Is there an imminent need for the rezoning and is the property likely to be used for the use requested?
 - *Yes, the property is likely to be utilized for the use intended. One of the two uses is the existing automotive repair facility. This use would have more favorable use permissions in the event of any expansion or modifications that may be necessary. Likewise, the existing tenant is seeking to operate the car rental facility as proposed that the rezoning would facilitate.*
6. Will the proposed use substantially conflict with existing density patterns in the zone or neighborhood?
 - *No, the proposed uses would not conflict with the surrounding commercial development. The commercial development within this area includes restaurants, gas stations, a tattoo shop, and liquor store. The existing use has been established at this location for several years. The accessory structure has been previously utilized as various business types including professional offices, event rental business, personal services, and retail store.*

7. Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?
- *Potentially; the C-2 district allows for more uses and different use permissions for various uses. Generally, the uses allowed in the C-1 and C-2 district do not drastically differ but the C-2 district is typically considered more intense. Approval of this request could see other seeking similar types of requests in the future.*
8. Will the action adversely impact adjacent or nearby properties in terms of:
- Environmental quality or livability resulting from the introduction of uses or activities which would create traffic, noise, odor or visual hazards or the reduction of light and air that is incompatible with the established development pattern?
 - *Generally, no, the proposed use would not affect the surrounding development or properties. Any potential traffic issues would need to be addressed as part of the site plan process in order for the use to be established.*
 - Property values, by rendering such properties less suitable and therefore less marketable for the type of development to which they are committed or restricted in order to promote the public welfare and protect the established development pattern?
 - *Generally, no, the request would not adversely impact the nearby properties as it relates to property values or make them less marketable. All adjacent properties, with the exception of one are zoned commercially.*
 - Will the action create development opportunities of such increased intensity that stormwater runoff from the site cannot be controlled within previous limits, with [which] results in adverse impacts upon existing down-stream drainage problems or potential problems?
 - *Generally, no, the request would not adversely impact the nearby properties as it relates to stormwater runoff. Any large site development proposed in the City will need to go through site plan review and approval to ensure items such as stormwater runoff are addressed on site so that down-stream drainage or off-site impacts do not occur.*
9. Will the action result in public service requirements such as provision of utilities or safety services which, because of the location or scale of the development, cannot be provided on

an economic basis and therefore would create an actual burden to the public?

- *Generally, no, the proposed rezoning would not result in public service requirements that could create a burden on the public. Any potential infrastructure improvements related to this development would be the responsibility of the developer and would not place a burden on the City.*

Conclusion:

Generally, staff finds the request complies with the review criteria for a map amendment. However, due to the potential increase in intensity and differences in use permissions between the C-1 and C-2 districts, staff has reservations regarding approval of the request outright.

As such, staff recommends **Approval** of the request subject to the condition that only an automotive repair facility and car rental facility, as well as all other uses as allowed in the C-1 district, be permitted.

Attachments:

A. Vicinity Map

B. Application and Submittal Documentation



CITY OF POOLER
GEORGIA

A great place to Live, Work and Play

224 E Highway 80 Rezoning

03/07/2024





CITY OF POOLER
GEORGIA

A great place to Live, Work and Play

224 E Highway 80 Rezoning

03/07/2024

-  Parcels
-  Business/Commercial
-  Industrial
-  PUD
-  Residential
-  Main Street Boundary



City of Pooler

To Whom It May Concern,

As you may be aware, we've had our automotive business in Pooler since 2000, previously being located next to City Hall. We purchased the new location of our business last spring, and are now located at 224 East Highway 80.

We are requesting re-zoning of this property. The reason for this request is for the separate rental office building located behind our shop. This building has been previously leased by several different types of businesses while under previous ownership. The current tenant owns a small car rental business to service executive for the new Hyundai plant. He normally only has a few vehicles parked in front of the office at any given time and minimal traffic, but his business license has been rejected due to the type of zoning of our entire property. We have made accommodations to assist him, such as parking a few of his vehicles behind our shop.

We have been and will continue to make improvements to our overall facility, which will include but is not limited to; access to the back of the building from the front so we will have less cars parked in front, fencing in the back of the property to provide privacy to the neighbors and security for the vehicles.

Currently, our business is located between to very busy restaurants, so we do not feel this rezoning will cause any issues with the residences behind us.

A handwritten signature in black ink, appearing to read "Kelly Morn". The signature is fluid and cursive, with the first name "Kelly" written in a larger, more prominent script than the last name "Morn".



Zoning Map Amendment Application

Page 1 of 5

Updated AUG 2022

Date: _____ File Number: _____

Type or print and attach additional sheets if necessary to fully answer any of the following sections.

General Information

BDSK Property Management LLC (Bobby Morris owner)
Name of Owner/Authorized Agent

3130 US Hwy 80 Bloomingdale GA 31302
Address of Owner/Authorized Agent

Telephone Number

Have any previous applicants been made for a text or map amendment affecting these same premises?

☐ Yes ☒ No

If yes, give file number, date, and action taken: N/A

(If exact file number, date or action is not known, please give approximate date of previous application.)

Action Requested

General location of property (the area), street number, and location with respect to nearby public roads that are in common use: 224 East Hwy 80; Pooler GA 31322

Automotive Repair Shop & 1 Rental Building 50007-01002
Legal description of the property (name of subdivision, block, and lot number) PIN # (105 Road Street)

Zone Classification: Present C-1 Requested C-2

Same Same
Owner of Property (if same as applicant, leave blank) Telephone Number

Same 1 Acre
Address of Owner Total Area of Property (acres or sq. feet)

Automotive Repair & Office Space.
Existing land use (specify such as a grocery store, single-family residence, vacant land, etc.)

Automotive Repair & Office Space for Car Rental Company
Desired land use (specify such as a residence, grocery store, mobile home park, etc.)

Reasons and Certifications

Reasons for requesting change of zoning map which would support the purposes of the zoning program:

So that Existing tenant can get Business License in Building
at 105 Road Street.



Zoning Map Amendment Application

Page 2 of 5

Updated AUG 2022

Adjacent Property Owners

Name, Address, and Zip Codes of surrounding property owner's primary residence within a radius of 200 feet of the property as of the date of filing. Include those directly across a public right-of-way.

Alan Cowart (Western Sizzler)
230 E Hwy 80 Pooler

El Poteo Mexican Rest.
Hwy 80

Camarena Arnulfo
108 Kelly Street

John Bryan
104 Kelly Street

(please list additional names on a separate sheet)

Campaign Contributions

Have you made campaign contributions to one or more Pooler City Official(s), including any member(s) of the Planning Commission, during the past two years that when combined, total an amount greater than \$250.00?

☒ No, I have not made campaign contributions to any Pooler City Official(s).

☐ Yes, I have made campaign contributions to one or more Pooler City Official(s).

City Official	Title	Dollar Value	Description of Gift
None			

I attest that all the information provided is true to fact

Billy Mink
Applicant's Signature

Feb. 8, 2024
Date



Zoning Map Amendment Application

Page 3 of 5

Updated AUG 2022

Filing Requirements

Applicant must submit the following information 30 days prior to the regularly scheduled meeting on the second and fourth Monday of each month. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning & Zoning Commission.

- Filing fee (see schedule of fees). Make checks payable to the City of Pooler.
- For Power Point presentation, please email PDF file on project to kdye@pooler-ga.gov.
- A scaled plat showing dimensions, acreage, location of the tract(s) and utility easements prepared by a licensed architect/surveyor. Submit one copy if 11" x 17" or smaller, 16 copies if larger.
- Legal description of property.
- Complete Campaign Contributions and Acknowledge receipt of Zoning Standards for Map Amendment.
- If Agent, Authorization of property owner, signed, dated, and notarized.
- Copy of current tax bill showing payment or a certification from the City of Pooler Tax Office stating taxes were paid.

BM

Initial

I acknowledge receipt of Zoning Standards for a Map Amendment. I understand the standards and any other factors relevant to promoting the public health, safety, and general welfare of the City of Pooler against unrestricted use of property will be considered, when deemed appropriate, by the aldermanic board in making any zoning decision.

I have received and understand the "checklist" of actions needed to amend the City of Pooler Zoning Map.

I hereby certify that the above stated facts are true to the best of my knowledge and I am the owner or authorized agent for the owner of subject property.

Kelly M. [Signature]

Owner's or Authorized Agent's Signature

Sworn to and subscribed before me on this 8th
day of February 2024.

KATHLEEN M HARVEY
Notary Public - State of Georgia
Chatham County
My Commission Expires Jun 23, 2024

Kathleen M Harvey
Notary Public

Application Status

This portion to be completed by Zoning Administrator

Hearing date has been set for: _____

Notice published in newspaper on (15 days prior to hearing date): _____

Letters of notification mailed to adjacent property owners on: _____

This action was approved ☐ or denied ☐ (copy of minutes disposing of this action are attached).

Notification of the results of this action mailed to the applicant on: _____

Sign posted: _____



Zoning Map Amendment Application

Page 4 of 5

Updated **AUG 2022**

Authorization of Property Owner

Application for Rezoning, Conditional Use, Variance, Site Plans & Subdivision Submittals

I swear that I am the owner of the property which is the subject matter of the attached application, as shown in the records of Chatham County, Georgia.

I authorize the person named below to act as applicant in the pursuit of variance, conditional use, rezoning of property or a site plan submittal.

Bobby Morris Jr 714 214 2221
Name of Applicant Telephone Number

3130 US Hwy 80
Address

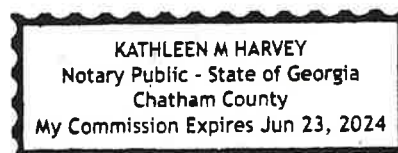
Bloomington GA 31302
City State Zip Code

Bobby Morris Jr
Owner's Signature

Personally appeared before me Kathleen M Harvey
Who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Kathleen M Harvey
Notary Public

February 8, 2024
Date





Zoning Map Amendment Application

Page 5 of 5

Updated **AUG 2022**

Section 10. Standards for Zoning Ordinance or Map Amendment

In order to promote the public health, safety, and general welfare of the City of Pooler against the unrestricted use of property, the following standards and any other factors relevant to balancing the above stated public interest will be considered, when deemed appropriate, by the aldermanic board in making any zoning decision:

1. Is the request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
2. Is the spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
3. Could traffic created by the proposed use or other uses permissible under the zoning sought traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
4. Will this request place irreversible limitations on the area as it is or on future plans for it?
5. Is there an imminent need for the rezoning and is the property likely to be used for the use requested?
6. Will the proposed use substantially conflict with existing density patterns in the zone or neighborhood?
7. Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?
8. Will the action adversely impact adjacent or nearby properties in terms of:
 1. Environmental quality or livability resulting from the introduction of uses or activities which would create traffic, noise, or visual hazards or the reduction of light and air that is incompatible with the established development pattern.
 2. Property values, by rendering such properties less suitable and therefore less marketable for the type of development to which they are committed or restricted in order to promote the public welfare and protect the established development pattern.
 3. Will the action create development opportunities of such increased intensity that storm water runoff from the site cannot be controlled within previous limits, with [which] results in adverse impacts upon existing down-stream drainage problems or potential problems?
9. Will the action result in public service requirements such as provision of utilities or safety services which because of the location or scale of the development, cannot be provided on an economic basis and therefore would create an actual burden to the public?

THIS BLOCK IS RESERVED FOR
THE CLERK OF SUPERIOR COURT

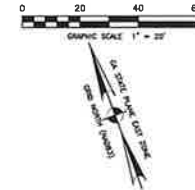
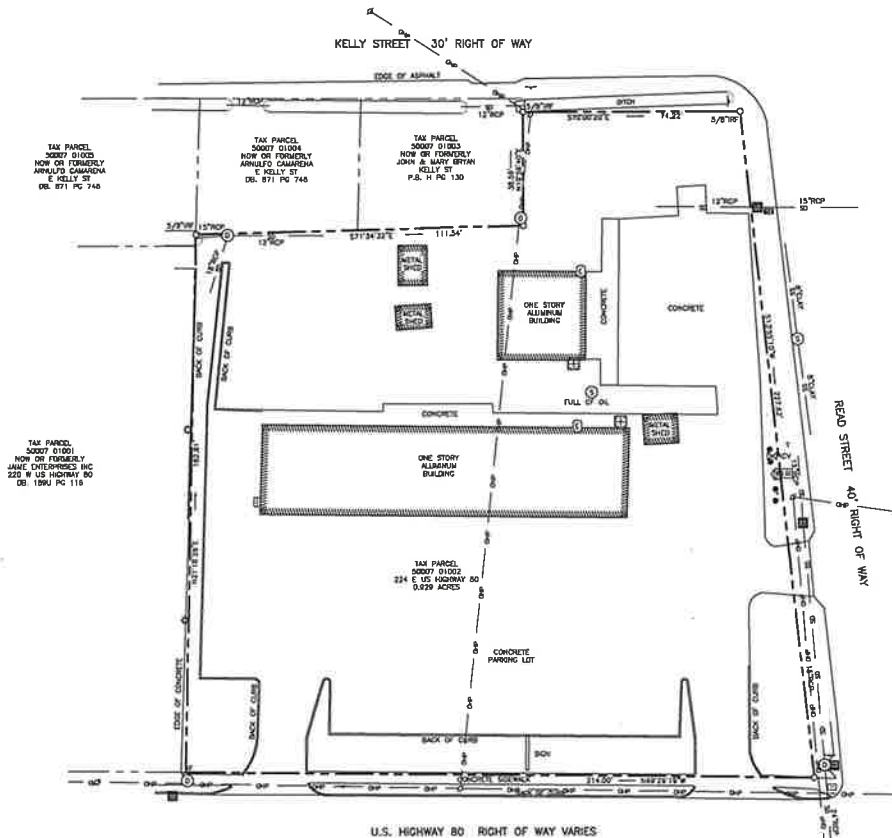
SURVEYOR'S NOTES

- COORDINATES AND DIRECTIONS ARE BASED ON GEORGIA STATE PLANE COORDINATE SYSTEM (NAD83), EAST ZONE.
- ACCORDING TO THE FLOOD INSURANCE RATE MAP 13091C0209A, REVISED 8/19/2016, THIS PROPERTY LIES IN ZONE X, NOT A 100 YEAR FLOOD HAZARD AREA.
- ONLY ABOVEGROUND, READILY VISIBLE STRUCTURES WERE LOCATED FOR THIS SURVEY. THIS SURVEYOR MAKES NO WARRANTY OR GUARANTEE, AS TO THE LOCATION, EXISTENCE, OR NONEXISTENCE OF ANY BELOW GROUND, NON-VISIBLE UTILITIES OR STRUCTURES.
- IT SHALL BE THE RESPONSIBILITY OF THE USER OF THIS DRAINING TO VERIFY ANY AND ALL BUILDING RETRACTIONS, EASEMENTS AND EUTERS WITH THE PROPER AUTHORITIES BEFORE BEGINNING THE DESIGN OR CONSTRUCTION OF IMPROVEMENTS TO THE SITE. THIS SURVEYOR AND THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE DESIGN, PLACEMENT, STANDING, POSITIONING OR LAYOUT OF ANY PROPOSED STRUCTURE OR IMPROVEMENT TO THE SITE.
- THE PUBLIC RECORDS REFERENCED WERE USED FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
- NO SURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.

LEGEND

- CHS 1/8" IRON ROD SET
O/W X SOME FOUND
IRON ROD FOUND
ELECTRIC METER
GRATE INLET
HVAC EQUIPMENT
DRAINAGE CONTROL, VALVE
LIGHT POLE
MAIL BOX
NO SLIP PAO
POWER POLE
SANITARY SEWER MANHOLE
STORM DRAIN MAN HOLE
TELEPHONE BOX
VAULT
SANITARY SEWER LINE
STORM DRAIN LINE
OVER HEAD UTILITY LINE

THIS PLAT IS A RETRACTION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW PARCEL, OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, HAVE PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECOGNITION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS OF SUSTAINABILITY FOR ANY USE OR PURPOSE OF THE LAND, THEREAFTER, THE UNDERGROUND LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE PLATS AND REGULATIONS OF THE GEORGIA BOARD OF REGULATION FOR PROFESSIONAL SURVEYORS AND LAND SURVEYORS AND AS SET FORTH IN D.C.E.A. SECTION 15-8-21.



REFERENCES

1. P.B. C PG 28
2. P.B. C PG 130
3. P.B. C PG 137
4. P.B. D PG 17
5. P.B. D PG 187
6. P.B. E PG 14
7. P.B. H PG 130
8. DE. 1228 PG 143

COMPUTED USING: TOTAL STATION
ANGULAR ERROR = 3" PER
ADJUSTED BY COMPASS RULE
PLAT CLOSURE = 0.00000
FIELD CLOSURE = 1/20,000

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A BOUNDARY RETRACTION SURVEY OF
TAX PARCEL 50007 01002
CITY OF FOLKLE, CLAYTON COUNTY, GEORGIA
PREPARED FOR
HOME TOWN AUTO CARE

PROJECT # 200007
FIELD DATE 01/14/2025
PLAT DATE 01/14/2025
LAST REVISED
DRAWN BY DAL
CHECKED BY
SHEET 1 OF 1