

## Staff Report

**Subject:** 2<sup>nd</sup> Reading Zoning Map Amendment  
**Author:** Teresa Concannon, AICP, Planning & Zoning Manager  
**Department:** Development Services  
**Meeting Date:** February 15, 2022  
**Item Description:** Josh Yellin as Agent for Ernest J. Oetgen & Frank Oetgen Jr. requests to rezone 6 acres from AR-1 to I-1 to allow for industrial use. Located on Godley Road. Map# 399 Parcel# 3R

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to rezone 6 acres from AR-1 to I-1 to allow for industrial use, with conditions.

### Executive Summary/Background

- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts.
- In 2014, the property owner submitted an application to rezone 6 acres from 399-3B. The request was approved, but no plat was submitted. Therefore, the rezoning could not take effect.
- A plat to split the 6 acres was recorded in 2018, with the notation that the parcel would be rezoned to I-1.
- The current application is to rezone 399-3R, plus an additional 1.8 acres from 399-3T.
- In 2021, the applicant requested zoning verification for the 6-acre parcel (399-3R), and staff was unable to verify that the 6 acres rezoned in 2014 was the parcel now shown as 399-3R.
- Other I-1 zoned parcels in the area were rezoned for use as surface mines. Rezoning conditions include the requirement to provide certification from DNR that the land has been reclaimed, and rezone to AR-1.
- The applicant provided photographs showing containers stored on site, and indicated that container storage and/or log export are potential uses if rezoned to I-1.
- These parcels serve a surface mine located in Chatham County. Trucks access the surface mine from Godley Road. Godley Road is not a designated truck route.
- Remedies could include a bond to cover the cost of resurfacing Godley Road to Hwy 80, and a Traffic Impact Assessment to study road width and the Godley Road intersection with Hwy 80 for turn lane needs.
- The applicant asked to remove consideration of 399-3T from the application.
- At the January 31 Planning Board meeting, Michael Larson made a motion to **approve** the request to rezone 6 acres from AR-1 to I-1, with the following conditions:
  1. The entrance shall be brought into compliance with Section 3.17.5 Surface Mine Operations – Road Maintenance Requirements, before any industrial uses are permitted.
  2. Applicant shall notify Development Services at the time of final reclamation of the borrow pit and close out of this mining operation, and provide the determination of the Department of Natural Resources that the affected lands have been reclaimed in an acceptable manner.
  3. Minor subdivision plat for the 399-3T acreage must be approved by Development Services.
  4. A Sketch Plan must be submitted for approval by the Board of Commissioners.
  5. Development plans must comply with the Effingham County Water Resources Protection Ordinance, and the Stormwater Management Local Design Manual.
  6. All wetland impacts must be approved and permitted by USACE.
  7. Business operator shall provide a surety bond for maintenance/upgrades to Godley Road.
  8. A traffic study will be required, pursuant to Effingham County Traffic Study Requirements.
  9. Business operator shall meet the requirements of **Chapter 74 – Traffic, Sec. 74-8 Designated Truck Routes**.
- The motion was seconded by Alan Zipperer, and carried unanimously.

### Alternatives

1. **Approve** the request to rezone 6 acres from AR-1 to I-1 for industrial use, with the following conditions:

1. The entrance shall be brought into compliance with Section 3.17.5 Surface Mine Operations – Road Maintenance Requirements, before any industrial uses are permitted.
2. Applicant shall notify Development Services at the time of final reclamation of the borrow pit and close out of this mining operation, and provide the determination of the Department of Natural Resources that the affected lands have been reclaimed in an acceptable manner.
3. Minor subdivision plat for the 399-3T acreage must be approved by Development Services.
4. A Sketch Plan must be submitted for approval by the Board of Commissioners.
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6. All wetland impacts must be approved and permitted by USACE.
7. Business operator shall provide a surety bond for maintenance/upgrades to Godley Road.
8. A traffic study will be required, pursuant to Effingham County Traffic Study Requirements.
9. Business operator shall meet the requirements of **Chapter 74 – Traffic, Sec. 74-8 Designated Truck Routes.**

2. **Deny** the request to **rezone** 6 acres from **AR-1** to **I-1** for industrial use.

**Recommended Alternative:** 1

**Department Review:** Development Services

**Attachments:** 1. Zoning Map Amendment

**Other Alternatives:** 2

**FUNDING:** N/A