

Staff Report

Subject: Rezoning (Fifth District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 15, 2022
Item Description: **Warren Ratchford** as Agent for **Donnie R. Bazemore** requests to **rezone** 1.61 acres from **R-1** to **B-3** to allow for an automotive sales lot. Located at 5947 Highway 21 S. **Map# 465J Parcel# 1C**

Summary Recommendation

Staff has reviewed the application, and recommends **denial** of the request to **rezone** 1.61 acres from **R-1** to **B-3** to allow for an automotive sales lot.

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. B-3 permits intensive commercial uses, and requires a 30' buffer against adjacent residential parcels.
- The request to rezone this parcel to B-3 for an automotive sales lot was denied by the Board of Commissioners on May 19, 2020, based on an understanding of commercial development in the area as "office professional".
- The residential parcel is part of the Goshen Terrace subdivision, and has driveway access to Lewis Dr. Driveway access to Hwy 21 would require a GDOT permit.
- The future land use map shows commercial development along that portion of the Hwy 21 corridor, except for Goshen Terrace, which is shown as Residential.
- Rezoning to B-3 would introduce intensive uses into a residential subdivision. B-3 permits auto sales, service, and storage.
- There is no direct access to Lewis Drive from the southbound lanes of Hwy 21. Customers may end up turning left onto Chimney Road, and then onto Azalea, and through the subdivision.
- B-3 zoned property to the southeast is not currently developed.
- At the January 31 Planning Board meeting, Brad Smith made a motion to **deny** the request to **rezone** 1.61 acres from **R-1** to **B-3** to allow for an automotive sales lot.
- The motion was seconded by Alan Zipperer, and carried unanimously.

Alternatives

1. **Approve** the request to **rezone** 1.61 acres from **R-1** to **B-3**.
2. **Deny** the request to **rezone** 1.61 acres from **R-1** to **B-3**.

Recommended Alternative: 2

Other Alternatives: 1

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Rezoning application
2. Ownership certificate

3. Deed
4. Aerial photograph

ATTACHMENT A – REZONING AMENDMENT APPLICATION

Application Date: 12.13.2021

Applicant/Agent: Donnie R. Bazemore, Applicant by Warren E. Ratchford, Agent

Applicant Email Address: wratchford@werlaw.com

Phone # 912-754-7800

Applicant Mailing Address: 1575 Ga Hwy 21 S

City: Springfield State: Georgia Zip Code: 33129

Property Owner, if different from above: Donnie R. Bazemore

Include Signed & Notarized Authorization of Property Owner

Owner's Email Address (if known): donniebazemore@yahoo.com

Phone # 912-857-3392

Owner's Mailing Address: 1705 Foxhunters Road

City: Sylvania State: Ga Zip Code: 30467

Property Location: 5947 Highway 21 South, Rincon, Georgia 31326

Proposed Road Access: Lewis Drive and Highway 21 South

Present Zoning of Property: R-1 - Residential Proposed Zoning: B-3 - Highway Commercial District

Tax Map-Parcel # 0465J001C00 Total Acres: 1.61 Acres to be Rezoned: 1.61

Lot Characteristics: Property is located on Ga #21, South of Rincon

WATER

☐ Private Well

☒ Public Water System

SEWER

☒ Private Septic System (existing)

☐ Public Sewer System

If public, name of supplier: _____

Justification for Rezoning Amendment: The master plan for Effingham County evidences the long term goal to establish the frontage on GA Hwy 21 as commercial property.

List the zoning of the other property in the vicinity of the property you wish to rezone:

North R-1 South B-2 East R-1 West Commercial - (Service Station and Restaurant)

Rev 05052021

1. Describe the current use of the property you wish to rezone.

Majority vacant property with a small residence to be used as an office.

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

Although the property can be used for residential purposes, such use is not economically advantageous in light of area reduction of rent for residential purposes.

3. Describe the use that you propose to make of the land after rezoning.

As a car sales lot. Owner/petitioner is a long time business owner in Effingham County and desires to move to property he owns.

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

Residential - older subdivision of large lots

North - undeveloped wetlands bordering industrial and across GA Hwy 21 with Commercial development


5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

The rezoning of the property will bring the property in line with the Master Plan for Effingham County. The type of business use proposed will increase tax collections within Effingham County and improve the value of the property. Properties on both sides of GA hwy 21 are now commercial and this proposed use in keeping with the long term determination of County planning that GA Hwy 21 corridor is to become commercial.

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Applicant does not see any specific detriment to the neighboring property owners. As all such lots are large and as all factors pertaining to noise or other type complaints are minimally impacted by this use, such factors already being present as such neighboring properties presently exist. Applicant is willing to address additional concerns of neighboring property owners. However, applicant is expending a considerable sum to erect fences, buffered areas, and repaving of Lewis Drive in hoping to minimize any concerns of neighboring property owners.

Applicant Signature: _____


as attorney for Donnie R.
Bazemore

Date 12.13.2021

ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date February 14, 2020, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2574 page 499.

I hereby certify that I am the owner of the property being proposed for Rezoning Amendment Approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner's signature , as attorney for Donnie R. Bazemore

Print Name Donnie R. Bazemore

Owner's signature _____

Print Name _____

Owner's signature _____

Print Name _____

Sworn and subscribed before me this 13th day of December, 2021.



Notary Public, State of Georgia



AUTHORIZATION OF PROPERTY OWNER

I, Donnie R. Bazemore, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Effingham County, Georgia

I authorize the person named below to act as applicant in the pursuit of a Rezoning Amendment Approval. I acknowledge and accept that I will be bound by the decision of the Board of Commissioners, including any conditions, if the application is approved.

Name of Applicant/Agent: Warren E. Ratchford

Applicant/Agent Address: 1575 Ga Hwy 21 S

City: Springfield State: Ga Zip Code: 31329 Phone: 912-754-7800

Email: wratchford@werlaw.com

Owner's signature



as attorney for Donnie R.

Bazemore

Print Name Donnie R. Bazemore

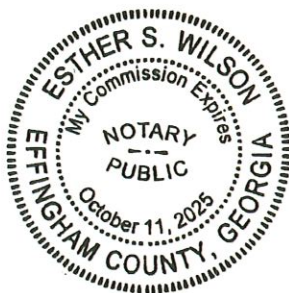
Personally appeared before me _____ (Owner print)

Who swears before that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Sworn and subscribed before me this 13th day of December, 2021.



Notary Public, State of Georgia



BK:2574 PG:499-499
D2020001538

FILED IN OFFICE
CLERK OF COURT
02/18/2020 03:54 PM
ELIZABETH Z. HURSEY, CLERK
SUPERIOR COURT
EFFINGHAM COUNTY, GA

Elizabeth Z. Hursey

REAL ESTATE
TRANSFER TAX
PAID: \$105.00

PT-61 051-2020-000446

RETURN TO:
REDDICK & EXLEY
ATTORNEYS AT LAW
P. O. BOX 385
SPRINGFIELD, GA 31329

STATE OF GEORGIA

COUNTY OF EFFINGHAM

THIS INDENTURE, Made the 14th day of February, 2020, between ARNOLD H. BAZEMORE and CAROLYN P. BAZEMORE of the FIRST PART, and DONNIE R. BAZEMORE of the SECOND PART,

WITNESSETH: FIRST PARTIES, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto SECOND PARTY, his heirs and assigns, the following described property, to-wit:

ALL that certain lot, tract or parcel of land situate, lying and being in the 9th G.M. District of Effingham County, Georgia, known and designated as Lots One (1), Two (2), Three (3) and Four (4), Section "C", Goshen Terrace Subdivision, that are shown and more particularly described by the plat of survey made by Lester Ackerman, Surveyor, dated April 28, 1962, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Record Book 2, Page 179, which is incorporated into this description by specific reference thereto.

This being the same property conveyed by Warranty Deed from Willis R. Shanks and Patricia Ann Shanks to Raymon L. Pitts and Shirley M. Pitts dated April 26, 1991 and recorded in said Clerk's Office in Deed Book 293, Page 211.

SUBJECT, to Easements to Savannah Electric and Power Company recorded in Deed Book 102, Page 64, Deed Book 120, Page 434, and Deed Book 132, Page 263.

SUBJECT, ALSO, to restrictive covenants recorded in Deed Book 133, page 411.

This being the same property conveyed by Survivorship Deed from Raymond L. Pitts to Arnold H. Bazemore and Carolyn P. Bazemore dated August 14, 2019 and recorded in said Clerk's Office in Deed Book 2540, Page 308.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, hereditaments, improvements, easements, and appurtenances thereunto belonging or in any wise appertaining unto SECOND PARTY, his heirs and assigns, FOREVER IN FEE SIMPLE with full WARRANTY OF TITLE to said property against the claims of all persons whomsoever.

IN WITNESS WHEREOF, FIRST PARTIES have hereunto set their hands and affixed their seals and delivered these presents, the day and year first above written.

Signed, sealed and delivered
in the presence of:

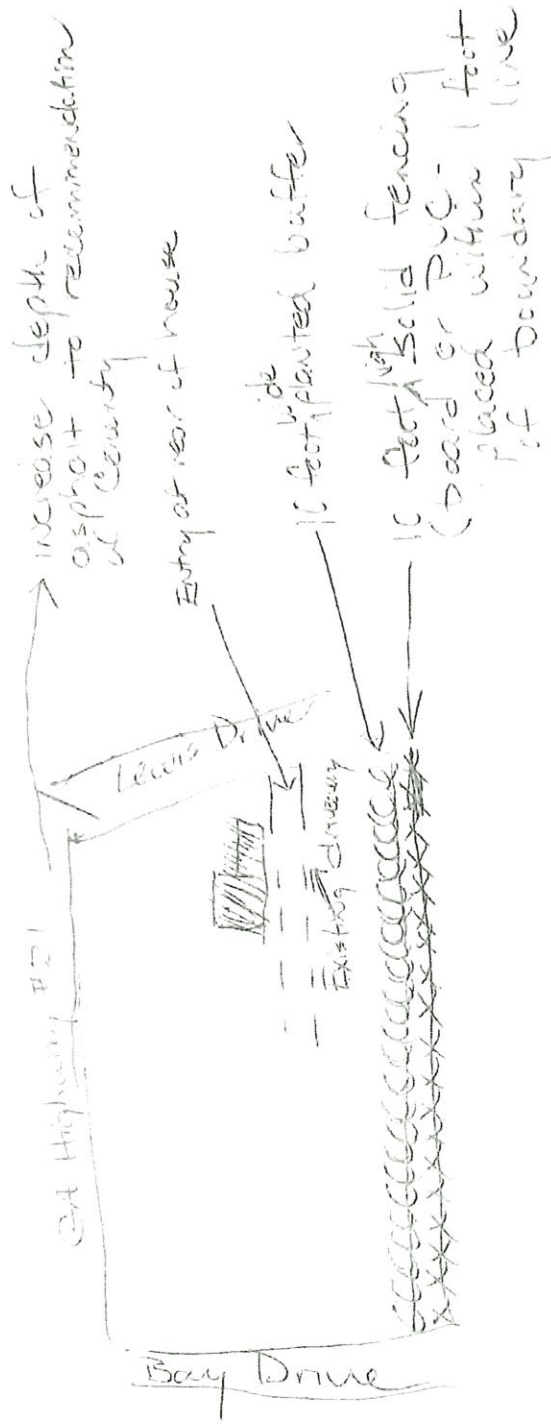
Arnold H. Bazemore (SEAL)
ARNOLD H. BAZEMORE

Carolyn P. Bazemore (SEAL)
CAROLYN P. BAZEMORE

Lyndsey P. Burns
Unofficial Witness

Belinda M. Pollett
Official Witness - Notary Public
bp





- 1) Permeable type paving at all necessary areas.
- 2) Downlighting to extent possible to reduce impact.
- 3) All signage located within 30 feet of #21 right of way.

May 4, 2020
Planning Board
meeting minutes

May 19, 2020
Board of Commissioners
meeting minutes

"MINUTES OF THE EFFINGHAM COUNTY PLANNING BOARD – May 4, 2020"

Donnie Bazemore - PUBLIC HEARING (14): The applicant requests to rezone 1.6 acres from **R-1** to **B-3** for **[Map# 465J Parcel# 1C]** located at 5947 Hwy 21 S to allow for an auto sales lot. **(Fifth District)**.

Mrs. Diane Proudfoot, Zoning Administrator read the Facts and Findings, and Staff Recommendations:

Facts and Findings:

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. The B-3 zoning designation is for Highway Commercial Districts typically permitted in areas

"MINUTES OF THE EFFINGHAM COUNTY PLANNING BOARD – May 4, 2020"

along state highways, interstates or major street corridors. This property has road frontage along Hwy 21 and automotive sales is a permitted use in B-3. The properties on the west of Hwy 21 are zoned B-2 and B-3. The adjoining properties to the east and north are R-1, therefore the development plan would need to meet the buffer requirements as well as all other development requirements. There is a turning lane from Hwy 21 onto Lewis Drive which is the used access to the property. There is a curb cut onto the property from Hwy 21 but it is not currently being used. A proposed sketch layout is attached. The buffer requirements for B-3 are 30' buffer along the R-1 district and 15' along the commercial district, the sketch included by the applicant did not indicate any buffers.

Staff Recommendation: **Approval with the following stipulations:**

- 1. Must meet the requirements of the B-3 Zoning District.**
- 2. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Storm Water Management Local Design Manual.**
- 3. All wetland impacts shall be permitted by the USACE.**

Mr. Warren Poythress was present to speak on behalf of Mr. Donnie Bazemore. Mr. Poythress stated that the property was surrounded by other businesses, to include boat sale, storage, and repair. Mr. Poythress said that the property is a perfect location.

Mrs. Rebekah Lawson was present to speak against the rezoning. Mrs. Lawson recalled that one of the stipulations for a previous commercial rezoning in the area was that the business would be as such that it had limited hours and traffic, she stated the nearby residents had been apprehensive that a commercial property would be "the first chip" in turning the neighborhood in to a commercial district, but had felt reassured by the stipulations. Mrs. Lawson said there was a feeling of shock regarding the current proposed rezoning because it seems to contradict earlier assurances given to residents.

Mrs. Lawson stated she understood the boating business, but that business did not adjoin any residential properties. She went on to say that while she understood the need for progress, she did not feel an auto sales lot brought anything new or improved Rincon, which she pointed out has many commercial properties for sale. Mrs. Lawson is concerned about the impact commercialization will have on her property value.

Mr. Malcolm Smith was present to speak against the rezoning. Mr. Smith shared concern that the rezoning would lead to devaluation of his property. He recalled that the stipulations on the past area rezoning included that businesses would be limited to medical businesses.

Mr. Arnold Reddick was present to speak against the rezoning. Mr. Reddick owns the adjoining property and stated that a used auto lot is not needed. He requested that the request be denied.

Mr. Donnie Bazemore was present to speak on his own behalf. Mr. Bazemore stated that he is moving his current lot and business, and that the property in question belongs to his parents who have not been successful in selling it as a residence. Mr. Bazemore said he plans to use the existing dwelling as an office,

"MINUTES OF THE EFFINGHAM COUNTY PLANNING BOARD – May 4, 2020"

the maximum number of cars he will have on site is approximately 30, and he anticipates 5 to 7 customers per day. He went on to say that there will be no servicing or washing of cars on site.

Mr. Peter Higgins observed that were the property to be rezoned, there would need to be a buffer between the auto lot and the Reddick property, he asked if Mr. Bazemore was willing to provide this buffer. Mr. Bazemore answered that he would be willing and his proposed business hours would be Monday through Friday 10AM to 6PM and Saturday 10AM to 2PM, in keeping with the residential location.

Mrs. Reddick was present to speak against the rezoning. She stated her belief that if the 30' buffer was observed, there would be insufficient space for automotive inventory.

Chairman David Burns reflected that the decision to approve or deny was difficult in part because the property was both residential and highway.

Mrs. Rebekah Lawson returned to speak. She expressed empathy for the Bazemores' inability to sell their home, but believed that an auto lot would cause everyone in the neighborhood to lose money.

Mr. Peter Higgins stated that eventually Chimney Road would have a stop light, which would stop people from cutting through Lewis Drive, which he believes is a large component of objection.

Mr. Peter Higgins made a motion to approve with Staff Recommendations and the additional caveat of the addition of a vegetative buffer. The motion was seconded by Mr. Brad Smith and carried unanimously.

DONNIE BAZEMORE – PUBLIC HEARING (42): The Planning Board recommends approving an application by Donnie Bazemore to rezone 1.60 acres located at 5947 Highway 21 South from R-1 to B-3 Map# 465J Parcel# 1C in the Fifth District

Zoning Administrator Proudfoot explained the Planning Board and Staff recommend approval of the request with stipulations.

Mr. Warren Poythress, on behalf of Mr. Bazemore explained the property is surrounded by business properties. The use will be an automobile sales business.

Mr. Donnie Bazemore of D & S Auto Brokers stated his current location will be sold. The business hours of operation are 9:00am – 6:00 pm Monday through Friday and Saturday, 10:00 am -2:00pm. A white privacy fence will be installed along Lewis Drive and there will be no repair work on vehicles at this location. There will only be 3-4 employees.

Arnold and Judy Reddick, Rebecca Schonten and Malcolm Smith spoke in opposition of the request.

There was discussion among the Board regarding previous conversations to designate this area along Highway 21 as office professional.

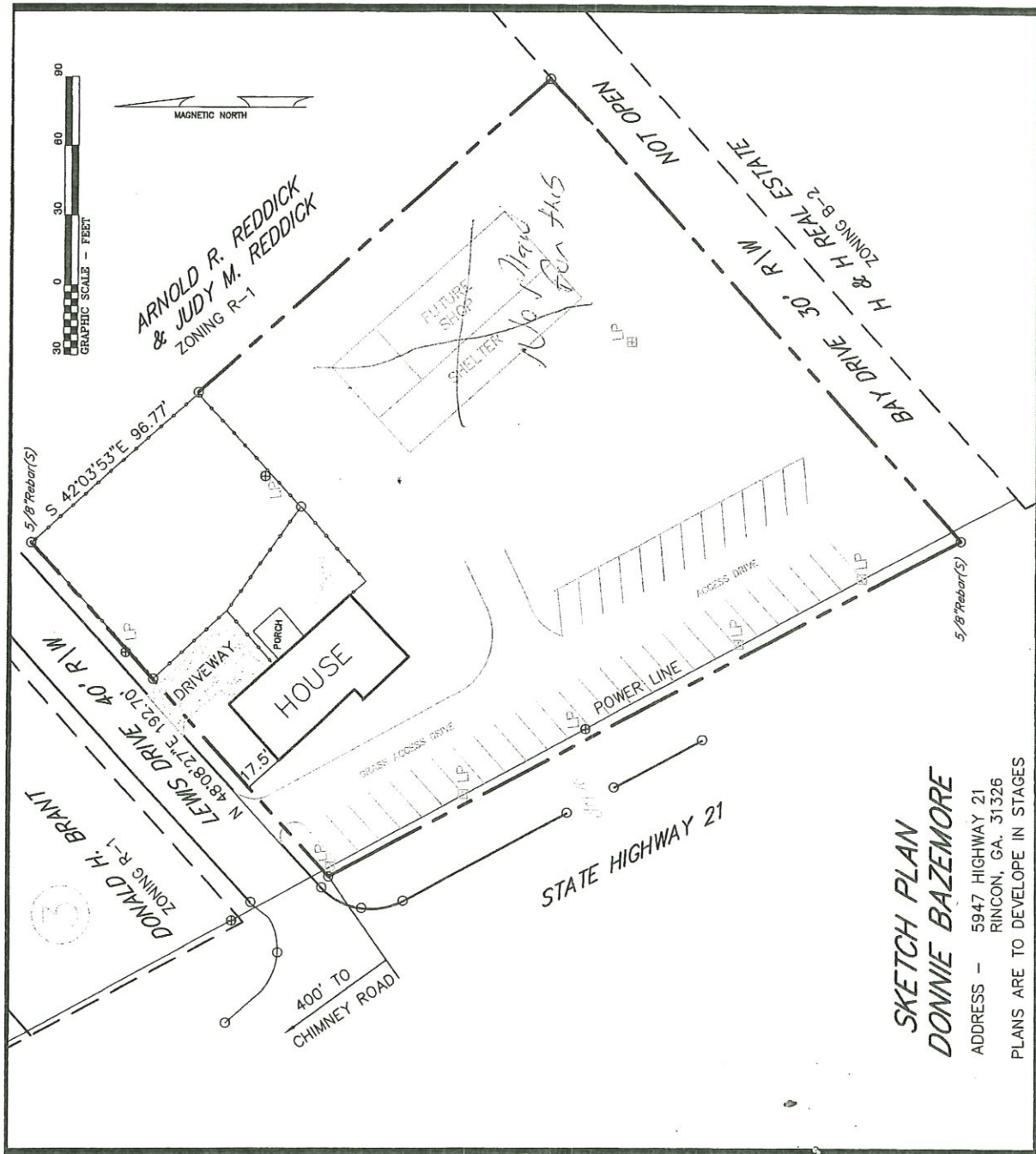
Commissioner Kieffer made a motion to deny the request. Commissioner Burdette seconded the motion. The motion carried unanimously.

DONNIE BAZEMORE – SECOND READING (43): Consideration to approve the Second Reading of an application by Donnie Bazemore to rezone 1.60 acres located at 5947 Highway 21 South from R-1 to B-3 Map# 465J Parcel# 1C in the Fifth District

This item was automatically denied due to the action of the previous item.

ROGER BURDETTE – PUBLIC HEARING (44): The Planning Board recommends denying an application by Roger Burdette to rezone 17.07 acres out of 22.779 acres located off of Highway 21 South from I-1 to I-1 Heavy Industrial Map# 466C Parcel# 1C in the Fifth District

Commissioner Burdette recused himself from voting on this item. Vice Chairman Deloach recused himself from voting.



**SKETCH PLAN
DONNIE BAZEMORE**

ADDRESS - 5947 HIGHWAY 21
RINCON, GA. 31326
PLANS ARE TO DEVELOPE IN STAGES

SURVEYOR'S CERTIFICATION

The plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATION OR REQUIREMENTS OR SUITABILITY FOR ANY USE FOR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Warren E. Poynthress, Registered Land Surveyor
No. 1953

Date 2-6-2020



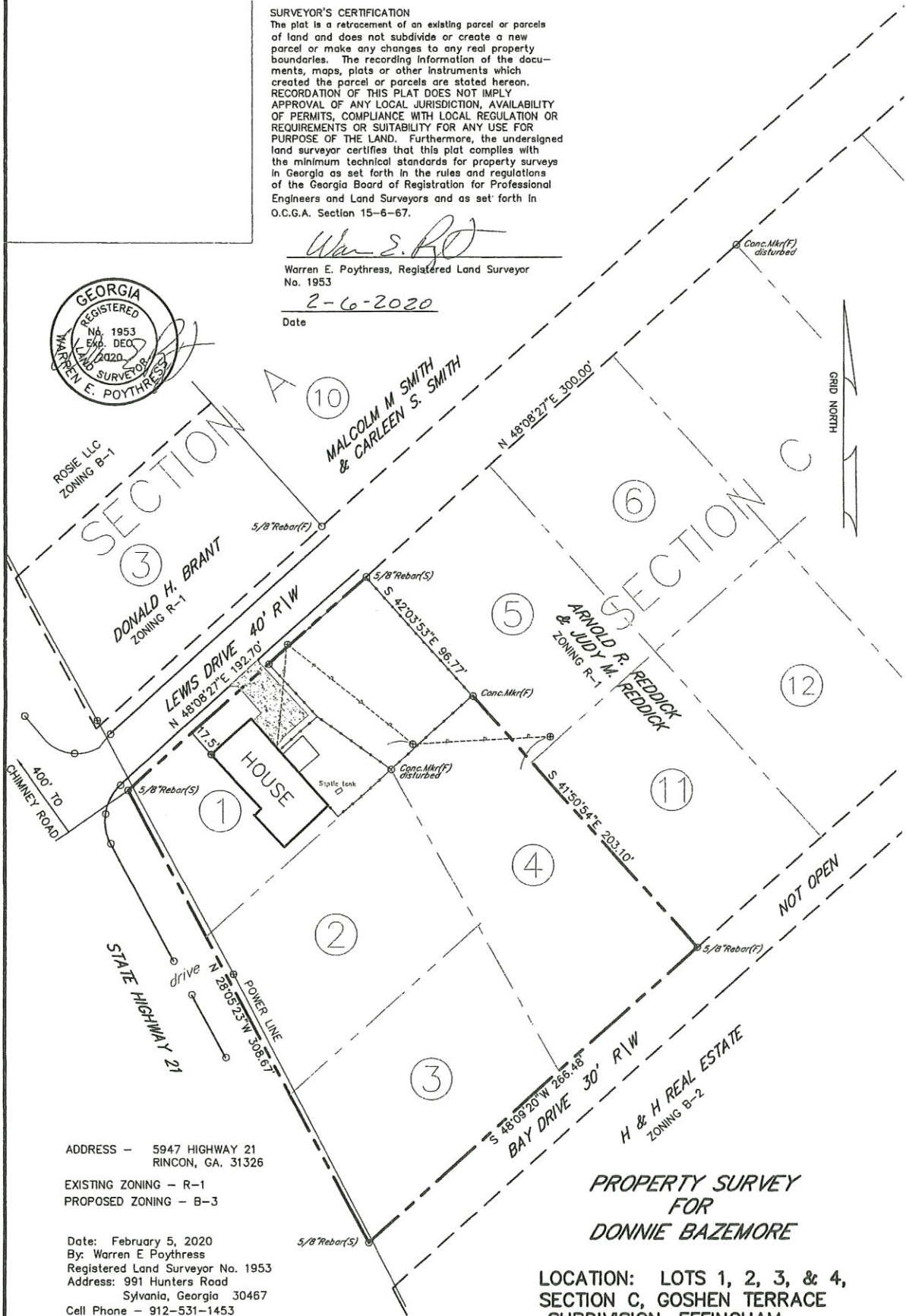
ROSIE LLC
ZONING B-1

DONALD H. BRANT
ZONING R-1

MALCOLM M SMITH
& CARLEEN S. SMITH

ARNOLD R. REDDICK
& JUDY M. REDDICK
ZONING R-1

H & H REAL ESTATE
ZONING B-2



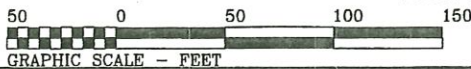
ADDRESS - 5947 HIGHWAY 21
RINCON, GA. 31326

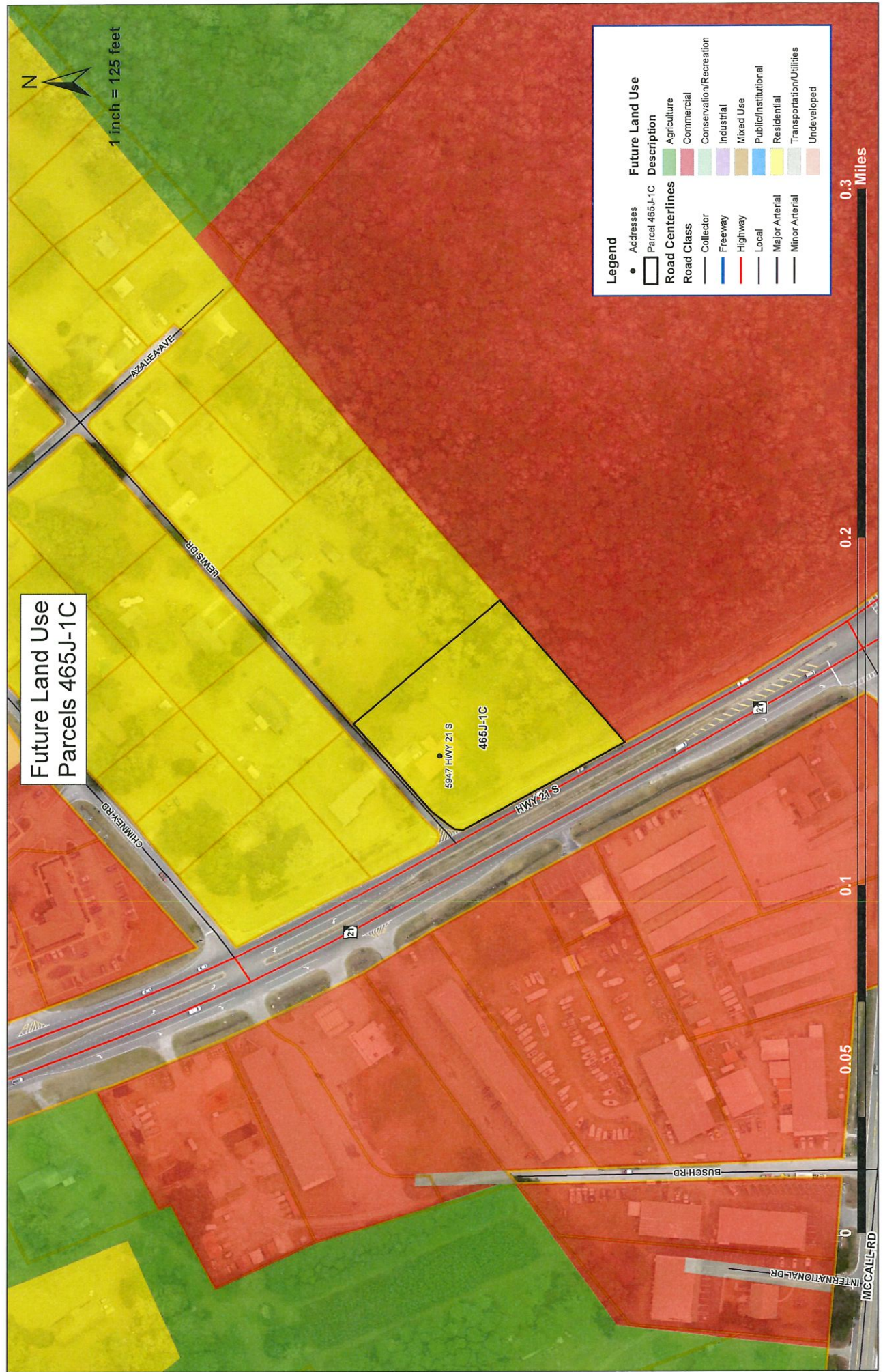
EXISTING ZONING - R-1
PROPOSED ZONING - B-3

Date: February 5, 2020
By: Warren E Poynthress
Registered Land Surveyor No. 1953
Address: 991 Hunters Road
Sylvania, Georgia 30467
Cell Phone - 912-531-1453
Telephone: 912-857-3288
Equipment - Sokkia GRS2 - GPS
Topcon 303
FINAL PLAT CLOSURE =

PROPERTY SURVEY
FOR
DONNIE BAZEMORE

LOCATION: LOTS 1, 2, 3, & 4,
SECTION C, GOSHEN TERRACE
SUBDIVISION, EFFINGHAM
COUNTY, GEORGIA





5947 HWY 21 S



EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

DB

The Effingham County Planning Commission recommends:

APPROVAL _____

DISAPPROVAL _____

Of the rezoning request by applicant **Warren E. Ratchford as Agent for Donnie R. Bazemore – (Map # 465J Parcel # 1C)** from R-1 to B-3 zoning.

- Yes No ? 1. Is this proposal inconsistent with the county's master plan?
- Yes No ? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?
- Yes No ? 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?
- Yes No ? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?
- Yes No ? 5. Does the proposed change constitute "spot zoning" which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?
- Yes No ? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?
- Yes No ? 7. Are nearby residents opposed to the proposed zoning change?
- Yes No ? 8. Do other conditions affect the property so as to support a decision against the proposal?

EFFINGHAM COUNTY REZONING CHECKLIST

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL _____

DISAPPROVAL ✓

Of the rezoning request by applicant **Warren E. Ratchford as Agent for Donnie R. Bazemore – (Map # 465J Parcel # 1C)** from R-1 to B-3 zoning.

- Yes ~~No~~? 1. Is this proposal inconsistent with the county's master plan?
- Yes ~~No~~? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?
- Yes ~~No~~? 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? ML
- Yes ~~No~~? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?
- Yes ~~No~~? 5. Does the proposed change constitute "spot zoning" which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?
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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL _____

DISAPPROVAL X

Of the rezoning request by applicant **Warren E. Ratchford as Agent for Donnie R. Bazemore – (Map # 465J Parcel # 1C)** from **R-1** to **B-3** zoning.

- Yes ☒ No ? 1. Is this proposal inconsistent with the county's master plan?
- ☒ Yes No ? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?
- ☒ Yes No ? 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?
- Yes ☒ No ? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?
- Yes ☒ No ? 5. Does the proposed change constitute "spot zoning" which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?
- ☒ Yes No ? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?
- ☒ Yes No ? 7. Are nearby residents opposed to the proposed zoning change?
- ☒ Yes No ? 8. Do other conditions affect the property so as to support a decision against the proposal?

BKS 11/31/22

EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL _____

DISAPPROVAL ✓

Of the rezoning request by applicant **Warren E. Ratchford as Agent for Donnie R. Bazemore – (Map # 465J Parcel # 1C)** from **R-1** to **B-3** zoning.

- Yes ✓ No ? 1. Is this proposal inconsistent with the county's master plan?
- Yes ✓ No ? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?
- Yes ✓ No ? 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?
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- Yes ✓ No ? 8. Do other conditions affect the property so as to support a decision against the proposal?

AZ