

Staff Report

Subject: Rezoning (First District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: October 3, 2023
Item Description: **Alex Long** as Agent for **GSL Cattle Company, LLC** requests to **rezone** 14.635 acres from **AR-1** to **R-1** to allow for a 5-lot subdivision. Located on Courthouse Road. **[Map# 348 Parcel# 16]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 14.635 acres from **AR-1** to **R-1** to allow for a 5-lot subdivision 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. AR-1 requires a minimum lot size of 5 acres.
- The applicant proposes to create a 5-lot subdivision of lots comprised of lots between 1.12 and 7.10 acres
- The criteria for recommendation on whether a property should be rezoned is contained in The Zoning Procedure Law (of Georgia) and is incorporated in to the Effingham County Code of Ordinance in Article IX, section 9.5 to include the following questions:
 - *Could the proposed zoning allow uses that overload either existing or proposed public facilities such as streets, utilities, or schools?*
 - The proposed subdivision has only 5 lots.
 - While maximum density for the R-1 zoning district served by well and septic could allow for further subdivision to 14 lots, the proliferation of wetlands, and soil quality, makes this an untenable density. This increase would also constitute a major subdivision and trigger Board proceedings.
 - No concerns regarding public facility burden have been raised by applicable agencies.
 - *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 subdivision will access, either directly or through limited access, Courthouse Road.
 - A TIA has not yet been conducted.
 - *Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?*
 - The property is currently undeveloped.
 - *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?*
 - The sizes of lots and proposed R-1 zoning are compatible with surrounding zoning, which is a mix of AR and Residential zoning districts.
 - *Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?*
 - The proposed rezoning should not impact use or usability of nearby property.
 - *Do other conditions affect the property so as to support a decision against the proposal?*
 - Staff has not identified any such conditions.
- At the September 12, 2023 Planning Board meeting, multiple neighboring residents came forward to express opposition regarding the rezoning. Their concerns included:
 - Increase of traffic
 - Destruction of natural habitat
 - Further subdivision in the future

- At the September 12, 2023 Planning Board meeting, Ryan Thompson made a motion for approval with the following conditions:
 1. A minor subdivision plat must be approved by Development Services, and be recorded, before the rezoning can take effect.
- The motion was seconded by Alan Zipperer, and carried unanimously.

Alternatives

1. **Approve** the request to **rezone** 14.635 acres from **AR-1** to **R-1**, with the following conditions:
 1. Minor subdivision plat must be approved by Development Services, and be recorded, before the rezoning can take effect.
2. **Deny** the request for to **rezone** 14.635 acres from **AR-1** to **R-1**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Rezoning application and checklist 3. Plat 5. Deed
 2. Ownership certificate/authorization 4. Aerial photograph