

Staff Report

Subject: Rezoning (First District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: September 12, 2023
Item Description: **Quail Preserve, LLC** requests to **rezone** 15 acres from **AR-1** to **B-3** to allow for business development. Located on US Highway 80. **(First District) [Map# 329 Parcel# 41E01]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 15 acres from **AR-1** to **B-3** to allow for business development, 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. Section 5.11 describes B-3 Highway commercial districts.
- The applicant proposes to develop four “flex use” buildings for commercial tenants.
- The property is currently used as a timber tract.
- 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?*
 - No applicable agencies have submitted comment or concern.
 - *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?*
 - No TIA has been conducted.
 - Hwy 80 is a designated truck route
 - *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 surrounding area contains AR, commercial, and industrial zoning.
 - *Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?*
 - The zone change should not impact the use of nearby properties.
 - *Do other conditions affect the property so as to support a decision against the proposal?*
 - The applicant will be applying for a variance to reduce the
- At the September 12, 2023 Planning Board meeting, Ryan Thompson made a motion for approval.
- The motion was seconded by Peter Higgins and carried unanimously.

Alternatives

1. **Approve** the request to **rezone** 15 acres from **AR-1** to **B-3**, with the following conditions:
2. **Deny** the request for to **rezone** 15 acres from **AR-1** to **B-3**

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