

Staff Report

Subject: Rezoning (First District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: October 3, 2023
Item Description: **Chris Edenfield** as Agent for **Glenn Conaway** requests to **rezone** 48.48 acres from **AR-1** to **PD-MR** to allow for a surface mine. Located on Blue Jay Road. **[Map# 351 Parcel# 8]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 48.48 acres from **AR- 1** to **PD-MR** to allow for surface mine.

Executive Summary/Background

- The regulations governing the PD-MR zoning district, for surface mine operations over 10 acres is found in **Part II – Official Code, Appendix C – Zoning Districts, Article V – Uses Permitted in Districts, Section – 5.15.7.9 Mining and reclamation (PD-MR)** in the Effingham County Code of Ordinances.
- The applicant proposes to expand a pre-existing surface mine site on a non-adjacent parcel (351-6).
- Access will be via the same easement used by existing operations on 351-6 to Blue Jay Road.
- The proposed operating hours are 7:00AM to 4:00PM.
- 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.
 - *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 zoned, there is current mining activity.
 - *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?*
 - During a recent site visit, Staff noted that the easement to serve as access is in need of improvement.
- At the September 12, 2023 Planning Board meeting, Ryan Thompson made a motion for approval.
- The motion was seconded by Alan Zipperer and carried unanimously.

Alternatives

1. **Approve** the request to **rezone** 5.89 acres from **AR-1** to **AR-2**, with the following conditions:
2. **Deny** the request for to **rezone** 5.89 acres from **AR-1** to **AR-2**

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:

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

5. Deed