

Staff Report

Subject: Rezoning (First District)
Author: Chelsie Fernald, Planner II
Department: Development Services
Meeting Date: November 21, 2023
Item Description: **Marnier Group Ltd. As agent for Robert Fletcher Waldour and Lynette Waldour** requests to rezone 44.509 +/- acres from **AR-1** to **R-3** to allow for a multifamily residential development. Located on Blue Jay Road. **[Map# 326 Parcel #17]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 44.509 +/- acres from **AR-1** to **R-3** to allow for a multifamily residential 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. Article V – Uses Permitted, Section 5.6.1.2 permits multifamily dwellings in the R-3 zoning district.
- The applicant requests to develop an apartment complex, consisting of approximately 288 total units housed in approximately 10 3-story buildings. The building height will require a variance.
- Proposed amenities include clubhouse, pool, dog park, nature trail, and outdoor courtyards.
- The site is located at the intersection of two collector roads, Highway 17 being a major collector road.
- 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?*
 - A TIA has not yet been conducted.
 - 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?*
 - A TIA has not yet been conducted.
 - The proposed development proposes direct access on both Blue Jay Road and Highway 17 S.
 - *Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?*
 - The property is currently undeveloped and has a prevalence of wetlands which need to be delineated for any future active use.
 - *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 primarily AR-1, with multiple commercial properties in the immediate area.
 - *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?*
 - No known conditions exist to support a decision against the rezoning.
- At the October 10, 2023 Planning Board meeting, Mr. Brad Smith made a motion for approval with Staff Recommendations. Mr. Peter Higgins second and the motion carried unanimously.
- At the November 7, 2023 Board of Commissioners meeting this item was tabled to the November 21, 2023 meeting.

Alternatives

- 1. **Approve** the request to **rezone** 44.509 +/- acres from **AR-1** to **R-3**, with the following conditions:
 - 1. Separation of the 44.509 acres of project site shall be required, either by minor subdivision plat or Tax Assessor (in the case of a TPO combination), before the rezoning can take effect.
 - 2. A variance from maximum height restrictions in R-3 must be granted before the rezoning can take effect.

- 2. **Deny** the request for to **rezone** 44.509 +/- of acres from **AR-1** to **R-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	