

Staff Report

Subject: Rezoning (First District)
Author: Chelsie Fernald, Planner II
Department: Development Services
Meeting Date: November 7, 2023
Item Description: **KFJT Enterprises, LLC** as Agent for **Estate of Ernest Oetgen** requests **rezone** 170 +/- acres from **AR-1 & R-4** to **I-1** to allow for business development. Located on Oetgen Road. [Map# 399 Parcel# 3, 3D, 3Q, & 3R]

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 170 +/- acres from **AR-1 & R-4** to **I-1** 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.
- The applicant proposes to develop an industrial warehouse.
- While the adjacent zoning of many of the surrounding properties is AR-1, they are primarily under the same family ownership with the exception of a “mini-farm” subdivision to the NW. There are a notable number of industrial-zoned properties in the near vicinity.
- Due to high prevalence of wetlands (80+ acres), the applicant proposes minimal development, and large areas of undisturbed vegetation, creating a buffer in excess of the requisite 300’.
- 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?*
 - EOM has recommended a technical traffic memorandum.
 - Oetgen/Stagecoach Road is currently used for industrial traffic.
 - No applicable agencies other than EOM 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?*
 - The property has direct frontage access to Oetgen/Stagecoach Road.
 - No TIA has been conducted.
 - *Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?*
 - The surface mine on 399-3Q and involved R-4 parcels are inactive.
 - *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 immediate area is a mixture of AR-1, R-4, and I-1.
 - *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?*
 - There is an open Code Enforcement case with EPD involvement for 399-3R involving illegal dumping.
- Resident opposition was presented at the September 12, 2023 Planning Board meeting. Concerns included:
 - Increase of traffic

- Property value and tax rates
- Condition of Stagecoach Road
- Detriment to character of area
- At the September 12, 2023 Planning Board meeting, Ryan Thompson made a motion for denial, based on concerns regarding condition and future maintenance of Godley/Stagecoach Road.
- The motion was seconded by Peter Higgins, and carried unanimously.
- In response to Planning Board recommendation, Code Enforcement action, and in an effort to remain consistent with the recent I-1 rezoning of 419-1A, Staff has added conditions 2-4 for approval.
- At the October 3, 2023 Board of Commissioners meeting, this item was postponed to the November 7, 2023 Board of Commissioners meeting during agenda approval.

Alternatives

- 1. Approve** the request to **rezone** 170 +/- acres from **AR-1 & R-4** to **I-1**, with the following conditions:
1. A recombination plat must be approved by Development Services, and be recorded, before the rezoning can take effect.
 2. The applicant shall meet with impacted jurisdictions to address and reach agreement on road maintenance concerns.
 3. There shall be no traffic access to or from Godley Road.
- 2. Deny** the request for to **rezone** 170 +/- acres from **AR-1 & R-4** to **I-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