

## Staff Report

**Subject:** Rezoning (Fifth District)  
**Author:** Chelsie Fernald, Senior Planner  
**Department:** Development Services  
**Meeting Date:** January 16, 2023  
**Item Description:** **Kathi Messer** requests to **rezone** 1.01 acres from **AR-1** to **B-1** to allow for a small pizza restaurant. Located on Long Bridge Road. **Map# 445 Parcel# 19** in the **Fifth District**.

### Summary Recommendation

Staff and Planning Board have reviewed the application, and recommend **approval** of the request to **rezone** 1.01 acres from **AR-1** to **B-1** to allow for a small pizza restaurant.

### 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 is proposing a small pizza restaurant which is a The proposed development has approximately 175' of road frontage on Long Bridge Road which is a County maintained road.
- The applicant is proposing a pizza restaurant with customer parking. The required buffer between residentially zoned parcels and a commercial parcel is 30 feet, the applicant is proposing approximately 72 feet.
- The closest commercially zoned parcel is approximately 300 feet to this location.
- B-1 zoning is the least intense commercial zoning, that is designed for small scale retail and service businesses that cater to the surrounding residential neighborhoods.
- Permitted uses within **B-1 Neighborhood Commercial District** are:
  - *Personal and professional services (including clinics and studios).*
  - *Cafes, and restaurants.*
  - *Private clubs, lodges, community centers.*
  - *Dry cleaning outlets.*
  - *Convenience stores (retail) without gas pumps.*
  - *Child care centers.*
  - *Libraries.*
  - *Mixed-use residential*
  - *Site-built single-family detached buildings.*
  - *Government-owned utilities.*
  - *Bed and breakfast lodging facility.*
- At the December 12, 2023 Planning Board meeting, Mr. Peter Higgins made a motion for denial. The motion died.
- Afterwards, Mr. Ryan Thompson made a motion for approval with Staff recommendations and the following additional conditions:
  - A Sketch Plan will be required.
  - All buffers to residential parcels must be 50 feet and include a privacy fence no closer than 5 feet to the property line and cannot exceed 7 feet in height.
  - The only use that will be allowed with this B-1 district is cafes, and restaurants; all other allowed B-1 uses will be prohibited.
- Mr. Brad Smith second the motion. The motion carried 4-1 with Mr. Peter Higgins opposing.

### Alternatives

1. **Approve** the request to **rezone** 1.01 acres from **AR-1** to **B-1** to allow for a small pizza restaurant with the following conditions:
  - A subdivision plat must be approved by Development Services, and be recorded, before the rezoning can take effect.
  - The applicant shall obtain, and keep in good standing, an Effingham County Occupational Tax Certificate (business license).
  - A Sketch Plan will be required.
  - All buffers to residential parcels must be 50 feet and include a privacy fence no closer than 5 feet to the property line and cannot exceed 7 feet in height.
  - The only use that will be allowed with this B-1 district is cafes, and restaurants; all other allowed B-1 uses will be prohibited.
  
2. **Deny** the request for to **rezone** 1.01 acres from **AR-1** to **B-1** to allow for a small pizza restaurant.

**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