

Staff Report

Subject: Rezoning (Fourth District)
Author: Chelsie Fernald, Planner II
Department: Development Services
Meeting Date: December 5, 2023

Item Description: **Lex Bazemore** as Agent for **Wanda R. Williams** requests to **rezone** 17.67 acres from **AR-1** to **R-4** with the **conditional use** to allow for an RV park. Located on Race Path Road. **[Map# 412 Parcel# 5A]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 17.67 acres from **AR-1** to **R-4** with the **conditional use** to allow for an RV park.

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 5.7.2.3 allows for *Recreational vehicle parks, provided that no recreational vehicle occupies a site for more than 180 consecutive days.*
- Citizen reports to Development Services state that existing RV parks frequently have wait lists, and are not available for occupation for months.
- Due to the fact that occupation of an RV is prohibited outside of R-4 zoning, Code Enforcement frequently responds to complaints of illegal RV occupation.
- Staff was unable to identify R-4 rezoning more recent than 2007 (Whispering Pines, Hodgeville Road).
- The proposed development will next be required to submit a sketch plan for review and approval.
- 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?*
 - At the Technical Review Committee meeting for this project, EOM's constructive comment on roads was limited to the need for an upgrade to a commercial access/driveway for an RV park.
 - 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?*
 - 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 is within the AR zoning districts, with a nearby R-1 subdivision, and a surface mine. This composition is compatible with other residential 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 have to obtain EPD permitting for water/sewer systems.

- Resident opposition was presented at the September 12, 2023 Planning Board meeting. Concerns included:
 - Increase in traffic
 - Devaluation of property
 - Condition of Racepath Road
 - Burden to internet access
- At the September 12, 2023 Planning Board meeting, Brad Smith made a motion for approval. The motion was seconded by Alan Zipperer, and failed with a vote of 2-3.
- Peter Higgins made a motion for denial, which was seconded by Ryan Thompson and carried 3-2, Brad Smith and Alan Zipperer opposing.
- At the October 3, 2023 Board of Commissioners meeting, Commissioner Loper made a motion for approval with staff recommendation. There was not a second and the motion died.
- Mr. Lex Bazemore asked the board if the item could be tabled.
- Commissioner DeLoach made a motion to table the item to the November 7, 2023 Board of Commissioners meeting; Commissioner Loper second and it carried unanimously.
- At the November 7, 2023 Board of Commissioners meeting this item was tabled to the December 5, 2023 Board of Commissioners meeting.

Alternatives

1. Approve the request to **rezone** 17.67 acres from **AR-1** to **R-4** with a **conditional use**, with the following conditions:

1. The Recreational Vehicle park shall conform in every way to the R-4 zoning district.
2. The Recreational Vehicle park shall obtain, and keep in good standing, an Effingham County Occupational Tax Certificate

2. Deny the request for to **rezone** 17.67 acres from **AR-1** to **R-4** with a **conditional use**

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