

Staff Report

Subject: Rezoning (Second District)
Author: Chelsie Fernald, Planner II
Department: Development Services
Meeting Date: December 5, 2023
Item Description: **MRD Partners, LLC / Nolan Andrews as Agent for Ronald V. Roberts & Barry Chenkin** requests to **rezone** 18.5 acres from **R-2 & AR-1** to **I-1** to allow for warehouse development. Located at 4828, 4838, & 4884 McCall Road. **[Map# 450D Parcel# 4A, 4B & 5]**

Summary Recommendation

Staff and Planning Board have reviewed the application, and recommend **approval** of the request to **rezone** 18.5 acres from **R-2 & AR-1** to **I-1** to allow for warehouse 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 wishes to develop a small, multi-tenant “flex building” for industrial use. The estimated total building size is proposed to be 156,000 square feet.
- The proposed site is bordered on two sides by the Gateway Industrial Park, which is zoned I-1.
- The SE boundary of the proposed site is along Schweigoffer Creek which acts as a natural boundary, and separation for existing industrial use in the area, the concept plan shows a minimum 300’ buffer to the AR-zoned properties on the SE boundary.
- Multiple adjacent residents on the NE project boundary, on the opposite side of McCall Rd, have written in support of the project and indicated a desire for similar rezoning of their own properties.
- The sketch plan for this project, and a variance request to reduce the buffer along McCall Road, are planned to be heard at the September Planning Board meeting.
- Multiple residents spoke at the September Planning Board meeting to oppose the rezoning. Their concerns included:
 - Noise pollution
 - Devaluation of property
 - Increase in traffic
 - Destruction of wildlife habitat
- 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?*
 - The property has direct frontage access to McCall Road.
 - No TIA has been conducted.
 - *Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?*
 - These properties currently serve as home sites.
 - *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 properties are adjacent to I-1 and AR 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?*
 - Adjacent properties across McCall Road have stated intent to submit application to rezone to I-1.
- At the August 16, 2023 Planning Board meeting, Alan Zipperer made a motion for approval.
- The motion was seconded by Peter Higgins and carried unanimously.
- At the September 5, 2023 Board of Commissioners meeting, Commissioner Burdette made a motion to table the item until October 3, 2023.
- The motion was seconded by Commissioner Floyd and carried unanimously.
- 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.
- At the November 7, 2023 Board of Commissioners meeting, this item was postponed to the December 5, 2023 Board of Commissioners meeting during agenda approval.

Alternatives

- 1. Approve** the request to **rezone** 18.5 acres from **R-2 & AR-1** to **I-1**, with the following conditions:
- 2. Deny** the request for to **rezone** 18.5 acres from **R-2 & AR-1** to **I-1**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:

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| 1. Rezoning application and checklist | 3. Plat | 5. Deed |
| 2. Ownership certificate/authorization | 4. Aerial photograph | |