

## Staff Report

**Subject:** Rezoning (First District)  
**Author:** Chelsie Fernald, Senior Planner  
**Department:** Development Services  
**Meeting Date:** November 19, 2024

**Item Description:** **Kern and Co., LLC- Chad Zittrouer** as agent for **The University of Georgia Foundation- Mike Hunter** requests to **rezone +/- 73** out of 1338 acres from **AR-1 to PD-MR** to allow for the expansion of an existing burrow pit. Located on GA Highway 17. **[Map# 353 Parcel# 3]**

### Executive Summary/Background

- The rezoning request 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 requesting to rezone 25 acres to PD-MR to allow for the expansion of an existing surface mine.
- At the January 15, 2019, Board of Commissioners meeting, 48 acres were rezoned to I-1 for the original surface mine. Since that rezoning, the ordinance governing surface mines has been updated to include the Planned Development Mining Reclamation (PD-MR) for new surface mines and their expansions of 10 + acres.
- Per the Effingham County Code of Ordinance, **Part II – Official Code, Appendix C – Zoning Ordinance, Article III – General Provisions, Section 3.17.3 (4)** states:  
*“Any excavation activity greater than one acre of disturbed area may be permitted in the PD-MR zoning district. Excavation activities that have greater than ten acres must be permitted in PD-MR.”*
- The Future Land Use Map (FLUM) projects this parcel as Conservation-Recreation.
- This application was received on August 20, 2024, at 9:52 am, before the commencement of the Moratorium.
- At the October 8, 2024, Planning Board meeting, Mr. Chad Zittrouer stated that the request is for the total 73 acres, combining the previous I-1 zoning of 48 acres with the new expansion of 25 acres.
- Mr. Ryan Thompson motioned for approval with Staff Recommendations and the following condition:
  - Mr. Zittrouer and the County Engineer meet with Ms. Grassi to better understand the surface mine’s history and how it has affected Ms. Grassi’s property.
- Mr. Peter Higgins seconded the motion, and it carried unanimously.

### Determination

Staff has reviewed the application, and if approved, the rezoning will meet the criteria of the ordinance with the following conditions:

1. Shall meet the requirements of Section 3.17 – Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands.
2. Site Development plans shall comply with the Effingham County Water Resources Protection Ordinance, Stormwater Management Local Design Manual, and Chapter 34 – Flood Protection.
3. A subdivision plat shall be signed and approved by Development Services, then recorded, before the zoning can take effect.
4. The applicant shall notify Development Services at the time of final reclamation of the surface mine and provide close out documentation of the mining operation.
5. Mr. Zittrouer and the County Engineer meet with Ms. Grassi to better understand the surface mine’s history and how it has affected Ms. Grassi’s property.

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:** 1. Rezoning application and checklist  
4. Ownership certificate/authorization

2. Plat  
3. Deed  
5. Aerial photograph