

**ATTACHMENT A – REZONING AMENDMENT APPLICATION**

Application Date: 06/21/2022

Applicant/Agent: David D. Smith

Applicant Email Address:  david.smith@kimley-horn.com

Phone #  912-226-2607

Applicant Mailing Address:  554 EAST GORDON STREET

City:  SAVANNAH  State:  GA  Zip Code:  31401

Property Owner, if different from above:  KICKLIGHTER CLAUDE M AND ELIZABETH E AS CO TRUSTEES   
*Include Signed & Notarized Authorization of Property Owner*

Owner's Email Address (if known): \_\_\_\_\_

Phone # \_\_\_\_\_

Owner's Mailing Address:  1606 CRESTWOOD LANE

City:  MC LEAN  State:  VA  Zip Code:  22101

Property Location:  Southeast quadrant of intersession of Old Augusta Road and Moultrie Drive

Proposed Road Access:  Full access onto Moultrie Drive

Present Zoning of Property:  R-3  Proposed Zoning:  B-3

~~A portion of~~  
Tax Map-Parcel #  478-2C01  Total Acres:  30.25  Acres to be Rezoned:  0.343

Lot Characteristics:  undeveloped lot with no existing road access

**WATER**

N/A  Private Well

Public Water System

If public, name of supplier:  Effingham County Utilities

**SEWER**

N/A  Private Septic System

Public Sewer System

Justification for Rezoning Amendment:  Rezone parcel to suit proposed use per discussion with Effingham County

List the zoning of the other property in the vicinity of the property you wish to rezone:

North  R-3  South  B-3  East  R-3  West  County R/W

1. Describe the current use of the property you wish to rezone.

Currently, the site is undeveloped.

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

Currently, the site is undeveloped and does not appear to have any economic use

3. Describe the use that you propose to make of the land after rezoning.

Proposed use for the land will be access from Moultrie Drive to the adjacent B-3 zoned parcel to the south a proposed commercial development on parcel number 478-2B.

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

Property to the north of the land proposed to be rezoned is currently zoned R-3 with existing Moultrie Drive Right of way; a residential property exists south west of the property currently zoned R-3, south of the property is a proposed commercial development currently zoned B-3

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

Proposed use for the land to provide access for commercial development south of the property through the property onto Moultrie Drive; per discussions with Effingham County Zoning Department

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Based on preliminary design considerations, the proposed use will not incur any excessive or burdensome use of any existing public infrastructure of facilities.

Applicant Signature:



Date

01/23/2023



D. Kicklighter desires to grant to Jasper, their assigns, employees, contractors, and invitees, a perpetual, non-exclusive easement over the northern corner of Tract 3-B of the Kicklighter Property at the intersection of Old Augusta Road and Moultrie Drive; said easement area being specifically limited to that portion of said corner located between the road right-of-way and the 35' building setback line (the "Kicklighter Easement Property") for the limited purpose of allowing Jasper to install and maintain the entrance way landscaping and fencing on the Kicklighter Property as set forth herein (the "Kicklighter Easement"). The parties hereby acknowledge and agree that all fencing and landscaping shall be located within the area located between the road right-of-way and the 35' building setback line applicable to the Kicklighter Property.

NOW, THEREFORE for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Recitals. The recital paragraphs above are incorporated into this Agreement as if rewritten in their entirety below.

2. Grant of Access Easement. Jasper hereby grants, sells, transfers, and conveys to Kicklighter the Jasper Easement as described above over the Jasper Property for the benefit of the owners of the Kicklighter Property, their successors, assigns, tenants, employees, customers, and invitees. The parties hereby acknowledge that Kicklighter intends to install a paved road extending from the Southwestern right-of-way line of Moultrie Drive across Tract 3-B of the Kicklighter Property to Tract 3-A of the Kicklighter Property (the "Kicklighter Access Road") for the purpose of providing ingress and egress to and from the Kicklighter Property and Old Augusta Road via Moultrie Drive. Jasper hereby grants Kicklighter the right to connect the Kicklighter Access Road to Moultrie Drive and the Jasper Property. All costs and expenses for constructing the Kicklighter Access Road and connecting the Kicklighter Access Road to Moultrie Drive shall be paid by Kicklighter, and Jasper shall have no obligation to contribute to the cost of constructing or maintaining the Kicklighter Access Road.

3. Grant of Landscaping and Maintenance Easement. Kicklighter hereby grants, sells, transfers, and conveys to Jasper the Kicklighter Easement as described above over the Kicklighter Easement Property for the benefit of the owners of the Jasper Property. Jasper agrees to provide Kicklighter with a design plan for the entrance fencing and landscaping to be installed within the Kicklighter Easement (the "Design Plan") for review and approval prior to the installation thereof. Kicklighter shall have fifteen (15) days from the receipt of the Design Plan to approve or disapprove such plan. If Kicklighter does not approve the Design Plan, the parties shall promptly meet to review and discuss revisions to the Design Plan, and the parties agree to negotiate in good faith toward the adoption of a revised Design Plan acceptable to both parties.

4. Maintenance Agreement. In consideration for the grant of the above referenced Kicklighter Easement, Jasper hereby agrees to install and maintain, no later than twelve (12) months from the execution hereof, a properly engineered and paved roadway over and across the Jasper Easement (to be constructed to standard paved road specifications for public roads as required by Effingham County, Georgia, with the addition of a reinforced roadway sub-bed of the following specifications: subgrade with soil-cement treatment - 7.5" of Graded Aggregate Base (Crusher Run) - 1.5" of asphalt), as well as the

“entrance way” landscaping and fencing to be located on both the Jasper Property and the Kicklighter Property. All costs and expenses for constructing, maintaining and landscaping the above road within the Jasper Easement and the related entrance of said road onto Old Augusta Road (including the landscaping within the Kicklighter Easement) shall be paid by Jasper, and Kicklighter shall have no obligation to contribute to the cost of constructing, maintaining or landscaping said road or the related entrance.

Jasper reserves the right to dedicate the Jasper Property, or any portion thereof, to the public authorities if they will accept the same. In the event that Jasper, or any party required to maintain or repair the Jasper Property, fails to reasonably maintain or repair such improvements (after written notice and a reasonable opportunity to undertake such maintenance or repairs), any owner of the Kicklighter Property may undertake such maintenance and repairs (and is hereby granted a license to enter upon any portion of the Jasper Property necessary to complete such maintenance or repairs). In such event, the party making such maintenance or repairs shall be entitled to be reimbursed by Jasper for the reasonable costs thereof.

All notices required herein shall be mailed via certified mail and/or overnight delivery, return receipt requested, to the address of the then current property owner as maintained by the Effingham County, Georgia Tax Assessor’s Office.

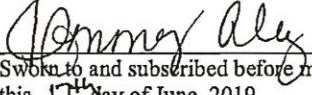
5. Successors and Assigns. The easements and agreements set forth above shall be binding upon and run to the benefit of the parties hereto, the successors, assigns, invitees, and guests of such parties and shall run with the land, or any portion thereof. It is the express intent of the parties hereto that the easements granted herein shall not, at any time, merge by operation of law into any owner’s title or interest in any parcel, but that the easements granted herein shall remain separate and distinct rights and estates in land, unless the owner(s) of all affected parcels specifically evidence their intent by mutual agreement in writing to extinguish any such easement. It is further expressly provided that the acquisition hereafter by any other party (including, without limitation, a present or future mortgagee of any parcel or any portion thereof) of an ownership interest (in fee, leasehold, or otherwise) shall not operate, by merger or otherwise, to extinguish, diminish, impair, or otherwise affect any easement granted herein, which easements shall remain separate and distinct and estates in land.

[SIGNATURES ON FOLLOWING PAGE(S)]

IN WITNESS WHEREOF, Jasper has hereunto caused this instrument to be executed under seal as of the day and year first above written.

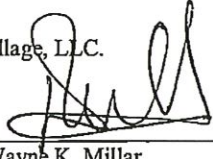
Signed, sealed and delivered in the presence of:

  
\_\_\_\_\_  
Unofficial Witness

  
Sworn to and subscribed before me this 17<sup>th</sup> day of June, 2019.  
NOTARY PUBLIC  
My commission expires:



Jasper Village, LLC.

By:  (L.S.)  
Name: Wayne K. Millar  
As Its: Manager

IN WITNESS WHEREOF, Kicklighter has hereunto caused this instrument to be executed under seal as of the day and year first above written.

Signed, sealed and delivered in the presence of:

*[Signature]*  
Unofficial Witness

*Dipendra Khatiwada*

Sworn to and subscribed before me this 16<sup>th</sup> day of June, 2019.

NOTARY PUBLIC

My commission expires: 12/31/2021  
(Notarial Seal)



Claude M. Kicklighter and Elizabeth E. Kicklighter, as Co-Trustees of The Claude M. Kicklighter Revocable Trust dated February 9, 2015

By: *[Signature]* (L.S.)  
Name: Claude M. Kicklighter  
As Its: Trustee

By: *[Signature]* (L.S.)  
Name: Elizabeth E. Kicklighter  
As Its: Trustee

Signed, sealed and delivered in the presence of:

*[Signature]*  
Unofficial Witness

*Dipendra Khatiwada*

Sworn to and subscribed before me this 16<sup>th</sup> day of June, 2019.

NOTARY PUBLIC

My commission expires: 12/31/2021  
(Notarial Seal)



Elizabeth E. Kicklighter and Claude M. Kicklighter, as Co-Trustees of The Elizabeth E. Kicklighter Revocable Trust dated February 9, 2015

By: *[Signature]* (L.S.)  
Name: Elizabeth E. Kicklighter  
As Its: Trustee

By: *[Signature]* (L.S.)  
Name: Claude M. Kicklighter  
As Its: Trustee

Exhibit "A"

All that tract or parcel of land situate, lying and being in the 9th G.M. District of Effingham County Georgia, known as Tract 3-B, containing approximately 30.252 acres on a plat thereof prepared by Kern & Co., LLC, dated May 29, 2019, and recorded on June 25, 2019, in the Office of the Clerk of the Superior Court of Effingham County, Georgia in Bk 28, Page 597; reference is hereby made to said plat for a more complete and accurate description as to the metes, bounds and location of said property.

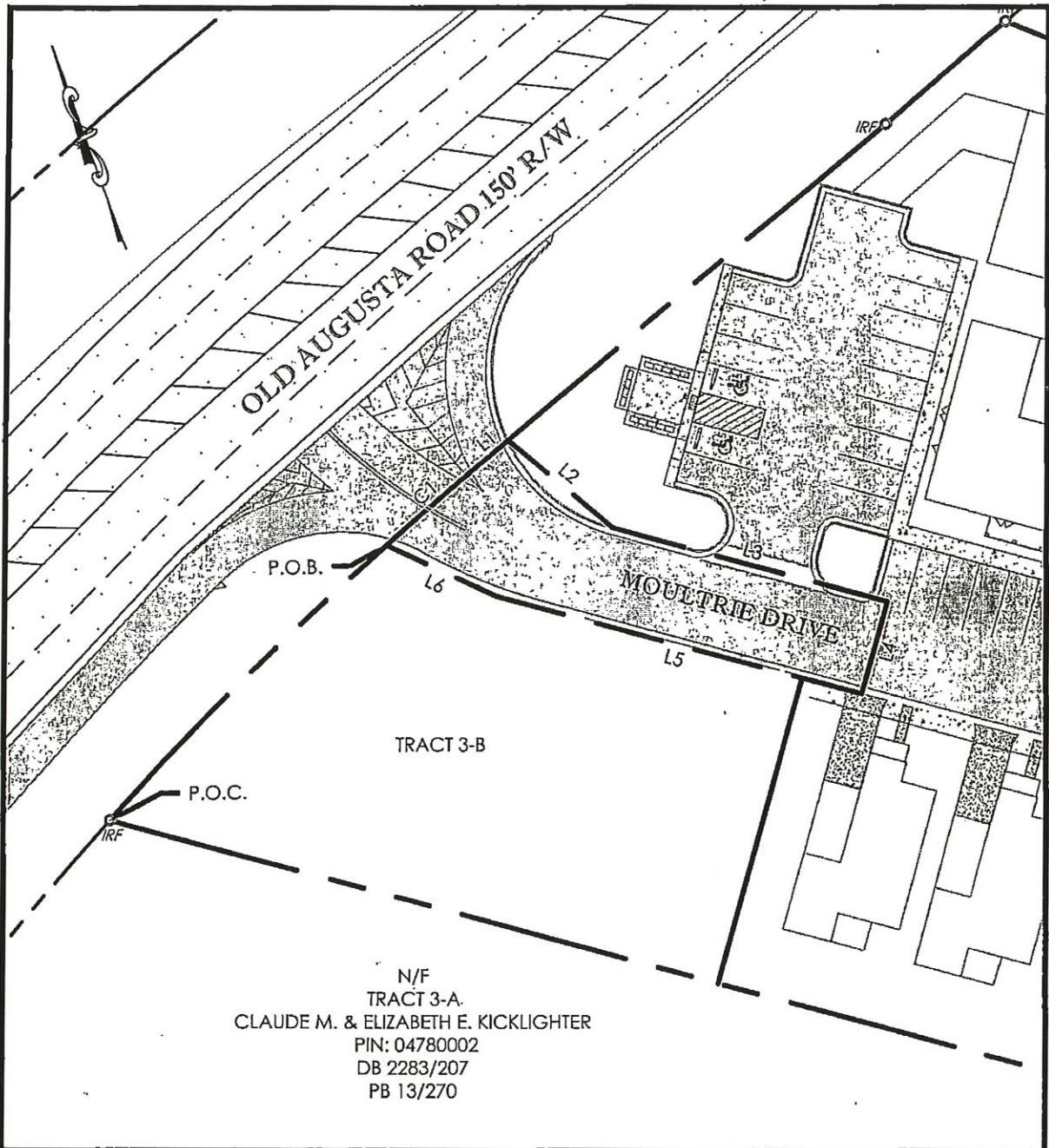
Tax Map and Parcel No.: portion of 04780-002-000

LESS AND EXCEPT:

All that certain tract or parcel of land situate, lying and being in the 9th G.M. District, Effingham County, Georgia containing 0.343 acres, more or less, and being more particularly described as follows: From an IRF located on the southern right-of-way of Old Augusta Road at the common property line between Tract 3-A and Tract 3-B, **Said point being the Point of Beginning, from the point of beginning**, proceed along a curve turning to the right through an angle of  $6^{\circ} 06' 25''$ , having a radius of 1070.92 feet, and whose long chord bears North  $65^{\circ} 56' 20''$  East for a distance of 114.09 feet to a point on a curve; thence proceed South  $44^{\circ} 16' 40''$  East for a distance of 35.54 feet to a point, thence proceed South  $54^{\circ} 06' 41''$  East for a distance of 93.20 feet to a point; thence proceed South  $35^{\circ} 58' 58''$  West for a distance of 92.99 feet to a point; thence proceed North  $54^{\circ} 01' 02''$  West for a distance of 185.19 feet to a point, **said point being the Point of Beginning**. Said tract containing 14,948 S.F. or 0.343 acres.

Said 0.343 acre parcel is more particularly shown and delineated on that certain exhibit entitled "EXHIBIT - 0.343 ACRE PORTION OF TRACT 3-B", prepared by Kern & Co., LLC, dated June 6, 2019.





**allen**  
ENGINEERING SERVICES

P.O. BOX 1749  
RINCON, GA 31326  
PH: (912) 667-2667  
E-MAIL: tallen@allenengineering.org

**ACCESS EASEMENT EXHIBIT**

**JASPER VILLAGE**

9TH G.M. DISTRICT

EFFINGHAM COUNTY, GEORGIA

Prepared for:

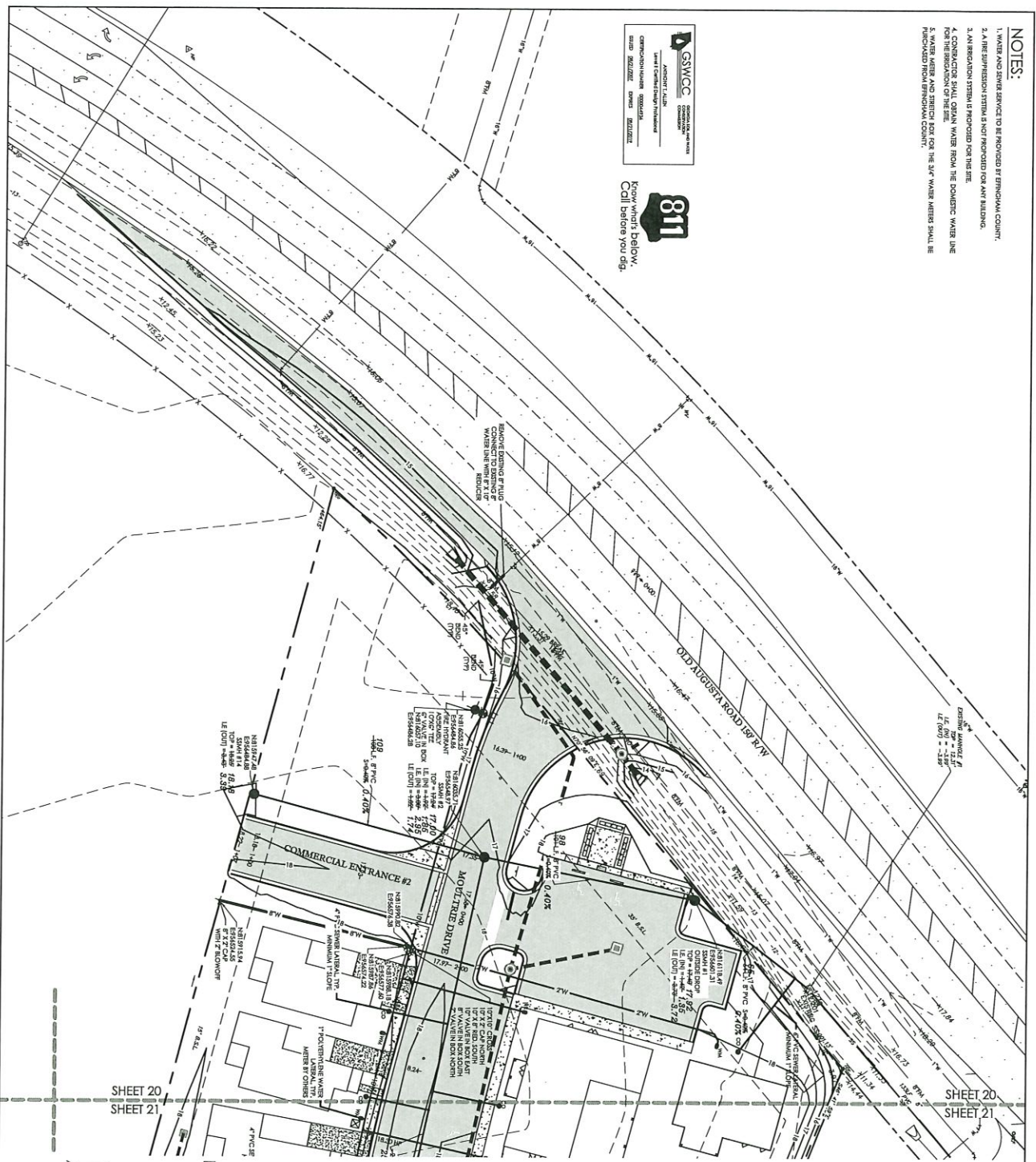
NEXT CHAPTER HOLDINGS, LLC

PROJECT NO.:	18-002
DRAWN BY:	ATA
DESIGNED BY:	ATA
SURVEYED BY:	N/A
SURVEY DATE:	N/A
CHECKED BY:	ATA
SCALE:	1" = 40'
DATE:	5/30/2019

- NOTES:**
1. WATER AND SEWER SERVICE TO BE PROVIDED BY FRENCHMONT COUNTY.
  2. A FIRE SUPPRESSION SYSTEM IS NOT PROVIDED FOR ANY BUILDING.
  3. AN IRRIGATION SYSTEM IS PROPOSED FOR THIS SITE.
  4. CONSTRUCTION SHALL OBTAIN WATER FROM THE DOMESTIC WATER LINE FOR THE IRRIGATION OF THE SITE.
  5. WATER METERS AND SPECIAL IBOX FOR THE SIF WATER METERS SHALL BE PURCHASED FROM FRENCHMONT COUNTY.

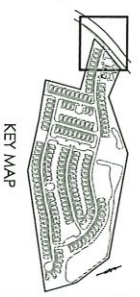
**GSMCC**  
 GEORGIA STATE WATER CONTROL BOARD  
 1000 N. W. 10th Street  
 Atlanta, GA 30309  
 (404) 521-2222 FAX (404) 521-2222

**811**  
 Know what's below.  
 Call before you dig.



SHEET 20  
 SHEET 21

SHEET 20  
 SHEET 21



RECORD DRAWINGS  
 FIELD VERIFIED 04/27/21  
 Anthony Tdss Allen, PE #032181

SHEET NUMBER  
**20**  
 OF 78

JASPER VILLAGE  
 PREPARED FOR  
 NEXT CHAPTER HOLDINGS, LLC  
 UTILITY PLAN

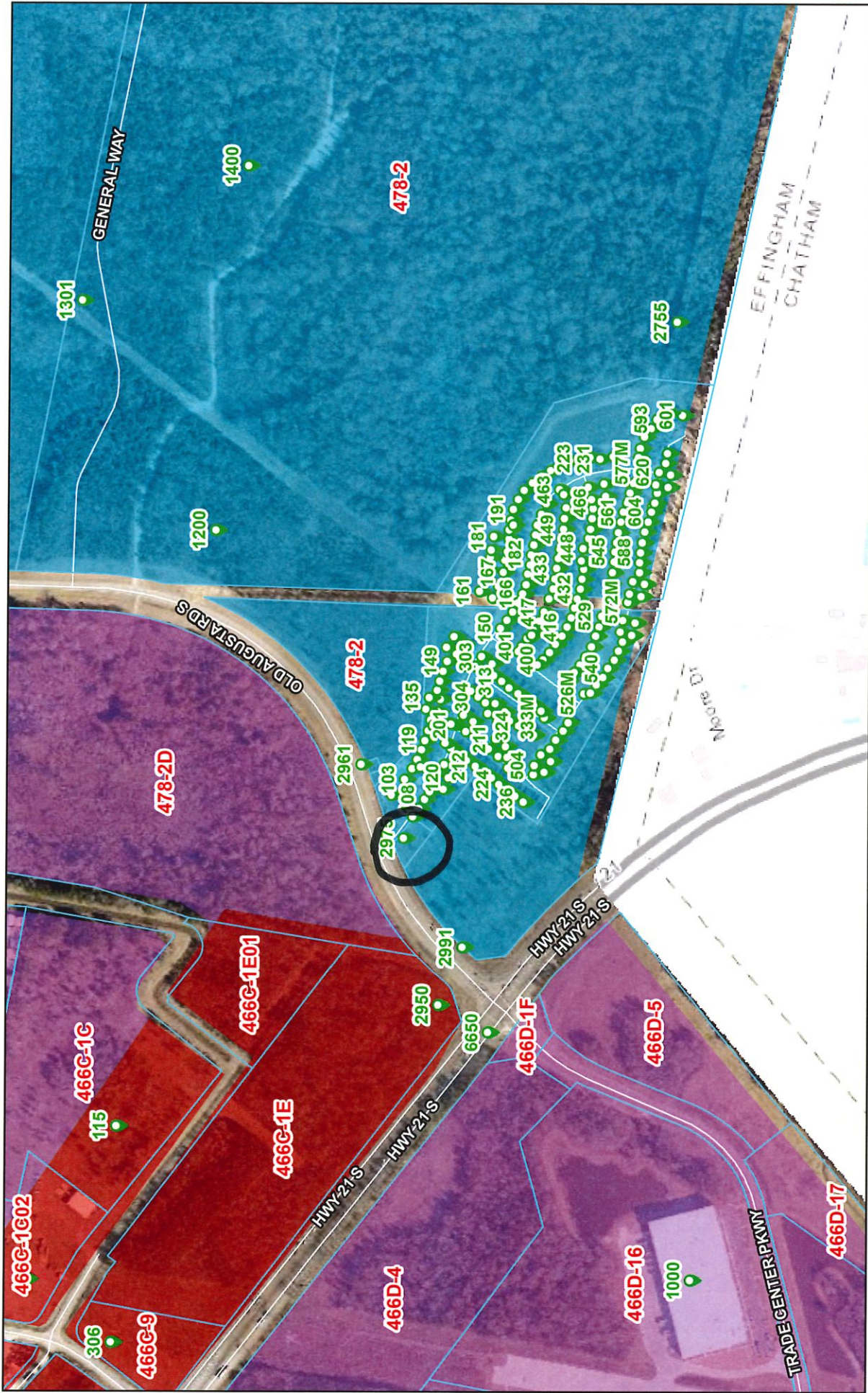
DESIGNED	ATA	REVISIONS	NUMBER	DATE
DRAWN	ATA		1	05/21/2021
CHECKED	RCB			
DATE				
JOB NO.	18-022			
SCALE	1" = 20'			

**allen**  
 ENGINEERING SERVICES

P.O. BOX 1749  
 RINCON, GA 31526  
 PH: (912) 847-2647  
 EMAIL: talen@alleneengineering.org



# 478-2C01

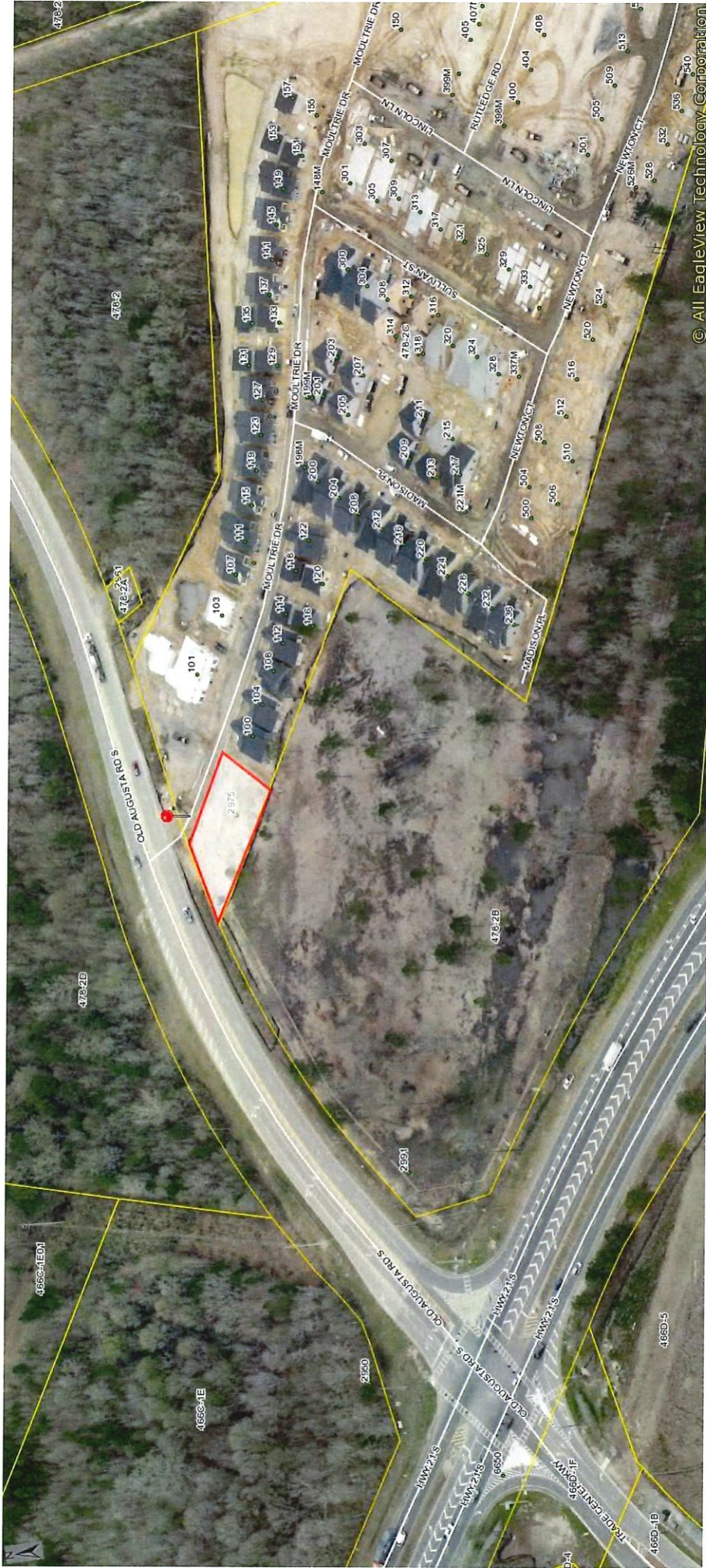


2/17/2023

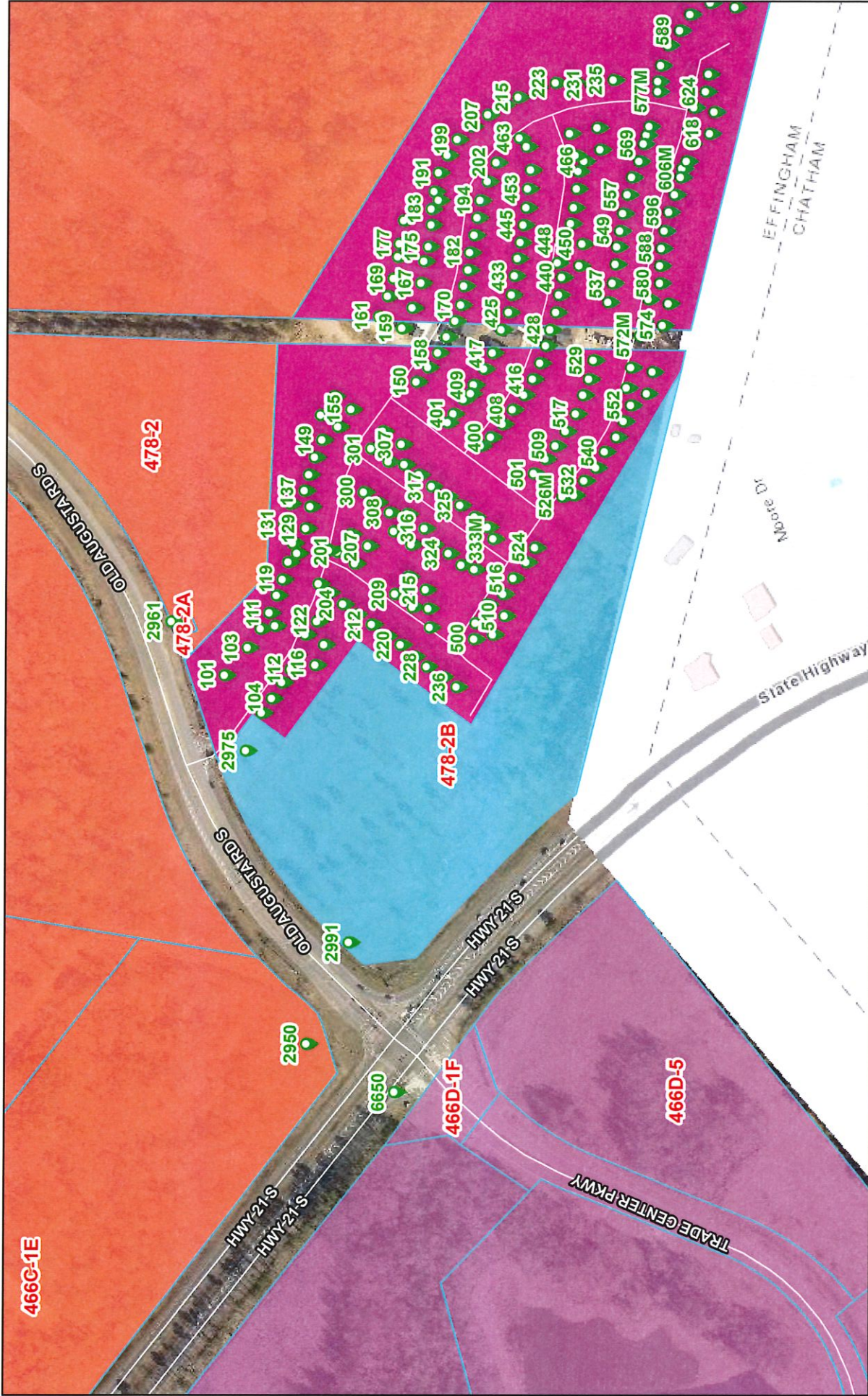
- Address Points
- Tax Parcel Labels
- Tax Parcels
- Industrial
- Public/Institutional
- Transportation/Utilities
- Roads
- Future Land Use - Plan Date 10/1/2019
- Commercial
- Industrial
- Public/Institutional
- Transportation/Utilities
- Efn\_fin\_cache
- Red: Band\_1
- Green: Band\_2

Savannah Area GIS, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA, Effingham County BOC

# 478-C01



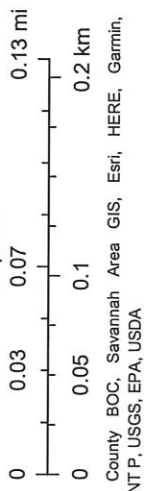
# 478-C01



2/2/2023

	Address Points		Tax Parcels		Effingham County Zoning		I-1		Efn_fin_cache
	Tax Parcel Labels		Roads		R-3		PD		Green: Band_2
					B-3		Red: Band_1		

1:4,514



Effingham County BOC, Savannah Area GIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ~~\_\_\_\_\_~~ DISAPPROVAL \_\_\_\_\_

Of the rezoning request by applicant **David D. Smith as Agent for Kicklighter Claude M & Elizabeth E as Co Trustees**– (Map # 478 Parcels # 2C01) from R-3 to B-3 zoning.

- Yes  No  1. Is this proposal inconsistent with the county’s master plan?
- Yes  No  2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?
- Yes  No  3. 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?
- Yes  No  4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?
- Yes  No  5. 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?
- Yes  No  6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?
- Yes  No  7. Are nearby residents opposed to the proposed zoning change?
- Yes  No  8. Do other conditions affect the property so as to support a decision against the proposal?

*BKS* 2/22/23.

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL DSH DISAPPROVAL \_\_\_\_\_

Of the rezoning request by applicant **David D. Smith as Agent for Kicklighter Claude M & Elizabeth E as Co Trustees– (Map # 478 Parcels # 2C01)** from R-3 to B-3 zoning.

Yes      No ? 1. Is this proposal inconsistent with the county’s master plan?

Yes      No ? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes      No ? 3. 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?

Yes No ? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes No ? 5. 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?

Yes No ? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes      No ? 7. Are nearby residents opposed to the proposed zoning change?

Yes No ? 8. Do other conditions affect the property so as to support a decision against the proposal?

DSH

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL       

DISAPPROVAL       

Of the rezoning request by applicant **David D. Smith as Agent for Kicklighter Claude M & Elizabeth E as Co Trustees– (Map # 478 Parcels # 2C01)** from **R-3** to **B-3** zoning.

DB

- Yes No ? 1. Is this proposal inconsistent with the county’s master plan?
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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL   *f*  

DISAPPROVAL \_\_\_\_\_

Of the rezoning request by applicant **David D. Smith as Agent for Kicklighter Claude M & Elizabeth E as Co Trustees– (Map # 478 Parcels # 2C01)** from **R-3** to **B-3** zoning.

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