

Staff Report

Subject: Rezone (Second District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: April 04, 2023
Item Description: **Bryant Ligon, BRD Land and Investment, GP** as Agent for **T and T 9G, LLC** requests to **rezone** 288.36 acres from **AR-1 & I-1** to **R-3 & R-5**, to allow for a 549 unit single family and multi-family residential development. Located on Midland Road. **Map# 396 Parcels# 62, 62A**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 288.36 acres from **AR-1 and I-1** to **R-3 (multifamily (townhome) residential) and R-5 (single family residential)** to allow for the development of a single and multi-family residential subdivision, 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.
- Applicant has submitted a request to recombine two parcels and subdivide pursuant to *R-3 Multifamily Residential Districts* and *Sec. 5.17. R-5 Single Family Traditional Neighborhood Residential districts*.
- 396-62A was rezoned for a surface mine on May 19, 2020. Mining has not commenced.
- The 549-unit development (140 multifamily units and 409 single family units) may be served by county water, sewer, and reuse. Extensions of water sewer, and reuse lines to the development site are the responsibility of the applicant.
- Gross density is 549 units on 288.36ac = ~1.9 units per acre.
- **R-5** gross density is ~2.3 units per acre; net density is ~2.7 units per acre;
- **R-3** gross density is ~6.2 units per acre; net density is ~8.25 units per acre.
- Open space (R-5: 23.25ac + R-3: 5.26ac) is above the required 15% of net buildable area.
- Amenities will include activity fields, pool area, and pocket parks throughout the development. There will be a minimum 15' vegetative buffer around the perimeter of the development.
- Proposed paving width: 28'. The development includes road stub-outs to adjacent parcels on the north and east property boundaries. A single entrance to Midland Rd is proposed.
- At the November 28 pre-application meeting, and in follow up emails, staff provided input on requirements for open space, access management, and utilities. We met again on February 6 to discuss utilities and access management.
- Portions of these parcels are in flood zone A. A CLOMR application to FEMA will be required, to authorize fill to build the site above the base flood elevation.
- The scale of the proposed development exceeded the threshold to be considered a Development of Regional Impact (DRI). Project information was submitted for review on the DRI submissions website. The Coastal Regional Commission determined that the project warranted regional review (DRI # 3904); requested comments from neighboring jurisdictions and relevant organizations and state agencies; and is completing a report of findings.

- The project is not consistent with the regional future land use map, which designates the area as rural. According to the regional plan, rural areas are not expected to urbanize or require urban services in the next 20 years.
- The project is not consistent with the county Future Land Use map. The area is designated for Agriculture, which includes uses such as farming, livestock, timber harvesting, or recreation.
 - At the February 22, 2023 Planning Board meeting, Mr. Brad Smith made a motion for denial.
 - The motion was seconded by Mr. Peter Higgins, and carried unanimously.
 - At the March, 07, 2023 Board of Commissioners meeting, this item was postponed at the request of the applicant.

Alternatives

1. Approve the request to **rezone** 288.36 acres from **AR-1 & I-1** to **R-3 & R-5**, with the following conditions:

1. A subdivision and recombination plat must be approved by Development Services, and be recorded, before the rezoning can take effect.
2. Future use of the above-referenced property being rezoned shall meet the requirements of the R-3 and R-5 zoning districts.
3. A Sketch Plan must be approved before site development plans are submitted.
4. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
5. A CLOMR application to FEMA will be required, to authorize fill to build the site above the base flood elevation.
6. All wetland impacts must be approved and permitted by USACE
7. A Traffic Impact Assessment must be submitted during the development plan review process, pursuant to Effingham County Traffic Study Requirements, and the entrance shall meet the requirements of the **Access Management and Encroachment Regulations for Effingham County Roads** (rev. 2022).

2. Deny the request to **rezone** 288.36 acres from **AR-1 & I-1** to **R-3 & R-5**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:

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