



**THE PLANNING BOARD OF EFFINGHAM COUNTY, GA**  
**May 18, 2020**

**I. CALL TO ORDER**

Chairman Dave Burns called the meeting to order at 6:00 PM.

**II. INVOCATION**

Mr. Alan Zipperer gave the invocation

**III. PLEDGE TO THE FLAG**

Chairman Dave Burns led the pledge.

**IV. AGENDA APPROVAL**

Chairman Dave Burns asked if there were any changes to the agenda. Mr. Brad Smith made a motion to approve the agenda. Mrs. Juanita Golden seconded the motion. The motion carried unanimously.

**V. APPROVAL OF MINUTES**

Chairman Dave Burns asked if there were any corrections or additions to the May 4, 2020 meeting minutes. Mr. Alan Zipperer made a motion to approve the minutes as read. Mrs. Juanita Golden seconded the motion. The motion carried unanimously.

**Members Attending:** Chairman Dave Burns, Mr. Brad Smith, Mr. Alan Zipperer, Mr. Peter Higgins, and Mrs. Juanita Golden

**Members Absent:**

**Staff Present:** Mrs. Diane Proudfoot: Zoning Administrator, Ms. Katie Dunnigan: Planning Board Secretary

**Persons Attending:** Brandt Herndo, Jeffrey Hardin, Dennis Heinen, Tess Smith, Comer Brewer, Judy Phelps, Mike Bragg, Joyce Bragg, John Hoffman, Gerred Kerby, Toss Allen, Devin Jones, Kenny Edenfield, Tina Kerby, Darlene Bashlor, Terry Coleman, Marty Seckinger, Tess Smith

**VI. NEW BUSINESS**

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Chairman Burns stated all items voted on would be presented at the May 19, 2020 Board of Commissioners meeting at 6:00 pm as a public hearing (with the exception of residential business and pond requests)

**Gerald Odum - PUBLIC HEARING (1):** The applicant requests to rezone 30.75 acres for [Map # 304 Parcel # 15] located at 1085 Old River Road from **AR-1** to **I-1** for a proposed warehouse. **(First District)**

Mr. Terry Coleman of the Coleman Company was present to speak for Gerald Odum. Mr. Coleman stated that the 10 acre portion of land in the middle of Mr. Odum’s property had previously been rezoned for the purpose of a surface mine. Mr. Coleman presented Mr. Odum’s current intent to rezone the remaining 30.75 acres to build a 325,000 to 340,000 square foot warehouse.

Mr. Coleman stated that the wetlands on the East and South of the property provided 200 to 300 feet of naturally occurring buffer for neighboring residential areas. He went on to say that the location was a good choice for development and he felt such development could be accomplished while protecting the interests of surrounding residents.

Chairman Dave Burns asked Mr. Coleman for clarification as to whether the surface mine had ever been dug. Mr. Coleman responded that they had chosen not to move forward with the surface mine. He added that Environmental Health had deemed the location good for a septic system and well, therefore being suitable for an employed warehouse. No surface mine permit had been pursued.

Mrs. Diane Proudfoot, Zoning Administrator presented the Facts and Findings, and Staff Recommendations:

**Facts and Findings:**

**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. Warehousing is a permitted use in I-1 Heavy Industrial. The parcel surrounds a parcel (304-15A), which was subdivided from the parent parcel, and rezoned to I-1 for development as a borrow pit on August 1, 2006.**

**Staff Recommendation: Approve requests to rezone 30.75 acres from AR-1 to I-1 (Heavy Industrial) to allow for a warehouse development on Old River Road., with the following stipulations.**

- 1. Development plans must meet the requirements of the I-1 (Heavy Industrial) zoning district, including submission of a traffic study.**
- 2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.**
- 3. All wetland impacts be approved and permitted by USACE and a copy be submitted to Development Services.**
- 4. If recombined with 304-15A, plat must be approved by the zoning administrator.**

Mr. Peter Higgins inquired to Mrs. Proudfoot as to whether the previously rezoned 10 acre section was to remain zoned as I-1. Mrs. Proudfoot responded that the 10 acres would remain I-1 with future plans to combine parcels as outlined by the site plan in the variance request (Public Hearing 2). Mr. Coleman concurred with Mrs. Proudfoot’s assessment.

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Mr. Brant Herndo, CEO of the Effingham County Industrial Development Authority was present to speak for the rezoning. Mr. Herndo expressed support for Mr. Odum’s project, stating that the area was seeing an influx of activity and growth, and that he believed that most residents would prefer to see an industrial building rather than a surface mine; the warehouse is a better use of the property.

Mrs. Juanita Golden made a motion to approve with Staff Recommendations. The motion was seconded by Mr. Alan Zipperer and carried unanimously.

**Gerald Odum - PUBLIC HEARING (2):** The applicant requests a variance to reduce the buffer requirements for [Map# 304 Parcel# 15] located at 1085 Old Rive Road; proposed zoning I-1. (First District)

Mr. Terry Coleman of the Coleman Company was present to speak for Gerald Odum. Mr. Coleman showed the sketch plan, outlining the wetlands buffer. He stated that the proposed use would minimally impact the wetlands as only “a couple of little corners” would need to be filled. Mr. Coleman outlined the specific buffer variances and locations Mr. Odum was seeking: 300’ to 200’, 100’ to 50’ in some locations, and noting that while one section of the sketch plan showed a mark down of 50’ to 25’, this was not a required reduction.

Mrs. Diane Proudfoot, Zoning Administrator read the Facts and Findings, and Staff Recommendations:

**Facts and Findings:**

**Pursuant to Appendix C, Article VII, Section 7.1.8, variances may only be granted if the following findings are made:**

*That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness, of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located; and that because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.*

The required buffer between Heavy Industrial and AR-1 or AR-2 is 300’, pursuant to Appendix C – Zoning, Article III-General Provisions, Section 3.4-Buffers.

Based on the proposed site plan the applicant is requesting to reduce the buffer to 50’ & 100’ along the AR-1 district-west and reduce the buffer to 200’ along the AR-1 district-east.

**Staff Recommendation:** Approve variance to reduce the buffer requirements for I-1 (Heavy Industrial) as the location of wetlands limit development options on the parcel, with the following stipulations.

1. The buffer shall be reduced from 300’ to 50’ & 100’ along the AR-1 district-West and reduce the buffer from 300’ to 200’ along the AR-1 district-East.
2. Building permit application must meet the requirements of the Health Department and Development Services.
3. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
4. All wetland impacts be approved and permitted by USACE and a copy be submitted to Development Services.

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Mrs. Juanita Golden made a motion for approval with Staff Recommendations. The motion was seconded by Mr. Peter Higgins and carried unanimously.

**Jeffrey Hardin, agent for T&T9G, LLC - PUBLIC HEARING (3):** The applicant requests to rezone 65.18 of 288.40 acres for [Map# 396 Parcel# 62] located at Midland Road near Nease Road from **AR-1** to **I-1** for a surface mine. **(Second District)**.

Mr. Jeffrey Hardin was present to speak for Harker Construction. Mr. Hardin indicated that Harker Construction was seeking to rezone in order to begin the State permitting process for a mining permit.

Mr. Peter Higgins asked Mr. Hardin if property access would be via Midland Rd. Mr. Hardin responded that it would.

Mrs. Diane Proudfoot, Zoning Administrator read the Facts and Findings, and Staff Recommendations:

**Facts and Findings:**

**Pursuant to Appendix C, Article III, Section 3.17.3 of the County's Code of Ordinances, excavation activity that requires a state mining permit must be located within the I-1 zoning district. The petitioner is actually combining a 14.01 acre parcel into 274.40 acres then rezoning 65.18 acres to I-1 for a surface mine. The remaining 223.22 acres will continue as AR-1. The 14.01 acre parcel will serve as the access to the pit from Midland Road. The entrance is approximately 3,000 feet from Hwy 30 which is a designated truck route.**

**Staff Recommendation: Approval requests to rezone 65.18 acres of a 288.40-acre parcel from AR-1 to I-1 to allow for a surface mine pit on the south end of Midland Road, with the following stipulations:**

- 1. Lot meets the requirements of the I-1 zoning district.**
- 2. Meet the requirements of Section 3.17- Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands.**
- 3. Meet the requirements of Chapter 74 – Traffic, Sec. 74-8 Designated Truck Routes.**
- 4. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.**
- 5. All wetland impacts be approved and permitted by USACE and a copy be submitted to Development Services.**
- 6. The subdivision plat must be approved by the zoning office and health department.**
- 7. The applicant shall notify the Zoning Administrator at the time of final reclamation of the borrow pit and close out of this mining operation and upon the determination of the Department of Natural Resources that the affected lands have been reclaimed in an acceptable manner, a minor recombination subdivision plat shall be submitted to the County and the zoning of the property shall revert to its original AR-1.**

Mr. Alan Zipperer asked for and received clarification that access would be via Midland Road.

Mr. Dennis Heinen was present to express concerns about the rezoning. Mr. Heinen stated that he did not see plans for drainage or water runoff. Mr. Heinen's concerns were focused on the potential impact to his adjoining property as it pertained to property value, business operations, buffering, and slope.

Chairman Dave Burns asked Mr. Heinen is his property backed up to the parcel in question. Mr. Heinen stated that is does. Chairman Burns then addressed Mrs. Diane Proudfoot, asking if the buffer was 50' and if that included county and state. Mrs.

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Proudfoot cited ordinance 3.17, including that the setback requirements included a 3:1 slope from the top to bottom of the excavation.

Mr. Heinen asked specifically about a dust plan. Chairman Burns explained that Industrial zoned operations over 1 acre must adhere to State requirements for a mining permit; dust control being an aspect of those requirements.

Mr. Marty Seckinger was present to ask questions about the rezoning. Mr. Seckinger asked for clarification as to whether the land would revert to its current use when the mining was finished. Mrs. Diane Proudfoot answered that a new plat would need to be issued. Chairman Burns elaborated with support from Mrs. Proudfoot, stating that, upon project completion, the land would revert back to an AR-1 designation, a process which would entail a new, recorded plat.

Mr. Jeffrey Hardin was asked by Chairman Burns to address the concerns raised by the previous speakers. Mr. Hardin outlined the state procedure involved in the proposed mining operation, including that it would entail items such as dust control, drainage, and reclamation. He went on to address noise control by elaborating on the type of pumps that would be used and the operating hours of trucks.

Chairman Burns asked Mr. Hardin where the pumped water would go. Mr. Hardin answered that the pumped water would be discharged to the remaining 260 acres and in to a basin. Chairman Burns asked for verification that the discharged water would be pumped away from homes, Mr. Hardin replied that it would.

Chairman Burns asked Mr. Hardin if he intended to dig up to the 50' setback. Mr. Hardin responded that typically digging was done up to the setback, at which point the 3:1 slope began.

Mr. Alan Zipperer asked for verification that the project would be using electrical pumps. Mr. Hardin responded that, while electrical pumps were preferred, they still used some diesel pumps and he could not definitively say which would be used at this site.

Mr. Peter Higgins made an inquiry regarding hours of operation. Mr. Hardin answered by stating the typical schedule for work was Monday through Friday, starting at approximately 7:00 AM and running as late as 5:30 PM, with an occasional Saturday as dictated by meeting scheduled quota.

Mr. Dennis Heinen returned to ask what the timeline would be from start to completion of mining operations. Mr. Hardin estimated 3-6 years. Mr. Heinen then asked if the pumps would be run during evening hours. Mr. Heinen responded that electric pumps had floats and would run as programmed, diesel pumps would be used only during the day. He expanded his statement to include that the state monitors discharge activity. Mr. Heinen reiterated his concern that there was no current dust or drainage plan. Chairman Burns responded to this by restating that state guidelines would be in place to manage these aspects.

Mr. Alan Zipperer made a motion to approve with Staff Recommendations. The motion was seconded by Mrs. Juanita Golden and carried unanimously.

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**Tess Smith - PUBLIC HEARING (4 ):** The applicant requests to rezone 4 acres for [Map# 235A Parcel# 311] located on Clark Road from **AR-1** to **AR-2** to create three residential lots. (**Third District**)

Mrs. Tess Smith was present to speak on her own behalf. Mrs. Smith stated that the purpose of the rezoning was to split the 4 acre parcel in to two 1.5 acre, and one 1 acre tract for residential use.

Mrs. Diane Proudfoot, Zoning Administrator read the Facts and Findings, and Staff Recommendations:

**Facts and Findings:**

**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. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more. The applicant wishes to divide the 4 acre parcel in three lots to allow for future home sites and therefore must rezone to AR-2.**

**Staff Recommendation: Approval requests to rezone 4 acres from AR-1 to AR-2 to allow the parcel to be split for future home sites, with the following stipulations:**

- 1. The lots must meet the requirements of the AR-2 zoning district, including setbacks.**
- 2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.**
- 3. All wetland impacts be approved and permitted by USACE and a copy submitted to Development Services for files.**
- 4. Subdivision plat must be approved by the Health Department and the Zoning Administrator.**

Mrs. Proudfoot added that a plat had already been submitted and signed by the Environmental Health and was ready to be signed and recorded upon final approval.

Mr. Alan Zipperer made a motion to approve with Staff Recommendations. The motion was seconded by Mrs. Juanita Golden and carried unanimously.

**Jason Townsend - PUBLIC HEARING (5):** The applicant requests a conditional use - rural business for [Map# 343 Parcels# 28] located at 1005 Old Tusculum Road to operate a small Industrial Maintenance business, zoned **AR-1**. (**Third District**)

Mr. Jason Townsend was present to represent his own interests. Mr. Townsend addressed Mrs. Diane Proudfoot, asking her to clarify that, while the total acreage was 58 acres, he only intended to rezone 5 acres. Mrs. Proudfoot confirmed and explained that there had not been a clear distinction as to what portions of the property were impacted by CUVA.

Chairman Dave Burns asked Mr. Townsend to describe his business. Mr. Townsend stated that his business is Industrial Maintenance and encompasses aspects to include millwright, structural steel concrete, and miscellaneous fabrication. He added that 90% of work was conducted off of the proposed work site on his property.

Chairman Burns inquired further as to the daily volume of business that would occur on site. Mr. Townsend responded that service trucks would come on site approximately once a day, in addition to about 40 hours of work per month.

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Mrs. Diane Proudfoot, Zoning Administrator read the Facts and Findings, and Staff Recommendations:

**Facts and Findings:**

**The request for Rural Business Conditional Use is a requirement of Appendix C – Zoning Ordinance, Article III-General Provisions, Section 3.15B - Rural Business. There is a list of criteria for rural business including but not limited to: small office or small-scale retail sales or service-type business which is secondary or incidental to the primary use of property for agricultural or residential purposes. Shall be limited to no more than 1,000 square feet if in a structure and 1,000 square feet of land if outside a structure. Should the use require both inside and outside area, the total area used may not exceed 1,000 square feet. Property on which a rural business is proposed must have frontage on a public road. The rural business shall be located on property containing at least three acres of land. Conditional Use is required for commercial activity in the AR-1 district.**

**Staff Recommendation: Approve Conditional Use-Rural Business for Atlantic Parking Lot Maintenance at 1005 Old Tusuculum Road, with the following stipulations:**

- 1. Meet the requirements of the Rural Business Ordinance.**
- 2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.**
- 3. All wetland impacts must be approved and permitted by USACE and copy be submitted to Development Services.**
- 4. Obtain an Occupational Tax Certificate from Development Services.**

Mr. Kenny(?) Edenfield was present to oppose the rezoning. Mr. Edenfield asked for visual clarification as to the location of his property in relationship to the proposed business location. Mrs. Diane Proudfoot and Chairman Burns clarified property location. Mr. Edenfield stated that he was not in favor of business being brought to the area.

Mr. Comer Brewer was present to speak about the rezoning. Mr. Brewer lives across from Mr. Townsend’s business entrance. Mr. Brewer stated the business had been going on for some years and that it was not uncommon for work to occur there as early as 6:00 AM and as late as 10:00PM. Mr. Brewer expressed a lack of understanding as to how these operations had gone on for an extended period of time without having to rezone. He further wanted to know how the rezoning might impact the value of his property. Mr. Brewer commented that it was not uncommon for trucks associated with Mr. Townsend’s business to obstruct driveway access; he asserted that Mr. Townsend received more commercial traffic than he had stated. Mr. Brewer finished by asking what future signage would be put up and if there were future development plans associated with the business.

Chairman Burn clarified that the conditions for a rural business: can only occupy a maximum of 1000 square feet. In response to Mr. Brewer’s next inquiry, regarding future development of the business, Chairman Burns replied that any expansion beyond the terms of a rural business would require approval by the board. Mr. Diane Proudfoot added that the ordinance governing a rural business gave restrictions on hours of operations. In regards to property value; Mrs. Proudfoot pointed out that the property zoning would remain unaffected.

Mr. Gerred Kirby was present and stated that a large amount of recent commercial traffic was as a result of Mr. Kirby, not Mr. Townsend receiving deliveries. Mr. Kirby said the trucks were too large to come up to his home, where he is receiving deliveries for a project.

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Mrs. Judy Phelps was present to speak in support of Mr. Townsend. Mrs. Phelps declared that the early morning truck activity described was a result of residents leaving the area to work elsewhere, three of those vehicles being associated with her home specifically, Mrs. Phelps said the same could be said of late evening traffic. Chairman Burns asked if she meant that the traffic might be Mr. Townsend’s and might also not be. Mrs. Phelps declared that it was “definitely not Mr. Townsend”.

Mr. Clifford and Mrs. Ruth Ezell were present to speak against the rural business. Mr. and Mrs. Ezell own the adjoining property and stated concerns related to Mr. Townsend not being a considerate neighbor, that he kept continuously barking dogs, he had previously installed a fire break between their properties lines and extending on to the Ezell’s property which had caused downed trees, and that Mr. Townsend had a group of people shooting high powered rifles on his property; Mrs. Ezell alleged that a bullet had entered her home and Mr. Townsend had not offered apologies or reparations.

Chairman Burns empathized with Mrs. Ezell’s experiences and asked to speak about the rural business application. Mrs. Ezell said that her experience with Mr. Townsend was relevant because it spoke to his character and if Mr. Townsend was to run a business, he should be truthful.

Chairman Burns observed the Mr. Townsend would have to comply with the rules governing a rural business. Mr. Ezell responded that Mr. Townsend had already been operating the business without the rural business. Chairman Burns explained that Code Enforcement works reactively, based on filed complaint.

Mr. Mike Bragg was present to speak against the rural business. Mr. Bragg expressed that his desire was see the area remain agricultural/residential. Mr. Bragg added that Mr. Townsend’s business was depriving him of privacy, in part due to the fact that there is no buffer between Mr. Townsend’s business entrance and Mr. Bragg’s adjacent property.

Mrs. Joyce Bragg was present to voice concern about the rural business. Mrs. Bragg disputed Mrs. Phelps’ earlier statement, saying that there is a steady volume of traffic all day long from Mr. Townsend’s property. Mrs. Bragg expressed that she did not understand how Mr. Townsend was currently operational, as to her knowledge, there had been no public hearings relating to his business prior. She asked if there had been a prior zoning meeting. Chairman Burns responded that there had not. Mrs. Bragg asked how Mr. Townsend has been able to run a rural business without prior approval; Mrs. Diane Proudfoot stated that the county has previously been unaware of Mr. Townsend’s activity. Mrs. Bragg inquired as to what new business was being proposed. Chairman Burns advised Mrs. Bragg that Mr. Townsend would be asked to directly answer raised questions.

Mrs. Bragg echoed Mr. Bragg’s feelings of loss of privacy, adding that she no longer felt comfortable in her back yard because of the traffic. Mrs. Bragg concluded by restating her lack of understanding as to how this business was able to be established without approval, and pointing out amount of resistance the business was facing from neighbors.

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Mr. Peter Higgins asked to see the location of the Bragg's property. Mrs. Diane Proudfoot pointed their parcel out by way of visual aid.

Mr. John Hoffman was present to speak against the rural business. Mr. Hoffman stated that he had moved to the area for a quiet rural environment which he has now been deprived of due to constant industrial traffic associated with Mr. Townsend's business.

Mrs. Judy Phelps returned to couch for Mr. Townsend's character, stating that he was a positive contributor to the community, including being a baseball coach and mentor to her son. She then stated that all parties present had an opportunity to purchase the property now owned by Mr. Townsend prior to his purchase.

Mr. Kenny Edenfield returned to address Mrs. Phelps comments, saying that he had expressed a desire to know when the property in question was going up for sale, but had not learned about its place on the market until completion of the sale. Mr. Edenfield expressed his feeling that while Mr. Townsend's activity was devaluing his property value, the county continued to raise his property taxes.

Mr. Jason Townsend returned to speak on his own behalf. He stated that shop business hours are 7:00 AM to 3:30 PM. Chairman Burns asked Mr. Townsend to define the phrase "working at the shop". Mr. Townsend responded that there were typically 2 people working on site and 2 daily service trucks. Mr. Townsend implied that some of the observed traffic was due to personal acquaintances whose arrival in professional vehicles was incidental. He stated that everyone present was welcome to visit and observe his operations.

Mr. Townsend concluded by saying he had not previously come before the board because he believed that his occupational type business license was sufficient to conducting his business; citing that he had no signage and his business was not open to the general public.

Mr. Peters Higgins asked if there was traffic including 18 wheelers with I beams. Mr. Townsend stated that he had had "some" come in. Chairman Burns inquired as to the frequency. Mr. Townsend responded that there had been 5 such occurrences since February. He added that he received pipes being brought in about 3 times a week and daily FedEx/UPS deliveries.

Mr. Brad Smith asked Mr. Townsend if he had been asked by the county to apply for the rural business. Mr. Townsend replied that Code Enforcement had been out to look in to his operations and directed him that he needed to pursue a rural business. Chairman Burns clarified that Mr. Townsend had no plans to change the scope or nature of his business, but was seeking to establish the existing business as a rural business to be in compliance with county ordinance.

Mrs. Tina Kirby was present and declared that some of the recent delivery of I beams and other large scale delivery could be attributed to a metal structure she had been building on her property.

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Mrs. Darlene Bashlor was present and asked why Mr. Townsend had waited so long to get a rural business approval. Mrs. Bashlor expressed her concern over the level of traffic associated with Mr. Townsend’s business, adding that she had been cut off multiple times by vehicles leaving the property. Chairman Burns restated that Mr. Townsend had believed that his occupational license was sufficient. Mrs. Diane Proudfoot explained that Mr. Townsend had built a home and then a shop on the property to operate his business, he was not seeking to rezone the property.

Mr. Comer Brewer asked for clarification as to the date of the Commissioner’s meeting. Mr. Michael Bragg inquired as to what was meant by parking lot and new business with regards to the rural business description; Mr. Brewer wished to verify the scope of the business was not increasing. Chairman Burns and Mrs. Diane Proudfoot answered by reviewing aspects of rural business provisions as they applied to size and parking.

Mr. Peter Higgins made a motion to approve with Staff Recommendations. The motion was seconded by Mr. Brad Smith and carried unanimously.

**Chairman Burns called for a recess at 7:13PM. Business resumed at 7:19PM**

**Sigrid S. Scott - PUBLIC HEARING ( 6):** The applicant requests conditional use - rural business for [Map# 295 Parcel# 52A] located at 469 Hwy 17 S, to operate a floral shop, zoned **AR-2. (Fourth District)**

Mrs. Diane Proudfoot, Zoning Administrator read the Facts and Findings, and Staff Recommendations:

**Facts and Findings:**

**The request for Rural Business Conditional Use is a requirement of Appendix C – Zoning Ordinance, Article III-General Provisions, Section 3.15B - Rural Business. There is a list of criteria for rural business including but not limited to: small office or small-scale retail sales or service-type business which is secondary or incidental to the primary use of property for agricultural or residential purposes. Shall be limited to no more than 1,000 square feet if in a structure and 1,000 square feet of land if outside a structure. Should the use require both inside and outside area, the total area used may not exceed 1,000 square feet. Property on which rural business is proposed must have frontage on a public road. The rural business shall be located on property containing at least three acres of land. Conditional Use is required for commercial activity in the AR-2 district. A previous Conditional Use approval for a Beauty Shop was granted June 20, 1995. Ms. Scott will be using this area for the floral shop business.**

**Staff Recommendation: Approve conditional use for a Rural Business to operate a floral shop, with the following stipulations:**

- 1. Meet the requirements of the Rural Business Ordinance.**
- 2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.**
- 3. Obtain an Occupational Tax Certificate from Development Services.**
- 4. All wetland impacts be approved and permitted by USACE and a copy submitted to Development Services for files.**

No one was present to speak for or against the matter.

Mr. Alan Zipperer made a motion to approve with Staff Recommendations. The motion was seconded by Mr. Peter Higgins and carried unanimously.

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**Toss Allen, agent for Yellow Pad Investors, LLC - PUBLIC HEARING ( 7):** The applicant requests to rezone 15.25 acres for [Map# 389 Parcel# 17] located on McCall Road North from **R-1** to **R-6** for a 49 lot, single family subdivision. (**Fourth District**).

Chairman Burns directed that Items 7 and 8 would be presented together with separate motions for each.

Mr. Toss Allen was present to represent Yellow Pad Investors. Mr. Allen gave description of the surrounding properties. Mr. Allen stated that the property would be serviced by City of Springfield for water and sewer. He described the plans upon rezoning as a single family subdivision containing approximately 49 lots, there are two proposed entrances and egress on to McCall Road. Chairman Burns verified that there were 2 entrances planned.

Mrs. Diane Proudfoot, Zoning Administrator read the Facts and Findings, and Staff Recommendations:

**Facts and Findings:**

**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. R-6 zoning allows six dwelling units per buildable acre, if municipal or county water and sewer service is adjacent to the parcel and capacity is available or a state permitted, privately owned community water and sewer system is constructed or available. All properties in the R-6 zoning district shall be connected to water and sewer systems. No individual septic systems shall be permitted.**

**Staff Recommendation: Approve requests to rezone 15.25 acres from R-1 to R-6 at McCall Road and Webb Road for development of a 49-lot subdivision, with the following stipulations:**

1. **The lots must meet the requirements of the R-6 zoning district.**
2. **Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.**
3. **Development must meet the requirements of the R-6 zoning district.**
4. **All wetland impacts be approved and permitted by USACE and a copy submitted to Development Services for files.**

Mr. Brad Smith made a motion to approve. The motion was seconded by Mr. Alan Zipperer and carried unanimously.

**Toss Allen, agent for Yellow Pad Investors, LLC - PUBLIC HEARING ( 8):** The applicant requests a sketch plan review for [Map# 389 Parcel# 17] located at McCall Road North for “Jennie Station”, currently zoned **R-**. (**Fourth District**)

Mrs. Diane Proudfoot, Zoning Administrator read the Facts and Findings, and Staff Recommendations:

**Facts and Findings:**

**The applicant is requesting sketch plan approval for a 49 lot subdivision on McCall Road. This project is proposed to be served by Springfield water and sewer.**

**The request for approval of a sketch plan is a requirement of Appendix B – Subdivision Regulations, Article V-Plan and Plat Requirements, Section 5.1 – Sketch Plan.**

*The purpose of a sketch plan is to provide both the applicant and the county an opportunity to review the proposed development before significant financial resources have been invested. Therefore, the sketch plan does not require the*

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*certification of an engineer, surveyor, or other professional. Existing features, including water bodies, wetlands, and flood zone limits, are required to be surveyed for the sketch plan.*

**Staff Recommendation:** Approve sketch plan for 15.25 acres to create a subdivision, known as Jennie Station, consisting of approximately 49 lots with minimum lot sizes of .15 acres (6,600 sf); and 3.43 acres of common open space, including .31 acres wetlands, 1.52 acres ponds, and 1.6 acres recreation area, with the following stipulations:

1. Preliminary plans for development shall be submitted per Article IV, Section 4.2.2 and be reviewed and approved pursuant to the Effingham County Code of Ordinances, Appendix B – Subdivision Regulations.
2. Meet the requirements of the R-6 zoning district ordinance to include but not limited to open space, sidewalks and parking requirements.
3. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
4. Subdivision plat must be approved by the Zoning Administrator.
5. All wetland impacts be approved and permitted by USACE and a copy submitted to Development Services for files.

Mr. Brad Smith asked if there would be sidewalks. Mr. Allen responded that while there were no sidewalks on the sketch plan, there would be sidewalks in compliance with the zoning ordinance.

Mr. Brad Smith made a motion to approve. The motion was seconded by Mrs. Juanita Golden and carried unanimously.

**Devin Jones - PUBLIC HEARING ( 9):** The applicant requests a conditional use approval for [Map# 389 Parcel# 17A] located on North Courthouse Road to operate a daycare center. Zoned **AR-1 (Fourth District)**.

Mr. Devin Jones was present to represent his own interests. Mr. Jones described his objective and elaborating by stating that Springfield is an underserved community with only 2 existing daycare centers. He wishes to combine his background in business administration and his wife’s background in childcare to build an operation from the “ground up”.

Chairman Burns stated that being granted conditional use was Mr. Jones’ first step. Mr. Jones indicated that he understood and replied that while they had been in contact with an architect, they are waiting on county approval before proceeding.

Mrs. Diane Proudfoot, Zoning Administrator read the Facts and Findings, and Staff Recommendations:

**Facts and Findings:**

**Day care facilities is listed as a conditional use in AR-1 Section 5.1.2 Conditional uses.**

**Pursuant to Section 7.1.6 of the Effingham County Zoning Ordinance, considerations for conditional uses shall be based upon the following:**

- (a) Approval of a conditional use shall not adversely affect the economic values or the physical appearance of the neighborhood or areas surrounding the site or lot in question.*
- (b) The physical and environmental effects of allowing the conditional use shall be considered.*
- (c) Buffer zones, where necessary to shield any adverse factors, shall be considered.*

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*(d) Additional space for parking, landscaping, building, loading zones, and setback shall be considered if necessary to protect adjacent structures or lots from any adverse impact.*

Mr. Jones has a purchase agreement with the property owner to develop the day care contingent upon County and bank approval.

**Staff Recommendation:** Approve requests a conditional use to develop property for a day care facility which is conditional in AR-1 with the following stipulations:

1. Site development plans, including, but not limited to parking, signage, and buffers, must be submitted to Development Services for engineering review, per Appendix E – Development Plan Ordinance, Section 1-Development Plan Review.
2. Commercial daycare building and signage plans must be submitted to Development Services for review
3. Shall meet the requirements of Appendix C – Zoning Ordinance, Article III-General Provisions, Section 3.4 – 15’ buffer for vegetative screening between the AR-1 conditional use and the adjacent AR-1 use.
4. Meet the requirements of Appendix C – Zoning Ordinance, Article III-General Provisions, Section 3.4.2. All development excluding industrial development shall maintain a ten-foot wide landscaped buffer between any parking or loading area and an adjacent accessed public right-of-way (ROW).
5. Structural elements such as fences, walls, and berms may be placed in buffers. When privacy fences or walls are located in a buffer, a minimum of two feet from the exterior property line will be maintained to allow for plant material to soften the effects of the structural element.
6. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.

All wetland impacts be approved and permitted by USACE and copy be submitted to Development Services

Mr. Brad Smith made a motion to approve with Staff Recommendations. The motion was seconded by Mr. Peter Higgins and carried unanimously.

**VII. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:32 PM.

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**CHAIRMAN OF PLANNING BOARD  
EFFINGHAM COUNTY, GEORGIA**

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**DATE**

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**PLANNING BOARD SECRETARY**

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**DATE**