



**THE PLANNING BOARD OF EFFINGHAM COUNTY, GA**

**June 22, 2020**

**I. CALL TO ORDER**

Chairman Dave Burns called the meeting to order at 6:01 PM.

**II. INVOCATION**

Mrs. Juanita Golden 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. Mrs. Diane Proudfoot noted that Item #2 had been withdrawn. Mr. Alan Zipperer made a motion to approve the agenda with the correction. Mr. Brad Smith 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 18, 2020 meeting minutes. Mr. Brad Smith made a motion to approve the minutes as presented. 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, Mr. Charles George: County Engineer and Head of Development Services, Ms. Katie Dunnigan: Planning Board Secretary

**Persons Attending:** Phillip McCorkle, Wade Durrence, Chad Zittrouer, Stoy Marlow, Warren Ratchford, Kay Hanberry Smith, Lexye Shockley,

**VI. NEW BUSINESS**

Chairman Burns stated all items voted on would be presented at the July 21, 2020 Board of Commissioners meeting at 6:00 pm as a public hearing (*with the exception of residential business and pond requests*)

**Teramore Development, LLC for M. Alan Watson – PUBLIC HEARING (1):** The applicant requests to rezone .78 of 1.41 acres for [Map # 297A Parcel # 3] located at 1790 S Hwy 17 from AR-2 to B-3 to be combined with 297-58 for retail development. (First District)

Mr. Phillip McCorkle was present to speak on behalf of Teramore Development. Mr. McCorkle explained that their client already owned a 1.6 acre parcel with a commercial zoning designation, but required a larger lot to accommodate the Dollar Store proposed for the property. Mr. McCorkle added that the Dollar Store project would have a positive impact on the community, as the Pineora area is lacking retail.

Mrs. Diane Proudfoot, Zoning Administrator spoke, stating that the .63 acres that was to remain AR-2 zoning would be combined with adjoining properties. Mrs. Proudfoot reported that staff recommends approval with the stipulations listed in the staff report. (Stipulations below).

1. **The lot must meet the requirements of the B-3 zoning district.**
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.**
4. **A recombination plat for .78 acres of 297A-3 and 297-58 must be submitted to Development Services**
5. **A recombination plat for the remaining .63 acres of 297A-3 and an adjacent AR-2 zoned parcel must be submitted to Development Services.**

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

**Shone & Sherri Feider – PUBLIC HEARING (2):** This item was withdrawn

**Wade Durrence – PUBLIC HEARING (3):** The applicant requests a variance for [Map# 330A Parcel# 11D] located at 124 Canoochee Avenue to reduce the required rear setbacks from 5' to 3' and 15' to 6.5' to adjust property lines to include garage on their property, zoned AR-1. (Second District).

Mr. Wade Durrence was present to speak on his own behalf. Mr. Durrence summarized his request, stating that in order to sell his property, the garage must be within the property lines.

Chairman Dave Burns asked if the home had been present for some time and asked for clarification that the garage was not within the property lines. Mr. Durrence replied that yes, the house had been in existence since approximately 1972, and the original plat lines ran through the actual garage.

Mrs. Diane Proudfoot stated that staff recommends approval with stipulations listed in the staff report. (Stipulations below)

1. **The rear setback for the primary building will be 6.5'.**
2. **The rear setback for the secondary building will be 3'.**
3. **Owner of parcel 330A-6D must agree in writing to property line change.**

Mrs. Juanita Golden made a motion for approval with staff recommendations. The motion was seconded by Mr. Alan Zipperer and carried unanimously.

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**Chad Zitterouer of Kern & Co. for H. Brook Warnell – PUBLIC HEARING (4):** The applicant requests to rezone 111.5 of 264.03 acres for [Map# 354 Parcel# 45] located .07 miles west of George Road from AR-1 to I-1 for a surface mine. (First District)

Mr. Chad Zitterouer was present to represent Kern & Co. Mr. Zitterouer explained that the intention of the rezoning was to expand current operations to the existing borrow pit by 43.5 acres. The mine would use the DOT entrance on St. Paul Road.

Chairman Dave Burns asked if the operational plan was to move from one pit to another, with no significant change to operations. Mr. Zitterouer confirmed that this was the case for both points.

Mrs. Diane Proudfoot noted that the business was continuing with the existing use on the property. Mrs. Diane Proudfoot stated that staff recommends approval with stipulations listed in the staff report. (Stipulations below)

1. **This rezoning allows a surface mine only. No other I-1 uses are allowed.**
2. **Applicant meets the requirements of Section 3.17- Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands.**
3. **Business operator meets 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 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.**

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

**Deborah Oetgen – PUBLIC HEARING (5):** The applicant requests to rezone 48.26 of 162.31 acres for [Map# 399 Parcels# 3A & 3S] located at 504 Godley Road from R-4 & AR-1 to I-1 for a surface mine. (Third District)

Mr. Stoy Marlow was present to speak on behalf of Mrs. Oetgen. Mr. Marlow stated the purpose of the rezone was to expand the existing pit operation.

Chairman Dave Burns inquired as to whether the area in question was on the same tract of land as the existing pit. Mr. Marlow said it was. Chairman Burns asked how large the mine would be, to which Mr. Marlow stated the size as 48.2 acres of actual mining activity.

Mrs. Diane Proudfoot stated that staff recommends approval with stipulations listed in the staff report. (Stipulations below)

1. **This rezoning allows a surface mine only. No other I-1 uses are allowed.**
2. **Applicant meets the requirements of Section 3.17- Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands.**
3. **Business operator meets the requirements of Chapter 74 – Traffic, Sec. 74-8 Designated Truck Routes.**

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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 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 AR-1.**

Mrs. Juanita Golden made a motion for approval with staff recommendations. The motion was seconded by Mr. Brad Smith and carried unanimously.

**Beverly Weredyk - PUBLIC HEARING (6):** The applicant requests to rezone 1 acre for [Map# 435G Parcel# 21] located at 1875 Goshen Road from **AR-1** to **AR-2** to combine with an adjoining parcel. **(Second District)**

Mrs. Beverly Weredyk was present to represent her own interests. Chairman Dave Burns asked to clarify that the intention of the rezoning was to combine lots. Mrs. Weredyk agreed that her goal was to do a recombination to save money on property tax.

Mrs. Diane Proudfoot stated that staff recommends approval with stipulations listed in the staff report. (Stipulations below)

1. **The lot must meet the requirements of the AR-2 zoning district.**
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.**
4. **Recombination plat must be approved by the Zoning Administrator.**

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

**James Thompson III - PUBLIC HEARING (7):** The applicant requests to rezone 3.67 acres for [Map# 221 Parcel# 9] located at 810 Shearwood Road from **AR-1** to **B-2** to allow for light fabrication and storage in an existing commercial building. **(Third District).**

Mr. Warren Ratchford was present to represent Mr. Thompson. Mr. Ratchford stated that, in taking Mr. Peter Higgins' suggestion and feedback from prior agenda appearances, it was believed that a B-2 zoning would achieve Mr. Thompson's desired outcome while alleviating the concerns raised by the earlier proposed I-1 rezoning. Mr. Ratchford went on to say that the area surrounding the property has multiple B-2 properties and Mr. Thompson's particular rezoning would offer protections above and beyond B-2 requirements.

Mrs. Diane Proudfoot stated that staff recommends approval with stipulations listed in the staff report. (Stipulations below)

1. **B-2 zoning lasts only as long as building lasts, reverts to AR-1 if building is destroyed/removed.**
2. **Deliveries will be limited to 7:00AM until 6:00PM.**

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3. **The use of Shearwood Road is limited to Class C delivery trucks. 18 wheel trucks are banned except when special approval is provided from county road department.**
4. **Deliveries to the facility shall be prohibited during extreme climate conditions (excessively rainy/wet) where damage to Shearwood Road is likely to occur and as posted by the road department and/or by a county official.**
5. **Vehicles on premises for employees shall be limited to no more than one (1) vehicle per employee.**
6. **Delivery vehicles entering and exiting the facility shall use Georgia State Highway 21 only.**
7. **Any additional use of the property shall be governed by the Effingham County Board of Commissioners for approval.**
8. **Tenant must carry a business license from Effingham County.**
9. **Tenant will pay a one thousand dollar bond (\$1,000.00) to cover any road damage occurring to Shearwood Road resulting solely from tenant’s failure to abide by the terms and stipulations of this zoning amendment in suitable form as determined by Effingham County.**
10. **Tenant will comply with Effingham County Truck Route Ordinances.**

Chairman Dave Burns asked if the 10 listed stipulations were from staff. Mrs. Proudfoot responded that they were sourced from both staff and the tenant lease. Mr. Ratchford added that there would also be recorded covenants following rezoning approval by the Board of Commissioners. Chairman Burns asked what would happen if the tenant left. Mr. Ratchford stated that each subsequent tenant would need to be approved by the Board of Commissioners.

Mr. Alan Zipperer questioned the proposed delivery access, observing that it stated access from Hwy 21, and seemed to imply that traffic could access the property directly from Hwy 17. Mr. Ratchford responded that Hwy 21 was a clerical error and he would see that this is corrected and traffic would have to travel Shearwood Road from Hwy 17. Mr. Zipperer then asked what would happen when Shearwood Road flooded. Mr. Ratchford replied that it would be the tenant’s responsibility to not use the road under such conditions. Chairman Burns asked if that was what item 4 referred to, to which Mr. Ratchford replied yes.

Mr. Peter Higgins asked if there was to be a limitation on 18 wheeler trucks. Mr. Ratchford answered that 18 wheelers would need to have prior approval from the road department; otherwise business traffic would be restricted to Class C vehicles.

Mrs. Melissa Hall was present to speak. Mrs. Hall stated that Commissioner Jamie DeLoach had been on site after a road scraping to observe road conditions and was going to involve the road department. Mrs. Hall said that she had yet to see the new provisions for the rezoning and plans to discuss them with Mr. Ratchford. Mrs. Hall went on to say that her only concern was in regards to the condition of the road and as long as it was undamaged, she had no objections. She also stated that there are currently automotive auctions that occur on the Thompson property.

Mrs. Lexye Shockley was present to speak in favor of the rezoning. Mrs. Shockley stated that she was satisfied by the proposed limitations to the business, that there is already heavy, road damaging traffic due to timber hauling. Mrs. Shockley presented her opinion that recreational vehicles were doing more damage to the road than any commercial traffic.

Mr. Woodrow Hall was present to speak against the rezoning. Mr. Hall expressed concern for both traffic, and the potential for a commercial zoning to lead to more commercialization of the area.

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Mr. Mark Roundtree was present to speak against the rezoning. Mr. Roundtree stated that he remains concerned about the road conditions. He responded to Mrs. Shockley’s observation about timber traffic by saying that usage is sporadic while manufacturing traffic would be constant. Mr. Roundtree expressed doubt that the tenant would cease commerce due to poor road conditions. Mr. Roundtree expressed that until the road was paved conditions changed too quickly and there must be another solution; he suggested that perhaps there was a way for Mr. Thompson to obtain direct access to GA Hwy 17.

Chairman Burns observed that most of the concerns with the rezoning were directly related to the road. He expressed his belief that a properly constructed and maintained dirt road should be able to accommodate the proposed traffic, adding that it was not within the scope of Planning Board function to decide road matters.

Mr. Brad Smith made a motion to approve with staff recommendations, to include the correction to Item 6: Delivery access shall be via GA Hwy 17, not GA Hwy 21 as originally stated. The motion was seconded by Mr. Alan Zipperer and carried unanimously.

**Vera E Braswell - PUBLIC HEARING (8):** The applicant requests to rezone 2 of 29.12 acres for [Map# 252 Parcel# 8] located at 205 Newton Road from AR-1 to AR-2 for a home site. (Third District)

Mrs. Vera Braswell was present to speak on her own behalf. Chairman Burns verified Mrs. Braswell’s intent to rezone to create a home site for her granddaughter. Mrs. Braswell affirmed that was her intent.

Mrs. Diane Proudfoot stated that staff recommends approval with stipulations listed in the staff report. (stipulations below)

1. **The lot must meet the requirements of the AR-2 zoning district.**
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.**
4. **Subdivision plat be approved by the Health Department and the Zoning Administrator.**

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

**Clifford Miller III – PUBLIC HEARING (9):** The applicant requests to rezone 1.01 acres for [Map # 366C Parcel # 2] located at 357 Wallace Drive from AR-1 to R-1 to improve setback requirements. (Third District)

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

Mrs. Diane Proudfoot stated Mr. Miller’s plan is to demolish the existing home and build a new residence, rezoning would improve the required setbacks for construction of the new home. Mrs. Diane Proudfoot stated that staff recommends approval with stipulations listed in the staff report. (stipulations below)

1. **Lot must meet the requirements of the R-1 zoning district.**
2. **Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.**

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

**Kay Hanberry Smith – PUBLIC HEARING (10):** The applicant requests to rezone 6.2 acres for [Map # 387 Parcel # 20] located behind 319 Kieffer Road from AR-1 to AR-2 for the creation of two home sites. (Third District)

Mrs. Kay Hanberry Smith was present to represent her own interests. Chairman Burns reviewed Mrs. Smith’s intentions, which Mrs. Diane Proudfoot clarified and reported that staff recommends approval with the stipulations listed in the staff report. (Stipulations below)

1. **The lots must meet the requirements of the AR-2 zoning district.**
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.**
4. **Subdivision plat must show an access easement to the parcels, and be approved by the Health Department and the Zoning Administrator.**

Mr. Brad Smith made a motion for approval with staff recommendations. The motion was seconded by Mr. Alan Zipperer and carried unanimously.

**C. Lewis & Kimberly Lopez – PUBLIC HEARING (11):** The applicant requests to rezone 2.51 acres for [Map # 432 Parcel # 27] located at 392 Blandford Road from AR-1 to AR-2 to create two parcels. (Fourth District)

Kimberly Lopez was present to represent her own interests. Mrs. Lopez stated that her goal was to create two home sites.

Mrs. Diane Proudfoot noted that the lot’s size does not meet the standard for AR-1 zoning and staff recommends approval with the stipulations listed in the staff report. (stipulations below)

1. **The lots must meet the requirements of the AR-2 zoning district.**
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.**
4. **Subdivision plat must be approved by the Health Department and the Zoning Administrator.**

**VII. ADJOURNMENT**

There being no further business, the meeting adjourned at 6:49 PM.

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

\_\_\_\_\_  
**DATE**

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**PLANNING BOARD SECRETARY**

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**DATE**