



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

### PETITION FOR: **CONDITIONAL USE**

Property location: 4030 Athens Highway  
Property tax parcel: 024-008  
Acreage: 16.13 acres  
Applicant: Eddie Florence, 3011 Old Farmington Road, Watkinsville  
Applicant's Agent: N/A  
Property Owner: Ed Prior, 1150 Shockley Road, Madison  
Existing Use: Vacant  
Proposed Use: Farmers Market and Equipment Sales

### Summary

Eddie Florence is requesting Conditional Use approval to sell farming equipment at 4030 Athens Highway. The applicant identifies the proposed equipment as mowers, trailers, tractors, and other farm-related items. Such equipment falls under Agricultural-oriented Business. Table 4.1 states "Agricultural-oriented Businesses, including but not limited to the sale of nursery products, the sale and repair of farm implements, feed and seed sales, warehouses and storage" is a Conditional Use in the Agricultural (AG) Zoning District. The location is also proposed to be used as a farmers market, which is a permitted use in AG.



The property is located on Highway 441 north, at the intersection of Lower Apalachee Road and near the intersection with Apalachee Road. It is across from the Rainbow convenience store.

## Past zoning actions

Summary: In 2014, a portion of the property was rezoned to C2 for a Dollar General retail store. Dollar General also requested a variance for the parking lot, which was denied. When informed by DOT that the possible widening of Highway 441 may encroach on the store building, Dollar General abandoned the site. In 2015, the property owner successfully petitioned for the zoning to be changed back to AG.

Due to the length of the Minutes from associated Planning Commission and Board of Commissioners meetings, the excerpts from the Minutes have not been included. Please contact Staff to request a copy.



The applicant proposes to use the existing building, which was last used as an antique store. The building has been vacant since the Dollar General was approved in 2014. The building has been recently remodeled.

The only parking currently available is in the semi-circular driveway. There is additional gravel on the north side of the building, although grass has grown through it. According to the Zoning Ordinance, for a new commercial use (calculated by building size) the venue will



require 5 parking spaces with one of those spaces paved and marked as handicapped accessible. The Zoning Ordinance has an exemption to the general paving requirement for parking lots used for ag-related business under 5,000 square feet.

The applicant will need to identify loading/unloading areas for equipment and produce.

No display or signage is allowed in the DOT right-of-way, which goes to the front of the building.

Comprehensive Plan and Future Land Use Map

From Chapter 2: Assessment of Economic Development Needs, of the Morgan County Comprehensive Plan:

Commercial Development(excerpts)

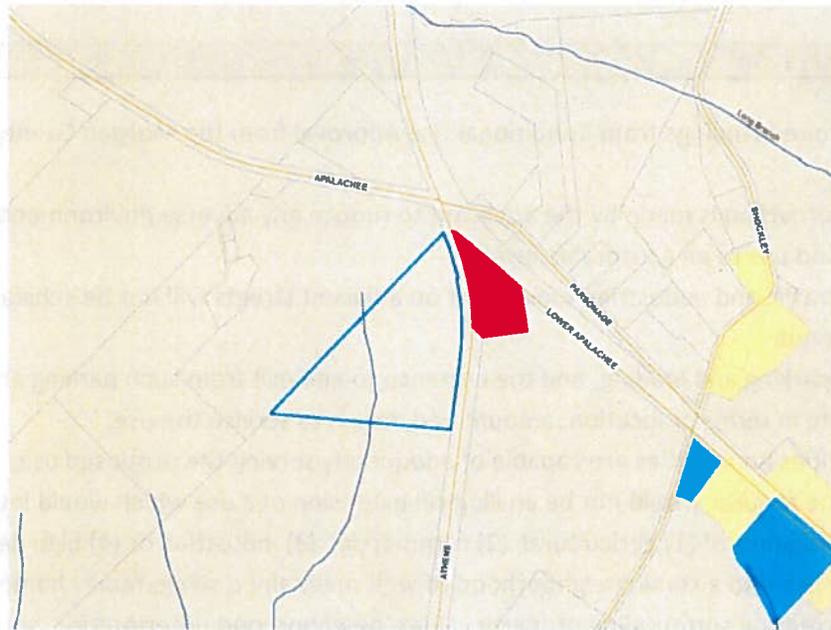
- Commercial development needs to be encouraged in Morgan County.
- Areas of blight need to be reclaimed and empty buildings put to their highest and best use where possible to attract businesses.

Agriculture (excerpt)

- The agricultural industry plays a vital role in Morgan County and there is a need to preserve and promote agriculture related businesses.

Small Business Development(excerpt)

- Small businesses are the cornerstone of the community. They need to be protected and promoted.



The Future Land Use Map shows the parcel as Agricultural/Forestry/Estate Residential, and surrounded by the same classification. The red parcel (Rainbow) is Commercial, the yellow is Traditional Neighborhood Residential, and blue is Public/Institutional (churches). The Future Land Use Map was modified for the portion of the subject parcel that was rezoned for Dollar General. It was changed to Commercial to match the change in zoning to C2. However, when the property owner had the parcel zoned back to AG in 2015, the Future Land Use Map was changed back also.



The Zoning Map shows the parcel is AG with AG zoning around it on the same side of the highway. Zoning districts across the highway are Agricultural Residential (AR)(light green), Light Commercial (C1)(pink), and Low Density Residential (R1)(yellow).

### Criteria for Consideration

#### Section 21.3.1 Required Findings from Conditional Use Approval from the Morgan County Zoning Ordinance:

1. Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
2. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
3. Off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use;
4. Public facilities and utilities are capable of adequately serving the proposed use;
5. Granting the request would not be an illogical extension of a use which would introduce damaging volumes of (1) agricultural, (2) commercial, (3) industrial, or (4) high density apartment use into a stable neighborhood of well-maintained single family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;
6. Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities, current or planned;
7. Granting the request would conform to the general expectation for the area population growth and distribution according to the Comprehensive Land Use Plan;
8. Granting the request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability;
9. Granting the request would not have a "domino effect," in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.

## Staff Comments

Staff has no concerns regarding the proposed use, as it is supported by the Comprehensive Plan. The applicant only indicated sales of farm equipment, not repair. Approval of the use will also allow for repair on the property. In accordance with other repair garage uses in the Zoning Ordinance, any repair work would have to occur within an enclosed building and storage of parts would be prohibited outside.

If a recommendation of approval is made, Staff suggests the following conditions for consideration:

1. Any repair work must take place within an enclosed building with no storage of parts outside. Applicant must follow state standards for hazardous material disposal.
2. Sales are limited to farmer's market items and ag-related products.
3. No consignment sales of equipment or vehicles are allowed.
4. No items may be stored or placed for sale display in the DOT right-of-way.
5. Loading/unloading areas for equipment and farmer's market deliveries must be marked.



I would like to sell in addition  
to my FARMERS MARKET related products  
the following.

MOWERS, TRAILERS, TRACTERS, AND  
OTHER BASICLY FARM RELATED ITEMS.

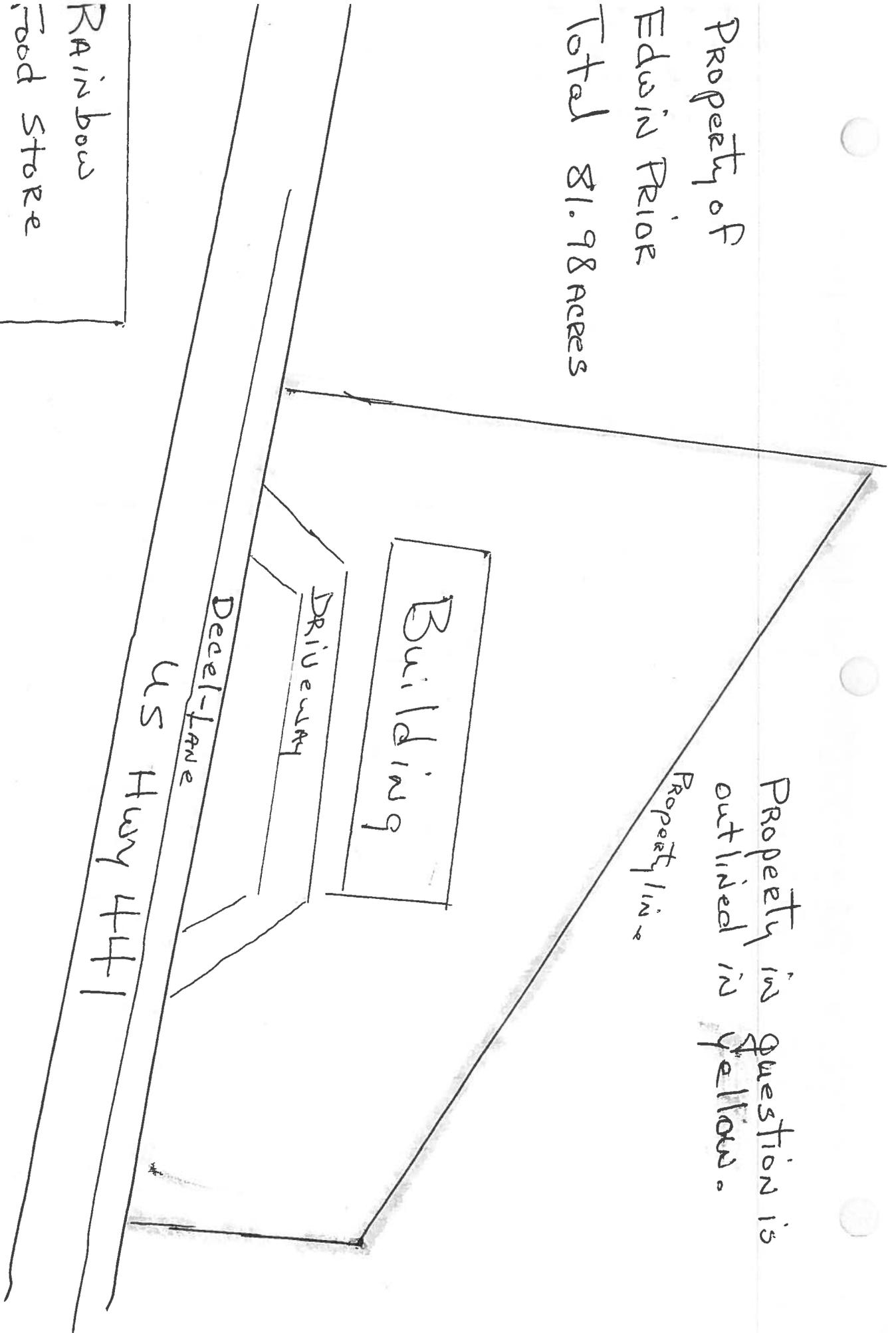
  
Sam Edward Florence III



Property of  
Edwin Prior  
Total 81.98 acres

Property in question is  
outlined in yellow.  
Property line

Rainbow  
Food Store



North  
→

