



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

### PETITION FOR: CONDITIONAL USE

Property location:	460 Newborn Road & 250 Hawkins Avenue, Rutledge
Property tax parcel:	020-058Z
Acreage:	127.38 acres
Applicant:	Mike Conrads, PO Box 591, Madison
Applicant's Agent:	
Property Owner:	J&J Family Farm LLC, PO Box 591, Madison
Existing Use:	Farm
Proposed Use:	Farm, Inn, Event Facility

### Summary

Mike Conrads, on behalf of J & J Family Farm LLC is requesting conditional use approval to operate an Event Facility on property located within the city limits of Rutledge. The applicant intends for the property to act as an extension of the Brady Inn in Madison. The property has two dwelling structures with driveways on separate roads and, therefore, has two addresses: 460 Newborn Road and 250 Hawkins Avenue. The property contains 127.38 acres, but also has 64 acres in the county. This application is only for that portion of the property located within the city limits of Rutledge. If the applicant wishes to extend the activities of the Event Facility onto the property located within the unincorporated county, he must apply for a separate Event Facility conditional use permit, to be approved by the Morgan County Board of Commissioners. The applicant has submitted a separate application to use this property as an Inn.

The City of Rutledge Zoning Ordinance allows an Event Facility as a Conditional Use in the AR zoning district only.

The Brady Inn in Madison is known for weddings and corporate events. The facility in Rutledge is intended to host similar events.

The family farm house at 460 Newborn Road has Rutledge water, but is on a septic tank. The bunkhouse at 250 Hawkins Avenue is on a well and septic tank. Depending on the number of attendees expected, portable toilets may have to be utilized. The property is adjacent to residentially zoned properties, so the greater setback will apply in those locations (12.17.3).

## **Chapter 12.17 Event Facilities**

### Section 12.17.1 Restrictions

Event Facilities shall not be used for motorized vehicle events, other than car shows. No Event Facility shall be used for racing events or timed sport competitions, other than those events regularly hosted at rodeos (such as barrel racing). Event Facilities shall not be used as permanent worship facilities or as athletic fields.

Restrictions may be imposed by the Morgan County Planning Commission or the City of Rutledge Mayor and Council. Not all sites within each zoning classification may be appropriate for an Event Facility, or for all events proposed. When considering a Conditional Use permit for an Event Facility, particular emphasis will be given to the size of the facility, the character of the property involved, and its proximity to residential areas. Potential adverse impacts on adjacent or nearby residential areas will be considered.

### Section 12.17.2 Exceptions

Church events or events hosted by non-profit organizations held in exchange for a donation are not included.

Permanent facilities serving only 50 people or less may be excluded from these regulations, except use restrictions, provided adequate parking is provided and conforms to all Federal, State and Local ordinances.

### Section 12.17.3 Site Requirements

The minimum lot size for Event Facilities shall be five (5) acres.

All structures, whether permanent or temporary (e.g. grandstands or tents) must meet the setbacks required by the zoning classification where the facility is located. When located adjacent to a residentially zoned district classification, the minimum setback shall be the required setback or twenty-five (25) feet, whichever is greater.

Certificates of Occupancy must be issued for all permanent structures. All other structures erected as part of an event must be removed within 48 hours after the end of an event. Set-up for any event shall not begin more than 48 hours prior to an event without approval from the Director of Planning and Development. Set-up and tear-down activities must occur between the hours of 7am and 9pm.

### Section 12.17.4 General Requirements

All Event Facilities must have a valid Occupational Tax Certificate.

No single event shall last longer than three (3) consecutive days unless pre-approved by the Director of Planning and Development.

Adequate toilet facilities must be provided. Toilet facilities may include flush-type toilet facilities or non-sewered toilet facilities. Non-sewered toilets that are treated with chemicals must conform to the provisions of the International Plumbing Code, and all applicable regulations that apply to the disposal of sewerage.

Ample trash cans must be provided.

All lighting shall be directed away and shielded from adjacent residential areas. Any event that takes place after dark or plans to allow persons who attend the event to remain on the premises after dark, shall provide electrical illumination to insure that those areas which are occupied are lighted at all times. See Article 16, Chapter 16.2 of the City of Rutledge Zoning Ordinance.

The Event Facility owner or manager must coordinate all parking. Parking spaces must be provided for the maximum number of people to be assembled at a rate of at least one parking space for every four persons. Provisions must be provided for overflow parking.

Adequate cell phone service must be must be available or a telephone must be provided at the facility for public use.

The Noise Abatement Ordinance (Chapter 26, Article II of the Code of the City of Rutledge) will be enforced.

#### Section 12.17.5 Safety and Security

The Morgan County Sheriff's Office must be notified of pending events a minimum of 14 days prior to the event, and must be provided with the date, length of time and expected number of people. Information will be shared with other emergency services. The manager or owner of the Event Facility may be contacted if the Sheriff's Office or other EMS office has questions regarding the event.

Road closures must be coordinated with the Morgan County Sheriff's Office and approved by the City of Rutledge Mayor and Council 45 days prior to the event.

Traffic lanes and other adequate access to event structures shall be designated and left open for access and travel for ambulances, fire trucks and other emergency vehicles.

Emergency medical staff must be provided if over 500 people are expected to attend.

The Event Facility owner or manager is solely responsible for accessing security needs and providing adequate staff.

Extinguishing devices must be provided, sufficient to meet all State and Local standards and sufficient (knowledgeable) personnel must be present to operate such devices.

All equipment, regardless of power source, must comply with all Federal, State and Local safety codes.

All vending areas and tents are subject to inspection by the Morgan County Building Inspectors.

### Section 12.17.6 Food and Alcohol

The Event Facility owner or manager is solely responsible for ensuring that all food concessionaries are properly licensed.

Events selling alcoholic beverages must comply with Chapter 4 of the Code of the City of Rutledge.

### Sections 12.17.7 Signs

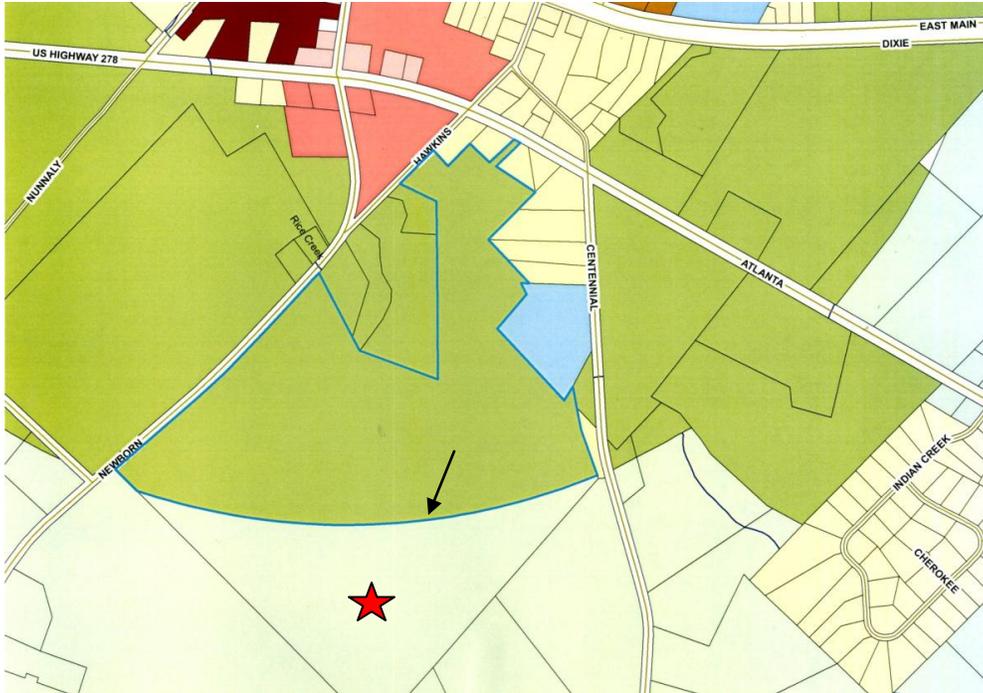
Permanent business signs must comply with this Ordinance. Temporary signs must comply with the following regulations for the purpose of advertising a pending event:

- Two signs of not more than four square feet each may be displayed on the property where the event facility is located (no sign permit required);
- Two signs of not more than two square feet each for the purpose of giving direction to the location of the event (no sign permit required);
- Banner signs may be displayed up to 14 days prior to an event with a sign permit;
- Placement of temporary signs: The signs advertising the event as authorized by this Chapter shall:
  - Not be erected on public property or on public facilities;
  - Have permission to erect such signs from the owners of the property upon which such signs are to be placed;
- Erection of temporary signs: No sign or other form of advertisement shall be exhibited for more than three days prior to the date of an event, unless a sign permit is obtained or is approved by the Director of Planning and Development;
- Removal of temporary signs: Signs advertising or giving directions to an event must be removed within 24 hours of the end of the event.

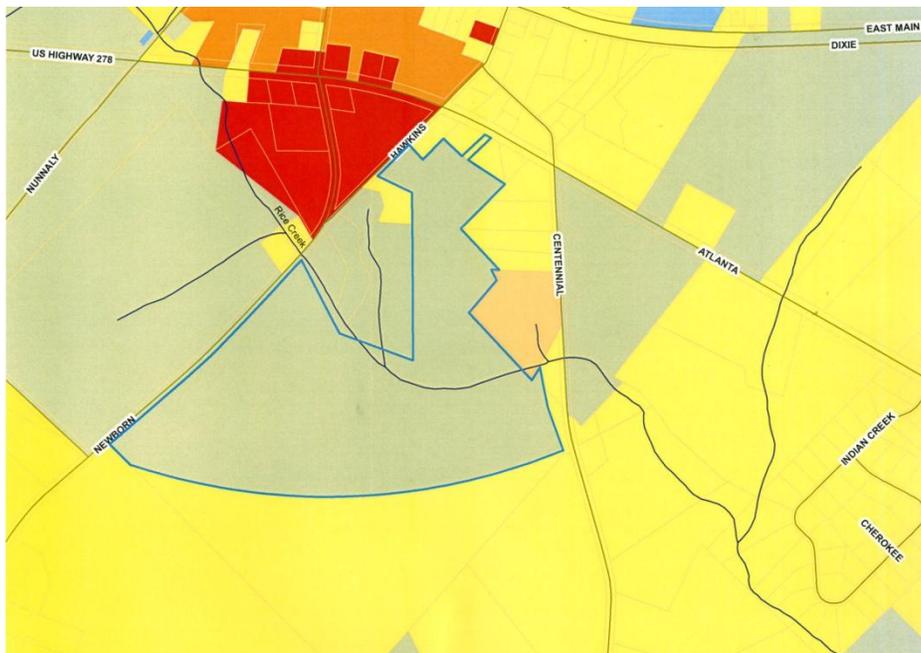
### Section 12.17.8 City Not Liable

The Event Facility must sign an agreement to save and keep the City of Rutledge free and harmless from any and all loss or damages, or claims for damages, including attorney's fees and litigation costs, arising from or out of any event.

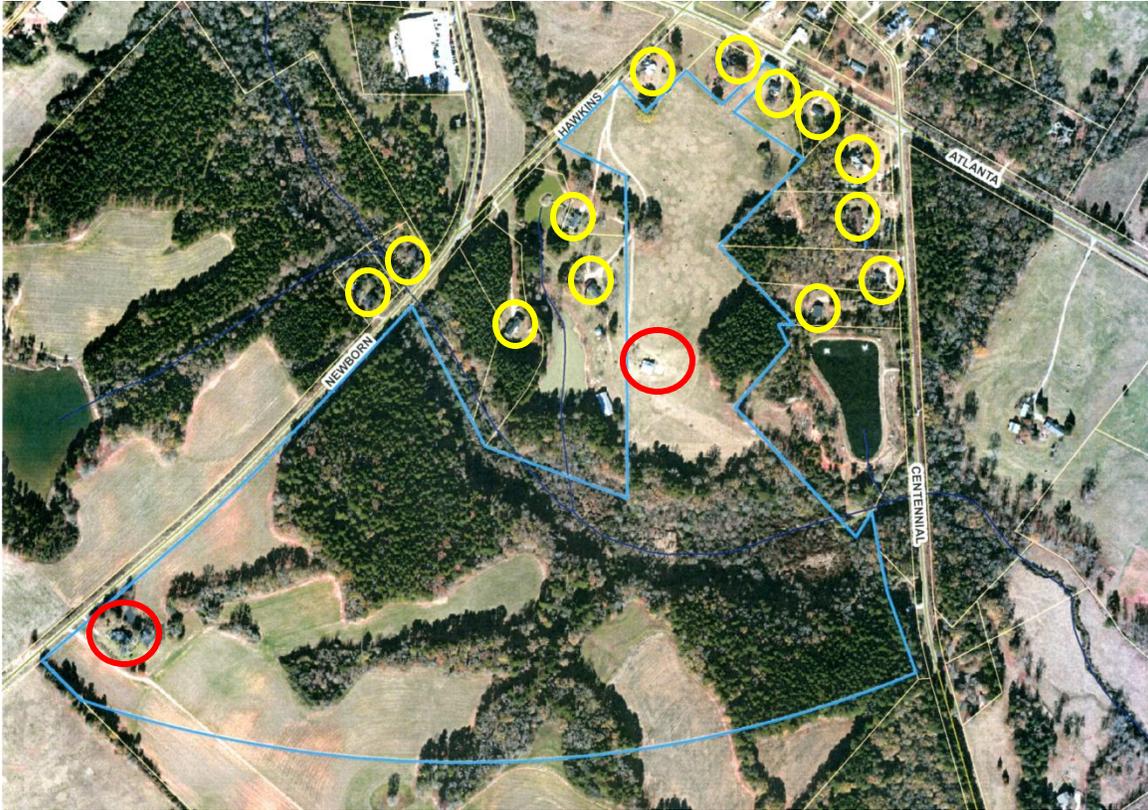
Prior to the issuance of an Occupational Tax Certificate each year, an affidavit must be signed by the owner or manager of the Event Facility acknowledging responsibility for all security needs, and adherence to all Federal, State and Local safety codes via self inspections.



The subject property is zoned AR. The pink is commercially zoned property, the yellow is residential. The blue utility parcel is Rutledge's sewer treatment facility. The arrow indicates the city limits. The star is shown on the portion of the property that is in the county. The county portion of the property is zoned county AR.



The Future Land Use Map shows the subject property as Agricultural/Forestry/Estate Residential. Interestingly, the county portion of the property is shown as Traditional Neighborhood Residential.



The family farm house is at 460 Newborn Road and is shown as the circle on the left. The bunkhouse is at 250 Hawkins Avenue and is the circle on the right. There are several residences located adjacent to the proposed property, which are circled in yellow.



The c 1980 bunkhouse (left) is approximately 1,748 square feet and has 2 bedrooms with 2 bunks per room. The c 1880 farm house is approximately 4,119 square feet and has 5 bedrooms. The houses would have to pass a life safety inspection prior to the issuance of a Certificate of Occupancy (business license).

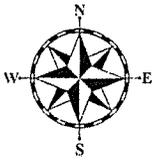
## Criteria for Consideration

From the City of Rutledge Zoning Ordinance. Chapter 22.4, Required Findings for Conditional Use Approval.

- (a) Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
- (b) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
- (c) 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;
- (d) Public facilities and utilities are capable of adequately serving the proposed use;
- (e) Granting the request would not be an illogical extension of a use which would intrude a damaging volume 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;
- (f) Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities, current or planned;
- (g) Granting this request would conform to the general expectations for the area population growth and distribution according to the Comprehensive Land Use Plan;
- (h) Granting this request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability;
- (i) Granting this 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

The property is large enough to accommodate parking and a significant number of people. Depending on where the event takes place on the property, it may not even be easily seen from the road or by neighbors. However, large events can create traffic issues on Newborn Road or Hawkins Avenue. The biggest potential impact to neighbors will be noise. Although Rutledge has a 10pm noise ordinance, weeknight events could be disruptive to neighbors. Due to the number of residential structures near the property, Staff recommends a noise cut-off time of 9pm for night events other than Friday or Saturday.



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August 31, 2015

Morgan County Planning and Development

Morgan County Planning Commission

**RE: J & J Family Farm, LLC and J&J Bunkhouse, LLC**

J&J Family Farm, LLC is planning to convert both the farmhouse at 460 Newborn Road and the bunkhouse at 250 Hawkins Avenue in Rutledge (both on the same parcel of land) into short term lodging and event facilities. We currently own and operate the Brady Inn in Madison and these two buildings would fold under the Inn's operations with the same high quality operational standards that the Brady Inn is known for and our customers, and the community, have come to expect.

This property has been in the Conrads family for many years and the farm has always been a vital part of the county's agricultural community, producing cotton and other crops.

The vision is to create a facility that will give visitors to Rutledge and Morgan County, alternative overnight accommodations, as well as event space for functions such as outdoor weddings and corporate retreats or meetings. This facility will be agriculturally focused and will offer the guests insight into the farm's history, while connecting with its modern day agricultural production. The property's location could not be better for an Agritourism site. The farm house has a high visibility location, close proximity to both I-20 and downtown Rutledge, and of course it is completely surrounded by cotton fields!

We are asking for approval of two Conditional Use permits for the property, the first so that J & J Family Farm, LLC may be operated as an Inn, and the second so that it may also be operated as an Event Facility. We feel that the property is ideal for both of these uses, will create tax revenue for the community and our plans adhere to Morgan County's set standards for these uses.

Thank you for your time and consideration of this request.

Michael C. Conrads  
Manager  
J&J Family Farm, LLC