



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

### PETITION FOR: CONDITIONAL USE

Property location:	1371 Estes Road, Rutledge
Property tax parcel:	021-127
Acreage:	11.6 acres
Applicant:	Reverend James Shy
Applicant's Agent:	N/A
Property Owner:	Harvest Grove Missionary Baptist Church, 1371 Estes Road, Rutledge
Existing Use:	Vacant
Proposed Use:	Church

#### Summary

Reverend James Shy, on behalf of Harvest Grove Missionary Baptist Church, is requesting conditional use approval to operate a church at 1371 Estes Road. The applicant's letter states that the church has approximately 51 members at this time so the church meets the definition of a Neighborhood Church, according to the Morgan County Zoning Ordinance, and must meet the requirements of Section 7.19.1 for Stand Alone Churches.

Church, Neighborhood: A church with a seating capacity of three hundred (300) persons or less in the sanctuary or main activity area and additional gross floor area is limited to church offices, culinary, nursery, toiletry areas, and group meeting areas.

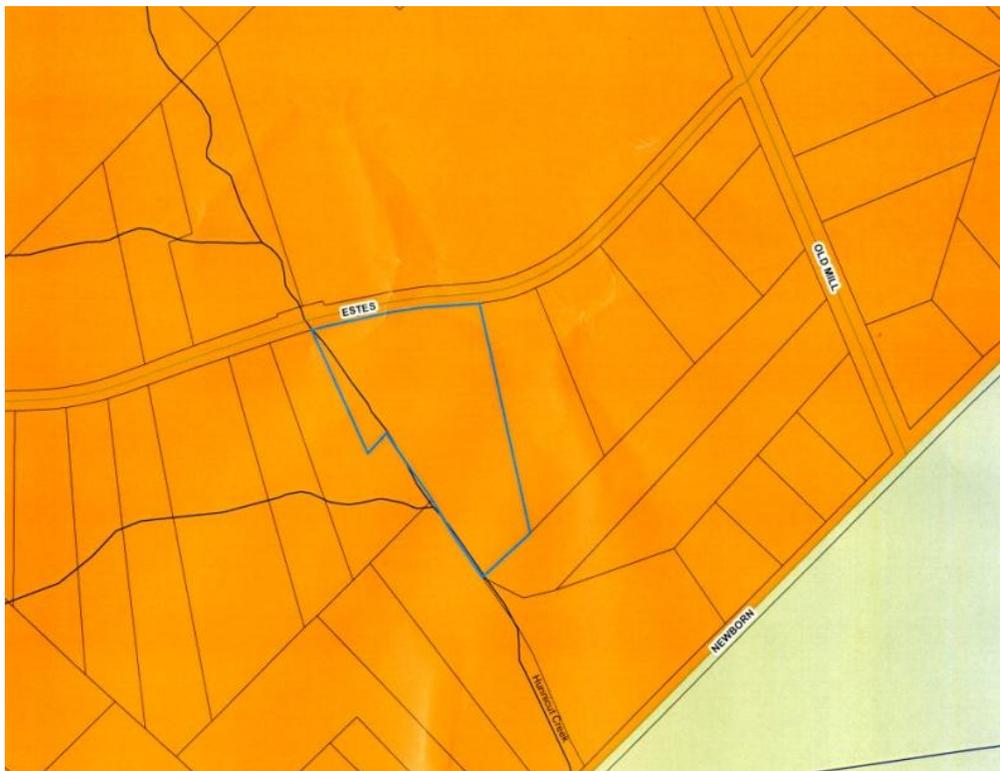
#### Section 7.19.1 Stand-Alone Churches

When permitted or approved as a conditional use in a zoning district, stand-alone churches and their customary accessory buildings shall:

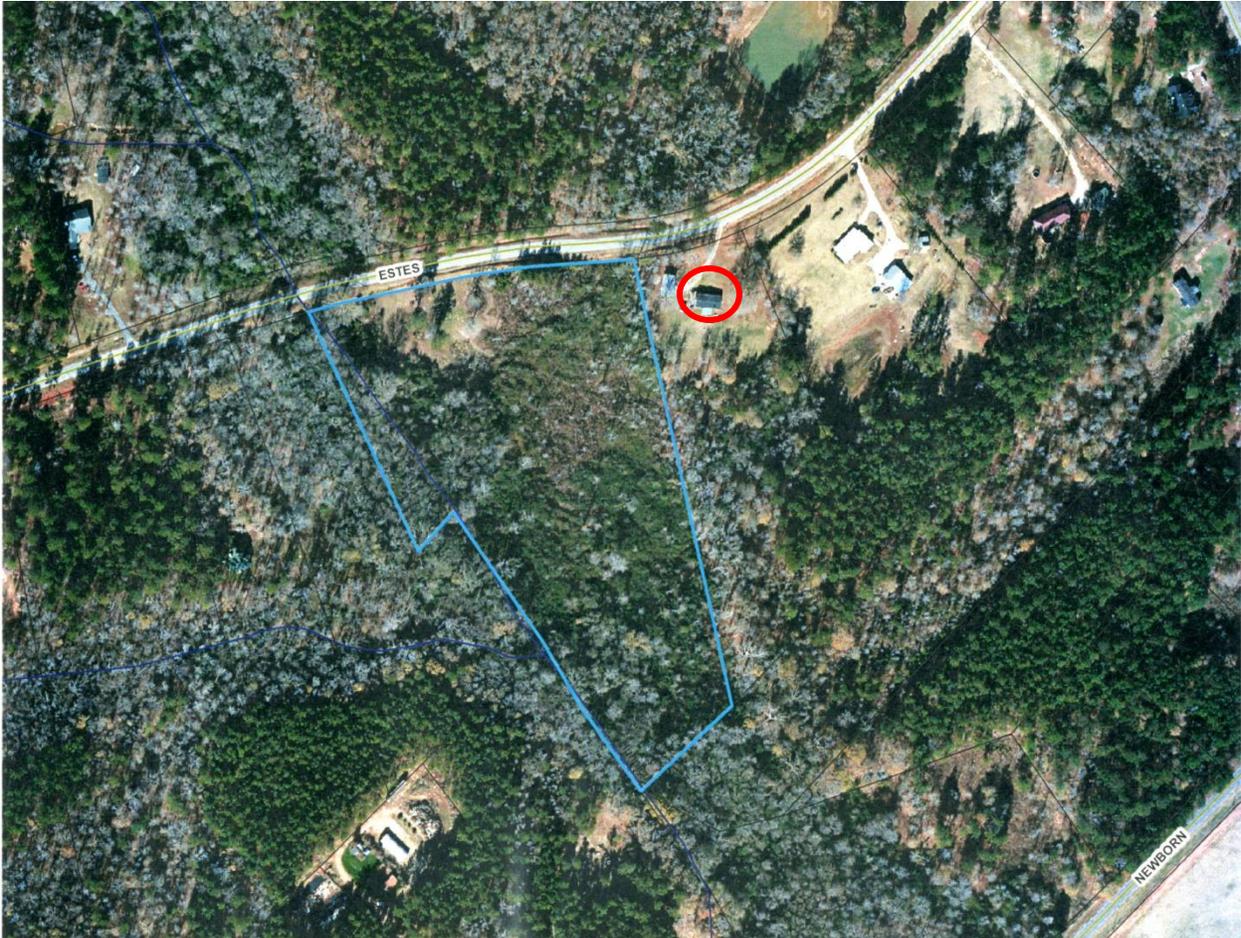
- Be located on a lot with a minimum of two (2) acres that fronts on a public right of way or a private street that connects with a public right of way;
- Be set back a minimum of fifty (50) feet from all property lines;
- Have a minimum ten (10) foot wide natural or planted buffer provided within the required setback;
- Meet the parking requirements for the occupancy load;
- Require a conditional use permit for new church or accessory use such as fellowship halls, ball fields, shelters, pavilions, schools, class room buildings, etc.



The Zoning Map shows the property is Agricultural Residential (AR), as is the surrounding property.



The Future Land Use Map shows the proposed church property and surrounding properties as Mixed Use Residential/ Commercial.



The aerial shows the property is currently vacant. The closest house is approximately 100 feet from the property line. The property does have significant floodplain, as a creek runs along its western edge. The church hired a surveyor to file a Letter of Map Amendment with FEMA to correct the floodplain line. The current floodplain line runs along the western edge and covers the rear part of the property. This will leave adequate space for the church, parking and a cemetery in the front and eastern side of the property. (Floodplain line is not shown on this aerial.)

The church would like to use a mobile structure for their church building. This would require a commercial mobile building (similar to a mobile classroom) with specific requirements to meet public use. Staff has been in contact with the mobile building supplier and has requested additional information regarding the proposed structure. The attached diagram is the last submission, but still does not meet the requirements for a commercial structure. (Specifically, there has been no structural justification that the floor is properly rated, the restrooms are not ADA accessible and the kitchen will require a suppression hood.)The applicant is aware that no building permit will be issued until the Building Official is satisfied that the structure meets code.

The attached hand-drawn site plan shows the location of the parking lot in front and to the rear right of the church building. The number of parking spaces will be determined when the final floor plan is submitted. The parking lot must be paved in accordance with the Morgan County Zoning Ordinance. Due to the location of the floodplain, the play area and cemetery may have to be shifted. Please note that the site plan shows an earlier version of the floor plan.

## Criteria for Consideration

(Please note that the criteria below are bulleted in the Morgan County Zoning Ordinance. They are numbered here for ease of use.

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 with the use of a church on the property, but feels that the floodplain should be sufficiently marked (staked and flagged) on the property according to the FEMA approved surveyor's plat, to ensure the church and related uses are not in the floodplain.

TO THE BOARD OF COMMISSIONER

Planning

We the Harvest Grove Missionary Baptist Church Inc. Have a love for people. Our goal is to teach as God has lead us in his name. Matt 28:19 "Go ye therefore, and teach all nations(people), baptizing them in the name of the Father and of the Son and of the Holy Ghost" & Giving them truth of Gods Words. And working the same here as we have been in our home. Today we have 51 Christian Souls and are growing. So this building is very much needed by the Pastor and the Church family.

Harvest Grove Baptist Church Inc. family hope you will grant our request for this building. So we can bring God's word to his people.

Rev. James A. Shy, Sr.

*Rev James A Shy*

CALL - Gladys Shy  
706-557-9400

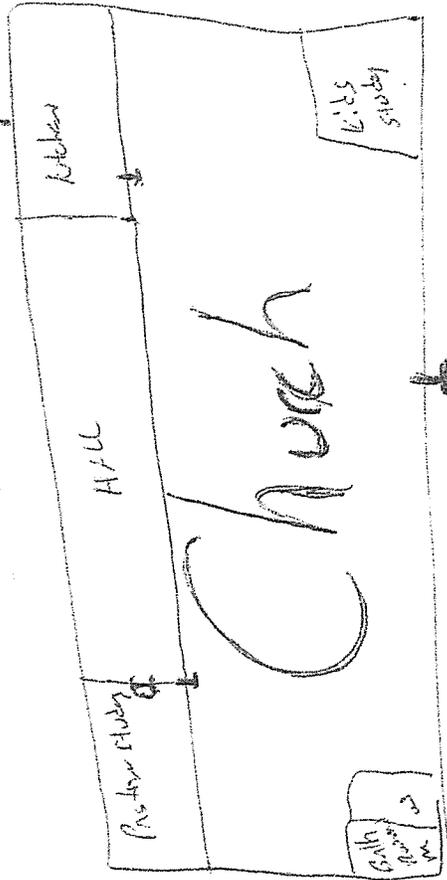


GRAVE SITE

Altitude  
Parking

Play  
Powers

Parking  
Lot



Pastor parking  
+  
Visitor parking

WELL

1371 ESTES RD  
Rutledge GA  
ESTES RD