



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: **CONDITIONAL USE**

Property location: 1651 Mergendollar Road
Property tax parcel: 002-018A & 018AA
Acreage: 18.84 Acres
Applicant: Steve & Carol Britt/Joel & Sherry Pellegrino, 1651 Mergendollar Road
Applicant's Agent: N/A
Property Owner: Steve & Carol Britt/Joel & Sherry Pellegrino
Existing Use: Residential/Event Facility
Proposed Use: Residential/Event Facility/Short Term Rental

Summary

Steve & Carol Britt and Joel & Sherry Pellegrino have requested conditional use approval to operate a short term rental in one structure on their property at 1651 Mergendollar Road. The applicants came through Planning Commission last summer for approval to operate an event facility at the same location, which was approved by the Board of Commissioners. The applicants state in the accompanying documents that the bridal cottage is the only structure proposed for use as a short term rental.



The applicants call this house the bridal cottage and currently use it for brides to prepare for weddings. The house has a bathroom and a kitchen, as well as a second floor loft. The building is approximately 720 square feet. Director Chuck Jarrell has met the applicants on site to discuss modifications and safety measures necessary to make the structure into a short term rental.



The total property is 18.84 acres. The previous owner collected various small historic structures on the property. The closest adjacent residence is across the street and has been vacant for some time.



A closer view of the property shows the location of the bridal cottage (red circle) in relation to the driveway into the property (red arrow).

Structures marked with red stars are the personal residences of the applicants. The structure with the yellow circle Lantern Hall, where in-door events are held. Parking for events is primarily in the field shown at the top of this photograph. Parking for the cottage is indicated by the red triangle.

Short term rentals have had a contentious past in Morgan County. The ordinance was passed in 2010 to address rentals at properties on Lake Oconee. The county was involved in a 5 year legal battle regarding one property renting in the Grayson Pointe subdivision. The ordinance was upheld and the litigation was resolved in 2016. When the ordinance was passed, short term rentals were added as a conditional use in the Agricultural (AG) zoning district in an effort to provide options for agri-tourism businesses. See attached for the short term rental ordinance. The Britt/Pellegrino property is zoned AG. There are currently no approved short term rentals in Morgan County.

Past zoning actions

The applicants came before the Planning Commission in July 2016 for Conditional Use approval for an Event Facility at the same address. The application was approved by the BOC on August 2016.

Excerpt from the July 28, 2016 Planning Commission meeting:

- I. Steve & Carol Britt and Joel and Sherry Pellegrino are requesting conditional use approval to operate an Event Facility on 18.84 acres at 1651 Mergendollar Road (Tax Parcel 002-018A).

Mr. Jarrell presented the staff report and explained that the 18.84 acre property was enrolled in the conservation use program and, therefore, events on the property would be limited to weddings. He reviewed the structures on the property and which ones were proposed to be used as part of the event facility. He also went over the condition of Mergendollar Road, septic tanks on the property, and distances from adjacent residences. When asked if events were proposed to be held indoors or outside, Mr. Jarrell deferred to the applicant.

Sherry Pellegrino, 1651 Mergendollar Road (applicant), introduced her parents and her daughter and confirmed that they are residents at the subject property. In response to Planning Commission questions, she stated that the anticipated wedding size will be between 100-150, and that outdoor events would be preferably held near Lantern Hall. She stated that she would be uncomfortable with more than 100 guests inside Lantern Hall due to the size of the building. Ms. Pellegrino also answered questions regarding the property's distance from Highway 83, property lighting, and previous renovations to Lantern Hall. She confirmed that the property had only been used for personal events, despite the business sign on Mergendollar Road. She also confirmed that she had talked to several neighbors and had secured permission to trim back trees and brush to increase visibility from the driveway. The Planning Commission asked if any comments had been received from the public; Staff responded that two curiosity calls had been received.

No one spoke in favor of, or in opposition to, the application.

Ms. Booth and Mr. Holt made comments regarding the beauty of the property and suitability for the proposed use.

Motion: Ms. Booth made a motion to recommend approval of the conditional use application for an event facility at 1651 Mergendollar Road, and stated that there were no issues with the criteria. The Chairman confirmed that there were no conditions.

Second: Mr. Myers

Vote: 7:1 The vote to recommend approval of the conditional use application for an event facility at 1651 Mergendollar Road was approved. Mr. McMahon dissented.

Excerpt from the August 2, 2016 BOC meeting:

1. Steve & Carol Britt and Joel & Sherry Pellegrino are requesting conditional use approval to operate an Event Facility on 18.84 acres at 1651 Mergendollar Road (Tax Parcel 002-018A).

Tara Cooner, Senior Planner stated this property is known for the collection of historic buildings moved to this site by the previous owner. The applicants live in two of the structures and propose to use two for events, along with a renovated metal building. They propose indoor and outdoor events, with an anticipated attendance of between 100-150. The property has ample space for parking, although handicap parking will need to be installed. The closest residence to the proposed venue building is over 1200 feet away. There are no residences directly across from the driveway to be bothered by headlights. From the position of the buildings, it will be difficult to see events from the road. The applicants have talked to neighbors and have secured permission to trim trees and brush to provide increased site distance for the driveway. The property is in Conservation Use, so events will be limited to weddings while this property is enrolled in the program. The property is not in the groundwater recharge area, nor in the water quality critical area. Planning received two curiosity phone calls regarding the zoning sign. The applicants were present at the Planning Commission meeting and Ms. Pellegrino answered questions. No one spoke in favor of or in opposition to the application. The Planning Commission voted 7:1 to recommend approval of the conditional use application.

CHAIRMAN HARRIS ALLOWED PROPONENTS AND OPPONENTS TO SPEAK

No proponents or opponents spoke.

MOTION by Comm. Clack, seconded by Comm. Warren to approve the conditional use to operate an Event Facility on 18.84 acres at 1651 Mergendollar Road (Tax Parcel 002-018A). Unanimously Approved.

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

As mentioned above, short term rentals have been an issue in the county, primarily because of the prevalence of rentals at the lake and the small size of lots/proximity to neighbors. Staff feels the proposed short term rental on Mergendollar Road cannot be viewed in the same context, as there are no close neighbors and the surrounding properties are fairly large, especially when compared to the lots at Lake Oconee. The other notable difference is that the short term rental ordinance was written for property owners that did not live at the rental property (most lake rentals are second/vacation homes). In this instance, the owners live on the same property. The applicants were unable to apply for a bed and breakfast because of the regulation that requires the owner to live in the same house as the rental space. They were also unable to apply for a Farmstay because the property is not a working farm. Short term rental was the only lodging option left.

The applicants stated to Staff that they feel the ability of offer lodging to wedding couples would increase the business for their event venue. If the Planning Commission chooses to recommend approval of the conditional use application, Staff suggests a condition that states the bridal cottage only may be used for rental use and that any expansion of the use would require additional conditional use permits.

Chapter 7.29 Short Term Rentals

Section 7.29.1 Location Allowed/Prohibited

Short Term Rental are prohibited in all zoning districts, except where specifically allowed as a conditional use.

Nothing contained in this Chapter shall be construed to prohibit motels, hotels, inns and other commercial lodging uses from being located in commercial zoning districts or where otherwise specifically allowed,

Section 7.29.2 Tenancy

The maximum time period a Short Term Rental may be rented is seven (7) days, and the maximum number of such 7 day rentals in a calendar year is fifty-two (52). No Short Term Rental may be rented more than once during the same 7 day period, and 7 day rental periods shall not overlap.

Section 7.29.3 Regulations Applicable to Short Term Rentals

In addition to the licensing requirements and other requirements set forth herein, the following regulations apply to Short Term Rentals:

- Annual Inspection: The property must be inspected each year by the Morgan County Building Inspection Department prior to the issuance of a license for a Short Term Rental;
- Parking: Off street parking is required for every Short Term Rental. One (1) paved off-street parking space is required per room qualifying as a bedroom for Short Term Rentals. To qualify as a parking space, the minimum dimensional requirements must include a useable rectangular area of nine (9) feet wide by twenty (20) feet long, exclusive of any other area counted as a parking space. The number of vehicles allowed during a Short Term Rental tenancy shall not exceed the number of parking spaces available on the property. For the purposes of this ordinance, any type of trailer, boat and/or recreational vehicle shall also be counted as one vehicle, separate from the vehicle used to transport the trailer, boat and/or recreational vehicle;
- Traffic: Daily vehicle trips to any property qualifying as a Short Term Rental shall not exceed ten (10) average daily trips;
- Trash: All trash must be disposed of properly in county dumpsters. No trash may be disposed of on the property. If curbside trash pickup is available, a limit of three (3) rolling trash cans not to exceed sixty-five (65) gallons each may be utilized for property with a Short Term Rental. Use of commercial or roll-off dumpsters on a property with a Short Term Rental is prohibited;
- Demarcation of Boundaries: The property boundaries of every parcel with a Short Term Rental must be clearly demarcated with fencing or other means approved by the Director of Planning and Development;
- Fire Extinguishers: At least one (1) 10 lb. ABC fire extinguisher must be located on each level of the structure and must be clearly visible or marked with appropriate signage. Fire extinguishers must be certified annually by a licensed fire extinguisher company;
- Smoke Detectors: A smoke detector must be installed in each bedroom and on each level of the structure. All smoke detectors must be interconnected;
- Property Manager or Local Contract Person: All Short Term Rentals shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the Short Term Rental, the property owner may designate him/herself as the local

contact person. The name, address and telephone number(s) of the local contact person shall be submitted to the Morgan County Planning and Development Department, the Morgan County Sheriff's Office, the Morgan County Fire Department, Station 10, as well as the closest volunteer Fire Station, and to the property owners located within a 300 foot radius of the property. The name, address and telephone numbers shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to each of these agencies and neighboring property owners as specified in this Section. If the local contact person is unavailable or fails to respond, the complaining or questioning party may contact the Morgan County Sheriff's Office. The Sheriff's Office will then attempt to reach the local contact person. In cases where the Sheriff's Office is unable to reach the local contact person, the penalties as set forth in this Chapter shall apply.

Section 7.29.4 License Required

All Short Term Rentals require an annual Short Term Rental License, in the form of an Occupational Tax Certificate. Short Term Rental Licenses are good for one calendar year. An applicant must apply each year and pay the license fee set by the Board of Commissioners. The license fee may not be pro-rated. Short Term Rental Licenses shall not renew, and an applicant must re-apply each year to continue operating as a Short Term Rental. Short Term Rental Licenses are non-transferable, and such licenses automatically terminate upon a change of ownership of the property on which a Short Term Rental is located.

Section 7.29.5 Standards for Granting a License

The following standards shall be used to determine whether an application for Short Term Rental will be granted or denied:

- Applicant must prove ownership of the property;
- Short Term Rentals must be allowed in the zoning district in which the property is located. If Short Term Rentals are allowed in the zoning district as a conditional use, the applicant must have obtained such a conditional use permit before applying;
- Applicant must show compliance with requirements contained in this Chapter through inspection of books and records;
- Applicant must not have been convicted of a crime of moral turpitude within the 10 years prior to the application;
- Applicant must not have been convicted of violating any provisions of this Ordinance or the Morgan County Code of Ordinances within 18 months of the application.

Section 7.29.6 Violations

The use of property in violation of the provisions of this Chapter shall constitute a violation of this Ordinance, and the penalties shall be in accordance with Chapter 2.17 of the Morgan County Zoning Ordinance. Additionally, any violation of this Chapter may result in the revocation of any Short Term Rental License issued hereunder.

If the property manager or local contact person is not able to be reached by the Morgan County Sheriff's Office more than three times in any consecutive six month period, this shall be grounds for revocation of the Short Term Rental License.



The Cottages on Mergendollar
1651 Mergendollar Road
Good Hope, GA 30641
770-554-1749
1651mergendollar@gmail.com

12/8/16

Morgan County and Development
Morgan County Planning Commission
Re: The Cottages on Mergendollar, Inc.

Steve & Carol Britt as well as Joel & Sherry Pellegrino purchased property located at 1651 Mergendollar Road, Good Hope, GA. This is our full time home for all four of us. The property consists of 18.84 acres and is currently operating as an event venue approved through the BOC. It is well established and completely surrounded by trees on all side with the exception of about 100 feet in front of the property. It is located in the rural part of Good Hope on the edge of the city limits of Bostwick, GA, out in the countryside. There are 12 structures on the property of which 12 are being used.

We are asking for approval of short term rental for the property, so that The Cottages on Mergendollar may operate and offer our clients overnight accommodations. It will add additional tax revenue for the surrounding communities but have a low impact on the neighborhood. We will adhere to Morgan County's set stands for these uses.

Steve and Carol Britt
Joel and Sherry Pellegrino

Outline of Proposed Cottages on Mergendollar _____

Steve & Carol Britt as well as Joel & Sherry Pellegrino are requesting an amendment to operate short term rentals on an established 18.84 acres located at 1651 Mergendollar Road, Good Hope, GA 30641. The idea for the rentals is to utilize the overnight accommodations currently on the property in the bridal cottage. The building proposed is approx. 200' from Mergendollar Road with the building being 720 square foot. It has one master bedroom down stairs with a living room, bathroom and kitchen. The upstairs loft holds a landing with two twin beds and a separate bedroom. The home only has one restroom downstairs. The remodeling of the current restroom will open the bridal cottage up to our handicap guest. The parking for the bridal cottage will be located on the north side of the home approximately within 30' of the existing handicap approved access door.

Two areas to consider for the neighbors:

- 1. Increased traffic.** Average guest of the short term rental at The Cottages on Mergendollar for overnight accommodations is limited to eight. We believe this would have minimal impact on neighbors. We feel that Mergendollar Road is a two lane road that is in good shape and can handle the traffic. On a daily basis there are tractors, trucks with trailer (loaded and unloaded) all kinds of heavy equipment.
- 2. Sound:** With property policies limiting the use of outside music and loud noise past 10:30 p.m. on Friday & Saturday and 9:30 Monday - Thursday, the closest neighbor being approximately 1264 feet away sound should not be an issue. When vehicles are exiting the property the headlights hit a tree line and a 6' tall embankment with only a lake beyond that. Sights and sound of vehicles entering or leaving the property will be kept to a minimum due to the trees and embankment.

Other considerations:

We will direct traffic from Monroe or Madison to travel on Hwy 83 to High Shoals Road and onto Mergendollar Road this is the route that has the least amount of homes.



The Cottages on Mergendollar
1651 Mergendollar Road
Good Hope, GA 30641

1. **Environmental impact:** we believe that the environment will not be impacted. Our clients will be staying in the bridal cottage. It is the closest to the road, so no significant traffic would be involved. We are surrounded by woods and home to many animals. With the parking being so close to the front and not in the path of the wildlife, limited impact is expected.
2. **Vehicular traffic:** We believe this would have minimal impact on neighbors. We feel that Mergendollar Road is a two lane road that is in good shape and can handle the traffic. On a daily basis there are tractors, trucks with trailer (loaded and unloaded) all kinds of heavy equipment. We have no neighbors to the front of us (the property is empty and has been for a while).
3. **Parking:** the parking for the bridal cottage will be to the north of the structure with handicap ramp being on the back side of the structure, not visible from the road. The parking pad will be ADA standards.
4. **Public facilities:** Walton EMC has recently added power lines to the property (overhead) to add additional lighting for night time parking and vision. The cottage was already powered and plumbed. There are no additional expansions planned for this building.
5. **Granting the request would not be illogical extension of a use which would not damage the environment, wildlife, agriculture, commercial or industrial around the area.** No decrease in property value or demise in the neighborhood/road.
6. **Sound:** Our short term rental would not lead to congestion as overnight guest are limited to eight in the cottage with two cars average per visit. The closest neighbor being approximately 1264 feet away sound should not be an issue. When vehicles are exiting the property the headlights hit a tree line and a 6' tall embankment with only a lake beyond that. Sights and sound of vehicles entering or leaving the property will be kept to a minimum due to the trees and embankment.

7. **Comprehensive Land Use Plan:** granting the request would conform to the general expectations for the area population growth and distribution with bringing in out of town guest and tourism to the Morgan county area.
8. **No negative change in existing levels of public service, government employees or fiscal stability as our short term rentals will not require public service or use of government employees during their stay.**
9. **“Domino effect.”** No domino effect will take place to the surrounding areas we are surrounded by 600 acres of land in conservation. No future use of the land can be changed to include short term rentals. We feel that we are unique in our area and that the surrounding neighbors/land owners would not have what we have to offer for overnight accommodations.