



STAFF REPORT

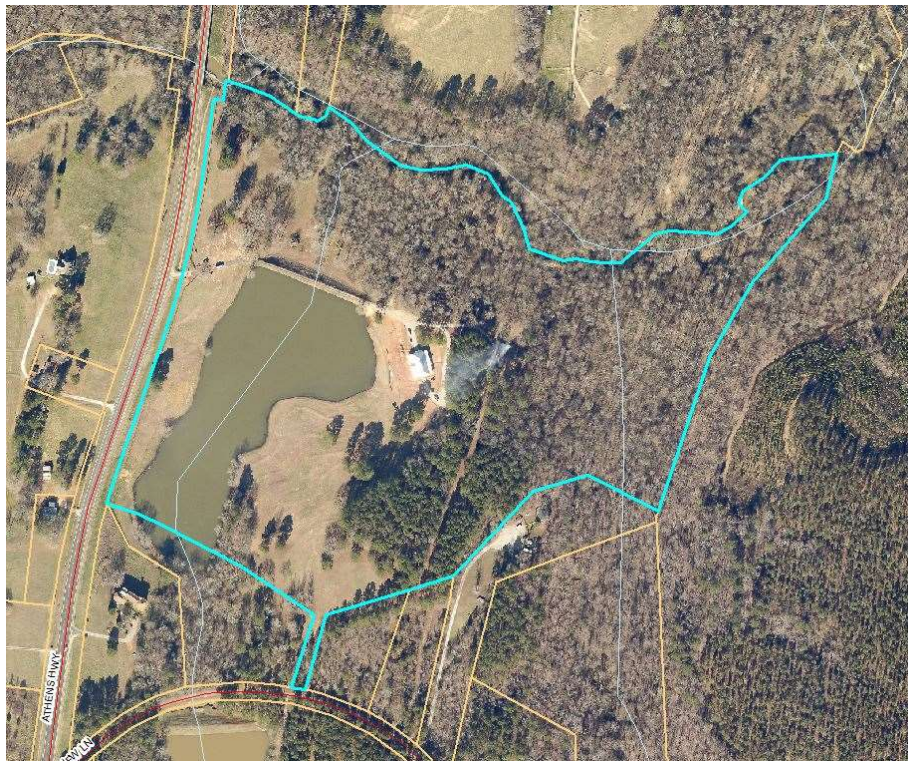
MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: CONDITIONAL USE – EVENT FACILITY

Property location:	2761 Athens Highway
Property tax parcel:	025-065
Acreage:	58.5 acres
Applicant:	Edward McDuffie
Applicant's Agent:	N/A
Property Owner:	Edward McDuffie
Existing Use:	Building under construction
Proposed Use:	Event Facility

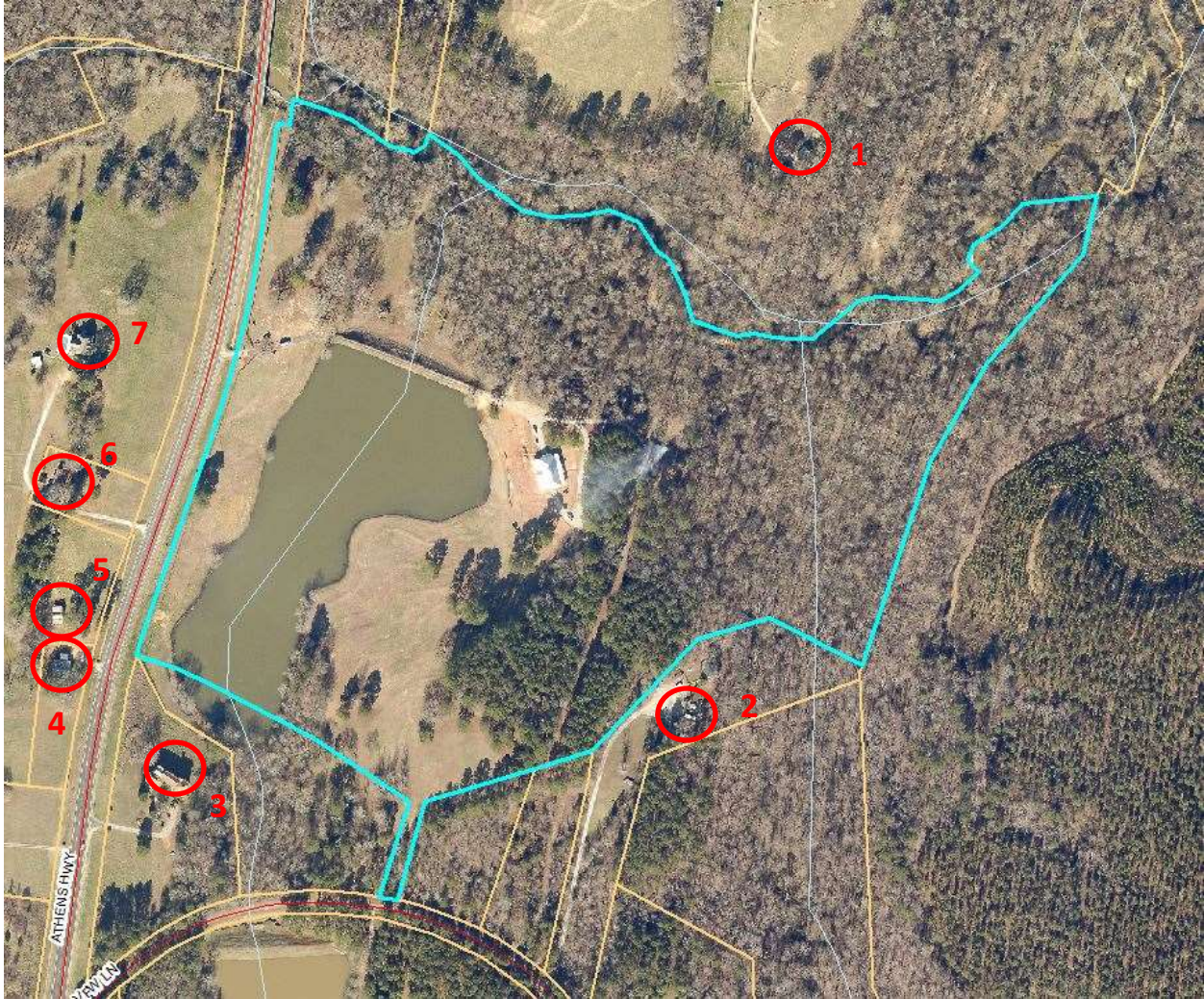
Summary

Edward McDuffie is requesting conditional use approval to operate an event facility on 58 acres at 2761 Athens Highway. This property is visible from Athens Highway and has generated many inquiries about the structure and its proposed use in the last couple of months. The original permit for this structure was submitted for a barn.



The property has significant road frontage on Highway 441 and a large pond. The main access to the property is across the dam off the highway. The applicant has stated that he intends to erect guardrails on either side of the drive, due to water on one side and a steep grade on the other. There is also access to the property from VFW Lane, which the applicant intends to use as a second entrance.





There are several houses on neighboring properties. The following distances are from the proposed event facility structure to the numbered residences.

- House 1: 1,016 feet
- House 2: 603 feet
- House 3: 1,211 feet
- House 4: 1,311 feet
- House 5: 1,292 feet
- House 6: 1,229 feet
- House 7: 1,219 feet

There is another barn on the subject property that is not shown on this aerial. If it was proposed for events, it would be within the 500' required distance from residential structures. However, it is a well house and equipment barn. The applicant does propose another event space behind the constructed building, but the anticipated location is over 750 feet from the nearest house.

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

The application meets the dimensional requirements for an event facility, as stated in Chapter 7.32. There appears to be sufficient buffers between the proposed event building and neighboring residences. It is possible that sound could carry across the water to residences on the other side of Highway 441, but noise from the highway itself may drown out anything audible from the event venue. Staff's main concern is regarding the entrance from Highway 441 and the narrow dam road. The applicant's submitted aerial indicated that the highway entrance would be the main entrance, with the entrance on VFW Lane being secondary. However, the applicant informed Staff during a site visit that he intended to use VFW Lane as the main entrance and the gate on the highway would remain closed.

Secondary Tent
of parking/also
Dumpster location

Event venue

Secondary Tent
of Event Location



Secondary parking
and EMS access
80 to 100 cars
320 to 400 people

Parking for
80 cars
320 people

Main Entrance

Parking
For 75 cars
300 people

MCDUFFIE FARM
c/o Edward W. McDuffie, III
2761 Athens Highway
Madison, Georgia 30650
Telephone (706) 713-6527
EdwardMcDuffieAE@gmail.com

February 11, 2019

TO: Morgan County Planning and Development
Morgan County Planning Commission

RE: McDuffie Farm

I and my father, Edward W. McDuffie, II, are requesting approval for a conditional use permit to operate an event facility at 2761 Athens Highway, Madison, Georgia 30650.

We feel that our venture clearly meets the criteria for a conditional use permit, under the Morgan County Zoning Ordinance Section 21.3.1 (Required Findings for Conditional Use Approval).

We are seeking a permit to operate the facility, hosting up to 350 people per event.

We feel that our venue is a beautiful and desirable location, with adequate facilities, parking and access.

We are committed to cooperating with Morgan County in every way to comply with and use the Event Facilities Ordinance as a guide for operating McDuffie Farm.

We invite you to visit the facility and confirm that McDuffie Farm will be great for Morgan County and will offer a great service and bring business and visitors to Morgan County and to the City of Madison.

Thank you for considering our request and please call upon us if we can answer any questions or address any potential issues at or before the Planning Commission Meeting or the Board of Commissioners Meeting.

Very truly yours,

Edward W McDuffie, III

Edward McDuffie

MCDUFFIE FARM

Chapter 7.32 – Event Facilities

Section 7.32.1 Restrictions

Event Facilities shall not be used for motorized vehicle events, other than for display of vehicles.

Even Facilities shall not be used for any gambling or illicit use.

Event Facilities shall not be used as a permanent worship facility.

Additional restrictions may be imposed by the Morgan County Planning Commission or the Morgan County Board of Commissioner. 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 other uses. Potential adverse impacts on adjacent or nearby residential areas will be considered.

McDuffie Farm is happy to comply with the above restrictions.

Section 7.32.2 Locations for Exception

Church Facilities.

Government owned facilities

Non-Profit organization facilities, owned by the organization.

Residential and family gatherings

Restaurants and Hotels with banquet rooms

All exempt locations must provide adequate off street parking and conform to Section 7.32.5 of this ordinance and all Federal, State and Local codes and ordinances.

McDuffie Farm does not fall under any of the “Exceptions” described above.

Section 7.32.3 Site Requirements

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

All event facility structures, whether permanent or temporary (e.g. buildings, grandstands or tents) shall have a minimum setback of 100 feet from all adjacent properties.

All even locations must be a minimum of 500 feet from the nearest residential structure, not occupied by the event facility owner.

Please see the enclosed aerial photograph and plat of survey of the property. The property is a total of 58.55 Acres. All structures and all possible temporary structures shall be well within the minimum setback guidelines described above.

Section 7.32.4 General Requirements

All Event Facilities shall have an annual safety inspection and valid Occupational Tax Certificate.

A Certificate of Occupancy shall be issued for all permanent Event Facility structures.

All temporary buildings, enclosed tents and grandstands shall have a safety inspection prior to the event.

Set-up for any event shall not begin more than 48 hours prior to an event and must be removed within 48 hours after the end of an event, unless prior approval is given from the Director of Planning and Development.

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

No event shall begin before 7:00 o'clock, a.m. and must end at 11:00 o'clock, p.m.

An adequate number of permanent toilet facilities shall be provided. Portable toilets may be utilized to supplement permanent toilet facilities for large festival events. Non-sewer 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 receptacles shall be provided in the event area and parking area.

Permanent or temporary lighting shall be provided for any Event Facility holding events after dark or that allows individuals to remain on site after dark. All site lighting shall be down lighting and shall be directed away and shielded from adjacent properties. For more information on site lighting see Article 22 of the Morgan County 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 available or a telephone must be provided at the facility for public use.

McDuffie Farm will comply with all inspections and will obtain all certificates and approvals required for running of the business and per event. McDuffie Farm will incorporate the above-stated requirements into its contracts with clients and will ensure that all parking, toilet facility, timing, trash, and lighting issues are managed per event. Adequate cell phone service is currently available at the facility.

Section 7.32.5 Outdoor Noise Levels

Noise levels generated from event facilities shall not exceed the decibel levels listed below at the boundaries of the property when adjacent to the following zoning districts existing at the time of establishment of the event facility.

For any sound lasting continuously for one second or more, maximum limits are: 60 dbA for projects adjacent to an agricultural or residential zoning district; 65 dbA for projects adjacent to a commercial zoning district; and 75 dbA for projects adjacent to an industrial zoning district.

The sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.

The Excessive Noise Ordinance (Chapter 46, Article II of the Morgan County Code of Ordinances) will be strictly enforced between the hours of 11:00 o'clock, p.m. and 7:00 o'clock, a.m.

The Event Venue is located far enough from any other adjoining neighbors that we believe sound will not be an issue.

Section 7.32.6 Safety and Security

The Planning and Development Office and 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 Planning and Development Office, 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 Morgan County Board of Commissioners 45 days prior to the event.

Traffic Lanes and other adequate access to event structures shall be designated and kept 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 assessing 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.

McDuffie Farm will comply with all requirements described herein-above regarding notice, safety, road closure and medical staffing and safety equipment.

Section 7.32.7 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 shall have an Alcoholic Beverage Catering License issued by Morgan County and comply with Chapter 6, Alcoholic Beverage Ordinance of the Morgan County Code of Ordinances.

McDuffie Farm will not allow a caterer or food concessioner to operate on the property, without proof of license.

Section 7.32.8 Signs

Permanent business signs must comply with Article 27 of the Morgan County Zoning Ordinance.

We will ensure that our permanent business sign is in compliance with Article 27 of the Morgan County Zoning Ordinance.

Section 7.32.9 County Not Liable

The Event Facility must sign an agreement to save and keep Morgan County 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.

We are willing and able to sign the above-described agreement and hold harmless and affidavits.

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