



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: ZONING MAP AMENDMENT & VARIANCE

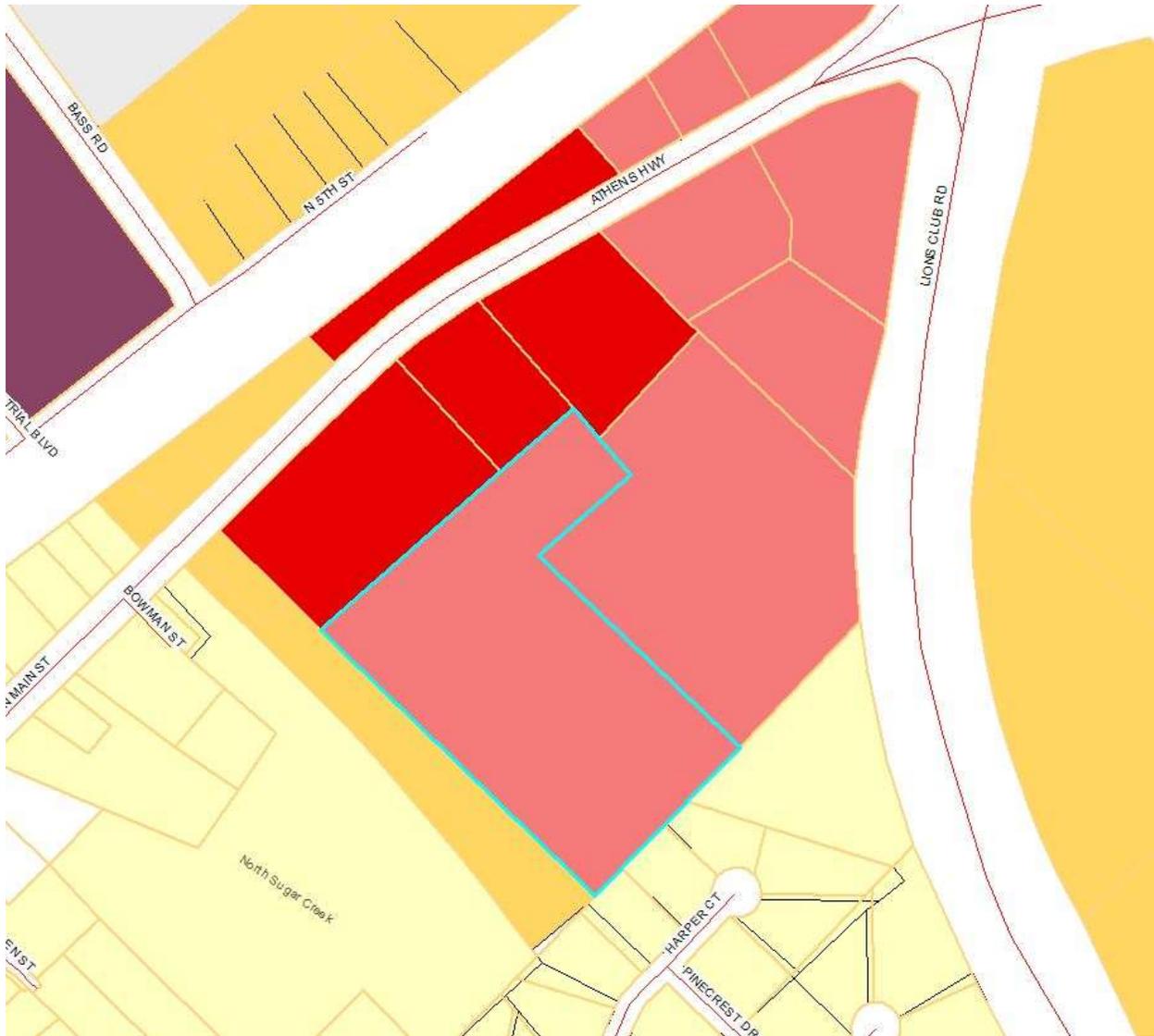
Property location:	1600 Athens Highway
Property tax parcel:	M15-007
Acreage:	8.62
Applicant:	Youngblood Investments, LLC
Applicant's Agent:	Todd Peaster, Georgia Civil Engineers
Property Owner:	Youngblood Investments, LLC
Existing Zoning:	C2 (General Commercial)
Proposed Zoning:	C3 (Heavy Commercial)
Variance Requested:	Curbing and Paving

Summary



Youngblood Investments, LLC is requesting both a rezoning and a variance for 8.62 acres located behind the Youngblood storage units on Athens Highway, near the intersection with the Highway 441 by-pass. The rezoning request is to change from General Commercial (C2) to Heavy Commercial (C3) to accommodate a specific use: mini storage. There are already three mini storage buildings on the property adjacent to

this property. The owner wants to expand the storage unit business. The variance request is related to curbing requirements. A similar request was approved with the original three units in 2016.



The subject property is shown outlined in blue and is zoned C2 (pink). The requested zoning designation is C3 (red), which is adjacent. Mini storage is a permitted use in C3 but is not allowed in C2. The original three mini storage buildings were constructed in 2016 and did not require conditional use approval because the parcel was already zoned C3 (and shares the parcel with the Ford dealership). The gold color indicates County R2 (Medium Density Residential). Light yellow is City R2 (Medium Lot Residential).

The applicant's submitted plan indicates that the applicant will combine the subject parcel and the C3 zoned parcel with the existing mini storage and car dealership if the zoning is approved. Morgan County does not allow lots to be combined if the zoning does not match.

The applicant came before the Planning Commission in June 2016 to request a variance to the paving and curbing requirements for the first three mini storage buildings. The paving variance was recommended for denial, but the curbing variance was recommended for approval. The BOC accepted the Planning Commission's recommendations and a variance for curbing was granted.

Excerpt from June 23, 2016 Planning Commission meeting

- I. Youngblood Investments is requesting a variance to Chapter 10.8 of the Morgan County Zoning Ordinance regarding paving and curbing requirements for property located at 1600 Athens Highway (Tax Parcel M15-006).

Mr. Jarrell presented the staff report and explained that the proposed use was permitted in the C3 zoning district, but that the zoning ordinance required the project to be paved with curb and gutter. He reviewed the proposed site plan showing where the applicant was requesting the use of gravel instead of paving and the limited use of curbing. He also reviewed the existing mini storage facilities in the county and what type of surface materials was used at each. The Planning Commission asked questions about West Morgan Storage, located on Dixie Highway, which is the only unincorporated county example and is unpaved. Mr. Jarrell explained that the project did not have a Certificate of Occupancy and the non-paving allowance was an oversight by staff at the time. He stated that he had already contacted the owners and was discussing compliance. The Planning Commission asked questions about drainage from the site and regulations regarding pervious materials.

Todd Peaster, Georgia Civil, spoke on behalf of the applicant and explained that the request had been made for several reasons, including the lay of the land and permeability. He noted that water currently sheet flows from the site and that the proposed plan will allow that to continue, reducing the possibility of erosion. He stated that the requirement for curb and gutter would especially channel the water and prevent sheet flow. He responded to questions from the Planning Commission related to the mini storage buildings, DOT requirements, and setbacks.

Some of the Planning Commission members expressed personal feelings related to pervious surface materials, but granted that the ordinance and criteria did not provide such an option. The Planning Commission discussed the possibility of delaying the paving, as had been allowed on previous projects. Todd Youngblood of Youngblood Investments stated that time was not an issue, but that curbing would make expansion more difficult later. He stated that a delay would be appreciated, if only to see how the business would work.

Motion: Mr. Myers made a motion to recommend approval of a 3 year delay for paving and curbing at 1600 Athens Highway.

Second: Mr. McMahon

Vote: 2:5 The vote to recommend approval of a 3 year paving and curbing delay at 1600 Athens Highway did not pass.

The Planning Commission discussed water flow at the proposed site and asked Mr. Peaster to explain how pipe must be installed to direct water flow with curb and gutter. The Planning Commission asked questions regarding water velocity coming from the pipe and the possibility of increased erosion. Mr. Peaster answered questions regarding how the water could be directed from a paved surface without curbing and how an expansion would work in the future.

Motion: Ms. Craft made a motion to recommend denial of the variance application for paving at 1600 Athens Highway, but to approve a variance to waive perimeter curbing due to water flow on the site.

Second: Mr. Cardwell

Vote: 7:0 The vote to recommend denial of the variance application for paving at 1600 Athens Highway, but to approve the variance to waive perimeter curbing was unanimously approved.

Excerpt from July 5, 2016 Board of Commissioners meeting

1. Youngblood Investments is requesting a variance to Chapter 10.8 of the Morgan County Zoning Ordinance regarding paving and curbing requirements for property located at 1600 Athens Highway (Tax Parcel M15-006).

Tara Cooner, Senior Planner stated the applicant is intending to construct mini storage ware houses to the right of the Youngblood sales lot, where the white fence and cow pasture is located. The mini storage use is permitted in C3 zoning, but the zoning ordinance requires the project to be paved with curb and gutter. Todd Peaster spoke on behalf of the applicant and explained that the impetus for the request was the topography, which currently allows for sheet flow of water from the site. Mr. Peaster and the Planning Commission discussed how paving and curb would affect erosion at the site, as well as how curb in particular would require much land disturbance to install, and even more in the event of future expansion. The consensus was that paving would allow the water to continue to sheet flow if the curb was not present. Curb and gutter could channel the water and increase velocity and possibly erosion. Due to the topography of the site and to reduce the possibility of erosion, the Planning Commission voted unanimously to recommend denial of the variance request for paving, but recommended approval of the variance request for perimeter curb and gutter.

CHAIRMAN HARRIS ALLOWED PROPONENTS TO SPEAK

No proponents spoke.

CHAIRMAN HARRIS ALLOWED OPPONENTS TO SPEAK

No opponents spoke.

MOTION by Comm. Ainslie, seconded by Comm. Milton to approve the variance request for perimeter curbing and deny the variance request for paving as recommended by the Planning Commission. Unanimously Approved.



A closer aerial photograph showing the existing mini storage buildings and the paved driving/parking areas around the units (darker grey). There is a gravelled area in the back of the buildings (lighter grey).



The view from the rear of the existing mini storage units looking at the subject property. The subject property has a large power line easement at the back of the property. The plan submitted by Georgia Civil shows the power line easement and the proposed buildings outside of the easement. One of the buildings appears to be angled to avoid the existing detention pond.



A view along the back property line of the existing mini storage units toward the car dealership.



A view from the back of the property containing the existing mini storage buildings along the property line adjacent to the residentially zoned property looking toward Athens Highway). See Staff comments.



The Comprehensive Plan Character Area Map shows the parcel as Transitional, which is a mix of residential and commercial uses, indicated by the hatched green color. The white parcels are within the city limits of Madison. Morgan County has not been given GIS data for the Madison Comprehensive Plan, so information related to Madison's Character Area designations is not available.

Criteria for Consideration

(Please note that the criteria below are bulleted in the Morgan County Zoning Ordinance, Section 19.3.1. They are numbered here for ease of use.

1. Compatibility with Adjacent Uses and Districts: Existing uses and use districts of surrounding and nearby properties, whether the proposed use district is suitable in light of such existing uses and use districts of surrounding and nearby properties, and whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
2. Property Value: The existing value of the property contained in the petition under the existing use district classification, the extent to which the property value of the subject property is diminished by the existing use district classification, and whether the subject property has a reasonable economic use under the current use district.
3. Suitability: The suitability of the subject property under the existing use district classification, and the suitability of the subject property under the proposed use district classification.
4. Vacancy and Marketing: The length of time the property has been vacant or unused as currently used under the current use district classification; and any efforts taken by the property owner(s) to use the property or sell the property under the existing use district classification.
5. Evidence of Need: The amount of undeveloped land in the general area affected which has the same use district classification as the map change requested. It shall be the duty of the applicant to carry the burden of proof that the proposed application promotes public health, safety, morality or general welfare.
6. Public Facilities Impacts: Whether the proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks or other public facilities and services.

7. Consistency with Comprehensive Plan: Whether the proposal is in conformity with the policy and intent of the locally adopted comprehensive plan.
8. Other Conditions: Whether there are any other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposal.

Staff Comments

Regarding the rezoning request, the area contains commercial businesses and is adjacent to the desired zoning designation of C3. The request is supported by the Comprehensive Plan.

Regarding the Variance request, there is a precedent set for waiving the curbing requirements for this applicant and at this location.

Since the rezoning approval of a C3 parcel on the by-pass, Staff has been scrutinized regarding consistency applying and enforcing the buffer requirements. The parcel containing the existing mini storage buildings had an existing planted tree buffer between the buildings and the adjacent residence. The ordinance requires a thirty-foot planted buffer on commercially zoned property when it is adjacent to residentially zoned property. The existing planted tree buffer is approximately 28 feet. The ordinance requires a planted buffer at the entrance or front property line if the commercial buildings are closer than 50' to the property line. The existing buildings are 60' from the front property line, so Staff did not require new trees in addition to the existing street trees. No planted buffer is required when commercial property abuts commercial property.

For this rezoning request, there is not a planted tree buffer along the property line with the residentially zoned property. There is a natural buffer, although it appears that many of the trees may be planted on the adjacent property. There is not a residence next door to the subject property, but the ordinance does not require a buffer next to a residence, but next to residentially zoned property. The presence of a house is irrelevant. The buffer is sparse at the rear end of the property adjacent to Pinecrest subdivision. The power line easement prevents the applicant from building any storage units within 350' of the property line, but the ordinance does not give a waiver for distance between commercially zoned property and residentially zoned property. Therefore, the buffers should be examined.



March 11, 2019

Morgan County Planning & Development
P. O. Box 1357
150 East Washington Street, Suite 200
Madison, Georgia 30650

Re: Youngblood Mini Storage
Variance Application

Dear Commissioners:

Please find attached an Application for Variance from Youngblood Investments LLC. Todd Youngblood, of Youngblood Investments LLC, is requesting a zoning variance to pavement and curb requirements. The enclosed site plan shows a proposed mini storage facility addition that is to be located on 8.62 acres, at 1600 Athens Highway, Madison, Georgia 30650. The applicant requests that curb and gutter only be required along the property frontage and in those areas necessary to capture and convey storm water as allowed in the first phase.

Please do not hesitate to call me with any questions you may have about this application.

Thank you for your consideration of this request.

Sincerely,

Todd M. Peaster, Partner

c: Todd Youngblood