



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: ZONING MAP AMENDMENT

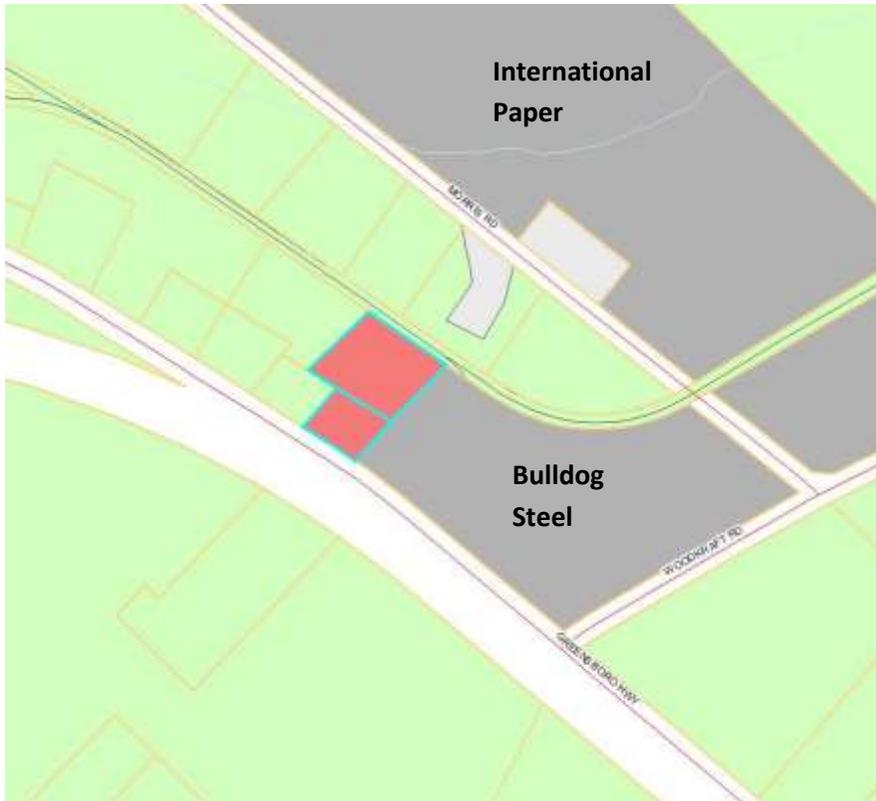
Property location:	1540 and 1542 Greensboro Road
Property tax parcel:	035-108 and 035-109A
Acreage:	8.62
Applicant:	Perco Equipment Rental LLC
Applicant's Agent:	Kyle Ward
Property Owner:	Charles Bradley
Existing Zoning:	C2 (General Commercial)
Proposed Zoning:	C3 (Heavy Commercial)

Summary



Perco Equipment Rentals, LLC is requesting zoning map amendments for 1540 Greensboro Road and 1542 Greensboro Road, from General Commercial (C2) to Heavy Commercial (C3). The applicant intends to use the properties for an equipment rental and sales business. The front property, 1540 Greensboro Highway, is currently occupied by Charles Bradley's sodablasting business and an empty storefront. The storefront has contained numerous businesses, including a couple of restaurants, a consignment shop and most recently, an engraving shop. The rear parcel, 1542 Greensboro Road, has been used by Mr.

Bradley for storage.



The subject Properties are zoned C2 – General Commercial. The properties back up to the railroad spur for Georgia Pacific and are adjacent to Bulldog Steel. “Rental Store” is a permitted use in C3 and is only allowed in C3. The ordinance does not specify small equipment sales, but heavy equipment sales in permitted in C3 and only in C3. Therefore, Staff recommended to the applicant that the current C2 designation would not be appropriate for the intended business and that C3 designation would be necessary.



A wider aerial view shows Bulldog Steel to the southeast. Residences are located to the northwest. A single residence on a farm is across the highway. The highway sees heavy truck traffic due to Georgia Pacific.

These properties have been the subject of several zoning action requests. Rather than copying pages of text from past meetings, a summary of the meeting results is below:

September 24, 1998

Paul Christian and Penny Booth Christian requested a zoning map amendment for 1540 Greensboro Highway, from AR to C2. The applicant's intent was to open a gas station and they stated that they had found evidence that the property was zoned C3 at one time. Staff suggested that, if approved, the zoning should be conditional and limit the use of the property to a convenience store, grill or gas station. The applicant's protested and stated that they also wanted a sporting goods store and produce market. The Planning Commission voted unanimously to approve the map amendment request to allow the zoning change to C2 with conditions that the use be limited to convenience store, grill, gas station, sporting goods and produce. Unhappy with the limitations, the applicants ask to withdraw their application to research options. The Planning Commission voted unanimously to withdraw the motion. After a discussion about surrounding uses, the Planning Commission amended their motion to table the application. The application was not presented to the Board of Commissioners. Staff found no evidence that the application was brought back to the Planning Commission. (Staff note: the property had been zoned AR since the inception of zoning in 1986. Perhaps the applicants were confused: the adjacent property where Bulldog Steel is currently located was rezoned to C3 in 1994.)

January 22, 2004

Taking advantage of a huge lapse in Staff research, Paul Christian requested a map amendment for both properties, from C2 to C3. (Note that both properties were actually still zoned AR. The 1998 request was only for one property and was not approved by the BOC.) The Planning Commission was under the impression that the 1998 rezoning with conditions was approved, so they voted 6:2 to approve the rezoning of both properties to C3 with no conditions. The map amendments were approved by the Board of Commissioners.

June 6, 2006

The new Zoning Atlas is adopted for Morgan County. When approved, 1540 Greensboro Road is zoned C2. 1542 Greensboro Road is zoned AR.

August 22, 2013

Charles Bradley requested a zoning map amendment for 1542 Greensboro Highway, from AR to C2. The Planning Commission voted unanimously to recommend approval. The Board of Commissioners approved the map amendment.

The owner has submitted two other zoning action applications:

September 28, 2006 – Charles Bradley requested Conditional Use approval to operate an agriculture-oriented business for the fabrication and repair of ag equipment. Approved.

February 25, 2010 – Charles Bradley requested a text amendment to allow non-mass custom fabrication in conjunction with welding repair services. Approved.

Also of interest: In March of 2011, Bulldog Steel successfully rezoned their property at 1580 from C3 to I2. So even when the C3 designation was removed for these two parcels during the selective rezoning of properties for the 2006 Atlas, heavy commercial zoning designation was left on the adjacent parcel.

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

These properties have been zoned C3 in the past but were changed by Staff for the 2006 Zoning Atlas. Precedent must be considered.



PERCO

EQUIPMENT RENTALS. LLC

179 South Main Street • Madison, GA 30650

Date: July 2, 2019

Morgan County Planning Commission

RE: Rezone from C-2 to C-3 – 1540 / 1542 HWY 278, Madison, GA 30650 (Bradley Welding Location)

To Whom it may concern:

We are formally requesting to rezone the parcel numbers 035 108 & 035 109A from C-2 to C-3. We intend to acquire the property from Mr. Bradley to serve as a location for our equipment rental and sales company. Our company is owned by 4 local partnerships, of which their principle officers are Brooks Pennington, IV, Kyle Ward, Todd Christian, and Steven Crowley. We currently employ 7 people full time and are continuing to grow.

Sincerely-

Kyle Ward