



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: ZONING MAP AMENDMENT

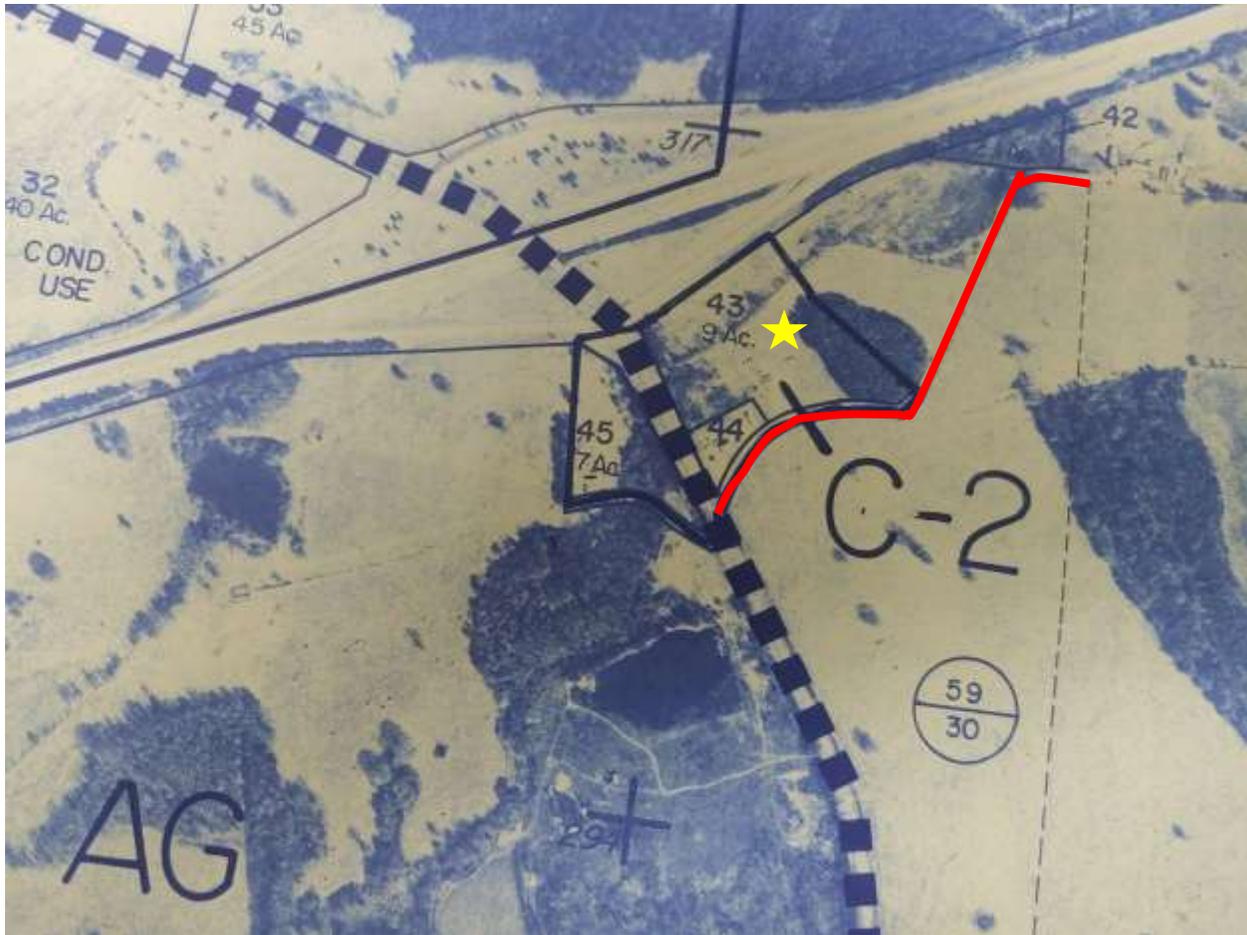
Property location:	Bonner Lane
Property tax parcel:	059-030D
Acreage:	1.19
Applicant:	C.B. Hutcherson
Applicant's Agent:	N/A
Property Owner:	C.B. Hutcherson
Existing Zoning:	AG (Agricultural)
Proposed Zoning:	C2 (General Commercial)

Summary



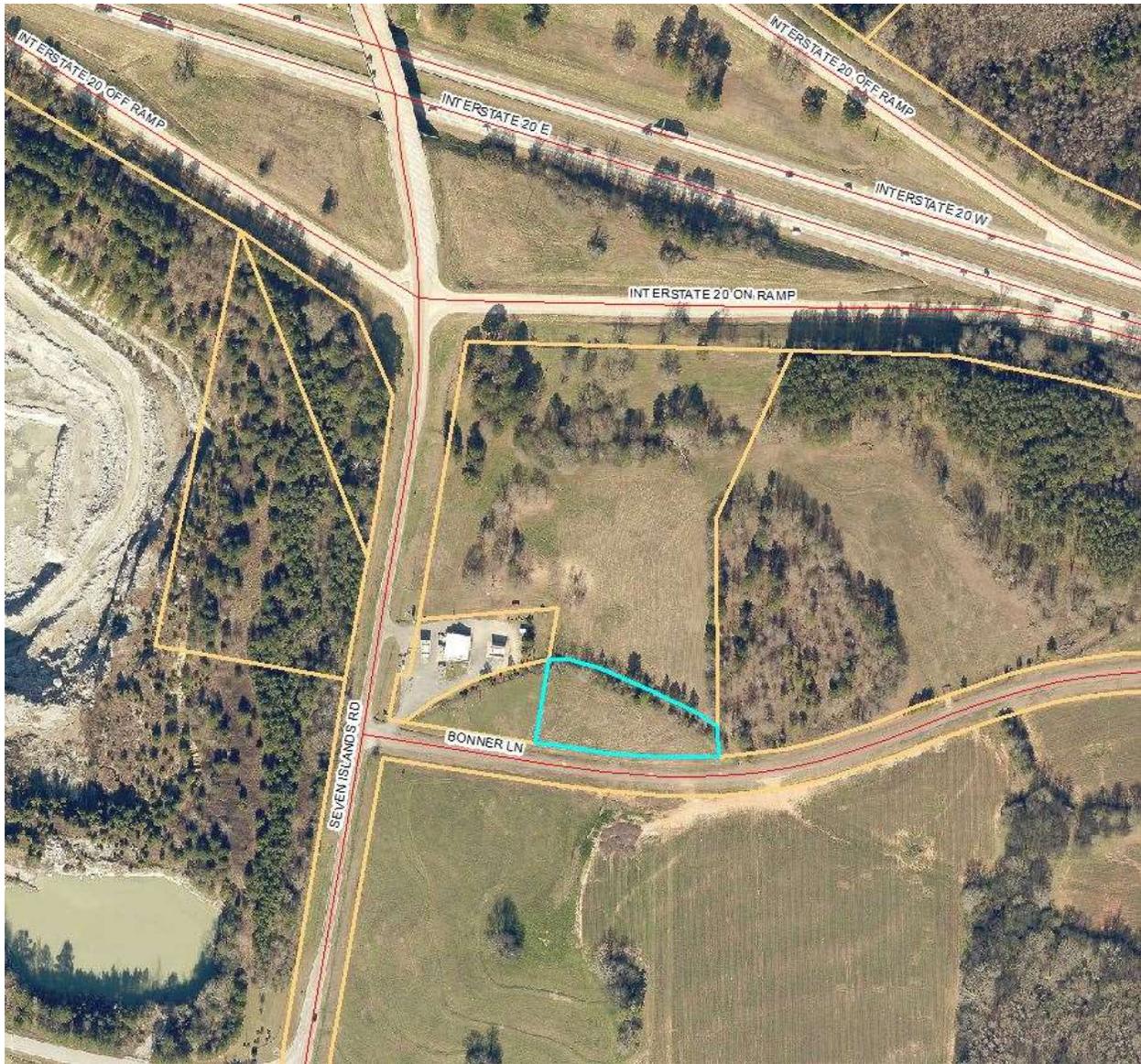
C.B. Hutcherson is requesting a Zoning Map Amendment to change 1.19 acres on Bonner Lane to General Commercial -C2 from Agricultural - AG. The applicant owns a 9 acre commercially zoned property at the corner of Seven Islands Road and I-20 (next to the gas station and across from the quarry). The applicant is seeking to rezone the smaller parcel

in order to have road access on Bonner Lane with the same zoning.



The above image is from the 1986 zoning map of Morgan County. The red line indicates the location on Bonner Lane at that time. The yellow star is the 9 acre parcel that is currently zoned C2 and is shown here as C2. Comparing the current zoning map from the first page of this staff report, the reconfiguring of Bonner Lane created the 1.19 acre parcel in question, as well as the parcel adjacent to it. The land below the 1986 version of Bonner Lane was zoned AG. When the road shifted, the zoning was not changed and the smaller parcels, still zoned AG, were then on the same side of the new road as the commercial property.

The applicant submitted correspondence with Morgan County regarding the road realignment, dated between 1999 and 2006. The applicant purchased the 1.19 acres in 2006. The applicant currently has road frontage on Seven Islands Road, but is seeking road frontage with the same zoning designation on Bonner Lane as well.



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

Staff has no issues with the request to rezone the property. The size and road frontage for the 1.19 acre parcel is compliant with C2 zoning without being combined with the applicant's 9 acre parcel. However, if the impetus is to obtain road frontage, perhaps the applicant should combine the 1.19 acre parcel with the 9 acre parcel.

10/12/19

Dear Sirs,

We bought 9 acres on
Seven Islands Rd in the year 2000
and it was zoned C-2.

In that same year the County
wrote us asking for part of our property
on Bonner Lane, for reworking of
Bonner Lane and we were told we
would still have access to Bonner Lane.
Instead the road was moved over
leaving us with no access.

As a result we had to buy
an add. 1.19 acres from Jerry Spruth
to obtain access on the Bonner Lane
side of our property.

Our survey showed it as C-2
however we recently saw that
the County shows it as A9.

Therefore, we respectfully ask
that this 1.19 acres be rezoned to
C-2 in order to be compatible
with the adjoining property.

Thanking you in advance,
C. B. Hutcherson

#1

MORGAN COUNTY COMMISSIONERS

Box 168
Madison, Georgia 30650

Mailed 12-16-99

December 7, 1999

Mr. William S. Sellers, Sr.
100 Redgate Drive
Canton, Georgia 30115

Ref: Right-of-Way - Bonner Lane

Dear Mr. Powell:

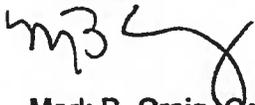
Morgan County is acquiring right-of-way on Bonner Lane in order to pave and improve the safety of road. Once ROW is obtained, then road work can begin in the near future on construction and paving of the road.

We have taken the liberty to enclose a deed to pass the property needed for the right-of-way to the County, the right-of-way on your road for the property along your portion of the road has been highlighted on the second page of the deed. Sign as the name is written on the deed, if it is incorrect, please let us know. Sign in front of a notary public and have them notarize. Please be sure you have a witness sign, and return the deed promptly to the Commissioners office in the enclosed self-addressed stamped envelope.

Once we have all the property transferred, this project should move forward expeditiously.

Thank you for your support of the County road program. If you have any questions, we would be glad to discuss them with you and explain the reasons for the deeds being drawn up.

Sincerely,



Mark B. Craig, County Manager

MBC:jl Michael Lamar

9:00

Enclosure

#1
copies
County Request +
Sellers - release

DEED OF RELEASE

THIS INDENTURE, effective this 3rd day of October, in the year Two Thousand, between **MORGAN COUNTY, GEORGIA**, acting by and through its Board of Commissioners whose current members are Mack B. Bohlen, Sr., Chairman, W. Michael Nabors, Vice Chairman, Walter Curtis Butler, Jr., DeWitt Knight and Chester Thomas hereinafter called Grantor, and **H. KENDALL GUYER and C.B. HUTCHERSON**, of the State of Georgia, hereinafter called Grantee, (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, does hereby abandon and by these presents does hereby remise, convey and forever release unto Grantee, all the following described property, to-wit:

All that certain tract or parcel of land situate, lying and being in Land Lots 329, 330, 315 and 316 of the 279th G.M.D., Morgan County, Georgia and known as the right of way for Bonner Lane as shown highlighted in yellow and crosshatched on that certain plat of survey as prepared by R.V. Baldwin dated November 16, 1999, said survey attached hereto as Exhibit "A" and incorporated herein by this reference for a more accurate description thereof.

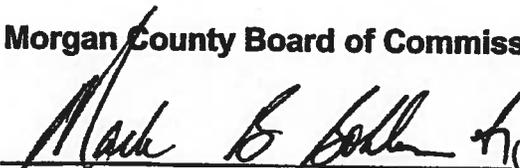
With all the rights, members and appurtenances to the said described premises in anything appertaining or belonging. This deed is given for the purpose and intent of releasing any and all claims and rights which the Grantor has or may have had in the above described property.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or entity claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Morgan County Board of Commissioners,

By:

 (SEAL)
Mack B. Bohlen, Sr., Chairman

#4

August 17, 2000

CERTIFIED MAIL Z 566 493 864
RETURN RECEIPT REQUESTED

H. Kendall Guyer
C.B. Hutcherson
1320 Dogwood Drive
Greensboro, Georgia 30642

Re: Bonner Lane Abandonment

Dear Landowner:

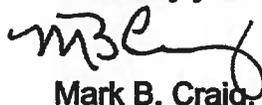
Notice is hereby given that the Morgan County Board of Commissioners has determined that it appears the portion of Bonner Lane as shown highlighted on the enclosed plat of survey, said survey being attached hereto as Exhibit "A", may have ceased to be used by the public to the extent that no substantial public purpose is served by it.

Pursuant to the above determination, and to O.C.G.A. § 32-7-2(c), the Morgan County Board of Commissioners will hold a public meeting on September 5, 2000 and October 3, 2000, at 1:30 o'clock p.m. at the offices of the Morgan County Board of Commissioners, 355 Hancock Street, Madison, Georgia, 30650 for the purpose of deciding whether or not to declare the aforesaid road portion abandoned.

Should such portions of Bonner Lane be abandoned by the County, you will have the option of acquiring that portion within or adjacent to your property. In order to exercise this option, you must affirmatively indicate such desire by either telephoning or writing me.

Please be governed accordingly.

Sincerely yours,



Mark B. Craig,
County Manager,
Morgan County, Georgia

C.B. HUTCHERSON

235 Glades Road
Eatonton, Georgia 31024
706-485-7174

April 26, 2006

**Mr. Michael Lamar
Morgan County Manager
Box 168
Madison, Georgia 30650**

Dear Sir,

In the year 2000 Morgan County acquired a portion of our property in order to re-route Bonner Lane. However, the road was routed differently than the drawing the County presented to us and the County did not need the little corner of our property. At that time we were told by Mark Craig, the existing County Manager, this land would be returned to us. Also his letter dated August 17, 2000 stated that we would receive the abandoned portion of the old Bonner Lane that touched our property line. We however, have received nothing in writing in this regard.

We are writing to request that the County deed us back our land and deed us the portion of the abandoned road that we requested so that we can have a clean title.

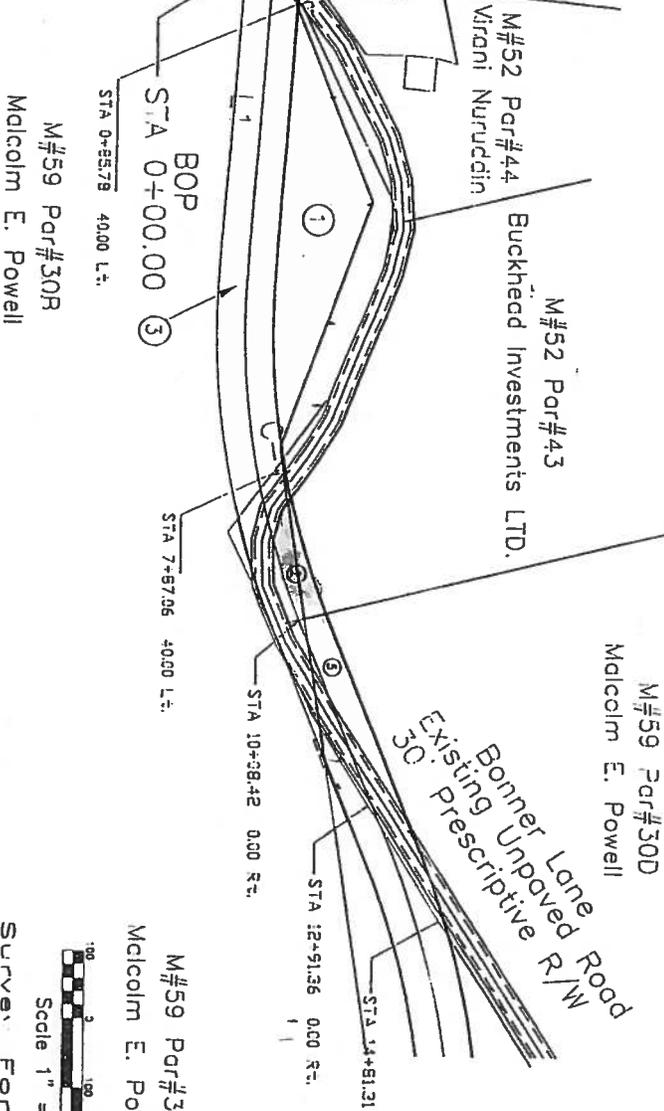
Thanking you in advance,

Sincerely,

C.B.. Hutcherson

Revised/1 mile

Seven Islands Road 80' R/W



Proposed R/W
 Existing R/W
 Existing Edge of Unimproved Road
 Proposed Centerline

Width of Project = 3864.28'



16th 17, 1999

Survey For:	
Bonner Lane Relocation	
Morgan County Board of Commissioners	
Land Lots 329, 330, 315 & 316	4th Land Dist.
279th GMD Morgan Co., Georgia	
SCALE: 1" = 100'	DATE: 11/18/99
R.V. BALDWIN P.E. #2655	
BALDWIN ENGINEERING SERVICES	
150 W. WASHINGTON STREET	
Macon, Georgia 30650	
706-342-0131	

