



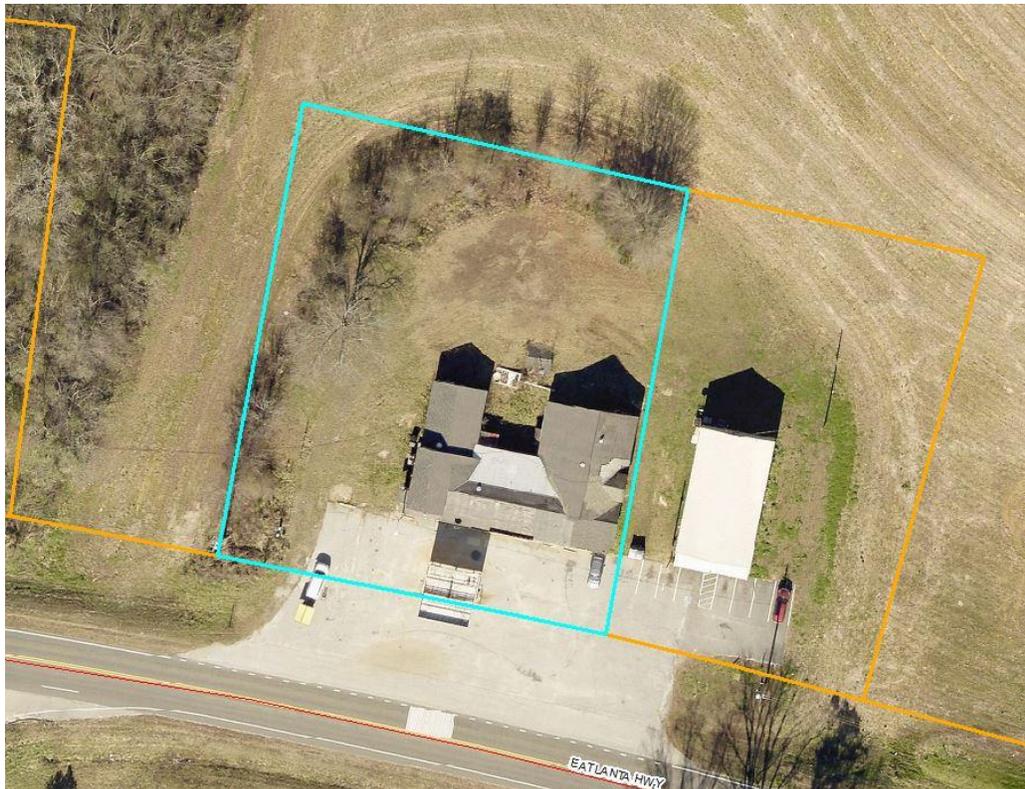
STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: CONDITIONAL USE – CONVENIENCE WITH FUEL

Property location:	134 Atlanta Highway
Property tax parcel:	R04-035
Acreage:	.87 acres
Applicant:	RAM Rutledge
Applicant's Agent:	
Property Owner:	RAM Rutledge
Existing Use:	Closed convenience store with gas pumps
Proposed Use:	Convenience store with fuel sales

Summary



RAM Rutledge is requesting conditional use approval to operate a convenience store with fuel sales. The business operated as a gas station known as the Park and Shop for years but closed in 2016 (based on the water bill from the City of Rutledge). The Rutledge

Zoning Ordinance allows a convenience store as a Permitted use in C1 zoning but adding fuel sales makes the use conditional. As the business has been closed for longer than 12 months, conditional use approval is required for the business to have fuel sales again.

55	USES	AR	R1	R2	R3	R4	NMU	CH	C1	C2	LI
56	Commercial Recreational Facility, Indoor	C	C				P	C	P	P	P
57	Commercial Vehicle & Equipment Sales and Rental						C		C	C	P
58	Community Center	P	P	P			C	C	P	P	C
59	Community Living Arrangement	C	C								
60	Composting Facility	P									P
61	Concrete or Masonry plant	C									P
62	Confined Feeding lot	P									
63	Contractor's Establishment									P	P
64	Convenience Store with no fuel sale	C					P	C	P	P	P
65	Convenience Store with fuel sale	C					C		C	P	P

From Rutledge Zoning Ordinance, Article 11, Use Provisions

The photo on the previous page shows that the gas pumps/canopy is partially on GDOT right-of-way. The applicant will need to provide documentation that GDOT has approved the use of the location prior to the issuance of an Occupational Tax Certificate. The applicant submitted an environmental study from 2014. The Georgia Environmental Protection Division has jurisdiction regarding whether an updated environmental study is required. The applicant should provide a letter from the Georgia Environmental Division confirming that the necessary inspections have been performed and no further environmental reports are needed. The Georgia Department of Agriculture – Fuel and Measures Division will have to recertify the pumps before the store will be able to open for fuel sales.

Due to discussions about re-opening the convenience store, the Mayor and Council were under the impression that the existing building would be razed. The applicant submitted a 2018 letter from Chuck Jarrell describing the poor condition of the building but has decided to remodel the building instead of replacing it. At the time the Staff Report was written, the remodel was on hold due to lack of permits. With such extensive remodeling, consideration should be given to Chapter 7.5 of the Rutledge Zoning Ordinance, which requires particular materials for commercial construction facades. The liquor store immediately next to this location was required to have a brick storefront.

Chapter 7.5: Architectural Scale and Detailing

In order to mitigate the negative effect of large monolithic structures with undifferentiated architecture; in order to create a positive, human scale appropriate both to pedestrian use and to surrounding residential areas and other less intense uses; in order to enhance the economic health of the City through construction of long lasting structures made of durable materials; and in order to create a positive and innovative image of the City through design excellence, the architecture of buildings on development sites governed by this Section shall include the exterior use of materials such as brick and other masonry products, wood or imitation wood products, architectural detailing, varied roof lines and window areas where appropriate at the first floor level.

All buildings in these districts shall incorporate the following requirements

- (a) Exterior materials shall be durable and of high quality. Brick, stone, cast stone, high quality pre cast concrete and wood are encouraged. Non-durable materials such as thin synthetic stucco products are discouraged. Metal siding is prohibited on any side facing public or residential areas. Real stucco and stacked stone can be utilized for banding, cornice, foundation or architectural detailing only.
- (b) The roofline of buildings facades which face public and residential areas shall be designed to include treatments such as pitched roofs, gables, chimneys or raised features in order to provide attractive facades, provide interest and avoid the monotony of undifferentiated rooflines.
- (c) All front facades of all buildings shall include architectural details such as banding, base elements, cornice lines, decorative bays, balconies, column treatments, pedestrian arcades, decorative window treatments and/or architectural fenestration intended to relieve blank and undifferentiated facades. Rear and side facades shall be designed to be compatible in color, materials and detailing with the public and residential facing facades.
- (d) All rooftop equipment shall be screened from view from adjacent right-of-ways and neighboring properties using durable architectural materials compatible with the building's exterior.
- (e) Where new construction includes increases in the elevation above the existing grade created by grading or earth moving on the site and results in height which is higher in elevation than the existing adjacent streets, then additional landscaping, terracing or berming may be required in the buffer or yard areas adjacent to that portion of the new construction which is higher than the adjacent streets in order to effectively screen the new construction. Architectural treatment of proposed retaining walls over six (6) feet in height is required in order to visually break up the mass of wall. This shall be accomplished by the use of durable architectural materials such as brick or similar products and the creation of terraces and setbacks of varied depth.
- (f) In addition, the following shall be required:
 - (1) A minimum of sixty percent (60%) of all exterior first floor facades of all buildings facing public and residential areas shall be constructed of brick, stone or cast stone.
 - (2) Weather protection for pedestrians in the form of arcades, awnings or appropriate architectural treatment shall be provided for those portions of the first floor facades all of buildings facing areas where there is intended to be pedestrian use and access to buildings.
 - (3) A minimum of fifty percent (50%) of the total surface area of the first floor facades which face public and residential areas shall consist of windows and/or doors. Façade area used for window and doors may be included in the sixty percent (60%) materials requirement listed in (1) above.

Criteria for Consideration

Article XI Section 1.1.6 Standards for Conditional Use Decision from the Rutledge Zoning Ordinance:

- (a) Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
- (b) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;

- (c) 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;
- (d) Public facilities and utilities are capable of adequately serving the proposed use;
- (e) Granting the request would not be an illogical extension of a use which would intrude a damaging volume 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;
- (f) Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities, current or planned;
- (g) Granting this request would conform to the general expectations for the area population growth and distribution according to the Comprehensive Land Use Plan;
- (h) Granting this request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability;
- (i) Granting this 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 location is set up for a convenience store with fuel sales, complete with fuel tanks and gas pumps. The bigger questions are related to approvals (GDOT and environmental) needed to operate the pumps and how the remodel of the building should be addressed, per the ordinance.

December 11, 2020

Morgan County Planning & Development
150 E Washington St
Ste 200
Madison GA 30650

RE: Request for Conditional Use Permit
Property: 134 East Atlanta Hwy, Rutledge, GA; Parcel No. R04 035
Proposed Use: Convenience Store with Fuel Pumps

Dear Sir/Madam:

This letter is in aid of the Application for Conditional Use Permit submitted by Ram Rutledge, LLC, current property owner of the property at 134 E Atlanta Hwy, Rutledge, GA 30663 (the Property). The proposed use for this Property is to operate as a Gas Station / Convenience Store with Fuel pumps.

Ram Rutledge, LLC purchased this property on November 20, 2020. The property has been vacant for a few years and the owner is addressing the condition of the Property and has commenced renovations to update and remodel the property. The property was previously used as a convenience store with fuel pumps and the owner would like to operate under that same use. The tanks are still in good working condition and is currently having annual UST testing completed for this Property. A copy of an Environmental Report is attached for reference also.

There are no plans to modify the structure or the lot at the Property in any way other than remodeling and updating.

Thank you in advance for consideration of this Request for Conditional Use. If there are any additional requirements to satisfied in order to approve this request, please advise accordingly.

Sincerely,



Ram Rutledge, LLC

- MONUMENTATION LEGEND**
- BEARINGS IFF - 1/2" BEAR UNLESS NOTED OTHERWISE
 - BEARINGS IFFS - 1/2" BEAR WITH YELLOW CAP STAMPED D.H.U.F.F. - M.S. 2337
 - BEARINGS POINT ONLY

- LEGEND:**
- IPS IRON PIN SET
 - R/W RIGHT-OF-WAY
 - R/W RIGHT-OF-WAY
 - P- UTILITY POLE
 - DB DEED BOOK
 - PB PLAT BOOK
 - PLG PAGE LOT
 - LL LAND LOT LINE
 - CL CENTERLINE
 - RB REAR PROPERTY LINE
 - X- FENCE
 - GV GAS VALVE
 - AC AIR CONDITIONER
 - FH FIRE HYDRATE
 - LP LIGHT POLE
 - ▲ FILLER CAP FOR UG GAS TANKS
 - ▲ TAX MAP/PARCEL

NOTES:

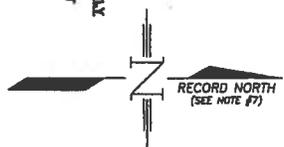
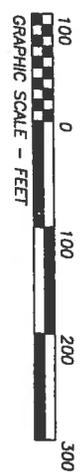
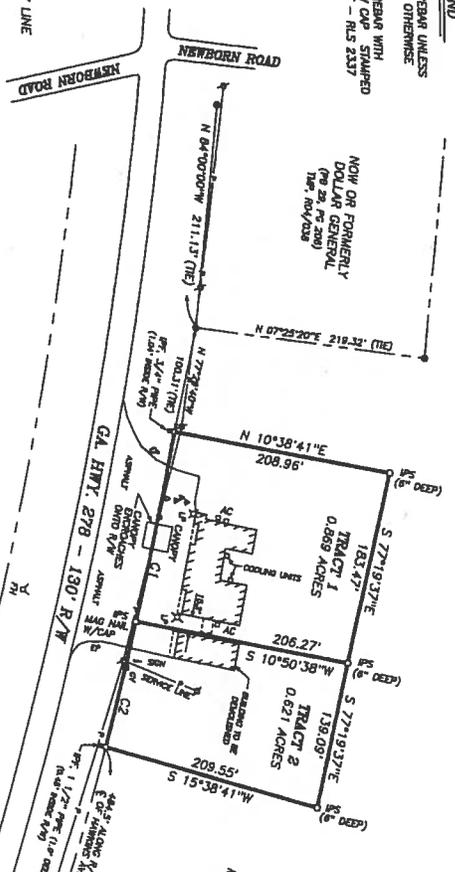
1. ONLY VISIBLE UTILITIES WERE LOCATED AS SHOWN.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 358,352 FEET.
3. EQUIPMENT USED IN THIS SURVEY WAS A LEICA TOR 405 POWER AND A WORKABOUT DATA COLLECTOR.
4. FIELD WORK WAS DONE JULY 22nd THRU 27th, 2015.
5. LAND LOT LINES AND NUMBERS AS SHOWN WERE TAKEN FROM COUNTY TAX MAPS.
6. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 204,031' AND AN ANGULAR ERROR OF 0.1" PER ANGLE AND WAS ADJUSTED BY THE COMPASS RULE.
7. THE BASIS OF BEARINGS IS PER THE LINE WITH A CALL OF N 84°00'00"W 211.21' AS SHOWN ON A PLAT, RECORDED IN PLAT BOOK 29, PAGE 206.
8. THE FOLLOWING RIGHT-OF-WAY EASEMENTS TO THE GEORGIA POWER COMPANY MAY AFFECT THE SUBJECT PROPERTY: (BLANKET EASEMENTS)
 - (A) DEED BOOK 41, PAGE 120
 - (B) DEED BOOK 44, PAGE 58
 - (C) DEED BOOK 80, PAGE 38
9. REFERENCES:
 - (A) PLAT BOOK 2, PAGE 369
 - (B) PLAT BOOK 3, PAGE 412
 - (C) THE SURROUNDING PLATS AND DEEDS AS SHOWN

FLOOD PLAIN NOTE:

THE SUBJECT PROPERTY DOES NOT LIE IN A DESIGNATED 100-YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP NUMBER 13211C0180A FOR MORGAN COUNTY, GEORGIA DATED FEBRUARY 15, 2002.

CERTIFICATION:

THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYING IN GEORGIA, AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.



APPROVED FOR RECORDING ONLY
MORGAN COUNTY
PLANNING AND DEVELOPMENT
JUL 28 2015

BARBARA SHEPHERD WILLIAMS
ROBERT ALAN SHEPHERD
MARRIAGE TRUSTEES
(see also PG 446-447)
(see also PG 446-447)

OWNER:
HASSAN ALI LALI
132 ATLANTA HIGHWAY
RITLEDGE, GA 30063
(PHYSICAL ADDRESS)

FILED
04:52 PM
7/28/2015
MORGAN SUPERIOR COURT
JODY M. MOSS
CLERK
BK 43 PG 92

RETRACEMENT SURVEY AND TRACT SPLIT

FOR
BP PARK AND SHOP

CITY OF RITLEDGE GMD 283
LAND LOT 55 20th LAND DISTRICT GEORGIA
MORGAN COUNTY
JULY 28, 2015 SCALE: 1"=100' DMC. NO. 15-24
DENNIS HUFF & ASSOCIATES, INC.
2551 JORGSTON RD.
BUCKHEAD, GEORGIA 30695
(706)474-1889





PEACHTREE ENVIRONMENTAL
3000 NORTHWOODS PKWY, STE 105
NORCROSS, GEORGIA 30071-1425
770-449-6100 / fax 770-449-6119

April 14, 2014

Mr. Kip Herndon
Bank of Madison
Main Office
133 N. Main Street
Madison, Georgia 30650

Subject: Limited Environmental Site Audit and Limited Phase II Environmental Site Assessment at 132/134 Highway 278, Rutledge, Morgan County, Georgia

Dear Mr. Herndon,

PEACHTREE ENVIRONMENTAL (Peachtree) has conducted a visual site inspection of the 1.49 acre parcel located at 132/134 Atlanta Highway (hereafter referred to as the "Site", "Property" or the "Subject Property") in Rutledge, Morgan County, Georgia. This letter and all attachments are the result of the site inspection, a review of readily available public environmental records and Limited Phase II Environmental Site Assessment (ESA) activities. The information contained in this package provides baseline information concerning current environmental conditions on the Property, potentially relevant adjacent sites, and readily available information about past Site conditions or practices. For details concerning the Subject Property, please refer to the following attachments:

- Limited Environmental Site Audit Checklist
- Environmental Database Search Report
- Site Layout Map & Sample Locations/Results Figure
- Site Photographs
- Property Tax Record
- Analytical Data Report/Sampling Results

Site Summary

The Site is located at 132/134 Atlanta Highway, Rutledge, Georgia and contains approximately 1.49 acres. It is currently developed with two structures, one of which is subdivided into a convenience store/gas station ("Park & Shop") and liquor store

("Rutledge Liquor Store"). The second structure is currently vacant, but signs on the front of the building indicate that it was previously used as a family game arcade center. The central and southern portions of the Site contain the structures, paved drive and parking areas and the fuel dispenser island. The northern and eastern-most portions of the Site are grass covered and undeveloped. According to the Georgia Underground Storage Tank Management Program (USTMP) the property currently contains four underground storage tanks (USTs). Two 10,000-gallon and two 2,000 gallon fuel USTs.

Significant Site Conditions

- At the time of this inspection the store manager indicated that only regular unleaded was currently being sold and that previously premium unleaded and diesel were also sold at the station; however, all of the fuel dispensers not in use had yellow plastic bags over the end of the pump handles and the handles had also been tied to the dispensers with wire indicating that they were not to be used.
- Peachtree observed cathodic protection for the fueling system. There is documentation on site regarding 2014 tank registration, but no record of tank or line tightness testing.
- A shallow trench approximately 4" to 6" deep, 16" to 24" wide and 15' long is located within a grassy area on the western side of the convenience store. The soils within the trench appear to be stained heavily and contained a greasy film on the top layer. An odor similar to used cooking oil was also noted. According to the store manager a large truck that drove over this area of the property created the trench and he utilized spent cooking oil and grease from the nearby used cooking oil disposal container to backfill the trench.
- Debris is located adjacent to the northern/rear side of the convenience store. It includes approximately fifteen to twenty broken fluorescent light bulbs, roofing shingles, old store signs, and the top of a plastic 55-gallon drum and a partially full five-gallon bucket of roofing tar.
- A secondary debris area is located within a small tree line on the northern-most portion of the Site. A 40-yard dumpster is located in the area and appears to be full of carpet, plastic five-gallon paint buckets, numerous glass, plastic and aluminum bottles and cans and other miscellaneous household debris. There are also some of the same types of debris on the ground in this area. Adjacent to the dumpster is a plastic 55-gallon drum that contains Styrofoam, plastic bottles and accumulated rain water.
- One pole-mounted transformer is located in the right-of-way just off the southeastern corner of the Site.

Regulatory Agency Record Search Results

Review of the environmental database search indicates that the Subject Property is not listed in any regulatory agency record. Also, there were four sites listed within the applicable search radii around the Site. Due to distance to the Site, topography, anticipated groundwater flow direction away from the Site, none of these sites are

considered to be an environmental concern to the Property. A three-page comprehensive listing of the regulatory databases searched is included in Attachment 2 – Environmental Database Search Report, on pages 4, 5 and 6.

Soil & Groundwater Sampling Results

Based on the historical use of the Property, the Bank of Madison requested that a Limited Phase II ESA be conducted on the Site. Subsequently, Peachtree conducted Phase II testing by collecting soil and groundwater samples from areas near the fuel USTs and dispensers so that the resulting data could be evaluated to determine whether or not latent soil/groundwater conditions exist on the Property as a result of current and past operations on the Site.

Three soil samples were collected from three soil boring locations and three groundwater samples were collected from three temporary groundwater monitoring wells (see Figure 2 – Sample Locations/Results). All samples were analyzed for Benzene, Toluene, Ethylbenzene and Xylenes (BTEX) as well as Total Petroleum Hydrocarbons – Diesel Range Organics (TPH-DRO).

Sample Location	Groundwater Sampling Analysis		
	Location(s) Assessed	Analyses Performed	Sampling Results (ppm)
SB-1 (10')	On Site, just outside the southwestern corner of the fuel dispenser canopy	BTEX & TPH-DRO	Benzene = 0.076 / 0.71 Toluene = BRL Ethylbenzene = 0.0027 / 20.00 Xylenes = 0.0039 / 20.00 DRO = BRL
SB-2 (15')	On Site, approximately 60 feet west/southwest of SB-1 & just off the paved surface	BTEX & TPH-DRO	Benzene = 0.012 / 0.71 Toluene = BRL Ethylbenzene = BRL Xylenes = BRL DRO = BRL
SB-3 (15')	On Site, 40 feet north/northeast of SB-2 & just off the paved surface	BTEX & TPH-DRO	Benzene = 0.0027 / 0.71 Toluene = BRL Ethylbenzene = BRL Xylenes = BRL DRO = BRL
GW-1	Same location as SB-1	BTEX & TPH-DRO	Benzene = BRL Toluene = BRL Ethylbenzene = BRL Xylenes = BRL DRO = BRL
GW-2	Same location as SB-2	BTEX & TPH-DRO	Benzene = BRL Toluene = BRL Ethylbenzene = BRL Xylenes = BRL DRO = BRL
GW-3	Same location as SB-3	BTEX & TPH-DRO	Benzene = BRL Toluene = BRL Ethylbenzene = BRL Xylenes = BRL DRO = BRL

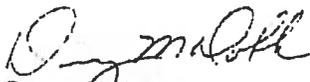
BRL = Below Reporting Limit ; Benzene 0.0027 / 0.71 (laboratory results / EPD target concentration)

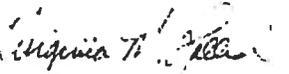
Findings & Conclusions

- The USTs, dispensers, and tank piping should be regular inspected and tested for tightness, at least every five years, according to EPD UST regulations.
- Regular inventory control measures should be followed and appropriate and required records maintained.
- Copies of all current Georgia UST regulatory compliance documentation should be maintained and posted on site.
- The Site is currently in the Georgia UST Trust Fund and annual proof in the form of invoices from Brown Oil should be maintained and/or provided to the Bank.
- All on-site debris should be properly disposed.
- Results of the Limited Phase II soil and groundwater sampling indicate that there have been no leaks or releases which exceed Georgia EPD Underground Storage Tank regulatory limits.

Based on review of readily available historical records, interviews, environmental database records, our Site reconnaissance and Limited Phase II ESA investigation, it is our opinion that currently there are no environmental conditions present on the Subject Property of a type, quantity or concentration which would lead a prudent person to carry out further investigations at this time. We appreciate the opportunity to provide this environmental inspection report package. If you have any questions regarding our findings, please contact the undersigned.

Sincerely,
Peachtree Environmental


Denny M. Dobbs
Project Director
770-449-6100, ext. 232


Virginia M. Holland
Project Manager/Scientist
770-449-6100, ext. 223

Attachments: Site Inspection Checklist, Environmental Database Report, Site Layout Map & Sample Locations/Results Figure, Site Photographs, Property Tax Record, Analytical Data Report



MORGAN COUNTY PLANNING AND DEVELOPMENT

150 East Washington Street, Suite 200
P.O. Box 1357
Madison, Georgia 30650
(706)342-4373 Office · (706)343-6455 Fax

September 4, 2018

134 East Atlanta Highway
Rutledge, Georgia 30663

Re: Unfit Building Evaluation

The subject building has been deemed unfit and a public nuisance by the City of Rutledge.

The following is a condition assessment of the building as of the walk through on August 31, 2018.

Exterior

- Wood siding is rotten and/or termite damaged.
- Roof shows signs of structural concern.
- Roof shingles are in poor condition.
- There is old debris on the ground at the rear of the building.
- The pump island canopy is in need of work.
- The condition of the fuel tanks is unknown.

Interior

- There are multiple electrical issues throughout the building.
- There are multiple plumbing issues.
- The ceiling has deteriorated and is detaching from the ceiling joist and is falling.
- The front wall header is rolling to the exterior of the building.
- There are signs of rot and/or termite damage to the exterior walls.
- There are signs of rodent and insect infestation.
- There is still quite a bit of debris in the back rooms of the building.
- The floor coverings are in poor condition.
- The condition of the heating and air system is unknown.
- The condition of the cooler is unknown.

If you have any questions, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read "Chuck Jarrell".

Chuck Jarrell
Director