



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: ZONING MAP AMENDMENT

Property location:	2840 Greensboro Highway
Property tax parcel:	043-025
Acreage:	3.31 acres
Applicant:	Preston & MaryAnn Slaughter
Applicant's Agent:	
Property Owner:	Preston & MaryAnn Slaughter
Existing Zoning:	AR (Agricultural Residential)
Proposed Zoning:	C2 (General Commercial)

Summary

Preston and MaryAnn Slaughter are requesting a Zoning Map Amendment for 3.31 acres located at 2840 Greensboro Highway, from Agricultural Residential (AR) to General Commercial (C2).



The property contains two commercial buildings that were part of a dairy equipment sales business. The business was grandfathered, but would still be allowed today as a conditional use in AR. The property contains a residence (back right), which is rented out by the property owners.

The property has never been zoned commercial. It has been zoned AR since zoning was introduced to Morgan County in 1986.

The property also contains an easement to a land-locked residence behind it.



The property is located in a residential area. Shady Side Lane and Windsor Creek subdivision (red arrows) are nearby, as well as houses and one farm across the highway.



From the 1986 Morgan County Zoning Map. The lot is shown as #25. The heavy dotted line indicates the highway. The zoning is shown in large letters, left and above the subject parcel.

The red line points to the Windsor Creek subdivision, originally developed as Green Acres subdivision. Apparently, a note related to the subdivision was marked out.



A wide view of the area zoning. The subject parcel is shown circled in the center of the map. The wide view is necessary to demonstrate the distance to the nearest commercially zoned properties. The circle on the left is Charles Bradley's welding and what is now an engraving shop, located next to Bulldog Steel near Woodkraft Road (2.7 miles from subject property). The circle on the right is the River Store gas station, located at the intersection of Highway 278 and Apalachee River Road (2.5 miles from the subject property). The property is surrounded by AR zoning, which changes to AG just past Windsor Creek on the north side of the highway.





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

The applicants identify businesses that have been located on the property in their letter. All businesses listed pre-date the zoning ordinance. However, as an agriculture related business, dairy equipment sales is a conditional use, even in the current zoning ordinance. Unlike a recently heard rezoning request on Fairplay Road, this property has never been zoned commercial.

Staff has concerns that, if approved, the zoning map amendment would constitute spot zoning. Furthermore, if recommended for approval, Staff recommends that a condition be placed to separate the residence from the commercial lot, as it is inappropriate for an occupied single family dwelling to be zoned commercial.

Preston and Mary Ann Slaughter

1262 CM Copelan Rd.

Madison, GA 30650

DBA: Custom Dairy Equipment, LLC

Date: June 29, 2018

RE: Request for rezoning

TO: Morgan County Zoning and Planning

We are requesting a zoning change to parcel 043 025 located at 2840 Greensboro Hwy. Madison, GA 30650 from AR to C2. This property according to the tax records has been listed as AR operating as business and has 3.31 acres. Also located on the property, one concrete block building with small office with a back storage area, one larger storage facility and a small rental dwelling. We have operated as a business, Custom Dairy Equipment LLC, at this address and location since November 1978. Before we were at this location, there were two other businesses, to our knowledge, that ran from this same location: Dennis Darnell ran a garage and even before the garage, Slim Gunnell ran a convenience store. So for over 50 years, there has been a business at this location in Morgan County.

Due to the declining number of dairies in the county and surrounding areas, as well as major health issues with the proprietor, we would like to ask that the property be rezoned for Commercial Use- C2 in order to recoup the commercial value of the property vs an agriculture residential property.

We have had some interest in the property, but all parties expressing interest, would like to run a small family business operation, similar to what is currently at this location. Here again, we would need the property to be rezoned to C2 commercial use.

As many of you know, an empty property on a major highway, makes the county appear to be dwindling in small businesses and not prospering. We have no intentions of contributing to this ideology, but wish to welcome and encourage small businesses to come to our area by being able to offer them the opportunity to establish a small business at this location.

We are asking that you grant the request of these petitioners of parcel 043 025 located at 2840 Greensboro Hwy from the current zoning of AR to C2. Thank-you for your consideration.

Sincerely,



Mary Ann Slaughter-

