



STAFF REPORT

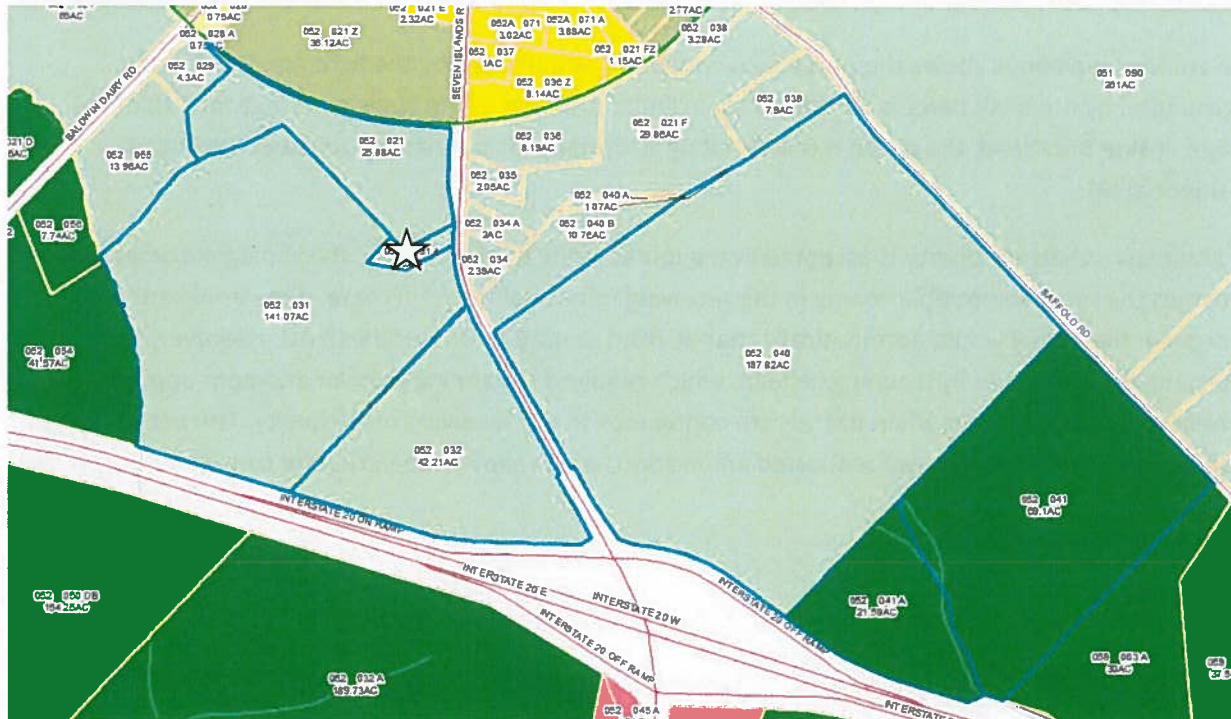
MORGAN COUNTY PLANNING COMMISSION

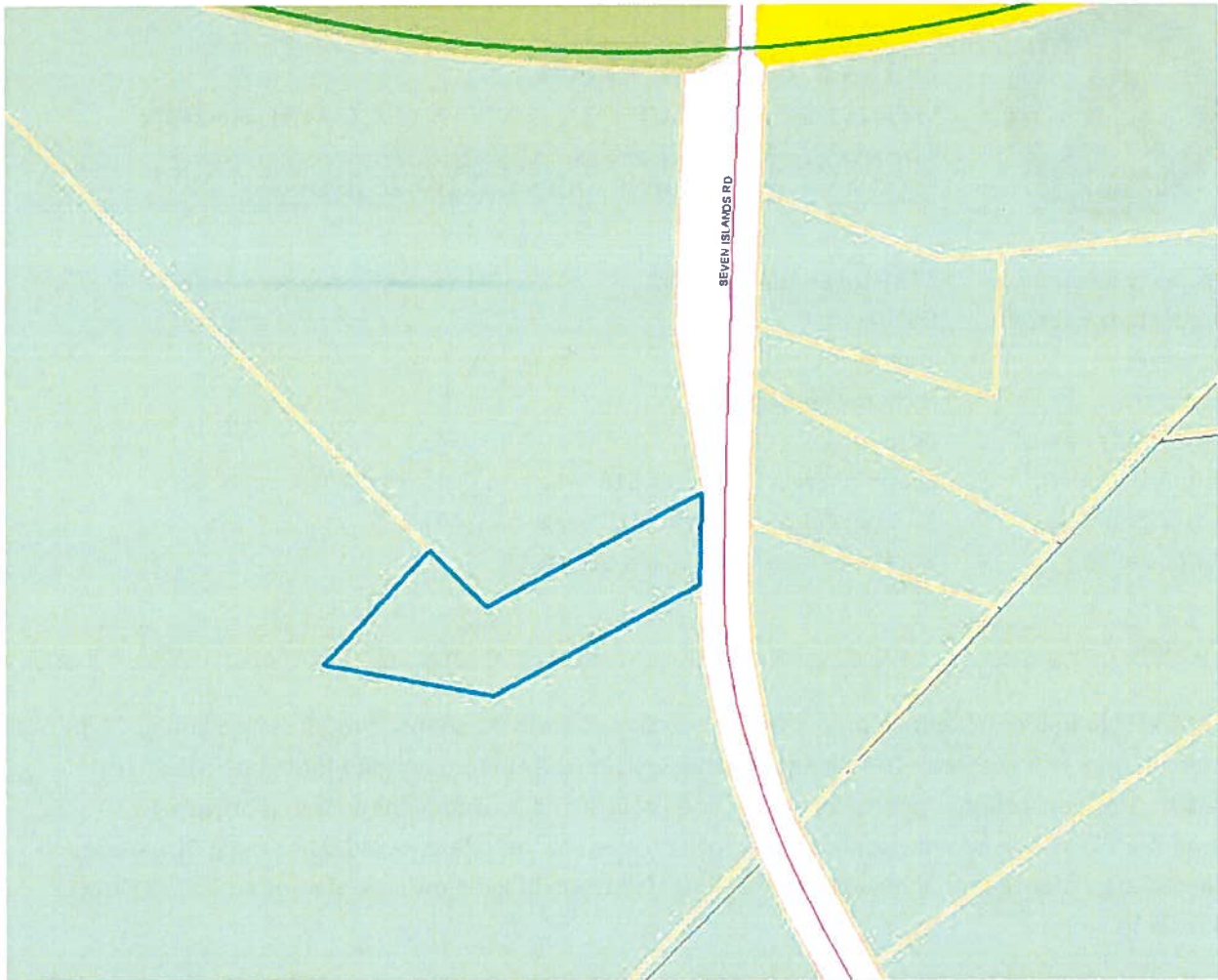
PETITION FOR: ZONING MAP AMENDMENT COUNTY AR TO BUCKHEAD IMU

Property location: 1331 Seven Islands Road
Property tax parcel: 052-031A
Acreage: 2 acres
Applicant: Richard Schmidt
Applicant's Agent: N/A
Property Owner: Estate of Ervin Stephens, 516 Smithson Crossing, McDonough, GA
Existing Zoning: Morgan County Agricultural Residential (AR)
Proposed Zoning: Buckhead Interstate Mixed Use (IMU)

Summary

Richard Schmidt, representing property owner Estate of Ervin Stephens, is requesting a Zoning Map Amendment, from Morgan County Agricultural Residential (AR) to Buckhead Interstate Mixed Use (IMU). This application is part of an annexation request and is contingent on the approval of a submitted Text Amendment application, which creates the Interstate Mixed Use Zoning District. Seven parcels are proposed for annexation and are highlighted in blue below. The star indicates Tax Parcel 052-031A.





The zoning map above shows the property is zoned AR, as indicated by the light green color. It is surrounded by other AR parcels. Buckhead town limits is shown as the circle cut off at the top of the image. Inside Buckhead, the green is Buckhead Agricultural (AG) zoning; the yellow is Buckhead Residential (R).

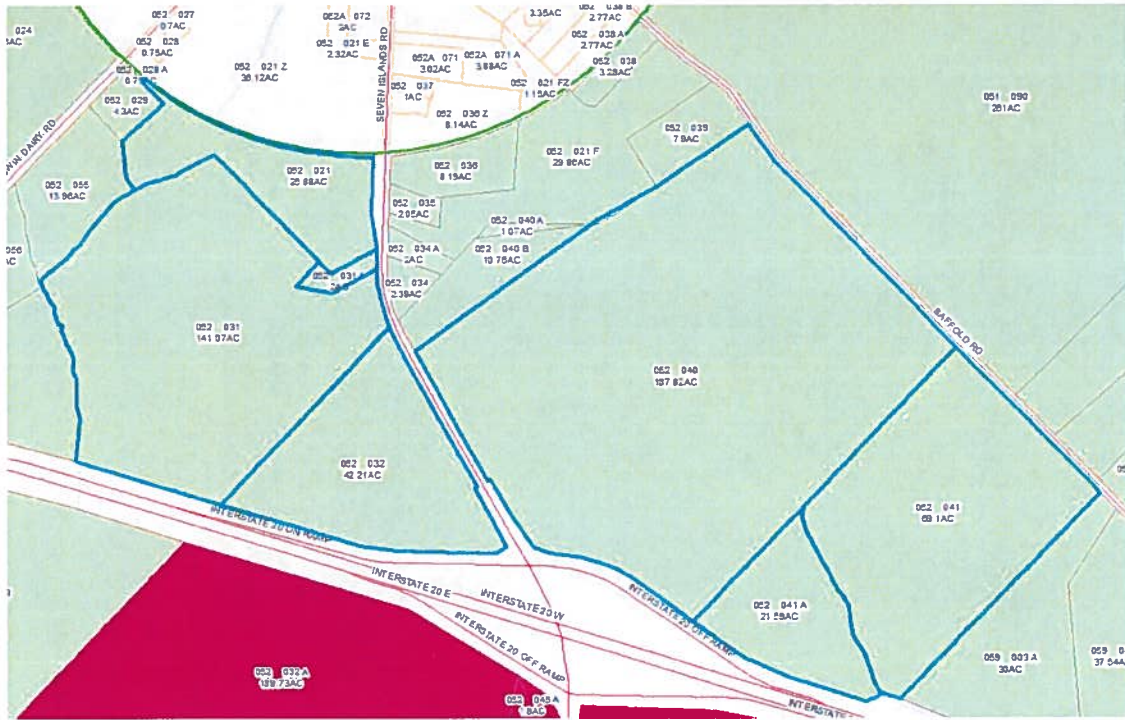
By state law, when a property is accepted into a municipality by annexation, the zoning automatically becomes the most compatible zoning in the receiving municipality. In this case, if the annexation is approved, the parcel would automatically change from County AR to Buckhead AG. However, the applicant has requested IMU zoning instead, which required the zoning map amendment application. Annexation can only occur when parcels are contiguous to the receiving municipality. The parcel north of this parcel, 052-021, has also requested annexation, which allows the necessary contiguity.



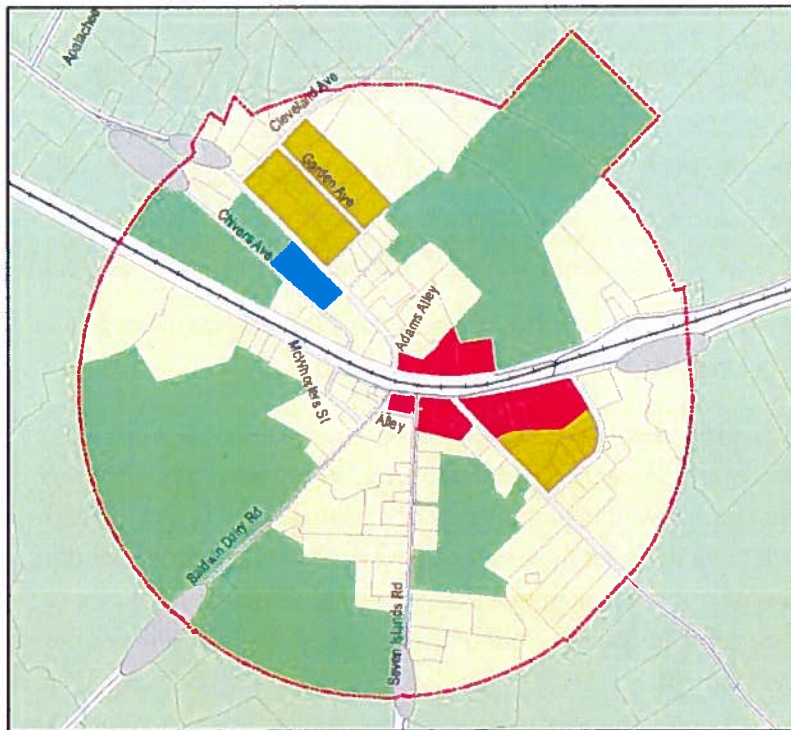
The parcel contains a 1940 house and is not enrolled in the Conservation Use Tax Program. There is no state water on the property. Access to the property is from Seven Islands Road.

The applicant's letter addendum states that the public facility impacts for a mixed-use development would be minimal. He briefly explains water and sewer services, but other services are not mentioned. Buckhead has a volunteer fire department with dwindling membership. Buckhead's trash pick-up is an individual in a personal truck. If roads are to be adopted by Buckhead, the town has only one part time grounds person and relies on Morgan County for road maintenance assistance. The Sheriff's Office would need additional personnel to police a mixed-use development. Services must be addressed during conversation related to a mixed-use development.

This application did not contain a copy of the petition for annexation. See the Staff Report for 052-031.



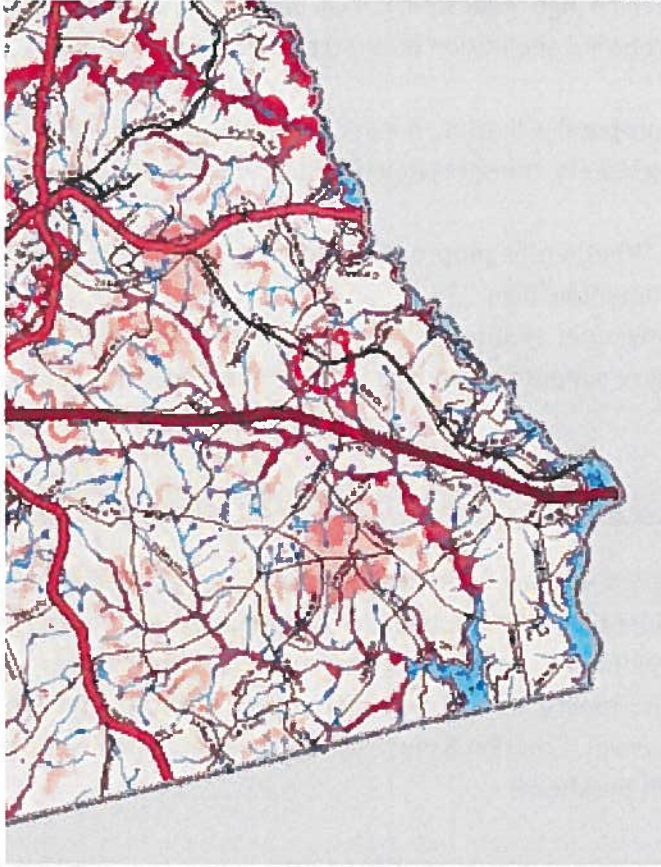
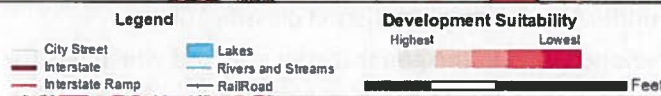
Above is the Character Map (Future Land Use) for Morgan County at Exit 121. The green color indicates that the area is designated Rural Beauty, which means it is proposed to remain rural.



At left is the Character Map for the Town of Buckhead. The green color indicates Rural Conservation, which is for agricultural uses. The yellow represents low impact residential. The grey oval on Seven Islands Road at the Town limits represents a gateway area, which the applicant mentions in his addendum letter.



The pages from the Comprehensive Plan for each description above is attached.



The applicant mentions Figures 2.3 and 4.2 in his addendum letter. The image at left, top, is Figure 4.2, Development Suitability Map for Buckhead. The image at left, bottom, is a portion of the development suitability map for the unincorporated county, which is difficult to see due to the size of the map and becomes too pixilated if zoomed. These maps in the Comprehensive Plan for the Town of Buckhead and the unincorporated county respectively. From the Town of Buckhead Comprehensive Plan: The Development Suitability map uses ArcView GIS software to overlay slope, wetland, flood plain and ground water recharge areas to estimate relative potential additional cost for new development. The suitability map does not consider proximity to road, rail, water and sewer infrastructure. The lighter an area is shaded, the fewer environmental conditions are impacted and the lower the development costs for mitigating environmental conditions. The darkest areas in the map would be difficult locations for any new development and, in some cases, those locations may not be developable at all. In general, higher slopes generate more grading cost; water recharge areas require stormwater mitigation and reduction of impervious area; wetlands require replacement mitigation; and floodplains prevent most construction activity and may be only suitable for trail or natural park systems with minimal impact from creation of impervious areas.

In summary, the development suitability map indicates areas where development will cost less for the developer.

Criteria for Consideration

Buckhead Zoning Ordinance, Criteria for Considering Zoning Amendments

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 of the property.
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 question of minimum acreage in the associated text amendment should be addressed, particularly regarding this parcel. A 2 acre parcel with a residential structure should not be considered for mixed use development designation unless it is to be combined with another larger parcel. As presented, the application does not meet Criteria 1, 6 and 7. The applicant's addendum letter used Criteria 3 and 5 to justify the zoning map amendment request. However, Criterion 8 must also be considered and whether the desire for a mixed-use development exists in Buckhead.

Approval or denial of the zoning map amendment may not have an effect on the annexation, which may still occur with the parcel being brought into town limits with AG zoning. If annexed with either AG or IMU zoning, the Comprehensive Plan for Buckhead will require amendment.

**LETTER ADDENDUM TO
APPLICATION FOR ZONING MAP AMENDMENT TO THE
ZONING MAP FOR THE TOWN OF BUCKHEAD**

This letter serves as an addendum to the application of Richard Schmidt acting on behalf of the Ervin Estate, and in concert with the Town of Buckhead, Georgia in connection with the annexation of property, into the Town of Buckhead, adjacent to Interstate 20, along with the accompanying required rezoning in conformity with the Zoning Ordinance of the Town of Buckhead.

The Property owner, in connection with adjacent property owners, desire to develop their properties over time into a mixed use area at the Interstate 20, Buckhead exit, to include those services normally found at an interstate exit such as gas stations, restaurants and other businesses catering to the traveling public.

The Zoning Map Amendment will change the Subject Property concurrently here with being annexed into the Town of Buckhead from AG, Agricultural Zoning District, to IMU, Interstate Mixed Use, which will allow for consistent and planned development of the interstate exit area. The IMU District, contemporaneous with this application, has been applied for as a text amendment to the Zoning Ordinance for the Town of Buckhead.

The proposed rezoning has been reviewed by the Town Council of the Town of Buckhead, Christian Henry, county Attorney, and attorney for the Town of Buckhead, and the Morgan County Planning and Zoning Department. Based on those reviews, I have received authority from the Town of Buckhead to move forward with the text amendment to be applied to properties immediately adjacent to Interstate 20 which are being annexed into the Town of Buckhead. The Town Council had no comments or changes to the proposed text amendment. The city attorney had no comments or changes to the proposed text amendment. I have worked with Tara Cooner and Chuck Jarrell and have drafted the ordinance into its present form, subject only to comment from the Planning and Zoning Board.

With respect to why the text amendment should be recommended for approval, I offer the following:

- (a) The Town of Buckhead is interested in approving the zoning map amendment to provide for controlled and quality development at its gateway from Interstate 20;
- (b) Mixed use zoning is appropriate at the interstate interchange, an exit off of Interstate 20 at Seven Islands Road;
- (c) Providing an appropriate zoning district which will allow the development of the area adjacent to the interstate will promote economic development can only increase property values with zoning entitlements, development, and required utilities;
- (d) The area proposed to be made subject to the new IMU District is currently agricultural and is adjacent to industrial land on the south side of the interstate, the rock quarry.

- (e) The text amendment Creating the IMU District provides for a focus on appearance with appropriate signage, landscaping, beautification measures, and effective traffic flow, as suggested in the Comprehensive Plan gateway strategies.
- (f) Changing the property from AG to IMU is consistent with and compatible with normal and natural development at an interstate exit.
- (g) Property values are expected to increase in the IMU District.
- (h) The property is suitable to either remain zoned as AG or to be rezoned as IMU. However, it is the wish and intent of the Town of Buckhead and the property owner, along with adjacent property owners, to create an IMU District in connection with the annexation project.
- (i) The property has been agricultural land since settlement in the area in the 1800s. In the 1960s, when the interstate was built and the exit was constructed, the property became prime for development. Now development is reaching from Atlanta and there exists interest in purchasing the rural property for interstate exit type development. We have no information as to the length of time going forward within which we expect the development to take place.
- (j) The Town of Buckhead, the applicant on behalf of the property owner and adjacent property owners, have determined that it is in the best interests of the Town of Buckhead and surrounding properties that development be controlled, and therefore, the annexation, the creation of the IMU District, and the rezoning of the subject property into IMU is designed specifically to promote public health, safety, morality and general welfare of the community.
- (k) The public facility impacts will be minimal. The Town of Buckhead provides water, but not sewer, which is expected to be constructed in connection with any development and which could have a beneficial effect for the Town of Buckhead through the sale of water and the potential for sewer utilities.
- (l) Currently the Town of Buckhead's comprehensive plan does not specifically speak to development of the interstate exit area. However, the majority of the area proposed to be made subject to the new IMU District is located in an area shown on Figures 2.3 and 4.2 of the Morgan County Comprehensive Plan as the highest development suitability, subject only to some wetlands areas.
- (m) The mixed use aspect of the IMU District incorporates many of the community work program tasks set out on table 4.1 of the Buckhead Comprehensive Plan.

Thank you for your consideration.

Sincerely,



Richard Schmidt
Attorney for the Ervin Estate