



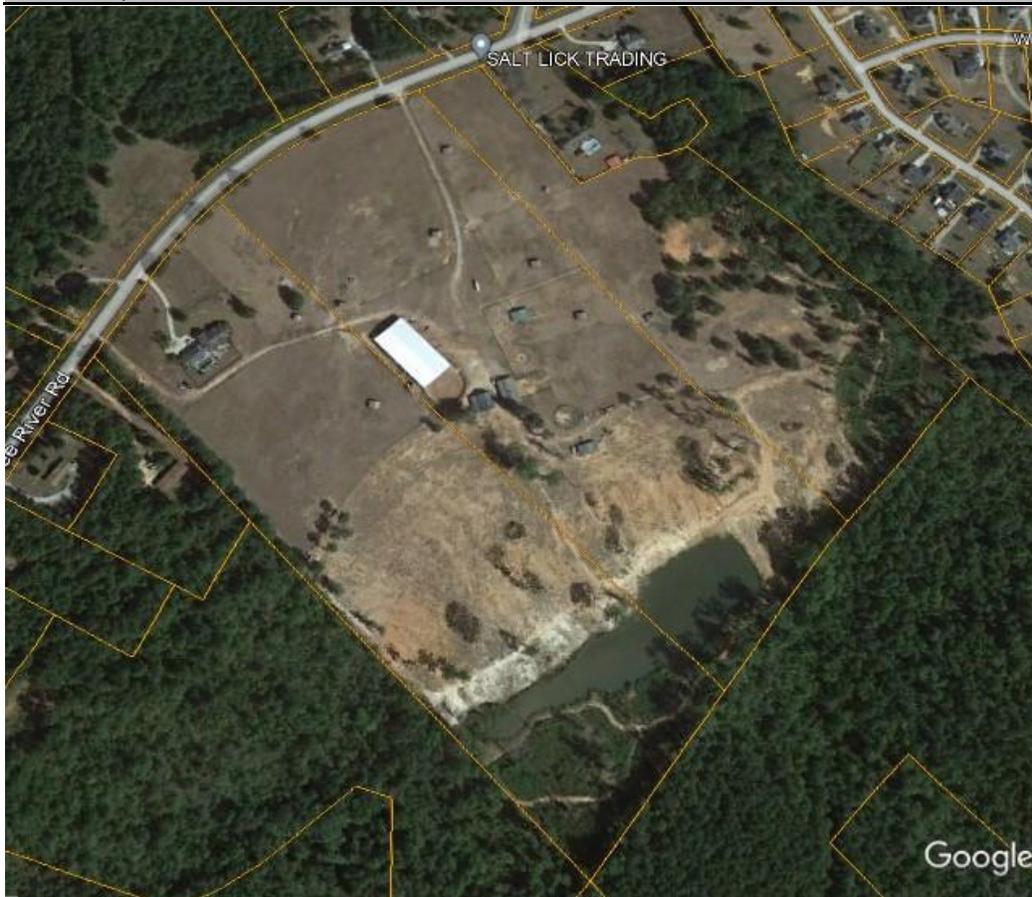
# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

**PETITION FOR: CONDITIONAL USE – EVENT FACILITY**

Property location:	2020 Apalachee River Road
Property tax parcel:	051-013C
Acreage:	21.77 acres
Applicant:	Robert Wayne Hill
Applicant's Agent:	
Property Owner:	Robert Wayne & Kimberley Hill
Existing Use:	Agricultural
Proposed Use:	Agricultural with Event Facility

### Summary



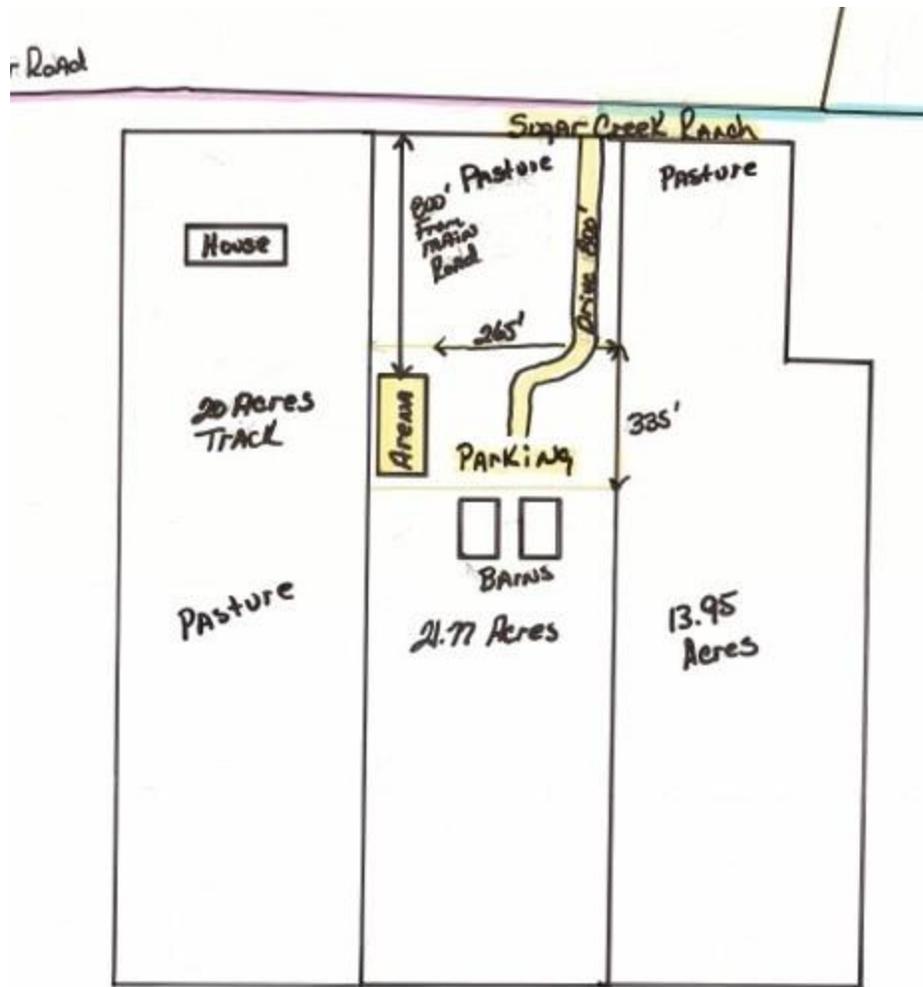
Robert Wayne Hill is requesting conditional use approval for an event facility at 2020 Apalachee River Road, specifically for ranch sorting events. The applicant purchased a permit for a 16,200 square foot covered arena in December 2018 and stated at that time that it

would be for personal use only. The arena (white) can be seen in the Google image above. The arena was inspected for a Certificate of Competition in March of 2019 and did not pass. The arena has not been inspected since March 2019 and has not received a Certificate of Completion.



The applicant owns three properties, with the arena located on the middle property. The properties are separate tracts (see attached plats). The 2020 Apalachee River Road address is specifically for the arena. The applicant's home and swimming pool are on the adjacent 20 acres at 2180 Apalachee River Road. The red box indicates the approximate location of the arena. No residential structures are located on the 21.77 acre tract or the 13.95 acre tract. Various barns and implement sheds are located on the two non-residential tracts.

Section 7.32.3 of the Morgan County Zoning Ordinance says that no event structure shall be located within 100' of adjacent property lines. The distance from the arena to the side property line appears to be within 15'. The ordinance does not consider that the applicant owns the adjacent property; it only addresses property lines.



The applicant submitted a site plan showing the three properties and the location of the arena. The arena is shown as being 800' from Apalachee River Road. Staff measured it at 600' from the road. It identifies the parking location as next to the arena and in front of two barns, which can be seen in the aerial on the previous page. The photo below, taken from Facebook, appears to show attendees parking in no particular order in front of the arena and to the side. The parking seems to extend to the property line, according to the applicant's site plan.





Section 7.32.3 states that all event locations must be a minimum of 500' from a residence not occupied by the facility owner. If the parking will extend to the property lines, then it will be within 250' of the house located at 2010 Apalachee River Road. However, the ordinance specifies event locations, which does not specifically apply to parking areas.

The applicant states in his letter that the people who come to his property to participate in the events stay at the property. The photo from the previous page shows numerous living quarters trailers. This is on-site temporary lodging and presents several questions about how living quarters trailers should be addressed. The applicant does not indicate if there is a specific charge for trailer space, but a Facebook post states that hook-ups are available. There is no mention of a fee for

hook-ups. However, zoning laws typically consider any exchange of money to be a charge for attendance and services rendered as a cumulative fee. Participation or entrance fees could then be considered as part of a space rental fee for a living quarters trailer.

Staff has no doubts that supporters of rodeo events may consider living quarters trailers as part of the rodeo experience, but zoning considers events and lodging to be separate uses. Lodging is not allowed at other approved event facilities in the county except for one house rental that went through a separate approval process. Living quarters trailers could be addressed in one of four ways:

1. Allow the use of living quarters trailers as part of the rodeo event facility approval. This option would create a precedent that allows short term mobile lodging at event facilities. Stating that rodeo events are different because they are agricultural or for specific groups of people ignores the legal liability associated with treating all event uses fairly.
2. The event facility holding rodeos must apply for recreational vehicle park approval. This may apply specifically to those rodeo event facilities that provide hook-ups for RVs or living quarters trailers. This option would require a text amendment to allow RV parks in agricultural residential zoning districts and possibly a conditional use permit.
3. The event facility holding rodeos must apply for campground approval. This may apply specifically to those rodeo event facilities that do not provide hook-ups but do allow camping on site. This option would require a text amendment to allow campgrounds in the agricultural residential zoning district and possible a conditional use permit.

4. A text amendment creating short-term lodging associated only with event facilities may be created which would limit the number of lodging vehicles, the length of stay and set parameters for approval. This is the option Staff would prefer if the County chooses to address living quarters trailers or RVs at event facilities as it would avoid a precedent and make each event facility that wishes to allow lodging be evaluated on a case-by-case basis. It would also confine the use of lodging to times of events and prevent the allowance of an RV park or campground that could be used weekly and year-round. This option would be a conditional use and would require additional approval.

Zoning Map



Character Area Map



The Zoning Atlas, left, shows that the property is zoned Agricultural Residential. The Character Area Map from the Comprehensive Plan, right, shows the property in the Rural Living district. Please see attached for a description of the Rural Living district.

The property is not located in a Groundwater Recharge area or a Watershed. There is a creek that runs along the rear of the property, but there is no associated floodplain. The property is located near the intersection of Apalachee River Road and Sugar Creek Church Road. Whispering Lakes subdivision is nearby.

The applicant states in his letter that events typically last two days and end by 9:30 pm. No mention has been made regarding lighting or a PA system, but lights can be seen from the road. He stated in his letter that he provides toilet facilities but does not address other items listed in the regulations, such as trash or phone service. He also does not specify if participants bring their own chairs or if bleachers are provided. A permanent sign is located on Apalachee River Road. No sign permit was issued. No electrical permit has been issued for the arena.

## Criteria for Consideration

### Section 21.3.1 Required Findings from Conditional Use Approval from the Morgan County Zoning Ordinance:

1. Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
2. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
3. 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;
4. Public facilities and utilities are capable of adequately serving the proposed use;
5. Granting the request would not be an illogical extension of a use which would introduce damaging volumes 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;
6. Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities, current or planned;
7. Granting the request would conform to the general expectation for the area population growth and distribution according to the Comprehensive Land Use Plan;
8. Granting the request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability;
9. Granting the 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 applicant's letter focused on the type of event they offer rather than how the facility would be operated and meet the regulations. The facility has been operating for several months and Staff has received no complaints from neighbors related to traffic or noise. Staff's concerns are that the application does not meet the regulations for setbacks to adjacent property lines, the arena was not issued a Certificate of Completion, permits were not issued for electrical work or signage, and how to address living quarters trailers. The property containing the arena and the 20 acres containing the house could be combined to solve the property line issue. A final inspection could be scheduled for the Certificate of Completion and missing permits could be issued. The use complies with the Comprehensive Plan related to agricultural commercial development to provide value-added agricultural opportunities to farms and support agrotourism. Addressing living quarters trailers may require an additional process and should be discussed.

### Staff comments for December agenda

Planning Commission gave instructions to the applicant at the September meeting to resolve certain issues prior to the December meeting: 1. to combine two properties to eliminate the property line setback issue; 2. to obtain an electrical permit for the arena; 3. to obtain a Certificate of Occupancy for the arena. The electrical permit was issued on September 28 and an inspection performed on November 17. No combination deed or plat has been received and no C.O. inspection has been requested.

The arena did not meet the property line setback with the previous ordinance and will not meet the setback specified in the Agricultural Event Facility language. The applicant may be waiting to obtain approval for the facility prior to modifying property lines. If the application is approved with a condition that the properties must be combined, a stipulation should be included that no events can be held until the combination is recorded. Furthermore, no events should be held until a C.O. is obtained. Under the Agricultural Event Facility ordinance, the parking areas may have to shift a little, but the property is large enough to accommodate those changes.



Hwy 278

From Madison Bypass  
 Using Exit 114

Morgan County Georgia  
Planning Commission  
Board of Commissioners

7/26/2021

Application for Conditional Use Permit  
Sugar Creek Ranch and Arena  
2020 Apalachee River Road  
Madison, Georgia 30650

Owners: Robert Wayne and Kimberley R, Hill  
2180 Apalachee River Road  
Madison, Georgia 30650

We would like to make application for a conditional use permit to allow us to hold private sorting events at our ranch.

My wife and I compete all over the central and eastern US in the fastest growing equestrian sport in the nation. The sport is called, ranch sorting.

We have developed a network of great friends, trainers and competitors from coast to coast. Our goal is to introduce, share and grow the sport in our area and teach the youths and adults the art of riding performance horses while working cows. The sport is a timed event, sorting 10 cows that are numbered, out of a 50 foot round pen in a 60 second time limit.

We own a covered arena at our ranch that we built a couple of years ago and was built for our personal use. Since then, we would have friends to come over and sort with us on occasion. Not many people that own horses have the opportunity to ever ride on cows. Since then we have had more friends, that sort with us, wanting to visit our arena and practice on cows to prepare for major events.

We have had people travel as far as from Texas, Florida, North and South Carolina, Virginia, to come stay at our ranch and practice with us before a big show.

When these people come to our town they also spend alot of money at local restaurants and shopping. They also use local services such as farriers, equine veterinarian services, local feed stores, etc.

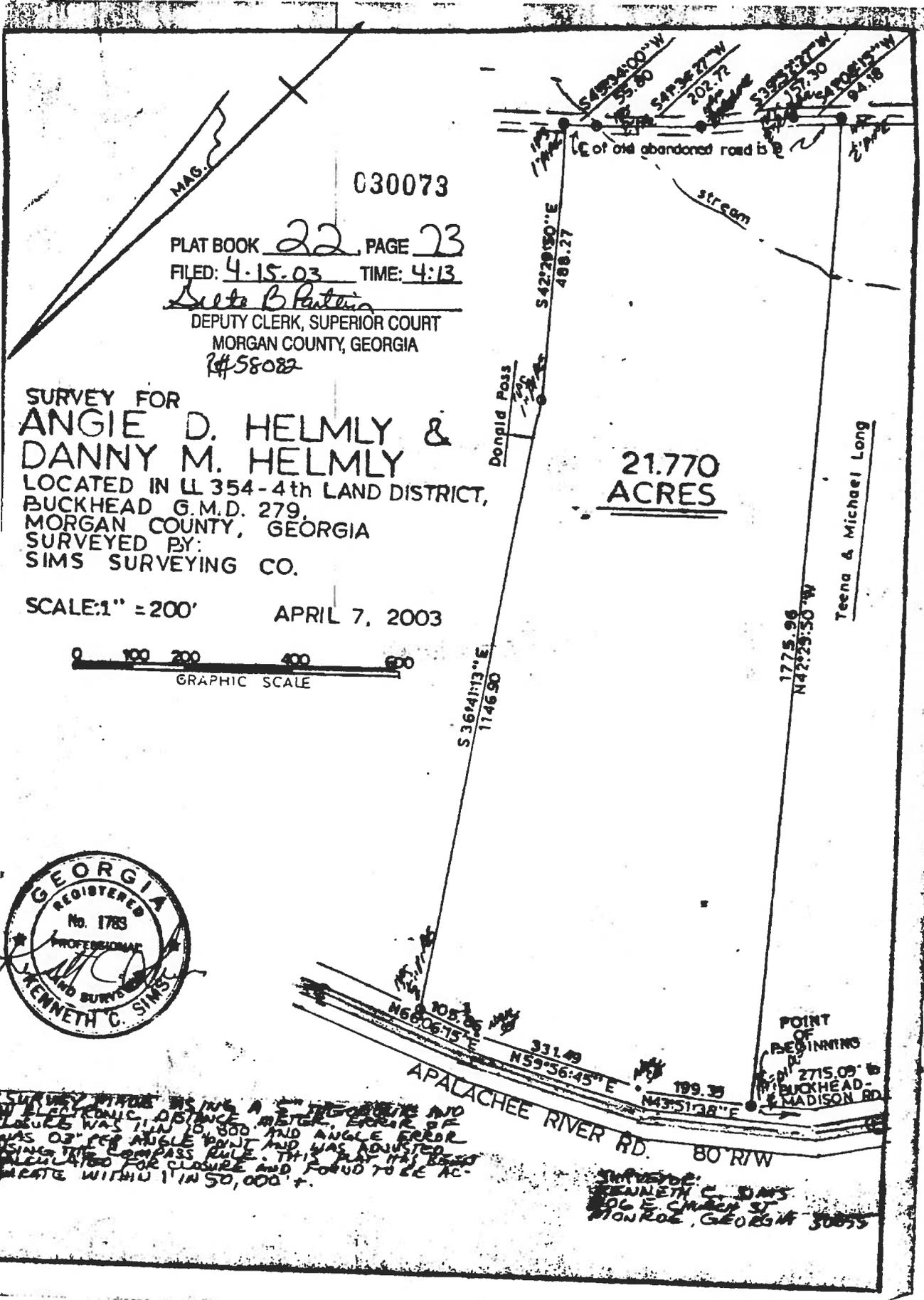
Sugar Creek Arena sits in the middle of 56 acres. Our sorting's start at 7PM on Friday and is over by no later than 9:30PM. We usually start on Saturday morning at 10 AM and have never ran later than 9:30 PM.

Traffic is never a problem since everyone parks on our property which is a long distance from any main road. We provide toilet facilities, running water and temporary electricity if needed for some horse trailers.

We feel this sport is good for our community and will be a very positive draw for Morgan County. We provide a safe clean environment for the youths, and a great sport for families to do together. Families that play together stay's together!

We would appreciate your consideration to approve our request. Kim and I vow to do everything we can to help make our community a better place to live.

Sincerely  
Wayne Hill



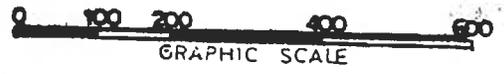
030073

PLAT BOOK 22 PAGE 23  
 FILED: 4-15-03 TIME: 4:13  
*Dee B. Partin*  
 DEPUTY CLERK, SUPERIOR COURT  
 MORGAN COUNTY, GEORGIA  
 #58082

SURVEY FOR  
**ANGIE D. HELMLY &  
 DANNY M. HELMLY**  
 LOCATED IN LL 354-4th LAND DISTRICT,  
 BUCKHEAD G.M.D. 279,  
 MORGAN COUNTY, GEORGIA  
 SURVEYED BY:  
 SIMS SURVEYING CO.

**21.770  
ACRES**

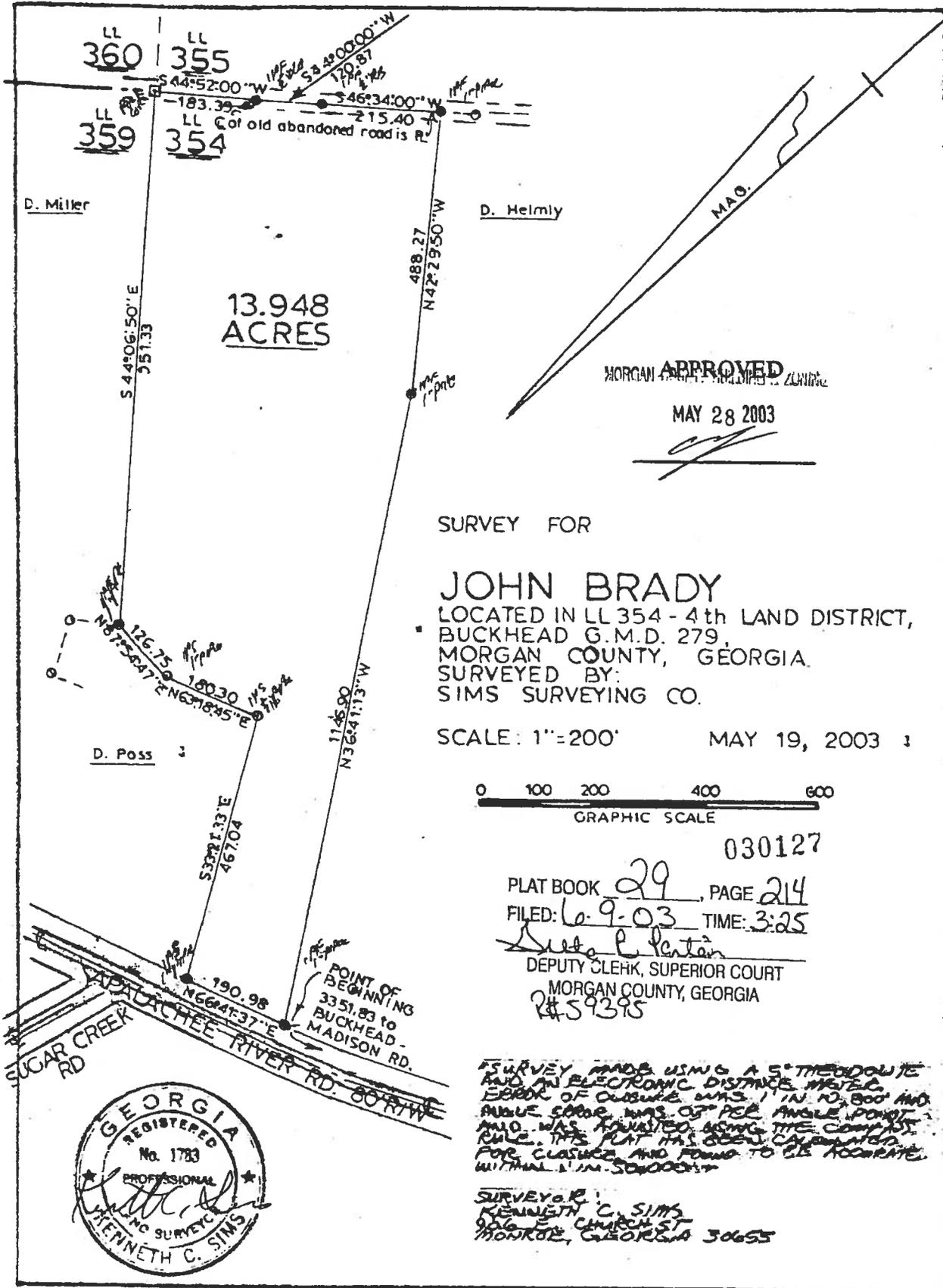
SCALE: 1" = 200' APRIL 7, 2003



SURVEY MADE USING A TOTAL STATION AND  
 ELECTRONIC DISTANCE METER. ERROR OF  
 LOSURE WAS 1 IN 10,800 AND ANGLE ERROR  
 WAS 03" PER ANGLE POINT AND WAS ADJUSTED  
 USING THE COMPASS RULE. THIS PLAT WAS  
 CALCULATED FOR CLOSURE AND FOUND TO BE AC-  
 CURATE WITHIN 1" IN 50,000'.

APALACHEE RIVER RD. 80' R/W

SURVEYOR:  
 KENNETH C. SIMS  
 806 E CHURCH ST  
 MONROE, GEORGIA 30655



D. Miller

D. Helmy

13.948 ACRES

APPROVED

MAY 28 2003

SURVEY FOR

**JOHN BRADY**  
 LOCATED IN LL 354 - 4th LAND DISTRICT,  
 BUCKHEAD G.M.D. 279,  
 MORGAN COUNTY, GEORGIA.  
 SURVEYED BY:  
 SIMS SURVEYING CO.

SCALE: 1"=200' MAY 19, 2003



030127

PLAT BOOK 29, PAGE 214  
 FILED: 6-9-03 TIME: 3:25

Sue E. Penton  
 DEPUTY CLERK, SUPERIOR COURT  
 MORGAN COUNTY, GEORGIA  
 #59395

AS SURVEY MADE USING A 5" THEODOLITE AND AN ELECTRONIC DISTANCE METER. ERROR OF CLOSURE WAS 1" IN 10,800 AND ANGLE ERROR WAS 07 PER ANGLE POINT AND WAS ADJUSTED USING THE COMPOUND RULE. THIS PLAT HAS BEEN CALIBRATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN 1/1000000.

SURVEYOR:  
 KENNETH C. SIMS  
 916 E CHURCH ST  
 MONROE, GEORGIA 30655

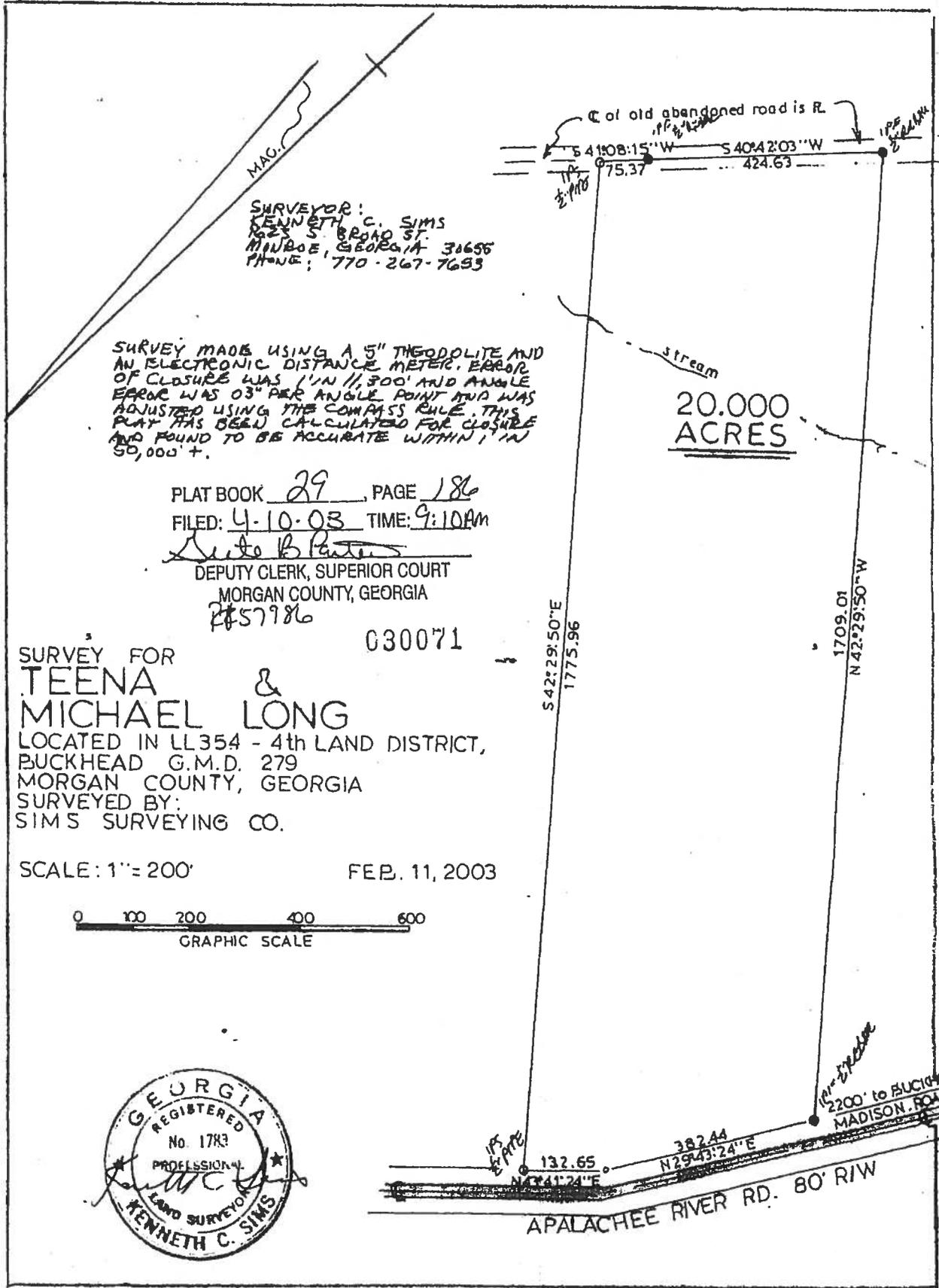


SUGAR CREEK RD  
 LACHREE RIVER RD. 60' RTW

LL 360 | LL 355  
 LL 359 | LL 354

D. Poss

POINT OF BEGINNING  
 3351.83 TO  
 BUCKHEAD -  
 MADISON RD.



SURVEYOR:  
 KENNETH C. SIMS  
 1025 S BROAD ST.  
 MARIETTA, GEORGIA 30066  
 PHONE: 770-267-7693

SURVEY MADE USING A 5" THEODOLITE AND AN ELECTRONIC DISTANCE METER. ERROR OF CLOSURE WAS 1" IN 11,900' AND ANGLE ERROR WAS 03" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN 1" IN 50,000' ±.

PLAT BOOK 29, PAGE 186  
 FILED: 4-10-03 TIME: 9:10AM  
*Debra B. Patten*  
 DEPUTY CLERK, SUPERIOR COURT  
 MORGAN COUNTY, GEORGIA  
 #57986

030071

SURVEY FOR  
**TEENA & MICHAEL LONG**  
 LOCATED IN LL354 - 4th LAND DISTRICT,  
 BUCKHEAD G.M.D. 279  
 MORGAN COUNTY, GEORGIA  
 SURVEYED BY:  
 SIMS SURVEYING CO.

SCALE: 1" = 200' FEB. 11, 2003



2200' to BUCKHEAD MADISON ROAD  
 382.44 N 29° 43' 24" E  
 132.65 N 64° 12' 24" E  
 APALACHEE RIVER RD. 80' RIW

Directions to Sugar Creek Ranch from Exit 114  
When driving west on I 20

Exit 114 turn left at the light at the end of the exit ramp  
Drive north on Hwy 441/24 approximately 1 mile to the light  
Turn right onto the Madison bypass which is Hwy 441/24  
Drive 4.1 miles turn right (at the second light) onto Hwy 278  
Drive 4.7 miles and turn right onto Sugar Creek Church Road  
(NOT Buckhead Road)  
Drive 1.8 miles to the dead end of Sugar Creek Church Road  
Turn right onto Apalachee River Road the ranch is on the left

Directions to Sugar Creek Ranch from Exit 121

Only use this exit if you have a short horse trailer that can clear  
high railroad tracks. Do not attempt to cross if you have a long  
living-quarters trailer.

Exit 121 turn left at the end of the exit ramp onto Seven Islands  
Road  
Drive 1.1 miles and it dead ends at Parks Mill Road turn left  
Once you turn left take the next right and cross the railroad tracks  
onto Buckhead Road  
Drive .7 miles and turn right onto Apalachee River Road  
Drive .5 miles and Sugar Creek Ranch is on the right

Directions to Sugar Creek Ranch from Exit 130  
When driving east on I 20

Exit 130 turn right at the end of the exit ramp  
Drive 3 miles into Greensboro and turn left at the light onto Hwy  
278  
Drive on Hwy 278 11 miles and you will cross the Oconee River  
and the next river is the Apalachee River

Turn left onto Apalachee River Road which is the first road after you cross the Apalachee River.

Drive 2 miles on Apalachee River Road and Sugar Creek Ranch is on the left. Watch for the sign.