

THE HONORABLE BOARD OF COUNTY COMMISSIONERS, MADISON, GEORGIA,
MET THIS DAY IN REGULAR SESSION.

MEETING WAS HELD ON THE SECOND FLOOR OF THE ADMINISTRATION BUILDING.

PRESENT: Chairman Ben Riden, Jr. (via phone), Vice-Chair Bill Kurtz, Commissioners Philipp von Hanstein, Donald Harris, and Blake McCormack.

STAFF: County Manager Adam Mestres, Assistant County Manager Mark Williams, County Attorney Christian Henry, and County Clerk Leslie Brandt.

The meeting was called to order at 10:00 a.m., followed by the Pledge of Allegiance and Invocation.

AGENDA APPROVAL

Motion by Commissioner McCormack, Seconded by Commissioner Harris to approve the agenda as presented. Motion Passed Unanimously.

MINUTES

June 20, 2023 BOC Meeting

MOTION by Commissioner Harris, Seconded by Commissioner McCormack to approve the minutes as presented. Motion Passed Unanimously.

BUCKINGHAM FARM, LLC IS REQUESTING A ZONING MAP AMENDMENT, FROM AG TO C2, FOR 5 ACRES LOCATED AT 2950 EATONTON HIGHWAY (TAX PARCEL 046-013B)

Planning Director, Chuck Jarrell stated the application being presented was filed on behalf of Buckingham Farm, LLC by their attorney Dick Schmidt. They are requesting a zoning change from AG to C2 for 5 acres located at 2950 Eatonton Highway. Jarrell stated that the building is a 25,000 square foot (+/-) brick warehouse formerly known as the micro-car museum or Double Bubble building. The building was originally built as a private garage in 1998 to house a personal collection of micro-cars. In October 2002, the previous owner was granted a conditional use to open his collection to the public as a non-profit museum. At that time, a non-profit museum was a conditional use in the AG district. However, that conditional use has now expired.

The Morgan County Zoning Map shows the property is zoned AG and AR is located across the road. Also, nearby is Madison Lakes which is zoned PUD (Planned Unit Development), and further north is an area zoned C2. Located in the C2 area are Ace Hardware and Farmview. Ace Hardware was rezoned in 2020 and prior to that, Farmview was rezoned in 2014. And the remainder of the tracts to the north of Farmview have been zoned C2 since 1986.

Jarrell stated that the Morgan County Zoning Ordinance, Chapter 4.5 defines the General Commercial Zoning District as intended to provide locations for commercial development that serves a number of residential areas and shoppers from nearby municipal areas. Due to the intensity of this use, general commercial development districts must be appropriately located along arterial roadways to maximize efficient transportation movement. However, the character of development in these districts should be grouped, and the development of strip style commercial centers is not appropriate. These districts should be located in appropriate areas designated as commercial on the Future Land Use Map of the Comprehensive Plan.

The proposed zoning request meets the definition of the zoning district by being located on an arterial roadway, which is Highway 441. However, the highway is in the process of being widened, and numerous parking spaces were taken from the property for the highway expansion.

Previously, the property had 50 parking spaces, but it has now been reduced to 28. General commercial use in a 25,000-square-foot building requires 100 parking spaces. A retail use requires 125, and a furniture store only requires 50 parking spaces. The parking lot previously came off Kitchens Road, but now has its own curb cut. The curb cut is 20 feet wide and can be considered a small commercial entrance. Commercial entrances are typically 24 feet or larger. The highway will not have a break in the center median to allow for left turns into the property while driving south.

The subject property contains the warehouse in the front and personal use barns in the back. The barns are accessory to the residence on the adjacent parcel. If the entire parcel is rezoned to C2, the barns could be used commercially.

The Planning Commission voted to deny the request for the following reasons:

1. The project does not meet the comprehensive plan.
2. The area is shown as single-family residential and not commercial.
3. Represents spot zoning.
4. Does not have adequate parking.
5. Delivery trucks would not be able to access the building unless backing in from Highway 441.
6. No turning lanes.
7. Building would require a sprinkler system and there is no public water. Would require some type of well system with a storage tank capable of providing adequate water for the sprinkler system.

Attorney Dick Schmidt spoke before the Board on behalf of the applicant. Schmidt stated that the overall concept of the rezoning request is not to build something new in the area, but to utilize an existing vacant building to put it into productive use. The building has been vacant for years and has operated as several different commercial-related uses, such as a museum. The applicant is willing to comply with any regulations set by the County in order to use the building.

Schmidt feels the request is compatible with the surrounding area, and stated that within about one mile, there are industrial, C2, Commercial, residential, and agricultural zones. The property is also located off Highway 441, which is currently being expanded into a four-lane highway. Schmidt went on to say that the building is worth a lot of money as it sits. It's a 25,000-square-foot A-grade warehouse. The requestor is not asking that it be used as an A-grade warehouse but asking that it be used for an antique mall with low traffic and no noise. He also expressed that there would be no impact on facilities, transportation, schools, or electrical grids.

Schmidt asked the Board, is it reasonable to expect that if we requested a change in the Comprehensive Plan, would the Board support it?

Commissioners von Hanstein and Harris both stated that they would support the request if the applicant went through the process of having a change to the Comprehensive Plan.

Commissioner Kurtz and Chairman Riden stated that the issue on the table today is the zoning map amendment and not a change to the Comprehensive Plan.

Chairman Riden asked Chuck Jarrell to state his concerns with the zoning request.

Jarrell stated that the proper manner for any change to the Comprehensive Plan is to go through the process. And it is the right of the applicant to do so. Our concern at this point is that we are not just talking about a single parcel. We are talking about a subdivision between this particular property and the RV park, which is still zoned AG, and further up the road is commercial. Jarrell agrees that along commercial corridors and especially divided highway corridors, it does grow up as commercial. But we must decide as a community where we want to see that stop. It's not just this one individual, there are many people with farms down the road. We don't have the

infrastructure in the area to support any type of commercial. So, unless the Commission wants to explore the expansion of utilities into an area where we want to see development, then Jarrell would not be in favor of extending it any further than it already goes.

Commissioner von Hanstein posed the question, is it realistic to assume this area is going to stay rural agricultural?

Jarrell responded that at some point in the distant future he believes commercial will extend all the way down Highway 441. Currently, there are not enough residential uses to support commercial in the area, unless it is a specialty market.

The Vice-Chair allowed proponents to speak.

Anthony Pace of Monroe spoke in favor of the application. Mr. Pace is the proposed tenant that wants to utilize the property for an antique mall. He runs a 24,000-square-foot antique mall in Milledgeville since 2019 with only 26 parking spaces. Since opening the Milledgeville antique mall he estimated that parking has reached full capacity twice for a few moments and that parking has never been an issue. If the rezoning request is approved, he intends to purchase the property and become a long-standing renowned member of the community.

Jack Hammer, the property owner spoke in favor of the application. He requested that the Board allow the property to continue the way it was.

The Vice-Chair allowed opponents to speak.

Buckhead resident, Gary Savage spoke in opposition. Savage stated that he read through the application and feels that there are too many unknowns that need clarification.

Dick Schmidt addressed the Board once again and requested to withdraw the application so that his client can file an application to amend the Comprehensive Plan.

No action was taken.

MOTION by Commissioner McCormack, seconded by Commissioner Harris to exit regular session and adjourn at 11:02 a.m. Motion Passed Unanimously.

Ben Riden, Jr., Chairman

ATTEST:

Leslie Brandt, County Clerk