



STAFF REPORT TO THE MAYOR & COUNCIL

Mollie Bogle, Planner
February 8, 2016

APPLICATION INFORMATION

Parcel Identification Number:	NA
Physical Address:	NA
Applicant / Owner:	Alan Ludlow / J&J Ice House, LLC
Zoning Action Requested:	Text Amendment
Campaign Contributions:	None filed
Conflict of Interest:	None filed

INTRODUCTION

The Applicant requests an amendment [ATTACHMENT A] to Section 620.3, Table 7 to include stores for the repair and rental of recreational equipment as a permitted use in the Downtown Commercial (C1) District. The City expanded parameters of the requested text amendment to include the Professional/Limited Commercial (P2) and Neighborhood Commercial (C2) districts. No public comment has been filed as of the date of this report.

ZONING HISTORY

The current zoning ordinance was adopted on March 28, 2011. The Applicant filed an application on December 9, 2015 requesting the aforementioned amendment.

CITY OF MADISON PLANNING & ZONING COMMISSION – PUBLIC HEARING – January 21, 2016

Motion by Houston to recommend approval of the text amendment to Section 620.3, Table 7 based on the application, public hearing, and discussion, and considering applicable standards with the following condition(s), clarification(s), and/or changes(s): (1) expansion of the requested text amendment to include the Professional/Limited Commercial (P2) and Neighborhood Commercial (C2) districts and (2) clarification of the land use as recreational equipment stores, non-motorized, rental and sale; seconded by Terrell-Alexander; vote to approve the motion unanimous (4-0).

STANDARDS FOR ZONING ORDINANCE TEXT AMENDMENT APPLICATION DECISIONS (SECTION 1120.8)

Standards

(1) whether the zoning proposal is consistent with the intent and purpose of the Zoning Ordinance (e.g., does a proposed land use comport with the purpose and intent of the zoning district where it is proposed, does the proposal create internal conflicts with this Ordinance, etc.);

Staff Comment

It does appear the zoning proposal is consistent with the intent and purpose of the Zoning Ordinance. It does appear the proposed land use comports with the purpose and intent of the Professional/Limited Commercial (P2) District, “to provide for areas where certain professional, office, and service commercial uses can coexist with compatible residential uses without the threat of encroachment of more intense retail or general commercial uses; to encourage such uses to remain in proximity to the business and activity center thus reinforcing the highly pedestrian character of the historic areas of the city; to encourage development (and redevelopment of non-conforming buildings and sites) which contributes to the small town architecture; and to establish a transitional area to buffer surrounding residential neighborhoods from the highly active downtown center” (Section 620.2(2)(b)).

In addition, it does appear the proposed land use comports with the purpose and intent of the Downtown Commercial (C1) District, “to recognize and protect the historic and current vital core of the city; to foster its continued existence as a commercial center for business, government, and service enterprises for the whole community; to encourage development of this district as a shopping, dining, and activity center for

	<p>residents, tourists, and the surrounding region; and to reinforce its small town architecture, character, and feel, and its pedestrian atmosphere, scale and movement by grouping specialized uses which benefit from close proximity to each other and by fostering full utilization of existing structures and infrastructure by allowing mixed land uses, contiguous construction, and shared parking facilities” (Section 620.2(2)(c)).</p> <p>Finally, it does appear the proposed land use comports with the purpose and intent of the Neighborhood Commercial (C2) District, “to provide for limited commercial uses in proximity to surrounding neighborhoods; to foster the retailing of goods and furnishing of selected services while protecting nearby residential properties from possible adverse effects; to encourage development and redevelopment of these areas as neighborhood convenience centers, thus not encompassing a full range of business activities but rather those which serve the needs of the immediate neighborhood; and establish a transitional area as a buffer between residential, pedestrian areas and areas of higher vehicle traffic and more intense commercial development” (Section 620.2(2)(d)).</p>
<p>(2) <i>whether the zoning proposal is consistent with the Comprehensive Plan, or other city-adopted plans (e.g, Major Thoroughfare Plan, Urban Redevelopment Plan, GreenPrint Plan, etc.).</i></p>	<p>It does appear the zoning proposal is consistent with the Comprehensive Plan. The City of Madison Future Land Use map indicates future use of a majority of the Professional/Limited Commercial (P2) District as Office Professional, for land dedicated to “light intensity business uses that are not retail-oriented, including low to midrise professional office buildings, office parks, office/distribution facilities, research and development facilities and similar.” (Joint Comprehensive Plan 2004 284).</p> <p>In addition, the City of Madison Future Land Use map indicates future use of a majority of the Downtown Commercial (C1) and Neighborhood Commercial (C2) districts as Commercial, for land dedicated to “non-industrial business uses, including retail sales, office, [and] service and entertainment facilities” (Joint Comprehensive Plan 2004 284).</p> <p>Furthermore, it does appear the zoning proposal is consistent with the Urban Redevelopment Plan. A small portion of the Professional/Limited Commercial (P2) and Downtown Commercial (C1) districts are within the “N. Second Street Area,” “[providing] a location for non-retail commercial uses to expand or relocate, thus leaving more storefronts for retail establishments” (City of Madison Urban Redevelopment Plan 18).</p> <p>In addition, a small portion of the Neighborhood Commercial (C2) District is within the “N. Main Street Gateway,” “[providing] commercial uses more suited to serve the surrounding environment” (City of Madison Urban Redevelopment Plan 18).</p>
<p>(3) <i>whether the zoning proposal creates the most narrow change necessary and properly mitigates potential negative impacts for development scenarios accommodated by the zoning proposal; and</i></p>	<p>It does appear the zoning proposal creates the most narrow change necessary and properly mitigates potential negative impacts for development scenarios accommodated by the zoning proposal. The Applicant requested one additional Permitted (P) Use (stores for the repair and rental of recreational equipment) in one zoning district (Downtown Commercial (C1) District). The City expanded parameters of the requested text amendment to include the Professional/Limited Commercial (P2) and Neighborhood Commercial (C2) districts.</p>
<p>(4) <i>whether the zoning proposal would be more appropriate for a variance, instead of changing zoning parameters for the whole city or whole zoning district.</i></p>	<p>It does not appear the zoning proposal would be more appropriate for a variance, instead of changing zoning parameters for the whole city or whole zoning district. A variance is typically granted for “extraordinary and exceptional conditions pertaining to the property because of size, shape, or topography” (Section 1130.6(1)) which do not exist on the Property preventing the proposed use of the Property. A variance in this instance would “permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district” (Section 1130.6(6)), illegally</p>

	affording a land use to an individual property owner, often referred to as a "special use permit."
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SUMMARY

Staff advises that any motion to:

APPROVE the text amendment to Section 620.3, Table 7 based on the application, public hearing, and discussion, and considering applicable standards as presented OR with the following condition(s), clarification(s), and/or changes(s):

DENY the text amendment to Section 620.3, Table 7 based on the application, public hearing, and discussion, and considering applicable standards as presented OR due to the following reasoning(s), finding(s), and/or conclusion(s):

- | | |
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| <p>1. <u>expansion of the requested text amendment to include</u>
<u>the Professional/Limited Commercial (P2) and</u>
<u>Neighborhood Commercial (C2) districts; and</u></p> <p>2. <u>clarification of the land use as recreational equipment</u>
<u>stores, non-motorized, rental and sale.</u></p> <p>3. _____</p> | <p>1. _____</p> <p>2. _____</p> <p>3. _____</p> |
|--|---|

OTHER ACTION(S): _____

City of Madison
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All materials submitted by the applicant are available at City Hall or online at <http://www.MadisonGA.com/Zoning>. Staff will have copies of these materials at all public hearings.

ARTICLE VI: USE PROVISIONS BY DISTRICT

Section 620.3 Table 7 – Commercial Zoning District Land Use Regulations
[P] = permitted; [X] = prohibited; C = conditional use permit required

LAND USE CATEGORY	DISTRICT							REFERENCE
<i>Principal Use* (unless noted as an accessory use)</i>	P-1	P-2	C-1	C-2	C-3	C-4	C-5	<i>See Section or Note</i>
<i>Recreational equipment stores, non-motorized, rental and sale</i>	X	P	P	P	P	P	X	Note (10)