



STAFF REPORT TO THE MAYOR & COUNCIL

Mollie Bogle, Planner
March 13, 2017

APPLICATION INFORMATION

Parcel Identification Number:	037E 018
Physical Address:	1680 Eatonton Road
Applicant / Owner:	Wesley Spake / Sharp Madison, LLC
Zoning Action Requested:	Conditional Use
Campaign Contributions:	None filed
Conflict of Interest:	None filed

INTRODUCTION

The Applicant requests the conditional use of a medical professional at 1680 Eatonton Road (037E 018) ("Property") **[ATTACHMENT A]**. A medical professional is determined to be compatible with retail uses because of the manner, character, and frequency of interaction with the shopping public, but requires additional consideration due to the introduction of different parking, waste management, and/or traffic circulation requirements (Section 833.3). Therefore, a conditional use permit is necessary to operate a medical professional within a shopping center.

No public comment has been filed as of the date of this report.

ZONING HISTORY

The Property was zoned General Commercial District (C3) in 2005.

CITY OF MADISON PLANNING & ZONING COMMISSION – PUBLIC HEARING – February 23, 2017

Motion by Anderson to recommend approval of the conditional use of a medical professional at 037E 018 based on the application, public hearing, and discussion, and considering applicable standards, with the following condition: (1) expiration of the conditional use with change in occupancy; seconded by Terrell- Alexander; vote to approve the motion unanimous (3-0).

STANDARDS FOR CONDITIONAL USE APPLICATION DECISIONS (SECTION 1125.5)

<i>Standards</i>	<i>Staff Comments</i>
<i>(1) the proposed use will not be detrimental to adjacent properties or the general neighborhood, the proposed use will not significantly adversely affect public health, safety, morality and welfare, and the proposed use as designed will minimize adverse effects on the surrounding neighborhood;</i>	It does appear that the proposed use will not be detrimental to adjacent properties or the general neighborhood, the proposed use will not significantly adversely affect public health, safety, morality and welfare, and the proposed use as designed will minimize adverse effects on the surrounding neighborhood. The Property is an approximately 7.5 acre, 67,000 square foot, multi-unit, retail shopping center containing a variety of land uses with a multi-unit, retail shopping center and motor vehicles and equipment body repair and painting to the north, undeveloped land to the east, right-of way and motor vehicles and equipment parts/accessories, sales to the south, and right-of-way to the west [ATTACHMENT B] . According to the Applicant, the medical professional would staff two (2) employees working between 8 a.m. and 5 p.m. Monday through Friday. Therefore, the medical professional will be in operation during typical retail hours.
<i>(2) applicable standards in Article VIII have been met;</i>	N/A

<p>(3) <i>the proposed use is consistent with the Comprehensive Plan, and the conditional use is compatible with the community development pattern;</i></p>	<p>It does appear the proposed use is consistent with the Comprehensive Plan, and the conditional use is compatible with the community development pattern. The City of Madison Future Land Use map indicates future use of the property as Commercial, “for land dedicated to non-industrial business uses, including retail sales, office, <i>service and entertainment facilities</i>. Commercial uses may be located as a single use in one building or grouped together in a shopping center or office building” (Morgan County/Cities Joint Comprehensive Plan 2025, 254).</p>
	<p>The proposal is consistent with the “unique specific purposes” of C3, which are “provide for a range of commercial uses that <i>supply commodities or services for both the community and regional market</i>; to collect and consolidate such uses primarily on arterial streets and at major intersections; to minimize strip development along streets and roadways; and to provide adequate locations buffered by lighter commercial areas for those commercial activities which are frequently incompatible in close proximity to residential areas due to services, operations, or processes that are objectionable by reason of odor, dust, bright lights, smoke, noise, vibration, traffic volume and/or congestion, and exterior activities, storage, or displays.” (Section 620.2(2)(e)).</p> <p>In addition, it does appear the proposed land use comports with the purpose and intent of shopping centers, which is “a development having a single land use encompassing multiple retail occupancies with independent business licenses in building(s) planned, designed, constructed, and/or managed to function as a unified complex: with tenants engaged in similar business, a cohesive architectural design, shared off-street parking, separation of goods delivery and customer access, landscaped open space areas, and connecting pedestrian amenities as an integral part of the complex” (Section 210).</p>
<p>(4) <i>a rezoning to allow the requested use as a permitted use would not be appropriate;</i></p>	<p>It does appear a rezoning to allow the requested use as a permitted use would not be appropriate, as a medical professional would require a conditional use application in all shopping centers, regardless of zoning district. Therefore, a rezoning would not provide for the permitted use of a restaurant in any shopping center.</p>
<p>(5) <i>the proposed use will not be injurious to the natural environment or the other property in the immediate vicinity, or unconstitutionally diminish property values within the surrounding neighborhood;</i></p>	<p>It does appear the proposed use will not be injurious to the natural environment or the other property in the immediate vicinity, or unconstitutionally diminish property values within the surrounding neighborhood. See Staff comment to Section 1125.5 (1).</p>
<p>(6) <i>off-street parking and loading, and access thereto, will be adequate;</i></p>	<p>It does appear off-street parking and loading, and access thereto, will be adequate. The Property encompasses an approximately 67,000 square foot, multi-unit retail shopping center with approximately 275 parking spaces containing a variety of land uses requiring approximately 200 parking spaces.</p>
<p>(7) <i>public facilities and utilities are capable of adequately serving the proposed use, and the use would not lead to a major negative change in existing levels of public service, or fiscal stability;</i></p>	<p>It does appear public facilities and utilities are capable of adequately serving the proposed use, and the use would not lead to a major negative change in existing levels of public service, or fiscal stability. It does not appear the proposed use will significantly increase demand for public facilities and utilities. See Staff comment to Section 1125.5 (1).</p>

<p>(8) the use will not be an extension of a use which will cause a damaging volume of (a) agricultural, (b) commercial, (c) industrial, or (d) higher density residential use into a stable neighborhood of well-maintained single-family homes, nor likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, or additional requests of a similar nature which would expand the problem;</p>	<p>It does appear the use will not be an extension of a use which will cause a damaging volume of (a) agricultural, (b) commercial, (c) industrial, or (d) higher density residential use into a stable neighborhood of well-maintained single-family homes, nor likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, or additional requests of a similar nature which would expand the problem. See Staff comment to Section 1125.5 (1).</p>
<p>(9) the use would not significantly increase congestion, noise, or traffic hazards;</p>	<p>It does appear the use would not significantly increase congestion, noise, or traffic hazards. See Staff comment to Section 1125.5 (1) and (6).</p>
<p>(10) granting this 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 Plan.</p>	<p>It does appear granting this 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 Plan as any future applications for the conditional use of a medical professional within a shopping center would require the same comprehensive review, preventing the aforementioned.</p>

SUMMARY

Staff advises that any motion to:

APPROVE the conditional use of a medical professional at 037E 018 based on the application, public hearing, and discussion, and considering applicable standards, with the following condition(s):

1. expiration of the conditional use with change in occupancy.
2. _____
3. _____

DENY the conditional use of a medical professional at 037E 018 based on the application, public hearing, and discussion, and considering applicable standards, due to the following reasoning(s), finding(s), and/or conclusion(s):

1. _____
2. _____
3. _____

OTHER ACTION(S): _____

City of Madison
 Main Street & Planning Department
 Mollie Bogle, Planner
 132 N. Main Street – P.O. Box 32 – Madison, GA 30650
 (706) 342-1251 x224
mbogle@madisonga.com

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.

MADISON

C O R O R A T I O N

Office Use Only
 Reference File No: _____
 application fee: _____
 public notice for dates:
 MCPC: _____
 M&C: _____

ZONING APPLICATION

1. Primary Contact Wesley Spake Telephone Number: [REDACTED]

2. Applicant and Mailing Address:
Wesley Spake
[REDACTED]

3. Property Owner and Mailing Address:
Sharp Madison, LLC
Samuel W. Sharp
[REDACTED]

4. I, the undersigned, authorize the person named above to act as applicant in the pursuit of the zoning action of this property. I swear (I am) (we are) all of the owner(s) of the property which is the subject matter of this application, as is shown in the records of Madison, Georgia. I hereby depose and say that all information contained in this application and its attachments are true, correct, and complete to the best of my knowledge and belief.

Samuel W. Sharp 1/11/17
Owner(s) Signature Date

5. Personally appeared before me, the applicant Wesley Spake, who swears that the information contained in this application and its attachments is true and correct to the best of his/her knowledge and belief.

Rachael Davis 1/12/17
Notary Public Signature Date
09/15/20
Commission Expiration

Zoning Action Requested - Application for:

- Zoning Ordinance - Text Amendment
- Zoning Ordinance - Map Amendment
- Conditional Use
- Variance

6. Subject Property Address: 160 Edenton Rd, Madison GA
Tax Parcel Number: 037E-018

7. Land Use: Existing NA Proposed med/Prof
Zoning: Existing C3NA Proposed C3NA

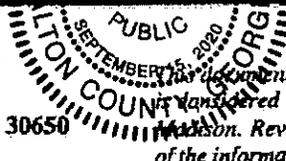
8. I have reviewed the application procedures and standards for decisions as set forth in the Zoning Ordinance for the above requested zoning action. I hereby claim that this application fulfills said procedures and meets the standards of approval for such requested zoning action.

9. I have attached the minimum required information for the subject property, as itemized in the checklist(s) on the reverse side of this application.

10. Wesley Spake 1/11/17
Applicant Signature Date



City of Madison
132 N. Main Street
P.O. Box 32
Madison, Georgia 30650
(706) 342-1251



CONFIDENTIALITY NOTICE

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MADISON

G E O R G I A

DISCLOSURE REPORT

Article XI - Administration and Enforcement / Section 1150 - Disclosure of Campaign Contributions or Gifts

"When any applicant for any zoning action, or any supporter or opponent of any zoning action who has contacted the City to express an opinion or who wishes to speak at a public hearing or submit a written opinion, has made within two (2) years immediately preceding the filing of that application campaign contributions or gifts totaling two hundred and fifty dollars (\$250.00) or more to an official of the City of Madison or to a member of the Morgan County Planning Commission, it shall be the duty of said person to file a disclosure report with the City. In the case of the applicant, filing shall be within ten (10) days after the application is made, and in the case of a supporter or opponent, filing shall be at least five (5) days before the public hearing. Such disclosure report shall include the name and official position of the official to whom the campaign contribution or gift was made, and the dollar amount, date, and description of each campaign contribution made during the two (2) years immediately preceding the filing of the application."

1. Reference: Zoning Application File No. _____ Date Filed: _____

2. All individuals and business entities¹ having a property interest² in said property are as stated upon the referenced zoning application form.

¹ business entity shall mean a corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust

² property interest shall mean direct or indirect ownership, including any percentage of ownership less than total ownership

3. I certify that I have made campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to an official of the City of Madison or a member of the Morgan County Planning Commission within the two (2) years preceding the above filing date.

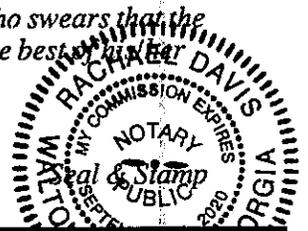
Name of Recipient	Dollar Amount	Date	Description of Contribution
NA			

4. I hereby depose and say that all information contained in this application and its attachments are true, correct, and complete to the best of my knowledge and belief.

Wesley Spake
Applicant Signature 1/11/17
Date

5. Personally appeared before me, the applicant Wesley Spake, who swears that the information contained in this application and its attachments is true and correct to the best of his knowledge and belief.

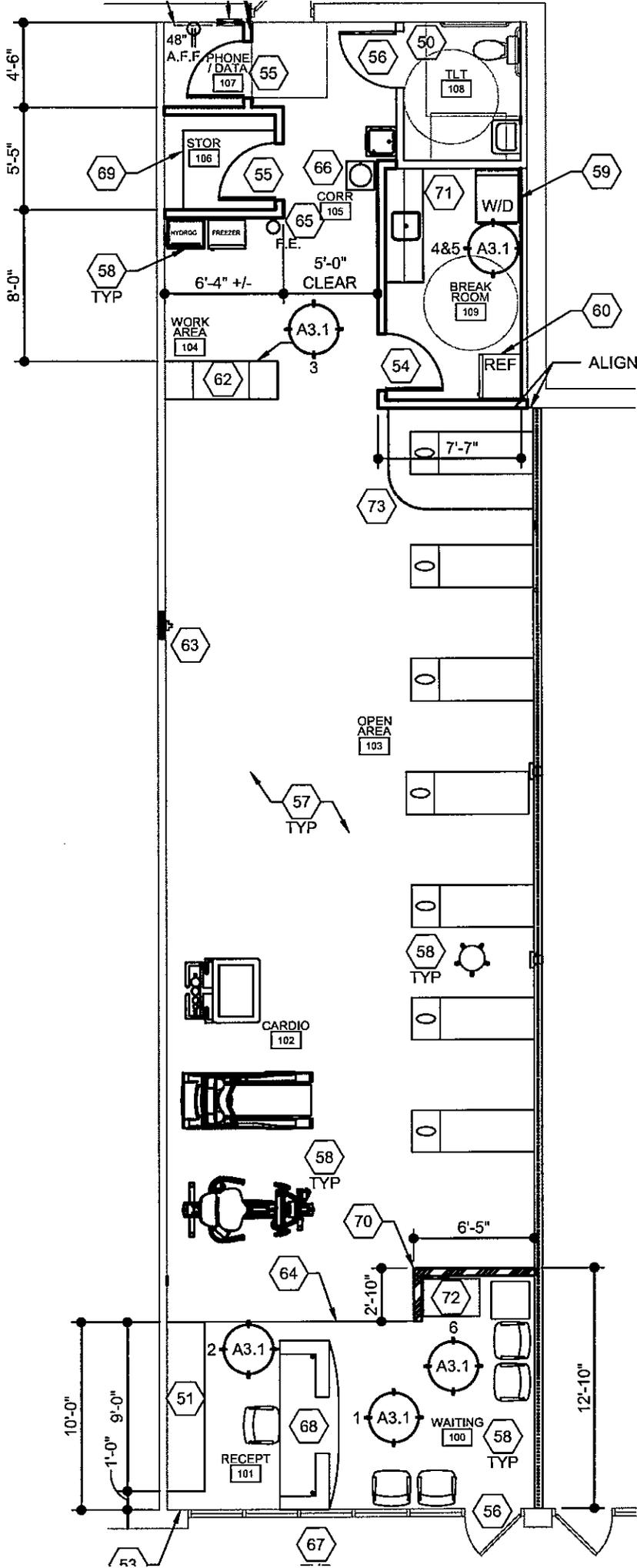
Rachael Dax
Notary Public Signature 1-12-17 9/15/20
Date Commission Expiration



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1680 Eatonton Rd, Madison, GA

Proposed Use:

Outpatient physical therapy.

Number of total occupants is 16 which would include vehicle trips.

Hours of operation will be 8 am to 5 pm Monday through Friday.

Water and sewer use would be limited to patient bathrooms, a break room and a washing machine used once per day.

Structure is existing and only doing remodel on inside of unit.



Overview



Legend

-  Parcels
-  Roads

Parcel ID	037E 018	Owner	SHARP MADISON LLC	Last 2 Sales			
Class Code	Commercial		400 UNION HILL DRIVE	Date	Price	Reason	Qual
Taxing District	I20/441 MADISON INTERSTATE		SUITE 300	3/7/2007	\$6000000	FM	Q
	I20/441 MADISON INTERSTATE		BIRMINGHAM AL 35223	2/20/2001	\$5890000	PP	U
Acres	7.47	Physical Address	1700 EATONTON ROAD				
		Assessed Value	Value \$4430540				

(Note: Not to be used on legal documents)

Date created: 1/26/2017
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 The Schneider Corporation