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Steve Horton, Mayor
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REVISED

MEMORANDUM
(as of June 23, 2020)

TO: Covington Planning Commission
FROM: Mary Darby, Zoning Administrator
SUBJECT: **Axe Throwing - Special Use Permit**
DATE: **June 22, 2020**

The applicant, Jennifer Hartman is proposing to operate an axe throwing amusement entertainment business at 1113 Church Street. The proposed use is located in a Town Center Mixed Use (TCM) zoning district and according to Section 16.16.020: Permitted Uses, the proposed use is subject to a special use permit. Pursuant to Section 16.12.140: Special Use Permits, the proposed use shall be compatible with the use characteristics of the downtown zoning district (the Covington Square area). In addition, the location, design, intensity and configuration of the proposed use shall be appropriate and compatible with adjacent and surrounding uses.

BACKGROUND:

What is an Axe throwing Amusement/Entertainment business? Axe throwing is a sport with roots that date back centuries. Axe throwing is an indoor recreational activity that occurs in a secure venue. Each venue has slightly different rules, but each venue has a lane like in bowling and a target similar to darts. Each facility usually has game rules that cover safety for the participants, target, equipment, and gameplay. Currently, axe throwing where patrons' throw axes at targets on the wall are a growing trend across the country. The first axe throwing business was believed to start in Toronto in 2011. Since then this type of entertainment business has spread throughout the US as axe throwing bars. According to the below map, there are a total of 95 axe throwing businesses operating as bars with beer and wine, or as bring your own food and alcohol facilities. Many of these facilities require special permits and licenses for alcohol consumption on premises. In Georgia, these businesses are operated in Atlanta, Athens, Rome, Monroe, Pooler, Cumming, Macon, Dalton, Sugar Hill, and Clayton County.

Axes used in such businesses may range anywhere between 12-18 inches. Also, axes can weigh as small as 1.3 pounds and as large as 3.9 pounds. Axes used for entertainment are typically a single blade between 3 and 4.25 inches and have a cover when they are not in use. The targets distance for throwing can be about 13 to 16 feet away to allow the axe to rotate only once. To date, staff has not identified any major accidents or law suits as a result of such an entertainment activity.



Photo: Location of Axe Throwing Businesses

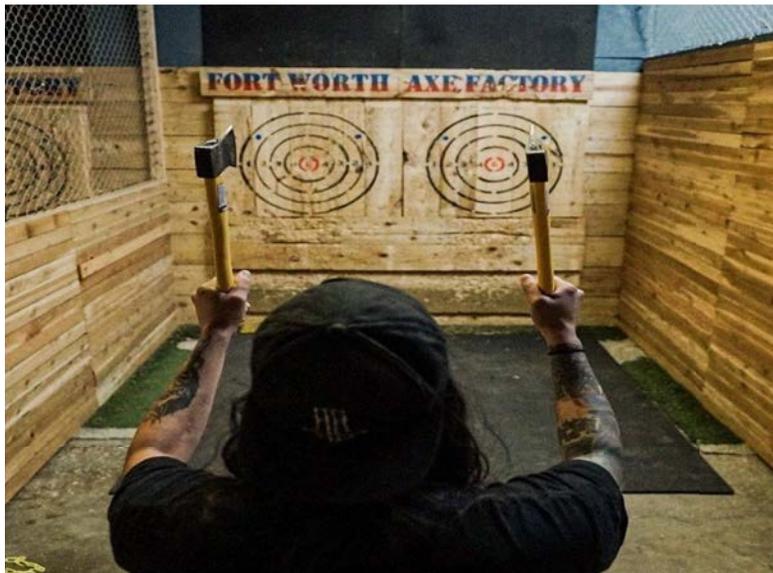


Photo: Google/Axe Factory in Fort Worth, Texas

The co-owners of the Ax Throwing Amusement business are Amber and Joshua Foster who are also co-owners of the Boost Trampoline Park located on Hwy 278 in Covington, Georgia.

PROPOSAL: To obtain a special use permit to operate an axe throwing amusement/entertainment business in Covington Square at 1113 Church Street in an approximately 2,250 square foot building (25'X90') for approximately 46 persons which would include: 4 staff, 12 seated tables, and 5 lanes for 30 persons (5 lanes times 6 persons). The axe throwing lanes will operate according to the World Axe Throwing League for both double- and single-caged venues. The applicant proposes to implement the business as a single-caged venue and then expand to a double-caged venue.

FACTS AND FINDINGS:

A. The existing uses and zoning of nearby property.

The property is zoned TCM. The proposed use is consistent with the future land use map designation category: commercial. Currently, the subject property is vacant has have been vacant for approximately 2 years. The prior use of the building was “Blair on the Square Boutique.” The subject property is located in Covington Square and is surrounding by office, retail, commercial, residential and restaurant establishments.

B. To what extent are property values diminished by the proposed use?

Staff believes that the property values will not diminish as a result of the proposed use, in fact, the use should increase the economic vitality of the downtown area by creating jobs, increasing property values, attracting tourists and revitalizing the area.

C. Is the subject property suitable for the proposed use?

Staff is of the opinion that the subject property is suitable for the proposed axe throwing amusement activity. The property is located in the historic downtown area and Covington’s historic significance adds an authentic creative class that places value on the Covington downtown area. Axe throwing is a class of activity that dates back to the lumberjack era of 1945 when hand tools were used in harvesting trees. The relationship between an historic downtown area and an historic activity make this use authentic and suitable for the subject property. Staff has reviewed the floor plan and has requested the city Fire Marshal to inspect the property for an occupancy rating. If the use is approved, the applicant would be conditioned to approval based on the occupancy rating stated by the Fire Marshal.

The applicant proposes to have five to six lanes for axe throwing for adults and two lanes for children to throw Velcro axes. The World Axe Throwing League limits a maximum of six (6) persons to each lane. At this time, the applicant does not propose to serve food nor beverages at the business location. Since the applicant is a co-owner with the restaurant, it is the desire of the applicant to partner with The Social Goat to provide food and beverages. The applicant is a majority owner of The Social Goat restaurant. According to the city ordinances, the patrons of the restaurant or the axe throwing business will not be able to patronize the amusement business and the restaurant by bringing food and beverages back and forth to each business. According to legal, the restaurant would have to extend the restaurant business to include the amusement business under one umbrella for food and beverage to be served in the amusement area. The applicant has expressed that there is a possibility that the two businesses may be combined under one umbrella. Currently, there are no other uses proposed for the subject property at this time. However, in the future, the applicant may propose that the business is extended to add a gaming system component to said use.

Chapter 5.12: Alcoholic Beverages must be met to allow alcohol on-site. Alcohol served from the next door restaurant would not be allowed because our city ordinance does not support off-premise alcohol consumption.

D. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.

The previous business at the subject location was Blair on the Square Boutique. It is no longer active. This business was terminated on 10/31/2018.

E. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed use will support entertainment activities for adjacent and nearby properties. A sound wall will be installed to reduce the amount of noise generated from the activity. In addition, a temporary wall may be installed to convert double-caged lanes into single-caged lanes.

F. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The Social Goat Restaurant is located adjacent to the proposed use at 1115 Church. The Social Goat is a full service restaurant that serves food and alcohol. The applicant has inquired about possibly serving alcohol at the proposed site in the future. However, according to Section 5.12.240 to serve on premise alcohol a business would have to be a restaurant with at least 25 menu items. The applicant can look into partnering with the Social Goat Restaurant by knocking a wall down between the two establishments and allowing patrons to share food and entertainment festivities.

G. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The proposed use as currently zoned has a reasonable economic use.

H. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The use could increase the traffic on downtown streets. However, the road widening of Pace Street as an entry way into the square should assist in supporting the increase traffic. The estimation of 20 to 30 cars in the downtown area should not have a negative detrimental impact on the surrounding area.

I. Whether the zoning proposal is in conformity with the policy and intent of the future land use map.

The future land use map categorizes this area as commercial, therefore, the use is in conformity with the comprehensive plan. The location, design, intensity and configuration of the proposed use shall be appropriate and compatible with adjacent and surrounding uses.

J. Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.

The adjacent restaurant use next to the axe throwing business should support the location for economic development in the city.

K. Time Limits of Special Use Permits.

Staff is not recommending any time limits on this proposed use. However, subject to any limit in duration, the special use permit shall become an integral part of the zoning applied to the subject property and shall be extended to all subsequent owners and interpreted and continually enforced by the planning and zoning department in the same manner as any other provision of the zoning ordinance.

I.

CONCLUSIONS:

Special Use Permit Criteria. The following criteria shall be applied:

1. Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks and transitional buffers.

The proposed use is consistent with TCM requirements. The use will share the parking spaces within the square area. Also, the use will encourage pedestrian connectivity from surrounding neighborhoods.

2. Compatibility of the proposed use with land uses on surrounding properties and other properties within the same zoning district, including the compatibility of the size, scale and massing of proposed buildings in relation to the size, scale and massing of adjacent and nearby lots and buildings.

The proposed use is compatible with surround properties. The subject property is an existing building.

3. Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public streets providing access to the subject site.

The subject property does not have issues relating to ingress and egress since it is an existing building. In staff's opinion, there shall not be any major increased in traffic. However, staff has requested the review of this proposal by the city's traffic manager.

4. Consistency with the county's wastewater treatment system, including the feasibility and impacts of serving the property with public wastewater treatment service and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method will have a detrimental impact on the environment.

This proposal will be consistent with the city's wastewater treatment service.

5. Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities, to serve the proposed use.

This proposal will be adequate with public facilities and services.

6. Whether or not the proposed use will create adverse impacts upon any surrounding properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use.

The applicant should submit a plan to Planning and Zoning for review on how the noise of the proposed use will not create an adverse impact to surround areas.

7. Whether or not the proposed use will create adverse impacts upon any surrounding land use by reason of the manner of operation or the hours of operation of the proposed use.

The applicant proposes to operate during the below days and hours.

Monday -Thursday 4 p.m. to 10 p.m.; Friday 4 p.m. to 11:00 p.m.; Saturday 10:00 a.m. to 11:00 p.m.; and Sunday from 12:00 p.m. to 10:00 p.m.

These hours of operation should not create adverse impacts to surrounding areas.

8. Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural resources.

The proposed use will not create adverse impacts to the environment.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

1. Each patron shall receive a safety briefing and technique throwing lesson prior to being able to throw an axe at a target.
2. Each target should be individually caged on the top and the sides with one single target and always one person per lane and one axe per lane.
3. The Axe Throwing business shall become members of the World Axe Throwing League which is a global governing body and league for the sport of urban axe throwing.
4. If the Axe Throwing business becomes a part of the World Axe Throwing League, then a double caged lane will be permitted per the game rules and policies of the League.
5. Axes cannot be handed to the next person, axes shall be hung up and the next person is responsible to obtaining the axe from the designated location.
6. Axes should be thrown 12 to 15 feet away from the target.
7. Axes should not be more than 20" in length, which is approximately the size of a hammer.
8. Participants of all ages (parents of minors) shall be required to sign waivers to partake in such axe throwing amusement activities. Participants 10 years of age and older will be allowed to participate in the single or double-cages lanes; participants under 10 years of age will only be allowed to use the velcro axes in designated locations.
9. Fire Marshal shall determine the occupancy load for the number of patrons allowed on premise at one time. In addition, the waivers must be signed to participant in the axe throwing business.
10. Chapter 5.12: Alcoholic Beverages shall be met to serve alcohol on-premises.
11. A noise plan shall be submitted to Planning & Zoning on how the noise level(s) of the use will be maintained.
12. The use shall operate under the below scheduled times and dates:
Monday -Thursday 4 p.m. to 10 p.m.; Friday 4 p.m. to 11:00 p.m.; Saturday 10:00 a.m. to 11:00 p.m.; and Sunday from 12:00 p.m. to 10:00 p.m. If these hours and days require any changes outside of the time frames stated above, then the applicant would be required to seek approval from Mayor and City Council at a regularly scheduled meeting.

13. Development of an Approved Special Use. The issuance of a special use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.
14. If a time limit is placed on this Special Use Permit, the time limitations imposed may only be extended by the mayor and council not more than once, and not for more than twelve (12) months, upon written request by the applicant and approval of the mayor and council.
15. A special use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twelve (12) months.
16. Modifications to a Special Use Permit shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.