

Morgan County Planning Commission

Minutes
Regular Meeting
March 28, 2019
7:00 p.m.

PRESENT: Brian Lehman, Faye Craft, Connie Booth, Denny Myers, Scott Campbell,
Doug Mundrick, Tara Dillard, Maryann Dartnell
NOT PRESENT: John McMahon, Clint Milford
ALSO PRESENT: Chuck Jarrell, Tara Cooner, Members of the Public

PUBLIC HEARING

ADMINISTRATIVE BUSINESS:

I. Election of Officers

A. Chairman

Motion: Mr. Campbell made a motion to appoint Mr. Lehman as Chairman

Second: Ms. Craft

Vote: 7:0 The vote to appoint Mr. Lehman as Chairman was unanimous. Mr. Lehman abstained from the vote.

B. Vice Chairman

Motion: Ms. Craft made a motion to appoint Ms. Booth as Vice-Chairman.

Second: Ms. Dartnell

Vote: 6:0 The vote to appoint Ms. Booth as Vice-Chairman was unanimous. Ms. Booth abstained from the vote.

C. Secretary

Motion: Ms. Booth made a motion to appoint Ms. Cooner as Secretary.

Second: Mr. Campbell

Vote: 7:0 The vote to appoint Ms. Cooner as Secretary was unanimous.

II. Acceptance of Minutes from December 14, 2018 work session.

Motion: Ms. Booth made a motion to approve the December 14, 2018 Minutes as presented.

Second: Mr. Myers

Vote: 4:0 The vote to approve the December 14, 2018 Minutes as presented was unanimous. Mr. Campbell, Mr. Mundrick and Ms. Dartnell abstained from the vote.

III. Acceptance of Minutes from December 20, 2018 regular meeting.

Motion: Ms. Booth made a motion to approve the December 20, 2018 Minutes as presented.

Second: Ms. Craft

Vote: 5:0 The vote to approve the December 20, 2018 Minutes as presented was unanimous. Mr. Campbell and Mr. Mundrick abstained from the vote.

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IV. Staff report on past zoning actions.

Mr. Jarrell provided an update on decisions made by the Morgan County Board of Commissioners.

UNFINISHED BUSINESS:

There is no unfinished business.

NEW BUSINESS:

- I. Sandy Creek Baptist Church is requesting Conditional Use approval to build a Pavilion on 1.42 acres located at 4620 Sandy Creek Road (Tax Parcel 017-016A).

Mr. Jarrell presented the Staff Report and described the location and proposed use of the structure. He offered photos showing the partially constructed building.

Charles McClain spoke on behalf of Sandy Creek Baptist Church and explained that the church was unaware that permits were required when they started construction on the building. He stated that the church wanted to use the structure for gatherings and that there would be no traffic concerns.

Mack Bohlen, 2261 Prospect Road, stated that he owned property adjacent to the church and had no issue with the proposed BBQ shelter.

No one spoke in opposition. The Chairman closed public comments.

The Planning Commission discussed the criteria for consideration.

Motion: Ms. Craft made a motion to recommend approval of the Conditional Use application for a pavilion at 4620 Sandy Creek Road.

Second: Mr. Myers

Vote: 7:0 The vote to recommend approval of the Conditional Use application for a pavilion at 4620 Sandy Creek Road was unanimous.

- II. Rick Smith on behalf of Center Pointe Church is requesting Conditional Use Approval to construct a church on 3.08 acres located on Old Buckhead Road (Tax Parcel 036-063).

Mr. Jarrell presented the Staff Report and explained that the address used on the application was for the small house on the property. He reviewed the site plan, the proposed location for the driveway, and the possibility of removing the small historic house. The Planning Commission discussed the floodplain and Staff's suggestion to move the driveway to the north end of the property. The members expressed doubt that the traffic at the intersection with College Drive was significant enough to require the move. Mr. Jarrell pointed out that the application met the regulations for a stand-alone

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church in the Zoning Ordinance and confirmed that the parking at the Aquatic Center could be used by the church, as it is public parking.

Pastor Rick Smith spoke on behalf of the application and expressed willingness to work with the Planning Commission on the location of the driveway and the small house on the property. He answered questions about the anticipated appearance of the church building and weekly church meetings.

No one spoke in opposition to the application. The Chairman closed public comments.

The Planning Commission talked about traffic in the area and whether the attendance expected would negatively affect the College Drive intersection.

Motion: Mr. Campbell made a motion to recommend approval of the Conditional Use application for a church on 3.08 acres on Old Buckhead Road as presented.

Second: Ms. Booth

Vote: 7:0 The vote to recommend approval of the Conditional Use application for a church on 3.08 acres on Old Buckhead Road was unanimous.

III. Edward McDuffie is requesting Conditional Use approval to operate an Event Facility on 58.55 acres located at 2761 Athens Highway (Tax Parcel 025-065).

Mr. Jarrell presented the Staff Report and reviewed the proposed entrances into the property. Photos were shown of the existing structure and it was noted that two additional locations had been identified for tents. The driveway over the dam was shown, as was the distances to adjacent houses, all of which were outside of the 500' setback required for residential structures. Mr. Jarrell informed the Planning Commission that he had left a message with GDOT, as requested at the Planning Commission work session, but had not received a return call. The Planning Commission talked at length about the dangers of traffic on Highway 441 and visibility at both the applicant's driveway and VFW Lane.

Edward McDuffie, Applicant, answered questions for the Planning Commission. He explained that he intended to park cars near the highway and let people walk across the dam, but that he also intended to install DOT compliant guard rails at the dam for safety. He pointed out that other places of assembly, including 2 churches, meet within close proximity of his property and use the same highway as access. Mr. McDuffie talked about his plan to install landscape lighting to make his entrance more visible.

Rick Burns, 1090 VFW Lane, stated that he was not against the application, but had concerns about the potential for noise and how it would be handled. He expressed severe criticism of the Morgan County Noise Ordinance, and confessed confusion as to who he should call if a problem arises. He accused the county of not adequately dealing with noise problems at other event facilities. Mr. Burns insisted that Planning Commission members visit his house prior to making a decision so they could see how close his residence was to the proposed facility.

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No one spoke in favor of the application.

Wilbur Bohlen, 2700 Athens Highway, spoke in opposition and stated that he did not agree with an event facility of such acreage being approved. He expressed concerns about traffic on the highway, particularly turning off the road.

Mindy Burns, 1090 VFW Lane, expressed concerns about gun shots heard from the property and how gun-related events would be affected by guests drinking. She explained that the few residents on VFW Lane felt the road was their private driveway. She also stated she was concerned about cars on their road and whether the facility entrance would be attractive.

Jennifer Moody, 2630 Athens Highway, complained about gun shots after 9pm. She wanted to know what other events could be held there.

Mack Bohlen, Prospect Road, explained that he frequently visited his family across the highway from the proposed facility. He stated that turning off the highway was the equivalent of "taking your life into your own hands." He asked that the application be tabled until DOT made a determination regarding an acceleration or deceleration lane.

The Chairman closed public comments.

The Planning Commission discussed the condition of VFW Lane and the upcoming widening of Highway 441. An event facility on Highway 83 was mentioned because of its lighting that notifies guests of the upcoming entrance. The Chairman asked the applicant if he was amenable to low voltage lighting on the fence. Mr. McDuffie stated that he would do whatever was required. Mr. Myers stated that he had visited the site and was impressed with the potential for the business.

Motion: Mr. Campbell made a motion to recommend approval of the Conditional Use application for an event facility at 2761 Athens Highway with the following conditions:

1. VFW to be used as an emergency entrance/exit only.
2. Applicant to submit lighting plan to be approved by Director of Planning & Development.
3. Applicant to install DOT approved guardrail on both sides of the dam.

Second: Mr. Myers

Vote: 7:0 The vote to recommend approval of the Conditional Use application for an event facility at 2761 Athens Highway, with conditions, was unanimous.

- IV. Marvin Graham is requesting Conditional Use approval to place a single wide manufactured home on 1 acre located at 1691 Cedar Grove Road (Tax Parcel 059-036).

Mr. Jarrell presented the Staff Report and explained that the house on the property was destroyed by fire in January and that local churches had procured a single wide mobile home for the brothers that lived on the property. The Planning Commission asked about

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the septic tank and confirmed that the Planning Office would waive fees for the building permit.

Leon Peters, Madison, spoke on behalf of the applicant and explained the situation regarding the brothers who lived in the house and the involvement of the local churches.

Motion: Ms. Booth made a motion to recommend approval of the Conditional Use application for a single wide manufactured home at 1691 Cedar Grove Road as presented.

Second: Mr. Campbell

Vote: 7:0 The vote to recommend approval of the Conditional Use application for a single wide manufactured home at 1691 Cedar Grove Road was unanimous.

Mr. Jarrell presented the Staff Report for the next seven agenda items together and explained that the property should be shown as I1, Light industrial, on the zoning map, but was erroneously shown as AR-Agricultural Residential. He admitted that the mistake had been identified as a clerical error by a county employee. He stated that the land had been purchased, split into lots, and sold for residential development. In order to make the zoning compliant for housing, Mr. Jarrell explained that Staff was requesting the rezoning of seven parcels from I1 to AR. The Planning Commission asked about the houses under construction on the parcels.

- V. Morgan County Planning & Development is requesting to rezone 2 acres located at the corner of Lower Apalachee and Morris Road, from Light Industrial (I1) to Agricultural Residential (AR) (Tax Parcel 035-092).

Motion: Ms. Booth made a motion to recommend approval of the Zoning Map Amendment request for 2 acres identified as Tax Parcel 035-092, from I1 to AR.

Second: Mr. Mundrick

Vote: 7:0 The vote to recommend approval of the Zoning Map Amendment for 035-092, from I1 to AR, was unanimous.

- VI. Morgan County Planning & Development is requesting to rezone 2.89 acres located on Morris Road, from Light Industrial (I1) to Agricultural Residential (AR)(Tax Parcel 035-092B).

Motion: Ms. Booth made a motion to recommend approval of the Zoning Map Amendment request for 2.89 acres identified as Tax Parcel 035-092B, from I1 to AR.

Second: Mr. Mundrick

Vote: 7:0 The vote to recommend approval of the Zoning Map Amendment for 035-092B, from I1 to AR, was unanimous.

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- VII. Morgan County Planning & Development is requesting to rezone 10 acres located on Morris Road, from Light Industrial (I1) to Agricultural Residential (AR) (Tax Parcel 035-092E).

Motion: Ms. Booth made a motion to recommend approval of the Zoning Map Amendment request for 10 acres identified as Tax Parcel 035-092E, from I1 to AR.

Second: Ms. Craft

Vote: 7:0 The vote to recommend approval of the Zoning Map Amendment for 035-092E, from I1 to AR, was unanimous.

- VIII. Morgan County Planning & Development is requesting to rezone 3.2 acres located at 1381 Morris Road, from Light Industrial (I1) to Agricultural Residential (AR)(Tax Parcel 035-092F).

Motion: Ms. Booth made a motion to recommend approval of the Zoning Map Amendment request for 3.2 acres identified as Tax Parcel 035-092F, from I1 to AR.

Second: Ms. Dillard

Vote: 7:0 The vote to recommend approval of the Zoning Map Amendment for 035-092F, from I1 to AR, was unanimous.

- IX. Morgan County Planning & Development is requesting to rezone 3.09 acres located on Morris Road, from Light Industrial (I1) to Agricultural Residential (AR)(Tax Parcel 035-092G).

Motion: Ms. Booth made a motion to recommend approval of the Zoning Map Amendment request for 3.09 acres identified as Tax Parcel 035-092G, from I1 to AR.

Second: Mr. Campbell

Vote: 7:0 The vote to recommend approval of the Zoning Map Amendment for 035-092G, from I1 to AR, was unanimous.

- X. Morgan County Planning & Development is requesting to rezone 2.14 acres Located on Morris Road, From Light Industrial (I1) to Agricultural Residential (AR)(Tax Parcel 035-092H).

Motion: Ms. Booth made a motion to recommend approval of the Zoning Map Amendment request for 2.14 acres identified as Tax Parcel 035-092H, from I1 to AR.

Second: Ms. Dillard

Vote: 7:0 The vote to recommend approval of the Zoning Map Amendment for 035-092H, from I1 to AR, was unanimous.

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- XI. Morgan County Planning & Development is requesting to rezone 3.26 acres Located on Morris Road, from Light Industrial (I1) to Agricultural Residential (AR)(Tax Parcel 035-092I).

Motion: Ms. Booth made a motion to recommend approval of the Zoning Map Amendment request for 3.26 acres identified as Tax Parcel 035-092I, from I1 to AR.

Second: Ms. Dartnell

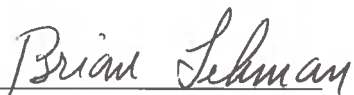
Vote: 7:0 The vote to recommend approval of the Zoning Map Amendment for 035-092I, from I1 to AR, was unanimous.

- XII. Morgan County Planning & Development is requesting a text amendment to Article 7, Chapter 7.1 of the Morgan County Zoning Ordinance related to Accessory Buildings. WITHDRAWN

- XIII. Morgan County Planning & Development is proposing a text amendment to Article 7, Chapter 7.2 of the Morgan County Zoning Ordinance related to Accessory Dwellings. WITHDRAWN

ADJOURNMENT

The Chairman adjourned the meeting.



Brian Lehman, Chairman

Date 4/25/2019



Tara Cooner, Secretary

Date 4-25-19

