

Morgan County Planning Commission

Minutes
Regular Meeting
April 26, 2018
7:00 p.m.

PRESENT: Brian Lehman, Dennis Myers, Connie Booth, Joe Cardwell, Tara Dillard, John McMahon, Maryann Dartnell
NOT PRESENT: Clint Milford, Scott Campbell
ALSO PRESENT: Tara Cooner, Chuck Jarrell, Members of the public

PUBLIC HEARING

ADMINISTRATIVE BUSINESS:

I. Acceptance of Minutes from February 16, 2018 work session.

Motion: Ms. Booth made a motion to approve the February 16, 2018 Minutes as presented.

Second: Mr. Lehman

Vote: 2:0 The vote to approve the February 16, 2018 Minutes as presented was unanimous. Mr. Cardwell, Ms. Dillard, Mr. Myers, Mr. McMahon and Ms. Dartnell abstained from the vote.

II. Acceptance of Minutes from February 22, 2018 regular meeting.

Motion: Ms. Booth made a motion to approve the February 22, 2018 Minutes as presented.

Second: Mr. Cardwell

Vote: 4:0 The vote to approve the February 22, 2018 Minutes as presented was unanimous. Ms. Dartnell and Mr. McMahon abstained from the vote.

III. Staff Report on prior zoning actions.

Mr. Jarrell reported on actions taken by the Board of Commissioners.

UNFINISHED BUSINESS:

There is no unfinished business.

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NEW BUSINESS:

- I. Patricia Knight is requesting a Zoning Map Amendment, from AR (Agricultural Residential) to C1 (Neighborhood Commercial) for two parcels, one acre each, located at 3010 Fairplay Road (Knight's Used Cars)(Tax Parcels 010-062 and 010-064).

Mr. Jarrell presented the Staff Report and explained the history of the parcel's zoning, as well as the law related to rezoning initiated by a local government. He explained that the current use was legally non-conforming and that the request to revert to the pre-2006 zoning designation was prompted by a potential property sale.

Patricia Knight, Applicant, explained the history of the businesses at the property and stated that she was unaware that the zoning designation had changed in 2006.

Mack Bohlen spoke in favor of the application. He stated that he was a County Commissioner when the 2006 rezoning took place and felt the rezoning of these particular parcels was a mistake, due to the continual operation of a business at the site.

No one spoke in opposition to the application.

The Planning Commission debated whether the request would constitute spot zoning and how the request could be interpreted through the Comprehensive Plan. Several members stated that the continued use of the property as a commercial business justified the request for commercial designation. The Chairman read from an email correspondence between the County Attorney and Staff regarding the possibility of setting a precedent and how the request was affected by the Comprehensive Plan and Future Land Use Map.

Motion: Ms. Booth made a motion to recommend approval of the rezoning request for two parcels, one acre each, located at 3010 Fairplay Road, from AR to C1.

Second: Ms. Dillard

Mr. McMahan suggested that Ms. Booth amend her motion to include justification for the recommendation, due to the unusual nature of the rezoning request.

Motion: Ms. Booth made a motion to recommend approval of the rezoning request for two parcels, one acre each, located at 3010 Fairplay Road, from AR to C1, due the continuous use of the property as a commercial business, and that commercial activity at the location predated the Comprehensive Plan and Future Land Use Map.

Second: Mr. McMahan

Vote: 5:1 The vote to recommend approval of the rezoning request for two parcels, one acre each, located at 3010 Fairplay Road, from AR to C1, with stated justification, was approved. Ms. Dartnell dissented.

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Mr. Jarrell reminded the Chairman that both he and the Vice-Chair would be absent at the May meeting and that a Temporary Chairman should be appointed.

Motion: Mr. Cardwell made a motion to appoint John McMahon Temporary Chairman for the May 2018 Planning Commission regular meeting.

Second: Ms. Booth


Vote: 6:0 The vote to appoint Mr. McMahon as Temporary Chairman for the May 2018 regular meeting was unanimously approved.

ADJOURNMENT


Motion: Ms. Booth made a motion to adjourn the meeting.

Second: Ms. Dartnell

Vote: 6:0 The vote to adjourn was unanimous.



John McMahon, Temporary Chairman
Date _____



Tara Cooner, Secretary
Date 5-24-18

