

Morgan County Planning Commission

Minutes
Regular Meeting
August 29, 2019
7:00 p.m.



PRESENT: Brian Lehman, Denny Myers, Tara Dillard, Faye Craft, Clint Milford, Maryann Dartnell

NOT PRESENT: Scott Campbell, John McMahon, Doug Mundrick, Connie Booth

ALSO PRESENT: Chuck Jarrell, Tara Cooner, Members of the public

PUBLIC HEARING

ADMINISTRATIVE BUSINESS:

I. Acceptance of Minutes from July 19, 2019 work session.

Motion: Mr. Myers made a motion to approve the July 19, 2019 Minutes as presented.

Second: Ms. Craft

Vote: 4:0 The vote to approve the July 19, 2019 Minutes as presented was unanimous. Ms. Dartnell abstained from the vote.

II. Acceptance of Minutes from July 25, 2019 regular meeting.

Motion: Mr. Myers made a motion to approve the July 25, 2019 Minutes as presented.

Second: Ms. Craft

Vote: 2:0 The vote to approve the July 25, 2019 Minutes as presented was unanimous. Mr. Milford, Ms. Dillard and Ms. Dartnell abstained from the vote.

III. Staff report on past zoning actions.

Mr. Jarrell gave a synopsis of the decisions made by the Board of Commissioners.

UNFINISHED BUSINESS:

There is no unfinished business.

NEW BUSINESS:

I. Bostwick Pawleys Investments, LLLP, is requesting conditional use approval to construct an accessory dwelling on 483.02 acres located at 1281 Mallory Road (Tax Parcel 017-001A).

Mr. Jarrell presented the Staff Report and explained that the property is 483 acres and contains one house that is used as a hunting cabin. He described the sizes of the existing home compared to the proposed home and reviewed the language for accessory dwellings. He noted that the applicant had spoken to Staff earlier in the year and was

Morgan County Planning Commission

given the law for accessory dwellings in effect at the time but did not turn in a building permit application until after the law had changed.

De Little, Marietta, Georgia (Applicant), explained that the land was purchased by his grandfather and the home was built to be used a hunting cabin. He also mentioned that he had spoken to Staff about the rules for accessory dwellings. The Planning Commission asked about whether he could split land, which led to a discussion about CUVA.

No one spoke in favor of, or in opposition to, the application.

The Planning Commission compared the application to one heard recently and discussed whether the fact that he had spoken to Staff earlier in the year should affect the decision. The members also discussed precedent.

Motion: Mr. Myers made a motion to recommend denial of the conditional use application for an accessory dwelling at 1281 Mallory, citing the need to adhere to the current ordinance language.

Second: Mr. Milford

Vote: 5:0 The vote to recommend denial of the conditional use application for an accessory dwelling at 1281 Mallory Road was unanimously approved.

- II. Perco Equipment Rental, LLC, is requesting a Zoning Map Amendment for .87 acres located at 1540 Greensboro Highway, from C2 (General Commercial) to C3 (Heavy Commercial) (Tax Parcel 035-108).
- III. Perco Equipment Rental, LLC, is requesting a Zoning Map Amendment for 2 acres located at 1542 Greensboro Highway, from C2 (General Commercial) to C3 (Heavy Commercial) (Tax Parcel 035-109A).

Mr. Jarrell presented the Staff Report for both applications together. He described the proposed use as equipment rental and sales and gave a history of zoning actions for the properties. He also noted that the Comprehensive Plan shows the area as industrial.

Kyle Ward, Sandy Creek Road, identified himself as a partner in Perco Equipment Rental. He explained that the business has an office in downtown Madison and described some of the contractors they work with. The Planning Commission asked if he had talked to adjacent property owners and how he intended to use the buildings and vacant lot. He confirmed that he would be dealing with new and used equipment.

Daniel Pike, McHenry Crossing, spoke in favor of the application, and stated that he was part owner of the farm across the highway and owned land nearby on Morris Road. He stated that he was not concerned about noise.

No one spoke in opposition.

Morgan County Planning Commission

The Planning Commission commented that the use seemed suitable for the area, considering the existing nearby uses and the Comprehensive Plan.

Motion: Mr. Milford made a motion to recommend approval of the zoning map amendment, from C2 to C3, for Tax Parcel 035-108.

Second: Ms. Craft

Vote: 5:0 The vote to recommend approval of the zoning map amendment for Tax Parcel 035-108 was unanimously approved.

Motion: Mr. Milford made a motion to recommend approval of the zoning map amendment, from C2 to C3, for Tax Parcel 035-109A.

Second: Mr. Myers

Vote: 5:0 The vote to recommend approval of the zoning map amendment for Tax Parcel 035-109A was unanimously approved.

- IV. Morgan County Planning & Development is requesting a text amendment to Section 12.1.10 of the Rutledge Zoning Ordinance related to Two Family Dwellings.

Mr. Jarrell presented the Staff Report and reviewed the proposed language. The Planning Commission thanked Staff for their work and stated it was important to have regulations in place to prevent developers from cutting corners.

No one spoke in favor of or in opposition to the application.

Motion: Ms. Dillard made a motion to recommend approval of the text amendment for Section 12.1.10 of the Rutledge Zoning Ordinance as presented.

Second: Ms. Dartnell

Vote: 5:0 The vote to recommend approval of the text amendment for Section 12.1.10 was unanimously approved.

- V. Morgan County Planning & Development is requesting a text amendment to Section 12.1.7 of the Rutledge Zoning Ordinance related to Multi Family Dwellings.

Mr. Jarrell resented the Staff Report and reviewed the proposed language.

Jim Boyd, Madison, spoke in favor of the application, noting that he was concerned about cluster development. The Planning Commission noted that the intent of the language is to control density and quality of growth.

Motion: Ms. Dartnell made a motion to recommend approval of the text amendment for Section 12.1.7 of the Rutledge Zoning Ordinance as presented with the correction of one typographical error.

Second: Ms. Craft

Morgan County Planning Commission

Vote: 5:0 The vote to recommend approval of the text amendment for Section 12.1.7 was unanimously approved.

- VI. Morgan County Planning & Development is requesting a text amendment to Section 12.9 of the Rutledge Zoning Ordinance related to Townhomes and Condominiums.

Mr. Jarrell presented the Staff Report and reviewed the proposed language. The Planning Commission asked questions about the need for retention ponds.

Jim Boyd, Madison, spoke in favor of the application and stated that the wording was good.

Motion: Mr. Myers made a motion to recommend approval of the text amendment for Section 12.9 of the Rutledge Zoning Ordinance as presented.

Second: Mr. Milford

Vote: 5:0 The vote to recommend approval of the text amendment for Section 12.9 was unanimously approved.

- VII. Morgan County Planning & Development is requesting a text amendment to Article 4 of the Morgan County Zoning Ordinance regarding farm tenant dwellings.

Mr. Jarrell presented the Staff Report and explained that the proposed language was an effort to prevent people from using the farm tenant exemption to go around rules related to rental housing. He confirmed that the farm tenant use had only been utilized twice in the last decade; both times were for a dairy farm.

Jim Boyd, Madison, spoke in favor of the application and stated that the definition for working farms was a good addition.

Motion: Mr. Myers made a motion to recommend approval of the text amendment for Article 4 of the Morgan County Zoning Ordinance as presented.

Second: Ms. Craft

Vote: 5:0 The vote to recommend approval of the text amendment for Article 4 was unanimously approved.

- VIII. Morgan County Planning & Development is requesting a text amendment to Chapter 7.1 of the Morgan County Zoning Ordinance related to accessory buildings.

Mr. Jarrell presented the Staff Report and explained that the Planning office had received numerous inquiries about alternative storage structures and using accessory buildings for primary dwellings. The Planning Commission asked questions about minimum square footage.

Morgan County Planning Commission

Motion: Mr. Myers made a motion to recommend approval of the text amendment for Section 7.1 of the Morgan County Zoning Ordinance as presented.

Second: Mr. Milford

Vote: 5:0 The vote to recommend approval of the text amendment for Section 7.1 was unanimously approved.

ADJOURNMENT

The Chairman adjourned the meeting.

John McMahon
for
JLC



Brian Lehman, Chairman

Date 9-26-19



Tara Cobner, Secretary

Date 9-26-19

