

Morgan County Planning Commission

Minutes
Regular Meeting
August 30, 2018
7:00 p.m.

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

PUBLIC HEARING

ADMINISTRATIVE BUSINESS:

I. Acceptance of Minutes from July 20, 2018 work session.

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

Second: Mr. Myers

Vote: 4:0 The vote to approve the July 20, 2018 Minutes as presented was unanimous.
Mr. Campbell, Mr. Milford and Ms. Dartnell abstained from the vote.

II. Acceptance of Minutes from July 26, 2018 regular meeting.

Motion: Ms. Booth made a motion to approve the July 26, 2018 Minutes as presented.

Second: Mr. Cardwell

Vote: 6:0 The vote to approve the July 26, 2018 Minutes as presented was unanimous.
Mr. Milford abstained from the vote.

III. Staff Report on prior zoning actions.

No update on prior zoning actions was given.

UNFINISHED BUSINESS:

There is no unfinished business.

NEW BUSINESS:

- I. Sam E. Florence, Jr. is requesting a text amendment to add septic receiving, dewatering and composting to the Morgan County Zoning Ordinance.

Chuck Jarrell presented the staff report and noted that there had been reports of misinformation spread about the applicant's intentions. He explained that the text amendment prohibited the discharge of any waste into waterways and required wastewater to be accepted into a municipal sewer system. He described the dewatering and composting process, as well as the research that went into writing the proposed

Morgan County Planning Commission

language. He explained that the required acreages were based on whether the use included composting. He acknowledged a petition that had been submitted to the Planning office, showed a map that depicted the residences of the signatories, and explained the concern was related to the permitted nature of the proposed language and the intended location of a septage business if the text amendment was approved. Planning Commission asked about public health requirements, inspections, onsite storage, odor abatement, security, other facilities, and need. Staff also addressed questions about the zoning of the intended location.

Sam Florence, Jr, applicant, passed out information related to proposed equipment and answered questions for the Planning Commission related to anticipated number of trucks per day, the applicant's current practices, city facilities and what they would accept, inspections, licenses, price of services, and his intentions related to placing equipment on the property.

No one spoke in favor of the application.

Rhonda Bell, 1411 Greensboro Highway, spoke in opposition to the application and stated that she worked for Madison. She expressed doubt that the applicant had spoken to the city and stated concerns related to the city taking waste water from the applicant's business. She stated that her mother-in-law lived adjacent to the intended location.

Mark Cary, 1051 Windsor Creek Drive, spoke in opposition and wondered ^{why} by the waste couldn't be taken to a city that accepted it. He stated that there would be no regulation and the Planning Commission wasn't informed.

Tommy Cochran, 1081 Lambert Lane, spoke in opposition and cited a bad experience with living near an area where human waste was applied to land. He also expressed certainty that the business would contaminate the creek.

Chuck Spinks, 1700 Greensboro Highway, spoke in opposition to the potential increase of traffic on Woodkraft Road, particularly sewerage trucks. He stated that the intended location was not practical for the type of business proposed and expressed support for higher septic cleaning service prices to haul the waste elsewhere.

Ms. Booth asked Ms. Bell whether the odor from the chicken houses bothered her mother-in-law. Ms. Bell made a positive comment about the smell of the chicken houses and confirmed that she felt paying a premium to haul waste away was preferable to having a facility near the neighborhood.

Mr. Cochran stated that he felt a better location would be behind the Wal-Mart.

Patty Brown, 1780 Greensboro Highway, spoke in opposition, citing fear of an increase of traffic on Greensboro Highway.

Morgan County Planning Commission

The Chairman closed public comments.

The Planning Commission agreed that the waste had to go somewhere, but admitted they were disappointed that the city had not sent comments regarding the application. They debated metering devices and acceptance of waste from other counties, but determined that without more information about whether Madison would definitively accept waste water, a decision could not be reached.

Motion: Mr. Campbell made a motion to table the application to add septic receiving, dewatering and composting to the Morgan County Zoning Ordinance until more information can be obtained from Madison regarding treatments and limitations.

Second: Ms. Booth

Vote: 7:0 The vote to table the application until more information could be obtained was unanimous.

Mr. Milford recused himself from the next two items on the agenda.

- II. Preston and MaryAnn Slaughter are requesting a Zoning Map Amendment, from Agricultural Residential (AR) to General Commercial (C2), for 3.31 acres located at 2840 Greensboro Highway (Tax Parcel 043-025)

Mr. Jarrell presented the staff report and explained the applicant had been approached by potential buyer regarding commercial businesses. He described the grandfathered status of the business that had been located on the property and stated that the zoning had been AR since the first zoning atlas in Morgan County. He showed a map depicting the locations of the closest commercially zoned properties, as well as the character area map. The Planning Commission asked Mr. Jarrell to review the area zoning and nearest commercial areas again and questioned what businesses could operate on the property with the current zoning designation.

MaryAnn Slaughter, applicant, provided a history of the businesses at the property and stated that she did not feel it would be spot zoning, as the property had contained a business for 40 years. She answered questions related to the types of businesses that had expressed interest.

No one spoke in favor of the application.

Allison Stover, 3221 Greensboro Highway, spoke in opposition, citing spot zoning and a concern that additional commercial businesses would follow if the property was rezoned.

Sherry Cary, 1051 Windsor Creek Drive, spoke in opposition and expressed fear that the quietness of her neighborhood would be impacted by a commercial business and questioned whether one business would encourage others.

The Chairman closed public comment.

Morgan County Planning Commission

The Planning Commission discussed the criteria and the comprehensive plan, and stated that the criteria did not address potential domino effects.

Motion: Mr. Myers made a motion to recommend denial of the zoning map amendment, from AR to C2, for 2840 Greensboro Highway, because the request would constitute spot zoning and does not comply with the Comprehensive Plan.

Second: Ms. Booth

Vote: 6:0 The vote to recommend denial of the zoning map amendment for 2840 Greensboro Highway was unanimous.

- III. Stephen Nolan Watson is requesting a Zoning Map Amendment, from Low Density Residential (R1) to heavy Commercial (C3), for 3.205 acres located at 2220 Lions Club Road (portion of Tax Parcel 036B-095).

Mr. Jarrell presented the staff report and explained that the applicant's intention was to sell equipment, despite the attorney's letter than stated storage of equipment only. He showed the proposed division of property which would allow the home to remain R1 and reviewed the requirements for commercial properties. Mr. Jarrell also explained that equipment displayed by the applicant was not farm equipment, but rather heavy equipment used for grading and construction. He noted that heavy equipment sales was not an approved use in the zoning ordinance. The Planning Commission asked about uses allowed in C3.

Lee Abney of Lambert, Reitman & Abney, 126 E. Washington Street, presented for the applicant and provided 6 letters of support from neighbors. He read the letter provide in the staff report and answered questions related to type of equipment and entrance approval from DOT.

Sandy Sanford, 2550 Bethany Road, spoke in favor of the application, stating that he was a customer of the applicant and the location was good for business.

Robert Pennington, 1451 Cox Road, stated that the Pennington family did not oppose the application.

No one spoke in opposition to the application.

The Chairman closed public comment.

The Planning Commission discussed whether the application was spot zoning, the development of the by-pass and the fact that the applicant had been operating illegally, despite direction from code enforcement. The abrupt transition from R1 to C3 was mentioned, as was the applicant's offer to plant vegetative screening.

Morgan County Planning Commission

Motion: Ms. Booth made a motion to recommend denial of the zoning map amendment, from R1 to C3, for 2220 Lions Club Road.

Second: Mr. Myers

Vote: 3:3 The vote to recommend denial of the zoning map amendment for 2220 Lions Club Road was tied. The Chairman voted with the motion.

ADJOURNMENT

The Chairman adjourned the meeting.

Brian Lehman
9/27/2018

T. Cooner
9.27.18

