

# Morgan County Planning Commission

Minutes  
Regular Meeting  
September 27, 2018  
7:00 p.m.

**PRESENT:** Brian Lehman, Dennis Myers, Maryann Dartnell, Scott Campbell, Clint Milford, Faye Craft, Joe Cardwell

**NOT PRESENT:** Connie Booth, John McMahon, Tara Dillard

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

## **PUBLIC HEARING**

### **ADMINISTRATIVE BUSINESS:**

I. Acceptance of Minutes from August 17, 2018 work session.

**Motion:** Mr. Myers made a motion to approve the August 17, 2018 Minutes as presented.

**Second:** Mr. Cardwell

**Vote:** 4:0 The vote to approve the August 17, 2018 Minutes as presented was unanimous. Mr. Campbell and Ms. Dartnell abstained from the vote.

II. Acceptance of Minutes from August 30, 2018 regular meeting.

**Motion:** Mr. Campbell made a motion to approve the August 30, 2018 Minutes as presented.

**Second:** Ms. Craft

**Vote:** 5:0 The vote to approve the August 30, 2018 Minutes as presented was unanimous. Mr. Cardwell abstained from the vote.

III. Staff Report on prior zoning actions.

No update on prior zoning actions was given.

### **UNFINISHED BUSINESS:**

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**WITHDRAWN**

### **NEW BUSINESS:**

- I. Robert Foster is requesting conditional use approval to operate a farmstay On 6.69 acres located at 1471 Sugar Creek Church Road (Tax Parcel 043-127).

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Staff note: Plannign Commission members and the applicant were provided copies of opposition letters submitted after the staff report was sent.

Chuck Jarrell presented the staff report and explained the history of complaints and discussions with the applicant regarding lodging options in his zoning district. He displayed maps that showed the layout of the property and distances to nearby residences. He reviewed the definition of, and the regulations for, farmstays. The Planning Commission asked whether a life safety plan was needed and whether the applicant was required to have formal training with animals to conduct educational activities. The Planning Commission asked if the applicant's proposal to operate a farmstay was a way to maneuver around the prohibition on short term rentals.

Robert Foster, applicant, described his intentions regarding the property as a place for military veterans to relax until he retires from Atlanta and moves to Morgan County. He stated that he worked with a vacation rental company as research to see if the property was feasible as a rental and apologized to neighbors present at the meeting about the excessive noise and cars associated with a family reunion. The Planning Commission asked numerous questions about how the property would operate as a farm, including what animals were present and who would care for animals. Mr. Foster stated that he had arranged acquisition of sheep and chickens, but would wait until the farmstay was approved. He denied that he was attempting to find a way around short term rental regulations and stated that he was unaware of rental rules. He noted that family and friends will still stay at the house, even if he is not approved.

No one spoke in favor of the application.

James Burton, 1411 Sugar Creek Church Road, spoke in opposition and submitted documents to the Planning Commission. He questioned whether the septic tank was large enough to handle the number of people allowed at a farmstay, related a history of problems with the prior neighbor's animals, and requested a bond to protect his property if the application was approved.

Dottie Barrett, 1391 Sugar Creek Church Road, spoke in opposition regarding increased traffic.

The Chairman closed public comments.

The Planning Commission commended the applicant for trying to do the right thing, but the members agreed that the property did not meet the definition of a farmstay, in that the property was not used as a farm and produced no agricultural products.

Motion: Mr. Myers made a motion to recommend denial of the application.

Mr. Campbell confirmed that there is a 12-month time restriction to reapply if the applicant is denied. Mr. Foster stated that he would prefer to withdraw his application than be denied with a time restriction to reapply. The Chairman confirmed that the

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application for conditional use approval for a farmstay at 1471 Sugar Creek Church Road was withdrawn by the applicant.

- II. Redeemer Church of Madison is requesting conditional use approval to operate a childcare learning center on 7 acres located at 1890 Bethany Road (Tax Parcel 045-024D).

Mr. Jarrell presented the staff report and explained how zoning approval is required before the state will issue an approval for a childcare business. He described the number of children proposed and noted that no structural changes or sprinkler system would be needed for the first phase of the project. The Planning Commission expressed concern regarding the intersection of Bethany Road and the Highway 441 by-pass. Mr. Jarrell informed the members of discussions held the week before with DOT and the City of Madison related to the identified intersection. Planning Commission members asked about the existing kitchen and when a sprinkler system would be needed.

John Darcy, Pastor, explained the childcare goals of the church and introduced Marie Singleton from KiddyLand, who would be working with the church. He also introduced other members of the church staff in attendance. The Planning Commission asked about the intersection and officers hired by the church to direct traffic on Sundays. Pastor Darcy explained that the church is seeking an agreement with DOT that would allow another entrance to the church property, but he does not believe that the introductory number of children will cause issues with pick up/drop off times. He confirmed that the septic tank is adequate for the increased use.

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

The Chairman closed public comment.

The Planning Commission mentioned the need for additional childcare options in the county and expressed approbation that the church was working with KiddyLand and seeking to increase safety at the intersection.

Motion: Ms. Craft made a motion to recommend approval of the conditional use application to operate a childcare learning center at 1890 Bethany Road.

Second: Ms. Dartnell

Vote: 6:0 The vote to recommend approval of the conditional use for a childcare learning center was unanimous.

- III. Morgan County Planning & Development is requesting a text amendment to add heavy equipment sales to Article 4 of the Morgan County Zoning Ordinance.

Mr. Jarrell presented the staff report and explained the request was a follow-up to the August application for a rezoning on the Highway 441 by-pass. The request adds heavy equipment sales to the use chart and also adds a definition.

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

The Chairman closed public comment.

Motion: Mr. Cardwell made a motion to recommend approval of the text amendment to add heavy equipment sales to the Morgan County Zoning Ordinance as presented.

Second: Mr. Milford

Vote: 6:0 The vote to recommend approval of the text amendment was unanimous.

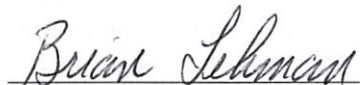
### ADJOURNMENT

The Chairman called for a motion to adjourn the meeting.

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

Second: Mr. Campbell

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

  
Brian Lehman, Chairman

Date 10/25/18

  
Tara Cooner, Secretary

Date 10-25-18