

Morgan County Planning Commission

Minutes
Regular Meeting
April 28, 2009
7:00 p.m.

PRESENT: Jane Moss, Tom Benkoski, Ron Milton, Jack Pluckhahn, Tom Joiner, Miles Thomas

NOT PRESENT:

ALSO PRESENT: Danielle Peck, Bryce Jaeck, Chuck Jarrell, members of the public

PUBLIC HEARING

ADMINISTRATIVE BUSINESS:

I. Acceptance of Minutes from February 26, 2009 Planning Commission Meeting

Due to a copy of the minutes being included in the packets, the minutes were not approved. Moved to the next Regular meeting.

II. Staff report on prior zoning actions

Danielle Peck and Bryce Jaeck provided updates on the actions taken by their elected officials on prior zoning applications.

NEW BUSINESS:

I. A petition has been received from **Vanessa Carter** in regard to a text amendment to the City of Madison Zoning Ordinance. The purpose of the text amendments is to allow tutoring and special interest lessons in the P-2 Professional/Limited Commercial Zoning District.

Bryce Jaeck presented the staff report on behalf of the City of Madison. Mr. Jaeck indicated that the applicant requested the text amendment so that she may be able to operate small scale instruction in the P-2 zoning district. Mr. Jaeck indicated that this covered a wide range of topics but it would all consist of non-physical instruction. He indicated that the staff had defined small scale instruction as "Use of property where interior space or spaces are used to provide short lessons or tutoring for groups of twenty or fewer attendees. He indicated that uses appropriated for gymnasiums or health fitness centers were not encompassed by this definition.

Vanessa Carter spoke on behalf of the application. She indicated that she had seen the text amendments proposed by City of Madison staff and she felt as if the definition of small scale instruction that was proposed by staff met her needs.

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Mr. Joiner inquired as to whether the new business would not be located in the rear of Mullberry Toys.

Ms. Cater indicated that the location she was planning to place her business was in the rear of the Morgan County Citizen Building and it was currently owned by Patrick Yost. She indicated that the rear of that building contained its own entrance and exit and had adequate parking to meet her needs.

Mr. Benkoski inquired as to whether the rear of that building had a fire sprinkler system.

Ms. Carter stated that it did not.

Chuck Jarrell indicated that the square footage of that area did not require a fire sprinkler system.

Concerns were raised by members of the Planning Commission as to what type of lessons elementary aged children would be receiving at this location.

Ms. Carter stated that she was a certified teacher, as was her business partner. She indicated that what they would offer would be supplemental to what the schools are currently teaching. She indicated that she felt as if it would help further children's education.

There was no public comment for or against this application.

Motion: Mr. Joiner made a motion to approve the text amendment as presented.

Second: Mr. Moss

Vote: 5-0

The motion to approve the text amendment as presented was unanimously approved.

II. A petition has been received from **Kimberli Klebba** in regard to a conditional use request for property located at 1611 Estes Road, Rutledge, Georgia 30663. The purpose of the application is to allow for a conditional use permit to operate a group home for persons with disabilities on the property. Tax Map 021 Parcel 142.

Danielle Peck presented the staff report on behalf of Morgan County. Ms. Peck indicated that the applicant had indicated that the Group Home for Persons with Disabilities would be located inside the applicant's home and not in a separate building. She also indicated that the applicant would have no more than four residents living in her home at a time, excluding her own family. Ms. Peck indicated that she had spoken with the Building Inspectors that had inspected the applicant's home and they had stated that the home met all ADA Accessibility Codes.

Ms. Peck stated that during the work session the Planning Commission had raised concerns regarding fire suppression. She indicated that the County could not require the applicant to install a sprinkler system. She stated that the State of Georgia required that

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only homes with over 6 residents were required to have a sprinkler system. Ms. Peck indicated that the applicant did not have access to water lines and that it would be difficult to meet the required flow of 500 gallons per minute by using a well. She indicated that the applicant would have to install means of fire suppression such as exit signs and fire extinguishers. Ms. Peck indicated that the Morgan County Comprehensive Plan stated that the 55 and over population will be the largest growing demographic in Morgan County over the next fifteen years. She indicated that due to that fact staff felt as if there was a need for uses such as this in the County.

Ms. Peck stated that this property was located on Estes Road. She then indicated that Estes Road dead ends into Interstate 20 and is surrounded by a fairly extensive and busy road network. Ms. Peck indicated that due to the current zoning and surrounding zoning of the property, it did not require a fence to be placed around the property. She indicated that staff had concerns regarding patients wandering into the roads and felt as if a fence surrounding the property would alleviate those concerns. Ms. Peck stated that parking should also be addressed. She indicated that if each resident could potentially drive their own vehicle, the additional vehicles of visitors, and the additional vehicles of workers then there may not be adequate parking available.

Mr. Pluckhahn inquired as to which fire stations would serve this residence and how far away they were.

Mr. Jarrell indicated that it would be Station 9 Rutledge, Station 7 Clack's Chapel, and Station 2 West Morgan.

Kimberli Kleeba spoke on behalf of the application.

Mr. Pluckhahn inquired as to whether Ms. Kleeba would have any help running the facility.

Ms. Kleeba indicated that once she had all four positions filled, she would be hiring two the three people to come in and assist her.

Mr. Joiner inquired as to whether there would be someone in attendance there at all times.

Ms. Kleeba indicated that by regulations someone had to be present at all times.

Mr. Pluckhahn inquired as to how many people were currently living in the residence.

Ms. Kleeba indicated that she, her husband, and her fifteen year old daughter were currently residing in the home. She indicated that her fifteen year old daughter lived in the apartment above the garage.

Mr. Joiner inquired as to what security measures the applicant had in place to prevent the residents from getting out into the road or out into the pool.

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Ms. Kleeba indicated that the pool was surrounded by a fence with a lock and that she had a security system that alarms an opening door or window.

Mr. Thomas inquired as to how many residents she could have in her home if she decided to expand.

Ms. Kleeba indicated that by state regulations she could possibly place four residents to each bedroom, but she did not plan on doing that.

Ms. Peck indicated that the Morgan County Zoning Ordinance indicates that no more than seven occupants could be housed.

Ms. Thomas inquired as to whether a conditional use was tied to the owners of the property or the property itself.

Ms. Peck indicated that a conditional use was tied to the property itself. She indicated that if a conditional use ceases to exist for a time period of twelve consecutive months it becomes null and void.

Mr. Thomas inquired as to how the applicant intended to address parking.

Ms. Kleeba indicated that they could eventually move parking to a piece of land to the rear of the house. She indicated that she could place another entrance to the left of the house and have the drive and parking circle all the way around. She indicated that she was not concerned with parking at the time because she did not intend to have any residents that would be able to drive. Ms. Kleeba indicated that their current drive way could possibly park seven to ten cars.

Mr. Joiner indicated that the applicant would have to leave room in the driveway for any emergency services vehicles that may have to come in and out.

Mr. Joiner indicated that he was not that worried about patients wandering off because the applicant had a security system. He indicated that due to that fact he did feel that a the condition of placing a fence along all property lines was needed.

There was no public comment for or against this application.

Ms. Moss made a motion to approve the conditional use request as presented.

Second: Mr. Joiner

Vote: 5-0

The motion to approve the conditional use request as presented was unanimously approved.

III. A petition has been received from **John C. Sidwell** in regard to a variance request for property located at 2380 Sandy Creek Road Madison, Georgia 30650. The petition is in

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regard to the Morgan County Zoning Ordinance, Article 15, Chapter 15.3 which specifies that confined animal feeding operations (poultry house) must be located 200 feet from all property lines. The property is located in an Agricultural Residential Zoning District (AG) and the applicant desires to reduce this setback. Tax Map 025 Parcel 030.

Ms. Peck presented the staff report on behalf of Morgan County. Ms. Peck indicated that Mr. Sidwell's property had contained poultry houses for some time. She indicated that there were two 300 foot poultry houses that appeared in the tax records in 1975. She indicated that two 400 foot poultry houses added to the tax records in 1980 and two 500 foot poultry houses added in 1995. Ms. Peck indicated that this property has historically been an agriculturally viable piece of property. She indicated that earlier in the year a snow storm caused damage to a couple of Mr. Sidwell's poultry houses. She indicated that poultry houses number three and four were the houses that Mr. Sidwell intended on replacing. She indicated that the houses were 36' x 400' long and that Mr. Sidwell intended on replacing them with two 40' x 500' houses. Ms. Peck indicated that Mr. Sidwell requested to be able to place the houses back in the same spot as the previous houses. Ms. Peck indicated the applicant's property was approximately 250 feet wide and the property on either side of him did not belong to him so he would not be able to re-configure the property in that fashion. Ms. Peck indicated that poultry house number three was approximately 116 feet of the western property line and poultry house number four was approximately 20 feet from the eastern property line. She indicated the Mr. Sidwell would be widening the houses by four feet each and lengthening the houses by 100 feet each. Ms. Peck indicated that by doing this Mr. Sidwell would still comply with the mandatory setback of 20 feet from any other structure.

Mr. John Sidwell spoke on behalf of the application. He indicated that he had a letter from several of his neighboring property owners stating they had no objection to the applicant's request.

Ms. Moss indicated that she did not feel as if any conditions should be put on the application due to the fact that Mr. Sidwell was replacing what was already there.

Mr. Thomas indicated that he did not have any neighbors that objected and he felt that was important.

Ms. Peck indicated that if either of the timber tracts on each side of Mr. Sidwell were cleared and sold for residential use then the home builders would be aware that they were building next to agricultural use.

A letter in favor of the application is located in the file for this application.

There was no public comment in opposition of this application.

Ms. Moss made a motion to approve the variance request as presented.

Second: Mr. Thomas

Vote: 5-0

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The motion to approve variance request as presented was unanimously approved.

IV. A petition has been received from **Golden Sanders** in regard to a rezoning request for property located on Mount Vernon Road, Madison, Georgia 30650. The purpose of the application is to rezone 50.00 acres from Residential Low Density (R1) to Agricultural Residential Zoning District (AR) (Tax Map 009 Parcel 001 B).

Ms. Peck presented the staff report on behalf of Morgan County. She indicated that Mr. Sanders owned three parcels of land at the end of Mt. Vernon Road. She indicated that most of the tracts that were subdivided out were done under the Agricultural Residential (AR) zoning district. Ms. Peck indicated that Mr. Sanders currently owned a seventeen acre tract of land zoned AR, a eight acre tract of land zoned AR, and a fifty acre tract of land which is zoned Residential Low Density (R-1). She stated that the tract had been zoned R-1 as far back as 1981 and that she could not find any particular reason as to the zoning. Ms. Peck stated that all of the land surrounding Mr. Sanders was either zoned AR or AG. She stated the nearest R-1 zoned property was located outside the City limits of Bostwick. Ms. Peck indicated that Mr. Sanders had indicated that he would like to continue farming the property and had not intent to develop it. He indicated in his letter of intent that he would like for the Zoning of the property to reflect the use of the property.

Mr. Sanders spoke on behalf of the application. He indicated that he would like to have the property rezoned from R-1 to AR. He indicated that he is currently farming the land and will continue to use it agriculturally. Mr. Sanders indicated that he had no intentions of developing the land or even building a residence there.

There was no discussion amongst the Planning Commission.

There was no public comment for or against this application

Ms. Moss made a motion to approve the rezoning request as presented.

Second: Mr. Thomas

Vote: 6-0

The motion to approve the rezoning request as presented was unanimously approved.

OLD BUSINESS:

There was no old business.

Jack Pluckhahn, Chairman

Danielle Peck, Secretary

Date _____

Date _____