

Morgan County Planning Commission

Minutes
Regular Meeting
January 28, 2021
7:00 p.m.

PRESENT: Constance Booth, Denny Myers, Tara Heard, Scott Campbell, Clint Milford, Doug Mundrick, Faye Craft
NOT PRESENT: Maryann Dartnell, John McMahon
ALSO PRESENT: Chuck Jarrell, Tara Cooner, Members of the public

PUBLIC HEARING

ADMINISTRATIVE BUSINESS:

- I. Pledge of Allegiance
- II. Acceptance of Minutes from December 11, 2020 work session.

Motion: Mr. Myers made a motion to approve the December 11, 2020 Minutes as presented.

Second: Mr. Milford

Vote: 4:0 The vote to approve the December 11, 2020 Minutes as presented was unanimous. Mr. Campbell and Ms. Heard abstained from the vote.

- III. Acceptance of Minutes from December 16, 2020 regular meeting.

Motion: Mr. Campbell made a motion to approve the December 16, 2020 Minutes as presented.

Second: Mr. Milford

Vote: 4:0 The vote to approve the December 16, 2020 Minutes as presented was unanimous. Mr. Mundrick and Ms. Craft abstained from the vote.

- IV. Staff report on past zoning actions.

Mr. Jarrell reported on decision made by the Board of Commissioners and Rutledge City Council.

UNFINISHED BUSINESS:

There is no unfinished business.

NEW BUSINESS:

- I. RAM Rutledge is requesting conditional use approval to operate a convenience store with fuel sales on .87 acres located at 134 Atlanta Highway (Tax Parcel R04-035)

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Chuck Jarrell presented the Staff Report and explained that the fuel sales had been a grandfathered use when the store was previously open, but the use had expired since the store closed in 2016. He showed that the canopy was located partially in the GDOT right-of-way and explained which state agencies were responsible for the gas pumps and gas tanks. The Planning Commission confirmed that approximately 1/3 of the canopy was in the GDOT right-of-way and that the applicant did not own the adjacent liquor store. When asked if the applicant intended to sell alcohol at this location, Mr. Jarrell responded that the license would have to be approved City of Rutledge. Regarding questions about the condition of the fuel tanks and relevancy of the 2014 environmental study provided, Mr. Jarrell recommended that letters be required from the applicable agencies.

Karim Ali, Applicant, explained that he had been working on the interior remodel and had been talking to Mr. Jarrell. He confirmed it would be a full remodel but admitted that exterior drawing had not been submitted with the building permit application. There was a discussion about the sequencing of events related to approval and power, with a consensus that the convenience store remodel could proceed once building permits were obtained. Mr. Ali repeatedly stated he would do whatever was required by city ordinances.

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

The Planning Commission discussed approvals needed from state agencies and the condition of the building exterior.

Motion: Mr. Campbell made a motion to recommend approval of the conditional use application for a convenience store with fuel sales at 134 Atlanta Highway with the conditions that documentation be obtained from EPD regarding the need for an updated environmental study and from DOT regarding permission for the gas canopy's location in the DOT right-of-way. A recommendation was also made that the Rutledge Council consider the application of Chapter 7.5 related to the building exterior.

Second: Ms. Craft

Vote: 6:0 The vote to recommend approval of the conditional use application for a convenience store with fuel sales at 134 Atlanta Highway with conditions and recommendation was unanimously approved.

II. Ellis & Crystal Johnson are requesting conditional request approval to allow a church on 19.79 acres located at 1051 Meadow Lane (Tax Parcel 042-003G).

Mr. Jarrell presented the Staff Report and noted the application was similar to an application for 2019, which was approved with a 12 month limit for church services without parking lot paving. He explained that the applicants were seeking temporary approval for the same church congregation that sought temporary approval in 2019 but were now specifically requesting a waiver on the paving requirement. The Planning Commission confirmed that paving would require stormwater facilities and discussed the difference between pervious and impervious materials.

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Kristin Chandler, representative for the Applicants, explained that the construction of Center Pointe Church had been delayed due to Covid-19 and they needed to continue to use the chapel until they built their own or made other arrangements. She also noted that the agreement with the Church was temporary and that the applicants do not want to compromise the appearance of the property with paved parking. The Planning Commission asked about the use of the building aside from church services and confirmed that no end date to the temporary arrangement had been proposed.

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

The Planning Commission expressed regret at the possibility of denying a church but questioned why no one from the church congregation had attended the meeting and how a decision regarding a temporary situation could be discussed when no potential end date was proposed.

Motion: Mr. Mundrick made a motion to recommend denial of the conditional use application for a church at 1051 Meadow Lane unless the parking was brought into compliance within 90 days. He noted that would allow Center Pointe Church 90 days to find other accommodations if the applicants chose not to comply with parking regulations. He clarified that the Church could continue to use the building within that 90 day period.

Second: Mr. Myers

Vote: 6:0 The vote to recommend denial of the application of the conditional use application for a church at 1051 Meadow Lane with stipulation was unanimously approved.

III. Elizabeth Meyer and Dorothy Kurtz are requesting a variance to the maximum size for an accessory building for 1 acre located at 1080 Railroad Street (Tax Parcel 052A-100).

Mr. Jarrell presented the Staff Report and reviewed Buckhead's ordinance requirements for accessory buildings. He explained that the building had been started without a permit and flagged for a variance when a building permit was requested. He showed that the proposed barn was larger than the principal dwelling on the property despite the limitation of accessory building size. He confirmed that Buckhead Council had provided no feedback regarding the application.

Elizabeth Meyer, Applicant, introduced Thomas Prochnow and stated he would answer questions for the application. When asked why he did not obtain a building permit, he stated that he was anti-government and did not originally intend to obtain a building permit. He confirmed that he was constructing the building himself and that the proposed size was needed for his artwork. He stressed that they would have to move from Buckhead if they could not build the size structure needed. He stated that his barn would be low impact and would not affect neighbors. He confirmed that he would not put a kitchen or plumbing in the building.

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The Planning Commission discussed the differences between the County ordinance and the Buckhead regulations. The possibility of rezoning to AG was mentioned, but the applicants would need a minimum of 2 acres to apply for rezoning. Mr. Prochnow inserted that he was adjacent to many commercial structures and did not understand how his barn would be intrusive. The Planning Commission explained precedent and expressed frustration that the applicants could have prevented misspent monies if they had conducted research prior to starting construction. Ms. Meyer admitted that they did research setbacks and blamed the lack of permit on the relaxed methods of the building inspector 24 years ago. The Planning Commission explained to Mr. Prochnow his options, including potential future rezoning and withdrawal.

Motion: Mr. Mundrick made a motion to recommend denial of the application for a variance to the maximum size for an accessory building at 1080 Railroad Street.

Second: Mr. Milford

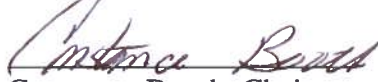
Vote: 6:0 The vote to recommend denial of the application for a variance at 1080 Railroad Street was unanimously approved.

ADJOURNMENT

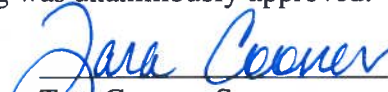
Motion: Mr. Campbell made a motion to adjourn the meeting

Second: Ms. Craft

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


Constance Booth, Chairman

Date 2-25-2021


Tara Cooner, Secretary

Date 2/25/21