

THE HONORABLE BOARD OF COUNTY COMMISSIONERS, MADISON, GEORGIA,
MET THIS DAY IN REGULAR SESSION.

MEETING WAS HELD ON THE SECOND FLOOR OF THE ADMINISTRATION BUILDING.

PRESENT: Chairman Philipp von Hanstein, Vice-Chair Ben Riden, Jr., Commissioners Ronald H. Milton, Donald Harris and Andy A. Ainslie, Jr.

STAFF: County Manager Adam Mestres, Procurement Director Mark Williams, County Attorney Christian Henry, and County Clerk Leslie Brandt.

The meeting was called to order at 10:00 a.m., followed by the Pledge of Allegiance and Invocation.

AGENDA APPROVAL

Motion made by Commissioner Harris, Seconded by Commissioner Milton to approve agenda with the following addition: Real Estate under Executive. Unanimously Approved.

MINUTES

November 03, 2020
November 11, 2020
November 17, 2020
November 18, 2020

MOTION by Commissioner Ainslie, Seconded by Commissioner Harris to approve the minutes as presented. Unanimously Approved.

CONSENT AGENDA

Motion to accept as information the November 2020 payables to include General Fund in the amount of \$695,271.33, TSPLOST in the amount of \$112,451.58, SPLOST in the amount of \$867,321.15, General Fund electronic payments in the amount of \$149,650.75 and the November 2020 financials.

MOTION by Commissioner Harris, Seconded by Commissioner Milton to approve the consent agenda as presented. Unanimously Approved.

LEASE AGREEMENT - MORGAN COUNTY FOUNDATION, INC.

To comply with COVID-19 social distancing guidelines, the County needs a location to pull potential jurors that will allow for social distancing. A committee was formed that looked at various locations around Morgan County. It was determined that the Morgan County Cultural Center Annex meets all necessary requirements to have a large group gathered for the primary focus of selecting jurors for upcoming terms of court in Morgan County. It is also possible that this location may be used as a court location if the necessary social distancing guidance cannot be accomplished at the courthouse.

The lease of the facility will be \$500 per day that it is used for the stated purposes in the lease. This will be paid out of the county general fund.

MOTION by Commissioner Harris, Seconded by Commissioner Riden to approve the lease agreement between Morgan County and Morgan County Foundation, Inc. as presented. Unanimously Approved.

2020-RES-012 - RESOLUTION - ESTABLISHING ADDITIONAL FACILITIES TO BE USED AS A MORGAN COUNTY COURTHOUSE ANNEX

This resolution will formally establish the Madison-Morgan Cultural Center as an additional facility to be used as a County Courthouse Annex for the Superior Court of Morgan County to conduct court related business to comply with COVID-19 social distancing guidelines.

MOTION by Commissioner Riden, Seconded by Commissioner Harris to approve the 2020-RES-012 Resolution establishing the Madison-Morgan Cultural Center to be used as a Morgan County Courthouse Annex as presented. Unanimously Approved.

SECTION 5311 GRANT APPLICATION

This grant approves the split funding between the FDA and the County for the transit program for FY2022.

MOTION by Commissioner Riden, Seconded by Commissioner Harris to approve the resolution of authorization as presented for the FY2022 5311 grant application and authorize the Chairman to sign all documents related to the grant. Unanimously Approved.

COUNTY MANAGER REPORT

PUBLIC COMMENTS ON AGENDA ITEMS

No public comments were made.

MOTION by Commissioner Ainslie, seconded by Commissioner Riden to exit regular session 10:38 a.m. Unanimously Approved.

EXECUTIVE SESSION-PERSONNEL & REAL ESTATE

MOTION by Commissioner Ainslie, seconded by Commissioner Riden to enter Executive Session to discuss personnel and real estate. Unanimously Approved. (Original signed Affidavit in Executive Session Legal Requirement Book).

MOTION by Commissioner Ainslie, seconded by Commissioner Riden to exit Executive Session and enter regular session at 11:02 a.m. Unanimously Approved.

MICHAEL DEATON IS REQUESTING A VARIANCE TO THE MAXIMUM SIZE FOR AN ACCESSORY DWELLING LOCATED ON 10 ACRES LOCATED AT 2960 BETHANY ROAD (TAX PARCEL 045-048B)

Senior Planner, Tara Cooner presented a request by Michael T. Deaton for a variance to the maximum size for an accessory dwelling for an existing structure located at 2960 Bethany Road. The primary residence and accessory dwelling are located on a 10-acre parcel with both houses at the front of the property. Both were constructed in 2017. At that time, the ordinance required the accessory dwelling to be a maximum of 50% of the primary dwelling size. The primary dwelling is 1647 square feet. The accessory dwelling is 800 square feet. They are requesting to double the size of the accessory dwelling.

The current accessory dwelling is 20 feet deep by 40 feet long. The applicant proposes to add another 20 feet to the back of the structure to double the square footage. The structure is approximately 40 feet from the side property line, so if approved, the addition would not encroach into the side setback.

Chapter 7.2, Section 7.2.2, of the Morgan County Zoning Ordinance requires Conditional Use approval for an accessory dwelling. A variance must be requested if additional square footage is desired. Because this is a grandfathered accessory dwelling, the Applicant is only requesting the Variance. However, Section 7.2.2 also instructs property to be split for a second principal dwelling.

The Applicant was advised by Staff to split the property, per the Ordinance. However, the option to split the property is not currently available due to a 90-day moratorium that has been placed on all parcel splits in Morgan County as of October 20, 2020.

The Planning Commission felt if the increase in size was allowed, it would result in two primary dwellings of almost identical size and would set a precedence. The Planning Commission voted unanimously to recommend denial of the variance request.

Chairman von Hanstein allowed proponents to speak:
No one spoke in favor of the variance request.

Chairman von Hanstein allowed opponents to speak:
No one spoke in opposition of the variance request.

MOTION by Commissioner Milton, seconded by Commissioner Ainslie to deny the variance request. Unanimously Denied.

GTLZS, LLC IS REQUESTING A ZONING MAP AMENDMENT, FROM C2 (GENERAL COMMERCIAL) TO C3 (HEAVY COMMERCIAL) FOR A TOTAL OF 10.19 ACRES LOCATED AT SEVEN ISLANDS ROAD AND BONNER LANE (TAX PARCEL 052-043)

GTLZS, LLC is requesting Zoning Map Amendments for 2 parcels, with total combined acreage of 10.19 acres, located at the corner of Seven Islands Road and Bonner Lane. Part of this property went before the Planning Commission in December of 2019 to rezone 1.19 acres from AG to C2. The applicants at the time said they intended to combine that parcel, 052-030F, with the 9 acres behind it, Tax Parcel 054-043. Those parcels were combined in February 2020. The entire 10.19 acres are now shown as Tax Parcel 052-043.

The gas station in front of the subject parcel is zoned C2, as are two properties across Seven Islands Road. The nearest C3 zoning in the county is on the Highway 441 by-pass at the formerly Watson property that was rezoned in 2018.

In the Applicant's letter, dated September 28, 2020, the proposed uses are listed as "general mini-storage, covered and enclosed RV storage, and covered and enclosed boat storage, plus any other uses permitted in C3." Staff asked the Applicant about the "other uses" and was told the only intended uses were mini-storage, RV storage and boat storage.

The Morgan County Comprehensive Plan's Character Area Map shows the area as Industrial. This designation was based on the presence of the quarry across Seven Islands Road. According to the description of the Industrial designation, commercial uses are allowed, although the primary targeted uses are listed regional employers engaged in manufacturing, trucking, or production.

The applicant points out in his letter that the location of the property seems to be compatible with the description for C3 zoning in the Morgan County Zoning Ordinance.

Although C2 zoning is located adjacent to and across Seven Islands Road, there is no C3 zoning in the area. Consideration should be given to the potential spot-zoning nature of the request, as well as the compatibility of the request with the zoning designation description. Also, consideration should be given to the Watson property on the Highway 441 by-pass, which was rezoned to C3 with no adjacent heavy commercial zoning (August 2018), as well as the 2 parcels on Highway 278 owned by Perco which we rezoned from C2 to C3 with only Industrial zoning nearby (August 2019).

The Planning Commission agreed the uses were needed and talked about where the closest uses are to this location. They did note concern of screening appearances. Particularly screening from Seven Islands Road, and they did not feel that all C3 uses would be appropriate for this location. They were also concerned that a plan had not been submitted showing where the buildings would be located on that property.

The Planning Commission voted 4-2 to recommend approval of the zoning application from C2 to C3 with the following conditions:

The property be limited to mini-warehouse storage and commercial parking (commercial parking covers the RV and Boat storage) and that the applicant must submit a landscape buffering plan to be approved by planning staff.

Chairman von Hanstein allowed proponents to speak:
John Stauss spoke in favor of the request.

Chairman von Hanstein allowed opponents to speak:
No one spoke in opposition of the variance request.

MOTION by Commissioner Milton, seconded by Commissioner Harris to approve the zoning map amendment, from C2 (general commercial) to C3 (heavy commercial) for a total of 10.19 acres located at Seven Islands Road and Bonner Lane (tax parcel 052-043) with the conditions set by the Planning Commission, and any additional screening deemed necessary by the planning staff and that the only entrance be from Bonner Lane. Unanimously Approved.

December 01, 2020

MOTION by Commissioner Ainslie, seconded by Commissioner Riden to exit regular session and adjourn at 11:20 a.m. Unanimously Approved.

Philipp von Hanstein, Chairman

ATTEST:

Leslie Brandt, County Clerk