

Planning Commission  
Minutes - March 13, 2023

1. Call to Order: Chairman Edwards called the meeting to order at 6:00pm
2. Roll Call: Chairman Edwards; Commissioners Butler, Ross, Jefferson, Moody, and Guidry were present. Commissioner Mehserle was absent.

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner and Christine Sewell – Recording Clerk

Guests: Brian Braun, Amanda Fiebig, Matt Widner, Teresa Clubb, Amy Shumaker, Cheryl Gillian and Matt Dixon.

3. Invocation- was given by Commissioner Moody
4. Approval of Minutes from February 13, 2023, and work session February 27, 2023

Commissioner Moody motioned to approve as submitted; Commissioner Butler seconded; all in favor and was unanimously approved.

5. Announcements – Chairman Edwards referred to the notices as listed.
  - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
  - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
  - Please place cell phones on silent mode.
6. Citizens with Input – None
7. Old Business – None
8. New Business

Commissioner Jefferson arrived at 6:07pm.

A. Public Hearing (Planning Commission decision)

- **PLAT-0013-2023**. Preliminary plat for The Orchard subdivision on Kings Chapel Road. The applicant is Brian Braun, representing WCH Homes.

Mr. Wood advised the property was granted approval as a conservation subdivision in an R-1 zone in the mid-2000's and certain infrastructure was installed before the project was abandoned. In 2022 City Council granted rezoning of the property to PUD so the applicant's client could utilize the installed infrastructure. The approved PUD plan increased the minimum lot width and reduced the amount of open space to increase the lot sizes. The proposed preliminary plat is consistent with the approved PUD plan and the approved PUD standards,

except as identified in the recommendation. Staff recommends approval of the proposed preliminary plat with the following conditions: 1. Construction drawing shall include ADA-compliant sidewalks on at least one side of all internal streets; 2. One 3-inch caliper shade tree shall be installed in the right-of-way along both sides of all internal streets, spaced approximately 75 feet on-center; 3. The developer shall construct and furnish a pocket park consistent with plans approved by the Planning Commission; 4. Minimum house size shall be 1,300 square feet of heated area; 5. The stormwater management facility shall be deeded to the City of Perry for permanent maintenance; 6. Developer shall submit evidence of Houston County E911 approval of street names.

Chairman Edwards opened the public hearing at 6:08pm and called for anyone in favor of the request. Mr. Brian Braun representing the owner WCH Homes had nothing further to add and was agreeable to the staff conditions. Chairman Edwards called for anyone opposed; there being none; the public hearing was closed at 6:10pm.

Commissioner Butler motioned to approve the preliminary plat as presented along with staff conditions; Commissioner Guidry seconded; all in favor and was unanimously approved.

- **VAR-0025-2023.** Variance request for property located at 218 Hill Lane. The applicant is Widner & Associates.

Ms. Carson advised the request was for a variance to reduce the front yard setback from 30 feet to 15 feet and to straighten the rear yard setback to 35 feet from the line generally perpendicular to the west of the property line on the subject property. The request is due to the inability to fit the proposed home on the parcel while abiding by the required setback limits. In addition, the subject requires a variance because of the drainage/utility easement along the southern portion of the property. Staff was recommending approval with the condition that development shall occur substantially in compliance with the "Site Plan for St. Croix Manor Subdivision Lot(s) 13 – 218 Hill Road" prepared by Widner & Associates, Inc. and dated 02/09/2023.

Chairman Edwards opened the public hearing at 6:11pm and called for anyone in favor of the request. Mr. Matt Widner concurred with the staff report and presented a site plan that will follow the layout of the property. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:13pm.

Commissioner Butler motioned to approve the variance as submitted with the staff condition; Commissioner Jefferson seconded; all in favor and was unanimously approved.

B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on April 4, 2023)

- **SUSE-0017-2023.** Special exception for short term rental for property at 1107 Third Street. The applicant is JMJ Investment Group.

Ms. Carson read the applicants' request, which was for the property owners to offer the entire 2-bedroom/1-bath house for short-term rental for up to 7 guests. Offering the entire house for rent meets the definition of short-term residential rental, along with staff responses. Staff was recommending approval with the following conditions: The special exception is limited to the current owners of the subject property, JMJ Investment Group, and is not transferable; The special exception is limited to short-term rental of the existing house for up to seven (7) guests at any given

time; The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental; The property owner shall remit all required taxes and fees associated with the short-term rental as required by law; Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

Chairman Edwards opened the informational hearing at 6:18pm and called for anyone in favor of the request. The applicant, Ms. Amanda Fiebig had nothing further to add. Chairman Edwards called for anyone opposed. Ms. Amy Shumaker of 1105 Third Street was opposed as she had moved into the area because it was a nice family neighborhood and does not think it will be safe with short term rentals and there are others in the neighborhood who feel the same, but could not make the meeting. Ms. Teresa Clubb of 1110 Third Street bought in the area because it was an existing subdivision and everyone knows their neighbors and she does not want people coming and going and it should remain as a single family residence There being no further comments; Chairman Edwards closed the public hearing at 6:21pm.

Commissioner Moody discussed the article about a study showing a relationship between the density of short-term rentals and an increase in crime, which Mr. Gilmour provided to Council last month. He further stated he is not opposed necessarily, but does have a concern with a large number of transients in a neighborhood which could undue the “fabric” of the area.

Chairman Edwards inquired if there was any data for the area for previously approved applications. Mr. Wood advised there is one on Sunset Avenue, the application before the Commission this evening and another for April on Third Street. Mr. Wood also stated as it had been previously mentioned at the last Commission work session this would be reviewed to see if there is a concentration in an area. Commissioner Moody was concerned with the concentration in a neighborhood and being less than a twelve month rental.

Commissioner Moody motioned to recommend denial to Mayor and Council of the application as submitted; Commissioner Butler seconded; all in favor and was unanimously recommended for denial.

Ms. Fiebig asked to speak; Chairman Edwards granted her request. Ms. Fiebig advised the request came about as a way to assist military families trying to find housing, this would allow them a short term solution until secured housing is found. The area has no covenants and there is already one in the area; and the intent is not to be a detriment, but to provide a service.

- **SUSE-0027-2023.** Special exception for short term rental for property at 1304 Georgia Avenue. The applicant is Turnkey Dreams Consulting, LLC.

Ms. Carson read the applicants’ request, which was for the property owners to offer the entire 4-bedroom/2-bath house for short-term rental for up to 6 guests. Offering the entire house for rent meets the definition of short-term residential rental, along with staff responses. Staff was recommending approval with the following conditions: The special exception is limited to the current owners of the subject property, Turnkey Dreams Consulting, and is not transferable; The special exception is limited to short-term rental of the existing house for up to six (6) guests at any given time; The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental; The property owner shall remit all required taxes and fees associated with the

short-term rental as required by law; Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

Chairman Edwards opened the informational hearing at 6:32pm and called for anyone in favor of the request. Ms. Cheryl Gillian with Keller Williams and on behalf of the property owners advised they are provided a need for future buyers to the area. The property had been rundown and vacant for ten years and they have rehabbed and brought back to livable standards. Most rental clients will be those looking to purchase a home in the area; and the property will be secured with cameras.

Mr. Matt Dixon spoke in favor of the request advising he is also a real estate investor and there is a need for short term rentals, the market shows that. Real estate agents deal with specific clients who need this type of option. Perry is a great town and there is a misconception on Airbnb's. Homes are brought up to a higher standard and well managed; and it is not the owners' intention to bring something undesirable to the area; just trying to meet a need. Mr. Dixon stated he has had long term tenants and that is not always a desirable scenario.

Chairman Edwards called for anyone opposed. Ms. Clubb and Shumaker reiterated the same comments from the previous case. There being no further comments; Chairman Edwards closed the hearing at 6:43pm.

Chairman Edwards stated he appreciated those who spoke investors trying to revitalize a neighborhood and residents in those neighborhoods and as mentioned by Commissioner Moody and the information provided by the city manager. Commissioner Moody stated he can appreciate economic vitality and serving a population underserved, but it is his opinion a less than 30 day rental and not knowing who your neighbor may be less than desirable. Commissioner Ross voiced he could appreciate both sides, but feels there may need to be more thought or an ordinance change for these requests. Mr. Wood noted from the Commission's last work session this was briefly discussed with regard to density and clustering concerns, but will be discussed more in depth at the March work session. Mr. Wood recommended when deciding the Commission should be consistent and the two cases this evening are in the same neighborhood with similar situations. Mr. Wood noted there have already nine previously approved scattered throughout the city.

Commissioner Ross motioned to recommend approval of the application with the staff conditions as listed. Due to lack of a second motion died.

Commissioner Butler motioned to recommend denial of the application as submitted to Mayor & Council; Commissioner Moody seconded; all in favor with Commissioner Ross for approval; resulting vote was 5-1 for recommendation of denial. Commissioner Butler also recommended Council provide the Commission guidance on the issue.

**RZNE-0022-2023.** Rezone various multi-family properties on Sherwood Road, Morningside Drive, Oak Ridge Drive, and Keith Drive from R-2, Single-family Residential, to RM-1, Multi-family Residential. The applicant is the City of Perry.

Mr. Wood advised the subject properties are developed as two-family residential uses. With the recent amendment making the R-2 district a single-family only zone, these properties were rendered nonconforming. The proposed RM-1 zoning recognizes the existing development and will allow the use of the properties to continue as existing.

Chairman Edwards opened the informational hearing at 7:01pm and called for anyone in favor or opposed to the request; there being none the hearing was closed at 7:02pm.

Commissioner Butler motioned to recommend approval of the application as submitted to Mayor and Council; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

- **RZNE-0023-2023.** Rezone various multi-family properties on Alice Drive, Keith Drive, Morningside Drive, Sunset Avenue, Third Street, Fourth Street, and Whipple Street from R-3, Single-family Residential, to RM-1, Multi-family Residential. The applicant is the City of Perry.

Mr. Wood advised the subject properties are developed as two-family residential uses. With the recent amendment making the R-3 district a single-family only zone, these properties were rendered nonconforming. The proposed RM-1 zoning recognizes the existing development and will allow the use of the properties to continue as existing.

Chairman Edwards opened the informational hearing at 7:05pm and called for anyone in favor or opposed to the request; there being none the hearing was closed at 7:06pm.

Commissioner Jefferson motioned to recommend approval of the application as submitted to Mayor and Council; Commissioner Moody seconded; all in favor and was unanimously recommended for approval.

9. Other Business- None

10. Commission questions or comments – None

11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 7:08pm.