

Planning Commission
Minutes – April 10, 2023

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

*Commissioner Jefferson arrived at 6:04 p.m.

3. Invocation: was given by Commissioner Moody.
4. Approval of Minutes: from March 13, 2023, and March 27, 2023.

Commissioner Butler motioned to approve the minutes from the March 13, 2023, meeting as presented. Commissioner Ross seconded the motion, and it carried unanimously.

Commissioner Moody motioned to approve the minutes from the March 27, 2023, meeting as presented. Commissioner Ross seconded the motion, and it carried unanimously.

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 \$250.00 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.

a. Public Hearing (Planning Commission decision).

1. **PLAT-0032-2023**. Preliminary Plat for the Encore at the Parkway. The applicant is Wingate Custom Homes.

Mr. Wood stated the applicant had pulled this item to be moved to the Commission's May 8, 2023, meeting.

b. Informational Hearings. Planning Commission recommendation – Scheduled for a public hearing before City Council on May 2, 2023.

1. **SUSE-0037-2023**. Special exemption for short-term rental for the property located at 1320 Keith Drive. The applicant is Elicia Holmes.

Ms. Carson reviewed the applicants' request, which was for a short term rental. Ms. Carson stated staff recommends approval of the request with the following conditions: (1) The special exception is limited to the current owners of the subject property, Trust, A Holmes as Trustee, and is not transferrable, (2) The special exception is limited to the short-term rental of the existing house for up to twelve (12) guest at any given time, (3) 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, (4) The property owner shall remit all required taxes and fees associated with the short-term rental as required by law, and (5) Failure of the property owner and its guest to comply with all applicable local, state, and federal laws may result in the suspension or revocation of the special exception.

Chairman Edwards opened the public hearing at 6:09 p.m. and called for anyone who would like to speak in favor of the request.

Elcia Holmes, the applicant, stated the property was being used for long-term rentals and wanted to change to short-term rentals. Ms. Holmes said she would happily answer any questions.

Chairman Edwards asked if anyone present would like to speak in opposition to the request.

JW Warren, 1317 Keith Drive, spoke in opposition stating if approved, it would turn into pay by a day, pay-by-week hotel. Mr. Warren asked there be more rules/regulations for short-term rentals.

Nicholas Curcuru – 136 Silverside Drive, asked for clarification on the difference between R-2, Single Family residential zoning, and R-3 (RN2). Mr. Wood stated that R-2 is for medium/low density and R-3 is for high density.

Chairman Edwards closed the public hearing at 6:14 p.m.

Chairman Edwards asked if the conditions are standard for short-term rentals. Mr. Wood stated they are. Chairman Edwards requested clarification about the square footage of the property. Ms. Holmes said she believed it to be 1,000 sq ft, three bedrooms, and 1 ½ baths.

Commissioner Moody reviewed the past approvals of short-term rentals in the area and stated that would be a high concentration of short-term rentals in the area; and believed the number of guests allowed in the home seemed high.

Chairman Edwards stated that with the comments, the issue seems to be the density of the rental locations within a neighborhoods

Commissioner Moody asked if the City's moratorium on short-term rentals affects these requests. Mr. Wood stated it does not since these requests were submitted before the moratorium.

Commissioner Mehserle stated the City doesn't limit the number of family members in an R-2 district relative to the number of occupants. This is an issue of fairness; if we approve one, we should be consistent and fair to everyone.

Commissioner Mehserle motioned to recommend approval to Mayor & Council of the application with the five (5) conditions as outlined. Commissioner Jefferson seconded the motion, which carried 4 to 3. Commissioners Moody, Guidry, and Butler voted against the application.

2. **SUSE-0041-2023. Special exemption for short-term rental of two units located at 1109 Third Street. The applicant is Scott Free.**

Ms. Carson reviewed the applicants' request, which was for a short term rental. Ms. Carson stated staff recommends approval of the request with the following conditions: (1) The special exception is limited to the current owners of the subject property, Roberto and Heidi Denis, and is not transferrable, (2) The special exception is limited to the short-term rental of the existing house for up to 4 guests in Unit A and 6 guests in Unit B at any given time, (3) 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, (4) The property owner shall remit all required taxes and fees associated with the short-term rental as required by law, and (5) Failure of the property owner and its guest to comply with all applicable local, state, and federal laws may result in the suspension or revocation of the special exception.

Chairman Edwards opened the public hearing at 6:27 p.m. and called for anyone who would like to speak in favor of the request.

Scott Free, the Applicant, stated that properties like this are needed on the market.

Nicholas Curcuru – 136 Silverside Drive, stated he agrees that properties like these are in need in Perry, and as a military member, these properties could be utilized by the military.

Chairman Edwards asked if anyone would like to speak in opposition to this request.

Cathy Lancaster, 1301 Swift Street, opposes the request, especially since the property is in the historic district. Ms. Lancaster stated there needs to be more rules and regulations for short-term rentals to protect the uniqueness of historic district properties.

Virginia Schafer, 1104 Third Street, spoke in opposition to the request stating she is a senior citizen and would like to keep our neighborhoods safe.

Theresa Clubb, 1110 Third Street, stated if passed, she will live within 200 feet of several short-term rentals and would like to see the City keep traditional neighborhoods. Ms. Clubb was in favor of the request being denied.

Elizabeth Baker, 1306 Swift Street, stated a high concentration of Vrbo and Airbnb in Perry and requested denial and there should be occupancy rules for short-term rentals.

Chairman Edwards closed the public hearing at 6:44 p.m.

Commissioner Butler motioned to deny the request as presented. Commissioner Moody seconded the motion.

Commissioner Masherle asked if the item could be tabled until the City can review during the moratorium. Mr. Wood stated the item could not be tabled due to the forty-five (45) day turnaround time. Mr. Wood noted that once an item is denied, the applicant can reapply in six (6) months. Commissioner Jefferson asked if there are historic district guidelines. Mr. Wood stated at this time, there are none. Chairman Edwards noted the Commission should stay consistent with the decision making.

Commissioner Mesherle motioned to approve the request. Commissioner Ross seconded. This motion died due to a lack of votes, with Chairman Edwards voting for the motion.

Commissioner Butler motioned to recommend denial of the request to Mayor & Council; Commissioner Moody seconded the motion with it passing a 4-3 vote. Commissioners Guidry, Jefferson, and Ross voted against it.

3. **SUSE-044-2023. Special exemption for short-term rental for the property at 1100 Kenwood Drive. The applicant is Matt Dixon.**

Ms. Carson reviewed the applicants' request, which was for short term rental. Ms. Carson stated staff recommends approval of the request with the following conditions: (1) The special exception is limited to the current owners of the subject property, MJLLC, and is not transferrable, (2) The special exception is limited to the short-term rental of the existing house for up to nine (9) guest at any given time, (3) 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, (4) The property owner shall remit all required taxes and fees associated with the short-term rental as required by law, and (5) Failure of the property owner and its guest to comply with all applicable local, state, and federal laws may result in the suspension or revocation of the special exception.

Chairman Edwards opened the public hearing at 6:47 p.m. and called for anyone who would like to speak in favor of the request.

Matt Dixon, the Applicant, spoke in favor of the request. Mr. Dixon stated the property was used for long-term tenants but needed some upgrades and after the upgrades decided to make the property a short-term rental. Mr. Dixon said he would use a company to manage the property.

Andy Acosta, 2006 Carl Drive – Stated his property management business, Master Investments, would be managing the property for Dr. Dixon. Mr. Acosta stated this would not be an Airbnb property. Mr. Acosta's business has managed property for over three years and has never had a complaint. When an applicant requests one of his properties for rental, the guest goes through several steps before renting the property. The processes include a guest screening process, a Ring doorbell to monitor the property, and a soft background check.

Nicholas Curcuru – 136 Silverside Drive, stated he is military and short-term rentals are excellent for military that are in transition. The property Dr. Dixon has would be ideal for traveling nurses that need a location closer to the hospital.

James Creath, 37 Riverside Drive, wanted to give a testimonial of Mr. Acosta's company's professionalism and would fully support this request.

Rosston Smith, 700 MLK Dr, stated property owners have rights, and as long as the property owner uses their property without breaking any laws, it is entirely legal to use their property as they see fit and should continue to be.

Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 7:27 p.m.

Commissioner Moody asked Mr. Acosta how many properties were in question-based on his statement relative to having no complaints at this property. Mr. Acosta said it is over ten (10) properties. Mr. Acosta stated his business uses a monitor that monitors the decimal level that gives real-time results. Each rental has a curfew time for sound levels with a quiet time from 10 pm to 7 am.

Commissioner Ross motioned to recommend approval of the request to Mayor & Council as submitted, along with the conditions. Commissioner Mehserle seconded the motion, and it carried 5 to 2, with Commissioners Moody and Butler for denial.

4. **RNZE-0046-2023.** Rezone the property at 100 Washington Place Drive from R-3, Single Family Residential, to C-2, General Commercial District. The applicant is Bryant Engineering.

Mr. Wood advised the owner of the subject property and the owner of the adjacent property to the west intended to swap 0.3 acres with each other to straighten the property line between the two. The zoning of the subject property is RTH. It is being added to a parcel zoned C-2. The rezoning is required to make the added land's zoning consistent with the parcel's existing portion.

Chairman Edwards opened the public hearing at 7:39 p.m. and called for anyone who would like to speak in favor of the request.

John Michael – Bryant Engineering stated he was present to answer any questions.

Kathy Drescher, 128 Washington Place Drive- asked for clarification on which portions of the property are being swapped and rezoned. Once all her questions were answered, Ms. Drescher supported the request.

Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 7:41 p.m.

Commissioner Butler motioned to recommend approval of the request as submitted to Mayor & Council. Commissioner Jefferson seconded the motion, and it carried unanimously.

5. **ANNX-0045-2023.** Annexation and zoning of property located at 2011 Elko Road. The applicant is John Story.

Mr. Wood reviewed the request from the applicant to annex a 1.5-acre portion of the parcel into the City of Perry, and a 1.07-acre portion will be subdivided and included with the 1.5-acre tract to create a lot with street footage. Staff recommends approval of the application.

Chairman Edwards opened the public hearing at 7:47 p.m. and called for anyone who would like to speak in favor of the request.

Mr. Andrew Tripp, 2023 Elko Road, spoke in favor of the request. Mr. Tripp stated the applicant Mr. Story, is a great neighbor.

Mr. Andrew Thomas stated he was in favor of the request.

Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 7:47 p.m.

Commissioner Guidry motioned to recommend approval of the request as submitted to Mayor & Council. Commissioner Mehserle seconded the motion, and it carried unanimously.

6. **TEXT-0043-2023**. Add 'Liquor store' as a permitted use in MUC. The applicant is the City of Perry.

Mr. Wood stated a MUC district is generally the form-based equivalent of the C-2 General Commercial District. Adding 'Liquor Store' is consistent with the C-2 uses. An existing liquor store in the MUC district will become conforming use. Mr. Wood stated staff recommends approval of the proposed text amendment.

Chairman Edwards opened the public hearing at 7:49 p.m. and called for anyone in favor of the request. There were none. Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 7:50 p.m.

Commissioner Ross motioned to recommend approval to Mayor & Council of the text amendment as presented, Commissioner Moody seconded the motion, and it carried six to one with Commissioner Jefferson opposed.

9. Other Business. None.

10. Commission questions or comments. Commissioner Jefferson asked how the City identifies short-term rentals. Mr. Wood stated the City looks at various sites to see who has their property listed. Commissioner Jefferson also asked Mr. Wood to look into her neighbor running a business out of their home.

Commissioner Moody reiterated his opinion that short-term rentals undermine the fabric of neighborhoods where people work for what they have and are not given handouts.

Commissioner Guidry stated property owners have rights but must comply with City regulations.

11. Adjournment. There being no further business to come before the Commission, the meeting was adjourned at 7:57 p.m.