

Planning Commission
Minutes - November 13, 2023

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

Staff: Emily Carson – Community Planner and Christine Sewell – Recording Clerk

Guests: Leonard & Caroline Troutman, Rosston Smith, Dave & Julie Forrester, and Jerimah Foster

3. Invocation – was given by Commissioner Moody
4. Approval of Minutes from October 16, 2023

Commissioner Jefferson motioned to approve as submitted; Commissioner Moody 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 phones in silent mode.
6. Citizens with Input – None
7. Old Business – None
8. New Business
 - A. Public Hearing (Planning Commission decision)
 - **VAR-0143-2023**. Variance for property located at 1304 Houston Street. The applicant is Leonard Troutman.

Ms. Carson read the applicants' request, which was for a variance to increase the maximum lot coverage allowed. Ms. Carson advised Section 5-1 Table 5-1-1: Maximum Lot Coverage of Buildings (percentage) for R-2, Single-Family Residential shall be 25%. The property is a rectangle similar in size and conditions of nearby properties and the request does not meet the standards for a variance, as outlined in the ordinance, since the proposed additional square footage is not due to exceptional conditions relative to the shape of the parcel. The intent and purpose of the Land Management Ordinance is to "Provide for adequate light, air, and open space" and to "Prevent the overcrowding of land". Granting the variance would compromise the purpose of the Land Management Ordinance and based on the analysis and the site plan presented by the applicant, staff recommends denial of the variance request since it does not meet the standards for hardship and promotes the overcrowding of property. The applicant does not describe any exceptional conditions that demonstrate that the variance is the minimum relief necessary to provide a reasonable use of the property. The parcel currently has a 2-car attached garage and a 4-car carport and is at 45.5% lot coverage and building the proposed 35x28 building (980 sq ft) would put the parcel at 60% lot coverage.

Chairman Edwards opened the public hearing at 6:07pm and called for anyone in favor of the request. The applicant, Mr. Leonard Troutman, advised he wants to attach a metal garage to the house 28 x 30 and years ago he had a variance for an addition that was approved. The new building will be six feet from the property line. Mrs. Troutman said the additional garage will be attached to the current building as they need something closer so the cars aren't in the weather and there will be no additional water runoff; and she does not understand why this is such a problem.

Chairman Edwards noted for the record citizen input was received from the adjoining neighbor Ms. Emory Richardson.

Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:12pm.

Chairman Edwards asked Ms. Carson to clarify the lot coverage; it is at 45.5% lot coverage now and the proposed 35x28 building (980 sq ft) would put the parcel at 60% lot coverage.

Commissioner Moody asked what the structures on Lucille Avenue are; Mr. Troutman advised a car shed and storage building.

Commissioner Butler motioned to deny the request as submitted; Commissioner Moody seconded; all in favor and was unanimously denied.

B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on December 5, 2023)

- **SUSE-0061-2023.** Special exception for short-term rental permit on property located at 700 Martin Luther King, Jr. Drive. The applicant is Rosston Smith.

Ms. Carson advised the property owner proposes to offer the entire 3-bedroom/2-bath house for short-term rental for a maximum of 8 occupants. The premises were inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and passed.

Chairman Edwards opened the informational hearing at 6:23pm and called for anyone in favor of the request. The applicant, Mr. Rosston Smith, had no further comment. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:24pm.

Commissioner Guidry inquired if the buffer was confirmed; Ms. Carson advised it was and is the first step before moving the application forward.

Commissioner Guidry motioned to recommend approval of the application as submitted with staff conditions to Mayor and Council; Commissioner Ross seconded; all in favor and was unanimously recommended for approval.

- **SUSE-0099-2023.** Special exception for short-term rental permit on property located at 1708 Kings Chapel Road. The applicant is Malorie and Andy Acosta.

Ms. Carson advised the property owner proposes to offer the entire 1-bedroom/1-bath house for short-term rental for a maximum of 4 occupants. The premises were inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and passed.

Chairman Edwards opened the informational hearing at 6:23pm and called for anyone in favor of the request. The applicant, Mr. Rosston Smith, had no further comment. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:24pm.

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

- **SUSE-0144-2023.** Special exception for in-home daycare for property located at 407 Dog Fennel Lane. The applicant is Jeremiah Foster.

Ms. Carson advised the property owner proposes to operate a daycare home for up to six (6) children in a portion of the house as a residential business. Residential businesses are small offices or small-scale retail or service businesses in which customers or clients come to the house and are clearly incidental and secondary to the use of the dwelling for residential dwelling purposes, along with staff responses.

Chairman Edwards opened the informational hearing at 6:33pm and called for anyone in favor of the request. Ms. Jeremiah Foster, the applicant, had nothing further to add. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:34pm.

Commissioner Guidry asked Ms. Foster how the home was protected from the pond behind it; Ms. Foster said the pond was fenced and she also has a fence in her yard.

Commissioner Ross motioned to recommend approval of the application as submitted to Mayor and Council with the following conditions: 1). Limited to the use and business details specified in the application documents, 2). Limited to the applicant, Jeremiah Foster, and is not transferable; 3. All drop-off/pick-up of children shall occur in the driveway of the residence only; Commissioner Butler seconded; all in favor and was unanimously recommended for approval.

- **RZNE-0142-2023.** Rezone property at 911 Jernigan Street from M-2 to C-3, Central Business District. The applicant is Julie and Dave Forrester.

Ms. Carson advised the property has been part of the former Walker-Rhodes Tractor business for many years. Mason Tractor purchased the business a couple of years ago and plans to relocate. The applicant plans to use the property for a brewpub and event venue and these uses are permitted in the C-3 district, but not in the M-2 district, and read the staff responses.

Chairman Edwards opened the informational hearing at 6:42pm and called for anyone in favor of the request. The applicants, Dave & Julie Forrester had nothing further to add. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:43pm.

Chairman Edwards felt the zoning change was appropriate for the growing downtown; Commissioner Moody agreed and felt it was a good use for the parcel. Commissioner Butler asked how long to construct; Mrs. Forrester advised they hoped to start in June 2024. Commissioner Guidry inquired about the steam emitted from the brewery; Mr. Forrester advised it would be nothing over 1500PSI.

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

- **RZNE-0136-2023.** Rezone properties in Phase 3 of Legacy Park subdivision from C-2 to R-3, Single Family Residential. The applicant is Bryan Wood for the City of Perry.

Ms. Carson advised the application consists of 24 parcels which have been subdivided for single-family residential use. The properties were designed to comply with the R-3 standards, since this is a residential development in a commercial zone. The request is to zone the residential properties to R-3. There will be no impact on the properties.

Chairman Edwards opened the informational hearing at 6:46pm and called for anyone in favor or opposed to the request; there being no comment the hearing was closed at 6:47pm.

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

- **TEXT-0112-2023.** Text providing for 25-foot rear setback in R-2 and R-3 districts with preliminary plats approved prior to October 18, 2022.

Ms. Carson advised on October 18, 2022, Council adopted amendments to Article 5 and other sections of the LMO addressing residential zoning districts. As part of this amendment the rear setback for properties zoned R-2 and R-3 was increased from 25 feet to 35 feet to help address potential conflicts with R-1 zoned properties. Since then, staff has realized that properties designed and approved prior to that date cannot accommodate typical house plans and meet the 35-foot rear setback. This amendment will allow the 25-foot rear setback as designed for properties which were created from a preliminary plat prior to October 18, 2022. All preliminary plats in R-2 and R-3 zones submitted after October 18, 2022, must include a 35-foot rear setback.

Chairman Edwards opened the informational hearing at 6:49pm and called for anyone in favor or opposed to the request; there being no comment the hearing was closed at 6:50pm.

Commissioner Ross motioned to recommend approval to Mayor and Council of the application as submitted; Commissioner Butler 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 6:52pm.