

Planning Commission Agenda
Minutes - January 9, 2023

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

Staff: Bryan Wood – Community Development Director and Christine Sewell – Recording Clerk

Guests: Scott Free, Andrew Perry, Steve & Stacey Edwards, William and Donna Cochran

3. Invocation: was given by Commissioner Moody
4. Approval of Minutes from December 12, 2022

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

5. Election of Officers – Chair and Vice Chair

Commissioner Moody motioned to nominate himself as Vice Chair; Commissioner Butler seconded; all in favor with Commissioner Jefferson opposed. Commissioner Mehserle motioned to nominate Eric Edwards as Chair; Commissioner Butler seconded; all in favor and was unanimously approved.

6. 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.
7. Citizens with Input – None
8. Old Business – None
9. New Business
 - A. Public Hearing (Planning Commission decision) - None
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on February 7, 2023)
 - **SUSE 0169-2022.** Special Exception for short term rental at 1307 Keith Drive. The applicant is Kiamata Dukes.

Mr. Wood read the applicants' request which was for a special exception for a short-term rental, along with staff responses. Staff is recommending approval with the following conditions: 1. The special exception is limited to the current owner of the subject property, Kiamata Dukes, and is not transferable, 2. The special exception is limited to short-term rental of the existing house for up to six (6) guests 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, 5. 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 public hearing at 6:09pm and called for anyone in favor of the request. Mr. Andrew Perry on behalf of the applicant reiterated and had nothing further to add. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:10pm.

Commissioner Mehserle asked as there have been numerous applications such as this if there was anything significant with regard to the property and the request; Mr. Wood advised there was not.

Commissioner Mehserle motioned to recommend approval to Mayor & Council with the staff conditions as listed; Commissioner Jefferson seconded; all in favor and was recommended for approval.

- **SUSE 0175-2022.** Special exception for short term rental at 1212 Swift Street. The applicant is Jonathan Seth Bopp. – Chairman Edwards noted the application was withdrawn.
- **SUSE 0178-2022.** Special exception for short term rental at 111 Winsted Court. The applicant is Stephen & Stacey Edwards.

Mr. Wood read the applicants' request which was for a special exception for a short-term rental, along with staff responses. Staff is recommending approval with the following conditions: 1. The special exception is limited to the current owners of the subject property, Stephen and Stacey Edwards, and is not transferable, 2. The special exception is limited to short-term rental of the existing house for up to six (6) guests 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 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 public hearing at 6:14pm and called for anyone in favor of the request. Mr. & Mrs. Edwards reiterated the request and had no further comment. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:15pm

Commissioner Mehserle asked as there have been numerous applications such as this if there was anything significant with regard to the property and the request; Mr. Wood advised there was not.

Commissioner Mehserle motioned to recommend approval to Mayor & Council with the staff conditions as listed; Commissioner Butler seconded; all in favor and was recommended for approval.

- **RZNE 0176-2022.** Rezone properties at 512 & 514 Gen. Courtney Hodges Blvd. to MUC, Mixed Use Center. The applicant is Scott Free.

Mr. Wood advised the property located at 514 Gen. Courtney Hodges Blvd. contains a building constructed in 1974 and is used for automobile repair (Cochran Coachworks). The adjacent property is used in association with the repair business. In 2016 the City of Perry rezoned the Gen. Courtney Hodges Blvd. corridor to various form-based zoning districts. Properties between Big Indian Creek and Gardner Drive, including the subject properties, were zoned NMU, Neighborhood Mixed Use. The NMU district does not permit automobile repair. Therefore, the current use of the properties is non-conforming. Properties along the corridor between Gaines Drive and Larry Walker Parkway were zoned MUC, Mixed Use Center. This zoning district allows automobile repair by special exception. During the due diligence period for a potential sale of the property, the owners and their agent realized the impact of the current zoning of the property and have requested a zoning change and special exception to make the current use of the property conforming to the Land Management Ordinance.

Chairman Edwards opened the public hearing at 6:21pm and called for anyone in favor of the request. Mr. Scott Free on behalf of the property owners, reiterated the request and had nothing further to add. Chairman Edwards then called for anyone opposed; there being none the public hearing was closed at 6:22pm.

Commissioner Mehserle noted on the staff report the response for criteria #12 that at the time rezoned the properties appeared not to have been considered when the form-based districts were applied and felt the owner should be reimbursed zoning fees for this oversight.

Commissioner Mehserle motioned to recommend approval of the application as submitted and with the reimbursement of any fees pursuant to the application; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

- **SUSE 0177-2022.** Special Exception for automobile repair at 512 & 514 Gen. Courtney Hodges Blvd. The applicant is Scott Free.

Mr. Wood advised the applicant requests a special exception (in association with rezoning to MUC) to continue operating an automobile repair business. The building located at 514 Gen. Courtney Hodges Blvd. was constructed in 1974 and is used for automobile repair (Cochran Coachworks). The adjacent property is used in association with the repair business.

Chairman Edwards opened the public hearing at 6:27pm and called for anyone in favor of the request. Mr. Scott Free on behalf of the applicant reiterated the request. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:28pm.

Commissioner Jefferson motioned to recommend approval of the application as submitted and with the reimbursement of any fees pursuant to the application; Commissioner Mehserle seconded; all in favor and was unanimously recommended for approval.

- **RZNE-0171-2022.** Rezone townhouses on Keith Drive and Frank Satterfield Road from R-2 to RTH. The applicant is the City of Perry.

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

Chairman Edwards opened the public hearing at 6:32pm and called for anyone in favor or opposed; there being none the public hearing was closed at 6:33pm.

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

- **RZNE-0172-2022.** Rezone Valley Forge townhouses on Morningside Drive and Washington Place townhouses on Washington Place Drive from R-3 to RTH. The applicant is the City of Perry.

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

Chairman Edwards opened the public hearing at 6:36pm and called for anyone in favor or opposed; there being none the public hearing was closed at 6:37pm.

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

- **TEXT-0170-2022.** Amend the Form Based Code as it applies to existing development. The applicant is the City of Perry.

Mr. Wood advised the request was to amend Section 86.1 of Appendix A of the Land Management Ordinance to address the applicability of the Form Based Code to buildings, structures, and site improvements completed prior to the adoption of the Code. The amendment provides that developments existing prior to the effective date of the Form Based Code (“Code”) are conforming to the design and dimensional standards of the Code and provides for the implementation of the Code on developed properties.

Chairman Edwards opened the public hearing at 6:41pm and called for anyone in favor or opposed; there being none the public hearing was closed at 6:42pm.

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

10. Other Business – None
11. Commission questions or comments- The Commission commended and thanked Commissioner Jefferson for her service as Vice Chair in 2022.
12. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:49pm.