

Planning Commission  
Minutes - February 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, Mehserle, Moody and Ross were present.

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

Guests: David Muse, Pat Muse, Theresa Yance, and Andrew Dennis

3. Invocation- was given by Commissioner Moody
4. Approval of Minutes from January 09, 2023

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

Commissioner Jefferson arrived at 6:04pm

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
  - A. Public Hearing (Planning Commission decision) - None
  - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on March 7, 2023)
    - **ANNX-0179-2022.** De-annex 13.23-acre parcel located at 325 Airport Road. The applicant is David Muse.

Mr. Wood advised the applicant representing the property owner requests the property be de-annexed from the City of Perry. He indicates in the application that the original purpose for annexing a strip of his land adjacent to Airport Road was to create contiguity for annexation of the former Northrop Grumman properties (now Guardian Center). Since the Guardian Center properties are now contiguous to Perry city limits via other properties, the applicant requests his property be de-annexed. This explanation does appear to be correct. While there is no reason stated in any records, both the Muse property and the Northrop Grumman properties were

annexed at the same time. City Council's policy is not to de-annex property unless the City cannot provide services. Water and sanitary sewer services are not available to the property. Since the request is for de-annexation and no zoning classification is being requested, there are no standards established by ordinance to consider. Staff recommends de-annexation of the property due to the unavailability of city services.

Chairman Edwards opened the public hearing at 6:07pm and called for anyone in favor of the request. The applicant, Mr. David Muse, reiterated the request and also asked for the reimbursement of the filing fee. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:08pm.

Chairman Edwards asked Mr. Wood if the criteria met with city policy; Mr. Wood advised it did. Commissioner Mehserle inquired when the annexation was done; Mr. Muse thought approximately 1994.

Commissioner Mehserle motioned to recommend approval to Mayor & Council of the de-annexation request as presented with the reimbursement of the filing fees; Commissioner Ross seconded; all in favor and was unanimously recommended for approval.

- **SUSE-0180-2022.** Special exception for short term rental for property at 317 Lee Street. The applicant is BY Properties, LLC.

Mr. Wood read the applicants' request which was for a special exception to allow short term residential rental, along with staff responses. Mr. Wood advised staff was recommending approval with the following conditions: 1). The special exception is limited to the current owners of the subject property, By Properties LLC, and is not transferable; 2). The special exception is limited to short-term rental of the existing house for up to seven (7) 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 6:14pm and called for anyone in favor of the request. The applicant, Theresa Yance, reiterated the request and advised there would be only six guests. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:16pm.

Commissioner Ross motioned to recommend approval to Mayor & Council of the request as submitted with the following conditions: 1). The special exception is limited to the current owners of the subject property, By Properties LLC, 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; Commissioner Moody seconded; all in favor and was recommended for approval.

- **RZNE-0185-2023.** Rezone property at 89 Smith Drive from M-1, Wholesale and Light Industrial to R-3, Single-family Residential. The applicant is Andrew K. Dennis, Jr.

Mr. Wood advised the property is a 5.63-acre parcel located west of Whipple Street in the New Hope neighborhood. It does not have access to Smith Drive. Several of the parcels fronting Whipple Street were subdivided from the parcel in 1984 which limited its only access to Rosenwald Street. The parcel appears to be the remaining open drainage conduit of a larger natural stream/drainage swale that has been altered over the years. Stormwater drainage from the Perry Market Place shopping center (north of the subject) and surrounding areas runs through the subject property to Big Indian Creek. The northern portion of the parcel and parcels to the east were filled over the years (some fill was construction debris) resulting in steeply sloped ravine running through the parcel. The applicant purchased the property in a tax sale in 2021 and contacted the Community Development office in late 2022 inquiring about development options. Due to the topography of the property, Community Development suggested that the use of the property is limited. Mr. Wood advised staff is recommending approval of the application as submitted.

Chairman Edwards opened the public hearing at 6:20pm and called for anyone in favor of the request. The applicant, Mr. Andrew Dennis reiterated the request. Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 6:21pm.

Commissioner Moody commended Mr. Dennis on rezoning the property as the current M-2 designation was no longer appropriate for the area.

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

- **RZNE-0004-2023.** Rezone The Village at Camelot from R-2, Single-family Residential to RTH, Residential Townhouse. The applicant is the City of Perry

Mr. Wood advised the subject properties are developed as townhouses and encompass the Village at Camelot development. 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, along with staff responses.

Chairman Edwards opened the public hearing at 6:27pm and called for anyone in favor or opposed to the request; there being none the public hearing was closed at 6:28pm.

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

9. Other Business

Mr. Wood advised the sign ordinance is being revised by an outside attorney and is anticipating to have review at the next work session. There had been a town hall meeting in the Old Field area to address the zoning issues and it appears the property owners would like to keep as single family, but perhaps an overlay district for the vacant parcels to be developed. There was also a town hall meeting with the Sand Hill community and no real direction was provided, but they are leaning toward allowing duplexes and townhomes, but staff will continue to work with them.

10. Commission questions or comments- The Commission welcomed Morrison Guidry to the board.

11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:35pm.