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Planning Commission Agenda
Monday, February 12, 2024 6:00pm
Perry City Hall 808 Carroll Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from January 8, 2024
 - 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.
5. Citizens with Input
6. Old Business – Tabled from January 8, 2024 meeting

Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on March 5, 2024)

 - A. **DE-ANNX-0149-2023.** De-annexation of property at 2440 and 0 GA Hwy 127. The applicant is Centerpoint Church of Georgia, Inc. (*Applicant has withdrawn application*)
7. New Business
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on March 5, 2024)
 - **SUSE 0173-2023.** Special exception for property at 203 Havant Way. The applicant is Meagan Monserrat.
8. Other Business
9. Commission questions or comments
10. Adjournment

All meetings of the Planning Commission are open to the public.

(478) 988-2720

<https://perry-ga.gov/business-services/community-development/planning-and-zoning>

Planning Commission Agenda
Minutes - January 08, 2024

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

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

Guests: Mrs. Nancy Mehserle and Mr. Allen Rowell

3. Invocation- was given by Commissioner Mehserle
4. Election of Officers – Chair and Vice Chair

Commissioner Butler motioned to nominate Eric Edwards as Chairman; Commissioner Mehserle seconded; all in favor with Commissioner Edwards abstaining.

Commissioner Butler motioned to nominate Chris Ross as Vice Chair; Commissioner Guidry seconded; all in favor with Commissioner Ross abstaining.

5. Approval of Minutes from December 11, 2023

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

- 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.
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6. Citizens with Input- None
7. Old Business – None
8. New Business – None

A. Public Hearing (Planning Commission decision)

- **VAR-0169-2023**. Variance for property located at 904 Commerce Street. The applicant is Craig Wysong, Super Custom Signs. (*Applicant has withdrawn application*)

B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on February 6, 2024)

- **DE-ANNX-0149-2023**. De-annexation of property at 2440 and 0 GA Hwy 127. The applicant is Centerpoint Church of Georgia, Inc.

Ms. Carson read the applicants' request which was to be de-annexed from the City of Perry. The church indicates in the application that they no longer need the services the City of Perry provides. City Council's policy is not to de-annex property unless the City cannot provide services. Water and sanitary sewer services are available to the property and would be necessary to provide the capacity needed for

the sanctuary expansion. Furthermore, the Houston County Health Department requires soil testing and plans from a licensed engineer before approving any septic system expansions. No such plans have been submitted to the health department as of the date on this report. Since the request is for de-annexation and no zoning classification is requested, there are no standards established by ordinance to consider. Staff recommends denial of the request for de-annexation of the property.

Chairman Edwards opened the public hearing at 6:10pm and called for anyone in favor of the request. Mr. Allen Rowell representative for the church advised the church had expansion plans and need the space and those had been in progress, but unfortunately the church was taken advantage of by a design/build contractor, and currently at a standpoint and not certain what to do. Their original plan from 2022 is no longer an option and if de-annexed there is more flexibility in the county with regard to design guidelines.

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

Chairman Edwards asked if the city supplies water now; Ms. Carson advised it does not it is on a county master meter. Commissioner Mehserle commented for the expansion the church had originally approached the city for services, and their use would not commence until that was done. Ms. Carson advised water and sewer are available at this time. Chairman Edwards asked Mr. Rowell if it would not be that at some point in the future the church may require city services; Mr. Rowell advised at this time not certain, since expansion discussions commenced it's now two years later. Commissioner Mehserle asked if the church is trying to recoup their loss, Mr. Rowell advised they were, but the matter is now in the civil process. Commissioner Mehserle advised he understands the city policy not to de-annex property, but maybe consideration should be given to promoting goodwill towards a charitable cause and asked Ms. Carson what the zoning would be in the county, Ms. Carson advised it would revert to the previous county designation. Mr. Wood advised if a development requests septic, but is within 200 feet of city services, which this property is, by state law they would have to connect to city services. Commissioner Hayes asked Mr. Rowell if there was a burden to remain in the city; he advised no, but the church's board wanted to go back and start over. Commissioner Guidry asked if an answer is needed today; Mr. Rowell advised not necessarily, but they do want to be able to move forward in knowing which boundary they will be in for architectural purposes and costs. Commissioner Guidry noted on the application it was stated the church felt it was difficult to work in the city and asked if that may have been in haste with regards to their situation; Mr. Rowell agreed it was.

Commissioner Mehserle motioned to table until the February 12th meeting to allow the applicant to gather additional information; Commissioner Ross seconded; all in favor was unanimously approved to table.

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 6:35pm.



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STAFF REPORT

From the Department of Community Development
February 5, 2024

CASE NUMBER: SUSE-0173-2024
APPLICANT: Meagan Monserrat
REQUEST: A Special Exception to allow a residential business
LOCATION: 203 Havant Way; Tax Map No. 0P0650 008000

REQUEST ANALYSIS: The subject property owner wants to operate a home bakery 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.

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

	Zoning Classification	Land Uses
Subject	R-2, Single-family residential	Single-family residential
North	R-2, Single-family residential	Single-family residential
South	R-2, Single-family residential	Single-family residential
East	R-2, Single-family Residential	Single-family residential
West	PUD, Planned Unit Development	Undeveloped

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a “Suburban Residential” character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with a mix of residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* Allowing customers to have access to the garage area on an appointment-only basis should not impact the surrounding properties. The exterior of the house will not be altered to advertise the business, and customer visits will be limited to Monday through Saturday 8 AM to 6 PM.

6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* The use of the residence as a residential business should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* The secondary use as a residential business should not increase the population density above that expected for the size of the house.
8. *Will the use create a health hazard or public nuisance?* Residential businesses should not create a health hazard, and normally should not create a public nuisance. The applicant is applying for certification from the state to sell home-baked goods, limiting the potential for health hazards. The driveway of residence is about 40ft long, allowing more than enough space for vehicles to pull in without blocking the sidewalk or the street.
9. *Will property values in adjacent areas be adversely affected?* Secondary use as a residential business should not adversely affect the value of properties in the area.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property is developed as a permitted use, a single-family residence. The special exception is to allow secondary use as a residential business, as allowed, according to the LMO.

STAFF RECOMMENDATION: Staff recommends approval of the special exception, with the following conditions:

1. Limited to the use and business details specified in the application documents.
2. Limited to the applicant, Megan Monserrat, and is not transferable.
3. Applicant must provide state certification to sell home-baked goods prior to the issuance of a Perry Occupational Tax Certificate.

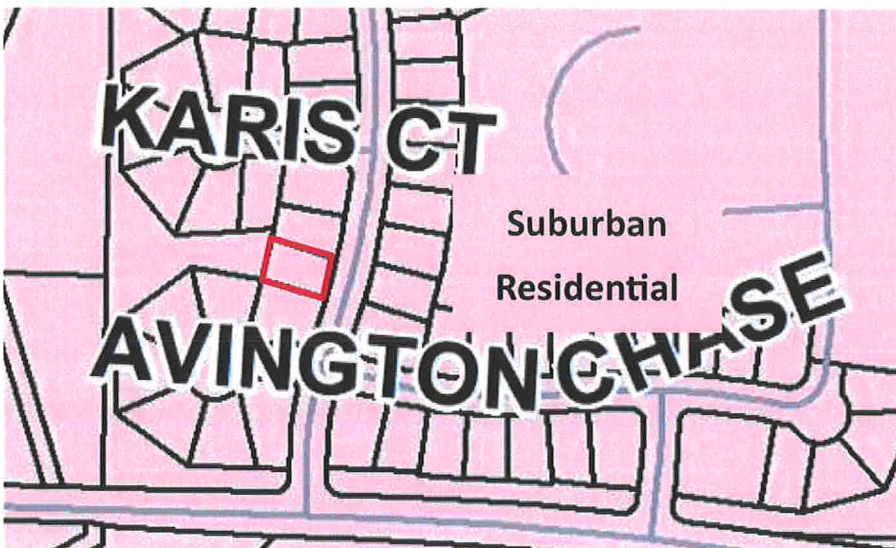


SUSE-0173-2023
203 Havant Way
Special Exception to allow a
home bakery as a home
occupation

Aerial



Zoning



Character Area



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Application for Special Exception
 Contact Community Development (478) 988-2720

Application # SUSE#173-
2023

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Meagan Monserrat	Meagan Monserrat
*Title	Mrs. Meagan Monserrat	Jesus Monserrat
*Address	203 Havant Way, Perry, GA 31069	
*Phone	[REDACTED]	
*Email	[REDACTED]	

Property Information

*Street Address	203 Havant Way, Perry, GA, 31069	
*Tax Map Number(s)	0P0650 008000	*Zoning Designation R2

Request

*Please describe the proposed use:

I enjoy making desserts for family and friends as a hobby and want to make it into a small business to help people with their needs. My desserts include chocolate covered pretzel rods, oreo balls, cakes pops, cupcakes, cakes, rice krispie treats, and sugar cookies all of which are prepared/baked out of my kitchen. Customers typically come to my residence to pick up their orders.

Instructions

- The application and **\$306.00 fee** (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards).** See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.**
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- The applicant must be present at the hearings to present the application and answer questions that may arise.**
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
- Signatures:**

*Applicant	<i>Meagan Monserrat</i>	*Date	13 Dec 23
*Property Owner/Authorized Agent	<i>Meagan Monserrat</i>	*Date	13 Dec 23

Standards for Granting a Special Exception

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

- (1) The existing land use pattern.
 - (a) **Residential**
- (2) Whether the proposed use is consistent with the Comprehensive Plan.
 - (a) **Yes, it will continue to be a residential place.**
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection.
 - (a) **Yes, all equipment will be readily accessible for fire and police protection**
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan.
 - (a) **Yes, it will continue to be in Harmony with our neighborhood and HOA. Everything will be operated from within the home. Nothing will be stored outside of the home.**
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
 - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and
 - (i) **The selling of desserts out of my home will have no impact on the pedestrian and vehicular traffic of our residential area. The customers will be able to park in our driveway to pick up their desserts they have ordered.**
 - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern.
 - (i) **The kitchen will be the only thing used. Nothing will be added on to the outside of the home.**
- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities.
 - (a) **The baking and picking up of desserts will have no impact on public facilities. This is only a hobby in which I will have, at most, five (5) customers a week to pick up desserts.**
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water
 - (a) **The preparing, baking and selling of the intended desserts will not cause any of the instances listed above. All ingredients used are typical household items/ingredients.**

(8) Whether the proposed change will adversely affect property values in adjacent areas.

(a) **The change will not affect the property value in the area. All activities will be performed indoors in the kitchen. I will only be preparing/baking desserts for people around the area to enjoy for their events.**

(9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located.

(a) **There are no reasons why the property cannot be used to prepare, bake and sell desserts.**