

Planning Commission  
Minutes - April 8, 2024

1. Call to Order: Chairman Edwards called the meeting to order at 6:01pm.
2. Roll Call: Chairman Edwards; Commissioners Butler, Guidry, Hayes, Jefferson, Mehserle, and Ross were present.

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

Guests: Chad Bryant – Bryant Engineering, Jeremy Crosby – Jones Petroleum, Pat Muse, Jacob Tuttle, Kecia Isgett, Julie Foy, Bill Delrow, Bill Goggin, Council Member Joy Peterson, Dan Peterson, Amy Fouse, Scott Free, and John Michael Cosey.

3. Invocation: was given by Commissioner Jefferson
4. Approval of Minutes from March 11, 2024, regular meeting and March 25, 2024, work session – Commissioner Guidry motioned to approve as submitted; Commissioner Jefferson seconded; all in favor and was unanimously approved.
5. Announcements – Chairman Edwards referred to the announcements 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. Public Hearing (Planning Commission decision)
  - A. **VAR-0020-2024**. Variance from design standards for property located at 530 Perry Parkway. The applicant is Mike Horne, Jones Petroleum.

Mr. Wood read the applicants' request which was a variance to eliminate the use of brick or stone on building facades, along with staff responses. Mr. Wood advised Sec. 6-6.1(A)(2) states - Buildings shall utilize natural building materials, such as wood, stone, and brick on building exteriors, except that roofing materials may be manmade. Steel or other metals shall not be used on building exteriors, except as may be necessary for roofing, window trim, gutters, and down spouts. Unpainted, smooth-faced concrete block shall not be used on building exteriors. Synthetic stucco shall not be used on building exteriors. All sides of a building may impact on its surroundings and shall be considered for treatment with an architectural finish of primary materials (i.e., brick and stone), unless other materials demonstrating equal or greater quality are used. As a general rule, except in industrial zoning districts, front facades shall be at least eighty (80) percent brick and stone. Side facades shall be at least fifty (50) percent brick and stone. Rear facades do not have a minimum suggested standard for primary materials unless they are visible from a public right-of-way. The applicant is constructing a fueling center with a convenience store and fast-food restaurant and proposing to clad the exterior of the building with cement-fiber panels and the request does not meet the criteria for granting a variance.

Chairman Edwards opened the public hearing at 6:08pm and called for anyone in favor of the request. Mr. Jeremy Crosby with Jones Petroleum advised recently completed a similar fuel center in Jackson,

GA and brick skirts all four sides and is proposing the use of Nichiah cement board panels which is thicker than hardie plank and a higher quality, and not an inexpensive product, but less in labor costs for installation. The product is made in Macon and comes in multiple custom colors and by allowing the use adheres to the company's brand.

\*Commissioner Mehserle arrived at 6:11pm.

Chairman Edwards called for anyone opposed.

Mr. Pat Muse advised he had no opinion one way or the other on the variance but was concerned with the property being so close to the Guardian Center and the activities they hold with explosions and low flying aircraft that cause noise and vibration issues for the surrounding area and does not want to see the business, it's employees and patrons suffer from these consequences.

There being no further public comment, the public hearing was closed at 6:16pm.

Chairman Edwards inquired of Mr. Crosby of other locations in Georgia; he advised Lagrange is in construction and a future site in Liberty County. Chairman Edwards asked if the plan was for these was to be the same; Mr. Crosby advised they were and are in the process in Liberty County with the same issue. Commissioner Hayes asked of Mr. Wood why this type of material was excluded; Mr. Wood advised the intent was to ensure quality materials and currently working on proposed guideline changes that may or may not allow for lesser brick, but currently it is prohibited. Mr. Wood advised it is an acceptable material and would accept hardie plank. Commissioner Mehserle advised the intent when adopted for the area to develop was to not mandate specific colors but provide a pallet of materials for homogeneity and context and the regulations are not unique or unreasonable. Chairman Edwards asked if stone veneer was allowed; Mr. Wood advised man-made stone was and it was more the appearance of materials and not how they are made. Mr. Wood further advised the applicant was suggested to paint the brick; Mr. Crosby stated Nichiah was a better product and had a good warranty and with brick would have to paint it twice.

Commissioner Guidry motioned to approve the request; Commissioner Hayes seconded; Commissioners Edwards, Ross, and Mehserle were opposed; resulting vote was 4 to 3 for approval.

B. **VAR-0036-2024.** Variance from parking standards for property located at 317 Grand Reserve Way. The applicant is Jacob Tuttle.

Ms. Carson read the applicants' request which was to park a recreational vehicle in the front driveway of the residence, along with staff responses. Ms. Carson advised there is currently a violation of Sec. 6-1.10. *C Recreational vehicles in residential districts.* In any residential district, recreational vehicles, travel trailers, campers, motorized homes, boat trailers, ATVs or ATV trailers may be parked or stored in a completely enclosed building. Such vehicles or trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot. The applicant is requesting a variance to allow the parking of his recreational boat and boat trailer in his front yard due to the exceptional narrowness and municipal and telecommunications infrastructure between his and his neighbors' houses.

Chairman Edwards opened the public hearing at 6:30pm and called for anyone in favor of the request.

Mr. Jacob Tuttle, the applicant, advised he was in the current situation as he had received a notice of the violation, which he was unaware was a violation and he was not willingly violating the ordinance. Mr. Tuttle reviewed the standards for granting a variance as he felt they were misleading/false. In regard to standard #1 the public infrastructure of cable boxes, streetlights, utility, is preventing him putting the boat in the side yard. Standard #2, feels meets this criteria and the suggestion to relocate offsite is a financial burden. Standard #3, If approved would be setting a precedent as a similar case

was brought forth in 2017 and was denied in the Wooden Eagle subdivision; he drove through the area and it's not the same. Standard #4, two vehicles and one boat have no impact on public parking as this is private property. Mr. Tuttle advised he contacted the HOA board, and this does not violate their covenants and it not a detriment to the neighbors and again was only found due to a visit in the area by code compliance. Mr. Tuttle felt there was no legitimate reason presented to deny the request.

Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:38pm.

Commissioner Butler advised he reached out with no response to the HOA president and furthermore he resides in the adjoining subdivision and believes they adopted the same covenants which do not allow boat parking and provided Mr. Tuttle with a copy of the covenants. Chairman Edwards asked if it could not be placed in the garage; Mr. Tuttle advised it could be if he didn't use currently for one vehicle parking. Commissioner Ross asked Mr. Tuttle if he intended to permanently store the boat in the driveway; he advised he was.

Commissioner Butler motioned to deny the variance request; Commissioner Jefferson seconded; all in favor and was unanimously approved for denial.

C. **PLAT-0032-2024.** Preliminary plat for The Orchard on Main, northeast corner of Keith Drive and Main Street. The applicant is Chad Bryant, Bryant Engineering.

Mr. Wood advised the applicant is requesting approval of the entire 138-lot subdivision with the understanding that a portion of the proposal must be annexed into the City. The subdivision is designed so that 97 lots can be constructed on the parcels already in the City without redesign, should the adjacent parcel not be annexed. The entire subdivision meets the R-1 minimum standards. While not indicated on the plat, Houston County 911 has approved ten street names for the subdivision. The approval is valid until 3/14/2027. Following City Council's direction, planning staff recommends sidewalks be installed on one side of portions of the primary streets to provide pedestrian access to the planned sidewalk along Keith Drive. Staff recommends approval of the proposed preliminary plat with the following conditions: 1). Approval of Lots 98-138 is subject to parcel 000570 008000 being annexed into the City of Perry and zoned R-1 and 2). 5'-wide sidewalks shall be installed along one side of portions of Road A, Road B, and Road D as indicated on the proposed sidewalk map prepared by the City Planning Staff.

Chairman Edwards opened the public hearing at 6:48pm and called for anyone in favor of the request. Mr. Chad Bryant, the applicant reiterated the request and advised the reason laid out over the entire development is because the parcels are owned by the same person, and they are doing a master plan for the area and also because it is assumed the county parcel will be requested for annexation into the city. The layout also depicts sewer and if not annexed the current parcel in the city can still move forward with the approval and the owner desires to be transparent with the development.

Chairman Edwards called for anyone opposed. Ms. Kecia Isgett- 1904 Main Street- concerned it does not address previous concerns with traffic and stormwater issues for the area. Is concerned with drainage and that it will compound the current problems in the area; and the culverts are in desperate need of replacement and the city should update the infrastructure and conduct proper studies to ensure this is not another Sadie Heights problem.

Mr. Bill Delrow – 408 Stonegate Trail – the Commission needs to see the study by ISE for the current issue in Sadie Heights. When land is disturbed, it loses its natural ability, and the water has to go somewhere. The project may have a retention pond, but that hasn't worked in other areas, how will it work in this case. There is also not enough capacity for the water/sewer required. There will be more traffic on Keith Drive and Main Street. Project should not be allowed until proper infrastructure is in place.

Julie Foy – 2001 Main Street – concerned with stormwater runoff and the amount that currently flows onto their property; infrastructure is aged and needs replacing, and a hydrology report should be done to show where the water will flow and ISE has been contracted by the city to look at this same issue in other areas of the city and the same should be done in this area before allowing it to proceed. Traffic will also be a concern.

Chairman Edwards called for any further comments; there being none the public hearing was closed at 7:12pm.

Chairman Edwards asked staff for clarification on the parcel not in the city and the conditions recommended. Mr. Wood confirmed the conditions with one being the owner must request annexation into the city and follow the proper filing process. Mr. Bryant had further comment in regards to stormwater and advised half of the property flows to Rozar Park on Keith Drive and the other to Main Street; there will be a detention pond and advised per regulations they cannot increase what is currently there and during studies all conveyances are examined and have to be ten percent of and review to make sure the level of service does not change. Mr. Bryant advised they could do a detailed analysis and see what flow impacts are and can do modifications to show impacts in surrounding neighborhoods. Mr. Bryant advised there is a deceleration lane noted. Commissioner Hayes asked if this additional information could be provided to the Commission; Mr. Bryant advised that at this time no, as what is before the Commission is the preliminary plat approval to confirm that the zoning requirements are met, which does not pertain to the design of the development. Commissioner Guidry asked Mr. Bryant if he has ever done a project similar to this elsewhere; Mr. Bryant advised he has done numerous projects but no two are alike. Mr. Bryant advised the Commission again, what's before them is approval for the preliminary plat, not the site review, once and if an approval is received, they will begin their process for civil plans and submittal to the city, which will review all requirements. Chairman Edwards is sympathetic to the concerns, but the aging infrastructure is the city's responsibility. Commissioner Mehserle noted the current administration has been proactive with addressing aging infrastructure and is making strides, but this parcel is privately owned and the owner has the right to develop at its highest and best use, and the preliminary plat meets the requirements and asking for a hydrology report to evaluate what can be done to relieve future problems for an area that is not their responsibility does not fall to that owner.

Commissioner Mehserle motioned to approve the preliminary plat as submitted with the following conditions: 1). Approval of Lots 98-138 is subject to parcel 000570 008000 being annexed into the City of Perry and zoned R-1 and 2). 5'-wide sidewalks shall be installed along one side of portions of Road A, Road B, and Road D as indicated on the proposed sidewalk map prepared by the City Planning Staff; Commissioner Ross seconded; Commissioners Butler, Guidry, and Jefferson were opposed; resulting vote 4 to 3 for approval with Chairman Edwards voting for approval.

## 9. New Business

Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on May 7, 2024)

A. **SUSE-0035-2024.** Special exception to reduce minimum house size for property located at 738 Elaine Street. The applicant is Houston County Habitat for Humanity.

Mr. Wood advised while there is a building permit in review for 738 Elaine Street, the applicant is requesting a blanket approval for reduced house square footage for any house they construct. They indicate the square footage of their smallest houses are: 786 square feet for a two-bedroom house; 980 square feet for a three-bedroom house; and 1100 square feet for a four-bedroom house. They further state they typically work in neighborhoods with house sizes generally ranging from about 750 square feet to more than 1700 square feet. Habitat properties are normally located in the Creekwood, Five

Points, Hilltop, Oldfield, New Hope, and Sandhill neighborhoods. All single-family residential districts require houses with a minimum heated square footage of 1500. Mr. Wood read the staff report, along with responses. Staff recommends approval of the special exception to reduce the size of the proposed house at 738 Elaine Street to 786 square feet. Staff further recommends that a blanket special exception to reduce minimum house size be granted to Houston County Habitat for Humanity, subject to the following conditions: 1). The minimum house heated square footage shall be 786 for 2-bedroom houses, 980 for 3-bedroom houses, and 1100 for 4-bedroom houses and 2). The blanket special exception shall only apply to any property located in the Creekwood, Five Points, Hilltop, Oldfield, New Hope, and Sandhill neighborhoods.

Chairman Edwards opened the public hearing at 7:53pm and called for anyone in favor of the request. Mr. Bill Goggin, Executive Director Habitat for Humanity advised they are increasing their presence in Perry and utilize infill lots to develop affordable housing and have this lot and three others to be done, thus the request for the blanket special exception. The 768 sq. ft for this particular lot is not one of their smaller homes, but if approved is consistent with the surrounding neighborhood.

Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 8:00pm.

Commissioner Butler motioned to recommend approval as submitted with the following conditions: 1). The minimum house heated square footage shall be 786 for 2-bedroom houses, 980 for 3-bedroom houses, and 1100 for 4-bedroom houses and 2). The blanket special exception shall only apply to any property located in the Creekwood, Five Points, Hilltop, Oldfield, New Hope, and Sandhill neighborhoods; Commissioner Ross seconded; all in favor and was unanimously recommended for approval.

10. Other Business – None

11. Commission questions or comments- None

12. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 8:03pm.