

Planning Commission  
Minutes- May 13, 2024

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

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

Guests: Lee Wingate, Bill Delrow, Jane & Terry Edge, Whitney Chance, Ryan Laughbon, Erika Crum, Lewis Meeks, Jeanne Maddox, Bill Flynn, Chandler DeJulio

3. Invocation: was given by Commissioner Jefferson
4. Approval of Minutes from April 8, 2024, regular meeting and April 29, 2024 work session  
Commissioner Jefferson motioned to approve both minutes as presented; Commissioner Hayes seconded; all in favor and was unanimously approved.
5. Announcements – Vice Chairman Ross 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 – Mr. Bill Delrow advised he attended last month's Planning Commission meeting and was concerned the preliminary plat approved for the Orchard on Main Street should not have been just because it met the requirements; there are issues in the area with regard to flooding, traffic, infrastructure, public safety, and felt it should not have been approved just because it met the requirements.

Mr. Wood stated the Commission is made up of volunteers relying on professional staff; the ordinance does not provide the Commission discretion regarding preliminary plats that comply with ordinance standards; and that there were inaccuracies in Mr. Delrow's statements. Mr. Wood advised he would be glad to speak with Mr. Delrow after the meeting and schedule a time to discuss planning procedures in more detail.

Mr. Ryan Laughbon of 113 Judy Kay Way asked the Commission to consider allowing residents to "annex" parts of the greenspace into their individual lots at Legacy Park. Mr. Wood stated this request must be made of Council and that the open space was required by ordinance.

7. Old Business \_ None
8. Public Hearing (Planning Commission decision)
  - A. **VAR-0045-2024**. Variance to increase fence height on property located at 1009 & 1013 Northside Drive. The applicant is Dylan Wingate, WCH Homes.

Mr. Wood read the applicants' request, which was a variance to increase the fence height to ten feet from the allowable eight feet. Mr. Lee Wingate, unaware the application was submitted by his partner, asked if it could be heard for fifteen feet; Mr. Wood advised it could not, and would have to be tabled if the Commission elected to do so and heard at the June meeting. Mr. Wingate asked the case be tabled until the June meeting. Commissioner Hayes motioned to table the variance request

until the June meeting; Commissioner Butler seconded; all in favor and was unanimously approved to table the request.

- B. **VAR-0052-2024.** Variance to increase the maximum floor area for accessory structure on property located at 646 Pine Ridge Street. The applicant is Kevin Flanagan.

Ms. Carson read the applicants' request which was to increase the maximum floor area for accessory structures, along with staff responses. Ms. Carson advised the applicants' request is to allow a seven-bay pole barn to remain in his backyard as a carport. The applicant states he was not aware of the size standards or the need for permits when he was building the structure. Community Development was made aware of the structure when it was close to completion and contacted the applicant to advise him of the requirements and place a stop work order on the project. The project was completed, prompting the need for a variance request to avoid having to demolish half of the structure to meet the size standards. Ms. Carson advised staff was recommending denial of the application.

Vice Chairman Ross opened the public hearing at 6:28pm and called for anyone in favor of the request.

Ms. Jeannie Maddox, 629 Pine Ridge Street spoke to what a good neighbor Mr. Flanagan was and had no opposition to the structure. Mr. Bill Flynn, 633 Pine Ridge Street spoke in support of the request and did not think it would be fair to have him remove if not approved and felt the stormwater runoff was not an issue as the ditches are currently not maintained and do not drain well now.

The applicant, Mr. Flanagan, when receiving estimates no one advised him permits were needed. When the inspector came out, he advised he needed to cease work and speak with the building official. With regard to stormwater runoff he spent thousands of dollars 15 years ago because the city could not do and recently Evergreen Street was done and he contacted the city to do the same on Pine Ridge. He can also connect to the house and put on gutters but does not cause rainwater runoff that goes into the ditch. Has the carport to protect vehicles and has spent \$21,000 and does not see it as fair that the structure be torn down.

Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed.

Commissioner Butler asked Mr. Flangan why he was not aware a permit was required; he advised the contractors didn't tell him he needed it and wasn't aware of requirements. Commissioner Guidry felt if something can be done to help Mr. Flangan it should be and asked about his option to connect to the house as there seems to be some confusion. Mr. Wood advised if connected there are setback requirements, and it may not comply; Ms. Carson advised on the plans provided it would not.

Commissioner Butler motioned to deny the request as submitted; Commissioner Jefferson seconded; all in favor for denial with Commissioner Hayes and Guidry opposed to denial; resulting vote was 3-2 for denial.

9. New Business

Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on June 4, 2024)

- A. **SUSE-0044-2024.** Special exception for short-term rental for property located at 920 Keith Drive. The applicant is Terry & Janet Edge.

Ms. Carson read the applicants' request which was to offer the entire 3-bedroom/2-bath house for short-term rental for a maximum of 8 occupants, along with staff responses. The subject premises were inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and passed. Ms. Carson advised staff was recommending approval.

Vice Chairman Ross opened the public hearing at 6:46pm and called for anyone in favor of the request.

The applicant, Mr. Terry Edge, reiterated the request and noted this is his second home and comes four days out of the week and this option allows for the rental when they are not there.

Vice Chairman Ross called for anyone opposed. Mr. Lewis Meeks 825 Keith Drive spoke in opposition of the request and was concerned about the unknown of short-term rentals and the impact on the residents and neighborhood. Mr. Edge spoke again and advised he has ties to the community with his children and grandchildren living in Perry, it is his home for him and his family, they are there Monday thru Thursday and vet any potential renters and only intend to rent one week a month and there will not be eight cars for any renters, only one. There are rules governing the use as a short-term rental and want to utilize to offset insurance and taxes.

There being no further comments Vice Chairman Ross closed the public hearing. Commissioner Guidry asked if there were any others on Keith Drive; Ms. Carson advised there was not. Commissioner Guidry thought there had been one previously; Ms. Carson advised there had been one and it was denied, and Mr. Wood advised one had been approved and is no longer doing short term rental. Commissioner Hayes asked if the requirement for rental is enforced; Mr. Wood advised they do not enforce; Mr. Edge advised they are only renting for one week or weekend per month. Commissioner Hayes asked about the booking process; Mrs. Edge advised they have to complete an application and advise what they are in the area for, and they approve them. Commissioner Butler asked if there is any data on police being called; Mr. Wood advised the ones approved in the city to his knowledge there has been no complaints. Mr. Wood noted when the ordinance was passed it states restrictions on noise, parties, etc. and even before the ordinance no police calls and none sense with the approximate ten approved.

Commissioner Hayes motioned to recommend approval of the application as submitted to Mayor & Council; Commissioner Butler seconded; all in favor with Commissioner Guidry opposed; resulting vote was 5-1 for approval.

**B. SUSE-0048-2024.** Special exception for short term-rental for property located at 308 Haven Way. The applicant is Whitney Chance.

Ms. Carson read the applicants' request which was to offer the entire 3-bedroom/2-bath house for short-term rental for a maximum of 6 occupants, along with staff responses. The subject premises were inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and passed.

Vice Chairman Ross opened the public hearing at 7:23pm and called for anyone in favor of the request. The applicant, Ms. Whitney Chance, reiterated the request and had nothing further to add. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed.

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

**C. SUSE-0053-2024.** Special exception for beauty salon as a residential business for property located at 319 Rippling Water Way. The applicant is Erika Crum.

Ms. Carson read the applicants' request, which was to operate a single-station home hair salon in the garage of the house as a residential business, along with staff responses. Ms. Carson noted staff is recommending approval, with the conditions as noted in the staff report.

Vice Chairman Ross opened the public hearing at 7:28pm and called for anyone in favor of the request. The applicant Ms. Erika Crum advised she would operate Monday thru Saturday 9am -5pm and the whole purpose to do this is to be closer to her children and not work so much; keeps her clients at a high standard and will ensure they adhere to the parking requirements and hours. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed.

Commissioner Hayes asked what processes were in place to ensure that only one stylist would be at the residence. Mr. Wood advised this is similar to a home occupation but goes through the special exception process because customers are coming to the residence; if complaints are received is when the city would inspect. Commissioner Hayes asked Ms. Crum how many clients at a time; she advised one to two. Commissioner Guidry inquired of Ms. Crum if she spoke to any of her neighbors; she advised she had and there was no objection.

Commissioner Guidry motioned to recommend approval of the application as submitted to Mayor and Council with the following conditions: 1). Limited to one stylist station and business details specified in the application documents; 2). Limited to the applicant, Erika Crum, and is not transferable; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval

D. **RZNE-0054-2024.** Rezoning of property located at 1024 & 1026 King Blvd. from R-3 to RM-1. The applicant is Equity Trust Company, FBO.

Mr. Wood read the applicants' request which was to rezone from R-3 to RM-1, Multi-Family Residential, along with staff responses. Prior to modifications to the Land Management Ordinance in 2022, the R-3 district allowed single- and multi-family residential development. The property at 1024 King Blvd. was developed with six dwelling units in three buildings in 1973. The property at 1026 King Blvd. is a 1.37acre undeveloped tract. The RM-1 zoning district allows multi-family development of up to six dwelling units per parcel. This requested zoning will make the existing development at 1024 King Blvd. s conforming use, and will allow six additional dwelling units to be constructed on 1026 King Blvd.

Vice Chairman Ross opened the public hearing at 7:35pm and called for anyone in favor of the request. Mr. Chandler DeJulio, on behalf of the applicant advised they requested to bring the property into conformance and provide affordable housing for the area. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed.

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

E. **TEXT-0030-2024.** Amendment of LMO regarding PUD standards and procedures. The applicant is the City of Perry.

Mr. Wood advised the request was to update and modify PUD standards and procedures in Sections 1-13, Definitions, 2-3.3, Planned Unit Development, 3-2.2, Special base zoning districts, and 4-1.3, Uses permitted in PUD as discussed by the Commission and Council. Mr. Wood advised the changes are: Updating and strengthening the purpose and intent of the PUD district, Prohibiting the PUD district from being used as an alternative to obtaining variances and complying with standards of base zoning districts, Requiring preliminary input by the Planning Commission prior to finalizing plans, Requiring at least two different land uses in a PUD, Requiring more information about the character of the proposed PUD, Requiring a traffic impact study for projects exceeding 10 acres, and Requiring a phasing plan for the development.

Vice Chairman Ross opened the public hearing at 7:39pm and called for anyone in favor of the request. Mr. Bill Delrow, as the city looks at PUD changes, is curious how many have been extended to developers in Perry; Mr. Wood advised approximately 20. Mr. Delrow stated some were required to have retail but had not done so and should be held to this standard and not be approved if they do not. Mr. Wood advised this is the reason a phasing plan is required initially on how they intend to build. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed.

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

F. **TEXT-0031-2024.** Amendment of LMO to allow certain oversized vehicles in residential districts. The applicant is the City of Perry.

Mr. Wood advised the request was to allow electric utility on-call employees to park company vehicle in residential districts by modifying Sections 1-13, Definitions, 6-1.10(B), Oversized vehicles in residential districts. Mr. Wood further noted, employees of electric utilities serving the City of Perry are sometimes on call after regular business hours to handle emergencies. To reduce emergency response time, they bring their company vehicle home. These vehicles are classified as oversized vehicles in the Land Management Ordinance and are not allowed to be parked in residential zoning districts. This amendment will exempt certain electric utility vehicles from the prohibition during times that the employee is on call. The request is brought forward as a resident for seven years has been parking a bucket truck one day a week and one weekend a month and the developer of the subdivision has an issue with.

Vice Chairman Ross opened the public hearing at 7:42pm and called for anyone in favor or opposition; there being none the public hearing was closed.

Commissioner Jefferson inquired if the issue was with the residents or developer; Mr. Wood advised it was his understanding the developer.

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

10. Other Business – Mr. Wood advised this meeting would be Commissioner Butler’s last and thanked him for his service.
11. Commission questions or comments – None
12. Adjournment – there being no further business to come before the Commission the meeting was adjourned at 7:47pm.