

Planning Commission Agenda
Minutes - July 8, 2024

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

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

Guests: Dave Corson, Robbie Russell, Collins Madikaegbu, Bill Goggins, Ryan Snodgrass

3. Invocation- was given by Commissioner Mehserle
4. Approval of Minutes from June 10, 2024 regular meeting
Commissioner Mehserle motioned to approve as submitted; Commissioner Guidry seconded; all in favor and was unanimously approved.
5. Announcements – Vice Chairman Ross 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. New Business

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

- A. **SUSE-0065-2024**. Special exception for short-term rental for property located at 1318 North Ave. The applicant is David Corson.

Ms. Carson advised the property owner proposes to offer the entire 3-bedroom/2-bath house for short-term rental for a maximum of eight occupants. The property has been inspected for compliance with minimum health and safety requirements for use once renovations are complete (per Section 2-3.6) and has passed and reviewed the staff report, along with responses and noted staff is recommending approval with the noted conditions in the report.

Vice Chairman Ross opened the public hearing at 6:07pm and called for anyone in favor of the request; Mr. Dave Corson, the applicant advised he agreed to the conditions as listed in the staff report. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed at 6:08pm.

After the closing of the public hearing Mr. Robbie Russell requested to address the Commission and asked if there was not a moratorium in place for short-term rentals. Mr. Wood advised there is not as the ordinance governing short-term rentals had been passed and there is a 1000-foot distance requirement between them.

Commissioner Hayes inquired of Mr. Corson the vetting process for guests as his concern was the proximity to the school. Mr. Corson advised there are rules within the Airbnb process and discrimination is not allowed but will be diligent in the screening process. Mr. Wood advised in past dealings with short-term rentals some platforms do not allow a search and if it was a rental, it would not be screened.

Commissioner Mehserle motioned to recommend approval to Mayor and Council of the application as submitted with the following conditions: 1). This permit is limited to the Owners David and John D. Corson and is not transferable; 2). The applicant must complete and pass a STR inspection prior to the issuance of the permit (completed 07.08.24); 3). The applicant removes #11 under Indoor Information & Rules on the 1318 North Ave Host Rules document; Events are not allowed in short-term residential rentals per the LMO; Commissioner Guidry seconded and it was unanimously recommended for approval.

B. SUSE- 0080-2024. Special exception for short-term rental for property located at 415 Shoshone Circle. The applicant is Collins Madikaegbu.

Ms. Carson advised the property owner proposes to offer 3-bedrooms/2-baths in the 5-bedroom/3-bath house for short-term rental for a maximum of six occupants. The property has been inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and has passed and reviewed the staff report, along with responses and noted staff is recommending approval with the noted conditions in the report.

Vice Chairman Ross opened the public hearing at 6:16pm and called for anyone in favor of the request. The applicant, Mr. Collins Madikaegbu, reiterated the request and has a passion to share his property with visitors and agrees to the conditions in the staff report. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed at 6:17pm.

Commissioner Hayes inquired if only the additional rooms were being rented and not the entire dwelling; Mr. Madikaegbu advised that was correct and he will ensure the safety of himself and his neighbors. Commissioner Guidry inquired about the number of rooms and number of vehicles. Mr. Wood advised it is limited to 2 per bedroom plus 2 and vehicles are those that can fit in the driveway.

Commissioner Jefferson motioned to recommend approval to Mayor and Council of the application as submitted with the following conditions: 1). STR Permit is limited to Collins Madikaegbu and is not transferrable; 2). The applicant must complete and pass the STR inspection prior to the issuance of the permit (completed 07.08.24); Commissioner Mehserle seconded; all in favor and was unanimously recommended for approval.

C. SUSE-0072-2024. Special exception to reduce minimum house size for property located at 1336 & 1338 Pierce Street. The applicant is Houston County Habitat for Humanity.

Mr. Wood read the applicants' request which was to reduce the minimum house square footage, along with staff responses. Mr. Wood further noted that earlier this year, the applicant requested approval to reduce the minimum house size for 738 Elaine Street, and requested a blanket approval for reduced house square footage for any house they construct. City Council granted the approval for Elaine Street but did not approve the "blanket" special exception. Council agreed to consider all Habitat properties in one application but felt each property should be evaluated. Currently, the only other properties owned by Habitat in the City are the subjects of this application. The properties are located in the Old Field neighborhood. Pierce Street is located in one of the last subdivided sections of Old Field. Existing houses on the street range from 672 square foot houses located at 1329 & 1351 Pierce Street to a 1,769

square foot house at 1332 Pierce Street. Only two of the 18 existing houses on Pierce Street meet the 1,500 square foot minimum required by the LMO. Habitat's smallest house plans 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.

Vice Chairman Ross opened the public hearing at 6:23pm and called for anyone in favor of the request. Mr. Bill Goggin with Habitat for Humanity reiterated the request and noted they are working to revitalize the area, and this will be an owner inhabited property. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed at 6:26pm.

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

D. **RZNE-0079-2024.** Rezone property at 1824 Houston Lake Rd. & 1904 Hwy 127 to amend existing PUD to increase building height and allow residential use within the existing designated commercial area. The applicant is Wingate Custom Homes.

Mr. Wood read the applicants' request which was to modify the existing PUD zone, along with staff responses. Mr. Wood provided additional background information on the property that was zoned PUD in 2022 to include a mix of commercial, townhouse, and detached single-family residential uses. The applicant is requesting the PUD Regulating Plan be modified. The modification is in the commercial area where they are adjusting the commercial square footage from 45,000 square feet to 30,000 square feet and adding 50 residential units in a mixed-use building. With this modification there are minor adjustments to the open space and parking. Total units per acre increases from 3.3 to 4.0. The residential portion of the PUD Regulating Plan is not changing. There are also some minor adjustments to the PUD Standards for clarification and recognizing recent changes to the City's sign standards and the table in the staff report compares the changes between the current PUD and the proposed PUD update.

Vice Chairman Ross opened the public hearing at 6:30pm and called for anyone in favor of the request. Mr. Ryan Snodgrass planner for WCH Homes reiterated the requested and as noted in the staff report the adjustment is for the commercial area of the project. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed at 6:32pm.

Commissioner Mehserle requested clarification on the commercial and that lofts were being added; Mr. Snodgrass confirmed yes and the project will be a mixed-use development to include ground floor residences for live/work and a second story of lofts. Commissioner Guidry asked with the decrease of commercial how many residential will be added; Mr. Snodgrass advised 50 additional units. Commissioner Hayes asked if the market is dictating the change; Mr. Snodgrass advised it was.

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

E. **TEXT-0076-2024.** Text amendment to amend Sec. 2-3.12 to add expiration and amendment provisions to land disturbance permit; Sec. 2-3.13, Final Plats, to provide consistent language; and Secs. 2-3.16 and 2-3.17 regarding maintenance warranties to reduce the required value and maintenance period, revise provisions for phased developments, and require separate maintenance warranties for stormwater facilities. The applicant is the City of Perry.

Mr. Wood read the request which was to Amend Sec. 2-3.12 to add expiration and amendment

provisions to land disturbance permit; Sec. 2-3.13, Final Plats, to provide consistent language; and Secs. 2-3.16 and 2-3.17 regarding maintenance warranties to reduce the required value and maintenance period, revise provisions for phased developments, and require separate maintenance warranties for stormwater facilities. Mr. Wood also noted in addition to adding expiration and amendment provisions to the land disturbance permit and providing consistent terminology throughout, this amendment addresses issues regarding maintenance warranties raised by the local development community. The original ordinance was modeled after a community in the Atlanta metro area. After further research of communities throughout the state, it was determined that standards for maintenance warranties among metro-area communities are substantially inconsistent with communities in the remainder of the state. This amendment brings Perry's standards more in line with other communities outside the metro area while adequately protecting the City from unnecessary costs during the period of the owner's maintenance responsibilities. The major changes to the maintenance warranty provisions are: 1). Reduce the value of the maintenance warranty from 33% to 10% of the construction costs; 2). Require the City to establish a schedule of unit costs for calculating the cost of construction, rather than relying on the owner's contracts; 3). Reduce the maintenance warranty period from 24 months to 18 months, with the provision that the warranty or a portion of the warranty may be released after 12 months upon a finding by the City that the infrastructure meets City standards and specifications; 4). Revise "Phased Developments" to remove the extension of warranties for earlier phases to cover infrastructure used for access to later phases. In its place, "phased developments" addresses stormwater infrastructure designed to serve multiple phases; 5). Require a separate maintenance warranty for stormwater infrastructure. Stormwater maintenance warranties extend for 18 months from the date of final plat approval of the last phase which is served by a stormwater facility.

Mr. Wood added the amendment will be consistent with areas outside of metro Atlanta that the 2022 revision was comparable to. The department has met with the development community and some of the modifications are from their input and the proposed amendment has been provided to them as well with no comment.

Vice Chairman Ross opened the public hearing at 6:40pm and called for anyone in favor or opposed to the request; there being none the public hearing was closed at 6:41pm.

Commissioner Guidry asked for clarification of the final plat approval; Mr. Wood advised no final plat is approved until all the site work is completed, which includes all the infrastructure to support the development. Commissioner Mehserle asked about stormwater for a second phase; Mr. Wood advised it would be a second maintenance bond with an 18-month time frame.

Commissioner Mehserle motioned to recommend approval to Mayor & Council of the amendment as presented; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

9. Other Business – Mr. Wood reminded Commission of July 22nd work session and welcomed Commissioner Williams.
10. Commission questions or comments - None
11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:54pm.