

**MINUTES**  
**PERRY PLANNING COMMISSION**

**February 25, 2008**

1. **Call to Order:** Chairman Beeland called the meeting to order at 6:00 PM.
2. **Invocation:** Commissioner Mehserle gave the invocation.
3. **Roll:**  
**Commissioners Present:** Martin Beeland, Chairman; Paul Cosey; Patricia Jefferson; Jim Mehserle; Terre Walker; Lawrence Clarington.  
  
**Commissioners Absent:** Todd Barker.  
  
**Guests:** See attached guest list.  
  
**Press:** None Present,  
  
**Staff Present:** Mike Beecham, Director of Community Development; Barbara Crisler, Planning Technician.
4. **Approved February 11, 2008 Minutes:** Chairman Beeland recommended the minutes be amended as follows: 1) Commissioner Jim Mehserle was not present and needs to be shown as Commissioners Absent; and 2) remove to word to in the sentence we may leave a message up there for 5 "to" minutes but, we will have the ability to change it continuously complying with the regulations of the ordinance. Commissioner Cosey motioned to approve the minutes as amended. Commissioner Clarington seconded the motion and the motion carried unanimously. Commissioner Mehserle stated he was not in attendance at the February 11, 2008 meeting, he chose to abstained from voting.
5. The Campaign Notice, per O.C.G.A. 36-67A-4: Chairman Beeland referred to the notice posted on the door of the City Council Chambers.
6. **Informational Hearing:**
  - 1) **Tabled – Rezoning Application #R-08-002:** Chairman Beeland presented a request from Andrew T. McKenzie – Black Dog Development, LLC to rezone 22.931 acres located at Gray Road from City of Perry R-3 (c), Multi-Family (conditional) to City of Perry R-3, Multi-Family Residential District. Mike Beecham reviewed and explained the conditions of the application. Chairman Beeland opened the floor for comments in favor of this rezoning request. There was no one to speak in favor of this zoning request. Chairman Beeland opened the floor for any comments in opposition. There were no comments in opposition. Comments from the floor were then closed. Comments were requested from the Commission and staff. **Chairman Beeland** stated since some of the Commissioners have questions and concerns I would recommend we postpone this hearing until the next meeting and inform the applicant he must be present to answer any questions. Commissioner Walker motioned to table this rezoning request until the March 10, 2008 meeting. Commissioner Clarington seconded the motion. The motion carried unanimously.
  - 2) **Recommendation for Approval – Rezoning Application #R-08-003:** Chairman Beeland presented a request from Gary A. Estvanko to rezone 1.857 acres located at 109 Hill Road from

City of Perry R1, Single-Family Residential District to City of Perry IN, Institutional District. Mr. Beecham reviewed and explained the conditions of the application. Chairman Beeland opened the floor for comments in favor of this rezoning request.

Gary Estvanko distributed a letter from Houston County Health Department stating "109 Hill Road currently has a septic tank that is approved for four bedrooms. Four bedrooms will support 8 full-time occupants. If you desire to increase your capacity, the system will have to be modified accordingly". Each side of the home is a vacant lot. The lot to the right is attached to a 5 acre lot to the rear. Also, Chip and Natalie Lollis will be the house parents at the home.

There were no other comments in favor.

Chairman Beeland opened the floor for comments in opposition of this zoning change.

John Christy of 200 Chinaberry Lane I am opposed to the IN zoning district, this zoning is out of character to the R1 residential area that is all around this property. A profit business should not be in the middle of a residential area where there are no other businesses within a half a mile. I am asking for the zoning request to be denied.

Robert Tuggle of Chinaberry Lane I believe the covenants on the property would currently restrict anything but single family development on this property.

Audience member stated the property to the south of this property is zoned R1 with restriction of single-family dwellings on a minimum 1 acre lots.

Bill Jerles of 206 Chinaberry Lane stated

Mr. Estvanko this is a non-profit home. We had approval to operate the home like it is with a foster home but, there was an issue with the terminology of the home.

Mr. Beecham explained to the Commissioners that last summer Mr. Estvanko wrote a letter to the city requesting foster children at this location. I interpreted this request as a family with a couple of foster children. I asked our city attorney, and in his opinion that we could not treat the foster kids any differently than a normal family with kids, and I reiterated that information to Mr. Estvanko. About a month ago I received a call from the state stating Mr. Estvanko wanted 8 foster children and the staff would not live in the house. At that time I asked him to submit this application.

Marsha Christy I would like to add that if there going to staff there then no one has a vested interest in the home or in the neighborhood and community. I have issues and concerns with that.

Mr. Estvanko Chip and Natalie will live there that will be their home. I will turn the home over to them if I have to.

Chip Lollis "my wife and I have been foster parents in this county for a number of years. We went through a two year stretch we had 82 kids in and out of our home. We saw this as an opportunity to help those that didn't have what most of us have".

There were no comments in opposition from the floor. Comments from the floor were then closed. Comments were requested from the Commissioners and staff.

Commissioner Clarington asked the citizens in opposition are you more concerned who is going to be living there or than what type of children they would be bringing in.

Bill Jerles 206 Chinaberry Lane we heard from Mr. Lollis that they will have staff coming and going, you will have children apparently in and out, state representatives in and out. Whether it is non-profit or not, you are going to have an ongoing enterprise, governmental function or a foster care function with a lot of traffic and a lot of people coming and going that are not a part of the neighborhood. This is our concern, our neighborhood has all character races but we all live in single-family homes on large lots. This zoning use is not consistent with the character of our neighborhood.

Mr. Estvanko Chip and Natalie will be living in the house 24 hours a day 7 days a weeks.

Commissioner Cosey asked what the age group of these children and how many rooms are in the house.

Mr. Estvanko 7 to 21 years old, the house has 15 rooms in my 6,000 square foot home.

After a brief discussion, Commissioner Walker motioned to give a recommendation of denial to Mayor and City Council for the IN zoning. Commissioner Jefferson seconded the motion. The motion carried with a vote of four (4) in favor and one (1) opposed to the recommendation of denial. Commissioners' Walker, Jefferson, Mehserle, and Cosey voted in favor. Commissioner Clarrington voted in opposition to the recommendation of denial.

7. New Business:

- 1) Approval Preliminary Plat with conditions – Cambridge Road Subdivision – The Knight Group, Inc. Mike Beecham presented a preliminary plat for Cambridge Road Subdivision – David Dillon, owner. Mike Beecham informed the Commission that this preliminary plat was approved over a year ago and has expired. They are about to start development and this plat needs to be brought before you for approval again. There have been no changes to the plat since your previous approval. This subdivision is a conservation subdivision with 40 % permanently protected open space. All of the engineering plans have been submitted and approved. Commissioner Mehserle motioned to approve this preliminary plat. Commissioner Walker seconded the motion. The motion carried unanimously.

8. Adjournment: There being no further business to come before the Perry Planning Commission, Chairman Beeland adjourned the meeting at 6:38 P.M.