

MINUTES
PERRY PLANNING COMMISSION
March 24, 2008
6:00 P.M.

1. Call to Order: Chairman Beeland called the meeting to order at 6:00 PM.

2. Roll:

Commissioners Present: Martin Beeland, Chairman; Paul Cosey; Patricia Jefferson; Todd Barker; Lawrence Clarington.

Commissioners Absent: Jim Mehserle; Terre Walker.

Staff Present: Mike Beecham, Director of Community Development; Barbara Crisler, Planning Technician.

Guests/Speakers: Gary Estvanko of 109 Hill Road; John Christy of 200 Chinaberry Lane; Draper Watson of Perry; Donald Free of 105 Hill Road; Louise Talton of 2027 Highway 341 South; William Davis of Perry.

Press: None Present.

3. Invocation: Commissioner Jefferson gave the invocation.

4. Approved March 10, 2008 Minutes: Chairman Beeland recommended the minutes be approved as submitted. Commissioner Jefferson motioned to approve the minutes as submitted. Commissioner Clarington seconded the motion and the motion carried unanimously.

5. The Campaign Notice, per O.C.G.A. 36-67A-3: Chairman Beeland referred to the notice posted on the door of the City Council Chambers.

6. Public Hearing:

1) Denied Variance Application – #V-08-006: Chairman Beeland presented this variance request from Frank Shelton – Perry Volunteer Outreach, and Lamar Smith – Green Way Developers of Perry Preserve subdivision. This property is located at the southwest corner of Perry Parkway and US 41 South. The variance request is to allow an off-site 112 square foot construction sign for Perry Preserve subdivision. Mike Beecham reviewed and explained the conditions of the application. Mr. Beecham informed the Commission that it is the opinion of Chairman Beeland that this sign is an outdoor advertising sign advertising something unrelated to the premises which it would be located. The Perry Planning Commission needs to determine whether it is an outdoor advertising sign and if a motion is made and agreed upon then a variance cannot be granted. Chairman Beeland opened the floor for comments for those in favor and opposed to this variance request.

There were no comments in favor or in opposition from the floor.

Public Hearing adjourned at 6:10 pm. Comments were requested from the Commission and staff.

After a brief discussion, Commissioner Cosey motioned determining this proposed sign is an outdoor advertising sign. Commissioner Barker seconded the motion. The motion carried unanimously.

At this time, Commissioner Cosey motioned to deny this variance request because it was determined that the proposed sign is an outdoor advertising sign.. Commissioner Jefferson seconded the motion. The motion carried unanimously.

7. Informational Hearing:

- 1) Recommendation for Denial– Rezoning Application #R-08-004: Chairman Beeland presented a request from Gary A. Estvanko to de-annex and rezone 1.857 acres located at 109 Hill Road from City of Perry R1, Single-Family Residential District to Houston County R1, Single-Family Residential District. Mr. Beecham reviewed and explained the conditions of the application. We have contacted Houston County Board of Commissioners and they will have to approve a resolution agreeing to accept the property back into the county. At this time, we have not heard from the county. Chairman Beeland opened the floor for comments in favor and opposed to this rezoning request.

In Favor

Gary Estvanko read the minutes from July 23, 2007 “Mr. Beecham discussed this matter with David Walker, City Attorney. In his opinion, state law requires all foster children to be treated equally and the same as any member of a regular family. No action has to be taken by the Planning Commission. I contacted the Housing Urban Development which states “all cities and counties to treat children especially ones with disabilities the same as normal children. To require us to institutionalize is against the discriminator policy, it’s called exclusionary zoning. I don’t know how that is going to effect this, but I really want to get into the city or we would like to be zoned as either using an exception or a variance to operate this childcare facility. Chip and Natalie Lollis have been doing this for years this will be their home. I want this Commission to fully understand we want this to go forward in the city or the county”.

Commissioner Cosey stated our action is not to determine whether it is a foster home or not, our action now is to whether or not this property should be de-annexed.

Opposed

John Christy “we have nothing against foster children. This however is a setting where you are going to have at least 8 foster children living which is considered more like a day care center, play school, or children that are not residents of a full time household. We live in a residential area, all of the property in this area is zoned single-family residential. Everyone assumed this house was going to be a residence when it was built and brought into the city. The city recently ruled that this is not appropriate use for this area”. I would respectfully request to consider these comments and you deny this request to de-annex the property.

Draper Watson what is the difference between spot zoning in the R-1 zoning area. The city R-1 zoning is the most restrictive and I don't know what restrictions the county has for the same zoning.

Mr. Estvanko There is county property around my property. When we annexed into the city we were told that sewer would be run down Hill Road.

Donald Free there was discussion of why Mr. Free's property was annexed into the city. I am opposed to de-annexing this property.

There were no other comments in favor or opposition from the floor. Informational Hearing adjourned at 6:30 P.M. Comments were requested from the Commissioners and staff.

Mr. Estvanko At the time "I applied for annexation, I was told at that time that if we asked to be de-annexed that we would have our water cut-off. That agreement also stated that there would be sewer brought down Hill Road".

Mr. Beecham to my knowledge I have not seen this agreement for the city to extend a sewer service to Mr. Estvanko's property.

There was further discussion in regards to the proposed agreement and sewer services for the property.

Commissioner Jefferson asked Mr. Estvanko what his intentions were when he built this house several years ago.

Mr. Estvanko "the home was built for Chip and Natalie at that time they had 13 foster children they were going to live in the home. By the time the house was built some of the children have grown up or moved away and they found another location".

Commissioner Cosey stated our action now is to determine whether or not this property should be de-annexed. The other issue about determining whether or not to rezone this property for the use of a foster home care, was taken care of at an earlier meeting and you chose to withdraw that request before it went to City Council.

Louise Talton "I don't know how many years they have been working on this house at least 3 or 4, and there has been different real estate signs in front of this house for sale. You said you built this house for a foster home, it appears that it's for sale for anyone to buy it".

At this time, Commissioner Cosey motioned to give a recommendation of denial to Mayor and City Council for de-annexation and Houston County R1 zoning. Commissioner Barker seconded the motion. The motion carried unanimously.

- 2) Recommendation for Approval – Rezoning Application #R-08-005: Chairman Beeland presented a request from Walker Andrew, owner and Bill Davis, applicant to rezone 2.93 acres located off Perry Parkway from City of Perry R1, Single-Family Residential District to City of Perry OC, Office Commercial. Mr. Beecham reviewed and explained

the conditions of the application. Chairman Beeland opened the floor for comments in favor and opposed to this rezoning request.

In Favor

Bill Davis I have talked to the developer of the adjacent subdivision called Legacy Park. I explained what we are planning and the developer did not have a problem with what we propose. We are planning to build two all brick office facilities. These buildings will comply with all architectural standards and development requirements to meet the City's regulations.

Opposed – No comments.

There were no other comments in favor or opposition from the floor. Informational Hearing adjourned at 6:55 P.M. Comments were requested from the Commissioners and staff.

After a brief discussion, Commissioner Cosey motioned to give a recommendation of approval to Mayor and City Council for the OC zoning. Commissioner Clarington seconded the motion. The motion carried unanimously.

There was further discussion of the parking lot area, architectural standards, size of the buildings and their location if two buildings are built. Also, there was discussion of re-visiting the size limit requirement of the buildings in the OC district.

At this time, Commissioner Barker motioned to approve the variance allowing a 2,980 square foot variance of the 3,500 square foot size limit in the OC district.

Commissioner Jefferson seconded the motion. The motion carried unanimously.

8. New Business:

- 1) Approved Final Plat – Paradise Shoppes of Perry, L.P. – Publix Shopping Center, Dave Mattson off Perry Parkway. Mike Beecham presented the final plat for Paradise Shoppes of Perry, L.P. – Publix Shopping Center, Dave Mattson. This subdivision is being developed following the C2 development standards containing 17.21 acres with 6 lots. The Paradise Development Group re-platted their property creating 6 lots which needs to be submitted to you for approval. There aren't any new roads and the infrastructure will be not be publicly maintained.

After a brief discussion, Commissioner Barker motioned to approve the Final Plat for Paradise Shoppes of Perry, L.P. – Publix Shopping Center. Commissioner Clarington seconded the motion. The motion carried unanimously.

9. Adjournment: There being no further business to come before the Perry Planning Commission, Chairman Beeland adjourned the meeting at 7:10 P.M.

PERRY PLANNING COMMISSION ATTENDANCE SHEET

Monday

March 24, 2008

*****PLEASE SIGN IN*****

<u>NAME:</u>	<u>ADDRESS:</u>
1. Gary A ESTVANKO	109 Hill Rd. Perry, Ga. 31069
2. Buddy Andrew	1028 Cherokee Rd Perry, GA
3. Lubin Burt	
4. Marsha Christy	200 Chinaberry Lane
5. Dorene Watson	2009 Tucker Rd
6. Louise + Andy Tacton	2027 Hwy 341 S
7. Lonnie + Carol Thomas	107 Chinaberry LN
8. Gary Debozier	119 Wellington Dr
9. Donald Free	

CHAIRMAN

SECRETARY
