

MINUTES
PERRY PLANNING COMMISSION

April 23, 2007

1. Call to Order: Chairman Beeland called the meeting to order at 6:05 PM.
2. Roll:

Commissioners Present: Chairman Beeland; Willie King; Jim Mehserle; Todd Barker.

Commissioners Not Present: Paul Cosey; Patricia Jefferson; Chuck Sanders.

Guests: See attached guest list.

Press: None Present

Staff Present: Steve Howard, Building Official; Barbara Crisler, Recording Secretary; Harold Deal, Asst. City Engineer.
3. Invocation: Commissioner King gave the invocation.
4. Approved March 12, 2007 Minutes: Commissioner King motioned to approve the minutes as submitted. Commissioner Barker seconded the motion. The motion carried unanimously.
5. Reading of the Campaign Notice, per O.C.G.A. 36-67A-4: Chairman Beeland read the notice.
6. Public Hearing:

Approved Variance Application – #V-007-003: Chairman Beeland presented this variance request from Ray Connor – Connor’s Flooring America. This request is for a 20’ variance of the street planting yard and screening of parking areas. Steve Howard reviewed and explained the conditions of the application. Mr. Howard informed this Commission the owner wants to expand his business on the adjacent property that he owns. Since constructing the original operation the landscaping requirements have been changed in order to continue with the same style this variance request is necessary. The layout of this building would have a retention area approximately 20’ between these two buildings, however the design across the front facing Highway 41 would be uniform in design. There will be access along the rear of the building for deliveries.
Commissioner Mehserle is the reason the 20’ buffer could not be done is because of the driveway that needs to be along the back property line giving access for deliveries. Mr. Howard stated along the front the new ordinance requires a 20’ planting area, hence requiring this variance. Mr. Howard depicted on the conceptual drawing where the property lines are, where the planting area would be and the necessary parking in the front. The drive along the back would also require 20’ buffer area. The variance requests are for the buffering areas to be reduced.
Chairman Beeland asked how wide would the planting areas be on the sides and back be.

Mr. Howard stated the areas appear to be approximately 5 to 10 feet. There will be adequate area for a screening hedge in the rear. The hedging on the north side will be lower as well as the front and side of the building. There will be 3 street trees planted along Highway 41 North in the islands located in the parking lot.

Chairman Beeland opened the floor for comments for those in favor of this variance request.

Ray Connor applicant of the variance request stated the access along the back is for deliveries. Trucks will pull up the driveway go along the rear access and back up to the loading dock on the north side of the new proposed building and leave that area. We are contacting the DOT in order to have a second driveway off of Highway 41 which will be a right out only to go north onto 41. The building will have the span of 20' in between buildings for retention but the front of the building will be a continuation of the existing building keeping the look more uniform.

There were no other comments in favor. Chairman Beeland opened the floor for comments in opposition. There were no comments in opposition from the floor. Comments from the floor were then closed. Comments were requested from the Commission and staff.

At this time, Commissioner King motioned to approve the request. Commissioner Mehserle seconded the motion. The motion carried unanimously.

- 2) Denied Variance Application – #V-007-004: Chairman Beeland presented this variance request from James M. Pensyl. This request is for a variance to allow two (2) apartments and a four (4) car garage to be built behind the existing office structure. Steve Howard reviewed and explained the conditions of the application. Mr. Howard informed the Commission that staff received a letter in opposition and a copy of the letter was provided for them for their review. Chairman Beeland opened the floor for comments for those in favor of this variance request.

James M. Pensyl stated the distance between the existing structure and the proposed structure would be approximately 40 feet requiring a 10' variance.

There were no other comments in favor. Chairman Beeland opened the floor for comments in opposition.

Draper Watson of 1208 Main Street asked what the height of the proposed building.

Mr. Pensyl stated the height would be approximately 25 feet.

At this time Chairman Beeland read a letter aloud that was received by Draper Watson. The letter was in opposition to any variance that allows a duplex or any type apartments above the garage or any setback variance that would allow a structure to be built closer to his property.

There were no other comments in opposition from the floor.

Comments from the floor were then closed. Comments were requested from the Commission and staff.

At this time, Commissioner Mehserle motioned to deny the request of the variance to build two apartments above a four car garage which is not a permitted use in the C-2 district under Section 47.2. Commissioner King seconded the motion. The motion carried unanimously.

7. Informational Hearing:

- 1) Recommendation for Approval with conditions – Rezoning Application #R-007-006: Chairman Beeland presented a request from Kevin Sullivan to rezone 1.15 acres from City of Perry R1, Single-Family Residential District to City of Perry OC, Office Commercial District for property located at 607 & 609 Ball Street. Steve Howard informed the Commission that City Council at the April 3, 2007 meeting made a motion and voted in favor for this case to be brought back before you to review a request for the OC, Office Commercial District. Aside from the change to the zoning request, Mr. Sullivan has also changed his request from two buildings to three 50 X 60 buildings. Also at the request of City Council this site must have a buffer screening along each residential property line and have a tree survey determining the amount of trees that can be saved. City Council's opinion the OC district would fit far better than an M2 district would fit with a lot of conditions. The OC district has more restrictive requirements to the architectural design of the buildings to better fit into the residential areas.

Chairman Beeland opened the floor for comments in favor of this rezoning request. Kevin Sullivan owner of Sullivan Heating & Cooling in Perry stated I would like to construct three buildings with a façade of split faced block with a hip roof. The three large trees in the area close to Duncan Avenue will remain as greenspace. My trucks will be parked to the rear of the buildings behind the fence area.

There were no other comments in favor. Chairman Beeland opened the floor for comments in opposition. There were no comments in opposition. The comments from the floor were then closed. Chairman Beeland asked if there were any comments or questions from the Commission or staff.

After a brief discussion, Commissioner King motioned to give a favorable recommendation to Mayor and City Council for approval of this OC zoning with staff's conditions.

At this time, Chairman Beeland asked Mr. Sullivan if he was in agreement with the following conditions 1) A 20' vegetative buffer along all property lines that abut the residential zoning; 2) All processing of goods and materials be within the confines of the building; 3) Dumpster facilities are screened by an enclosure that mirrors the texture and material of the buildings; and 4) No trees are removed until landscaping and tree removal and replacement plan are approved. Mr. Sullivan agreed to the conditions. Commissioner Barker seconded the motion. The motion carried unanimously.

8. New Business:

- 1) Approved Preliminary Plat with conditions – Davis Village Subdivision, Phase 1 – off Langston Road – Jerry Davis – c/o Ocmulgee Site Environmental Services. Steve Howard presented a preliminary plat for Davis Village Subdivision, Phase 1. This development is a conservation subdivision which has a total area of 36.68 acres. The total acreage of phase 1 is 21.72 acres. The requirement of open space has been met with a total of 10.86 acres. Staff has no objection to this preliminary plat with the following conditions 1) approval of erosion & sediment control review; 2) approval of stormwater review and 3) approval of sewer and water review. Commissioner King motioned to approve the Preliminary Plat for Davis Village Subdivision, Phase 1 with

the three conditions stated above. Commissioner Mehserle seconded the motion. The motion carried unanimously.

- 2) Approved Final Plat – Pebble Creek Subdivision, Phase 1 off Highway 41 South – Highway 41 South, LLC, Wendall Parker.: Steve Howard presented the final plat for Pebble Creek Subdivision, Phase 1, off Highway 41 South – Highway 41 South, LLC, Wendall Parker. This subdivision is being developed following the R3 development standards. The engineering reports have been completed and approved. Harold Deal stated the above referenced subdivision has been inspected by the City of Perry Public Works Department. During the course of construction of phase 1 there were conditions that needed to be corrected. Most have been corrected and it is the recommendation from the Public Works that this final plat be approved with the following conditions 1) a recommendation of an irrevocable bank letter of credit be provided to the City in the amount of \$75,000 which is an estimate generated by our engineer, Saunders Engineering Consultants until the asphalt on the roadway is completed within the next twelve (12) months; 2) the date of the warranty period begins after the placement of the final layer of asphalt; and 3) the Final four manholes on this project successfully pass the vacuum testing. After a brief discussion, Commissioner King motioned to approve the Final Plat for Pebble Creek Subdivision, Phase 1 with the above stated conditions. Commissioner Mehserle seconded the motion. The motion carried with a vote of two votes in favor of the approval of the final plat with the conditions stated above, and one vote in opposed. Commissioners King and Mehserle voted in favor. Commissioner Barker voted opposed.

- 3) Approval of Permission to Pursue the Conservation Subdivision Option Request – Legacy Park Subdivision, Phase 2, (formerly Perry Parkway Subdivision) off Perry Parkway – CW Williams, c/o Ocmulgee Site Environmental Services. Steve Howard informed the Commission that Ocmulgee Site Environmental Services is asking for permission to pursue a Conservation Subdivision Option for this property located off Perry Parkway. Mr. Howard explained that it is a requirement for the developer to receive permission from the Planning Commission to pursue the Conservation Subdivision Option prior to submission of a preliminary plat. The developer would have to submit a preliminary plat for your approval at a later date. Chairman Beeland asked if the two recreational wet ponds are going to remain wet. Lance Woods with Ocmulgee Engineers stated those two areas are the two lowest points and the stay wet, ideally that is where would design their location. Mr. Howard stated you will be seeing more wet ponds in development projects meeting the requirement of clean water standards. The developer would seek a well permit but the Houston County Health Department stopped issuing permits for wells approximately 6 to 8 months ago. Commissioner Mehserle stated the Houston County Health Department has a moratorium in place such as, if city water is available for domestic water use a permit will not be issued. But, if the well permit is being used for landscaping and irrigation purposes for projects over 5 acres, I do believe these types of projects a well permit would be approved. Mr. Woods If we get approval from the health department the developer will comply and install a well to maintain a wet pond. Commissioner Mehserle this design of a conservation plan the trade-off we are getting for the greenspace and other amenities, they idea of if you can put a well in and it is a stipulation so the pond stays wet, but if the County is going to prohibit the drilling a well we have to decide whether or not we will allow to go with or without being wet.

Mr. Woods stated that these low areas are called a non-jurisdictional wetland, if we don't develop it as a pond and leave it natural it will remain a natural swampy area. Some items that were discussed included wet ponds for stormwater retention for this project.

Commissioner Mehserle the developer has to offer a product that people identify attractive.

Wes Williams owner of this development project stated it is my mission statement to "Offer compelling Homes and Neighborhoods", I don't want to have a dry pond or a mud hole in the middle of the City of Perry. I want it to be nice and if I need to put a well there to support it I would be glad to do that if it is allowable.

At this time, Commissioner Mehserle motioned to allow the developer to prepare a preliminary plat for his proposed conservation subdivision for review with the condition that these wet areas be provided with a well to keep them wet. Commissioner King seconded the motion. The motion carried unanimously.

Addendum to the Agenda

Mr. Howard stated I was approached by one of the hotels and they are requesting a directional sign to be placed on the corner of Sam Nunn Blvd. & Perimeter Road. The sign would be place on the property belonging to Planters Bank. This sign would be similar to the one Jameson Inn placed at the corner of the Kroger shopping center. I am requesting a consensus of the Planning Commission to allow this directional sign. The Planning Commission members concurred not to allow the sign request.

9. Adjournment: There being no further business to come before the Perry Planning Commission, Chairman Beeland adjourned the meeting at 7:24 P.M.