

Planning Commission Minutes
July 13, 2020

1. Call to Order: Vice Chairman Clarington called the meeting to order at 6:02pm.
2. Roll Call: Vice Chairman Clarington; Commissioners Coody, Griffis, and Jefferson were present. Chairman Edwards and Commissioner Mehserle were absent.

Staff: Bryan Wood – Community Development Director and Christine Sewell – Recording Clerk

Guests: Casey Graham, Michael Chidester, Rick Jackson, Donnie Gilbert, Phillip Ramsey, Deborah Jones, Monique Parks, Erika Sounakhene, George Jones, Terrance Stokes, and Noel Wyre

3. Invocation : was given by Commissioner Jefferson
4. Approval of Minutes: Approval of minutes from June 08 and June 29, 2020 meetings: Commissioner Jefferson motioned to approve both as submitted; Commissioner Coody seconded; all in favor and was unanimously approved.
5. Announcements : Vice Chairman Clarington referred to the notices as posted
 - A. Campaign Notice per O.C.G.A. 36-67A-3
 - B. Policies and Procedures for Conducting Zoning Hearings are available at the entrance
 - C. Please silence cell phones
6. Old Business- None

Public Hearing (Planning Commission decision)

- A. APPL-48-2020: Appeal of the Administrator’s determination regarding commercial activity being conducted at 161 Fairway Oaks Drive

Mr. Wood advised at the June 8, 2020 meeting the Planning Commission granted the appellant’s request for postponement until the July meeting in order to provide additional information supporting their appeal. The appellant submitted a number of documents, including an affidavit stating that woodworking is a hobby of the appellant and most of his projects are used in his personal residence.

Mr. Wood summarized the appeal, noting in the fall of 2019 the City received a complaint regarding noise emanating from the subject property. The Code Compliance Specialist met several times with the owners of the property. The owners are repairing and refinishing furniture at the subject property which is then displayed for sale online and at a commercial location in Byron. On March 17, 2020 the administrator determined that the repair and refinishing of furniture at 161 Fairway Oaks Drive is part of a retail sales and services classification, which is not permitted in the residential-zoned portion of the Houston Springs PUD. The process and code references are listed in the March 17, 2020 letter from staff to the appellants. Mr. Wood advised the land management section of regarding appeals, Sec. 2-3.7(E) which states, in exercising the powers granted the Commission in 2-1.2.4 of the Ordinance, the Commission may, in conformity with the provisions of the Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the administrator, and to that end shall have all the powers of the administrator and may issue or direct the issuance of a Zoning Compliance Permit.

Vice Chairman Clarington opened the hearing at 6:10pm and called for anyone to speak in regards to the appeal for or against.

Mr. Michael Chidester the appellant's attorney advised the matter before the Commission resulted from a noise complaint to Houston Springs Homeowner's Association (HOA), they investigated as they do not allow commercial businesses, and determined to be unfounded on two occasions. The City's code enforcement received a complaint from a neighbor and it was determined no violation. A second complaint was sent directly to the city manager who advised code compliance to again visit the site and determine if there is a business being operated. The second determination led to the administrator's decision that the refinishing/repairing of furniture and then displayed and sold at a retail location elsewhere were associated with a trade and a violation of City ordinances. Mr. Chidester advised per the ordinance requirements for notification to cease and deadlines to be provided had not been followed, along with the provisions of remedies that does not include the Planning Commission. A notice to stop, and if Mr. Jackson had not done so, then a stop order which is what is required by code. Mr. Chidester reviewed the ordinance for the Commission and what constitutes a commercial activity. He noted Mr. Jackson repurposes furniture for his home as when they moved to the area they had none and he and his wife find things they like, purchase and use and if they find something else they like better, they sell it, normally offsite in Byron or on social media. Mr. Chidester noted the police had also investigated the noise complaint and it was unfounded. Furthermore, Mr. Jackson advised the HOA he would only use power tools at certain times during the day and has kept a detailed record of this and the use is minimal.

There being no further comment for or opposed to the appeal Vice Chairman Clarington closed the hearing at 6:29pm.

Vice Chairman Clarington inquired how often Mr. Jackson is working and where are the items stored. Mr. Chidester advised Mr. Jackson works full time and this is his hobby and he may do several times a week at his leisure and uses a sander, compound and table saws. Mr. Chidester also noted Mr. Jackson kept a detailed log of when he was working in his garage and out of 301 days he worked 66 days for a total of 840 minutes during that time. Mr. Jackson addressed the Commission and advised this is a hobby for him and not a job and certainly not a full time job, nor does he want it to be. Commissioner Griffis asked if Mr. Jackson had a business license or name; Mr. Jackson advised, no but he did sell occasionally at a booth in Byron. Commissioner Griffis inquired why affidavits were provided; Mr. Chidester advised to provide additional background on the case for the Commission. Mr. Jackson advised he does all the work in his garage and when the issue had been brought to the HOA he told them he would not go over three hours a day, which he does not. Commissioner Coody inquired if any conversation had been had with the complaining neighbor; Mr. Jackson advised there had not been and is uncertain how or why this became an issue for them and there have been no other complaints.

Commissioner Griffis motioned to reverse the decision of the administrator that there is no commercial activity transpiring at the residence as it is a hobby based on the information presented; Commissioner Coody seconded; all in favor of reversal of administrators' decision.

7. New Business

B. Public Hearing (Planning Commission decision)

1. PLAT-50-2020: Preliminary Plat for Phase 2 of Sadie Heights Subdivision

Mr. Wood advised the subject property is 28.26 acres, and is in the process of being annexed into the City of Perry. The second reading of ordinances to annex and apply the R-2A zoning designation is scheduled for July 21, 2020. The applicant proposes to develop the second phase of the Sadie Heights subdivision, which received Preliminary Plat approval from the Planning Commission in June 2020. This application will add 66 lots to the previously-approved 106-residential-lot conventional subdivision. An additional lot at the entrance to the subdivision will be owned by a Homeowners' Association and used for mail delivery. Three lots on the 3-acre portion of parcel 0P0480 042000 is proposed to be donated to the City and used as open space and a sewer lift station. Per the R-2A zoning district requirements, minimum lot size is 12,000 square feet with a minimum lot width of 80 feet. All lots meet these minimum requirements, with the exception of lots 215, 216, 221, 223, 230, 233, 258, 259 and 263, which will need to be adjusted prior to final plat approval. The required 60' right-of-way width, 27' street width and 96' diameter cul-de-sacs are provided. Downstream sanitary sewer pump stations are at or near capacity. It will be the responsibility of the applicant to analyze these and upgrade any station to accept the addition flows created by the subdivision. The applicant has not provided documentation which indicates the proposed street names have been approved by Houston County E911 office. Because of its location on the edge of the City, the plans were submitted to Houston County engineers for review. Their comments are attached and included in the recommendation. Additionally, the plans were submitted to the Board of Education for review. The BOE had no comments. Staff was recommending approval with the conditions noted in the staff report.

Vice Chairman Clarington called for anyone in favor or opposed to the request at 6:57pm; there being no public comment the hearing was closed at 6:58pm.

Commissioner Coody motioned to approve the preliminary plat with staff conditions; Commissioner Jefferson seconded; all in favor and was unanimously approved.

2. VAR-88-2020: Variance for reduction in front setback – 603/605/607/609 Shoshone Circle – Wind River Subdivision

Mr. Wood read the applicants' request, which was for a variance to reduce the front setback, along with staff responses.

Vice Chairman Clarington opened the public hearing at 7:02pm and called for anyone in favor of the request.

Mr. Donnie Gilbert, applicant reiterated the request and advised he had been the builder for a majority of the homes in the subdivision and the reduction request was to stay consistent with the existing homes.

Vice Chairman Clarington called for anyone opposed to the request.

Mr. Phillip Ramsey advised he was speaking for a number of residents, some present and some who had signed a petition of disapproval, which (packet along with additional information and photographs were provided to the Commission). Mr. Ramsey advised the four lots will be the only lots in the subdivision with different setbacks, which will shorten driveways and not easily allow for side entry garages, cause parking on the streets, which endangers walkers and children. As well the lots will need a large amount of fill dirt as each of them are sloped. The change in setback for the lots will noticeably change the appearance of the subdivision and most

likely have a negative impact on property values. There is already concern with drainage in the neighborhood and the current second phase has already had stormwater violations.

Ms. Deborah Jones was opposed for the same reasons Mr. Ramsey stated and approval would affect the safety of the residents and property values.

Ms. Monique Parker was opposed and suggested the City purchase the lots for a park.

Ms. Erika Sounakhene was also opposed.

Mr. George Jones was opposed and advised he had chosen the neighborhood for it's aesthetics and safety. The setback change will alter the appearance and negatively impact property values.

Mr. Terrance Stokes was opposed and concerned with the potential runoff and drainage issues that may occur, as it already has and the builder will not address.

Vice Chairman Clarrington called for any further comment; there being none the public hearing was closed at 7:27pm.

Commissioner Griffis voiced concern regarding the drainage issue and fill dirt needed and inquired of staff if any other variances had been granted for the neighborhood. Mr. Wood advised there had been over the years for the rear setback. It was also asked why the City purchased the front two lots; Mr. Wood advised for stormwater facilities and drainage. Mr. Wood advised the applicant has offered to donate the lots to the City, but it had not been formalized. Mr. Gilbert advised he had offered (13) lots over time, but has come back over time to build on them, as the lots are deemed buildable and he can build on them or donate to the City. Vice Chairman Clarrington inquired about the drainage for the lots; Mr. Gilbert advised they would drain to the rear and that they are following the topography of the area, which they didn't design but are required to follow. Commissioner Griffis asked if side loaded garages could be done; Mr. Gilbert advised yes, but the rear would be smaller and the side larger.

Commissioner Griffis motioned to deny the request as submitted; Commissioner Jefferson seconded; all in favor and was unanimously denied.

C. Informational Hearing (Planning Commission recommendation)

1. ANNX-79-2020: Annexation and zoning for a portion of property located at 220 Airport Rd. (*Applicant requests postponement until August 10, 2020*)
2. RZNE-80-2020: Rezoning for property located at 1999 Sam Nunn Blvd. and 101 Woodlawn Drive. (*Applicant requests postponement until August 10, 2020*)

Mr. Wood advised the applicant for both cases has requested postponement until the August meeting to gather additional information; staff concurred with the request. Commissioner Griffis motioned to table both cases until the August 10, 2020 meeting; Commissioner Coody seconded; all in favor was unanimously approved for postponement.

3. RZNE-82-2020: Rezoning of property on Perimeter Road

Mr. Wood advised the applicant has requested postponement until the August meeting to gather additional information; staff concurred with the request.

Commissioner Griffis motioned to table until the August 10, 2020 meeting; Commissioner Coody seconded; all in favor was unanimously approved for postponement

8. Other Business – None
9. Adjourn: there being no further being no further business to come before the Commission the meeting was adjourned at 7:48pm.