



Where Georgia comes together.

**Planning Commission – Agenda
Monday, March 11, 2019 – 6:00 pm**

CALL TO ORDER

ROLL CALL

INVOCATION

APPROVAL OF MINUTES: February 11, 2019 meeting

ANNOUNCEMENTS:

The Campaign Notice, per O.C.G.A. 36-67A-3

Please silence cell phones

OLD BUSINESS:

PUBLIC HEARING: (Planning Commission decision)

NEW BUSINESS

INFORMATIONAL HEARING: (Planning Commission recommendation)

- A. #Annx-0002-2019 – 1824 Houston Lake Road/1904 Hwy 127 – Rezoning from Houston County R-AG, to City of Perry R-AG, Residential Agricultural

OTHER BUSINESS:

ADJOURN

All meetings of the Planning Commission are open to the public and are held at Perry City Hall located at 1211 Washington Street, Perry in Council Chambers at 6:00 pm unless otherwise posted.

**Planning Commission
Minutes - February 11, 2019**

CALL TO ORDER: Chairman Edwards called the meeting to order at 6:00pm.

ROLL CALL Chairman Edwards; Commissioners Clarington, Coody, Griffis, Jefferson and Mehserle were present. Commissioner Burkart was absent.

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

GUESTS/SPEAKERS: Steve Brooks, Emily Macheski-Preston, Dan Carter, Marc McInvale, Russell Walker, Jack James, Steve Howard, Denise Anderson, and Tara McInvale

INVOCATION was given by Commissioner Griffis

APPROVAL OF MINUTES: January 14, 2019 meeting : Commissioner Clarington motioned to approve as submitted; Commissioner Coody seconded; all in favor and was unanimously approved.

ANNOUNCEMENTS: Chairman Edwards referred to the Campaign Notice, per O.C.G.A. 36-67A-3 and to please silence cell phones. Chairman Edward reviewed the hearing procedures before the Commission which would allow (20) minutes for each side with a rebuttal of (5) minutes for both sides; the Commission could vote to allow additional time.

OLD BUSINESS

PUBLIC HEARING: (Planning Commission decision)

- A. Design and Specifications Manual – Mr. Wood stated that the Commission did not open a public hearing at the December meeting on this matter. Therefore, an official public hearing must be opened. Chairman Edwards opened the public hearing at 6:07pm and called for anyone in favor or opposed to the request; there being none the hearing was closed at 6:08pm.

Commissioner Griffis motioned to adopt the Design and Specifications Manual as submitted; Commissioner Clarington seconded; all in favor and was unanimously approved.

NEW BUSINESS

INFORMATIONAL HEARING: (Planning Commission recommendation)

- A. #SUSE-0001-2019 – 1820 Macon Road – Special exception for development of a (72) unit Multi-Family Apartment Complex

Mr. Wood read the staff report and recommendation for the application.

Chairman Edwards opened the public hearing at 6:20pm and called for anyone in favor of the request. The applicant, Mr. Steve Brooks with Integrity Development Partners, LLC advised the company has been doing projects such as this for 20 years and this location began with their due diligence in March 2018 and includes funding through the

Georgia Dept. of Community Affairs for low income housing. Mr. Brooks advised a neighborhood meeting as required by Perry ordinance had been held. Also presented was a Power Point outlining the company history, time line of the project, and development details.

Chairman Edwards called for anyone opposed. Mr. Russell Walker asked the Commission an allotment of 45 minutes for those wishing to speak in opposition; the Commission concurred and those opposed were allotted 45 minutes.

Mr. Mark McInvale of the Cheshire neighborhood advised the residents had formed a leadership team to speak on the matter and those individuals would be addressing the Commission. Mr. McInvale advised his concern lies with increased traffic and stormwater runoff, which currently affects his property. The proposed development would have direct access into the Cheshire neighborhood, dumpsters would be emptied in the middle of the night and the access from Perry Parkway through Legacy Park subdivision would not be used by residents of Cheshire Place.

Mr. Jack James spoke in challenge of the application and those within a half mile of the development not being notified. The project is to be built by Earth Craft standards and this should be clarified. From the corridor to Perry Parkway there are already four multi-family developments and referenced the 2017 Comprehensive Plan; specifically page 7. Traffic would increase and exceed the capacity of Macon Road and Inverness Drive will be negatively impacted as well with traffic. Felt the property could be used as it was currently zoned.

Mr. Steve Howard stated that the Macon Road corridor is saturated with multi-family and there are 200 more lots to be developed in Legacy Park and those should be factored in as those lots will generate additional traffic onto Macon Road. Another concern would be stormwater and how will it work, where will it pump to, concern should be had with a 100 year storm event, would a detention pond be large enough to handle? Mr. Howard provided a handout of the concerns he was addressing for the Commission's review.

Mr. Russell Walker advised of a 1988 Supreme Court ruling in which special exceptions are considered to be quasi-judicial decisions. The Commission should act like law clerks for judges and advise Council and the process should be the same; look at the facts and law and apply appropriately. In order to deny, must have an articulable ground of support as the law requires; ordinance is a multi-point rule as it is written. Mr. Walker further stressed the matter needs to be scrutinized more closely as it is next to an established neighborhood. Mr. Walker provided a questionnaire to the Commission which if an answer of yes or maybe to any of the standards of special exception gives rise to an articulable, objective ground to deny. Mr. Walker further advised he along with many residents had plans for renovations on their homes, but may be scaling back if this were to be approved. Furthermore, Macon Road is already a concern with traffic and residents will not use access through the Legacy Park subdivision. As well, there are drainage problems and property values may be affected. Mr. Walker stated the residents have legitimate concerns and should be protected by the governing ordinance as it relates to drainage, property values, and lifestyle protected from inconvenience and nuisances.

Mrs. Denise Anderson on behalf of Special Blessing Learning Center on Macon Road advised there is already a significant amount of traffic on Macon Road early in the

morning and afternoons and this will add to the burden. There are four other daycare facilities within an eight mile radius of the site and if parents cannot access their business they will go elsewhere. A letter from the facility owner Ms. Sabrina Pizter was provided reiterating the concerns.

There being no further comment in opposition the Commission allowed Mr. Brooks to speak in rebuttal. In addressing the Earth Craft certification this is something they have been working towards for a year and anticipate with the final funding of the project. The traffic numbers provided in the Power Point are the same as what City staff had provided. Furthermore, when the property purchase contract was signed the multi-family use was allowed and had been when Cheshire residents purchased their property.

Mr. Don Carter with Carter Engineering said the stormwater design is in the preliminary stages, but is aware of the challenges on the property regarding drainage. He will coordinate runoff with the Georgia Dept. of Transportation (GDOT).

The Commission concurred to allow for rebuttal of five minutes for both sides.

Ms. Emily Preston the applicants' attorney advised of a Georgia Supreme Court ruling that does not allow denial of a case based on traffic. The owner does have the right to develop the property.

Mr. Howard advised he had spoken with GDOT and they cannot provide a solid number of vehicle impact for Macon Road; but it is already congested.

Mr. Walker – there are drainage issues and the engineer is aware of the property challenges in regard to this, but does not alleviate residents' concerns.

Chairman Edwards closed the public hearing at 7:40pm.

Chairman Edwards inquired of staff what other areas in the city allowed for multi-family; Mr. Wood advised they had been allowed at the proposed location prior to the ordinance change and in C-3 zones.

Commissioner Mehserle inquired of the project engineer what the plan for stormwater is; Mr. Carter advised they are in the preliminary stages and would speak with GDOT on what is allowable for runoff to Macon Road.

Commissioner Clarrington asked of the residents how did the current multi-family units Winslow Place affect them. Mrs. Tara McInvale lives in her parents former home in Cheshire which is directly behind Winslow Place and they have had some issues over the years with peering over the fence, climbing the fence and dumpsters being picked up in the middle of the night. Commissioner Griffis asked for clarification when project conception started; Mr. Brooks advised they had begun due diligence in March 2018 prior to the ordinance change and received a zoning confirmation and water/sewer services letter from the City. Commissioner Coody asked what factors go into the stormwater plan. Mr. Carter advised the city has a robust stormwater ordinance and those would be followed. Commissioner Jefferson inquired if the applicant had another site location for the project; Mr. Brooks advised they had looked at other sites, but the current site had the proper zoning, water/sewer available, and sidewalks.

Commissioner Griffis motioned to recommend denial of the application to Mayor and Council based on failure to comply with Section 2-3.5(I)(5)(a) of the Land Management Ordinance: The proposed multi-family development will create additional traffic which will cause an inconvenience to the residents of Cheshire Place and will conflict with the normal traffic of the neighborhood by causing additional wait time for residents exiting the subdivision at the intersection of Inverness Drive and Macon Road (US Hwy 41); Commissioner Jefferson seconded; all in favor and was unanimously recommended for denial.

OTHER BUSINESS:

ELECTION OF CHAIRMAN AND VICE CHAIRMAN Commissioner Jefferson motioned for Chairman Edwards and Vice Chairman Clarington to remain in their current positions for 2019; Commissioner Mehserle seconded; all in favor and was unanimously approved.

ADJOURN: there being no further business to come before the Commission the meeting was adjourned at 8:15pm.



Where Georgia comes together.

STAFF REPORT

March 6, 2019

CASE NUMBER: ANNX-0002-2019
APPLICANT: Kay Jacobs Rowell
REQUEST: Annex and Rezone from RAG (county) to R-Ag (City)
LOCATION: 1824 Houston Lake Road, Tax Map No. 000560 062000; and
1904 Hwy 127, Tax Map No. 000560 048000

ADJACENT ZONING/LANDUSES:

Subject Parcel: RAG, Residential-Agricultural District (county); single-family residence and farm land/undeveloped
North: C-2 (City), C-2 and RAG (County); undeveloped land, office/warehouse, single-family residences
South: R-3 (city); Single-family residences
East: R-Ag and R-3 (city); single-family residences, farm land, event venue
West: C-2 (City); self-storage, farm land/undeveloped

BACKGROUND INFORMATION: The applicant proposes to annex the two subject properties into the City of Perry but has no immediate plans to alter the properties. The properties consist of a 3.82 acre tract which is developed with a single-family residence, and an 84.03 acre tract which is undeveloped/farmland.

On February 19, 2019 the Houston County Board of Commissioners voted to concur with the applicant's request for annexation. The County will retain both the sanitation and water service at the subject properties.

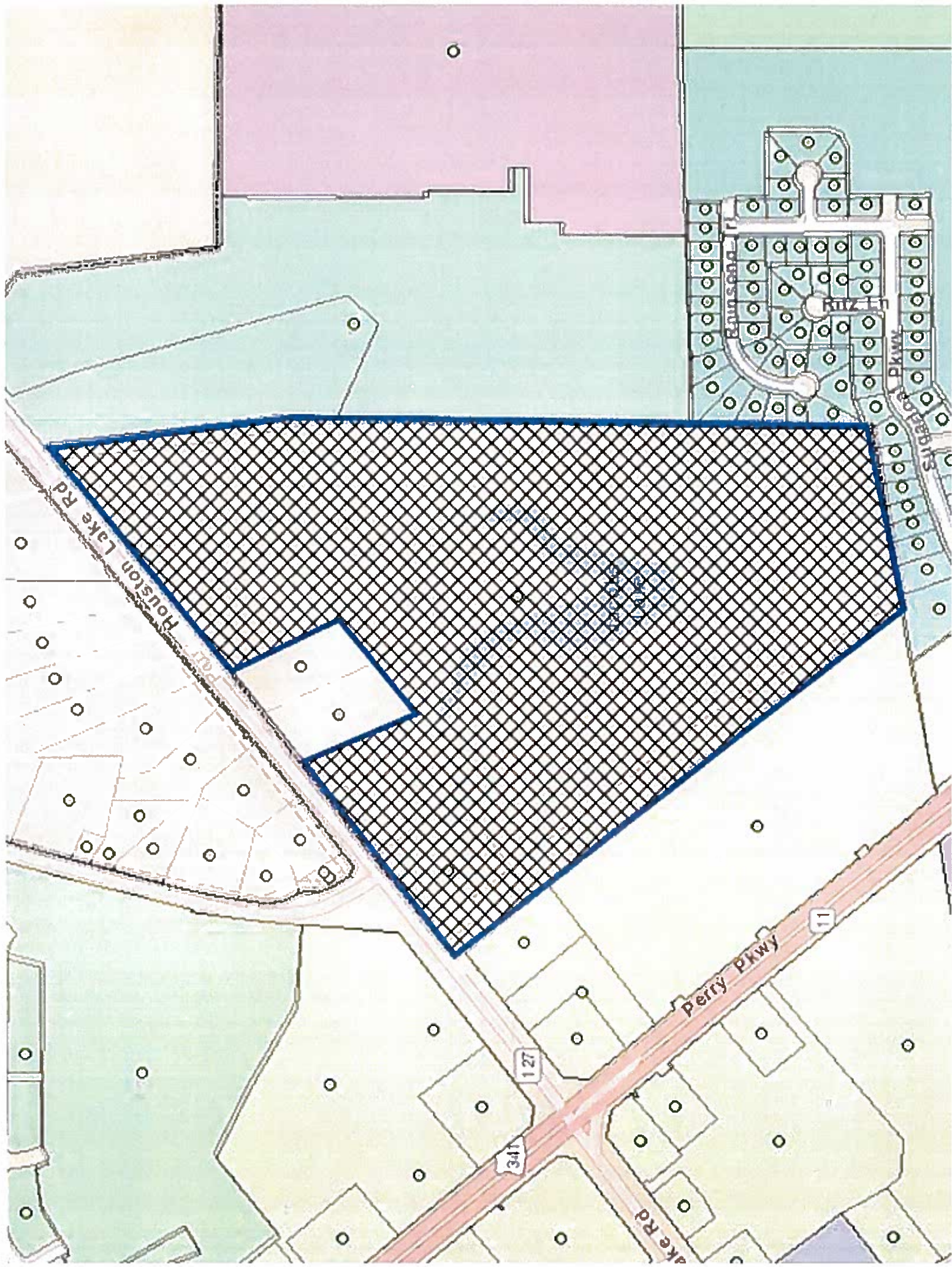
The applicant is requesting the city zoning classification of R-Ag, Residential-Agricultural District, which is the same as currently zoned in the County. Because the City and County residential-agricultural districts are similar, addressing the standards governing zone changes is not necessary. The changing condition referenced in Standard #11 is the action of the application requesting annexation, and therefore, requiring designation with a City zoning classification.

STANDARDS GOVERNING ZONE CHANGES:

1. *The suitability of the subject property for the zoned purposes.*
2. *The extent to which the property values of the subject property are diminished by the particular zoning restrictions.*
3. *The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public.*
4. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*
5. *Whether the subject property has a reasonable economic use as currently zoned.*

6. *The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.*
7. *Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.*
8. *Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.*
9. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*
10. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
11. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

STAFF RECOMMENDATION: Staff recommends approval of the application to annex and rezone to R-Ag, Residential-Agricultural District.





Where Georgia comes together.

Application # Annex-0002-201

Application for Annexation

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field		<i>Jacobs Estate Heirs</i>	
	Applicant	Property Owner	
*Name	<i>Kay Jacobs Rowell</i>	<i>Kay Jacobs Rowell</i>	
*Title	<i>Part Owner</i>	<i>Marcella Jacobs Heath</i>	
*Address	<i>1205 Morningside Dr., Perry, GA 31069</i>	<i>Beverly Jacobs O'Dell Malone</i>	
*Phone	<i>478-987-4709</i>	<i>Anna Lee Jacobs Thomson Hanner</i>	
*Email	<i>akjrowell44@gmail.com</i>	<i>Michael Chadwyc K Jacobs</i>	

Property Information

*Street Address or Location	<i>1824 Houston Lake Rd, Perry, GA 31069</i>	<i>address changed by Post of 1904 GA Hwy 127, Perry</i>
*Tax Map #(s)	<i>000560048000 and 000560062000</i>	
*Legal Description	<p>A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available;</p> <p>B. Provide a survey plat of the property and/or a proposed site plan;</p> <p>C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System.</p>	

Request

*Current County Zoning District	<i>R-AG</i>	<i>10th Land District</i>	*Proposed City Zoning District	<i>R-AG</i>
*Please describe the existing and proposed use of the property				
<i>House and Farm Land</i>				

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
- Fees:
 - Residential - \$130.00 plus \$15.00/acre (maximum \$1,550.00)
 - Planned Development - \$150.00 plus \$15.00/acre (maximum \$2,700.00)
 - Commercial/Industrial - \$230.00 plus \$22.00/acre (maximum \$2,900.00)
- The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the requested zoning classification meets these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Annexation applications require an informational hearing before the planning commission and a public hearing before City Council. The property must be posted at least 15 days prior to the scheduled hearing dates.
- The applicant must be present at the hearings to present the application and answer questions that may arise.
- Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No
 If yes, please complete and submit the attached Disclosure Form.

8. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

9. Signatures:

*Applicant Et AL Kay Jacobs Rowell	*Date 1/19/20
*Property Owner/Authorized Agent Kay Jacobs Rowell	*Date 1/19/20

Standards for Granting a Zoning Classification

1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?
2. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.
3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.
4. Describe how the proposed zoning district is consistent with the Comprehensive Plan.
5. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.
6. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.

8/2018

For Office Use (receipt code 204.1)

Online Registration

Date received 1/22/19	Fee paid \$15500 1/22/19	Date deemed complete 1/20/22/19	Public Notice Sign WLB 2/18/19	Legal Ad page 316-run 3/13	County Notification 1/23/19
Notice to Applicant 3/6/19	Routed to PC 3/6/19	Date of PC 3/11/19	Date of Public Hearing 4/2/19	Date of Council action 4/16/19	Notice of action



Houston County Commissioners

Serving All of Houston County

Office

200 Carl Vinson Parkway
Warner Robins, GA 31088
478-542-2115
FAX 478-923-5697
www.houstoncountyga.org

Commissioners

Tommy Stalnaker
Chairman

Thomas J. McMichael
Gail C. Robinson
Larry Thomson
H. Jay Walker, III

Staff

Barry Holland
Director of
Administration

K. Thomas Hall
County Attorney

February 22, 2019

Bryan Wood, Director
Community Development
P.O. Box 2030
Perry, GA 31069

Dear Director Wood:

The Board of Commissioners met on February 19, 2019 and voted to concur with the City of Perry's request to annex the property located at 1824 Houston Lake Road / 1904 Hwy. 127. Tax parcel numbers HC00560 04800 and 00056 06200 containing 87.85 acres with the following stipulation:

The County will retain both the sanitation and water service at this property.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink that reads "Dawn Ramirez Wilkins".

Dawn Ramirez Wilkins
Administrative Assistant
Houston County Board of Commissioners

RECEIVED

FEB 25 2019

CITY OF PERRY