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**Perry Planning Commission - Agenda  
Monday, September 10, 2018**

**CALL TO ORDER**

**ROLL**

**INVOCATION**

**APPROVAL OF MINUTES** July 09, 2018 meeting

**ANNOUNCEMENTS**

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

Please turn cell phones off

**PUBLIC HEARING**

**OLD BUSINESS**

- 1). R-18-07 2019 Hwy 41 (Macon Rd) – tabled from July 9, 2018 meeting

**NEW BUSINESS**

**INFORMATIONAL HEARING** (Planning Commission recommendation)

- 1). R-18-08 1600 Macon Road – Houston County Board of Education

**OTHER BUSINESS**

**ADJOURN**

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

**Perry Planning Commission  
Minutes- July 09, 2018**

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

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

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

**GUESTS:** Lora Ennis, Megan & Richard Brent, Mike & Elizabeth Baker, Catherine & Alex Padgett, David Richardson, Selecia Young-Jones, Trisha Nelson, Lillian Ann Barrett, Gloria Stykes, April & Chris Palmer, Lee Souter, Bo Sammons, Dianna McConnell, and Jim Lay.

**INVOCATION:** was given by Commissioner Clarington

**APPROVAL OF MINUTES** June 11, 2018 meeting: Commissioner Burkart motioned to approved as submitted; Commissioner Clarington 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 turn cell phones off.

**PUBLIC HEARING**

**OLD BUSINESS**

- 1). #S-18-04 605 Woodland Drive - tabled from June 11, 2018 meeting

Commissioner Clarington motioned to remove the matter from the table for the public hearing; Commissioner Burkart seconded; all in favor and was unanimously removed from the table.

Mr. Wood read the applicants' request which was for a special exception to allow for a residential business for pet grooming, along with staff responses. Staff recommended approval with the following conditions: The Special Exception shall be limited to a Residential Business conducted for pet grooming only; The Special Exception shall be limited to the applicant, Catherine and Alex Padgett, and is not transferrable; The applicant shall comply with the provisions of Section 4-4.3 of the Land Management Ordinance regarding Home Occupations and Residential Businesses, all applicable local, state and federal laws and regulations; and No sign advertising the business shall be posted or displayed on the property.

Chairman Edwards opened the public hearing at 6:07pm and called for anyone in favor of the request. Mr. Alex Padgett the applicant reiterated the request. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:10pm.

Commissioner Coody inquired how many pets are done daily; Mr. Padgett advised 6-8 with a maximum of 10; their service is provided for animals that do not do well in large commercial settings. Chairman Edwards asked how advertising was done; Mrs. Padgett advised only appointments were taken.

Commissioner Clarrington motioned to recommend approval of the application as submitted along with staff conditions to Mayor & Council; Commissioner Coody seconded; all in favor and was unanimously recommended for approval.

#### NEW BUSINESS

2). #V-18-03 Northeast Corner of Hampton Court and Smith Drive

Mr. Wood read the applicants' request which was for a variance to increase the parking above the maximum for a 76 room hotel with no restaurant or conference facilities, along with staff responses.

Chairman Edwards opened the public hearing at 6:15pm and called for anyone in favor of the request. Mr. David Richardson, architect for the project advised he had reviewed the staff report provided with the client and they are willing to decrease the number of spaces to 80, as those would be primarily for staff of the hotel. Mr. Richardson also advised they will provide 13 spaces on the rear of the site for permeable paving for stormwater and will increase the landscaping in that area.

Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:22pm.

Commissioner Mehserle motioned to dismiss the application as submitted based on the owners' willingness to comply with current regulations; Commissioner Burkart seconded; all in favor and was unanimously approved for dismissal.

3). #V-18-04 100 Marshallville Road

Mr. Wood read the applicants' request, which was for a variance from various design standards in the Form Based Code, along with staff responses for the development of a farmers market as an interim use of the property. Staff recommended approval with the following conditions: The structure(s) erected on the subject property and used as a farmers' market shall substantially conform to the design, materials, and colors of the structure presented in photographs submitted with the application; The variance is granted for structures used as part of a farmers' market only; All structures erected on the property as part of a farmers' market shall be removed when use of the property as a farmers' market ceases; and Vehicular access to Larry Walker Parkway shall not be permitted.

Chairman Edwards opened the public hearing at 6:25pm and called for anyone in favor of the request. Ms. Young-Jones owner of the property provided a letter of support from the Georgia Dept. of Agricultural for the property and a brief history of the use of the property that has been in her family for decades. The use for a farmers' market will serve a need for the area and will be done tastefully as in the pictures provided of a similar market in Cordele that the tenant will run.

Mrs. Trisha Nelson – had previously operated a farmers' market on the property for 10-12 years and is in support of the proposal.

Mrs. Lillian Ann Barrett – is in support of the proposal as it will be good for the area and an asset to the community.

Mrs. Gloria Stykes – is in support of the project

Mr. Lee Souter – will run the proposed market and intends for it to be a similar setup to the one he has in Cordele; the market will have more than just fruit and vegetables, it will include cheese, jams, Georgia grown products, etc.

Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:40pm.

Commissioner Clarington inquired on the layout for the Perry location; Mr. Souter advised it would be similar to the one in the pictures provided. Mr. Wood advised the pictures for the Cordele market show numerous sign and noted the City's regulations would govern the allowable amount and it would not be as much as shown. Ms. Young-Jones stated the location would be named Picket Fence Produce.

Commissioner Burkart motioned to approve of the application as submitted, along with staff conditions and to include one paved handicap parking space and signage to be within the current ordinance; Commissioner Coody seconded; all in favor and was unanimously approved.

#### INFORMATIONAL HEARING (Planning Commission recommendation)

1). R-18-06 2019 Hwy 41 (Macon Rd)

Mr. Wood asked the case be tabled until the August 7, 2018 meeting to allow staff to gather additional information. Commissioner Clarington motioned to table the case until August 7, 2018; Commissioner Coody seconded; all in favor was unanimously tabled.

2). R-18-07 1401 Swift Street

Mr. Wood read the applicants' request which was for the rezoning of the property from R-3, Multi-Family Residential District to OC, Office Commercial District, along with staff responses. Mr. Wood advised the applicant proposes to use the property as a law office.

Chairman Edwards opened the public hearing at 6:49pm and called for anyone in favor. Mr. Bo Sammons, the applicant advised he has been practicing law for 30 years in Warner Robins and has outgrown his current location and intends not to change the character of the property, will decrease signage currently on the property, and reduce foot traffic as his primary client is a state agency which takes him out of the office on a consistent basis and he may see twenty clients a week. Mr. Sammons further stated the area is already encroached with commercial consisting of a church, service station, liquor store, and personal care home. He further stated if the use of a law office was allowed under a special exception under the current zoning the change should be compatible for a small law office.

Chairman Edwards called for anyone opposed.

Ms. Megan Brent – is concerned if approved the area has the potential to become overrun with commercial and it should remain as residential to preserve the integrity of the neighborhood.

Ms. Elizabeth Baker – the edges of the historic district are currently eroded with commercial and the area is seeing a rebirth of sorts with older homes being purchased and renovated by young families.

Ms. Dianna McConnell – reminded the board they had approved a rezoning on Third Street for commercial use and it remains vacant and feels there are other areas in the City more suitable for commercial use, but not in the historic district.

Mr. Jim Lay – felt the area should remain historical and not allow commercial uses.

Ms. Lora Ennis – the current owner of the property advised she runs a music school from the location and has nearly 100 students on a weekly basis and has outgrown the location and she cannot move the studio until it has been sold and knows that Mr. Sammons will preserve the historic integrity of the property.

Mr. Mike Baker – is opposed to the request, but felt if the applicant lived in the house the use as a special exception is acceptable.

There being no further comments the public hearing was closed at 7:19pm.

Commissioner Burkart asked for clarification on the uses allowed under the current zoning classification; Mr. Wood advised if the current zoning remains a commercial use is not permissible. Chairman Edwards requested clarification on uses allowed with a special exception request; Mr. Wood reviewed.

Commissioner Clarington voiced concern that the historic district over the last few years been changed and not in a favorable way and was concerned with the encroachment of commercial in the district. Commissioner Mehserle agreed and felt the area needed specific guidance to maintain its' integrity.

Commissioner Clarington made a motion to recommend denial to Mayor & Council of the application as submitted; Commissioner Mehserle seconded; all in favor and was unanimously recommended for denial.

3). Land Management Ordinance Text Amendment Section 4-1.2 revision and addition of Section 2-2.3

Mr. Wood read the text amendment which was for all new multi-family residential uses be allowed only by special exception. This will allow City Council to evaluate the appropriateness of each proposed development in relation to its specific site. Staff further recommends adding a provision for neighborhood meetings in general, and a requirement that an applicant for multi-family residential development conduct a neighborhood meeting. The proposed text for neighborhood meetings proposes that neighborhood meetings can be a useful tool to work out potential issues prior to consideration of an application by the City. Except for multi-family residential development, which would be required to hold a neighborhood meeting, these meetings are only encouraged for other applications. The amendment provides procedures for an applicant to follow in preparing for, noticing, and conducting a neighborhood meeting.

Chairman Edwards opened the public hearing at 7:33pm and called for anyone in favor or opposed to the request; there being no comments the hearing was closed at 7:35pm.

Commissioner Mehserle felt meeting the developers prior would be a useful tool and a benefit for residents so there is a clear understanding of what is being done.

Commissioner Coody motioned to recommend approval of the amendment as submitted to Mayor & Council; Commissioner Clarington seconded; all in favor for recommended approval.

ADJOURN: there being no further business to come before the Commission the meeting was adjourned at 7:43pm.

DRAFT



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## Memorandum

TO: Planning Commission  
FROM: Bryan Wood, Director of Community Development *BW*  
DATE: August 27, 2018  
RE: Application R-18-07

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At your July 9, 2017 meeting you tabled, at Staff request, application R-18-07 in order for staff to obtain additional legal information.

The City has withdrawn this application and recommends the Planning Commission take action accordingly:

**CASE NUMBER:** R-18-06  
**APPLICANT:** The City of Perry  
**REQUEST:** Rezone from R-1 (county) to C-2 (City) and Annex  
**LOCATION:** 2019 Hwy 41 (Macon Road); Tax Map No. 000310 022000



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## **STAFF REPORT**

August 27, 2018

**CASE NUMBER:** R-18-08  
**APPLICANT:** The City of Perry  
**REQUEST:** Rezone from C-2, General Commercial District, to GU, Government Use District; and Remove DD, Downtown Development Overlay District  
**LOCATION:** 1600 Macon Road; Tax Map Nos. 0P0420 003000 (for zoning change); 0P0420 03A000, 0P0420 03B000; 0P0420 03C000; 0P0420 03D000 (for overlay district removal)

### **ADJACENT ZONING/LANDUSES:**

**Subject Parcel:** C-2 and GU; Houston County Board of Education Office Annex and Perry High School  
**North:** R-1; single-family residences  
**South:** C-2 and R-2; U.S. Post Office and single family residences  
**East:** GU; Perry High School  
**West:** C-1 and C-2; Optometrist office and convenience store

**BACKGROUND INFORMATION:** The Houston County Board of Education recently purchased and relocated the student parking lot at Perry High School to make room for a new gymnasium. As a governmental agency, the school district is not subject to the City's regulations, making the inclusion of their properties in the Downtown Development Overlay District unnecessary.

### **STANDARDS GOVERNING ZONE CHANGES:**

1. *The suitability of the subject property for the zoned purposes.* The subject properties are owned by the Houston County Board of Education and used for educational purposes.
2. *The extent to which the property values of the subject property are diminished by the particular zoning restrictions.* The value of the subject properties is not diminished by the current zoning regulations. However, having all parcels owned by the school district zoned GU with no overlay district will reduce potential conflicts in the future.
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.* There is no destruction of property value of the subject property.
4. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.* As a governmental agency, the school district is responsible for efficient use of public monies. The GU district without the DD overlay will allow the district to further its educational responsibilities without potential conflicts with zoning.
5. *Whether the subject property has a reasonable economic use as currently zoned.* The subject properties are used for educational purposes.



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.* The subject properties are used for purposes associated with the Houston County Board of Education.
7. *Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.* The Houston County Board of Education will continue to use the property to further its purpose of public education.
8. *Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.* The GU district and removal of the DD overlay district will not change the properties' impact on surrounding uses.
9. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.* The 2017 Joint Comprehensive Plan Update identifies the subject properties as 'In-town Corridor'.
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.* The continued use of the properties for educational purposes should have no greater impact on community facilities.
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.* As a governmental agency, the Houston County Board of Education is not subject to City of Perry regulations.

**STAFF RECOMMENDATION:** Staff recommends approval of the application to change the zoning of parcel 0P0420 003000 to GU, Government Use District, and to remove the DD Overlay Zoning District from parcels 0P0420 03A000, 0P0420 03B000; 0P0420 03C000; 0P0420 03D000.

**PLANNING COMMISSION RECOMMENDATION:**

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Eric Z. Edwards, Chairman, Planning Commission

Date



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Application # R-18-08

## Application for Rezoning

Contact Community Development (478) 988-2720

### Applicant/Owner Information

\*Indicates Required Field

	Applicant	Property Owner
*Name	Bryan Wood for the City of Perry	Houston County School District
*Title	Community Development Director	Scott Hill, Facilities Director
*Address	PO Box, 2030 Perry, GA 31069	PO Box 1850, Perry GA 30169
*Phone	478-988-2714	478-988-6200 ext. 10331
*Email	<a href="mailto:Bryan.wood28@perry-ga.gov">Bryan.wood28@perry-ga.gov</a>	Scott.hill@hcbe.net

### Property Information

*Street Address or Location	1600 Macon Road (US Hwy 41)
*Tax Map #(s)	(1) P42-3A, -3B, -3C, -3D; and (2) P42-3
*Legal Description	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; B. Provide a survey plat of the property and/or a proposed site plan; C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System.

### Request

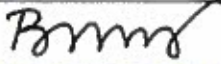

*Current Zoning District	(1) GU w/ DDA overlay district; (2) C-2, General Commercial	*Proposed Zoning District	(1) GU, remove DDA overlay; (2) GU, Government Use
*Please describe the existing and proposed use of the property (1) The properties are owned by the Houston County School District and are used for purposes associated with the school district. No change to the properties is currently anticipated; (2) P42-3 is owned by the school district and was recently developed as a parking lot for Perry High School. The GU designation will be consistent with the zoning of the adjacent school properties.			

### 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 application meets the tests for granting the rezoning). 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.
- Rezoning 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.
- An application for rezoning affecting the same parcel shall not be submitted more often than once every six months.
- 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 X

9. 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.

10. Signatures:

*Applicant 	*Date 8/13/2018
*Property Owner/Authorized Agent 	*Date 8/06/2018

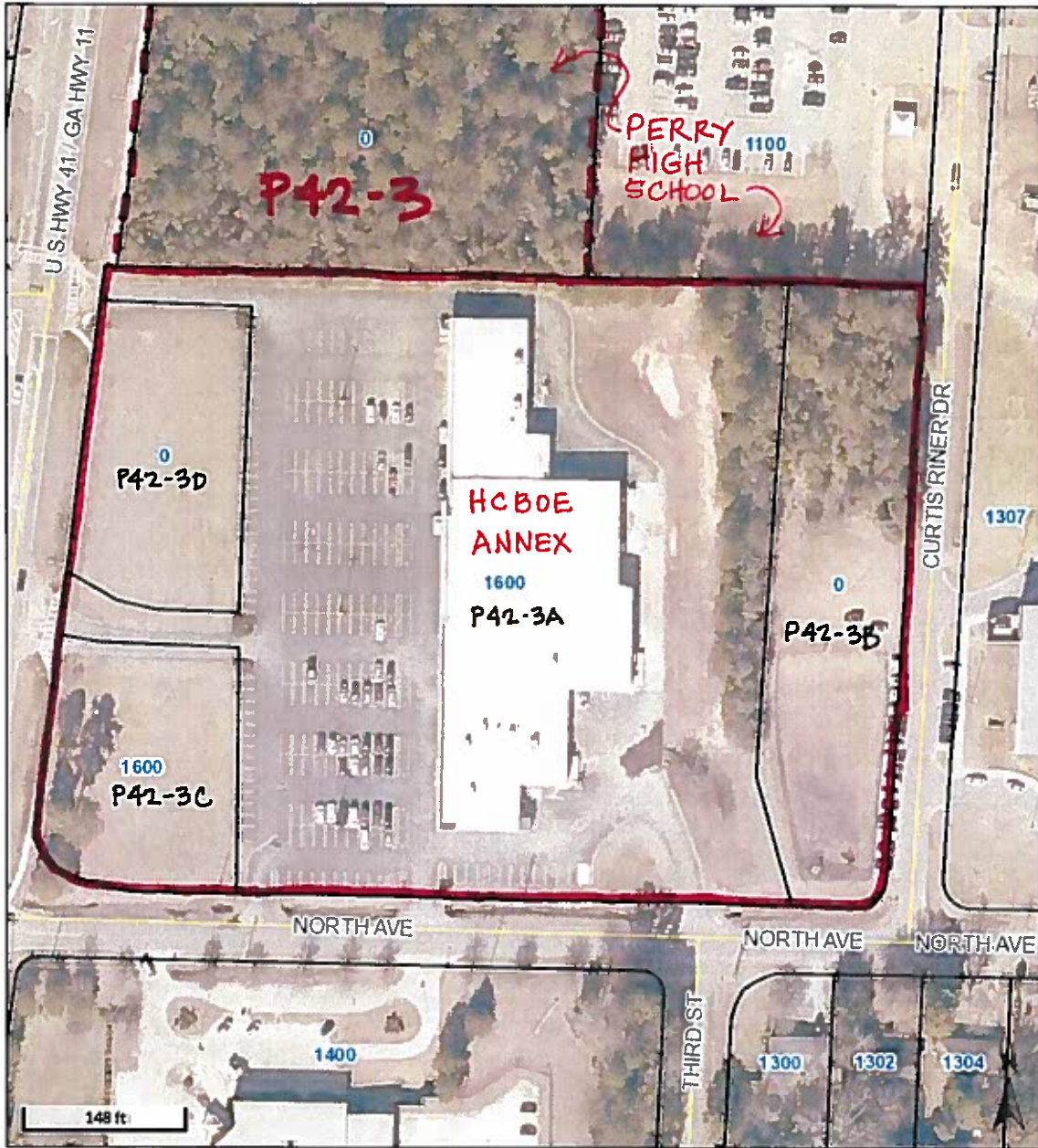
**Standards for Granting a Rezoning**

1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?
2. Describe the existing land uses and zoning classifications of surrounding properties.
3. Describe the suitability of the subject property for use as currently zoned.
4. Describe the extent to which the value of the subject property is diminished by the current zoning designation.
5. Describe the extent to which the diminished property value promotes health, safety, morals, and general welfare of the public.
6. Describe the relative gain to the public compared to any hardship imposed on the property owner.
7. Describe how the subject property has no reasonable economic use as currently zoned.
8. How long has the subject property been vacant as currently zoned, considering development in the vicinity?
9. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.
10. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.
11. Describe how the proposed zoning district is consistent with the Comprehensive Plan.
12. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.
13. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.

Revised 1/10/2018

For Office Use (receipt code 204.1)

Date received 8/6/18	Fee paid \$0	Date deemed complete 8/6/18	Public Notice Sign by 8/20/18	Legal Ad Place 9/5/18	County Notification N/A
Notice to Applicant	Routed to PC 8/27/18	Date of PC 9-10-18	Date of Public Hearing 10/2/18	Date of Council action 10/6/18	Notice of action



Overview



Legend

-  Parcels
-  Roads

*PERRY HIGH SCHOOL*

*US POST OFFICE*

*RESIDENTIAL*

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Developed by  **Schneider**  
GEOSPATIAL





**Overview**



**Legend**

-  Parcels
-  Roads

<b>Parcel ID</b>	0P0420 003000	<b>Owner</b>	HOUSTON COUNTY SCHOOL DISTRICT	<b>Last 2 Sales</b>			
<b>Class Code</b>	Exempt		P O BOX 1850	<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Taxing District</b>	Perry		PERRY GA 31069	4/14/2015		02	U
				6/28/2006		30	U
<b>Acres</b>	4.76	<b>Physical Address</b>	MACON RD				
		<b>Assessed Value</b>	Value \$238000				
		<b>Land Value</b>	Value \$238000				
		<b>Improvement Value</b>					
		<b>Accessory Value</b>					

(Note: Not to be used on legal documents)

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