

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.

With regard to criterion 5(a), Mr. Walker stated 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.

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 Standard 5(a) [Section 2-3.5(1)(5)(a) of the Land Management Ordinance] as presented by Mr. [Russell] Walker who made a clear argument why the application should be denied; 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 Clarrington 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.