

Perry Planning Commission  
Minutes - May 07, 2018

**CALL TO ORDER:** Chairman Edwards called the meeting to order at 6:03pm.

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

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

**GUESTS:** Donald Free, Otha Everett, Jay Westbrook, Mike Patel, Richard Hornick, and Dave Butler.

**INVOCATION:** was given by Commissioner Clarington

**APPROVAL OF MINUTES** April 09, 2018 meeting : Commissioner Burkart motioned to approve as submitted; Commissioner Jefferson 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.

**OLD BUSINESS** – none

**NEW BUSINESS**

- 1). Approval of street name for Commercial Point Subdivision

Mr. Wood advised in 2017 the Commission approved the preliminary plat. The applicant now needs approval of a street name. Houston County E-911 has approved the use of either “Mataji Way” or “Interstate Drive”. The street will be a public street and approval is required by the Commission. Mr. Patel, the applicant, advised he would prefer Mataji Way.

Commissioner Clarington motioned to approve Mataji Way; Commissioner Coody seconded; all in favor and was unanimously approved.

**PUBLIC HEARING**

- 1). #V-18-02 106 Windermere Circle

Mr. Wood read the applicants’ request which was for a variance to reduce the side and rear setbacks for an accessory structure from 5’ to 0’ in order to construct a two car detached garage located at the rear of the property, along with staff responses. Mr. Wood noted the applicant does not meet the criteria for granting a variance and can construct the structure within the requirements of the ordinance.

Chairman Edwards opened the public hearing at 6:15pm and called for anyone in favor. The applicant Mr. Donald Free addressed the board and provided additional pictures of his property depicting the distance of a drainage/utility easement on his property resulting in his request,

and he could build a single car carport without going into the easement, but he would not achieve the storage he needs. Mr. Free advised he feels the easement is too large and he can build what is proposed if the easement could be reevaluated. Chairman Edwards called for anyone opposed; there being no further comments the public hearing was closed at 6:25pm.

Commissioner Jefferson inquired of Mr. Free the necessity for the two car garage. Mr. Free advised he could not fit his truck into the current garage and he needed additional storage for a lawn mower, equipment, etc. Chairman Edwards asked if the storage area would be attached to the carport; Mr. Free advised the storage area would be attached at the rear of the carport. Commissioner Burkart inquired as to why staff recommended denial of the request. Mr. Wood advised that based on existing conditions there appears to be room to construct an approximate 19' x 26' accessory building in the northeastern corner of the property and maintain the required setbacks. Commissioner Mehserle inquired if the easement was a stormwater easement; Mr. Wood advised it was and also noted a letter the City sent some years back regarding an obstruction of the easement. Mr. Free felt the water could be rerouted. Mr. Wood advised normally there are underground utilities for such easements, however, in this case there was not, and City staff could review to determine if there is a reasonable alternative. Mr. Free agreed to have the case tabled until the Commission's June 11, 2018 meeting.

Commissioner Mehserle motioned to table the request until June 11, 2018 to allow City staff to evaluate and provide recommendation to the Commission; Commissioner Jefferson seconded; all in favor and was unanimously approved to table until June 11, 2018.

#### INFORMATIONAL HEARING (Planning Commission recommendation)

1). # SE-18-02 Greater Union Baptist Church - 525 Gray Road

Mr. Wood read the applicants' request, which was for a special exception to allow a religious institution in a residential zone, along with staff responses. Chairman Edwards opened the public hearing at 6:42pm and called for anyone in favor. Rev. Otha Everett on behalf of Greater Union Baptist Church reiterated the request and advised this would be the new location for the church. Mr. Jay Westbrook, the contractor was also in favor of the request. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:44pm.

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

2). #SE-18-03 133 Parkview Grove

Mr. Wood read the applicants' request, which was for a special exception to allow for a residential business, along with staff responses.

Chairman Edwards opened the public hearing at 6:50pm and called for anyone in favor of the request. The applicant, Mrs. Cindy Sutton advised she was unaware a license/approval was required and would like to continue to operate the business. She further advised most of the business is done off site. Clients do come to the house to sign contracts.

Chairman Edwards called for anyone opposed. Mr. Richard Hornick a member of the Architectural Control Committee (ACC) for Greythorne subdivision where the property is located advised the covenants restrict use to residential purposes only.

There being no further comments the public hearing was closed at 6:53pm.

Commissioner Clarington inquired of Mr. Hornick how many vehicles were noted at the residence. Mr. Dave Butler with the ACC provided a number of (13) vehicles over a week period that had been parked in front of the residence. Mrs. Sutton advised there are now houses across the street and some of the vehicles are from there and there is also a neighbor that has seven personal cars and often times parks in the street.

Mrs. Sutton was also asked how many people come to the home; she advised 2 to 3 a week and they generally have a car. Commissioner Coody inquired how long they are at the home; Mrs. Sutton advised normally (30) minutes.

Mr. Hornick provided the Commission with a copy of the covenants and again stated the properties should be for residential uses and if this is approved it will be a snowball effect and there is a concern of having businesses in a residential area. Mrs. Sutton advised she was aware of the covenants and had reached out to the ACC, but nothing had been resolved and noted there are other businesses in the area. Mr. Wood advised the Commission the City is not responsible for enforcing subdivision covenants, but the Commission could take them into consideration in their decision.

Commissioner Mehserle motioned to recommend to Mayor & Council approval of the application as submitted along with the recommendation of the conditions as provided by staff, which were: The Special Exception shall be limited to a Residential Business conducted as a wedding consultation office only; The Special Exception shall be limited to the applicant, Cindy Sutton, 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 Except for signs on the residents' personal vehicles, no sign advertising the business shall be posted or displayed on the property; Commissioner Clarington seconded; Commissioner Jefferson voted against; resulting vote 4 to 1 for recommendation of approval with conditions.

Commissioner Coody left the meeting at 7:15pm.

### 3). Land Management Ordinance Text Amendment

Mr. Wood advised on March 20, 2018 City Council adopted a resolution placing a 90-day moratorium on personal care facilities in order to provide time to assess their impact on the community and recommend appropriate processes. After reviewing the existing Land Management Ordinance and International Building Code, Staff recommends the following modifications to the Land Management Ordinance:

1. Update definition of "Personal Care Home, Family" to reflect the current building code requirement of five person limit for classification as "residential" (currently defined as 6 or fewer persons in LMO);
2. Eliminate definition of "Personal Care Home, Group" (currently 7-15 persons);
3. Update definition of "Personal Care Home, Congregate" to reflect such use serving more than five persons
4. Modify the Table of Uses to remove "Group Personal Care Home" altogether;

5. Modify the Table of Uses to allow “Congregate Personal Care Home” by right in OC, Office Commercial; IN, Institutional; C-2, General Commercial; and MUC, Mixed-Use Center districts;
6. Allow “Congregate Personal Care Home” by special exception in FBR;
7. The result of these recommendations above would allow:
  - a. Family Personal Care Homes by right wherever single-family detached residential uses are permitted;
  - b. Congregate Personal Care Homes by right in OC, Office Commercial; IN, Institutional; C-2, General Commercial; and MUC, Mixed-Use Center districts;
  - c. Congregate Personal Care Homes by special exception in FBR, Form Based Residential districts.

Chairman Edwards opened the public hearing 7:20pm and called for anyone in favor or opposed; there being none the hearing was closed at 7:22pm.

Commissioner Clarrington motioned to recommend to Mayor & Council approval of the request as submitted by staff; Commissioner Burkart seconded; all in favor and was unanimously recommended for approval.

**ADJOURN:** there being no further business to come before the Commission the meeting was adjourned at 7:26pm.