

Perry Planning Commission
Minutes - August 12, 2019

1. Call to Order: Vice Chairman Clarington called the meeting to order at 6:05pm.
2. Roll Call: Vice Chairman Clarington; Commissioners Burkart, 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: Chad Bryant, Shane Calhoun, Donnie Gilbert, Isabelle Bower, Randy Chapel, Joel McKay, and Matthew Goettsche

3. Invocation: was given by Commissioner Griffis
4. Approval of Minutes: Approval of minutes from July 08, 2019 meeting; Commissioner Burkart motioned to approve as submitted; Commissioner Coody seconded; all in favor and was unanimously approved.
5. Announcements : Vice Chairman Clarington referred to the Campaign Notice per O.C.G.A. 36-67A-3 and asked the attendees to please silence cell phones
6. Old Business: None
7. Public Hearing (Planning Commission decision)
 - a. VAR -0061-2019 – 104 Bransun Drive – Reduction to rear setback

Mr. Wood read the applicants' request which was for a variance to reduce the rear setback from 55 feet to 31 feet for construction of a new single family residential, along with staff responses.

Vice Chairman Clarington opened the public hearing at 6:10pm and called for anyone in favor of the request. Mr. Donnie Gilbert, the applicant reiterated the request. Vice Chairman Clarington called for anyone opposed; there being none the hearing was closed at 6:12pm.

Commissioner Burkart motioned to approve the request as submitted provided the layout of the house complies with the site plan provided with the application and per staff recommendation; Commissioner Jefferson seconded; all in favor and was unanimously approved.

8. Informational Hearing (Planning Commission recommendation)
 - a. ANNEX 0057-2019 – 333 Langston Road - Annexation and rezoning from Houston County R-AG to City of Perry R-1, Single Family Residential

Mr. Wood read the applicants' request, along with staff response, which was for the annexation of the property into the City of Perry. The property consists of 114.6 acres and contains an existing single family residence. The applicant requests a city zoning classification of R-1, Single Family Residential district. This district requires a minimum lot area of 15,000 square feet and is intended to be developed as a single family residential subdivision.

Vice Chairman Clarington opened the public hearing at 6:19pm and called for anyone in favor of the request. Mr. Chad Bryant, representing the applicant, reiterated the request and noted the application is in conformity with the land use plan and the surrounding area.

Vice Chairman Clarington then called for anyone opposed.

Mrs. Isabelle Bowen was concerned about additional traffic on Langston Road and would rather the lots be a minimum of one acre.

Mr. Randy Chapel was concerned about traffic increase on a two lane road, school overcrowding, and supports one acre development.

Mr. Joel McKay was concerned with increased traffic and his ability to shoot guns on his property

Mr. Matthew Goettsche was concerned with the overcrowding at the school.

There being no further comments the public hearing was closed at 6:27pm.

Commissioner Burkart inquired of Mr. Bryant the number of potential dwellings; Mr. Bryant advised with a 15,000 sq. foot lot size realistically once the project is laid out it would be 2.4 per acre for approximately 200-230 homes.

Commissioner Griffis asked if the infrastructure can support the development. Mr. Bryant advised yes and he had worked with the City Engineer Mr. Chad McMurrian with regards to the sewer requirements and noted without sewer septic tanks would be necessary on one acre lots per state law.

Commissioner Burkart asked if there were any similar developments already in the City; Mr. Wood advised Notting Hill, which is in the same area and Mossy Meadows on Sanderfur Road.

Commissioner Coody inquired on the entrances; Mr. Bryant advised there would be two on Langston Road. Vice Chairman Clarington asked if traffic will be impacted. Mr. Bryant advised studies can be done to show that, but feels Langston Road is not a congestive area and noted the school had already acquired adjacent property for expansion. Mr. Bryant asked if the project would move forward if sewer is not available; he advised the project is in the preliminary design stages and this is the first step with the rezoning, but to not utilize sewer may be dependent on costs for a pump station, force main, etc.

Commissioner Griffis motioned to recommend approval of the application as submitted to Mayor & Council; Commissioner Coody seconded; Commissioners Burkart and Jefferson were opposed; Vice Chairman Clarington voting in favor; resulting 3-2 for recommendation of approval as submitted.

- b. REZN-0071-2019 – Amendment to the text of the Land Management Ordinance regarding Definitions, Table of Uses, and Nonconformities

Mr. Wood advised the text amendment addressing Brewpubs, Breweries, Distilleries, Religious Institutions, Schools, Truck Stops, and Conditional Uses as follows:

1. City Council recently adopted an update of its Alcoholic Beverage code. This includes new definitions and regulations for brewpubs, breweries and distilleries. This proposed amendment to the LMO adds definitions of these uses to Section 1-13, Definitions, and includes proposed modification of Section 4-1, Table of Uses. Based on the new definitions, “brewpub” is relocated from the “retail sales and services” category to the “eating establishments” category. Brewpub is proposed as a permitted use in C-1, C-2, C-3, IMU, MUC, and NMU districts. “Brewery and distillery” is added to the “manufacturing and production” category and is proposed as a permitted use in the C-2, M-1 and IMU districts; and as a use by special exception in the C-3 district.
2. Several uses are currently allowed by “conditional use” in the Table of Uses. Conditional uses are those uses that may be allowed administratively, subject to compliance with stated conditions. Conditions for these uses were anticipated to be developed for these uses, but have not. Some conditional uses included specific conditions with the original adoption of the LMO. This amendment seeks to redefine permission for those uses which do not currently have specific conditions associated with them. Staff is recommending the uses either be permitted by right or by special exception, depending on the potential impact in the zoning district.
3. Staff was recently asked to provide a zoning compliance letter for an existing “truck stop”. This use type does not exist in the Table of Uses. Staff recommends adding a definition of “Truck stop or travel plaza” to Section 1-13, Definitions, and adding the use type in the category of “industrial services” permitted by right in the C-1, M-1 and M-2 district.
4. City Council has set a strategic goal to revitalize Downtown through the recruitment of restaurants and night life. The State of Georgia requires establishments serving or selling alcoholic beverages to be separated from religious institutions and schools. Because of the small footprint of Perry’s Downtown and the relatively new phenomenon of “storefront” religious institutions and schools, Staff recommends that religious institutions and schools no longer be permitted in the C-3 zoning district and the Downtown Development Overlay District. This is reflected in a proposed change to Section 4-1, Table of Uses. Because of the existence of various religious institutions in these districts, Staff recommends modification of Sections 9-1.4, 9-3.1 and 9-3.2 in Article 9, Nonconformities, which would exempt existing religious institutions which own their property to be exempted from limitations on expansion and reconstruction. There are currently no schools located in these districts.

Vice Chairman Clarington opened the public hearing at 7:10pm and called for anyone in favor or opposed; there being none the hearing was closed at 7:11pm.

There was much discussion regarding item #4. Commissioner Coody inquired what happens if an existing church closes in the downtown district. Mr. Wood advised the use still remained as long as there was renewal for the same within (180) days. The Commission asked staff to provide further clarity and not proceed any further until additional information is reviewed.

Commissioner Griffis motioned to recommend approval of the text amendment for 1, 2, and 3 as proposed with 4 being tabled for further research; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

9. Other Business

a. Wind River Phase 2 – street names update

Mr. Wood advised when the preliminary plat was approved the options provided for Road A and B were Sparrow Nest Lane and Owl Tail Drive. The Commission inquired why the names did not follow the existing pattern of names of Native American tribes. Staff discovered those names were for a different subdivision and were submitted incorrectly to the City. Therefore, staff is requesting approval of Iroquois Drive for Road A and Arikara Drive for Road B.

Commissioner Coody motioned to approve Iroquois Drive for Road A and Arikara Drive for Road B for Wind River Phase 2; Commissioner Griffis seconded; all in favor and was unanimously approved.

b. Discussion of upcoming amendment to the text of the Land Management Ordinance regarding Procedures

Mr. Wood advised for the September meeting a procedures amendment for the Land Management Ordinance to clean up some inconsistencies such as duties of the board, notice procedures, time limits, amendments to text and rezoning. The City Attorney is currently reviewing as well.

- c. Mr. Wood in follow up to a memo from the City Manager regarding the recent joint meeting with Council inquired the following: 1). Once an impact is determined on a petition should there be a time limit; the Commission agreed yes (45) days; 2). When appropriate and based on the Commission's request should a work session be held for a special exception or rezoning; Commission agreed yes; 3). Advise City Attorney when there is a case that may benefit the Commission to have legal advice; Commission agreed yes.

10. Adjourn: there being no further business to come before the Commission the meeting was adjourned at 7:38pm.