

**Perry Planning Commission
Minutes - October 22, 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: Patrick Collins, Coretta Collier, Kimberly Spivey, Barry Hooper, Jack Hughston, Morgan Negrón, Chad Bryant, Dave Walsh, and Brandon Bolt.

INVOCATION: was given by Commission Clarington

APPROVAL OF MINUTES September 10, 2018 meeting; Commissioner Burkart motioned to approve 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 (Planning Commission decision)

- 1) #V-18-05 1316 Sam Nunn Blvd.

Mr. Wood read the applicants' request which was for a variance to reduce the street buffer for an expanded display area for Carlos and BJ Auto Sales, along with staff responses. Mr. Wood reminded the Commission the applicant previously made an appeal earlier in the year and was upheld and approved for gravel. The applicant is in the process of preparing to pave the display areas and the subject of this variance is the required street buffer which requires a 5-foot minimum/10-foot average buffer depth and a continuous shrub hedge. The applicant is proposing to reduce the buffer to 4-feet in depth and planting crepe myrtles and low shrubs on the corners of the display area.

Chairman Edwards opened the public hearing at 6:10pm and called for anyone in favor of the request. The applicant Mr. Collins provided the Commission photos of other car lots in the City that have 70% of their cars parked on grass and feels this location is being singled out as it has been operating for 25 years and there never had been a concern on the issue. Mr. Collins advised he has spent money to improve the property and does not have funds to complete by the October 31st deadline.

Ms. Negrón the dealership manager advised her husband's family has run the business for 25 years and received a business license every year and it was only two years ago they were notified of the ordinance violation. The expense for gravel and shrubbery is a burden for a small business and the shrubs will block the line of view for the vehicles as their business is generally from persons driving by and seeing a vehicle. They are willing to work with the City on the issue, but need the City to work with them.

Chairman Edwards called for anyone opposed; there being no further comment the public hearing was closed at 6:20pm.

Commissioner Clarrington asked why their attorney had not notified them of the compliance deadline. Mr. Collins advised they were not informed and he is willing to comply with some of the aesthetics improvements similar to what is being done on the surrounding properties on Sam Nunn Blvd., but would like to take a minimalist approach.

Mr. Wood advised the City was currently handling the other dealerships on Gen. Courtney Hodges and Victory Lane Auto Sales is in compliance.

Commissioner Mehserle inquired when the Commission first heard the matter; Mr. Wood advised July 2017 and an option to be considered would be for the vehicles to be parked on the current paved areas. Ms. Negron stated that would have them too close together and not allow for room to walk around the vehicles.

Commissioner Mehserle stated the matter has been ongoing for more than a year and within that time some type of contingency plan by the owner should have been in place and its clear the City has been working with them and understands the funding aspect, but action is needed. Mr. Collins stated he felt asphalt was the better choice, but he does not have the funds for that now and the shrub height is too high. Commissioner Mehserle stated the City is not requiring asphalt.

Commissioner Mehserle motioned to deny of the application, as the application did not meet the criteria for granting a variance, but provided the following stipulations: 1) The applicant may use shrubs similar to *Juniperus horizontalis* in lieu of taller shrubs for the street buffer; 2) The property shall come into compliance with City regulations regarding the display of automobiles by December 31, 2018; Commissioner Burkart seconded; all in favor and was unanimously accepted as motioned.

NEW BUSINESS

1) #SD-18-08 Remington Chase Phase 2 – Preliminary Plat

Mr. Wood advised the request was to subdivide one 49 acre lot into (95) residential lots and one 2.289 acre tract fronting US Hwy 341 for the second phase of Remington Chase subdivision. Mr. Wood noted there has never been a preliminary plat approved for the second phase. Staff recommended approval with the following conditions: 1) Street names shall be submitted for approval prior to final plat approval; 2) Development plans shall comply with the International Fire Code; and 3) Any open space planned to be dedicated to the City shall be a separate parcel with adequate access to a public street, and will be subject to Mayor and City Council acceptance of such dedication.

Chairman Edwards opened to the public for comment at 6:56pm. The applicant, Mr. Chad Bryant agreed with the staff condition approvals, but advised comments had been received from the Fire Marshal that the proposed street widths and cul-de-sac diameters do not comply with the International Fire Code (IFC). The comments received from the Fire Marshal noted that street widths must be increased to meet the public safety objectives because vehicles park in streets, reducing the effect width for emergency apparatus and activities. Mr. Bryant stated there is a conflict in the ordinance on street parking, which is a code violation; furthermore the standards shown in the IFC meets the intent of the current City ordinance. There being no further comment the public comment period was closed at 7:05pm.

Commissioner Mehserle questioned the 26 feet from curb to curb; Mr. Bryant advised this width is used throughout Houston County, on two lane state roads, and meets the current ordinance. Commissioner Burkart inquired about the issue of street parking and for clarification on the Fire Marshal's interpretation. Mr. Wood advised the issue had been raised by the Fire Marshal in the past few weeks and is based on his determination. Discussion continued with the interpretation from the Fire Marshal and what is allowed by the current ordinance.

Commissioner Burkart motioned to approve of the plans as submitted with the staff conditions as follows: 1) Street names shall be submitted for approval prior to final plat approval; 2) Development plans shall comply with the International Fire Code; and 3) Any open space planned to be dedicated to the City shall be a separate parcel with adequate access to a public street, and will be subject to Mayor and City Council acceptance of such dedication; Commissioner Clarington seconded; all in favor with Commissioner Griffis and Mehserle opposed; resulting vote of 3-2 for approval as motioned.

Commissioner Mehserle stated his opposition was based on the plat that was presented meets the intent of the current ordinance and if there are to be any proposed changes to the ordinance it should be done through the proper procedures.

2) #SD-18-09 Bedford Court – North Haven @ The Hamptons – Recombination Plat

Mr. Wood read the applicant request which was for the combination of lots to incorporate open space into a residential lot. The applicant owns the property at 123 Bedford Court adjacent to the subject parcel of open space. The applicant proposes to incorporate 4,559 square feet of the subject parcel into their lot. This application is being presented for Planning Commission consideration because it involves open space that is on the recorded plat. The applicant indicated that the North Haven at the Hamptons Homeowners' Association has approved the modification. Staff did not find any indication that a specific amount of open space was required in the original PUD and subdivision approval.

Chairman Edwards opened to public comment at 7:32pm. Mr. Walsh the owner of 123 Bedford Court advised his sprinkler system is on the subject property and wants to purchase the small piece to incorporate into his. There being no further comment the hearing was closed at 7:35pm.

Commissioner Burkart motioned to approve as submitted per staff's recommendation; Commissioner Coody seconded; all in favor and was unanimously approved.

3) #SD-18-10 Notting Hill Phase 2 - Preliminary Plat

Mr. Wood read the applicants' request, which was to subdivide a 102-acre parcel into (174) single family residential lots as the second phase of Notting Hill subdivision, along with staff responses. Mr. Wood also advised previous preliminary plat approvals for the property have expired with little or no work completed. Therefore, a new preliminary plat is required. Mr. Wood advised staff recommended approval with the following conditions: 1) Street names shall be submitted for approval prior to final plat approval; 2) The following lots must be adjusted to meet minimum lot width prior to final plat approval: Lots 12, 90, 91, 97, and 109; 3) Lot 501 shall be adjusted to include the required radius at each corner prior to final plat approval and adjacent lots adjusted accordingly; 4) Access to the subdivision or any lot in the

subdivision shall not occur through the 18' wide strip of land connecting to US HWY 41, and shall be so stated on the final plat.

Chairman Edwards opened for public comment at 7:40pm. Mr. Brandon Bolt with Bolt Engineering, Inc. advised the layout was to build out an existing subdivision and accepted the conditions of staff. There being no further comment the hearing was closed at 7:42pm.

Commissioner Burkart inquired if the fire code will factor into this subdivision; Mr. Wood advised that it would.

Commissioner Mehserle motioned to approve as submitted along with the following conditions: 1) Street names shall be submitted for approval prior to final plat approval; 2) The following lots must be adjusted to meet minimum lot width prior to final plat approval: Lots 12, 90, 91, 97, and 109; 3) Lot 501 shall be adjusted to include the required radius at each corner prior to final plat approval and adjacent lots adjusted accordingly; 4) Access to the subdivision or any lot in the subdivision shall not occur through the 18' wide strip of land connecting to US HWY 41, and shall be so stated on the final plat. Commissioner Coody seconded; all in favor with Commissioner Burkart opposed; resulting vote 5-1 for approval with conditions.

INFORMATIONAL HEARING (Planning Commission recommendation)

1) #SE-18-05 814 Oakridge Drive

Mr. Wood read the applicants' request for a special exception to operate a residential business as a beauty salon, along with staff responses. Mr. Wood noted the applicant advised the business will be conducted from 10am to 5pm Monday thru Saturday and expects 10-15 clients per week and will operate in half of an attached garage.

Chairman Edwards opened the public hearing at 7:49pm and called for anyone in favor or opposed to the request. Ms. Collier, the applicant, reiterated the request and advised she had attempted to try many years ago and had been approved, but never started the business. There being no further comments the hearing was closed at 7:51pm.

Commissioner Clarrington motioned to recommend that Mayor & Council approve the application with the following conditions: 1) The Special Exception shall be limited to a Residential Business conducted beauty salon only; 2) The Special Exception shall be limited to the applicant, Coretta Collier, and is not transferrable; 3) 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 4) No sign advertising the business shall be posted or displayed on the property; Commissioner Coody seconded; all in favor and was unanimously approved.

2). #SE-18-06 246 Black Hawke Lane

Mr. Wood read the applicants' request for a special exception to operate a residential business as a family child care facility to serve up to six children, along with staff responses. Mr. Wood noted such a business is subject to licensing by the State of Georgia.

Chairman Edwards opened the public hearing at 7:53pm and called for anyone in favor or opposed to the request. Ms. Spivey the applicant, reiterated the request and advised she

currently has a commercial location in Warner Robins, but will be closing to conduct from her home. There being no further comments the meeting was adjourned at 7:56pm.

Commissioner Clarington inquired if Ms. Spivey would have any employees and how many children; she advised just herself as the operator and four children.

Commissioner Burkart motioned to recommend that Mayor & Council approve the application with the following conditions: 1) The Special Exception shall be limited to a Residential Business conducted family child-care for up to six children only; 2) The Special Exception shall be limited to the applicant, Kimberly Spivey, and is not transferrable; 3) 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; 4) No sign advertising the business shall be posted or displayed on the property; and 5) The required State of Georgia license shall be submitted to the Community Development Department as part of the City Business License application; Commissioner Mehserle seconded; all in favor and was unanimously approved.

OTHER BUSINESS – none

ADJOURN : there being no further business to come before the Commission the meeting was adjourned at 7:57pm.