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August 3, 2021

COUNCIL AGENDA

6:00 PM

PERRY EVENTS CENTER
1121 MACON ROAD, PERRY, GA 31069

To join the meeting by Facebook: Use this URL - facebook.com/cityofperryga
This will allow you to view and hear the meeting.

1. Call to Order: Mayor Randall Walker, Presiding Officer.
2. Roll:
3. Invocation and Pledge of Allegiance to the Flag: Mayor Randall Walker
4. Recognition(s)/Presentation(s):
 - 4a. Recognition of PFES “B” Shift – Mr. L. Gilmour.
 - 4b. Recognition of PPD Squad “3” – Mr. L. Gilmour.
 - 4c. Special Events Application – Ms. A. Turpin.
 1. The Perry Chamber of Commerce’s Business Battlefield Event.
5. Community Partner(s) Update(s):
6. Citizens with Input.
7. Public Hearing: Mayor Randall Walker
The purpose of this public hearing is to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-66-4.
 - 7a. SUSE-170-2021. Applicant, Preston Dellinger – Servio Capital, request a Special Exception to allow a multi-family development. The property is located at 200 A Valley Drive; Tax Map No. 0P0380 077000 – Ms. H. Wharton.
 - 7b. SUSE-171-2021. Applicant, Preston Dellinger – Servio Capital, request a Special Exception to allow a multi-family development. The property is located at 200 Valley Drive; Tax Map No. 0P0380 016000 – Ms. H. Wharton.
 - 7c. TEXT-176-2021. Applicant, The City of Perry, request modifications to Land Management Ordinance Sections 2-3.11.3 and 5-6 by removing procedures and

standards for Conservation Subdivisions. Conservation subdivisions will be allowed using the Planned Unit Development zoning option – Ms. H. Wharton.

- 7d. TEXT-177-2021. Applicant, The City of Perry, request modifications to Land Management Ordinance Sections 1-13, 4-1.2, and 4-2.4(h) to address short-terms rentals. The amendment modifies the definition of “bed and breakfast inn” and adds a definition of “short-term rental.” Short-term rental is added to the table of uses as a special exception use in the residential districts and a permitted use in commercial districts. Short-term rental is added as a specific use in the visitor accommodations use classification – Ms. H. Wharton.
- 7e. TEXT-178-2021. Applicant, The City of Perry, request modifications to Land Management Ordinance Sections 1-13, 4-3.3(F), 6-1.3, and 6-1.6 to clarify the definitions of “parking lot” and “vehicular use area” and to clarify the acceptable use of gravel as a paving material based on policies approved by the Planning Commission on April 12, 2021 – Ms. H. Wharton.

8. Review of Minutes: Mayor Randall Walker

- 8a. Council’s Consideration – Minutes of the July 19, 2021 work session, July 20, 2021 pre council meeting, and July 20, 2021 council meeting. *(Council Member Hunt was absent from the July 19 – 20, 2021 meetings.)*

9. Old Business:

9a. Ordinance(s) for Second Reading(s) and Adoption:

- 1. **Second Reading** of an ordinance for the rezoning of property from PUD, Planned Unit Development to R-2, Two-Family Residential District. The property is located on Langston Road; Tax Map No. 0P0610 006000 – Mr. B. Wood.

10. Any Other Old Business: Mayor Randall Walker

- 10a. Mayor Randall Walker
- 10b. Council Members
- 10c. City Attorney Brooke Newby
- 10d. City Manager Lee Gilmour
- 10e. Assistant City Manager Robert Smith

11. New Business: Mayor Randall Walker

- 11a. Matters referred from August 2, 2021 work session and August 3, 2021 pre council meeting.
- 11b. Special Exception Application – 170-2021 – Mr. B. Wood.
- 11c. Special Exception Application -171-2021 – Mr. B. Wood.
- 11d. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance amendment to remove Conservation Subdivision procedures and standards – Mr. B. Wood. *(No action required by Council)*
2. **First Reading** of an ordinance amending Sections 1-13, 4-1.2 and 4-2.4(h) of the Land Development Management Ordinance to address short-term rentals – Mr. B. Wood. *(No action required by Council)*
3. **First Reading** of an ordinance amending Sections 1-13, 4-3.3 (F), 6-1.3 and 6-1.6 of the Land Management Ordinance to address the definition of parking lot and vehicular use area A – Mr. B. Wood. *(No action required by Council)*

11e. **Award of Bid(s):**

1. Bid No. 2022-05 (1) Full Size SUV 4-Wheel Drive – Mr. M. Worthington

11f. Amendment to the City of Perry Purchasing Policy – Mr. M. Worthington.

12. **Council Members Items:**

13. **Department Heads/Staff Items.**

14. **General Public Items:**

15. **Mayor Items:**

16. **Adjourn.**



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The Perry Chamber of Commerce's Business Battlefield Event

Organization hosting event: Perry Area Chamber of Commerce

Event Coordinator: Bonnie Sexton

Name of Event: Business Battlefield

Date(s) of event: Thursday, October 28, 2021

Event Start & End: 6 PM – 9 PM

Event Description:

Private networking/teambuilding event for Chamber Members to play field day type games.

Council Action Requested:

- Permission to utilize Heritage Oaks Park venue for hosting event
- Approval of city services requested

City Services Requested:

Personnel/Support Requested:

- Public Works Personnel to provide general assistance with pre-event lawn maintenance
- Police Personnel to provide event security as deemed appropriate by Chief/Department
- Fire Personnel to provide event safety as deemed appropriate by Chief/Department



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STAFF REPORT

From the Department of Community Development

July 2, 2021

CASE NUMBER: SUSE-170-2021
APPLICANT: Preston Dellinger – Servio Capital
REQUEST: A Special Exception to allow multi-family development
LOCATION: 200 A Valley Drive; Tax Map No. 0P0380 077000
ADJACENT ZONING/LAND USES:

Subject Parcel: C-1, Highway Commercial District; motel
North: C-1, Highway Commercial District; motel
South: C-1, Highway Commercial District; motel
East: Interstate 75
West: C-1, Highway Commercial District; undeveloped

REQUEST ANALYSIS: The applicant requests approval to redevelop the existing Derby Inn motel (previously Days Inn and Holiday Inn), at 200 A Valley Drive into a multi-family development.

The applicant intends to develop both the FairBridge Inn Express motel and Derby Inn motel (both previously Holiday Inn) into a cohesive multi-family property. In total, there will be 120 new, market rate apartment units. The units will include 80 one-bedroom apartments and 40 studio apartments. The applicant provided a preliminary conceptual design that includes a common area for tenants, storage area, and on-site laundry facilities. The applicant has demonstrated a need for additional market rate housing in Perry within the one-bedroom and studio apartment layout format. The applicant also provided a multi-family market report to support this application.

The applicant has considered the highest and best use of the subject properties. The application references the high concentration of hospitality properties within a 3-mile radius of the subject properties. These properties contribute to an oversupply of hotel and motel rooms which place the owners and operators under significant hardship. The properties within this area have deferred maintenance and are rarely productively used. The applicant suggests that converting this motel into market rate apartments will return the property to its highest and best use.

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* There are no known covenants or restrictions on the subject property.
2. *Does the Special Exception follow the existing land use pattern?* All petitions for multi-family development are required to apply for a special exception. The surrounding area consists of hotel, motel, restaurant, and other commercial development. Multi-family development is consistent with the uses allowed within the C-1, highway commercial district.
3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The Character Areas Map of the 2017 Joint Comprehensive Plan identifies the property as 'In-Town Corridor'. This character area typically includes long strips of commercial development. The Comprehensive Plan notes that

redevelopment of older commercial areas within this character area should be a priority instead of new commercial development farther away.

4. *Will adequate fire and police protection be available?* The use of the property as a multi-family development will have a similar or reduced impact on fire and police protection. Currently, there are 200 units between the two motels. The applicant is proposing to develop 120 units, a reduction of 80 units.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* The proposed use as a multi-family development is not expected to be detrimental to surrounding properties. Multi-family is consistent and appropriate within the C-1, highway commercial district. Further, with a reduction in number of total units, multi-family is expected to be less intense than hospitality use. The applicant states that the proposed development will be a tasteful upgrade to the aesthetics of the exterior and interior of the property.
6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* The applicant indicates that pedestrian and vehicular traffic is expected to remain unchanged for the proposed use. There is no expected increased burden on existing streets which will serve the development.
7. *Will the use result in an increase in population density overtaxing public facilities?* The proposed multi-family development is not anticipated to overtax the existing public facilities. The reduction in units may decrease the burden placed on public facilities including water, sanitary sewer, and stormwater infrastructure. The Houston County Board of Education has been notified of this proposed development. Staff is not aware of any excess burden placed on educational facilities.
8. *Will the use create a health hazard or public nuisance?* The proposed multi-family development is not expected to create a health hazard or public nuisance.
9. *Will property values in adjacent areas be adversely affected?* The applicant states that the proposed revitalization of the subject properties into a multi-family development will enhance the value of surrounding properties. The applicant cites the proposed development's ability to support and serve local businesses and provide housing for the workforce for a diverse set of industries nearby.
10. *Are there substantial reasons a permitted use cannot be used at this property?* There is no demonstrated evidence that the proposed use cannot be permitted within the C-1, highway commercial district.

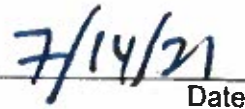
STAFF RECOMMENDATION: Based on review of the criteria, Staff recommends approval of the special exception, with the following conditions:

1. The proposed development must meet the requirements for parking, landscaping, and design guidelines as reflected in the Land Management Ordinance.
2. The proposed development must ensure building and site is in compliance with all applicable building codes, fire codes, and stormwater regulations.

PLANNING COMMISSION RECOMMENDATION: Following an information hearing held on July 12, 2021, the Planning Commission recommends approval of the special exception, with the following conditions:

1. The proposed development must meet the requirements for parking, landscaping, and design guidelines as reflected in the Land Management Ordinance.
2. The proposed development must ensure building and site is in compliance with all applicable building codes, fire codes, and stormwater regulations


Eric Z. Edwards, Chairman, Planning Commission


Date



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Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE -
0170 -
2021

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	H. Preston Dellinger / Servio Capital LLC	PARAM KRUPA LLC
*Title	Managing Principal	
*Address	215 N Columbia St Covington LA, 70433	200 A VALLEY DR. PERRY, GA 31069
*Phone	704-650-7877	
*Email	preston@serviocapital.com	

Property Information

*Street Address	200 A Valley Dr. Perry GA	
*Tax Map #(s)	0P0380 077000	*Zoning Designation C1

Request

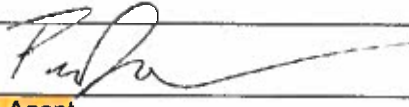

*Please describe the proposed use: Multifamily apartment units. Converting individual hotel rooms into 1 bedroom and studio apartments

Instructions

- The application and \$91.00 fee (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- 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 special exception). See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- For applications in which a new building, building addition and/or site modifications are required, you must submit a scaled drawing of the proposed site development plan.
- 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.
- Special Exception 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.
- Please verify all required information is reflected on the plan(s). Submit one (1) paper copy and one (1) electronic version of the plan(s).
- An application for special exception 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
If yes, please complete and submit a Disclosure Form available from the Community Development office.

10. 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.

11. Signatures:

*Applicant 	*Date 6/4/2021
*Property Owner/Authorized Agent 	*Date 06-04-2021

Standards for Granting a Special Exception

1. Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?
No known covenants or restrictions
2. Describe the existing land use pattern surrounding the subject property.
Current pattern and that which has abundance of is hotels and restaurants
3. Describe how the proposed use will not have an adverse effect on the Comprehensive Plan.
Adding affordable (NOT SUBSIDIZED) housing to meet the needs is necessary to the comprehensive plan
4. Describe how any proposed structures, equipment or materials will be readily accessible for fire and police protection.
The public safety infrastructure currently onsite will remain. Prospective owners will work closely with public safety to ensure the safest environment for tenants, visitors and the community.
5. Describe how the proposed use will be of such size, location, and character that it will generally be in harmony with appropriate and orderly development of the surrounding area and adjacent properties, and will not be a detriment to uses permitted on adjacent properties. (Consider the location and height of buildings and other structures, and the extent of landscaping, screening and buffering.)
The conversion of the units will be tasteful and will upgrade the aesthetics of the exterior of the building. See attached plan
6. For uses to be located in or adjacent to a residential district, describe how the nature and intensity of the operations of the proposed use will not negatively impact pedestrian and vehicular traffic in the district.
The pedestrian and vehicular traffic is estimated to remain unchanged for this proposed use.
7. Describe how the proposed use will not place an undue burden upon public facilities and services.
By creating permanent housing with well screened residents in place of transitory quarters.
8. Describe how the proposed use will not create health and safety problems, and will not create a nuisance with regard to traffic congestion, drainage, noise, smoke, odor, electrical interference, or pollution.
This will remain unchanged to what is currently in place
9. Describe how the proposed use will not adversely impact the value of surrounding properties.
It will enhance the value of the surrounding properties by providing more consumers to businesses in the area as well as providing businesses with more employees to meet their employment demand in several different industries.
10. State the reasons why the subject property cannot be used for a use permitted in the zoning district in which it is located.

The current zoning of hospitality is not the highest and best use of this property. The abundance of hospitality and zoning of such within a 3 mile radius is causing hotel owners/operators to respond to the over supply of hotel rooms in the area by cutting costs and deferring maintenance on their buildings.

Additionally the need for affordable housing, not subsidized housing, is tremendous within the Perry market.

There is a high amount of subsidized housing in the area compared to market rate housing.

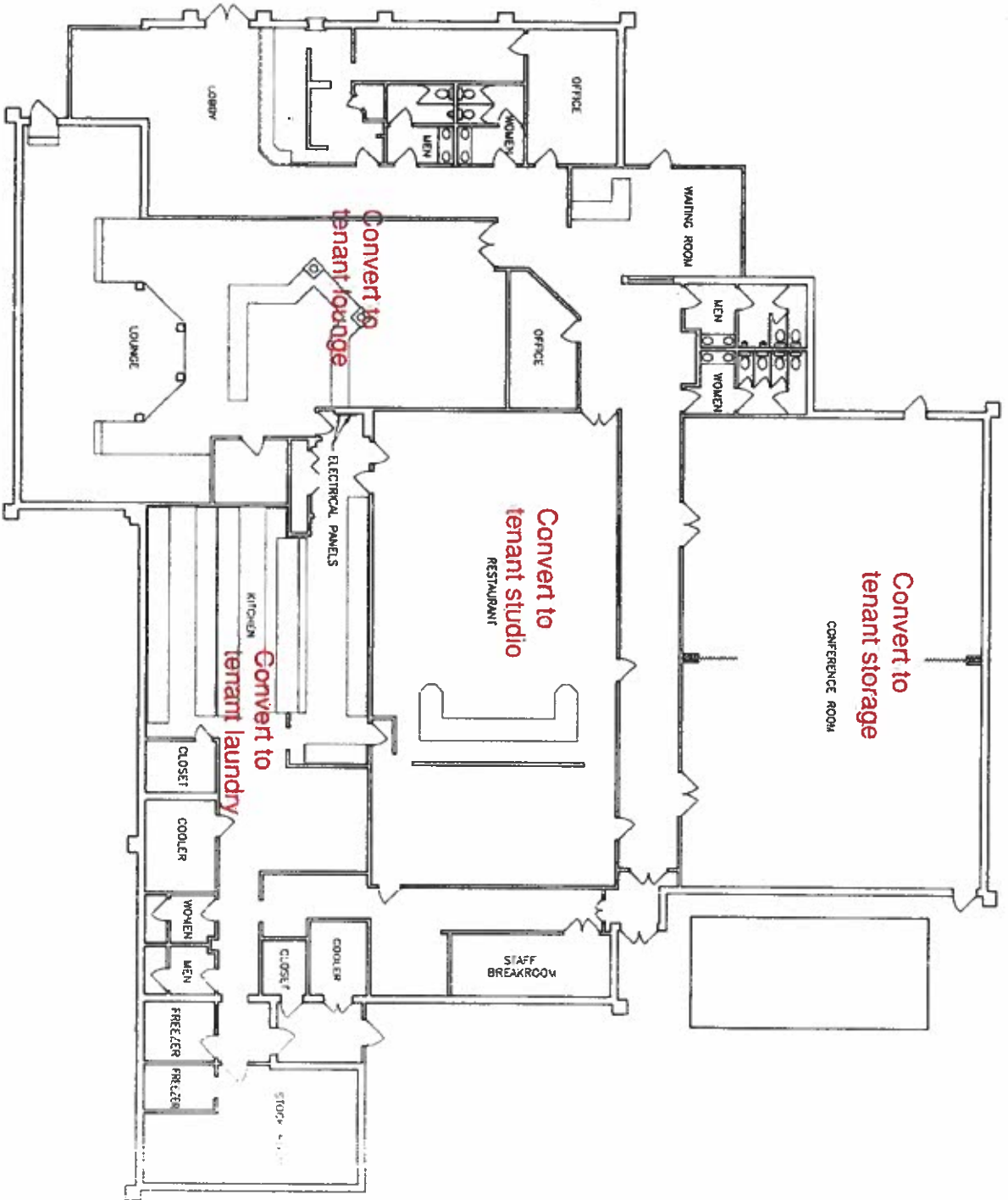
We are proposing market rate housing that is affordable to most people.

By converting the units into 80 true 1 bedroom apartments and 40 studios, we project the new apartment offerings will be highly well received.



SUR 170-2024



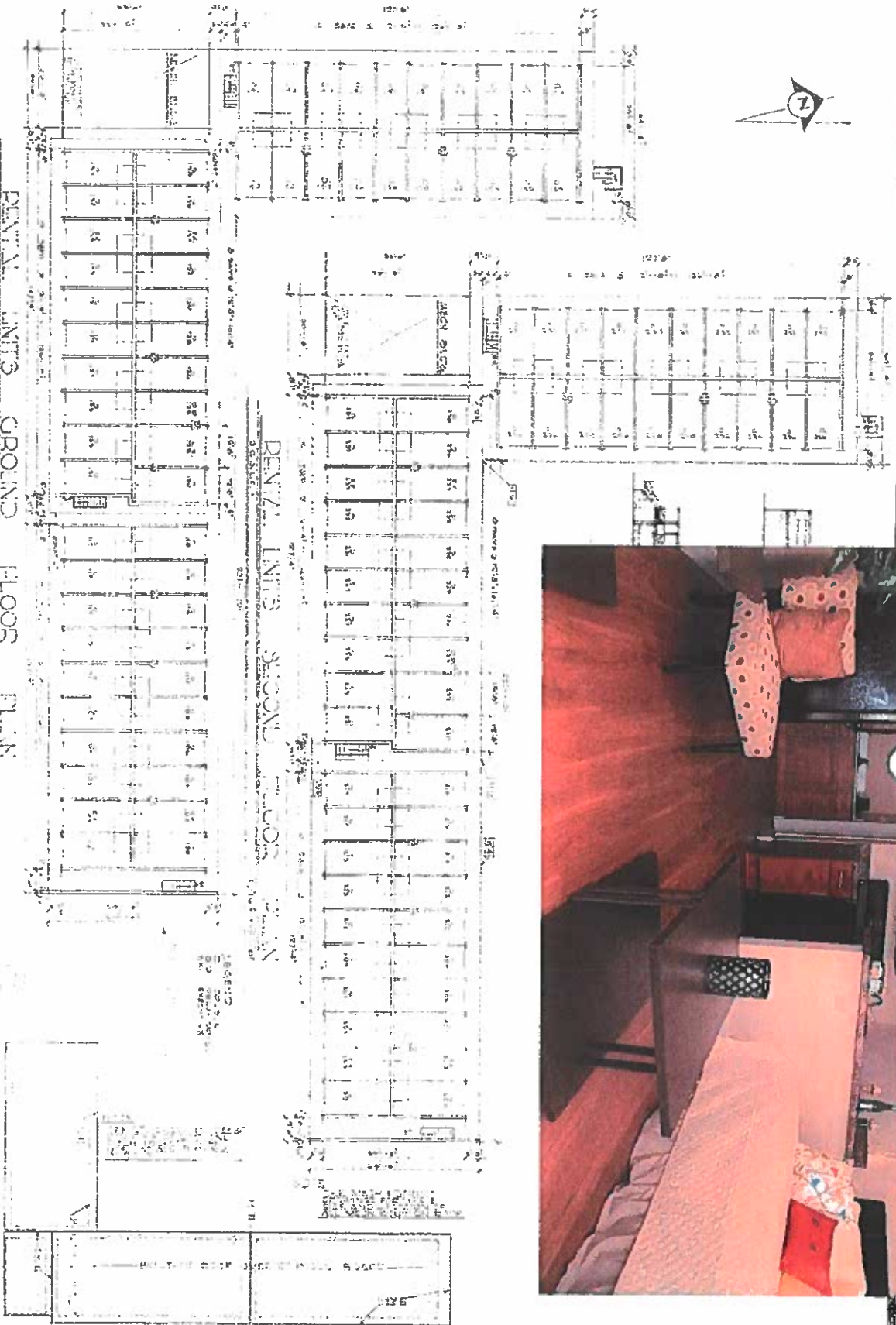
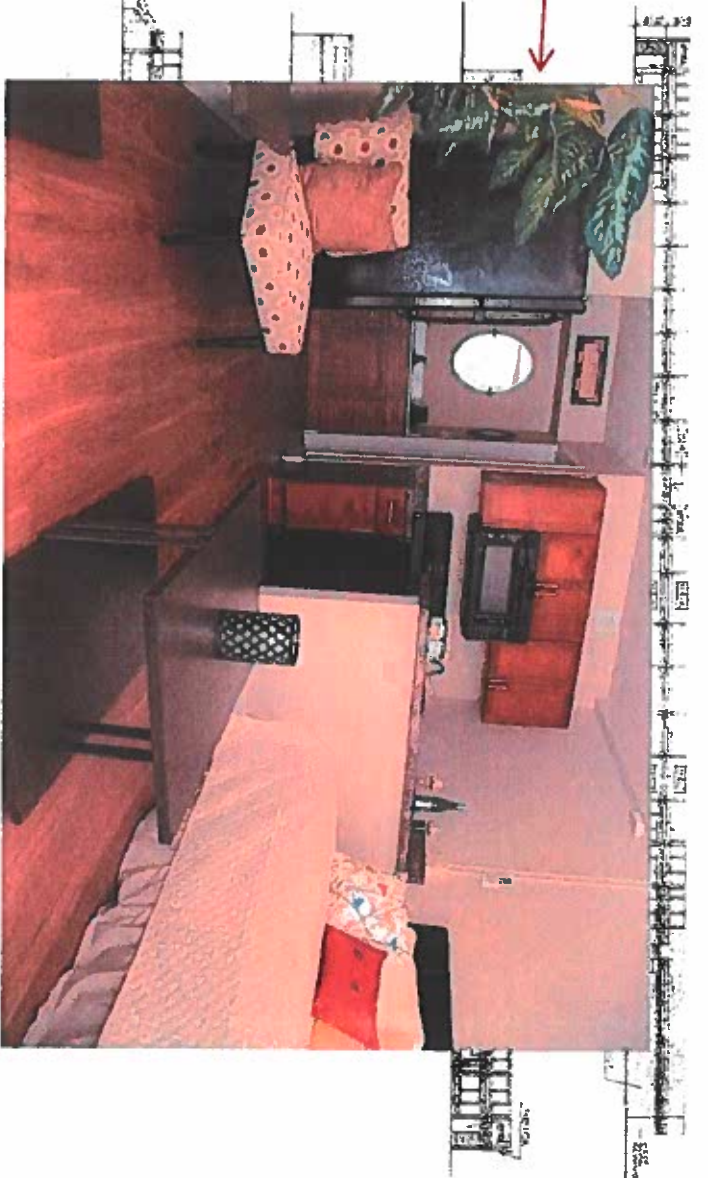


FLOOR PLAN - EXISTING RESTAURANT & LOUNGE

SCALE: 1/8" = 1'-0"



TYPICAL
CONVERSION



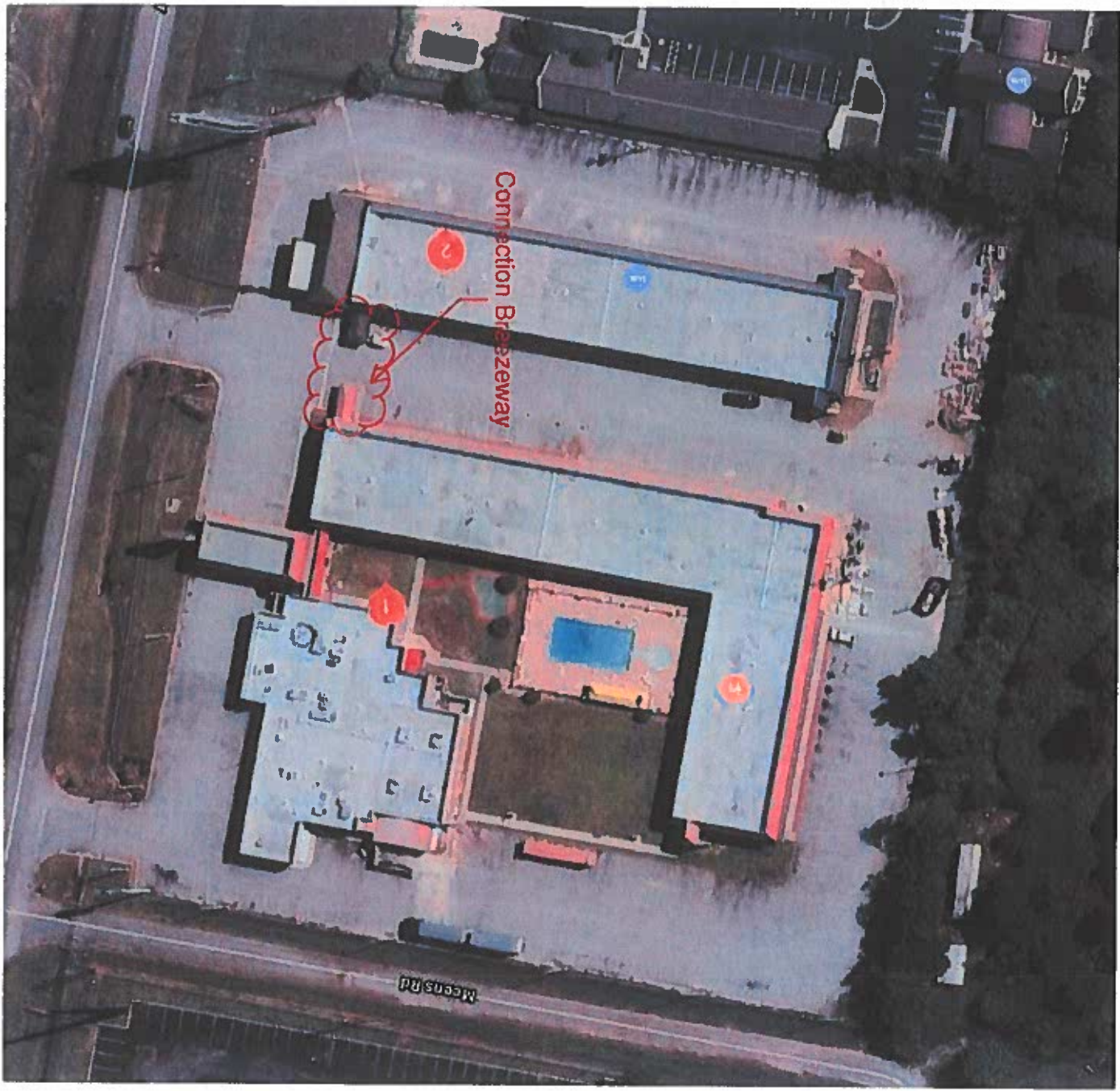
REVISIONS	DESCRIPTION	DATE	BY
1	ISSUE FOR PERMIT	10/15/01	WJ
2	ISSUE FOR CONSTRUCTION	11/15/01	WJ

Holiday Inn®



William W. Bond Jr. & Associates
Architects

65007



Connection Breaszeaway

Mcens Rd

Search Analytics

INVENTORY UNITS	UNDER CONSTRUCTION UNITS	12 MO ABSORPTION UNITS	VACANCY RATE	MARKET RENT/UNIT	MARKET SALE PRICE/UNIT	MARKET CAP RATE
913 +0%	72 +45.8%	25 -29.0%	1.4%	\$805 +11.1%	\$76.9K +12.2%	6.2% -0.3%

Key Metrics

	Availability	Inventory
Vacant Units	12 ↓	Existing Buildings 16 ↓
Asking Rent/SF	\$0.96 ↑	Average Units Per Bldg 57 ↓
Concession Rate	0.4% ↑	12 Mo Demolished Units 0 ↓
Studio Asking Rent	\$498 ↑	12 Mo Occupancy % at Delivery -
1 Bedroom Asking Rent/Unit	\$685 ↑	12 Mo Construction Starts Units 0 ↓
2 Bedroom Asking Rent/Unit	\$835 ↑	12 Mo Delivered Units 0 ↓
3 Bedroom Asking Rent/Unit	\$1,030 ↑	12 Mo Avg Delivered Units -

	Sales Past Year	Demand
Asking Price Per Unit	\$66,250	12 Mo Absorp % of Inventory 2.7% ↑
Sale to Asking Price Differential	-3.8%	Median Household Income 65.2K
Sales Volume	\$11.1M ↑	Population Growth 5 Yrs 20-29 4.6%
Properties Sold	2 ↑	Population Growth 5 Yrs 30-39 -1.6%
Months to Sale	1.5	Population Growth 5 Yrs 40-54 11.1%
For Sale Listings	3	Population Growth 5 Yrs 55+ 8.9%
Total For Sale Units	64	Population Growth 5 Yrs 5.5%

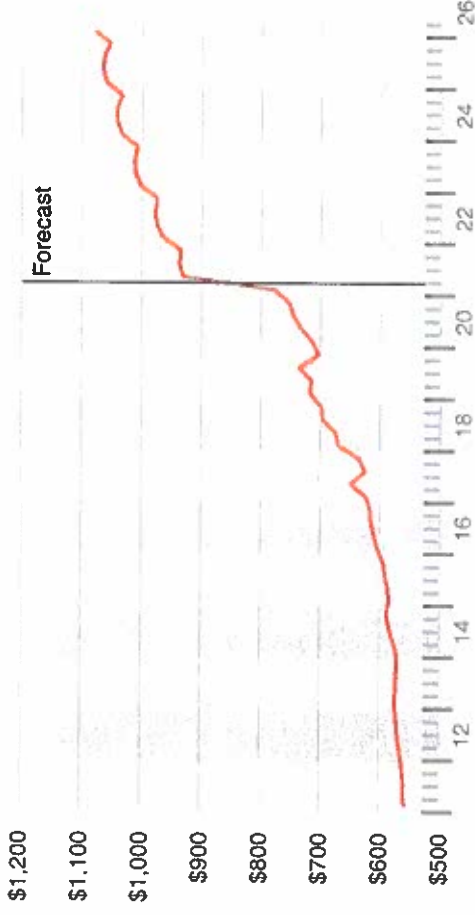
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Key Performance Indicators

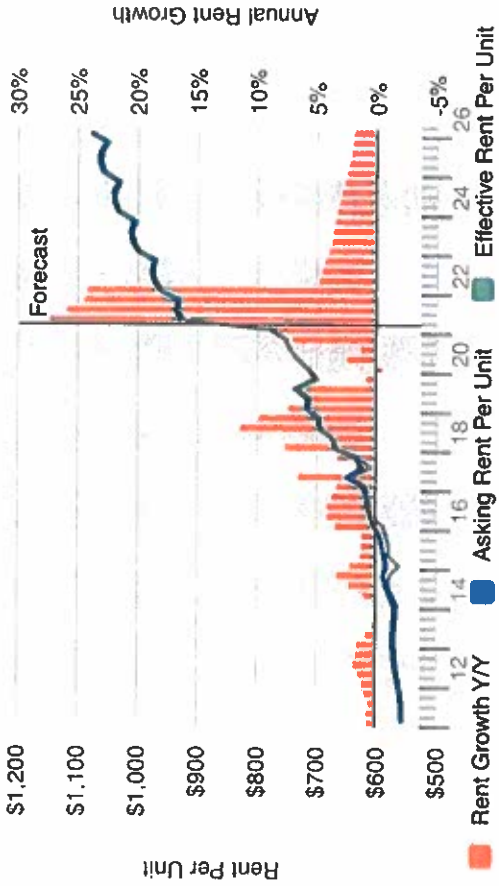


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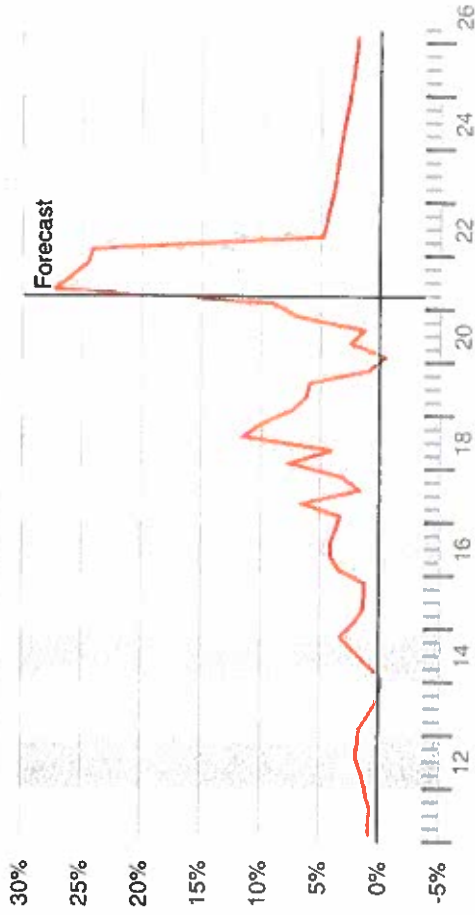
Market Asking Rent Per Unit



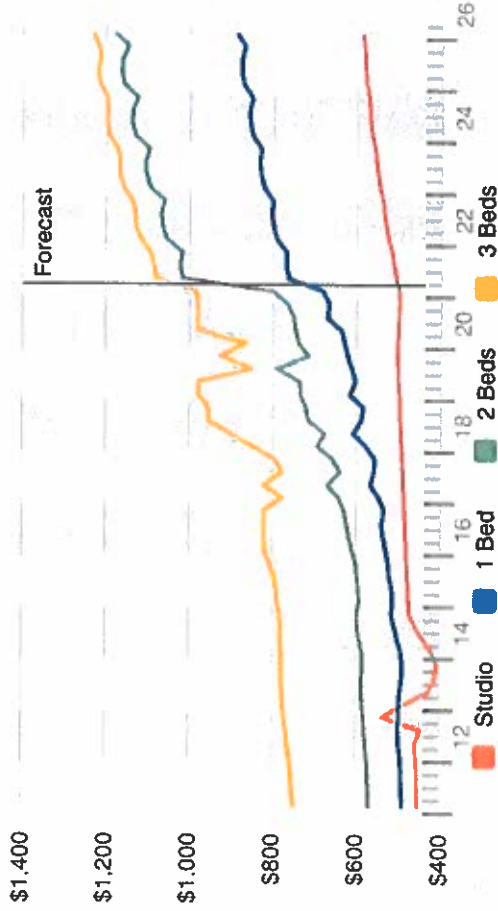
Market Rent Per Unit & Rent Growth



Market Rent Growth (YOY)

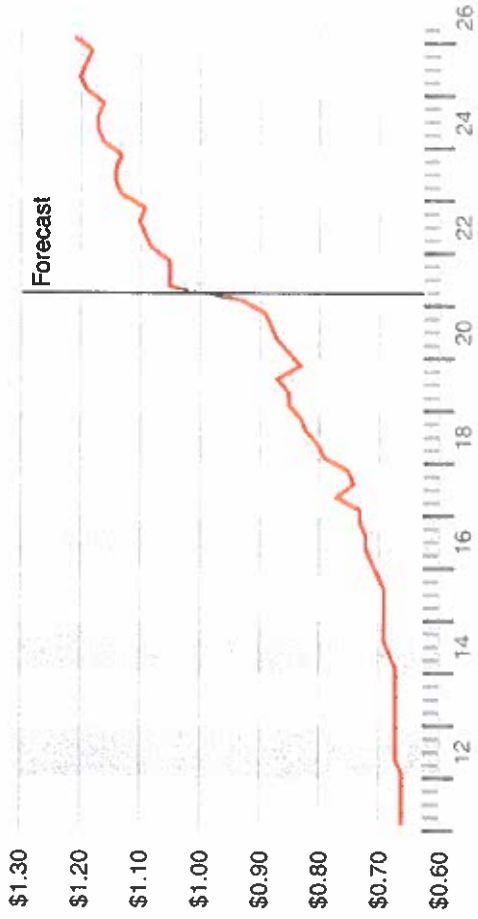


Market Asking Rent Per Unit By Bedroom

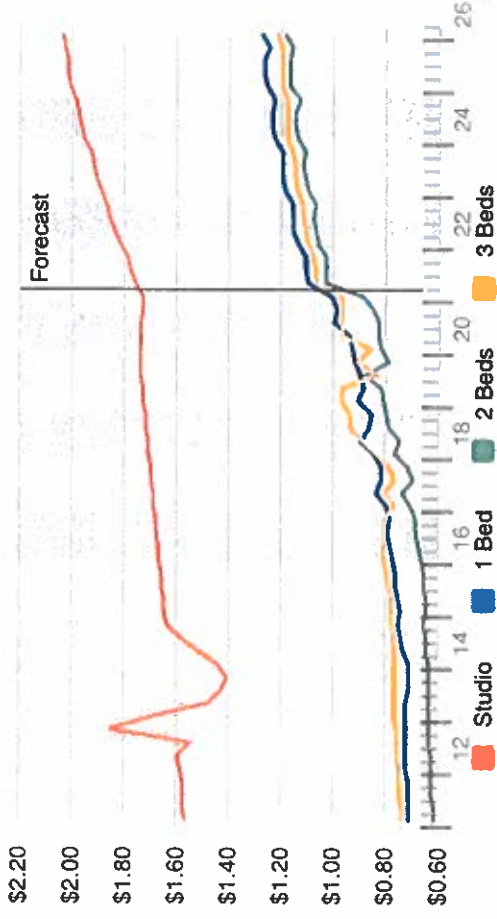


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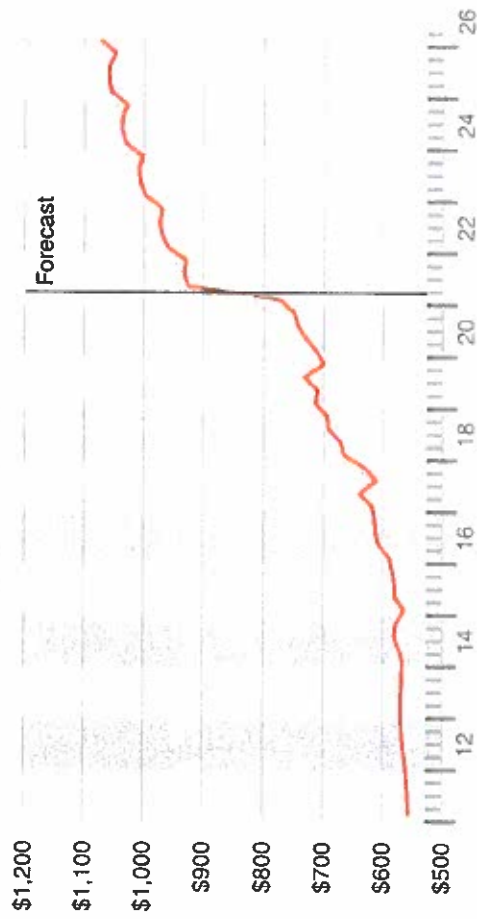
Market Asking Rent Per SF



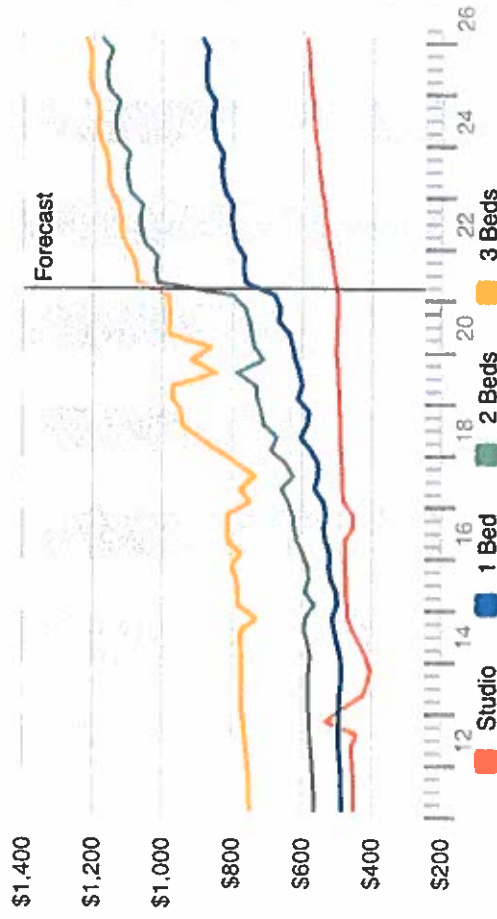
Market Asking Rent Per SF By Bedroom



Market Effective Rent Per Unit

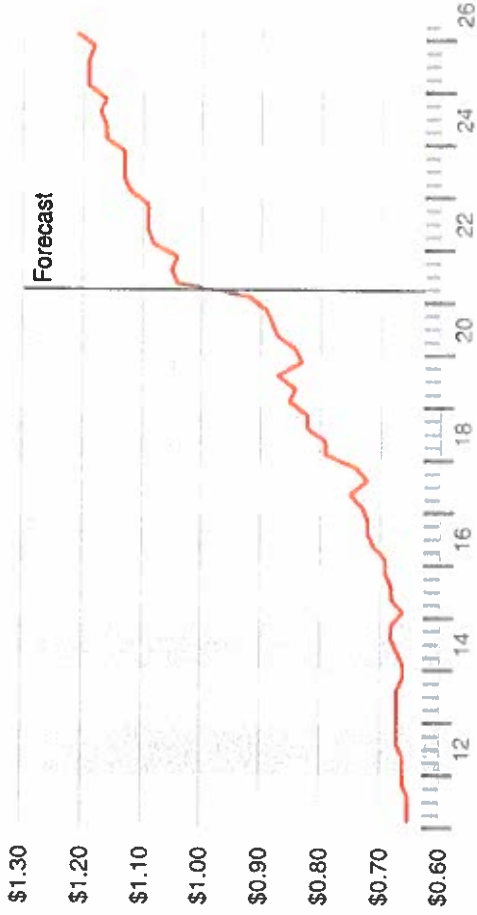


Market Effective Rent Per Unit By Bedroom

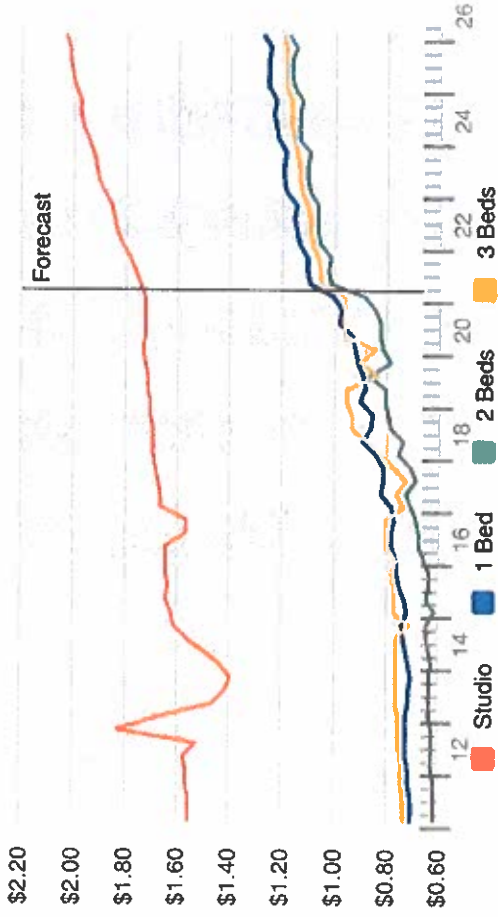


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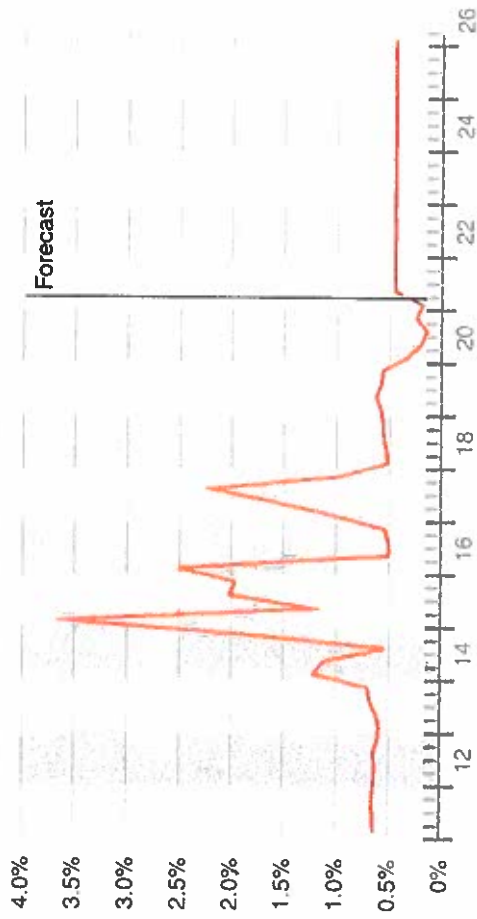
Market Effective Rent Per SF



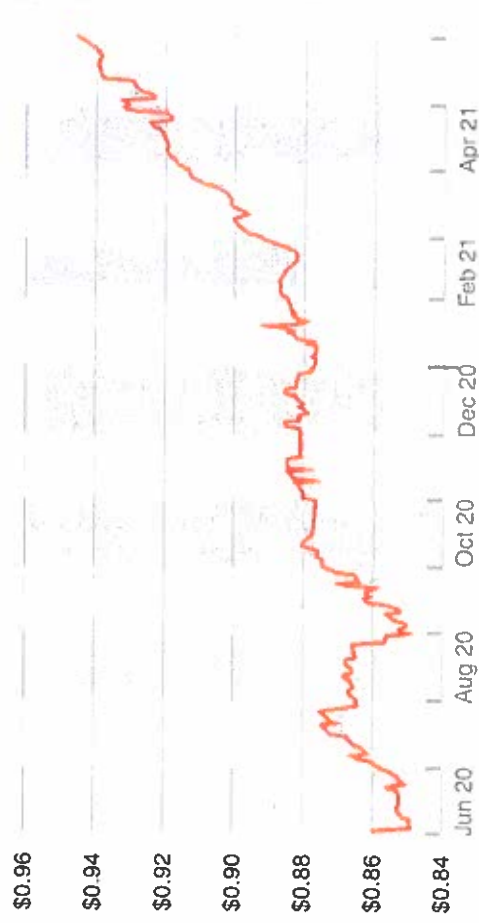
Market Effective Rent Per SF By Bedroom



Concession Rate

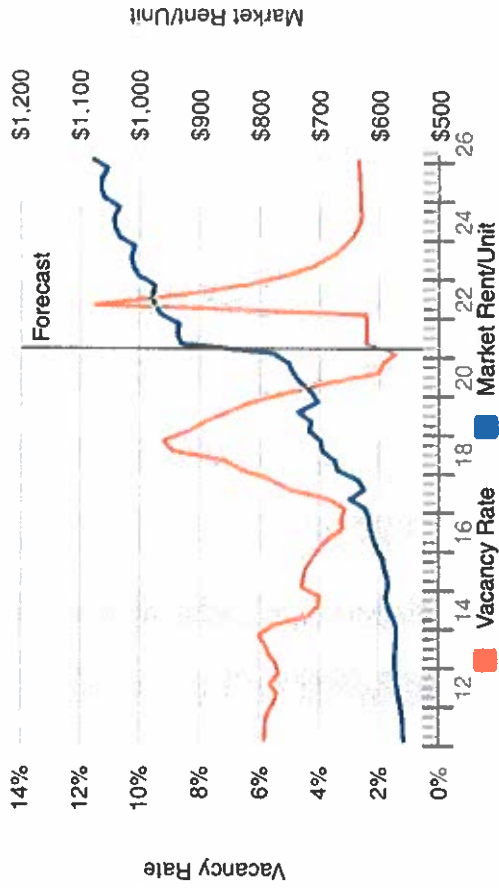


Daily Asking Rent Per SF

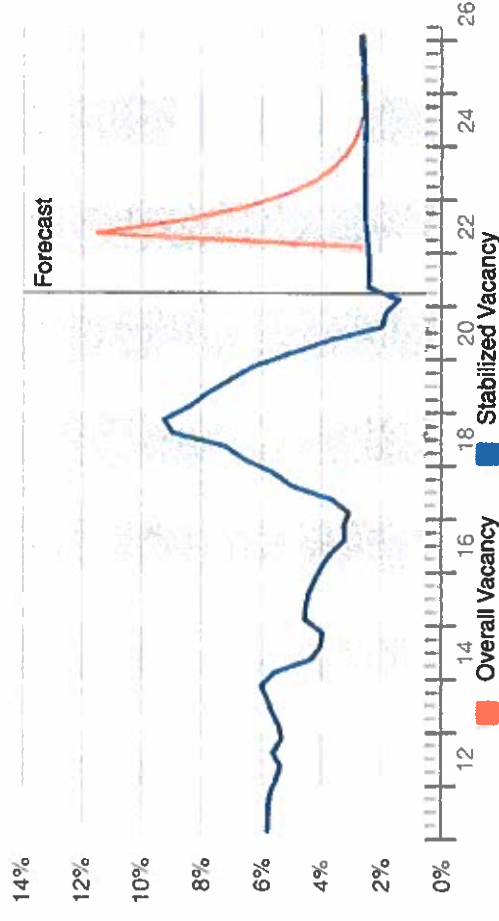


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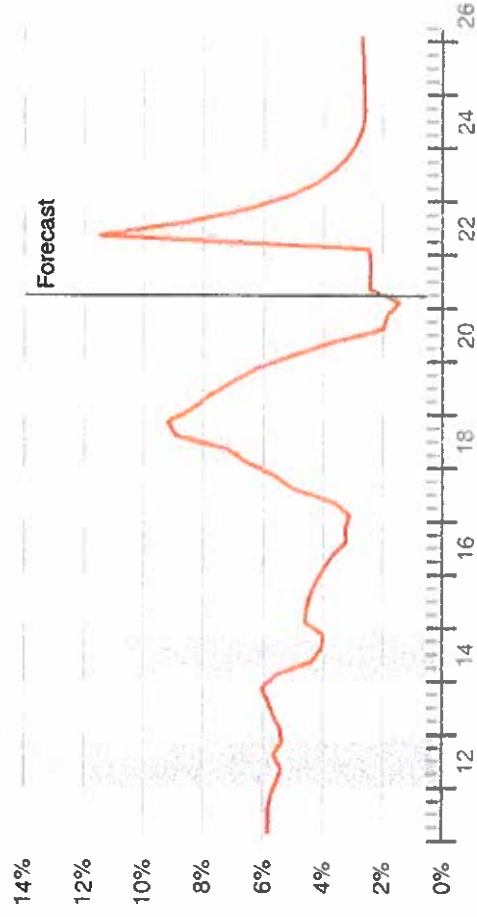
Vacancy & Market Asking Rent Per Unit



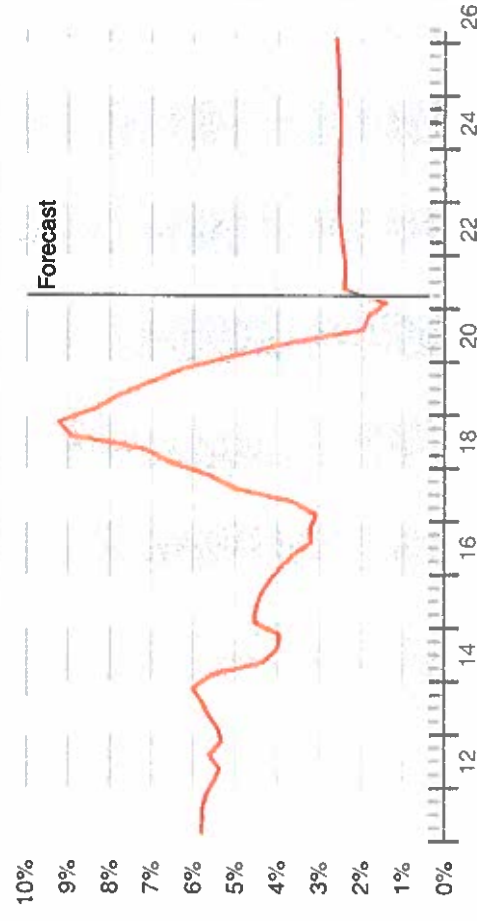
Overall & Stabilized Vacancy



Vacancy Rate

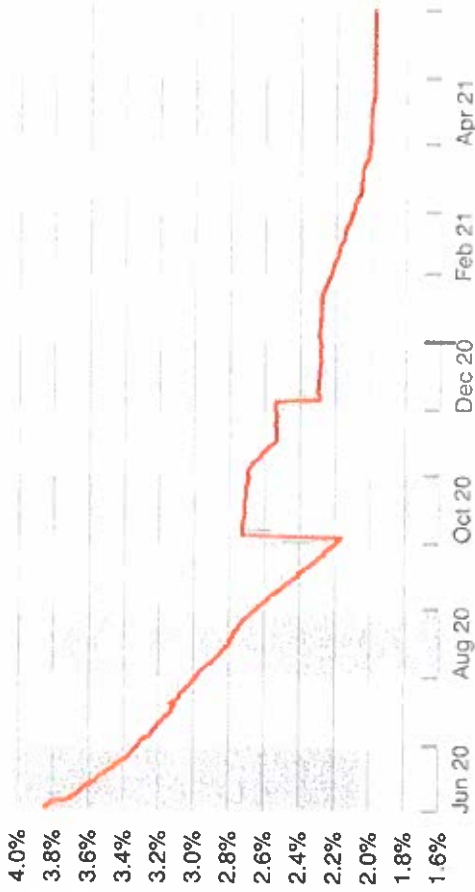


Stabilized Vacancy Rate

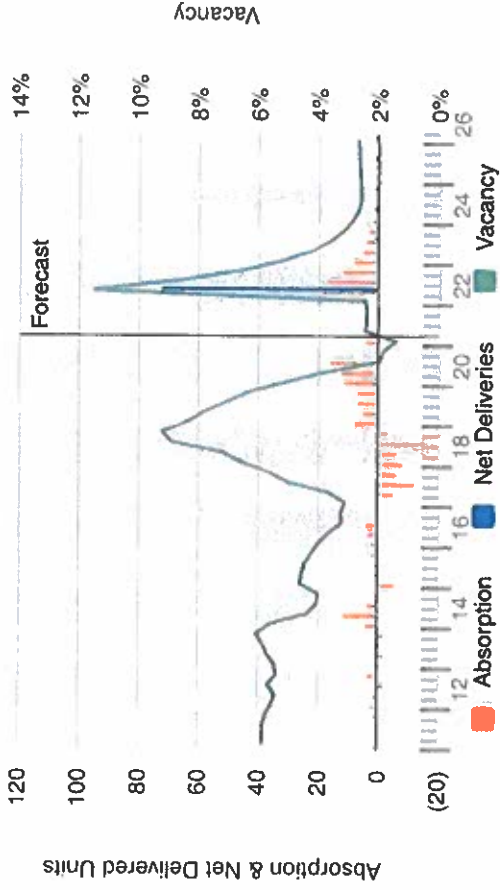


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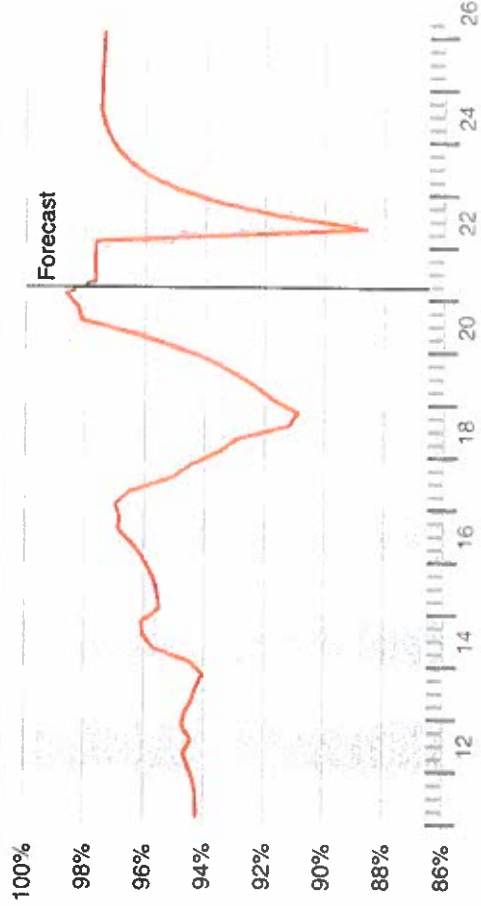
Daily Vacancy Rate



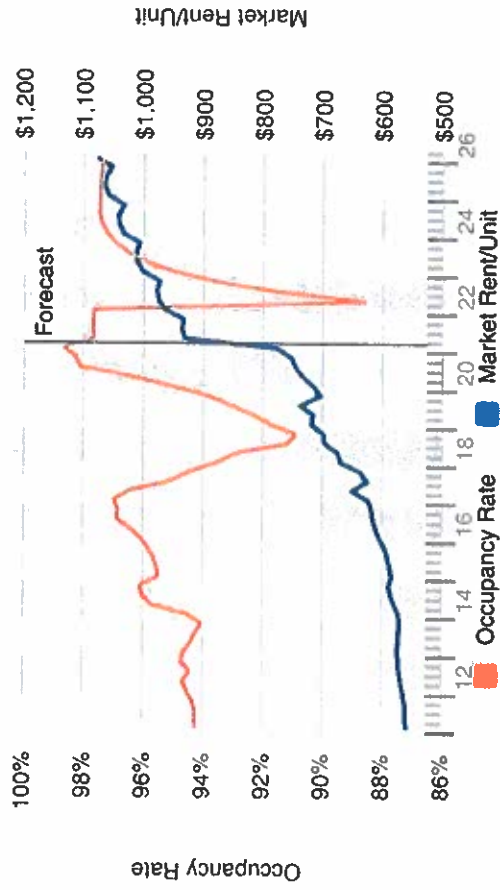
Absorption, Net Deliveries & Vacancy



Occupancy Rate

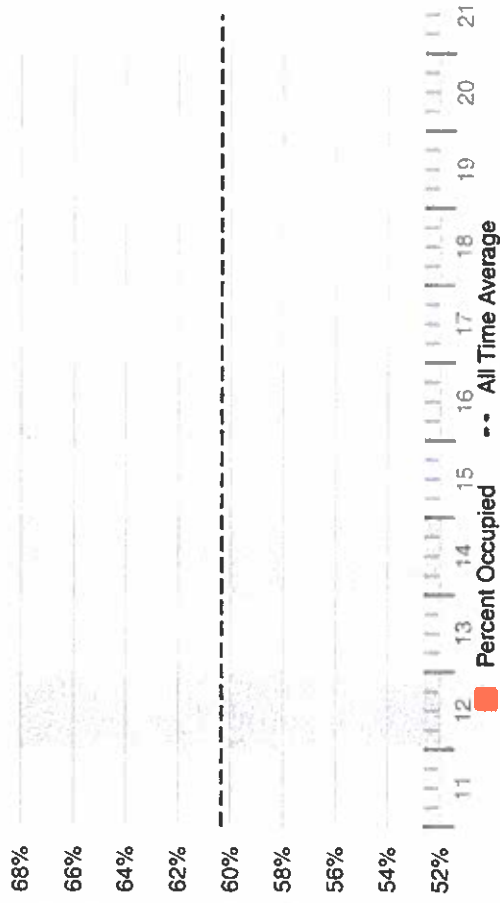


Occupancy & Market Rent Per Unit

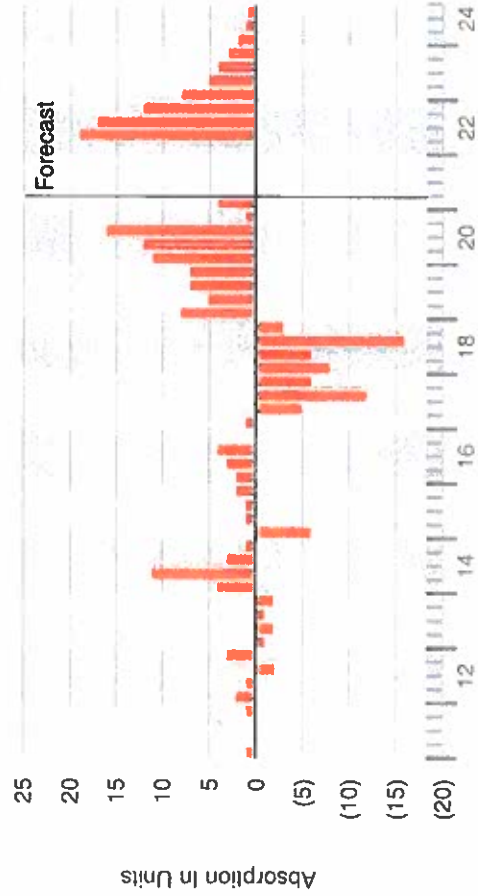


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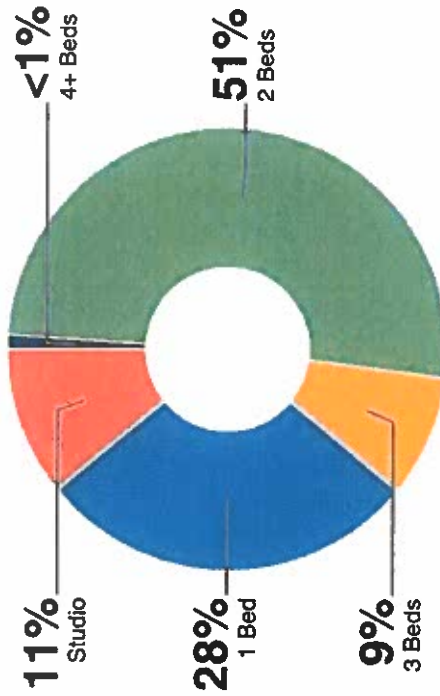
Occupancy At Delivery



Absorption Units



Total Units By Bedroom



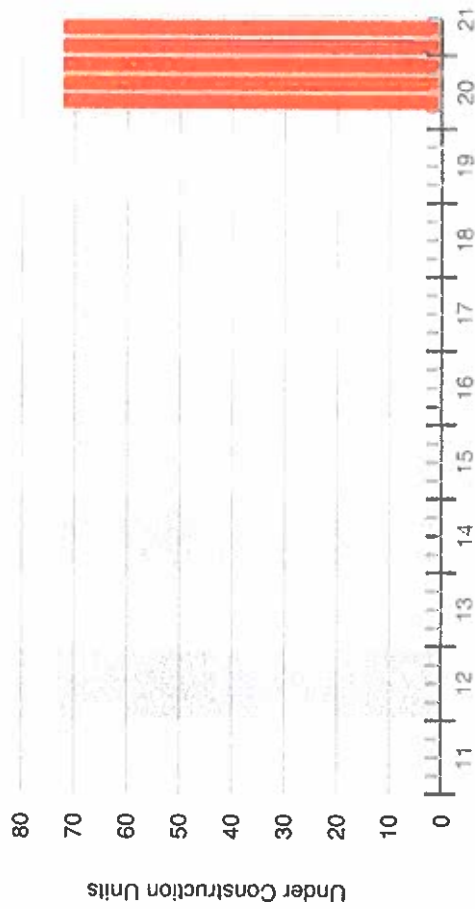
Construction Starts

No Data Available

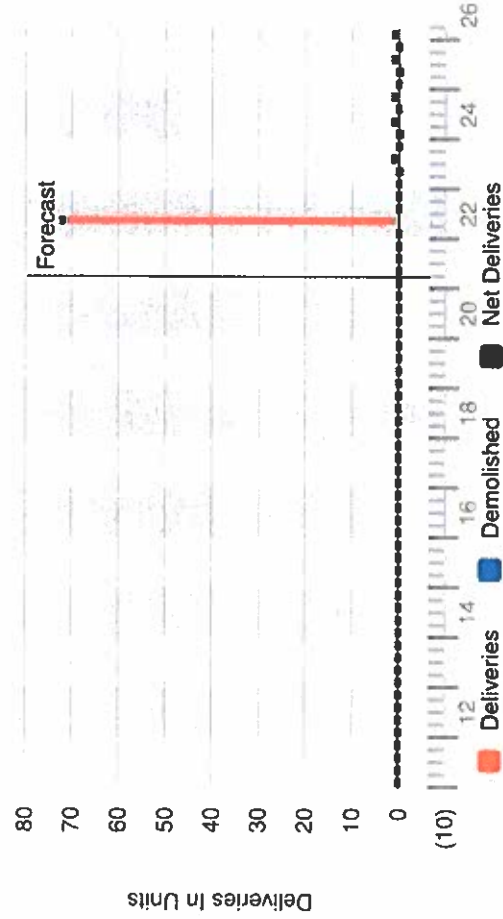


No data available for the past 10 years

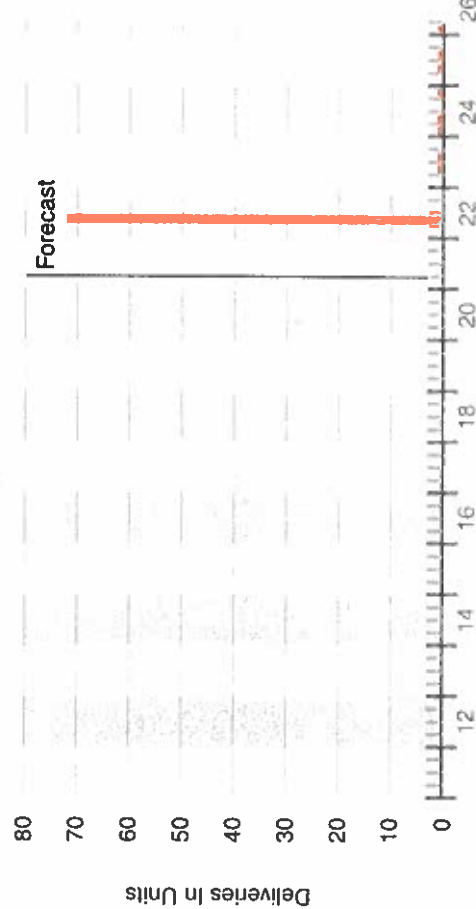
Under Construction



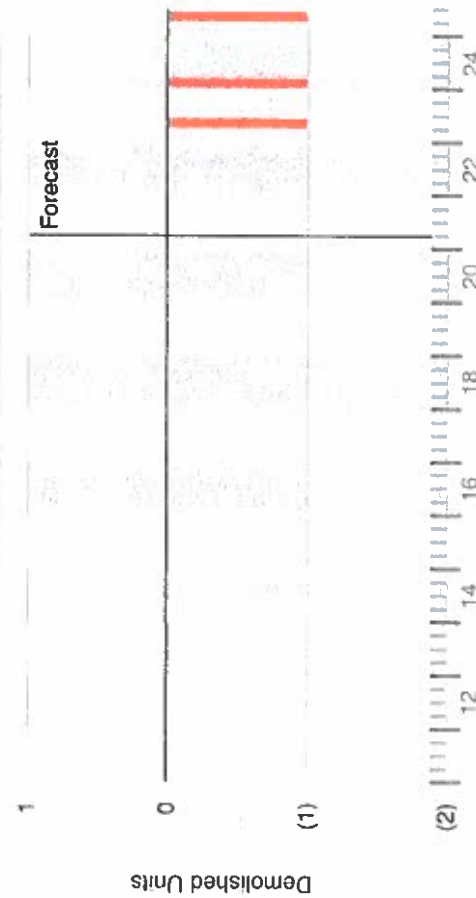
Deliveries & Demolitions



Deliveries

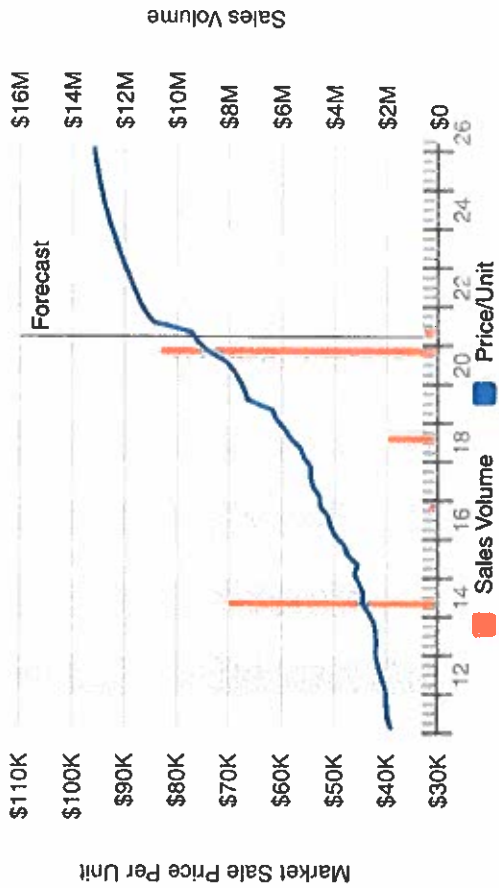


Demolitions

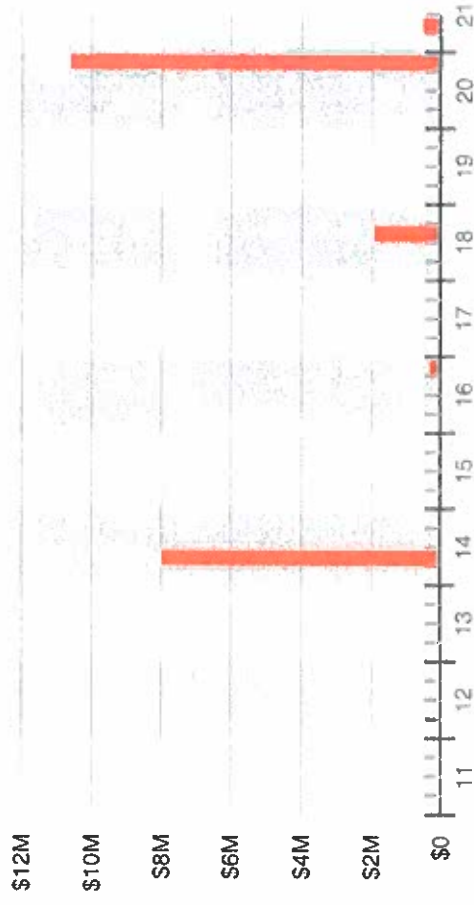


Search Analytics

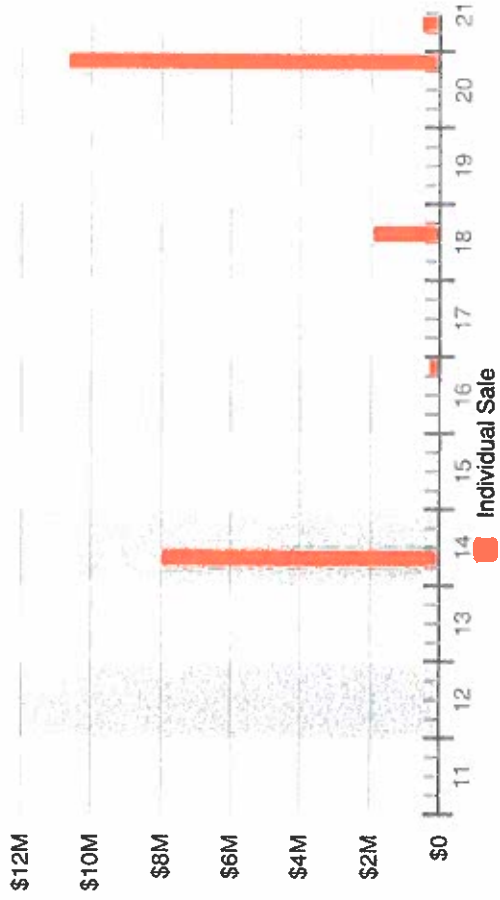
Sales Volume & Market Sale Price Per Unit



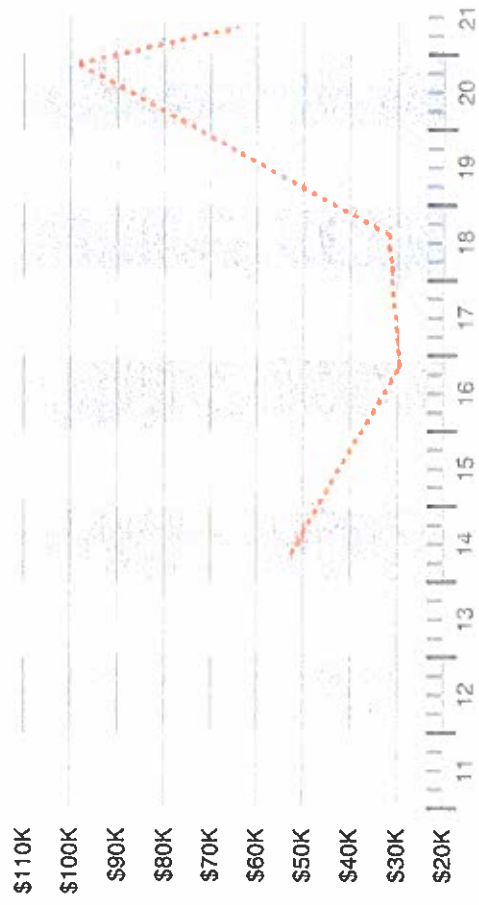
Sales Volume



Sales Volume By Transaction Type

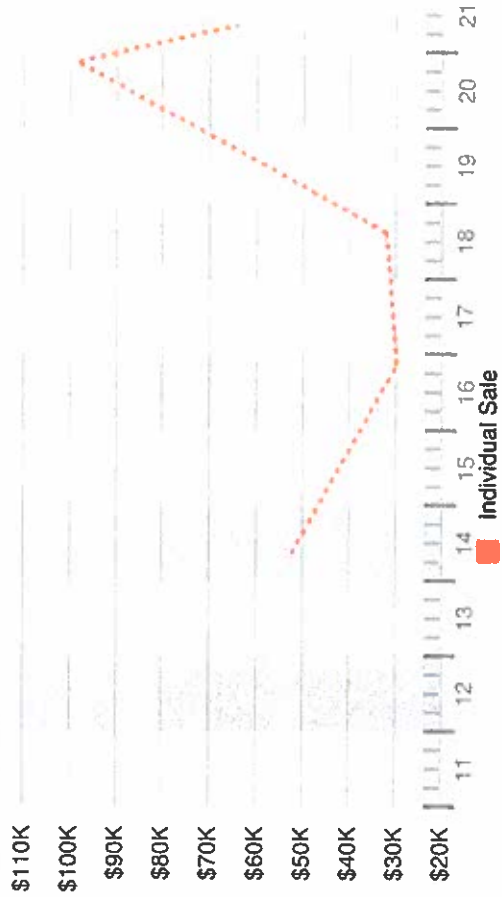


Sale Price Per Unit

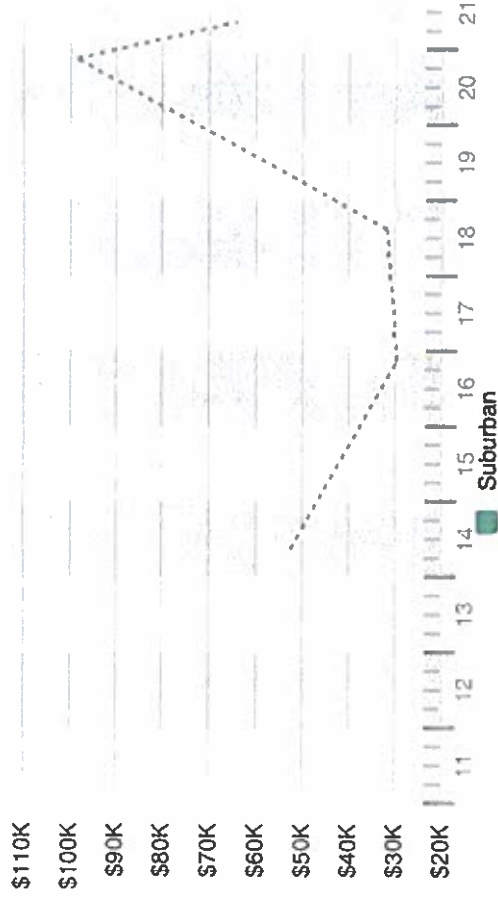


Search Analytics

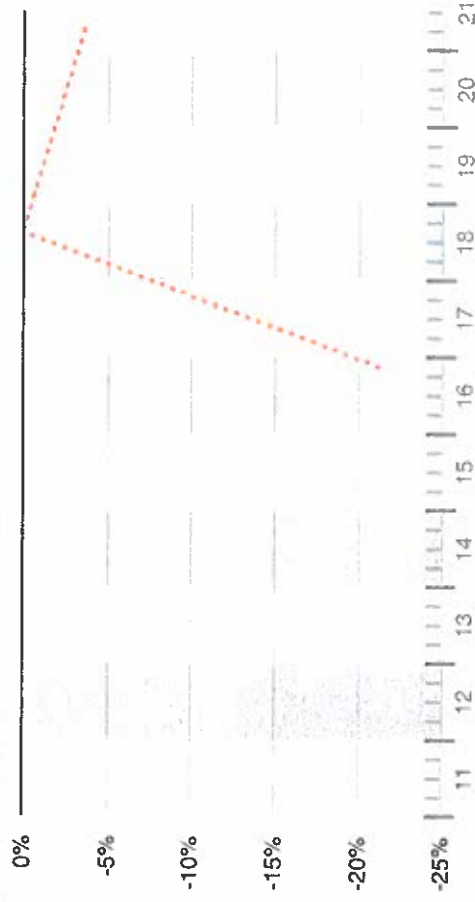
Sale Price Per Unit By Transaction Type



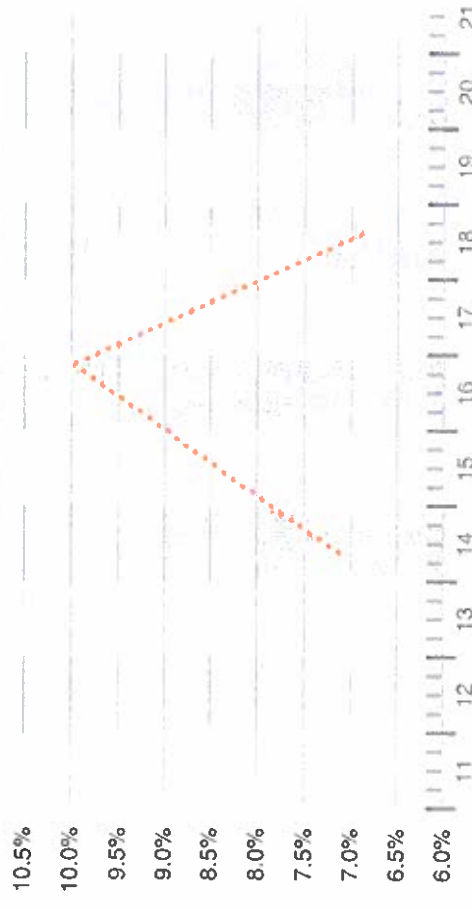
Sale Price Per Unit By Location Type



Sale To Asking Price Differential

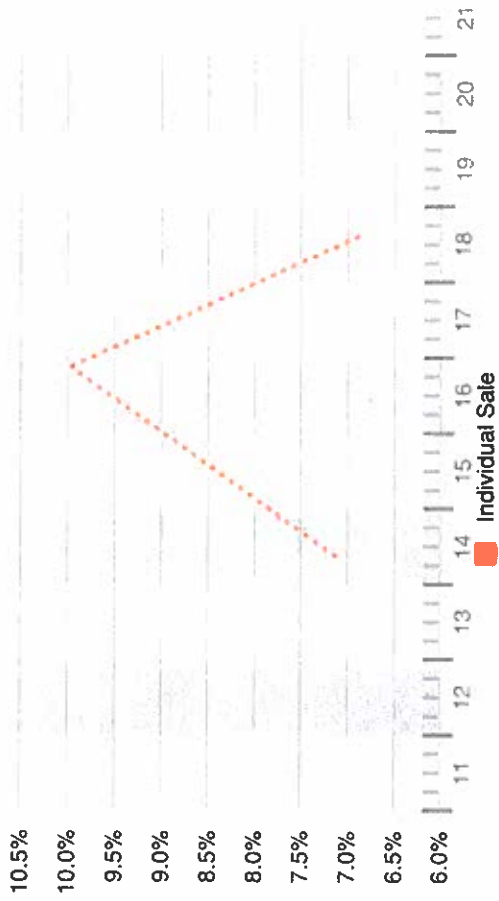


Cap Rate



Search Analytics

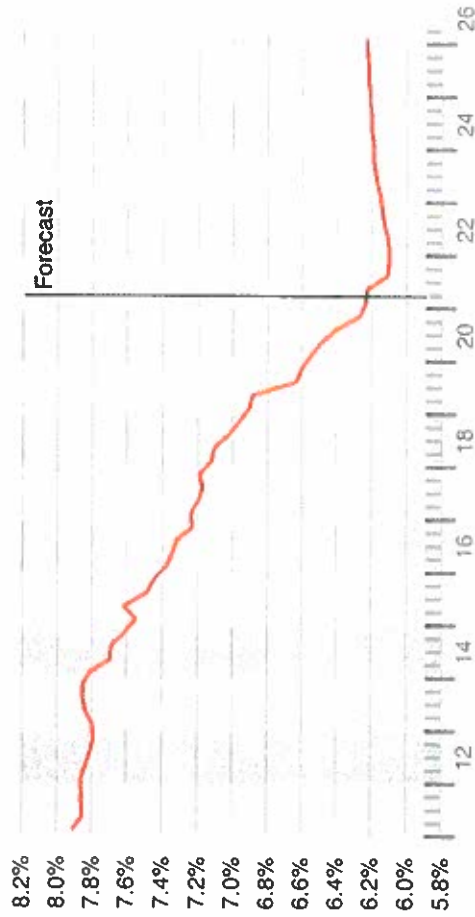
Cap Rate By Transaction Type



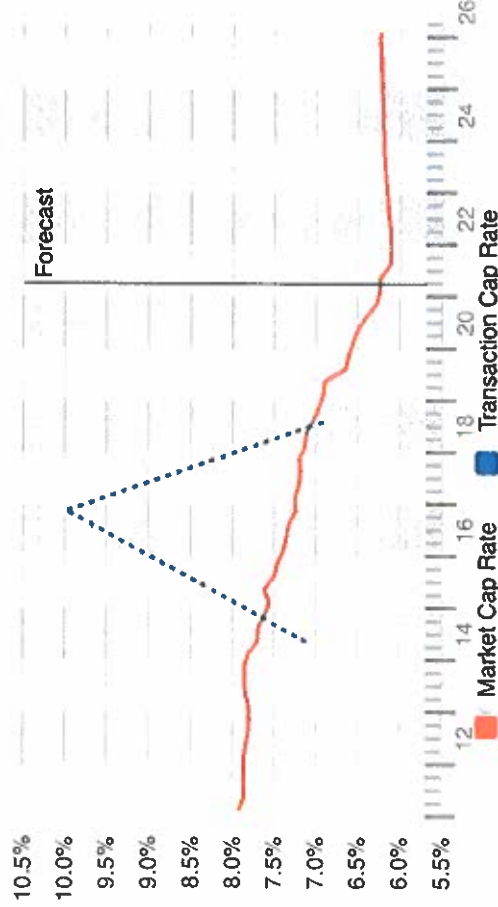
Cap Rate By Location Type



Market Cap Rate

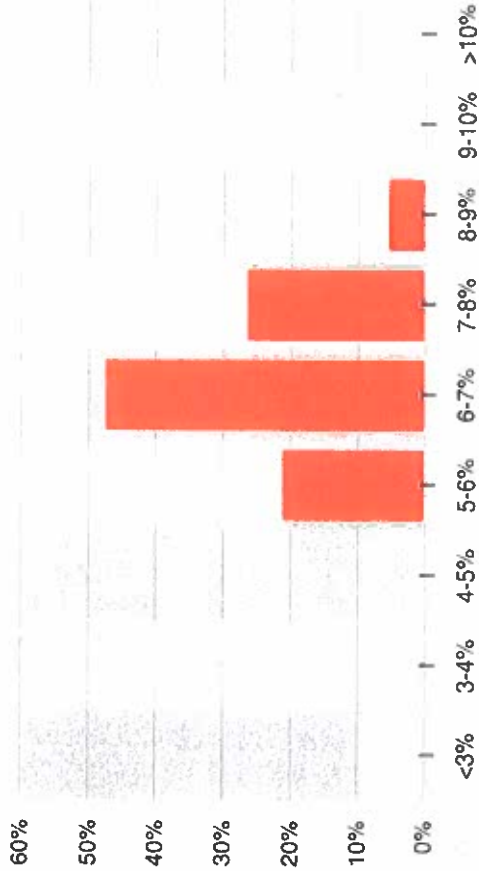


Market Cap Rate & Transaction Cap Rate



Search Analytics

Market Cap Rate Distribution



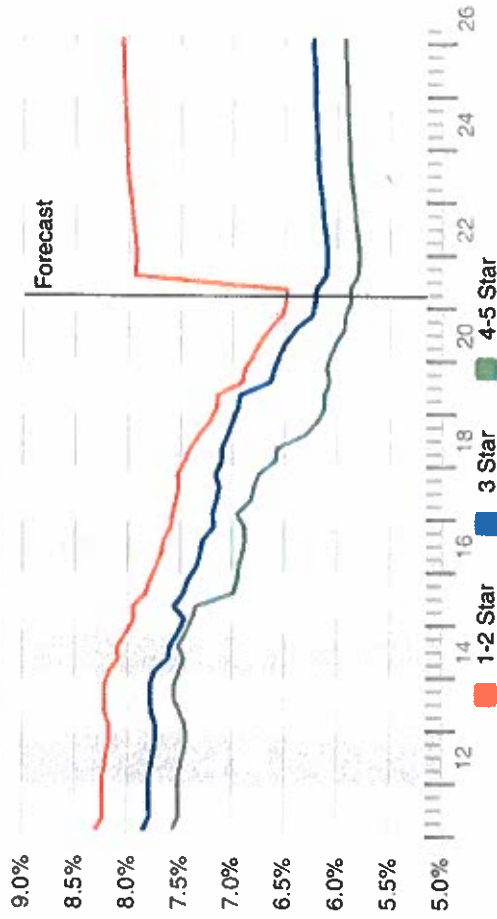
Market Cap Rate By Location Type

No Data Available

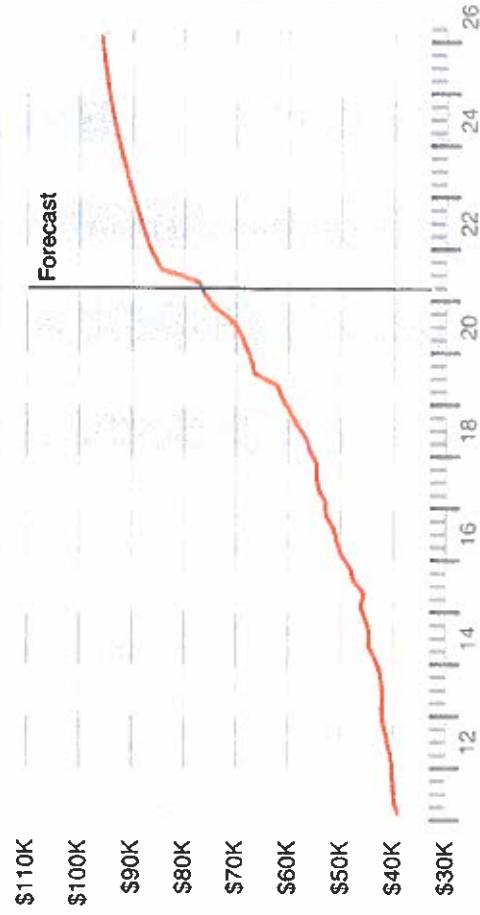


Data for this series is considered to be insufficient

Market Cap Rate By Star Rating

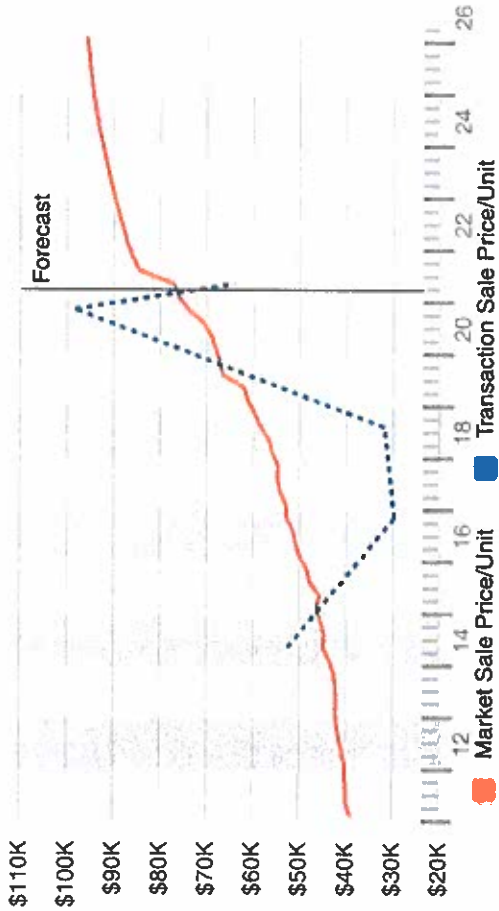


Market Sale Price Per Unit

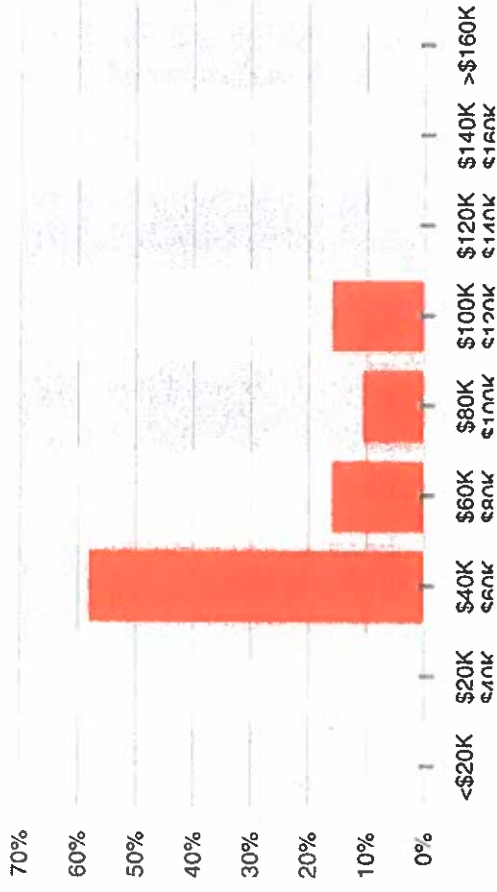


Search Analytics

Market Sale Price & Transaction Sale Price Per Unit



Market Sale Price Per Unit Distribution



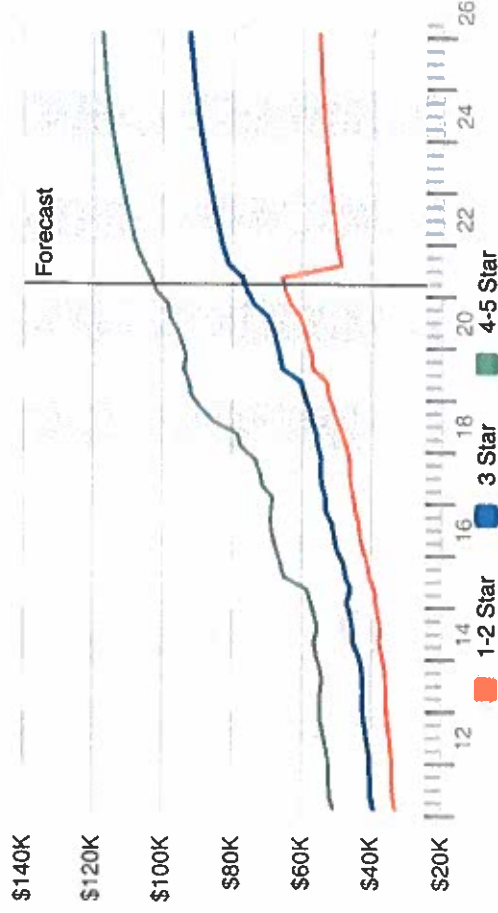
Market Sale Price Per Unit By Location Type

No Data Available



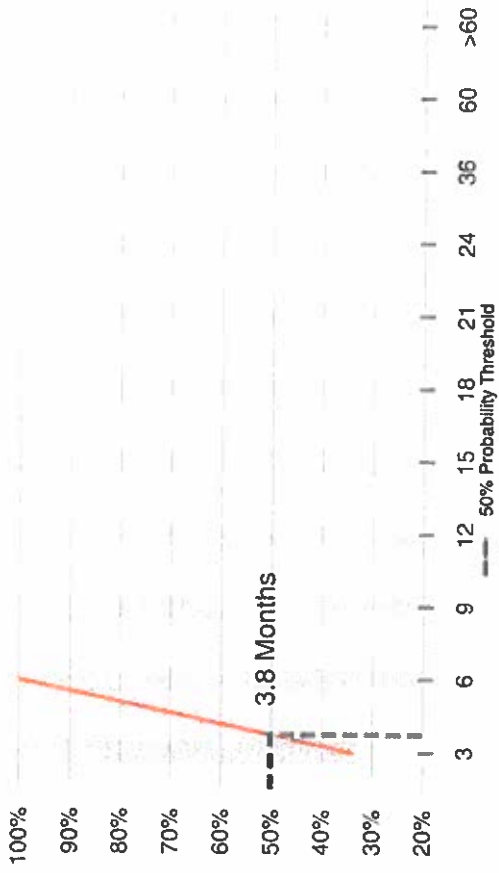
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Market Sale Price Per Unit By Star Rating

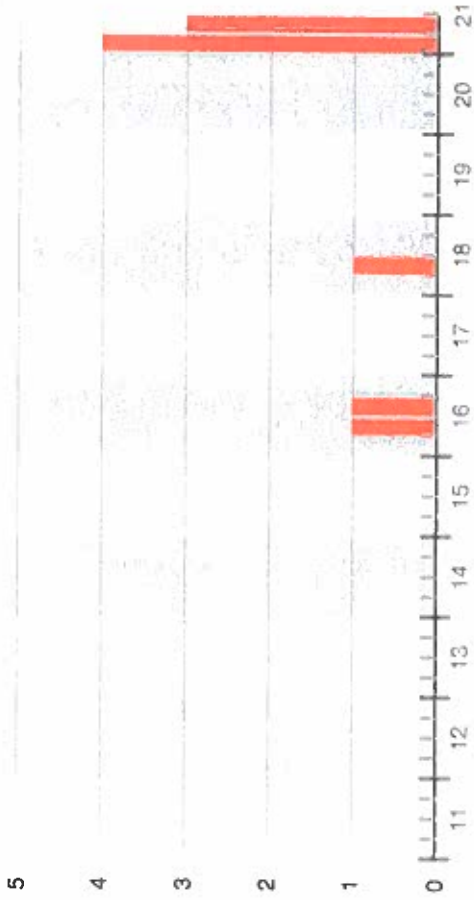


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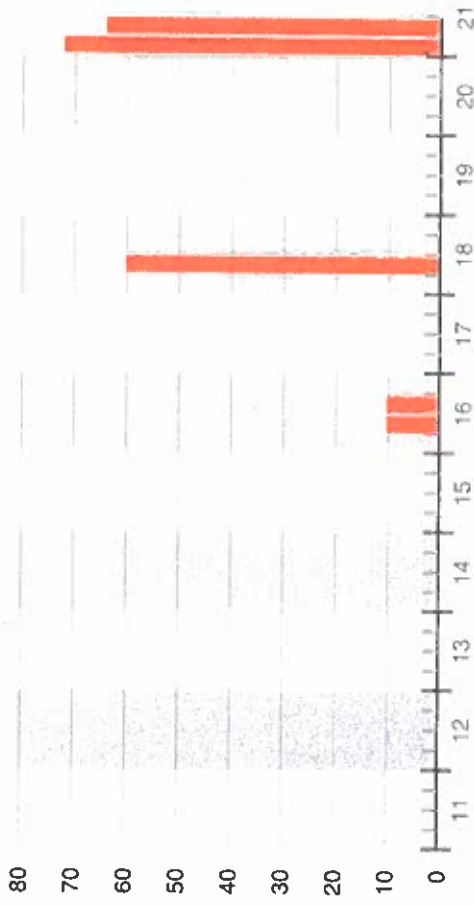
Probability Of Selling In Months



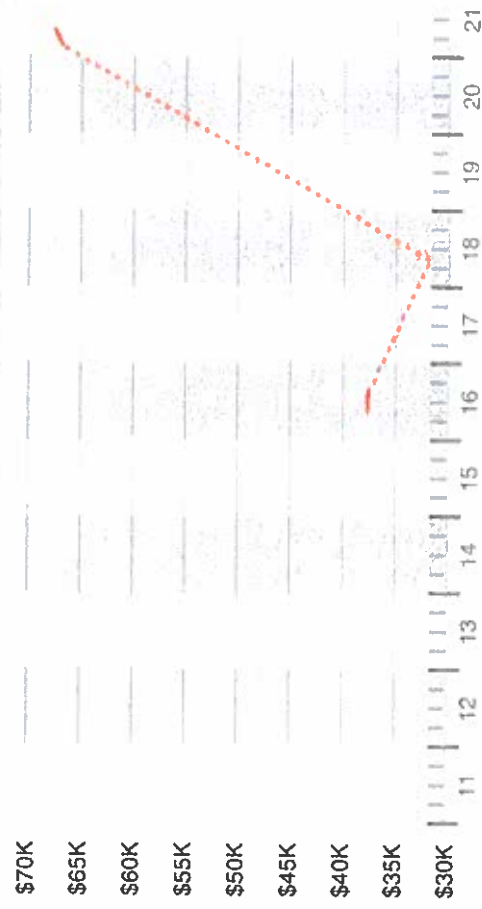
For Sale Total Listings



For Sale Total Units

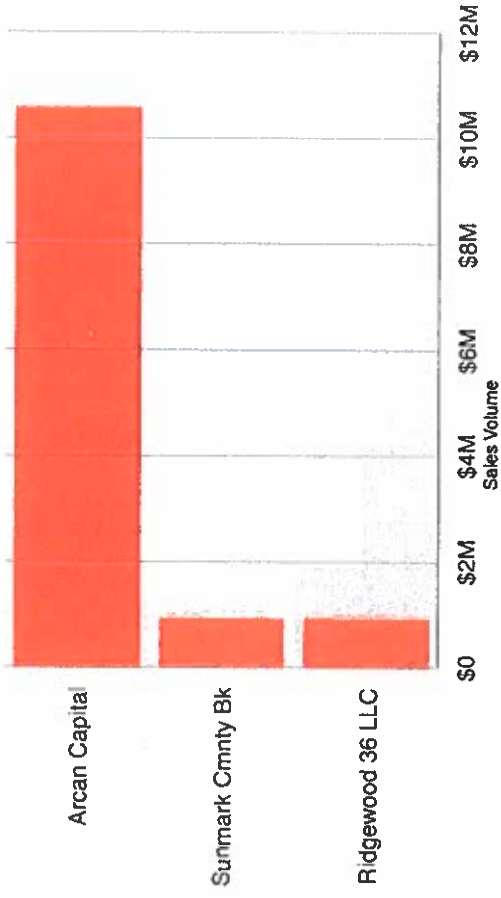


For Sale Asking Price Per Unit

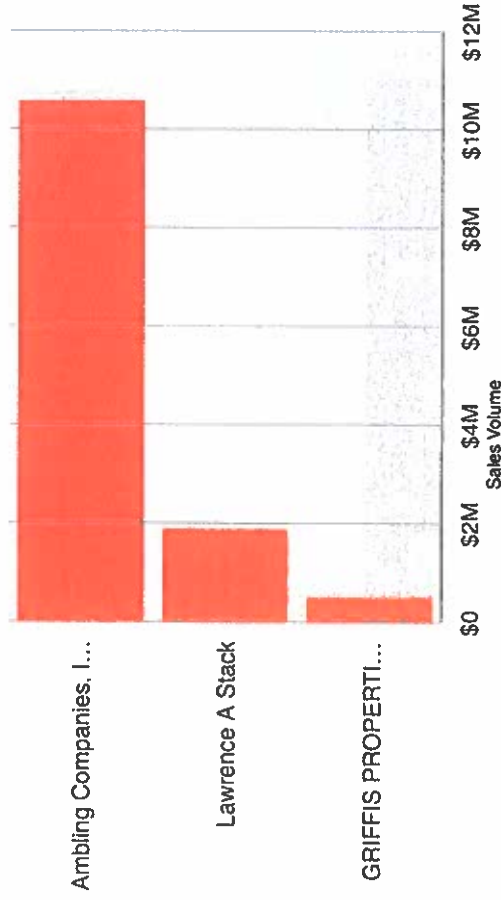


Search Analytics

Top Buyers



Top Sellers



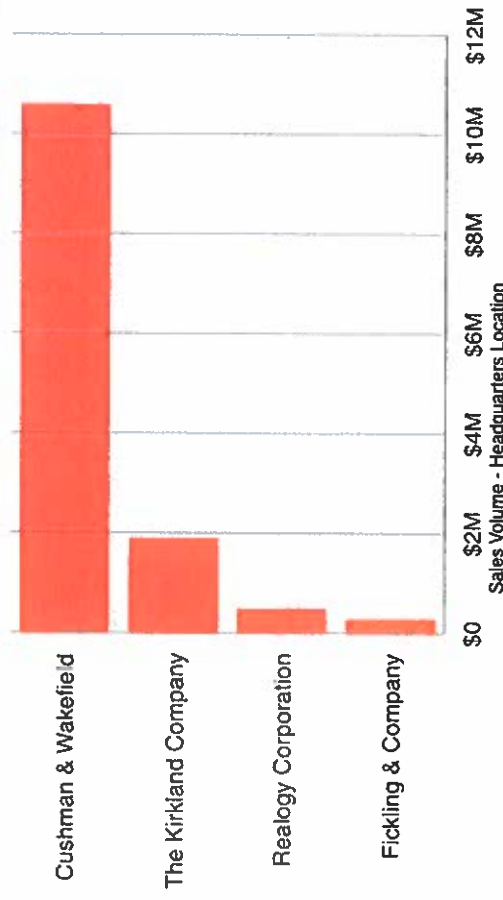
Top Buyer Brokers

No Data Available



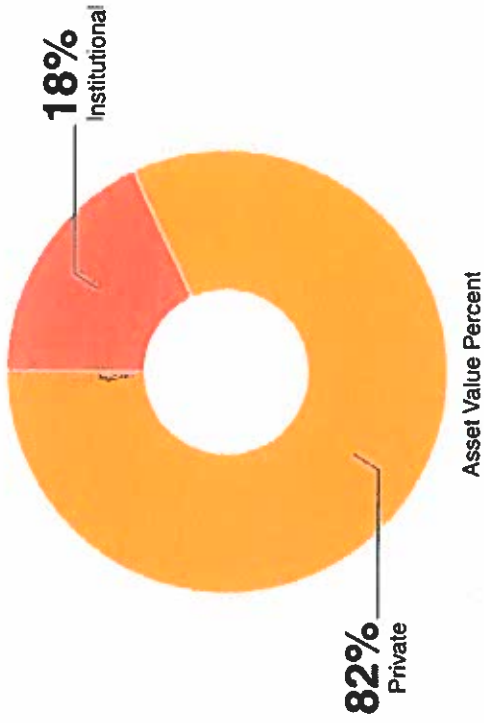
No data available for the current selection

Top Seller Brokers

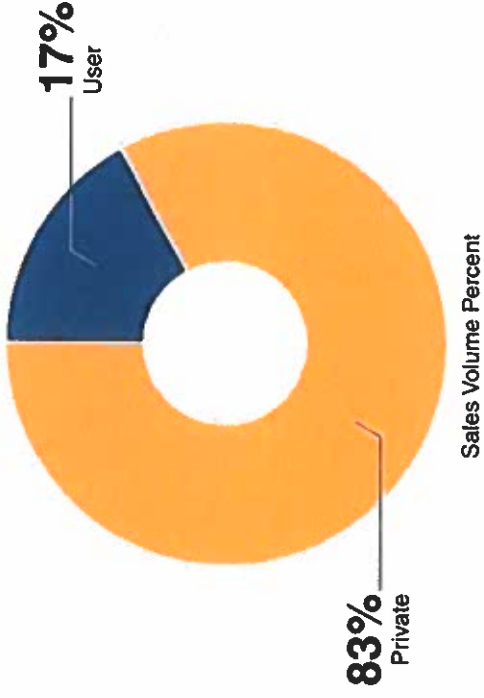


Search Analytics

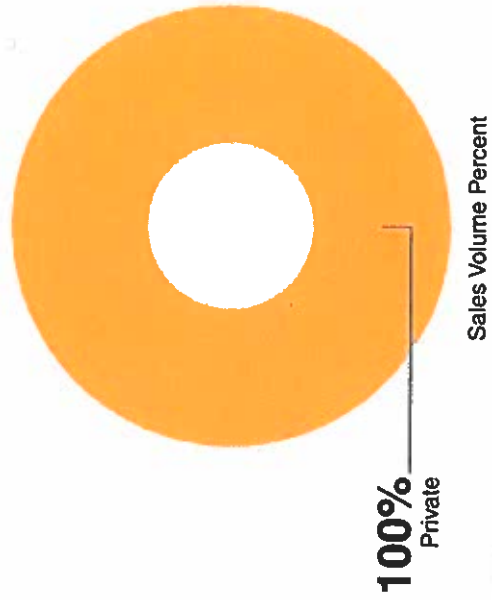
Asset Value By Owner Type



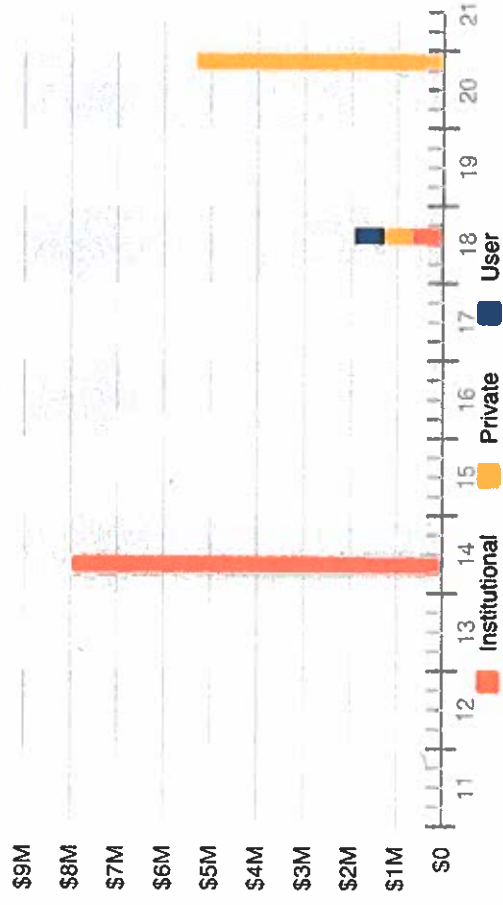
Sales By Buyer Type



Sales By Seller Type

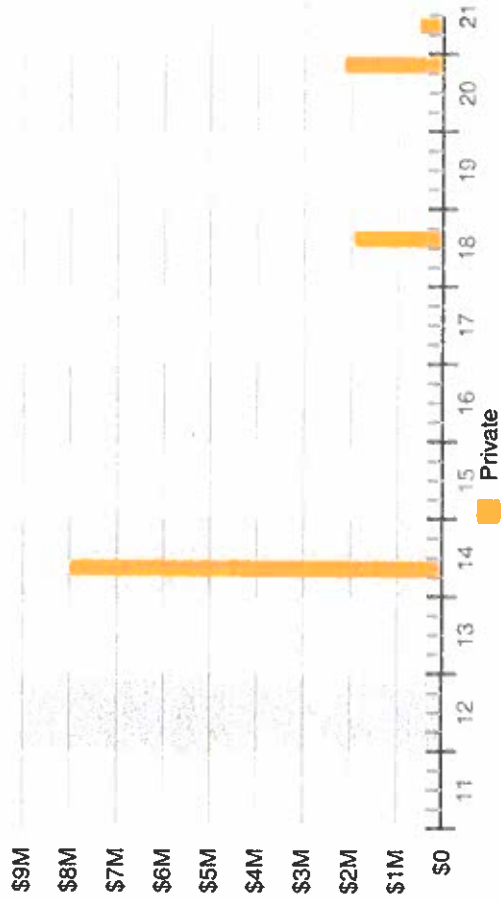


Sales Volume By Buyer Type

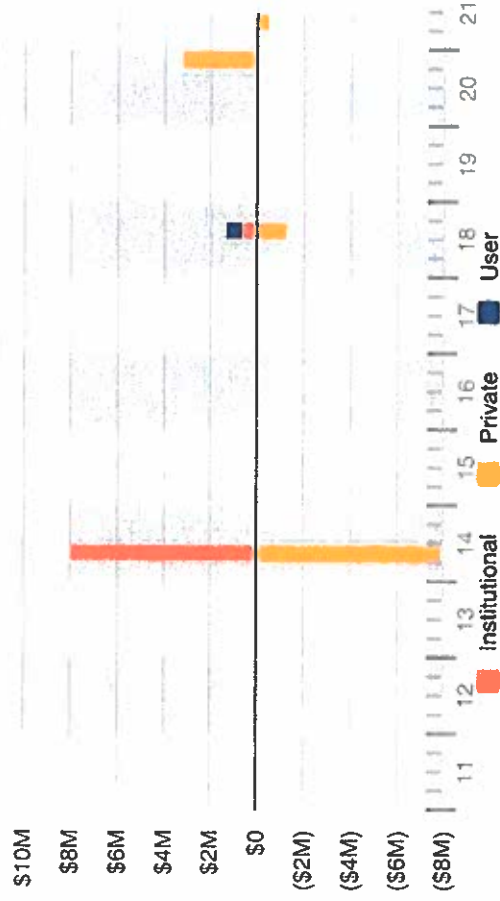


Search Analytics

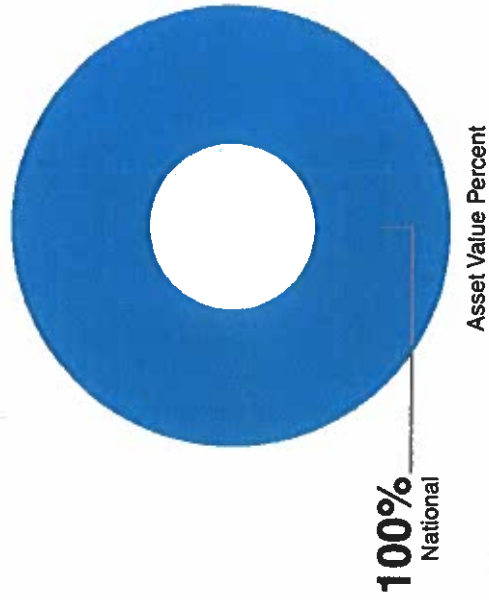
Sales Volume By Seller Type



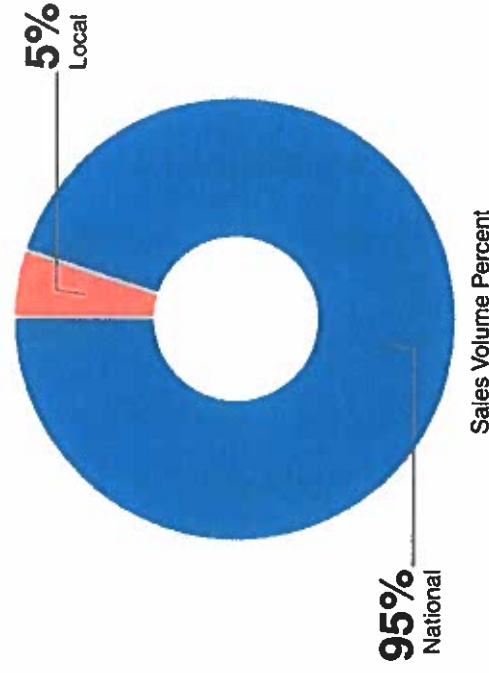
Net Buying & Selling By Owner Type



Asset Value By Owner Origin

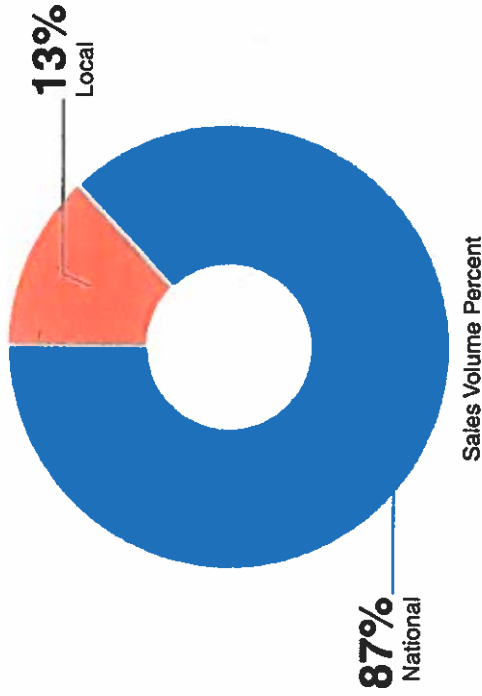


Sales Volume By Buyer Origin

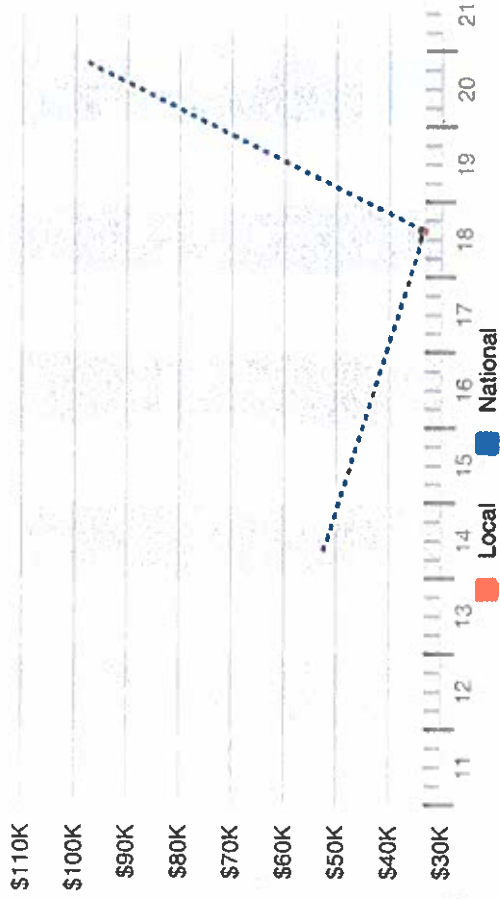


Search Analytics

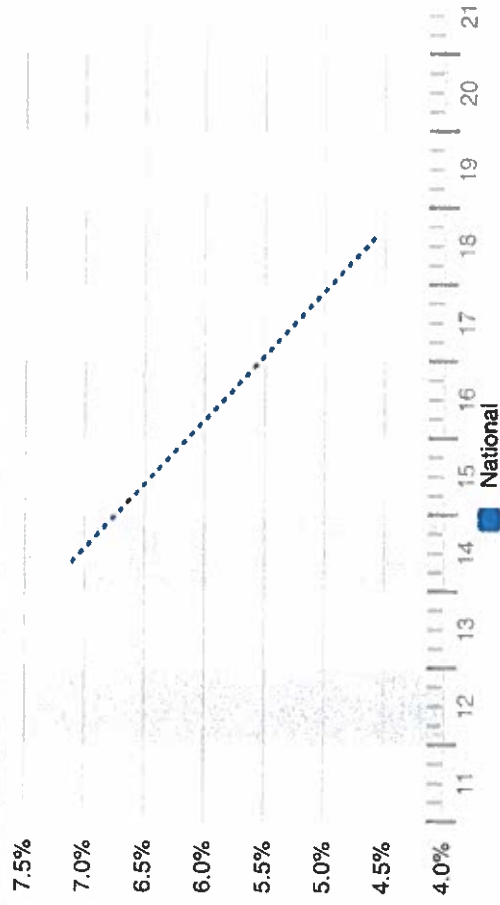
Sales Volume By Seller Origin



Average Price Per Unit By Buyer Origin



Average Cap Rate By Buyer Origin



Report Criteria

- 19 Properties / 0 Spaces
- City: Perry, GA
- Property Type: Multi-Family
- Exclude: Residential Condos
- Exclude: Co-Ops



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STAFF REPORT

From the Department of Community Development

July 2, 2021

CASE NUMBER: SUSE-171-2021
APPLICANT: Preston Dellinger – Servio Capital
REQUEST: A Special Exception to allow multi-family development
LOCATION: 200 Valley Drive; Tax Map No. 0P0380 016000
ADJACENT ZONING/LAND USES:

Subject Parcel: C-1, Highway Commercial District; Single-Family residence
North: C-1, Highway Commercial District; motel
South: C-1, Highway Commercial District; motel
East: Interstate 75
West: C-1, Highway Commercial District; undeveloped

REQUEST ANALYSIS: The applicant requests approval to redevelop the existing FairBridge Inn Express motel (previously Holiday Inn), at 200 Valley Drive into a multi-family development.

The applicant intends to develop both the FairBridge Inn Express motel and Derby Inn motel (both previously Holiday Inn) into a cohesive multi-family property. In total, there will be 120 new, market rate apartment units. The units will include 80 one-bedroom apartments and 40 studio apartments. The applicant provided a preliminary conceptual design that includes a common area for tenants, storage area, and on-site laundry facilities. The applicant has demonstrated a need for additional market rate housing in Perry within the one-bedroom and studio apartment layout format. The applicant also provided a multi-family market report to support this application.

The applicant has considered the highest and best use of the subject properties. The application references the high concentration of hospitality properties within a 3-mile radius of the subject properties. These properties contribute to an oversupply of hotel and motel rooms which place the owners and operators under significant hardship. The properties within this area have deferred maintenance and are rarely productively used. The applicant suggests that converting this motel into market rate apartments will return the property to its highest and best use.

STANDARDS FOR SPECIAL EXCEPTIONS:

- 1. Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* There are no known covenants or restrictions on the subject property.
- 2. Does the Special Exception follow the existing land use pattern?* All petitions for multi-family development are required to apply for a special exception. The surrounding area consists of hotel, motel, restaurant, and other commercial development. Multi-family development is consistent with the uses allowed within the C-1, highway commercial district.
- 3. Will the Special Exception have an adverse effect on the Comprehensive Plan?* The Character Areas Map of the 2017 Joint Comprehensive Plan identifies the property as 'In-Town Corridor'. This character area typically includes long strips of commercial development. The Comprehensive Plan notes that

redevelopment of older commercial areas within this character area should be a priority instead of new commercial development farther away.

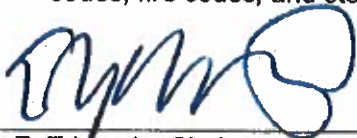
4. *Will adequate fire and police protection be available?* The use of the property as a multi-family development will have a similar or reduced impact on fire and police protection. Currently, there are 200 units between the two motels. The applicant is proposing to develop 120 units, a reduction of 80 units.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* The proposed use as a multi-family development is not expected to be detrimental to surrounding properties. Multi-family is consistent and appropriate within the C-1, highway commercial district. Further, with a reduction in number of total units, multi-family is expected to be less intense than hospitality use. The applicant states that the proposed development will be a tasteful upgrade to the aesthetics of the exterior and interior of the property.
6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* The applicant indicates that pedestrian and vehicular traffic is expected to remain unchanged for the proposed use. There is no expected increased burden on existing streets which will serve the development.
7. *Will the use result in an increase in population density overtaxing public facilities?* The proposed multi-family development is not anticipated to overtax the existing public facilities. The reduction in units may decrease the burden placed on public facilities including water, sanitary sewer, and stormwater infrastructure. The Houston County Board of Education has been notified of this proposed development. Staff is not aware of any excess burden placed on educational facilities.
8. *Will the use create a health hazard or public nuisance?* The proposed multi-family development is not expected to create a health hazard or public nuisance.
9. *Will property values in adjacent areas be adversely affected?* The applicant states that the proposed revitalization of the subject properties into a multi-family development will enhance the value of surrounding properties. The applicant cites the proposed development's ability to support and serve local businesses and provide housing for the workforce for a diverse set of industries nearby.
10. *Are there substantial reasons a permitted use cannot be used at this property?* There is no demonstrated evidence that the proposed use cannot be permitted within the C-1, highway commercial district.

STAFF RECOMMENDATION: Based on review of the criteria, Staff recommends approval of the special exception, with the following conditions:

1. The proposed development must meet the requirements for parking, landscaping, and design guidelines as reflected in the Land Management Ordinance.
2. The proposed development must ensure building and site is in compliance with all applicable building codes, fire codes, and stormwater regulations.

PLANNING COMMISSION RECOMMENDATION: Following an information hearing held on July 12, 2021, the Planning Commission recommends approval of the special exception, with the following conditions:

1. The proposed development must meet the requirements for parking, landscaping, and design guidelines as reflected in the Land Management Ordinance.
2. The proposed development must ensure building and site is in compliance with all applicable building codes, fire codes, and stormwater regulations



Eric Z. Edwards, Chairman, Planning Commission

7/14/21
Date



Where Georgia comes together.

Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE -
0171 -
2020

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	H. Preston Dellinger / Servio Capital LLC	PARI K LLC
*Title	Managing Principal	
*Address	215 N Columbia St Covington LA, 70433	200 VALLEY DR. PERRY, GA 31069
*Phone	704-650-7877	
*Email	preston@serviocapital.com	

Property Information

*Street Address	200 Valley Dr. Perry GA	
*Tax Map #(s)	0P0380 016000	*Zoning Designation C1

Request

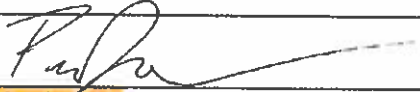

*Please describe the proposed use:	Multifamily apartment units. Converting individual hotel rooms into 1 bedroom and studio apartments
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Instructions

- The application and \$91.00 fee (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- 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 special exception). See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- For applications in which a new building, building addition and/or site modifications are required, you must submit a scaled drawing of the proposed site development plan.
- 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.
- Special Exception 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.
- Please verify all required information is reflected on the plan(s). Submit one (1) paper copy and one (1) electronic version of the plan(s).
- An application for special exception 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
If yes, please complete and submit a Disclosure Form available from the Community Development office.

10. 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.

11. Signatures:

*Applicant 	*Date 6/7/2021
*Property Owner/Authorized Agent 	*Date 06-04-2021

Standards for Granting a Special Exception

1. Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?
No known covenants or restrictions
2. Describe the existing land use pattern surrounding the subject property.
Current pattern and that which has abundance of is hotels and restaurants
3. Describe how the proposed use will not have an adverse effect on the Comprehensive Plan.
Adding affordable (NOT SUBSIDIZED) housing to meet the needs is necessary to the comprehensive plan
4. Describe how any proposed structures, equipment or materials will be readily accessible for fire and police protection.
The public safety infrastructure currently onsite will remain. Prospective owners will work closely with public safety to ensure the safest environment for tenants, visitors and the community.
5. Describe how the proposed use will be of such size, location, and character that it will generally be in harmony with appropriate and orderly development of the surrounding area and adjacent properties, and will not be a detriment to uses permitted on adjacent properties. (Consider the location and height of buildings and other structures, and the extent of landscaping, screening and buffering.)
The conversion of the units will be tasteful and will upgrade the aesthetics of the exterior of the building. See attached plan
6. For uses to be located in or adjacent to a residential district, describe how the nature and intensity of the operations of the proposed use will not negatively impact pedestrian and vehicular traffic in the district.
The pedestrian and vehicular traffic is estimated to remain unchanged for this proposed use.
7. Describe how the proposed use will not place an undue burden upon public facilities and services.
By creating permanent housing with well screened residents in place of transitory quarters.
8. Describe how the proposed use will not create health and safety problems, and will not create a nuisance with regard to traffic congestion, drainage, noise, smoke, odor, electrical interference, or pollution.
This will remain unchanged to what is currently in place
9. Describe how the proposed use will not adversely impact the value of surrounding properties.
It will enhance the value of the surrounding properties by providing more consumers to businesses in the area as well as providing businesses with more employees to meet their employment demand in several different industries.
10. State the reasons why the subject property cannot be used for a use permitted in the zoning district in which it is located.

The current zoning of hospitality is not the highest and best use of this property. The abundance of hospitality and zoning of such within a 3 mile radius is causing hotel owners/operators to respond to the over supply of hotel rooms in the area by cutting costs and deferring maintenance on their buildings.

Additionally the need for affordable housing, not subsidized housing, is tremendous within the Perry market.

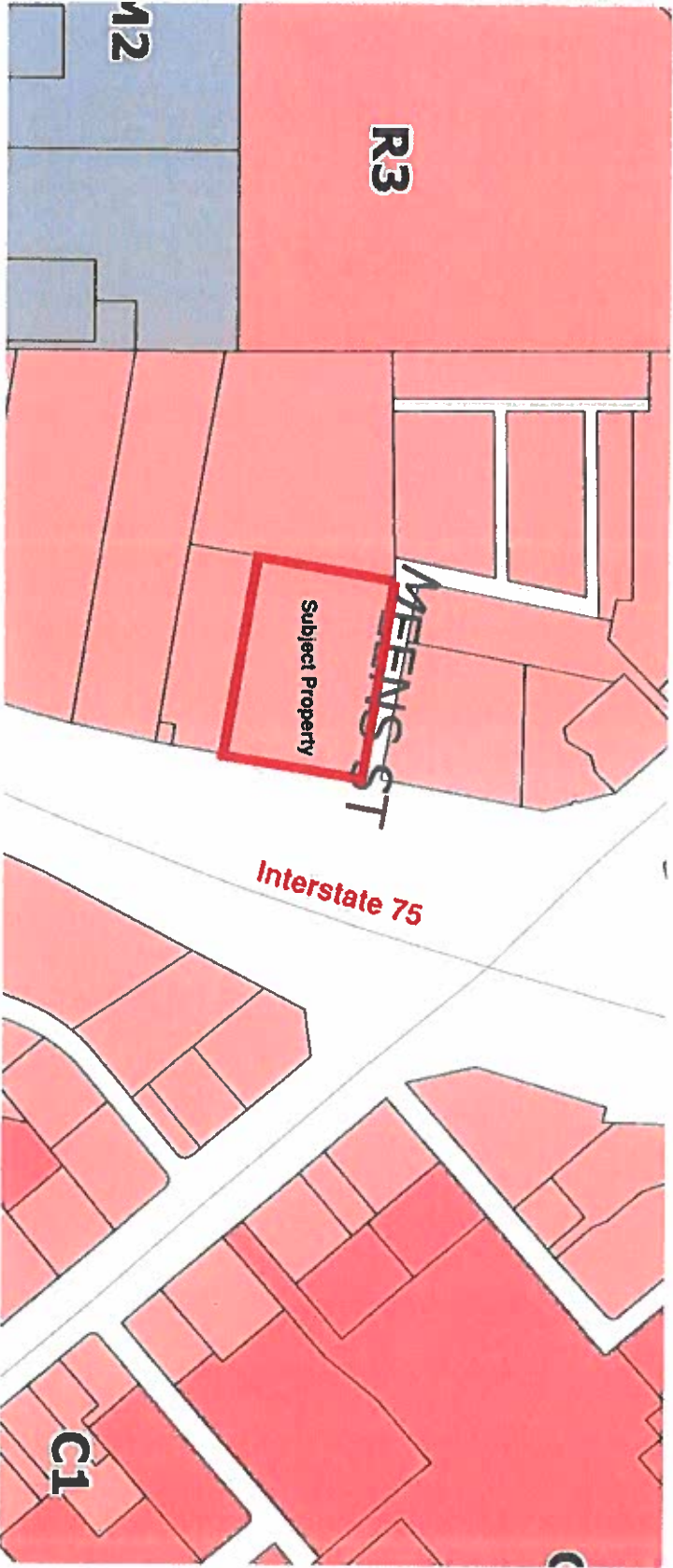
There is a high amount of subsidized housing in the area compared to market rate housing.

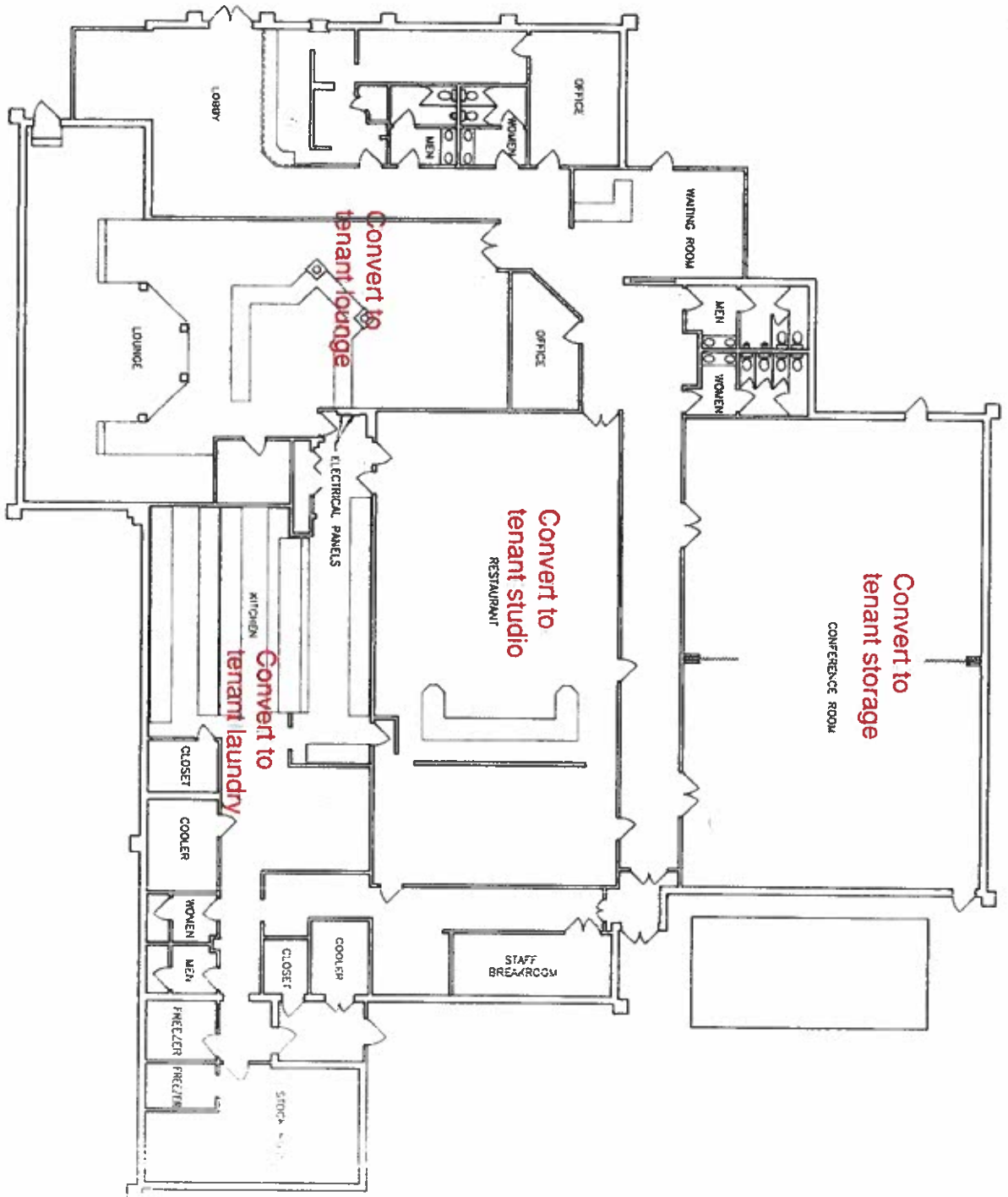
We are proposing market rate housing that is affordable to most people.

By converting the units into 80 true 1 bedroom apartments and 40 studios, we project the new apartment offerings will be highly well received.



SWA 171-2021



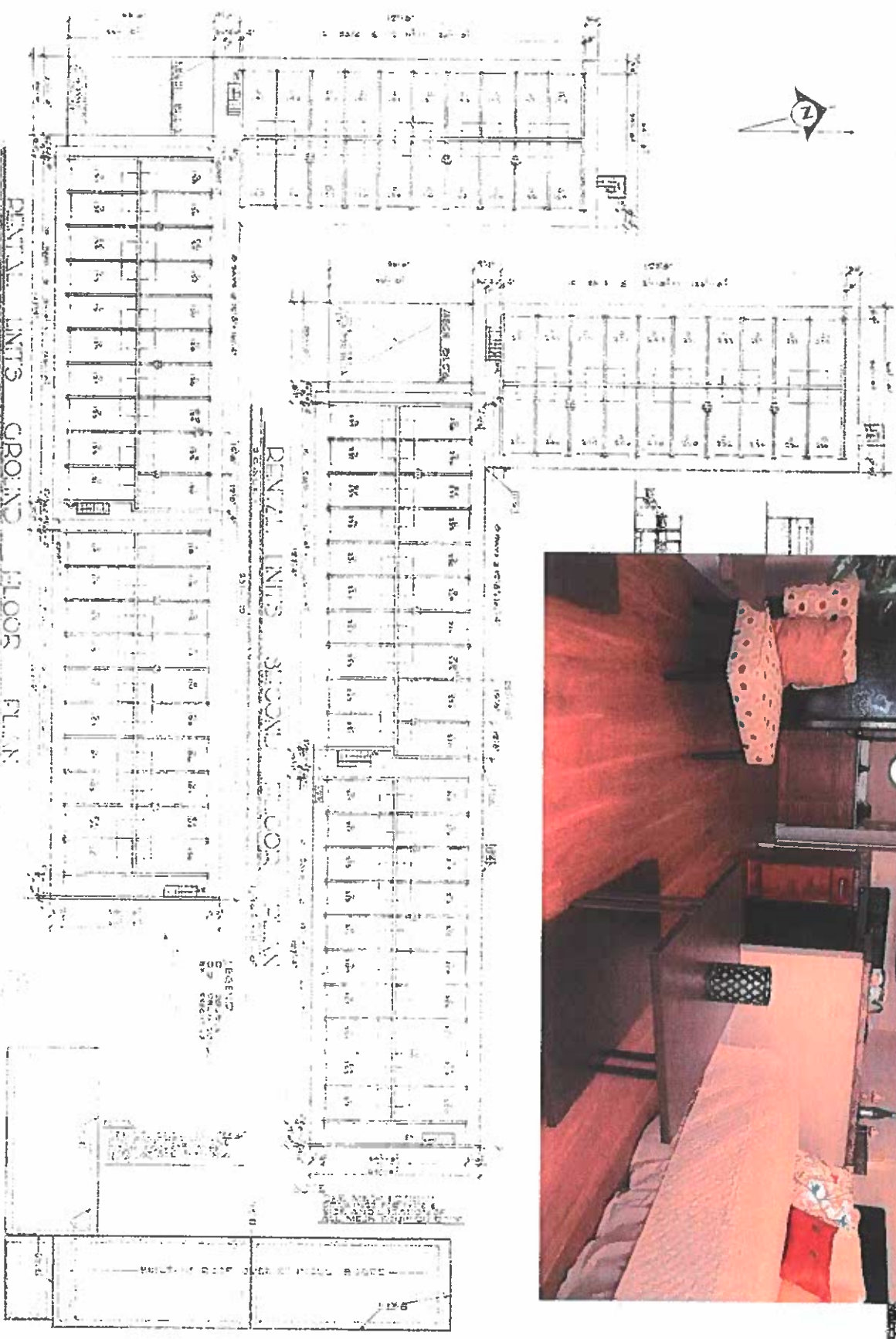
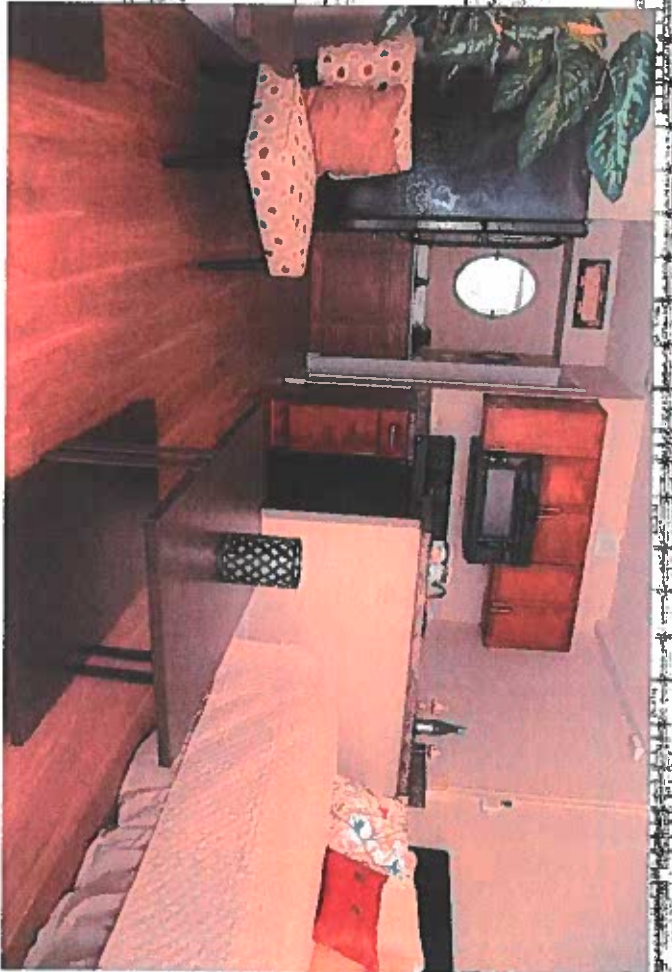


FLOOR PLAN - EXISTING RESTAURANT & LOUNGE

SCALE: 1/8" = 1'-0"



TYPICAL
CONVERSION



REVISIONS	DATE	BY	DESCRIPTION
1	10/10/07	WLB	ISSUED FOR PERMIT
2	10/10/07	WLB	ISSUED FOR PERMIT

Holiday Inn®



William W. Bond, Jr. & Associates
Architects

5094
65007



Search Analytics

INVENTORY UNITS	UNDER CONSTRUCTION UNITS	12 MO ABSORPTION UNITS	VACANCY RATE	MARKET RENT/UNIT	MARKET SALE PRICE/UNIT	MARKET CAP RATE
913 +0%	72 +46.8%	25 -29.0%	1.4%	\$805 +11.1%	\$76.9K +12.2%	6.2% -0.3%

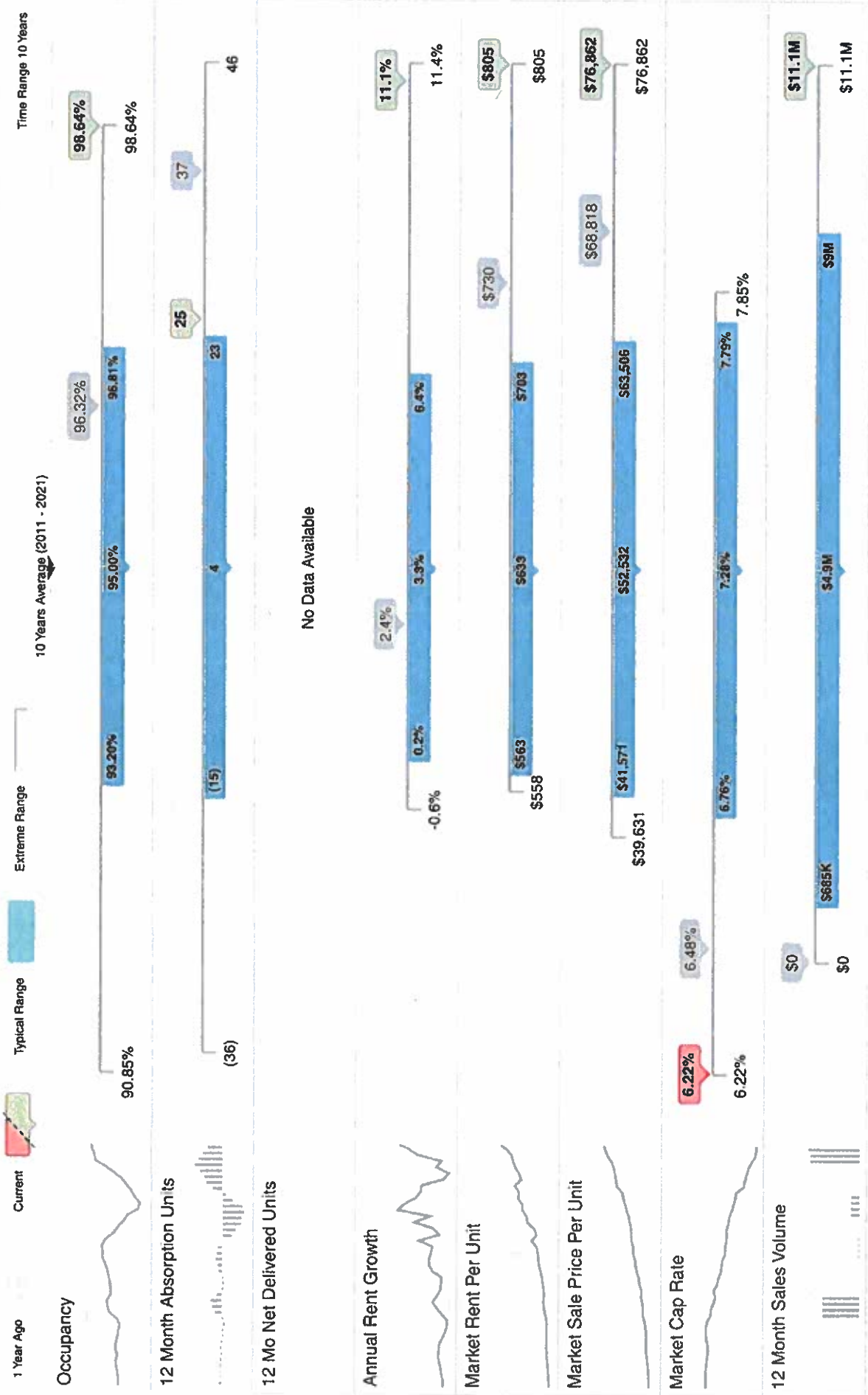
Key Metrics

	Availability		Inventory
Vacant Units	12 ↓	Existing Buildings	16 ↓
Asking Rent/SF	\$0.96 ↑	Average Units Per Bldg	57 ↓
Concession Rate	0.4% ↑	12 Mo Demolished Units	0 ↓
Studio Asking Rent	\$498 ↑	12 Mo Occupancy % at Delivery	-
1 Bedroom Asking Rent/Unit	\$685 ↑	12 Mo Construction Starts Units	0 ↓
2 Bedroom Asking Rent/Unit	\$835 ↑	12 Mo Delivered Units	0 ↓
3 Bedroom Asking Rent/Unit	\$1,030 ↑	12 Mo Avg Delivered Units	-

	Sales Past Year		Demand
Asking Price Per Unit	\$66,250	12 Mo Absorp % of Inventory	2.7% ↓
Sale to Asking Price Differential	-3.8%	Median Household Income	65.2K
Sales Volume	\$11.1M ↑	Population Growth 5 Yrs 20-29	4.6%
Properties Sold	2 ↑	Population Growth 5 Yrs 30-39	-1.6%
Months to Sale	1.5	Population Growth 5 Yrs 40-54	11.1%
For Sale Listings	3	Population Growth 5 Yrs 55+	8.9%
Total For Sale Units	64	Population Growth 5 Yrs	5.5%

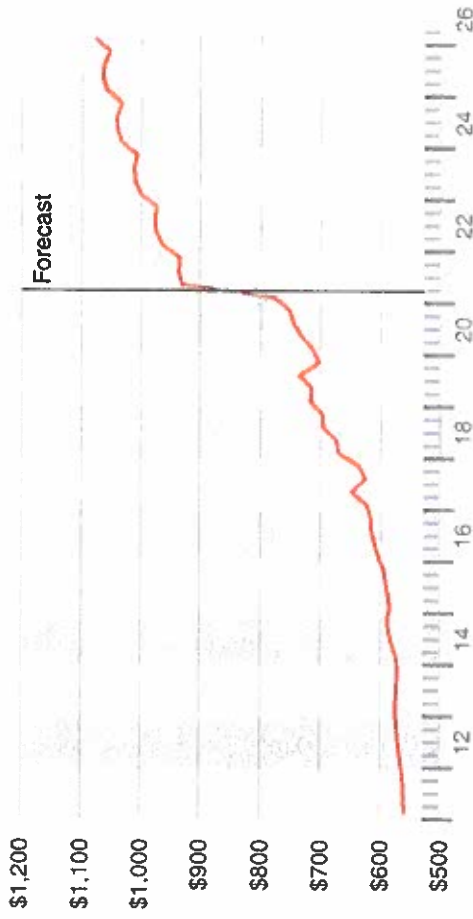
Search Analytics

Key Performance Indicators

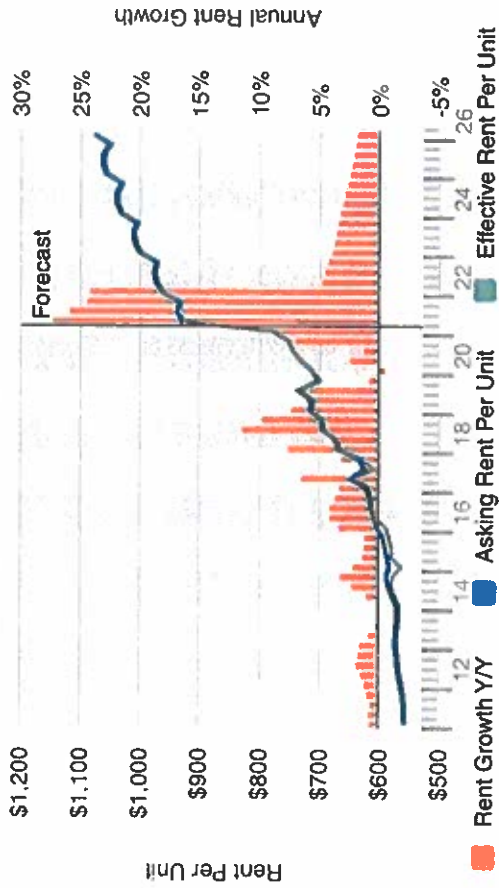


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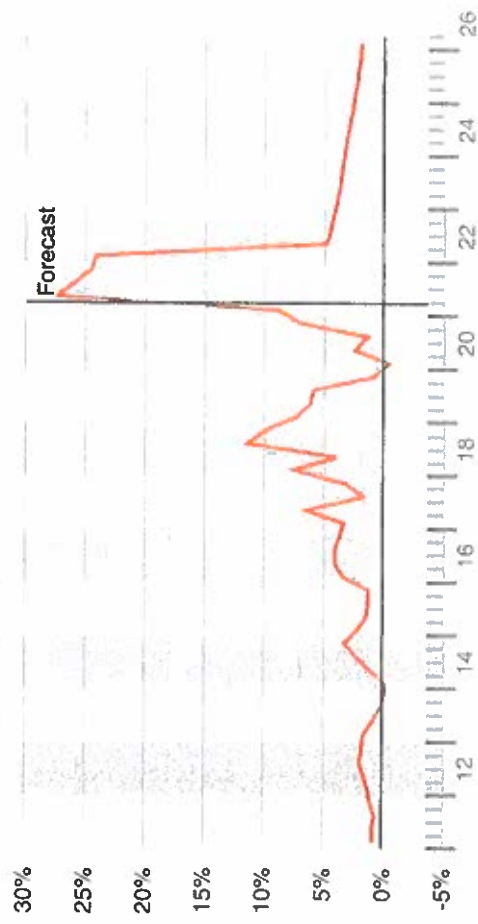
Market Asking Rent Per Unit



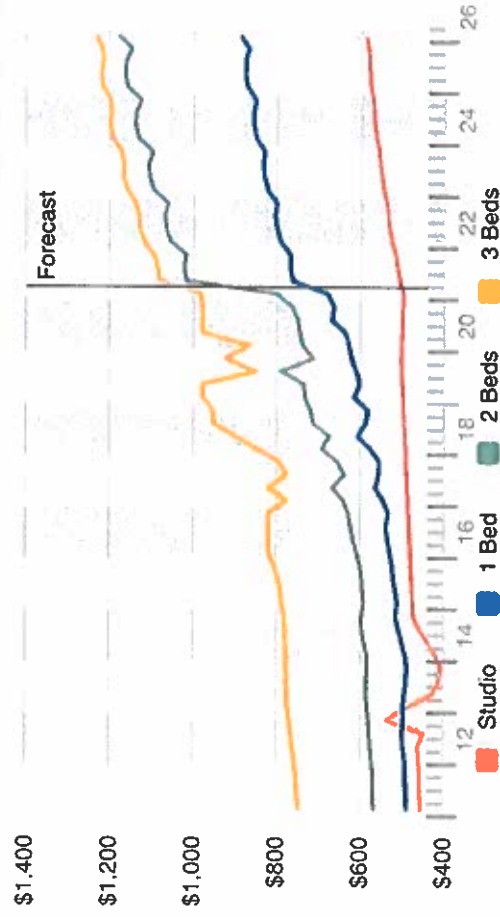
Market Rent Per Unit & Rent Growth



Market Rent Growth (YOY)

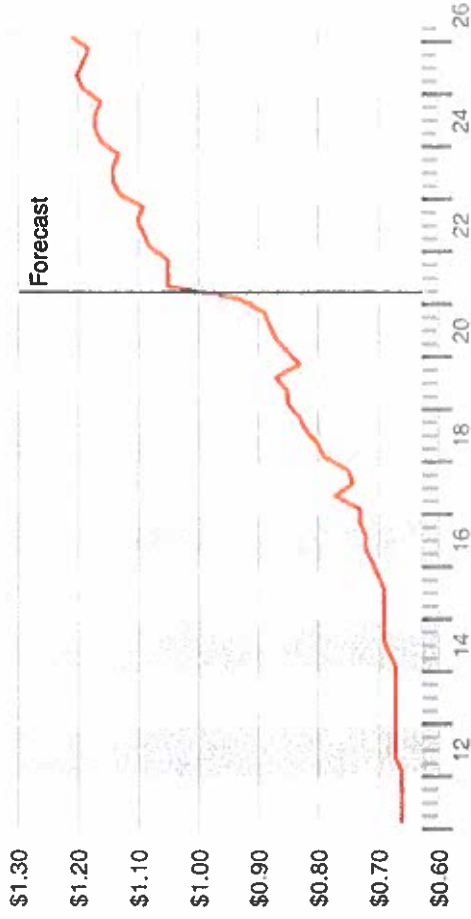


Market Asking Rent Per Unit By Bedroom

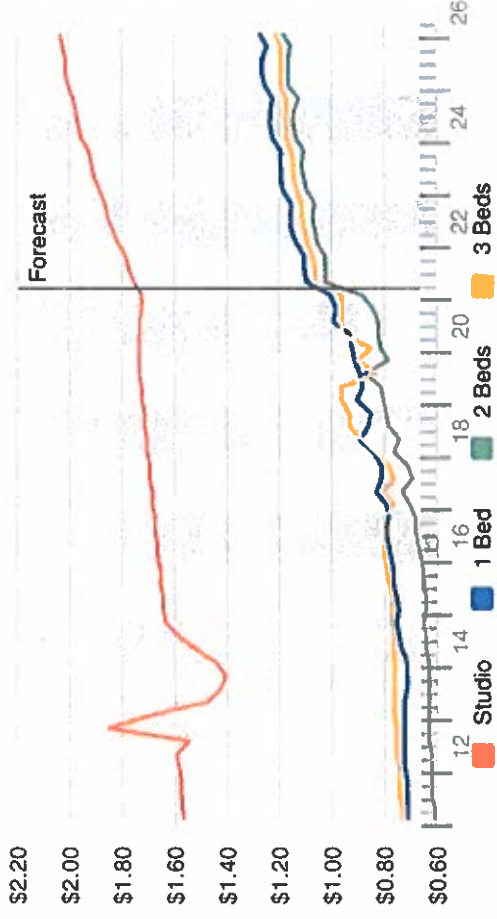


Search Analytics

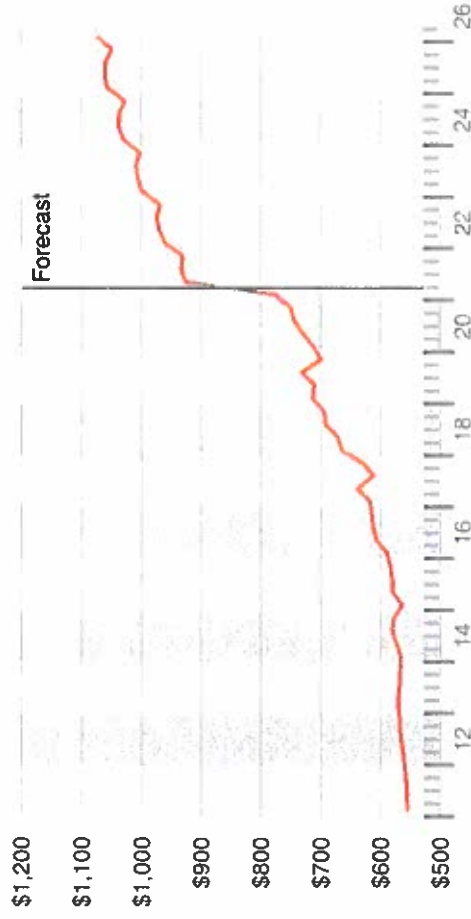
Market Asking Rent Per SF



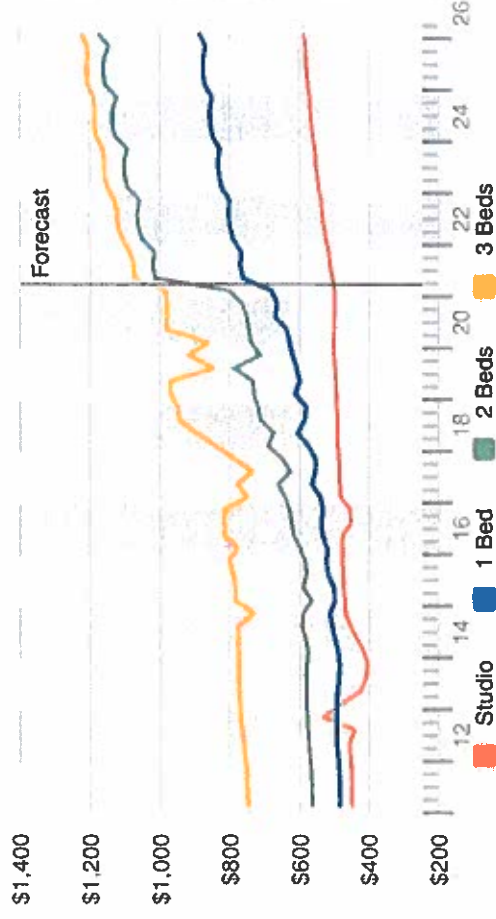
Market Asking Rent Per SF By Bedroom



Market Effective Rent Per Unit

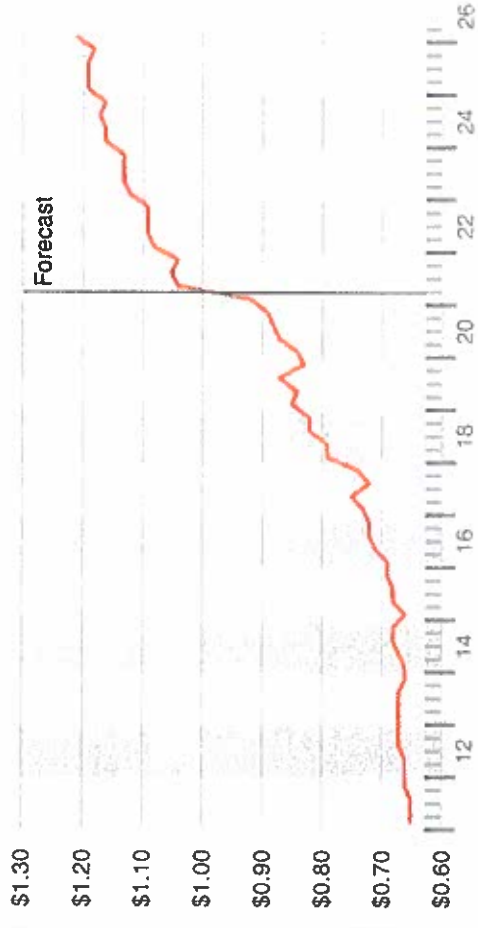


Market Effective Rent Per Unit By Bedroom

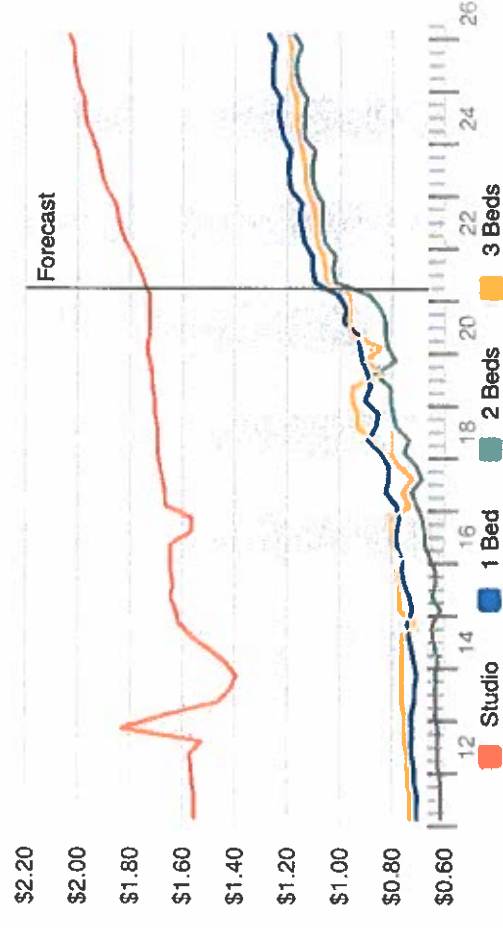


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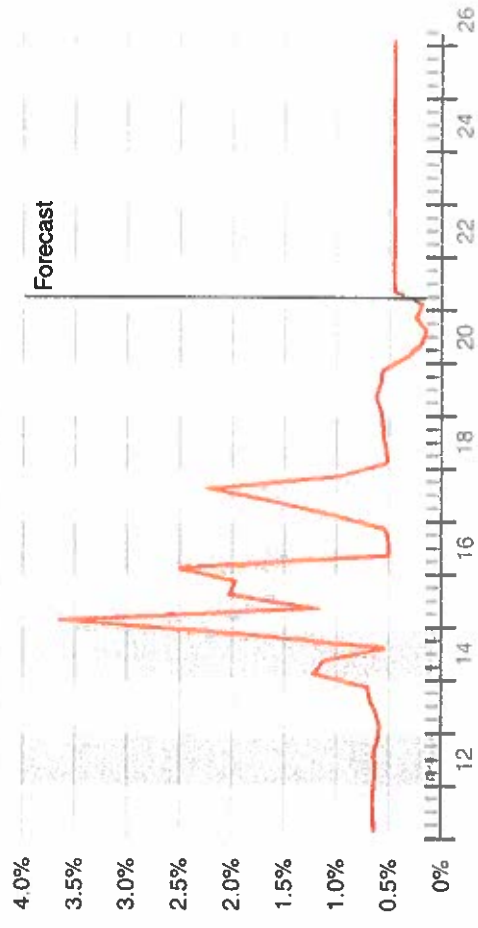
Market Effective Rent Per SF



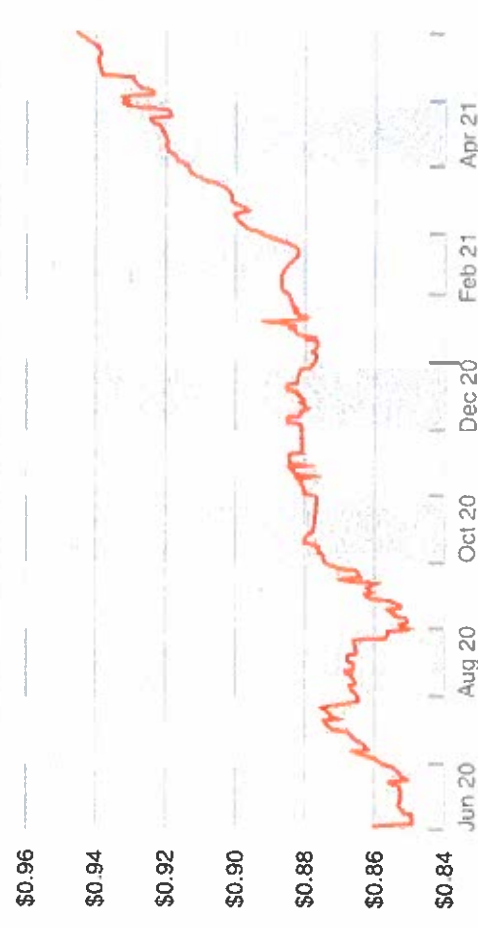
Market Effective Rent Per SF By Bedroom



Concession Rate

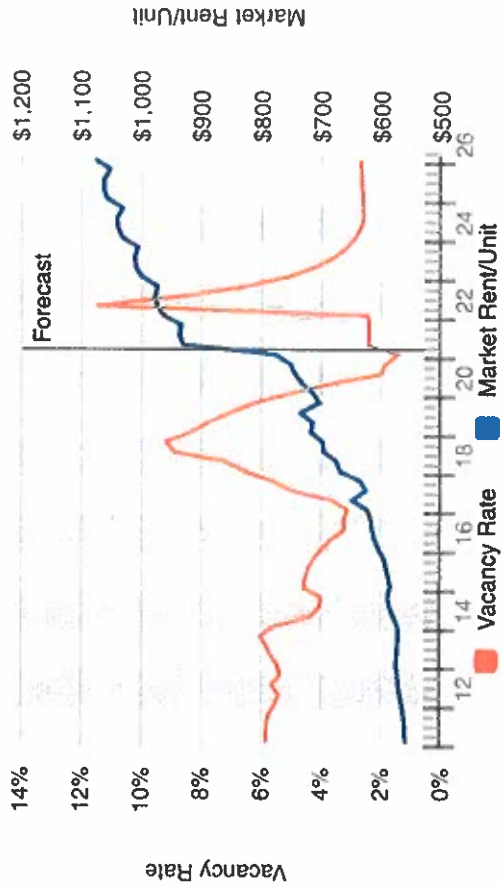


Daily Asking Rent Per SF

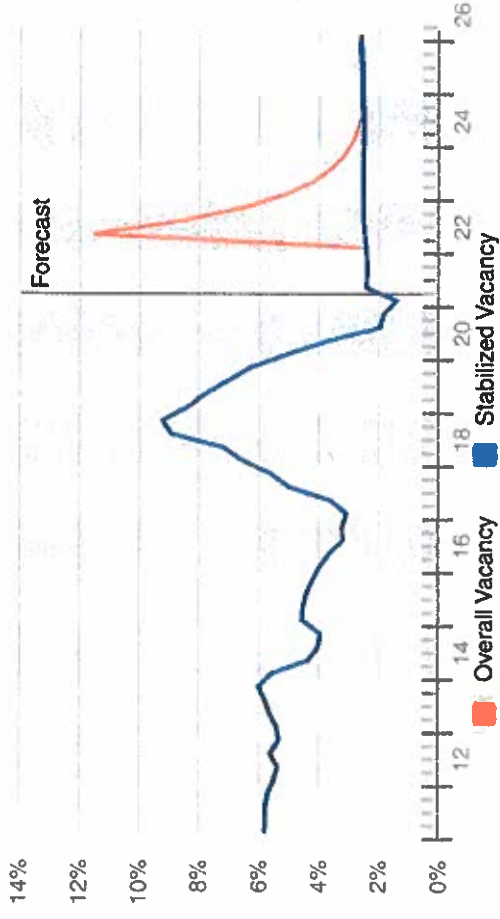


Search Analytics

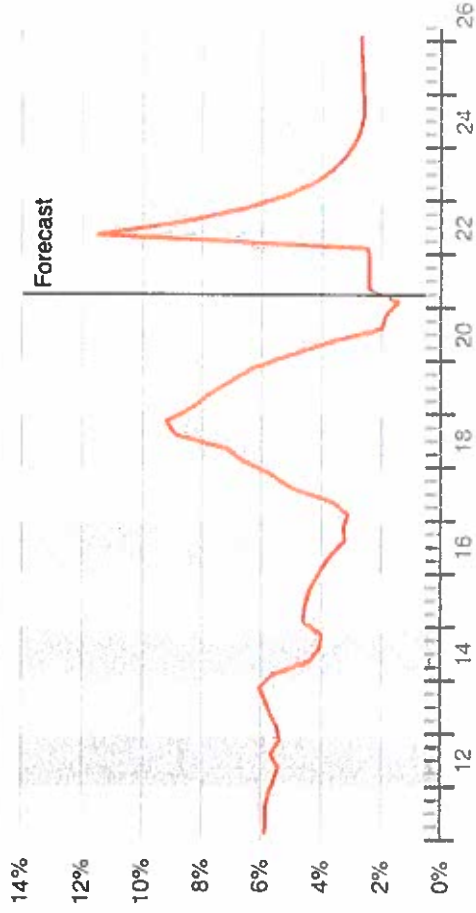
Vacancy & Market Asking Rent Per Unit



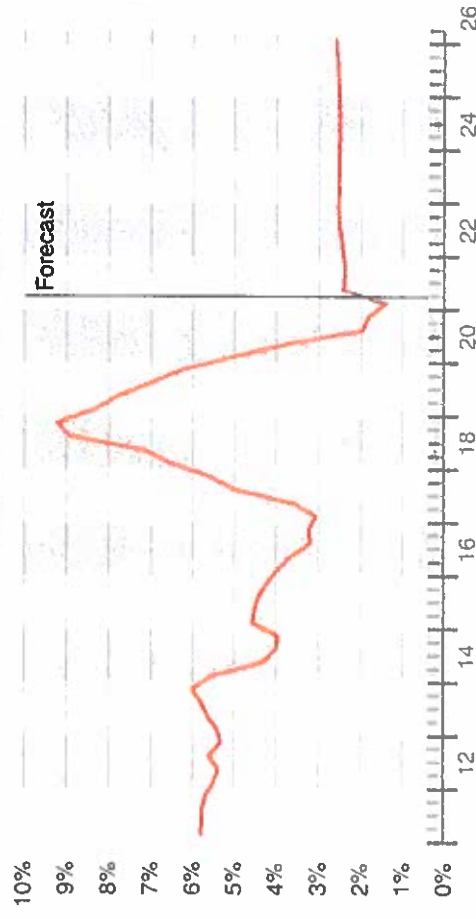
Overall & Stabilized Vacancy



Vacancy Rate

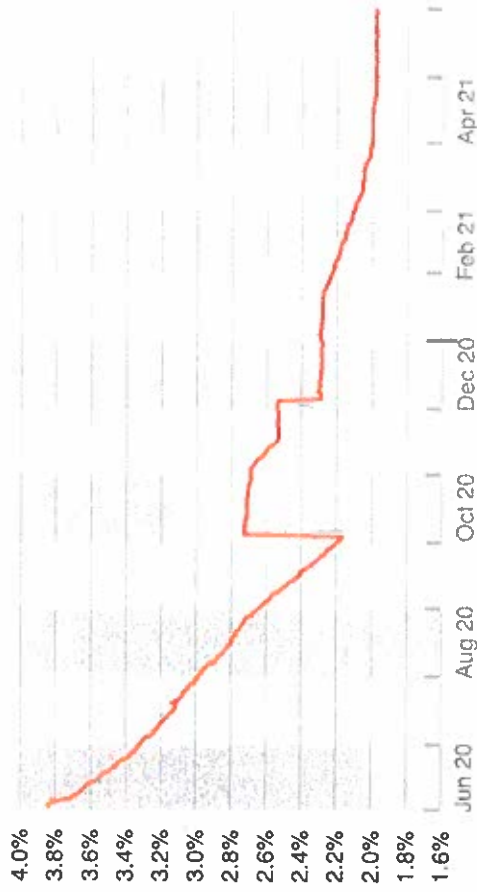


Stabilized Vacancy Rate

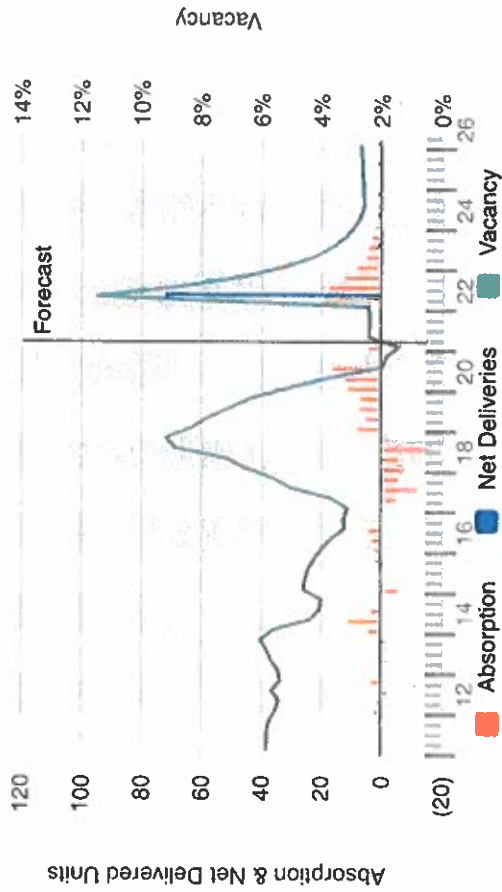


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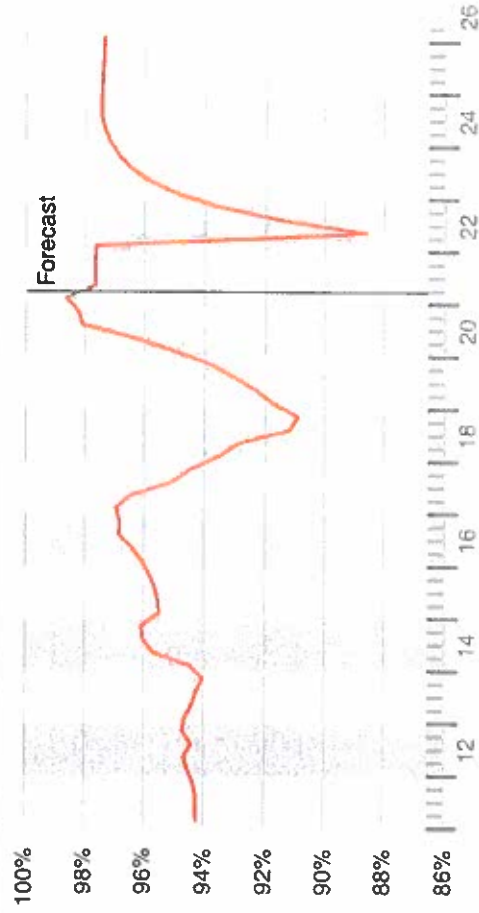
Daily Vacancy Rate



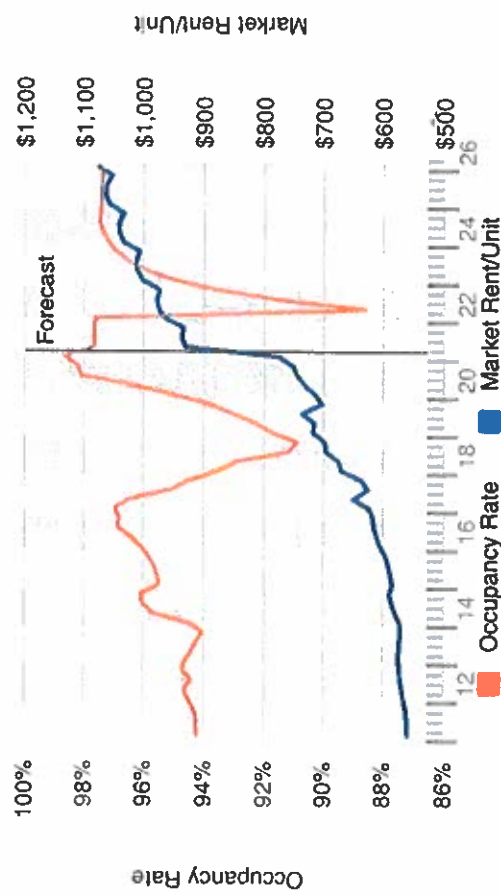
Absorption, Net Deliveries & Vacancy



Occupancy Rate

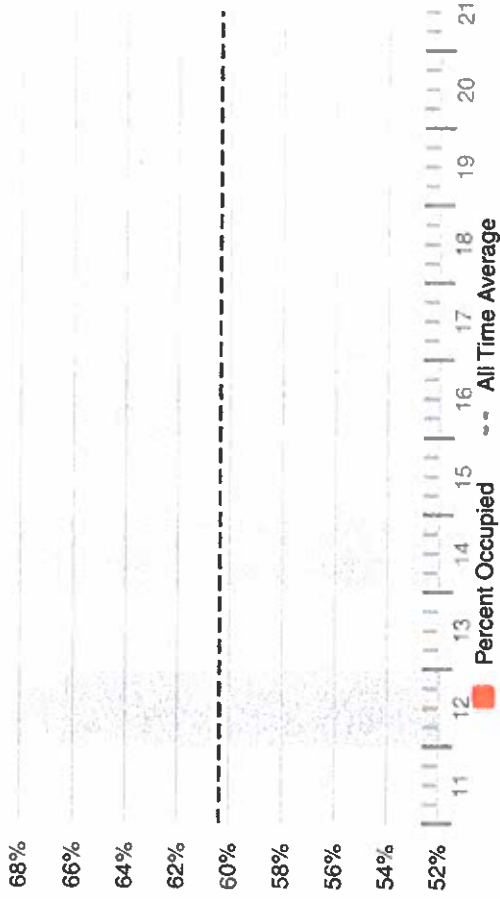


Occupancy & Market Rent Per Unit

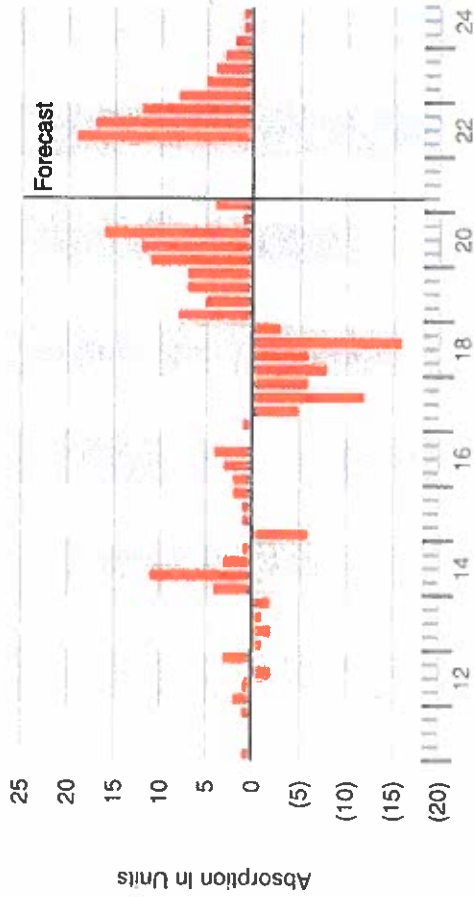


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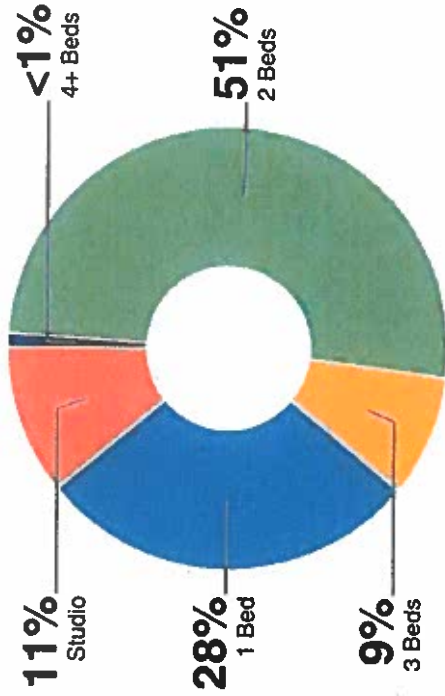
Occupancy At Delivery



Absorption Units



Total Units By Bedroom



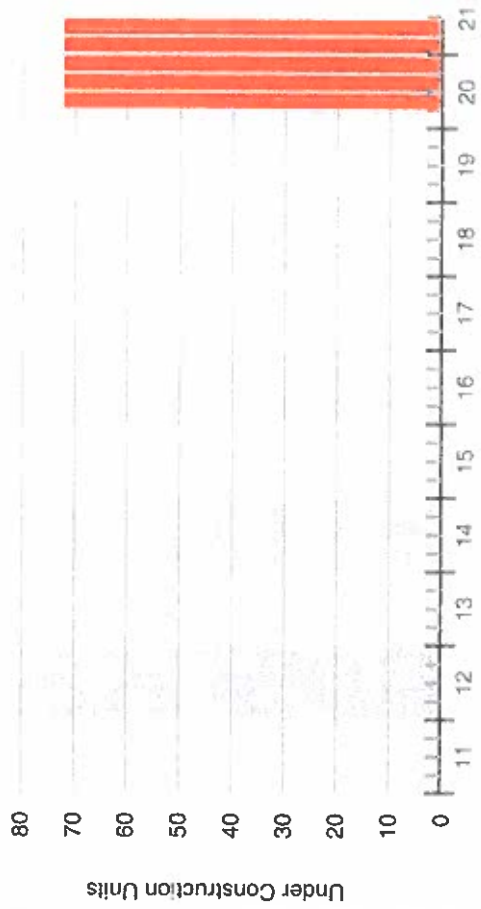
Construction Starts

No Data Available

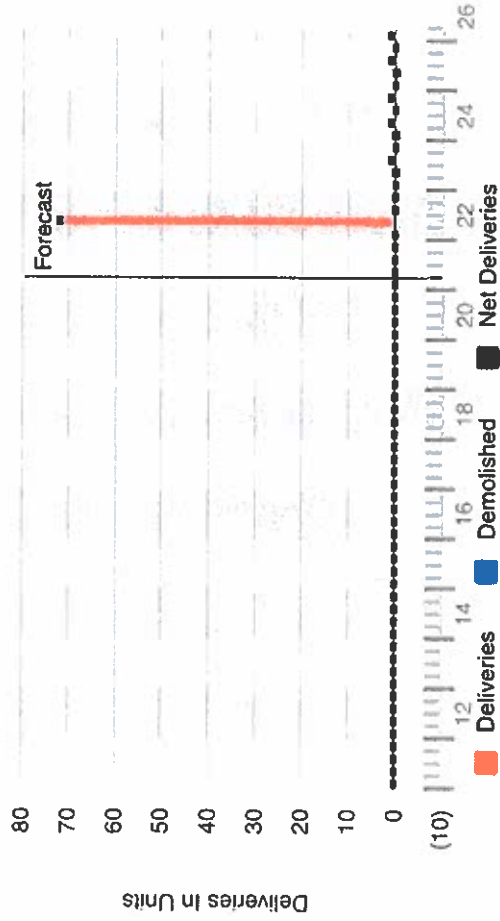


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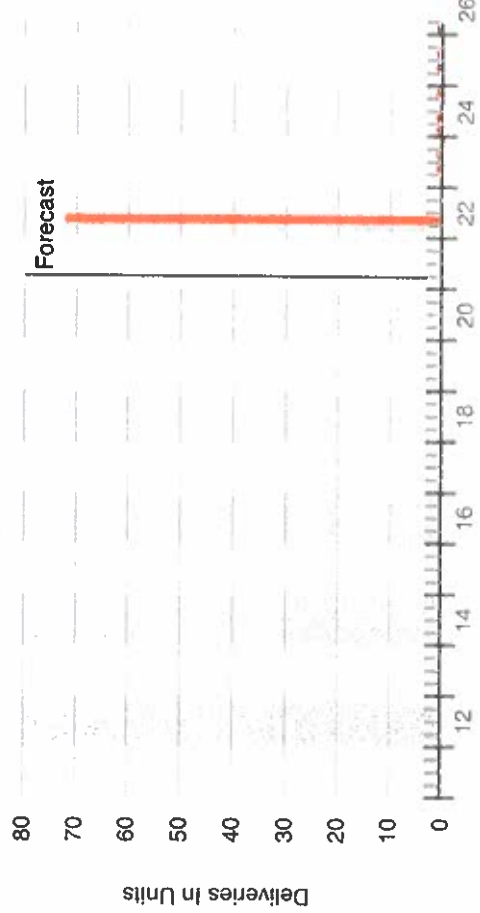
Under Construction



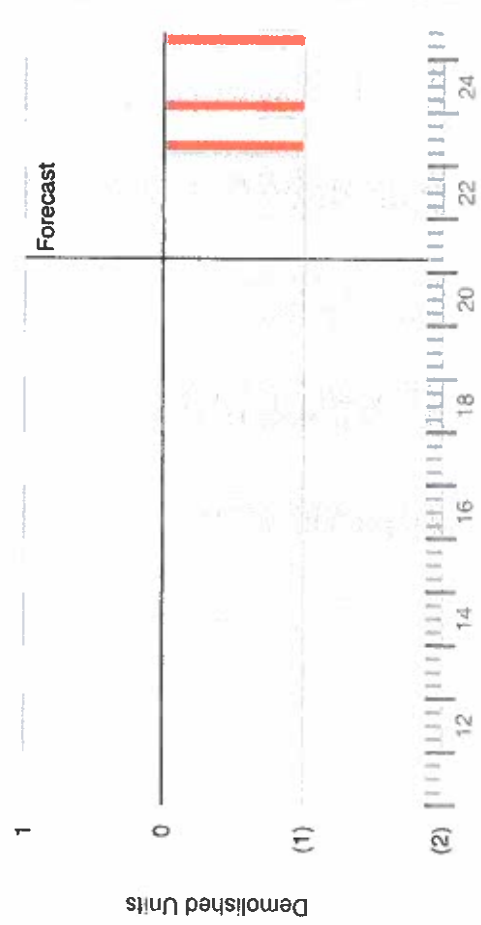
Deliveries & Demolitions



Deliveries

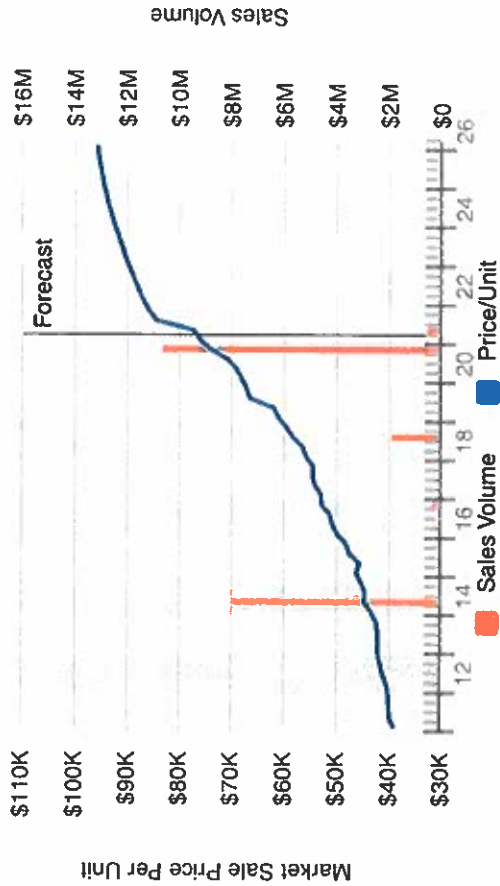


Demolitions

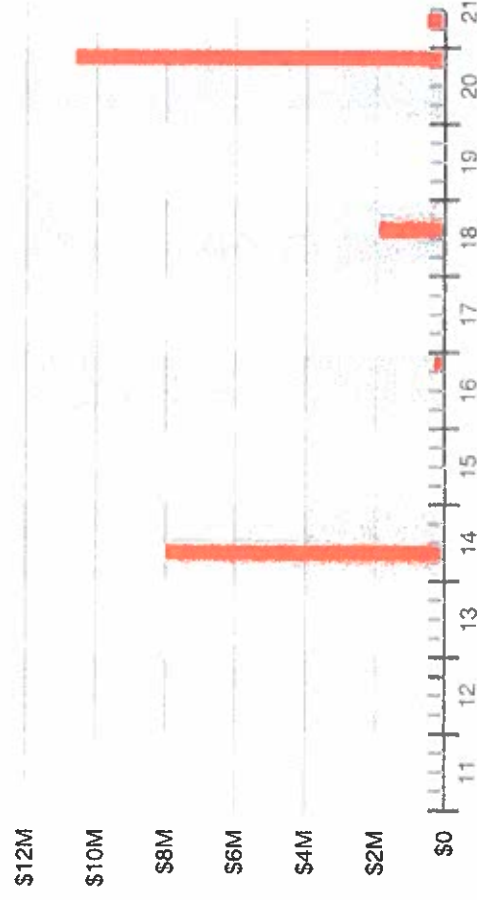


Search Analytics

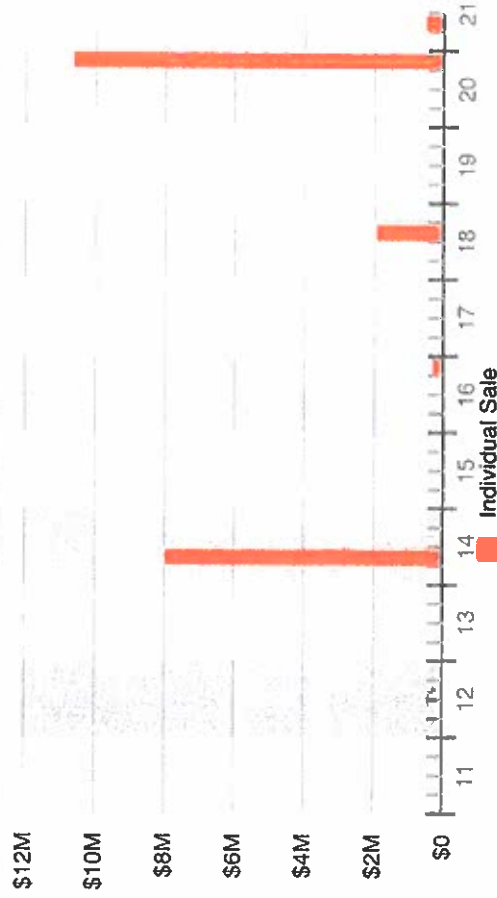
Sales Volume & Market Sale Price Per Unit



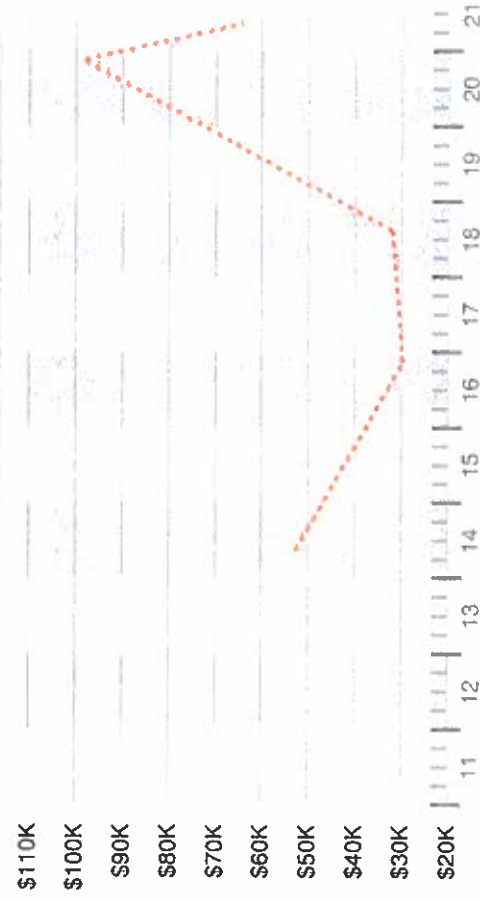
Sales Volume



Sales Volume By Transaction Type

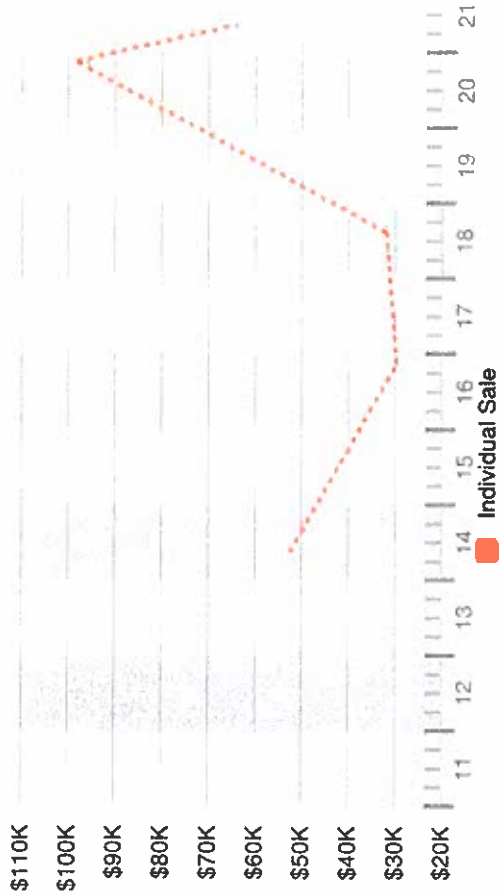


Sale Price Per Unit

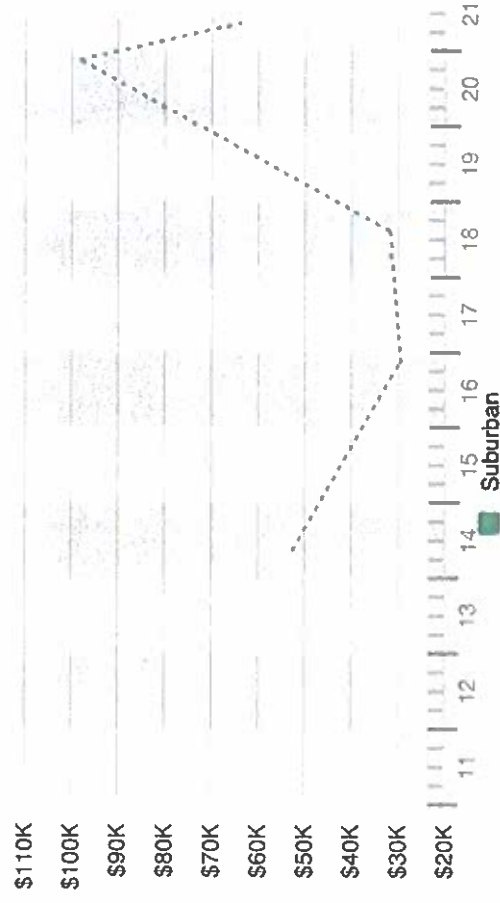


Search Analytics

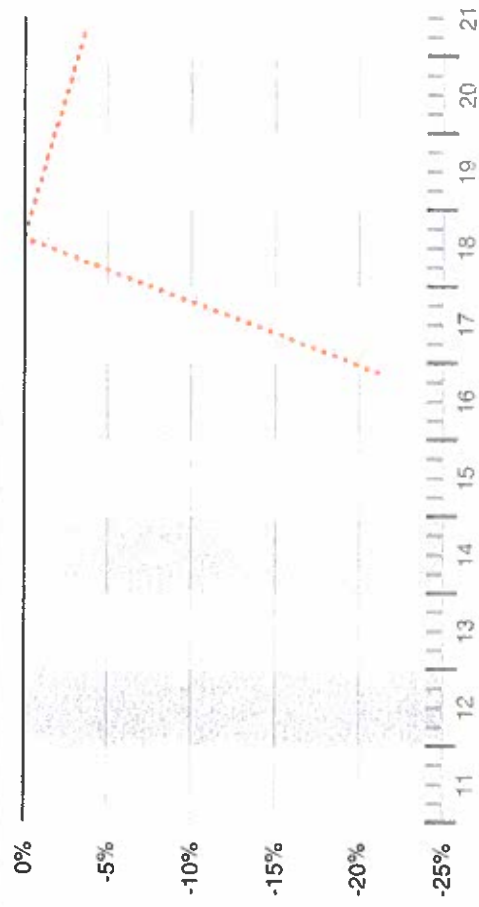
Sale Price Per Unit By Transaction Type



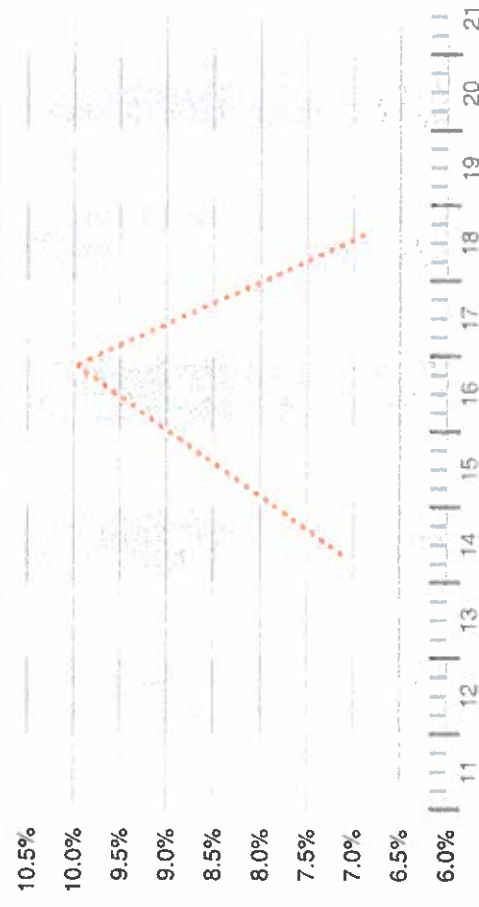
Sale Price Per Unit By Location Type



Sale To Asking Price Differential

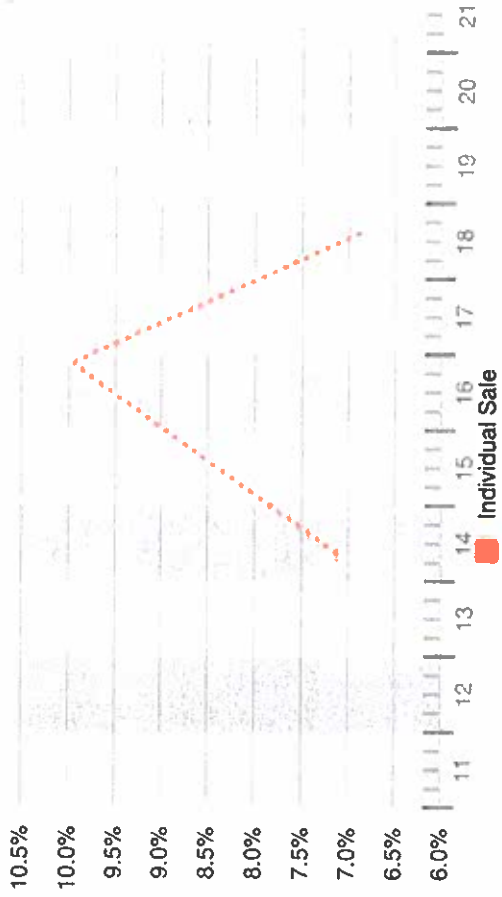


Cap Rate

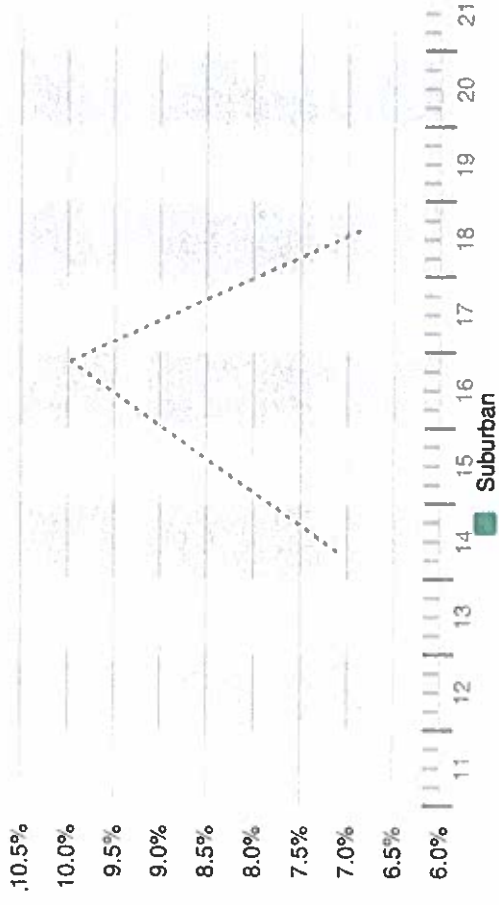


Search Analytics

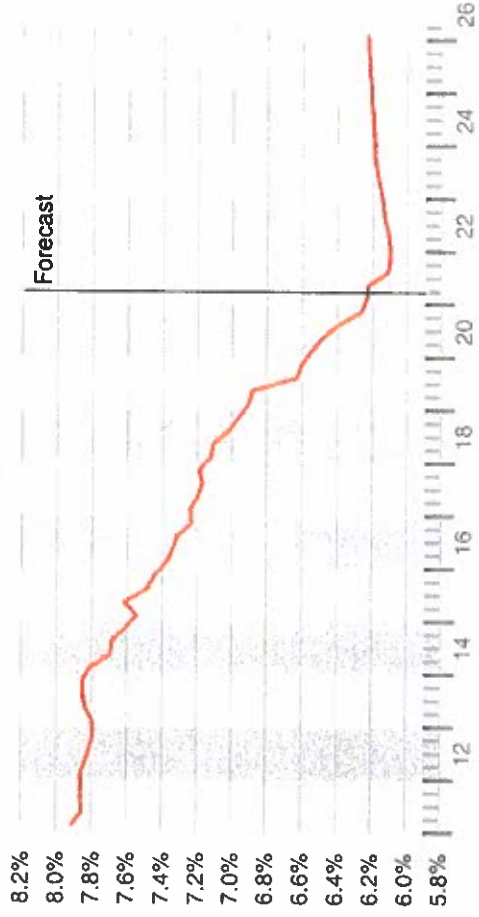
Cap Rate By Transaction Type



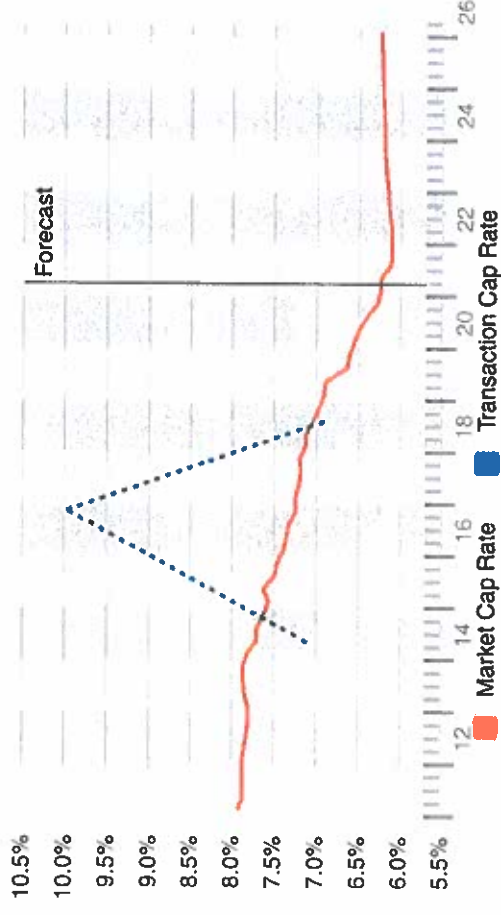
Cap Rate By Location Type



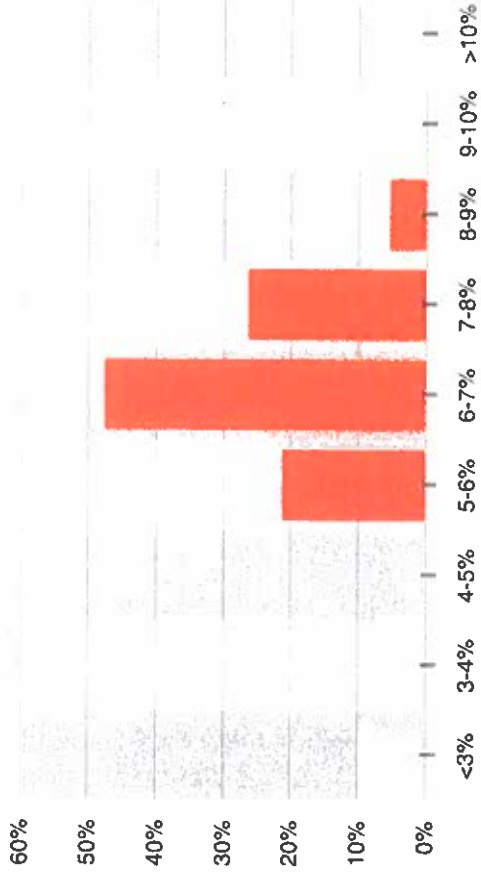
Market Cap Rate



Market Cap Rate & Transaction Cap Rate



Market Cap Rate Distribution



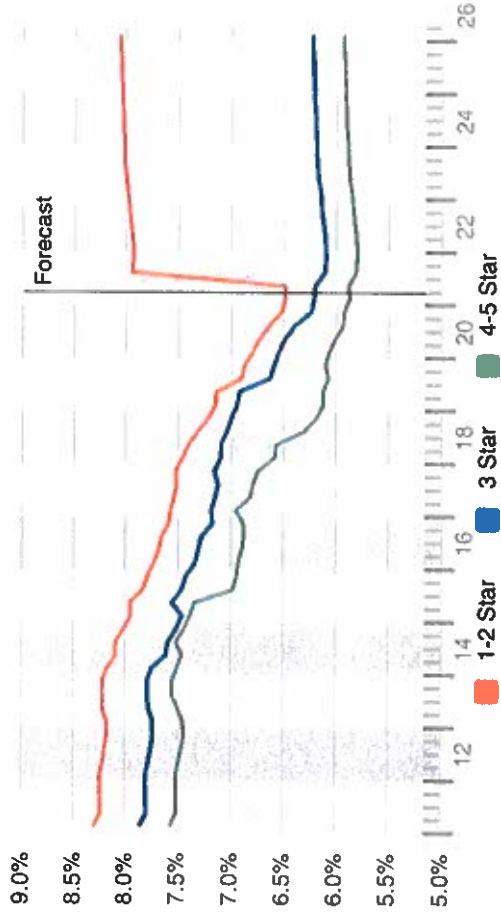
Market Cap Rate By Location Type

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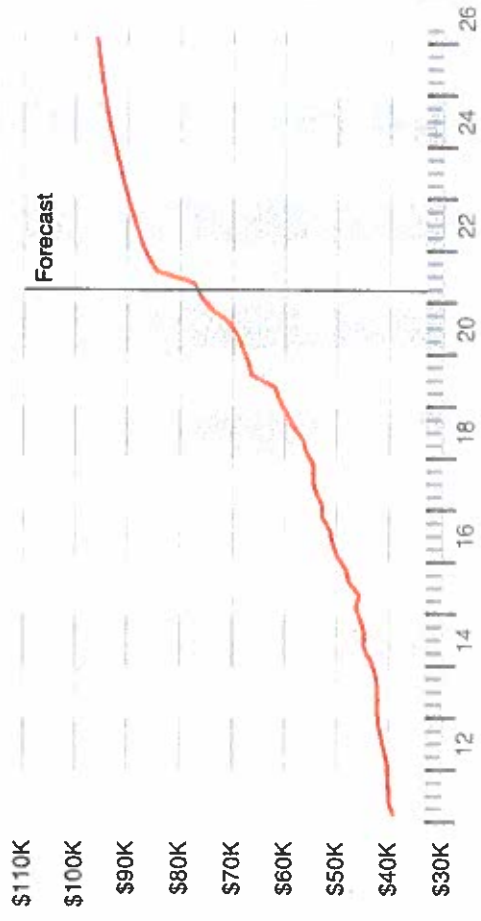


Data for this series is considered to be insufficient

Market Cap Rate By Star Rating

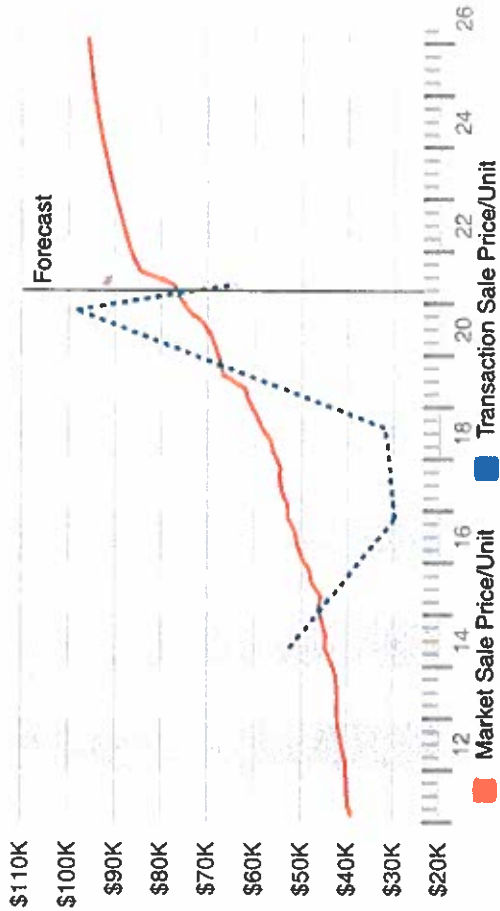


Market Sale Price Per Unit

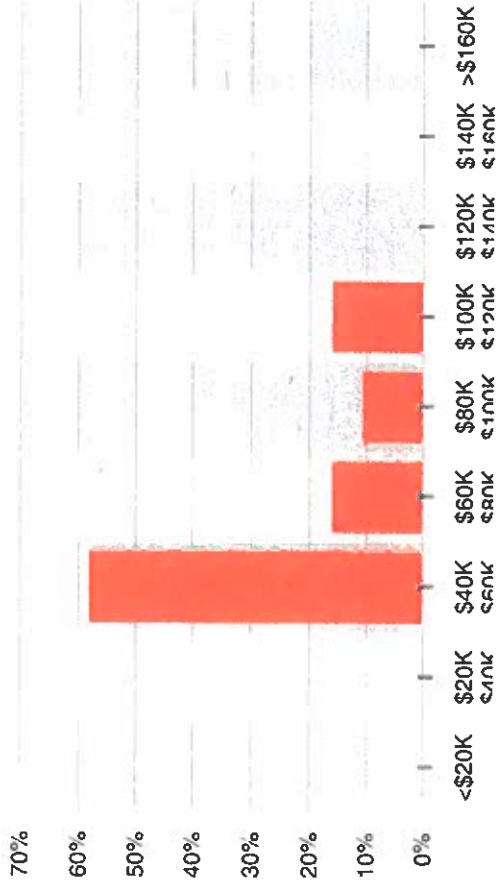


Search Analytics

Market Sale Price & Transaction Sale Price Per Unit

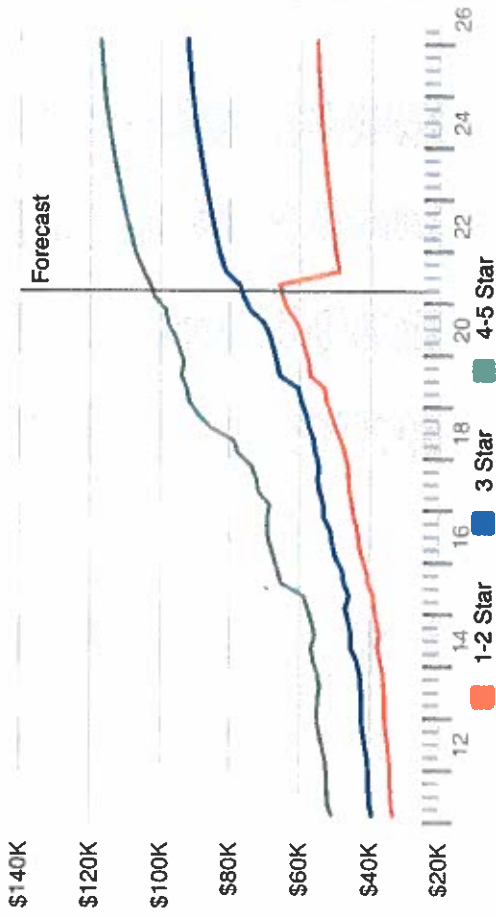


Market Sale Price Per Unit Distribution



Market Sale Price Per Unit By Location Type

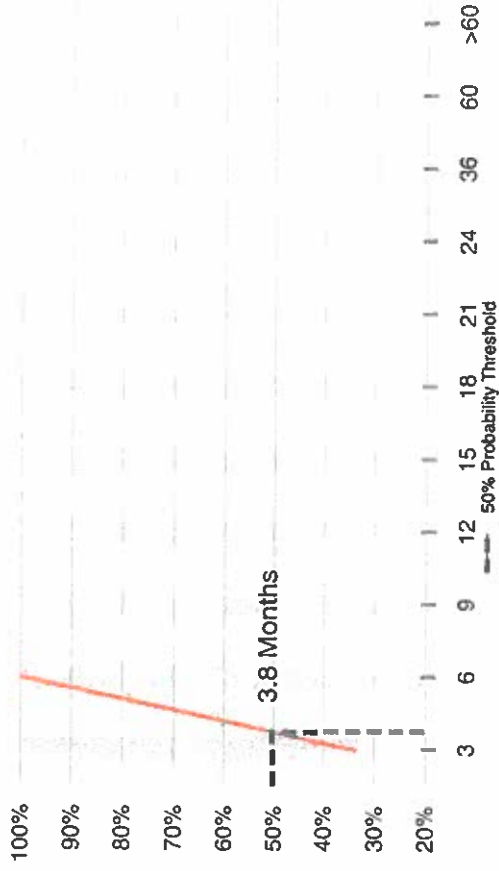
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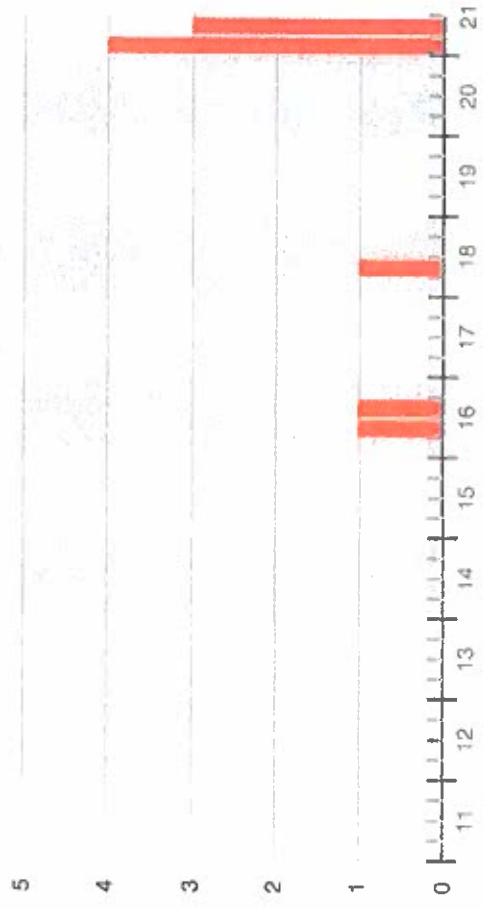
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Search Analytics

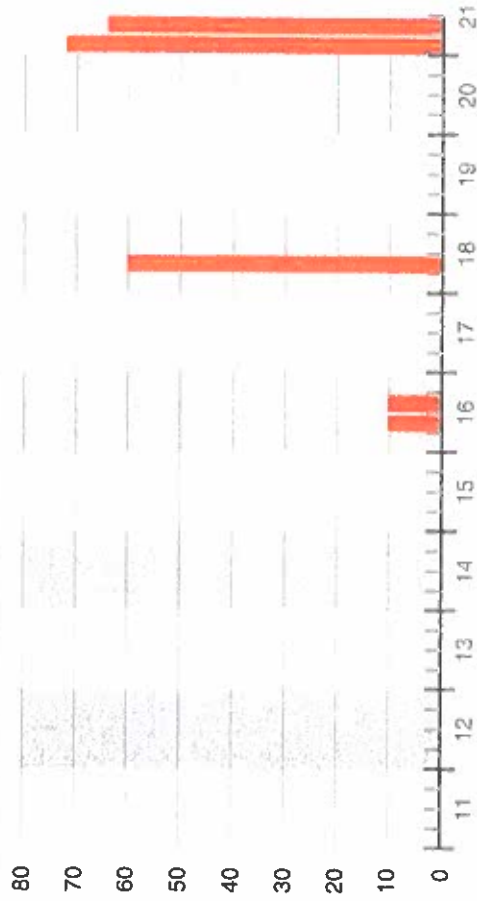
Probability Of Selling In Months



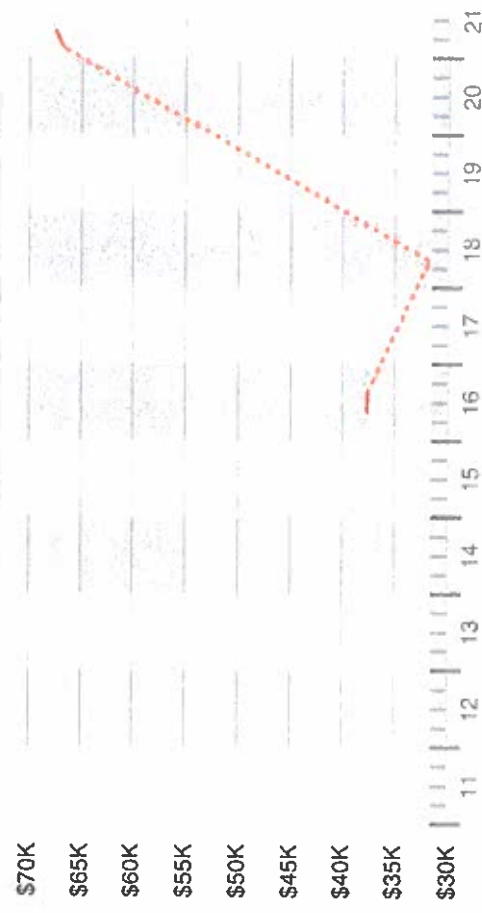
For Sale Total Listings



For Sale Total Units

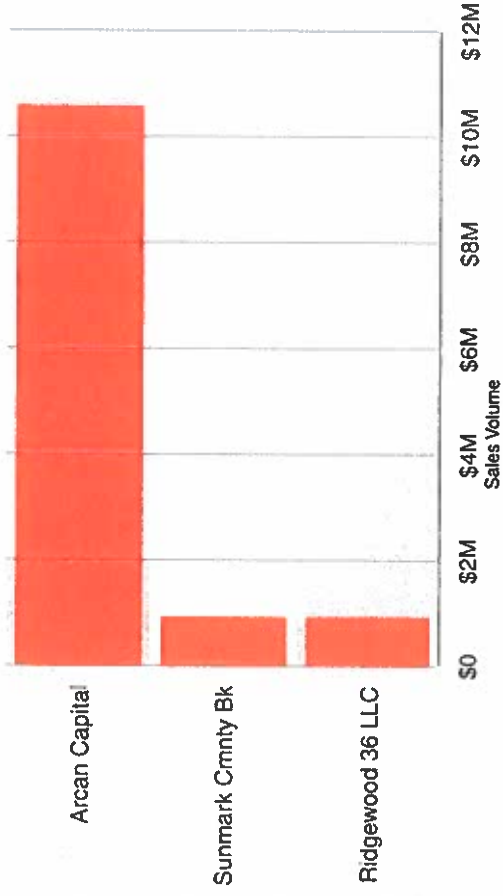


For Sale Asking Price Per Unit

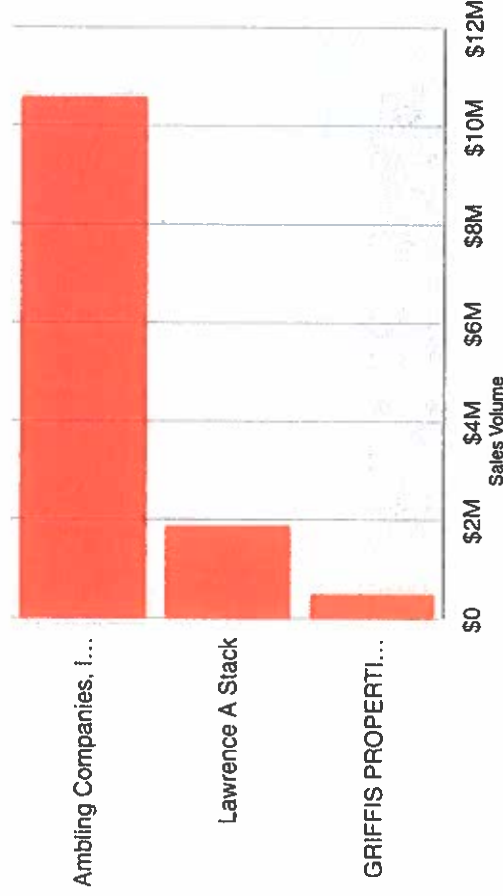


Search Analytics

Top Buyers



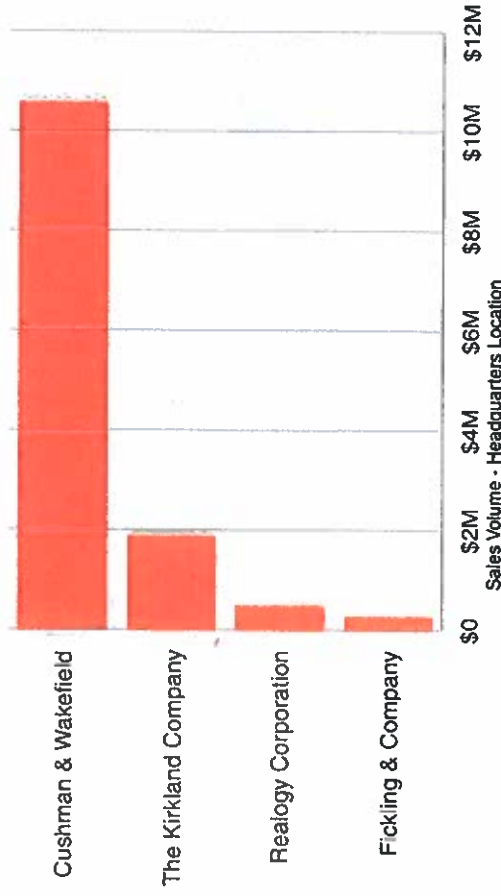
Top Sellers



Top Buyer Brokers

No Data Available

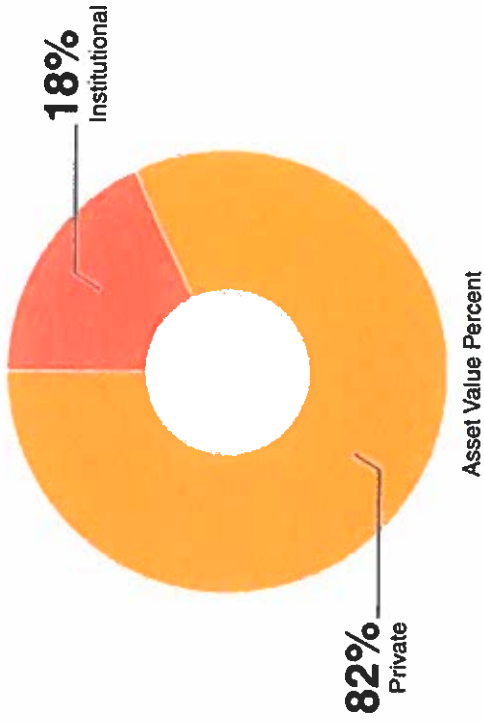
Top Seller Brokers



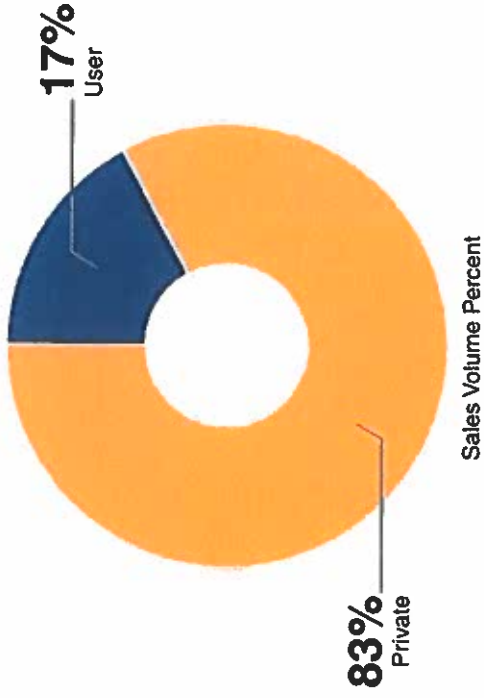
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Search Analytics

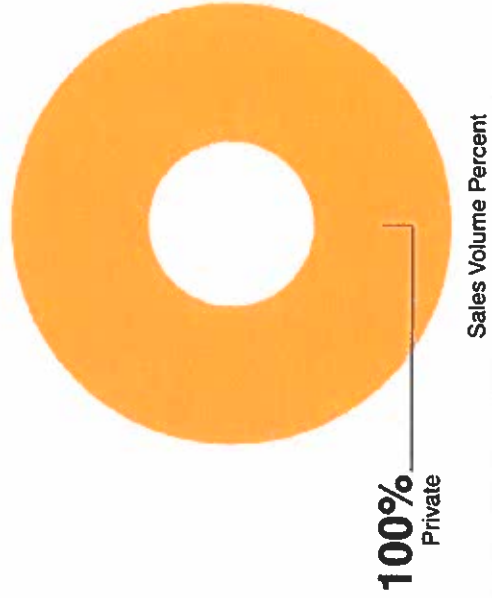
Asset Value By Owner Type



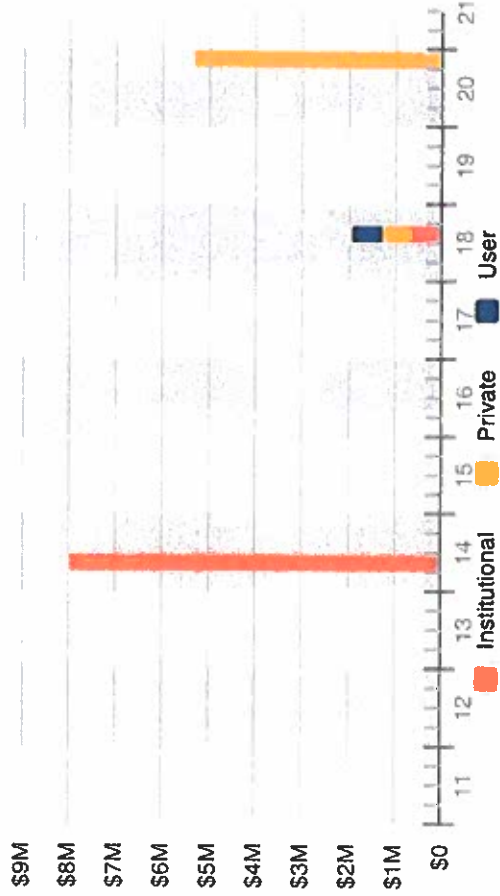
Sales By Buyer Type



Sales By Seller Type

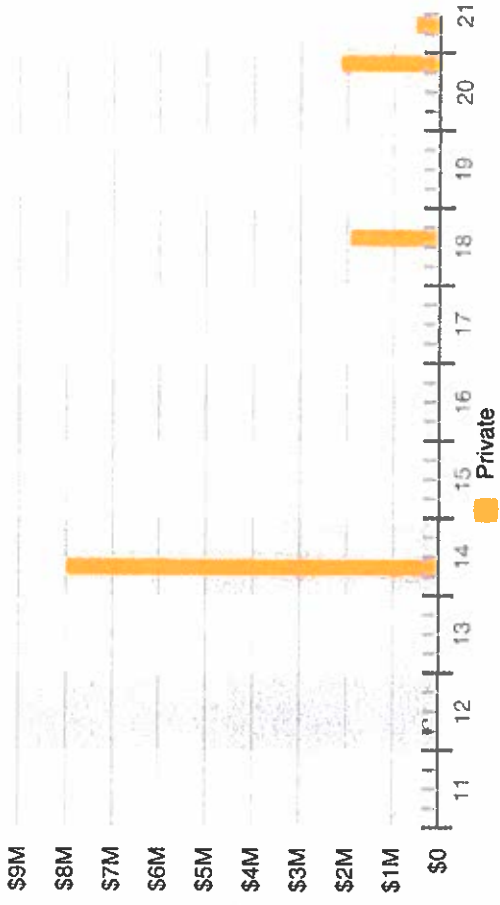


Sales Volume By Buyer Type

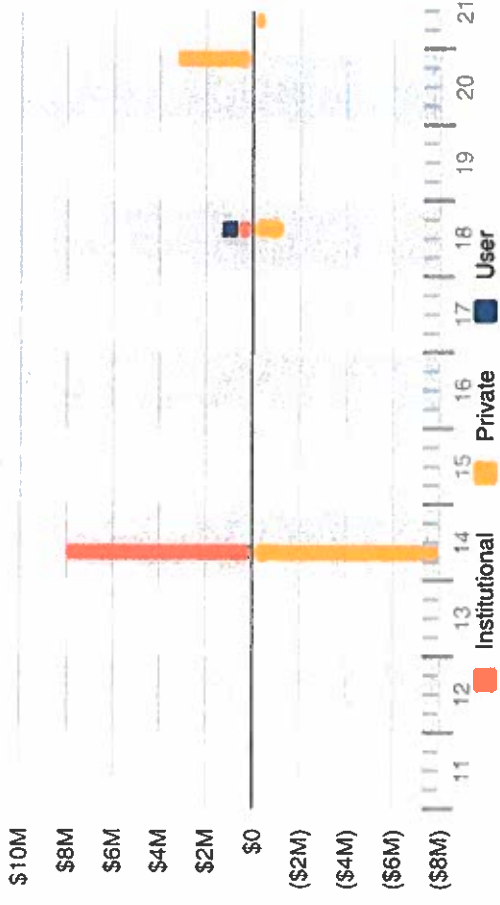


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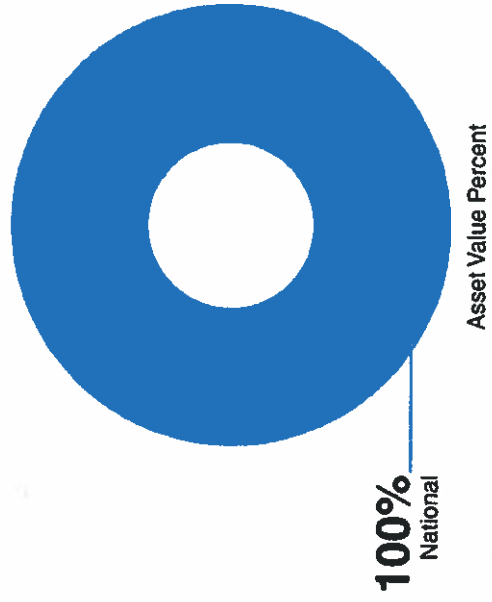
Sales Volume By Seller Type



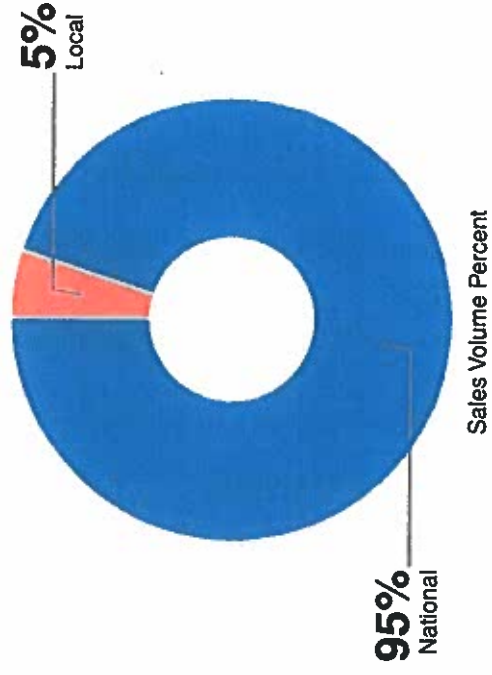
Net Buying & Selling By Owner Type



Asset Value By Owner Origin

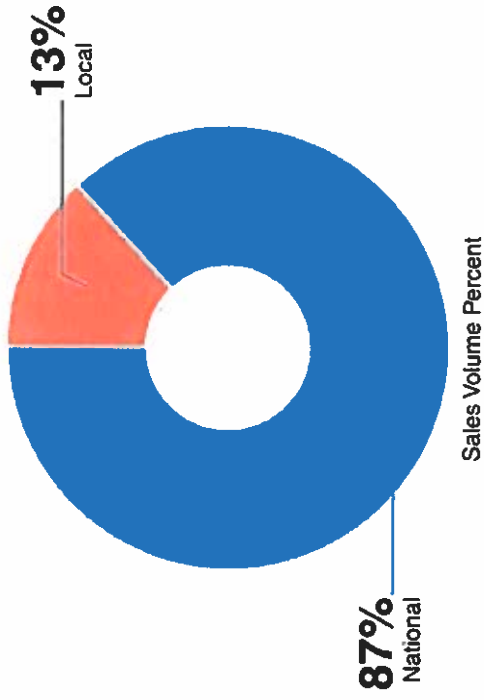


Sales Volume By Buyer Origin

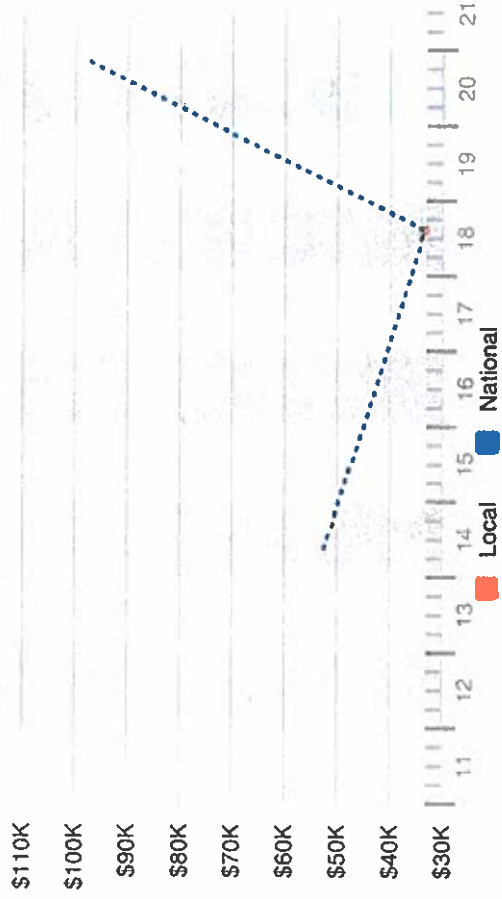


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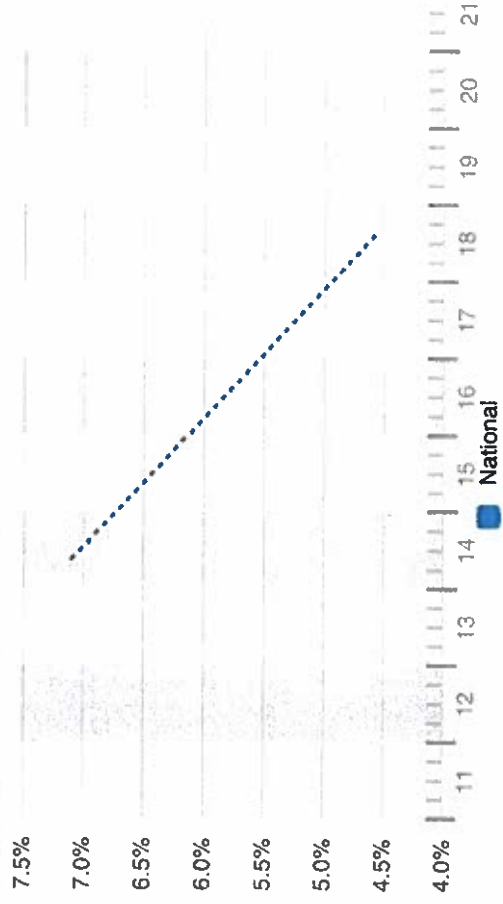
Sales Volume By Seller Origin



Average Price Per Unit By Buyer Origin



Average Cap Rate By Buyer Origin



Report Criteria

- 19 Properties / 0 Spaces
- City: Perry, GA
- Property Type: Multi-Family
- Exclude: Residential Condos
- Exclude: Co-Ops



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
July 2, 2021

CASE NUMBER: TEXT-176-2021
APPLICANT: The City of Perry
REQUEST: Modifications to Land Management Ordinance Sections 2-3.11.3 and 5-6 by removing procedures and standards for Conservation Subdivisions. Conservation subdivisions will be allowed using the Planned Unit Development zoning option.

STAFF ANALYSIS: The proposed text amendment modifies Section 2-3.11.3, Conservation Subdivisions, and Section 5-6, Conservation Subdivision Option.

The purposes of the conservation subdivision option, as stated in Section 5-6.1 of the Land Management Ordinance (LMO), are to preserve in perpetuity unique or sensitive natural resources, to preserve important historic and archaeological sites, to permit clustering of houses and structures to reduce the amount of infrastructure, including paving, necessary for residential development, to reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development, to promote interconnected greenways and corridors, to promote contiguous greenspace, to encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks, to promote construction of convenient landscaped walking trails and bike paths, to conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of conservation space, and to protect prime agricultural land and preserve farming as an economic activity.

City Council has concerns of the conservation space and greenspace not being provided in a manner consistent with purposes identified above, but rather conservation subdivisions being utilized only for the reduced lot size requirements and potential for increased density.

On June 15, 2021, Council placed a 90-day moratorium on the permitting of conservation subdivisions to provide Staff time to evaluate and make recommendations to the regulations (see attached). Staff recommends removing sections of the LMO pertaining to the standards and procedures for conservation subdivisions. This will result in conservation subdivisions being allowed only through the use of a Planned Unit Development (PUD) zoning process. The PUD process will provide the City more control over lot sizes and density and will ensure conservation space is suitable for such use and is accessible to the community.

Delete Section 2-3.11.3 in its entirety:

2-3.11.3. Conservation subdivisions.

- (A) *Procedures.* The procedures and submission requirements for approval of a conservation subdivision shall be the same as those for a standard subdivision as specified in this section 2-3.11, except as specified below.
- (1) Prior to submission of an application for preliminary plat approval, the applicant shall request written consent to prepare a subdivision plat using the Conservation Subdivision Option from the Commission at a regular or special meeting. Such request must be submitted to the administrator at least ten (10) days prior to a regularly scheduled Commission meeting. The Commission shall act on the request on or before the second regularly scheduled meeting

following the date of submission, unless the request includes a conceptual plan review as specified in Section 5-7. When conceptual plan review is requested or required, the Commission shall act on the letter of consent request within forty-five (45) days of the meeting at which the Commission receives the request.

- (2) The Commission's letter of consent shall, at a minimum, reiterate the objectives of the conservation subdivision development option and refer the applicant to the specific standards for conservation subdivision development. A letter of consent shall not constitute nor imply Commission approval of the development plan.
- (B) *Application Requirements.* Concurrent with the submission of a site concept plan, Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Conservation Space will meet the requirements of this article. The preliminary site plan shall include the following features:
- (1) Property boundaries;
 - (2) All streams, rivers, lakes, wetlands and other hydrologic features;
 - (3) Topographic contours of no less than ten-foot intervals;
 - (4) All Primary and Secondary Conservation Areas labeled by type, as described in section 5-7;
 - (5) General vegetation characteristics;
 - (6) General soil types;
 - (7) The planned location of protected Conservation Space;
 - (8) Existing roads and structures;
 - (9) Potential connections with existing greenspace and trails.

Delete Section 5-6 in its entirety:

5-6.1. *Purpose.* The purpose of the conservation subdivision is to:

- (A) Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat;
- (B) Preserve important historic and archaeological sites;
- (C) Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
- (D) Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
- (E) Promote interconnected greenways and corridors throughout the community;
- (F) Promote contiguous greenspace with adjacent jurisdictions;
- (G) Encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood;
- (H) Promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
- (I) Conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of conservation space; and

(J) Protect prime agricultural land and preserve farming as an economic activity.

To achieve these objectives, an applicant for a permit to construct a residential development within the R-1, R-2, R-2A, R-3 and R-MH residential zones may elect, with the written consent of the Commission, to submit a subdivision plan utilizing the conservation subdivision option, subject to the provisions set forth in this section. The Commission may permit, upon determination that the proposed development complies with all requirements of this Section, variations in lot area, setbacks, and other dimensional requirements, and a variety of residential building types as necessary to ensure that the conservation subdivision design will achieve the objectives identified above.

5-6.2. *Applicability of Regulations.* This Conservation Subdivision option is available with Planning Commission approval in all residential zoning districts, including R-1, R-2, R-2A, R-3 and R-MH residential districts. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.

5-6.3. *Ownership of Development Site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

5-6.4. *Housing Density Determination.* The maximum net density of a Conservation Subdivision shall not exceed the following:

Zoning District	Open Space Provided		
	30 percent	40 percent	50 percent
R-1	1.7 dwellings per acre	2.0 dwellings per acre	2.4 dwellings per acre
R-2 and R-2A	2.1 dwellings per acre	2.5 dwellings per acre	2.9 dwellings per acre
R-3 and RMH	2.6 dwellings per acre	3.0 dwellings per acre	3.4 dwellings per acre

5-6.5. *Minimum Lot Size Adjacent to Existing Single-Family Residential.* The minimum lot size for residential properties (R-1, R-2, and R-3) abutting platted residentially zoned lots shall be at least eighty-five (85) percent the size of the established lot. However, the minimum lot size shall not be more than two (2) times the minimum size required in Table 5-1-1. These standards shall not apply to new or existing multifamily properties.

5-6.6. *Development Requirements.* Conservation subdivisions shall meet the following requirements:

- (A) Minimum subdivision size shall be ten (10) acres.
- (B) Minimum lot width shall be sixty (60) feet as measured at the front building line.
- (C) There is no minimum lot area requirement.
- (D) The maximum allowable lot coverage shall be fifty (50) percent.
- (E) The minimum right-of-way width for minor residential streets shall be fifty (50) feet.
- (F) The minimum setbacks are established in Table 5-6-2:

Zoning District	Front	Interior Side	Exterior Side	Rear
R-1	25	8	20	20
R-2 and R-2A	25	5	20	20
R-3 and RMH	25	5	20	20

- (G) *Conservation Space Management Plan Required.* A conservation space management plan, as described in Section 5-6.9, shall be prepared and submitted prior to the issuance of a land disturbance permit.
- (H) *Instrument of Permanent Protection Required.* An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 5-6.9, shall be placed on the Conservation Space concurrent with the issuance of a land disturbance permit.
- (I) *Other Requirements.* The Applicant shall adhere to all other applicable requirements of the underlying zoning and Article XII of this Ordinance.

5-6.7. *Conservation Space.*

- (A) *Definition.* Conservation Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Conservation Space are restricted in perpetuity through the use of an approved legal instrument.
- (B) *Standards to Determine Conservation Space.*
 - (1) The minimum restricted Conservation Space shall be determined by the zoning district and density as established in the administrative manual.
 - (2) The following are considered Primary Conservation Areas and are required to be included within the Conservation Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - (a) The 100-year floodplain.
 - (b) Riparian zones of at least 75-foot width along all perennial and intermittent streams.
 - (c) Slopes above twenty-five (25) percent of at least five thousand (5,000) square feet contiguous area.
 - (d) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.
 - (e) Populations of endangered or threatened species, or habitat for such species.
 - (f) Archaeological sites, cemeteries and burial grounds.
 - (3) The following are considered Secondary Conservation Areas and should be included within the Conservation Space to the maximum extent feasible.
 - (a) Important historic sites.
 - (b) Existing healthy, native forests of at least one (1) acre contiguous area.
 - (c) Individual existing healthy trees greater than eight (8) inches caliper, as measured from their outermost drip line.
 - (d) Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
 - (e) Prime agricultural lands of at least five (5) acres contiguous area.
 - (f) Existing trails that connect the tract to neighboring areas.
 - (4) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Conservation Space but cannot be counted towards the minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Conservation Space.
 - (5) At least twenty-five (25) percent of the Conservation Space shall consist of land that is suitable for building.
 - (6) At least seventy-five (75) percent of the Conservation Space shall be in a contiguous tract. The Conservation Space shall adjoin any neighboring areas of Conservation Space, other protected

areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Conservation Space.

- (7) The Conservation Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Conservation Space.

(C) *Permitted Uses of Conservation Space.* Uses of Conservation Space may include the following:

- (1) Conservation of natural, archeological or historical resources;
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (3) Walking or bicycle trails, provided they are constructed of porous paving materials;
- (4) Passive recreation areas, such as open fields;
- (5) Active recreation areas, provided that they are limited to no more than ten (10) percent of the total Conservation Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Conservation Space.
- (6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- (7) Easements for drainage, access, and underground utility lines;
- (8) Other conservation-oriented uses compatible with the purposes of this ordinance.

(D) *Prohibited uses of Conservation Space.*

- (1) Golf courses;
- (2) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- (3) Agricultural and forestry activities not conducted according to accepted Best Management Practices;
- (4) Stormwater facilities;
- (5) Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

5-6.8. *Ownership and Management of Conservation Space.*

(A) *Ownership of Conservation Space.* Conservation space shall be owned in fee-simple by a mandatory property owner's association; or other entity approved in advance by the Planning Commission during their normal course of business. The developer shall record the deed to the conservation space prior to, or concurrent with, the recording of the first final subdivision plat. An access easement following the alignment of future public streets is acceptable. However, "pocket parks" or "neighborhood greens" may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.

(B) *Management Plan.* Applicant shall submit a Plan for Management of Conservation Space and Common Facilities ("Plan") that:

- (1) Allocates responsibility and guidelines for the maintenance and operation of the Conservation Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
- (2) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Conservation Space and outlines the means by which such funding will be obtained or provided;

(3) Provides that any changes to the Plan be approved by the Planning Commission; and

(4) Provides for enforcement of the Plan.

(C) In the event the party responsible for maintenance of the Conservation Space fails to maintain all or any portion in reasonable order and condition, the City of Perry may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

5-6.9. Legal Instrument for Permanent Protection.

(A) The Conservation Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

(1) A permanent conservation easement in favor of either:

(a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

(b) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City of Perry, then a third right of enforcement favoring City of Perry shall be included in the easement.

(2) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

(3) An equivalent legal tool that provides permanent protection, if approved by City of Perry.

(B) The instrument for permanent protection shall include clear restrictions on the use of the Conservation Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the Conservation Space.

STANDARDS FOR GRANTING A TEXT AMENDMENT:

1. *Whether, and the extent to which, the proposed amendment is consistent with the Comprehensive Plan;*

The 2017 Joint Comprehensive Plan calls for a diversity of housing options. The Conservation Subdivision option provides the ability to develop smaller residential lots in exchange for preserving open space. The development pattern will still be allowed with additional evaluation through the Planned Unit Development zoning option.

2. *Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations:*

The proposed amendment is consistent with the LMO and other city regulations.

3. *Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted;*

The City of Perry continues to see on-street parking issues in conservation subdivisions.

4. *Whether, and the extent to which, the proposed amendment addresses a demonstrated community need;*

Additional review through the planned unit development zoning option will allow staff and the reviewing bodies to ensure that developments with smaller lots are appropriate for the proposed location and address other inherent issues related to such developments.

5. *Whether, and the extent to which, the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city;*

The added review through the planned unit development zoning option will better promote the purpose and intent of the ordinance, provide better compatibility amount uses, and will better promote efficient and responsible development within the City.

6. *Whether, and the extent to which, the proposed amendment will result in logical and orderly development pattern;*

The added review through the planned unit development zoning option will result in a logical and more orderly development pattern.

7. *Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.*

The proposed amendment has no impact on the natural environment and its ecology.

8. *Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).*

The proposed amendment has no impact on public facilities or services.

STAFF RECOMMENDATION: Staff recommends approval of the proposed text amendment.

PLANNING COMMISSION RECOMMENDATION: Following an information hearing held on July 12, 2021, the Planning Commission recommends approval of the text amendment, as submitted.



Eric Z. Edwards, Chairman, Planning Commission

7/14/21

Date

Delete Section 2-3.11.3 in its entirety:

2-3.11.3. Conservation subdivisions.

- (A) *Procedures.* The procedures and submission requirements for approval of a conservation subdivision shall be the same as those for a standard subdivision as specified in this section 2-3.11, except as specified below.
- (1) Prior to submission of an application for preliminary plat approval, the applicant shall request written consent to prepare a subdivision plat using the Conservation Subdivision Option from the Commission at a regular or special meeting. Such request must be submitted to the administrator at least ten (10) days prior to a regularly scheduled Commission meeting. The Commission shall act on the request on or before the second regularly scheduled meeting following the date of submission, unless the request includes a conceptual plan review as specified in Section 5-7. When conceptual plan review is requested or required, the Commission shall act on the letter of consent request within forty-five (45) days of the meeting at which the Commission receives the request.
 - (2) The Commission's letter of consent shall, at a minimum, reiterate the objectives of the conservation subdivision development option and refer the applicant to the specific standards for conservation subdivision development. A letter of consent shall not constitute nor imply Commission approval of the development plan.
- (B) *Application Requirements.* Concurrent with the submission of a site concept plan, Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Conservation Space will meet the requirements of this article. The preliminary site plan shall include the following features:
- (1) Property boundaries;
 - (2) All streams, rivers, lakes, wetlands and other hydrologic features;
 - (3) Topographic contours of no less than ten-foot intervals;
 - (4) All Primary and Secondary Conservation Areas labeled by type, as described in section 5-7;
 - (5) General vegetation characteristics;
 - (6) General soil types;
 - (7) The planned location of protected Conservation Space;
 - (8) Existing roads and structures;
 - (9) Potential connections with existing greenspace and trails.

Delete Section 5-6 in its entirety:

5-6.1. *Purpose.* The purpose of the conservation subdivision is to:

- (A) Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat;

- (B) Preserve important historic and archaeological sites;
- (C) Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
- (D) Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
- (E) Promote interconnected greenways and corridors throughout the community;
- (F) Promote contiguous greenspace with adjacent jurisdictions;
- (G) Encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood;
- (H) Promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
- (I) Conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of conservation space; and
- (J) Protect prime agricultural land and preserve farming as an economic activity.

To achieve these objectives, an applicant for a permit to construct a residential development within the R-1, R-2, R-2A, R-3 and R-MH residential zones may elect, with the written consent of the Commission, to submit a subdivision plan utilizing the conservation subdivision option, subject to the provisions set forth in this section. The Commission may permit, upon determination that the proposed development complies with all requirements of this Section, variations in lot area, setbacks, and other dimensional requirements, and a variety of residential building types as necessary to ensure that the conservation subdivision design will achieve the objectives identified above.

5-6.2. *Applicability of Regulations.* This Conservation Subdivision option is available with Planning Commission approval in all residential zoning districts, including R-1, R-2, R-2A, R-3 and R-MH residential districts. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.

5-6.3. *Ownership of Development Site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

5-6.4. *Housing Density Determination.* The maximum net density of a Conservation Subdivision shall not exceed the following:

Zoning District	Open Space Provided		
	30 percent	40 percent	50 percent
R-1	1.7 dwellings per acre	2.0 dwellings per acre	2.4 dwellings per acre
R-2 and R-2A	2.1 dwellings per acre	2.5 dwellings per acre	2.9 dwellings per acre
R-3 and RMH	2.6 dwellings per acre	3.0 dwellings per acre	3.4 dwellings per acre

- 5-6.5. *Minimum Lot Size Adjacent to Existing Single-Family Residential.* The minimum lot size for residential properties (R-1, R-2, and R-3) abutting platted residentially zoned lots shall be at least eighty-five (85) percent the size of the established lot. However, the minimum lot size shall not be more than two (2) times the minimum size required in Table 5-1-1. These standards shall not apply to new or existing multifamily properties.
- 5-6.6. *Development Requirements.* Conservation subdivisions shall meet the following requirements:
- (A) Minimum subdivision size shall be ten (10) acres.
 - (B) Minimum lot width shall be sixty (60) feet as measured at the front building line.
 - (C) There is no minimum lot area requirement.
 - (D) The maximum allowable lot coverage shall be fifty (50) percent.
 - (E) The minimum right-of-way width for minor residential streets shall be fifty (50) feet.
 - (F) The minimum setbacks are established in Table 5-6-2:

Zoning District	Front	Interior Side	Exterior Side	Rear
R-1	25	8	20	20
R-2 and R-2A	25	5	20	20
R-3 and RMH	25	5	20	20

- (G) *Conservation Space Management Plan Required.* A conservation space management plan, as described in Section 5-6.9, shall be prepared and submitted prior to the issuance of a land disturbance permit.
 - (H) *Instrument of Permanent Protection Required.* An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 5-6.9, shall be placed on the Conservation Space concurrent with the issuance of a land disturbance permit.
 - (I) *Other Requirements.* The Applicant shall adhere to all other applicable requirements of the underlying zoning and Article XII of this Ordinance.
- 5-6.7. *Conservation Space.*
- (A) *Definition.* Conservation Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Conservation Space are restricted in perpetuity through the use of an approved legal instrument.
 - (B) *Standards to Determine Conservation Space.*
 - (1) The minimum restricted Conservation Space shall be determined by the zoning district and density as established in the administrative manual.
 - (2) The following are considered Primary Conservation Areas and are required to be included within the Conservation Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - (a) The 100-year floodplain.

- (b) Riparian zones of at least 75-foot width along all perennial and intermittent streams.
 - (c) Slopes above twenty-five (25) percent of at least five thousand (5,000) square feet contiguous area.
 - (d) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.
 - (e) Populations of endangered or threatened species, or habitat for such species.
 - (f) Archaeological sites, cemeteries and burial grounds.
- (3) The following are considered Secondary Conservation Areas and should be included within the Conservation Space to the maximum extent feasible.
- (a) Important historic sites.
 - (b) Existing healthy, native forests of at least one (1) acre contiguous area.
 - (c) Individual existing healthy trees greater than eight (8) inches caliper, as measured from their outermost drip line.
 - (d) Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
 - (e) Prime agricultural lands of at least five (5) acres contiguous area.
 - (f) Existing trails that connect the tract to neighboring areas.
- (4) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Conservation Space but cannot be counted towards the minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Conservation Space.
- (5) At least twenty-five (25) percent of the Conservation Space shall consist of land that is suitable for building.
- (6) At least seventy-five (75) percent of the Conservation Space shall be in a contiguous tract. The Conservation Space shall adjoin any neighboring areas of Conservation Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Conservation Space.
- (7) The Conservation Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the Conservation Space.
- (C) *Permitted Uses of Conservation Space.* Uses of Conservation Space may include the following:
- (1) Conservation of natural, archeological or historical resources;
 - (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - (3) Walking or bicycle trails, provided they are constructed of porous paving materials;
 - (4) Passive recreation areas, such as open fields;

- (5) Active recreation areas, provided that they are limited to no more than ten (10) percent of the total Conservation Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Conservation Space.
- (6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- (7) Easements for drainage, access, and underground utility lines;
- (8) Other conservation-oriented uses compatible with the purposes of this ordinance.

(D) Prohibited uses of Conservation Space.

- (1) Golf courses;
- (2) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- (3) Agricultural and forestry activities not conducted according to accepted Best Management Practices;
- (4) Stormwater facilities;
- (5) Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

5-6.8. Ownership and Management of Conservation Space.

- (A) Ownership of Conservation Space. Conservation space shall be owned in fee-simple by a mandatory property owner's association; or other entity approved in advance by the Planning Commission during their normal course of business. The developer shall record the deed to the conservation space prior to, or concurrent with, the recording of the first final subdivision plat. An access easement following the alignment of future public streets is acceptable. However, "pocket parks" or "neighborhood greens" may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.
- (B) Management Plan. Applicant shall submit a Plan for Management of Conservation Space and Common Facilities ("Plan") that:
 - (1) Allocates responsibility and guidelines for the maintenance and operation of the Conservation Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - (2) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Conservation Space and outlines the means by which such funding will be obtained or provided;
 - (3) Provides that any changes to the Plan be approved by the Planning Commission; and
 - (4) Provides for enforcement of the Plan.
- (C) In the event the party responsible for maintenance of the Conservation Space fails to maintain all or any portion in reasonable order and condition, the City of Perry may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual

property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

5-6.9. *Legal Instrument for Permanent Protection.*

- (A) The Conservation Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:**
 - (1) A permanent conservation easement in favor of either:**
 - (a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or**
 - (b) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City of Perry, then a third right of enforcement favoring City of Perry shall be included in the easement.**
 - (2) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.**
 - (3) An equivalent legal tool that provides permanent protection, if approved by City of Perry.**
- (B) The instrument for permanent protection shall include clear restrictions on the use of the Conservation Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the Conservation Space.**



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Application # TEXT-176-2021

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

Applicant	
*Name	Bryan Wood for the City of Perry
*Title	Director of Community Development
*Address	1211 Washington Street, Perry, GA 31069
*Phone	478-988-2714
*Email	bryan.wood@perry-ga.gov


Request

*Please provide a summary of the proposed text amendment:

Modify Land Management Ordinance Sections 2-3.11.3 and 5-6 by removing procedures and standards for Conservation Subdivisions. Conservation subdivisions will be allowed using the Planned Unit Development zoning option.

Instructions

1. The application, fee (made payable to the City of Perry), and proposed text of the amendment must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. Fees: Actual cost of required public notice.
3. The applicant must state the reason for the proposed text amendment. See Sections 2-2 and 2-3.2 of the Land Management Ordinance for more information.
4. 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.
5. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
6. The applicant must be present at the hearings to present the application and answer questions that may arise.
7. 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
If yes, please complete and submit the attached Disclosure Form.
8. The applicant affirms 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.
9. Signatures:

*Applicant	 Bryan Wood, Director of Community Development, for the City of Perry	*Date	6/14/2021
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Standards for Amendments to the Text of the Land Management Ordinance

In reviewing an application for an amendment to the text of the ordinance and acting on said application, the planning commission and city council may consider the following standards:

- (1) Whether, and the extent to which, the proposed amendment is consistent with the Comprehensive Plan.

The 2017 Joint Comprehensive Plan calls for a diversity in housing options. The Conservation subdivision option provides the ability to develop smaller residential lots in exchange for preserving open space. The development pattern will still be allowed with additional evaluation through the Planned Unit Development zoning option.

- (2) Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations.

The proposed amendment is consistent with the LMO and other city regulations.

- (3) Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted.

The City continues to see on-street parking issues in conservation subdivisions.

- (4) Whether, and the extent to which, the proposed amendment addresses a demonstrated community need.

Additional review through the planned unit development zoning option will allow staff and the reviewing bodies to ensure that developments with smaller lots are appropriate for the proposed location and address other inherent issues related to such developments.

- (5) Whether, and the extent to which, the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The added review through the planned unit development zoning option will better promote the purpose and intent of the ordinance, provide better compatibility amount uses, and will better promote efficient and responsible development in the city.

- (6) Whether, and the extent to which, the proposed amendment will result in logical and orderly development pattern.

The added review through the planned unit development zoning option will result in a logical and more orderly development pattern.

- (7) Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The proposed amendment has no impact on the natural environment and its ecology.

- (8) Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The proposed amendment has no impact on public facilities or services.

RESOLUTION OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, IMPOSING A MORATORIUM OF NINETY (90) DAYS (UNLESS SOONER TERMINATED) UPON THE APPLICATION FOR AND PERMITTING OF CONSERVATION SUBDIVISIONS IN THE CITY OF PERRY IN ORDER TO ALLOW FOR THE CONSIDERATION, REVIEW AND ADOPTION OF REVISIONS TO SAID SUBDIVISION OPTION

WHEREAS, the City of Perry is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City Council has provided a conservation subdivision option for residential development within the City; and

WHEREAS, the purposes of the conservation subdivision option are to preserve in perpetuity unique or sensitive natural resources, to preserve important historic and archaeological sites, to permit clustering of houses and structures to reduce the amount of infrastructure, including paving, necessary for residential development, to reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development, to promote interconnected greenways and corridors, to promote contiguous greenspace, to encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks, to promote construction of convenient landscaped walking trails and bike paths, to conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of conservation space, and to protect prime agricultural land and preserve farming as an economic activity; and

WHEREAS, the City has concerns of the conservation space and greenspace not being provided in a manner consistent with purposes identified above, but rather conservation subdivisions being utilized only for the reduced lot size requirements and potential for increased density; and

WHEREAS, the City Council has concerns of permitting conservation subdivisions within the City; and

WHEREAS, the City wishes to study and review the use of conservation subdivisions to ensure the continued use and best placement for the health, safety and welfare of the public; and

WHEREAS, a reasonable amount of time is necessary in order to accomplish the aforesaid actions; and

WHEREAS, the Mayor and City Council find that a ninety (90) day period of time to conduct review of said use and districts and adoption of the necessary revisions is a reasonable period of time.

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, by the Council of the City of Perry that a moratorium is imposed on the issuance of any permits for conservation subdivisions. In the event an ordinance is adopted prior to September 13, 2021, that addresses the concerns of this moratorium, then the moratorium shall be repealed by adoption of such ordinance; otherwise the moratorium shall stand repealed effective September 13, 2021, unless extended by City Council.

IT IS FURTHER RESOLVED, that any application for permitting a conservation subdivision that was filed prior to the date hereof and is currently pending with the Department of Community Development is exempt from this moratorium.

So RESOLVED this 15th day of June, 2021.

CITY OF PERRY, GEORGIA

By: 
RANDALL WALKER, MAYOR

Attest: 
ANNIE WARREN, CITY CLERK





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STAFF REPORT

From the Department of Community Development

July 2, 2021

CASE NUMBER: TEXT-177-2021
APPLICANT: The City of Perry
REQUEST: Modifications to Land Management Ordinance Sections 1-13, 4-1.2, and 4-2.4(h) to address short-term rentals. The amendment modifies the definition of "bed and breakfast inn" and adds a definition of "short-term rental." Short-term rental is added to the table of uses as a special exception use in the residential districts and a permitted use in commercial districts. Short-term rental is added as a specific use in the visitor accommodations use classification.

STAFF ANALYSIS: The proposed text amendment modifies Section 1-13, Definitions, Section 4-1.2, Table of Uses, and Section 4-2.4(h), Visitor Accommodations.

The proposed amendment is intended to codify City Council's recent directive regarding the regulation of short-term rentals. Such uses will require a special exception in residentially-zoned districts and the residential-agricultural district.

Sec. 1-13. Definitions.

Bed and breakfast inn means an owner-occupied dwelling having ten or fewer guest rooms where overnight accommodations and a morning meal are provided to transients for compensation. Meals may or may not be provided. The short-term rental of individual rooms in an owner-occupied dwelling is classified as a bed and breakfast inn. This use type is regulated under the "visitor accommodations" use category in article 4, use regulations.

Short-term residential rental means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. This use type is regulated under the "visitor accommodations" use category in article 4, use regulations.

Sec. 4-1. Table of uses.

4-1.2. Table of uses.

Use Category	Use Type	Zoning Districts																	Additional Regulations			
		Residential						Nonresidential								Form Based Code ²						
		R-Ag	R1	R2A	R2	R3	RMH	OC	IN	C1	C2	C3	LC	M1	M2	GU	IMU	MUC		NMU	FBR	
Visitor Accommodations	Bed and breakfast Inn	S	S	S	S	S	S	C	C			C					S	S	S	S	Sec. 4-3.3(B)	
	Campground									S												
	Hotel or motel									P	P	P					P	P	S			
	Recreational vehicle park									S												Sec. 4-3.3(D)
	Short-Term Residential Rental	S	S	S	S	S	S	P	P	P	P	P					P	P	P	S		

Sec. 4-2. - Use classifications.

4-2.4. Commercial use categories.

(H) Visitor accommodations.

- (1) *Characteristics.* This category includes dwelling units arranged for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, meeting facilities, and offices.
- (2) *Examples.* Examples include bed and breakfast inns, hotels, motels, and short-term rentals.

STANDARDS FOR GRANTING A TEXT AMENDMENT:

- 1. *Whether, and the extent to which, the proposed amendment is consistent with the Comprehensive Plan;*

The proposed amendment is consistent with the 2017 Joint Comprehensive Plan, in that short-term rental properties remain residential in character.

- 2. *Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations:*

The proposed amendment is consistent with the LMO and other city regulations.

- 3. *Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted;*

The short-term rental of residential properties is increasing. The special exception process will provide an opportunity for the city to determine if the specific proposed use and location are appropriate and will establish a record of short-term rental.

4. *Whether, and the extent to which, the proposed amendment addresses a demonstrated community need;*

With the increasing popularity of short-term rentals as an alternative to hotels, the proposed amendment allows the city to address any potential issues with individual short-term rental properties.

5. *Whether, and the extent to which, the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city;*

The amendment is consistent with the purpose and intent of the LMO and will promote compatibility among residential uses.

6. *Whether, and the extent to which, the proposed amendment will result in logical and orderly development pattern;*

Residential short-term rentals occur in existing developments and will have no impact on the logical and orderly development pattern.

7. *Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.*

The proposed amendment has no impact on the natural environment and its ecology.

8. *Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).*

The proposed amendment has no impact on public facilities or services.

STAFF RECOMMENDATION: Staff recommends approval of the proposed text amendment.

PLANNING COMMISSION RECOMMENDATION: Following an information hearing held on July 12, 2021, the Planning Commission recommends approval of the text amendment, as submitted.


Eric Z. Edwards, Chairman, Planning Commission


Date

Replace existing definition of "Bed and breakfast inns" in Section 1-13 and add the definition of "short-term residential rental" as listed below.

Sec. 1-13. Definitions.

Bed and breakfast inn means an owner-occupied dwelling having ten or fewer guest rooms where overnight accommodations are provided to transients for compensation. Meals may or may not be provided. The short-term rental of individual rooms in an owner-occupied dwelling is classified as a bed and breakfast inn. This use type is regulated under the "visitor accommodations" use category in article 4, use regulations.

Short-term residential rental means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. This use type is regulated under the "visitor accommodations" use category in article 4, use regulations.

Replace the "Visitor Accommodations" portion of the Table of Uses in Section 4-1.2 as stated below.

Sec. 4-1. Table of Uses.

4-1.2. Table of uses.

Use Category	Use Type	Zoning Districts																Additional Regulations				
		Residential						Nonresidential						Form Based Code ²								
		R-Ag	R1	R2A	R2	R3	RMH	OC	IZ	U	Q	Q3	LC	M1	M2	GU	IMU		MUC	NMU	FBR	
Visitor Accommodations	Bed and breakfast inn	S	S	S	S	S	S	C	C								S	S	S	S	Sec. 4-3.3(B)	
	Campground									S												
	Hotel or motel									P	P	P	P				P	P	S			
	Recreational vehicle park									S												Sec. 4-3.3(D)
	Short-Term Residential Rental	S	S	S	S	S	S	P	P	P	P	P	P				P	P	P	S		

Replace subsection 4-2.4(H) with the language listed below.

Sec. 4-2. - Use classifications.

4-2.4. Commercial use categories.

(H) Visitor accommodations.

- (1) *Characteristics.* This category includes dwelling units arranged for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, meeting facilities, and offices.
- (2) *Examples.* Examples include bed and breakfast inns, hotels, and motels, and short-term residential rentals.



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Application # TEXT-177-2021

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

Applicant	
*Name	Bryan Wood for the City of Perry
*Title	Director of Community Development
*Address	1211 Washington Street, Perry, GA 31069
*Phone	478-988-2714
*Email	bryan.wood@perry-ga.gov


Request

*Please provide a summary of the proposed text amendment.

Modify Land Management Ordinance Sections 1-13, 4-1.2 and 4-2.4(h) to address short-term rentals. The amendment modifies the definition of "bed and breakfast inn" and adds a definition of "short-term rental." Short-term rental is added to the table of uses as a special exception use in the residential districts and a permitted use in commercial district. Short-term rental is added as a specific use in the visitor accommodations use classification.

Instructions

1. The application, fee (made payable to the City of Perry), and proposed text of the amendment must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. Fees: Actual cost of required public notice.
3. The applicant must state the reason for the proposed text amendment. See Sections 2-2 and 2-3.2 of the Land Management Ordinance for more information.
4. 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.
5. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
6. The applicant must be present at the hearings to present the application and answer questions that may arise.
7. 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
If yes, please complete and submit the attached Disclosure Form.
8. The applicant affirms 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.
9. Signatures:

*Applicant 	Bryan Wood, Director of Community Development, for the City of Perry	*Date 6/14/2021
--	--	--------------------

Standards for Amendments to the Text of the Land Management Ordinance

In reviewing an application for an amendment to the text of the ordinance and acting on said application, the planning commission and city council may consider the following standards:

- (1) Whether, and the extent to which, the proposed amendment is consistent with the Comprehensive Plan.

The proposed amendment is consistent with the 2017 Joint Comprehensive Plan, in that short-term rental properties remain residential in character.

- (2) Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations.

The proposed amendment is consistent with the LMO and other city regulations.

- (3) Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted.

The short-term rental of residential properties is increasing. The special exception process will provide an opportunity for the city to determine if the specific proposed use and location are appropriate and will establish a record of short-term rental.

- (4) Whether, and the extent to which, the proposed amendment addresses a demonstrated community need.

With the popularity of short-term rentals as an alternative to hotels, the proposed amendment allows the city to address any potential issues with individual short-term rental properties.

- (5) Whether, and the extent to which, the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The amendment is consistent with the purpose and intent of the LMO and will promote compatibility among residential uses.

- (6) Whether, and the extent to which, the proposed amendment will result in logical and orderly development pattern.

Residential short-term rentals occur in existing developments and will have no impact on the logical and orderly development pattern.

- (7) Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The proposed amendment has no impact on the natural environment and its ecology.

- (8) Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The proposed amendment has no impact on public facilities or services.



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STAFF REPORT

From the Department of Community Development
July 2, 2021

CASE NUMBER: TEXT-178-2021
APPLICANT: The City of Perry
REQUEST: Modifications to Land Management Ordinance Sections 1-13, 4-3.3(F), 6-1.3, and 6-1.6 to clarify the definitions of "parking lot" and "vehicular use area" and to clarify the acceptable use of gravel as a paving material based on policies approved by the Planning Commission on April 12, 2021.

STAFF ANALYSIS: The proposed text amendment modifies Section 1-13, Definitions, Section 4-3.3(F), Vehicle sales and services, Section 6-1.3, Off-street parking requirements, and Section 6-1.6, Parking design and location standards.

The proposed amendment will make the language in the Land Management Ordinance consistent with the policies adopted by the Planning Commission on April 12, 2021 (see attached).

Sec. 1-13. Definitions.

~~*Parking lot means any area, paved or unpaved, used for egress or ingress or to store or park vehicles. The areas designated for the display of new and used vehicles for sale are not included in this definition. This use type is regulated under the "parking, commercial" use category in article 4, use regulations.*~~

Parking lot means any area not within a structure used to maneuver and park vehicles. Areas used for the display or storage of farm and lawn equipment, golf carts, ATVs, utility trailers, and similar equipment for sale or rent are not considered parking lots. A parking lot may be an accessory use or a principal use. As a principal use, this use type is regulated under the "parking, commercial" use category in article 4, use regulations.

Vehicular use area means any area of a property which is not located within an enclosed structure and which is devoted to a use by and for motor vehicles, including parking (accessory or non-accessory) or storage of automobiles, trucks or other vehicles; service areas and drives driveways. Areas designated solely for the display of new and used vehicles for sale or lease, and any paved area designed to be used solely for access between a street and a vehicular use area is not considered part of the vehicular use area.

Sec. 4-3. Standards for specific uses.

4-3.3. Commercial uses.

(F) *Vehicle sales and services.* All such uses shall comply with the following standards:

- (1) Vehicles, parts, or equipment shall not be stored, parked or displayed in any landscape area (except as provided in section 4-3.3(F)(3)(b)), the right-of-way, or in a location which obstructs visibility in sight triangles for streets and driveways.

- (2) All automobiles vehicles not displayed for sale or lease, automobile parts, discarded parts, and similar materials shall be stored within an enclosed building or within an outdoor storage area which complies with screening requirements in subsection 19-6.2.5, additional screening requirements.
- (3) Automobile sales and rental, Automobile sales and rental, boat/recreational sales and rental. Automobile sales and rental uses and boat/recreational sales and rental uses shall be subject to the following standards:
- (a) *Minimum site size*. Automobile sales or rental uses and boat/recreational sales and rental uses shall be located on a site at least one acre in area dedicated solely to such use.
- (b) *Vehicle display/storage areas*. Vehicle display/storage areas shall be subject to the following standards:
1. A vehicle display/storage area shall not be located within a required setback, required landscaping area, or required parking space.
 2. Vehicle display devices shall not be elevated more than two feet above grade.
 3. Areas used for display or storage of vehicles shall be surfaced with concrete, asphalt concrete, or approved pervious paving surfaces ~~listed in the administrative manual approved by the administrator, except that up to ten (10) vehicles may be displayed on turf located on the premises of an authorized automobile sales use.~~ Gravel is not an acceptable paving surface for display or storage of vehicles. All surfaces shall be maintained in sound condition free of pot holes, weeds and other vegetation, dust, trash, and debris.
 4. ~~Areas used for display or storage of vehicles which are paved with pervious paving surfaces shall provide a street buffer yard in accordance with section 6-3.6, street buffer yards.~~
 5. Display vehicles shall be arranged in an orderly fashion and provide reasonable room for pedestrian and vehicular maneuvering.
 6. No vehicles shall be displayed on top of a building.
 7. Junked or salvage vehicles are prohibited. All motor vehicles for sale shall be maintained in running condition.
- (c) *Service areas*. Automobile Vehicle service areas shall take place entirely within an enclosed building. Service bay or garage doors that face a public right-of-way shall be recessed at least 15 feet beyond the main facade of the building. Service bay and garage doors shall not face residential districts.
- (d) *Outdoor storage*. Outdoor storage of materials, supplies, and equipment may be allowed only within an area screened in accordance with section 6-3-7, additional screening requirements. Outdoor storage lots may contain a gravel surface, provided it is maintained free of potholes, weeds, and other vegetation, dust, trash, and debris.

Sec. 6-1. Off-street parking and loading.

6-1.3. Off-street parking requirements.

- (A) *Schedule A*. Unless otherwise expressly stated in this chapter, off-street parking spaces shall be provided in accordance with Table 6-1-1.

Use Category	Use Type	Minimum Spaces Required	Maximum Spaces Allowed
		Square footage refers to total gross floor area, excluding accessory warehouse and storage areas unless otherwise indicated	
Vehicle sales and service	Automobile rental and sales	See Schedule B-1 per 300 square feet	See Schedule B
	Automobile repair	1 per 300 square feet	See Schedule B
	Automobile servicing	1 per 300 square feet	See Schedule B
	Automobile wash and detailing	1 per 500 square feet of sales, office, and lounge area, plus vehicle stacking spaces (See § 6-1.7)	See Schedule B
	Recreational vehicle rental and sales	See Schedule B-1 per 300 square feet	See Schedule B
	Towing service	See Schedule B-1 per 300 square feet	See Schedule B
	Truck or trailer rental	See Schedule B-1 per 300 square feet	See Schedule B

6-1.6. *Parking design and location standards.* In addition to the design standards listed in section 6-6, the following shall apply to all parking lots:

- (A) *Surfacing and maintenance.* All required parking and vehicular driving surfaces shall be graded for drainage in accordance with article 7, stormwater management. All parking and vehicular driving surfaces required pursuant to minimum spaces required in Table 6-1-1, with the exception of parking and driveways for one-family detached and two-family dwellings, shall be surfaced with concrete or asphalt concrete pavement except as required or allowed in subsections 6-1.6(B), (C), (D) and (E) of this section. Alternative materials may be approved by the administrator. Alternative materials shall only be considered if such material exhibits equivalent load bearing and wear characteristics as concrete or asphalt concrete. Gravel is not an acceptable alternative paving material except for overflow parking and vehicular use areas located in an M-1 or M-2 zoning district. All surfaces shall be maintained in sound condition free of pot holes, weeds, dust, trash, and debris.
- (B) *Low impact development (LID) techniques required.* All parking areas, for uses other than single-family detached and two-family dwellings, which exceed the number of parking spaces required by the minimum spaces required column and equal to or less than the maximum spaces allowed column as listed in Table 6-1-1 shall ~~shall~~ should incorporate low impact development (LID) techniques for the area in which there are excess spaces. Each LID technique shall be approved by the administrator. Examples include but are not limited to bioretention areas and vegetative filter strips. The LID technique shall be sized to treat the first 0.5 inches of runoff from the excess spaces and will be in addition to the stormwater requirements set forth in article 7, stormwater management.
- (D) *Overflow parking.* All parking areas above the maximum number of spaces required in Table 6-1-1 are considered as overflow parking and shall be turf or an approved pervious paving system. Turf may be used for parking areas and vehicular driving surfaces only for parking areas which are designed to be used no more than ten times per year ~~or for storage lots which generate less than 30 average daily trips.~~

STANDARDS FOR GRANTING A TEXT AMENDMENT:

1. *Whether, and the extent to which, the proposed amendment is consistent with the Comprehensive Plan;*

The proposed amendment is consistent with the 2017 Joint Comprehensive Plan.

2. *Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations:*

The proposed amendment is consistent with the provisions of the LMO and other city regulations.

3. *Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted;*

Since the adoption of provisions allowing the use of gravel paving surfaces, the Planning Commission adopted policies regulating the use of gravel.

4. *Whether, and the extent to which, the proposed amendment addresses a demonstrated community need;*

The proposed amendment will improve the appearance of the community.

5. *Whether, and the extent to which, the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city;*

The amendment is consistent with the purpose and intent of the LMO and will promote compatibility among uses and will promote efficient and responsible development.

6. *Whether, and the extent to which, the proposed amendment will result in logical and orderly development pattern;*

The proposed amendment has no impact on development patterns.

7. *Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.*

For stormwater calculation purposes, gravel surfaces are 85% impervious. The proposed amendment will have a limited impact on the natural environment and its ecology.

8. *Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).*

The proposed amendment has no impact on public facilities or services.

STAFF RECOMMENDATION: Staff recommends approval of the proposed text amendment.

PLANNING COMMISSION RECOMMENDATION: Following an information hearing held on July 12, 2021, the Planning Commission recommends approval of the text amendment, as submitted.



Eric Z. Edwards, Chairman, Planning Commission

7/14/21

Date

Replace the definitions of "Parking lot" and "Vehicular use area" in Section 1-13 as stated below:

Sec. 1-13. Definitions.

Parking lot means any area not within a structure used to maneuver and park vehicles. Areas used for the display or storage of farm and lawn equipment, golf carts, ATVs, utility trailers, and similar equipment for sale or rent are not considered parking lots. A parking lot may be an accessory use or a principal use. As a principal use, this use type is regulated under the "parking, commercial" use category in article 4, use regulations.

Vehicular use area means any area which is not located within an enclosed structure, and which is devoted to a use by and for motor vehicles, including parking (accessory or non-accessory) or storage of automobiles, trucks or other vehicles; service areas and driveways. Areas designated solely for the display of new and used vehicles for sale or lease, and any area designed to be used solely for access between a street and a vehicular use area is not considered part of the vehicular use area.

Replace subsection 4-3.3(F) with language listed below:

Sec. 4-3. Standards for specific uses.

4-3.3. Commercial uses.

(F) *Vehicle sales and services.* All such uses shall comply with the following standards:

- (1) Vehicles, parts, or equipment shall not be stored, parked, or displayed in any landscape area (except as provided in section 4-3.3(F)(3)(b), the right-of-way, or in a location which obstructs visibility in sight triangles for streets and driveways.
- (2) All vehicles not displayed for sale or lease, automobile parts, discarded parts, and similar materials shall be stored within an enclosed building or within an outdoor storage area which complies with screening requirements in subsection 19-6.2.5, additional screening requirements.
- (3) Automobile sales and rental, boat/recreational sales and rental. Automobile sales and rental uses, and boat/recreational sales and rental uses shall be subject to the following standards:
 - (a) *Minimum site size.* Automobile sales or rental uses, and boat/recreational sales and rental uses shall be located on a site at least one acre in area dedicated solely to such use.
 - (b) *Vehicle display/storage areas.* Vehicle display/storage areas shall be subject to the following standards:
 1. A vehicle display/storage area shall not be located within a required setback, required landscaping area, or required parking space.
 2. Vehicle display devices shall not be elevated more than two feet above grade.
 3. Areas used for display or storage of vehicles shall be surfaced with concrete, asphalt concrete, or approved pervious paving surfaces approved by the administrator, except that up to ten (10) vehicles may be displayed on turf located on the premises of an authorized automobile sales use. Gravel is not an acceptable paving surface for display or storage of vehicles. All surfaces shall be maintained in sound condition free of potholes, weeds and other vegetation, dust, trash, and debris.
 4. Display vehicles shall be arranged in an orderly fashion and provide reasonable room for pedestrian and vehicular maneuvering.
 5. No vehicles shall be displayed on top of a building.
 6. Junked or salvage vehicles are prohibited. All motor vehicles for sale shall be maintained in running condition.
 - (c) *Service areas.* Vehicle service areas shall take place entirely within an enclosed building. Service bay or garage doors that face a public right-of-way shall be recessed at least 15 feet beyond the main facade of the building. Service bay and garage doors shall not face residential districts.
 - (d) *Outdoor storage.* Outdoor storage of materials, supplies, and equipment may be allowed only within an area screened in accordance with section 6-3-7, additional screening requirements. Outdoor

storage lots may contain a gravel surface, provided it is maintained free of potholes, weeds and other vegetation, dust, trash, and debris.

Replace the "Vehicle sales and service" section of table 6-1-1 in Section 6-1.3 as follows:

Sec. 6-1. Off-street parking and loading.

6-1.3. *Off-street parking requirements.*

Schedule A. Unless otherwise expressly stated in this chapter, off-street parking spaces shall be provided in accordance with Table 6-1-1.

Use Category	Use Type	Minimum Spaces Required	Maximum Spaces Allowed
		Square footage refers to total gross floor area, excluding accessory warehouse and storage areas unless otherwise indicated	
COMMERCIAL USES (CONTINUED)			
Vehicle sales and service	Automobile rental and sales	1 per 300 square feet	See Schedule B
	Automobile repair	1 per 300 square feet	See Schedule B
	Automobile servicing	1 per 300 square feet	See Schedule B
	Automobile wash and detailing	1 per 500 square feet of sales, office, and lounge area, plus vehicle stacking spaces (See § 6-1.7)	See Schedule B
	Recreational vehicle rental and sales	1 per 300 square feet	See Schedule B
	Towing service	1 per 300 square feet	See Schedule B
	Truck or trailer rental	1 per 300 square feet	See Schedule B

Replace Subsections 6-1.6(A), (B) and (D) as follows:

6-1.6. *Parking design and location standards.* In addition to the design standards listed in section 6-6, the following shall apply to all parking lots:

- (A) *Surfacing and maintenance.* All required parking and vehicular driving surfaces shall be graded for drainage in accordance with article 7, stormwater management. All parking and vehicular driving surfaces required pursuant to minimum spaces required in Table 6-1-1, except for parking and driveways for one-family detached and two-family dwellings, shall be surfaced with concrete or asphalt concrete pavement except as required or allowed in subsections 6-1.6(B), (D) and (E) of this section. Alternative materials may be approved by the administrator. Alternative materials shall only be considered if such material exhibits equivalent load bearing and wear characteristics as concrete or asphalt concrete. Gravel is not an acceptable alternative paving material except for overflow parking and vehicular use areas located in an M-1 or M-2 zoning district. All surfaces shall be maintained in sound condition free of potholes, weeds, dust, trash, and debris.
- (B) *Low impact development (LID) techniques required.* All parking areas, for uses other than single-family detached and two-family dwellings, which exceed the number of parking spaces required by the minimum spaces required column and equal to or less than the maximum spaces allowed column as listed in Table 6-1-1 should incorporate low impact development (LID) techniques for the area in which there are excess spaces. Each LID technique shall be approved by the administrator. Examples include but are not limited to bioretention areas and vegetative filter strips. The LID technique shall be sized to treat the first 0.5 inches of runoff from the excess spaces and will be in addition to the stormwater requirements set forth in article 7, stormwater management.
- (D) *Overflow parking.* All parking areas above the maximum number of spaces required in Table 6-1-1 are considered as overflow parking and shall be turf or an approved pervious paving system. Turf may be used for parking areas and vehicular driving surfaces only for parking areas which are designed to be used no more than ten times per year.



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Memorandum

To: Planning Commission
From: Bryan Wood, Community Development Director
Date: April 1, 2021
Re: Recommendation on Non-conforming Parking and Use of Gravel Paving

Following up on the Commission's 3/8/21 discussion on this issue, and with input from the City Manager, Staff recommends adoption of the following policies:

Nonconforming Parking Lots

1. Businesses which have used grass and or gravel for parking prior to 2005 are determined to be legally-established non-conforming situations and are allowed to maintain the nonconforming situation, subject to the provisions of Article 9, Nonconforming Uses and Situations.
2. Businesses which began using grass or gravel for parking since 2005 and which have an explicit approval for such use are allowed to maintain the approved parking surface. A change in the use of the property will cause the City to re-evaluate the appropriateness of the grass or gravel parking area and may result in the parking area being required to be paved.
3. Automobile sales and automobile rental establishments are allowed to display up to 10 vehicles on a grass surface on the parcel on which the primary business is located, provided the grass is properly maintained. Otherwise, all vehicle use areas including vehicle display areas, shall be paved with asphalt, concrete, or an approved paver system.
4. Any lot established since 2005 without approval is subject to code enforcement action.

Standard for Use of Gravel for Parking Lots

1. Gravel shall not be allowed for parking lots in the Downtown Development Overlay District.
2. Gravel shall not be used to meet minimum parking requirements.
3. Gravel shall be allowed for overflow parking and other vehicle use areas in the M-1, Wholesale and Light Industrial District, and the M-2, General Industrial District.
4. Gravel shall be allowed in Outdoor Storage Lots.
5. Any gravel lot allowed must be designed so that the gravel is retained on the site.

Uses That Are Not Parking Lots

1. Areas used for the display or storage of farm and lawn equipment, golf carts, ATVs, utility trailers, and similar equipment for sale or rent are not subject to the provisions for parking lots. Grass or gravel surfaces must be properly maintained.
2. Areas used for the sale and display of portable buildings are classified as use type "Prefabricated building sales and display". Parking regulations only apply to the parking lots associated with such uses.

Needed Amendments to the Land Management Ordinance

Staff will prepare amendments to the Land Management Ordinance as may be needed to clarify or to correct any conflicts with these policies.

Approved by Planning Commission April 12, 2021



Where Georgia comes together.

Application # TEXT-178-2021

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

Applicant	
*Name	Bryan Wood for the City of Perry
*Title	Director of Community Development
*Address	1211 Washington Street, Perry, GA 31069
*Phone	478-988-2714
*Email	bryan.wood@perry-ga.gov


Request

*Please provide a summary of the proposed text amendment:

Modify Land Management Ordinance Sections 1-13, 4-3.3(F), 6-1.3 and 6-1.6 to clarify the definitions of "parking lot" and "vehicular use area" and to clarify the acceptable use of gravel as a paving material based on policies approved by the Planning Commission on April 12, 2021.

Instructions

- The application, fee (made payable to the City of Perry), and proposed text of the amendment must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
- Fees: Actual cost of required public notice.
- The applicant must state the reason for the proposed text amendment. See Sections 2-2 and 2-3.2 of the Land Management Ordinance for more information.
- 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.
- Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
- 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
If yes, please complete and submit the attached Disclosure Form.
- The applicant affirms 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.
- Signatures:

*Applicant 	Bryan Wood, Director of Community Development, for the City of Perry	*Date 6/14/2021
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Standards for Amendments to the Text of the Land Management Ordinance

In reviewing an application for an amendment to the text of the ordinance and acting on said application, the planning commission and city council may consider the following standards:

- (1) Whether, and the extent to which, the proposed amendment is consistent with the Comprehensive Plan.

The proposed amendment is consistent with the 2017 Joint Comprehensive Plan.

- (2) Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations.

The proposed amendment is consistent with the provisions of the LMO and other city regulations.

- (3) Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted.

Since the adoption of provisions allowing the use of gravel paving surfaces, the Planning Commission adopted policies regulating the use of gravel.

- (4) Whether, and the extent to which, the proposed amendment addresses a demonstrated community need.

The proposed amendment will improve the appearance of the community.

- (5) Whether, and the extent to which, the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The amendment is consistent with the purpose and intent of the LMO and will promote compatibility among uses and will promote efficient and responsible development.

- (6) Whether, and the extent to which, the proposed amendment will result in logical and orderly development pattern.

The proposed amendment has no impact on development patterns.

- (7) Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

For stormwater calculation purposes, gravel surfaces are 85% impervious. The proposed amendment will have a limited impact on the natural environment and its ecology.

- (8) Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The proposed amendment has no impact on public facilities or services.

Planning Commission
Minutes - July 12, 2021

1. Call to Order: Chairman Edwards called the meeting to order at 6:00pm.
2. Roll Call: Chairman Edwards; Commissioners Clarington, Coody, Butler, Jefferson and Mehserle were present. Commissioner Kemp was absent.

Staff: Bryan Wood – Community Development Director, Holly Wharton – Community Planner, and Christine Sewell – Recording Clerk.

Guests: Chad and Courtney Bryant, Preston Dillinger, Ryan Enk and Breanna Sheffield – Houston Home Journal.

3. Invocation: was given by Commissioner Clarington
4. Approval of Minutes from meeting on June 14, 2021: Commissioner Clarington motioned to approve as submitted; Commissioner Butler seconded; all in favor and was unanimously approved.
5. Announcements – Chairman Edwards referred to the notices as listed
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place cell phones on silent mode.
6. Old Business
 - **ANNX-145-2021**. Annexation and designation of C-2, General Commercial District zoning of property located at 1946 Houston Lake Road. The property is zoned C-2 in Houston County. The applicant is Chad Bryant. (Postponed from the June 14, 2021, meeting)

Mr. Wood advised staff was recommending postponement as there are still issues to be resolved and if granted must be on the request of the applicant. Mr. Chad Bryant advised he would like to postpone the matter to the August 9, 2021 meeting. Commissioner Coody motioned to postpone the request until the August 9, 2021 meeting; Commissioner Mehserle seconded; all in favor and was unanimously approved for postponement.

7. New Business
 - A. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on August 3, 2021)
 - **SUSE-0170-2021**. Special exception for multi-family development on property at 200-A Valley Drive. The applicant is H. Preston Dellinger/Servio Capital, LLC

Ms. Wharton read the applicants' request which was for approval to redevelop the existing Derby Inn motel (previously Days Inn and Holiday Inn), at 200 A Valley Drive into a multi-

family development. The applicant intends to develop both the Fair Bridge Inn Express motel and Derby Inn motel (both previously Holiday Inn) into a cohesive multi-family property. In total, there will be 120 new, market rate apartment units. The units will include 80 one-bedroom apartments and 40 studio apartments. The applicant provided a preliminary conceptual design that includes a common area for tenants, storage area, and on-site laundry facilities. The applicant has demonstrated a need for additional market rate housing in Perry within the one-bedroom and studio apartment layout format. The applicant also provided a multi-family market report to support this application. The applicant has considered the highest and best use of the subject properties. The application references the high concentration of hospitality properties within a 3-mile radius of the subject properties. These properties contribute to an oversupply of hotel and motel rooms which place the owners and operators under significant hardship. The properties within this area have deferred maintenance and are rarely productively used. The applicant suggests that converting this motel into market rate apartments will return the property to its highest and best use. On conclusion Ms. Wharton advised staff is recommending approval with the following conditions: 1. The proposed development must meet the requirements for parking, landscaping, and design guidelines as reflected in the Land Management Ordinance; 2. The proposed development must ensure building and site is in compliance with all applicable building codes, fire codes, and stormwater regulations

Chairman Edwards opened the public hearing at 6:15pm and called for anyone in favor of the request. Mr. Ryan Enk on behalf of the applicant reiterated the request. He works with a national company who seek struggling properties such as this and assist with obtaining the highest and best use of them. The units will not be income tax credits, but market rate and investment of \$9million will be done for improvements. Mr. Dellinger advised there is a need in the area for housing as their market analysis shows, there is a 2% multi-family vacancy for the area.

Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:18pm.

Commissioner Clarrington inquired how many residents per unit; Mr. Dellinger advised max is three for the apartments and one to two for the studio units.

Commissioner Butler motioned to recommend approval of the application to Mayor and Council of the application as submitted with the following conditions: 1. The proposed development must meet the requirements for parking, landscaping, and design guidelines as reflected in the Land Management Ordinance; 2. The proposed development must ensure building and site is in compliance with all applicable building codes, fire codes, and stormwater regulations; Commissioner Coody seconded; all in favor and was unanimously recommended for approval.

- **SUSE-0171-2021.** Special exception for multi-family development on property at 200 Valley Drive. The applicant is H. Preston Dellinger/Servio Capital, LLC

Ms. Wharton read the applicants' requests which was for approval to redevelop the existing Fair Bridge Inn Express motel (previously Holiday Inn), at 200 Valley Drive into a multi-family development. The applicant intends to develop both the Fair Bridge Inn Express motel and Derby Inn motel (both previously Holiday Inn) into a cohesive multi-family property. In total, there will be 120 new, market rate apartment units. The units will include 80 one-bedroom apartments and 40 studio apartments. The applicant provided a preliminary conceptual design

that includes a common area for tenants, storage area, and on-site laundry facilities. The applicant has demonstrated a need for additional market rate housing in Perry within the one-bedroom and studio apartment layout format. The applicant also provided a multi-family market report to support this application. The applicant has considered the highest and best use of the subject properties. The application references the high concentration of hospitality properties within a 3-mile radius of the subject properties. These properties contribute to an oversupply of hotel and motel rooms which place the owners and operators under significant hardship. The properties within this area have deferred maintenance and are rarely productively used. The applicant suggests that converting this motel into market rate apartments will return the property to its highest and best use. Ms. Wharton advised staff was recommending approval with the following conditions: 1. The proposed development must meet the requirements for parking, landscaping, and design guidelines as reflected in the Land Management Ordinance; 2. The proposed development must ensure building and site is in compliance with all applicable building codes, fire codes, and stormwater regulations

Chairman Edwards opened the public hearing at 6:23pm and called for anyone in favor or opposed to the request; there being none the hearing was closed at 6:24pm.

Commissioner Clarington motioned to recommend approval of the application to Mayor and Council of the application as submitted with the following conditions: 1. The proposed development must meet the requirements for parking, landscaping, and design guidelines as reflected in the Land Management Ordinance; 2. The proposed development must ensure building and site is in compliance with all applicable building codes, fire codes, and stormwater regulations; Commissioner Butler seconded; all in favor and was unanimously recommended for approval.

- **TEXT-176-2021.** Text amendment to remove Conservation Subdivision standards and procedures. The applicant is the City of Perry.

Mr. Wood advised the proposed text amendment modifies Section 2-3.11.3, Conservation Subdivisions, and Section 5-6, Conservation Subdivision Option. The purposes of the conservation subdivision option, as stated in Section 5-6.1 of the Land Management Ordinance (LMO), are to preserve in perpetuity unique or sensitive natural resources, to preserve important historic and archaeological sites, to permit clustering of houses and structures to reduce the amount of infrastructure, including paving, necessary for residential development, to reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development, to promote interconnected greenways and corridors, to promote contiguous greenspace, to encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks, to promote construction of convenient landscaped walking trails and bike paths, to conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of conservation space, and to protect prime agricultural land and preserve farming as an economic activity. City Council has concerns of the conservation space and greenspace not being provided in a manner consistent with purposes identified above, but rather conservation subdivisions being utilized only for the reduced lot size requirements and potential for increased density. On June 15, 2021, Council placed a 90-day moratorium on the permitting of conservation subdivisions to provide Staff time to evaluate and make

recommendations to the regulations (see attached). Staff recommends removing sections of the LMO pertaining to the standards and procedures for conservation subdivisions. This will result in conservation subdivisions being allowed only through the use of a Planned Unit Development (PUD) zoning process. The PUD process will provide the City more control over lot sizes and density and will ensure conservation space is suitable for such use and is accessible to the community

Chairman Edwards opened the public hearing at 6:28pm and called for anyone in favor or opposed to the request; there being none the hearing was closed at 6:29pm.

Commissioner Butler motioned to recommend approval of the text amendment as presented to Mayor & Council; Commissioner Clarington seconded; all in favor and was unanimously recommended for approval.

- **TEXT-177-2021.** Text amendment to establish short-term rentals as a special exception use in residential districts. The applicant is the City of Perry.

Mr. Wood advised the proposed text amendment modifies Section 1-13, Definitions, Section 4-1.2, Table of Uses, and Section 4-2.4(h), Visitor Accommodations. The proposed amendment is intended to codify City Council's recent directive regarding the regulation of short-term rentals. Such uses will require a special exception in residentially zoned districts and the residential-agricultural district.

Chairman Edwards opened the public hearing at 6:35pm and called for anyone in favor or opposed to the request; there being none the hearing was closed at 6:36pm.

Commissioner Butler motioned to recommend approval of the text amendment as presented to Mayor & Council; Commissioner Coody seconded; all in favor and was unanimously recommended for approval.

- **TEXT-178-2021.** Text amendment to modify parking standards and limit the use of gravel. The applicant is the City of Perry.

Mr. Wood advised the request is for modifications to Land Management Ordinance Sections 1-13, 4-3.3(F), 6-1.3, and 6-1.6 to clarify the definitions of "parking lot" and "vehicular use area" and to clarify the acceptable use of gravel as a paving material based on policies approved by the Planning Commission on April 12, 2021. The proposed text amendment modifies Section 1-13, Definitions, Section 4-3.3(F), Vehicle sales and services, Section 6-1.3, Off-street parking requirements, and Section 6-1.6, Parking design and location standards. The proposed amendment will make the language in the Land Management Ordinance consistent with the policies adopted by the Planning Commission on April 12, 2021.

Chairman Edwards opened the public hearing at 6:42pm and called for anyone in favor or opposed to the request; there being none the hearing was closed at 6:43pm.

Chairman Edwards asked if the amendment would codify previous discussions; Mr. Wood advised it would. Commissioner Mehserle asked if it would eliminate gravel parking in the City, Mr. Wood advised yes, parking for customers must be paved, there are some alternatives for the industrial district. Commissioner Clarington inquired how it would affect the used car lots, Mr.

Wood advised the Beckham Property on Courtney Hodges, Victory Lane Auto Sales, and BJ & Carlos are all in compliance. Commissioner Mehserle stated there are smart developments standards so to not have to pave all areas and inquired why the City is opposed to gravel. Mr. Wood advised pavers are allowed, but with regard to gravel there is no less impact with stormwater runoff, and often times it is not laid properly and causes issues, and the cost is similar. Council is concerned with the appearance of gravel in the downtown and major corridors, as well gravel tracked onto public roads can cause damage and additional maintenance issues.

Commissioner Clarrington motioned to recommend approval of the text amendment as presented to Mayor & Council; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval

B. Public Hearing (Planning Commission decision)

- **PLAT-143-2021.** Preliminary Plat for a 43 single-family lot conservation subdivision on property located at 1380 Cambridge Drive. The applicant is Chad Bryant.

Mr. Wood advised the property is undeveloped and consists of 18.03 acres. The applicant proposes to develop approximately 9 acres into a 43-residential-lot conservation subdivision which includes approximately 9 acres of open space, per the requirements for conservation subdivisions. The property contains a wet weathered stream traversing the site from the western portion of the site to the southeastern portion. Per the R-1 conservation subdivision requirements, 2.4 dwellings per acre are permitted with at least 50 percent of open space provided. There is no minimum lot area required for conservation subdivisions. The minimum lot width is 60 feet, front setbacks are 25 feet, interior side setbacks are 8 feet, exterior side setbacks are 20 feet, and rear setbacks are 20 feet. Staff has determined that all lots meet the minimum requirements for a conservation subdivision. A 50-foot right-of-way is shown, which is the minimum for conservation subdivisions. The Perry Planning Commission consented to the use of Conservation Subdivision standards at their June 14, 2021, meeting. Staff recommends approval of the preliminary plat containing 43 single-family residential lot conservation subdivision with the following conditions: 1. A wetland delineation study must be performed per City of Perry regulations; Applicant shall follow all wetland credit regulations; 3. No certificates of occupancy will be issued until the City of Perry has adequate sewer capacity to serve the development. Mr. Wood also noted, there currently is no sewer capacity to the area, should be in a year; furthermore, the site was originally designed to connect via Cambridge Drive and Cambridge Road, it will now have the connection through Broad Street.

Chairman Edwards opened the public hearing at 6:55pm and called for anyone in favor or opposition to the application; there being none the hearing was closed at 6:56pm.

Commissioner Butler motioned to approve of the application as submitted with conditions as recommended by staff; Commissioner Coody seconded; all in favor and was unanimously approved.

- **PLAT-144-2021.** Preliminary Plat for a 157 single-family lot conservation subdivision on properties located on Perimeter Road. The applicant is Chad Bryant.

Ms. Wharton advised the property is undeveloped and consists of six parcels which total 74.58 acres. The applicant proposes to develop approximately 38 acres into a 157-residential-lot conservation subdivision which includes approximately 36 acres of open space, per the requirements for conservation subdivisions. The property contains rolling hills and a wetland system on the eastern portion of the site. Per the R-3 conservation subdivision requirements, 2.6 dwellings per acre are permitted with at least 30 percent of open space provided. There is no minimum lot area required for conservation subdivisions. The minimum lot width is 60 feet, front setbacks are 25 feet, interior side setbacks are 8 feet, exterior side setbacks are 20 feet, and rear setbacks are 20 feet. Staff has determined that all lots meet the minimum requirements for a conservation subdivision. A 50-foot right-of-way is shown, which is the minimum for conservation subdivisions. The Perry Planning Commission consented to the use of Conservation Subdivision standards at their June 14, 2021, meeting. Staff recommends approval of the preliminary plat containing 157 single-family residential lots with the following conditions: 1. Prior to submitting a site plan permit application, applicant must demonstrate approval from FEMA and all regulatory organizations regarding any flood map amendments, including a Letter of Map Amendment Revision; 2. A wetland delineation study must be performed per City of Perry regulations; 3. Applicant shall follow all wetland credit regulations.

Chairman Edwards opened the public hearing at 7:02pm and called for anyone in favor or opposed to the request.

Mr. Chad Bryant, the applicant requested clarity on condition #1 as there are numerous requirements and approvals that will have to be maintained from FEMA and the process is arduous and lengthy, and they will advise what is required with regards to flood delineation and the flood certifications. If held to that condition it could delay the process of site plan review by the City. Mr. Wood advised the City ordinance states no lot cannot be located in a flood plain; unfortunately, this has not always been enforced, and when issues arise it becomes a matter for the City to handle. Mr. Bryant advised when application is made with FEMA, they will assign a project engineer who will essentially review his work and then advise what permit they will fall under with FEMA and will review all the criteria, site plan, and hydrology report. Mr. Wood advised the condition could be revised, but a land disturbance permit could not be issued until FEMA's approval is received and the applicant may be charged additional site review fees. There being no further comment the public hearing was closed at 7:16pm.

Commissioner Jefferson advised this property was brought before the Commission years ago for development and had anything changed since then; Mr. Wood advised he was not aware it had.

Commissioner Butler motioned to approve of the application as submitted with the following conditions: 1. Prior to submitting a site plan permit application, applicant must demonstrate approval from FEMA and all regulatory organizations regarding any flood map amendments, including a Letter of Map Amendment Revision; 2. A wetland delineation study must be performed per City of Perry regulations; 3. Applicant shall follow all wetland credit regulations; Commissioner Coody seconded; all in favor with Commissioner Jefferson opposed; resulting vote was 6 to 1 for approval.

Commissioner Jefferson stated for the record her opposition was because developers are building in areas where residents come back years later because their property is flooding and

this same property was brought before the Commission years ago and denied and all people want to do is make money.

8. Other Business

- Presentation of Capital Improvement Projects - Chad McMurrian, Engineering Services Manager.

Mr. McMurrian presented to the Commission a PowerPoint of various City infrastructure projects; those currently being done and those proposed.

- Commission questions or comments – none

9. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 7:50pm.

DRAFT

**MINUTES
WORK SESSION
OF THE PERRY CITY COUNCIL
July 19, 2021
5:00 P.M.**

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the work session meeting held on July 19, 2021, at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Randall Walker, Mayor Pro-Tempore Robert Jones, and Council Members Willie King, Joy Peterson, Darryl Albritton, and Phyllis Bynum-Grace.

Elected Officials Absent: Council Member Riley Hunt.

Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney Brooke Newby, and Recording Clerk Joni Ary.

City Departmental Staffing: Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, Bryan Wood – Director of Community Development, Tabitha Clark – Communications Administrator, Ashley Hardin – Economic Development Administrator, Ansley Fitzner – Public Works Superintendent, Annie Warren – City Clerk, Heath Dykes – CID Captain Police Department, Chad McMurrian – Engineering Services Manager, and Holly Wharton – Community Planner.

Press: Brianna Sheffield – Houston Home Journal

Guest (s): None

3. Items of Review/Discussion: Mayor Randall Walker.

3a. Department of Community Development.

1. Connectivity Working Group request to apply for a trails grant.
Ms. Holly Wharton presented to Mayor and Council the Connectivity Working Group trails grant for the Weleetka trail extension. Ms. Wharton stated they are currently working on receiving estimates and potential designs for the trail extension. Ms. Wharton stated this would be a matching grant with 20% required for the City with grant funding up to \$200,000.00. The pre-application due date is November 1, 2021. Ms. Wharton stated she is asking Mayor and Council concurrence to proceed with the trails grant.

City Manager Lee Gilmour stated the Administration's recommendation is to delay applying for the grant until 2022 and proceed with getting the design and layout costs for the Weleetka trail extension and report back information to Council to review. Council concurred to proceed as recommended by the City Manager.

2. Monthly capital projects update. Mr. Chad McMurrian presented to Mayor and Council the monthly capital projects for the City of Perry. Mr. McMurrian reviewed all the capital projects and status. Mr. Gilmour asked that the sidewalk connectivity extension for Heritage Oaks to Houston Springs be included on the capital projects listing. Council agreed.

The Administration stated that the funding for the projects will come from multiple funding sources i.e SPLOST, bonds, and enterprise funds. The City of Perry will be receiving from the United States Treasury the American Rescue Plan (ARP) funding for the City water and sewer projects. Mr. Gilmour stated the City will be reviewing the water and sewer projects to create a priority list of projects.

Mayor and Council thanked Mr. McMurrian for all his hard work and look forward to his monthly updates.

3b. Office of the City Manager.

1. FY 2021 Communications Office Statistics. Ms. Tabitha Clark presented to Mayor and Council the Communication Office statistics for the fiscal year 2021. Ms. Clark stated the Communications Office's goal is to keep Mayor and Council, staff, citizens, businesses, and visitors informed and educated while enhancing the City's visibility and transparency. The City of Perry's media platform has increased with more citizens subscribing. The overall feedback from the citizens is positive and find the information we are releasing informative.

Council Member Bynum-Grace stated that she has received phone calls from as far away as California inquiring about the City of Perry Black History month recognizing distinguished African Americans. Mayor and Council thanked Ms. Clark for all her hard work.

2. Contracted solid waste collection Mr. Gilmour presented to Mayor and Council the proposal from Waste Management to assist the City with providing toters for our customers. The City currently outsources the toters but the orders have not been filled in a timely matter. Waste Management stated they would take over our toters and pay the City \$280,000 but would also increase the City's monthly charge. Mr. Gilmour stated the increase would not effect the current fiscal budget, but the increase would be gradually phased in. The Administration recommends Council to 1) accept Waste Management's offer to take over the toter provision, 2) the City amend its contract with Waste

Management to adjust for the new rates, the annual adjustment factor, and length of the contract, and 3) the City uses its totter purchase money to cover the additional costs in contractor collection costs until it can phase in additional costs. Council concurred with the recommendation as outlined.

3. Consider the proposal to replace table furnishing at pocket parks. Mr. Gilmour presented to Mayor and Council the proposal to replace the table furnishings at the City's pocket parks. The metal furnishings at the parks are showing their age and proposes the table be replaced with concrete tables that will be ADA accessible. Council concurred to proceed.
4. Consider approving signage at Perry Industrial Park. Mr. Gilmour presented to Mayor and Council the proposal to consider approving signage at Perry Industrial Park. There will be two signs, one sign will be located at the intersection of Perry Parkway/Valley Drive and the existing sign at Valley Drive/Industrial Park Drive will be replaced with a new sign. The signage would have slats for business identification and would be two-sided. Council concurred to proceed.

3c. Office of City Attorney

1. Discuss establishing a No Smoking Policy for the City of Perry buildings, facilities, and vehicles. Ms. Newby discussed with the Mayor and Council relative to establishing a No Smoking policy for the City of Perry buildings, facilities, and vehicles. The City does not currently have a written policy. After discussion, Ms. Newby stated she would research what other municipalities' policies are for smoking and report back the findings.

4. Council Member Items:

Council had no reports.

5. Department Head/Staff Items:

Mr. Gilmour, Mr. Smith, and Ms. Newby had no reports.

Ms. King, Ms. Warren, Mr. Wood, Det. Dykes, Chief Parker, Mrs. Fitzner, and Ms. Clark had no reports.

Mrs. Hardin stated the LNW Hospitality and the Georgia Agricultural Exposition Authority signed a long-term lease on July 14th to being a new hotel coming to the Georgia National Fairgrounds. Mayor and Council thanked Mrs. Hardin for all her hard work on this project.

Mayor Walker

- Mayor Walker introduced Mayor Steve Edwards from Sugarhill that is visiting Perry.
- Pre-Council July 20, 2021, at 5:00 pm.
- Council Meeting July 20, 2021, at 6:00 pm.

6. Adjourn. There being no further business to come before Council in the work session held on July 19, 2021, Council Member Peterson motioned to adjourn the meeting at 6:26 p.m. Council Member King seconded the motion and it carried unanimously.

MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
July 20, 2021
5:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the pre council meeting held July 20, 2021 at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Randall Walker; Mayor Pro Tempore Robert Jones and Council Members Joy Peterson, Willie King, Darryl Albritton, and Phyllis Bynum-Grace.

Elected Official(s) Absent: Council Member Riley Hunt

City Staff: City Manager Lee Gilmour, City Attorney Brooke Newby, Assistant City Manager Robert Smith, and Recording Clerk Annie Warren.

Departmental Staffing: Brenda King - Director of Administration, Bryan Wood – Director of Community Development, Chief Lee Parker - Fire and Emergency Services Department, Captain Heath Dykes – Perry Police Department, Ansley Fitzner – Public Works Superintendent, Cody Gunn – Chief Building Official, Tabitha Clark – Communications Administrator, Chad McMurrian – Engineering Services Manager, and Ashley Hardin – Economic Development Administrator.

Media: Brianna Sheffield – Houston Home Journal

Guest(s): none

3. Items of Review/Discussion: Mayor Randall Walker

3a. Discussion of July 20, 2021 council meeting agenda.

7a (1). Second Reading of an ordinance for the annexation of property to the City of Perry. The property is located at US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000. Mr. Wood reviewed the application and stated the Planning Commission and staff recommends approval of the annexation with the requested C-2, general commercial, zoning classification, with the following condition: The two parcels that have street frontage are subject to a landscape easement along the front property line in favor of the City for commercial properties located outside 1,100 feet of a major intersection.

7a (3). Second Reading of an ordinance for the rezoning of property from PUD, Planned Unit Development to R-2, Two-Family Residential District. The

property is located on Langston Road; Tax Map No. 0P0610 006000. Mr. Wood reviewed the application, the applicant is proposing to zone the property R-2, Two-family Residential District, and develop it with 99 townhomes. Staff recommends approval of the zoning change with two conditions: 1) Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021, and 2) The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east). The Planning Commission recommends approval of the zoning change with three conditions: 1) Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021; 2) The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east); and 3) The development of the property should be synchronized with the City's Langston Road Regional Detention Pond to ensure stormwater created by the development is properly addressed. Council Member Peterson stated she had a lot of concerns and did not feel she had enough information to vote on this application this evening and requested Council table this item.

Mr. McMurrian presented a PowerPoint relative to Langston Road Regional pond and answered Council questions.

9b. Intergovernmental Agreement relative to Natatorium Use between Houston County and the City of Perry. Ms. Newby stated this is an Intergovernmental Agreement between the City and Houston County about the allocation of funds for the Natatorium from 2018 SPLOST.

9c. Approval of easements relative to Bear Branch sewer expansion.

1. William Edmond Smith, Jr.
2. Houston County School District

Ms. Newby reported the project for Bear Branch sewer expansion has already been approved by Council and so has the acquisition of the property needed for the expansion. These two specific easements documents are needed as part of the acquisition of the property to allow the two property owners to have access easements.

9d. Selection of a voting delegate for GMA Annual Membership Business Meeting, August 8, 2021. Ms. Warren stated this is an annual business meeting that is held during the GMA Convention and GMA is requesting the selection of a voting delegate and alternate for this meeting.

9e. Consider position for crossing guard at Mossy Creek Middle School. Administration stated this is a request from the Houston County Board of Education to provide a crossing guard at Mossy Creek Middle School. The Board will pay 100% of cost for the crossing guard. Chief Lynn and Administration recommends approval of the position. Administration added the caveat that the crossing guard would not be replaced by a certified officer if absent.

4. Council Member Items:

Council had no reports.

5. Adjourn. There being no further business to come before Council in the pre council meeting held July 20, 2021 Council Member King motioned to adjourn the meeting at 5:55 p.m. Council Member Hunt seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
July 20, 2021
6:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the regular meeting of the Perry City Council held July 20, 2021 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor Randall Walker; Mayor Pro Tempore Robert Jones and Council Members Phyllis Bynum-Grace, Willie King, Darryl Albritton, and Joy Peterson.

Elected Official(s) Absent: Council Member Hunt

City Staff: City Manager Lee Gilmour, City Attorney Brooke Newby, Assistant City Manager Robert Smith, and Recording Clerk Annie Warren.

Departmental Staffing: Brenda King - Director of Administration, Bryan Wood – Director of Community Development, Chief Lee Parker - Fire and Emergency Services Department, Captain Heath Dykes – Perry Police Department, Ansley Fitzner – Public Works Superintendent, Cody Gunn – Chief Building Official, Tabitha Clark – Communications Administrator, Chad McMurrian – Engineering Services Manager, and Ashley Hardin – Economic Development Administrator.

Media: Brianna Sheffield – Houston Home Journal

Guest(s): Rev. Dr. Rutha Jackson and Kimberly Hicks – African American Tri-City Newspaper

3. Invocation and Pledge of Allegiance to the Flag:

Mayor Pro Tempore Jones rendered the invocation and Council Member Albritton led the pledge of allegiance to the flag.

4. Community Partner(s) Update(s): none

5. Citizens with Input. Rev. Dr. Rutha Jackson, 2022 Hiawassee Drive, Bonaire, GA and Kimberly Hicks, founders of the African American Tri-City Newspaper, presented Mayor and Council copies of the newspaper and asked for news articles to place in the newspaper.

6. Review of Minutes: Mayor Randall Walker

- 6a. Council's Consideration – Minutes of the July 6, 2021 pre council meeting, and July 6, 2021 council meeting.

Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member Albritton seconded the motion and it carried unanimously.

7. Old Business:

7a. Ordinance(s) for Second Reading(s) and Adoption:

1. **Second Reading** of an ordinance for the annexation of property to the City of Perry. The property is located at US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000 – Mr. B. Wood.

Adopted Ordinance No. 2021-13 for the annexation of property to the City of Perry. The property is located at US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000. Mr. Wood stated the Planning Commission and staff recommends approval of the annexation with the requested C-2, general commercial, zoning classification, with the following condition: The two parcels that have street frontage are subject to a landscape easement along the front property line in favor of the City for commercial properties located outside 1,100 feet of a major intersection. Council Member King motioned to adopt the ordinance as presented; Council Member Albritton seconded the motion and it carried unanimously. *(Ordinance No. 2021-13 has been entered into the City's official book of record).*

2. **Second Reading** of an ordinance for the rezoning of property from R-AG (County), Residential-Agricultural District to C-2 (City), General Commercial District. The property is located at US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000 – Mr. B. Wood.

Adopted Ordinance No. 2021-14 for the rezoning of property from R-AG (County), Residential-Agricultural District to C-2 (City), General Commercial District. The property is located at US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000. Mr. Wood stated the Planning Commission and staff recommends approval of the rezoning with the requested C-2, general commercial, zoning classification, with the following condition: The two parcels that have street frontage are subject to a landscape easement along the front property line in favor of the City for commercial properties located outside 1,100 feet of a major intersection. Mayor Pro Tempore Jones motioned to adopt the ordinance as presented; Council Member Albritton seconded the motion and it carried unanimously. *(Ordinance No. 2021-14 has been entered into the City's official book of record).*

3. **Second Reading** of an ordinance for the rezoning of property from PUD, Planned Unit Development to R-2, Two-Family Residential District. The property is located on Langston Road; Tax Map No. 0P0610 006000 – Mr. B. Wood.

Mayor Walker advised that a council member asked that the vote be delayed until the next Council meeting. Mayor Walker entertained a motion to table this item until Council's August 3, 2021 meeting. Council Member Albritton motioned to table this item until Council's August 3, 2021 meeting; Council Member Bynum-Grace seconded the motion and it carried unanimously.

8. Any Other Old Business: Mayor Randall Walker

8a. Mayor Randall Walker - none

8b. Council Members

* Council Member Bynum-Grace

- Has the city considered any other contractors for city sewerage, water, and garbage? Administration replied, for the provision for utilities services management the city has gone out and sought proposals and ESG Operations, Inc has consistently given the best service and the best price.
- Heritage Oaks Park lack of parking. Mr. Gilmour replied: 1) Administration is meeting with city staff next week to see what type of temporary parking measures can be made, and 2) based on feedback and experience, additional parking will be part of Phase 2 improvements for the park.
- What preparations are being made for the August event? Administration replied, we are looking at where the city can expand out to have temporary parking.

* Mayor Pro Tempore Jones

- Ask if it was possible for Mr. McMurrian to give his presentation on water flow to the residents of Langston Road. Administration stated yes.

8c. City Attorney Brooke Newby - none

8d. City Manager Lee Gilmour – none

8e. Assistant City Manager Robert Smith - none

9. New Business: Mayor Randall Walker

9a. Matters referred from July 19, 2021 work session and July 20, 2021 pre council meeting. none

9b. Intergovernmental Agreement relative to Natatorium Use between Houston County and the City of Perry – Ms. B. Newby.

Council Member Peterson motioned to approve the Intergovernmental Agreement relative to Natatorium Use between Houston County and the City of Perry as submitted; Council Member Albritton seconded the motion and it carried unanimously.

9c. Approval of easements relative to Bear Branch sewer expansion – Ms. B. Newby

1. William Edmond Smith, Jr.
2. Houston County School District

Council Member Albritton motioned to approve easements for William Edmond Smith, Jr., and Houston County School District relative to Bear Branch sewer expansion; Mayor Pro Tempore Jones seconded the motion and it carried unanimously.

9d. Selection of a voting delegate for GMA Annual Membership Business Meeting, August 8, 2021 – Ms. A. Warren.

Mayor Pro Tempore Jones moved to elect Mayor Walker as the voting delegate and Council Member King as the alternate voting delegate for GMA Annual Membership Business meeting. Council Member Albritton seconded the motion and it carried unanimously

9e. Consider position for crossing guard at Mossy Creek Middle School – Mr. L. Gilmour.

Administration and Chief Lynn recommends approval of the crossing guard position at Mossy Creek Middle School. Administration added the caveat that the crossing guard cannot be a certified officer. Council Member King motioned to approve the crossing guard position at Mossy Creek Middle School; Mayor Pro Tempore Jones seconded the motion and it carried unanimously.

10. Council Members Items:

Council Member Albritton asked if Council could discuss on a future agenda “Sidewalk connectivity extension for Heritage Oaks Park to Sam Nunn Boulevard.” Mr. Smith provided Mayor and Council information relative to future sidewalk plans.

Council Member Peterson thanked Administration for assistance with parking issues downtown.

Council Member King thanked Ms. Fitzner for taking care of the damaged signs at Rotary Centennial Park.

Mr. Gilmour, Ms. Newby, and Mr. Smith had no reports.

11. Department Heads/Staff Items.

Ms. King, Captain Dykes, Ms. Fitzner, Mr. Gunn, Ms. Clark, Mr. McMurrian, Ms. Hardin, and Ms. Warren had no reports.

12. General Public Items: none

13. Mayor Items:

- August 2, Work session
- August 3, Pre council and Council

14. Adjournment: There being no further business to come before Council in the council meeting held July 20, 2021, Council Member Bynum-Grace motioned to adjourn the meeting at 6:35 p.m. Council Member King seconded the motion and it carried unanimously.

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from City of Perry PUD, Planned Unit Development to City of Perry R-2, Two-family Residential District and the city's zoning map is amended accordingly relative to property of WINGATE CUSTOM HOMES, LLC. described as follows:

All that tract or parcel of land situate, lying and being in Land Lot 140 of the Tenth (10th) Land district of Houston County, Georgia, being known and designated as Tract "A", containing 21.84 acres, more or less, being more particularly described on a survey for Garrette Martin Excavating and Hauling Inc., prepared by McLeod Surveying, dated November 22, 2019, said plat of survey being of record in Plat Book 81, Page 111, Clerk's Office, Houston Superior Court. Said tract of land has the metes, bounds, courses, distances and dimensions as shown on the aforesaid plat which is specifically incorporated herein by reference for all purposes.

**Deed Reference: Deed Book 8405, Pages 37-38
Tax Map Parcel No. 0P0610 006000**

Said property is rezoned subject to the following conditions:

- 1. Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated May 13, 2021.**
- 2. The developer of the subject property shall install a speed table at least 7-foot wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east).**
- 3. The development of the property should be coordinated with the City's development and construction of the Langston Road Regional Stormwater Detention Facility to ensure the stormwater created by the development is properly addressed.**

SO ENACTED this 20th day of July, 2021.

CITY OF PERRY, GEORGIA

BY: _____
RANDALL WALKER, Mayor

ATTEST: _____
ANNIE WARREN, City Clerk

1st Reading: July 6, 2021
2nd Reading: July 20, 2021



Where Georgia comes together.

STAFF REPORT

June 8, 2021

CASE NUMBER: RZNE-150-2021
APPLICANT: Garrette Martin Excavating & Hauling, Inc.
REQUEST: Rezone from PUD, Planned Unit Development to R-2, Two-Family Residential District
LOCATION: Langston Road; Tax Map No. 0P0610 006000

BACKGROUND INFORMATION: The subject property consists of 21.84 acres and is currently zoned PUD, Planned Unit Development. It was part of a larger parcel annexed into the City in 2007 which was zoned PUD for single-family residential development. The annexation was contested by the County and mediation pursued. The mediation settlement limited the development to 87 single-family dwelling units on the overall parcel. In 2018, the parcel was split into two parcels and the portion to the south was zoned C-1, Highway Commercial. Based on the size of the subject parcel compared to the original parcel, the subject parcel is currently limited to 43 single-family dwelling units. O.C.G.A. Section 36-36-117 prevents the City from changing the zoning, land use, or density of annexed property for a period of one year following final resolution of an objection to the annexation. The objection was resolved prior to annexation on February 6, 2007. Since it has been over 14 years since the annexation, the City may change the zoning, land use and density of the property.

The applicant is proposing to zone the property R-2, Two-family Residential District, and develop it with 99 townhomes. In compliance with standards for townhomes in Section 4-3.1(A) of the Land Management Ordinance (LMO), each townhome lot will be at least 2,000 square feet in area and at least 2,000 square feet of open space per unit will be provided.

A conceptual site plan is provided and appears to comply with all requirements of LMO Section 4-3.1(A). Verification of compliance with all applicable standards will be made during site plan permit review. The site layout calls for a 75-foot setback from Langston Road to allow for future road widening, 10.14 acres of open space including a 20-foot buffer adjacent to Greystone Subdivision, reservation of space for a portion of the City's regional stormwater detention pond, and a street connection to Greystone Subdivision. Because Greystone Subdivision and the original subdivision planned on the subject property both exceeded 30 lots, the street connection between the two developments is required under the International Fire Code.

The applicant indicates there are no covenants or restrictions which prevent the proposed development.

STANDARDS GOVERNING ZONE CHANGES:

1. The existing land uses and zoning classification of nearby properties.

	Zoning Classification	Land Uses
North	PUD and County RAG	Lake Forest Subdivision and single-family residential uses
South	C-1, Highway Commercial	Undeveloped
East	C-2, General Commercial	Undeveloped, church planned
West	R-2A, Single-family Residential	Greystone Subdivision with single-family residential uses

2. **The suitability of the subject property for the zoned purposes.** The subject property is suitable for single-family residential use as it is currently zoned. Because about half of the original parcel has been subdivided from the subject parcel, a new development plan would have to be approved.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** As currently zoned, the subject property is limited to 43 single-family lots. Approximately 4.9 acres of the property is subject to a drainage and utility easement. The City will obtain an additional 2.42 acres of the property for construction of a regional stormwater detention pond. Approximately 34 percent of the property is limited by the existence of a drainage and utility easement and area for the City's regional stormwater detention pond. The shape and dimensions of the remaining 14.51 acres of developable area could limit the number and layout of single-family residential lots.
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** The current and proposed zoning classification does not pose any threat to the health, safety, morals, or general welfare of the public and surrounding neighborhood. While the current zoning of the property limits the number of lots to 43, the original plan approved 87 lots which would only connect directly or indirectly to Langston Road. The proposed 99 lots will only connect to Langston Road (directly or via Greystone Subdivision).
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The drainage and utility easement and the regional stormwater detention pond are important to the health, safety, and general welfare of the public and reduces the developable area of the subject property by about 34 percent. The number of trips generated by townhomes is about half those generated by single-family homes (5.49 average trips per day vs. 9.52 average trips per day).
6. **Whether the subject property has a reasonable economic use as currently zoned.** Approximately 34 percent of the subject property cannot be developed due to existing easements and planned public stormwater improvements. The remaining portion of the subject property can be developed for single-family residential lots though the shape and dimensions may limit the number of lots possible.
7. **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 property has never been developed. Lake Forest subdivision has been under development since 2007; Greystone subdivision has been under development since 2019; commercial properties to the east are being prepared for development.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** Properties to the north and west of the subject property are zoned and developed as single-family detached residential uses. Properties to the south and east are zoned for commercial uses. The proposed townhome development would create a transitional use between the two land uses.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed use of the property should not adversely affect existing uses, or the usability of nearby properties based on the proposed layout of the site and the City of Perry's development standards. The required street connection between the subject property and Greystone subdivision could impact traffic between the two developments.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject property is identified as a "Suburban Residential" character area in the 2017 Joint Comprehensive Plan Update. This character area indicates the need for "greater variety of housing types" and "housing diversity, particularly in terms of higher density and greater affordability." The suggested development pattern includes "location of higher-density housing near commercial centers, or along arterial roads."

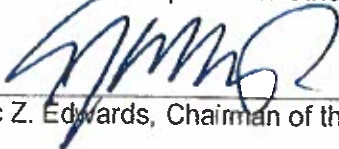
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** While the subject property is currently undeveloped, any new residential development will increase the use of existing streets, utilities, and school facilities. Water, sewer, and stormwater facilities will be provided by the City of Perry. Langston Road is identified as an arterial street in the City's street classification plan and has adequate capacity to serve the proposed project. The Houston County Board of Education has been notified of this project.
12. **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.** Single-family residential subdivisions along the Langston Road corridor continue to build out. A church has purchased the property directly to the east of the subject property and plans to build soon. Property at the corner of Langston Road and Houston Lake Road is being cleared for commercial listing.

STAFF RECOMMENDATION: Staff recommends approval of the zoning change with the following conditions:

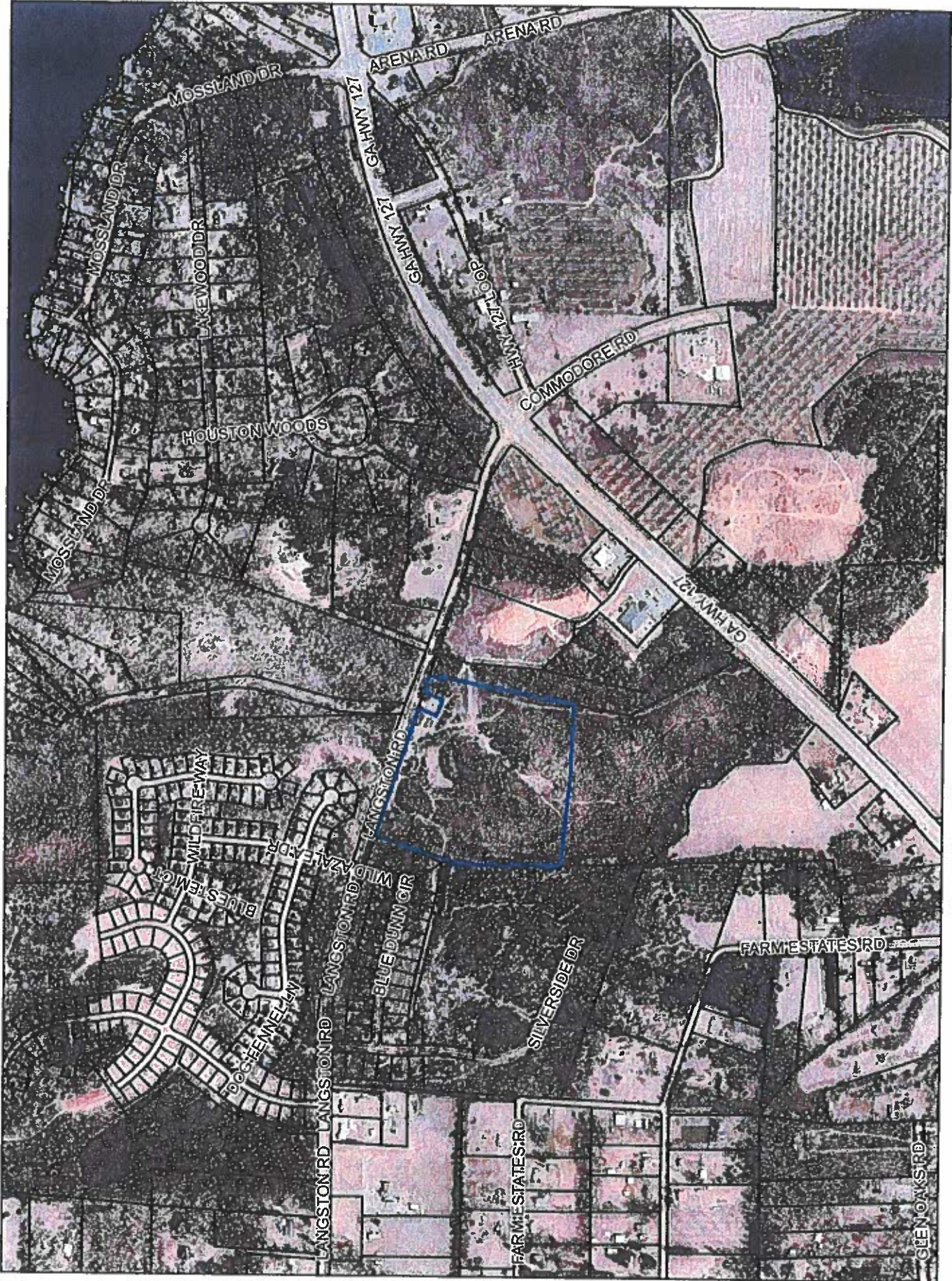
1. Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021.
2. The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east).

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the zoning change with the following conditions:

1. Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021.
2. The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east).
3. The development of the property should be synchronized with the City's Langston Road Regional Detention Pond to ensure stormwater created by the development is properly addressed.
4. The City should meet with residents in the Langston Road area to discuss plans for the regional detention pond and other planned infrastructure plans in the area.


Eric Z. Edwards, Chairman of the Planning Commission

6/18/21
Date



MOSSLAND DR

MOSSLAND DR

LAKEWOOD DR

MOSSLAND DR

HOUSTON WOODS

ARENA RD ARENA RD

GA HWY 127

GA HWY 127

GA HWY 127

COMMODORE RD

GA HWY 127

WILDFIRE WAY

BLUESHENG DR

POCATEWELL LN

WILD AZALE DR

BLUE DUNN CIR

LANGSTON RD

LANGSTON RD

LANGSTON RD

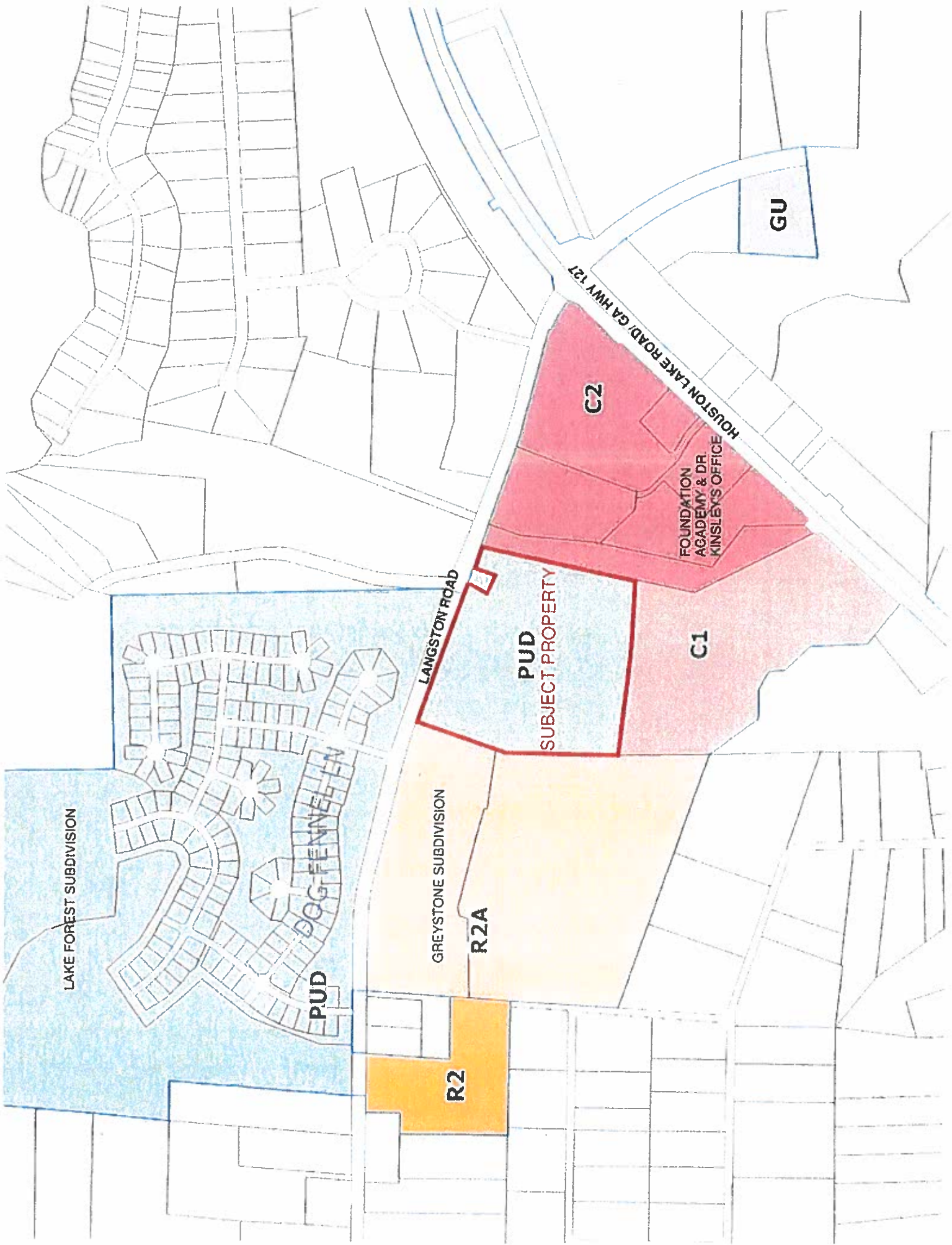
LANGSTON RD

SILVER SIDE DR

FARM ESTATES RD

FARM ESTATES RD

GLEN OAKS RD



LAKE FOREST SUBDIVISION

PUD

DOG-FENNER

GREYSTONE SUBDIVISION

R2

R2A

PUD

SUBJECT PROPERTY

FOUNDATION
ACADEMY & DR
KINSLY'S OFFICE

C1

C2

GU

LANGSTON ROAD

HOUSTON LAKE ROAD/ GA HWY 127

Mossland Dr

SUBURBAN RESIDENTIAL
CHARACTER AREA

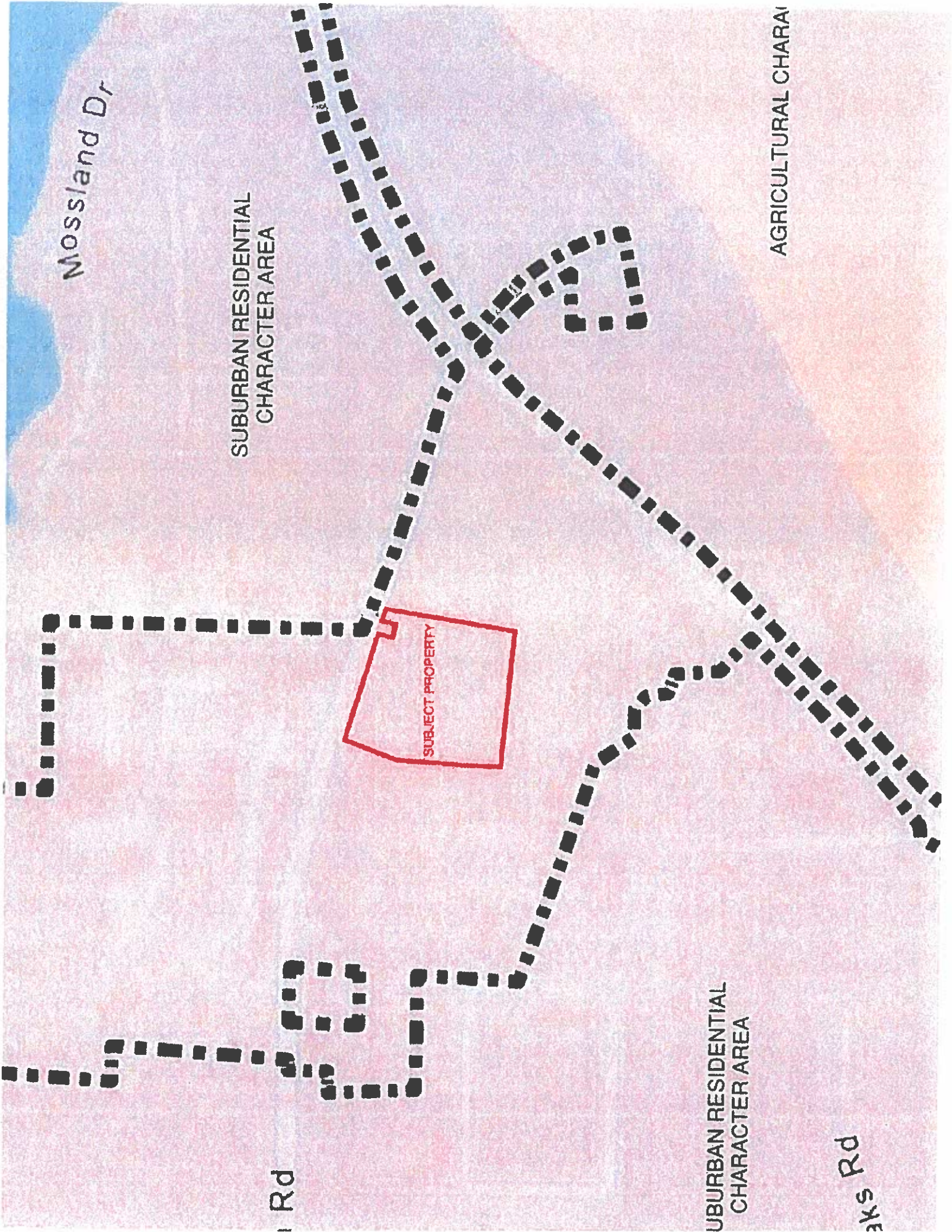
AGRICULTURAL CHARACT

SUBJECT PROPERTY

Rd

UBURBAN RESIDENTIAL
CHARACTER AREA

AKS Rd





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Application # RZNE-150-2021

Application for Rezoning
Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	Garrette Martin Excavating & Hauling, Inc.	Garrette Martin Excavating & Hauling, Inc.
*Title	Garrette Martin, Owner	Garrette Martin, Owner
*Address	453 GA Hwy 247 S., Bonaire, GA 31005	453 GA Hwy 247 S., Bonaire, GA 31005
*Phone	478-225-6789	478-225-6789
*Email	garrette.martin@cox.net	garrette.martin@cox.net

Property Information

*Street Address or Location	21.81 acres on the south side of Langston Road, beginning approx. 1,500 linear feet west of the intersection of Langston Road and GA Hwy 127.
*Tax Map #(s)	0P0810 006000
*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

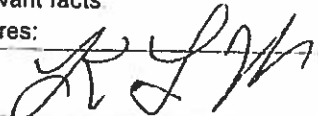
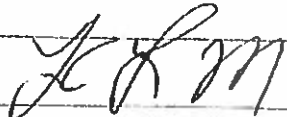
*Current Zoning District	PUD	*Proposed Zoning District	R2
*Please describe the existing and proposed use of the property			
The property is zoned PUD for residential development and is currently undeveloped. We request to rezone to R2 to allow a more compact design of a townhome development. This will provide the public additional housing options and present a viable development utilizing the land in its highest and best use.			

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
 - If yes, please complete and submit the attached Disclosure Form.

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	5-17-21
*Property Owner/Authorized Agent		*Date	5-17-21

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.



MAY 17, 2021

Mr. Bryan Wood, Community Development Director
City of Perry
741 Main Street
Perry, Ga 31069

**Subject: Application for Rezoning
Langston Road – Tax Parcel 0P0610 06000**

Dear Mr. Wood,

Please see attached application and conceptual plan for rezoning of 21.84 acres located on the south side of Langston Road, beginning approximately 1,500 linear feet west of the intersection of Langston Road and GA Hwy. 127. Below are the "Standards for Granting a Rezoning" as listed on Page 2 of the application.

1. *Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?*

RESPONSE: There are no covenants or 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.*

RESPONSE: The subject tract is located between properties zoned both residential and commercial. The adjoining tract to the west is zoned R2A and a PUD (single-family residential) is located across Langston Road. The adjoining property to the east is zoned C2 and the remaining adjoining property to the south is zoned C1.

3. *Describe the suitability of the subject property for use as currently zoned.*

RESPONSE: The subject tract is suitable to be used as currently zoned, which is PUD.

4. *Describe the extent to which the value of the subject property is diminished by the current zoning designation.*

RESPONSE: The diminished value of the land as PUD property in an unused state serves no purpose toward the general welfare of the citizens of the City of Perry provides no opportunity for housing or the expansion of the City of Perry tax base for the goods and services provided.

5. *Describe the extent to which the diminished property value promotes health, safety, morals, and general welfare of the public.*

RESPONSE: Rezoning to R2 (Townhomes) would provide the public with access to more housing choices in the Langston Road area.

6. *Describe the relative gain to the public compared to any hardship imposed on the property owner.*

RESPONSE: The relative gain to the public includes varied alternatives to housing as compared to the surrounding residential developments.

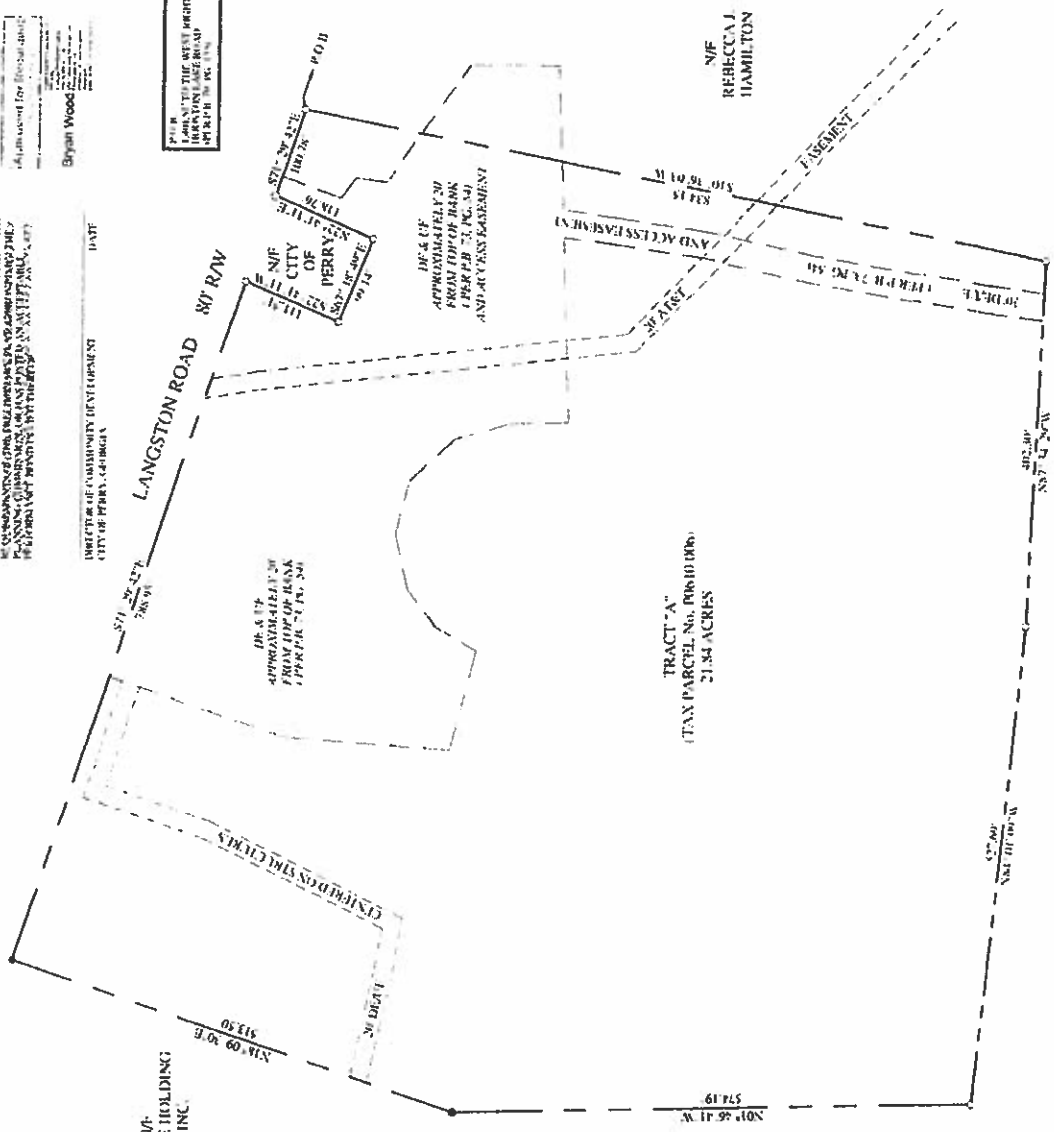
TOTAL AREA: 21.84 ACRES

TO WHOM THESE PLATS ARE REFERRED AND INCORPORATED BY REFERENCE TO THESE PLATS, THE CITY OF PERRY, GEORGIA, HAS THE HONOR TO APPROVE THE SAME AND TO RECORD THEM IN THE PUBLIC RECORDS OF THE CITY OF PERRY, GEORGIA, AND TO ISSUE THIS CERTIFICATE OF APPROVAL AND RECORDATION TO THE CITY ENGINEER AND TO THE CITY CLERK OF PERRY, GEORGIA, IN WITNESS WHEREOF, THE CITY ENGINEER AND THE CITY CLERK OF PERRY, GEORGIA, HAVE HEREUNTO SET THEIR HANDS AND AFFIXED THEIR OFFICIAL SIGNS AND SEALS ON THIS 11th DAY OF FEBRUARY, 2019.

Approved for Recordation
Bryan Wood

DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF PERRY, GEORGIA

PLAT FOR THE WEST RIGHT OF WAY OF
LANGSTON ROAD



- 0 1" = 100'
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11/22/19
DATE

BUCKEYE HOLDING
CO. INC.

BUCKEYE HOLDING
CO. INC.

11/22/19
DATE

BUCKEYE HOLDING
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CO. INC.

11/22/19
DATE

BUCKEYE HOLDING
CO. INC.

BUCKEYE HOLDING
CO. INC.

TYPE: GEORGIA
STANDARD PLATS
RECORDED 11/25/2019
Fee Amt: \$8.00 Page 1 of 1
Houston, Ga. Client Superior
BK 81 PG 111

THESE PLATS ARE SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES THAT MAY EXIST ON THE PROPERTY HEREIN.
THE DATA HEREON WAS OBTAINED FROM THE PUBLIC RECORDS OF THE COUNTY OF PERRY, GEORGIA, AND HAS BEEN CHECKED FOR ACCURACY AND CORRECTNESS.
I, THE SURVEYOR, HAVE BEEN ADVISED BY THE CLIENT THAT THE DATA HEREON IS TRUE AND CORRECT AND THAT THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES THAT MAY EXIST ON THE PROPERTY HEREIN.
I, THE SURVEYOR, HAVE BEEN ADVISED BY THE CLIENT THAT THE DATA HEREON IS TRUE AND CORRECT AND THAT THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES THAT MAY EXIST ON THE PROPERTY HEREIN.

FOR THE CLERK OF SUPERIOR COUNTY, SEE PAGE 1

COUNTY: HOUSTON
DISTRICT: 10TH
LAND LOT: 140
DATE: 11/22/19
SCALE: 1" = 100'
JOB NO.: 0518-001

SURVEY FOR:
GARRETTE MARTIN
EXCAVATING AND HAULING INC.

McLeod
SURVEYING

906 Hall Street
Perry, Georgia 31069
Office (878) 224-7070
Fax (878) 224-7072
WWW.MCLEODSURVEYING.COM

Planning Commission Minutes
June 14, 2021

1. Call to Order: Chairman Edwards called the meeting to order at 6:03pm.
2. Roll Call: Chairman Edwards; Commissioners Clarington, Jefferson, Coody, Kemp, Mehserle, and Butler were present.

Staff: Bryan Wood – Community Development Director, Holly Wharton – Community Planner and Christine Sewell – Recording Clerk

Guests: Kelly Hillis, Steve Rowland, Dylan Wingate, Chad Bryant, Jason Kliethermes, Scott & Angela Westmoreland, Stan Ruzi, David & Cheryl Magerkurth, Neil & Ann Edwards, Elwood & Annette Waites.

3. Invocation: was given by Commissioner Clarington
4. Approval of Minutes from meeting on May 10, 2021: Commissioner Coody motioned to approve as submitted; Commissioner Mehserle seconded; all in favor and was unanimously approved.
5. Announcements – Chairman Edwards referred to the notices as listed:
 - Campaign Notice per O.C.G.A. 36-67A-3.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place cell phones on silent mode.
6. Old Business
 - **RZNE-78-2019**. Text Amendment addressing procedures. The applicant, The City of Perry, requests withdrawal of this application.

Mr. Wood advised the application was filed addressing Article 2, Procedures and with the revisions being considered in the application for TEXT 0146-2021 staff is requesting RZNE 78-2019 be withdrawn. If additional modifications are required to Article 2, a new application will be filed.

Commissioner Clarington motioned to approve the acceptance of the withdrawal of the application; Commissioner Jefferson seconded; all in favor and was accepted for withdrawal.

7. New Business
 - A. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on July 6, 2021)
 - **ANNX-0117-2021**. Annexation and designation of C-2, General Commercial District, zoning of properties on U.S Hwy 41 South and South Perry Parkway. The properties are zoned R-AG in Houston County. The applicant is Perry Volunteer Outreach, Inc.

Ms. Wharton read the applicants' request, along with staff responses, which was for the subject parcels consisting of three parcels totaling 12.12 acres, all owned by Perry Volunteer Outreach and used in support of their ministry. Perry Volunteer Outreach owns several of the properties adjacent to the subject parcels to the south. These properties contain the majority of Perry Volunteer Outreach's facilities. The only development on the subject properties is a single-family home on parcel 000340 015000. The applicant is not proposing any new development on any of the subject

properties and no change in use. The applicant is requesting annexation into the City of Perry and a City zoning classification of C-2, General Commercial District, consistent with the other properties owned by Perry Volunteer Outreach.

Staff based on evaluation of the standards recommends approval of the annexation with the requested C-2, general commercial, zoning classification, with the following condition: 1). Parcels 000340 015000 and 000190 010000 are subject to a landscape easement in favor of the City along the front property line for commercial properties located within 1,100 feet of a major intersection.

Chairman Edwards opened the public hearing at 6:12pm and called for anyone in favor of the request. Mr. Kelly Hillis, Treasurer of Perry Volunteer Outreach reiterated the request. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:13pm.

Commissioner Clarrington motioned to recommend approval of the application as submitted per the standards provided with the condition that Parcels 000340 015000 and 000190 010000 are subject to a landscape easement in favor of the City along the front property line for commercial properties located within 1,100 feet of a major intersection; Commissioner Coody seconded; all in favor and was unanimously recommended for approval.

- **ANNX-145-2021.** Annexation and designation of C-2, General Commercial District zoning of property located at 1946 Houston Lake Road. The property is zoned C-2 in Houston County. The applicant is Chad Bryant.

Ms. Wharton advised the subject property includes a 1.29-acre parcel at the corner of Houston Lake Road and GA Hwy 127 and is currently zoned C-2 in Houston County and includes a convenience store with gas pumps and a liquor store. The applicant has requested to be annexed into the City of Perry with the zoning classification of C-2, general commercial. The applicant is not proposing a change in use of the property or any new development. Ms. Wharton further advised, City of Perry Building and Code Compliance Staff became aware of multiple issues related to commercial building, fire, and code compliance regulations at the subject property. Observed issues include preparing food in an open environment using unsafe appliances, open and exposed dumpsters, and accumulated garbage. These issues would not be permissible for commercial development within the City of Perry. Mr. Wood advised City staff is meeting with the applicant and owner later this week on the issues and was recommending postponement of the application until after that meeting and it could be brought forth on July 12, 2021. Chairman Edwards opened the public hearing at 6:18pm and called for anyone in favor or opposition to the request. Mr. Chad Bryant, the applicant advised he was in agreement with the postponement. There being no further comment the public hearing was closed at 6:20pm.

Commissioner Mehserle motioned to postpone the application until the July 12, 2021, Planning Commission meeting; Commissioner Clarrington seconded; all in favor and unanimously postponed.

- **RZNE-150-2021.** Rezone property on Langston Road from PUD, Planned Unit Development, to R-2, Two-family Residential District. The applicant is Garrette Martin Excavating & Hauling, Inc.

Mr. Wood read the applicants' request which was for property consisting of 21.84 acres currently zoned PUD, Planned Unit Development. It was part of a larger parcel annexed into the City in 2007 which was zoned PUD for single-family residential development. The annexation was contested by the County and mediation pursued. The mediation settlement limited the development to 87 single-family dwelling units on the overall parcel. In 2018, the parcel was split into two parcels and the portion to the south was zoned C-1, Highway Commercial. Based on the size of the subject parcel compared to the original parcel, the subject parcel is currently limited to 43 single-family dwelling units. O.C.G.A. Section 36-36-117 prevents the City from changing the zoning, land use, or density of annexed property for a period of one year following final resolution of an objection to the annexation. The objection was resolved prior to annexation on February 6, 2007. Since it has been over 14 years since the annexation, the City may change the zoning, land use and density of the property. The applicant is proposing to zone the property R-2, Two-family Residential District, and develop it with 99 townhomes. In compliance with standards for townhomes in Section 4-3.1(A) of the Land Management Ordinance (LMO), each townhome lot will be at least 2,000 square feet in area and at least 2,000 square feet of open space per unit will be provided. A conceptual site plan was provided and appears to comply with all requirements of LMO Section 4-3.1(A). Verification of compliance with all applicable standards will be made during site plan permit review. The site layout calls for a 75-foot setback from Langston Road to allow for future road widening, 10.14 acres of open space including a 20-foot buffer adjacent to Greystone Subdivision, reservation of space for a portion of the City's regional stormwater detention pond, and a street connection to Greystone Subdivision. Because Greystone Subdivision and the original subdivision planned on the subject property both exceeded 30 lots, the street connection between the two developments is required under the International Fire Code.

Staff based on the evaluation standards recommends approval of the zoning change with the following conditions: 1). Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021; 2). The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east).

Chairman Edwards opened the public hearing at 6:35pm and called for anyone in favor of the request.

Mr. Steve Rowland, project engineer reiterated the request on behalf the applicant, and advised 2.4 acres will be utilized for a regional pond, there will be 2,000 square feet of open space, along with 5.25 acres dedicated to open space. He noted the property has a number of easements, which encumber it's use, and the proposed townhouse use is a good transition for the property with the surrounding commercial and single family residential. Mr. Dylan Wingate advised he was available for any questions the Commission may have.

Chairman Edwards called for anyone opposed. Mr. Westmoreland advised he was neither for or against, but there is a tremendous amount of water that drains from Langston Road to his property and then over to the Houston Lake pond. With the recent rains it has been particularly heavy and when the PUD development was done it increased, and Langston Road is now eroding and in the

past the County has had to repair culverts, there have been water breaks and the road is damaged. The surrounding neighbors include the following: Stan Ruzi, David & Cheryl Magerkurth, Neil & Ann Edwards, Elwood & Annette Waites. Mr. Westmoreland further stated there will be an increase in traffic, double the capacity currently and Langston Road cannot handle it. The greatest concern is with the additional water runoff, and what will happen when the new retention pond is full. The current problems will only become worse.

There being no further comments the public hearing was closed at 6:46pm.

Commissioner Coody inquired of staff a time frame for the widening of Langston Road; Mr. Wood advised there is no current date, but it could be anticipated to be included in the next SPLOST. Chairman Edwards asked of Mr. Rowland if there was any object to the staff conditions; he advised there was not. Mr. Rowland noted with regard to stormwater runoff, which comes from impervious areas, the proposed development will create less, with regards to streets and roof area, and the project will be providing a retention pond, along with the City's development of one.

Mr. Wood advised there has been studies completed, and a 2.4-acre portion will be used, along with others for development by the City of a regional stormwater detention pond. Mr. Rowland was asked by the Commission how long for construction on the applicants' end; he advised six months to construct with infrastructure. Mr. Westmoreland mentioned again his concern for traffic and the impact of the surrounding area.

Commissioner Mehserle recognized the community's concern with traffic and stormwater, but noted the City is working to improve the stormwater management and inquired if the construction of the subdivision could be coordinated with that. Mr. Wood advised that would be a question for the City Attorney and it was not the City's intent to create more runoff. Commissioner Mehserle inquired when the expansion of Langston Road may be done; Mr. Wood stated currently there was not timetable but could come under consideration in the next five years under SPLOST.

Mr. Stan Ruzi voiced his concern with stormwater runoff as he had previously built homes and feels this will be an issue.

Commissioner Mehserle motioned to recommend approval of the application per the standards provided to Mayor and Council as submitted with the following conditions:

- 1). Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021;
- 2). The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east);
- 3). The development of the property should be synchronized with the City's Langston Road Regional Detention Pond to ensure stormwater created by the development is properly addressed;
- 4). The City should meet with residents in the Langston Road area to discuss plans for the regional detention pond and other planned infrastructure plans in the area; Commissioner Clarrington seconded; all in favor for recommendation of approval.

- **TEXT-146-2021.** Text Amendment to Section 2-2 and certain subsections of Section 2-3 regarding procedures and standards. The applicant is the City of Perry. (Public hearing before City Council scheduled for June 15, 2021)

Mr. Wood read the request, which was for Modifications to Land Management Ordinance Sections 2.1, 2-2.2, 2-3.1, 2-3.2, 2-3.3, 2-3.5, and 2-3.7 to remove duplicative language, to clarify the requirements for various zoning applications, and to clarify the procedures for various zoning applications, including the authority of the Planning Commission and City Council. The specific zoning applications being modified are those for: Official zoning map amendments; Annexation and zoning of land; De-annexation of land; Amendments to the text of the ordinance; Planned unit developments; Special exceptions; and Variances and Appeals of administrative decisions. The proposed text amendment modifies Section 2-2, Procedures, and specific subsections of Section 2-3, Specific Application Requirements. Mr. Wood presented the various proposed modifications and indicated staff's recommendation for approval. He stated the text amendment was developed in collaboration with the city attorney.

Chairman Edwards opened the public hearing at 7:30 pm and called for those supporting or opposed to the text amendment. Jason Kliethermes of 431 Sanderfur Road, Kathleen, GA, stated he was not in support or opposition to the amendment but raised concerns being the proposed language which eliminates a site plan requirement for applications, which he believed is necessary for the public to understand the extent of a proposal. Secondly, he raised concern the amendment changes the time period of when a new application can be considered following a denied application. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 7:39 pm.

Chairman Edwards asked Mr. Wood about the City's position on requiring site plans for all applications. Mr. Wood stated property owners and applicants often do not have a specific use or specific development proposal in mind when they file to rezone or annex and zone property. In these cases, staff, and ultimately City Council must consider all uses permitted in the requested zoning classification to determine if all those uses are appropriate for the location. He also stated that requiring a site plan does not necessarily mean it will ultimately be followed.

Commissioner Mehserle stated that a change in zoning can be initiated for any reason – a property owner may be doing so for self-interest, it may be more advantageous, it may create more value or allow uses that are more marketable.

Mr. Wood stated the staff report is one piece of the information the Commission and City Council should consider. The purpose of informational and public hearings is to gather all pertinent facts relating to a particular application. Chairman Edwards asked if the City's position is to better address applications that come before the Commission. Mr. Wood stated the proposed text amendment does not change current practice but is removing duplicative language and clarifying existing language to follow current practices.

Commissioner Mehserle moved to recommend approval of the text amendment as presented to Mayor and Council; Commissioner Butler seconded; all in favor and was unanimously recommended for approval.

B. Public Hearing (Planning Commission decision) – None

C. Other Business

- **PLAT-143-2021.** Request by Chad Bryant to use the Conservation Subdivision standards for property located at 1380 Cambridge Drive.

Ms. Wharton advised the property is undeveloped and consists of 18.03 acres. The applicant proposes to develop approximately 9 acres into a 43-residential-lot conservation subdivision which includes approximately 9 acres of open space, per the requirements for conservation subdivisions. The property contains a wet weathered stream traversing the site from the western portion of the site to the southeastern portion. Furthermore, per the R-1 conservation subdivision requirements, 2.4 dwellings per acre are permitted with at least 50 percent of open space provided. There is no minimum lot area required for conservation subdivisions. The minimum lot width is 60 feet, front setbacks are 25 feet, interior side setbacks are 8 feet, exterior side setbacks are 20 feet, and rear setbacks are 20 feet. Staff has determined that all lots meet the minimum requirements for a conservation subdivision. A 50-foot right-of-way is shown, which is the minimum for conservation subdivisions. Ms. Wharton advised because of the topography of the land and location of utility easements, the use of Conservation Subdivision standards is appropriate, and staff recommends consent to use Conservation Subdivision standards for this development.

Commissioner Coody motioned to approve use of the conservation subdivision standards for the request presented; Commissioner Kemp seconded; all in favor and was unanimously approved.

- **PLAT-144-2021.** Request by Chad Bryant to use the Conservation Subdivision standards for properties located on Perimeter Road.

Ms. Wharton advised the property is undeveloped and consists of 74.58 acres. The applicant proposes to develop approximately 38 acres into a 157-residential-lot conservation subdivision which includes approximately 36 acres of open space, per the requirements for conservation subdivisions. The property contains rolling hills and a wetland system on the eastern portion of the site. Per the R-3 conservation subdivision requirements, 2.6 dwellings per acre are permitted with at least 30 percent of open space provided. There is no minimum lot area required for conservation subdivisions. The minimum lot width is 60 feet, front setbacks are 25 feet, interior side setbacks are 8 feet, exterior side setbacks are 20 feet, and rear setbacks are 20 feet. Staff has determined that all lots meet the minimum requirements for a conservation subdivision. A 50-foot right-of-way is shown, which is the minimum for conservation subdivisions. Because of the topography of the land and presence of wetlands and flood hazards on the subject property, the use of Conservation Subdivision standards is appropriate. Staff recommends consent to use Conservation Subdivision Standards for this development.

Commissioner Butler motioned to approve the use of the conservation subdivision standards for the request presented; Commissioner Mehserle seconded; all in favor and was unanimously approved.

- Commission questions or comments – None

D. Adjournment: There being no further business to come before the Commission the meeting was adjourned at 8:05pm.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING APPENDIX A, LAND MANAGEMENT ORDINANCE, OF THE CODE OF THE CITY OF PERRY, ARTICLE 2, ADMINISTRATION, BY REPEALING SUBSECTION 2-3.11.3, CONSERVATION SUBDIVISIONS; AND REPEALING SECTION 5-6, CONSERVATION SUBDIVISION OPTION, OF ARTICLE 5, MEASUREMENTS AND DIMENSIONAL STANDARDS.

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Land Management Ordinance of the Code of the City of Perry is amended as follows:

1.

By repealing **Subsection 2-3.11.3 – Conservation subdivisions** in its entirety. Subsection 2-3-11.3 is reserved.

2.

By repealing **Section 5-6 – Conservation subdivision option** in its entirety. Section 5-6 is reserved.

SO ENACTED this 17th day of August, 2021.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: August 3, 2021

2nd Reading: August 17, 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING APPENDIX A, LAND MANAGEMENT ORDINANCE, OF THE CODE OF THE CITY OF PERRY, ARTICLE 1, GENERAL PROVISIONS; AMENDING SECTION 1-13, DEFINITIONS; AND ARTICLE 4, USE REGULATIONS; AMENDING SECTIONS 4-1.2, TABLE OF USES AND 4-2.4, COMMERCIAL USE CATEGORIES, TO PROVIDE FOR SHORT-TERM RESIDENTIAL RENTALS

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Land Management Ordinance of the Code of the City of Perry is amended as follows:

1.

By amending the definition of “Bed and breakfast inn” within **Section 1-13 – Definitions** to read as follows:

Bed and breakfast inn means an owner-occupied dwelling having ten or fewer guest rooms where overnight accommodations are provided to transients for compensation. Meals may or may not be provided. The short-term rental of individual rooms in an owner-occupied dwelling is classified as a bed and breakfast inn. This use type is regulated under the "visitor accommodations" use category in Article 4, Use Regulations.

2.

By adding a definition of “Short-term residential rental” within **Section 1-13 – Definitions**, such term to be incorporated alphabetically within the other terms, and to read as follows:

Short-term residential rental means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. This use type is regulated under the "visitor accommodations" use category in Article 4, Use Regulations.

3.

By amending the “Visitor Accommodations” use category in **Table 4-1-1: Table of Uses of Section 4-1.2** to provide for the use of Short-Term Residential Rental as follows:

Sec. 4-1.2 Table of Uses.

Use Category	Use Type	Zoning Districts																Additional Regulations			
		Residential						Nonresidential						Form Based Code ²							
		RDG	RL	RD1A	R2	RB	RMPI	DC	IN	U	U	U	LC	M1	M2	GU	RMU		SMUC	RMU	FR
Visitor Accommodations	Bed and breakfast inn	S	S	S	S	S	S	C	C								S	S	S	S	Sec. 4-3.3(B)
	Campground									S											
	Hotel or motel									P	P	P					P	P	S		
	Recreational vehicle park									S											Sec. 4-3.3(B)
	Short-Term Residential Rental	S	S	S	S	S	S	P	P	P	P	P					P	P	P	S	

4.

By amending subsection (H) of **Section 4-2.4 – Commercial use categories** to read as follows:

4-2.4. Commercial use categories.

(H) Visitor accommodations.

- (1) *Characteristics.* This category includes dwelling units arranged for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, meeting facilities, and offices.
- (2) *Examples.* Examples include bed and breakfast inns, hotels, motels, and short-term residential rentals.

SO ENACTED this 17th day of August, 2021.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: August 3, 2021

2nd Reading: August 17, 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING APPENDIX A, LAND MANAGEMENT ORDINANCE, OF THE CODE OF THE CITY OF PERRY, AMENDING ARTICLE 1, GENERAL PROVISIONS, SECTION 1-13, DEFINITIONS; AMENDING ARTICLE 4, USE REGULATIONS, SUBSECTION 4-3.3, COMMERCIAL USES; AND AMENDING ARTICLE 6, DEVELOPMENT AND DESIGN STANDARDS, SUBSECTION 6-1.3, OFF-STREET PARKING REQUIREMENTS, AND SUBSECTION 6-1.6, PARKING DESIGN AND LOCATION STANDARDS; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Land Management Ordinance of the Code of the City of Perry is amended as follows:

1.

By deleting and replacing the definitions of "Parking lot" and "Vehicular use area" of **Section 1-13** as follows:

Sec. 1-13 Definitions.

Parking lot means any area not within a structure used to maneuver and park vehicles. Areas used for the display or storage of farm and lawn equipment, golf carts, ATVs, utility trailers, and similar equipment for sale or rent are not considered parking lots. A parking lot may be an accessory use or a principal use. As a principal use, this use type is regulated under the "parking, commercial" use category in article 4, Use Regulations.

Vehicular use area means any area which is not located within an enclosed structure, and which is devoted to a use by and for motor vehicles, including parking (accessory or non-accessory) or storage of automobiles, trucks or other vehicles, service areas and driveways. Areas designated solely for the display of new and used vehicles for sale or lease, and any area designed to be used solely for access between a street and a vehicular use area is not considered part of the vehicular use area.

2.

By deleting **subsection (F) of Subsection 4-3.3 – Commercial uses** in its entirety and replacing it to read as follows:

Sec. 4-3 Standards for specific uses.

4-3.3. Commercial uses.

(F) *Vehicle sales and services.* All such uses shall comply with the following standards:

- (1) Vehicles, parts, or equipment shall not be stored, parked, or displayed in any landscape area (except as provided in section 4-3.3(F)(3)(b), the right-of-way, or in a location which obstructs visibility in sight triangles for streets and driveways.
- (2) All vehicles not displayed for sale or lease, automobile parts, discarded parts, and similar materials shall be stored within an enclosed building or within an outdoor storage area which complies with screening requirements in subsection 19-6.2.5, additional screening requirements.
- (3) Automobile sales and rental, boat/recreational vehicle sales and rental. Automobile sales and rental uses and boat/recreational vehicle sales and rental uses shall be subject to the following standards:

- (a) *Minimum site size.* Automobile sales or rental uses, and boat/recreational vehicle sales and rental uses shall be located on a site at least one acre in area dedicated solely to such use.
- (b) *Vehicle display/storage areas.* Vehicle display/storage areas shall be subject to the following standards:
 1. A vehicle display/storage area shall not be located within a required setback, required landscaping area, or required parking space.
 2. Vehicle display devices shall not be elevated more than two feet above grade.
 3. Areas used for display or storage of vehicles shall be surfaced with concrete, asphalt concrete, or approved pervious paving surfaces approved by the administrator, except that up to ten (10) vehicles may be displayed on turf located on the premises of an authorized automobile sales use. Gravel is not an acceptable paving surface for display or storage of vehicles. All surfaces shall be maintained in sound condition free of potholes, weeds and other vegetation, dust, trash, and debris.
 4. Display vehicles shall be arranged in an orderly fashion and provide reasonable room for pedestrian and vehicular maneuvering.
 5. No vehicles shall be displayed on top of a building.
 6. Junked or salvage vehicles are prohibited. All motor vehicles for sale shall be maintained in running condition.
- (c) *Service areas.* Vehicle service areas shall be placed entirely within an enclosed building. Service bay or garage doors that face a public right-of-way shall be recessed at least 15 feet beyond the main facade of the building. Service bay and garage doors shall not face residential districts.
- (d) *Outdoor storage.* Outdoor storage of materials, supplies, and equipment may be allowed only within an area screened in accordance with section 6-3-7, additional screening requirements. Outdoor storage lots may contain a gravel surface, provided it is maintained free of potholes, weeds and other vegetation, dust, trash, and debris.

3.

By amending **Table 6-1-1: Off-Street Parking Requirements Schedule A** of **Subsection 6-1.3 – Off-street parking requirements** as follows:

Sec. 6-1. Off-street parking and loading.

6-1.3. Off-street parking requirements.

Schedule A. Unless otherwise expressly stated in this chapter, off-street parking spaces shall be provided in accordance with Table 6-1-1.

Use Category	Use Type	Minimum Spaces Required	Maximum Spaces Allowed
		Square footage refers to total gross floor area, excluding accessory warehouse and storage areas unless otherwise indicated	
COMMERCIAL USES (CONTINUED)			
Vehicle sales and service	Automobile rental and sales	1 per 300 square feet	See Schedule B
	Automobile repair	1 per 300 square feet	See Schedule B
	Automobile servicing	1 per 300 square feet	See Schedule B
	Automobile wash and detailing	1 per 500 square feet of sales, office, and lounge area, plus vehicle stacking spaces (See § 6-1.7)	See Schedule B
	Boat/ Recreational vehicle rental and sales	1 per 300 square feet	See Schedule B
	Towing service	1 per 300 square feet	See Schedule B
	Truck or trailer rental	1 per 300 square feet	See Schedule B

By amending subsections (A), (B) and (D) of Subsection 6-1.6—Parking design and location standards to read as follows:

6-1.6. Parking design and location standards. In addition to the design standards listed in section 6-6, the following shall apply to all parking lots:

- (A) *Surfacing and maintenance.* All required parking and vehicular driving surfaces shall be graded for drainage in accordance with article 7, stormwater management. All parking and vehicular driving surfaces required pursuant to minimum spaces required in Table 6-1-1, except for parking and driveways for one-family detached and two-family dwellings, shall be surfaced with concrete or asphalt concrete pavement except as required or allowed in subsections 6-1.6(B), (D) and (E) of this section. Alternative materials may be approved by the administrator. Alternative materials shall only be considered if such material exhibits equivalent load bearing and wear characteristics as concrete or asphalt concrete. Gravel is not an acceptable alternative paving material except for overflow parking and vehicular use areas located in an M-1 or M-2 zoning district. All surfaces shall be maintained in sound condition free of potholes, weeds, dust, trash, and debris.
- (B) *Low impact development (LID) techniques required.* All parking areas, for uses other than single-family detached and two-family dwellings, which exceed the number of parking spaces required by the minimum spaces required column and equal to or less than the maximum spaces allowed column as listed in Table 6-1-1 should incorporate low impact development (LID) techniques for the area in which there are excess spaces. Each LID technique shall be approved by the administrator. Examples include but are not limited to bioretention areas and vegetative filter strips. The LID technique shall be sized to treat the first 0.5 inches of runoff from the excess spaces and will be in addition to the stormwater requirements set forth in article 7, stormwater management.
- (D) *Overflow parking.* All parking areas above the maximum number of spaces required in Table 6-1-1 are considered as overflow parking and shall be turf or an approved pervious paving system. Turf may be used for parking areas and vehicular driving surfaces only for parking areas which are designed to be used no more than ten times per year.

BE IT FURTHER ORDAINED that all ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed; and that should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of this governing authority.

SO ENACTED this 17th day of August, 2021.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: August 3, 2021

2nd Reading: August 17, 2021

Bid Submittal Summary Sheet

Bid Title/Number: 2022-05
Full Size SUV 4-Wheel Drive
Quantity: One (1)

M&CC Meeting Date: 8/3/2021

Funding Source: Fire Protection Fund
via GMA Lease Program

Budgeted Expense? Yes

Responsive Bidders:	Bid Amount
Phil Brannen Ford of Perry	\$ 44,246.76
Prater Ford, Inc	\$ 45,534.76


Posting Sources:

City of Perry's Website:	www.perry-ga.gov
GA Procurement Registry	https://ssl.doas.state.ga.us/PRSapp/

Department Recommendation:

Vendor:	Phil Brannen Ford of Perry
Amount:	\$ 44,246.76
Department:	Vehicle Maintenance
Department Representative:	Bob Taylor, Vehicle Maint Manager

Purchasing Agent Recommendation:

Vendor:	Phil Brannen Ford of Perry
Amount:	\$ 44,246.76
Purchasing Agent:	Mitchell Worthington, Finance Director
Signature:	

CITY OF PERRY
PROCUREMENT POLICIES
Revised 08-03-2021

To be fully effective, the authority and responsibility for maintaining a centralized purchasing program must reside in the City Manager as Purchasing Agent (or his designee) and his immediate staff. This places the responsibility on those who have the interest and skill to do the procedure work properly and whose primary concern is the performance of uniform policies covering City-Vendor relationships as well as interdepartmental relationships, and it permits adequate controls to be exercised over expenditures.

The express purpose of this section of the manual is to establish a set of policies designed to guide the decision process as it relates to the procurement of supplies and services for use by the City of Perry.

POLICIES

1. CENTRALIZED PURCHASING. It shall be the policy of the City to maintain a centralized purchasing process with the Purchasing Agent. It shall be the Purchasing Agent's responsibility to administer purchasing policies, institute reports necessary to permit analysis or purchasing performance, negotiate and approve term contracts in concert with City Departments, consolidate purchases of like or common items, analyze prices paid for materials and equipment, and generally define how to obtain savings and to coordinate purchasing procedures.
2. SOURCE OF SUPPLY. The Purchasing Agent shall select sources of supply in concert with the appropriate Department. This shall be accomplished with a new view toward creating good vendor relations and promoting the best interests of the City. The City recognizes that frankness and fair dealing comprise the cornerstones to strong and lasting relationships with suppliers. As a general policy, purchases shall be awarded on the basis of availability, best price, delivery and quality taking into consideration the reputation and performance capability of the suppliers.
3. COMMITMENTS. On concert with City Departments, the Purchasing Agent shall conduct and conclude all negotiations affecting vendor selection, process, terms, delivery, etc. Commitments and orders in order to be valid, shall be stated by contract, letter or purchase order signed by the Purchasing Agent or a person duly authorized to sign in his stead. Negotiations leading up to, or likely to conclude in, contract arrangements shall not be conducted without the knowledge and authorization of the Purchasing Agent. No One other than the Purchasing Agent shall commit the City to any purchase, vendor, or product, or give any information concerning price or competitive performance. Exceptions to the above include emergencies, and other situations as detailed herein.

4. INTERDEPARTMENTAL RELATIONS. A central purchasing system cannot function properly without the cooperation and assistance of all Department Heads. It shall be the policy of the City to promote an intelligent and harmonious relationship between the Purchasing Agent and other City Departments relative procurement. The Purchasing agent has the duty and authority to request reconsideration of specifications or quantity of material if, in his opinion, it appears that the interest of the City may be better served. However, the final determination of quality and quantity will remain the prerogative of the requisitioning agency.

To enable the Purchasing Agent to develop the best source of supply, requisitions should be submitted as far in advance of the required date as possible. Useful information obtained by the Purchasing Agent from salesmen's interviews and direct mail will be forwarded to the appropriate City Departments. Using Departments are encouraged to reciprocate by forwarding useful information on materials and suppliers to the Purchasing Agent.

5. VENDOR RELATIONS. The Purchasing Agent will promote a program of fairness and friendship with all vendors. Salesmen will be received by the Purchasing Agent as promptly and courteously as time permits.

- a. Salesmen will only be received in other Departments after approval has been given, or arrangements have been made, by the Purchasing Agent.
- b. The Purchasing Agent will arrange interviews between vendor representatives and department Heads when it appears to be to the advantage of the City or when such an interview is requested by an appropriate City employee.
- c. No city employee is required to place his time at the disposal or discretion of salesmen. However, if any interview is to be denied, such will be acknowledged promptly, a reason given for not granting the interview, and the suggestion offered for the salesman to see the Purchasing Agent.
- d. The Purchasing Agent will handle all correspondence with suppliers except when technical or other details make it necessary or appropriate to assign such correspondence to another Department.
- e. Prices and other specific information received from vendors will be considered confidential. During negotiations, quotations received from one supplier will not be divulged to another.
- f. The Purchasing Agent will advise unsuccessful bidders as to the disposition of their quotations or bids at the request of the unsuccessful bidders.
- g. Vendor representatives who are unavailable at the time the Purchasing agent calls to request information on the status of an order or other inquiry are requested to return the call by the end of the working day on which it is made.

h. Salesmen calling on the City should be prepared to advise the Purchasing Agent on the status of existing City orders with their company.

6. CONFLICTS OF INTEREST. No employee, officer, or agent of the City may participate in the selection, award, or administration of a contract for the City if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when an employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

7. GIFTS AND GRATUITIES. City employees, officers and agents are expressly prohibited from soliciting or accepting any rebates, money or costly entertainment, gift or gratuity from any person, company, firm or corporation to which any purchase order or contract is or might be awarded. The City will not tolerate circumstances that produce, or reasonably appear to produce, conflicts between the personal interests of an employee and the interests of the City. If it is found that substantial gifts or gratuities were offered to a City employee for any purchase order or contract, such purchase order or contract will be voided. The City may also take disciplinary action, including dismissal, against a City employee who solicits or accepts gifts or gratuities of any value whatsoever, or who otherwise violates the City's procurement policies.

8. BID DEPOSITS. Bid deposits or surety shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to return of that deposit or surety. A successful bidder, upon failure on his part to enter into a contract within the time specified after written notification of the bid award, shall forfeit any surety deposited with the City.

9. PERFORMANCE BONDS. The City may require a performance bond before entering a bid-based contract, and in such amount as shall be found necessary to protect the best interests of the City.

10. BIDDERS' LIST. With the aid of other City Department heads the Purchasing Agent shall compile and maintain a bidders' list. Vendors desiring to be listed shall advise the Purchasing Agent, in writing, of the following:

- a. Type of business.
- b. Name of officers, owners or partners.
- c. Persons authorized to sign bids, offers, and contracts.
- d. Type of equipment, supplies, materials sold and/or services provided.
- e. How long in present business.

11. AWARD OF BID-BASED CONTRACTS. City Council may award bid-based

contracts upon the recommendation of the Purchasing Agent. Council awards bid-based contracts based on their determination of what is in the best interests of the City. The award will usually be to the lowest and best responsible and responsive bidder. When an award is recommended not to be made or not to the lowest bidder, a full and complete statement of the reasons shall be prepared by the Purchasing Agent and shall be filed along with other papers relating to the transaction.

12. EXPEDITING. Expediting of “follow-up” on the delivery position of material on order will be accomplished by the Purchasing Agent. Any information other City Department may acquire or be requested to acquire concerning the delivery status of ordered material should be passed on to the Purchasing Agent.
13. TAX EXEMPTION. The City of Perry, Georgia, a municipality, is exempt from all city, state, and federal sales and excise taxes.
14. EMPLOYEE BIDDING. No city employee will be eligible to bid on City contracts, supply items, or any construction of any type unless authorized by Council.
15. All purchases for materials/services with a total cost of \$1,500.00 or less and within current budget shall require a public voucher and be authorized by the department head or her/his designated representative. It is the responsibility of the department head to obtain goods and services most advantageous to the City, price and other factors considered.
16. All purchases for materials/services with a total cost between \$1,500.01 and \$5,000.00 and within current budget shall require a requisition with three (3) written quotes, when possible, and purchase order. The purchase order shall be authorized by the Purchasing Agent based on department head recommendation.
17. All purchases for materials/services with a total cost between \$5,000.01 and \$10,000.00 and within current budget shall require a requisition with three (3) written quotes, when possible, and a purchase order. The purchase order shall be issued by the Purchasing Agent based on the City Manager’s recommendation.
18. All purchases for materials/services with a total cost between \$10,000.01 and \$25,000.000 and within current budget shall require a Request for Informal Quotes. The Purchasing Agent shall advertise the specifications for the purchase and contact vendors requesting written quotes. The purchase shall require a purchase order and award by City Council.
19. All purchases for materials/services with a total cost exceeding \$25,000.01 and within budget shall require a requisition, a formal procurement process, a purchase order, and award by the City Council.
20. All non-budgeted purchases for materials/services exceeding the current budget shall require approval by the City Council.

21. Emergency purchases are authorized up to \$15,000.00 by the Mayor or City Manager. A report must be provided to the City Council within three (3) working days listing the reason for the purchase, amount of monies spent and funding source.
22. Change orders, within the current budget shall be authorized by the City Manager up to \$10,000.00. A report must be provided to the Mayor and Council. Change order exceeding the current budget or above \$10,000.00 shall require approval by the City Council.
23. The City Manager shall provide on a regular basis a list of sole source vendors excluded from the bidding process.
24. In lieu of a Request for Informal Quotes or a Formal Procurement Process, the City may purchase materials/services pursuant to a contract with (1) the State of Georgia or an agency thereof or (2) any government unit or agency thereof within the state of Georgia.
25. When it is determined by the Council that there would be a financial or operational benefit to the City as a result of less down time, faster delivery, improved routine or warranty maintenance schedule, better agent response or other best management practice advantageous to the City of Perry, the Council may enact a local vendor preference provision subject to the below criteria:
 - a. A local vendor is defined as a qualified provider of services and/or materials having had a City of Perry business license for at least one (1) year prior to the bid award date and issued a current business license.
 - b. The local vendor preference shall be to match the qualified, low non-local vendor's bid if the local vendor(s) is within seven (7) percent of the low bid. The local vendor(s) must confirm in writing within five (5) working days of the Council's enactment of matching or exceeding the low bid price. Failure to do so will void the local bidder preference provision.
 - c. If two (2) or more local bidders qualify for the preference, the lowest written submitted response within five (5) working days will receive the award.
 - d. This preference shall not apply to public works bids as defined by the State of Georgia.
23. If a bidder is determined to not meet the bid specifications it shall be immediately advised in writing of the basis for the determination. Should the bidder desire to appeal this determination, it must respond in writing within seven (7) working days of the date of the notice. This written response will be included in the bid package forwarded to the Council for review. The Council shall then decide if it wishes to consider the appeal. Council action is final.