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Planning Commission Agenda
Monday, December 11, 2023 – 6:00pm
Perry City Hall 808 Carroll Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from November 13, 2023
5. Announcements
 - 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 phones in silent mode.
6. Citizens with Input
7. Old Business
8. New Business
 - A. Public Hearing (Planning Commission decision)
 - **VAR-0154-2023.** Variance for property located at 720 Perry Parkway. The applicant is La Crosse Sign Group, Carlee Strong.
 - **VAR-0153-2023.** Variance for property located at 104 & 108 Mims Court and 1214 Washington Street. The applicant is Chad Bryant, Bryant Engineering.
 - **PLAT 0158-2023.** Preliminary plat for Mims Court Townhomes. The applicant is Chad Bryant, Bryant Engineering.
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on January 2, 2024)
 - **RZNE-0156-2023.** Rezone 206 and 208 Hickory Drive from R-2 to RM-1 Multi-Family, Residential District. The applicant is Slap Nuts, LLC.
 - **TEXT-0157-2023.** Amend the LMO to modify/clarify time periods within which Council and Planning Commission must act on certain applications, and to allow motorized wheeled mobile food vendor vehicles to be parked in the C-3 district. The applicant is the City of Perry.
9. Other Business
10. Commission questions or comments
11. Adjournment

All meetings of the Planning Commission are open to the public.

(478) 988-2720

<https://perry-ga.gov/business-services/community-development/planning-and-zoning>

Planning Commission
Minutes - November 13, 2023

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

Staff: Emily Carson – Community Planner and Christine Sewell – Recording Clerk

Guests: Leonard & Caroline Troutman, Rosston Smith, Dave & Julie Forrester, and Jerimah Foster

3. Invocation – was given by Commissioner Moody
4. Approval of Minutes from October 16, 2023

Commissioner Jefferson motioned to approve as submitted; Commissioner Moody 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 phones in silent mode.

6. Citizens with Input – None

7. Old Business – None

8. New Business

A. Public Hearing (Planning Commission decision)

- **VAR-0143-2023**. Variance for property located at 1304 Houston Street. The applicant is Leonard Troutman.

Ms. Carson read the applicants' request, which was for a variance to increase the maximum lot coverage allowed. Ms. Carson advised Section 5-1 Table 5-1-1: Maximum Lot Coverage of Buildings (percentage) for R-2, Single-Family Residential shall be 25%. The property is a rectangle similar in size and conditions of nearby properties and the request does not meet the standards for a variance, as outlined in the ordinance, since the proposed additional square footage is not due to exceptional conditions relative to the shape of the parcel. The intent and purpose of the Land Management Ordinance is to "Provide for adequate light, air, and open space" and to "Prevent the overcrowding of land". Granting the variance would compromise the purpose of the Land Management Ordinance and based on the analysis and the site plan presented by the applicant, staff recommends denial of the variance request since it does not meet the standards for hardship and promotes the overcrowding of property. The applicant does not describe any exceptional conditions that demonstrate that the variance is the minimum relief necessary to provide a reasonable use of the property. The parcel currently has a 2-car attached garage and a 4-car carport and is at 45.5% lot coverage and building the proposed 35x28 building (980 sq ft) would put the parcel at 60% lot coverage.

Chairman Edwards opened the public hearing at 6:07pm and called for anyone in favor of the request. The applicant, Mr. Leonard Troutman, advised he wants to attach a metal garage to the house 28 x 30 and years ago he had a variance for an addition that was approved. The new building will be six feet from the property line. Mrs. Troutman said the additional garage will be attached to the current building as they need something closer so the cars aren't in the weather and there will be no additional water runoff; and she does not understand why this is such a problem.

Chairman Edwards noted for the record citizen input was received from the adjoining neighbor Ms. Emory Richardson.

Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:12pm.

Chairman Edwards asked Ms. Carson to clarify the lot coverage; it is at 45.5% lot coverage now and the proposed 35x28 building (980 sq ft) would put the parcel at 60% lot coverage.

Commissioner Moody asked what the structures on Lucille Avenue are; Mr. Troutman advised a car shed and storage building.

Commissioner Butler motioned to deny the request as submitted; Commissioner Moody seconded; all in favor and was unanimously denied.

B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on December 5, 2023)

- **SUSE-0061-2023.** Special exception for short-term rental permit on property located at 700 Martin Luther King, Jr. Drive. The applicant is Rosston Smith.

Ms. Carson advised the property owner proposes to offer the entire 3-bedroom/2-bath house for short-term rental for a maximum of 8 occupants. The premises were inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and passed.

Chairman Edwards opened the informational hearing at 6:23pm and called for anyone in favor of the request. The applicant, Mr. Rosston Smith, had no further comment. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:24pm.

Commissioner Guidry inquired if the buffer was confirmed; Ms. Carson advised it was and is the first step before moving the application forward.

Commissioner Guidry motioned to recommend approval of the application as submitted with staff conditions to Mayor and Council; Commissioner Ross seconded; all in favor and was unanimously recommended for approval.

- **SUSE-0099-2023.** Special exception for short-term rental permit on property located at 1708 Kings Chapel Road. The applicant is Malorie and Andy Acosta.

Ms. Carson advised the property owner proposes to offer the entire 1-bedroom/1-bath house for short-term rental for a maximum of 4 occupants. The premises were inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and passed.

Chairman Edwards opened the informational hearing at 6:23pm and called for anyone in favor of the request. The applicant, Mr. Rosston Smith, had no further comment. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:24pm.

Commissioner Ross motioned to recommend approval of the application as submitted with staff conditions to Mayor and Council; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

- **SUSE-0144-2023.** Special exception for in-home daycare for property located at 407 Dog Fennel Lane. The applicant is Jermiah Foster.

Ms. Carson advised the property owner proposes to operate a daycare home for up to six (6) children in a portion of the house as a residential business. Residential businesses are small offices or small-scale retail or service businesses in which customers or clients come to the house and are clearly incidental and secondary to the use of the dwelling for residential dwelling purposes, along with staff responses.

Chairman Edwards opened the informational hearing at 6:33pm and called for anyone in favor of the request. Ms. Jeremiah Foster, the applicant, had nothing further to add. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:34pm.

Commissioner Guidry asked Ms. Foster how the home was protected from the pond behind it; Ms. Foster said the pond was fenced and she also has a fence in her yard.

Commissioner Ross motioned to recommend approval of the application as submitted to Mayor and Council with the following conditions: 1). Limited to the use and business details specified in the application documents, 2). Limited to the applicant, Jeremiah Foster, and is not transferable; 3. All drop-off/pick-up of children shall occur in the driveway of the residence only; Commissioner Butler seconded; all in favor and was unanimously recommended for approval.

- **RZNE-0142-2023.** Rezone property at 911 Jernigan Street from M-2 to C-3, Central Business District. The applicant is Julie and Dave Forrester.

Ms. Carson advised the property has been part of the former Walker-Rhodes Tractor business for many years. Mason Tractor purchased the business a couple of years ago and plans to relocate. The applicant plans to use the property for a brewpub and event venue and these uses are permitted in the C-3 district, but not in the M-2 district, and read the staff responses.

Chairman Edwards opened the informational hearing at 6:42pm and called for anyone in favor of the request. The applicants, Dave & Julie Forrester had nothing further to add. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:43pm.

Chairman Edwards felt the zoning change was appropriate for the growing downtown; Commissioner Moody agreed and felt it was a good use for the parcel. Commissioner Butler asked how long to construct; Mrs. Forrester advised they hoped to start in June 2024. Commissioner Guidry inquired about the steam emitted from the brewery; Mr. Forrester advised it would be nothing over 1500PSI.

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

- **RZNE-0136-2023.** Rezone properties in Phase 3 of Legacy Park subdivision from C-2 to R-3, Single Family Residential. The applicant is Bryan Wood for the City of Perry.

Ms. Carson advised the application consists of 24 parcels which have been subdivided for single-family residential use. The properties were designed to comply with the R-3 standards, since this is a residential development in a commercial zone. The request is to zone the residential properties to R-3. There will be no impact on the properties.

Chairman Edwards opened the informational hearing at 6:46pm and called for anyone in favor or opposed to the request; there being no comment the hearing was closed at 6:47pm.

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

- **TEXT-0112-2023.** Text providing for 25-foot rear setback in R-2 and R-3 districts with preliminary plats approved prior to October 18, 2022.

Ms. Carson advised on October 18, 2022, Council adopted amendments to Article 5 and other sections of the LMO addressing residential zoning districts. As part of this amendment the rear setback for properties zoned R-2 and R-3 was increased from 25 feet to 35 feet to help address potential conflicts with R-1 zoned properties. Since then, staff has realized that properties designed and approved prior to that date cannot accommodate typical house plans and meet the 35-foot rear setback. This amendment will allow the 25-foot rear setback as designed for properties which were created from a preliminary plat prior to October 18, 2022. All preliminary plats in R-2 and R-3 zones submitted after October 18, 2022, must include a 35-foot rear setback.

Chairman Edwards opened the informational hearing at 6:49pm and called for anyone in favor or opposed to the request; there being no comment the hearing was closed at 6:50pm.

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

9. Other Business – None
10. Commission questions or comments- None
11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:52pm.

DRAFT



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STAFF REPORT

From the Department of Community Development

December 8, 2023

CASE NUMBER: VAR-0154-2023

APPLICANT: La Crosse Sign Group

REQUEST: Request to increase allowed wall signage from 1 per exterior wall to 2 signs per exterior wall on East Elevation and maximum allowed square footage per sign face from 300 sq. ft. to 690 sq. ft on South Elevation.

LOCATION: 720 Perry Parkway; Parcel No. 0P38A0 056000

SECTIONS OF ORDINANCE BEING VARIED: Table 6-9-3. No more than one (1) sign is allowed per exterior wall elevation and signs shall not exceed 300 square feet or 10% of each wall face, whichever is less.

BACKGROUND: The applicant is requesting a variance to install two illuminated signs on the east exterior wall and one 690 square foot sign on the south exterior wall at the property located at 720 Perry Parkway. The subject property is zoned M-2, General Industrial. According to Table 6-9-3 of the Lane Management Ordinance, wall or canopy signs in M-2 zoning districts are limited to one (1) per exterior wall and 300 square feet or 10%, whichever is less.

STANDARDS NECESSARY FOR A VARIANCE:

- 1. Because of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the subject property, does the strict application of the regulations result in unusual or impractical difficulties or exceptional or undue hardship upon the property owner?*

The subject property is under construction as a large, industrial facility with over 46,000 sq ft of exterior wall on the east elevation and over 25,000 sq ft on the south elevation. The applicant is requesting to exceed the number of allowable signs on the east elevation and the maximum size allowed on the south elevation due to the size and scope of the signs relative to the size of the exterior walls. The applicant states that following the recommended standards would limit visibility of the facility from Perry Parkway and US Hwy 341/GA Hwy 7, making it harder for team members and logistical operators to identify it. The building about 500' from streets.

- 2. Is the variance the minimum relief reasonably necessary to overcome the aforesaid exceptional conditions?*

As stated by the applicant, the variance requested is the minimum necessary to overcome the property's exceptional conditions.

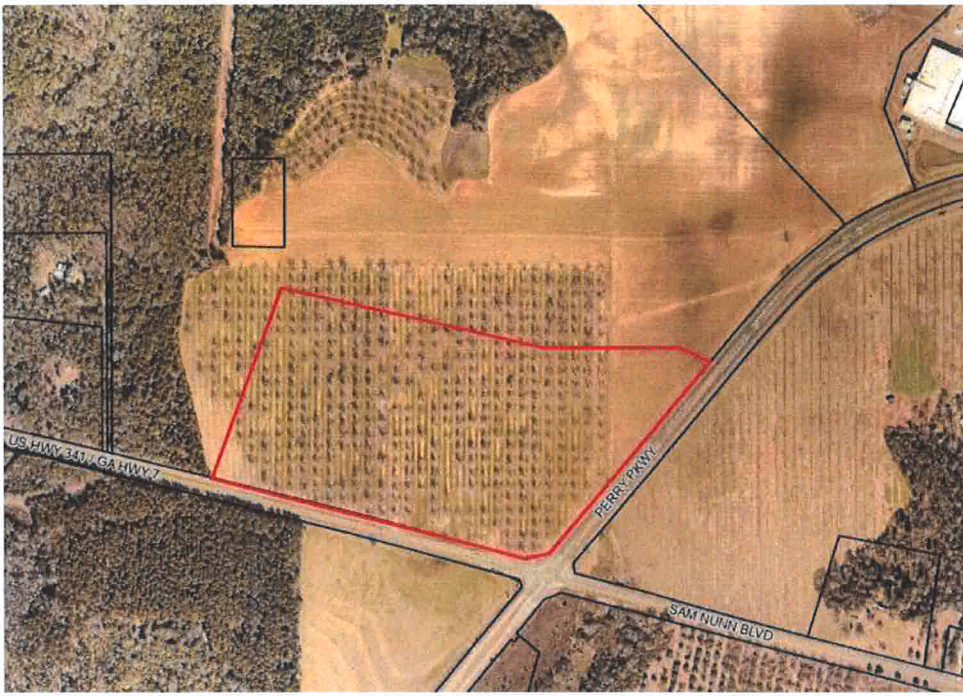
3. *Can the variance be granted without substantial impairment to the intent, purpose, and integrity of the ordinance or comprehensive plan?*

Granting a variance would not substantially impact the integrity of the comprehensive plan. The subject property is located in an 'Industrial Area' character area, and industrial uses are customary land development patterns within this area. The applicant suggests that the variance would better support their operations as an industrial presence in the City of Perry.

4. *Will granting the variance be detrimental to the use and enjoyment of adjoining or neighboring properties?*

The impact on neighboring properties would likely be minimal if the variance is granted, as the facility is not adjacent to any residential areas. There are no known issues to consider.

STAFF CONCLUSIONS: Based on the analysis above, Staff recommends approval of the variance request.

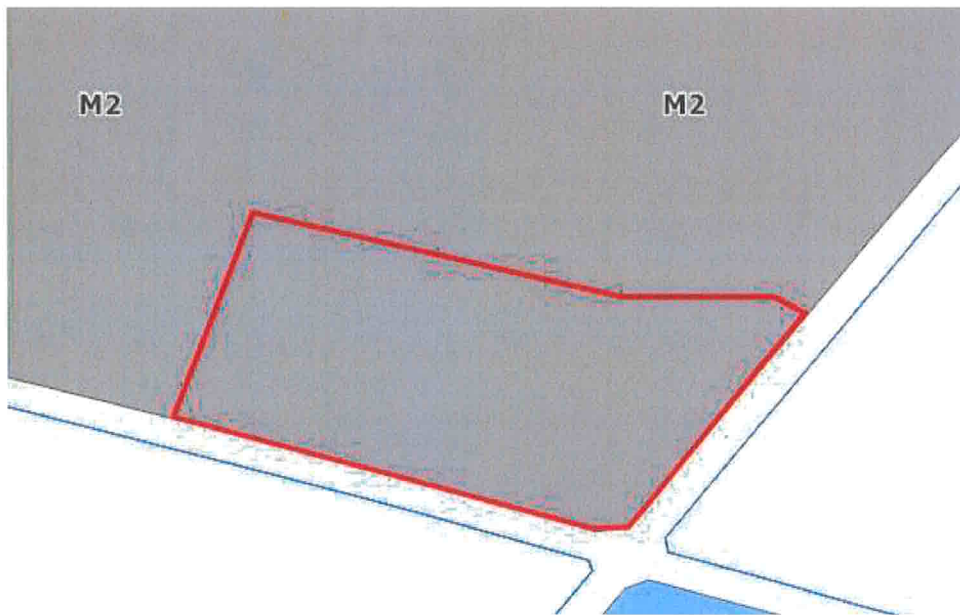


VAR-0154-2023

720 Perry Parkway

Increase number of allowed wall signage and max sign face square footage.

Aerial



Zoning



Character Area



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Application # _____

Application for Variance

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	La Crosse Sign Group - Carlee Strong	Link Snacks, Inc (also known as Jack Link's)
*Title	Project Manager	
*Address	1450 Oak Forest Drive Onalaska, WI 54650	600 Hennepin Ave., Suite 120 Minneapolis, MN 55403
*Phone	608-781-1450	
*Email	carlee.strong@lacrossesign.com	

Property Information

*Street Address	720 Perry Parkway Perry, GA 31069	
*Tax Map #(s)	Parcel #: 0P38A0 056000	*Zoning Designation M2- General Industrial

Request

*Please describe the proposed variance: (i.e. Reduce the rear setback from 25 feet to 22 feet)

Increase allowed wall signage from 1 per exterior wall to 2 signs per exterior wall on East Elevation.
Increase maximum allowed square footage per sign face from 300 sq. ft. to 690 sq. ft on South Elevation.

Instructions

- The application must be received by the Community Development Office no later than the date reflected on the attached schedule.
- Fee:**
 - Owner-occupied single family residential – \$153.00
 - All others - \$306.00
 - All others (post construction) - \$612.00
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.7 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- *Submit plans, drawings, photographs or other documentation which helps fully describe your request.
- 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.
- Variance applications require a public hearing before the planning commission. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing date.
- *The applicant must be present at the hearing to present the application and answer questions that may arise.
- 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.

*Applicant <i>Joel House</i>	*Date 11/3/2023
*Property Owner/Authorized Agent <i>Dan Asfeld</i>	*Date Nov 3, 2023

Standards for Granting a Variance

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

Are there covenants and restrictions pertaining to the property which would preclude the proposed variance?

- (1) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual, practical, difficulties to or exceptional or undue hardship upon the owner of such property;
- (2) Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions;
- (3) Such variance can be granted without substantial impairment to the intent, purpose, and integrity of this chapter and/or the comprehensive plan or other master plan adopted for the property;
- (4) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

Notes:

A variance cannot be granted:

- To reduce a setback of a commercial/industrial property abutting a residentially-zoned property, unless the abutting residentially-zoned property is proposed for commercial or industrial use in the Comprehensive Plan;
- To allow a use not permitted or prohibited in a zoning district;
- To allow a density of development beyond the maximum allowed in a zoning district.

If the hardship invoking the standards for granting a variance was the result of the applicant's intentional disregard or willful failure to comply with the terms of the Land Management Ordinance, the Planning Commission may refuse to grant a variance.

Revised 12/21/22

Application for Variance
720 Perry Parkway
Perry, GA 31069

Summary of Requests and Demonstration of Standards

Variance Request 1: Increase allowed wall signage from 1 per exterior wall to 2 signs per exterior wall on East Elevation.

The wall signs will be facing east, on 2 separate walls, spaced approximately 70 feet from each other. Both wall signs are sized adequately per total wall space, at 44 sq. ft. and 174 sq. ft., less than 300 sq. ft individually and cumulatively. With the total east facing wall space being 46,888 sq. ft., the total sign area is 0.46% of the east wall area.

Due to the construction of the building, 2 separate wall signs on 2 separate east-facing walls are deemed necessary for identification. The purpose of the 15 ft sign is for team member communication above the entrance doorway. The purpose of the 30 ft sign is for visibility and identification from Perry Parkway. With both wall signs staying under the maximum size requirements, there are no impairments to the intent of the standards or detriments to use and enjoyment of adjoining or neighboring properties.

Variance Request 2: Increase maximum allowed square footage per sign face from 300 sq. ft. to 700 sq. ft. on South Elevation.

Due to the large size of wall space, the proposed size of the wall sign is deemed necessary for visibility and identification of the building from this direction. The proposed sign is sized adequately at approximately 700 sq. ft. in proportion to this wall, the wall that the sign will be placed measures approximately 15,540 total square feet (296.5 ft in length x 50-55 ft in height). Total sign area is 4.5% of the wall area. The entire south wall, is 25,584 total square feet. Thus making the total sign area 2.7% of the entire wall area.(see rendering A20013)

The 60 ft sign is the minimum reasonably necessary size for visibility on this large wall space. Intent of the size requirement shall be maintained, staying under the square footage limit of 10% of wall space. The sign will be facing US-Hwy 341, approximately 500 ft away, avoiding any detriment to the use and enjoyment of adjoining or neighboring properties.

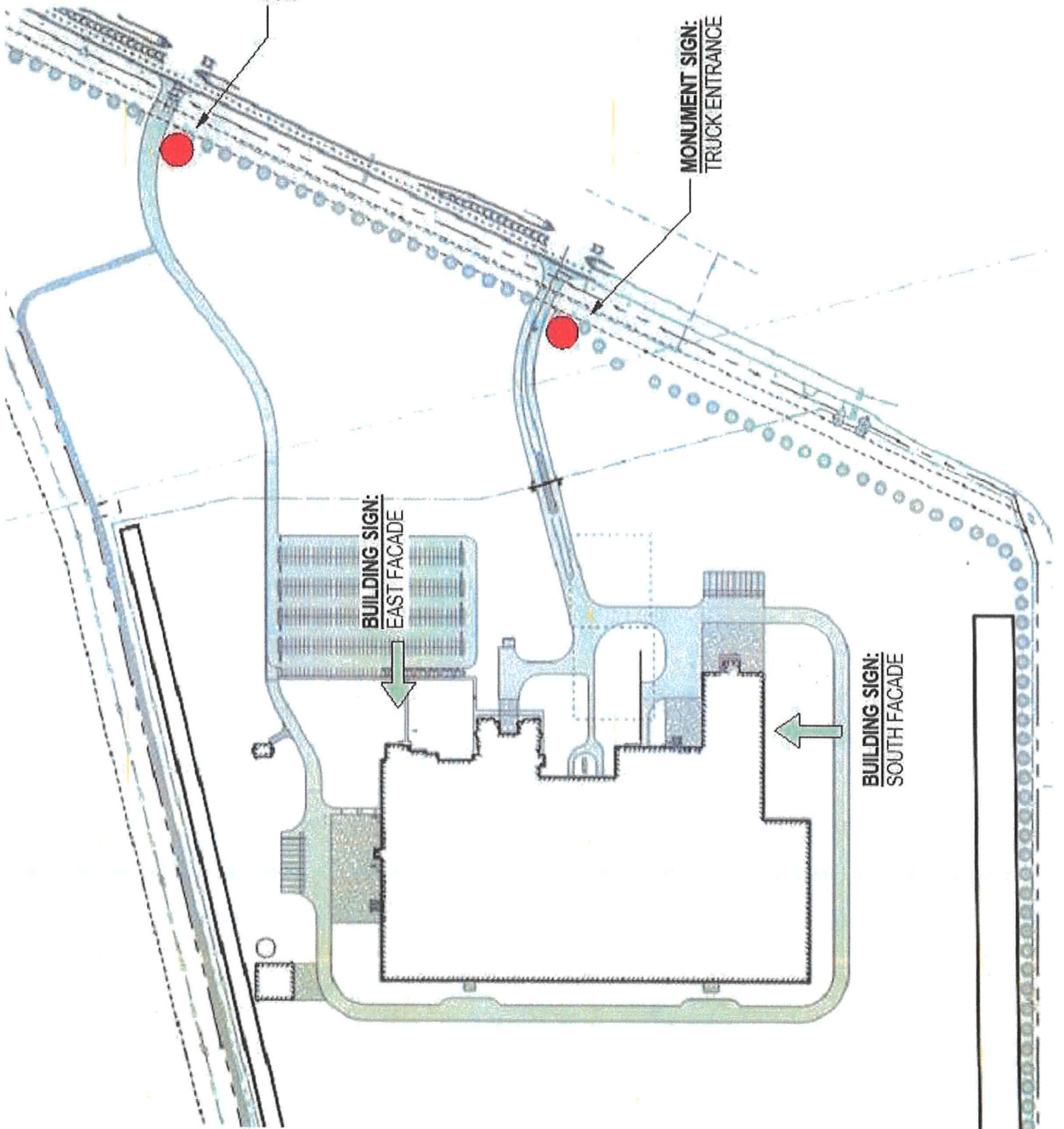
There are two alternative options for the proposed sign size, if the 60 ft sign is not granted the variance. A 50 ft sign option would be approx. 3.2% of the wall space, and a 40 ft sign option would be 2.1% of the wall space. The 60-foot sign is still the preferred and requested option, a reasonably necessary size for the location.

**MONUMENT SIGN:
EMPLOYEE ENTRANCE**

**MONUMENT SIGN:
TRUCK ENTRANCE**

**BUILDING SIGN:
EAST FACADE**

**BUILDING SIGN:
SOUTH FACADE**





JACK LINKS

JACK LINKS



JACK LINK'S
NEW FACILITY
PROJECT BROCADE
PENNY, GEORGIA



STELLA MARKING SOLUTIONS
10000 WOODBRIDGE DRIVE
DUBLIN, GA 31004
404.261.1100

DATE: 08/14/2018
PROJECT: JACK LINK'S NEW FACILITY
DRAWN BY: [REDACTED]
CHECKED BY: [REDACTED]

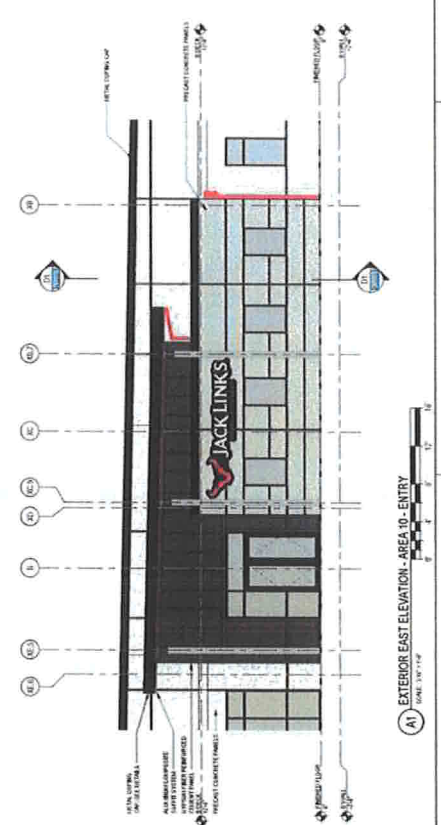
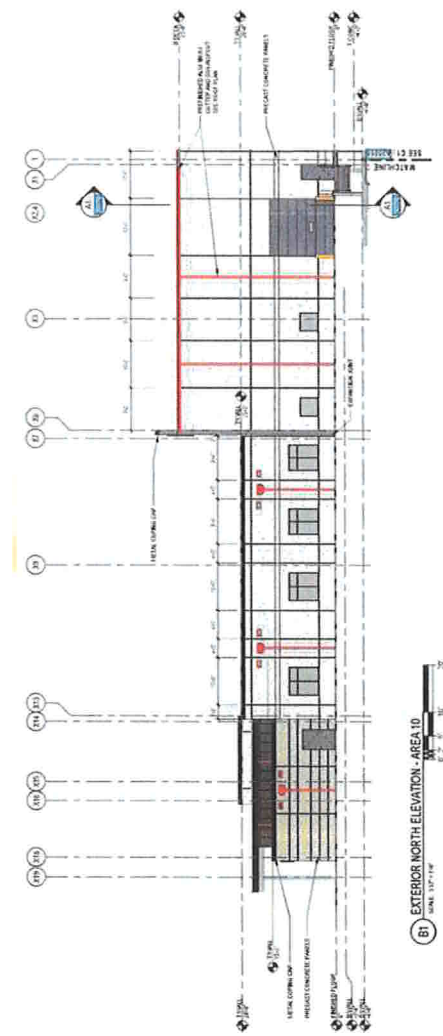
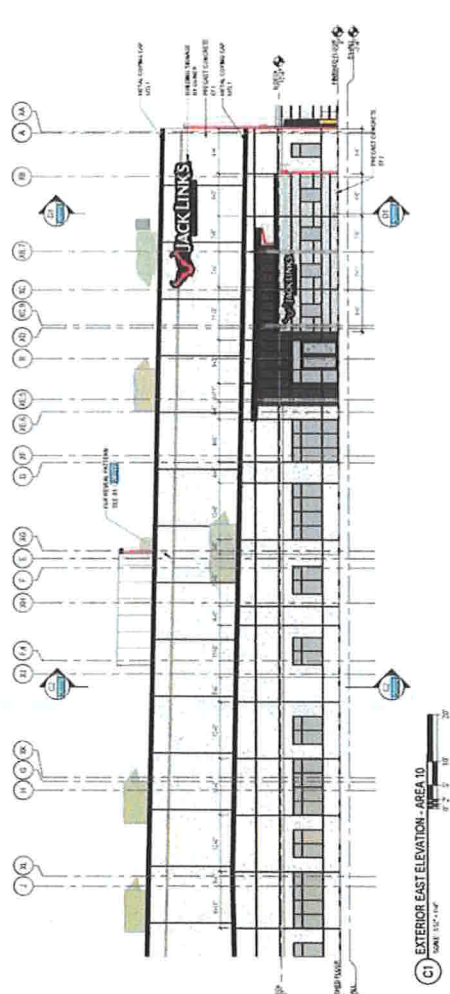
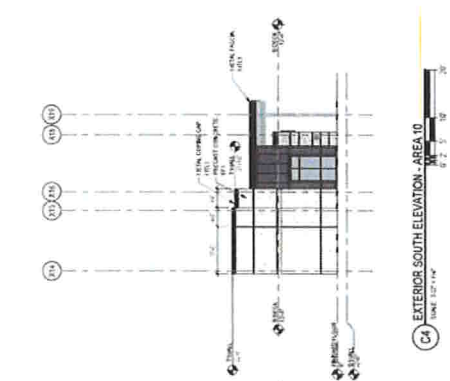
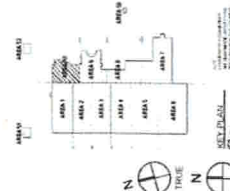
REVISIONS
NO. DESCRIPTION
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NO.	DESCRIPTION
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PARTIAL EXTERIOR ELEVATIONS

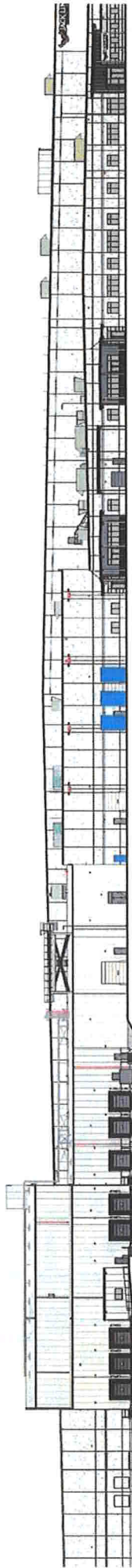
DATE: 08/14/2018
PROJECT: JACK LINK'S NEW FACILITY
DRAWN BY: [REDACTED]
CHECKED BY: [REDACTED]

A20016



TOTAL BUILDING: approx. 46,888 sq ft

TOTAL SIGNAGE: 218 sq ft



Wall Signs - 15' & 30'



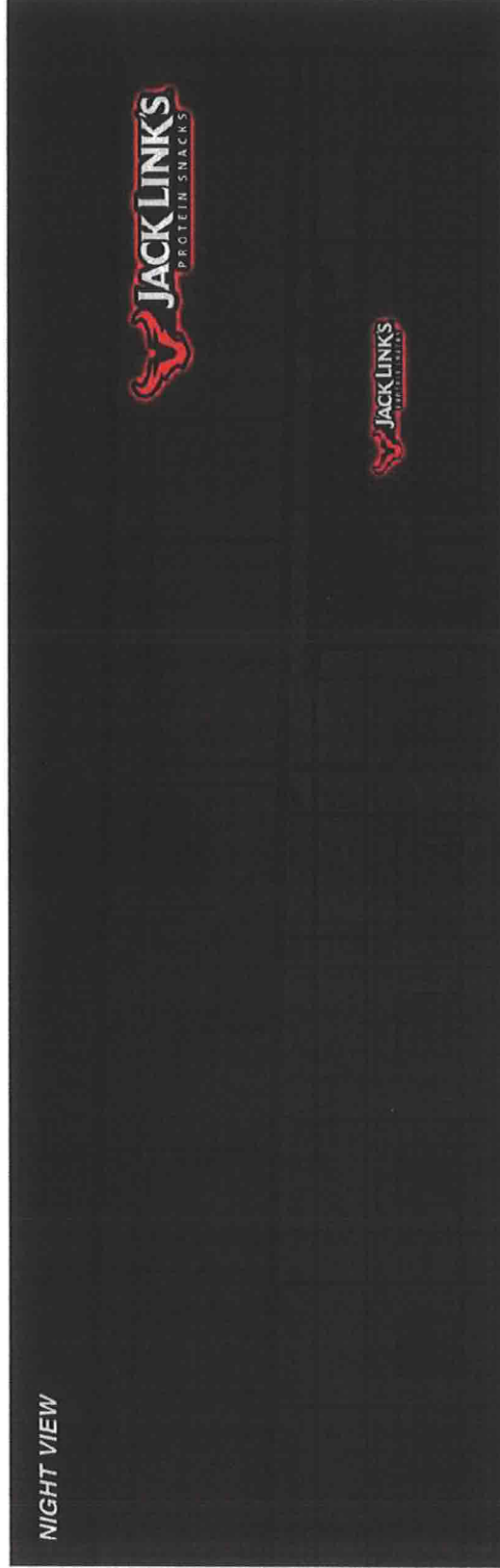
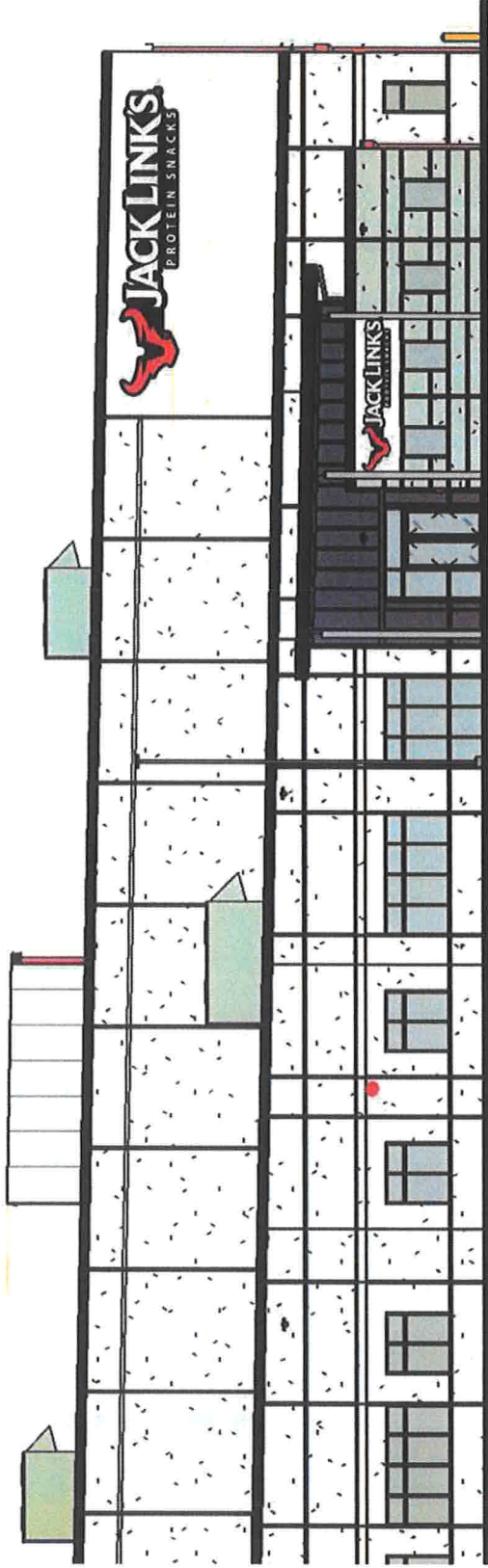
Approved by: _____ Date: _____ Landlord: _____ Date: _____

Colors on sketch are only a representation, actual color of finished product may differ from this sketch. To make the best use of standard sized materials and control costs the size of the finished product may vary slightly.

This artwork is copyright La Crosse Sign Group and may not otherwise be used without permission. It is the property of La Crosse Sign Group and must be returned to them upon request.

		lacrossesign.com	
La Crosse Sign Group 30 Oak Forest Drive Onalaska, WI 54650 608-781-1450 242 Mustang Way Madison, WI 53718 608-222-5353 502 Melby Street Eau Claire, WI 54703 715-835-6189		DESIGN Drawing by: Jason Burrows Sign Type: Wall Date Created: 6-5-2023 Last Modified: Scale: 3/16" = 1'	
SALES Job Name: Link Snacks - Perry, GA Job Address: Perry, GA Consultant: Joel House Job Number: 121484		FILE Version Number: 1 Job File Location: S:\Eau Claire Division\Link Snacks, Inc\Perry, GA\121484 - New Plant Sign Package\Design	
COLOR KEY			
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3	<input type="checkbox"/> White	4	<input type="checkbox"/> Red LED Lighting
5	<input type="checkbox"/>		

15' & 30'



Approved by: _____ Date: _____ Landlord: _____ Date: _____

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 To make the best use of standard sized materials and control costs the size of the finished product may vary slightly.

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lacrossesign.com



10 Oak Forest Drive Onalaska, WI 54650 608-781-1450
 242 Mustang Way Madison, WI 53718 608-222-5353
 502 Melby Street Eau Claire, WI 54703 715-835-6189

DESIGN

Drawing by: Jason Burrows
 Sign Type: Wall
 Date Created: 6-5-2023
 Last Modified:
 Scale:

SALES

Job Name: Link Snacks - Perry, GA
 Job Address: Perry, GA
 Consultant: Joel House
 Job Number: 121484

FILE

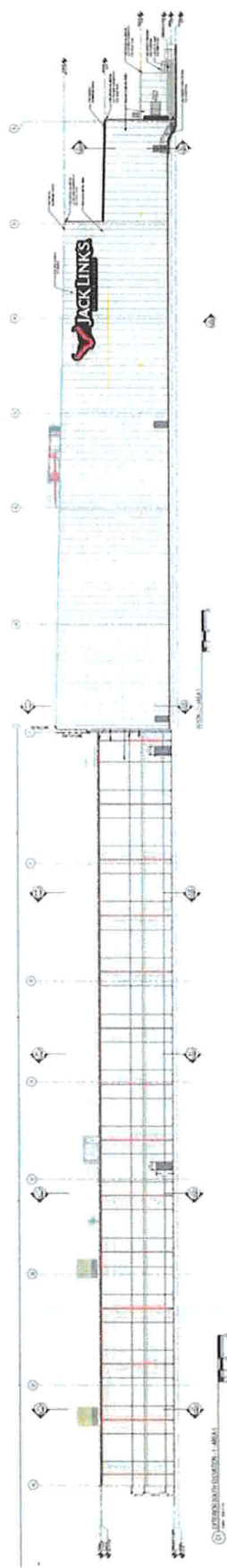
Version Number: 1
 Job File Location:
 S:\Eau Claire Division\Link Snacks, Inc\Perry, GA\121484 - New Plant Sign Package\Design

COLOR KEY

- 1 PMS 2035 C Red
- 2 PMS Process Black C
- 3 White
- 4 Red LED Lighting
- 5



TOTAL BUILDING: approx. 25,584 sq ft
TOTAL SIGNAGE: 700 sq ft



Wall Signs - 40', 60' & 50'

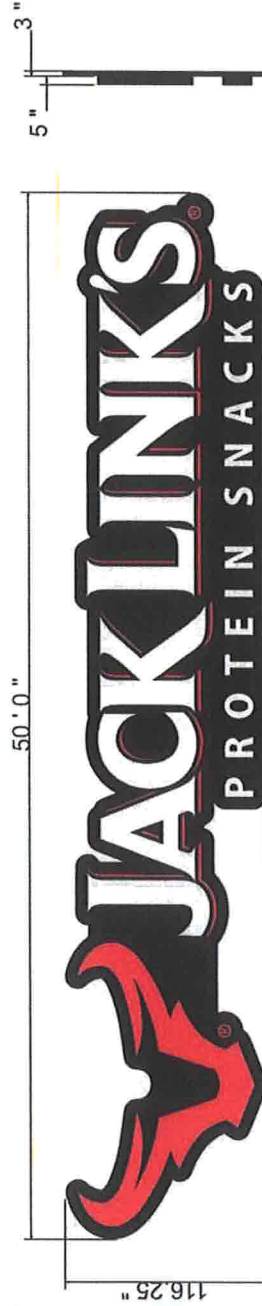
Option 1



Option 2



Option 3



Approved by: _____ Date: _____ Landlord: _____ Date: _____

Colors on sketch are only a representation, actual color of finished product may differ from this sketch. To make the best use of standard sized materials and control costs the size of the finished product may vary slightly.

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lacrossesign.com



30 Oak Forest Drive Onalaska, WI 54650 608-781-1450
 242 Mustang Way Madison, WI 53718 608-222-5353
 502 Melby Street Eau Claire, WI 54703 715-835-6189

DESIGN

Drawing by: Jason Burrows
 Sign Type: Wall
 Date Created: 6-5-2023
 Last Modified: 10-27-2023
 Scale: 3/32" = 1'

SALES

Job Name: Link Snacks - Perry, GA
 Job Address: Perry, GA
 Consultant: Joel House
 Job Number: 121484

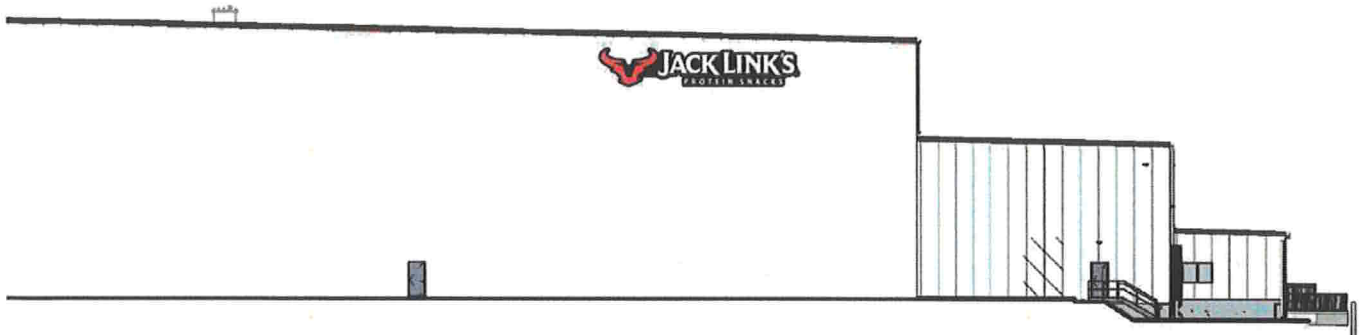
FILE

Version Number: 2
 Job File Location:
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COLOR KEY

- 1 PMS 2035 C Red
- 2 PMS Process Black C
- 3 White
- 4 Red LED Lighting
- 5

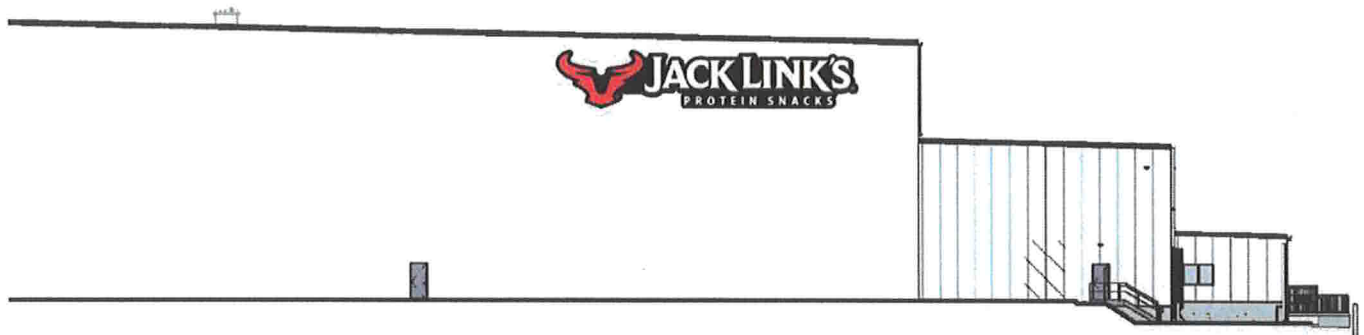
OPTION 1



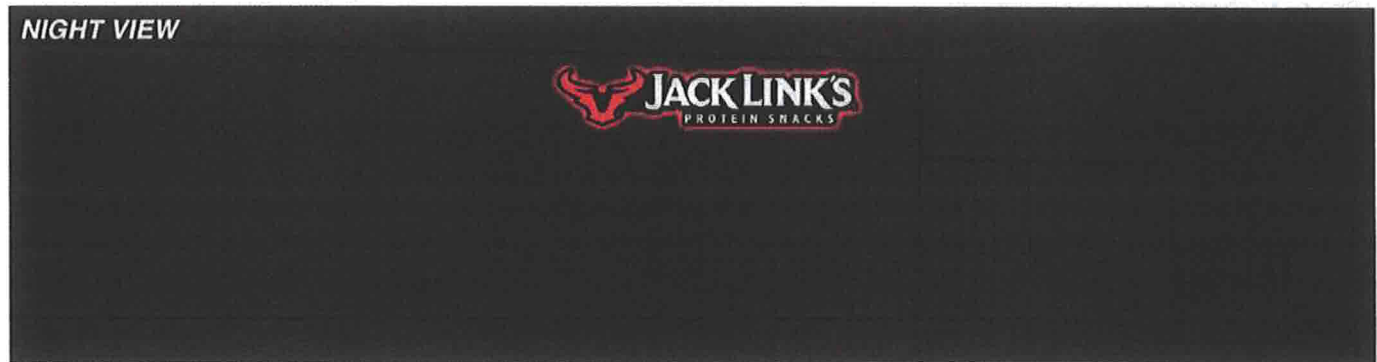
NIGHT VIEW



OPTION 2



NIGHT VIEW



Approved by: _____ Date: _____

Landlord: _____ Date: _____

*Colors on sketch are only a representation, actual color of finished product may differ from this sketch.

*To make the best use of standard sized materials and control costs the size of the finished product may vary slightly.

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DESIGN

SALES

FILE



La Crosse Sign Group

1450 Oak Forest Drive Onalaska, WI 54650 608-781-1450
 2242 Mustang Way Madison, WI 53718 608-222-5353
 2502 Melby Street Eau Claire, WI 54703 715-835-6189

Drawing by: Jason Burrows	Job Name: Link Snacks - Perry, GA	Version Number: 1
Sign Type: Wall	Job Address: Perry, GA	Job File Location:
Date Created: 6-5-2023		S:\!Eau Claire Division\L\Link
Last Modified:	Consultant: Joel House	Snacks, Inc\!Perry, GA\121484 -
Scale:	Job Number: 121484	New Plant Sign Package\Design

COLOR KEY

- 1 ■ PMS 2035 C Red
- 2 ■ PMS Process Black C

- 4 ■ Red LED Lighting
- 5

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Variance Application V2

Final Audit Report

2023-11-03

Created:	2023-11-03
By:	Joel House (joel.house@lacrossesign.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGcK51nohoFPc8vPPyZ0GEa9SAODkQOXo

"Variance Application V2" History

-  Document created by Joel House (joel.house@lacrossesign.com)
2023-11-03 - 7:43:59 PM GMT- IP address: 69.130.16.14
-  Document emailed to dan.asfeld@jacklinks.com for signature
2023-11-03 - 7:45:01 PM GMT
-  Email viewed by dan.asfeld@jacklinks.com
2023-11-03 - 7:57:40 PM GMT- IP address: 104.47.56.126
-  Signer dan.asfeld@jacklinks.com entered name at signing as Dan Asfeld
2023-11-03 - 7:59:15 PM GMT- IP address: 73.94.181.103
-  Document e-signed by Dan Asfeld (dan.asfeld@jacklinks.com)
Signature Date: 2023-11-03 - 7:59:17 PM GMT - Time Source: server- IP address: 73.94.181.103
-  Agreement completed.
2023-11-03 - 7:59:17 PM GMT



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STAFF REPORT

From the Department of Community Development

December 8, 2023

CASE NUMBER: VAR-0153-2023

APPLICANT: Chad Bryant, Bryant Engineering

REQUEST: Variance to reduce the front yard setback along Mims Ct and Washington St and waive common open space requirements

LOCATION: 104 & 108 Mims Court and 1218 Washington St; Parcel No. 0P0390 14C000, 0P0390 14B000, and 0P0390 14D000

SECTION OF ORDINANCE BEING VARIED: Article 4 Sec 4-3.1. A (8)(a). A minimum of thirty (30) percent of the overall townhouse development land area shall be provided as common open space. The open space shall include pocket greenspaces such as parks, squares, courtyards, community gardens or similar usable common areas. *and* Article 5 Sec.5-2 Table 5-2-1 C. 3: Single-family dwellings in nonresidential districts shall comply with the setbacks established in the R-3 zoning district. (25' on minor streets; 40' on arterials)

BACKGROUND: The applicant requests a variance to reduce the front yard setback from 25 feet to 15 feet along Mims Court and from 40 feet to 20 feet along Washington Street. The request is due to the inability to meet rear parking requirements on the parcel while abiding by the required setback limits. In addition, reducing the setback requirements along Washington St allows the applicant to orient the buildings in a way that is more cohesive with the existing downtown landscape. The Main Street Advisory Board recommended reducing the Washington Street setback, based on setbacks allowed on Gen. Courtney Hodges Blvd. Lastly, the proximity of the project to 3 (three) City parks warrants a waiver of the required common open space, as expressed in the Land Management Ordinance.

STANDARDS NECESSARY FOR A VARIANCE:

1. *Because of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the subject property, does the strict application of the regulations result in unusual or impractical difficulties or exceptional or undue hardship upon the property owner?*

The subject parcels are in the Downtown Development District Overlay, which requires all townhouse parking to be in the rear of the structure. The size and slope of the rear of the project site decrease the space available for rear parking requirements, as expressed in the LMO. Reducing the front setback limits increases the parking area for potential residents. Additionally, the parking, square footage, and setback requirements limit the applicant's ability to create a shared open space within the development. However, the parcels are just beyond .25 miles from three (3) City Parks. This proximity still allows potential residents access to adequate amounts of open space without sacrificing developable area.

2. *Is the variance the minimum relief reasonably necessary to overcome the aforesaid exceptional conditions?*

The applicant states that the variance is the minimum relief necessary to accommodate the structures and development standards.

3. *Can the variance be granted without substantial impairment to the intent, purpose, and integrity of the ordinance or comprehensive plan?*

The intent and purpose of the Land Management Ordinance is to “Provide for adequate light, air, and open space” and to “Prevent the overcrowding of land...” Because the subject property requires a front yard setback and open space variance, the integrity of the Land Management Ordinance would be compromised. However, the size of the lot still allows for plenty of on-site parking and the site’s proximity to community parks still allows for adequate access to adequate open space. The front variance creates a more walkable development, and by doing so moves the city towards its Comprehensive Plan goal to “Provide for a variety of housing types and densities throughout” the city of Perry.

4. *Will granting the variance be detrimental to the use and enjoyment of adjoining or neighboring properties?*

Granting the variance for the subject property would not be detrimental to the use and enjoyment of nearby properties. The front variance increases walkability in the downtown core, which aligns with the development pattern of the area.

STAFF CONCLUSIONS: Based on the analysis above and the site plan presented by the applicant, Staff recommends approval of the variance request.

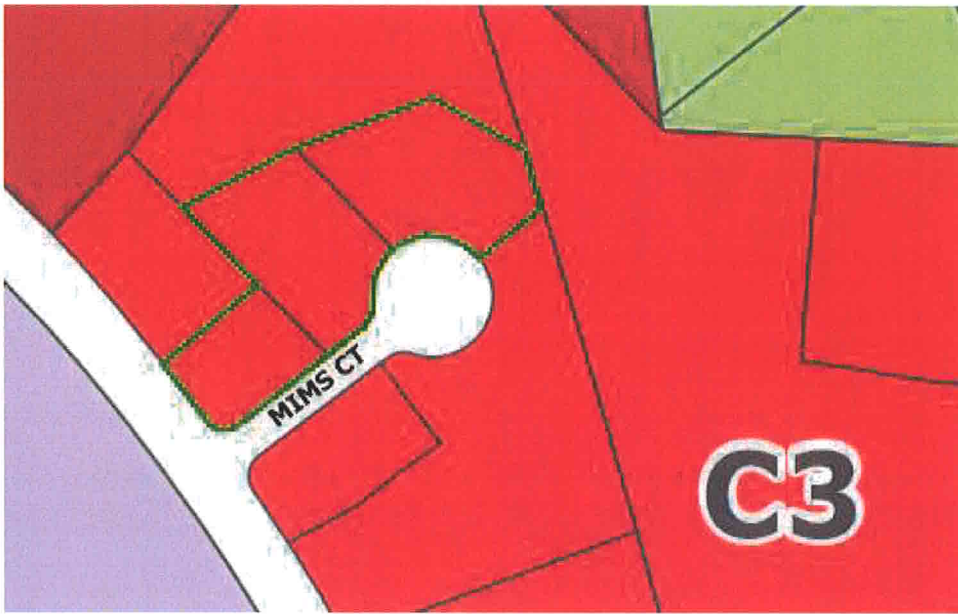


VAR-0153-2023

104 & 108 Mims CT and
1214 Washington St

Variance to reduce the
front setback and waive
open space requirements

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # VAR# 0153-
2023

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

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Chad Bryant, Bryant Engineering	Sean Collins, S+B Properties
*Title	Owner	Owner
*Address	PO Box 1821 Perry, GA 31069	810 Cordele Road WR 31088
*Phone	478-224-2070	478-256-3419
*Email	Chad@bryantengllc.com	Sean@circollision.com

Property Information

*Street Address	Mims Court (104 & 108) & 1218 Washington Street
*Tax Map #(s)	0P039014C000 & 0P039014B000 0P039014D000
*Zoning Designation	C-2

Request

*Please describe the proposed variance. (i.e. Reduce the rear setback from 25 feet to 22 feet)
** Reduce Front Setback to 15' along mims court.*
** Request Waiver of open space. Site is 0.297 miles to Welcome Park &*

Instructions

0.296 to Andrew Heights, & 0.243 to Fordsater Park

- The application and must be received by the Community Development Office no later than the date reflected on the attached schedule.
- Fee:**
 - Owner-occupied single family residential – \$153.00
 - All others - \$306.00
 - All others (post construction) - \$612.00
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.7 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- *Submit plans, drawings, photographs or other documentation which helps fully describe your request
- 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.
- Variance applications require a public hearing before the planning commission. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing date.
- *The applicant must be present at the hearing to present the application and answer questions that may arise.
- 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

*Applicant		*Date	9/22/23
*Property Owner/Authorized Agent		*Date	

October 31, 2023

Bryan Wood
City of Perry
Planning & Zoning
1211 Washington Street
P.O. Box 2030
Perry, GA 31069**Subject: Variance Request for Mims Court (104 and 108)
Mims Court Development
Project #0665-009**

Dear Mr. Wood,

The subject tract has been vacant for over 10 years zoned as a commercial tract within the Downtown District. In order to fulfill the need for more residential presence within the district, it is our belief this property would be better served for Residential Townhomes. However, as written, the current ordinance requires front setbacks of 25' and rear loaded garages. In order to accomplish this, a reduction in the front setback would be required as the lot depths are too shallow. Also, in order to obtain the "feel" of a downtown structure, we believe the structure would be better placed closer to the road. This site is within walking distance of our downtown center and several parks within the district. We see no reason why this proposal would have a negative impact on surrounding neighboring properties.

Please let me know if you have any questions.

Sincerely,

Chad Bryant, P.E.
Principal
Bryant Engineering



BRYANT ENGINEERING
 100 Peachtree Street, Suite 1000
 Atlanta, Georgia 30309
 Phone: (404) 224-7070
 Fax: (404) 224-7072
 Email: chad@bryanteng.com

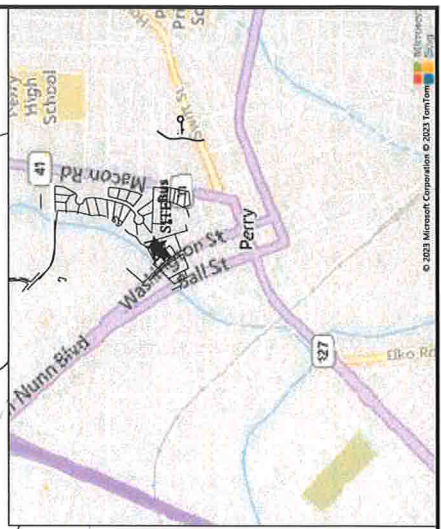
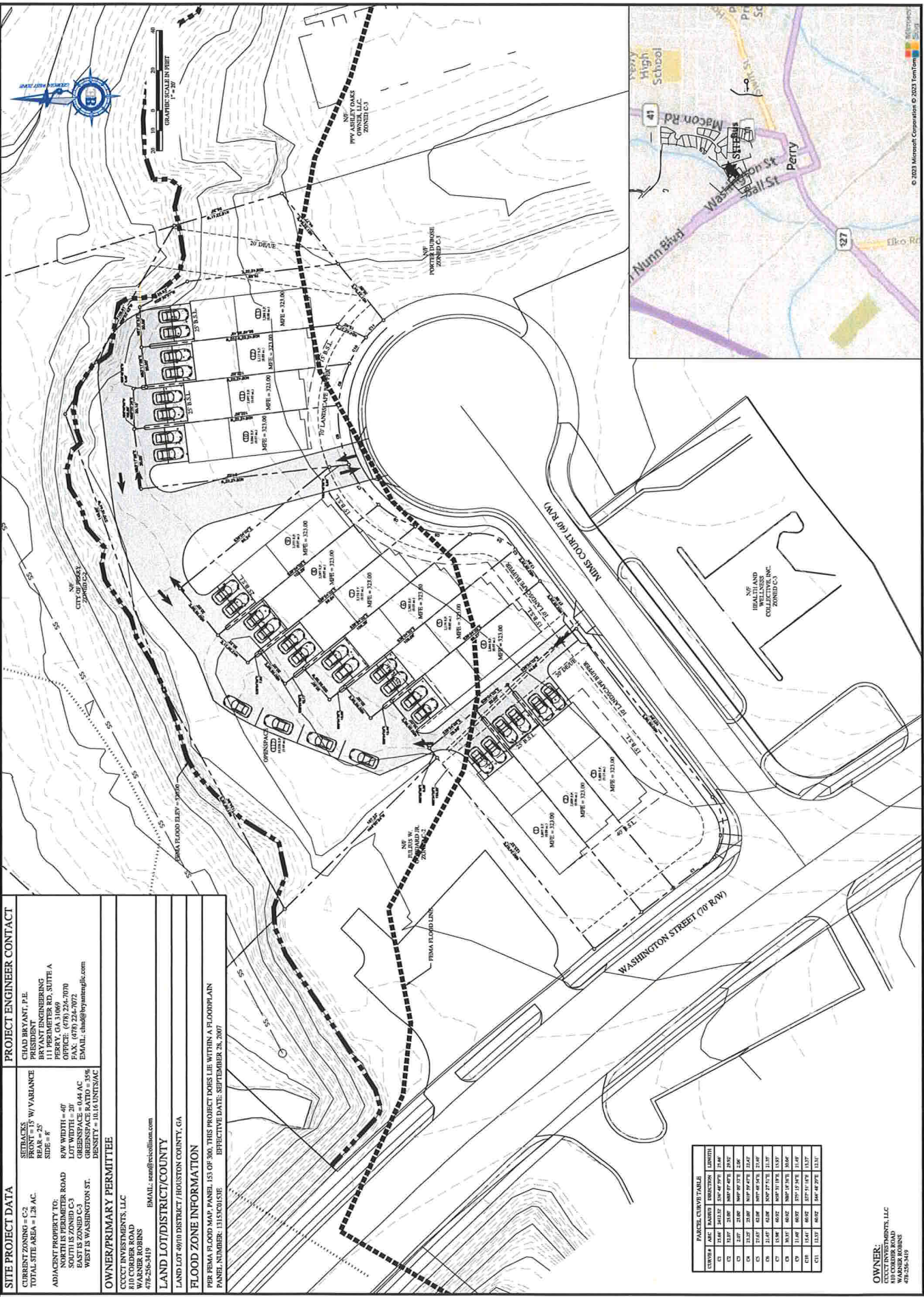
BE BRYANT
 100 Peachtree Street, Suite 1000
 Atlanta, Georgia 30309
 Phone: (404) 224-7070
 Fax: (404) 224-7072
 Email: chad@bryanteng.com

JOB NO.: 2023-001
 SCALE: 1" = 20'
 DATE: 12/21
 PROJECT: PRELIMINARY PLAT
 COUNTY: HOUSTON
 DISTRICT: 01

PRELIMINARY PLAT FOR:
MIMS COURT TOWNHOMES
 PERRY, GEORGIA

REVISIONS	NO.	DATE	DESCRIPTION

SHEET NO.
C-2.1



SITE PROJECT DATA
 CURRENT ZONING = C-2
 TOTAL SITE AREA = 1.28 AC.
 SETBACKS
 FRONT = 15' W/ VARIANCE
 REAR = 25'
 SIDE = 6'
 ADJACENT PROPERTY TO:
 NORTH IS PERIMETER ROAD
 SOUTH IS ZONED C-3
 EAST IS WASHINGTON ST.
 WEST IS WASHINGTON ST.
 GREENSPACE RATIO = 35%
 DENSITY = 10.16 UNITS/AC

OWNER/PRIMARY PERMITTEE
 COCCT INVESTMENTS, LLC
 810 CORNER ROAD
 WARNER ROBINS
 478-256-5419
 EMAIL: ccc@cocct.com

LAND LOT/DISTRICT/COUNTY
 LAND LOT 4910 DISTRICT / HOUSTON COUNTY, GA

FLOOD ZONE INFORMATION
 PER FEMA FLOOD MAP PANEL 153 OF 300. THIS PROJECT LIES WITHIN A FLOODPLAIN
 PANEL NUMBER: 11151C0151E
 EFFECTIVE DATE: SEPTEMBER 28, 2007

PARCEL CURVE TABLE

CURVE #	ARC	BEARING	DIRECTION	LENGTH
C1	124.84	241.12	S 34° 46' 57" E	24.94
C2	124.84	241.12	S 34° 46' 57" E	24.94
C3	124.84	241.12	S 34° 46' 57" E	24.94
C4	124.84	241.12	S 34° 46' 57" E	24.94
C5	124.84	241.12	S 34° 46' 57" E	24.94
C6	124.84	241.12	S 34° 46' 57" E	24.94
C7	124.84	241.12	S 34° 46' 57" E	24.94
C8	124.84	241.12	S 34° 46' 57" E	24.94
C9	124.84	241.12	S 34° 46' 57" E	24.94
C10	124.84	241.12	S 34° 46' 57" E	24.94
C11	124.84	241.12	S 34° 46' 57" E	24.94

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OWNER:
 COCCT INVESTMENTS, LLC
 810 CORNER ROAD
 WARNER ROBINS
 478-256-5419



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STAFF REPORT

December 8, 2023

CASE NUMBER: PLAT-0158-2023

APPLICANT: Chad Bryant, Bryant Engineering LLC

REQUEST: Preliminary Plat – Mims Court Townhouses

LOCATION: 104 Mims Court, 108 Mims Court, 1214 Washington Street; Tax Map Nos.: 0P0390 14C000, 0P0390 14B000, 0P0390 014000

ADJACENT ZONING/LAND USES:

	Zoning Classification	Land Uses
Subject	C-2, General Commercial	Vacant
North	C-2	Vacant
South	C-2	Office, retail
East	C-2	Multi-family residential
West	GU, Government Use	City offices

STAFF COMMENTS: The applicant proposes to subdivide the subject parcels into 13 townhouse lots. The layout complies with the minimum lot standards and pertinent townhouse standards of the Land Management Ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the preliminary plat with the following conditions:

1. Subject to sanitary sewer availability;
2. Subject to approval of the variance to reduce the front setbacks to 15' on Mims Court and 20' on Washington Street.



BE BRYANT ENGINEERING
 CHAD BRYANT, P.E.
 904 West Peachtree St. A
 Atlanta, Georgia 30309
 Phone: (404) 525-0700 Fax: (404) 525-0700
 www.bryanteng.com

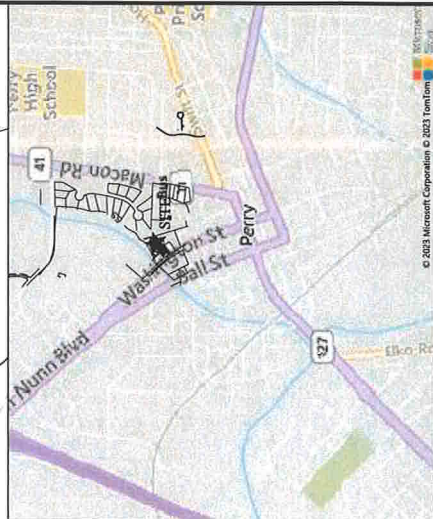
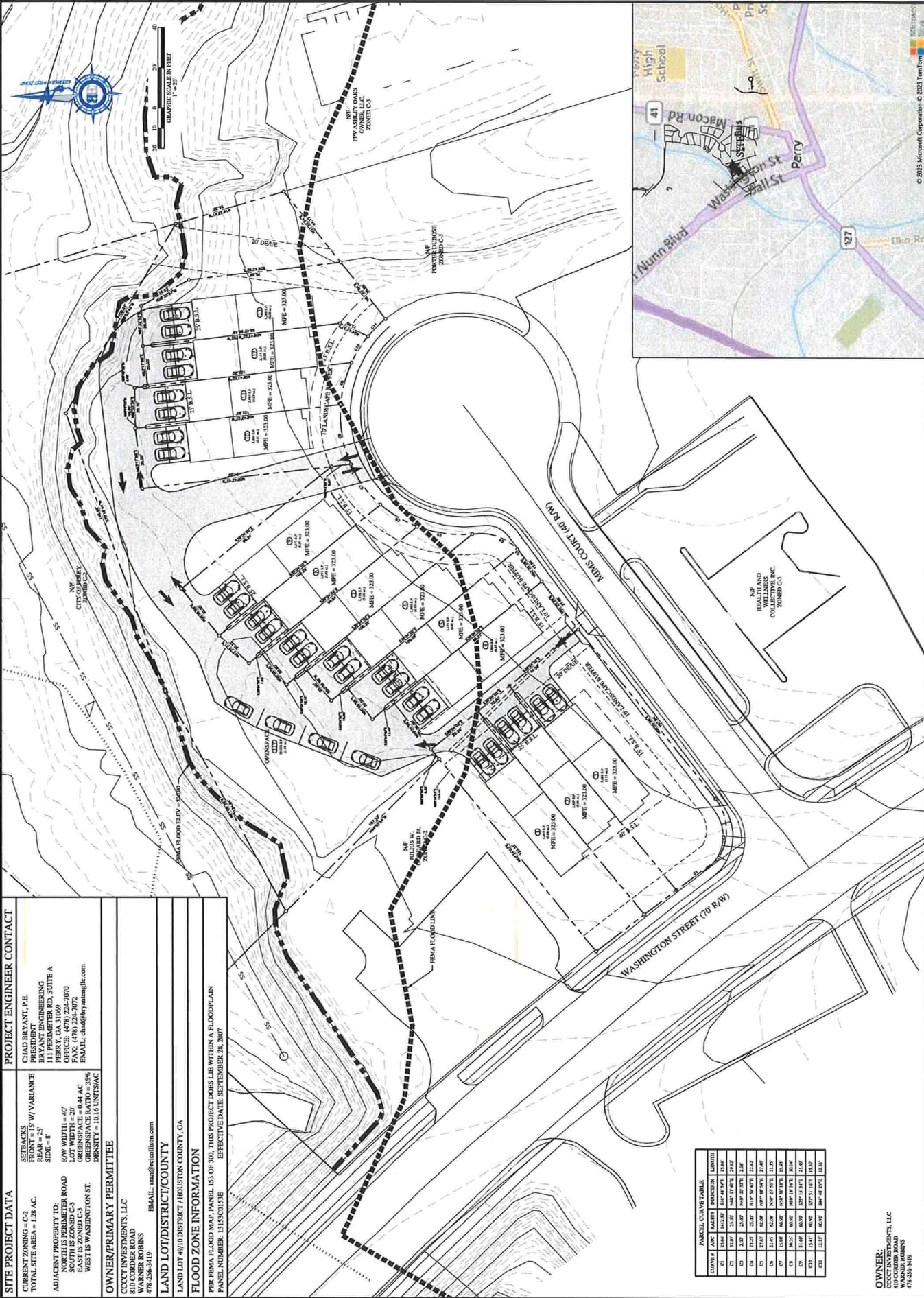
PROJECT NO.: 12457
 SCALE: 1/8" = 1'-0"
 DATE: 11/20/23
 COUNTY: HOUSTON
 DISTRICT: 9900000
 PLAT: 12457

PRELIMINARY PLAT FOR:

MIMS COURT TOWNHOMES
 GEORGIA
 PERRY

REVISIONS	DATE	DESCRIPTION

SHEET NO. C-2.1



SITE PROJECT DATA	
CURRENT ZONING = C-3	PROJECT ENGINEER CONTACT
TOTAL SITE AREA = 1.28 AC.	CHAD BRYANT, P.E.
ADJACENT PROPERTY TO: ROAD	BRYANT ENGINEERING
SOUTH IS ZONED C-3	111 PERDIEMETER RD, SUITE A
EAST IS ZONED C-3	PERRY, GA 31069
WEST IS WASHINGTON ST.	PHONE: (404) 525-0700
	FAX: (404) 525-0700
	EMAIL: chad@bryanteng.com
OWNER/PRIMARY PERMITTEE	
CCCC INVESTMENTS, LLC	
410 CORDER ROAD	
PERRY, GA 31069	
EMAIL: ccc@cccplanning.com	
478-256-5419	
LAND LOT/DISTRICT/COUNTY	
LAND LOT 49/10 DISTRICT / HOUSTON COUNTY, GA	
FLOOD ZONE INFORMATION	
PER FEMA FLOOD MAP, PANEL 153 OF 300, THIS PROJECT DOES LIE WITHIN A FLOODPLAIN	
EFFECTIVE DATE: SEPTEMBER 28, 2007	

PARCEL TO ROW TABLE	
COUNTY	AREA
C1	2.54
C2	2.54
C3	2.54
C4	2.54
C5	2.54
C6	2.54
C7	2.54
C8	2.54
C9	2.54
C10	2.54
C11	2.54

OWNER:
 CCCC INVESTMENTS, LLC
 410 CORDER ROAD
 PERRY, GA 31069



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STAFF REPORT

From the Department of Community Development

December 8, 2023

CASE NUMBER: RZNE-0156-2023

APPLICANT: Slap Nuts, LLC

REQUEST: Rezone from R-2, Single-Family Residential to RM-1, Multi-family Residential

LOCATION: 206 and 208 Hickory Dr.; Tax Map No.(s): 0P0270 013000; 0P0270 014000

BACKGROUND INFORMATION: The subject properties are two, .46-acre properties located East of Gen Courtney Hodges Blvd in the Sand Hill neighborhood. The parcels have not been developed since being platted in 1949 as part of the Fairview Heights subdivision. The applicant is proposing a rezone to RM-1, Multi-family Residential to create opportunity for an increased number of housing units in the area than what would be allowed under the current R-2, Single-Family Residential zoning classification.

STANDARDS GOVERNING ZONE CHANGES:

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? Applicant is not aware of any covenants and restrictions which prevent the properties from being used as RM-1, Multi-family Residential.

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

	Zoning	Land Use
North	R-2, Single-family Residential	Single-family Residential
South	R-2, Single-family Residential	Undeveloped
East	R-2, Single-family Residential	Undeveloped
West	R-2, Single-family Residential	Undeveloped

- 2. The suitability of the subject property for the zoned purposes.** The subject property is suitable for the development of single-family homes.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** There is no diminished value to the properties.
- 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.** There is no destruction of property values.
- 5. The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The public would gain an increase in housing options versus the limited number of dwelling units the owner could produce under the current zoning. There is no hardship imposed on the owner.
- 6. Whether the subject property has a reasonable economic use as currently zoned.** Single-family dwellings are a reasonable use under the current zoning.

7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The property has been vacant for 75 years while properties near it have been developed into single- and two-family dwellings.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The proposed use is multi-family dwellings is similar to exiting housing in the surrounding area.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** There is no adverse effect to adjacent or nearby properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The properties are in a “Traditional Neighborhood” character area, which includes a mix of residential developments.
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.** The proposed zoning has no impact on existing public facilities. Lateral connections to sewer are possible. Capacity would need to be determined as plans are submitted.
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.** The land is being improved with the construction of two-family dwellings. The development increases housing availability and ensures the property is producing its highest and best use.

STAFF RECOMMENDATION: Staff recommends approval of the application as submitted.



RZNE-0156-2023
206 & 208 Hickory Dr.
Rezone from R-2, Single-family Residential to RM-1, Multi-family Residential

Aerial



Zoning



Character Area



*Indicates Required Field

Where Georgia comes together.

Application for Rezoning

Contact Community Development (478) 988-2720

Application # RZNE 0152 2023

	*Applicant	*Property Owner
*Name	SlapNuts, LLC	Stuart Slappey
*Title	Owner	
*Address	210 Hill Rd Perry, GA 31069	
*Phone	[REDACTED]	
*Email	[REDACTED]	

Property Information

*Street Address or Location	206 and 208 Hickory Drive Perry, GA 31069
*Tax Map Number(s) parcel ID	OP0270 013000 parcel ID OP0270 014000
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a mete and bounds description of the land if a deed is not available; B. Provide a survey plat of the property;

Request

*Current Zoning District	R2	*Proposed Zoning District	RM 1
*Please describe the existing and proposed use of the property <u>Note:</u> A Site Plan or other information which fully describes your proposal may benefit your application. Existing is single family property. Proposed is Triplex multi family unit housing			

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than the date reflected on the attached schedule.
- *Fees:
 - Residential Zoning (R-Ag, R-1, R-2, R-3) - \$306.00 plus \$26.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$510.00 plus \$41.00/acre
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). 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.

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. Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
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 has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes _____ No _____
If yes, please complete and submit a Disclosure Form available from the Community Development office.

Application for Rezoning – Page 2

8. 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.
9. Signatures:

*Applicant Stuart Slappey	*Date 11-6-23
*Property Owner/Authorized Agent SlapNuts,LLC	*Date 11-6-23

Standards for Granting a Rezoning

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

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

- (1) The existing land uses and zoning classification of nearby property;
- (2) The suitability of the subject property for the zoned purposes;
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (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;
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (6) Whether the subject property has a reasonable economic use as currently zoned;
- (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;

- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and
- (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.

Revised 12/21/22

Rezoning Application answers to page 2

[REDACTED]
Tue 11/7/2023 3:21 PM

To: Emily Carson <emily.carson@perry-ga.gov>; Community Development <comm.development@perry-ga.gov>

No there are no existing covenants on this property.

1. The surrounding areas (within one street distance from our lots) has existing multifamily homes as well as single family homes.
2. These lots are suitable for RM 1
3. The rezoning of these lots will increase neighboring properties value.
4. There will be no destruction or danger to anyone's health.
5. The relative gain to the public is we will be providing housing and we do not foresee any hardship on the owner
6. There is no economic use as it is currently zoned. The property is an empty lot.
7. There has been no land development on the existing street. It has always been vacant.
8. The change of zoning of this property will not change the use or value of any surrounding property. The surrounding lots are currently empty.
9. The zoning will not affect the surrounding properties. They are currently empty.
10. The rezoning of this property will not change the property and it will be suitable to the surrounding properties in the neighborhood
11. The proposed zoning will not affect the use of streets, neighboring streets, or schools. It will not place a burden on any infrastructure.
12. The rezoning of this property will not affect any surrounding properties

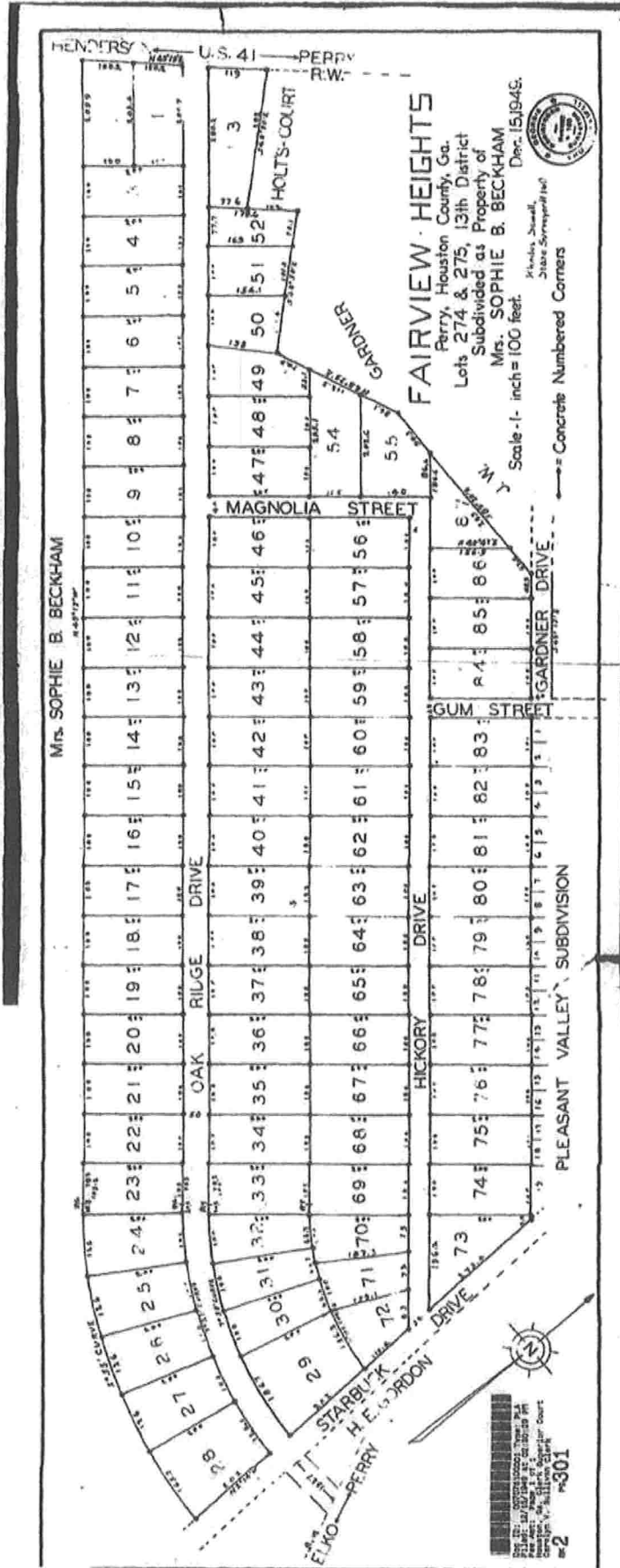
On Mon, Nov 6, 2023, 10:49 AM Jennifer Slappey <jennyslapp@gniaa.com> wrote:

Good Morning Emily

Thank you for all of your help. I'm attaching the application, deed, and Plats. Please let me know the link online that I can pay the fee. Or if I can call you directly and give you my card number I can do that also.

Thank you

Jennifer and Stuart Slappey



Return:
Robert T. Tuggle, III
Daniel, Lawson, Tuggle & Jerles, LLP
Post Office Box 89
Perry, Georgia 31069

23-29582-R

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HOUSTON

THIS INDENTURE, Made the 2nd day of May, in the year two thousand twenty-three,
between

JAMES MCDONALD AND MARIANNE MCDONALD

of the State of Georgia, as party of the first part, hereinafter called Grantors, and

SLAP NUTS, LLC

of the State of Georgia, as party of the second part, hereinafter called Grantee (the words
"Grantors" and "Grantee" to include their respective heirs, successors and assigns where the
context requires or permits).

WITNESSETH THAT : Grantors, for and in consideration of the sum of
TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, in hand paid at and before the
sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have
granted, bargained, sold, alienated, conveyed and confirmed and by these presents do grant,
bargain, sell, alien, convey and confirm unto the said Grantee, all the following described property,
to wit:

TRACT I:

All that tract or parcel of land, lying and being in Land Lot 275 of the
Thirteenth (13th) Land District of Houston County, Georgia, containing 0.46
acres, more or less, and being more particularly described as Lot 79,
Fairview Heights Subdivision according to a Plat of Survey recorded in Plat
Book 2, Page 301, Clerk's Office, Houston Superior Court. Said plat and the
record thereof are incorporated herein for all purposes.

Property Address: 206 Hickory Drive; Perry, GA 31069

TRACT II:


All that tract or parcel of land, lying and being in Land Lot 275 of the Thirteenth (13th) Land District of Houston County, Georgia, containing 0.46 acres, more or less, and being more particularly described as Lot 78, Fairview Heights Subdivision according to a Plat of Survey recorded in Plat Book 2, Page 301, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein for all purposes.

Property Address: 208 Hickory Drive; Perry, GA 31069

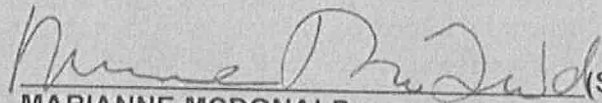
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**.

AND THE SAID GRANTORS warrant and will forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through or under the Grantors.

IN WITNESS WHEREOF, the Grantors have signed and sealed this deed, the day and year above written.

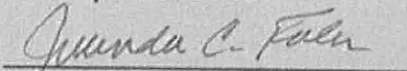


JAMES MCDONALD (SEAL)

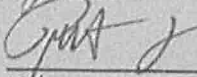


MARIANNE MCDONALD (SEAL)

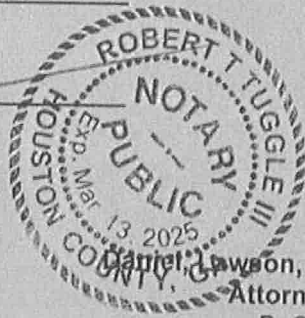
Signed, sealed and delivered
in the presence of:



Witness



Notary Public



Daniel Lawson, Tuggle & Jerles, LLP
Attorneys At Law
P. O. Box 89
912 Main Street
Perry, GA 31069



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
December 6, 2023

CASE NUMBER: TEXT-0157-2023

APPLICANT: The City of Perry

REQUEST: Modify Section 2-2.2 to clarify periods of action by the Planning Commission and City Council on applications for rezoning, annexation and zoning of land, de-annexation, text amendment, and special exception per the City Attorney recommendations. Modify Sections 1-13, 6-1.10, and 6-3.7 to define “mobile food vendor vehicle”, and to provide for motorized wheeled mobile food vendor vehicles to park in the C-3 district on the same lot as a restaurant of the same name.

STAFF ANALYSIS: City Council recently discussed the time frame within which it must act on a rezoning application, and realized there are no consequences if Council does not act within that time. The City Attorney recommended the time period be extended from 45 days to 60 days, and that inaction by Council within this period would result in the Planning Commission’s recommendation being the final decision on an application. The City Attorney also recommended changes to define when the Planning Commission’s 45-day decision period begins.

This text amendment also adds definition of “mobile food vendor vehicle” by reference to Section 15-2201 of the City Code, provides consistency of terminology, and authorizes a motorized wheeled mobile food vendor vehicle to be parked or stored on any lot in the C-3 district which contains a restaurant operating under the same name.

STANDARDS FOR GRANTING A TEXT AMENDMENT:

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

This amendment is not inconsistent with these plans.

(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 format of the Land Management Ordinance.

(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 period within which the Planning Commission must act should begin based on various situations which may occur under State Law. The period within which the City Council must act should be

extended and provide for consequences. With additional restaurants beginning operations in the C-3 district, motorized wheeled mobile food vendor vehicles are likely to be part of their operations and should be allowed to park on the restaurant's property.

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

The modifications to Section 2-2.2 are clarifications recommended by the City Attorney. The modifications relating to mobile food vendor vehicle parking are in response to the growing number of restaurants operating in the C-3 district.

(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.

Among the purposes and intent of the Land Management Ordinance are:

- Promote the downtown as the center of commerce, government, arts, entertainment, and residential life.
- Facilitate the creation of a convenient, attractive, and harmonious community.
- Protect and preserve scenic, historic, or ecologically sensitive areas.
- Regulate the density and distribution of population and the use of buildings and structures and land for trade, industry, residence, recreation, ..., and other purposes.

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

The amendment will allow motorized wheeled mobile food vendor vehicles to be parked on the property of a restaurant with which they are associated.

(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 amendment in and of itself has no impact on the natural environment.

(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 amendment in and of itself has no impact on public facilities and services.

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

Proposed Text:

Add the following definition to Section 1-13, Definitions:

Mobile food vendor vehicle See definition in Section 15-2201 of the City Code.

Replace Section 2-2.2 as follows:

2-2.2. *Amendments to the official zoning map, annexation and zoning of land, de-annexation of land, text amendments, and special exceptions.* Applications for amendments to the official zoning map, annexation and zoning of land, de-annexation of land, text amendments, and special exceptions shall be considered by the Planning Commission at an informational hearing to provide a recommendation to City Council. City Council shall conduct a public hearing on each application. Informational hearings and public hearings shall follow the adopted policies and procedures governing zoning hearings.

(A) *Initiation of application.*

- (1) Amendments to the official zoning map and special exceptions may be initiated by the owner(s) of the subject property, the authorized agent(s) of the owner(s) of the property, by the city council, by the administrator, or by recommendation of the planning commission.
- (2) Annexation and zoning of land may be initiated by the owner(s) of the subject property, their authorized agent(s), or by the city council through resolution and referendum or pursuant to a local act passed by the General Assembly.
- (3) De-annexation of land may be initiated by the owner(s) of the subject property or their authorized agent(s).
- (4) Amendments to the text of the ordinance may be initiated by city council, by the administrator, or by recommendation of the planning commission.

(B) *Application requirements.*

- (1) An application must be submitted in writing to the administrator on the form provided by the administrator.
- (2) An application shall be accompanied by plans, plats, photographs, or other documents as may be required by the administrator to fully understand the extent of the proposal.
- (3) All applications shall be submitted to the administrator pursuant to established application submittal schedules included in the administrative manual.
- (4) No application shall be scheduled for an informational or public hearing until it is deemed complete by the administrator, including payment of any required fees established by Council.

(C) *Notice of planning commission Informational hearings.*

- (1) For an informational hearing, except for amendments to the official zoning map initiated by the City, the administrator shall cause to have posted in a conspicuous place on the property involved in an application a minimum of one "informational hearing" sign for every 1,000 feet of road frontage, each of which shall be not less than six square feet in area and shall include the date, time, place, and purpose of the informational hearing. Such signs shall be posted on the subject property at least 30 days prior to but not greater than 45 days before the informational hearing.
- (2) Notice of the informational hearing shall be mailed to the owner of the property that is the subject of the application at least 30 days prior to the informational hearing.
- (3) For amendments to the official zoning map initiated by the City, the administrator shall mail written notice to the property owner(s) of record affected by the amendment at least 30 days prior to the informational hearing. The notice shall include the date, time, place, and purpose of the informational hearing. Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The administrator shall certify that notice meeting

the content requirements was mailed. A copy of the mailed notice shall be maintained in the office of the administrator for public inspection during normal business hours.

- (4) Informational hearings for a text amendment to the ordinance are not subject to the sign posting requirements outlined in section (C)(1) above.
- (5) Map amendments and text amendments affecting single-family residential zoning districts may be subject to additional notice requirements per O.C.G.A. § 36-66-4 (h).

(D) *Planning Commission Informational Hearings.*

- (1) The planning commission shall hold an informational hearing and shall make a recommendation to city council. A report of the planning commission's recommendation accompanying a summary of the proceedings of the hearing shall be submitted to mayor and council.
- (2) The applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards of this chapter.
- (3) Any person may appear at a hearing and submit testimony, either individually, or as a representative of a person or an organization.
- (4) The planning commission's recommendation shall be for approval, approval with conditions, approval with modifications, or denial of the application. For zoning amendments, the commission may include recommendations for conditions or limitations on uses appropriate to ameliorate the impact on the surrounding area and may recommend a less intense use or intermediate zoning classification. Where the applicant does not agree to such conditions or limitations on uses, the recommendation shall be interpreted as a recommendation for denial.
- (5) For rezoning, text amendment, and special exception applications, the commission shall have 45 days from the date of the informational hearing at which the application was first heard within which to submit a report to the council. If the commission fails to submit a report within the 45-day period, it shall be deemed to have recommended approval of the application.
- (6) For annexation and zoning of land and de-annexation applications, the commission shall have 45 days from the latest date of the following in which to submit a report to council. If the commission fails to submit a report within the 45-day period, it shall be deemed to have recommended approval of the application.
 - a. Receipt of the county's concurrence letter.
 - b. The date arbitration has concluded, or
 - c. The informational hearing.
- (7) The planning commission may continue a hearing to a fixed date, time, and place, subject to the time restriction for submitting a report on an application to city council as listed above in section (D)(5).

(E) *Notice of City Council Public hearings.*

- (1) Notice of a public hearing shall be published in a newspaper of general circulation in the city no less than 15 days and no more than 45 days prior to the public hearing. Such published notice shall comply with the provisions of O.C.G.A. §36-66-4.
- (2) For a public hearing, except for amendments to the official zoning map initiated by the City, the administrator shall cause to have posted in a conspicuous place on the property involved in an application, a minimum of one "public hearing" sign for every 1,000 feet of road frontage, each of which shall be not less than six square feet in area and shall include the date, time, place, and purpose of the public hearing. Such signs shall be posted on the subject property at least 15 days prior to but not greater than 45 days before the public hearing.
- (3) For amendments to the official zoning map initiated by the City, the administrator shall mail written notice to the property owner(s) of record affected by the amendment at least 15 days prior to the public hearing.
The notice shall include the date, time, place, and purpose of the public hearing. Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage

paid. The administrator shall certify that notice meeting the content requirements was mailed. A copy of the mailed notice shall be maintained in the office of the administrator for public inspection during normal business hours.

- (4) Map amendments and text amendments affecting single-family residential zoning districts may be subject to additional notice requirements per O.C.G.A. § 36-66-4 (h).

(F) *City Council Public Hearings.*

- (1) The council shall hold a public hearing at the earliest possible time under the time limits provided herein to consider the application.
- (2) The recommendations of the commission shall be read aloud into the minutes at the public hearing.
- (3) The applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards of this chapter.
- (4) Any person may appear at a hearing and submit testimony, either individually, or as a representative of a an organization.
- (5) The council shall act on the application within 45-60 days from the date of the public hearing by approving or disapproving the recommendation, by approving it with conditions, by approving it with modifications, by approving a less intense use or intermediate zoning classification, or by remanding the matter with instructions to the planning commission. If council fails to act within the 60-day period following the public hearing, the recommendation of the planning commission as outlined in the planning commission's report to council, shall become the final decision on the application. For zoning amendments, the council may include conditions or limitations on uses appropriate to ameliorate the impact on the surrounding area and may approve a less intense use or intermediate zoning classification. Where the applicant does not agree to such conditions or limitations on uses, the application will be denied.
- (6) Map amendments and text amendments affecting single-family residential zoning districts may be subject to additional public hearing and actions by council per O.C.G.A. § 36-66-4 (h).
- (7) Following remand, upon resubmission by the commission, the council shall hold a public hearing as described above and take final action on the request.
- (8) City council may continue any hearing to a fixed date, time, and place, subject to the time restriction for acting on an application as listed above in section (F)(7).
- (9) Upon final action taken by city council on an amendment to the official zoning map, annexation and zoning of land, de-annexation of land, or special exception, the administrator shall provide written notification to the applicant, or affected property owner(s) in the case of an amendment initiated by the city, of the action taken by city council. Written notification may be provided by first class United States mail or by email.

(G) *Modification of application by applicant.*

- (1) *Prior to public hearing.* An application may be modified by the applicant any time prior to the administrator submitting the required notice for the public hearing for publication to the newspaper of general circulation. Such modification request must be in writing from the applicant and submitted to the administrator.
- (2) *During the public hearing.* In response to questions or comments by persons appearing at the public hearing, or in response to suggestions or recommendations from the reviewing body, the applicant may agree to modify his application, including the plans and specifications submitted. Unless such modifications are so substantial or material that the reviewing body cannot reasonably perceive the nature and impact of the proposed modifications without having revised plans before it, the reviewing body may approve the application contingent upon receiving plans reflecting the agreed-upon changes. Any required permit will not be issued until the plans reflecting the agreed-upon modifications are verified by the administrator.

- (H) *Withdrawal of application.* Any application may be withdrawn prior to final action at the discretion of the person, firm or corporation initiating such request upon written notice to the administrator. The fee for a withdrawn application shall not be refunded once public notice of the application has been initiated.

- (l) *Time for reconsideration following denial.* When an application is denied by city council, the same type of application on the same property shall not be considered for six months from the date of the denied application.

Replace section 6-1.10 as follows:

6-1.10. *Use of off-street parking areas.*

- (A) *General.* Off-street parking areas shall be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, or building materials, except as expressly allowed in this section.
- (B) *Oversized vehicles in residential districts.* Oversized vehicles shall not be parked or stored in a residential district, except for ordinary delivery, loading or unloading of household goods, or during an active construction project.
- (C) *Recreational vehicles in residential districts.* In any residential district recreational vehicles, travel trailers, campers, motorized homes, boats, boat trailers, ATVs or ATV trailers may be parked or stored in a completely enclosed building. Such vehicles or trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot.
- (D) *Recreational vehicles in the C-3, central business district.* Parking or storing any recreational vehicle, travel trailer, camper, motorized home, boat, boat trailer, ATV or ATV trailer in the central business district is prohibited outside of a completely enclosed building.
- (E) *Utility trailers in residential districts.* In any residential district, open or enclosed utility trailers may be parked or stored in a completely enclosed building. Such utility trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot. Utility trailers hitched to an operable vehicle used to transport the trailer to and from a worksite, typically Monday through Friday, may be parked on a paved or graveled driveway, including Saturday and Sunday when such trailer may not be attached to a vehicle, provided, however, the above-limitation to one per dwelling and the requirement to be stored in the side yard or rear yard of the lot shall still apply to any trailers not stored in a completely enclosed building.
- (F) *Utility trailers and ~~food trucks~~ towed wheeled mobile food vendor vehicles in the central business district.* In the C-3, Central Business District, open or enclosed utility trailers and ~~food trucks~~ towed wheeled mobile food vendor vehicles may be parked or stored on a lot if located within a completely enclosed building, in a location which is not visible from any public street, or within an enclosure complying with the provisions of Section 6-3.7. Utility trailers and ~~food trucks~~ towed wheeled mobile food vendor vehicles not parked or stored within a completely enclosed building must be associated with a tenant located on the lot used to park or store the utility trailer or ~~food trucks~~ mobile food vendor vehicles.
- (G) *Motorized wheeled mobile food vendor vehicles in the central business district.* In the C-3 Central Business District, Motorized wheeled mobile food vendor vehicles may be parked or stored on any lot containing a restaurant operating under the same name provided the parking or storage location meets the standards of Sec. 6-1.6(A).
- (H) Utility trailers and ~~food trucks~~ mobile food vendor vehicles in non-residential districts. Within districts not otherwise regulated, utility trailers and ~~food trucks~~ mobile food vendor vehicles may be parked or stored on any lot occupied by a tenant with which the trailer or ~~food trucks~~ mobile food vendor vehicles is associated. Trailers and ~~food trucks~~ mobile food vendor vehicles shall not be parked or stored in required landscaping and buffer areas and shall not reduce the minimum required parking spaces for the property.

Replace section 6-3.7 as follows:

6-3.7. *Additional screening requirements.* In addition to the landscaping and screening required in this section, additional screening shall be required to conceal specific areas of high visual impact or hazardous areas.

(A) Plants and a solid fence or wall, at least the height of the item being screened, but not more than eight feet tall, shall be installed around all sides, excluding access areas. Access gates to these areas shall be solid and, to the extent practical, not oriented to a public street. Plant material must meet the minimum planting heights listed on table 6-3-2 and shall be installed around the following areas:

- (1) Loading and service areas.
- (2) Dumpsters/ refuse collection points/ recycling drop-off centers.
- (3) Ground level mechanical, heating and air-conditioning equipment (except for single-family detached and two-family dwellings).
- (4) Outdoor electrical or other above-ground utility equipment.
- (5) Outdoor storage lots.
- (6) Storage tanks.
- (7) Ground level equipment associated with communication towers.
- (8) Utility trailers and ~~food trucks~~ towed wheeled mobile food vendor vehicles parked or stored in the C-3 district.

(B) In addition to any fence that may be required by article 7, stormwater management, above-ground stormwater retention/detention facilities shall be screened with a continuous shrub border, maintained at 30 inches in height, along the entire perimeter of the facility, excluding access gates. 75 percent of the shrubs shall be evergreen. Plant material must meet the minimum planting height listed in table 6-3-2.



Where Georgia comes together.

Application # TEXT-0157-2023

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 Section 2-2.2 to clarify periods of action by Planning Commission and City Council on applications for rezoning, annexation and zoning of land, de-annexation, text amendment, and special exception.

Modify Sections 1-13, 6-1.10, and 6-3.7 to define "mobile food vendor vehicle"; and to provide for motorized wheeled mobile food vendor vehicles to park in the C-3 district on the same lot as a restaurant of the same name.

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	11/6/2023
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