



Where Georgia comes together.

Planning Commission Agenda

Monday, July 8, 2024, 6:00pm

Perry City Hall 808 Carroll Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from June 10, 2024 regular meeting
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

Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on August 6, 2024)

 - A. **SUSE-0065-2024**. Special exception for short-term rental for property located at 1318 North Ave. The applicant is David Corson.
 - B. **SUSE- 0080-2024**. Special exception for short-term rental for property located at 415 Shoshone Circle. The applicant is Collins Madikaegbu.
 - C. **SUSE-0072-2024**. Special exception to reduce minimum house size for property located at 1336 & 1338 Pierce Street. The applicant is Houston County Habitat for Humanity.
 - D. **RZNE-0079-2024**. Rezone property at 1824 Houston Lake Rd. & 1904 Hwy 127 to amend existing PUD to increase building height and allow residential use within the existing designated commercial area. The applicant is Wingate Custom Homes.
 - E. **TEXT-0076-2024**. Text amendment to amend Sec. 2-3.12 to add expiration and amendment provisions to land disturbance permit; Sec. 2-3.13, Final Plats, to provide consistent language; and Secs. 2-3.16 and 2-3.17 regarding maintenance warranties to reduce the required value and maintenance period, revise provisions for phased developments, and require separate maintenance warranties for stormwater facilities. 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 – June 10, 2024

1. Called to Order: Chairman Edwards called the meeting to order at 6:00 pm.
2. Roll Call: Vice Chairman Ross; Commissioners Butler, Guidry, and Mehserle were present. Commissioners Hayes and Jefferson were absent.
Staff: Bryan Wood – Community Development Director; Emily Carson – Community Planner; and Joni Ary – Recording Clerk.
Guests: Thailer Faubecer, WCH Homes.
3. Invocation: was given by Commissioner Mehserle
4. Approval of Minutes from May 13, 2024, regular meeting
Vice Chairman Ross motioned to approve the minutes as presented; Commissioner Guidry 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. Public Hearing (Planning Commission decision)
 - A. **VAR-0045-2024.** Variance to increase fence height on property located at 1009 & 1013 Northside Drive. The applicant is Dylan Wingate, WCH Homes.

Mr. Wood read the applicants' request, which was a variance to increase the fence height to fifteen feet from the allowable eight feet. The applicant wishes to screen the view between the two properties by installing a 15-foot-tall opaque fence along the rear property lines. Mr. Wood noted that if approved, the applicant will have to receive a Certificate of Appropriateness granted for the fence by the Main Street Advisory Board. Staff recommends approval of the application.

Chairman Edwards opened the public hearing at 6:07 pm for anyone in favor of the request.

Hearing none: Chairman Edwards noted that the applicant was present. Chairman Edwards called for anyone opposed; there being none, the public hearing was closed.

Commissioner Guidry motioned to approve the request as submitted. Vice Chairman Ross seconded the motion and it carried unanimously.

Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on July 2, 2024)

- A. **TEXT-0067-2024.** Amend the Land Management Ordinance to establish standards for required sidewalks on new residential and commercial streets. The applicant is the City of Perry.

Mr. Wood stated that following discussion with the Planning Commission and direction from City Council, new standards and procedures for the installation of sidewalks on new streets are as follows:

Sidewalk and curb ramps to be ADA compliant, marked crosswalks required at collector and arterial streets, on a case-by-case basis for new residential subdivisions – sidewalks on one side of the street, required collector and arterial streets, create exercise route or connect to existing sidewalks, connect to parks/schools within a quarter mile of subdivision, to be constructed at time of house construction, sidewalks to be installed on both sides of commercial streets at time of construction. This amendment addresses City Council's concerns about long-term liability and maintenance by limiting sidewalks in residential areas to certain streets with higher traffic volume, connecting to schools and parks, and creating exercise paths. Mr. Wood advised staff was recommending approval of the proposed text amendment.

Chairman Edwards opened the public hearing at 6:11 pm and called for anyone in favor of the request; hearing none, Chairman Edwards called for anyone opposed; there being none, the public hearing was closed.

Vice Chairman Ross motioned to recommend approval of the amendment as presented. Commissioner Mehserle seconded the motion and it passed unanimously.

- B. **TEXT-0068-2024.** Amend Land Management Ordinance to allow flexibility of the size and number of signs per lot during election periods. The applicant is the City of Perry.

Ms. Carson stated that following the adoption of the revised sign standards last year, the City became aware of a local "standard" size for signs used during election periods that exceed the allowance in the current code. Currently, four additional signs of up to 4 square feet each are allowed during election periods. Leading up to the primary election last month, the City amended its interpretation of the current code to allow any combination of the number of signs up to additional signs total did not exceed 16 square feet. This amendment codifies this interpretation. Ms. Carson advised staff recommends approval of the proposed text amendment.

Chairman Edwards opened the public hearing at 6:15 pm and called for anyone in favor of the request; hearing none; Chairman Edwards called for anyone opposed; there being none, the public hearing was closed.

Vice Chairman Ross motioned to recommend approval of the amendment as presented. Commissioner Mehserly seconded the motion and it carried unanimously.

9. Other Business – None.
10. Commission questions or comments. Commissioner Guidry recognized a gentleman at the meeting for the first time.
11. Adjournment. There being no further business to come before the Commission, the meeting was adjourned at 6:17 pm.



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development

July 3, 2024

CASE NUMBER: SUSE-0065-2024
APPLICANT: David Corson
REQUEST: A Special Exception to allow a short-term residential rental
LOCATION: 1318 North Ave; Tax Map No. 0P0080 014000

REQUEST ANALYSIS: The subject property owner proposes to offer the entire **3-bedroom/2-bath** house for short-term rental for a maximum of **8** occupants. The subject premises is scheduled to be inspected for compliance with minimum health and safety requirements for use once renovations are complete (per Section 2-3.6) and is expected to **pass**.

Standards for Short-term Rental Properties (Section 4-3.5 of the LMO)	
1,000-foot buffer from another STR and only one STR per premises	Complies
Designation of local contact person	Complies
Host Rules addressing: <ul style="list-style-type: none"> • Maximum occupancy of 6 persons • Parking restrictions; on-premises parking of up to 2 vehicles • Noise restrictions • On-premises curfew • Prohibition of on-premises events 	Complies
Trash pick-up plan	Complies
Required written rental agreement	Complies
Proof of required active insurance policy	Complies
Application for City of Perry Occupational Tax Certificate	Complies
Other standards will be addressed with the issuance of an STR permit	

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

	Zoning Classification	Land Uses
Subject	R-2, Single-family residential	Single-family residential
North	GU, Governmental Use	Perry High School
South	R-2, Single-family residential	Single-family residential
East	R-2, Single-family Residential	Single-family residential
West	R-2, Single-family Residential	Single-family residential

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a "Traditional Neighborhoods" character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with a mix of residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than the normal occupancy of a single-family residence.
6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* Short-term rental of the residence should not increase the population density above that expected for the size of the house.
8. *Will the use create a health hazard or public nuisance?* Short-term rental of the residence should not create a health hazard. Compliance with standards for short-term rentals will prevent a public nuisance.
9. *Will property values in adjacent areas be adversely affected?* Short-term rental of the residence should not adversely affect the value of properties in the area.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property is developed with a permitted use. The special exception is to allow the single-family residence to be rented on a less than 30-day basis.

STAFF RECOMMENDATION: Staff recommends approval of the special exception and issuance of a Short-Term Rental Permit with the following conditions:

1. This permit is limited to the Owners David and John Corson and is not transferable.
2. The applicant must complete and pass a STR inspection prior to the issuance of the permit.
3. The applicant removes # 11 under *Indoor Information & Rules* on the 1318 North Ave Host Rules document. Events are not allowed in short-term residential rentals per the LMO.

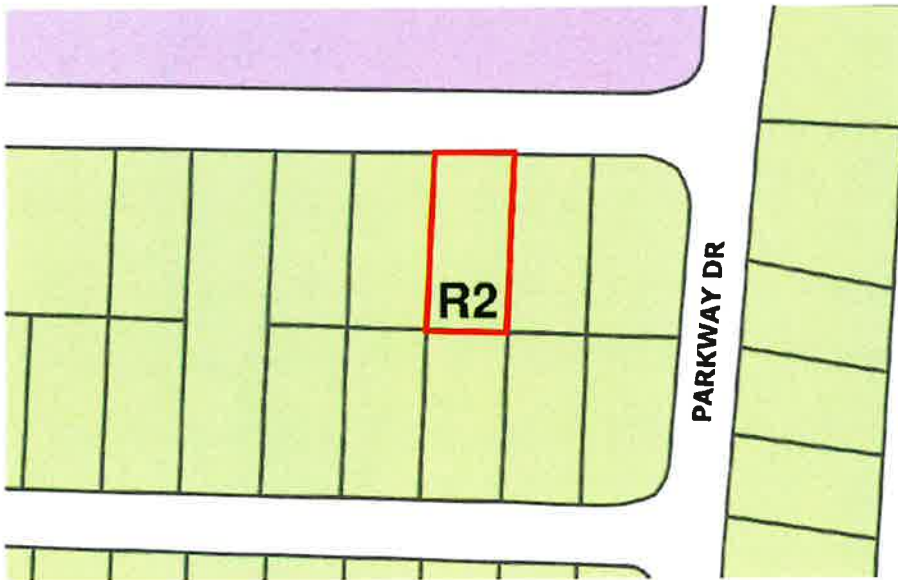


SUSE-0065-2024

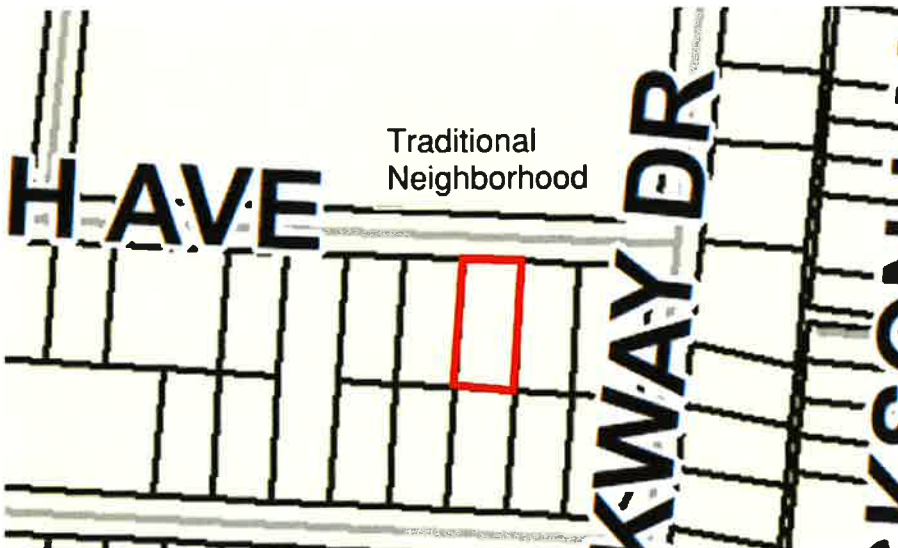
1318 North Ave

Special Exception to allow a short-term residential rental

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # SUSE # 65
2024

Application for Special Exception

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	DAVID CORSON	
*Title	OWNER	
*Address	203 NOAH LA. Perry	← SAME
*Phone	[REDACTED]	
*Email	[REDACTED]	

Property Information

*Street Address	1318 NORTH AVE	*Zoning Designation	RZ
*Tax Map Number(s)	OP0080 014000		

Request

*Please describe the proposed use: Short-Term Rental

Instructions

- The application and \$306.00 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 (The applicant bears the burden of proof to demonstrate that the application complies with these standards).~~ 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 proposed, you must submit a site plan identifying such modifications.~~
- 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. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- ~~The applicant must be present at the hearings 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.
- *Signatures:

*Applicant	<u>David Corson</u>	*Date	<u>4/26/24</u>
*Property Owner/Authorized Agent	<u>David Corson</u>	*Date	<u>4/26/24</u>

Response to Standards for Granting a Special Exemption

1318 North Ave, Perry

1. The proposed use is consistent with the land use pattern (zoned R-1)
2. The proposed use is consistent with the Comprehensive Plan
3. The house (there are no other structures on the property) is accessible for police and fire protection.
4. The house will be consistent with the surrounding houses and neighborhood. There are numerous single family homes on the street and a school across the street.
5. See below.
 - a. Pedestrian and vehicular traffic will not be impeded. Parking is off-street – entirely on the proposed property. This short-term rental should generate less pedestrian and vehicular traffic than surrounding residences.
 - b. No changes to the location or height of the building, screening or landscaping are anticipated
6. Population density will not be increased since the occupation of the rental will be short-term
7. The proposed usage will not create health hazards or nuisances. Exterior surveillance cameras with audio will be used to ensure that the occupants comply with the host rules.
8. The house has been completely remodeled and updated with new siding and paint and landscaping. These changes greatly enhances the appearance of the area and should increase the property value.
9. We do not anticipate any reasons the property cannot be used for the permitted use.



Where Georgia comes together.

Application # STR-INT
0066-2024

Supplement to Application for Special Exception For Initial Short-term Rental (STR) Permit

A Special Exception of Short-term Rental Permit is not complete until this supplemental form and accompanying documents are complete

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Property Owner	*Designated Local Contact Person complying with Sec. 4-3.5(C) of Land Management Ordinance
*Name	DAVID CORSON	DAVID CORSON
*Mailing Address	203 NORTH LA Perry GA 31069	
*Phone	[REDACTED]	*24-hour contact: [REDACTED]
*Email	[REDACTED]	[REDACTED]

*Street Address of Short-term Rental Unit: 1318 NORTH AVE, Perry
 *Tax Map Number: ~~OP 0080~~ 014000

The following items are required to be submitted to complete this supplement (Refer to Sec. 4-3.5 of the Land Management Ordinance (LMO) for standards):

- 1. Proof of Insurance
- 2. Copy of application for City of Perry Occupational Tax Certificate
- 3. Copy of proposed Host Rules
- 4. Plan for trash collection *see Rules*
- 5. The maximum number of occupants proposed at any given time *6*
- 6. Plot plan of the premises identifying location and number of parking spaces for the STR
- 7. Dimensioned floor plan of the STR identifying bedrooms other living spaces and emergency evacuation routes
- N/A* 8. Copy of proposed written rental agreement to be executed between the owner and responsible Person
- N/A* 9. Name and contact information for the homeowner's association, if any, of which the premises is subject to by restrictive covenants
- 10. Other certifications and information deemed necessary and proper to ensure compliance with the LMO

Upon submittal the City will contact the property owner to schedule an inspection of the property to ensure the proposed short-term rental unit complies with minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a re-inspection fee will be charged for each subsequent inspection. Application for Special Exception will not be scheduled for Planning Commission consideration until the proposed STR unit complies with minimum health and safety requirements.

***Notarized Property Owner Signature**
 I affirm that the information provided in this supplement is accurate and complete. I understand an STR permit may be revoked by the administrator if the permit holder has: 1) received more than 2 citations for violations of the Code of the City of Perry within the preceding 12 month time period; or 2) failed or refused to comply with an express condition of the permit and remains in non-compliance ten days after being notified in writing of such non-compliance; or 3) knowingly made a false statement in an application or supplement; or 4) otherwise become disqualified for the issuance of a permit under the terms of the Land Management Ordinance. I further understand that I must wait one year from the date of a revoked permit before an STR renewal permit can be issued.

David Corson
 Signature _____ Date 3/27/2024

*Notary Public signature and seal.

Signature: *Elizabeth Padgett*
Date: 3/27/24

Seal:





Business Applications

City of Perry

Submitted On:

Apr 25, 2024, 04:41PM EDT

Email dcorson@gmail.com

Starting a Business

License Type	Occupational Tax
Applicant Name	First Name: David Last Name: Corson
Business Name	ALN Properties
Physical Location	Street Address: 1318 North Ave City: Perry State: GA Zip: 31069
Mailing Address	Street Address: 203 Noah Lane City: Perry State: GA Zip: 31069
Business Phone Number	[REDACTED]
Type of Business	short term rental
Is your business a LLC (Limited Liability Company)	No
NAICS Code	
E-mail Address	[REDACTED]
Number of Employees (Full-time Equivalent)	1
Full legal name of Owner	David Allan Corson
Owners Mailing Address	Street Address: 203 Noah Lane City: Perry State: GA Zip: 31069
Owners Phone Number	4789541980
Full legal name of Manager	David Allan Corson
Manager Phone Number	[REDACTED]
IRS EIN (Tax ID)	*****
State License	
Lease/Settlement Agreement	Settlement statement.pdf
E-Verify	Occupational License application documents.pdf

SAVE Affidavit

Picture Identification

Occupational License application documents.pdf

Dave's Driver's license.pdf

POLICY DECLARATIONS

American Modern Property and Casualty Insurance Company
Dwelling Basic
New Business



Premium Summary

Dwelling #1: \$932.00
 1318 NORTH AVE
 PERRY GA 31069-2615
 Policy Coverages \$0.00
 Additional Costs \$0.00
Total Policy Premium \$932.00

Note: a minimum earned premium of \$0.00 applies to this policy.

Policy Discounts

Auto/Home Discount
 Paid in Full Discount

Policy Summary

Policy Number: [REDACTED]
Policy Period: 12/18/2023 to 12/18/2024 12:01 A.M. Standard Time

Named Insured(s):
 DAVID A. CORSON
 [REDACTED]

Contracted Agency:
 WALKER INSURANCE AGENCY INC - #020722
 1110 WASHINGTON ST
 PERRY GA 31069

Dwelling #1: 1318 NORTH AVE, PERRY GA 31069-2615

Occupancy: Vacant **Residence Type:** 1 Family Residence **Construction Type:** Frame **Year Built:** 1949 **Protection Class Code:** 3 **Territory:** 3

Coverage Detail

Coverage	Limit / Description	Premium
Dwelling (Fire & Extended Coverage)		\$751.00
Limit	99,000	
Loss Settlement	Actual Cash Value	
All Other Peril Deductible	1,000	
Wind and Hail Deductible	1,000	
Other Structures	9,900	Included
Loss Settlement	Actual Cash Value	
Premises Liability	500,000	\$112.00
Medical Payments	500 Per person/25,000 Per occurrence	Included
Mold and Remediation - Liability	50,000	Included
Property Manager Premises Liability Extension		Included
Vandalism or Malicious Mischief		\$69.00
Deductible	500	
Fire Department Service Charge	500	Included

Important Information

This dwelling does not have coverage for the peril of flood.
 This dwelling does not have coverage for the peril of earthquake.

Premium \$932.00

Dwelling Basic Policy Declaration

American Modern Property and Casualty Insurance Company

Policy Period: 12/18/2023 - 12/18/2024

Policy Number: [REDACTED]

Policy Type: Dwelling Basic



Your Policy Documents

Your policy consists of this Policy Declaration and the documents in the following list. Please keep these together.

Policy Level Forms (Forms that apply to all Dwelling)

- DB-GA-A-0001(06-18) - Special Provisions - Georgia
- DW-CW-G-0001(01-15) - Condemnation Endorsement
- IL-CW-G-0001(01-15) - Signature Endorsement
- DB-CW-P-0001(01-15) - Dwelling Property - Basic Form
- IL-CW-G-0010(07-17) - Additional Policy Protection
- DW-CW-X-0004(05-17) - Criminal Acts Exclusion

Forms that apply to Dwelling #1: 1318 NORTH AVE, PERRY GA 31069-2615

- DB-CW-C-0002(01-16) - Permitted Vacancy or Seasonal Usage Clause
- IP-CW-C-0004(01-15) - Reinstatement of Limit
- DW-CW-X-0005(01-17) - Roof Surfacing Cosmetic Damage Exclusion - Windstorm or Hail
- DY-CW-C-0005(01-16) - Property Manager - Premises Liability
- DY-CW-X-0003(01-15) - Premises Liability Swimming Pool Slide and Diving Board Exclusion
- DY-GA-C-0001(06-18) - Premises Liability Endorsement - Georgia
- DY-CW-C-0004(01-15) - Premises Liability Limited Fungi, Wet or Dry Rot, Or Bacteria Coverage
- DY-CW-X-0001(01-16) - Premises Liability Lead Paint Liability Exclusion

Policy Maintenance Information

It's easy to manage your policy online 24/7. You can make payments, file claims, view policy documents, and more. Go to amig.com to create an account or log in today!

**PLEASE REVIEW THE INFORMATION CONTAINED IN THIS POLICY.
IF ANY INFORMATION IS INCORRECT, PLEASE CONTACT:**

WALKER INSURANCE AGENCY INC
(478) 988-8212

Report a Claim: 1-800-375-2075

American Modern Insurance Group

Mailing address
PO Box 5323
Cincinnati, OH 45201-5323

Main Administrative Office
7000 Midland Blvd.
Amelia, OH 45102-2607

1318 North Ave Host Rules

Arrival, Departure and Entry

- 1) Check in time is anytime after 3:00 pm
- 2) Check out time is 11:00 am
- 3) If you need to check in early or check out late please call (478) 954-1980
- 4) A digital dead bolt lock has been installed on the front door. The code will be provided for your particular stay. If you have any access problems please call the number below.
- 5) Quiet Hours are between 10:00 pm and 7:00 am
- 6) Please park in the driveway only. Do not park on the grass.

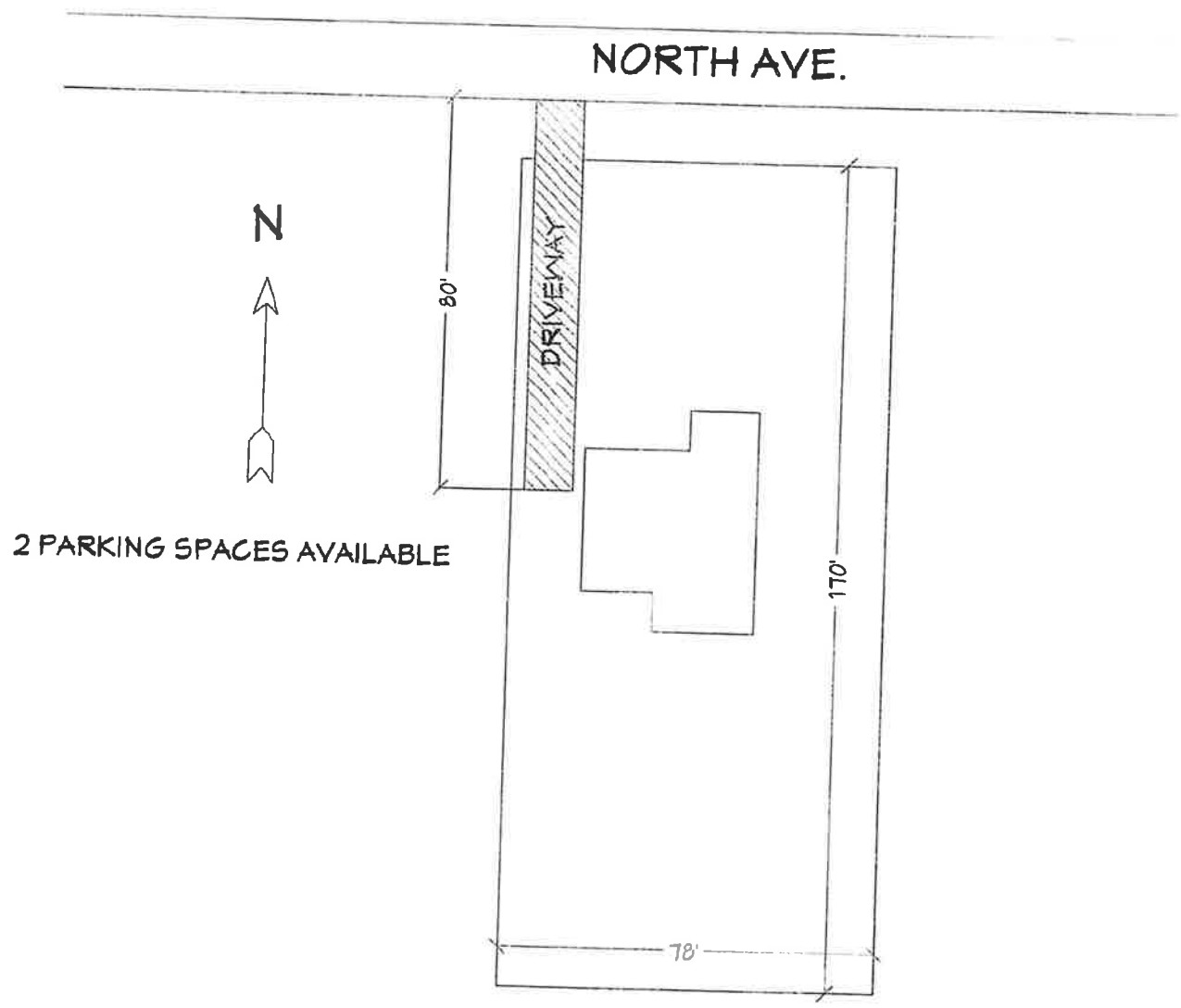
Pets of any kind are not permitted.

Maximum Occupancy - 8

Indoor Information & Rules:

- 1) We have recently finished a complete remodel of this house, please treat it with respect. Make every effort to keep it clean. Turn off lights and any appliances when leaving.
- 2) Please remove your shoes upon entry to the house
- 3) No smoking anywhere in the home. Extra cleaning fees to remove odor and stains will be applied if smoking takes place.
- 4) Please do not rearrange our furniture.
- 5) Wash dishes (run dishwasher). If dishes are not washed, extra cleaning fees may be applied.
- 6) There is a charcoal grill on the back deck. After use, please clean the grill. Replace the grill cover. If the grill or deck is found dirty and requires extra cleaning an extra fee will be applied.
- 7) There is a broom, dustpan and sweeper in the pantry/laundry closet if needed.
- 8) Please dispose of your trash in the city receptacle before leaving. If your stay is on a Thursday and/or Friday, please take the city receptacle to the road on Thursday night and return it on Friday after the city has collected it. (City trash collection occurs EARLY on Friday mornings). If departing on Friday morning leave the can at the road.
- 9) Please leave dirty linens (used sheets, towels, washrags) in the laundry room.
- 10) On occasion, some consumables such as condiments, spices, etc. may be left behind by previous guests. We try our very best to ensure that it is not expired or stale. HOWEVER, ultimately, it is up to the guests' discretion to consume these items. The host does not take any responsibility for the consumables.
- 11) If you would like to host an event (i.e. wedding, graduation, not party), please speak with us first.
- 12) Guests will be asked to leave IMMEDIATELY if any of the following occurs:
 - a. If guests are found to have had a party without host permission
 - b. Loud noises are heard such as music or shouting especially during Quiet Hours
 - c. The use of illegal drugs of any kind or firearms (authorities will be called)
 - d. Illegal activities of any kind are not permitted

Please reply back so we know that these house rules have been read and acknowledged.

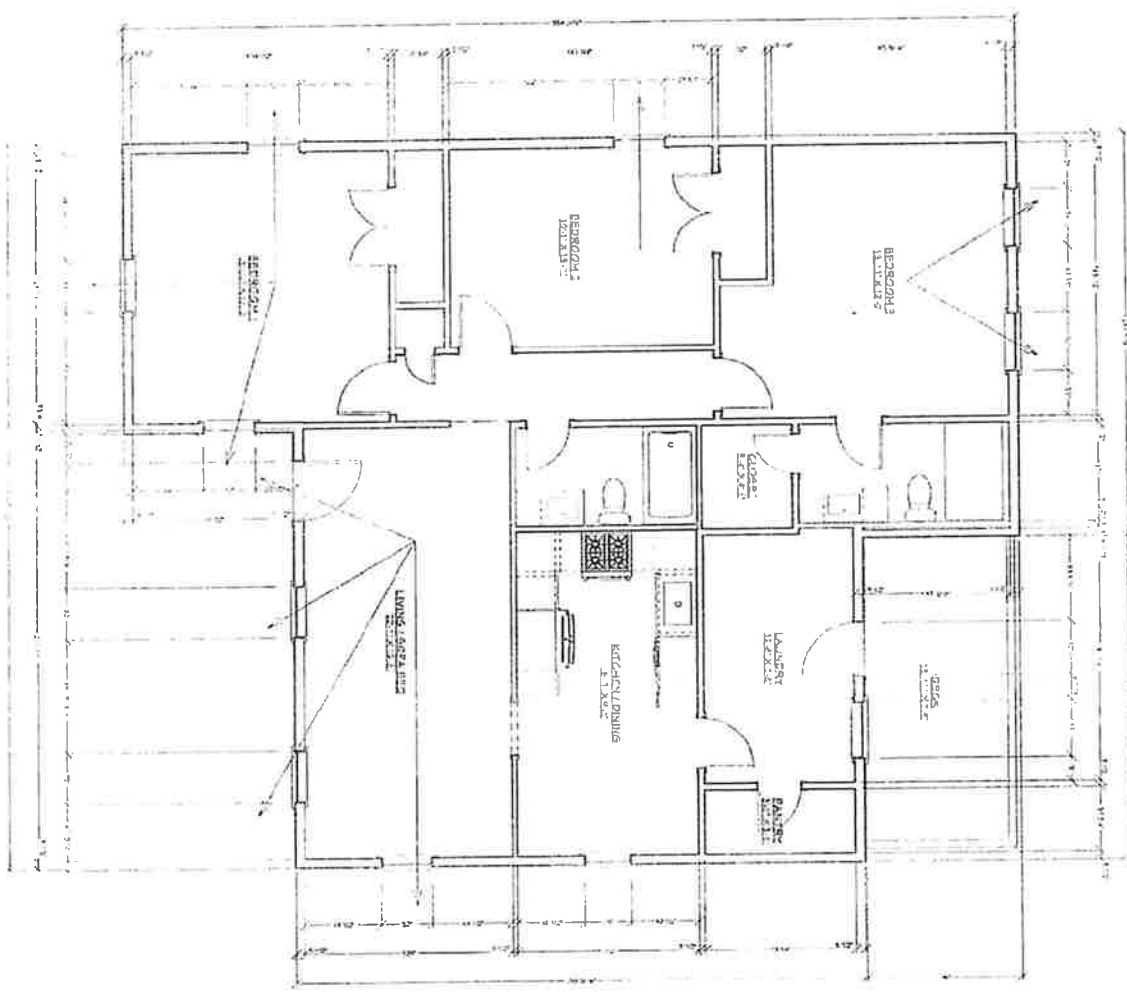


1318 NORTH AVE.

PARCEL ID #0P0080 014000

PARKING AREA -





EVACUATION ROUTES

A 2.0

DATE	
BY	
FOR	

COBSON CONSTRUCTION
 GENERAL CONTRACTORS

1318 NORTH AVE.



GEORGIA DWELLING FIRE AND HOMEOWNERS INSURANCE APPLICATION

POLICY INFORMATION

Policy or Reference Number [REDACTED]	Producer Code [REDACTED]	
Policy Effective Date 04/26/2024	Producer Name WALKER INSURANCE AGENCY INC	
Policy Form Dwelling Fire Three	Producer Phone Number 478-987-8000	Fax Number 478-988-8262

LOCATION INFORMATION

Dwelling Use Vacation / Short-Term Rental <ul style="list-style-type: none"> • Primary • Secondary / Seasonal • Landlord / Rental • Vacant / Unoccupied • Vacation / Short-term Rental • Tenant / Renters 	Dwelling Classification Traditional Site Built Home <ul style="list-style-type: none"> • Traditional Site Built Home • Manufactured / Mobile Home • Adobe Home • Condo • Dome Home* • Earth Home • Log Home • Metal Home • Modular Home • Straw Home* • Apartment Building / Complex (Tenant/Renters only) • Other
--	---

Dwelling Location (Cannot be a P.O. Box or a FMS)

Address 1318 NORTH AVE		City PERRY
State GA	ZIP Code 31069-2815	County 153
Unit Complex Name (Optional): (Condo, Tenant/Renters only) N/A		Number of units in building (Condo, Tenant/Renters only) N/A
Responding Fire Department PERRY FS 1	Fire District Name PERRY	Fire Protection Class 3
Is the dwelling located within 1000 ft. from a fire hydrant? Yes		Is the primary responding fire department within 5 road miles from the dwelling? Yes
Has the subscription fee for the responding fire department been paid? N/A <i>(Applies only if location is in a fire subscription district)</i>		
Will this location be part of a schedule (five or more rental/vacant locations on one policy)? No <i>(DF1, DF3 Landlord/Rental, Vacation/Short-term Rental, Vacant/Unoccupied use only)</i>		If yes, <input type="checkbox"/> Existing schedule policy <input type="checkbox"/> New schedule policy How many dwellings will be on the policy?
Year dwelling was built: (N/A Tenant/Renters) 1857		Purchase Date: (N/A Tenant/Renters) 04/2024

MAILING ADDRESS

<input type="checkbox"/> Same as Location		Address [REDACTED]
City: PERRY	State GA	ZIP Code 31069-4959

*Unacceptable

COVERAGE AND LIMITS

Coverages/Endorsements	Limit	Deductible	Premium
Dwelling	\$210,000	\$1,000	\$931
Replacement Cost Incl Ord/Law Excl Roof 15 Yr Or Older			\$152
Other Structures Addl Amt Of Ins		\$1,000	\$10
Personal Property	\$15,000	\$1,000	\$76
Replacement Cost-Personal Property	\$15,000		\$35
Loss of Rents	\$21,000		\$105
Premises Liability	\$1,000,000		\$112
Medical Payments	\$5,000		\$14
Landlord Personal Injury Liab Cov	\$1,000,000		\$10
Water Backup of Sewers or Drains	\$5,000		\$75
Platinum Endorsement			\$15
Mold, Mildew, or Other Fungi, Their Secretions, and Dry and Wet Rot	\$5,000		Incl

Discounts/Surcharges

Property Management Discount	-\$18
Multiple Properties Discount	-\$37
Platinum Package Discount	-\$110
Tenant Screening Discount	-\$37
Maximum Discount Exceeded Adjustment	\$111
Companion Auto Policy Discount	-\$92

Premium Summary

NOTE: Minimum premium - Prices may be subject to minimum written premiums and non-refundable minimum earned premium.

Total Policy Premium:	\$1,352.00
Total Taxes & Fees:	\$0.00
Total 1 Year Premium:	\$1,352.00

BILLING INFORMATION

Pay Plan: 1 Pay • 1 Pay • 2 Pay • 4 Pay • 10 Pay (MA Cards, Tenant/Renters) • 12 Pay (EFT)	Producers must collect down payment, except when escrow billed. Down Payment Collected \$ _____ A service charge will apply if payment plan is other than annual.	Would the customer like future renewals billed to the mortgage? (N/A - Tenant/Renters) No
--	---	---



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
July 3, 2024

CASE NUMBER: SUSE-0080-2024
APPLICANT: Collins Madikaegbu
REQUEST: A Special Exception to allow a short-term residential rental
LOCATION: 415 Shoshone Cir; Tax Map No. 0P0660 039000

REQUEST ANALYSIS: The subject property owner proposes to offer **3-bedrooms/2-baths** in the 5-bedroom/3-bath house for short-term rental for a maximum of **6** occupants. The subject premises is scheduled to be inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and **is expected to pass.**

Standards for Short-term Rental Properties (Section 4-3.5 of the LMO)	
1,000-foot buffer from another STR and only one STR per premises	Complies
Designation of local contact person	Complies
Host Rules addressing: <ul style="list-style-type: none"> • Maximum occupancy of 6 persons • Parking restrictions; on-premises parking of up to 4 vehicles • Noise restrictions • On-premises curfew • Prohibition of on-premises events 	Complies
Trash pick-up plan	Complies
Required written rental agreement	Complies
Proof of required active insurance policy	Complies
Application for City of Perry Occupational Tax Certificate	Complies
Other standards will be addressed with the issuance of an STR permit	

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

	Zoning Classification	Land Uses
Subject	R-1, Single-family residential	Single-family residential
North	R-1, Single-family residential	Single-family residential, Undeveloped
South	R-1, Single-family residential	Single-family residential
East	R-1, Single-family Residential	Single-family residential
West	R-1, Single-family Residential	Single-family residential, Undeveloped

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a “Suburban Residential” character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with a mix of residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than the normal occupancy of a single-family residence.
6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* Short-term rental of the residence should not increase the population density above that expected for the size of the house.
8. *Will the use create a health hazard or public nuisance?* Short-term rental of the residence should not create a health hazard. Compliance with standards for short-term rentals will prevent a public nuisance.
9. *Will property values in adjacent areas be adversely affected?* Short-term rental of the residence should not adversely affect the value of properties in the area.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property is developed with a permitted use. The special exception is to allow the single-family residence to be rented on a less than 30-day basis.

STAFF RECOMMENDATION: Staff recommends approval of the special exception and issuance of a Short-Term Rental Permit.

1. This STR Permit is limited to Collins Madikaegbu and is not transferrable.
2. The applicant must complete and pass the STR inspection prior to the issuance of the permit.

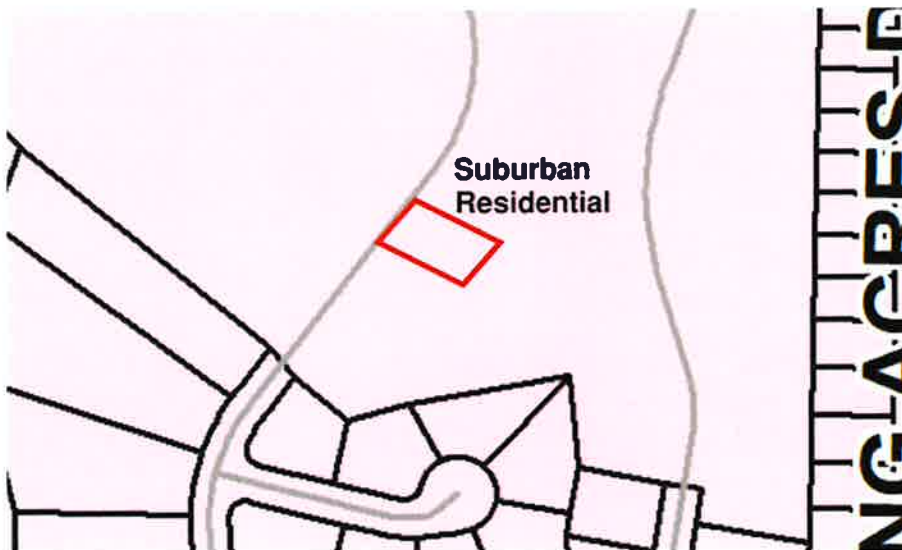


SUSE-0080-2024
415 Shoshone Cir
Special Exception to allow a
short-term residential
rental

Aerial



Zoning



Character Area



Where Georgia comes together.

Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE

0080-2024

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Collins C Madikaegbu	Collins C Madikaegbu
*Title		
*Address	415 Shoshone Cir. Kathleen GA 31047	415 Shoshone Cir. Kathleen GA 31047
*Phone	[REDACTED]	[REDACTED]
*Email	[REDACTED]	[REDACTED]

Property Information

*Street Address	415 Shoshone Cir. Kathleen GA 31047	
*Tax Map Number(s)	P49E-54	*Zoning Designation

Request

*Please describe the proposed use: Please see notes attached, thank you 😊

Instructions

- The application and ***\$306.00 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 (The applicant bears the burden of proof to demonstrate that the application complies with these standards).** 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 proposed, you must submit a site plan identifying such modifications.**
- 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. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings 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.
- *Signatures:**

*Applicant		*Date	6/3/2024
*Property Owner/Authorized Agent		*Date	

Request * Please describe the proposed use:

415 Shoshone Cir. Kathleen, GA 31047
Collins C Madikaegbu

My primary purpose for using my home is to share my space with guests who want to visit and explore the vibrant and beautiful city of Perry. I am delighted to open my doors to guests on vacation, business travel, family gatherings, medical stays, academic stays, adventure seekers, digital nomads, attending sporting events, reunions, workshops or retreats, and special events in the area. "We are the home of Southern Hospitality and Charm."

When I first moved here, I wanted to explore and experience the true essence of Perry. I wanted to raise my future family here too. I would love to share my home with others for now. When I was a student and while traveling I wanted a place that was safe, clean, and close to the university, but I could only find a small dorm room. Now that I have enough space, I want to share it with others, making them feel at home and comfortable. And perhaps one day, they will come to love the City of Perry as much as I do, and consider moving their family/life here too.

Sample letter/notes to my Guest; and why I would love to share my home to others

I am delighted to open the doors of my home to you during your stay in this vibrant and beautiful city. My home is not just a place to rest your head; it is a space where you can experience the true essence of the City of Perry. Here are just a few of the many reasons why I love sharing my home with guests like you:

1. ****A Warm Welcome****: I believe in creating a home away from home, a place where you can feel comfortable, relaxed, and cared for. From cozy linens to a fully equipped kitchen, every detail is designed to make your stay as pleasant as possible.
2. ****Local Insights****: As a resident of Perry, I have come to know its hidden gems, the best eateries, and the unique experiences that you won't find in a guidebook. I'm excited to share my local tips and favorite spots with you, helping you to see the city through the eyes of a local.
3. ****Community Connection****: Sharing my home allows me to meet people from all walks of life and from all over the world. It's a wonderful opportunity to connect, share stories, and learn from each other. Each guest brings their own unique energy and perspective, enriching my life and hopefully,

their stay as well.

4. **Celebrating Diversity**: My home is a celebration of the diverse cultures and traditions that make our world so fascinating. By welcoming guests from various backgrounds, I aim to create a space that is inclusive, respectful, and appreciative of our differences.

5. **A Personal Touch**: Unlike hotels, staying in a home offers a personal touch. Whether it's a handwritten welcome note, a basket of local treats, or personalized recommendations for your trip, I strive to make your stay special and memorable.

6. **A Unique Experience**: Every corner of my home tells a story, from the artwork on the walls to the warm welcome. Staying here offers you a unique and authentic experience that reflects the love and joy of life.

7. **Comfort and Convenience**: Located in a prime area, my home provides easy access to major attractions such as Georgia National Fairgrounds, Agricenter, a relaxing retreat, soulful Southern hospitality and vibrant neighborhoods. Whether you're here for business or leisure, you'll find everything you need within reach.

I am truly passionate about sharing the beauty and charm of Perry with you. In Perry, as they say, "we are the home of Southern charm and hospitality." My hope is that you leave with wonderful memories, new friendships, and a deeper appreciation for this amazing place.

Thank you for choosing to stay with me. I am looking forward to hosting you and making your visit unforgettable.

Warm regards,
Collins



Where Georgia comes together.

Application # TR-INT
#081-2024

Supplement to Application for Special Exception For Initial Short-term Rental (STR) Permit

A Special Exception of Short-term Rental Permit is not complete until this supplemental form and accompanying documents are complete

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Property Owner	*Designated Local Contact Person complying with Sec. 4-3.5(C) of Land Management Ordinance
*Name	Collins C Madikogbu	
*Mailing Address	415 Shoshone Cir KATHREN, GA 31047	
*Phone		
*Email		

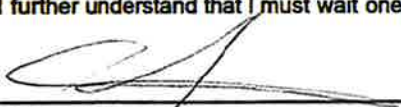
*Street Address of Short-term Rental Unit:	415 Shoshone Cir
*Tax Map Number:	

*The following items are required to be submitted to complete this supplement (Refer to Sec. 4-3.5 of the Land Management Ordinance (LMO) for standards):

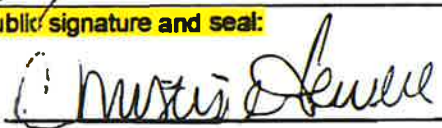
1. Proof of insurance
2. Copy of application for City of Perry Occupational Tax Certificate
3. Copy of proposed Host Rules
4. Plan for trash collection
5. The maximum number of occupants proposed at any given time
6. Plot plan of the premises identifying location and number of parking spaces for the STR
7. Dimensioned floor plan of the STR identifying bedrooms other living spaces and emergency evacuation routes
8. Copy of proposed written rental agreement to be executed between the owner and responsible Person
9. Name and contact information for the homeowner's association, if any, of which the premises is subject to by restrictive covenants
10. Other certifications and information deemed necessary and proper to ensure compliance with the LMO

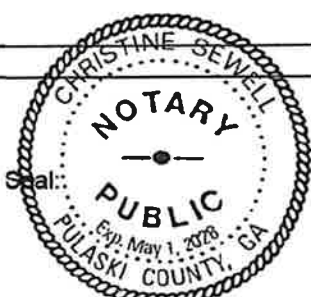
Upon submittal the City will contact the property owner to schedule an inspection of the property to ensure the proposed short-term rental unit complies with minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a re-inspection fee will be charged for each subsequent inspection. Application for Special Exception will not be scheduled for Planning Commission consideration until the proposed STR unit complies with minimum health and safety requirements.

***Notarized Property Owner Signature:**
I affirm that the information provided in this supplement is accurate and complete. I understand an STR permit may be revoked by the administrator if the permit holder has: 1) received more than 2 citations for violations of the Code of the City of Perry within the proceeding 12-month time period; or 2) failed or refused to comply with an express condition of the permit and remains in non-compliance ten days after being notified in writing of such non-compliance; or 3) knowingly made a false statement in an application or supplement; or 4) otherwise become disqualified for the issuance of a permit under the terms of the Land Management Ordinance. I further understand that I must wait one year from the date of a revoked permit before an STR renewal permit can be issued.

Signature:  _____ Date: 6/3/2024

***Notary Public signature and seal:**

Signature:  _____ Date: 6-3-24





Where Georgia comes together.

CITY OF PERRY, GEORGIA
APPLICATION FOR OCCUPATIONAL TAX CERTIFICATE
Post Office Box 2030 - 1211 Washington Street - Perry, Georgia 31069
Office 478-988-2740 Fax 478-988-2748
liz.nelson@perry-ga.gov

- New
Renewal
Change

Business Name Dreamers Homes LLC Phone Number 240.505.6563

Type of Business: real estate

Business physical location 415 Shoshone Cir Kathleen GA 31047

Business mailing address 415 Shoshone Cir Kathleen GA 31047
Street or P O Box City State Zip

Number of employees (including manager) 1 NAICS Code

Full legal name of applicant Collins C Madikaegbu
(Applicant must provide current legal driver's license)

Applicant date of birth 04/05/1986 Social Security Number 220-65-0654

Applicant Contact Information:

Residence Address 415 Shoshone Cir Kathleen GA 31047
Street City State Zip

Cell Phone Number [Redacted] Home Phone Number

Work Phone Number [Redacted] Email [Redacted]

Full legal name of Owner/Manager Agent Collins C Madikaegbu

Full legal name of entity operating business Dreamers Homes LLC

Full legal name of persons/entities having 20% or more interest in operating entity

Business federal employer identification number [Redacted]

Please list any other associated trade names for the business

I, the applicant hereinabove set forth, after being duly sworn, under oath states the foregoing information is true and correct to my best knowledge and belief. So help me God.

This 5 day of June, 2024

Applicant Signature [Handwritten Signature]

Date 6/05/2024

415 Shoshone Cir. Kathleen, GA 31047

Collins C Madikaegbu

****AirBnB Household Rules Kathleen, GA****

1. ****Check-in/Check-out****: Check-in time is after 3 pm. Check-out time is by 11 am.
2. ****Quiet Hours****: Please observe quiet hours between 11 pm and 7 am.
3. ****Shared Spaces****: The living room, kitchen, and bathroom are shared spaces. Except Master Bedroom w.Private Bathroom/Shower. Kindly clean up after yourself. No events or parties allowed. Please turn off all lights/AC/Heater after use. No shoes inside home please. Please do not arrange the furnitures.
4. ****Guests****: No additional guests without prior approval. The reservation is strictly for the number of guests initially booked. All guests must be prior approved.
5. ****Smoking****: No smoking inside the house. If you smoke outside, please dispose of your cigarette butts responsibly and away from property. No illegal substances on premises.
6. ****Pets****: Sorry, no pets allowed due to potential allergies. Please directly message host if it's a service animal or specific request/reason.
7. ****Kitchen Use****: You're welcome to use the kitchen, but please clean up after. Label your food if you store it in the fridge or shelves. Trash is discard by host. All trash will be taken out by host Wednesday night for Thursday morning trash pickup.
8. ****Bathroom Etiquette****: Please do not flush anything other than toilet paper. If you use makeup, kindly use makeup remover wipes instead of towels and discard in trash.
9. ****Lost Key****: There's a \$10 fee for lost keys.
10. ****Parking****: If you have a car, please park in the designated guest spot and available parking areas/spaces. First come first serve.
11. ****Safety****: Lock all doors and windows when leaving the house or before going to bed. In case of emergency, please use Home Evacuation Plan doors/windows for primary exit routes and secondary exits. Fire extinguisher is available for emergency purposes only and is located by the dining/kitchen area.

12. ****Personal Belongings****: I'm not responsible for lost or damaged personal items. Please keep your belongings secure. Lock your personal room and take keys with you.

13. ****Laundry****: If you're staying for more than five days, you can use the washing machine and dryer. Limit laundry to one load per week.

14. ****Communication****: If you have any questions or concerns, please communicate. Open communication ensures a pleasant stay for both of us.

15. ****Respect****: This is my home, and I'm happy to share it with you. Please treat it with the same respect you'd want for your own home. We welcome you and want to share the Southern Hospitality and Charm with you.

sample →

WELCOME to 415 Shoshone Cir, Kathleen, GA!

WELCOME

YAY! You're here, enjoy your stay and make it a memorable one **WITH US!**
Our home is your home, we put a lot of love into our home, please love it as much as we do.



WI-FI

NETWORK: SETUP-118C
PASSWORD: ahead1063buckle

PARKING



Please park on the right side of the driveway or the street. Parking is first come, first serve as another guest will come tomorrow.

HOUSE RULES

- Check in 3:00PM
- No unregistered guests allowed
- No pets allowed
- No events or parties allowed
- No commercial photography
- No smoking inside
- Quiet hours from 11PM-7AM
- Please clean up shared space after use
- Turn off lights and AC/Heater
- No shoes inside house
- Trash is every Wednesday
- No illegal substances on premises
- Please take care of the furnishings
- Please don't rearrange the furniture
- Laundry Use - Minimum 1 week stay
- Please check AIRBNB listing for ALL House Rules

BEFORE LEAVING

- Close all windows
- Turn off the lights and AC/Heater
- Take out the garbage

CHECKOUT

- Check out before 11:00AM
- Throw all used towels on floor upon checkout
- Notify host of your departure through AIRBNB APP
- Leave bedsheets unmade and room door cracked

CONTACT US



Please reach out to us through the AIRBNB APP for any inquiries or assistance. We typically respond promptly, but in case of emergencies, feel free to give us a call directly.
Host Cell: (240)-505-6563

Thank you for staying with us!
If you enjoyed and loved your stay with us,
Don't forget to leave us a comment/review on AIRBNB :)

Collins & Jenny

415 Shoshone Cir. Kathleen, GA 31047

Collins C Madikaegbu



4. Plan for trash collection;

- Each designated room has a trash can.
- Guests can leave trash in their rooms, and the host will discard it after guest has checked out.
- Scheduled pickups are on Thursday early mornings, so trash is taken out on Wednesday nights.
- Trash, recycling, and bulk waste are all taken out at the scheduled dates and times by the host.
- Trash bins are always kept clean, washed and in designated places.
- The trash area is always kept clean, sanitized, and organized for scheduled pickups by host.

5. The maximum number of occupants proposed at any given time;

- Five

6. Plot plan of the premises identifying location and number of parking spaces for the STR

- please see attached pictures of each bedroom/areas
- 2 Garage Spaces, but can park up to 4 cars, 2 inside garage and 2 outside garage
- All cars will be parked in designated areas/driveways

7. Dimensioned floor plan of the STR identifying bedrooms other living spaces and emergency routes

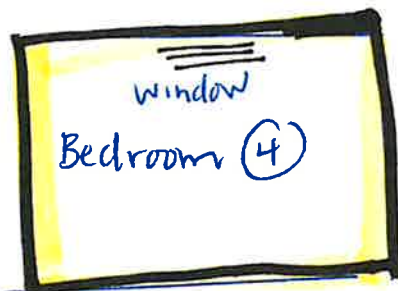
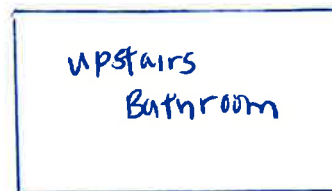
- please see attached pictures of each bedroom/areas
- Open kitchen, breakfast area, dining room area, living room area, bathroom, outdoor sitting area
- Emergency evacuation routes include the front door, back door, and garage door as primary exits. Multiple open windows serve as secondary exits. Fire extinguishers are available if needed.

415 Shoshone Cir. Kathleen,
GA 31047

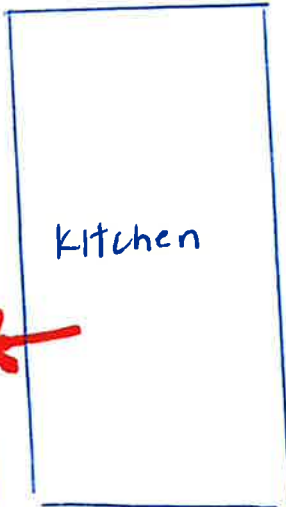
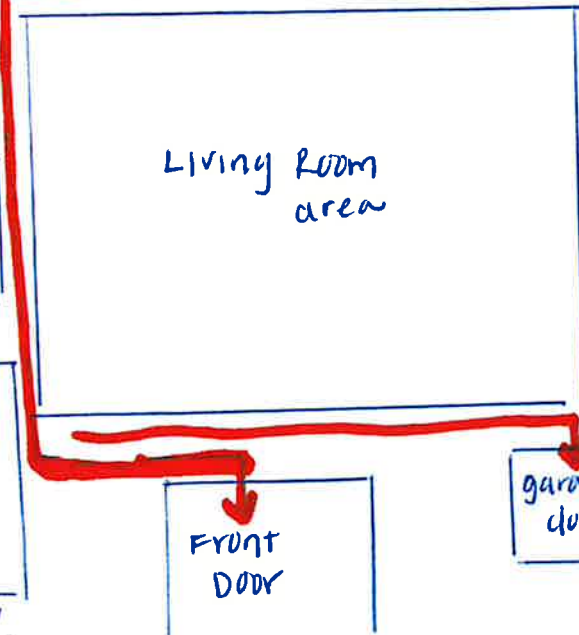
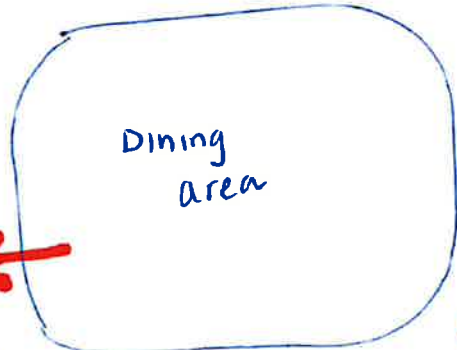
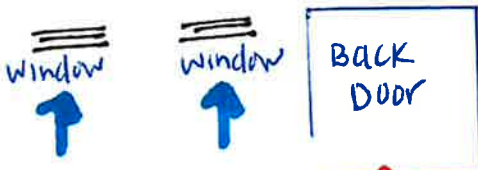
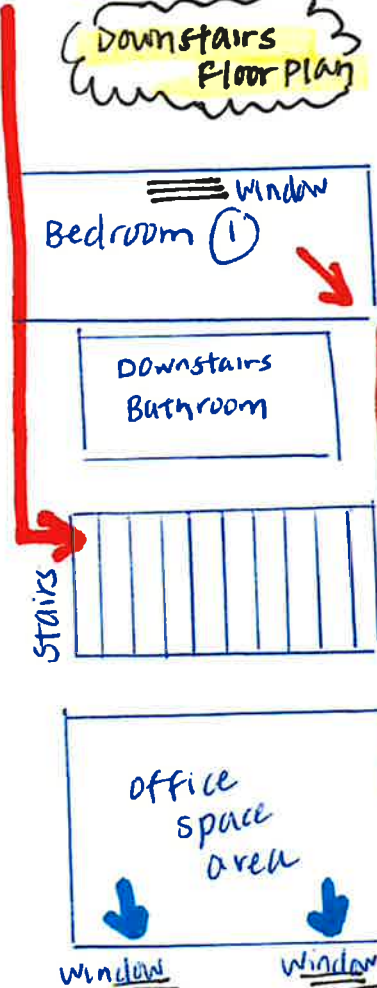
Home Evacuation Plan

- Primary Evacuation Plan Route
- Secondary Exits
- 🔥 Fire Extinguisher
- 🏠 Rooms only in use

Upstairs Floorplan



Downstairs Floorplan



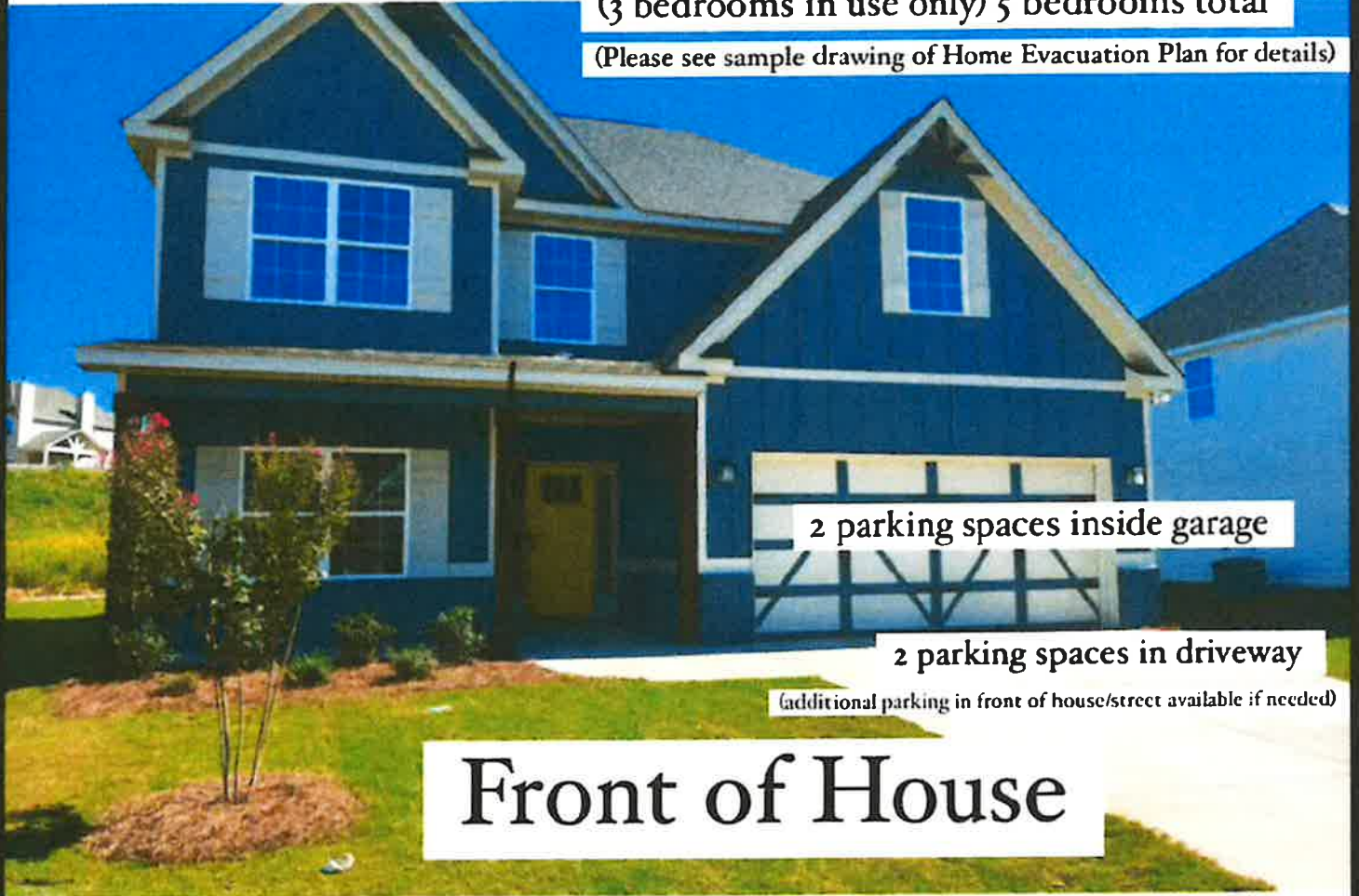
(sample drawing of HEP)

Exterior

415 Shoshone Circle, Kathleen GA 31047

(3 bedrooms in use only) 5 bedrooms total

(Please see sample drawing of Home Evacuation Plan for details)



2 parking spaces inside garage

2 parking spaces in driveway

(additional parking in front of house/street available if needed)

Front of House



Back of House



Front Porch sitting area



RLI Insurance Company

Peoria, IL 61615

A stock insurance company, herein called the Company

PERSONAL UMBRELLA LIABILITY POLICY

This Declarations page with "Policy Provisions" and endorsements completes this policy.

DECLARATIONS

Policy Number **PUP2266959** 6/3/2024

Named Insured & Mailing Address COLLINS MADIKAEGBU 415 SHOSHONE CIR KATHLEEN, GA 31047	Agent 23932 Progressive Advantage Agency (866) 216-7823 6300 Wilson Mills Rd Cleveland, OH 44143
--	--

Primary Residence Address (if different than above) Same As Above	Insured's Brokering Agent E1589 Cannon, Michelle D
--	---

Policy Period - 12:01 A.M. standard time at the address of the Named Insured as stated herein. From 06/03/2024 To 06/03/2025

Limit of Coverage	\$ 1,000,000	each occurrence
Fire, Weapon and Unmanned Aircraft Aggregate Limit	\$ 1,000,000	

Excess Uninsured/Underinsured Motorists		
Limit of Coverage	\$	each accident Coverage Rejected

Policy Premium \$342

Forms included at issuance of policy will appear on Page 2 of this Declaration.

REQUIRED BASIC POLICIES

You agree that you and any Relative covered by this policy will be insured under the applicable Basic Policies for at least the Required Minimum Limits of Coverage listed below through the entire Policy Period for the following:

1. Any Automobile you or your Relative own or operate;
2. Any home, seasonal, secondary or rental property, or farm, you or your Relative own, reside in, lease or rent; and
3. Any Recreational Vehicles or Watercraft, you or your Relative own or operate.

<u>Basic Policy</u>	<u>Required Minimum Limit of Coverage</u>						
A. Automobile Liability	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Bodily Injury</td> <td style="width: 40%; text-align: right;">\$ 100,000 each person</td> </tr> <tr> <td>Property Damage</td> <td style="text-align: right;">\$ 300,000 each occurrence</td> </tr> <tr> <td></td> <td style="text-align: right;">\$ 50,000 each occurrence</td> </tr> </table>	Bodily Injury	\$ 100,000 each person	Property Damage	\$ 300,000 each occurrence		\$ 50,000 each occurrence
Bodily Injury	\$ 100,000 each person						
Property Damage	\$ 300,000 each occurrence						
	\$ 50,000 each occurrence						

(continued on page 2)

PUP 301 (01/21)

Basic Policy	Required Minimum Limit of Coverage		
B. Uninsured/Underinsured Motorists Not Applicable. Excess UM/UIM was rejected by insured.	Bodily Injury	\$	each person
		\$	each occurrence
	Property Damage	\$	each occurrence
C. Personal Liability for:			
1. PRIMARY RESIDENCE Homeowners or Personal Liability	Bodily Injury and Property Damage Combined Single Limit	\$	300,000 each occurrence
2. SEASONAL, SECONDARY OR RESIDENTIAL RENTAL PROPERTIES Comprehensive Personal Liability or Premises Liability	Bodily Injury and Property Damage Combined Single Limit	\$	300,000 each occurrence
3. FARM Farmowners or Comprehensive Personal Liability	Bodily Injury and Property Damage Combined Single Limit	\$	300,000 each occurrence
D. Recreational Vehicle Liability			
	Bodily Injury	\$	100,000 each person
		\$	300,000 each occurrence
	Property Damage	\$	25,000 each occurrence
			or
	Bodily Injury and Property Damage Combined Single Limit	\$	100,000 each occurrence
E. Watercraft Liability (including, but not limited to, personal watercraft)			
	Bodily Injury	\$	300,000 each person
		\$	300,000 each occurrence
	Property Damage	\$	100,000 each occurrence
			or
	Bodily Injury	\$	250,000 each person
		\$	500,000 each occurrence
	Property Damage	\$	100,000 each occurrence
			or
	Bodily Injury and Property Damage Combined Single Limit	\$	300,000 each occurrence

Forms included at issue:

PUP 320 (01/21) POLICY PROVISIONS
PUA 410 (01/21) STATE AMENDATORY
ILF 0001P (04/22) SIGNATURE PAGE



Where Georgia comes together.

STAFF REPORT

July 2, 2024

CASE NUMBER: SUSE-0072-2024
APPLICANT: Houston County Habitat for Humanity
REQUEST: A Special Exception to reduce minimum house square footage
LOCATION: 1336 & 1338 Pierce Street; Tax Map No. 0P0180 074000 & 0P0180 073000

REQUEST ANALYSIS: Earlier this year, the applicant requested approval to reduce the minimum house size for 738 Elaine Street, and requested a blanket approval for reduced house square footage for any house they construct. City Council granted the approval for Elaine Street but did not approve the “blanket” special exception. Council agreed to consider all Habitat properties in one application but felt each property should be evaluated. Currently, the only other properties owned by Habitat in the City are the subjects of this application. The properties are located in the Old Field neighborhood.

Pierce Street is located in one of the last subdivided sections of Old Field. Existing houses on the street range from 672 square foot houses located at 1329 & 1351 Pierce Street to a 1,769 square foot house at 1332 Pierce Street. Only two of the 18 existing houses on Pierce Street meet the 1,500 square foot minimum required by the LMO. See attached map showing square footage of houses on Pierce Street.

Habitat’s smallest house plans are:

- 786 square feet for a two-bedroom house;
- 980 square feet for a three-bedroom house; and
- 1100 square feet for a four-bedroom house.

STANDARDS FOR SPECIAL EXCEPTIONS:

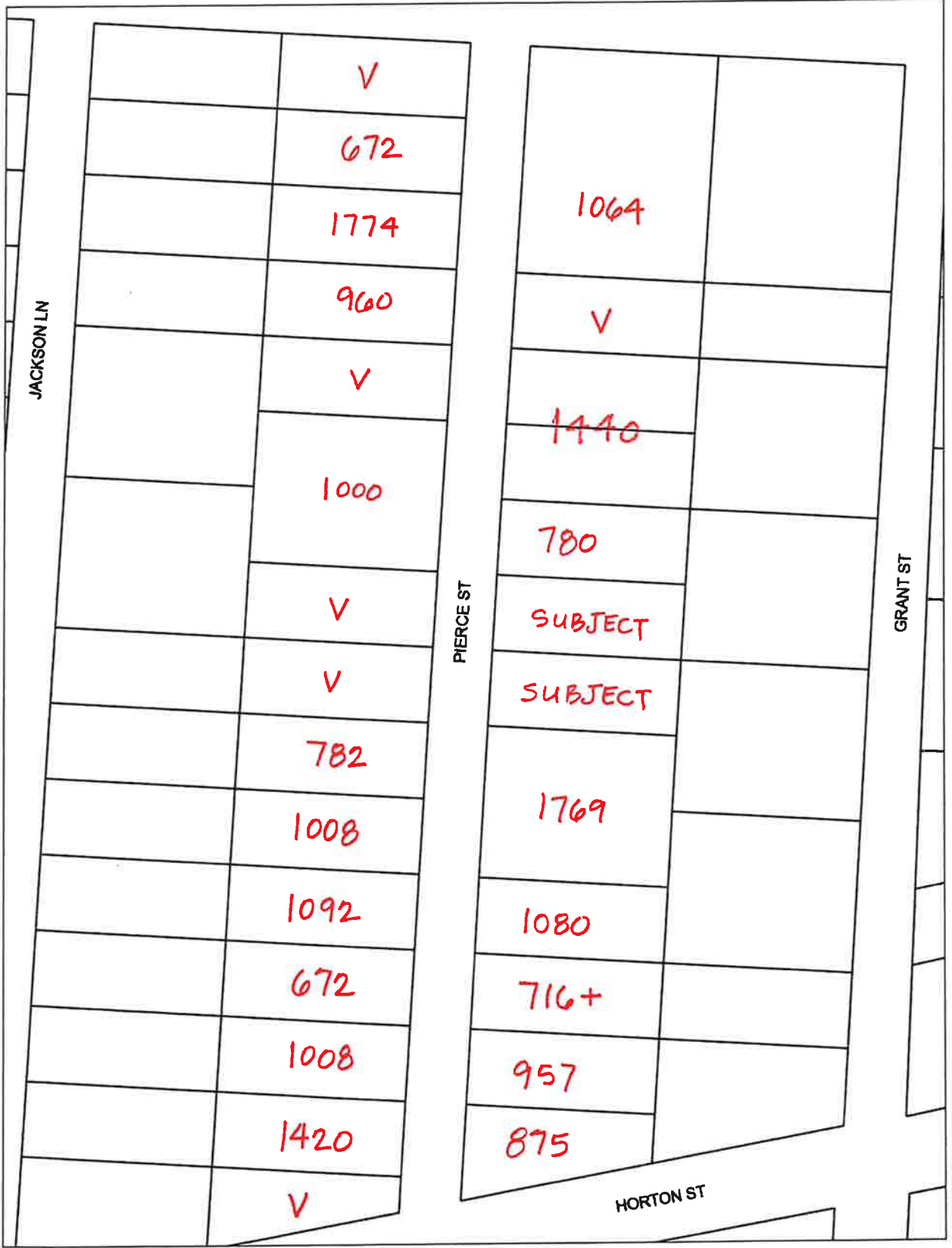
1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of any restrictions on these properties
2. *Does the Special Exception follow the existing land use pattern?*

	Zoning Classification	Land Uses
Subject	R-2, Single-family residential	Undeveloped
North	R-2	Single-family residential
South	R-2	Single-family residential
East	R-2	Single-family residential
West	R-2	Undeveloped

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject properties are included in a “Traditional Neighborhood” character area in the 2022 Joint Comprehensive Plan. This character area consists of older houses in areas that are within walking distance of amenities, but often require additional maintenance and revitalization to help maintain the neighborhoods’ stability. Suggested development patterns include “well-designed development that blends into existing neighborhoods,” “residential development with a healthy mix of uses within easy walking distance,” and housing “opportunities for small households.”

4. *Will adequate fire and police protection be available?* Police and Fire already provide service to Old Field.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* There are a variety of house sizes existing on Pierce Street ranging from 672 square feet to 1,769 square feet. Any of Habitat's smallest houses would be larger than the smallest houses on the street and would be similar in character to the existing houses.
6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* As infill development on existing lots, there would be no interference with existing traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* The subject properties were recorded in 1956 but were never developed. As vacant platted lots, impact on public facilities has already been accounted for.
8. *Will the use create a health hazard or public nuisance?* A reduced house size in and of itself does not create a health hazard or public nuisance.
9. *Will property values in adjacent areas be adversely affected?* Old Field consists of a variety of house sizes and values. Constructing new new house in Old Field will not negatively impact property values in the areas.
10. *Are there substantial reasons a permitted use cannot be used at this property?* Today's construction costs would prove prohibitive for a typical Habitat client to afford a 1500 square-foot house. In addition to the up-front costs, a larger house requires more in monthly utility bills and maintenance costs over time. A 1500 square foot house may be more than is needed for smaller households.

STAFF RECOMMENDATION: Approval.



JACKSON LN

PIERCE ST

GRANT ST

HORTON ST

V

672

1774

960

V

1000

V

V

782

1008

1092

672

1008

1420

V

1064

V

1440

780

SUBJECT

SUBJECT

1769

1080

716+

957

875

SUSE-0072-2024

1336 & 1338 Pierce Street

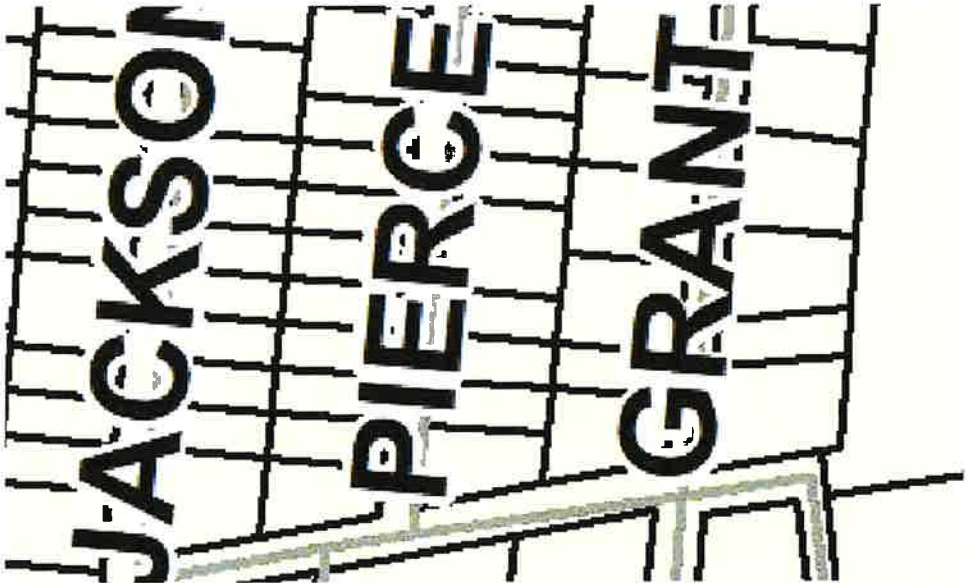
Reduce Minimum House Size



Aerial



Zoning



Character Area



Where Georgia comes together.

Application for Special Exception
Contact Community Development (478) 988-2720

Application # SUSE 0072-2024

*Indicates Required Field

	*Applicant	*Property Owner
*Name	William Goggin	Houston County Habitat for Humanity
*Title	Director	
*Address	2607 Moody Road, WR	
*Phone	478 328 -3388	
*Email	Director@hccohabitat.org	

Property Information

*Street Address	1336, 1338 Pierce St, Perry	
*Tax Map Number(s)	79/10	*Zoning Designation R2

parcel 0P0180074000
parcel 0P0180073000

Request

*Please describe the proposed use: Request exemption for 1500 sq ft minimum requirement for these lots in Oldfield Neighborhood.

Instructions

- The application and *\$306.00 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 (The applicant bears the burden of proof to demonstrate that the application complies with these standards). 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 proposed, you must submit a site plan identifying such modifications.
- 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. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings 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.
- *Signatures:

*Applicant	William Goggin - Houston County HFH	*Date 5-20-24
*Property Owner/Authorized Agent	William Goggin	*Date 5-20-24

Habitat is requesting a blanket approval to construct infill housing which has less square footage than the minimum required by the City's Land Management Ordinance. The neighborhoods in which we typically work consist of houses that range in size from around 750 square feet to more than 1700 square feet, with average house size in the 1,000 square-foot range. While we have a variety of house plans, our smallest two-bedroom plan is 786 square feet; three-bedroom plan is 980 square feet; and four-bedroom plan is 1100 square feet.

Standards for Granting a Special Exception

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? Houston County Habitat for Humanity typically builds on properties which do not have covenants and restrictions. Where such exist, Habitat meets the requirements.

- (1) The existing land use pattern. Habitat typically constructs single-family houses in existing residential neighborhoods. Existing houses in the neighborhoods in which we build often are smaller than the minimum required heated square footage.
- (2) Whether the proposed use is consistent with the Comprehensive Plan. Habitat houses are typically constructed in existing residential neighborhoods. These neighborhoods fall into the "Traditional Neighborhood" or "Suburban Residential" character areas of the Comprehensive Plan.
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. Police and fire protection already exist in the neighborhoods in which we build. Habitat constructs infill houses.
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan. The neighborhoods in which Habitat builds typically consist of a range of house sizes. Our house plans are consistent with the character of the neighborhoods in which we build.
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
 - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection there with will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; Infill residential development on existing lots does not have an abnormal impact on vehicular or pedestrian traffic.
 - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern. Habitat house plans are one story in height, comply with required setbacks, and parking requirements of the Land Management Ordinance. These infill houses will be consistent with surrounding properties.
- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities. Houses are constructed on existing lots where utilities already exist. Infill houses should not have a negative impact on public facilities.
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical

interference, or cause pollution to land, air and/or water. New houses in existing residential communities will not create a nuisance in any way.

- (8) Whether the proposed change will adversely affect property values in adjacent areas. New houses on vacant lots should support property values in the neighborhoods.
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. Habitat houses are designed to accommodate the basic shelter needs for a variety of household sizes. Single-family houses are permitted in the neighborhoods in which we work. House sizes are typically smaller than the current minimum requirement of the LMO.

Houston County, GA

Summary

Parcel Number 0P0180 074000
Location Address 1336 PIERCE ST
Legal Description LOT 59 BEAVERS HEIGHTS 79/10TH
 (Note: Not to be used on legal documents)
Class E3-Exempt
 (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning R2
Tax District Perry (District 2)
Millage Rate 36.744
Acres 0.14
Homestead Exemption No (S0)
Lot/District 79 / 10

[View Map](#)

Owner

**HOUSTON COUNTY HABITAT FOR HUMANITY
 INC**
 PO BOX 7506
 WARNER ROBINS, GA 31095

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Exempt	P-18 HOUSTON HEIGHTS/OAKDALE	Front Feet	6,250	50	125	0.14	1

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
12/1/2023	10285 270	4 118	\$8,000	Court, government, or public utility	HOUSTON COUNTY LAND BANK	HOUSTON COUNTY HABITAT FOR HUMANITY INC
5/11/2023	10076 237	4 118	\$37,500	Court, government, or public utility	NEW PERRY CAPITAL LLC	HOUSTON COUNTY LAND BANK
6/7/2022	9729 167		\$31,500	Multiple parcels part of sales price	DAVIS COMPANY INC	NEW PERRY CAPITAL LLC

Valuation

	2023	2022	2021	2020	2019
Previous Value	\$4,200	\$4,200	\$4,200	\$4,200	\$4,200
Land Value	\$4,200	\$4,200	\$4,200	\$4,200	\$4,200
+ Improvement Value	\$0	\$0	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0	\$0	\$0
= Current Value	\$4,200	\$4,200	\$4,200	\$4,200	\$4,200

No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Permits, Photos, Sketches.

Houston County, Georgia Public Information System
 Information: Public Access Only - For Public Use Only
 User Privacy Policy | GDPR Privacy Notice
 Last Data Upload: 5/20/2024 2:28:05 AM



Houston County, GA

Summary

Parcel Number 0P0180 073000
Location Address 1338 PIERCE ST
Legal Description LOT 58 BEAVERS HEIGHTS 79/10TH
 (Note: Not to be used on legal documents)
Class E3-Exempt
 (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning R2
Tax District Perry (District 2)
Millage Rate 36.744
Acres 0.14
Homestead Exemption No (S0)
Landlot/District 79 / 10

[View Map](#)

Owner

HOUSTON COUNTY HABITAT FOR HUMANITY
INC
PO BOX 7506
WARNER ROBINS, GA 31095

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Exempt	P-18 HOUSTON HEIGHTS/OAKDALE	Front Feet	6,250	50	125	0.14	1

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
12/1/2023	10285 270	4 118	\$8,000	Court, government, or public utility	HOUSTON COUNTY LAND BANK	HOUSTON COUNTY HABITAT FOR HUMANITY INC
5/11/2023	10076 237	4 118	\$37,500	Court, government, or public utility	NEW PERRY CAPITAL LLC	HOUSTON COUNTY LAND BANK
6/7/2022	9729 167		\$31,500	Multiple parcels part of sales price	DAVIS COMPANY INC	NEW PERRY CAPITAL LLC

Valuation

	2023	2022	2021	2020	2019
Previous Value	\$4,200	\$4,200	\$4,200	\$4,200	\$4,200
Land Value	\$4,200	\$4,200	\$4,200	\$4,200	\$4,200
+ Improvement Value	\$0	\$0	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0	\$0	\$0
= Current Value	\$4,200	\$4,200	\$4,200	\$4,200	\$4,200

No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Permits, Photos, Sketches.

[Home](#) | [About Us](#) | [Contact Us](#) | [Privacy Policy](#) | [GDPR Privacy Notice](#)
 Last Data Upload: 5/20/2024, 2:28:05 AM





Where Georgia comes together.

STAFF REPORT

July 2, 2024

CASE NUMBER: RZNE-0079-2024
APPLICANT: Wingate Custom Homes
REQUEST: Modify existing PUD zone
LOCATION: 1824 Houston Lake Road, 1904 Hwy 127, and 0 Hwy 127; Tax Map No: 0P0490 062000, 0P0490 061000, and 0P0490 078000

BACKGROUND INFORMATION: The property was zoned PUD in 2022 to include a mix of commercial, townhouse, and detached single-family residential uses. The applicant is requesting the PUD Regulating Plan be modified. The modification is in the commercial area where they are adjusting the commercial square footage from 45,000 square feet to 30,000 square feet and adding 50 residential units in a mixed-use building. With this modification there are minor adjustments to open space and parking. Total units per acre increases from 3.3 to 4.0. The residential portion of the PUD Regulating Plan is not changing. There are also some minor adjustments to the PUD Standards for clarification and recognizing recent changes to the City's sign standards. The table below compares the changes between the current PUD and the proposed PUD update.

	Approved PUD	Proposed PUD Update
Site Area	84.78 acres	84.78 acres
Open Space Provided	32.51 acres	32.34 acres
Open Space Percentage	38.34%	38.14%
Commercial Square Footage	45,000 sf	30,000 sf
Residential Loft	0	50 units
Townhouse	119 units	119 units
Single-family Detached (front-loaded)	86 per chart; 87 lots in plan	87 units
Single-family Detached (rear-loaded)	79 units	79 units
Total Residential Units	284 per chart; 285 lots in plan	335
Total Units per Acre	3.3	4.0
Total Residential Parkins Spaces Provided	925	927
Commercial Area Parking		
Off-Street Parking Spaces Provided	180	173
On-Street Parking Spaces Provided	34	24
Total Commercial Parking Spaces Provided	214	197
Setbacks in Commercial Area	None Provided	17' from Houston Lake Road; 0' all other sides
Building Height	1 floor/ 20' max in Commercial Area	50' – Mixed-use/ Commercial area; 45' – Townhouse; 30' – SFD Residential
Allowable uses in Commercial Area	Per C-3 regulations	Per C-3 regulations, plus Live-Work Units on ground floor only

	Approved PUD	Proposed PUD Update
Signs	Commercial area to comply with standards for C-3	Mixed-use/commercial area to comply with C-3, except monuments signs per C-2, and building ID signs per renderings; Residential areas to comply with LMO residential sign standards
Building Character and Materials	Mercantile; Brick, stucco, hardy board, and stone	Mercantile; Brick, stucco, hardy board, and stone; Mixed-use building massing, scale, architectural character, and materials similar to attached building renderings.
Landscaping, walls, and fences	Landscape plans to be submitted once developed	Shall comply with applicable provisions of LMO; Street tree locations as shown on Regulating Plan

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 or restrictions which prevent the property from being used proposed.

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

	Zoning	Land Use
North	C-2 (city and county); RAG (county)	Warehouse, residential, and undeveloped
South	R-3 (city)	Single-family residential
East	R-AG (city)	Single-family residential and event venue
West	C-2 (city)	Self-service storage and undeveloped

- The suitability of the subject property for the zoned purposes.** The property is suitable for the uses allowed in the current PUD.
- The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The property value is not diminished by the current PUD zoning.
- 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 property value is not diminished.
- The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The public gains additional housing and commercial options but there is no hardship imposed on the property owner.
- Whether the subject property has a reasonable economic use as currently zoned.** The property has a reasonable economic use as currently zoned.
- The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** A single-family structure built in 1953 was recently removed from a portion of the property. The remainder of the property currently under development.
- Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The addition of residential uses in a mixed-use development will create a more vibrant and diverse community.
- Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The additional residential uses should not adversely affect the use of adjacent properties.

10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The properties are in the "Suburban Residential" character area, which calls for mix of housing types and densities.
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 should not have substantial impact on existing public facilities.
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.** There is continuing residential and commercial development activity in the immediate area in particular, and the eastern side of Perry in general.

STAFF RECOMMENDATION: Approval.

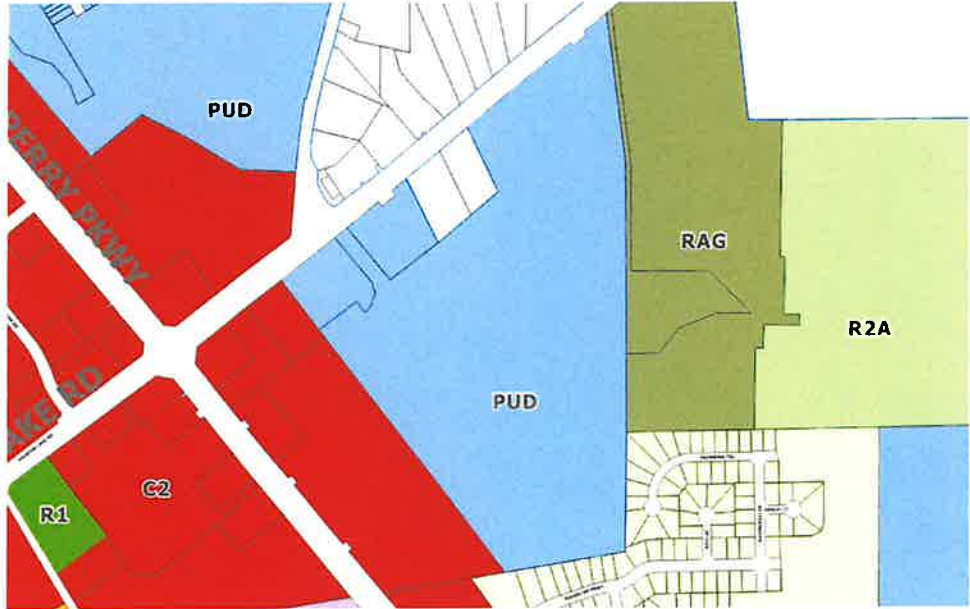
RZNE-0079-2024

1824 Houston Lake Road
& 1904 Hwy 127

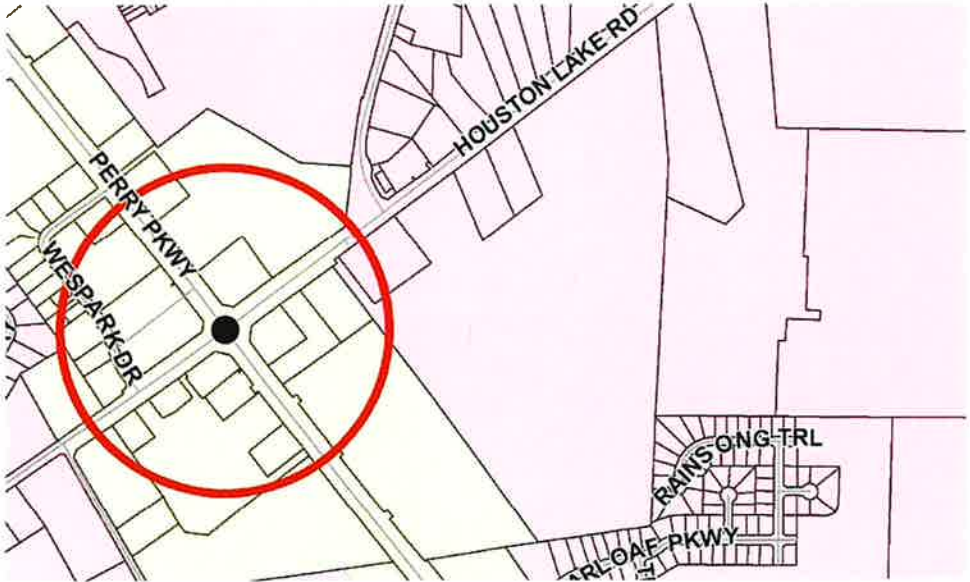
Modify PUD



Aerial



Zoning



Character Area



Where Georgia comes together.

Application # RZNE 0079-2024

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Wingate Custum Homes	Same as applicant
*Title	Oganization	Same as applicant
*Address	817 GA-247 Unit 10, Kathleen, GA 31047	Same as applicant
*Phone	(478) 322-0028	Same as applicant
*Email	info@wchhome.com	Same as applicant

Property Information

*Street Address or Location	1824 Houston Lake Rd & 1904 HWY 127, Perry, GA 31069
*Tax Map Number(s)	0P0490 061000 & 090490 062000
*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	PUD	*Proposed Zoning District	PUD - UPDATE
*Please describe the existing and proposed use of the property <u>Note: A Site Plan or other information which fully describes your proposal may benefit your application.</u>			
The current PUD is approved for commercial and residential products including townhouses and single family detached. This PUD-Update proposes a residential-flat product be added to the commercial area and incorporated within a mixed-use building.			
Optional ground floor live/work units are also proposed.			

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.
- 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. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *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 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 X
If yes, please complete and submit a Disclosure Form available from the Community Development office.

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		*Date	5/28/23
*Property Owner/Authorized Agent		*Date	5/28/23

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? **Please see attached document, "1904 HWY 127 REZONING STANDARDS COMMENTS"**

- (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.

PUD UPDATE: June 2024 – Exhibit below as previously submitted.

1904 HWY 127 REZONING STANDARDS COMMENTS

(1) The existing land uses and zoning classification of nearby property;

Existing land use does not include potential rezoning obstacles. Nearby properties' zoning classifications include R-3, C-2, R-AG, and PUD. Rezoning this parcel to PUD would align with past rezoning initiatives in this area.

(2) The suitability of the subject property for the zoned purposes;

The subject property is well-suited for the potential rezoning. Preliminary analysis suggests that existing soils and topography will be conducive to earth-moving operations, drainage, and construction of foundation pads and roadways.

(3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;

Under the current zoning classification, the subject property's values are severely diminished as the property cannot be developed to the extent that a PUD zoning classification would allow.

(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 subject property value, along with nearby property values, are very likely to increase upon development completion. Property value destruction, if any, will be minimal.

(5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;

The subject property owner is a willing seller; no hardship will be imposed upon him. The public will enjoy additional commercial space and homeownership rates.

(6) Whether the subject property has a reasonable economic use as currently zoned;

The subject property has relatively little economic value as currently zoned when compared to potential PUD zoning economic value.

(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;

According to publicly available historical satellite imagery, adjacent properties rezoning and development were completed circa 2007.

(8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;

Adjacent and nearby properties' zoning classifications include R-3, C-2, R-AG, and PUD. Rezoning this property to PUD would allow potential uses and development very similar to those of the immediate area's past rezoning initiatives.

(9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;

Because the proposed zoning classification will limit development standards to those of the similar, adjacent C-2 and R-3 parcels' standards, no adverse effects are expected.

(10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;

The zoning proposal is in conformity with the policies and intent of the Comprehensive Plan, especially with the "Economic Development" section's goal #s 2 and 4, as well as the "Housing" section's goal #s 1 and 3. Additional businesses and housing will improve economic development opportunities and homeownership rates, respectively.

(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

A Jan. 28th discussion with Chad McMurrian revealed that, at the time construction operations would begin, the proposed rezoning and subsequent development would not over-burden infrastructure.

(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.

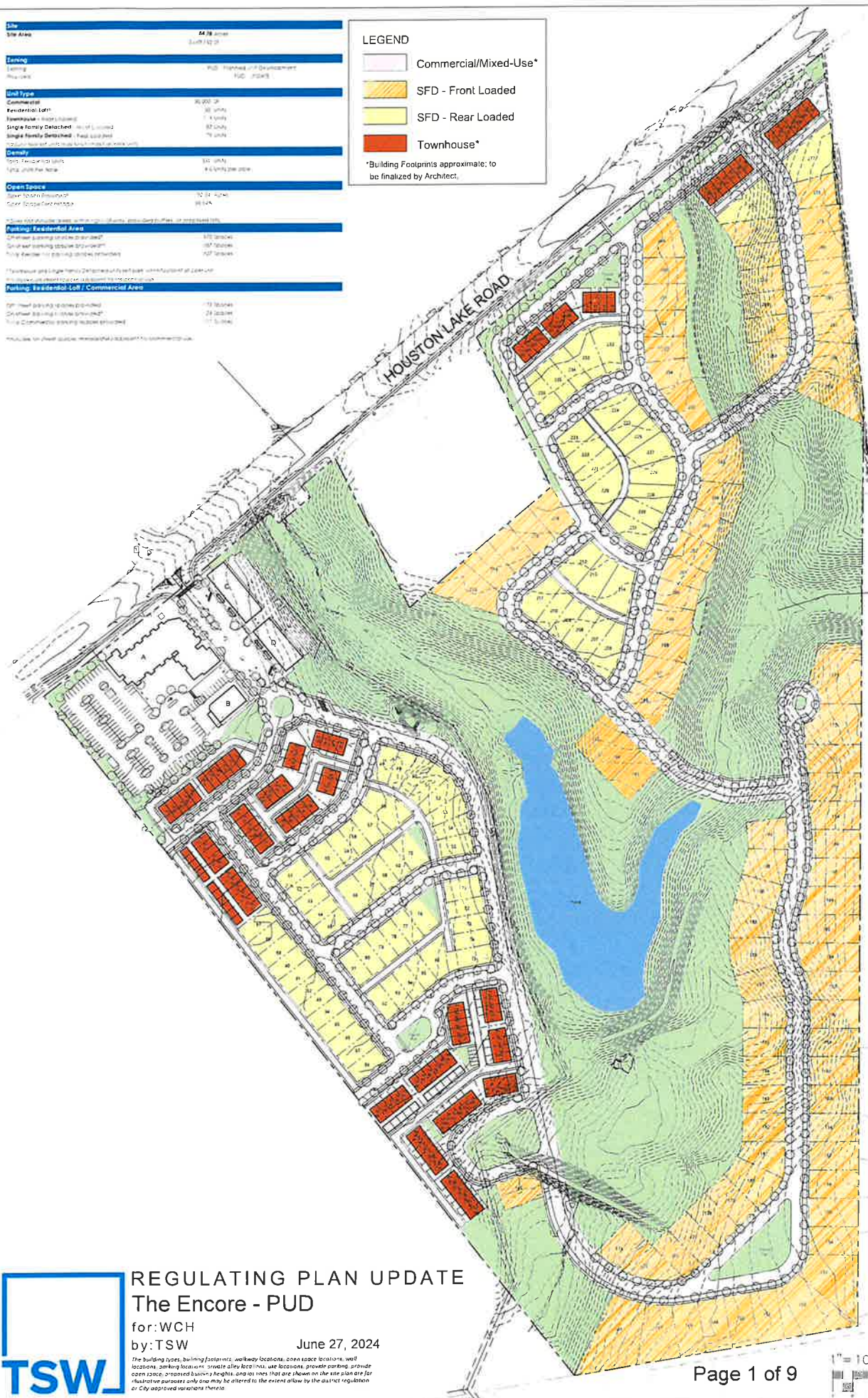
There are no existing or changing conditions of which interested parties have been made aware that would provide additional support for approval or disapproval.

Site	44.78 acres
Site Area	3,409,132 sq ft
Zoning	R-100 - Residential Single-Family Detached R-100 - Residential Single-Family Detached
Unit Type	4,000 sq ft
Commercial	30 units
Residential Loft	1 unit
Familyplex - 3 Bed + 2 Bath	88 units
Single Family Detached - 3 Bed + 2 Bath	76 units
Density	100 units per acre
Open Space	10.00 acres
Open Space Percentage	22.3%
Notes	1. All units shall be constructed on a minimum of 1/4 acre lot.
Parking - Residential Area	
On-street parking at drive entrances	100 spaces
On-street parking at drive entrances	100 spaces
Off-street parking at drive entrances	100 spaces
Off-street parking at drive entrances	100 spaces
Parking - Residential / Commercial Area	
On-street parking at drive entrances	100 spaces
On-street parking at drive entrances	100 spaces
Off-street parking at drive entrances	100 spaces
Off-street parking at drive entrances	100 spaces
Notes	1. All units shall be constructed on a minimum of 1/4 acre lot.

LEGEND

- Commercial/Mixed-Use*
- SFD - Front Loaded
- SFD - Rear Loaded
- Townhouse*

*Building Footprints approximate; to be finalized by Architect.



REGULATING PLAN UPDATE
The Encore - PUD

for: WCH
by: TSW
June 27, 2024

The building types, building footprints, roadway locations, open space locations, well locations, parking locations, street lighting locations, utility locations, private parking, private open space, proposed building heights, and lot lines that are shown on the site plan are for illustrative purposes only and may be altered to the extent allowed by the district regulations or city-approved variations thereto.

1" = 100'



1447 Peachtree Street NE
 Suite 850
 Atlanta, Georgia 30309
 phone 404.529.6730

www.tsw-design.com

THE ENCORE-PUD REGULATING PLAN

North
 Perry, Georgia



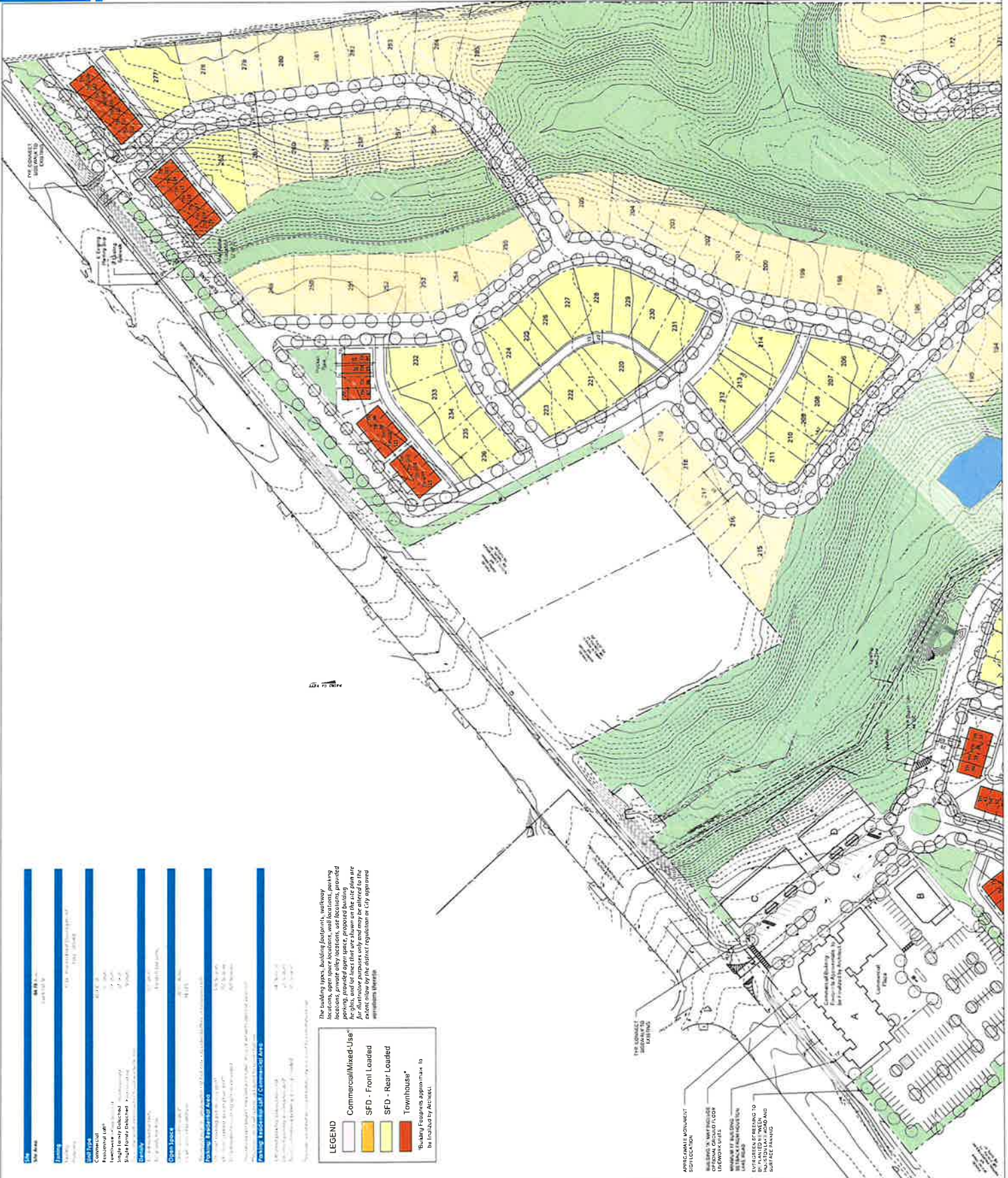
1" = 50'



Georgia. All rights reserved. Reproduction in whole or in part is prohibited. The drawing is the property of TSW Design and may not be used for any other project without the prior permission of TSW Design.

PROJECT TITLE
 Houston Lake Rd
 Development, Zoning Plan
 Perry, Georgia
 WCH

PROJECT NUMBER: 1447
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: June 27, 2024
 SCALE: 1" = 50'



Symbol	Description
[Blue line]	Site Boundary
[Blue line]	Property Line
[Blue line]	Right-of-Way Line
[Blue line]	Utility Line
[Blue line]	Proposed Road
[Blue line]	Proposed Sidewalk
[Blue line]	Proposed Driveway
[Blue line]	Proposed Easement
[Blue line]	Proposed Encroachment
[Blue line]	Proposed Setback
[Blue line]	Proposed Buffer
[Blue line]	Proposed Fencing
[Blue line]	Proposed Signage
[Blue line]	Proposed Lighting
[Blue line]	Proposed Landscaping
[Blue line]	Proposed Stormwater Management
[Blue line]	Proposed Other

LEGEND

- Commercial/Mixed-Use
- SFD - Front Loaded
- SFD - Rear Loaded
- Townhouse*

*Building Footprints approx max. to be located by Architect.

The building types, building footprints, roadway locations, private utility locations, site locations, proposed parking, proposed open space, proposed building footprints, and other site features are shown for informational purposes only and may be altered to the extent allowed by the district regulations or City approved engineering drawings.

APPROXIMATE ENVIRONMENTAL CALCULATION

APPROXIMATE TOTAL LOT AREA: 1,000,000 SQ FT

APPROXIMATE TOTAL BUILDING AREA: 100,000 SQ FT

APPROXIMATE TOTAL PARKING SPACES: 1,000

APPROXIMATE TOTAL TREES: 100

APPROXIMATE TOTAL PLANTINGS: 1,000

APPROXIMATE TOTAL SURFACE PAVING: 100,000 SQ FT

**THE ENCORE-PUD
 REGULATING PLAN**
 North
 Perry, Georgia



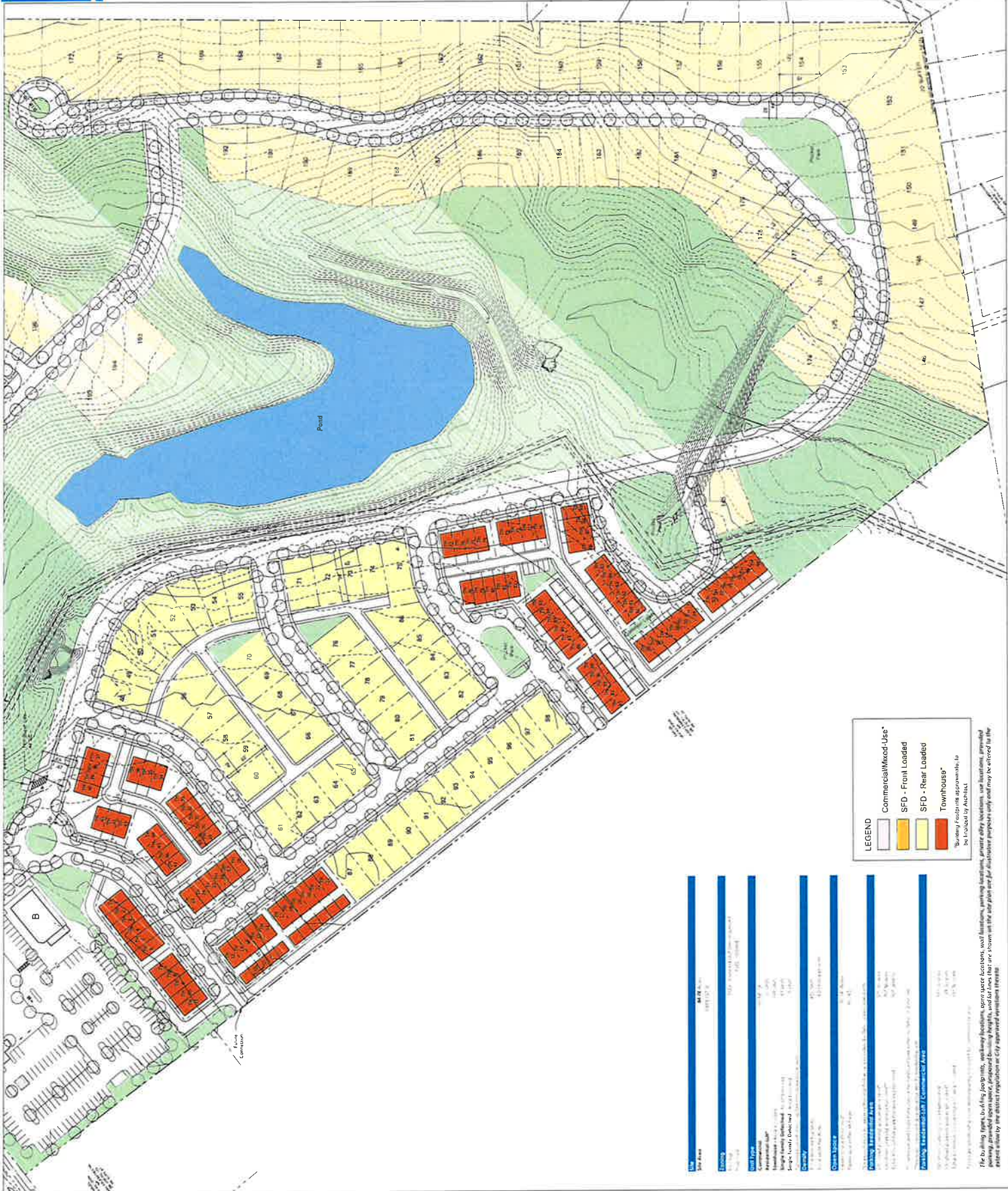
Copyright. All rights reserved. No part of this work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of TSW.

Houston Lake Rd
 Development; Zoning Plan
 Perry, Georgia
 1 of 1
 WCH

REVISIONS

NO.	DATE	DESCRIPTION
1	06/27/2024	ISSUED FOR PERMIT

DATE: 06/27/2024
 TIME: 10:00 AM
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]



LEGEND

[Red Box]	Commercial/Mixed-Use*
[Yellow Box]	SFD - Front Loaded
[Light Yellow Box]	SFD - Rear Loaded
[Orange Box]	Townhouse*

*Boundary/enclosure approximations to be provided by architect.

NOTES

1. See site plan for building locations, wall locations, parking locations, private alley locations, proposed parking, proposed signage, proposed building heights, and all lines that are shown on this site plan are for illustrative purposes only and may be altered in the field in accordance with City approved Amendments (if any).
2. All building types, building footprints, wall locations, parking locations, private alley locations, use locations, proposed parking, proposed signage, proposed building heights, and all lines that are shown on this site plan are for illustrative purposes only and may be altered in the field in accordance with City approved Amendments (if any).
3. All building types, building footprints, wall locations, parking locations, private alley locations, use locations, proposed parking, proposed signage, proposed building heights, and all lines that are shown on this site plan are for illustrative purposes only and may be altered in the field in accordance with City approved Amendments (if any).
4. All building types, building footprints, wall locations, parking locations, private alley locations, use locations, proposed parking, proposed signage, proposed building heights, and all lines that are shown on this site plan are for illustrative purposes only and may be altered in the field in accordance with City approved Amendments (if any).
5. All building types, building footprints, wall locations, parking locations, private alley locations, use locations, proposed parking, proposed signage, proposed building heights, and all lines that are shown on this site plan are for illustrative purposes only and may be altered in the field in accordance with City approved Amendments (if any).
6. All building types, building footprints, wall locations, parking locations, private alley locations, use locations, proposed parking, proposed signage, proposed building heights, and all lines that are shown on this site plan are for illustrative purposes only and may be altered in the field in accordance with City approved Amendments (if any).
7. All building types, building footprints, wall locations, parking locations, private alley locations, use locations, proposed parking, proposed signage, proposed building heights, and all lines that are shown on this site plan are for illustrative purposes only and may be altered in the field in accordance with City approved Amendments (if any).
8. All building types, building footprints, wall locations, parking locations, private alley locations, use locations, proposed parking, proposed signage, proposed building heights, and all lines that are shown on this site plan are for illustrative purposes only and may be altered in the field in accordance with City approved Amendments (if any).
9. All building types, building footprints, wall locations, parking locations, private alley locations, use locations, proposed parking, proposed signage, proposed building heights, and all lines that are shown on this site plan are for illustrative purposes only and may be altered in the field in accordance with City approved Amendments (if any).
10. All building types, building footprints, wall locations, parking locations, private alley locations, use locations, proposed parking, proposed signage, proposed building heights, and all lines that are shown on this site plan are for illustrative purposes only and may be altered in the field in accordance with City approved Amendments (if any).

The Encore PUD Standards Update **6/27/2024**

Revise to reflect 3 current tax parcels: 0P0490 062000, 0P0490 078000, 0P0490 061000

Perry, Georgia

1. Dimensional standards:

a. Minimum lot size for each type of use

- i. SFD – Rear Loaded
 1. 4,000sf lot
- ii. SFD – Front Loaded
 1. 5,500sf lot
- iii. TH
 1. 1,200sf lot

b. Minimum lot width for each type of use

- i. SFD – Rear Loaded
 1. 35' at ROW
- ii. SFD – Front Loaded
 1. 55' at ROW
- iii. TH
 1. 20' at ROW

c. Setbacks for each type of use

- i. SFD – Rear Loaded
 1. Front: 10'
 2. Side: 5'
 3. Rear: 5'
- ii. SFD – Front Loaded
 1. Front: 15'
 2. Side: 5'
 3. Rear: 15'*

*35' rear setback shall apply to units that directly abut existing SFD units not included in this development, this includes the following units: 146-161 and 215-219.

iii. TH

1. Front: 10'
2. Side: 0'
3. Rear: 5'

iv. Commercial/Mixed-Use

1. Building setback from Houston Lake Road: 17'
2. Side Setback: 0'

d. Minimum house size

- i. 1,300sf

e. Maximum building heights

- i. Mixed-Use/Commercial: 50'
- ii. Residential TH: 45'
- iii. Residential SFD: 30'

2. Street and ROW widths

- a. Reference TYP section exhibit

3. **Standards for proposed signs – height, location, character**
 - a. Signs shall comply with the provisions of the LMO sign standards. Commercial area - Ground signs shall be monument signs only and shall comply with LMO C-2 standards. Building signs shall comply with C-3 standards, provided however that the mixed-use building may include a building identification signs similar in location and scale to those shown on the attached building renderings. Signs in residential areas shall comply with LMO standards for residential zones.

4. **Proposed allowable/restricted uses for Mixed-Use/Commercial properties**
 - a. Allowable/restricted uses for commercial properties to match C-3 regulation with the following exception.
 - i. Commercial/Mixed-Use buildings. Optional Live-Work units allowed at ground level only.

5. **Proposed building materials and character for commercial properties**
 - a. Character: Mercantile
 - b. TYP Material palette: Brick, stucco, hardy board, and stone. Mixed-use building massing, scale, architectural character, and materials similar to attached building renderings.
 - i. Materials that emulate the listed materials but provide advantages relative to maintenance, durability, and cost should be considered.

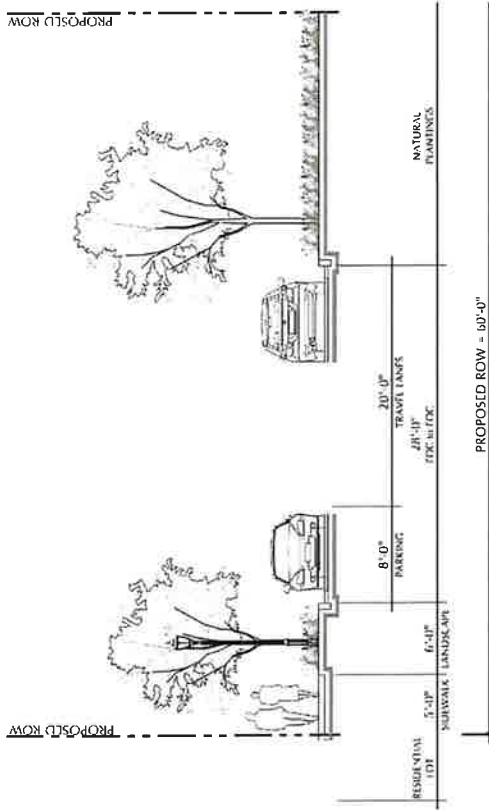
6. **Location, height, and material of any fences, walls, screens, plants, and landscaping**
 - a. Shall comply with applicable landscape, tree protection, and fence/wall regulations in the Land Management Ordinance. Street tree locations as shown on Regulating Plan.

7. **Open Space**
 - a. Within the open space, the developer shall construct and furnish pocket parks consistent with plans approved by the Planning Commission.

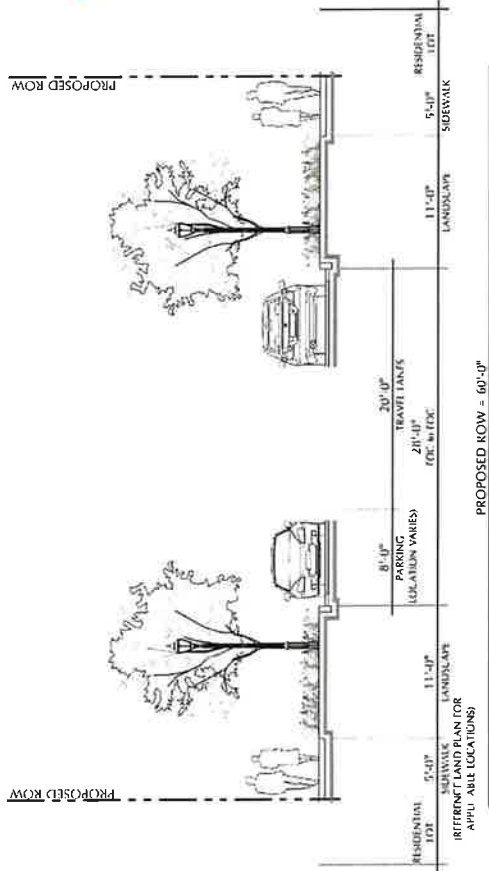
8. **Sidewalks**
 - a. ADA-compliant sidewalks shall be installed as indicated on the Regulating Plan.

9. **Standards Not Specifically Addressed**
 - a. Mixed-use/ Commercial areas shall comply with C-3 district standards.
 - b. Townhouse areas shall comply with RTH district standards.
 - c. Single-family detached residential areas shall comply with the R-3 district standards.

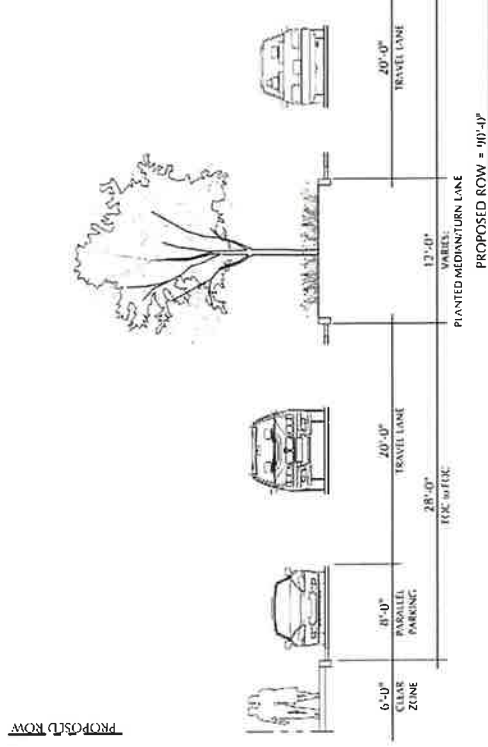
Street sections shown are for illustrative purposes only and may be altered to the extent allow by the district regulation or City-approved variations thereto.



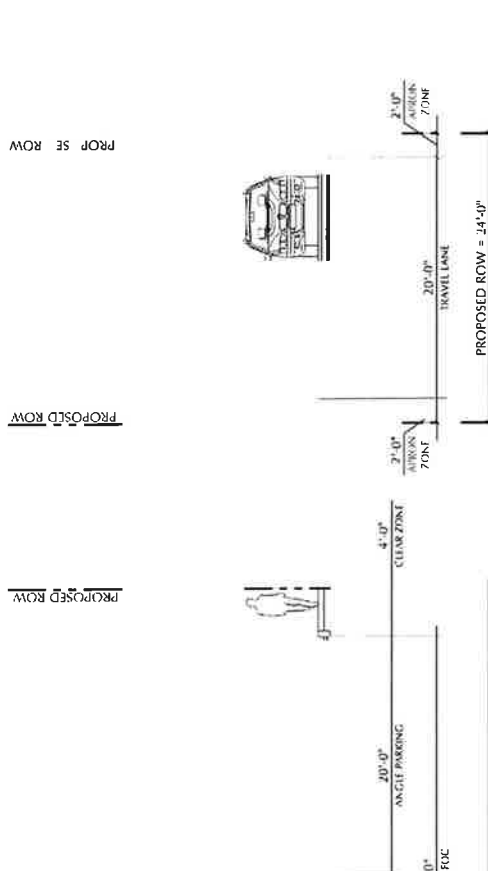
**RESIDENTIAL - PARK ADJACENT
TYP SECTION // ST-60-28**



**RESIDENTIAL
TYP SECTION // ST-60-28**



**COMMERCIAL
TYP SECTION // ST-90-28/40**



**ALLEY - RESIDENTIAL
TYP SECTION // AL-24-20**

TSW.
1447 Peachtree Street NE,
Suite 850
Atlanta, Georgia 30309
Phone: 404.873.6730
www.tsw-design.com

The ncore UD
TYP Street Sections
Per Georgia

1" = 10'
Copyright 2022, TSW, Inc. All rights reserved. Reproduction or distribution of this drawing without the written consent of TSW is prohibited. The design of this drawing shall be used only for the project and site shown on the drawing and shall not be used for any other project without the written permission of TSW.
Houston Lake Rd
Development; Sections
Perry, Georgia
WCH
June 27, 2024

Representation of building massing, scale, architectural character, materials and building identification signs (Blue Heron, Blue Heron Lofts).



Representation of building massing, scale, architectural character, materials and building identification signs (Blue Heron, Blue Heron Lofts).



Representation of building massing, scale, architectural character, materials and building identification signs (Blue Heron, Blue Heron Lofts).





BLUE HERON LOFTS

Copyright © All rights reserved. Reproduction in whole or in part is prohibited. This drawing is an instrument of service is the property of TurnellSpengler-Walsh & Associates, and may not be used in any way without the written permission of TurnellSpengler-Walsh & Associates.

05/22/2024



Doc ID: 016276990003 Type: GLR
 Recorded: 11/25/2020 at 03:57:56 PM
 Fee Amt: \$1,175.00 Page 1 of 3
 Transfer Tax: \$1,150.00
 Houston, Ga. Clerk Superior Court
 Carolyn V. Sullivan Clerk

BK **8886** PG **72-74**

After recording return to:

File No.: P20-450

✓ **WALKER HULBERT GRAY & MOORE, LLP**

P. O. Box 1770 / 909 Ball Street
 Perry, Georgia 31069
 Attorney: JOHN W. HULBERT

STATE OF GEORGIA
 COUNTY OF HOUSTON

WARRANTY DEED

THIS INDENTURE, Made the 24th day of November, in the year two thousand twenty (2020), between

- MICHAEL CHADWYCK JACOBS**, as to a 12.5% undivided interest;
- ANNALEE HANNER**, formerly known as Annalee Jacobs Thomson, as to a 12.5% undivided interest;
- KAY JACOBS ROWELL** as to a 25% undivided interest;
- BEVERLY MALONE**, formerly known as Beverly Jacobs O'Dell, as to a 25% undivided interest; and
- MARCILLA JACOBS HEATH**, as to a 25% undivided interest

as party or parties of the first part, hereinafter called Grantor, and

AYER'S FARMS, INC.
 a Georgia corporation

duly incorporated and existing under the laws of the State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Other Good and Valuable Considerations and Ten (\$10.00) and NO/100 ----- DOLLARS, before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, alienated, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey or confirm unto the said Grantee, ALL OF THE FOLLOWING DESCRIBED PROPERTY, to-wit:

All that tract or parcel of land situate, lying and being in **Land Lots 110, 114 and 115** of the **10th Land District of Houston County, Georgia**, and being known and designated as **PARCEL 0P0490 061000, COMPRISING 81.59 ACRES;** and **PARCEL 0P049 062000, COMPRISING 3.19 ACRES.** as more particularly shown and designated on a plat of survey entitled "RETRACEMENT SURVEY - LANDS OF KAY J. ROWELL" prepared by Spencer H. Johnson, Georgia Registered Land Surveyor No. 3171, dated November 4, 2020 and recorded in Plat Book 82, Page 56, Clerk Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

This conveyance is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

Deed References: Deed Book 1428, Page 575; Deed Book 1428, Page 574; Deed Book 1428, Page 573; Deed Book 1428, Page 572; and in Deed Book 1428, Page 571, said Clerk's Office

Houston County Tax Map Parcel Nos.: P0490 061000 and P0490 062000

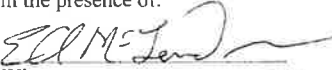
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor warrants and will forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.


MICHAEL CHADWYCK JACOBS (Seal)

Signed, sealed and delivered in the presence of:

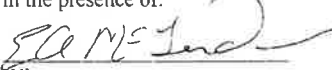

Witness


Notary Public
My Commission Expires: _____
(Notary Seal)




ANNALEE HANNER, formerly known as Annalee Jacobs Thomson (Seal)

Signed, sealed and delivered in the presence of:


Witness


Notary Public
My Commission Expires: _____
(Notary Seal)



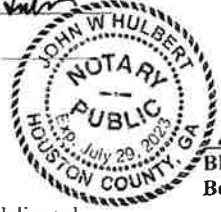
[ADDITIONAL SIGNATURES ON NEXT PAGE]

Kay Jacobs Rowell (Seal)
KAY JACOBS ROWELL

Signed, sealed and delivered
in the presence of:

EAM L
Witness

John W Hulbert
Notary Public
My Commission Expires: _____
(Notary Seal)



Beverly Malone (Seal)
BEVERLY MALONE, formerly known as
Beverly Jacobs O'Dell

Signed, sealed and delivered
in the presence of:

EAM L
Witness

John W Hulbert
Notary Public
My Commission Expires: _____
(Notary Seal)



Marcilla Jacobs Heath (Seal)
MARCILLA JACOBS HEATH

Signed, sealed and delivered
in the presence of:

EAM L
Witness

John W Hulbert
Notary Public
My Commission Expires: _____
(Notary Seal)



Type: GEORGIA
 STANDARD PLATS
 PM Number: 1162823-2-11-00
 Fee Amt: \$10.00 Page 1 of
BK 82 PG 56

11/15/2011 10:58:28 AM

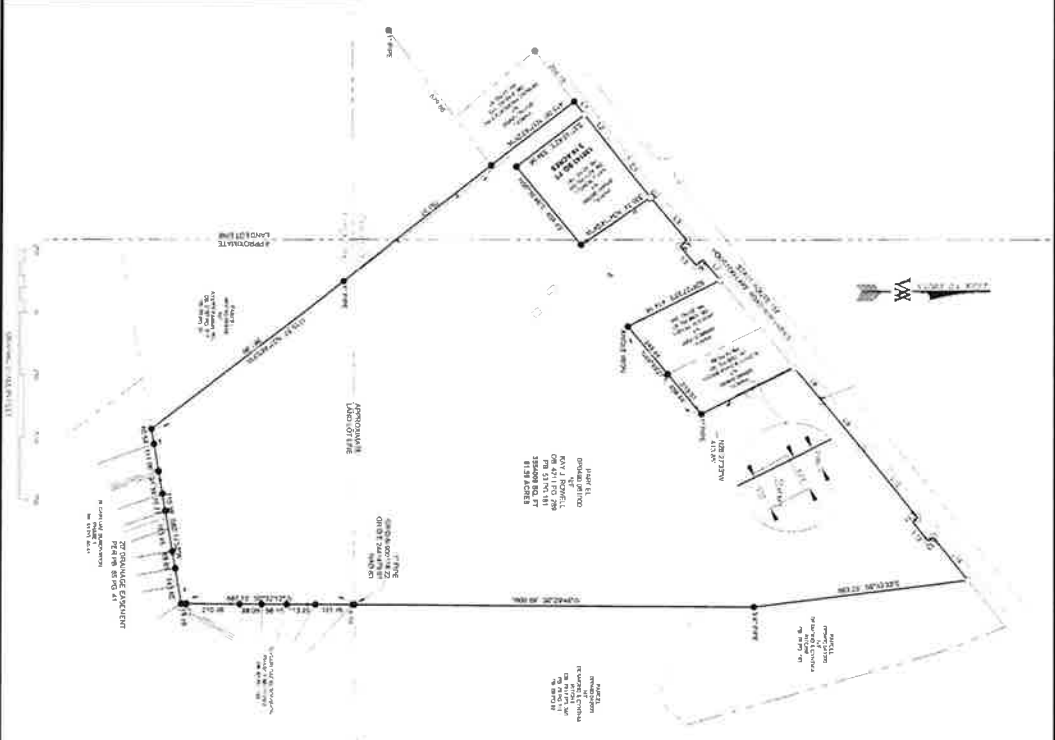
CURT TAFT

CLASSIFICATION	COMPONENT	APPLICANT	DATE
61	UNEXPANDED	KAY J. ROWELL	07/16/11
62	UNEXPANDED	KAY J. ROWELL	07/16/11

LINE NO.	LINE TYPE	BEARING	DISTANCE	CUMULATIVE DISTANCE	LINE TYPE	BEARING	DISTANCE	CUMULATIVE DISTANCE
1	SUBDIVISION	S 24° 53' 48" W	143.15	143.15	SUBDIVISION	S 24° 53' 48" W	143.15	143.15
2	SUBDIVISION	S 89° 10' 54" W	81.56	224.71	SUBDIVISION	S 89° 10' 54" W	81.56	224.71
3	SUBDIVISION	N 79° 57' 15" W	142.88	367.59	SUBDIVISION	N 79° 57' 15" W	142.88	367.59
4	SUBDIVISION	N 82° 22' 31" E	54.64	422.23	SUBDIVISION	N 82° 22' 31" E	54.64	422.23
5	SUBDIVISION	N 81° 50' 33" E	203.84	626.07	SUBDIVISION	N 81° 50' 33" E	203.84	626.07
6	SUBDIVISION	N 87° 37' 57" E	88.74	714.81	SUBDIVISION	N 87° 37' 57" E	88.74	714.81
7	SUBDIVISION	N 87° 37' 57" E	222.82	937.63	SUBDIVISION	N 87° 37' 57" E	222.82	937.63

CERTIFICATION

THIS PLAT IS A RE-TRACED SURVEY OF LAND OWNED BY KAY J. ROWELL. THE SURVEY IS A RE-TRACED SURVEY OF A PREVIOUS SURVEY OF THE SAME LAND BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC, DATED 07/16/11. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE PROFESSION AND IS ACCURATE AND CORRECT. THE SURVEY IS A RE-TRACED SURVEY OF A PREVIOUS SURVEY OF THE SAME LAND BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC, DATED 07/16/11. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE PROFESSION AND IS ACCURATE AND CORRECT.



MISCELLANEOUS NOTES

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

2. ALL BEARINGS ARE TRUE BEARINGS.

3. ALL AREA CALCULATIONS ARE IN ACRES.

4. ALL DISTANCES AND BEARINGS ARE AS SHOWN ON THIS PLAT.

5. ALL DISTANCES AND BEARINGS ARE AS SHOWN ON THIS PLAT.

LEGEND OF SYMBOLS

(Symbol)	Description
(Symbol)	Description
(Symbol)	Description
(Symbol)	Description
(Symbol)	Description
(Symbol)	Description
(Symbol)	Description
(Symbol)	Description
(Symbol)	Description
(Symbol)	Description

RETRACEMENT SURVEY

LANDS OF

KAY J. ROWELL

LAND LOTS 110, 114, & 115 10TH LAND DISTRICT
 HOUSTON COUNTY PERRY, GEORGIA

WELLSTON ASSOCIATES LAND SURVEYORS, LLC

11/15/2011 10:58:28 AM

1 of 1



Where Georgia comes together.

STAFF REPORT

June 24, 2024

CASE NUMBER: TEXT-0076-2024

APPLICANT: The City of Perry

REQUEST: Amend Sec. 2-3.12 to add expiration and amendment provisions to land disturbance permit; Sec. 2-3.13, Final Plats, to provide consistent language; and Secs. 2-3.16 and 2-3.17 regarding maintenance warranties to reduce the required value and maintenance period, revise provisions for phased developments, and require separate maintenance warranties for stormwater facilities.

STAFF ANALYSIS: In addition to adding expiration and amendment provisions to the land disturbance permit and providing consistent terminology throughout, this amendment addresses issues regarding maintenance warranties raised by the local development community. The original ordinance was modeled after a community in the Atlanta metro area. After further research of communities throughout the state, we determined that standards for maintenance warranties among metro-area communities are substantially inconsistent with communities in the remainder of the state. This amendment brings Perry's standards more in line with other communities outside the metro area while adequately protecting the City from unnecessary costs during the period of the owner's maintenance responsibilities. The major changes to the maintenance warranty provisions are:

1. Reduce the value of the maintenance warranty from 33% to 10% of the construction costs.
2. Require the City to establish a schedule of unit costs for calculating the cost of construction, rather than relying on the owner's contracts.
3. Reduce the maintenance warranty period from 24 months to 18 months, with the provision that the warranty or a portion of the warranty may be released after 12 months upon a finding by the City that the infrastructure meets City standards and specifications.
4. Revise "Phased Developments" to remove the extension of warranties for earlier phases to cover infrastructure used for access to later phases. In its place, "phased developments" addresses stormwater infrastructure designed to serve multiple phases.
5. Require a separate maintenance warranty for stormwater infrastructure. Stormwater maintenance warranties extend for 18 months from the date of final plat approval of the last phase which is served by a stormwater facility.

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 the 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 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 original ordinance was modeled after that of a community in the Atlanta metro area. After adoption of the original ordinance, the City became aware of unreasonably excessive requirements that are not consistent with communities outside the metro area, and the City's previous practices.

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

After consulting representatives of the development community and internal discussions, the amendment provides maintenance warranty requirements that are more consistent with surrounding communities and prior City practices while still maintaining developer responsibility for repairs to newly accepted infrastructure improvements for 12 to 18 months.

(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.

A purpose of the Land Management Ordinance is to "facilitate adequate provision of public facilities and services." The amendment ensures that new infrastructure accepted by the City is maintained and necessary repairs during the warranty period are corrected at the developer's expense.

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

The amendment allows the City to accept ownership of new infrastructure while maintaining the developer's responsibility for maintenance and repairs during the warranty period.

(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 does not impact the installation of public facilities and services, but protects the City from unreasonable expenses during the maintenance period.

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

2-3.12. Land disturbance permit.

(A) General.

- (1) *Purpose.* The purpose of this subsection is to ensure that no development or development activity disturbs or alters the surface of land in the city without a land disturbance permit approved pursuant to this section.
- (2) *Authority.* The administrator is authorized to approve, approve with conditions, or disapprove an application for a land disturbance permit. Conditions imposed by the administrator shall be reasonable to ensure compliance with the requirements of applicable regulations.
- (3) *Applicability.* No development activity, unless exempted pursuant to subsections 7-1.4(A)(3), 7-2.2 and or 7-3.4(E), shall disturb or alter, for any purpose, the surface of land in the city without a land disturbance permit.
- (4) *Action by administrator.* The administrator shall review and act on the application for a land disturbance permit.
- (5) *Pre-construction meeting.* After issuance of the site plan permit and land disturbance permit, the applicant's owner's contractor and civil engineer shall attend a pre-construction meeting with the city prior to beginning any work authorized by such permits.
- (6) *Responsibilities of the applicant owner.*
 - (a) During any land-disturbing operation the applicant owner shall be responsible for carrying out the proposed work in accordance with the permit, approved plan, specifications, and time schedule in compliance with all the requirements of this chapter and any other state or federal permit.
 - (b) The applicant owner shall always maintain on-site the stamped and approved set of plans from the city for the permitted land-disturbing activity.
- (7) *Inspection.*
 - (a) Representatives of the city are authorized to enter upon any land or water to inspect development activity, to verify the existing conditions of a development site, and to verify compliance with this chapter whenever the city deems necessary.
 - (b) The applicant owner shall contact the administrator to inspect and verify compliance with the provisions of this chapter and the conditions of the permit prior to initiating any activity, once construction is complete, and any other time as determined by the administrator, design and specifications manual, city specifications, or the regulations of this chapter.
 - (c) All public infrastructure or work within the right-of-way must be approved by the administrator or be replaced to the standards of the design and specifications manual, city specifications, or the regulations of this chapter.

(B) *Expiration.* The land disturbance permit shall be linked to a site plan permit and shall expire upon the expiration of the site plan permit.

(C) *Amendments.* A land disturbance permit may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

2-3.13.3. Final Plats.

- (A) When construction of the subdivision or a recordable portion of the subdivision has been completed (except for items for which a performance guarantee can be accepted), the subdivider owner may apply to the administrator for Final Plat approval, using an application form provided by the administrator.
- (B) A final plat shall be submitted digitally, along with as-built drawings of streets, water, sewer, gas (if any) and stormwater facilities systems. If any streets, lands, or easements are shown on the Final Plat for dedication to the City, a warranty deed or deeds transferring title to said streets, lands or easements in fee simple, in a form acceptable to the City, shall be submitted with the Final Plat application for Certificate of Development Conformance.
- (C) The administrator shall indicate on a review copy of the plat or in a written memorandum all comments related to compliance of the Final Plat with this ordinance, conditions of zoning approval, and the regulations of other City departments and State agencies as appropriate. The administrator shall have final staff authority to determine the applicability of any and all comments under this ordinance or conditions of zoning approval.

- (D) The administrator may not approve any Final Plat whereon is shown or by which is otherwise created a lot that would present particularly severe and unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise "unbuildable" due to the presence of floodplain, unusual configuration, lack of public utilities, or for any other reason.
- (E) The **subdivider owner** shall be responsible for compliance with all codes, regulations, zoning requirements and for the satisfaction of all the comments of the administrator.
- (F) Final approval by the administrator shall not be shown on the Final Plat until all requirements of these and other applicable regulations have been met, and the administrator has received a completed request for **Approval Certificate** of Development Conformance and an executed Development Performance and Maintenance Agreement, prepared in accordance with the requirements of Sections 2-3.14 and 2-3.15.
- (G) The administrator shall further determine that either:
 - (1) All improvements to the subdivision required for approval of the Final Plat under the rules and regulations of the City of Perry have been completed in accordance with the appropriate specifications; or
 - (2) All the required improvements have been completed except final grassing, pavement topping, required landscaping, or sidewalks, in which case, a performance guarantee meeting the requirements of Section 2-3.17 shall have been filed by the subdivider with the Development Performance and Maintenance Agreement.
- (H) Payment of the required plat recording fee shall be made to the City prior to approval of the Final Plat.
- (I) Once the administrator has approved the Final Plat and all other affected departments and agencies of government as required have certified compliance in writing, the administrator shall sign the final plat, certifying that all the requirements of this ordinance and the conditions of zoning approval have been met, and that all other affected departments and agencies having jurisdiction have, if required, approved the plat. The Final Plat shall not be deemed approved until it has been signed by the administrator.
- (J) Recordation of Approved Final Plat.
 - (1) The administrator will forward the executed deeds for the streets, lands, and easements as well as the Development Performance and Maintenance Agreement and documents required under Section 2-3.15, to the City Council for approval.
 - (2) Once the final subdivision plat has been certified and the City Council approvals have been granted, it shall be recorded by the administrator, or by the **applicant owner** with the administrator's approval, with the Clerk of the Superior Court.
 - (3) If recorded by the **applicant owner**, one copy of the recorded plat ~~shall be filed by the applicant with the records of the Community Development Department,~~ showing the map book and page numbers where the plat is recorded, **shall be immediately returned to the administrator.**

2-3.16. *Maintenance Warranty.* The owner shall be responsible for the full cost of maintenance after completion of all improvements required by this ordinance, whether public or private, in accordance with the Development Performance and Maintenance Agreement for the project and the provisions of this Section.

- (A) *Maintenance Surety Required.*
 - (1) Prior to approval of a final subdivision plat, **or issuance of a certificate of occupancy for a multifamily or nonresidential development project,** a maintenance warranty in a form of surety as described in this Section is required for all stormwater **management** facilities, water system improvements, sanitary sewer facilities, **natural gas mains, associated easements,** and ~~for all~~ street and stormwater drainage **right-of-way** improvements shown on the record "as-built" surveys, and for all landscaping ~~specifically~~ required by this ordinance.
 - (2) **Prior to issuance of a certificate of occupancy for a multi-family or nonresidential development project, a maintenance warranty in a form of surety as described in this section is required for all landscaping required by this ordinance, and for any improvements and associated easements to be dedicated to the City.**
 - (23) The provision of such surety shall not limit the owner's responsibility for the full cost of maintenance, repair, or restoration during the maintenance period of all improvements required by

this ordinance and included in the pertinent Development Performance and Maintenance Agreement.

(B) *Phased Developments.* When any development project is to be completed in more than one phase, a separate maintenance warranty is required for the stormwater management facilities which are approved to service more than one phase of the project.

(BC) *Maintenance Period.*

- (1) Start date: For a subdivision, the start of the maintenance period shall be the date of final subdivision plat approval. For a multi-family or nonresidential development project, the start of the maintenance period shall be the date of issuance of the certificate of occupancy.
- (2) The maintenance period shall extend for 24 18 calendar months from the start date above, or from the date of completion and City approval of the last deferred improvement covered by a Performance Guarantee, whichever occurs later.
- (3) The maintenance period for stormwater management facilities will be extended for staged or phased developments in those cases that meet the provisions of Section 2-3.16(E). The maintenance period shall extend for 18 calendar months from the date of the last final subdivision plat or the last certificate of occupancy for a multi-family or nonresidential project served by the stormwater management facilities.

(CD) *Maintenance Surety Standards.*

- (1) For continuing maintenance of the water system improvements, sanitary sewer facilities, stormwater management facilities, natural gas mains, associated easements, and for maintenance of the street and stormwater drainage right-of-way improvements, the following shall apply:
 - (a.) The maintenance surety shall be in the form of a valid irrevocable letter of credit issued by a bank or other reputable financial institution chartered to do business in the State of Georgia. Such letter of credit must comply with the requirements of Section 2-3.16 **(DE)**.
 - (b.) The value of the maintenance surety sureties shall be equal to 33% 10% of the cost of construction of the water, sanitary sewer, gas, stormwater facilities, street and stormwater drainage right-of-way improvements shown on the as-built surveys and as estimated for deferred improvements under Section 2-3.17(B). Copies of contractor agreements or actual invoices paid, or as otherwise determined by the administrator, shall evidence the cost of construction. The administrator shall maintain an updated schedule of unit costs for calculating the cost of construction.
 - ~~(c.) The maintenance surety shall include the estimated cost for maintenance of continuing operations of the stormwater drainage and detention pond facilities during the maintenance period. Maintenance shall include repair of erosion controls, removal of silt from detention ponds and other items pertinent to the continuing operation of the stormwater drainage system for the development.~~
- (2) A maintenance surety for continued compliance with the buffer and landscaping requirements of this ordinance, as applicable, shall be in the form of a landscaping warranty. The landscaping warranty shall provide for the replacement or restoration of any or all plantings and landscape material for a period of 12 calendar months from the date of City approval following installation of such plantings and landscape material. Such warranty shall be in a form acceptable to the City (see Administrative Manual for an example).
- (3) Repairs shall be made for any deficiencies identified in the covered improvements within the maintenance period or the surety shall be called by the City to complete same.

(DE) *Letter of Credit for Maintenance Surety.* The letter of credit shall be in a form acceptable to the City (see Administrative Manual for an example). The executed letter of credit shall be submitted with the final Development Performance and Maintenance Agreement and shall certify the following:

- (1) That the issuer guarantees funds as an assignment in an amount no less than the total amount determined in accordance with Section 2-3.16(CD).
- (2) That the issuer guarantees that any liens or encumbrances that exist or may be placed on the improvements will not become the responsibility of the City under any circumstances.
- (3) That if the owner fails to maintain, repair, replace or restore each of the specified improvements within the maintenance period, upon written demand of the administrator the issuer will pay to the City immediately, and without further action, the full amount of the total assignment stated in the letter of credit (less the actual cost of covered improvements expended as of the date of demand and accepted by the City as to reasonableness).
- (4) That the letter of credit shall not be terminated less than 60 calendar days after the date of the end of the maintenance period as contained in the pertinent Development Performance and Maintenance Agreement, may not be withdrawn, or reduced in amount, and will be automatically renewed on a month-to-month basis until released in writing by the administrator.

(E) Phased Developments.

- (1) In cases where a second phase or any other later stage of a subdivision or site development project will utilize the streets, water system improvements, sanitary sewer facilities, or drainage facilities provided in the original or an earlier phase of the project, the maintenance surety for the second or later phase of the project shall include the streets, water system improvements, sanitary sewer facilities, or drainage facilities located in the original or earlier phase of the project for the duration of the maintenance period of the second or later phase of the project.
- (2) In cases where a second phase or any other later stage of a subdivision or site development project will utilize the same streets, water system improvements, sanitary sewer facilities, or drainage facilities as those covered by an active maintenance surety for the original or earlier phase of the project, said maintenance surety for the original or earlier phase of the project shall be extended in amount and duration to continue coverage of the original or earlier phase throughout the maintenance period of the second or later phase of the project.

(F) Release of Maintenance Warranty.

- (1) Prior to the end of the maintenance period Twelve months from the start date, the administrator will have inspect the improvements covered by the maintenance warranty inspected and identify provide the owner a written list of any repairs, replacement, or restoration needed to maintain or return the improvements to full compliance with the "as-built" standards and requirements for such improvements required by this ordinance.
- (2) The developer owner shall undertake and complete all maintenance, repairs, replacement, or restoration identified in paragraph (1) of this subsection in a timely manner prior to the expiration of the maintenance period. The owner shall contact the administrator for inspection upon completion of the required warranty work.
- (3) When the warranty work identified in paragraph (1) of this subsection has been completed by the developer owner and approved by the administrator for conformity with this ordinance the maintenance warranty shall be released by the administrator, and written notice of such release shall be provided to the issuer of the letter of credit. Excluding maintenance warranties covering stormwater management facilities and after twelve months from the start date, the administrator may release the maintenance warranty, or a portion thereof, when improvements covered by the maintenance warranty are determined to meet the requirements of this ordinance.
- (4) The maintenance surety shall be automatically extended by the issuer beyond the expiration date stated in such surety on a month-to-month basis if all inspections of warranty work required by paragraph (1) of this subsection have not been completed to the satisfaction of the administrator, prior to said expiration date stated in the maintenance surety, unless written demand for nonperformance is received by the issuer in accordance with Section 2-3.17(D).

2-3.17. *Performance Guarantee.* As a prerequisite to approval of a final plat for a subdivision or a certificate of occupancy for a multifamily or nonresidential development project, completion of certain improvements

required under this ordinance may be deferred in accordance with the Development Performance and Maintenance Agreement for the project and the provisions of this Section.

(A) *Posting Performance Guarantee.*

- (1) The applicant owner may post a performance guarantee for the construction of certain deferred improvements required under this ordinance as an attachment to the Development Performance and Maintenance Agreement and of a type acceptable to the City Council provided in section 2-3.17(E).
- (2) Improvements eligible for deferral under performance surety are limited to final topping of streets, installation of sidewalks, installation of plantings and landscape materials, and grassing of street shoulders and easements, as applicable to the project. All other improvements required by this ordinance shall have been completed by the developer owner, inspected, and approved by the administrator, and covered by the Certificate of Development Conformance for the project.
- (3) Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City as to form, sufficiency, and manner of execution. (See Administrative Manual for examples.) The period within which required improvements must be completed shall be specified in the Development Performance and Maintenance Agreement and shall not exceed nine months from the date of approval of the Certificate of Development Conformance unless an extension of up to an additional three calendar months has been granted by the administrator.
- (4) The expiration date of the performance guarantee shall be no less than 60 days following the date established in the Development Performance and Maintenance Agreement for completion of the deferred improvements. "Completion of the improvements" shall mean the final inspection and approval by the administrator, or his designee, of the improvements in accordance with the design and construction standards of this ordinance.
- (5) Such guarantee shall be approved by the administrator as to amount and type of surety and conditions satisfactory to the administrator. The administrator may subsequently, upon proof of difficulty, approve extension of the completion date set forth in such guarantee for a maximum period of up to three additional months.

(B) *Cost of Improvements.* The cost of the improvements to be completed shall be established based on a properly executed and binding contract between the developer owner and the contractor selected to perform the work and shall be supported by detailed cost estimates prepared by the contractor or a qualified design professional. Said contract and cost estimates shall be determined by the administrator to be sufficient to cover the full cost of design, surveying, construction, inspection, and preparation of as-built surveys, construction management and all other costs of the improvements.

(C) *Restrictions Pending Completion of Improvements.*

- (1) ~~No building permit shall be issued on any lot until continuous paved road access to the lot from the public road system has been established in accordance with the provisions of this ordinance. "Established" means having received final inspection and approval by the administrator of the road in accordance with the design and construction standards of this ordinance. Other than items which may be covered by a performance guarantee, no building permit shall be issued until all required infrastructure has been completed in accordance with this ordinance and adopted specifications, as evidenced by as-built surveys and a recorded final plat.~~
- (2) For subdivisions and development projects that are staged in multiple phases, each phase must have continuous paved road access from the public road system to the boundary of the phase in accordance with the provisions of this ordinance. No phase can be approved for final plat recordation if its access depends on improvements that have not been completed in an earlier phase.

(D) *Failure to Complete Improvements.*

- (1) In those cases where a performance guarantee has been posted and required improvements have either not been installed within the terms of such performance guarantee or have not progressed in a timely manner such that completion within the period of the guarantee can be achieved, the administrator may thereupon declare the guarantee to be in default and require that the issuer of the performance guarantee turn over to the City such funds that are due and payable under the terms of the guarantee.

- (2) A default also shall be deemed to have occurred on the part of the owner if, in the sole judgment of the administrator, the owner has:
- a. Abandoned or unnecessarily delayed the performance of its obligations under the pertinent Development Performance and Maintenance Agreement; or,
 - b. Renounced or repudiated its obligations under the said Agreement; or,
 - c. Clearly demonstrated through insolvency, delay or otherwise, that its obligations under the said Agreement cannot be completed within the time allotted under the said Agreement; or,
 - d. Has not complied with or is not in compliance with the minimum standards of this ordinance for any one or more of the subject improvements, or,
 - e. Transferred ownership of any portion of the project to a third party without assignment of the remaining responsibilities hereunder; or,
 - f. Caused or experienced any damage to new or previously existing improvements creating an emergency situation.

(E) *Return of Guarantee.* When the improvements have been completed and inspected and approved by the administrator for conformity with this ordinance, the performance guarantee shall be released by the administrator.

(F) *Types of Acceptable Performance Guarantees.*

- (1) *Letter of Credit.* The developer shall provide a valid irrevocable letter of credit from a bank or other reputable financial institution chartered to do business in the State of Georgia, for approval by the administrator. The letter of credit shall be in a form acceptable to the City (see Administrative Manual for an example). The letter of credit shall certify the following:
- a. That the issuer guarantees funds in an amount equal to 110% of the cost, as established under Section 2-3.17(B), of completing all required improvements.
 - b. That the issuer guarantees that any liens or encumbrances that exist or may be placed on the improvements will not become the responsibility of the City under any circumstances.
 - c. That if the developer fails to satisfactorily complete the specified improvements within the required period or is otherwise in default under Section 2-3.17(DC), upon written demand of the administrator the issuer will pay to the City immediately, and without further action, the full amount of the total assignment stated in the letter of credit, less the actual cost of covered improvements expended as of the date of demand. Such expenditures shall be evidenced by invoices and proof of payments and shall be subject to review and acceptance by the City as to reasonableness.
 - d. That the letter of credit shall not be terminated less than 60 calendar days after the date of performance completion as contained in the pertinent Development Performance and Maintenance Agreement, may not be withdrawn, or reduced in amount, and will be automatically renewed on a month-to-month basis until released in writing by the administrator.
- (2) *Performance or Surety Bond.* If a developer prefers not to post an irrevocable letter of credit, the City Manager may allow the developer to post a performance bond as follows:
- a. A performance bond must be provided by a construction bonding or insurance company authorized to do business in the State of Georgia.
 - b. The performance bond shall be in a form acceptable to the City (see Administrative Manual for an example).
 - c. A performance bond shall certify the following:
 - i. That the bonding or insurance company guarantees funds in an amount equal to 150% of the cost, as established under Section 2-3.17(B), of completing all required improvements.
 - ii. That the bonding or insurance company guarantees that any liens or encumbrances that exist or may be placed on the improvements will not become the responsibility of the City under any circumstances.
 - iii. That if the developer fails to complete the specified improvements within the required period or is otherwise in default under Section 2-3.17(DC), upon written demand of the administrator the bonding or insurance company will pay to the City immediately, and without further action, the full amount of the limit of insurance

stated in the bond, less the actual cost of covered improvements expended as of the date of demand. Such expenditures shall be evidenced by invoices and proof of payments and shall be subject to review and acceptance by the City as to reasonableness.

- iv. That the bond shall not be terminated less than 60 calendar days after the date of performance completion as contained in the pertinent Development Performance and Maintenance Agreement, may not be withdrawn, or reduced in amount, and will be automatically renewed on a month-to-month basis until released in writing by the administrator.
- (3) *Cashier's Check or cash.* In lieu of a letter of credit or bond the developer may provide cash or a cashier's check drawn from a bank chartered to do business in the State of Georgia. The amount of cash or cashier's check shall be in an amount equal to 110% of the cost, established under Section 2-3,17(B), of completing all required improvements.



Where Georgia comes together.

Application # TEXT-0076-2024

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:

Amend Sec. 2-3.12 to add expiration and amendment provisions to land disturbance permit; Sec. 2-3.13, Final Plats, to provide consistent language; and Secs. 2-3.16 and 2-3.17 regarding maintenance warranties to reduce the required value and maintenance period, revise provisions for phased developments, and require separate maintenance warranties for stormwater facilities.

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	6/3/2024
------------	---	--	-------	----------

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.

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 original ordinance was modeled after that of a community in the Atlanta metro area. After adoption of the original ordinance, the City became aware of unreasonably excessive requirements that are not consistent with communities outside the metro area, and the City's previous practices.

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

After consulting representatives of the development community and internal discussions, the amendment provides maintenance warranty requirements that are more consistent with surrounding communities and prior City practices while still maintaining developer responsibility for repairs to newly accepted infrastructure improvements for 12 to 18 months.

(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.

A purpose of the Land Management Ordinance is to "facilitate adequate provision of public facilities and services." The amendment ensures that new infrastructure accepted by the City is maintained and necessary repairs during the warranty period are corrected at the developer's expense.

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

The amendment allows the City to accept ownership of new infrastructure while maintaining the developer's responsibility for maintenance and repairs during the warranty period.

(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 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 does not impact the installation of public facilities and services, but protects the City from unreasonable expenses during the maintenance period.