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Planning Commission Agenda
Monday, August 12, 2024, 6:00pm
Perry City Hall, 808 Carroll Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from July 8, 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
 - A. Public Hearing (Planning Commission decision)
 1. **VAR-0094-2024.** Variance to reduce the setback for signs located at 1309 Main Street. The applicant is the City of Perry.
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on September 3, 2024)
 1. **SUSE-0098-2024.** Special exception for short-term rental for property located at 223 E. River Cane Run. The applicant is Leo Chavez. (*Applicant has withdrawn request*)
 2. **TEXT-0097-2024.** Text amendment to Sec. 2-1.2.1 to provide a process for appointing members of the Planning Commission based on recent practice. The applicant is the City of Perry.
9. Other Business
 1. Notting Hill PUD Preliminary Concept Review
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 Agenda
Minutes - July 8, 2024

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

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner, and Christine Sewell – Recording Clerk

Guests: Dave Corson, Robbie Russell, Collins Madikaegbu, Bill Goggins, Ryan Snodgrass

3. Invocation- was given by Commissioner Mehserle
4. Approval of Minutes from June 10, 2024 regular meeting
Commissioner Mehserle motioned to approve as submitted; Commissioner Guidry seconded; all in favor and was unanimously approved.
5. Announcements – Vice Chairman Ross referred to the announcements as listed
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place phones in silent mode.
6. Citizens with Input – None
7. Old Business – None
8. New Business

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.

Ms. Carson advised the property owner proposes to offer the entire 3-bedroom/2-bath house for short-term rental for a maximum of eight occupants. The property has been inspected for compliance with minimum health and safety requirements for use once renovations are complete (per Section 2-3.6) and has passed and reviewed the staff report, along with responses and noted staff is recommending approval with the noted conditions in the report.

Vice Chairman Ross opened the public hearing at 6:07pm and called for anyone in favor of the request; Mr. Dave Corson, the applicant advised he agreed to the conditions as listed in the staff report. Vice Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:08pm.

After the closing of the public hearing Mr. Robbie Russell requested to address the Commission and asked if there was not a moratorium in place for short-term rentals. Mr. Wood advised there is not as the ordinance governing short-term rentals had been passed and there is a 1000-foot distance requirement between them.

Commissioner Hayes inquired of Mr. Corson the vetting process for guests as his concern was the proximity to the school. Mr. Corson advised there are rules within the Airbnb process and discrimination is not allowed but will be diligent in the screening process. Mr. Wood advised in past dealings with short-term rentals some platforms do not allow a search and if it was a rental, it would not be screened.

Commissioner Mehserle motioned to recommend approval to Mayor and Council of the application as submitted with the following conditions: 1). This permit is limited to the Owners David and John D. Corson and is not transferable; 2). The applicant must complete and pass a STR inspection prior to the issuance of the permit (completed 07.08.24); 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; Commissioner Guidry seconded and it was unanimously recommended for approval.

B. SUSE- 0080-2024. Special exception for short-term rental for property located at 415 Shoshone Circle. The applicant is Collins Madikaegbu.

Ms. Carson advised the property owner proposes to offer 3-bedrooms/2-baths in the 5-bedroom/3-bath house for short-term rental for a maximum of six occupants. The property has been inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and has passed and reviewed the staff report, along with responses and noted staff is recommending approval with the noted conditions in the report.

Vice Chairman Ross opened the public hearing at 6:16pm and called for anyone in favor of the request. The applicant, Mr. Collins Madikaegbu, reiterated the request and has a passion to share his property with visitors and agrees to the conditions in the staff report. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed at 6:17pm.

Commissioner Hayes inquired if only the additional rooms were being rented and not the entire dwelling; Mr. Madikaegbu advised that was correct and he will ensure the safety of himself and his neighbors. Commissioner Guidry inquired about the number of rooms and number of vehicles. Mr. Wood advised it is limited to 2 per bedroom plus 2 and vehicles are those that can fit in the driveway.

Commissioner Jefferson motioned to recommend approval to Mayor and Council of the application as submitted with the following conditions: 1). 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 (completed 07.08.24); Commissioner Mehserle seconded; all in favor and was unanimously recommended for approval.

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.

Mr. Wood read the applicants' request which was to reduce the minimum house square footage, along with staff responses. Mr. Wood further noted that 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. 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.

Vice Chairman Ross opened the public hearing at 6:23pm and called for anyone in favor of the request. Mr. Bill Goggin with Habitat for Humanity reiterated the request and noted they are working to revitalize the area, and this will be an owner inhabited property. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed at 6:26pm.

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

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.

Mr. Wood read the applicants' request which was to modify the existing PUD zone, along with staff responses. Mr. Wood provided additional background information on the property that 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 the 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 and the table in the staff report compares the changes between the current PUD and the proposed PUD update.

Vice Chairman Ross opened the public hearing at 6:30pm and called for anyone in favor of the request. Mr. Ryan Snodgrass planner for WCH Homes reiterated the requested and as noted in the staff report the adjustment is for the commercial area of the project. Vice Chairman Ross called for anyone opposed; there being none the public hearing was closed at 6:32pm.

Commissioner Mehserle requested clarification on the commercial and that lofts were being added; Mr. Snodgrass confirmed yes and the project will be a mixed-use development to include ground floor residences for live/work and a second story of lofts. Commissioner Guidry asked with the decrease of commercial how many residential will be added; Mr. Snodgrass advised 50 additional units. Commissioner Hayes asked if the market is dictating the change; Mr. Snodgrass advised it was.

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

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.

Mr. Wood read the request which was 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. Mr. Wood also noted 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, it was 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.

Mr. Wood added the amendment will be consistent with areas outside of metro Atlanta that the 2022 revision was comparable to. The department has met with the development community and some of the modifications are from their input and the proposed amendment has been provided to them as well with no comment.

Vice Chairman Ross opened the public hearing at 6:40pm and called for anyone in favor or opposed to the request; there being none the public hearing was closed at 6:41pm.

Commissioner Guidry asked for clarification of the final plat approval; Mr. Wood advised no final plat is approved until all the site work is completed, which includes all the infrastructure to support the development. Commissioner Mehserle asked about stormwater for a second phase; Mr. Wood advised it would be a second maintenance bond with an 18-month time frame.

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

9. Other Business – Mr. Wood reminded Commission of July 22nd work session and welcomed Commissioner Williams.

10. Commission questions or comments - None

11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:54pm.



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STAFF REPORT

From the Department of Community Development

August 6, 2024

CASE NUMBER: VAR-0094-2024
APPLICANT: City of Perry
REQUEST: Variance to reduce the setbacks for VA monument signs
LOCATION: 1309 Main St; Parcel No. 0P0090 013000

SECTION OF ORDINANCE BEING VARIED: Sec. 6-9.10.(A)(3) Regulations for signs. Signs can be located in front setback areas, but all signs must be set back at least ten feet from the public right-of-way.

BACKGROUND: The signs for the VA Clinic were installed in the right-of-way due to an oversight by the Community Development Department during the plan review stage of permitting. Since the signs were permitted at the present locations, the City would be responsible for relocating them. Attempting to do so would cause a significant cost for taxpayers (\$119,120). Therefore, the city is requesting a variance of the identified section of the LMO to allow the signs to remain as installed.

STANDARDS NECESSARY FOR A VARIANCE:

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

The subject property is triangular in shape with a steep slope down from Houston Lake Drive to the parking lot. The sign fronting Houston Lake Drive would require additional brick foundation height if set further back from the street. This sign was installed closer to the street than shown on the permitted plan, causing it to be located in the right-of-way.

The City purchased additional right-of-way along Main Street adjacent to the new VA Clinic to install a sidewalk. The site plan submitted with the permit application showed the existing right-of-way and a "proposed ROW." The Community Development Department failed to impose the required 10' setback for both signs before issuing the sign permit.

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

The oversight on the part of the Community Development Department was not discovered until the signs were completed. Relocating the signs would impose a substantial cost to taxpayers.

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

The purpose of the 10' setback from rights-of-way for signs is to maintain a sign-free landscape buffer along the streets. The landscape buffer was installed. The 10' setback from back of curb or edge of pavement is for safety purposes. While the Houston Lake Road sign does not meet this safety setback, an intervening guardrail exists.

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

The locations of the signs do not impair the use and enjoyment of adjoining and neighboring properties. The signs do not impact vehicular or pedestrian traffic on either street.

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



VAR-0094-2024

1309 Main Street

Variance to reduce setbacks
for the VA Monument signs

Aerial



Zoning



Character Area



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Application # VAR-0094-2024

Application for Variance

Contact Community Development (478) 988-2720

*Indicates Required Field

| | *Applicant | *Property Owner |
|----------|----------------------------------|----------------------------------|
| *Name | Bryan Wood for the City of Perry | VAF 1309 Main Street LLC |
| *Title | Community Development Director | c/o Colliers International |
| *Address | 741 Main St., Perry, GA 31069 | PO Box 13470, Richmond, VA 23225 |
| *Phone | 478-988-2714 | |
| *Email | Bryan.wood@perry-ga.gov | |

Property Information


| | |
|----------------------------------|---|
| *Street Address 1309 Main Street | |
| *Tax Map #(s) 0P0090 013000 | *Zoning Designation C-2, General Commercial |

Request

*Please describe the proposed variance: (i.e. Reduce the rear setback from 25 feet to 22 feet)
Eliminate the 10' setback from rights-of-way for the monument signs fronting Main Street and on Houston Lake Drive.
Reduce the 10' setback from the edge of pavement for the monument sign fronting Houston Lake Drive. Both are requirements of LMO Sec. 6-9.10(A)(3).

Instructions

- The application and must be received by the Community Development Office no later than the date reflected on the attached schedule.
- Fee:**
 - Owner-occupied single family residential – \$158.00
 - All others - \$316.00
 - All others (post construction) - \$632.00
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.7 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- *Submit plans, drawings, photographs or other documentation which helps fully describe your request.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Variance applications require a public hearing before the planning commission. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing date.
- *The applicant must be present at the hearing to present the application and answer questions that may arise.
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

| | |
|---|--------------------|
| *Applicant  Bryan Wood for the City of Perry | *Date 6/27/2024 |
| *Property Owner/Authorized Agent Property owner has been advised of variance application | *Date |

Standards for Granting a Variance

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

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

Staff is not aware of any covenants and restrictions which would preclude the requested variance

- (1) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual, practical, difficulties to or exceptional or undue hardship upon the owner of such property;**

The subject property is triangular in shape with a steep slope down from Houston Lake Drive to the parking lot. The sign fronting Houston Lake Drive would require additional brick foundation height if set further back from the street. This sign was installed closer to the street than shown on the permitted plan, causing it to be located in the right-of-way.

The City purchased additional right-of-way along Main Street adjacent to the new VA Clinic to install a sidewalk. The site plan submitted with the permit application showed the existing right-of-way and a “proposed ROW.” The Community Development Department failed to impose the required 10’ setback for both signs before issuing the sign permit.

- (2) Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions;**

The oversight on the part of the Community Development Department was not discovered until the signs were completed. Relocating the signs would impose a substantial cost to taxpayers.

- (3) Such variance can be granted without substantial impairment to the intent, purpose, and integrity of this chapter and/or the comprehensive plan or other master plan adopted for the property;**

The purpose of the 10’ setback from rights-of-way for signs is to maintain a sign-free landscape buffer along streets. The landscape buffer was installed. The 10’ setback from back of curb or edge of pavement is for safety purposes. While the Houston Lake Road sign does not meet this safety setback, an intervening guardrail exists.

- (4) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.**

The locations of the signs do not impair the use and enjoyment of adjoining and neighboring properties. The signs do not impact vehicular or pedestrian traffic on either street.

Notes:

A variance cannot be granted:

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

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

Background Information:

1309 Main Street is the property being renovated for the VA clinic. The City of Perry closed on the purchase of additional right-of-way along Main Street from the property owner in April 2023 for the purpose of constructing a sidewalk. In September 2023 the sign contractor for the VA clinic submitted application for sign permit showing the right-of-way as previously existed and the proposed ROW. It is not known if the sign contractor was aware that the purchase had been completed when the plan was submitted. The staff member reviewing the application was not aware of the City's intent to purchase additional right-of-way and failed to require the 10' setback from rights-of-way. This oversight was not discovered until the signs were completed.

The monument sign fronting Main Street is located totally within the right-of-way but is located 10'-10" from the back of curb on Main Street. The monument sign fronting Main Street is partially in the right-of-way (by approximately 30 inches) and is only 7'-10" from the edge of pavement on Houston Lake Road. Neither sign complies with the 10' setback from rights-of-way. The Houston Lake Drive sign does not comply with the 10' setback from the edge of the street pavement. However, a guard rail is located between the sign and Houston Lake Drive.

Rather than relocating the signs at a substantial cost to taxpayers, City Council has allowed the signs to remain in the right-of-way. However, variance from the setbacks is also necessary.

Excerpt from Land Management Ordinance

Sec. 6-9.10. Regulations for signs.

(A) Location, height, and setback.

- (1) The property owner must give permission for all sign placement on the owner's property, through the issuance of a letter signed by the owner.
- (2) All signs must comply with all side and rear setbacks of this chapter.
- (3) Signs can be located in front setback areas, but all signs and sign structures must be set back at least ten feet from the public right-of-way. No portion of a sign or sign structure shall encroach on or overhang the public right-of-way, except for projecting and under-canopy signs as allowed in the Downtown Development Overlay District, or any other person's property. Furthermore, for safety reasons, no sign shall be located closer than ten feet from the back of the curb of a public roadway, or if there is no curb, from the edge of the pavement.



VA | U.S. Department
of Veterans Affairs
VA Outpatient Clinic
Houston County
VA Atlanta Healthcare System

MAIN STREET

10'-10"

Approximate ROW



VA | U.S. Department
of Veterans Affairs
VA Outpatient Clinic
Houston County
VA Atlanta Healthcare System

Approximate ROW

7'-10"

HOUSTON LAKE DRIVE



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STAFF REPORT

July 11, 2024

CASE NUMBER: TEXT-0097-2024
APPLICANT: The City of Perry
REQUEST: Amend Sec. 2-1.2.1 of the LMO to codify Council's policy for appointing Planning Commissioners.

STAFF COMMENTS: The proposed amendment establishes City Council as the body ratifying each nominee to the planning commission. It requires potential candidates to have a Statement of Interest on file with the City Clerk and to be interviewed by the nominating person and the administrator (of the LMO). The amendment provides broad criteria for evaluating potential commissioners:

Members of the commission shall be appointed in consideration of their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Membership shall represent a broad cross section of the interests and concerns of persons residing and doing business within the city.

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.

In 2020 City Council established a policy in which potential board and commission members must submit a Statement of Interest. Potential Planning Commissioners would be interviewed by the nominating Councilmember and planning staff. This policy is not supported by the current provisions in the Land Management Ordinance.

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

The policy and proposed amendment are intended to broaden the pool of potential commission members, and ensure commissioners are considered based on professional expertise, knowledge of the community, concern for the future welfare of the total community, and represent a broad cross section of interests in the city.

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

The amendment is not inconsistent with the purpose and intent of the Land Management Ordinance. There is no specific purpose or intent statement relating to Commission membership and appointment process.

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

The amendment in and of itself has no impact on the development pattern of the City.

- (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 has no impact on public facilities and services.

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

Delete subsection 2-1.2.1 in its entirety and replace as follows:

2-1.2. *Planning Commission.* The City of Perry Planning Commission, herein referred to as the Planning Commission or Commission, is created and established to be organized and empowered as provided herein.

~~2-1.2.1. *Membership; compensation.*~~

- ~~A. The Planning Commission shall consist of seven (7) members who shall be residents of the City of Perry, Georgia. The Mayor and each Councilperson shall appoint one member to the Planning Commission at the first meeting in January at the beginning of the Mayor or Councilperson's term of office.~~
- ~~B. The term of office of the member of the Planning Commission shall run concurrently with the term of office of the Mayor or Councilperson by whom the Planning Commission member was appointed.~~
- ~~C. Any vacancy in membership shall be filled for the unexpired term by the Mayor or Council member who appointed the vacating member. The Mayor or Council shall have the authority to remove any member for cause, on written charges, after a public hearing.~~
- ~~D. All members may receive compensation as determined by Mayor and Council.~~

2-1.2.1. *Membership; terms of office; qualifications; compensation.*

- A. The planning commission shall consist of seven members who shall be residents of the City of Perry.
- B. Members of the planning commission shall be appointed by City Council. The Mayor and each Councilmember shall nominate a member of the commission within 30 days of the beginning of their term of office.
- C. Potential nominees shall have a valid statement of interest on file with the City Clerk and shall be interviewed by the nominating person and the administrator. Members of the commission shall be appointed in consideration of their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Membership shall represent a broad cross section of the interests and concerns of persons residing and doing business within the city.
- D. A commission's term of office shall run concurrently with the term of office of the nominating person provided, however, commissioners shall serve until a successor is appointed.
- E. A vacancy in any position on the commission must be filled for the unexpired term in the same manner as the original appointment. The city council may remove any member of the commission for malfeasance, misfeasance or nonfeasance in the performance of duties or for such other cause as otherwise permitted by law.
- F. Members of the commission may receive compensation as determined by City Council.



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Application # TEXT-0097-2024

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. 2-1.2.1 to provide a process for appointing members of the Planning Commission based on recent practice.

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 | 7/8/2024 |
|------------|---|--|-------|----------|

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.

In 2020 City Council established a policy in which potential board and commission members must submit a Statement of Interest. Potential Planning Commissioners would be interviewed by the nominating Councilmember and planning staff. This policy is not supported by the language of the Land Management Ordinance.

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

The policy and proposed amendment are intended to broaden the pool of potential commission members, and ensure commissioners are considered based on professional expertise, knowledge of the community, concern for the future welfare of the total community, and represent a broad cross section of interests in the city.

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

The amendment is not inconsistent with the purpose and intent of the Land Management Ordinance. There is no specific purpose or intent statement relating to Commission membership and appointment process.

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

The amendment in and of itself has no impact on the development pattern of the City.

(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.



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Memorandum

To: Planning Commission
From: Bryan Wood, Community Development Director
Date: August 6, 2024
Re: Preliminary PUD Concept Plan Review

Per the recent changes to the PUD standards and procedures, the Planning Commission is required to provide input on a PUD concept before the regulating plan is finalized.

The applicant is proposing a PUD on a 119.46-acre tract of land on Langston Road, between U.S. Hwy 41 and the existing Notting Hill subdivision, currently zoned R-1 and R-3. The plan carves out ~5 acres for a daycare facility. 28.6 acres is proposed open space. The remaining ~ 85.88 acres will be divided into 255 residential lots with a minimum lot size of 8,000 square feet. Access will be provided via two existing streets in Notting Hill, and a new connection to Langston Road.

The daycare tract is located on Langston Road at the entrance to the PUD. There does not appear to be any unique and integrated mix of uses. The developer of the project, Edgar Hughston Builder, Inc., does not intend to develop and build the daycare facility. Based on the intent of the PUD district, listed below, and the recently updated standards, it is Staff's view that the PUD is proposed only to reduce residential lot area and lot width. A similar plan could be achieved with R-3 zoning (all but 44 lots meet the R-3 minimum lot size of 9,000 square foot) for the residential portion and OI, Office and Institutional zoning on the 5-acre daycare tract. 181 of the lots have a minimum lot width of 60'. R-3 requires a minimum of 70'.

Staff has identified how this proposal addresses the PUD standards starting in subsection (D) below.

2-3.3. Planned unit development (PUD).

- (A) *Intent.* The PUD planned unit development district is intended to allow for unique and integrated mixed-use developments which are suitable in location and character, and which cannot be achieved in other base zoning districts established in this ordinance, including districts in the form-based code. The PUD district is not intended to be used as an alternative to obtaining variance(s) for developments unable to comply with other development standards required by this ordinance. The PUD district is further intended to accomplish the following specific objectives:
- (1) To provide for development concepts not otherwise allowed within non-PUD zoning districts;
 - (2) To provide flexibility, unity and diversity in land planning and development, resulting in convenient and harmonious groupings and mixings of uses, structures and common facilities;
 - (3) To accommodate varied type design and layout of housing and other buildings;
 - (4) To allow appropriate relationships of open spaces to intended uses and structures;
 - (5) To encourage innovations in residential and commercial development and redevelopment so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to those buildings;
 - (6) To encourage a more efficient use of land and of public services, and to reflect changes in the technology of land development so that resulting economies may benefit those who need homes;
 - (7) To lessen the burden of traffic on streets and highways; and
 - (8) To provide a procedure that can relate the type, design, and layout of residential and commercial development to the particular site, thereby encouraging preservation of the site's natural characteristics, and compatibility with its surroundings.

(C) Procedure.

- (1) *Preliminary concept plan.* Before finalizing a PUD regulating plan, the applicant shall present a preliminary concept plan at a regularly scheduled planning commission meeting for input. The preliminary concept plan shall be submitted according to the adopted planning commission schedule. The preliminary concept plan shall consist of:
 - a. Proposed access and internal traffic circulation;
 - b. Location and density of proposed uses;
 - c. Proposed location and amount of open space, buffers, and amenities;
 - d. Proposed character of buildings.

- (2) *Application for PUD district.* An application to designate property as a PUD district shall follow the procedures in Section 2-2.2 for Amendments to the Official Zoning Map. Such application shall include:
 - a. Completed application form and paid fee;
 - b. A plat of the property identifying property boundaries, existing zoning and land uses of surrounding properties, and existing easements, roads, buildings, and other physical features on or adjacent to the project site.
 - c. A PUD Regulating Plan which establishes regulations for the use, development, improvement, and maintenance of the project. *See comments below*
 - d. Traffic Impact Study for projects exceeding 10 acres. *Traffic Impact Study not provided*

(D) *Requirements for a PUD Regulating Plan.* The PUD regulating plan establishes the permitted, special exception, and accessory uses; site plan, including the site area; street layout, including typical street sections; pedestrian facilities; open space areas; number of residential units by type; square footage of residential and non-residential units; preliminary landscaping plan, development regulations; architectural standards; phasing plan; and other information necessary for the substantive and environmental review of the proposed project; and any other information deemed necessary by the administrator. A PUD regulating plan shall contain the following:

(1) *Permitted uses.* A list of permitted uses within a planned unit development district shall be adopted as part of the regulating plan applying to that district only. *Detached Single-family (DSF) residential and daycare center*

(2) *District regulations.* The following site development characteristics shall be determined and set in the approved regulating plan:

- a. Layout of lots, streets, and any other infrastructure, including bicycle and pedestrian facilities. *No bicycle or pedestrian facilities identified on plan*
- b. Minimum lot area(s). *8,000 square feet for residential lots*
- c. Minimum lot width(s). *60 feet (181 lots) and 75 feet (74 lots)*
- d. Sizes and locations of yards and setbacks. *Front: 25'; Rear 35'; Sides 5' on 60' lots, 8' on 75' lots*
- e. Maximum impervious surface ratio for individual lots and the project as a whole with stormwater infrastructure designed accordingly. *Not provided*
- f. Minimum and/or maximum building density, including total number of residential units and non-residential square footage permitted, broken down by type, and nonresidential square footage. *Gross residential density minus daycare lot: 2.2 du/ac; net residential density excluding open space not provided; nonresidential square footage not provided*
- g. Minimum heated square footage of residential units by type. *DSF – 1,500 square feet*
- h. Maximum structure height(s). *Not provided*
- i. Off-street and on-street parking and loading needs and dimensions. *Parking layout for houses with more than 3 bedrooms only; 12 on-street parking spaces identified at main amenity site*
- j. Location of and specifications for site access and internal traffic circulation. *No plan for daycare property*
- k. Internal traffic calming strategies. *None identified*
- l. Open space shall be provided with all PUDs, and minimum open space shall be set by the regulating plan. For PUDs incorporating multi-family residential dwellings and townhouses, a portion of the open space, complementary to the proposed design and lifestyle features of the proposed project, shall be reserved as common open space that shall be designated for the recreational or leisurely use by residents. *~28.6 acres (23%) include pavilion, pool, and playground; 18-hole disc golf course with walking trail; and open field play area and dog park*

- m. Preliminary landscape plan to include location and size of buffers, screening, tree save areas, spacing and species of street trees to be installed, and any wall, fences, or other devices to be installed. **City standard street buffer plan for Langston Road provided, no other landscape plans, tree save areas, etc. provided**
 - n. Development-specific architectural design criteria. **Pictures of typical houses provided, no details on daycare facility or amenity structures**
 - o. Location, size, and design of permanent signs, **Entrance sign design provided; specific location and size not provided** and
 - p. Any other site-specific prescription(s) deemed necessary for the development of the project, as proposed.
- (3) *Design Standards*. Projects shall meet the following design requirements:
- a. The minimum side building setback shall be eight feet for all single-family detached units, and ten feet on the detached side of all single-family attached units. This minimum notwithstanding, the character of a proposed PUD may justify smaller side setbacks. Certain development types, including, but not limited to traditional neighborhood development (TND), pocket neighborhoods, and some residential infill solutions may benefit from the use of smaller setbacks to achieve the project concept. **5' side setback on 60' lots, 8' on 75' lots.**
 - b. The minimum rear building setback shall be ten feet. **35' on residential lots; no details on daycare lot**
 - c. Residential driveways shall be a minimum of 25 feet long between the garage and sidewalk or back of curb, where sidewalks are not present. **Compliant, based on plan for houses with more than 3 bedrooms**
 - d. Streets shall be designed as a hierarchy of street types in an interconnected pattern. **Typical suburban subdivision layout with cul-de-sacs**
 - i. Interconnecting sidewalks with a minimum width of five feet shall be installed on one side of all streets with an anticipated average daily trip count of 300 or more. A walking trail with a minimum width of eight feet may be installed in lieu of sidewalks along one side of major neighborhood streets where the installation of sidewalks is unnecessary or impractical, as determined by the administrator. **No sidewalks or walking trails identified, except trail adjacent to disc golf course**
 - ii. Sidewalk or walking trail locations shall be shown on street types. **Not provided**
 - iii. Major neighborhood streets shall converge on neighborhood centers, parks, landmarks, schools, or other civic spaces. **Typical suburban subdivision layout**
 - iv. Streets and alleys shall terminate at other streets within the development and shall be stubbed out at the edge of the project site to provide linkages with future development. Connections shall be made to stub outs on adjacent parcels. The use of dead-end streets and cul-de-sacs should be minimized and should only be used in cases where site topography necessitates their use. **Future right-of-way shown for connection to property at the south of subject**
 - e. Street trees shall be planted on both sides of all streets (except alleys). **No street trees or other landscaping details provided (except City standard for Langston Road)**
 - 1. Street trees shall be planted within a tree lawn with a minimum width of six feet, either between the back of the curb and the sidewalk, or between the sidewalk and the building.
 - 2. Required street trees shall be installed prior to the issuance of a certificate of occupancy for the building to which the street trees closest relate.
 - 3. Existing tree canopy may substitute for the installation of street trees, as approved by the administrator.
 - f. Roadway design and stormwater standards shall adhere to environmentally sensitive and aesthetically pleasing best management practices and development standards.
 - g. A minimum of ten percent of the project site shall be permanently allocated to open space. **23% provided**
 - 1. A portion of the required open space shall be centrally located within the development. Location and approximate size of the open space area shall be designated and approved regulation plan.
 - 2. For PUDs under ten acres, the open space requirement may be satisfied by an existing or proposed public park or trail network that is within 1,200 feet of the project boundary.

3. Stormwater infrastructure shall not be counted toward the required open space, unless designed as part of a low-impact system that utilizes bio-swales and natural recharge areas. **Stormwater infrastructure is included in the open space area – must be removed from calculations**
 4. Utility easements shall not be counted toward the required open space, unless utilized as part of a common trail network or other amenity. **Not clear if utility easements are included in open space area**
 5. Specific architectural design criteria shall be adopted as part of the regulating plan for the project. **Photos of typical house design provided, no details on amenity structures or daycare center**
 6. Vegetated buffer yards with a minimum width of 15 feet shall be maintained along the project's exterior boundaries. Buffer yards shall be maintained as a common facility. Buffer yards shall not be counted as part of the open space requirement. **Not provided**
- (E) *Phasing plan.* The regulating plan shall specify a phasing plan for the overall project and for all amenities to be provided within the project. The amenity phasing plan shall correspond with the overall project phasing schedule and shall provide for the reasonable completion of amenities to maximize enjoyment by residents. **Not provided**
- (F) *Maintenance of common facilities.* A property owners' association or similar entity shall be established for the perpetual maintenance of all common facilities including, but not limited to, open space, buffers, amenities, and common area landscaping. A copy of the recorded documentation establishing such entity and its responsibilities shall be provided prior to the issuance of a certificate of development conformance. **Not identified**



Benton E Front



Brooke D Front



Cypress A Front



Magnolia B Front



Entrance Sign



Notting Hill Rendering