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Planning Commission Agenda
Monday, November 18, 2024, 6:00pm

Perry Administration Building 1211 Washington Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from October 7, 2024, regular meeting and October 28, 2024, work session
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. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on December 17, 2024)
 1. **RZNE-0131-2024.** Rezoning of property located at 1218 Washington Street, 104 Mims Court, and 108 Mims Court from C-2 to NMU. The applicant is Bryant Engineering.
 2. **TEXT-0127-2024.** Amendment to Table of Uses 4-1.1 to add the use Animal Shelter and Adoption Service as permitted in the M-1, Wholesale & Light Industrial District and add the use Data Center as use permitted by a special exception in the M-2, Industrial Zoning District. Add a definition and use description for Data Center to Sec. 1-13 and Sec. 4-2.5 (B). The applicant is the City of Perry.
 3. **TEXT-0133-2024.** Amend sections 2-3.16 and 2-3.17 to allow bonds as an acceptable form of maintenance warranty. 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- October 7, 2024

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

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner, Christine Sewell – Recording Clerk, Keyiera Johnson – Asst. City Clerk

3. Invocation: was given by Commissioner Jefferson
4. Approval of Minutes from September 9, 2024, regular meeting and September 23, 2024, work session
Commissioner Mehserle motioned to approve as submitted; Commissioner Jefferson seconded; all in favor and was unanimously approved.
5. Announcements – Chairman Edwards referred to the notices as listed
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place phones in silent mode.
6. Citizens with Input- None
7. Old Business – None
8. New Business – Items for Discussion
 - Standards for Zoning, Special Exception, and Variance

Mr. Wood continued the discussion from the last work session and from comments received has updated the standards for Section 2-3.1 and 2-3.5 and also provided to the city attorney for review and she has provided no additional comments.

Commissioner Mehserle asked about density requirements and requests for relief, as this is normally a concern for the public and can this be removed or would development have to follow what is allowable. Mr. Wood advised developers generally meet with staff prior to filing an application and are advised accordingly on what is allowed or not, however, they have the right to file. Unfortunately, citizens do not want changes, but property owners have the right to use their property to the highest and best use. Mr. Wood noted housing needs are changing, and developers are trying to provide for what is desired now. Commissioner Mehserle noted traffic is always brought forth as a concern and is there a consistent way to address; Mr. Wood advised through an ordinance change a traffic study can be required, however, in the interim can put into the staff reports traffic counts.

In continuing the discussion Mr. Wood advised an updated land use map is being created to show future annexable properties and will show the high- and low-density areas, along with commercial nodes. Mr. Wood also noted Council is working on a future visioning plan and suggests the Commission and Council meet more often to review their expectations. Commissioner Guidry inquired about the annexation requirements; Mr. Wood advised they are based on case law.

The requirements for variances were reviewed and per the direction of the city attorney Peachtree City and Stockbridge ordinances were reviewed and some changes are reflected in the revisions provided. Administrative variance was reviewed, and the Commission recommended twenty percent of the dimensional standard. Chairman Edwards felt the changes were clearer for applicants and streamlined the process. On conclusion of discussion the Commission concurred with the revisions as discussed and requested staff proceed with the amendment.

- Design standards for non-residential developments

Mr. Wood advised there will be changes to the sign standards with regard to wall signs by removing the 300 square foot maximum and allowing ten percent of the building, as there are requests for variances with this. The design standards will also be reviewed with regards to height and proximity to residential.

9. Other Business – The Commission requested, and staff will provide the connectivity plan which details sidewalks and their priority levels.
10. Commission questions or comments – None
11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 7:14pm.

DRAFT

Planning Commission Work Session
Minutes, October 28, 2024

1. Call to Order: Chairman Edwards called the meeting to order at 5:32pm.
2. Roll Call: Chairman Edwards; Commissioners Guidry, Ross and Williams were present. Commissioners Jefferson, Hayes, and Mehserle were absent.

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner
Chad McMurrin – Engineering Services Manager and Christine Sewell – Recording Clerk

3. Citizens with Input – None
4. Capital Improvement Projects Update – Mr. McMurrin provided update on the LMIG paving project which includes Valley Drive, N. Davis Drive, Longbridge Way, and Cherokee Road. GDOT has advised they will start the Gen. Courtney Hodges Blvd bridge replacement in July 2025. From the recent storm no reported issues in Sadie Heights and the flood analysis has been submitted to the Army Corps of Engineers for review. Ms. Wharton will be presenting to Council truck traffic options for downtown.
5. New Business – Items for Discussion

- Pocket Park Requirements

Ms. Carson presented the draft amendment for requirements of pocket parks in subdivisions. She noted both Public Works and Leisure Services had been consulted for input as ultimately the parks will be accepted and maintained by the City. Mr. Wood advised Council wants pocket parks and the requirements ensure they are provided and accessible, rather than council purchasing or being donated undesirable lots that will not have the park centrally located and used by residents. Ms. Carson advised the ordinance provides for the size of the park based on the number of units and furnishing required by park size. Commissioner Ross noted there were no furnishings for adults; Ms. Carson advised pocket parks are meant more for the children of the neighborhood and the City's destination parks have those features. The Commission concurred with what was presented and was advised it will be presented to Council at their next work session for discussion.

- Design standards for non-residential developments
- Design standards for multi-family residential development

Mr. Wood advised staff is still reviewing and will be brought forth to Council for input before a formal amendment request is filed. The setbacks were reviewed and have been changed to eliminate parking in front of commercial. The multifamily standards have also been modified and are similar to non-residential. Open space requirements, parking, landscaping and exterior lighting was briefly discussed and will be brought back for further discussion.

- Setback changes relative to design standards
 - Exterior light standards
6. Other Business – Mr. Wood advised a revision to the recently adopted amendment on warranty requirements would be brought forth to change that a bond is allowable.

Ms. Carson provided an update on Council's rulings from the October cases.

7. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:40pm.

DRAFT



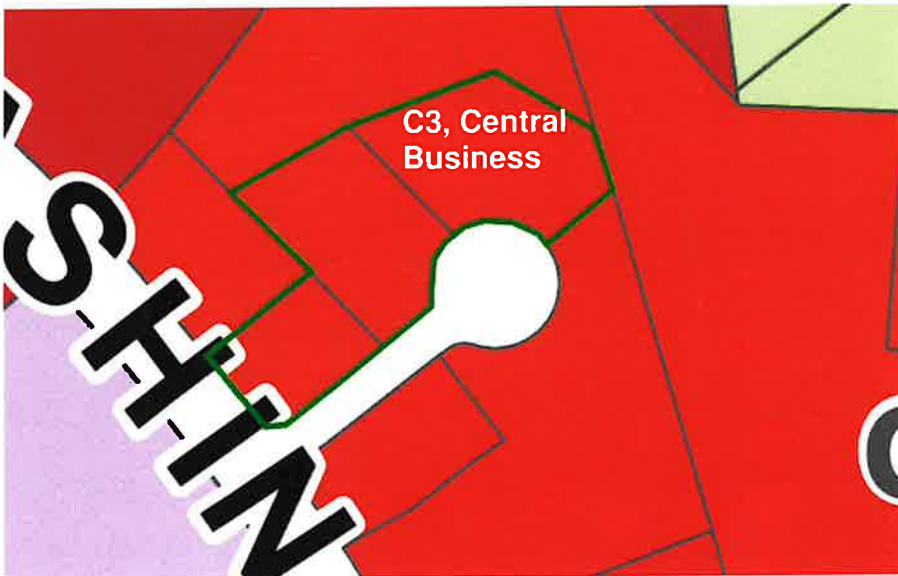
RZNE-0131-2024

1218 Washington St; 104

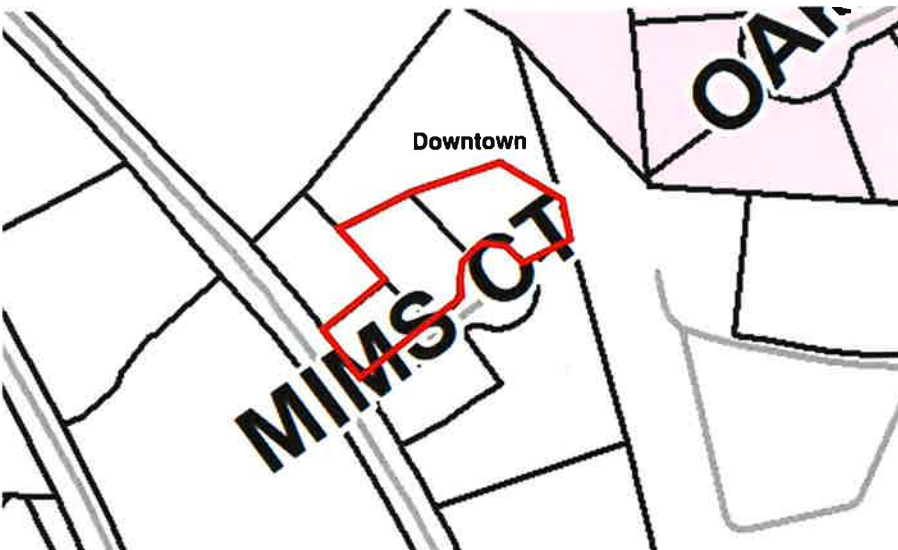
Mims Ct; 108 Mims Ct

C-3 to NMU

Aerial



Zoning



Character Area



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STAFF REPORT

From the Department of Community Development
November 14, 2024

CASE NUMBER: RZNE 0131-2024

APPLICANT: Chad Bryant, Bryant Engineering

REQUEST: Rezone from C2, General Commercial to NMU, Neighborhood Mixed Use

LOCATION: 1218 Washington St; 104 Mims CT; 108 Mims CT

BACKGROUND INFORMATION: The subject properties are congruent and make up a 1.28-acre lot, directly across from the Public Administration Building.

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 as a NMU, Neighborhood Mixed-Use housing development

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

	Zoning	Land Use
North	C-3, Central Business; C-2, General Commercial	Undeveloped
South	C-3, Central Business	Retail Bank
East	C-3, Central Business	Undeveloped
West	GU, Governmental Use	Public Administration Building

- 2. The suitability of the subject property for the zoned purposes.** The subject parcels are suitable for development into retail or housing uses that are allowed in the downtown district. However, they have been vacant for several years.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The property values are not diminished by the current zoning.
- 4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** There is no destruction of property values.
- 5. The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The public would gain additional housing options within the downtown area, increasing walkability and housing availability. There is no hardship placed on the owner.
- 6. Whether the subject property has a reasonable economic use as currently zoned.** The properties have a reasonable economic use as zoned. However, they have been undeveloped for several years.
- 7. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The properties have been vacant since being platted in 2002 as a small, 5-parcel subdivision

8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The proposed use will increase walkability for potential residents, complementing the businesses directly adjacent to these parcels and increasing the availability of housing within the downtown area.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** There is no adverse effect on adjacent or nearby properties
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The properties are in the “Downtown” character area, which calls for infill development on vacant or underused sites and residential developments that reflect the character of the downtown area.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The proposed zoning has no 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.** The Downtown Master Plan calls for increasing the number of housing units within the downtown footprint. This proposed rezoning and use support that goal.

STAFF RECOMMENDATION: Staff recommends approval of this application.



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Application # RZNE 0131-2024

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Chad Bryant	S&B Properties
*Title	P.E.	Owner
*Address	PO Box 1821 Perry, GA 31069	807 Corder Rd Warner Robins, GA 31088
*Phone	478-224-7070	478-256-3419
*Email	chad@bryantengllc.com	sean@RCcollision.com

Property Information

*Street Address or Location	1218 Washington St/104 Mims Ct/108 Mims Ct
*Tax Map Number(s)	0P0390 14D000 / 0P0390 14C000 / 0P0390 14B000
*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	C2	*Proposed Zoning District	NMU
*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>			
See site plan			

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) - \$316.00 plus \$27.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$527.00 plus \$42.00/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 10/09/2024
*Property Owner/Authorized Agent	*Date 10/09/2024

Standards for Granting a Rezoning

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

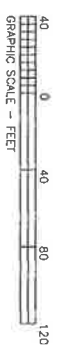
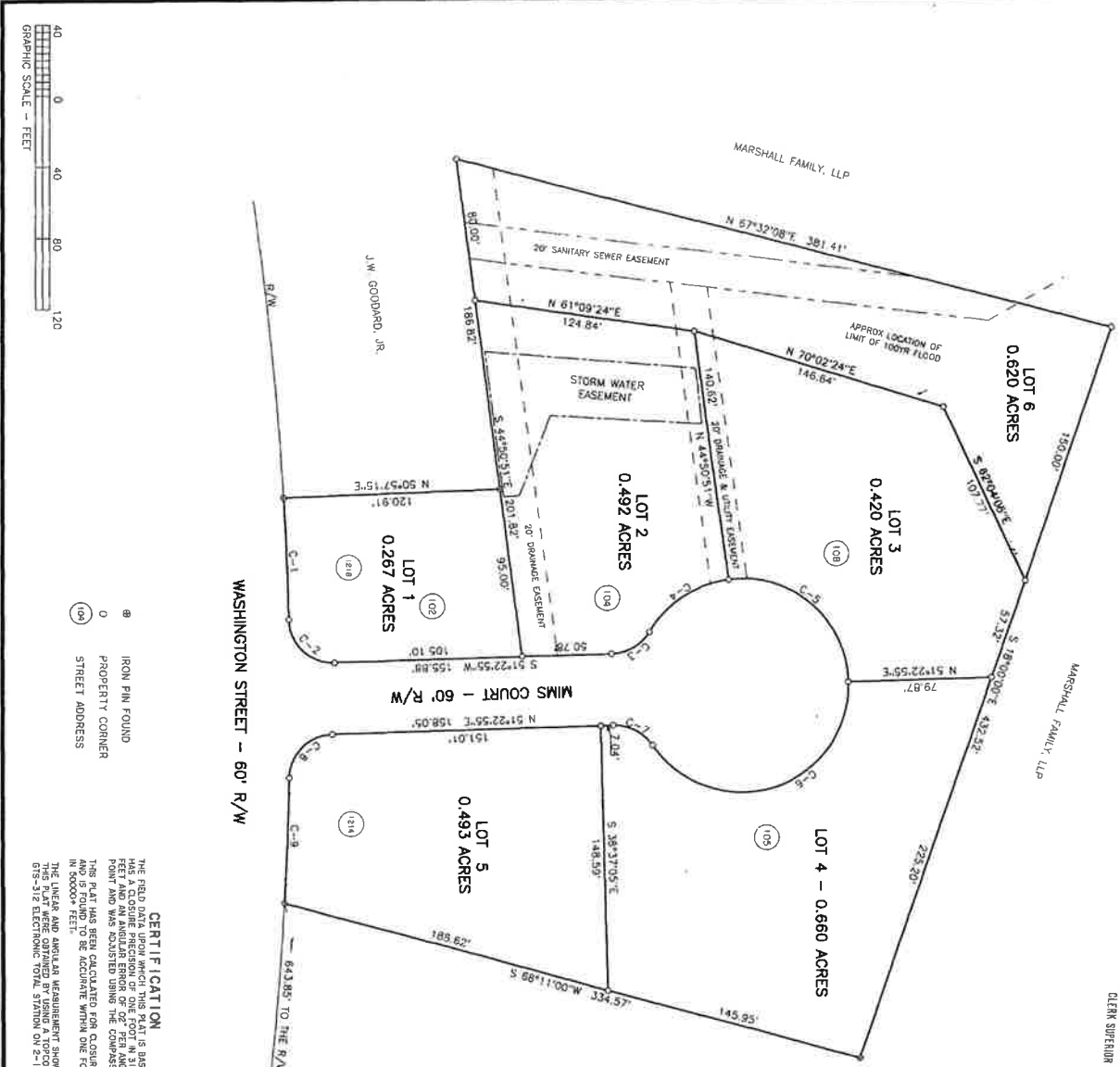
Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

- (1) The existing land uses and zoning classification of nearby property; Surrounding parcels are zoned C-3 and uses consist of commercial, office space, and apartments.
- (2) The suitability of the subject property for the zoned purposes; The property has been on the market for 4 years for commercial application. It is our desire to introduce a residential product in the downtown market.
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions; The property value of the subject property would increase with the proposed zoning.
- (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 property has been unused and thus has no bearing on health, safety, morals or general welfare.
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner; One of the objectives of the downtown plan is to introduce more residential housing in the downtown district.
- (6) Whether the subject property has a reasonable economic use as currently zoned; Since the property has been on the market for an extended period of time during a good market, it is assumed the current zoning use is not marketable.
- (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; It is an assumption that the property has been zoned C-2 and vacant since Mims Court's development was constructed 20 plus years ago.
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property; We believe the proposed zoning use is a downsizing and will compliment surrounding properties.
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property; Residential use will not negatively impact adjacent properties. Vehicle trips per day will decrease as well as the burden to public infrastructure.
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan; We believe the proposed zoning is directly in line with the Downtown Development Plan and community surveys.
- (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 Vehicle trips per day will decrease as well as the burden to public infrastructure as we view this as a down zoning.
- (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. We believe this project could be a catalyst for more downtown residential projects.

Check 18th North West 59118

FILED
HOUSTON COUNTY
18 AUG 18 AM 12:56
CLERK SUPERIOR COURT

CURVE	RADIUS	LENGTH	CHORD	CH BEARING
C-1	1940.17'	68.52'	68.51'	S 35°31'15"E
C-2	25.00'	33.30'	33.29'	S 83°34'48"E
C-3	25.00'	54.32'	54.31'	S 27°21'51"E
C-4	25.00'	22.23'	22.23'	N 27°21'51"E
C-5	60.00'	100.77'	89.34'	S 89°43'15"E
C-6	25.00'	25.52'	25.52'	S 90°44'11"W
C-7	25.00'	18.05'	18.05'	S 97°43'27"W
C-8	25.00'	10.38'	10.38'	S 54°32'39"E
C-9	1940.17'	70.00'	70.00'	S 35°31'15"E



- ⊙ IRON PIN FOUND
- PROPERTY CORNER
- ⊙ STREET ADDRESS

CERTIFICATION

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS BEEN OBTAINED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED SURVEYOR IN THE STATE OF GEORGIA. I HAVE PERSONALLY REVIEWED THIS PLAT AND AM AWARE OF THE CONTENTS HEREOF. THIS PLAT HAS BEEN CALCULATED FROM A COURSE MEASURED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 5000.00 FEET.

THE LINEAR AND ANGULAR MEASUREMENT SHOWN ON THIS PLAT WERE OBTAINED BY USING A TOTAL STATION 05-32 ELECTRONIC TOTAL STATION 05-1-02.



ALLEN SUBDIVISION

10TH DISTRICT
HOUSTON COUNTY, GEORGIA
APRIL 5, 2009
JONES SURVEYING & ENGINEERING INC.
PERRY, GEORGIA (478) 987-2700

NOTE: LOT 6 IS TO BE DEED TO THE CITY OF PERRY FOR GREEN SPACE.

DRAWER'S CERTIFICATION

I, the undersigned, being a duly licensed Professional Surveyor in the State of Georgia, hereby certify that I am the author of this plat and that the same is a true and correct representation of the facts and conditions as shown to me by the owner or owners of the land hereon depicted, and that I am not aware of any other persons claiming an interest in the land hereon depicted.

[Signature]
Surveyor

CERTIFICATE OF APPROVAL BY REGISTERED PROFESSIONAL PLANNING COMMISSION

I, the undersigned, being a duly licensed Professional Planner in the State of Georgia, hereby certify that I am the author of this plat and that the same is a true and correct representation of the facts and conditions as shown to me by the owner or owners of the land hereon depicted, and that I am not aware of any other persons claiming an interest in the land hereon depicted.

[Signature]
Professional Planner



CERTIFICATE OF APPROVAL BY REGISTERED PROFESSIONAL ENGINEER

I, the undersigned, being a duly licensed Professional Engineer in the State of Georgia, hereby certify that I am the author of this plat and that the same is a true and correct representation of the facts and conditions as shown to me by the owner or owners of the land hereon depicted, and that I am not aware of any other persons claiming an interest in the land hereon depicted.

[Signature]
Professional Engineer



9069-9069F

PLAT NUMBER - C-330



BRYANT ENGINEERING
 10000 Katy Road, Suite 1000
 Houston, Texas 77055
 Phone: 281.416.1111
 Fax: 281.416.1112
 www.bryanteng.com

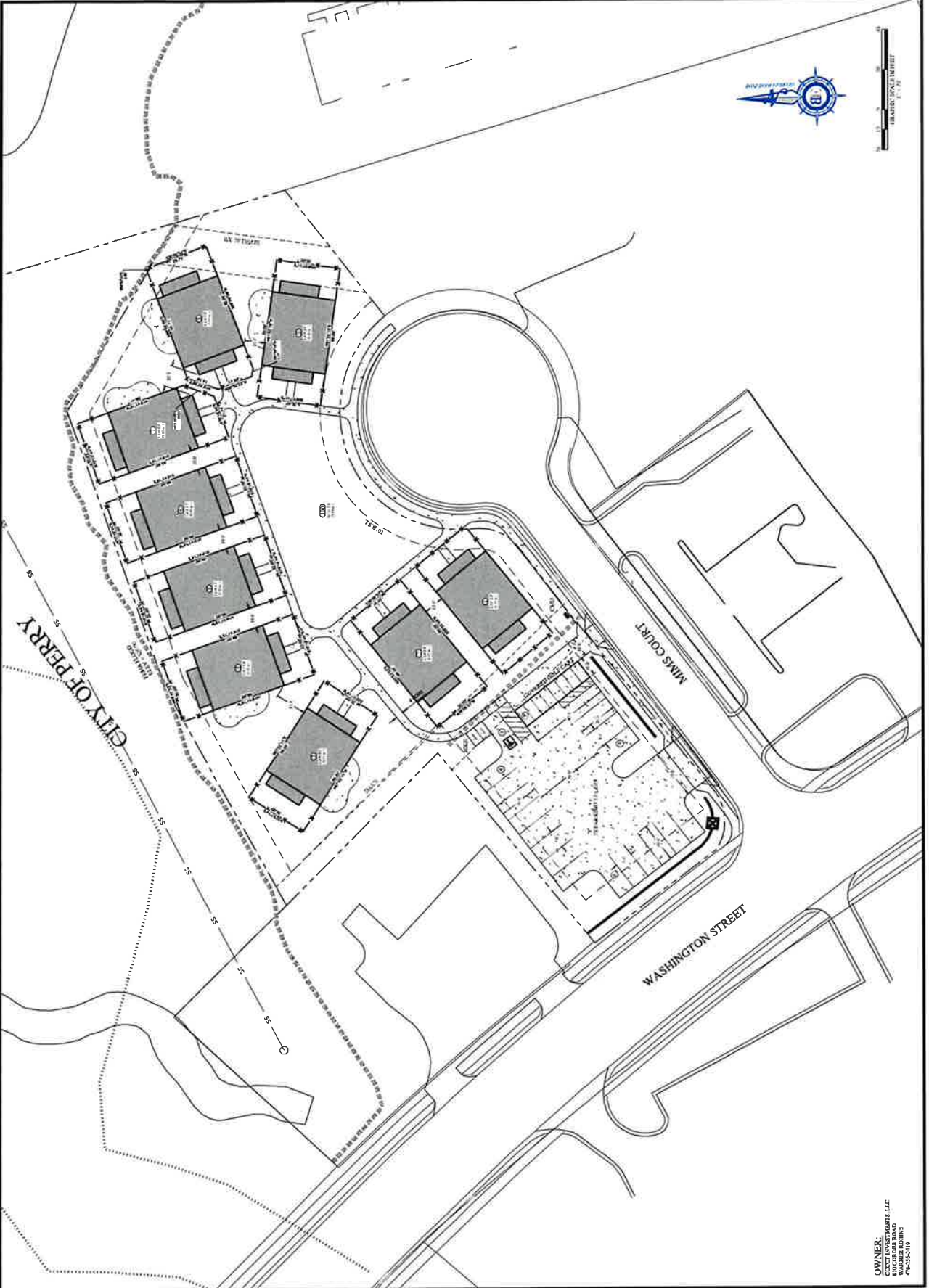
PROJECT:	HOUSTON
DATE:	06/20/2018
DESIGNER:	DAVID M. BRYANT
CHECKER:	DAVID M. BRYANT
SCALE:	AS SHOWN

STATE OF TEXAS
 PROFESSIONAL ENGINEER
 NO. 10000
 EXPIRES 12/31/2020

GEORGIA
 COTTAGE DISTRICT
 DOWNTOWN
 PERRY
 SITE PLAN FOR:

REVISIONS	DESCRIPTION

SHEET NO.
C-2.1



OWNER:
 CACT INVESTMENTS, LLC
 10000 Katy Road
 Suite 1000
 Houston, Texas 77055
 281.416.1111

This document prepared by (and)
after recording return to:)

Name: Chad Bryant)
Company: Bryant Engineering)
Address: 906 Ball Street)
City, State, Zip: Perry, GA 31069)
Phone: 478-224-7070)

3W/



Doc ID: 016236720002 Type: GLR
Recorded: 10/26/2020 at 08:39:41 AM
Fee Amt: \$25.00 Page 1 of 2
Transfer Tax: \$0.00
Houston, Ga, Clerk Superior Court
Carolyn V. Sullivan Clerk

BK 8833 PG 295-296

QUIT-CLAIM DEED

STATE OF GEORGIA
COUNTY OF HOUSTON

THIS INDENTURE, made this 15 day of July in the year of our Lord
two thousand twenty (2020), between

CCCCT INVESTMENTS, LLC,
a Georgia limited liability company

duly organized and existing under the laws of the State of Georgia, as party or parties of
the first part, hereinafter called Grantor,

and

S & B PROPERTIES, LLC,
a Georgia limited liability company

duly organized and existing under the laws of the State of Georgia, as party or parties of
the second part, hereinafter called Grantee.

WITNESSETH: That the said parties of the first part, for and in consideration of
the sum of TEN (\$10.00) AND NO/100 DOLLARS, and other good and valuable
consideration, in hand paid, the receipt whereof is acknowledged, have bargained, sold,
and by these presents do remise, convey and forever **QUIT-CLAIM** to the party of the
second part, his heirs and assigns, ALL OF THE FOLLOWING DESCRIBED
PROPERTY, to-wit:

LEGAL DESCRIPTION


All those tracts or parcels of land situate, lying and being in Land Lot 49 of the 10th Land
District, in the City of Perry, Houston County, Georgia, and being known and designated as
LOT 1, comprising 0.267 acres; LOT 2, comprising 0.492 acres; and LOT 3, comprising
0.420 acres, according to a plat and survey entitled "Subdivision Plat of Allen Subdivision"
prepared by Lee R. Jones, Georgia Registered Land Surveyor No. 2680, dated April 5,
2002, and recorded in Plat Book 59, Page 118, Clerk's Office, Houston Superior Court.

Street Address: 1218 Washington Street (Lot 1) Perry, GA 31069
104 Mims Court (Lot 2) Perry, GA 31069
108 Mims Court (Lot 3) Perry, GA 31069

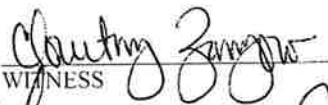
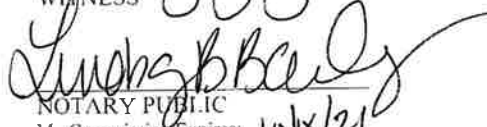
TO HAVE AND TO HOLD the said described premises to the said party of the second part, so that neither the said parties of the first part nor their heirs, nor any other person or persons claiming under them shall at any time, by any means or ways, have, claim or demand any right or title to the aforesaid described premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and their seal, the day and year above written.

CCCCT INVESTMENTS, LLC,
a Georgia limited liability company

By: 
Sean Mallins

Signed, sealed and delivered
in the presence of:


WITNESS

NOTARY PUBLIC
My Commission Expires: 10/18/21





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STAFF REPORT

November 13, 2024

CASE NUMBER: TEXT-0127-2024

APPLICANT: The City of Perry

REQUEST: Add a *Data Center* definition to Sec.1-13 Definitions; delete Section 4-2.5 (B)(1) and (2) and replace in its entirety; delete Table 4-1-1 in Sec. 4-1.2 in its entirety and replace.

STAFF COMMENTS: The proposed amendment establishes a definition of and zoning designation for the 'Data Center' land use in the M-2, Industrial zoning district through a special exception in a proactive effort to plan for the arrival of such facilities. Data centers are becoming more popular throughout the country, using large amounts of power and water and emitting constant noise. The city wants to avoid reactionary efforts relative to this use as much as possible. The proposed amendment also adds the use 'Animal shelter and adoption service' by right in M-1, Wholesale & Light Industrial zoning districts. This use is complementary to existing uses in this district, emitting some noise without negatively impacting the quality of life for surrounding property owners:

Add the following to Section 1-13 Definitions:

Data Center: A facility of one or more buildings that can be exclusively owned and used by a private company or owned by a cloud storage service wherein IT infrastructure is housed for building, running, and delivering applications, or housing large amounts of data.

Delete Section 4-2.5 (B) (1) and (2) in its entirety and replace as follows:

(B) Industrial Services

- (1) *Characteristics.* Industrial services firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or byproducts. They may also provide technological services such as data storage, running and delivering applications for themselves or other businesses. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- (2) *Examples.* Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; data centers; heavy equipment sales, rental, repair, or storage; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, trades contractors with on-site storage/fabrication; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

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.**

Web-based services and platforms have continued to grow in popularity since the dot-com boom in the 1990s. Data centers – used to power these services and platforms – have become more expansive, requiring new regulations to ensure they are properly placed within the land use landscape in the city. In addition, animal shelters have previously been permitted within the city in similar zoning districts. This expansion will allow shelters to locate in more regions of the city with existing uses complementary to animal shelters and adoption services.

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

The policy and proposed amendment are intended to ensure the city is managing land use and development properly in support of residents' abilities to enjoy their property without the negative effects of unfavorable uses moving in.

- (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.

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

The amendment in and of itself will support the logical and orderly 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 will protect our residents from potential noise pollution and a decrease in water supply/capacity from data center usage.

- (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.



Where Georgia comes together.

Application # TEXT-0127-2024

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

	*Applicant
*Name	Emily Carson, City of Perry
*Title	Community Planner
*Address	741 Main Street, Perry, GA 31069
*Phone	478.988.2702
*Email	emily.carson@perry-ga.gov

Request

*Please provide a summary of the proposed text amendment:

Amend Table 4-1.1 (Table of Uses) to add the use "Animal shelter and adoption service" as permitted in the M-1, Wholesale & Light Industrial zoning district and add the use Data Center as use permitted by a special exception in the M-2, Industrial zoning district. Add a definition and use description for Data Center to Sec. 1-13 and Sec. 4-2.5 (B).

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/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 2-3.2 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.
4. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
5. *The applicant must be present at the hearings to present the application and answer questions that may arise.
6. 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.
7. *Signatures:

*Applicant

Emily J. Carson

*Date

10-14-24

Standards for Amendments to the Text of the Land Management Ordinance

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

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

The proposed amendments are 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 amendments are 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.

Animal shelter and adoption services are already allowed in the M-2 district; uses in the M-1 zoning district are similar to those in M-2. Therefore, shelters should be allowed in the M-1 district. In the 2023-2027 Strategic Plan, the Council recognized the technology industry as one of the emerging opportunities to diversify the local economy. Creating and defining the 'data center' use category further aligns the city's practices with strategic planning efforts.

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

The amendments are necessary to create opportunities for new industries within the city limits and support small businesses.

- (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.

- Facilitate the creation of a convenient, attractive, and harmonious community.
- Ensure appropriate commercial development patterns along corridors.
- Regulate the density of land and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.

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

These amendments will allow uses consistent with both zoning districts.

- (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 amendments themselves have 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 amendments themselves have no impact on public facilities and services.

Revised 7/6/21

Add the following to Section 1-13 Definitions:

Data Center: A facility of one or more buildings that can be exclusively owned and used by a private company or owned by a cloud storage service wherein IT infrastructure is housed for building, running, and delivering applications, or housing large amounts of data.

Delete Section 4-2.5 (B) (1) and (2) in its entirety and replace as follows:

(B) *Industrial Services*

- (1) *Characteristics.* Industrial services firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or byproducts. They may also provide technological services such as data storage, running and delivering applications for themselves or other businesses. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- (2) *Examples.* Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; data centers; heavy equipment sales, rental, repair, or storage; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, trades contractors with on-site storage/fabrication; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

Delete Table 4-1-1 in Sec. 4-1.2 in its entirety and replace as follows:

Table 4-1.1: Table of Uses

Key: "p" = Permitted Use; "S" = Special Exception Use; Blank Cell = Prohibited Use

Use Category	Use Type	Zoning Districts															Form Based Code ²				Additional Regulations (Sections)						
		Residential						Nonresidential									IMU	MUC	NMU	FBR							
		RAg	R1	R2	R3	RTH	RM1	RM2	RMH	OI	C1	C2	C3	LC	M1	M2						GU					
Residential Uses	Household Living	Single Family dwelling, detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P		4-3.1(A)			
		Single Family dwelling, attached		P ⁴	P ⁴	P ⁴	P ⁴	P		P	P			P	P					P	P	P	P				
		Two Family dwelling								P	P			P						P	P	P	P				
		Multi-family dwelling < 7 units								P	P			P	P					P	P	P	P				
		Multi-family dwelling > 6 units												S	S												
		Manufactured home													P												
		Manufactured home park													P											4-3.1(B)	
		Manufactured home subdivision													P												
		Dwelling in a commercial building													P												4-3.1(C)
	Group Living	Family personal care home	P	P	P	P				P	P			P	P	P	P										
Boarding house														P	P ¹												
	All other uses									S	S			P	P											4-4.3(D)	
Accessory Use	Residential Business	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P									4-4.3(D)	
Public and Institutional Uses																											
Community Service	All Uses	S	S	S	S				S	S	S	S	S	P													
	Child learning center (19+ persons)	S							S	S	S	S	S	P													
Day Care	Group daycare home (7-18 persons)	S							S	S	S	S	S	P													
	Preschool	S							S	S	S	S	S	P													
Education	Business school													S													
	College or university													P													
	School, public or private	S	S	S	S				S	S	S	S	S	P													
	Trade school													P													
Government	Detention facility																										
	Emergency response facility													P													
	Maintenance, storage, and distribution facility																										

Use Category	Use Type	Zoning Districts																Form Based Code 2	Additional Regulations (Sections)			
		Residential						Nonresidential														
		RAg	R1	R2	R3	RTH	RM1	RM2	RMH	OI	C1	C2	C3	LC	M1	M2	GU	IMU	MUC	NMU	FBR	
	Police substation									P	P	P	P	P	P	P	P	P	P			
	Post office									P	P	P	P				P	P	P			
Health Care	Hospital									P	P											
	Medical facility other than hospital									P	P	P	P	P					P	P	P	
	Religious institution	S	S	S	S		S	S	S	P	P	P	P	S				P	P	P	S	
	Congregate personal care home									P												
	Alternative/post incarceration facility										S							P				
	Rehabilitation facility										P	P ₁						P	P			
	All other uses										P	P	P					P	P	P		
	Cemetery, columbarium, mausoleum	S								P	P	P	P					P	P	P		
	Parks and Open Space	Community Garden	P	S	S	S	S	S	S	S	P	P	P	S	P	P		P	P	P	P	P
		Golf course	S	S								P						P	P	P		
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	
Transportation Terminals	Airport/heliport/landing strip																P	P				
	All other uses										P						P	P				
Utilities	Communication tower, freestanding structure	S								S	P	S			P	P	P	P				
	Communication tower on existing structure									P	P	P	P	P	P	P	P	P	P	P	S	
	Utility, major	S	S	S	S	S	S	S	S		P				P	P	P	P	P	P	S	
	Utility, minor	S	S	S	S	S	S	S	S		P				P	P	P	P	P	P	S	
Commercial Uses																						
Eating Establishments	Brewpub										P	P	P					P	P	P		
	Drive-in restaurant										P											
	Restaurant with drive-through window										P	P								P	S	
	Restaurant with indoor and outdoor seating and/or food service areas											P	P	P	S				P	P	P	
	Restaurant with indoor seating only										S	P	P	P	S				P	P	P	
	Restaurant with no seating											P	P						P	P	P	
Offices	All uses									P	P	P	P	S				P	P	P	P	

Use Category	Use Type	Zoning Districts												Form Based Code ²				Additional Regulations (Sections)				
		Residential						Nonresidential						IMU	MUC	NMU	FBR					
		RAg	R1	R2	R3	RTH	RM1	RM2	RMH	OI	C1	C2	C3	LC	M1	M2	GU					
Industrial Services	Contractor's office with on-site storage/fabrication									S	P					P	P		P	P	S	
	Truckstop or travel plaza										P				P	P						
	All other uses										P	P			P	P						
	Artisan production establishment									S	P				P	P			P			
Manufacturing and Production	Brewery, distillery														P	P			P			
	Data Center												S		P	S						
	Heavy manufacturing															P						
	Light manufacturing, general										P				P	P			P			
Mining Operations	All uses														S							

Use Category	Use Type	Zoning Districts												Form Based Code ²				Additional Regulations (Sections)					
		Residential						Nonresidential						IMU	MUC	NMU	FBR						
		RAg	R1	R2	R3	RTH	RM1	RM2	RMH	OI	C1	C2	C3	LC	M1	M2	GU						
Research and Development	R & D with outdoor storage									P					P	P							6-3.7(A)
	R & D with no outdoor storage											P			P	P							
Testing Laboratory	Testing Lab with outdoor storage														P	P							6-3.7(A)
	Testing Lab with no outdoor storage									P					P	P							
Warehouse and Freight Movement	Outdoor storage lot										P				P	P							6-3.7(A)
	Truck or freight terminal														P	P							
	Warehouse														P	P							
Waste Services	Junk yard															S							6-3.7(A)
	Recycling drop-off center														P	P							
	Waste disposal or treatment operation														S	S							
Wholesale Sales	All uses													P	P								

- 1 – These uses are not permitted in the Downtown Development Overlay District. For "Personal services, all other" and "Retail sales and services, all other", the limitation applies only to massage parlors that are not part of a "health club/spa" or "medical facility other than hospital" and tattoo establishments.
- 2 – Uses in the Form Based Code districts are subject to standards of the Form Based Code in Appendix A of this chapter.
- 3 – Massage parlors that are not part of a "health club/spa" or "medical facility other than hospital" and tattoo establishments are not permitted.
- 4 – Townhouses are permitted only within the Downtown Development Overlay District within these base zoning districts.



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STAFF REPORT

November 15, 2024

CASE NUMBER: TEXT-0133-2024

APPLICANT: The City of Perry

REQUEST: Allow bonds as acceptable form of maintenance warranty. Remove City Manager approval for use of bonds.

STAFF COMMENTS: The development community requested this change and City Administration agreed that bonds are acceptable for maintenance warranties in addition to the currently accepted letter of credit.

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.**

Since adoption of the current ordinance the City has determined that bonds are an acceptable form of maintenance warranty and performance guarantee, subject to the standards established in this amendment.

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

This amendment will allow a developer the option of using a letter of credit or a construction or insurance bond as warranty for maintenance of infrastructure.

- (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 has no impact on the built environment.

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

The amendment has no impact on the built environment.

- (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 built 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, other than providing an option for covering public facilities during a developer's required maintenance period..

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

Allow bonds as a form of Maintenance Warranty. Delete Sec. 2-3.16(D) and (E) in its entirety and replace as follows:

2-3.16. *Maintenance Warranty.*

(D) *Maintenance Surety Standards.*

- (1) For continuing maintenance of the water system improvements, sanitary sewer facilities, stormwater management facilities, natural gas mains, associated easements, and street and right-of-way improvements, the following shall apply:
 - a. The maintenance surety shall comply with the requirements of Section 2-3.16(E).
 - b. The value of the maintenance sureties shall be equal to 10% of the cost of construction of the water, sanitary sewer, gas, stormwater facilities, street and right-of-way improvements shown on the as-built surveys and as estimated for deferred improvements under Section 2-3.17(B). The administrator shall maintain an updated schedule of unit costs for calculating the cost of construction.
- (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.

(E) *Types of Acceptable Maintenance Warranties.*

- (1) *Letter of Credit.* 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:
 - a. 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(D).
 - 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
 - d. 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.
- (2) *Maintenance Bond.* The maintenance bond shall be in a form acceptable to the City (see Administrative Manual for an example). A maintenance bond must be provided by a construction bonding or insurance company authorized to do business in the State of Georgia. The executed maintenance bond shall be submitted with the final Development Performance and Maintenance Agreement and shall certify the following:
 1. That the bonding or insurance company guarantees funds in an amount no less than the total amount determined in accordance with Section 2-3.16(D).
 2. 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.
 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).
 - d. 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.

Allow performance bonds without City Manager approval. Delete Sec. 2-3.17(F)(2) in its entirety and replace as follows:

2-3.17. *Performance Guarantee.*

- (2) *Performance Bond.* The performance bond shall be in a form acceptable to the City (see Administrative Manual for an example). A performance bond must be provided by a construction bonding or insurance company authorized to do business in the State of Georgia and shall certify the following:
 - a. 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.
 - b. 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.
 - c. That if the developer fails to complete the specified improvements within the required period or is otherwise in default under Section 2-3.17(C), 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.
 - d. 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.



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Application # TEXT-0133-2024

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. 2-3.16 to allow bonds as an acceptable form of maintenance warranty and Sec. 2-3.17 to remove City Manager approval for acceptance of performance bonds.

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
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Standards for Amendments to the Text of the Land Management Ordinance

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

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

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.

Since adoption of the current ordinance the City has determined that bonds are an acceptable form of maintenance warranty and performance guarantee, subject to the standards established in this amendment.

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

This amendment will allow a developer the option of using a letter of credit or a construction or insurance bond as warranty for maintenance of infrastructure.

(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 has no impact on the built environment.

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

The amendment has no impact on the built environment.

(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, other than providing an option for covering public facilities during a developer's required maintenance period.