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AGENDA
SPECIAL CALLED MEETING
OF THE PERRY CITY COUNCIL
August 3, 2020
5:00 p.m.

1. Call to Order: Mayor Randall Walker, Presiding Officer.
2. Roll.
3. Items of Review/Discussion: Mayor Randall Walker
 - 3a. Ordinance(s) for First Readings and Introduction:
 1. **First Reading** of an ordinance for the rezoning of property from PUD, Planned Unit Development District, to R-2A, Single-family Residential District. The property is located at 138 Talton Road; Tax Map No. oP0490 045000 – Mr. B. Wood.
 2. **First Reading** of an ordinance for the rezoning of property from PUD, Planned Unit Development District, to R-3, Multi-family Residential District. The property is located at 138 Talton Road; Tax Map No. oP0490 045000 – Mr. B. Wood
4. Adjourn.



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STAFF REPORT

May 13, 2020

CASE NUMBER: RZNE-60-2020
APPLICANT: Bryant Engineering, LLC
REQUEST: Rezone from PUD, Planned Unit Development District, to R-2A, Single-family Residential District and R-3, Multi-family Residential District
LOCATION: 138 Talton Road; Tax Map No. 0P0490 045000

ADJACENT ZONING/LANDUSES:

Subject Parcel: PUD, Planned Unit Development; undeveloped
North: RAG, Residential-Agricultural (County); undeveloped, planned for residential use
South: RAG (County); undeveloped, farmland, single-family residence
East: RAG (County); undeveloped, farmland
West: RAG & R-1 (County); single-family residences, Candler Park subdivision)

BACKGROUND INFORMATION: The subject property was annexed into the City of Perry and zoned PUD in 2007. The approved PUD plan called for development of 545 lots with two access points on Talton Road. The property was never developed.

The applicant proposes to rezone this 223.79-acre tract to R-2A, Single-family Residential District and R-3, Multi-family Residential District. The conceptual site plan submitted with the application indicates approximately 450 single-family residential lots of various sizes. Estate-sized lots (approximately 40,000 square feet in area) would front Talton Road and Bear Branch Road. A mixture of R-1, R-2A, and R-3 sized lots (minimum 14,000, 12,000, and 9,000 square feet in area) would be developed in the interior of the site. Two access points are proposed – one each on Talton Road and Bear Branch Road.

The proposed line separating the two proposed zoning districts is intended to follow property lines. In order to prevent the creation of split-zoned lots, the zoning line may shift slightly to align with the final layout of lots.

STANDARDS GOVERNING ZONE CHANGES:

- 1. The suitability of the subject property for the zoned purposes.** The subject property is suitable for residential development allowed per the current PUD zoning classification
- 2. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** Property values are not diminished by the current zoning.
- 3. 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 value.

4. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** There is no hardship imposed on the property owner by the current zoning.
5. **Whether the subject property has a reasonable economic use as currently zoned.** The property can be developed with single-family residences as currently zoned.
6. **The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.** The property has remained undeveloped since being annexed into the City of Perry in 2007. Properties in the general vicinity have been and continue to be developed for residential uses.
7. **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 zoning classifications, subject to conditions, will maintain single-family residential uses which are consistent with development of properties in the general vicinity.
8. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The applicant proposes single-family residential uses with an overall density of about 100 units less than currently allowed. This will benefit surrounding properties by reducing the development's impact on the infrastructure in the area.
9. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The 2017 Joint Comprehensive Plan Update identifies the subject property as 'Suburban Residential'.
10. **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 development under the requested zoning classifications will result in reduced density and more remote access points which should reduce any negative impacts upon the existing streets, transportation facilities, utilities, or schools, which result from the current zoning of the property.
11. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** There continues to be demand for residential uses in the area east of Perry, due to increasing population and the proximity to excellent schools.

STAFF RECOMMENDATION: Staff recommends approval of the application to rezone to R-2A, Single-family Residential District and R-3, Multi-family Residential District with the following conditions:

1. The development shall consist only of single-family detached residential uses, park/open space, and associated infrastructure improvements;
2. The final subdivision design shall substantially conform to the conceptual plan prepared by Bryant Engineering and dated 5/5/20; and
3. The Director of Community Development shall make the final determination of the location of the line separating the two zoning districts based on final layout of lots, and provided such line does not shift, generally, more than 50 feet in any direction from what is presented with this application.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the application, based on Staff's report and recommendation.


Eric Z. Edwards, Chairman, Planning Commission

6/15/20
Date





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Application # _____

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

Applicant/Owner Information

*Indicates Required Field

| | Applicant | Property Owner |
|----------|---------------------------------|-------------------------------------|
| *Name | Bryant Engineering, LLC | Elizabeth P Talton |
| *Title | Chad Bryant, President | Owner |
| *Address | 906 Bell Street Perry, GA 31069 | 109 Talton Road, Kennesaw, GA 30147 |
| *Phone | 478-224-7070 | |
| *Email | Chad@bryantengllc.com | |

Property Information

| | |
|-----------------------------|---|
| *Street Address or Location | 138 Talton Road |
| *Tax Map #(s) | 0P0490 045000 |
| *Legal Description | A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available; B. Provide a survey plat of the property and/or a proposed site plan; C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System. |

Request

| | | | |
|--|-----|---------------------------|-------------------------|
| *Current Zoning District | PUD | *Proposed Zoning District | Tract A - 121.54 ac R-3 |
| *Please describe the existing and proposed use of the property | | Tract B - 102.26 ac R-2A | |
| Existing - designed for 540 lots of R-2 & R-3 | | 223.80 total ac. | |
| Proposed - approx. 450 lots - estate size 32,670 min | | | |
| R-2A (12,000 SF) R-3 (9,000 SF) | | | |

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
- Fees:
 - Residential - \$130.00 plus \$15.00/acre (maximum \$1,550.00)
 - Planned Development - \$150.00 plus \$15.00/acre (maximum \$2,700.00)
 - Commercial/Industrial - \$230.00 plus \$22.00/acre (maximum \$2,900.00)
- The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the application meets the tests for granting the rezoning). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. The property must be posted at least 15 days prior to the scheduled hearing dates.
- An application for rezoning affecting the same parcel shall not be submitted more often than once every six months.
- The applicant must be present at the hearings to present the application and answer questions that may arise.
- Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No ___
 If yes, please complete and submit the attached Disclosure Form.

9. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

10. Signatures:

| | | | |
|----------------------------------|---|-------|---------|
| *Applicant |  | *Date | 5/11/20 |
| *Property Owner/Authorized Agent |  | *Date | 5/11/20 |

Standards for Granting a Rezoning (see attached)

1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?
2. Describe the existing land uses and zoning classifications of surrounding properties.
3. Describe the suitability of the subject property for use as currently zoned.
4. Describe the extent to which the value of the subject property is diminished by the current zoning designation.
5. Describe the extent to which the diminished property value promotes health, safety, morals, and general welfare of the public.
6. Describe the relative gain to the public compared to any hardship imposed on the property owner.
7. Describe how the subject property has no reasonable economic use as currently zoned.
8. How long has the subject property been vacant as currently zoned, considering development in the vicinity?
9. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.
10. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.
11. Describe how the proposed zoning district is consistent with the Comprehensive Plan.
12. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.
13. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.

Revised 1/10/2018

For Office Use (receipt code 204.1)

| Date received | Fee paid | Date deemed complete | Public Notice Sign | Legal Ad | County Notification |
|---------------------|--------------|----------------------|------------------------|------------------------|---------------------|
| Notice to Applicant | Routed to PC | Date of PC | Date of Public Hearing | Date of Council action | Notice of action |



Chad R. Bryant, P.E.
President-Perry

Jennie S. Barfield, P.E.
Forsyth Branch Manager

Casey Graham, P.E.
Perry Branch Manager

May 11, 2020

Mr. Bryan Wood
Community Development Director
City of Perry
741 Main Street
Perry, GA 31069
478-988-2720
bryan.wood@perry-ga.gov

**Subject: Application for Rezoning
Talton Road Development
0636-005**

Dear Mr. Wood,

Please see attached application and plat for rezoning for 223.80 acres located on Talton Road. Below is the Standards for Granting a Rezoning (Page 2 of application).

1. No Covenants are currently in place
2. Properties across Talton Road are currently Large Estate Lots. To the north is a vacant farm with a planned Residential Subdivision with 32,670 S.F. min Lots. To the east of the property is a low lying wooded parcel currently vacant and zoned HC-RAG.
3. The property has historically been used as farmland. However, due to the proximity to Veterans High School and surrounding developments, this property has become prime area for residential development. The property has been previously rezoned to City of Perry PUD with 540 planned lots. The proposed zoning and concept would produce approximately 450 lots with a mix use of Estate Lots matching the current use across Talton Road, R-1, R-2a, and R-3 type home sites.
4. The property will remain residential use as currently zoned. The density of the property will be reduced from its current zoning classification.
5. The reduction in density will reduce stormwater runoff and provide like kind development directly across the street from neighboring properties along Talton Road.
6. The current zoning of the property creates a vast change in lot sizes compared to adjoining properties. The revised zoning and concept allows for a better transition in Lot sizes.
7. This is a like kind rezoning. Therefore, the economic use stays relatively the same.
8. The property has never been developed as currently zoned and has remained farmland.





Chad R. Bryant, P.E.
President-Perry

Jennie S. Barfield, P.E.
Forsyth Branch Manager

Casey Graham, P.E.
Perry Branch Manager

9. The proposed zoning is like kind with its current zoning and meets similar lot sizes in neighboring subdivisions such as Wind River, The Woodlands, Summer Branch, and other developments down Bear Branch Road.
10. The proposed zoning is for residential use and the property is within a transitional area from farmland to higher density residential.
11. This area is planned for residential development in the Comprehensive Plan
12. This area is part of a planned expansion to City Sewer. The property is accessible to Talton Road to Hwy 127 and Bear Branch Road. Traffic counts are very low so there will not be an overburden on transportation infrastructure.
13. The proposed development we believe will provide a better transition than the current zoning and will have a softer impact to neighboring properties.

We would like to be placed on the next available agenda for the Perry Planning Commission. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads 'Chad R. Bryant'.

Chad Bryant, P.E.
President
Bryant Engineering





BRYANT ENGINEERING
 1000 W. BRYANT BLVD.
 SUITE 100
 ATLANTA, GA 30339
 (404) 525-1111
 www.bryanteng.com

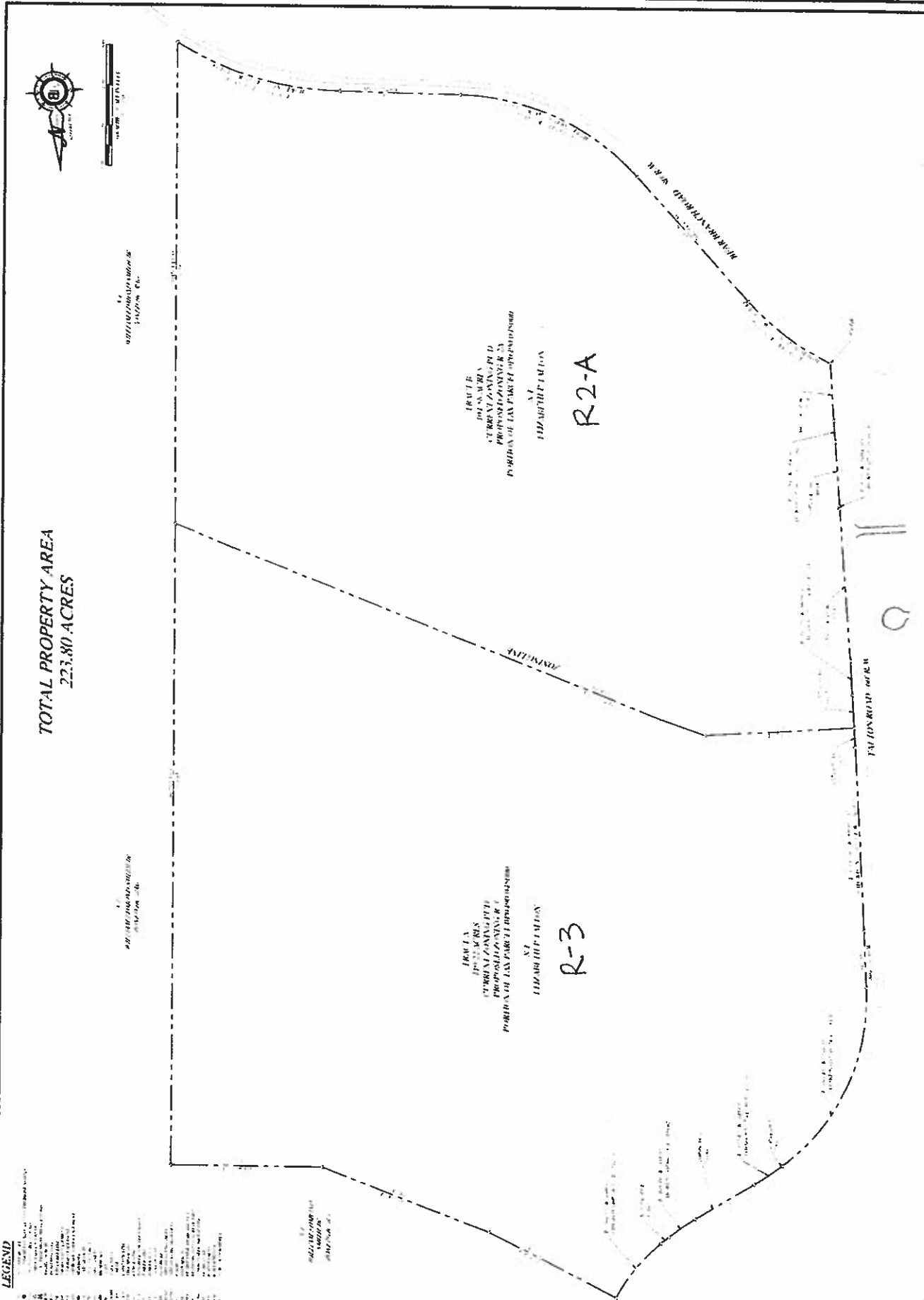
| | |
|----------|---|
| DATE | 10/15/2013 |
| PROJECT | TALTON ROAD SUBDIVISION |
| CLIENT | TRUSTEES OF THE TALTON ROAD SUBDIVISION |
| DESIGNER | BRYANT ENGINEERING |
| CHECKER | BRYANT ENGINEERING |
| APPROVER | BRYANT ENGINEERING |
| SCALE | AS SHOWN |

REVISIONS

TALTON ROAD SUBDIVISION
 REVISION # 1 FOR PERMITS

| NO. | DATE | DESCRIPTION |
|-----|------------|--------------------|
| 1 | 10/15/2013 | ISSUED FOR PERMITS |

Sheet # **C0.1**



Zoning Plat



DATE: 12/15/2011
 PROJECT: TALTEN ROAD SUBDIVISION
 DRAWN BY: [unclear]
 CHECKED BY: [unclear]

BE BRYANT ENGINEERING

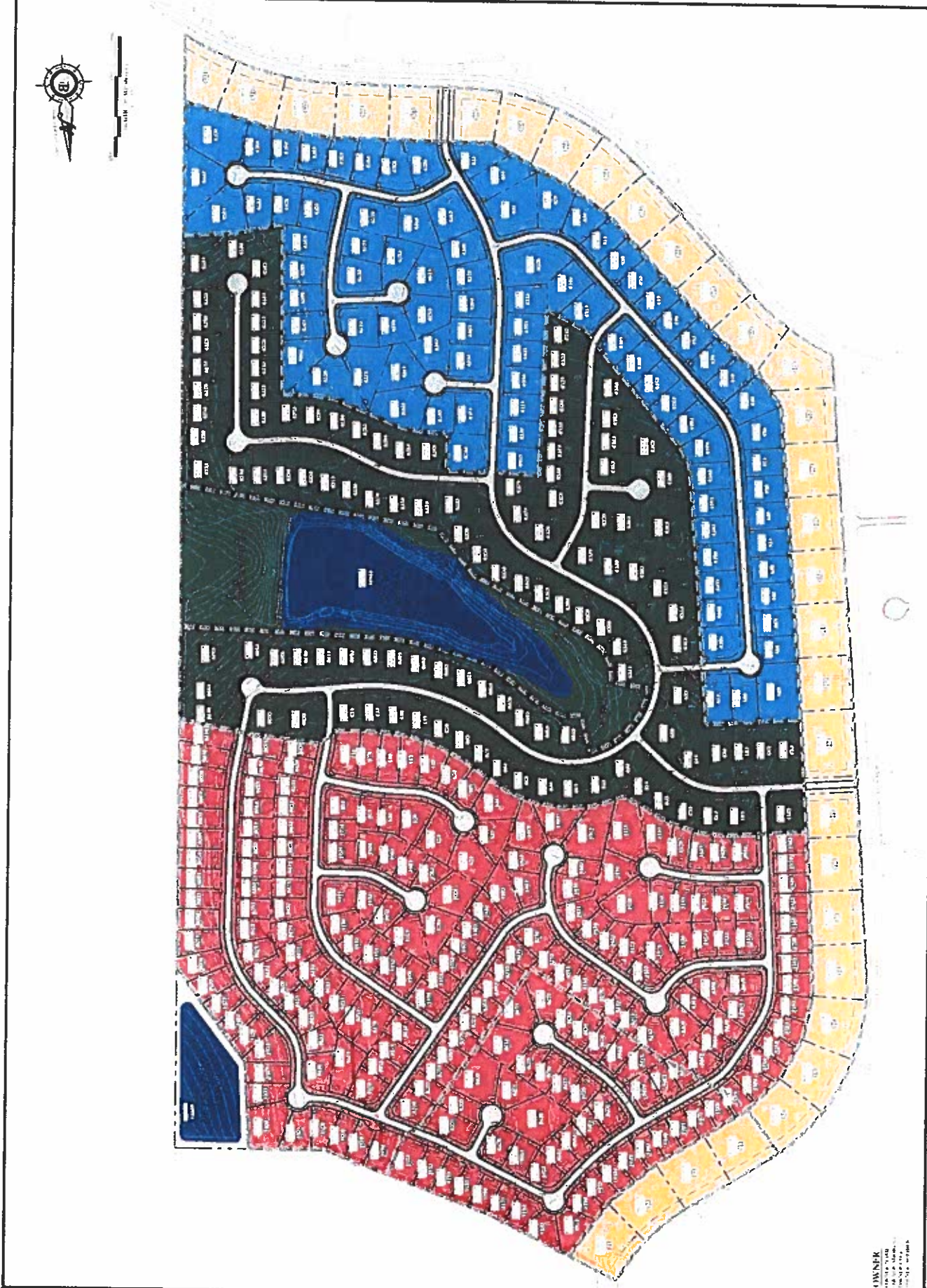
| NO. | DATE | DESCRIPTION |
|-----|------------|-------------------|
| 1 | 12/15/2011 | ISSUED FOR PERMIT |
| 2 | 01/10/2012 | REVISIONS |

APPROVED BY: [signature]

TALTEN ROAD SUBDIVISION
 CONCEPT PLAN FOR [unclear]

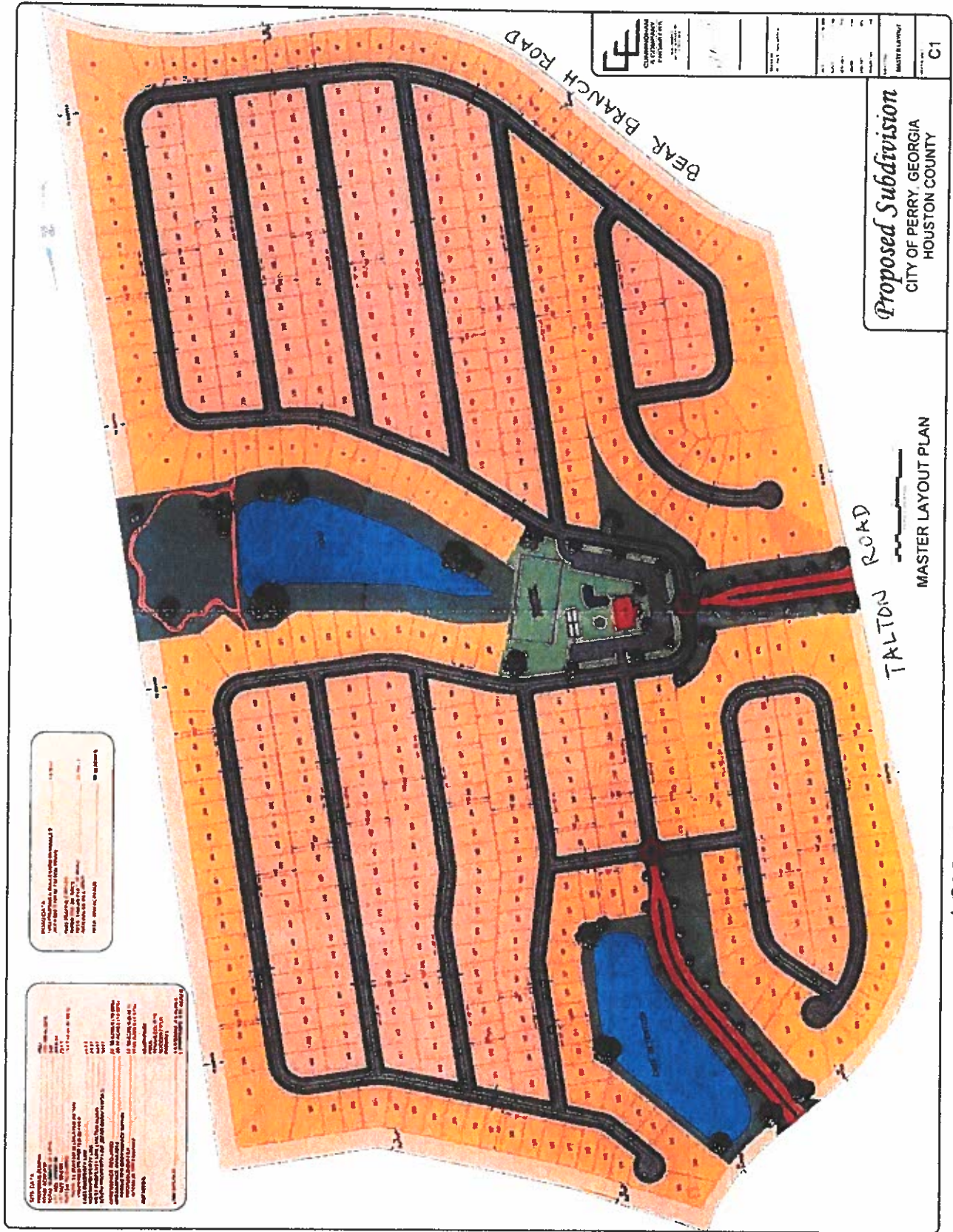
| NO. | DATE | DESCRIPTION |
|-----|------------|-------------------|
| 1 | 12/15/2011 | ISSUED FOR PERMIT |
| 2 | 01/10/2012 | REVISIONS |

CO.1



PROPOSED CONCEPT
 ≈ 450 lots, 1 entrance each on Talten Rd and Bear Branch

OWNER:
 [unclear]
 [unclear]



APPROVED PLAN
 545 Lots, 2 entrances on Talton Road