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January 18, 2022

COUNCIL AGENDA

6:00 PM

PERRY EVENTS CENTER

1121 MACON ROAD, PERRY, GA 31069

To join the meeting by Facebook: Use this URL - facebook.com/cityofperryga
This will allow you to view and hear the meeting.

1. Call to Order: Mayor Randall Walker, Presiding Officer.
2. Roll.
3. Invocation and Pledge of Allegiance to the Flag: Mayor Randall Walker
4. Recognition(s) / Presentation(s): Mayor Randall Walker
 - 4a. Introduction of new hire Aram Brown – Chief S. Lynn.
5. Appointments to Boards/Commissions/Authorities: Mayor Randall Walker
 - 5a. Mayor/Council Joint Appointments
 - Downtown Development Authority of the City of Perry
 - Main Street Advisory Board
6. Community Partner(s) Update(s):
7. Citizens with Input.
 - 7a. Mr. Mike Harden
8. Review of Minutes: Mayor Randall Walker
 - 8a. Council's Consideration – Minutes of the January 4, 2022 pre council meeting and January 4, 2022 council meeting.
9. Old Business: Mayor Randall Walker
 - 9a. Wastewater Facility IGA – Ms. B. Newby.
 - 9b. Ordinance(s) for Second Reading(s) and Adoption:
 1. **Second Reading** of an ordinance to de-annex property from the City of Perry. The property is located at 308 Woodlands Boulevard; Tax Map No. 0P64A0 223000 – Mr. B. Wood.

2. **Second Reading** of an ordinance for the annexation of property to the City of Perry. The property is located at North Highway 341 and Perry Parkway; Tax Map No. 000160 025000 – Mr. B. Wood
 3. **Second Reading** of an ordinance for the rezoning of property from M-2 (County) to M-2 (City). The property is located at North Highway 341 and Perry Parkway; Tax Map No. 000160 025000 – Mr. B. Wood.
 4. **Second Reading** of an ordinance to amend Section 5-1.2 of the Land Management Ordinance relative to increasing maximum density for adaptive reuse of existing buildings – Mr. B. Wood.
10. **Any Other Old Business:**
 - 10a. Mayor Randall Walker
 - 10b. Council Members
 - 10c. City Attorney Brooke Newby
 - 10d. City Manager Lee Gilmour
 - 10e. Assistant City Manager Robert Smith
 11. **New Business:** Mayor Randall Walker
 - 11a. **Matters referred from January 18, 2022 pre council meeting.**
 - 11b. **Ordinance(s) for First Reading(s) and Introduction.**
 1. **First Reading** of an ordinance to amend Code Section 15-126 revising the definition of Transient Merchant – Ms. B. Newby. *(No action required by Council)*
 2. **First Reading** of an ordinance to amend Code Section 22-24 (1)(a) relative to investigating curbside toter complaints – Ms. B. Newby. *(No action required by Council)*
 - 11c. **Resolution(s) for Consideration and Adoption:**
 1. Resolution amending the City of Perry Fee Schedule – Mr. L. Gilmour.
 - 11d. Approval of LMIG Memorandum of Agreement– Ms. B. Newby.
 - 11e. Approve compensation for additional duties – Mr. L. Gilmour.
 12. **Council Members Items:**
 13. **Department Heads/Staff Items:**
 14. **General Public Items:**

15. Mayor Items:

17. Adjourn.

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Perry City Council Agenda and supporting material for each item is available on-line through the City's website at www.perry-ga.gov.



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Department of Economic Development

MEMORANDUM

TO: Mayor and Council

FROM: Jazmin Thomas, Downtown Manager

DATE: January 5, 2022

RE: DDA and Main Street Advisory Board Appointments

According to Perry Downtown Development Authority By-Laws, "Directors are required to attend 75% of the Authority's meetings per calendar year". Attendance is reviewed on an annual basis. In the 2021 calendar year, Director Rebecca Moody, was unable to adhere to the attendance policy and should be removed from the Authority. Additionally, Director Dawn Jerles resigned from her position. This leaves the DDA with two vacancies that must be filled. It is my recommendation to appoint Ross Yasin and Evan Acres both of Perry to fill the two vacant positions. It is my belief they will both make great additions to the Authority.

The Main Street Advisory Board By-Laws only allows three absences with removal of a member at four absences. Board member, Amanda Fiebig, missed five meetings during the 2021 calendar year. Currently, the By-Laws require the appointing organization to recommend a new member. Some of the appointing organizations no longer exist. It is my recommendation that Valerie Moore, of Perry be appointed as the replacement for Mrs. Fiebig. Mrs. Moore served on the Thomaston DDA/Main Street and Historic Preservation Commission.

Recommended Appointees for 2022

Downtown Development Authority

Kelley Gordon
Marlon Rhodes
Trish Cossart
Chris Kinnas
Curtis George
Ross Yasin
Evan Acres

Main Street Advisory Board

Trish Cossart
Bill Loudermilk
Kelley Gordon
Jim Lay
Yetoria Deshazier
Andrew Presswood
Valerie Moore



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Department of Economic Development

If you have any questions or concerns, please feel free to contact me at 478-508-6326.

Cc: L. Gilmour
R. Smith

APPLICANT INFORMATION

complete the following information for consideration...

Thank you for your interest in serving our community! Please select which of the active boards, authorities, commissions or committees you are interested in serving with and return this form to the City of Perry.

Each entity will review the Statements of Interest as current members roll off or resign, creating an opening. For further information, you may contact the Staff Liaison designated for each entity as provided.

Name: Valerie B. Moore 478-

Email: valeriebmoore@gmail.com

Home Address: 301 Idle Pines Drive

Business: _____

Title/Position: Retired high school English teacher

Business Address: _____

Organization Memberships: None since moving home to Perry 4 years ago, except Book Club.

Interest, hobbies, talents, & skills: Reading, Gardening, playing bridge.

I'm interested in serving because: I have always loved Perry (even when I didn't live here). former main street director in Thomaston.

COMMITMENT FORM

complete the following information for consideration...

I, Valerie Moore, wish to serve as a member of a City of Perry Authority, Board, Committee, and/or Commission and understand that as a member of any entity, I have an ethical responsibility to ensure that the committee does the best work possible in pursuit of its goals. I believe in the purpose and the mission of the City of Perry, and will act responsibly as its steward. As part of my responsibilities, I will:

Attend and actively participate in my entity's meetings and events. Any absence should be reported to the Chairperson or Staff Liaison prior to the meeting. Missing more than three meetings will result in removal from the organization.

Be an advocate for your organization in the community.

Be knowledgeable about the work of your group, asking questions and sharing ideas, understanding that your participation has an important impact on the City.

Attend all training required by your organization and participate in additional opportunities.

Understand that you are part of a team, working harmoniously to accomplish the mission.

Signature: Valerie B. Moore

Printed Name: Valerie B. Moore

Date: 3/8/21

DESCRIPTIONS

for City of Perry boards, authorities, commissions,
and committees...

DOWNTOWN DEVELOPMENT AUTHORITY

This active volunteer board works to enhance the economic vitality of Downtown Perry. The DDA also serves as the umbrella organization for the Perry Main Street program. Board members should have a true interest in the downtown development.

Meets fourth Monday of each month
Staff Liaison: Jazmin Thomas, Downtown Manager
Email: Jazmin.Thomas@perry-ga.gov.

MAIN STREET ADVISORY BOARD

The mission of this board is to promote a thriving downtown business district while preserving Perry's historic resources and character.

Perry Main Street continues to support the development of Downtown Perry as a strong economic engine for the Perry area, while preserving the historical integrity and small-town character of the city.

Meets first Thursday of each month
Staff Liaison: Jazmin Thomas, Downtown Manager
Email: Jazmin.Thomas@perry-ga.gov.

MAIN STREET PROMOTIONS COMMITTEE

This committee works as a subcommittee of the Main Street Advisory Board to PROMOTE downtown as the center of commerce, culture and community life for residents and visitors alike.

Goals are focused on understanding the changing market, identifying downtown assets, defining market, niche, and creating new image campaigns, retail promotions and special events to lure people downtown.

Meets third Wednesday of each month
Staff Liaison: Jazmin Thomas, Downtown Manager
Email: Jazmin.Thomas@perry-ga.gov.

DESCRIPTIONS

*for City of Perry boards, authorities, commissions,
and committees...(continued)*



PLANNING COMMISSION

This commission makes recommendations to City Council on the following applications: Annexation, Rezoning, Text Amendment and Special Exception. The Commission makes final decisions on preliminary plats, variances, and appeals.

Meets second Monday of each month

Staff Liaison: Bryan Wood, Community Development Director

Email: Bryan.Wood@perry-ga.gov.

RETURN COMPLETED FORM TO:

ANNIE WARREN, CITY OF PERRY CITY CLERK

ADDRESS: 1121 WASHINGTON STREET, PERRY GA 31069

EMAIL: ANNIE.WARREN@PERRY-GA.GOV

QUESTIONS?

Call or email the staff liaison assigned to the board you are interested in.

Statement of Interest



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STATEMENT OF INTEREST

*for City of Perry boards, authorities, commissions,
and committees.*

Applicant Information

Thanks for your interest in serving our community!

Each entity will review this application as current members roll off or resign to create an opening. For further information, you may contact the staff liaison designated for each entity as stated below.

Name

Evan Elliott Acres

Email

owner@acresandoakkitchen.com

Home Address

114 Barrister Trail

Business

Acres & Oak Kitchen

Title/Position

Owner

Organizational Memberships

Perry Chamber (Board, Diplomats, Leadership Perry), Macon Chamber, Tifton Chamber (Leadership Tift).

Interest, hobbies, talents, skills

Business development, community relations, leadership growth, public speaking, relationship building

Statement of Interest

Commitment

I wish to serve as a member of a city of Perry authority, board, committee, and/or commission. I understand that as a member of any entity, I have an ethical responsibility to ensure that the committee does the best work possible in pursuit of its goals. I believe in the purpose and mission of the City of Perry and will act responsibly as its steward.

As part of my responsibilities, I will:

Attend and actively participate in my entity's meetings and events. Any absences should be reported to the chairperson or staff liaison prior to the meeting. Missing more than three meetings will result in removal from the organization.

Be an advocate for your organization in the community.

Be knowledgeable about the work of your group by asking questions, sharing ideas, and understanding that your participation has an important impact on the City.

Attend all training required by your organization and participate in additional opportunities.

Understand that you are part of a team, working harmoniously to accomplish the mission.

Typing your name in the field below constitutes acceptance of the commitment above.

Evan Elliott Acres

Date

01/09/2022

Descriptions of boards, authorities, commissions, and committees.

Downtown Development Authority

This active volunteer board works to enhance the economic vitality of Downtown Perry. The DDA also serves as the umbrella organization for the Perry Main Street Program. Board members should have a true interest in downtown development.

Meets the 4th Tuesday of each month at 8:30 a.m.
Staff Liaison: Jazmin Thomas, Downtown Manager | [Email](#) | (478) 988-2761

Main Street Advisory Board

The mission of this board is to promote a thriving downtown business district while preserving Perry's historic resources and character. Perry's Main Street Program continues to support and the development of Downtown Perry as a strong economic engine for the Perry area.

Meets the 1st Thursday of each month at 5:00 p.m.
Staff Liaison: Jazmin Thomas, Downtown Manager | [Email](#) | (478) 988-2761

Main Street Promotions Committee

This committee works as a subcommittee of the Main Street Advisory Board to promote downtown as the center of commerce, culture, and community life for residents and visitors.

Goals focus on understanding the changing market, identifying downtown assets, defining market niche, creating new image campaigns, retail promotions, and special events to lure people downtown.

Meets the 3rd Wednesday of each month at 12:00 p.m.
Staff Liaison: Jazmin Thomas, Downtown Manager | [Email](#) | (478) 988-2761

Planning Commission

This commission makes recommendations to City Council on the following applications: Annexation, Rezoning, Text Amendment, and Special Exception. The Commission makes final decisions on preliminary plats, variances, and appeals.

Meets the 2nd Monday of each month.
Staff Liaison: Bryan Wood, Community Development Director | [Email](#) | (478) 988-2720

Where would you like to serve?

- Downtown Development Authority
- Main Street Advisory Board
- Main Street Promotions Committee
- Planning Commission

I'm interested in serving because...

I love the city of Perry, this is my home and I care about its future. I hope to begin taking steps in using my gifts to further invest and develop this wonderful city. There is no better way to begin than at the heart of this city, Downtown.

Statement of Interest



Where Georgia comes together.

STATEMENT OF INTEREST

*for City of Perry boards, authorities, commissions,
and committees.*

Applicant Information

Thanks for your interest in serving our community!

Each entity will review this application as current members roll off or resign to create an opening. For further information, you may contact the staff liaison designated for each entity as stated below.

Name

Ross Yasin

Email

ross31282@gmail.com

Home Address

709 Evergreen St

Business

Builders First Source

Title/Position

Location Manager

Organizational Memberships

Rotary Club of Perry

Interest, hobbies, talents, skills

Traveling, backpacking, camping, concerts, spending time with my family.

Descriptions of boards, authorities, commissions, and committees.

Downtown Development Authority

This active volunteer board works to enhance the economic vitality of Downtown Perry. The DDA also serves as the umbrella organization for the Perry Main Street Program. Board members should have a true interest in downtown development.

Meets the 4th Tuesday of each month at 8:30 a.m.

Staff Liaison: Jazmin Thomas, Downtown Manager | [Email](#) | (478) 988-2761

Main Street Advisory Board

The mission of this board is to promote a thriving downtown business district while preserving Perry's historic resources and character. Perry's Main Street Program continues to support and the development of Downtown Perry as a strong economic engine for the Perry area.

Meets the 1st Thursday of each month at 5:00 p.m.

Staff Liaison: Jazmin Thomas, Downtown Manager | [Email](#) | (478) 988-2761

Main Street Promotions Committee

This committee works as a subcommittee of the Main Street Advisory Board to promote downtown as the center of commerce, culture, and community life for residents and visitors.

Goals focus on understanding the changing market, identifying downtown assets, defining market niche, creating new image campaigns, retail promotions, and special events to lure people downtown.

Meets the 3rd Wednesday of each month at 12:00 p.m.

Staff Liaison: Jazmin Thomas, Downtown Manager | [Email](#) | (478) 988-2761

Planning Commission

This commission makes recommendations to City Council on the following applications: Annexation, Rezoning, Text Amendment, and Special Exception. The Commission makes final decisions on preliminary plats, variances, and appeals.

Meets the 2nd Monday of each month.

Staff Liaison: Bryan Wood, Community Development Director | [Email](#) | (478) 988-2720

Where would you like to serve?

- Downtown Development Authority
- Main Street Advisory Board
- Main Street Promotions Committee
- Planning Commission

I'm interested in serving because...

Would love the opportunity to serve my community and help it grow in a progressive, yet responsible manner.

Statement of Interest

Commitment

I wish to serve as a member of a city of Perry authority, board, committee, and/or commission. I understand that as a member of any entity, I have an ethical responsibility to ensure that the committee does the best work possible in pursuit of its goals. I believe in the purpose and mission of the City of Perry and will act responsibly as its steward.

As part of my responsibilities, I will:

Attend and actively participate in my entity's meetings and events. Any absences should be reported to the chairperson or staff liaison prior to the meeting. Missing more than three meetings will result in removal from the organization.

Be an advocate for your organization in the community.

Be knowledgeable about the work of your group by asking questions, sharing ideas, and understanding that your participation has an important impact on the City.

Attend all training required by your organization and participate in additional opportunities.

Understand that you are part of a team, working harmoniously to accomplish the mission.

Typing your name in the field below constitutes acceptance of the commitment above.

Ross Yasin

Date

01/06/2022

**MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
January 4, 2022
5:00 P.M.**

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the pre council meeting held January 4, 2022 at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Randall Walker; Mayor Pro Tempore Robert Jones, and Council Members Phyllis Bynum-Grace, Joy Peterson, Willie King, Darryl Albritton, and Riley Hunt.

Elected Official Absent: none

City Staff: City Manager Lee Gilmour, City Attorney Brooke Newby, Assistant City Manager Robert Smith, and Recording Clerk Annie Warren.

Departmental Staffing: Mitchell Worthington – Finance Director, Bryan Wood – Director of Community Development, Chief Lee Parker - Fire and Emergency Services Department, Chief Ephraim Wheeler – Fire Prevention, Ansley Fitzner – Public Works Superintendent, Sedrick Swan – Director of Leisure Services, Ashley Harden – Economic Development Administrator, Chad McMurrian – Engineering Services Manager, Jazmin Thomas – Downtown Manager, Holly Wharton – Community Planner, and Tabitha Clark – Communications Administrator.

Media: William Oliver – Houston Home Journal and Thomas Brooks – WGXA News

Guest(s)/Speaker(s): Matthew King – Crown Real Estate

3. Items of Review/Discussion: Mayor Randall Walker

3a. Discussion of January 4, 2022 council meeting agenda.

6a. Recognition of Mr. Bryan Wood for 5 years of service. Mr. Gilmour will recognize Mr. Wood for his years of service and present him with a service pin.

6b. Introduction of new firefighters Patrick Watson, Will Kersey and Nathan Hershberger. Chief Parker will present the new firefighters to Mayor and Council.

7a. Mayor and Council appointment to the Perry Planning Commission and Perry Public Facilities Authority. Mayor Walker and Council will make their joint appointments to the Perry Planning Commission and the Perry Public Facilities Authority this evening.

* Mayor Walker asked Mr. Woods if items 10a, 10b, 10c, and 10d could be covered as one item. Mr. Wood stated he would present the staff report for the first item and then provided the specifics for each additional item.

Mr. Wood reported items 10a, 10b, 10c, and 10d are special exceptions for short-term residential rentals (bed and breakfast). In August 2021 Council adopted amendments to the Land Management Ordinance making short-term residential rental (accommodations for periods less than 30 days) a use that may be allowed in residential district only by special exception. Staff identified eleven short-term residential rentals in Perry and notified those property owners of the requirements to obtain a special exception. Several of them have closed their accounts. Four special exceptions for short-term rentals will be presented to Council this evening.

10a. SUSE-229-2021. Mr. Wood stated the owner is renting the entire 3-bedroom/2-bath house for up to 6 guests and it meets the definition of short-term residential. The property is located at 606 Amherst Street and the city has not received any complaints regarding any of the identified short-term rentals. The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Rodney P. and Nomi McDaniel, and is not transferable, 2) the special exception is limited to short-term rental of the existing house for up to six (6) guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law, and 5) failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

10b. SUSE-301-2021. Mr. Wood stated the property owner is offering 2 guest bedrooms in the 4-bedroom/2-bath house for short-term rental for up to 4 guests. The owner maintains residence at the subject property. Because only a portion of the house is rented on a short-term basis and the property is owner-occupied this short-term rental meets the definition of "bed and breakfast inn." The property is located at 205 Avington Chase and the city has not received any complaints regarding any of the identified short-term rentals. The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Peggy S. Baker, and is not transferable, 2) the special exception is limited to short-term rental of up to two (2) guest bedrooms for up to four (4) total guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which portions of the subject property are offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law; and 5) failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

10c. SUSE-317-2021. Mr. Wood reported the property owner is offering 3 bedrooms and 1.5 bathrooms in his 4-bedroom/2.5-bathroom house for short-term rental for up to 7 guests. Each bedroom of the home is offered using separate listings. Because only a portion of the house is rented on a short-term basis and the property is owner-occupied, this short-term rental meets the definition of "bed and breakfast inn." The property is located at 117 Sutton Drive and the city has not received any complaints regarding any of the identified short-term rentals. The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Victor R. Lozano, and is not transferable, 2) the special exception is limited to short-term rental of up to 3 bedrooms for up to seven (7) guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property are offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law; and 5) failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

10d. SUSE-319-2021. Mr. Wood reported the property owner is offering 2 guest bedrooms in the 3-bedroom/3-bath house for short-term rental for up to 4 guests. The owner maintains residence at the subject property. Because only a portion of the house is rented on a short-term basis and the property is owner-occupied this short-term rental meets the definition of "bed and breakfast inn." The property is located at 2047 Northside Road and the city has not received any complaints regarding any of the identified short-term rentals. The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Patricia M. Akins, and is not transferable, 2) the special exception is limited to short-term rental of up to two (2) guest bedrooms for up to four (4) total guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property are offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law; and 5) failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

10e. SUSE-320-2021. Ms. Wharton stated this special exception request is for a multi-family development on 2141 Hwy 127. The proposed development will have 200 units - a mix of duplexes, 1-bed, 2-bed, and 3-bed units. The subject property for this development includes a portion of land required for the City of Perry to construct a regional stormwater detention pond. Mayor Pro Tempore Jones inquired if the property would not be occupied until the regional stormwater pond is completed. Mr. Wood stated the developer has to provide a temporary stormwater detention pond in order to receive a Certificate of Occupancy. Council Member Peterson inquired if the city's stormwater design plan has been completed. Mr. Wood stated the city's stormwater design has been completed and identified the amount of property needed. Council

Member Peterson asked Mr. Matthew King if he is offering to do any temporary construction. Mr. King responded his company will not construct until the stormwater pond is completed. The Planning Commission and staff recommends approval of the special exception with the condition, exterior siding used shall be cement fiber material.

10f. SUSE-323-2021. Ms. Wharton stated this a special exception request to demolish and construct a new self-service storage facility at the existing location, 1910 Macon Road. The exterior design and materials of the new building must comply with design standards established in Section 6-6.1 of the Land Management Ordinance. The Planning Commission and staff recommends approve with the following conditions, the applicant shall replace the existing chain-link fence visible from Macon Road with black, vinyl-coated chain-link fence and remove the barbed-wired topper and the applicant shall comply with the street tree and street buffer requirements of Section 6-3 of the Land Management Ordinance along with entire Macon Road frontage of the property.

10g. ANNX-316-2021. Ms. Wharton stated this a de-annexation application by ASIL Group, LLC. The applicant proposes to de-annex the 47-foot-wide lot from the City of Perry and incorporate it with a lot proposed on the Warner Robins side of the development. Staff recommends denial of the request as being inconsistent with policy of City Council. The Planning Commission failed to provide a recommendation. Three Commissioners voted to deny the request based on Council's policy regarding de-annexations; three Commissioners felt the property should be de-annexed because it is inconsistent with the size of surrounding properties and cannot be developed consistent with the established development pattern. Mr. Wood advised Council that staff received a memorandum from Administration recommending the de-annexation.

10h. ANNX-325-2021. Ms. Wharton stated this property is a 572.6-acre parcel located at Perry Parkway and North Highway 341. The property is currently zoned M-2 on Houston County, the applicant is requesting to be annexed into the City of Perry with the zoning classification of M-2, Industrial for future development of industrial property and access to City of Perry utilities. The Planning Commission and staff recommends approval of the annexation request and the proposed zoning classification of M-2, Industrial.

10i. TEXT-324-2021. Mr. Wood advised Council that last year staff began fielding inquiries about converting older motels into multi-family residential uses. It became clear that because of existing design and structure of the existing buildings, converting motel units to residential units would exceed the maximum allowed density in most zoning districts. Staff is recommending that City Council be authorized to consider a density higher than the maximum listed in Table 5-2-1 for the specified zoning district when existing buildings are proposed for adaptive reuse as residential or mixed uses. The Planning Commission and staff recommends approval of the proposed text amendment.

12a (1). Second Reading of an ordinance for the annexation of property to the City of Perry. The property is located on Houston Lake Road. Mr. Wood advised this is the 1.78-acre parcel on Houston Lake Road. The Planning Commission and staff recommended approval of the annexation request with the following conditions: 1) water and sanitary sewer services shall be established at and brought to the subject property at the expense of the owner; 2) based on the letter from Houston County on November 9, 2021, sewer lines to service this property will not be allowed to be located on County-owned properties; and 3) this parcel will be a county water customer. Mayor Pro Tempore Jones, and Council Members Albritton and Peterson had several questions relative to sewer services that Mr. Wood and Mr. Gilmour answered.

12a (2). Second Reading of an ordinance for the rezoning of property from R-AG (County), Agricultural Residential District to R-1 (City), Single-family Residential District. The property is located on Houston Lake Road. Mr. Wood stated this is the rezoning of the property from R-AG (County) to R-1 (City).

14i (1). Bid No. 2022-19 – Splash Pad Concrete Additions. Mr. Worthington stated his office did not receive any bids, therefore, his office directly solicited McWright, LLC. Staff recommends awarding the bid to McWright, LLC in the amount of \$40,750.00.

- 3b. **Consider obtaining an inflatable fire safety house.** Chief Parker presented to Council a proposal for an inflatable fire safety house. Chief Parker described the structure and the importance of the fire safety house with training (the inflatable will be ADA accessible). Funding for this will come from Fire Protection and Administration strongly recommends proceeding with the purchase of the inflatable fire safety house. Council Member Peterson stated from an educational standpoint, “Children with a diminished intellectual capacity learn best in an actual environment in which the skill will be used.” Council Member Bynum-Grace recommended using this tool with members of the Older American Council. Council concurred to proceed with Administration’s recommendation to purchase the inflatable fire safety house.
- 3c. **Connectivity Plan presentation – Ms. H. Wharton.** Mayor Walker recommended deferring this item until the January 18, 2022 meeting because of limited time. Council concurred with Mayor Walker’s recommendation.
4. **Council Member Items:**
Council had no reports.
Mr. Gilmour, Mr. Smith, and Ms. Newby had no reports.
5. **Adjourn:** There being no further business to come before Council in the pre council meeting held January 4, 2022, Mayor Pro Tempore Jones motioned to adjourn the meeting at 5:54 p.m. Council Member King seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
January 4, 2022
6:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the regular meeting of the Perry City Council held January 4, 2022 at 6:00 p.m.

2. Elected Officials Swearing In Ceremony: City Attorney Brooke Newby

Mayor Randall Walker was sworn in by City Attorney Brooke Newby

Council Member Phyllis Bynum-Grace was sworn in by City Attorney Brooke Newby

Council Member Robert Jones was sworn in by City Attorney Brooke Newby

Council Member Darryl Albritton was sworn in by City Attorney Brooke Newby

3. Roll:

Elected Officials Present: Mayor Randall Walker; Mayor Pro Tempore King, and Council Members Phyllis Bynum-Grace, Joy Peterson, Robert Jones, Darryl Albritton, and Riley Hunt.

Elected Official Absent: none

City Staff: City Manager Lee Gilmour, City Attorney Brooke Newby, Assistant City Manager Robert Smith, and Recording Clerk Annie Warren.

Departmental Staffing: Mitchell Worthington – Finance Director, Bryan Wood – Director of Community Development, Chief Lee Parker - Fire and Emergency Services Department, Captain Heath Dykes – Perry Police Department, Ansley Fitzner – Public Works Superintendent, Sedrick Swan – Director of Leisure Services, Ashley Harden – Economic Development Administrator, Chad McMurrian – Engineering Services Manager, Jazmin Thomas – Downtown Manager, Holly Wharton – Community Planner, Tabitha Clark – Communications Administrator, Patrick Watson – Fire and Emergency Services Department, Will Kersey – Fire and Emergency Services Department, and Nathan Hershberger – Fire and Emergency Services Department.

Media: William Oliver – Houston Home Journal and Thomas Brooks – WGXA News

Guests/Speakers: Dr. Scott Westmoreland.

4. Invocation and Pledge of Allegiance to the Flag: Mayor Randall Walker

Invocation and Pledge of Allegiance to the Flag: Council Member Peterson rendered the invocation and Mayor Pro Tempore King led the pledge of allegiance to the flag.

* Mayor Walker exercised Point of Privilege. Mayor Walker recognized Council Member Jones as 2021 Mayor Pro Tempore and presented him a plaque on the behalf of Mayor and Council. Council Member Jones thanked Mayor and Council for the opportunity.

5. Selection of 2022 Mayor Pro-Tempore. Mayor Randall Walker

Mayor Walker entertained nominations for 2022 Mayor Pro Tempore. Council Member Bynum-Grace motioned to nominated Council Member King for Mayor Pro Tempore; Council Member Peterson seconded the motion, motion carried 5-0; Council Member King abstained.

6. Recognition(s) / Presentation(s): Mayor Randall Walker

6a. Recognition of Mr. Bryan Wood for 5 years of service – Mr. L. Gilmour.

Mr. Gilmour recognized Mr. Wood for 5 years of service and presented to him a service pin. Mayor and Council thanked Mr. Wood for his service to the City of Perry.

6b. Introduction of new Firefighters Patrick Watson, Will Kersey and Nathan Hershberger – Chief L. Parker.

Chief Parker presented firefighters Patrick Watson, Will Kersey, and Nathan Hershberger to Mayor and Council. Mayor Walker and Council welcome the firefighters to the City of Perry.

7. Appointments to Boards/Commissions/Authorities: Mayor Randall Walker

7a. Mayor and Council Post 1 – Districts 1, 2, 3 Appointments.

- Perry Planning Commission

Mayor Walker reappointed Eric Edwards
Council Member Bynum-Grace reappointed Patricia Jefferson
Council Member Jones appointed James Moody
Council Member Albritton reappointed Jim Mehserle

Mayor Walker entertained a motion to approve this slate of candidates to the Perry Planning Commission. Council Member motioned to approve the slate of candidates; Mayor Pro Tempore King seconded the motion and it carried unanimously.

- Perry Public Facilities Authority

Mayor Walker reappointed Jeff Leonard
Council Member Bynum-Grace appointed Belinda C. Baker
Council Member Jones reappointed Michael Froehlich
Council Member Albritton reappointed Benjamin Hulbert

8. Community Partner(s) Update(s): none

9. Citizens with Input. None

10. PUBLIC HEARING CALLED TO ORDER AT 6:19 P.M. Mayor Randall Walker called to order a public hearing at 6:19 p.m. to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-66-4.

10a. SUSE-299-2021. Applicant, Rodney P. McDaniel, request a Special Exception to allow short-term residential rental. The property is located at 606 Amherst Street; Tax Map No. oP0570 087000 – Ms. H. Wharton.

Staff Report: Ms. Wharton reviewed the Special Exception request to allow short-term rental. The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Rodney P. and Nomi McDaniel, and is not transferable, 2) the special exception is limited to short-term rental of the existing house for up to six (6) guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law, and 5) failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

Public Input: Mayor Walker called for any public input for or against the application.

For: none

Against: none

10b. SUSE-301-2021. Applicant, Peggy S. Baker, request a Special Exception to allow bed and breakfast inn (short-term rental). The property is located at 205 Avington Chase; Tax Map No. oP0650 095000 – Ms. H. Wharton.

Staff Report: Ms. Wharton reviewed the Special Exception request to allow bed and breakfast inn (short-term rental). The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Peggy S. Baker, and is not transferable, 2) the special exception is limited to short-term rental of up to two (2) guest bedrooms for up to four (4) total guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which portions of the subject property are offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law; and 5) failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

Public Input: Mayor Walker called for any public input for or against the application.

For: none

Against: none

- 10c. **SUSE-317-2021.** Applicant, Victor R. Lozano, request a Special Exception to allow bed and breakfast inn (short-term rental). The property is located at 117 Sutton Drive; Tax Map No. 0P0700 029000 – Ms. H. Wharton.

Ms. Wharton reviewed the Special Exception request to allow bed and breakfast inn (short-term rental). The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Victor R. Lozano, and is not transferable, 2) the special exception is limited to short-term rental of up to 3 bedrooms for up to seven (7) guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property are offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law; and 5) failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

Public Input: Mayor Walker called for any public input for or against the application.

For: none

Against: none

- 10d. **SUSE-319-2021.** Applicant, Patricia Akins, request a Special Exception to allow bed and breakfast inn (short-term rental). The property is located at 2047 Northside Road; Tax Map No. 0P16Bo 046000 - Ms. H. Wharton.

Ms. Wharton reviewed the Special Exception request to allow bed and breakfast inn (short-term rental). The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Patricia M. Akins, and is not transferable, 2) the special exception is limited to short-term rental of up to two (2) guest bedrooms for up to four (4) total guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property are offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law; and 5) failure of the property owner and its guests to comply with all applicable

local, state, and federal laws may result in the suspension or revocation of this special exception.

Public Input: Mayor Walker called for any public input for or against the application.

For: none

Against: none

- 10e. SUSE-320-2021. Applicant, Matthew King – Crown Real Estate, request a Special Exception to allow multi-family development. The property is located at 2141 Hwy 127; Tax Map No. 0PO610 028000 – Ms. H. Wharton.

Ms. Wharton reviewed the Special Exception request to allow multi-family development. The Planning Commission and staff recommends approval of the special exception with the condition, exterior siding used shall be cement fiber material.

Public Input: Mayor Walker called for any public input for or against the application.

For: none

Against: Dr. Westmoreland, 150 Langston Road, stated he is not against the special exception request but did voice his concerns relative to the significant water problem that he has on his property. Dr. Westmoreland would like to see the regional pond completed before construction on this project is started.

- 10f. SUSE-323-2021. Applicant, Ilde Robles, Boardwalk Development Group, LLC, request a Special Exception to expand a self-service storage facility. The property is located at 1910 Macon Road; Tax Map No. 0PO400 16A000 – Ms. H. Wharton.

Ms. Wharton reviewed the Special Exception request to expand a self-service storage facility. The Planning Commission and staff recommends approve with the following conditions, the applicant shall replace the existing chain-link fence visible from Macon Road with black, vinyl-coated chain-link fence and remove the barbed-wired topper and the applicant shall comply with the street tree and street buffer requirements of Section 6-3 of the Land Management Ordinance along with entire Macon Road frontage of the property.

Public Input: Mayor Walker called for any public input for or against the application.

For: none

Against: none

- 10g. ANNX-316-2021. Applicant, ASIL Group, LLC, request to de-annex property from the city. The property is located at 308 Woodlands Boulevard; Tax Map No. 0P64A0 223000 – Ms. H. Wharton.

Staff Report: Ms. Wharton reviewed the application and stated staff recommends denial of the request as being inconsistent with policy of City Council. The Planning Commission does not offer an official recommendation on this action. Three Commissioners voted to deny the request based on Council's policy regarding de-annexations; three Commissioners felt the property should be de-annexed because it is inconsistent with the size of surrounding properties and cannot be developed consistent with the established development pattern. Ms. Wharton advised Council that staff received a memorandum from Administration recommending the de-annexation.

Public Input: Mayor Walker called for any public input for or against the application.

For: Mr. Keith Newton, 3582 Hwy 41N, Byron, GA, spoke in favor of the de-annexation.

Against: none

- 10h. ANNX-325-2021. Applicant, Tom Hall, Houston County Attorney for the Houston County Development Authority, request the annexation and rezoning of property from M-2 (County) to M-2 (City). The property is located at North Highway 341 and Perry Parkway; Tax Map No. 000160 025000 – Ms. H. Wharton.

Staff Report: Ms. Wharton reviewed the application and stated the Planning Commission and staff recommends approval of the annexation request and the proposed zoning classification of M-2, Industrial.

Public Input: Mayor Walker called for any public input for or against the application.

For: none

Against: none

- 10i. TEXT-324-2021. Applicant, the City of Perry, request modifications to Land Management Ordinance Section 5-1.2 to authorize City Council to grant multi-family residential density greater than those established in Table 5-1-1 by special exception and only for the adaptive re-use of existing buildings – Mr. B. Wood.

Staff Report: Mr. Wood reviewed the proposed text amendment and stated the Planning Commission and staff recommends approval of the proposed text amendment.

Public Input: Mayor Walker called for any public input for or against the application.

For: none

Against: none

PUBLIC HEARING CLOSED AT 7:11 P.M. Mayor Walker closed the public hearing at 7:11 p.m.

11. **Review of Minutes:** Mayor Randall Walker

- 11a. Council's Consideration – Minutes of the December 21, 2021 pre council meeting and December 21, 2021 council meeting. *(Council Member Phyllis Bynum-Grace was absent from the December 21, 2021 meetings.)*

Council Member Jones motioned to approve the minutes as submitted. Council Hunt seconded the motioned and it carried unanimously with Council Member Bynum-Grace abstaining.

12. **Old Business:** Mayor Randall Walker

12a. **Ordinance(s) for Second Reading(s) and Adoption:**

1. **Second Reading** of an ordinance for the annexation of property to the City of Perry. The property is located on Houston Lake Road; Tax Map No. 000810 10A000 – Mr. B. Wood.

Mr. Wood stated this is a request to annex a 1.78-acre parcel located on Houston Lake Road and there are three conditions: 1) water and sanitary sewer services shall be established at and brought to the subject property at the expense of the owner; 2) based on the letter from Houston County on November 9, 2021, sewer lines to service this property will not be allowed to be located on County-owned properties; and 3) this parcel will be a county water customer. Council Member Jones motioned to deny the annexation request; Council Member Albritton seconded the motion and it carried unanimously.

2. **Second Reading** of an ordinance for the rezoning of property from R-AG (County), Agricultural Residential District to R-1 (City), Single-family Residential District. The property is located on Houston Lake Road; Tax Map No. 000810 10A000 – Mr. B. Wood.

Mayor Walker stated Council denied the request for annexation so there is no reason to move forward with rezoning the property because the city does not have a property in the City of Perry to rezone.

13. Any Other Old Business:

- 13a. Mayor Randall Walker – none
- 13b. Council Members – none
- 13c. City Attorney Brooke Newby – none
- 13d. City Manager Lee Gilmour – none
- 13e. Assistant City Manager Robert Smith - none

14. New Business: Mayor Randall Walker

- 14a. Matters referred from January 4, 2022 pre council meeting. none
- 14b. Special Exception Application 299-2021 - Mr. B. Wood.
Council Member Albritton motioned to approve with the conditions outlined by the Planning Commission; Mayor Pro Tempore King seconded the motion and it carried unanimously.
- 14c. Special Exception Application 301-2021 – Mr. B. Wood.
Council Member Jones motioned to approve with the conditions outlined by the Planning Commission; Council Member Peterson seconded the motion and it carried unanimously.
- 14d. Special Exception Application 317-2021 – Mr. B. Wood.
Council Member Jones motioned to approve with the conditions outlined by the Planning Commission; Mayor Pro Tempore King seconded the motion and it carried unanimously.
- 14e. Special Exception Application 319-2021 – Mr. B. Wood.
Council Member Jones motioned to approve with the conditions outlined by the Planning Commission; Mayor Pro Tempore King seconded the motion and it carried 5-1 with Council Member Hunt opposed.
- 14f. Special Exception Application 320-2021 – Mr. B. Wood.
Mayor Pro Tempore King motioned to approve subject to the condition recommended by the Planning Commission and the condition that if stormwater issues occur during construction the development will have to cease construction, or a stop work order issued, until such time as the stormwater issues are resolved; Council Member Bynum-Grace seconded the motion and it carried 5-1 with Council Member Hunt opposed.
- 14g. Special Exception Application 323-2021 – Mr. B. Wood.
Council Member Peterson motioned to approve with the conditions outlined by the Planning Commission; Council Member Jones seconded the motion and it carried unanimously.

14h. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance to de-annex property from the City of Perry. The property is located at 308 Woodlands Boulevard; Tax Map No. 0P64A0 223000 – Mr. B. Wood. *(No action required by Council)*
2. **First Reading** of an ordinance for the annexation of property to the City of Perry. The property is located at North Highway 341 and Perry Parkway; Tax Map No. 000160 025000 – Mr. B. Wood. *(No action required by Council)*
3. **First Reading** of an ordinance for the rezoning of property from M-2 (County) to M-2 (City). The property is located at North Highway 341 and Perry Parkway; Tax Map No. 000160 025000 – Mr. B. Wood. *(No action required by Council)*
4. **First Reading** of an ordinance to amend Section 5-1.2 of the Land Management Ordinance relative to increasing maximum density for adaptive reuse of existing buildings – Mr. B. Wood. *(No action required by Council)*

14i. Award of Bid(s):

1. Bid No. 2022-19 Splash Pad Concrete Additions – Mr. M. Worthington

Mr. Worthington stated his office did not receive any bids, therefore, his office directly solicited McWright, LLC. Staff recommends awarding the bid to McWright, LLC in the amount of \$40,750.00. Council Member Jones moved to award the bid to McWright, LLC in the amount of \$40,750.00; Council Member Bynum-Grace seconded the motion and it carried unanimously.

15. Council Members Items:

Council had no reports.

Mr. Gilmour advised Council that his office was contacted by the Houston County Board of Commissioners proposing to install streetlights along the widening portion of Houston Lake Road. The County is proposing an IGA for the lighting and the City takes over the maintenance of the lightning. Administration recommends approval subject to the City Attorney's approval. Council Member Jones motioned to approve the maintenance and an IGA with the County subject to the City Attorney approval; Mayor Pro Tempore King seconded the motion and it carried unanimously.

Ms. Newby and Mr. Smith had no reports.

16. Department Heads/Staff Items:

Mr. Wood reported a record-breaking year of 503 residential permits.

Chief Parker thanked Mayor and Council for approval of the inflatable fire safety house.

17. General Public Items:

Mr. Rob Russell, 913 Evergreen Street voiced his concerns relative to the parking downtown.

18. Mayor Items:

- January 18, pre council and council

Mayor Walker entertained a motion to go into executive session for real estate acquisition.

19. Executive Session entered at 7:59 p.m.: Council Member Albritton moved to adjourn the regular meeting and enter into executive session for the purpose of real estate acquisition. Council Member Jones seconded the motion, and it carried unanimously.

20. Executive Session adjourned at 8:28 p.m.; Council regular meeting reconvened. Council adjourned the executive session held January 4, 2022 and reconvened into the regular meeting.

21. Adopted Resolution No. 2022-01 stated that the purpose of the executive session held on January 4, 2022, was to discuss real estate acquisition. Council Member Peterson moved to adopt a resolution stating the purpose of the executive session held on January 4, 2022, was to discuss real estate acquisition; Council Member Hunt seconded the motion, and it carried unanimously. (*Resolution No. 2022-01 has been entered in the City's official book of record*).

In the open meeting –

Council Member Hunt motioned to concur with GDOT's determination that the Hendrix Bridge project would have a de minimis impact to Rotary Centennial Park and the City Water Works; Council Member Jones seconded the motion and it carried unanimously.

Council Member Jones motioned to approve a purchase and sale agreement to purchase the property located at 1506 Houston Lake Road from Kenyon Cummings and Sheinka Cummings-Meek for \$14,0000.00; Council Member Peterson seconded the motion and it carried unanimously.

Update from Robert Smith on project handle and placing the conveyance of the lot to the DDA on hold.

22. Adjournment: There being no further business to come before Council in the regular meeting held on January 4, 2022, Council Member Bynum-Grace motioned to adjourn

the meeting at 8:30 p.m. Mayor Pro Tempore King seconded the motion, and it carried unanimously.

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement, hereinafter referred to as, "Agreement", made and entered into this _____ day of _____, 2022 by and between, Houston County, Georgia, by and through its duly elected Board of Commissioners, hereinafter referred to as "County" and the City of Perry, Georgia, by and through its Mayor and Council, hereinafter referred to as "Perry" and the Development Authority of Houston County by and through its Board of Directors, hereinafter referred to as "Authority", each a "Party", and collectively referred to as "Parties".

WHEREAS the County owns the property shown in Exhibit "A", attached hereto and by reference made a part hereof, consisting of 630.96 acres with Tax Map Parcel No. 001330005000, hereinafter the "Property"; and

WHEREAS the Authority manages and markets the Property for industrial development; and

WHEREAS Perry desires to acquire a portion of the Property for construction and operation of a wastewater treatment facility, said portion of the property being shown as "Wastewater Plant- 80 acres" in Exhibit "A"; and

WHEREAS the Parties want to document the terms of such a transaction.

NOW THEREFORE, for and in consideration of the benefits flowing to each Party and other good and valuable consideration it is agreed by the Parties as follows:

1.

Perry is constructing a wastewater treatment facility for its service area as shown in the Service Delivery Strategy between Houston County, Warner Robins, Perry and Centerville dated February 2019. Perry hereby agrees to treat wastewater for County customers in the unincorporated area of Houston County at the County's request. The County shall be responsible for all costs of installing the required infrastructure to bring the wastewater to the wastewater

treatment facility. In addition, the County shall pay for all costs of increasing the capacity of the wastewater treatment facility, if required, as determined by Perry.

2.

County will provide eighty (80) acres, more or less, to Perry for the wastewater treatment facility at no cost to Perry in the southeast corner of the Houston County Rail Site, said area designated as "Wastewater Plant- 80 acres" and shown by the drawing attached hereto as Exhibit "A" and by reference made a part hereof. A new survey of the property will be completed by Perry to more accurately describe the property. Perry assures the County it will treat unincorporated county industrial and residential wastewater as capacity allows. Capacity shall be determined as Perry's sole discretion, as per Paragraph Number 5 of this Agreement.

3.

The Property shall revert to the County if the wastewater treatment facility is not completed within seven (7) years from the date of this Agreement. If Perry closes the operation of the wastewater treatment facility for more than six months, Perry shall return the Property to the County.

4.

Perry shall accept leachate from the Houston County Solid Waste facility. The County shall pay all costs of construction of a pre-treatment facility just for the County leachate and pay a reasonable rate per unit of one thousand (1,000) gallons for disposal. The per unit rate shall be based on the current costs of operation. Should conditions not allow Perry to make land application of the sludge from the wastewater facility Perry will bring the sludge to the Houston County Landfill.

5.

Perry will provide capacity for two million (2,000,000) gallons per day of pre-treated waste from County users at the wastewater treatment facility. The County will be responsible for allocating capacity of the two million (2,000,000) gallons per day among its industrial, commercial, and residential users. Should the County require additional capacity beyond the two

million (2,000,000) gallons per day of pre-treated waste provided by Perry, the County may construct and/or upgrade the wastewater treatment facility at the County's expense to provide such capacity. Limits of required pre-treatment shall be established by Perry. Should the Georgia Environmental Protection Division not allow four million gallons per day capacity for the plant the Parties will renegotiate this Agreement.

6.

Perry will not annex the Property that the wastewater treatment plant is situated upon until the Perry City Limits are contiguous to the Property and the County consents.

7.

The County shall provide Perry access to the portion of property to be conveyed to Perry hereunder and to a publicly maintained road. Perry will participate in the upgrading of A.E. Harris Road from the railroad crossing to the Facility according to County standards necessary to accommodate industrial traffic. Perry will also participate regarding any upgrades required by Norfolk Southern to the existing railroad crossing on A.E. Harris Road. Perry's participation will be limited to a percentage of the total cost commensurate with the percentage its property received hereunder is to the whole of the County's Property.

8.

Perry will pay the cost of bringing the County waterline to the wastewater treatment facility from its current location at Fire Station #6 on Highway 247 Spur. Perry shall install, at its expense, only the maximum size line needed to service Perry's needs solely. Should the County want a larger water line installed in anticipation of acquiring additional industrial users, the County shall pay for the difference in cost between installing the size line required by Perry and the size line the County desires.

9.

No Party shall assign this Agreement at any time and from time to time without the prior written consent of all Parties.

10.

This Agreement shall be governed and construed in accordance with the Constitution of the State of Georgia, specifically those provisions authorizing intergovernmental agreements for services and other laws of the State of Georgia.

11.

Failure of any Party to exercise any of its rights under this Agreement at any time does not constitute a breach hereof and shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.

12.

No Party has the authority to enter into contracts or agreements on behalf of the other Party nor does this Agreement create a partnership between the Parties.

13.

This Agreement contains the entire agreement of the Parties hereto and no representation, inducements, promise, or agreements or otherwise between the Parties, not embodied herein, shall be of any force or effect.

So AGREED, the day and year first written above.

HOUSTON COUNTY
BOARD OF COMMISSIONERS:

CITY OF PERRY:

Tommy Stalnaker, Chairman

Randall Walker, Mayor

Barry Holland, Director of Administration

Lee Gilmour, City Manager

DEVELOPMENT AUTHORITY OF
HOUSTON COUNTY:

Ben Hulbert, Chairman

Angie Gheesling, Executive Director

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS as follows:

WHEREAS, proper application to deannex property to the City of Perry, Georgia has been made by ASIL GROUP, LLC, the owner of the land hereinafter described as follows:

All that tract or parcel of land situate, lying and being in Land Lot 233 of the 10th Land District of Houston County, Georgia, and being Tract "42-A", containing 0.22 acres or 9,628.90 square feet, as shown on a plat of survey prepared by Marty A. McLeod, Registered Land Surveyor Number 2991, dated October 14, 2019 and recorded in Plat Book 81, Page 96, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of description by reference thereto.

**Deed References: Book 6461, Pages 262-265
Tax Map Parcel: 0P64A0 223000**

NOW THEREFORE, pursuant to the act of the General Assembly of the State of Georgia 1994, Page 652; 2000, Page 164 the above-described property is hereby deannexed from the City of Perry and the precinct boundary is changed accordingly.

This deannexation shall become effective for ad valorem tax purposes on December 31, 2022, and for all other purposes shall become effective on January 18th, 2022.

SO ENACTED this 18th day of January, 2022.

CITY OF PERRY, GEORGIA

(SEAL) BY: _____
RANDALL WALKER, MAYOR

ATTEST: _____
ANNIE WARREN, CITY CLERK

1st Reading: January 4, 2022
2nd Reading: January 18, 2022



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
December 3, 2021

CASE NUMBER: ANNX-316-2021
APPLICANT: ASIL Group, LLC
REQUEST: De-annex property from the City Boundary
LOCATION: 308 Woodlands Blvd; Tax Map No. 0P64A0 223000

REQUEST ANALYSIS: The applicant developed the Woodlands subdivision in the City of Perry. Woodlands Boulevard along the northern edge of the subdivision consists of lots ranging from about 110 feet to 125 feet in width. Houses are developed with side-loaded garages and are between about 65 feet and 75 feet in width. At the very end of Woodlands Boulevard in the City of Perry, the developer created a "remnant" lot approximately 47 feet in width. The lot is in an area where the boundaries of the City of Perry and the City of Warner Robins touch.

The applicant proposes to de-annex the 47-foot-wide lot from the City of Perry and incorporate it with a lot proposed on the Warner Robins side of the development.

Given the width of the subject lot and the minimum required side setbacks of 10 feet per side, the lot can accommodate a house approximately 25 feet wide. While a 25-foot-wide house can be designed with a comparable value to its surroundings, such a house would be out of character with the style of houses built and planned on the surrounding properties.

The developer did not extend water and sanitary sewer lines to the subject lot from the Perry side of the development.

De-annexing this lot will create a jog in the city boundary in the area, however, city boundaries are not always straight lines.

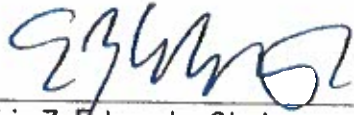
City Council's policy is not to de-annex property unless the City cannot provide services.

Since the request is for de-annexation and no zoning classification is being requested, there are no standards established by ordinance to consider.

STAFF RECOMMENDATION: While development of the lot in the city would require a style of house inconsistent with others in this section of The Woodlands, the lot can still be developed as platted. Water and sanitary sewer can be extended to service the lot. Staff recommends denial of the request as being inconsistent with the policy of City Council.

Planning Commission recommendation on page 2

PLANNING COMMISSION RECOMMENDATION: The Planning Commission failed to provide a recommendation, as a motion to recommend denial of the request received a 3-3 vote. Three Commissioners voted to deny the request based on Council's policy regarding de-annexations and lack of foresight by the developer. Three Commissioners felt the property should be de-annexed because it is inconsistent with the size of surrounding properties and cannot be developed consistent with the established development pattern.



Eric Z. Edwards, Chairman
Planning Commission

12/21/21
Date



Where Georgia comes together.

ANNX - 0316 - 2021

Application # _____

Application for De-Annexation

Community Development (478) 988-2720

Contact Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	ASIL Group, LLC	ASIL Group, LLC
*Title	Keith Newton	
*Address	3528 US Hwy 41 N	3528 US Hwy 41 N
*Phone	Byron, GA 31008	Byron, GA 31008
*Email	vthomas.nd@gmail.com	vthomas.nd@gmail.com

Property Information

*Street Address or Location	308 Woodlands Blvd	*Tax Map #(s)	OP64A0-223000
*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, tied to the Georgia Planes Coordinate System.			

Request

*Reason for your request (include additional sheets if needed):
 make land part of buildable lot in City of Warner Robins, no available utilities in City of Perry, currently non-buildable lot

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 - \$140.00 plus \$16.25/acre (maximum \$1,700.00)
 - Planned Development - \$160.00 plus \$16.25/acre (maximum \$3,000.00)
 - Commercial/Industrial - \$245.00 plus \$22.65/acre (maximum \$3,170.00)
- See Section 2-2.2 of the Land Management Ordinance for procedures.
- The staff will 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.
- Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled planning commission and city council 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
 If yes, please complete and submit a Disclosure Form available from the Community Development office.
- *Signatures: By signing below 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	ASIL Group LLC	*Date	11-8-21
*Property Owner/Authorized Agent	Keith Newton	*Date	11-8-21

ASIL Group, LLC
3528 Hwy 41 North
Byron, GA 31008
(478) 953-1100 | Fax: (478) 953-1101

Department of Community Development
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

November 8, 2021

Re: Letter of Intent, De-Annexation for 308 Woodlands Blvd, Lot 42-A

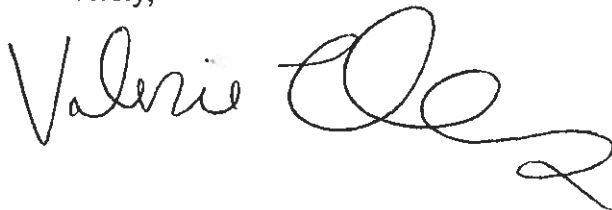
To Whom It May Concern:

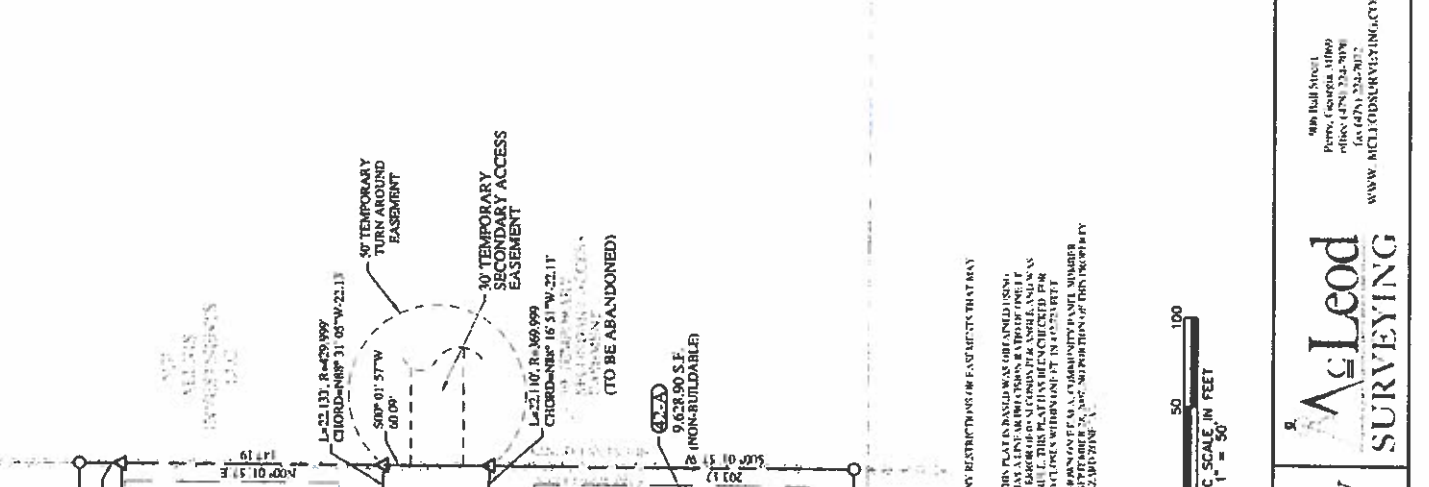
This is our formal letter of intent to request de-annexation of 308 Woodlands Blvd, non-buildable Lot 42-A, totaling 0.22 acres, to be removed out of the City of Perry.

This tract is tax parcel No. 0P34A0-223000 and is recorded on Book 81, Page 96 as part of The Woodlands of House, Phase 3-Section 2B, on survey by McLeod Surveying, dated October 14, 2019. It is zoned R-3.

This lot is located at the city-line of Perry and Warner Robins. Homes to the west are located in the City of Perry and future homes located to the east are located in the City of Warner Robins. Upon approval of de-annexation, we intend to use this 0.22 tract to create a buildable lot within the City of Warner Robins. Utilities are available from the City of Warner Robins at this location.

Sincerely,

A handwritten signature in black ink, appearing to read "Valerie" followed by a stylized, cursive flourish.



BEARING AND DISTANCE TO THE POINT OF BEGINNING FOR EACH LOT. THE PLAT IS SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS THAT MAY EXIST OF RECORD OR NOT OF RECORD AT THE TIME THIS PLAT WAS PREPARED. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS NOT BEEN ADVISED BY THE PROPERTY OWNER OR ANY OTHER PARTY THAT THERE IS ANY EASEMENT, RIGHT, OR INTEREST THAT IS NOT OF RECORD OR NOT SHOWN ON THIS PLAT. THE SURVEYOR HAS NOT BEEN ADVISED BY THE PROPERTY OWNER OR ANY OTHER PARTY THAT THERE IS ANY EASEMENT, RIGHT, OR INTEREST THAT IS NOT OF RECORD OR NOT SHOWN ON THIS PLAT.

MADE FOR THE CITY OF HOUSTON

IT IS CERTIFIED THAT THIS PLAT IS A CORRECT AND TRUE REPRESENTATION OF THE SURVEY MADE BY ME OR UNDER MY SUPERVISION. THAT ALL MATTERS OF A TECHNICAL NATURE, INCLUDING THE PLAT AND ALL INFORMATION THEREON, INCLUDING THE PLAT, RECORDS, AND RECORDS OF THE CITY, HAVE BEEN CAREFULLY CHECKED BY ME AND I HAVE FOUND THEM TO BE CORRECT AND TRUE. I HAVE NOT BEEN ADVISED BY ANY PARTY THAT THERE IS ANY EASEMENT, RIGHT, OR INTEREST THAT IS NOT OF RECORD OR NOT SHOWN ON THIS PLAT.

Bryan Wingo
 Surveyor
 10101 HOUSTON AVENUE
 HOUSTON, TEXAS 77036

IT IS CERTIFIED THAT THIS PLAT IS A CORRECT AND TRUE REPRESENTATION OF THE SURVEY MADE BY ME OR UNDER MY SUPERVISION. THAT ALL MATTERS OF A TECHNICAL NATURE, INCLUDING THE PLAT AND ALL INFORMATION THEREON, INCLUDING THE PLAT, RECORDS, AND RECORDS OF THE CITY, HAVE BEEN CAREFULLY CHECKED BY ME AND I HAVE FOUND THEM TO BE CORRECT AND TRUE. I HAVE NOT BEEN ADVISED BY ANY PARTY THAT THERE IS ANY EASEMENT, RIGHT, OR INTEREST THAT IS NOT OF RECORD OR NOT SHOWN ON THIS PLAT.

Mag-TMS-PLS



Mag-TMS-PLS
 10101 HOUSTON AVENUE
 HOUSTON, TEXAS 77036
 TEL: (713) 224-7000
 FAX: (713) 224-7012
 WWW.MAG-TMS-SURVEYING.COM

Mag-Leod SURVEYING

LOTS 39 THRU 43 THE WOODLANDS OF HOUSTON PHASE 3 SECTION 2-B

SURVEY FOR:

COUNTY:	HOUSTON
DISTRICT:	10TH
LAND LOT:	233
DATE:	10/14/19
SCALE:	1" = 50'
JOB NO.:	16-0659C

NO.	DATE	REVISION



Type: GEORGIA STANDARD PLATS
 Recorded: 11/5/2019 2:35:00 PM
 Fee Amt: \$6.00 Page 1 of 1
 Houston, Ga Clerk Superior
BK 81 PG 96

FOR THE CLERK OF SUPERIOR COURTS, USE ONLY

Annex #316
2021



Houston County Commissioners

Serving All of Houston County

Office

200 Carl Vinson Parkway
Warner Robins, GA 31088
478-542-2115
FAX 478-923-5697
www.houstoncountyga.org

Commissioners

Tommy Stalnaker
Chairman

Thomas J. McMichael
Gail C. Robinson
Larry Thomson
H. Jay Walker, III

Staff

Barry Holland
Director of
Administration

K. Thomas Hall
County Attorney

December 8, 2021

Bryan Wood, Director
Community Development
P.O. Box 2030
Perry, GA 31069

Dear Mr. Wood:

The Board of Commissioners met on December 7, 2021 and approved the City of Perry's request to de-annex property located at 308 Woodlands Boulevard, Kathleen. This is being approved to allow the owner to request annexation into the city of Warner Robins.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry Holland".

Barry Holland
Director of Administration
Houston County Board of Commissioners

CC: Honorable Randall Walker,
Mayor, City of Perry

Rec'd
12/13/21

Re W 12/13/21
Annex 316-2021

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021

Re: Deannex Request for Lot 42A

To Whom It May Concern:

I am writing to state that I strongly recommend the deannexation request for Lot 42A, 308 Woodlands Blvd, from the City of Perry.

As a home builder in The Woodlands subdivision, the consistency and aesthetic-integrity of the neighborhood is very important to me. I do not agree with the City of Perry's suggestion this 47' wide strip be made into a lot for 25-foot wide home. This would radically compromise the look of the subdivision and would be the only home of this type, size, or style.

It would compromise the value of neighboring properties and require additional burden on the builder to build and sell a home, so drastically different than the adjacent homes.

It is our intent to combine this strip with the adjoining property, to build an approximately \$450,000 home. This would be consistent with the entirety of The Woodlands subdivision in Warner Robins and Perry. Our adjacent homes on Woodlands Blvd are more square footage and at a higher price point than the existing homes on Woodlands Blvd in Perry. A 25-foot wide home would be detrimental to the other adjacent homes.

Please consider these concerns. I support the proposal for deannexation for Lot 41A.

Regards,



Ben Hobbs
Trinity Built Homes
4501 Russell Parkway, Suite 24
Warner Robins, GA 31088

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021

Re: Deannex Request for Lot 42A

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I am writing to state that I strongly recommend the deannexation request for Lot 42A, 308 Woodlands Blvd, from the City of Perry.

As a home builder in The Woodlands subdivision, the consistency and aesthetic-integrity of the neighborhood is very important to me. I do not agree with the City of Perry's suggestion this 47' wide strip be made into a lot for 25-foot wide home. This would radically compromise the look of the subdivision and would be the only home of this type, size, or style.

It would compromise the value of neighboring properties and require additional burden on the builder to build and sell a home, so drastically different than the adjacent homes.

It is our intent to combine this strip with the adjoining property, to build an approximately \$450,000 home. This would be consistent with the entirety of The Woodlands subdivision in Warner Robins and Perry. Our adjacent homes on Woodlands Blvd are more square footage and at a higher price point than the existing homes on Woodlands Blvd in Perry. A 25-foot wide home would be detrimental to the other adjacent homes.

Please consider these concerns. I support the proposal for deannexation for Lot 41A.

Regards,



Bryan Olf
Trinity Built Homes
4501 Russell Parkway, Suite 24
Warner Robins, GA 31088

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021

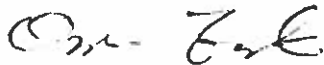
To Whom It May Concern:

I am writing to state that I strongly recommend the deannexation request for Lot 42A, 308 Woodlands Blvd, from the City of Perry.

As a neighboring homeowner, I feel that the best proposal for 308 Woodlands Blvd is to be of similar size and shape as the other lots on this road - not as a separate 47' wide strip like it currently is platted.

I have concern that a 47' wide strip, and any associated home built on it, has the potential to devalue my home. A 25-foot wide home would be an eyesore to our community, interrupt the aesthetics and consistency of our street, and destroy the current property value.

Respectfully,



Ozie Foster
251 Woodlands Blvd
Kathleen, GA 31047

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021

To Whom It May Concern:

I am writing to state that I strongly recommend the deannexation request for Lot ~~42~~**A**, 308 Woodlands Blvd, from the City of Perry.

As a neighboring homeowner, I feel that the best proposal for 308 Woodlands Blvd is to be of similar size and shape as the other lots on this road - not as a separate 47' wide strip like it currently is platted.

I have concern that a 47' wide strip, and any associated home built on it, has the potential to devalue my home. A 25-foot wide home would be an eyesore to our community, interrupt the aesthetics and consistency of our street, and destroy the current property value.

Respectfully,



Jacqueline Phillips
127 Hollow Wood Way
Kathleen, GA 31047

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021

To Whom It May Concern:

I am writing to state that I strongly recommend the deannexation request for Lot 41A, 308 Woodlands Blvd, from the City of Perry.

As a neighboring homeowner, I feel that the best proposal for 308 Woodlands Blvd is to be of similar size and shape as the other lots on this road - not as a separate 47' wide strip like it currently is platted.

I have concern that a 47' wide strip, and any associated home built on it, has the potential to devalue my home. A 25-foot wide home would be an eyesore to our community, interrupt the aesthetics and consistency of our street, and destroy the current property value.

Respectfully,



Tammy Mink
304 Woodlands Blvd
Kathleen, GA 31057

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021

To Whom It May Concern:

I am writing to state that I strongly recommend the deannexation request for Lot 4~~1~~A, 308 Woodlands Blvd, from the City of Perry.

As a neighboring homeowner, I feel that the best proposal for 308 Woodlands Blvd is to be of similar size and shape as the other lots on this road - not as a separate 47' wide strip like it currently is platted.

I have concern that a 47' wide strip, and any associated home built on it, has the potential to devalue my home. A 25-foot wide home would be an eyesore to our community, interrupt the aesthetics and consistency of our street, and destroy the current property value.

Respectfully,

A handwritten signature in cursive script that reads "James Palmer". The signature is written in black ink and includes a long, sweeping horizontal line at the end.

James Palmer
307 Woodlands Blvd
Kathleen, GA 31047

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021

To Whom It May Concern:

I am writing to state that I strongly recommend the deannexation request for Lot 42A, 308 Woodlands Blvd, from the City of Perry.

As a neighboring homeowner, I feel that the best proposal for 308 Woodlands Blvd is to be of similar size and shape as the other lots on this road - not as a separate 47' wide strip like it currently is platted.

I have concern that a 47' wide strip, and any associated home built on it, has the potential to devalue my home. A 25-foot wide home would be an eyesore to our community, interrupt the aesthetics and consistency of our street, and destroy the current property value.

Respectfully,



Richard Cameron
306 Woodlands Blvd
Kathleen, GA 31047

WHOA Houston, Inc
Architectural Control Committee
P.O. Box 6678 | Warner Robins, GA 31095
whoahouston@gmail.com

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021

Re: Deannex Request for Lot 42A

To Whom It May Concern:

We are urging you to consider the request to deannex Lot 42A from the City of Perry.

The recommendation that a 25' wide home be built on this lot is not a favorable one. All the homes on this street are built on a minimum 110' wide lot or larger. This lot frontage would be less than half the size. It would completely unbalance the street and devalue the homes around it.

Our covenants require a minimum lots size of 2,450 square feet with a minimum of 1,800 (heated and cooled) square feet on the first floor. We also require a minimum of a 2-car garage and a 10/12 roof pitch.

- A 2-car garage requires a minimum of 20 widths, which leaves on 5' for a porch and doorway.
- The minimum square footage would make this home, 25' wide by over 80' long. Based on the roof pitch requirement, this would create a very steep and uncharacteristic roof system.
- The Architectural Control Committee approves improvements based on their consistency of style to other homes. This home would be radically different in appearance. We **would not** approve a home built on this lot, or anywhere in The Woodlands, based on the required covenants and maintain the integrity of the subdivision.

We appreciate your consideration to these items and hope that you will agree to deannex the 47' wide lot.

Sincerely,



WHOA, Inc ACC

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021

Re: Deannex Request for Lot 42A / 308 Woodlands Blvd

To Whom It May Concern:

I am writing to state that I strongly recommend the deannexation request for Lot 42A, 308 Woodlands Blvd, from the City of Perry.

As a Realtor that works in The Woodlands subdivision, I do not agree with the City of Perry's suggestion that the current 47' wide strip be made into a lot for 25-foot wide home.

This would radically compromise the look of the subdivision and would be the only home of this type, size, or style. This change would destroy the property value of neighboring homes, as the cost a smaller home would lower the value of the adjacent homes.

I support the proposal for deannexation for Lot 42A. Please consider these concerns.

Respectfully,

A rectangular image showing a handwritten signature in black ink on a light-colored background. The signature appears to be "Jill Olf" written in a cursive style.

Jill Olf
The Olf Team
Keller Williams Realty

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021

Re: Deannex Request for Lot 42A

To Whom It May Concern:

I am writing to state that I strongly recommend the deannexation request for Lot 42A, 308 Woodlands Blvd, from the City of Perry.

As a home builder in The Woodlands subdivision, the consistency and aesthetic-integrity of the neighborhood is very important to me. I do not agree with the City of Perry's suggestion this 47' wide strip be made into a lot for 25-foot wide home. This would radically compromise the look of the subdivision and would be the only home of this type, size, or style.

It would compromise the value of neighboring properties and require additional burden on the builder to build and sell a home, so drastically different than the adjacent homes.

Please consider these concerns. I support the proposal for deannexation for Lot 41A.

Regards,



Mick Driggers

Department of Community Development
& Planning & Zoning Commission
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 13, 2021


To Whom It May Concern:

I am writing to state that I strongly recommend the deannexation request for Lot 42A, 308 Woodlands Blvd, from the City of Perry.

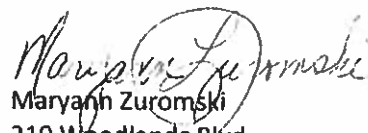
As a neighboring homeowner, I feel that the best proposal for 308 Woodlands Blvd is to be of similar size and shape as the other lots on this road - not as a separate 47' wide strip like it currently is platted.

I have concern that a 47' wide strip, and any associated home built on it, has the potential to devalue my home. A 25-foot wide home would be an eyesore to our community, interrupt the aesthetics and consistency of our street, and destroy the current property value.

Respectfully,



Pete Zuromski
210 Woodlands Blvd
Kathleen, GA 31047



Maryann Zuromski
210 Woodlands Blvd
Kathleen, GA 31047

Department of Community Development
& Planning & Zoning Commission
City of Perry
1217 Washington Street
Perry, GA 31069
(770) 988-2720

December 13, 2021

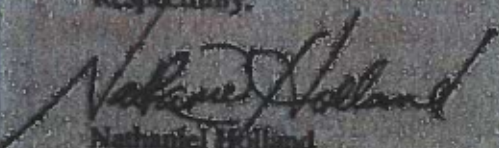
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Respectfully,


Nathaniel Holland
202 Woodlands Blvd
Kathleen, GA 31047

ASIL Group, LLC
3528 Hwy 41 North
Byron, GA 31008
(478) 953-1100 | Fax: (478) 953-1101

Bryan Wood
Community Development Director
City of Perry
1211 Washington Street
Perry, GA 31069
(478) 988-2720

December 15, 2021

**Re: Clarification Letter, De-Annexation Request, 308 Woodlands Blvd, Lot 42-A
ANNX-316-2021**

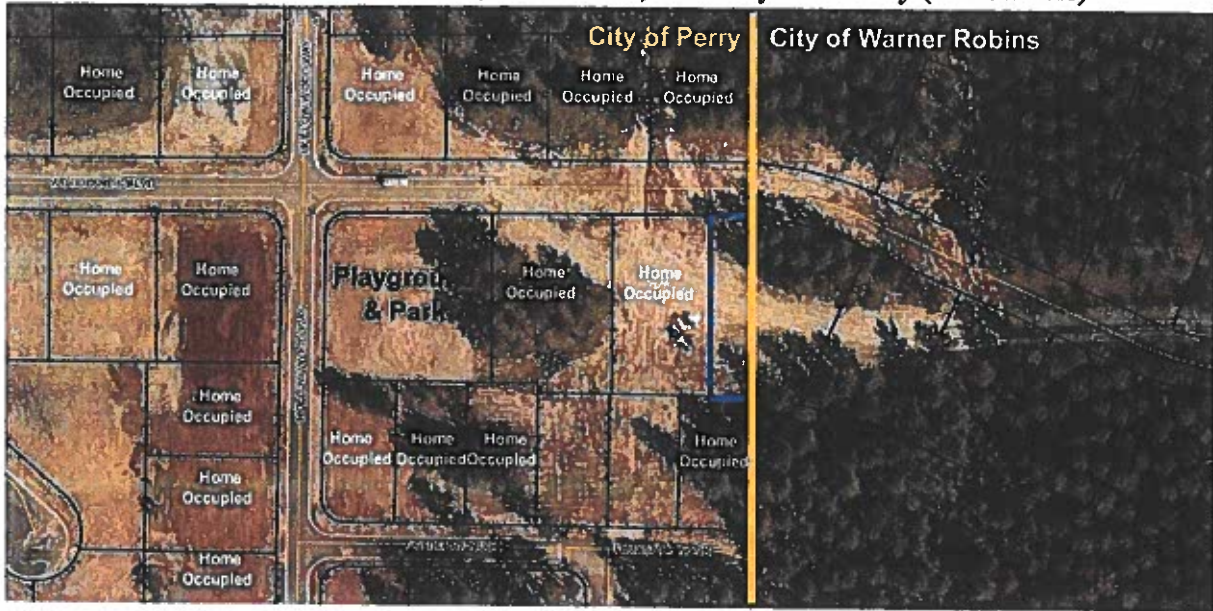
Bryan,

We wanted to restate our intentions for the de-annexation application of Lot 42-A from the City of Perry. We want to de-annex this 0.22 acre parcel and combine it with the adjacent Warner Robins parcel to create one uniform lot.

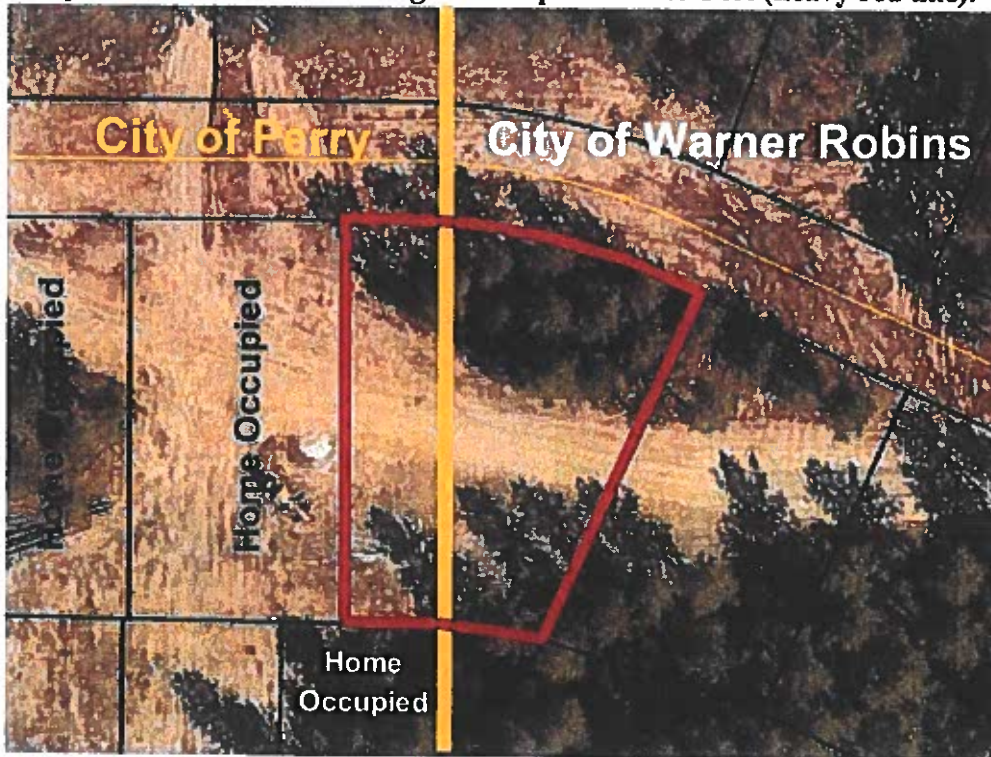
In assessing our options for Lot 42-A, we feel that this is the best option for the City of Perry and The Woodlands subdivision residents. Here are the best options as we see fit for the use of this lot for all to consider:

Option A: Create one uniform lot that is consistent with the original planned development and similar to all the other homes on Woodlands Blvd. The subject parcel does not have water and sewer taps to the lot from the City of Perry. However, City of Warner Robins has water and sewer service available and installed on the adjacent adjoining Lot.

Aerial view of Tract 42-A (Blue outline) and City Boundary (Yellow line)



Option A shown – combining the two parcels into 1 lot (heavy red line).



Option B: Without de-annexation, Create a “driveway only” parcel that will adjoin a home built in the City of Warner Robins, on the adjacent lot. Potential Issues created:

1. This option would make it difficult for emergency services to distinguish jurisdiction.
2. Property tax payment confusion, lack of payment, potential tax sale of driveway parcel, ownership transfer confusion resulting in sell off of access to property.

Option C: Without de-annexation, Build a 25' wide home on Lot 42A. (Legally, not an acceptable Option)

1. This is not in conformity to the neighborhood
2. It is currently heavily contested by Woodland residents
3. Is not an allowed use or size home within the covenants.



Depiction of a 25' wide home Compared to adjacent homes

Option D: Without de-annexation, **Do nothing.** This option would likely allow for someone, in the future, to build anything they like. The vacant lot would likely become a blight concern. Lack of ownership or responsibility will mean lack of maintenance on the 40' Strip of land. This would become a code enforcement issue for years down the road.

Please let us know if we can provide any additional information or discussion, to help the City of Perry make the best decision for the outcome of this parcel.

Regards,

A handwritten signature in blue ink, appearing to read 'Keith Newton'.

Keith Newton
ASIL Group, LLC

cc: Lee Gilmore
City Manager

December 13, 2021

Modified transcript of applicant/commission discussion of ANNX-316-2021 (De-Annex Woodlands Lot)

Keith Newton: I am the developer of woodlands 2013/14 Woodlands Blvd. required to be largest lots in the development. In 2016 development plans to keep extending, had to provide a park on corner after development plans approved added park and had a few lots left planned on continuing to develop in Perry. In 2018 received a letter from Lee Gilmour stating City would not extend sewer beyond current city boundary/service delivery area boundary. Therefore, left with a 47-foot-wide lot. All the homes on Woodlands Blvd are the largest homes in the Woodlands. (Showed pictures). Added a 30' setback for these lots. Coming from the Warner Robins side making larger lots. 12 letters from surrounding residents /builders opposed to this lot. All lots are at least 110 foot wide. The City de-annexed 50 acres of my property 2 years ago.

Mehserle: asked for clarification of city limit line issue in staff report.

Wood: showed city limit line and explained impact removing lot would create.

Mehserle: asked for aerial showing lots in WR

Newton: Worked back toward Perry from the WR side. Need to de-annex from Perry and annex into WR because each jurisdiction has side yard setbacks which would impact development of the property if it remains as 2 lots in 2 jurisdictions. Need to make one lot for one home

Mehserle: the de-annexation would allow you to put the 2 lots together to create a developable lot

Newton: yes, to maintain character of street and s/d

Clarrington: have you reached out to COP to working together to make this more acceptable than having to go through all this.

Newton. Received staff report at 4:00 on Friday. Did not know there would be an issue with the application.

Wood: If you are talking about having to go through this process, stated requirement for this process. If lot is split between two jurisdictions who provided services police emergency services.

Mehserle: I thought the issue was not being able to provide sewer services.

Wood: cannot extend beyond city boundary but can extend to the subject property.

Newton: extended water sewer from WR side to service the combined lot. Told cannot annex any further to make this lot any bigger from LG letter. All large lots with side entry garage.

Wood: True, City indicated would not annex any further, so option of de-annexing portion from WR to annex into Perry would not an option.

Mehserle: Seems a little forethought on everybody's part would have avoided this issue. Could have added to the park or added to another lot. Listening to Council in meeting last week about Commission's responsibility to further policies of council. Difficult to make motion opposing council policy although it makes to me to de-annex and let the developer get on with developing this property.

Butler: My opinion is a lot like yours (not sure to whom he was referring, may Newton). Its 47 feet. I think we should de-annex

Edwards: Why was this strip not considered to be added to the adjacent lot

Newton: Developed for a builder. Had design parameter to created lots of 110 feet wide. That's what I did. Put intersection in and added park. Made lot next to park 15 feet wider as a buffer to the park then continued with 110-foot lots not knowing the City would not allow further annexation.

Jefferson: Is this something the commission can pass on to Council

Wood: yes. The commission is making a recommendation to Council on this application.

Jefferson: I make a motion to recommend denial of the application

Mehserle: second

Clarrington: have you (newton) tried to de-annex from WR?

Newton: no, because COP indicated in 2018, they would not annex any further about 6,000 feet of road to here with large lots and homes

Clarrington: So, you already knew what you were facing coming before this commission

Ne: I knew after the fact

Clarrington: you got a letter in 2018

Newton: But by that time, I had already finished the development. If it is not de-annexed you cannot build a 25' wide house, you cannot do it

Coody asks for clarification of motion

Edwards calls for vote

Those in favor of the motion: Jefferson, Mehserle, Clarrington

Those opposed to the motion: Coody, Butler

Sewell asked for clarification of who voted for and against

Edwards: motion passes with 3-2 vote

Wood asked for chairman's vote

Edwards: my vote would create a log jam because I was going to vote "no".

Jefferson asks why chairman is voting (some discussion about chairman voting only to break a tie, wood stated chair is supposed to vote on all motions)

Edwards: with my vote, we have a 3-3 tie so how does that affect the recommendation

Wood: with a tie, the motion fails. Therefore, there is no official recommendation

Edwards: how does this affect what we send to Council. Not sure how to proceed since we are split

Mehserle: My vote is not necessarily based on my view of the situation but on the stated policy of council. We sat in this room a couple of days ago to talk about the direction of the city and our ability to support of council and certain piece of legislation in place. That conversation caused me to do reflection on how I approach certain issues that come before us. While I may not agree, my tendency is always to look at the property rights of the people who come here and spend their money make their living and doing things constructively for the city. On the other hand, I am appointed to move forward the agenda to some degree of the city. At the same time, I'm not a potted plant I do have my own thoughts. At the same time, we have a recommendation from staff to help point us in a certain direction. Sort of a soul bearing explanation

Edwards: the basis of my no vote comes down to the real-world practicality of the situation and the fact that the City has stated in writing that it will not annex any farther in this case.

Wood: Staff will present as no recommendation but include the explanation and reasoning of where the 2 sides came from for council to consider

Mehserle: understand that council and administration may have information or views on things relative to this kind of issue. Like these that I may not know about or share in that knowledge base. I also know council and city administration do not do thing capriciously, so I see that as lending credence to a policy that has been established.

Jefferson, I not quite clear how this got to this point. Staff or administration may know something we don't know. It's just not clear. The policy is a rule

Wood: Council established a policy not to de-annex if the city can provide services. Not sure unique situations like this were considered in creating the policy.

Jefferson: reason this should be council's decision its their policy. They have the authority

Clarrington:

Newton: in 20 something years of developing, never came across a situation like this. Understand councils' policy. Very unique situation

Mehserle: Ms. Jefferson begins to open a really interesting point to me. If it is the stated policy of council not to de-annex, then is this the appropriate body to deal with this. Based on the policy the answer is "no".

Wood: since there is no zoning associated with de-annex. Maybe should discuss with city attorney

Mesh: Looking back this is an issue that should have been discussed with council. put this board in real difficult decision look here we have 3 of us voting based on city policy and 3 of us say no, that doesn't make sense. So that puts us in a really tough position

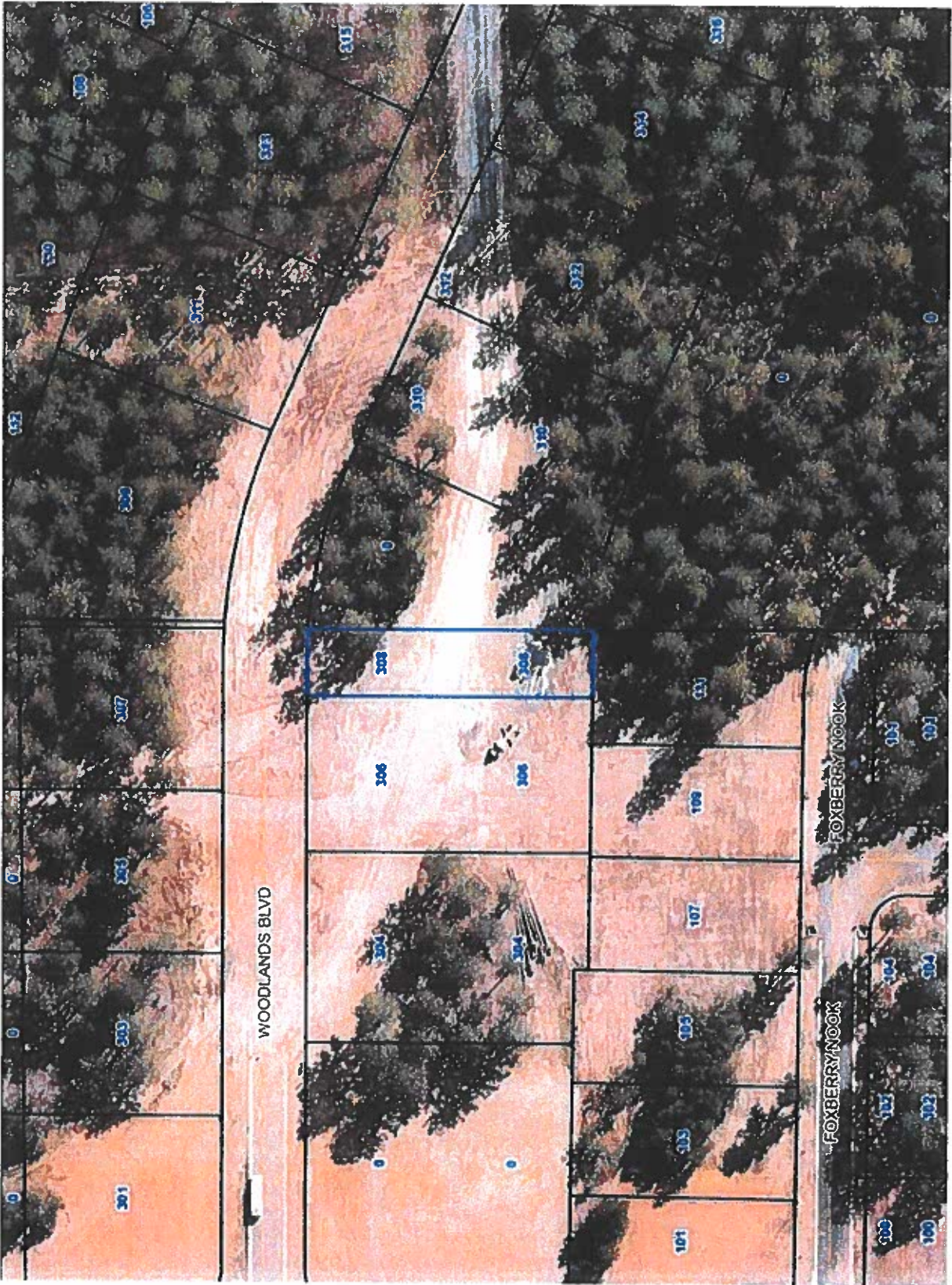
Coody: raised question of how this works are we de-annexing into the county or into WR.

Wood explained process

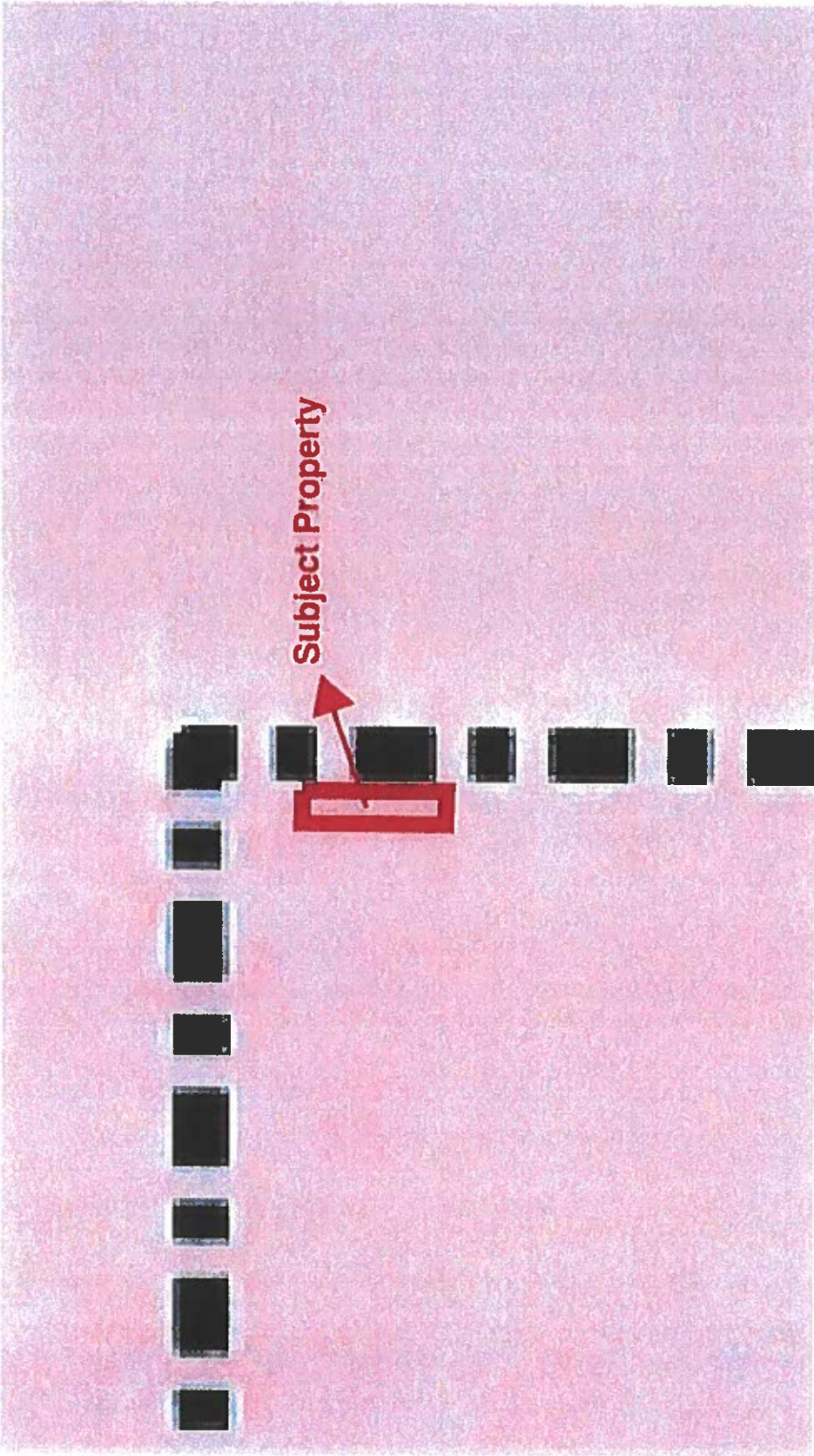
Edwards: appreciate the discussion and the stated policy, but it will ultimately be a decision of Council our function today is to illicit application from applicant and community to create a record for council to consider. Unless anyone wants to make an alternate motion in the other direction, I am certainly comfortable with sending this forward to council with no official recommendation but with the discussion we've had.

Wood: Staff will include the discussion in the minutes which council will receive will include a summary of each side. We will send to each commissioner to review before we finalize the minutes.

Clarrington: The council policy is already telling us we cannot recommend another way.









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Recorded: 01/06/2014 at 05:00:00 PM
Fee Amt: \$16.00 Page 1 of 4
Transfer Tax: \$0.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk

BK **6461** PG **262-265**

13-8340 *#11708*
Duc/Ret MOORE LAW FIRM, LLC
Post Office Drawer 8269
Warner Robins, GA 31095
(478) 328-3200

(This Space for Official Use Only)

WARRANTY DEED

**STATE OF GEORGIA
COUNTY OF HOUSTON**

This Indenture made this *27th* day of December, 2013 between SD WOODLANDS, LLC, a Georgia limited liability company, as party or parties of the first part, hereinafter called Grantor, and ASIL GROUP, LLC, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 (\$10.00) Dollars** and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THOSE TRACTS OR PARCELS OF LAND SITUATE, LYING AND BEING MORE FULLY DESCRIBED ACCORDING TO EXHIBIT "A" ATTACHED HERETO, WHICH BY THIS REFERENCE THERETO IS INCORPORATED HEREIN AND MADE A PART HEREOF FOR ALL PURPOSES.

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

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

BOOK 6461 PAGE 263

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

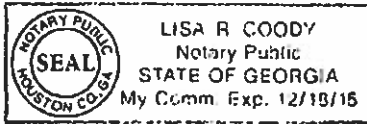
Signed, sealed and delivered in the presence of:

SD WOODLANDS, LLC

Michelle Suckey
Witness

By: F. Keith Newton (SEAL)
F. Keith Newton, Manager

Lisa R Coody
Notary Public



BOOK 6461 PAGE 264

EXHIBIT "A"
Legal Description

All those tracts or parcels of land situate, lying and being in Land Lots 215, 216, 233 and 234 of the Tenth Land District of Houston County, Georgia, known and designated as Tract 1, comprising 115.448 acres, and Tract 2, comprising 13.156 acres, according to that certain plat of survey prepared by Waddle & Company, certified by Christopher A. Branscom, Georgia Registered Land Surveyor No. 3164, dated December 23, 2013, a copy of which is of record in Map Book 75, Pages 188-192, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto for all purposes.

LESS AND EXCEPT, all those lots, tracts or parcels of land comprising the subdivided lots and public rights-of-way comprising the Subdivision known as SANFORD PLACE, PHASE NO. 2, SECTION NO. 1, and is delineated on that certain map or plat of survey of said Subdivision prepared by Waddle & Company, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, dated November 3, 2011, a copy of which is of record in Map Book 74, Pages 44-45, Clerk's Office, Houston Superior Court, and being more particularly described and identified according to said Subdivision Survey as Lots 11 through 14 (both inclusive), Block "D," and Hawk's Tail Drive (50' R/W). Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto for all purposes.

ALSO LESS AND EXCEPT, all those lots, tracts or parcels of land comprising the subdivided lots and public rights-of-way comprising the Subdivision known as SANFORD PLACE, PHASE NO. 2, SECTION NO. 2, and is delineated on that certain map or plat of survey of said Subdivision prepared by Waddle & Company, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, dated July 11, 2013, a copy of which is of record in Map Book 75, Pages 122-123, Clerk's Office, Houston Superior Court, and being more particularly described and identified according to said Subdivision Survey as Lots 15 through 26 (both inclusive), Block "D;" Lots 11 through 15 (both inclusive), Block "E;" Hawk's Tail Drive (50' R/W); and Rolling Acres Drive (50' R/W). Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto for all purposes.

ALSO LESS AND EXCEPT, all that tract or parcel of land situate, lying and being in Land Lots 248 and 249 of the 10th Land District of Houston County, Georgia, being known and designated as Parcel 3 shown on Sheet Nos. RW-6, RW-7, RW-8 and RW-14 as REQUIRED EASEMENT TRACT 1 containing 0.02 acres, 696.58 square feet and REQUIRED EASEMENT TRACT 2, containing 0.01 acres, 362.73 square feet, and REQUIRED R/W containing 0.031 acres, 13,426.69 square feet and REQUIRED EASEMENT TRACT 3, containing 0.08 acres, 3,622.16 square feet on a set of plans entitled HOUSTON COUNTY BOARD OF COMMISSIONERS RIGHT-OF-WAY PLANS FOR OLD PERRY ROAD WIDENING, dated September 22, 2008, of record in Map Book 71, Pages 29-37, Clerk's Office, Houston Superior Court. Said Right of Way Plans and the recorded copy thereof are hereby made a part of this description by reference thereto for all purposes.

ALSO LESS AND EXCEPT, all that tract or parcel of land situate, lying and being in Land Lots 216 and 217 of the 10th Land District of Houston County, Georgia, being known and designated as Parcel 49 shown on Sheet No. 19 as PARCEL 049 REQ'D R/W KC548 containing 0.092 acres, 4,006.46 square feet and as Parcel 049 REQ'D PERM. EASM'T KC667 containing 0.119 acres, 5,200.00 square feet as shown on a set of plans entitled PUBLIC WORKS DEPARTMENT HOUSTON COUNTY RIGHT-OF-WAY OF PROPOSED MOODY ROAD, PHASE 3 IMPROVEMENTS FROM SR 127 TO COUNTRY LANE prepared by American Engineer, Inc., dated September 24, 2008 and last revised on July 19, 2011, on file at the office of the Houston County Public Works, 2018 Kings Chapel Road, Perry, Georgia. Said Right of Way plans and the record thereof are incorporated herein by reference for all purposes.

ALSO LESS AND EXCEPT, all that tract or parcel of land situate, lying and being in Land Lots 216 and 217 of the 10th Land District of Houston County, Georgia, being known and designated as Parcel 52, shown on Sheet Nos. 19 and 20 as PARCEL 052 REQ'D R/W KC551 containing 0.131 acres, 5,724.51 square feet and as PARCEL 052 REQ'D PERM. EASM'T KC668 containing 0.205 acres, 8,914.23 square feet as shown on a set of plans entitled PUBLIC WORKS DEPARTMENT HOUSTON COUNTY RIGHT-OF-WAY OF PROPOSED MOODY ROAD, PHASE 3 IMPROVEMENTS FROM SR 127 TO COUNTRY LANE, prepared by American Engineer, Inc., dated September 24, 2008 and last revised on July 19, 2011, on file at the office of the Houston County Public Works, 2018 Kings Chapel Road, Perry, Georgia. Said Right of Way plans and the record thereof are incorporated herein by reference for all purposes.

END OF EXHIBIT "A"

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS as follows:

WHEREAS, proper application to annex property to the City of Perry, Georgia has been made by Tom Hall, Houston County Attorney, on behalf of the Development Authority of Houston County, the owner of the land hereinafter described as follows:

All that tract or parcel of land situate, lying and being in Land Lots 4, 5, 6, 27 and 28 of the Ninth Land District of Houston County and Land Lots 12 and 13 of the Tenth Land District of Houston County, Georgia, being known and designated as Tract 'HC' containing 667.320 acres according to a plat of survey recorded at Plat Book 71, Page 14, Clerk's Office, Houston Superior Court. The said plat and the copy thereof are incorporated herein by reference for all purposes.

LESS AND EXCEPT:

All those tracts or parcels of land situate, lying and being in Land lot 6 of the Ninth Land District of Houston County, Georgia and Land Lot 12 of the Tenth Land District of Houston County, Georgia, being known and designated as Tracts 6, 10, 11, 12, 14, 15 and 16, containing in the aggregate 14.718 acres, according to a plat of survey recorded at Plat Book 71, Page 13, Clerk's Office, Houston Superior Court. That said plat and the copy thereof are incorporated herein by reference for all purposes.

ALSO, LESS AND EXCEPT:

All that tract or parcel of land situate, lying and being in Land Lot 5 of the Ninth Land District of Houston County, Georgia and Land Lots 12 and 13 of the Tenth Land District of Houston County, Georgia, being known and designated as Tract "B" containing 80 acres according to a plat of survey recorded at Plat Book 78, Page 45, Clerk's Office, Houston Superior Court. The said plat and the copy thereof are incorporated herein by reference for all purposes.

Deed References: Book 6041, Pages 339

Tax Map Parcel: 000160 025000

NOW THEREFORE, pursuant to the act of the General Assembly of the State of Georgia 1962, Page 119; 1969, Page 504; 1992, Page 2592; 2000, Page 164 the above-described property is annexed to the City of Perry and the precinct boundary is changed accordingly.

This annexation shall become effective for ad valorem tax purposes on December 31, 2022, and for all other purposes shall become effective on February 1, 2022.

[SIGNATURES ON THE FOLLOWING PAGE]

SO ENACTED this 18th day of January, 2022.

CITY OF PERRY, GEORGIA

(SEAL)

BY: _____
RANDALL WALKER, MAYOR

ATTEST: _____
ANNIE WARREN, CITY CLERK

1st Reading: January 4, 2022
2nd Reading: January 18, 2022

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from Houston County M-2, General Industrial District to City of Perry M-2, General Industrial District, and the city's zoning map is amended accordingly relative to property of **DEVELOPMENT AUTHORITY OF HOUSTON COUNTY**, described as follows:

All that tract or parcel of land situate, lying and being in Land Lots 4, 5, 6, 27 and 28 of the Ninth Land District of Houston County and Land Lots 12 and 13 of the Tenth Land District of Houston County, Georgia, being known and designated as Tract 'HC' containing 667.320 acres according to a plat of survey recorded at Plat Book 71, Page 14, Clerk's Office, Houston Superior Court. The said plat and the copy thereof are incorporated herein by reference for all purposes.

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All those tracts or parcels of land situate, lying and being in Land lot 6 of the Ninth Land District of Houston County, Georgia and Land Lot 12 of the Tenth Land District of Houston County, Georgia, being known and designated as Tracts 6, 10, 11, 12, 14, 15 and 16, containing in the aggregate 14.718 acres, according to a plat of survey recorded at Plat Book 71, Page 13, Clerk's Office, Houston Superior Court. That said plat and the copy thereof are incorporated herein by reference for all purposes.

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**Deed References: Book 6041, Pages 339
Tax Map Parcel: 000160 025000**

This rezoning shall become effective on February 1, 2022, in accordance with O.C.G.A. § 36-66-4(d)(4).

SO ENACTED this 18th day of January, 2022.

CITY OF PERRY, GEORGIA

BY: _____
RANDALL WALKER, Mayor

ATTEST: _____
ANNIE WARREN, City Clerk

1st Reading: January 4, 2022
2nd Reading: January 18, 2022



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
November 29, 2021

CASE NUMBER: ANNX-325-2021
APPLICANT: Tom Hall, Houston County Attorney for the Houston County Development Authority
REQUEST: Annexation and Rezone from M-2 (County) to M-2 (City)
LOCATION: North Highway 341 and Perry Parkway. Tax Map No. 000160 025000

BACKGROUND INFORMATION: The subject property is a 572.6-acre parcel located at Perry Parkway and North Highway 341. The subject property also has road frontage along Airport Road on the northern end of the parcel. The subject property is currently zoned M-2 in Houston County and is currently used for agriculture on the southern portion of the parcel. The remainder of the parcel is undeveloped. The applicant has requested to be annexed into the City of Perry with the zoning classification of M-2, Industrial, for future development of industrial property and access to City of Perry utilities.

There are no covenants or restrictions on the subject property which would preclude the uses permitted in the proposed zoning district.

STANDARDS FOR ESTABLISHING A ZONING CLASSIFICATION:

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

	Zoning Classification	Land Uses
North	County RAG and M-2	Undeveloped and Industrial Uses
South	County RAG	Undeveloped and Agriculture Uses
East	M-2	Undeveloped and Industrial Uses
West	County RAG	Single-Family Homes and Undeveloped

2. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties. The proposed zoning district is compatible with the surrounding uses. The primary land uses of the surrounding properties are industrial or undeveloped. Nearby properties are either developed as industrial properties or zoned for future industrial development.
3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties. The proposed zoning district and industrial development are similar to the uses of surrounding property. The applicant states that the proposed zoning is a similar zoning classification in Houston County and has been designated for industrial use for many years.

4. Describe how the proposed zoning district is consistent with the Comprehensive Plan. The subject property is in the "Gateway Corridor", "Industrial", "Agricultural", and "Suburban Residential" character areas as outlined in the 2017 Joint Comprehensive Plan. Most of the parcel is in the Industrial character area. The proposed zoning district is consistent with the Comprehensive Plan and its suggested development pattern of new industry located in areas accessible by transit, walking, or biking and suggested land use designation of industrial.
5. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services. The proposed zoning district will not cause an excessive burden on existing public facilities.
 - Infrastructure – Water and sanitary sewer service will need to be established at the subject property for future industrial development to occur. All applicable local, state, and federal regulations shall be met. The City of Perry has the capacity to serve any future industrial development.
 - Roads – The primary roads impacted because of any future industrial development are Perry Parkway and North Highway 341. Both roads have been identified as arterials and have adequate capacity to serve future development.
 - Schools - Staff is not aware of any issues related to the capacity of educational facilities resulting from future development.
6. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district. The subject property is located in a similar zoning district within Houston County and has been designated for industrial use. Annexation with the requested zoning district of M-2 would have no impact on the type of permitted uses.

STAFF RECOMMENDATION: City of Perry Staff recommends approval of the annexation request and the proposed zoning classification of M-2, Industrial.

PLANNING COMMISSION RECOMMENDATION: Following an information hearing held on December 13, 2021, the Planning Commission recommends approval of the annexation request and the proposed zoning classification of M-2, Industrial.


 Eric Z. Edwards, Chairman, Planning Commission

12/15/21
 Date



Where Georgia comes together.

Application # Annex
325-2021

Application for Annexation

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	K. Thomas Hall	Development Authority of Houston County
*Title	County Attorney	
*Address	200 Carl Vinson Parkway, WarRobins, GA	31068
*Phone	(478) 542-2012	
*Email	thalle@houstoncountyga.org	

Property Information

*Street Address or Location	N. Highway 341 and Perry Parkway
*Tax Map #(s)	000160 025000 572.60 acres
*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, tied to the Georgia Planes Coordinate System.

Request

*Current County Zoning District	M-2	*Proposed City Zoning District	M-2
*Please describe the existing and proposed use of the property Note: A Site Plan and/or other information which fully describes your proposal may benefit your application. The existing use is for industrial development and will continue the use for industrial development.			

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 - \$140.00 plus \$16.25/acre (maximum \$1,700.00)
 - Planned Development - \$160.00 plus \$16.25/acre (maximum \$3,000.00)
 - Commercial/Industrial - \$245.00 plus \$22.65/acre (maximum \$3,170.00)
- *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 2-3.1 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.
- Annexation applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.
- *Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes No
If yes, please complete and submit a Disclosure Form available from the Community Development office.

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 <i>[Signature]</i> Attorney for the Property Owner	*Date 11/15/21
*Property Owner/Authorized Agent	*Date

Standards for Granting a Zoning Classification

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? *No*

1. Identify the existing land uses and zoning classification of nearby properties.
West, North + South RAG; East M-2
2. Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property. *M-2 zoning is appropriate to this area.*
3. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property. *No. It has been zoned M-2 for a number of years.*
4. Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan.
Yes.
5. Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools. *No*
6. 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.
This property has been designated for industrial use for quite a number of years. M-2 zoning is the highest and best use of the property

LEGAL DESCRIPTION

PROPERTY BEING ANNEXED INTO THE CITY OF PERRY DEVELOPMENT AUTHORITY OF HOUSTON COUNTY

All that tract or parcel of land situate, lying and being in Land Lots 4, 5, 6, 27 and 28 of the Ninth Land District of Houston County and Land Lots 12 and 13 of the Tenth Land District of Houston County, Georgia, being known and designated as Tract 'HC' containing 667.320 acres according to a plat of survey recorded at Plat Book 71, Page 14, Clerk's Office, Houston Superior Court. The said plat and the copy thereof are incorporated herein by reference for all purposes.

LESS AND EXCEPT:

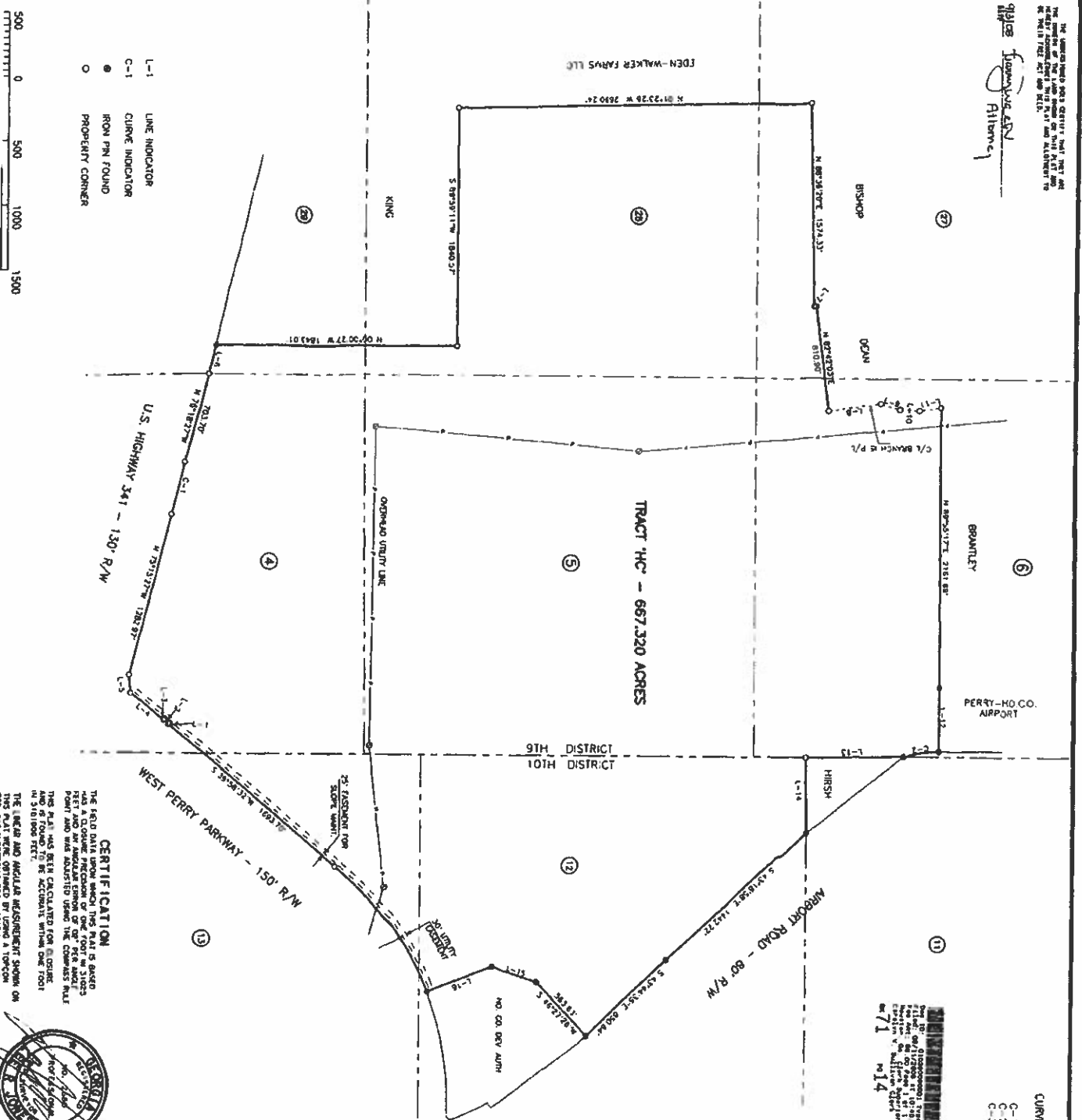
All those tracts or parcels of land situate, lying and being in Land Lot 6 of the Ninth Land District of Houston County, Georgia and Land Lot 12 of the Tenth Land District of Houston County, Georgia, being known and designated as Tracts 6, 10, 11, 12, 14, 15 and 16, containing in the aggregate 14.718 acres, according to a plat of survey recorded at Plat Book 71, Page 13, Clerk's Office, Houston Superior Court. The said plat and the copy thereof are incorporated herein by reference for all purposes.

ALSO, LESS AND EXCEPT:

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THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1907 AND THE RULES AND REGULATIONS THEREUNDER.

John W. Allen
Surveyor

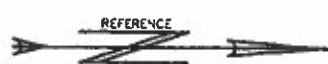


CURVE	RADIUS	LENGTH	CHORD	CH BEARING
C-1	2291.13 FT.	419.89'	419.98'	N 75° 46' 37" W
C-2	895.65'	278.82'	278.82'	S 00° 43' 27" E
C-3	2366.83'	1190.27'	1177.29'	S 94° 22' 57" W

COURSE	BEARING	DISTANCE
L-1	N 50° 01' 29" W	15.00'
L-2	S 35° 58' 32" W	50.00'
L-3	S 08° 31' 28" E	11.00'
L-4	S 08° 31' 28" E	11.00'
L-5	S 82° 23' 25" W	142.12'
L-6	N 76° 20' 27" W	228.14'
L-7	N 00° 22' 00" E	16.00'
L-8	N 08° 07' 33" W	396.65'
L-9	N 18° 57' 00" E	152.80'
L-10	N 07° 00' 00" E	148.30'
L-11	N 07° 00' 00" E	148.30'
L-12	N 89° 31' 11" W	468.87'
L-13	S 00° 58' 18" E	750.34'
L-14	M 89° 01' 45" E	581.04'
L-15	S 18° 24' 23" W	366.53'
L-16	S 21° 11' 02" E	533.79'

71
14

Surveyed
9/3/08
Houston County Planning Commission
[Signature]



REFERENCE:
1. SURVEY FOR NORTHROP CORP. BY JONES SURVEYING DATED 11-29-2000
2. SURVEY FOR AMERICAN REAL ESTATE INV. CO. BY PIEDMONT SURVEYING DATED 5-8-97
3. SURVEY FOR HO. CO. DEVL. AUTH. BY JONES SURVEYING DATED 11-29-2000



HOUSTON COUNTY
DEVELOPMENT AUTHORITY
SURVEY FOR
LOCATED AS SHOWN IN THE 9TH & 10TH DISTRICT
HOUSTON COUNTY, GEORGIA
SCALE 1" = 500'
AUGUST 26, 2008

148
71
Page 1 of 1

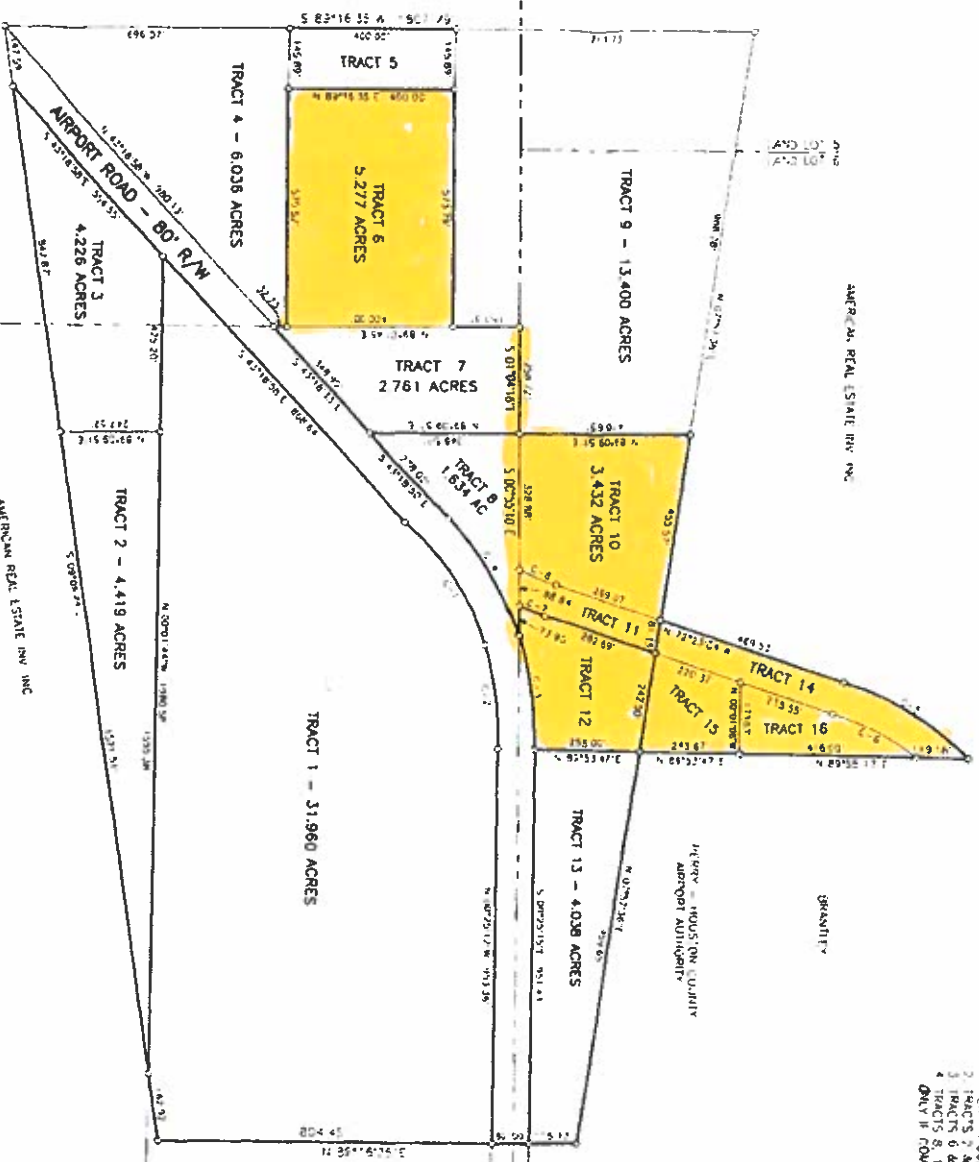


AMERICAN REAL ESTATE INC.

HOUSTON COUNTY AIRPORT AUTHORITY

- 1 TRACTS 4, 5 & 6 ARE APPROVED TOGETHER FOR THE ACQUISITION OF AN AIRCRAFT EXHAUST TO THE HOUSTON COUNTY AIRPORT AUTHORITY.
- 2 TRACTS 7, 8 & 9 ARE APPROVED TO BE COMBINED INTO ONE PARCEL.
- 3 TRACTS 10, 11 & 12 ARE APPROVED TO BE COMBINED INTO ONE PARCEL.
- 4 TRACTS 13, 14, 15 & 16 ARE APPROVED TO BE COMBINED INTO ONE TRACT.

THE ID NUMBER FOR THIS PLAN IS 71-13
 THE ID NUMBER FOR THIS PLAN IS 71-13
 THE ID NUMBER FOR THIS PLAN IS 71-13



CURVILINEAR DATA TABLE

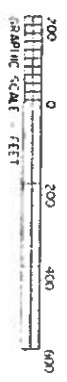
CHAIN	NATHAN	WIDTH	CHORD	CH BEARING
C-1	546.89	251.21	N 37°38'45"W	
C-2	813.65	252.71	N 08°14'52"W	
C-3	722.85	322.20	S 08°14'52"E	
C-4	328.82	340.34	N 58°15'14"W	
C-5	606.00	217.28	S 62°09'23"E	
C-6	618.00	64.16	S 69°37'16"E	
C-7	665.47	92.71	N 67°50'52"W	
C-8	585.47			

TRACT 1 - 31,960 ACRES
 TRACT 2 - 4,419 ACRES
 TRACT 3 - 4,226 ACRES
 TRACT 4 - 6,036 ACRES
 TRACT 5 - 5,277 ACRES
 TRACT 6 - 1,534 ACRES
 TRACT 7 - 2,761 ACRES
 TRACT 8 - 3,432 ACRES
 TRACT 9 - 13,400 ACRES
 TRACT 10 - 1,340 ACRES
 TRACT 11 - 0.65 ACRES
 TRACT 12 - 1,944 ACRES
 TRACT 13 - 1,364 ACRES
 TRACT 14 - 1,089 ACRES
 TRACT 15 - 0.917 ACRES

CERTIFICATION

THE FIELD DATA WERE MEASURED BY JOHN W. PERRY AND AN ANGULAR ERROR OF ONE FOOT IN 2400 FEET AND WAS ADJUSTED USING THE COMBES BALANCE AND THE CURVILINEAR DATA WERE CALCULATED FROM THE FIELD MEASUREMENTS TO BE ACCURATE WITHIN ONE FOOT AND 25/1000 FEET.

THE FIELD AND ANGULAR MEASUREMENTS WERE MADE ON 05-31-07 AT THE STATION ON 2-2-08



SUBMIT FOR
 HOUSTON COUNTY
 AIRPORT AUTHORITY

JOHN W. PERRY, SURVEYOR & ENGINEERING INC.
 PERRY, GEORGIA (478) 987-2705

LEGEND

- 1.1 REBAR SET
- 1.2 REBAR FOUND UNLESS OTHERWISE NOTED
- OPEN TOP PIPE FOUND
- CALCULATED CORNER
- CONCRETE SIGN/MENT FOUND
- RIGHT OF WAY
- B.L. BOUNDING LINE
- P.L. PROPERTY LINE
- D.E. DRAINAGE EASEMENT
- U.P. UTILITY EASEMENT
- S.S. SATURATED SAND STRATUM
- M.H. MANHOLE
- C.B. CATCH BASIN
- I.B. INSULATION BOX
- D.P. DROP PILE
- H.W. HEADWALL
- A.C. ASPHALT
- P.V. PAVEMENT
- C.R. CREEK
- L.L. LAND LOT LINE
- F.H. FIRE HYDRANT
- F.L. FENCE LINE
- F.F. FINISH FLOOR ELEVATION
- P.L. POWER LINE
- P.P. POWER POLE
- C.L. CENTER LINE
- T.H. TEST HOLE
- S.P. SITE PLAN/NO. DEPT.
- S.P.D. SITE PLAN/NO. DEPT.
- R. RADIUS
- E.L. ELEVATION
- R.D.P. RESIDENTIAL DRAINAGE PILE
- R.P. REINFORCED CONCRETE PIPE
- C.M.P. CORRUGATED METAL PIPE
- L.P. LIGHT PILE
- W.P. WATER PILE
- W.M. WELDER META
- N.O. NOW OR FORMERLY

SURVEYOR'S CERTIFICATION **TOTAL AREA: 100.00 ACRES**

IT IS CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION, THAT ALL SHOWNS THEREON ACCURATELY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL SURVEYING AND PLATTING REQUIREMENTS OF THE LAND SURVEYING REGULATIONS OF THE CITY/COUNTY HAVE BEEN FULLY COMPLIED WITH. FURTHERMORE, THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. § 47-0-2, AUTHORITY O.C.G.A. § 47-1-1, § 47-1-2, § 47-1-3, § 47-1-4, § 47-1-5, § 47-1-6, § 47-1-7, § 47-1-8.

BY MARY A. MCKEON
REGISTERED GEORGIA LAND SURVEYOR NO. 8986 (2011)

File No: 615-733 C.S.
Paid to Return: WIGSBAM
Plat Book: 78 Page: 45

REFERENCES
P.B. 56 PG. 190
P.B. 71 PG. 12414

"ON BEHALF CERTIFICATION"
STATE OF GEORGIA, COUNTY OF HOUSTON

THE UNDERSIGNED CERTIFIES THAT HE IS THE OWNER OF THE LAND SHOWN ON THIS PLAT AND ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE HIS FREE ACT AND DEED AND DEDICATES TO PUBLIC USE FOR ALL APPLICABLE AND INDICATED ON THIS PLAT AS STREETS, ALLEYS, EASEMENTS OR PARKS.

WIGSBAM
REGISTERED PROFESSIONAL SURVEYOR
ATTORNEY'S

4/5/16 DATE

Approved: 4/5/16
Houston County Planning Commission
[Signature]
Secretary

cmulgee, inc.
SURVEYORS • ENGINEERS • CONSULTANTS • PLANNERS
1045 Ball Street
Perry, Georgia 31099
Phone (770) 224-9070
Fax (770) 224-9072

SURVEY FOR:
SANDLER NONWOVEN CORP.
&
HOUSTON COUNTY DEVELOPMENT AUTHORITY

COUNTY:	HOUSTON
DISTRICT:	9TH & 10TH
LAND LOT:	9-9TH, 12 & 13-10TH
DATE:	3/31/16
SCALE:	1"=200'
JOB NO.:	15-0313A

REVISION	DATE	BY
ADDED 200th L.L. 11, 12, 13 AND 20 ACRES TRACT	3/2/16	

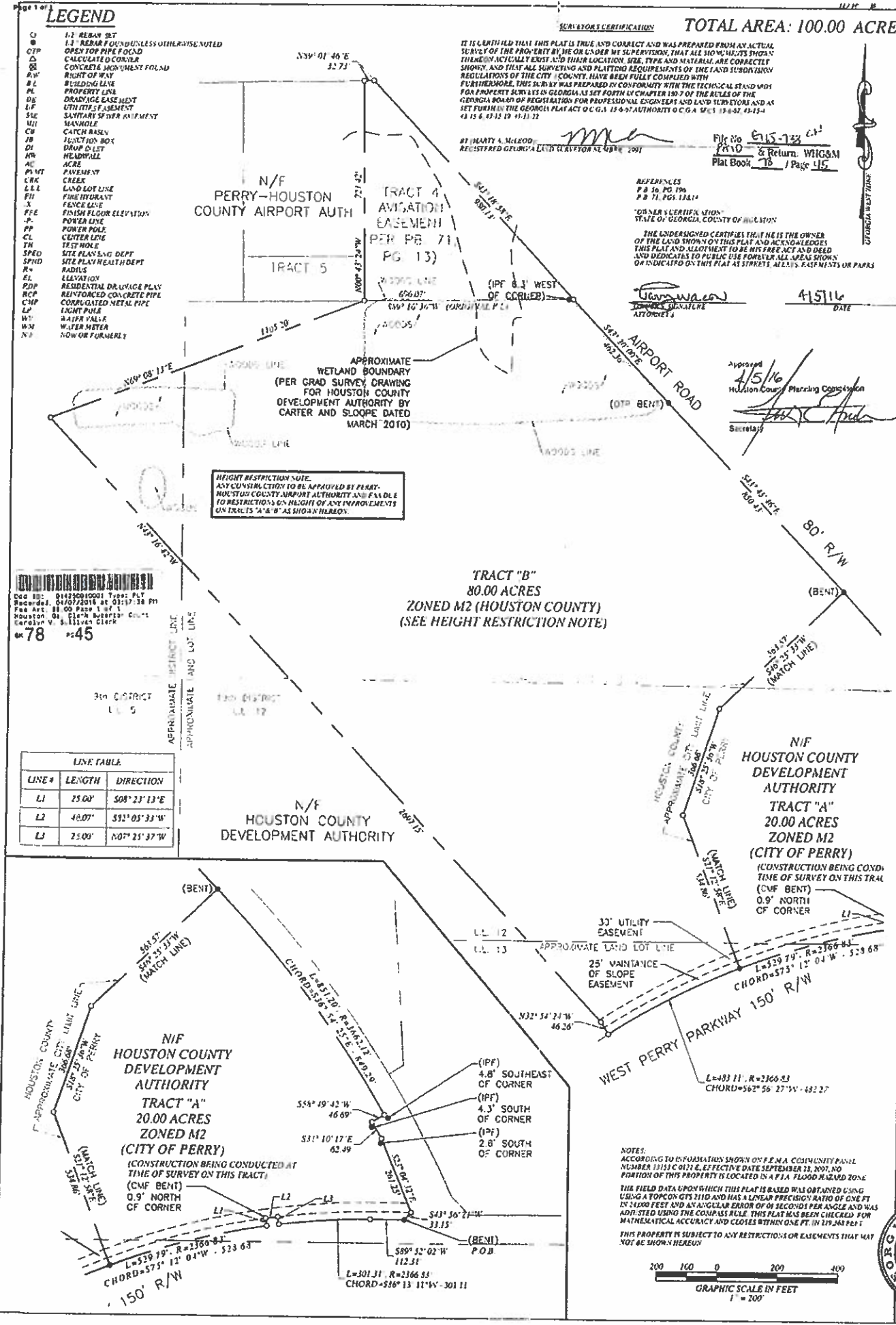
NOTES:
ACCORDING TO INFORMATION SHOWN ON F.E.A. COMMUNITY PANEL NUMBER 13116-0112, EFFECTIVE DATE SEPTEMBER 13, 2007, NO PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD ZONE.
THIS FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING A TOPCON GTS 1110 AND HAS A LINEAR PRECISION RATIO OF ONE FT IN 2400 FEET AND AN ANGULAR ERROR OF 0.1 SECONDS PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CHECKED FOR MATHEMATICAL ACCURACY AND CORRECTED WITHIN ONE FT. IN 279,543 FEET.
THIS PROPERTY IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MAY NOT BE SHOWN HEREON.

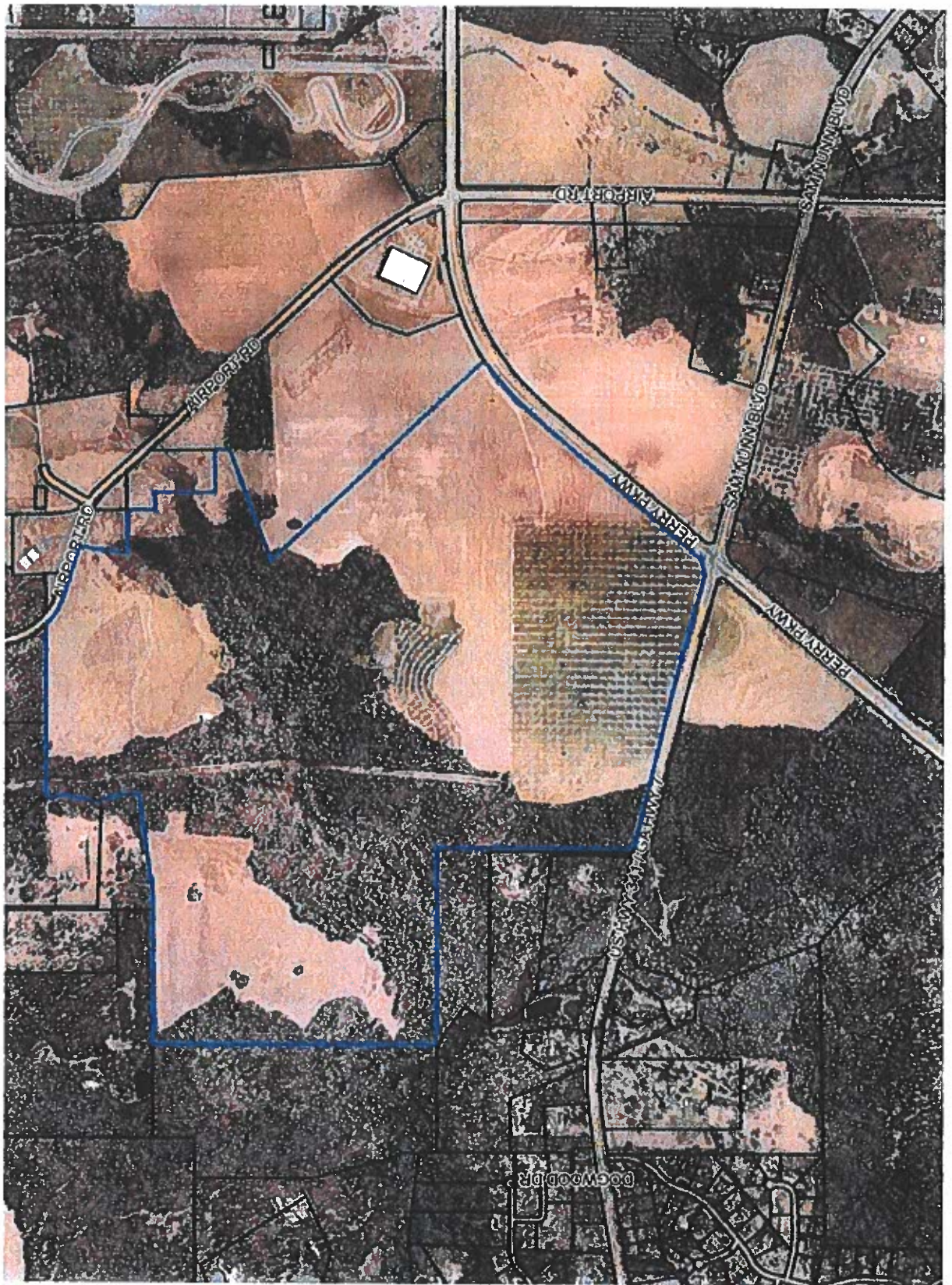
Doc ID: 01129010001 Type: PLT
Created: 04/07/2016 08:01:57:38 PM
Fee Arc: 18.00 Page: 1 of 1
Houston Co. Clerk's Office
Carolyn V. Sullivan Clerk

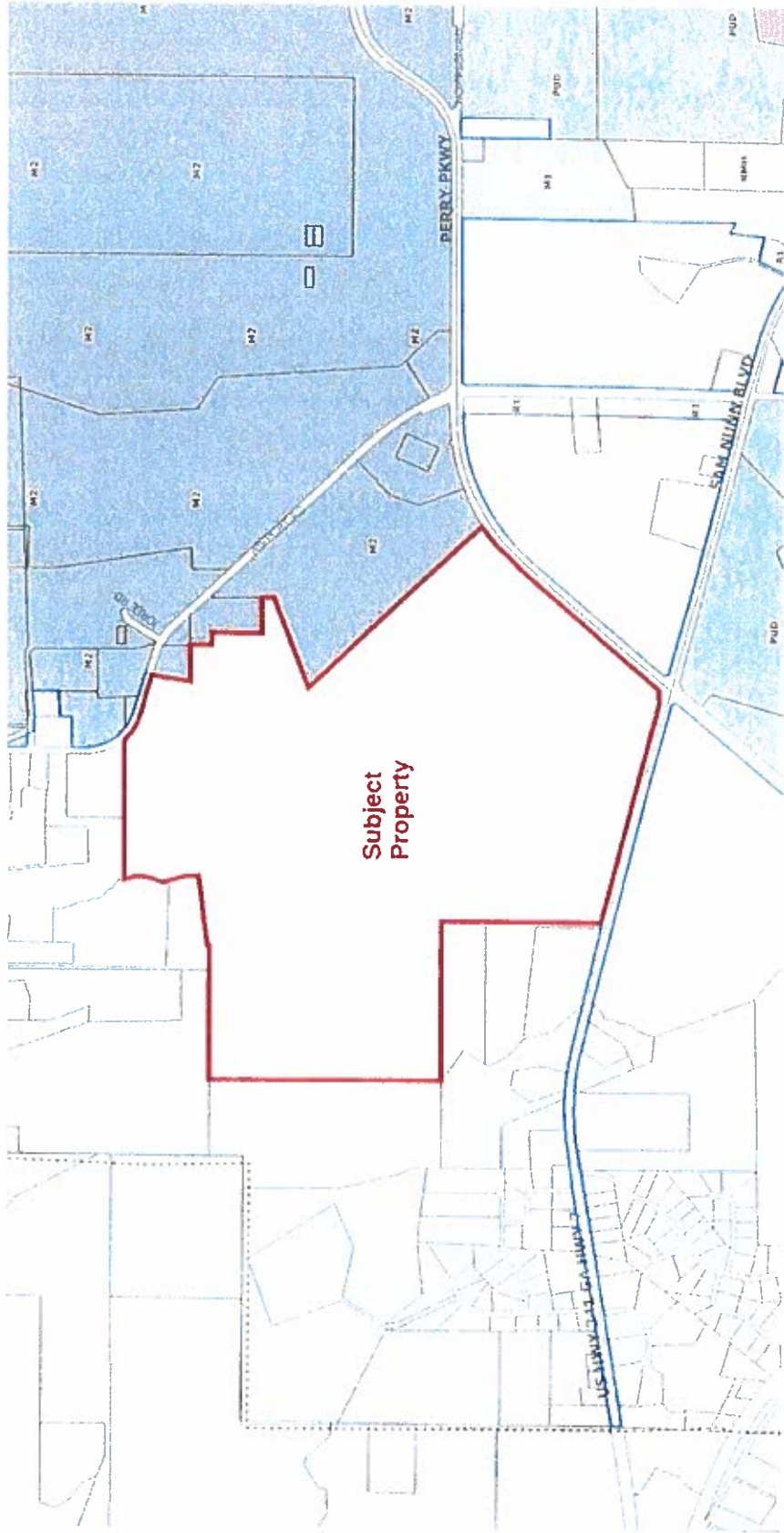
#78 #45

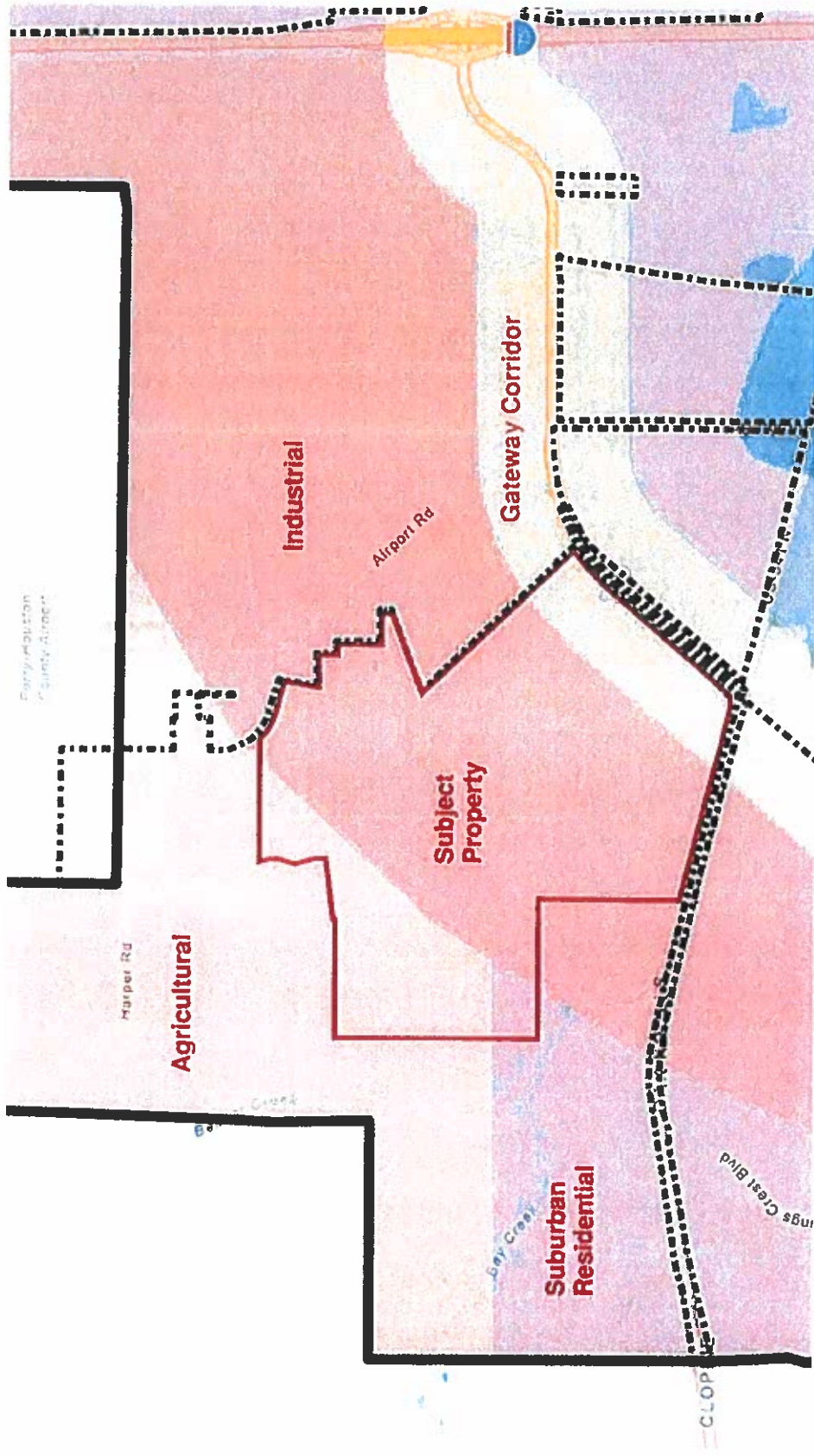
LINE TABLE

LINE #	LENGTH	DIRECTION
L1	75.00'	S08°23'13"E
L2	46.00'	S31°03'33"W
L3	25.00'	N07°25'37"W











Doc ID: 012878790003 Type: GLA
Filed: 11/21/2012 at 02:48:29 PM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk

BK **6041** PG **342-344**

After recording, return to:
Michael J. Long, Esq.
Long & Hall LLP
311 Marge Drive
Warner Robins, Georgia 31088

QUITCLAIM DEED

STATE OF GEORGIA

COUNTY OF HOUSTON

THIS INDENTURE, made this 21st day of November, 2012, between AMERICAN REAL ESTATE INVESTMENT COMPANY, LTD. n/k/a AMERICAN REAL ESTATE INVESTMENT COMPANY, LTD. LP, organized and existing under the laws of the State of Georgia (hereinafter called "GRANTOR"), and DEVELOPMENT AUTHORITY OF HOUSTON COUNTY (hereinafter called "GRANTEE"), and (the terms Grantor and Grantee to include their respective heirs, legal representatives, successors and assigns where the context hereof requires or permits).

WITNESSETH:

WITNESSETH THAT: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy, and sufficiency of which are hereby acknowledged by Grantor, does hereby remise, convey and forever QUITCLAIM unto the said Grantee, all of its entire right, title and interest passing hereunder, whatever the same be, in and to that certain property described in Exhibit "A" attached hereto and by this reference incorporated herein and made a part hereof by this reference.

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

BOOK 6041 PAGE 343

IN WITNESS WHEREOF, the said GRANTOR has caused this deed to be executed by the duly authorized officers of its general partner and the corporate seal of its general partner to be affixed hereto, the day and year above written.

AMERICAN REAL ESTATE INVESTMENT COMPANY, LTD., n/a AMERICAN REAL ESTATE INVESTMENT COMPANY, LTD., LP

BY: R J & J ENTERPRISES, INC., IT'S SOLE GENERAL PARTNER

By: [Signature]
Name: N. D. Horton, Jr., President

Signed, sealed and delivered in presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 1-18-14

(CORPORATE SEAL)



[Quitclaim Deed]

BOOK 6041 PAGE 344

EXHIBIT "A"

LEGAL DESCRIPTION

All that tract or parcel of land situate, lying and being in Land Lots 4, 5, 6, 12, 13, 27, 28 and 29 of the 9th and 10th Land Districts of Houston County, Georgia, being known and designated as Tract "HC", consisting of 667.320 acres, more or less, and having such shapes, metes, bounds, courses and distances as are shown on a plat of survey prepared by Lee R. Jones, Georgia Registered Land Surveyor No. 2680, dated August 26, 2008 and recorded in Plat Book 71, Page 14, Clerk's Office, Houston Superior Court. Said plat of survey and the recorded copy thereof are hereby made a part of this description by reference thereto for all purposes.

Annex#
325-2021



Houston County Commissioners

Serving All of Houston County

Office

200 Carl Vinson Parkway
Warner Robins, GA 31088
478-542-2115
FAX 478-923-5697
www.houstoncountyga.org

Commissioners

Tommy Stalnaker
Chairman

Thomas J. McMichael
Gail C. Robinson
Larry Thomson
H. Jay Walker, III

Staff

Barry Holland
Director of
Administration

K. Thomas Hall
County Attorney

December 8, 2021

Bryan Wood, Director
Community Development
P.O. Box 2030
Perry, GA 31069

Dear Mr. Wood:

The Board of Commissioners met on December 7, 2021 and concurred with the City of Perry's request to annex a 572.60 acre property located at N. Highway 341 and the Perry Parkway. The current zoning is County M-2 with the proposed zoning after annexation as Perry M-2.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Holland".

Barry Holland
Director of Administration
Houston County Board of Commissioners

CC: Honorable Randall Walker,
Mayor, City of Perry

Rec'd
12/13/21

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING APPENDIX A, LAND MANAGEMENT ORDINANCE, OF THE CODE OF THE CITY OF PERRY, ARTICLE 5, MEASUREMENTS AND DIMENSIONAL STANDARDS; AMENDING SECTIONS 5-1.2, MULTIFAMILY RESIDENTIAL DWELLING UNITS, TABLE 5-1-2; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Land Management Ordinance of the Code of the City of Perry is amended as follows:

1.

By amending **Table 5-1-2** of **Section 5-1.2** to permit Council, through the special exception process, to allow a higher maximum density than the maximum density limits of a zoning district when existing buildings are proposed to be adaptively reused for residential or a mix of commercial and residential uses, said amendment to read as follows:

5-1.2 Multifamily residential dwelling units. Multi-family residential developments shall meet the requirements in Table 5-1-2. All multifamily dwelling units shall be connected to a public sewer.

Table 5-1-2 Multi-Family Residential Maximum Density, Minimum Lot Width, and Maximum Lot Coverage
(All multi-family developments exceeding six (6) units require a special exception)

Zoning District	Maximum Dwelling Units per Acre*	Minimum Lot Width (measured at building line)	Maximum Lot Coverage of Buildings (Percent)
R-3, RMH	8	85	40
LC, OC, IN	12	85	40
C-1, C-2	20	85	50
C-3	No maximum	0	100
IMU, MUC, NMU, FBR	See Appendix A for requirements in Form Based Code districts.		
*When existing buildings are proposed to be adaptively reused for residential or a mix of commercial and residential uses, City Council may allow a higher maximum density than listed above through the special exception process.			

BE IT FURTHER ORDAINED that all ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed; and that should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of this governing authority.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

SO ENACTED this 18th day of January, 2022.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: January 4, 2022
2nd Reading: January 18, 2022



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
December 9, 2021

CASE NUMBER: TEXT-324-2021
APPLICANT: The City of Perry
REQUEST: Modifications to Land Management Ordinance Section 5-1.2 to authorize City Council to grant multi-family residential density greater than those established in Table 5-1-1 by special exception and only for the adaptive re-use of existing buildings.

STAFF ANALYSIS: This past Summer, Planning and Economic Development Staff began fielding inquiries about converting older motels into multi-family residential uses. This activity was not anticipated when revisions to Table 5-1-2 regarding maximum multi-family residential densities was revised in the Spring. After discussing two potential projects with developers, it became clear that because of the existing design and structure of the existing buildings, converting motel units to residential units would exceed the maximum allowed density in most zoning districts. It is also possible that a potential conversion of other types of existing buildings could have similar issues.

Staff is recommending that City Council be authorized to consider a density higher than the maximum listed in Table 5-2-1 for the specified zoning district when existing buildings are proposed for adaptive reuse as residential or mixed uses. Council would consider the density issue as part of the special exception process already required for all multi-family residential developments exceeding six units.

Staff believes the standards already established for considering a special exception authorize the Council to evaluate the density or intensity of a proposed project as part of its determination of the impact that project would have on the surrounding area and the provision of services (see the standards below). This amendment will grant Council the specific authority to consider higher densities in unique situations when existing buildings are proposed for conversion to a residential or mixed use.

Standards for granting a Special Exception:

- (1) The existing land use pattern
- (2) Whether the proposed use is consistent with the Comprehensive Plan.
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection.
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan.
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area
 - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area or conflict with the normal traffic of the neighborhood, and
 - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern

- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities.
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion, create a drainage problem, generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water.
- (8) Whether the proposed change will adversely affect property values in adjacent areas.
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located.

Proposed Text Amendment:

5-1.2 Multifamily residential dwelling units. Multi-family residential developments shall meet the requirements in Table 5-1-2. All multifamily dwelling units shall be connected to a public sewer.

Zoning District	Maximum Dwelling Units per Acre	Minimum Lot Width (measured at building line)	Maximum Lot Coverage of Buildings (Percent)
R-3, RMH	8	85	40
LC, OC, IN	12	85	40
C-1, C-2	20	85	40
C-3	No maximum	0	100
IMU, MUC, NMU, FBR	See Appendix A for requirements in Form Based Code districts		
*When existing buildings are proposed to be adaptively reused for residential or a mix of commercial and residential uses, City Council may allow a higher maximum density than listed above through the special exception process.			

STANDARDS FOR GRANTING A TEXT AMENDMENT:

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

The Housing Element of the 2017 Joint Comprehensive Plan states there is a need for quality affordable housing options. The "In-Town Corridor Character Area" in the Land Use Element of the Plan talks about the need to redevelop and revitalize older buildings and to cluster high-density development along major corridors.

- 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 will be authorized City Council to allow a higher maximum multi-family residential density when existing buildings are being adaptively reused. Through the Special Exception standards, Council can determine the intensity of the proposed use and the appropriateness of the population density at a specific location.

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 the maximum multi-family residential densities were originally adopted, and revised earlier this year, developers have expressed interest in converting obsolete or underutilized motels to apartments. The current maximum density would, in most cases, preclude such conversions.

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

As in most cities across the country, Perry has a deficiency in affordable housing options. The community also wishes to see older, obsolete areas of town redeveloped or revitalized

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 Purpose and Intent of the LMO include:

- Prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets.
- Promote quality housing, preserve neighborhoods, and encourage a diversity of housing options.
- Encourage appropriate urban development and redevelopment
- Regulate the density and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, ...
- Facilitate the adequate provision or availability of .. affordable housing... to enhance the health, safety, and welfare of its citizens.

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

City Council can determine the compatibility of proposed uses and densities with their surroundings through the special exception process.

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 reuse of existing buildings is beneficial to the environment by eliminating or reducing the impact on landfills, eliminating the need for new construction materials, and the energy to produce them.

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).

City Council will have the opportunity to determine the impact on public facilities or services with each individual application

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

PLANNING COMMISSION RECOMMENDATION: Following an information hearing held on December 13, 2021, the Planning Commission recommends approval of the proposed text amendment.



Eric Z. Edwards, Chairman, Planning Commission

12/15/21

Date



Where Georgia comes together.

Application # TEXT-324-2021

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

Applicant	
*Name	Bryan Wood for the City of Perry
*Title	Director of Community Development
*Address	1211 Washington Street, Perry, GA 31069
*Phone	478-988-2714
*Email	bryan.wood@perry-ga.gov


Request

*Please provide a summary of the proposed text amendment:

Modify Table 5-1-2 in Section 5-1.2 of the Land Management Ordinance to allow City Council to grant an exception to the maximum residential densities when existing buildings are proposed for adaptive reuse.

Instructions

1. The application, fee (made payable to the City of Perry), and proposed text of the amendment must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. Fees: Actual cost of required public notice.
3. The applicant must state the reason for the proposed text amendment. See Sections 2-2 and 2-3.2 of the Land Management Ordinance for more information.
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
6. The applicant must be present at the hearings to present the application and answer questions that may arise.
7. Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No X
If yes, please complete and submit the attached Disclosure Form.
8. The applicant affirms that all information submitted with this application, including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
9. Signatures:

*Applicant	 Bryan Wood, Director of Community Development, for the City of Perry	*Date	11/15/2021
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Planning Commission Agenda
Minutes - December 13, 2021

1. Call to Order: Chairman Edwards called the meeting to order at 6:02pm.
2. Roll Call: Chairman Edwards; Commissioners Butler, Coody, Clarington, Jefferson and Mehserle were present.

Staff: Bryan Wood – Community Development Director, Holly Wharton – Community Planner, Chad McMurrian- Engineering Services Manager, and Christine Sewell – Recording Clerk

Guests: Will Oliver – Houston Home Journal, Keith Newton, Valerie Thomas, Steven Rowland, Rodney McDaniel, Tom Hall, Peggy Baker, Christine Martnelli, Victor Lozano, Patricia Akins, Wanda Garrard, Matthew King, Ilde Robles.
3. Invocation: was given by Commissioner Jefferson
4. Approval of Minutes from meeting on November 8, 2021 – 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 cell phones on silent mode.
6. Discussion of Capital Improvement Projects - Chad McMurrian, Engineering Services Manager – provided an update on current infrastructure projects.
7. Old Business – None
8. New Business
 - A. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on January 4, 2022)

Regarding the special exceptions for short term rental or bed and breakfast inn for the listed cases to be presented Mr. Wood advised in August 2021 City Council adopted amendments to the Land Management Ordinance making short-term residential rentals (accommodations for periods of less than 30 days) a use that may be allowed in residential districts only by special exception. Using a contracted service, Staff identified eleven active short-term residential rentals in Perry and notified those property owners of the requirement to obtain a special exception. Four property owners removed their listings; Five property owners filed application for special exception; Two property owners filed applications after the initial deadline and will

be considered in January. The city has not received any complaints regarding any of the identified short-term rentals.

Mr. Wood reviewed the definition of "*Bed and breakfast inn* means an owner-occupied dwelling having ten or fewer guest rooms where overnight accommodations are provided to transients for compensation. Meals may or may not be provided. The short-term rental of rooms in an owner-occupied dwelling is classified as a bed and breakfast inn. This use type is regulated under the "visitor accommodations" use category in article 4, use regulations."

Mr. Wood also reviewed the definition of "*Short-term residential rental* means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. This use type is regulated under the "visitor accommodations" use category in article 4, use regulations."

- **SUSE-299-2021.** Special Exception for short-term rental located at 606 Amherst Street. The applicant is Rodney P. McDaniel.

Mr. Wood read the applicants' request which was for a special exception to allow for a short-term residential rental, along with recommended staff conditions.

Chairman Edwards opened the public hearing at 6:14pm and called for anyone in favor of the request. The applicant Mr. Rodney McDaniel advised he has installed security cameras; they do not allow smoking or parties and the property is being maintained and managed to make sure it does not become a nuisance. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:15pm.

Chairman Edward asked for confirmation that these rentals were AirBnb or VRBO, staff advised they were. Commissioner Mehserle inquired if the City has experienced anything negative on these types of rentals; Mr. Wood advised of those identified there has been no complaints, there had been one a couple of years ago on Greenwood Drive, but they ceased and now rent long term. Mr. Wood noted these are far and few between and there has been a lot of discussion with Council and they felt the special exception process was appropriate.

Commissioner Clarrington motioned to recommend approval of the application as submitted with the following conditions: The special exception is limited to the current owners of the subject property, Rodney P., and Naomi McDaniel, and is not transferable; 2. The special exception is limited to short-term rental of the existing house for up to six (6) guests at any given time; 3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental; 4. The property owner shall remit all required taxes and fees associated with the short-term rental as required by law; 5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

- **SUSE-301-2021.** Special Exception for short-term rental located at 205 Avington Chase. The applicant is Peggy Baker.

Ms. Wharton read the applicants' request which was for a special exception to allow for a bed and breakfast inn, along with recommended staff conditions.

Chairman Edwards opened the public hearing at 6:22pm and called for anyone in favor of the request. The applicant Ms. Peggy Baker stated only 12% of her home is dedicated to an AirBnb use and she doesn't provide food but does allow for guests to use the kitchen. There are two rooms rented and she was one of the first in the area to list her home, and she feels she contributes to the community as her guests eat and shop in the local restaurants, and some have even relocated to Perry. Ms. Baker stated she is not a bed and breakfast, but the use is short term rental.

Mrs. Christine Martenlli spoke in favor of the request and had been a previous guest in Ms. Baker's home and is in support of the application.

Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:30pm.

Commissioner Butler motioned to recommend approval of the application as submitted, along with the following conditions: 1. The special exception is limited to the current owners of the subject property, Peggy S. Baker, and is not transferable; 2. The special exception is limited to the short-term rental of up to two (2) guest bedrooms for up to four (4) total guests at any given time; 3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which portions of the subject property are offered for short-term rental; 4. The property owner shall remit all required taxes and fees associated with the short-term rental as required by law; 5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception; Commissioner Clarrington seconded; all in favor and was unanimously recommended for approval.

- **SUSE-317-2021.** Special Exception for short-term rental located at 117 Sutton Drive. The applicant is Victor R. Lozano.

Mr. Wood read the applicants' request which was for a special exception to allow for a bed and breakfast (short-term rental), along with recommended staff conditions.

Chairman Edwards opened the public hearing at 6:34pm and called for anyone in favor of the request. Mr. Victor Lozano advised his guests are those working at the base, hospital and visitors to the fairgrounds, he does allow for use of the kitchen and laundry and has a housekeeper come in every two weeks. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:35pm.

Commissioner Mehserle motioned to recommend approval of the application as submitted, along with the following conditions: 1. The special exception is limited to the current owners of the subject property, Victor R. Lozano, and is not transferable; 2. The special exception is limited to short-term rental of up to 3 bedrooms for up to seven (7) guests at any given time; 3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental; 4. The property owner shall remit all required taxes and fees associated with the short-term rental as required by law; 5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception; Commissioner Clarrington seconded; all in favor and was unanimously recommended for approval.

- **SUSE-319-2021.** Special Exception for short-term rental located at 2047 Northside Road. The applicant is Patricia Akins.

Mr. Wood read the applicants' request which was for a special exception to allow a bed and breakfast (short term rental), along with recommended staff conditions.

Chairman Edwards opened the public hearing at 6:40pm and called for anyone in favor of the request. Ms. Patricia Akins the applicant, reiterated the request and was amendable to the staff conditions. Ms. Wanda Garrard spoke in favor of the application and felt the use was not a detriment to the neighborhood. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:42pm.

Commissioner Jefferson motioned to recommend approval of the application as submitted with the following conditions: 1. The special exception is limited to the current owners of the subject property, Patricia M. Akins, and is not transferable; 2. The special exception is limited to the short-term rental of up to two (2) guest bedrooms for up to four (4) total guests at any given time; 3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which portions of the subject property are offered for short-term rental; 4; The property owner shall remit all required taxes and fees associated with the short-term rental as required by law; 5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception; Commissioner Coody seconded; all in favor and was unanimously recommended for approval.

- **SUSE-321-2021.** Special Exception for short-term rental located at 403 Rolling Acres Drive. The applicant is Lisete Sammeli.

Ms. Wharton advised the applicant has deactivated the property listing and was not available to attend the meeting as she is currently deployed and could not find a representative to attend this evening but should be available in January. Chairman Edwards asked if there was anyone in favor or opposed and there was one citizen present in opposition; therefore, Chairman Edwards called for a motion to table until the January 2022 meeting; Commissioner Mehserle motioned to table the case until the January meeting; Commissioner Jefferson seconded; all in favor and case was tabled.

- **SUSE-320-2021.** Special Exception for multi-family development located at 2141 Hwy 127. The applicant is Matthew King/Crown Real Estate.

Ms. Wharton read the applicants' request which was for to develop a multi-family development at the 22-acre property located at 2141 Hwy 127. The applicant proposes to develop a mix of duplex and traditional multi-family apartment units with the apartments constructed in four 3-story buildings. In total, the applicant proposes 200 first class, garden style units with 44 duplex units, 60 1-bed, 1-bath units, 72 2-bed, 2-bath units, and 24 3-bed, 2-bath units. The development proposed will include an amenity center, courtyard area, resort-style pool, kiddie water park, playground, and dog park. The exterior of the buildings will be constructed using brick and stone, exposed wood timbers, and a complimentary color scheme to suit the character of Perry. Rents for the apartments are projected to be \$1,050 for one-bed units, \$1,250 for 2-bed units, \$1,550 for 3-bed units, and \$1,850 for duplex units. The applicant states that the proposed rents and number of units will support a development which is more exclusive and

includes a significant amount of greenspace and landscaping to support the aesthetics and character of the community. The property for this development includes a portion of the land required for the City of Perry to construct a regional stormwater detention pond and the applicant is aware of these plans and has submitted a site plan for the proposed development that accommodates the City of Perry's engineered pond design. Staff is recommending approval with the condition that the exterior siding used shall be cement-fiber material.

Chairman Edwards opened the public hearing at 6:57pm and called for anyone in favor of the request. Mr. Matthew King, the applicant reiterated the request and advised his firm has been working for eight months on the project and with a one percent vacancy rate the project is very much needed in the area. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:58pm.

Commissioner Coody asked for clarification on the cement-fiber material; Mr. King advised this is for the exterior in that it could not be that type only brick/stone/wood.

Commissioner Butler motioned to recommend approval of the application as submitted with the condition that exterior siding used shall be cement-fiber material; Commissioner Coody seconded; all in favor and was unanimously recommended for approval.

- **SUSE-323-2021.** Special Exception for expansion of self-service storage located at 1910 Macon Road. The applicant is Ilde Robles/Boardwalk Development Group, LLC.

Mr. Wood read the applicants' request which for a special exception to expand the self-service storage facility. The four-acre property was developed as a self-service storage facility in 1997 and the applicant proposes to remove the existing 1,344 square foot office building and replace it with a 12,000 square foot climate-controlled storage building and administrative office. Outdoor storage for RV's and boats will be relocated to an area at the rear of the property. A 10-foot-wide buffer, planted with a staggered double row of 6-foot-tall evergreen shrubs, will be established adjacent to residentially zoned properties to the east and south. Improvements to the stormwater pond on site will be made. Per the Table of Uses in Section 4-1.2 of the Land Management Ordinance, self-service storage facilities may be allowed by special exception in the C-2, General Commercial zoning district. Mr. Wood further advised, the exterior design and materials of the new building must comply with design standards established in Section 6-6.1 of the Land Management Ordinance. Staff was recommending approval with the following conditions: 1. The applicant shall replace the existing chain-link fence visible from Macon Road with black, vinyl-coated chain-link fence and remove the barbed-wire topper and 2. The applicant shall comply with the street tree and street buffer requirements of Section 6-3 of the Land Management Ordinance along the entire Macon Road frontage of the property.

Chairman Edwards opened the public hearing at 7:06pm and called for anyone in favor of the request. Mr. Ilde Roberts, the applicant reiterated the request and advised this is his second property in Perry and he will be expanding. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 7:08pm. Chairman Edwards asked Mr. Roberts if he had any issue with the conditions as presented; he advised he did not. Commissioner Mehserle requested clarification on what was being expanded; Mr. Wood referred to the site plan provided.

Commissioner Mehserle motioned to recommend approval of the application as submitted with the following conditions: 1. The applicant shall replace the existing chain-link fence visible from

Macon Road with black, vinyl-coated chain-link fence and remove the barbed-wire topper and 2. The applicant shall comply with the street tree and street buffer requirements of Section 6-3 of the Land Management Ordinance along the entire Macon Road frontage of the property; Commissioner Clarington seconded; all in favor and was unanimously recommended for approval.

- **ANNX-316-2021.** De-annexation for property located at 308 Woodlands Blvd., Kathleen. The applicant is ASIL Group, LLC.

Mr. Wood read the applicants' request which was to de-annex the property from the City boundary. The applicant developed the Woodlands subdivision in the City of Perry. Woodlands Boulevard along the northern edge of the subdivision consists of lots ranging from about 110 feet to 125 feet in width. Houses are developed with side-loaded garages and are between about 65 feet and 75 feet in width. At the very end of Woodlands Boulevard in the City of Perry, the developer created a "remnant" lot approximately 47 feet in width. The lot is in an area where the boundaries of the City of Perry and the City of Warner Robins touch. The applicant proposes to de-annex the 47-foot-wide lot from the City of Perry and incorporate it with a lot proposed on the Warner Robins side of the development. Given the width of the subject lot and the minimum required side setbacks of 10 feet per side, the lot can accommodate a house approximately 25 feet wide. While a 25-foot-wide house can be designed with a comparable value to its surroundings, such a house would be out of character with the style of houses built and planned on the surrounding properties. The developer did not extend water and sanitary sewer lines to the subject lot from the Perry side of the development. De-annexing this lot will create a jog in the city boundary in the area, however, city boundaries are not always straight lines. City Council's policy is not to de-annex property unless the City cannot provide services. Since the request is for de-annexation and no zoning classification is being requested, there are no standards established by ordinance to consider. Mr. Wood noted while development of the lot in the city would require a style of house inconsistent with others in this section of The Woodlands, the lot can still be developed as platted. Water and sanitary sewer can be extended to service the lot and therefore staff recommends denial of the request as being inconsistent with the policy of City Council.

Chairman Edwards opened the public hearing at 7:13pm and called for anyone in favor of the request. Mr. Keith Newton applicant and developer of The Woodlands advised in 2013/14 Woodlands Blvd. was required to have larger lots in the development. In 2016 development plans to keep extending were provided and approved with a park on the corner and the remaining few lots left had been planned for development in Perry. Mr. Newton advised in 2018 he received a letter from Lee Gilmour stating the City would not extend sewer beyond current City boundary/service delivery area boundary. Therefore, what remained was a 47-foot-wide lot. Mr. Newton advised all the homes on Woodlands Blvd are the largest homes in the Woodlands and (showed pictures), with an added 30' setback for these lots. Development coming from the Warner Robins side continued to make larger lots. Mr. Newton provided twelve letters from surrounding residents and builders opposed to the denial for the lot to remain in the City and be developed, as all other lots are at least 110 foot wide and in doing so will disrupt the character of the neighborhood.

Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 7:18pm.

Commissioner Mehserle asked for clarification of city limit line issue in staff report; Mr. Wood showed where the City limit line is and the impact removing lot would create.

Mr. Newton advised he has developed working back to the City from the Warner Robins side. Each jurisdiction has its own side yard setbacks which would impact development of the property if it remained as two lots in two jurisdictions and his desire is to combine and make one lot for one home in Warner Robins and maintain the character of the street and subdivision.

Commissioner Clarrington asked Mr. Newton if he had spoken with the City to make this acceptable; Mr. Newton did not know there would be an issue with the application. Mr. Wood advised the applicant had to go through the necessary application and process and if the lot is split between two jurisdictions the determination of who would provide police/emergency services would be unclear. Commissioner Mehserle was under the impression the issue was not being able to provide sewer services; Mr. Wood advised we cannot extend beyond City boundary but can extend to the subject property. Mr. Newton stated the extension of water/sewer from Warner Robins has been done for the combined lot and referenced a 2018 letter from Lee Gilmour advising he could not annex any further to make the lot any bigger on the Perry side; Mr. Wood confirmed this.

Commissioner Mehserle felt a little forethought on everybody's part would have avoided this becoming an issue as the park on the corner could have been made larger or the adjacent City lot could have been made larger. Furthermore, from the joint work session and Council's expectations of the Commission's responsibility to further policies of Council, it is difficult to make a motion opposing Council policy although it makes sense to do so and let the developer continue with developing the property.

Commissioner Butler felt the lot should be de-annexed.

Chairman Edwards asked Mr. Newton why this strip was not considered to be added to the adjacent lot; Mr. Newton advised he had developed for a builder and had design parameters to created lots of 110 feet wide and that's what was done, along with the intersection and added park and made lot next to park 15 feet wider as a buffer to the park then continued with 110-foot lots not knowing the City would not allow further annexation.

Commissioner Jefferson motioned to recommend denial of the application as submitted; Commissioner Mehserle seconded; Chairman Edwards called for a vote; those in favor of recommending denial were Commissioners Jefferson, Mehserle, Clarrington; Commissioners Butler, Coody and Chairman Edwards were in favor of recommending approval; resulting vote was 3-3.

Chairman Edwards asked how the tie affects the recommendation; Mr. Wood advised the motion fails and therefore there is no official recommendation.

Commissioner Edwards asked how this affects what will be sent to Council. Commissioner Mehserle stated his vote is not necessarily based on his view of the situation, but on the stated policy of Council. Mr. Wood advised staff will present as no recommendation but include the explanation and reasoning of where the two sides came from for Council to consider.

- **ANNX-325-2021.** Annexation and designation of M-2 General Industrial District zoning of property on N. Hwy 341. The property is zoned M-2 in Houston County. The applicant is Thomas Hall for the Houston County Development Authority.

Ms. Wharton read the applicants' request which was for the annexation and zoning designation of M-2, General Industrial District. The property is a 572.6-acre parcel located at Perry Parkway and North Highway 341 and has road frontage along Airport Road on the northern end of the parcel. The property is currently zoned M-2 in Houston County and is currently used for agriculture on the southern portion of the parcel. The remainder of the parcel is undeveloped, and the applicant has requested to be annexed into the City of Perry for future development of industrial property and access to City of Perry utilities.

Chairman Edwards opened the public hearing at 7:50pm and called for anyone in favor of the request. Mr. Tom Hall, attorney for the Houston County Development Authority reiterated the request. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 7:51pm.

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

- **TEXT-324-2021.** Text amendment to modify Section 5-1.2 to allow Council to increase maximum density for adaptive reuse of existing buildings. The applicant is the City of Perry.

Mr. Wood advised the amendment was for modifications to Land Management Ordinance Section 5-1.2 to authorize City Council to grant multi-family residential density greater than those established in Table 5-1-1 by special exception and only for the adaptive re-use of existing buildings. Mr. Wood further advised this past Summer, Planning and Economic Development Staff began fielding inquiries about converting older motels into multi-family residential uses. This activity was not anticipated when revisions to Table 5-1-2 regarding maximum multi-family residential densities was revised in the Spring. After discussing two potential projects with developers, it became clear that because of the existing design and structure of the existing buildings, converting motel units to residential units would exceed the maximum allowed density in most zoning districts. It is also possible that a potential conversion of other types of existing buildings could have similar issues. Staff is recommending that City Council be authorized to consider a density higher than the maximum listed in Table 5-2-1 for the specified zoning district when existing buildings are proposed for adaptive reuse as residential or mixed uses. Council would consider the density issue as part of the special exception process already required for all multi-family residential developments exceeding six units.

Staff believes the standards already established for considering a special exception authorize the Council to evaluate the density or intensity of a proposed project as part of its determination of

the impact that project would have on the surrounding area and the provision of services (see the standards below). This amendment will grant Council the specific authority to consider higher densities in unique situations when existing buildings are proposed for conversion to a residential or mixed use.

Chairman Edwards opened the public hearing at 7:54pm. and called for anyone in favor or opposed; there being no one the public hearing was closed at 7:55pm.

Chairman Edwards asked Mr. Wood for clarification on the residential density; Mr. Wood provided and as an example referred to the recent hotel conversion on Valley Drive and an applicant could request a rezoning for a Planned Unit Development in lieu of the proposed. Commissioner Mehserle advised he was in favor as there is a need for housing.

Commissioner Mehserle motioned to recommend approval as presented; Commissioner Coody seconded; all in favor and was unanimously recommended for approval.

B. Public Hearing (Planning Commission decision)

- **PLAT-318-2021.** Preliminary plat for 433 Langston Road. The applicant is Steven Rowland.

Mr. Wood advised the property is zoned R-2A, Single-family Residential District and consists of 44.68 acres. The applicant proposes to develop a 116-lot residential subdivision with lot sizes ranging from the minimum 12,000 square feet to 22,500 square feet. All lots meet the minimum lot width of 80 feet. No lot is located within the 100-year floodplain located at the northern end of the property. Stormwater will be managed in the northeast corner of the development. The subdivision design includes a 75-foot buffer adjacent to Langston Road to accommodate future road widening. Mr. Wood also noted that because of the shape of the property, a single road looping the site is planned. Two access points onto Langston Road are included. Proposed rights-of-way and street widths meet the minimum requirements of the LMO. The proposed name of the road, "Overton Drive", must be approved by Houston County E911. Furthermore, City Council has established a policy of purchasing land and developing pocket parks in all new neighborhoods. Staff has recommended to Council that Lots 69 and 43 near the center of the development would be the appropriate location and size for a pocket park in this subdivision. Because the street in this development is long and straight, staff believes the developer should install at least one speed table on each leg of the street in front of lots 69 and 43. Staff further believes the developer should install sidewalks at least on the lots on the interior side of the street to provide safe access to the park. Mr. Wood advised staff recommended approval as the proposed preliminary plat meets the minimum standards for a single-family subdivision in an R-1 zoning district, Staff recommends approval of the preliminary plat with the following conditions: 1. At least two removable speed tables approved by the City's Fire Marshal shall be installed: one each at Lots 69 and 43; 2. The developer/builder shall install ADA-compliant sidewalks at least on the interior side of the street right-of-way (lots 31-81); and 3. The applicant shall provide proof of street name approval by Houston County E911.

Chairman Edwards opened the public hearing at 8:03pm and called for anyone in favor of the request. Mr. Steven Rowland on behalf of the developer WCH Homes advised the plan is

consistent with the concept plan that was presented when the annexation application was made and has no issues with the conditions. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 8:05pm.

Commissioner Clarrington motioned to approve as submitted with the conditions presented by staff; Commissioner Jefferson seconded; all in favor and was unanimously approved.

9. Other Business

- Discussion of staff report format- Mr. Wood advised a survey of other communities had been done on what is provided in staff reports and most do provide a staff recommendation and after discussing with the City Manager and City Attorney staff will continue to provide the recommendations.
- Commission questions or comments – None.

10. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 8:12pm.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING CHAPTER 15, LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE VI, TRANSIENT MERCHANTS, TO REVISE THE DEFINITION OF TRANSIENT MERCHANT IN SECTION 15-126.

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended as follows:

1.

By amending the definition of "Transient merchant" within Section 15-126. to read as follows:

Sec. 15-126. – "Transient merchant" defined.

As used in this article, the term "transient merchant" means any person, firm, or corporation, as principal or agent, or both, which is not a regular retail or wholesale merchant with a permanent place of business in the city, but rather one (1) who displays samples, model goods, wares or merchandise in or upon any lot, building, room or structure of any kind, whether fixed or mobile, for the purpose of securing orders for gratis or for the retail sale of such items or items of like kind or quality for immediate or future delivery. The term "transient merchant" shall not include any person, firm, or corporation which:

- (1) Meets the definition of "fruit or vegetable stand" in article IX of this chapter; or
- (2) Makes house-to-house personal calls for the purpose of displaying samples or taking orders for shipment directly from a manufacturer (see article XV, solicitors); or
- (3) Conducts business at any industry or association trade show; or
- (4) Holds a yard sale from the home of a resident of the city, provided such business activity otherwise complies with city ordinances (see section 17-30, yard sales, etc.); or
- (5) Sells items from the home of a resident of the city, provided such business activity otherwise complies with city ordinances (see appendix A, section 4-4, accessory uses); or
- (6) Sells items at an organized show or exhibition held within the corporate limits of the city by a person who has first obtained from the city a license for the purpose of conducting such show or exhibition; or
- (7) Sells items in the downtown district on property owned or leased by the individual or organization holding the sale, provided permission for such sale has been obtained from the council, and provided such business activity otherwise complies with city ordinances.

SO ENACTED this 1st day of February, 2022.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: January 18, 2022

2nd Reading: February 1, 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, CHAPTER 22, SOLID WASTES; AMENDING SECTION 22-24, COLLECTION AND DISPOSAL OF SOLID WASTE, PROVIDING FOR INVESTIGATION OF COMPLAINTS.

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended as follows:

1.

By amending Section 22-24(1)(a) to read as follows:

Sec. 22-24. – Collection and disposal of solid waste.

- a. The occupant shall place all residential solid waste curbside for collection and disposal by the city, or its authorized representative, no later than 6:00 a.m. on the day of collection and no earlier than 3:00 p.m. on the day before the scheduled collection day. The mobile-toter shall be removed from curbside no later than 8:00 a.m. on the day after collection. Violations of this section should be reported to the department of public works. Upon receiving a complaint, the department of public works or code enforcement shall investigate such complaint. Upon finding a violation, the offending party shall be notified in writing to remove the toter. The offending party shall have forty-eight (48) hours after receiving the notice to remove the toter. Any party failing to remove the toter from curbside within the specified time after receiving the notice shall be guilty of a misdemeanor.

SO ENACTED this 1st day of February, 2022.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: January 18, 2022

2nd Reading: February 1, 2022



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OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor / Council
FROM: Lee Gilmour, ^{LG} City Manager
DATE: January 7, 2022
REFERENCE: Fee amendment

Each year after the audit is completed the Administration reviews costs versus revenues. City policy requires the proprietary funds pay their own costs. The attached resolution addresses some operating shortfalls.

cc: Mr. R. Smith

**A RESOLUTION TO AMEND
THE CITY OF PERRY
FEE SCHEDULE**

WHEREAS, there is a need to adjust certain operational fees;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY
HEREBY RESOLVES** that the City of Perry Fee Schedule is amended as follows:

Section 1 B. Charge for Services. 5. Water/Sewerage. a. water services. 3. Services is adjusted as shown:

a. Base charge

	From	To
1) Water/Sewerage meter	\$ 4.25/billing	\$ 4.70/billing
2) Water only	3.00/billing	3.10/billing

Section 2 B. Charge for Services. 6. Natural Gas. b. Service is adjusted as shown:

b. Service

	From	To
a. Base charge	\$ 4.25/billing	\$ 4.70/billing
b. Consumption city distribution charge	.4327ccf	.5459ccf

SO RESOLVED THIS _____ DAY OF JANUARY 2022.

CITY OF PERRY

By: _____
RANDALL WALKER, MAYOR

City Seal

Attest: _____
ANNIE WARREN, CITY CLERK

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT, dated as of _____, 2022, made and entered into by and between the Houston County Board of Commissioners on behalf of Houston County, Georgia (“Houston County”), a political subdivision of the State of Georgia; City of Warner Robins, Georgia, a municipal Corporation of the State of Georgia (Warner Robins); City of Centerville, Georgia, a municipal corporation of the State of Georgia (Centerville); City of Perry, Georgia a municipal corporation of the State of Georgia (Perry) and City of Byron, Georgia, a municipal corporation of the State of Georgia (Byron).

WITNESSETH:

WHEREAS, the parties herein recognize the importance of road improvements in their various jurisdictions; and

WHEREAS, the State of Georgia through the Georgia Department of Transportation makes available to local jurisdictions Local Maintenance and Improvement Grants (LMIG) to pave and repair roads in local jurisdictions; and

WHEREAS, in order to secure the best price for the work to be done with LMIG funds Houston County, Warner Robins, Centerville, Perry, and Byron would agree that all projects for the aforesaid jurisdictions would be bid together and awarded to the lowest bidder;

NOW, THEREFORE, in consideration of the foregoing and the respective representations, covenants and agreements hereinafter set forth, the Parties hereto agree as follows:

1. Houston County agrees to bid all of the projects for Houston County, Warner Robins, Centerville, Perry, and Byron.

2. Within sixty (60) days of the selection of a low bidder each of the Parties herein will execute a contract with the low bidder based on the unit costs received in the bid process.

3. Failure by any of the Parties to execute a contract with the low bidder within the aforesaid sixty (60) days will result in a breach of this Agreement.

4. Each Party to this Agreement maintains the jurisdiction and control of each of their respective roads and right-of-way.

5. This Agreement may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute one agreement. No party shall be bound by this Agreement until all parties have executed it.

IN WITNESS WHEREOF, Houston County, Warner Robins, Centerville, Perry, and Byron have caused this Agreement to be executed in their respective seals to be hereunto affixed and attested by their duly authorized officers.

**BOARD OF COMMISSIONERS OF
HOUSTON COUNTY, GEORGIA**

By: _____
Tommy Stalnaker, Chairman

[COUNTY SEAL]

Attest: _____
Barry Holland, Director of
Administration

CITY OF WARNER ROBINS, GEORGIA

By: _____
Mayor

[SEAL]

Attest: _____
City Clerk

CITY OF CENTERVILLE, GEORGIA

[SEAL]

By: _____
Mayor

Attest: _____
City Clerk

CITY OF PERRY, GEORGIA

[SEAL]

By: _____
Mayor

Attest: _____
City Clerk

CITY OF BYRON, GEORGIA

[SEAL]

By: _____
Mayor

Attest: _____
City Clerk



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OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor / Council
FROM: ^{LS} Lee Gilmour, City Manager
DATE: January 11, 2022
REFERENCE: Additional duties

The Perry Municipal Court, through research by the Perry Police Department and court staff, has instituted a process that provides the court with the ability to handle the warrant process for suspected drunk drivers. Previously this was handled by Houston County State Court and the fines/fees went to the county.

Due to the Chief Judge and Associate Judge of the Perry Municipal Court now having to be on call for issuing the DUI warrants, the Administration recommends council approve a 10% compensation adjustment. The judge on call usually issues the warrants between 10:00 P.M and 4:30 A.M. There is a time limit on issuing the warrants.