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March 15, 2022

COUNCIL AGENDA  
PERRY EVENTS CENTER  
1121 MACON ROAD, PERRY, GA 31069

6:00 PM

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**To join the meeting by Facebook:** Use this URL - [facebook.com/cityofperryga](https://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, Lacaundus McBride – Chief S. Lynn.
5. Community Partner(s) Update(s):
6. Citizens with Input.
7. Old Business:
  - 7a. Ordinance(s) for Second Reading(s) and Adoption:
    1. **Second Reading** of an ordinance for the rezoning of property from R-1, Single-family Residential, to C-2, General Commercial. The property is located at 1803 Houston Lake Road; Tax Map No. 0P41A0 024000 – Mr. B. Wood.
    2. **Second Reading** of an ordinance for the rezoning of property from R-1, Single-family Residential, to C-2, General Commercial. The property is located at Houston Lake Road and Gray Road; Tax Map No. 0P0440 07C000 – Mr. B. Wood.
    3. **Second Reading** of an ordinance for the annexation of property to the City of Perry. The property is located at Kings Chapel Road and Gurr Road; Tax Map No. 000830 062000 – Mr. B. Wood.
    4. **Second Reading** of an ordinance for the rezoning of property from RAG (County) to R-2A, Single-family Residential (City). The property is located at Kings Chapel Road and Gurr Road; Tax Map No. 000830 062000 – Mr. B. Wood.

5. **Second Reading** of an ordinance for the rezoning of property from R-2, Two-family Residential, to PUD, Planned Unit Development (Residential). The property is located on Gurr Road; Tax Map No. oPo480 039000 – Mr. B. Wood.
6. **Second Reading** of an ordinance for the rezoning of property from C-2, General Commercial, to PUD, Planned Unit Development (Residential). The property is located on US Hwy 41 South at Holly Hills subdivision; Tax Map No. oPo320 075000– Mr. B. Wood.
7. **Second Reading** of an ordinance for the rezoning of property from R-2, Two-family Residential, to C-2, General Commercial. The property is located at 613 and 615 Martin Luther King, Jr. Drive; Tax Map No. oPo270 109000 and oPo270 108000– Mr. B. Wood.
8. **Second Reading** of an ordinance for the rezoning of property from C-1, Highway Commercial, to PUD, Planned Unit Development. The property is located at 1004, 1004A and 1006 St. Patrick's Drive; Tax Map No. oPo400 021000, oPo400 022000, and oPo400 048000 – Mr. B. Wood.
9. **Second Reading** of an ordinance for the rezoning of property from OC, Office-Commercial District, to C-3, Central Business District. The property is located at 900 Ball Street; Tax Map No. oPo040 035000 – Mr. B. Wood.
10. **Second Reading** of an ordinance to amend City Code re Meter Specifications – Ms. B. Newby.

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

- 8a. Council's Consideration – Minutes of the February 28, 2022 work session, March 1, 2022 pre council meeting and March 1, 2022 council meeting.

9. **Any Other Old Business:** Mayor Randall Walker

- 9a. Mayor Randall Walker
- 9b. Council Members
- 9c. City Attorney Brooke Newby
- 9d. City Manager Lee Gilmour
- 9e. Assistant City Manager Robert Smith

10. **New Business:** Mayor Randall Walker

- 10a. **Matters referred from March 14, 2022 work session and March 15, 2022 pre council meeting.**

- 10b. **Resolution(s) for Consideration and Adoption:**

1. Resolution to amend the Service Delivery Strategy for the City of Perry – Ms. H. Wharton.
  2. Resolution amending the City of Perry Personnel Management System relative to the Paid Time Off (PTO) Policy – Ms. B. Newby.
  3. Resolution Opposing HB 1093 & SB 494 and Opposing Limitations on a City’s Authority to make Housing, Land Use and Zoning Decisions within a Local Government’s Geographical Boundaries – Mayor R. Walker.
- 10c. Approval of the lease agreement with Norfolk Southern – Ms. B. Newby.
11. Council Members Items:
  12. Department Heads/Staff Items:
  13. General Public Items:
  14. Mayor Items:
  15. 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](http://www.perry-ga.gov).

**ORDINANCE**

**THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS** that the zoning is changed from City of Perry R-1, Single-Family Residential District to City of Perry C-2, General Commercial District, and the city's zoning map is amended accordingly relative to property of **BETTY C. GRAY**, described as follows:

**PARCEL 1:** That certain lot or parcel of land situate, lying and being in the 10<sup>th</sup> Land District of Houston County, Georgia, being a part of Land Lot 111 in said District, and comprising 2.45 acres of land, and having such shape, metes, bounds, courses and distances as are shown on plat of survey made by Rhodes Sewell, State Surveyor No. 160, dated October 13, 1954, a copy of said plat being of record in Map Book 3, Page 175, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto. Said lot or tract of land is bounded on the northwest, northeast and southwest by land now or formerly of W. W. Gray and on the southeast by the right of way of the Perry-Houston Lake Paved highway.

**PARCEL 2:** All that tract or parcel of land situate, lying and being in the Tenth Land District of Houston County, Georgia, and being a part of Land Lot 111 in said District, comprising 0.56 acre according to a plat of survey made by Rhodes Sewell, Surveyor, dated January 30, 1964, a copy of said plat being of record in Map Book 9, Page 11, 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. The land above described and which is hereby conveyed together with that land which was conveyed from W. W. Gray, Sr. to Walter Gray, Jr. by deed recorded in Book 87, Page 194, Clerk's Office, Houston Superior Court, comprises the 3.01 acres which is all of the land shown by said plat of survey recorded in Map Book 9, Page 11, said Clerk's Office.

**PARCEL 3:** All that tract or parcel of land situate, lying and being in Land Lot 111 of the Tenth District of Houston County, Georgia and containing 0.50 acre as shown on plat of survey prepared by Richard L. Jones, Registered Surveyor No. 1591, dated February 8, 1975 and recorded in Plat Book 18, Page 63, 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.

**Parcels 1-3 are known as Houston County Tax Assessor Tax Map  
Parcel No.: 0P41A0 024000  
Deed Reference: Book 9318, Pages 294-296**

**Said property is rezoned subject to the following conditions:**

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

SO ENACTED this 15th day of March, 2022.

**CITY OF PERRY, GEORGIA**

BY: \_\_\_\_\_  
RANDALL WALKER, Mayor

ATTEST: \_\_\_\_\_  
ANNIE WARREN, City Clerk

1<sup>st</sup> Reading: March 1, 2022  
2<sup>nd</sup> Reading: March 15, 2022



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## **STAFF REPORT**

From the Department of Community Development  
January 27, 2022

**CASE NUMBER:** RZNE-007-2022  
**APPLICANT:** Lynward Barrett  
**REQUEST:** Rezone from R-1, Single-family Residential, to C-2, General Commercial  
**LOCATION:** 1803 Houston Lake Road; Tax Map No. 0P41A0 024000

**BACKGROUND INFORMATION:** The subject property consists of 3.51 acres and is currently zoned R-1, Single-family residential. The subject property currently has a single-family home which is vacant. The property owner wishes to transition this property to a commercial use which is consistent with similar development nearby.

The applicant is requesting rezoning to the C-2, General Commercial, district for the purpose of pursuing commercial and/or multi-family development.

The applicant indicates there are no covenants or restrictions which prevent the proposed development.

### **STANDARDS GOVERNING ZONE CHANGES:**

**1. The existing land uses and zoning classification of nearby properties.**

	<b>Zoning Classification</b>	<b>Land Uses</b>
North	C-2, General Commercial	Commercial development
South	R-1, Single-family residential	Church
East	R-1, Single-family residential	Vacant
West	PUD, Planned Unit Development	North Hamptons subdivision

- 2. The suitability of the subject property for the zoned purposes.** The subject property is suitable for commercial development due to its location near other similarly zoned properties.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** As currently zoned, the subject property is limited to a subdivision of approximately 8 single-family homes. However, this area is desirable for commercial development due to its proximity to other commercial properties and Perry Parkway development. The applicant states that C-2 zoning will increase the value of the subject property.
- 4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** The current and proposed zoning classification does not pose any threat to the health, safety, morals, or general welfare of the public and surrounding area.

5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Commercial development at the subject property presents a relative gain to the public through its potential development that could provide increased access to services, shopping, dining, and housing for the surrounding community.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The current zoning of the subject property would only allow a single-family residence. However, due to the property's location and surrounding development, commercial zoning would bring the property to its highest and best economic use.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject property has most recently been developed as a single-family home, but it has now been vacant for approximately six months. Most of the properties in the vicinity are developed as commercial properties or are in the process of transitioning to commercial uses.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** Properties nearby and adjacent to the subject property are zoned and developed as commercial uses. The proposed zoning district and allowable uses will be suitable in view of nearby properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed use of the property should not adversely affect existing uses or usability of nearby properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject property is identified as a "Suburban Residential" and "Gateway Corridor" character areas in the 2017 Joint Comprehensive Plan Update. The Suburban Residential character area indicates the need for "greater variety of housing types" and "housing diversity, particularly in terms of higher density and greater affordability." The suggested development pattern includes "location of higher-density housing near commercial centers, or along arterial roads." The Gateway Corridor character area's suggested development pattern of "homes, shops, small businesses, and institutions grouped in attractive mixed-use centers" is appropriate for the subject property.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** While the subject property is currently vacant, any new commercial or multi-family development will increase the use of existing streets, utilities, and school facilities.
  - Infrastructure – Water and sewer service is available at the subject property. Water, sewer, and stormwater facilities will be provided by the City of Perry.
  - Roads – The primary roads impacted as a result of commercial development at the subject property are Houston Lake Road and Perry Parkway. Both of these have been identified as an arterial street in the City's street classification plan and has adequate capacity to serve future commercial development.
  - Education – Staff is not aware of any capacity-related issues for the Houston County School System resulting from future commercial or multi-family development.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** Properties along Houston Lake Road, particularly near the intersection of Perry Parkway, are continuing to

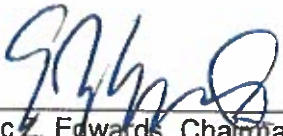
transition from residential to commercial uses. These properties have the potential for higher economic value to the community.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning change with the following conditions:

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the zoning change with the following conditions:

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative.

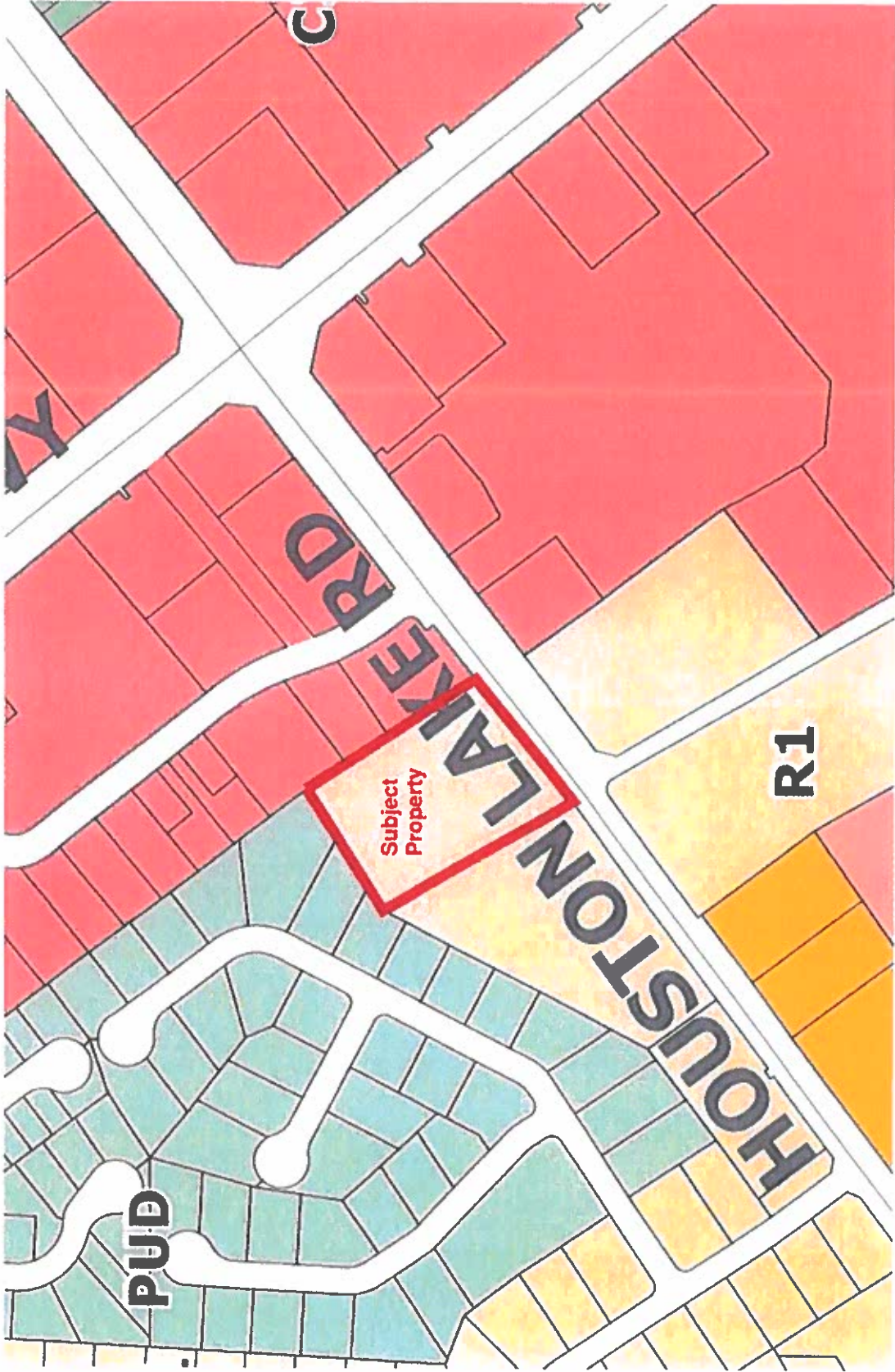


Eric Z. Edwards, Chairman of the Planning Commission

2/17/22  
Date







C

AY

LAKE RD

Subject Property

R1

HOUSTON LAKE RD

PUD





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Application # RZ NE -  
007-2022

### Application for Rezoning

Contact Community Development (478) 988-2720

#### Applicant/Owner Information

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Lynward Barrett	Betty C Gray
*Title	Agent for Seller	
*Address	902 Northside Dr. Perry, GA.	
*Phone	478-714-7880	
*Email	lynwardbarrett@aol.com	

#### Property Information

*Street Address or Location	1803 Houston Lake Rd. and the west corner of Houston Lk Rd. and Gray Rd.
*Tax Map Number(s)	OP 41A0 024000 and <del>OP 41A0 024000</del> 2B
*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;

#### Request

*Current Zoning District	RI	*Proposed Zoning District	C2
*Please describe the existing and proposed use of the property Note: A Site Plan or other information which fully describes your proposal may benefit your application.			
VACANT NOW - Proposed use is possibly Commercial and/or Apartments			

#### 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.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- \*The applicant must be present at the hearings to present the application and answer questions that may arise.
- \*Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes  No   
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 Lynward Barrett	*Date 1-7-2021
*Property Owner/Authorized Agent Lynward Barrett	*Date 1-7-2021

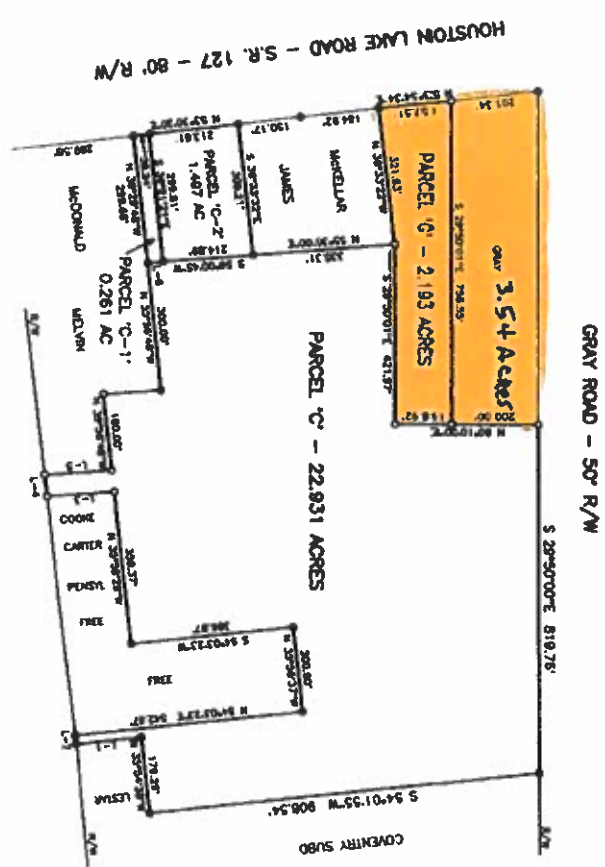
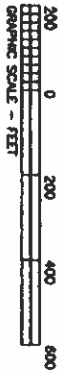
**Standards for Granting a Rezoning**

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

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

- (1) The existing land uses and zoning classification of nearby property; *There are several C2 properties surrounding these parcels including an Apartment complex and several fast food places nearby.*
- (2) The suitability of the subject property for the zoned purposes; *These parcels are very near other C2 properties and have sewer and water at or near the property.*
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions; *This zoning approval will no doubt increase all of the property values of not only these parcels but nearby parcels also.*
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public; *The current R1 zoning will not let the owner of the property obtain the highest and best use of these parcels.*
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner; *The approval of this request would possibly help get some much needed rental properties in the area. Every thing from commercial to live units would add a much needed boost to the area.*
- (6) Whether the subject property has a reasonable economic use as currently zoned; *It's obvious that the current zoning does not really add an economic benefit to the area.*
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; *One parcel with an house on it has been vacant for about 6 months and the other parcel has been just vacant land for many years.*
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property; *As mentioned before, there are several C2 zoning businesses within 300-400 yards. With the current zoning which is R1, only single family units would be allowed.*
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property; *We do not feel that the requested C2 zoning would affect any of the nearby properties.*
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan; *we feel that it is.*
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and *we do not feel that this would be the case.*
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

*No, there are no other existing or changing conditions affecting the use and development of this property. As stated above, most of the surrounding property is already zoned C1 or C2.*



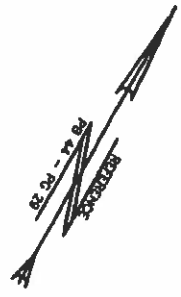
**LINEAR DATA TABLE**

COURSE	BEARING	DISTANCE
L-1	S 54°02'19\"/>	
L-2	S 54°02'19\"/>	
L-3	S 52°03'21\"/>	
L-4	N 39°04'56\"/>	
L-5	N 39°07'12\"/>	
L-6	S 53°42'16\"/>	

**REFERENCE:**

1. PLAT BOOK 25 - PAGE 147
2. PLAT BOOK 25 - PAGE 164
3. PLAT BOOK 26 - PAGE 273
4. PLAT BOOK 26 - PAGE 18
5. PLAT BOOK 33 - PAGE 7
6. PLAT BOOK 35 - PAGE 59
7. PLAT BOOK 44 - PAGE 29
8. PLAT BOOK 60 - PAGE 33

**CERTIFICATION**  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS BEEN CAREFULLY RECHECKED BY ME AND I CERTIFY THAT THE SAME IS CORRECT AND ACCURATE AND THAT THE PLAT IS A TRUE AND FAITHFUL REPRESENTATION OF THE SAME AND THAT THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.  
 THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT BEING TOTAL STATION OR S-11-04



APPROVED FOR RECORDING  
 W. F. DORR  
 COUNTY ENGINEER  
 CITY OF HOUSTON, GEORGIA  
 66  
 210

**NOTE:**  
 1. PARCEL 'C' IS AN ADDITION TO OTHER LANDS OF GRAY  
 2. PARCEL 'C-1' IS AN ADDITION TO OTHER LAND OF MCCONNELL

- IRON PIN FOUND
- IRON PIN PLACED
- L-1 LINE IDENTIFIER

REVISED 4-21-08 TO SHOW PARCEL 'C-2'  
 REVISED 10-28-04 TO SHOW PARCELS 'D' & 'C-1'  
 SURVEY FOR

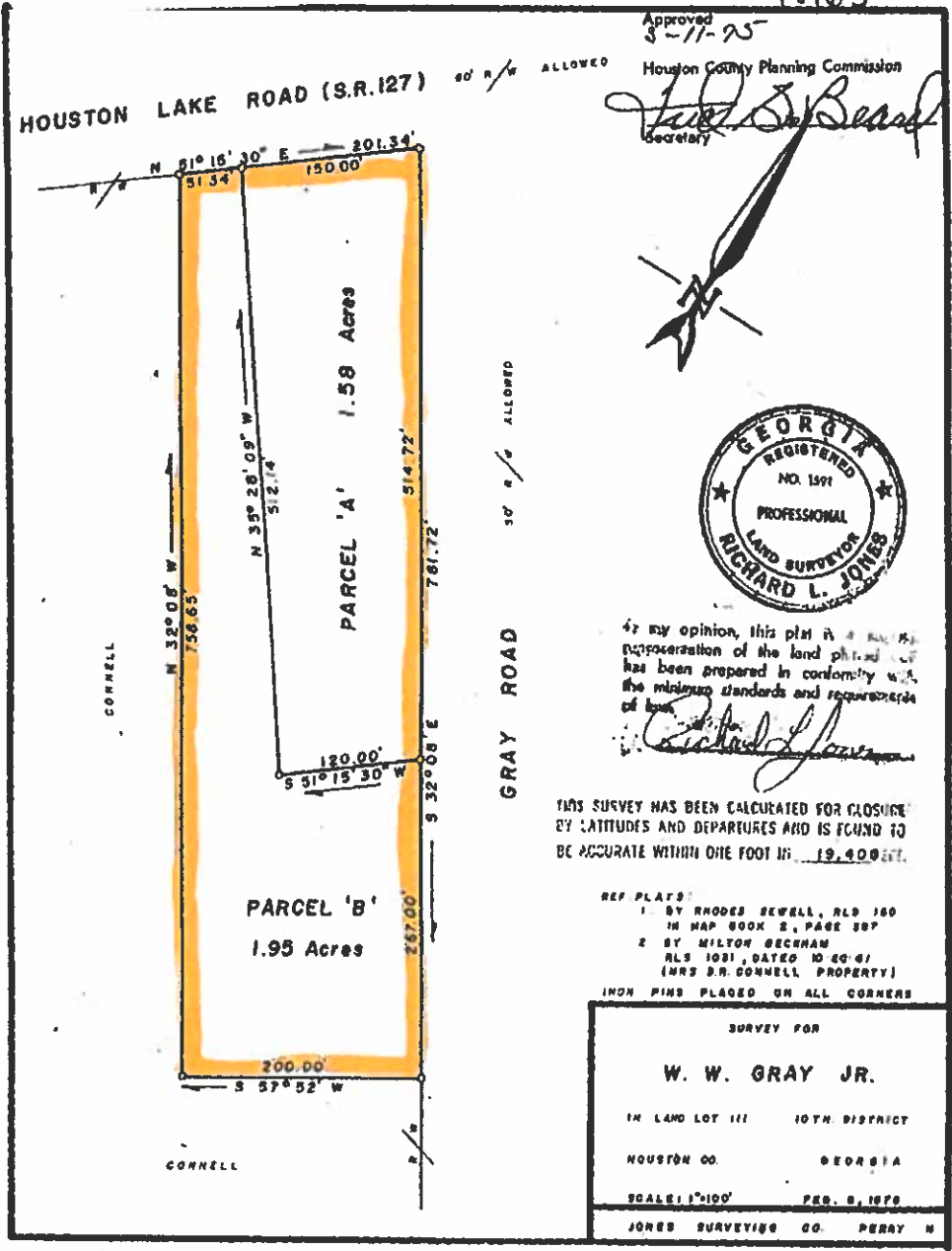
**ALICE M. CONNELL ESTATE**

LAND LOT 111, 10TH DISTRICT  
 HOUSTON COUNTY, GEORGIA  
 SCALE 1"=200' SEPTEMBER 15, 2004  
**JONES SURVEYING & ENGINEERING INC.**  
 PERRY, GEORGIA (478) 987-2705

*Handwritten:* 66/210

Doc ID: 0081880001 Type: PLA  
 Filed: 03/20/1975 at 11:18:38 AM  
 Fee Amt: Page 1 of 1  
 Houston, Ga. Clark Superior Court  
 Carolyn V. Sullivan Clerk  
 BK 18 PG 63

Recorded March 20, 1975





Doc ID: 01668380003 Type: GLA  
Recorded: 08/26/2021 at 12:30:29 PM  
Fee Amt: \$25.00 Page 1 of 3  
Transfer Tax: \$0.00  
Houston, Ga. Clerk Superior Court  
Madrolyn V. Sullivan Superior Court C.

EX 9318 PG 294-296

(Above space for)

Paid & Return: MICHAEL G. GRAY  
WALKER, HULBERT, GRAY & MOORE, LLP  
909 BALL ST. \* P.O. BOX 1770  
PERRY, GEORGIA 31069

FILE NO: G00-155

STATE OF GEORGIA  
COUNTY OF HOUSTON

**TRUSTEE'S DEED**

THIS INDENTURE, Made the 24<sup>th</sup> day of August, in the year two thousand twenty-one (2021), between

**STEPHEN W. GRAY, as Trustee of the Testamentary Trust  
established in Item IV and Item V of the Last Will and Testament of  
W. Walter Gray, Jr. dated September 15, 2000**

said Trustee hereinafter being called Grantor, and

**BETTY C. GRAY**

hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns).

**WITNESSETH THAT:**

Grantor has granted and conveyed, and by these presents does grant and convey unto the said Grantee the following described property, to-wit:

**ALL OF A ONE HALF (1/2) UNDIVIDED INTEREST IN AND TO THE  
FOLLOWING DESCRIBED REAL PROPERTY:**

**PARCEL 1:** That certain lot or parcel of land situate, lying and being in the 10th Land District of Houston County, Georgia, being a part of Land Lot 111 in said District, and comprising 2.45 acres of land, and having such shape, metes, bounds, courses and distances as are shown on plat of survey made by Rhodes Sewell, State Surveyor No. 160, dated October 13, 1954, a copy of said plat being of record in Map Book 3, Page 175, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto. Said lot or tract of land is bounded on the northwest, northeast and southwest by land now or formerly of W. W. Gray and on the southeast by the right of way of the Perry-Houston Lake Paved highway.

**PARCEL 2:** All that tract or parcel of land situate, lying and being in the Tenth Land District of Houston County, Georgia, and being a part of Land Lot 111 in said District, comprising 0.56 acre according to a plat of survey made by Rhodes Sewell, Surveyor, dated January 30, 1964, a copy of said plat being of record in Map Book 9, Page 11, 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.



The land above described and which is hereby conveyed together with that land which was conveyed from W.W. Gray, Sr. to Walter Gray, Jr. by deed recorded in Book 87, Page 194, Clerk's Office, Houston Superior Court, comprises the 3.01 acres which is all of the land shown by said plat of survey recorded in Map Book 9, Page 11, said Clerk's Office.

**PARCEL 3:** All that tract or parcel of land situate, lying and being in Land Lot 111 of the Tenth District of Houston County, Georgia and containing 0.50 acre as shown on plat of survey prepared by Richard L. Jones, Registered Surveyor No. 1591, dated February 8, 1975 and recorded in Plat Book 18, Page 63, 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.

**Parcels 1 - 3 are known as Houston County Tax Assessor Tax Map Parcel No.: 0P41A0 024000**

**Street Address: 1803 Houston Lake Road, Perry, Georgia 31069**

**PARCEL 4:** All that tract or parcel of land situate, lying and being in Land Lot 111 of the Tenth District of Houston County, Georgia, and being shown and designated as Parcel "B" containing 1.95 acres according to a plat of survey prepared by Richard L. Jones, Registered Surveyor No. 1591, said plat of survey dated February 8, 1975, and recorded in Plat Book 18, Page 63, 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.

**PARCEL 5:** All that tract or parcel of land situate, lying and being in Land Lot 111 of the Tenth District of Houston County, Georgia, and being shown and designated as Parcel "A" containing 1.58 acres according to a plat of survey prepared by Richard L. Jones, Registered Surveyor No. 1591, said plat of survey dated February 8, 1975, and recorded in Plat Book 18, Page 63, 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.

**PARCEL 6:** All that tract or parcel of land situate, lying and being in Land Lot 111, of the Tenth (10th) Land District, Houston County, Georgia and being known and designated as Parcel "G", comprising 2.193 acres as is more particularly shown on a plat of survey prepared by Lee R. Jones, Georgia Registered Land Survey #2680 dated September 15, 2004, and recorded in Plat Book 63, Page 179, 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.

**Parcels 4 - 6 are known as Houston County Tax Assessor Tax Map Parcel No.: 0P0440 07C000**

**Deed Reference: Deed Book 7356, Pages 230-232, said Clerk's Office**

**TO HAVE AND TO HOLD** the said tract or parcel of land, with all and singular the rights, members and appurtenances, to the same being, belonging or in anywise appertaining to the only property, use, benefit and behoof of the said Grantee, her successors and assigns, forever in as full, ample and complete manner as the same was held, possessed and enjoyed by the said Grantor as Trustee.

**THIS CONVEYANCE** is executed by Grantor solely as Trustee and not personally. All covenants and conditions to be performed hereunder by Grantor are undertaken by the Grantor solely as Trustee as aforesaid and not individually. No personal liability shall be asserted or be enforceable against Grantor by reason of any covenants, statements, representations, or warranties contained in this indenture. This deed is executed by the Trustee pursuant to the power and authority granted to him in the Last Will and Testament of W. Walter Gray, Jr., deceased, which was duly probated in solemn form on September 19, 2016 in the Probate Court of Houston County, Georgia, as Estate No.: 2016-ES-341.

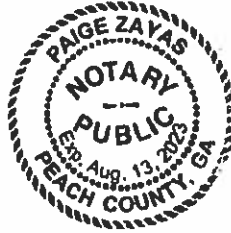
IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, the day and year first above written.

Stephen W Gray (Seal)  
STEPHEN W. GRAY, as Trustee of the Testamentary Trust established in Item IV and Item V of the Last Will and Testament of W. Walter Gray, Jr. dated September 15, 2000

Signed, sealed and delivered in the presence of:

[Signature]  
Witness

Paige Zayas  
Notary Public



**ORDINANCE**

**THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS** that the zoning is changed from City of Perry R-1, Single-Family Residential District to City of Perry C-2, General Commercial District, and the city's zoning map is amended accordingly relative to property of **BETTY C. GRAY**, described as follows:

**PARCEL 1: All that tract or parcel of land situate, lying and being in Land Lot 111 of the Tenth District of Houston County, Georgia, and being shown and designated as Parcel "B" containing 1.95 acres according to a plat of survey prepared by Richard L. Jones, Registered Surveyor No. 1591, said plat of survey dated February 8, 1975, and recorded in Plat Book 18, Page 63, 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.**

**PARCEL 2: All that tract or parcel of land situate, lying and being in Land Lot 111 of the Tenth District of Houston County, Georgia, and being shown and designated as Parcel "A" containing 1.58 acres according to a plat of survey prepared by Richard L. Jones, Registered Surveyor No. 1591, said plat of survey dated February 8, 1975, and recorded in Plat Book 18, Page 63, 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.**

**PARCEL 3: All that tract or parcel of land situate, lying and being in Land lot 111, of the Tenth (10<sup>th</sup>) Land District, Houston County, Georgia and being known and designated as Parcel "G", comprising 2.193 acres as is more particularly shown on a plat of survey prepared by Lee R. Jones, Georgia Registered Land Survey #2680 dated September 15, 2004, and recorded in Plat Book 63, Page 179, 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.**

**Parcels 1-3 are known as Houston County Tax Assessor Tax Map Parcel No.: 0P0440 07C000 and are the same parcels identified as Parcels 4-6 in Deed Book 9318, Pages 294-296**

**Deed Reference: Book 9318, Pages 294-296**

**Said property is rezoned subject to the following conditions:**

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

SO ENACTED this 15th day of March, 2022.

**CITY OF PERRY, GEORGIA**

BY: \_\_\_\_\_  
RANDALL WALKER, Mayor

ATTEST: \_\_\_\_\_  
ANNIE WARREN, City Clerk

1<sup>st</sup> Reading: March 1, 2022  
2<sup>nd</sup> Reading: March 15, 2022



Where Georgia comes together.

## **STAFF REPORT**

From the Department of Community Development  
January 27, 2022

**CASE NUMBER:** RZNE-008-2022  
**APPLICANT:** Lynward Barrett  
**REQUEST:** Rezone from R-1, Single-family Residential, to C-2, General Commercial  
**LOCATION:** Houston Lake Road and Gray Road; Tax Map No. 0P0440 07C000

**BACKGROUND INFORMATION:** The subject property consists of 5.73 acres and is currently zoned R-1, Single-family residential. The subject property is currently vacant and has never been developed. The property owner wishes to transition this property to a commercial use which is consistent with similar development nearby.

The applicant is requesting rezoning to the C-2, General Commercial, district for the purpose of pursuing commercial and/or multi-family development.

The applicant indicates there are no covenants or restrictions which prevent the proposed development.

### **STANDARDS GOVERNING ZONE CHANGES:**

**1. The existing land uses and zoning classification of nearby properties.**

	<b>Zoning Classification</b>	<b>Land Uses</b>
North	R-1, Single-family residential	Church and vacant home
South	R-3, Multi-family residential	Oliver Place Apartments
East	R-1, Single-family residential, and C-2, General commercial	Vacant and commercial business
West	R-2, Two-family residential	Single-family home

- 2. The suitability of the subject property for the zoned purposes.** The subject property is suitable for commercial development due to its location near other similarly zoned properties.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** As currently zoned, the subject property is limited to a subdivision of approximately 13 single-family homes. However, this area is desirable for commercial development due to its proximity to other commercial properties and Perry Parkway development. The applicant states that C-2 zoning will increase the value of the subject property.
- 4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** The current and proposed zoning classification does not pose any threat to the health, safety, morals, or general welfare of the public and surrounding area.

5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Commercial development at the subject property presents a relative gain to the public through its potential development that could provide increased access to services, shopping, dining, and housing for the surrounding community.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The current zoning of the subject property would only allow a single-family residence. However, due to the property's location and surrounding development, commercial zoning would bring the property to its highest and best economic use.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject property is currently vacant and has never been developed. Most of the properties in the vicinity are developed as commercial properties or are in the process of transitioning to commercial uses.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** Properties nearby and adjacent to the subject property are zoned and developed as commercial uses. The proposed zoning district and allowable uses will be suitable in view of nearby properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed use of the property should not adversely affect existing uses or usability of nearby properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject property is identified as a "Suburban Residential" character area in the 2017 Joint Comprehensive Plan Update. The Suburban Residential character area indicates the need for "greater variety of housing types" and "housing diversity, particularly in terms of higher density and greater affordability." The suggested development pattern includes "location of higher-density housing near commercial centers, or along arterial roads."
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** While the subject property is currently vacant, any new commercial or multi-family development will increase the use of existing streets, utilities, and school facilities.
  - Infrastructure – Water and sewer service is available at the subject property. Water, sewer, and stormwater facilities will be provided by the City of Perry.
  - Roads – The primary roads impacted as a result of commercial development at the subject property are Houston Lake Road, Gray Road, and Perry Parkway. Houston Lake Road and Perry Parkway have been identified as an arterial street in the City's street classification plan. Gray Road is identified as a local city street. All affected streets have adequate capacity to serve future commercial development.
  - Education – Staff is not aware of any capacity-related issues for the Houston County School System resulting from future commercial or multi-family development.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** Properties along Houston Lake Road, particularly near the intersection of Perry Parkway, are continuing to transition from residential to commercial uses. These properties have the potential for higher economic value to the community.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning change with the following conditions:

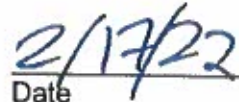
1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the zoning change with the following conditions:

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative.

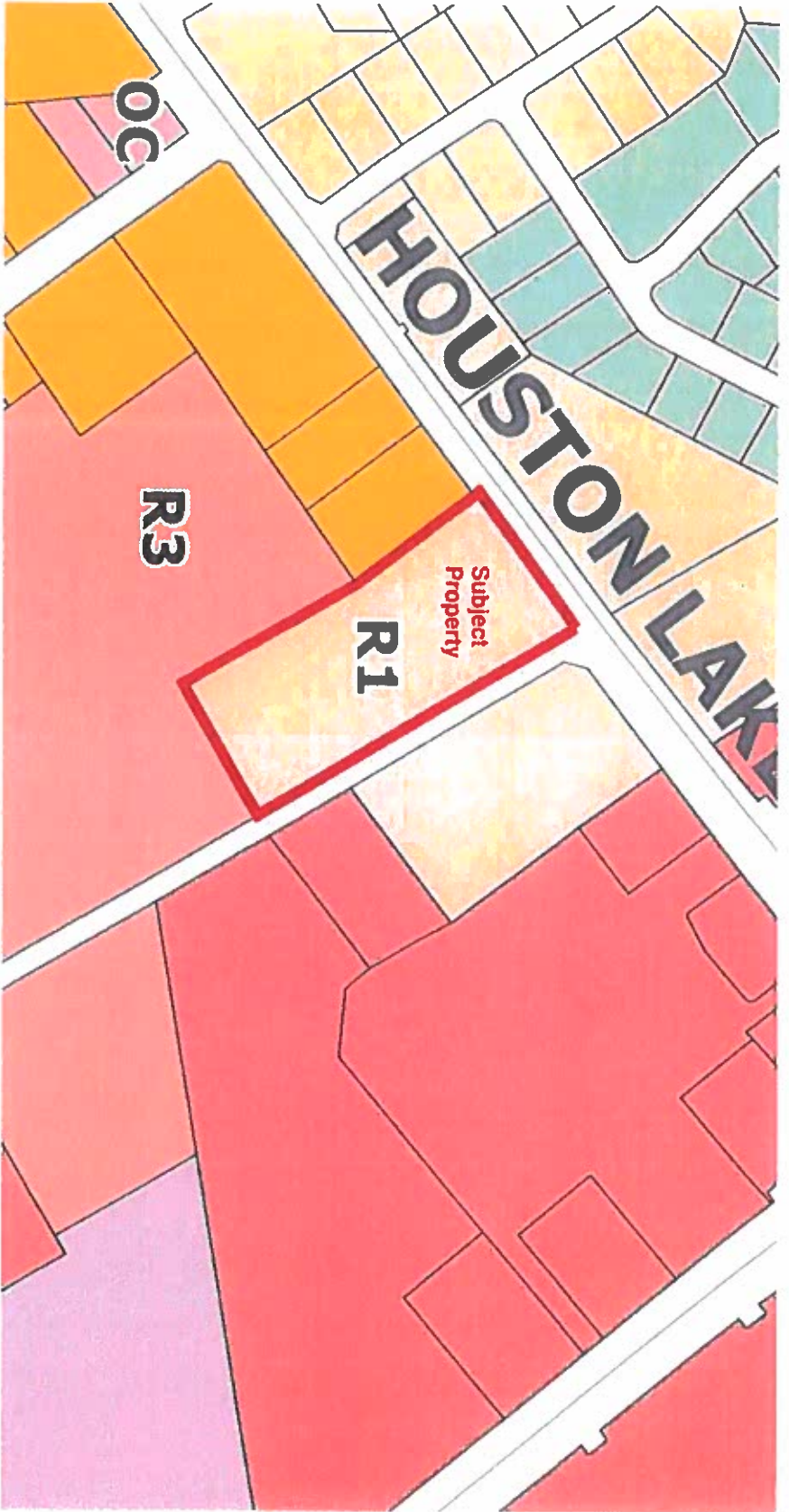


Eric Z. Edwards, Chairman of the Planning Commission

  
Date











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Application # RZNE-008  
2022

### Application for Rezoning

Contact Community Development (478) 988-2720

#### Applicant/Owner Information

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Lynward Barrett	Betty C Gray
*Title	Agent for Seller	
*Address	902 Northside Dr. Perry, GA.	
*Phone	478-714-7880	
*Email	lynwardbarrett@aol.com	

#### Property Information

\*Street Address or Location <sup>1803</sup> Houston Lake Rd. and the west corner of Houston Lk Rd. and Gray Rd.

\*Tax Map Number(s) OP 440 07C000

\*Legal Description RB

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;

#### Request

\*Current Zoning District R1      \*Proposed Zoning District C2

\*Please describe the existing and proposed use of the property Note: A Site Plan or other information which fully describes your proposal may benefit your application.

VACANT NOW - Proposed use is possibly Commercial And/or Apartments

#### 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.
  - Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
  - \*The applicant must be present at the hearings to present the application and answer questions that may arise.
  - \*Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes \_\_\_ No
- 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 Lynward Barrett	*Date 1-7-2021
*Property Owner/Authorized Agent Lynward Barrett	*Date 1-7-2021

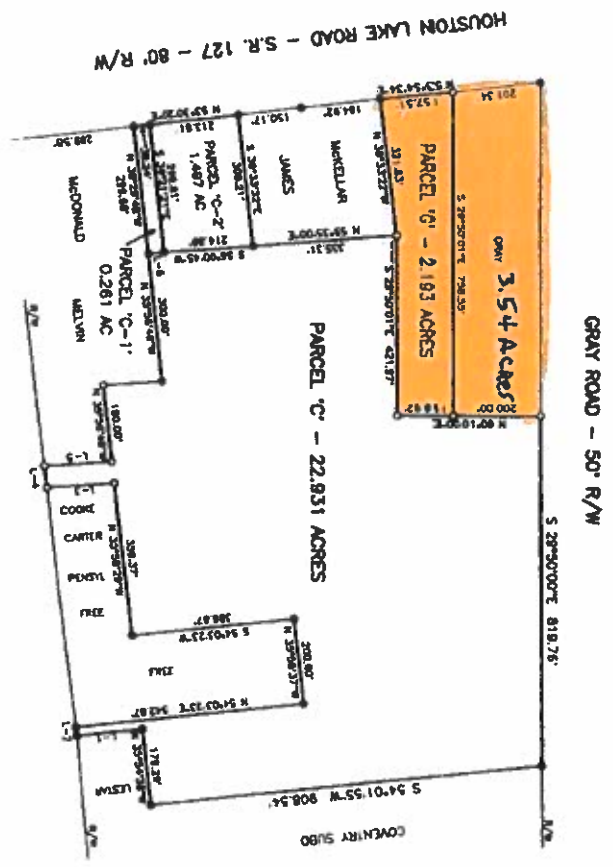
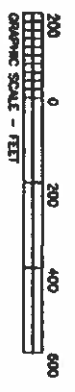
**Standards for Granting a Rezoning**

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

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

- (1) The existing land uses and zoning classification of nearby property; *There are several C2 properties surrounding these parcels including an Apartment complex and several fast food places nearby.*
- (2) The suitability of the subject property for the zoned purposes; *These parcels are very near other C2 properties and have sewer and water at or near the property.*
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions; *This zoning approval will no doubt increase all of the property values of not only these parcels but nearby parcels also.*
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public; *The current R1 zoning will not let the owner of the property obtain the highest and best use of these parcels.*
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner; *The approval of this request would possibly help get some much needed rental properties in the area, even though commercial to live in units would add a much needed base to ferry.*
- (6) Whether the subject property has a reasonable economic use as currently zoned; *It's obvious that the current zoning does not really add an economic benefit to the area.*
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; *One parcel with an house on it has been vacant for about 6 months and the other parcel has been just vacant land for many years.*
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property; *As mentioned before, there are several C2 zoning businesses within 300-400 yards. With the current zoning which is R1, only single family units would be allowed.*
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property; *We do not feel that the requested C2 zoning would affect any of the nearby properties.*
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan; *we feel that it is.*
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and *we do not feel that this would be the case.*
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

*No, there are no other existing or changing conditions affecting the use and development of this property. As stated above, most of the surrounding property is already zoned C1 or C2.*



**LINEAR DATA TABLE**

COURSE	BEARING	DISTANCE
L-1	S 34°02'10"W	156.30'
L-2	S 27°01'31"W	28.63'
L-3	N 38°04'54"W	50.30'
L-4	N 38°09'12"E	156.00'
L-5	S 53°42'16"W	37.50'

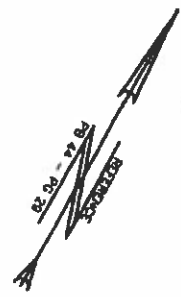
**REFERENCE:**

1. PLAT BOOK 25 - PAGE 147
2. PLAT BOOK 25 - PAGE 164
3. PLAT BOOK 25 - PAGE 273
4. PLAT BOOK 26 - PAGE 18
5. PLAT BOOK 33 - PAGE 7
6. PLAT BOOK 35 - PAGE 58
7. PLAT BOOK 44 - PAGE 29
8. PLAT BOOK 60 - PAGE 33

**CERTIFICATION**

THE ROAD DATA UPON WHICH THIS PLAT IS BASED HAS BEEN A CLOSE REVISION OF ONE FOOT IN 31000 PART AND AN ADJUDICATED ERROR OF ONE FOOT IN 31000 PART AND HAS BEEN ADJUSTED USING THE CLOSEST AVAILABLE DATA TO BE ACCURATE WITHIN ONE FOOT IN 31000 PART.

THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT BEING TOTAL STATION ON 5-14-04



APPROVED FOR RECORD

*W. J. D. R. L.*

REGISTERED PROFESSIONAL SURVEYOR

City of Perry, Georgia

Date: 6/11/06

66  
210

**NOTE:**

1. PARCEL 'C' IS AN ADDITION TO OTHER LANDS OF GRAY
2. PARCEL 'C-1' IS AN ADDITION TO OTHER LAND OF McDONALD

- IRON PIN FOUND
- IRON PIN PLACED
- - - LINE IDENTIFIER

REVISED 4-21-08 TO SHOW PARCEL 'C-2'

REVISED 10-28-04 TO SHOW PARCELS 'C' & 'C-1'

SURVEY FOR

**ALICE M. CONNELL ESTATE**

LAND LOT 111, 10TH DISTRICT HOUSTON COUNTY, GEORGIA SCALE: 1"=200'

PERY, SEPTEMBER 13, 2004

**JONES SURVEYING & ENGINEERING INC.**

PERRY, GEORGIA (478) 987-2700

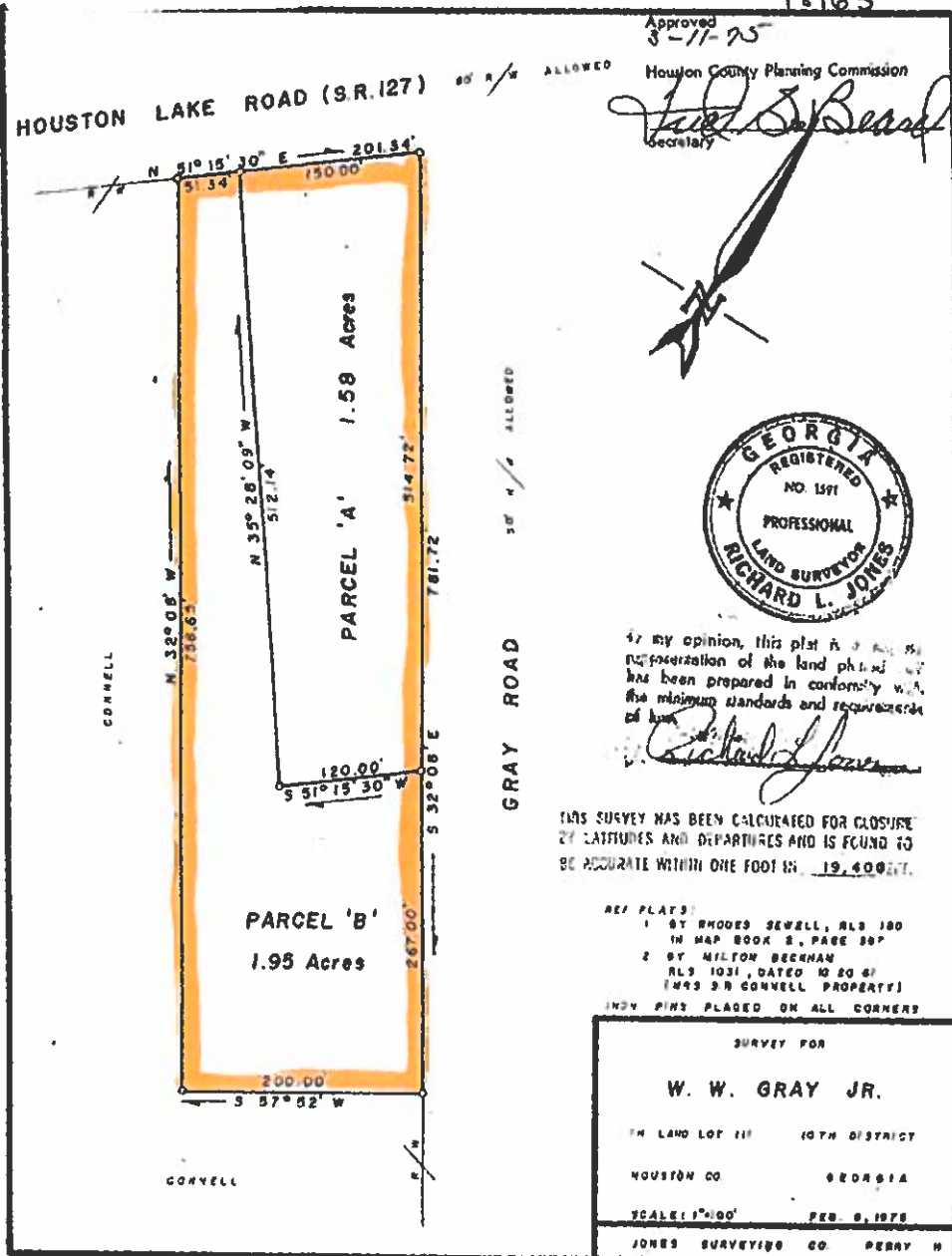
*R. Goodson 661216*



Doc ID: 00831880001 Type: PLA  
 Filed: 03/20/1975 at 11:18:36 AM  
 Fee Amt: Page 3 of 3  
 Houston, Ga. Clerk Superior Court  
 Carolyn V. Sullivan Clerk

EX 18 PG 63

Recorded March 20, 1975





Doc ID: 016683860003 Type: GLR  
 Recorded: 08/26/2021 at 12:30:29 PM  
 Fee Amt: \$25.00 Page 1 of 3  
 Transfer Tax: \$0.00  
 Houston, Ga. Clerk Superior Court  
 Carolyn V. Sullivan Superior Court C.

BK **9318** PG **294-296**

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✓ Paid & Return: MICHAEL G. GRAY  
**WALKER, HULBERT, GRAY & MOORE, LLP**  
 909 BALL ST. \* P.O. BOX 1770  
 PERRY, GEORGIA 31069

FILE NO: G00-155

STATE OF GEORGIA  
 COUNTY OF HOUSTON

**TRUSTEE'S DEED**

**THIS INDENTURE**, Made the 24<sup>th</sup> day of August, in the year two thousand twenty-one (2021), between

**STEPHEN W. GRAY, as Trustee of the Testamentary Trust  
 established in Item IV and Item V of the Last Will and Testament of  
 W. Walter Gray, Jr. dated September 15, 2000**

said Trustee hereinafter being called Grantor, and

**BETTY C. GRAY**

hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns).

**WITNESSETH THAT:**

Grantor has granted and conveyed, and by these presents does grant and convey unto the said Grantee the following described property, to-wit:

**ALL OF A ONE HALF ( 1/2 ) UNDIVIDED INTEREST IN AND TO THE  
 FOLLOWING DESCRIBED REAL PROPERTY:**

**PARCEL 1:** That certain lot or parcel of land situate, lying and being in the 10th Land District of Houston County, Georgia, being a part of Land Lot 111 in said District, and comprising 2.45 acres of land, and having such shape, metes, bounds, courses and distances as are shown on plat of survey made by Rhodes Sewell, State Surveyor No. 160, dated October 13, 1954, a copy of said plat being of record in Map Book 3, Page 175, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto. Said lot or tract of land is bounded on the northwest, northeast and southwest by land now or formerly of W. W. Gray and on the southeast by the right of way of the Perry-Houston Lake Paved highway.

**PARCEL 2:** All that tract or parcel of land situate, lying and being in the Tenth Land District of Houston County, Georgia, and being a part of Land Lot 111 in said District, comprising 0.56 acre according to a plat of survey made by Rhodes Sewell, Surveyor, dated January 30, 1964, a copy of said plat being of record in Map Book 9, Page 11, 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.

The land above described and which is hereby conveyed together with that land which was conveyed from W.W. Gray, Sr. to Walter Gray, Jr. by deed recorded in Book 87, Page 194, Clerk's Office, Houston Superior Court, comprises the 3.01 acres which is all of the land shown by said plat of survey recorded in Map Book 9, Page 11, said Clerk's Office.

**PARCEL 3:** All that tract or parcel of land situate, lying and being in Land Lot 111 of the Tenth District of Houston County, Georgia and containing 0.50 acre as shown on plat of survey prepared by Richard L. Jones, Registered Surveyor No. 1591, dated February 8, 1975 and recorded in Plat Book 18, Page 63, 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.

**Parcels 1 - 3 are known as Houston County Tax Assessor Tax Map Parcel No.: OP41A0 024000**  
**Street Address: 1803 Houston Lake Road, Perry, Georgia 31069**

**PARCEL 4:** All that tract or parcel of land situate, lying and being in Land Lot 111 of the Tenth District of Houston County, Georgia, and being shown and designated as Parcel "B" containing 1.95 acres according to a plat of survey prepared by Richard L. Jones, Registered Surveyor No. 1591, said plat of survey dated February 8, 1975, and recorded in Plat Book 18, Page 63, 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.

**PARCEL 5:** All that tract or parcel of land situate, lying and being in Land Lot 111 of the Tenth District of Houston County, Georgia, and being shown and designated as Parcel "A" containing 1.58 acres according to a plat of survey prepared by Richard L. Jones, Registered Surveyor No. 1591, said plat of survey dated February 8, 1975, and recorded in Plat Book 18, Page 63, 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.

**PARCEL 6:** All that tract or parcel of land situate, lying and being in Land Lot 111, of the Tenth (10th) Land District, Houston County, Georgia and being known and designated as Parcel "G", comprising 2.193 acres as is more particularly shown on a plat of survey prepared by Lee R. Jones, Georgia Registered Land Survey #2680 dated September 15, 2004, and recorded in Plat Book 63, Page 179, 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.

**Parcels 4 - 6 are known as Houston County Tax Assessor Tax Map Parcel No.: OP0440 07C000**

**Deed Reference: Dced Book 7356, Pages 230-232, said Clerk's Office**

**TO HAVE AND TO HOLD** the said tract or parcel of land, with all and singular the rights, members and appurtenances, to the same being, belonging or in anywise appertaining to the only property, use, benefit and behoof of the said Grantee, her successors and assigns, forever in as full, ample and complete manner as the same was held, possessed and enjoyed by the said Grantor as Trustee.

**THIS CONVEYANCE** is executed by Grantor solely as Trustee and not personally. All covenants and conditions to be performed hereunder by Grantor are undertaken by the Grantor solely as Trustee as aforesaid and not individually. No personal liability shall be asserted or be enforceable against Grantor by reason of any covenants, statements, representations, or warranties contained in this indenture. This deed is executed by the Trustee pursuant to the power and authority granted to him in the Last Will and Testament of W. Walter Gray, Jr., deceased, which was duly probated in solemn form on September 19, 2016 in the Probate Court of Houston County, Georgia, as Estate No.: 2016-ES-341.



IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, the day and year first above written.

Stephen W Gray (Seal)  
STEPHEN W. GRAY, as Trustee of the  
Testamentary Trust established in Item IV  
and Item V of the Last Will and Testament  
of W. Walter Gray, Jr. dated September 15,  
2000

Signed, sealed and delivered  
in the presence of:

[Signature]  
Witness

Paige Zayas  
Notary Public



**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 Chad Bryant, of Bryant Engineering, on behalf of Taffy Properties, LLC, the owner of the land hereinafter described as follows:

**All that tract or parcel of land lying and being in Land Lot 144 of the Tenth (10<sup>th</sup>) Land District, Houston County, Georgia, containing 27.25 acres, more or less, and being known and designated as Tract "A", according to a Plat of Survey thereof made by Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, dated December 21, 2021 and of record in Plat Book 83, Page 87, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein for all purposes.**

**Deed Reference: Book 9514, Pages 303-304  
Tax Map Parcel: 000830 062000**

**Said property is annexed subject to the following conditions:**

- 1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.**
- 2. Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Kings Chapel Road and Gurr Road in support of the City of Perry's green corridor initiative.**
- 3. Sidewalks within the neighborhood shall be installed in addition to sidewalks along Kings Chapel Road and Gurr Road as reflected in the City of Perry Pathways Plan.**

**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 April 1, 2022.

**SO ENACTED this 15th day of March, 2022.**

**CITY OF PERRY, GEORGIA**

(SEAL) BY: \_\_\_\_\_  
RANDALL WALKER, MAYOR

ATTEST: \_\_\_\_\_  
ANNIE WARREN, CITY CLERK

1<sup>st</sup> Reading: March 1, 2022  
2nd Reading: March 15, 2022

**ORDINANCE**

**THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS** that the zoning is changed from Houston County R-AG, Agricultural Residential District to City of Perry R-2A, Single-Family Residential District, and the city's zoning map is amended accordingly relative to property of **TAFFY PROPERTIES, LLC**, described as follows:

**All that tract or parcel of land lying and being in Land Lot 144 of the Tenth (10<sup>th</sup>) Land District, Houston County, Georgia, containing 27.25 acres, more or less, and being known and designated as Tract "A", according to a Plat of Survey thereof made by Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, dated December 21, 2021 and of record in Plat Book 83, Page 87, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein for all purposes.**

**Deed Reference: Book 9514, Pages 303-304  
Tax Map Parcel: 000830 062000**

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

SO ENACTED this 15th day of March, 2022.

**CITY OF PERRY, GEORGIA**

BY: \_\_\_\_\_  
RANDALL WALKER, Mayor

ATTEST: \_\_\_\_\_  
ANNIE WARREN, City Clerk

1<sup>st</sup> Reading: March 1, 2022  
2<sup>nd</sup> Reading: March 15, 2022



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**STAFF REPORT**

From the Department of Community Development

February 3, 2022

**CASE NUMBER:** ANNX-0009-2022  
**APPLICANT:** Chad Bryant  
**REQUEST:** Annexation and Rezone from RAG (County) to R-2A, Single-Family Residential (City)  
**LOCATION:** Kings Chapel Road and Gurr Road; Tax Map No. 000830 062000

**BACKGROUND INFORMATION:** The subject property is a 27.25-acre lot located on the Southwest corner of Kings Chapel Road and Gurr Road. The subject property is currently zoned RAG in Houston County and is currently used for agriculture. The applicant has requested to be annexed into the City of Perry with the zoning classification of R-2A, Single-family residential, for future development of a single-family home neighborhood and access to City of Perry utilities.

There are no known 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	R-2	Single-family homes; Avington Glenn Subdivision
South	R-1	Single-family homes; Brookwater Subdivision
East	R-2 and RAG (County)	Undeveloped and Single-family homes
West	RAG (County)	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 include single-family neighborhoods, undeveloped land, and properties that are zoned for similar residential uses.

**3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.** The proposed zoning district and single-family residential development are appropriate for the area. The proposed zoning district is not expected to adversely impact the use of surrounding properties.

**4. Describe how the proposed zoning district is consistent with the Comprehensive Plan.** The subject property is in the "Suburban Residential" character area as outlined in the 2017 Joint Comprehensive Plan.

The Suburban Residential character area indicates the need for "greater variety of housing types" and "housing diversity, particularly in terms of higher density and greater affordability." The suggested development pattern includes "location of higher-density housing near commercial centers, or along arterial roads."

**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 residential development to occur. All applicable local, state, and federal regulations shall be met.
- Roads – The primary roads impacted because of future residential development are Kings Chapel Road and Gurr Road. These roads are expected to have adequate capacity to serve the proposed development.
- Schools – The Houston County Board of Education has been notified of this request. 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 with proposed single-family residential development is located near similar residential neighborhoods and complements the suburban residential character of the Eastern portion of Perry.

**STAFF RECOMMENDATION:** City of Perry Staff recommends approval of the annexation request and the proposed zoning classification of R-2A, Single-family residential, with the following conditions:

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Kings Chapel Road and Gurr Road in support of the City of Perry's green corridor initiative.
3. Sidewalks within the neighborhood shall be installed in addition to sidewalks along Kings Chapel Road and Gurr Road as reflected in the City of Perry Pathways Plan.

#### **PLANNING COMMISSION RECOMMENDATION**

Approval of the annexation request and the proposed zoning classification of R-2A, single-family residential with the following conditions:

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Kings Chapel Road and Gurr Road in support of the City of Perry's green corridor initiative.

3. Sidewalks within the neighborhood shall be installed in addition to sidewalks along Kings Chapel Road and Gurr Road as reflected in the City of Perry Pathways Plan.

  
Eric Z. Edwards, Chairman of the Planning Commission

2/17/22  
Date



PUD

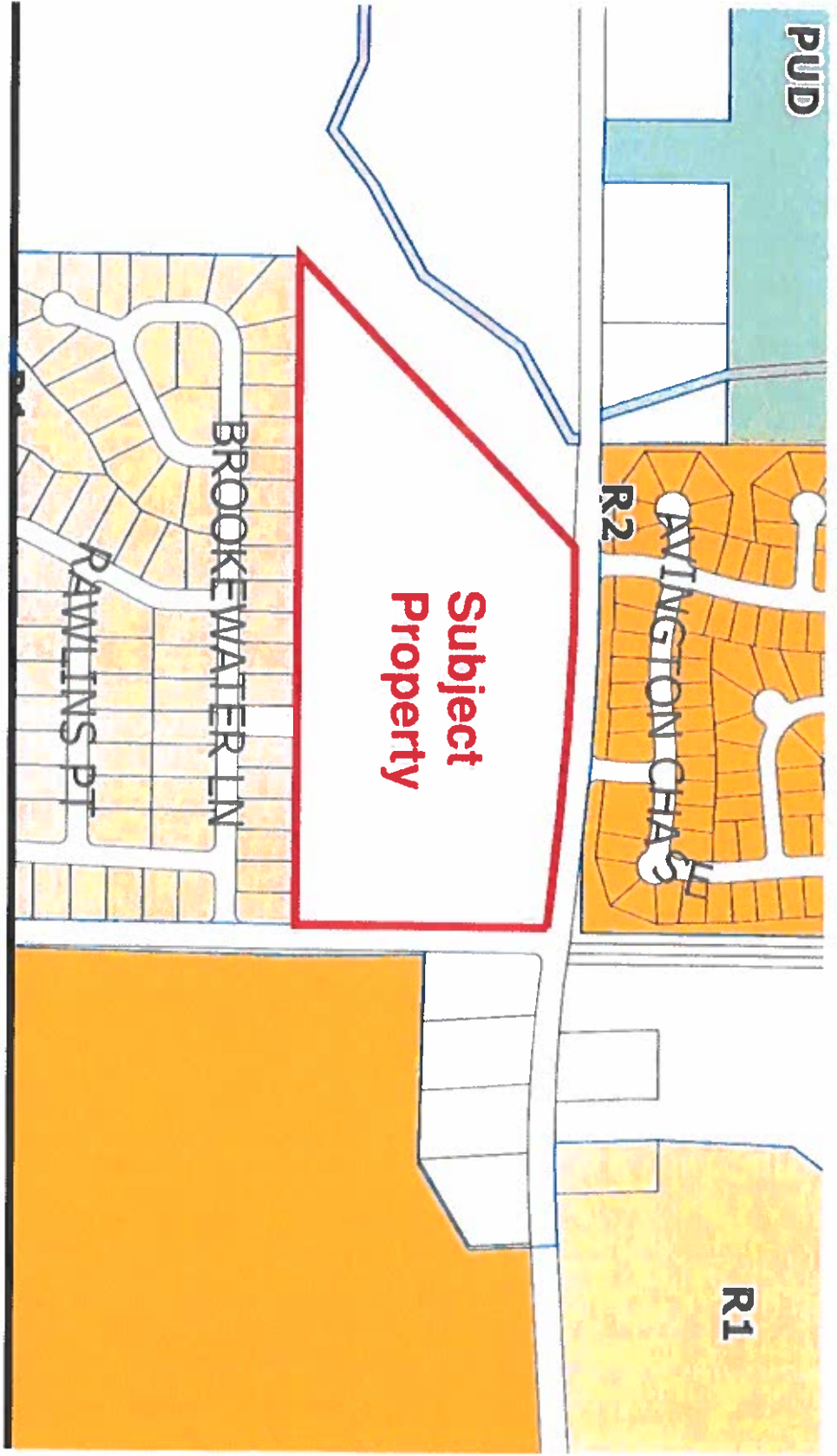
AVINGTON CHAS  
R2

R1

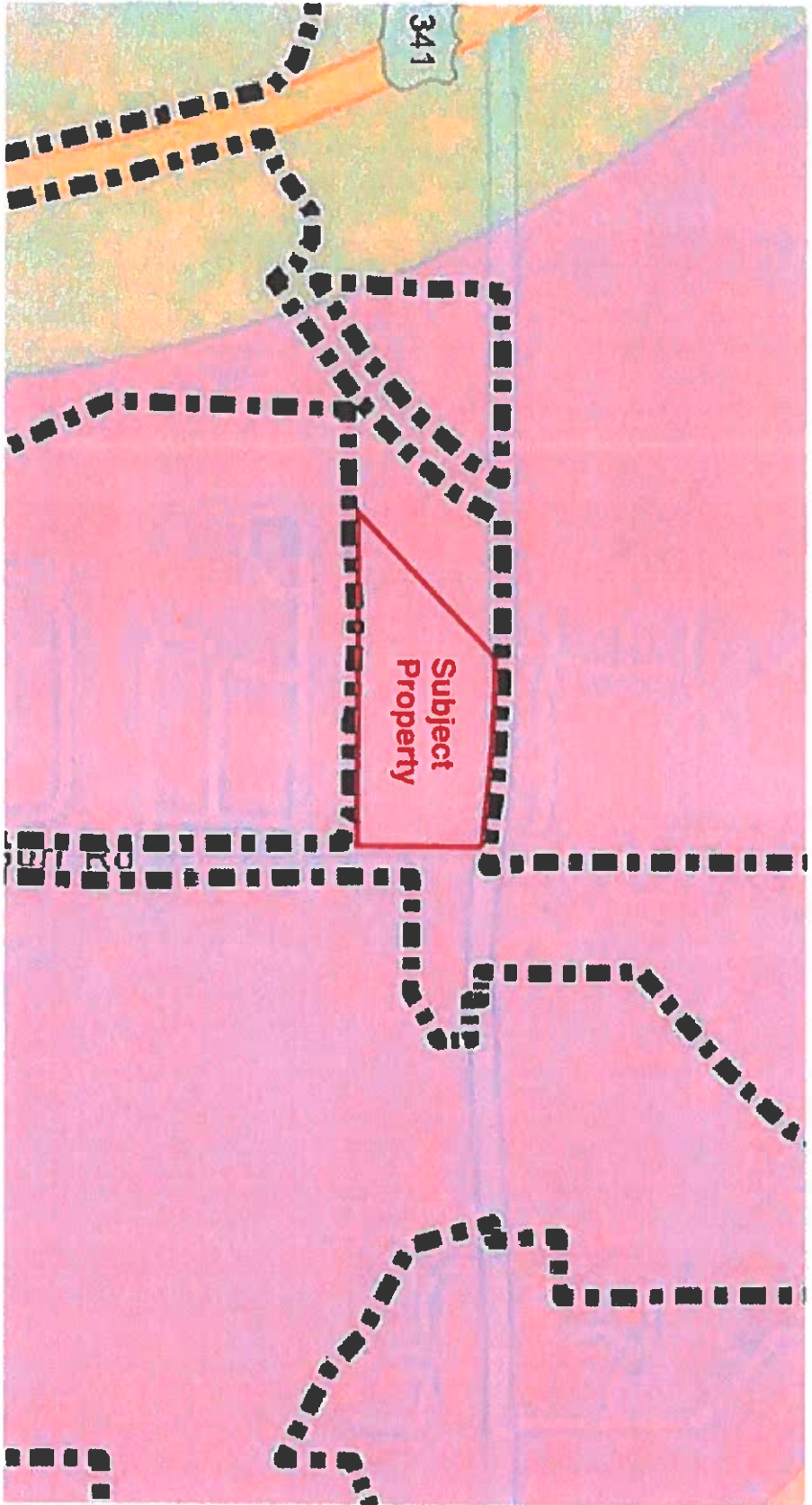
**Subject  
Property**

BROOKEWATER LN

RAWLINS PT









Where Georgia comes together.

Application # ANNX -  
0009 - 2022

### Application for Annexation

Contact Community Development (478) 988-2720

#### Applicant/Owner Information

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Chad Bryant	Taffy Properties
*Title	engineer	owner
*Address	906 Ball St Perry, GA 31069	110 Latham Dr Warner Robins, GA 31088
*Phone	478-714-1594	478-256-8672
*Email	chad@bryantengllc.com	jeff@customhomesbyjeff.com

#### Property Information

*Street Address or Location	Gurr Rd/Kings Chapel Rd
*Tax Map #(s)	000830 062000
*Legal Description	A. Provide a <u>copy of the deed</u> as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available; B. Provide a <u>survey plat of the property</u> , tied to the Georgia Planes Coordinate System.

#### Request

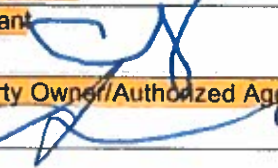

*Current County Zoning District	RAG	*Proposed City Zoning District	R2A
*Please describe the existing and proposed use of the property <u>Note: A Site Plan and/or other information which fully describes your proposal may benefit your application.</u>			
existing use: agricultural farm land, proposed use: single family, residential neighborhood			

#### 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		*Date	1-12-22
*Property Owner/Authorized Agent		*Date	1/12/22

**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?

1. Identify the existing land uses and zoning classification of nearby properties.
2. Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property.
3. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.
4. Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan.
5. Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools.
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.

Revised 8/18/21

1. Property to the north is the existing subdivision, Avington Glen (zoned R2). Property to the south is the existing subdivision, Brookewater (zoned R1). Property to the east has recently been rezoned to R2. The property to the west is zoned RAG.
2. The proposed zoning is for residential use and is suitable to the surrounding zoning, which is a combination of farmland and higher density residential.
3. The proposed zoning is like kind with it's surrounding zonings and meets similar lot sizes with surrounding subdivisions and should not have an adverse impact on adjacent properties.
4. This area is planned for residential development in the Comprehensive Plan.
5. The proposed development should not have an adverse impact on city structures. Traffic counts are low so there will not be an overburden on transportation infrastructure.
6. The proposed development will serve as an appropriate addition to existing subdivisions.



Type: GEORGIA LAND RECORDS  
Recorded: 12/29/2021 4:44:00 PM  
Fee Amt: \$2,444.60 Page 1 of 2  
Transfer Tax: \$2,419.60  
Houston, Ga. Clerk Superior Court  
Carolyn V. Sullivan Superior Court Clerk

Participant ID: 7491002503

**BK 9514 PG 303 - 304**

Return:  
Robert T. Tuggle, III  
Daniel, Lawson, Tuggle & Jerles, LLP  
Post Office Box 89  
Perry, Georgia 31069

93-13647-R

**LIMITED WARRANTY DEED**

**STATE OF GEORGIA  
COUNTY OF HOUSTON**

**THIS INDENTURE**, Made the 23<sup>rd</sup> day of December, in the year two thousand twenty-one, between

**CHEROKEE PECAN COMPANY, INC.**

of the State of Georgia, as party of the first part, hereinafter called Grantor, and

**TAFFY PROPERTIES, LLC**

of the State of Georgia, as party 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 DOLLARS AND OTHER VALUABLE CONSIDERATIONS**, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, alienated, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all the following described property, to wit:

**TRACT I**

**All that tract or parcel of land lying and being in Land Lot 145 of the Tenth (10<sup>th</sup>) Land District, Houston County, Georgia, containing 107.02 acres, more or less, and being known and designated as Tract "A", according to a Plat of Survey thereof made by Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, dated December 21, 2021 and of record in Plat Book 83, Page 88, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein for all purposes.**

**TRACT II**


All that tract or parcel of land lying and being in Land Lot 144 of the Tenth (10<sup>th</sup>) Land District, Houston County, Georgia, containing 27.25 acres, more or less, and being known and designated as Tract "A", according to a Plat of Survey thereof made by Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, dated December 21, 2021 and of record in Plat Book 83, Page 87, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein 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** warrants and will forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through or under the Grantor.

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

**CHEROKEE PECAN COMPANY, INC.**

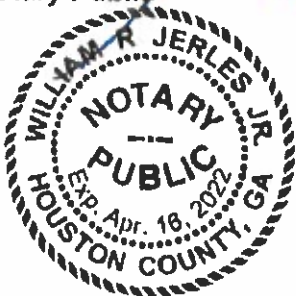
By:  (SEAL)  
**JAMES PARKS, II, PRESIDENT**

Attest:  (SEAL)  
**CRISTI PARKS, SECRETARY**

Signed, sealed and delivered  
in the presence of:

  
Witness

  
Notary Public



**Daniel, Lawson, Tuggle & Jerles, LLP**  
Attorneys At Law  
P. O. Box 89  
912 Main Street  
Perry, GA 31069

**ORDINANCE**

**THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS** that the zoning is changed from City of Perry R-2, Two-Family Residential District to City of Perry PUD, Planned Unit Development District, and the city's zoning map is amended accordingly relative to property of CCCCT INVESTMENTS, LLC, described as follows:

**All that tract or parcel of land lying and being in land Lot 144 and 148 of the 10<sup>th</sup> and 13<sup>th</sup> Land District of Houston County, Georgia comprising 83.24 acres, more or less, as shown in Plat Book 62, Page 42, Clerk's office, Houston Superior Court. Said plat and the recorded copy thereof are hereby incorporated for all purposes. LESS AND EXCEPT: 34.12 acres in Section 1 of REMINGTON CHASE Subdivision according to a plat of survey of record in Plat Book 67, Pages 174-175, Clerk's office, Houston Superior Court.**

**Deed Reference: Book 9545, Page 213  
Tax Map Parcel: 0P0480 039000**

**Said property is rezoned subject to the following conditions:**

- 1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.**
- 2. The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property, copies of which are attached hereto as Exhibit "A".**

**SO ENACTED** this 15th day of March, 2022.

**CITY OF PERRY, GEORGIA**

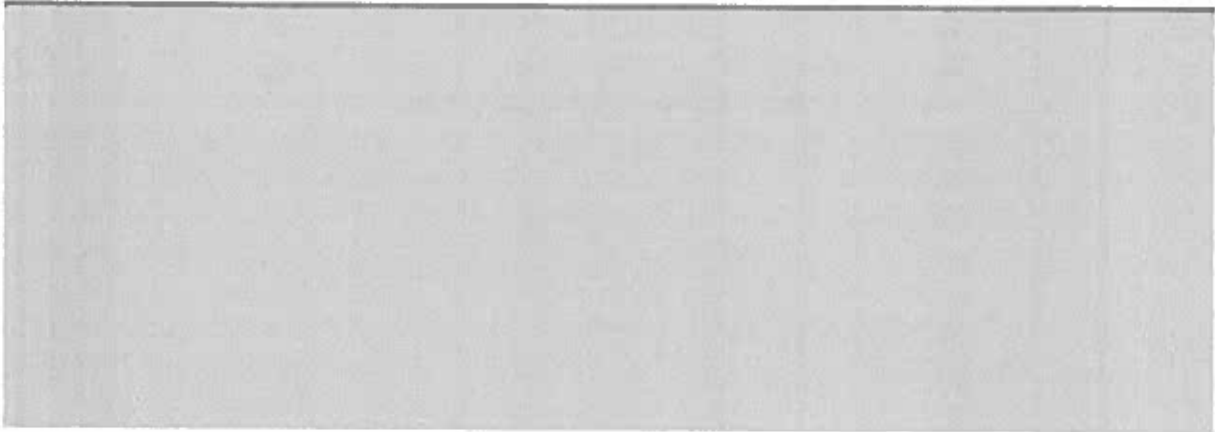
**BY:** \_\_\_\_\_  
**RANDALL WALKER, Mayor**

**ATTEST:** \_\_\_\_\_  
**ANNIE WARREN, City Clerk**

**1<sup>st</sup> Reading: March 1, 2022  
2<sup>nd</sup> Reading: March 15, 2022**



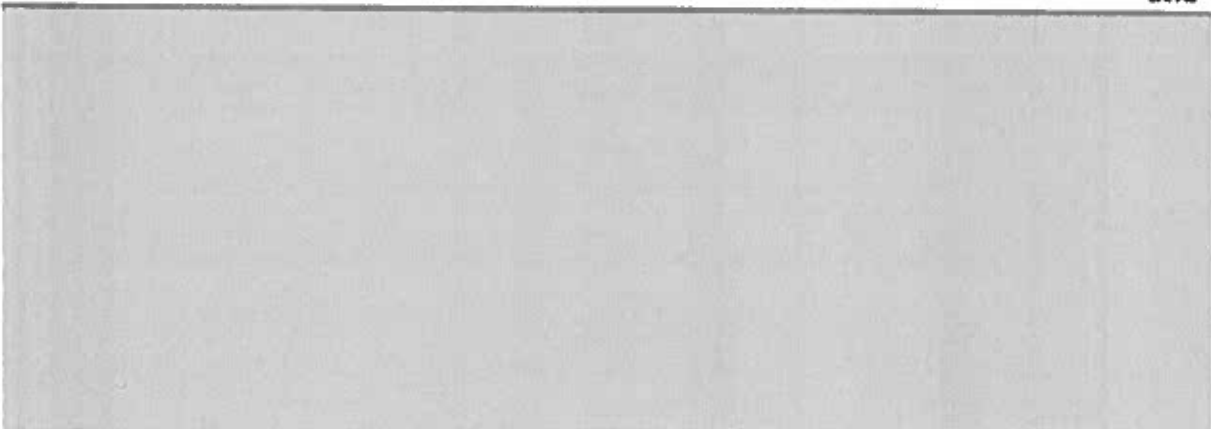
Rexington Chase Phase 2 PUD Plan





**Remington Chase Phase 2**  
**Planned Unit Development Standards**

1. **Permitted Uses:** Single-family detached residential, and accessory uses clearly incidental to, and customarily associated with single-family detached residential uses.
2. **Minimum Lot Area:** 9,000 square feet
3. **Minimum Lot Width:** 75 feet
4. **Maximum Allowed Density:** 121 residential lots
5. **Minimum Principal Building Setbacks:**
  - Front: 25 feet
  - Rear: 25 feet
  - Interior Side: 8 feet
6. **Minimum House Size:** 1,200 square feet of heated space.
7. **Access:** The PUD shall have no access to or from US Hwy 341. Lots 1-11 shall have not access to or from Gurr Road. Access to the PUD shall be as shown on the approved PUD Plan.
8. **Streets and Rights-of-way:** To comply with City of Perry minimum standards.
9. **Connectivity:** ADA-compliant sidewalks shall be installed on at least one side of all internal streets in the PUD. An ADA-compliant sidewalk shall be installed within the Gurr Road right-of-way along the full frontage of the PUD.
10. **Landscape:**
  - a. 10' wide easements along the PUD's US Hwy. 341 and Gurr Road frontages shall be granted to the City of Perry for landscaping and maintenance.
  - b. One 3-inch caliper shade tree shall be installed within the right-of-way along both sides of all internal streets, spaced approximately 75 feet on-center (generally one tree per single-frontage lot, two trees per double-frontage lots). Such trees shall count toward the required number of trees per lot required by subsection 6-4.2(A)(2) of the Land Management Ordinance.
11. **Pocket Park:** An area of at least 19,425 square feet shall be dedicated to the City of Perry for the City's installation and maintenance of a pocket park. The park area shall be suitable for use as a park and acceptable to the City of Perry.
12. **Stormwater Management Facilities:** Land comprising the stormwater management facilities shall be donated to the City of Perry for maintenance upon satisfactory completion of such facilities.
13. **Unspecified Standards:** Any development or other standards not specified above shall be governed by the applicable standards of the Land Management Ordinance for single-family detached residential lots and subdivisions located in an R-3 zoning district.





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## **STAFF REPORT**

From the Department of Community Development  
February 9, 2022

**CASE NUMBER:** RZNE-0014-2022  
**APPLICANT:** Chad Bryant  
**REQUEST:** Rezone from R-2, Two-family Residential, to PUD, Planned Unit Development (Residential)  
**LOCATION:** Gurr Road; Tax Map No. 0P0480 039000

**BACKGROUND INFORMATION:** The subject property consists of 49.12 acres and is currently zoned R-2, Two-family Residential District. The subject property is currently undeveloped. The applicant proposes to change the zoning to PUD, Planned Unit Development District, for a single-family residential subdivision.

A PUD is required to set its own development standards, like would be established for a typical zoning district. The applicant has proposed a set of development standards for this PUD. Planning Staff has recommended a set of development standard for the PUD, incorporating, and clarifying some of the applicant's proposals. Some additional standards are recommended.

The proposed conceptual site plan calls for 121 residential lots with a minimum size of 9,000 square feet and a minimum lot width of 75 feet. The layout extends streets in Remington Chase Phase 1 and provides an additional access to the subdivision on Gurr Road.

The installation of sidewalks along Gurr Road is identified in the Perry Connectivity Plan recently adopted by City Council.

Staff is not aware of any covenants or restrictions which prevent the proposed development.

### **STANDARDS GOVERNING ZONE CHANGES:**

#### **1. The existing land uses and zoning classification of nearby properties.**

	<b>Zoning Classification</b>	<b>Land Uses</b>
North	R-2, Two-family residential	Single-family homes in Remington Chase Phase 1
South	County RAG, Residential-Ag	Single-family homes and undeveloped
East	R-2	Single-family homes in New Haven
West	County RAG	Undeveloped

- 2. The suitability of the subject property for the zoned purposes.** The subject property is suitable for residential development.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** At least three different residential plans designed using the R-2 standards have been

submitted to the City since the property was annexed in 2004. None of these plans have been implemented.

4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** The proposed use of the property will remain single-family residential. The proposed number of lots is 26 lots more than the densest plan previously provided to the City under the current zoning.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The property will remain zoned for single-family detached residences.
6. **Whether the subject property has a reasonable economic use as currently zoned.** Owners of the property have not been able to develop previous plans developed using the R-2 standards.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The property was annexed into the City of Perry in 2004. Since then, several properties in the area have been developed for single-family subdivisions.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** Single-family residential development is consistent with the development pattern of properties along Gurr Road.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** Single-family residential development is consistent with adjacent uses and should not adversely impact surrounding properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject property is within the "Suburban Residential" character area in the 2017 Joint Comprehensive Plan Update. The Suburban Residential character area indicates the need for "greater variety of housing types" and "housing diversity, particularly in terms of higher density and greater affordability." The suggested development pattern includes "location of higher-density housing near commercial centers, or along arterial roads."
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The subject property is currently vacant so any new development will increase the use of existing streets, utilities, and school facilities.
  - Infrastructure – Water and sewer service is available at the subject property.
  - Roads – The proposed development will access Gurr Road, a designated major collector. Gurr Road funnels traffic to Kings Chapel Road and to US Hwy 341, both designated as arterials. All of these roads have adequate capacity to accommodate the additional traffic generated by the proposed development.
  - Education – Staff is not aware of any capacity-related issues for the Houston County School System resulting from the proposed development.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** There continues to be interest in additional residential development in the immediate area of the subject property.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning change with the following conditions:

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the zoning change with the following conditions:

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.



Eric Z. Edwards, Chairman of the Planning Commission

2/15/23  
Date

## Remington Chase Phase 2

### Planned Unit Development Standards

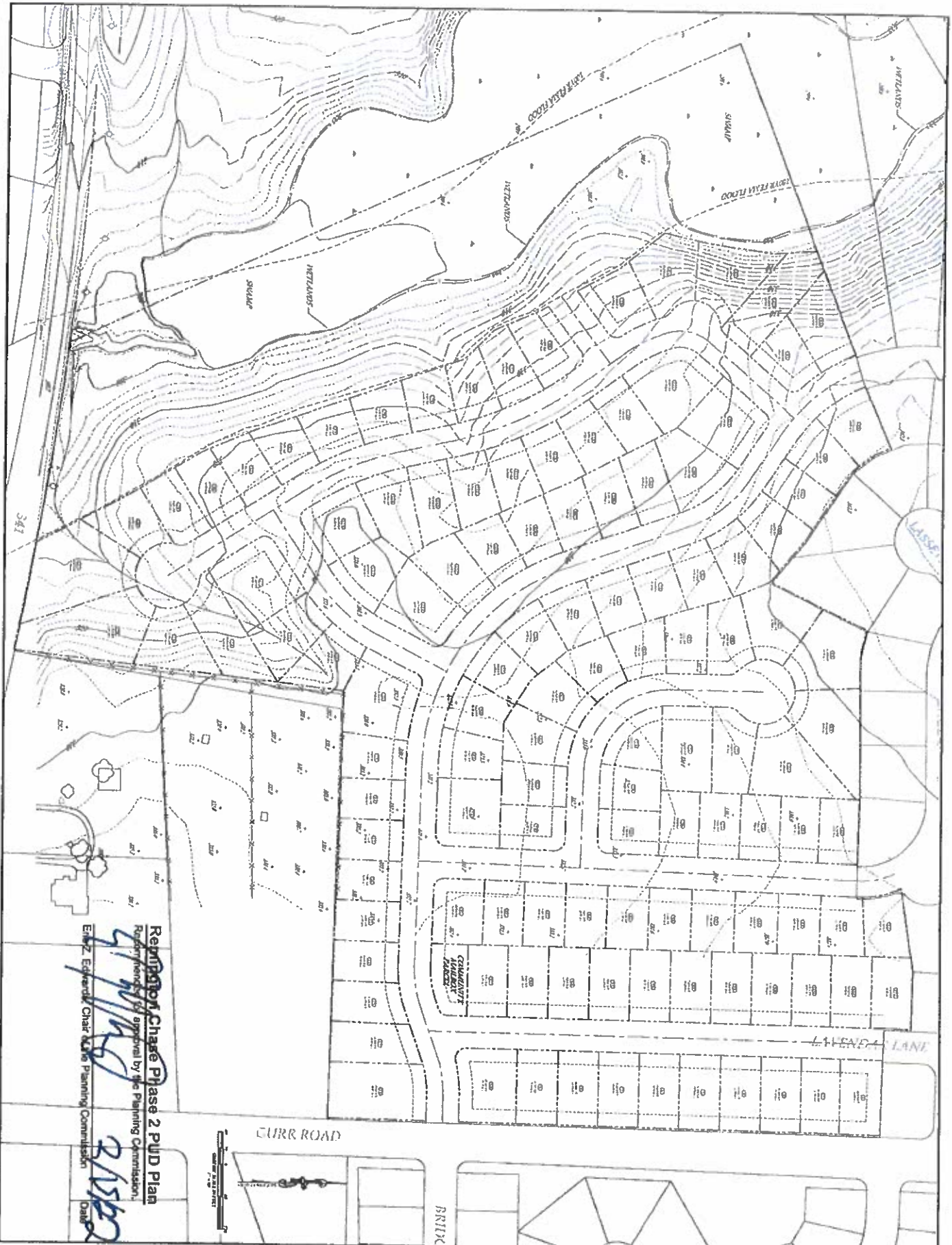
Recommended for approval by the Planning Commission:



Eric Z. Edwards, Chairman of the Planning Commission

2/15/22  
Date

1. **Permitted Uses:** Single-family detached residential, and accessory uses clearly incidental to, and customarily associated with single-family detached residential uses.
2. **Minimum Lot Area:** 9,000 square feet
3. **Minimum Lot Width:** 75 feet
4. **Maximum Allowed Density:** 121 residential lots
5. **Minimum Principal Building Setbacks:**
  - Front: 25 feet
  - Rear: 25 feet
  - Interior Side: 8 feet
6. **Minimum House Size:** 1,200 square feet of heated space.
7. **Access:** The PUD shall have no access to or from US Hwy 341. Lots 1-11 shall have not access to or from Gurr Road. Access to the PUD shall be as shown on the approved PUD Plan.
8. **Streets and Rights-of-way:** To comply with City of Perry minimum standards.
9. **Connectivity:** ADA-compliant sidewalks shall be installed on at least one side of all internal streets in the PUD. An ADA-compliant sidewalk shall be installed within the Gurr Road right-of-way along the full frontage of the PUD.
10. **Landscape:**
  - a. 10' wide easements along the PUD's US Hwy. 341 and Gurr Road frontages shall be granted to the City of Perry for landscaping and maintenance.
  - b. One 3-inch caliper shade tree shall be installed within the right-of-way along both sides of all internal streets, spaced approximately 75 feet on-center (generally one tree per single-frontage lot, two trees per double-frontage lots). Such trees shall count toward the required number of trees per lot required by subsection 6-4.2(A)(2) of the Land Management Ordinance.
11. **Pocket Park:** An area of at least 19,425 square feet shall be dedicated to the City of Perry for the City's installation and maintenance of a pocket park. The park area shall be suitable for use as a park and acceptable to the City of Perry.
12. **Stormwater Management Facilities:** Land comprising the stormwater management facilities shall be donated to the City of Perry for maintenance upon satisfactory completion of such facilities.
13. **Unspecified Standards:** Any development or other standards not specified above shall be governed by the applicable standards of the Land Management Ordinance for single-family detached residential lots and subdivisions located in an R-3 zoning district.



Remington Chase Phase 2 PUD Plan  
 Reapproved by the Planning Commission  
 Elizabeth Edwards, Chair  
 Date: 11/15/2011

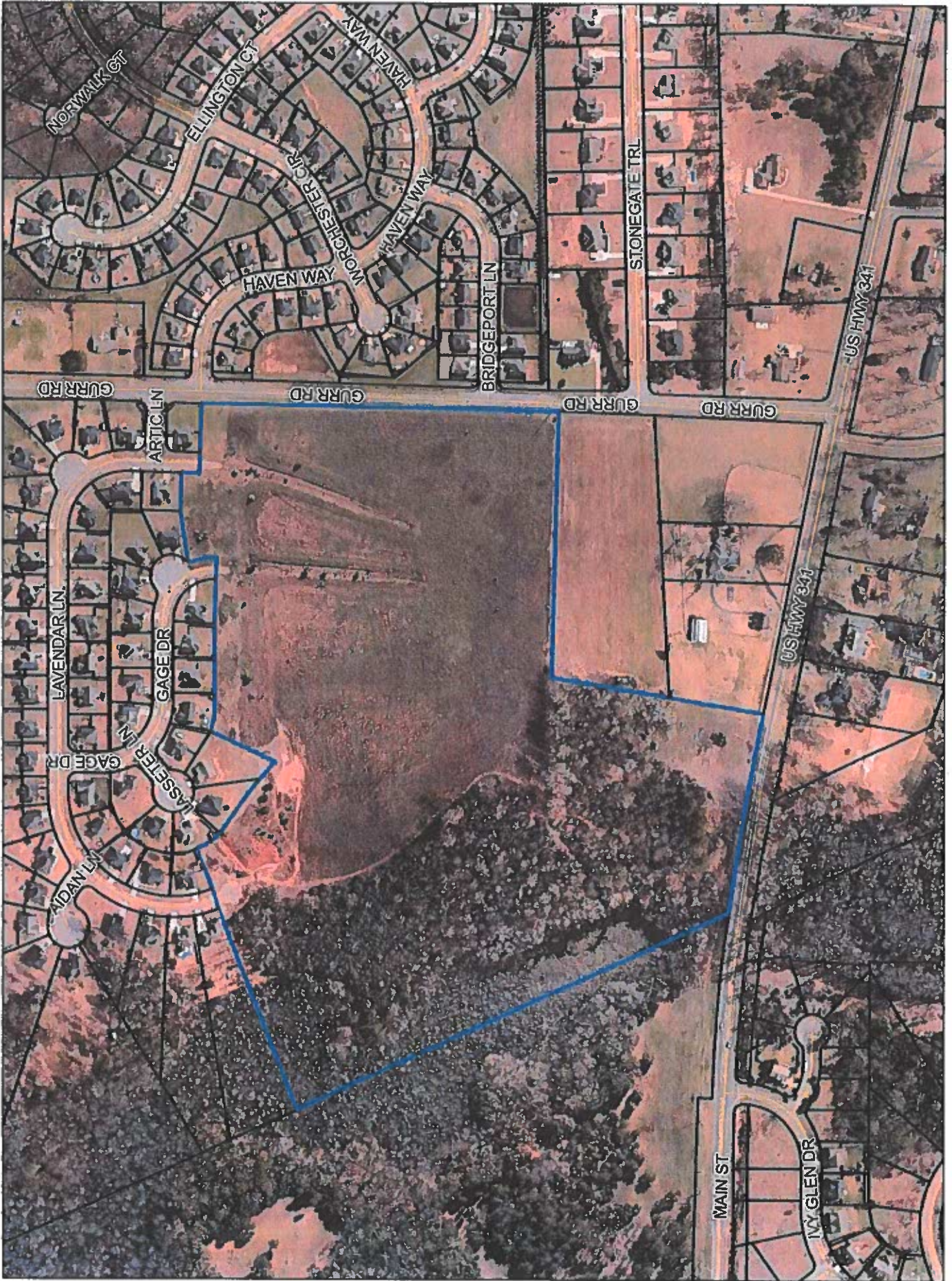


<p>C-2.1</p>	<p>DATE: 11/15/2011 10:58:53 AM</p>	<p>PROJECT: REMINGTON CHASE PHASE 2 PUD PLAN</p>	<p>SHEET: C-2.1</p>	<p>SCALE: 1" = 200'</p>	<p>DATE: 11/15/2011</p>	<p>BY: [Signature]</p>	<p>CHECKED: [Signature]</p>	<p>DATE: 11/15/2011</p>	<p>PROJECT: REMINGTON CHASE PHASE 2 PUD PLAN</p>	<p>SHEET: C-2.1</p>	<p>SCALE: 1" = 200'</p>	<p>DATE: 11/15/2011</p>	<p>BY: [Signature]</p>	<p>CHECKED: [Signature]</p>	<p>DATE: 11/15/2011</p>	<p>PROJECT: REMINGTON CHASE PHASE 2 PUD PLAN</p>	<p>SHEET: C-2.1</p>	<p>SCALE: 1" = 200'</p>	<p>DATE: 11/15/2011</p>	<p>BY: [Signature]</p>	<p>CHECKED: [Signature]</p>	<p>DATE: 11/15/2011</p>	<p>PROJECT: REMINGTON CHASE PHASE 2 PUD PLAN</p>	<p>SHEET: C-2.1</p>	<p>SCALE: 1" = 200'</p>	<p>DATE: 11/15/2011</p>	<p>BY: [Signature]</p>	<p>CHECKED: [Signature]</p>	<p>DATE: 11/15/2011</p>		
	<p>STATE OF GEORGIA</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>	<p>PLANNING COMMISSION</p>	<p>REMININGTON CHASE SECTION 2</p>



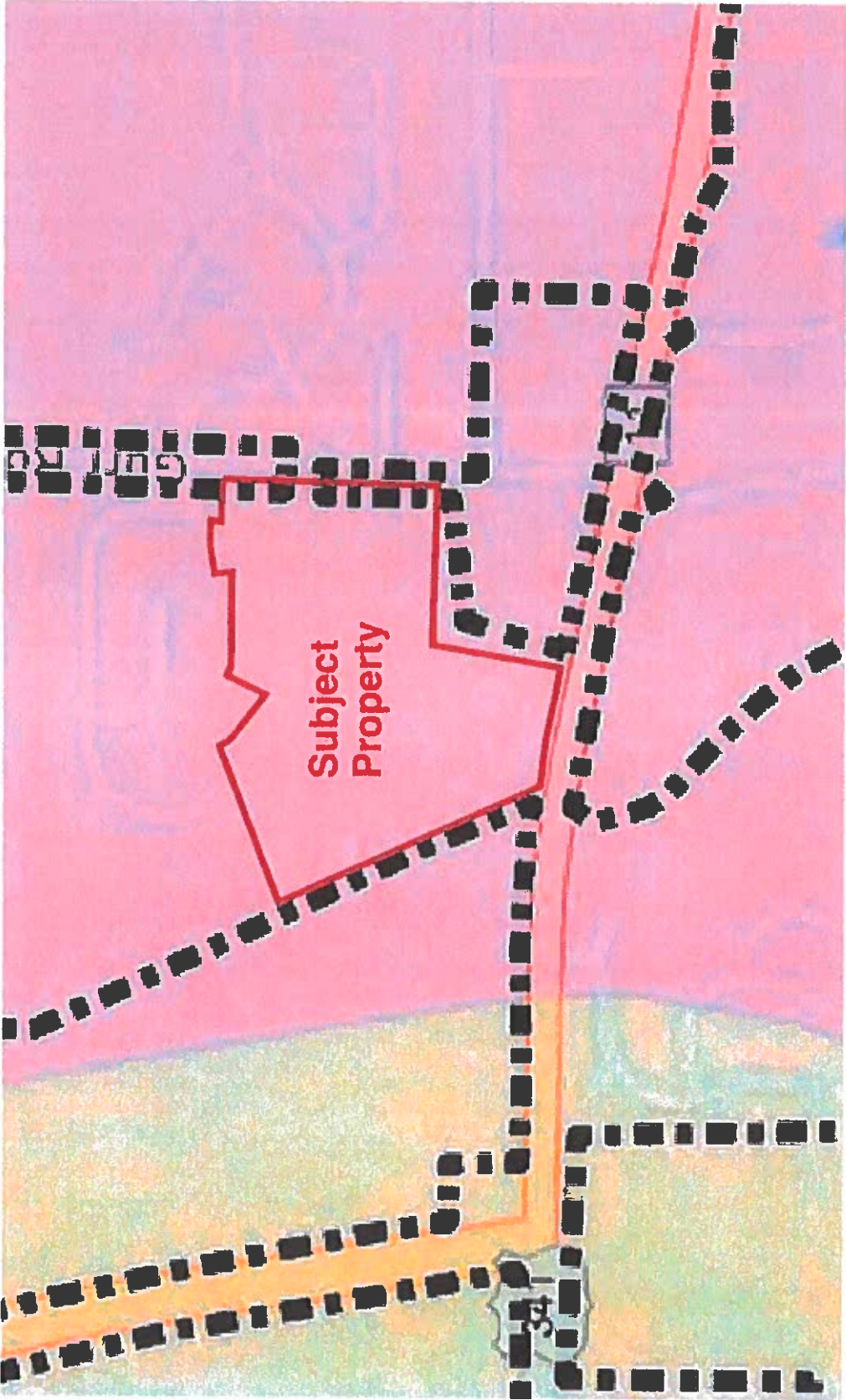
**Remington Chase Phase 2**  
**Planned Unit Development Standards**

1. **Permitted Uses:** Single-family detached residential, and accessory uses clearly incidental to, and customarily associated with single-family detached residential uses.
2. **Minimum Lot Area:** 9,000 square feet
3. **Minimum Lot Width:** 75 feet
4. **Maximum Allowed Density:** 121 residential lots
5. **Minimum Principal Building Setbacks:**
  - Front: 25 feet
  - Rear: 25 feet
  - Interior Side: 8 feet
6. **Minimum House Size:** 1,200 square feet of heated space.
7. **Access:** The PUD shall have no access to or from US Hwy 341. Lots 1-11 shall have not access to or from Gurr Road. Access to the PUD shall be as shown on the approved PUD Plan.
8. **Streets and Rights-of-way:** To comply with City of Perry minimum standards.
9. **Connectivity:** ADA-compliant sidewalks shall be installed on at least one side of all internal streets in the PUD. An ADA-compliant sidewalk shall be installed within the Gurr Road right-of-way along the full frontage of the PUD.
10. **Landscape:**
  - a. 10' wide easements along the PUD's US Hwy. 341 and Gurr Road frontages shall be granted to the City of Perry for landscaping and maintenance.
  - b. One 3-inch caliper shade tree shall be installed within the right-of-way along both sides of all internal streets, spaced approximately 75 feet on-center (generally one tree per single-frontage lot, two trees per double-frontage lots). Such trees shall count toward the required number of trees per lot required by subsection 6-4.2(A)(2) of the Land Management Ordinance.
11. **Pocket Park:** An area of at least 19,425 square feet shall be dedicated to the City of Perry for the City's installation and maintenance of a pocket park. The park area shall be suitable for use as a park and acceptable to the City of Perry.
12. **Stormwater Management Facilities:** Land comprising the stormwater management facilities shall be donated to the City of Perry for maintenance upon satisfactory completion of such facilities.
13. **Unspecified Standards:** Any development or other standards not specified above shall be governed by the applicable standards of the Land Management Ordinance for single-family detached residential lots and subdivisions located in an R-3 zoning district.











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

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

Casey Graham, P.E.  
Perry Branch Manager

January 13, 2022

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

**Subject:           Planned Unit Development Requirements  
                          49.12 Acres- Remington Chase**

Dear Mr. Wood,

Parcel Size  
49.12 Acres

Current Zoning  
R-2

Use  
Single Family Residential

Lot Dimensions  
Minimum Lot Size = 9,000 s.f.  
Minimum Lot Width = 75'  
Maximum Density Allowed = 3.0 units/acre

Setbacks  
Front = 25'  
Interior Side = 8'  
Rear = 25'

Access  
No access shall be allowed from Hwy 341  
\*Street Design Standards shall meet all City of Perry Requirements.  
\*All other requirements shall be met

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad R. Bryant'.

Chad Bryant, P.E.  
President  
Bryant Engineering

906 Ball Street, Suite A, Perry, GA 31069  
48 N. Jackson Street, Forsyth, GA 31029



Website: [bryantengllc.com](http://bryantengllc.com)  
Office: 478-224-7070



Where Georgia comes together.

Application # R2NE  
0014-2022

## Application for Rezoning

Contact Community Development (478) 988-2720

### Applicant/Owner Information

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Chad Bryant	CCCCT Investments, LLC
*Title	Engineer	owner
*Address	906 Ball Street, Perry, GA 31069	906 Ball Street, Perry, GA 31069
*Phone	478-224-7070	478-224-7070
*Email	chad@bryantengllc.com	chad@bryantengllc.com

### Property Information

*Street Address or Location	Gurr Rd
*Tax Map Number(s)	0P0480 039000
*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;

### Request

*Current Zoning District	R2	*Proposed Zoning District	PUD
*Please describe the existing and proposed use of the property. Note: A Site Plan or other information which fully describes your proposal may benefit your application.			
existing use: vacant cleared land; proposed use: single family, residential neighborhood			

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

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

*Applicant <i>Chad R. Bryant</i>	*Date 1-18-22
*Property Owner/Authorized Agent <i>Chad R. Bryant</i>	*Date 1-18-22

**Standards for Granting a Rezoning**

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

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

- (1) The existing land uses and zoning classification of nearby property;
- (2) The suitability of the subject property for the zoned purposes;
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (6) Whether the subject property has a reasonable economic use as currently zoned;
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.



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

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

Casey Graham, P.E.  
Perry Branch Manager

January 18, 2022

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

**Subject: Application for Rezoning  
Remington Chase Phase 2**

Dear Mr. Wood,

Please see attached application and plat for rezoning for approximately 49.12-acre tract located on Gurr Rd and US Hwy 341. Below is the Standards for Granting a Rezoning (Page 2 of application).

1. Property to the north is the existing subdivision, Remington Chase, zoned PUD. Property to the east is the existing subdivision, New Haven, zoned R2. Property to the south are the existing subdivisions, Hermitage, zoned RAG, and Ivy Glen, zoned R2. Property to the west is mostly agricultural farmland, zoned RAG.
2. The property has historically been unused. Due to the proximity to the other subdivisions and surrounding developments, this property has become prime area for residential development.
3. The property is currently under-utilized and not serving the public in its highest and best use.
4. The property is being unused and thus has no bearing on health, safety, morals, and general welfare of the public.
5. This improvement will provide like kind development directly south of neighboring properties along Hwy 41. The proposed zoning and concept allows for a better use of property.
6. The property is currently unused and under-utilized.





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

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

Casey Graham, P.E.  
Perry Branch Manager

7. The property has never been developed as currently zoned and has remained wooded, as opposed to other developments in the vicinity, which have been rezoned to residential and developed as single-family residential lots.
8. The proposed zoning is like kind with surrounding zonings and meets similar lot sizes in neighboring subdivisions.
9. The proposed zoning is for residential use and the property is within a transitional area from farmland to higher density residential.
10. This area is planned for residential development in the Comprehensive Plan
11. This site has multiple vehicular access points and is in close proximity to Hwy Gurr Rd and Hwy 341. Engineer is not aware of any burdens of existing city infrastructures.
12. Current conditions support rezoning this property to PUD as surrounding developments are also zoned PUD.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad R. Bryant'.

Chad Bryant, P.E.  
President  
Bryant Engineering



**ORDINANCE**

**THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS** that the zoning is changed from City of Perry C-2, General Commercial District to City of Perry PUD, Planned Unit Development District, and the city's zoning map is amended accordingly relative to property of **PERRY CAPITAL, LLC**, described as follows:

**All that tract or parcel of land situate, lying and being in Land Lot 314 of the 13<sup>th</sup> Land District of Houston County, Georgia, containing 27.103 acres and having such shapes, metes, bounds, courses, and distances as are shown on a plat of survey prepared by Lee R. Jones, dated April 7, 2014 and recorded in Plat Book 76, Page 35, 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.**

**Deed Reference: Book 6533, Pages 170-171  
Tax Map Parcel: 0P0320 075000**

**Said property is rezoned subject to the following conditions:**

- 1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.**
- 2. The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property, copies of which are attached hereto as Exhibit "A".**

**SO ENACTED** this 15th day of March, 2022.

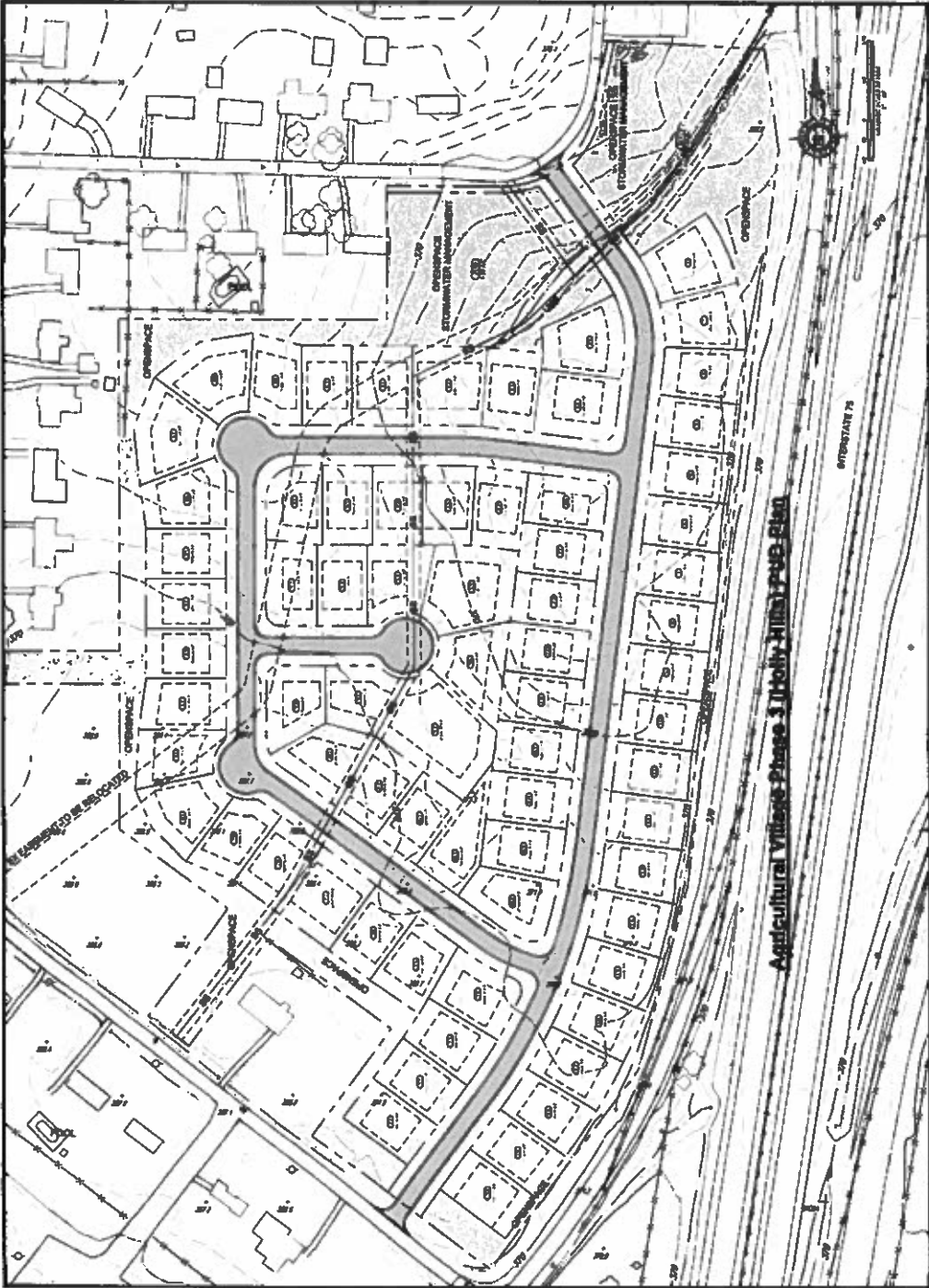
**CITY OF PERRY, GEORGIA**

**BY:** \_\_\_\_\_  
**RANDALL WALKER, Mayor**

**ATTEST:** \_\_\_\_\_  
**ANNIE WARREN, City Clerk**

**1<sup>st</sup> Reading: March 1, 2022  
2<sup>nd</sup> Reading: March 15, 2022**



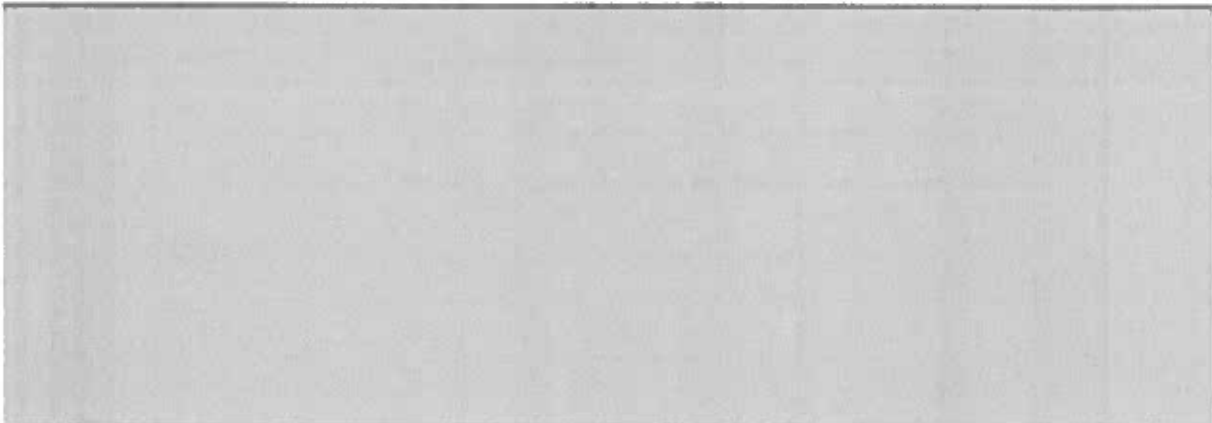


ALL RIGHTS RESERVED. THIS PLAN IS THE PROPERTY OF BE BRYANT ENGINEERING. NO PART OF THIS PLAN MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BE BRYANT ENGINEERING.

## Agricultural Village Phase 3 (Holly Hills)

### Planned Unit Development Standards

1. **Permitted Uses:** Single-family detached residential, and accessory uses clearly incidental to, and customarily associated with single-family detached residential uses.
2. **Minimum Lot Area:** 9,000 square feet
3. **Minimum Lot Width:** 75 feet
4. **Maximum Allowed Density:** 71 residential lots
5. **Minimum Principal Building Setbacks:**
  - Front: 25 feet
  - Rear: 25 feet
  - Interior Side: 8 feet
6. **Minimum House Size:** 1,200 square feet of heated space.
7. **Greenspace:**
  - Buffers:** A minimum 20'-wide undisturbed buffer shall be maintained adjacent to properties in the original Holly Hills subdivision. A minimum 10' buffer shall be maintained adjacent to the right-of-way of US Hwy. 41.
  - Exceptions:** Stormwater management facilities may be established within designated greenspace provided such facilities do not encroach on above-stated buffers. Streets and any utilities required to encroach within the above-stated buffers shall do so at an angle as perpendicular to the buffer as practical.
8. **Access:** There shall be no access to the PUD from US Hwy. 41. Two access points, as shown on the approved PUD Plan are required.
9. **Streets and Rights-of-way:** To comply with City of Perry minimum standards.
10. **Connectivity:** ADA-compliant sidewalks shall be installed on at least one side of all internal streets in the PUD.
11. **Landscape:**
  - a. A 10' wide easement along the PUD's US Hwy. 41 frontage shall be granted to the City of Perry for landscaping and maintenance.
  - b. One 3-inch caliper shade tree shall be installed within the right-of-way along both sides of all internal streets, spaced approximately 75 feet on-center (generally one tree per single-frontage lot, two trees per double-frontage lots). Such trees shall count toward the required number of trees per lot required by subsection 6-4.2(A)(2) of the Land Management Ordinance.
12. **Pocket Park:** An area of at least 12,425 square feet shall be dedicated to the City of Perry for the City's installation and maintenance of a pocket park. The park area shall be suitable for use as a park and acceptable to the City of Perry.



13. **Stormwater Management Facilities:** Land comprising the stormwater management facilities shall be donated to the City of Perry for maintenance upon satisfactory completion of such facilities.
14. **Unspecified Standards:** Any development or other standards not specified above shall be governed by the applicable standards of the Land Management Ordinance for single-family detached residential lots and subdivisions located in an R-3 zoning district.



Where Georgia comes together.

## **STAFF REPORT**

From the Department of Community Development  
February 9, 2022

**CASE NUMBER:** RZNE-0015-2022  
**APPLICANT:** Chad Bryant  
**REQUEST:** Rezone from C-2, General Commercial, to PUD, Planned Unit Development (Residential)  
**LOCATION:** US Hwy 41 South at Holly Hills subdivision; Tax Map No. 0P0320 075000

**BACKGROUND INFORMATION:** The subject property consists of 27.1 acres and is currently zoned C-2, General Commercial District. The subject property is currently undeveloped. The applicant proposes to change the zoning to PUD, Planned Unit Development District, for a single-family residential subdivision.

A PUD is required to set its own development standards, like would be established for a typical zoning district. The applicant has proposed a set of development standards for this PUD. Planning Staff has recommended a set of development standard for the PUD, incorporating, and clarifying some of the applicant's proposals. Some additional standards are recommended.

The proposed conceptual site plan calls for 71 residential lots with a minimum size of 9,000 square feet and a minimum lot width of 75 feet. A 20' undisturbed buffer is proposed adjacent to lots in the Holly Hills subdivision. The layout includes a street connecting to Greenwood Drive and Briarcliff Road.

Staff is not aware of any covenants or restrictions which prevent the proposed development.

### **STANDARDS GOVERNING ZONE CHANGES:**

#### **1. The existing land uses and zoning classification of nearby properties.**

	<b>Zoning Classification</b>	<b>Land Uses</b>
North	R-1, Single-family residential	Single-family homes and vacant residential lots
South	C-2, General commercial	Hamby Automotive
East	US Hwy 41 and Interstate 75	Transportation corridors
West	R-1	Single-family homes and vacant residential lots

- 2. The suitability of the subject property for the zoned purposes.** The subject property is suitable for commercial development due to its location near Interstate 75.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The applicant is requesting a more restrictive zoning classification. It does not appear the value of the subject property will be diminished.

4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** The more restrictive zoning request will better promote general welfare of the public.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The applicant is proposing the more restrictive zoning and, therefore, does not impose a hardship on the property owner.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The subject property has a reasonable economic use as currently zoned.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject property has never been developed. The subject property was rezoned from R-1 to C-2 in 2014.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** Given the property's adjacency to Holly Hills subdivision, the proposed residential development is more suitable to nearby properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** In addition to more restrictive zoning designation for single-family residential use, the applicant proposes a 20-foot undisturbed buffer adjacent to properties in the Holly Hill subdivision.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject property is within the "Suburban Residential" and "In-Town Corridor" character areas in the 2017 Joint Comprehensive Plan Update. The Suburban Residential character area indicates the need for "greater variety of housing types" and "housing diversity, particularly in terms of higher density and greater affordability." The suggested development pattern includes "location of higher-density housing near commercial centers, or along arterial roads." Suggested development patterns for the In-Town Corridor include "Homes, shops, small businesses, and institutions grouped in attractive mixed-use centers."
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The subject property is currently vacant so any new development will increase the use of existing streets, utilities, and school facilities.
  - Infrastructure – Water and sewer service is available at the subject property. Sewer capacity is currently limited in this area.
  - Roads – The proposed development will use existing roads in Holly Hills subdivision to access US Hwy 41 and Marshallville Highway. Trips generated from 71 additional residential lots should have a minimal impact on the existing residential streets in Holly Hills. The adjacent state routes are designed at arterial roads had have adequate capacity to serve the additional trips.
  - Education – Staff is not aware of any capacity-related issues for the Houston County School System resulting from the proposed development.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** There is increased interest in developing residential subdivisions in the areas along US Hwy 41 South and South Perry Parkway.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning change with the following conditions:

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the zoning change with the following conditions:

1. Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan.
2. The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.



Eric Z. Edwards, Chairman of the Planning Commission

2/15/22  
Date

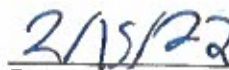
# Agricultural Village Phase 3 (Holly Hills)

## Planned Unit Development Standards

Recommended for approval by the Planning Commission:

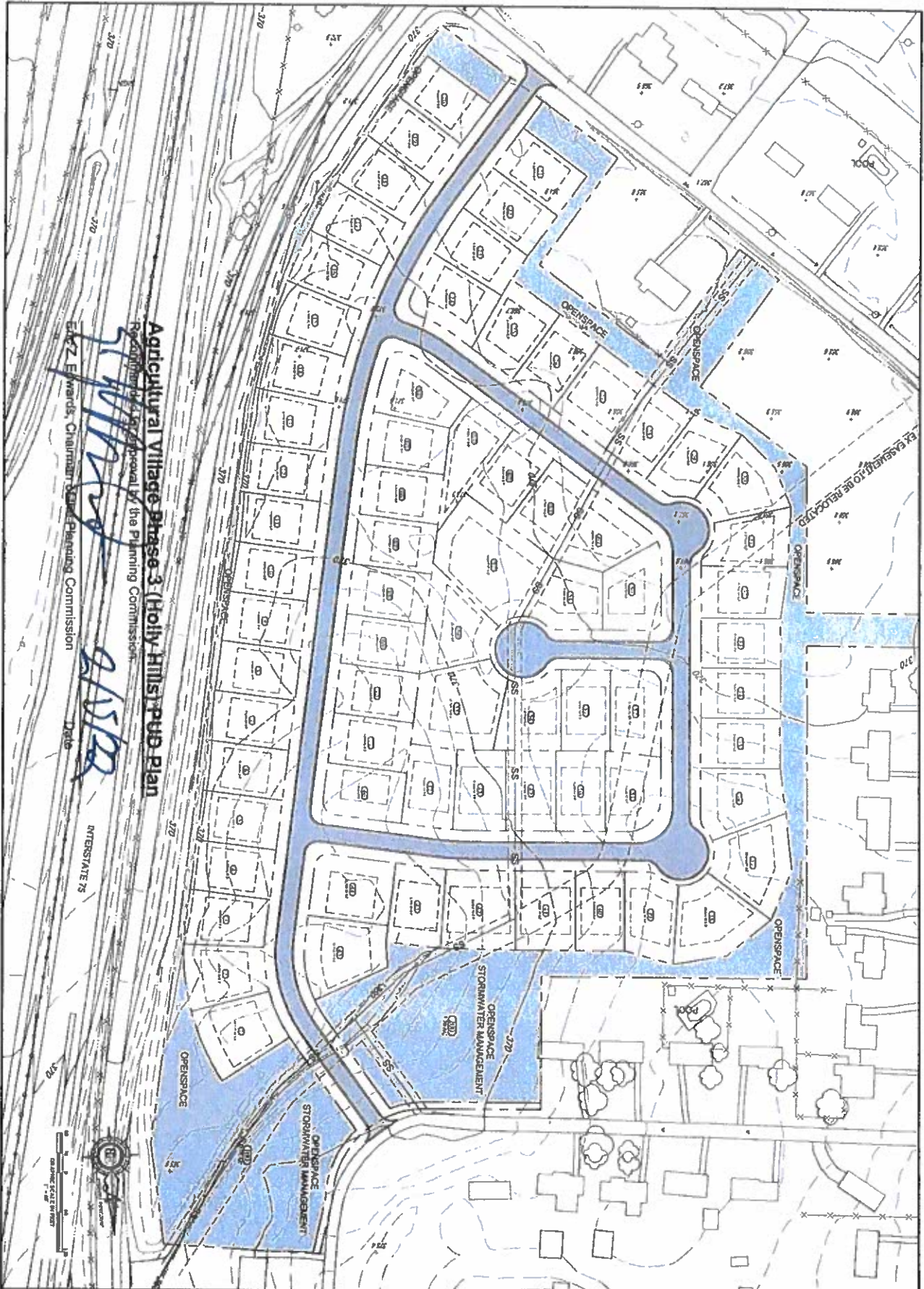


Eric Z. Edwards, Chairman of the Planning Commission



Date

1. **Permitted Uses:** Single-family detached residential, and accessory uses clearly incidental to, and customarily associated with single-family detached residential uses.
2. **Minimum Lot Area:** 9,000 square feet
3. **Minimum Lot Width:** 75 feet
4. **Maximum Allowed Density:** 71 residential lots
5. **Minimum Principal Building Setbacks:**
  - Front: 25 feet
  - Rear: 25 feet
  - Interior Side: 8 feet
6. **Minimum House Size:** 1,200 square feet of heated space.
7. **Greenspace:**
  - Buffers:** A minimum 20'-wide undisturbed buffer shall be maintained adjacent to properties in the original Holly Hills subdivision. A minimum 10' buffer shall be maintained adjacent to the right-of-way of US Hwy. 41.
  - Exceptions:** Stormwater management facilities may be established within designated greenspace provided such facilities do not encroach on above-stated buffers. Streets and any utilities required to encroach within the above-stated buffers shall do so at an angle as perpendicular to the buffer as practical.
8. **Access:** There shall be no access to the PUD from US Hwy. 41. Two access points, as shown on the approved PUD Plan are required.
9. **Streets and Rights-of-way:** To comply with City of Perry minimum standards.
10. **Connectivity:** ADA-compliant sidewalks shall be installed on at least one side of all internal streets in the PUD.
11. **Landscape:**
  - a. A 10' wide easement along the PUD's US Hwy. 41 frontage shall be granted to the City of Perry for landscaping and maintenance.
  - b. One 3-inch caliper shade tree shall be installed within the right-of-way along both sides of all internal streets, spaced approximately 75 feet on-center (generally one tree per single-frontage lot, two trees per double-frontage lots). Such trees shall count toward the required number of trees per lot required by subsection 6-4.2(A)(2) of the Land Management Ordinance.
12. **Pocket Park:** An area of at least 12,425 square feet shall be dedicated to the City of Perry for the City's installation and maintenance of a pocket park. The park area shall be suitable for use as a park and acceptable to the City of Perry.



**Agricultural Village Phase 3 (Holly Hills) PUD Plan**  
 Resubmitted for approval by the Planning Commission  
 Elizabeth Edwards, Chairman, Perry County Planning Commission  
 Date: 2/15/14

C-2.1	REVISIONS	NO.	DATE	DESCRIPTION
	1	01/15/14	REVISED	REVISED
	2	01/15/14	REVISED	REVISED
	3	01/15/14	REVISED	REVISED
	4	01/15/14	REVISED	REVISED
	5	01/15/14	REVISED	REVISED

**SITE PLAN FOR:**  
**HOLLY HILLS SUBDIVISION**  
 PERRY GEORGIA

OWNER: PERRY COUNTY  
 LANDSCAPE: JAMES W. WILSON  
 DATE: 2/15/14  
 SCALE: 1" = 40'  
 JOB NO.: 14000

**BRYANT ENGINEERING**  
 1000 W. BRYANT BLVD. SUITE 100  
 PERRY, GEORGIA 31069  
 PHONE: (770) 271-1111  
 FAX: (770) 271-1112  
 WWW.BRYANTENGINEERING.COM





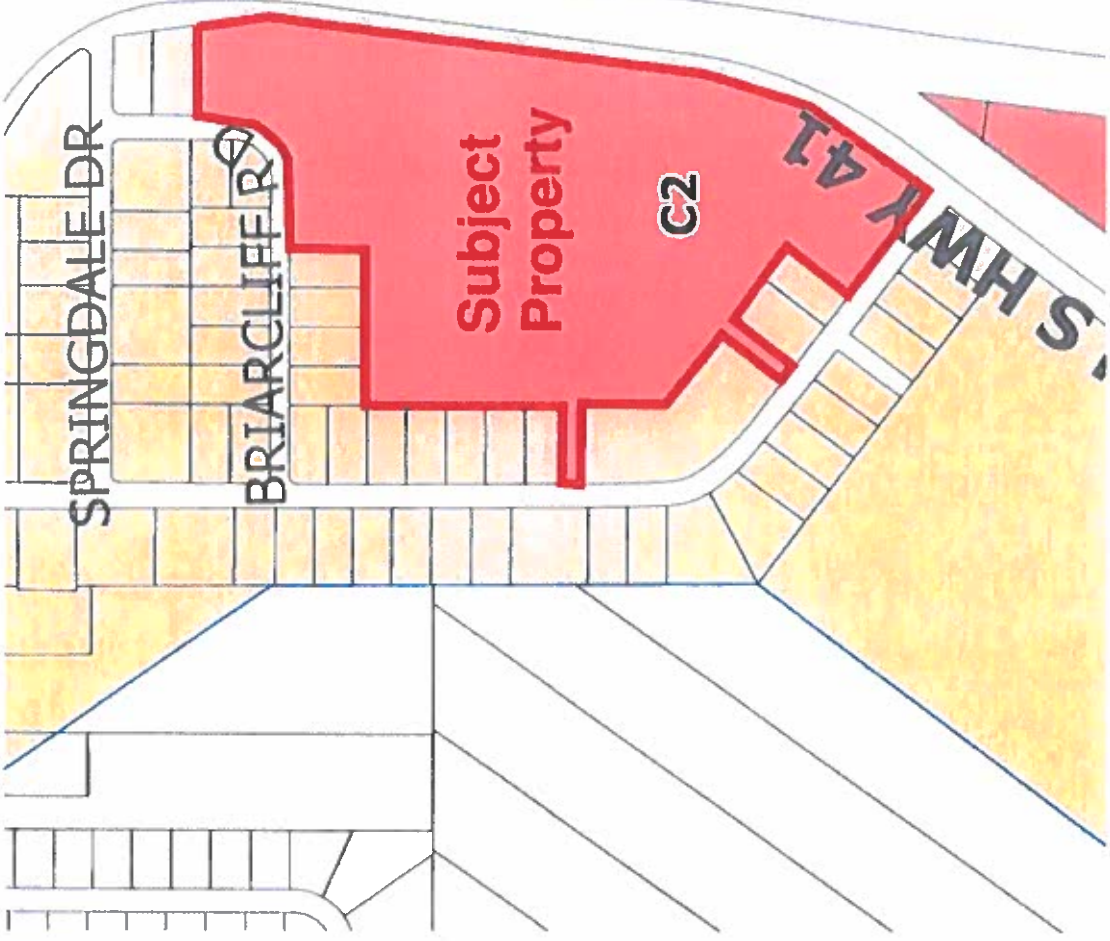
# Agricultural Village Phase 3 (Holly Hills)

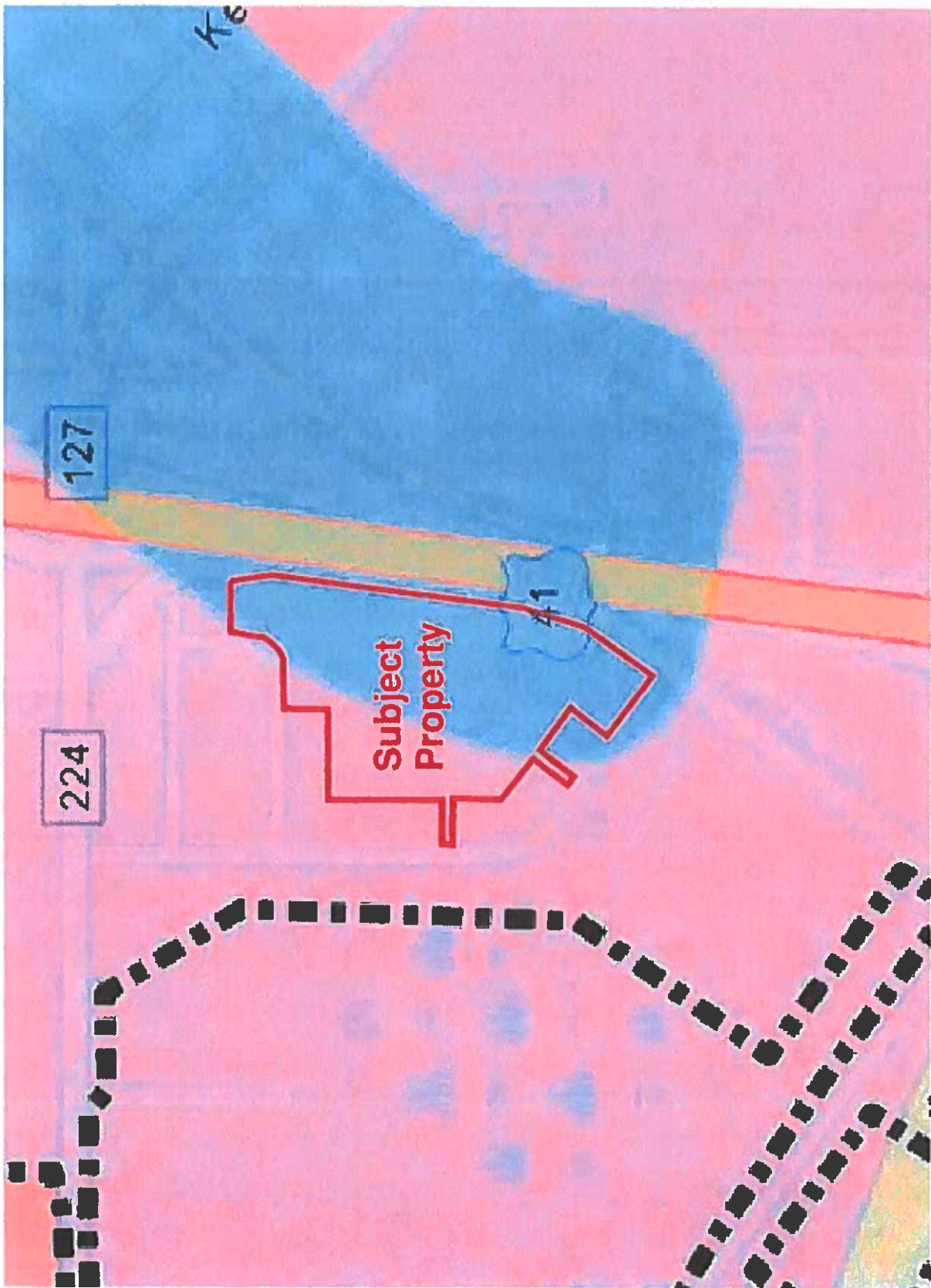
## Planned Unit Development Standards

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  - a. A 10' wide easement along the PUD's US Hwy. 41 frontage shall be granted to the City of Perry for landscaping and maintenance.
  - b. One 3-inch caliper shade tree shall be installed within the right-of-way along both sides of all internal streets, spaced approximately 75 feet on-center (generally one tree per single-frontage lot, two trees per double-frontage lots). Such trees shall count toward the required number of trees per lot required by subsection 6-4.2(A)(2) of the Land Management Ordinance.
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14. **Unspecified Standards:** Any development or other standards not specified above shall be governed by the applicable standards of the Land Management Ordinance for single-family detached residential lots and subdivisions located in an R-3 zoning district.







127

224

Subject  
Property

41

K6



**BRYANT ENGINEERING**  
 1000 Peachtree Street, N.E.  
 Atlanta, Georgia 30309  
 (404) 525-1111  
 www.bryanteng.com

**PERCY**  
 LICENSED PROFESSIONAL ENGINEER  
 No. 12345  
 State of Georgia

**HOLLY HILLS SUBDIVISION**  
 SITE PLAN FOR

DATE	12/15/2023
PROJECT	HOLLY HILLS SUBDIVISION
SCALE	AS SHOWN
DRAWN BY	J. SMITH
CHECKED BY	P. PERCY
DATE	12/15/2023
PROJECT	HOLLY HILLS SUBDIVISION
SCALE	AS SHOWN
DRAWN BY	J. SMITH
CHECKED BY	P. PERCY

Sheet No. **C-2.1**





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

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

Casey Graham, P.E.  
Perry Branch Manager

January 13, 2022

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

**Subject:           Planned Unit Development Requirements  
                          27.103 Acres- Agricultural Village Phase 3 (Holly Hills)**

Dear Mr. Wood,

Please see PUD requirements for rezoning for approximately 27.103-acre tract located on US Hwy 41, south of Holly Hills.

Parcel Size  
27.10 Acres

Use  
Single Family Residential

Lot Dimensions  
Minimum Lot Size = 9,000 s.f.  
Minimum Lot Width = 75'  
Maximum Density Allowed = 3.0 units/acre

Greenspace  
20' Minimum Undisturbed Greenspace around perimeter of site  
(Exclusions include access and extension of utilities and transportation routes or any other City of Perry Code Requirements)

Setbacks  
Front = 25'  
Interior Side = 8'  
Rear = 25'

Access  
No access shall be allowed from Hwy 41  
Two Access Point shall be required as shown on the Conceptual Layout





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

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

Casey Graham, P.E.  
Perry Branch Manager

\*Street Design Standards shall meet all City of Perry Requirements.  
\*All other requirements shall be met

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad R. Bryant, P.E.'.

Chad Bryant, P.E.  
President  
Bryant Engineering







Where Georgia comes together.

Application # RZNE-  
0015-2022

### Application for Rezoning

Contact Community Development (478) 988-2720

#### Applicant/Owner Information

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Chad Bryant	Perry Capital, LLC
*Title	Engineer	owner
*Address	906 Ball Street, Perry, GA 31069	309 E Paces Ferry Rd NE STE 1200, Atlanta, GA 30305
*Phone	478-224-7070	404-233-8164
*Email	chad@bryantengllc.com	sromstad@loudermilkco.com

#### Property Information

*Street Address or Location	S Hwy 41
*Tax Map Number(s)	0P0320 075000
*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;

#### Request

*Current Zoning District	C2	*Proposed Zoning District	PUD
*Please describe the existing and proposed use of the property Note: A Site Plan or other information which fully describes your proposal may benefit your application.			
existing use: wooded parcel; proposed use: 101 lot single family residential			

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

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

9. Signatures:

*Applicant	<i>Chad R. Bryant</i>	*Date	1-18-22
*Property Owner/Authorized Agent	<i>Chad R. Bryant</i>	*Date	1-18-22

**Standards for Granting a Rezoning**

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

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

- (1) The existing land uses and zoning classification of nearby property;
- (2) The suitability of the subject property for the zoned purposes;
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (6) Whether the subject property has a reasonable economic use as currently zoned;
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

January 18, 2022

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

**Subject: Application for Rezoning  
27.103 Acres- Agricultural Village Phase 3 (Holly Hills)**

Dear Mr. Wood,

Please see attached application and plat for rezoning for approximately 27.103-acre tract located on US Hwy 41, south of Holly Hills. Below is the Standards for Granting a Rezoning (Page 2 of application).

1. Property to the north and west is the existing neighborhood, Holly Hills, zoned R1. Property to the south is The Westfield School, zoned R1. Property to the east, on the opposite side of Hwy 41, is zoned commercial, C1.
2. The property has historically been unutilized. Due to the proximity to the Westfield School and surrounding developments, this property has become prime area for residential development.
3. The property will be reduced from its current zoning classification of commercial to residential.
4. This improvement will provide like kind development directly south of neighboring properties along Hwy 41.
5. The proposed zoning and concept allows for a better use of property.
6. The economic use will remain relatively the same.



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

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

7. The property has never been developed as currently zoned and has remained wooded.
8. The proposed zoning is like kind with its current zoning and meets similar lot sizes in neighboring subdivisions.
9. The proposed zoning is for residential use and the property is within a transitional area from farmland to higher density residential.
10. This area is planned for residential development in the Comprehensive Plan
11. This site has multiple vehicular access points and is in close proximity to Hwy 41 and I-75. It is a down zoning from current commercial planned use. Engineer is not aware of any burdens of existing city infrastructures.
12. The proposed development we believe will provide a better transition than the current zoning and will have a softer impact to neighboring properties.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad R. Bryant'.

Chad Bryant, P.E.  
President  
Bryant Engineering



Doc ID: 013307000002 Type: GLR  
Recorded: 04/14/2014 at 10:23:34 AM  
Fee Amt: \$712.00 Page 1 of 2  
Transfer Tax: \$700.00  
Houston, Ga. Clerk Superior Court  
Carolyn V. Sullivan Clerk  
BK 6533 PG 170-171

(Above space for recording officer use.)

After recording return to:

# 58074

File No.: P14-#142

**WHGM**

**WALKER HULBERT GRAY & MOORE, LLP**

P. O. Box 1770 / 909 Ball Street

Perry, Georgia 31069

**LARRY WALKER**

STATE OF GEORGIA  
COUNTY OF HOUSTON

**LIMITED WARRANTY DEED**

THIS INDENTURE, Made the 10<sup>th</sup> day of April, in the year two thousand fourteen (2014),  
between

**EMB II, LLLP**

a Georgia Limited Liability Limited Partnership  
and **BECKHAM INVESTMENTS, LLC**  
a Georgia Limited Liability Company

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

**PERRY CAPITAL, LLC**

a Georgia Limited Liability Company

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

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

All that tract or parcel of land situate, lying and being in Land Lot 314 of the  
13<sup>th</sup> Land District of Houston County, Georgia, containing 27.103 acres and  
having such shapes, metes, bounds, courses and distances as are shown on a plat  
of survey prepared by Lee R. Jones, dated April 7, 2014 and recorded in Plat  
Book 76, Page 35, 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.

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.

*W. E. B. J.*

AND THE SAID Grantor, for itself, its successors and assigns, warrants and will, forever defend the right and title to said tract or parcel of land unto Grantee and its successors an assigns against the claims of all persons claiming by, through or under Grantor.

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

Signed, sealed and delivered  
in presence of:

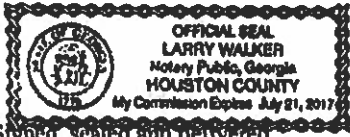
[Signature]  
Witness

[Signature]  
Notary Public

**EMB II, LLLP**  
a Georgia limited liability limited partnership

By: Beckham Management Services, Inc.  
A Georgia corporation, its General Partner

By: Edward M. Beckham II  
Edward M. Beckham, II, President



Signed, sealed and delivered  
in the presence of:

[Signature]  
Witness

[Signature]  
Notary Public

**BECKHAM INVESTMENTS, LLC**  
a Georgia Limited Liability Company

By: William E. Beckham, Jr.  
William E. Beckham, Jr., Manager

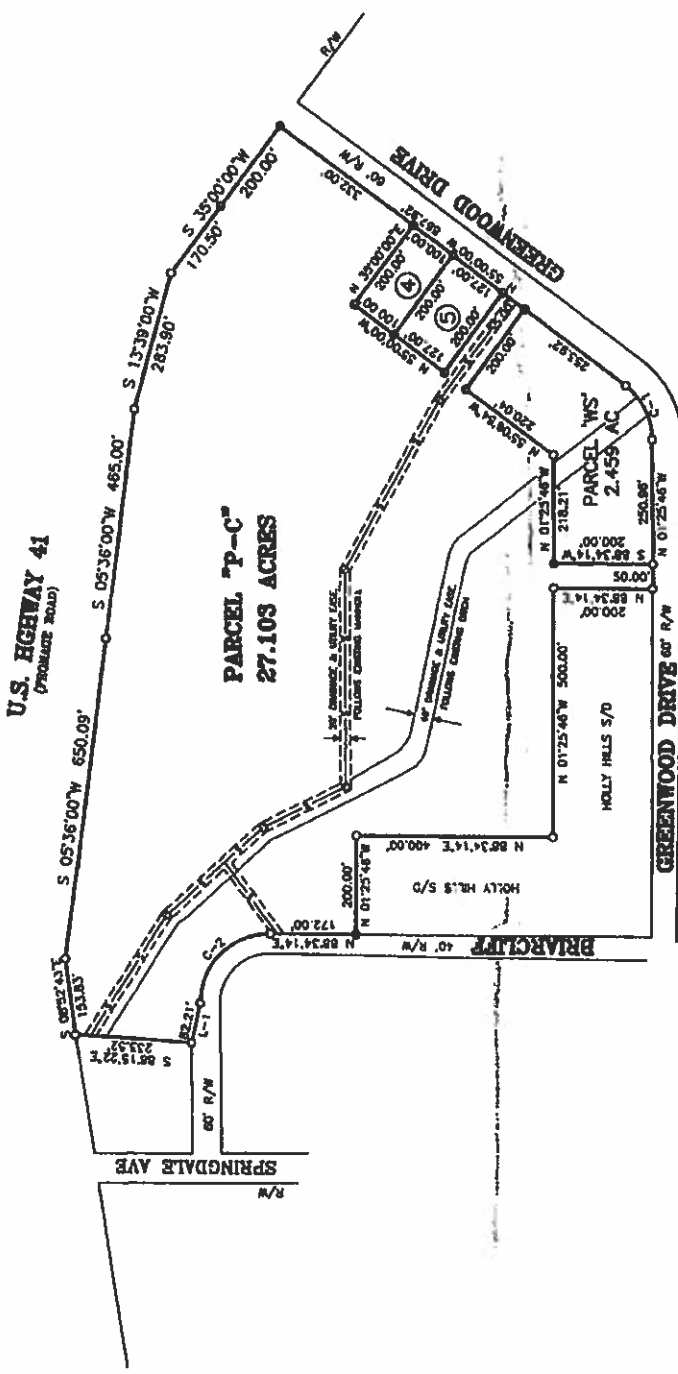


JONES SURVEYING & ENGINEERING  
DO NOT GUARANTEE THAT ALL  
ELEVATIONS WHICH MAY AFFECT  
THIS PROPERTY ARE SHOWN

File No. **PL-142**  
& Return: **WFO&M**  
Print Book **76 / Page 55**

REFERENCE  
PB 15 - PC 138

Dec 21, 2014  
01342004 AL 1023104 AM  
P&M A&E 84-00 Page 1 of 1  
Division of Public Safety  
Geography & Planning Unit  
City of Perry, Georgia  
76 m35



APPROVED FOR RECORDING  
*[Signature]*  
City of Perry, Georgia  
DATE: 4/8/14

Owner's Confirmation  
State of Georgia, County of Houston  
The undersigned certifies that he is the owner of the land shown on this plat and acknowledges the plat and statements to be the true and correct and defines the public use hereof all items as shown or indicated on this plat to streets, alleys, easements, or pipes.  
*[Signature]*  
DATE: 4/8/14  
Owner's Name

Owner's Confirmation  
State of Georgia, County of Houston  
The undersigned certifies that he is the owner of the land shown on this plat and acknowledges the plat and statements to be the true and correct and defines the public use hereof all items as shown or indicated on this plat to streets, alleys, easements, or pipes.  
*[Signature]*  
DATE: 4/8/14  
Owner's Name

SURVEY FOR

**PERRY CAPITAL LLC**

LAND LOT 314  
HOUSTON COUNTY, GEORGIA  
SCALE 1"=200  
APRIL 7, 2014  
13TH DISTRICT  
PERRY, GEORGIA  
**JONES SURVEYING COMPANY**  
PERRY, GEORGIA (478) 987-2705



**CERTIFICATION**  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS BEEN CHECKED FOR ACCURACY AND FOUND TO BE CORRECT WITHIN THE TOLERANCES PERMITTED BY THE COMPASS RULE AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 657.15 FEET.  
THE LINEAR AND ANGULAR MEASUREMENT SHOWN ON THIS PLAT WERE OBTAINED BY USING A TOPCON GTS-312 ELECTRONIC TOTAL STATION ON 4-7-14

COURSE	BEARING	DISTANCE
L-1	N 11°1'56"E	82.21'
C-1	134.00'	125.29'
C-2	140.00'	219.91'

CURVE	RADIUS	LENGTH	CH-CHORD	CH-BEARING
C-1	134.00'	125.29'	120.77'	N 28°12'53"W
C-2	140.00'	219.91'	197.99'	N 43°34'14"E



**ORDINANCE**

**THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS** that the zoning is changed from City of Perry R-2, Two-family Residential District to City of Perry C-2, General Commercial District, and the city's zoning map is amended accordingly relative to property of **MILTON TAYLOR**, described as follows:

**All those tracts or parcel of land situate, lying and being in Land Lot 272 of the 13<sup>th</sup> Land District, Houston County, Georgia, and in the City of Perry, known and designated as Parcel "A" and Parcel "B" as is more fully shown on a subdivision plat for Milton V. Beckham by Richard L. Jones, Surveyor, dated October 28, 1983, and a copy of plat being recorded in Map Book 27, page 167, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated herein by reference for all purposes.**

**Said property is known under the present numbering system as 613 and 615 Martin Luther King Drive, Perry, Houston County, GA.**

**Deed References: Book 670, Page 583; Book 1335, Page 754  
Tax Map Parcel: 0P0270 109000; 0P0270 108000**

SO ENACTED this 15th day of March, 2022.

**CITY OF PERRY, GEORGIA**

BY: \_\_\_\_\_  
RANDALL WALKER, Mayor

ATTEST: \_\_\_\_\_  
ANNIE WARREN, City Clerk

1<sup>st</sup> Reading: March 1, 2022  
2<sup>nd</sup> Reading: March 15, 2022





Where Georgia comes together.

**STAFF REPORT**

February 3, 2022

**CASE NUMBER:** RZNE-0019-2022  
**APPLICANT:** John Anthony Thomson  
**REQUEST:** Rezone from R-2, Two-family residential, to C-2, General Commercial  
**LOCATION:** 613 and 615 Martin Luther King, Jr. Drive; Tax Map No. 0P0270 109000 and 0P0270 108000

**BACKGROUND INFORMATION:** The subject property includes two parcels totaling 0.79 acres at the northwest intersection of Martin Luther King, Jr. Drive and Oak Ridge Drive. Both parcels are currently undeveloped. The applicant is requesting C-2, General Commercial, zoning with the intent to sell the property at a higher value for future commercial development. The applicant suggests that commercial zoning is more appropriate at this property and is more aligned with surrounding uses.

**STANDARDS GOVERNING ZONE CHANGES:**

**1. The existing land uses and zoning classification of nearby properties.**

	<b>Zoning Classification</b>	<b>Land Uses</b>
North	R-2, Two-family residential	Daycare
South	GU	Undeveloped
East	M-2, Industrial	Undeveloped and commercial uses
West	R-2, Two-family residential	Undeveloped and single-family homes

2. **The suitability of the subject property for the zoned purposes.** Due to the proximity of other commercial uses, the subject property is more suitable for commercial development than residential.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The subject property's residential zoning classification could negatively affect the property value due to the potential for higher investment through commercial development at this intersection.
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** The current and proposed zoning classification does not pose any threat to the health, safety, morals, or general welfare of the public and surrounding area.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** C-2, General Commercial, zoning is expected to create a relative gain to the public and neighborhood as it can provide greater access to commercial uses to the surrounding Sandhill community.

6. **Whether the subject property has a reasonable economic use as currently zoned.** The use of the property as residential is a reasonable economic use as it is currently zoned. However, C-2, General Commercial, zoning is likely to increase the economic use of the property and economically benefit the community.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject property is currently vacant and has never been developed.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** Properties nearby and adjacent to the subject property are developed as commercial uses. The proposed zoning district and allowable uses will be suitable in view of nearby properties because the property is near other commercial uses. The properties to the east are zoned industrial. If these develop as an industrial use, commercial zoning at the subject provided will provide a transition between industrial property and residential uses.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed use of the property should not adversely affect existing uses or usability of nearby properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The 2017 Joint Comprehensive Plan Update identifies the subject property within the Traditional Neighborhood character area. Although this proposal does not conform to the current comprehensive plan, this area has been evaluated throughout the 2022 Comprehensive Plan update process and is within an identified neighborhood node. This area is expected to attract commercial developments which would serve the surrounding neighborhood. The 2022 Comprehensive Plan update had not been adopted at the time this application was filed.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** There is no expected impact on public facilities as the subject property already has access to City of Perry water and sewer. Any commercial development at this property would not overburden existing public facilities, streets, or schools.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** C-2, General Commercial, zoning is more appropriate for the subject property due to its proximity to similar commercial uses. Further, C-2 zoning may create an increase in long-term economic value to the property owner and Sandhill community.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning change with the requested C-2, General Commercial District, zoning.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the zoning change with the requested C-2, General Commercial District, zoning.

  
 \_\_\_\_\_  
 Eric Z. Edwards, Chairman of the Planning Commission

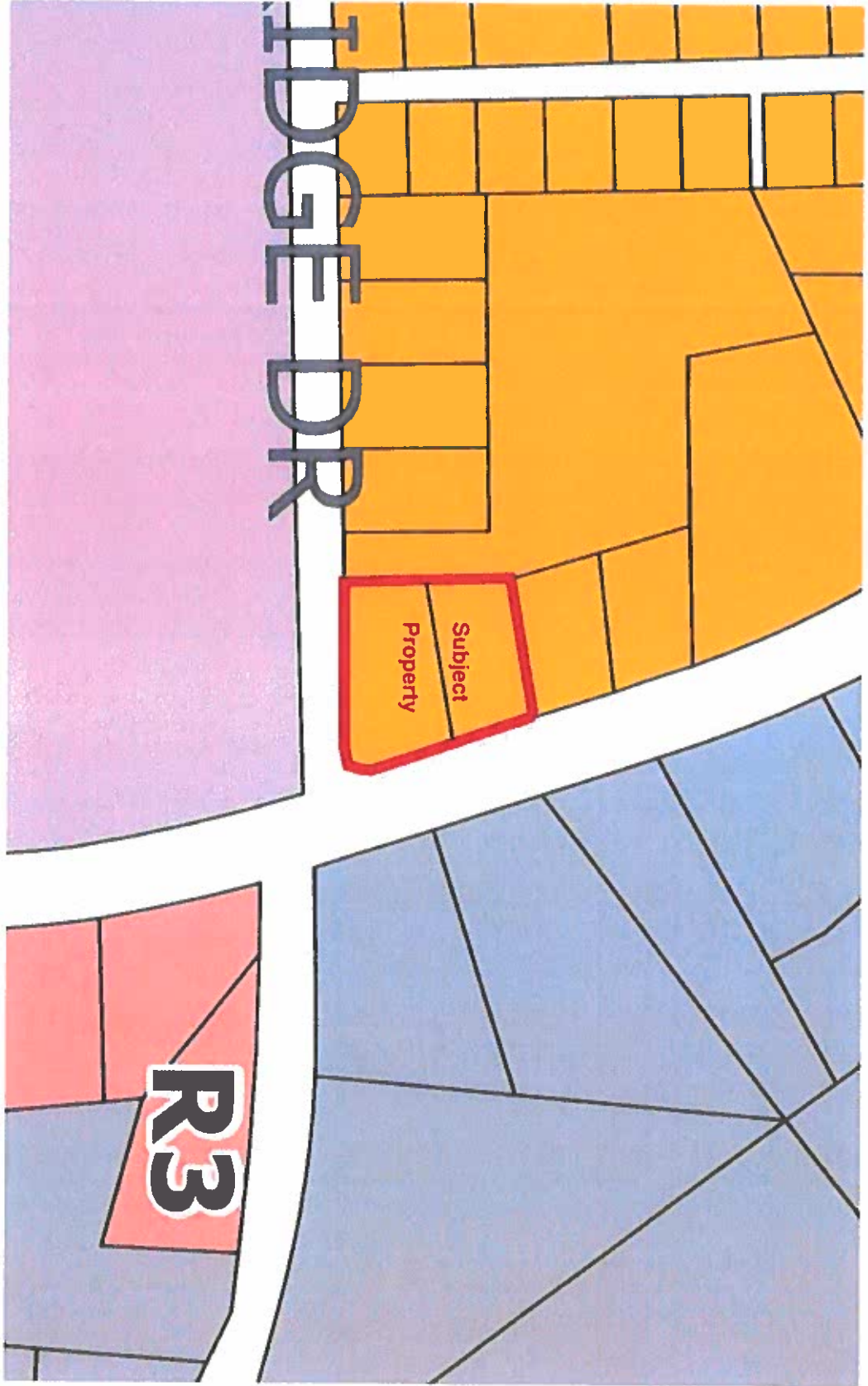
  
 \_\_\_\_\_  
 Date



EDGE DR

Subject  
Property

R3



10

Subject  
Property



Where Georgia comes together.

Application # RZNE-0019-  
2022

### Application for Rezoning

Contact Community Development (478) 988-2720

#### Applicant/Owner Information

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	John Anthony Thomson	Milton Taylor
*Title		
*Address	507 Feagin Mill Rd. Warner Robins 31088	100 Jana Ct. Warner Robins, 31088
*Phone	478 319 7569	478 - 960-5545
*Email	johnthomson@cbfreerealty.com	milton.taylor@windstream.net

#### Property Information

*Street Address or Location	613 / 615 MARTIN LUTHER KING DR.
*Tax Map Number(s)	OP0 270 10 9000 / OP0 270 10 8000
*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;	

#### Request



*Current Zoning District	R2	*Proposed Zoning District	C2
*Please describe the existing and proposed use of the property Note: A Site Plan or other information which fully describes your proposal may benefit your application. Attached.			

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

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

9. Signatures:

*Applicant 	*Date 1-5-2022
*Property Owner/Authorized Agent 	*Date 1-5-2022

**Standards for Granting a Rezoning**

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

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

- (1) The existing land uses and zoning classification of nearby property;
- (2) The suitability of the subject property for the zoned purposes;
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (6) Whether the subject property has a reasonable economic use as currently zoned;
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

---

John Anthony Thomson  
(478) 319-7569

January 17th, 2022  
Perry Community Development

My name is John Thomson, I am a licensed real estate agent with Coldwell Banker Free Realty and a rezoning applicant, representing my client Mr. Milton Taylor. We are requesting consideration regarding the properties located at 613 & 615 Martin Luther King Dr. in Perry, GA. Mr. Taylor is a long time resident of Houston County, he has worked at Cemex, Inc., in South Houston County for over 36 years. This year he will be retiring.

The properties in question were purchased in 1984 and have been well maintained. There are no current plans to develop the property or to make improvements. They are fixed at the corner of Martin Luther King Dr. and Oak Ridge Dr., with approximately equal road frontage. We are requesting that the property be considered to go from an R2 classification to a C2.

Our reasoning for the request is continuity amongst the parcels in this particular section of Martin Luther King Dr. We have provided map layouts of the Houston County QPublic, which we note does not have authority, only use as a reference, and the City of Perry Zoning maps. The references we are speaking of are in the actual location and operation of businesses both North and East to the Property. Both the County and City maps consider the land directly across the street to the East as M2 industrial. Parcels with addresses of 611 Martin Luther King Dr. and 612 Martin Luther King Dr. have existing businesses in place. State owned government use property is directly South and the natural buffer created by the 50' of road frontage on parcel #OP027079A000 that sits adjacent to the West. This isolation of businesses, industrial, and government land use can hinder us with the intent to sell the property, we feel like an official reclassification would help us immensely.

With its distance to Larry Walker and the Ag center, rezoning could possibly attract potential customers that can add value to the surrounding area, from both an economic and revenue generating aspect for the City. Thank you for taking the time to review this application and we look forward to a great discussion and all inquiries.

Sincerely,

John Anthony Thomson



670 583



STATE OF GEORGIA

WARRANTY DEED

HOUSTON COUNTY

THIS INDENTURE, Made the 21st day of November, in the year one thousand nine hundred and eighty-four

Between MILTON V. BECKHAM and ALMA G. BECKHAM of the County of Houston and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and MILTON TAYLOR

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

WITNESSETH that Grantor, for and in consideration of the sum of Other good and valuable considerations and TEN AND NO/100----- DOLLARS 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 the following described property:

All those tracts or parcels of land situate, lying and being in Land Lot 272 of the 13th Land District, Houston County, Georgia, and in the City of Perry, known and designated as Parcel "A" and Parcel "B" as is more fully shown on a subdivision plat for Milton V. Beckham by Richard L. Jones, Surveyor, dated October 28, 1983, and a copy of plat being recorded in Map Book 27, page 167, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated herein by reference for all purposes.

Georgia, Houston County Real Estate Transfer Tax Paid \$ 3.50 Date November 27, 1984

Carolyn V. Sullivan Clerk Superior Court

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

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

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

Signed, sealed and delivered in presence of:

Witness signatures: Gail Jones, David M. Pierce (Notary Public, My Commission Expires 3-15-88)

Milton V. Beckham (Seal) MILTON V. BECKHAM Alma G. Beckham (Seal) ALMA G. BECKHAM

Return to:  
Nelson Dupree #1719  
P. O. Box 8419  
Warner Robins, GA 31095  
Georgia, Houston Superior Court

QUITCLAIM DEED

STATE OF GEORGIA )  
COUNTY OF HOUSTON )

FEB 20 1998  
BOOK 1335 PAGE 754  
Recorded in  
Candace V. Dullibon, Clerk

THIS INDENTURE, made this 10<sup>th</sup> day of February, 1998, between  
LINDA F. TAYLOR

of the State of Georgia and County of Houston, of the first part,  
and MILTON TAYLOR  
of the State of Georgia and County of Houston, of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE and 00/100 (\$1.00)---DOLLAR, in hand paid, the receipt whereof is acknowledged, has bargained, sold, and by these presents does remise, convey and forever QUITCLAIM to the said party of the second part, his heirs and assigns, the following described property, to-wit:

TRACT I

All my interests in all that tract or parcel of land situate, lying and being in Land Lot 301 of the 13th Land District, Houston County, Georgia, known as Lot 33B on a plat of survey designated "Subdivision of Lot 33, Survey for Hudson & Marshall, Inc." prepared by Richard L. Jones, Surveyor, on June 23, 1986, a copy of said plat being of record in Map Book 32, page 43, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

TRACT II

All my interests in all these tracts or parcels of land situate, lying and being in Land Lot 272 of the 13th Land District, Houston County, Georgia, and in the City of Perry, known and designated as Parcel "A" and Parcel "B" as is more fully shown on a subdivision plat for Milton V. Beckham by Richard L. Jones, Surveyor, dated October 20, 1983, and a copy of plat being recorded in Map Book 27, page 167, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated herein by reference for all purposes.

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

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year above written.

Linda F. Taylor [SEAL]  
LINDA F. TAYLOR

Signed, sealed and delivered  
in the presence of

Chuck Sylvester  
Witness

Nelson Dupree  
Notary Public  
My Commission Expires: 11/22/00

Georgia, Houston County  
Real Estate Transfer Tax

FEB 20 1998

Paid \$ -0-  
Candace V. Dullibon  
Clerk Superior Court

RECORDED  
Candace V. Dullibon, Clerk  
FEB 20 1998

FILED  
HOUSTON COUNTY  
1998 FEB 20 PM 2:15  
CLERK SUPERIOR COURT

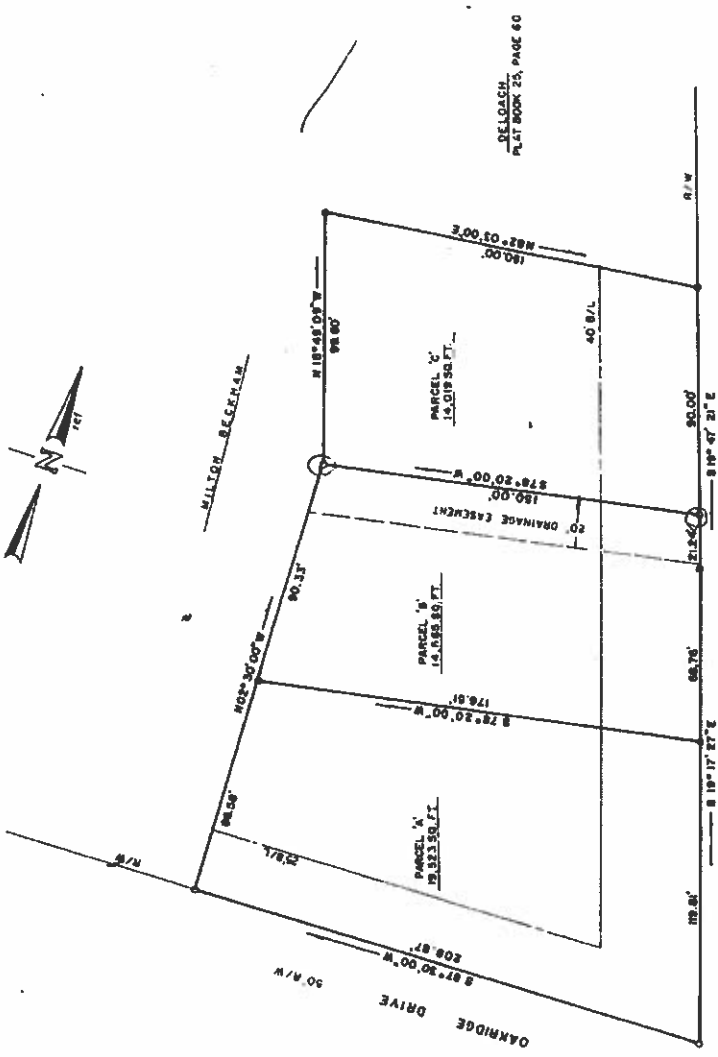
Recorded April 28, 1984

27/167

27/167

FILED  
MAY 27 AM 11:16  
CLERK GEORGIA

27/167  
MAY 27 1984  
CLERK GEORGIA



DELOACH  
PLAT BOOK 25, PAGE 60



THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED BY ME OR ONE OF MY ASSISTANTS AND I AM AWARE OF THE ACCURACY OF THE SAME.

IRON PIN FOUND  
IRON PIN PLACED



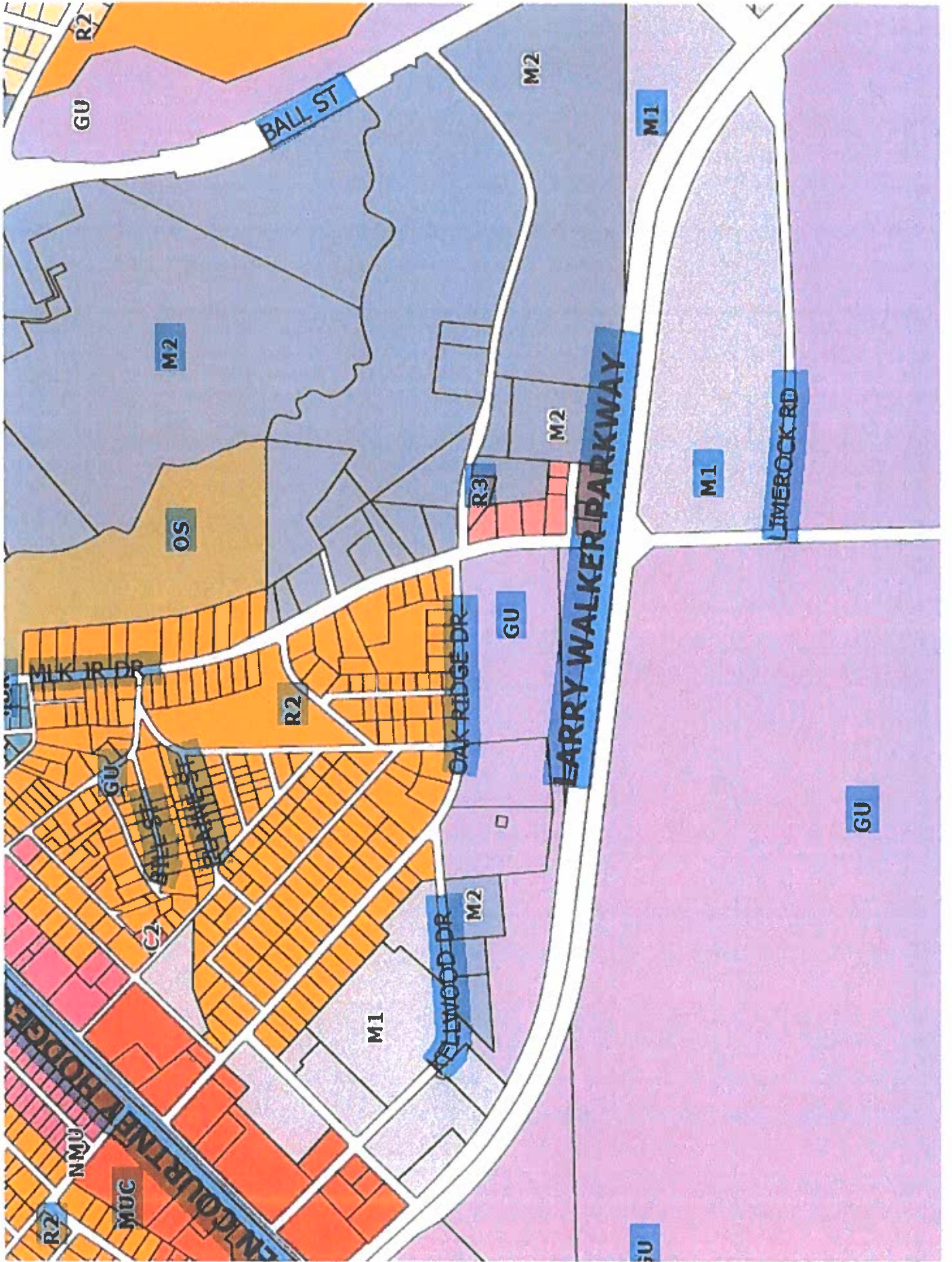
Approved  
Milton V. Beckham  
Surveyor, State of Georgia  
No. 12345  
OCTOBER 28, 1983  
CITY OF PERRY

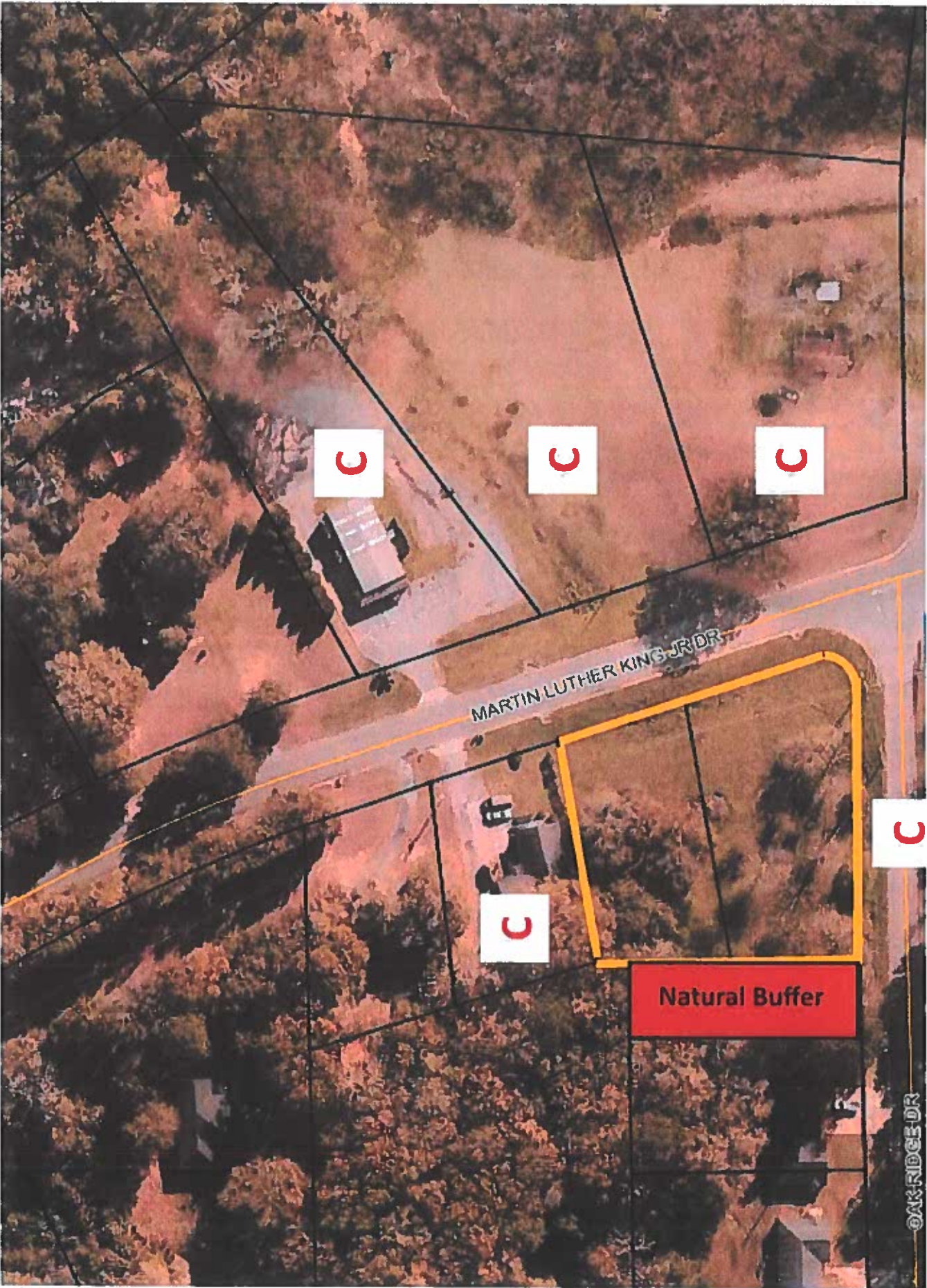
SUBDIVISION FOR  
MILTON V. BECKHAM  
LAND LOT 272 13TH DISTRICT  
HOUSTON CO PERRY, GEORGIA  
SCALE: 1" = 30' OCTOBER 28, 1983  
JONES SURVEYING COMPANY  
PERRY, GA 297-2705

0 50' 100'  
UNRECORDED

27/167

27/167





C

C

C

MARTIN LUTHER KING JR DR

C

C

Natural Buffer

OAK RIDGE DR

**ORDINANCE**

**THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS** that the zoning is changed from City of Perry C-1, Highway Commercial District to City of Perry PUD, Planned Unit Development District, and the city's zoning map is amended accordingly relative to property of JSIYARAM Hotel, LLC and KPS Motel LLC, described as follows:

**Tract I:** All that certain tract or parcel of land situate, lying and being in Lots 46 and 47 of the 10<sup>th</sup> Land District of Houston County, Georgia, in the City of Perry, therein, same containing in the aggregate 4.27 acres of land, having such shape, metes bounds, courses and distances as shown on a plat of survey of same prepared by Milton Beckham, Surveyor, a copy of said plat being of record in Plat Book 14, Page 206, Clerk's Office, Houston County Superior Court. Said plat and the recorded copy thereof are hereby referred to and made a part of this description.

**EXCEPTION THEREFROM THE FOLLOWING PROPERTY:**

All that tract or parcel of land situate, lying and being in the City of Perry, Houston County, Georgia, having such shape, metes, bounds, courses and distances as are shown on a plat of survey of same prepared by Milton Beckham, Surveyor, on August 3, 1972, a copy of said plat being of record in Plat Book 15, Page 219, Clerk's Office, Houston Superior Court.

**FURTHER EXCEPTING:**

All that tract or parcel of land situate lying and being in Land Lot 47 of the Tenth Land District of Houston County, Georgia, and in the City of Perry, same being shown and designated as Parcel "A" on a plat of survey prepared by Milton Beckham, surveyor, on August 3, 1972, revised May 7, 1993, to show a Parcel "A" a copy of said plat being of record in Map Book 16, Page 127, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

**LESS AND EXCEPT:**

All that tract or parcel of land situate, lying and being in Land Lot 47 of the Tenth (10<sup>th</sup>) Land District of Houston County, Georgia, being known and designated at Parcel "C", containing 1.368 acres, according to a plat of survey of record in Plat Book 75, Page 146, Clerk's Office, Houston Superior Court. Said plat and the record thereto are incorporated herein by reference for all purposes.

This is the same property set out in a Warranty Deed from The National Bank of Georgia to E.L.K. Motels, Inc. dated August 8, 1975 and recorded in Deed Book 461, Page 344, in the Office of the Clerk of the Superior Court of Houston County, Georgia, which deed is incorporated herein by reference for all purposes.

**Tract II:** That certain tract or parcel of land situate, lying and being in the City of Perry, Houston County, Georgia, having such shape, metes, bounds, courses and distances as are shown on a plat of survey of same prepared by Milton Beckham, Surveyor, on August 3, 1972, a copy of said plat being of record in Plat Book 15, Page 219, Clerk's Office, Houston Superior Court.

**Tract III:** All that tract or parcel of land situate, lying and being in Land Lot 47 of the Tenth Land District of Houston County, Georgia, and in the City of Perry, same being shown and designated as Parcel "A" on a plat of survey prepared by Milton Beckham Surveyor, on August 3, 1972, revised May 7, 1973, to show Parcel "A", a copy of said plat being of record in Map Book 16, Page 127, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

**This is the same property as set out in a Limited Warranty Deed from The Bank of Perry to E.L. Klinner, Jr. dated December 17, 1990 and recorded in Deed Book 901, Page 712, in the Office of the Clerk of the Superior Court of Houston County, Georgia, and which deed is incorporated herein by reference for all purposes.**

**Tax Map Parcels: 0P0400 021000 and 0P0400 022000  
Deed Reference: Book 6968, Pages 1-2  
Present Street Addresses: 1004 and 1006 St. Patrick's Drive, Perry, GA**

**AND**

**All that tract or parcel of land situate, lying and being in Land Lot 47 of the Tenth (10<sup>th</sup>) Land District of Houston County, Georgia, being known and designated as Parcel "C", containing 1.368 acres, according to a plat of survey of record in Plat Book 75, Page 146, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.**

**Tax Map Parcel: 0P0400 048000  
Deed Reference: Book 6967, Pages 343-344  
Present Street Address: 1004 A St. Patrick's Drive, Perry, GA**

**Said property is rezoned subject to the following condition:**

- 1. The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property, copies of which are attached hereto as Exhibit "A".**

**SO ENACTED this 15th day of March, 2022.**

**CITY OF PERRY, GEORGIA**

**BY: \_\_\_\_\_  
RANDALL WALKER, Mayor**

**ATTEST: \_\_\_\_\_  
ANNIE WARREN, City Clerk**

**1<sup>st</sup> Reading: March 1, 2022**

**2<sup>nd</sup> Reading: March 15, 2022**

**St. Patrick's Drive Adaptive Re-Use PUD Plan**



**Total Lot Area: 185,969 square feet**

- Total Building Area (red): 39,480 square feet (21.22%),
- Total Asphalt/Concrete Area: 97,126 square feet (52.27%),
- Total Landscaped Area (green): 49,579 square feet (26.64%),

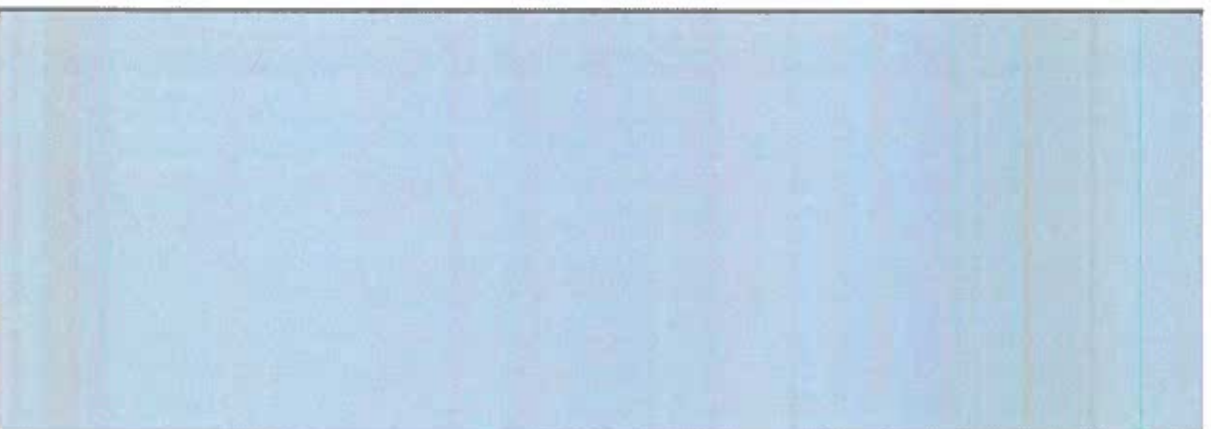
**Total Dwellings (Multi-family):**

- 126 total dwellings.
- Mix of studio apartments and multi-bed apartments.
- 1,476 square feet of lot area per dwelling.

**Building Uses:**

- Building 1: Leasing office with lobby, coffee, lockers, recreational area (vending machines, pool table, etc.) or retail.
- Buildings 2, 3, & 4: Combined 122 dwellings.
- Building 5: Resident laundry, gym and four dwellings.

**EX. A1**

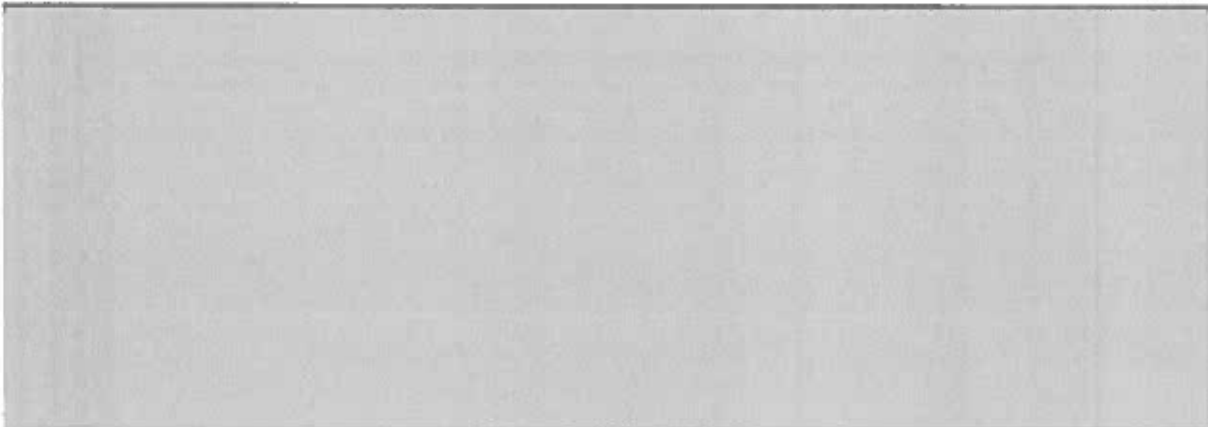




**St. Patrick's Drive Adaptive Re-Use**  
(Parcels 0P0400 021000, 0P0400 022000, and 0P0400 048000)

**Planned Unit Development Standards**

1. **Permitted Uses:**
  - A. **Residential uses.** Multi-family dwellings, and accessory uses clearly incidental to, and customarily associated with multi-family residential developments (i.e., management/leasing office, resident laundry facilities, resident recreation and fitness facilities, resident multi-purpose/gathering space).
  - B. **Non-residential uses.** In addition to customary accessory uses, the ~1250 square foot building located on parcel 0P0400 021000 may be used for non-residential uses permitted in the C-2 zoning district in the following "use categories" identified in the Table of Uses, subsection 4-1.2 of the Land Management Ordinance: Day Care, Offices, and Retail Sales and Services.
2. **Maximum Density:** 126 total studio and one-bedroom apartments
3. **Maximum Building Height:** Two stories.
4. **Parking:** At least 160 parking spaces shall be maintained on the properties.
5. **Allowed Signs:**
  - A. **Freestanding Signs:**
    - o One existing pylon sign on the southwest corner of parcel 0P0400 048000 may remain but shall not be increased in height or in area.
    - o All other existing freestanding signs shall be removed.
    - o Two monument signs meeting the requirements for such sign type in the C-2 zoning district may be installed along the St. Patrick's Drive frontage of the properties.
  - B. **Roof Signs:** Existing roof signs on the properties shall be removed. Roofs signs shall not be permitted.
  - C. **Other signs:** Wall, door, and window signs required to identify buildings and unit numbers for emergency service providers, and as necessary to identify resident amenities.
6. **Trash Collection:** Existing dumpsters and dumpster enclosures shall be removed from all public rights-of-way. All dumpsters shall meet enclosure and screening requirements of the Land Management Ordinance and stormwater best management practices.
7. **Exterior Building Materials and Colors:** All exterior colors and any new exterior building materials shall be consistent with the provisions of subsection 6-6.1(A) of the Land Management Ordinance.
8. **Landscaping:** The site shall comply with all applicable landscape requirements of Section 6-3 of the Land Management Ordinance.
9. **Addresses:** If the property will remain as three separate parcels, addresses assigned to each parcel will be modified to eliminate duplicate addresses.
10. **Unspecified Standards:** Any development or other standards not specified above shall be governed by the applicable regulations of the Land Management Ordinance for properties located in a C-2 zoning district.





Where Georgia comes together.

## **STAFF REPORT**

From the Department of Community Development  
February 9, 2022

**CASE NUMBER:** RZNE-0020-2022  
**APPLICANT:** Anjebhai Patel  
**REQUEST:** Rezone from C-1, Highway Commercial, to PUD, Planned Unit Development  
**LOCATION:** 1004, 1004A and 1006 St. Patrick's Drive; Tax Map No. 0P0400 021000, 0P0400 022000, 0P0400 048000

**BACKGROUND INFORMATION:** The subject properties consist of 4.28 acres and are currently zoned C-1, Highway Commercial District. Two of the subject properties were developed as a two-story motel in the 1970's. The other parcel included in the application was originally built as a bank but has since been used for a variety of retail uses. The applicant proposes to change the zoning to PUD, Planned Unit Development District, to convert the existing buildings into multi-family residential apartments with associated amenities. The original bank building may continue to be used for retail purposes, or as space for an amenity associated with the apartments.

A PUD is required to set its own development standards, like would be established for a typical zoning district. The applicant has proposed a set of development standards for this PUD. Planning Staff has recommended a set of development standard for the PUD, incorporating, and clarifying some of the applicant's proposals. Some additional standards are recommended.

The proposal calls for a total of 126 residential unit – 122 studio apartments and 4 multi-bay or one-bedroom apartments. Other spaces within the buildings will be used for a leasing office, tenant recreation area, tenant laundry, and tenant gym.

As a change of use/change in occupancy type, the buildings will be required to comply with current building and fire code standards. The applicant indicates there is a total of 180 parking spaces on the site. 189 parking spaces are required by code to serve 126 multi-family units (1.5 spaces per unit). Since most of the proposed apartments will be studios, it is unlikely that most tenants of these units will have more than one vehicle. Additionally, the site must be brought into compliance with landscaping requirements, meaning some parking spaces will be eliminated for landscape islands. It appears there is opportunity to add parking spaces within existing paved areas of the site using a more-efficient layout if necessary.

Staff is not aware of any covenants or restrictions which prevent the proposed development.

**STANDARDS GOVERNING ZONE CHANGES:**

**1. The existing land uses and zoning classification of nearby properties.**

	<b>Zoning Classification</b>	<b>Land Uses</b>
North	C-2, General Commercial	Undeveloped and retail
South	C-1, Highway Commercial	Retail and fast-food restaurant
East	C-2	Retail and restaurants
West	Interstate 75	Transportation corridor

2. **The suitability of the subject property for the zoned purposes.** The subject properties are suitable for commercial re-development. The current buildings on the properties hinder a full re-development of the property.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The property value of the subject properties appear to be hindered by the limited usability of the existing buildings on the properties.
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** Under-utilized and deteriorating motel buildings do not promote the health, safety, morals or general welfare of the public.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The public would be better served by allowing the current buildings to be upgraded for a more sustainable use.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The existing buildings on the properties appear to limit a reasonable economic use of the properties as currently zoned.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The properties are not currently vacant, but have a very low occupancy rate, while other properties in the vicinity continue to attract new tenants and upgrades.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** Conversion of the properties to apartments is appropriate for area, which is a mix of retail, restaurant, and service establishments.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** Conversion of the properties to apartments will eliminate a blight in the area and will provide an opportunity for work-force housing supporting surrounding businesses.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject properties are within the "In-Town Corridor" character area in the 2017 Joint Comprehensive Plan Update. This character area calls for redevelopment of existing strip commercial centers. Suggested development patterns include "Homes, shops, small businesses, and institutions grouped in attractive mixed-use centers" and "clustering high density developments at nodes along major corridors..."
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The subject property is currently developed contributing to current usage of infrastructure and road.
  - Infrastructure – Water and sewer service is available at the subject property.

- Roads – St. Patrick's Drive is a commercial street providing access to Sam Nunn Blvd, an arterial street. Both streets have adequate capacity to serve the proposed adaptive reuse.
- Education – Staff is not aware of any capacity-related issues for the Houston County School System resulting from the proposed development.

12. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. Newer hotels continue to be developed in the area, making older motels more and more obsolete.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning change with the following condition:

1. The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the zoning change with the following conditions:

1. The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.



Eric Z. Edwards, Chairman of the Planning Commission



Date

**St. Patrick's Drive Adaptive Re-Use**  
(Parcels 0P0400 021000, 0P0400 022000, and 0P0400 048000)

Planned Unit Development Standards

Recommended for approval by the Planning Commission:



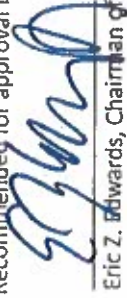
Eric Z. Edwards, Chairman of the Planning Commission

2/15/22  
Date

1. **Permitted Uses:**
  - A. **Residential uses.** Multi-family dwellings, and accessory uses clearly incidental to, and customarily associated with multi-family residential developments (i.e., management/leasing office, resident laundry facilities, resident recreation and fitness facilities, resident multi-purpose/gathering space).
  - B. **Non-residential uses.** In addition to customary accessory uses, the ~1250 square foot building located on parcel 0P0400 021000 may be used for non-residential uses permitted in the C-2 zoning district in the following "use categories" identified in the Table of Uses, subsection 4-1.2 of the Land Management Ordinance: Day Care, Offices, and Retail Sales and Services.
2. **Maximum Density:** 126 total studio and one-bedroom apartments
3. **Maximum Building Height:** Two stories.
4. **Parking:** At least 160 parking spaces shall be maintained on the properties.
5. **Allowed Signs:**
  - A. **Freestanding Signs:**
    - o One existing pylon sign on the southwest corner of parcel 0P0400 048000 may remain but shall not be increased in height or in area.
    - o All other existing freestanding signs shall be removed.
    - o Two monument signs meeting the requirements for such sign type in the C-2 zoning district may be installed along the St. Patrick's Drive frontage of the properties.
  - B. **Roof Signs:** Existing roof signs on the properties shall be removed. Roofs signs shall not be permitted.
  - C. **Other signs:** Wall, door, and window signs required to identify buildings and unit numbers for emergency service providers, and as necessary to identify resident amenities.
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8. **Landscaping:** The site shall comply with all applicable landscape requirements of Section 6-3 of the Land Management Ordinance.
9. **Addresses:** If the property will remain as three separate parcels, addresses assigned to each parcel will be modified to eliminate duplicate addresses.
10. **Unspecified Standards:** Any development or other standards not specified above shall be governed by the applicable regulations of the Land Management Ordinance for properties located in a C-2 zoning district.

St. Patrick's Drive Adaptive Re-Use PUD Plan

Recommended for approval by the Planning Commission:

  
Eric Z. Edwards, Chairman of the Planning Commission

  
Date

Total Lot Area: 185,969 square feet.

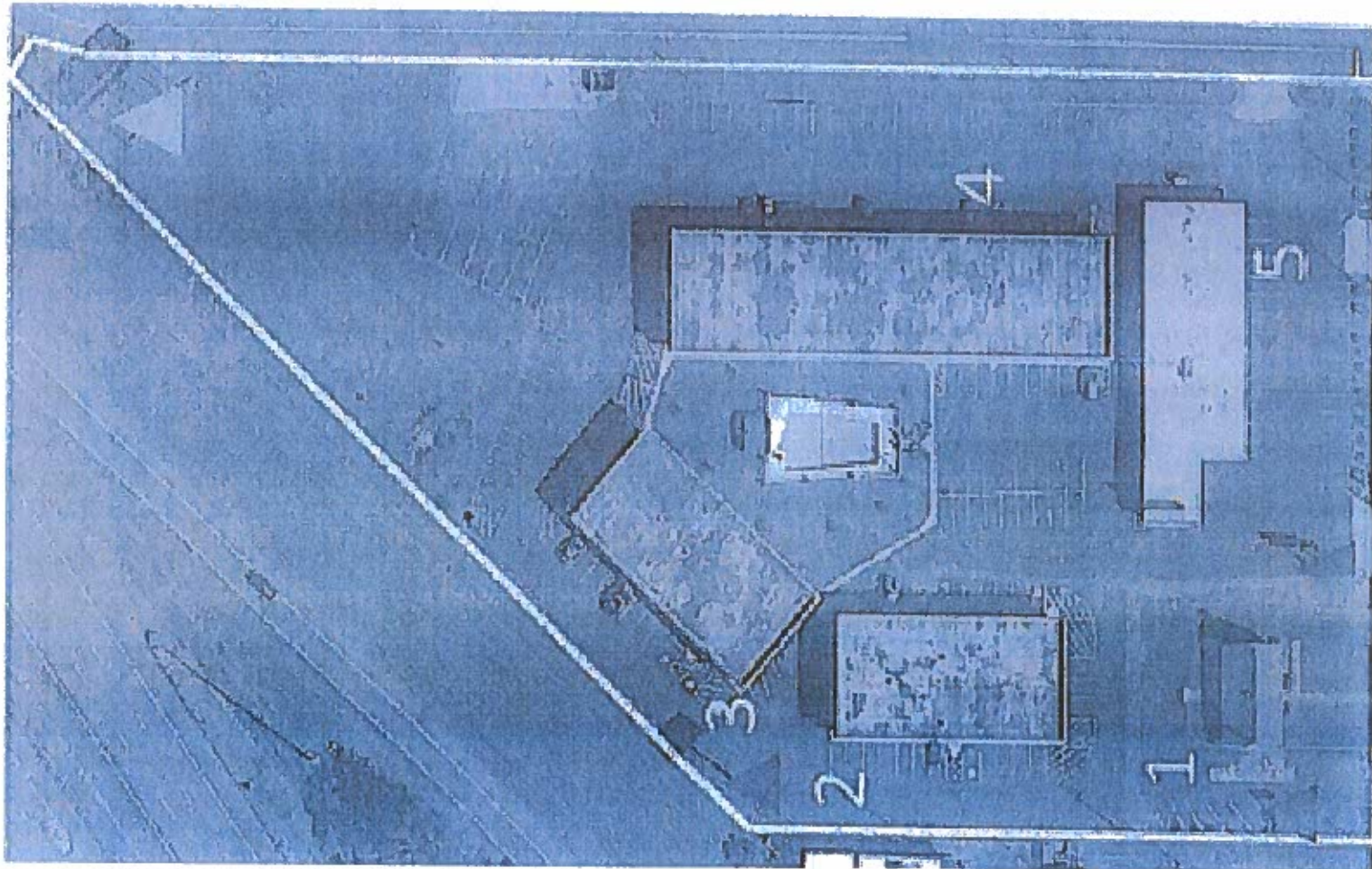
- \* Total Building Area (red): 39,480 square feet (21.22%).
- \* Total Asphalt/Concrete Area: 97,126 square feet (52.22%).
- \* Total Landscaped Area (green): 49,579 square feet (26.64%).

Total Dwellings (Multi-family):

- \* 126 total dwellings.
- \* Mix of studio apartments and multi-bay apartments.
- \* 1,476 square feet of lot area per dwelling.

Building Uses:

- \* Building 1: Leasing office with lobby, coffee, lockers, recreational area (vending machines, pool table, etc.) or retail.
- \* Buildings 2, 3, & 4: Combined 122 dwellings.
- \* Building 5: Resident laundry, gym and four dwellings.



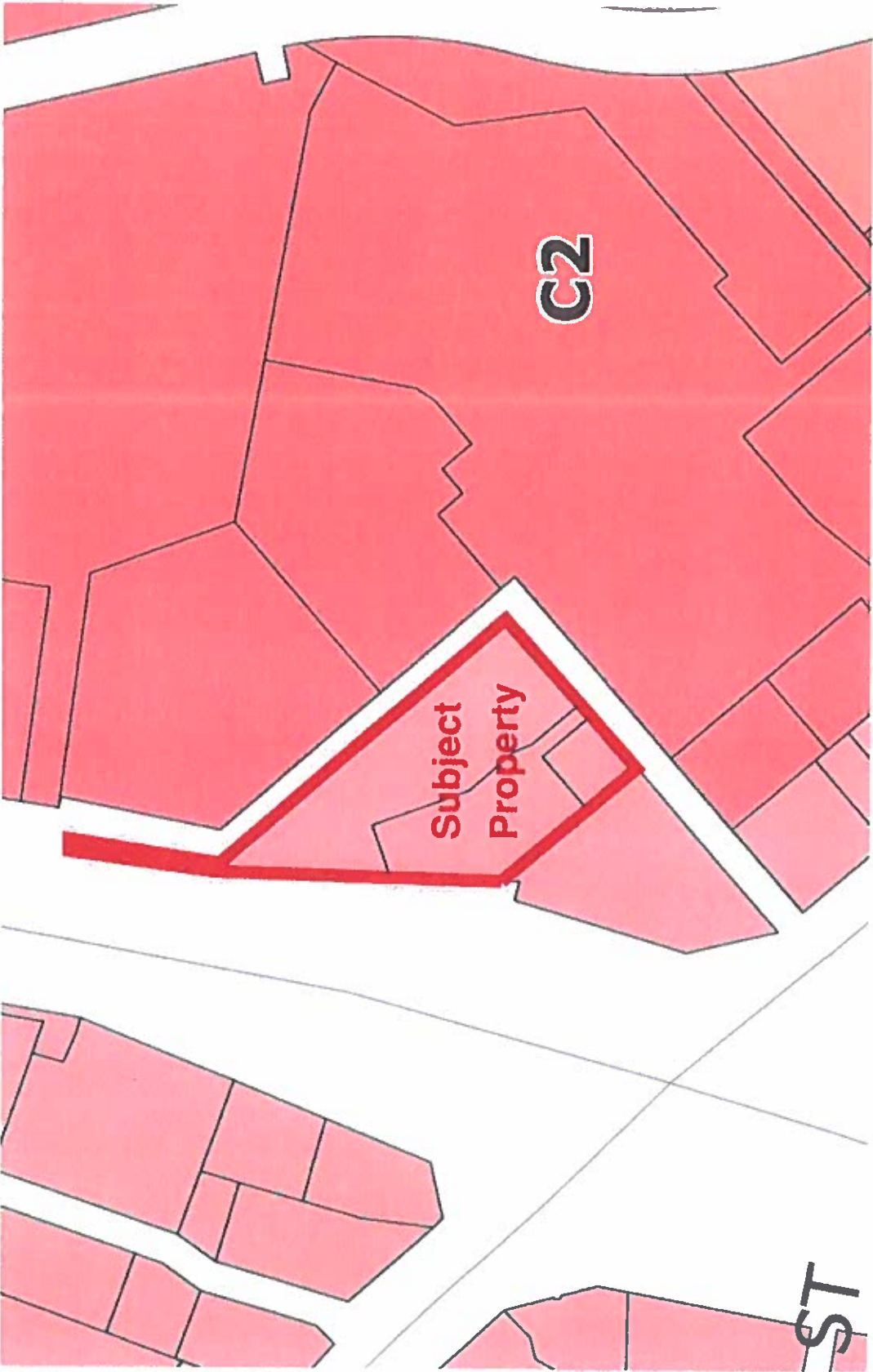
**St. Patrick's Drive Adaptive Re-Use**  
(Parcels 0P0400 021000, 0P0400 022000, and 0P0400 048000)

**Planned Unit Development Standards**

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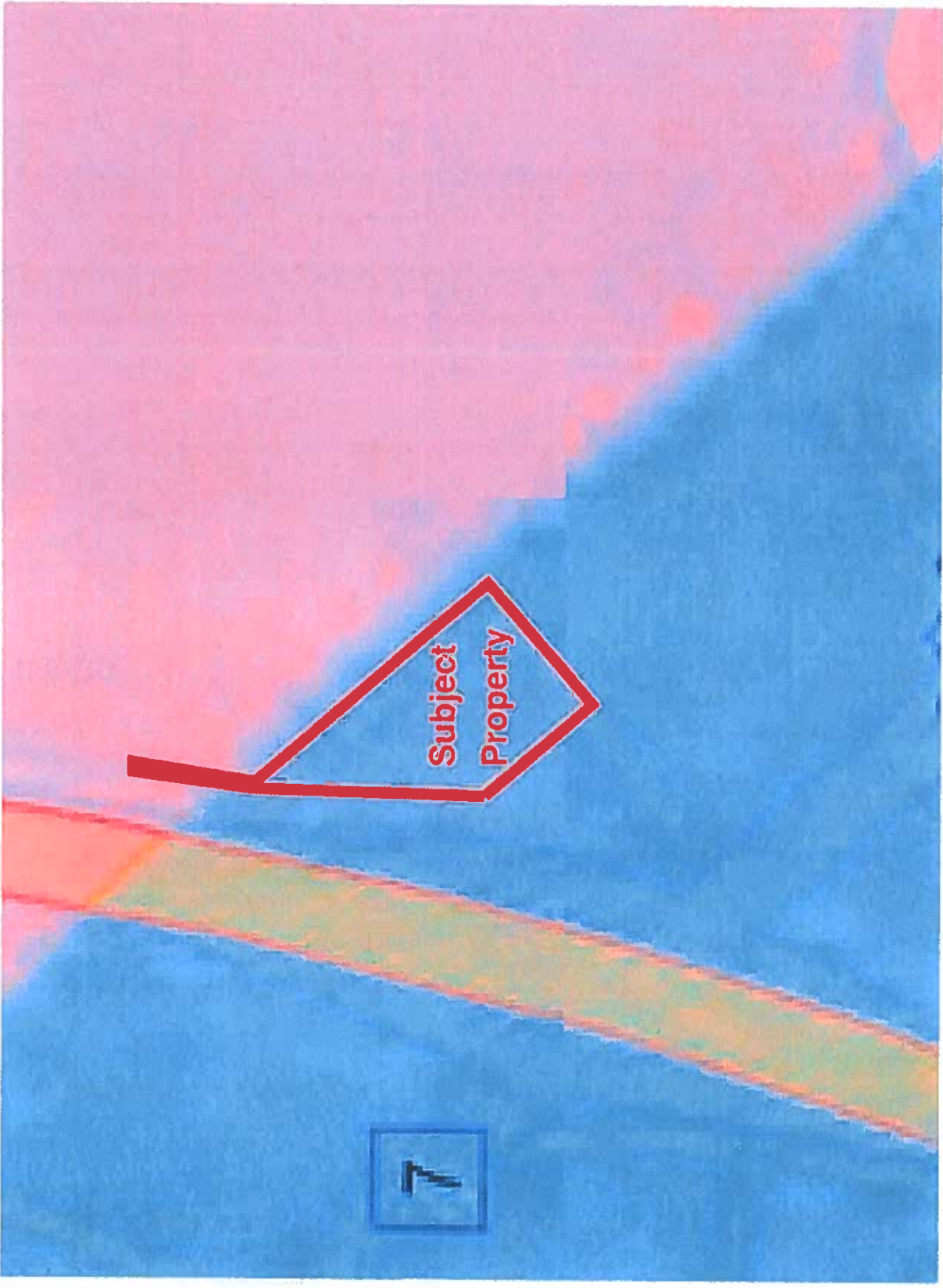




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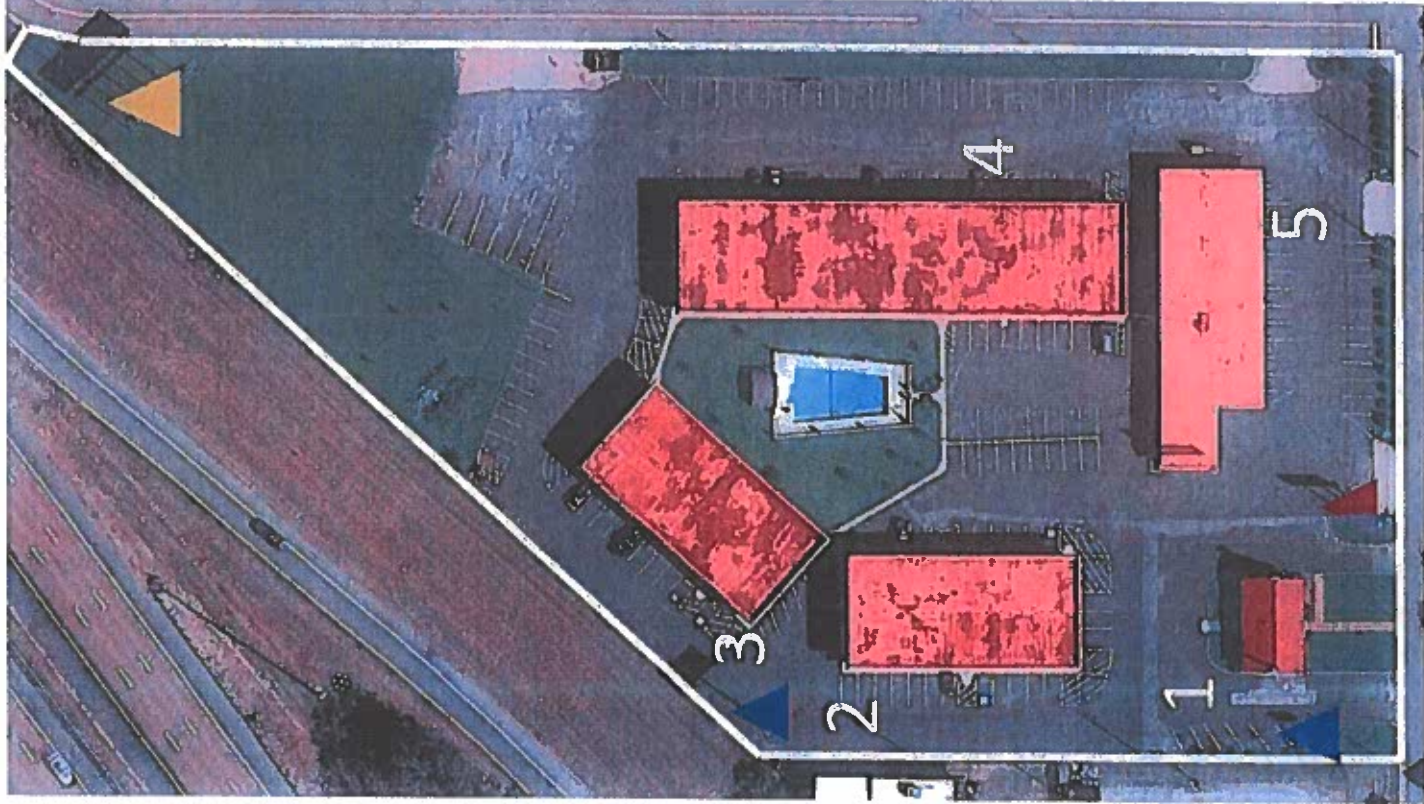
Subject  
Property

ST



Subject  
Property

7



Total Lot Area: 185,969 Sq.Ft.

\*Total Built area (RED): 39,480 SqFt (21.22%)

\*Total Asphalt/Concrete area: 97,126 SqFt (52.22%)

\*Total Landscaped area (Green): 49,579 SqFt (26.64%)

Total Dwellings (MultiFamily):

\*126 total Dwellings.

--> Mix of Studio Apartments & MultiBay apartments

--> 1,476 sq.ft. of lot area per dwelling

Building Uses:

\*Building#1 Leasing office with Lobby, Coffee, lockers,

Recreational area (vending machine, pool table etc.)

\*Buildings 2, 3 & 4 - Combined 122 Dwellings

\*Building #5 - Guest Laundry, Gym & 4 dwellings.

Total Parking Spots: 180 Parking spots (8 ADA, 172 regular)

Total Signs:

\* ONE Bill board sign (YELLOW) - To be removed

\* ONE Monument (Purple) by entrance curb for one lot

\* One Pylon Sign (BLUE) for 2nd lot & 3rd Lot Each

Both Existing Pylon signs: (i) Bottom of sign a least 16ft height clearance from public driveway. (ii) All signs under 35ft total height - same requirement as for buildings in PUD. (iii) total display area under 32 Sq.Ft.

Monument sign: Upscale Stone background & litup sign in front. Total sign area under 32 sq.ft. Plants surrounding.



Where Georgia comes together.

# Application for Rezoning

Contact Community Development (478) 988-2720

Application # RZNE  
0020 -  
2022

### Applicant/Owner Information

\*Indicates Required Field

*Applicant		*Property Owner
*Name	Anjebhai Patel	Dilipkumar Patel
*Title	Project Owner	Owner / Member
*Address	400 Galleria Pkwy, Ste 1140, Atlanta, GA 30339	1006 St Patricks Dr Perry GA
*Phone	770.560.0482	478 987-5600
*Email	JDHJohn@Hotmail.com	DilipA.Lm.2@gmail.com

amish@jdhdevelopers.com

### Property Information

*Street Address or Location	(i) 1004 St Patricks Dr, (ii) 1004A St Patricks Dr (iii) 1006 St Patricks Dr Perry, GA
*Tax Map Number(s)	(i) 0P0400 021000 (ii) 0P0400 048000 (iii) 0P0400 022000
*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;

### Request


*Current Zoning District	(i) C1 (ii) C1 (iii) C1	*Proposed Zoning District	PUD for all three
*Please describe the existing and proposed use of the property <u>Note: A Site Plan or other information which fully describes your proposal may benefit your application.</u>			
*Currently 4 buildings are hotel/ motel and 1 building is a retail space. We are proposing all 5 buildings (3 lots) to be zoned as PUD, 4 buildings will be used as multi-family apartments and amenities, 1 building will be kept as retail space or office use for apartments."			

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

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

9. Signatures:

*Applicant		*Date
*Property Owner/Authorized Agent		*Date 1-10-22

**Standards for Granting a Rezoning**


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

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

- (1) The existing land uses and zoning classification of nearby property;
- (2) The suitability of the subject property for the zoned purposes;
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (6) Whether the subject property has a reasonable economic use as currently zoned;
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Total: 4.28 acres.  
All 3 parcels currently  
zoned C1, proposed  
zoning PUD.

OP0400 022000



JSIYARAM HOTEL LLC  
1006 ST PATRICKS DR  
2.56 Acres Value \$356,900

[View Report](#) | [Field Definitions](#) | [Pictometry Imagery](#)

OP0400 021000



JSIYARAM HOTEL LLC  
1004 ST PATRICKS DR  
0.35 Acres Value \$76,400

[View Report](#) | [Field Definitions](#) | [Pictometry Imagery](#)

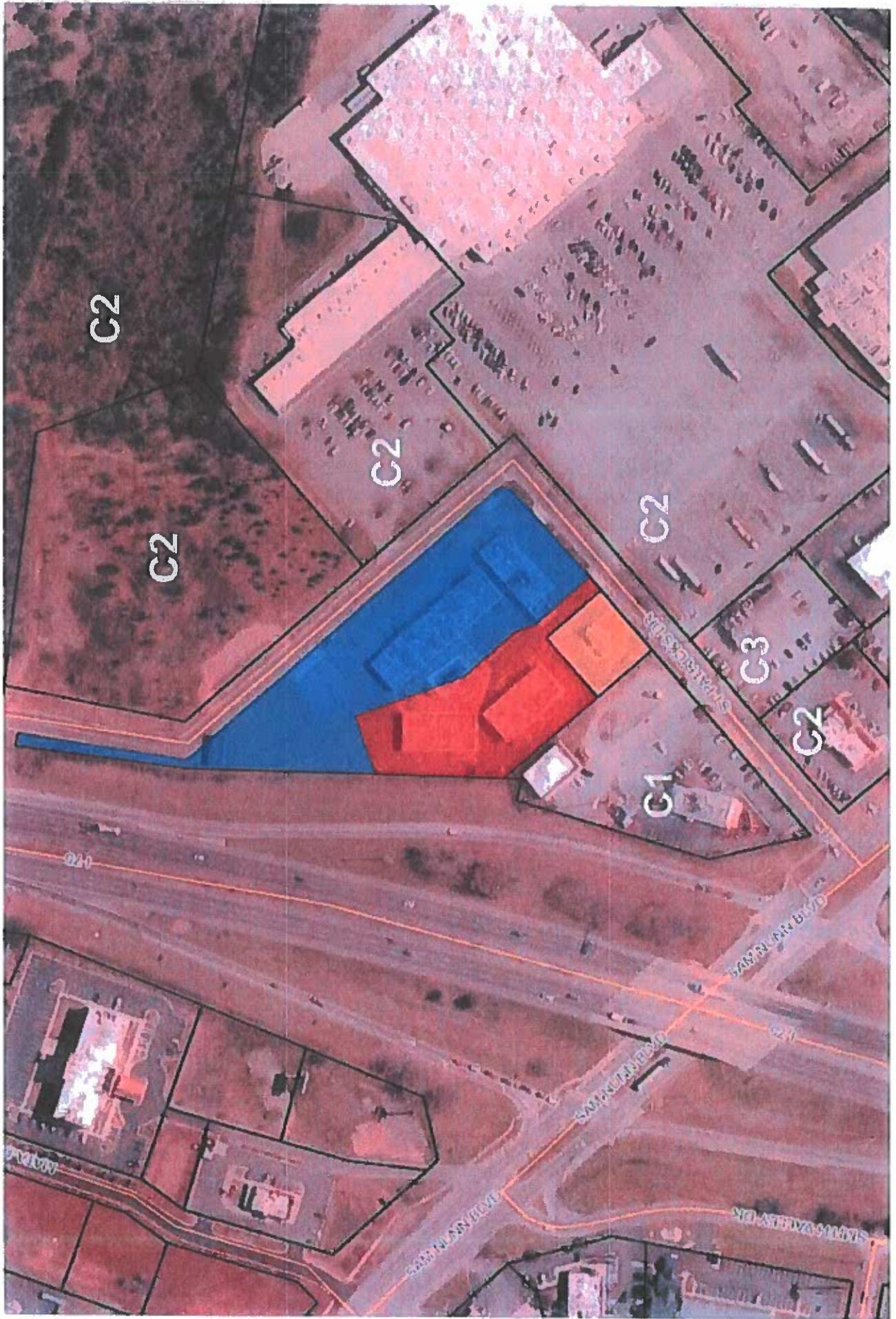
OP0400 048000



KPS MOTEL LLC  
1004 AST PATRICKS DR  
1.37 Acres Value \$300,000

[View Report](#) | [Field Definitions](#) | [Pictometry Imagery](#)





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

- a. As shown on page#13, all adjacent properties are classified as C1, C2 or C3. These are all commercial districts (general, concentrated or neighborhood kind). While permitted uses are retail businesses, retails services, clubs, church, parking, play school , theatre etc. All of the adjacent properties are retail store or restaurant or bank (retail service).
- b. Subject property is hotel/ motel. Hotel/ motel market is extremely saturated. There are more than 22 hotels/ motels in Perry. This is not a good use for land. Subject property runs extremely low occupancy so it does not get city tax revenue or more significantly it doesn't bring in enough transient guests who would in turn spend money in city and generate sales tax revenue.
- c. Property does not command enough revenue to do any major renovation and even if it did there are existing upscale hotels in Perry already. What Perry is missing is upscale loft style modern, fully furnished apartments that attracts working class young individuals.

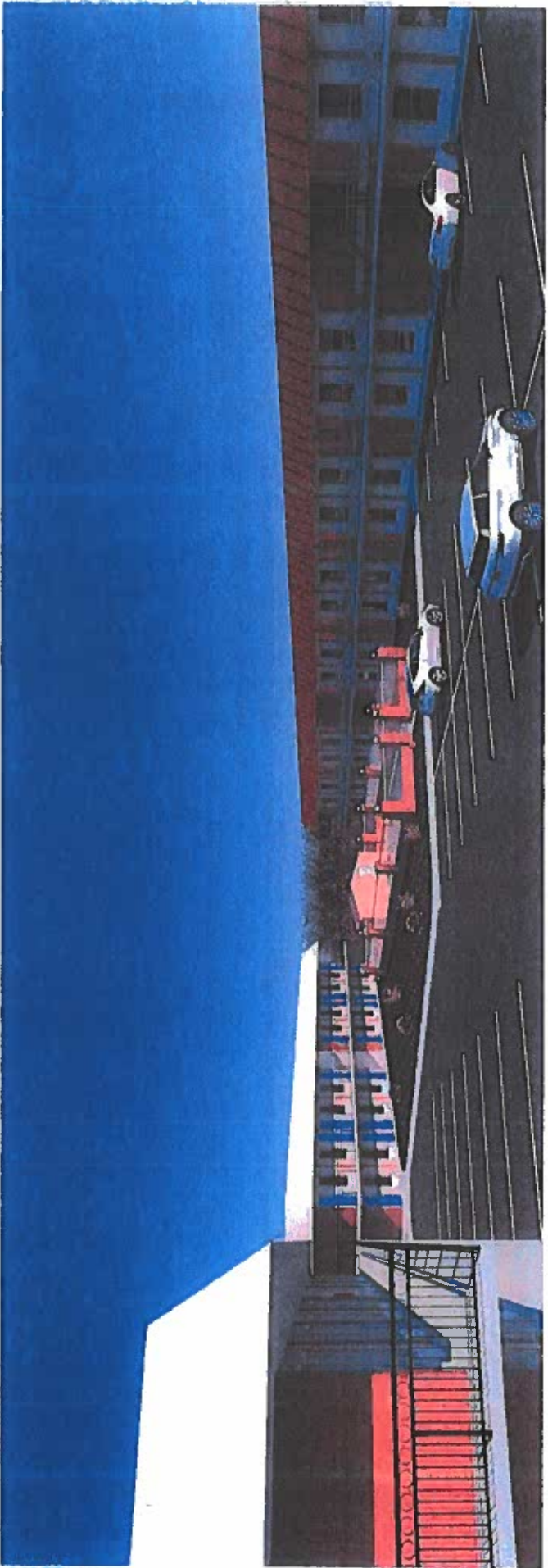
**2. What is the suitability of subject property for proposed zoning:**

- a. There is extreme suitability for proposed zoning. Primarily there are no loft like modern fully furnished apartments in Perry. Secondly the subject property is in middle of all retails business which our past experience data suggests that having housing choices/ apartments near all retail businesses helps both: it helps businesses by having labor force availability so close where employees don't need transportation and it helps apartment tenants by having retail business nearby so decreases traffic burden for city.
- b. Over all everything mentioned above generates more revenue and more sales tax for city And boosts public morale.

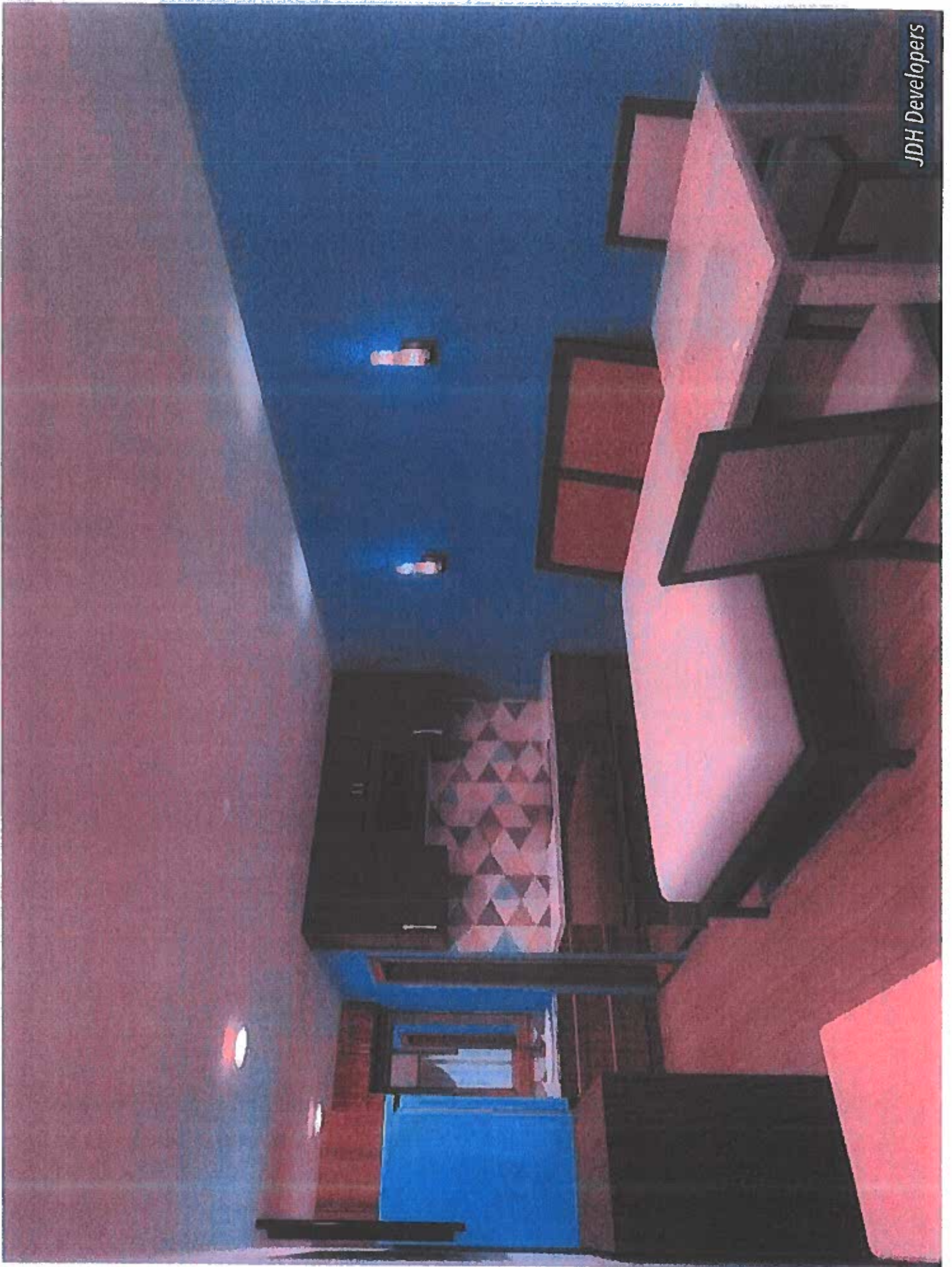
**3. What is the extent to which the property values of subject property and diminished by particular zoning restriction?**

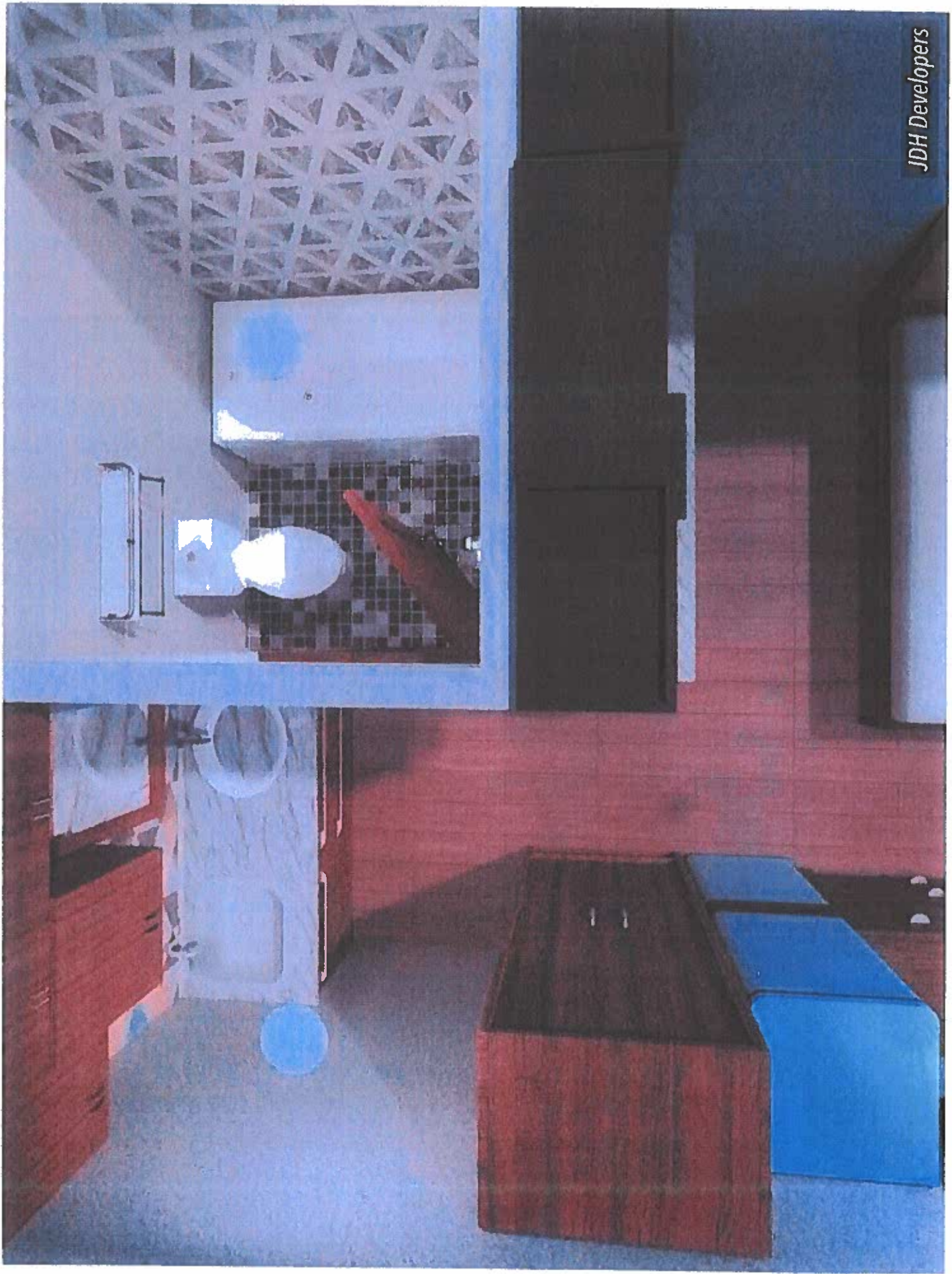
- a. Current zoning, while does allow many things, subject property is a hotel/ motel – which does not generate enough revenue right now hence it cannot afford to do significant renovation and become upscale hotel. IT is not very cost effective to demolish subject property to make room for any of the retails items that current zoning permits. Additionally, there is no high demand of retail businesses for 4.28 acres of land in already retail saturated neighborhood. All these acts as obstruction of development.
- b. Thus, subject property is only the only business that generates negligible sales tax revenue and citizens benefit in otherwise well developed, happening, revenue generating neighborhood.
- c. All this decreases value of subject property. This in turn lowers property tax and is a hindrance to continual development of town.







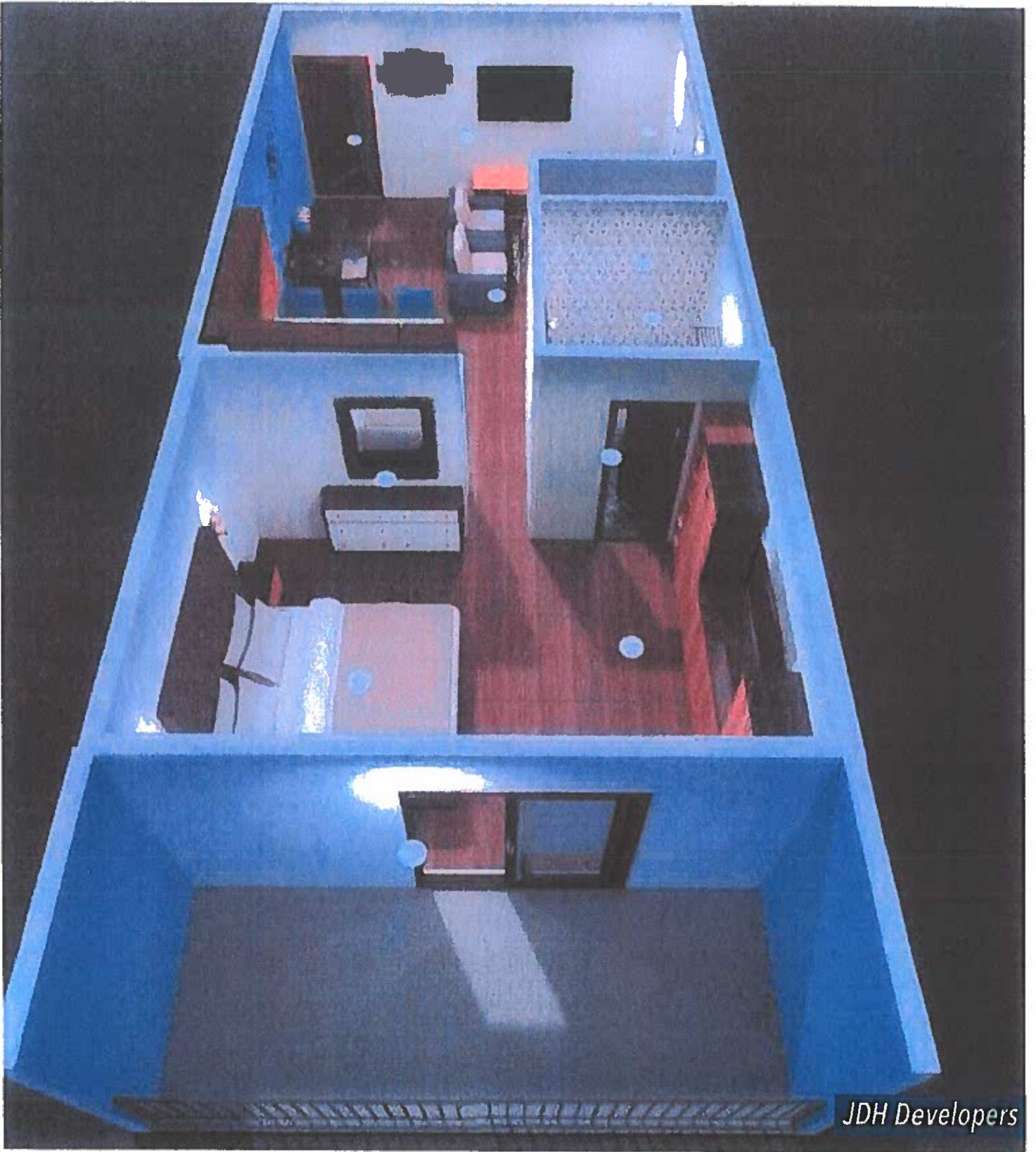








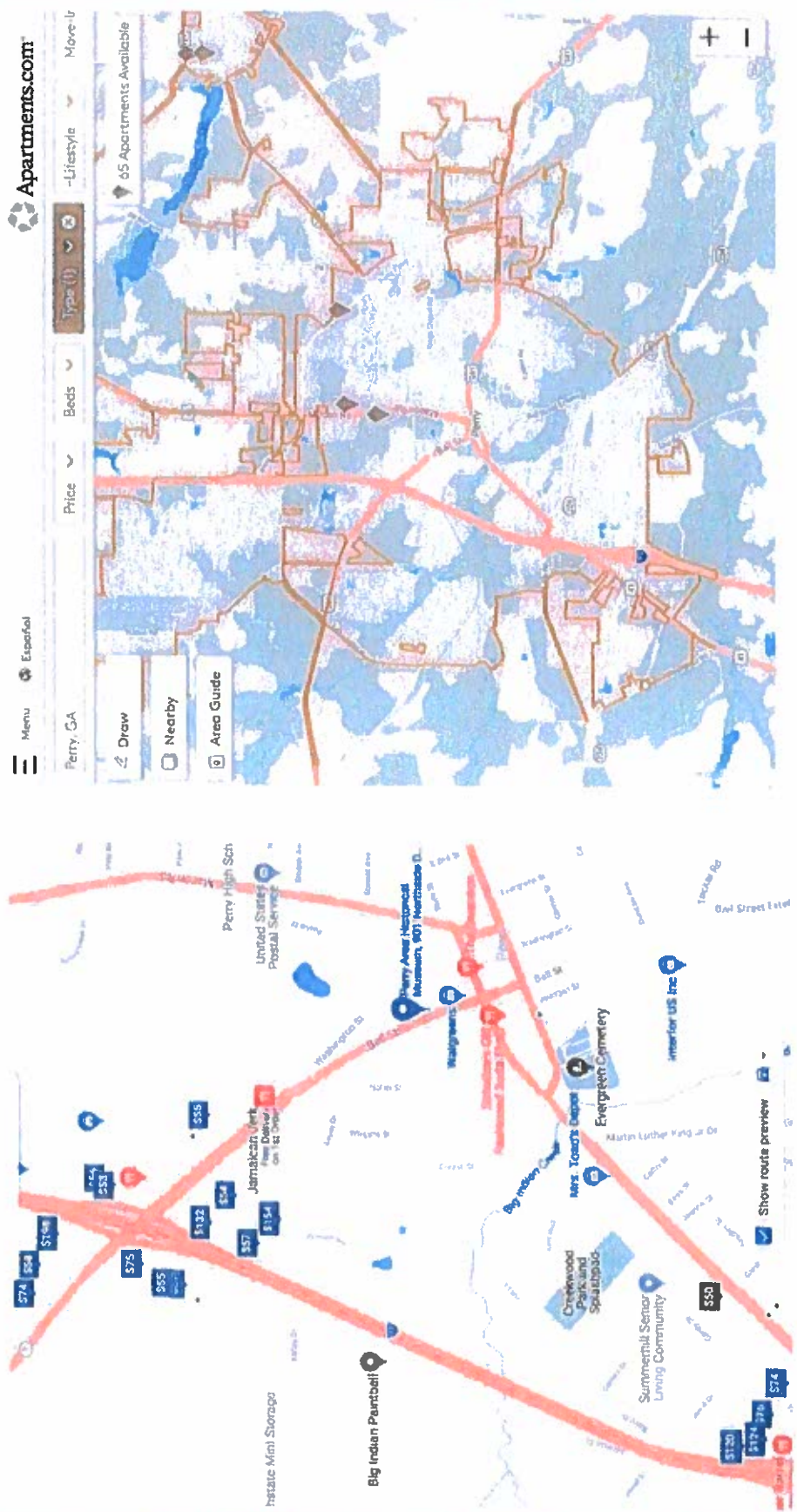
JDH Developers



JDH Developers

**4. Extent to which the destruction of property values of the subject property promotes the health, safety, morals of general welfare of public:**

- a. Perry, GA does NOT have lack of hotel/ motels. There are 22 total hotel/ motel in 3 mile driving distance of subject property. There is none to negligible destruction of property value here due to rezoning.
- b. On the other hand, Perry does lack availability of apartments. In fact there are non loft style, modern, fully furnished apartments available. Newly renovated apartments will boost moral of general public as it shows investment in town and provides more choice of available housing options.
- c. More people living in city leads to more people spending money in city, which in turn promotes better tax revenue for city and better revenue for all other businesses.





**5. Relative gain to the public as compared to the hardship imposed upon the individual property owner:**

- a. Providing more choice of loft style fully furnished housing is a clear gain to public.
- b. Data suggests that younger, earning citizens prefer better facilities & modern style over more square feet in housing, they prefer to be out in town. They do not prefer long driving/ commute to & from work.
- c. The location of the subject property is close enough to nearby businesses to attract young earning individuals, which in turn complements the surrounding businesses by providing them with labor force that lives close enough and may not need transportation to come to work.

**6. Does the subject property has reasonable economic use as currently zoned:**

- a. Currently zoned C-1/ C-3 may ideally have retail businesses in place of subject property. However the subject property is hotel/ motel – which would require significant investment for any developer to demolish the property and actually turn into retail space – this acts as obstruction to that path. So that may not happen for significant amount of time. Additionally current retail development is significant enough to state that there is not high enough demand for 4.28 acre worth of retail space development.
- b. At the same time, current usage - hotel/ motel does NOT provide good economic use as there are 22+ hotel/ motels in perry. Hotel/ Motel market is saturated and supply of lodging far exceeds demand of lodging. This leads to inefficiency in rental rates and lower tax revenue.

**7. How long has the property been vacant as currently zoned – considered in the context of land development in area in the vicinity of property:**

- a. The property was built in 1974, there has been significant development in the vicinity of subject property majority of which is newer than the property.
- b. Even though property has not been fully vacant – it runs less than 30% occupancy. It does not serve its purpose as transient hotel/ motel space. Compared to all surrounding retail businesses and traffic property completely feels vacant.
- c. There is significant lack of revenue/ transactions (leading to sales tax revenue for city) here at subject property. New apartment leading tenants to live here, will increase spending in Perry, GA. More spending inside city leads to more sales tax revenue.

**8. Will the proposed zoning allow uses that are suitable in view of the uses and development of adjacent nearby property?**

a. Yes it will be. Our successful experience suggests that fully furnished, renovated, modern style apartments attract young earning individuals (usually age 24-44) and all the surrounding retails business get benefit of having housing nearby which leads to complementing labor force benefit to said nearby retail businesses.

**9. Will the proposed zoning adversely affect the existing use or usability of adjacent or nearby property?**

a. No it will not. Proposed zoning will not adversity effect existing use as there are significant investment obstruction to have retail business here (all 5 buildings will have to be fully demolished and then designed, planned & built for retail. There is no data suggesting there is high demand for 4.28 acres worth of retail space.) Plus, having too many retail business space options may adversely affect rental rates for those businesses &/or parking, transportation roads etc.

b. Proposed zoning in fact helps the usability of adjacent properties. It leads to more choice/ housing for labor force so close that transportation is not required. Having this labor force benefit is huge in times like now when all country in general sees the supply of labor short of the demand.

**10. Is proposed zoning in conformity with the policies and intent of the Comprehensive plans?**

a. The 2017 Houston county joint comprehensive plan states as first goal for 'Housing' to be – "Improve community planning to provide a variety of housing opportunities in appropriate areas".

b. There are no Loft style, modern, fully furnished apartments available, so you can see clearly that rezoning the subject property will enable usage which lines up with the comprehensive plan. The subject property is also in best appropriate location to not cause any excessive burden on utility, road usage and will benefit the highly transient retail area with renovation rather than old hotel with low occupancy.

c. The same 2017 comprehensive plan states suggested development in 'gateway corridor' & 'in town corridor' as Homes, shops etc. Basically development of housing is a suggested development here which again lines up rezoning with comprehensive plan.

**11. Will zoning proposal result in a use which will cause excessive burden upon existing streets, transportation facilities, utilities, or school?**

- a. New zoning & proposed usage will be using same facilities, utilities & streets. It will not cause any excessive burden. The current usage was meant for 122 transient rooms & restaurant, currently it has 176 parking spots and after rezoning and renovation it will have 180 parking spots so there will be no transportation streets usage burden. The new usage will have minimal increase in electric water usage, not enough to cause any excessive burden on utilities.

**12. Are there any 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.**

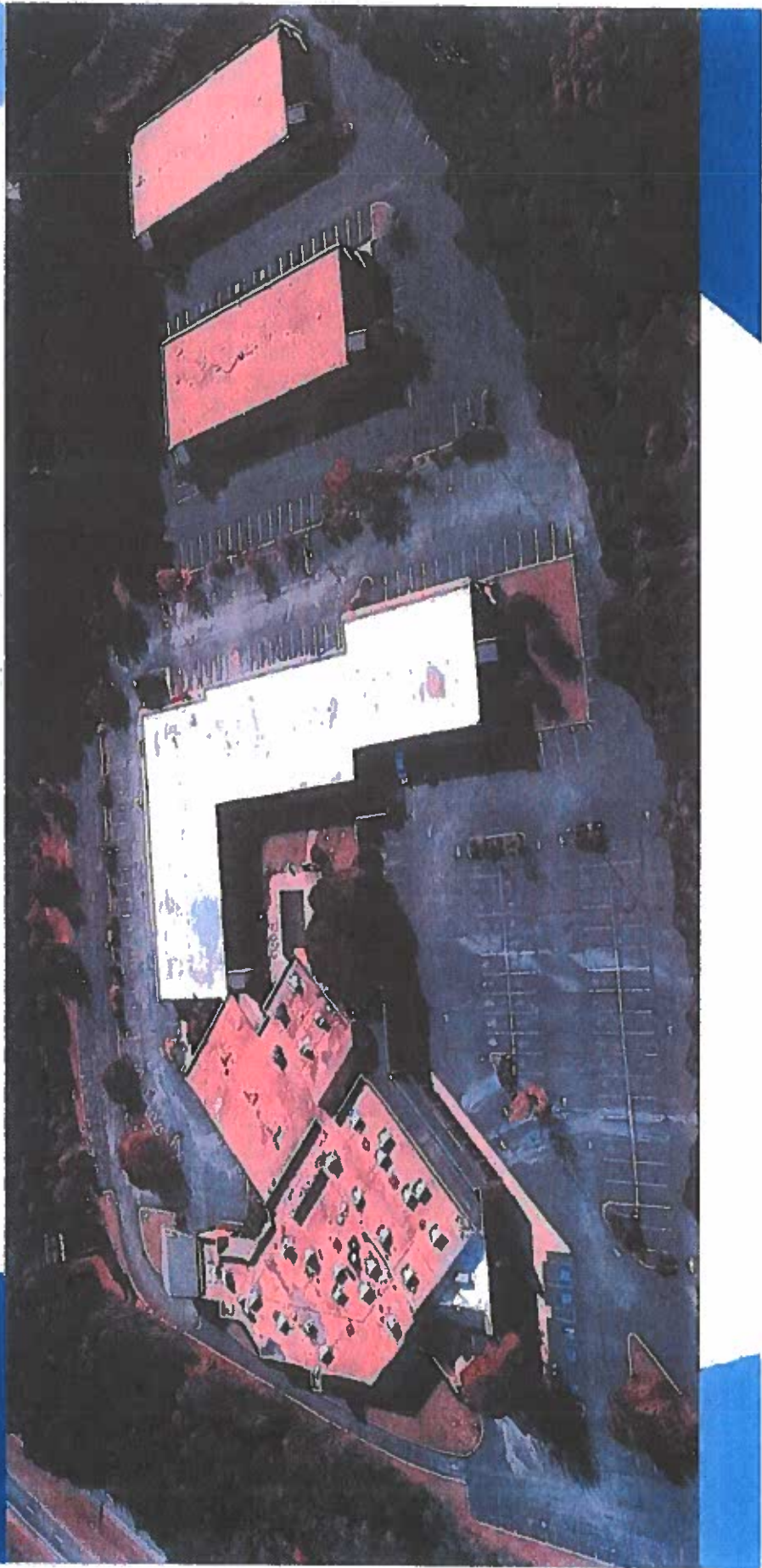
- a. All the retail development surrounding the subject property points to fact that now there is no high demand of 4.28acre worth of retail development. Additionally current hotel/ motel usage is sort of waste of space in otherwise relatively good & 'happening' area. There are enough hotel/ motels in Perry.
- b. Our past experience and general developed town data suggests that having housing close enough to large retail shops is good since it will encourage young individuals to stay and work without having to spend money in transportation.

**Experienced Developer Team – i.e. promised renovation will be delivered:**

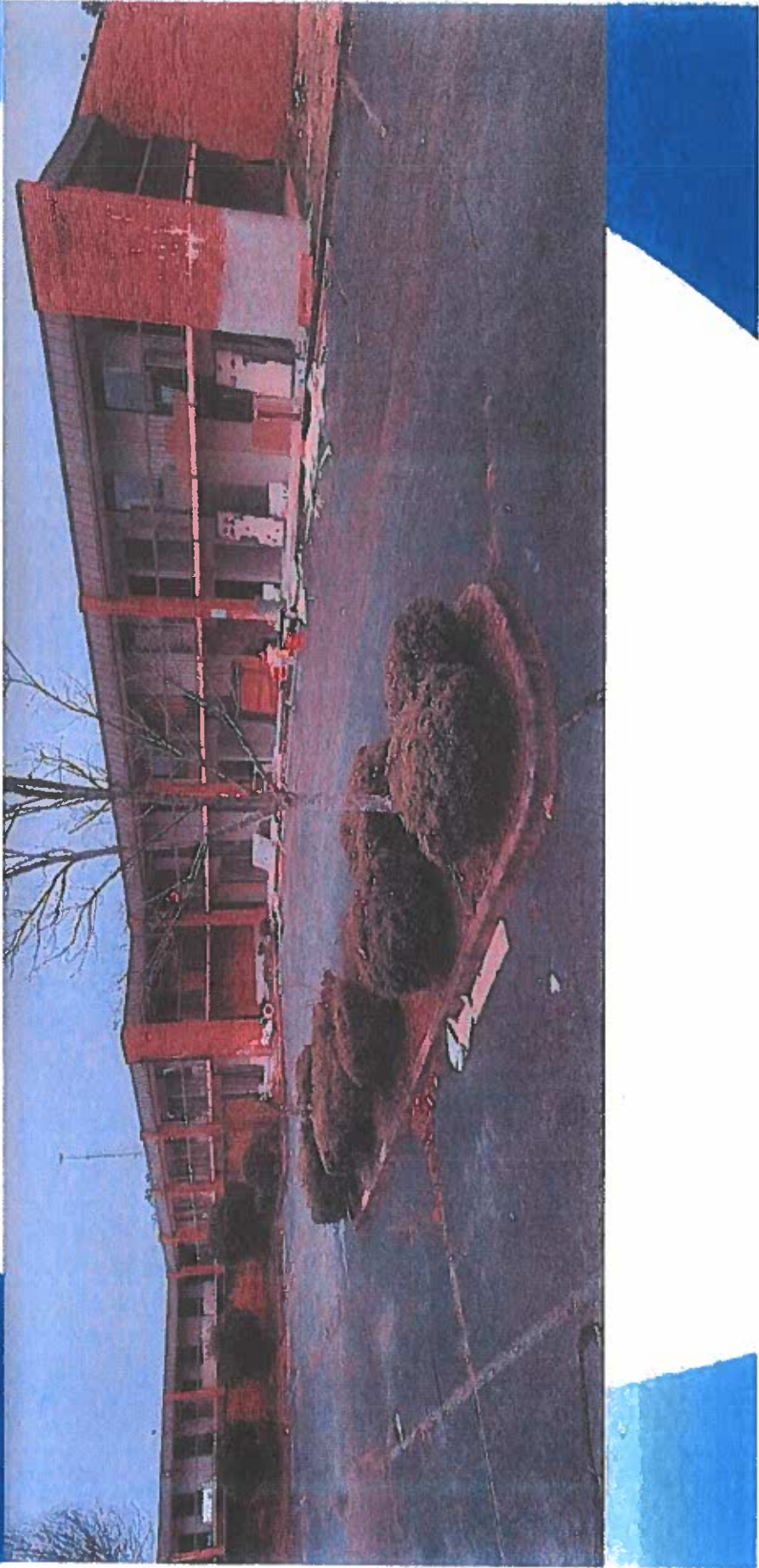
- Project carried out smoothly and professionally
- Been there, done that – having done few other projects we know how to make product best and right for the market.
- Over 53 years of construction experience between core team.
- We hire right engineers, architect, consultants who make our project execution smooth.

**Look at examples of what we have done in last 2 years!**

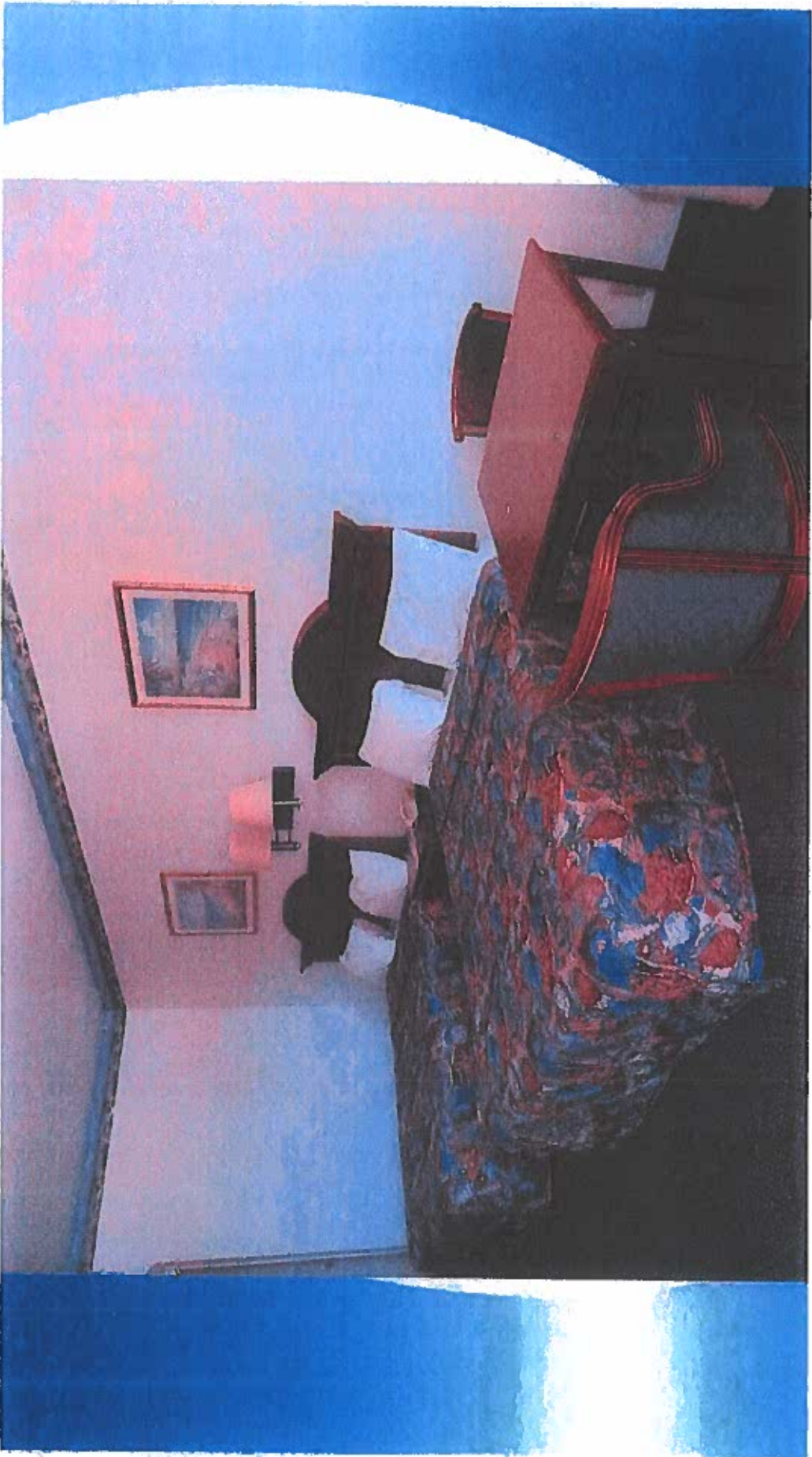
SKYTOP LODGE, ROME, GA



SKYTOP LODGE, ROME, GA









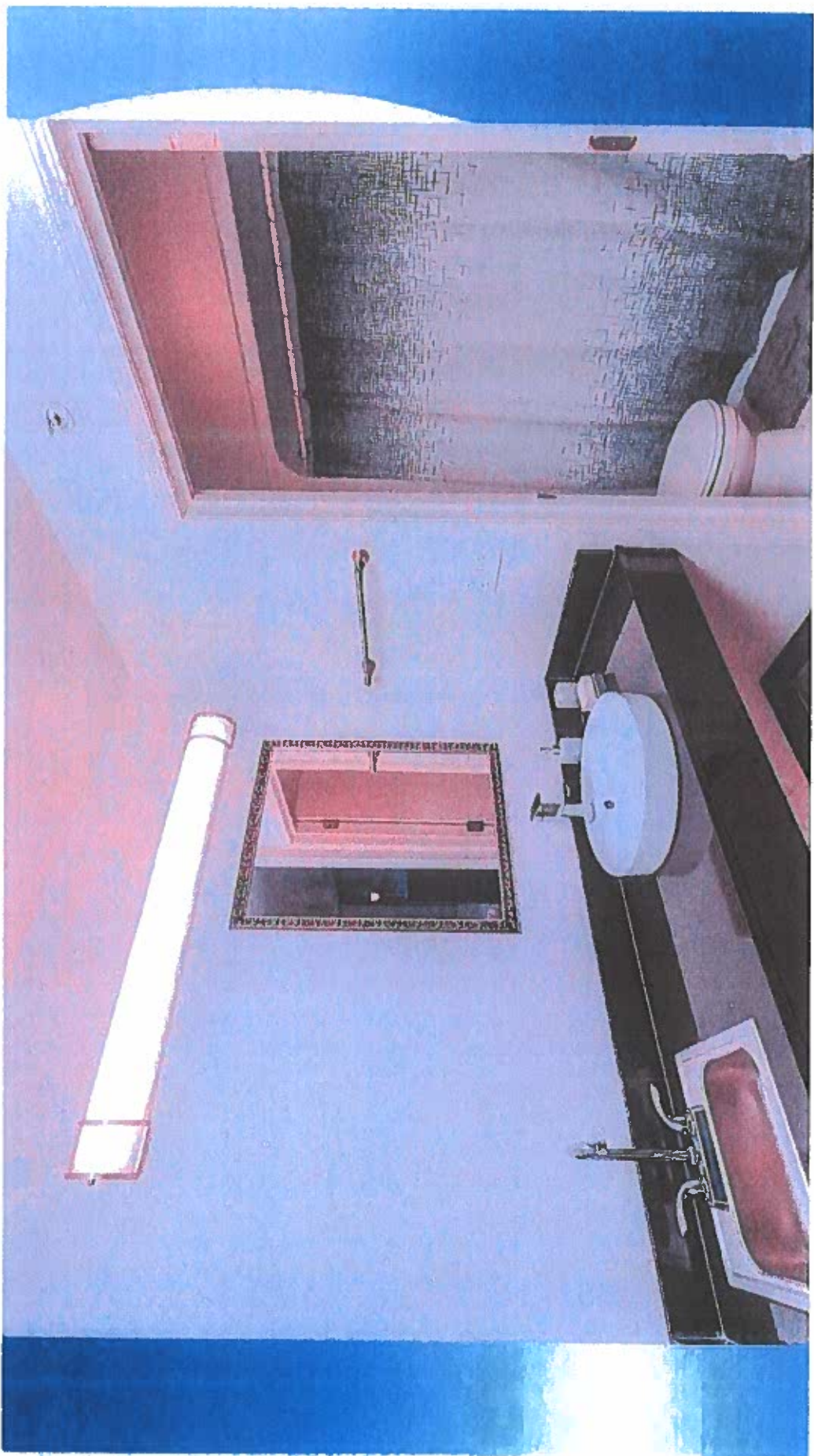












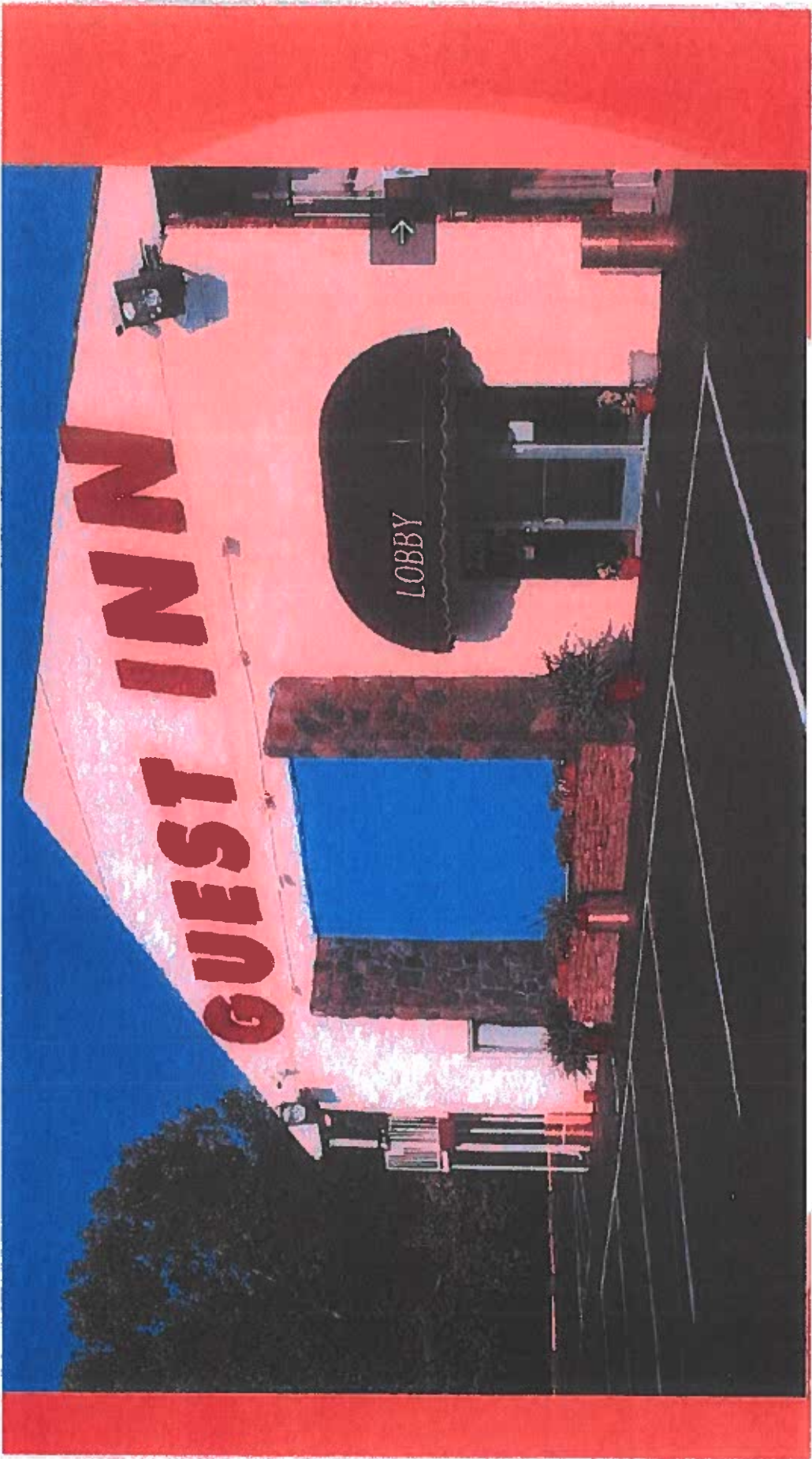


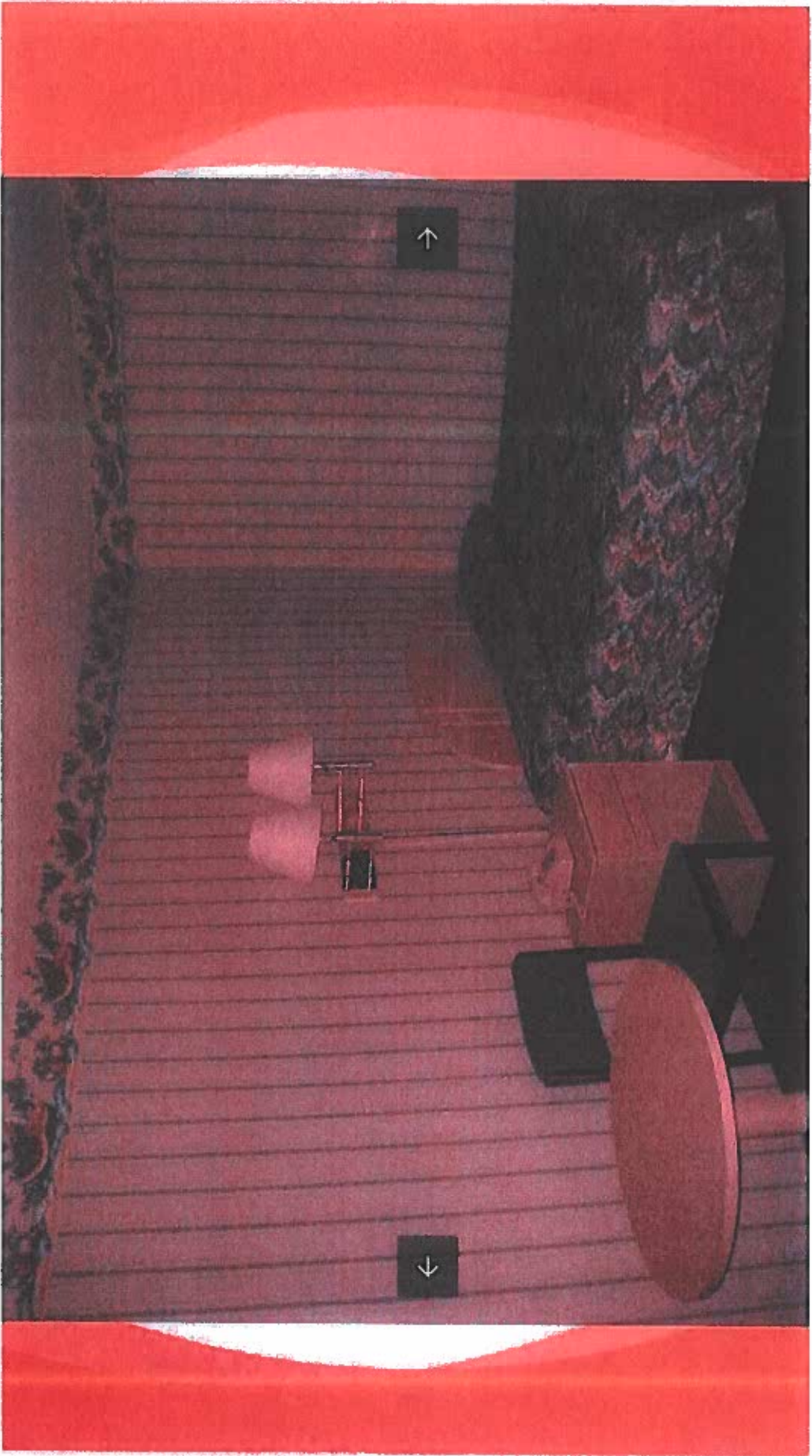




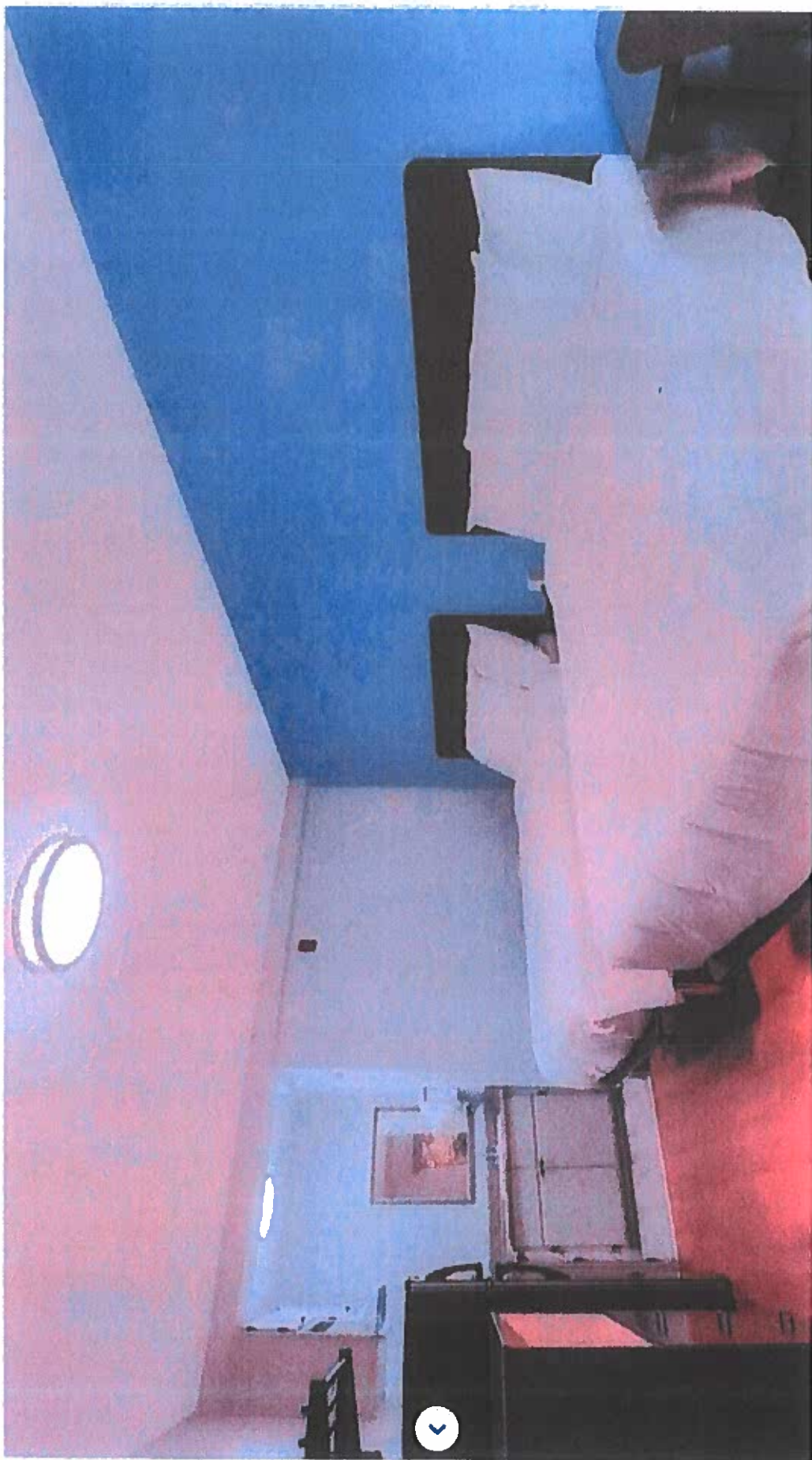
Suburban Lodge Dalton, GA



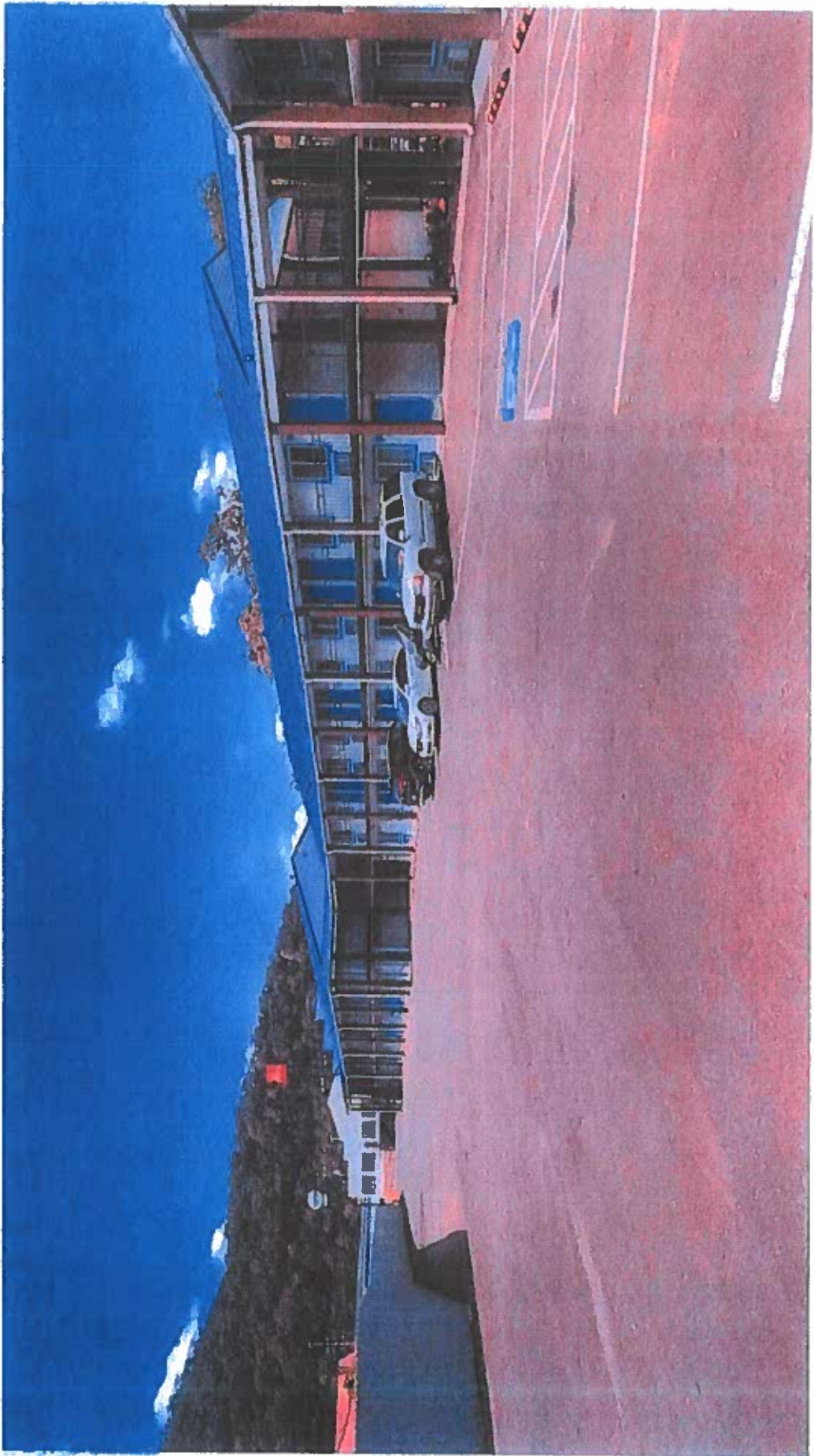




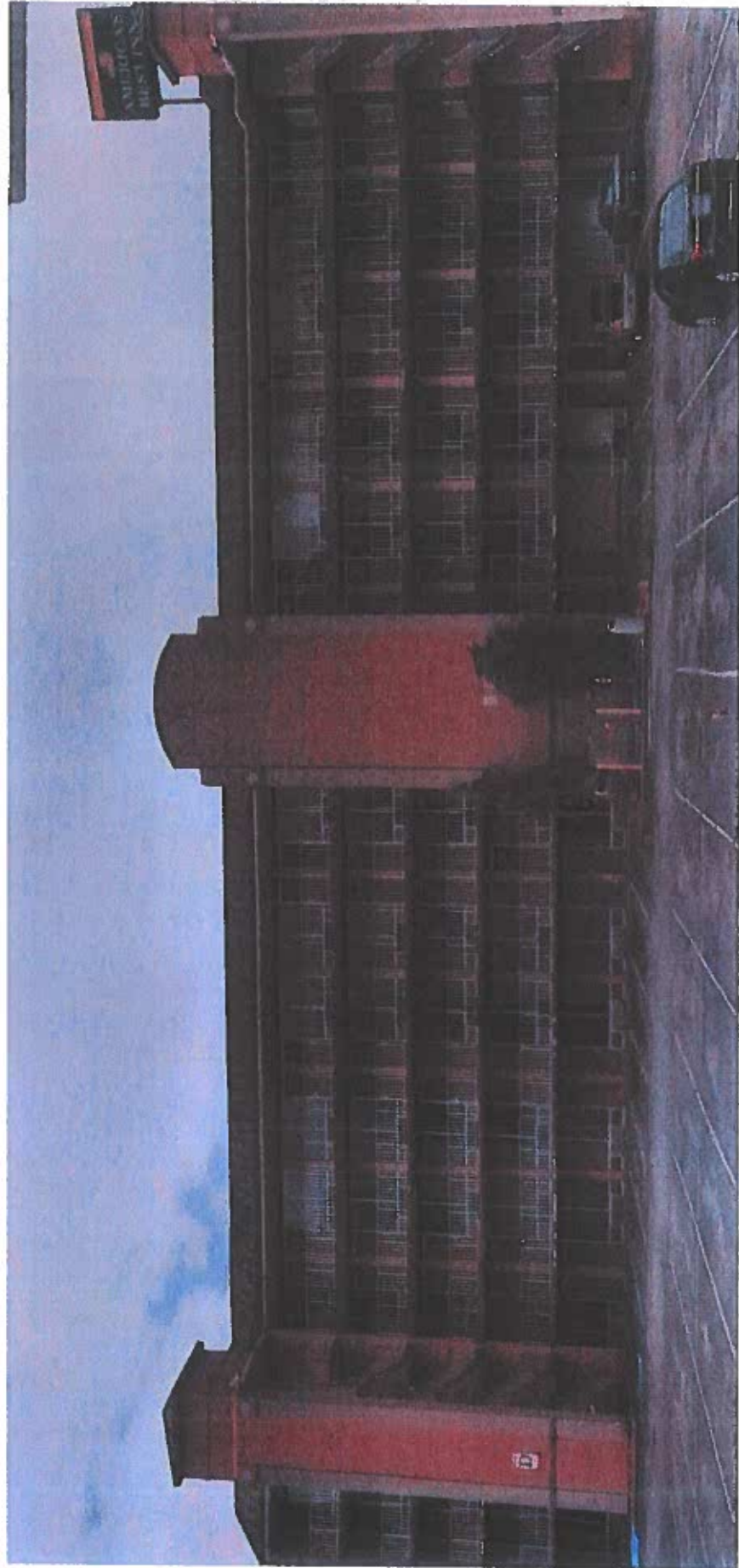








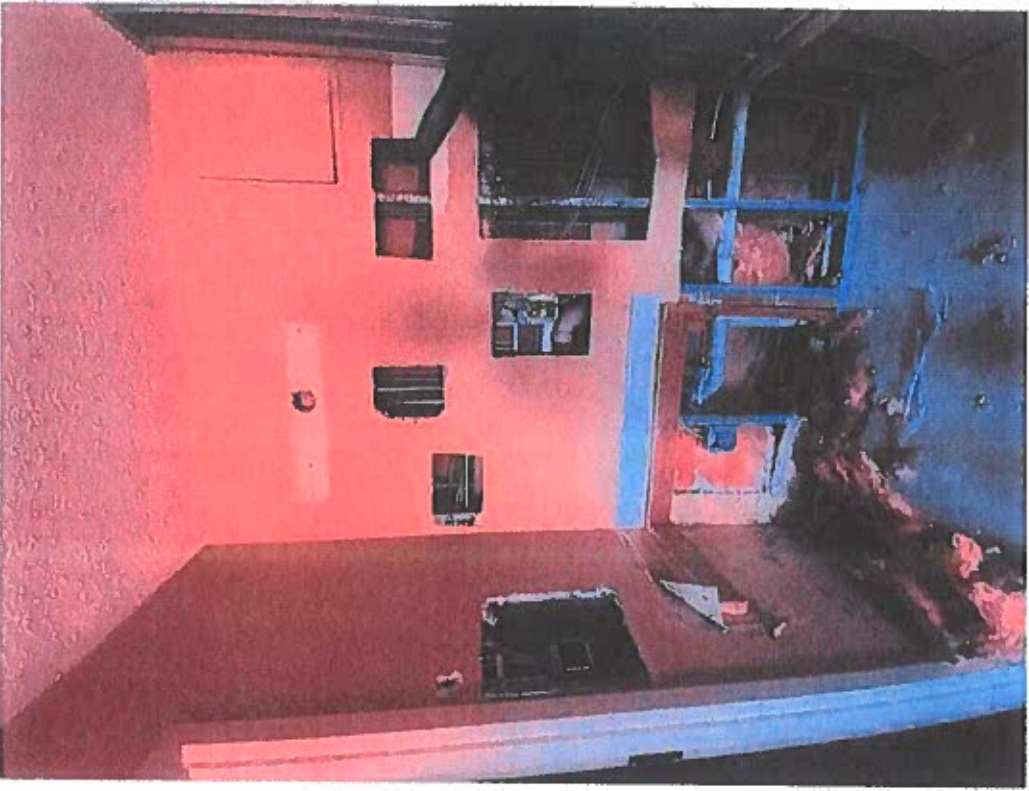
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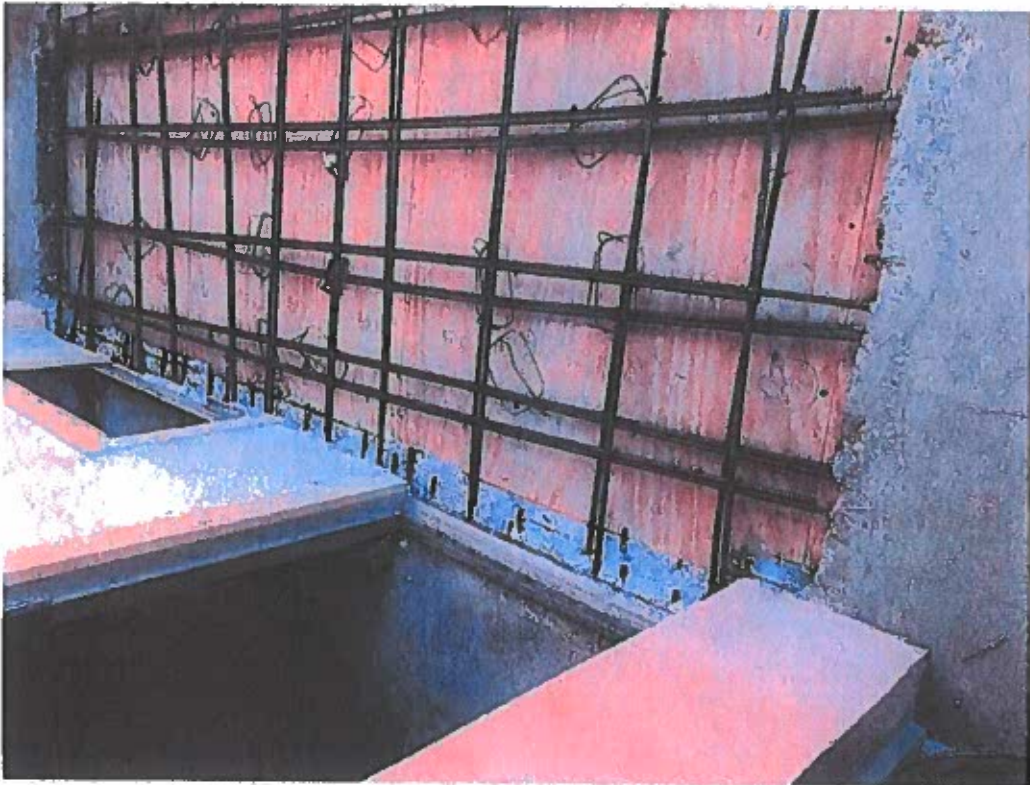
MESSER, AL – 145 unit project brief summary:

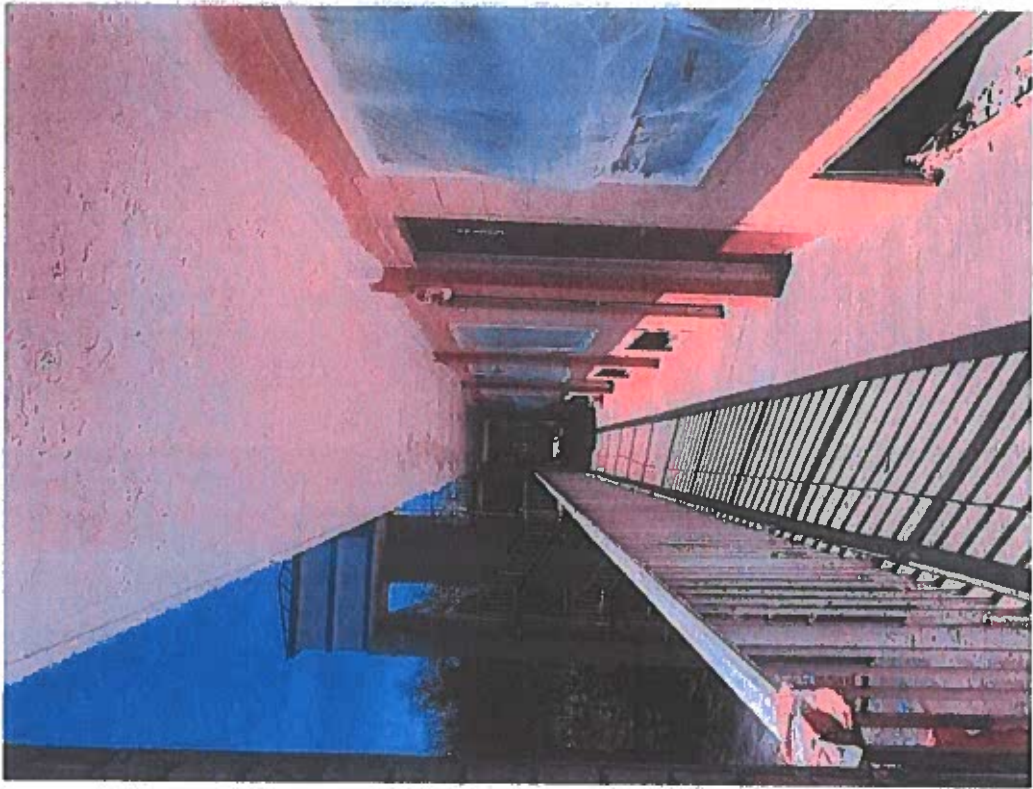










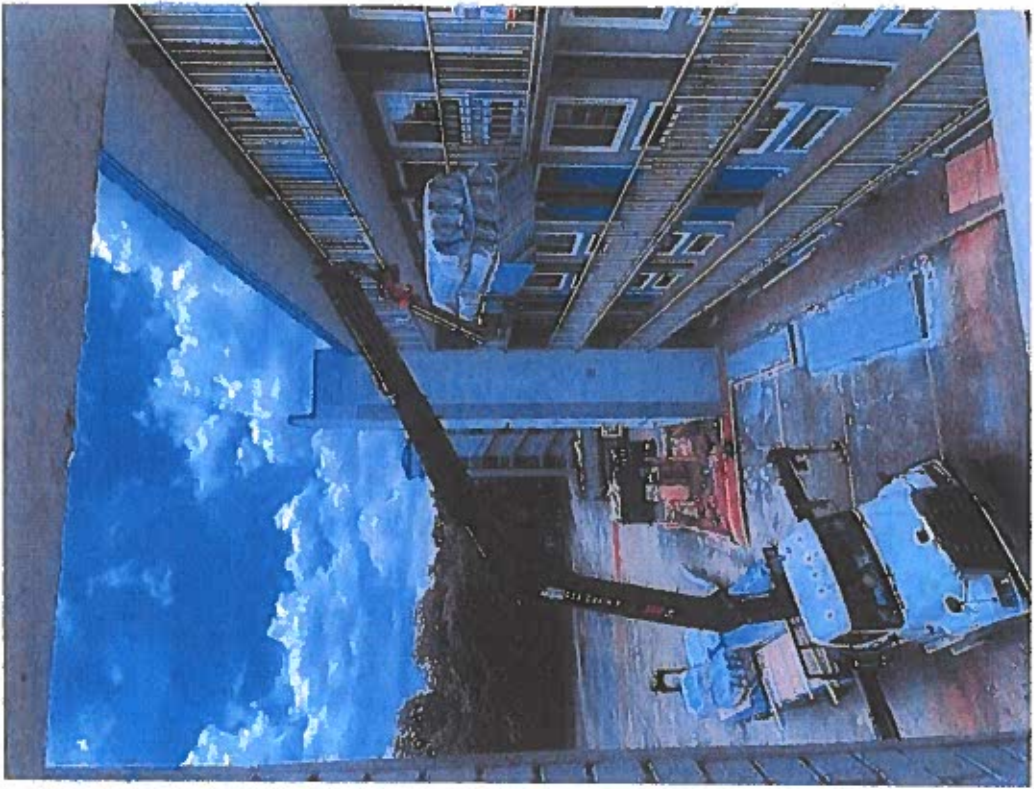


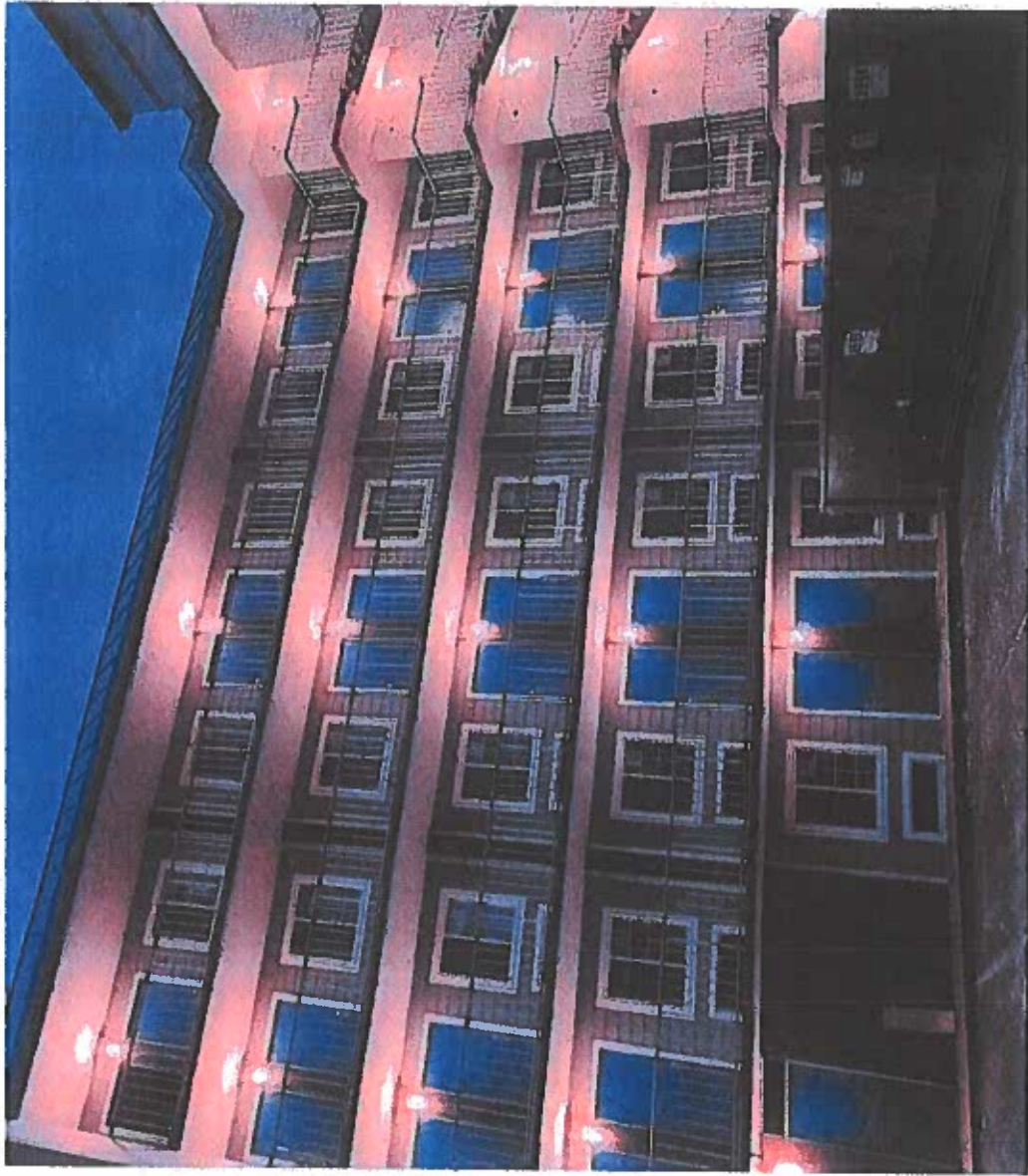


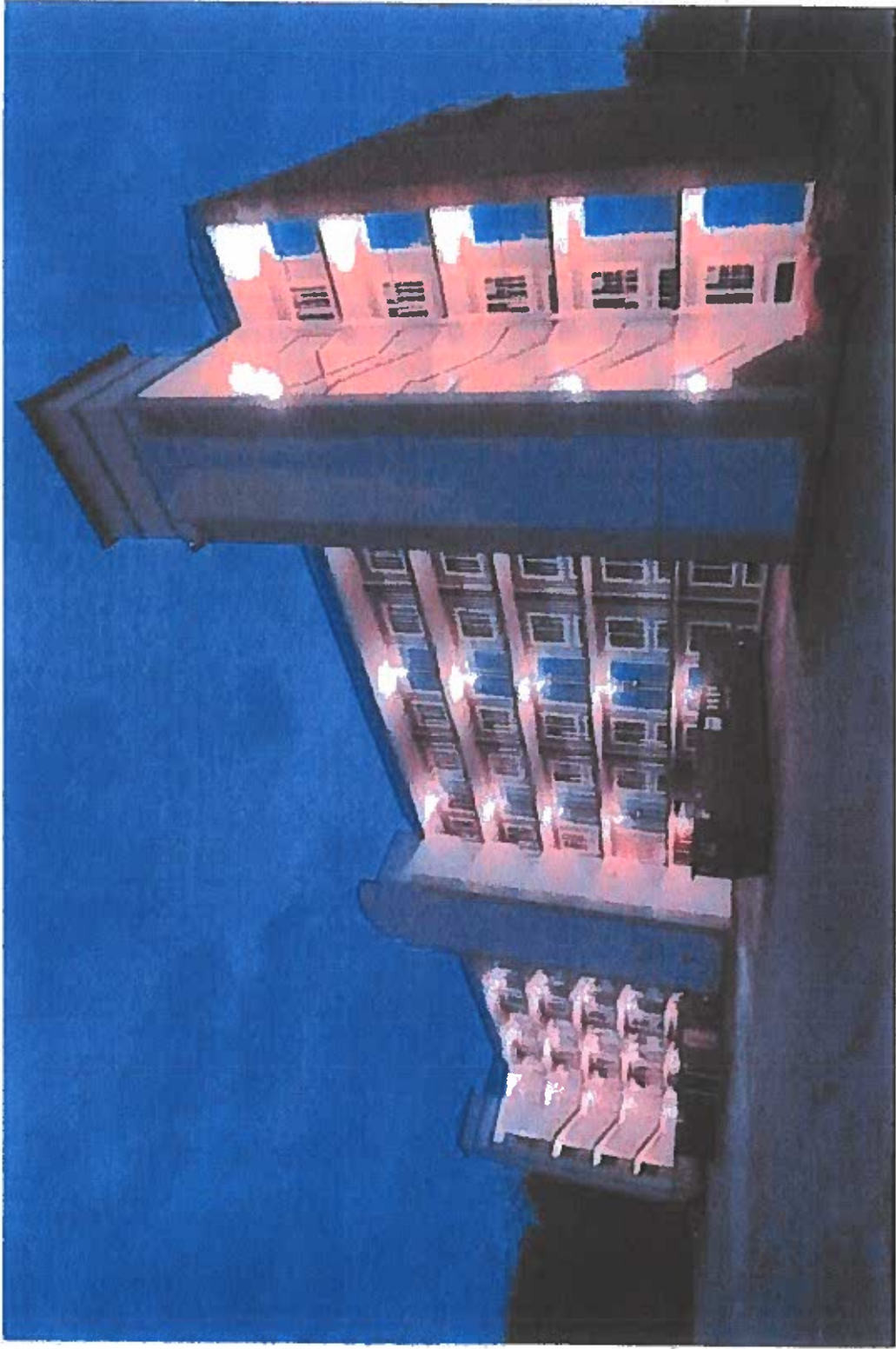












Return: #6138  
Robert T. Tuggle, III  
Daniel, Lawson, Tuggle & Jerles, LLP  
Post Office Box 89  
Perry, Georgia 31089

Doc ID: 014018560002 Type: GLR  
Recorded: 09/28/2018 at 03:43:00 PM  
Fee Amt: \$857.00 Page 1 of 2  
Transfer Tax: \$645.00  
Houston, Ga. Clerk Superior Court  
Carolyn V. Sullivan Clerk  
BK 6967 PG 343-344

15-25458-R

**WARRANTY DEED**

**STATE OF GEORGIA  
COUNTY OF HOUSTON**

**THIS INDENTURE, Made the 23<sup>rd</sup> day of September in the year two thousand fifteen, between**

**ISHWAR, LLC**

of the State of Georgia, as party of the first part, hereinafter called Grantor, and

**KPS MOTEL, LLC**

of the State of Georgia, as party 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 DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS**, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, alienated, conveyed and confirmed and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all the following described property, to wit:

**All that tract or parcel of land situate, lying and being in Land Lot 47 of the Tenth (10<sup>th</sup>) Land District of Houston County, Georgia, being known and designated as Parcel "C", containing 1.368 acres, according to a plat of survey of record in Plat Book 75, Page 146, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.**

**The above described property is conveyed subject to all easements and restrictions of record in the Clerk's Office, Houston Superior Court.**

BOOK 6967 PAGE 344

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

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

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

ISHWAR LLC

BY: [Signature] (SEAL)  
Bharatkumar A. Patel, Managing Member

BY: [Signature] (SEAL)  
Madhuben B. Patel, Managing Member

By: <sup>PK</sup>[Signature] (SEAL)  
Kiritkumar P. Patel, Managing Member  
Kiritkumar P Patel

Signed, sealed and delivered in the presence of:

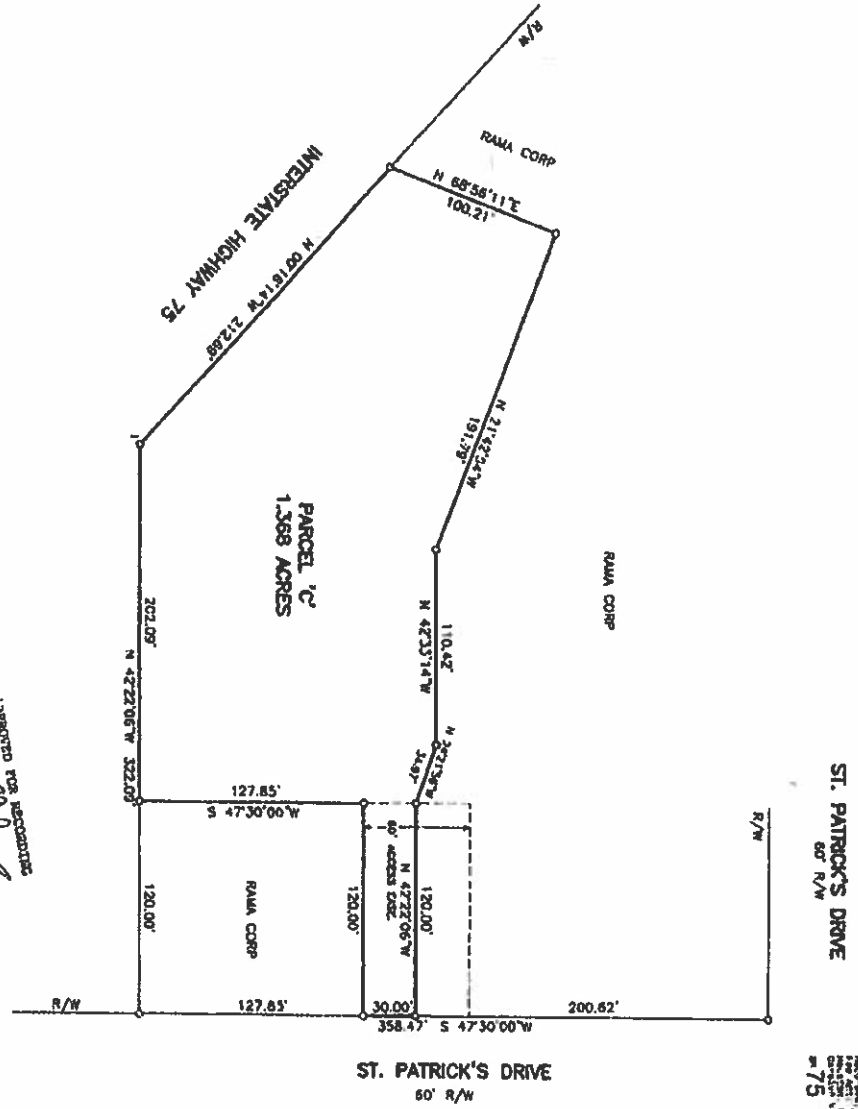
[Signature]  
Witness

[Signature]  
Notary Public

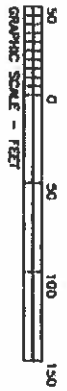


D:\Survey\2012\2012-03-21\2012-03-21.dwg  
LOT 47, DISTRICT 10TH  
NOVEMBER 5, 2012  
PERRY, GEORGIA

DATE: 03/21/12  
TIME: 11:11:13 AM  
BY: JAMES SURETENS  
CHECKED BY: JAMES SURETENS  
SCALE: 1"=40'  
JOB NO: 146



REFERENCE:  
1. SURVEY FOR RAMA CORP, DATED MARCH 2, 1998  
BY THOMAS FUTRAL, RLS #1202



**CERTIFICATION**  
THE ROAD DISTRICT ENGINEER HAS REVIEWED THIS PLAT & FOUND THAT IT IS A CORRECT REPRESENTATION OF THE FIELD SURVEY AND THAT THE CALCULATIONS HAVE BEEN CHECKED AND FOUND TO BE CORRECT. THE ROAD DISTRICT ENGINEER'S OFFICE HAS REVIEWED THIS PLAT AND HAS ADVISED USING THE COMMON RULE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT OR LESS. THE SIGNATURE AND ANNOTATED INFORMATION SHOWN ON THIS PLAT WERE OBTAINED BY USING A TOTAL STATION OR GPS-SIT ELECTRONIC TOTAL STATION ON 11-2-12.



APPROVED FOR RECORDING  
JAMES SURETENS  
Surveyor General  
City of Marietta, Georgia  
March 9, 2012

IMPROVEMENTS NOT SHOWN THIS SURVEY

ISHWAR LLC

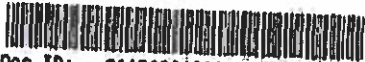
LAND LOT 47  
10TH DISTRICT  
HUNTER COUNTY, GEORGIA  
NOVEMBER 5, 2012  
JAMES SURETENS COMPANY  
PERRY, GEORGIA (478) 987-2705

PLAT NUMBER 41122B - C-3871-C

# 24482

#6132

Return:  
Robert T. Tuggle, III  
Daniel, Lawson, Tuggle & Jertes, LLP  
Post Office Box 89  
Perry, Georgia 31069

  
Doc ID: 014018810002 Type: GLR  
Recorded: 09/25/2018 at 03:54:04 PM  
Fee Amt: \$667.00 Page 1 of 2  
Transfer Tax: \$855.00  
Houston, Ga. Clerk Superior Court  
Carolyn V. Sullivan Clerk  
BK 6968 PG 1-2

15-25459-R

WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF HOUSTON

THIS INDENTURE, Made the 24<sup>th</sup> day of September in the year two thousand fifteen, between

RAMA CORPORATION

of the State of Georgia, as party of the first part, hereinafter called Grantor, and

JSIYARAM HOTEL, LLC

of the State of Georgia, as party 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 DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, alienated, conveyed and confirmed and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all the following described property, to wit:

**TRACT 1:** All that certain tract or parcel of land situate, lying and being in Lots 46 and 47 of the 10<sup>th</sup> Land District of Houston County, Georgia, in the City of Perry, therein, same containing in the aggregate 4.27 acres of land, having such shape, metes, bounds, courses and distances as shown on a plat of survey of same prepared by Milton Beckham, Surveyor, a copy of said plat being of record in Plat Book 14, Page 206, Clerk's Office, Houston County Superior Court. Said plat and the recorded copy thereof are hereby referred to and made a part of this description.

**EXCEPTION THEREFROM THE FOLLOWING PROPERTY:**

All that tract or parcel of land situate, lying and being in the City of Perry, Houston County, Georgia, having such shape, metes, bounds, courses and distances as are shown on a plat of survey of same prepared by Milton Beckham, Surveyor, on August 3, 1972, a copy of said plat being of record in Plat Book 15, Page 219, Clerk's Office, Houston Superior Court.

**FURTHER EXCEPTING:**

All that tract or parcel of land situate, lying and being in Land Lot 47 of the Tenth Land District of Houston County, Georgia, and in the City of Perry, same being shown and designated as Parcel "A" on a plat of survey prepared by Milton Beckham, surveyor, on August 3, 1972, revised May 7, 1993, to show a Parcel "A" a copy of said plat being of record in Map Book 16, Page 127, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

**LESS AND EXCEPT:**

All that tract or parcel of land situate, lying and being in Land Lot 47 of the Tenth (10<sup>th</sup>) Land District of Houston County, Georgia, being known and designated as Parcel "C", containing 1.368 acres, according to a plat of survey of record in Plat Book 75, Page 146, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.



BOOK 6968 PAGE 02

This is the same property as set out in a Warranty Deed from The National Bank of Georgia to E.L.K. Motels, Inc. dated August 18, 1975 and recorded in Deed Book 461, Page 344, in the Office of the Clerk of the Superior Court of Houston County, Georgia, which deed is incorporated herein by reference for all purposes.

**TRACT II:** That certain tract or parcel of land situate, lying and being in the City of Perry, Houston County, Georgia, having such shape, metes, bounds, courses and distances as are shown on a plat of survey of same prepared by Milton Beckham, Surveyor, on August 3, 1972, a copy of said plat being of record in Plat Book 15, Page 219, Clerk's Office, Houston Superior Court.

**TRACT III:** All that tract or parcel of land situate, lying and being in Land Lot 47 of the Tenth Land District of Houston County, Georgia, and in the City of Perry, same being shown and designated as Parcel "A" on a plat of survey prepared by Milton Beckham Surveyor, on August 3, 1972, revised May 7, 1973, to show Parcel "A", a copy of said plat being of record in Map Book 16, Page 127, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

This is the same property as set out in a Limited Warranty Deed from The Bank of Perry to E.L. Kilner, Jr. dated December 17, 1990 and recorded in Deed Book 901, Page 712, in the Office of the Clerk of the Superior Court of Houston County, Georgia, and which deed is incorporated herein by reference 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 warrants and will forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

RAMA CORPORATION

BY: [Signature] (SEAL)  
BHARATKUMAR A. PATEL, PRESIDENT  
[Signature]

ATTEST: \_\_\_\_\_ (SEAL)

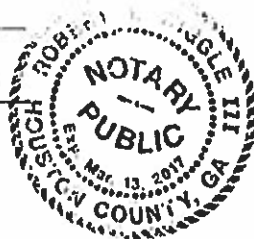
TITLE: \_\_\_\_\_

Signed, sealed and delivered in the presence of:

[Signature]

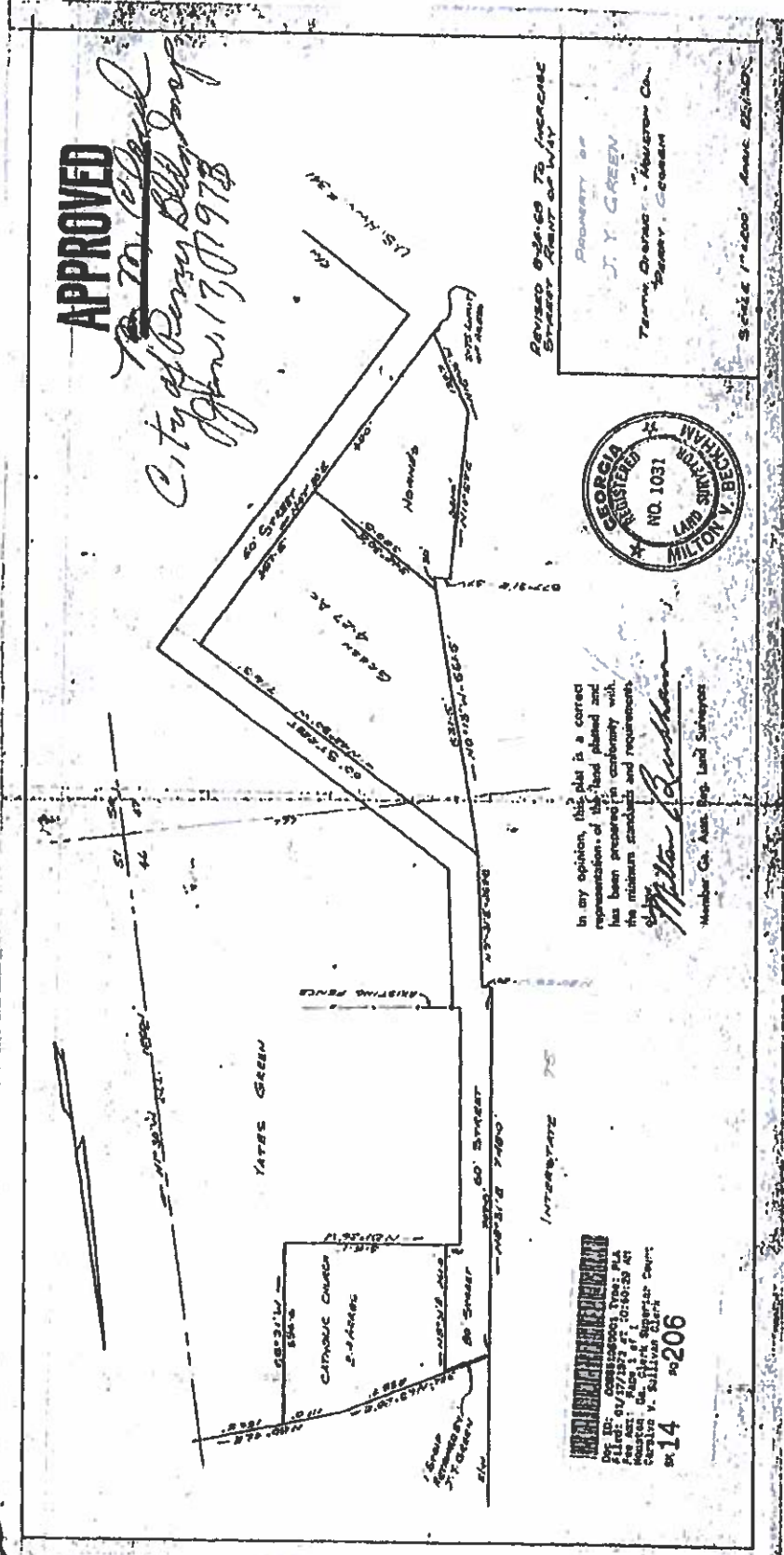
Witness

[Signature]  
Notary Public



**APPROVED**

*To Mr. Colwell  
City of Perry, Georgia  
April 13, 1973*



REVISED 8-24-69 TO INCREASE  
STREET FRONT ON WAY



In my opinion, this plat is a correct  
representation of the land platted and  
has been prepared in conformity with  
the minimum standards and requirements.

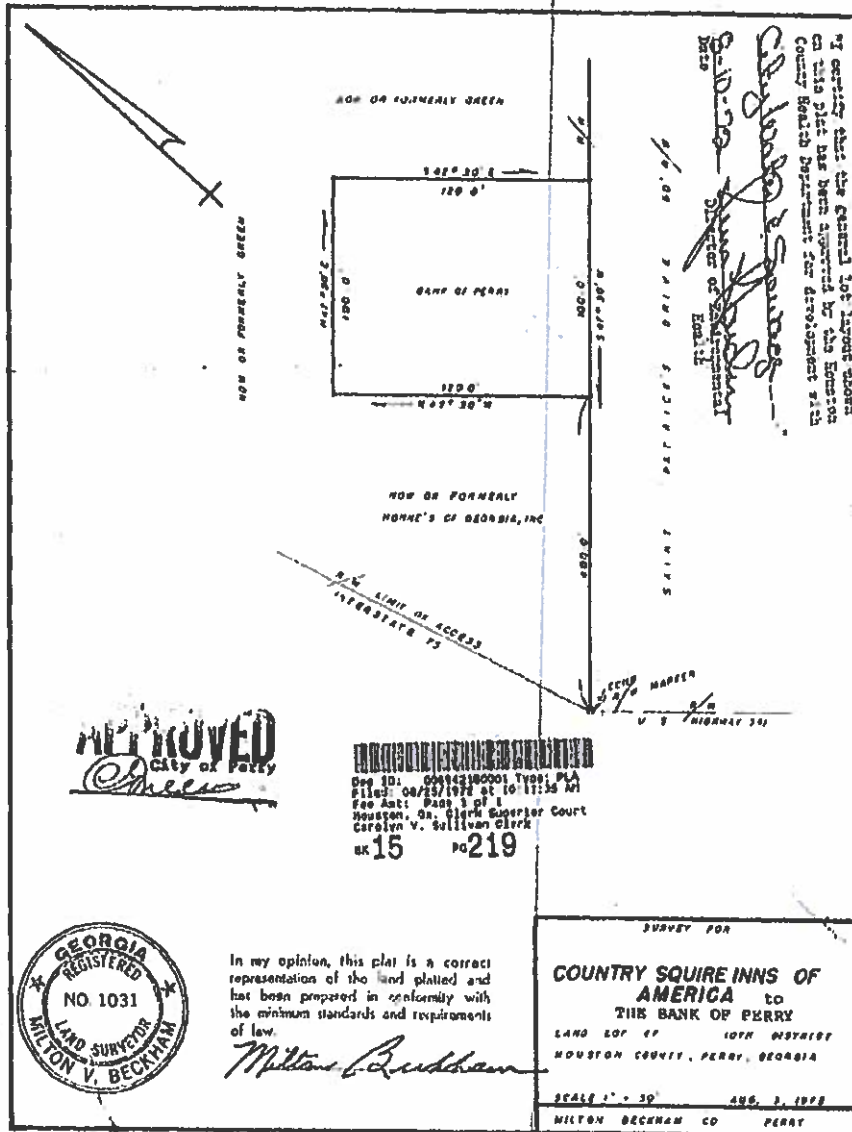
*Milton Williams*  
Member Co. Assn. Reg. Land Surveyors

PLAT NO. 14 206  
FILED AT: GEORGIA DEPT. OF REVENUE  
FEE REC. 10:40:30 AM  
COUNTY OF: CLATSOP  
COURT: CLATSOP COUNTY

PROPERTY OF  
J. Y. GREEN  
Terry, Oregon - Houston Co.  
Perry, Oregon

*Recorded January 17, 1973*

Recorded August 25, 1972



I certify that the General Lot Layout shown on this plat has been approved by the Houston County Board Department for development with this

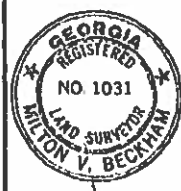
*Charles E. Searles*  
 Director of Development  
 8-10-72  
 Health

**APPROVED**  
 City of Perry  
*Green*

FOR RECORDATION IN THE PUBLIC RECORDS OF HOUSTON COUNTY, GEORGIA

Doc No: 00000001 Type: PLA  
 Filed: 08/25/1972 at 10:17:34 AM  
 Fee Amt: Part 1 of 1  
 Houston, Ga. Clerk Superior Court  
 Carolyn V. Sullivan Clerk

PK 15 Pg 219



In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

*Milton V. Beckham*

SURVEY FOR

**COUNTRY SQUIRE INNS OF AMERICA** to  
**THE BANK OF PERRY**

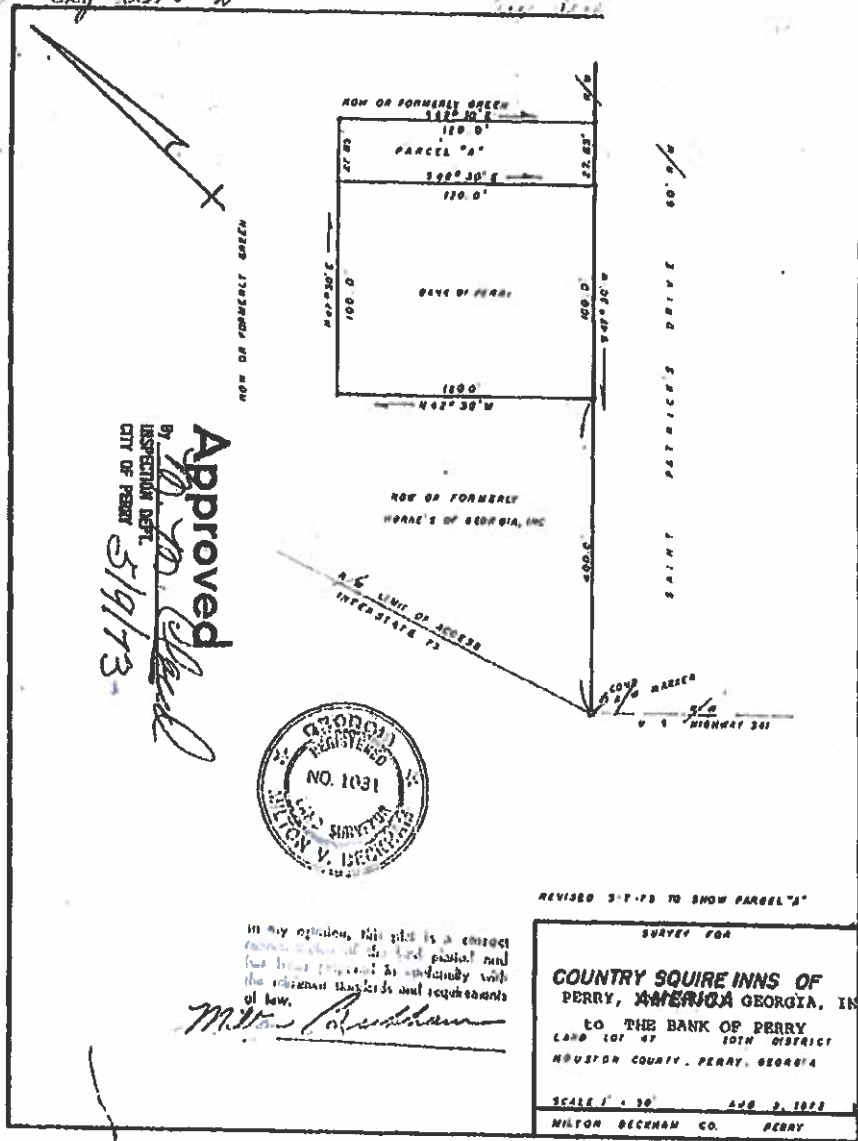
LAND LOT #1 10TH DISTRICT  
 HOUSTON COUNTY, PERRY, GEORGIA

SCALE 1" = 50' AUG. 3, 1972  
 MILTON BECKHAM CO PERRY

Recorded May 10, 1973

Doc ID: 0043200001 Type: PLA  
Filed: 05/10/1973 at 10:30:06 AM  
Fee Amt: Page 1 of 1  
Houston, Tx. Clerk Superior Court  
Carolyn V. Sullivan Clerk  
BK 16 pg 127

City of Perry



Approved  
 By: *[Signature]*  
 INSPECTOR DEPT.  
 CITY OF PERRY  
 5/19/73



In my opinion, this plat is a correct  
 representation of the land parcel and  
 has been prepared in conformity with  
 the relevant standards and requirements  
 of law.  
*Milton Beckham*

REVISED 5-7-73 TO SHOW PARCEL "A"  
 SURVEY FOR  
**COUNTRY SQUIRE INNS OF  
 PERRY, AMERICA GEORGIA, INC.**  
 TO THE BANK OF PERRY  
 LAND LOT 47 10TH DISTRICT  
 HOUSTON COUNTY, PERRY, GEORGIA  
 SCALE 1" = 30' AUG 2, 1973  
 MILTON BECHAM CO. PERRY



**ORDINANCE**

**THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS** that the zoning is changed from City of Perry OC, Office Commercial District to City of Perry C-3, Central Business District, and the city's zoning map is amended accordingly relative to property of **ROBERT LEE RUSSELL, JR.**, described as follows:

**All that tract or parcel of land situate, lying and being in the City of Perry, and in Houston County, Georgia, being known and designated as Lot No. 10 in the subdivision of Nunn Brothers and Norwood Property, according to a plat of survey of said property which is of record in Plat Book 1, Page 146, Clerk's Office, Houston Superior Court. Being the same property as that conveyed to Elsie Peavy Brown, via Warranty Deed dated March 18, 1985, which appears of record in Deed Book 679, Page 147, Clerk's Office, Houston Superior Court.**

**Deed Reference: Book 8045, Page 117-118  
Tax Map Parcel: 0P0040 035000**

SO ENACTED this 15th day of March, 2022.

**CITY OF PERRY, GEORGIA**

BY: \_\_\_\_\_  
RANDALL WALKER, Mayor

ATTEST: \_\_\_\_\_  
ANNIE WARREN, City Clerk

1<sup>st</sup> Reading: March 1, 2022  
2<sup>nd</sup> Reading: March 15, 2022



Where Georgia comes together.

**STAFF REPORT**

February 3, 2022

**CASE NUMBER:** RZNE-0021-2022  
**APPLICANT:** Angela J. Cuti  
**REQUEST:** Rezone from OC, Office-Commercial District, to C-3, Central Business District  
**LOCATION:** 900 Ball Street; Tax Map No. 0P0040 035000

**BACKGROUND INFORMATION:** The subject property is currently used as an office for the operations of the Halo Group. The applicant is requesting C-3, Central Business, zoning to complement the surrounding uses in the downtown area. The applicant suggests that C-3, Central Business, zoning is more appropriate for the property and its proximity to Downtown Perry.

**STANDARDS GOVERNING ZONE CHANGES:**

1. **The existing land uses and zoning classification of nearby properties.**

	<b>Zoning Classification</b>	<b>Land Uses</b>
North	C-3, Central Business	office use
South	R-3, Multi-family residential	vacant
East	R-1, Single-family residential	Single-family homes
West	R-3 and C-3	Single-family homes, offices, outdoor storage

2. **The suitability of the subject property for the zoned purposes.** The property is currently used as an office and is suitable for the uses permitted in the C-3, Central Business district.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** There is no expected effect on property values by the OC, Office Commercial, zoning district. However, C-3, Central Business, zoning may create an increase in value of the subject property due to the high demand for properties within Downtown Perry.
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** The current and proposed zoning classification does not pose any threat to the health, safety, morals, or general welfare of the public and surrounding area.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** C-3, Central Business, is expected to create a relative gain to the public and neighborhood as it will expand the Downtown Perry footprint and its associated benefits.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The use of the property as an office is a reasonable economic use as it is currently zoned. However, C-3, Central Business, zoning is likely to increase the economic use of the property.

7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject property is not vacant and has been used as an office for approximately 2.5 years.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** Properties nearby and adjacent to the subject property are zoned and developed as downtown commercial uses. The proposed zoning district and allowable uses will be suitable in view of nearby properties because the property is contiguous to others zoned C-3, Central Business District, and the downtown core.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed use of the property should not adversely affect existing uses or usability of nearby properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The 2017 Joint Comprehensive Plan Update identifies the subject property within 'Traditional Neighborhood' and 'Town Center' character areas. The proposed zoning is most relevant for the Town Center character area, and the property's use is aligned with the suggested development patterns and land use designations of this area such as "traditional downtown areas developed and maintained as a focal point of the community".
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** There is no expected impact on public facilities as the subject property and its current use is already served by City of Perry utilities and roads.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** C-3, Central Business, zoning is more appropriate for the subject property due to its proximity to Downtown Perry. Further, C-3 zoning may create an increase in long-term economic value to the property owner and City of Perry.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning change with the requested C-3, Central Business District, zoning.

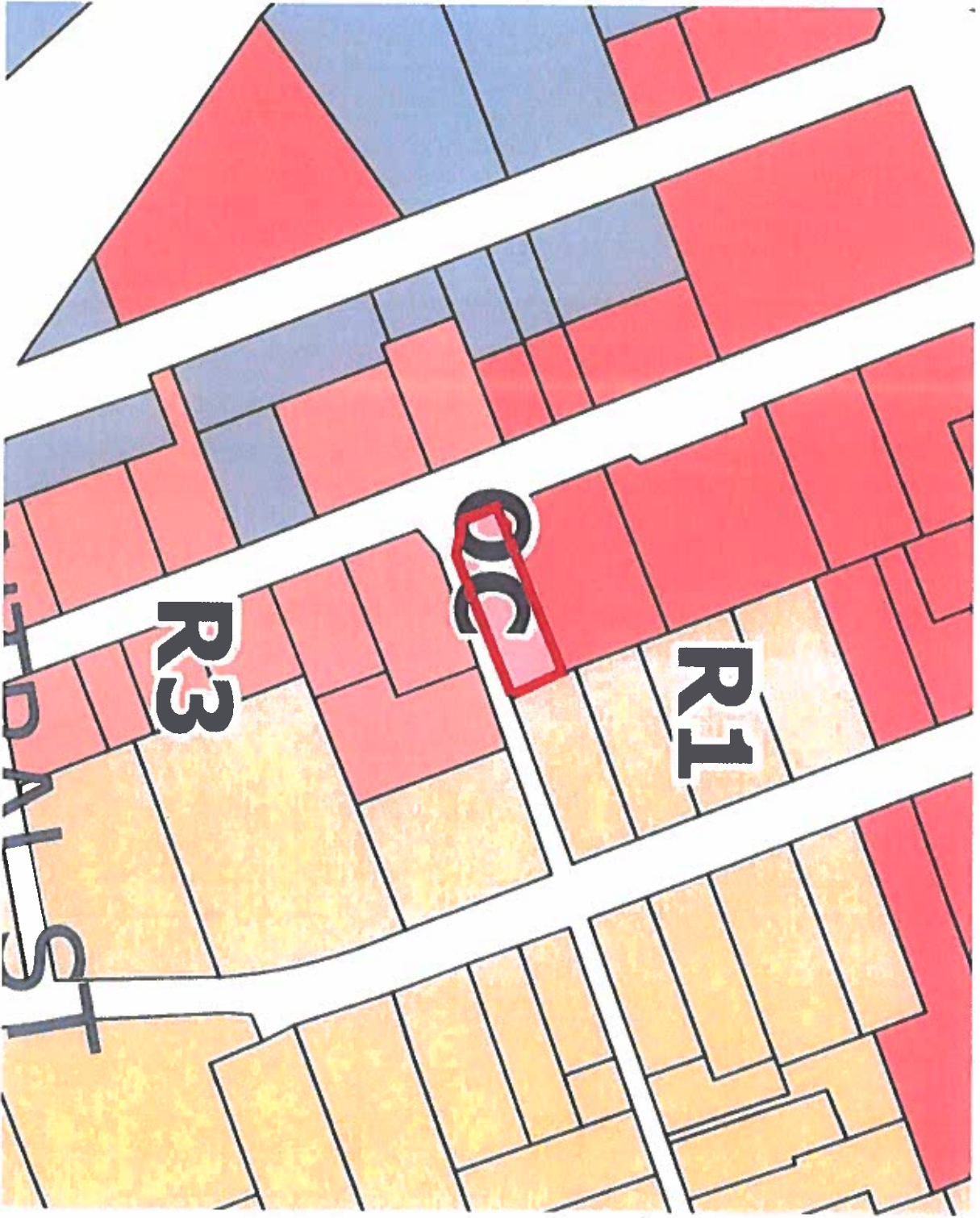
**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the zoning change with the requested C-3, Central Business District, zoning.

  
 \_\_\_\_\_  
 Eric Z. Edwards, Chairman of the Planning Commission

  
 \_\_\_\_\_  
 Date





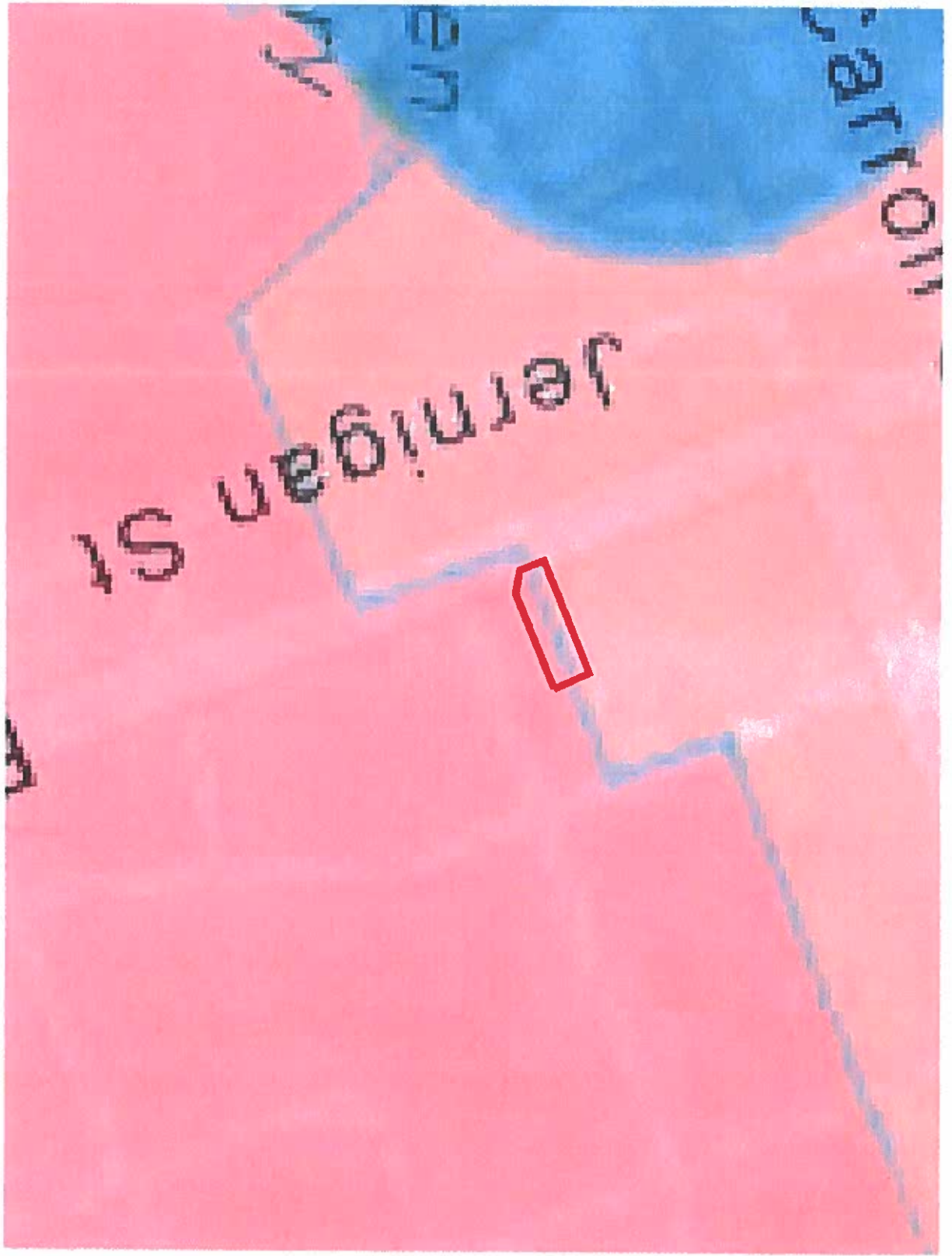


R3

CC

R1

D  
S





Where Georgia comes together.

Application # RZNE  
0021-  
2022

### Application for Rezoning

Contact Community Development (478) 988-2720

#### Applicant/Owner Information

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Angela Cuti	Robert Russell
*Title	Purchaser	owner
*Address	322 GA. Hwy 224 Perry, Ga. 31069	913 Evergreen St. Perry, Ga. 31069
*Phone	478-955-8119	478-808-5811
*Email	angelacuti@gmail.com	

#### Property Information

*Street Address or Location	900 Ball St. Perry, Ga. 31069
*Tax Map Number(s)	0P0040035000
*Legal Description	LOT 10 NUNN BROS + NORWOOD S/D
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;	

#### Request

*Current Zoning District	Downtown Perry	*Proposed Zoning District	C3
*Please describe the existing and proposed use of the property Note: A Site Plan or other information which fully describes your proposal may benefit your application.			

#### 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.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- \*The applicant must be present at the hearings to present the application and answer questions that may arise.
- \*Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes \_\_\_ No   
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>Angela Cuti</i>	*Date <i>1/18/22</i>
*Property Owner/Authorized Agent <i>[Signature]</i>	*Date

**Standards for Granting a Rezoning**

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

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

- (1) The existing land uses and zoning classification of nearby property;
- (2) The suitability of the subject property for the zoned purposes;
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (6) Whether the subject property has a reasonable economic use as currently zoned;
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

## 900 Ball St. Rezoning

### Standards of Rezoning List

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? No

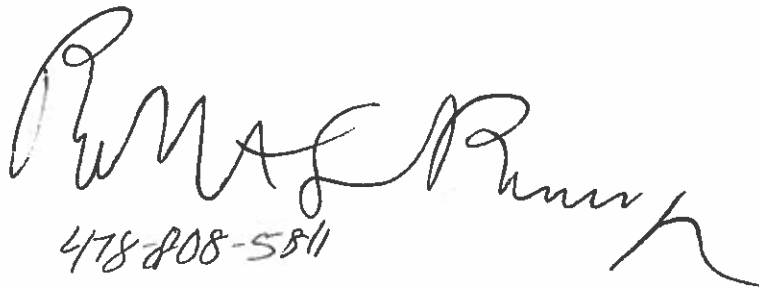
1. Surrounding properties are primarily commercially zoned (901,904, 905, 906,907,909 Ball St)
2. The property at 900 Ball St. is residentially zoned office/commercial O3 and currently has a business leasing it.
3. There would not be any concern of the property value diminishing due to it being zoned commercially. It would be more in line with current zonings of neighboring properties.
4. Commercial zoning would not pose any threats related to health, safety, morals, or general welfare of the public.
5. N/A the property is in downtown Perry's commercial area.
6. The property is currently being used as a office.
7. N/A
8. The rezoning would be suitable to currently zoned properties as listed by example of neighboring properties in question #1.
9. The rezoning would not adversely affect the existing use or usability of any adjacent or nearby properties.
10. The zoning proposal should be in conformity with any policies/intent in the comprehensive plan with it being in downtown Perry.
11. The rezoning would not pose any excessive burden upon existing streets, utilities, schools, etc.
12. The property is currently zoned as office/commercial, and it would continue to be used as such. The property will undergo a one room expansion in Spring of 2022 to add more operating space however it is not anticipated to have any effect on usage.

To Whom It May Concern,

January 4, 2022

I, Robert Russell, current owner of the property located at 900 Ball St., have a lease to purchase agreement with Angela Cuti. I give my consent for Ms. Cuti to complete an Application for Rezoning requesting the property to be rezoned from OC3 to Commercial.

Respectfully,



478-808-5811



Doc ID: 015408060002 Type: GLR  
 Recorded: 12/18/2018 at 09:14:30 AM  
 Fee Amt: \$67.00 Page 1 of 2  
 Transfer Tax: \$55.00  
 Houston, Ga. Clerk Superior Court  
 Carolyn V. Sullivan Clerk

BK **8045** PG **117-118**

96520

Return to: Shirley R. Watson  
 Attorney at Law  
 1520 Watson Blvd.  
 Warner Robins, GA 31093  
 18-171

**WARRANTY DEED**

**STATE OF GEORGIA  
 COUNTY OF HOUSTON**

This indenture, made this 10<sup>th</sup>. day of December, 2018, between **William Theron Brown, IV, Deborah Ann McDowell and Donna Marie Brown**, hereinafter called "Grantor", and **Robert Lee Russell, Jr.**, hereinafter called "Grantee" (the words "Grantor" and "Grantee" include the singular and the plural, the neuter, masculine and feminine genders, and their respective heirs, executors, administrators, legal representatives, successors, and assigns where the context requires or permits).

**Witnesseth that:** Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and Other Good and Valuable Consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does grant, bargain, sell, and convey unto the said Grantee all of the following described property:

All that tract or parcel of land situate, lying and being in the City of Perry, and in Houston County, Georgia, being known and designated as Lot No. 10 in the subdivision of Nunn Brothers and Norwood Property, according to a plat of survey of said property which is of record in Plat Book 1, Page 146, Clerk's Office, Houston Superior Court. Being the same property as that conveyed to Elsie Peavy Brown, via Warranty Deed dated March 18, 1985, which appears of record in Deed Book 679, Page 147, Clerk's Office, Houston Superior Court.

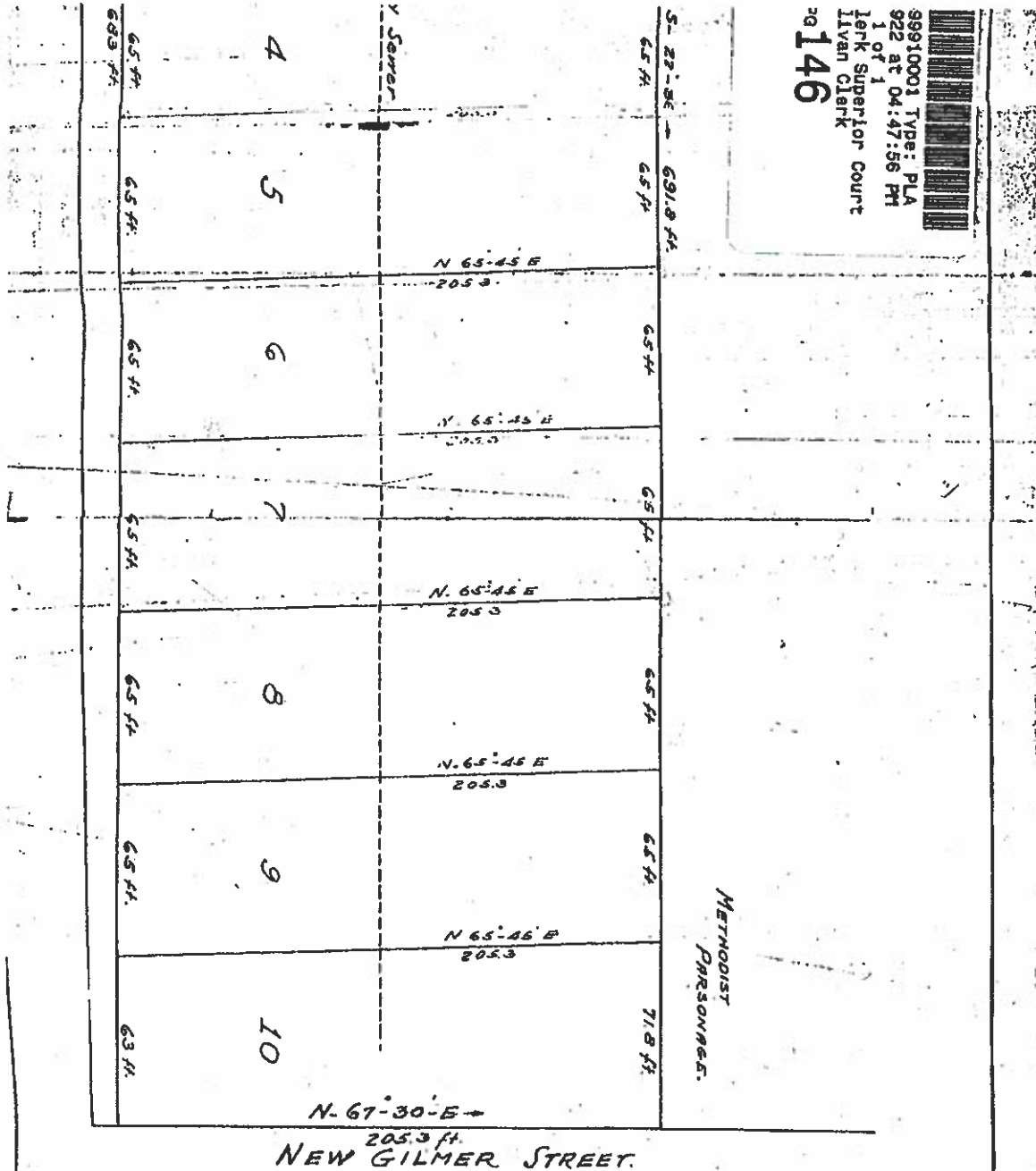
*This conveyance and the warranties hereinafter contained are made subject to any and all restrictions, easements, and rights-of-way affecting said property, if any.*

To have and to hold the said property above described, together with all and singular the rights, members and appurtenances thereunto appertaining to the only proper use, benefit and behoof of the said Grantee forever in Fee Simple.

Except for any matters shown on any plat referred to herein and except for any other matters set out above, if any; 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 and all legal entities whatsoever.



99910001 Type: PLA  
 922 at 04:47:56 PM  
 1 of 1  
 Clerk Superior Court  
 Ivan Clark  
 146



PLAT

OF PROPERTY

**NUNN BROTHERS**  
 & *Notwood*  
 IN THE CITY OF  
**PERRY, GA.**

SURVEYED AUG. 1922, BY  
 O. SHERFIELD, C.E.

SCALE  
 ONE INCH = FOUR

NOTE: IRON STAKES

Planning Commission Minutes  
February 14, 2022

1. Call to Order: Chairman Edwards called the meeting to order at 6:00pm.
2. Roll Call: Chairman Edwards; Commissioners Coody, Butler, Jefferson, Mehserle and Moody were present.

Staff: Bryan Wood – Community Development Director, Holly Wharton – Community Planner, and Christine Sewell – Recording Clerk

Guests: Chad Bryant, Lynward Barrett, Angela Cuti, Richard Henderson, John Thomson, Milton Taylor, Joe Goodroe, Dianne Woodworth, Mark Anjebhai, and Dr. Smith.

Chairman Edwards recognized the passing of Commissioner Clarrington and his service to the Commission and community. A moment of silence was taken.

3. Invocation: was given by Commissioner Jefferson
4. Approval of Minutes from meeting on January 10, 2022, and January 24, 2022, work session. – Commissioner Mehserle motioned to approve the minutes of January 10, 2022; Commissioner Jefferson seconded; all in favor and was unanimously approved. Commissioner Moody motioned to approve the minutes of January 24, 2022; Commissioner Mehserle seconded; all in favor and were unanimously approved; with Commissioner Butler abstaining.
5. Announcements – Chairman Edwards referred to the notices as listed.
  - o 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.
  - o Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
  - o Please place cell phones on silent mode.
6. Old Business – None
7. New Business
  - A. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on March 1, 2022)

**SUSE-0004-2022.** Special Exception for short-term rental located at 1107 Sunset Alley. The applicant is Lannette Tomlin.

Ms. Wharton read the applicants' request which was for a special exception to allow for a short term residential, along with staff responses. Chairman Edwards opened the public hearing at 6:09pm and called for anyone in favor of the request; there was none; opposition was called and there was none. Chairman Edwards closed the public hearing at 6:10pm. The applicant was

not present. Commissioner Jefferson motioned to table the application until the applicant was present; Commissioner Coody seconded; all in favor and was unanimously approved to table to the March meeting.

**RZNE-0007-2022.** Application to rezone property at 1803 Houston Lake Road from R-1, Single Family Residential, to C-2, General Commercial. Parcel No. 0P41A0 024000. The applicant is Lynward Barrett.

Ms. Wharton read the applicants' request which was for, rezoning from R-1, Single-family Residential, to C-2, General Commercial, along with staff responses. Ms. Wharton advised the property is 3.51 acres and currently zoned R-1, Single-family residential. The property currently has a single-family home which is vacant. The property owner wishes to transition property to a commercial use which is consistent with similar development nearby. The applicant is requesting rezoning to the C-2, General Commercial, district for the purpose of pursuing commercial and/or multi-family development.

Chairman Edwards opened the public hearing at 6:17pm and called for anyone in favor of the request. Mr. Lynward Barrett reiterated the request and noted there were no current plans for development, but the zoning change is for marketing and selling purposes. Chairman Edwards then called for anyone opposed; there being none the public hearing was closed at 6:18pm.

Commissioner Butler motioned to recommend approval of the application as submitted to Mayor & Council, with the following conditions: 1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan; 2). Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative; Commissioner Coody seconded; all in favor and was unanimously recommended for approval.

**RZNE-0008-2022.** Application to rezone property on Gray Road from R-1, Single Family Residential to C-2, General Commercial. Parcel No. 0P0440 07C000. The applicant is Lynward Barrett.

Ms. Wharton read the applicants' request which was for rezoning from R-1, Single-family Residential, to C-2, General Commercial, along with staff responses. Ms. Wharton advised the property consists of 5.73 acres and is currently zoned R-1, Single-family residential. The property is currently vacant and has never been developed and the property owner wishes to transition this property to a commercial use which is consistent with similar development nearby. The applicant is requesting rezoning to the C-2, General Commercial, district for the purpose of pursuing commercial and/or multi-family development

Chairman Edwards opened the public hearing at 6:22pm and called for anyone in favor of the request. Mr. Barrett reiterated the request. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:23pm.

Commissioner Butler motioned to recommend approval of the application as submitted to Mayor & Council with the following conditions: 1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan; 2. Upon development of the subject property, the property owner shall grant an easement in favor of

the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval

**ANNX-0009-2022.** Application to Annex and rezone property at Kings Chapel Road and Gurr Road from Houston County RAG to R-2A, Single Family Residential. Parcel No. 000830 062000. The applicant is Chad Bryant.

Ms. Wharton read the applicants' request which was for annexation and rezoning from RAG (County) to R-2A, Single-Family Residential (City), along with staff responses. Ms. Wharton advised the property is a 27.25-acre lot located on the Southwest corner of Kings Chapel Road and Gurr Road and currently zoned RAG in Houston County and currently used for agriculture. The applicant has requested to be annexed into the City of Perry with the zoning classification of R-2A, Single-family residential, for future development of a single-family home neighborhood and access to City of Perry utilities.

Chairman Edwards opened the public hearing at 6:27pm and called for anyone in favor of the request. Mr. Chad Bryant reiterated the request and advised this is an extension of a project to the east. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:29pm.

Commissioner Mehserle motioned to recommend approval of the application as submitted to Mayor & Council with the following conditions: 1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan; 2). Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Kings Chapel Road and Gurr Road in support of the City of Perry's green corridor initiative; and 3). Sidewalks within the neighborhood shall be installed in addition to sidewalks along Kings Chapel Road and Gurr Road as reflected in the City of Perry Pathways Plan; Commissioner Butler seconded; all in favor and was unanimously recommended for approval.

**RZNE-0014-2022.** Application to Rezone property at Gurr Road from R-2, Two-family Residential, to PUD, Planned Unit Development. Parcel No. 0P0480 039000. The applicant is Chad Bryant.

Mr. Wood read the applicants' request, which was for rezoning the property at Gurr Road from R-2, Two-family Residential, to PUD, Planned Unit Development. The property consists of 49.12 acres and is currently zoned R-2, Two-family Residential District and currently undeveloped. The applicant proposes to change the zoning to PUD, Planned Unit Development District, for a single-family residential subdivision. A PUD is required to set its own development standards, like would be established for a typical zoning district. The applicant has proposed a set of development standards for this PUD. Planning Staff has recommended a set of development standards for the PUD, incorporating, and clarifying some of the applicant's proposals. Some additional standards are recommended and provided with the staff report. The proposed conceptual site plan calls for 121 residential lots with a minimum size of 9,000 square feet and a minimum lot width of 75 feet. The layout extends streets in Remington Chase Phase 1 and provides an additional access to the subdivision on Gurr Road. The installation of sidewalks along Gurr Road is identified in the Perry Connectivity Plan recently adopted by City Council.

Chairman Edwards opened the public hearing at 6:42pm and called for anyone in favor of the request. Mr. Chad Bryant, the applicant, advised there have been constraints to get the property to a developable standpoint and the current zoning density allows for more lots which could be duplexes or townhomes, but they will only do single family.

Mr. Richard Henderson 123 Stonegate Trail asked specifically where sidewalks would be and explanation of the Perry Pathway Plan. Mr. Wood advised as one of the staff recommended conditions the developer be required to place sidewalks on their property and the City will connect between the subdivisions. Ms. Diane Woodworth, 200 Silvercreek Lane Brookwater, was concerned about lot size/density and traffic on Gurr Road. Dr. Smith, Stonebridge HOA President, was concerned about density, traffic coming through Stonebridge, impact on schools, and impact on Stonebridge/New Haven water service. Mr. Wood noted there has been three plans submitted since 2004 and it has not been developed and the proposed change to a PUD allows for more lots in the flat area of the property in lieu of the steeper area by the creek. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:55pm.

Mr. Bryant advised under the current zoning classification it doesn't dictate density and allows for more housing units and if it were to remain as an alternate plan, they would have to look at townhomes, with single family in the front. Chairman Edwards asked Mr. Bryant if the current zoning remains how many units would there be; Mr. Bryant advised a standard is 10 to 12 units per acre but doesn't feel the market can bear that and ten acres of the property is in the flood zone and there needs to be enough to develop per acre for the project to be feasible and noted the density is less in the adjacent property.

Commissioner Butler motioned to recommend approval of the application as submitted to Mayor & Council with the following conditions: 1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan and 2). The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property; Commissioner Coody seconded and was unanimously recommended for approval.

**RZNE-0015-2022.** Application to Rezone property at South Hwy 41 from C-2, General Commercial, to PUD, Planned Unit Development. Parcel No. 0P0320 075000. The applicant is Chad Bryant.

Mr. Wood read the applicants' request which was for the rezoning of the property at South Hwy 41 from C-2, General Commercial, to PUD, Planned Unit Development, along with staff responses. Mr. Wood further noted, the property consists of 27.1 acres and is currently undeveloped with a change for a single-family residential subdivision. A PUD is required to set its own development standards, like would be established for a typical zoning district. The applicant has proposed a set of development standards for this PUD. Staff has recommended a set of development standards for the PUD, incorporating, and clarifying some of the applicant's proposals with additional standards recommended. The proposed conceptual site plan calls for 71 residential lots with a minimum size of 9,000 square feet and a minimum lot width of 75 feet. A 20' undisturbed buffer is proposed adjacent to lots in the Holly Hills subdivision. The layout includes a street connecting to Greenwood Drive and Briarcliff Road.

Chairman Edwards opened the public hearing at 7:20pm and called for anyone in favor of the request. Mr. Bryant advised a more specific layout had been provided to staff and wanted to lift the condition of the buffer under the commercial zoning and have a more specific landscaping screening

on Hwy 41 and on the left side fronting the roadway will be landscape. Mr. Joe Goodroe, 1113 Springdale Dr, Holly Hills, asked about the buffer to houses on the north side of the development, expressed concern about traffic on US Hwy 41. Mr. Bryant stated the plan calls for a 20' buffer around the development. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 7:29pm.

Commissioner Butler motioned to recommend approval of the application as submitted to Mayor & Council with the following conditions: 1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan; 2). The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property; Commissioner Moody seconded; all in favor and was unanimously recommended for approval.

**RZNE-0016-2022.** Application to Rezone property at Moss Oak Road from R-3, Multi-family Residential, to PUD, Planned Unit Development. Parcel No. 0P0340 06800. *The applicant has withdrawn this application.*

**RZNE-0019-2022.** Application to Rezone property at 613 and 615 Martin Luther King, Jr. Drive from R-2, Two-family Residential, to C-2, General Commercial District. The applicant is John Anthony Thomson.

Ms. Wharton read the applicants' request which rezoning from R-2, Two-family Residential, to C-2, General Commercial District, along with staff responses. Ms. Wharton advised the property includes two parcels totaling 0.79 acres at the northwest intersection of Martin Luther King, Jr. Drive and Oak Ridge Drive and both parcels are currently undeveloped. The applicant is requesting the zoning change with the intent to sell the property at a higher value for future commercial development. The applicant suggests that commercial zoning is more appropriate at this property and is more aligned with surrounding uses.

Chairman Edwards opened the public hearing at 7:38pm and called for anyone in favor of the request. Mr. John Thomson, on behalf of the applicant reiterated the request. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 7:39pm.

Chairman Edwards inquired if the parcels comply to the 2022 Comp Plan; Ms. Wharton advised they do, and the area has been identified as a commercial node. Mr. Thomson advised the owner at this time has not intent to sell, but when he does the zoning change will make them more marketable.

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

**RZNE-0020-2022.** Application to Rezone property at 1004, 1004A, 1006 St. Patrick's Drive from C-1, Highway Commercial to PUD, Planned Unit Development. Parcel No. 0P0400 021000/048000/022000. The applicant is Anjebhai Patel.

Mr. Wood read the applicants' request, along with staff response. The properties consist of 4.28 acres and are currently zoned C-1, Highway Commercial District. Two of the subject properties were developed as a two-story motel in the 1970's. The other parcel included in the application was originally built as a bank but has since been used for a variety of retail uses. The applicant proposes to change

the zoning to PUD, Planned Unit Development District, to convert the existing buildings into multi-family residential apartments with associated amenities. The original bank building may continue to be used for retail purposes, or as space for an amenity associated with the apartments. A PUD is required to set its own development standards, like would be established for a typical zoning district. The applicant has proposed a set of development standards for this PUD. Staff has recommended a set of development standards for the PUD, incorporating, and clarifying some of the applicant's proposals. Some additional standards are recommended. The proposal calls for a total of 126 residential unit – 122 studio apartments and 4 multi-bay or one-bedroom apartments. Other spaces within the buildings will be used for a leasing office, tenant recreation area, tenant laundry, and tenant gym. As a change of use/change in occupancy type, the buildings will be required to comply with current building and fire code standards. The applicant indicates there is a total of 180 parking spaces on the site. 189 parking spaces are required by code to serve 126 multi-family units (1.5 spaces per unit). Since most of the proposed apartments will be studios, it is unlikely that most tenants of these units will have more than one vehicle. Additionally, the site must be brought into compliance with landscaping requirements, meaning some parking spaces will be eliminated for landscape islands. It appears there is opportunity to add parking spaces within existing paved areas of the site using a more-efficient layout if necessary.

Chairman Edwards opened the public hearing at 7:48pm and called for anyone in favor of the request. Mr. Anjebhai Patel advised his company has completed this type of redevelopment with success and concurs with staff's recommendations. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 7:50pm.

Chairman Edwards asked if there was a plan for onsite security; the applicant advised there was not at this time; and these would not be short term rentals, but market rate rentals and additional lighting for the parking lots could be added.

Commissioner Coody motioned to recommend approval of the application as submitted to Mayor & Council with the following condition: 1. The applicant's conceptual site plan and staff-recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

**RZNE-0021-2022.** Application to Rezone property at 900 Ball Street from OC, Office Commercial, to C-3, Central Business District.

Ms. Wharton read the applicants' request, along with staff responses. The property is currently used as an office for the operations of the Halo Group and the applicant is requesting C-3, Central Business, zoning to compliment the surrounding uses in the downtown area. The applicant suggests that C-3, Central Business, zoning is more appropriate for the property and its proximity to Downtown Perry.

Chairman Edwards opened the public hearing at 8:09pm and called for anyone in favor of the request. Ms. Angela Cuti reiterated the request. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 8:10pm.

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

1. Public Hearing (Planning Commission decision)

**PLAT-0012-2021** – Preliminary plat for Townhouses at Perry Preserve. The applicant is Chad Bryant.

Mr. Wood advised the property is zoned C-2, General Commercial District. Townhouse development is a permitted use in the district, subject to additional standards specified in subsection 4-3.1(A) of the Land Management Ordinance. Specifications listed meet the minimum requirements for this district. The required 40' building setback along South Perry Parkway is not identified. Street right-of-way width is not identified. Street names are not identified. Percentage of building coverage of the lots is not identified. The applicant indicates a new median cut on South Perry Parkway to allow left turns into the development. The applicant verbally stated the townhouses will be two-story, 3-bedroom units with a single-car garage. Staff and the applicant have discussed Staff's concern parking may not be adequate in this development. Garages are increasingly being used to store items other than vehicles, on-street parking will be limited because lot widths are 20 feet, and residents do not have access to side and rear yards for parking. Staff suggested some units should be removed to provide additional off-street parking for residents and guests. The applicant has revised the plat to increase the front setback from the minimum 25 feet to 35 feet. This will allow a driveway long enough for two vehicles to stack without hanging over the public sidewalk. The applicant has also included 66 on-street parking spaces, located mostly on the front street parallel to Perry Parkway and the perpendicular street on the eastern side of the development. While these additional improvements go a long way to address parking concerns expressed by Staff, they are not evenly distributed throughout the development. By removing 16 units (lots 145-152, and lots 231-238) 17 additional on-street parking spaces can be provided on the western side of the development. This would also allow for two mid-block off-street parking lots each accommodating approximately 38 parking spaces. Based on the Perry Connectivity Plan recently adopted by City Council, ADA-compliant sidewalks must be installed along at least one side of the internal subdivision streets, and within the right-of-way along the South Perry Parkway frontage of the development. Street trees are required to be installed in subdivisions per subsections 6-3.1(B) and 6-3.3 of the Land Management Ordinance. Because of the size of the lots, requiring trees on each lot is not practical. Based on Council policy, a pocket park of at least 48,300 square feet in area is appropriate for a subdivision of this size. A portion of the open space proposed on the western side of the property may be appropriate for this park, but access is not provided. A 10' wide strip of land should be provided between lots 16 and 17 to allow access to the open space. City Council may pursue obtaining land to develop and maintain a pocket park in the subdivision.

Chairman Edwards opened the public hearing at 8:17pm and called for anyone in favor or opposed. Mr. Bryant advised he has been working with Mr. Wood to accommodate two cars in the driveway as his client does not want to lose sixteen lots. Mr. Wood noted the parking requirements are not required by code, but the parking for this type of development will be problematic with parking on the streets and access for emergency vehicles. Mr. Bryant agrees there may need to be more parking but would not like to lose so many lots. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 8:26pm.

Commissioner Jefferson commented the development looks congested and what was the number of units. Mr. Bryant advised eight units in one building. Chairman Edwards asked Mr. Bryant if his client would accept the conditions presented by staff; he advised all but the removal of the sixteen lots most likely.



Commissioner Mehserle motioned to approve the preliminary plat subject to the applicant and Staff agreeing on an acceptable parking plan, and with the following conditions: 1). The final plat(s) shall include the required 40-foot building setback line along South Perry Parkway and US Hwy 41 S.; 2). Internal street rights-of-way shall comply with City of Perry minimum standards; 3). Street names, approved by Houston County E911 shall be submitted for Planning Commission approval, 4). Applicant to work with staff for an acceptable parking plan. If no resolution, to return to Commission in March; 5). The developer shall install ADA-compliant sidewalks within the right-of-way along the South Perry Parkway frontage of the parcel and on at least one side of all internal streets, 6). All work conducted within the South Perry Parkway right-of-way shall comply with Georgia Department of Transportation standards, 7). 3-inch caliper street trees shall be installed within the rights-of-way of the internal streets at every other lot front and 40' on-center at all lot sides adjacent to streets. Trees shall not be required on individual lots; Commissioner Coody seconded; all in favor and was unanimously approved with Commissioner Jefferson opposed.

**PLAT-0013-2021-** Preliminary plat for Agricultural Estates. The applicant is Chad Bryant.

Mr. Wood advised the properties are zoned R-2A, Single-family Residential District. Specifications listed meet the minimum requirements for this district. The required 40' building setback along South Perry Parkway is not identified. Street right-of-way width is not identified. Street names are not identified. The applicant verbally indicated that remnant Lot 300 is intended to be used for a decorative entrance feature for the subdivision and will be maintained by the homeowners' association. If this is not the final intention of the developer, Lot 300 must be combined with adjacent buildable lots. The 4-acre lot meets the minimum requirements and road frontage as a separate developable lot. The applicant verbally stated his intention to use the right-of-way of South Perry Parkway to convey stormwater from the development to an off-site stormwater management facility. This is not acceptable to the City of Perry, owner of the right-of-way. Based on the Perry Connectivity Plan recently adopted by City Council, ADA-compliant sidewalks must be installed along at least one side of the internal subdivision streets, and along the South Perry Parkway frontage of the development. Street trees are required to be installed in subdivisions per subsections 6-3.1(B) and 6-3.3 of the Land Management Ordinance. The conditions placed on the ordinance zoning the subject properties (Ordinance 2021-23) must be met.

Chairman Edwards opened the public hearing at 8:50pm and called for anyone in favor or opposed to the request. Mr. Bryant reiterated the request and agreed to staff conditions. Chairman Edwards called for any further comment; there being none; the public hearing was closed at 8:51pm.

Commissioner Butler motioned to approve as submitted; with the following conditions: 1). The final plat(s) shall include the required 40-foot building setback line along South Perry Parkway, 2). Internal street rights-of-way shall comply with City of Perry minimum standards, 3). Street names, approved by Houston County E911 shall be submitted for Planning Commission approval, 4). If Lot 300 is not intended to be used by or maintained by the homeowners' association, it shall be incorporated into adjacent buildable lots, 5). Stormwater associated with the subdivision shall not be conveyed within the right-of-way of South Perry Parkway, 6). The developer shall install ADA-compliant sidewalks along the South Perry Parkway frontage of the project and on at least one side of all internal streets, 7). All work conducted within the South Perry Parkway right-of-way shall comply with Georgia Department of Transportation standards, Street trees shall be installed within the rights-of-way of the internal streets,

- 8). All conditions of Ordinance 2021-23 must be met and
- a. The required landscape maintenance easement shall be included on the final plat(s).
  - b. A note prohibiting access to and from South Perry Parkway for abutting residential lots shall be included on the final plat(s).

Commissioner Moody seconded; all in favor and was unanimously approved.

Other Business

Election of Vice Chairperson – Commissioner Mehserle motioned to recommend Commissioner Jefferson as Vice Chairperson; Commissioner Butler seconded; all in favor.

Commission questions or comments – None

Adjournment: there being no further business to come before the Commission the meeting was adjourned at 8:58pm.

DRAFT

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING CHAPTER 25, WATER, SEWERS, SEWAGE DISPOSAL TURAL GAS AND PRIVATE WATER WELLS; ARTICLE II, MUNICIPAL WATER SYSTEM, SECTION 25-31, SEPARATE WATER METERS, TO AMEND MULTI-UNIT METER SPECIFICATIONS AND DEFINE RESIDENTIAL.**

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

By deleting Section 25-31. – **Separate Water Meters** in its entirety and replacing it with the following:

**Sec. 25-31. Separate water meters.**

- (a) Each residential dwelling unit shall be served by a separate water meter. For purposes of this section, “residential dwelling unit” shall mean any single family detached dwelling, townhome, duplex, triplex, fourplex or multi-family dwelling unit up to and including six (6) units.
- (b) Multi-family developments consisting of seven (7) or more units may be served with a master water meter. In the event of approval of a master water meter, sub-unit water meters shall be furnished, installed, owned, and managed by the property owner.
- (c) All commercial developments (non-residential dwelling units) serving multiple tenants shall have a separate water meter for each unit that can be rented, leased or sold separately.

**SO ENACTED this 15th day of March, 2022.**

**CITY OF PERRY, GEORGIA**

By: \_\_\_\_\_  
Randall Walker, Mayor

Attest: \_\_\_\_\_  
Annie Warren, City Clerk

1<sup>st</sup> Reading: March 1, 2022

2<sup>nd</sup> Reading: March 15, 2022

MINUTES  
WORK SESSION  
OF THE PERRY CITY COUNCIL  
February 28, 2022  
**5:00 pm.**

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the work session meeting held on February 28, 2022, at 5:00 pm.

2. Roll:

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

Elected Officials Absent: None.

Staff: City Manager Lee Gilmour, City Attorney Brooke Newby, and Recording Clerk Annie Warren

City Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, Mitchell Worthington - Finance Director, Tabitha Clark – Communications Administrator, Ansley Fitzner – Public Works Superintendent, Sedrick Swan – Director of Leisure Services, Karen Bycenski – Personnel Manager, Matt White – Personnel Technician, Vickie Graham – Customer Service, and Cody Gunn – Chief Building Official.

Press: William Oliver – Houston Home Journal.

Guest(s): Breane Knowles

3. Items of Review/Discussion: Mayor Randall Walker.

3a. Appearance(s):

1. Ms. Breane Knowles request to host a fundraising/awareness tent for FOPAS on March 18, 2022 in the downtown area. Ms. Knowles appeared before Council to ask for permission to set up a tent on private property for a FOPAS fundraiser at Food Truck Friday on March 18, 2022. After discussion between Ms. Knowles and Council, Mayor Walker recommended this item be placed on Council's March 1, 2022 agenda.

3b. Employee Hearing

1. Input from city employees relative to proposed PTO amendment to the City's leave policy. Mr. White reviewed the proposed amendment to the

City of Perry Personnel Policy. Ms. Vickie Graham, 130 41 Circle, reiterated she does not want to lose her vacation/sick leave she has accrued. Mr. Gilmour stated no employee will lose on this proposal. Mr. Cody Gunn stood in support of the new policy on the behalf of code enforcement and building. Council concurred to move forward with preparing an amendment to enact this change.

3c. Office of the City Manager

1. Consider disposal of assets. Mr. Worthington reported the city purchased bitcoins in 2016 for use in ransomware purchases. The account now has a value of approximately \$100,000. Administration is seeking Council's permission to sell the bitcoins and use the proceeds from the sale will go into a restricted account to be used by the Downtown Development Authority of the City of Perry for new project financing. Council concurred to move forward with Administration's recommendation.

3d. Department of Community Development

1. Consider a moratorium on townhouse developments. Mr. Wood reported his office recently received an application for a townhouse development following the current design standards for townhouses. This is a large development encompassing 40-acres of land and called staff's attention to the fact that the current standards are lacking and need to be reviewed and some modification made. Mr. Wood requested Council place a moratorium on townhouse developments for the next 120-days to give his office time to research and put together appropriate design standards and other modification to bring before the Planning Commission and Council. Mr. Wood stated the moratorium would not include any townhouse development applications that have been file and excludes any townhouse developments that are PUD. Ms. Newby added it would be recommended that it not apply to any applications to rezone property to allow a townhouse development that is currently pending. Council concurred with Mr. Wood's and Ms. Newby's recommendation and a resolution will be drafted for Council's March 1, 2022 meeting.

3e. Finance Department

1. Options for acquiring pickup trucks. Mr. Worthington presented for Council's consideration options for acquiring pickup trucks for the Community Development department. Due to supply chain issues related to the COVID-19 pandemic, and delays of receiving new vehicles, Mr. Worthington reported Phil Brannen Ford of Perry (local dealer) have two new trucks on order from Ford that are scheduled to arrive in late April, 2022. Staff's recommendation is to purchase these vehicles from Phil Brannen Ford of Perry in the amount of \$37,176.00 per vehicle. Mayor Walker recommended this item be placed on Council's March 1, 2022 agenda.

4. Council Member Items.

Council had no reports.

Mr. Gilmour and Ms. Newby had no reports.

5. Department Head/Staff Items:

Ms. Fitzner provided an update on Pine Needle Park.

6. Adjourn. There being no further business to come before Council in the work session held on February 28, 2022, Mayor Pro Tempore King motioned to adjourn the meeting at 5:54 pm, and Council Member Jones seconded the motion, and it carried unanimously.

**MINUTES  
PRE-COUNCIL MEETING  
OF THE PERRY CITY COUNCIL  
March 1, 2022  
5:00 p.m.**

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

2. Roll:

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

Elected Official Absent: None.

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

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, Mitchell Worthington – Finance Director, Sedrick Swan – Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Tabitha Clark – Communications Administrator, Ashley Hardin – Economic Development Administrator, Annie Warren – City Clerk, Chad McMurrian – Engineering Services Manager, and Holly Wharton – Community Planner.

Media: William Oliver – Houston Home Journal.

3. Items of Review/Discussion: Mayor Randall Walker

3a. Discussion of March 1, 2022 council meeting agenda.

7a. Public Hearing – RZNE-0007-2022. Applicant, Lynward Barrett, request the rezoning of the property from R-1, Single-Family Residential, to C-2, General Commercial. The property is located at 1803 Houston Lake Road. Ms. Wharton reviewed the request. This item has been reviewed by the Planning Commission and staff and recommends approval with the outlined two (2) conditions: (1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan, (2). Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative.

7b. Public Hearing – RZNE-0008-2022. Applicant, Lynward Barrett, request the rezoning of the property from R-1, Single-Family Residential, to C-2, General Commercial. The property is located at Houston Lake Road and Gray Road. Ms. Wharton reviewed the request. This item has been reviewed by the Planning Commission and staff and recommends approval with the outlined two (2) conditions: (1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan, (2). Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative.

7c. Public Hearing – ANNX-0009-2022. Applicant, Chad Bryant, request the annexation and rezoning of the property from RAG (County) to R-2A, Single Family Residential (City). The property is located at Kings Chapel Road and Gurr Road. Ms. Wharton reviewed the request and stated that the applicant had not submitted preliminary site plans for the property. This item has been reviewed by the Planning Commission and staff and recommends approval with the three (3) outlined conditions: (1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan, (2). Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Kings Chapel Road and Gurr Road in support of the City of Perry's green corridor initiative and (3). Sidewalks within the neighborhood shall be installed in addition to sidewalks along King Chapel Road and Gurr Road as reflected in the City of Perry Pathways Plan.

After discussion by Council, the concerns were raised relative to buffer between the subdivisions, sidewalk frontage, and the impact on the school system due to development.

7d. Public Hearing – RZNE-0014-2022. Applicant, Chad Bryant, request the rezoning of the property from R-2, Two-Family Residential, to PUD, Planned Unit Development. The property is located on Gurr Road. Ms. Wharton reviewed the request. This item has been reviewed by the Planning Commission and staff and recommends approval with the two (2) outlined conditions: (1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan, and (2). The applicant's conceptual site plan and staff recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.

After discussion by Council, the concerns were raised about traffic increasing on Gurr Road and the plan does to have access to Hwy 341. The Administration recommends that the developer be required to connect to US Hwy 341/SR 11. Mr. Chad McMurrian stated that DOT would have to approve any roads to Hwy 341. Council concurred to notification of the petitioner and have the connection to US Hwy 341/SR 11.



7e. Public Hearing – RZNE-0015-2022. Applicant, Chad Bryant, request the rezoning of the property from C-2, General Commercial, to PUD, Planned Unit Development (Residential). The property is located at US Hwy 41 South at Holly Hills subdivision. Ms. Wharton reviewed the request. This item has been reviewed by the Planning Commission and staff and recommends approval with the two (2) outlined conditions: (1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan, and (2). The applicant's conceptual site plan and staff recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.

After discussion by Council, the concerns were raised relative to the number of developments going into that area with the amount of traffic connecting to Greenwood Drive and Briarcliff Road. The Administration recommended getting the determination from DOT to have access to Hwy 41 added.

7f. Public Hearing – RZNE-0019-2022. Applicant, John Anthony Thomson, request the rezoning of the property from R-2, Two-family Residential, to C-2, General Commercial. The property is located at 613 and 615 Martin Luther King, Jr. Drive. Ms. Wharton reviewed the request. This item has been reviewed by the Planning Commission and staff and recommends approval of the application.

7g. Public Hearing – RZNE-0020-2022. Applicant, Anjebhai Patel, request the rezoning of the property from C-1, Highway Commercial, to PUD, Planned Unit Development. The property is located at 1004, 1004a, and 1006 St. Patrick's Drive. Ms. Wharton reviewed the request. This item has been reviewed by the Planning Commission and staff and recommends approval with the one (1) outlined condition: The applicant's conceptual site plan and staff recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.

After discussion by Council, the concerns were raised relative to the property once rezoned being sold off and not having one general owner. Due to the density of the property, the request exceeds the special exemption requirements. The owner would have the right to sell, rent, or lease the properties to anyone, potentially causing 126 multiple owners.

4. Adjournment: Mayor Walker stated that due to time restraints, the next City Council meeting begins at 6:00 p.m., Mayor Walker called for a motion to adjourn the pre council meeting. Council Member Jones motioned to adjourn the meeting at 5:58 p.m. Mayor Pro Tempore King seconded the motion, and it carried unanimously.

**MINUTES**  
**REGULAR MEETING OF THE PERRY CITY COUNCIL**  
**March 1, 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 March 1, 2022 at 6:04 p.m.

2. Roll.

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

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, Mitchell Worthington – Finance Director, Sedrick Swan – Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Tabitha Clark – Communications Administrator, Ashley Hardin – Economic Development Administrator, Annie Warren – City Clerk, Chad McMurrin – Engineering Services Manager, and Holly Wharton – Community Planner.

Media: William Oliver – Houston Home Journal

Guest(s)/Speaker(s): Dr. Eric Smith and Ms. Darrian Woolfolk

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

4. Appear(s) Mayor Randall Walker

4a. Dr. Eric Smith, President of Stonebridge HOA. Dr. Smith presented to Mayor and Council a presentation relative to the citizens' concerns from Stonebridge. Dr. Smith outlines some of the areas that need improvements in the Stonebridge Subdivision. Some of the upgrades would be for the safety of the citizens of Stonebridge to have sidewalks installed on Flat Rock Road, install a playground for the kids to play, install speed bumps to slow traffic through the subdivision, and due to future growth in the area to widen Gurr Road to three lanes to help with traffic and make it safer.

5. Community Partner(s) Update(s): None

6. Citizens with Input. Ms. Darrian Woolfolk, 926 Jeanne Street – Thanked Mayor and Council for all their support in getting Sandhill beautiful and clean. Ms. Woolfolk wanted to thank the Public Works department for their hard work. Ms. Woolfolk thanked Mayor and Council for the CDBG Grant that assisted her with upgrades to her house.

7. PUBLIC HEARING CALLED TO ORDER AT 6:30 P.M. Mayor Randall Walker called to order a public hearing at 6:30 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.

7a. RZNE-007-2022. Applicant, Lynward Barrett, request the rezoning of the property from R-1, Single-family Residential, to C-2, General Commercial. The property is located at 1803 Houston Lake Road; Tax Map No. 0P41A0 024000.

Staff Report: Ms. Wharton stated this is a 3.51 acres located at 1803 Houston Lake Road. The applicant is requesting to be rezoned with the zoning classification of C-2, General Commercial. The Planning Commission and staff recommend approval of the rezoning request with the following two (2) conditions: (1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan, (2). Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative.

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

For: Lynward Barrett spoke in favor of the request and appreciated the Council's support.

Against: none

7b. RZNE-0008-2022. Applicant, Lynward Barrett, request the rezoning of the property from R-1, Single-Family Residential, to C-2, General Commercial. The property is located at Houston Lake Road and Gray Road; Tax Map No. 0P0440 07C000 – Ms. H. Wharton

Staff Report: Ms. Wharton stated this is a 5.73-acre lot located at Houston Lake Road and Gray Road. The Planning Commission and staff recommends approval with the following conditions: (1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan, (2). Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Houston Lake Road in support of the City of Perry's green corridor initiative.

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

For: Applicant, Mr. Lynward Barrett appreciated Council's consideration for his request.

Against: none

- 7c. ANNX-0009-2022. Applicant, Chad Bryant, request the annexation and rezoning of the property from RAG (County) to R-2A, Single Family Residential (City). The property is located at Kings Chapel Road and Gurr Road. Tax Map 000830 062000.

Staff Report: Ms. Wharton stated this is a 27.25-acre lot located on the Southwest corner of Kings Chapel Road and Gurr Road. The Planning Commission and staff recommends approval of the request with the following conditions: (1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan, (2). Upon development of the subject property, the property owner shall grant an easement in favor of the City of Perry for landscape installation and/or maintenance along Kings Chapel Road and Gurr Road in support of the City of Perry's green corridor initiative and (3). Sidewalks within the neighborhood shall be installed in addition to sidewalks along King Chapel Road and Gurr Road as reflected in the City of Perry Pathways Plan.

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

For: Applicant Chad Bryant stated that he appreciated the consideration of the Council and noted that the standard buffer for the property is 20-25 feet, and the homes would only be installed where the current pecan orchard is located.

Against: Julia Iacono, 101 Lasseter Ln, spoke against the annexation request due to concerns relative to the traffic study, with the growth in the area and limiting the amount of open space.

- 7d. RZNE-0014-2022. Applicant, Chad Bryant, request the rezoning of the property from R-2, Two-Family Residential, to PUD, Planned Unit Development. The property is located on Gurr Road. Tax Map 0P0480 039000.

Staff Report: Ms. Wharton stated this is a 49.12-acre lot located on Gurr Road. The applicant is requesting to be rezoned to PUD, Planned Unit Development. The Planning Commission and staff recommends approval of the proposed rezoning classification to PUD, Planned Unit Development with the following conditions: (1).Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan, and (2). The applicant's conceptual site plan and staff recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.

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

application.

For: Applicant Chad Byrant stated that topography issues are the reason for the rezoning request due to the smaller lot size requirements.

Against: Allyson Lancaster, 308 Stonegate Trl. Ms. Lancaster stated her disapproval of the request due to the amount of traffic it will create on Gurr Road and its impact on Houston County School systems.

Staff: Administration recommends that the developer be required to connect to US Hwy 341/SR 11.

- 7e. RZNE-0015-2022. Applicant, Chad Bryant, request the rezoning of the property from C-2, General Commercial, to PUD, Planned Unit Development (Residential). The property is located at US Hwy 41 South at Holly Hills subdivision. Tax Map 0P0320 075000.

Staff Report: Ms. Wharton stated this is a 27.1 acres lot located at US Hwy 41 South at Holly Hills subdivision. The applicant is requesting to be rezoned from C-2, General Commercial, to PUD, Planned Unit Development. The Planning Commission and staff recommends approval with the following conditions: (1). Future development of the subject property shall only be permitted as sewer capacity is available in accordance with the City of Perry Sewer Master Plan, and (2). The applicant's conceptual site plan and staff recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.

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

For: Mr. Chad Bryant stated he was the applicant and would answer any questions in favor of the application.

Against: none

- 7f. RZNE-0019-2022. Applicant, John Anthony Thomson, request the rezoning of the property from R-2, Two-family Residential, to C-2, General Commercial. The property is located at 613 and 615 Martin Luther King, Jr. Drive. Tax Map 0P0270 108000.

Staff Report: Ms. Wharton stated this is a .79 acre lot located at northwest intersection of Martin Luther King, Jr. Drive and Oak Ridge Drive. The Planning Commission and staff recommends approval of the zoning change with the requested C-2, General Commercial District zoning.

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

For: none

Against: none

- 7g. RZNE-0020-2022. Applicant, Anjebhai Patel, request the rezoning of the property from C-1, Highway Commercial, to PUD, Planned Unit Development. The property is located at 1004, 1004a, and 1006 St. Patrick's Drive. Tax Map op0400 021000, op0400 022000, op0400 048000.

Staff Report: Ms. Wharton stated this is a 4.28 acres located at 1004, 1004a, and 1006 St. Patrick's Drive. The applicant is requesting the rezoning classification from C-1, Highway Commercial to PUD, Planned Unit Development. The Planning Commission and staff recommends approval with the following condition: The applicant's conceptual site plan and staff recommended PUD standards shall constitute the approved PUD Plan and Standards for the subject property.

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

For: None.

Against: None.

- 7h. RZNE-0021-2022. Applicant, Angela J Cuti, request the rezoning of the property from OC, Office-Commercial District, to C-3, Central Business District. The property is located at 900 Ball Street; Tax Map oP0040 035000.

Staff Report: Ms. Wharton stated this property is located in the proximity of Downtown Perry. The Planning Commission and staff recommend approval of the request and proposed rezoning classification.

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

For: None.

Against: None.

Staff: City Manager Lee Gilmour recommended adding the condition to have a parking lot installed on the property due to not having any parking spaces.

PUBLIC HEARING CLOSED AT 8:00 P.M. Mayor Walker closed the public hearing at 8:00 p.m.

8. Review of Minutes: Mayor Randall Walker

- 8a. Council's Consideration – Minutes of the February 14, 2022 work session minutes, February 15, 2022, pre-council meeting, and February 15, 2022 council meeting.

Council Member Bynum-Grace motioned to approve the minutes as submitted. Council Member Peterson seconded the motion, and it carried unanimously.

9. Any Other Old Business:

- 9a. Mayor Randall Walker - none
- 9b. Council Members - none
- 9c. City Attorney Brooke Newby – none
- 9d. City Manager Lee Gilmour - none
- 9e. Assistant City Manager Robert Smith - none

10. New Business: Mayor Randall Walker

10a. Matters referred from February 28, 2022 work session and March 1, 2022, pre-council meeting.

- 1. Approval for FOPAS to conduct a fundraiser at the intersection of Commerce Street and Ball Street with the restriction of no food sales. Council Member Jones motioned to approve the request as outlined. Council Member Allbritton seconded the motion, and it carried unanimously.

- 2. Approval of the disposal of bitcoins asset when appropriate with the proceeds deposited in a restricted account for the downtown project. Council Member Jones motioned to approve the request as outlined, Council Member Peterson seconded the motion, and it carried unanimously.

- 3. A resolution for a moratorium on certain townhouse developments.

Adopted Resolution No. 2022-13 for the moratorium on certain townhouse development. Council Member Jones motioned to adopt the resolution as presented; Council Member Bynum-Grace seconded the motion, and it carried unanimously. *(Resolution No. 2022-13 has been entered into the City's official book of record).*

- 4. Approval of the purchase of two pickup trucks due to availability. Mayor Pro Tempore King motioned to approve the purchase of two pickup trucks due to availability. Council Member Jones seconded the motion, and it carried 5 to 1 with Council Member Hunt abstained.

10b. Ordinance(s) for First Reading(s) and Introduction.

- 1. **First Reading** of an ordinance for the rezoning of the property from R-1, Single-family Residential, to C-2, General Commercial. The property is located at 1803 Houston Lake Road; Tax Map No. 0P41A0 024000 – Mr. B Wood. *(No action required by Council).*

- 2. **First Reading** of an ordinance for the rezoning of the property from R-1, Single-family Residential, to C-2, General Commercial. The

property is located at Houston Lake Road and Gray Road; Tax Map No. 0P0440 07C000 – Mr. B. Wood. *(No action required by Council)*.

3. **First Reading** of an ordinance for the annexation of property to the City of Perry. The property is located at Kings Chapel Road. Tax Map No. 000830 062000 – Mr. B. Wood. *(No action required by Council)*.
4. **First Reading** of an ordinance for the rezoning of the property from RAG (County) to R-2A, Single-family Residential (City). The property is located at Kings Chapel Road and Gurr Road; Tax Map No. 000830 062000 – Mr. B. Wood. *(No action required by Council)*.
5. **First Reading** of an ordinance for the rezoning of the property from R-2, Two-family Residential to PUD, Planned Unit Development (Residential). The property is located on Gurr Road; Tax Map No. 0P0480 039000 – Mr. B. Wood. *(No action required by Council)*.
6. **First Reading** of an ordinance for the rezoning of the property from C-2, General Commercial, to PUD, Planned Unit Development (Residential). The property is located on US Hwy 41 South at Holly Hills subdivision; Tax Map No. 0P0320 075000 – Mr. B. Wood. *(No action required by Council)*.
7. **First Reading** of an ordinance for the rezoning of the property from R-2, Two-family Residential to C-2, General Commercial. The property is located at 613 and 615 Martin Luther King, Jr. Drive; Tax Map No. 0P0270 109000 and 0P0270 108000 – Mr. B. Wood. *(No action required by Council)*.
8. **First Reading** of an ordinance for the rezoning of the property from C-1, Highway Commercial, to PUD, Planned Unit Development (Residential). The property is located at 1004, 1004a, and 1006 St. Patrick's Drive; Tax Map No. 0P0400 021000, 0P0400 022000, and 0P0400 048000 – Mr. B. Wood. *(No action required by Council)*.
9. **First Reading** of an ordinance for rezoning the property from OC, Office-Commercial District, to C-3, Central Business District. Tax Map No. 0P0040 035000 – Mr. B. Wood. *(No action required by Council)*.
10. **First Reading** of an ordinance to amend the City Code re Meter Specifications– Ms. B Newby. *(No action required by Council)*.

10c. **Award of Bid(s):**

1. Bid No. 2022-23 Scoreboards – Mr. M. Worthington.

Mr. Worthington stated his office received one responsive bid in the amount of \$53,916.00. Staff recommends awarding the bid to the responsive bidder Electro-Mech Scoreboard Company in the amount of



\$53,916.00. Council Member Jones moved to award the bid to low bidder Electro-Mech Scoreboard Company in the amount of \$53,916.00; Council Member Peterson seconded the motion, and it carried unanimously.

10d. Resolution(s) for Consideration and Adoption:

1. A resolution to Condemn Certain Lands relative to 1506 Houston Lake Road.– Ms. B. Newby.

Adopted Resolution No. 2022-14 to condemn certain lands relative to 1506 Houston Lake Road. Mayor Pro Tempore King motioned to adopt the resolution as presented; Council Member Jones seconded the motion, and it carried unanimously. (*Resolution No. 2022-14 has been entered into the City's official book of record*).

11. Council Members Items: none

12. Department Heads/Staff Items:

Ms. Fitzner reported that the Lost Gas report was due on March 1<sup>st</sup>, and since last year, the City has reported a positive of .02%.

Ms. Hardin reported that the Economic Development briefing had been sent out, and the new Chick-Fil-A opens at its new location on March 8, 2022.

13. General Public Items: none

14. Mayor Items:

March 14, 2022, at 5:00 p.m. Work session

March 15, 2022, at 5:00 p.m. Pre council and council

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

15. Executive Session entered at 8:20 p.m.: Mayor Pro Tempore King moved to adjourn the regular meeting and enter into executive session for the purpose of real estate and litigation. Council Member Jones seconded the motion, and it carried unanimously.

16. Executive Session adjourned at 9:14 p.m.; Council regular meeting reconvened. Council adjourned the executive session held March 1, 2022, and reconvened into the regular meeting.

17. Adopted Resolution No. 2022-15 stated that the purpose of the executive session held on March 1, 2022, was to discuss real estate and litigation. Council Member Hunt moved to adopt a resolution stating the purpose of the executive session held on March 1, 2022, was to discuss real estate and litigation; Council Member Albritton seconded the motion, and it carried unanimously. (*Resolution No. 2022-15 has been entered in the City's official book of record*).

18. Adjournment: There being no further business to come before Council in the regular meeting held on March 1, 2022, Council Member Bynum-Grace motioned to adjourn the meeting at 9:16 p.m. Council Member Albritton seconded the motion, and it carried unanimously.

**RESOLUTION OF THE CITY OF PERRY, GEORGIA  
TO AMEND THE HOUSTON COUNTY SERVICE DELIVERY STRATEGY**

**WHEREAS**, during its 1997 Legislative Session, the Georgia State Legislature adopted the Service Delivery Strategy Act; and

**WHEREAS**, this act requires that every county within the State of Georgia adopt a Service Delivery Strategy which identifies the methods, funding sources, service provider, and geographic service area of each public service activity provided within the county; and

**WHEREAS**, city and county officials have worked diligently to prepare the county's Service Delivery Strategy; and

**WHEREAS**, the Mayor of the City of Perry is required to sign the requisite documents acknowledging approval of the Service Delivery Strategy.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Perry that the attached Houston County Service Delivery Strategy is hereby adopted as the official Service Delivery Strategy, to be updated from time-to-time as required in Title 36 of the Official Code of Georgia Annotated, 36-70-1 et seq.; and

**BE IT FURTHER RESOLVED** that the Mayor of the City of Perry is hereby authorized to place the Service Delivery Strategy on the appropriate forms prescribed by the Georgia Department of Community Affairs, to execute those forms in the proper places, and to submit the Service Delivery Strategy to the Department of Community Affairs for verification in compliance with O.C.G.A. 36-70-26.

Adopted this 15th day of March, 2022 at the City's regular council meeting.

CITY OF PERRY, GEORGIA

By: \_\_\_\_\_  
Randall Walker, Mayor

Attest: \_\_\_\_\_  
Annie Warren, City Clerk

[CITY SEAL]

**A RESOLUTION OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, TO AMEND ITS ANNUAL AND SICK LEAVE POLICIES TO PROVIDE FOR A TRANSITION TO A PAID TIME OFF (“PTO”) POLICY**

**WHEREAS**, the City has adopted the City of Perry Personnel Management System; and

**WHEREAS**, the City currently provides annual leave and sick leave to its full time employees; and

**WHEREAS**, the City desires to transition to a Paid Time Off (“PTO”) leave system wherein annual leave and sick leave are combined;

**NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED**, by the Council of the City of Perry that its Annual Leave and Sick Leave policies be converted into a Paid Time Off (“PTO”) policy as follows:

1.

**Section 2. Annual Leave of Article VI, Holidays, Leave and Breaks** is amended to read as follows:

**Article VI**  
**Holidays, Leave and Breaks**

**Section 2. Paid Time Off (“PTO”) Policy**

**Overview.** PTO is an all-purpose time off policy that the City of Perry provides to regular full-time employees to use for vacation, personal illness, illness of an immediate family member, or other personal business. It combines traditional vacation and sick leave plans into one flexible, paid time-off policy. This is intended to help employees maintain a healthy and productive work/life balance that will benefit them during their employment with the City. The amount of paid time off earned during each pay period will be based on the employee’s shift type (standard shift employees, 12-hour-shift police officers, and 24-hour-shift firefighters) and length of service with the City. There is no cap on the accumulation of PTO hours.

**Eligibility.** Annual paid time off is accrued and granted to regular, full-time employees. There is no restriction on probationary employees using accrued PTO hours, provided the leave is approved in accordance with this policy.

**Implementation.** With the effective date of this policy being retroactive to January 1, 2022, eligible employees will accrue only PTO hours, not sick leave, beginning the first full pay period following adoption. This pay period began on January 11, 2022, with wages paid out on January 28, 2022. The Personnel Department will make the necessary adjustments to all full-time employees’ leave balances to reflect the retroactive effective date.

**PTO Payout.** Upon separation from City employment for any reason, employees shall be entitled to compensation at their current hourly rate for up to the applicable maximum number of accrued PTO hours shown in Figure 1 below. In the event of an employee’s death, a payment of the accumulated PTO hours up to the applicable maximum amount may be paid to the employee’s estate.

**Fig. 1: Leave Pay-Out Schedule**

Months of Service	Shift Type		
	Standard	12-Hour Police	24-Hour Fire
Less than 60	240	258	366
Less than 120	280	301	424
Less than 180	320	344	482
Less than 240	350	382	531
Less than 300	370	401	555
300+	390	420	580

**Accrual During Leave.** Regular full-time employees will continue to accrue PTO hours while on authorized paid leave.

**PTO Pay Rate.** Pay for PTO shall be at the employee's regular rate of pay in effect for the employee's regular job for the pay period in which the leave is taken.

**Accrual Rate.** PTO will accrue biweekly in alignment with the City's pay schedule. The accrual rate per pay period is dependent upon the employee's shift type and completed months of service as shown in Figure 2:

**Fig. 2: PTO Accrual Schedule**

Months of Service	Shift Type		
	Standard	12-Hour Police	24-Hour Fire
Less than 60	6 hours, 5 minutes	6 hours, 24 minutes	8 hours, 36 minutes
60+	7 hours, 36 minutes	8 hours	10 hours, 42 minutes

**Reemployment.** In the event any person having accrued PTO ceases to be employed by the City and is thereafter re-employed, the balance of accrued leave exceeding the maximum leave payout schedule of the employee at the time of separation is forfeited. The employee upon reemployment will accrue and use personal leave in the same manner as if a new employee.

**Scheduling & Approval of Paid Time Off.** Except in special circumstances, or in case of sickness or illness, PTO should be requested in writing via completion of the City's Leave Request Form at least three days in advance of the leave request start date. Individual departments may levy more stringent requirements regarding how far in advance leave requests must be submitted.

Leave requests must be submitted to the employee's supervisor for approval. When possible, employees will be allowed to take leave at times they request, subject to operating, staffing, and scheduling needs. The City reserves the right to limit the number of employees that may be absent from a given department at any one time. In case of a conflict in the leave requests of two or more employees who cannot be spared at the same time, the Department Head will determine who will take leave.

If the need for PTO is unforeseeable and the employee is unable to provide advance notice as outlined in this policy, an employee must report to their supervisor at least 60 minutes in advance of the scheduled starting time the reason for the absence. If the supervisor is unavailable, the employee must report the absence to the Department Head. An employee who fails to provide such advance notification may be subject to disciplinary action.

**Charging of PTO Hours.** For each full shift absent, an employee will be charged the number of hours equivalent to their regular shift schedule (8 hours of PTO for a full day's absence for standard employees, 12 hours for a 12-hour shift police officer, 24 hours for a 24-hour shift firefighter).

PTO will be used and charged in units of one-quarter hour for nonexempt employees and units of eight hours for exempt employees.

If an employee is on approved PTO leave that includes a City holiday, the employee will not be charged PTO unless their leave exceeds 8 hours on the holiday - for example, for a 12-hour shift police officer or 24-hour shift firefighter who was scheduled to work on the holiday. In such a case, any hours over the initial 8 will be charged against the employee's accrued PTO hours.

**Leave Requirement for Designated Sensitive Positions.** Within each calendar year every position which involves accounting, regulatory enforcement, revenue collection/distribution, purchasing, or personnel tasks shall be scheduled for no less than five consecutive normally scheduled weekdays off on PTO as a matter of internal control. The City Manager shall provide an annual listing of said positions. An employee so designated will have the latitude to schedule these five consecutive days off each year, subject to the normal approval process. The supervisor of an employee so designated will ensure that the employee fulfills this annual requirement.

3.

**Section 3. Sick Leave of Article VI, Holidays, Leave and Breaks** is amended to read as follows:

**Article VI**  
**Holidays, Leave and Breaks**

**Section 3. Sick Leave**

With the effective date of the City's PTO policy being retroactive to January 1, 2022, eligible employees will only accrue PTO hours, not sick leave, beginning the first full pay period following adoption. This pay period began on January 11, 2022, with wages paid out on January 28, 2022. Any employee hired on or after January 11, 2022 will not have a sick leave balance as they would accrue leave solely under the PTO policy.

An employee with accrued sick leave hours will continue to retain these hours for use in accordance with the City's previous Sick Leave policy. Said policy provided that sick leave would be granted for any of the following: sickness, bodily injury, pregnancy and childbirth, necessary physical or dental examinations or quarantine by a physician. Any employee who leaves employment with the City either voluntarily or through dismissal shall not be entitled to compensation for any unused sick leave.

So RESOLVED this 15<sup>th</sup> day of March, 2022.

**CITY OF PERRY, GEORGIA**

By: \_\_\_\_\_  
RANDALL WALKER, MAYOR

[City Seal]

Attest: \_\_\_\_\_  
ANNIE WARREN, CITY CLERK

**A RESOLUTION OF THE CITY OF PERRY, GEORGIA OPPOSING HB 1093 AND SB 494 AND OPPOSING LIMITATIONS ON A CITY'S AUTHORITY TO MAKE HOUSING, LAND USE AND ZONING DECISIONS WITHIN A LOCAL GOVERNMENT'S GEOGRAPHICAL BOUNDARIES**

**WHEREAS**, the Council of the City of Perry, Georgia ("Council") has reviewed HB 1093 and SB 494 ("Bills"), currently being considered in the Georgia General Assembly; and

**WHEREAS**, the Bills would prohibit local governments from addressing newly developed corporate rental subdivisions through any regulation, restriction or condition that is not the same for single-family residential areas; and

**WHEREAS**, the Bills are aimed at allowing unlimited access for corporations to develop "build to rent" subdivisions which vary greatly in price, quality, management and tenant protections; and

**WHEREAS**, the Council opposes the Bills for a number of reasons, including the fact that the Georgia Constitution recognizes zoning and land use decisions are core functions of local governments, and housing is a large component of those decisions; and

**WHEREAS**, local elected officials are responsible for ensuring affordable, predictable housing options within their respective communities; and

**WHEREAS**, such housing and land use decisions are best made at the local level through comprehensive planning and citizen input; and

**WHEREAS**, to ensure vibrant and sustainable communities, local governments require flexibility to decide what is appropriate for their community's neighborhoods; and

**WHEREAS**, home ownership is a financial asset that historically has been affordable to all economic levels; and

**WHEREAS**, rising costs in construction, land and materials are pushing the reality of home ownership further from the reach of more and more Americans, particularly young families; and

**WHEREAS**, home ownership and the growing equity value it provides is a source of capital for families to start businesses, send children to college, build retirement nest eggs, provide financial resources during financial emergencies, offer an asset to provide services such as assisted living or nursing care or cover a myriad other financial and economic resources to weather life challenges; and

**WHEREAS**, these and other benefits are why preserving opportunities for homeownership has long been a high priority of public policy in the United States; and

**WHEREAS**, good public policy requires a balance of housing options to meet individual needs; however, the Bills remove local decision making from the type and mix of housing available; and

**WHEREAS**, the superiority of local determination of the type of housing available in a community is one reason why local governmental control of zoning and land use is enshrined in Georgia's State Constitution; and

**WHEREAS**, the removal of local oversight and the negating of local policy goals inherent in the Bills allows outside forces to determine the type of housing available in a community with no need to work with existing community stakeholders wishing to have a voice in the process; and

**WHEREAS**, protecting property rights is an important component of good public policy, but good public policy also takes into consideration the property rights, property values and the neighborhood characteristics that purchasers relied on when investing their lifesavings in their current home;

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE** Council of the City of Perry, Georgia, that this governing body hereby objects to and opposes any legislation or act limiting a local government’s authority to make land-use and zoning decisions within its geographical boundaries; and

**BE IT FURTHER HEREBY RESOLVED** that a copy of this Resolution be delivered to each member of the Georgia House of Representatives and Senate representing the City of Perry, Georgia, and made available for distribution to the public and the press.

**ADOPTED**, this 15th day of March, 2022.

**CITY OF PERRY, GEORGIA**

\_\_\_\_\_  
Randall Walker, Mayor

**Attest:**

\_\_\_\_\_  
Clerk

(SEAL)





Activity Number: 1290540

## LEASE AGREEMENT

THIS LEASE (this "Lease"), the effective date of which shall be the date last executed, below, by the Parties hereto (the "Effective Date") by and between **CENTRAL OF GEORGIA RAILROAD COMPANY** a Georgia corporation (the "Landlord") and **CITY OF PERRY**, a Georgia government entity (the "Tenant").

**1. Premises: Use.** For and in consideration of the agreements set forth herein, to be paid, kept and performed by Tenant, Landlord hereby leases and rents to Tenant, insofar as its right, title and interest in the Premises enables it to do so, and without any warranty or representation, that certain real property located at Milepost 31.87-G in **PERRY, HOUSTON COUNTY, GEORGIA**, having an area of 60,000 square feet, more or less, the location and dimensions of which are substantially shown on Drawing No. 1290540 dated March 7, 2022, **Exhibit "A"** attached hereto (the "Land"), together with all improvements thereon (the "Improvements"). The Land and the Improvements are collectively referred to herein as the "Premises". This Lease is subject to all encumbrances, easements, conditions, covenants and restrictions, whether or not of record.

The Premises shall be used for construction and maintenance of an unpaid public parking lot and for maintenance of an access road leading to an adjacent cemetery and no other purpose. The Premises shall not be used for any illegal purposes, for the storage of unlicensed vehicles, nor in any manner to create any nuisance or trespass. No smoking is permitted in or about the Premises. Landlord reserves unto itself and its permittees, the permanent right to construct, maintain or replace upon, under, or over the Premises, any pipe, electrical, telecommunications, and signal lines, or any other facilities of like character now installed or hereinafter to be installed. Landlord further reserves unto itself and its permittees the right to enter upon the Premises at any and all times for the purposes of operating, maintaining, constructing or relocating any trackage or railroad facilities located on, or in the vicinity of, the Premises.

The terms and conditions of the Rider, if any, attached hereto as **Exhibit "B"** are incorporated herein by this reference. In the event of an inconsistency between the terms hereof and the terms of the Rider, the terms of the Rider shall prevail.

**2. Term.** To have and to hold for a term beginning on **April 1, 2022** and continuing thereafter on a periodic basis. In addition to any termination rights that the parties may have hereunder, either party may terminate this Lease for any reason by giving the other party not less than (30) days' notice of such termination. Any such termination pursuant to the preceding sentence shall not relieve Tenant from satisfying and performing all of its obligations hereunder (including, but not limited to, the payment of rental) through the date of such termination and shall not relieve either party from performing any obligation that, pursuant to the terms of the Lease, survives the termination of the Lease.

**3. Base Rental.** Commencing on **April 1, 2022** (the "Rental Commencement Date") and thereafter on each anniversary thereof during the term of this Lease, Tenant shall pay to Landlord, without offset, abatement or demand, initial base rental of **THREE THOUSAND SIX HUNDRED AND 00/100 DOLLARS (\$3,600.00)**. The amount of the base rental shall be increased (and not decreased) on an annual basis by the percentage of increase, if any, in the United States, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) (1982-1984 = 100) U.S. City Average, All Items (the "Index") as set forth below. If the Index has changed so that



the base year differs from that used in this Paragraph, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics, to the 1982-84 base. If the Index is discontinued or revised during the term of this Lease, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

The "**Adjustment Date**" shall mean the first anniversary of the Rental Commencement Date and each anniversary thereof during the term of this Lease. The Index published nearest to the Rental Commencement Date shall be the "**Base Index**". The Index published nearest to the date three (3) months prior to the then current Adjustment Date shall be the "**Adjustment Index**". On each Adjustment Date, the base rental shall be adjusted by multiplying the base rental payable under this Lease at the Rental Commencement Date by a fraction, the numerator of which fraction is the applicable Adjustment Index and the denominator of which fraction is the Base Index. The amount so determined shall be the base rental payable under the Lease beginning on the applicable Adjustment Date and until the next Adjustment Date (if any).

Base rental shall be due in advance. Except in the event of default, base rental for any partial rental periods shall be prorated. The acceptance by Landlord of base rental shall not constitute a waiver of any of Landlord's rights or remedies under this Lease. All payments of base rental, and any additional rental payable hereunder, shall be sent to the Treasurer of Landlord at Mail Code 5629, P.O. Box 105046, Atlanta, Georgia 30348-5046, or such other address as Landlord may designate in any invoice delivered to Tenant. Prior to or simultaneously with Tenant's execution of this Lease, Tenant has paid to Landlord (a) a non-refundable, application fee in the amount of \$500.00, and (b) the first installment of base rental due hereunder. In the event Tenant fails to pay base rental or any other payment called for under this Lease on or before the due date, Tenant shall pay a late charge equal to five percent (5%) of the unpaid amount. In addition, any sum not paid within thirty (30) days of its due date shall accrue interest thereafter until paid at the rate per annum equal to the lesser of (a) the highest interest rate permitted by applicable law; or (b) eighteen percent (18%).

**4. Taxes.** See Rider.

**5. Utilities.** Landlord shall have no obligation to provide light, water, heat, air conditioning or any other utilities or services to the Premises. Tenant shall place any and all utility and service related bills in its name and shall timely pay the same, along with all assessments or other governmental fees or charges pertaining to the Premises, including without limitation those related to stormwater. If Tenant does not pay same, Landlord may (but shall not be obligated to) pay the same, including any and all late fees and penalties, and such payment shall be added to and treated as additional rental of the Premises.

**6. Maintenance and Repairs.** Tenant, at its sole cost, shall keep and maintain all of the Premises (including, but not limited to, all structural and non-structural components thereof and all systems) in good order and repair (including replacements) and shall keep the Premises free of pests and rodents. Tenant hereby waives (a) any rights at law or in equity to require Landlord to perform any repair, replacement or maintenance to the Premises, and (b) any right to abate rental or terminate this Lease due to the failure by Landlord to perform any repairs, replacements or maintenance. Tenant shall not create any lien, charge or encumbrance upon the Premises, and Tenant shall promptly remove or bond over any such lien, charge or encumbrance.



**7. Modifications and Alterations to the Premises.** Tenant shall make no modifications, alterations or improvements to the Premises without the prior written consent of Landlord, which consent may be withheld in Landlord's sole and absolute discretion. Any modifications or alterations consented to by Landlord shall be completed in a good, workmanlike and lien-free manner, in accordance with all applicable laws, codes, regulations and ordinances and by contractors approved by Landlord. Tenant may remove any moveable equipment or trade fixtures owned by Tenant during the term of this Lease, provided that any damage caused by such removal shall be repaired by Tenant in a manner acceptable to Landlord.

**8. Return of Premises.** At the expiration or prior termination of this Lease, Tenant shall remove all of its moveable equipment and trade fixtures and repair any or all alterations made to the Premises. Upon Landlord's request, Tenant shall promptly and with due care remove any or all of the improvements located on the Premises. Tenant shall immediately repair, in a manner acceptable to Landlord, any damage arising out of any such removal or repair. Tenant shall also return the Premises, including the subsurface, in as good order and condition as said Premises may have been prior to the use and occupation thereof by Tenant, normal wear and tear excepted, and free from holes, obstructions, debris, wastes, or contamination of any kind. Tenant agrees that any improvements not removed from the Premises that are owned by Tenant may be deemed the property of Landlord at Landlord's option. Failure to comply with this Paragraph 8 will constitute holding over by Tenant.

If Tenant fails to restore the Premises, including removal of the improvements, as provided herein prior to the date Tenant is required to vacate the Premises or as otherwise requested by Landlord, then Landlord may, at Landlord's option, but at the sole cost and expense of Tenant, remove or arrange to remove all such property, improvements, obstructions, debris, waste, and contamination, and restore or arrange to restore both the surface and the subsurface of the Premises to as good order and condition as said Premises may have been prior to the use and occupation thereof by Tenant. Promptly upon bill rendered by Landlord, Tenant shall pay to Landlord the total cost of such removal and restoration, including, but not limited to, the cost of cleaning up and removing any contaminated soil or water.

**9. Destruction of or Damage to Premises.** If all or substantially all of the Premises are destroyed by storm, fire, lightning, earthquake or other casualty, this Lease shall terminate as of the date of such destruction, and rental shall be accounted for as between Landlord and Tenant as of that date. In the event of such termination, rental shall be prorated and paid up to the date of such casualty. In no event shall Tenant have any right to terminate this Lease if the casualty in question was caused or contributed to by Tenant, its agents, employees, contractors or invitees.

**10. Indemnity.** Except for damage caused solely by Landlord's negligence, Tenant agrees to indemnify, defend and save harmless Landlord, Landlord's parent companies, subsidiaries, affiliates, lessors, licensors, and subsidiaries of parent companies (collectively the "Landlord Related Entities") and Landlord's and Landlord's Related Entities' officers, directors, members, shareholders, lenders, agents and employees (collectively the "Landlord Entities") against all claims (including but not limited to claims for bodily injury, death or property damage), economic losses, liabilities, costs, injuries, damages, actions, mechanic's liens, losses and expenses (including but not limited to reasonable attorney's fees and costs) to whomsoever, including, but not limited to, Tenant's agents, workmen, servants or employees, or whatsoever occurring (collectively, "Claims") arising out of or relating to Tenant's use or occupancy of the Premises. To the fullest extent permitted by applicable laws, Tenant hereby waives and releases the Landlord Entities from any Claims (including but not limited to Claims relating to interruptions in services) arising out of or relating in any way to the Tenant's use or occupancy of the Premises.



**11. Governmental Orders.** Tenant agrees, at its own expense, to comply with all laws, orders, regulations, ordinances or restrictions applicable by reason of Tenant's use or occupancy of the Premises or operation of its business.

**12. Condemnation.** If the Premises or such portion thereof as will make the Premises unusable for the purpose herein leased shall be condemned by any legally constituted authority for any public use or purpose, or sold under threat of condemnation, then this Lease shall terminate as of the date of such condemnation or sale, and rental shall be accounted for between Landlord and Tenant as of such date. All condemnation awards shall belong to Landlord; provided, however, and to the extent permitted under applicable law, Tenant shall be entitled to file a separate claim against the condemning authority for loss of its personal property and moving expenses so long as the filing of such claim does not affect or reduce Landlord's claim as to such awards or proceeds.

**13. Assignment.** Tenant may not assign this Lease or any interest thereunder or sublet the Premises in whole or in part or allow all or a portion of the Premises to be used by a third party without the prior written consent of Landlord. If Tenant is a corporation, partnership, limited liability company or other entity, the transfer of more than fifty percent (50%) of the ownership interests of Tenant or the transfer of a lesser percentage which results in a transfer of control of Tenant (WHICH INCLUDES, WITHOUT LIMITATION, TRANSACTIONS IN WHICH TENANT SELLS ITS BUSINESS, SELLS ALL OR SUBSTANTIALLY ALL OF THE ASSETS OF ITS BUSINESS OR MERGES OR CONSOLIDATES WITH ANOTHER ENTITY), whether in one transaction or a series of related transactions, shall constitute an assignment for purposes of this Lease. All requests for an assignment or sublease shall be accompanied by a copy of the proposed assignment or sublease agreement and an administrative fee in the amount of \$750.00. Any assignee shall become liable directly to Landlord for all obligations of Tenant hereunder. No such assignment or sublease nor any subsequent amendment of the Lease shall release Tenant or any guarantor of Tenant's obligations hereunder. If any such subtenant or assignee pays rental in excess of the rental due hereunder or if Tenant receives any other consideration on account of any such assignment or sublease, Tenant shall pay to Landlord, as additional rent, one-half of such excess rental or other consideration upon the receipt thereof. Any assignment or sublease made in violation of this Paragraph 13 shall be void and shall constitute a default hereunder.

**14. Environmental.** Tenant covenants that neither Tenant, nor any of its agents, employees, contractors or invitees shall cause or permit any aboveground or underground storage tanks or associated piping (collectively "Tanks") to be located on or under the Premises or any Hazardous Materials (as hereinafter defined) to be stored, handled, treated, released or brought upon or disposed of on the Premises. Tenant shall comply, at its own expense, with any and all applicable laws, ordinances, rules, regulations and requirements respecting solid waste, hazardous waste, air, water, pollution or otherwise relating to the environment or health and safety (collectively "Environmental Laws"). Tenant shall not under any circumstance dispose of trash, debris or wastes on the Premises and will not conduct any activities on the Premises which require a hazardous waste treatment, storage or disposal permit. As used herein, the term "Hazardous Materials" means asbestos, polychlorinated biphenyls, oil, gasoline or other petroleum based liquids, and any and all other materials or substances deemed hazardous or toxic or regulated by applicable laws, including but not limited to substances defined as hazardous under the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. §9601 et seq., or the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq. (or any state counterpart to the foregoing statutes) or determined to present the unreasonable risk of injury to health or the environment under the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq. Tenant shall indemnify, defend and hold the Landlord Entities



harmless from and against any and all claims, judgments, damages, penalties, fines, costs (including without limitation, consultant's fees, experts' fees, attorney's fees, investigation and cleanup costs and courts costs), liabilities or losses resulting from (1) the storage, handling, treatment, release, disposal, presence or use of Hazardous Materials in, on or about the Premises from and after the date of this Lease or (2) the violation by Tenant of any provision of any Environmental Laws. Without limiting the generality of the foregoing indemnity, in the event Landlord has reason to believe that the covenants set forth in this Paragraph 14 have been violated by Tenant, Landlord shall be entitled, at Tenant's sole expense, to take such actions as Landlord deems necessary in order to assess, contain, delineate and/or remediate any condition created by such violation. Any sums expended by Landlord shall be reimbursed by Tenant, as additional rental, within thirty (30) days after demand therefor by Landlord. Landlord has the right to enter the Premises at all reasonable times for purposes of inspecting the Premises in order to evaluate Tenant's compliance with the covenants of this Paragraph 14. In the event Tenant delivers or receives any notices or materials from any governmental or quasi-governmental entity and such notices or materials relate to Tanks or Hazardous Materials in, on or about the Premises, Tenant shall immediately send to Landlord a copy of such notices or materials. Tenant shall also provide Landlord with a detailed report relating to any release of a Hazardous Material in, on or about the Premises whenever such release is required to be reported to governmental authorities pursuant to the Environmental Laws. Upon the expiration or earlier termination of this Lease, Landlord shall have the right to cause to be performed such environmental studies of the Premises by an environmental consultant as are necessary to determine whether any Hazardous Materials have been stored, handled, treated, released, brought upon or disposed of on the Premises during the term of this Lease in violation of the terms hereof. If any such study reveals any violation of this Lease, Tenant shall promptly reimburse Landlord for the costs of such studies and Tenant shall immediately undertake a further investigation, if necessary, and remediation of such contamination. Landlord may undertake such investigation and remediation if Tenant fails to do so within a reasonable time frame, in which case Tenant shall promptly reimburse Landlord for the cost of same within thirty (30) days after demand therefore by Landlord. The obligations of this Paragraph 14 shall survive the expiration or earlier termination of this Lease.

**15. Default; Remedies.** In the event (i) any payment of rental or other sum due hereunder is not paid within ten (10) days after the due date thereof; (ii) the Premises shall be deserted or vacated; (iii) Tenant shall fail to comply with any term, provision, condition or covenant of this Lease, other than an obligation requiring the payment of rental or other sums hereunder, and shall not cure such failure within twenty (20) days after notice to the Tenant of such failure to comply; (iv) Tenant shall attempt to violate or violate Paragraph 13 above; or (v) Tenant or any guarantor shall file a petition under any applicable federal or state bankruptcy or insolvency law or have any involuntary petition filed thereunder against it, then Landlord, in addition to any remedy available at law or in equity, shall have the option to do any one or more of the following:

(a) Terminate this Lease, in which event Tenant shall immediately surrender the Premises to Landlord. Tenant agrees to indemnify the Landlord Entities for all loss, damage and expense which Landlord may suffer by reason of such termination.

(b) Without terminating this Lease, terminate Tenant's right of possession, whereupon rental shall continue to accrue and be owed by Tenant hereunder. Thereafter, at Landlord's option, Landlord may enter upon and relet all or a portion of the Premises (or relet the Premises together with any additional space) for a term longer or shorter than the remaining term hereunder and otherwise on terms satisfactory to Landlord. Tenant shall be liable to Landlord for the deficiency, if any, between Tenant's rental hereunder and all net sums received by Landlord on account of such reletting (after deducting all costs incurred by Landlord in



connection with any such reletting, including without limitation, tenant improvement costs, brokerage commissions and attorney's fees).

(c) Pursue a dispossessory, eviction or other similar action against Tenant, in which event Tenant shall remain liable for all amounts owed hereunder, including amounts accruing hereunder from and after the date that a writ of possession is issued.

(d) Perform any unperformed obligation of Tenant, including, but not limited to, cleaning up any trash, debris or property remaining in or about the Premises upon the expiration or earlier termination of this Lease. Any sums expended by Landlord shall be repaid by Tenant, as additional rent, within ten (10) days after demand therefor by Landlord.

Pursuit of any of the foregoing remedies shall not preclude pursuit of any other remedies available at law or in equity. Tenant agrees to pay all costs and expenses, including, but not limited to, reasonable attorney's fees and consultant's fees, incurred by Landlord in connection with enforcing the performance of any of the provisions of this Lease, whether suit is actually filed or not. Acceptance of rental or any other sums paid by Tenant shall not constitute the waiver by Landlord of any of the terms of this Lease or any default by Tenant hereunder. Landlord shall not be required to mitigate damages, and the parties intend to waive any burden that applicable law may impose on Landlord to mitigate damages; provided, however, if applicable law nevertheless requires Landlord to mitigate damages then (i) Landlord shall have no obligation to treat preferentially the Premises compared to other premises Landlord has available for leasing; (ii) Landlord shall not be obligated to expend any efforts or any monies beyond those Landlord would expend in the ordinary course of leasing space; and (iii) in evaluating a prospective reletting of the Premises, the term, rental, use and the reputation, experience and financial standing of prospective tenants are factors which Landlord may properly consider.

**16. Signs; Entry by Landlord.** Landlord may place "For Lease" signs upon the Premises one hundred twenty (120) days before the termination of this Lease and may place "For Sale" signs upon the Premises at any time. Landlord may enter the Premises with prior notice to Tenant at reasonable hours during the term of this Lease (a) to show the same to prospective purchasers or tenants, (b) to make repairs to Landlord's adjoining property, if any, (c) to inspect the Premises in order to evaluate Tenant's compliance with the covenants set forth in this Lease, or (d) to perform activities otherwise permitted or contemplated hereby.

**17. No Estate in Land.** This Lease shall create the relationship of landlord and tenant between Landlord and Tenant; Tenant's interest is not assignable by Tenant except as provided in Paragraph 13, above.

**18. Holding Over.** If Tenant remains in possession of the Premises after expiration of the term hereof with Landlord's written consent, Tenant shall be a month-to-month tenant upon all the same terms and conditions as contained in this Lease, except that the base rental shall become two times the then current base rental, and there shall be no renewal of this Lease by operation of law. Such month-to-month tenancy shall be terminable upon thirty (30) days written notice by either party to the other. Tenant waives any right that it may have to additional notice pursuant to applicable law. If Tenant remains in possession of the Premises after the expiration of the term hereof without Landlord's written consent, Tenant shall be a tenant at sufferance subject to immediate eviction. In such event, in addition to paying Landlord any damages resulting from such holdover, Tenant shall pay base rental at the rate of three times the then current base rental. In such circumstance, acceptance of base rental by Landlord shall not constitute consent or



agreement by Landlord to Tenant's holding over and shall not waive Landlord's right to evict Tenant immediately.

**19. Notices.** Any notice given pursuant to this Lease shall be in writing and sent by certified mail, return receipt requested, by hand delivery or by reputable overnight courier to:

(a) **Landlord:** c/o Director Real Estate, Norfolk Southern Corporation, 650 W Peachtree St NW, Atlanta, GA 30308, or at such other address as Landlord may designate in writing to Tenant.

(b) **Tenant:** CITY OF PERRY, 1211 WASHINGTON STREET, PERRY GA 31069, or at such other address as Tenant may designate in writing to Landlord.

Any notice sent in the manner set forth above shall be deemed delivered three (3) days after said notice is deposited in the mail if sent by certified mail (return receipt requested), or upon receipt if sent by hand delivery or reputable overnight courier. Any change of notice address by either party shall be delivered to the other party by the manner of notice required hereby.

**20. Track Clearance.** Notwithstanding anything contained in this Lease, and irrespective of the sole, joint, or concurring negligence of Landlord, Tenant shall assume sole responsibility for and shall indemnify, save harmless and defend the Landlord Entities from and against all claims, actions or legal proceedings arising, in whole or in part, from the conduct of Tenant's operations, or the placement of Tenant's fixtures, equipment or other property, within twenty-five feet (25') of Landlord's tracks, if any, located on or adjacent to the Premises. In this connection it is specifically understood that knowledge on the part of Landlord of a violation of the foregoing clearance requirement, whether such knowledge is actual or implied, shall not constitute a waiver and shall not relieve Tenant of its obligations to indemnify the Landlord Entities for losses and claims resulting from any such violation.

**21. Brokerage.** Landlord and Tenant hereby covenant and agree to indemnify and hold the other harmless from and against any and all loss, liability, damage, claim, judgment, cost and expense (including without limitation attorney's fees and litigation costs) that may be incurred or suffered by the other because of any claim for any fee, commission or similar compensation with respect to this Lease, made by any broker, agent or finder claiming by, through or under the indemnifying party, whether or not such claim is valid.

**22. Tenant's Insurance.**

Except to the extent modified by applicable law, Tenant shall procure and maintain, at all times and at its expense, in a form and with an insurance company acceptable to Landlord, Commercial General Liability Insurance for the Premises. Such coverage shall (a) have a single limit of not less than \$1,000,000.00 for each occurrence (or such greater amount over time so as to be commercially reasonable) and shall provide for a deductible of not more than \$5,000.00, (b) cover Tenant's contractual liability hereunder, (c) cover Tenant and Landlord for liability arising out of work performed by any third parties for Tenant in or about the Premises, (d) name the Landlord Entities as additional insureds, and (e) be considered primary and noncontributory, regardless of any insurance carried by Landlord. Any property insurance maintained by Tenant on its furniture, fixtures, equipment and personal property shall include a waiver of subrogation in favor of Landlord. Tenant shall deliver certificates of insurance evidencing the insurance required hereinabove to Landlord simultaneously with the execution of this Lease by Tenant, which certificates shall reflect that the policies shall not be canceled without at least thirty (30) days prior



notice to Landlord. If Tenant fails to obtain the necessary coverages, Landlord may do so at Tenant's expense and the same shall constitute additional rental. All insurance certificates should be delivered to Landlord's Risk Management Department, Three Commercial Place, Norfolk, Virginia 23510, simultaneously with the execution of this Lease by Tenant. The minimum limits of insurance provided for hereunder are not intended to be a limitation on the liability of Tenant hereunder and shall not waive Landlord's right to seek a full recovery from Tenant.

**24. Joint and Several.** If Tenant comprises more than one person, corporation, partnership or other entity, the liability hereunder of all such persons, corporations, partnerships or other entities shall be joint and several.

**25. No Warranties; Entire Agreement.** TENANT ACCEPTS THE PREMISES "AS IS" WITHOUT WARRANTY OF ANY KIND, WHETHER EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY OF QUIET ENJOYMENT, THE IMPLIED WARRANTIES OF MERCHANTABILITY, HABITABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER IMPLIED WARRANTIES. LANDLORD SHALL NOT BE LIABLE FOR, AND TENANT HEREBY RELEASES LANDLORD FROM ALL CLAIMS FOR ECONOMIC LOSSES AND ALL OTHER DAMAGE OF ANY NATURE WHATSOEVER ACCRUING TO TENANT, INCLUDING, BUT NOT LIMITED TO THE VALUE OF ANY BUILDINGS, STRUCTURES OR IMPROVEMENTS OF TENANT UPON THE PREMISES, RESULTING FROM OR ARISING BY REASON OF ANY DEFICIENCY, INSUFFICIENCY OR FAILURE OF TITLE OF LANDLORD. THIS LEASE CONTAINS THE ENTIRE AGREEMENT OF THE PARTIES HERETO AS TO THE PREMISES, AND NO REPRESENTATIONS, INDUCEMENTS, PROMISES OR AGREEMENTS, ORAL OR OTHERWISE, BETWEEN THE PARTIES, NOT EMBODIED HEREIN, SHALL BE OF ANY FORCE OR EFFECT.

**26. Survival.** The provisions of Paragraphs 7, 8, 10, 14, 18 and 21 shall survive the expiration or earlier termination of this Lease.

**27. Miscellaneous.** Knowledge on the part of Landlord or any employee, agent or representative of Landlord of any violation of any of the terms of this Lease by Tenant shall constitute neither negligence nor consent on the part of Landlord, and shall in no event relieve Tenant of any of the responsibilities and obligations assumed by Tenant in this Lease. All rights, powers and privileges conferred hereunder upon the parties hereto shall be cumulative but not restrictive to those given by law. No failure of Landlord to exercise any power given Landlord hereunder, or to insist upon strict compliance by Tenant with its obligations hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of Landlord's right to demand exact compliance with the terms hereof. Subject to the terms of the paragraph entitled, "Assignment" set forth herein, this Lease shall be binding upon and shall inure to the benefit of the respective successors and permitted assigns of Landlord and Tenant. If any term, covenant or condition of this Lease or the application thereof to any person, entity or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease, or the application of such term, covenant or condition to persons, entities or circumstances other than those which or to which used may be held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Lease shall be valid and enforceable to the fullest extent permitted by law. Time is of the essence in this Lease. Neither party shall be bound hereunder until such time as both parties have signed this Lease. This Lease shall be governed by the laws of the State or Commonwealth in which the Premises are located.

**28. Signature.** The parties agree that if an authorized officer of a party fully signs this Agreement in the appropriate location(s) below and then returns that signature to the other party via electronic





means with a pdf or similar scanned copy of that signature, then that scanned signature shall serve as that party's signature for the Agreement, and, upon full execution of the Agreement by all parties, shall create a legally binding Agreement.

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**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals, effective as of the date last executed below.

Witness As To Landlord:

Name: \_\_\_\_\_

Witness As To Landlord:

Name: \_\_\_\_\_

Witness As To Tenant:

Name: \_\_\_\_\_

Witness As To Tenant:

Name: \_\_\_\_\_

**LANDLORD:**

**CENTRAL OF GEORGIA RAILROAD COMPANY**

a Georgia corporation

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Landlord Signature: \_\_\_\_\_

[SEAL]

**TENANT:**

**CITY OF PERRY**

a Georgia government entity

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

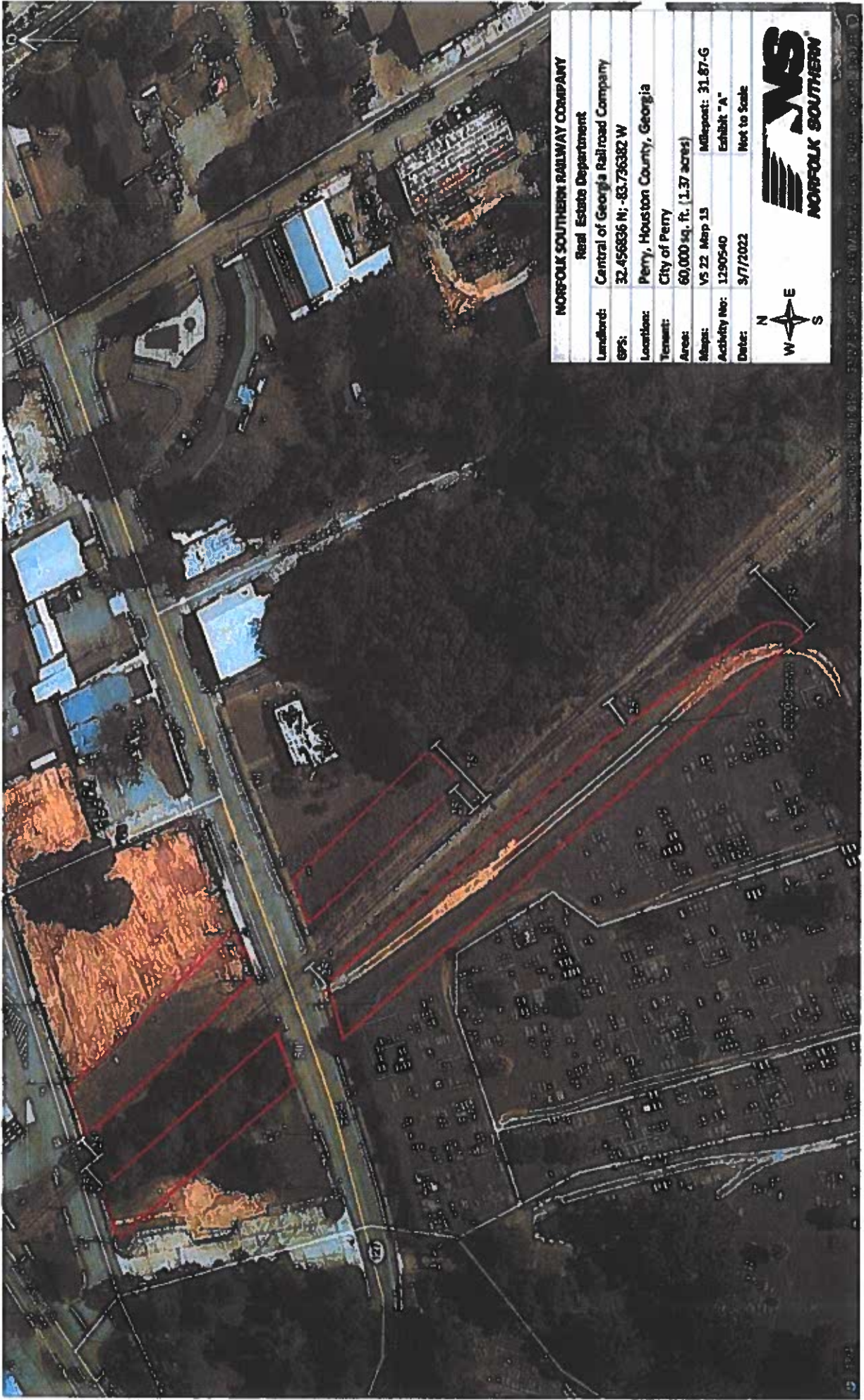
Date of Tenant Signature: \_\_\_\_\_

[SEAL]

ATS, March 7, 2022, 1290540



**Exhibit A**



**NORFOLK SOUTHERN RAILWAY COMPANY**

Landlord:	Real Estate Department
GPS:	Central of Georgia Railroad Company 32.456836 N; -83.736382 W
Location:	Perry, Houston County, Georgia
Tenant:	City of Perry
Area:	60,000 sq. ft. (1.37 acres)
Maps:	V5 22 Map 15 Milepost: 31.87-G
Activity No:	1290540 Exhibit "A"
Date:	3/7/2022 Not to Scale





## **EXHIBIT B**

### **RIDER TO LEASE AGREEMENT BY AND BETWEEN THE CENTRAL OF GEORGIA RAILROAD COMPANY, AS LANDLORD, AND CITY OF PERRY, AS TENANT**

This rider is attached to and made a part of the referenced Lease Agreement. In the event of an inconsistency between the terms of this Rider and the terms of the Lease agreement, the terms of this Rider shall control.

**Waiver of Application Fee.** The \$500.00 application fee described in paragraph 3 of this Lease is hereby waived by Landlord.

**Public Parking.** The protection afforded Landlord under the provisions of the paragraph entitled, "Indemnity" of the Lease shall extend to patrons and invitees of Tenant. Tenant agrees to protect and hold Landlord harmless from and against loss, injury or damage, as set out in the paragraph entitled, "Indemnity," accruing from the acts, negligence or default of such patrons and invitees or the presence of their property upon the Premises of Landlord, including damage to such property from railroad operations. Tenant further agrees that no gasoline or other flammable liquid shall be stored or handled upon the Premises (except fuel in fuel tanks of vehicles parked thereon).

**Georgia Usufruct.** Tenant has only a usufruct, not subject to levy and sale, and not assignable by Tenant except as specifically provided in the Lease.

**Landlord Pays Taxes.** Landlord shall pay all real estate taxes and assessments (regular or special) pertaining to the Premises on or before the date the same become delinquent. Notwithstanding the foregoing, Tenant shall be responsible for any taxes or assessments imposed upon or assessed against Tenant's personal property, and Tenant shall pay and be liable for all rental, sales and use taxes, and other similar taxes, if any, levied or imposed by any city, state, county or other governmental authority (including any rental tax). Such payments shall be paid concurrently with the payment of base rental or other sum due hereunder upon which the tax is based. If Landlord pays any taxes or assessments which are Tenants responsibility under this Paragraph, Tenant shall reimburse Landlord within ten (10) days after Tenant's receipt of paid invoices for such taxes and assessments.