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July 5, 2022

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

6:00 PM

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

1. Call to Order: Mayor Randall Walker, Presiding Officer.
2. Roll.
3. Invocation and Pledge of Allegiance to the Flag: Mayor Randall Walker
4. Recognition(s) / Presentation(s): Mayor Randall Walker
 - 4a. Proclamation recognizing Mr. Larry Walker – Mayor Walker.
 - 4b. Proclamation recognizing Mr. Foster Rhodes – Mayor Walker.
 - 4c. Award for Fire Marshall Darryl Kitchens – Chief K. Crumpton.
5. Appointments: Mayor Randall Walker
 - 5a. Appointments to the Perry Industrial Building Authority – Mr. L. Gilmour.
6. Citizens with Input.
 - 6a Matters not on the agenda
7. Public Hearing: Mayor Randall Walker

The purpose of this Public Hearing is to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. 36-66-4.

- 7a. RZNE-0067-2022. Applicant, Chad Bryant, Bryant Engineering, request the rezoning of property from R-3, Multi-Family Residential, to C-2, General Commercial. The property is located at 115 Perimeter Road; Tax Map No. 0P0390 016000 and 0P0150 037000 – Ms. H. Wharton.
- 7b. RZNE-0075-2022. Applicant, Brad von Oven, request the rezoning of property from M-2, Industrial, to M-1, Wholesale and Light Industrial. The property is located at 311 Valley Drive, Tax Map No. 0P0380 50A000 and 0P0380 50B000 – Ms. H. Wharton.

- 7c. ANNX-0081-2022. Applicant, NV REIT OP, LP, on the behalf of 2032 N US 341, LLC, request the annexation and rezoning of property from RAG (County) to C-2, General Commercial. The property is located at 2032 US-341 (Sam Nunn Blvd.); Tax Map No. 000310 12A000 – Ms. H. Wharton.
- 7d. SUSE-0084-2022. Applicant, Mary Lou Simon, request a Special Exception to allow a religious institution. The property is located at 508 Bradley Street; Tax Map No. 0P0260 068000 – Ms. H. Wharton.
- 7e. SUSE-0089-2022. Applicant, WCH Homes/Dylan Wingate, request a Special Exception to allow a multi-family residential development. The property is located at 1009 and 1013 Northside Drive; Tax Map No. 0P0020 018000 and 0P0020 019000 - Ms. H. Wharton.
- 7f. TEXT-0085-2022. Applicant, The City of Perry, request text amendment to LMO to clarify and update requirements for parking and storing utility trailers and recreational vehicles. Sections of the LMO being modified are 1-13, 4-5(F), 6-1.10, and 6-3.7 – Mr. B. Wood.

8. Review of Minutes: Mayor Randall Walker

- 8a. Council’s Consideration – Minutes of the June 21, 2022 pre council meeting and June 21, 2022 council meeting. *(Councilmember Hunt was absent from the June 21, 2022 meetings.)*

9. Old Business: Mayor Randall Walker

9a. Ordinances for Second Reading(s) and Adoption:

- 1. **Second Reading** of an ordinance for a Broadband Ready Community – Ms. B. Newby.

10. Any Other Old Business:

- 10a. Mayor Randall Walker
- 10b. Councilmembers
- 10c. City Attorney Brooke Newby
- 10d. City Manager Lee Gilmour
- 10e. Assistant City Manager Robert Smith

11. Community Partner(s) Update(s):

- 11a. Ms. Maggie Schuyler (Perry Chamber), Perry Day at Mercer Football

12. New Business: Mayor Randall Walker

- 12a. Matters referred from July 5, 2022 pre council meeting.

12b. Special Exception Application 0084-2022 - Mr. B. Wood.

12c. Special Exception Application 0089-2022 – Mr. B. Wood.

12d. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance to rezone property from R-3, Multi-Family Residential, to C-2, General Commercial. The property is located at 115 Perimeter Road; Tax Map No. 0P0390 016000 and 0P0150 037000 – Mr. B. Wood. *(No action required by Council)*
2. **First Reading** of an ordinance to rezone property from M-2, Industrial, to M-1, Wholesale and Light Industrial. The property is located at 311 Valley Drive, Tax Map No. 0P0380 50A000 and 0P0380 50B000 – 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 2032 US-341 (Sam Nunn Blvd.); Tax Map No. 000310 12A000 - Mr. B. Wood. *(No action required by Council)*
4. **First Reading** of an ordinance for the rezoning of property from RAG (County) to C-2, General Commercial. The property is located at 2032 US-341 (Sam Nunn Blvd.); Tax Map No. 000310 12A000 - Mr. B. Wood. *(No action required by Council)*
5. **First Reading** of an ordinance to amend the City Code relative to parking and storing of trailers and recreational vehicles – Mr. B. Wood. *(No action required by Council)*

12e. Award of Bid(s):

1. Bid No. 2022-30 Demolition Services - 319 General Courtney Hodges Blvd – Mr. M. Worthington

12f. Award of RFP 2022-02 Engineer of Record for East Perry Wastewater Treatment Facility Phase 1 – Mr. C. McMurrian.

12g. Resolution(s) for Consideration and Adoption:

1. Resolution establishing the policy for Woodlawn Cemetery – Mr. L. Gilmour.

12h. Request to block Main Street between Ball Street and Jernigan Street – Ms. A. Hartley.

12i. Approval of a Memorandum of Understanding between The Georgia Department of Public Safety and City of Perry for Emergency Air Search and

Rescue Missions – Chief K. Crumpton.

13. Council Members Items:
14. Department Heads/Staff Items:
15. General Public Items:
16. Mayor Items:
17. Adjourn.

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

From: [Lee Parker](#)
To: [Kirk Crumpton](#); [Darryl Kitchens](#); [Annie Warren](#)
Subject: Award for Fire Marshal
Date: Thursday, June 30, 2022 8:51:45 AM
Attachments: [image002.png](#)

Annie,

The Georgia Association of Fire Chiefs will be awarding Fire Marshal Darryl Kitchens the Georgia Chief Fire Officer Certification.

A member of the Georgia Association of Fire Chiefs Board, Robert Singletary, will be present to present the award. Chief Crumpton can introduce Chief Singletary.



Lee Parker
Fire Chief/Director
City of Perry
Fire & Emergency Services
P.O. Box 2030
Perry, GA 31069
T 478-988-2854 F 478-988-2853
M 478-338-0011
lee.parker@perry-ga.gov
<http://www.perry-ga.gov>

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OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor / Council
FROM: Lee Gilmour, City Manager *LG*
DATE: June 27, 2022
REFERENCE: Perry Industrial Building Authority

The Administration recommends council consider the below individuals to be appointed to the Perry Industrial Building Authority.

- ❖ Council Member Joy Peterson
- ❖ Mr. Keith Wilcots

If you have any questions, please contact me.

cc: Mr. R. Smith
Ms. A. Hardin



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Summary for Zoning Case: RZNE-0067-2022	
Property Location:	115 Perimeter Road
Tax Map No:	0P0390 016000 and 0P0150 037000
Acres:	2.02
Request:	Rezone from R-3, Multi-family Residential, to C-2, General Commercial
Planning Commission Recommendation:	Approval (no conditions)



Aerial Map



Zoning Map



Character Areas



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STAFF REPORT

From the Department of Community Development
June 6, 2022

CASE NUMBER: RZNE-0067-2022

APPLICANT: Chad Bryant, Bryant Engineering

REQUEST: Rezone from R-3, Multi-Family Residential, to C-2, General Commercial

LOCATION: 115 Perimeter Road; Tax Map No. 0P0390 016000 and 0P0150 037000

BACKGROUND INFORMATION: The subject properties consist of 2.02 total acres and are currently zoned R-3, Multi-Family Residential. Both parcels are undeveloped and have never been developed. The applicant proposes to develop the properties with general commercial uses.

STANDARDS GOVERNING ZONE CHANGES:

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

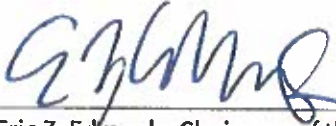
	Zoning Classification	Land Uses
North	C-2, General Commercial	Hotel and future car wash
South	R-3, Multi-family Residential District	Single-family residences and undeveloped parcels (Five-Points neighborhood)
East	R-3, Multi-family Residential District	Single-family residences (Five-Points neighborhood)
West	C-2, General Commercial District	Hotel, fast food, retail

- 2. The suitability of the subject property for the zoned purposes.** The subject properties are suitable for multi-family development. However, due to the orientation of the property and proximity to commercial uses, it is less likely that residential development would be most suitable in this area.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The R-3, multi-family residential, district is an appropriate zoning district for the subject. The applicant states that the property is not serving the community to its highest potential due to the limited uses permitted in the R-3 district.
- 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 zoning district does not pose a threat to 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 does not appear to gain by maintaining the current zoning of the properties.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The properties can be developed for multi-family residential uses. However, it does not appear that the owner of the properties has pursued the economic use of the property since there has never been any proposed development of the site.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The properties have 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.** The properties are located on Perimeter Road near the intersection of Sam Nunn Boulevard. This area is currently developed with a mix of commercial uses. The proposed zoning district would result in uses that are consistent with the adjacent and nearby development. Further, C-2, general commercial, zoning would allow similar zoning to be present on both sides of Perimeter Road in this area.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed zoning district is not expected to adversely affect the existing uses of nearby property. While the properties back to residential uses in the Five-Point neighborhood, any proposed development would be required to provide a screen/buffer to reduce the impact of commercial uses on residential areas. Further, the applicant suggests that multi-family development could still be permitted with C-2 zoning (with the granting of a special exception by Council).
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" and "Traditional Neighborhood" character areas in the 2022 Joint Comprehensive Plan Update though the majority of the property is within the "In-Town Corridor" area. Suggested development patterns within the In-Town Corridor character area include: "Residential, commercial, and institutional uses grouped in 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 proposed development should not cause an excessive or burden on existing community facilities:
 - Infrastructure – Water and sewer service is available at the subject property.
 - Roads – Perimeter Road is identified as an arterial street and has adequate capacity to serve any future commercial development at the subject property.
 - Education –Commercial development is not expected to create any burdensome impacts on 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.** With continued population growth, there is more interest in commercial developments in Perry, especially along arterial roads near major commercial centers.

STAFF RECOMMENDATION: Staff recommends approval of the zoning change from R-3, multi-family residential, to C-2, general commercial.

PLANNING COMMISSION RECOMMENDATION: Following an informational hearing held on June 13, 2022, the Planning Commission recommends approval of the requested zoning change to C-2, General Commercial District.

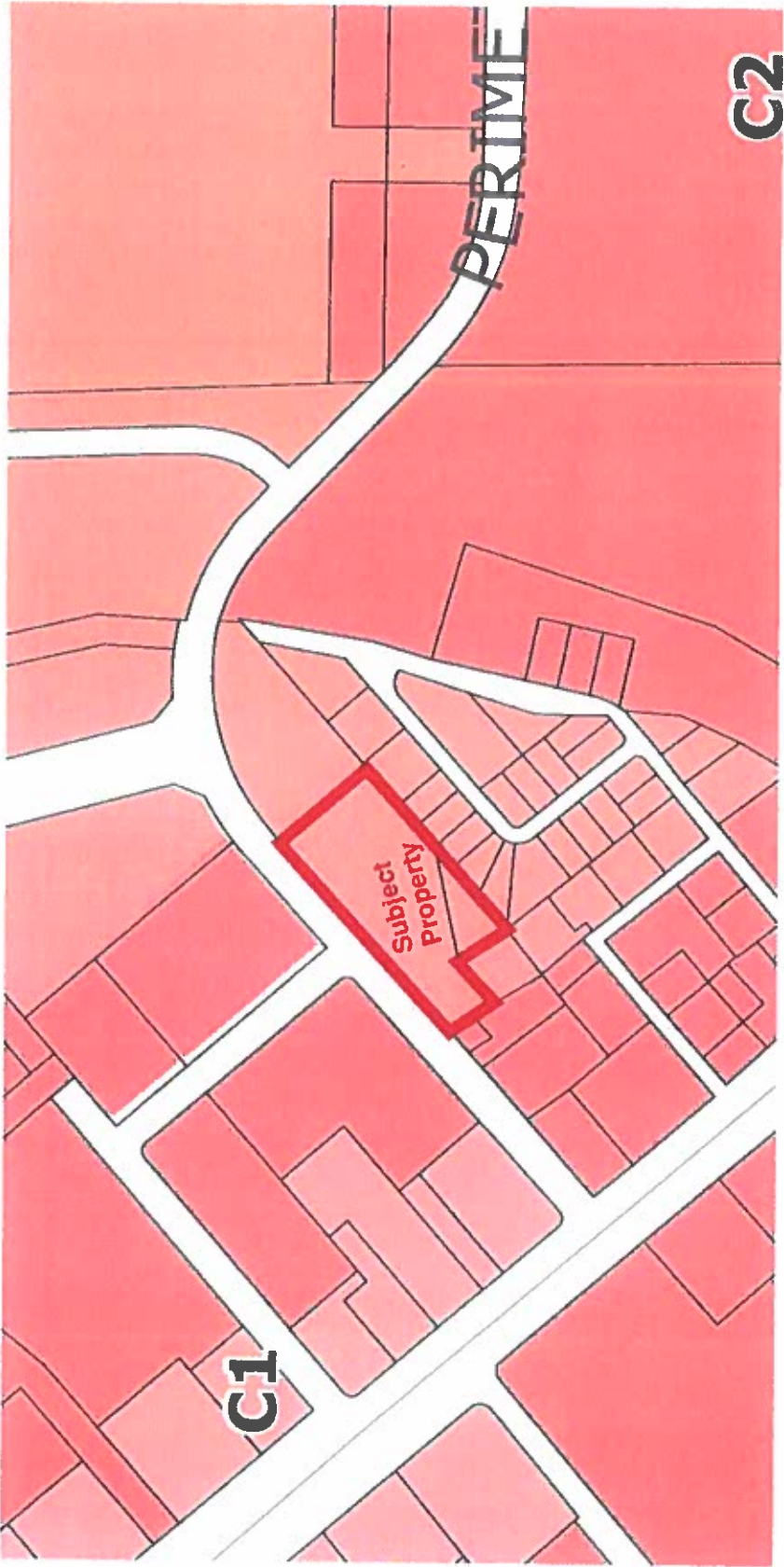


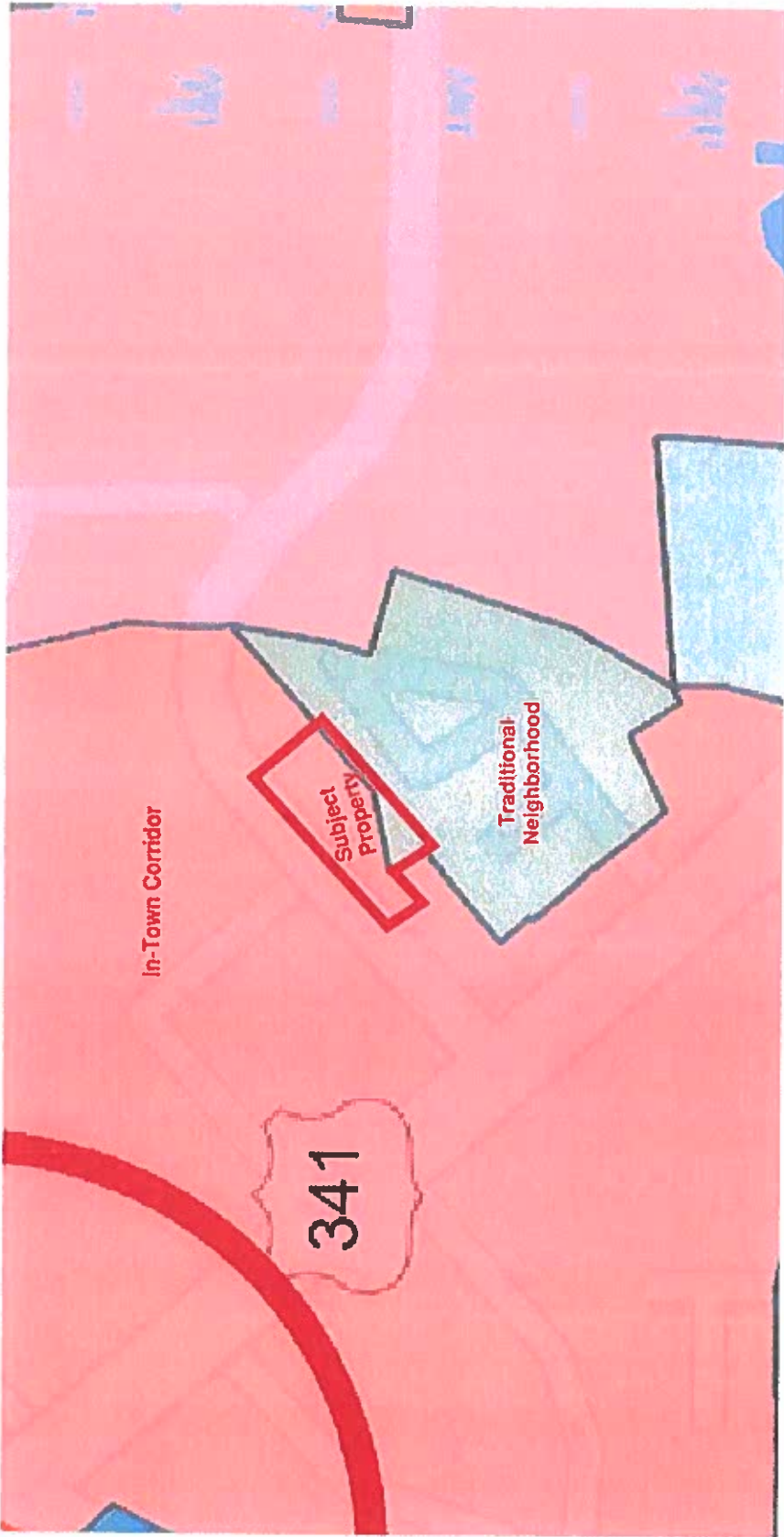
Eric Z. Edwards, Chairman of the Planning Commission



Date









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Application for Rezoning

Contact Community Development (478) 988-2720

Application # RZNE
#0067-2022

Applicant/Owner Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Chad Bryant	CCCCT Investments, LLC.
*Title	Engineer	Owner
*Address	906 Ball Street, Suite A, Perry, GA 31069	810 Corder Road, Warner Robins, GA 31088
*Phone	478-224-7070	478-714-1594
*Email	chad@bryantengllc.com	chad@bryantengllc.com

Property Information

*Street Address or Location	115 Perimeter Road, Perry, GA 31069
*Tax Map Number(s)	0P0390 016000 and 0P0150 037000
*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	R-3	*Proposed Zoning District	C-2
*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>			
The existing use is multi-family residential, unused wooded land. The property is proposed to be used for general commercial purposes.			

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:

del R B J
9/27/22

*Applicant		*Date 4/27/22
*Property Owner/Authorized Agent	<i>del R B J</i> 9/27/22	*Date 4/27/22

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.

April 21, 2022

Mr. Bryan Wood
Community Development Director
City of Perry Planning and Zoning
741 Main Street
Perry, Georgia 31069
(478) 988-2720
bryan.wood@perry-ga.gov

**Subject: Application for Rezoning Standards
Perimeter Road Parcel Rezoning
Subject Parcels #0P0390 016000 and 0P0150 037000**

Dear Mr. Wood,

Please see attached application and plat for rezoning for approximately 2.02-acre parcels located on 115 Perimeter Road. The following addresses the Standards for Granting a Rezoning:

- 1. The existing land uses and zoning classification of nearby property:***
Property to the north and west, on opposite side of Perimeter Road, are both zoned C-2. The property to the north remains unused with mostly wooded/grass areas; whereas, the property to the west is the existing Red Roof Inn hotel and other unused properties. Property to the south and east is zoned R-3 with single-family dwelling units.
- 2. The suitability of the subject property for the zoned purposes:***
The property has historically been unused. Due to the proximity of several other C-2 properties, this property is located in a prime location for further commercial development. While surrounding areas remain as residential properties, the character and orientation of the subject property is less desirable for R-3 residential development, as owners are unlikely to develop homes neighboring commercial properties such as hotels, retail, and restaurants.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions:***
Currently the subject property is unutilized and not serving the community to its highest potential. Approval for rezoning will increase property value as introducing additional uses which are currently limited under R-3 zoning.
- 4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public:***
The subject property is unused and thus has no bearing on 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 proposed zoning and concept provide for a better use of the subject property. The public will benefit from additional commercial property in Perry while simultaneously boosting business in surrounding areas.
- 6. *Whether the subject property has a reasonable economic use as currently zoned:***
The current land development pattern for the subject property suggests a transition away from multi-family residential district towards a commercial nature. The multi-family residential real estate market typically finds properties located on and accessed directly from high traffic roads less desirable. Therefore, under current zoning conditions, the subject property provides no economic value to the area, as it remains unused. The proposed zoning would permit a land use that would enhance revenue and create an attractive environment for the city of Perry.
- 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:***
Under the current zoning, the subject property has never been developed and has remained wooded. Whereas, other properties in the vicinity, opposite of Perimeter Road, are fully developed commercial properties.
- 8. *Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property:***
As previously mentioned, a C-2 zoning classification for the subject property provides an opportunity for a mix of uses that would complement nearby established areas.
- 9. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property:***
The existing uses of the subject property provided under R-3 multi-family residential zoning district are still permitted under the proposed C-2 general commercial zoning district. Additionally, due to the existence of commercial development in the neighborhood, the requested zoning would not adversely affect any nearby properties.
- 10. *Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan:***
The established land use plan outlined in the Houston County Comprehensive Plan indicates a future land use zone for the subject property as a commercial-use area.
- 11. *Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools:***
The proposed zoning will not pose an excessive burdensome use of existing infrastructure.
- 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:***
Current conditions support rezoning this property to C-2 as surrounding developments exist as C-2 districts and would complement nearby established neighborhoods.



Chad R. Bryant, P.E.
President

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

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, P.E.'.

Chad Bryant, P.E.
President
Bryant Engineering



Type: GEORGIA LAND RECORDS
Recorded: 2/25/2022 11:29:00 AM
Fee Amt: \$250.00 Page 1 of 2
Transfer Tax: \$225.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Superior Court Clerk

Participant ID(s): 6811174267,
7067927936

BK 9590 PG 105 - 106

(Above space for recording officer use.)

After recording return to:

File No.: P22-088

WALKER HULBERT GRAY & MOORE, LLP

P. O. Box 1770 / 909 Ball Street
Perry, Georgia 31069
Attorney: JOHN W. HULBERT

STATE OF GEORGIA
COUNTY OF HOUSTON

WARRANTY DEED

THIS INDENTURE, Made the 25th day of February, in the year two thousand twenty-two (2022), between

HIGHWAY 26 LAND CONSERVATION, LLC,
a Georgia limited liability company

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

CCCCT INVESTMENTS, LLC,
a Georgia limited liability company

duly organized and existing under the laws of the State of Georgia, as party or parties of the 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 50 of the Tenth Land District of Houston County, Georgia, and in the City of Perry, known and designated as Parcel 2, comprising 1.758 acres, according to a plat of survey for Davis Company, Inc. by Richard L. Jones, Surveyor, dated November 5, 1990, and a copy of said plat being recorded in Plat Book 39, Page 167, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated herein by reference for all purposes.

**Deed Reference: Deed Book 115, Page 529, said Clerk's Office
Houston County Tax Map Parcel No.: 0P039 016000**

The above described property is subject to Declaration of Restrictions dated November 28, 2012 and recorded in Deed Book 6058, Pages 339-342, Clerk's Office, Houston 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.

HIGHWAY 26 LAND CONSERVATION, LLC,
a Georgia limited liability company
BY: BLDHP, Inc., a Georgia corporation, Sole and
Managing Member

Signed, sealed and delivered
in the presence of:

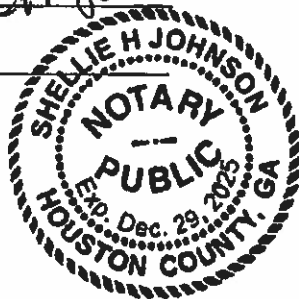
By: _____
CHARLES R. AYER, President of BLDHP, Inc.

(Organizational Seal)

Witness

Notary Public
My Commission Expires: _____

(Notary Seal)



Type: GEORGIA LAND RECORDS
Recorded: 4/14/2022 10:34:00 AM
Fee Amt: \$40.00 Page 1 of 2
Transfer Tax: \$15.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Superior Court Clerk

Participant ID(s): 6811174267,
7067927936

(Above space for recording officer use.) **BK 9661 PG 50 - 51**

After recording return to:

File No.: P22-170

WALKER HULBERT GRAY & MOORE, LLP

P. O. Box 1770 / 909 Ball Street
Perry, Georgia 31069
Attorney: JOHN W. HULBERT

STATE OF GEORGIA
COUNTY OF HOUSTON

LIMITED WARRANTY DEED

THIS INDENTURE, Made the 14th day of April, in the year two thousand twenty-two (2022),
between

REBECCA J. HAMILTON

of the County of Houston and the State of Georgia, as party or parties of the first part, hereinafter
called Grantor, and

CCCCT INVESTMENTS, LLC,
a Georgia limited liability company

duly organized and existing under the laws of the State of Georgia, as party or parties of the 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, 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 DESCRIBED PROPERTY, to-wit:

That tract or parcel of land situate, lying and being in the City of Perry, Houston County,
Georgia, same being a town lot in the shape of a triangle, the base of which is 100 feet;
the north line being 225 feet to a point; the south line being 194 feet to a point and
located 520 feet from the highway known as State Highway No. 7; bounded, now or
formerly, on the north by property of W. C. Yates; on the south by property of Cuby
Hardnett and on the west by property of Willie Williams.

The above described property is conveyed subject to any and all restrictions, easements,
covenants and rights-of-way of record, if any.

**Deed Reference: Deed Book 1549, Pages 29-30, said Clerk's Office
Houston County Tax Map Parcel No.: 0P0150 037000**

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, 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 and 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.

Rebecca J. Hamilton (Seal)
REBECCA J. HAMILTON

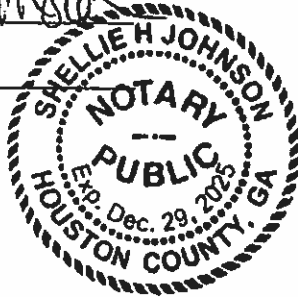
Signed, sealed and delivered
in the presence of:

Kathlyn P. Merrill
Witness

Shellie H. Johnson
Notary Public

My Commission Expires: _____

(Notary Seal)



Due Gift 5/16/7

FILED
RECORDED
530 DEC 14 3 9 54

CLERK SUPERIOR COURT

APPROVED FOR RECORDING
Joseph L. M. F.
City of Perry, Georgia
Nov 9 1970

SURVEY FOR

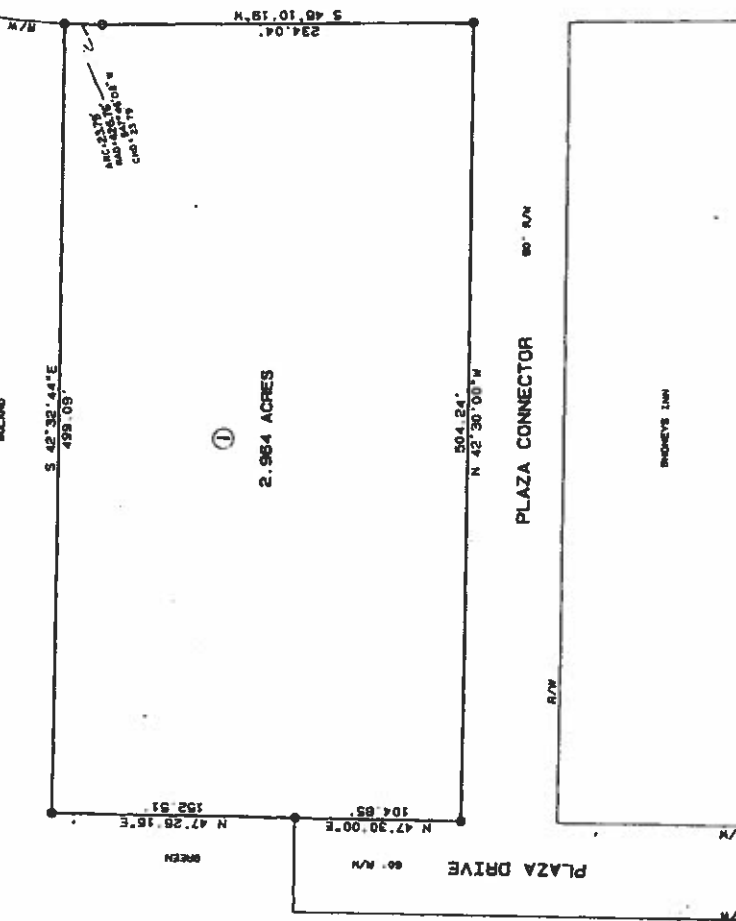
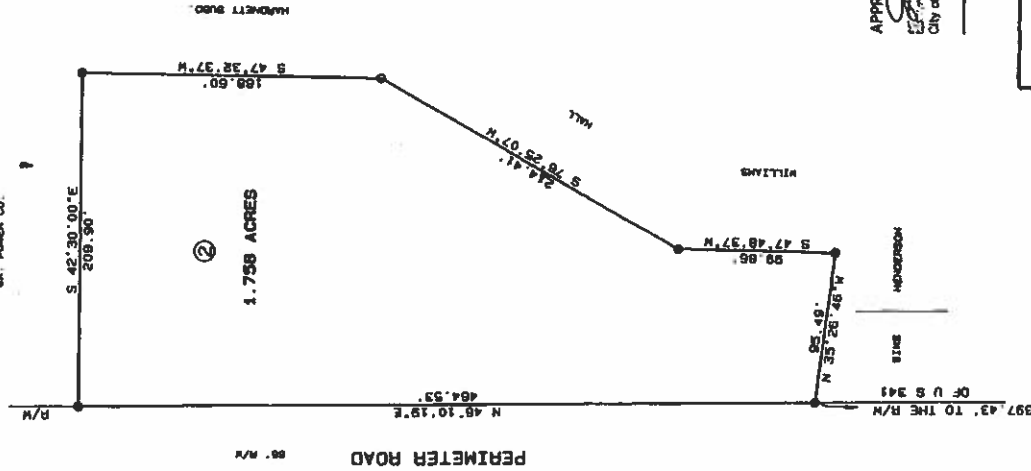
DAVIS COMPANY INC.

LAND LOT 50
HOUSTON CO.
SCALE: 1" = 30'

10TH DISTRICT
PERRY, GEORGIA
NOVEMBER 5, 1970

JONES SURVEYING COMPANY
PERRY, GA.
912-987-2705

PLAT NO. 05852



- REFERENCES:
- 1. PLAT BOOK 2 - PAGE 324
 - 2. PLAT BOOK 3 - PAGE 68
 - 3. PLAT BOOK 10 - PAGE 201
 - 4. PLAT BOOK 15 - PAGE 205

- 0 IRON PIN PLACED
- o IRON PIN FOUND

CERTIFICATION

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CALIBRATION INDICATION OF ONE FOOT PER INCH AND NO ADJUSTMENT WAS MADE TO CORRECT FOR THIS ERROR. THE LINEAR AND ANGULAR MEASUREMENTS OBTAINED FROM THIS PLAT WERE OBTAINED BY MEANS OF THE FOLLOWING INSTRUMENTS: TOTAL STATION.

PLAT NO. 05852
NOV 9 1970
JONES SURVEYING COMPANY
PERRY, GA.
912-987-2705

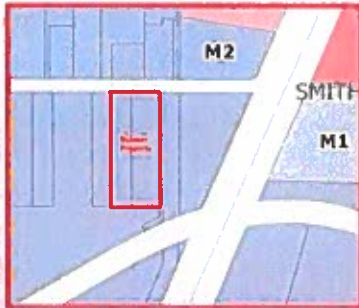


Where Georgia comes together.

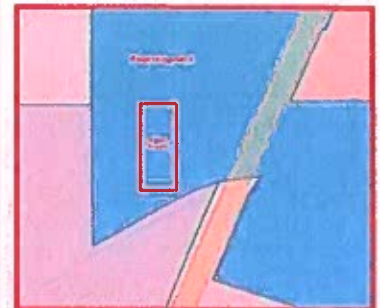
Summary for Zoning Case: RZNE-0075-2022	
Property Location:	311 Valley Drive
Tax Map No:	0P0380 50A000 and 0P0380 50B000
Acres:	4.82
Request:	Rezone from M-2, Industrial, to M-1, Wholesale and Light Industrial
Planning Commission Recommendation:	Approval (no conditions)



Aerial Map



Zoning Map



Character Areas



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STAFF REPORT

From the Department of Community Development
June 6, 2022

CASE NUMBER: RZNE-0075-2022

APPLICANT: Brad von Oven

REQUEST: Rezone from M-2, Industrial, to M-1, Wholesale and Light Industrial

LOCATION: 311 Valley Drive; Tax Map No. 0P0380 50A000 and 0P0380 50B000

BACKGROUND INFORMATION: The subject properties consist of 4.82 total acres and are currently zoned M-2, Industrial. Both parcels are undeveloped and have never been developed. The applicant proposes to develop the properties as a location for an RV and boat rental and storage company. As the property is currently zoned, the proposed use is not permitted. The M-2, Industrial, zoning district is the City's most intense zoning district and is designated for more intense uses.

The applicant is currently operating an RV rental business from another location outside Perry. However, the primary source of business noted by the applicant is the rental of RVs for visitors to the Georgia National Fairgrounds. The subject property on Valley Drive has been identified by the applicant as an ideal location to serve as a home base for operations and provides an opportunity for the business to scale and expand.

STANDARDS GOVERNING ZONE CHANGES:

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

	Zoning Classification	Land Uses
North	M-2, Industrial	Various warehouse and industrial uses
South	M-2, Industrial	Undeveloped
East	M-2, Industrial	Undeveloped
West	M-2, Industrial	Undeveloped

- 2. The suitability of the subject property for the zoned purposes.** The subject properties are suitable for industrial development. However, due to the proposed use of the property, M-1 zoning would also be suitable as a less intense zoning district.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The M-2, Industrial, district is an appropriate zoning district for the subject. The applicant states that the property values would increase with the development of the 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 zoning district does not pose a threat to 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 does not appear to gain by maintaining the current zoning of the properties.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The properties can be developed for industrial uses. However, it does not appear that the owner or previous owners of the properties have pursued the highest economic use of the property since there has never been any proposed development of the site.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The properties have 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.** The properties are located on Valley Drive where there is a mix of existing industrial, warehouse, retail, and other uses. Some properties are undeveloped. The proposed zoning and proposed use of the property will be suitable for the area. As the requested zoning district is less intense than the current zoning, any future development will be less impactful to the surrounding properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed zoning district is not expected to adversely affect the existing uses of nearby property. The applicant states that the proposed zoning district would create a positive impact on the surrounding properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject properties are within the "Redevelopment" character area in the 2022 Joint Comprehensive Plan Update. Suggested development patterns within the Redevelopment character area include: "Infill development on vacant or underutilized sites." The comprehensive plan also mentions the Valley Drive area, specifically, stating "The area has high visibility from, and easy access to, I-75 which makes it attractive for new commercial and hotel facilities."
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The proposed development should not cause an excessive or burden on existing community facilities:
 - Infrastructure – Water and sewer service is available at the subject property.
 - Roads – Valley Drive is identified as a collector street and has adequate capacity to serve future development at the subject property.
 - Education –Light industrial development is not expected to create any burdensome impacts on 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.** With continued population growth in Perry and increased programming at the Georgia National Fairgrounds, the proposed use of the property and proposed zoning district are appropriate. Further, the proposed zoning district and proposed use is less intense the currently allowable uses.

STAFF RECOMMENDATION: Staff recommends approval of the zoning change from M-2, Industrial, to M-1, Wholesale and Light Industrial.

PLANNING COMMISSION RECOMMENDATION: Following an informational hearing held on June 13, 2022, the Planning Commission recommends approval of the requested zoning change to M-1, Wholesale and Light Industrial District.

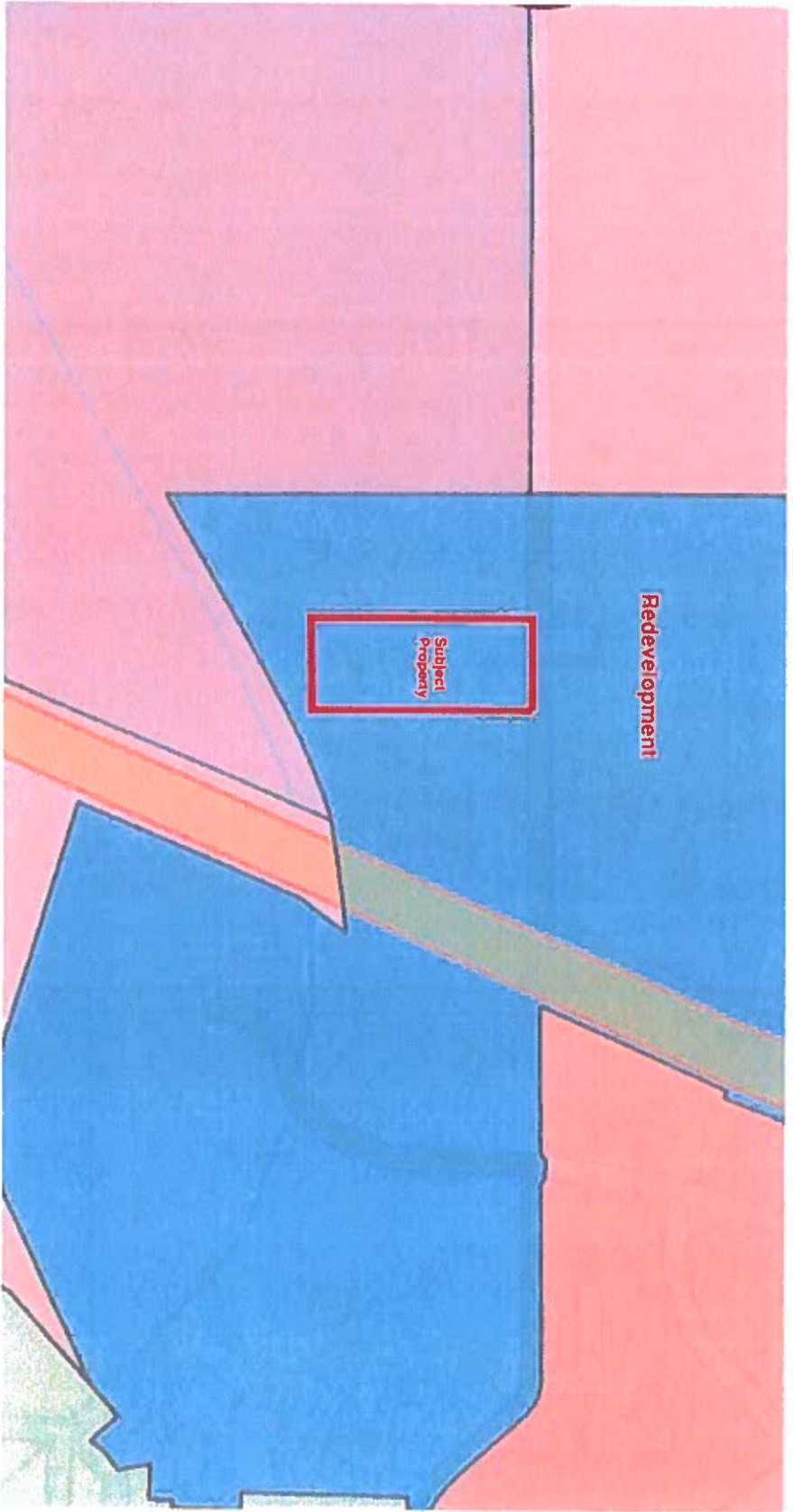


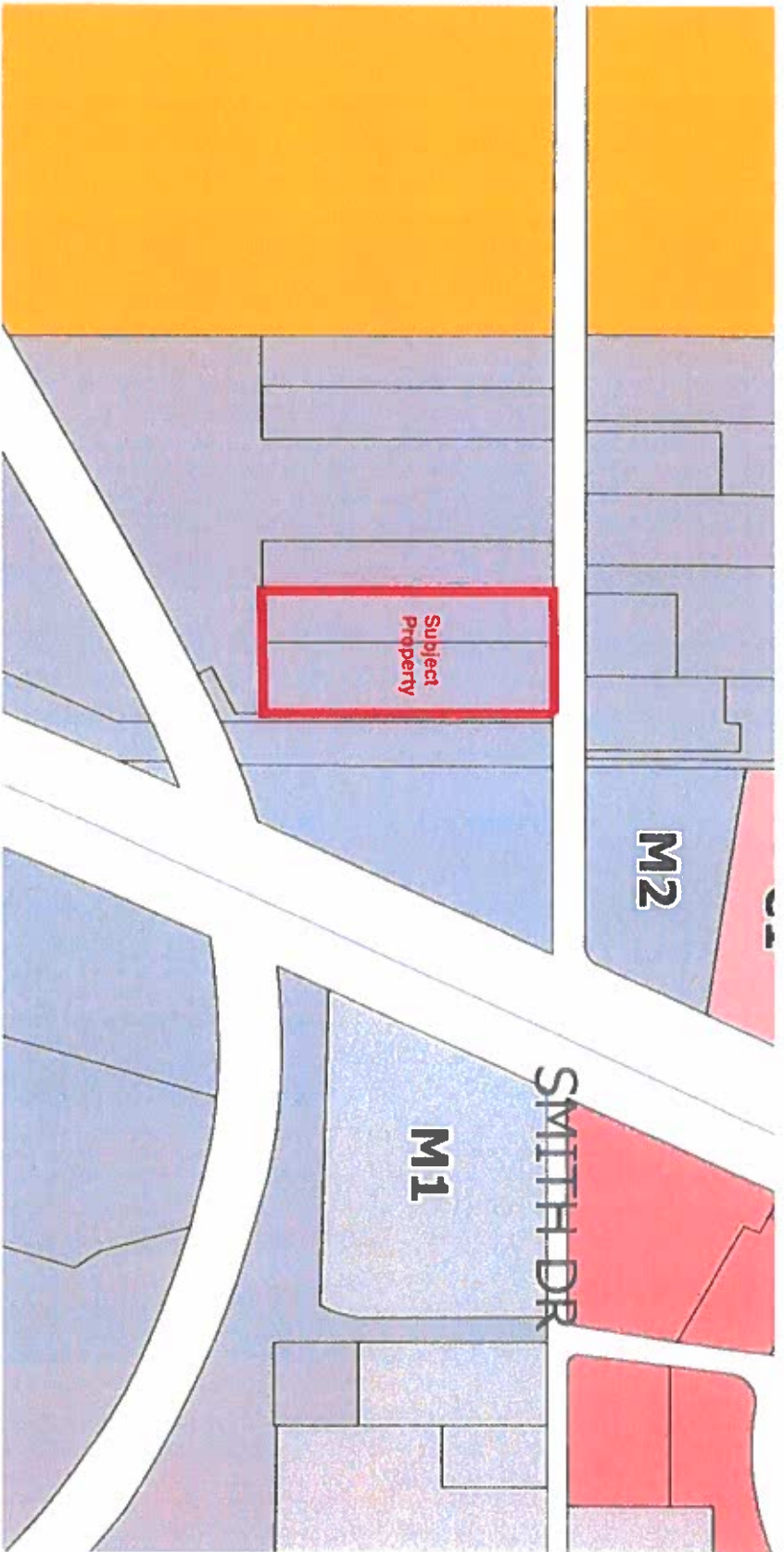
Eric Z. Edwards, Chairman of the Planning Commission



Date









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Application # RZNE -
0075-2022

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

Applicant/Owner Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Brad von Oven	Valley Drive LLC
*Title	Mr.	
*Address	116 Wood street Warner Robins, GA 31088	527 Hillcrest Ind Blvd Macon, GA 31204
*Phone	478-538-2889	
*Email	vonoven@gmail.com	

Property Information

*Street Address or Location	311 Valley Drive (Parcel A-2 & A-3)
*Tax Map Number(s)	(0P0380 50A000) & (0P0380 50B000)
*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	M-2	*Proposed Zoning District	M-1
*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. Currently undeveloped land of 4.82 acres Plan to move Perry RV LLC to location and develop for storage of RVs & boats and also to use as prime location for our management rental services.			

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 04/20/22
*Property Owner/Authorized Agent John Pearson Valley Drive LLC BEABADACBDAB57	*Date 4/26/2022 6:45 PM

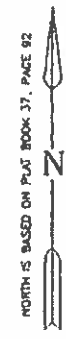
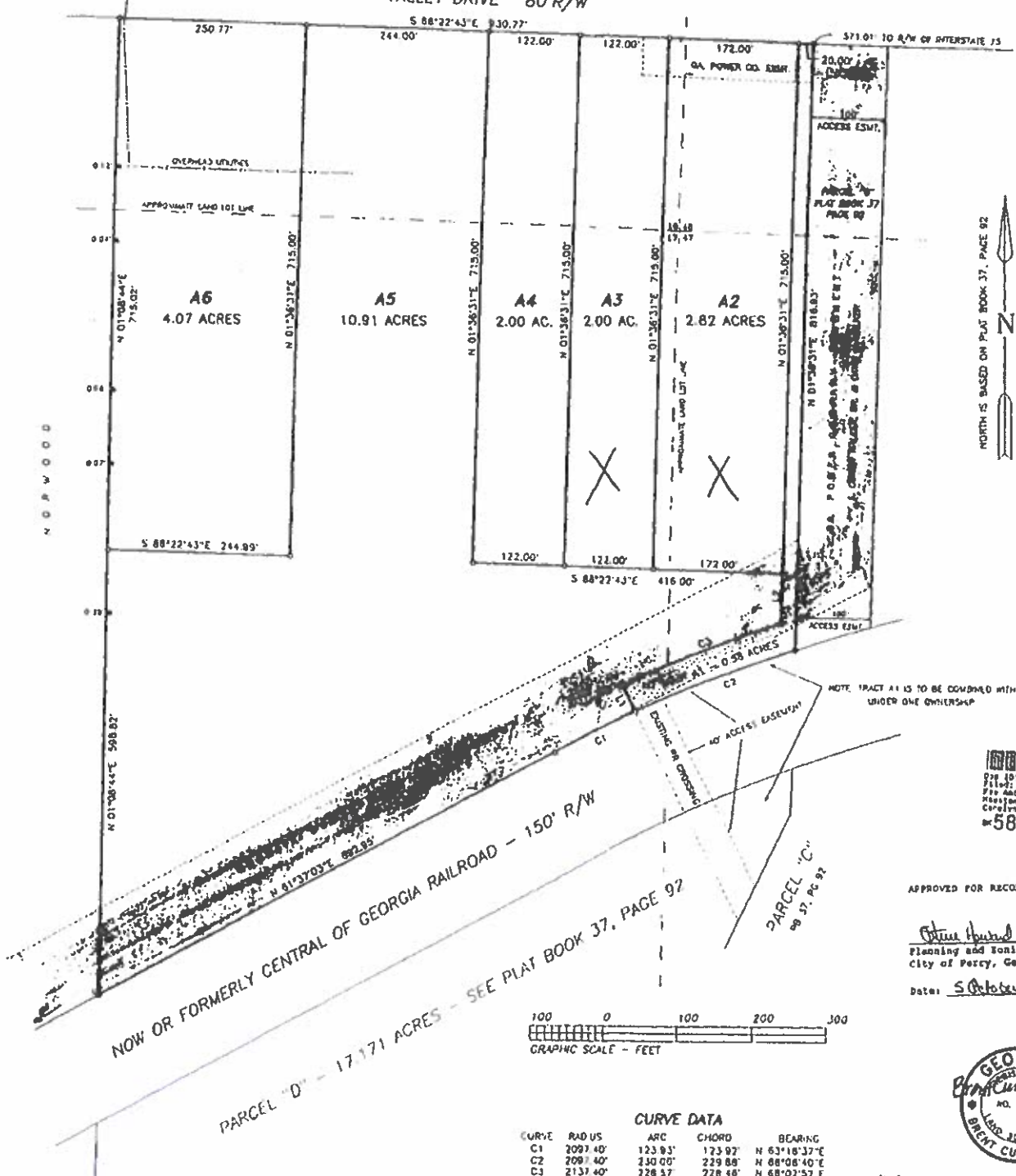
Standards for Granting a Rezoning

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? **No**

- (1) The existing land uses and zoning classification of nearby property;
All areas around parcels are zoned M-2, Industrial
- (2) The suitability of the subject property for the zoned purposes;
The property will meet all requirements for the zoned purpose
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions; if anything, the property values around will increase due to the development of this 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 rezoning of the property would increase the value and would not affect 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; public.
No hardship, this will only be a gain to the public
- (6) Whether the subject property has a reasonable economic use as currently zoned;
The property could have a use but has been undeveloped
- (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; has always been vacant and undeveloped
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property; yes, the zoning would allow uses that are suitable
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property; No adverse affects, only positive potential
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;
yes 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 Not at all
- (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.
None what so ever

VALLEY DRIVE 80'R/W



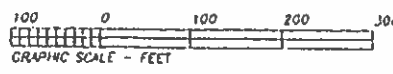
NOW OR FORMERLY CENTRAL OF GEORGIA RAILROAD - 150' R/W
 PARCEL "D" - 17.171 ACRES - SEE PLAT BOOK 37, PAGE 92

NOTE: TRACT A1 IS TO BE COMBINED WITH PARCEL "D" UNDER ONE OWNERSHIP

07/10/01 0046844000
 07/10/01 10/09/2001 at 04:15:00 PM
 Houston, GA, Clerk Superior Court
 Carolyn Y. Sullivan, Clerk
 58 89

APPROVED FOR RECORDING

Chris Hurd
 Planning and zoning Department
 City of Perry, Georgia
 Date: 5 October, 2001



CURVE DATA

CURVE	RADIUS	ARC	CHORD	BEARING
C1	2091.40'	123.93'	123.92'	N 83°18'37"E
C2	2091.40'	130.00'	229.88'	N 88°08'40"E
C3	2131.40'	328.57'	278.48'	N 68°02'52"E

LINE DATA

LINE	BEARING	DISTANCE
L1	N 28°00'00"W	40.01'
L2	N 01°38'31"E	66.69'

LEGEND:

- IRON REBAR FOUND
- 1/2" IRON REBAR SET
- CONCRETE POWER POLE
- WOOD POWER POLE
- 40' ACCESS EASEMENT
- GA POWER CO EASEMENT

REFERENCE:
 SURVEY FOR L. COHEN WALKER, SR. & DAVID G. WALKER, PARCELS "A", "B", "C", & "D", BY RICHARD L. JONES, DATED JULY 21, 1988 AND RECORDED IN PLAT BOOK 37, PAGE 92



This field work was done with the aid of a tripod and a closure condition of one foot in 72,111 feet and an angular error of 0.2" per angle point and was adjusted using the Least Squares Method. All measurements were made using a Topcon DT-3 Total Station. This plat has been calculated for closure and is found to be accurate within 1 foot in 100,000 feet.
 FIELD WORK COMPLETED ON 10/10/01

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN

RESUBDIVISION OF
PARCEL "A" FOR **RANDALL HAMMOCK**
 IN LAND LOTS 12, 18, 47, & 48 10TH LAND DISTRICT
 HOUSTON COUNTY PERRY, GEORGIA
 OCTOBER 1, 2001 SCALE 1" = 100'

Brent Cunningham and Co., Inc.
 LAND SURVEYS
 P.O. BOX 1348, 31098-JS48 @ 101 MCARTHUR BLVD 31093
 RATHER ROADS, GEORGIA • PHONE-FAX 478-922-6518

6124
After recording, return to:
Doreen D. Walker, III
Hall, Bloch, Garland & Meyer, LLP
P.O. Box 5088
Macon, GA 31204-5088

Doc ID: 009390280002 Type: GLN
Filed: 04/23/2007 at 03:54:13 PM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk
BK 4256 PG 104-105

STATE OF GEORGIA
COUNTY OF BIBB

WARRANTY DEED

THIS INDENTURE made this 6th day of April, 2007, between JPCP, LLC (hereinafter referred to as "Grantor") and Valley Drive, LLC, (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include its respective heirs, successors, executors, administrators and legal representatives and assigns where the context requires or permits.)

WITNESSETH:

GRANTOR, in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the said GRANTEE, the following described property:

All that tract or parcel of land situate, lying and being in the 10th Land District of Houston County, Georgia and in the City of Perry and being shown as Tract A-2, containing 2.82 acres, in Land Lots 17, 18, 47 and 48, and Tract A-3, containing 2.00 acres, in Land Lots 17 and 18, on a plat of survey prepared by Brent Cunningham dated October 1, 2001 and recorded in Map Book 58, Page 89, 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.

Deed Reference: Deed Book 1893, Page 246, Clerk's Office, Houston Superior Court.

TO HAVE AND TO HOLD the said tract 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, its heirs and assigns, forever, in Fee Simple.

AND THE SAID GRANTOR, for itself, its heirs, executors and administrators, will warrant and forever defend the right and title to the above-described property, unto the said GRANTEE, its heirs and assigns, against the lawful claims of all persons.

BOOK 4256 PAGE 105

IN WITNESS WHEREOF, the said GRANTOR have hereunto set its hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of:

Chris Kyle
Unofficial Witness

James R. D. Munk
Notary Public

Commission Expiration Date: *07/13/2009*

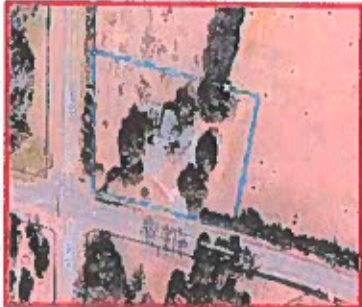
JPCP, LLC
By: *[Signature]*
Member
By: *[Signature]*
Member



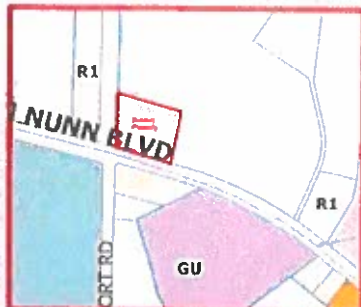


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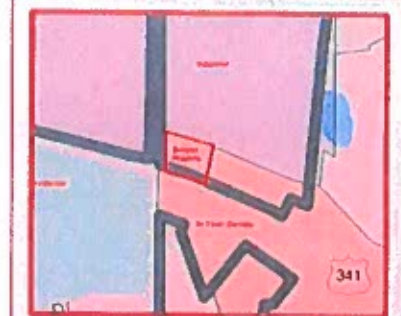
Summary for Zoning Case: ANNX-0081-2022	
Property Location:	2032 Sam Nunn Blvd.
Tax Map No:	000310 12A000
Acres:	4.05
Request:	Annex and rezone from RAG (county) to C-2, General Commercial
Planning Commission Recommendation:	Approval (no conditions)



Aerial Map



Zoning Map



Character Areas



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STAFF REPORT

From the Department of Community Development

June 7, 2022

CASE NUMBER: ANNX-0081-2022

APPLICANT: NV REIT OP, LP

REQUEST: Annexation and Rezone from RAG (County) to C-2, General Commercial

LOCATION: 2032 US-341 (Sam Nunn Blvd); Tax Map No. 000310 12A000

BACKGROUND INFORMATION: The subject property is a 4.05-acre parcel located on the Northeast corner of Sam Nunn Blvd and Airport Road. The subject property is currently zoned RAG in Houston County and is currently used as an animal hospital. The applicant has requested to be annexed into the City of Perry with the zoning classification of C-2, General Commercial, for the current use as an animal hospital 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	RAG (County)	Undeveloped/Agriculture
South	R-1 and GU	Undeveloped and Heritage Oaks Park
East	RAG (County)	Undeveloped/Agriculture
West	R-1	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 commercial uses, especially as the Sam Nunn commercial corridor expands to the west.

3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties. The proposed zoning district and commercial 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 "In-Town Corridor" character area as outlined in the 2022 Joint Comprehensive Plan. The In-Town Corridor character area calls for redevelopment of older sites with human-scaled mixed use and commercial developments. Land uses suggested for an In Town Corridor are commercial, residential, mixed-uses, and public/institutional uses.
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 are available at the subject property.
 - Roads – The primary roads impacted by the proposed annexation and zoning district are Sam Nunn Blvd and Airport Road. Sam Nunn Blvd is classified as an arterial, and Airport Road is classified as a collector. Both roads have adequate capacity to serve this development.
 - Schools – Staff is not aware of any issues related to the capacity of educational facilities resulting from this development.
6. **Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.** The subject property is eligible for annexation, and the applicant has requested the use of City of Perry utilities which are readily available at the subject property.

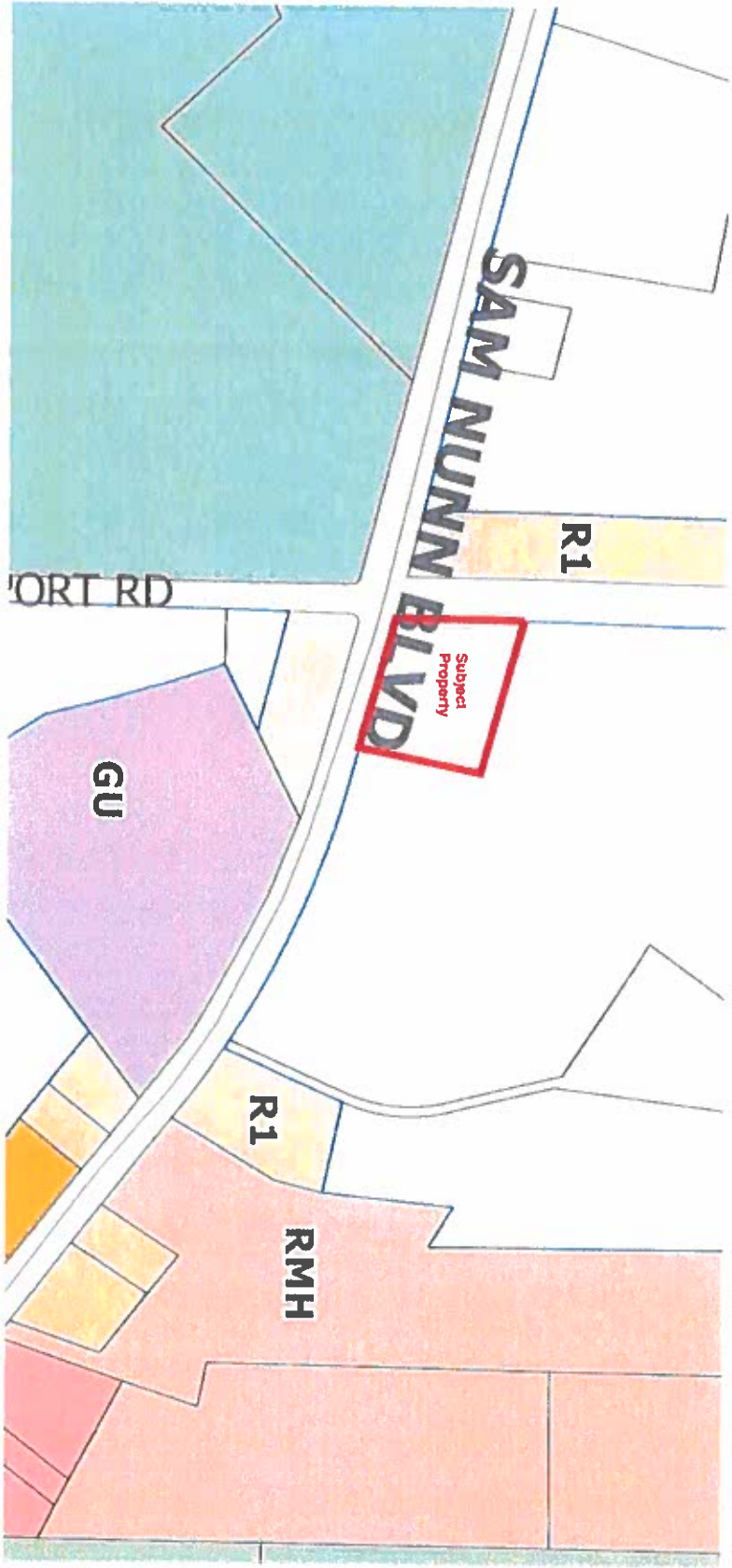
STAFF RECOMMENDATION: City of Perry Staff recommends approval of the annexation request and the proposed zoning classification of C-2, General Commercial.

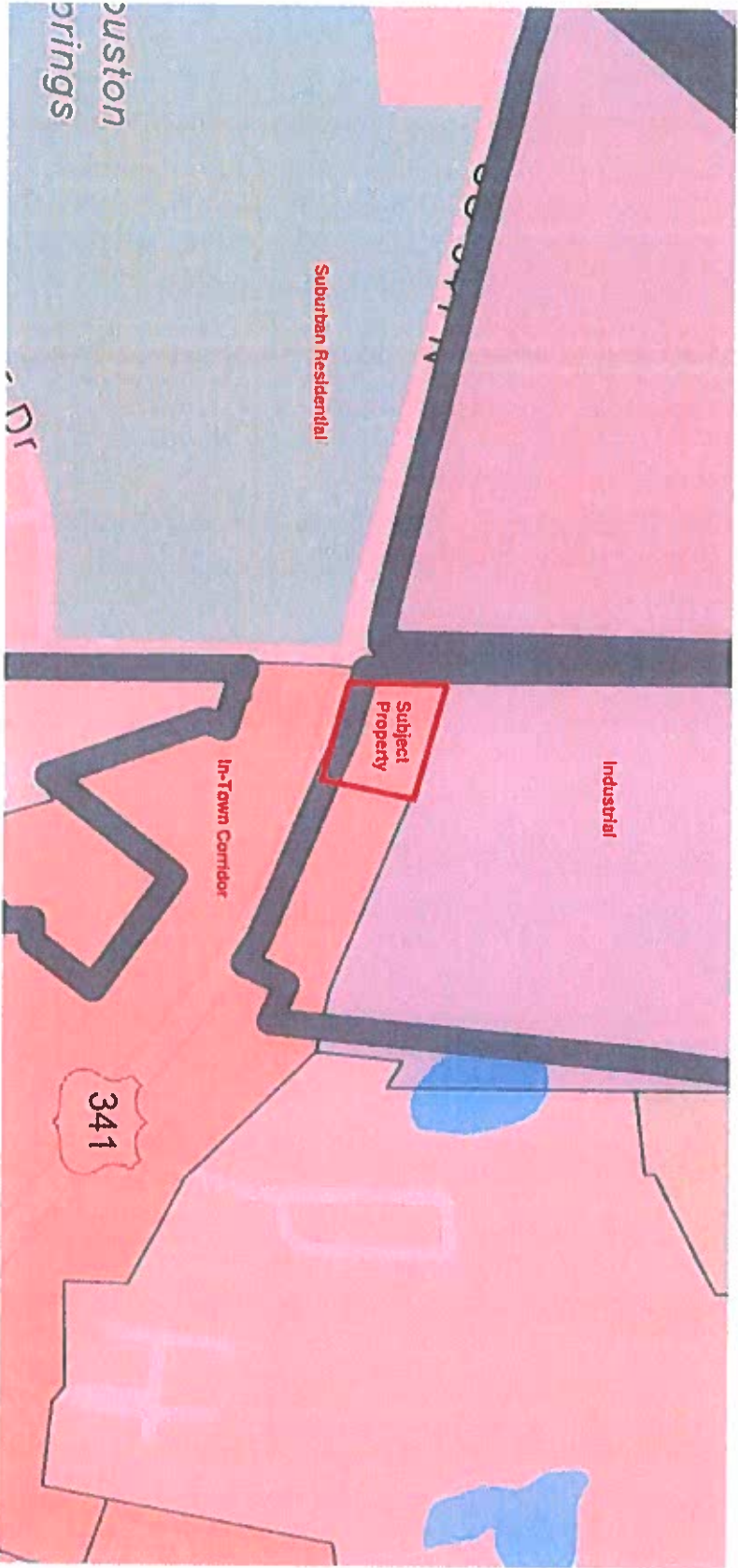
PLANNING COMMISSION RECOMMENDATION: Following an informational hearing held on June 13, 2022 the Planning Commission recommends approval of the annexation request and the proposed zoning classification of C-2, General Commercial.


Eric Z. Edwards, Chairman, Planning Commission

8/16/22
Date









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Application # ANNX -
0081 - 2022

Application for Annexation

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	NV REIT O.P.L.P	2032 N US 341, LLC
*Title	Owner	Owner
*Address	230 West Monroe St, Suite 1920, Chicago, IL 60606	230 West Monroe St, Suite 1920, Chicago, IL 60606
*Phone	229-347-4507	229-347-4507
*Email	dmargeson@nvreit.com	dmargeson@nvreit.com

Property Information

*Street Address or Location	2032 US-341, Perry, GA 31069
*Tax Map #(s)	000310 12A000
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available; B. Provide a survey plat of the property, tied to the Georgia Planes Coordinate System.

Request


*Current County Zoning District	<u>BAG H10</u> <u>C-1</u>	*Proposed City Zoning District	C-2
*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>			
The current use of the property is a vet office, and the use will remain the same going forward. No change in use. We are asking for the property to be annexed into the city for municipal water and sewer supply			

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 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	NV REIT OP, LP	*Date	5/11/2022
*Property Owner/Authorized Agent		*Date	5/11/2022

Standards for Granting a Zoning Classification

1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? **NO**
2. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties. **Same Use, need municipal water and sewer**
3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties. **Same use**
4. Describe how the proposed zoning district is consistent with the Comprehensive Plan. **Same use**
5. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services. **Same use**
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. **Requesting to hook up to city water and sewer**

TITLE COMMITMENT INFORMATION

The information on this schedule was prepared by the Surveyor in accordance with the Georgia Surveying and Mapping Act of 1997, as amended, and the Georgia Code, Title 47, Chapter 2, Article 1, Sections 47-2-1 through 47-2-10. The Surveyor is not responsible for the accuracy of the information on this schedule.

SCHEDULE A DESCRIPTION

The information on this schedule was prepared by the Surveyor in accordance with the Georgia Surveying and Mapping Act of 1997, as amended, and the Georgia Code, Title 47, Chapter 2, Article 1, Sections 47-2-1 through 47-2-10. The Surveyor is not responsible for the accuracy of the information on this schedule.

NOTES CORRESPONDING TO SCHEDULE B

1. The survey was conducted in accordance with the Georgia Surveying and Mapping Act of 1997, as amended, and the Georgia Code, Title 47, Chapter 2, Article 1, Sections 47-2-1 through 47-2-10.
2. The survey was conducted in accordance with the Georgia Surveying and Mapping Act of 1997, as amended, and the Georgia Code, Title 47, Chapter 2, Article 1, Sections 47-2-1 through 47-2-10.
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10. The survey was conducted in accordance with the Georgia Surveying and Mapping Act of 1997, as amended, and the Georgia Code, Title 47, Chapter 2, Article 1, Sections 47-2-1 through 47-2-10.

LAND AREA

1.0000 ACRES

PARKING INFORMATION

1.0000 ACRES

FLOOD ZONE INFORMATION

The Flood Zone Information is based on the Flood Zone Map of the State of Georgia, as published by the Federal Emergency Management Agency (FEMA). The Flood Zone Information is not a guarantee of the accuracy of the information and is not intended to be used as a basis for any decision.

BASIS OF BEARINGS

The bearings were measured by the Surveyor in accordance with the Georgia Surveying and Mapping Act of 1997, as amended, and the Georgia Code, Title 47, Chapter 2, Article 1, Sections 47-2-1 through 47-2-10.

SIGNIFICANT OBSERVATIONS

1. The survey was conducted in accordance with the Georgia Surveying and Mapping Act of 1997, as amended, and the Georgia Code, Title 47, Chapter 2, Article 1, Sections 47-2-1 through 47-2-10.

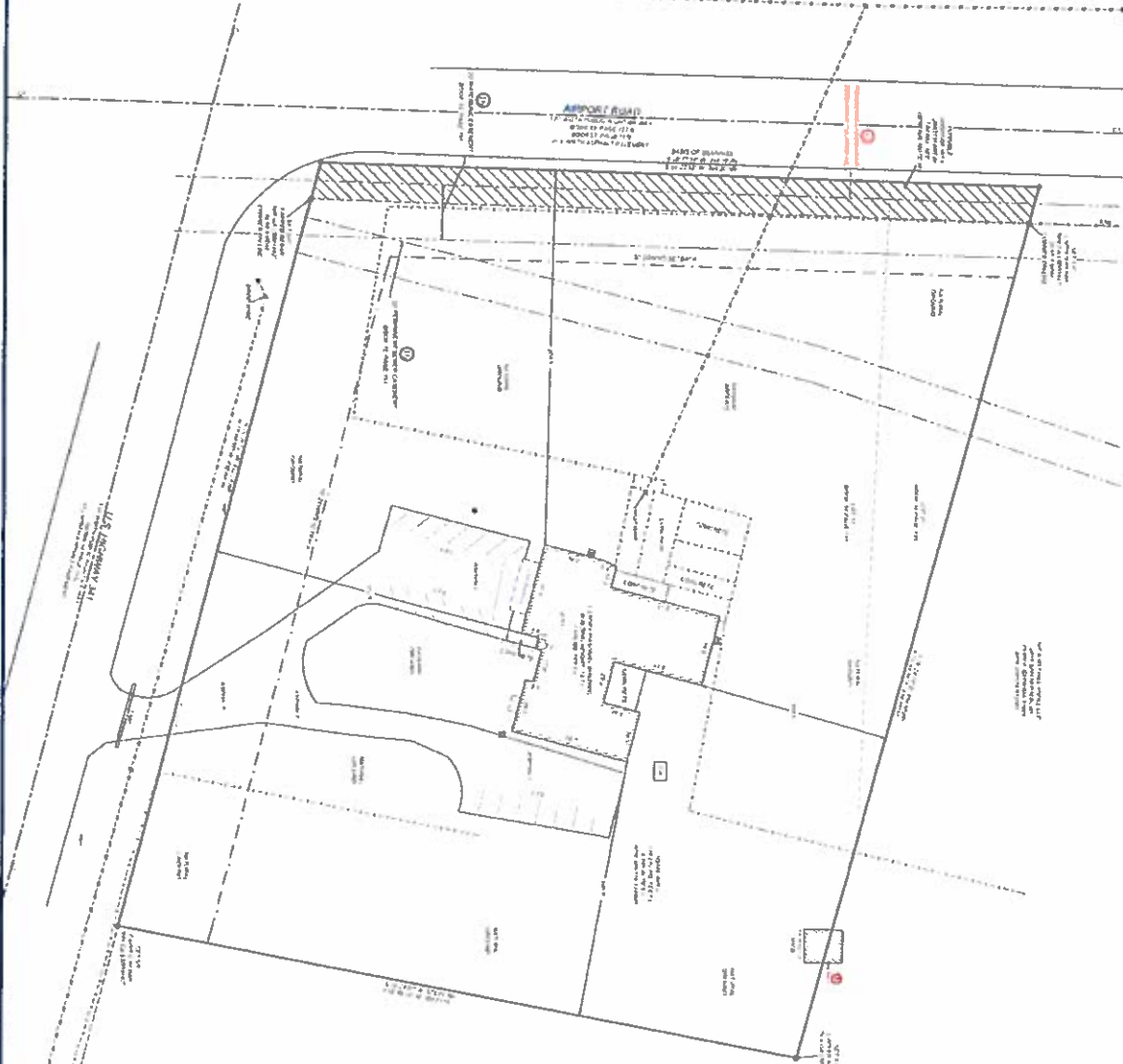
ZONING INFORMATION

Property Address	Zoning District	Permitted Uses
1234 Main St	Residential Single-Family	Single-Family Detached Dwelling
5678 Oak St	Commercial	Office, Retail, Restaurant
9012 Pine St	Industrial	Manufacturing, Warehouse

ALTANSPS LAND TITLE SURVEY

2022 N. US 341

PERRY, HOUSTON COUNTY, GEORGIA 31069



GENERAL NOTES

1. The survey was conducted in accordance with the Georgia Surveying and Mapping Act of 1997, as amended, and the Georgia Code, Title 47, Chapter 2, Article 1, Sections 47-2-1 through 47-2-10.
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10. The survey was conducted in accordance with the Georgia Surveying and Mapping Act of 1997, as amended, and the Georgia Code, Title 47, Chapter 2, Article 1, Sections 47-2-1 through 47-2-10.

LEGEND & SYMBOLS

- 1. Surveyed Boundary
- 2. Unsurveyed Boundary
- 3. Easement
- 4. Right-of-Way
- 5. Fenced Line
- 6. Contour Line
- 7. Spot Elevation
- 8. Utility Line
- 9. Proposed Boundary
- 10. Proposed Easement
- 11. Proposed Right-of-Way
- 12. Proposed Fenced Line
- 13. Proposed Contour Line
- 14. Proposed Utility Line
- 15. Proposed Surveyed Boundary
- 16. Proposed Unsurveyed Boundary
- 17. Proposed Easement
- 18. Proposed Right-of-Way
- 19. Proposed Fenced Line
- 20. Proposed Contour Line
- 21. Proposed Utility Line

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor in the State of Georgia, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land surveyed, and that the same is in accordance with the Georgia Surveying and Mapping Act of 1997, as amended, and the Georgia Code, Title 47, Chapter 2, Article 1, Sections 47-2-1 through 47-2-10.



BLEW & ASSOCIATES, P.A.
 Surveying
 Engineering
 Mapping

1234 Main St
 Perry, Georgia 31069
 Phone: (706) 123-4567
 Fax: (706) 987-6543
 Email: info@blew.com



[ABOVE SPACE RESERVED FOR RECORDING INFORMATION]

AFTER RECORDING, RETURN TO:

Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601
Attention: Luke P. Haller

STATE OF
COUNTY OF

QUITCLAIM DEED

THIS QUITCLAIM DEED (this "Deed") is made this 18th day of April, 2022, by VET Brothers Properties, LLC, a Georgia limited liability company ("Grantor"), to 2032 N US 341, LLC, a Georgia limited liability company, whose post office address is 230 West Monroe Street, Suite 1920, Chicago, IL 60606 ("Grantee") (the terms Grantor and Grantee to include their respective heirs, successors and assigns where the context hereof requires or permits).

WITNESSETH:

The Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable considerations, receipt which of is hereby acknowledged, hereby grants and conveys unto the Grantee without warranty, all of the Grantor's right, title and interest, if any, in that certain land, situated in Peach County, State of Georgia, further described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

Together with all buildings and other improvements situated thereon or attached thereto and all tenements, hereditaments, improvements, appurtenances, rights, easements, licenses, benefits and rights-of-way appurtenant thereto.

This Deed is executed and delivered by the Grantor on a quitclaim basis and with no warranty of any kind or nature.

[SIGNATURE PAGE FOLLOWS]

This Deed is executed and delivered by the Grantor on a quitclaim basis and with no warranty of any kind or nature.

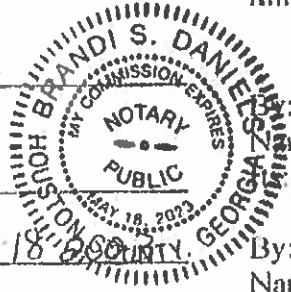
[SIGNATURE PAGE FOLLOWS]

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

Signed, sealed and delivered
in the presence of:

VET Brothers Properties, LLC, a Georgia
limited liability company

Chaley Bridges
Unofficial Witness



Felix M. Smith

Name: Felix M. Smith

Brandi Daniel
Notary Public
My Commission Expires: 5-18-2023

By:

Benjamin B. Smith

Name: Benjamin B. Smith

[Signature]
Unofficial Witness

Its:

Sarah Birmingham
Notary Public
My Commission Expires: 03-03-2025

[NOTARIAL SEAL]



EXHIBIT A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN LAND LOTS 19 AND 20 OF THE TENTH LAND DISTRICT, HOUSTON COUNTY, GEORGIA, AND BEING 4.046 ACRES AS MORE FULLY SHOWN ON PLAT OF SURVEY FOR DR. FELIX SMITH, SR., CERTIFIED BY RICHARD L. JONES, GEORGIA REGISTERED LAND SURVEYOR NUMBER 1591 OF JONES SURVEYING COMPANY, DATED MAY 19, 1983, AND A COPY OF WHICH IS RECORDED IN PLAT BOOK 34, PAGE 115, IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF HOUSTON COUNTY, GEORGIA. SAID PLAT AND THE RECORDED COPY THEREOF ARE HEREBY MADE A PART OF THIS DESCRIPTION BY REFERENCE THERETO.

Exhibit A-1

Affidavit Regarding Property, Liens and Possession

TO: First American Insurance Company (the "Title Company")

State of Illinois)
) SS.:
County of Cook)

BEFORE ME, the undersigned authority, on this day personally appeared Felix M. Smith and Benjamin B. Smith personally known to me to be the members of Vet Brothers Properties, LLC, a Georgia limited liability company (the "Company"), and who, after being duly sworn according to law, deposes and says, in such person's capacity as the authorized representative of the Company, and not in an individual capacity, as follows with respect to the property (the "Property") set forth in the Title Commitment listed on Exhibit A attached hereto (collectively, the "Commitment"):

1. The affiant is an authorized signatory of the Company, has actual knowledge of the facts stated herein, and is fully authorized and qualified to make this statement.

2. That affiant has no actual knowledge that during the period of six (6) months immediately preceding the date of this affidavit, any work has been done and any materials have been furnished on behalf of the Company in connection with the erection, equipment, repair, protection or removal of any building or any structure on the Property or in connection with the improvement of the Property in any manner whatsoever that has not been fully paid for, that there are no outstanding contracts for the furnishing of any labor or material to the land or the improvements thereto, except for any work performed by or on behalf of the tenant listed on Exhibit B.

3. To the actual knowledge of affiant, the Company is not a party to any unrecorded tenancies, leases or other occupancies on the properties except as identified in the Commitment or listed on Exhibit B. Such unrecorded leases, tenancies or other occupancies contain no options to purchase or rights of first refusal that have not expired pursuant to the terms of such documents.

4. Affiant has no actual knowledge that any other person (except for tenancies as noted above) has actual possession of the property except as set forth herein or in the Commitment.

5. To the actual knowledge of the affiant, the Company is not a party to any unrecorded easement or any contract, option or right to purchase other than in the transaction for which this affidavit is given.

6. That this affidavit is made with the intention that the Title Company will rely upon it in its issuance of title policies on the premises described in attached Exhibit A.

7. The Company agrees to pay, discharge, satisfy or remove those defects, liens, encumbrances, adverse claims or other matters (the "Title Exceptions"), if any, first appearing in the public records or attaching to the Property from the date the public records in Houston County

are updated through as of the date of this Affidavit until the recordation of the mortgage, within fifteen (15) days following receipt of written notice from the Title Company of such items; provided, however, that the liabilities and obligations of the Company hereunder shall be limited to those matters arising from the acts or omissions of the Company.

8. To the actual knowledge of the affiant, there are not material violations of any current, enforceable covenants affecting the Property and the Company has received no notice from any third party claiming that there is a present violation of any such covenant.

9. In the event that any of the representations made herein prove to be incorrect for any reason, and a claim is made by a third party with respect thereto, the Company agrees to indemnify and hold harmless the Title Company from and against all actual loss, costs, damages, reasonable attorneys' fees and expenses of every kind and nature which the Title Company may suffer, expend or incur under, or by reason or in consequence of any of the Title Exceptions, or as a result of the assertion or enforcement or attempted assertion or enforcement thereof. Notwithstanding anything to the contrary contained herein, the Company shall not incur any liabilities or obligations hereunder with respect to any Title Exceptions arising after the earlier of: (i) the date on which the Title Company has recorded all documents, completed all necessary searches and issued such Policies, or (ii) thirty (30) days after the date hereof.

Dated: April 18, 2022.

[Remainder of Page Intentionally Left Blank; Signature Page Follows]

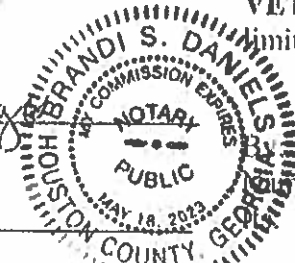
IN WITNESS WHEREOF, the Company has executed this Affidavit effective as of the date hereof.

COMPANY:

Signed, sealed and delivered
in the presence of:

VET Brothers Properties, LLC, a Georgia
limited liability company

Chalyn Bridges
Unofficial Witness



Felix M. Smith
Name: Felix M. Smith

Blaine S. Smith
Notary Public

My Commission Expires: 5-18-2023

By: Benjamin B. Smith
Name: Benjamin B. Smith
Its: _____

[Signature]
Unofficial Witness

Amanda B. Smith
Notary Public
My Commission Expires: 03-03-2025

[NOTARIAL SEAL]



EXHIBIT A

<u>Property</u>	<u>Commitment No.</u>	<u>Effective Date</u>
2032 N US 341, Perry, Georgia 31069	NCS-1119416-7-CH12	March 17, 2022

EXHIBIT B

Tenants

PetVet Care Centers (Georgia), LLC, a Delaware limited liability company



Where Georgia comes together.

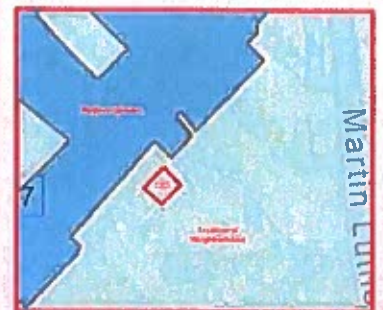
Summary for Zoning Case: SUSE-0084-2022	
Property Location:	508 Bradley Street
Tax Map No:	0P0260 068000
Acres:	0.52
Request:	Special Exception to allow religious institution
Planning Commission Recommendation:	Approval with 1 condition: 1. The property shall be developed substantially in compliance with the Conceptual Site Plan 2 prepared by Advanced Engineering Services, LLC, and dated 5/13/2022



Aerial Map



Zoning Map



Character Areas



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
June 9, 2022

CASE NUMBER: SUSE-0084-2022
APPLICANT: Mary Lou Simon
REQUEST: A Special Exception to Allow a Religious Institution
LOCATION: 508 Bradley Street; Tax Map No. 0P0260 068000

REQUEST ANALYSIS: The applicant proposes to develop the subject property for use as a church. The property, located between Bradley Street and Edwards Street in the Sand Hill community, is zoned R-2, Two-family Residential District. The attached site plan calls for construction of a new building on the southwest side of the property with parking on the northeast side. A driveway will connect to both streets fronting the property for access by fire and emergency services.

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

	Zoning Classification	Land Uses
Northeast	R-2	Single-family residential uses
Northwest	R-2	Single-family residential uses
Southeast	R-2	Single-family residential uses
Southwest	R-2	Single-family residential uses

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a "Traditional Neighborhood Character Area" in the 2022 Joint Comprehensive Plan. Suggested land use designations include "Public/Institutional."
4. *Will adequate fire and police protection be available?* The property is in an area already served by fire and police protection. The proposed use should not negatively impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* The proposed church will be a one story building approximately 4300 square feet in size. Up to 100 seats are planned for the sanctuary. The exterior of the building is subject to compliance with design standards in Sec. 6-6.1 of the LMO.
6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* The proposed church intends to operate on Sunday mornings and Wednesday evenings. Because of the relatively small congregation, the increase in vehicular traffic in the vicinity should be minimal. Bradley Street connects to Jeanne Street on one end and Gardner Drive on the other end. Both streets provide connection to Gen. Courtney Hodges Blvd. and Martin Luther King Jr. Drive. Edwards Street is a dead-end street.

7. *Will the use result in an increase in population density overtaxing public facilities?* The proposed church will have not impact on population. Public utilities in the area are adequate to serve the new facility.
8. *Will the use create a health hazard or public nuisance?* Use of the property as a church should not create a health hazard or public nuisance.
9. *Will property values in adjacent areas be adversely affected?* The proposed church should not adversely affect the value of surrounding properties.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property can be developed for residential uses permitted in the district. It has been vacant for several years.

STAFF RECOMMENDATION: Staff recommends approval of the special exception, subject to the property being developed substantially in compliance with the Conceptual Site Plan 2 prepared by Advanced Engineering Services, LLC, and dated 5/13/2022.

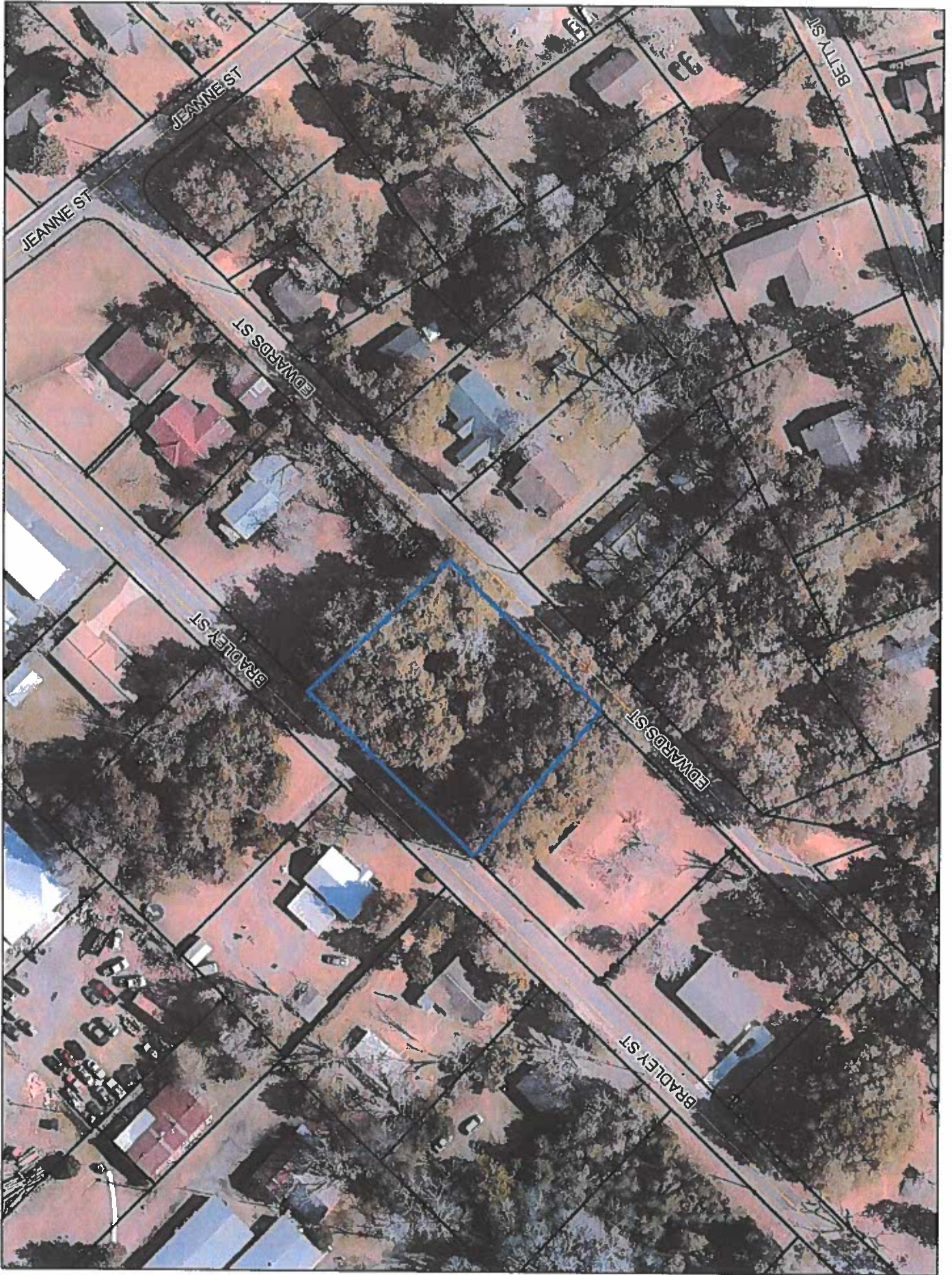
PLANNING COMMISSION RECOMMENDATION: Following an informational hearing held on June 13, 2022 the Planning Commission recommends approval of the special exception request as submitted with the following condition: 1) Subject to the property being developed substantially in compliance with the Conceptual Site Plan 2 prepared by Advanced Engineering Services, LLC, and dated 5/13/2022.

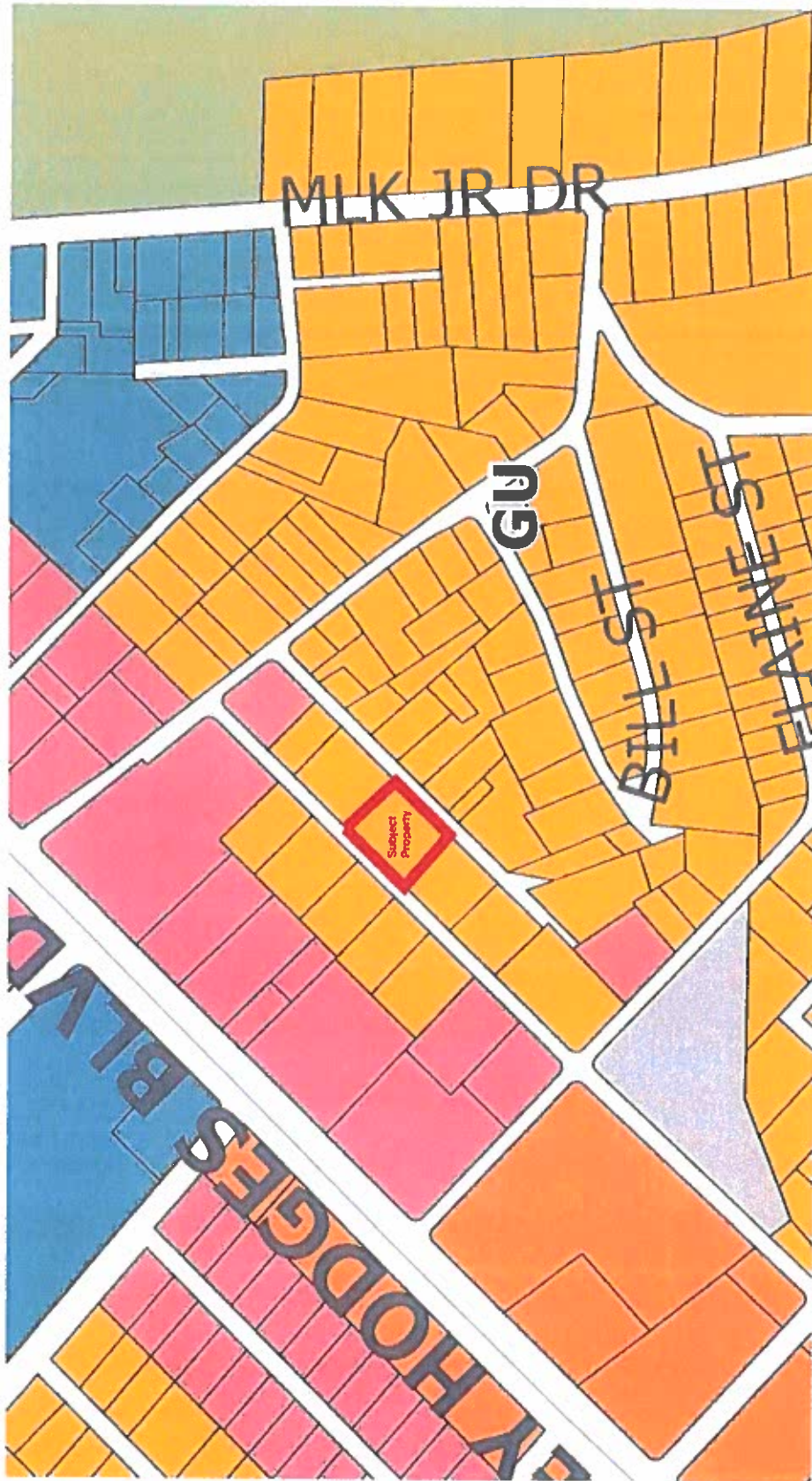


Eric Z. Edwards, Chairman, Planning Commission



Date





Martin Luther

Traditional
Neighborhood



Redevelopment

127



Where Georgia comes together.

Application # ^{SUSE} 0084-2022

Application for Special Exception

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Mary Lou Simon	David L. Small
*Title	Pastor	
*Address	1103 Creekwood Dr. Perry, GA	
*Phone	478-397-5276	
*Email	blessings2@windstream.net	

Property Information

*Street Address	508 Bradley St. Perry GA 31069		
*Tax Map Number(s)	0P0260	068000	*Zoning Designation R-2

Request

*Please describe the proposed use

" See Attached "

Instructions

- The application and \$92.00 fee (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- *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 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- *For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.
- 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.
- Special Exception 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.
- 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.
- *Signatures:

*Applicant	Mary Lou Simon	*Date	5/13/2022
*Property Owner/Authorized Agent	David L. Small	*Date	5/13/22

Standards for Granting a Special Exception

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 use pattern.
- (2) Whether the proposed use is consistent with the Comprehensive Plan.
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection.
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan.
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
 - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and
 - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern.
- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities.
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water.
- (8) Whether the proposed change will adversely affect property values in adjacent areas.
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located.

Response to Standards on page 2 of this application.

1. The existing land use pattern at 608 Bradley Street is zone for R2 residential. We are hoping that we will be granted a special exception so that we will be able to construct a building for worship.

2. The special exception for the church is consistent with the comprehensive plan in that we are in a traditional neighborhood plan. Our structure will be well designed development so that it blends into the existing neighborhood. Therefore, our process of planning for the church is valuable because it facilitate ministry communication, vision-sharing, and team member interaction to make certain we are in coherence with the comprehensive plan. .

Born Again Fellowship Church was brought into being through the vision of a small number of people who came together in Christian community to embrace a place of worship and to strive to fulfill Christ's commission in faith, and trust, and to live out the mission of the church.

Born again Fellowship Church will continue to be a place where believers not only meet with each other and worship God, but also reach out to our community with the love of Christ. His spirit moves us to serve a hurting world in whatever way we can both in helping people and in sharing the freedom and hope of the gospel. The adherence of this church are loving spirit-filled members who take a keen interest in the community and will welcome any neighbors or friends to attend our services.

Our Mission: transforming lives, churches and communities through the hope and holiness of Jesus Christ.

Our Invitation to worship: Every Sunday Morning: Sunday School 9:00 a.m.
Worship Service 10:15a.m.
Prayer Wednesday's 6:00p.m.
Bible Study Wednesday's 7:00 p.m.

Born Again fellowship Church has been duly incorporated under the laws of the State of Georgia on April 18th, 2018 by the filing of Articles of Incorporation in the office of secretary of State and by paying of fees as provided by title 14 of the official code of Georgia annotated.

3. Yes. The proposed structure, equipment or material will be readily accessible to fire and police protection. (Examples – police officers, firefighters and fire hydrants).

4. Our proposed structure is ideal for the location. It is not a giant building. It will be a well-designed structure that will blend into the existing neighborhood that will not cause any issues with any of the adjacent properties.

5. (a) Because we are in a traditional neighborhood our hours of operations and the fact that we have multiples entries to our building will help to ensure that vehicular traffic is continuing to be dispersed through multiple streets, enabling walking and biking to be safe. As a matter of fact, I ride my bike through this neighborhood almost daily because vehicular traffic is very slow making it generally safe.

(b) The proposed structure will not cause any issues to the neighboring properties. The structure of the building is not a giant building (small –medium). Therefore it is ideal for the location. This is a beautiful green space with natural trees. The structure will have a beautiful landscape screening (the installation of plantings, or shrubbery, or other foliage), with paved parking lots. It will have a storm water detention area. The structure will add an appeal to the neighborhood. This revitalization of the proposed structure will give new life and help to maintain the stability of the neighborhood.

6. The proposed use of this structure will not increase the population density.

7. The proposed use of this structure does not produce materials that would cause a health hazard. This structure will be used for worship only. The location of the property is accessible by paved road. There will be two means of entry in front and back of the church. Two directions to turn in to the church. This can help decelerate lanes which will help reduce traffic on the road as cars turn into the property helping to ensure public safety. As stated above our worship operations will not create a nuisance or generate any unnecessary disturbances. Our church music will be confined to the inside of the church. We want to ensure that the community exist – and thrive –so that we both may benefit.

8. The proposed change will not adversely affect property values in adjacent areas. A completed religious structure can increase property value. Especially if the grounds of the completed structure are kept and church maintenance. Making sure there is no drainage issues on the landscaping. Making sure rainfall doesn't run toward the church. Trees if any that are left are checked for rot or disease. Any branches or shrubbery that are obstructing pathways to be cutback. Nothing stored against the church walls that could cause dampness. This will not affect property values in adjacent areas
Revitalization is an important tool to help maintain the stability in adjacent areas.

9. There are no substantial reasons why the property cannot be used for a permitted use in the district where the property is located.

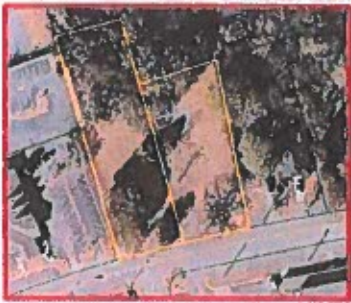
Respectfully submitted,

Mary Lou Simon – Pastor
Born Again Fellow Church



Where Georgia comes together.

Summary for Zoning Case: SUSE-0089-2022	
Property Location:	1009 and 1013 Northside Drive
Tax Map No:	0P0020 018000 and 0P0020 019000
Acres:	1.39
Request:	Special Exception to allow multi-family development
Planning Commission Recommendation:	<p>Approval with 2 conditions:</p> <ol style="list-style-type: none">1. The property shall be developed substantially in compliance with the building plans prepared by M&H Design Solutions, dated May 6, 2022, and with the Concept [Site] Plan prepared by Land Engineering, revised May 20, 2022.2. Proposed on-street parking shall be considered by Perry City Council for approval.



Aerial Map



Zoning Map



Character Areas



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
June 9, 2022

CASE NUMBER: SUSE-0089-2022
APPLICANT: WCH Homes/Dylan Wingate
REQUEST: A Special Exception to Allow Multi-family Residential Development
LOCATION: 1009 and 1013 Northside Drive; Tax Map No. 0P0020 018000 and 0P0020 019000

REQUEST ANALYSIS: The applicant proposes to develop a mixed-use building containing 13 residential rental units. The building will be approximately 40,000 square feet in two stories. The ground level will accommodate offices and retail (no restaurants or food/drink service). The subject properties are zoned C-3, Central Business District, and are in the Downtown Development Overlay District.

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

	Zoning Classification	Land Uses
North	C-3	Multi-family residential (Ashley Oaks Apts.)
South	C-3 and GU, Government Use District	Single-family residential and Perry Events Center
East	R-1, Single-family Residential District	Single-family residence
West	C-3	SunMark Bank

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a "Downtown" Character Area in the 2022 Joint Comprehensive Plan. Suggested development patterns in the character area are:
 - Infill development on vacant and underutilized sites.
 - Active uses (retail, restaurants, and entertainment) on the ground level of buildings; residential and office uses on upper levels of buildings.
 - Structures located at the sidewalk edge to maintain pedestrian interest and downtown character.
 - Residential developments designed to reflect the character of downtown.

Goal 8.a. of the 2023-2027 Strategic Plan: Promote downtown residential development.

4. *Will adequate fire and police protection be available?* The property is in an area already served by fire and police protection. The proposed use should not negatively impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* All surrounding properties are zoned C-3 except for the property located to the east of the subject. The applicant's plan includes the required 25' building setback from this residential property. The proposed building is designed so that residential activity occurs on the east side of the building; commercial

activity occurs on the south and west sides of the building. The size and character of the building are consistent with the characteristics of the downtown area.

6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* The proposal calls for extending the sidewalk along the property frontage of Northside Drive. In addition to on-site parking, angled on-street parking spaces are proposed on Northside Drive, like those in front of SunMark Bank. On-street parking spaces also exist at the Perry Events Center across the street.
7. *Will the use result in an increase in population density overtaxing public facilities?* The five 1-bedroom and eight 2-bedroom units will not have substantial impact on population density. Public utilities in the area are adequate to serve the new facility.
8. *Will the use create a health hazard or public nuisance?* Use of the property should not create a health hazard or public nuisance.
9. *Will property values in adjacent areas be adversely affected?* The proposed mixed-use development should not adversely affect the value of surrounding properties.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property could be developed for commercial uses only. The development will include limited commercial uses with supporting residential units. The property has been vacant for many years.

STAFF RECOMMENDATION: Staff recommends approval of the special exception, subject to the property being developed substantially in compliance with the building plans prepared by M & H Design Solutions, dated May 6, 2022 and with the Concept [Site] Plan prepared by Land Engineering revised May 20, 2022.

PLANNING COMMISSION RECOMMENDATION: Following an informational hearing held on June 13, 2022, the Planning Commission recommends approval of the special exception, subject to the property being developed substantially in compliance with the building plans prepared by M & H Design Solutions, dated May 6, 2022 and with the Concept [Site] Plan prepared by Land Engineering revised May 20, 2022.

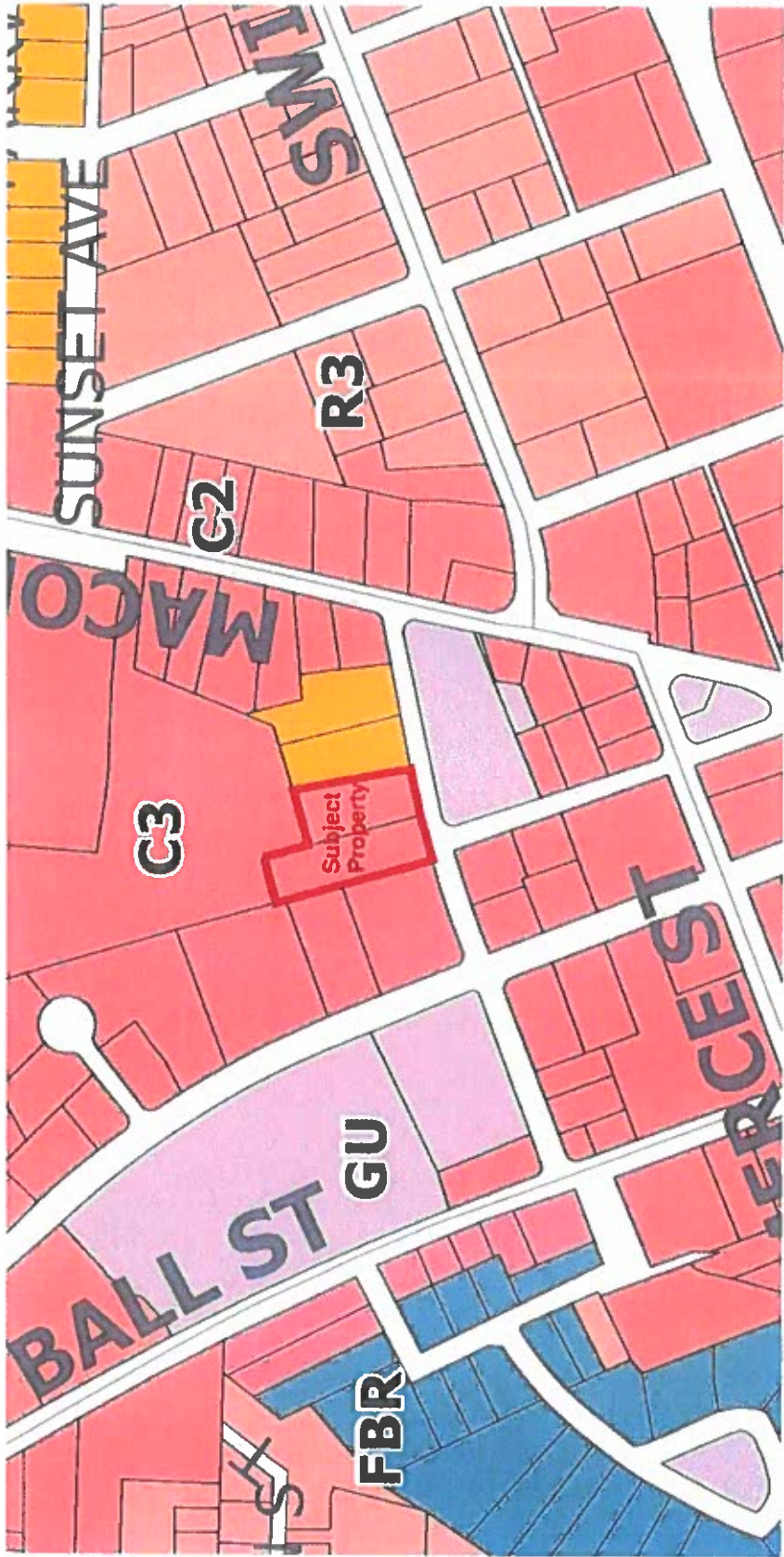


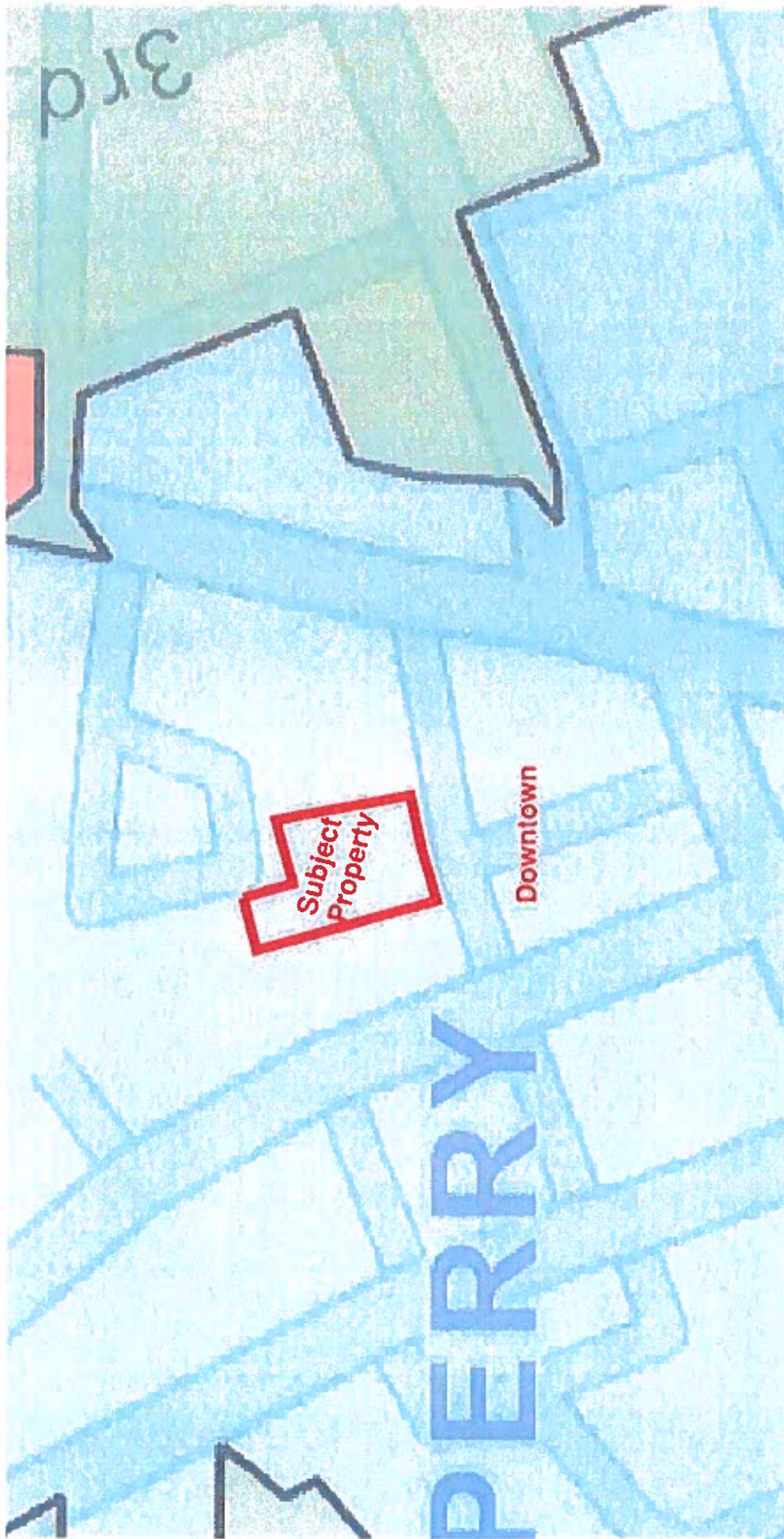
Eric Z. Edwards, Chairman of the Planning Commission



Date









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Application for Special Exception
 Contact Community Development (478) 988-2720

Application # SUSE
 #0089-2022

Applicant/Owner Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	WCH Homes / Dylan Wingate	WCH Homes / Dylan Wingate
*Title	Vice President	
*Address	817 GA-247, Unit 10 Kathleen, GA 31047	
*Phone	478-322-0028	
*Email	dylanw@wchhome.com	

Property Information

*Street Address	1009 & 1013 Northside Dr Perry, GA		
*Tax Map Number(s)	0P0020 018000 / 0P0020 019000	*Zoning Designation	C3

Request

*Please describe the proposed use:
 Mixed use development consisting of 13 loft units on top and 8 soft retail units below to provide downtown living to the city

Instructions

- The application and *\$92.00 fee (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- *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 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- *For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.
- 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.
- Special Exception 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.
- 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.
- *Signatures:

*Applicant		*Date	5/16/22
*Property Owner/Authorized Agent		*Date	5/16/22

Standards for Granting a Special Exception

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 use pattern.
- (2) Whether the proposed use is consistent with the Comprehensive Plan.
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection.
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan.
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
 - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and
 - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern.
- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities.
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water.
- (8) Whether the proposed change will adversely affect property values in adjacent areas.
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located.

Northside Drive Special Exception Application Comments

(1) The existing land use pattern.

The existing land is undeveloped and owned by a single individual. Vegetation appears to be limited to trees and grass.

(2) Whether the proposed use is consistent with the Comprehensive Plan.

As a mixed-use development with lofts and soft retail, the proposed use is consistent with the Comprehensive Plan.

(3) Whether all proposed structures, equipment or material will be readily accessible for fire and police Protection.

All proposed structures, equipment, and material will be readily accessible for fire and police protection.

(4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan.

In general, the proposed use fits within the character of surrounding parcels' current C2 and C3 zoning classifications.

(5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:

The parcel on which this development will sit abuts an R2 parcel to the East.

(a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and

The nature and intensity of operations for this development will be similar to that of surrounding establishments. Construction documents will show proper signage, striping, and other required information to ensure pedestrian and vehicular safety and minimize traffic disruptions.

(b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern.

Building location and height will be in conformance with existing and nearby zoning requirements. Buffering and landscaping will not hinder or discourage existing or proposed development on adjacent parcels.

(6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities.

The proposed use will slightly increase the population density but should not create issues with overwhelming public facilities.

(7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water.

The proposed use will slightly increase traffic loading, but should not generate unnecessary disturbances due to noise, odors, or pollution. Potential drainage issues will be mitigated with stormwater facilities.

(8) Whether the proposed change will adversely affect property values in adjacent areas.

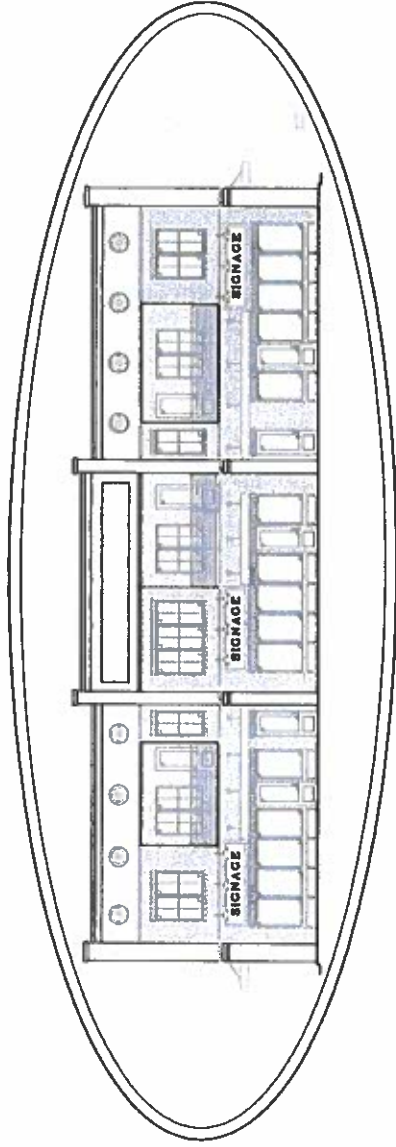
The proposed change should positively affect adjacent property values.

(9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located.

None.

CODE REVIEW FOR:

WINGATE LOFTS



SHEET INDEX

- A-1 FOUNDATION PLAN & DETAILS
- A-2 MAIN LEVEL FLOOR PLAN
- A-3 UPPER LEVEL FLOOR PLAN
- A-4 EXTERIOR ELEVATIONS
- A-5 ROOF PLAN
- A-6 INTERIOR ELEVATIONS
- A-7 LEGENDS & SCHEDULES
- A-8 BUILDING SECTION
- A-9 DETAILS



LOCATION MAP

CONSTRUCTION TYPE "VB"

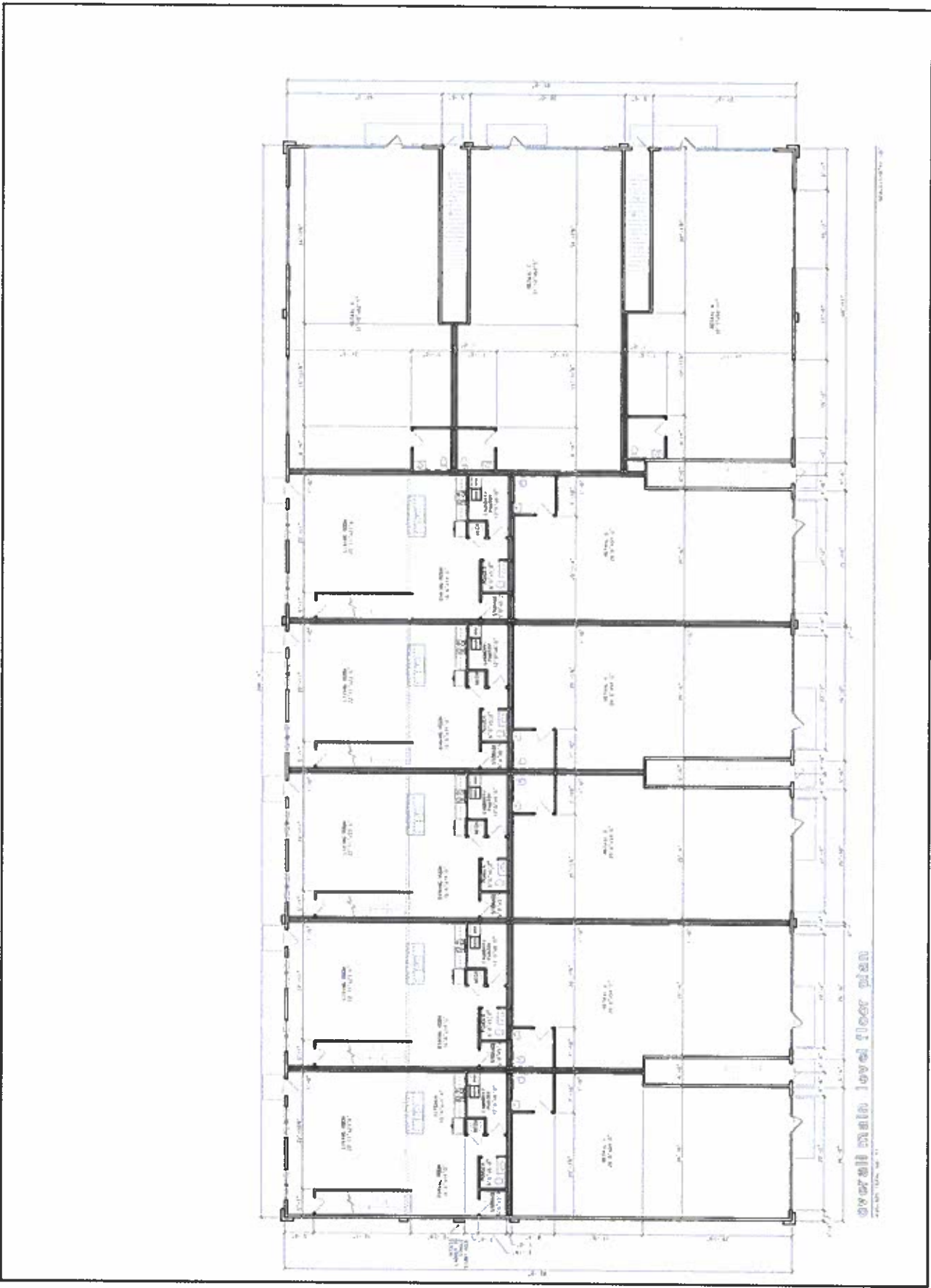
REVISIONS

WINGATE LOFTS

HOUSTON CO. GEORGIA

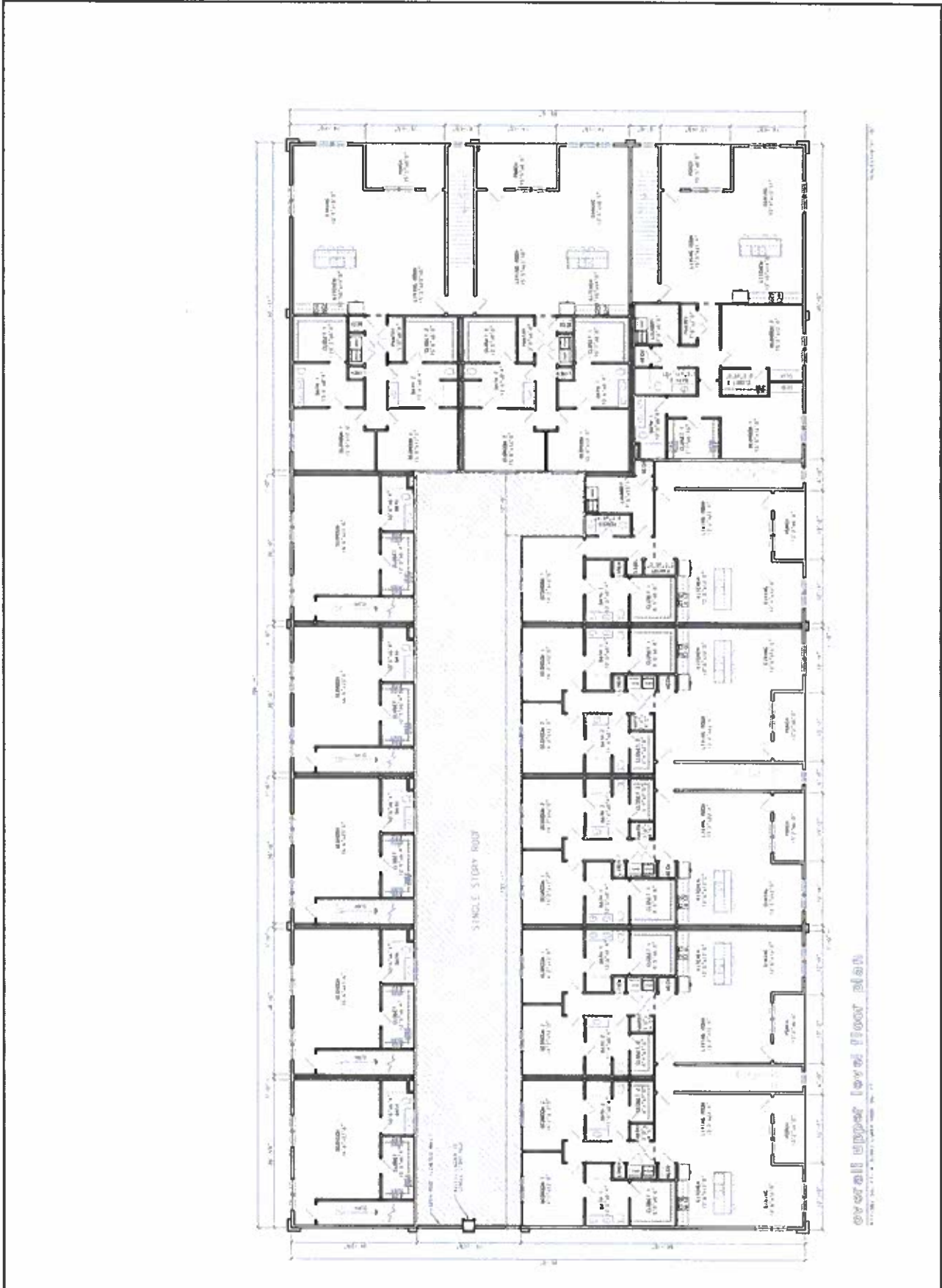
ARCHITECT: M&H ARCHITECTS, INC. 1000 WINDYBARK DRIVE, SUITE 100, MARIETTA, GA 30067

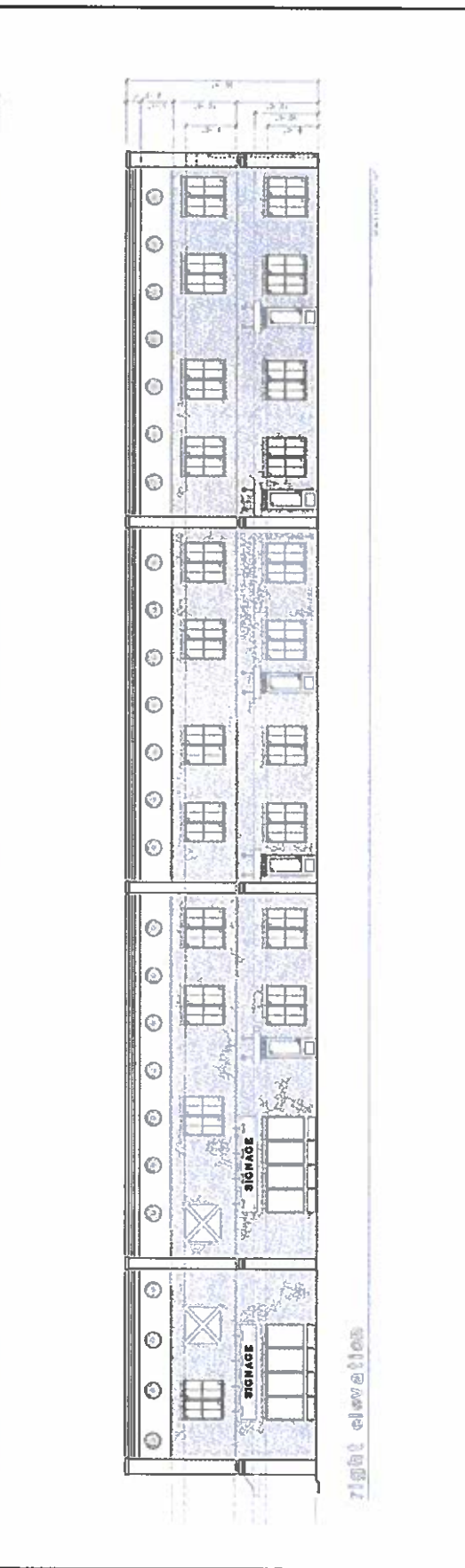
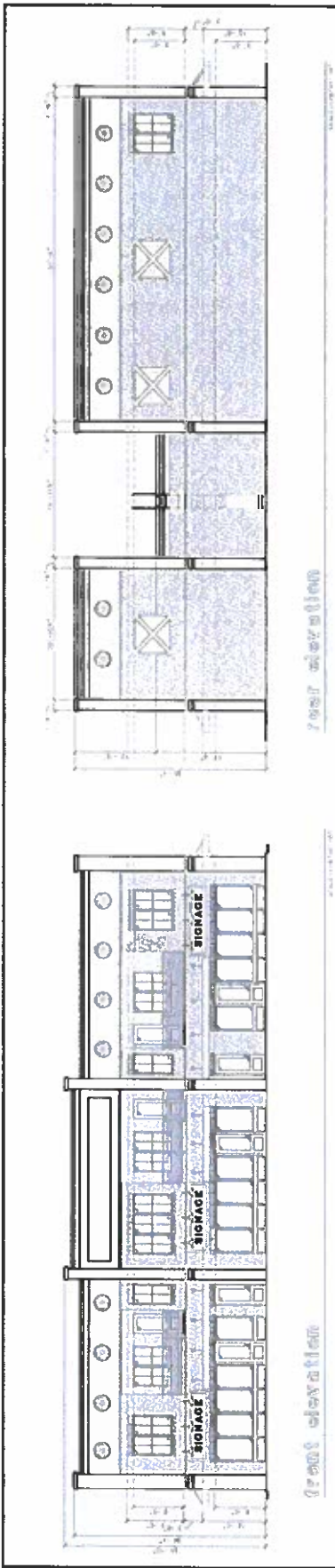
DATE: 08/12/2009
SHEET NUMBER: 1



SCALE: 1/8" = 1'-0"

REVISIONS 	WINGATE LOFTS HOUSTON CO. GEORGIA	M&P ARCHITECTS 1000 WINDING RD HOUSTON, TX 77057 TEL: 281-291-1111 FAX: 281-291-1112 WWW.MANDPARCHITECTS.COM	DATE: 01.10.2017 SHEET NUMBER:
	WINGATE LOFTS HOUSTON CO. GEORGIA		A-3







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Summary for Zoning Case: TEXT-0085-2022	
Highlights of Text Amendment:	<ul style="list-style-type: none">• Updates definition of oversized vehicle• Clarifies the use of vehicles in the conduct of business• Revises and adds standards for parking RVs, utility trailers, oversized vehicles, and food trucks in residential and central business district• Adds screening requirements
Planning Commission Recommendation:	Approval



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
June 7, 2022

CASE NUMBER: TEXT-0085-2022
APPLICANT: The City of Perry
REQUEST: Modifications to Land Management Ordinance to clarify and update requirements for parking and storing utility trailers and recreational vehicles. Sections of the Land Management Ordinance being modified are 1-13, 4-5(F), 6-1.10, and 6-3.7.

STAFF ANALYSIS: Staff was instructed by Council to clarify the use of Section 4-5(F) and establish standards for parking or storing utility trailers in the city. Our research led to modifying the definition of “oversized vehicle” and revising/clarifying standards for parking/storing recreational vehicles.

Highlights of the text amendment:

- Section 4-5(F) is clarified to address vehicles, trailers, and shipping containers being used as part of a business activity
- Definition of “oversized vehicle” revised to mean any vehicle larger than a passenger crew-cab pick-up truck
- Oversized vehicles prohibited in residential districts except in the conduct of business
- Recreational vehicles, utility trailers limited to one in residential district if not within an enclosed building
- Utility trailers used in the conduct of a person’s work may be parked in a residential driveway
- Recreation vehicle prohibited in downtown except if stored in an enclosed building
- Utility vehicles and food trucks downtown must be parked/stored out of view from a public street or screened according to additional screening standards of section 6-3.7
- In commercial districts other than C-3, utility trailers and food trucks may be parked on a lot occupied by the tenant with which the trailer/food truck is associated

STANDARDS FOR GRANTING A TEXT AMENDMENT:

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

Goals of the City’s Strategic Plan call for maintaining or improving quality of life and promoting the development of the downtown.

(2) Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations.

The proposed amendment is consistent with the format of the Land Management Ordinance.

(3) Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted.

Since the original version of these sections were adopted, typical passenger vehicle sizes of increased, the parking and storage of utility trailers and food trucks has become more prevalent, and clarification of regulations regarding the use of vehicles in the conduct of business has been recognized.

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

This amendment will address certain activities that have become more prevalent in recent years and will help to maintain the character of residential districts and the downtown area.

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

The Purpose and Intent of the LMO include:

- Promote quality housing, preserve neighborhoods, and encourage a diversity of housing options.
- Facilitate the creation of a convenient, attractive, and harmonious community
- Promote the downtown as a center of commerce, government, arts, entertainment, and residential life.

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

The amendment addresses the orderly parking and storage of various vehicle types, which could alter the character of residential districts and the downtown if left unchecked.

- (7) Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment has no impact on the natural environment.

- (8) Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment has no impact on community facilities.

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

Sec. 1-13. Definitions.

~~Oversized vehicle means any propelled or non-propelled vehicle that exceeds two-ton rated capacity, exceeds 85 inches in height, or exceeds 250 inches in length, excluding a recreational vehicle~~ any vehicle that exceeds 23 feet in length, 80 inches in width, or 85 inches in height, excluding recreational vehicles.

Sec. 4-5. - Temporary uses and structures.

(F) ~~Use of motor vehicle, trailer, or shipping container for sales, service, storage, or other business.~~ The use of any motor vehicle, trailer, or shipping container in which, out of which, or from which any goods are sold, stored, services performed, or other businesses conducted shall be prohibited in all zoning districts, except as may be allowed by a temporary use permit. This subsection shall not prohibit the use of a motor vehicle, trailer, or shipping container for the following uses without benefit of a temporary use permit:

- (1) The sale of food and drink products at a city-approved event;
- (2) Construction authorized by a building permit;
- (3) The temporary loading and unloading of goods provided that no individual trailer or container is in place longer than 48 hours;
- (4) The temporary storage of seasonal merchandise; or
- (5) The storage of baled lawn and garden products.

See section 6-1.10 for standards for parking or storing recreational vehicles, utility trailers, and food trucks.

6-1.10. Use of required off-street parking areas.

- (A) **General. Required** Off-street parking areas shall be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, or building materials, except as expressly allowed in this section.
- (B) ~~Commercial and Oversized vehicles in residential districts. Only one commercial vehicle shall be permitted per family within a residential district. Vehicles used for hauling explosives, gasoline or liquefied petroleum or~~ Oversized vehicles shall not be parked or stored in a residential district, except for ordinary delivery, loading or unloading of household goods, or during an active construction project.
- (C) ~~Recreational vehicles in residential zones districts. Not more than one recreational vehicle per dwelling may be parked or stored on a lot in any residential zone and shall be located to the side or rear of the building on the lot on which the vehicle is located and shall not be located closer to the street than any adjoining residential structure.~~
- In any residential district recreational vehicles, travel trailers, campers, buses, motorized homes, boats, boat trailers, ATVs or ATV trailers may be parked or stored in a completely enclosed building. Such vehicles or trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot.
- (D) Recreational vehicles in the C-3, central business district. Parking or storing any recreational vehicle, travel trailer, camper, motorized home, boat, boat trailer, ATV or ATV trailer in the central business district is prohibited outside of a completely enclosed building.
- (E) Utility trailers in residential districts. In any residential district, open or enclosed utility trailers may be parked or stored in a completely enclosed building. Such utility trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot. Utility trailers hitched to an operable vehicle used to transport the trailer to and from a worksite, typically Monday through Friday, may be parked on a paved or graveled driveway, including Saturday and Sunday when such trailer may not be attached to a vehicle, provided, however, the above-limitation to one per dwelling and the requirement to be stored in the side yard or rear yard of the lot shall still apply to any trailers not stored in a completely enclosed building.
- (F) Utility trailers and food trucks in the central business district. In the C-3, Central Business District, open or enclosed utility trailers and food trucks may be parked or stored on a lot if located within a completely enclosed building, in a location which is not visible from any public street, or within an enclosure complying with the provisions of Section 6-3.7. Utility trailers and food trucks not parked or stored within a completely enclosed building must be associated with a tenant located on the lot used to park or store the utility trailer or food truck.

(G) Utility trailers and food trucks in non-residential districts: Within districts not otherwise regulated, utility trailers and food trucks may be parked or stored on any lot occupied by a tenant with which the trailer or food truck is associated. Trailers and food trucks shall not be parked or stored in required landscaping and buffer areas and shall not reduce the minimum required parking spaces for the property.

6-3.7. *Additional screening requirements.* In addition to the landscaping and screening required in this section, additional screening shall be required to conceal specific areas of high visual impact or hazardous areas.

(A) Plants and a solid fence or wall, at least the height of the item being screened, but not more than eight feet tall, shall be installed around all sides, excluding access areas. Access gates to these areas shall be solid and, to the extent practical, not oriented to a public street. Plant material must meet the minimum planting heights listed on table 6-2-1 and shall be installed around the following areas:

- (1) Loading and service areas.
- (2) Dumpsters/ refuse collection points/ recycling drop-off centers.
- (3) Ground level mechanical, heating and air-conditioning equipment (except for single-family detached and two-family dwellings).
- (4) Outdoor electrical or other above-ground utility equipment.
- (5) Outdoor storage lots.
- (6) Storage tanks.
- (7) Ground level equipment associated with communication towers.
- (8) Utility trailers and food trucks parked or stored in the C-3 district.

PLANNING COMMISSION RECOMMENDATION: Following an informational hearing held on June 13, 2022, the Planning Commission recommends approval of the proposed text amendment.



Eric Z. Edwards, Chairman, Planning Commission



Date

Sec. 1-13. Definitions.

Oversized vehicle means any propelled or non-propelled vehicle that exceeds two tons rated capacity, exceeds 85 inches in height, or exceeds 250 inches in length, excluding a recreational vehicle any vehicle that exceeds 23 feet in length, 80 inches in width, or 85 inches in height, excluding recreational vehicles.

Sec. 4-5. - Temporary uses and structures.

(F) *Use of motor vehicle, trailer, or shipping container for sales, service, storage, or other business.* The use of any motor vehicle, trailer, or shipping container in which, out of which, or from which any goods are sold, stored, services performed, or other businesses conducted shall be prohibited in all zoning districts, except as may be allowed by a temporary use permit. This subsection shall not prohibit the use of a motor vehicle, trailer, or shipping container for the following uses without benefit of a temporary use permit:

- (1) The sale of food and drink products at a city-approved-event;
- (2) Construction authorized by a building permit;
- (3) The temporary loading and unloading of goods provided that no individual trailer or container is in place longer than 48 hours;
- (4) The temporary storage of seasonal merchandise; or
- (5) The storage of baled lawn and garden products.

See section 6-1.10 for standards for parking or storing recreational vehicles, utility trailers, and food trucks.

6-1.10. Use of required off-street parking areas.

- (A) *General. Required* Off-street parking areas shall be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, or building materials, except as expressly allowed in this section.
- (B) *Commercial and Oversized vehicles in residential districts.* Only one commercial vehicle shall be permitted per family within a residential district. Vehicles used for hauling explosives, gasoline or liquefied petroleum or Oversized vehicles shall not be parked or stored in a residential district, except for ordinary delivery, loading or unloading of household goods, or during an active construction project.
- (C) *Recreational vehicles in residential zones districts.* Not more than one recreational vehicle per dwelling may be parked or stored on a lot in any residential zone and shall be located to the side or rear of the building on the lot on which the vehicle is located and shall not be located closer to the street than any adjoining residential structure.

In any residential district recreational vehicles, travel trailers, campers, buses, motorized homes, boats, boat trailers, ATVs or ATV trailers may be parked or stored in a completely enclosed building. Such vehicles or trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot.

- (D) *Recreational vehicles in the C-3, central business district.* Parking or storing any recreational vehicle, travel trailer, camper, motorized home, boat, boat trailer, ATV or ATV trailer in the central business district is prohibited outside of a completely enclosed building.
- (E) *Utility trailers in residential districts.* In any residential district, open or enclosed utility trailers may be parked or stored in a completely enclosed building. Such utility trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot. Utility trailers hitched to an operable vehicle used to transport the trailer to and from a worksite, typically Monday through Friday, may be parked on a paved or graveled driveway, including Saturday and Sunday when such trailer may not be attached to a vehicle, provided, however, the above-limitation to one per dwelling and the requirement to be stored in the side yard or rear yard of the lot shall still apply to any trailers not stored in a completely enclosed building.
- (F) *Utility trailers and food trucks in the central business district.* In the C-3, Central Business District, open or enclosed utility trailers and food trucks may be parked or stored on a lot if located within a completely enclosed building, in a location which is not visible from any public street, or within an enclosure complying with the provisions of Section 6-3.7. Utility trailers and food trucks not parked or stored within a completely enclosed building must be associated with a tenant located on the lot used to park or store the utility trailer or food truck.

(G) Utility trailers and food trucks in non-residential districts. Within districts not otherwise regulated, utility trailers and food trucks may be parked or stored on any lot occupied by a tenant with which the trailer or food truck is associated. Trailers and food trucks shall not be parked or stored in required landscaping and buffer areas and shall not reduce the minimum required parking spaces for the property.

6-3.7. *Additional screening requirements.* In addition to the landscaping and screening required in this section, additional screening shall be required to conceal specific areas of high visual impact or hazardous areas.

(A) Plants and a solid fence or wall, at least the height of the item being screened, but not more than eight feet tall, shall be installed around all sides, excluding access areas. Access gates to these areas shall be solid and, to the extent practical, not oriented to a public street. Plant material must meet the minimum planting heights listed on table 6-2-1 and shall be installed around the following areas:

- (1) Loading and service areas.
- (2) Dumpsters/ refuse collection points/ recycling drop-off centers.
- (3) Ground level mechanical, heating and air-conditioning equipment (except for single-family detached and two-family dwellings).
- (4) Outdoor electrical or other above-ground utility equipment.
- (5) Outdoor storage lots.
- (6) Storage tanks.
- (7) Ground level equipment associated with communication towers.
- (8) Utility trailers and food trucks parked or stored in the C-3 district.**



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Application # TEXT-0085-2022

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

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


Request

*Please provide a summary of the proposed text amendment:

Modify the Land Management Ordinance Sections 1-13, 4-5(F), 6-1.10, and 6-3.7 to update definition of "oversized vehicle", clarify use of vehicles in the conduct of business; revise and add standards for parking recreational vehicle, utility trailers, oversized vehicles, and food trucks in residential districts and the central business district; and adding to the list of uses subject to additional screening requirements.

Instructions

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

<p>*Applicant </p>	<p>Bryan Wood, Director of Community Development, for the City of Perry</p>	<p>*Date 5/16/2022</p>
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Planning Commission Minutes
June 13, 2022

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

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

Guests: Rev. Walton Hayes, John Michael Cosey, Brian Braun, Mary Lou Simon, Brad von Oven, Mitch Paulk, and Dallas Margeson

3. Invocation: was given by Commissioner Mehserle.
4. Approval of Minutes from meeting on May 09, 2022. Commissioner Jefferson motioned to approve as submitted; Commissioner Moody seconded; all in favor and was unanimously approved.
5. Announcements – Chairman Edwards referred to the notices as listed.
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place cell phones on silent mode.
6. Citizens with Input – None
7. Old Business – None
8. New Business
 - A. Public Hearing (Planning Commission decision)
 - **VAR-0086-2022**. Variance to install an illuminated and electronic message sign in a residential zone at 1007 W.F. Ragin Dr. The applicant is Scott Bombard.

Ms. Wharton read the applicants' request, along with staff responses which was for a variance to install an illuminated monument-style sign, approximately 75 square feet. The property is zoned R-3, Multi-Family Residential. According to Sec. 6-9.6 (A) of the Land Management Ordinance, "parcels located in residential zoning districts shall not contain signs having a sign area greater than four (4) square feet. Signs having a height of greater than five (5) feet shall not be located in residential zoning districts. Illuminated signs shall not be located in residential zoning districts." Sec. 6-9.13 (A) identifies the permitted zoning districts for electronic message boards as allowable in the C-1, C-2, OC, IN, M-1, M-2, GU, IMU, and MUC districts only.

Chairman Edwards opened the public hearing at 6:10pm and called for anyone in favor of the request. Rev. Walton Hayes, the applicant advised the request is to update the current sign and feels it would enhance the area and add character; the current sign is in memory of a former member and needs to be updated. Rev. Hayes advised he spoke with the closest residential neighbor, and they have no objection and as staff recommended the sign will show no message,

but the time after 10pm. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:12pm.

Mr. Wood advised the condition of a displayed message after 10pm was recommended as it was in a residential district. Commissioner Moody inquired if the base would be brick; Rev. Hayes advised it would be. Commissioner Moody asked if the time display would be static after 10pm; Rev. Hayes advised it would be.

Commissioner Butler motioned to approve of the application as submitted with the following conditions: 1). the variance shall be limited to the materials and dimensions presented on the sign plan submitted by the Sign Store of Macon on May 2, 2022; 2). the electronic message board shall incorporate a photocell, or similar technology, that adjusts the brightness of the sign relative to the outdoor ambient light and 3). the electronic board shall display no messages (be turned off) between 10:00 p.m. and 6:00 a.m.

B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on July 5, 2022)

- **RZNE-0067-2022.** Application to rezone property from R-3, Multi-Family Residential to C-2, General Commercial District at 115 Perimeter Rd. The applicant is Chad Bryant.

Ms. Wharton read the applicants' request which was to rezone the parcel from R-3, Multi-Family Residential to C-2, General Commercial District. Both parcels are undeveloped and have never been developed and the applicant proposes to develop the properties with general commercial uses, along with staff responses.

Chairman Edwards opened the public hearing at 6:25pm and called for anyone in favor of the request. Mr. John Michael Cosey on behalf of the applicant reiterated the request and advised it would be developed as a retail center. Chairman Edwards called for anyone opposed; there being none; the public hearing was closed at 6:26pm.

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

- **RZNE-0075-2022.** Application to rezone property from M-2, General Industrial District to M-1, Wholesale and Light Industrial at 311 Valley Dr and adjacent. The applicant is Brad von Oven.

Ms. Wharton read the applicants' request which was for rezoning from M-2, General Industrial District to M-1, Wholesale and Light Industrial. The properties consist of 4.82 total acres and are undeveloped and have never been developed. The applicant proposes to develop the properties as a location for an RV and boat rental and storage company. As the property is currently zoned, the proposed use is not permitted. The M-2, Industrial, zoning district is the City's most intense zoning district and is designated for more intense uses. The applicant is currently operating an RV rental business from another location outside Perry. However, the primary source of business noted by the applicant is the rental of RVs for visitors to the Georgia National Fairgrounds. The subject property on Valley Drive has been identified by the applicant as an ideal location to serve as a home base for operations and provides an opportunity for the business to scale and expand.

Chairman Edwards opened the public hearing at 6:33pm and called for anyone in favor of the request. Mr. Brad von Oven, the applicant reiterated the request and advised he will use as RV rentals keeping thirty on site and in the future possible boat storage. Most of his customers are for events at the fairgrounds and is looking to relocate his current business from Warner Robins to the city.

Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:35pm.

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

- **ANNX-0081-2022.** Annexation and designation of C-2, General Commercial District of property at 2032 Sam Nunn Blvd. The property is zoned R-AG in Houston County. The applicant is NV REIT OP, LP.

Ms. Wharton read the applicants' request which was to annex from Houston County to City of Perry. The applicant has requested to be annexed into the City of Perry with the zoning classification of C-2, General Commercial, for the current use as an animal hospital and access to City of Perry utilities.

Chairman Edwards opened the public hearing at 6:42pm and called for anyone in favor of the request. The applicant, Mr. Dallas Margeson reiterated the request and advised the current use would continue and was being done to access city utility services. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:43pm.

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

- **SUSE-0084-2022.** Application for special exception to build a church at 508 Bradley St. The applicant is Mary Lou Simon.

Mr. Wood read the applicants request which was for development of the site for use as a church. The property is located between Bradley Street and Edwards Street in the Sand Hill community, and is zoned R-2, Two-family Residential District. A provided site plan calls for construction of a new building on the southwest side of the property with parking on the northeast side. A driveway will connect to both streets fronting the property for access by fire and emergency services.

Chairman Edwards opened the public hearing at 6:48pm and called for anyone in favor of the request. The applicant, Ms. Mary Lou Simon and pastor of the proposed church advised she has been searching for a new location and feels this is the right location and will assist in the areas' revitalization. She feels traffic should not be a problem and has spoken with the surrounding neighbors and there has been no objection. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:52pm.

Commissioner Moody commended Ms. Simon on her vision to bring a church to the area within walking distance. Chairman Edwards inquired if building plans have been considered yet; Ms.

Simon advised they had not, the project is in the beginning phases, and she is working with an engineering firm for guidance.

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

- **SUSE-0089-2022.** Application for special exception to for multi-family as part of a mixed-use development at 1009 and 1013 Northside Dr. The applicant is Dylan Wingate.

Mr. Wood read the applicants' request, which was for a special exception to allow for a multi-family residential development, along with staff responses. Mr. Wood advised the applicant proposes to develop a mixed-use building containing 13 residential rental units; the building will be approximately 40,000 square feet in two stories. The ground level will accommodate offices and retail (no restaurants or food/drink service). The subject properties are zoned C-3, Central Business District, and are in the Downtown Development Overlay District.

Chairman Edwards opened the public hearing at 7:00p. Mr. Mitch Paulk, on behalf of the applicant and project engineer described the building layout and design, which will be consistent with the downtown area. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 7:05pm.

Commissioner Moody asked for clarification on the sidewalks; Mr. Wood advised the plans show on the front and it will be a good connector from Sunmark Bank to the proposed development and downtown. Ms. Wharton advised it is part of the Perry Pathways Plan. Commissioner Coody inquired if any feedback had been received from the adjacent residential property; Mr. Paulk advised he was not certain. Commissioner Moody asked if there would be a buffer on the right elevation; Mr. Paulk advised there would be a privacy fence.

Commissioner Butler motioned to recommend approval of the application as submitted with allowance of on street parking to Mayor and Council and with the following condition: 1). Subject to the property being developed substantially in compliance with the building plans prepared by M & H Design Solutions, dated May 6, 2022, and with the Concept [Site] Plan prepared by Land Engineering revised May 20, 2022; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

- **TEXT-0011-2022.** Text amendment to establish a Historic Preservation Commission and supporting procedures/standards. The applicant is the City of Perry.

Mr. Wood advised the amendment is to establish a Historic Preservation Commission, establish standards and procedures for designating historic properties and historic districts, and establishing standards and procedures for granting certificates of appropriateness. Sections of the Land Management Ordinance being modified are 2-1.4, 2-1.5, 2-3.4, and 2-3.8.2. The amendment will implement a goal of Council's Strategic Plan and is based on the State's model historic preservation ordinance and is consistent with the Georgia Historic Preservation Act. Mr. Wood provided highlights of the text amendment:

- Establishes a 5-member Preservation Commission to be appointed by the Mayor and ratified by Council

- Establishes rules of procedure and the duties and responsibilities of the Preservation Commission
- Sets the purpose of the ordinance
- Establishes the standards, procedures, and notice requirements for designating historic properties and historic districts
- Establishes the standards, procedures, and notice requirements for considering applications for certificates of appropriateness
- Provides for the maintenance of designated properties

Commissioner Mehserle raised concerns about an additional layer of review in the development process and another imposition on property rights and asked why this was being proposed. Mr. Wood indicated the proposal supports a specific goal in the Strategic Plan, and stated it is related to a bill in the State legislature which would restrict the City's ability to review design aspects of single-family houses unless they are in a designed historic district and further indicated there would also be opportunity for tax incentives for qualifying improvements to properties in a historic district designated under state standards. Commissioner Jefferson asked why this is being proposed if the Main Street Advisory Board currently has a role in the review, and who would determine what is historic. Mr. Wood advised the MSAB only reviews properties in the Downtown Development Overlay District (DDO) and indicated the ordinance should be clarified to prevent review by the HPC and the MSAB if a property is located in both a historic district and the DDO. The HPC should review properties in a historic district, even if they are also in the DDO. MSAB should continue reviewing properties in the DDO but not in a historic district. The proposed ordinance includes criteria for determining historic properties. Commissioner Mehserle moved to postpone action on the application until July 11, 2022; Commissioner Jefferson seconded; all in favor of tabling to the July 11, 2022, meeting.

- **TEXT-0085-2022.** Text amendment to revise standards for recreational vehicles, utility trailers, and oversized vehicles. The applicant is the City of Perry.

Mr. Wood advised the amendment is to clarify and update requirements for parking and storing utility trailers and recreational vehicles. Sections of the Land Management Ordinance being modified are 1-13, 4-5(F), 6-1.10, and 6-3.7. Mr. Wood stated staff was instructed by Council to clarify the use of Section 4-5(F) and establish standards for parking or storing utility trailers in the city and research led to modifying the definition of "oversized vehicle" and revising/clarifying standards for parking/storing recreational vehicles. Mr. Wood provided highlights of the text amendment as follows:

- Section 4-5(F) is clarified to address vehicles, trailers, and shipping containers being used as part of a business activity
- Definition of "oversized vehicle" revised to mean any vehicle larger than a passenger crew-cab pick-up truck
- Oversized vehicles prohibited in residential districts except in the conduct of business
- Recreational vehicles, utility trailers limited to one in residential district if not within an enclosed building
- Utility trailers used in the conduct of a person's work may be parked in a residential driveway
- Recreation vehicle prohibited in downtown except if stored in an enclosed building
- Utility vehicles and food trucks downtown must be parked/stored out of view from a public street or screened according to additional screening standards of section 6-3.7
- In commercial districts other than C-3, utility trailers and food trucks may be parked on a lot occupied by the tenant with which the trailer/food truck is associated

Chairman Edwards opened the public hearing at 7:38pm and called for anyone in favor or opposed to the request; there being none the public hearing was closed at 7:39pm.

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

9. Other Business

- Commission questions or comments. – None

10. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 7:42pm.

MINUTES
PRE-COUNCIL MEETING
OF THE PERRY CITY COUNCIL
June 21, 2022
5:00 p.m.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the pre council meeting held on June 21, 2022 at 5:00 p.m.

2. Roll:

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

Elected Official Absent: Councilmember Riley Hunt.

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, Bryan Wood – Director of Community Development, Sedrick Swan – Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Tabitha Clark – Communications Manager, Amber Garrett – Communications Specialist, Alicia Hartley – Downtown Manager, Ashley Hardin – Economic Development Administrator, and Annie Warren – City Clerk.

Media: William Oliver – Houston Home Journal.

3. Citizens with Input. None

4. Items of Review/Discussion: Mayor Randall Walker

4a. Discussion of June 21, 2022 council meeting agenda.

5a. Appointments: Appointments to the Perry Industrial Building Authority. Mr. Gilmour reviewed with Mayor and Council the two positions on the Authority. Mr. Gilmour stated Administration's recommendation is for Mayor and Council to discuss and bring back their nominations to council's July 5th meeting. All members concurred with the recommendation.

8a (1). Second Reading of an ordinance to rezone the property from M-2, General Industrial, to C-2, General Commercial. The property is located at 1829 Macon Road; Tax Map No. 0P0400 009000. Mr. Wood reviewed the ordinance with Council. The Planning Commission and staff recommends approval.

8a (2). Second Reading of an ordinance to rezone the property from R-AG, Residential Agricultural District, to PUD, Planned Unit Development. The property is located at 1824 Houston Lake Road and 1904 Hwy 127; Tax Map 0P0490 062000 and 0P0490 061000. Mr. Wood reviewed the ordinance with Council. The Planning Commission and staff recommends approval with conditions.

8a (3). Second Reading of an ordinance to amend Sections 3-2.2, 4-1.2, 4-3.1, 5-1.1, 5-1.2, 5-2.1, and 5-5 of the LMO relative to Townhouse Districts and Developments Standards. Mr. Wood reviewed the ordinance with Council. The Planning Commission and staff recommends approval. Mr. Wood stated that if this ordinance is adopted, it would end the city's moratorium relative to townhouses.

8a (4). Second Reading of an ordinance adopting the FY 2023 Operating Budget for the City of Perry. Mr. Gilmour reviewed with Mayor and Council the ordinance to adopt the City of Perry's FY 2023 Operating Budget and recommended approval.

11b (1). First Reading of an ordinance for a Broadband Ready Community. Ms. Newby reviewed this ordinance with Mayor and Council. This ordinance is a first reading, and no action is required.

11c (1). Resolution declaring certain assets surplus. Mr. Worthington reviewed with Mayor and Council the request to declare two vehicles surplus.

11c (2). Resolution naming certain city facilities. Mr. Gilmour reviewed with Mayor and Council the request to name certain city facilities; East Perry Wastewater Treatment Facility, Wooden Eagle Park, Amherst Park, City Hall (808 Carroll Street), and Administration Building (1211 Washington Street).

11c (3). Resolution amending the City of Perry Fee Schedule. Mr. Gilmour stated the amended fee schedule reflects unless otherwise stated fees and charges are increased 3.00%. This is a minor adjustment done each year by the City.

11c (4). Resolution to amend the City of Perry Position Classification Plan. Mr. Gilmour reviewed the resolution to amend the City of Perry position classification plan with Mayor and Council. This study comes from DCA.

11c (5). Resolution of intent. Ms. King reviewed with Mayor and Council the resolution of intent for reimbursement required by GMA Direct Leasing Program for the vehicles and equipment approved in the FY 2023 Budget.

11c (6). Resolution to abate a public nuisance relative to 901.5 Jernigan Street. Ms. Newby stated this would start to the process to have the property deemed a public nuisance. This property is the old Blue Bird property.

11c (7). Resolution to abate a public nuisance relative to 705 Ash Street. Ms. Newby stated that this request is similar to the above request for the city to

take steps to have this property deemed uninhabitable.

11c (8). Resolution to abate a public nuisance relative to 1413 Carroll Alley.

Ms. Newby stated that this request is similar to the above request for the city to take steps to have this property deemed uninhabitable.

11c (9). Resolution accepting donation of stormwater property from New Haven (HOA). Ms. Newby stated that the proposed donated property would connect the city's two current stormwater ponds.

11c (10). Resolution accepting donation of stormwater property from Tritt Construction Co. Ms. Newby stated that the proposed donated property is located at 406 Yorktown Drive.

11d. Approval of 2022 CHIP grant agreement with DCA and all required documents. Ms. Wharton stated that the City was awarded a \$400,000.00 2022 CHIP grant and is requested subject to legal review approval of all the necessary documents.

11e. Acquisition of replacement administrative vehicle. Mr. Worthington stated that subject to the approval of the FY 2023 Operating Budget, this request is to replace the City Manager's vehicle from Prater Ford in the amount of \$31,175.34. Funding would be from the GMA Lease.

11f. New City Hall approval of Solutionz contract: Mr. Smith reviewed with mayor and council the order for the audio/visual project equipment order for the new City Hall. The equipment order has a long lead time, and recommended approval of the contract is subject to review by the City Attorney.

4b. Office of the City Manager.

1. Employee health insurance contributions. Mr. Gilmour reviewed with Mayor and Council the employee health insurance contributions. Administration's recommendation is to proceed with the reduction in the biweekly cost paid by employees for health insurance coverage. All members concurred to proceed.
2. Street extension. Mr. Gilmour reviewed with the Mayor and Council interest in the development on the west side of I-75. Administration recommends council authorize the planning of relocating Valley Drive to Mason Terrace and extend Mason Terrace to Perry Parkway. All members concurred to proceed with the planning.
3. Consider adjusting process for Woodlawn Cemetery. Mr. Gilmour reviewed with Mayor and Council the recommendation for the future planning for Woodlawn Cemetery. The City will not expand the cemetery parcel; ten percent 10% of the remaining 319 unsold parcels (32) will be removed from the market and held in reserve for resolving existing plot conflicts and the

City shall continue to sell the remaining 287 as requested for one (1) year and after that date, no further plots will be sold, and the remaining areas will be green space. Mr. Gilmour stated if Council is agreeable with the proposal, then this item will be on Council's July 5th meeting. Council concurred to proceed.

4. Council Member Items.

Mayor Pro Tempore King stated there is a leak in the middle of the street he lives on (Marsha Drive). Ms. Ansley stated that she will put a ticket in for the leak.

Mr. Wood stated that Mr. Danny Hicks turned in his two weeks' notice.

5. Adjournment: There being no further business to come before Council in the pre council meeting held on June 21, 2022, Mayor Pro Tempore King motioned to adjourn the meeting at 5:44 p.m. Councilmember Jones seconded the motion, and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
June 21, 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 on June 21, 2022, at 6:00 p.m.

2. Roll.

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

Elected Official Absent: Councilmember Riley Hunt.

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, Bryan Wood – Director of Community Development, Sedrick Swan – Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Tabitha Clark – Communications Manager, Amber Garrett – Communications Specialist, Alicia Hartley – Downtown Manager, and Ashley Hardin – Economic Development Administrator.

Media: William Oliver – Houston Home Journal

Guest(s)/Speaker(s): Becky Wilson- Perry CVB,

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

4. Recognition(s)/Presentation(s) Mayor Randall Walker.

4a. Recognition of Randy Christian. Mr. Gilmour stated that Mr. Christian could not attend but had earned an incentive award of \$150.00 for the concept of signage at Commerce Street and Washington Street.

4b. Introduction of new hires. Chief Lynn introduced newly hired to the police department; Kayla Neesmith, Joshua Williamson, Matthew Salter, Diana Luong, and Maxwell Webster. Mayor and Council welcomed them to the City of Perry.

4c. BRAG event.

1. Recap of event. Ms. Hartley gave Mayor and Council an update on the Brag event on June 6th. It was a well-attended event with positive feedback from

all who attended and participated in the event.

2. Hotel/tourism information. Ms. Wilson from Perry CVB stated they had over 1,300 bikers registered for the event. They had buses shuttling visitors between the Fairgrounds and downtown Perry and received no negative feedback, everyone was delighted with the event.

5. Appointments(s).

- 5a. Appointments to the Perry Industrial Building Authority. This item was tabled until Council's July 5th meeting.

6. Citizens with Input.

- 6a. Ms. Lexi Martin and Ms. Jennifer Winkle, Junior League of Perry, request to put up two library boxes. Councilmember Jones motioned to approve the request. Councilmember Bynum-Grace seconded the motion and it carried unanimously.

- 6b. Matters not on agenda. None.

7. Review of Minutes: Mayor Randall Walker

- 7a. Council's Consideration – Minutes of the June 6, 2022, work session minutes, June 7, 2022, pre-council meeting, and June 7, 2022, council meeting. (*Councilmember Albritton was absent from the June 6 and June 7, 2022 meetings*).

Councilmember Bynum-Grace motioned to approve the minutes as submitted. Councilmember Jones seconded the motion, and it carried unanimously.

8. Old Business.

8a. Ordinance for Second Reading(s) and Adoption:

1. **Second Reading** of an ordinance to rezone the property from M-2, General Industrial, to C-2, General Commercial. The property is located at 1829 Macon Road; Tax Map No. 0P0400 009000.

Deny application motion by Councilmember Peterson based on strategic planning. Councilmember Jones seconded the motion to deny, and it carried unanimously to deny.

2. **Second Reading** of an ordinance to rezone the property from R-AG, Residential Agricultural District, to PUD, Planned Unit Development. The property is located at 1824 Houston Lake Road and 1904 Hwy 127; Tax Map 0P0490 062000 and 0P0490 061000.

-Mr. Mitch Paulk, Civil Engineer for the project, spoke in favor of the request.

Adopted Ordinance No. 2022-19 to rezone the property from R-AG, Residential Agricultural District, to PUD, Planned Unit Development. Councilmember Jones motioned to adopt the ordinance as submitted. Councilmember Peterson seconded the motion and it carried unanimously. *(Ordinance No. 2022-19 has been entered into the City's official book of record).*

3. **Second Reading** of an ordinance to amend Sections 3-2.2, 4-1.2, 4-3.1, 5-1.1, 5-1.2, 5-2.1, and 5-5 of the LMO relative to Townhouse Districts and Developments Standards.

Adopted Ordinance No. 2022-20 to amend Sections 3-2.2, 4-1.2, 4-3.1, 5-1.1, 5-1.2, 5-2.1, and 5-5 of the LMO relative to Townhouse Districts and Developments Standards. Councilmember Albritton motioned to adopt the ordinance as submitted. Councilmember Jones seconded the motion and it carried unanimously. *(Ordinance No. 2022-20 has been entered into the City's official book of record).*

4. **Second Reading** of an ordinance adopting the FY 2023 Operating Budget for the City of Perry.

Adopted Ordinance No. 2022.21 adopting the FY 2023 Operating Budget for the City of Perry. Councilmember Peterson motioned to adopt the ordinance as submitted. Councilmember Jones seconded and it carried unanimously. *(Ordinance No. 2022-21 has been entered into the City's official book of record).*

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

11. New Business: Mayor Randall Walker

11a. Matters referred from June 21, 2022, pre-council meeting. none

11b. Ordinance(s) for First Reading(s) and Introduction.

1. **First Reading** of an ordinance for a Broadband Ready Community – Ms. B. Newby. *(No action required by Council).*

11c. Resolution(s) for Consideration and Adoption:

1. A resolution declaring certain assets surplus.

Adopted Resolution No. 2022-33 declaring certain assets surplus.

Mayor Pro Tempore King motioned to adopt the resolution as presented; Councilmember Jones seconded the motion, and it carried unanimously. *(Resolution No. 2022-33 has been entered into the City's official book of record).*

2. A resolution naming certain city facilities.

Adopted Resolution No. 2022-34 naming certain city facilities.

Councilmember Bynum-Grace motioned to adopt the resolution as presented; Councilmember Peterson seconded the motion, and it carried unanimously. *(Resolution No. 2022-34 has been entered into the City's official book of record).*

3. A resolution amending the City of Perry Fee Schedule.

Adopted Resolution No. 2022-35 amending the City of Perry Fee

Schedule. Mayor Pro Tempore King motioned to adopt the resolution as presented; Councilmember Albritton seconded the motion, and it carried unanimously. *(Resolution No. 2022-35 has been entered into the City's official book of record).*

4. A resolution to amend the City of Perry Position Classification Plan.

Adopted Resolution No. 2022-36 amend the City of Perry Position

Classification Plan. Councilmember Jones motioned to adopt the resolution as presented; Councilmember Peterson seconded the motion, and it carried unanimously. *(Resolution No. 2022-36 has been entered into the City's official book of record).*

5. A resolution of intent.

Adopted Resolution No. 2022-37 of intent.

Mayor Pro Tempore King motioned to adopt the resolution as presented; Councilmember Jones seconded the motion, and it carried unanimously. *(Resolution No. 2022-37 has been entered into the City's official book of record).*

6. A resolution to abate a public nuisance relative to 901.5 Jernigan Street.

Adopted Resolution No. 2022-38 to abate a public nuisance relative to

901.5 Jernigan Street. Councilmember Albritton motioned to adopt the resolution as presented; Councilmember Jones seconded the motion, and it carried unanimously. *(Resolution No. 2022-38 has been entered into the City's official book of record).*

7. A resolution to abate a public nuisance relative to 705 Ash Street.

Adopted Resolution No. 2022-39 to abate a public nuisance relative to 705 Ash Street. Mayor Pro Tempore King motioned to adopt the resolution as presented; Councilmember Jones seconded the motion, and it carried unanimously. *(Resolution No. 2022-39 has been entered into the City's official book of record).*

8. A resolution to abate a public nuisance relative to 1413 Carroll Alley.

Adopted Resolution No. 2022-40 to abate a public nuisance relative to 1413 Carroll Alley. Councilmember Peterson motioned to adopt the resolution as presented; Councilmember Jones seconded the motion, and it carried unanimously. *(Resolution No. 2022-40 has been entered into the City's official book of record).*

9. A resolution accepting donation of stormwater property from New Haven (HOA).

Adopted Resolution No. 2022-41 to accept a donation of stormwater property from New Haven (HOA). Councilmember Albritton motioned to adopt the resolution as presented; Councilmember Jones seconded the motion, and it carried unanimously. *(Resolution No. 2022-41 has been entered into the City's official book of record).*

10. A resolution accepting donation of stormwater property from Tritt Construction Co.

Adopted Resolution No. 2022-42 to accept a donation of stormwater property from Tritt Construction Co. Councilmember Jones motioned to adopt the resolution as presented; Mayor Pro Tempore King seconded the motion, and it carried unanimously. *(Resolution No. 2022-42 has been entered into the City's official book of record).*

- 11d. Approval of 2022 CHIP grant agreement with DCA and all required documents.

Councilmember Jones motioned to approve the 2022 Chip Grant agreement, subject to City Attorney review. Councilmember Albritton seconded the motion and it carried unanimously.

Adopted Resolution No. 2022-43 to approve CHIP Administration Manual (Administration Manual included (2B)). *(Resolution No. 2022-43 has been entered into the City's official book of record).*

Adopted Resolution No. 2022-44 for Homeowner Eligibility and Property Value Limits. *(Resolution No. 2022-44 has been entered into the City's official book of record).*

Adopted Resolution No. 2022-45 (6A) for Local Policies and Procedures (policies and procedures included ((6B)). *(Resolution No. 2022-45 has been*

entered into the City's official book of record).

Adopted Resolution No. 2022-46 (7A) to adopt Language Access Plan (language access plan included (7B)). (Resolution No. 2022-46 has been entered into the City's official book of record).

Adopted Resolution No. 2022-47 (9A) for Section 3 Policy included (9B)). (Resolution No. 2022-47 has been entered into the City's official book of record).

Adopted Resolution No. 2022-48 approving State Statues (State Statues included in the same document). (Resolution No. 2022-48 has been entered into the City's official book of record).

- 11e. Acquisition of replacement administration vehicle. Mr. Worthington reviewed the request for the replacement vehicle for the City Manager from Prater Ford in the amount of \$31,175.34. Funding would come from the FY 2023 GMA Lease purchase. Councilmember Bynum-Grace motion to approve the request as outlined. Councilmember Jones seconded the motion and it carried unanimously.
- 11f. New city hall approval of Solutionz contract. Mr. Smith reviewed with Mayor and Council the Solutionz contract for the new City Hall contract and recommended approval subject to City Attorney's review. Councilmember Jones motioned to approve the request as outlined and Councilmember Albritton seconded the motion and it carried unanimously.
- 11g. Approval of the Non-Exclusive Easement for Telecommunications. Video and/or Broadband Facilities for Hargray Communication as part of the Main Street Realignment project. Ms. Newby reviewed the easement agreement with Hargray Communications. Mayor Pro Tempore King motioned to approve the easement agreement as outlined. Councilmember Jones seconded the motion and it carried unanimously.
12. Council Members Items:
Councilmember Bynum-Grace stated the Juneteenth event hosted by the City was well attended, and thanks to everyone that came out.

Councilmember Jones asked for a follow-up relative to the recycling issue. Mr. Gilmour stated that the city has met with the Waste Management and using an arm lifter to pick up recycling items should address some of the issues. The city will continue to monitor.

Councilmember Jones asked about the alleyway between Main Street and Forest Hill Drive. Mr. Gilmour stated that the alleyway is private, not owned by the city.
13. Department Heads/Staff Items:
Chief Lynn stated that the Police Department had expedited the turnaround time for hiring, expecting one new hire next Tuesday and the following Tuesday.

Chief Parker stated that the Annual Water Battle is on Saturday, June 25th at Rozar Park from 10 am to 12 pm.

Mr. Swan stated that the Chess Club has 51 participants with ages from 5 years old to 76 years old, and the next meeting is on Monday.

Ms. Clark passed out the Citizen Financial report to mayor and council for FY 2021. The report is also available on the City's website and kiosk. Ms. Clark announced that Perry Points is expanding the program to use web chat and a virtual assistant.

14. General Public Items:

Mr. Bob Cunningham stated that the recycling carts dumped with a mechanical arm were used in the past and had a problem with the wheels breaking on the carts. Mr. Gilmour stated that Waste Management is responsible for any repairs but will continue to monitor.

15. Mayor Items:

No Work Session due to holiday on July 4, 2022.
July 5, 2022, at 5:00 p.m. Pre council and Council
Water Battle event this Saturday at Rozar Park beginning at 10 am.

Mayor Walker entertained a motion to go into executive session for the purpose of litigation.

16. Executive Session entered at 7:09 p.m.: Councilmember Jones motioned to adjourn the regular meeting and enter into executive session for the purpose of litigation. Mayor Pro Tempore King seconded the motion, and it carried unanimously.

17. Executive Session adjourned at 7:11 p.m.. Council regular meeting reconvened. Council adjourned the executive session held June 21, 2022 and reconvened into the regular meeting.

18. Adopted Resolution No. 2022-49 stated that the purpose of the executive session held on June 21, 2022, was to discuss litigation. Councilmember Peterson moved to adopt a resolution stating the purpose of the executive session held on June 21, 2022, was to discuss litigation; Councilmember Albritton seconded the motion, and it carried unanimously. (*Resolution No. 2022-49 has been entered in the City's official book of record*).

19. Adjournment: There being no further business to come before Council in the regular meeting held on June 21, 2022, Councilmember Bynum-Grace motioned to adjourn the meeting at 7:23 p.m.; Councilmember Albritton seconded the motion, and it carried unanimously.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF ESTABLISHING A NEW ARTICLE XVIII, BROADBAND READY COMMUNITY, IN CHAPTER 15- LICENSES, TAXATION, AND MISCELLANEOUS BUSINESS REGULATIONS.

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

1.

By establishing Article XVIII- **Broadband Ready Community** in Chapter 15- **Licenses, Taxation and Miscellaneous Business Regulations** to read as follows:

ARTICLE XVIII. – BROADBAND READY COMMUNITY

Sec. 15-2207. Definitions.

Applicant means a person applying for a permit for a broadband network project.

Broadband network project means any deployment of broadband services.

Permit means any local permit, license, certificate approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

Political subdivision means a county, municipal corporation, consolidated government, or local authority.

Sec. 15-2208. Single point of contact.

The City of Perry, Georgia shall appoint a single point of contact for all matters related to a broadband network project.

(a) The single point of contact documentation shall include:

1. Position and title
2. Name (first, last)
3. Organization involved in the request City's request designation
4. Phone numbers (work and mobile if applicable)
5. Email(s)
6. Website URL to Contacts Page

(b) The single point of contact shall be available for matters related to a broadband network project or a related liaison who may direct such inquiry in real time, with general scope and responsibilities to include permitting and right-of-way; and

(c) The single point of contact information must be current to maintain designation, by updating such change in contact information on web pages and associated sources, within fifteen (15) calendar days of change.

Sec. 15-2209. Application completeness review.

(a) The City shall determine whether an application is incomplete and notify the applicant, by email, of the determination by the City within 10 calendar days of receiving an application.

(b) If the City does not respond to the applicant on whether the application is incomplete, within 10 calendar days, the application shall be assumed to be complete on the 11th day.

Sec. 15-2210. Notification of incomplete application.

- (a) If the City determines that an application is not complete, the notification by email to the applicant shall specify all required components of the submitted application that were considered 'incomplete';
- (b) The City's response shall include a checklist of sequenced items that resulted in the application being deemed 'incomplete' and the review timeline shall be as follows:
 - 1. The applicant has up to 40 calendar days from the date of notification of incompleteness to respond back with corrections; and
 - 2. If the applicant does not respond back within 40 calendar days, the application is deemed canceled.
- (c) If within 10 calendar days the City does not respond to the applicant on whether the corrected application is incomplete, the application shall be assumed to be complete on the 11th day; and
- (d) The City shall require a new submission and reset the process and application fees, should an application be deemed incomplete a second time.

Sec. 15-2211. Approval or denial notification.

If, on or before the 11th day as described in section 15-2209 (b), an application is deemed complete, the City shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and the City is deemed as necessary.

- (a) If a joint meeting is deemed necessary, the joint meeting must occur within 15 calendar days of notification of completion and the joint meeting shall include:
 - 1. Where applicant is going to conduct work,
 - 2. When the work will be conducted.
 - 3. What type of work will be done.
 - 4. Who the City can contact for specific details or related questions, and
 - 5. Any permit seeking approval under application.
 - 6. Following a joint meeting between the applicant and the City, the City shall deny or approve the application within 10 calendar days.
- (b) Upon final approval, any required permit permitted shall be deemed issued.

Sec. 15-2212. Related fees.

- (a) Any fee imposed by the City to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable, cost based, and nondiscriminatory to all applicants.
- (b) Any application fee that exceeds \$100.00 shall be considered unreasonable unless the City can provide documentation justifying such fee based on a specific cost.

Sec. 15-2213. Other information.

- (a) Double fee: No City or County shall require an application or permit(s) when already approved by an authorized state or federal jurisdiction. Provider shall notify and provide a copy of the approved permit to the single-point-of-contact at the City or County prior to access of right-of-way within the City or County jurisdiction.
- (b) Application validity timeline: Any approved application shall be valid for six months from the date of approval. Should a provider not commence the service request qualified in the approved application within six months, the application shall expire, and it shall require a new permit approval and any associated fees, as applicable.
- (c) Single service drop: A City or County shall not require a permit for a broadband service

provider to perform an installation of broadband service at an individual customer's service address as long as the facility being utilized only transverses a deminimis portion of the public right-of-way to reach the customer's property. The provider must still comply with the provisions of Chapter 9 of Title 25 of the O.C.G.A.

Sec. 15-2214. Notification to the Georgia Department of Community Affairs.

- (a) A Georgia Certified Broadband Ready Community has an affirmative duty to notify the Georgia Department of Community Affairs of any changes to the information submitted as part of its application; and
- (b) Failure to notify Georgia Department of Community Affairs of changes may result in revocation of the City's Broadband Ready Certification, should the certification be granted.

SO ENACTED this ___ day of July, 2022.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: June 21, 2022

2nd Reading: July 5, 2022

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from City of Perry R-3, Multi-family Residential District, to City of Perry C-2, General Commercial District, and the city’s zoning map is amended accordingly relative to the properties of CCCCT INVESTMENTS, LLC described as follows:

PARCEL 1:

That tract or parcel of land situate, lying and being in the City of Perry, Houston County, Georgia, same being a town lot in the shape of a triangle, the base of which is 100 feet; the north line being 225 feet to a point; the south line being 194 feet to a point and located 520 feet from the highway known as State Highway No. 7; bounded, now or formerly, on the north by property of W.C. Yates; on the south by property of Cuby Hardnett and on the west by property of Willie Williams.

**Deed Reference: Book 9661, Pages 50-51
Tax Map Parcel: 0P0150 037000
Location Address: Joe Louis Drive**

and

PARCEL 2:

All that tract or parcel of land situate, lying and being in Land Lot 50 of the Tenth Land District of Houston County, Georgia, and in the City of Perry, known and designated as Parcel 2, comprising 1.758 acres, according to a plat of survey for Davis Company, Inc. by Richard L. Jones, Surveyor, dated November 5, 1990, and a copy of said plat being recorded in Plat Book 39, Page 167, Clerk’s Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated herein by reference for all purposes.

The above described property is subject to Declaration of Restrictions dated November 28, 2012 and recorded in Deed Book 6058, Pages 339-342, Clerk’s Office, Houston Superior Court.

**Deed Reference: Book 9590, Pages 105-106
Tax Map Parcel: 0P0390 016000
Location Address: 115 Perimeter Road**

SO ENACTED this 19th day of July, 2022.

CITY OF PERRY, GEORGIA

BY: _____
RANDALL WALKER, Mayor

ATTEST: _____
ANNIE WARREN, City Clerk

1st Reading: July 5, 2022
2nd Reading: July 19, 2022

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from City of Perry M-2, General Industrial District, to City of Perry M-1, Wholesale and Light Industrial District, and the city's zoning map is amended accordingly relative to the properties of **VALLEY DRIVE, LLC** described as follows:

All that tract or parcel of land situate, lying and being in the 10th Land District of Houston County, Georgia and in the City of Perry and being shown as Tract A-2, containing 2.82 acres, Land Lots 17, 18, 47, and Tract A-3, containing 2.00 acres, in Land Lots 17 and 18, on a plat of survey prepared by Brent Cunningham dated October 1, 2001 and recorded in Map Book 58, Page 89, 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.

**Deed Reference: Book 4256, Pages 104-105
Tax Map Parcels: 0P0380 50A000 and 0P0380 50B000**

SO ENACTED this 19th day of July, 2022.

CITY OF PERRY, GEORGIA

BY: _____
RANDALL WALKER, Mayor

ATTEST: _____
ANNIE WARREN, City Clerk

1st Reading: July 5, 2022
2nd Reading: July 19, 2022

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 NV REIT OP, LP, on behalf of 2032 N US 341, LLC, the owner of the land hereinafter described as follows:

All that tract or parcel of land situate, lying and being in Land Lots 19 and 20 of the Tenth Land District, Houston County, Georgia, and being 4.046 acres as more fully shown on plat of survey for Dr. Felix Smith, Sr., certified by Richard L. Jones, Georgia Registered Land Surveyors Number 1591 of Jones Surveying Company, dated May 19, 1983, and a copy of which is record in Plat Book 34, Page 115, in the office of the Clerk of Superior Court of Houston County, Georgia. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

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 August 1, 2022.

SO ENACTED this 19th day of July, 2022.

CITY OF PERRY, GEORGIA

(SEAL) BY: _____
RANDALL WALKER, MAYOR

ATTEST: _____
ANNIE WARREN, CITY CLERK

1st Reading: July 5, 2022
2nd Reading: July 19, 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 C-2, General Commercial District, and the city's zoning map is amended accordingly relative to the property of **2032 N US 341, LLC**, described as follows:

All that tract or parcel of land situate, lying and being in Land Lots 19 and 20 of the Tenth Land District, Houston County, Georgia, and being 4.046 acres as more fully shown on plat of survey for Dr. Felix Smith, Sr., certified by Richard L. Jones, Georgia Registered Land Surveyors Number 1591 of Jones Surveying Company, dated May 19, 1983, and a copy of which is record in Plat Book 34, Page 115, in the office of the Clerk of Superior Court of Houston County, Georgia. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

**Deed Reference: Book 9672, Pages 238-241
Tax Map Parcels: 000310 12A000**

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

SO ENACTED this 19th day of July, 2022.

CITY OF PERRY, GEORGIA

BY: _____
RANDALL WALKER, Mayor

ATTEST: _____
ANNIE WARREN, City Clerk

1st Reading: July 5, 2022
2nd Reading: July 19, 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING APPENDIX A, THE LAND MANAGEMENT ORDINANCE, OF THE CODE OF THE CITY OF PERRY, AMENDING SECTION 1-13, DEFINITIONS; SECTION 4-5, TEMPORARY USES AND STRUCTURES; SECTION 6-1, OFF-STREET PARKING AND LOADING; AND SECTION 6-3, LANDSCAPING, BUFFERING, AND SCREENING RELATIVE TO PARKING AND STORING UTILITY TRAILERS AND RECREATIONAL VEHICLES; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith; AND FOR OTHER PURPOSES

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

1.

By amending **Section 1-13 – Definitions**, to revise the definition of “*oversized vehicle*” to read as follows:

Oversized vehicle means any vehicle that exceeds 23 feet in length, 80 inches in width, or 85 inches in height, excluding recreational vehicles.

2.

By amending **Subsection 4-5.3 - Specific standards for certain temporary uses and structures** of **Section 4-5 - Temporary uses and structures**, by replacing subsection (F) to read as follows:

Sec. 4-5. - Temporary uses and structures.

4-5.3 - Specific standards for certain temporary uses and structures.

(F) *Use of motor vehicle, trailer, or shipping container for sales, service, storage, or other business*. The use of any motor vehicle, trailer, or shipping container in which, out of which, or from which any goods are sold, stored, services performed, or other business conducted shall be prohibited in all zoning districts, except as may be allowed by a temporary use permit. This subsection shall not prohibit the use of a motor vehicle, trailer, or shipping container for the following uses without benefit of a temporary use permit:

- (1) The sale of food and drink products at a city-approved event;
- (2) Construction authorized by a building permit;
- (3) The temporary loading and unloading of goods provided that no individual trailer or container is in place longer than 48 hours;
- (4) The temporary storage of seasonal merchandise; or
- (5) The storage of baled lawn and garden products.

See section 6-1.10 for standards for parking or storing recreational vehicles, utility trailers, and food trucks.

3.

By amending **Subsection 6-1.10 - Use of required off-street parking areas** of **Section 6-1 - Off-street parking and loading**, to read as follows:

6-1.10 - Use of off-street parking areas.

- (A) *General.* Off-street parking areas shall be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, or building materials, except as expressly allowed in this section.
- (B) *Oversized vehicles in residential districts.* Oversized vehicles shall not be parked or stored in a residential district, except for ordinary delivery, loading or unloading of household goods, or during an active construction project.
- (C) *Recreational vehicles in residential districts.* In any residential district, recreational vehicles, travel trailers, campers, buses, motorized homes, boats, boat trailers, ATVs or ATV trailers may be parked or stored in a completely enclosed building. Such vehicles or trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot.
- (D) *Recreational vehicles in the C-3, central business district.* Parking or storing any recreational vehicle, travel trailer, camper, motorized home, boat, boat trailer, ATV or ATV trailer in the central business district is prohibited outside of a completely enclosed building.
- (E) *Utility trailers in residential districts.* In any residential district, open or enclosed utility trailers may be parked or stored in a completely enclosed building. Such utility trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot. Utility trailers hitched to an operable vehicle used to transport the trailer to and from a worksite typically Monday through Friday may be parked on a paved or graveled driveway, including Saturday and Sunday when such trailer may not be attached to a vehicle, provided, however, the above-limitation to one per dwelling and the requirement to be stored in the side yard or rear yard of the lot shall still apply to any trailers not stored in a completely enclosed building.
- (F) *Utility trailers and food trucks in the central business district.* In the C-3, Central Business District, open or enclosed utility trailers and food trucks may be parked or stored on a lot if located within a completely enclosed building, in a location which is not visible from any public street, or within an enclosure complying with the provisions of Section 6-3.7. Utility trailers and food trucks not parked or stored within a completely enclosed building must be associated with a tenant located on the lot used to park or store the utility trailer or food truck.
- (G) *Utility trailers and food trucks in non-residential districts.* Within districts not otherwise regulated, utility trailers and food trucks may be parked or stored on any lot occupied by a tenant with which the trailer or food truck is associated. Trailers and food trucks shall not be parked or stored in required landscaping and buffer areas and shall not reduce the minimum required parking spaces for the property.

4.

By amending **Subsection 6-3.7 - Additional screening requirements of Section 6-3 - Landscaping, buffering, and screening**, to read as follows:

6-3.7. Additional screening requirements. In addition to the landscaping and screening required in this section, additional screening shall be required to conceal specific areas of high visual impact or hazardous areas.

- (A) Plants and a solid fence or wall, at least the height of the item being screened, but not more than eight feet tall, shall be installed around all sides, excluding access areas. Access gates to these areas shall be solid and, to the extent practical, not oriented to a public street. Plant material must meet the minimum planting heights listed on table 6-2-1 and shall be installed around the following areas:
 - (1) Loading and service areas.
 - (2) Dumpsters/ refuse collection points/ recycling drop-off centers.
 - (3) Ground level mechanical, heating and air-conditioning equipment (except for single-family detached and two-family dwellings).
 - (4) Outdoor electrical or other above-ground utility equipment.
 - (5) Outdoor storage lots.

- (6) Storage tanks.
- (7) Ground level equipment associated with communication towers.
- (8) Utility trailers and food trucks parked or stored in the C-3 district.

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

SO ENACTED this 19th day of July, 2022.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: July 5, 2022
2nd Reading: July 19, 2022

Bid Submittal Summary Sheet

Bid Title/Number:	2022-30 Demolition Services 319 General Courtney Hodges Blvd
M&CC Meeting Date:	7/5/2022
Funding Source:	General Fund
Budgeted Expense?	No

Responsive Bidders:	Bid Amount
Complete Demolition Services, LLC.	\$ 171,000.00
Tri Scapes, Inc.	\$ 398,350.00

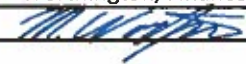
Posting Sources:

City of Perry's Website:	www.perry-ga.gov
GA Procurement Registry	https://ssl.doas.state.ga.us/PRSapp/

Department Recommendation:

Vendor:	Complete Demolition Services, LLC.
Amount:	\$ 171,000.00
Department:	Community Development
Department Representative:	Cody Gunn, Chief Building Official

Purchasing Agent Recommendation:

Vendor:	Complete Demolition Services, LLC.
Amount:	\$ 171,000.00
Purchasing Agent:	Mitchell Worthington, Finance Director
Signature:	



GWES

Perry - Brunswick - Mansfield

733 Carroll Street, Perry, Georgia 31069

1510 Newcastle Street, Brunswick, Georgia 31520

3130 Hwy 11, Mansfield, Georgia 30055

June 30, 2022

Mr. Mitchell Worthington
Finance Director
City of Perry
1211 Washington Street
Perry, GA 31069

**RE: East Perry WWTF Phase I Engineer of Record
Recommendation of Contract Award
GWES Project No. 033.63b.1.22**

Mr. Worthington,

This letter shall serve as our Recommendation of Award of the contract for the Engineer of Record for the referenced project.

During advertisement of the project, the City posted the Request for Qualifications and Proposal (RFQP) on the Georgia Procurement Registry. A non-mandatory pre-proposal meeting, held on May 18, 2022, was attended by five (5) engineering firms.

After the advertisement period, sealed qualifications were received until 2 p.m., Friday, June 3, 2022, at Perry City Hall. Responsive qualification packages were submitted by six (6) engineering firms. The City's Selection Committee reviewed the packages individually and submitted their scores for recording on June 9th. It was determined unanimously that three (3) engineering firms would join the Selection Committee for an interview. Interviews were conducted on June 14th and 15th and scores were submitted for recording subsequently. Based on the interviews, Burns & McDonnell had the highest score of the three (3) engineering firms. Please refer to the attached qualification package and interview scores.

In accordance with the RFQP, GWES began negotiations with Burns & McDonnell to negotiate their scope and fee to perform Pre-CMAR and CMAR Selection Services. Please refer to the attached Exhibits A and B, which describes their negotiated scope and fee. Based on their qualifications and positive feedback from their references, GWES finds no apparent reason to believe that Burns & McDonnell cannot complete the work satisfactorily and on schedule. We therefore recommend that this project be awarded to Burns & McDonnell as the Engineer of Record for Pre-CMAR and CMAR Selection Services in the amount of \$96,841.

Upon the City's approval, we will coordinate with Burns & McDonnell and the City's attorney for contract execution. If you have any questions or require additional information, please contact us.

Respectfully,

GWES

A handwritten signature in black ink that reads "Burke B. Murph III". The signature is written in a cursive style with a horizontal line at the end.

Burke B Murph III, PE, MBA
Managing Principal
478.235.0307
burke.murph@gwesllc.com

Attachments: Qualification Package Score Results
Interview Score Results
Burns & McDonnell Exhibits A and B

**A RESOLUTION ESTABLISHING
THE POLICY FOR
WOODLAWN CEMETERY**

WHEREAS, the Council is attempting to reduce its future expenses;
and

WHEREAS, the Council does not desire to compete with the private
sector for certain services;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY
HEREBY RESOLVES** that its policy for operating Woodlawn
Cemetery is as follows:

1. The city shall not increase the current size of Woodlawn Cemetery.
2. Thirty-two of the current unsold plots shall be removed from the market and held by the city in reserve to address future/existing plot issues.
3. The remaining 287 unsold plots shall remain on the market through July 5, 2023. Any remaining unsold plots shall be removed from the market and be used for greenspace. The city shall not sell any unsold plots after July 5, 2023.

SO RESOLVED THIS _____ DAY OF JULY 2022

CITY OF PERRY

By: _____
RANDALL WALKER, MAYOR

City Seal

Attest: _____
ANNIE WARREN, CITY CLERK

Annie Warren

From: Alicia Hartley
Sent: Wednesday, June 29, 2022 10:40 AM
To: Annie Warren
Subject: RE: 6/8 Economic Development Meeting
Attachments: Temp Farmers Market Location.png

Annie,

Please see the attached image of the proposed blocking of the road for Farmers Market. Can this please be included in Council's packets for them to view?

Best,

Alicia Hartley
Downtown Manager
City of Perry
1211 Washington Street
P.O. Box 2030
Perry, GA 31069
Cell: (478) 294-9039
<http://www.perry-ga.gov>

From: Annie Warren <annie.warren@perry-ga.gov>
Sent: Wednesday, June 29, 2022 8:46 AM
To: Alicia Hartley <alicia.hartley@perry-ga.gov>
Subject: RE: 6/8 Economic Development Meeting

Got it, thanks!

From: Alicia Hartley <alicia.hartley@perry-ga.gov>
Sent: Wednesday, June 29, 2022 8:20 AM
To: Annie Warren <annie.warren@perry-ga.gov>
Subject: FW: 6/8 Economic Development Meeting

Please see the below Agenda item that Mr. Gilmour suggested for the 7/5/22 Meeting. I will be addressing Council on this topic.

Best,

Alicia Hartley
Downtown Manager
City of Perry
1211 Washington Street
P.O. Box 2030
Perry, GA 31069
Cell: (478) 294-9039
<http://www.perry-ga.gov>



From: Lee Gilmour <lee.gilmour@perry-ga.gov>
Sent: Tuesday, June 7, 2022 4:46 PM
To: Alicia Hartley <alicia.hartley@perry-ga.gov>; Robert Smith <robert.smith@perry-ga.gov>
Cc: Robert Smith <robert.smith@perry-ga.gov>; Annie Warren <annie.warren@perry-ga.gov>
Subject: RE: 6/8 Economic Development Meeting

Schedule to request council to block Main Street between Ball Street and Jernigan Street at its 7.5.22 meeting.



Lee Gilmour
City Manager
City of Perry
1211 Washington Street
P.O. Box 2030
Perry, GA 31069
T 478-988-2703 F 478-988-2705
<http://www.perry-ga.gov>

Where Georgia comes together.

From: Alicia Hartley <alicia.hartley@perry-ga.gov>
Sent: Tuesday, June 07, 2022 4:37 PM
To: Robert Smith <robert.smith@perry-ga.gov>; Lee Gilmour <lee.gilmour@perry-ga.gov>
Subject: 6/8 Economic Development Meeting

Good afternoon,

I will not be available for tomorrow regularly scheduled Economic Development Meeting as I will be participating in Perry Leadership tomorrow for City Day. Below are some notes/report that I would normally give at the meeting:

- Main Street will be meeting this Thursday (6/9). The Downtown Map Kiosk and Restaurant District Boundaries are both on the agenda for discussion. Both of these topics will also be on DDA's agenda at the end of the month.
- BRAG Welcome Concert was successful, particularly for the Downtown Restaurants. BRAG visitors got off the shuttles looking for food and beverages. All the feedback I heard from visitors was positive; they were all happy with Perry. I also got great feedback for what visitors are looking for in Downtown Perry as it pertains to future growth of restaurants and diversity of stores.
- Farmers Market: This past Saturday (6/4) the parking lot was completely full of market vendors. I understand that when construction begins on the new City Hall, part of the parking lot will be used for staging for construction. What is the feasibility of closing off the Main Street between Jernigan and Ball for the Farmers Market while construction is ongoing? The lawn would be difficult for a handful of vendors that have trailers as I wouldn't want trailers being parked in the parking spaces along the 800 block of Carroll and Yoga takes place on the lawn on the last Saturday of the month. Please advise.

Please let me know if there are any questions.

Best,

Alicia Hartley
Downtown Manager
City of Perry
1211 Washington Street

P.O. Box 2030
Perry, GA 31069
Cell: (478) 294-9039
<http://www.perry-ga.gov>

MEMORANDUM OF UNDERSTANDING

Between

THE GEORGIA DEPARTMENT OF PUBLIC SAFETY

And

CITY OF PERRY, GEORGIA

For

EMERGENCY AIR SEARCH AND RESCUE MISSIONS

This Memorandum of Understanding (“Agreement”) reflects an understanding by and between the **Georgia Department of Public Safety** (“DPS”), a department of the executive branch of the State of Georgia, and **City of Perry, Georgia**, (“City”), a political subdivision of the State of Georgia.

WHEREAS, DPS owns certain rotary-wing aircraft located at the Perry-Houston County Airport in Perry, Georgia, operated by the Aviation Division of the Georgia State Patrol (“GSP Aviation Division”), a division of DPS, and used in carrying out its law enforcement responsibilities; and

WHEREAS, the GSP Aviation Division utilizes an Airlift Rescue Program that operates 24/7 to provide air and rescue support to the GSP for public safety interests of Georgia citizens; and

WHEREAS, DPS has identified a need in its Airlift Rescue Program for qualified and trained medical personnel and specialized responders to participate in temporary rescue missions arising from major catastrophes or emergencies that licensed ambulance services of the State are insufficient or unable to meet the demands thereof (“Emergency Air Search and Rescue Missions”); and

WHEREAS, the City of Perry Fire & Emergency Services (PFES) is a public safety entity which oversees and administers public safety operations within the City of Perry, and rendering emergency assistance, which is served by certified paramedics and certified emergency medical technicians (“EMTs”) who are certified biannually through the State of Georgia for rendering emergency medical assistance, in addition to other emergency rescue, first responder and firefighting duties; and

WHEREAS, the parties agree that it is to the mutual advantage and benefit of the City and DPS for qualified City personnel from PFES to be available on Emergency Air Search and Rescue Missions, enhancing the capability of the GSP Aviation Division to provide for emergency medical assistance for its Airlift Rescue Program; and

WHEREAS, the City is willing to provide qualified as well as certified paramedics and EMTs for participation in Emergency Air Search and Rescue Missions of the Airlift Rescue Program upon request of the GSP Aviation Division, so long as such personnel are needed and available.

NOW THEREFORE, the parties agree as follows:

I. Purpose

This Agreement is intended to state the terms of a mutual understanding that will serve as a framework within which the parties coordinate services, personnel, equipment and facilities for Emergency Air Search and Rescue Missions. Nothing in this Agreement shall be construed as creating or constituting a partnership, joint venture or agent and principal relationship between the parties.

II. Scope

This Agreement covers Emergency Air Search and Rescue Missions within the State of Georgia and under exigent circumstances, outside the State of Georgia when requested and approved through the appropriate DPS authorities.

Emergency Air Search and Rescue Missions are defined as emergency rescue services provided by the GSP Aviation Division which, under the best knowledge, judgment, and discretion of DPS authorities, require insertion/extraction and temporary medical assistance provided by qualified paramedics and EMTs in response to major catastrophes or emergencies that licensed ambulance services are insufficient or unable to meet the demands thereof. This Agreement does not create and is not intended to create an air ambulance service as defined and set forth by Georgia law (O.C.G.A. 31-11-2 et seq.) or by Federal Regulations (CFR Title 14 Part 91 and Part 135).

III. Participants

The participants are identified herein as follows:

City of Perry Fire & Emergency Services

A primary responsibility of PFES is the oversight and administration of emergency services within the City of Perry which serve under the City Manager, Mayor, and City Council.

Georgia Department of Public Safety/Georgia State Patrol

GSP is the Uniform Division of DPS. The primary duty of GSP is to patrol the public roads and highways and to safeguard the lives and property of the public. Rotary-wing aircraft and equipment operated by the GSP Aviation Division are owned and controlled by DPS and used in carrying out DPS law enforcement responsibilities. The Georgia Commissioner of Public Safety is the chief administrative officer for DPS and holds the rank of Colonel in the GSP. The GSP Aviation Division is under the direct authority of the DPS Commissioner.

IV. Cooperation

The agencies and entities participating in this Agreement resolve to cooperate and provide resources for Emergency Air Search and Rescue Missions.

V. Responsibilities of the Georgia Department of Public Safety

- A. DPS agrees that the GSP Aviation Division will provide aviation services and resources to include but not limited to rotary-wing aircraft and pilots appropriate to successfully complete the specific rescue. "Resources" shall include rigging, hoists, harnesses, and baskets for attachment to the helicopters and for rapid insertion and extraction techniques.
- B. DPS agrees that the GSP Aviation Division will provide trained crew chiefs responsible for operating the rescue systems on the rotary-wing aircraft and ensuring safety procedures are followed.
- C. DPS agrees that the GSP Aviation Division will provide training to PFES personnel in area rescue techniques and procedures when working in and around the aircraft environment.
- D. DPS agrees to provide, at its expense, meals, lodging, toilet facilities, transportation and other support needed by PFES employees to carry out their functions in Emergency Air Search and Rescue Missions with the GSP Aviation Division.
- E. DPS agrees that its agents, servants, and employees shall not become or be deemed to become agents, servants, or employees of the City.

VI. Responsibilities of the City of Perry, Georgia

- A. The City agrees to provide qualified and certified paramedics and EMTs for training in area rescue techniques and procedures when working in and around the aircraft environment and when participating in rescue situations.

VIII. Liability

This Agreement neither establishes nor acknowledges liability of DPS, the State of Georgia or any Agency or Department thereof, nor of the City, any Agency or Department thereof for death, personal injury, or property damage sustained by any entity or individual during the performance of this Agreement.

IX. Benefits

No benefits shall accrue to any City employee from the State of Georgia or to any State employee from the City by reason of participation in any activity under this Agreement.

This Agreement is intended only to benefit DPS, the State, and the City of Perry. There are no third-party beneficiaries to this Agreement.

X. Notices

All notices under this Agreement shall be deemed duly given upon delivery, if delivered by hand, or three days after posting, if sent by registered or certified mail, return receipt-requested, to a party hereto at the address set forth below or to such other address as a party may designate by notice pursuant hereto.

CITY:

Z. Lee Parker
Fire Chief, City of Perry Fire & Emergency Services
1207 Washington Street
P.O. Box 2030
Perry, Georgia 31069
(478)988-2852

DPS:

Colonel Chris Wright, Commissioner
Georgia Department of Public Safety
Post Office Box 1456
Atlanta, Georgia 30316-1456
(404) 624-7477

XI. Authorization

The persons signing this Agreement represent and warrant to the other party that (1) he/she has the right, power and authority to enter into and perform its obligations under the Agreement; and (2) he/she has taken all requisite action (statutory or otherwise) to approve execution, delivery and performance of the Agreement and the Agreement constitutes a legal, valid and binding obligation upon itself in accordance with its terms.

XII. Termination

Either party may terminate this Agreement upon thirty (30) days written notice to the other party. However, DPS may terminate this Agreement immediately and without written notice if DPS determines, in its sole discretion, that the actions, or failure to act, of the City, its agents, or employees have caused, or reasonably could cause, life health or safety to be jeopardized.

XIII. Duration

This Agreement shall be in effect for an initial term of five (5) years beginning on the date last signed. DPS shall have the right and option to extend the Term of this Agreement for four (4) successive one-year periods by giving the City written notice and upon agreement of the PFES Fire Chief. All terms and conditions of the Agreement shall apply during any such renewal term.

XIV. Entire Agreement

This Agreement constitutes the entire understanding between the parties regarding its subject matter.

XV. Amendments and Modifications

Amendments and Modifications hereto shall be in writing and signed in the same way and manner as this Agreement.

XVI. Governing Law

This Agreement shall be governed by the Laws of the State of Georgia.

IN WITNESS WHEREOF, the parties have set their hands. This Agreement shall be effective as specified above.

THE GEORGIA DEPARTMENT OF PUBLIC SAFETY

By Commissioner Chris Wright

Date: _____

CITY OF PERRY, GEORGIA

By Randall Walker, Mayor, City of Perry

Date: _____