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Planning Commission Agenda
Monday, January 9, 2023 – 6:00pm
Perry Events Center 1121 Macon Road, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from December 12, 2022
5. Election of Officers – Chair and Vice Chair
6. Announcements
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place cell phones on silent mode.
7. Citizens with Input
8. Old Business
9. New Business
 - A. Public Hearing (Planning Commission decision) - None
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on February 7, 2023)
 - **SUSE 0169-2022.** Special Exception for short term rental at 1307 Keith Drive. The applicant is Kiamata Dukes.
 - **SUSE 0175-2022.** Special exception for short term rental at 1212 Swift Street. The applicant is Jonathan Seth Bopp. WITHDRAWN BY APPLICANT.
 - **SUSE 0178-2022.** Special exception for short term rental at 111 Winsted Court. The applicant is Stephen & Stacey Edwards.
 - **RZNE 0176-2022.** Rezone properties at 512 & 514 Gen. Courtney Hodges Blvd. to MUC, Mixed Use Center. The applicant is Scott Free.
 - **SUSE 0177-2022.** Special Exception for automobile repair at 512 & 514 Gen. Courtney Hodges Blvd. The applicant is Scott Free.
 - **RZNE-0171-2022.** Rezone townhouses on Keith Drive and Frank Satterfield Road from R-2 to RTH. The applicant is the City of Perry.
 - **RZNE-0172-2022.** Rezone Valley Forge townhouses on Morningside Drive and Washington Place townhouses on Washington Place Drive from R-3 to RTH. The applicant is the City of Perry.
 - **TEXT-0170-2022.** Amend the Form Based Code as it applies to existing development. The applicant is the City of Perry.
10. Other Business
11. Commission questions or comments
12. Adjournment

All meetings of the Planning Commission are open to the public.

(478) 988-2720

<https://perry-ga.gov/business-services/community-development/planning-and-zoning>

Planning Commission
Minutes -December 12, 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 and Moody were present. Commissioner Ross was absent.

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

Guests: Ms. Stormy Watson

3. Invocation: was given by Commissioner Mehserle
4. Approval of Minutes from November 14, 2022, and work session of November 28, 2022.

Commissioner Mehserle 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) - None
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on January 3, 2023)
 - **SUSE 0158-2022**. Special Exception for in-home daycare at 304 Red Hawk Pointe. The applicant is Stormy Watson.

Ms. Wharton read the applicants' request which was to operate an in-home daycare with a maximum capacity of six children. The applicant states the children will be dropped off and picked up at various times, reducing any impact to neighborhood traffic. The applicant's home includes a maintained lawn and 6-foot-tall wood fence in the back yard for additional security for the children. Staff was recommending approval with the following conditions: 1. Drop-off and pick-up shall be conducted within the driveway of the residence and shall not include use of the street for parking, 2. The special exception shall be limited to a residential business conducted for childcare for up to six children only, 3. The special exception shall be limited to

the applicant, Stormy Watson, and is not transferrable, 4. The applicant shall comply with the provisions of Section 4-4.3 of the Land Management Ordinance regarding Home Occupations and Residential Businesses and all applicable local, state, and federal laws and regulations, 5. No sign advertising the business shall be posted or displayed on the property, and 6. The required State of Georgia license shall be submitted to the Community Development Department as part of the Perry business license application.

Chairman Edwards opened the public hearing at 6:09pm and called for anyone in favor of the request. The applicant, Ms. Stormy Watson reiterated the request and had nothing further to add. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:10pm.

Commissioner Mehserle motioned to recommend approval of the application as presented to Mayor & Council with the following conditions: 1. Drop-off and pick-up shall be conducted within the driveway of the residence and shall not include use of the street for parking, 2. The special exception shall be limited to a residential business conducted for childcare for up to six children only, 3. The special exception shall be limited to the applicant, Stormy Watson, and is not transferrable, 4. The applicant shall comply with the provisions of Section 4-4.3 of the Land Management Ordinance regarding Home Occupations and Residential Businesses and all applicable local, state, and federal laws and regulations, 5. No sign advertising the business shall be posted or displayed on the property, and 6. The required State of Georgia license shall be submitted to the Community Development Department as part of the Perry business license application; Commissioner Moody seconded; all in favor and was unanimously recommended for approval.

- **ANNX-0163-2022.** Petition for annexation and designation of C-2, General Commercial District for property located at 2031 N. Hwy 41. The applicant is Stacey Grady. *The applicant has withdrawn application.*
- **RZNE-0155-2022.** Rezone 900 Ball Street to OI, Office-Institutional District. The applicant is the City of Perry.

Mr. Wood read the request, which was to rezone to OI, Office-Institutional District. Mr. Wood further stated during the rezoning of other OC and IN properties to the combined OI district, staff missed the subject property. The property is used as an office and will not be impacted by the proposed zoning change.

Chairman Edwards opened the public hearing at 6:13pm and called for anyone in favor or opposed to the request; there being none the public hearing was closed at 6:14pm.

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

- **RZNE-0156-2022.** Rezone various multi-family developments from R-3, Single-family Residential to RM-2, Multi-family Residential. The applicant is the City of Perry.

Mr. Wood read the applicants' request, which was to rezone various multi-family developments from R-3, Single-family Residential to RM-2, Multi-family Residential. The subject properties are developed as multi-family apartments exceeding six dwellings per parcel, with the exception

of 1718 Kings Chapel (3 units) and 1812 Kings Chapel (duplex). With the recent amendment making the R-3 district a single-family only zone, these properties were rendered nonconforming. The proposed RM-2 zoning recognizes the existing developments and will allow the use of the properties to continue as existing. Because 1718 and 1812 Kings Chapel Road are situated between larger apartment developments, staff recommends including them in the RM-2 zone, rather than inserting two RM-1 zoned properties between RM-2.

Chairman Edwards opened the public hearing at 6:20pm and called for anyone in favor or opposed to the request; there being none the public hearing was closed at 6:21pm.

Commissioner Mehserle asked if the property owners had been notified; Mr. Wood advised all had been and only one response received back with no opposition.

Commissioner Butler motioned to recommend approval to Mayor & Council of the rezoning as presented; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

- **RZNE-0157-2022.** Rezone 106 Smith Drive from M-1, Wholesale and Light Industrial to RM-2, Multi-family Residential. The applicant is the City of Perry.

Mr. Wood advised the property consists of a multi-family apartment development constructed in 1973. The current M-1 zoning of the property does not allow residential uses. Staff believes it is appropriate to correct the zoning of this property at the same time other similarly developed properties are being rezoned.

Chairman Edwards opened the public hearing at 6:25pm and called for anyone in favor or opposed to the request; there being none the public hearing was closed at 6:26pm.

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

- **TEXT-0162-2022.** Modify LMO Section 5-2.1 to adjust setbacks for small multifamily and Section 5-5 to increase the maximum allowable building height in the C-3, Central Business District. The applicant is the City of Perry.

Mr. Wood advised the amendment will authorize buildings in the C-3, Central Business District to be a maximum of four stories and 56 feet in height. The current maximum height is 40 feet. The proposal will better accommodate the development of mixed-use buildings, necessary to achieve a vibrant downtown. Mr. Wood advised with a recent modification to the setbacks table it did not account for one- and two-family and small multifamily developments in the RM-1 and commercial districts and this amendment re-establishes the previous setback of 8 feet, plus two feet for each additional story above two.

Chairman Edwards opened the public hearing at 6:29pm and called for anyone in favor or opposition to the request; there being none the public hearing was closed at 6:30pm.

Commissioner Mehserle motioned to recommend approval to Mayor & Council of the text amendments as presented; Commissioner Moody seconded; all in favor and was unanimously recommended for approval.

9. Other Business – Mr. Wood advised Ms. Wharton has accepted a new city position as the Economic Development Director and Commissioner Coody will be resigning from the Commission. The Commission congratulated Ms. Wharton and wished her well. The Commission thanked Commissioner Coody for his service. Commissioner Moody wanted to thank staff and his fellow Commissioners for their guidance and assistance on his first year on the Commission.
10. Commission questions or comments. – None
11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:40pm.



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STAFF REPORT

From the Department of Community Development
December 29, 2022

CASE NUMBER: SUSE-0169-2022
APPLICANT: Kiamata Dukes
REQUEST: A Special Exception to allow short-term residential rental
LOCATION: 1307 Keith Drive; Tax Map No. 0P44C0 038000

REQUEST ANALYSIS: The subject property owner offers the entire 3-bedroom/2-bath house for short-term rental for up to 6 guests. Offering the entire house for rent meets the definition of “short-term residential rental.”

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

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
Subject	R-2, Single-family residential	Single-family residential
North	R-2	Single-family residential
South	R-2	Single-family residential
East	R-2	Single-family residential
West	R-3	Single-family residential

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a “Suburban Residential” character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than a normal occupancy of a single-family residence.

6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* Short-term rental of the residence should not increase the population density above that expected for the size of the house.
8. *Will the use create a health hazard or public nuisance?* Short-term rental of the residence should not create a health hazard, and normally should not create a public nuisance. Renters who may use the property as a “party house” or otherwise disturb the normal peace and quiet of the neighborhood may result in the special exception being suspended or revoked.
9. *Will property values in adjacent areas be adversely affected?* Short-term rental of the residence should not adversely affect the value of properties in the area.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property is developed as a permitted use, a single-family residence. The special exception is to allow rental of the property on a less than 30-day basis.

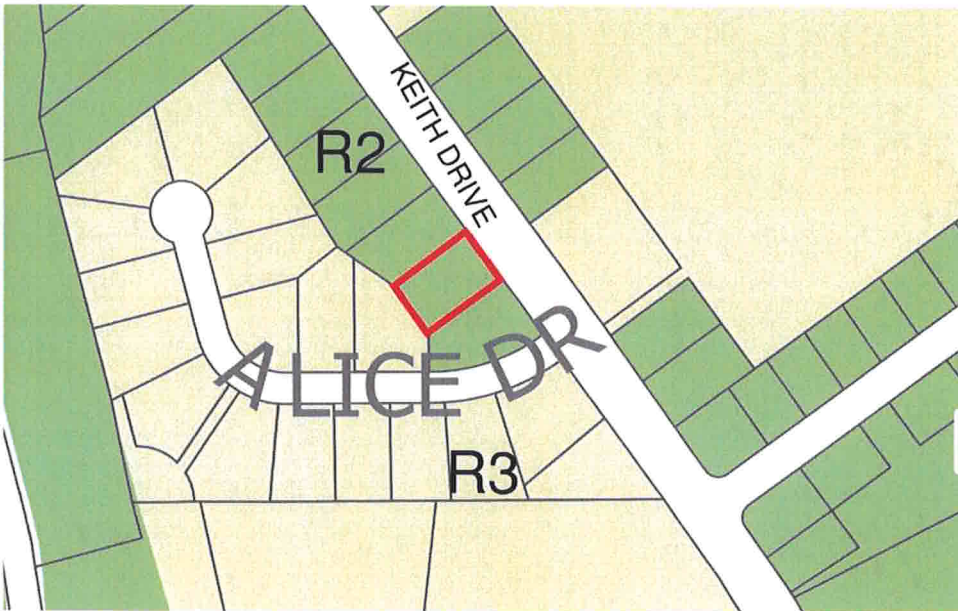
STAFF RECOMMENDATION: Staff recommends approval of the special exception, with the following conditions:

1. The special exception is limited to the current owner of the subject property, Kiamata Dukes, and is not transferable.
2. The special exception is limited to short-term rental of the existing house for up to six (6) guests at any given time.
3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental.
4. The property owner shall remit all required taxes and fees associated with the short-term rental as required by law.
5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

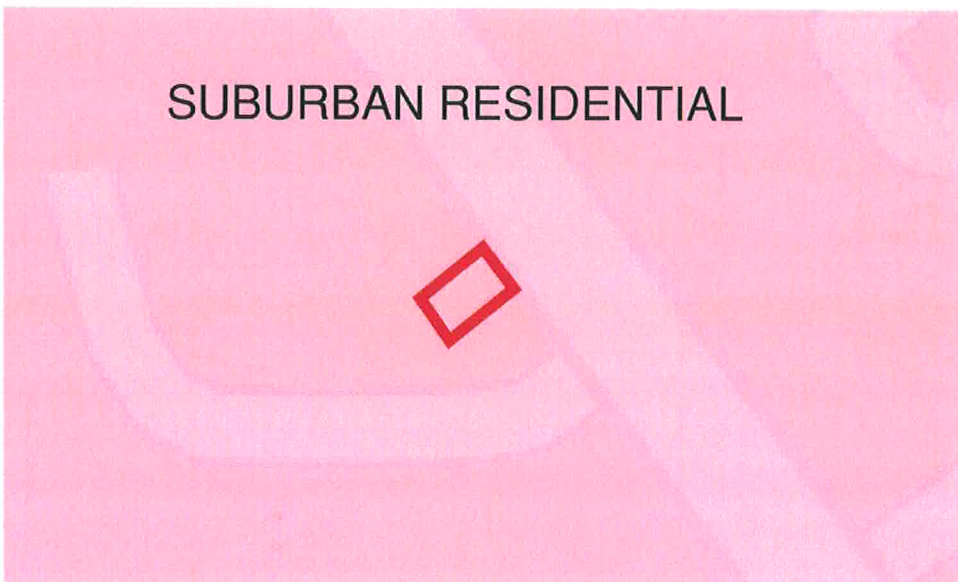
SUSE-0169-2022
1307 Keith Drive
Short-term Rental



Aerial



Zoning



Character Area



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Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE-

0169-2022

Applicant/Owner Information

*Indicates Required Field	*Applicant	*Property Owner
*Name	Kiamata Dukes	Kiamata Dukes
*Title		
*Address	1307 Keith Dr. Perry, GA 31069	
*Phone	478-796-0002	
*Email	kiamatadukes@gmail.com	

Property Information

*Street Address	1307 Keith Dr.	
*Tax Map Number(s)	OP44C0 038000	*Zoning Designation R-2

Request

*Please describe the proposed use: This property is used for short-term rentals. The entire home is rented for a booking. This proposal will not overuse city utilities and will not hinder development. Guest park in the driveway or backyard. Guest book to have a quiet place to stay and will not generate a noise or health issue.

Instructions

1. The application and **\$95.00 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.
2. **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.
3. **For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.**
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. **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.
6. **The applicant must be present at the hearings to present the application and answer questions that may arise.**
7. 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	<u>Kiamata Dukes</u> Kiamata Dukes	*Date	11/28/2022
*Property Owner/Authorized Agent	<u>Kiamata Dukes</u> Kiamata Dukes	*Date	11/28/2022

(water bill customer)

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. *VDD*
- (2) Whether the proposed use is consistent with the Comprehensive Plan. *VDD*
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. *VDD*
- (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. *VDD*
- (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 *VDD*
 - (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. *VDD*
- (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. *VDD*
- (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. *VDD*
- (8) Whether the proposed change will adversely affect property values in adjacent areas. *VDD*
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. *VDD*

All responses to these standards are addressed in the description on first page.



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STAFF REPORT

From the Department of Community Development
December 29, 2022

CASE NUMBER: SUSE-0178-2022
APPLICANT: Stephen and Stacey Edwards
REQUEST: A Special Exception to allow short-term residential rental
LOCATION: 111 Winsted Court; Tax Map No. 0P0660 107000

REQUEST ANALYSIS: The subject property owners offer the entire 3-bedroom/2-bath house for short-term rental for up to 6 guests. Offering the entire house for rent meets the definition of “short-term residential rental.”

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

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
Subject	R-2, Single-family residential	Single-family residential
North	R-2	Single-family residential
South	R-1	Single-family residential
East	R-2	Single-family residential
West	R-2	Single-family residential

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a “Suburban Residential” character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than a normal occupancy of a single-family residence.

6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* Short-term rental of the residence should not increase the population density above that expected for the size of the house.
8. *Will the use create a health hazard or public nuisance?* Short-term rental of the residence should not create a health hazard, and normally should not create a public nuisance. Renters who may use the property as a “party house” or otherwise disturb the normal peace and quiet of the neighborhood may result in the special exception being suspended or revoked.
9. *Will property values in adjacent areas be adversely affected?* Short-term rental of the residence should not adversely affect the value of properties in the area.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property is developed as a permitted use, a single-family residence. The special exception is to allow rental of the property on a less than 30-day basis.

STAFF RECOMMENDATION: Staff recommends approval of the special exception, with the following conditions:

1. The special exception is limited to the current owners of the subject property, Stephen and Stacey Edwards, and is not transferable.
2. The special exception is limited to short-term rental of the existing house for up to six (6) guests at any given time.
3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental.
4. The property owner shall remit all required taxes and fees associated with the short-term rental as required by law.
5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

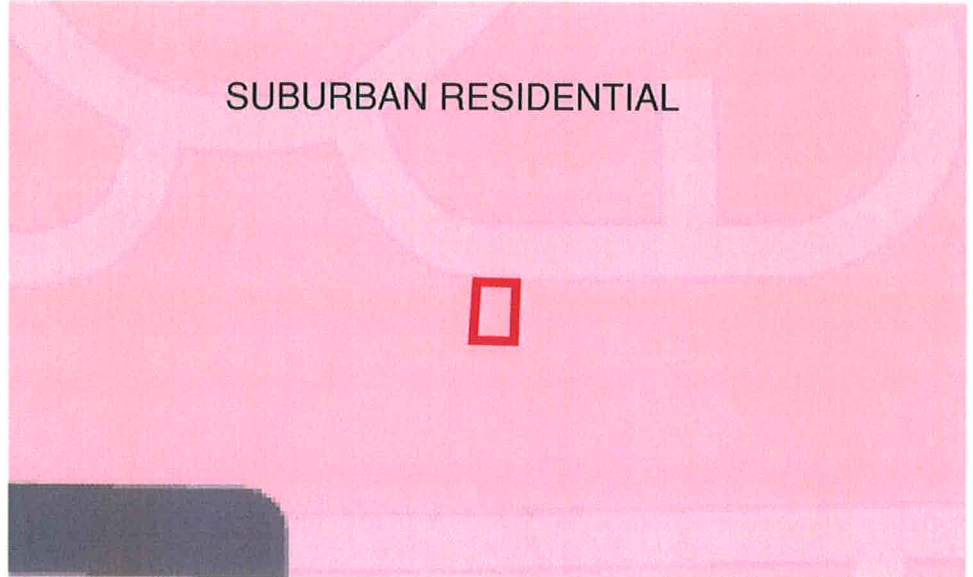
SUSE-0178-2022
111 Winsted Court
Short-term Rental



Aerial



Zoning



Character Area



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Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE-
178-2022

Applicant/Owner Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Stephen + Stacey Edwards	Stephen M Edwards Jr.
*Title	Mr. + Mrs.	Stacey B Edwards
*Address	111 Winsted Ct. Perry GA 31069	
*Phone	478-302-4550	
*Email	staceyedwards -theedwards-fam@gmail.com	

Property Information

*Street Address	111 Winsted Ct. Perry GA 31069
*Tax Map Number(s)	DP0660 107000 01
*Zoning Designation	2

Request

*Please describe the proposed use:

Airbnb - short term rental

Instructions

- The application and ***\$95.00 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	Stacey Edwards	*Date	12/12/22
*Property Owner/Authorized Agent	Stacey Edwards	*Date	12/12/22

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. *no*
- (2) Whether the proposed use is consistent with the Comprehensive Plan. *I'm not sure, but I believe so.*
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. *yes*
- (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. *yes*
- (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. *no*
- (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. *no*
- (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. *no*
- (8) Whether the proposed change will adversely affect property values in adjacent areas. *no*
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. *no*



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STAFF REPORT

From the Department of Community Development

January 3, 2023

CASE NUMBER: RZNE-0176-2022

APPLICANT: Scott Free for William and Donna Cochran

REQUEST: Rezone properties from NMU, Neighborhood Mixed Use, to MUC, Mixed Use Center

LOCATION: 512 & 514 Gen. Courtney Hodges Blvd.; Tax Map Numbers: 0P0260 014000 & 0P0260 013000

BACKGROUND INFORMATION: The property located at 514 Gen. Courtney Hodges Blvd. contains a building constructed in 1974 and is used for automobile repair (Cochran Coachworks). The adjacent property is used in association with the repair business.

In 2016 the City of Perry rezoned the Gen. Courtney Hodges Blvd. corridor to various form-based zoning districts. Properties between Big Indian Creek and Gardner Drive, including the subject properties, were zoned NMU, Neighborhood Mixed Use. The NMU district does not permit automobile repair. Therefore, the current use of the properties is non-conforming.

Properties along the corridor between Gaines Drive and Larry Walker Parkway were zoned MUC, Mixed Use Center. This zoning district allows automobile repair by special exception.

During the due diligence period for a potential sale of the property, the owners and their agent realized the impact of the current zoning of the property and have requested a zoning change and special exception to make the current use of the property conforming to the Land Management Ordinance.

STANDARDS GOVERNING ZONE CHANGES:

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

	Zoning Classification	Land Use
North	FBR, Form Based Residential District	Institutional – Summerhill Senior Living
South	R-2, Single-family Residential District	Single-family Residential and Undeveloped
East	NMU, Neighborhood Mixed Use District	Self Service Storage
West	NMU	Warehouse and Retail

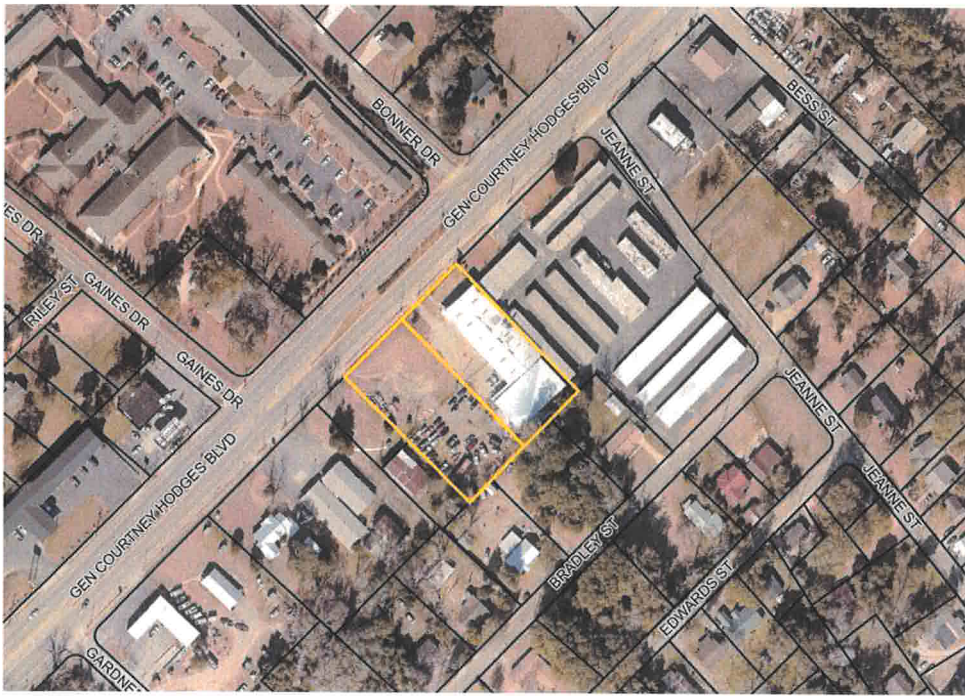
2. The suitability of the subject property for the zoned purposes. The subject properties are developed with a building designed for use as an automobile body shop. The building would require major modifications to be used for the type uses allowed in the current zoning district.

3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions. Because of the nature of the business and building design on the subject properties, the current zoning prevents the owner from obtaining the value of that business.

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 properties have operated as an automobile repair business for a number of years with no impact on the public health, safety, general welfare, or morals.

5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.**
Because the properties are currently developed and no change is planned, there is no impact on the public.
6. **Whether the subject property has a reasonable economic use as currently zoned.** Because of the existing development of the subject properties, the reasonable use of the properties is limited. The properties can be used as currently zoned, but with major modifications to the existing building.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject properties are not vacant.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The proposed MUC district already exists on a portion of the Gen. Courtney Hodges Blvd. corridor with similar development patterns. There should be no impact on surrounding properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The existing use of the property is not planned to change. If the use changes or the property is redeveloped, buffers are required adjacent to residentially zoned properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.**
The subject properties are located in the “Redevelopment” character area, which has suggested land use designations of mixed use, commercial, residential, and public/institutional.
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 zoning change has no impact on existing public facilities.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** The existing development of the subject properties does not appear to have been considered with the form-based districts were applied.

STAFF RECOMMENDATION: Staff recommends approval of the zoning change to MUC, Mixed Use Center District.

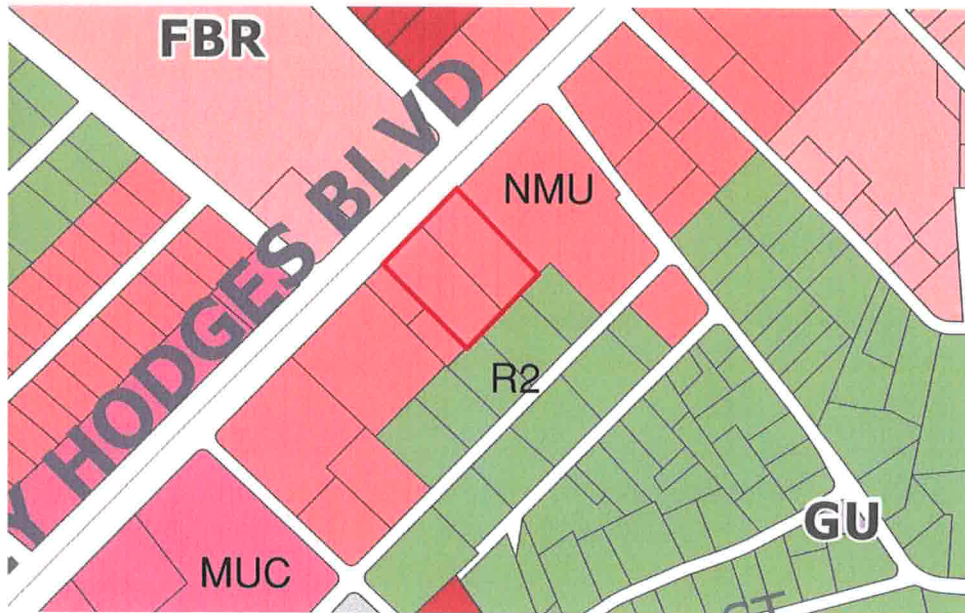


RZNE-0176-2022

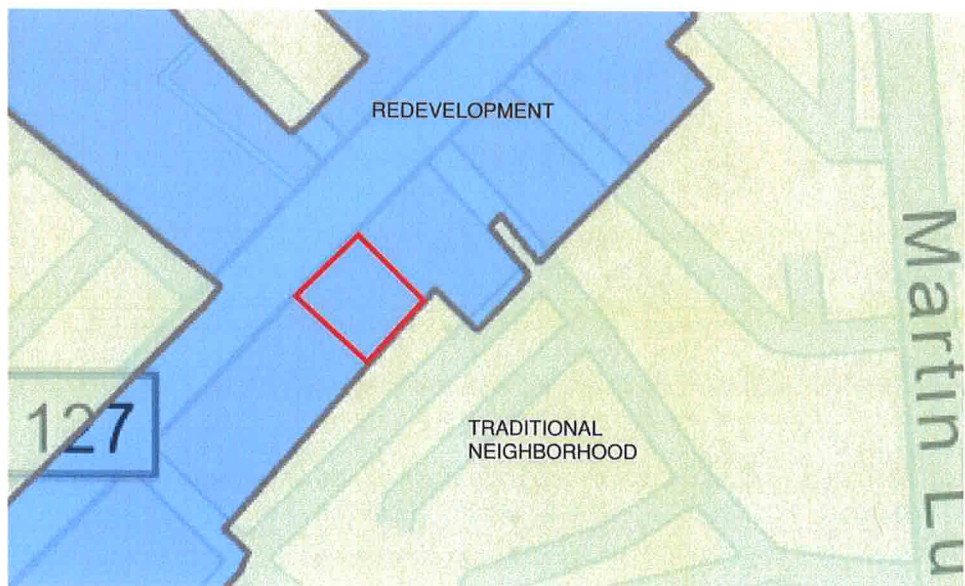
512 & 514 C. Hodges Blvd.

NMU to MUC

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # RZNE-0176-
2022

Application for Rezoning

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Scott Free	William & Donna Cochran
*Title	Broker	Owner Cochran Coachworks
*Address	1271 S. Houston Lake Rd WR Ga	514 Gen. Courtney Hodges Blvd.
*Phone	478-218-2600 478-951-3333	478-987-7740 w. 478-951-1133 cell
*Email	Scottfree@cbfreerealty.com	WilliamCochran7603@gmail.com

Property Information

*Street Address or Location	514 Gen. Courtney Hodges Blvd.
*Tax Map Number(s)	OP0260 015000 & OP0260 014000
*Legal Description	13 th A. Provide a copy of the deed as recorded in the County Courthouse, or a mete and bounds description of the land if a deed is not available; <u>See Attached.</u> B. Provide a survey plat of the property; <u>See Attached.</u>

Request

*Current Zoning District	NMU Neighborhood Mixed Use	*Proposed Zoning District	MUC, Mixed Use Center
*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. <u>with Special exception.</u> <u>Automotive Repair, Paint and Body Shop</u>			

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 - \$145.00 plus \$17.00/acre (maximum \$1,750.00)
 - Planned Development - \$165.00 plus \$17.00/acre (maximum \$3,100.00)
 - Commercial/Industrial - \$252.00 plus \$23.00/acre (maximum \$3,300.00)
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.
- *Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes ___ No
If yes, please complete and submit a Disclosure Form available from the Community Development office.

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

9. Signatures:

*Applicant	<i>Scott In</i>	*Date	<i>12/12/2022</i>
*Property Owner/Authorized Agent	<i>Donna Cochran</i>	*Date	<i>12/12/2022</i>

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; *Perry Self Storage NMC, Hoken Heating & Cooling NMC, Coastal Health Centers, FBR*
- (2) The suitability of the subject property for the zoned purposes; *The property will be used as its current use and will be allowed in muc.com*
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions; *The property values should increase with this sell. The buyers will improve the property as well.*
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public; *The property values should increase and should 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; *There is no hardship to the Public.*
- (6) Whether the subject property has a reasonable economic use as currently zoned; *The use is not changing area was changed in the form based district.*
- (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; *Building and Property is currently occupied as Cochran Carchworks. The buyer will continue to same type business*
- (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 will allow suitable type business*
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property; *NO Adverse affects*
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan; *yes*
- (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 *NO*
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. *NO, if anything the new business will improve the Area.*



Doc ID: 014966720002 Type: GLR
Recorded: 12/01/2017 at 10:51:22 AM
Fee Amt: \$36.40 Page 1 of 2
Transfer Tax: \$24.40
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk
BK 7699 PG 97-98

(Above space for recording officer use.)

After recording return to:

File No.: P17-631

WHGM

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 30th day of November, in the year two thousand seventeen (2017), between

MYERS INDUSTRIAL CONSTRUCTION, INC.
a Georgia corporation

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

and

DONNA K. COCHRAN

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

WITNESSETH that: Grantor, for and in consideration of the sum of Other Good and Valuable Considerations and Ten (\$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:

All that tract or parcel of land lying and being in Land Lot 274 of the Thirteenth Land District, in the City of Perry, Houston County, Georgia, as more fully shown on plat of survey for Ronald E. Stanley by Richard L. Jones, Surveyor, dated November 6, 1975, and a copy of which is recorded in Map Book 18, Page 222, in the Clerk's Office, Houston Superior Court, being more particularly described as follows:

Beginning at a point on the southeasterly right-of-way of U.S. Highway 41, 423 feet southwesterly from the intersection of the southeasterly right-of-way of U.S. Highway 41 and the southwesterly side of Jeanne Street, running thence south 44 degrees 43 minutes 15 seconds east along the southwesterly side of the property now or formerly owned by Locke 271.05 feet to a point and corner, running thence south 43 degrees 56 minutes 03 seconds west along the northwesterly side of the property formerly owned by Locke and Bowen 120:01

feet to a point and corner, running thence north 45 degrees 45 minutes 30 seconds west along the northeasterly side of the property now or formerly owned by Lois and McKinney 271.63 feet to a point on the southeasterly right-of-way of U.S. Highway 41, running thence north 44 degrees 14 minutes 30 seconds east along the said southeasterly right-of-way 124.91 feet to the point of beginning.

The above described property is also known as 512 General Courtney Hodges Blvd., Perry, Houston County, Georgia 31069, under the present numbering system set out in said city and county.

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.

MYERS INDUSTRIAL CONSTRUCTION, INC.

By:

Martin G. Myers
Martin G. Myers, President/CEO

[CORPORATE SEAL]

Signed, sealed and delivered
in the presence of:

Kaitlyn Pelby
Witness

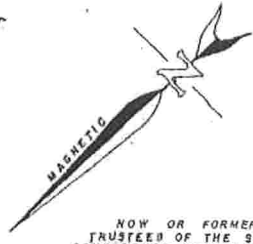
John W. Hulbert
Notary Public



Doc ID: 005918210001 Type: PLA
 Filed: 07/28/1975 at 10:29:05 AM
 Fee Amt: Page 1 of 1
 Houston, Ga. Clerk Superior Court
 Carolyn V. Sullivan Clerk
 BK 18 PG 160

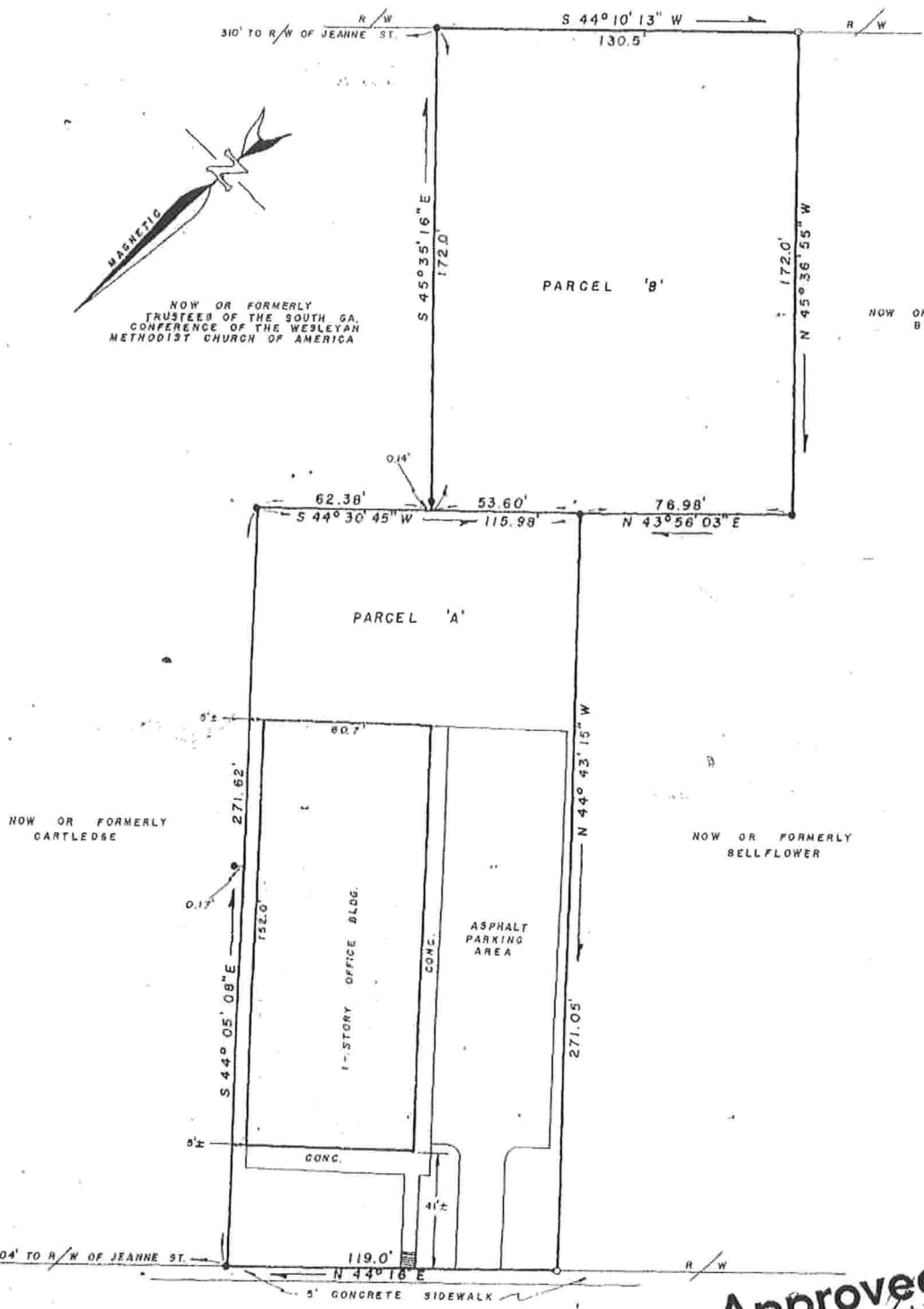
10110V

BRADLEY STREET 30' R/W



NOW OR FORMERLY
 TRUSTEES OF THE SOUTH GA.
 CONFERENCE OF THE WESLEYAN
 METHODIST CHURCH OF AMERICA

NOW OR FORMERLY
 BOWEN



NOW OR FORMERLY
 CARTLEDGE

NOW OR FORMERLY
 BELLFLOWER



U. S. 41 100' R/W

Approved
 By *[Signature]*
 INSPECTION DEPT. 7/24/75
 CITY OF PERRY

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

[Signature]

PLAT FOR
 MULLINS HOMES, INC.
 LAND LOT 27A 18TH. DISTRICT
 HOUSTON CO. PERRY GEORGIA



Doc ID: 014966740002 Type: GLR
Recorded: 12/01/2017 at 10:53:57 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk

BK 7699 PG 102-103

After recording return to: (A)

File No.: P17-631

WHGM

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 30th day of November, in the year two thousand seventeen (2017), between

COCHRAN COACHWORKS, INC.
a Georgia corporation

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

and **DONNA K. COCHRAN**

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

WITNESSETH that: Grantor, for and in consideration of the sum of Other Good and Valuable Considerations and Ten (\$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:

All that tract or parcel of land situate, lying and being in land Lot 274 of the 13th Land District, Houston County, Georgia, known and designated as Parcel "A", on a plat of survey prepared by Jones surveying Co., dated July 23, 1975, and recorded in Map Book 18, Page 160, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

Said property is known as 514 General Courtney Hodges Blvd under the current numbering system of the City of Perry, Georgia.

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.

COCHRAN COACHWORKS, INC.

By: *William J. Cochran*
William J. Cochran, President

Attest: *Donna K. Cochran*
Donna K. Cochran, Secretary

Signed, sealed and delivered
in the presence of:

[CORPORATE SEAL]

John W. Blair
Witness

Heather N. Jordan
Notary Public



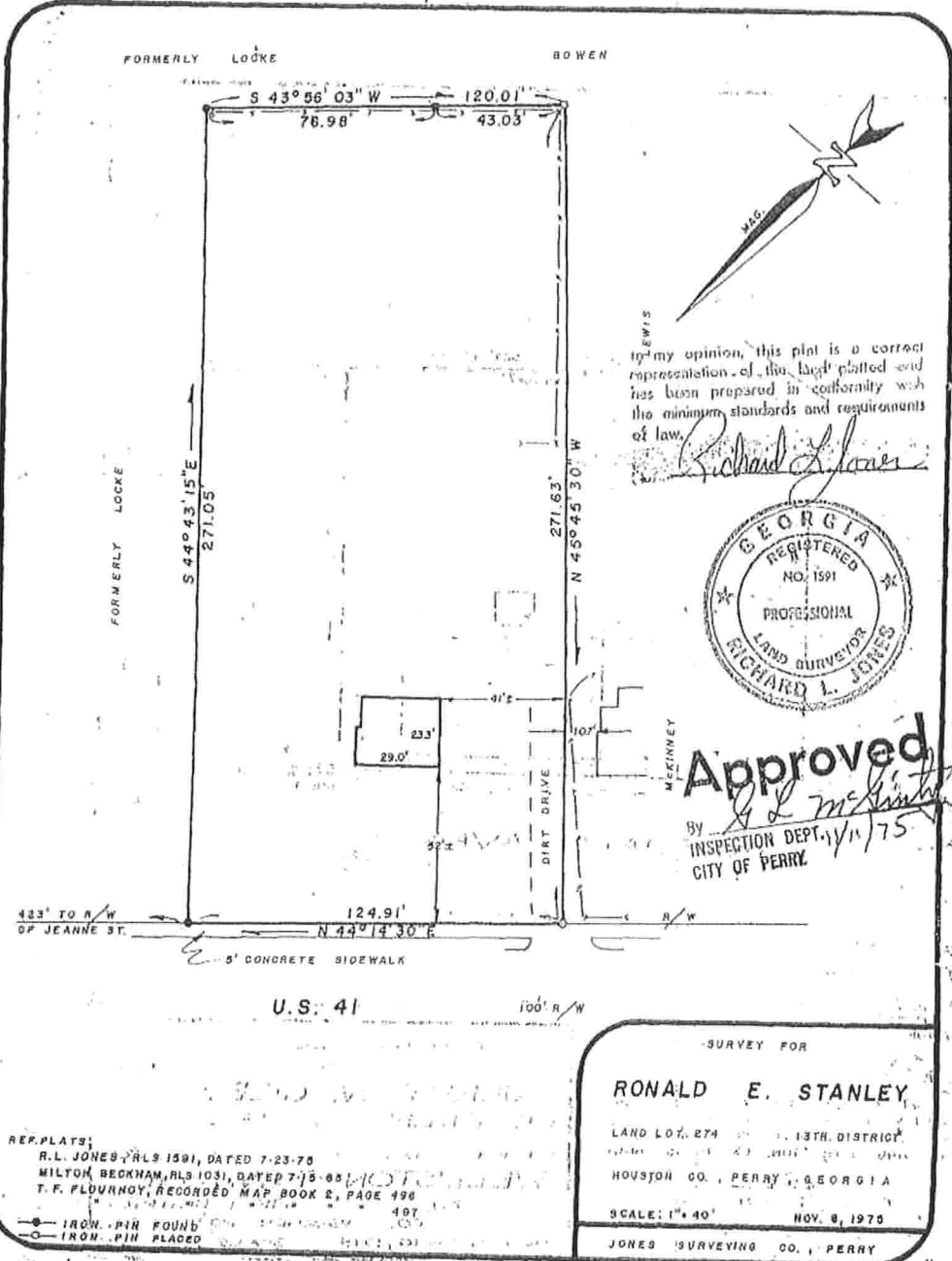


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 Fee Amt: Page 1 of 1
 Houston, Ga. Clerk Superior Court
 Carolyn V. Sullivan Clerk

Recorded November 18, 1975

BK 18 Pg 222

19/222





Where Georgia comes together.

STAFF REPORT

From the Department of Community Development

January 3, 2023

CASE NUMBER: SUSE-0177-2022

APPLICANT: Scott Free for William and Donna Cochran

REQUEST: Automobile Repair in a MUC, Mixed Use Center District

LOCATION: 512 & 514 Gen. Courtney Hodges Blvd.; Tax Map Numbers: 0P0260 014000 & 0P0260 013000

REQUEST ANALYSIS: The applicant requests a special exception (in association with rezoning to MUC) to continue operating an automobile repair business. The building located at 514 Gen. Courtney Hodges Blvd. was constructed in 1974 and is used for automobile repair (Cochran Coachworks). The adjacent property is used in association with the repair business.

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
Subject	MUC (Subject to zoning change)	Automobile Repair
North	FBR, Form Based Residential District	Institutional – Summerhill Senior Living
South	R-2, Single-family Residential District	Single-family Residential and Undeveloped
East	NMU, Neighborhood Mixed Use District	Self Service Storage
West	NMU	Warehouse and Retail

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject properties are located in the “Redevelopment” character area, which has suggested land use designations of mixed use, commercial, residential, and public/institutional.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not 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 use currently exists and has operated for a number of years without any known detrimental impacts on surrounding properties.

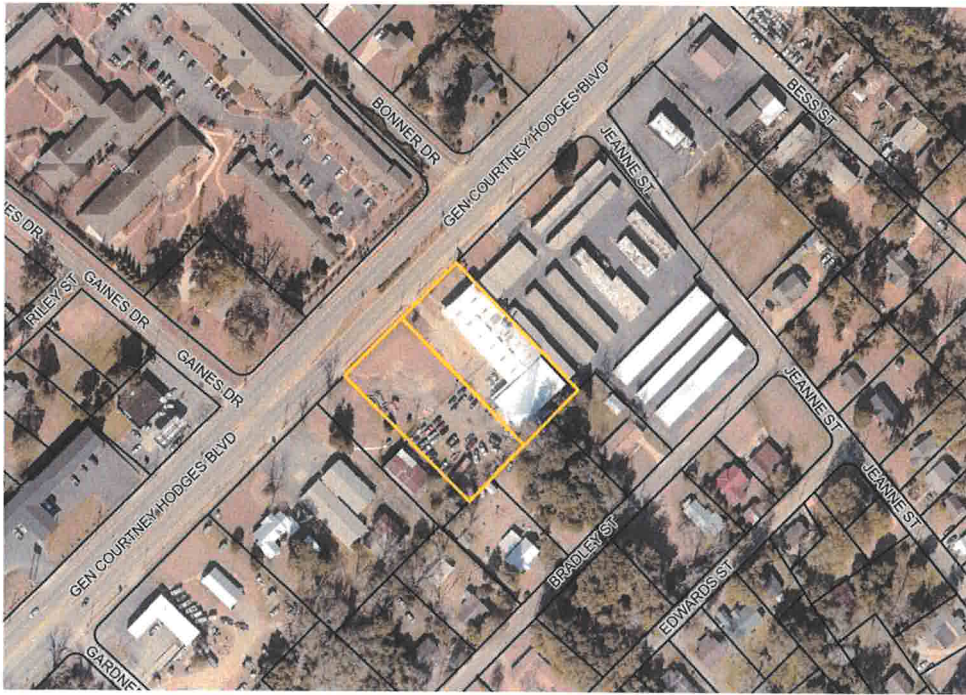
6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Because the proposed use is currently operating on the subject properties, there should be no additional impact on pedestrian and vehicular traffic.
7. *Will the use result in an increase in population density overtaxing public facilities?* Because the proposed use is currently operating, there should be no additional impact on public facilities.
8. *Will the use create a health hazard or public nuisance?* The proposed use should not create a health hazard or public nuisance.
9. *Will property values in adjacent areas be adversely affected?* The proposed use has operated at this location for a number of years without any know impact on surrounding property values.
10. *Are there substantial reasons a permitted use cannot be used at this property?* Because of the existing development of the subject properties, the reasonable use of the properties is limited. The properties can be used as currently zoned, but with major modifications to the existing building.

STAFF RECOMMENDATION: Staff recommends approval of the special exception.

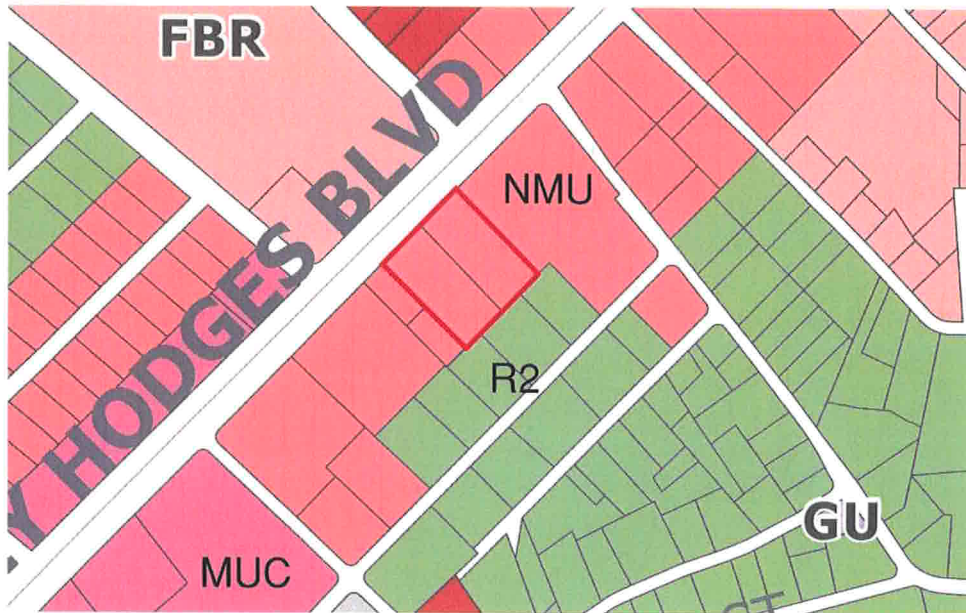
SUSE-0177-2022

512 & 514 C. Hodges Blvd.

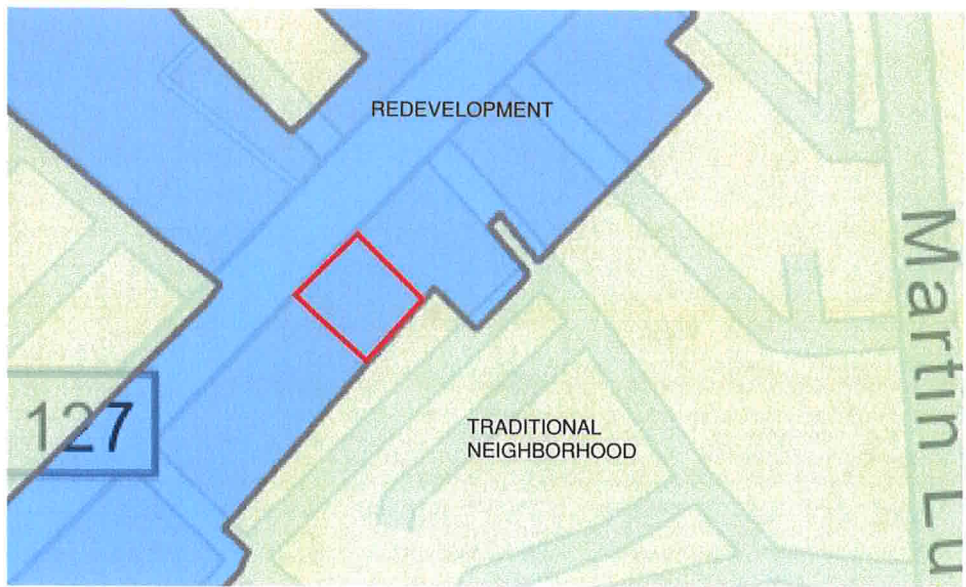
Automobile Repair



Aerial



Zoning



Character Area



Where Georgia comes together.

Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE-
0177-2022

Applicant/Owner Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Scott Free	William & Donna Cochran
*Title	Broker	Owner Cochran Carworks
*Address	1271. S. Houston Lake Road W.R. GA	514 Gen. Courtney Hodges Blvd.
*Phone	478-218-2600 W. 478-951-3333 Cell	478-987-7740 W. 478-951-1133 Cell
*Email	Scottfree.e.c.b.free@reality.com	William Cochran 7603@gmail.com

Property Information

*Street Address	514 Gen. Courtney Hodges Blvd.	
*Tax Map Number(s)	0P0260 013000 0P0260 014000	*Zoning Designation MUC Mixed Use Center

Request

*Please describe the proposed use: Automotive Repair, Paint and Body Shop.

Instructions

- The application and *\$95.00 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	<u>Scott Free</u>	*Date	<u>12/12/2022</u>
*Property Owner/Authorized Agent	<u>Donna Cochran</u>	*Date	<u>12/12/2022</u>

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? **NO**

- (1) The existing land use pattern. **Commercial Operation of different business is all around the Subject Property.**
- (2) Whether the proposed use is consistent with the Comprehensive Plan. **yes, the type business is not changing and the buyer will improve the property.**
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. **yes**
- (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. **yes it will be in harmony with other existing businesses**
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area: **Adjoining across back of the Property.**
 - (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 **Will not affect the residential Property Access the back. This property has operated as commercial Property since the early 1970s**
 - (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. **The Type of business will not change. The new owner will improve the property to help improve the**
- (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. **It will not increase the population Density other than more business traffic as well as more employees.**
- (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. **Will not create and health hazard, or public safety Problem**
- (8) Whether the proposed change will adversely affect property values in adjacent areas. **Should Increase property**
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. **NO. NOT WITH THE SPECIAL EXCEPTION,**



Doc ID: 014966720002 Type: GLR
Recorded: 12/01/2017 at 10:51:22 AM
Fee Amt: \$36.40 Page 1 of 2
Transfer Tax: \$24.40
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk
BK 7699 PG 97-98

(Above space for recording officer use.)

After recording return to:

File No.: P17-631

WHGM *WFS*

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 30th day of November, in the year two thousand seventeen (2017), between

MYERS INDUSTRIAL CONSTRUCTION, INC.
a Georgia corporation

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

and **DONNA K. COCHRAN**

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

WITNESSETH that: Grantor, for and in consideration of the sum of Other Good and Valuable Considerations and Ten (\$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:

All that tract or parcel of land lying and being in Land Lot 274 of the Thirteenth Land District, in the City of Perry, Houston County, Georgia, as more fully shown on plat of survey for Ronald E. Stanley by Richard L. Jones, Surveyor, dated November 6, 1975, and a copy of which is recorded in Map Book 18, Page 222, in the Clerk's Office, Houston Superior Court, being more particularly described as follows:

Beginning at a point on the southeasterly right-of-way of U.S. Highway 41, 423 feet southwesterly from the intersection of the southeasterly right-of-way of U.S. Highway 41 and the southwesterly side of Jeanne Street, running thence south 44 degrees 43 minutes 15 seconds east along the southwesterly side of the property now or formerly owned by Locke 271.05 feet to a point and corner, running thence south 43 degrees 56 minutes 03 seconds west along the northwesterly side of the property formerly owned by Locke and Bowen 120.01

feet to a point and corner, running thence north 45 degrees 45 minutes 30 seconds west along the northeasterly side of the property now or formerly owned by Lois and McKinney 271.63 feet to a point on the southeasterly right-of-way of U.S. Highway 41, running thence north 44 degrees 14 minutes 30 seconds east along the said southeasterly right-of-way 124.91 feet to the point of beginning.

The above described property is also known as 512 General Courtney Hodges Blvd., Perry, Houston County, Georgia 31069, under the present numbering system set out in said city and county.

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.

MYERS INDUSTRIAL CONSTRUCTION, INC.


By:

[Signature]
Martin G. Myers, President/CEO

[CORPORATE SEAL]

Signed, sealed and delivered in the presence of:

[Signature]
Kaithlyn Pelley
Witness

[Signature]
Notary Public


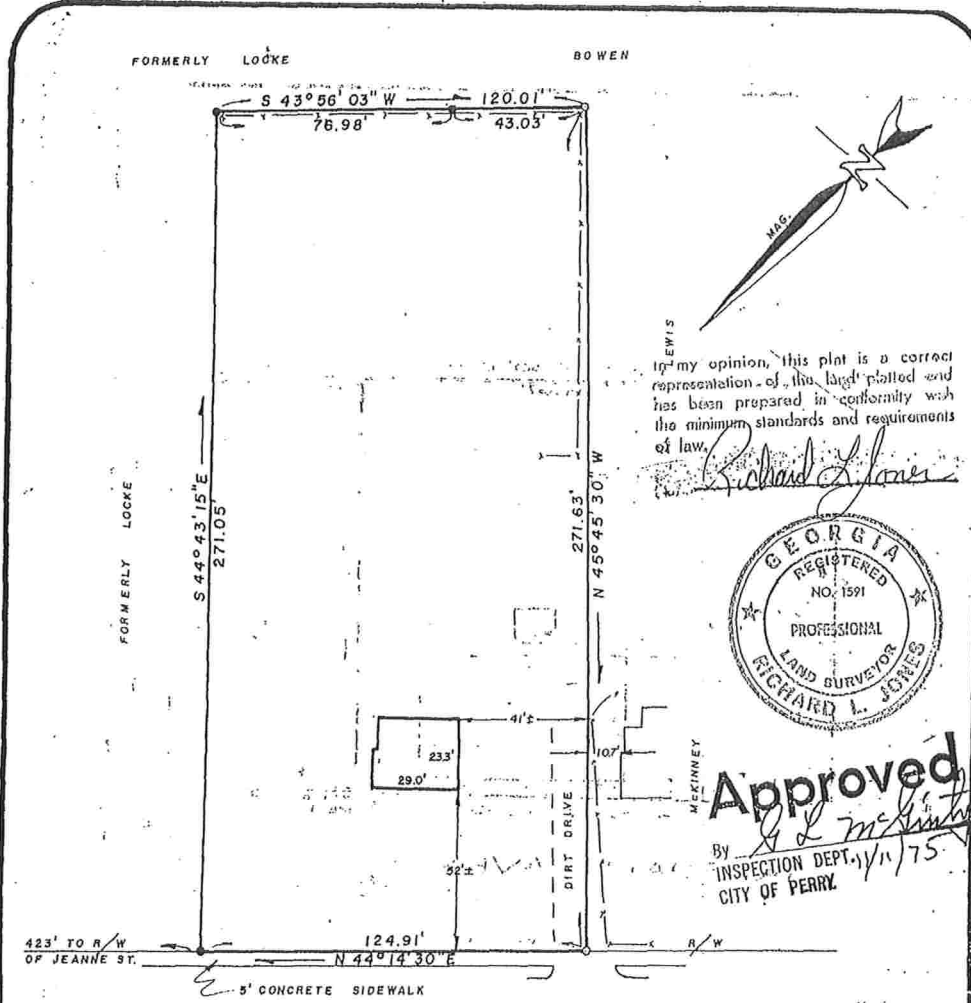


Doc ID: 00891820001 Type: PLA
 Filed: 11/18/1976 at 11:53:23 AM
 Fee Amt: Page 1 of 1
 Houston, Ga Clerk Superior Court
 Carolyn V. Sullivan Clerk

Recorded November 18, 1975

BK 18 PG 222

19/222



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

Richard L. Jones



Approved

By *R. L. Jones*
 INSPECTION DEPT. 11/11/75
 CITY OF PERRY

423' TO R/W OF JEANNE ST.
 124.91'
 N 44° 14' 30\"/>

U.S. 41

SURVEY FOR
RONALD E. STANLEY
 LAND LOT 274 13TH DISTRICT
 HOUSTON CO., PERRY, GEORGIA
 SCALE: 1" = 40'
 NOV. 8, 1975
 JONES SURVEYING CO., PERRY

REF. PLATS:
 R.L. JONES, RLS 1591, DATED 7-23-75
 MILTON BECKHAM, RLS 1031, DATED 7-15-68
 T.F. FLURNOY, RECORDED MAP BOOK 2, PAGE 496

—●— IRON PIN FOUND
 —○— IRON PIN PLACED



Doc ID: 014966740002 Type: GLR
Recorded: 12/01/2017 at 10:53:57 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk
BK 7699 PG 102-103

(A)
After recording return to:

File No.: P17-631

WHGM *new*

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 30th day of November, in the year two thousand seventeen (2017), between

COCHRAN COACHWORKS, INC.
a Georgia corporation

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

and **DONNA K. COCHRAN**

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

WITNESSETH that: Grantor, for and in consideration of the sum of Other Good and Valuable Considerations and Ten (\$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:

All that tract or parcel of land situate, lying and being in land Lot 274 of the 13th Land District, Houston County, Georgia, known and designated as Parcel "A", on a plat of survey prepared by Jones surveying Co., dated July 23, 1975, and recorded in Map Book 18, Page 160, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

Said property is known as 514 General Courtney Hodges Blvd under the current numbering system of the City of Perry, Georgia.

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 th:: 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.

COCHRAN COACHWORKS, INC.

By: *William J. Cochran*
William J. Cochran, President

Attest: *Donna K. Cochran*
Donna K. Cochran, Secretary

Signed, sealed and delivered
in the presence of:

[CORPORATE SEAL]

John W. Huler
Witness

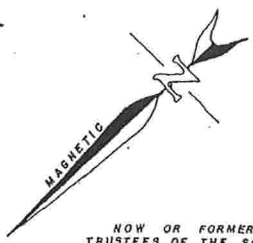
Leather N. Jordan
Notary Public



ENGINEER 101100

Doc ID: 006918210001 Type: PLA
Filed: 07/28/1975 at 10:29:05 AM
Fee Amt: Page 1 of 1
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk
BK 18 PG 160

BRADLEY STREET 30' R/W



NOW OR FORMERLY TRUSTEES OF THE SOUTH GA. CONFERENCE OF THE WESLEYAN METHODIST CHURCH OF AMERICA

NOW OR FORMERLY BOWEN

310' TO R/W OF JEANNE ST. R/W S 44° 10' 13" W 130.5' R/W

S 45° 35' 16" E 172.0'

N 45° 36' 55" W 172.0'

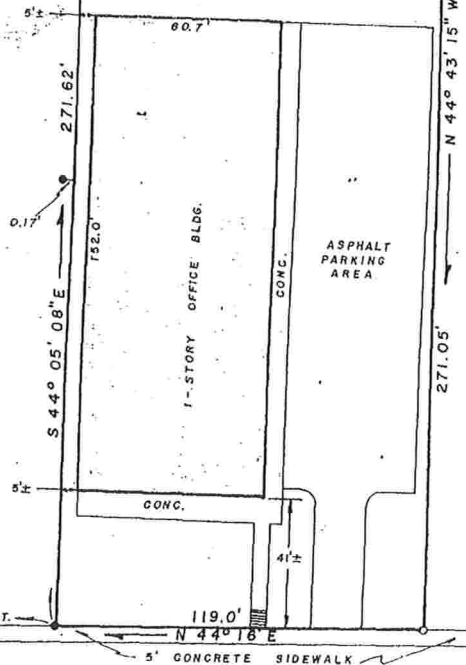
PARCEL 'B'

62.38' S 44° 30' 45" W 115.98' N 43° 56' 03" E 76.98'

PARCEL 'A'

NOW OR FORMERLY CARLEDGE

NOW OR FORMERLY BELLFLOWER



304' TO R/W OF JEANNE ST. 119.0' N 44° 18' E R/W

U.S. 41 100' R/W

Approved
By *[Signature]*
INSPECTION DEPT. 7/24/75
CITY OF PERRY.



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

[Signature]

PLAT FOR
MULLINS HOMES, INC.
LAND LOT 274 13TH. DISTRICT
HOUSTON CO. PERRY GEORGIA
SCALE 1" = 40'
JULY 23, 1975



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
January 3, 2023

CASE NUMBER: RZNE-0171-2022
APPLICANT: The City of Perry
REQUEST: Rezone properties from R-2, Single-family Residential, to RTH, Residential Townhouse
LOCATION: See attached maps and list of tax map numbers

BACKGROUND INFORMATION: The subject properties are developed as townhouses. With the recent amendment making the R-2 district a single-family only zone, these properties were rendered nonconforming. The proposed RTH zoning recognizes the existing development and will allow the use of the properties to continue as existing.

STANDARDS GOVERNING ZONE CHANGES:

- 1. The existing land uses and zoning classification of nearby property.**
 - The townhouses located on Keith Drive are bounded by school district property zoned GU on the north and west; by undeveloped C-2 property on the east; and by a triplex zoned R-2 on the south.
 - The townhouses on Frank Satterfield Road are bounded by undeveloped R-2 property on the north and west; the wastewater treatment plant zoned GU on the south; a single-family residence zoned R-1 on the east.
- 2. The suitability of the subject property for the zoned purposes.** The subject properties are developed as fee simple townhouses which are no longer permitted in the R-2 zoning district.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The current R-2 zoning of the properties was recently revised to allow only single-family residential uses. Because the subject properties are currently developed as townhouses, the value of the subject properties is diminished by the current zoning.
- 4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** Because the properties have been developed as townhouses for many years there is no impact on the public health, safety, general welfare, or morals.
- 5. The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Because the properties are currently developed and no change is planned, there is no impact on the public.
- 6. Whether the subject property has a reasonable economic use as currently zoned.** The subject properties do not appear to have a reasonable economic use as currently zoned. The proposed RTH zoning will allow the properties to continue operating as currently developed.
- 7. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject properties are not vacant.

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 developed as residential townhouses. There will be no change in their impact on surrounding properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** See #8 above.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.**
 - The townhouses on Keith Drive are in the “In-Town Corridor” character area
 - The townhouses on Frank Satterfield Road are in the “Suburban Residential” character area.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The zoning change has no impact on existing public facilities.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** The City’s recent modification of the R-2 district to allow only single-family residential uses made these townhouses non-conforming. This change in zoning to RTH will allow the developments to continue as conforming uses.

STAFF RECOMMENDATION: Staff recommends approval of the zoning change to RTH, Residential Townhouse District.

Parcels to be rezoned to RTH, Residential Townhouse District (RZNE-0171-2022)

Parcel Address	Parcel Number	Owner
1047 KEITH DR	0P0440 050000	LENNON E & BETH S GRIFFIN
1047 KEITH DR	0P0440 50A000	LENNON E & BETH S GRIFFIN
1049 KEITH DR	0P0440 50B000	LENNON E & BETH S GRIFFIN
1051 KEITH DR	0P0440 50C000	LENNON E & BETH S GRIFFIN
1053 KEITH DR	0P0440 50D000	LENNON E & BETH S GRIFFIN
285 FRANK SATTERFIELD RD	0P0450 07A000	JAMES M PENSYL
285 FRANK SATTERFIELD RD	0P0450 033000	JAMES M PENSYL
287 FRANK SATTERFIELD DR	0P0450 034000	JAMES M PENSYL
289 FRANK SATTERFIELD DR	0P0450 035000	JAMES M PENSYL
291 FRANK SATTERFIELD DR	0P0450 036000	JAMES M PENSYL
293 FRANK SATTERFIELD DR	0P0450 037000	JAMES M PENSYL
295 FRANK SATTERFIELD DR	0P0450 038000	JAMES M PENSYL
297 FRANK SATTERFIELD DR	0P0450 039000	JAMES M PENSYL

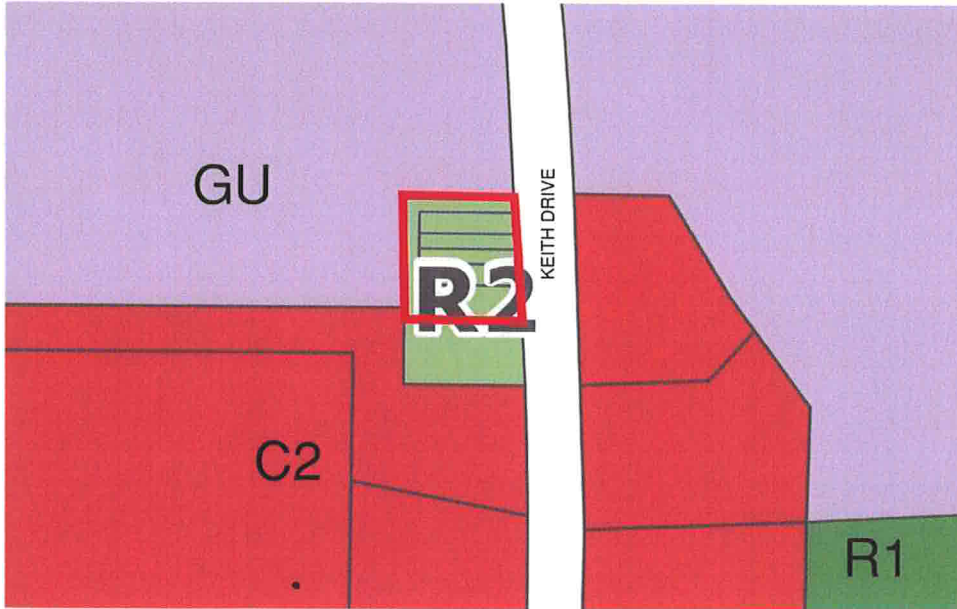
RZNE-0171-2022

1047-1053 Keith Drive

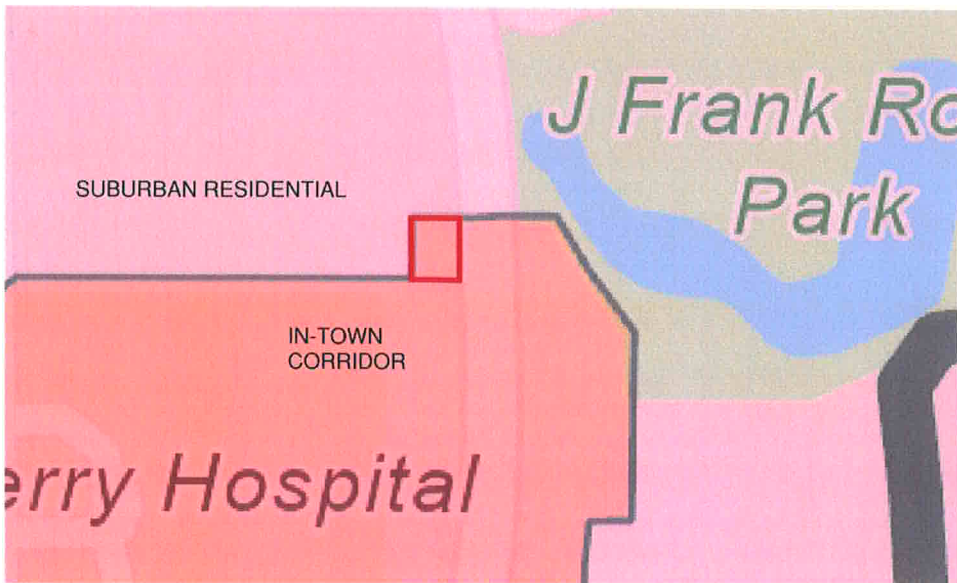
R2 to RTH



Aerial



Zoning



Character Area

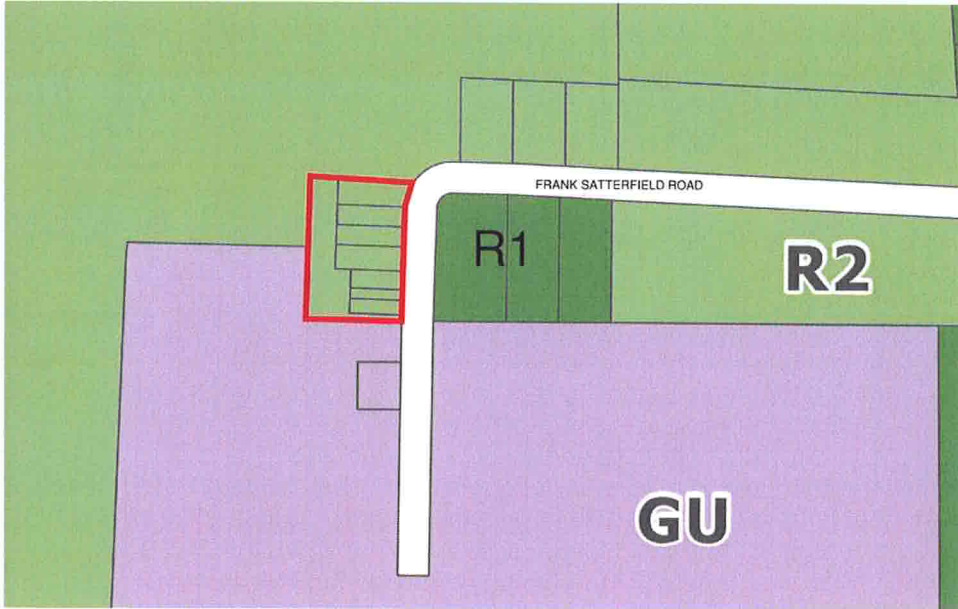


RZNE-0171-2022

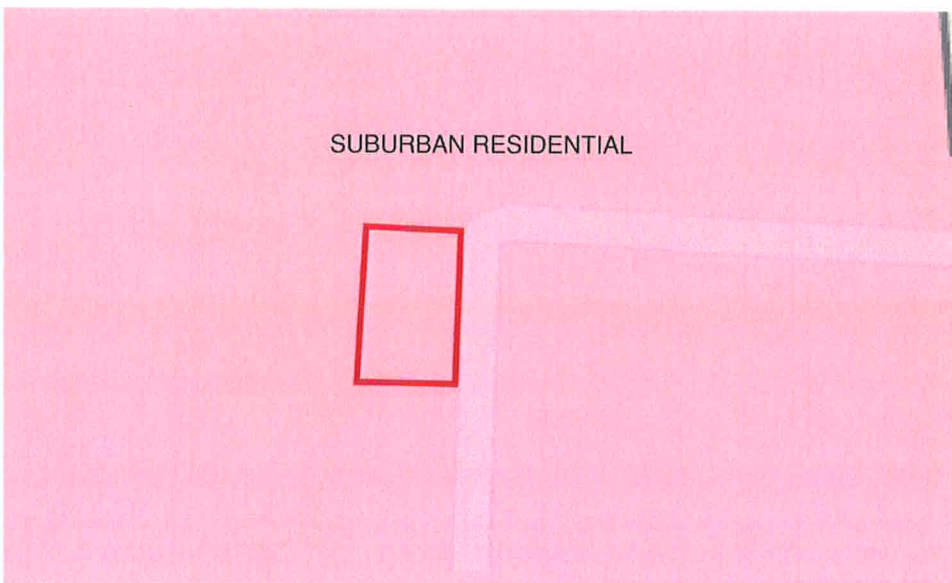
285-297 Frank Satterfield Rd.

R2 to RTH

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # RZNE-0171-2022

Application for Rezoning

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

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

Property Information

*Street Address or Location	Various locations – see attached list
*Tax Map Number(s)	Various parcels – see attached list
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a mete and bounds description of the land if a deed is not available; B. Provide a survey plat of the property;

Request

*Current Zoning District	R-2, Single-family Residential	*Proposed Zoning District	RTH, Residential Townhouse
*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.			
No change of use is planned – rezone to appropriate zoning classification based on use of the properties.			

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 - \$145.00 plus \$17.00/acre (maximum \$1,750.00)
 - Planned Development - \$165.00 plus \$17.00/acre (maximum \$3,100.00)
 - Commercial/Industrial - \$252.00 plus \$23.00/acre (maximum \$3,300.00)
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards).** See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.**
- *Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes ___ No X**
If yes, please complete and submit a Disclosure Form available from the Community Development office.

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

*Applicant	 Bryan Wood, Director of Community Development, for the City of Perry	*Date 12/12/2022
*Property Owner/Authorized Agent	Filed by the City of Perry	*Date

Standards for Granting a Rezoning

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

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? Applicant is not aware of any covenants and restrictions pertaining to these properties.

1. **The existing land uses and zoning classification of nearby property.**
 - The townhouses located on Keith Drive are bounded by school district property zoned GU on the north and west; by undeveloped C-2 property on the east; and by a triplex zoned R-2 on the south.
 - The townhouses on Frank Satterfield Road are bounded by undeveloped R-2 property on the north and west; the wastewater treatment plant zoned GU on the south; a single-family residence zoned R-1 on the east.
2. **The suitability of the subject property for the zoned purposes.** The subject properties are developed as fee simple townhouses which are no longer permitted in the R-2 zoning district.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The current R-2 zoning of the properties was recently revised to allow only single-family residential uses. Because the subject properties are currently developed as townhouses, the value of the subject properties is diminished by the current zoning.
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** Because the properties have been developed as townhouses for many years there is no impact on the public health, safety, general welfare, or morals.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Because the properties are currently developed and no change is planned, there is no impact on the public.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The subject properties do not appear to have a reasonable economic use as currently zoned. The proposed RTH zoning will allow the properties to continue operating as currently developed.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject properties are not vacant.
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 developed as residential townhouses. There will be no change in their impact on surrounding properties.

9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** See #8 above.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.**
The townhouses on Keith Drive and on Frank Satterfield Road are in the "Suburban Residential" character area.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The zoning change has no impact on existing public facilities.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**
The City's recent modification of the R-2 district to allow only single-family residential uses made these townhouses non-conforming. This change in zoning to RTH will allow the developments to continue as conforming uses.

Revised 7/1/22

Attachment to RZNE-0171-2022

Current Zone	Proposed Zone	Parcel Address	Parcel Number	Development Name	Owner
R2	RTH	1047 KEITH DR	0P0440 050000		LENNON E & BETH S GRIFFIN
R2	RTH	1047 KEITH DR	0P0440 50A000		LENNON E & BETH S GRIFFIN
R2	RTH	1049 KEITH DR	0P0440 50B000		LENNON E & BETH S GRIFFIN
R2	RTH	1051 KEITH DR	0P0440 50C000		LENNON E & BETH S GRIFFIN
R2	RTH	1053 KEITH DR	0P0440 50D000		LENNON E & BETH S GRIFFIN
R2	RTH	285 FRANK SATTERFIELD RD	0P0450 07A000		JAMES M PENSYL
R2	RTH	285 FRANK SATTERFIELD RD	0P0450 033000		JAMES M PENSYL
R2	RTH	287 FRANK SATTERFIELD DR	0P0450 034000		JAMES M PENSYL
R2	RTH	289 FRANK SATTERFIELD DR	0P0450 035000		JAMES M PENSYL
R2	RTH	291 FRANK SATTERFIELD DR	0P0450 036000		JAMES M PENSYL
R2	RTH	293 FRANK SATTERFIELD DR	0P0450 037000		JAMES M PENSYL
R2	RTH	295 FRANK SATTERFIELD DR	0P0450 038000		JAMES M PENSYL
R2	RTH	297 FRANK SATTERFIELD DR	0P0450 039000		JAMES M PENSYL



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development

January 3, 2023

CASE NUMBER: RZNE-0172-2022
APPLICANT: The City of Perry
REQUEST: Rezone properties from R-3, Single-family Residential, to RTH, Residential Townhouse
LOCATION: See attached maps and list of tax map numbers

BACKGROUND INFORMATION: The subject properties are developed as townhouses. With the recent amendment making the R-3 district a single-family only zone, these properties were rendered nonconforming. The proposed RTH zoning recognizes the existing development and will allow the use of the properties to continue as existing.

STANDARDS GOVERNING ZONE CHANGES:

- 1. The existing land uses and zoning classification of nearby property.**
 - The Valley Forge townhouses on Morningside Drive are bounded by a multi-family residential development zoned R-3 (proposed as RM-2) on the north; duplexes zoned R-3 on the south; a medical office zoned OI on the east; and single-family residences on the west.
 - The Washington Place townhouses are bounded by single-family residential uses zone RAG in the County on the north; townhouses zoned PUD on the south and east, vacant C-2 zoning on the west.
- 2. The suitability of the subject property for the zoned purposes.** The subject properties are developed as fee simple townhouses which are no longer permitted in the R-3 zoning district.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The current R-3 zoning of the properties was recently revised to allow only single-family residential uses. Because the subject properties are currently developed as townhouses, the value of the subject properties is diminished by the current zoning.
- 4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** Because the properties have been developed as townhouses for many years there is no impact on the public health, safety, general welfare, or morals.
- 5. The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Because the properties are currently developed and no change is planned, there is no impact on the public.
- 6. Whether the subject property has a reasonable economic use as currently zoned.** The subject properties do not appear to have a reasonable economic use as currently zoned. The proposed RTH zoning will allow the properties to continue operating as currently developed.
- 7. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject properties are not vacant.

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 developed as residential townhouses. There will be no change in their impact on surrounding properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** See #8 above.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.**
 - The Valley Forge townhouses on Morningside Drive are in the “Traditional Neighborhood” character area.
 - The Washington Place townhouses are in the “Suburban Residential” character area.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The zoning change has no impact on existing public facilities.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** The City’s recent modification of the R-3 district to allow only single-family residential uses made these townhouses non-conforming. This change in zoning to RTH will allow the developments to continue as conforming uses.

STAFF RECOMMENDATION: Staff recommends approval of the zoning change to RTH, Residential Townhouse District.

Parcels to be rezoned to RTH, Residential Townhouse District (RZNE-0172-2022)

Parcel Address	Parcel Number	Development	Owner
1031 MORNINGSDR	0P0440 20B000	Valley Forge	HTPT PROPERTIES LLC
1033 MORNINGSDR	0P0440 20C000		HTPT PROPERTIES LLC
1035 MORNINGSDR	0P0440 20D000		HTPT PROPERTIES LLC
1037 MORNINGSDR	0P0440 20E000		HTPT PROPERTIES LLC
1039 MORNINGSDR	0P0440 20F000		HTPT PROPERTIES LLC
1041 MORNINGSDR	0P0440 20G000		HTPT PROPERTIES LLC
1043 MORNINGSDR	0P0440 20H000		HTPT PROPERTIES LLC
1045 MORNINGSDR	0P0440 20I000		HTPT PROPERTIES LLC
1047 MORNINGSDR	0P0440 20J000		HTPT PROPERTIES LLC
1049 MORNINGSDR	0P0440 20K000		HTPT PROPERTIES LLC
MORNINGSDR	0P0440 20M000		HTPT PROPERTIES LLC
110 WASHINGTON PLACE DR	0P0590 006000	Washington Place	DINAH ALLMOND
102 WASHINGTON PLACE DR	0P0590 002000		VIRGINIA S ANDREW
120 WASHINGTON PLACE DR	0P0590 011000		W C ANDREW
108 WASHINGTON PLACE DR	0P0590 005000		KIMBERLY LEIGH BLACKERBY
116 WASHINGTON PLACE DR	0P0590 009000		MARY KELLY HEDGPETH
112 WASHINGTON PLACE DR	0P0590 007000		DAVID P HULBERT JR
122 WASHINGTON PLACE DR	0P0590 012000		DAVID P HULBERT JR
100 WASHINGTON PLACE DR	0P0590 001000		LITTLE WEOKA CREEK LLC
118 WASHINGTON PLACE DR	0P0590 010000		LITTLE WEOKA CREEK LLC
114 WASHINGTON PLACE DR	0P0590 008000		RITA P PARKS
106 WASHINGTON PLACE DR	0P0590 004000		CHRISTIN LEIGH HUBBARD WATSON
104 WASHINGTON PLACE DR	0P0590 003000		WESTEMBRY LLC

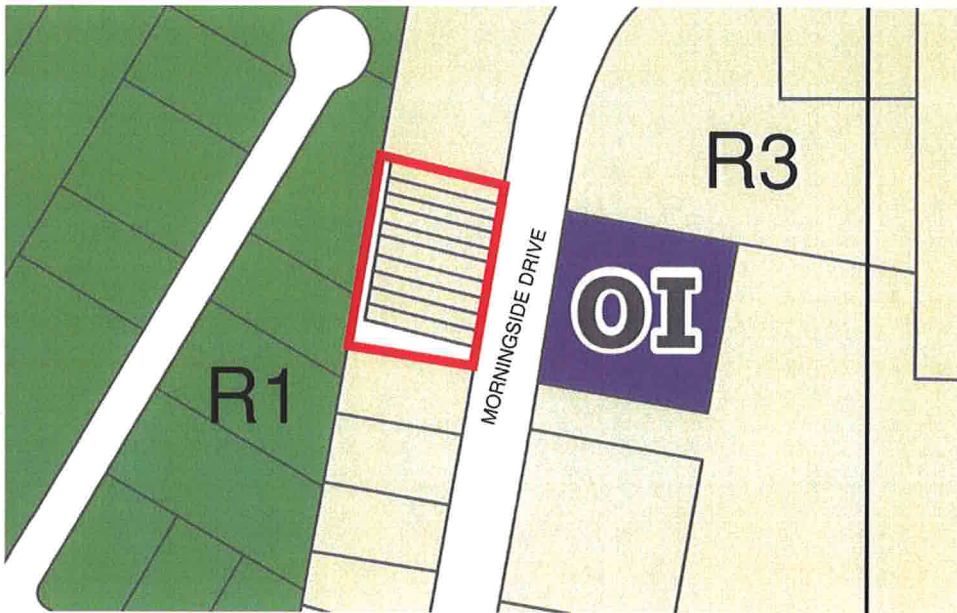
RZNE-0172-2022

1031-1049 Morningside Drive

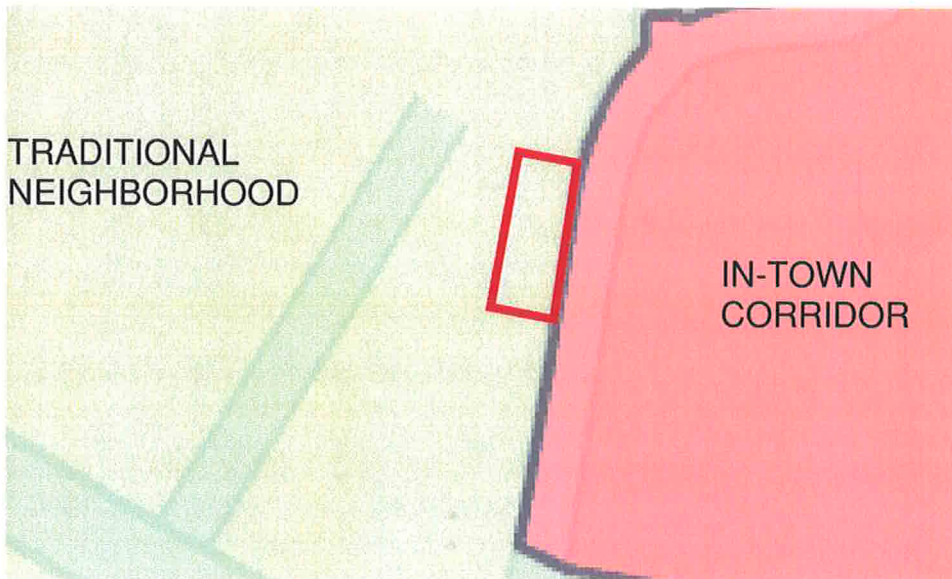
R3 to RTH



Aerial



Zoning

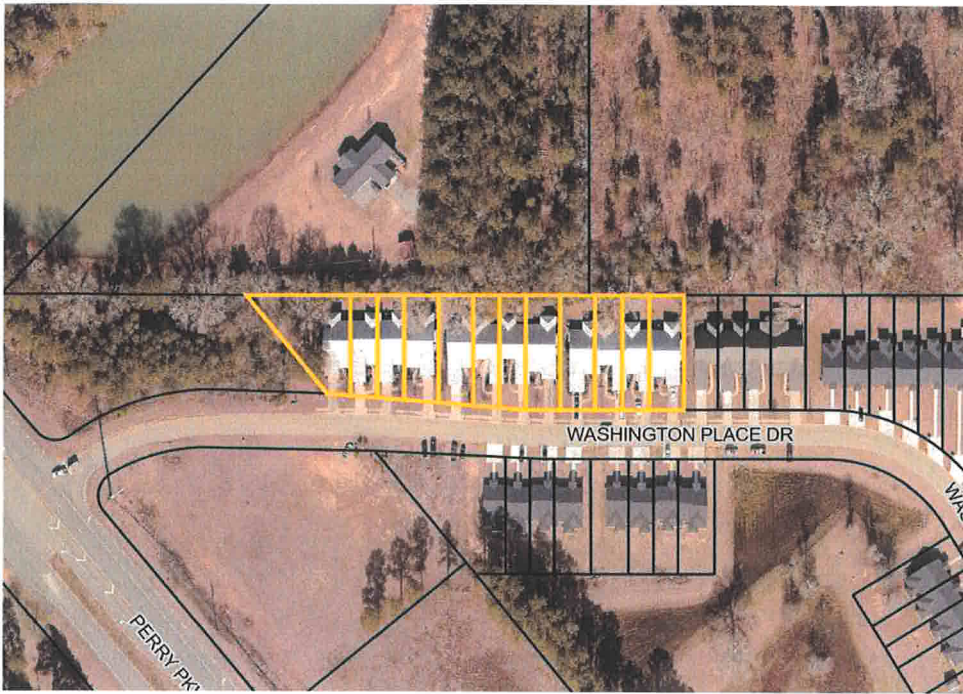


Character Area

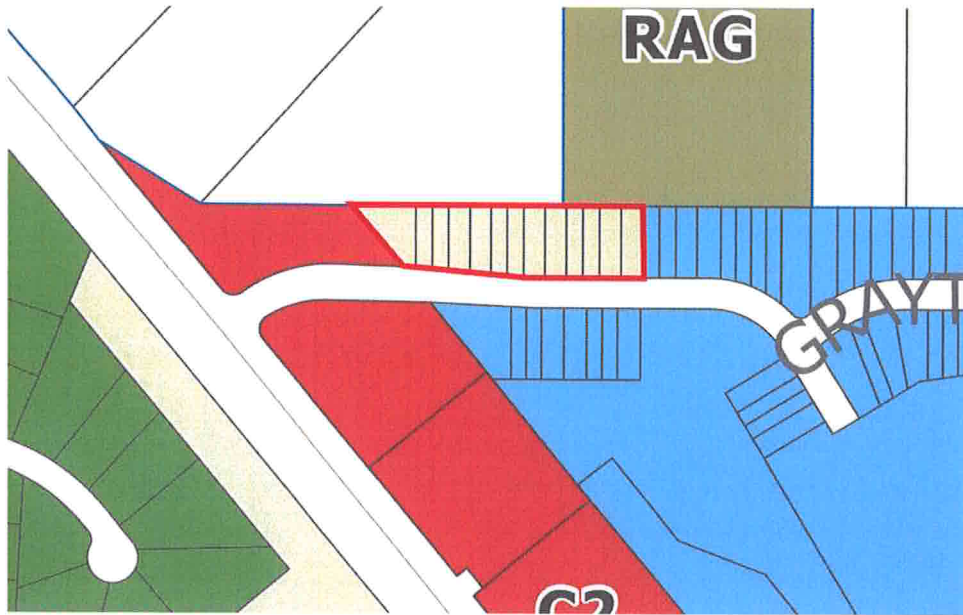
RZNE-0172-2022

100-130 Washington Place Dr.

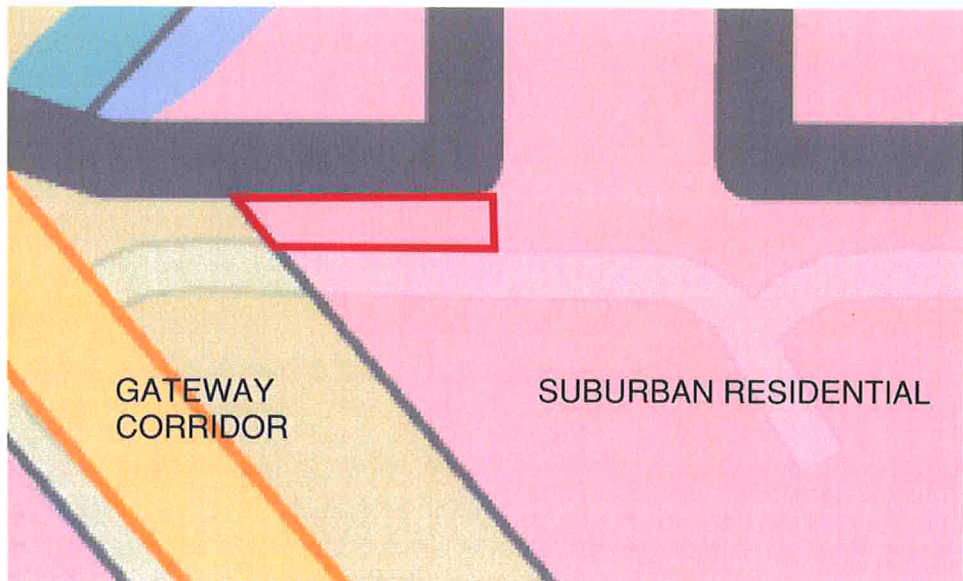
R3 to RTH



Aerial



Zoning



Character Area



Where Georgia comes together.

Application # RZNE-0172-2022

Application for Rezoning

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

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

Property Information

*Street Address or Location	Various locations – see attached list
*Tax Map Number(s)	Various parcels – see attached list
*Legal Description	A. Provide a <u>copy of the deed</u> as recorded in the County Courthouse, or a mete and bounds description of the land if a deed is not available; B. Provide a <u>survey plat</u> of the property;

Request

*Current Zoning District	R-3, Single-family Residential	*Proposed Zoning District	RTH, Residential Townhouse
*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>			
No change of use is planned – rezone to appropriate zoning classification based on use of the properties.			

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 - \$145.00 plus \$17.00/acre (maximum \$1,750.00)
 - Planned Development - \$165.00 plus \$17.00/acre (maximum \$3,100.00)
 - Commercial/Industrial - \$252.00 plus \$23.00/acre (maximum \$3,300.00)
- *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.
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- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.
- *Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes _____ No X
If yes, please complete and submit a Disclosure Form available from the Community Development office.

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

*Applicant	 Bryan Wood, Director of Community Development, for the City of Perry	*Date 12/12/2022
*Property Owner/Authorized Agent	Filed by the City of Perry	*Date

Standards for Granting a Rezoning

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

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? Applicant is not aware of any covenants and restrictions pertaining to these properties.

1. **The existing land uses and zoning classification of nearby property.**
 - The Valley Forge townhouses on Morningside Drive are bounded by a multi-family residential development zoned R-3 (proposed as RM-2) on the north; duplexes zoned R-3 on the south; a medical office zoned OI on the east; and single-family residences on the west.
 - The Washington Place townhouses are bounded by single-family residential uses zone RAG in the County on the north; townhouses zoned PUD on the south and east, vacant C-2 zoning on the west.
2. **The suitability of the subject property for the zoned purposes.** The subject properties are developed as fee simple townhouses which are no longer permitted in the R-3 zoning district.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The current R-3 zoning of the properties was recently revised to allow only single-family residential uses. Because the subject properties are currently developed as townhouses, the value of the subject properties is diminished by the current zoning.
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** Because the properties have been developed as townhouses for many years there is no impact on the public health, safety, general welfare, or morals.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Because the properties are currently developed and no change is planned, there is no impact on the public.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The subject properties do not appear to have a reasonable economic use as currently zoned. The proposed RTH zoning will allow the properties to continue operating as currently developed.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject properties are not vacant.
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 developed as residential townhouses. There will be no change in their impact on surrounding properties.

9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** See #8 above.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.**
 - The Valley Forge townhouses on Morningside Drive are in the “Traditional Neighborhood” character area.
 - The Washington Place townhouses are in the “Suburban Residential” character area.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The zoning change has no impact on existing public facilities.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** The City’s recent modification of the R-3 district to allow only single-family residential uses made these townhouses non-conforming. This change in zoning to RTH will allow the developments to continue as conforming uses.

Revised 7/1/22

Current Zone	Proposed Zone	Parcel Address	Parcel Number	Development Name	Owner
R3	RTH	1031 MORNINGSIDE DR	OP0440 20B000	Valley Forge	HTPT PROPERTIES LLC
R3	RTH	1033 MORNINGSIDE DR	OP0440 20C000		HTPT PROPERTIES LLC
R3	RTH	1035 MORNINGSIDE DR	OP0440 20D000		HTPT PROPERTIES LLC
R3	RTH	1037 MORNINGSIDE DR	OP0440 20E000		HTPT PROPERTIES LLC
R3	RTH	1039 MORNINGSIDE DR	OP0440 20F000		HTPT PROPERTIES LLC
R3	RTH	1041 MORNINGSIDE DR	OP0440 20G000		HTPT PROPERTIES LLC
R3	RTH	1043 MORNINGSIDE DR	OP0440 20H000		HTPT PROPERTIES LLC
R3	RTH	1045 MORNINGSIDE DR	OP0440 20I000		HTPT PROPERTIES LLC
R3	RTH	1047 MORNINGSIDE DR	OP0440 20J000		HTPT PROPERTIES LLC
R3	RTH	1049 MORNINGSIDE DR	OP0440 20K000		HTPT PROPERTIES LLC
R3	RTH	MORNINGSIDE DR	OP0440 20M000		HTPT PROPERTIES LLC
R3	RTH	110 WASHINGTON PLACE DR	OP0590 006000	Washington Place	ALLMOND DINAH
R3	RTH	102 WASHINGTON PLACE DR	OP0590 002000		ANDREW VIRGINIA S
R3	RTH	120 WASHINGTON PLACE DR	OP0590 011000		ANDREW W C
R3	RTH	108 WASHINGTON PLACE DR	OP0590 005000		BLACKERBY KIMBERLY LEIGH
R3	RTH	116 WASHINGTON PLACE DR	OP0590 009000		HEDGPETH MARY KELLY
R3	RTH	112 WASHINGTON PLACE DR	OP0590 007000		HULBERT DAVID P JR
R3	RTH	122 WASHINGTON PLACE DR	OP0590 012000		HULBERT DAVID P JR
R3	RTH	100 WASHINGTON PLACE DR	OP0590 001000		LITTLE WEOKA CREEK LLC
R3	RTH	118 WASHINGTON PLACE DR	OP0590 010000		LITTLE WEOKA CREEK LLC
R3	RTH	114 WASHINGTON PLACE DR	OP0590 008000		PARKS RITA P
R3	RTH	106 WASHINGTON PLACE DR	OP0590 004000		WATSON CHRISTIN LEIGH HUBBARD
R3	RTH	104 WASHINGTON PLACE DR	OP0590 003000		WESTEMBRY LLC



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STAFF REPORT

From the Department of Community Development
January 3, 2023

CASE NUMBER: TEXT-0170-2022
APPLICANT: The City of Perry
REQUEST: Amend Section 86.1 of Appendix A of the Land Management Ordinance to address the applicability of the Form Based Code to buildings, structures, and site improvements completed prior to the adoption of the Code.

STAFF ANALYSIS: This amendment provides that developments existing prior to the effective date of the Form Based Code (“Code”) are conforming to the design and dimensional standards of the Code and provides for the implementation of the Code on developed properties.

STANDARDS FOR GRANTING A TEXT AMENDMENT:

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

This amendment is not inconsistent with these plans.

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

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

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

The Form Based Code, as written, does not address existing developments, except to preclude any required modifications due to the Code’s adoption. This amendment establishes existing developments as conforming to the design and dimensional standards of the Code and provides for implementation of the code when an exterior modification is proposed.

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

The current code does not provide guidance as to implementation of its standards on existing developed properties.

- (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 includes:

- Ensure appropriate commercial development patterns along corridors.
- Encourage appropriate urban development and redevelopment.
- Encourage quality development to blend with existing development.
- Regulate the density of land and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.

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

The amendment provides guidance to property owners and regulators as to the implementation of the Form Based Code on developed properties.

(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 in and of itself 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 in and of itself has no impact on public facilities and services.

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

Land Management Ordinance, Appendix A -Perry Form Based Code

Sec. 86.2. Applicability

86.2.2. Conformance Requirements

- A. All buildings, structures, or land, in whole or in part, must be used or occupied, in conformance with this code. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged, or structurally altered in conformance with this code.
- B. Nothing in this code shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued or a lawful permit application has been accepted before the effective date of this code, provided that the construction under the terms of such permit is diligently followed until its completion.
- C. Buildings, structures, and site improvements completed before the effective date of this code pursuant to a lawful permit shall not be considered non-conforming as to the design and dimensional standards of this code, provided however, that any exterior modification, including reconstruction due to damage, of buildings, structures, or site improvements completed after the effective date of this code shall comply with all provisions of this code to the extent practicable, as determined by the administrator.



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Application # TEXT-0170-2022

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:

Amend Section 86.1 of Appendix A of the Land Management Ordinance to address the applicability of the Form Based Code to buildings, structures, and site improvements completed prior to the adoption of the Code.

Instructions

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

*Applicant	 Bryan Wood, Director of Community Development, for the City of Perry	*Date	12/5/2022
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Standards for Amendments to the Text of the Land Management Ordinance

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

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

This amendment is not inconsistent with these plans.

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

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

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

The Form Based Code, as written, does not address existing developments, except to preclude any required modifications due to the Code's adoption. This amendment establishes existing developments as conforming to the design and dimensional standards of the Code and provides for implementation of the code when an exterior modification is proposed.

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

The current code does not provide guidance as to implementation of its standards on existing developed properties.

- (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.

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

The amendment provides guidance to property owners and regulators as to the implementation of the Form Based Code on developed properties.

- (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 in and of itself 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 in and of itself has no impact on public facilities and services.

Land Management Ordinance, Appendix A -Perry Form Based Code

Sec. 86.2. Applicability

86.2.2. Conformance Requirements

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- B. Nothing in this code shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued or a lawful permit application has been accepted before the effective date of this code, provided that the construction under the terms of such permit is diligently followed until its completion.
- C. Buildings, structures, and site improvements completed before the effective date of this code pursuant to a lawful permit shall not be considered non-conforming as to the design and dimensional standards of this code, provided however, that any exterior modification, including reconstruction due to damage, of buildings, structures, or site improvements completed after the effective date of this code shall comply with all provisions of this code to the extent practicable, as determined by the administrator.