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Planning Commission Agenda
Monday, November 13, 2023 – 6:00pm
Perry City Hall 808 Carroll Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from October 16, 2023
5. 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 phones in silent mode.
6. Citizens with Input
7. Old Business
8. New Business
 - A. Public Hearing (Planning Commission decision)
 - **VAR-0143-2023.** Variance for property located at 1304 Houston Street. The applicant is Leonard Troutman.
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on December 5, 2023)
 - **SUSE-0061-2023.** Special exception for short-term rental permit on property located at 700 Martin Luther King, Jr. Drive. The applicant is Rosston Smith.
 - **SUSE-0099-2023.** Special exception for short-term rental permit on property located at 1708 Kings Chapel Road. The applicant is Malorie and Andy Acosta.
 - **SUSE-0144-2023.** Special exception for in-home daycare for property located at 407 Dog Fennel Lane. The applicant is Jermiah Foster.
 - **RZNE-0142-2023.** Rezone property at 911 Jernigan Street from M-2 to C-3, Central Business District. The applicant is Julie and Dave Forrester.
 - **RZNE-0136-2023.** Rezone properties in Phase 3 of Legacy Park subdivision from C-2 to R-3, Single Family Residential. The applicant is Bryan Wood for the City of Perry.
 - **TEXT-0112-2023.** Text providing for 25-foot rear setback in R-2 and R-3 districts with preliminary plats approved prior to October 18, 2022.
9. Other Business
10. Commission questions or comments
11. 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 - October 16, 2023

1. Call to Order: Chairman Edwards called the meeting to order at 6:10pm.
2. Roll Call: Chairman Edwards; Commissioners Butler, Guidry, Jefferson, Mehserle, Moody and Ross were present.

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner, and Christine Sewell – Recording Clerk

Guests: Chuck Thomas, Paul Cribbs, and Tamiq Bussell

3. Invocation: was given by Commissioner Moody
4. Approval of Minutes from September 11, 2023, and work session September 25, 2023
Commissioner Butler motioned to approve as submitted; Commissioner Jefferson seconded; all in favor and was unanimously approved.
5. Announcements – Chairman Edwards referred to the announcements 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 in silent mode.
6. Citizens with Input- None
7. Old Business
 - **PLAT-0110-2023**. Preliminary Plat for Avington Glen. The applicant is Masterpiece Construction. (*Postponed from September 11, 2023*)

Mr. Wood advised Avington Glenn subdivision received preliminary plat approval as a cluster subdivision in 2006. (Cluster subdivision provisions were later replaced with Conservation subdivisions, which have since been removed from the LMO.) The preliminary plat included space for “future access” in case Gurr Road was ever extended. The current subdivision has the required two means of access on Kings Chapel Road. The applicant proposes to use the “future access” space to create one additional lot in the subdivision. The proposed lot, shown as Lot D-1A on the proposed plat, will increase the total number of lots in Avington Glenn to 250. According to the minutes of the Planning Commission meeting at which the original preliminary plat was approved, the cluster subdivision required 10 acres of open space, but 24 acres of open space was provided. Since the “future access” is not required and the open space for a cluster subdivision will not be reduced below what was originally required, staff recommends approval of the proposed preliminary plat.

Chairman Edwards opened the public hearing at 6:07pm and called for anyone in favor of the request. Mr. Chuck Thomas, the applicant, had no additional comments. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:08pm.

Commissioner Jefferson motioned to approve as submitted; Commissioner Butler seconded; all in favor and was unanimously approved.

8. New Business

A. Public Hearing (Planning Commission decision)

- **VAR#0127-2023.** Variance for property located at 205 Spring Creek Drive. The applicant is Paul Cribbs.

Ms. Carson advised the request is to reduce the minimum square footage from 1500 to 1334, as required by Section 5-1 Table 5-1-1: Minimum House Size for R-3, Single-Family Residential shall be 1500 heated square feet. The dwelling was almost complete when the need for a variance was discovered. Mr. Wood advised the Commission the error was on the part of the review staff.

Chairman Edwards opened the public hearing at 6:10pm and called for anyone in favor of the request. Mr. Paul Cribbs, the applicant, had no additional comments and thanked staff for their assistance. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:11pm.

Commissioner Butler motioned to approve as submitted; Commissioner Ross seconded; all in favor and was unanimously approved.

- **VAR#0128-2023.** Variance for property located at 209 Spring Creek Drive. The applicant is Paul Cribbs.

Ms. Carson advised the request is to reduce the minimum square footage from 1500 to 1334, as required by Section 5-1 Table 5-1-1: Minimum House Size for R-3, Single-Family Residential shall be 1500 heated square feet. The dwelling was almost complete when the need for a variance was discovered. Mr. Wood advised the Commission the error was on the part of the review staff.

Chairman Edwards opened the public hearing at 6:12pm and called for anyone in favor of the request. Mr. Paul Cribbs, the applicant, had no additional comments. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:13pm.

Commissioner Ross motioned to approve as submitted; Commissioner Butler seconded; all in favor and was unanimously approved

B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on November 7, 2023)

- **SUSE#0126-2023.** Special exception for home bakery for property at 400 Rippling Water Way. The applicant is Tamiqua Bussell.

Ms. Carson read the applicants' request which was for a special exception to allow for a residential business, The owner wants to operate a home bakery in a portion of the house as a residential business, allowing customers to have access to the garage area on an appointment-only basis. The exterior of the house will not be altered to advertise the business, and customer visits will be limited to Monday through Saturday 8 AM to 6 PM. The applicant is certified by the state to sell home-baked goods and has food-safe certifications, limiting the potential for health hazards. The driveway of the residence is three cars wide, allowing more than enough space for vehicles to pull in without blocking the sidewalk or the street. Staff recommends

approval of the special exception, with the following conditions: 1. Limited to the use and business details specified in the application documents, and 2. Limited to the applicant, Tamiqua Bussell and is not transferable

Chairman Edwards opened the public hearing at 6:16pm and called for anyone in favor of the request. Ms. Tamiqua Bussell, the applicant, had no additional comments. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:17pm.

Commissioner Mehserle motioned to recommend approval with staff conditions as submitted; Commissioner Guidry seconded; all in favor and was unanimously recommend for approval.

9. Other Business – None

10. Commission questions or comments – None

11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:23pm.

DRAFT



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STAFF REPORT

From the Department of Community Development
November 7, 2023

CASE NUMBER: VAR-0143-2023
APPLICANT: Leonard Troutman
REQUEST: Variance to increase the maximum lot coverage allowed
LOCATION: 1304 Houston Street, Parcel No.: 0P0180 133000

SECTION OF ORDINANCE BEING VARIED: Section 5-1 Table 5-1-1: Maximum Lot Coverage of Buildings (percentage) for R-2, Single-Family Residential shall be 25%

BACKGROUND: The applicant requests a variance to increase the maximum allowable lot coverage to build an attached garage. The request is due to a desire for protection from the weather when exiting their vehicles and for additional vehicle storage.

STANDARDS NECESSARY FOR A VARIANCE:

1. *Because of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the subject property, does the strict application of the regulations result in unusual or impractical difficulties or exceptional or undue hardship upon the property owner?*

The property is a rectangle similar in size and conditions of nearby properties. The request does not meet the standards for a variance, as outlined in the ordinance, since the proposed additional square footage is not due to exceptional conditions relative to the shape of the parcel.

2. *Is the variance the minimum relief reasonably necessary to overcome the aforesaid exceptional conditions?*

The applicant does not describe any exceptional conditions that demonstrate that the variance is the minimum relief necessary to provide a reasonable use of the property. The parcel currently has a 2-car attached garage and a 4-car carport and is at 45.5% lot coverage. Building the proposed 35x28 building (980 sq ft) would put the parcel at 60% lot coverage.

3. *Can the variance be granted without substantial impairment to the intent, purpose, and integrity of the ordinance or comprehensive plan?*

The intent and purpose of the Land Management Ordinance is to "Provide for adequate light, air, and open space" and to "Prevent the overcrowding of land..." Granting the variance would compromise the purpose of the Land Management Ordinance.

4. *Will granting the variance be detrimental to the use and enjoyment of adjoining or neighboring properties?*

Granting the variance for the subject property would be detrimental to the use and enjoyment of nearby properties because it reduces open space, blocking circulation of air and increasing impervious surfaces leading to increased stormwater runoff.

STAFF CONCLUSIONS: Based on the analysis above and the site plan presented by the applicant, Staff recommends denial of the variance request since it does not meet the standards for hardship and promotes the overcrowding of property.

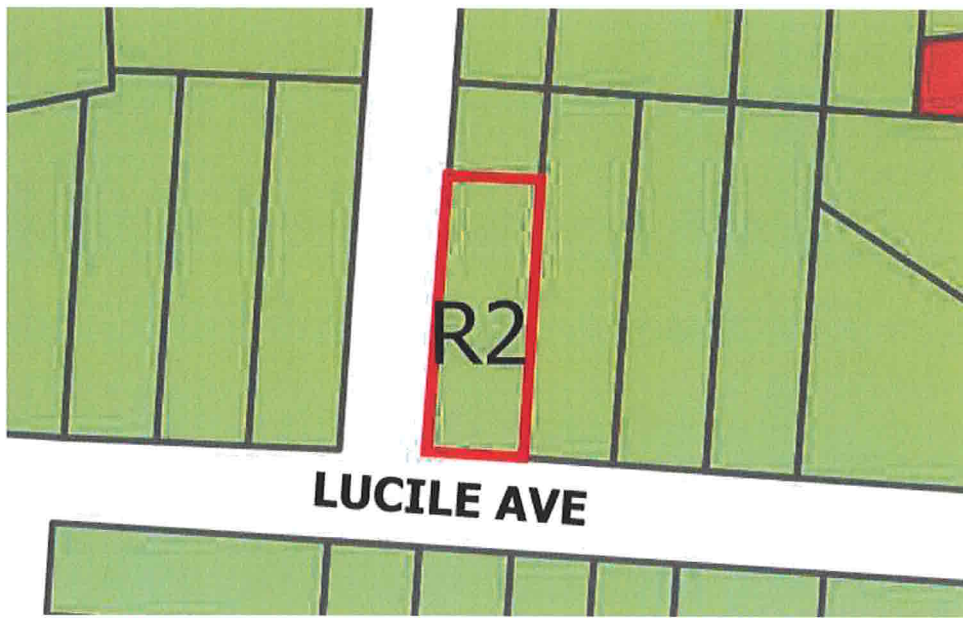


VAR-0143-2023

1304 Houston St

Increase the allowed lot coverage percentage

Aerial



Zoning



Character Area



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Application for Variance

Contact Community Development (478) 988-2720

Application # VAR#
0143-
2023

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Leonard Southman	Leonard Southman
*Title		
*Address	1304 Houston St	
*Phone	[REDACTED]	
*Email	[REDACTED]	

Property Information

*Street Address	1304 Houston St	
*Tax Map #(s)	0P018-0-133	*Zoning Designation R2

Request

*Please describe the proposed variance. (i.e. Reduce the rear setback from 25 feet to 22 feet)
 Variance to cover more than 25% of parcel

Instructions

- The application and must be received by the Community Development Office no later than the date reflected on the attached schedule.
- Fee:**
 - Owner-occupied single family residential – \$153.00
 - All others - \$306.00
 - All others (post construction) - \$612.00
- *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 2-3.7 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- *Submit plans, drawings, photographs or other documentation which helps fully describe your request.
- 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.
- Variance applications require a public hearing before the planning commission. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing date.
- *The applicant must be present at the hearing 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.

*Applicant	Leonard Southman / Carolyn Southman	*Date	10-14-23
*Property Owner/Authorized Agent		*Date	

Standards for Granting a Variance

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 proposed variance?

- (1) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual, practical, difficulties to or exceptional or undue hardship upon the owner of such property;
- (2) Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions;
- (3) Such variance can be granted without substantial impairment to the intent, purpose, and integrity of this chapter and/or the comprehensive plan or other master plan adopted for the property;
- (4) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

Notes:

A variance cannot be granted:

- To reduce a setback of a commercial/industrial property abutting a residentially-zoned property, unless the abutting residentially-zoned property is proposed for commercial or industrial use in the Comprehensive Plan;
- To allow a use not permitted or prohibited in a zoning district;
- To allow a density of development beyond the maximum allowed in a zoning district.

If the hardship invoking the standards for granting a variance was the result of the applicant's intentional disregard or willful failure to comply with the terms of the Land Management Ordinance, the Planning Commission may refuse to grant a variance.

Revised 12/21/22

Oct. 6, 2023

1304 Houston Street
Leonara + Carolyn Troutman

Dear Board Member,

As our family grows, we would like to make renovations to our home so that we can remain at our current location.

Our home was built 1968. We would like to add on a new garage attach to our home so that we can put our new cars inside, which would be between the storage building. The garage build will be horizontal side on our property line this is our hardship.

2. We don't need to do anything else to our home other than the garage to put our new cars in.

3. No it will not be a big of a deal. Because it is on our property will a gate around our home, that's why it will not bother our neighbors.

4. No, I think it will not hurt or neighboring properties. I feel like it will make it look better.

Leonard
Thank you Carolyn

50 Ft

16 Ft

House

Open here

Garage building

28' W

35' L

12 Ft

Building

30x28x12 vertical roof

Horizontal sides

3- 10x10 roll up doors

1 walk in door

2 windows



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STAFF REPORT

November 6, 2023

CASE NUMBER: SUSE-0061-2023
APPLICANT: Rosston Smith, Home Away Stays, LLC
OWNER: Rosston Smith
REQUEST: A Special Exception to allow short-term residential rental
LOCATION: 700 Martin Luther King, Jr Dr.; Tax Map No. 0P0330 02N000

REQUEST ANALYSIS: The subject property owner proposes to offer the entire **3-bedroom/2-bath** house for short-term rental for a maximum of **8 occupants**. The subject premises were inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and **passed**.

Standards for Short-term Rental Properties (Section 4-3.5 of the LMO)	
1,000-foot buffer from another STR and only one STR per premises	Complies
Designation of local contact person	Complies
Host Rules addressing: <ul style="list-style-type: none"> • Maximum occupancy of 8 persons • Parking restrictions; on-premises parking of up to 4 vehicles • Noise restrictions • On-premises curfew • Prohibition of on-premises events 	Complies
Trash pick-up plan	Complies
Required written rental agreement	Complies
Proof of required active insurance policy	Complies
Application for City of Perry Occupational Tax Certificate	Complies
Other standards will be addressed with the issuance of an STR permit	

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* The applicant indicates there is no Homeowner's Association nor 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-3, Single-Family residential	Single-family residential
North	M-2, General Industrial	Single-family residential
South	R-3, Single Family Residential	Single-family residential
East	RM-1, Multi-family Residential	Single-Family Residential
West	GU, Governmental Use	Undeveloped

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a “Traditional Neighborhood” character area in the 2022 Joint Comprehensive Plan. 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 on 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 the 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. Compliance with standards for short-term rentals will prevent a public nuisance.
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 with a permitted use. The special exception is to allow the single-family residence to be rented on a less than 30-day basis.

STAFF RECOMMENDATION: Staff recommends approval of the special exception and issuance of a Short-Term Rental Permit.

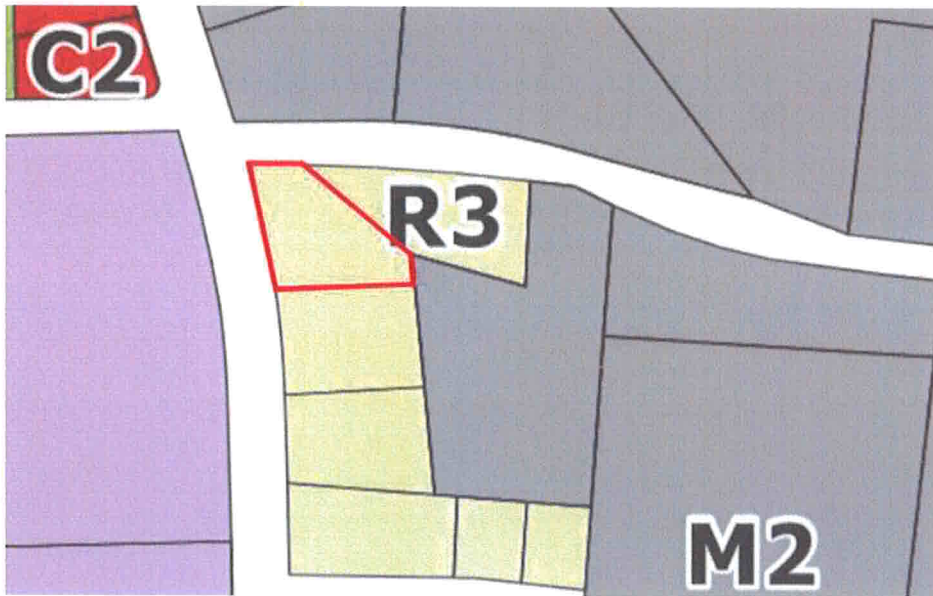


SUSE-0061-2023

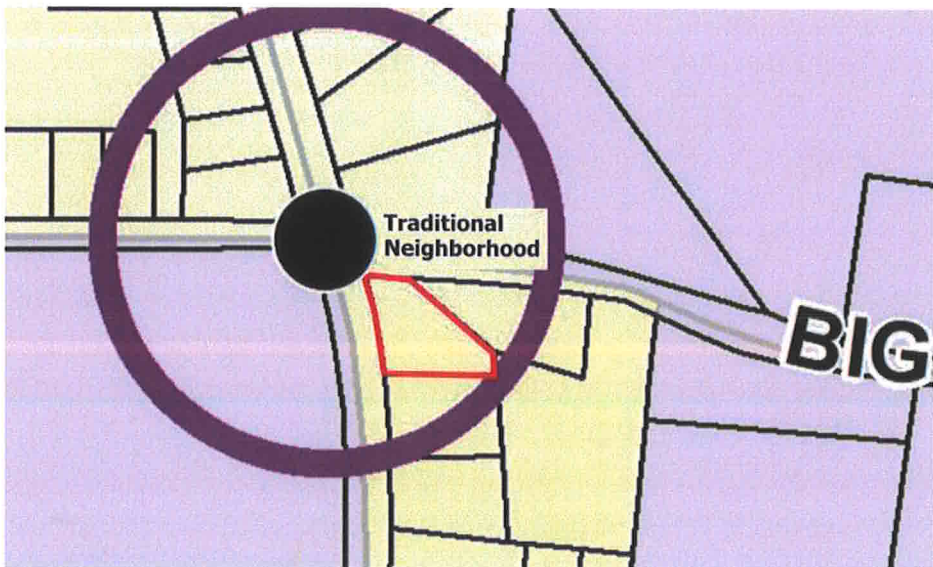
700 MLK Jr. Dr

Request to allow a short-term rental

Aerial



Zoning



Character Area



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Application # _____

Application for Special Exception

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Rosston Smith	Rosston Smith
*Title	Owner / Operator	
*Address		
*Phone		
*Email		

Property Information


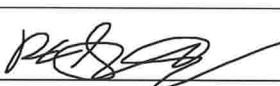
*Street Address	700 Martin Luther King Jr Dr, Perry GA 31047
*Tax Map Number(s)	Perry District 2 - Parcel 0P0330 02N000
*Zoning Designation	R3

Request

*Please describe the proposed use:	<h1>Short Term Rental</h1>
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Instructions

- The application and ***\$306.00 fee** (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards).** See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- *For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.**
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.**
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
- *Signatures:**

*Applicant		*Date	04/05/2023
*Property Owner/Authorized Agent		*Date	04/05/2023

Standards for Granting a Special Exception

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

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

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

(1)The existing land use pattern.

The existing land is used for residential living.

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

Yes it is.

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

Yes they are.

(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 the use will be in harmony with the area.

(5)Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
The property is located within a residential zoning district.

(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.

The property will not hinder or discourage development or traffic in any way.

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

The use will not increase the population density.

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

The proposed use will not cause a health hazard, public safety problem, or create a nuisance.

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

This will not adversely affect property values in adjacent areas.

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

There are no substantial reasons.



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Application # SUSE-0061-2023

Supplement to Application for Special Exception For Initial Short-term Rental (STR) Permit

A Special Exception of Short-term Rental Permit is not complete until this supplemental form and accompanying documents are complete

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Property Owner	*Designated Local Contact Person complying with Sec. 4-3.5(C) of Land Management Ordinance
*Name	Rosston Smith	Rosston Smith
*Mailing Address	110 Kevin Dr, Kathleen GA 31047	110 Kevin Dr, Kathleen GA 31047
*Phone	4787190208	*24-hour contact: 4787190208
*Email	rosstonsmith@gmail.com	

*Street Address of Short-term Rental Unit: 700 Martin Luther King Jr Dr, Perry GA 31069

*Tax Map Number: Perry District 2 - Parcel 0P0330 02N000

*The following items are required to be submitted to complete this supplement (Refer to Sec. 4-3.5 of the Land Management Ordinance (LMO) for standards):

1. Proof of insurance
2. Copy of application for City of Perry Occupational Tax Certificate
3. Copy of proposed Host Rules
4. Plan for trash collection
5. The maximum number of occupants proposed at any given time
6. Plot plan of the premises identifying location and number of parking spaces for the STR
7. Dimensioned floor plan of the STR identifying bedrooms other living spaces and emergency evacuation routes
8. Copy of proposed written rental agreement to be executed between the owner and responsible Person
9. Name and contact information for the homeowner's association, if any, of which the premises is subject to by restrictive covenants
10. Other certifications and information deemed necessary and proper to ensure compliance with the LMO

Upon submittal the City will contact the property owner to schedule an inspection of the property to ensure the proposed short-term rental unit complies with minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a re-inspection fee will be charged for each subsequent inspection. Application for Special Exception will not be scheduled for Planning Commission consideration until the proposed STR unit complies with minimum health and safety requirements.

*Notarized Property Owner Signature:

I affirm that the information provided in this supplement is accurate and complete. I understand an STR permit may be revoked by the administrator if the permit holder has: 1) received more than 2 citations for violations of the Code of the City of Perry within the proceeding 12-month time period; or 2) failed or refused to comply with an express condition of the permit and remains in non-compliance ten days after being notified in writing of such non-compliance; or 3) knowingly made a false statement in an application or supplement; or 4) otherwise become disqualified for the issuance of a permit under the terms of the Land Management Ordinance. I further understand that I must wait one year from the date of a revoked permit before an STR renewal permit can be issued.

Signature

8/4/23

Date

*Notary Public signature and seal:

Signature:
Date: 8/4/23





Rental Agreement

Property Address : 700 Martin Luther King Jr Dr, Perry Georgia 31069

All guests of the above specified property agree to follow and obey all city ordinances, airbnb regulations, and house rules in addition to the below regulations.

I. OCCUPANCY

- No more than eight guests will be allowed on the premise at any time.
- No unregistered guests allowed.

II. Parties

- No parties or events allowed.

III. Noise and Curfew

- Please respect the mandatory noise curfew between the hours of 10PM and 9AM.
- No congregation of occupants is allowed outside of the premises between the hours of 10PM and 9AM.
- In addition to this abide by the City of Perry's noise ordinance section 17-55 is included below.

IV. Trash Pickup

-It is the guest's responsibility to roll the Perry Trash Garbage Bin to the end of the driveway on Wednesday afternoon after 3PM for the City of Perry to pickup on Thursday. After the garbage has been picked up by the city, it is the guest responsibility to wheel the garbage back to the original location behind the house no later than 8AM on Friday after collection. In the event of the city of Perry's garbage pickup being late, it is the guest's responsibility to wheel the empty garbage bin back behind the property on the same day of pickup.

-The occupant shall not allow trash and refuse to accumulate in an unsanitary manner. The occupant shall place all residential solid waste curbside for collection and disposal by the city no later than 6:00 a.m. on the day of collection and no earlier than 3:00 p.m. on the day before the scheduled collection day. The mobile toter shall be removed from curbside no later than 8:00 a.m. on the day after collection.

-In the event of an unoccupied property, the Property Management company will see to the completion of the above process if necessary.

V. Parking Requirements

- No more than four vehicles can occupy the concrete driveway at one time.
- No on-street parking
- No parking in the grass, dirt, or any area other than the driveway.
- All guests must abide by the City of Perry's Parking Requirements Included below.

VI. Addition Requirements

- No smoking allowed.
- No pets allowed.
- Please don't eat or drink in the bedrooms.
- Please turn off the AC when you go out.
- Please respect check-in and check-out times.
- Please don't rearrange the furniture.
- Please take the trash out & start the dishwasher before you leave.
- No illegal substances allowed on the premises.

City Of Perry Noise Ordinance

Sec. 17-55.Noise—Prohibited; enumerated; exceptions to prohibitions.

- (a) It shall be unlawful for any person, after such person has been given one (1) warning by law enforcement personnel, to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- (b) The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:
- (1) The volume of the noise;
 - (2) The intensity of the noise;
 - (3) Whether the nature of the noise is usual or unusual;
 - (4) Whether the origin of the noise is natural or unnatural;
 - (5) The volume and intensity of the background noise, if any;
 - (6) The proximity of the noise to residential sleeping facilities;
 - (7) The nature and zoning of the area within which the noise emanates;
 - (8) The density of the inhabitation of the area within which the noise emanates;
 - (9) The time of the day or night the noise occurs;
 - (10) The duration of the noise;
 - (11) Whether the noise is recurrent, intermittent, or constant; and
 - (12) Whether the noise is produced by a commercial or noncommercial activity.
- (c) The following acts, among others, are declared to be loud, disturbing, unusual and unnecessary noises and noises in violation of this section but this enumeration shall not be deemed to be exclusive:
- (1) *Horns*. The continued sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal; the creation by means of any signal device for any unnecessary or unreasonable period of time;

- (2) *Televisions, radios, phonographs and musical instruments.* The playing of any television, radio, phonograph, musical instrument or other such instruments in such a manner or with such volume, particularly during the hours between 12:00 midnight and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons in any office, hospital, dwelling, hotel or other type of residence, or any persons in the vicinity, except this shall not apply to schools of music between the hours of 7:00 a.m. and 10:00 p.m.;
- (3) *Voices.* Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 12:00 midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or any persons in the vicinity;
- (4) *Noisy vehicles.* The use of any vehicle in any manner as to create loud and unnecessary noise;
- (5) *Exhaust.* The discharge into the open air of the exhaust of any engine, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom;
- (6) *Construction work.* The erection, including excavating, demolition, alteration or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 9:00 p.m. except in cases of urgent necessity, and then only with a permit from the chief of police or his designee, which permit may be granted for a period not to exceed sixty (60) days while the emergency continues. If the chief of police or his designee should determine that the public health and safety will not be impaired by the erection, demolition, alteration and repair of any building, or the excavation of streets and highways between the hours of 9:00 p.m. and 7:00 a.m. and if he should further determine that loss or inconvenience will result to any party in interest, he may grant permission for this work to be done during these hours upon application being made at the time the permit for work is awarded and during the progress of the work;
- (7) *Institutions requiring quiet.* The creation of an excessive noise on any street adjacent to any school, institution of learning, church or court while in session, or adjacent to any hospital, nursing home or personal care home, which unreasonably interferes with the workings or sessions thereof;
- (8) *Loud speakers on vehicles.* The use of mechanical or electrical loud speakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes; or
- (9) *Loud speakers on public property.* It shall be unlawful to use, maintain or operate loud speakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the streets, sidewalks, parks or other public places of the city; provided that nothing herein shall apply to the United States of America, the state, the county, the city or any public or private school system, nor to public agencies of any of them.
- (10) *Consumer fireworks.* Consumer fireworks shall not be ignited between the hours of 9:00 p.m. and 10:00 a.m. except for the days and times set out in O.C.G.A. §§ 25-10-2(b)(3) (B)(ii) and (iii).

(d) None of the prohibitions of this section shall apply to or be enforced against the following:

- (1) Any vehicle of the city while engaged upon necessary public business;
- (2) Excavations or repairs of bridges, streets or highways, by or on behalf of the city, county or state, during the night season, when the public welfare and convenience renders it impossible to perform this work during the day; nor shall they apply to work performed by public utility

companies under like conditions and circumstances, or when there is urgent necessity therefor;

- (3) The reasonable use of amplifiers or loud speakers in the course of public addresses which are noncommercial in character; or
- (4) Any parade, celebration or performance for which a permit has been obtained prior thereto from the city.

(Ord. No. 2000-21(2), § 2, 6-19-01; Ord. No. 2018-16, 8-7-18)

Editor's note(s)—Section 2 of Ord. No. 2000-21 amended section 17-55 in its entirety. The former section 17-55 pertained to similar material and derived from section 12-24 of the Code of 1966.

State law reference(s)—Similar provisions, O.C.G.A. § 16-11-39.

City of Perry Parking Ordinance

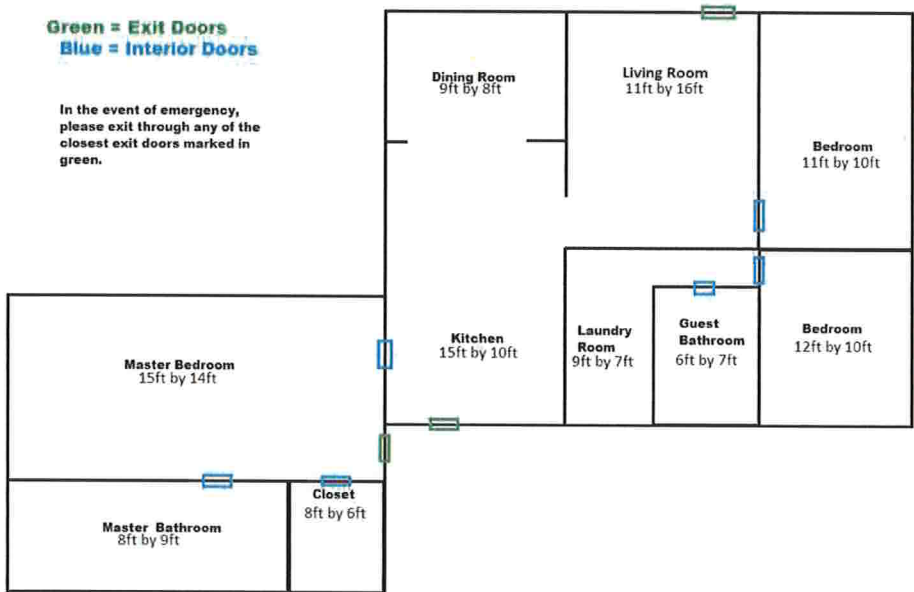
Parking restrictions. The maximum number of motor vehicles allowed at a short-term rental unit shall be limited to the number of available off-street parking spaces. It shall be unlawful for an owner to permit, allow or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface. It shall be unlawful for an occupant of a short-term rental unit to park a motor vehicle on a residential street near a short-term rental. It shall be unlawful for an occupant of a short-term rental unit, or an owner thereof to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, utility trailer, or commercial vehicle on the premises of a short-term rental unit.

Minimum Stay Requirement

-No stay shorter than 24 hours is allowed.

Green = Exit Doors
Blue = Interior Doors

In the event of emergency,
please exit through any of the
closest exit doors marked in
green.





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STAFF REPORT

November 6, 2023

CASE NUMBER: SUSE-0099-2023

APPLICANT: Malorie and Andy Acosta (Mastr Homestays LLC)

OWNER: Stephen Dupuis for Hammock Creek Investment Group LLC

REQUEST: A Special Exception to allow short-term residential rental

LOCATION: 1708 Kings Chapel Road; Tax Map No. 0P0430 03C000

REQUEST ANALYSIS: The subject property owner proposes to offer the entire **1-bedroom/1-bath** house for short-term rental for a maximum of **4 occupants**. The subject premises were inspected for compliance with minimum health and safety requirements for use and occupancy (per Section 2-3.6) and **passed**.

Standards for Short-term Rental Properties (Section 4-3.5 of the LMO)	
1,000-foot buffer from another STR and only one STR per premises	Complies
Designation of local contact person	Complies
Host Rules addressing: <ul style="list-style-type: none"> • Maximum occupancy of 4 persons • Parking restrictions; on-premises parking of up to 2 vehicles • Noise restrictions • On-premises curfew • Prohibition of on-premises events 	Complies
Trash pick-up plan	Complies
Required written rental agreement	Complies
Proof of required active insurance policy	Complies
Application for City of Perry Occupational Tax Certificate	Complies
Other standards will be addressed with the issuance of an STR permit	

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* The applicant indicates there is no Homeowner's Association nor 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-3, Single-Family residential	Single-family residential
North	R-2, Single-Family Residential	Single-family residential
South	R-1, Single Family Residential	Single-family residential
East	R-2, Single-Family Residential	Single-Family Residential
West	R-3, Single-Family residential	Single-family residential

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a "Traditional Neighborhood" character area in the 2022 Joint Comprehensive Plan. 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 on 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 the 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 overtaking 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. Compliance with standards for short-term rentals will prevent a public nuisance.
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 with a permitted use. The special exception is to allow the single-family residence to be rented on a less than 30-day basis.

STAFF RECOMMENDATION: Staff recommends approval of the special exception and issuance of a Short-Term Rental Permit.

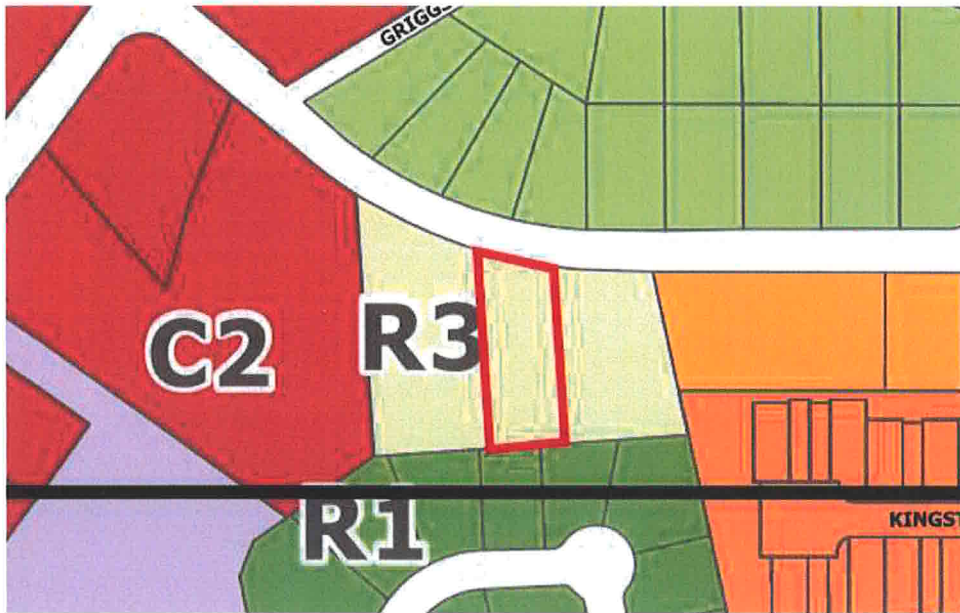


SUSE-0099-2023

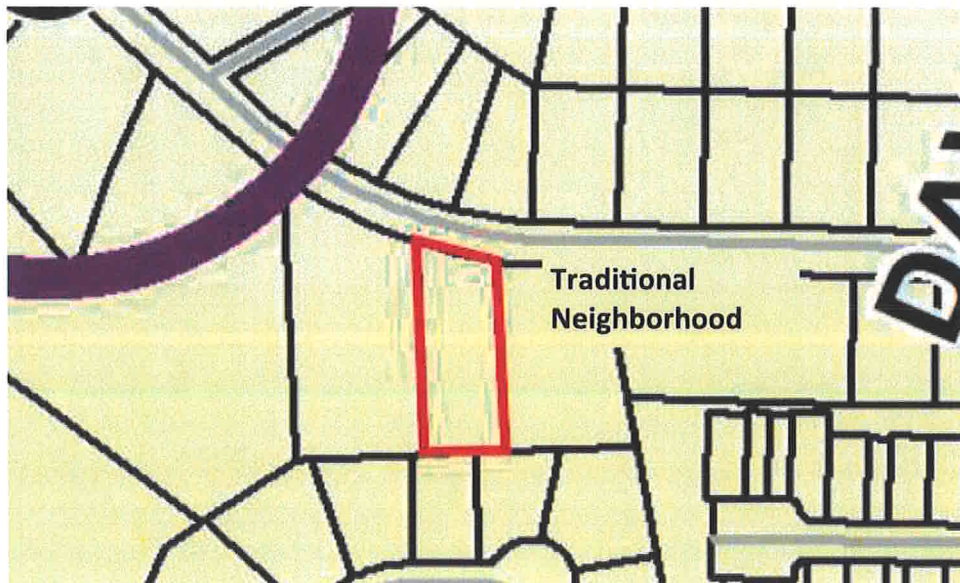
1708 Kings Chapel Rd

Request to allow a short-term rental

Aerial



Zoning



Character Area



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Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE#
0001-2023

Applicant/Required Field

	*Applicant	*Property Owner
*Name	Malerie/Andy Acosta	Stephen Dupuis
*Title	MASTF Home (HANS) LLC (Bldg Owner)	Hartwick Creek Investment Group LLC
*Address	[REDACTED]	[REDACTED]
*Phone	[REDACTED]	[REDACTED]
*Email	malerie.acosta@mastinvestments.com	[REDACTED]

Property Information

*Street Address	1708 Kings Chapel Rd Perry, GA
*Tax Map Number(s)	0P0430 03C000
*Zoning Designation	R1

Request

Please describe the proposed use: To be used as a short-term rental housing guests needing accommodations less than 30 days.

Instructions

1. The application and *\$306.00 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.
8. *Signatures

*Applicant	<i>Malerie Acosta</i>	*Date	7/19/23
*Property Owner/Authorized Agent	<i>[Signature]</i>	*Date	7/17/23

Additional Answers

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.

- The land is in a residential area, with single family homes.

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

- - The proposed use of this home as a short-term rental is consistent with the Comprehensive Plan in the following ways:
 - ○ In the Comprehensive Plan, one of the goals for economic development is to “develop ways to expand economic development opportunities throughout the county”. In being used as a short-term rental, this home provides economic opportunity for: 2 handyman companies, 2 cleaning companies, 1 hired position, 1 lawncare company, 1 laundry service provider.
 - ○ This home houses guests coming into the community. We provide a guidebook and other resources that encourage our guests to visit and shop locally within the Perry community.
 - ○ This home would provide large sum of lodging tax, paid to the city of Perry
 - ○ This home would provide place a housing option for our own citizens within the community who:
 - Are waiting for their house to be built/renovated
 - Are moving into the area for any reason
 - Military/business
 - Have been displaced from their home because of fire, water, or some other sort of damage
 - According to the Comprehensive Plan, *“Houston County aspires to be a welcoming, diverse community, filled with opportunities for economic prosperity, where everyone can attain a high quality of life. We will protect our natural resources, enhance relationships with Robins Air Force Base, and build a robust, creative and social community”*
 - Providing a short-term rental housing option is in complete alignment with this statement. We would provide a welcoming, safe accommodation for families and business travelers. We accommodate a wide variety of clientele, coming from all over the US, with diverse backgrounds. We provide access to resources and events within our community and seek to promote other small businesses.

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

- Yes, the home and everything within will be readily accessible for fire and police protection.

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

- The proposed use of this home as a short-term rental will be in complete harmony with the appropriate and orderly development of the area in which it is proposed. In being used as a short-term rental, the home has not, and will not undergo any structural changes. The home remains as a single-family residence and will cause no disruption to the adjacent properties. If anything, the property will be an incentive for adjacent properties to maintain and upkeep their yards and homes as well.

(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.

- A) The proposed use of this home as a short-term rental should in no way increase the pedestrian or vehicular traffic within this area. This home will have a cap for the number of cars that are allowed to be present (2), and the number of guests allowed at the property (4). Being that this home has a carport with a large driveway, guests will be directed to park only on driveway – no on street parking will be permitted. Front of home will be continually monitored by a Ring alarm camera to ensure that guests are abiding by these directions.

- B) The home will remain as a single family residence, and will not have any additional structures added. No screening, buffering or landscaping will take place that will in any way affect the surrounding adjacent properties. The property landscape will remain as such that one would expect from a single-family home and will be maintained on an ongoing basis of care every 2 weeks (at a minimum).

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

- The proposed use of this home as a short-term rental should in no way cause any increase in population density and will not be a disruption to the comprehensive plan of the community.

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

- The proposed use of this home as a short-term rental will not cause any of the above mentioned issues. Below is listed the measures that are taken to ensure that these issues will not arise at this property:

1. Noise: All guest noise will be continuously monitored within the home by a smart device. This device is connected to Wi-Fi (notifies us immediately if disconnected from Wi-Fi) and sends real time text notifications to us when the noise within the home goes above the predetermined threshold. When this notification is received, the response is immediate – the guest is texted and informed that the noise is above the appropriate level. If, for any reason the guest chooses not to respond to texts and calls and does not comply with the request to decrease their noise, they are removed from the home immediately. Guests are notified about the noise being monitored in the house rules that they read and accept prior to their booking. This device is based purely on sound level and is not a recording device.

**Note: we have an assistant who lives in the Philippines, which is 12 hours ahead of us. She receives all noise notifications when we are asleep and responds immediately. She contacts us via phone if there is any issue.

2. Safety (locks): A smart lock is located on the front door of the property. A personalized code is sent to the guest after they have accepted and agreed on the house terms when booking. This code is usable only during their stay. Once their stay is completed, they no longer can access the property with that code.

3. Safety (cameras): A Ring camera is located on the front door exterior of the home. The ring camera is always accessible by all managing persons. The camera is also monitored at night by our virtual assistant. She monitors consistently throughout the night and notifies us immediately through phone call if any unusual activity is taking place. She also monitors the number of guests entering the property and notifies both the guests and us if it is above the agreed upon max amount.

4. Safety (background checks): Guests can book with us in one of two ways: through AirBnB or our direct booking platform. If they book through AirBnB, our settings are such that we require additional background information and identification of our guests. AirBnB handles all this directly through their platform. If a guest books with us on our direct booking site, then they go through a background check through a third party – SuperHog. Regardless of how guests book with us, they cannot stay in

the property without undergoing a background check prior to their booking. In addition, we can accept or deny any person who requests to book with us.

5. Safety (cleaning/inspections): After a guest checks out, our cleaners are the first people to go in. Upon their arrival, they immediately take photos of each room in the property and document any damage done to the property, if any. This is uploaded into our operational platform. After the clean is completed, our production manager goes to the property to do a soft inspection – meaning looking for any issues that the cleaners may have missed and making sure the property is safe and acceptable for the next guests.

6. Insurance: The property has a \$1million insurance policy through Proper Insurance. Proper is specific to short term rentals and is backed by Lloyd’s of London. Prior to coverage, Proper has their own set of safety measures that they expect to see proof of in the property (ex – pool must have depth markers, home must contain fire extinguisher, etc.)

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

- The proposed use of this home as a short-term rental will not adversely affect the property values in the adjacent areas. If anything, the ongoing upkeep and excellent maintenance of this property should incentivize neighbors to maintain their properties well also. The home has undergone renovations to improve the appearance, is cleaned on a regular basis, is inspected on a regular basis, receives maintenance orders that our handymen complete on a regular basis to ensure no issues, and has consistent lawncare – every 1-2 weeks.

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

- Owner of the home, Stephen Dupuis, is wanting to use as an investment property. He prefers the short-term rental model rather than long-term rental model because of the higher ROI and better upkeep of the property.



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Application # _____

Supplement to Application for Special Exception For Initial Short-term Rental (STR) Permit

A Special Exception of Short-term Rental Permit is not complete until this supplemental form and accompanying documents are complete

Contact Community Development (478) 988-2720

*Indicates Required Field

*Property Owner		*Designated Local Contact Person complying with Sec. 4-3.5(C) of Land Management Ordinance Andy Acosta 91 Bass Rd, Unit 226, Warner Robins, GA 31088 478-202-8820 andres.acosta@mastrinvestments.com
*Name	Stephen Dupuis	
*Mailing Address	[REDACTED]	
*Phone	[REDACTED]	
*Email	[REDACTED]	

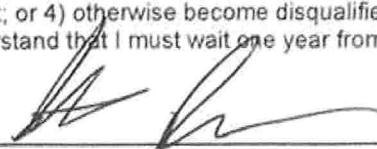
*Street Address of Short-term Rental Unit:	1708 Kings Chapel Rd Perry GA 31069
*Tax Map Number:	OP0430 03C000

*The following items are required to be submitted to complete this supplement (Refer to Sec. 4-3.5 of the Land Management Ordinance (LMO) for standards):

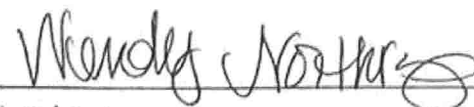
1. Proof of insurance
2. Copy of application for City of Perry Occupational Tax Certificate
3. Copy of proposed Host Rules
4. Plan for trash collection
5. The maximum number of occupants proposed at any given time
6. Plot plan of the premises identifying location and number of parking spaces for the STR
7. Dimensioned floor plan of the STR identifying bedrooms other living spaces and emergency evacuation routes
8. Copy of proposed written rental agreement to be executed between the owner and responsible Person
9. Name and contact information for the homeowner's association, if any, of which the premises is subject to by restrictive covenants
10. Other certifications and information deemed necessary and proper to ensure compliance with the LMO

Upon submittal the City will contact the property owner to schedule an inspection of the property to ensure the proposed short-term rental unit complies with minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a re-inspection fee will be charged for each subsequent inspection. Application for Special Exception will not be scheduled for Planning Commission consideration until the proposed STR unit complies with minimum health and safety requirements.

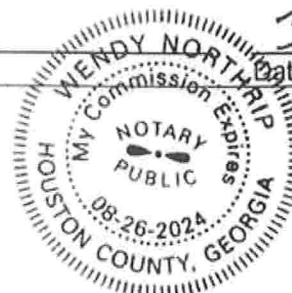
*Notarized Property Owner Signature:
I affirm that the information provided in this supplement is accurate and complete. I understand an STR permit may be revoked by the administrator if the permit holder has: 1) received more than 2 citations for violations of the Code of the City of Perry within the proceeding 12-month time period; or 2) failed or refused to comply with an express condition of the permit and remains in non-compliance ten days after being notified in writing of such non-compliance; or 3) knowingly made a false statement in an application or supplement; or 4) otherwise become disqualified for the issuance of a permit under the terms of the Land Management Ordinance. I further understand that I must wait one year from the date of a revoked permit before an STR renewal permit can be issued.


Signature _____ Date 3 Aug 23

*Notary Public signature and seal:

Signature: 
Date: 8/3/23

Seal:

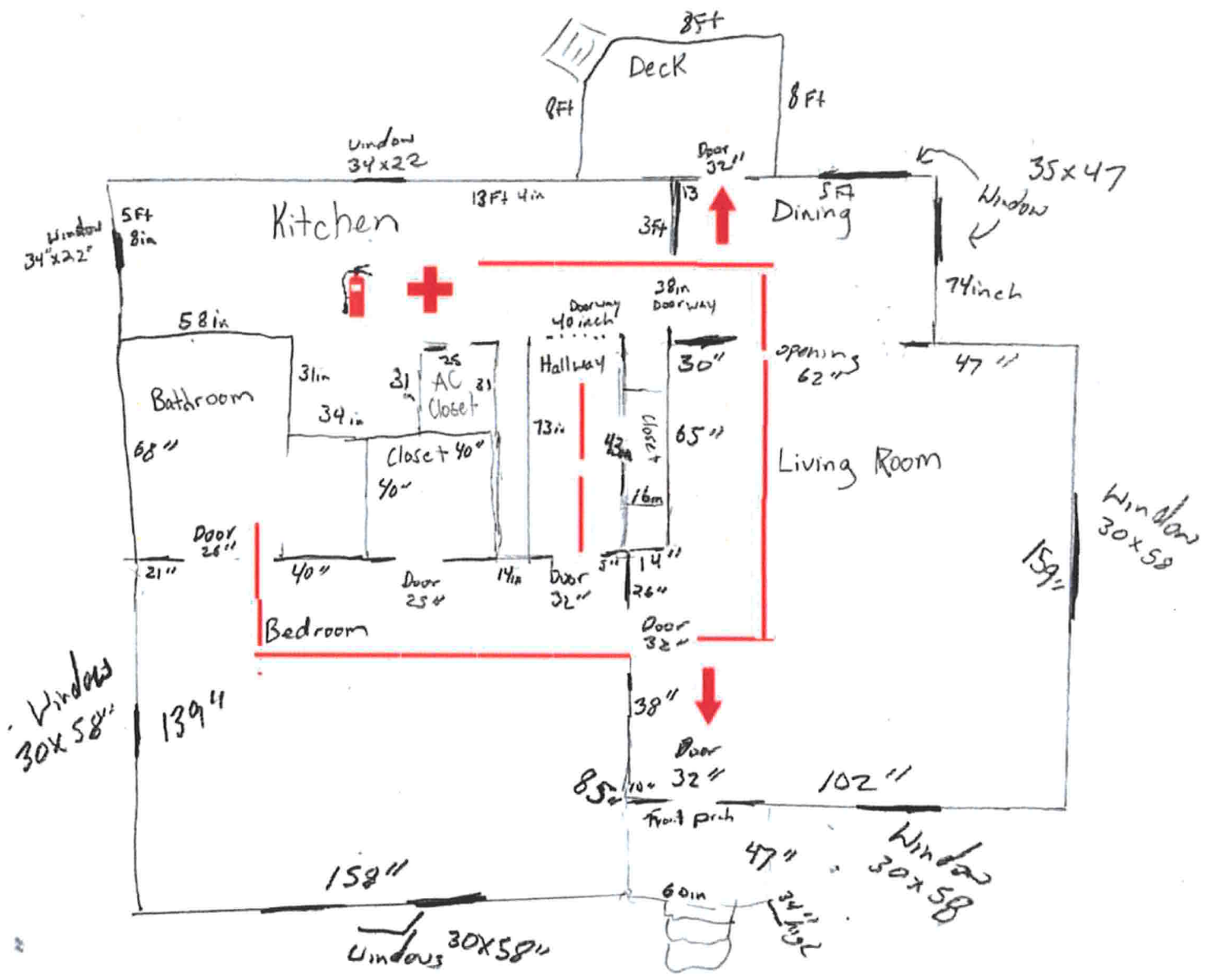




2 cars max
left side of house



2 cars max
left side of house



FIRE EXTINGUISHER



FIRST AID



EMERGENCY EXIT



ROUTE

GUEST SHORT TERM RENTAL AGREEMENT

PET POLICY

- Cats and Dogs only
- No pets on furniture (sofas or beds) (**\$15 charge per linen if pet hair is found during post stay inspection**)
- Weight limit of 75 lbs per pet
- Maximum of 3 pets.

LATE CHECK-OUT PENALTY

- If guest does not notify or request to the host a late check out, a late check out penalty of \$100 will be applied to the booking. * 30 mins after check-out is considered to be a late check-out. [10:30AM]

PROPERTY GUIDELINES

- Quiet hours are 10pm-9am
- No parking on the side of road. Park only in garage or driveway.
- No smoking inside the house
- Loud, rude, obnoxious, disrespectful, or disorderly behavior is not allowed at any time. We will give one courtesy warning for any such behavior. If such behavior continues, you and your party will be evicted without refund.
- (BE ADVISED: Property is equipped with noise monitoring devices that detect if the volume is at an unacceptable level. Host is notified immediately after that volume is reached, and will not tolerate disturbance to neighborhood)
- Normal cleaning fees are included in all rental rates, however additional billing will occur for any excessive/abnormal cleaning, damages, or missing items.
- Please make sure doors are locked when leaving the unit. - Linens, blankets, and towels are not to be removed from the home. Please do not take these items to parks or outdoor venues.
- Limit food/drink in bedrooms
- Guests prohibited to exceed the occupancy limit of property stated in listing details.
- No house parties

- No unregistered guests
- No illegal substances
- No rearranging furniture

BUNK BED WAIVER AGREEMENT

- In case that property has bunk beds, guest agrees to use the bunk bed at his/her own risk and to hold the Host harmless for any damage and/or injury caused by guest's said use of the bunkbed

POOL WAIVER AGREEMENT

- In case that property has a pool, guest agrees to use the pool at his/her own risk and to hold the Host harmless for any damage and/or injury caused by guest's said use of the pool.

ACKNOWLEDGEMENT OF HOUSE RULES & CITY ORDINANCES

- Guest has acknowledged that they have read and will abide by all host rules that have been outlined in the property listing & Property guidebook.
- Guest has acknowledged that his/her rights in agreement may not be transferred or assigned to anyone else.
- Guest has acknowledged that it is unlawful to make any noise or sound that exceeds the limits set forth in the cities noise ordinance.
- Guest acknowledges and agrees that violation of agreement of this section may result in immediate termination of agreement and eviction for the short term rental unit by owner or local contact person as well as the potential liability for payments of fines levied by the city.

The parties have executed the Rental Agreement on the dates indicated below.

Agent: _____
 Print Name | Signature | Date



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STAFF REPORT

From the Department of Community Development

November 7, 2023

CASE NUMBER: SUSE-0144-2023
APPLICANT: Jermiah Foster
REQUEST: A Special Exception to allow a residential business
LOCATION: 407 Dog Fennel LN; Tax Map No. 0P0870 008000

REQUEST ANALYSIS: The subject property owner wants to operate a daycare home for up to six (6) children in a portion of the house as a residential business.

Residential businesses are small offices or small-scale retail or service businesses in which customers or clients come to the house and are clearly incidental and secondary to the use of the dwelling for residential dwelling purposes.

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?*

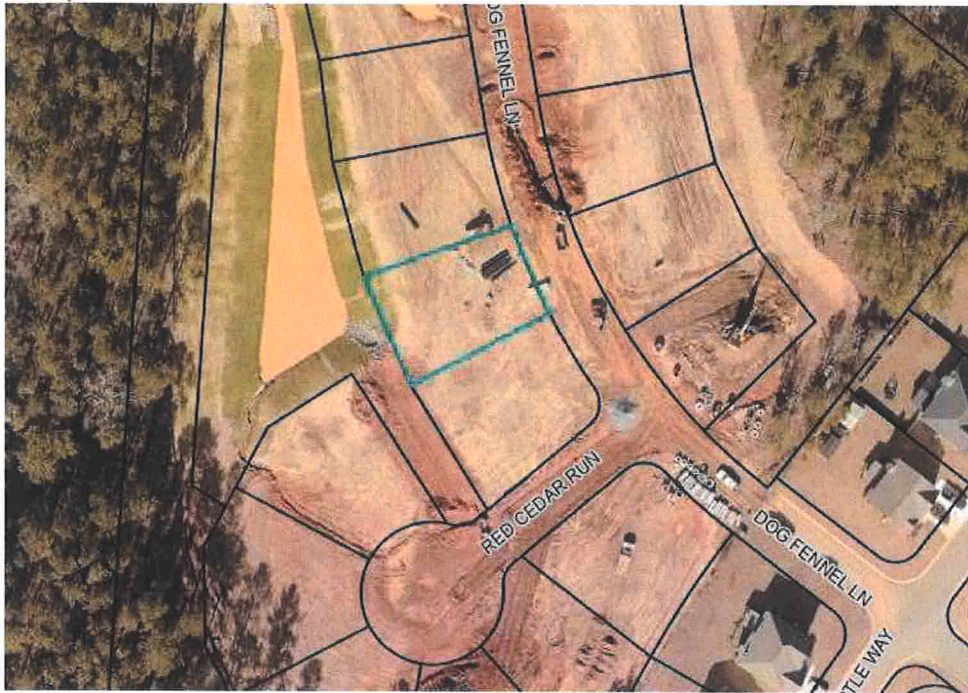
	Zoning Classification	Land Uses
Subject	PUD, Planned Unit Development	Single-Family Residential
North	PUD, Planned Unit Development	Single-Family Residential
South	PUD, Planned Unit Development	Single-Family Residential
East	PUD, Planned Unit Development	Single-Family Residential
West	PUD, Planned Unit Development	Single-family Residential, Open space

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 a mix of residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed secondary 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 secondary use of the home as daycare home for up to 6 children should not be a detriment to the surrounding properties. The exterior of the home will not be altered in any way, and business hours are limited to Monday through Saturday, 8 am to 6 pm, as described in the Land Management Ordinance.

6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* The use of the residence as a day care home 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 overtaking public facilities?* The secondary use as a day care home 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?* A daycare home should not create a health hazard, and normally should not create a public nuisance. The driveway of residence is wide enough to accommodate vehicles for drop-off and pick-up without blocking the sidewalk or the street.
9. *Will property values in adjacent areas be adversely affected?* Secondary use as a daycare home 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 secondary use as a daycare home may be allowed, according to the LMO.

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

1. Limited to the use and business details specified in the application documents.
2. Limited to the applicant, Jermiah Foster, and is not transferable.
3. All drop-off/pick-up of children shall occur in the driveway of the residence only.

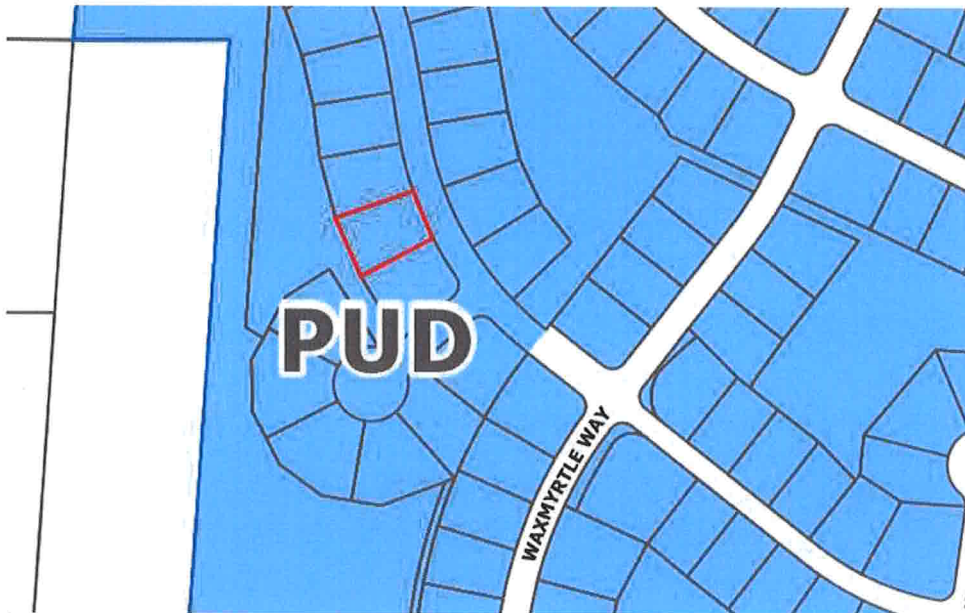


SUSE-0144-2023

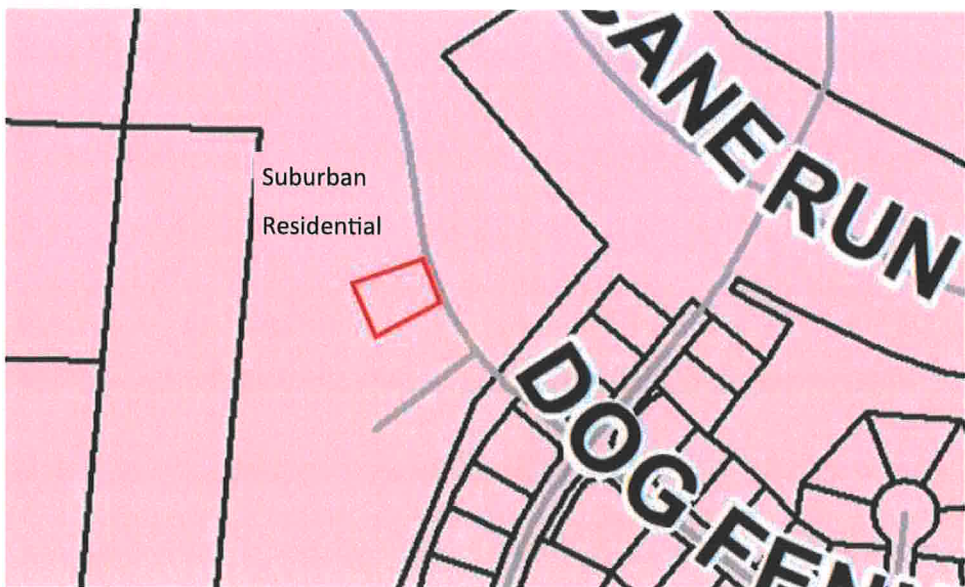
407 Dog Fennel LN

Request to allow a home
business

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # Suse#
0144-2023

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

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Jermiah Foster	Jermiah Foster
*Title		
*Address		
*Phone		
*Email		

Property Information

*Street Address	407 Dog Fennel Ln	
*Tax Map Number(s)	P87-008000	*Zoning Designation Perry - PUD

Request

*Please describe the proposed use: Family child care Learning home

Instructions

1. The application and ***\$300.00 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.
8. ***Signatures:**

*Applicant		*Date	9-13-23
*Property Owner/Authorized Agent		*Date	9-13-23

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

Standard for Granting a Special Exception

(1) Lake Forrest Neighborhood consists of single-family homes in which i reside (407 Dog Fennel In , perry Ga , 31069)

(2) The proposal for a residential daycare at 407 Dog Fennel has been carefully evaluated in the context of the community's comprehensive plan.

-Understanding the proposed use: The proposed residential daycare facility aims to provide essential childcare services to families in the surrounding area including military families. It involves converting part of an existing single-family home into a licensed daycare learning home that can accommodate up to 6 children

-Review of comprehensive Plan: We conducted a thorough review of the local comprehensive plan, which outlines the community goals and policies related to land use and neighborhood development.

-Assessment of consistency: The proposed residential daycare aligns well with comprehensive plans and objectives. It supports the plan's emphasis on providing essential community services , including childcare , which is critical for working families. Furthermore, the conversion of an existing residence into daycare minimizes the impact on the neighborhood character and maintains residential compatibility.

-Community Objectives- The daycare directly contributes to the community objective of supporting working parents and ensuring the availability of quality childcare services.

-Public input: Community engagement efforts were made , including meetings with nearby residents and stakeholders. Feedback has been generally positive , with support for the daycare home as a valuable addition to the neighborhood.

(3) The proposed Residential home 407 Dog Fennel lane has been designed with a strong emphasis on ensuring easy accessibility for both fire and police services.

-Access Points: The property is accessible via a well-maintained , 21-foot-wide driveway that connects directly to Dog Fennel lane , a public road. This driveway will comfortably accommodate fire and police vehicles.

-Fire Hydrants and Water Supply : The property is within 500 feet of a fire hydrant.

- Emergency Routes: Within the property, we have established clearly marked emergency routes are designed to provide unimpeded access for emergency vehicles from the driveway to the residence

- **Regular Inspections**- We have a plan in place for regular inspections and maintenance to ensure that access points remain unobstructed and that all safety measures , including smoke detectors and fire extinguishers within the residence, are in good working order.

(4) The proposed residential daycare at 407 Dog fennel Lane has been care evaluated with regard to its with regard to its impact on the appropriate and orderly development of the surrounding area and its potential effects on adjacent properties. Here is an assessment of its alignment with these consideration:

-**Size and Scale**: The size and scale of the daycare facility are appropriate for the neighborhood. It will occupy the existing residence, maintaining the structure's size and appearance, thus blending harmoniously with neighboring properties.

-**Community Benefits**: The daycare will offer essential services to working families in the neighborhood, supporting the well-being of children and allowing parents to remain in the workforce. This aligns with the community's values of family support and economic development.

-**Adjacent Property Considerations**: The daycare will not be detrimental to adjacent properties. Measures have been taken to mitigate any potential concerns, such as noise control and maintaining appropriate property boundaries.

(5)**Traffic and Infrastructure**: A traffic impact assessment has been conducted to ensure that the daycare's operation will not disrupt the existing traffic flow. The infrastructure in the area can adequately support the proposed use without any major upgrades. (Also added policies in my contract in regards to pickup/dropoff)

-**Environmental Impact**: The conversion of a residential property into a daycare involves minimal environmental impact. The project will promote sustainability practices such as energy-efficient lighting and waste reduction.

(6) **Population Density Impact**: The residential daycare is expected to serve a maximum of 6 children and will not significantly impact population density in the immediate area. It is designed as an in-home facility within an existing residential property.

-**Load on Public Facilities**: Given the limited number of children and staff, the daycare's impact on public facilities such as schools, utilities, and streets is expected to be minimal. It will not overtax existing infrastructure.

-Schools: The local schools have sufficient capacity to accommodate any additional students that may be generated by the daycare. No new school construction or expansions are required.

-Utilities: The existing utility infrastructure, including water supply and sewage systems, is more than capable of handling the modest increase in demand associated with the daycare.

-Streets and Transportation: The proposed use will not result in significant traffic congestion. The residential neighborhood has ample street capacity, and no major road improvements are necessary.

(7) The proposed daycare facility at 407 Dog fennel lane has undergone a comprehensive assessment to determine its potential impact on various factors, including health, public safety, nuisances, traffic, drainage, noise, emissions, odors, electrical interference, and pollution. Here is a detailed evaluation of each aspect:

-Health Hazard and Public Safety: The daycare facility is designed to provide a safe and nurturing environment for children. Strict safety protocols will be in place, including background checks for staff, secure access control, and regular safety drills to ensure the well-being of children and staff. The facility will not pose any health hazards or public safety concerns.

-Nuisances: The daycare center has been planned with a focus on minimizing nuisances. Measures have been taken to control noise levels, maintain a clean and organized facility, and ensure that activities do not disrupt the neighborhood's peace and quiet.

-Traffic and Congestion: A traffic impact analysis was conducted, and it determined that the daycare's operating hours will not significantly impact traffic congestion in the area. Drop-off and pick-up times have been staggered to reduce any potential traffic disruptions.

-Regulatory Compliance: The proposed daycare facility fully complies with all local, state, and federal regulations related to health, safety, and environmental standard

-Odor and Pollution: There will be no emissions or activities that generate unpleasant odors or pollutants. The facility will adhere to strict cleanliness and hygiene standards.

(8) Impact Assessment: The proposed residential daycare is designed to be low-impact and is situated within an existing single-family home. It will not significantly alter the external appearance of the property and will operate within established hours.

-Comparative Analysis: Similar residential daycares in adjacent neighborhoods have not shown any adverse effects on property values. In some cases, they have contributed to increased demand for homes in the area due to the convenience of childcare services.

(9)Property Characteristics: The property at 407 Dog Fennel lane is a spacious single-family home with a large, fenced backyard. It offers an ideal setting for a residential daycare with ample indoor and outdoor space for child care activities.



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STAFF REPORT

From the Department of Community Development
November 6, 2023

CASE NUMBER: RZNE-0142-2023
APPLICANT: Julie and Dave Forrester
REQUEST: Rezone from M-2, General Industrial District, to C-3, Central Business District
LOCATION: 911 Jernigan Street; Parcel Number 0P0040 004000

BACKGROUND INFORMATION: The subject property has been part of the former Walker-Rhodes Tractor business for many years. Mason Tractor purchased the business a couple of years ago and plans to relocate. The applicant plans to use the property for a brewpub and event venue. These uses are permitted in the C-3 district, but not in the M-2 district.

STANDARDS GOVERNING ZONE CHANGES:

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 which prevent the properties from being used as single-family residential.

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

	Zoning	Land Use
North	C-3 and M-2	Retail and Residential/Storage
South	M-2	
East	M-2	Office and Equipment Servicing
West	M-2	Single-family Residential

- The suitability of the subject property for the zoned purposes.** The subject property consists of a barn and a pole shed. The property is suitable for industrial uses.
- The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** There is no diminished value to the property.
- The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** There is no destruction of property values.
- The relative gain to the public as compared to the hardship imposed upon the individual property owner.** While the property is zoned for and can be used for industrial purposes, it is also adjacent to the retail and entertainment core of the community. The public would be better served by having more compatible uses near the downtown rather than industrial uses.
- Whether the subject property has a reasonable economic use as currently zoned.** The subject property may have a reasonable economic use as currently zoned. However, because of its proximity to the downtown core, the property would be better suited for entertainment type uses.
- The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject property is not vacant. The current business will be relocating in the near future.

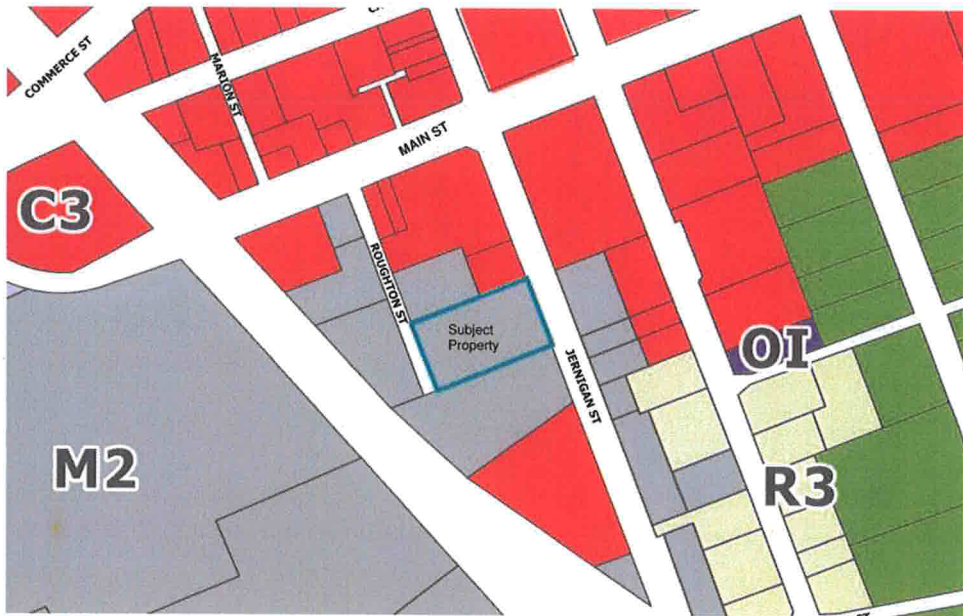
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** With the relocation of Mason Tractor, this section of Jernigan Street will likely transition to uses compatible with the Central Business District. The old Tolleson Lumber Company office building was converted to law offices several years ago. The former Davis Oil Company offices are in the process of being converted to a real estate office. This zoning change would extend the adjacent C-3 zoning along Jernigan Street.
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 properties are in the "Downtown" character area, which calls for active uses such as retail, restaurants, and entertainment uses.
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 should have 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.** With the sale of and relocation of several businesses along Jernigan Street in the past few years, and the area's close proximity to the downtown core, this proposed zoning change appears to be appropriate.

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

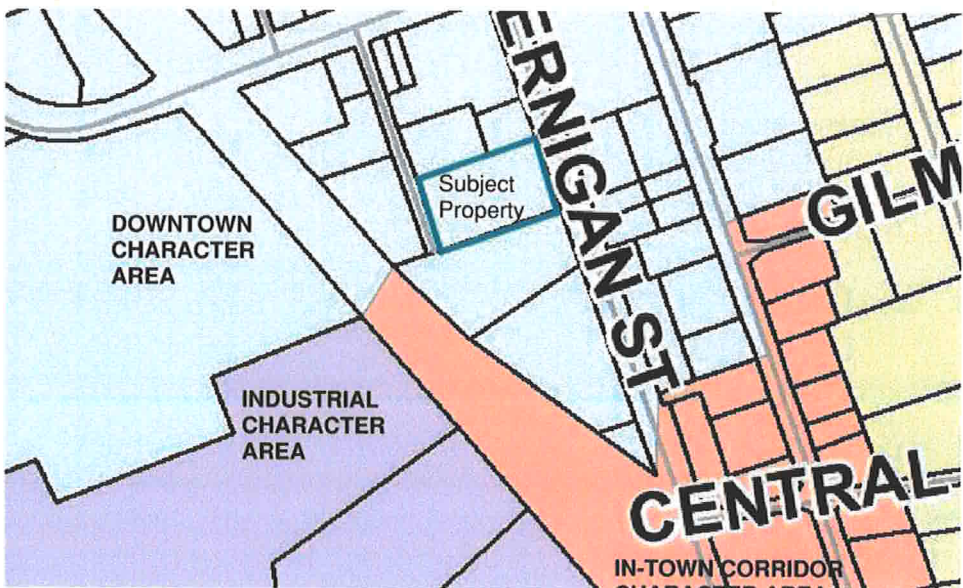


RZNE-0142-2023
911 Jernigan Street
M-2 to C-3

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # RZNE-0142-2023

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Julie and Dave Tomraker	WMT Properties, LLC
*Title	Organizers - 4thday Farm LLC, left at the Pig LLC	
*Address	11388 Hwy 127 E, Marshallville, Ga 31057	909 Ball St. Perry 31069
*Phone	[REDACTED]	
*Email	[REDACTED]	

Property Information

*Street Address or Location	911 Jernigan Street
*Tax Map Number(s)	M2 P4-4
*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

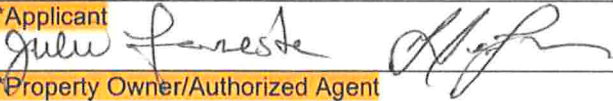
*Current Zoning District	M2	*Proposed Zoning District	C-3
*Please describe the existing and proposed use of the property <u>Note: A Site Plan or other information which fully describes your proposal may benefit your application.</u>			

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 Zoning (R-Ag, R-1, R-2, R-3) - \$306.00 plus \$26.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$510.00 plus \$41.00/acre
- *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:

<p>*Applicant </p>	<p>*Date 10/05/23</p>
<p>*Property Owner/Authorized Agent</p>	<p>*Date</p>

Standards for Granting a Rezoning

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

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

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

Standards for Granting a Rezoning

- (1) The existing land uses and zoning classifications of nearby property;

The land in question is currently zoned M-2. At present, the majority of downtown Perry is zoned for C-3. Recollections by Lynn (retail shop) which is adjacent to the property in question is zoned C-3. The property on the other side in question (T-shirt shop and other businesses) are zoned M-2 and the property next to that is C-3 (Moody Law Office). Therefore, there are two M-2 properties sandwiched between C-3 properties.

- (2) The suitability of the subject property for the zoned purposes;

The current designation of M-2 would allow for a brewery due to the manufacturing process. However, a brewpub (which serves food and has event space) would not fit into the M-2 category. The M-2 industrial designation would deter expansion of the city down Jernigan St. for retail, entertainment, office, service, cultural, etc. which according to the City of Perry's Downtown Strategic Plan is a goal for future development.

- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;

M-2 designation limits property use thus limiting the value of the property. An improved acreage which fits into the strategic plan for the city would greatly increase the value of the property and the surrounding area by expanding the retail/entertainment/restaurant district. M-2 limits to industrial/manufacturing

- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, moral or general welfare of the public;

The public would benefit from rezoning by providing a safe, clean, usable environment. The outdoor space with the brewpub provides a much-needed area for families to enjoy time in the City of Perry in a safe, clean, managed environment. Rental space for small gatherings is hard to find downtown and the C-3 designation will allow refurbishment of the on site "historic" barn for gathering rentals.

- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;

The current designation M-2 does not allow for public access. With a C-3 designation the public will have access to the property for purposes of eating, drinking, and enjoying each other's company in a safe well managed environment. As a landowner with M-2 restrictions, industrial uses are not suitable to the strategic plan of expanding the City of Perry Downtown District.

- (6) Whether the subject property has a reasonable economic use as currently zoned;

As zoned the property can be used in a profitable manner but the restrictions of M-2 greatly diminish the potential economic gain for the property owner and City of Perry.

- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;

The property is currently being used to store new and used farm equipment including tractors, lawnmowers, and implements. The current renters plan to move the equipment to their new location on St Patrick Drive as soon as new facilities are completed. When the property is relinquished of its current use the property will be left with an old, damaged barn in dilapidated state and an unsightly lot. Future uses are limited due to designation. By rezoning, revitalization of the area will be achieved and hopefully extended down Jernigan St.

- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent or nearby property;

With the purchase and proposed new uses of the New Perry Hotel, it is natural that the general vicinity will be ripe for an upgrade. Landmark and Moody Law have or will establish their businesses greatly improving the aesthetics of Jernigan St. and the City of Perry. By improving the property at 911 Jernigan and providing appropriate services to the residents and businesses of the City of Perry and surrounding area, other potential business/retail/restaurants will be encouraged to look to that area for new development in accordance with the strategic plan of the city.

- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;

As previously mentioned, zoning C-3 will greatly affect the adjacent properties by providing additional foot traffic and expansion of the downtown. Helping to fill the gap of the C-3 M-2 designations on the street and encouraging further development and revitalization.

- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;

Rezoning of 911 Jernigan will most definitely fit into the Downtown Strategic Plan for the city of Perry. The particular area in question is slated to be developed further and the brewpub/event space fits in perfectly with Downtown District needs.

- (11) Whether zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and

The zoning proposal will allow expansion into a region of town which is not currently utilized. Utilities are in place and should not be affected by proposed use, no schools are in the area, additional parking with brew/pub will not add additional strain on current parking 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 zoning proposal.

According to the Downtown Strategic Plan for Perry Georgia the proposed zoning change will allow for the expansion of downtown and fit precisely into the vision for the area. The proposed use of the site (brewpub/event space/outdoor space) will fill a designated need in the Perry area encouraging more family visits to the area and more encounters for local businesses. By rezoning we will be able to fill a gap which has been missing in the general middle Georgia region. We propose a "gathering place" for people of Perry to enjoy the outdoors with food/drink/entertainment partnering with nearby businesses for the betterment of our community.

Dave and Julie Forrester propose to use 911 Jernigan Street to construct a brewpub/brewery with tap room and outdoor seating space. Included in the project would be renovation of the old existing barn to be used for small event rental.

Currently the space is used to store tractors and implements by Mason Tractor Company.

911 Jernigan Street - rezoning application

John Hulbert <[REDACTED]>

Tue 10/10/2023 9:44 AM

To: Bryan Wood <bryan.wood@perry-ga.gov>

[REDACTED] <[REDACTED]> [REDACTED] <[REDACTED]> [REDACTED] <[REDACTED]>

Bryan,

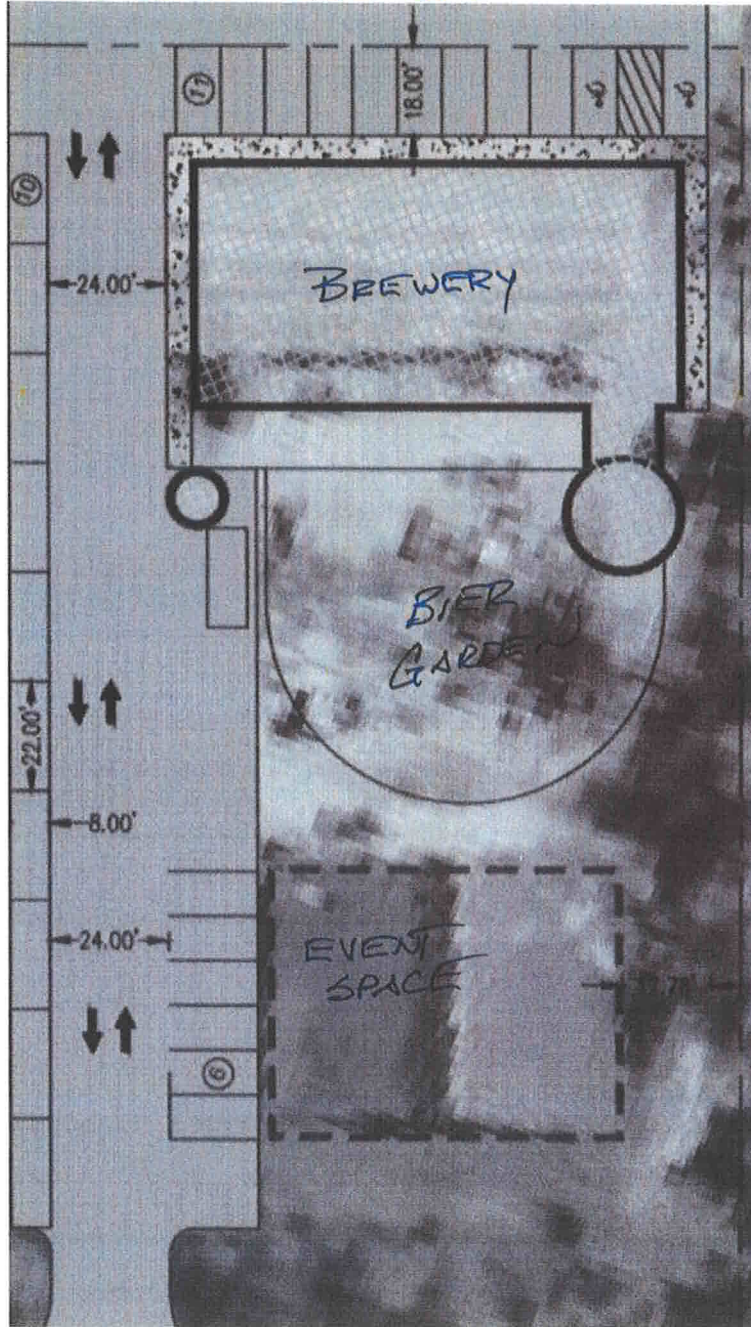
Please construe this email as WMJ Properties, LLC's acknowledgment and consent to the rezoning application process being initiated by 4th Day Farms, LLC. We are under contract with them for the sale of 911 Jernigan Street which is scheduled to close later this month.

In the event you need something further from us, please do not hesitate to let me know.


Thank you,
John

<p>Hulbert, John Walker, Hulbert, Gray & Moore, LLP Attorney</p> <p>(478) 987-1415 Work jhulbert@whgmlaw.com</p> <p>P.O. Box 1770 909 Ball Street Perry, Georgia 31069</p>

911 JERNIGAN ST.



File No.:G19-461
Paid and Return:
✓ Larry Walker
Walker, Hulbert, Gray & Moore, LLP
909 Ball Street
Perry, Georgia 31069


Doc ID: 015867390004 Type: GLR
Recorded: 01/24/2020 at 04:31:09 PM
Fee Amt: \$25.00 Page 1 of 4
Transfer Tax: \$0.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk
BK 8462 PG 278-281

(Space reserved for recording officer use)

EXECUTOR'S DEED OF ASSENT

STATE OF GEORGIA

COUNTY OF HOUSTON

THIS INDENTURE, made and entered into this 21st day of January, 2020, between

**LARRY WALKER and DAVID G. WALKER, Co-Executor's of the
Last Will and Testament of HILDA GRAY WALKER, deceased**

hereinafter called Parties of the First Part and,

LARRY WALKER, DAVID G. WALKER, CHARLES G. WALKER, and LYNDA W. KELLY

hereinafter called Parties of the Second Part.

WITNESSETH:

WHEREAS, Hilda Gray Walker, deceased, late of Houston County, Georgia, departed this life testate and the real property hereinafter described was devised in Item VII of her Will to the beneficiaries therein named; and,

WHEREAS, Parties of the First Part were appointed Co-Executors of the Last Will and Testament of Hilda Gray Walker, deceased, by the Probate Court of Houston County, Georgia, pursuant to the terms of said Will which was probated in solemn form in the Probate Court of Houston County, Georgia, said probate proceedings being of record in said Probate Court Office as Estate No.: 2019-ES-274.

NOW THEREFORE, in consideration of the premises and for the purposes of assenting to the devise of the property hereinafter described unto Parties of the Second Part, according to the terms of the Last Will and Testament of Hilda Gray Walker, Parties of the First Part do hereby convey and release unto Parties of the Second Part:

TRACT ONE:

That certain City Lot in the City of Perry, Houston County, Georgia, fronting east 42 feet on Jernigan Street and running back in a westerly direction a distance of 105 feet. Said lot or tract of land being the most southern 42 feet of Lot No. 2 according to a plat of survey made by Rhodes Sewell, State Surveyor No. 160, a copy of said plat being of record in Map Book 2, page 93, in the office of the Clerk of Houston Superior Court. Said lot being in the shape of a rectangular parallelogram and is bounded on the North by the remainder of said Lot No. 2; on the East by Jernigan Street; on the South by land now or formerly of C. P. Gray known as the old Curtis Shop Lot; on the West by land now or formerly of G. B. Wells and Mrs. Eunice Roughton. Said lot being the same property conveyed by A. W. Dahlberg to C. P. Gray by deed dated July 2, 1945, and recorded in Deed Book 60, page 357, in the office of the Clerk of Superior Court of Houston County, Georgia.

ALSO: That tract or parcel of land situated, lying and being in the City of Perry, Houston County, Georgia, on the west side of Jernigan Street fronting east on Jernigan Street a distance of 120 feet and running back in a westerly direction with even width a distance of 105 feet and being bounded on the North by the lot above described; on the East by Jernigan Street; on the South by lot now

formerly of A. C. Pritchett and on the West by land now formerly of Mrs. Eunice Roughton. Said lot is known as the W. A. Curtis Blacksmith Shop Lot and is the same property described in the deed from Mrs. Emma Curtis, as executrix of the will of W. A. Curtis, to E. F. Bellflower and C. P. Gray dated January 31, 1942, and recorded in Deed Book 50, page 425, in the Office of the Clerk of the Superior Court of Houston County, Georgia.

Said two lots lying together forming one body of land which has a frontage on Jernigan Street of 162 feet and runs back with even width a distance of 105 feet.

ALSO: All that certain tract or parcel of land situate, lying and being in Houston County, Georgia, and in the City of Perry, described as follows: Beginning at the northwest corner of land belonging to C. P. Gray and L. C. Walker, the same being at point "A" which is 105 feet in a westerly direction from Jernigan Street; thence south 25 degrees 27 minutes east for 132 feet to point "B"; thence south 64 degrees west for 160.4 feet to point "C"; thence north 25 degrees 02 minutes west for 132 feet to point "D"; thence north 64 degrees east for 159 feet to the point of beginning. Said described land being bounded on the East by land now or formerly of C. P. Gray and L. C. Walker; on the North by other land now or formerly of Mrs. Eunice Roughton; on the West by Roughton Street; and on the South by Walker Street. Said land is fully shown by plat of survey of same made by Rhodes Sewell, State Surveyor No. 160, on August 25, 1949, a copy of said plat being recorded in Map Book 2, page 279, Clerk's Office, Houston Superior Court, and same is made a part hereof.

ALSO: All that tract or parcel of land lying and being in Houston County, Georgia, and in the City of Perry, described as follows: Beginning on the west side of Jernigan Street at a point which is 444.5 feet in a southerly direction from the intersection of Jernigan Street and Main Street; thence running along Jernigan Street in a southerly direction for 30 feet; thence in a westerly direction along the north line of land now or formerly belonging to A. C. Pritchett for 105 feet; thence in a northerly direction for 30 feet; thence in an easterly direction for 105 feet to the point of beginning. Said described land being a 30-foot-wide strip of land extending across the south side of land now or formerly of C. P. Gray and L. C. Walker from Jernigan Street on the east to land now or formerly of Mrs. Eunice Roughton on the west. Said described property is all that property conveyed from City of Perry to C. P. Gray and L. C. Walker by deed dated December 19, 1955, and recorded in Book 100, page 7, Clerk's Office, Houston Superior Court.

ALSO: That certain lot, tract or parcel of land situate, lying and being in the City of Perry, Houston County, Georgia, more fully described as follows: For a beginning point, start at a point on the west side of Jernigan Street 444.5 feet south of the intersection of Jernigan Street with Main Street and running thence South 64 degrees West a distance of 105 feet to the beginning point of the land herein described and conveyed. Said beginning point being marked "B" on plat of survey made by Rhodes Sewell on August 25, 1949, a copy of said plat being recorded in Map Book 2, page 279, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto. From said beginning point marked "B" on the aforesaid plat, running South 64 degrees West 160.4 feet to the point marked "C" on the aforesaid plat; thence running South 25 degrees 02 minutes East a distance of 30 feet to line of property now or formerly owned by Thompson; thence running in an easterly direction along the north line of the aforesaid Thompson property a distance of 160.4 feet to a point which is opposite and 30 feet southerly of a point marked "B" on the aforesaid plat; thence running in a northerly direction to point "B" on the aforesaid plat which is the beginning point of the land hereby conveyed.

Tract No. 1 is a portion of that property conveyed by Mrs. Hazel N. Gray and The Citizens and Southern National Bank as Executors of the last will and testament of Charles P. Gray and Hazel N. Gray, individually, to L. Cohen Walker by deed dated June 4, 1963 and recorded in Deed Book 203, Pages 534-537, Clerk's Office, Houston Superior Court.

Deed Reference: Deed Book 2232, Pages 92-93, said Clerk's Office
Houston County Tax Assessor's Tax Map Parcel No.: 0P0040 004000
Street Address: 911 Jernigan Street, Perry, Houston County, Georgia 31069

TRACT TWO:

All that tract or parcel of land lying and being in the City of Perry, Houston County, Georgia, the same being a Town Lot fronting 50 feet, more or less, on Jernigan Street, and running back with even width a distance of 100 feet, more or less, to lot now or formerly owned by Hardy Powell; bounded on the north by the Old Houston County Jail lot; south by land formerly owned by Mr. and Mrs. J. R. Fudge; east by the said Hardy Powell lot and, west by Jernigan Street, together with all improvements thereon. This is the same lot as that deeded by T. F. Anderson to D. H. Smith, T. L. Warren, and E. M. Beckham as of record in Deed Book 35, Page 379, Clerk's Office,

Houston Superior Court. Also included in this conveyance is all interest of party of the first part in the south brick wall of the Old County Jail Property in the City of Perry, Houston County, Georgia.

This is the same property conveyed by Warranty Deed from Lucille B. Pritchett to L. Cohen Walker, Sr. and Hilda Gray Walker dated February 2, 1973 and recorded in Deed Book 409, Page 492, Clerk's Office, Houston Superior Court.

Deed Reference: Deed Book 2232, Page 94, said Clerk's Office
Houston County Tax Assessor's Tax Map Parcel No.: 0P0040 016000
Street Address: 910 Jernigan Street, Perry, Houston County, Georgia 31069

TRACT THREE:

That certain tract or parcel of land situate, lying and being in the City of Perry, Houston County, Georgia, as same is shown and designated on plat of survey of same prepared by Rhodes Sewell, Surveyor, a copy of said plat being of record in Map Book 2, Page 9, Clerk's Office, Houston Superior Court. Said plat of survey and the recorded copy thereof are hereby referred to and made a part of this description. Said tract of land fronts in a westerly direction on Jernigan Street for a distance of 144.1 feet, more or less, and is known and designated as 912 Jernigan Street in said City of Perry according to the present system of numbering and designating streets in said City of Perry.

A commercial building is situate on said tract of land.

Deed Reference: Deed Book 251, Page 403, said Clerk's Office

ALSO: All that tract or parcel of land, lying and being in Houston County, Georgia, and in the City Limits of Perry, Georgia, and being bounded on the North by Perry Hotel lot, South by what is now or was formerly Nottingham and Leary lot, East by Ball Street, and West by lot now or formerly owned by L. Cohen Walker, Sr. being formerly known as the Old County Jail lot.

Said tract of land is more particularly described as follows: STARTING at a point where the westerly line of Ball Street intersects the southerly line of Main Street; thence South 22 degrees 00 minutes East a distance of 323 feet to the POINT OF BEGINNING; and from said point of beginning, run South 66 degrees 04 minutes West a distance of 141.9 feet to a point; thence South 22 degrees 00 minutes East a distance of 147.1 feet to a point; thence North 68 degrees 00 minutes East a distance of 142.1 feet to a point; thence North 22 degrees 00 minutes West a distance of 152.1 feet to the point of beginning.

Said tract of land is fully described on a plat of survey prepared by Milton Beckham, Registered Surveyor No. 1031, dated March 8, 1966 which is duly recorded in Map Book 10, page 13, Clerk's Office, Houston Superior Court. Said plat and the record thereof are hereby incorporated hereinto and made a part of this description by reference for all purposes.

There is located on said tract of land a frame dwelling house.

THERE IS EXCEPTED from the above described real property, and not conveyed hereby:

All that tract or parcel of land lying and being in Houston County, Georgia, and in the City Limits of Perry, Georgia, and being bounded North by Perry Hotel lot, South by what is now or was formerly Nottingham and Leary lot, East by Ball Street, and West by lot now owned by Grantors herein.

Said tract of land is more particularly described as follows: STARTING at a point where the westerly line of Ball Street intersects the southerly line of Main Street; thence South 22 degrees 00 minutes East a distance of 323 feet to the POINT OF BEGINNING; thence South 66 degrees 04 minutes West a distance of 102.15 feet to a point; thence South 22 degrees 00 minutes East a distance of 148.65 feet to a point, thence North 68 degrees 00 minutes East a distance of 102.1 feet to a point; thence North 22 degrees 00 minutes West a distance of 152.1 feet to the said point of beginning.

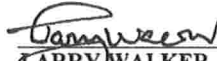
Said tract of land is fully described on a plat of survey prepared by Milton Beckham, Registered Surveyor No. 1031, which is duly recorded in Plat Book 12, page 236, Clerk's Office, Houston Superior Court. Said plat and the record thereof is hereby made a part of this description by reference thereto for all purposes.

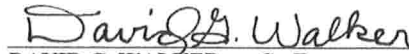
There is located on said tract of land a frame dwelling house.

Deed Reference: Deed Book 322, Page 488, said Clerk's Office
All of Tract Three being Houston County Tax Assessor's Tax Map Parcel No.: P40-15
Street Address: 912 Jernigan Street, Perry, Houston County, Georgia 31069

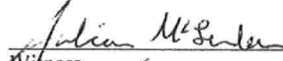
The scrivener of this Deed has not examined the title to the above described property and does not certify title to same.


TO HAVE AND TO HOLD said above described property unto the said Parties of the Second Part, and their successors and assigns, in as full and ample manner as same was held and enjoyed by Hilda Gray Walker in her lifetime.


_____(Seal)
LARRY WALKER, as Co-Executor under
the Last Will & Testament of
HILDA GRAY WALKER, deceased


_____(Seal)
DAVID G. WALKER, as Co-Executor under
the Last Will & Testament of
HILDA GRAY WALKER, deceased

Signed, sealed and delivered
in the presence of:

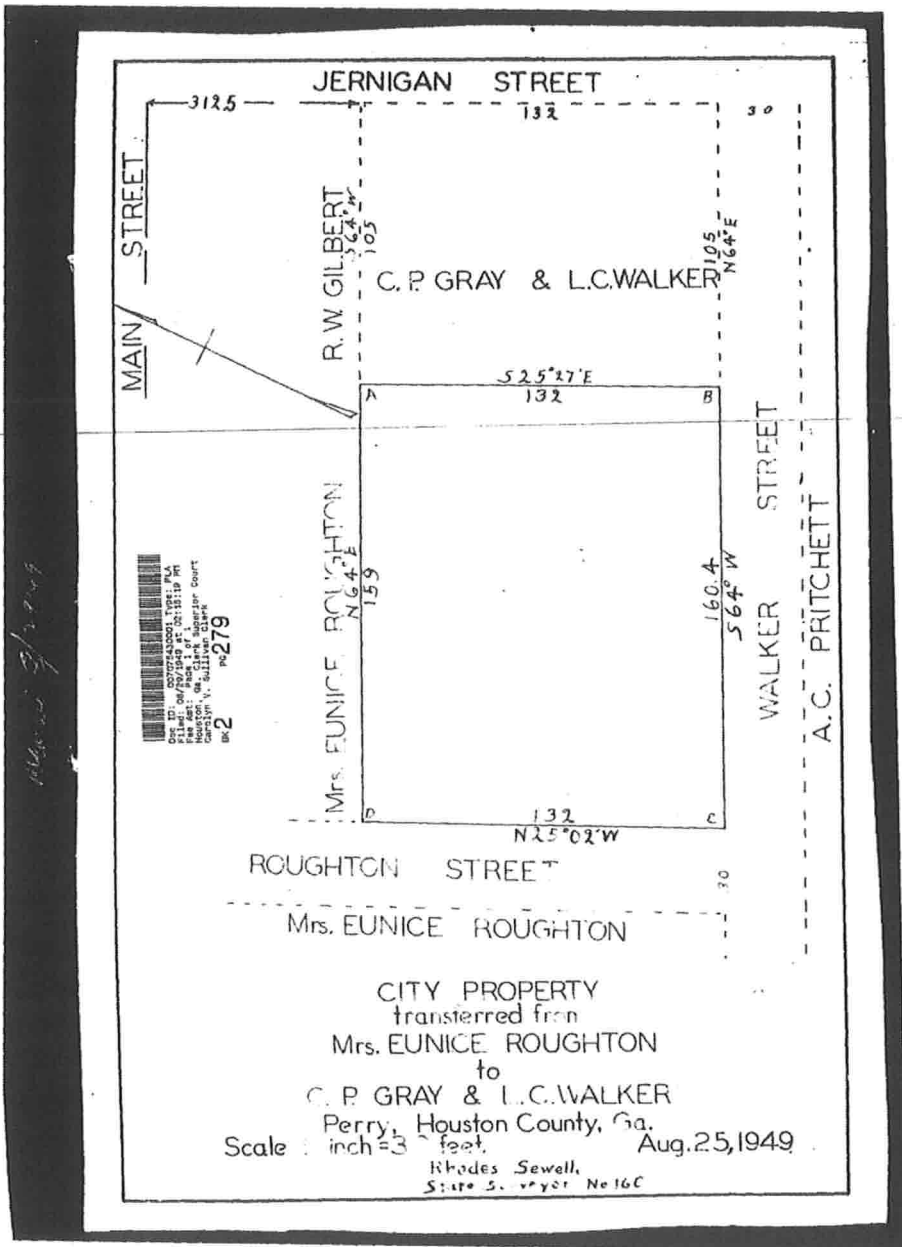


Witness


NOTARY PUBLIC



My commission expires: 8/13/23





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STAFF REPORT

From the Department of Community Development

November 6, 2023

CASE NUMBER: RZNE-0136-2023

APPLICANT: The City of Perry

REQUEST: Rezone properties from C-2, General Commercial, to R-3, Single-family Residential

LOCATION: See attached maps and list of tax map numbers

BACKGROUND INFORMATION: This application consists of 24 parcels which have been subdivided for single-family residential use. The subject properties were designed to comply with the R-3 standards, since this is a residential development in a commercial zone. The request is to zone the residential properties to R-3. There will be no impact on the properties.

STANDARDS GOVERNING ZONE CHANGES:

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 which prevent the properties from being used as single-family residential.

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

	Zoning	Land Use
North	C-2, General Commercial	Undeveloped
South	R-1, Single-family Residential (Legacy Park S/D)	Single-family detached residential uses
East	C-2	Undeveloped
West	GU, Government Use	Perry Middle School

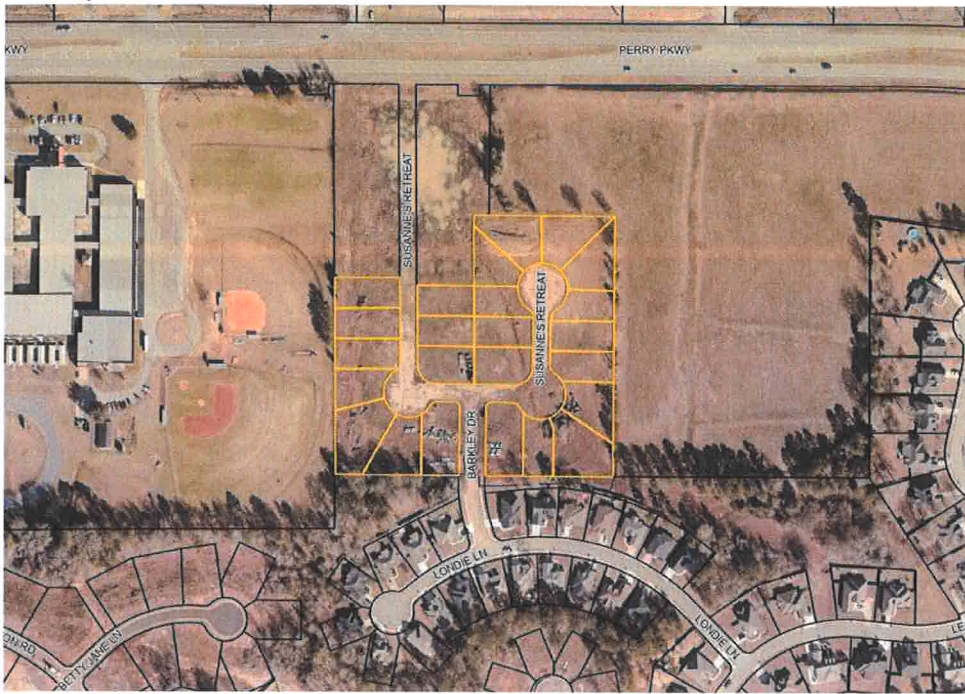
- The suitability of the subject property for the zoned purposes.** The subject properties were recently subdivided for the development of an additional phase of a single-family residential development.
- The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** Single-family residential development is allowed in the C-2 district. There is no diminished value to the properties.
- The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** There is no destruction of property values.
- The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The property owner decided to develop a residential subdivision on property zoned for commercial uses. There is no hardship imposed on the property owner.
- Whether the subject property has a reasonable economic use as currently zoned.** The subject properties are being developed as single-family residences.

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 were vacant until the subdivision plat was recorded earlier this year. Single-family residences are currently under construction.
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 being developed with single-family residences similar to the development to the south.
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 properties are in the “Suburban Residential” character area, which includes Residential as a suggested land use designation.
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.** With the property owner’s decision to develop residential uses, the zoning change will be consistent with the actual use of the properties.

STAFF RECOMMENDATION: Staff recommends approval of the zoning change to R-3, Single-family Residential District.

Parcels to be rezoned to R-3 (RZNE-0136-2023)

Parcel ID	Owner	Property Address
OP0740 303000	PERRY PARKWAY COMMERCIAL LLC	116 SUSANNES RETREAT
OP0740 304000	PERRY PARKWAY COMMERCIAL LLC	118 SUSANNES RETREAT
OP0740 305000	PERRY PARKWAY COMMERCIAL LLC	120 SUSANNES RETREAT
OP0740 306000	PERRY PARKWAY COMMERCIAL LLC	122 SUSANNES RETREAT
OP0740 307000	PERRY PARKWAY COMMERCIAL LLC	124 SUSANNES RETREAT
OP0740 308000	PERRY PARKWAY COMMERCIAL LLC	126 SUSANNES RETREAT
OP0740 309000	PERRY PARKWAY COMMERCIAL LLC	128 SUSANNES RETREAT
OP0740 310000	PERRY PARKWAY COMMERCIAL LLC	200 SUSANNES RETREAT
OP0740 311000	PERRY PARKWAY COMMERCIAL LLC	202 SUSANNES RETREAT
OP0740 312000	PERRY PARKWAY COMMERCIAL LLC	204 SUSANNES RETREAT
OP0740 313000	PERRY PARKWAY COMMERCIAL LLC	206 SUSANNES RETREAT
OP0740 314000	PERRY PARKWAY COMMERCIAL LLC	208 SUSANNES RETREAT
OP0740 315000	PERRY PARKWAY COMMERCIAL LLC	210 SUSANNES RETREAT
OP0740 316000	PERRY PARKWAY COMMERCIAL LLC	212 SUSANNES RETREAT
OP0740 317000	PERRY PARKWAY COMMERCIAL LLC	214 SUSANNES RETREAT
OP0740 318000	PERRY PARKWAY COMMERCIAL LLC	216 SUSANNES RETREAT
OP0740 319000	PERRY PARKWAY COMMERCIAL LLC	217 SUSANNES RETREAT
OP0740 320000	PERRY PARKWAY COMMERCIAL LLC	215 SUSANNES RETREAT
OP0740 321000	PERRY PARKWAY COMMERCIAL LLC	213 SUSANNES RETREAT
OP0740 322000	PERRY PARKWAY COMMERCIAL LLC	211 SUSANNES RETREAT
OP0740 323000	PERRY PARKWAY COMMERCIAL LLC	209 SUSANNES RETREAT
OP0740 324000	PERRY PARKWAY COMMERCIAL LLC	121 SUSANNES RETREAT
OP0740 325000	PERRY PARKWAY COMMERCIAL LLC	119 SUSANNES RETREAT
OP0740 326000	PERRY PARKWAY COMMERCIAL LLC	117 SUSANNES RETREAT

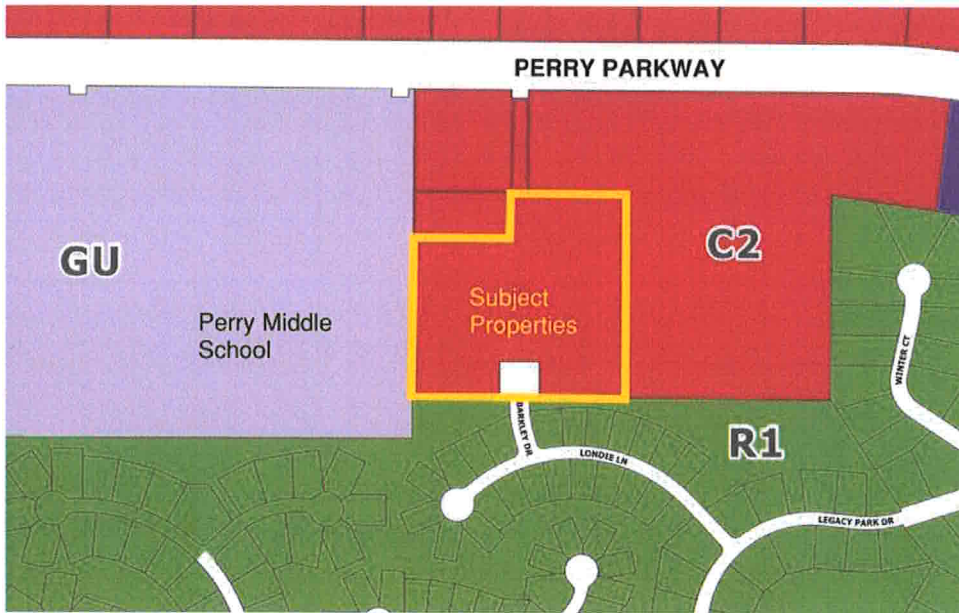


RZNE-0136-2023

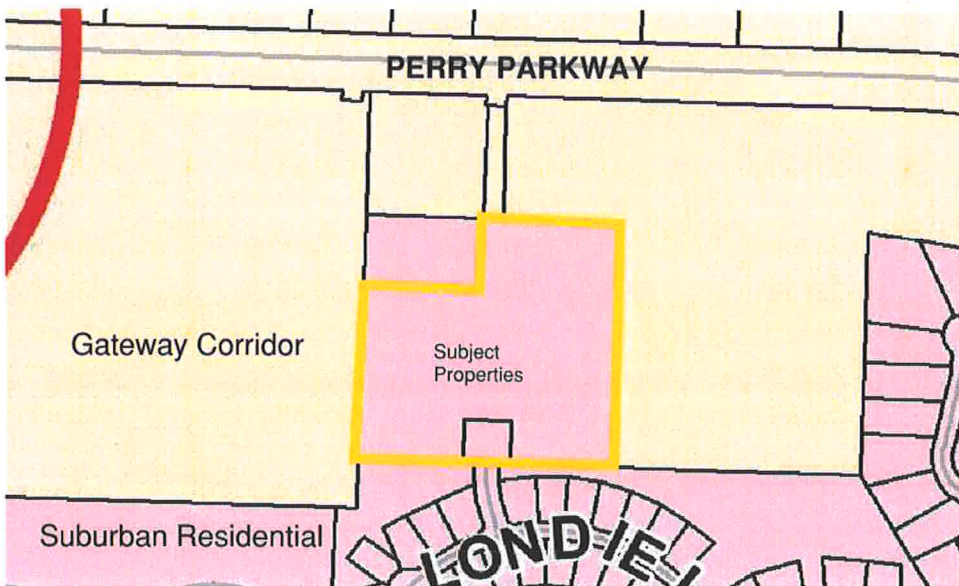
Legacy Park, Phase 3

C-2 to R-3

Aerial



Zoning



Character Area



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Application # RZNE-0136-2023

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Bryan Wood for the City of Perry	Perry Parkway Commercial LLC
*Title	Community Development Director	40 Charles Williams, Jr.
*Address	741 Main Street, Perry, GA 31069	102 Lois Dr. Warner Robins 31093
*Phone	(478) 988-2714	
*Email	Bryan.wood@perry-ga.gov	

Property Information

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

Request

*Current Zoning District	C-2	*Proposed Zoning District	R-3
*Please describe the existing and proposed use of the property <u>Note: A Site Plan or other information which fully describes your proposal may benefit your application.</u> The subject properties are part of Legacy Park subdivision, Phase 3, and are being developed as single-family detached residences.			

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 Zoning (R-Ag, R-1, R-2, R-3) - \$300.00 plus \$25.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$500.00 plus \$40.00/acre
- *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, Community Development Director for the City of Perry	*Date 10/1/2023
*Property Owner/Authorized Agent Filed by the City of Perry	*Date 10/1/2023

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 which prevent the properties from being used as single-family residential.

1. **The existing land uses and zoning classification of nearby property.** Properties to the north and east are zoned C-2 and are currently undeveloped. Property to the west is zoned GU and is used as Perry Middle School. Properties to the south are zoned R-1 and developed with single-family residential uses.
2. **The suitability of the subject property for the zoned purposes.** The subject properties were recently subdivided for the development of an additional phase of a single-family residential development.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** Single-family residential development is allowed in the C-2 district. There is no diminished value to the properties
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** There is no destruction of property values.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The property owner decided to develop a residential subdivision on property zoned for commercial uses. There is no hardship imposed on the property owner.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The subject properties are being developed as single-family residences.
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 were vacant until the subdivision plat was recorded earlier this year.
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 being developed with single-family residences similar to the development to the south.
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 properties 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.** With the property owner's decision to develop residential uses, the zoning change will be consistent with the actual use.

Revised 12/21/22

Parcel ID	Owner	Property Address
0P0740 303000	PERRY PARKWAY COMMERCIAL LLC	116 SUSANNES RETREAT
0P0740 304000	PERRY PARKWAY COMMERCIAL LLC	118 SUSANNES RETREAT
0P0740 305000	PERRY PARKWAY COMMERCIAL LLC	120 SUSANNES RETREAT
0P0740 306000	PERRY PARKWAY COMMERCIAL LLC	122 SUSANNES RETREAT
0P0740 307000	PERRY PARKWAY COMMERCIAL LLC	124 SUSANNES RETREAT
0P0740 308000	PERRY PARKWAY COMMERCIAL LLC	126 SUSANNES RETREAT
0P0740 309000	PERRY PARKWAY COMMERCIAL LLC	128 SUSANNES RETREAT
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0P0740 314000	PERRY PARKWAY COMMERCIAL LLC	208 SUSANNES RETREAT
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0P0740 316000	PERRY PARKWAY COMMERCIAL LLC	212 SUSANNES RETREAT
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0P0740 325000	PERRY PARKWAY COMMERCIAL LLC	119 SUSANNES RETREAT
0P0740 326000	PERRY PARKWAY COMMERCIAL LLC	117 SUSANNES RETREAT



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STAFF REPORT

From the Department of Community Development

November 6, 2023

CASE NUMBER: TEXT-0112-2023

APPLICANT: The City of Perry

REQUEST: Modify Table 5-1-2 in Section 5-1.2 of the LMO to allow a 25-foot rear setback for properties zoned R-2 and R-3 which were created from a preliminary plat approved prior to October 18, 2022.

STAFF ANALYSIS: On October 18, 2022, Council adopted amendments to Article 5 and other sections of the LMO addressing residential zoning districts. As part of this amendment the rear setback for properties zoned R-2 and R-3 was increased from 25 feet to 35 feet to help address potential conflicts with R-1 zoned properties.

Since then, staff has realized that properties designed and approved prior to that date cannot accommodate typical house plans and meet the 35-foot rear setback. This amendment will allow the 25-foot rear setback as designed for properties which were created from a preliminary plat prior to October 18, 2022.

All preliminary plats in R-2 and R-3 zones submitted after October 18, 2022, must include a 35-foot rear setback.

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 this plan.
- (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.
Rear setback in the R-2 and R-3 districts was increased from 25' to 35' by Ordinance 2022-39 adopted October 18, 2022. Several preliminary plats, designed with the 25' rear setback, were approved prior to this change. The preliminary plats were designed based on a 25' rear setback.
- (4) Whether, and the extent to which the proposed amendment addresses a demonstrated community need.
The increased rear setback adopted in 2022 is intended to help reduce the impact of new residential development adjacent to existing developments, particularly those zoned R-1. Only

one of ten R-2 and R-3 developments approved before October 18, 2022, is located adjacent to an R-1 development.

- (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.

Among the purposes and intent of the Land Management Ordinance are:

- Provide adequate light, air, and open space.
- Prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets.
- Regulate the density and distribution of population and the use of buildings and structures and land...

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

The amendment allows properties designed to accommodate a 25' rear setback to develop without the need for variance from the ordinance. Existing properties developed prior to changing the rear setback will not become non-conforming.

- (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.

Proposed Text:

Replace Table 5-2-1 in Section 5-2.1 as follows:

Sec. 5-2. Building Setbacks.

5-2.1. *Minimum building setbacks.* Minimum building setbacks are established in Table 5-1-3.

Table 5-2-1: Minimum building setbacks¹				
See Appendix A for requirements in Form Based Code districts.				
Zoning District	Front Setback and Corner Lot Side Setback		Interior Lot Side Setback	Rear Setback
	Arterial/ Collector Street	Minor Street		
Residential Districts				
R-Ag Residential-Agricultural	50'	50'	15'	35'
R-1 Single-Family Residential	40'	30'	10'	35'
R-2 Single-Family Residential	40'	25'	8'	35' ⁴
R-3 Single-Family Residential	40'	25'	8'	35' ⁴
R-TH Residential Town House Development (See Section 4-3.1(A) for individual lot standards)	40'	25' ²	25'	25'
RM-1 Multi-Family Residential	40'	25'	C	35'
Nonresidential uses in RM-1	40'	25'	25'	35'
RM-2 Multi-Family Residential	40'	25'	25'	35'
R-MH Residential Manufactured Home Development (See Section 4-3.1(B) for individual lot standards)	40'	25'	25'	25'
Commercial Districts				
OI Office Institutional District ³	40'	25'	A	A
C-1 Highway Commercial District				
Multifamily < 7 units	40'	25'	C	25'
Multifamily > 6 units	40'	25'	25'	25'
Commercial or mixed-use	40'	25'	A	A
C-2 General Commercial District³				
Multifamily < 7 units	40'	25'	C	25'
Multifamily > 6 units	40'	25'	25'	25'
Commercial or mixed-use	40'	25'	A	A
C-3 Central Business District (CBD)				
Multifamily	10'	10'	A	A
Commercial or mixed-use	none	none	A	A
LC Local Commercial District ³	40'	25'	A	25'
Industrial Districts				
M-1 Wholesale & Light Industrial	50'	50'	B	B
M-2 Industrial	50'	50'	B	B
<p>A. None, except 25 feet when abutting a residential district.</p> <p>B. None, except 50 feet when abutting a residential district.</p> <p>C. 8' plus 2 additional feet for each story above 2 stories.</p> <p>1. Setbacks for accessory structure are 5 feet from rear and interior side property lines, unless the otherwise required setback listed above is less. (Also see Sec. 4-4.2(E))</p> <p>2. The minimum front setback for townhouses abutting a pocket greenspace is 10'.</p> <p>3. Single-family dwellings in non-residential districts shall comply with the setbacks established in the R-3 zoning district.</p> <p>4. 25' for properties created by a preliminary plat approved prior to October 18, 2022.</p>				



Where Georgia comes together.

Application # TEXT-0112-2023

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

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


Request

*Please provide a summary of the proposed text amendment:

Modify Table 5-1-2 to allow a 25-foot rear setback for properties zoned R-2 and R-3 which were created from a preliminary plat approved prior to October 18, 2022.

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	10/6/2023
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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.

Rear setback in the R-2 and R-3 districts was increased from 25' to 35' by Ordinance 2022-39 adopted October 18, 2022. Several preliminary plats, designed with the 25' rear setback, were approved prior to this change. The preliminary plats were designed based on a 25' rear setback.

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

The increased rear setback adopted in 2022 is intended to help reduce the impact of new residential development adjacent to existing developments, particularly those zoned R-1. Only one of ten R-2 and R-3 developments approved before October 18, 2022 is located adjacent to an R-1 development.

(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.

Among the purposes and intent of the Land Management Ordinance are:

- Provide adequate light, air, and open space.
- Prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets.
- Regulate the density and distribution of population and the use of buildings and structures and land...

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

The amendment allows properties designed to accommodate a 25' rear setback to develop without the need for variance from the ordinance. Existing properties developed prior to changing the rear setback will not become non-conforming.

(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.