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Planning Commission Agenda
Monday, March 11, 2024 6:00pm
Perry City Hall 808 Carroll Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from February 12, 2024 regular meeting and February 26, 2024 work session
 - 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.
5. Citizens with Input
6. Old Business
7. Public Hearing (Planning Commission decision)
8. New Business

Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on April 2, 2024)

A. **RZNE-0014-2024**. Rezoning of property at 1015 Northside Drive. The applicant is Dylan Wingate, WCH Homes.
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 - February 12, 2024

1. Call to Order : Chairman Edwards called the meeting to order at 6:01pm.
2. Roll Call: Chairman Edwards; Commissioners Butler, Guidry, Jefferson, Hayes, Mehserle and Ross were present.

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

Guests: Meagan Monserrat and Dan Peterson

3. Invocation- was given by Commissioner Mehserle.
4. Approval of Minutes from January 8, 2024

Commissioner Butler motioned to approve as submitted; Commissioner Ross 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 phones in silent mode.
6. Citizens with Input None
7. Old Business – Tabled from January 8, 2024 meeting – Chairman Edwards advised the applicant has withdrawn request.
Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on March 5, 2024)
 - A. **DE-ANNX-0149-2023**. De-annexation of property at 2440 and 0 GA Hwy 127. The applicant is Centerpoint Church of Georgia, Inc. (*Applicant has withdrawn application*)
8. New Business
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on March 5, 2024)
 - **SUSE 0173-2023**. Special exception for property at 203 Havant Way. The applicant is Meagan Monserrat.

Ms. Carson read the applicants' request which was for the operation of a home bakery, along with staff responses. Staff was recommending approval with the following conditions:

Chairman Edwards opened the public hearing at 6:07pm and called for anyone in favor of the request. The applicant, Ms. Monserrat reiterated the request and advised she was doing so to abide by regulations and obtain her cottage license from the state. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:08pm.

Chairman Edwards asked Ms. Monserrat if she was in agreement with staff conditions; she advised she was. Commissioner Ross inquired how orders are taken; Ms. Monserrat advised pre-ordered online.

Commissioner Butler motioned to recommend approval to Mayor and Council with the following conditions: 1. Limited to the use and business details specified in the application documents; 2. Limited to the applicant, Megan Monserrat, and is not transferable; and 3. Applicant must provide state certification to sell home-baked goods prior to the issuance of a Perry Occupational Tax Certificate; Commissioner Hayes seconded the motion; all in favor with a unanimous recommendation.

9. Other Business

Mr. Wood advised there will be a number of text amendments on the agenda with the first being revisions to the Planned Unit Development regulations and provided research and information for discussion at the February work session. Mr. Wood noted future discussions will include the minimum standards for exterior finishes on single family homes, Maintenance & Performance Guarantee that has been revised from previous discussions and is out for comment with the development community, design guidelines for non-residential and multi-family, subdivision regulations. The March work session will discuss street profiles and layout and sidewalk layout, as further direction has been provided by Council.

10. Commission questions or comments – None

11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:22pm.

DRAFT

Planning Commission Work Session Agenda
Minutes - February 26, 2024

1. Call to Order: Chairman Edwards called the meeting to order at 5:30pm.
2. Roll Call: Chairman Edwards; Commissioners Guidry, Jefferson, Mehserle, Hayes and Ross were present. Commissioner Butler was absent.

Staff: Bryan Wood, Community Development Director and Kevin Gore, Chief Building Official

3. Citizens with Input -None
4. Capital Improvement Projects Update- Mr. McMurrian provided an update on current projects
5. New Business
 - Vinyl Siding – Wood provided information on various grades of vinyl siding and the cost of vinyl and cement fiber siding. The commission discussed these items and issues related to melting and warping of vinyl siding. The commission recommended vinyl siding should not be prohibited in Perry because of its affordability. Requiring a higher grade of vinyl siding is not appropriate since the grade of vinyl siding does not resolve the melting issue or address improper installation. Additionally, building inspectors cannot confirm the grade of the siding or insure its proper installation. Considerations for the melting issue: set minimum separation between houses with side windows, require no side windows within certain distances of another house, require sun screens on side windows within certain distances of another house. Trees, shrubs, and fences may also help, depending on space and other dimensional factors.
 - PUD Purpose and Standards – Wood presented information from other communities' PUD ordinances. The commission discussed concerns about the current PUD ordinance. They recommended update the purpose and intent statement; include statement that PUDs are not intended to be used as an alternative to obtaining one or more variances for developments unable to comply with the provisions of a standard zoning district; include statement that approval of a PUD in one location of the City does not necessarily indicate a PUD is suitable in other locations; update standards and required information to include design and materials information for all proposed uses, including single-family residential uses; continue to allow single-use PUDs, but like all PUDs must include unique elements that make it a better development than could be created using standard zoning districts and will benefit the City and the PUD occupants; consider a two-step process which involves the Planning Commission early in the process of creating a proposed PUD, rather than reacting to a proposal at the end; and establish a list of amenities which should be incorporated, particularly for a single-use PUD. Amenities may include:
 - Parks, recreation, open space?
 - Multi-use trails?
 - Buffers?
 - Percentage of housing as workforce/affordable?
 - Others?
6. Other Business – None
7. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:50 pm.



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STAFF REPORT

From the Department of Community Development

March 7, 2024

CASE NUMBER: RZNE-0014-2024

APPLICANT: WCH Homes/Dylan Wingate

REQUEST: Rezone from R-2, Single-Family Residential to C-3, Central Business

LOCATION: 1015 Northside Dr; Tax Map No: 0P0020 020000

BACKGROUND INFORMATION: The subject property is a 0.65-acre property located near the end of Northside Dr, closer to Macon Rd. It is directly across from the Perry Events Center and shares a property line with the lofts that are currently under development.

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 or restrictions which prevent the property from being used as a C-3, Central Business development.

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

| | Zoning | Land Use |
|-------|--------------------------------|---------------------------|
| North | C-3, Central Business | Multi-family residential |
| South | GU, Governmental Use | Events facility |
| East | R-2, Single Family Residential | Single-family residential |
| West | C-3, Central Business | Commercial businesses |

- 2. The suitability of the subject property for the zoned purposes.** The subject property is suitable for use as a single-family residence, but it can be easily used for commercial purposes.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The property values are not diminished by the current zoning.
- 4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** 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 public would gain access to a historic property as a business that contributes to the local economy. There is no hardship imposed on the owner.
- 6. Whether the subject property has a reasonable economic use as currently zoned.** Single-family dwellings are a reasonable use under the current zoning. However, proximity to the downtown Central Business District suggests that single-family residential use may not enjoy the same peace and quiet afforded typical residential areas.
- 7. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The property was occupied as a residence until it was sold to the current owner in December 2023.

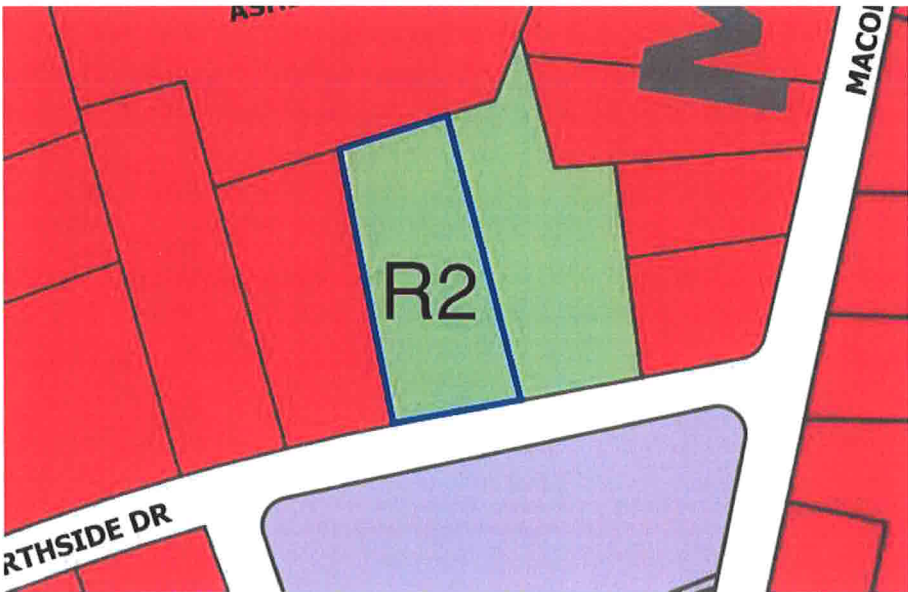
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The proposed rezoning will compliment the surrounding uses by contributing to the offerings within the Downtown Perry footprint. Additionally, the current structure may be moved to another area in the future which would allow this parcel to be developed with a structure that further compliments the downtown landscape.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** There is no adverse effect to adjacent or nearby properties.
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 an adaptive reuse of structures and active retail uses on the ground level of buildings.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The proposed zoning has no substantial impact on existing public facilities.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** The property shares a property line with a mixed-use development that will create more foot traffic to support commercial use within the subject property.

STAFF RECOMMENDATION: Staff recommends approval of this application as submitted.

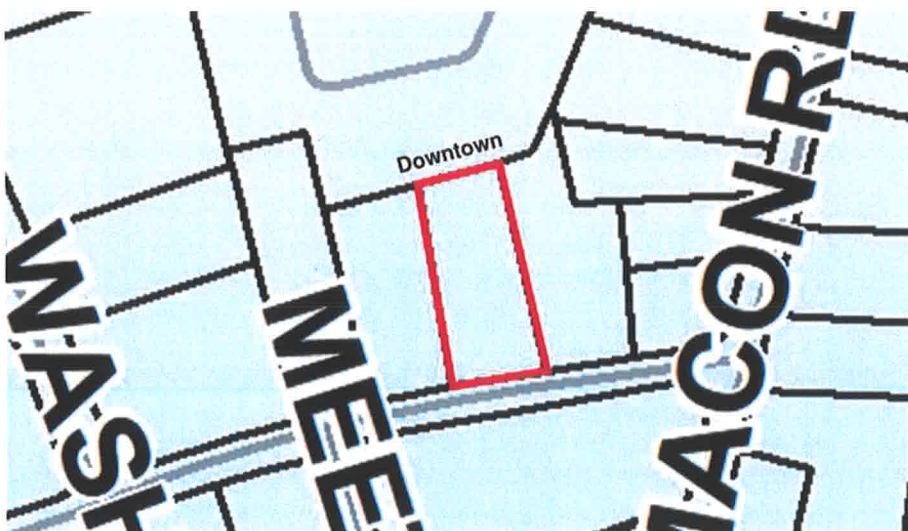


RZNE-0014-2024
1015 Northside Dr
Rezone from R2 to C3

Aerial



Zoning



Character Area



Where Georgia comes together.

Application #RZNE0014-2023

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

| | *Applicant | *Property Owner |
|----------|--|--|
| *Name | WCH Homes / Dylan Wingate | WCH Homes / Dylan Wingate |
| *Title | Owner / VP | Owner / VP |
| *Address | 817 GA-247, Unit 10 Kathleen, GA 31047 | 817 GA-247, Unit 10 Kathleen, GA 31047 |
| *Phone | [REDACTED] | [REDACTED] |
| | [REDACTED] | [REDACTED] |

Property Information

| | |
|-----------------------------|---|
| *Street Address or Location | 1015 Northside Dr |
| *Tax Map Number(s) | 0P0020 020000 |
| *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 | R2 | *Proposed Zoning District | C3 |
| *Please describe the existing and proposed use of the property Note: A Site Plan or other information which fully describes your proposal may benefit your application. | | | |
| Commercial zoning to match 1009 Northside Dr | | | |

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 X
If yes, please complete and submit a Disclosure Form available from the Community Development office.

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

9. Signatures:

| | |
|----------------------------------|------------------|
| *Applicant | *Date 1/31/24 |
| *Property Owner/Authorized Agent | *Date 1/31/24 |

Standards for Granting a Rezoning

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

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

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

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

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

The existing land use is residential; however the property next to it is zoned for C3 commercial use which is also property we own.

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

The subject property is suitable for the zoned purposes of commercial use.

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

There will be no diminishment to any property values in the area being that the surrounding properties are C3 and R2. The property values will enhance in the area around it and be a good property enhancement for the surrounding 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 little to no promotion of health, safety, morals or general welfare of the public by denying Applicant request to rezone the referenced property to C3.

(5) The relative gain to the public as compared to the hardship imposed upon the individual property owner; The public does not appear to gain by maintaining the current zoning of the property.

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

The subject property does not have a reasonable economic use as being zoned R2. It will have much higher use for the area being C3 providing much more influence on the economy and producing lots of income for the city tax basin moving forward..

(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 has been an zoned for R2 since it was built in 1917. Recorded utility building site was 1975.

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

The proposed zoning district would result in uses that are consistent with the adjacent and nearby property at 1009 Northside Dr as commercial

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

The proposed zoning district is not expected to adversely affect the existing uses of adjacent properties. The proposed zoning does align with 1009 Northside Drive, The Lofts.

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

The proposed zoning is in conformity with the policies and intent of the 1009 Northside Dr. The subject property is designated as commercial use.

(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

The proposed zoning will not result in any excessive burdensome on existing infrastructure.

(12) Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.

The current conditions support rezoning this property and would complement nearby neighborhoods. With the continued growth in Perry, there is interest in commercial development near residential communities.

RE: [External] Rezoning application

[Redacted]

Wed 1/31/2024 10:02 AM

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

No sir there are none

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

Sent: Wednesday, January 31, 2024 9:59 AM

To: Kayla <Kaylav@wchhome.com>; Dylan <Dylanw@wchhome.com>

Subject: Re: [External] Rezoning application

Thank you. If you would let me know if there are any covenants and restrictions on the property which do not allow uses in the C-3 district, we will have everything we need.

Bryan Wood

Community Development Director

City of Perry

741 Main Street

P.O. Box 2030

Perry, GA 31069

Office 478-988-2714

Mobile 478-235-2537

<http://www.perry-ga.gov>

From: Kayla <[Redacted]>

Sent: Tuesday, January 30, 2024 10:49 AM

To: Bryan Wood <bryan.wood@perry-ga.gov>; Dylan <[Redacted]>

Subject: RE: [External] Rezoning application

Please see the attached standards

Return to:

Varner & Peacock, LLC
1719 Russell Parkway, Building 200
Warner Robins, Georgia 31088
478-922-3010
478-328-9911
File No. 23-16709

----- Above this line for Official Use Only -----

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HOUSTON

THIS DEED, made the 20th day of December, 2023 between Clinton Snyder Chapman, hereinafter called Grantor, and WCH Development, LLC, a Georgia limited liability company, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective successors and assigns where the context requires or permits).

WITNESSETH THAT: Grantor, for and in consideration of the sum of other valuable consideration and Ten and No/100 Dollars (\$10.00), in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

All that tract or parcel of land situate, lying and being in Land Lot 49 of the Tenth (10th) Land District of Houston County, Georgia, comprising 0.652 acre, and being more particularly described on a Survey for George W. Court II prepared by Jones Surveying & Engineering, Inc., certified by Lee R. Jones, Georgia Registered Land Surveyor No. 2680, dated December 10, 1999, a copy of which is of record in Plat Book 55, Page 67, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto for all purposes.


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

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

AND THE SAID Grantor, for its successors and assigns, will warrant and forever defend the right and title to the above described property, unto the said Grantee, their heirs and assigns, against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

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


Signed, sealed and delivered in
the presence of:



Witness



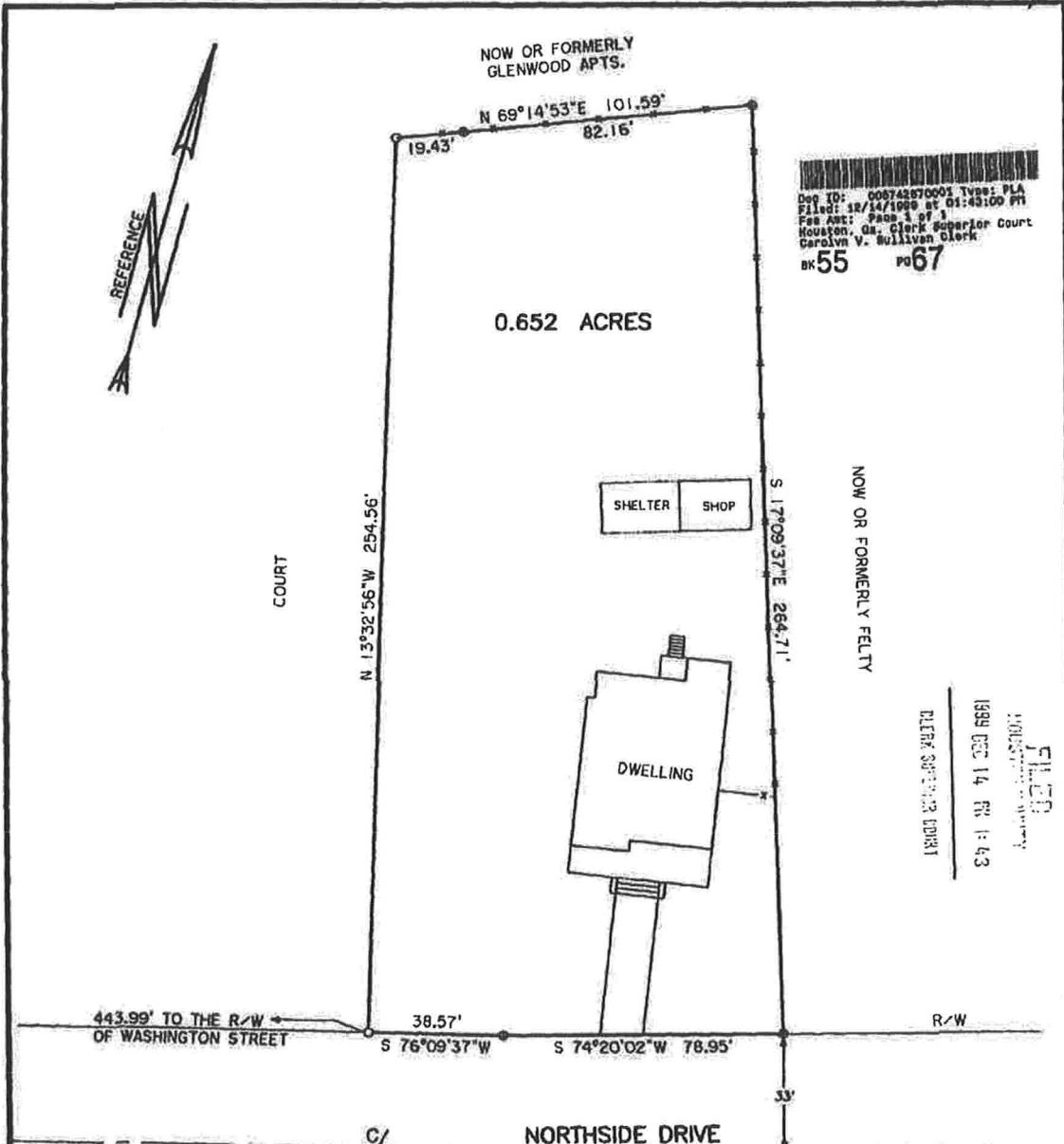
Clinton Snyder Chapman (SEAL)



Notary Public



5. '67



Doc ID: 000742870001 Type: PLA
 Filed: 12/14/1999 at 01:43:00 PM
 Fee Amt: Page 1 of 1
 Houston, Ga. Clerk Superior Court
 Carolyn V. Sullivan Clerk
 BK 55 PG 67

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 1999 DEC 14 PM 1:43
 CLERK SUPERIOR COURT

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- IRON PIN PLACED

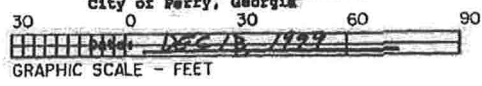
REFERENCE: SURVEY FOR NORMAN FELTY BY JONES SURVEYING CO. DATED APRIL 29, 1987

CERTIFICATION
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 31225 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 144233 FEET.
 THE LINEAR AND ANGULAR MEASUREMENT SHOWN ON THIS PLAT WERE OBTAINED BY USING A LEITZ SET 3 ELECTRONIC TOTAL STATION.



APPROVED FOR RECORDING

Joseph P. Marshall
 Planning and Zoning Department
 City of Perry, Georgia



SURVEY FOR
GEORGE W. COURT II
 0.652 ACRES
 LAND LOT 49 10TH DISTRICT
 HOUSTON COUNTY, GEORGIA
 SCALE 1" = 30' DECEMBER 10, 1999
JONES SURVEYING & ENGINEERING INC.
 PERRY, GEORGIA (912) 987-2705