

Where Georgia comes together.

Planning Commission Agenda Monday, January 08, 2024 6:00pm Perry City Hall 808 Carroll Street, Perry

- 1. Call to Order
- 2. Roll Call
- 3. Invocation
- 4. Election of Officers Chair and Vice Chair
- 5. Approval of Minutes from December 11, 2023
  - 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-0169-2023. Variance for property located at 904 Commerce Street. The applicant is Craig Wysong, Super Custom Signs. (Applicant has withdrawn application)
  - B. <u>Informational Hearing</u> (Planning Commission recommendation Scheduled for public hearing before City Council on February 6, 2024)
    - **DE-ANNX-0149-2023.** De-annexation of property at 2440 and 0 GA Hwy 127. The applicant is Centerpoint Church of Georgia, Inc.
- 9. Other Business
- 10. Commission questions or comments
- 11. Adjournment

# Planning Commission Minutes – December 11, 2023

- 1. Call to Order: Chairman Edwards called the meeting to order at 6:00 pm.
- 2. <u>Roll Call:</u> Chairman Edwards and Commissioners Butler, Guidry, Jefferson, Mehserle, and Moody were present. Commissioner Ross was absent.

<u>Staff:</u> Bryan Wood – Community Development Director; Emily Carson – Community Planner, and Joni Ary – Recording Clerk

Guests: Anthony Hayes, Chad Bryant, Robert Cortez, and Stewart Slappey

- 3. Invocation: was given by Commissioner Moody
- 4. <u>Approval of Minutes</u> from November 13, 2023 Commissioner Jefferson motioned to approve as submitted; Commissioner Mehserle seconded; all were in favor and 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 None.
- 8. New Business
  - A. Public Hearing (Planning Commission decision)
    - VAR#0154-2023. Variance for property located at 720 Perry Parkway. The applicant is La Crosse Sign Group, Carlee Strong.

Ms. Carson advised the request is to increase the allowed wall signage from one per exterior wall to two signs per exterior wall on the east elevation and the maximum allowed square footage per sign face from 300 sq ft to 690 sq ft on the south elevation. Ms. Carson stated staff recommends approval of the variance request.

Chairman Edwards opened the public hearing at 6:04 pm and called for anyone in favor of the request. Mr. Robert Cortez, 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 6:07 pm.

Commissioner Mesherle motioned to approve as submitted; Commissioner Butler seconded; all in favor and was approved with a vote of 4 to 1, with Commissioner Moody opposed.

• VAR#0153-2023. Variance for property located at 104 & 108 Mims Court and 1214 Washington Street. The applicant is Bryant Engineering.

Ms. Carson advised the request is to reduce the front yard setback along Mims Court and Washington Street and waive common open space requirements. Ms. Carson advised that based on the analysis above and the site plan presented by the applicant, staff recommends approval of the variance request.

Chairman Edwards opened the public hearing at 6:22 pm and called for anyone in favor of the request. Mr. Chad Bryant, the applicant, had no additional comments. Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 6:23 pm.

Commissioner Guidry motioned to approve as submitted; Commissioner Moody seconded; all were in favor and was unanimously approved.

• **PLAT#0158-2023.** Preliminary plat for Mims Court Townhomes. The applicant is Bryant Engineering.

Mr. Wood advised the request for a preliminary plat for Mims Court townhomes. Mr. Wood stated that Staff recommends approval of the preliminary plat with the following conditions: (1). Subject to sanitary sewer availability, (2). Subject to approval of the variance to reduce the front setbacks to 15' on Mims Court and 20' on Washington Street.

Chairman Edwards opened the public hearing at 6:26 pm and called for anyone in favor of the request. Mr. Chad Bryant, the applicant, had no additional comments. Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 6:26 pm.

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

- B. <u>Informational Hearing</u> (Planning Commission recommendation Scheduled for public hearing before City Council on January 2, 2024)
  - **RZNE#0156-2023.** Rezone 206 and 208 Hickory Drive from R-2 to RM-1 Multi-Family, Residential District. The applicant is Slap Nuts, LLC.

Mr. Wood advised the request was to rezone 206 and 208 Hickory Drive from R-2 to RM-1 Multi-Family residential district. There is currently no land development on the existing street and the property has always been vacant.

Chairman Edwards opened the public hearing at 6:30 pm and called for anyone in favor of the request. Mr. Stewart Slappey, the applicant, had no additional comments. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:30 pm.

Commissioner Butler motioned to recommend approval as submitted; Commissioner Guidry seconded; all in favor and was unanimously recommended for approval.

• **TEXT#0157-2023.** Amend the LMO to modify/clarify time periods within which Council and Planning Commission must act on certain applications and to allow motororized wheeled mobile food vendor vehicles to be parked in the C-3 district. The applicant is the City of Perry.

Mr. Wood stated the request is to modify Section 2-2-2 to clarify periods of action by the Planning Commission and City Council on applications for rezoning, annexation and zoning of land, de-annexation, text amendment, and special exception per the City Attorney recommendation and modify Sections 1-13, 6-1.10, and 6-3.7 to define "mobile food vendor vehicle" and to provide for motorized wheeled mobile food vendor vehicles to park in the C-3 district on the same lot as a restaurant of the same name.

Chairman Edwards opened the public hearing at 6:41 pm and called for anyone in favor of the request. The City of Perry, the applicant, had no additional comments. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:41 pm.

Commissioner Moody motioned to recommend approval as submitted; Commissioner Mesherle seconded; all in favor and was unanimously recommended for approval.

# 9. Other Business.

Mr. Wood congratulated Commissioner Moody for ascending to the role of Council Member starting in January 2024. Mr. Wood thanked Commissioner Moody for all his work for the Commission. Mr. Wood also introduced Mr. Anthony Hayes to the Commission; Mr. Hayes will assume Mr. Moody's position. Mr. Wood wished everyone a Merry Christmas and a Happy New Year.

10. Commission questions or comments.

Chairman Edwards thanked Commissioner Moody for his dedication to the Commission. Commissioner Moody stated he had enjoyed his time and thanked everyone.

11. <u>Adjournment</u>: there being no further business to come before the Commission, the meeting was adjourned at 6:50 pm.



# **STAFF REPORT**

From the Department of Community Development January 4, 2024

**CASE NUMBER:** 

ANNX-0149-2023

APPLICANT:

Centerpoint Church of Georgia, Inc.

REQUEST:

De-annex property from the City Boundary

LOCATION:

2440 Hwy 127; Tax Map No. 0P0490 08000; 0P0490 079000

**REQUEST ANALYSIS:** The applicant requests the subject property be de-annexed from the City of Perry. The church indicates in the application that they no longer need the services the City of Perry provides.

City Council's policy is not to de-annex property unless the City cannot provide services. Water and sanitary sewer services are available to the property and would be necessary to provide the capacity needed for the sanctuary expansion. Furthermore, the Houston County Health Department requires soil testing and plans from a licensed engineer before approving any septic system expansions. No such plans have been submitted to the health department as of the date on this report.

Since the request is for de-annexation and no zoning classification is requested, there are no standards established by ordinance to consider.

STAFF RECOMMENDATION: Staff recommends denial of the request for de-annexation of the property.

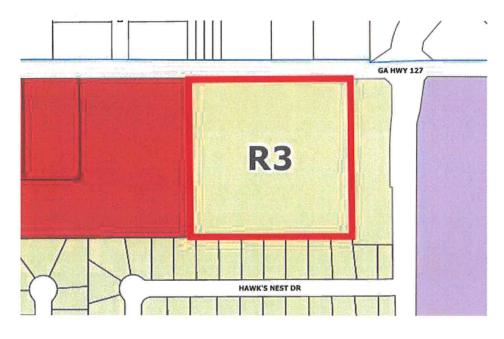


De-Annex 0149-2023

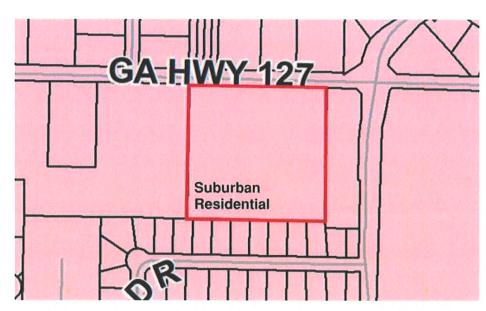
2440 Hwy 127

A request to de-annex from the City of Perry

**Aerial** 



Zoning



**Character Area** 



De-Annx-4 Application # 0149-2023

# Application for De-Annexation

Community Development (478) 988-2720

## **Contact Information**

*Applicant	*Property Owner	
CENTERDOINT Church of Eleorgia INC	Centerpoint Church of Geolgia I	
U	J	
2440 GA HWU 127	2440 OA HWY 127	
478 - 333 - 2754	478-333-2754	
	Centerpoint Church of Eleorgia INC 2440 GA HWY 127 478-333-2754	

Property Information				
*Street Address or Location *Tax Map #(s)				
*Legal Description Place of WD(SN: P A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a				
deed is not available; B. Provide a survey plat of the property, tied to the Georgia Planes Coordinate System. Q#ached#2-13				
parcel 10's & PO490 080000 - Request > 2400 Ga Hwy 127 > Kathicen Ga 310	247			
*Reason for your request (include additional sheets if needed):				
see attachment that				

# Instructions

- 1. 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 - 2.

Indicates Pequired Field

- 9.278 x26 = \$241.23 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
- See Section 2-2.2 of the Land Management Ordinance for procedures.
- The staff will 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.
- Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled planning commission and city council hearing dates.
- 8. \*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 W

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

10. \*Signatures: By signing below 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	Alan H. Rowell	Date 12/4/23
*Property Owner/Authorized Agent	1 man millioner	*Date 4/2

We are requesting de-annexation from the City of Perry for several reasons:

- 1. We will no longer need of the utilities that the city offers (sewer, water, etc.)
- 2. Our designation of R3 does not meet the needs that we have for our property.
- 3. We have been meeting with Architects, Engineers, and General Contractors about the development of our property. They have all indicated the challenges in working with the City of Perry. These challenges include, lack or poor response time, unreasonable requirements and just an overall bottleneck in the construction process.
- 4. The City of Perry has NOT provided any services or infrastructure to the property so now is the time for us the make the change.

Type: GEORGIA LAND RECORDS Recorded: 5/27/2022 10:39:00 AM Fee Amt: \$25.00 Page 1 of 3 Transfer Tax: \$0.00 Houston, Ga. Clerk Superior Court Carolyn V. Sullivan Superior Court Clerk

Return: William R. Jerles, Jr. Daniel, Lawson, Tuggle & Jerles, LLP Post Office Box 89 Perry, Georgia 31069

BK 9716 PG 314 - 316

Participant ID(s): 7491002503,

0466245412

File No.: 95-14700-R

LIMITED WARRANTY DEED

STATE OF GEORGIA COUNTY OF HOUSTON

THIS INDENTURE, Made the day of May, in the year two thousand twenty-two, between

# HOUSTON COUNTY SCHOOL DISTRICT, BY AND THROUGH ITS DULY ELECTED HOUSTON COUNTY BOARD OF EDUCATION

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

### CENTERPOINT CHURCH OF GEORGIA, INC.

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

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

All that tract or parcel of land lying and being in Land Lots 182 and 203 of the Thirteenth (13<sup>th</sup>) Land District of Houston County, Georgia, and being known and designated as Tract "C", containing 1.93 acres as shown on a plat of survey prepared by Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, dated March 27, 2015, and recorded in Plat Book 77, Page 28, 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.

Grantor reserves onto itself and Grantee covenants and agrees that Grantor shall have an easement for ingress and egress, and use over across and upon the Property in order to use said Property for overflow parking during the following special events:

- Field Day generally held in May
- 2. Egg Drop generally held in April/May
- 3. Cinderella Ball generally held in April/May
- Fifth Grade and Kindergarten promotion celebration generally held in May
- 5. School meet and greet event generally held in July/August
- 6. Military Family Breakfast generally held in April
- 7. Fun Run or similar event generally held in September/October
- 8. Any such other school events for which overflow parking may be necessary

Said property is conveyed subject to the following Restrictive Covenants: No Buildings shall be built or placed on the above-described property and the property shall be used solely for a parking area. No other uses shall be allowed.

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

AND THE SAID GRANTOR warrants and will forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through or under the Grantor.

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

\*\*\*SIGNATURES ON THE FOLLOWING PAGE\*\*\*

HOUSTON COUNTY SCHOOL DISTRICT, BY AND THROUGH ITS DULY ELECTED HOUSTON COUNTY BOARD OF EDUCATION

By: Legith (SEAL)

Signed, sealed and delivered in the presence of:

Witness

Notary Public

Claudia A McDaniel NOTARY PUBLIC Houston County, GEORGIA My Commission Expires 04/26/2025

Attest:

\_(SEAL)

MARK SCOTT, SUPERINTENDENT

Signed, sealed and delivered in the presence of:

Witness

Notary Public

Claudia A McDaniel NOTARY PUBLIC Houston County, GEORGIA My Commission Expires 04/26/2025

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

Type: GEORGIA LAND RECORDS Recorded: 9/14/2021 12:01:00 PM Fee Amt: \$541.30 Page 1 of 2 Transfer Tax: \$516.30 Houston, Ga. Clerk Superior Court Carolyn V. Sullivan Superior Court Clerk

Participant ID(s): 6811174267, 7067927936

BK 9348 PG 65 - 66

(Above space for recording officer use.)

After recording return to:

File No.: P21-439

# WALKER HULBERT GRAY & MOORE, LLP

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

STATE OF GEORGIA COUNTY OF HOUSTON

# WARRANTY DEED

THIS INDENTURE, Made the \_\_\_\_\_ day of September, in the year two thousand twenty-one (2021), between

# THE RIVER AT HOUSTON COUNTY CHURCH COMMUNITY, INC.,

a Georgia nonprofit corporation

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

# CENTERPOINT CHURCH OF GEORGIA, INC.,

a Georgia nonprofit corporation

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

All that tract or parcel of land situate, lying and being in Land Lot 182, 10th Land District, Houston County, Georgia, being known and designated as 7.50 acres, according to a survey for New Hope Church of God, prepared by Scarborough Land Surveys, Inc., dated July 24, 1995, recorded in Plat Book 47, Page 84, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated herein by reference thereto for all purposes.

LESS AND EXCEPT that certain acreage contained in Georgia Department of Transportation Right of Way Deed dated October 11, 2002 and recorded in Deed Book 2258, Page 53, Clerk's Office, Houston Supeiror Court.

Deed Reference: Deed Book 4669, Page 59, said Clerk's Office.

Houston County Tax Map Parcel No.: 000810 059000

Street Address: 2440 GA Highway 127, Kathleen, Georgia 31047

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

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

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

THE RIVER AT HOUSTON COUNTY CHURCH COMMUNITY, INC., a Georgia nonprofit corporation

By:

STEVE WOOD, Pastor / President

Signed, sealed and delivered

in the presence of:

Attest:

MICHAEL ANDORFER, Director / Treasurer

[Corporate Seal]

Witness

Jelly flr S Pi Cle

My Commission Expires:

1/28/2024

(Notary Seal)

JENIFER S. PICKENS
NOTARY PUBLIC
Houston County
State of Georgia

State of Georgia My Commission Expires 1/28/2024

Recorded: 9/14/2021 12:01:00 PM
Fee Amt: \$25.00 Page 1 of 5
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Superior Court Clerk

Participant ID(s): 6811174267, 7067927936

BK 9348 PG 67 - 71

(Above space for recording officer use.)

File No.: P'21-#439

WALKER, HULBERT, GRAY & MOORE, LLP 909 BALL ST. \* P.O. BOX 1770 PERRY, GEORGIA 31069 ATTN: JOHN W. HULBERT

> Cross Reference: Deed Book 4669, Pages 60-62

# ASSUMPTION AGREEMENT

STATE OF GEORGIA COUNTY OF HOUSTON

THIS ASSUMPTION AGREEMENT is made and entered into this day of September, 2021, by and between The River at Houston County Church Community, Inc., "Grantor"; Centerpoint Church of Georgia, Inc., "Grantee" and Persons Banking Company, formerly known as The Bank of Perry, the "Bank", all of whom are sometimes referred to herein as the "Parties".

# WITNESSETH:

WHEREAS, on June 2, 2008, Grantor acquired property located in Houston County, Georgia described as:

All that tract or parcel of land situate, lying and being in Land Lot 182, 10th Land District, Houston County, Georgia, being known and designated as 7.50 acres, according to a survey for New Hope Church of God, prepared by Scarborough Land Surveys, Inc., dated July 24, 1995, recorded in Plat Book 47, Page 84, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated herein by reference thereto for all purposes.

LESS AND EXCEPT that certain acreage contained in Georgia Department of Transportation Right of Way Deed dated October 11, 2002 and recorded in Deed Book 2258, Page 53, Clerk's Office, Houston Supeiror Court.

Deed Reference: Deed Book 4669, Page 59, said Clerk's Office.

Houston County Tax Map Parcel No.: 000810 059000

Street Address: 2440 GA Highway 127, Kathleen, Georgia 31047;

and

WHEREAS, the Bank financed for Grantor a portion of the purchase price of the Real Property, evidenced by a promissory note executed by Grantor in favor of the Bank, said note being described as follows:

Promissory Note from The River at Houston County Church Community, Inc. dated June 2, 2008, in the original principal sum of \$1,057,385.00, as subsequently modified, with the outstanding principal balance as of September 1, 2021 being \$516,288.94.

which said note is hereinafter referred to as the "Note"; and

WHEREAS, the Real Property serves as collateral and security for the repayment of the Note, said security being evidenced by a security instrument, described as follows:

Deed to Secure Debt from The River at Houston County Church Community, Inc. to The Bank of Perry dated June 21, 2008, of record in Deed Book 4669, Pages 60-62, Clerk's Office Houston County Superior Court, in the original principal sum of \$1,057,385.00, which said security instrument is hereinafter referred to as the "Deed to Secure Debt"; and

WHEREAS, the Note and Deed to Secure Debt are continuing obligations of Grantor; and

WHEREAS, Grantor desires to sell and convey the real property to Grantee subject to the indebtedness represented by the Note, which is secured by the Deed to Secure Debt; and

WHEREAS Grantee desires to purchaser the real property subject to the continuing obligations and indebtedness represented by the Note which is secured by the Deed to Secure Debt; and

WHEREAS, the Bank is willing to consent to such sale, purchase and assumption, provided certain promises, representations and assurances are provided to it by Grantor and Grantee; and

WHEREAS, the parties desire to embody their agreement in this regard in memorandum form, which shall be duly recorded in the Real Property Records of Houston County, Georgia.

NOW, THEREFORE, in consideration of the premises, the mutual promises contained herein, the payment of valuable considerations to the Bank, the Bank's consent to the sale of the real property and assumption of the Note and the Deed to Secure Debt by Grantee and other good and valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, the Parties do agree, contract and covenant as follows:

#### (1) Assumption by Grantee

Grantee hereby ratifies and affirms the provisions of the sale of the real property from Grantor to Grantee, and Grantee hereby specifically assumes and agrees to pay the debts represented by the Note and so secured by the Deed to Secure Debt. Grantee further agrees to be bound by all of the terms, provisions and obligations contained in the Note and the Deed to Secure Debt, which said instruments are incorporated herein and by reference thereto for all purposes, including, but not by way of limitation, a more complete description of the obligations and undertakings so assumed and agreed to by Grantee.

IN WITNESS WHEREOF, the parties have set their hands and seals, the day and year first above written.

Grantor: The Riverat Houston County Community Church Inc., a Georgianonprofit corporation OOD, Pastor / President Attest: MICHAEL ANDORFER, Director / Treasurer (Corporate Scal) As to Grantor, signed, sealed and delivered in the presence of the undersigned: Witness Notary Public JENIFER S. PICKENS Grantee: **NOTARY PUBLIC Houston County** State of Georgia Centerpoint Church of Georgia, Inc., a Georgia My Commission Expires 1/28/2024 nonprofit corporation OMER, Lead Pastor / President Attest: Trustee / Secretary (Corporate Seal) As to Grantee, signed, sealed and delivered in the presence of the undersigned: Witness Notary Public JENIFER S. PICKENS

NOTARY PUBLIC

Houston County State of Georgia (Addaional signature on the following page)

My Commission Expires 1/28/2024

# The Bank:

Persons Banking Company, formerly known as The Bauk of Perry

Printed Name: Title: VI

Attest;

Printed Name:

(Corporate Seal)

As to Persons Banking Company, formerly The Bank of Perry, signed, sealed and delivered in the presence of the undersigned:

Witness

Notary Public

JENIFER S. PICKENS

NOTARY PUBLIC Houston County State of Georgia

My Commission Expires 1/28/2024

