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Planning Commission Agenda  
Monday, February 10, 2025, 6:00pm  
Perry City Hall, 808 Carroll Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from January 13, 2025 regular meeting
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. New Business
  - A. Public Hearing (Planning Commission decision)
    1. **PLAT-0003-2025**. Preliminary plat for The Hills at Brendale located on Tucker Road. The applicant is Dylan Wingate, Patriot Development Group.
  - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on March 4, 2025)
    1. **RZNE-0172-2024**. Rezone property located at 1325 Washington Street from C-2 to C-3. The applicant is Chad Bryant, Bryant Engineering.
    2. **RZNE-0173-2024**. Rezone property located 1017 Northside Drive from R-2 to C-3. The applicant is Dylan Wingate, WCH Development.
    3. **SUSE-0001-2025**. Special exception for residential daycare for property located at 137 W. River Can Run. The applicant is Kimberly Williams.
8. Other Business
9. Commission questions or comments
10. 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 - January 13, 2025

1. Call to Order : Vice Chairman Ross called the meeting to order at 6:00pm.
2. Roll Call: Vice Chairman Ross; Commissioners Guidry, Hayes and Mehserle were present. Commissioners Jefferson and Williams were absent.

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

Guests: Lei Zhang, Andres Acosta, Kevin Tran, Carlton Maye, Tyler Findley, Brandon Bolt, Mike Heisig, Paul Armistead, Amanda Martin, Brian Braun, and Alonzo Brock.

3. Invocation: was given by Commissioner Mehserle
4. Election of Officers Chairman and Vice Chair  
Commissioner Hayes motioned to nominate Jim Mehserle as Chair; Commissioner Guidry seconded; all in favor and was unanimously approved.  
Commissioner Mehserle motioned to nominate Commissioner Hayes as Vice Chair; Commissioner Ross seconded; all in favor and was unanimously approved.
5. Approval of Minutes from December 9, 2024 regular meeting  
Commissioner Ross motioned to approve as submitted; Commissioner Hayes seconded; all in favor and was unanimously approved.
6. Announcements: Chairman Mehserle 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.
7. Citizens with Input – None
8. New Business
  - A. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on February 4, 2025)
    1. **SUSE-0148-2024**. Special exception for short-term rental for property located at 204 Amherst Street. The applicant is Lei Zhang.

Ms. Carson read the applicants' request, which was to offer the 3-bedrooms/2-bath house for short-term rental for a maximum of 5 occupants, along with staff responses. Ms. Carson advised the property was inspected for minimum safe and health standards and passed. This property was previously issued a STR permit in 2023, but that approval lapsed and the applicant is applying to have the permit reissued.

Chairman Mehserle opened the public hearing at 6:08pm and called for anyone in favor. The applicant, Ms. Zhang had nothing further to add and advised there had been no complaints. Chairman Mehserle called for anyone opposed; there being none the public hearing was closed at 6:09pm.

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

2. **SUSE-0157-2024.** Special exception for short-term rental for property located at 414 Frank Satterfield Road. The applicant is Andres Acosta.

Ms. Carson read the applicants; request which was to offer the 3-bedrooms/2-bath house for short-term rental for a maximum of 8 occupants, along with staff responses. Ms. Carson advised the premises was inspected for minimum safe and health standards and passed and the property was previously issued a STR permit in 2023, but that approval lapsed and the applicant is applying to have the permit reissued.

Chairman Mehserle opened the public hearing at 6:13pm and called for anyone in favor; the applicant Mr. Andres Acosta had nothing further to add. Chairman Mehserle called for anyone opposed; there being none the public hearing was closed at 6:14pm.

Commissioner Hayes asked Mr. Acosta as he is listed on other applications his role; Mr. Acosta advised he operates a property maintenance company and provides his services for short term rentals. Commissioner Hayes inquired about the noise detection device noted on the premises; Mr. Acosta advised it is an inside/outside noise detection device that monitors by decibels and when a certain level is reached it notifies him and he in turns notifies the tenants; and if there are more than two notifications tenants are evicted from the property and local authorities are notified.

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

3. **SUSE-0163-2024.** Special exception for short-term rental for property located at 223 E. River Cane Run. The applicant is Andres Acosta.

Ms. Carson read the applicants' request, which was to offer the 4-bedrooms/2.5-bath house for short-term rental for a maximum of 10 occupants, along with staff responses. Ms. Carson further advised, the premises was inspected for minimum safe and health standards and passed.

Chairman Mehserle opened the public hearing at 6:20pm and called for anyone in favor of the request. The applicant, Mr. Acosta had nothing further to add. Chairman Mehserle called for anyone opposed; there being none the public hearing was closed at 6:21pm.

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

4. **SUSE-0170-2024.** Special exception for short-term rental for property located at 226 Black Hawke Lane. The applicant is Kevin Tran.

Ms. Carson read the applicants' request, which was to offer the 4-bedrooms/3-bath house for short-term rental for a maximum of 10 occupants, along with staff responses. Ms. Carson further noted the dwelling was inspected for minimum safe and health standards and passed.

Chairman Mehserle opened the public hearing at 6:24pm and called for anyone in favor of the request. The applicant, Mr. Kevin Tran had nothing further to add. Chairman Mehserle called for anyone opposed; there being none the public hearing was closed at 6:25pm.

Commissioner Hayes asked if the homeowners association had been notified; Ms. Carson advised the applicant is responsible for the notification and if the city received complaints they would then reach out. Commissioner Ross asked for clarification on the number of vehicles; Ms. Carson advised the garage is not considered for parking, as most are used for storage and therefore only the driveway is accounted for.



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

**5. RZNE-0154-2024.** Rezone property located at 941 Gardner Drive from M-1 to MUC. The applicant is Carlton Maye, Jr.

Ms. Carson read the applicants' request, which was to rezone from M-1 to MUC the vacant, 2.46-acre plot to a form-based code zoning classification, which would allow him to build a mortuary on the parcel, increasing investment and the number of businesses in the area, along with staff responses.

Chairman Mehserle opened the public hearing at 6:32pm and called for anyone in favor of the request; the applicant Mr. Maye had nothing to add. Chairman Mehserle called for anyone opposed; there being none the public hearing was closed at 6:33pm.

Chairman Mehserle inquired of Mr. Maye the unusual shape of the property and if he was aware of the history; Mr. Maye advised the previous owner had combined surrounding parcels. Commissioner Guidry asked if crematory services would be provided; Mr. Maye advised yes at a future date, as he intends to be a full service mortuary.

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

**6. RZNE-0152-2024.** Rezone property located on Langston Road – Notting Hill Phase 2. The applicant is Edgar Hughston, Builder, Inc.

Ms. Carson read the applicants' request which was to rezone the 102.49-acre lot from R-1, Single Family Residential to R-3, Single Family Residential for a development of up to 243 residential units that completes Phase II of the Notting Hill subdivision, along with staff responses. Ms. Carson advised one section of the proposed development is already zoned as R-3, Single Family Residential and this change would make the zoning cohesive throughout the project site. Ms. Carson further noted, sewer capacity is limited and sewer capacity demands must be submitted as a formal request to administration prior to construction, and a traffic study was provided and reviewed by the city consultant and the board of education was notified and had no issues.

Chairman Mehserle opened the public hearing at 6:41pm and called for anyone in favor of the request. The applicant, Brandon Bolt with Bolt Engineering and Tyler Findley with Edgar Hugston Builders. Mr. Findley advised they had revised the development from previous request for a Planned Unit Development to an R-3 which will continue with the current established Notting Hill subdivision.

Chairman Mehserle called for anyone opposed. Mr. Mike Heisig of 201 Haddenham Court was not opposed to the development, but raised concerns with additional traffic on Langston Road and it coming through the neighborhoods and had concerns about drainage relating to an existing storm pipe from phase one dumping into the property.

Mr. Paul Armistead of 107 Westbourne Way also raised concerns about traffic and suggested left or right hand turn lanes be installed at the intersections of Langston/US 41 and Langston/SR 127. And advised there have been a number of new developments in the area and the addition of the primary school adding to traffic.

Mr. Wood in response to traffic concerns; Langston Road/US 41 are being evaluated by GDOT as US41 is a state route and they are aware of the concerns and working on addressing them. Houston County is

responsible for Langston Road. There being no further comments Chairman Mehserle closed the public hearing at 6:54pm.

Chairman Mehserle requested clarification on the sanitary sewer capacity and who reviews and will pay for; Mr. Wood advised capacity is in the pipe size/pump station and once the applicant provides capacity loads it will be evaluated and from there determine what is required to move forward. Chairman Mehserle inquired why staff recommended a positive approval with the condition of the sanitary sewer approval; Mr. Wood advised based on future land use plan and current comprehensive plan both of which call for a variety of densities and the identified need for higher density residential, the R-3 zoning request is appropriate. Commissioner Hayes voiced concern that the standards for governing zone changes, specifically whether the result will cause an excessive or burdensome use on existing streets, transportation facilities, utilities, or schools as this proposal appears it would with traffic. Mr. Wood noted traffic changes are always reactive and has to be there before any modifications; and noted the concern has been brought to the attention of the local GDOT representative and US41 is being higher prioritized, the city/county are aware of Langston Road, and the applicant is addressing the access point concerns on Langston Road with turn lanes. Mr. Bolt advised he has met with the city and sewer can be rerouted to the south side of US41 to where there is ample capacity and noted the development will be over the course of five years to complete. Mr. Bolt added the traffic study ran for a future five year period with projection to add two turn lanes and an additional one on Langston Road. The Commission allowed Amanda Martin of 301 Brampton Way to ask about entrances to the proposed subdivision.

Commissioner Hayes based on #11 standard governing zone changes motioned to recommend denial of the application as submitted; Commissioner Ross seconded; Commissioner Guidry opposed; resulting in a recommendation for denial of the application 3-1.

**7. RZNE-0168-2024.** Rezone to update PUD standards for development located at 1824 Houston Lake Road. The applicant is Dylan Wingate, Patriot Development Group.

Mr. Wood advised the request to update the PUD standards. The approved PUD plan shows 119 townhouse lots, 86 front-loaded single-family detached lots, and 79 rear-loaded single-family detached lots. The approved PUD Standards state the minimum single-family detached lot size is 4,000 square feet. While preparing the plat for the first residential phase of the development, the engineer realized they will need to delete three rear-loaded single-family detached lots to meet the minimum lot size. A single front-loaded single family detached lot is located by itself adjacent to the southernmost section of townhouses. The applicant proposes to remove this single front-loaded lot and add five townhouse lots in its place. Two rear-loaded single-family lots are located between the easternmost section of townhouses and front-loaded single-family lots. The applicant proposes to convert these to front-loaded lots. In total, 4 single-family detached lots are being removed from the plan, and are being replaced with 5 townhouse lots. The result of these actions will be an increase overall residential count by one. Specifically, the residential unit count will be 124 townhouse units, 88 front-loaded single-family detached units, and 74 rear-loaded single-family detached units. The 50 residential loft units located in the mixed-use section of the plan are unchanged.

Chairman Mehserle opened the public hearing at 7:27pm and called for anyone in favor of the request. Mr. Brian Braun, on behalf of the applicant reiterated the request and the changes were recognized when preparing the first phase plat and to ensure the development will comply with the standards. Mr. Alonzo Black 1914 GA Hwy 127, was neither in favor or opposed, had a question on the buffer as he is the adjoining neighbor. Chairman Mehserle called for any further comment; there being none the public hearing was closed at 7:30pm.

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



8. **TEXT-0155-2024.** Create Sec 6-10.14 Pocket Park requirements. The applicant is the City of Perry.

Ms. Carson advised the amendment is to Create Sec 6-10.14 Pocket Park Requirements standardizing recreational facilities and open space requirements in newly developed subdivisions located outside of walking distance to an existing park. Ms. Carson advised in 2021 in an effort to support a high quality of life for and accessibility to recreation and leisure opportunities, the City of Perry proposed acquiring lots to create pocket parks within new residential developments. The first foray into this effort led to the city declining lots that were poorly positioned in the neighborhood with substantial development challenges due to the natural landscape of the lots. Therefore, staff proposes the above-referenced text amendment to require developers to either provide a recreational/amenities area that meets City standards or a privately managed amenities area that is comparable to the City's ordinances.

Chairman Mehserle opened the public hearing at 7:36pm and called for anyone in favor or opposition to the request. Mr. Brian Braun inquired of the walking distance requirement; Mr. Wood advised a quarter mile. Mr. Braun felt there would be a lot of parks for the city to manage and to have a park in every neighborhood is excessive. Mr. Wood advised the developer has the option to do a private park maintained by the homeowners association or turn over to the city. There being no further comments Chairman Mehserle closed the public hearing at 7:39pm.

Commissioner Guidry motioned to recommend approval of the amendment as submitted; Commissioner Ross seconded; all in favor and was unanimously recommended for approval

9. **TEXT-0158-2024.** Amend Sec 6-6.3 (Design Standards for Downtown) and Sections 6-9.6(A) and (C) (sign standards) to clarify extent of authority for certificates of appropriateness for signs in the C-3 district and Downtown Development Overlay District. The applicant is the City of Perry.

Mr. Wood advised the request was to Amend Sec 6-6.3 (Design Standards for Downtown) and Sections 6-9.6(A) and (C) (sign standards) to clarify extent of authority for certificates of appropriateness for signs in the C-3 district and Downtown Development Overlay District. The amendment is intended to clarify the extent of the Main Street Advisory Board's (MSAB) authority regarding certificates of appropriateness for signs in the C-3 and Downtown Development Overlay districts. Per the City Attorney's interpretation, only signs which are specifically stated in the Land Management Ordinance may be considered by the MSAB. Currently, only monument signs or post and arm signs proposed to be internally illuminated specifically require MSAB review for a certificate of appropriateness. Existing language in the LMO had been interpreted more broadly until a recent City Attorney determination.

Chairman Mehserle opened the public hearing at 7:43pm and called for anyone in favor or opposed; there being none the public hearing was closed at 7:44pm.

Commissioner Hayes motioned to recommend approval of the amendment as submitted; Commissioner Ross seconded; all in favor and was unanimously recommended for approval

9. Other Business – Ms. Carson provided a current map of short term rentals; ten currently approved and four new; and a reminder all of the information for short term rentals is on the department webpage. Mr. Wood advised UGA Carl Vinson is continuing training sessions in 2025 and will send available dates for the next course.
10. Commission questions or comments – Chairman Mehserle confirmed work sessions would continue in 2025; Mr. Wood advised they would.
11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 7:53pm.



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## **STAFF REPORT**

February 6, 2025

**CASE NUMBER:** PLAT-0003-2025  
**APPLICANT:** Patriot Development Group, LLC  
**REQUEST:** Preliminary Plat – The Hills at Brendale  
**LOCATION:** 0 Tucker Rd; Tax Map No.: 0P0450 007000

### **ADJACENT ZONING/LANDUSES:**

	<b>Zoning Classification</b>	<b>Land Uses</b>
North	R-1, Single-family Residential; GU, Governmental Use	Single-Family Residential; Tucker Road Elementary School
South	GU, Governmental Use; M1, Wholesale & Light Industrial	City of Perry Wastewater Treatment Facility; undeveloped
East	R-1 and R-2, Single-Family Residential	Single-Family Residential
West	GU, Governmental Use	City of Perry Public Works Dept; undeveloped

### **SPECIFICATIONS (per submitted plat):**

1. Zoning of property: R-2, Single-family Residential
2. Use: Single-family detached residential subdivision
3. Number of Lots: 221 total lots
4. Stormwater Management Areas: 6.17 AC
5. Overall Density: 1.15 units/ acre
6. Minimum Lot Area: 12,000 square feet
7. Minimum Lot Width: 80'
8. Setbacks: Front: 25'; Rear: 35'; Interior Side: 8'

**STAFF COMMENTS:** The applicant is requesting approval of the entire 221-lot subdivision. The subdivision is designed with the understanding that a portion of the proposal will be donated to the city for a future extension of the Big Indian Creek Trail. The entire subdivision meets the R-2 minimum standards.

Following City Council's direction, planning staff recommends sidewalks be installed on one side of portions of the primary streets to provide pedestrian access to the school and other walkable destinations along Tucker Road. See attached Sidewalk Plan.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed preliminary plat with the following conditions:

1. 5'-wide sidewalks shall be installed along one side of the roads throughout the development, as indicated on the proposed sidewalk map prepared by the City Planning Staff.
2. Applicant received approval for street names from Houston County 911 prior to CD Staff signing the Preliminary Plat.





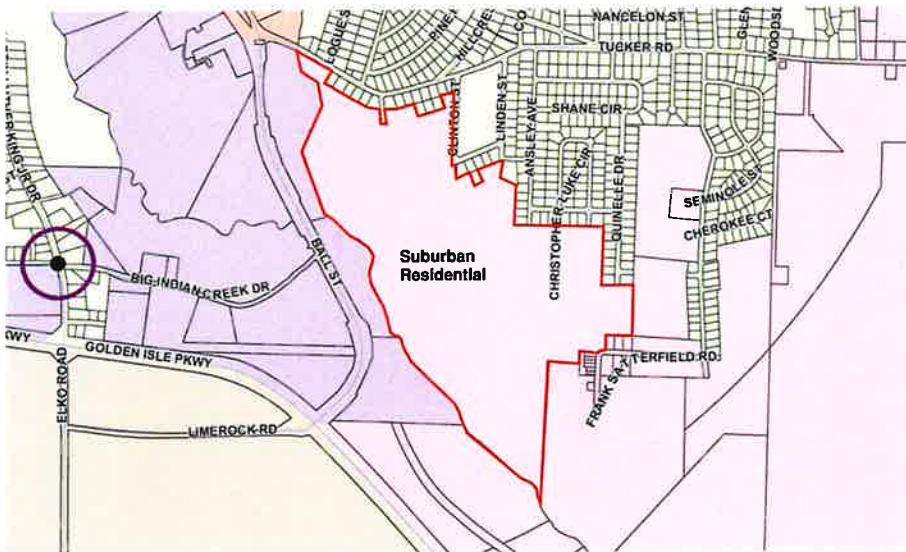


PLAT-0003-2025  
 0 Tucker Rd  
 Preliminary PLAT Review

Aerial



Zoning



Character Area



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**Application for Subdivision**  
Contact Community Development (478) 988-2720

Application # Plot 0003-  
2025

**Applicant/Owner Information**

\*Indicates Required Field

	Applicant	Property Owner
*Name	Patriot Development Group, LLC	Hickory Hills Farm, LLC
*Title	Dylan Wingate	
*Address	817 GA Hwy 247, Unit 10, Kathleen, GA, 31047	202 Arena Rd, Perry, GA 31069
*Phone	478-322-0028	
*Email	dylanw@pd.group	

**Property Information**



*Street Address	TBD Tucker Road, Perry, GA 31069	
*Tax Map #(s)	0P0450 007000	*Zoning Designation R-2
*# Original Lots	1	*Total Acreage 198.12
*# Proposed Lots	221	*Total Acreage 66.26

**Instructions**

1. Please refer to Sections 2-3.11 and 6.10 of the Perry Land Management Ordinance for more information.
2. All applications and fees (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.
3. Application fees:
  - A. Minor Subdivision (5 lots or less with no new street involved; administrative review): \$94.00
  - B. Major Subdivision, Preliminary Plat (more than 5 lots, creation of new streets): \$172.00
  - C. Major Subdivision, Final Plat: \$70.00 per plat
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. Subdivision plat content and format requirements are reflected in Section 6-10 of the Land Management Ordinance.
6. Please verify all required information is reflected on the plan(s).

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.

7. Signatures:

*Applicant		*Date	1/3/15
*Property Owner/Authorized Agent		*Date	1/3/15

Revised 7/1/24



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## **STAFF REPORT**

From the Department of Community Development

February 6, 2025

**CASE NUMBER:** RZNE-0172-2024

**APPLICANT:** Chad Bryant, Bryant Engineering

**REQUEST:** Rezone from C-2, General Commercial to C-3, Central Business

**LOCATION:** 1325 Washington Street; Parcel No: 0P0390 003000 (parcel)

**BACKGROUND INFORMATION:** The proposal is to rezone a .89 AC portion of the 2.77 AC parcel to C-3, Central Business in an effort to align with the Council's desire to extend the "feel" of Downtown onto Sam Nunn Blvd. The applicant proposes this change will increase opportunities for commercial development along the corridor.

### **STANDARDS GOVERNING ZONE CHANGES:**

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? The applicant is not aware of any covenants or restrictions that preclude the proposed use.

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

	Zoning	Land Use
North	C-2, General Commercial	General Commercial
South	C-2, General Commercial	General Commercial, Undeveloped
East	C-2, General Commercial; R-3, Single-Family Residential	Undeveloped, Single-Family Residential
West	C-2, General Commercial	Religious Institution

- 2. The suitability of the subject property for the zoned purposes.** The property is suitable for commercial uses.
- 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.** Allowing the rezoning increases the public's access to services within a walkable distance of neighborhoods. There is no hardship on the owner.
- 6. Whether the subject property has a reasonable economic use as currently zoned.** The required setback distances in the C-2, General Commercial zoning limit the usability of the parcel.
- 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.** This portion of the parcel has been vacant for the life of this parcel. Development on the back half of the parcel occurred in 2004, leaving the front portion as greenspace.



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 complement the surrounding uses by contributing to the offerings within walking distance the Downtown Perry footprint.
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, placed closer to the street.
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 proposal will not cause an excessive burden on schools, public utilities, or transportation facilities. The lot is at the Ball St/Washington St split, on State Route 7. The roads are designed to handle heavier vehicle traffic; however, further analysis of potential traffic impacts could provide a clearer outlook. GDOT will likely require a traffic study.
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 remainder of this parcel is being redeveloped into a smaller-scale retail building. Allowing this rezoning would allow the entire parcel to perform at its highest and best use.

**STAFF RECOMMENDATION:** Staff recommends approval of the application.

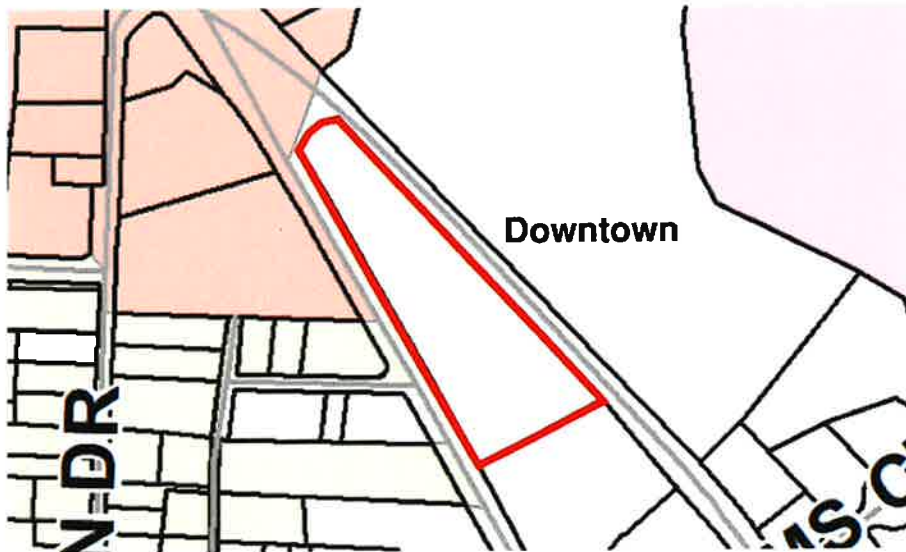


RZNE-0172-2024  
1325 Washington Rd  
Rezone from C-2, General  
Commercial to C-3, Central  
Business

Aerial



Zoning



Character Area



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Application # RZNE 0172-2024

## Application for Rezoning

Contact Community Development (478) 988-2720

**\*Indicates Required Field**

	<b>*Applicant</b>	<b>*Property Owner</b>
<b>*Name</b>	Chad Bryant, Bryant Engineering	Robin Loudermilk, 1325 Washington Street, LLC
<b>*Title</b>	Owner, P.E.	Member
<b>*Address</b>	111 Perimeter Road, Suite B, Perry, GA 31069	309 East Paces Ferry Road, Suite 1200, Atlanta, GA 30305
<b>*Phone</b>	478-224-7070	404-233-8186
<b>*Email</b>	chad@bryantengllc.com	rloudermilk@loudermilkco.com

### Property Information

<b>*Street Address or Location</b>	1325 Washington Street, Perry, GA 31069
<b>*Tax Map Number(s)</b>	0P0390 003000
<b>*Legal Description</b>	A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available; B. Provide a survey plat of the property;

### Request

<b>*Current Zoning District</b>	C-2	<b>*Proposed Zoning District</b>	C-3
<b>*Please describe the existing and proposed use of the property</b> <u>Note: A Site Plan or other information which fully describes your proposal may benefit your application.</u>			


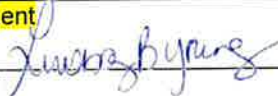
### Instructions

- 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) - \$316.00 plus \$27.00/acre
  - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$527.00 plus \$42.00/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:

*Applicant 	*Date 12/17/24
*Property Owner/Authorized Agent/ 	*Date 12/17/24

**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?

- (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.

December 17, 2024

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

**Subject: Standards for Granting a Zoning Classification  
1325 Washington Street Rezoning  
Tract A-2 #0P0390 003000 0.89 acres**

Dear Mr. Wood,

Please see attached application and plat for rezoning of the subject parcel totaling approximately 0.89-acres located on Washington Street. The purpose of rezoning to C-3 is due to hardship the shape and width of the tract offers. Our intent is for this development to be the “gateway” into downtown. Therefore, the building will mimic the downtown district and standards. The following addresses the Standards for Granting a Rezoning Classification:

***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 properties:*** The subject parcel is currently zoned C2. The property along Washington Street is zoned commercial.
- 2. The suitability of the subject property for the zoned purposes;*** C-3 would be compatible with adjacent commercial uses.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions;*** All nearby properties are zoned commercial and does not adversely impact the existing use or usability of surrounding properties.
- 4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare to the public;*** The proposed rezoning will conform with adjacent properties and should not negatively affect surrounding areas.
- 5. The relative gain to the public as compared to the hardship imposed upon the individual property owner;*** The proposed zoning will not pose an excessive burdensome use of existing infrastructure. City water and sanitary sewage is available for the property and surrounding areas. The area also will be able to support any increase in traffic that may result of the proposed zoning classification.
- 6. Whether the subject property has a reasonable economic use as currently zoned;*** Current conditions support rezoning the subject property to C-3 zoning district as surrounding developments exist as commercial districts and would complement nearby established developments.

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 a cut out of the existing 1325 Washington Street and is raw land.
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 use of C-3) is consistent with adjacent and nearby properties.
9. ***Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;*** The proposed use of C-3 will not adversely affect the existing use of nearby properties because it conforms with other commercial zoning.
10. ***Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;*** This zoning request is within the Form Based Code.
11. ***Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools;*** This parcel is located on Washington Street/Sam Nunn Blvd/Ball Street which are major throughfares in Perry.
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.***  
We are currently remodeling the commercial building at 1325 Washington Street which will attract new business and the subject property will provide an additional use.

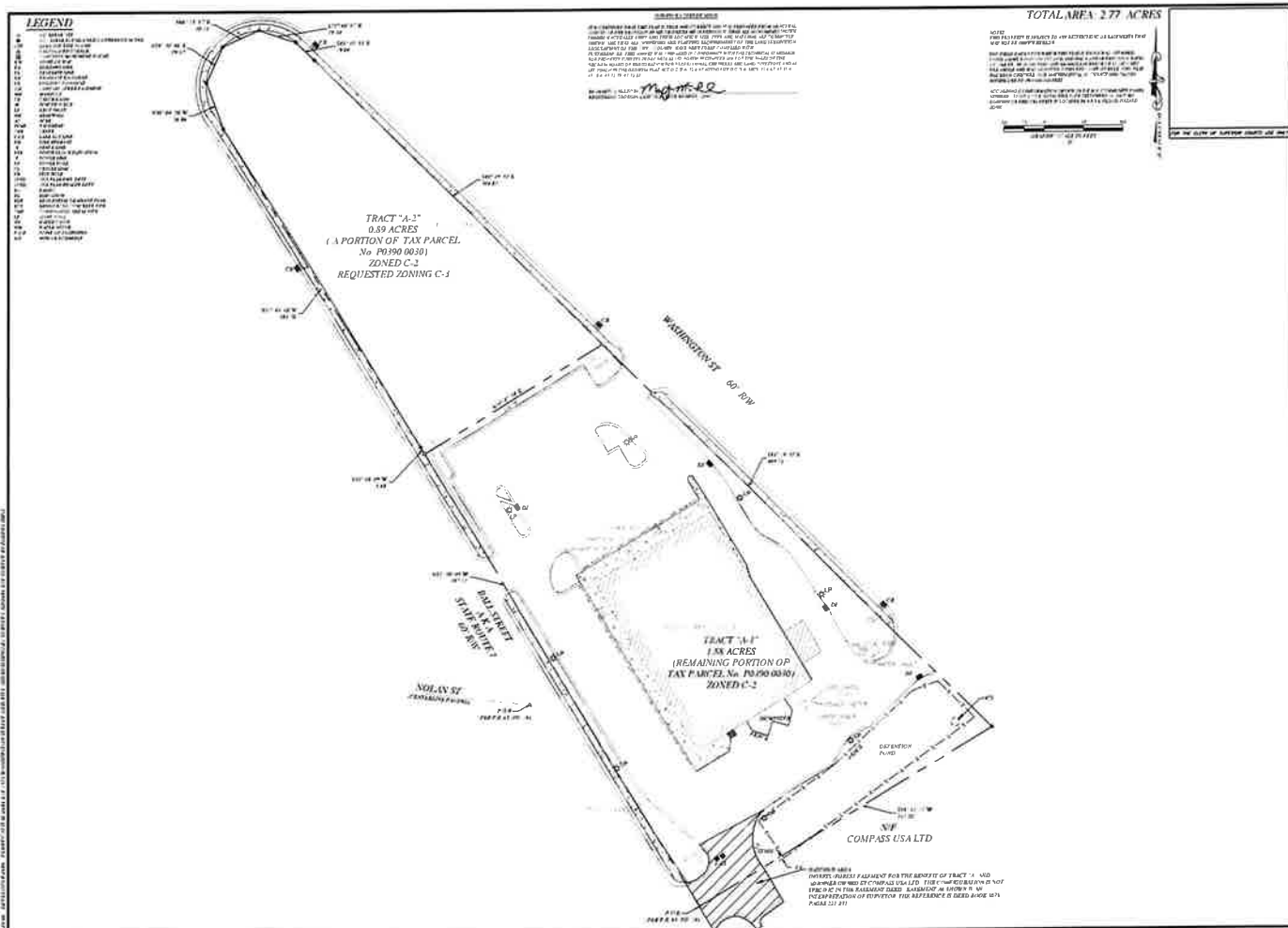
We would like to be placed on the next available agenda for the Perry Planning Commission. Please let me know if you have any questions or concerns.

Sincerely,



Chad Bryant, P.E.  
President  
Bryant Engineering





Type: GEORGIA LAND RECORDS  
Recorded: 5/20/2024 3:55:00 PM  
Fee Amt: \$1,583.70 Page 1 of 4  
Transfer Tax: \$1,558.70  
Houston County Georgia  
Carolyn V. Sullivan Clerk Superior

Participant ID(s): 1983094574,  
7067927936

**BK 10437 PG 224 - 227**

**After recording return to:**  
1325 Washington Street, LLC  
c/o The Loudermilk Companies, LLC  
309 E Paces Ferry Road NE  
Suite 1200  
Atlanta, GA 30305  
**NCS 1216316**  
**TAX PARCEL NUMBER(S): 0P0390003000**

**LIMITED WARRANTY DEED**

STATE OF FLORIDA

COUNTY OF COLLIER

THIS DEED is made the 13<sup>th</sup> day of May, in the year 2024, between **WASHINGTON PERRY GA, LLC**, a Georgia limited liability company, with address **275 Fender Walk, Marietta, GA 30060**, as party of the first part, hereinafter called Grantor, and **1325 WASHINGTON STREET, LLC**, a Georgia limited liability company, with address **309 E Paces Ferry Rd NE, Suite 1200, Atlanta, GA 30305**, 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 Ten and No/100 (\$10.00) Dollars, and other valuable consideration, in hand paid at and before the sealing and delivering of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto said Grantee, the following described property:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

TO HAVE AND TO HOLD the said property with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise

appertaining, to the proper use, benefit and behoof of Grantee, subject only to those matters set forth in Exhibit "B" attached hereto and by this reference incorporated herein, forever in FEE SIMPLE.

AND Grantor will only warranty and forever defend the right and title to the Property unto Grantee against the claims of those persons claiming by, through or under Grantor only, but no others.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed and sealed the day and year first above written.


Signed, sealed, and delivered in the presence of:

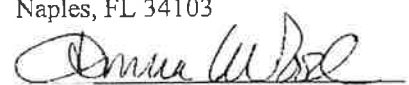
**GRANTOR:**

WASHINGTON PERRY GA, LLC,  
a Georgia limited liability company

By: \_\_\_\_\_

Name: KENNETH D. GOODMAN  
Its: MANAGER

  
Unofficial Witness #1  
3838 Tamiami Trail North, Suite 300  
Naples, FL 34103

  
Unofficial Witness #2  
3838 Tamiami Trail North, Suite 300  
Naples, FL 34103

  
NOTARY PUBLIC

My Commission Expires: 5/22/27

(Affix Notary Seal)





**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL A**

[IDENTIFIED AS TRACT "CSD-2A"]

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN LAND LOT 49, 10TH LAND DISTRICT, HOUSTON COUNTY, PERRY, GEORGIA, SHOWN AS TRACT "CSD-2A" CONTAINING 2.77 ACRES ON A PLAT OF SURVEY PREPARED BY JESSE COLLINS, JR., GEORGIA REGISTERED LAND SURVEYOR, SAID PLAT OF SURVEY BEING RECORDED IN PLAT BOOK 63, PAGE 14, 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. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT MARKING THE CENTERLINE INTERSECTION OF NOLAN STREET AND BALL STREET, SAID POINT BEING THE POINT OF REFERENCE. THENCE ALONG A TIE LINE SOUTH 38 DEGREES 46 MINUTES 13 SECONDS EAST A DISTANCE OF 197.41 FEET TO AN IRON PIN SET ON THE EASTERLY RIGHT-OF-WAY LINE OF BALL STREET (60 R/W), SAID POINT BEING THE POINT OF BEGINNING, THENCE NORTH 30 DEGREES 01 MINUTE 04 SECONDS WEST A DISTANCE OF 457.72 FEET TO AN IRON PIN FOUND ON THE EASTERLY RIGHT-OF-WAY OF BALL STREET; THENCE NORTH 30 DEGREES 51 MINUTES 19 SECONDS WEST A DISTANCE OF 224.60 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF BALL STREET TO AN IRON PIN FOUND; THENCE NORTH 19 DEGREES 34 MINUTES 22 SECONDS WEST A DISTANCE OF 38.90 FEET TO AN IRON PIN FOUND; THENCE NORTH 25 DEGREES 22 MINUTES 31 SECONDS EAST A DISTANCE OF 29.64 FEET TO AN IRON PIN FOUND; THENCE NORTH 67 DEGREES 15 MINUTES 12 SECONDS EAST A DISTANCE OF 30.17 FEET TO AN IRON PIN FOUND; THENCE NORTH 70 DEGREES 31 MINUTES 36 SECONDS EAST A DISTANCE OF 29.34 FEET TO AN IRON PIN FOUND; THENCE SOUTH 44 DEGREES 27 MINUTES 58 SECONDS EAST A DISTANCE OF 12.11 FEET TO AN IRON PIN FOUND; THENCE SOUTH 43 DEGREES 55 MINUTES 42 SECONDS EAST A DISTANCE OF 6.90 FEET TO AN IRON PIN FOUND; THENCE SOUTH 44 DEGREES 13 MINUTES 20 SECONDS EAST A DISTANCE OF 714.68 FEET TO AN IRON PIN SET; THENCE SOUTH 59 DEGREES 58 MINUTES 56 SECONDS WEST A DISTANCE OF 257.20 FEET TO AN IRON PIN SET, WHICH IS AFORESAID MENTIONED POINT OF BEGINNING.

**PARCEL B**

EASEMENTS AND OTHER INTERESTS IN REAL PROPERTY CONTAINED IN DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS BY WASHINGTON BALL, L.L.C. A FLORIDA LIMITED LIABILITY COMPANY, DATED JULY 6, 2004, FILED FOR RECORD JULY 9, 2004, AND RECORDED IN DEED BOOK 3075, PAGE 221, HOUSTON COUNTY, GEORGIA RECORDS.

**EXHIBIT B**

**Permitted Exceptions**

1. Taxes and assessments for the year 2024 and subsequent years, not yet due and payable.
2. Matters shown on plat recorded in Plat Book 63, Page 14, Houston County, Georgia records.
3. Terms and provisions of Declaration of Easements and Restrictive Covenants by Washington Ball LLC, a Florida limited liability company, dated July 6, 2004, filed for record July 9, 2004, and recorded in Deed Book 3075, Page 221, aforesaid records.
4. Permit to Cut or Trim Trees from Julia Mae Young to Georgia Power Company, a corporation, dated January 18, 1973, and recorded in Deed Book 410, Page 69, aforesaid records.



Where Georgia comes together.

## **STAFF REPORT**

From the Department of Community Development

February 6, 2025

**CASE NUMBER:** RZNE-0173-2024

**APPLICANT:** Dylan Wingate, Patriot Development Group

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

**LOCATION:** 1017 Northside Dr; Parcel No: 0P0020 021000

**BACKGROUND INFORMATION:** The proposal is to rezone the .55 AC parcel to C-3, Central Business to increase walkable offerings within the Downtown footprint. The applicant proposes this change will increase opportunities for commercial development along Northside Drive.

### **STANDARDS GOVERNING ZONE CHANGES:**

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? The applicant is not aware of any covenants or restrictions that preclude the proposed use.

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

	Zoning	Land Use
North	C-3, Central Business	Multi-family Development, Commercial
South	GU- Governmental Use	Events Center
East	C-3, Central Business	Retail Commercial, Offices
West	C-3, Central Business	Mixed-Use Development, Commercial Use

- The suitability of the subject property for the zoned purposes.** The property is not as suitable for residential uses as it is almost surrounded by non-residential uses.
- 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.
- 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.** Allowing the rezoning increases the public's access to services within a walkable distance of downtown. There is no hardship for the owner.
- 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.
- 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 2024, then demolished.



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 complement the surrounding uses by contributing to the offerings within walking distance of the Downtown Perry footprint.
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 property is in the "Downtown" character area, which calls for an adaptive reuse of structures and active retail uses on the ground level of buildings. Allowing the rezoning increases opportunity for this type of development to occur.
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 parcel is in close proximity to a new mixed-use development and shares a property line with an adaptive reuse of a single-family structure.

**STAFF RECOMMENDATION:** Staff recommends approval of the application.



RZNE-0173-2024

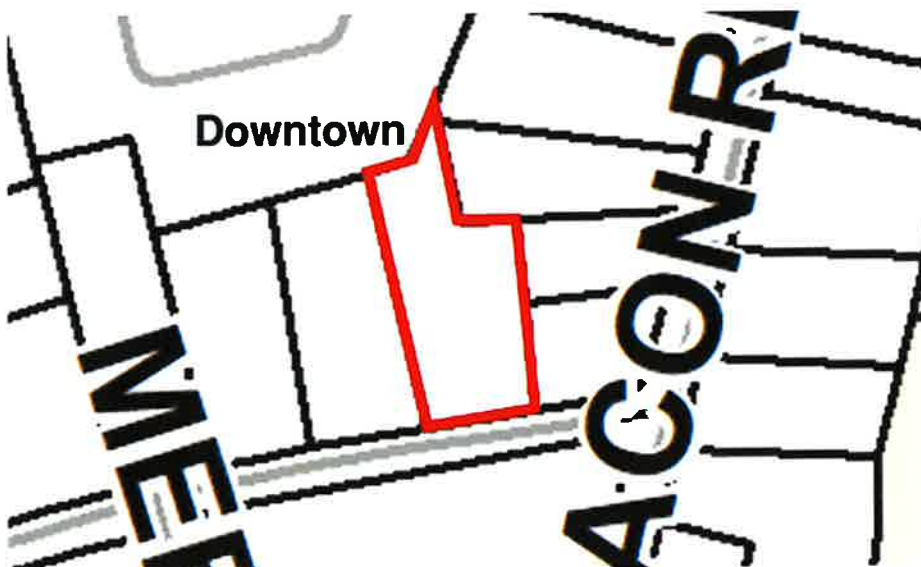
1017 Northside Dr

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

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # R2NE 0173-  
2024

## Application for Rezoning

Contact Community Development (478) 988-2720

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	NGH Development	NGH Development
*Title	Owner	Owner
*Address	817 GA HWY 247 S. Kathleen, GA 31047	817 GA HWY 247 S. Kathleen, GA 31047
*Phone	478 322 0028	478 322 0028
*Email	invoices@pd-group	invoices@pd-group

### Property Information

*Street Address or Location	1017 Northside Drive
*Tax Map Number(s)	0P0020021000
*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	G3
*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.			
Existing: single family home			
Proposed: Residential loft building. Consistent of 36 lofts.			

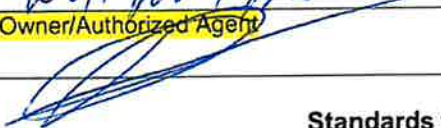
### Instructions

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.
2. \*Fees:
  - a. Residential Zoning (R-Ag, R-1, R-2, R-3) - \$316.00 plus \$27.00/acre
  - b. Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$527.00 plus \$42.00/acre
3. \*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.
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. 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.
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 has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes ☐ No ☒  
If yes, please complete and submit a Disclosure Form available from the Community Development office.



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

9. Signatures:

*Applicant		*Date	12/17/07
*Property Owner/Authorized Agent		*Date	12/17/07

**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.

## WCH Development

- There are no covenant restrictions pertaining to the property which would preclude the uses of permitted in the proposed zoning district
- 1. The existing Lane use is currently R2 for a residential structure, however we are seeking C3 which is more compatible with the surrounding zoning
- 2. The suitability of the subject property for the zone purposes is not suitable currently being that we are wanting to build a loft living center that will consist of 36 loft units. We need to rezone to C3.
- 3. There will be no property values diminished by the new zoning that we are going to request
- 4. There will be no destruction of property values for the subject property. There will be no health issues, safety issue, moral issue or general welfare issue to the public. It will all be positive. New vibrant development
- 5. The relative gain to the public will be a brand new new residential loft building which will enhance property values in the area
- 6. The subject property does not have reasonable economic use as zoned
- 7. The length of time the property has been vacant has been 30 days or less
- 8. The proposal will allow uses that are suitable in the views of the uses of development and the adjacent properties nearby considering the adjacent properties are similar zoning
- 9. The proposed zoning will not affect the existing use or ability of adjacent or nearby property owners
- 10. There's only proposal is in conformity with the comprehensive plan set forth by the City Of Perry
- 11. These only proposal will not cause an excessive burden on utilities, transportation facilities. Etc .
- 12. There are changing conditions that will affect the use and development of the property which will enhance the property to be to its highest and best used and have a brand new residential loft building in the area which will drive a property

values and provide a high-end living style in downtown Perry Air for the suitability of living and playing were you live .



Type: GEORGIA LAND RECORDS  
Recorded: 9/5/2024 6:41:00 AM  
Fee Amt: \$375.00 Page 1 of 3  
Transfer Tax: \$350.00  
Houston County Georgia  
Carolyn V. Sullivan Clerk Superior

Participant ID: 6431121974

**BK 10531 PG 173 - 175**

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Return to: The Cooper Law Firm, LLC, 122 Byrd Way, Suite One, Warner Robins, GA 31088

DR 24-C0995

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## **LIMITED WARRANTY DEED**

**STATE OF GEORGIA  
COUNTY OF HOUSTON**

This Indenture made this 3<sup>rd</sup> day of September, 2024 between Janet M. Buzzell, as party or parties of the first part, hereinafter called Grantor, and WCH Development, LLC, a Georgia limited liability company, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH that:** Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00) Dollars** and other good and 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, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

**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, according to a plat of survey entitled "Survey for Norman P. Felty and Sue C. Felty", and having such metes, bounds, courses and distances as shown on plat of survey prepared by Jones Surveying Company, certified by Richard L. Jones, Georgia Registered Land Surveyor No. 1591, dated April 29, 1987, a copy of which is of record in Plat Book 32, Page 160, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.**

**This conveyance and the warranties hereinafter contained are made subject to any and all restrictions, easements, covenants and rights-of-ways affecting said described property as shown on the above referenced plat of survey and as recorded in public records Clerk's Office, Houston Superior Court.**

**Said property is known as, under the present system of numbering for Houston County Georgia as 1017 Northside Drive, Perry, Georgia 31069.**

**This conveyance is made subject to all matters set forth on Exhibit "A".**

**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**, subject, however, to all matters set forth in Exhibit "A".

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

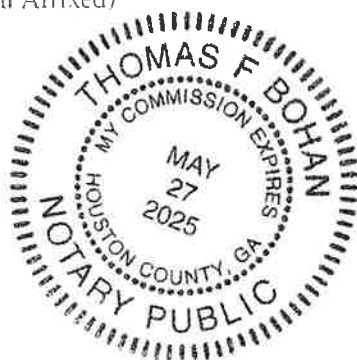
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Maureen Ste.  
Witness

Janet M. Buzzell (Seal)  
Janet M. Buzzell

[Signature]  
Notary Public  
(My commission expires) 05-27-2025  
(Notary Public Seal Affixed)

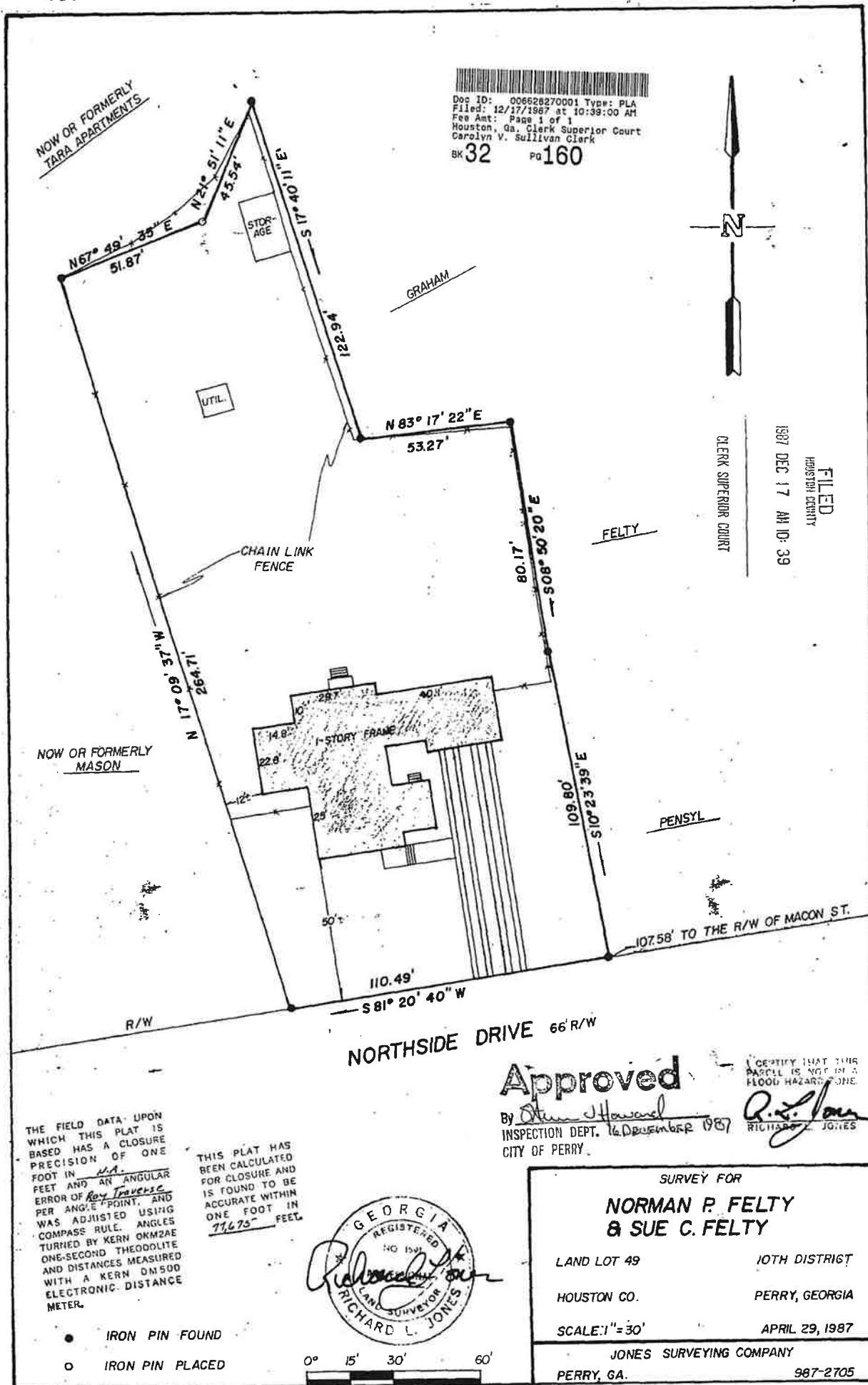


## **Exhibit "A"**

### **Permitted Encumbrances**

1. The lien of taxes and assessments for the current year and subsequent years;
2. Matters shown on that plat of survey entitled "Survey for Norman P. Felty and Sue C. Felty", and having such metes, bounds, courses and distances as shown on plat of survey prepared by Jones Surveying Company, certified by Richard L. Jones, Georgia Registered Land Surveyor No. 1591, dated April 29, 1987, a copy of which is of record in Plat Book 32, Page 160, Clerk's Office, Houston Superior Court, Clerk's Office, Houston Superior Court.





32/160

32/160



## **STAFF REPORT**

From the Department of Community Development  
February 5, 2025

**CASE NUMBER:** SUSE-0001-2025  
**APPLICANT:** Kimberly Williams  
**REQUEST:** A Special Exception to allow a residential business  
**LOCATION:** 137 W River Cane Run; Tax Map No. 0P0820 046000

**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. The applicant has made contact with the HOA and is awaiting a response at the time of this report.
2. *Does the Special Exception follow the existing land use pattern?*

	<b>Zoning Classification</b>	<b>Land Uses</b>
Subject	PUD, Planned Unit Development	Single-Family Residential
North	PUD, Planned Unit Development	Undeveloped
South	PUD, Planned Unit Development	Single-Family Residential
East	PUD, Planned Unit Development	Single-Family Residential
West	RAG, Residential Agriculture; R-1, Single-Family Residential (County)	Single-family Residential

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a "Suburban Residential" character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with 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 overtaxing 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, Kimberly Williams, and is not transferable.
3. All drop-off/pick-up of children shall occur in the driveway of the residence only.

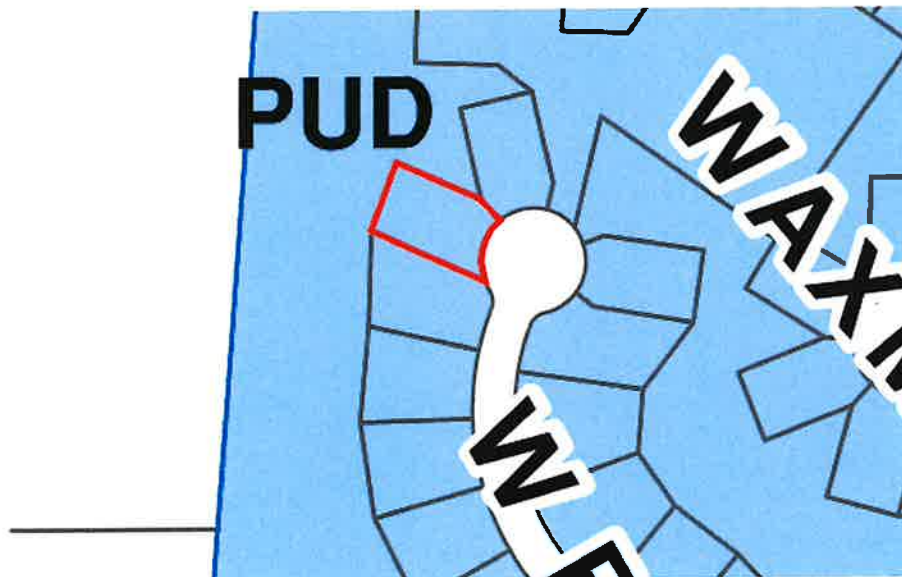


SUSE-0001-2025

137 W River Cane Run

Special exception to allow a residential business

Aerial



Zoning



Character Area





Where Georgia comes together.

## Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE  
0001-2025

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Kimberly Williams	Thomas & Kimberly Williams
*Title	Director / Owner	
*Address	137 W River Cane Run	
*Phone	706-294-0172	
*Email	mrskimwilliams.22@gmail	

### Property Information

*Street Address	137 W River Cane Run
*Tax Map Number(s)	P8246
*Zoning Designation	R3

### Request

*Please describe the proposed use:	home day care
------------------------------------	---------------

### Instructions

1. The application and **\*\$316.00 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	Kimberly Williams	*Date	1.2.2025
*Property Owner/Authorized Agent	Kimberly Williams	*Date	1.2.2025

**Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?** The property does have HOA. Contact has been made to HOA president currently waiting on response.

1. **The existing land use pattern.** Our residential space at 137 W River Cane Run in Perry Ga is a single-family home which is surrounded by other homes spaced out on individual lots. The property is zoned for PUD, and I need to seek approval for special exception. Our goal is to open and operate a home daycare for children ranging from the ages of 2-5. We will enroll 6 kids (per State Guidelines) Monday through Friday from 7am-5pm. Students will be dropped off in front of our driveway, which provides enough parking for two cars side by side. My family car will be parked in the garage. The hours for drop off will be between 7:00am-8:30am by an adult and picked up by an adult between the hours of 3:30-5:00pm. Sufficient indoor square footage of 2600 square feet will accommodate the six children which is a minimum space of 35 square feet per child indoors and 75 square feet per child outdoors, per state guidelines, the outdoor area is enclosed with a wooden fence higher than the 4ft required to operate home daycare. I will use the kitchen and dining area which is located on the ground floor for meals and snacks for the home day care.

2. **Whether the proposed use is consistent with the Comprehensive Plan.** The Comprehensive Plan is all about growth and development, home daycare supports this goal by providing convenient and affordable childcare options for residents. A home daycare may attract families to the area, promoting neighborhood stability and long-term development in line with the Comprehensive Plan's vision.

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

Our home residents have a wide enough driveway for fire trucks and police vehicles, there are no obstructions like low-hanging branches. Our home is within a Cul de sac for sufficient clearance for emergency response vehicles, a clear display of our house number from the street both day and night. Location also has security measures like a fence and video security installed system which can be helpful for situational awareness. When it comes to fire protection, there are installed smoke and carbon monoxide detectors in all key areas along with fire extinguishers. A fully stocked first aid kit is also on site which contains all necessary items to assist with children's needs and is easily accessible to staff and responders. To make sure that the in-home daycare will follow the fire and building codes, a fire safety inspection will be done by Perry Fire Marshal's office.

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 location of the home daycare will be in a safe, family friendly neighborhood, which will not have a direct effect on adjacent properties when it comes to dropping off/picking up, the home is over 2500 square feet of space and paved driveway to accommodate all six kids within the State of Ga guidelines to operate a home daycare. While having the home daycare within our residence it will not take away from the charm of the neighborhood, it will appeal as a single-family home located within a Cul De Sac while still maintaining all character and charm. The subdivision itself is still developing in other parts of the neighborhood but on our street W River Cane Run these homes have been established since 2022. While most of the day the students will be within the home and outside for only 1 hour daily if weather permits the disturbance of noise will not be a concern to other neighbors due to, we are a family friendly neighborhood and welcome all kids to get outside, play and have as much fun as possible.

**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 pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood: and**

The business will prevent congestion or safety hazards for neighbors by having a staggered drop-off/pick-up time to reduce traffic impact, the customers also have the option of using our driveway which can hold two cars side by side to prevent any child from going into the street for safety.

- (b) The location and height of buildings, and other structures, and the nature and extent of screening, or 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.** By keeping business signage away from the driveway and taking away from the residential look no signage will be displayed to distract or cause any landscaping damage, so we can keep landscaping modifications the same within the neighborhood not bringing down property appearance and value.

**6. Whether the proposed use will increase the population density 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.** Home daycare facilities are a temporary basis during operating hours and do not add permanent residents to the property or neighborhood, they are also designed to provide care for children before they reach school age, therefore not impacting the capacity of local schools. While operating home daycare there is a slight increase in utility usage (water, electricity) but it's within the capacity of residential utility and unlikely to affect local infrastructure. A home daycare is community-oriented, and it will align with the residential character.

- 7. Whether the proposed use will increase 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 home daycare will adhere to proper cleaning, waste disposal and hygiene protocols which will prevent health risks or spread of germs. All diapers will be bagged and discarded in trash can within another bag, along with any food that was disposed of during breakfast, lunch and snack. Increased traffic from drops off and pickup will be staggered to prevent driveway back up and families having to walk into Cul de Sac for pick up and drop offs. Drainage issues will not appear due to landscaping is well maintained and not affecting any neighbors. When it comes to smoke or odor, minimal odor may arise from cooking or cleaning which is typically for residential use but unlikely to impact neighbors. No significant emissions are expected unless large equipment or machinery is used, which will be rare. While playing children may create noise so to minimize disruption of neighbors a wooden fence is installed, and we will schedule outdoor activities during appropriate hours.

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

A home daycare can be seen as a community asset, enhancing the neighborhood's reputation as family friendly. A home daycare can contribute to neighborhood stability by attracting families and meeting the childcare needs of nearby residents. Since it will be located within the home no adjacent home or area will be affected by operating home daycare.

- 9. Whether there are substantial reasons why the property cannot be used for permitted use in the district where the property is located.** There are no reasons why the property cannot be used for permitted use of home daycare. Home daycare has a low impact compared to more intensive commercial uses. Home daycares fulfill a community function while maintaining compliance with the zoning district's intent to preserve residential areas.