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Planning Commission Agenda
Monday, January 13, 2025, 6:00pm
Perry City Hall, 808 Carroll Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Election of Officers Chairman and Vice Chair
5. Approval of Minutes from December 9, 2024 regular meeting
6. Announcements
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place phones in silent mode.
7. Citizens with Input
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.
 2. **SUSE-0157-2024**. Special exception for short-term rental for property located at 414 Frank Satterfield Road. The applicant is Andres Acosta.
 3. **SUSE-0163-2024**. Special exception for short-term rental for property located at 223 E. River Cane Run. The applicant is Andres Acosta.
 4. **SUSE-0170-2024**. Special exception for short-term rental for property located at 226 Black Hawke Lane. The applicant is Kevin Tran.
 5. **RZNE-0154-2024**. Rezone property located at 941 Gardner Drive from M-1 to MUC. The applicant is Carlton Maye, Jr.
 6. **RZNE-0152-2024**. Rezone property located on Langston Road – Notting Hill Phase 2. The applicant is Edgar Hughston, Builder, Inc.
 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.
 8. **TEXT-0155-2024**. Create Sec 6-10.14 Pocket Park requirements. The applicant is the City of Perry.
 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.
9. Other Business
10. Commission questions or comments
11. Adjournment

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

(478) 988-2720

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

Planning Commission Agenda
Minutes – December 9, 2024

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

Staff: Bryan Wood – Community Development Director; Emily Carson – Community Planner; and Joni Ary – Recording Clerk

Guests: Chad Bryant -Bryant Engineering, Lindsey Young – Loudermilk Properties, Thomas Mason, Mike Clarke – Traverse Land Services

3. Invocation: was given by Commissioner Jefferson
4. Approval of Minutes from November 18, 2024, regular meeting.
Commissioner Jefferson motioned to approve as submitted; Commissioner Ross seconded; all were in favor, and the minutes was unanimously approved.
5. Announcements- Chairman Edwards referred to the notices as listed
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place phones in silent mode.
6. Citizens with Input – None
7. Old Business

1. **RZNE-0131-2024**. Rezoning of property located at 1218 Washington Street, 104 Mims Court, and 108 Mims Court from C-3 to NMU. The applicant is Bryant Engineering. (*Tabled from November 18, 2024, meeting*).

Ms. Carson indicated the applicant updated the site layout to address the Commission's concern about the parking location. The staff recommendation is for approval of the request. Ms. Carson stated that the applicant was present to answer any questions. Mr. Wood stated that since this item has already had a public hearing at the November 18th meeting, it is not required again.

Commissioner Williams moved to recommend approval of the rezoning as revised; Commissioner Hayes seconded. The motion passed unanimously.

8. New Business

- A. Public Hearing (Planning Commission decision)

1. **PLAT-0137-2024**. The preliminary plat for Parkway Galleries is located on Perry Parkway between Susannes Retreat and Legacy Park Drive. The applicant is Michael Clarke, Traverse Land Services, LLC.

Ms. Carson read the applicants' request to approve a 22-lot subdivision in C- 2 General Commerical zone. The applicant intends to construct up to six dwellings per lot. Staff recommended approval

with three (3) conditions. The applicant, Mike Clarke indicated he was agreeable to the recommended conditions.

Chairman Edwards opened the public hearing at 6:10 pm and called for anyone in favor or opposed to the request. There being none, the public hearing was closed at 6:10 pm.

Commissioner Hayes moved to approve the request with the conditions recommended by Staff. Commissioner Mehserle seconded the motion. The motion passed unanimously.

B. Informational Hearing (Planning Commission recommendation – Scheduled for a public hearing before City Council on January 7, 2025.)

1. **RZNE-0132-2024.** Rezone property located at 319 & 341 Gen. Courtney Hodges Blvd. from MUC to NMU. The applicant is Bryant Engineering.

Ms. Carson read the applicant's request to rezone the property's two parcels from MUC to NMU. The Staff recommended approval. The applicant was present to answer any questions.

Chairman Edwards opened the public hearing at 6:16 pm and called for anyone in favor or opposed to the request. There being none, the public hearing was closed at 6:16 pm.

Commissioner Jefferson moved to recommend approval as submitted. Commissioner Ross seconded the motion. The motion passed unanimously.

2. **RZNE-0135-2024.** Rezone properties located at 1120 Morningside Drive from C-2 to OI. The applicant is the City of Perry.

Ms. Carson read the City's request to rezone the properties located at 1120 Morningside Drive from C-2 to OI, Office Institutional. The Hospital Authority's legal council agreed to the change. The zoning change is needed to make the existing uses conforming.

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

Commissioner Ross moved to recommend approval as presented. Commissioner Hayes seconded the motion. The motion passed unanimously.

3. **TEXT-0143-2024.** Amend the standards for granting rezoning, special exception, and variance. Limit items for which a variance may be granted and establish an administrative variance. The applicant is the City of Perry.

Ms. Carson read the request, and the staff recommendation for approval.

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

Commissioner Ross moved to recommend approval of the amendment as presented; Commissioner Jefferson seconded. The motion passed unanimously.

9. Other Business

Mr. Wood stated that tonight was Chairman Edward's last meeting and thanked Chairman Edwards for his seven years of service and for acting as Chairman of the Commission since February 2018. Chairman Edwards stated that serving for the City of Perry has been a pleasure.

Mr. Wood reminded the Commission they will need to elect a new Chairman and Vice Chairman at the first meeting in January 2025

10. Commission questions or comments- None

11. Adjournment:

With no further business to come before the Commission, the meeting was adjourned at 6:34 pm.

DRAFT



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STAFF REPORT

From the Department of Community Development
December 23, 2024

CASE NUMBER: SUSE-0148-2024
APPLICANT: Lei Zhang
REQUEST: A Special Exception to allow a short-term residential rental
LOCATION: 204 Amherst St; Tax Map No. 0P0570 239000

REQUEST ANALYSIS: The subject property owner proposes to offer the **3-bedrooms/2-bath** house for short-term rental for a maximum of **5** occupants. The subject premises was inspected for minimum safe and health standards and **passed**. This property was previously issued a STR permit in 2023, but that approval lapsed. The applicant is applying to have the permit reissued.

Standards for Short-term Rental Properties (Section 4-3.5 of the LMO)	
1,000-foot buffer from another STR and only one STR per premises	Complies
Designation of local contact person	Complies
Host Rules addressing: <ul style="list-style-type: none"> • Maximum occupancy of 5 persons • Parking restrictions; on-premises parking of up to 4 vehicles • Noise restrictions • On-premises curfew • Prohibition of on-premises events 	Complies
Trash pick-up plan	Complies
Required written rental agreement	Complies
Proof of required active insurance policy	Complies
Application for City of Perry Occupational Tax Certificate	Complies
Other standards will be addressed with the issuance of an STR permit	

STANDARDS FOR SPECIAL EXCEPTIONS:

Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property? The applicant indicates that there is no Homeowner's Association nor covenants or restrictions on the subject property which would preclude the proposed use.

Does the Special Exception follow the existing land use pattern?

	Zoning Classification	Land Uses
Subject	PUD, Planned Unit Development	Single-family residential
North	PUD, Planned Unit Development and R-1, Single-family Residential	Single-family residential
South	PUD, Planned Unit Development	Single-family residential
East	PUD, Planned Unit Development	Single-family residential
West	R-1, Single-Family Residential	Undeveloped

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.

Will adequate fire and police protection be available? Fire and police protection are already provided to the property. The proposed use should not impact these services.

Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties? Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than the normal occupancy of a single-family residence.

Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood? Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.

Will the use result in an increase in population density overtaxing public facilities? Short-term rental of the residence should not increase the population density above that expected for the size of the house.

Will the use create a health hazard or public nuisance? Short-term rental of the residence should not create a health hazard. Compliance with standards for short-term rentals will prevent a public nuisance.

Will property values in adjacent areas be adversely affected? Short-term rental of the residence should not adversely affect the value of properties in the area.

Are there substantial reasons a permitted use cannot be used at this property? The property is developed with a permitted use. The special exception is to allow the single-family residence to be rented on a less than 30-day basis.

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

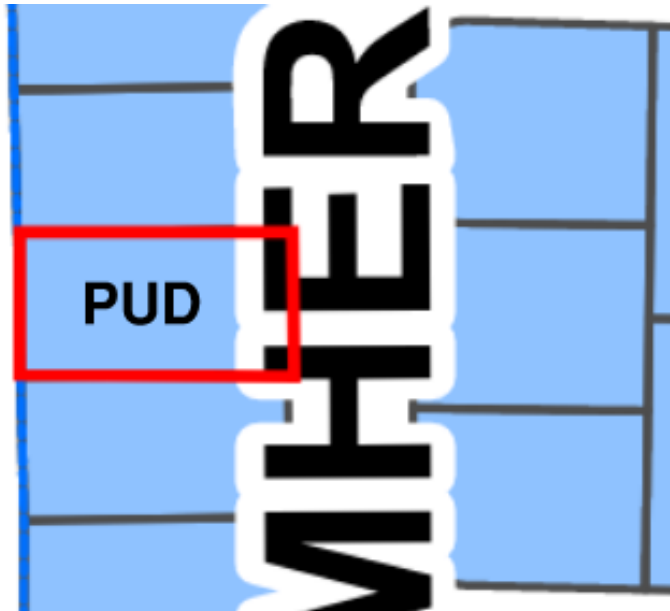


SUSE-0148-2024

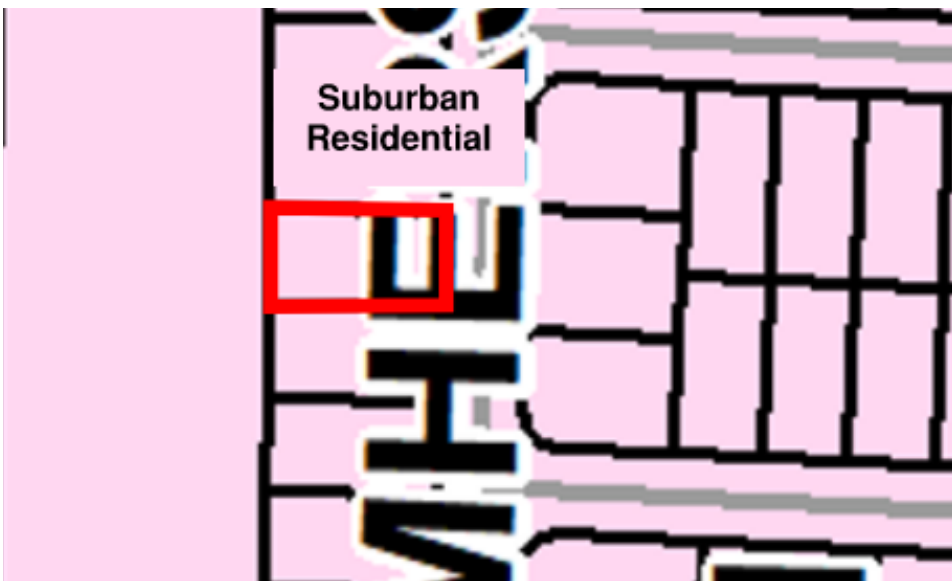
204 Amherst St

Special Exception for
Residential Short-term
Rental

Aerial



Zoning



Character Area



Where Georgia comes together.

Application for Special Exception

Contact Community Development (478) 988-2720

Application # *SUSE*
0148-2024

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Lei zhang	Lei zhang, Hongwei Liu
*Title		
*Address	204 Amherst street	
*Phone	[REDACTED]	
*Email	[REDACTED]	

Property Information

*Street Address	²⁰⁴ Amherst street	Kathlam GA	31047
*Tax Map Number(s)	0P0570 234000	*Zoning Designation	PUD

Request

*Please describe the proposed use:

Short Rental property

Instructions

- 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.
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- *For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
- *Signatures: *Lei zhang*

*Applicant	<i>Lei zhang</i>	*Date	<i>Nov 19</i>
*Property Owner/Authorized Agent	<i>Lei zhang</i>	*Date	<i>11/19/24</i>

Standards for Granting a Special Exception

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

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

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



City of Perry, GA
1211 Washington Street
P.O. Box 2030
Perry, Georgia 31069
(478) 988-2740

OCCUPATIONAL TAX CERTIFICATE

Business Name: COZY HOME
Business Location: 204 AMHERST ST
PERRY, GA 31069
Owner: LEI ZHANG
Manager:
License Number: OTC-006219
Issued Date: 12/31/2024
Expiration Date: 12/31/2025
Mailing Address: 204 AMHERST ST
PERRY, GA 31069

Business Type(s): 721199 Tourist homes
License Type: Occupational Tax Certificate
Classification: General Business

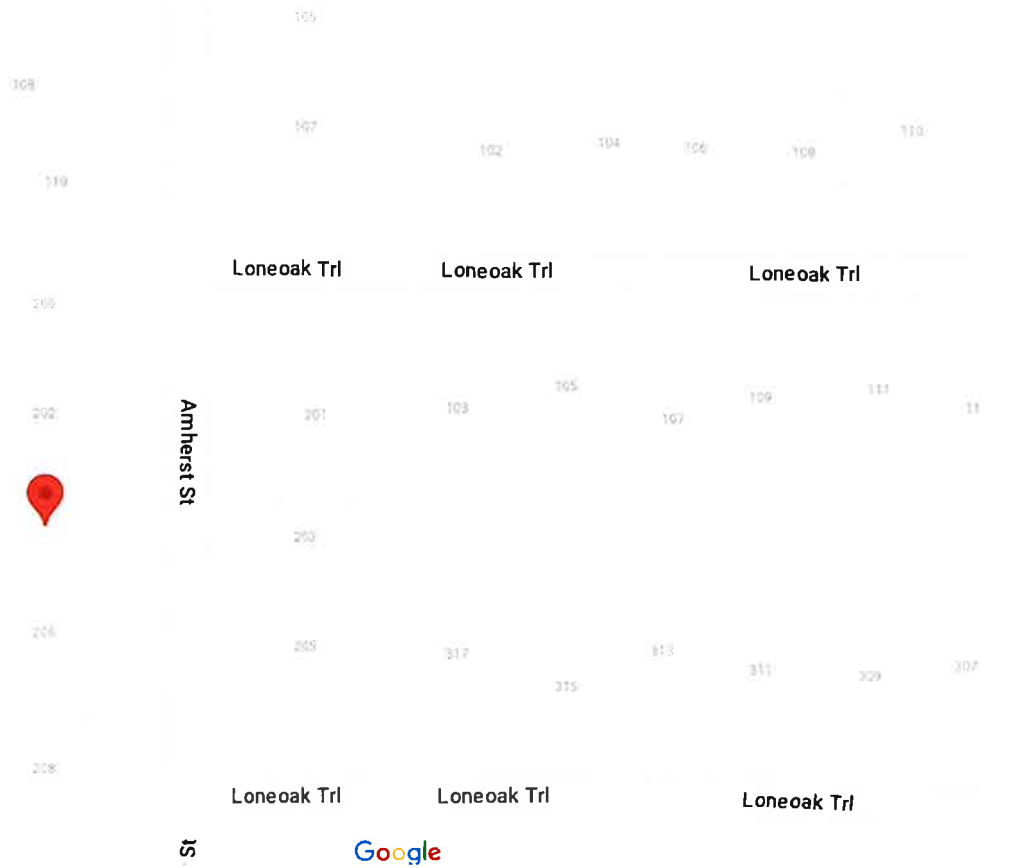
Chrysta Hays

Issued By

TO BE POSTED IN A CONSPICUOUS PLACE

House Rules

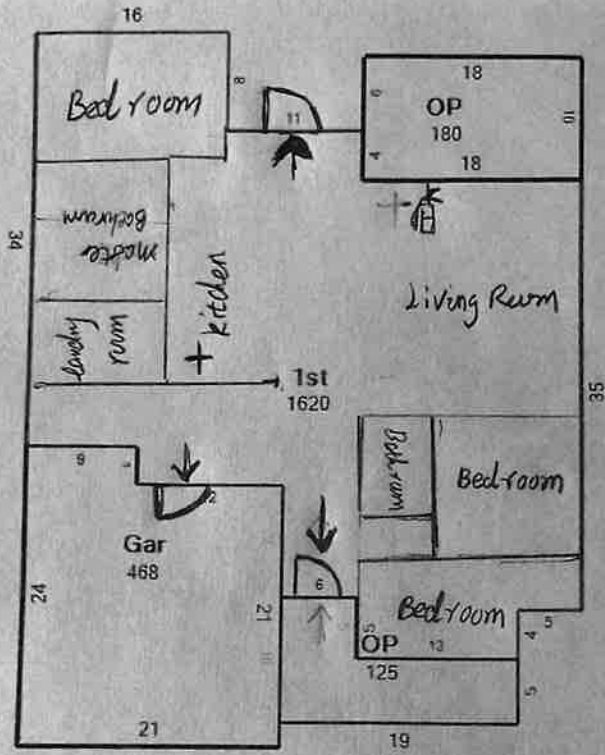
- PETS
 - No pets are allowed in this house.
- LATE CHECK-OUT PENALTY
 - Check-out time is 11:00 AM. \$100 penalty will be applied to your booking when you check out after 11:00 AM.
- PARKING
 - Parking on the driveway only
 - Don't park on the side of the road
- SMOKING
 - No smoking inside the house
- QUIET TIME
 - Please avoid making any loud noise from 10 pm till 9 am to allow neighbors a peaceful night
 - If any neighboring residents report excessive noise or unruly behavior, we may have to evict you from our property. This could result in the loss of all your payment.
- ADDITIONAL RULES
 - Parties and gatherings of any kind are strictly prohibited in this house
 - Max number of guests is 5
 - No unregistered guests
 - No illegal substances
 - No food and drinks in bedrooms
 - No mail delivery to this property, and food delivery is acceptable.
 - Please lock the door when you leave the house



All cars only can park on the driveway



4 cars max on the driveway



 door

 Fire extinguisher

 Exit

 First Aid

GUEST SHORT-TERM RENTAL AGREEMENT

- **PETS**
 - No pets are allowed in this house
- **LATE CHECK-OUT PENALTY**
 - Check-out time is 11:00 AM. \$100 penalty will be applied to your booking when you check out after 11:00 AM.
- **PARKING**
 - Parking on the driveway only
 - Don't park on the side of the road
- **SMOKING**
 - No smoking inside the house
- **QUIET TIME**
 - Please avoid making any loud noise from 10 pm till 9 am to allow neighbors a peaceful night
 - If any neighboring residents report excessive noise or unruly behavior, we may have to evict you from our property. This could result in the loss of all your payment.
- **ADDITIONAL RULES**
 - Parties and gatherings of any kind are strictly prohibited in this house
 - Max number of guests is 5
 - No unregistered guests
 - No illegal substances
 - No food and drinks in bedrooms
 - No mail delivery to this property, and food delivery is acceptable.
 - Please lock the door when you leave the house

ACKNOWLEDGEMENT OF HOUSE RULES & CITY ORDINANCES

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

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

- House Owner:
 - Print Name: _____
 - Signature: _____
 - Date: _____

- Booking Guest
 - Print Name: _____
 - Signature: _____
 - Date: _____

State Farm Fire and Casualty Company
 A Stock Company With Home Offices in Bloomington, Illinois

Po Box 2915
 Bloomington IL 61702-2915

Named Insured

LIU, HONGWEI
 204 AMHERST ST
 KATHLEEN GA 31047-4180

9L-27-350A-FC03 F M

RENEWAL DECLARATIONS

Policy Number	[REDACTED]	
Policy Period	Effective Date	Expiration Date
12 Months	JUL 6 2024	JUL 6 2025
The policy period begins and ends at 12:01 am standard time at your mailing address as shown.		

Entity: Individual

COMMERCIAL LIABILITY UMBRELLA POLICY

Automatic Renewal - If the **policy period** is shown as **12 months**, this policy will be renewed automatically upon payment of the renewal premium when due subject to the premiums, rules and forms in effect for each succeeding policy period. If this policy is terminated we will give you written notice in compliance with the policy provisions or as required by law.

Coverage(s)	Limits of Insurance
Coverage L - Business Liability (Each Occurrence)	\$ 1,000,000
Coverage L - Business Liability (Annual Aggregate)	\$ 1,000,000
Self-Insured Retention	\$ 10,000

Coverage	Required Underlying Insurance Schedule	
	Minimum Underlying Limits	
Automobile Liability (Other than Buses and Passenger Vans)	Bodily Injury (Each Person/Each Accident)	\$ 500,000 / \$ 500,000
	Property Damage (Each Accident)	\$ 100,000
	--or-- Bodily Injury and Property Damage (Each Accident)	\$ 500,000
Rental Premises Liability	Bodily Injury and Property Damage (Per Occurrence)	\$ 500,000
	Bodily Injury and Property Damage (Annual Aggregate)	\$ 1,000,000

Forms & Endorsements		Policy Premium	\$ 250.00
Commercial Umb Coverage Form	CU-2100		
*Terrorism Insurance Cov Notice	FE-6999.3		
Amendatory Endorsement	CU-2211.3		
Lead Poisoning Exclusion	CU-2339		
Policy Endorsement	CU-2474.3		

* New Form Attached Other limits and exclusions may apply - refer to your policy

Continued on Reverse

CU-2000
 1110 299 I
 E C3
 Prepared
 MAY 08 2024

JEFF XU
 (678) 498-8089

© Copyright. State Farm Mutual Automobile Insurance Company, 2008.

555-930.2 (01/29/10) 11-20-2008

96 000335 MAY 08 2024 3129 27

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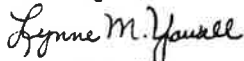
Your policy consists of these Declarations, the Commercial Liability Umbrella Coverage Form, and any other forms and endorsements that apply.


This policy is issued by the State Farm Fire and Casualty Company.

Participating Policy

You are entitled to participate in a distribution of the earnings of the company as determined by our Board of Directors in accordance with the Company's Articles of Incorporation, as amended.

In Witness Whereof, the State Farm Fire and Casualty Company has caused this policy to be signed by its President and Secretary at Bloomington, Illinois.


Secretary


President

In accordance with the Terrorism Risk Insurance Act of 2002 as amended and extended by the Terrorism Risk Insurance Program Reauthorization Act of 2019, this disclosure is part of your policy.

POLICYHOLDER DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE

Coverage for acts of terrorism is not excluded from your policy. However your policy does contain other exclusions which may be applicable, such as an exclusion for nuclear hazard. You are hereby notified that the Terrorism Risk Insurance Act, as amended in 2019, defines an act of terrorism in Section 102(1) of the Act. The term "act of terrorism" means any act that is certified by the Secretary of the Treasury—in consultation with the Secretary of Homeland Security, and the Attorney General of the United States—to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion. Under this policy, any covered losses resulting from certified acts of terrorism may be partially reimbursed by the United States Government under a formula established by the Terrorism Risk Insurance Act, as amended. Under the formula, the United States Government generally reimburses 80% beginning on January 1,

2020 of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage. The Terrorism Risk Insurance Act, as amended, contains a \$100 billion cap that limits U.S. Government reimbursement as well as insurers' liability for losses resulting from certified acts of terrorism when the amount of such losses exceeds \$100 billion in any one calendar year. If the aggregate insured losses for all insurers exceed \$100 billion, your coverage may be reduced.

There is no separate premium charged to cover insured losses caused by terrorism. Your insurance policy establishes the coverage that exists for insured losses. This notice does not expand coverage beyond that described in your policy.

THIS IS YOUR NOTIFICATION THAT UNDER THE TERRORISM RISK INSURANCE ACT, AS AMENDED, ANY LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM UNDER YOUR POLICY MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT AND MAY BE SUBJECT TO A \$100 BILLION CAP THAT MAY REDUCE YOUR COVERAGE.

FE-6999.3

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NOTICE OF REDUCTION IN COVERAGE

CU-2474.3 POLICY ENDORSEMENT is added to your State Farm® policy and replaces **CU-2474.1 POLICY ENDORSEMENT**.

This notice summarizes the changes being made to your policy. Please read the new endorsement carefully and note the following changes:

LIABILITY DEFINITIONS: Paragraph 18. Personal and Advertising Injury:

Infringement of another's patent, trademark, or trade secret is no longer within the definition of personal and advertising injury.

BUSINESS LIABILITY EXCLUSIONS: Paragraph 20. Personal and Advertising Injury:

Damages from infringement of another's patent, trademark, or trade secret continue to be specifically excluded under this policy.

DISCLAIMER: This notice only provides a general summary of changes to your State Farm policy. This notice is not a statement of contract. This notice does not change, modify, or invalidate the provisions, terms, or conditions as set forth in your State Farm policy booklet, the most recently issued declarations, and any applicable endorsements.



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STAFF REPORT

From the Department of Community Development
December 23, 2024

CASE NUMBER: SUSE-0157-2024
APPLICANT: Andres Acosta
OWNER: Stphen Dupuis
REQUEST: A Special Exception to allow a short-term residential rental
LOCATION: 414 Frank Satterfield Rd; Tax Map No. 0P45D0 010000

REQUEST ANALYSIS: The subject property owner proposes to offer the **3-bedrooms/2-bath** house for short-term rental for a maximum of **8** occupants. The subject premises was inspected for minimum safe and health standards and **passed**. This property was previously issued a STR permit in 2023, but that approval lapsed. The applicant is applying to have the permit reissued.

Standards for Short-term Rental Properties (Section 4-3.5 of the LMO)	
1,000-foot buffer from another STR and only one STR per premises	Complies
Designation of local contact person	Complies
Host Rules addressing: <ul style="list-style-type: none"> • Maximum occupancy of 8 persons • Parking restrictions; on-premises parking of up to 3 vehicles • Noise restrictions • On-premises curfew • Prohibition of on-premises events 	Complies
Trash pick-up plan	Complies
Required written rental agreement	Complies
Proof of required active insurance policy	Complies
Application for City of Perry Occupational Tax Certificate	Complies
Other standards will be addressed with the issuance of an STR permit	

STANDARDS FOR SPECIAL EXCEPTIONS:

Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property? The applicant indicates that there is no Homeowner’s Association nor covenants or restrictions on the subject property which would preclude the proposed use.

Does the Special Exception follow the existing land use pattern?

	Zoning Classification	Land Uses
Subject	R-1, Single-family Residential	Single-family residential
North	R-1	Single-family residential
South	R-1	Single-family residential
East	R-1	Undeveloped
West	R-1	Single-family residential

Will the Special Exception have an adverse effect on the Comprehensive Plan? The subject property is included in a "Traditional Neighborhood" character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with residential uses.

Will adequate fire and police protection be available? Fire and police protection are already provided to the property. The proposed use should not impact these services.

Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties? Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than the normal occupancy of a single-family residence.

Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood? Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.

Will the use result in an increase in population density overtaxing public facilities? Short-term rental of the residence should not increase the population density above that expected for the size of the house.

Will the use create a health hazard or public nuisance? Short-term rental of the residence should not create a health hazard. Compliance with standards for short-term rentals will prevent a public nuisance.

Will property values in adjacent areas be adversely affected? Short-term rental of the residence should not adversely affect the value of properties in the area.

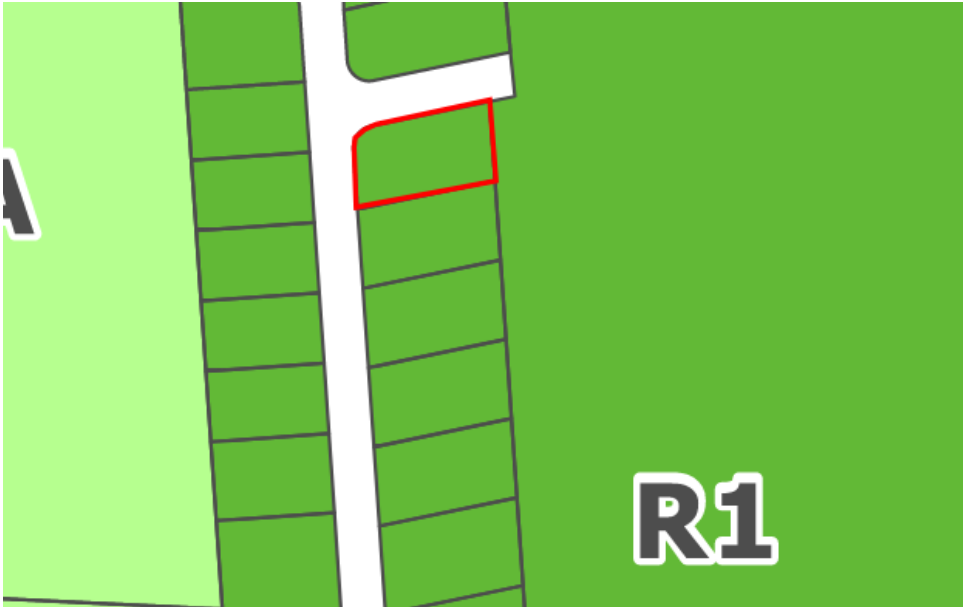
Are there substantial reasons a permitted use cannot be used at this property? The property is developed with a permitted use. The special exception is to allow the single-family residence to be rented on a less than 30-day basis.

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

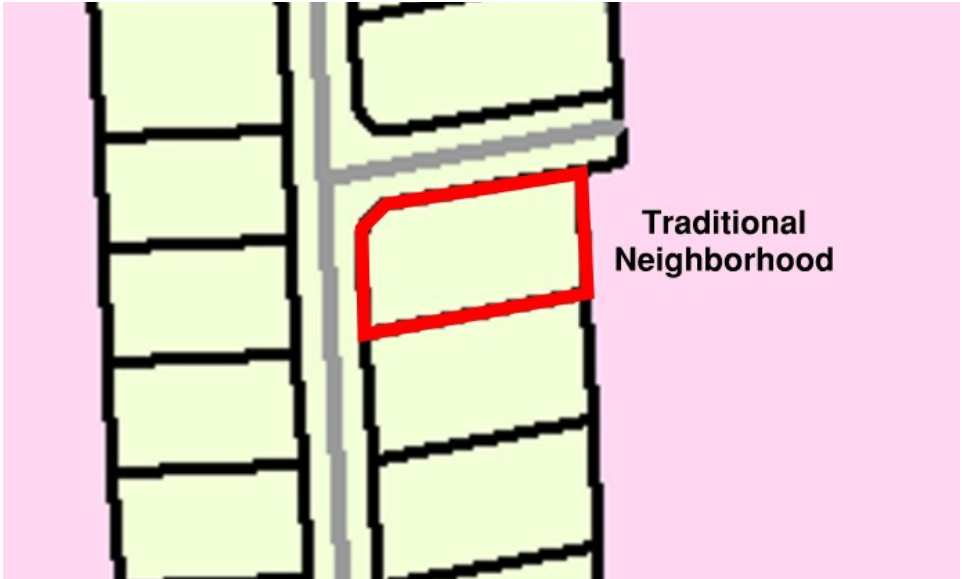


SUSE-0157-2024
414 Frank Satterfield Rd
Special Exception for
Residential Short-term
Rental

Aerial



Zoning



Character Area



Where Georgia comes together.

Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE
0157-2024

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Andres Acosta	Stephen Dupuis
*Title	Operating Manager	Hammock Creek Investments Group LLC
*Address	205 Wellington Way Warner Robins, GA 31093	633 Thomson Mill rd Bonaire, GA 31005
*Phone	478-202-8820	[REDACTED]
*Email	andres.acosta@mastrinvestments.com	[REDACTED]

Property Information

*Street Address	414 Frank Satterfield Rd Perry, GA 31069		
*Tax Map Number(s)	0P45D0 010000	*Zoning Designation	R1

Request

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

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	Andres Acosta	*Date	11 / 18 / 2024
*Property Owner/Authorized Agent		*Date	11 / 18 / 2024

Standards for Granting a Special Exception

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

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

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

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

- No.

(1) The existing land use pattern.

- <https://qpublic.schneidercorp.com/Application.aspx?AppID=671&LayerID=11356&PageTypeID=4&PageID=4733&Q=132241188&KeyValue=0P45D0++++010000>
- The land is in a residential area, with single family homes.

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

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

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

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

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

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

(5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:

(a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and
(b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern.

- A) The proposed use of this home as a short-term rental should in no way increase the pedestrian or vehicular traffic within this area. This home will have a cap for the number of cars that are allowed to be present (3), and the number of guests allowed at the property (9). Being that this home has a carport with a large driveway, guests will be directed to park only in garage or on driveway – no on street parking will be permitted. Front of home will be continually monitored by a Ring alarm camera to ensure that guests are abiding by these directions.
- B) The home will remain as a single family residence, and will not have any additional structures added. No screening, buffering or landscaping will take place that will in any way affect the surrounding adjacent properties. The property landscape will remain as such that one would expect from a single-family home and will be maintained on an ongoing basis of care every 2 weeks (at a minimum).

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

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

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

- The proposed use of this home as a short-term rental will not cause any of the above mentioned issues. Below is listed the measures that are taken to ensure that these issues will not arise at this property:
 1. Noise: All guest noise will be continuously monitored within the home by a smart device. This device is connected to Wi-Fi (notifies us immediately if disconnected from Wi-Fi) and sends real time text notifications to us when the noise within the home goes above the predetermined threshold. When this notification is received, the response is immediate – the guest is texted and informed that the noise is above the appropriate level. If, for any reason the guest chooses not to respond to texts and calls and does not comply with the request to decrease their noise, they are removed from the home immediately. Guests are notified about the noise being monitored in the house rules that they read and accept prior to their booking. This device is based purely on sound level and is not a recording device.
**Note: we have an assistant who lives in the Philippines, which is 12 hours ahead of us. She receives all noise notifications when we are asleep and responds immediately. She contacts us via phone if there is any issue.
 2. Safety (locks): A smart lock is located on the front door of the property. A personalized code is sent to the guest after they have accepted and agreed on the house terms when booking. This code is usable only during their stay. Once their stay is completed, they no longer can access the property with that code.
 3. Safety (cameras): A Ring camera is located on the front door exterior of the home. The ring camera is always accessible by all managing persons. The camera is also monitored at night by our virtual assistant. She monitors consistently throughout the night and notifies us immediately through phone call if any unusual activity is taking place. She also monitors the number of guests entering the property and notifies both the guests and us if it is above the agreed upon max amount.
 4. Safety (background checks): Guests can book with us in one of two ways: through AirBnB or our direct booking platform. If they book through AirBnB, our settings are such that we require additional background information and identification of our guests. AirBnB handles all this directly through their platform. If a guest books with us on our direct booking site, then they go through a background check through a third party – SuperHog. Regardless of how guests book with us, they cannot stay in

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

5. Safety (cleaning/inspections): After a guest checks out, our cleaners are the first people to go in. Upon their arrival, they immediately take photos of each room in the property and document any damage done to the property, if any. This is uploaded into our operational platform. After the clean is completed, our production manager goes to the property to do a soft inspection – meaning looking for any issues that the cleaners may have missed and making sure the property is safe and acceptable for the next guests.
6. Insurance: The property has a \$1million insurance policy through Proper Insurance. Proper is specific to short term rentals and is backed by Lloyd’s of London. Prior to coverage, Proper has their own set of safety measures that they expect to see proof of in the property (ex – pool must have depth markers, home must contain fire extinguisher, etc.)

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

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

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

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

PETS

- Dogs & Cats ONLY.
- Maximum of 3 pets
- Weight limit of 75lbs
- Pet's are NOT allowed on furniture. If pet hair is found on furniture, a \$15 fee will be applied PER ITEM.
- All guests must pick up pet waste before checking out of property. Failure to do so will result in a \$30 fine and a negative guest review.

LATE CHECK-OUT PENALTY

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

PARKING:

- See "parking" section of guidebook for vehicle limitations.
- Park only under carport/garage and/or driveway.
- Do not park on the side of the road

SMOKING:

- No smoking inside the house
- \$300 penalty if smoke is evident

QUIET HOURS | 3 STRIKE RULE

- Please refrain from loud and unnecessary noise from 10pm-9am
- (BE ADVISED: Property is equipped with noise monitoring devices that detect if the volume is at an unacceptable level. Host is notified immediately after that volume is reached for an extended amount of time)
- First Alert: Host will contact guests through text message & platform as a warning to quiet noise.
- Second Alert: Host will contact guests again through text message & platform as a second warning to quiet noise.
- Third Alert: Host will call guests contact as a final warning. If Noise does not stop, local authorities will be called and host will remove you from property, and cancel the remainder of your stay with no refund.

ADDITIONAL MISC RULES

- Normal cleaning fees are included in all rental rates, however additional billing will occur for any excessive/abnormal cleaning, damages, or missing items.
- Please make sure doors are locked when leaving the unit.
- Linens, blankets, and towels are not to be removed from the home. Please do not take these items to parks or outdoor venues.
- Limit food/drink in bedrooms
- No house parties
- No unregistered guests
- No illegal substances
- No rearranging furniture.
- No mail deliveries to property unless otherwise authorized by host. [Food deliveries such as grubhub, doordash, etc are acceptable]

Please acknowledge the following, as requested per the City of Perry:

4-3.5. *Short-term rental.* The standards in this subsection are required for all short-term rental properties

- (A) *Definitions.* As used in this subsection, the following definitions apply:
Responsible person means the signatory of an agreement for the rental, use and occupancy of a short-term rental unit, who shall be an occupant of that short-term rental unit, who is at least twenty-one years of age, and who is legally responsible for ensuring that all occupants of the short-term rental unit and/or their guests or visitors comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental unit.
- (B) *Restrictions on the number of occupants.* The owner or local contact person shall not rent, allow, provide, or advertise for more than two (2) persons per bedroom, plus two (2) additional persons, when using the premises as a short-term rental unit. Regardless of the number of bedrooms on the premises, it shall be unlawful for more than ten persons, including children, to occupy a short-term rental unit at any one time, or to exceed the maximum occupancy shown on the short-term rental permit. A visual inspection by a city employee of more than ten persons at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this section.
- (C) *Parking restrictions.* The maximum number of motor vehicles allowed at a short-term rental unit shall be limited to the number of available off-street parking spaces. It shall be unlawful for an owner to permit, allow or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface. It shall be unlawful for an occupant of a short-term rental unit to park a motor vehicle on a residential street near a short-term rental. It shall be unlawful for an occupant of a short-term rental unit, or an owner thereof to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, utility trailer, or commercial vehicle on the premises of a short-term rental unit.
- (D) *Minimum stay required.* An owner or person shall not rent or lease a short-term rental unit for a period of less than 24 hours.
- (E) *Noise restrictions.* It shall be unlawful to allow or make noise or sound that exceeds the limits set forth in the City's noise ordinance, §17-55. ***SEE BELOW***

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

(a) It shall be unlawful for any person, after such person has been given one (1) warning by law enforcement personnel, to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

(b) The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is natural or unnatural;
- (5) The volume and intensity of the background noise, if any;
- (6) The proximity of the noise to residential sleeping facilities;
- (7) The nature and zoning of the area within which the noise emanates;
- (8) The density of the inhabitation of the area within which the noise emanates;
- (9) The time of the day or night the noise occurs;
- (10) The duration of the noise;
- (11) Whether the noise is recurrent, intermittent, or constant; and
- (12) Whether the noise is produced by a commercial or noncommercial activity.

(c) The following acts, among others, are declared to be loud, disturbing, unusual and unnecessary noises and noises in violation of this section but this enumeration shall not be deemed to be exclusive:

- (1) *Horns.* The continued sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal; the creation by means of any signal device for any unnecessary or unreasonable period of time;
- (2) *Televisions, radios, phonographs and musical instruments.* The playing of any television, radio, phonograph, musical instrument or other such instruments in such a manner or with such volume, particularly during the hours between 12:00 midnight and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons in any office, hospital, dwelling, hotel or other type of residence, or any persons in the vicinity, except this shall not apply to schools of music between the hours of 7:00 a.m. and 10:00 p.m.;
- (3) *Voices.* Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 12:00 midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or any persons in the vicinity;
- (4) *Noisy vehicles.* The use of any vehicle in any manner as to create loud and unnecessary noise;
- (5) *Exhaust.* The discharge into the open air of the exhaust of any engine, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom;
- (6) *Construction work.* The erection, including excavating, demolition, alteration or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 9:00 p.m. except

in cases of urgent necessity, and then only with a permit from the chief of police or his designee, which permit may be granted for a period not to exceed sixty (60) days while the emergency continues. If the chief of police or his designee should determine that the public health and safety will not be impaired by the erection, demolition, alteration and repair of any building, or the excavation of streets and highways between the hours of 9:00 p.m. and 7:00 a.m. and if he should further determine that loss or inconvenience will result to any party in interest, he may grant permission for this work to be done during these hours upon application being made at the time the permit for work is awarded and during the progress of the work;

(7) *Institutions requiring quiet.* The creation of an excessive noise on any street adjacent to any school, institution of learning, church or court while in session, or adjacent to any hospital, nursing home or personal care home, which unreasonably interferes with the workings or sessions thereof;

(8) *Loud speakers on vehicles.* The use of mechanical or electrical loud speakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes; or

(9) *Loud speakers on public property.* It shall be unlawful to use, maintain or operate loud speakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the streets, sidewalks, parks or other public places of the city; provided that nothing herein shall apply to the United States of America, the state, the county, the city or any public or private school system, nor to public agencies of any of them.

(10) *Consumer fireworks.* Consumer fireworks shall not be ignited between the hours of 9:00 p.m. and 10:00 a.m. except for the days and times set out in O.C.G.A. §§ 25-10-2(b)(3)(B)(ii) and (iii).

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

(1) Any vehicle of the city while engaged upon necessary public business;

(2) Excavations or repairs of bridges, streets or highways, by or on behalf of the city, county or state, during the night season, when the public welfare and convenience renders it impossible to perform this work during the day; nor shall they apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor;

(3) The reasonable use of amplifiers or loud speakers in the course of public addresses which are noncommercial in character; or

(4) Any parade, celebration or performance for which a permit has been obtained prior thereto from the city.

(F) *On-premises curfew requirements.* The owner shall not allow the congregation of occupants outside on the premises between the hours of 10:00 p.m. and 9:00 a.m.

(G) *Trash pickup requirements.* The owner or occupant shall not allow trash and refuse to accumulate in an unsanitary manner. If the owner does not remove trash and refuse from the premises after each individual occupancy, the owner or occupant shall place all residential solid waste curbside for collection and disposal by the city, or its authorized representative, no later than 6:00 a.m. on the day of collection and no earlier than 3:00 p.m. on the day before the scheduled collection day. The mobile toter shall be removed from curbside no later than 8:00 a.m. on the day after collection.

(H) *Advertising, promoting, or allowing of special events prohibited.* An owner or occupant shall not advertise or promote a special event or allow the advertising and promotion of a special event (e.g., banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e., utilize the premises as an 'event venue' or 'convention center' as defined in this chapter).

- (I) *Notice to occupants of short-term rentals.* An owner or person operating a short-term rental shall provide a notice of instructions (also known as “host rules”) to occupants staying at the premises in a form developed by the administrator. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on noise, and curfew times.

- (J) *Written rental agreement required.* The owner shall require a written rental agreement with a responsible person for the short-term rental unit which shall contain the following provisions:
 - a. the responsible person’s agreement to abide by all of the requirements of this chapter, any other applicable city ordinances, state and federal law and acknowledge that his or her rights under the agreement may not be transferred or assigned to anyone else;

 - b. the responsible person’s acknowledgement that it shall be unlawful to make any noise or sound that exceeds the limits set forth in the city’s noise ordinance; and

 - c. the responsible person’s acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short-term rental unit by the owner or local contact person, as well as the potential liability for payments of fines levied by the city.

Trash plan

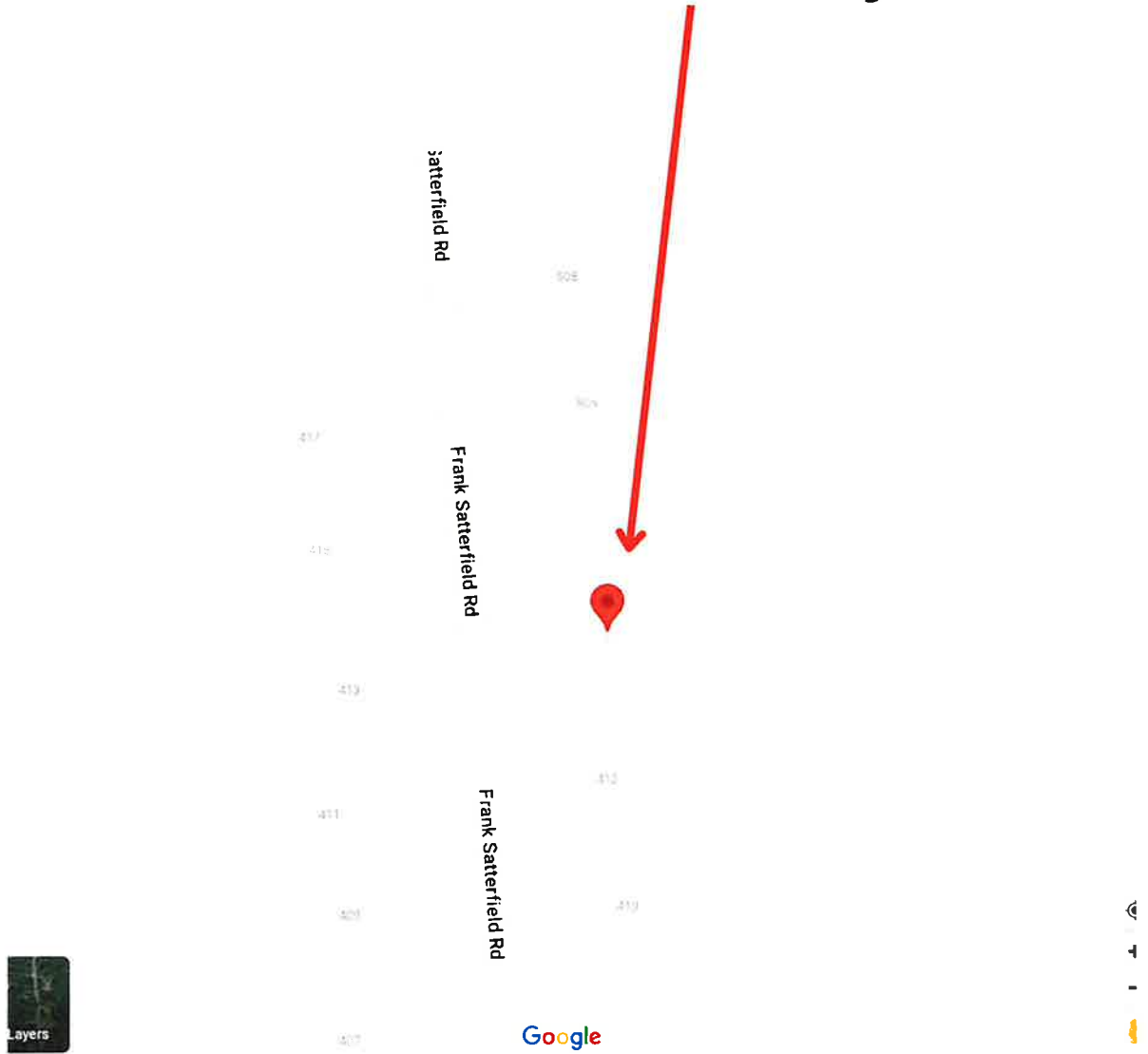
We send guests an automated message the day before trash day to take trash out. Cleaners take trash out every turnover.

Please see host rules where the times for takeout and pickup by the guests are specified.

****If for any reason the amount of trash becomes an issue, we arrange for a second trash can to help manage any extra waste**

Max number of occupants: 8

3 cars max
left side of house
1 in carport
1 on side section of driveway
1 on driveway



3 cars max
left side of house
1 in carport
1 on side section of driveway
1 on driveway



GUEST SHORT TERM RENTAL AGREEMENT

PET POLICY

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

LATE CHECK-OUT PENALTY

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

PROPERTY GUIDELINES

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

Booking Guest

Print Name

|

Signature

|

Date

9: None
#10: None



City of Perry, GA
1211 Washington Street
P.O. Box 2030
Perry, Georgia 31069
(478) 988-2740

OCCUPATIONAL TAX CERTIFICATE

Business Name:	HAMMOCK CREEK INVESTMENT GROUP LLC	Business Type(s):	721199 Tourist homes
Business Location:	414 FRANK SATTERFIELD RD PERRY, GA 31069	License Type:	Occupational Tax Certificate
Owner:	HAMMOCK CREEK INVESTMENT GROUP LLC	Classification:	General Business
Manager:	STEPHEN DUPUIS		
License Number:	OTC-006217		
Issued Date:	12/31/2024		
Expiration Date:	12/31/2025		
Mailing Address:	633 THOMPSON MILL RD BONAIRE , GA 31005		

Chrysta Hays

Issued By

TO BE POSTED IN A CONSPICUOUS PLACE



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
December 23, 2024

CASE NUMBER: SUSE-0163-2024
APPLICANT: Leo Chavez
REQUEST: A Special Exception to allow a short-term residential rental
LOCATION: 223 E River Cane Run; Tax Map No. 0P0880 006000

REQUEST ANALYSIS: The subject property owner proposes to offer **4-bedrooms/2.5-bath** house for short-term rental for a maximum of **10** occupants. The subject premises was inspected for minimum safe and health standards and **passed**.

Standards for Short-term Rental Properties (Section 4-3.5 of the LMO)	
1,000-foot buffer from another STR and only one STR per premises	Complies
Designation of local contact person	Complies
Host Rules addressing: <ul style="list-style-type: none"> • Maximum occupancy of 10 persons • Parking restrictions; on-premises parking of up to 4 vehicles • Noise restrictions • On-premises curfew • Prohibition of on-premises events 	Complies
Trash pick-up plan	Complies
Required written rental agreement	Complies
Proof of required active insurance policy	Complies
Application for City of Perry Occupational Tax Certificate	Complies
Other standards will be addressed with the issuance of an STR permit	

STANDARDS FOR SPECIAL EXCEPTIONS:

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.

Does the Special Exception follow the existing land use pattern?

	Zoning Classification	Land Uses
Subject	PUD, Planned Unit Development	Single-family residential
North	PUD, Planned Unit Development	Single-family residential, Undeveloped
South	PUD, Planned Unit Development	Single-family residential
East	PUD, Planned Unit Development	Single-family residential, Undeveloped
West	PUD, Planned Unit Development	Single-family residential

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.

Will adequate fire and police protection be available? Fire and police protection are already provided to the property. The proposed use should not impact these services.

Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties? Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than the normal occupancy of a single-family residence.

Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood? Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.

Will the use result in an increase in population density overtaxing public facilities? Short-term rental of the residence should not increase the population density above that expected for the size of the house.

Will the use create a health hazard or public nuisance? Short-term rental of the residence should not create a health hazard. Compliance with standards for short-term rentals will prevent a public nuisance.

Will property values in adjacent areas be adversely affected? Short-term rental of the residence should not adversely affect the value of properties in the area.

Are there substantial reasons a permitted use cannot be used at this property? The property is developed with a permitted use. The special exception is to allow the single-family residence to be rented on a less than 30-day basis.

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

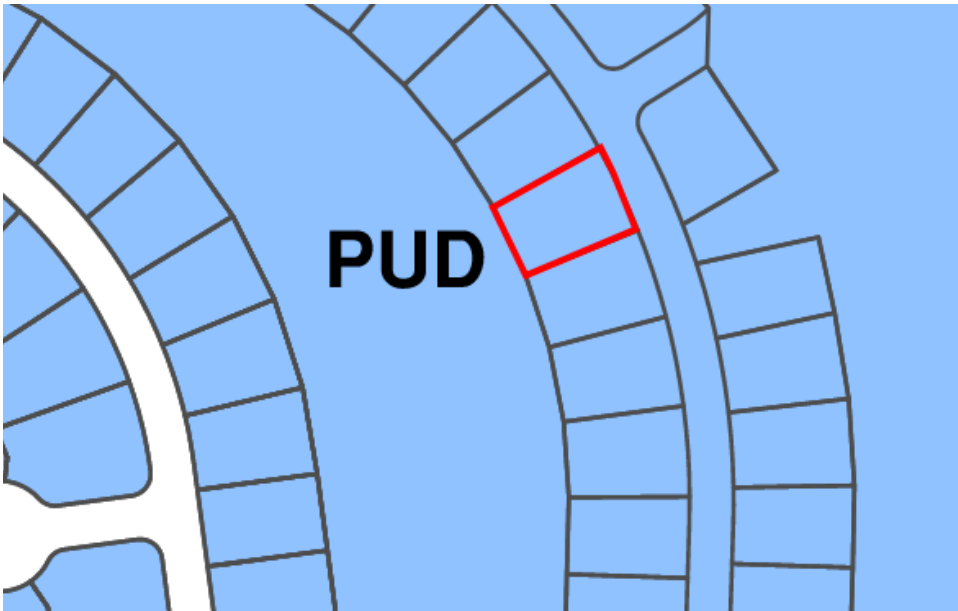


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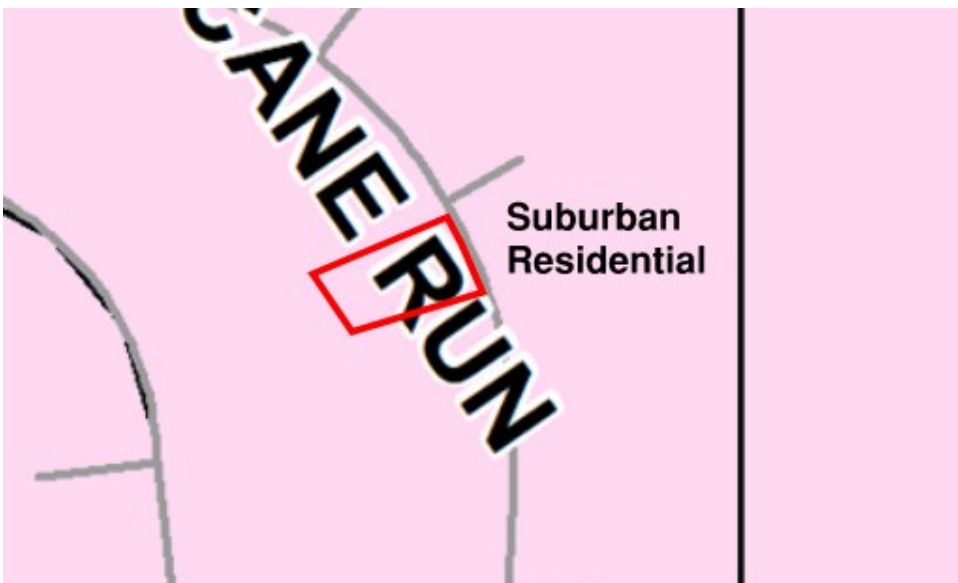
223 E River Cane Run

Special Exception for
Residential Short-term
Rental

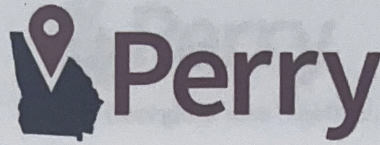
Aerial



Zoning



Character Area



Where Georgia comes together.

Application # _____

Application for Special Exception

Contact Community Development (478) 988-2720

***Indicates Required Field**

	*Applicant	*Property Owner
*Name	Andres Acosta	Leo Chavez
*Title	Operating Manager	Property owner
*Address	205 Wellington Way, Warner Robins, GA 31093	947 S Kays Dr, Kaysville, UT 84037
*Phone	478-202-8820	[REDACTED]
*Email	admin@mastrinvestments.com	[REDACTED]

Property Information

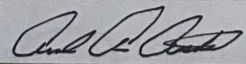
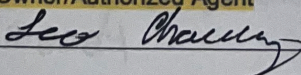
*Street Address 223 E River Cane Run	*Zoning Designation Zoning: PUD Class: R3
*Tax Map Number(s) 0P0880 006000	

Request

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

Instructions

- 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.
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards).** See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- *For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.**
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.**
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
- *Signatures:**

*Applicant 	*Date 11 / 27 / 2024
*Property Owner/Authorized Agent 	*Date 12 / 02 / 2024

“Standards for Granting a Special Exception” Additional Responses

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

- No.

(1) The existing land use pattern.

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

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

- The proposed use of this home as a short-term rental is consistent with the Comprehensive Plan in the following ways:

- ○ In the Comprehensive Plan, one of the goals for economic development is to “develop ways to expand economic development opportunities throughout the county”. In being used as a short-term rental, this home provides economic opportunity for: 2 handyman companies, 2 cleaning companies, 3 hired positions, 1 lawncare company, 1 laundry service provider.
- ○ This home houses guests coming into the community. We provide a guidebook and other resources that encourage our guests to visit and shop locally within the Perry community.
- ○ This home would provide large sum of lodging tax, paid to the city of Perry
 - ○ This home would provide place a housing option for our own citizens within the community who:
 - Are waiting for their house to be built/renovated
 - Are moving into the area for any reason
 - Military/business
 - Have been displaced from their home because of fire, water, or some other sort of damage
 - According to the Comprehensive Plan, *“Houston County aspires to be a welcoming, diverse community, filled with opportunities for economic prosperity, where everyone can attain a high quality of life. We will protect our natural resources, enhance relationships with Robins Air Force Base, and build a robust, creative and social community”*
 - Providing a short-term rental housing option is in complete alignment with this statement. We would provide a welcoming, safe accommodation for families and business travelers. We accommodate a wide variety of clientele, coming from all over the US, with diverse backgrounds. We provide access to resources and events within our community and seek to promote other small businesses.

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

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

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

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

(5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:

(a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and

(b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern.

- A) The proposed use of this home as a short-term rental should in no way increase the pedestrian or vehicular traffic within this area. This home will have a cap for the number of cars that are allowed to be present (4), and the number of guests allowed at the property (10). Being that this home has a 2 car garage with a large driveway, guests will be directed to park only on driveway – no on street parking will be permitted. Front of home will be continually monitored by a Ring alarm camera to ensure that guests are abiding by these directions.

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

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

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

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

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

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

****Note:** We have an employee who covers the night shift of our operations. She receives all noise notifications when we are asleep and responds immediately. She contacts us via phone if there is any issue.

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

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

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

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

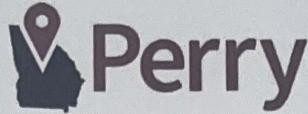
5. Safety (cleaning/inspections): After a guest checks out, our cleaners are the first people to go in. Upon their arrival, they immediately take photos of each room in the property and document any damage done to the property, if any. This is uploaded into our operational platform. After the clean is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

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

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

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

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



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Application # _____

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

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

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Property Owner	*Designated Local Contact Person complying with Sec. 4-3.5(C) of Land Management Ordinance
*Name	Leo Chavez	Andres Acosta
*Mailing Address	947 S Kays Dr, Kaysville, UT 84037	205 Wellington Way, Warner Robins, GA 31093
*Phone	[REDACTED]	*24-hour contact: 478-202-8820
*Email	[REDACTED]	admin@mastrinvestments.com

*Street Address of Short-term Rental Unit:	223 E River Cane Run
*Tax Map Number:	0P0880 006000

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

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

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

***Notarized Property Owner Signature:**

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

Signature

12-2-2024

Date

*Notary Public signature and seal:

Signature:

Date:

12-2-2024

Seal:





Georgia Farm Bureau Mutual Insurance Company
P.O. Box 7008
Macon, Georgia 31209-7008

Field Printed Declarations
Always the Home Team™

Policy Number: [REDACTED]

Named Insured(s):

Leo Chavez
Taylor Chavez
223 E River Cane Run
Perry GA 31069-9468

Member Number: 16307712

Agent: Johnathon T. Albritton
jtalbritton@gfbinsurance.com
(478) 987-2470

THIS IS A CONTINUOUS RENEWAL POLICY

Coverage Period: Effective: 02/23/2024 Expiration: 02/23/2025
(12:01 A.M. standard time at the location of the residence premises)

Location of Covered Residence Premises: 223 E River Cane Run Perry GA 31069

Coverage at the above described location is provided only where a limit of liability is shown or a premium is stated.

Coverages:

Section I Coverages:

A. Dwelling	\$355,000.00
B. Other Structures	\$35,500.00
C. Personal Property	\$266,000.00
D. Loss of Use	\$106,500.00

Section II Coverages:

E. Personal Liability	\$1,000,000.00	Each Occurrence
F. Medical Payments to Others	\$5,000.00	Each Person

Deductibles (Section I Only):

Policy Deductible	\$2,500
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Optional Coverage(s):

- HO 06 33 01/2014
- HO 06 36 05/2013
- HO 99 93 03/2013
- HO 99 50 03/2010
- HO 99 01 04/2023
- HO 04 16 10/2000
- HO 99 05 11/2011
- HO 99 43 10/2019
- HO 01 10 01/2020
- HO 04 98 05/2011
- HO 04 20 05/2011
- HO 03 36 05/2011
- HO 00 05 05/2011

Premiums:

\$352.00

\$37.00

TOTAL POLICY PREMIUM:

\$389.00

Email	leochavez1720@hotmail.com
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Starting a Business

License Type	Home Occupational
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Are you the owner of the home?	Yes
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Applicant Name	First Name: Leo Last Name: Chavez
-----------------------	--

Business Name	Leo Chavez
----------------------	------------

Physical Location	Street Address: 223 e River Cane Run City: Perry State: GA Zip: 31069
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Mailing Address	Street Address: 947 s Kays dr City: Kaysville State: UT Zip: 84037
------------------------	---

Business Phone Number	
------------------------------	--

Type of Business	Short-Term Rental
-------------------------	-------------------

Is your business a LLC (Limited Liability Company)	No
--	----

NAICS Code	
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E-mail Address	leochavez1720@hotmail.com
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Number of Employees (Full-time Equivalent)	1
---	---

IRS EIN (Tax ID)	*****
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State License	
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Lease/Settlement Agreement	IMG_7202.jpeg
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E-Verify	IMG_7200.jpeg
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SAVE Affidavit	IMG_7201.jpeg
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Picture Identification	IMG_6904.jpeg
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Please describe the business in detail. Describe any activities involved, material and equipment used and products produced.	This home will be operated as a short-term rental. Guests will stay at the home for varying lengths of stays as they visit the city of Perry. Activities involved include guest stays, along with the general care of the property by the managing company [lawn care, cleaning between guests, any other general maintenance].
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How many persons will be employed in the conduct of the proposed office. Include Residents and others (no more than 1 permitted)	1
3. Will customers or clients come to the residence? If yes, this is classified as a “Residential Business” under Section 4-4.3(D) of the LMO and requires a Special Exception.	Yes
Describe any alterations or changes to the home that might be required to facilitate the Home office.	None
Describe how, where, and in what amounts the material, supplies, and/or equipment related to the Home Office will be displayed or stored.	There are no significant supplies or equipment stored at the property, outside of the general consumables and cleaning supplies provided to the guests.
Describe the size and type of any vehicle used in connection with the Home Office.	None
Will the Home Office involve the use of commercial vehicles for the delivery of materials to or from the home?	No
Do you intend to display any signs relating to the Home Office?	No

PETS

- Dogs & Cats ONLY.
- Maximum of 3 pets
- Weight limit of 75lbs
- Pet's are NOT allowed on furniture. If pet hair is found on furniture, a \$15 fee will be applied PER ITEM.
- All guests must pick up pet waste before checking out of property. Failure to do so will result in a \$30 fine and a negative guest review.

LATE CHECK-OUT PENALTY

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

PARKING:

- See "parking" section of guidebook for vehicle limitations.
- Park only under carport/garage and/or driveway.
- Do not park on the side of the road

SMOKING:

- No smoking inside the house
- \$300 penalty if smoke is evident

QUIET HOURS | 3 STRIKE RULE

- Please refrain from loud and unnecessary noise from 10pm-9am
- (BE ADVISED: Property is equipped with noise monitoring devices that detect if the volume is at an unacceptable level. Host is notified immediately after that volume is reached for an extended amount of time)
- First Alert: Host will contact guests through text message & platform as a warning to quiet noise.
- Second Alert: Host will contact guests again through text message & platform as a second warning to quiet noise.
- Third Alert: Host will call guests contact as a final warning. If Noise does not stop, local authorities will be called and host will remove you from property, and cancel the remainder of your stay with no refund.

ADDITIONAL MISC RULES

- Normal cleaning fees are included in all rental rates, however additional billing will occur for any excessive/abnormal cleaning, damages, or missing items.
- Please make sure doors are locked when leaving the unit.
- Linens, blankets, and towels are not to be removed from the home. Please do not take these items to parks or outdoor venues.
- Limit food/drink in bedrooms
- No house parties
- No unregistered guests
- No illegal substances
- No rearranging furniture.
- No mail deliveries to property unless otherwise authorized by host. [Food deliveries such as grubhub, doordash, etc are acceptable]

Please acknowledge the following, as requested per the City of Perry:

4-3.5. *Short-term rental.* The standards in this subsection are required for all short-term rental properties

- (A) *Definitions.* As used in this subsection, the following definitions apply:
Responsible person means the signatory of an agreement for the rental, use and occupancy of a short-term rental unit, who shall be an occupant of that short-term rental unit, who is at least twenty-one years of age, and who is legally responsible for ensuring that all occupants of the short-term rental unit and/or their guests or visitors comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental unit.
- (B) *Restrictions on the number of occupants.* The owner or local contact person shall not rent, allow, provide, or advertise for more than two (2) persons per bedroom, plus two (2) additional persons, when using the premises as a short-term rental unit. Regardless of the number of bedrooms on the premises, it shall be unlawful for more than ten persons, including children, to occupy a short-term rental unit at any one time, or to exceed the maximum occupancy shown on the short-term rental permit. A visual inspection by a city employee of more than ten persons at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this section.
- (C) *Parking restrictions.* The maximum number of motor vehicles allowed at a short-term rental unit shall be limited to the number of available off-street parking spaces. It shall be unlawful for an owner to permit, allow or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface. It shall be unlawful for an occupant of a short-term rental unit to park a motor vehicle on a residential street near a short-term rental. It shall be unlawful for an occupant of a short-term rental unit, or an owner thereof to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, utility trailer, or commercial vehicle on the premises of a short-term rental unit.
- (D) *Minimum stay required.* An owner or person shall not rent or lease a short-term rental unit for a period of less than 24 hours.
- (E) *Noise restrictions.* It shall be unlawful to allow or make noise or sound that exceeds the limits set forth in the City's noise ordinance, §17-55. ***SEE BELOW***

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

(a) It shall be unlawful for any person, after such person has been given one (1) warning by law enforcement personnel, to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

(b) The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is natural or unnatural;
- (5) The volume and intensity of the background noise, if any;
- (6) The proximity of the noise to residential sleeping facilities;
- (7) The nature and zoning of the area within which the noise emanates;
- (8) The density of the inhabitation of the area within which the noise emanates;
- (9) The time of the day or night the noise occurs;
- (10) The duration of the noise;
- (11) Whether the noise is recurrent, intermittent, or constant; and
- (12) Whether the noise is produced by a commercial or noncommercial activity.

(c) The following acts, among others, are declared to be loud, disturbing, unusual and unnecessary noises and noises in violation of this section but this enumeration shall not be deemed to be exclusive:

- (1) *Horns.* The continued sounding of any horn or signal devise on any automobile, motorcycle, bus, street car or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal; the creation by means of any signal device for any unnecessary or unreasonable period of time;
- (2) *Televisions, radios, phonographs and musical instruments.* The playing of any television, radio, phonograph, musical instrument or other such instruments in such a manner or with such volume, particularly during the hours between 12:00 midnight and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons in any office, hospital, dwelling, hotel or other type of residence, or any persons in the vicinity, except this shall not apply to schools of music between the hours of 7:00 a.m. and 10:00 p.m.;
- (3) *Voices.* Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 12:00 midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or any persons in the vicinity;
- (4) *Noisy vehicles.* The use of any vehicle in any manner as to create loud and unnecessary noise;
- (5) *Exhaust.* The discharge into the open air of the exhaust of any engine, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom;
- (6) *Construction work.* The erection, including excavating, demolition, alteration or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 9:00 p.m. except

in cases of urgent necessity, and then only with a permit from the chief of police or his designee, which permit may be granted for a period not to exceed sixty (60) days while the emergency continues. If the chief of police or his designee should determine that the public health and safety will not be impaired by the erection, demolition, alteration and repair of any building, or the excavation of streets and highways between the hours of 9:00 p.m. and 7:00 a.m. and if he should further determine that loss or inconvenience will result to any party in interest, he may grant permission for this work to be done during these hours upon application being made at the time the permit for work is awarded and during the progress of the work;

(7) *Institutions requiring quiet.* The creation of an excessive noise on any street adjacent to any school, institution of learning, church or court while in session, or adjacent to any hospital, nursing home or personal care home, which unreasonably interferes with the workings or sessions thereof;

(8) *Loud speakers on vehicles.* The use of mechanical or electrical loud speakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes; or

(9) *Loud speakers on public property.* It shall be unlawful to use, maintain or operate loud speakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the streets, sidewalks, parks or other public places of the city; provided that nothing herein shall apply to the United States of America, the state, the county, the city or any public or private school system, nor to public agencies of any of them.

(10) *Consumer fireworks.* Consumer fireworks shall not be ignited between the hours of 9:00 p.m. and 10:00 a.m. except for the days and times set out in O.C.G.A. §§ 25-10-2(b)(3)(B)(ii) and (iii).

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

(1) Any vehicle of the city while engaged upon necessary public business;

(2) Excavations or repairs of bridges, streets or highways, by or on behalf of the city, county or state, during the night season, when the public welfare and convenience renders it impossible to perform this work during the day; nor shall they apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor;

(3) The reasonable use of amplifiers or loud speakers in the course of public addresses which are noncommercial in character; or

(4) Any parade, celebration or performance for which a permit has been obtained prior thereto from the city.

(F) *On-premises curfew requirements.* The owner shall not allow the congregation of occupants outside on the premises between the hours of 10:00 p.m. and 9:00 a.m.

(G) *Trash pickup requirements.* The owner or occupant shall not allow trash and refuse to accumulate in an unsanitary manner. If the owner does not remove trash and refuse from the premises after each individual occupancy, the owner or occupant shall place all residential solid waste curbside for collection and disposal by the city, or its authorized representative, no later than 6:00 a.m. on the day of collection and no earlier than 3:00 p.m. on the day before the scheduled collection day. The mobile toter shall be removed from curbside no later than 8:00 a.m. on the day after collection.

(H) *Advertising, promoting, or allowing of special events prohibited.* An owner or occupant shall not advertise or promote a special event or allow the advertising and promotion of a special event (e.g., banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e., utilize the premises as an 'event venue' or 'convention center' as defined in this chapter).

- (I) *Notice to occupants of short-term rentals.* An owner or person operating a short-term rental shall provide a notice of instructions (also known as “host rules”) to occupants staying at the premises in a form developed by the administrator. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on noise, and curfew times.

- (J) *Written rental agreement required.* The owner shall require a written rental agreement with a responsible person for the short-term rental unit which shall contain the following provisions:
 - a. the responsible person’s agreement to abide by all of the requirements of this chapter, any other applicable city ordinances, state and federal law and acknowledge that his or her rights under the agreement may not be transferred or assigned to anyone else;

 - b. the responsible person’s acknowledgement that it shall be unlawful to make any noise or sound that exceeds the limits set forth in the city’s noise ordinance; and

 - c. the responsible person’s acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short-term rental unit by the owner or local contact person, as well as the potential liability for payments of fines levied by the city.

Trash plan

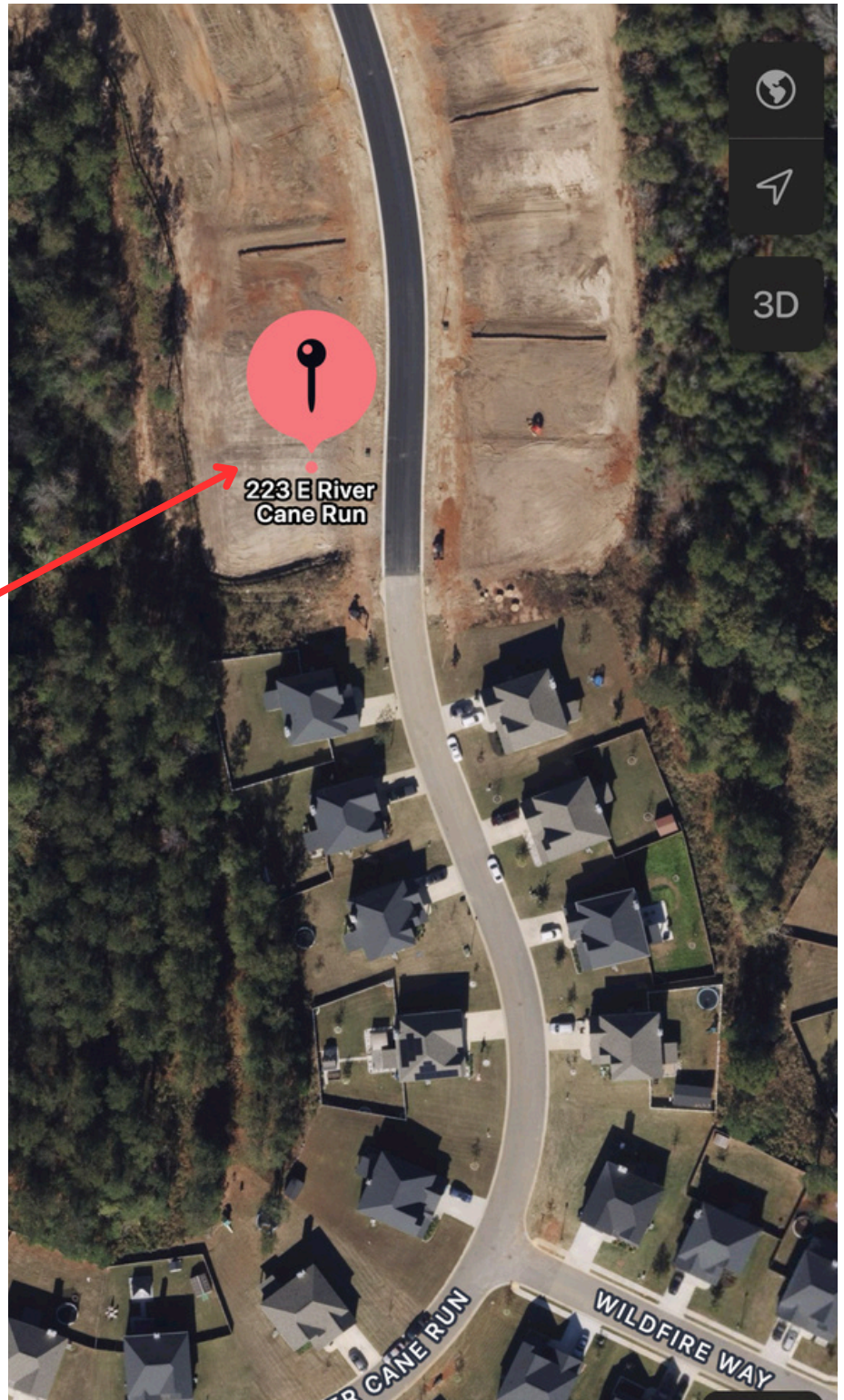
We send guests an automated message the day before trash day to take trash out. Cleaners take trash out every turnover.

Please see host rules where the times for takeout and pickup by the guests are specified.

**If for any reason the amount of trash becomes an issue, we arrange for a second trash can to help manage any extra waste

Max number of occupants: 10

#6: Plot plan of premises identifying location and number of parking spaces for the STR



- 4 cars max
 - 2 in garage
 - 2 on driveway*(if 2 cannot both fit on driveway, only 1 will be permitted on driveway)*
- No street parking will be allowed

#6: Plot plan of premises identifying location and number of parking spaces for the STR



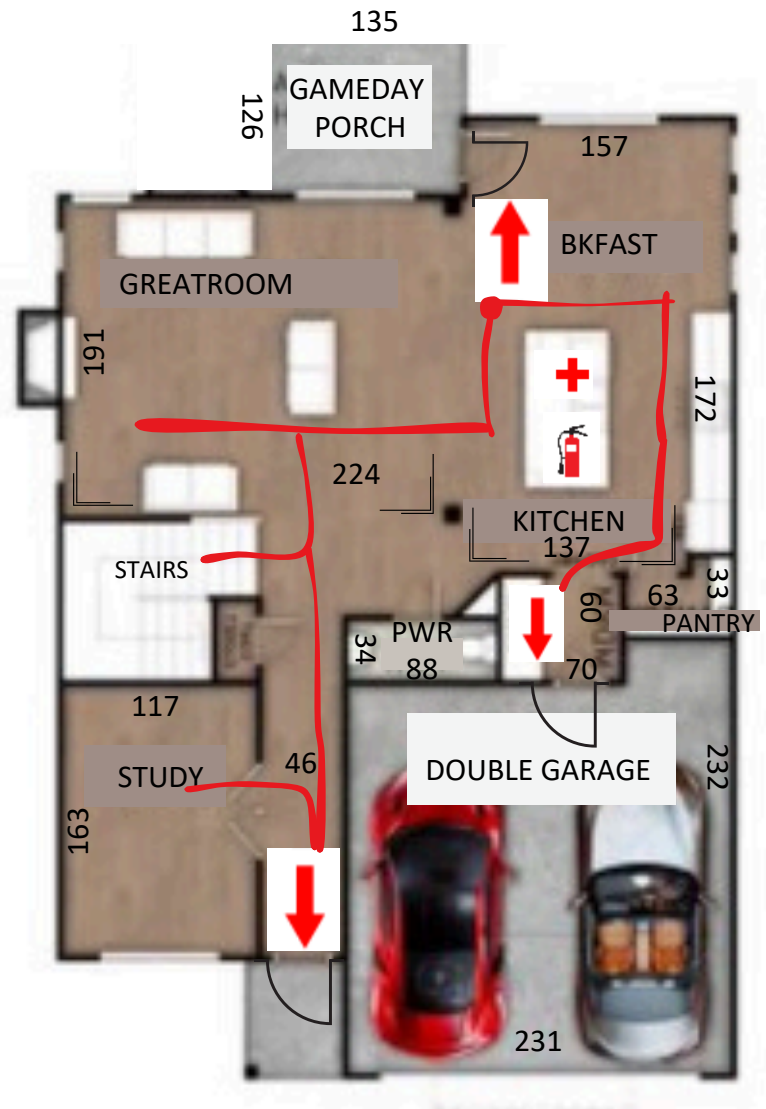
- 4 cars max
 - 2 in garage
 - 2 on driveway

(if 2 cannot both fit on driveway, only 1 will be permitted on driveway)
- No street parking will be allowed

#7: Dimensioned floor plan of the STR identifying bedrooms, other living spaces, and emergency evacuation routes



2nd floor



ground floor

MEASUREMENTS IN INCHES

-  FIRE EXTINGUISHER
-  FIRST AID
-  EMERGENCY EXIT
-  ROUTE
-  doors (leading to exterior)

GUEST SHORT TERM RENTAL AGREEMENT

PET POLICY

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

LATE CHECK-OUT PENALTY

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

PROPERTY GUIDELINES

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

Booking Guest _____

Print Name

|

Signature

|

Date

#9: Heritage Property Management Services
(770)451-8171

#10: None



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
December 23, 2024

CASE NUMBER: SUSE-0170-2024
APPLICANT: Kevin Tran
REQUEST: A Special Exception to allow a short-term residential rental
LOCATION: 226 Black Hawke KN, Kathleen; Tax Map No. 0P60B0 024000

REQUEST ANALYSIS: The subject property owner proposes offering **4-bedrooms/3-bath** house for short-term rental for a maximum of **10** occupants. The subject dwelling was inspected for minimum safe and health standards and **passed**.

Standards for Short-term Rental Properties (Section 4-3.5 of the LMO)	
1,000-foot buffer from another STR and only one STR per premises	Complies
Designation of local contact person	Complies
Host Rules addressing: <ul style="list-style-type: none"> • Maximum occupancy of 10 persons • Parking restrictions; on-premises parking of up to 3 vehicles • Noise restrictions • On-premises curfew • Prohibition of on-premises events 	Complies
Trash pick-up plan	Complies
Required written rental agreement	Complies
Proof of required active insurance policy	Complies
Application for City of Perry Occupational Tax Certificate	Complies
Other standards will be addressed with the issuance of an STR permit	

STANDARDS FOR SPECIAL EXCEPTIONS:

Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property? The applicant has indicated there is an HOA and provided contact information. The HOA president has been made aware of this application and the intention to use the property as a short-term rental.

Does the Special Exception follow the existing land use pattern?

	Zoning Classification	Land Uses
Subject	PUD, Planned Unit Development	Single-family residential
North	PUD, Planned Unit Development	Single-family residential
South	PUD, Planned Unit Development	Single-family residential
East	PUD, Planned Unit Development, RAG	Undeveloped
West	PUD, Planned Unit Development	Single-family residential

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.

Will adequate fire and police protection be available? Fire and police protection are already provided to the property. The proposed use should not negatively impact these services.

Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties? Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than the normal occupancy of a single-family residence.

Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood? Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.

Will the use result in an increase in population density overtaxing public facilities? Short-term rental of the residence should not increase the population density above that expected for the size of the house.

Will the use create a health hazard or public nuisance? Short-term rental of the residence should not create a health hazard. Compliance with standards for short-term rentals will prevent a public nuisance.

Will property values in adjacent areas be adversely affected? Short-term rental of the residence should not adversely affect the value of properties in the area.

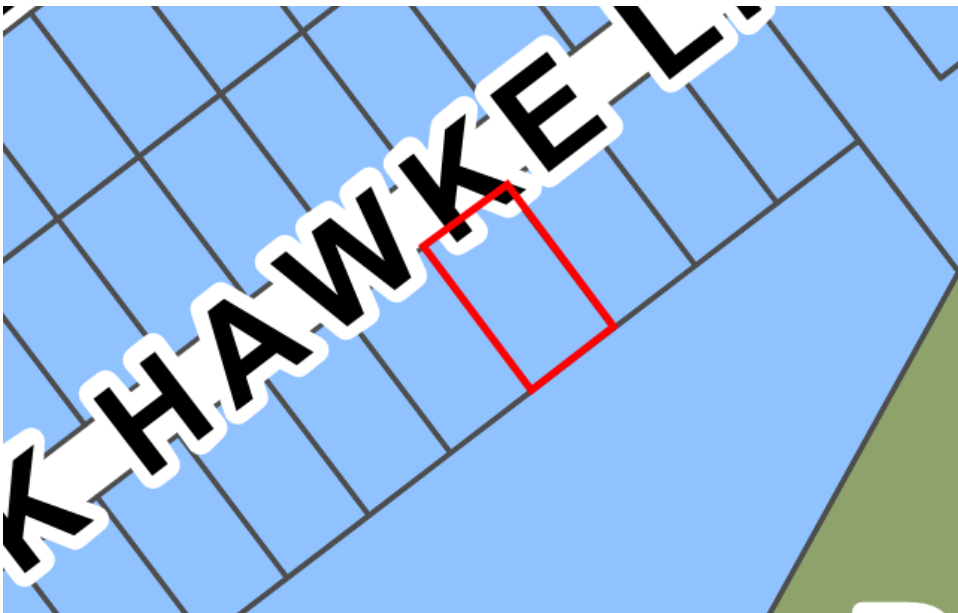
Are there substantial reasons a permitted use cannot be used at this property? The property is developed with a permitted use. The special exception is to allow the single-family residence to be rented on a less than 30-day basis.

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

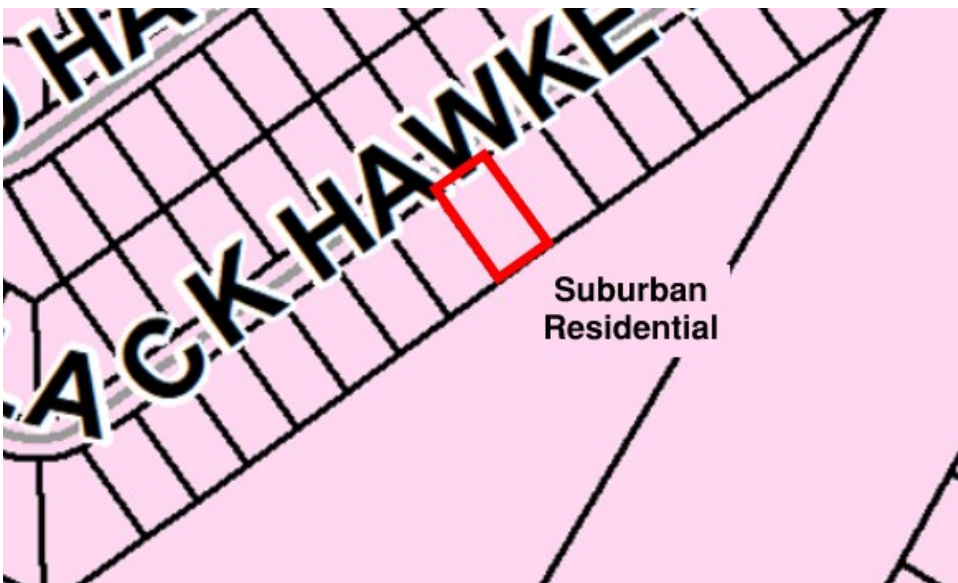


SUSE-0170-2024
226 Black Hawke LN
Special Exception for
Residential Short-term
Rental

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # SUSE 0170-
2024

Application for Special Exception

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Kevin Tran	Kevin Tran
*Title	Owner	Owner
*Address	226 Black Hawk Lane	226 Black Hawk Lane
*Phone	[REDACTED]	[REDACTED]
*Email	[REDACTED]	[REDACTED]

Property Information

*Street Address	226 Black Hawk Lane, Kathleen, GA 31047	
*Tax Map Number(s)	0059104R	*Zoning Designation PUD

Request

*Please describe the proposed use:
Short-term rental

Instructions

- 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.
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards).** See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- *For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.**
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.**
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
- *Signatures:** *Kevin Tran*

*Applicant	<i>Kevin S Tran</i>	*Date	12/21/24
*Property Owner/Authorized Agent	<i>OWNER</i>	*Date	12/21/24

Standards for Granting a Special Exception

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

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

- (1) The existing land use pattern. *Single Home. 1/3 AC.*
- (2) Whether the proposed use is consistent with the Comprehensive Plan. *Yes*
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. *Wood. Yes*
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan. *Yes*
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area: *Yes*
 - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and *No*
 - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern. *Yes*
- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities. *Yes*
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water. *No*
- (8) Whether the proposed change will adversely affect property values in adjacent areas. *No*
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. *No*



Where Georgia comes together.

CITY OF PERRY, GEORGIA
APPLICATION FOR OCCUPATIONAL TAX CERTIFICATE
Post Office Box 2030 - 1211 Washington Street – Perry, Georgia 31069
Office 478-988-2740 Fax 478-988-2748
chrysta.hays@perry-ga.gov

- New
- Renewal
- Change

Business Name I.P.M. LLC Phone Number 478 244-1086
 Type of Business: Short-Term Rental
 Business physical location 226 Black Hawke Lane Kathleen GA 31047
 Business mailing address 228 Black Hawke lane KATHLEE GA 31047
Street or P O Box City State Zip
 Number of employees (including manager) 4 NAICS Code _____
 Full legal name of applicant KEVIN SON TRAN
(Applicant must provide current legal driver's license)

Applicant date of birth [REDACTED] Social Security Number _____

Applicant Contact Information:

Residence Address 228 Black Hawke Ln Kathleen GA 31047
Street City State Zip

Cell Phone Number [REDACTED] Home Phone Number [REDACTED]
Work Phone Number [REDACTED] Email [REDACTED]

Full legal name of Owner/Manager/Agent Kevin S Tran

Full legal name of entity operating business Kevin S Tran

Full legal name of persons/entities having 20% or more interest in operating entity.
Van H Nguyen.

Business federal employer identification number _____

Please list any other associated trade names for the business _____

I, the applicant hereinabove set forth, after being duly sworn, under oath states the foregoing information is true and correct to my best knowledge and belief. So help me God.

This 3 day of December, 2024.

Kevin S Tran
Applicant Signature

Dec. 3rd 2024
Date

H OA: contact

Black Hawk @ Grand Reserve

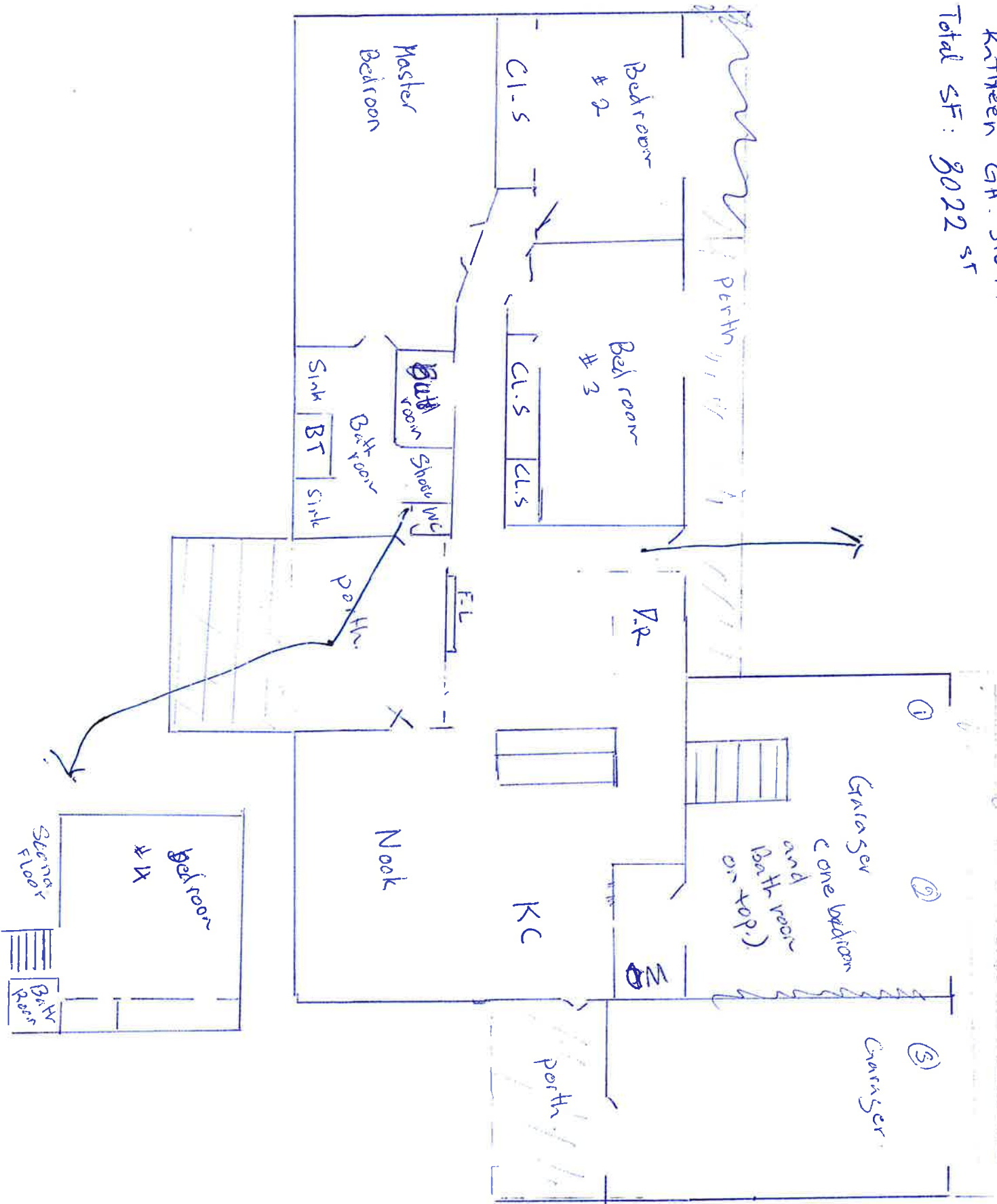
Dean Silver

478-550-3928

226 Black Hawk Ln
Kathleen GA. 31047

Total SF: 3022 SF

11222641



State Farm Fire and Casualty Company

Applicant Name: TRAN, KEVIN S
 Effective Date: 12-06-2024
 11-KU-U189-3 F

GA

Personal Liability Umbrella Application / Customer Copy

APPLICANT:	TRAN, KEVIN S	CO-APPLICANT(S):	NGUYEN, HUYEN V
MAILING ADDRESS:	228 BLACK HAWKE LN KATHLEEN, GA 31047-1405		
BILLING:	Put application on SFPP: No		
COVERAGES/PREMIUM SECTION:			
Policy Coverage	Limit	Premium	
L Personal Liability	1,000,000	485.00	
Discounts:			
Class 50			
Total Premium:	\$ 485.00		
Amount Paid:	\$ 485.00		
Credit Amount:	\$ 0.00		
Balance Due:	\$ 0.00		
APPLICANT(S) ACKNOWLEDGEMENT:	By submission of this application, you agree that: (1) You have read this application, (2) your statements on this application are correct, (3) the minimum policy limits are in force, (4) all vehicles are insured, (5) the premium charged must comply with State Farm's rules and rates and may be revised, and (6) traffic violation reports may be obtained by the company named hereon on any person named as a driver of the insured motor vehicle at any time.		
AGENT INFORMATION:	App date and time: 12-06-2024 04:49 PM		
Agent: Alex Thigpin	Agent / AFO Code: 11-2767/27FBB6	Agent Phone: (478)956-3131	
Location Address: 108 S Highway 49 Byron, GA 31008-7329	Mailing Address: 108 Ga Highway 49 S Byron,,,, GA 31008-7329		
IMPORTANT NOTICES			
REGARDING CONSUMER REPORTS...			
Consumer reports may be ordered in conjunction with this application. These reports provide information that assists with determining your eligibility for insurance.			
REGARDING PERSONAL, FAMILY OR HOUSEHOLD INSURANCE TRANSACTIONS...			
We may collect personal information from persons other than the individual or individuals applying for coverage. Such personal information as well as other personal or privileged information subsequently collected may, in certain circumstances, be disclosed to third parties without your authorization as permitted by law. If you would like additional information about the collection and disclosure of personal information, please contact your State Farm agent. You may also act upon your right to see and correct any personal information in your State Farm files by writing your State Farm agent to request this access.			



State Farm Fire and Casualty Company

PO Box 2356
Bloomington IL 61702-2356

H-27- 2767-FBB6 R F

TRAN, KEVIN S &
NGUYEN, HUYEN V
228 BLACK HAWKE LN
KATHLEEN GA 31047-1405

Location: 226 BLACK HAWKE LN
KATHLEEN GA
31047-1405

Forms, Options, and Endorsements

Special Form 3 FP-8106
Fungus Limited Liability Cov FE-5909.1
Terrorism Insurance Cov Notice * FE-6999.3

*Effective: AUG 01 2024

RENEWAL CERTIFICATE

POLICY NUMBER [REDACTED]
Rental Dwelling Pol - Special Form
AUG 01 2024 to AUG 01 2025

DATE DUE SEE BALANCE DUE NOTICE
AUG 01 2024 \$741.00

Coverages and Limits

Section I

A Dwelling \$340,700
Dwelling Extension 34,070
B Personal Property 17,035
C Loss of Rents Actual Loss

Deductibles - Section I

Basic 5.00% 17,035

Section II

L Business Liab (per occurrence) \$300,000
(annual aggregate) 600,000
M Medical Payments to Others 1,000
(each person)

Annual Premium \$741.00
Amount Due \$741.00

Premium Reductions
Utility Rating Credit 78.00

Inflation Coverage Index: 322.9

27 IPPD

01

91-J9-Q267-3

NOTICE: Information concerning changes in your policy language is included. Please call your agent if you have any questions.

Please help us update the data used to determine your premium. Contact your agent with the year each of your home's utilities (heating/cooling, plumbing, or electrical) and roof were last updated.

Moving? See your State Farm agent.
See reverse for important information.

Prepared JUN 10 2024

3371

201E 1

Agent ALEX THIGPIN
Telephone (478) 956-3131

REB

E *
012

Thanks for letting us serve you...



In accordance with the Terrorism Risk Insurance Act of 2002 as amended and extended by the Terrorism Risk Insurance Program Reauthorization Act of 2019, this disclosure is part of your policy.

POLICYHOLDER DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE

Coverage for acts of terrorism is not excluded from your policy. However your policy does contain other exclusions which may be applicable, such as an exclusion for nuclear hazard. You are hereby notified that the Terrorism Risk Insurance Act, as amended in 2019, defines an act of terrorism in Section 102(1) of the Act: The term "act of terrorism" means any act that is certified by the Secretary of the Treasury—in consultation with the Secretary of Homeland Security, and the Attorney General of the United States—to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion. Under this policy, any covered losses resulting from certified acts of terrorism may be partially reimbursed by the United States Government under a formula established by the Terrorism Risk Insurance Act, as amended. Under the formula, the United States Government generally reimburses 80% beginning on January 1,

2020 of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage. The Terrorism Risk Insurance Act, as amended, contains a \$100 billion cap that limits U.S. Government reimbursement as well as insurers' liability for losses resulting from certified acts of terrorism when the amount of such losses exceeds \$100 billion in any one calendar year. If the aggregate insured losses for all insurers exceed \$100 billion, your coverage may be reduced.

There is no separate premium charged to cover insured losses caused by terrorism. Your insurance policy establishes the coverage that exists for insured losses. This notice does not expand coverage beyond that described in your policy.

THIS IS YOUR NOTIFICATION THAT UNDER THE TERRORISM RISK INSURANCE ACT, AS AMENDED, ANY LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM UNDER YOUR POLICY MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT AND MAY BE SUBJECT TO A \$100 BILLION CAP THAT MAY REDUCE YOUR COVERAGE.

FE-6999.3

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27 IPPD

01



< Listings

Listing ID: 508607

I.P. M - Ilc [Edit property name](#)

226 Black Hawke Lane
Kathleen, Georgia, 31047, United States

Overview



Overview

[Submit a request](#)

[Add owner block](#)

Reviews

★★★★★ 4.85 (23 total reviews)

Bedrooms 4

Bathrooms 3

Maximum occupancy 9

Property type House

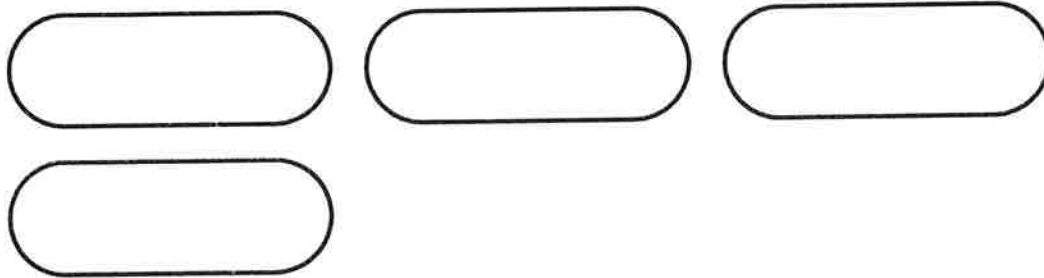
Complex name N/A

Unit size



View your listing on our partner sites

Viewing your listing repeatedly may negatively affect your search ranking and performance.



Contacts

Please be aware that only contacts designated as Guest Contacts will be shared with the guests.

Full Service

Kevin Tran

✉ vanson362@gmail.com

☎ [+14782441086](tel:+14782441086)

Property Owner

Kevin Tran

✉ vanson362@gmail.com

☎ [+14782441086](tel:+14782441086)

Information for your guests

✓ Pre-stay information

Property description

Property address

- 226 Black Hawke Lane, Kathleen, Georgia, 31047, United States

Guest contact

- Kevin, (478) 244-1086, vanson362@gmail.com
- Please contact your guest contact(s) with any questions or concerns you may have before or during your stay

Check-in instructions

- Check in after 3:00 PM
- The Door code is [REDACTED]
- Please inform the Guest Contact of any problems or concerns upon arrival, so we can work to address these immediately

Check-out instructions

- Check out before 10:00 AM
- Prior to your departure, please tidy up the property by doing the following:
- Remove all perishable items
- Take out the trash
- Load and start the dishwasher
- Strip linens from all used beds
- Place all used linens and towels in a pile
- Turn off all lights, electronics, and appliances
- Close and lock all windows and doors
- Additional fees will be imposed if the property is found in an unsatisfactory condition, so please return it to the condition in which you found it

House rules

- No smoking
- No pets allowed
- No events, parties, or large gatherings
- Must be at least 25 years old to book
- Please report any damages that occur to both the Guest Contact and Evolve
- Please keep noise to a minimum between 10:00 PM and 6:00 AM.

Internet instructions

- Instructions for connecting to the wireless internet network can be found inside the unit upon arrival

Additional information

- This 2-story home requires 1 small step to enter

Parking

- 2 vehicles can be parked in the garage
- 3 additional vehicles can be parked in the driveway
- Additional street parking is also available on a first-come, first-served basis
- Trailer parking allowed on-site

SHORT-TERM RENTAL AGREEMENT

1. **THE PARTIES.** This Short-Term Rental Agreement ("Agreement") made on _____, between the following:

Landlord: Kevin S Tran _____, with a mailing address of
228 black hawk lane kathleen ga 31047 _____ ("Landlord"), and

Tenant: _____, with a mailing address of
_____ ("Tenant").

Occupant(s): _____.

2. **THE PREMISES.** The Landlord agrees to lease the described property below to the Tenant, and the Tenant agrees to rent from the Landlord:

- a.) Mailing Address: 226 black hawk lane kathleen lane kathleen GA 31047 _____.
- b.) Residence Type: Apartment House Condo Other: _____
- c.) Bedroom(s): 4
- d.) Bathroom(s): 3
- e.) Other: _____.

Hereinafter known as the "Premises."

3. **LEASE TERM.** The Tenant shall have access to the Premises under the terms of this Agreement for the following time period: (check one)

- **Fixed Term.** The Tenant shall occupy the Premises starting _____, at 03:00 AM PM and ending _____, at 10:00 AM PM ("Lease Term").

- **Month-to-Month Lease.** The Tenant shall be allowed to occupy the Premises on a month-to-month arrangement starting on _____, and ending upon notice of _____ days by either Party ("Lease Term").

4. **SECURITY DEPOSIT.** The Tenant shall be obligated to pay the following amounts upon the execution of this Agreement: (check one)

- **No Security Deposit:** There is no deposit required for the security of this Agreement ("Security Deposit").

- **Security Deposit:** \$ _____ ("Security Deposit"). The Security Deposit is for the faithful performance of the Tenant under the terms and conditions of this Agreement. The Tenant must pay the Security Deposit at the execution of this Agreement. The Security Deposit shall be returned to the Tenant within the State's requirements after the end of the Lease

Term less any itemized deductions. This Security Deposit shall not be credited towards any Rent unless the Landlord gives their written consent.

5. **RENT.** The Tenant shall pay the Landlord:

- **Fixed Amount.** The Tenant shall be required to pay the Landlord \$ _____ for the Lease Term ("Rent"). The full amount of the Rent is due at the execution of this Agreement.

- **Monthly Amount.** The Tenant shall be required to pay the Landlord \$ _____ in equal monthly installments for the Lease Term ("Rent") and due on the ____ of each month under the following instructions:
_____.

6. **UTILITIES.** The Landlord shall be responsible for all utilities and services to the Premises EXCEPT for the following:
_____.

7. **PETS.** The Landlord: (check one)

- **Does Not Allow Pets.** There are no pets allowed on the Premises. If the Tenant is found to have pets on the Premises, this Agreement and any Security Deposit shall be forfeited.

- **Allows Pets.** The Tenant shall have the right to have ____ pet(s) on the Premises with a maximum limit of ____ pounds per pet. For the right to have pet(s) on the Premises, the Landlord shall charge a deposit of \$ _____ that is non-refundable refundable unless there are damages related to the pet. The Tenant is responsible for all damage that any pet causes, regardless of the ownership of said pet, and agrees to restore the Premises to its original condition at their expense.

8. **PARKING.** The Landlord: (check one)

- **Shall Not Provide Parking.**

- **Shall Provide Parking.** ³____ parking space(s) to the Tenant for a fee of \$0 _____ to be paid at the execution of this Agreement on a monthly basis in addition to the rent. The parking space(s) are described as:
_____.

9. **FEES.** The Landlord requires the Tenant pays the following fees at the execution of this Agreement: (check all that apply)

- **Cleaning Fee:** \$ _____

- **Taxes:** \$ _____

- **Other:** _____ \$ _____

10. **SMOKING POLICY.** (check one)

- **Smoking is Not Allowed.**
- **Smoking is Allowed.** Smoking is permitted in the following areas:

11. **PROPERTY MANAGER.** The Landlord: (check one)

- **Does Not Have a Property Manager.**
Landlord's Telephone: 478 244 1086
Landlord's E-Mail: vanson362@gmail.com

- **Has a Property Manager.**
Property Manager's Name: _____
Property Manager's Telephone: _____
Property Manager's E-Mail: _____

12. **SUBLETTING.** The Tenant: (check one)

- **Cannot Sublet the Premises.**
- **Can Sublet the Premises.** Each subtenant is: (check one)
- Required to be approved by the Landlord with written consent.
 - Not required to be approved by the Landlord.

13. **GUESTS.** During the Lease Term, the Tenant is: (check one)

- **Not Allowed to Have Guests.**
- **Allowed to Have Guests.** Rules regarding guests are as follows:
- a.) Maximum Number of Guests: 10
 - b.) Maximum Stay: _____ Hours
 - c.) Other Rules: _____

14. **QUIET HOURS.** The Landlord requires: (check one)

- **No Quiet Hours.** There are no quiet hours. However, the Tenant must reside on the Premises with respect to the quiet enjoyment of the surrounding residents.
- **Quiet Hours.** Quiet hours begin at 10:00 AM PM each night and continue until sunrise. Quiet hours consist of no music and keeping all audio at a minimum level out of respect for the surrounding residents.

15. **MOVE-IN INSPECTION.** Before, at the time of the Tenant accepting possession, or shortly thereafter, the Landlord and Tenant shall: (check one)

- **Shall Not Inspect the Premises.**

- **Inspect the Premises.** Both the Landlord and Tenant shall inspect the Premises and write any current damages and/or needed repairs on a move-in checklist.

16. **INSPECTION.** The Landlord has the right to inspect the Premises with prior notice as in accordance with State law. Should the Tenant violate any of the terms of this Agreement, the rental period shall be terminated immediately in accordance with State law. The Tenant waives all rights to process if they fail to vacate the premises upon termination of the rental period. The Tenant shall vacate the Premises at the expiration time and date of this agreement.

17. **MAINTENANCE AND REPAIRS.** The Tenant shall maintain the Premises in a good, clean, and ready-to-rent condition and use the Premises only in a careful and lawful manner. The Tenant shall leave the Premises in a ready to rent condition at the expiration of this Agreement, defined by the Landlord as being immediately habitable by the next tenant. The Tenant shall pay for maintenance and repairs should the Premises be left in a lesser condition. The Tenant agrees that the Landlord shall deduct costs of said services from any Security Deposit prior to a refund if Tenant causes damage to the Premises or its furnishings.

18. **TRASH.** The Tenants shall dispose of all waste material generated during the Lease Term under the strict instruction and direction of the Landlord.

19. **QUIET ENJOYMENT.** The Tenant, along with neighbors, shall enjoy each other's company in a quiet and respectful manner to each other's enjoyment. The Tenant is expected to behave in a civilized manner and shall be good neighbors with any residents of the immediate area. Creating a disturbance of the area by large gatherings or parties shall be grounds for immediate termination of this Agreement.

20. **LANDLORD'S LIABILITY.** The Tenant and any of their guests hereby indemnify and hold harmless the Landlord against any and all claims of personal injury or property damage or loss arising from the use of the Premises regardless of the nature of the accident, injury or loss. The Tenant expressly recognizes that any insurance for property damage or loss which the Landlord may maintain on the property does not cover the personal property of Tenant and that Tenant should purchase their own insurance for their guests if such coverage is desired.

21. **ATTORNEY'S FEES.** The Tenant agrees to pay all reasonable costs, attorney's fees, and expenses that shall be made or incurred by the Landlord enforcing this agreement.

22. **USE OF PREMISES.** The Tenant shall use the Premises for residential use only. The Tenant is not authorized to sell products or services on the Premises or conduct any commercial activity.

23. **ILLEGAL ACTIVITY.** The Tenant shall use the Premises for legal purposes only. Any other such use that includes but is not limited to illicit drug use, verbal or physical abuse of any person or illegal sexual behavior shall cause immediate termination of this Agreement with no refund of pre-paid Rent.

24. **POSSESSIONS.** Any personal items or possessions that are left on the Premises are not the responsibility of the Landlord. The Landlord shall make every reasonable effort to return the item to the Tenant. If claims are not made within the State's required time period or two (2) weeks, whichever is greater, the Landlord shall be able to keep such items to sell or for personal use.

25. **GOVERNING LAW.** This Agreement shall be governed and subject to the laws located in the jurisdiction of Premise's location.

26. **ADDITIONAL TERMS & CONDITIONS.**

Trash can! Shall move to cursize road Tuesday night. by tenants or landlord.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Landlord Signature: _____ **Date:** _____
Print Name: Kevin S Tran

Tenant Signature: _____ **Date:** _____
Print Name: _____

Trash Collection.

Trash Service on Wednesday:

Trash can shall be roll out to curSize road by Tuesday nighth. and pull back after serviced.



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Application # **STR INT-0169-2024**

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

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

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Property Owner	*Designated Local Contact Person complying with Sec. 4-3.5(C) of Land Management Ordinance
*Name	Kevin Tran	Kevin Tran
*Mailing Address	224 Black Hawk Lane Kathleen, GA 31047	VanSon362@gmail.com
*Phone	(478)-244-1086	*24-hour contact: 478-244-1086
*Email	vanson362@gmail.com	

*Street Address of Short-term Rental Unit:	224 Black Hawk Lane, Kathleen, GA 31047
*Tax Map Number:	00591092


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

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

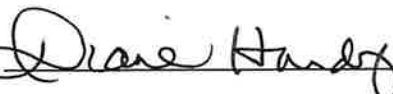
Upon submittal the City will contact the property owner to schedule an inspection of the property to ensure the proposed short-term rental unit complies with minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a re-inspection fee will be charged for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

*Notarized Property Owner Signature:

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

 Kevin Tran 1/2/24
Signature Date

*Notary Public signature and seal:

Signature: 
Date: 1-4-2026

Seal:





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STAFF REPORT

From the Department of Community Development

January 8, 2025

CASE NUMBER: RZNE-0154-2024

APPLICANT: Carlton Maye, Jr.

REQUEST: Rezone from M1, Wholesale & Light Industrial to MUC, Mixed Use Center

LOCATION: 0 Bradley Street (941 Gardner Drive); 0P0280 025000

BACKGROUND INFORMATION: The applicant is proposing to rezone a vacant, 2.46-acre plot to a form-based code zoning classification. This would allow him to build a mortuary on the parcel, increasing investment and the number of businesses in the area.

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 on this property.

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

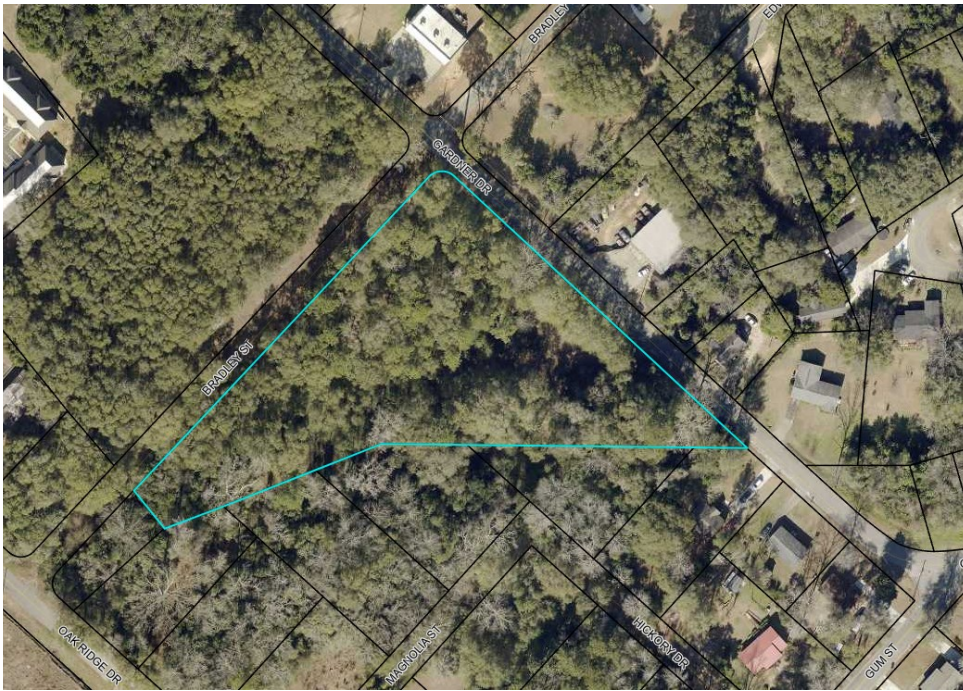
	Zoning	Land Use
North	NMU, Neighborhood Mixed Use	Commercial, Single-family residential
South	R2, Single-family Residential	Single-family Residential
East	R2, Single-family Residential	Single-family Residential
West	MUC, Mixed Use Center	Undeveloped, Commercial

2. **The suitability of the subject property for the zoned purposes.** The property is suitable for light industrial use. However, that type of use would be an outlier, given the surrounding zonings and uses in the neighborhood.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** Property values are not diminished by the current zoning.
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** There is no destruction of property values.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The public would gain from increased investments and access to services in the area.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The property has a reasonable use as zoned, but it has not been developed since being platted in 1982.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The property has been vacant for over 40 years; records showing the change to the current zoning designation are unclear. There is an approved plan for the parcel on the other side of Bradley Street (unopened). However, we are unsure of when that project will begin.
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 use will increase development in an area that has not had much in several years. It will also increase residents' access to services and options for services in the area.

9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed rezoning will have no affect on the use or usability of adjacent or nearby properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The parcel is in a Redevelopment character area in the 2022 Joint Comprehensive Plan which calls for infill development and adaptive reuse of buildings. Changing the zoning to MUC better aligns with nearby zonings and supports the Council's initiative to increase opportunities for development near and around General Courtney Hodges Blvd.
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.** Facilities and services are available in the area; this rezoning will have no adverse effects on those or schools.
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 Council supports investment into the corridors that lead residents and visitors into Downtown. The General Courtney Hodges Blvd corridor is one of the main entrances into the City and should experience investments that enrich the community, diversify services, and beautify property.

STAFF RECOMMENDATION:

Staff recommends approval of this application.

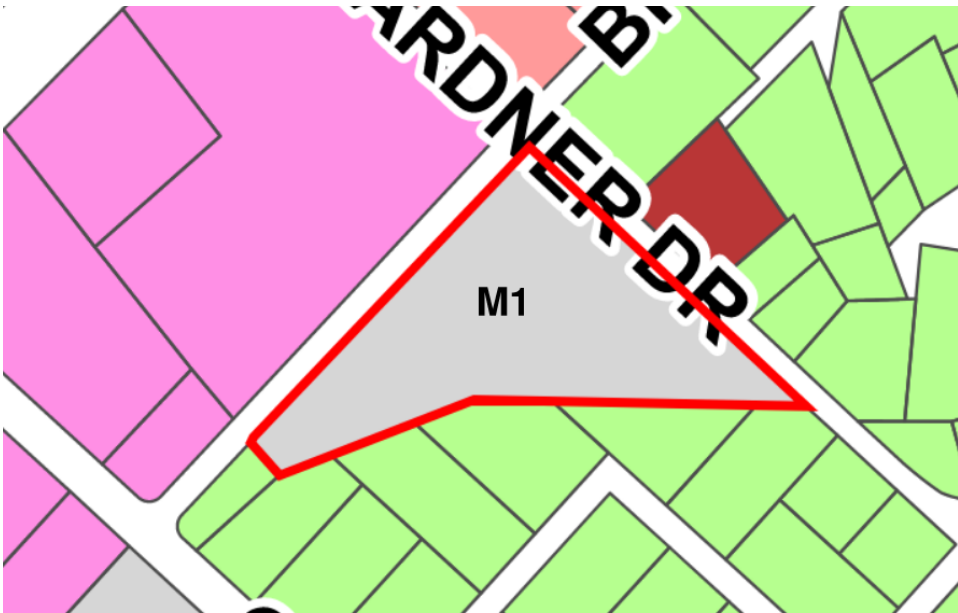


RZNE-0154-2024

0 Bradley ST

Rezone from M1, Wholesale
& Light Industrial to MUC,
Mixed-Use Center

Aerial



Zoning



Character Area



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Application # RZNE 154-2024

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Carlton Mays, Jr.	C. J. Mays Operations
*Title		
*Address	[REDACTED]	Ø Bradley St, Perry GA 31069
*Phone	[REDACTED]	
*Email	[REDACTED]	

Property Information

*Street Address or Location	Ø Bradley Street
*Tax Map Number(s)	Ø P0280 025000
*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	M1	*Proposed Zoning District	MUC
*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. Undeveloped M1 Property to MUC - providing mortuary services.			

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 C.J. Mays Operations	*Date 11/22/24
*Property Owner/Authorized Agent Carlton Mays, Jr.	*Date 11/22/24

Standards for Granting a Rezoning

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

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? *NO, The proposed zoning is similar to neighboring properties.*

- (1) The existing land uses and zoning classification of nearby property; *Similar*
- (2) The suitability of the subject property for the zoned purposes; *vacant*
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions; *NO*
- (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; *yes*
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner; *no*
- (6) Whether the subject property has a reasonable economic use as currently zoned; *NO*
- (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; *NO*
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property; *vacant*
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property; *vacant*
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan; *yes*
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and *NO*
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. *NO*

RETURN TO:
Scott B. Thompson, Sr.
P.O. Box 1586
Dublin, Georgia 31040
478-272-4440
sthompson@nlamerica.com

LENDER:
Morris Bank
NMLS: 486851
Loan Originator: BUCKY DIXON
NMLS: 505882

Map/Parcel No.: OPO280 025 000
Loan Amount: \$28,000.00
Initial Maturity Date: 11/12/2029
Intangible Tax: \$84.00

[Space Above This Line for Recording Data]

SECURITY DEED

STATE OF GEORGIA
COUNTY OF HOUSTON

THIS INDENTURE, Made the 12TH day of November 2024, between,

C.J. MAYE OPERATIONS,
a General Partnership Composed of Carlton G. Maye, Jr. and Kendrick Mack

as party or parties of the first part, hereinafter called *Grantor*, and

MORRIS BANK

whose address is Post office Box 520, Dublin, Georgia 31040 as party or parties of the second part, hereinafter called *Grantee*.

WITNESSETH, That Grantor, for the consideration hereinafter set forth, does hereby grant, bargain, Sell, alien, convey and confirm unto the said Grantee, the following described property:

SEE ATTACHED EXHIBIT "A"

THIS CONVEYANCE INCLUDES all buildings, structured and improvements now or hereafter situated on the above described property and all air conditioning units, heating, plumbing (including heaters and tanks), lighting fixtures, and appliances, now or hereafter attached to or used in connection with improvements on said property, and also includes all rents from said property whether now or hereafter existing.

TO HAVE AND TO HOLD said **property and its appurtenances forever In Fee Simple**, unto the said Grantee, the successors and assigns of Grantee. **Grantor** covenants that Grantor in lawfully seized and possessed of said described property, and has a good title thereto, and right to convey same. Grantor warrants the title to said described property unto Grantee and unto the successors and assigns of Grantee against the lawful claims of-all persons whomsoever.

THIS CONVEYANCE is intended to operate as provided in Title 44, Chapter 14, Article 3 of the official Code of Georgia Annotated, and Acts of the General Assembly amendatory thereto, in regard to the sale of property to secure debts, and to pass the title to the property described unto Grantee, the debt hereby secured being

One Promissory Note of even date in the principal amount of \$ 28,000 which has a maturity date of 11/12/2029.

together with all extensions and renewals thereof in whole or part, whether evidenced by new note, extension agreement or otherwise, and together also with the other obligations herein described or referred to.

This instrument shall further secure any and all amounts which by contract Grantor is now or hereafter becomes indebted to Grantee, and whether direct or indirect, as maker, endorser, guarantor, surety or otherwise; and if there is more than one Grantor hereunder, this instrument secures any indebtedness which the exact same Grantors, jointly, now or hereafter owe Grantee.

The debt hereby secured shall become due and payable, at the option of the Grantee, upon the occurrence of any one or more of the following events without the prior written consent of Grantee, its successors or assigns: (1) the sale or conveyance of any part of the property hereby conveyed or any interest therein, (2) the execution of a contract for the sale of any part of the property or any interest therein accompanied by or followed by delivery of possession of the property to the purchaser or a nominee of the purchaser, (3) the grant of a leasehold interest for a period of more than three years, or of a leasehold interest which is renewable at the option of the lessee for a period extending more than three years from the date of the grant, (4) the grant of a leasehold interest for any period of time by document which also grants an option to purchase, or (5) the grant of an option to purchase any part of the property hereby conveyed for a period in excess of six months or renewable at the option of the optionee for A period extending more than six months beyond the date of the option.

Should this deed be inferior to the lien of any other security instrument or instruments, or should it hereafter be subordinated to the lien of any other security instrument or instruments, any default *by Grantor* In the payment of the indebtedness secured by such other instrument or instruments or any default by Grantor in any of the terms and conditions of such other instrument or instruments shall give the Grantee herein, its successors and assigns the right to declare immediately due and payable the entire indebtedness hereby secured.

And Grantee shall be subrogated to all rights and liens of any person whose charge or lien shall be paid off out of proceeds of the indebtedness above described.

Grantor agrees to keep said personal property and all improvements now or hereafter erected on said land in good condition and repair and not to commit or permit waste; to promptly pay as same become due all taxes and assessments that may be liens on property covered hereby and to furnish Grantee, if demanded, evidence of such payment; and to keep all said property and improvements fully insured against fire and storm, and against war risk if demanded, for the benefit of Grantee in

such manner, amounts and companies as may be satisfactory to Grantee, and promptly deliver policies of such insurance and renewals thereof, to Grantee, with evidence of payment of premiums.

In the event Grantor, his personal representatives or assigns, shall fail to pay any taxes or assessments that may be liens upon said property, or shall fail to deliver to Grantee policies of insurance and renewals thereof with evidence of payment of premiums thereon, or shall fail to make timely payments on all sums secured by any prior conveyance to secure debt, or shall allow default to occur under the terms and conditions of such prior conveyance to secure debt, then Grantee or the holder of this deed may pay such unpaid taxes and assessments, or may have such insurance written and pay the premiums thereof, or may make the payments on the sums secured by the prior conveyance to secure debt, or may advance the necessary sum to cure any default under the terms and conditions of such prior conveyance to secure debt; and all amounts so paid, with interest on said amounts at the same rate as provided in the then most recently executed note secured by this instrument (but not to exceed the maximum rate allowed by applicable law), shall be secured by this deed and shall be repaid to the holder of this deed within (10) days after such payment, and all of this irrespective of whether or not a sale of the property has been made by Grantor or a junior lien created by or against Grantor thereon and notice of such sale or lien given to Grantee.

And should the Grantee receive any money for damages covered by insurance, such money may be retained and applied toward the payment of any amount hereby secured or may be paid over, either wholly or in part, to the said Grantor to enable Grantor to repair or replace improvements, or for any other purpose, without affecting the lien of this deed for the full amount secured hereby before such damage or such payments ever took place.

Should any tax be imposed on this instrument or on the indebtedness secured hereby, or should any amount secured hereby or interest thereon, or any insurance premiums, taxes or assessments not be paid when due or upon the actual or threatened demolition or removal of any property conveyed by this deed or of any improvements, now or hereafter erected on premises covered hereby, or in case of default in the due observance of any covenant herein by Grantor, all amounts secured hereby shall, at the option of Grantee, at once become due and payable, time being of the essence of the contract.

It is the intention of the Grantee and Grantor to establish a perpetual or indefinite security interest in the property conveyed to secure debt, pursuant to official Code of Georgia Annotated section 44-14-80,

Whenever the debt secured hereby or any part hereof shall be in default, either according to the tenor of any note or by virtue of any condition herein, Grantee, or the agent of Grantee, may enter upon and take possession of said property, and collect the rents and profits thereof and apply the same to the payment of any indebtedness secured hereby.

In case the debt hereby secured shall not be Paid when it becomes due by maturity in due course, or by reason of a default as herein provided, Grantor hereby grants to Grantee, the following irrevocable power of attorney: To sell all or any part of the said property at the time and place and in the usual manner of the sheriff's sales in the county where the land or any part thereof lies. The proceeds of said sale shall be applied, first to the payment of All amounts secured hereby with interest, all unpaid assessments and taxes, the expenses of sale attorney's fees, and the remainder to be paid to Grantor, the agent or legal representative or assignee of Grantor.

Grantee, the agent, successors or assigns of such party, or the Sheriff aforesaid, is authorized to make to any purchaser of said property Fee Simple titles to the same, thereby divesting out of the Grantor all right, title and equity that said party has, or may hereafter have, in and to said property,

and vesting the same in the purchaser thereof; and the purchaser may enter upon the premises and take possession of all improvements thereon and property herein conveyed and dispossess and any and all persons in possession under grantor, said Grantor agreeing that possession will be surrendered without let or hindrance of any kind.

Grantee, upon complaint filed or other legal proceeding being commenced to realize on the security afforded by this deed, may apply for and shall as a matter of right and without consideration of the value of the property conveyed as security for the amounts due Grantee or of the solvency of any person or persons obligated for the payment of such amounts and without notice, be entitled to the appointment by any competent court of a receiver to take charge of and hold the property hereby conveyed and the rents, issues and profits thereof, for the benefit of Grantee.

Wherever the word, "Grantor" is used herein the same shall be construed to include, when appropriate, either gender and both singular and plural, as shall also the pronouns used herein, which are applicable thereto, and the grammatical construction of sentences shall conform thereto.

Any transferee hereof, his agent or legal representative, shall have all the rights, powers, privileges and options hereby vested in Grantee; and any successor to Grantor in title to the property hereby conveyed shall be charged with the performance of all covenants made by Grantor herein, and shall be responsible for all duties and obligations herein imposed on Grantor.

But the foregoing powers for realizing on this security are cumulative only of the remedies to which Grantee and the successors and assigns of Grantee may be entitled under the laws of Georgia.

IN WITNESS WHEREOF, this security deed has been signed and sealed by Grantor.

Signed, sealed and delivered
in the presence of:

Lara B. Minch

Witness

Renee Green

Notary Public

(NOTARY SEAL)

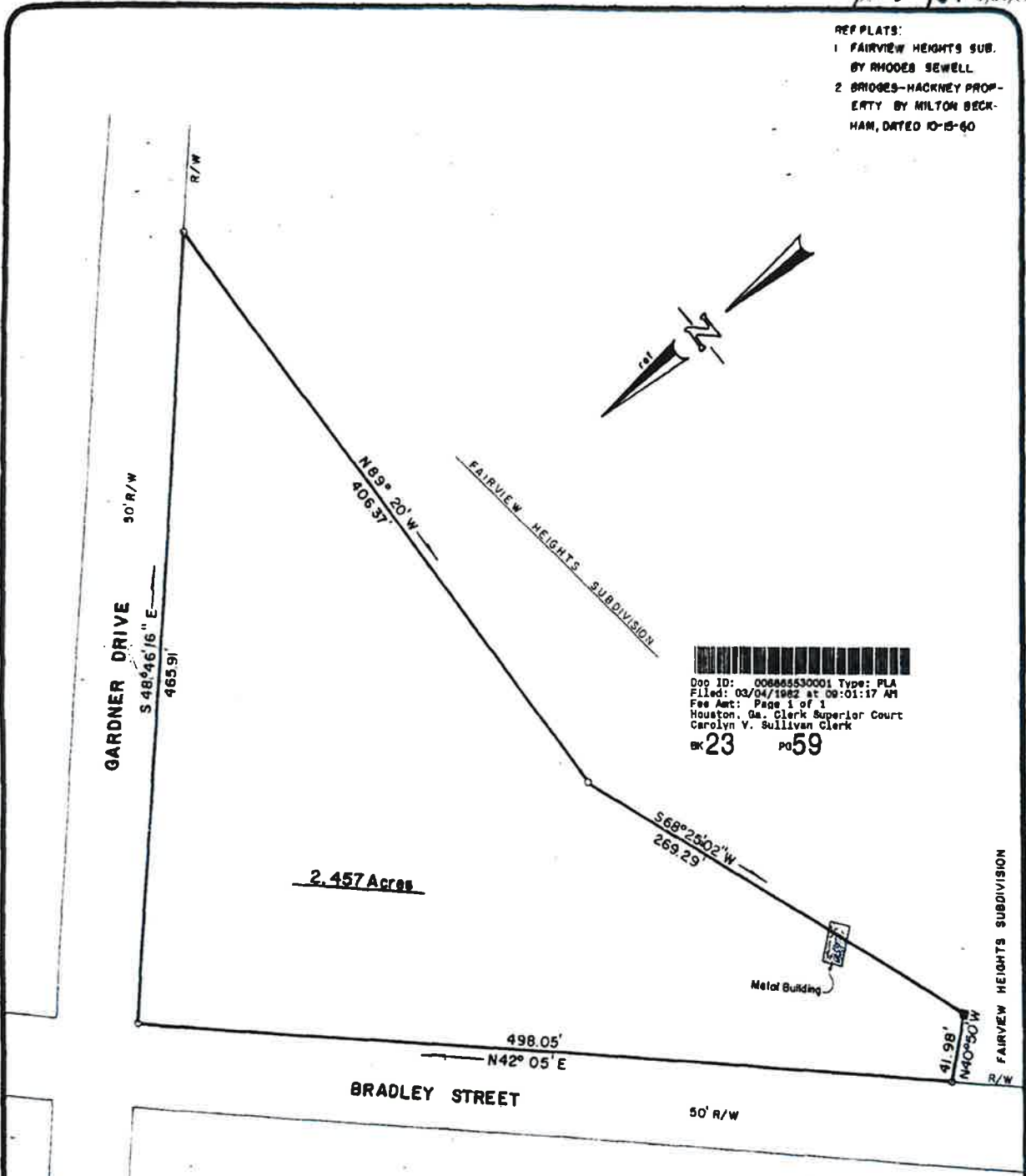


C.J. MAYE OPERATIONS, a General Partnership

Carlton G. Maye, Jr. (Seal)
CARLTON G. MAYE, JR., General Partner

Kendrick Mack (Seal)
KENDRICK MACK, General Partner

REF PLATS:
 1 FAIRVIEW HEIGHTS SUB.
 BY RHODES SEWELL
 2 BRIGGS-HACKNEY PROP-
 ERTY BY MILTON BECK-
 HAN, DATED 10-13-60



Doc ID: 00685530001 Type: PLA
 Filed: 03/04/1982 at 09:01:17 AM
 Fee Amt: Page 1 of 1
 Houston, Ga. Clerk Superior Court
 Carolyn V. Sullivan Clerk
BK 23 PO 59

2.457 Acres

Metal Building

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 29,168 FEET AND AN ANGULAR ERROR OF $00^{\circ} 00' 02''$ PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. ANGLES TURNED BY KERN DKMDAE VICE-SECOND THEODOLITE AND DISTANCES MEASURED WITH A KERN TM 500 ELECTRONIC DISTANCE METER.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 300,000 FEET.

Approved

By R. P. Clifton
 INSPECTION DEPT.
 CITY OF PERRY 6/14/80



- IRON PIN PLACED
- IRON PIN FOUND
- CONCRETE MONUMENT FOUND

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

SURVEY FOR
ROY E. MADDOX, SR.
 LAND LOT 274 13th DISTRICT
 HOUSTON CO. PERRY, GEORGIA
 SCALE 1"=60' JUNE 9, 1980

MICROFILMED

0' 30' 60' 120'



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development

January 8, 2025

CASE NUMBER: RZNE-0152-2024

APPLICANT: Tyler Findley for Edgar Houston Builder, Inc.

REQUEST: Rezone from R1, Single-Family Residential to R3, Single-Family Residential

LOCATION: 0 Langston Rd; **Tax Map Number:** 0P41A0 191000

BACKGROUND INFORMATION: The applicant proposes rezoning a 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. One section of the proposed development is already zoned as R-3, Single Family Residential; this change would make the zoning cohesive throughout the project site.

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.

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

	Zoning	Land Use
North	R-AG, Residential Agriculture (County)	Single-Family Residences
South	R-AG, Residential Agriculture (County)	Undeveloped
East	R-1 and R-2, Single-Family Residential	Single-Family Residential
West	R-AG Residential Agriculture; C-2, General Commercial (County)	Commercial Uses

2. **The suitability of the subject property for the zoned purposes.** The parcel is suitable for single-family residential development.

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 classification.

4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** Because the property has been zoned for single-family use for years, there is not impact on the health, safety, morals, and general welfare of the public.

5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** There is no impact to the public under the current zoning.

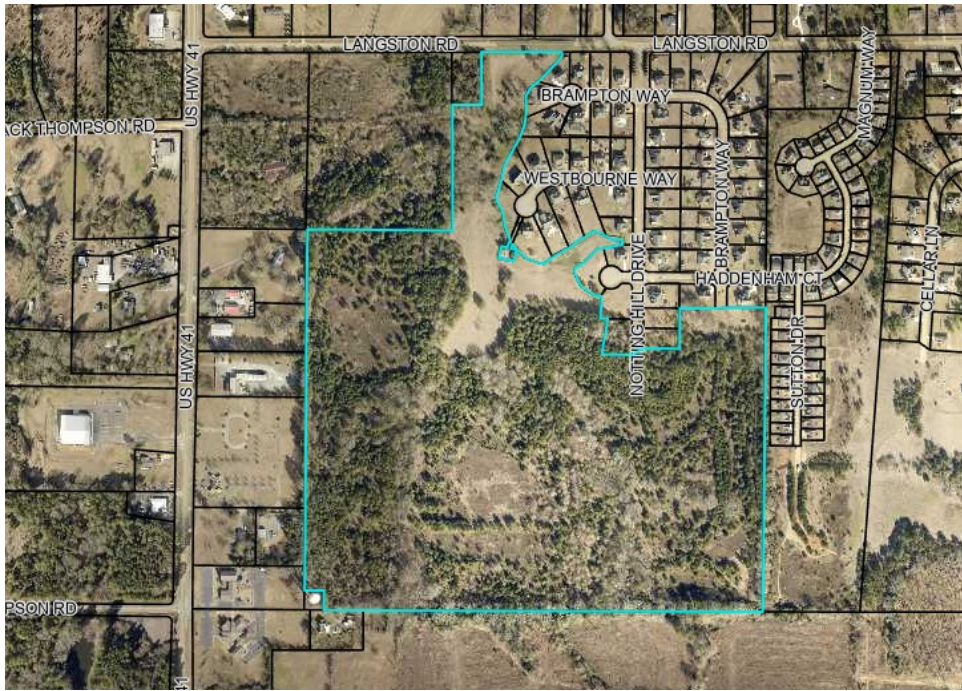
6. **Whether the subject property has a reasonable economic use as currently zoned.** The property is economically viable as zoned, however it is currently not being used to its highest and best use.

7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject property has a structure on it that has been vacant for an unknown amount of time.

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 rezoning will increase the overall number of available residences in the city, in accordance with the current Comprehensive Plan.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed zoning will not adversely affect the existing uses or usability of 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 a “Suburban Residential” character area in the 2022 Joint Comprehensive Plan, which calls for a mix of uses and housing types.
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.** There are sewer capacity concerns. The applicant must provide the city with demand estimates prior to beginning construction to ensure proper capacity can be either made available or built into project estimates. The traffic study completed by the applicant shows the impact of this development aligns with expected traffic increases in this area over the course of the next five years. City staff confirm this as a reasonable estimate. However, staff also advises that coordination between Houston County and GDOT must occur to ensure the roads in the area are properly designed to withstand increased traffic due to this and other development. School officials do not currently foresee any capacity issues.
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.** Developing this property into housing increases the variety and availability of housing within the City for existing residents who are looking to purchase and potential new residents interested in moving into the area. It is also near an area identified for high-density development on the Future Land Use Map.

STAFF RECOMMENDATION: Staff recommends approval of this application with the following conditions:

1. Sewer capacity demands must be submitted in the form of an official letter for review by Administration prior to construction.

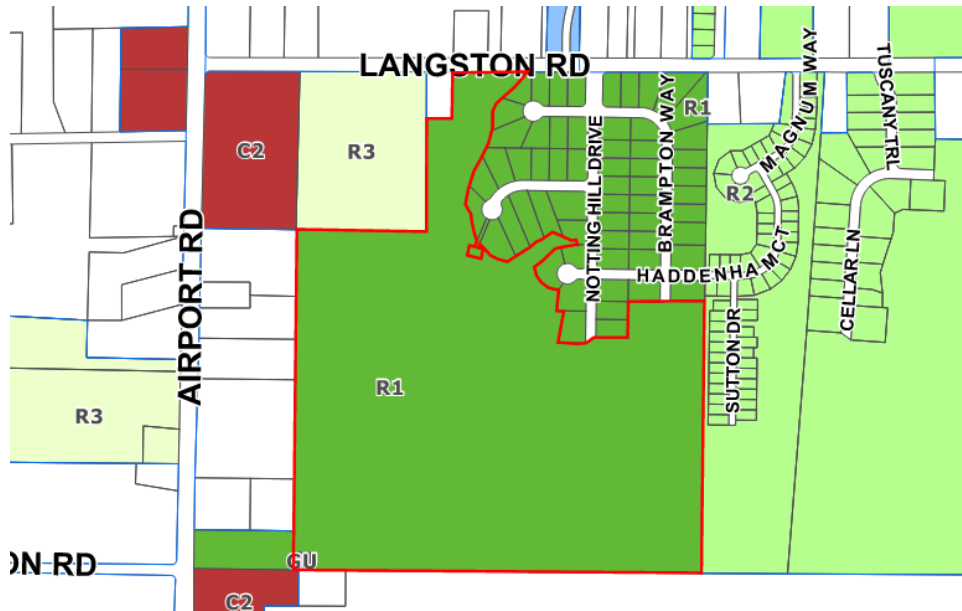


RZNE-0152-2024

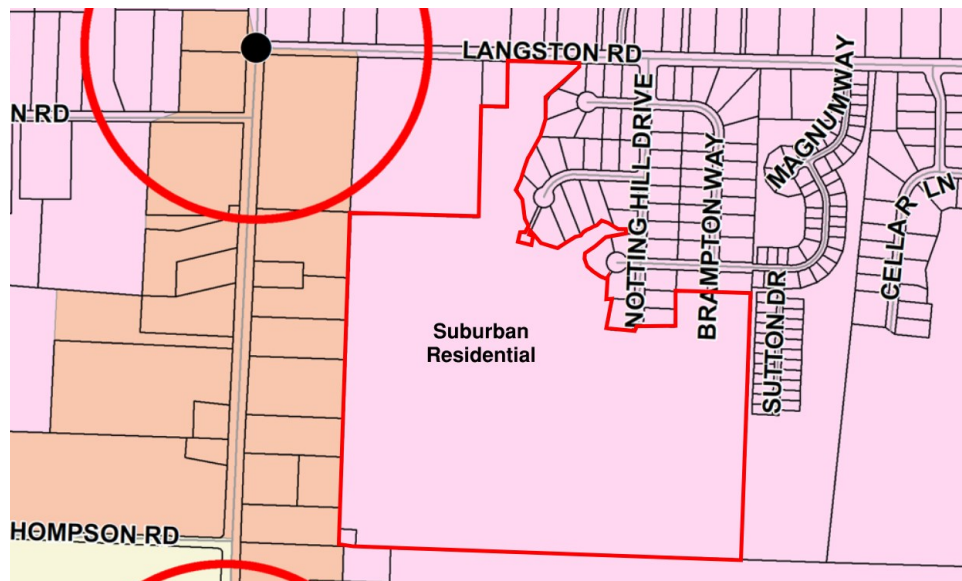
0 Langston Rd

Rezone from R1, Single-Family Residential to R3, Single-Family Residential

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # RZNE
0152-2024

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Tyler Findley	Edgar Hughston Builder, Inc.
*Title	Acquisition and Development Director	
*Address	6053 Veterans Parkway, Ste 300, Columbus GA 31909	6053 Veterans Parkway, Ste 300, Columbus GA 31909
*Phone	706.568.7650	706.568.7650
*Email	plans@hughstonhomes.com	plans@hughstonhomes.com

Property Information

*Street Address or Location	Connects to Notting Hill Drive, Brampton Way and Langston Road
*Tax Map Number(s)	0P41A0 191000
*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	R1	*Proposed Zoning District	R3
*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 property is vacant land. A proposed subdivision with 234 single family residential lots and amenities is planned. Dimensional requirements are shown on the attached site plan.			

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

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

9. Signatures:

*Applicant		*Date	12/6/24
*Property Owner/Authorized Agent		*Date	12/6/24

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.



Rezoning Application Response

1. The overall property is zoned R1 and R3 currently, we are requesting to rezone the R1 section as R3.
2. The property is well-suited for the proposed use. See attached proposed layout.
3. Neighboring property values will not be impacted in a negative way with the construction of this subdivision. Lots adjoining the existing subdivision are within the required 85% of the existing neighborhoods lot size.
4. The proposed improvements are designed in a manner to promote health, safety, and the general welfare of the public. Multiple access points have been provided to increase safety and ingress egress of all new and existing homes.
5. The public will gain a new neighborhood with a variety of house products and amenities. We are not proposing any hardships on an individual property owner.
6. There are two existing zonings; the proposed layout provides a variety of lots and amenity.
7. All of this will integrate well into the area and leave ample open space for the residents.
8. This property development is proposed as residential like the other areas around it.
9. The proposed zoning will not adversely affect the existing uses of neighboring properties and is planned to fit with their existing uses.
10. The zoning proposal is in conformity with the policies and intent of the Comprehensive Plan.
11. The developer is aware that sewer upgrades are required to support the development. The developer has also provided a traffic study for the development.
12. The proposed zoning is located in a growing area that is projected to need the proposed new homes.

Please let me know if you have any questions.

Sincerely,

BOLT ENGINEERING INC

A handwritten signature in black ink that reads 'Brandon Bolt'.

Brandon Bolt, P.E.

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

LIMITED WARRANTY DEED

**STATE OF GEORGIA
COUNTY OF HOUSTON**

This Indenture made this 20th day of **June, 2018**, between **The Citizens Bank**, a Georgia Banking Corporation, as party or parties of the first part, hereinafter called Grantor, and **Edgar Hughston Builder, Inc.**, 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 76 of the Tenth (10th) Land District of Houston County, Georgia, being known and designated as Lot 134, Section No. 1 of a subdivision known as Notting Hill, according to a plat of survey, prepared by Cary F. Reed, certified by Marbury Engineering Co., Georgia Registered Land Surveyor No. 2896, dated April 17, 2006, a copy of which is of record in Plat Book 67, Page 103, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.

AND ALSO:

All that tract or parcel of land situate, lying and being in Land Lot 76 of the Tenth (10th) Land District of Houston County, being known and designated as "Parcel 155A" containing 140.96 acres, more or less, according to a plat of survey prepared by McDougald & Associates, certified by James R. McDougald, Georgia Registered Land Surveyor No. 2702, dated January 15, 2004, a

copy of which is of record in Plat Book 62, Page 165, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.

LESS & EXCEPT:

All that tract or parcel of land situate, lying and being in Land Lot 76 of the Tenth (10th) Land District of Houston County, Georgia, being known and designated as Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, Section No. 1 of a subdivision known as Notting Hill, according to a plat of survey, prepared by Cary F. Reed, certified by Marbury Engineering Co., Georgia Registered Land Surveyor No. 2896, dated April 17, 2006, a copy of which is of record in Plat Book 67, Page 103, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.

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".

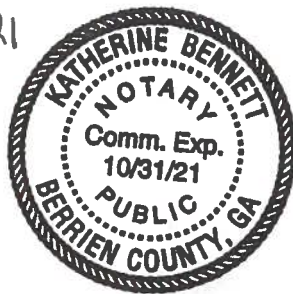
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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:

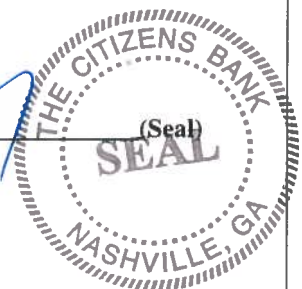
Melinda P. Mathis
Witness

Katherine Bennett
Notary Public
(My commission expires) 10/31/21
(Notary Public Seal Affixed)



The Citizens Bank

By: [Signature]
Name: H. Steven Perry
Title: CFO



Traffic Impact Study
for
Notting Hill Subdivision, Phase 2
Langston Road Between U.S. 41 and Lake Joy Road
Perry, Houston County, Georgia

Revised - November, 2024

Prepared for:
Bolt Engineering, Inc.
1160 Lee Road 177
Opelika, AL 36804
334.744.4016

Prepared by:
Walter C. Dorsey, Jr., P.E.
902 Oakbowery Road
Opelika, AL 36801-2716
334.704.3197
ddorsey36801@gmail.com

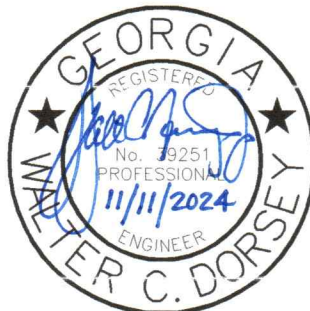


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Overview and Executive Summary:

Project Description:

Walter C. Dorsey, Jr., P.E. was retained by Bolt Engineering, Inc. to evaluate the traffic impacts resulting from the development of Phase 2 of Notting Hill Subdivision in Perry, Houston County, Georgia. The 120-acre subject property is presently undeveloped. The subject property is located on the southern side of Langston Road and just east of its intersection with U.S. Highway 41. Figure 1 is a vicinity map with the project site shown.

The owner/developer intends to construct up to 243 detached single-family residences on the subject property. Residences will be constructed at an approximate rate of 41 units per year. Site and utility construction will begin in 2025 and all residential construction is expected to be completed in 2031. Figure 2 is the proposed site development plan.

The subject property will have two full access connection points to Langston Road. The first connection point is a southward extension of an existing street (Notting Hill Drive) that currently provides access to Phase 1 of Notting Hill Subdivision. The second connection point is new (Street 'A' on the proposed site development plan) and will intersect Langston Road approximately 1,550 feet west of Notting Hill Drive and approximately 750 feet east of U.S. Highway 41. Access to Langston Road will also be available via Notting Hill Drive's existing connections to the east to Magnum Way and Haddenham Court. There will be no cross-connections to other adjacent streets.

Study Summary:

The following intersections were evaluated for current and future levels of service (LOS):

1. Langston Road at U.S. Highway 41
2. Langston Road at Lake Joy Road
3. Langston Road at Notting Hill Drive
4. Langston Road at Street 'A'

LOS evaluations were performed during the peak AM and peak PM traffic hours for the following conditions:

1. Current (2024);
2. Future (2031) with no development having occurred on the subject property; and
3. Future (2031) with full development having occurred on the subject property.

The results of the analyses determined the following:

1. The existing (2024) traffic volumes at the Langston/U.S. 41 intersection cause the westbound movement on Langston Road to operate at LOS 'F' during both peak hours.
2. The future (2031) traffic volumes at the Langston/U.S. 41 intersection without the development of the subject property and with the current traffic control will continue to cause the westbound movement on Langston Road to operate at LOS 'F' during both peak hours.

3. The Langston/Lake Joy intersection will operate at satisfactory LOS during both peak hours with the future (2031) ‘developed’ traffic volumes.
4. The existing (2024) peak hour traffic volumes at the Langston/U.S. 41 intersection warrant the installation of a northbound right turn lane on U.S. 41.
5. The Langston/Notting Hill and Langston/Street ‘A’ intersections will operate at satisfactory LOS during both peak hours with the future (2031) ‘developed’ traffic volumes.
6. The future (2031) ‘developed’ traffic volumes at the Langston/U.S. 41 intersection will operate at satisfactory LOS during both peak hours with the installation of a red/green traffic signal.
7. The future (2031) ‘developed’ traffic volumes at the Langston/U.S. 41 intersection will operate at satisfactory LOS during both peak hours with the installation of a single-lane roundabout.
8. The future (2031) ‘developed’ peak hour traffic volumes at the Langston/Street ‘A’ intersection warrants the installation of an eastbound right turn lane.
9. The future (2031) ‘developed’ peak hour traffic volumes at the Langston/Street ‘A’ intersection warrants the installation of a westbound left turn lane.

Resources:

The following resources were used to develop this report:

- Regulations for Driveway and Encroachment Control, as published by the Georgia Department of Transportation (GDOT), Revision 5.5, July 25, 2023;
- ‘Georgia Traffic Data’ page on GDOT website;
- ‘Highway Functional Classification Maps’ page on GDOT traffic data website;
- Highway Capacity Manual, 6th Edition, as published by the Transportation Research Board (TRB);
- A Policy on Geometric Design of Highways and Streets, 7th Edition, as published by the American Association of State Highway Transportation Officials (AASHTO);
- Manual of Uniform Traffic Control Devices (MUTCD), as published by the Federal Highway Administration (FHWA), 2009 edition;
- Trip Generation Manual, 11th Edition, as published by the Institute of Transportation Engineers (ITE);
- Report 457 – Engineering Study Guide for Evaluating Intersection Improvements, as published by the National Cooperative Highway Research Program (NCHRP), 2001;
- HCS7 Software, version 7.9.5, as developed and maintained by the McTrans Center of the University of Florida;
- Peak hour windshield turning movement counts collected at the Langston/U.S. 41 and Langston/Lake Joy intersections in October and November, 2023; and

- Vehicle speed and sight distance measurements collected at the Langston/Street ‘A’ intersection in October, 2023.

Existing Conditions:

Langston Road:

Langston Road is owned and maintained by the Houston County Highway Department and has a speed limit of 45 miles per hour (MPH) in the vicinity of the subject property. It is classified as a ‘local road’ on GDOT’s Functional Classification Map. There is one 10-foot paved travel lane in both roadway directions. There is no curb and gutter on either side of the roadway, and there are no pedestrian or bicycle facilities. For the purposes of this study, Langston Road is considered to be an east-west roadway, and all intersecting public streets and connection points are considered to be north-south roadways.

U.S. Highway 41:

U.S. Highway 41 is owned and maintained by GDOT and has a speed limit of 55 MPH in the vicinity of the subject property. It is also designated as Georgia Route 11. U.S. 41 is classified as a ‘minor urban arterial’ on GDOT’s Functional Classification Map. There is one 12-foot paved travel lane in both roadway directions. There is no curb and gutter on either side of the roadway, and there are no pedestrian or bicycle facilities.

Lake Joy Road:

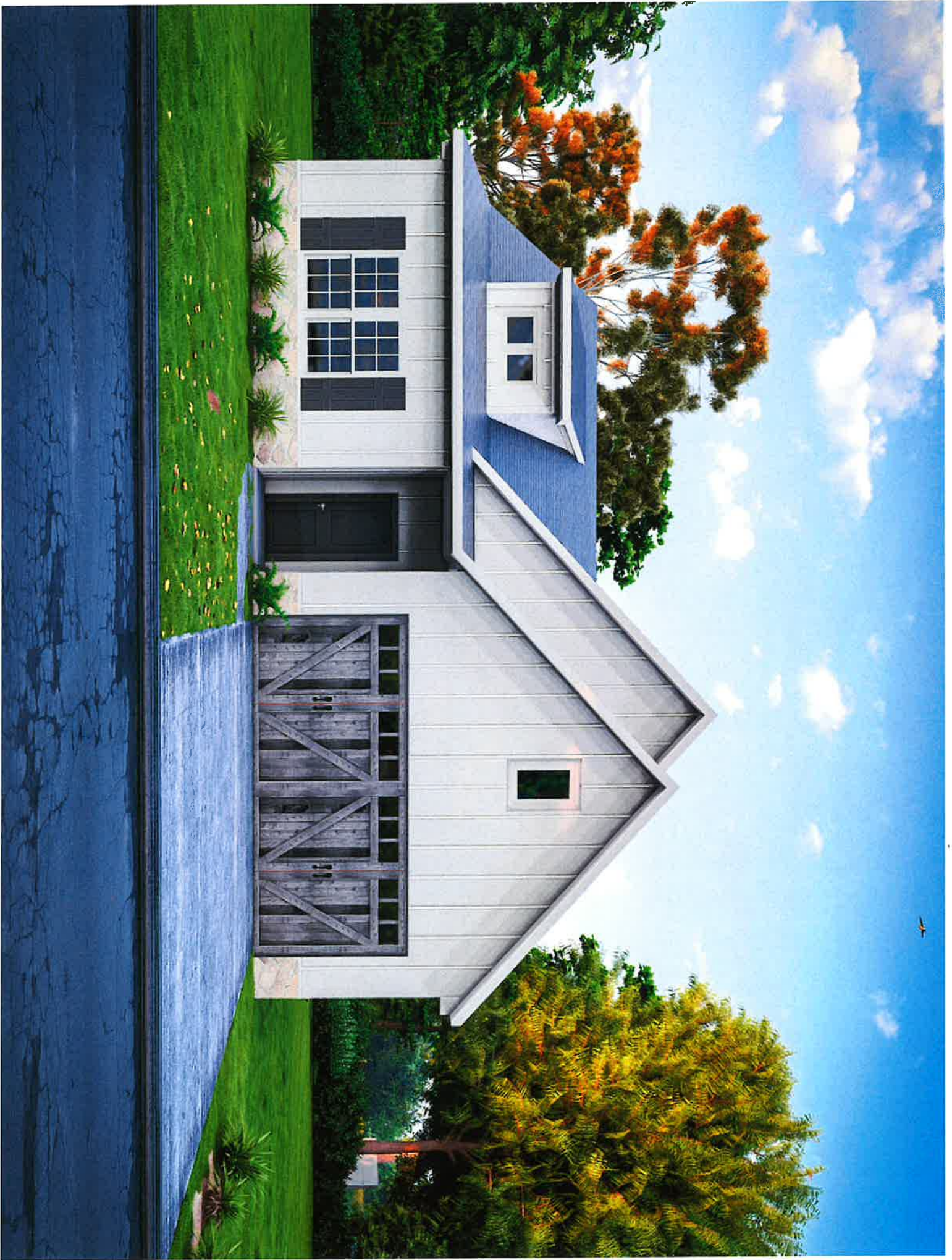
Lake Joy Road is owned and maintained by the Houston County Highway Department and has a speed limit of 45 MPH in the vicinity of the subject property. It is classified as a ‘minor urban arterial’ on GDOT’s Functional Classification Map. In the vicinity of Langston Road, there is one 12-foot travel lane in each direction, as well as a 12-foot two-way, reversible left turn lane in the center. There is curb and gutter on both sides of the roadway, and there is an 8-foot concrete sidewalk along the western side of the roadway. There are no dedicated bicycle facilities.

Langston Road/U.S. 41 Intersection:

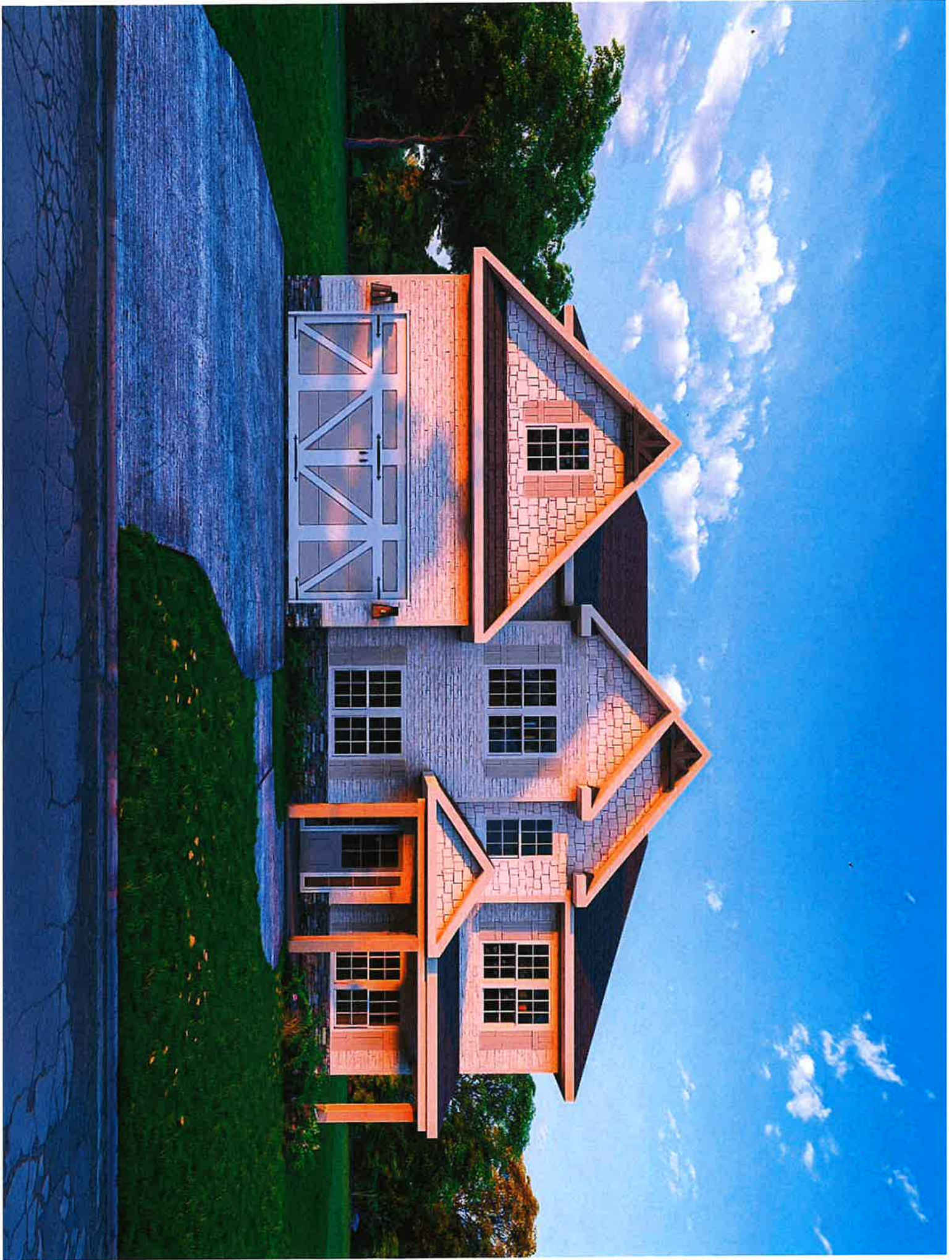
Langston Road intersects U.S. 41 on its eastern side at milepost 15.29, at a perpendicular angle, and on a tangent section of the roadway. The westbound approach of Langston Road intersects U.S. 41 on a downhill grade of approximately one percent (1%). The eastern leg of the intersection serves as a connection point for a Dollar General store. Traffic control at the intersection is provided by ‘Stop’ (R1-1) signs on Langston Road and the Dollar General connection point.

U.S. 41 has turn lanes on both approaches to the intersection. The northbound approach has a left turn lane with a 100-foot taper length and a 110-foot full width deceleration/storage length. The southbound approach has both a left turn lane and a right turn lane. The left turn lane has a 100-foot taper length and a 100-foot full width deceleration/storage length. The right turn lane has a 60-foot taper length and a 200-foot full width deceleration/storage length. The right turn lane has a ‘Yield’ (R1-2) sign where it intersects the westbound entrance lane into the Dollar General parking lot.

Remaining traffic study available upon request.















Where Georgia comes together.

STAFF REPORT

January 8, 2025

CASE NUMBER: RZNE-0168-2024

APPLICANT: Patriot Development Group LLC

REQUEST: Modify existing PUD zone

LOCATION: 1824 Houston Lake Road, 1904 Hwy 127, and 0 Hwy 127; Tax Map No: 0P0490 062000, 0P0490 061000, and 0P0490 078000

BACKGROUND INFORMATION: 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 that 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 that 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.

STANDARDS GOVERNING ZONE CHANGES:

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? Applicant is not aware of any covenants or restrictions which prevent the property from being used proposed.

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

	Zoning	Land Use
North	C-2 (city and county); RAG (county)	Warehouse, residential, and undeveloped
South	R-3 (city)	Single-family residential
East	R-AG (city)	Single-family residential and event venue
West	C-2 (city)	Self-service storage and undeveloped

2. **The suitability of the subject property for the zoned purposes.** The property is suitable for the uses allowed in the current PUD.

3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The property value is not diminished by the current PUD 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.** The property value is not diminished.

5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The public gains additional housing and commercial options but there is no hardship imposed on the property owner.

6. **Whether the subject property has a reasonable economic use as currently zoned.** The 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 vicinity of the property.** A single-family structure built in 1953 was recently removed from a portion of the property. The remainder of the property currently under development.
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 addition of five townhouse units (conversion of 3 single-family detached units, removal of one single-family detached unit, plus 1 additional unit) in this mixed-use development will create a more vibrant and diverse community without impacting surrounding properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The additional residential uses should not adversely affect the use of adjacent properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The properties are in the "Suburban Residential" character area, which calls for mix of housing types and densities.
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 should not have 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.** There is continuing residential and commercial development activity in the immediate area in particular, and the eastern side of Perry in general.

STAFF RECOMMENDATION: Approval.

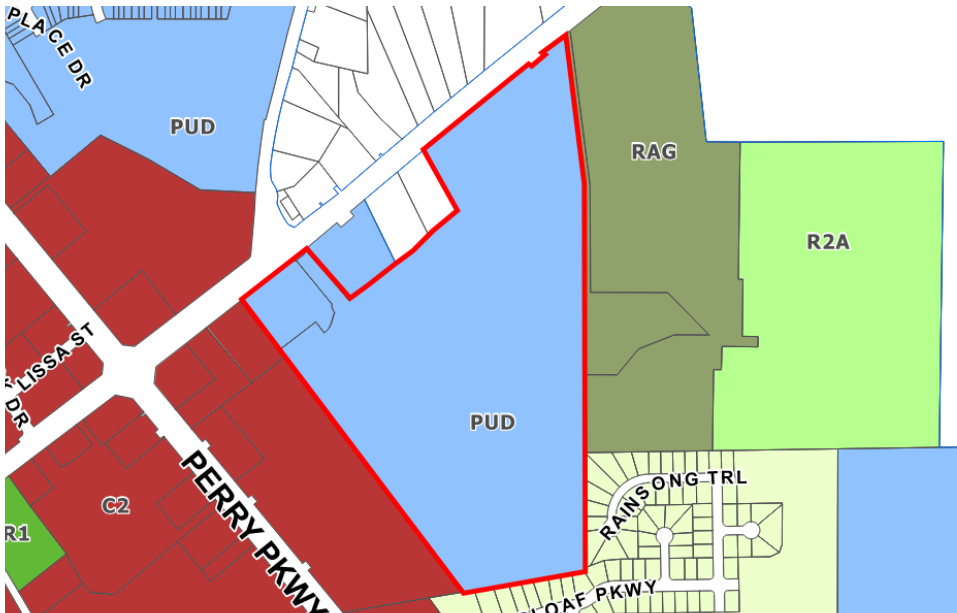
RZNE-0168-2024

1824 Houston Lake Rd and
1904 Hwy 127

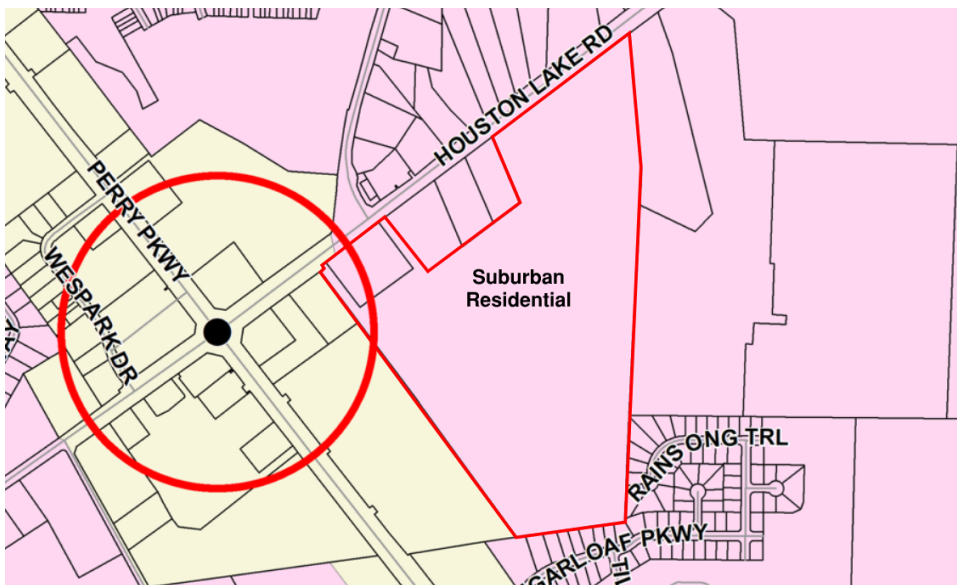
Rezone to update PUD
Standards



Aerial



Zoning



Character Area



Where Georgia comes together.

Application # _____

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Patriot Development Group, LLC	DRP Bookbinder Multistate LLC
*Title	Organization	Organization
*Address	817 GA-247, Unit 10 Kathleen, GA 31047	817 GA-247, Unit 10, Kathleen, GA 31047
*Phone	478-322-0028	478-322-0028
*Email	dylanw@pd.group	dylanw@pd.group

Property Information

*Street Address or Location	1824 Houston Lake Road & 1904 Hwy 127, Perry, GA 31069
*Tax Map Number(s)	0P0490 061000 & 0P0490 062000
*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

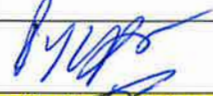
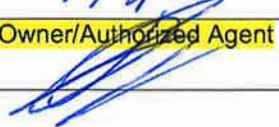
*Current Zoning District	PUD	*Proposed Zoning District	PUD - Update
*Please describe the existing and proposed use of the property <u>Note: A Site Plan or other information which fully describes your proposal may benefit your application.</u> This PUD update is to bring residential phase 2 lots into compliance under current approved PUD requirements.			

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 11/19/23
*Property Owner/Authorized Agent 	*Date 11/19/23

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 9, 2024

City of Perry
Planning and Zoning
808 Carroll Street
Perry, GA 31069

RE: *The Encore at Parkway – PUD UPDATE*
1904 Highway 127 Perry, Georgia 31069

To Whom it may Concern:

This letter is in response to the zoning application submitted on 12/09/2024, in reference to the above-mentioned project. Please see responses in **red** below.

1904 HWY 127 REZONING STANDARDS COMMENTS

- (1) The existing land uses and zoning classification of nearby property;
Existing land use does not include potential rezoning obstacles. Nearby properties' zoning classifications include R-3, C-2, R-AG, and PUD. Rezoning this parcel to PUD would align with past rezoning initiatives in this area.
- (2) The suitability of the subject property for the zoned purposes;
The subject property is well-suited for the potential rezoning. Preliminary analysis suggests that existing soils and topography will be conducive to earth-moving operations, drainage, and construction of foundation pads and roadways.
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
Under the current zoning classification, the subject property's values are severely diminished as the property cannot be developed to the extent that a PUD zoning classification would allow.
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
The subject property value, along with nearby property values, are very likely to increase upon development completion. Property value destruction, if any, will be minimal.
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
The subject property owner is a willing seller; no hardship will be imposed upon him. The public will enjoy additional commercial space and homeownership rates.
- (6) Whether the subject property has a reasonable economic use as currently zoned;
The subject property has relatively little economic value as currently zoned when compared to potential PUD zoning economic value.

(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;

According to publicly available historical satellite imagery, adjacent properties rezoning and development were completed circa 2007.

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

Adjacent and nearby properties' zoning classifications include R-3, C-2, R-AG, and PUD. Rezoning this property to PUD would allow potential uses and development very similar to those of the immediate area's past rezoning initiatives.

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

Because the proposed zoning classification will limit development standards to those of the similar, adjacent C-2 and R-3 parcels' standards, no adverse effects are expected.

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

The zoning proposal is in conformity with the policies and intent of the Comprehensive Plan, especially with the "Economic Development" section's goal #s 2 and 4, as well as the "Housing" section's goal #s 1 and 3. Additional businesses and housing will improve economic development opportunities and homeownership rates, respectively.

(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

A Jan. 28th discussion with Chad McMurrin revealed that, at the time construction operations would begin, the proposed rezoning and subsequent development would not over-burden infrastructure.

(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.

There are no existing or changing conditions of which interested parties have been made aware that would provide additional support for approval or disapproval.

If you have any questions, please contact our office at 1-800-416-8136 or by email at aespermit@aesllc.us

Sincerely,

Advanced Engineering Services LLC



Brian H. Braun, P.E.
Executive Vice President

Tax Parcel #0P049 0 061 000

The Abram Law Group, LLC
1200 Ashwood Parkway, Suite 560
Atlanta, GA 30338
770/349-0120
File #24-0084D

Type: GEORGIA LAND RECORDS
Recorded: 9/5/2024 11:50:00 AM
Fee Amt: \$12,815.50 Page 1 of 3
Transfer Tax: \$12,790.50
Houston County Georgia
Carolyn V. Sullivan Clerk Superior

Participant ID: 5959440500

LIMITED WARRANTY DEED BK 10531 PG 600 - 602

STATE OF GEORGIA
COUNTY OF HOUSTON

THIS INDENTURE made as of the 29th day of August, in the year two thousand and twenty-four, between

THE ENCORE DVP, LLC,
a Georgia limited liability company

as party or parties of the first part, hereinafter called Grantor, and

DRP BOOKBINDER MULTISTATE, LLC
a Delaware 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 DOLLARS (\$10.00) 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 and conveyed, and by these presents, does grant, bargain, sell and convey unto the said Grantee, the following described real property to-wit:

ALL THAT TRACT or parcel of land being more particularly described on **Exhibit "A"** attached hereto and incorporated herein by reference for a complete legal description.

This conveyance is made subject to those matters shown on **Exhibit "B"** attached hereto.

TO HAVE AND TO HOLD the said bargained property, together 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 will warrant and forever defend the right and title to the above described property unto the said Grantee against the lawful claims of all persons, claiming by, through, or under said Grantor.

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

Signed, sealed and delivered in the presence of:

The Encore DVP, LLC
a Georgia limited liability company

[Signature]
Witness

BY: [Signature] (SEAL)
Name: Walter Lee Wiggins
Title: President

[Signature]
Notary Public
My commission expires:
[Notary Seal]

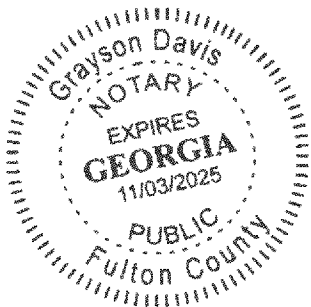


EXHIBIT "A"
LEGAL DESCRIPTION

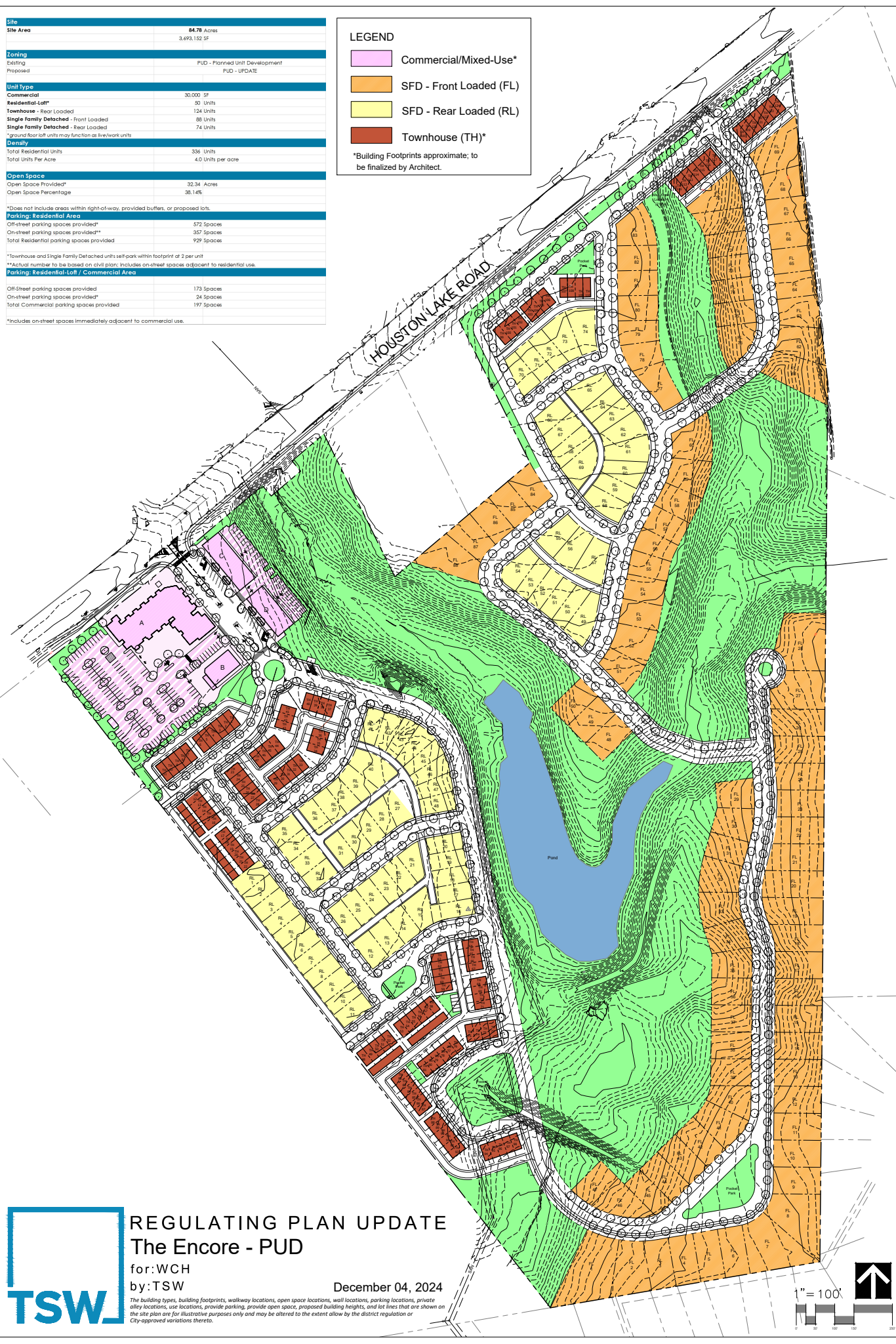
All those tracts or parcels of land situate, lying and being in Land Lots 110, 114 and 115 of the Tenth (10th) Land District of Houston County, Georgia, known and designated as Tract C, comprising 77.75 acres, according to a Retracement Survey of the Lands of Ayers Farms, Inc., prepared by Wellston Associates Land Surveyors, LLC, certified by Spencer H. Johnson, Georgia Registered Land Surveyor No. 3171, dated November 4, 2020, a copy of which is of record in Plat Book 83, Page 295, 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.

Site	
Site Area	84.78 Acres 3,693,152 SF
Zoning	
Existing	PUD - Planned Unit Development
Proposed	PUD - UPDATE
Unit Types	
Commercial	30,000 SF
Residential-Lot*	60 Units
Townhouse - Rear Loaded	124 Units
Single Family Detached - Front Loaded	88 Units
Single Family Detached - Rear Loaded	74 Units
*ground floor sell units may function as flex/work units	
Density	
Total Residential Units	336 Units
Total Units Per Acre	4.0 Units per acre
Open Space	
Open Space Provided*	32.34 Acres
Open Space Percentage	38.14%
*Does not include areas within right-of-way, provided buffers, or proposed lots.	
Parking - Residential Area	
Off-street parking spaces provided*	572 Spaces
On-street parking spaces provided**	357 Spaces
Total Residential parking spaces provided	929 Spaces
**Townhouse and Single Family Detached units self-park within footprint of 2 per unit	
*Actual number to be based on civil plan; includes on-street spaces adjacent to residential use.	
Parking - Residential Lot / Commercial Area	
Off-street parking spaces provided	173 Spaces
On-street parking spaces provided*	24 Spaces
Total Commercial parking spaces provided	197 Spaces
*Includes on-street spaces immediately adjacent to commercial use.	

LEGEND

- Commercial/Mixed-Use*
- SFD - Front Loaded (FL)
- SFD - Rear Loaded (RL)
- Townhouse (TH)*

*Building Footprints approximate; to be finalized by Architect.



REGULATING PLAN UPDATE The Encore - PUD

for: WCH
by: TSW

December 04, 2024

The building types, building footprints, walkway locations, open space locations, wall locations, parking locations, private alley locations, use locations, provide parking, provide open space, proposed building heights, and lot lines that are shown on the site plan are for illustrative purposes only and may be altered to the extent allow by the district regulation or City-approved variations thereon.

1" = 100'

Site	
Site Area	64.78 Acres 3,693,152 SF
Zoning	
Existing	PUD - Planned Unit Development
Proposed	PUD - UPDATE
Unit Type	
Commercial	30,000 SF
Residential-Lot*	50 Units
Townhouse - Rear Loaded	124 Units
Single Family Detached - Front Loaded	88 Units
Single Family Detached - Rear Loaded	74 Units
*Ground floor lot units may include low-work units	
Density	
Total Residential Units	336 Units
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- Townhouse (TH)*

*Building Footprints Approximate; to be finalized by Architect.

The building types, building footprints, walkway locations, open space locations, wall locations, parking locations, private alley locations, use locations, provided parking, provided open space, proposed building heights, and lot lines that are shown on the site plan are for illustrative purposes only and may be altered to the extent allow by the district regulation or City-approved variations thereto.



1447 Peachtree Street NE,
Suite 850
Atlanta, Georgia 30309
phone: 404.873.6730

www.tsw-design.com

**THE ENCORE-PUD
REGULATING PLAN,
UPDATED**

North
Perry, Georgia

scale=north

1" = 50'

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revisions

consultants

project title
Houston Lake Rd
Development; Zoning Plan
for
WCH

drawing information
project number:
contour by: TSW
drawn by: TSW
checked by: TSW
scale: 1" = 50'
drawing date
December 04, 2024
sheet title

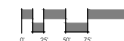
sheet number
1 of 2

THE ENCORE-PUD REGULATING PLAN, UPDATED

North
Perry, Georgia

scale north

1" = 50'



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revisions

consultants

project title
Houston Lake Rd
Development; Zoning Plan
for
WCH

drawing information

project number:
contact:
drawn by:
checked by:
scale:
drawing date:
sheet title

sheet number

2 of 2

Site	84.78 Acres
Site Area	3,693,152 SF

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Existing	PUD - Planned Unit Development
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Density	
Total Residential Units	336 Units
Total Units Per Acre	4.0 Units per acre

Open Space	
Open Space Provided*	32.34 Acres
Open Space Percentage	38.14%

*Does not include areas within right-of-way, provided buffers, or proposed lots.

Parking - Residential Area	
On-street parking spaces provided*	572 Spaces
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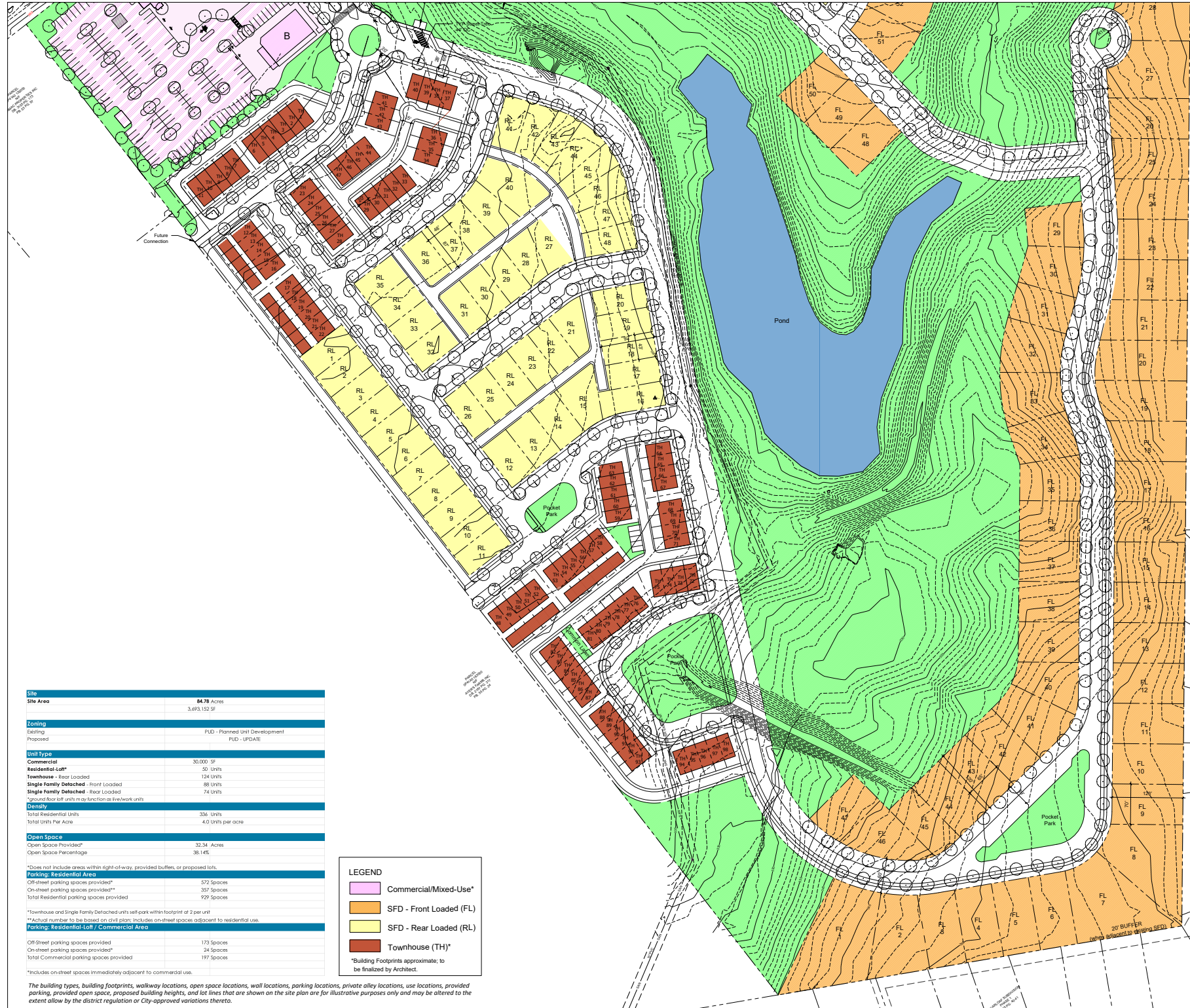
*Includes on-street spaces immediately adjacent to commercial use.

The building types, building footprints, walkway locations, open space locations, wall locations, parking locations, private alley locations, use locations, provided parking, provided open space, proposed building heights, and lot lines that are shown on the site plan are for illustrative purposes only and may be altered to the extent allow by the district regulation or City-approved variations thereto.

LEGEND

- Commercial/Mixed-Use*
- SFD - Front Loaded (FL)
- SFD - Rear Loaded (RL)
- Townhouse (TH)*

*Building Footprints approximate; to be finalized by Architect.





Where Georgia comes together.

STAFF REPORT

January 2, 2025

CASE NUMBER: TEXT-0155-2024
APPLICANT: Emily Carson for the City of Perry
REQUEST: 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.

STAFF COMMENTS: 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.

STANDARDS FOR GRANTING A TEXT AMENDMENT:

(1) **Whether, and the extent to which the proposed amendment is consistent with the Comprehensive Plan.** The proposed ordinance is consistent with the comprehensive plan goal to increase the amount of natural and cultural resources by investing in parks and recreational infrastructure.

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

The ordinance is consistent with the current provisions.

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

Development continues to increase throughout the city. The ordinances must adjust to meet the current needs and provide the same quality of life that residents have come to recognize Perry for.

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

Standardizing the location, facilities, and sizes for recreational spaces in subdivisions ensures all residents will have access to high quality offerings within their neighborhoods that the city can maintain, should the need arise.

(5) **Whether, and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.**

The amendment will support responsible and equitable development within the city by ensuring that residents in newly developed subdivisions have access to recreational facilities that meet or exceed city standards.

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

The amendment has no impact on development patterns.

(7) Whether, and the extent to which the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment will not impact the natural environment and is designed to avoid known wetlands, stormwater management areas, and flood zones.

(8) Whether, and the extent to which the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment will allow first responders to have better lines of sight during emergency responses by ensuring recreational areas are in visible, easily accessible areas. It will also ensure that offerings in these spaces are compatible with city standards. It will have no negative impacts on public facilities.

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

Create Sec 6-10.14 Pocket Park Requirements

Sec. 6-10.14 Pocket Parks.

- (A) *Intent.* This section is intended to ensure residents’ ability to access recreational facilities within walking distance of their homes to support improved public health, social opportunities, and a high quality of life. It is also intended to standardize the placement, size, furnishings and maintenance of such properties.
- (B) *Applicability.* The developer of a residential subdivision shall build and furnish a pocket park in accordance with this section. The developer may offer to dedicate the park(s) to the city for ownership and maintenance.
- (C) *Exclusions.* This section does not apply to new developments with 50 unit/lots or less that are within 1,200 feet of a public park or new developments with private amenities area(s) comparable to the requirements of this ordinance. Proof of access to an existing public park(s) or detailed plans for the amenities area(s) shall be submitted at the time of preliminary platreview.
- (D) *Irrigation.* If irrigation is installed, an irrigation system approved by the Public Works Department is required. Rain meters are also required if irrigation is installed.
- (E) *Plan requirements.* Preliminary plats without clearly identifiable parks will not be accepted for review. The administrator will assist applicants with identifying suitable placements for such park(s) prior to plat review submissions.
 - (1) Plans for a pocket park must be submitted as part of the overall subdivision design plans.
- (F) *Location. Pocket parks shall:*
 - (1) be centrally located within the subdivision development;
 - (2) be situated so it is visible from the street(s) to increase safety;
 - (3) not be adjacent to any stormwater infrastructure or located within City easements or rights-of-way;
 - (4) not be in a floodplain, delineated wetland, or a stream buffer; and
 - (5) follow the size requirements in Table 6-10-8:

Table 6-10-8. Park size requirements			
Up to 50 units	51 – 150 units	151-250 units	Over 250 units
.25 acre	.5 acre	1 acre ¹	1 acre plus additional 0.5 acre per 100 lots or units or a portion thereof ¹
¹ Parks required to be one acre or more in size may be split into two or more smaller parks of at least half-acre			

(G) Furnishing Requirements. Furnishings provided in pocket parks shall:

- (1) be centrally situated on the lot to avoid potential safety hazards from street traffic; and
- (2) must follow the requirements set in Table 6-10.9 below. Additional furnishings or substitutes are not permitted without approval of the administrator. Approved specifications are available in the Administrative Manual

Table 6-10-9. Required Furnishings by Park Size		
.25 acre - .5 acre	1 acre	Each additional 0.5 acre
1 Standard Concrete Picnic Table 1 ADA Concrete Picnic Table 2 Concrete University Bench 1 Vandal Resistant Firebox 1 Standard Swing 1 Toddler/Inclusive Swing 5 Climbers/Rocks 1 TenSpin OR 1 Multi-Bounce OR 1 Bird Nest Swing	3 Picnic Tables (Min 1 Table ADA) 2 Grills 3 Swing Bays (All Attached or Separate) 4 Standard Swings 2 Toddler/Inclusive Swings 2 Additional Features from List: Climber Combo Spinner Bouncer Nest Swing	All items on the 1-acre list plus: 1 Picnic Table (Min 1 Table ADA) 1 Additional Feature from List: Climber Combo Spinner Bouncer Nest Swing



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Application # TEXT-0155-2024

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

	Applicant
*Name	Emily Carson for the City of Perry
*Title	Community Planner
*Address	808 Carroll St, Perry, GA 31069
*Phone	478-988-2702
*Email	emily.carson@perry-ga.gov


Request

*Please provide a summary of the proposed text amendment:

Create Sec 6-10.14 Pocket Park Requirements to ensure that residents in new subdivisions in the city have equitable access to recreational facilities within walking distance of their homes. The ordinance also guarantees that proper considerations for location, safety, furnishings, and maintenance are taken prior to plat acceptance and approval.

Instructions

- The application, fee (made payable to the City of Perry), and proposed text of the amendment must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
- Fees: Actual cost of required public notice.
- The applicant must state the reason for the proposed text amendment. See Sections 2-2 and 2-3.2 of the Land Management Ordinance for more information.
- 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.
- Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
- 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, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? **Yes** ___ **No** X
If yes, please complete and submit the attached Disclosure Form.
- The applicant affirms that all information submitted with this application, including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
- Signatures:

*Applicant	 Emily J. Carson, Community Planner II	*Date	11/25/2024
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Standards for Amendments to the Text of the Land Management Ordinance

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

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

This amendment is not inconsistent with these plans, and it fulfills goal 6.b. in the 2023-2027 Strategic Plan.

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

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

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

There is currently no standard in the Land Management Ordinance that addresses the need for recreational space in subdivisions that are not submitted as PUDs.

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

Access to open space is proven to be beneficial to residents of all ages and income brackets. It improves mental health, enriches the landscape of subdivisions, and enlarges the network of parks and playgrounds for families in the City of Perry. The ordinance also accounts for the maintenance of these parks once installed, ensuring they will not fall into disrepair.

(5) Whether, and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The proposed changes create standards for parks and recreational spaces that all developers will follow when proposing new subdivisions within the city. The changes to the ordinance ensure furnishings and infrastructure in newly developed parks are consistent with city norms and Council expectations.

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

The amendment will result in a logical and orderly development pattern by providing clear standards for parks and recreational space in proposed development applications.

(7) Whether, and the extent to which the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment has no direct impact on the natural environment.

(8) Whether, and the extent to which the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment has a direct impact on parks and will require an increase in workload for the Public Works Department. However, the furnishings and infrastructure requirements are consistent with existing policies within the department.

Create Sec 6-10.14 Pocket Park Requirements

Sec. 6-10.14 Pocket Parks.

- (A) *Intent.* This section is intended to ensure residents’ ability to access recreational facilities within walking distance of their homes to support improved public health, social opportunities, and a high quality of life. It is also intended to standardize the placement, size, furnishings and maintenance of such properties.
- (B) *Applicability.* The developer of a residential subdivision shall build and furnish a pocket park in accordance with this section. The developer should offer to dedicate the park(s) to the city for ownership and maintenance.
- (C) *Exclusions.* This section does not apply to new developments with 50 unit/lots or less that are within 1,200 feet of a public park or new developments with private amenities area(s) comparable to the requirements of this ordinance. Proof of access to an existing public park(s) or detailed plans for the amenities area(s) shall be submitted at the time of preliminary platreview.
- (D) *Irrigation.* If irrigation is installed, an irrigation system approved by the Public Works Department is required. Rain meters are also required if irrigation is installed.
- (E) *Plan requirements.* Preliminary plats without clearly identifiable parks will not be accepted for review. The administrator will assist applicants with identifying suitable placements for such park(s) prior to plat review submissions.
 - (1) Plans for a pocket park must be submitted as part of the overall subdivision design plans.
- (F) *Location. Pocket parks shall:*
 - (1) be centrally located within the subdivision development;
 - (2) be situated so it is visible from the street(s) to increase safety;
 - (3) not be adjacent to any stormwater infrastructure or located within City easements or rights-of-way;
 - (4) not be in a floodplain, delineated wetland, or a stream buffer; and
 - (5) follow the size requirements in Table 6-10-8:

Table 6-10-8. Park size requirements			
Up to 50 units	51 – 150 units	151-250 units	Over 250 units
.25 acre	.5 acre	1 acre ¹	1 acre plus additional 0.5 acre per 100 lots or units or a portion thereof ¹
¹ Parks required to be one acre or more in size may be split into two or more smaller parks of at least a half-acre			

(G) Furnishing Requirements. Furnishings provided in pocket parks shall:

- (1) be centrally situated on the lot to avoid potential safety hazards from street traffic; and
- (2) must follow the requirements set in Table 6-10.9 below. Additional furnishings or substitutes are not permitted without approval of the administrator. Approved specifications are available in the Administrative Manual

Table 6-10-9. Required Furnishings by Park Size		
.25 acre - .5 acre	1 acre	Each additional 0.5 acre
1 Standard Concrete Picnic Table 1 ADA Concrete Picnic Table 2 Concrete University Bench 1 Vandal Resistant Firebox 1 Standard Swing 1 Toddler/Inclusive Swing 5 Climbers/Rocks 1 Ten Spin OR 1 Multi-Bounce OR 1 Bird Nest Swing	3 Picnic Tables (Min 1 Table ADA) 2 Grills 3 Swing Bays (All Attached or Separate) 4 Standard Swings 2 Toddler/Inclusive Swings 2 Additional Features from List: Climber Combo Spinner Bounce r Nest Swing	All items on the 1-acre list plus: 1 Picnic Table (Min 1 Table ADA) 1 Additional Feature from List: Climber Combo Spinner Bouncer Nest Swing



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STAFF REPORT

January 2, 2025

CASE NUMBER: TEXT-0158-2024

APPLICANT: Bryan Wood for the City of Perry

REQUEST: 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.

STAFF COMMENTS: 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.

STANDARDS FOR GRANTING A TEXT AMENDMENT:

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

The amendment is not inconsistent with these plans.

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

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

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

Current language regarding the Certificates of Appropriateness (COA) for signs in the C-3 district and Downtown Development Overlay District (DD) suggests that the Main Street Advisory Board (MSAB) has authority not intended to be granted.

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

Current language in the LMO can be interpreted to suggest the MSAB has the authority to grant variances from the sign standards. The amendment removes unclear language and clarifies the extent of MSAB's authority in reviewing COAs for signs in the C-3 and DD districts.

- (5) Whether, and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.**

The amendment is consistent with the purpose of the sign standards and provides for clear interpretation of the intent of the regulations.

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

The amendment will result in fair and consistent implementation of the sign regulations in the C-3 and DD districts.

- (7) Whether, and the extent to which the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.**

The amendment has no direct impact on the natural environment

- (8) Whether, and the extent to which the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).**

The amendment has no impact on public facilities and services

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

Delete Subsection 6-6.3(C) and replace as follows:

6-6.3. Design Standards for the Downtown Development District.

(D) *Sign standards.* The administrator is authorized to issue a certificate of appropriateness for signs, which shall be in the form of an issued sign permit.

Delete Subsections 6-9.6(A) and (C) and replace as follows:

Sec. 6-9.6. *Nonresidential district sign standards.*

(A) *Ground signs in nonresidential districts.* Ground signs permitted in the nonresidential base zoning districts, and the PC, DD, and NC overlay districts shall comply with the provisions in Table 6-9-2.

Table 6-9-2. Standards for Ground Signs in Nonresidential Zoning and Overlay Districts

Zoning and Overlay District	Sign Type	Maximum Square Feet per Sign Face			Maximum Number per Lot	Maximum Height (feet)	Illumination Allowed
		Not based on lot size	Lot size > 3 acres	Lot size 3 acres or less			
C-1, C-2 M-1, M-2 IMU, MUC, GU	Monument; Monopole	n/a	100	75	2	20	Internal or External
	Ground-mounted Flag	48 total per pole	n/a	n/a	3 flagpoles	35	External only
Parkway Corridor Overlay (PC)	Monument	n/a	100	75	1 per street front	20	Internal or External
	Ground-mounted Flag	Same as base zoning district					
LC, OI, NMU, Neighborhood Commercial Corridor Overlay (NC)	Monument; Post & Arm	32	n/a	n/a	1 per street front	15	External only
	Ground-mounted Flag	48 total per pole	n/a	n/a	1 flagpole	35	
C-3, Downtown Development Overlay (DD), Downtown Historic Preservation Overlay (HP)	Monument; Post & Arm	32 for Monument; 12 for Post & Arm	n/a	n/a	1 per street front	10	External; Internal by COA only*
	A-frame**	6	n/a	n/a	1 per tenant	4	Not Allowed
	Ground-mounted Flag	48 total per pole	n/a	n/a	1 flagpole	35	External only

All ground signs and flags shall be set back at least 10 feet from the property lines

* Certificates of Appropriateness must be reviewed by the Main Street Advisory Board and issued by the administrator

** A-frame signs shall be located so an accessible pedestrian path is maintained on a sidewalk and shall be displayed only during the sign owner's business hours.

(C) Additional standards for signs in the C-3 zoning district, and the DD overlay district.

- (1) Wall signs in a planned center shall be composed of individual letters not exceeding 18 inches in height.
- (2) Prohibited signs in C-3 and DD districts:
 - (a) Multiple message signs, except as authorized in sec. 6-9.9.
 - (b) Neon tube signs, including neon and rope light building or window/door outlining.
 - (c) Signs incorporating reflective and luminescent materials.



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Application # TEXT-0158-2024

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

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


Request

*Please provide a summary of the proposed text amendment:

Amend 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.

Instructions

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

*Applicant	 Bryan Wood, Director of Community Development, for the City of Perry	*Date	11/27/2024
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Standards for Amendments to the Text of the Land Management Ordinance

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

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

This amendment is not inconsistent with these plans.

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

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

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

Current language regarding Certificates of Appropriateness (COA) for signs in the C-3 district and Downtown Development Overlay District (DD) suggests that the Main Street Advisory Board (MSAB) has authority not intended to be granted.

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

Current language in the LMO can be interpreted to suggest the MSAB has the authority to grant variances from the sign standards. The amendment removes unclear language and clarifies the extent of MSAB's authority in reviewing COAs for signs in the C-3 and DD districts.

(5) Whether, and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The amendment is consistent with the purpose of the sign standards and provides for clear interpretation of the intent of the regulations.

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

The amendment will result in fair and consistent implementation of the sign regulations in the C-3 and DD districts.

(7) Whether, and the extent to which the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment has no direct impact on the natural environment.

(8) Whether, and the extent to which the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment has no impact on public facilities and services.

Delete Subsection 6-6.3(C) and replace as follows:

6-6.3. Design Standards for the Downtown Development District.

(D) *Sign standards.* The administrator is authorized to issue a certificate of appropriateness for signs, which shall be in the form of an issued sign permit.

Delete Subsections 6-9.6(A) and (C) and replace as follows:

Sec. 6-9.6. *Nonresidential district sign standards.*

(A) *Ground signs in nonresidential districts.* Ground signs permitted in the nonresidential base zoning districts, and the PC, DD, and NC overlay districts shall comply with the provisions in Table 6-9-2.

Table 6-9-2. Standards for Ground Signs in Nonresidential Zoning and Overlay Districts

Zoning and Overlay District	Sign Type	Maximum Square Feet per Sign Face			Maximum Number per Lot	Maximum Height (feet)	Illumination Allowed
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C-1, C-2 M-1, M-2 IMU, MUC, GU	Monument; Monopole	n/a	100	75	2	20	Internal or External
	Ground-mounted Flag	48 total per pole	n/a	n/a	3 flagpoles	35	External only
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All ground signs and flags shall be set back at least 10 feet from the property lines

* Certificates of Appropriateness must be reviewed by the Main Street Advisory Board and issued by the administrator

** A-frame signs shall be located so an accessible pedestrian path is maintained on a sidewalk and shall be displayed only during the sign owner's business hours.

(C) *Additional standards for signs in the C-3 zoning district, and the DD overlay district.*

- (1) Wall signs in a planned center shall be composed of individual letters not exceeding 18 inches in height.
- (2) Prohibited signs in C-3 and DD districts:
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 - (b) Neon tube signs, including neon and rope light building or window/door outlining.
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