



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development

September 4, 2024

CASE NUMBER: ANNX-0110-2024

APPLICANT: Bryant Engineering

REQUEST: Annexation and Rezone from RAG (County) to R-3, Single-family Residential

LOCATION: 0 S Hwy 341; Tax Map No. 000830 043000

BACKGROUND INFORMATION: The applicant proposes to annex the 42.89-acre parcel into the City of Perry for a subdivision development. The new lot is proposed to be zoned R-3, Single-family Residential.

There are no known covenants or restrictions on the subject property which would preclude the uses permitted in the proposed zoning district.

STANDARDS FOR ESTABLISHING A ZONING CLASSIFICATION:

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

	Zoning Classification	Land Uses
North	RAG, Residential Agriculture (County)	Single-family residential
South	R-2, Single-family Residential	Single-family residential
East	R-2, Single-family Residential	Single-family residential, approved 2-family subdivision
West	R-Ag (County), C-2, General Commercial (City)	Single-family residential/Retail

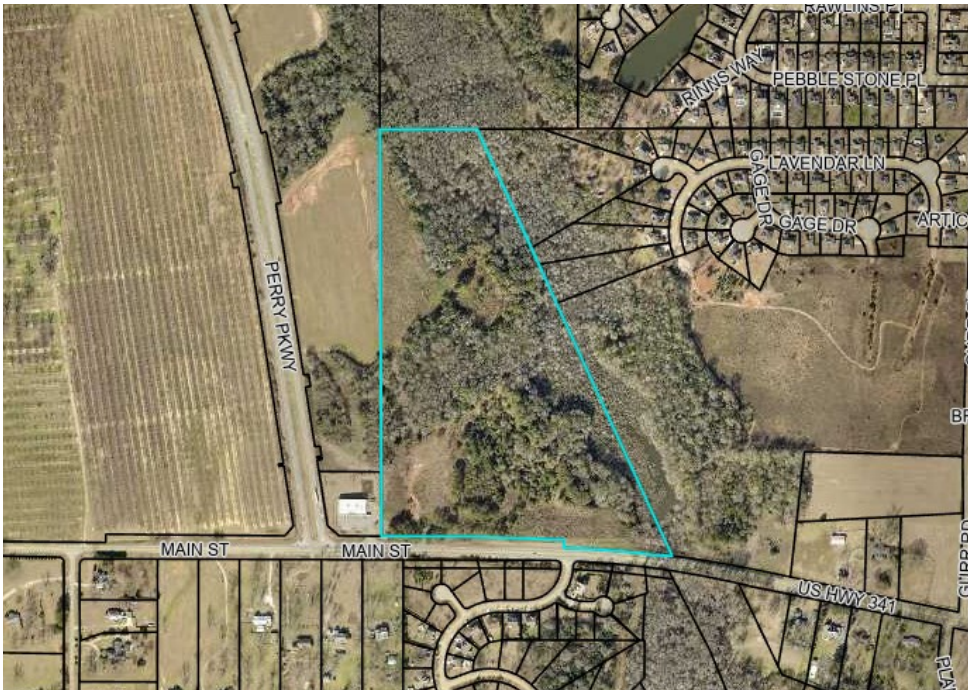
2. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties. The proposed zoning district allows only single-family residential uses by right. This is consistent with surrounding uses.

3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties. The proposed zoning district and the development of single-family residences is not expected to adversely impact the use of surrounding properties.

4. Describe how the proposed zoning district is consistent with the Comprehensive Plan. The subject property is in the “Suburban Residential” character area in the 2022 Joint Comprehensive Plan. The Suburban Residential character area calls for a mix of housing densities and types. The southwest corner of the property is in a commercial node located at the intersection of Perry Parkway and Main Street.

- 5. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.** The proposed zoning district will not cause an excessive burden on existing public facilities. This portion of the arterial road is a State Route and can handle additional traffic capacity. City water capacity is available. Sanitary sewer is available; capacity will be evaluated based on the developer's phasing plan. Stormwater runoff will be reviewed as part of the development for compliance with the city's ordinances.
- 6. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.** The property is contiguous to the existing city boundary on the south and west property lines.

STAFF RECOMMENDATION: Staff recommends approval of the annexation request and the proposed zoning classification of R-3, Single-family Residential.

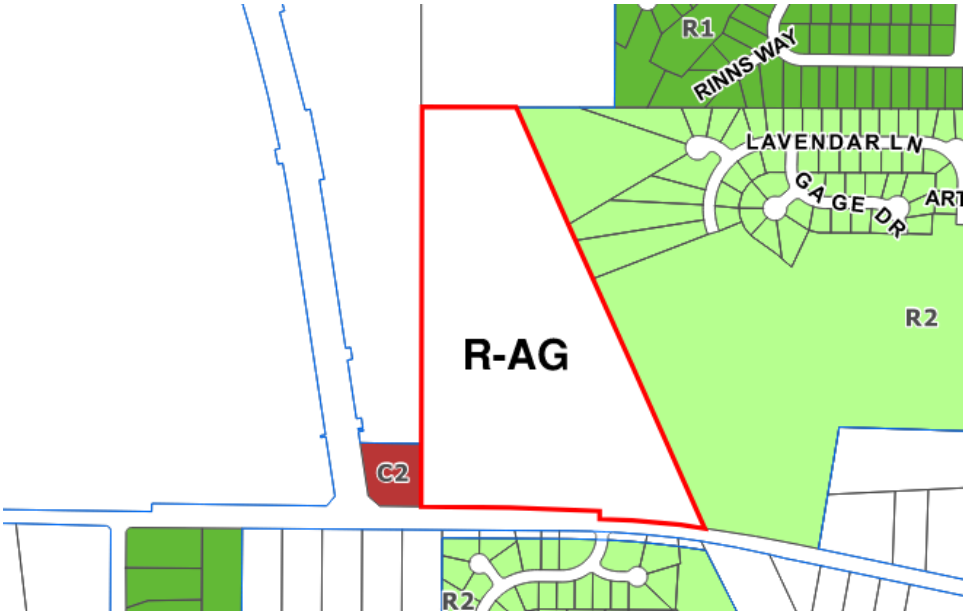


ANNX-0110-2024

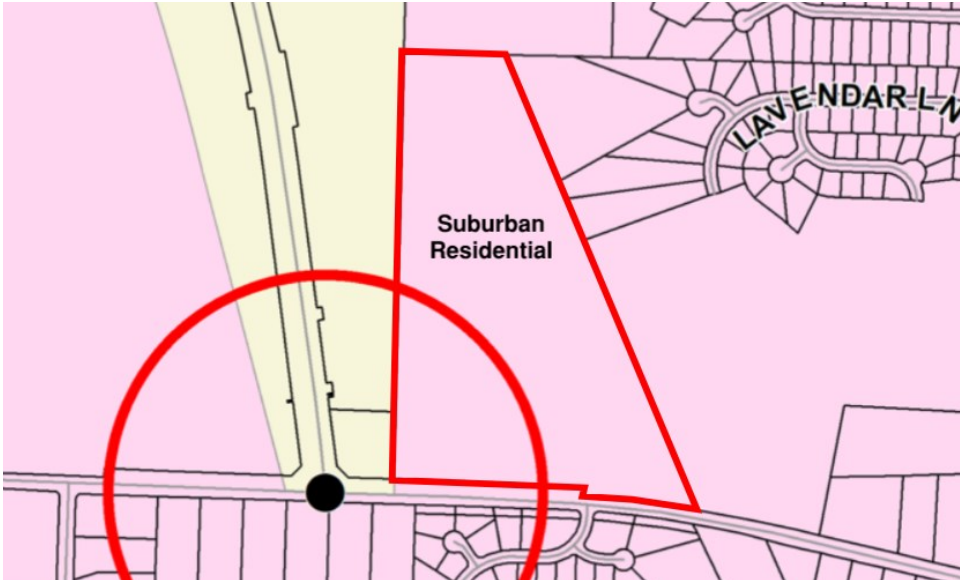
0 S HWY 341

Annex 42.89 acres into city limits, zoned R-3, Single-Family Residential

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # ANNX
0110-2024

Application for Annexation

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Bryant Engineering	CCCCT Investments, LLC
*Title		
*Address	PO Box 1821 Perry, GA 31069	PO Box 1821 Perry, GA 31069
*Phone	478-224-7070	478-224-7070
*Email	chad@bryantengllc.com	chad@bryantengllc.com

Property Information

*Street Address or Location	S Hwy 341
*Tax Map #(s)	000830 043000 42.89 acres
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available; B. Provide a survey plat of the property, tied to the Georgia Planes Coordinate System. **If the property being annexed is a portion of a recorded parcel, the portion being annexed must be a separate recorded parcel before this application will be accepted as complete.**

Request

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

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than the date reflected on the attached schedule.
- *Fees:
 - Residential Zoning (R-Ag, R-1, R-2, R-3) - \$316.00 plus \$27.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$527.00 plus \$42.00/acre
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Annexation 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.
- *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 7-30-24
*Property Owner/Authorized Agent	*Date 7-30-24

Standards for Granting a Zoning Classification

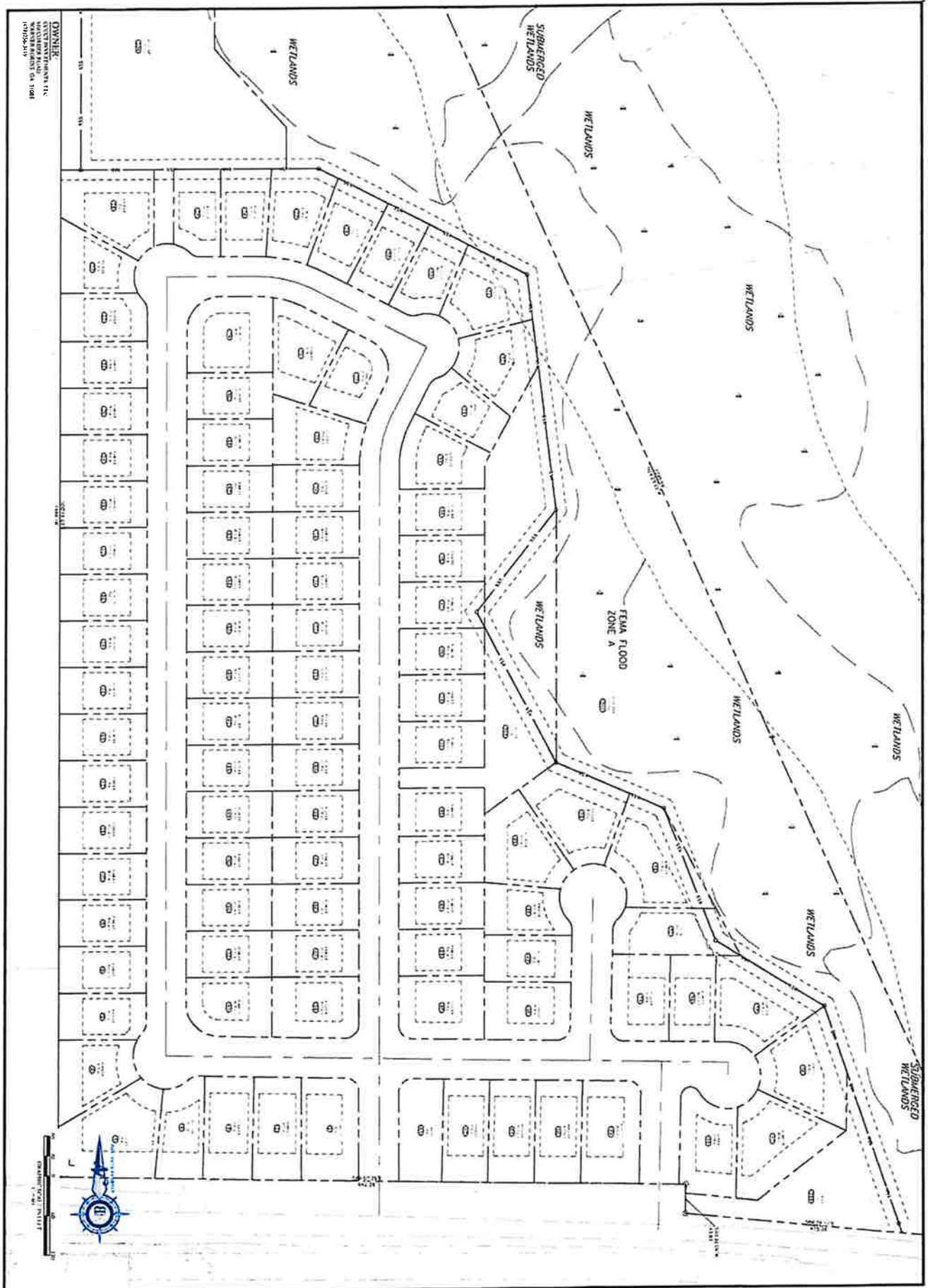
The applicant bears the burden of proof to demonstrate that an application complies with these standards.

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

1. Identify the existing land uses and zoning classification of nearby properties.
2. Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property.
3. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.
4. Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan.
5. Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools.
6. 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.

Revised 7/1/24

1. The property is bordered to the east by a 49 acre R-2 Zoned multi-family property under construction with duplex units. To the South and across Main Street is an existing City of Perry R-2 Single Family Residential Subdivision, Ivy Glenn. To the west is an existing commercial development, "Dollar General", and a large tract of land currently undeveloped, zoned Houston County R-AG. However, this tract is designated in the Comprehensive Plan as part of the Gateway Corridor area and planned for Commercial or Mixed Use development. Generally, the subject tract moving east is Suburban Residential in Character.
2. The proposed zoning as a single family development are suitable within the suburban residential district. The large natural wetlands and floodplain to the east buffers the site from other nearby residential developments.
3. There are no know adverse impacts that the proposed single family residential development will have to nearby residential and commercial properties. Generally, as proposed, the site will only produce a density equivalent to an R-1 Subdivision. This is due to the large area of onsite wetlands, floodplain, and areas planned for acquisition by the City of Perry for sanitary sewer extension and upgrades which traverses the property from north to south.
4. The zoning proposal is in conformity with the Comprehensive plan. The area has been designated as residential.
5. All infrastructure has been analyzed, existing traffic counts are well within the corridors operating capacity, existing traffic incidents are minimal, Sanitary sewer infrastructure is under design/development for upgrades, and stormwater will discharge to the large conveyance floodplain immediately adjacent to the site.
6. As proposed, the site will only produce a density equivalent to an R-1 Subdivision. This is due to the large area of onsite wetlands, floodplain, and areas planned for acquisition by the City of Perry for sanitary sewer extension and upgrades which traverses the property from north to south. These natural areas buffer the adjoining properties to the north and east of the site. This property lies between a multi-family parcel and a commercial parcel. R-3 Zoning should be a natural progression between the two adjoining parcels.



C-11
SHEET NO.

NO.	REVISIONS	DESCRIPTION

CONCEPTUAL LAYOUT FOR:
WINCHESTER PLACE
FERRY GEORGIA

COUNTY:	WALTON
LL DISTRICT:	144-M
DATE:	04/22/16
SCALE:	1" = 40'
JOB NO.:	140110101

BRYANT ENGINEERING
 1000 W. BRYANT BLVD. SUITE 100
 FERRY, GA 31505
 PHONE: 904.231.1111 FAX: 904.231.1112
 WWW.BRYANTENGINEERING.COM



Type: GEORGIA LAND RECORDS
Recorded: 3/24/2022 1:21:00 PM
Fee Amt: \$575.00 Page 1 of 2
Transfer Tax: \$550.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Superior Court Clerk

Participant ID(s): 6811174267,
7067927936

BK 9630 PG 68 - 69

(Above space for recording officer use.)

After recording return to:

File No.: P22-087

WALKER HULBERT GRAY & MOORE, LLP

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

STATE OF GEORGIA
COUNTY OF HOUSTON

LIMITED WARRANTY DEED

THIS INDENTURE, Made the 23rd day of March, in the year two thousand twenty-two (2022), between

ANTHONY M. DELOACH, SR.

of the County of Houston and the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

CCCCT INVESTMENTS, LLC,
a Georgia limited liability company

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

WITNESSETH that: Grantor, for and in consideration of the sum of Other Good and Valuable Considerations and Ten (\$10.00) and NO/100 _____ DOLLARS, before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, alienated, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey or confirm unto the said Grantee, ALL OF THE FOLLOWING DESCRIBED PROPERTY, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot 144 of the 10th Land District of Houston County, Georgia and being known and designated as Parcel "A" containing 43.575 acres as shown on a plat of survey prepared by Richard L. Jones on December 15, 1987 and recorded in Plat Book 34, Page 102, Clerk's Office, Houston County Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto for all purposes.

LESS AND EXCEPT: That certain **0.247 acres**, more or less, as shown in a Right of Way Deed recorded on November 16, 1989 in **Deed Book 862, Page 109**, Clerk's Office, Houston Superior Court.

ALSO LESS AND EXCEPT: That certain **0.436 acres**, more or less, as shown in a Right of Way Deed recorded on August 29, 1991 in **Deed Book 929, Page 417**, Clerk's Office, Houston Superior Court.

Deed Reference: Deed Book 7422, Pages 24-25, said Clerk's Office
Houston County Tax Map Parcel No.: 000830 043000, comprising 42.89 acres

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

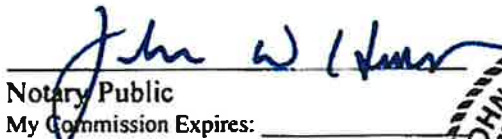
AND THE SAID Grantor, for itself, its successors and assigns, warrants and will, forever defend the right and title to said tract or parcel of land unto Grantee and its successors and assigns against the claims of all persons claiming by, through or under Grantor.

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

 (Seal)
ANTHONY M. DELOACH, SR.

Signed, sealed and delivered
in the presence of:


Witness


Notary Public
My Commission Expires: _____

(Notary Seal)



P22-087