



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
December 5, 2024

CASE NUMBER: RZNE-0132-2024

APPLICANT: Chad Bryant, Bryant Engineering

REQUEST: Rezone from MUC, Mixed Use Center to NMU, Neighborhood Mixed Use

LOCATION: 319 & 341 General Courtney Hodges Blvd; Tax Parcel Numbers: 0P0260 005000 & 0P0290 00600

BACKGROUND INFORMATION: The two parcels create a 6.47-acre lot near the corner of Baird Dr and General Courtney Hodges Blvd. The applicant seeks to create a cottage court development with 34 single-family dwellings and shared courtyard spaces.

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 prohibiting the uses in the proposed zoning district.

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

	Zoning	Land Use
North	NMU, Neighborhood Mixed Use; R-2, Single-Family Residential	Single-Family Residential; Hotel and Restaurant
South	MUC, Mixed Use Center	Offices/Undeveloped
East	MUC, Mixed Use Center	Commercial Sales and Services
West	R-2, Single-Family Residential	Single-Family Residential

2. **The suitability of the subject property for the zoned purposes.** The Mixed-Use Center zoning designation allows for more street-forward, walkable developments that create the feeling of a “city center” streetscape when done. However, it lends itself to commercial or mixed-use developments over single-use housing developments.

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

4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** There is no destruction of property values.

5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The public will gain an increase in housing options, and a structure that is currently in disrepair will be removed and replaced.

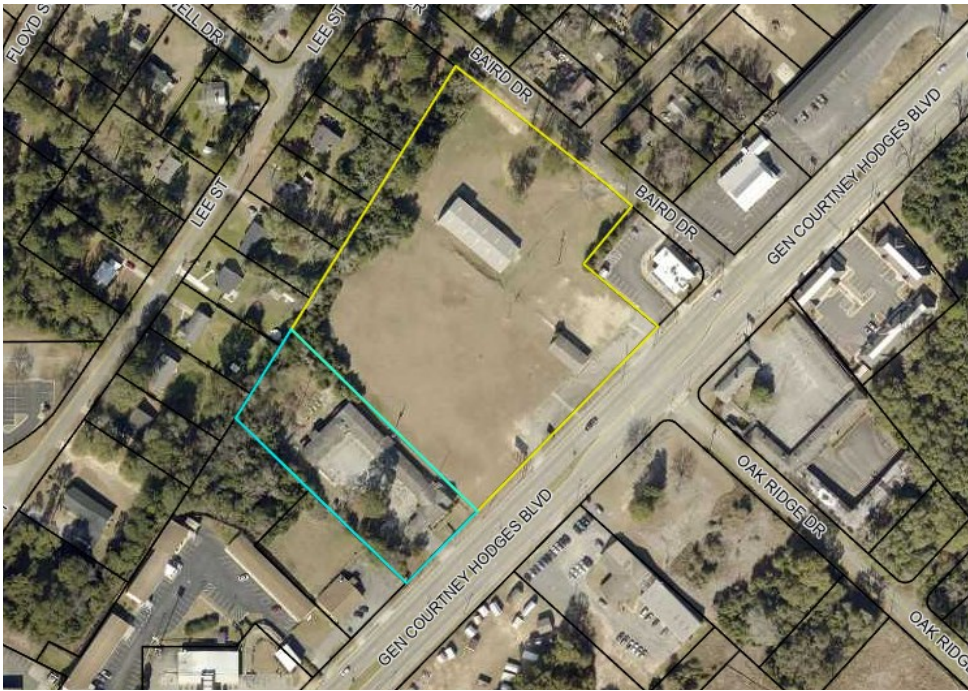
6. **Whether the subject property has a reasonable economic use as currently zoned.** The subject property has a reasonable use as currently zoned.

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.** The 1.39-acre parcel has been vacant since 2022 as part of a nuisance abatement process the

City undertook. The 5.08-acre parcel has a church and a vacant commercial structure at the front and back of the parcel, respectively. The church needs significant repair, and the commercial structure has been vacant for an unknown amount of time. Parcels in the vicinity have been developed into offices and commercial spaces within the last two years with future developments already permitted.

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 purpose of the Form Based Code zoning designations is to elevate design and increase walkability, extending the feeling of Downtown Perry up General Courtney Hodges Blvd to the Fairgrounds. This zoning will allow for housing developments that complement the existing landscape while encouraging new investment in the area.
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 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.** These properties are in a “Redevelopment” Character area and partially in a Commercial Node in the 2022 Joint Comprehensive Plan which calls for commercial redevelopments and new investments along the corridor. Rezoning these parcels to allow this development to move forward supports that goal.
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.** Public utilities are available in that area and will not be negatively impacted by this rezoning and subsequent development. General Courtney Hodges Blvd is an arterial street capable of handling an increased amount of traffic. GDOT will review any changes made to their ROW before development begins. The Houston County BOE has not reported a significant increase in the number of students since earlier this year – this development should not cause them to exceed their current capacity limits.
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 City Council is interested in creating the same walkable feel present in Downtown in the Courtney Hodges area. The applicant is the first potential development towards achieving that goal.

STAFF RECOMMENDATION: Staff recommends approval of this application.

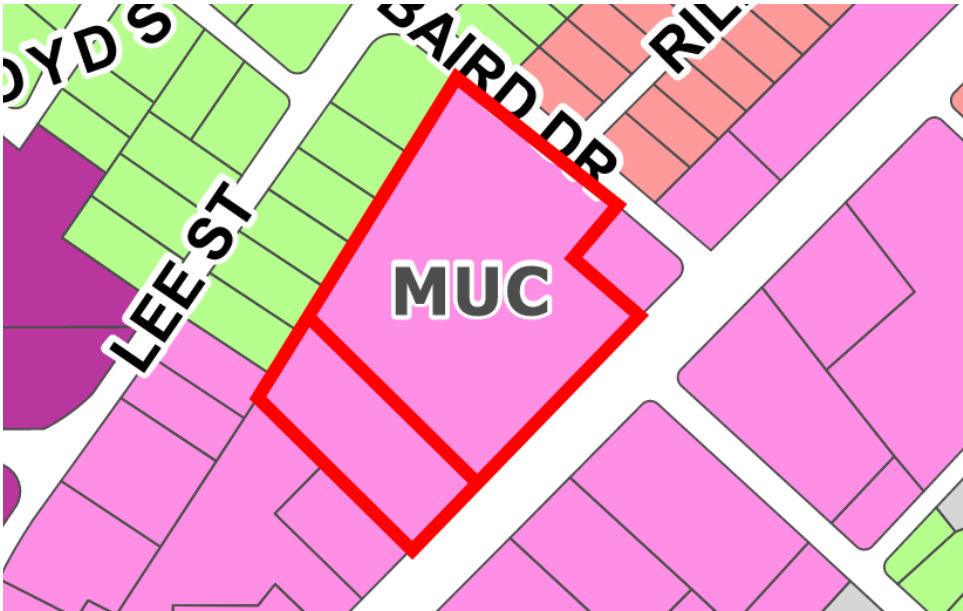


RZNE-0132-2024

319 & 341 Gen Courtney Hodges Blvd.

MCU to NMU

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # RZNE 0132-2024

Application for Rezoning

Contact Community Development (478) 988-2720

***Indicates Required Field**

	*Applicant	*Property Owner
*Name	Chad Bryant, Bryant Engineering	Robin Loudermilk, PMC Capital, LLC
*Title	Owner, P.E.	Owner
*Address	111 Perimeter Road, Suite A, Perry, GA 31069	309 East Paces Ferry Road, NE, Suite 1200, Atlanta, GA 30305
*Phone	478-224-7070	404-233-8164
*Email	Chad@bryantengllc.com	rloudermilk@loudermilkco.com

Property Information

*Street Address or Location	319 & 341 General Courtney Hodges Blvd
*Tax Map Number(s)	0P0290005000 & 0P0290006000
*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;

Request


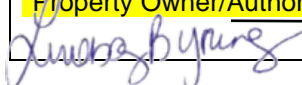
*Current Zoning District	MUC	*Proposed Zoning District	NMU
*Please describe the existing and proposed use of the property <u>Note: A Site Plan or other information which fully describes your proposal may benefit your application.</u>			
See attached site plan			

Instructions

1. The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than the date reflected on the attached schedule.
2. ***Fees:**
 - a. Residential Zoning (R-Ag, R-1, R-2, R-3) - \$316.00 plus \$27.00/acre
 - b. Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$527.00 plus \$42.00/acre
3. ***The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards).** See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
6. ***The applicant must be present at the hearings to present the application and answer questions that may arise.**
7. ***Campaign Notice required by O.C.G.A. Section 36-67A-3:** Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes ___ No 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:

<p>*Applicant </p>	<p>*Date 10/18/24</p>
<p>*Property Owner/Authorized Agent </p>	<p>*Date 10/18/24</p>

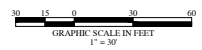
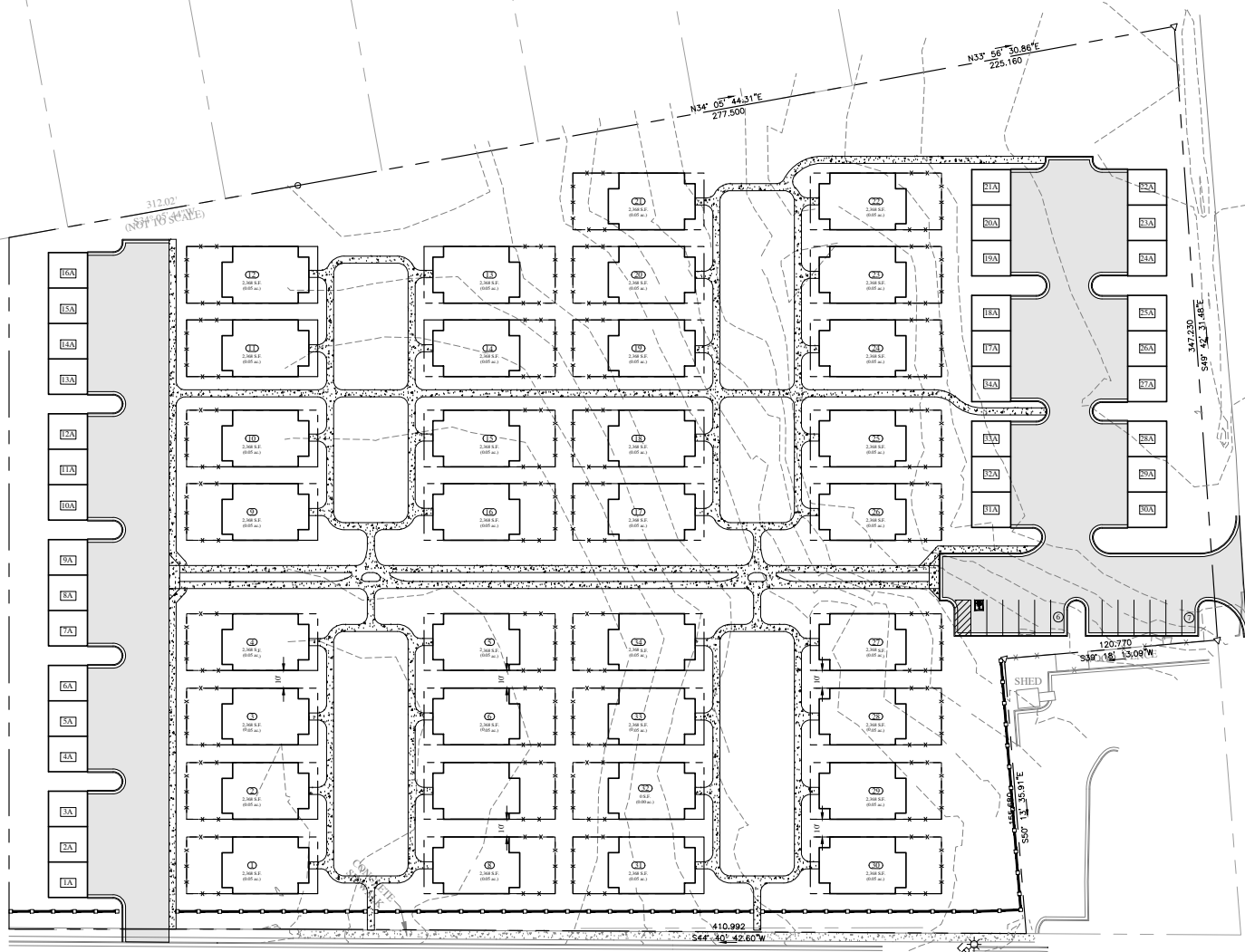
Standards for Granting a Rezoning

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.

OWNER:
 OWNER NAME
 OWNER ADDRESS
 OWNER CITY
 OWNER NUMBER



CHAD R. BRYANT, P.E.
 LICENSE LEVEL II
 DESIGN PROFESSIONAL
 CERTIFICATION # 24506

BRYANT
ENGINEERING

BE

www.bryanteng.com
 48 N. Auburn Street
 Peachtree City, Georgia 30109

COUNTY:	HOUSTON
DISTRICT:	DISTRICT 007 COTTAGE CT
DATE:	10/27/2017
SCALE:	1" = 30'
JOB NO.:	06/27001

THIS PLAN IS THE PROPERTY OF BRYANT ENGINEERING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRYANT ENGINEERING.

CONCEPTUAL LAYOUT FOR:
THE COTTAGES
 AT
COURTNEY HODGES

GEORGIA

PERRY

REVISIONS	DATE	DESCRIPTION

SHEET NO.
C0.1

October 18, 2024

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

**Subject: Standards for Granting a Zoning Classification
319 & 341 General Courtney Hodges Blvd Rezoning
Subject Parcels #0P0290005000 (1.39 Acres) 319 GCHB; #0P0290006000 (5.08
Acres) 341 GCHB**

Dear Mr. Wood,

Please see attached application and plat for rezoning for the subject parcels totaling approximately 6.47-acres located on General Courtney Hodges Blvd. The following addresses the Standards for Granting a Rezoning Classification:

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

- 1. The existing land uses and zoning classification of nearby properties:* The subject parcels are currently zoned MUC. The parcels to the north are zoned Residential. The property along General Courtney Hodges Blvd is zoned commercial.
- 2. The suitability of the subject property for the zoned purposes:* The Cottage Court building type within the Neighborhood Mixed-Use (NMU) zoning district would be compatible with adjacent residential and commercial uses.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions:* All nearby properties are zoned residential and commercial and does not adversely impact the existing use or usability of surrounding properties.
- 4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare to the public:* The proposed rezoning will conform with adjacent properties and should not negatively affect surrounding areas.
- 5. The relative gain to the public as compared to the hardship imposed upon the individual property owner:* The proposed zoning will not pose an excessive burdensome use of existing infrastructure. City water and sanitary sewage is available for the property and surrounding areas. The area also will be able to support any increase in traffic that may result of the proposed zoning classification.
- 6. Whether the subject property has a reasonable economic use as currently zoned:* Current conditions support rezoning the subject property to the NMU zoning district as surrounding

developments exist as residential and commercial districts and would complement nearby established neighborhoods.

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;*** 341 General Courtney Hodges Blvd currently is leasing building to a church. However, the building needs extensive repairs or demolition. 319 General Courtney Hodges Blvd is vacant. Both properties are currently zoned MUC.
8. ***Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;*** The proposed use of Neighborhood Mixed Use (NMU) is consistent with adjacent and nearby properties.
9. ***Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;*** The proposed use of Neighborhood Mixed-Use (NMU) will not adversely affect the existing use of nearby properties because it conforms with other residential zoning.
10. ***Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;*** This zoning request is within the Form Based Code and meets the intent of the vision for General Courtney Hodges Blvd.
11. ***Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools;*** These parcels are located on General Courtney Hodges Blvd which is a state route and a major throughfare in Perry.
12. ***Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.*** The property has been previously designed for commercial use. However, market availability, cost to construct, and lease rates made the project unfeasible.

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

Sincerely,



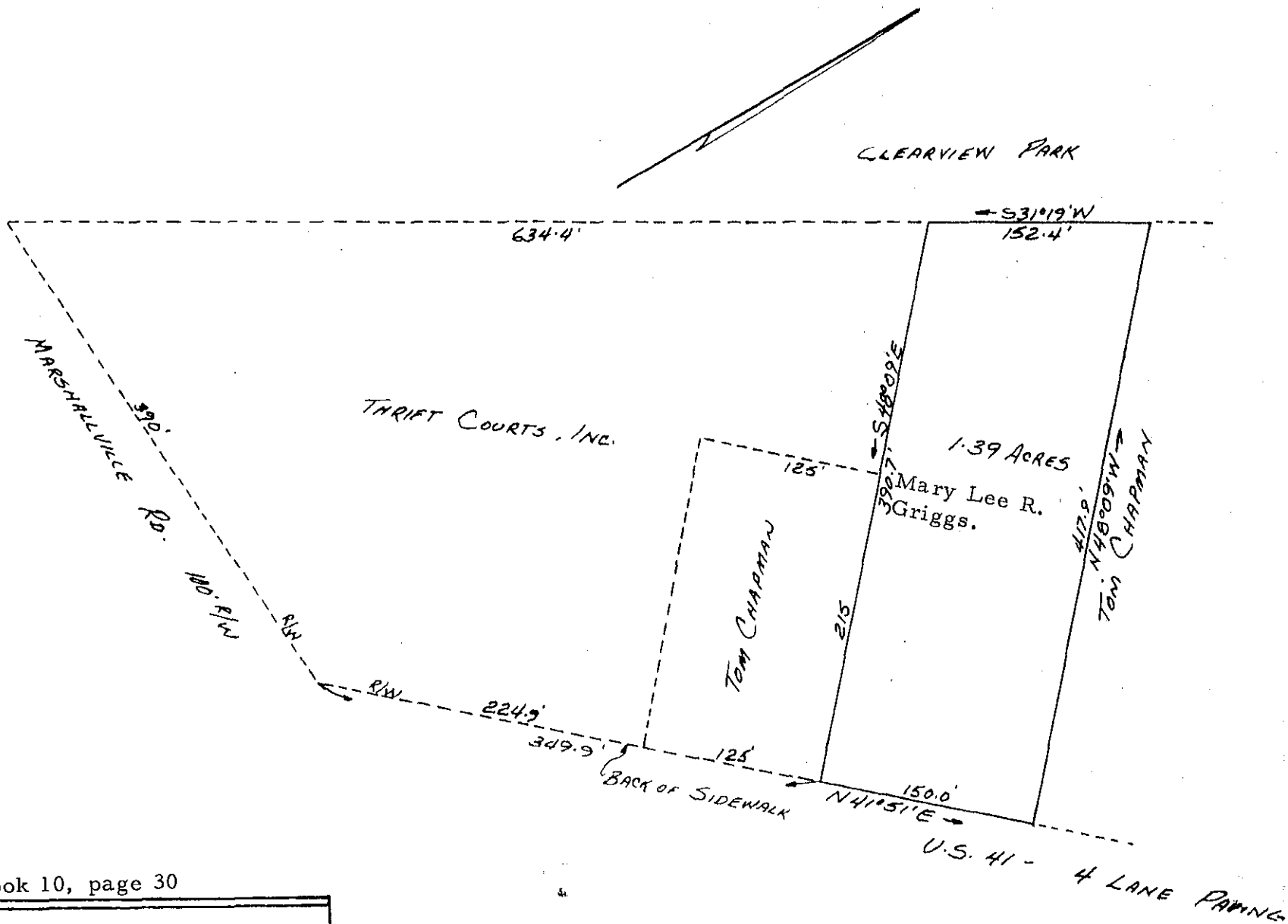
Chad Bryant, P.E.
President
Bryant Engineering

Recorded July 29, 1965



Doc ID: 006981750001 Type: PLA
Filed: 07/28/1965 at 11:14:27 AM
Fee Amt: Page 1 of 1
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk

BK 10 PG 30



Map Book 10, page 30

SURVEY PLAT
PORTION OF THE TOM CHAPMAN
PROPERTY - 13TH DISTRICT
FERRY - HOUSTON COUNTY - GEORGIA

MARY LEE R. GRIGGS

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

Wilton V. Beckham

Member Ga. Assn. Reg. Land Surveyors



SCALE 1"=100'

7-27-65

Type: GEORGIA LAND RECORDS
Recorded: 10/19/2023 3:11:00 PM
Fee Amt: \$25.00 Page 1 of 2
Transfer Tax: \$0.00
Houston County Georgia
Carolyn V. Sullivan Clerk Superior

Participant ID: 6811174267

BK 10233 PG 304 - 305

Clerk's Note:
Please cross-reference
Deed Book 10156, Page 299

State of Georgia
City of PERRY

Tax Parcel ID 0P0290 005000
Tuesday, June 6, 2023: 4

CITY NUISANCE ABATEMENT DEED
(CORRECTIVE)

THIS INDENTURE, made this **Tuesday, June 6, 2023**, between the **THE CITY OF PERRY, GEORGIA**, as GRANTOR, and **PMC CAPITAL, LLC** as GRANTEE.

WITNESSETH THAT, WHEREAS, in obedience to unpaid nuisance abatement lien issued **against TRACT OF LAND DESIGNATED AS TAX PARCEL 0P0290 005000 AND KNOWN AS 319 GENERAL COURTNEY HODGES BOULEVARD, PERRY, GEORGIA, MG ENTITIES, LLC AND WANDA ROWLAND**, the Defendant in said lien, for unpaid municipal nuisance abatement **ABT**, said Chief of Police and Levying Officer did levy the within property as property of **MG ENTITIES LLC**, serve notice, and, after the same being duly advertised agreeable to law, expose the said property within the legal hours of sale, at public outcry before the courthouse steps of Houston County, in **the City of Perry**, **on Tuesday June 6, 2023**, offering the whole said lot for sale, at which time the GRANTEE herein was the best and highest bidder of said property.

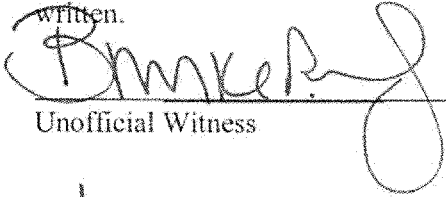
NOW, THEREFORE, in consideration of the sum of **\$184,664.52**, receipt of which is hereby acknowledged, the said GRANTOR does grant, bargain, sell and convey, unto the said GRANTEE, heirs and assigns, said property to wit:

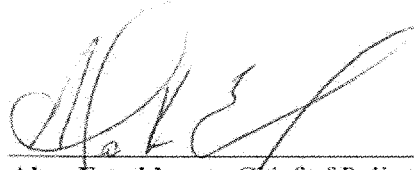
All and only that parcel of land designated as Tax Parcel 0P0290 005000, lying and being in the City of Perry, 13th Land District, Houston County, Georgia, containing 1.39 acres, more or less, shown in Plat Book 10, Page 30, described in Deed Book 6514, Page 16, the description contained therein being incorporated herein by this reference, known as 319 General Courtney Hodges Boulevard.

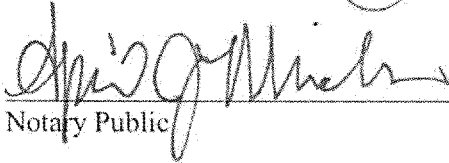
This purpose of this instrument is to correct the name of Grantee which was erroneously shown in Deed Book 10156, Page 299, as "PMC CAPITOL, LLC", rather than its correct name, "PMC CAPITAL, LLC", as shown herein.

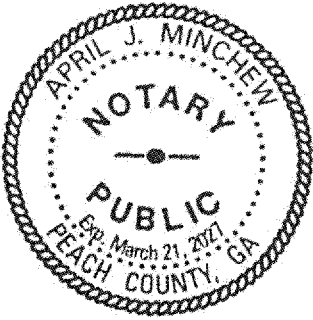
TO HAVE AND TO HOLD the said described premises, together with all the right, members and appurtenances thereof; and, also, all the estate, right, title, interest, claim or demand of the said Taxpayer and Defendant in Nuisance Abatement, heirs and assigns, legal, equitable or otherwise whatsoever, in and to the same, unto the said GRANTEE, heirs and assigns, subject to the right of redemption as provided by law. Said property is sold subject to all recorded easements, covenants, and right of ways in the said county land records.

IN WITNESS WHEREOF, the said GRANTOR has signed and sealed this deed, the date first above written.


_____(Seal)
Unofficial Witness


_____(Seal)
Alan Everidge, as Chief of Police and
Levy Officer for the City of Perry


_____(Seal)
Notary Public





Doc ID: 014264720002 Type: GLR
Recorded: 04/20/2016 at 09:32:05 AM
Fee Amt: \$337.00 Page 1 of 2
Transfer Tax: \$325.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk
BK 7132 PG 39-40

After recording return to:

File No.: P'16-#128

WHGM 64479

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 19th day of April, in the year two thousand sixteen (2016), between

MULLINS CONSTRUCTION CO., LLC
a Georgia limited liability company

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

and **PMC CAPITAL, 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 those tracts or parcels of land situate, lying and being in Land Lot 274 of the 13th Land District, in the City of Perry, Houston County, Georgia, and being shown and designated as TRACT L-1, comprising 0.08 acres; TRACT L-2, comprising 0.49 acres; TRACT L-3, comprising 0.74 acres; and TRACT L-4, comprising 0.82 acres, all according to a plat of survey prepared by Lee R. Jones, Georgia Registered Land Surveyor No. 2680, dated April 6, 2016, and recorded in Plat Book 78, Page 56, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof is incorporated herein by reference.

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.

MULLINS CONSTRUCTION CO., LLC
a Georgia limited liability company

Signed, sealed and delivered
in the presence of:

[Signature]
Witness

By: *Faye D. Mullins*
FAYE D. MULLINS, Managing Member

[Signature]
Notary Public

[Organizational Seal]

