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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.

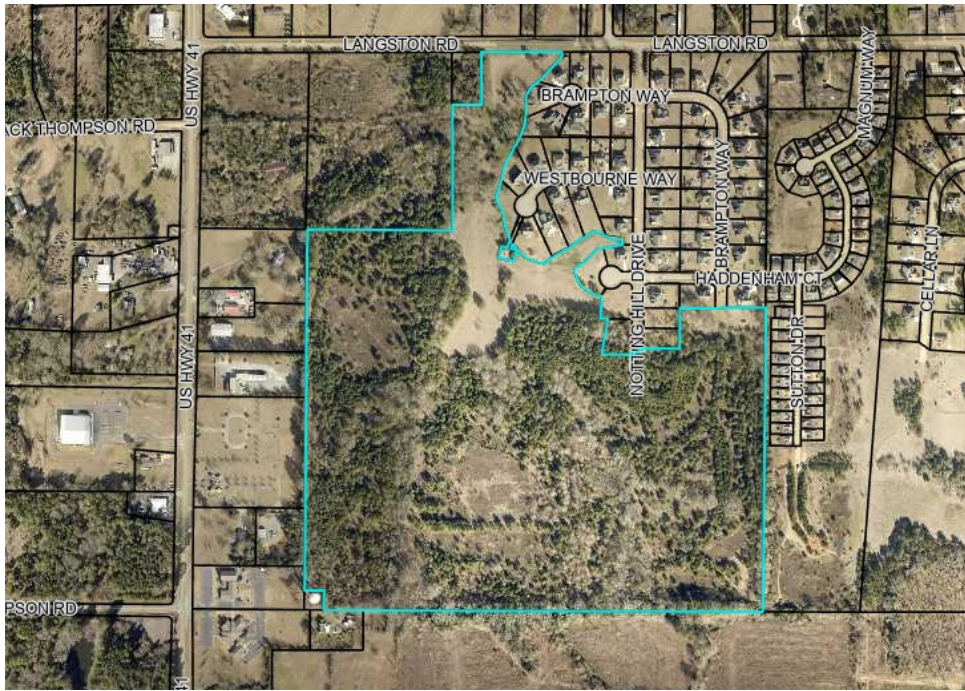
6. **Whether the subject property has a reasonable economic use as currently zoned.** The property is economically viable as zoned, however it is currently not being used to its highest and best use.

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.

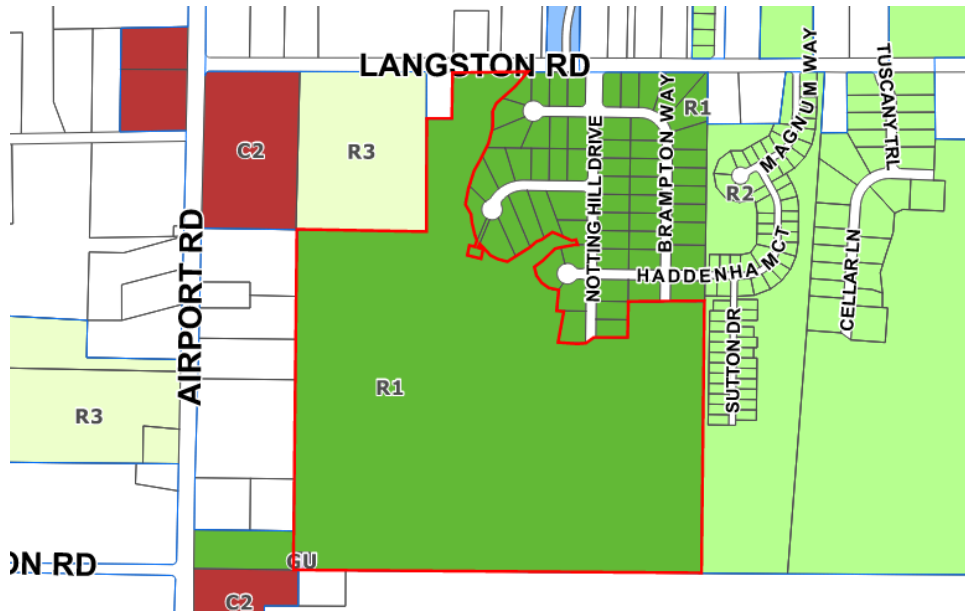


RZNE-0152-2024

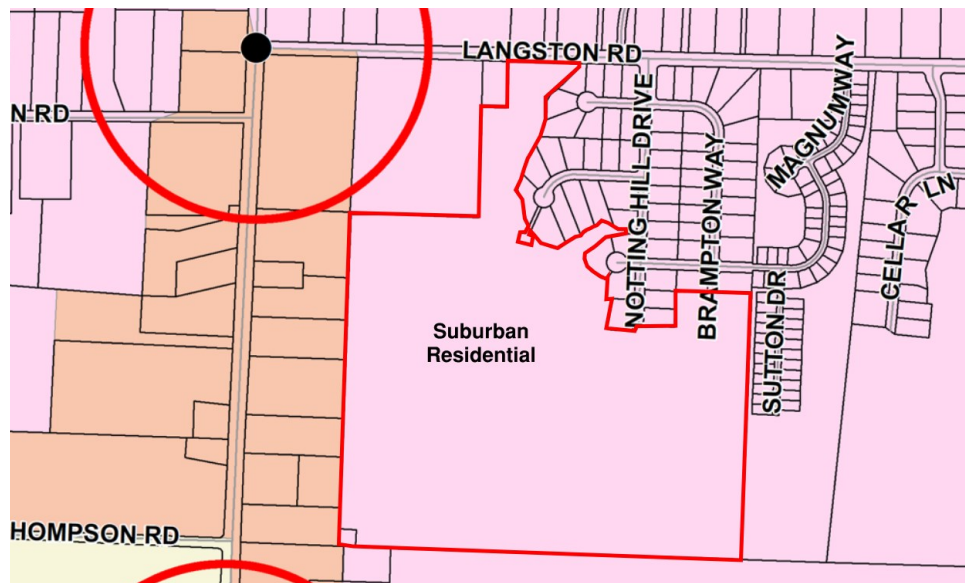
0 Langston Rd

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

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".

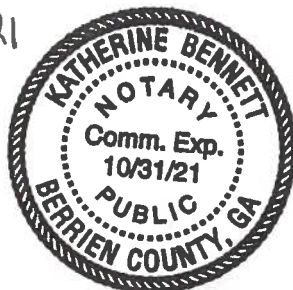
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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:

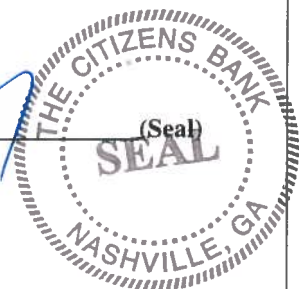
Melinda P. Mathis
Witness

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

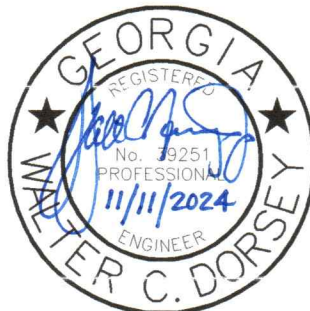


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Overview and Executive Summary:

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.

