



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.

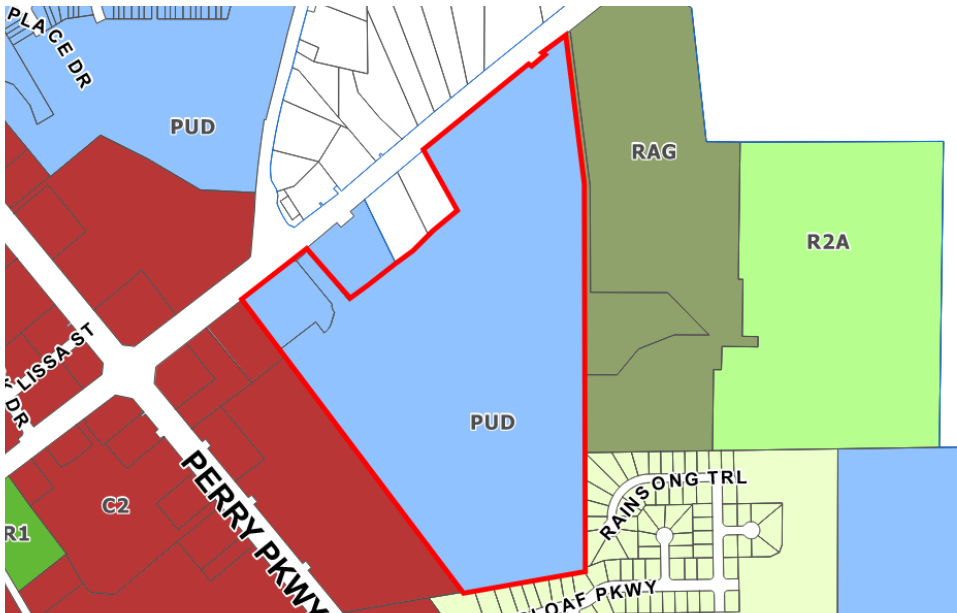
RZNE-0168-2024

1824 Houston Lake Rd and  
1904 Hwy 127

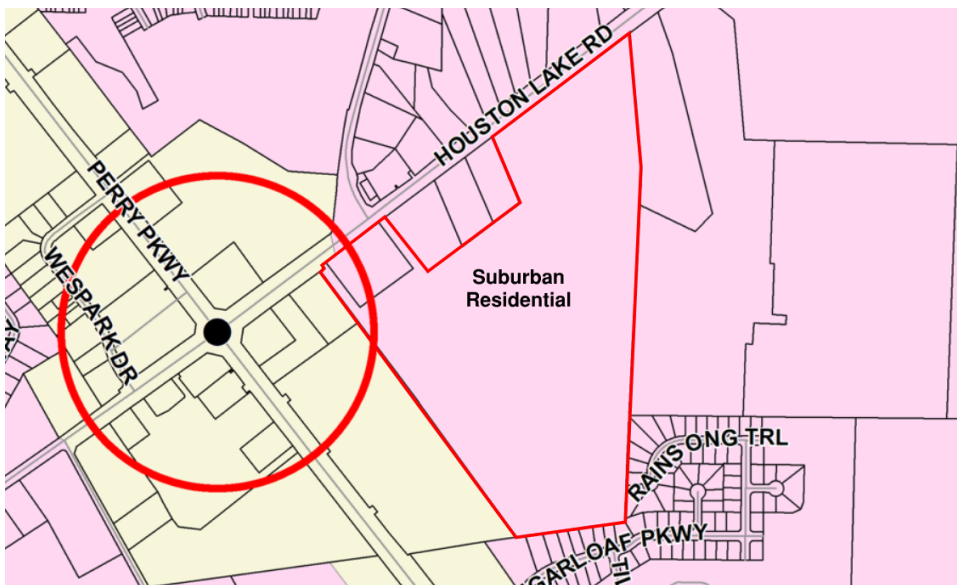
Rezone to update PUD  
Standards



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](mailto: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 29<sup>th</sup> 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.

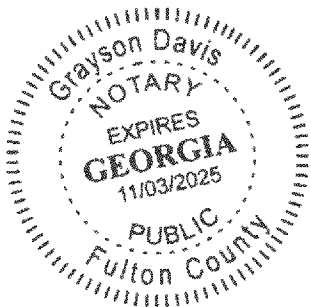
Signed, sealed and delivered in the presence of:

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**

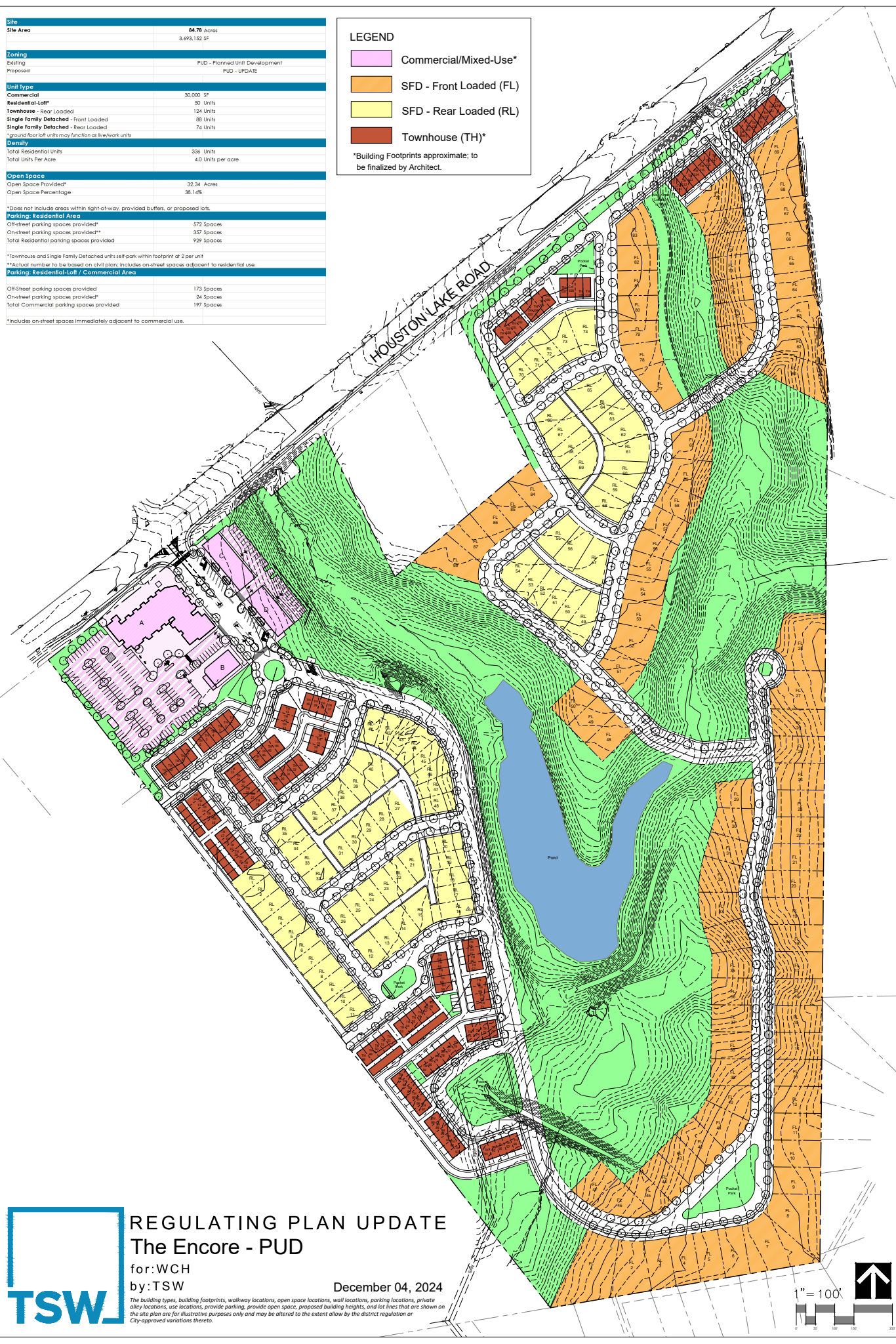
**All those tracts or parcels of land situate, lying and being in Land Lots 110, 114 and 115 of the Tenth (10th) Land District of Houston County, Georgia, known and designated as Tract C, comprising 77.75 acres, according to a Retracement Survey of the Lands of Ayers Farms, Inc., prepared by Wellston 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.**

<b>Site</b>	
Site Area	84.78 Acres 3,693,152 SF
<b>Zoning</b>	
Existing	PUD - Planned Unit Development
Proposed	PUD - UPDATE
<b>Unit Types</b>	
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	
<b>Density</b>	
Total Residential Units	336 Units
Total Units Per Acre	4.0 Units per acre
<b>Open Space</b>	
Open Space Provided*	32.34 Acres
Open Space Percentage	38.14%
*Does not include areas within right-of-way, provided buffers, or proposed lots.	
<b>Parking - Residential Area</b>	
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.	
<b>Parking - Residential Lot / Commercial Area</b>	
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'



<b>Site</b>	
Site Area	64.78 Acres 3,693,152 SF
<b>Zoning</b>	
Existing	PUD - Planned Unit Development
Proposed	PUD - UPDATE
<b>Unit Type</b>	
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 unit only/maximum livable work units	
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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:  
contact:  
drawn by: TSW  
checked by: TSW  
scale: 1" = 50'  
drawing date  
December 04, 2024  
sheet title

sheet number  
1 of 2

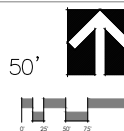


## THE ENCORE-PUD REGULATING PLAN, UPDATED

North  
Perry, Georgia

scale north

1" = 50'



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revisions

consultants

project title  
Houston Lake Rd  
Development; Zoning Plan  
Perry, Georgia  
for  
WCH

drawing information

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

sheet number

2 of 2

<b>Site</b>	<b>84.78 Acres</b>
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