



Where Georgia comes together.

Application # RZNE 0168-2024

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	[REDACTED]	[REDACTED]

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 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	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

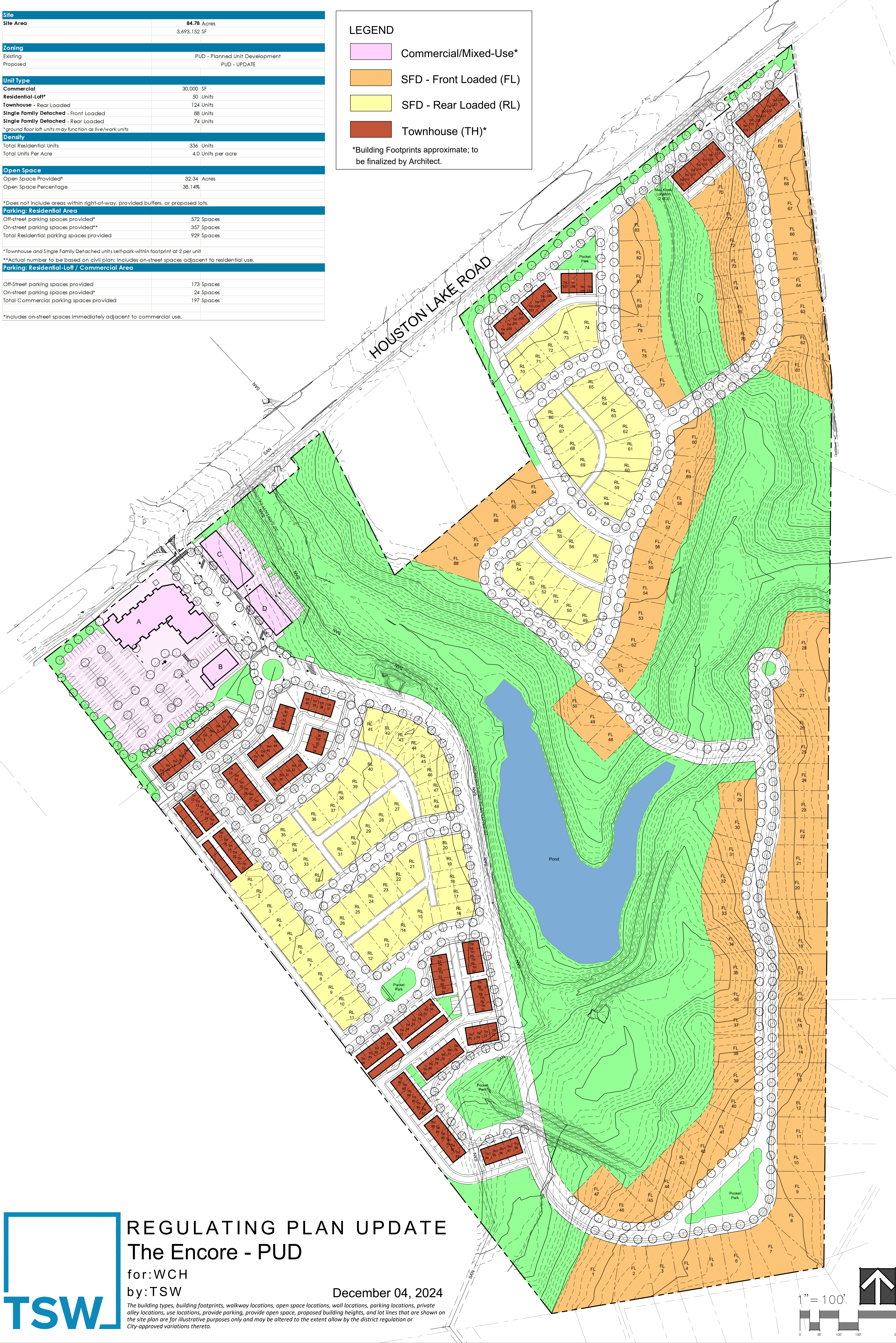
All those tracts or parcels of land situate, lying and being in Land Lots 110, 114 and 115 of the Tenth (10th) Land District of Houston County, Georgia, known and designated as Tract C, comprising 77.75 acres, according to a Retracement Survey of the Lands of Ayers Farms, Inc., prepared by Wellston Associates 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 Type	
Commercial	30,000 SF
Residential-Loft*	50 Units
Townhouse - Rear Loaded	124 Units
Single Family Detached - Front Loaded	88 Units
Single Family Detached - Rear Loaded	74 Units
*ground floor loft units may function as live/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 at 2 per unit	
**Actual number to be based on civil plan; includes on-street spaces adjacent to residential use.	
Parking: Residential-Loft / 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.



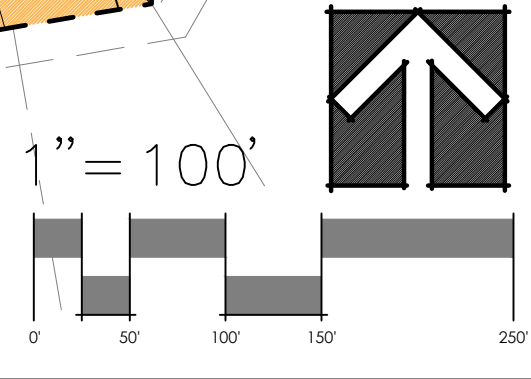
REGULATING PLAN UPDATE

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 thereto.



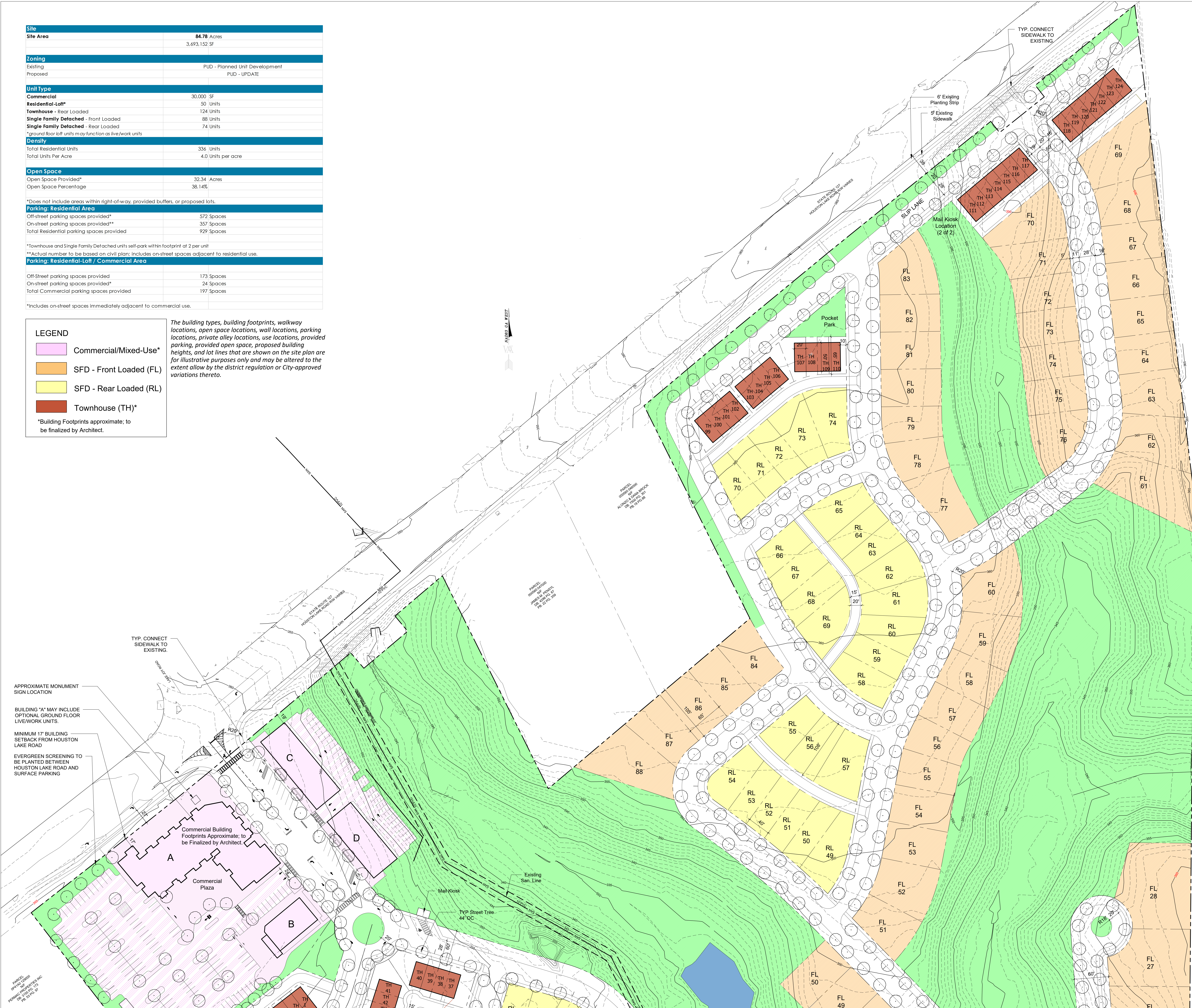
Site	
Site Area	84.78 Acres 3,693,152 SF
Zoning	
Existing	PUD - Planned Unit Development
Proposed	PUD - UPDATE
Unit Type	
Commercial	30,000 SF
Residential-Loft*	50 Units
Townhouse - Rear Loaded	124 Units
Single Family Detached - Front Loaded	88 Units
Single Family Detached - Rear Loaded	74 Units
*ground floor loft units may function as live/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-Loft / 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.

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.

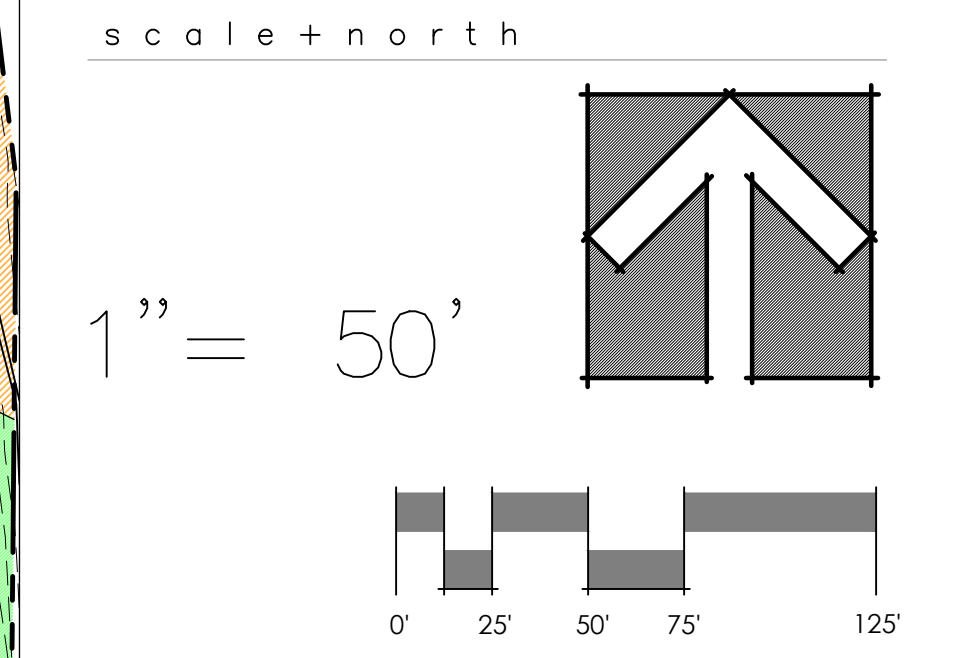


1447 Peachtree Street NE,
Suite 850
Atlanta, Georgia 30309
phone: 404.873.6730

www.tsw-design.com

THE ENCORE-PUD REGULATING PLAN, UPDATED

North
Perry, Georgia



Copyright. All rights reserved. Reproduction in whole or in part is prohibited. This drawing as an instrument of service is the property of the architect and may not be used in any way without the written permission of this office.

revisions

consultants

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

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

sheet number
1 of 2



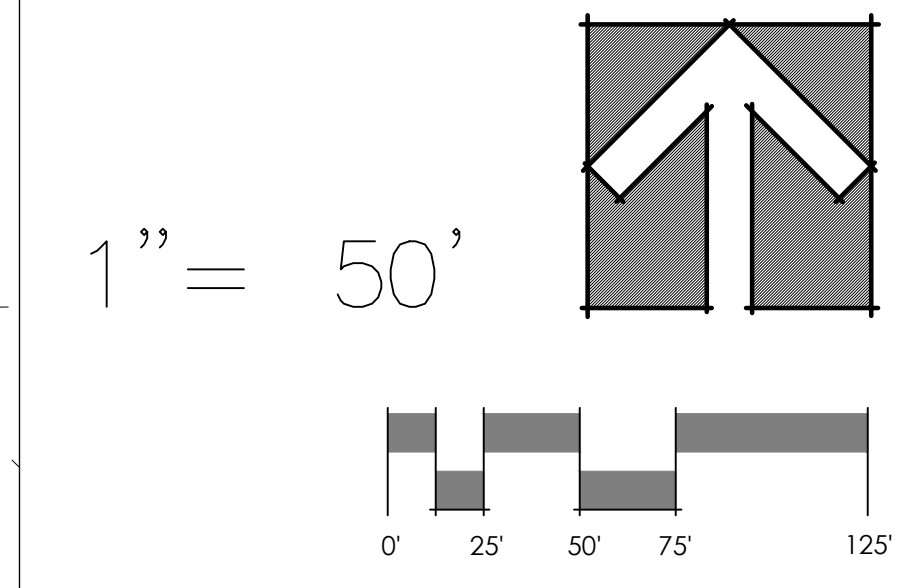
1447 Peachtree Street NE,
Suite 850
Atlanta, Georgia 30309
phone: 404.873.6730

www.tsw-design.com

THE ENCORE-PUD REGULATING PLAN, UPDATED

North
Perry, Georgia

scale+north



Copyright. All rights reserved. Reproduction in whole or in part is prohibited. This drawing as an instrument of service is the property of the architect and may not be used in any way without the written permission of this office.

revisions

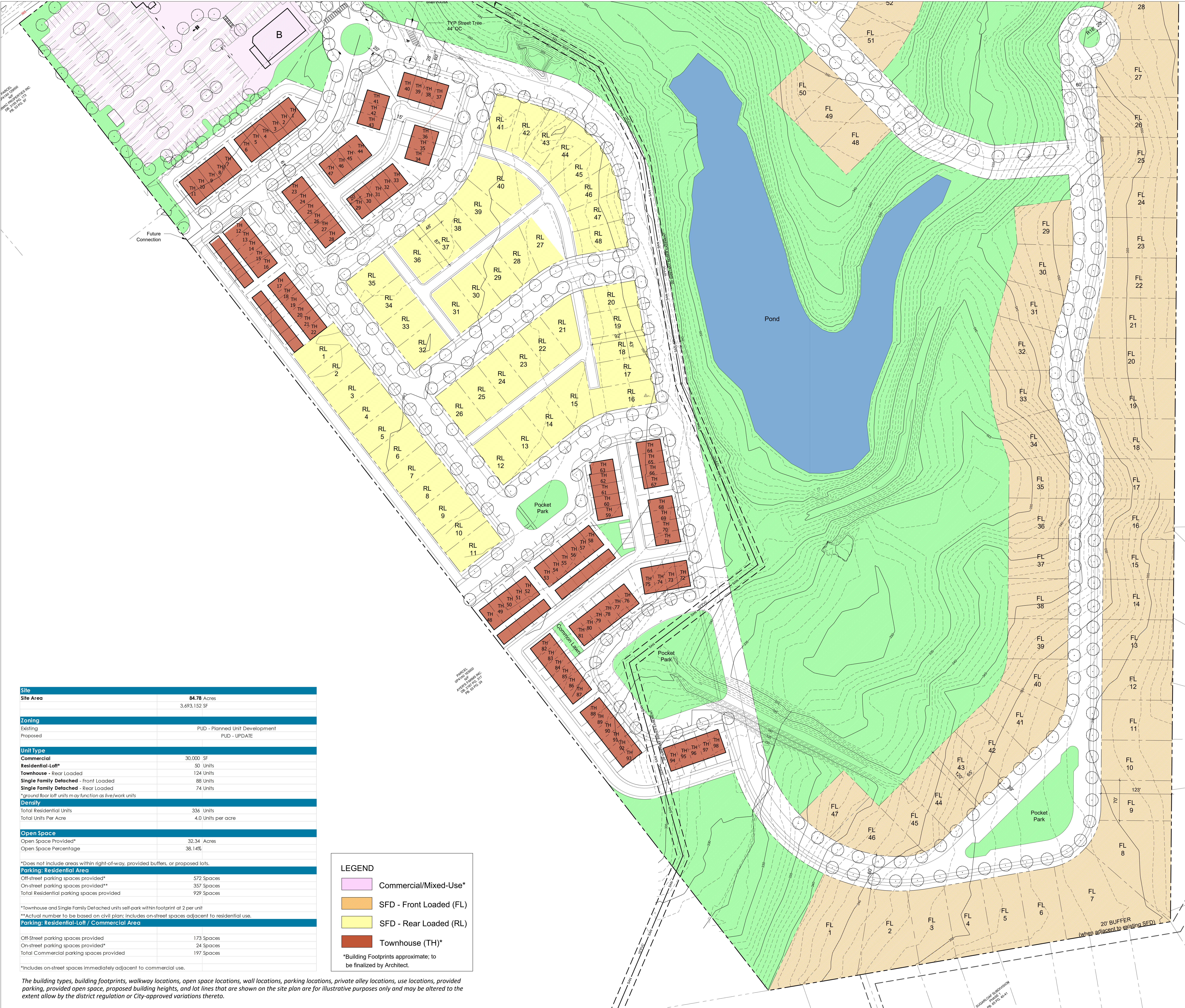
consultants

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

drawing information
project number:
contact: TSW
drawn by: TSW
checked by: TSW
scale: 1" = 50'

drawing date
December 04, 2024
sheet title

sheet number
2 of 2



Site	
Site Area	84.78 Acres 3,693,152 SF
Zoning	
Existing	PUD - Planned Unit Development
Proposed	PUD - UPDATE
Unit Type	
Commercial	30,000 SF
Residential-Loft*	50 Units
Townhouse - Rear Loaded	124 Units
Single Family Detached - Front Loaded	88 Units
Single Family Detached - Rear Loaded	74 Units
*ground floor loft units may function as live/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 at 2 per unit	
**Actual number to be based on civil plans; includes on-street spaces adjacent to residential use.	
Parking: Residential-Loft / 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.

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.