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Planning Commission Agenda
Monday, December 9, 2024, 6:00pm
Perry City Hall, 808 Carroll Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from November 18, 2024, regular meeting
5. Announcements
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place phones in silent mode.
6. Citizens with Input
7. Old Business
 1. **RZNE-0131-2024.** Rezoning of property located at 1218 Washington Street, 104 Mims Court, and 108 Mims Court from C-3 to NMU. The applicant is Bryant Engineering. *(Tabled from November 18, 2024, meeting)*
8. New Business
 - A. Public Hearing (Planning Commission decision)
 1. **PLAT-0137-2024.** Preliminary plat for Parkway Galleries located on Perry Parkway between Susannes Retreat and Legacy Park Drive. The applicant is Michael Clarke, Traverse Land Services, LLC.
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on January 7, 2025)
 1. **RZNE-0132-2024.** Rezone property located at 319 & 341 Gen. Courtney Hodges Blvd. from MUC to NMU. The applicant is Bryant Engineering.
 2. **RZNE-0135-2024.** Rezone properties located at 1120 Morningside Drive from C-2 to OI. The applicant is the City of Perry.
 4. **TEXT-0143-2024.** Amend the standards for granting rezoning, special exception, and variance. Limit items for which a variance may be granted and establish an administrative variance. The applicant is the City of Perry.
9. Other Business
10. Commission questions or comments
11. Adjournment

All meetings of the Planning Commission are open to the public.

(478) 988-2720

<https://perry-ga.gov/business-services/community-development/planning-and-zoning>

Planning Commission Agenda
Minutes - November 18, 2024

1. Call to Order: Chairman Edwards called the meeting to order at 6:00pm.
2. Roll Call: Chairman Edwards; Commissioners Hayes, Jefferson, Guidry, Mehserle, Ross and Williams were present.

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner, and Christine Sewell – Recording Clerk

Guests: John Michael Cosey -Bryant Engineering

3. Invocation: was given by Commissioner Jefferson
4. Approval of Minutes from October 7, 2024, regular meeting and October 28, 2024, work session
Commissioner Guidry motioned to approve as submitted; Commissioner Ross seconded; all in favor and was unanimously approved.
5. Announcements- Chairman Edwards referred to the notices as listed
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place phones in silent mode.
6. Citizens with Input – None
7. Old Business – None
8. New Business
 - A. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on December 17, 2024)
 1. **RZNE-0131-2024**. Rezoning of property located at 1218 Washington Street, 104 Mims Court, and 108 Mims Court from C-3 to NMU. The applicant is Bryant Engineering.

Ms. Carson read the applicants' request which was to rezone from C-3 to NMU, Neighborhood Mixed Use, along with staff responses. Ms. Carson noted the application included a proposed site plan for the development of single family residential.

Chairman Edwards opened the public hearing at 6:05pm and called for anyone in favor of the request. Mr. John Michael Cosey on behalf of the applicant had nothing further to add. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:07pm.

Chairman Edwards inquired about the proposed development; Mr. Cosey advised it was compromised of nine cottage style homes 1200-1500 square feet with parking to match the adjoining property Bank of Dudley.

Mr. Wood advised the request for NMU, which is under the form-based code and the proposal is a use allowed in that district, which allows for smaller lot sizes and a common space for gathering and parking on the side. Mr. Wood advised Commissioner Mehserle contacted him regarding the parking that it is shown fronting Washington Street and felt that it was not ideal, which Mr. Wood

advised the ordinance states it cannot be adjacent to a street. Mr. Wood noted the layout of the proposed site may dictate a dwelling on that corner, but that was uncertain. Mr. Wood also advised he has spoken with Chad Bryant about perhaps incorporating a vertical wall for separation for the parking and corner of the lot. Commissioner Mehserle reiterated Mr. Wood's comments and felt the layout is not suitable with the parking as shown and is not in favor of placing another parking lot on a street. Commissioner Hayes asked if the site couldn't be reconfigured for the parking location and could the rezoning change still be requested; Mr. Wood advised it could be as there are more uses allowed under NMU and further noted the applicant has provided previous proposals for the parcels, but this proposal is economically feasible from previous submissions. Commissioner Mehserle strongly felt the parking could be moved to the west of the property. Mr. Wood reminded the Commission a decision is not to be made on the proposed plan, but the zoning classification, which again allows for more options than currently zoned. Commissioner Jefferson asked for the pros and cons of tabling, recommending denial or approval. Mr. Wood advised if the application moves forward with a recommendation of denial or approval, Council has the final decision, if tabled it will allow the applicant to provide an alternate layout, and the applicant from his understanding is requesting the NMU zoning as it more marketable and finally as a reminder conditions can be placed on any recommendation. Commissioner Ross asked if the housing would address the need for affordable housing; Mr. Cosey felt that it would.

Commissioner Mehserle motioned to table the request until the next Planning Commission meeting to allow the applicant to address comments and make changes regarding the parking location; Commissioner Ross seconded; all in favor with Commissioner Hayes opposed; resulting in 6-1 to table.

2. **TEXT-0127-2024.** Amendment to Table of Uses 4-1.1 to add the use Animal Shelter and Adoption Service as permitted in the M-1, Wholesale & Light Industrial District and add the use Data Center as use permitted by a special exception in the M-2, Industrial Zoning District. Add a definition and use description for Data Center to Sec. 1-13 and Sec. 4-2.5 (B). The applicant is the City of Perry.

Ms. Carson read the request, which was an amendment that establishes a definition of and zoning designation for the 'Data Center' land use in the M-2, Industrial zoning district through a special exception in a proactive effort to plan for the arrival of such facilities. Data centers are becoming more popular throughout the country, using large amounts of power and water and emitting constant noise. The city wants to avoid reactionary efforts relative to this use as much as possible. The proposed amendment also adds the use 'Animal shelter and adoption service' by right in M-1, Wholesale & Light Industrial zoning districts. This use is complementary to existing uses in this district, emitting some noise without negatively impacting the quality of life for surrounding property owners, along with staff responses.

Chairman Edwards opened the public hearing at 6:34pm and called for anyone in favor or opposed to the request; there being none the public hearing was closed at 6:35pm.

Commissioner Ross motioned to recommend approval of the amendment as presented; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

3. **TEXT-0133-2024.** Amend sections 2-3.16 and 2-3.17 to allow bonds as an acceptable form of maintenance warranty. The applicant is the City of Perry.

Mr. Wood read the request which was to allow bonds as an acceptable form of maintenance warranty and remove City Manager approval for use of bonds. The development community requested this change and City Administration agreed that bonds are acceptable for maintenance warranties in addition to the currently accepted letter of credit, along with staff responses.

Chairman Edwards opened the public hearing at 6:38pm and called for anyone in favor or opposed to the request; there being none the public hearing was closed at 6:39pm.

Commissioner Williams motioned to recommend approval of the amendment as presented; Commissioner Mehserle seconded; all in favor and was unanimously recommended for approval.

9. Other Business - Mr. Wood advised the 2025 hearing schedule has been completed and wanted to make the Commission aware of a change due to conflicts with Council meetings throughout the year; the change is meetings the Monday following the second Tuesday; the Commission concurred with the change.
10. Commission questions or comments- None
11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:45pm.

DRAFT



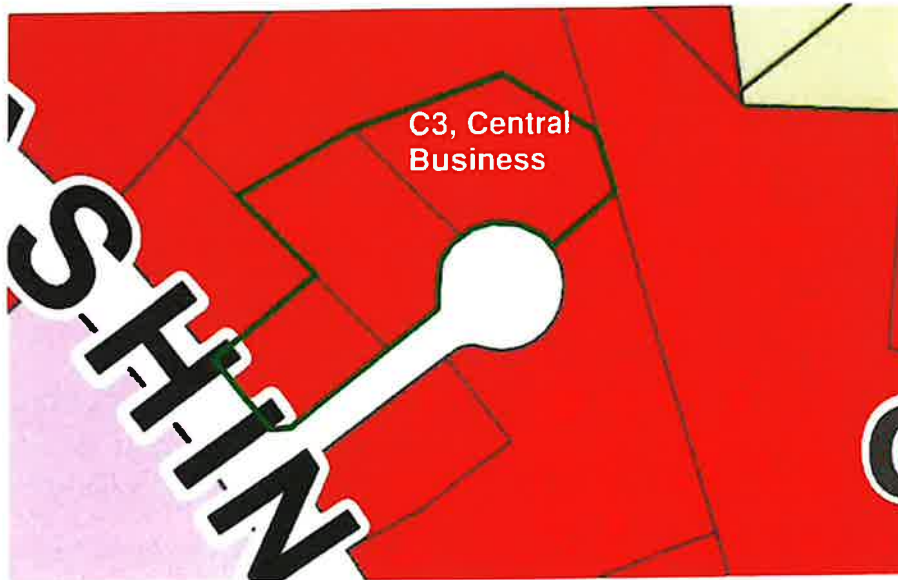
RZNE-0131-2024

1218 Washington St; 104

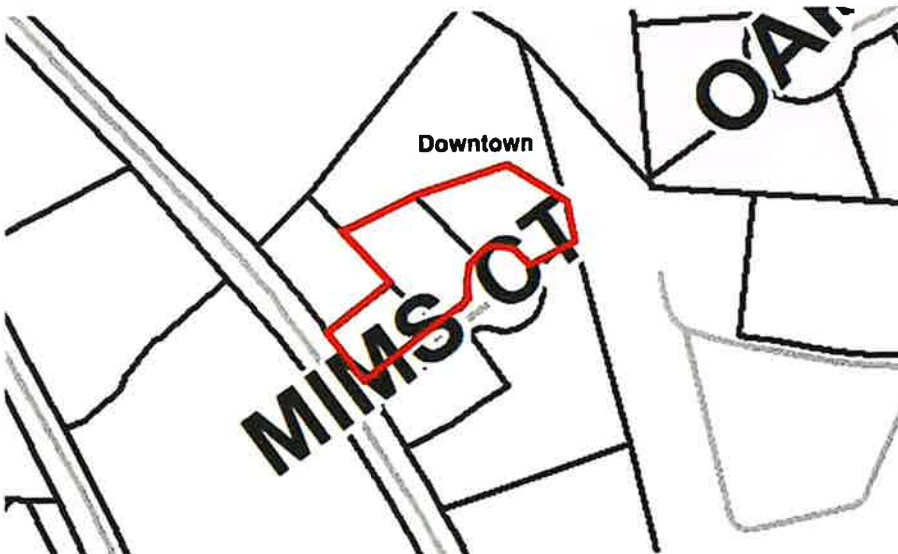
Mims CT; 108 Mims CT

C-3 to NMU

Aerial



Zoning



Character Area



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STAFF REPORT

From the Department of Community Development
November 14, 2024

CASE NUMBER: RZNE 0131-2024

APPLICANT: Chad Bryant, Bryant Engineering

REQUEST: Rezone from C2, General Commercial to NMU, Neighborhood Mixed Use

LOCATION: 1218 Washington St; 104 Mims CT; 108 Mims CT

BACKGROUND INFORMATION: The subject properties are congruent and make up a 1.28-acre lot, directly across from the Public Administration Building.

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 as a NMU, Neighborhood Mixed-Use housing development

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

	Zoning	Land Use
North	C-3, Central Business; C-2, General Commercial	Undeveloped
South	C-3, Central Business	Retail Bank
East	C-3, Central Business	Undeveloped
West	GU, Governmental Use	Public Administration Building

- 2. The suitability of the subject property for the zoned purposes.** The subject parcels are suitable for development into retail or housing uses that are allowed in the downtown district. However, they have been vacant for several years.
- 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 would gain additional housing options within the downtown area, increasing walkability and housing availability. There is no hardship placed on the owner.
- 6. Whether the subject property has a reasonable economic use as currently zoned.** The properties have a reasonable economic use as zoned. However, they have been undeveloped for several years.
- 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 properties have been vacant since being platted in 2002 as a small, 5-parcel subdivision

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 proposed use will increase walkability for potential residents, complementing the businesses directly adjacent to these parcels and increasing the availability of housing within the downtown area.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** There is no adverse effect on adjacent or nearby properties
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The properties are in the “Downtown” character area, which calls for infill development on vacant or underused sites and residential developments that reflect the character of the downtown area.
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 has no 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.** The Downtown Master Plan calls for increasing the number of housing units within the downtown footprint. This proposed rezoning and use support that goal.

STAFF RECOMMENDATION: Staff recommends approval of this application.



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Application # RZNE0131-2024

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Chad Bryant	S&B Properties
*Title	P.E.	Owner
*Address	PO Box 1821 Perry, GA 31069	807 Corder Rd Warner Robins, GA 31088
*Phone	478-224-7070	478-256-3419
*Email	chad@bryantengllc.com	sean@RCcollision.com

Property Information

*Street Address or Location	1218 Washington St/104 Mims Ct/108 Mims Ct
*Tax Map Number(s)	0P0390 14D000 / 0P0390 14C000 / 0P0390 14B000
*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	C2 C3	*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 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 ☒
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 10/09/2024
*Property Owner/Authorized Agent	*Date 10/09/2024

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; Surrounding parcels are zoned C-3 and uses consist of commercial, office space, and apartments.
- (2) The suitability of the subject property for the zoned purposes; The property has been on the market for 4 years for commercial application. It is our desire to introduce a residential product in the downtown market.
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions; The property value of the subject property would increase with the proposed 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 has been unused and thus has no bearing on health, safety, morals or general welfare.
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner; One of the objectives of the downtown plan is to introduce more residential housing in the downtown district.
- (6) Whether the subject property has a reasonable economic use as currently zoned; Since the property has been on the market for an extended period of time during a good market, it is assumed the current zoning use is not marketable.
- (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; It is an assumption that the property has been zoned C-2 and vacant since Mims Court's development was constructed 20 plus years ago.
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property; We believe the proposed zoning use is a downsizing and will compliment surrounding properties.
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property; Residential use will not negatively impact adjacent properties. Vehicle trips per day will decrease as well as the burden to public infrastructure.
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan; We believe the proposed zoning is directly in line with the Downtown Development Plan and community surveys.
- (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 Vehicle trips per day will decrease as well as the burden to public infrastructure as we view this as a down zoning.
- (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. We believe this project could be a catalyst for more downtown residential projects.



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ANNEX

SITE PLAN FOR:

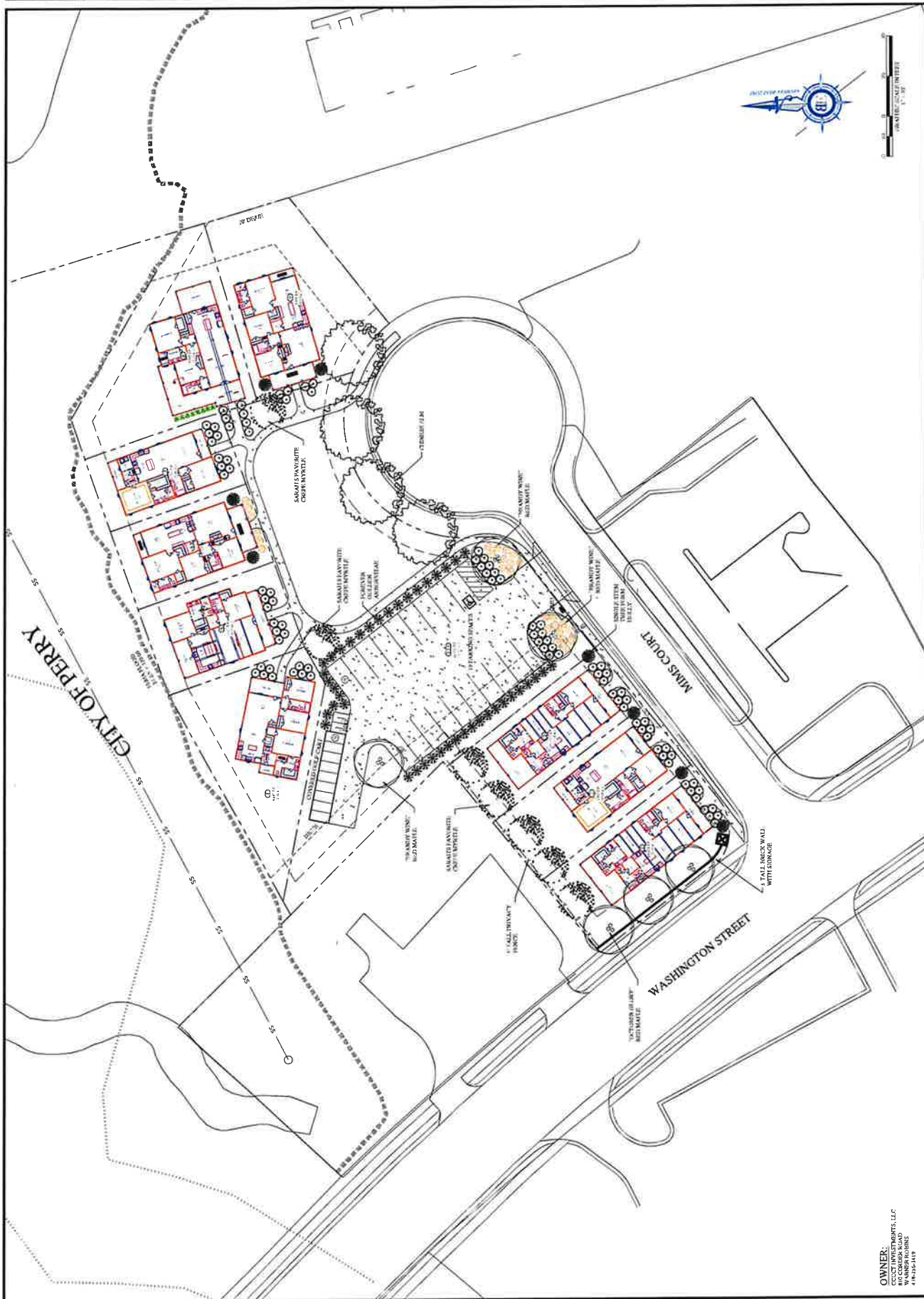
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BRYANT



OWNER:
ECCCT INVESTMENTS, LLC
810 CORDER ROAD
WARNER ROBINS
478-226-1119

This document prepared by (and)
after recording return to):)

3W/ Name: Chad Bryant)
Company: Bryant Engineering)
Address: 906 Ball Street)
City, State, Zip: Perry, GA 31069)
Phone: 478-224-7070)

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Recorded: 10/26/2020 at 08:39:41 AM
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Transfer Tax: \$0.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk

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QUIT-CLAIM DEED

STATE OF GEORGIA
COUNTY OF HOUSTON

THIS INDENTURE, made this 15 day of July in the year of our Lord
two thousand twenty (2020), between

CCCCT INVESTMENTS, LLC,
a Georgia limited liability company

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

and

S & B PROPERTIES, 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.

WITNESSETH: That the said parties of the first part, for and in consideration of
the sum of TEN (\$10.00) AND NO/100 DOLLARS, and other good and valuable
consideration, in hand paid, the receipt whereof is acknowledged, have bargained, sold,
and by these presents do remise, convey and forever **QUIT-CLAIM** to the party of the
second part, his heirs and assigns, **ALL OF THE FOLLOWING DESCRIBED**
PROPERTY, to-wit:

LEGAL DESCRIPTION

All those tracts or parcels of land situate, lying and being in Land Lot 49 of the 10th Land
District, in the City of Perry, Houston County, Georgia, and being known and designated as
LOT 1, comprising 0.267 acres; LOT 2, comprising 0.492 acres; and LOT 3, comprising
0.420 acres, according to a plat and survey entitled "Subdivision Plat of Allen Subdivision"
prepared by Lee R. Jones, Georgia Registered Land Surveyor No. 2680, dated April 5,
2002, and recorded in Plat Book 59, Page 118, Clerk's Office, Houston Superior Court.

Street Address: 1218 Washington Street (Lot 1) Perry, GA 31069
104 Mims Court (Lot 2) Perry, GA 31069
108 Mims Court (Lot 3) Perry, GA 31069

TO HAVE AND TO HOLD the said described premises to the said party of the second part, so that neither the said parties of the first part nor their heirs, nor any other person or persons claiming under them shall at any time, by any means or ways, have, claim or demand any right or title to the aforesaid described premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and their seal, the day and year above written.

CCCCT INVESTMENTS, LLC,
a Georgia limited liability company

By: _____

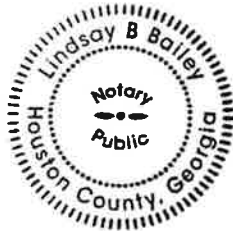
D. Sean Hollins

Signed, sealed and delivered
in the presence of:

WITNESS

NOTARY PUBLIC

My Commission Expires: 10/18/21





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STAFF REPORT

December 5, 2024

CASE NUMBER: PLAT-0137-2024
APPLICANT: Traverse Land Services, LLC
REQUEST: Preliminary Plat – Parkway Galleries
LOCATION: East of Legacy Park Phase 3 on Perry Pkwy; Tax Map No: 0P41A0 133000

ADJACENT ZONING/LANDUSES:

	Zoning Classification	Land Uses
North	C-2, General Commercial;	Offices; undeveloped
South	R-1, Single-family Residential	Single-family residential
East	Ol, Office Institutional; R-1, Single-family Residential	Childres' day care; single-family residences
West	C-2, General Commercial; R-3, Single-family Residential; GU, Governmental Use	Single family residences, Perry Middle School

SPECIFICATIONS (per submitted plat):

1. Zoning of property: C-2, General Commercial
2. Use: Multi-family attached residential subdivision (<7 units per lot)
3. Number of Lots: 22
4. Stormwater Management Areas: 2.21 Acres
5. Overall Density: 5.15 units/ acre
6. Minimum Lot Area: 13,881 square feet
7. Setbacks: Front: 40/25'; Rear: 25'; Interior Side: 8'

STAFF COMMENTS: The applicant is requesting approval of the entire 22-lot subdivision. The entire subdivision meets the minimum standards for Multifamily <7 units per lot in C-2, General Commercial zones.

Houston County 911 has not yet approved the street names for the subdivision.

Planning staff recommends the developer identify sidewalks on one side of the street throughout the development in accordance with Sec. 6-10.12 of the Land Management Ordinance. Staff plan for sidewalks is included.

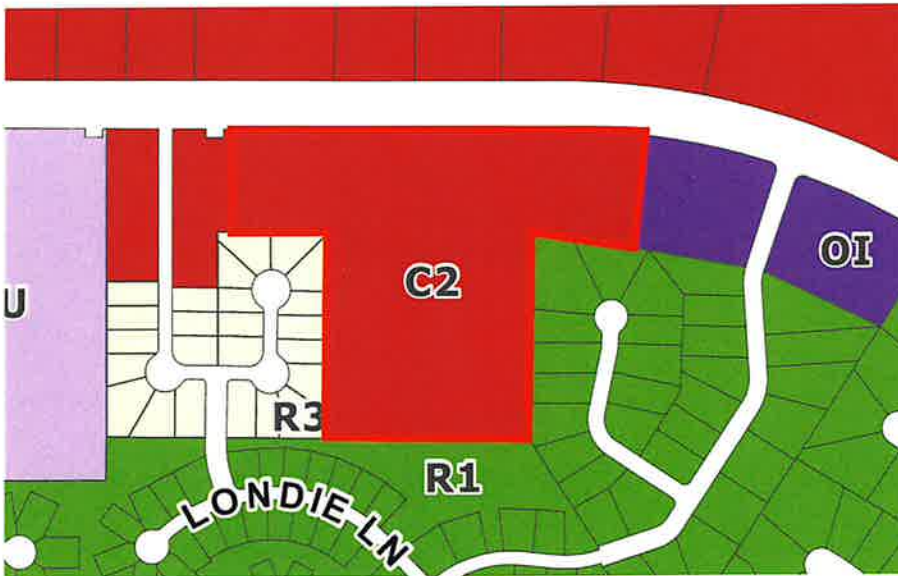
STAFF RECOMMENDATION: Staff recommends approval of the proposed preliminary plat with the following conditions:

1. PLAT cannot be recorded until the relocation of existing utilities and easements is complete at the owner's expense.
2. An agreement is established to maintain green/recreational space in the form of an HOA or agreement with the City of Perry.
3. The owner shall obtain approval from Staff for an appropriate fence and landscaping along Perry Parkway.

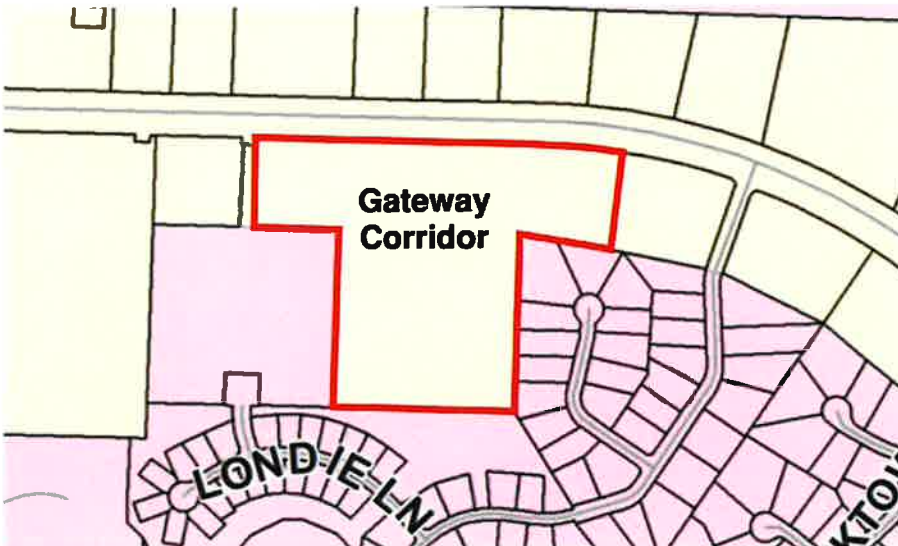


PLAT-0137-2024
 O Perry Parkway
 Subdivision—Major
 Preliminary Plat

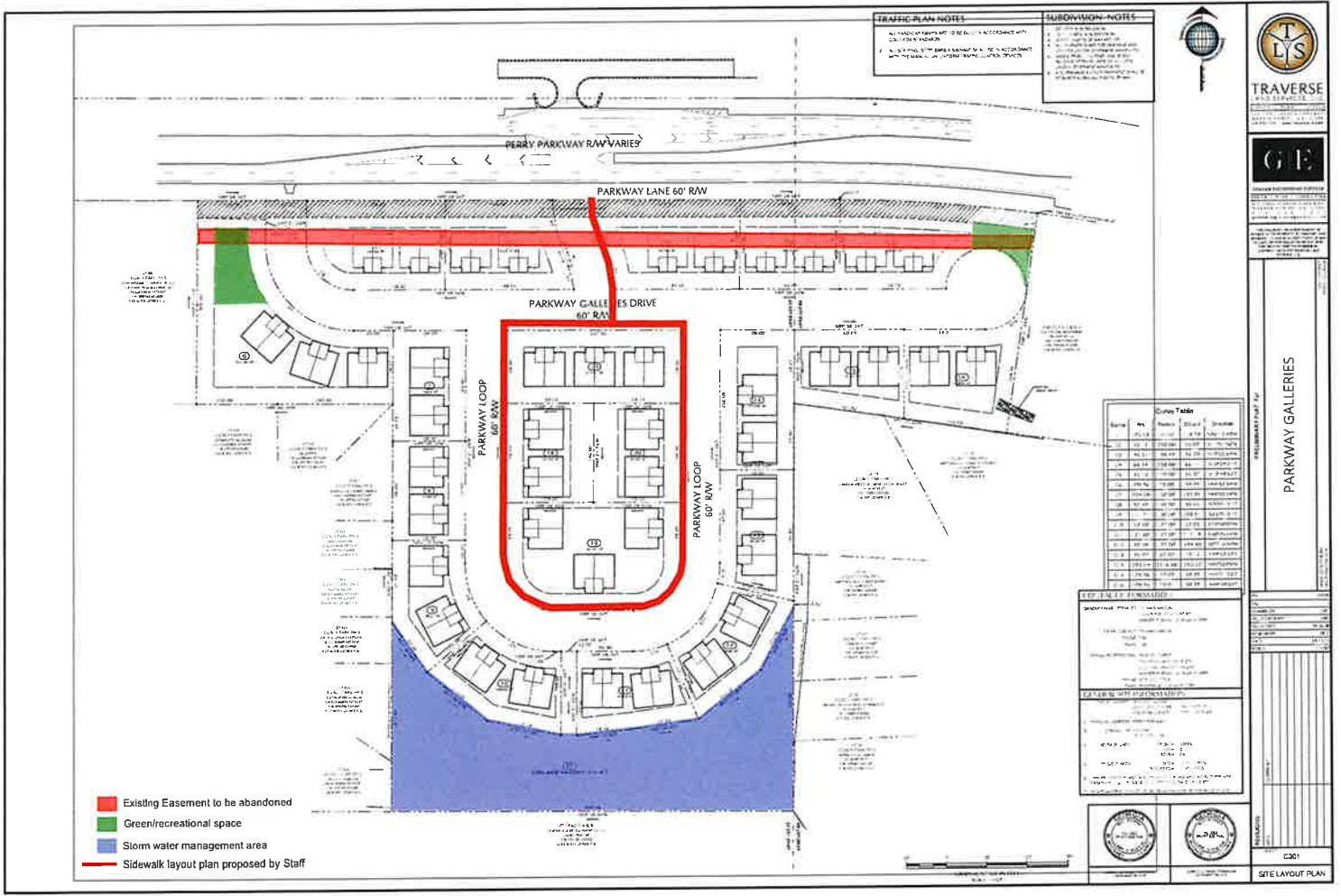
Aerial



Zoning



Character Area





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.

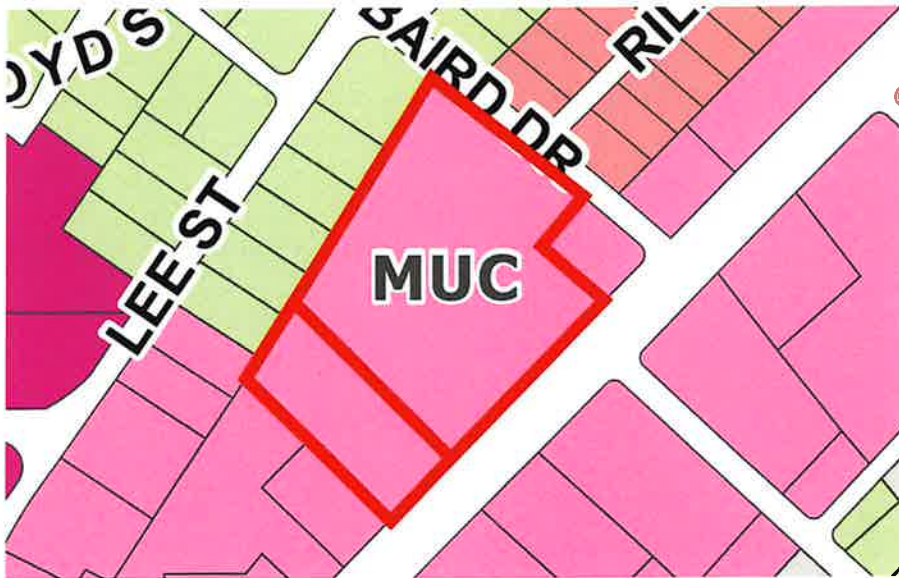


RZNE-0132-2024

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 mete and bounds description of the land if a deed is not available; B. Provide a survey plat of the property;

Request


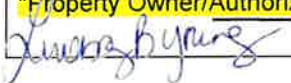
*Current Zoning District	MUC	*Proposed Zoning District	NMU
*Please describe the existing and proposed use of the property <u>Note: A Site Plan or other information which fully describes your proposal may benefit your application.</u>			
See attached site plan			

Instructions

- 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:

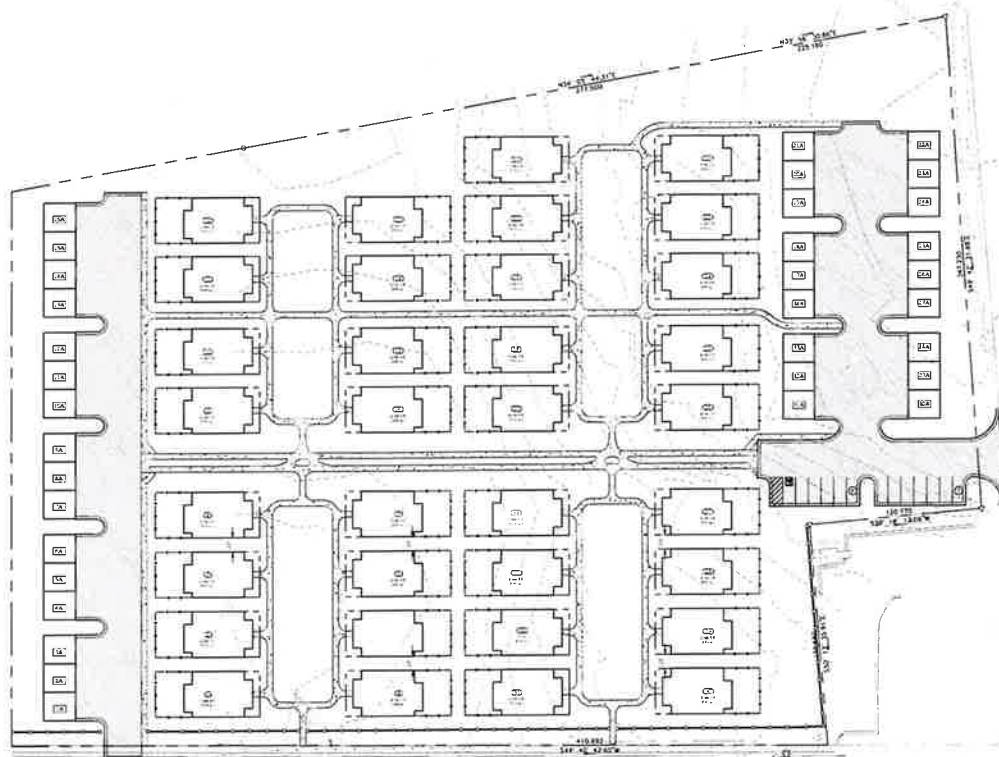
*Applicant 	*Date 10/18/24
*Property Owner/Authorized Agent 	*Date 10/18/24

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.



B **BRYANT**
ENGINEERING
10000 Highway 100 • 10000 Highway 100
Newport News, VA 23606-1000
Tel: 800-841-2222 • Fax: 800-841-2222

DATE	10/10/00
TIME	10:10
LOCATION	10:10
REMARKS	10:10
INITIALS	10:10
SIGNATURE	10:10
DATE	10/10/00
TIME	10:10
LOCATION	10:10
REMARKS	10:10
INITIALS	10:10
SIGNATURE	10:10

1



Chad R. Bryant, P.E.
President

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,

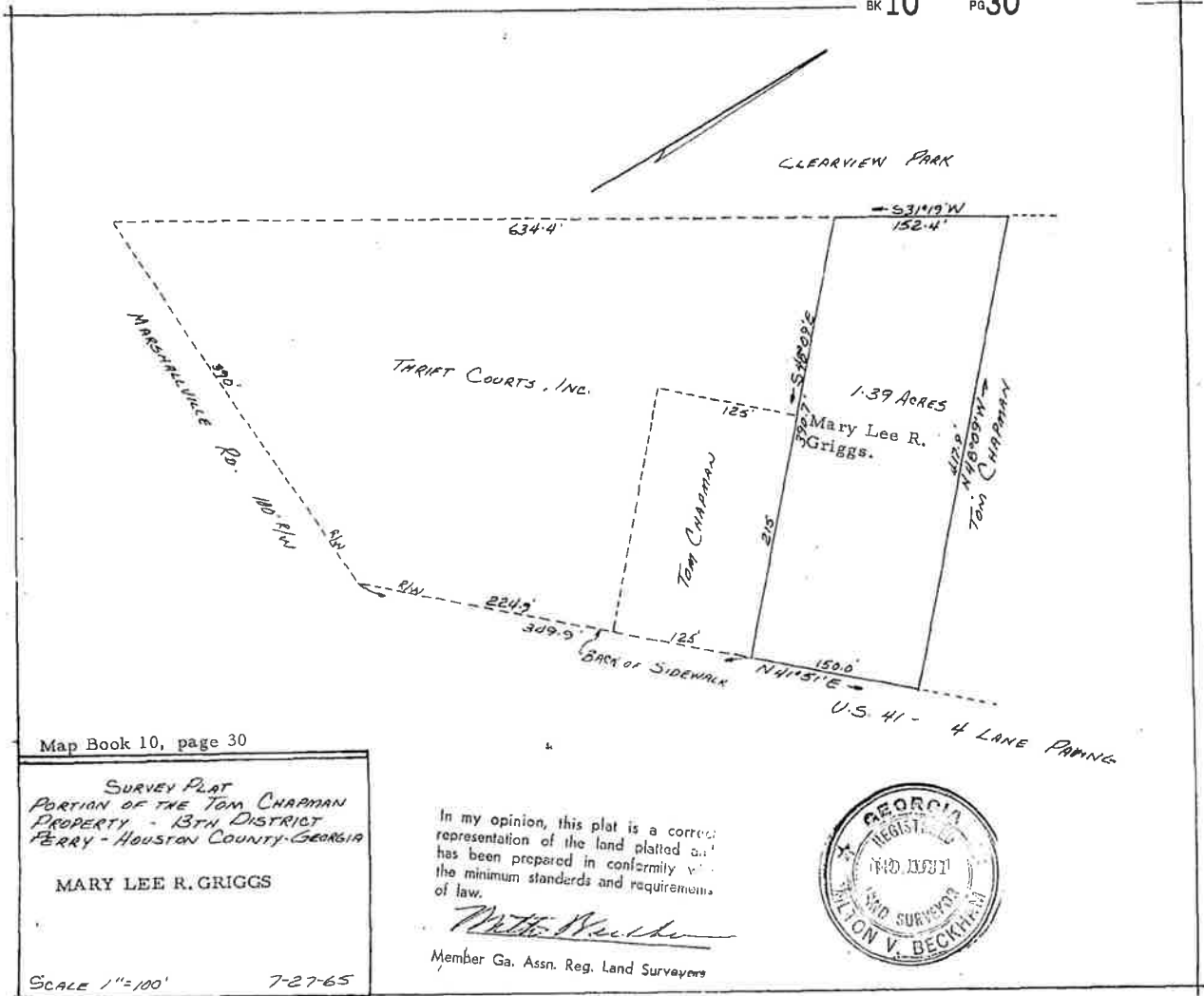


Chad Bryant, P.E.
President
Bryant Engineering

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
 PERRY - HOUSTON COUNTY, GEORGIA

MARY LEE R. GRIGGS

SCALE 1"=100'

7-27-65

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.

Walter M. Beck
 Member Ga. Assn. Reg. Land Surveyors



Doc ID: 014259160001 Type: PLT
 Recd: 04/14/2018 at 02:28:05 PM
 Fee Amt: \$8.00 Page 1 of 1
 Houston, Ga. Clerk Superior Court
 Carolyn V. Sullivan Clerk

THE UNDERSIGNED DOES CERTIFY THAT THEY ARE
THE OWNERS OF THE LAND SHOWN ON THIS PLAT
AND HEREBY ACKNOWLEDGES THIS PLAT AND
ALLOTTMENT TO BE THEIR FREE ACT AND DEED

4/11/16 - Tanager wis. ex.
DATE ATH

THE LAND SHOWING IN THE
KNOWLEDGES THE PLANT AND
USE THEM FOR ACT AND DEED

-Tangy wig esty-
ATHY

REFERENCE
PB 77 - PG 136

REFERENCE:

- REFERENCE:
1. PLAT BOOK 10 - PAGE 28
 2. PLAT BOOK 20 - PAGE 171
 3. PLAT BOOK 50 - PAGE 6
 4. PLAT BOOK 67 - PAGE 84
 5. PLAT BOOK 77 - PAGE 136

File No. P16-128 L.W.
 P.M.O. & Return: WHG&M
 Plat Book 73 / Page 56

NOTE-

NOTE:
TRACTS 'B' - 'MCC-1'
'L-1' - 'L-2' - 'L-3' & 'L-4'
ARE TO BE COMBINED TO
FORM A NEW TRACT 'L-M'
CONTAINING 5.08 ACRES

CERTIFICATION

THE FIELD DATA UPON WHICH THIS PLAN IS BASED
WAS A CLOSURE PRECISION OF ONE FOOT IN 32047
FEET AND AN ANGULAR ERROR OF 02" PER ANGLE
POINT AND WAS ADJUSTED USING THE COMPASS RULE


THIS PLAT HAS BEEN CALCULATED FOR CLOSURE
AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT
IN 294778 FEET.

THE LINEAR AND ANGULAR MEASUREMENT SHOWN ON THIS PLAN WERE OBTAINED BY USING A TOPCON GTS-312 ELECTRONIC TOTAL STATION ON 4-5-16

IMPROVEMENTS NOT SHOWN THIS SURVEY

GEN. COURTNEY HODGES BLVD
(AKA U.S. 41) - 100' R/W

APPROVED FOR RECORDING


 Community Development Department
 City of Perry, Georgia

Date: 14 April 2016



PMC CAPITAL LLC

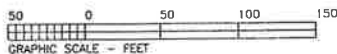
LAND LOT 274
HOUSTON COUNTY,
SCALE 1"=50'

13TH DISTRICT
PERRY, GEORGIA
APRIL 6, 2015

IONES SURVEYING COMPANY

PERRY, GEORGIA (478) 987-2705

COURSE	BEARING	DISTANCE
L-1	S39°58'30"W	6.00'
L-2	N39°49'34"E	31.11'



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.

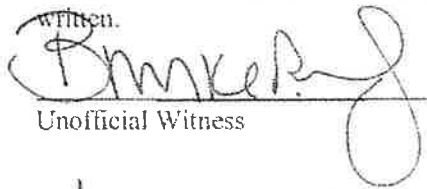
NOW, THEREFORE, in consideration of the sum of **\$184,664.52**, receipt of which is hereby acknowledged, the said GRANTOR does grant, bargain, sell and convey, unto the said GRANTEE, heirs and assigns, said property to wit:

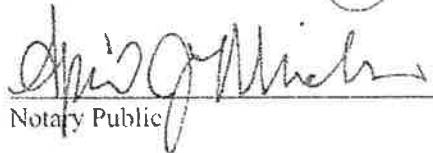
All and only that parcel of land designated as Tax Parcel 0P0290 005000, lying and being in the City of Perry, 13th Land District, Houston County, Georgia, containing 1.39 acres, more or less, shown in Plat Book 10, Page 30, described in Deed Book 6514, Page 16, the description contained therein being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

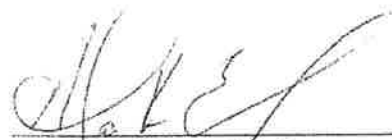
This purpose of this instrument is to correct the name of Grantee which was erroneously shown in Deed Book 10156, Page 299, as "PMC CAPITOL, LLC", rather than its correct name, "PMC CAPITAL, LLC", as shown herein.

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)
Notary Public

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





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.

BOOK 7132 PAGE 40

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:

Edward Barnett
Witness

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

Larry Walker
Notary Public

[Organizational Seal]





Where Georgia comes together.

STAFF REPORT

From the Department of Community Development

December 5, 2024

CASE NUMBER: RZNE-0135-2024

APPLICANT: City of Perry

REQUEST: Rezone from C-2, General Commercial to OI, Office Institutional

LOCATION: 0P0440 004000; 0P0440 004L01; 0P0440 064000 - 1120 Morningside Dr

BACKGROUND INFORMATION: The three referenced parcels were developed in the 1970s as the grounds for the Perry Hospital (now known as Houston Healthcare – Perry). At that time, the most accurate zoning designation available was C-2, General Commercial. The AirVac Emergency Medical Services area was platted and built in 2019 under the current zoning designation as an accessory use to the hospital. However, allowed uses within the C-2 zoning district have changed since the hospital was originally built, making the building a non-conforming use as currently zoned. Recent inquiries brought this to light, resulting in the current application for the proper zoning designation of the current and intended future uses for these parcels.

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

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

	Zoning	Land Use
North	C-2, General Commercial; GU, Governmental Use	Undeveloped; Houston County BOE 4-H Grounds
South	R-3, Single-Family Residential	Undeveloped
East	C-2, General Commercial	Medical Offices
West	C-2, General Commercial; RM-2, Multifamily Residential	Medical Offices; Townhouses

2. **The suitability of the subject property for the zoned purposes.** The property is suitable for general commercial uses, as zoned.

3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** There are no negative affects to the property values as currently zoned. However, if the hospital were destroyed in a natural disaster, the current zoning would not allow it to be rebuilt on these parcels.

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 would benefit from Houston Healthcare's (and future owners', if any) ability to expand or rebuild healthcare services in the event of a natural or other disaster resulting in the destruction of the current hospital building.

6. **Whether the subject property has a reasonable economic use as currently zoned.** The properties have a reasonable use as zoned, however, that zoning is not the best fit for the current use. However, they must be rezoned to avoid future hardships.

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 hospital was originally constructed on OP0440 004000 in the 1960s, but OP0440 064000 has been vacant since being plated in 1996.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** Rezoning will bring the current use in compliance and align the parcel with the remaining medical offices in the area.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** There is no adverse effect to the existing 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.** The properties are in an "In Town Corridor" character area in the 2022 Joint Comprehensive Plan which calls for residential commercial, and institutional uses grouped in mixed-use centers.
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 is no substantial impact on existing public facilities. The Hospital Authority consults with staff before developing or redeveloping on the site. Future impacts will be considered as proposals are brought forth.
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 2023-2027 Strategic Plan calls for flexibility in zoning approaches to ensure the city remains adaptive to community needs. Proactively rezoning these parcels allows the hospital to rebuild and expand by right, without delay, whenever the need arises.

STAFF RECOMMENDATION: Staff recommends approval of this application.

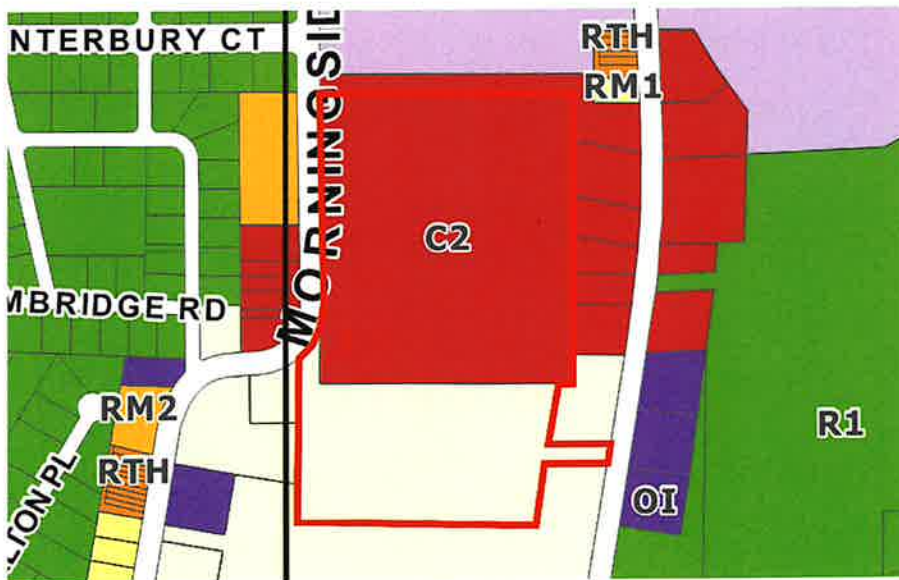


RZNE-0135-2024

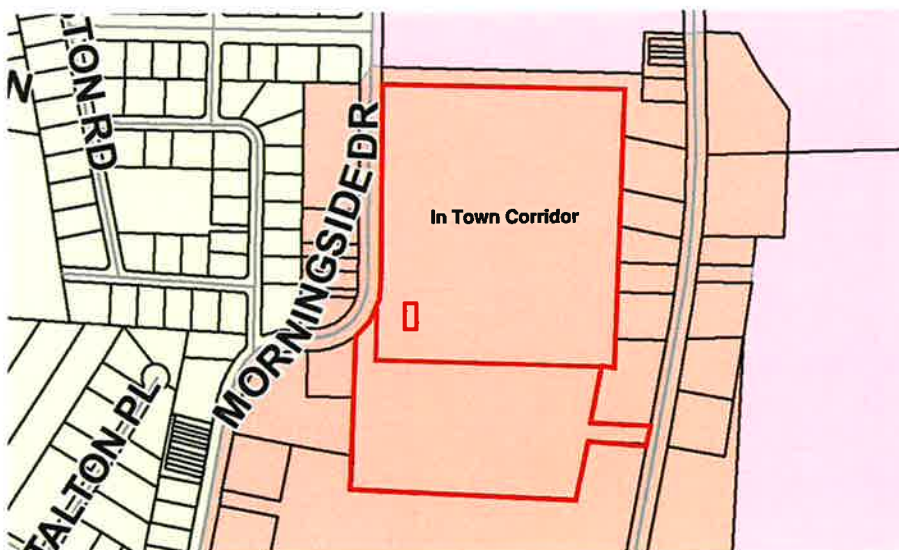
1120 Morningside Dr

Rezone from C-2, General
Commercial to OI, Office
Institutional

Aerial



Zoning



Character Area



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Application # RZNE-0135-2024

Application for Rezoning

Contact Community Development (478) 988-2720

***Indicates Required Field**

	*Applicant	*Property Owner
*Name	Bryan Wood for the City of Perry	Hospital Authority of Houston County and AIR EVAC EMS INC
*Title	Community Development Director	
*Address	741 Main Street, Perry, GA 31069	
*Phone	(478) 988-2714	
*Email	Bryan.wood@perry-ga.gov	

Property Information

*Street Address or Location	1120 Morningside Drive
*Tax Map Number(s)	0P0440 004000, 0P0440 064000 and 0P0440 004L01
*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	C-2 and R-3	*Proposed Zoning District	O-I
*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> No change of use is planned – rezone to appropriate zoning classification based on existing use of the properties.			

Instructions

- The application and the 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) - \$300.00 plus \$25.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$500.00 plus \$40.00/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	 Bryan Wood, Community Development Director for the City of Perry	*Date 2/13/2023
*Property Owner/Authorized Agent	Filed by the City of Perry	*Date 2/13/2023

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? The applicant is not aware of any covenants and restrictions pertaining to these properties. Two of the 3 parcels are currently developed.

1. **The existing land use and zoning classification of nearby properties.**

	Zoning Classification	Land Use
North	C-2 and GU	Undeveloped and HCBE farm
South	R-3	Undeveloped
East	C-2 and R-3	Medical offices and undeveloped
West	C-2, RM-2, O-I, and R-3	Multi-family residential, medical offices, and undeveloped

2. **The suitability of the subject property for the zoned purposes.** The subject properties are not suitable for many of the commercial uses permitted in C-2.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The C-2 and R-3 zoning districts do not permit hospitals, nor heliports, as currently developed.
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 existing facilities promote the health of the public.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The proposed zoning change is to align with the existing development of the properties.
6. **Whether the subject property has a reasonable economic use as currently zoned.** Two of the three subject properties are currently developed. The undeveloped parcel is owned by the Hospital Authority of Houston County.
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.** Two of the three subject properties are not vacant. The third parcel has never been developed.
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 proposed zoning change is to align with the existing development of the properties. There will be no change in their impact on surrounding properties.

9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** Use of the properties will not change.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject properties are identified as "In-Town Corridor" character area in the 2022 Joint Comprehensive Plan.
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 zoning change has no impact on 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.** The proposed zoning change will characterize the existing development as conforming uses.

Revised 12/21/22.



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STAFF REPORT

December 6, 2024

CASE NUMBER: TEXT-0143-2024

APPLICANT: The City of Perry

REQUEST: Amend Sec. 2-3.1 by deleting subsection (B) and revising subsection (A) to clarify and simplify standards for rezoning and annexation and zoning of land; Amend Sec. 2-3.5(A) to clarify and simplify standards for special exceptions; and Amend Sec. 2-3.7 to limit the types of standards for which a variance can be considered, clarify the standards for variance, and establish authority and standards for administrative variance.

STAFF COMMENTS: The amendment is meant to further clarify the decision-making process for several standards in the Land Management Ordinance. Doing so makes it easier for city officials, applicants, and the general public to understand the processes used to evaluate applications.

STANDARDS FOR GRANTING A TEXT AMENDMENT:

- (1) Whether, and the extent to which the proposed amendment is consistent with the Comprehensive Plan.**

The amendment is not inconsistent with the Comprehensive Plan.

- (2) Whether, and the extent to which the proposed amendment is consistent with the provisions of this chapter and related city regulations.**

The proposed amendment is consistent with the format of the Land Management Ordinance.

- (3) Whether, and the extent to which there are changed conditions from the conditions prevailing at the time that the original text was adopted.**

Certain current standards are confusing and difficult to understand. Council has requested that variances not be allowed for certain design and development standards.

- (4) Whether, and the extent to which the proposed amendment addresses a demonstrated community need.**

Clarifying the standards for rezonings, annexations and zoning of land, and special exceptions allows applicants, city officials, and the public to better understand how these applications are evaluated. Modifications to variance provisions will eliminate variances that are not based on hardship and are instead based on an applicant's preference. This ensures city ordinances and standards are upheld equally for all. Changes to the variance ordinances will also allow administrative variances for minor modifications.

- (5) Whether, and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.**

The proposed changes maintain or improve existing standards for certain application types and reduce the likelihood of an inappropriate variance impacting surrounding properties or granting special privileges.

- (6) Whether, and the extent to which the proposed amendment will result in logical and orderly development pattern.**

The amendment will result in a logical and orderly development pattern by providing a clearer evaluation of proposed development applications.

- (7) Whether, and the extent to which the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.**

The amendment has no direct impact on the natural environment.

- (8) Whether, and the extent to which the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).**

The amendment has no direct impact on public facilities and services.

STAFF RECOMMENDATION: Staff recommends approval of this application.

Delete Sec. 2-3.1(A) and (B) in its entirety and Replace as follows:

2-3.1. Official zoning district map amendments; annexation and zoning of land.

- (A) In reviewing and acting upon a proposed amendment to the official zoning district map or annexation and zoning of land, the planning commission and city council shall consider the following standards governing the exercise of the zoning power as adopted in accordance with O.C.G.A. § 36-66-5(b), giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:
- (1) Whether the proposed zoning classification complies with the Comprehensive Plan and other adopted plans applicable to the subject property;
 - (2) Whether all of the uses permitted in the proposed zoning classification are compatible with existing uses on adjacent and nearby properties;
 - (3) Whether any of the uses permitted in the proposed zoning classification will cause adverse impacts to adjacent and nearby properties;
 - (4) Whether any of the permitted uses and density allowed in the proposed zoning classification will cause an excessive burden on existing streets, utilities, city services, or schools;
 - (5) Whether there are existing or changing conditions in the area which support either approval or disapproval of the proposed zoning classification; and
 - (6) For zoning not associated with annexation, whether the subject property has a reasonable economic use as currently zoned.

Delete Sec. 2-3.5 in its entirety and Replace as follows:

2-3.5. Special exceptions.

- (A) In reviewing and acting upon a proposed application for a special exception, the planning commission and the city council shall consider the following standards governing the exercise of the zoning power as adopted in accordance with O.C.G.A. § 36-66-5(b), giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:
- (1) Whether the proposed use complies with the Comprehensive Plan and other adopted plans applicable to the subject property;
 - (2) Whether the proposed use would impact traffic volume or traffic flow and pedestrian safety in the vicinity;
 - (3) Whether the hours and manner of operation of the proposed use would impact nearby properties and uses in the vicinity;
 - (4) Whether parking, loading/service, or refuse collection areas of the proposed use would impact nearby properties and uses in the vicinity, particularly with regard to noise, light, glare, smoke, or odor;
 - (5) Whether the height, size, and/or location of proposed structures is compatible with the height, size, and/or location of structures on nearby properties in the vicinity;
 - (6) Whether the parcel is of sufficient size to accommodate the proposed use and the reasonable future growth of the proposed use; and
 - (7) Whether the proposed use will cause an excessive burden on existing streets, utilities, city services, or schools.

Delete Sec. 2-3.7 in its entirety and Replace as follows:

2-3.7. Variances.

- (A) *Purpose.* The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner, are not considered hardships justifying a variance. The power to grant a variance does not extend to use restrictions, minimum lot area, or minimum lot width established within a particular zoning district.

(B) *Variance.* Variances shall be considered by the planning commission in accordance with procedures established in section 2-2.1.

(1) Types of variances. A request for variance shall be limited to the following design and dimensional standards:

- (a) Minimum front, side, or rear setbacks;
- (b) Maximum lot coverage by buildings;
- (c) Maximum building height;
- (d) Dimensional standards for parking or loading spaces; or
- (e) Number of queuing spaces.

(2) Standards for granting a variance. In reviewing a request for a variance, the planning commission shall not grant the request unless the application meets all of the following standards:

- (a) Extraordinary and exceptional circumstances pertaining to the particular piece of property in question exist due to its size, shape, topography, or easements that are not found on other properties in the same zoning district;
- (b) A literal interpretation of the provisions of this land management ordinance would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district;
- (c) Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district;
- (d) The extraordinary circumstances are not the result of actions of the applicant; and
- (e) The variance is the minimum relief that will allow the legal use of the land, building or structure.

(C) *Administrative variance.* In addition to explicit authority granted in other sections of this ordinance, the administrator shall be authorized to approve a variance from certain design and dimensional standards where the intent of this ordinance can be achieved, equal performance obtained, and the administrative variance would not override conditions of zoning assigned by city council. This authority to grant an administrative variance shall be limited to the following standards:

(1) A reduction, up to a maximum deviation of 20 percent of the standard, in the minimum front, side, or rear setback for a single lot, provided the reduction is necessary due to the existence of any one of the following factors:

- (a) Size or shape of the lot;
- (b) Topography of the lot;
- (c) Location of easements on the lot;
- (d) Errors discovered after construction; or
- (e) Inability to comply with tree protection standards set forth in Section 6-4.



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Application # TEXT-0143-2024

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

	Applicant
*Name	Bryan Wood for the City of Perry
*Title	Director of Community Development
*Address	1211 Washington Street, Perry, GA 31069
*Phone	478-988-2714
*Email	bryan.wood@perry-ga.gov

Request

*Please provide a summary of the proposed text amendment:

Amend Sec. 2-3.1 by deleting subsection (B) and revising subsection (A) to clarify and simplify standards for rezoning and annexation and zoning of land; Amend Sec. 2-3.5(A) to clarify and simplify standards for special exceptions; and Amend Sec. 2-3.7 to limit the types of standards for which a variance can be considered, clarify the standards for variance, and establish authority and standards for administrative variance.

Instructions

1. The application, fee (made payable to the City of Perry), and proposed text of the amendment must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. Fees: Actual cost of required public notice.
3. The applicant must state the reason for the proposed text amendment. See Sections 2-2 and 2-3.2 of the Land Management Ordinance for more information.
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. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
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, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes___ No__X__
If yes, please complete and submit the attached Disclosure Form.
8. The applicant affirms 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	 Bryan Wood, Director of Community Development, for the City of Perry	*Date 11/4/2024
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Standards for Amendments to the Text of the Land Management Ordinance

In reviewing an application for an amendment to the text of the ordinance and acting on said application, the planning commission and city council may consider the following standards:

(1) Whether, and the extent to which the proposed amendment is consistent with the Comprehensive Plan.

This amendment is not inconsistent with these plans.

(2) Whether, and the extent to which the proposed amendment is consistent with the provisions of this chapter and related city regulations.

The proposed amendment is consistent with the format of the Land Management Ordinance.

(3) Whether, and the extent to which there are changed conditions from the conditions prevailing at the time that the original text was adopted.

Certain current standards are confusing and difficult to understand. Council has requested that variances not be allowed for certain design and development standards.

(4) Whether, and the extent to which the proposed amendment addresses a demonstrated community need.

Clear and easy to understand standards for rezonings, annexations and zoning of land, and special exceptions will allow applicants, city officials, and the public better understand how these applications are evaluated. Modification to variance provisions will eliminate variances that are not based on hardship and will allow administrative variances for minor modifications.

(5) Whether, and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The proposed changes maintain or improve existing standards for certain application types and reduce the likelihood of an inappropriate variance impacting surrounding properties or granting special privileges.

(6) Whether, and the extent to which the proposed amendment will result in logical and orderly development pattern.

The amendment will result in a logical and orderly development pattern by providing a clearer evaluation of proposed development applications.

(7) Whether, and the extent to which the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment has no direct impact on the natural environment.

(8) Whether, and the extent to which the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment has no direct impact on public facilities and services.

Delete Sec. 2-3.1(A) and (B) in its entirety and Replace as follows:

2-3.1. Official zoning district map amendments; annexation and zoning of land.

- (A) In reviewing and acting upon a proposed amendment to the official zoning district map or annexation and zoning of land, the planning commission and city council shall consider the following standards governing the exercise of the zoning power as adopted in accordance with O.C.G.A. § 36-66-5(b), giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:
- (1) Whether the proposed zoning classification complies with the Comprehensive Plan and other adopted plans applicable to the subject property;
 - (2) Whether all of the uses permitted in the proposed zoning classification are compatible with existing uses on adjacent and nearby properties;
 - (3) Whether any of the uses permitted in the proposed zoning classification will cause adverse impacts to adjacent and nearby properties;
 - (4) Whether any of the permitted uses and density allowed in the proposed zoning classification will cause an excessive burden on existing streets, utilities, city services, or schools;
 - (5) Whether there are existing or changing conditions in the area which support either approval or disapproval of the proposed zoning classification; and
 - (6) For zoning not associated with annexation, whether the subject property has a reasonable economic use as currently zoned.

Delete Sec. 2-3.5 in its entirety and Replace as follows:

2-3.5. Special exceptions.

- (A) In reviewing and acting upon a proposed application for a special exception, the planning commission and the city council shall consider the following standards governing the exercise of the zoning power as adopted in accordance with O.C.G.A. § 36-66-5(b), giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:
- (1) Whether the proposed use complies with the Comprehensive Plan and other adopted plans applicable to the subject property;
 - (2) Whether the proposed use would impact traffic volume or traffic flow and pedestrian safety in the vicinity;
 - (3) Whether the hours and manner of operation of the proposed use would impact nearby properties and uses in the vicinity;
 - (4) Whether parking, loading/service, or refuse collection areas of the proposed use would impact nearby properties and uses in the vicinity, particularly with regard to noise, light, glare, smoke, or odor;
 - (5) Whether the height, size, and/or location of proposed structures is compatible with the height, size, and/or location of structures on nearby properties in the vicinity;
 - (6) Whether the parcel is of sufficient size to accommodate the proposed use and the reasonable future growth of the proposed use; and
 - (7) Whether the proposed use will cause an excessive burden on existing streets, utilities, city services, or schools.

Delete Sec. 2-3.7 in its entirety and Replace as follows:

2-3.7. Variances.

- (A) *Purpose.* The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner, are not considered hardships justifying a variance. The power to grant a variance does not extend to use restrictions, minimum lot area, or minimum lot width established within a particular zoning district.

(B) *Variance*. Variances shall be considered by the planning commission in accordance with procedures established in section 2-2.1.

(1) Types of variances. A request for variance shall be limited to the following design and dimensional standards:

- (a) Minimum front, side, or rear setbacks;
- (b) Maximum lot coverage by buildings;
- (c) Maximum building height;
- (d) Dimensional standards for parking or loading spaces; or
- (e) Number of queuing spaces.

(2) Standards for granting a variance. In reviewing a request for a variance, the planning commission shall not grant the request unless the application meets all of the following standards:

- (a) Extraordinary and exceptional circumstances pertaining to the particular piece of property in question exist due to its size, shape, topography, or easements that are not found on other properties in the same zoning district;
- (b) A literal interpretation of the provisions of this land management ordinance would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district;
- (c) Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district;
- (d) The extraordinary circumstances are not the result of actions of the applicant; and
- (e) The variance is the minimum relief that will allow the legal use of the land, building or structure.

(C) *Administrative variance*. In addition to explicit authority granted in other sections of this ordinance, the administrator shall be authorized to approve a variance from certain design and dimensional standards where the intent of this ordinance can be achieved, equal performance obtained, and the administrative variance would not override conditions of zoning assigned by city council. This authority to grant an administrative variance shall be limited to the following standards:

(1) A reduction, up to a maximum deviation of 20 percent of the standard, in the minimum front, side, or rear setback for a single lot, provided the reduction is necessary due to the existence of any one of the following factors:

- (a) Size or shape of the lot;
- (b) Topography of the lot;
- (c) Location of easements on the lot;
- (d) Errors discovered after construction; or
- (e) Inability to comply with tree protection standards set forth in Section 6-4.