CITY COUNCIL
GIL MCDOUGAL, MAYOR
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DANNY CARTER

City of Villa Rica

CITY MANAGER: TOM BARBER
CITY CLERK: ALISA DOYAL
CITY ATTORNEY: C. DAVID MECKLIN

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MAYOR & COUNCIL WORK SESSION AGENDA

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
January 11, 2022 | 10:00 AM

Review of the Agenda (Mayor Gil McDougal)

A. Governing Body (Mayor Gil McDougal)

B. Ceremonial Presentations (Mayor and Council)

1. Recognition of Ernestine Mullins Retirement - 33 Years of Service with Senior Center

C. Community Development (Bobby Elliott, Director)

1. Amendment to Preliminary Plat Procedures in the City of Villa Rica Zoning Ordinance and Public Hearing (Ron Johnson, Planning & Zoning Specialist)

2. VA-11-21 - Parcel # V02 0070100 - Variance Application for 29.21 Acres on Highway 78 and Public Hearing (Ron Johnson, Planning & Zoning Specialist)

3. VA-12-21 - Parcel # V0 70100167 - Variance Application for 12.69 Acres Located at 700-740 Hickory Level Road and Public Hearing (Ron Johnson, Planning & Zoning Specialist)

4. VA-13-21 - Parcel # V07 0110230 - Variance Application for 16.06 Acres at 135 & 189 Commerce Drive and Public Hearing (Ron Johnson, Planning & Zoning Specialist)

5. Planning and Zoning Commission Appointment (Ronald Johnson, Planning & Zoning Specialist)

D. Public Works (Bobby Elliott, Director)

1. Revision to Villa Rica Development Regulations Relative to Stream Buffers (Bobby Elliott, Director)

2. Resolution of Support for Changes to State Highway System and Acceptance of Two Roadways (Bobby Elliott, Director)

E. Utilities (Pete Zorbanos, Director)

1. North Plant Rental Aerator Equipment Rental (John Bain, Deputy Director of Utilities)

2. Cleghorn and Anderson Road Waterline Improvements (John Bain, Deputy Director Utilities)

F. Finance (Jennifer Hallman, Finance Director)

1. Approval of TextMyGov Partnership Proposal

2. FY2021 Budget Amendments - #193 - 215

3. FY2022 Budget Amendments - #22 - 139

G. City Manager (Tom Barber)

1. Approve Demolition and Removal of Butterballs and Adjacent Duplex

H. Consent Agenda Review (Mayor Gil McDougal)

I. Public Comment (Mayor Gil McDougal) (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes.)

J. Adjournment (Mayor Gil McDougal)

CITY OF VILLA RICA

City Council Packet

SUBJECT: Amendment to the Preliminary Plat Procedures – (Contained in the City of Villa Rica Zoning Code)

CITY COUNCIL AGENDA DATE: December 14th, 2021

DATE: December 3rd, 2021

PREPARED BY: Ronald Johnson, Planning & Zoning Specialist

FUNDING SOURCE: N/A

PUBLIC HEARING REQUIRED: Yes

PURPOSE: Change the city's Preliminary Plat Review and Approval procedure from requiring approval from the Planning Commission in favor of requiring administrative approval by the Director of Community Development. Sections 6.06-6.08, 2.03, and 11.03 are proposed to be changed accordingly. The purpose of this proposed amendment is to streamline and expedite the application and permitting process post-zoning approval, realign our process with the processes of surrounding communities and to ensure that preliminary plats are reviewed and decided upon appropriately.

BACKGROUND: Staff periodically reviews the city's ordinances and makes recommendations for changes based upon implementation of industry best practices, efficiency, clarity, effective regulation and/or shifting community circumstances. Our current preliminary plat procedure is proposed for alteration to allow for the Community Development Director to review the Preliminary Plat Checklist in order and approve or deny the application, as opposed to the Planning Commission. The increased level of development in Villa Rica combined with the administrative staff having the necessary capabilities to effectively and efficiently approve/deny such requests, and the prevailing industry practice to review preliminary plats at the administrative level has encouraged staff to propose the amendment. A public hearing would continue to be required at the Final Plat review phase before City Council.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendment.

PLANNING COMMISSION: DENIAL (5-0)

MOTION:

(1) I move to approve the proposed amendment to Sections 6.06, 6.07 and 6.08 of the City of Villa Rica Zoning Ordinance as attached hereto in Exhibit A.
(2) I move to approve the proposed amendment to Section 11.03 of the City of Villa Rica Zoning Ordinance as attached hereto in Exhibit B.
(3) I move to approve the proposed amendment to Section 2.03 of the City of Villa Rica Zoning Ordinance as indicated by staff.

RESOLUTION AND ORDINANCE OF THE CITY OF VILLA RICA TO AMEND SECTION 2.03 (COMMUNITY DEVELOPMENT DIRECTOR) OF CHAPTER II (ADMINISTRATION) AND CHAPTER VI (PLANNED UNIT DEVELOPMENT) OF THE ZONING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF VILLA RICA TO UPDATE THE ZONING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF VILLA RICA AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council, possess the authority to provide for the general codification of all ordinances and resolutions of the City of Villa Rica having the force and effect of law; and

WHEREAS, the Mayor and Council has determined a need to define, clarify, and regulate certain zoning regulations in the Code of Ordinances of the City of Villa Rica;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF VILLA RICA, that the Zoning Regulations of the Code of Ordinances of the City of Villa Rica be amended as follows:

1. Chapter II (Administration), Section 2.03 (Community Development Director), Subparagraph 3 (Appealing a Decision of the Director) is stricken in its entirety and the following language is substituted in its place:

   3) APPEALING A DECISION OF THE DIRECTOR. Recourse from the decision of the Director shall be to the Villa Rica City Council on matters pertaining to zoning and shall be made in accordance with Section 11.11 – *Administrative Appeals Procedure* and the City of Villa Rica City Council Rules of Procedure. Recourse from the decision of the Villa Rica City Council shall be to the courts as provided by law.

2. Chapter VI (Planned Unit Development) is stricken in its entirety and the language contained in Exhibit "A" attached hereto shall be substituted in its place.

3. Section 11.03 (Development Plan Review and Approval, including Figure 11.01, Preliminary and Final Plat Flow Chart) of Chapter XI (Petitions, Permits, and Procedures) is stricken in its entirety and the language and figure contained in Exhibit "B" attached hereto shall be substituted in its place.

APPROVED AND ADOPTED on this _____ day of _____, 2021, by the Mayor and Council of the City of Villa Rica, Georgia.

_____
Gil McDougal, Mayor

ATTEST:

_____
Alisa Doyal, City Clerk

925896

EXHIBIT "A"

Sec. 6.06. Preliminary plat procedure.

1) PURPOSE. The purpose of a Detailed Development Plan is to divide land into lots, blocks and common area.

2) APPLICATION. An application for Preliminary Plat shall be filed with the Secretary of the Planning & Zoning Commission by the owner, or his/her designee, of property for which the Planned Unit Development is proposed. The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered and the application shall be in accordance with the established procedures of the Community Development department and shall contain, at a minimum, the following information:

   a) Name, address, and phone number of applicant;

   b) Name, address, and phone number of registered surveyor or registered engineer assisting in the preparation of the Preliminary Plat;

   c) A survey of the tract that is to be developed;

   d) Description of existing use;

   e) Identification of the existing zoning district;

   f) A vicinity map at a scale approved by the Planning & Zoning Commission, showing existing property lines, streets, existing and proposed zoning, and such other items as the Planning & Zoning Commission may require to show the relationship of the Planned Unit Development to the Comprehensive Plan and to existing developments, schools and other community facilities and services;

   g) A Preliminary Plat at a scale approved by the Planning & Zoning Commission showing topography at two (2) foot intervals; the approximate location and type of residential, commercial and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and open spaces; layout and dimensions of lots and building setback lines, areas of proposed buffering; preliminary improvement drawings showing: points of ingress/egress, water, sewer, drainage, electricity, telephone, and such other characteristics as the Planning & Zoning Commission deems necessary;

   h) Proposed schedule for the development of the site, identifying phasing where applicable;

   i) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development;

   j) In the case of a residential planned unit development, the proposed density to which the Development shall be limited; and

   k) In the case of office, commercial, industrial, or mixed-use planned unit development, a statement identifying the principal type of office, business, industrial, and/or other uses that are to be included in the proposed development.

3) TECHNICAL ADVISORY COMMITTEE. Once the Department has determined that it has received a submittal that is sufficiently complete for Technical Advisory Committee (TAC) review, the Department shall inform the petitioner of the time, date, and place of the meeting. Following TAC review, the applicant shall submit revised copies of the plans that address the comments and concerns of the TAC. The Department shall inform the petitioner of the time, date, and place of the Planning & Zoning Commission meeting. The public hearing procedures shall be as established in the Villa Rica Planning & Zoning Commission Rules of Procedure.

4) NOTICE

a) Notice of Public Hearing . The notice of public hearing shall occur as established in *O.C.G.A. § 36-36-36 et seq.* As a minimum, the secretary shall, at least ten (10) days prior to the date set for the public hearing at the applicant's expense, publish a notice one (1) time in the City's Legal Organ. The notice shall set forth the time and place of the public hearing and a general description of the Planned Unit Development.

5) PUBLIC HEARING/PLANNING & ZONING COMMISSION REVIEW AND APPROVAL

a) After receipt of the Preliminary Plat, the Planning & Zoning Commission shall hold a public hearing within a reasonable period of time.

b) The Planning & Zoning Commission shall review the preliminary plan to determine if the Proposed Planned Unit Development is:

i) Consistent with the intent and purpose of this Ordinance;

ii) Whether the proposed development advances the general welfare of the community and neighborhood; and

iii) Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.

c) The Planning & Zoning Commission's approval in principle of the primary development shall be necessary before an applicant may submit a Final Plat.

d) Approval in principle shall not be construed to endorse the following:

i) A precise location of uses;

ii) Configuration of parcels;

iii) Engineering feasibility.

6) EXPIRATION. The Preliminary Plat approval shall expire in five (5) years unless final approval of all or part of the development is complete.

Sec. 6.07. Final plat.

1) PURPOSE. The purpose of a Final Plat is to provide the details for the construction of individual portions of the PUD. Typical construction plans are submitted and final plats are recorded.

2) SUBMISSION. After approval of the Preliminary Plat, the developer shall submit a Final Plat in accordance with established procedures of the Community Development department. The Final Plat shall be in general conformance with the Preliminary Plat as approved by the City Council. The Final Plat shall be certified by a registered engineer or land surveyor.

3) APPLICATION. An application for approval of the Final Plat shall be filed with the Secretary of the Planning & Zoning Commission by all owners, or their designee, of the property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for Final Plat. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application. At a minimum, the application shall contain the following information:

a) Any changes necessary to the survey of the proposed development site, showing the dimensions and bearing of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses;

b) All information required on the Preliminary Plat, the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties;

c) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes, tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by the type, estimated residential population by type housing. Estimated nonresidential population, anticipated timing for each unit, and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development, whenever the applicant proposes an exception from standard zoning districts or other Ordinances governing development;

d) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, and telephone, waste disposal facilities, street improvements, and nature and extent of earth work required for site preparation and development;

e) Development plan, showing buildings, various functional use areas, circulation, and their relationship;

f) Preliminary building plans, including floor plans and exterior elevations; Landscaping plans;

g) When a Planned Unit Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development;

h) A traffic impact study to determine the off-site impacts on the existing thoroughfare system;

i) When a Planned Unit Development includes provisions for common open space or recreational facilities, a statement describing the provision that shall be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and bylaws of such entity shall be submitted;

j) Deed restrictions, and restrictive/protective covenants, and other legal statements or devises to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained;

k) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development; and

l) One (1) copy of the Preliminary Plat.

4) REVIEW

a) Review . The Technical Advisory Committee shall review Final Plats at a regular meeting. This shall not be a public hearing.

b) TAC Review Criteria . Before taking action, TAC shall find that the facts submitted with the application and presented at the public hearing establish that:

i) The proposed development can be initiated within two (2) years of the date of approval;

ii) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained, the uses proposed will not be detrimental to present and potential surrounding uses, but will have a trespass

iii) Beneficial effect which could not be achieved under standard district regulations;

iv) The streets as proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the Planned Unit Development;

v) Any proposed commercial development can be justified at the locations proposed;

vi) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Final Plat, in accordance with the Planned Unit Development;

vii) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development;

viii) The Planned Unit Development is in general conformance with the Comprehensive Plan of the City;

ix) The existing and proposed utility services are adequate for the commercial uses provided; and

x) The proposed open spaces are adequate and appropriate as identified in this Chapter.

c) Action .

i) The Technical Advisory Committee shall take action to:

(1) approve as presented;

(2) approve with supplementary conditions; or

(3) disapprove at a public hearing.

ii) Following Technical Advisory Committee review, the applicant shall submit revised copies of the plans that address the comments and concerns of the Technical Advisory Committee. The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered.

5) APPEAL OF A DECISION OF THE DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT. The decision of the Community Development Director can be appealed by the Villa Rica City Council in accordance with *Section. 11.11 - Administrative Appeals Procedure.*

6) COMMERCIAL PROJECTS. For a Planned Unit Development that is being subdivided, approval of the Final Plat shall be considered to be the Secondary Plat for recording purposes. Subdivision plat procedures/approval may coincide with, and be approved at the same time as, the Preliminary Plat and the Final Plat.

7) COMMENCEMENT OF CONSTRUCTION. No construction or site grading shall begin prior to the issuance of a Land Disturbance Permit. No Zoning Certificate shall be issued for any property for which a Planned Unit Development classification is requested and no construction shall begin until an approved Final Plat is in effect for that phase or property, whichever of the above options is chosen by the applicant. No improvement location permit shall be issued for any structure in any portion of a Planned Unit Development unless and until the final subdivision plat for that portion has been approved by the proper planning authority and recorded in the public record of the City. This requirement may be waived by the Director when it is deemed that a subdivision plat is not required.

Sec. 6.08. Alternative submission for final plat.

1) APPLICATION. The applicant need not file a Preliminary Plat if filing a Final Plat for the entire site, incorporating all requirements of both the Preliminary and Final Plats as described in this Section. The Final Plat shall be filed with the Secretary of the Planning & Zoning Commission by at least one (1) owner, or his/her designee, of the property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for Final Plat, and submitted to the Planning & Zoning Commission for public hearing. At a minimum, the application shall contain the following information:

a) A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features;

b) A development plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including streets where required the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities, screening, and areas to be left in their natural state;

c) A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures;

d) Floor plans of the proposed structures; Landscaping plans;

e) When a Planned Unit Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development;

f) Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Development;

g) In the case of a residential planned unit development, the proposed density to which the Development shall be limited;

h) In the case of Office, Commercial, or Industrial, a statement identifying the principal type of office, business and/or industrial uses that are to be included in the proposed Development;

i) When a Planned Unit Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and bylaws of such entity shall be submitted; and

j) Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

2) EXPIRATION. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application.

EXHIBIT "B"

Sec. 11.03 – DEVELOPMENT PLAN REVIEW AND APPROVAL

1) PURPOSE. The purpose of this chapter is to identify a procedure for the review and approval of development plans.

2) APPLICABILITY. With the exception of a request to rezone, the Development Plan Review process may occur concurrently with any other Planning & Zoning Commission review process. This review shall be completed within the procedures set forth in this section and all other applicable sections of this ordinance.
   a) Development Plan Review Required. The following list identifies the types of projects that require development plan review:
      i) New construction and site development for multifamily, commercial, institutional or industrial uses, non-residential subdivision (shopping center or office park), or a project involving a planned unit development (PUD) that does not require a plat.
      ii) A project where the conversion of a structure to a permitted use is being considered and where no exterior construction or site development is planned. Use conversions requiring Development Plan Review include changes from one of the following categories to another:
         (1) Residential to commercial or industrial;
         (2) Commercial to multifamily or industrial;
         (3) Industrial to multifamily or commercial; and
         (4) Single or two-family to multifamily or commercial.
      iii) A project where an existing multifamily, commercial, or industrial use is proposing an addition or expansion of the structure or the site that will have at least one or more of the following effects:
         (1) Alteration of traffic flows and/or volumes because of changes in ingress or egress or changes within the site;
         (2) Alteration of on-site parking facilities by more than thirty-five (35%) percent; and
         (3) Addition to a structure that increases the floor area thirty-five (35%) percent or more of the existing structure.
      iv) The construction of public or private off-street parking areas in districts where they are permitted as set forth in this ordinance.
   b) Modifications. The Director shall have the authority to exempt requirements for a development plan, or exempt the development plan all together, if no physical or minimal change to property or structures on the property is occurring.

3) GENERAL STANDARDS OF REVIEW. Development plans shall be reviewed taking into account the following standards:
   a) Compatibility with surrounding land uses.
   b) Consistency with the Comprehensive Plan.

c) Compliance with all applicable requirements of this ordinance.

d) Availability of sanitary sewer, water, storm water drainage, and any other utilities as deemed necessary.

e) Management of traffic in a manner favorable to the health, safety, convenience, and harmonious development of the community, with particular emphasis on the following factors:

   i) The design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion.

   ii) The capacity of adjacent existing streets and highways and sidewalks to safely and efficiently handle traffic projected to be generated by the proposed development.

   iii) The coordination of entrances, streets, sidewalks, and internal traffic circulation facilities in the development plan with existing and planned streets and adjacent developments.

   iv) Other factors provided for in this ordinance.

4) DEVELOPMENT PLAN REVIEW PROCEDURE.

a) Overview. The Development Plan Review Process consists of five (5) major steps in the following order:

   i) Preliminary meeting with staff;

   ii) Submittal of the Conceptual Development Plan and/or Preliminary Plat;

   iii) Technical Advisory Committee (TAC) review;

   iv) ~~Planning & Zoning Commission~~Community Development Director approval; and

   v) Submission of the Final Plat which serves as the construction drawings and administrative approval. The Preliminary Plat must always precede the Final Plat process.

b) Application and Meeting with Staff. The applicant shall first set up a meeting with staff to discuss submittal of a Preliminary and to obtain a schedule, guidance and requirements for submittal.

c) Preliminary Plat Application. The Conceptual Development Plan submittal shall include the following items:

   i) Application Form. This application form, when completed will contain general information including the name and location of the proposed development, as well as the identification of all the property owners, the parcel number (part of or all of the parcel), and must be signed by the property owner(s) or include written authorization for an agent.

   ii) Application Fee. The Conceptual and Final Plat applications must be accompanied by the payment of a fee as established by *Section 11.15 – Fees*. No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.

   iii) Application Material Format. All drawings shall be provided in both hard copy and digital format in a manner specified on the application or by the Director.

   iv) Preliminary Plat Contents. The applicant shall submit the required number of copies as specified in the application and the applicant shall follow procedures for distribution of

required plans to the Technical Advisory Committee (TAC) members prior to the regularly scheduled meeting. The plat shall include:

(1) Proposed name of the project
(2) Name, address, phone number, and fax number of the owner, the developer and the designer who prepared the plat.
(3) Miscellaneous. North point and graphic scale, source of data, date of plan drawing, and, if any, revision dates
(4) An accurate, up-to-date and certified survey of the property on which the project is to be built. Date of boundary survey must be included on plat
(5) Location and size of the property in acres (or in square feet if less than an acre), and the external boundaries of the tract to be subdivided or developed shown by bearings and distances
(6) Vicinity map
(7) Abutting property information. Names of adjoining property owners per recorded deeds, zoning district, use, and overlay district if applicable
(8) Prior subdivision (if any)
(9) Zoning and overlay district (if applicable) of property with required setbacks shown
(10) Topography at 2-foot intervals
(11) Natural features and flood plains. Natural features within the property, including topographic contours at no less than five-foot intervals, drainage channels, bodies of water, wetlands, streams with required buffer designated, wooded areas and other significant natural features such as groundwater recharge areas and rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be delineated
(12) Streets, easements, political boundaries and built features. Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, existing buildings to remain, and other features
(13) Subdivision block and lot layout. The proposed subdivision layout including lot lines and street right-of-way lines, with proposed street names or letter designations and right-of-way widths, along with the front building setback line and the approximate dimensions of the length and width of each lot. The total number of lots in the subdivision and the total acreage in the tract to be subdivided shall be indicated. Lots shall be numbered consecutively in a clockwise fashion, and the approximate land area of each lot shall be indicated for each lot. The proposed phasing of the subdivision shall be indicated, if it is proposed to be platted in phases
(14) Proposed site layout including buildings, drives, parking, walkways, landscaped areas, buffer easements, utilities and any other features necessary to properly present the concept.
(15) Proposed off-site improvements which may be necessary to properly develop site.
(16) Architectural elevations to show the intended architectural character of the proposed building and the nature of the materials to be used.
(17) If the site plan is for an addition to or change in an existing site plan, the drawings must clearly show the changes that are being proposed.

(18) Storm water management. The approximate location of proposed storm water detention facilities

(19) Public land reservations. In addition to public streets, the preliminary plat shall indicate land if any to be dedicated for public use

(20) Provide vehicular use area landscaping requirements.

(21) Other information as may be required by the City Engineer and Planning and Zoning Specialist

v) Special Studies Required. In the event that the ~~Planning & Zoning Commission~~Director of Community Development feels that additional information is necessary in order to make its decision, it may instruct the applicant or City Staff to conduct additional studies or seek expert advice. The cost of such studies shall be the responsibility of the applicant.

(1) Transportation Impact Studies. If a traffic study is necessary, it shall address the impact of the proposed development on all adjacent streets and intersections. The applicant shall reference the *Georgia Department of Transportation Design Traffic Forecasting Manual, Revision 1.4*, as may be amended from time to time in the development of the traffic study.

(2) Fiscal Impact Analysis. New residential development of more than one-hundred fifty (150) units shall be required to submit a Fiscal Impact Analysis to determine the impact of new residents on the area with regard to police protection, fire protection, utility service, educational facilities, and other applicable factors.

(3) Any necessary approval by federal, state, or other local agencies shall be included on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:

(a) Federal Agencies

(i) Federal Communications Commission

(ii) Federal Aviation Administration

(iii) Federal Emergency Management Agency

(iv) Army Corps of Engineers

(v) Environmental Protection Agency

(b) State Agencies

(i) Georgia Environmental Protection Division

(ii) Georgia Department of Natural Resources

(iii) Georgia Department of Transportation

(iv) Georgia State Department of Health

(c) Local Agencies

(i) County Fire Rescue

(ii) County Health Department

(d) Utility Companies

(i) Public or private utilities for power, sanitary sewer or water services

vi) If applicable, include a letter of intent indicating that the applicant wishes to construct a model home prior to recording. The letter of intent must include the proposed lot number on which the model home will be constructed. a maximum of five (5) model homes may be

permitted per development for single-family residential development and a maximum of four (4) units per multifamily development and a Certificate of Occupancy will not be issued for the model home until the subdivision or section thereof has been properly recorded. Certain necessary improvements may be required of the developer prior to issuance of the building permit.

d) Technical Advisory Committee (TAC) Review. Once the submittal for the conceptual development plan is deemed complete, the applicant shall appear at the regularly scheduled Technical Advisory Committee (TAC) to discuss the proposed project and receive comments from several City departments on the proposed project. ~~The applicant may be required to submit a revised Development Plan prior to the preparation of packets for Planning & Zoning Commission members.~~ The TAC shall review the Preliminary Plan to determine if it is:

i) Consistent with the intent and purpose of this ordinance;

ii) Whether the proposed development advances the general welfare of the community and neighborhood; and

iii) Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.

iv) The TAC shall prepare a summary of project compliance with the ordinance for ~~presentation at the Planning & Zoning Commission hearing~~review by the Director of Community Development.

e) ~~Planning & Zoning Commission Hearing~~Review by the Director of Community Development. ~~The Planning & Zoning Commission hearing shall be conducted in accordance with the Planning & Zoning Commission Rules of Procedure, as amended.~~

i) Possible Action. ~~Action by the Planning & Zoning Commission shall comply with the Planning & Zoning Commission Rules of Procedure, as amended.~~ The ~~Planning & Zoning Commission~~ Director of Community Development shall approve, approve with modifications, or deny~~, or continue~~ the Development Plan application.

(1) The ~~Planning & Zoning Commission~~Director of Community Development may impose conditions on the approval of a Development Plan if the conditions are necessary to satisfy the requirements and intent of this ordinance. Accepted conditions shall become written commitments which shall be recorded by the applicant before any construction activity commences.

f) Final Plat Submittal. The ~~Planning & Zoning Commission's~~Director of Community Development's approval of the Conceptual Development Plan shall be necessary before an applicant may obtain a Final Plat approval. The Director and the Technical Advisory Committee shall be responsible for review of the Final Plat (construction drawings) submittal which shall include the following items:

i) General vicinity map;

ii) Property boundary lines including any easements and a legal description;

iii) Elevation marks and contours as appropriate;

iv) Benchmarks;

v) Traffic and circulation plan;

vi) Pedestrian circulation plan or trail plan, if applicable.

vii) Adjacent streets;

viii) Parking and loading plan in accordance with *Section 7.02 – Off-Street Parking and Loading;*

ix) Utilities plan showing existing and proposed location and sizes;

x) Landscape plan indicating plant types, number, location, size and method of installation and in accordance with *Section 7.05 – Landscaping Standards*;

xi) Grading and surface drainage plan in accordance with the requirements of the Subdivision Control ordinance and the Stormwater ordinance;

xii) Signage plan showing location, sign faces, representations, and size in accordance with the *Villa Rica Sign Ordinance*;

xiii) Final lighting plan in accordance with *Section 7.12 – Outdoor Lighting*;

xiv) Open space and recreation plan;

xv) Refuse/trash storage areas;

xvi) Proposed improvements showing location, dimensions and configuration of existing and proposed buildings/structures and uses.

xvii) Architectural Plan. The applicant must submit one (1) copy of an architectural plan of the
proposed project showing exterior elevations, floor plans and building materials used (facade and roof). If exterior elevations are not available, reasonable graphic representations may be submitted;

xviii) A State Plan release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan review be construed as a substitute or a waiver for these other required permits.

xix) Plat-like Dedication Sheet, if necessary. The following information shall be submitted for easements and rights-of-way if deemed necessary by the ~~Planning & Zoning Commission~~Director of Community Development or ~~its~~the Director's authorized designee:

(1) Parcels of land proposed to be dedicated or reserved for public use, or reserved for common use of all property owners within the project, with the proposed conditions and maintenance requirements, if any, shall be designated as such and clearly labeled on the plans;

(2) Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings; and

(3) Accurate location of all survey monuments erected, corners and other points established in the field in their proper places;

xx) The schedule of any phasing of the project; and

xxi) A development summary indicating lot area, building square footage, lot coverage, building height, size of dwelling units/structures, area of hard surface provided, and the number of parking spaces required and provided;

xxii) All drawings prepared for submission under this section must be prepared by a professional engineer, architect, or surveyor and must bear a professional seal from the State of Georgia. If, however, the Director determines that due to the simplicity of the project, a professional seal may not be required, then this requirement may be waived.

g) Approval. After review of the Final Plat, the Director and the Technical Advisory Committee, shall make a recommendation to approve or deny the Final Plat. The Final Plat is subject to the adoption of the City Council, which may only be appealed to Superior Court in the County for which the development is located. An applicant shall have two (2) years from the date of approval to obtain a Land Disturbance Permit/Building Permit. This permit must be obtained in accordance with *Section 11.12 – Land Disturbance Permit*. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the Development Plan approval will become null and void. Should this become the case, the applicant may resubmit the application in conformance with the requirements of this chapter.

5) PERFORMANCE GUARANTEE. A performance guarantee shall be provided for any exceptions granted. A performance guarantee may be provided for certain erosion control measures as determined by the City Council.

a) The types of performance guarantees allowed are as follows:

i) Completion of Improvements. All improvements not covered by a performance guarantee shall be installed in accordance with the design standards, principles, and specifications contained in these regulations and shall be inspected at such times during construction as required by these regulations;

ii) Performance Bond. For those improvements granted an exception from installation prior to recording, a performance bond payable to the Council in the amount equivalent to one-hundred ten (110%) percent of the estimated completion costs shall be posted by the developer prior to recording the final plat. This estimate shall be prepared by the design engineer and reviewed by the City Engineer. This performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution;

iii) Cashier's Check. In lieu of such a bond, the developer may submit a cashier's check made payable to the City Council. The alternative is only available in the amount of less than ten-thousand dollars ($10,000.00).

b) Any performance guarantee submitted under this section shall be for a period not to exceed two (2) years. The Council may grant an extension of up to one (1) year for the completion of the

improvements, based upon a request by the developer and evidence justifying the request. The Council may secure a new estimate of the cost of the improvements from the City Engineer. If the estimate has increased, the Council shall require an increase in the amount of the performance guarantee.

c) A performance guarantee shall be deemed by the Council to be in full force and effect until the time the guarantee is released by written notice by the Council.

d) It shall be the responsibility of the developer to keep the performance guarantee current and not allow it to expire until all improvements have been accepted by the Council. If the performance guarantee does expire, no building permits will be issued to those lots within the subdivision or section thereof which required the performance guarantee until a new guarantee is provided.

e) Upon completion of the improvements for which a performance guarantee has been provided, the developer shall request a release of the performance guarantee from the Villa Rica Community Development department. The Community Development department will conduct an inspection of the completed improvements. If the improvements have been completed to the satisfaction of the Community Development department and if a suitable maintenance guarantee has been provided, then the Council shall release the performance guarantee. appeals of Villa Rica Community Development department decisions shall be made to the City Council.

f) As a condition of acceptance of this improvement on release of the performance guarantee, the Council shall require the developer to post a maintenance guarantee in an amount equal to twenty-five (25%) percent of the cost of the improvements.

   i) the maintenance guarantee shall be one (1) of the following forms:

      (1) Maintenance Bond. This bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution; or

      (2) Irrevocable Letter of Credit. In lieu of such bond, the developer may submit an Irrevocable Letter of Credit. In the event an Irrevocable Letter of Credit is used, it shall be written for a minimum length of one (1) year.

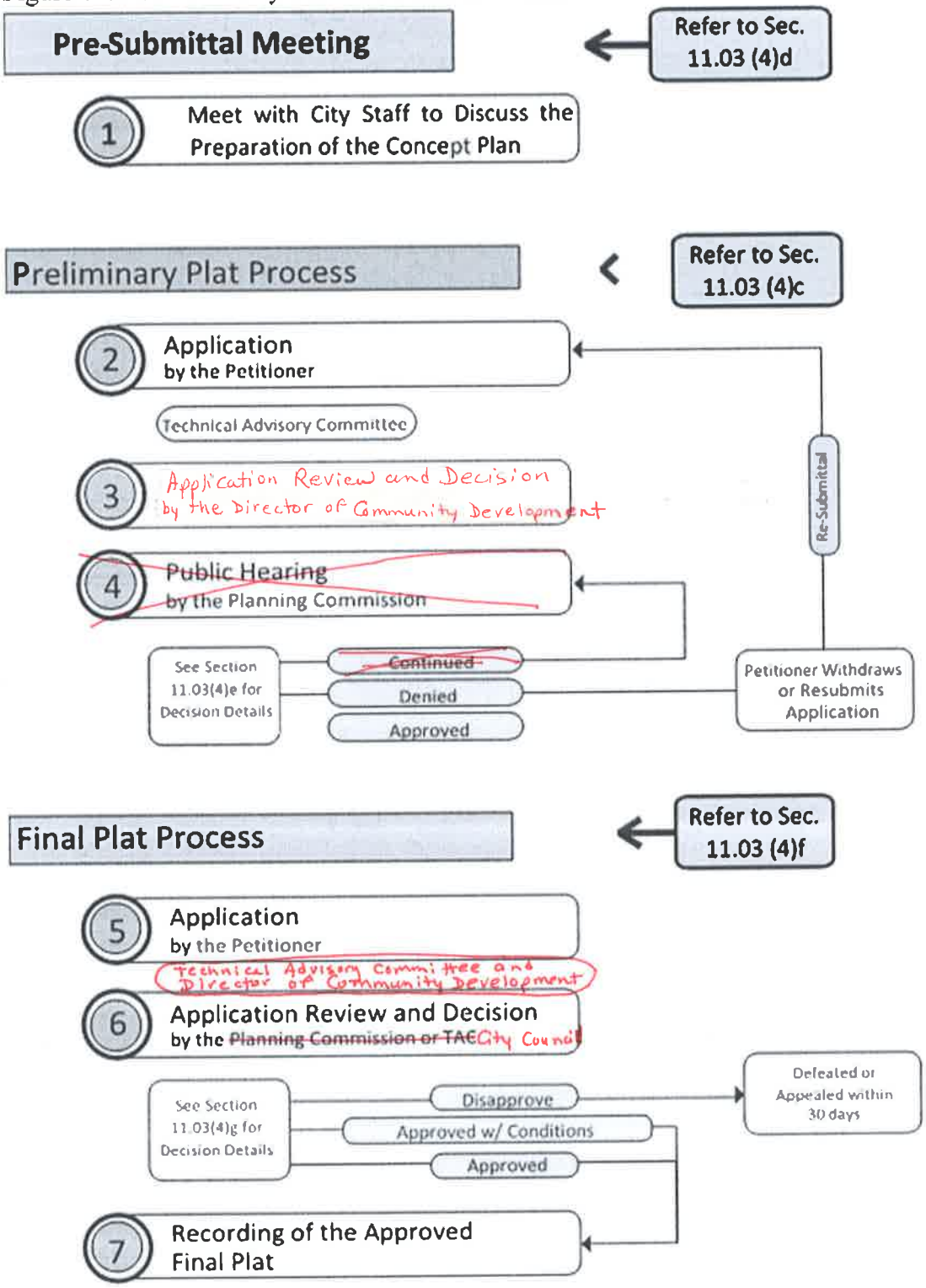
   ii) The maintenance guarantee shall be for a period of three (3) years.

6) CONFORMANCE WITH DEVELOPMENT PLAN APPROVAL. The ~~Planning & Zoning Commission~~Director of Community Development may consider the revocation of a Development Plan approval in the event that a proposed development, which occupancy permit has not been issued, is found to be in violation of the requirements of this ordinance for the conditions attached to the approval by the ~~Planning & Zoning Commission~~Director of Community Development. ~~Should revocation be considered, the Planning & Zoning Commission must schedule a meeting in which to consider the revocation and shall notify the original applicant or project representative of the date, time and place of the hearing at least fifteen (15) days in advance of the meeting by certified mail.~~ In the event that the ~~Planning & Zoning Commission~~Director of Community Development decides to revoke approval, the occupancy permit may not be issued until the ~~Planning & Zoning Commission~~Director of Community Development certifies that the violation has been corrected. Where a violation involves a project where an occupancy permit has been issued, the violation shall be treated as a violation to this ordinance and be subject to the penalty as specified in *Chapter XII: Violations and Enforcement*.

7) STAGED DEVELOPMENT. Where a proposed Development Plan indicates a staged site development approach, the later stages of the proposed development may be constructed within ten (10) years of

the initial approval providing that the initial stage is completed in conformance with the Development Plan and that the application commenced shall be subject to the application and review requirements stated within this chapter and any additional amendments.

Figure 11.01: Preliminary and Final Plat Flow Chart



CITY OF VILLA RICA

City Council Packet

SUBJECT: VA-11-21 – Parcel #: V02 0070100 –Hwy 78 (W. Bankhead Highway)

CITY COUNCIL AGENDA DATE: January 11th, 2022

DATE: January 7, 2022

PREPARED BY: Ronald Johnson, Planning and Zoning Specialist

PUBLIC HEARING REQUIRED: Yes

PURPOSE: Starlight Homes, LLC, LLC of Alpharetta, GA has requested a variance from Section 9.03(2)(c), which requires garage doors to be oriented towards the rear of the unit and/or a rear alleyway.

BACKGROUND: The applicant filed an application for a rezoning from I2 to Single-Family Attached (SFA) in October 2021, which was approved with conditions in December 2021. A copy of the conditions are listed below:

- Owner/applicant agrees to submit the property to the Georgia Property Owners Act OCGA 44-3-22.
- Owner/applicant agrees to include in the declaration of covenant restrictions for the property to include a restriction of a maximum of 15% of non-owner occupied units or homes.
- Owner/applicant agrees that no vinyl siding or similar materials are used on the units or facades.

The applicant proposes to construct 268 "for sale" townhomes on the parcel, with a density of 9.17 du/acre. Three amenities and two entrances will be required.

STAFF RECOMMENDATION: Staff recommends DENIAL

Reasons: The property in question has a considerable amount of topographic and site orientation concerns that has prompted this action from the applicant. While the request is not considered self-imposed, the overall site layout can still achieve pockets of conformity. Staff recommends that the interior lots be required to supply rear, alley-loaded garage door units, whereas perimeter lots are recommended to be front-loaded. This would substantially reduce the number of units requiring variance relief.

PLANNING COMMISSION RECOMMENDATION: N/A

MOTION:

I move to deny the variance request from Starlight Homes, LLC of Villa Rica, GA from Section 9.03(2)(c).

Planning & Zoning
Community Development Department

Villa Rica City Hall
571 W. Bankhead Hwy
Villa Rica, GA 30180
T: 678.840.1238
F: 770.459.7003
www.villarica.org

January 7, 2022

Alisa Doyal, City Clerk
City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

Re: Planning Report
Starlight Homes Georgia, LLC
VA-11-21
Villa Trace at W. Bankhead Highway (Hwy 78)
Land Lot 164, District 6
Parcel # V02 0070100
Lot Size: 29.21 Ac
Ward: 5
City Council Member: Danny Carter
Planning Board Member: Mac Pilgrim
City of Villa Rica, Carroll County, Georgia

Dear Mrs. Doyal:

Starlight Homes, LLC (the Applicant) seeks a variance from Section 9.03(2)(c) of the Villa Rica Zoning Ordinance, which requires garages to be oriented away from streets or city roads. The applicant is proposing to orient garages towards the street. The property fronts onto Villa Trace and W. Bankhead Highway. The variance is outlined in Section D.

The following documents, which were submitted in support of the application, have been reviewed:

1. Application for a Variance, dated December 10th, 2021 (4 pages);

2. Applicant Summary Description of Project, prepared by Joseph H. Fowler, dated December 10th, 2021 (2 pages);

3. Quit Claim deed, dated December 22nd, 2008, signed by Jeff R. Matthews and Burnell Redding;

4. Site Plan, dated June 8, 2021, prepared by Christopher Planning & Engineering (1 page).

A. Existing Conditions

The subject property is located north of West Bankhead Highway, west of Leathers Street and east of Villa Trace. The parcel has 58.37' of frontage along West Bankhead Highway and 189.12' of frontage along Villa Trace. The property is a flag shaped lot that has a relatively flat topography for most sections of the lot that begins to fall at the rear of the property. The C.L. Creek abuts the rear property line and that section of the lot lies within a flood zone.

The parcel is currently zoned Single-Family Attached (SFA) and features undeveloped land. The parcel does not border a city boundary/unincorporated area. The parcel is directly adjacent to the Industrial Medium-Density (I-2) zone to the east and north, bordering a vacant parcel and the city's water plant. The parcel is also adjacent to apartment homes, a vacant parcel, an office building and Villa Rica Christian Church (across Villa Trace) to the west; Dollar General, Dairy Queen, and a single-family house to the south; a mobile home park an industrial company (Index DIY, Inc.) and a vacant parcel to the east.

Surrounding Properties:

TABLE 1 – SURROUNDING LAND USES		
	Current Zoning	**Land Use Character Area**
North	Industrial Medium-Density (I-2)	Conservation/Open Space
East	Multifamily Low-Density (MF1) Commercial Low-Density (C-1)	Industrial Commercial
South	Commercial Low-Density (C-1)	Commercial
West	Commercial Low-Density (I-1) Multifamily Low-Density (MF1)	Suburban Village

Figure 1: Douglas County GIS image of the site, with the property boundaries approximated.

B. Site History

The parcel is vacant and has been vacant throughout its existence. The Unified Development Code (UDC) zoned the property as General Industrial (GI). In November of 2020, the City Council rezoned the property to Industrial Medium-Density (I2), which was a lateral change from the previous GI zone as a part of the citywide rezoning efforts. The applicant filed an application for a rezoning from I2 to Single-Family Attached (SFA) in October 2021, which was approved with

conditions in December 2021. A copy of the conditions are listed below:

- Owner/applicant agrees to submit the property to the Georgia Property Owners Act OCGA 44-3-22.
- Owner/applicant agrees to include in the declaration of covenant restrictions for the property to include a restriction of a maximum of 15% of non-owner occupied units or homes.
- Owner/applicant agrees that no vinyl siding or similar materials are used on the units or facades.

C. Proposed Development

The applicant is proposing to construct a 268-unit townhome development. A variance has been requested from Section 9.03(2)(c), which states the following:

"Building Orientation. Multi-family building(s) shall be oriented to the street or city road, a common open space, or clustered to form neighborhoods. Multifamily buildings shall not be oriented to parking lots. Accessory buildings, including residential garages, storage buildings, etc., shall be located behind the primary building. No primary or accessory building shall have service doors, garage doors, loading doors, or similar service entrances opening toward or oriented to the street or city road."

The applicant has indicated that the building orientation dictates the overall site layout, and will impact the number of units that are proposed on site (268). In order to have rear, alley loaded garage door openings, the entire site layout would need to change, and the number of units may be mpacted. The applicant has also indicated that because of topographic, orientation or other site conditions, the requirements of the section should be varied because of the site conditions of the parcel. The chosen orientation of the development in a north-south fashion, and the lack of east-west private driveways was an attempt to collect the units in pods that cluster around common green space in order to reduce the sprawl effect.

Flood Plain

A portion of the subject property is located within a flood zone. A north-south traveling stream on the northern section of the lot is centered on the flood zone and is considered a Special Flood Hazard Areas as designated by FEMA. This area is also considered in "Flood Zone A", which is a flood area without base flood elevation levels determined. Figure 2, below, indicates the flood zone map:

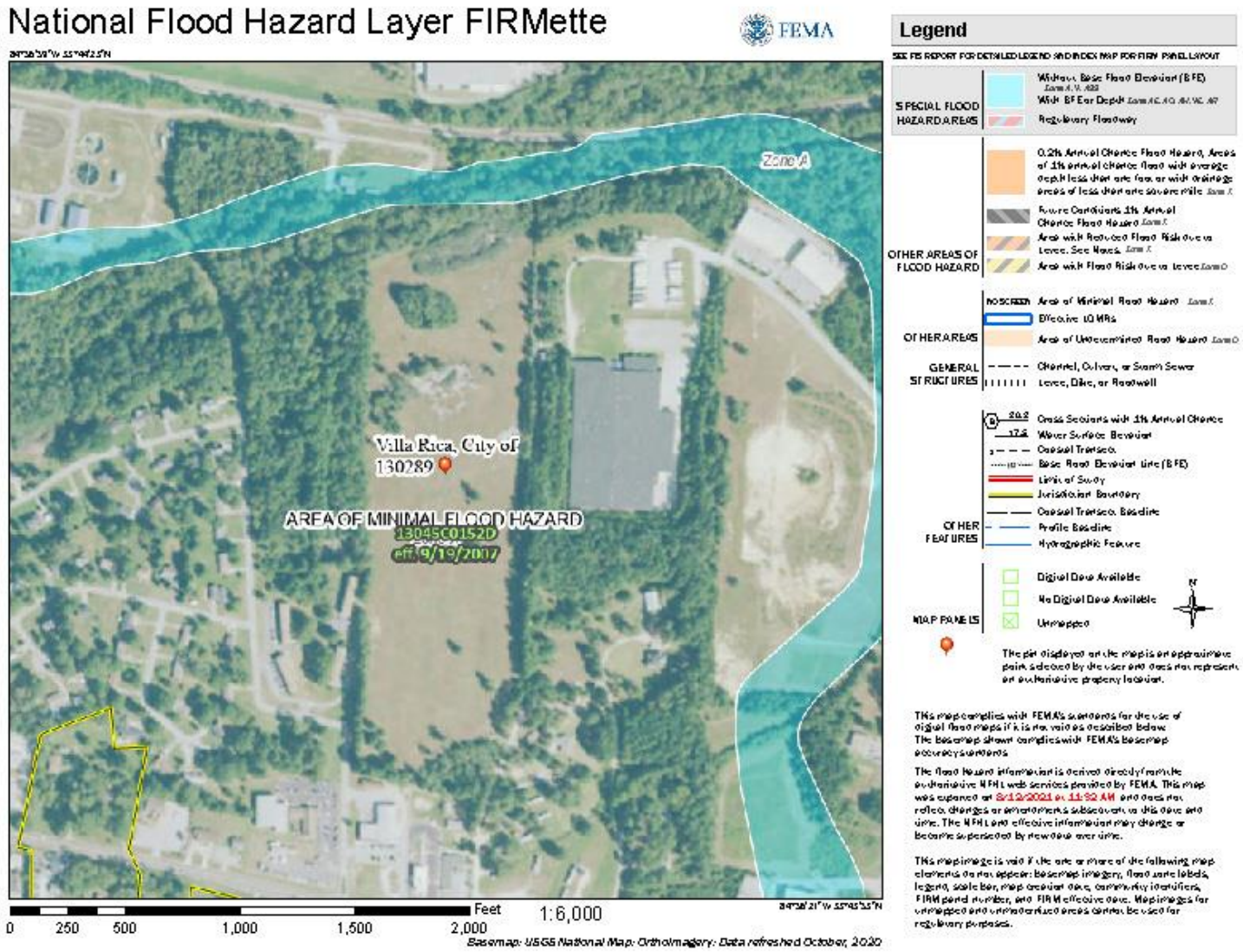


Figure 2: FEMA Flood Map

D. Variances

The developer has requested variance relief from the zoning ordinance as outlined below. The applicant's stated reasons for not complying with the required front yard setback is due to topographic and site orientation related issues.

The Applicant has requested variance relief for the following:

1. Section 9.03(2)(c) – *"Building Orientation. Multi-family building(s) shall be oriented to the street or city road, a common open space, or clustered to form neighborhoods. Multifamily buildings shall not be oriented to parking lots. Accessory buildings, including residential garages, storage buildings, etc., shall be located behind the primary building. No primary or accessory building shall have service doors, garage doors, loading doors, or similar service entrances opening toward or oriented to the street or city road."*

   The applicant proposes garage doors to orient from the front of the buildings towards the roadway.

Proofs for Variances
In review of the variance requested for the development, the "benefits vs. detriments" of such an approval was reviewed in addition to the purposes of the Comprehensive Plan. The purposes of the request were made clear by the applicant in their application and, according to the applicant, stems from topographic conditions and the narrow orientation of the lot. Staff could not identify any benefits from an approval of the requested variance, other than the ability to supply more housing on the parcel. A potential detriment would be a more car-oriented community, and a community that is not as pedestrian friendly as what is promoted by this section.

The Future Land Use Plan prescribes "Industrial Activity Center", "Commercial Activity Center" and "Conservation/Open Space" as future land uses for the parcels. The intent of the Industrial Activity Center is as follows:

> "*The Industrial Activity Centers are characterized by large building footprints and lots usually in excess of five (5) acres, where truck access is of primary concern. The Activity Centers may include landscaped roadways and uniform signage to create a cohesive industrial setting. Preservation and expansion of existing industrial development should respect adjacent land uses and existing development patterns (including building placement, lighting, site features, streetscape, etc.). When feasible, campus-style industrial developments are encouraged, with an emphasis on high quality construction and design and inter-connectivity."*

The existing development pattern in the area is consistent with the Comprehensive Plan from a density and site development standpoint. The nature of the variance appears to not impact the Comprehensive Plan.

Variance Decision Criteria

In taking action on all variance requests, the Council shall use the following decision criteria, consistent with the requirements of the Georgia Code.

a) Development Standards Variance. The Council may grant a variance from the development standards of this ordinance (such as height, bulk, area) if, after a public hearing, it makes a determination in writing (consistent with *O.C.G.A. 36-66-1*), that:

i) General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

The approval of the variances would not be injurious to the public health, safety, morals, and general welfare of the community

ii) Adjacent Property. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

The value of the surrounding properties is not expected to decline or be otherwise reduced in value by permitting the variances.

i) Practical Difficulty. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

The application of the required orientation of garage doors will result in a practical difficulty in supplying the number of units proposed on site, but is not considered by staff to be zoned into "inutility". The applicant has specified that the requirement would cause a practical difficulty since certain topographic and lot dimensional issues are inherent with developing this parcel. Topographic conditions are not considered "self-imposed".

E. Comments

No Staff Comments.

Recommendation:

Staff recommendation:

Variances: DENIAL

Reasons: The property in question has a considerable amount of topographic and site orientation concerns that has prompted this action from the applicant. While the request is not considered self-imposed, the overall site layout can still achieve pockets of conformity. Staff recommends that the interior lots be required to supply rear, alley-loaded garage door units, whereas perimeter lots are recommended to be front-loaded. This would substantially reduce the number of

units requiring variance relief.

Public Notifications:
As required by *Section 11.05* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* and the *Douglas County Sentinel* on December 28th, 2021; a sign has been posted on the subject properties; and all abutting property owners have received notification via regular and certified mail.

Public Response:
In response to the public notifications, no residents have contacted the city objecting to the proposed variances.

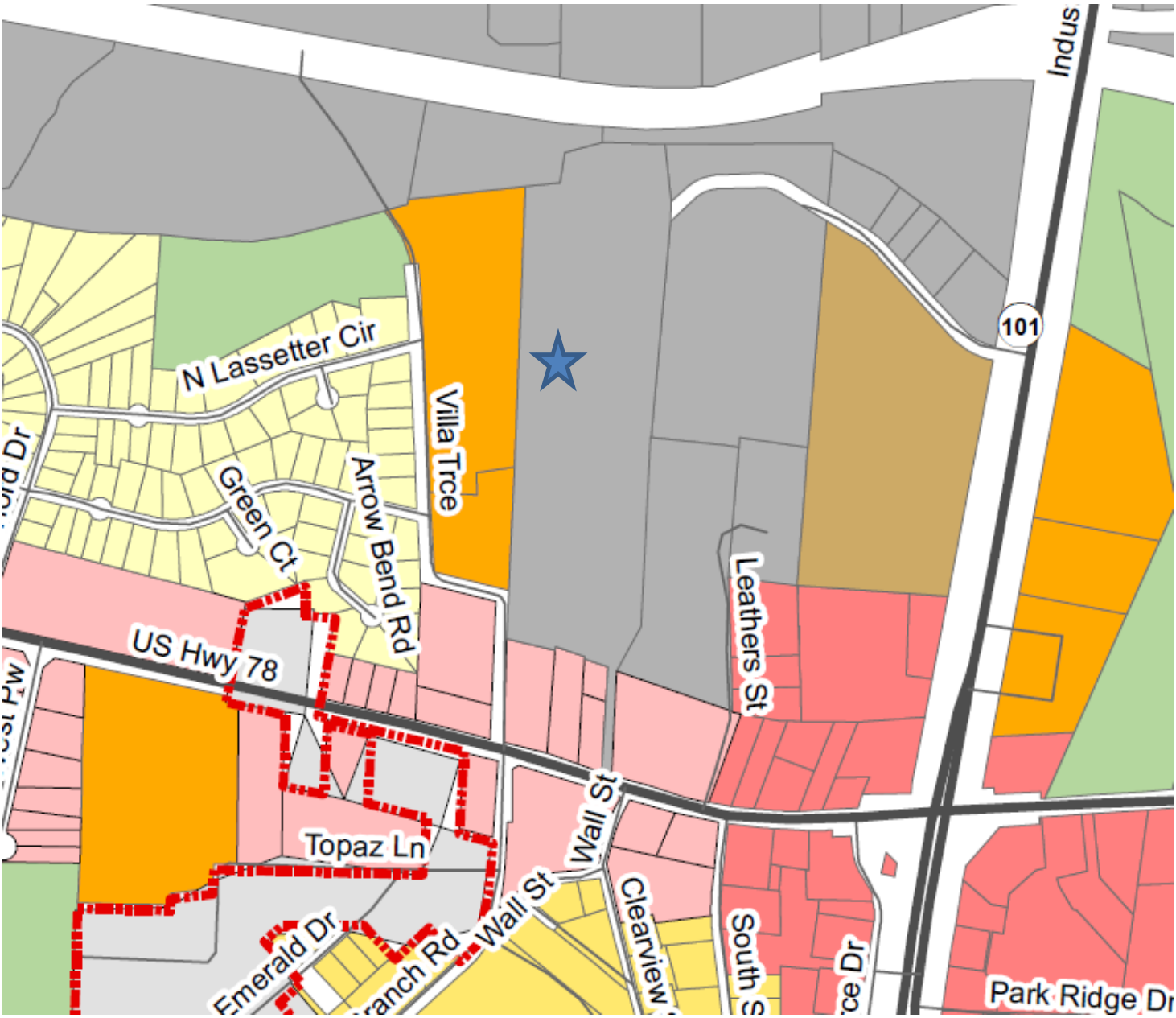
Should you have any questions concerning the above comments please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Very truly yours,

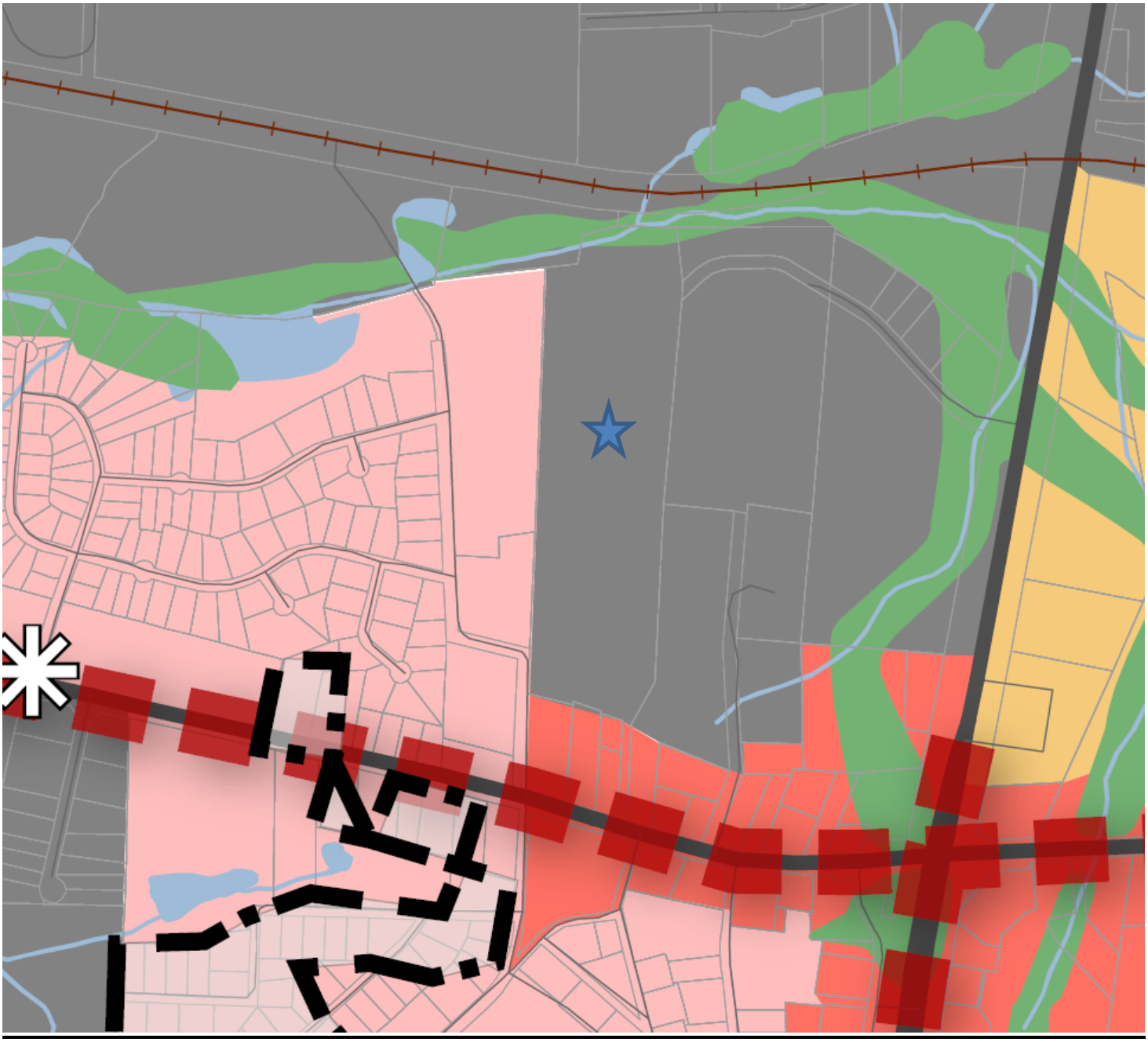
Ronald Johnson
Planning & Zoning Specialist

cc: Tom Barber, City Manager (via email)
Tracy Jarvis, Community Development Director/City Engineer (via email)

Villa Rica Zoning Map:



Villa Rica Future Land Use Map:



APPLICATION FOR VARIANCE/APPEAL

☐ APPEAL ☒ VARIANCE

The procedure for requesting a Variance or filing an Appeal is set forth in Section 2.03.J and 2.03.K respectively, of the Unified Development Code (UDC). Generally, the amendment process involves review by the Community Development Manager and City Council.

Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: 12/10/2021

APPLICANT

Applicant Name: Starlight Homes Georgia, LLC

Address: 3780 Mansell Road, Suite 100 **City:** Alpharetta **State:** GA **Zip:** 30022

Phone: (770) 652 - 2512 **Fax:** ( ) - **Email:** joe.ingram@starlighthomes.com

Agent Name: Joseph H. Fowler, Esq.

Address: P.O. Box 489 **City:** Douglasville **State:** GA **Zip:** 30133

Phone: (770) 920 - 2000 **Fax:** (770) 920 - 9119 **Email:** jfowler@hrflegal.com

Owner Name *(If different from applicant)*: Matthews & Redding, GP

Address: 215 West Bankhead Highway **City:** Villa Rica **State:** GA **Zip:** 30180

Phone: (770) 231 - 8572 **Fax:** ( ) - **Email:**

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

VARIANCE OR APPEAL INFORMATION

Address of Variance or Appeal Location: The Applicant seeks a variance from Section 9.03(2)(c) which requires garages to be oriented away from city streets.

I, Joe Ingram *, hereby state that all of the above statements and statements contained in the documents submitted with this application are true. I hereby request processing of this application.*

STARLIGHT HOMES GEORGIA, LLC

for Joe Ingram

Signature of Applicant **Date** 12.10.2021

JOE INGRAM, VICE PRESIDENT OF LAND ACQUISITION

CASE # _____
VARIANCE/APPEAL

Required Materials to Accompany the Application
The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

Variance:

1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
2. A site plan demonstrating the requested variance, showing the affected property, adjacent property, zoning and existing land use;
3. A statement of why the variance is necessary;
4. A statement as to how the applicant=s request satisfies each required finding;
5. A listing of the owners of property within 250 feet of the subject property and the mailing addresses for said owners on file with the County Assessor; and
6. Any other exhibits as may be required by the Community Development Manager.

Appeals from Staff Determinations:

1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment;
2. A statement as to why the applicant believes the Staff's determination is contrary to the intent and requirements of the Code; and
3. Any other exhibits as may be required by the Community Development Manager.

Return Form to:
Planning & Zoning
Office of Community Development
City of Villa Rica
571 West Bankhead
Villa Rica, GA 30180

678.785.1004 (T)
770.459.7003 (F)

For Department Use Only

Case No: _____

Filing Fee: _____

Date Received: _____

Pre-Application Conf: _____

Staff Comments/Findings: _____

_____

Action and Date: _____

_____

PROCESS

Pre-Application Conference
(Optional)

↓

Application Filed with Department
- Staff review for completeness
- Public Hearing schedule
- Public Notification

↓

City Council Hearing
- Within 45 days of filing complete application
- Consideration of staff, applicant and public testimony

↓

DENIAL ← **City Council Action** → **APPROVAL**

AFFIDAVIT

Authorization by Property Owner

I swear that I am the owner of the property that is the subject matter of the attached Application for Variance, as it is shown in the records of the City of Villa Rica, Georgia.

I authorize the persons named below to act as applicant in the pursuit of the obtaining the Variance for this property.

Name of Applicant: Starlight Homes Georgia, LLC

Address:

3780 Mansell Road, Suite 100

Alpharetta, GA 30022

Telephone Number: 770-652-2512

MATTEWS & REDDING, GP
Owner (Printed Name)

Jeff Matthews Manager
Signature of Owner

12-09-2021
Date

Personally Appeared Before Me:

Who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Janice Bass
Notary Public

12-2-2021
Date

JANICE BASS
NOTARY
EXPIRES
GEORGIA
Oct. 2, 2024
PUBLIC
HARALSON COUNTY

HARTLEY, ROWE & FOWLER, P.C.
ATTORNEYS AT LAW

JOSEPH H. FOWLER
DIRECT DIAL: 770/ 920-2001
EMAIL: JFOWLER@HRFLEGAL.COM

12301 VETERANS MEMORIAL HIGHWAY
POST OFFICE BOX 489
DOUGLASVILLE, GEORGIA 30133-0489

TELEPHONE: 770/920-2000
FAX: 770/920-9119

December 10, 2021

VIA HAND DELIVERY AND EMAIL
rjohnson@villarica.org

Mr. Ronald Johnson
Planning and Zoning Specialist
City of Villa Rica
571 West Bankhead Highway
Villa Rica, GA 30180

RE: *Application of Starlight Homes Georgia, LLC regarding justification for variance request*

Dear Ron:

It was a pleasure to meet with you, Mr. Ingram on behalf of Starlight Homes, and others at your office last week at your office in Villa Rica, regarding the variance request for the property located at 215 West Bankhead Highway.

We have filed a request for a variance from the provisions of Section 9.03(2)(c) which provides that "No primary or accessory building shall have service doors, garage doors, loading doors, or similar service entrances opening toward or oriented to the street or city road."

The rationale for the variance request is that, by virtue of the very narrow north-south configuration of the property, it is not possible for the site to be constructed with the townhomes proposed for the site (a total of 268, which is significantly <u>less</u> than the total authorized by the City's ordinance). The City's ordinance grants to the Community Development Director discretion to adjust requirements of Section 9.03(2)(d) as a result of "topographic, orientation, or other site conditions" that make compliance with the distance requirements, and it is respectfully submitted that the "Building Orientation" requirements of Section 9.03(2)(c) should be varied because of the site conditions of this 29.21 acre parcel.

As is clear from the site plan, the Developer has designed the site with a succession of east-west private drives in an attempt to collect the units in pods that cluster around common green spaces. This arrangement minimizes the sprawl effect that is sometimes characteristic of townhome or apartment communities

Please look this over and let us know if you need further clarification of the basis for this variance.

Respectfully,

HARTLEY, ROWE & FOWLER, P.C.

Joseph H. Fowler

Joseph H. Fowler

JHF/rs
cc: Mr. Joe Ingram (by email)

qPublic.net™ Carroll County, GA

Summary

Parcel Number	V02 0070100
Location Address	VILLA TRCE
Legal Description	V/29.21AC VILLA TRACE VR18/23 (Note: Not to be used on legal documents)
Class	C5-Commercial (Note: This is for tax purposes only. Not to be used for zoning.)
Tax District	VILLA RICA (District 03)
Millage Rate	31.887
Acres	29.21
Homestead Exemption	No (S0)
Landlot/District	164 / 06
Water	Public
Sewer	Public Sewer
Electric	Electricity
Gas	Pipe Gas
Topography	Level
Drainage	Good
Road Class	City
Parcel Road Access	Paved

View Map

Owner

MATTHEWS & REDDING GP
C/O BURNELL REDDING
2381 LEE PLACE
VILLA RICA, GA 30180

Tax Commissioner Link

Click here for tax information.

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Commercial	Ind-County	Acres	1,272,388	0	0	29.21	0

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
12/22/2008	4471 342	61 241	$0	Family/Corp Sale	MATTHEWS JEFF R	MATTHEWS & REDDING GP
12/12/2001	1697 113	61 241	$0	Part Interest	REDDING BURNELL	MATTHEWS JEFF R
3/1/2001	1450 275	61 241	$250,000	Land Market Sale	LEATHERS S TURNER JR	REDDING BURNELL
10/20/1997	1005 82		$0	Right o Way/Easement	LEATHERS S TURNER JR	LEATHERS S TURNER JR
9/22/1997	1005 80	61 241	$0	Legal	LEATHERS S T	LEATHERS S TURNER JR
8/22/1996	939 274		$0	Legal	LEATHERS S T	LEATHERS S TURNER JR

Valuation

		2021	2020	2019	2018	2017
	Previous Value	$196,050	$196,050	$196,050	$196,050	$146,050
	Land Value	$196,050	$196,050	$196,050	$196,050	$196,050
+	Improvement Value	$0	$0	$0	$0	$0
+	Accessory Value	$0	$0	$0	$0	$0
=	Current Value	**$196,050**	**$196,050**	**$196,050**	**$196,050**	**$196,050**

Photos

No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Permits, Sketches.

The Carroll County Tax Assessors makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. The assessed values are NOT certified values and therefore are subject to change before being finalized for ad valorem purposes.
User Privacy Policy
GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 12/8/2021, 6:19:29 PM

Version 2.3.164

Written Description:
Villa Trace

All that tract or parcel of land lying and being in Land Lot 164 of the 6th District, City of Villa Rica, Carroll County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a 1/2" rebar found at the intersection of the northeast corner of a tract as shown on the Survey for S. Turner Leathers, Jr., recorded in Plat Book 61, Page 241 and the common line of Land Lots 164 and 189, said point being the **TRUE POINT OF BEGINNING.**

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;
thence leaving said Land Lot Line thence S02°35'46"W for a distance of 2093.74 feet to a 1/2" rebar set; thence S28°25'12"W for a distance of 221.75 feet to a 1/2" rebar set; thence S02°35'46"W for a distance of 451.31 feet to a 1/2" rebar set at the northerly right of way of U.S. Highway 78 (80' right of way); thence along said northerly right of way N73°03'05"W for a distance of 58.37 feet to a nail found; thence leaving said northerly right of way N03°30'53"E for a distance of 300.73 feet to a 1/2" rebar found; thence N03°16'19"E for a distance of 149.79 feet to a 1/2" rebar found; thence N71°58'49"W for a distance of 107.59 feet to a 1/2" rebar found (leaning); thence N02°15'26"E for a distance of 16.27 feet to a 1/2" rebar set; thence N73°06'11"W for a distance of 82.63 feet to a 1" steel bar found; thence N71°38'55"W for a distance of 49.58 feet to a 1/2" rebar found (leaning); thence N75°59'02"W for a distance of 207.53 feet to a 1/2" rebar found (leaning) at the easterly right of way of Villa Trace (60' right of way); thence along said easterly right of way N02°26'58"E for a distance of 189.12 feet to a 1/2" rebar found; thence leaving said easterly right of way N01°59'24"E for a distance of 1736.64 feet to a 1/2" rebar set; thence N83°42'14"E for a distance of 238.53 feet to a 1/2" rebar found; thence N09°23'05"E for a distance of 134.27 feet to a point; thence N74°57'02"E for a distance of 167.60 feet to a point; thence N00°42'25"E for a distance of 3.42 feet to a point at the common line of Land Lots 164 and 189; thence along said Land Lot Line N89°38'18"E for a distance of 189.56 feet to a 1/2" rebar found, said point being the **TRUE POINT OF BEGINNING.**

Said tract or parcel of land contains 29.236 acres.

BK PG

4471 342 PT-61-022-2009-000412
CARROLL COUNTY, GEORGIA
REAL ESTATE
TRANSFER TAX PAID $ —
INTANGIBLE TAX PAID $ —
DATE 1-26-09
Allan J. Lee
CLERK OF SUPERIOR COURT

200970

FILED
GA. CARROLL COUNTY
CLERK SUPERIOR COURT
09 JAN 26 PM 2:05
Allan J. Lee

(3) -1

Prepared by and return to:

J. Marshall Martin
Foltz Martin, LLC
Five Piedmont Center, Suite 750
Atlanta, Georgia 30305

Cross reference Deed Book 1697, Page 113
Carroll County Records

QUITCLAIM DEED

THIS INDENTURE, is made this the 22nd day of December 2008, between **BURNELL REDDING** and **JEFF R. MATTHEWS**, as parties of the first part (hereinafter called the "Grantor") and **MATTHEWS & REDDING, GP**, a Georgia general partnership, as party of the second part (hereinafter called the "Grantee").

The words "Grantor" and "Grantee" shall include their respective heirs, successors and assigns where the context requires or permits.

WITNESSETH, That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other valuable consideration in hand paid and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the Grantee, all that tract or parcel of land lying and being in Carroll County, Georgia, and being more particularly described on **Exhibit "A"** attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD, the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any way appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal, the day and year first above written.

[signatures on next page]

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public
My Commission Expires:
(NOTARIAL SEAL)

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public
My Commission Expires:
(NOTARIAL SEAL)
MY COMMISSION EXPIRES DECEMBER 18, 2010

GRANTOR

Jeff R. Matthews

[CORPORATE SEAL]

Burnell Redding

[CORPORATE SEAL]

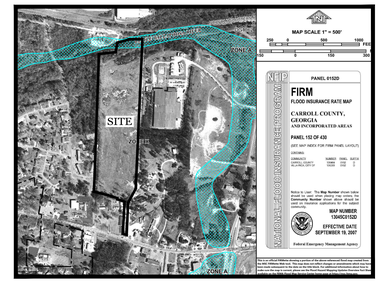
708956.1

EXHIBIT "A"

LEGAL DESCRIPTION

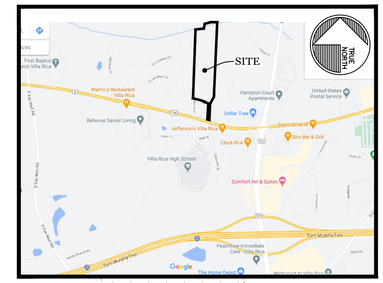
All that tract or parcel of land lying and being in Land Lot 164 of the 6th District, of Carroll County, Georgia, and being in the City of Villa Rica, and being more particularly described as 29.21 acres on that plat entitled "Survey for S. Turner Leathers, Jr.", by Jacob Roland Harrison, R.L.S. #1134 dated May 26, 1997, and recorded in Plat Book 61, Page 241, Clerk's Office, Carroll Superior Court, and said survey and the description contained therein is hereby incorporated by reference.

RECORDED JAN 27 2009
Alan J. Lee, CLERK



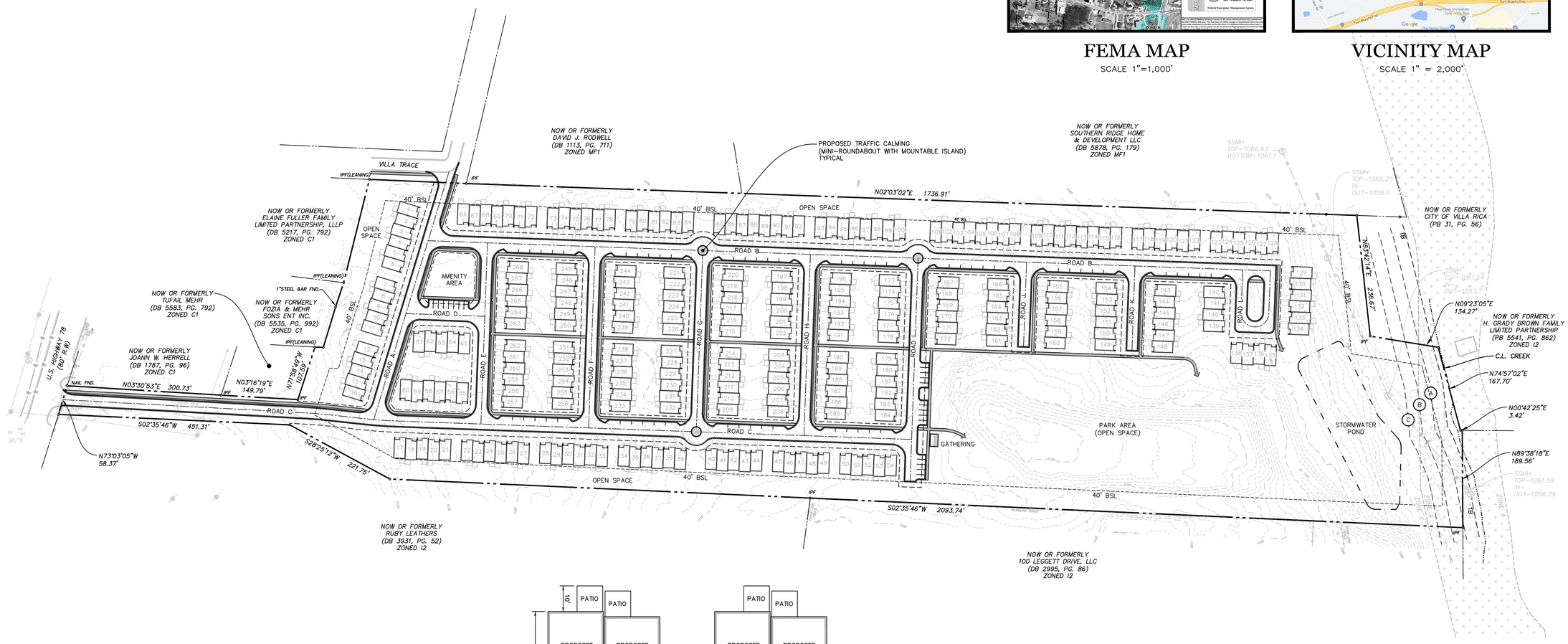
FEMA MAP

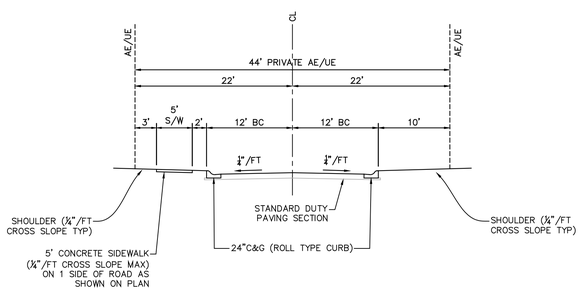
SCALE 1"=1,000'



VICINITY MAP

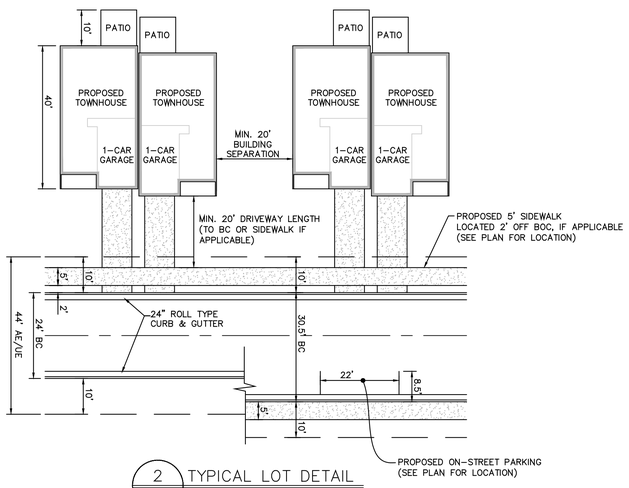
SCALE 1" = 2,000'





1 / Z.1 TYPICAL PRIVATE ROADWAY SECTION (44' AE/UE)

SCALE: NONE



2 / Z.1 TYPICAL LOT DETAIL

SCALE: 1" = 20'

PLAN NOTES:

1. SURVEY INFORMATION TAKEN FROM ALTA SURVEY BY GUNNIN LAND SURVEYING DATED MARCH 11, 2021.
2. SUBJECT PROPERTY IS LOCATED OFF U.S. HWY 78 & VILLA TRACT IN LAND LOT 164, 2ND SECTION, CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA (PARCEL V02 0070100)
3. TOTAL SITE AREA = 29.21 ACRES±
4. EXISTING ZONING: I2 (INDUSTRIAL MEDIUM-DENSITY)
   PROPOSED ZONING: SFA (SINGLE FAMILY ATTACHED)
5. APPLICANT: STARLIGHT HOMES, LLC
   3820 MANSELL ROAD, SUITE 300
   ALPHARETTA, GEORGIA 30022
   CONTACT: MR. JOE INGRAM 770.233.7361
6. UPON EXAMINATION OF FEMA FLOOD INSURANCE RATE MAPS OF CARROLL COUNTY, GEORGIA, FIRM PANEL MAP #13045C0152D, DATED 09.19.2007, IT HAS BEEN DETERMINED THAT A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA (ZONE A SHADED) AS SHOWN ON PLAN.
7. THIS SITE DOES CONTAINS JURISDICTIONAL BUFFERED STATE WATERS ALONG THE REAR/NORTHERN PROPERTY LINE AS SHOWN ON PLAN.
8. TO THE APPLICANTS KNOWLEDGE, THIS SITE CONTAINS NO KNOWN ARCHEOLOGICAL/HISTORICAL SITES.
9. WATER & SEWER SERVICE TO BE PROVIDED BY CITY OF VILLA RICA.
10. SUBDIVISION TO HAVE PRIVATE ROADWAYS (24' BOC-BOC IN A 44' WIDE ACCESS/UTILITY EASEMENT). SIDEWALKS TO BE PROVIDED ON ONE SIDE OF PROPOSED ROADWAYS AS SHOWN (5' WIDE LOCATED 2' OFF BOC).

SITE ANALYSIS

TOTAL SITE AREA		29.21 ACRES±
TOWNHOMES	22' WIDE x 40' + 10' PATIO (FRONT ENTRY)	268 UNITS
PROPOSED DENSITY		9.17 UNITS/ACRE
SFA ZONING CRITERIA		
MAXIMUM BUILDING COVERAGE		40%
MAXIMUM IMPERVIOUS COVERAGE		50%
MINIMUM LIVING AREA (PER UNIT)		1,040 S.F.
MINIMUM OPEN SPACE		12%
SETBACK REQUIREMENTS		
FRONT BSL	BANKHEAD HWY	45 FEET
	VILLA TRACE	35 FEET
SIDE BSL	EXTERNAL PROPERTY LINE	40 FEET
	INTERNAL	0 FT BETWEEN UNITS & 20 FT BETWEEN BUILDINGS
REAR BSL		40 FEET
MINIMUM LIVING AREA FACADE WIDTH		22 FEET*
MAXIMUM BUILDING HEIGHT		40 FEET

* VARIANCE REQUIRED

TRUE NORTH

0 50' 100' 200' 400'

SCALE: 1"= 100'

CP&E

CHRISTOPHER PLANNING & ENGINEERING

GEORGIA REGISTERED No. 05744 PROFESSIONAL ENGINEER STEVEN J. CHRISTOPHER

8/23/2021

GSWCC LEVEL II CERTIFIED
DESIGN PROFESSIONAL #05744
(EXP. 02.17.2021)

12460 CRABAPPLE ROAD
SUITE 202-612
ALPHARETTA, GEORGIA 30004
PHONE 770.331.7303

THESE PLANS ARE THE PROPERTY OF CHRISTOPHER PLANNING & ENGINEERING (CP&E). THESE DOCUMENTS MAY NOT BE COPIED, REPRODUCED, USED OR IMPLEMENTED IN ANY WAY, IN PART OR IN WHOLE, WITHOUT THE WRITTEN CONSENT OF CP&E. ALL COMMON LAW RIGHTS OF COPYRIGHT ARE HEREBY SPECIFICALLY RESERVED.

ZONING SITE PLANS

FOR:

VILLA TRACE TRACT

PARCEL ID: V02 0070100
LAND LOT 164
6TH DISTRICT, 2ND SECTION
CITY OF VILLA RICA
CARROLL COUNTY, GEORGIA

FOR:

STARLIGHT HOMES

STARLIGHT HOMES

3780 MANSELL ROAD, SUITE 100
ALPHARETTA, GEORGIA 30022
PHONE 770.233.7361

REVISIONS

1	08.23.2021	CITY COMMENTS

DATE: JUNE 9, 2021

CP&E DRAWING NO: 2021106z1.dwg

ZONING SITE PLAN

SHEET NO. Z.1

CITY OF VILLA RICA

City Council Packet

SUBJECT: VA-12-21 – 700-740 Hickory Level Road

CITY COUNCIL AGENDA DATE: January 11th, 2022

DATE: January 7, 2022

PREPARED BY: Ronald Johnson, Planning and Zoning Specialist

PUBLIC HEARING REQUIRED: Yes

PURPOSE: Villa Rica RTH Owner, LLC of Atlanta, GA has requested a variance from side yard setbacks that would impact two units on the site; as well as relief from both the 50' and 75' stream buffers in certain sections of the parcel.

BACKGROUND: The parcel is vacant and has been vacant throughout its existence. The Unified Development Code (UDC) zoned the property as Multifamily (R-14). In August of 2020, the City Council rezoned the property to Multifamily Low-Density (MF1), which was a lateral change from the previous R-14 zone as a part of the citywide rezoning efforts. The applicant has been working with the Community Development Department since early 2020 under the UDC.

The applicant proposes to construct 110 townhomes on the parcel. Two amenities and one entrances will be required.

STAFF RECOMMENDATION:

1. Side Yard Setback Variance – DENIAL
2. 50' Stream Buffer Variance – APPROVAL
3. 75' Stream Buffer Variance – APPROVAL

Reasons: The property in question has a considerable amount of topographic and site orientation concerns that has prompted this action from the applicant. The side yard setbacks are considered self-imposed by staff, whereas the stream buffer request is considered a bona-fide topographical hardship that is inherent with developing this parcel for any multifamily, mixed use or commercial yield.

PLANNING COMMISSION RECOMMENDATION: N/A

MOTION:

(1) I move to deny the side yard setback variance request from Villa Rica RTH Owner, LLC of Atlanta, GA.

(2) I move to approve the variance to encroach into the 50' stream buffer in areas as indicated on the supplied site plan dated September 9th, 2021.

(3) I move to approve the variance to encroach within the 75' stream buffer in areas as indicated on the supplied site plan dated September 9th, 2021.

APPLICATION FOR VARIANCE/APPEAL

☐ APPEAL [x] VARIANCE

The procedure for requesting a Variance or filing an Appeal is set forth in Section 2.03.J and 2.03.K respectively, of the Unified Development Code (UDC). Generally, the amendment process involves review by the Community Development Manager and City Council.

Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: 11/17/2021

APPLICANT

Applicant Name: Villa Rica RTH Owner, LLC

Address: 1776 Peachtree Street NW, Suite 100 **City:** Atlanta **State:** GA **Zip:** 30308

Phone: (864) 978 - 4567 **Fax:** ( ) - **Email:** abunn@tpa-res.com

Agent Name: Gaskins Surveying Company, Inc (attn: David Stuart)

Address: 1266 Powder Springs Road **City:** Marietta **State:** GA **Zip:** 30064

Phone: (770) 424 - 7168 **Fax:** ( ) - **Email:** dstuart@gscsurvey.com

Owner Name *(If different from applicant)*:

Address: **City:** **State:** **Zip:**

Phone: ( ) - **Fax:** ( ) - **Email:**

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

VARIANCE OR APPEAL INFORMATION

Address of Variance or Appeal Location:
700-740 Hickory Level Road, NE, Villa Rica, GA 30180

I, Tyler Gaines*, hereby state that all of the above statements and statements contained in the documents submitted with this application are true. I hereby request processing of this application.*

Signature of Applicant **Date** 11/18/2021

Required Materials to Accompany the Application

The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

Variance:

1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
2. A site plan demonstrating the requested variance, showing the affected property, adjacent property, zoning and existing land use;
3. A statement of why the variance is necessary;
4. A statement as to how the applicant=s request satisfies each required finding;
5. A listing of the owners of property within 250 feet of the subject property and the mailing addresses for said owners on file with the County Assessor; and
6. Any other exhibits as may be required by the Community Development Manager.

Appeals from Staff Determinations:

1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment;
2. A statement as to why the applicant believes the Staff's determination is contrary to the intent and requirements of the Code; and
3. Any other exhibits as may be required by the Community Development Manager.

Return Form to:
Planning & Zoning
Office of Community Development
City of Villa Rica
571 West Bankhead
Villa Rica, GA 30180

678.785.1004 (T)
770.459.7003 (F)

For Department Use Only

Case No: _____

Filing Fee: _____

Date Received: _____

Pre-Application Conf: _____

Staff Comments/Findings:_____

_____

Action and Date: _____

_____

Copy of Ownership Record

eFiled and eRecorded
DATE: 09/21/2021
TIME: 3:33 PM
DEED BOOK: 5988
PAGE: 524 - 528
FILING FEES: $25.00
TRANSFER TAX: $0.00
INTANGIBLE TAX: $0.00
PARTICIPANT ID: 1983094574
PARTICIPANT ID: 7067927936
PT61: 022-2021-005584
RECORDED BY: WT
CLERK: Alan J. Lee
Carroll County, GA

NCS 1045677

Above Space Reserved for Recording

After recording, return to:
Alston & Bird, LLP
1201 West Peachtree St.
Atlanta, GA 30309
Attn: Alison Jones, Esq.

Tax Parcel V070100167

STATE OF GEORGIA

COUNTY OF CARROLL

QUIT-CLAIM DEED

THIS INDENTURE, made this 16th day of September, 2021, between **JEFFREY R. MATTHEWS**, an individual resident of the State of Georgia ("Grantor"), and **VILLA RICA RTH OWNER, LLC**, a Delaware limited liability company (herein called "**Grantee**").

WITNESSETH, Grantor for the sum of Ten Dollars ($10.00) and other good and valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release, convey and forever quit-claim to Grantee all the right, title, interest, claim or demand which Grantor has or may have had in and to all that tract of land described on Exhibit A, attached hereto and made a part hereof.

Together with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto Grantee, so that neither Grantor nor any other person or persons claiming under Grantor shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

This conveyance is subject to the following restriction:

In no event shall the sewer capacity necessary for the development of the Property exceed the amount of sewer capacity which would be allocated to 120 residential units pursuant to local rules or regulations governing the development of the Property, without the prior written consent of Grantor, his heirs, devisees, and assigns.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context permits.)

[Execution on Following Page]

IN WITNESS WHEREOF, Grantor has signed and sealed this quit-claim deed, the day and year above written.

Signed, sealed and delivered in the presence of:

Unofficial Witness

JEFFREY R. MATTHEWS

Notary Public

(NOTARY SEAL)

My Commission Expires:
10/2/2024

JANICE BASS
NOTARY
EXPIRES
GEORGIA
Oct. 2, 2024
PUBLIC
HARALSON COUNTY

EXHIBIT A

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 132 of the 6th District, City of Villa Rica, Carroll County, Georgia, and being more particularly described as follows:
Commencing at the intersection of the westerly right-of-way of Cooley Way (60' right-of-way) and the northerly right-of-way of Hickory Level Road (80' right-of-way);
Thence running along said right-of-way of Hickory Level Road in a westerly direction 576.92' to a point; said point being the POINT OF BEGINNING;
Thence along said right-of-way a curve to the right an arc length of 150.90 feet, said curve having a radius of 1006.38 feet, and being subtended by a chord of 150.76 feet, at South 76 degrees 16 minutes 59 seconds West to a point;
Thence along said right-of-way South 81 degrees 47 minutes 43 seconds West 170.39 feet to a point;
Thence along said right-of-way a curve to the left an arc length of 44.61 feet, said curve having a radius of 1454.26 feet, and being subtended by a chord of 44.61 feet, at South 80 degrees 55 minutes 00 seconds West to a #4 rebar found;
Thence leaving said right-of-way North 09 degrees 32 minutes 27 seconds West 50.01 feet to a #4 rebar found;
Thence North 07 degrees 58 minutes 21 seconds East 176.58 feet to a #4 rebar found;
Thence North 07 degrees 16 minutes 10 seconds East 286.28 feet to a #4 rebar found;
Thence North 48 degrees 02 minutes 01 seconds East 152.27 feet to a #4 rebar found;
Thence North 40 degrees 11 minutes 31 seconds West 416.54 feet to a #4 rebar found;
Thence North 20 degrees 05 minutes 53 seconds West 243.61 feet to a 26" sweet gum tree found;
Thence North 69 degrees 56 minutes 01 seconds East 135.54 feet to a #4 rebar found;
Thence North 13 degrees 07 minutes 14 seconds West 564.96 feet to a #4 rebar found;
Thence running along the centerline of a drive the following:

Thence South 15 degrees 24 minutes 17 seconds East 149.48 feet to a point;

Thence South 24 degrees 45 minutes 34 seconds East 43.88 feet to a point;

Thence along a curve to the left an arc length of 28.19 feet, said curve having a radius of 42.77 feet, and being subtended by a chord of 27.69 feet, at South 43 degrees 38 minutes 42 seconds East to a point;

Thence South 59 degrees 39 minutes 56 seconds East 54.68 feet to a point;

Thence along a curve to the left an arc length of 78.72 feet, said curve having a radius of 204.34 feet, and being subtended by a chord of 78.23 feet, at South 78 degrees 58 minutes 23 seconds East to a point;

Thence North 86 degrees 55 minutes 04 seconds East 45.84 feet to a point;

Thence along a curve to the right an arc length of 96.81 feet, said curve having a radius of 208.51 feet, and being subtended by a chord of 95.94 feet, at South 79 degrees 46 minutes 54 seconds East to a point;

Thence with a compound curve to the right an arc length of 49.73 feet, said curve having a radius of 82.98 feet, and being subtended by a chord of 48.99 feet, at South 49 degrees 18 minutes 46 seconds East to a point;

Thence with a compound curve to the right an arc length of 92.25 feet, said curve having a radius of 362.04 feet, and being subtended by a chord of 92.00 feet, at South 24 degrees 50 minutes 42 seconds East to a point;

Thence South 16 degrees 52 minutes 37 seconds East 61.70 feet to a point;

Thence along a curve to the right an arc length of 67.60 feet, said curve having a radius of 180.67 feet, and being subtended by a chord of 67.21 feet, at South 06 degrees 09 minutes 30 seconds East to a point;

Thence South 06 degrees 10 minutes 57 seconds West 110.64 feet to a point;

Thence along a curve to the left an arc length of 125.31 feet, said curve having a radius of 415.90 feet, and being subtended by a chord of 124.84 feet, at South 02 degrees 26 minutes 58 seconds East to a point;

Thence South 13 degrees 00 minutes 59 seconds East 56.33 feet to a point;

Thence along a curve to the right an arc length of 64.71 feet, said curve having a radius of 444.84 feet, and being subtended by a chord of 64.65 feet, at South 08 degrees 50 minutes 57 seconds East to a point;

Thence South 05 degrees 29 minutes 40 seconds East 55.70 feet to a point;

Thence along a curve to the left an arc length of 105.01 feet, said curve having a radius of 127.27 feet, and being subtended by a chord of 102.05 feet, at South 30 degrees 33 minutes 22 seconds East to a point;

Thence with a reverse curve to the right an arc length of 65.46 feet, said curve having a radius of 385.03 feet, and being subtended by a chord of 65.38 feet, at South 49 degrees 01 minutes 59 seconds East to a point;

Thence South 38 degrees 58 minutes 18 seconds East 42.22 feet to a point;

Thence along a curve to the right an arc length of 85.66 feet, said curve having a radius of 124.33 feet, and being subtended by a chord of 83.98 feet, at South 19 degrees 14 minutes 01 seconds East to a point;

thence with a compound curve to the right an arc length of 54.01 feet, said curve having a radius of 382.58 feet, and being subtended by a chord of 53.97 feet, at South 02 degrees 42 minutes 01 seconds West to a point;

Thence with a compound curve to the right an arc length of 166.87 feet, said curve having a radius of 2277.45 feet, and being subtended by a chord of 166.83 feet, at South 08 degrees 50 minutes 38 seconds West to a point;

Thence South 10 degrees 56 minutes 35 seconds West 162.06 feet to a point;

Thence along a curve to the left an arc length of 155.37 feet, said curve having a radius of 735.96 feet, and being subtended by a chord of 155.08 feet, at South 04 degrees 53 minutes 43 seconds West to a point; said point being the POINT OF BEGINNING.

Said tract or parcel contains 11.74 Acres (511372 Square Feet), more or less.

JRM

Site Plan

- 11 x 17 inch drawing
- 24 x 36 inch drawing

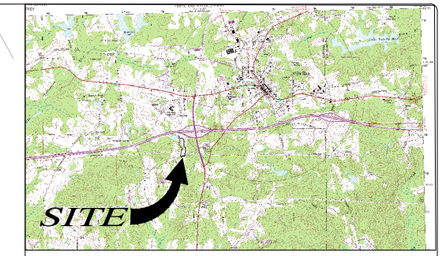
LEGEND

	P.P.– POWER POLE
	L.P.– LIGHT POLE
	F.H.– FIRE HYDRANT
	M.H.– SANITARY SEWER MANHOLE
W/M	W.M.– WATER METER
G/M	G.M.– GAS METER
	RBS– REINFORCING BAR SET
	RBF– REINFORCING BAR FOUND
	CTF– CRIMP TOP PIPE FOUND
	OTF– OPEN TOP PIPE FOUND
	R/W MON.– RIGHT-OF-WAY MONUMENT
—x—	TYPE OF FENCE
	J.B.– JUNCTION BOX
	D.I.– DROP INLET / YARD INLET
	C.B.– CATCH BASIN
	R.C.P.– REINFORCED CONCRETE PIPE
	C.M.P.– CORRUGATED METAL PIPE
	F.F.E.– FINISHED FLOOR ELEVATION
	WATER VALVE
	C.O. SEWER CLEAN OUT
	TELEPHONE MANHOLE
	OVERHEAD POWER LINES
	HW.–HEADWALL
PBX	POWERBOX
1234	STREET ADDRESS
-W-W-	WATER LINE
---T---T-	UNDERGROUND TELEPHONE LINE
---G---	GAS LINE
---E---	UNDERGROUND ELECTRICAL LINE

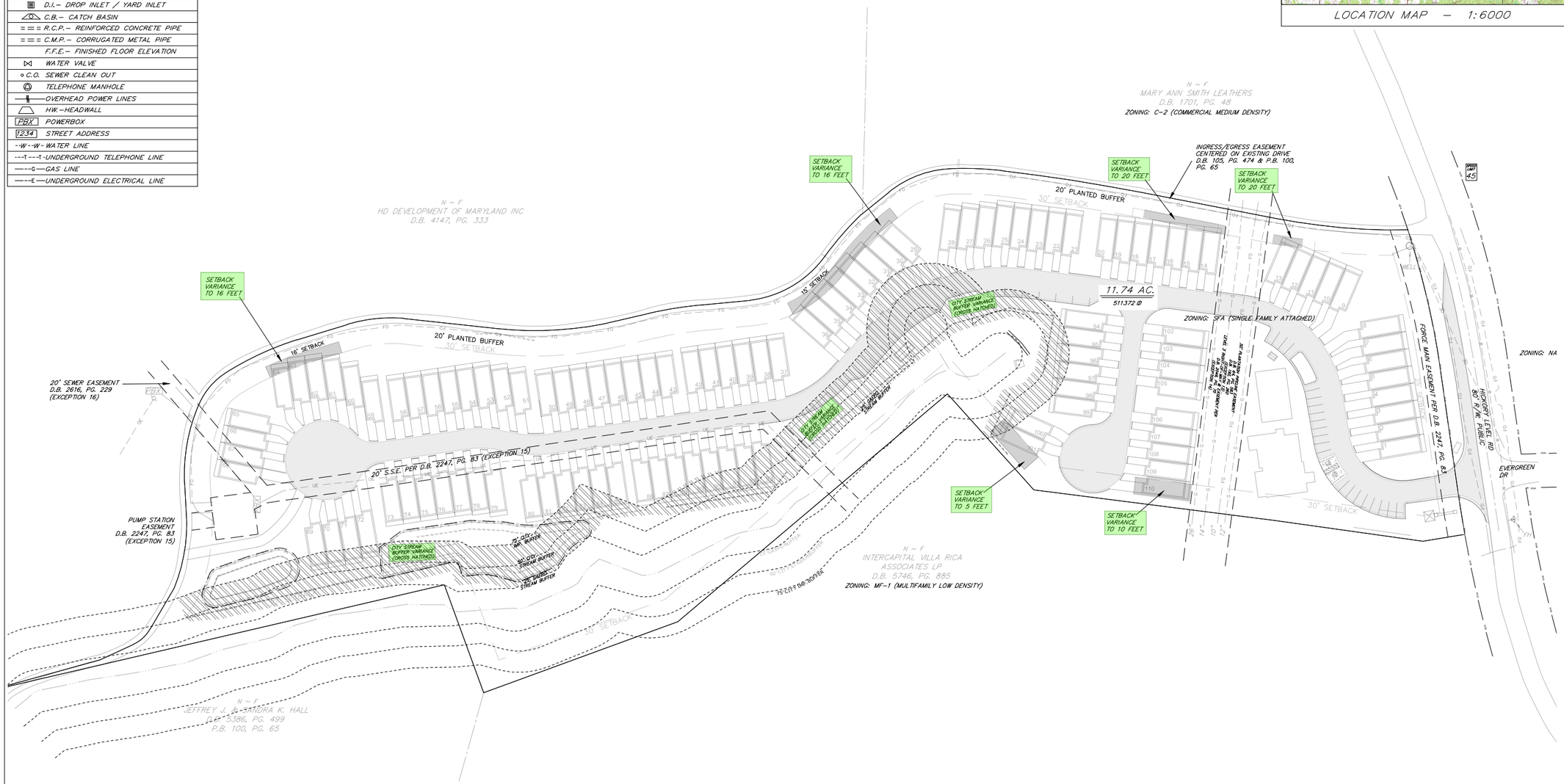
UTILITIES:
POWER: CARROLL EMC
WATER: CITY OF VILLA RICA
SANITARY SEWER: CITY OF VILLA RICA

SURVEYOR REFERENCES:
P.B. 19 PG. 244

CURRENT OWNER:
VILLA RICA RTH OWNER, LLC



LOCATION MAP – 1:6000



THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X , ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130289 , MAP NUMBER # 13045C0152D DATED SEPTEMBER 19, 2007 . # 13045C0154D DATED SEPTEMBER 19, 2007 .

OWNER/DEVELOPER:
TPA RESIDENTIAL
1776 PEACHTREE STREET NW, SUITE 100
ATLANTA, GA 30309

24 HR. PHONE & EMERGENCY CONTACT:
ADAM BUNN
864-978-4567

NORTH

60 0 60 120
SCALE IN FEET

811 Know what's below. Call before you dig.

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1262 Powder Springs Road
Marietta, GA 30064
Phone: 770.424.7368
534 Old Norcross Rd, Suite 204
Lawrenceville, GA 30046
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HICKORY LEVEL ROAD
TOWNHOMES

LAND LOT 132, 6TH DISTRICT
CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA
ZONED SFA

REVISIONS

REV.	DATE	REVISION REFERENCE:
1	10/2021	CITY COMMENTS

SHEET TITLE
EX. CONDITIONS

SEAL
GEORGIA REGISTERED PROFESSIONAL ENGINEER PE 028214 09/09/2021 THOMAS LEE RODERICK III
GaSWCC #02368

PROJECT I.D. 2101002	FIELD BOOK
DRAWN BY GAF	CHECKED BY TLR
SCALE 1"=60'	ISSUE DATE 09/09/21

SHEET NUMBER
V1

LEGEND

	P.P.– POWER POLE
	L.P.– LIGHT POLE
	F.H.– FIRE HYDRANT
	M.H.– SANITARY SEWER MANHOLE
W/M	W.M.– WATER METER
G/M	G.M.– GAS METER
	RBS– REINFORCING BAR SET
	RBF– REINFORCING BAR FOUND
	CTF– CRIMP TOP PIPE FOUND
	OTF– OPEN TOP PIPE FOUND
	R/W MON.– RIGHT–OF–WAY MONUMENT
—×—	TYPE OF FENCE
	J.B.– JUNCTION BOX
	D.I.– DROP INLET / YARD INLET
	C.B.– CATCH BASIN
= = =	R.C.P.– REINFORCED CONCRETE PIPE
= = =	C.M.P.– CORRUGATED METAL PIPE
	F.F.E.– FINISHED FLOOR ELEVATION
	WATER VALVE
○ C.O.	SEWER CLEAN OUT
	TELEPHONE MANHOLE
	OVERHEAD POWER LINES
	HW.–HEADWALL
PBX	POWERBOX
1234	STREET ADDRESS
-W-W-	WATER LINE
--T--T-	UNDERGROUND TELEPHONE LINE
—G—	GAS LINE
—E—	UNDERGROUND ELECTRICAL LINE

UTILITIES:
POWER: CARROLL EMC
WATER: CITY OF VILLA RICA
SANITARY SEWER: CITY OF VILLA RICA

SURVEYOR REFERENCES:
P.B. 19 PG. 244

CURRENT OWNER:
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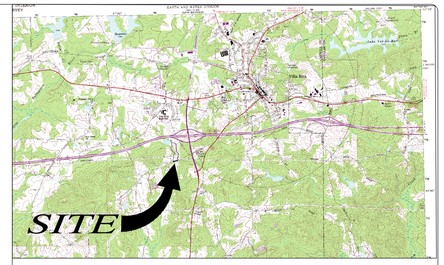
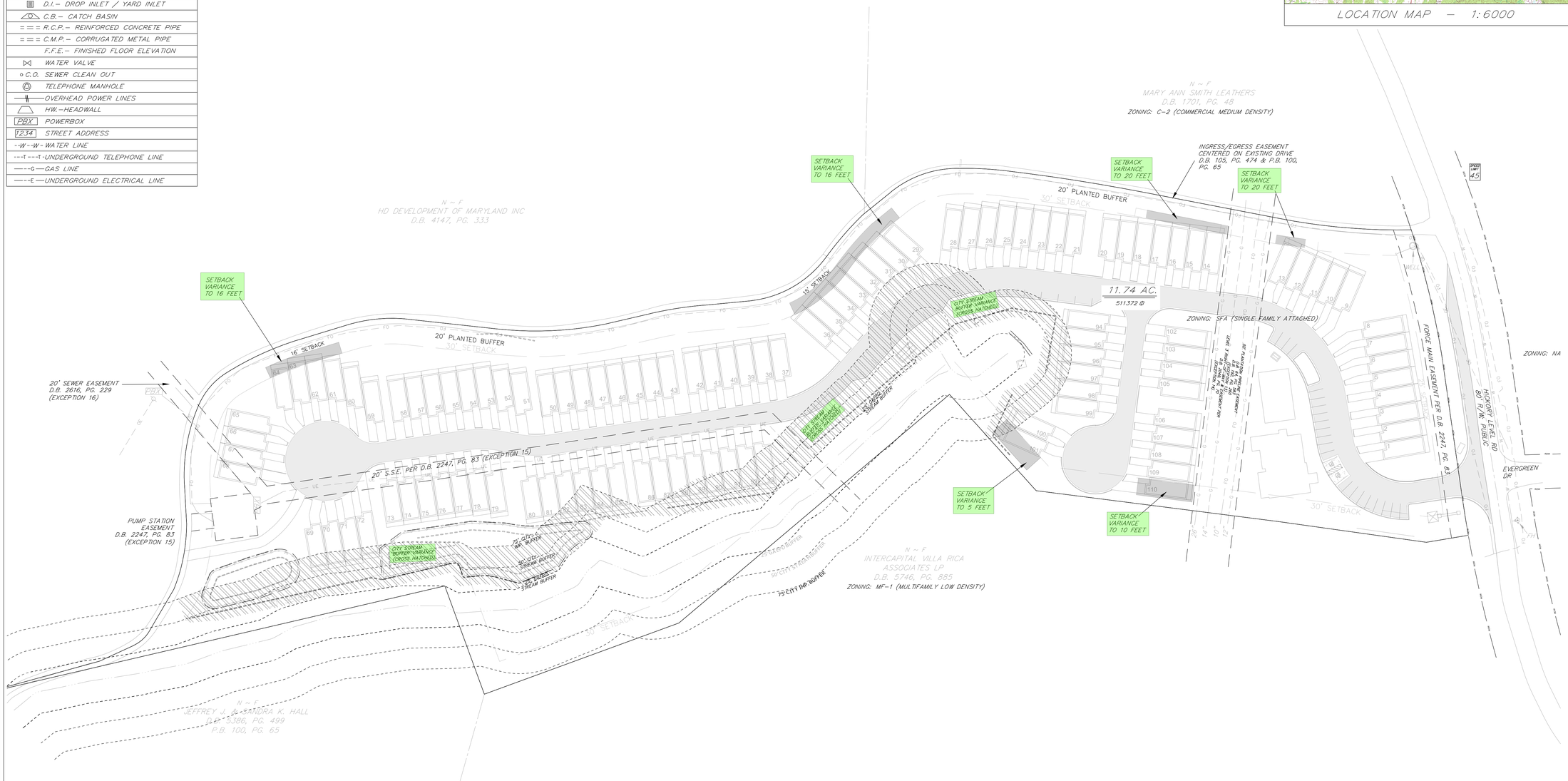


LOCATION MAP – 1:6000



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HICKORY LEVEL ROAD
TOWNHOMES
LAND LOT 132, 6TH DISTRICT
CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA
ZONED SFA

NOT ISSUED FOR CONSTRUCTION

REVISIONS

REV.	DATE	REVISION REFERENCE:
1	10/2021	CITY COMMENTS

SHEET TITLE
EX. CONDITIONS

SEAL
GEORGIA REGISTERED PROFESSIONAL ENGINEER 09/09/2021 THOMAS LEE RODGERS II, P.E.

GaSWCC #02368

PROJECT I.D.	FIELD BOOK
2101002	
DRAWN BY	CHECKED BY
GAF	TLR
SCALE	ISSUE DATE
1"=60'	09/09/21

SHEET NUMBER
V1

Statement of Necessity

Gaskins
ENGINEERING • SURVEYING • PLANNING/CONSULTING • CONSTRUCTION MGMT

SMALL BUSINESS HALL OF FAME

November 17, 2021

City of Villa Rica
571 West Bankhead
Villa Rica, GA 30180

Subject: Hickory Level Townhome Project
Statement of Necessity for Buffer Variance

Dear City of Villa:

Our client has purchased land on Hickory Level Road for the development of townhomes. We've worked closely with members of the City staff on this project since early 2020 to layout a workable plan. We are currently in design/permitting of the project and have overcome numerous hurdles to get to this point.

One hurdle we can't overcome is the need to encroach into the 75-foot and 50-foot stream buffers in certain areas of the site. Also, there are a few areas where the setback needs to be adjusted to accommodate the planned units.

Attached is an exhibit depicting these areas. Without obtaining a variance from the City on these specific buffers, the project is not financially viable as numerous units would be required to be removed from the overall yield. The loss of these units would create a financial burden that would be significant and devastating.

We seek your approval to allow a variance to develop into the specific buffers noted in the attached exhibit.

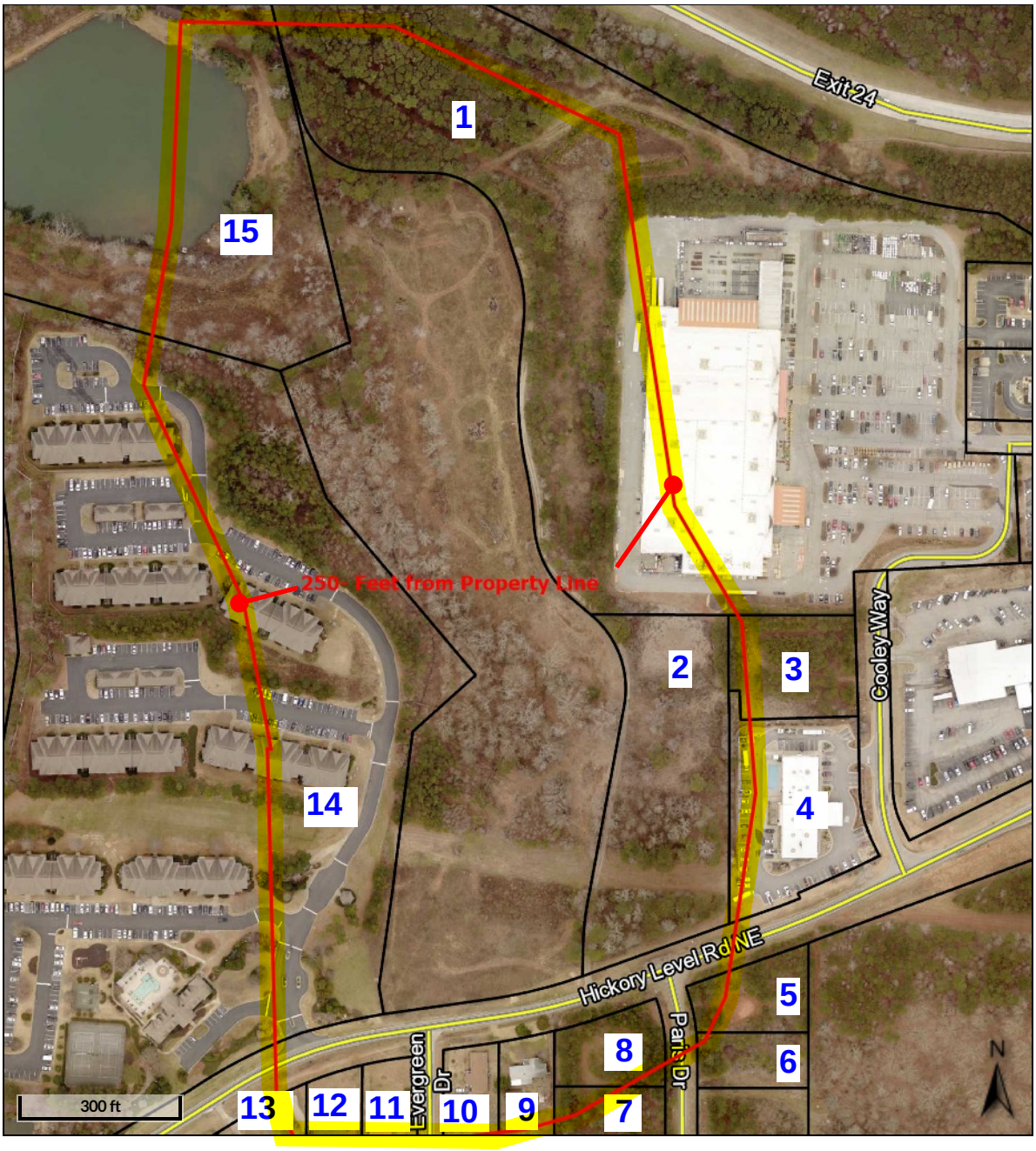
Sincerely,
Gaskins Surveying Company, Inc.

David Stuart, P.E.
Director of Engineering

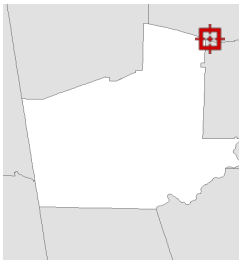
Adjoining Owners Within 250 feet

qPublic.net™ Carroll County, GA

Map of Properties within 250 feet of Subject Site



Overview



Legend

- Parcels
- Roads

Date created: 11/17/2021
Last Data Uploaded: 11/16/2021 6:11:00 PM

Developed by Schneider GEOSPATIAL

Hickory Level Townhomes
Property Owners within 250 feet

Map ID	Property ID	Owner Name	Mailing Address
1	V07 0100127	HD Development of Maryland, Inc.	PO Box 105842, Atlanta, GA 30348
2	V07 0100186	Mary Ann Smith Leathers	7432 Wexford Ct, Bradenton, FL 34202
3	V07 0100195	D Austin Family Limited Partnership	PO Box 8, Carrollton, GA 30112
4	V07 01000169	Inaya Hotels, LLC	1610 Girvan Ridge Dr, Johns Creek, GA 30097
5	V07 0100153	Bapu Enterprise, LLC	976 W Pointe Ct, Lithia Springs, GA 30122
6	V07 0100152	Bapu Enterprise, LLC	976 W Pointe Ct, Lithia Springs, GA 30122
7	V07 0100155	Carolos A & Julio C Hernandez	5459 Dukes Rd, Douglasville, GA 30135
8	V07 0100154	Carolos A & Julio C Hernandez	5459 Dukes Rd, Douglasville, GA 30135
9	1680192	Michael Roy Patterson	756 Hickory Level Road, Villa Rica, GA 30180
10	1680193	Bobby J & Claudia R Thomas Sr.	766 Hickory Level Road, Villa Rica, GA 30180
11	1680189	Aquino Wally Rodriquez	782 Hickory Level Road, Villa Rica, GA 30180
12	1680392	Virginia Keck	792 Hickory Level Road, Villa Rica, GA 30180
13	1680102	Allan Lee Hovi	808 Hickory Level Road, Villa Rica, GA 30180
14	V07 0100150	Intercapital Villa Rica Assoicates, LP	1700 W Loop South, Suite 350, Houston, TX 77027
15	1480128	Jeffrey Jay & Sandra K Hall	6432 Rose Circle, Douglasville, GA 30134

Notarized Owner's Statement Authorizing this Variance Request

I, Tyler Gaines, authorize the submission of this variance request.

Notary Public

(Notary Seal)

MARY SWAIN BOURNE
My Commission Expires
NOTARY PUBLIC
06-28-2022
FULTON COUNTY, GEORGIA

My Commission Expires

6/28/2022

Tyler Gaines

Planning & Zoning
Community Development Department

Villa Rica City Hall
571 W. Bankhead Hwy
Villa Rica, GA 30180
T: 678.840.1238
F: 770.459.7003
www.villarica.org

January 7, 2022

Alisa Doyal, City Clerk
City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

Re: Planning Report
Villa Rica RTH Owner, LLC
c/o TPA Residential LLC
VA-12-21
700-740 Hickory Level Road
Land Lot 132, District 6
Parcel # V07 0100167
Lot Size: 12.69 Ac
Ward: 2
City Council Member: Matthew Momtahan
Planning Board Member: David Rogers
City of Villa Rica, Carroll County, Georgia

Dear Mrs. Doyal:

Villa Rica RTH Owner, LLC (the Applicant) is seeking variance relief from certain side yard setback requirements as well as a variance to encroach within the city's 75' impervious and 50' non-disturbance buffers. The property fronts onto Hickory Level Road. The variances are outlined in Section D.

The following documents, which were submitted in support of the application, have been reviewed:

1. Application for a Variance, dated November 17th, 2021 (2 pages);

2. Applicant Statement of Necessity, prepared by Joseph H. Fowler, dated December 10th, 2021 (2 pages);

3. Quit Claim deed, dated December 16th, 2021, signed by Jeff R. Matthews;

4. Site Plan, dated September 9, 2021, prepared by Thomas Lee Rogers, PE (1 page).

5. Examples of front elevation drawings, undated and unsigned (7 pages).

A. Existing Conditions

The subject property is located north of Hickory Level Road and west of GA Highway 61. The parcel has approximately 369' of frontage along Hickory Level Road. The property is an "S" shaped lot that has a sloping terrain towards the north of the property and rising to street level on the southern section of the lot. An unidentified stream/creek abuts the western property line. The property is not in a flood zone.

The parcel is currently zoned Single-Family Attached (SFA) and features undeveloped land. The parcel borders a city boundary/unincorporated area on the northwestern side of the lot and the southern boundary at Hickory Level Road. The parcel is directly adjacent to the Commercial Medium-Density (C-2) zone to the east and north, and Hickory Falls apartments in the MF1 zone to the west. The parcel is also adjacent to vacant parcels mobile homes and single-family homes to the south across Hickory Level Road.

Surrounding Properties:

TABLE 1 – SURROUNDING LAND USES		
	Current Zoning	**Land Use Character Area**
North	Commercial Medium-Density (C-2)	I-20 Gateway Activity Area
East	Commercial Medium-Density (C-2)	I-20 Gateway Activity Area
South	Manufactured Home Subdivision (MHS) – Carroll County	Residential – Carroll County
West	Agricultural (A) – Carroll County Multifamily Low-Density (MF1)	Residential – Carroll County I-20 Gateway Activity Area

Figure 1: Carroll County GIS image of the site, with the property boundaries approximated.

B. Site History

The parcel is vacant and has been vacant throughout its existence. The Unified Development Code (UDC) zoned the property as Multifamily (R-14). In August of 2020, the City Council rezoned the property to Multifamily Low-Density (MF1), which was a lateral change from the previous R-14 zone as a part of the citywide rezoning efforts. The applicant has been working with the Community Development Department since early 2020 under the UDC.

C. Proposed Development

The applicant is proposing to construct a 110-unit townhome development. A variance has been requested from the city's Development Code requirement to maintain 50' nondisturbance buffers,

and 75' impervious buffers along all creeks and streams (in addition to the state mandated 25'). The applicant has not indicated how much relief within each buffer is sought, however they have submitted a site plan indicating the areas impacted within a cross-hatched area.

The applicant also requests relief from side setbacks throughout the site, ranging from 10' of relief to 25' of relief for certain units. Approximately twenty (20) units will be impacted.

Because the applicant submitted their site plan in July 2020, one month prior to the new zoning ordinance being adopted, the Community Development Department agreed to review the application under their previous R-14 zoning designation within the UDC. In return, the applicant has agreed to utilize the architectural design guidelines within the new zoning ordinance related to exterior materials. Therefore, for all intents and purposes, this development will utilize the R-14 setbacks and all other bulk regulations of that zoning category in lieu of the SFA Zone standards.

Flood Plain

The property is not located within a flood zone, based on FEMA's maps. This area is considered in "Flood Zone X", which is a flood area without base flood elevation levels determined. Figure 2, below, indicates the flood zone map:

Figure 2: FEMA Flood Map

D. Variances

The developer has requested variance relief from the zoning ordinance as outlined below. The applicant's stated reasons for not complying with the required side yard setback is due to topographic and site orientation related issues.

The Applicant has requested variance relief for the following:

1. Side Yard Setbacks (15' required, whereas 5' is requested on Unit 101 and 10' on Unit 110).
2. 75' and 50' Stream Buffers – The applicant has not indicated the total amount of aggregate square footage impacted.

Proofs for Variances
In review of the variances requested for the development, the "benefits vs. detriments" of such an approval was reviewed in addition to the purposes of the Comprehensive Plan. The purposes of the request were made clear by the applicant in their application and, according to the applicant, stems from topographic conditions, the impacts from the stream buffers, and the narrow and curvy orientation of the lot. Staff agrees that the feasibility of the development is dramatically reduced should the stream buffer variance not be granted. The side yard setback variances would only impact two units, and there are no negative impacts to approving such a variance. The adjacent development is a multifamily apartment home community.

The Future Land Use Plan prescribes "I-20 Gateway Activity Area" as future land use for the parcels. The intent of the I-20 Gateway Activity Center is as follows:

"In a most basic form, Gateways serve as the primary entrances into the city, providing access goods and services for both residents and commuters. Gateways are similar to commercial activity centers, with an emphasis on capturing commuter traffic and providing a sense of arrival to Villa Rica. Gateway areas should support a variety of uses, including commercial, mixed use, and office-related developments which also offer employment opportunities. Such development can provide opportunities for hotels similar high intensity developments."

The existing development pattern in the area is consistent with the Comprehensive Plan from a density and site development standpoint. The nature of the variances does not appear to impact the Comprehensive Plan.

Variance Decision Criteria
In taking action on all variance requests, the Council shall use the following decision criteria, consistent with the requirements of the Georgia Code.

a) Development Standards Variance. The Council may grant a variance from the development standards of this ordinance (such as height, bulk, area) if, after a public hearing, it makes a determination in writing (consistent with *O.C.G.A. 36-66-1*), that:
    i) General Welfare. The approval will not be injurious to the public health, safety,

morals, and general welfare of the community;

The approval of the variances would not be injurious to the public health, safety, morals, and general welfare of the community

ii) Adjacent Property. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

The value of the surrounding properties is not expected to decline or be otherwise reduced in value by permitting the variances.

i) Practical Difficulty. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

The application of the required stream buffers will result in a practical difficulty in supplying the number of units proposed on site. This is considered a hard ship related to the topography of the site and is not considered a self-imposed condition. However, the side yard setbacks are considered self-imposed hardships. The applicant has given both land use and economic reasoning to defend their application, and indicated that a practical difficulty exists since certain topographic and lot dimensional issues are inherent with developing this parcel.

E. Comments

No Staff Comments.

Recommendation:

Staff recommendation:

1. <u>Side Yard Setback Variance – DENIAL</u>
2. <u>50' Stream Buffer Variance – APPROVAL</u>
3. <u>75' Stream Buffer Variance – APPROVAL</u>

   Reasons: The property in question has a considerable amount of topographic and site orientation concerns that has prompted this action from the applicant. The side yard setbacks are considered self-imposed by staff, whereas the stream buffer request is considered a bona-fide topographical hardship that is inherent with developing this parcel for any multifamily, mixed use or commercial yield.

Public Notifications:
As required by *Section 11.05* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* and the *Douglas County Sentinel* on December 28th, 2021; a sign has been posted on the subject properties; and all abutting property owners have received notification via regular

and certified mail.

Public Response:
In response to the public notifications, no residents have contacted the city objecting to the proposed variances.

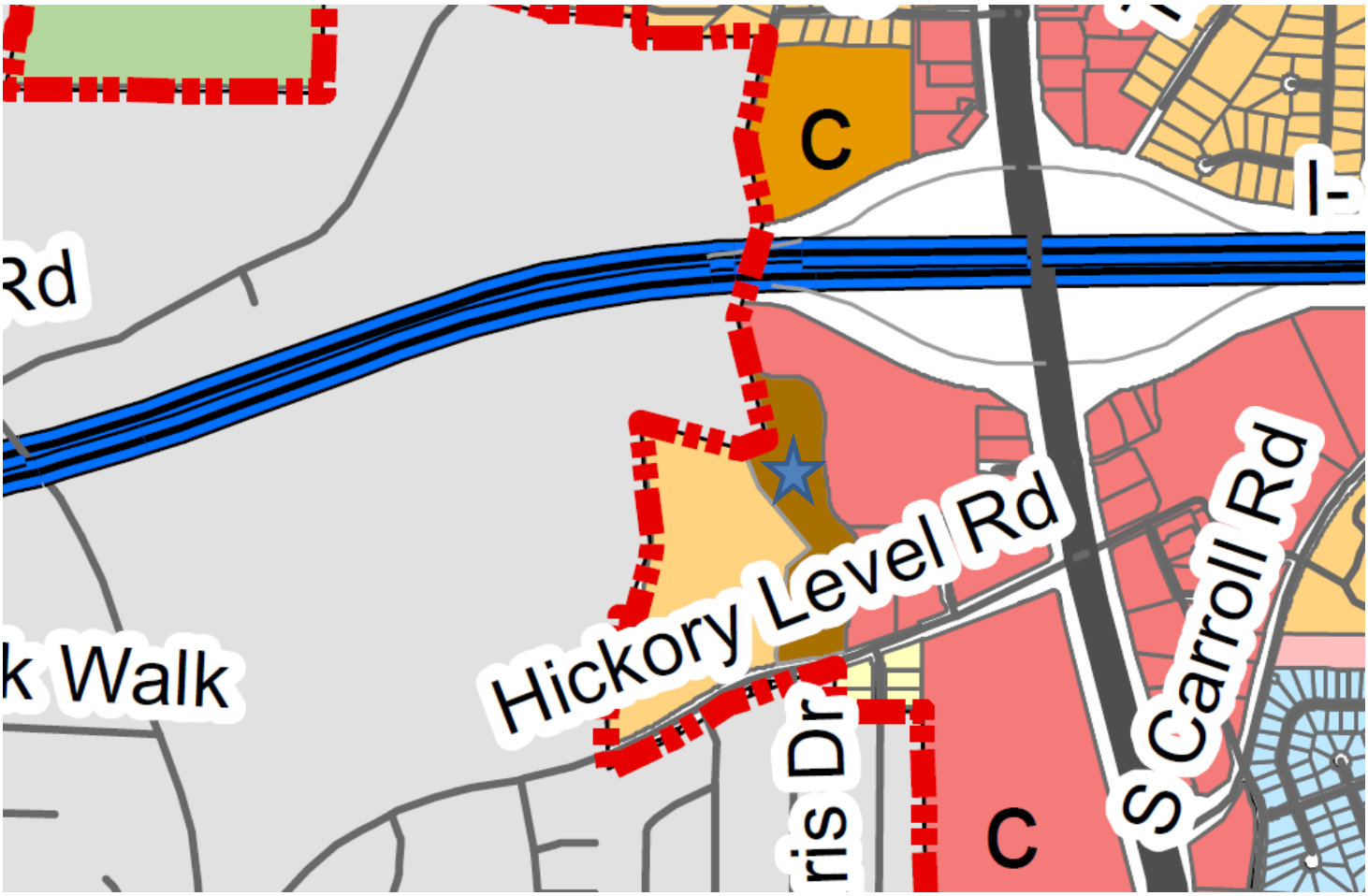
Should you have any questions concerning the above comments please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Very truly yours,

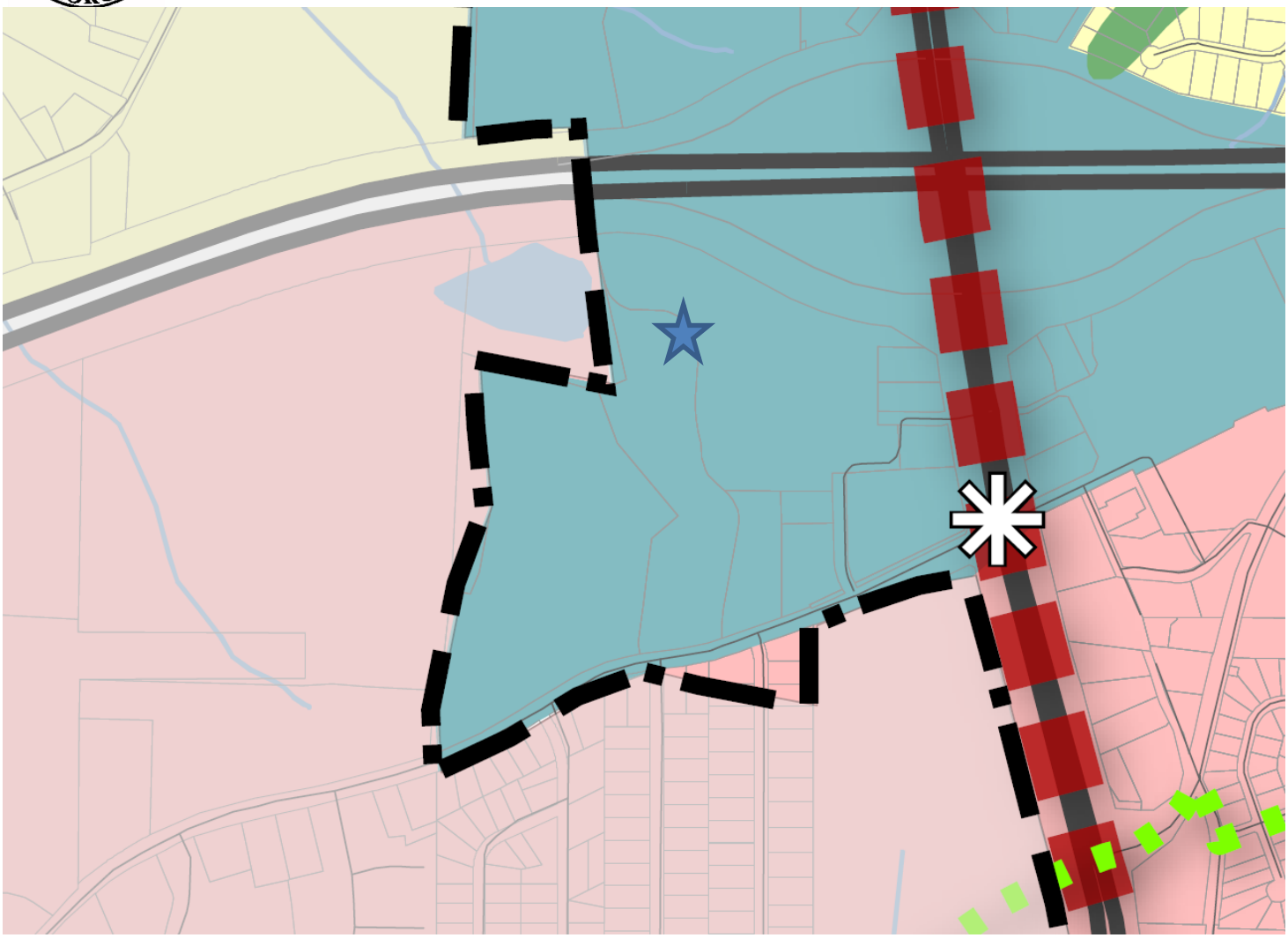
Ronald Johnson
Planning & Zoning Specialist

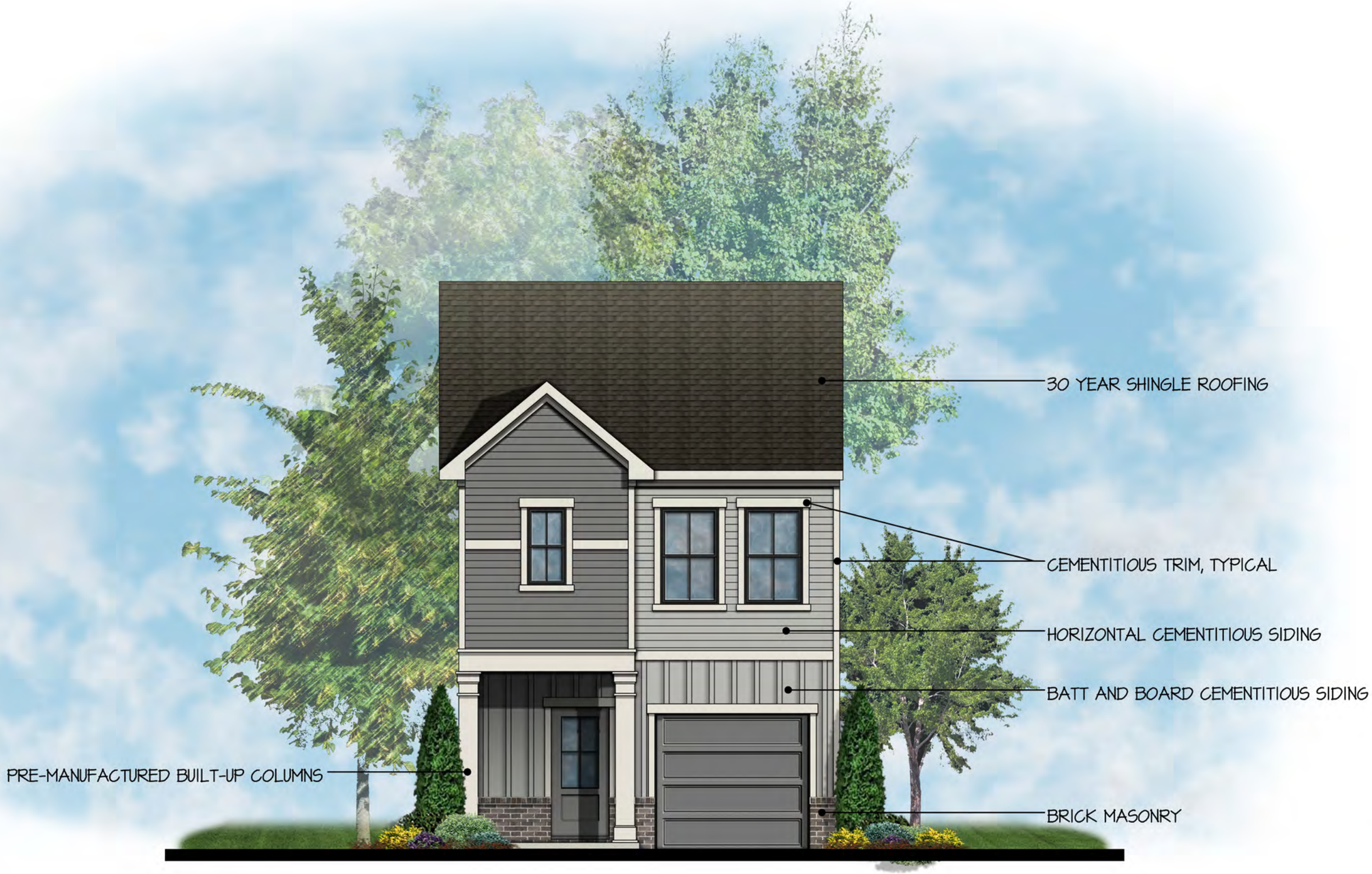
cc: Tom Barber, City Manager (via email)
Tracy Jarvis, Community Development Director/City Engineer (via email)

Villa Rica Zoning Map:



Villa Rica Future Land Use Map:





Buice Lake
Plan 1332
"A" Elevation

02.15.21

TPARESIDENTIAL

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Buice Lake
Plan 1332
"B" Elevation

02.15.21

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Buice Lake
Plan 1332
"C" Elevation

02.15.21

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Villa Rica
Basement Plan
"A" Elevation

08.27.21

GMD-GA21003

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TPARESIDENTIAL

Villa Rica
Basement Plan
"B" Elevation

08.27.21

GMD-GA21003

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TPA RESIDENTIAL

Villa Rica
Basement Plan
"C" Elevation

08.30.21

GMD-GA21003

gmd design group of georgia

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Elevation “C” Elevation “A” Elevation “C” Elevation “A” Elevation “B”

TPARESIDENTIAL

Paper Mill Townhomes
20’ Wide Front Loaded Plan
5-Unit Composite Front Elevation

09.10.20

gmd design group of georgia

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GENERAL NOTES:

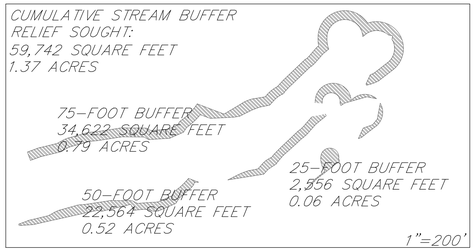
1. ZONING: SFA (CITY OF VILLA RICA)
2. SITE AREA = 11.74 AC.
3. PROPOSED NUMBER OF UNITS = 110
4. DENSITY = 110 UNITS/(11.74 AC.) = 9.4 UNITS/AC.
5. PROP. SETBACKS:
   - PARCEL FRONT SETBACK – 25'
   - PARCEL SIDE SETBACKS – 30'
   - PARCEL REAR SETBACK – 25'
6. REQUIRED PARKING = 0.2 SPACES/UNIT = 22 SPACES
7. PROVIDED PARKING = 37 SPACES
   - PERPENDICULAR PARKING = 25 SPACES
   - PARALLEL PARKING = 12 SPACES
9. REQUIRED OPEN SPACE = APPROXIMATELY 12% (1.41 AC.)
10. PROVIDED OPEN SPACE = 54% (6.31 AC.)
11. BOUNDARY COMPILED FROM INFORMATION PROVIDED BY GASKINS SURVEYING ON 12/9/2019.
12. WETLANDS ARE APPARENT ON THIS SITE.
13. BLUE-LINE STREAMS ARE APPARENT ON THIS SITE.
14. ROADWAY SIGNING AND MARKING PLANS ARE REQUIRED ALL STRIPING TO BE THERMOPLASTIC. ANY CONFLICTING ROAD MARKINGS ARE TO BE HYDROBLASTED
15. ALL ROAD OPEN-CUT MAY REQUIRE MILL AND ROAD OVERLAY OF THE ENTIRE ROADWAY WIDTH FOR THE LENGTH OF THE OPEN-CUT. TO BE DETERMINED BY CITY OF VILLA RICA UTILITY DIVISION, UNDER SEPARATE REVIEW AND APPROVAL
16. SIGNAGE FEE. SIGNAGE IS INSTALLED BY CITY OF VILLA RICA AT ENTRY ONLY OF PRIVATE STREET, WITH FUNDING PROVIDED TO DOT DEVELOPMENT SERVICES, BY THE DEVELOPER. INTERIOR SIGNAGE IS BY DEVELOPER, MUTCD. IF AESTHETIC SIGNAGE IS REQUESTED, THE DEVELOPER SHALL ALSO SUBMIT FOR AESTHETIC SIGN PERMIT, THRU DOT OPERATIONS. THE DEVELOPER IS TO SUBMIT A FINAL PLAN, WITH STREET NAMES, PRIOR TO FINAL PLATTING. ONE WEEK NOTICE IS NEEDED TO REVIEW AND ESTIMATE THE FEE. AFTER FEE PAYMENT AND RECORDED PLAT IS RECEIVED BY DEVELOPMENT SERVICES, 10 WORKING DAYS IS NEEDED FOR INSTALLATION. NO BUILDING PERMITS ARE TO BE ISSUED WITHOUT SIGNAGE INSTALLED.
17. MIN. DRIVEWAY LENGTH – 20' (FROM B.O.C OR EDGE OF SIDEWALK)

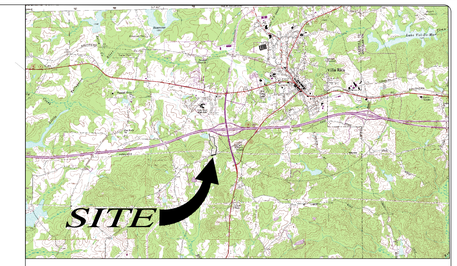
ALL REQUIREMENTS OF THE CITY OF VILLA RICA DEVELOPMENT REGULATIONS RELATIVE TO THE PREPARATION AND SUBMISSION OF A PRELIMINARY PLAT HAVING BEEN FULFILLED, APPROVAL OF THIS PLAT IS HEREBY GRANTED SUBJECT TO FURTHER PROVISIONS OF SAID REGULATIONS. THIS CERTIFICATE IS EFFECTIVE FOR 24 MONTHS FROM THE DATE OF SIGNING UNLESS A FINAL PLAT IS RECORDED.

_____ _____

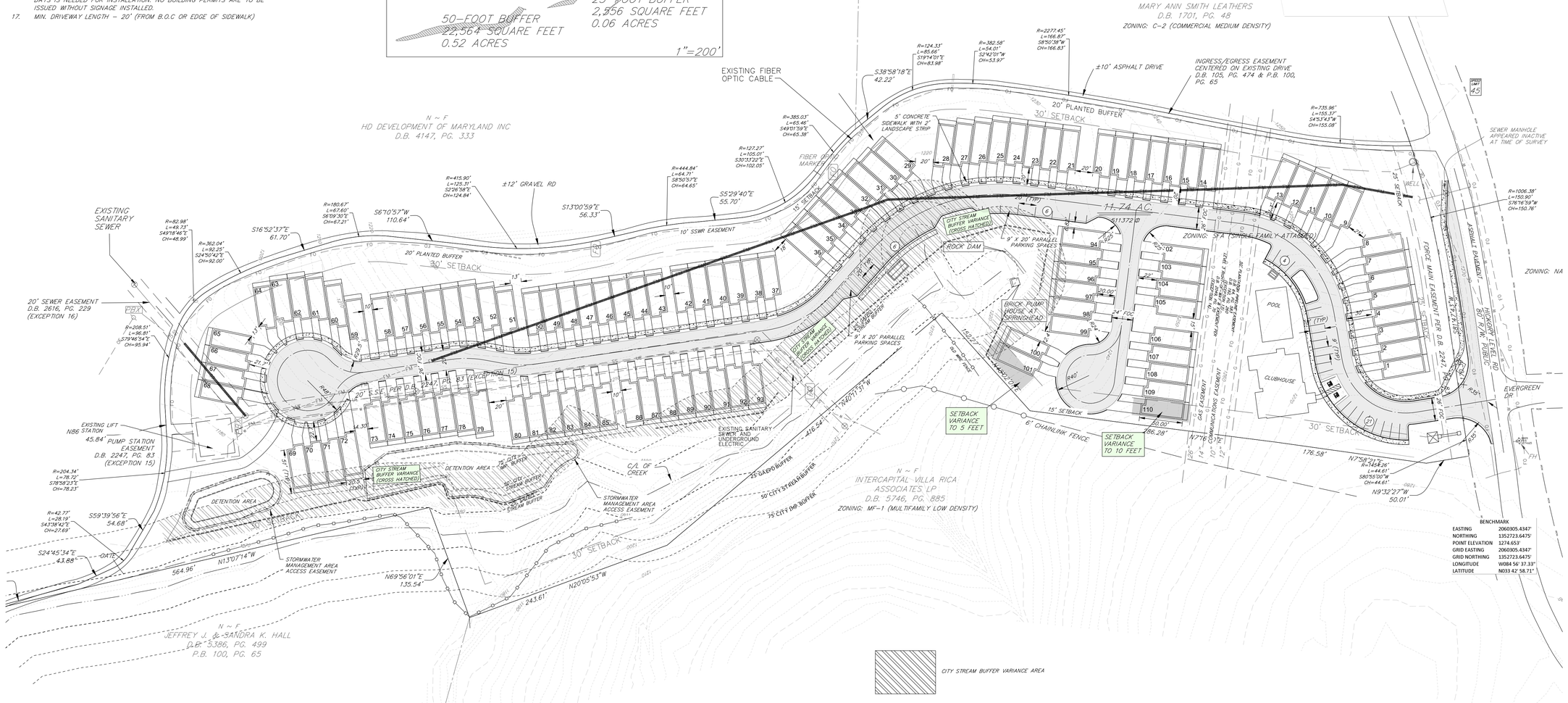
PLANNING COMMISSION CHAIRMAN DATE CITY CLERK DATE

UTILITIES PROVIDED BY CITY OF VILLA RICA.





LOCATION MAP – N.T.S.



BENCHMARK	
EASTING	2060305.4347'
NORTHING	1352723.6475'
POINT ELEVATION	1274.653'
GRID EASTING	2060305.4347'
GRID NORTHING	1352723.6475'
LONGITUDE	W084 56' 37.33"
LATITUDE	N033 42' 58.71"

OWNER/DEVELOPER:
TPA RESIDENTIAL
1776 PEACHTREE STREET NW, SUITE 100
ATLANTA, GA 30309

24 HR. PHONE & EMERGENCY CONTACT:
ADAM BUNN
864-978-4567

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X ; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 13045:C:0154:D , MAP NUMBER # 13045:C:0154:D DATED SEPTEMBER 19, 2007 .

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER ; LINEAR PRECISION OF TRAVERSE : 1/ 53,466 ; ANGULAR ERROR: 02" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/159,546 . MATTERS OF TITLE ARE EXCEPTED.

60 0 60 120
SCALE IN FEET

811 Know what's below. Call before you dig.

Plotted By:rodgers Drawing name: Q:\TPA\Villa Rica\Engineering\Submit\HICKORY LEVEL - SITE FOR VARIANCE ONLY.dwg Plotted on: Jan 13, 2022 - 1:36pm

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147 Reinhardt College Pkwy, Suite 3
Canton, GA 30114
Phone: 770-345-3008
1266 Powder Springs Road
Marietta, GA 30064
Phone: 770-424-7168
558 Old Norcross Rd., Suite 204
Lawrenceville, GA 30046
Phone: 770-424-7168
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HICKORY LEVEL ROAD
TOWNHOMES

LAND LOT 132, 6TH DISTRICT
CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA
ZONED SFA

NOT ISSUED FOR CONSTRUCTION

REVISIONS

REV.	DATE	REVISION REFERENCE:
1	10/2021	CITY COMMENTS

SHEET TITLE
PRELIMINARY PLAT

SEAL
GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 028214 THOMAS LEE ROBERTSON
01/04/2021

GaSWCC #02368

PROJECT I.D.	FIELD BOOK
2101002	
DRAWN BY	CHECKED BY
GAF	TLR
SCALE	ISSUE DATE
1"=60'	09/09/21

SHEET NUMBER
03

Ronald Johnson

From: C. David Mecklin <dmecklin@tisingervance.com>
Sent: Monday, January 10, 2022 11:58 AM
To: Ronald Johnson
Cc: Tom Barber; Bobby Elliott
Subject: RE: Hickory Level Townhomes + HPC Questions

1. Hickory Level Townhomes – There is a window for the City to exercise some discretion in answering this question. If we believe that the City was actively working with the developer using the terms of the existing UDC during 2020 then it would not be inappropriate to agree that they had gained vested rights under that ordinance. I do not see that any other party would have the ability to challenge that determination. Conversely, if the City is unalterably opposed to the differences that would make we can be ultra technical and declare they have no vested right because they did not file a formal application. I would favor the former rather than the latter approach.
2. I could see expanding the membership requirements to residents or someone who owns a business in the City. I don't think it wise to open it up to non-residents who don't have a vested interest in the City, however. How hard have we tried to recruit replacement members for the HPC? I don't favor discontinuing the Commission altogether but it strikes me that it should be a board that is not very time consuming. Do you want me to draft something to expand membership to business owners also?

From: Ronald Johnson <rjohnson@villarica.gov>
Sent: Monday, January 10, 2022 11:25 AM
To: C. David Mecklin <dmecklin@tisingervance.com>
Cc: Tom Barber <tbarber@villarica.gov>; Bobby Elliott <belliott@villarica.gov>
Subject: FW: Hickory Level Townhomes + HPC Questions
Importance: High

Good Morning David,
I'm following up on the below email regarding the Hickory Level Townhomes. We spoke briefly about this in front of the courthouse some weeks ago and you indicated that you'd look further into it, but preliminarily agreed on the usage of the UDC.

This application is going before the Council tomorrow morning, so we're eager for an answer.

Thank you,
Ronald Johnson
Planning and Zoning Specialist
571 West Bankhead Highway, Villa Rica, GA 30180
(678)840-1238| rjohnson@villarica.org
www.villarica.org or facebook.com/cityofvillarica

From: Ronald Johnson
Sent: Thursday, December 2, 2021 4:01 PM
To: C. David Mecklin <dmecklin@tisingervance.com>
Cc: Gil McDougal <gmcdougal@villarica.gov>; Tom Barber <tbarber@villarica.org>; Bobby Elliott <belliott@villarica.org>; Tracy Jarvis <tjarvis@villarica.org>
Subject: Hickory Level Townhomes + HPC Questions

Good Afternoon David,
Tom, Bobby, Tracy and I met this morning and talked about a few loose ends that we wanted to get your legal opinion on.

Hickory Level Townhomes:
The townhome developer on Hickory Level Road (the bobsled site) has requested that we consider reviewing them under the UDC instead of the current zoning ordinance. Bobby and Chris have been working with the applicant since early 2020 on the design of the site with draft versions of the 2020 zoning ordinance prior to its adoption in August 2020. The applicant's case here is that although they never submitted an application for Preliminary Plat review, the plat was being reviewed and edited throughout the ordinance change process with the same date on each site plan (July 20, 2020). One could say that although they didn't apply formally, the intent was there as the applicant attempted to accommodate portions of the new ordinance as they could. The property was rezoned in 2020 administratively from R-14 to SFA, and the R-14 standards would be more beneficial to the applicant from a site planning standpoint (primarily because of distance between buildings, garages oriented towards the rear, and other requirements of the new ordinance). The site has substantial topographic and wetland issues that has forced the developer to have to apply for variances from side yard setback, stream buffers and from providing rear alley-loaded garages in favor of front facing garages. Should the applicant be allowed to move forward under the UDC, they would only need variances from side yard setback and stream buffers.

The applicant has confirmed that they'll meet the architectural standards and all other SFA design guidelines in the 2020 ordinance in return for being reviewed under the UDC, which would be very helpful. The question here is: Although the applicant did not submit a formal application, can we legally use the various different site plans submitted thus far labeled "July 20, 2020" as their application, since it was review at the time of the new ordinances' adoption?

HPC:
The Historic Preservation Commission has a total of three (3) seats available, two (2) terms ending, and one (1) term continuing on January 1st. A quorum for this board is three members. One of the two (2) members whose terms are ending wants to continue on the commission, and the other has not indicated, which will leave us with a t least two members on January 1st. We've received interest from two individuals that live within 30180, but do not live within the city limits (the bylaws state "to the extent available in the city, at least (3) members have to be appointed from professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions"). We've been having trouble attracting quality/knowledgeable volunteers for this commission for some time, and we're looking at the potential for some changes through one of the options below (or no action/other action):

- Dissolve the Commission. The dissolution of the HPC would eliminate the talent attraction and organizational burdens that has been impacting the proper functioning of this commission, but will cost us our Certified Local Government (CLG) status, as having a local historic preservation board is a requirement of this DCA program. The CLG allows for technical assistance, grants, loans and other funding schemes for state and national grants. For example, when I applied for the Rural Zone program (another DCA program), they asked on the application if we were a CLG, which allowed for additional points for our application, which helped us get designated. We also could not locally designate any sites locally historic or participate in the National Registry of Historic Places.
- Broaden the Geographic Criteria for Potential Commissioners. We can clarify the bylaws to allow for residents within 30180, or within Carroll/Douglas Counties in order to have more opportunity to select from more candidates.

- No Action. Allow for the Commission to continue until someone who lives in the city limits comes along to fill the 3-4 empty seats. In the meantime we cannot issue Certificates' of Appropriateness.

We're curious what your thoughts are on this and if any of these options present a legal concern.

Please let me know if you need any clarity on any of the above.

Thank you,

Ronald Johnson
Planning and Zoning Specialist
571 West Bankhead Highway, Villa Rica, GA 30180
(678)840-1238| rjohnson@villarica.org
www.villarica.org or facebook.com/cityofvillarica

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CITY OF VILLA RICA

City Council Packet

SUBJECT: VA-13-21 – 135 & 189 Commerce Drive

CITY COUNCIL AGENDA DATE: January 11th, 2022

DATE: January 7, 2022

PREPARED BY: Ronald Johnson, Planning and Zoning Specialist

PUBLIC HEARING REQUIRED: Yes

PURPOSE: MMCC, LLC of Villa Rica, GA has requested four (4) variances landscape buffers; front, side and rear yard setbacks, 50' and 75' stream buffers, and a reduction in the required parking ratio.

BACKGROUND: The properties were annexed and rezoned in 2019 to Multifamily Medium-Density (MF2) for the westernmost parcels, and the proposed commercial parcel was rezoned Commercial Medium-Density (C2) in order to construct up to 195-units. The City Council approved the annexation and rezoning without conditions. The current applicant filed an application for a rezoning from MF1 to MF2 (Multifamily Medium-Density) in October 2021, which was approved with conditions in December 2021. A copy of the conditions is listed below:

- Approval contingent upon the recording of the final survey identifying the proposed parcel boundaries.
- Owner/applicant agrees to reopen Meadowlark Drive extension if permitted or approved by the city and school board.
- Owner/applicant agrees that no more than 25 three-bedroom units may be constructed on site.

The applicant proposes to construct a 305-unit apartment complex with a commercial outparcel on the parcel. Three amenities and two entrance will be required.

STAFF RECOMMENDATION:

1. Reduction of Landscape Buffer – The applicant proposes to reduce the landscape buffer requirement from 30' to 20' surrounding the site in favor of a denser planting regimen within the 20' buffer.

   DENIAL RECOMMENDED

   Reasons: The landscape buffer variance is entirely self-imposed.

2. Encroachment into the 50' Non-Disturbance Stream Buffer – The applicant proposes to impact the 50' and 75' stream buffer by 9,273 SF and 16,706 SF, respectively.

   DENIAL RECOMMENDED

   Reasons: The stream buffer variances are necessitated by a site condition/topographic feature of the land; however, the benefits do not outweigh the detriments of issuance.

3. Reduction of the Required Front, Side and Rear Setbacks – 35' front yard setback required, 40' side and rear setbacks required; whereas 20' front, side and rear setbacks are proposed.

   DENIAL RECOMMENDED

   Reasons: The setback variances are entirely self-imposed.

4. Reduction in the Required Parking Ratio – 1.75 spaces/unit proposed, whereas 1.8 spaces/unit is required for 3 bedroom units, 1.6 spaces/unit is required for 2 bedroom units, and 1 spaces/unit is required for 1 bedroom units.

DENIAL RECOMMENDED

Reasons: The benefits of issuance does not outweigh the detriments. The parking ratio variance is entirely self-imposed.

PLANNING COMMISSION RECOMMENDATION: N/A

MOTION:

(1) I move to deny the landscape buffer variance request from MMCC, LLC of Villa Rica, GA.

(2) I move to deny the variance to encroach into the 50' and 75' stream buffers in areas as indicated on the supplied site plan dated June 22nd, 2021.

(3) I move to deny the variance request to reduce the front, side and rear yard setbacks to 20', as presented.

(4) I move to deny the variance request to reduce the required parking ratio to 1.75 spaces/unit.

Planning & Zoning
Community Development Department

Villa Rica City Hall
571 W. Bankhead Hwy
Villa Rica, GA 30180
T: 678.840.1238
F: 770.459.7003
www.villarica.org

January 10, 2022

Alisa Doyal, City Clerk
City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

Re: Planning Report
MMCC, LLC
VA-13-21
135 and 189 Commerce Drive
Land Lot 176, District 2
Parcel #: V07 0110153, V07 0110003, V07 0110230
Acreage: 16.89
Ward: 2
Planning Board Member: David Rogers
City Council Member: Matthew Momtahan
City of Villa Rica, Carroll County, Georgia

Dear Mrs. Doyal:

MMCC, LLC (the Applicant) seeks four (4) variances from various sections of the zoning ordinance. The applicant is requesting a reduction of the landscape buffer from 30' to 20' in favor of a denser planting regimen within the 20' buffer. The applicant has also applied for a variance to encroach into the 50' stream buffer, a reduction of the required front, side and rear setbacks to 20' (35', 40' and 40' required, respectively), and a variance to reduce the required parking ratio to 1.75 spaces per unit. The variances are outlined in Section D.

The following documents, which were submitted in support of the application, have been reviewed:

1. Four applications for variances, dated November 8th, 2021 (4 pages);

2. Site Plan, dated June 22, 2021, prepared by Planners & Engineers Collaborative (1 page).

3. Document entitled "Alta Villa Rica Sample Renderings of Similar Product" including elevations, dated September 29th, 2021, by an unknown preparer (4 pages).

4. Document entitled "Introduction to Wood Partners", undated, by an unknown preparer (9 pages).

A. Existing Conditions

The three subject properties are located west of Commerce Drive and south of Meadowlark Drive. **For the purposes of this review, V07 0110230 will be referred to as "Parcel A", 135 Commerce Drive will be referred to as "Parcel B" and 189 Commerce Drive will be referred to as "Parcel C".**

135 and 189 Commerce Drive (Parcels B and C) have direct access and frontage along Commerce Drive, whereas Parcel A is landlocked. Parcel B has approximately 119' of frontage and Parcel C has approximately 100' of frontage along Commerce Drive. Parcels A and B are currently zoned Multi-Family Low-Density (MF1) and are undeveloped. Parcel C is zoned Commercial Medium-Density (C2) and is also a vacant undeveloped lot. Parcel A is 15 acres, Parcel B is approximately 1 acre and Parcel C is 0.68 acres.

The subject properties are adjacent to Interstate I-20 to the south, an assortment of commercial uses along Commerce Drive, a residential single-family neighborhood to the north on Meadowlark Drive, and Villa Rica High School to the west. Parcel A directly borders the city's incorporated boundary to the west.

The applicant's site plan indicates that an unnamed stream runs northwest to southeast within the southern portion of Parcel A. No streams are present on Parcels B and C. An easements has been identified on the site plan for the hotel.

Surrounding Properties:

TABLE 1 – ADJACENT ZONING AND LAND USE CHARACTER AREAS		
	Current Zoning	**Land Use Character Area**
North	Parcel A: Single-Family Suburban (R1) Parcel B & C: Commercial Medium-Density (C2)	Parcel A: Suburban Village Parcel B & C: I-20 Gateway
East	Parcel A: Commercial Medium-Density (C2) and Multifamily Low-Density (MF1) Parcel B and C: Commercial Medium-Density (C2)	I-20 Gateway
South	Parcel A: I-20 Parcel B: Commercial Medium-Density (C2) Parcel C: Multifamily Low-Density (MF1)	I-20 Gateway
West	Parcel A: Agricultural (A) – Unincorporated Carroll County Parcels B & C: Multifamily Low-Density (MF1)	I-20 Gateway

Figure 1: Carroll County GIS image of the site, with the property boundaries approximated.

B. Site History

Parcels A and C have been undeveloped and vacant throughout their existence. Parcel B was previously developed with a Pizza Hut restaurant until 2020 when it was demolished. Parcel A was annexed into the city and rezoned to R14 in 2019 at the same time that Parcel B was rezoned to R14 along with Tract 3b of Parcel C from General Commercial. The remainder of Parcel C kept the General Commercial (GC) zoning. Parcels A and B were rezoned in 2020 during the citywide rezoning from R14 to MF1, whereas Parcel C was rezoned from GC to C2. The 2020 rezonings are considered lateral rezonings and were not a substantive change. The 2019 annexation and rezoning application was supported by a proposed developer that was under contract for the land (Parkside Real Estate Acquisitions, LLC) in order to construct up to 195-units. The City Council approved the annexation and rezoning without conditions. The applicant filed an application for a rezoning from MF1 to MF2 (Multifamily Medium-Density) in October 2021, which was approved with conditions in December 2021. A copy of the conditions are listed below:

- Approval contingent upon the recording of the final survey identifying the proposed parcel boundaries.
- Owner/applicant agrees to reopen Meadowlark Drive extension if permitted or approved by the city and school board.
- Owner/applicant agrees that no more than 25 three-bedroom units may be constructed on site.

C. Proposed Development

The applicant has the intent to construct 305 multi-family units and incorporate a 0.68-acre commercial outparcel center as described in Section A. Approximately 16 acres of the proposed development is proposed to be zoned MF2. The multi-family housing is proposed to be 18.99 units per acre with four (4) stories. At least 8,013 square feet will be dedicated to interior amenity space. The applicant has proposed at least three amenities on the site plan, which would consist of a pool, grilling area and outdoor seating areas, and a dog park. All streets within the site are proposed to be private. The applicant has proposed that the development is projected to start in late 2022 and complete in late 2024. The commercial component (Parcel C) is expected to be expanded by approximately 6,945 square feet in area in order to attract a national sit-down restaurant. This area is currently within Parcel B and zoned MF1, which is proposed to be rezoned C2.

The development is proposed to have city sewer and water. All right-of-ways are required to be at least 50’ in width.

Flood Plain
An unidentified stream runs northwest to southeast in the southern portion of Parcel A. Based on the Site Plan submitted, the applicant will cross the stream with a road in order to have an access point to Building 7, which would violate the 25’ state buffer requirement and require state Environmental Protection Division (EPD) approval. The applicant has not indicated the extent of the city’s 50’ or 75’ buffer on the plan. Figure 2, below, indicates the flood zone map:

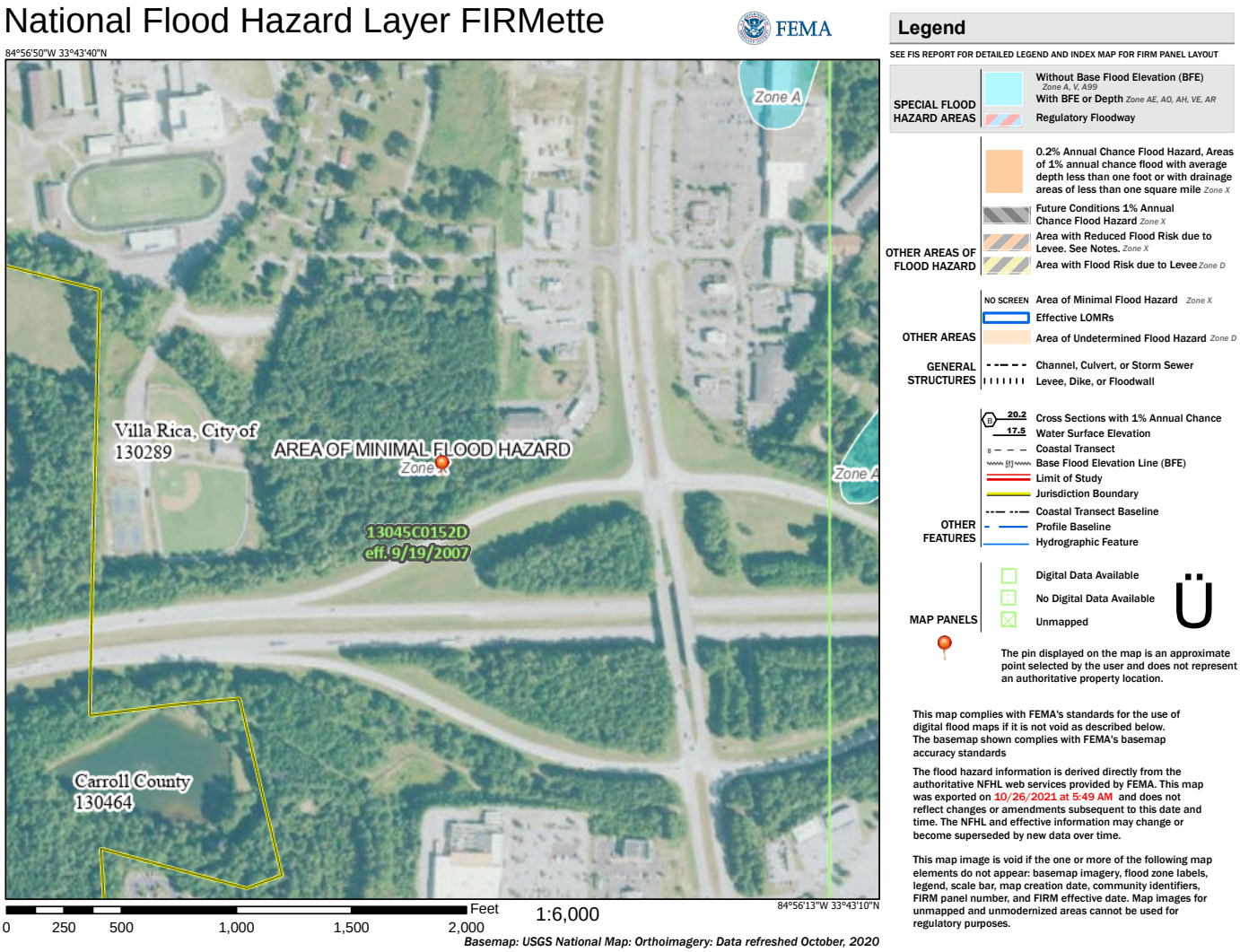


Figure 2: National Flood Hazard Layer FIRM Map 13045C0152D

D. Variances

The developer has requested variance relief from the zoning ordinance as outlined below. The Applicant has requested variance relief for the following:

1. Reduction of Landscape Buffer – The applicant proposes to reduce the landscape buffer requirement from 30' to 20' surrounding the site in favor of a denser planting regimen within the 20' buffer.

2. Encroachment into the 50' Non-Disturbance Stream Buffer – The applicant proposes to impact the 50' and 75' stream buffer by 9,273 SF and 16,706 SF, respectively.

3. Reduction of the Required Front, Side and Rear Setbacks – 35' front yard setback required, 40' side and rear setbacks required; whereas 20' front, side and rear setbacks are proposed.

4. Reduction in the Required Parking Ratio – 1.75 spaces/unit proposed, whereas 1.8 spaces/unit is required for 3 bedroom units, 1.6 spaces/unit is required for 2 bedroom units, and 1 spaces/unit is required for 1 bedroom units.

Proofs for Variances
In review of the variance requested for the development, the "benefits vs. detriments" of such an approval was reviewed in addition to the purposes of the Comprehensive Plan. The purposes of the request were made clear by the applicant in their application and, according to the applicant, stems from economic conditions. Staff could not identify any benefits from an approval of the requested variances, other than the ability to supply more housing on the parcel. Potential detriments would include the reduction of stream buffer areas and landscaping along the perimeter of the site, and a community that is not as pedestrian friendly as what is promoted by this section.

The Future Land Use Plan prescribes "I-20 Gateway Activity Area" as future land use for the parcels. The intent of the I-20 Gateway Activity Center is as follows:

> *"In a most basic form, Gateways serve as the primary entrances into the city, providing access goods and services for both residents and commuters. Gateways are similar to commercial activity centers, with an emphasis on capturing commuter traffic and providing a sense of arrival to Villa Rica. Gateway areas should support a variety of uses, including commercial, mixed use, and office-related developments which also offer employment opportunities. Such development can provide opportunities for hotels similar high intensity developments."*

The existing development pattern in the area is consistent with the Comprehensive Plan from a density and site development standpoint. The nature of the variances does not appear to impact the Comprehensive Plan.

Variance Decision Criteria
In taking action on all variance requests, the Council shall use the following decision criteria, consistent with the requirements of the Georgia Code.

a) Development Standards Variance. The Council may grant a variance from the development standards of this ordinance (such as height, bulk, area) if, after a public hearing, it makes a determination in writing (consistent with *O.C.G.A. 36-66-1*), that:

i) General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

The approval of the variances would not be injurious to the public health, safety, morals, and general welfare of the community

ii) Adjacent Property. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

The value of the surrounding properties is not expected to decline or be otherwise reduced in value by permitting the variances.

i) Practical Difficulty. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

The application of the required ordinances will not present a practical difficulty. The applicant has cited that economic reasons and are entirely self-imposed. The stream buffer variance is the only variance that is not self-imposed and due to a site condition.

E. Comments

No Staff Comments.

Recommendation:

Staff recommendation:

1. Reduction of Landscape Buffer – The applicant proposes to reduce the landscape buffer requirement from 30’ to 20’ surrounding the site in favor of a denser planting regimen within the 20’ buffer.

DENIAL RECOMMENDED
Reasons: The landscape buffer variance is entirely self-imposed.

2. Encroachment into the 50’ Non-Disturbance Stream Buffer – The applicant proposes to impact the 50’ and 75’ stream buffer by 9,273 SF and 16,706 SF, respectively.

DENIAL RECOMMENDED
Reasons: The stream buffer variances are necessitated by a site condition/topographic feature of the land; however, the benefits do not outweigh the detriments of issuance.

3. Reduction of the Required Front, Side and Rear Setbacks – 35’ front yard setback required, 40’ side and rear setbacks required; whereas 20’ front, side and rear setbacks are proposed.

DENIAL RECOMMENDED

Reasons: The setback variances are entirely self-imposed.

4. Reduction in the Required Parking Ratio – 1.75 spaces/unit proposed, whereas 1.8 spaces/unit is required for 3 bedroom units, 1.6 spaces/unit is required for 2 bedroom units, and 1 spaces/unit is required for 1 bedroom units.

DENIAL RECOMMENDED

Reasons: The benefits of issuance does not outweigh the detriments. The parking ratio variance is entirely self-imposed.

Public Notifications:

As required by *Section 11.05* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* and the *Douglas County Sentinel* on December 28th, 2021; a sign has been posted on the subject properties; and all abutting property owners have received notification via regular and certified mail.

Public Response:

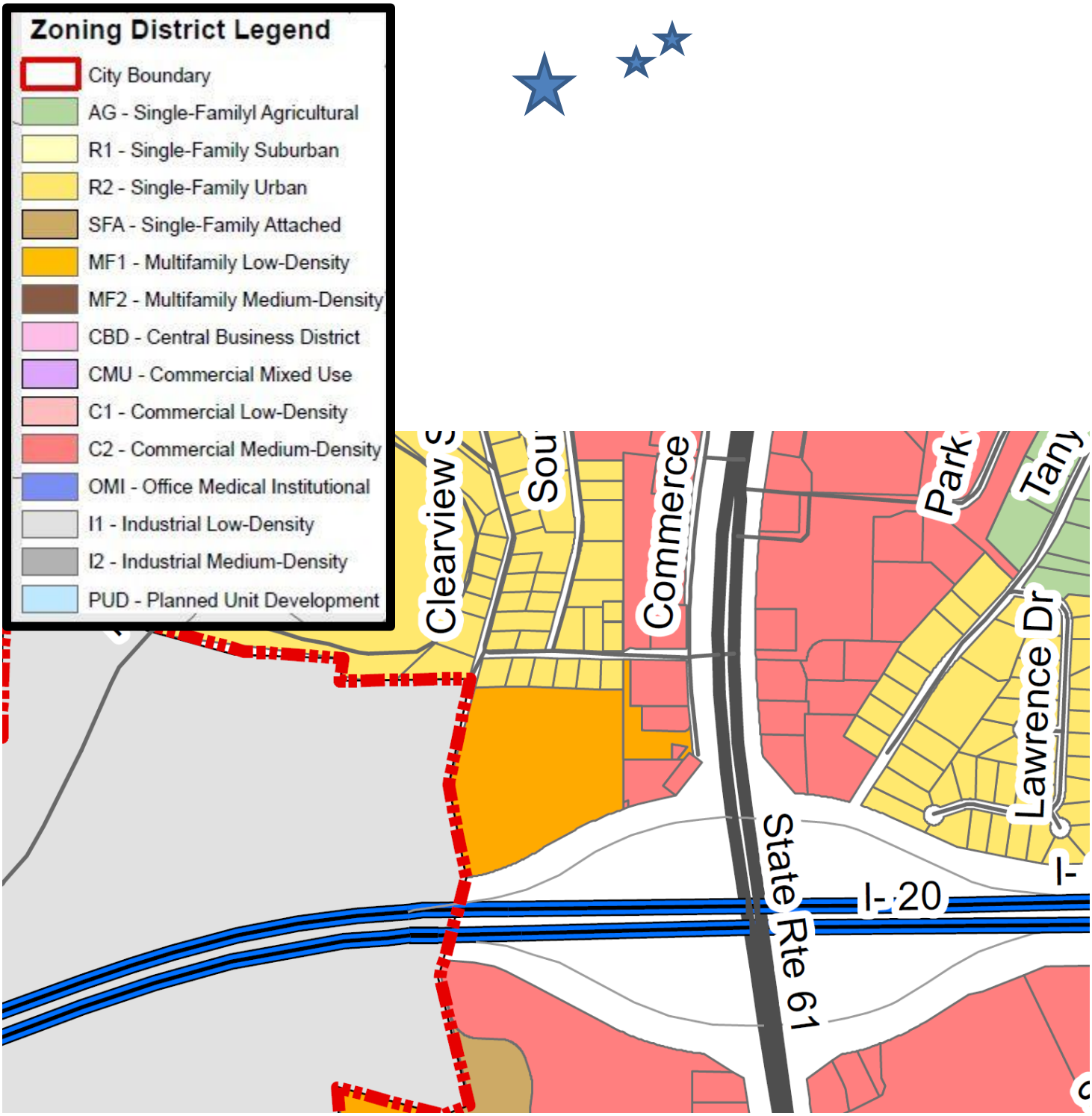
In response to the public notifications, no residents have contacted the city objecting to the proposed variances.

Should you have any questions concerning the above comments please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

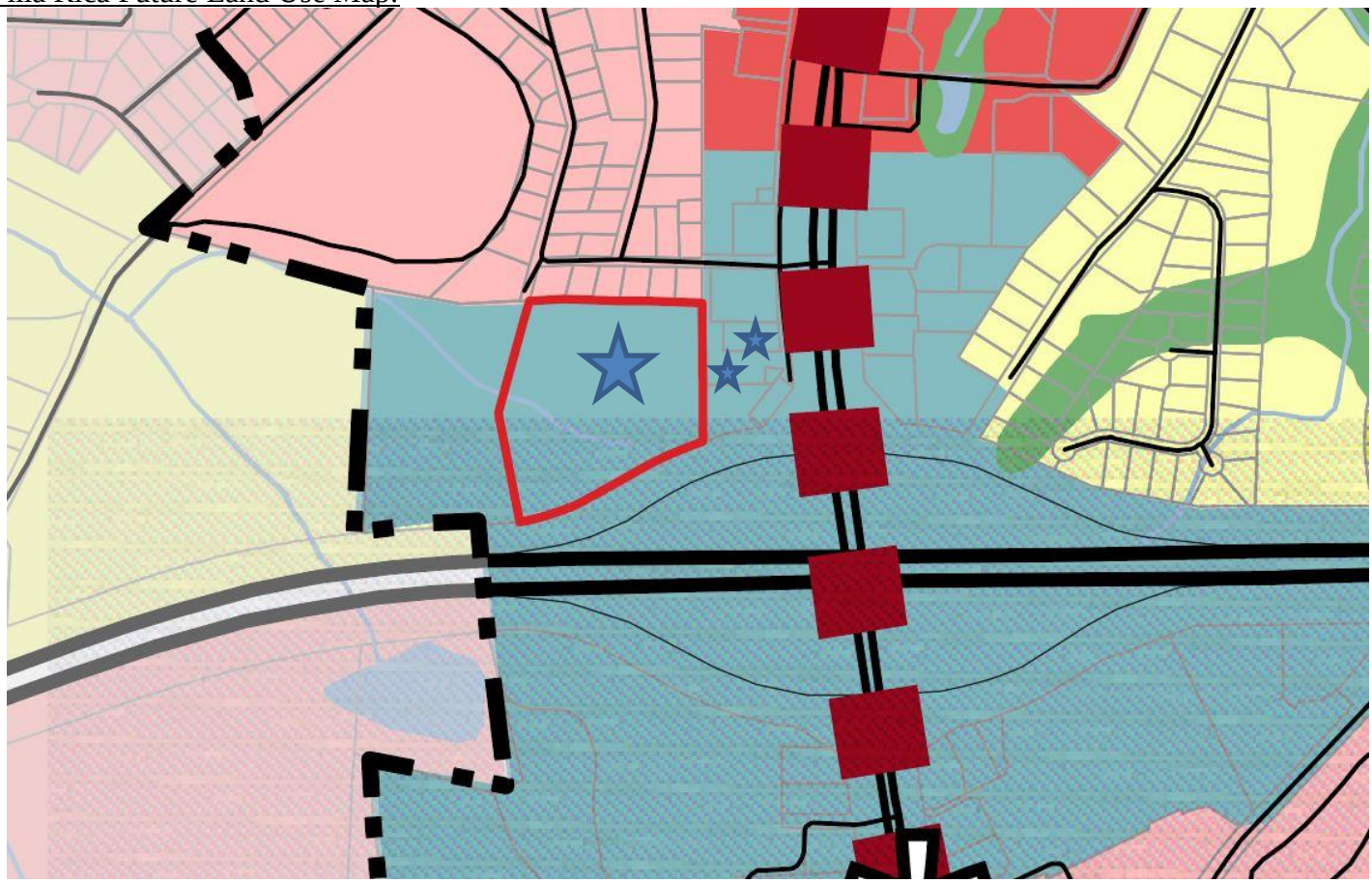
Very truly yours,

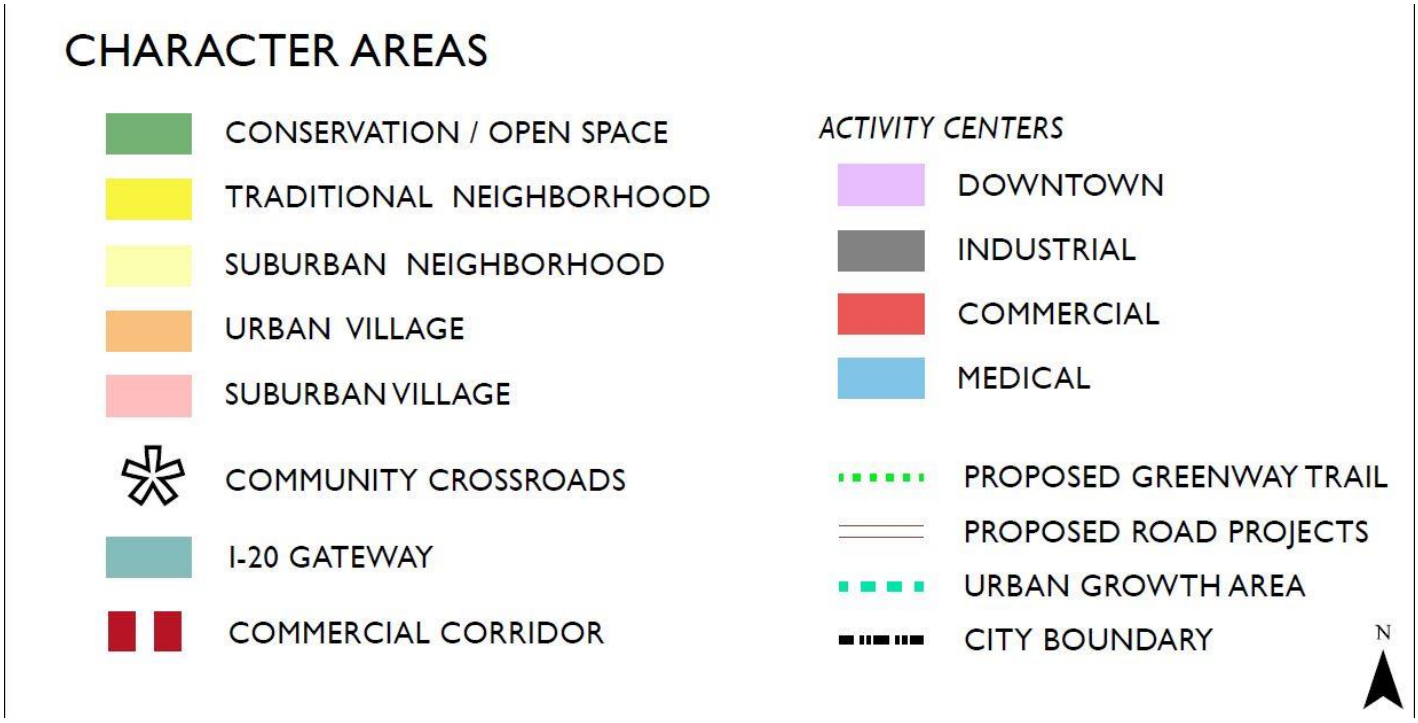
Ronald Johnson
Planning & Zoning Specialist

cc: Tom Barber, City Manager (via email)
Tracy Jarvis, Community Development Director/City Engineer (via email)

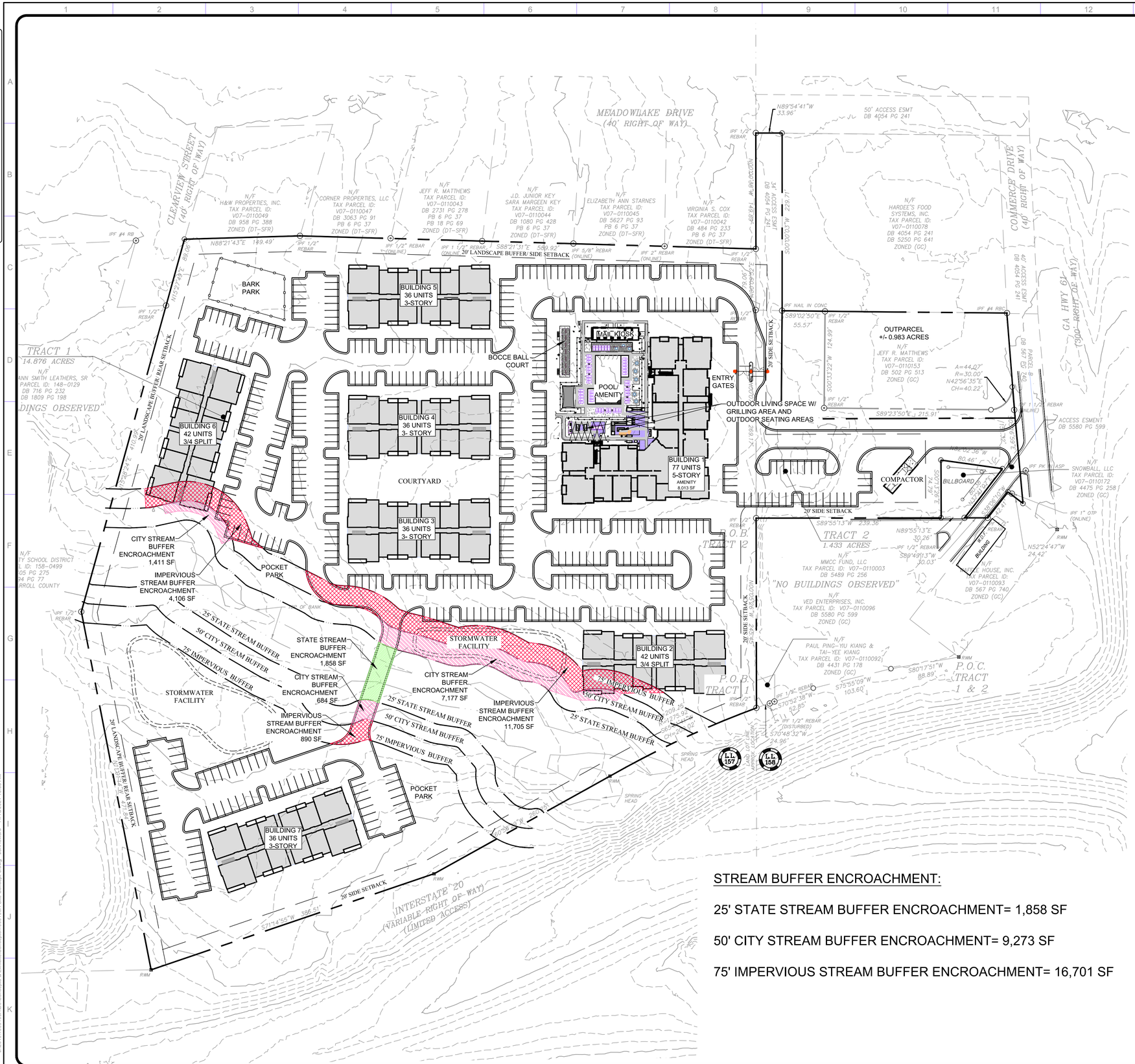

Zoning District Legend
City Boundary
AG - Single-Familyl Agricultural
R1 - Single-Family Suburban
R2 - Single-Family Urban
SFA - Single-Family Attached
MF1 - Multifamily Low-Density
MF2 - Multifamily Medium-Density
CBD - Central Business District
CMU - Commercial Mixed Use
C1 - Commercial Low-Density
C2 - Commercial Medium-Density
OMI - Office Medical Institutional
I1 - Industrial Low-Density
I2 - Industrial Medium-Density
PUD - Planned Unit Development
Clearview
Commerce
Park
Lawrence Dr
State Rte 61
I-20

Villa Rica Future Land Use Map:

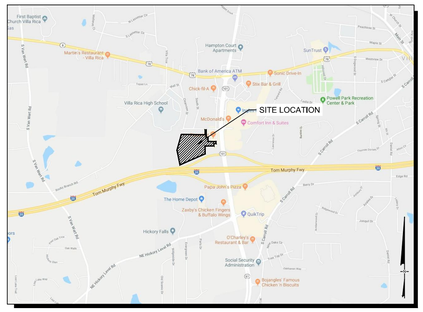



CHARACTER AREAS
CONSERVATION / OPEN SPACE
TRADITIONAL NEIGHBORHOOD
SUBURBAN NEIGHBORHOOD
URBAN VILLAGE
SUBURBAN VILLAGE
COMMUNITY CROSSROADS
I-20 GATEWAY
COMMERCIAL CORRIDOR
ACTIVITY CENTERS
DOWNTOWN
INDUSTRIAL
COMMERCIAL
MEDICAL
PROPOSED GREENWAY TRAIL
PROPOSED ROAD PROJECTS
URBAN GROWTH AREA
CITY BOUNDARY
N

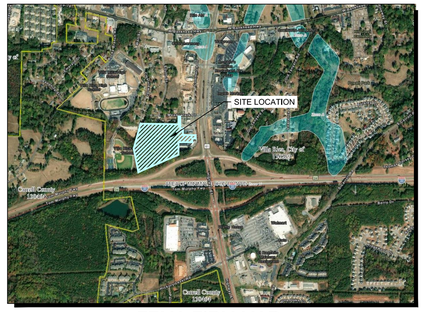
This drawing is the property of Planners and Engineers Collaborative and is not to be copied in whole or in part. It is not to be used on any other project and is to be returned upon request. © Planners and Engineers Collaborative



SITE DATA:	
SITE AREA	16.06 +/- ACRES
ZONING	
EXISTING ZONING	RURAL DEVELOPMENT
PROPOSED ZONING	MF-2 MULTI-FAMILY MEDIUM DENSITY
ZONING JURISDICTION	CITY OF VILLA RICA, CARROLL COUNTY, GA.
USE CALCULATIONS	
TOTAL SITE AREA	16.06+/- ACRES
SETBACK REQUIREMENTS	
FRONT SETBACK	20 FEET (LOCAL ROAD)
SIDE SETBACK	20 FEET
REAR SETBACK	20 FEET
MIN. BUILDING SEPARATION	20 FEET
PERIMETER LANDSCAPE BUFFER	20 FEET ABUTTING R2 ZONED PROPERTY
DEVELOPMENT STANDARDS	
TOTAL APARTMENT UNITS PROVIDED	305 UNITS
SITE DENSITY PROVIDED	18.99 UNITS PER ACRE
MAX. DENSITY PERMITTED	19.36 UNITS PER ACRE
MAXIMUM BUILDING HEIGHT	65 FEET
OPEN SPACE CALCULATIONS	
TOTAL OPEN SPACE REQUIRED	3.21 ACRES (20% OF TOTAL SITE AREA)
TOTAL OPEN SPACE PROVIDED	6.41 ACRES (39.9% OF TOTAL SITE AREA)
PARKING REQUIREMENTS	
MIN. PARKING REQUIRED	549 SPACES (1.8 SP/DWELLING UNIT)
GUEST PARKING REQUIRED	101 SPACES (1 SP/ 3 DWELLING UNITS)
TOTAL PARKING REQUIRED	650 SPACES
TOTAL PARKING PROVIDED	598 SPACES (1.96 SP/ DWELLING UNIT)



SITE LOCATION MAP
NOT TO SCALE



FEMA FIRM MAP
NOT TO SCALE

STREAM BUFFER ENCROACHMENT:

25' STATE STREAM BUFFER ENCROACHMENT= 1,858 SF

50' CITY STREAM BUFFER ENCROACHMENT= 9,273 SF

75' IMPERVIOUS STREAM BUFFER ENCROACHMENT= 16,701 SF

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ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES
350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

PROJECT

ALTA VILLA RICA

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

135 COMMERCE DRIVE
VILLA RICA GA., 30180

CITY OF VILLA RICA/CARROLL COUNTY JURISDICTION

FOR

WOOD PARTNERS

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

PRELIMINARY

NOT TO BE RELEASED FOR CONSTRUCTION

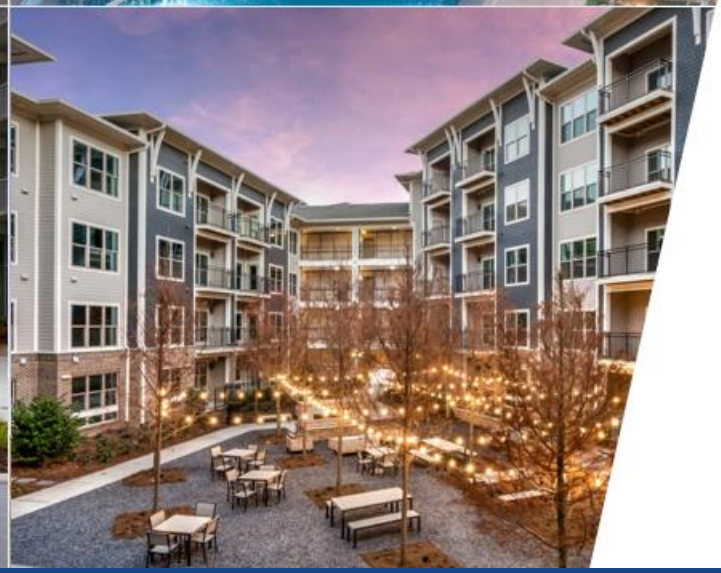
CONCEPTUAL MASTER PLAN

0 30 60 120 180

SCALE: 1" = 60'
DATE: 06/22/2021
PROJECT: 19091.00A

GRID NORTH
GEORGIA WEST ZONE

C5
SHEET



WOOD
PARTNERS

Alta Villa Rica

Villa Rica, GA

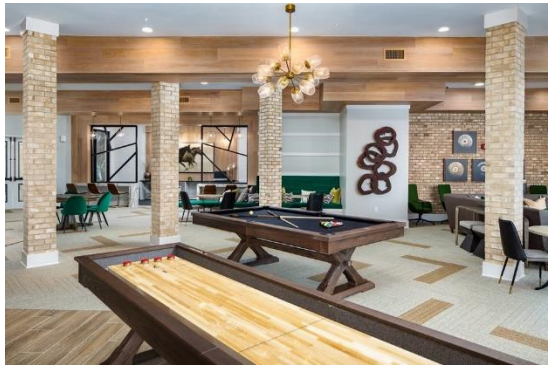
Sample Renderings of Similar Product

September 29, 2021

Sample Rendering of Similar Product

Sample Rendering of Similar Product (cont'd)

Similar Wood Partners Project – Alta Sugarloaf (Lawrenceville, GA)



WOOD
PARTNERS

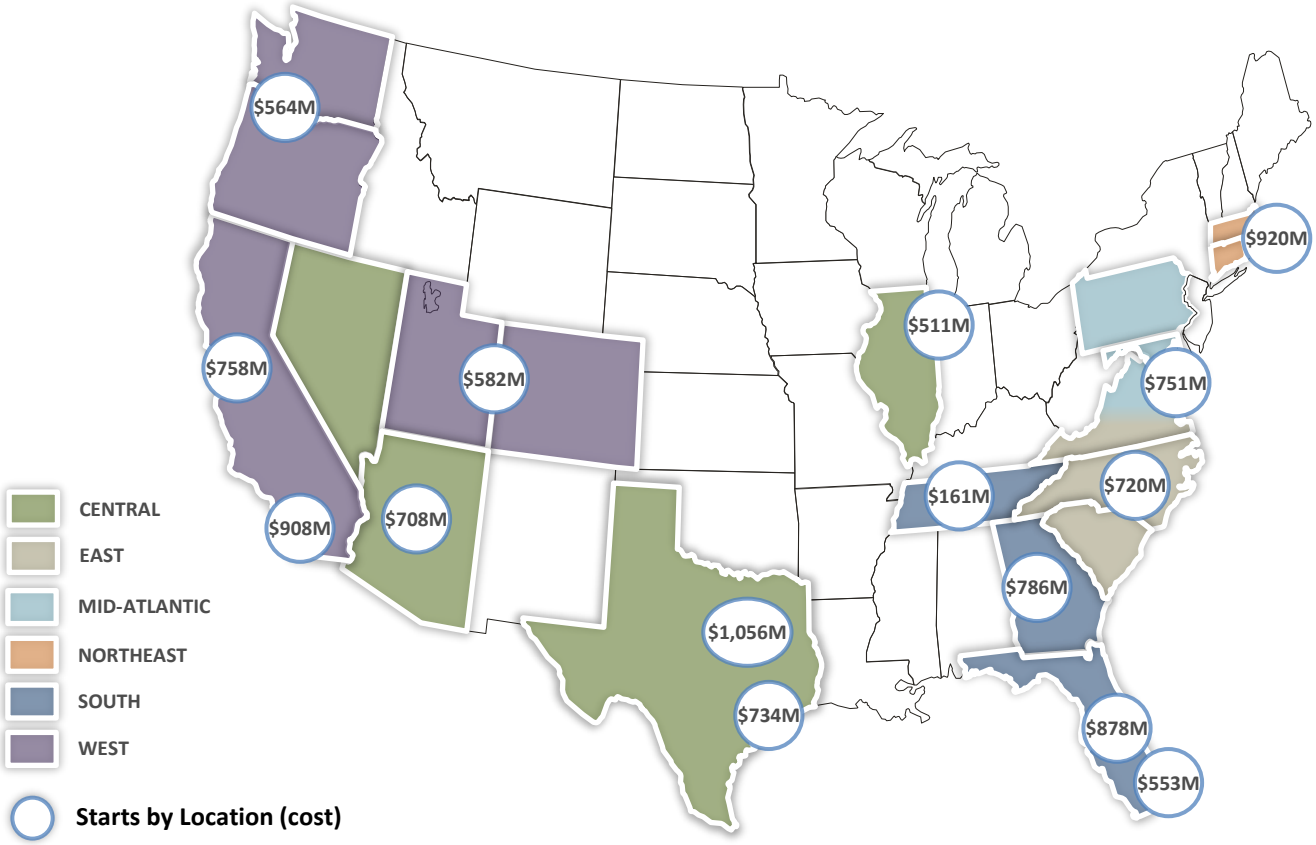
Bennett Sands
404.965.9960
brs@woodpartners.com

Tyler Hurd
404.965.9925
tyler.hurd@woodpartners.com

Introduction to Wood Partners

Current Cycle Industry–Leading Productivity

Wood Partners Has Started $10.6Bn Of New Development Nationwide Since 2010



Senior development and construction executives domiciled in every major US market

Current cycle, profitable round-trip (start, completion, lease-up and sale) experience in over 20 US markets

Physical, operational and realized economic scale is unmatched in multifamily development industry

Note: Seattle/Portland, Denver/Salt Lake City, Austin/Houston and Charlotte/Raleigh offices combined for purposes of illustration

Vertically Integrated For Seamless, Local Execution

Development

- 69,000+ units and $13.3Bn in total development
- National footprint spanning 20 offices with "cradle to grave" localized development responsibility
- 45+ development team members including 5 senior regional development directors supported by 16 local partners with 14+ years average industry experience

Investment Management

- Dedicated asset management team maximizes results of on-site management teams
- In-house legal counsel and asset management team provide efficient best-in-class execution of dispositions
- Institutional quality accounting with approximately 20 CPAs and Big 4 audited financial statements annually since 2008 (with public company quality audit results)

Property Management

- Formed in 2010, Wood Residential Services ("WRS") and its team of 330+ dedicated professionals now manages approximately 60 properties and 14,000+ units across the country
- Strong alignment and performance relative to third party options and extensive lease-up experience

Construction

- Dedicated in-house general contractor and 3rd party construction management capabilities with flexibility to develop garden, high-density and high-rise product types
- Senior in-house team organized at local and regional levels managing over 250+ construction professionals

Atlanta Development Overview

Alta at Jonquil
Smyrna, Georgia

Relevant Experience: Atlanta Area

Alta Ashley Park
269 units - 2022

Porter on Peachtree
291 units - 2022

Alta East (Dairies II)
250 units - 2021

Alta Sugarloaf
330 units - 2020

The Huntley
267 units - 2018

Alta Dairies
312 units - 2019

Piedmont House
198 units - 2018

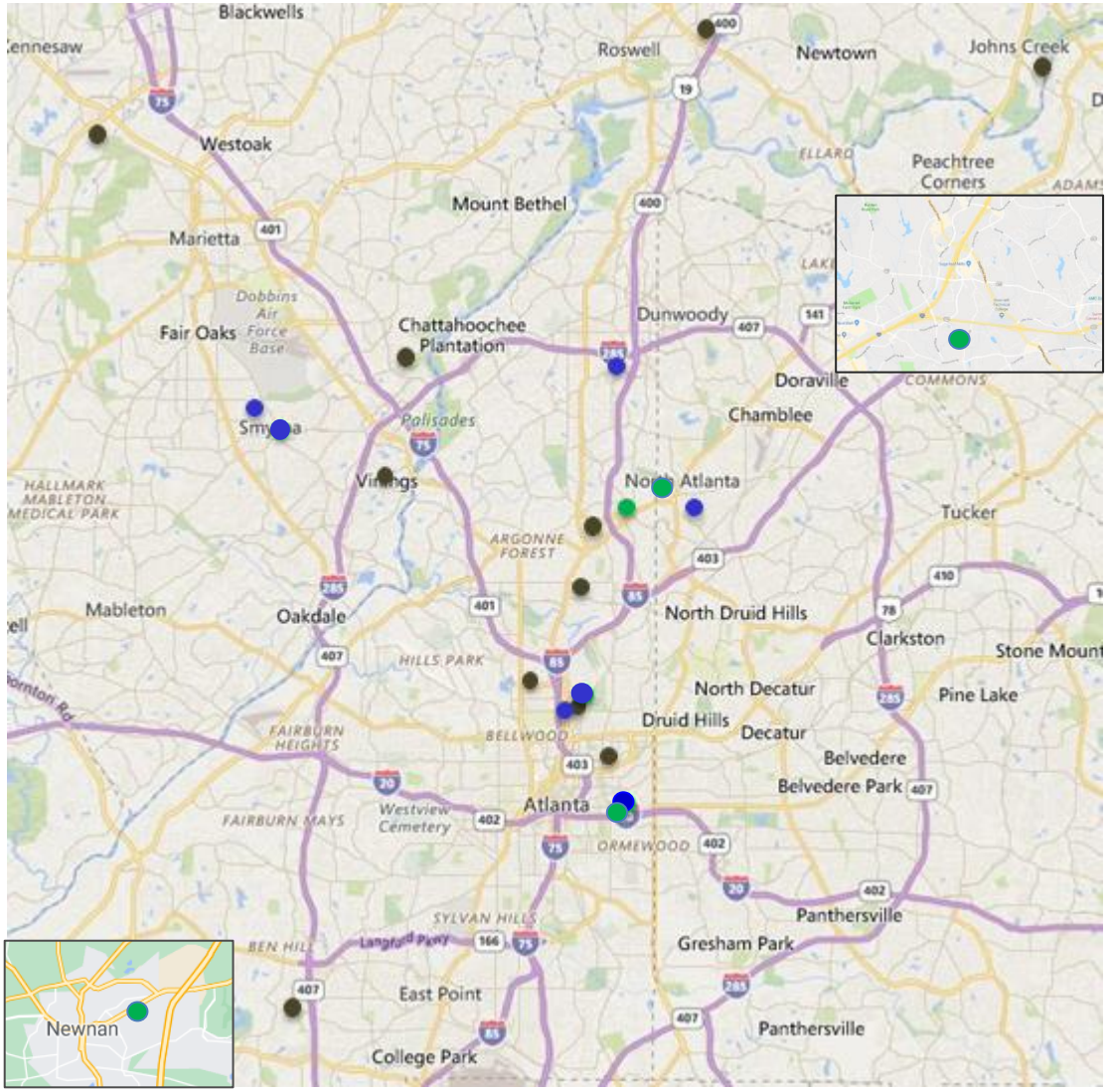
Alta Jonquil
266 units - 2017

Alta Midtown
369 units - 2017

Alta Belmont
274 units - 2016

Alta Brookhaven
230 Units - 2015

Alta Glenridge
168 Units - 2012



Alta Coventry Station
332 Units - 2008

Alta O4W
337 Units - 2010

Johns Creek - Senior
215 Units - 2010

Parc Alpharetta - Senior
210 Units - 2006

Alta Ridenour - Senior
252 Units - 2005

Vinings Main - Condo
148 Units - 2010

Horizon - Condo
282 Units - 2009

Twelve AS - Condo
380 Units -2007

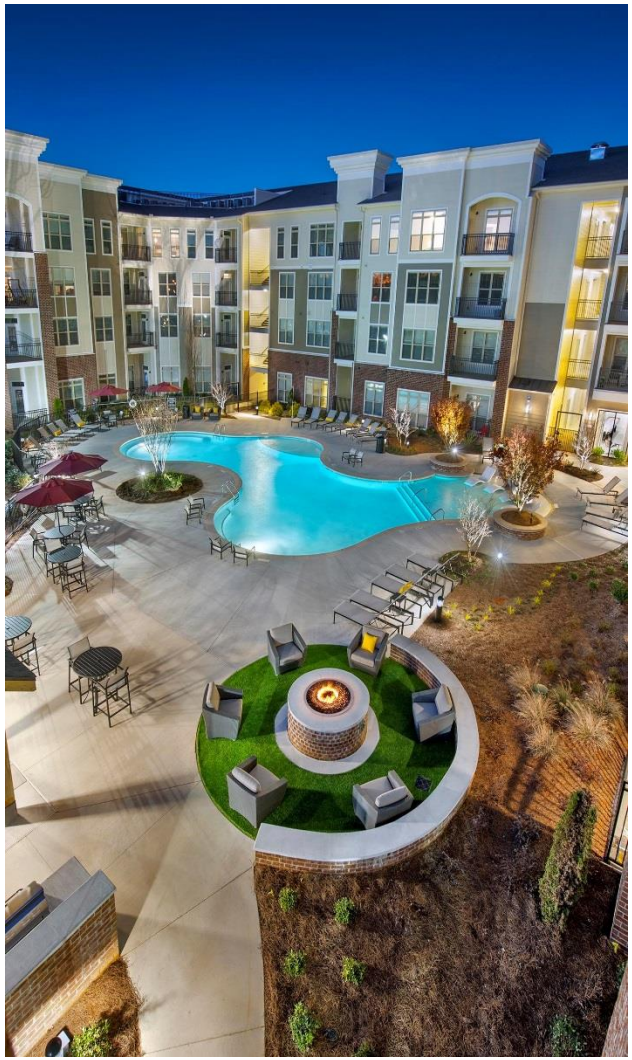
Realm - Condo
406 Units - 2007

Spire - Condo
393 Units - 2006

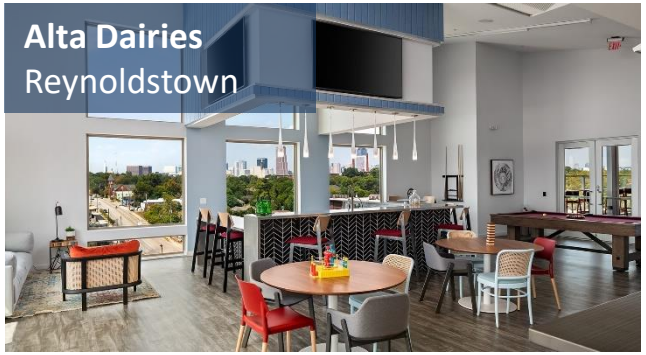
Eclipse - Condo
358 Units - 2005

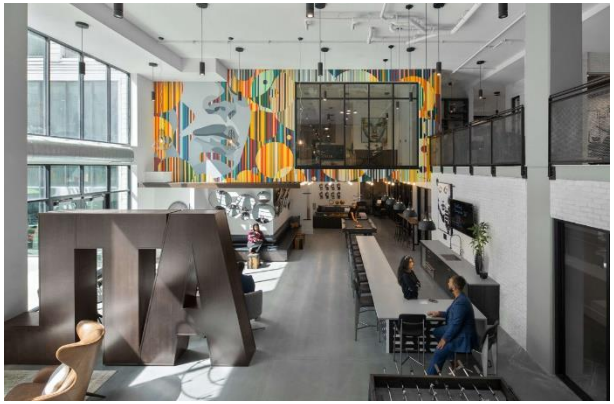
Recent Atlanta Project Photos

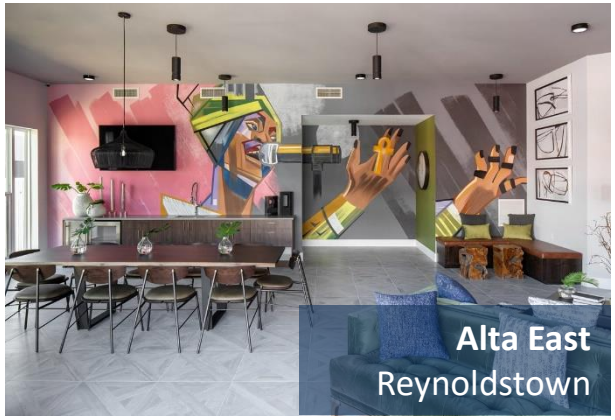
Recent Atlanta Project Photos (cont'd)



Recent Atlanta Project Photos (cont'd)

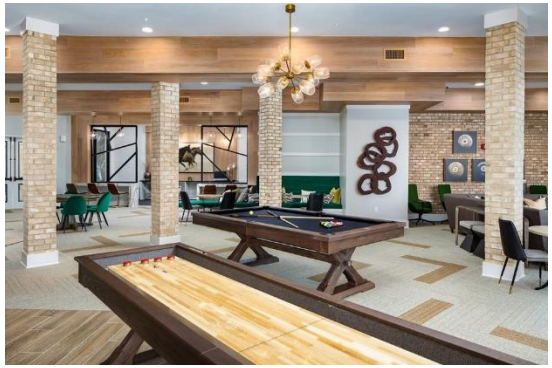






Recent Atlanta Project Photos (cont'd)

Alta Sugarloaf
Gwinnett County



RECEIVED 12/22/21 MC.

APPLICATION FOR SPECIAL EXCEPTION

Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: 12/22/2021

APPLICANT

Applicant Name: MMCC Fund, LLC
Address: 215 W. Bankhead Hwy. **City:** Villa Rica **State:** GA **Zip:** 30180
Phone: (770) 459 - 6727 **Fax:** (770) 459 - 6723 **Email:** matthewsjeffr@gmail.com
Agent Name: Jeff R. Matthews
Address: Same **City:** _____ **State:** _____ **Zip:** _____
Phone: ( ) _____-_____ **Fax:** ( ) _____-_____ **Email:** _____
Owner Name *(If different from applicant)*: _____
Address: _____ **City:** _____ **State:** _____ **Zip:** _____
Phone: ( ) _____-_____ **Fax:** ( ) _____-_____ **Email:** _____
(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

SPECIAL EXCEPTION

TYPE OF EXCEPTION (Select One): ____ **Conditional Use Permit** _X_ **Development Standards Variance**

Name: MMCC Fund, LLC
Special Exception Location (attach location map): See Attached Copy
Proposed Use: Reduce our front, side, and rear setbacks down to twenty-feet (20')
Square Footage of Site: 16.06 acres
Assessor's Parcel Number: V07 0110230
Describe Proposed Special Exception: We are requesting a variance to reduce our required front, side and rear setbacks down to twenty-feet (20'). The size, cost, and nature of the site itself is what is leading us to request this variance. Our intent is to develop a Class A apartment community with a full package of amenities and full time professional management. To provide the full suite of amenities and services, we need at least 300 units to create operational efficiency. The existing stream requires us to locate our buildings and parking in such a way that requires a 20' front, side, and rear setback to reach out target unit count and parking count. We believe our request will have little to no impact on the general public interest and purposes of this Code due to the existing setbacks and landscape buffers of the surrounding uses.

(For Office Use Only)

Total Amount Paid $_____ Cash_____ Check #_____ Received by: _____

Application checked by: _____ Date: _____ Map Number(s): _____

Planning Commission: Approved Denied Date: _____ Conditions: No Yes How many: _____

City Council Decision: Approved Denied Date: _____ Conditions: No Yes How many: _____

Manager's Signature: _____ Date: _____

APPLICATION FOR
SPECIAL EXCEPTION

The procedure for approval of a Special Exception is set forth in Section 11.09 of the Villa Rica Zoning Ordinance. Generally, the process involves review by the Community Development Director and final review and decision by the City Council.

I, JEFF R. Matthews MANAGER for MMCC Fund, LLC, hereby state that all of the above statements and statements contained in the documents submitted with this application are true.

Jeff R Matthews Manager
Signature of Applicant

12-21-2021
Date

Required Materials to Accompany the Application:

The Community Development Director may waive informational requirements upon finding that the information is not required to determine compliance with Zoning Ordinance requirements.

1) Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
2) A site development plan prepared in conformance with all application requirements;
3) *A written statement describing the following:*
   a) The proposed use;
   b) The effect the proposed development may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code;
   c) Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan;
   d) The areas that are most likely to be directly affected by such change and the likely effects;
   e) Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected.
4) Any other exhibits as may be required by the Community Development Manager.

APPLICATION FOR
SPECIAL EXCEPTION

Disclosure of Campaign Contributions
In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Has the applicant[1] made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating $250 or more or made gifts having in the aggregate a value of $250 or more to a member of the City Council who will consider the application?

Yes _____ No ✓

If **Yes,** the applicant and the attorney representing the applicant must file a disclosure report with the City within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift $250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 10th day of Nov, 2021.

JEFF R. MATTHEWS, MANAGER
Applicant's Name – Printed
MMCC Fund, LLC

Jeff R Matthews Manager
Signature of Applicant

_____
Applicant's Attorney, if applicable – Printed

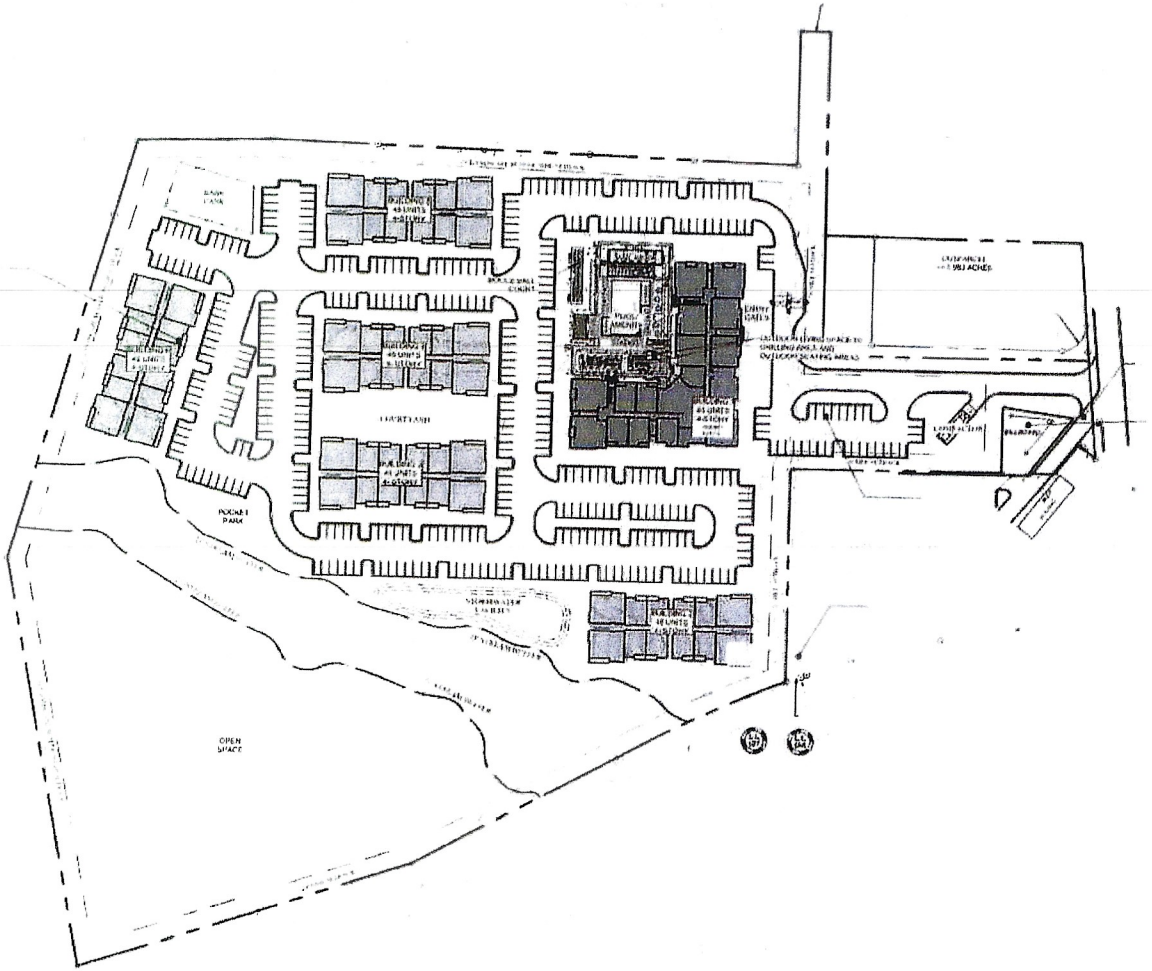
_____
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 10th day of November, 2021.

Janice Bass
Notary Public

JANICE BASS
NOTARY
EXPIRES
GEORGIA
Oct. 2, 2024
PUBLIC
HARALSON COUNTY

1. Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.



SITE LOCATION MAP

FEMA FIRM MAP

GEORGIA 811

24 HOUR CONTACT:
TYLER HURD

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Planners & Engineers Collaborative
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PEACHTREE CORNERS, GA 30092

ALTA VILLA RICA

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

135 COMMERCE DRIVE
VILLA RICA GA , 30180

CITY OF VILLA RICA/CARROLL COUNTY JURISDICTION

WOOD PARTNERS

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

PRELIMINARY

CONCEPTUAL MASTER PLAN

SCALE 1" = 60'
DATE 06/22/2021
PROJECT 19081 00A

C4
SHEET

APPLICATION FOR SPECIAL EXCEPTION

Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: November 8, 2021

APPLICANT

Applicant Name: MMCC Fund, LLC
Address: 215 W. Bankhead Hwy. **City:** Villa Rica **State:** GA **Zip:** 30180
Phone: (770) 459 - 2222 **Fax:** (770) 459-6727 **Email:** matthewsjeffr@gmail.com
Agent Name: Jeff R. Matthews
Address: Same **City:** _____ **State:** _____ **Zip:** _____
Phone: ( ) _____-_____ **Fax:** ( ) _____-_____ **Email:** _____
Owner Name *(If different from applicant)*: N/A
Address: _____ **City:** _____ **State:** _____ **Zip:** _____
Phone: ( ) _____-_____ **Fax:** ( ) _____-_____ **Email:** _____
(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

SPECIAL EXCEPTION

TYPE OF EXCEPTION (Select One): ____ **Conditional Use Permit** X **Development Standards Variance**

Name: MMCC Fund, LLC
Special Exception Location (attach location map): make copy of plan
Proposed Use: Landscape Buffer along exterior of property
Square Footage of Site: 16.06 acres
Assessor's Parcel Number: V07 0110230
Describe Proposed Special Exception: We would like to reduce the landscape buffer from 30 ft. to 20 ft. and will incorporate a heavier planting regimen in the 20 ft. buffer.

(For Office Use Only)

Total Amount Paid $_____ Cash_____ Check #_____ Received by: _____

Application checked by: _____ Date: _____ Map Number(s): _____

Planning Commission: Approved Denied Date: _____ Conditions: No Yes How many: _____

City Council Decision: Approved Denied Date: _____ Conditions: No Yes How many: _____

Manager's Signature: _____ Date: _____

APPLICATION FOR SPECIAL EXCEPTION

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In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

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Yes _____ No ✓

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Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift $250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 9th day of Nov, 2021.

JEFF R. MATTHEWS MANAGER
Applicant's Name – Printed
MMCC Fund, LLC

Jeff Matthews Manager
Signature of Applicant

_____
Applicant's Attorney, if applicable – Printed

_____
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 9th day of November, 2021.

Janice Bass
Notary Public

JANICE BASS NOTARY PUBLIC EXPIRES GEORGIA Oct. 2, 2024 HARRISON COUNTY

1. Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

APPLICATION FOR SPECIAL EXCEPTION

The procedure for approval of a Special Exception is set forth in Section 11.09 of the Villa Rica Zoning Ordinance. Generally, the process involves review by the Community Development Director and final review and decision by the City Council.

I, Jeff R. Matthews Manager for MMCC Fund LLC, ***hereby state that all of the above statements and statements contained in the documents submitted with this application are true.***

Jeff R Matthews Manager

Signature of Applicant 11-10-21 **Date**

Required Materials to Accompany the Application:

The Community Development Director may waive informational requirements upon finding that the information is not required to determine compliance with Zoning Ordinance requirements.

1) Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
2) A site development plan prepared in conformance with all application requirements;
3) *A written statement describing the following:*
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   b) The effect the proposed development may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code;
   c) Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan;
   d) The areas that are most likely to be directly affected by such change and the likely effects;
   e) Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected.
4) Any other exhibits as may be required by the Community Development Manager.

PROCESS

Pre-Application Conference

(Optional)

Application Filed with Department

- Staff review for completeness and Staff Report with recommendation
- Public Hearing scheduled

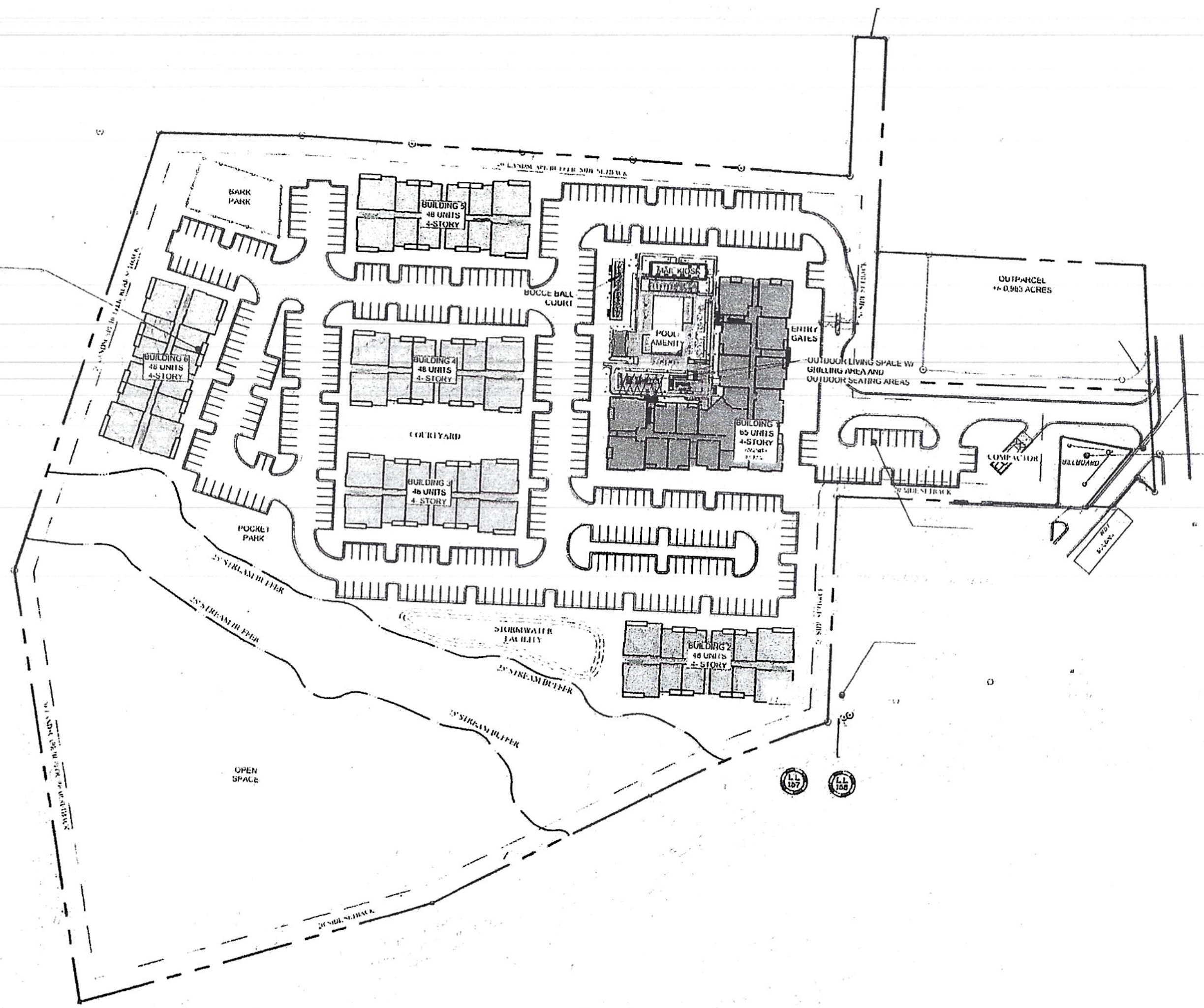
City Council Public Hearing

- Consideration of staff
- Recommendation and applicant and public testimony

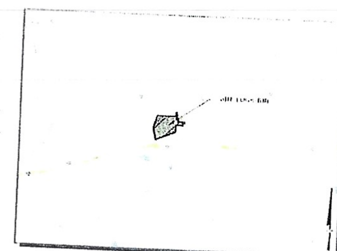
APPROVAL

APPROVAL WITH CONDITIONS

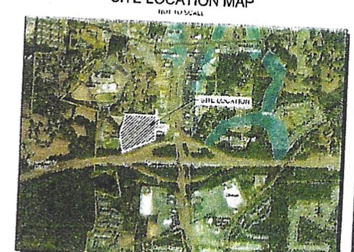
DENIAL



SITE DATA



SITE LOCATION MAP



FEMA FIRM MAP

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Planners & Engineers Collaborative+
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PEACHTREE CORNERS, GA 30092

PROJECT

ALTA VILLA RICA

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

135 COMMERCE DRIVE
VILLA RICA GA., 30180

CITY OF VILLA RICA/CARROLL COUNTY JURISDICTION

FOR

WOOD PARTNERS

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

PRELIMINARY

CONCEPTUAL MASTER PLAN

SCALE: 1" = 60'
DATE: 06/22/2021
PROJECT: 19091.00A

C4
SHEET

GEORGIA811
www.Georgia811.com

24 HOUR CONTACT:
TYLER HURD

RECEIVED 12/22/21 WS.

APPLICATION FOR SPECIAL EXCEPTION

Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: 12/22/2021

APPLICANT

Applicant Name: MMCC Fund, LLC
Address: 215 W. Bankhead Hwy. **City:** Villa Rica **State:** GA **Zip:** 30180
Phone: (770) 459 - 6727 **Fax:** (770) 459 - 6723 **Email:** matthewsjeffr@gmail.com
Agent Name: Jeff R. Matthews
Address: Same **City:** _____ **State:** _____ **Zip:** _____
Phone: ( ) _____-_____ **Fax:** ( ) _____-_____ **Email:** _____
Owner Name *(If different from applicant)*: _____
Address: _____ **City:** _____ **State:** _____ **Zip:** _____
Phone: ( ) _____-_____ **Fax:** ( ) _____-_____ **Email:** _____
(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

SPECIAL EXCEPTION

TYPE OF EXCEPTION (Select One): ____ **Conditional Use Permit** X **Development Standards Variance**

Name: MMCC Fund, LLC
Special Exception Location (attach location map): See Attached Copy
Proposed Use: Reduce our required parking ratio down to 1.75 spaces per unit
Square Footage of Site: 16.06 acres
Assessor's Parcel Number: V07 0110230
Describe Proposed Special Exception: We are requesting a variance to reduce our required parking ratio down to 1.75 spaces per unit. We believe that our Class A apartment community with a full package of amenities and full time professional management will attract young single renters. As a result, we are programming our development with a higher concentration of efficiency and one-bedroom units. When parking is calculated on a per bedroom basis, you will find that our parking count exceeds surrounding developments: Wildwood at Villa Rica (540 S Carroll Rd) and Hickory Falls (801 Hickory Level Rd.). Based on this analysis, we can conclude that our proposed use not only meets, but exceeds current market conditions and will not be detrimental to the general public and the purposes of this code.

(For Office Use Only)

Total Amount Paid $_____ Cash_____ Check #_____ Received by: _____

Application checked by: _____ Date: _____ Map Number(s): _____

Planning Commission: Approved Denied Date: _____ Conditions: No Yes How many: _____

City Council Decision: Approved Denied Date: _____ Conditions: No Yes How many: _____

Manager's Signature: _____ Date: _____

APPLICATION FOR
SPECIAL EXCEPTION

The procedure for approval of a Special Exception is set forth in Section 11.09 of the Villa Rica Zoning Ordinance. Generally, the process involves review by the Community Development Director and final review and decision by the City Council.

I, Jeff R. Matthews Manager for MMCC Fund LLC, ***hereby state that all of the above statements and statements contained in the documents submitted with this application are true.***

Jeff Matthews Manager
Signature of Applicant

12-21-21
Date

Required Materials to Accompany the Application:

The Community Development Director may waive informational requirements upon finding that the information is not required to determine compliance with Zoning Ordinance requirements.

1) Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
2) A site development plan prepared in conformance with all application requirements;
3) *A written statement describing the following:*
   a) The proposed use;
   b) The effect the proposed development may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code;
   c) Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan;
   d) The areas that are most likely to be directly affected by such change and the likely effects;
   e) Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected.
4) Any other exhibits as may be required by the Community Development Manager.

APPLICATION FOR
SPECIAL EXCEPTION

Disclosure of Campaign Contributions
In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered.

Has the applicant[1] made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating $250 or more or made gifts having in the aggregate a value of $250 or more to a member of the City Council who will consider the application?

Yes _____ No ✓

If **Yes**, the applicant and the attorney representing the applicant must file a disclosure report with the City within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift $250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 10th day of Nov, 2021.

JEFF R. MATTHEWS, MANAGER
Applicant's Name – Printed
MMCC Fund, LLC

Jeff R Matthews Manager
Signature of Applicant

_____
Applicant's Attorney, if applicable – Printed

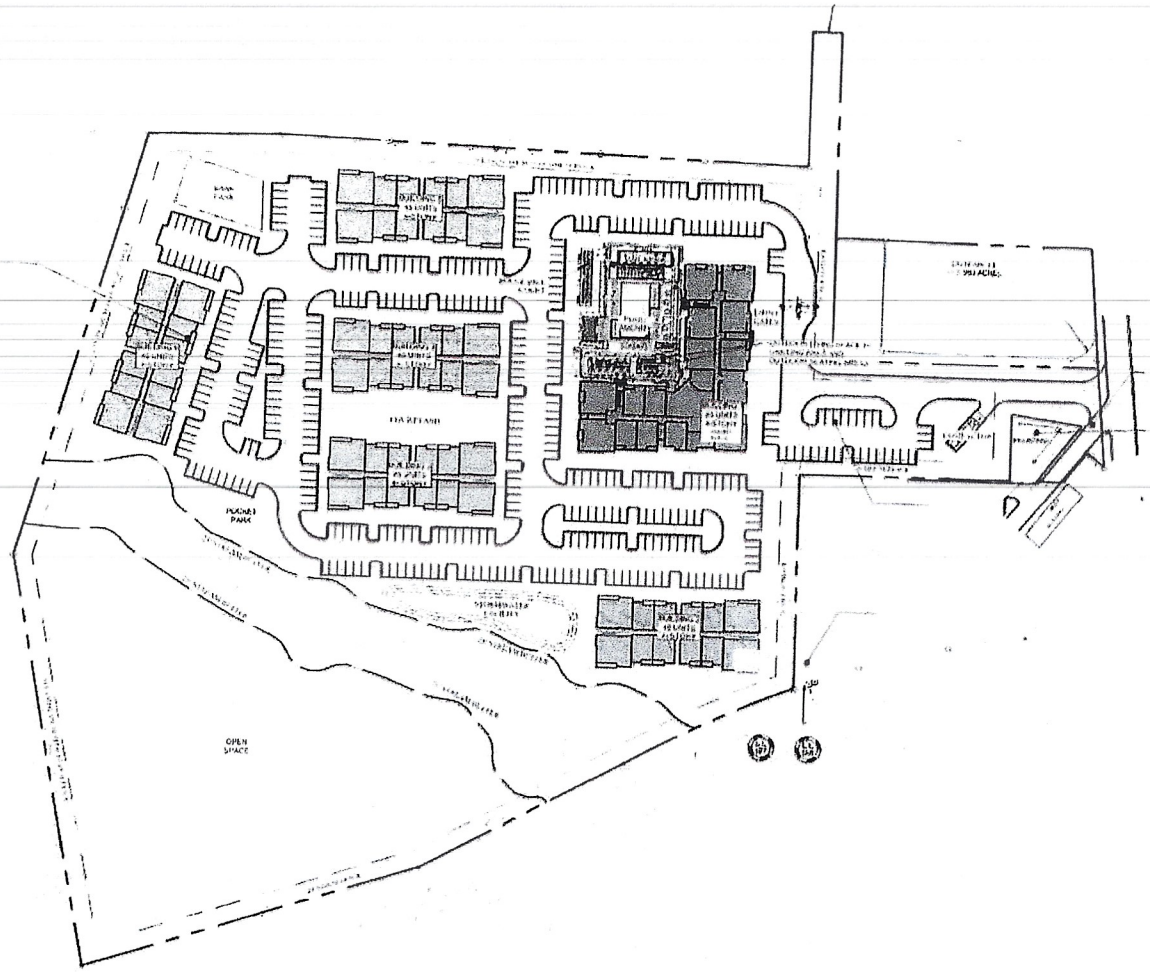
_____
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 10th day of November, 2021.

Janice Bass
Notary Public

JANICE BASS
NOTARY
EXPIRES
GEORGIA
Oct. 2, 2024
PUBLIC
HARRISON COUNTY

1. Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.



SITE LOCATION MAP

FEMA FIRM MAP

GEORGIA 811

24 HOUR CONTACT:
TYLER HURD

P: (770) 451-2741 F: (770) 451-3915

PEC+
Planners & Engineers Collaborative

330 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

ALTA VILLA RICA

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

135 COMMERCE DRIVE
VILLA RICA GA , 30180

CITY OF VILLA RICA/CARROLL COUNTY JURISDICTION

WOOD PARTNERS

MUNICIPALITY PROJECT #

REVISIONS

PRELIMINARY

CONCEPTUAL MASTER PLAN

SCALE 1" = 60'
DATE 06/22/2021
PROJECT 19091.00A

C4
SHEET

RECEIVED 12/22/21 WC

APPLICATION FOR SPECIAL EXCEPTION

Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: November 11, 2021

APPLICANT

Applicant Name: MMCC Fund, LLC
Address: 215 W. Bankhead Hwy. **City:** Villa Rica **State:** GA **Zip:** 30180
Phone: (770) 459.6727 **Fax:** (770) 459.6723 **Email:** matthewsjeffr@gmail.com
Agent Name: Jeff R. Matthews
Address: Same **City:** ____ **State:** ____ **Zip:** ____
Phone: ( ) ____-____ **Fax:** ( ) ____-____ **Email:** ____
Owner Name *(If different from applicant)*: ____
Address: ____ **City:** ____ **State:** ____ **Zip:** ____
Phone: ( ) ____-____ **Fax:** ( ) ____-____ **Email:** ____
(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

SPECIAL EXCEPTION

TYPE OF EXCEPTION (Select One): ____ **Conditional Use Permit** X **Development Standards Variance**

Name: MMCC Fund, LLC
Special Exception Location (attach location map): See Attached Copy
Proposed Use: Utilize a portion of the 50' impervious buffer along the N. side of the drainage way only.
Square Footage of Site: 16.06 acres
Assessor's Parcel Number: V07 0110230
Describe Proposed Special Exception: We would like to have the flexibility to utilize some of the 50' impervious buffer which was imposed by an agreement with the Douglas County/Northwest Ga. Water Au thority. We understand and do not intend to impact the 25' state mandated non disturb buffer along the drainage way.

(For Office Use Only)

Total Amount Paid $____ Cash____ Check #____ Received by: ____

Application checked by: ____ Date: ____ Map Number(s): ____

Planning Commission: Approved Denied Date: ____ Conditions: No Yes How many: ____

City Council Decision: Approved Denied Date: ____ Conditions: No Yes How many: ____

Manager's Signature: ____ Date: ____

APPLICATION FOR
SPECIAL EXCEPTION

The procedure for approval of a Special Exception is set forth in Section 11.09 of the Villa Rica Zoning Ordinance. Generally, the process involves review by the Community Development Director and final review and decision by the City Council.

I, JEFF R. MATTHEWS MANAGER for MMCC Fund LLC, ***hereby state that all of the above statements and statements contained in the documents submitted with this application are true.***

Jeff R Matthews Manager
Signature of Applicant

11-10-21
Date

Required Materials to Accompany the Application:

The Community Development Director may waive informational requirements upon finding that the information is not required to determine compliance with Zoning Ordinance requirements.

1) Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
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3) *A written statement describing the following:*
   a) The proposed use;
   b) The effect the proposed development may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code;
   c) Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan;
   d) The areas that are most likely to be directly affected by such change and the likely effects;
   e) Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected.
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APPLICATION FOR
SPECIAL EXCEPTION

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Yes _____ No ✓

If **Yes**, the applicant and the attorney representing the applicant must file a disclosure report with the City within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift $250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 10th day of Nov, 2021.

JEFF R. MATTHEWS, MANAGER
Applicant's Name – Printed
MMCC FUND, LLC

Jeff R Matthews Manager
Signature of Applicant

_____
Applicant's Attorney, if applicable – Printed

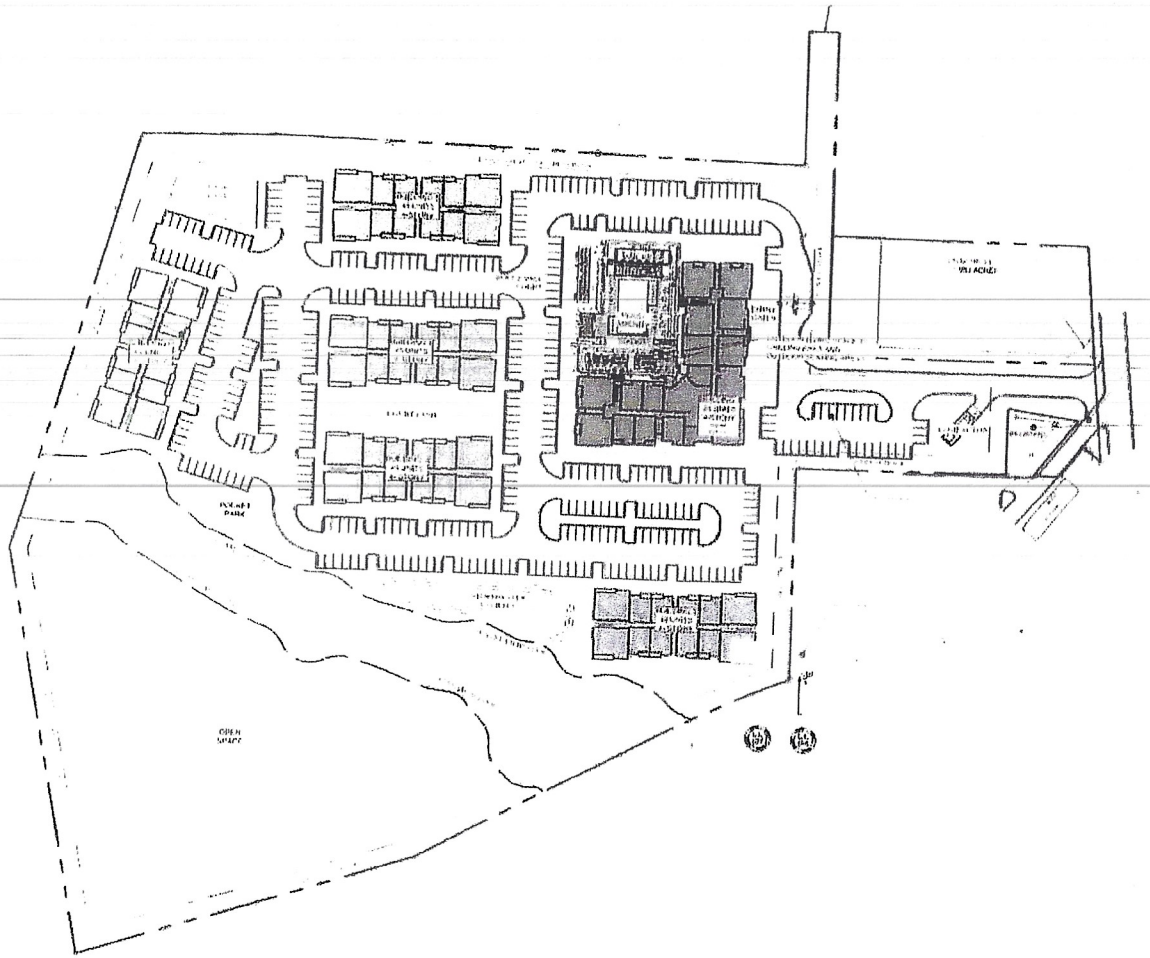
_____
Signature of Applicant's Attorney, if applicable

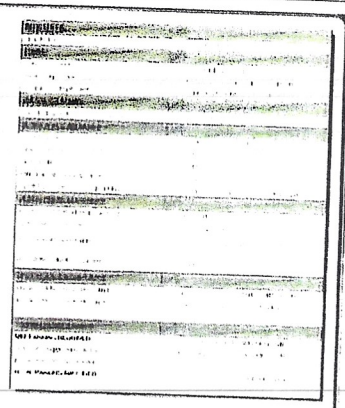
Sworn to and subscribed before me this 10th day of November, 2021.

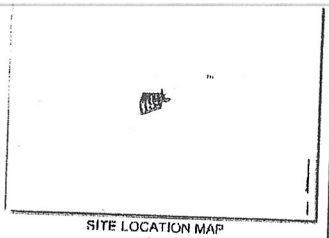
Janice Bass
Notary Public

JANICE BASS NOTARY PUBLIC EXPIRES GEORGIA Oct. 2, 2024 HARALSON COUNTY

1. Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.







SITE LOCATION MAP

FEMA FIRM MAP

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THREE ARCH COURT STE 200
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CITY OF VILLA RICA/CARROLL COUNTY JURISDICTION

WOOD PARTNERS

MUNICIPALITY PROJECT #

REVISIONS

PRELIMINARY

CONCEPTUAL MASTER PLAN

SCALE 1" = 60'
DATE 06/29/2021
PROJECT 19001.00A

C4

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: Appointment to the Planning and Zoning Commission

AGENDA DATE: January 11th 2022

DATE PREPARED: January 7th, 2022

PREPARED BY: Ronald Johnson, Planning & Zoning Specialist

AMOUNT: N/A
GL ACCOUNT #: N/A
FUNDING SOURCE: N/A
BUDGETED ITEM? N/A

PURPOSE: To make an appointment into the vacant seat on the Planning and Zoning Commission Board for the term that began on February 1st, 2022 and ends December 31st, 2024.

BACKGROUND: This seat on the commission was previously a one-year term, which was altered to a three-year term in the new zoning ordinance. While not required by ordinance, the City Council has previously made appointments to the Planning and Zoning Commission based on the ward system. Staff has received applications from two residents of Ward 5, and David Rogers (Ward 2) has expressed interest in continuing his service on the commission.

Members of the Planning & Zoning Commission shall be appointed by the City Council of the City of Villa Rica. The Commission shall consist of five (5) members who reside or own property within the City limits of Villa Rica, Georgia and who shall be appointed for a three (3) year term, beginning on February 1st through January 31st of each year, or until their successors shall be appointed.

STAFF RECOMMENDATION: N/A

IMPACT: Filling the vacant seat on the commission board.

MOTION: I move to approve the appointment of _____ (*David Rogers; Nancy Mims; OR Janet Heilman*) to the Planning and Zoning Commission for the term of February 1st 2022 – December 31st 2022.

City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

APPLICATION FOR BOARD OR COMMISSION APPOINTMENT

Citizens provide a great insight and knowledge to City government. An avenue that the City of Villa Rica uses to get this insight is through the various Boards and Commissions of the City of Villa Rica. The members of the Boards and Commissions make decisions and help recommend and review policies for the City of Villa Rica and its Mayor and Council. This questionnaire will assist the Mayor and Council in the review process and in determining applicant eligibility requirements and qualifications for Board or Commission membership.

Questions to consider before applying for membership on a Board or Commission:

- Do I fully understand what this Board or Commission expects from me?
- Am I committed to the goals and mission of this Board or Commission?
- Can I afford the demands on my time, resources and energy?
- Will I attend meetings regularly, making them a priority for the duration of my appointment?
- Am I willing to perform a reasonable amount of work outside of regularly scheduled Board or Commission meetings and prepare for each meeting?
- Can I work effectively with the other members of the Board or Commission?
- Am I willing to participate in necessary Board or Commission training, education and development activities that will improve my effectiveness in my position?

APPLICANT INFORMATION

Applicant Name: Janet B. Heilman

Occupation: Retired Employer: —

Home Address: 44 Maple Valley Dr City: Villa Rica Zip: 30180

Home Phone: (770) 459-2728 Home E-Mail: janetbh@yahoo.com

Work Phone: ( ) Work E-Mail:

Cell Phone: (404) 376-8887 Preferred E-Mail: ☑ Home ☐ Work

Name and address of the business entity you own, located within the city limits of Villa Rica (if applicable)

City of Villa Rica

a) Which Board(s) or Commission(s) do you wish to be appointed to? Planning & Zoning

b) How long have you been a resident of the City of Villa Rica? 22 Years 10 Months

c) Are you current with all of your financial obligations to the City? ☑ Yes ☐ No

d) Are you willing and available to attend training sessions on-site and/or off-site if provided by the City? ☑ Yes ☐ No

e) Available Boards and Commissions and their terms and meeting schedules are listed at the end of this application. Are you able to meet the attendance requirements of the position for which you are applying? ☑ Yes ☐ No

f) Do you know of any circumstances that would result in you having to abstain from voting on any action before the Board or Commission? ☐ Yes ☑ No If yes, please explain:

g) Do you or your employer, or your spouse, child, relative or their employers, do business with the City of Villa Rica ☐ Yes ☑ No If yes, please explain:

h) Do you have any employment or contractual relationship with the City of Villa Rica that would create a continuing or frequently recurring conflict with regard to your participation on a Board or Commission? ☐ Yes ☑ No
If yes, please explain:

City of Villa Rica

i) Please briefly explain your reasons for wishing to serve on the Board or Commission you select:

I had previously served on the P&Z from 2004-2007. Now that I am retired, I would like the opportunity to serve again, and help with making the decisions that will direct the growth of our city according to guidelines.

j) Are you willing to be considered for appointment to any of the other Boards or Commissions of the City if a position is not available on the Board or Commission of your first choice? ☐ Yes ☒ No If yes, please list the Boards or Commissions for which you would like to be considered (in order of interest):

APPLICANT STATEMENT

I understand that I am applying for appointment to a Board or Commission and that the appointing authority may require an interview prior to consideration for appointment; that I will be required to take an oath of office to uphold the City's charter and ordinances; that I may be removed from office for any reason permitted by law or City charter; and that my application will remain on file for consideration for a period of six months, after which time, I will need to file a new application. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in this application are true to the best of my knowledge.

Signature	Printed Name	Date
Janet B. Heilman	Janet B. Heilman	10-6-21

Please return signed application to: Alisa Doyal, City Clerk
City of Villa Rica
571 W. Bankhead Hwy
Villa Rica, GA 30180

Fax: 770-459-7003
Email: adoyal@villarica.org

Questions? Contact the City Clerk at 678-840-1212

City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

APPLICATION FOR BOARD OR COMMISSION APPOINTMENT

Citizens provide a great insight and knowledge to City government. An avenue that the City of Villa Rica uses to get this insight is through the various Boards and Commissions of the City of Villa Rica. The members of the Boards and Commissions make decisions and help recommend and review policies for the City of Villa Rica and its Mayor and Council. This questionnaire will assist the Mayor and Council in the review process and in determining applicant eligibility requirements and qualifications for Board or Commission membership.

Questions to consider before applying for membership on a Board or Commission:

- Do I fully understand what this Board or Commission expects from me?
- Am I committed to the goals and mission of this Board or Commission?
- Can I afford the demands on my time, resources and energy?
- Will I attend meetings regularly, making them a priority for the duration of my appointment?
- Am I willing to perform a reasonable amount of work outside of regularly scheduled Board or Commission meetings and prepare for each meeting?
- Can I work effectively with the other members of the Board or Commission?
- Am I willing to participate in necessary Board or Commission training, education and development activities that will improve my effectiveness in my position?

APPLICANT INFORMATION

Applicant Name: Nancy G Mims

Occupation: Retired Professor Employer: U of GA system

Home Address: 17 Hickory Trail City: Villa Rica Zip: 30180

Home Phone: (678) 941-3243 Home E-Mail: nmims10@gmail.com

Work Phone: N/A Work E-Mail: N/A

Cell Phone: (678) 670-2490 Preferred E-Mail: ☒ Home ☐ Work

Name and address of the business entity you own, located within the city limits of Villa Rica (if applicable) N/A

a) Which Board(s) or Commission(s) do you wish to be appointed to? Planning & Zoning

b) How long have you been a resident of the City of Villa Rica? 30 Years ___ Months
County 33

c) Are you current with all of your financial obligations to the City? ☒ Yes ☐ No

d) Are you willing and available to attend training sessions on-site and/or off-site if provided by the City? ☒ Yes ☐ No

e) Available Boards and Commissions and their terms and meeting schedules are listed at the end of this application. Are you able to meet the attendance requirements of the position for which you are applying? ☒ Yes ☐ No

f) Do you know of any circumstances that would result in you having to abstain from voting on any action before the Board or Commission? ☐ Yes ☒ No If yes, please explain:

g) Do you or your employer, or your spouse, child, relative or their employers, do business with the City of Villa Rica ☐ Yes ☒ No If yes, please explain:

h) Do you have any employment or contractual relationship with the City of Villa Rica that would create a continuing or frequently recurring conflict with regard to your participation on a Board or Commission? ☐ Yes ☒ No
If yes, please explain:

i) Please briefly explain your reasons for wishing to serve on the Board or Commission you select:

I am interested in assisting our city with visible sustainable growth. I have a background in planning, served on Downtown 2017 comprehensive development planning committee a passionate interest in historic preservation + construction

j) Are you willing to be considered for appointment to any of the other Boards or Commissions of the City if a position is not available on the Board or Commission of your first choice? ☐ Yes ~~☐ No~~ If yes, please list the Boards or Commissions for which you would like to be considered (in order of interest): (Served as an HPC commission 2017-2021) current member of Friends of Cemetery.

Library Advisory Board

APPLICANT STATEMENT

I understand that I am applying for appointment to a Board or Commission and that the appointing authority may require an interview prior to consideration for appointment; that I will be required to take an oath of office to uphold the City's charter and ordinances; that I may be removed from office for any reason permitted by law or City charter; and that my application will remain on file for consideration for a period of six months, after which time, I will need to file a new application. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in this application are true to the best of my knowledge.

Nancy G Mims — Signature

Nancy G Mims — Printed Name

11/4/2021 — Date

Please return signed application to: Alisa Doyal, City Clerk
City of Villa Rica
571 W. Bankhead Hwy
Villa Rica, GA 30180

Fax: 770-459-7003
Email: adoyal@villarica.org

Questions? Contact the City Clerk at 678-840-1212

City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

APPLICATION FOR BOARD OR COMMISSION APPOINTMENT

Citizens provide a great insight and knowledge to City government. An avenue that the City of Villa Rica uses to get this insight is through the various Boards and Commissions of the City of Villa Rica. The members of the Boards and Commissions make decisions and help recommend and review policies for the City of Villa Rica and its Mayor and Council. This questionnaire will assist the Mayor and Council in the review process and in determining applicant eligibility requirements and qualifications for Board or Commission membership.

Questions to consider before applying for membership on a Board or Commission:

- Do I fully understand what this Board or Commission expects from me?
- Am I committed to the goals and mission of this Board or Commission?
- Can I afford the demands on my time, resources and energy?
- Will I attend meetings regularly, making them a priority for the duration of my appointment?
- Am I willing to perform a reasonable amount of work outside of regularly scheduled Board or Commission meetings and prepare for each meeting?
- Can I work effectively with the other members of the Board or Commission?
- Am I willing to participate in necessary Board or Commission training, education and development activities that will improve my effectiveness in my position?

APPLICANT INFORMATION

Applicant Name: ___David Lawrence Rogers_____

Occupation: ___Licensed Realtor_____ Employer: __Keller Williams Realty Consultants_____

Home Address: __1001 East Bay Springs Drive_____ City: _____Villa Rica_____ Zip: __30180_____

Home Phone: (_____) _____ Home E-Mail: ____2sillyhotdogs@gmail.com_____

Work Phone: (__678___) __287.4847_____ Work E-Mail: ___david.rogers@kw.com_____

Cell Phone: (__404___) __667.7162_____ Preferred E-Mail: ✠ Work

Name and address of the business entity you own, located within the city limits of Villa Rica (if applicable)_____

__Small Frontier, LLC and David Rogers Real Estate, LLC_____(home based registered with Secretary of State)_____

a) Which Board(s) or Commission(s) do you wish to be appointed to? P&Z, VRDA, DDA, Historic Preservation Commission

b) How long have you been a resident of the City of Villa Rica? 10 Years 3 Months

c) Are you current with all of your financial obligations to the City? X Yes

d) Are you willing and available to attend training sessions on-site and/or off-site if provided by the City? X Yes

e) Available Boards and Commissions and their terms and meeting schedules are listed at the end of this application.
Are you able to meet the attendance requirements of the position for which you are applying? X Yes

f) Do you know of any circumstances that would result in you having to abstain from voting on any action before the Board or Commission? X No

g) Do you or your employer, or your spouse, child, relative or their employers, do business with the City of Villa Rica?
X No

h) Do you have any employment or contractual relationship with the City of Villa Rica that would create a continuing or frequently recurring conflict with regard to your participation on a Board or Commission? X No

_____

_____

i) Please briefly explain your reasons for wishing to serve on the Board or Commission you select:

_I am active in the community and wish to serve and contribute at a higher level within the operations of our city. I currently serve on the Atlanta Board of Realtors, Government Affairs Committee (2016- present), Bay Springs HOA, Vice President (2010-present. I have served various positions including President.) I wish to serve with my experience and thoughtful representation for the residents, businesses, and future of The City of Villa Rica._____

j) Are you willing to be considered for appointment to any of the other Boards or Commissions of the City if a position is not available on the Board or Commission of your first choice? X Yes If yes, please list the Boards or Commissions for which you would like to be considered (in order of interest):

_____P&Z, BOA, RAC_____

APPLICANT STATEMENT

I understand that I am applying for appointment to a Board or Commission and that the appointing authority may require an interview prior to consideration for appointment; that I will be required to take an oath of office to uphold the City's charter and ordinances; that I may be removed from office for any reason permitted by law or City charter; and that my application will remain on file for consideration for a period of six months, after which time, I will need to file a new application. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in this application are true to the best of my knowledge.

_____ David L Rogers_____ _____01/03/2019____
Signature Printed Name Date

Please return signed application to: Alisa Doyal, City Clerk Fax: 770-459-7003
City of Villa Rica
Email: adoyal@villarica.org
571 W. Bankhead Hwy
Villa Rica, GA 30180

Questions? Contact the City Clerk at 678-840-1212

BOARD AND COMMISSION INFORMATION

Board of Appeals (BOA): The BOA is a quasi-judicial body that provides the public with a final administrative review process for appeals relating to a wide range of City determinations. The Board strives to provide an efficient, fair and expeditious public hearing and decision-making process before an impartial panel as a last step in the City's permit issuance process. The Board hears and decides appeals involving the granting, denial, suspension, or revocation of permits, licenses, and other use entitlements by various City commissions and departments. The granting or denial of variances and other determinations by the P&Z Commission. Term: 3 years | Members: 5

Downtown Development Authority (DDA): The DDA's mission is to oversee the revitalization and redevelopment of the central business district and to develop and promote for the public good and general welfare, trade, commerce, industry and employment opportunities. Members must either own a business or have an economic interest in the downtown. A member of the City Council is permitted to serve on the DDA. Term: 4 years | Members: 7

Historic Preservation Commission (HPC): This six-member commission is appointed by the City Council and administers the historic regulations in the City of Villa Rica. Commissioners review requests for retaining wall grants, revolving loan applications, building permit applications and demolition permit requests. Term: 3 years | Members: 6

Housing Authority Board (HAB): The function and responsibility of the HAB is to plan, develop, and administer a public housing program for the City of Villa Rica. Members are appointed by the Mayor for indefinite terms.

Library Advisory Board (LAB): Acts in an advisory capacity to the branch manager of the Villa Rica Public Library. Members work with the Branch Manager to establish operational policies for the library for approval by the City Council and West Georgia Regional Library System, assist the Branch Manager with the annual budget request to the City Council, adopts bylaws and regulations for internal operations, makes recommendations through the City Manager to the Mayor and City Council concerning the library, solicits donations of money and/or property for the benefit of the library, and represents the library to the community. The City Manager, Branch Manager and WGRL Director serve as nonvoting members. Term: 3 years | Members: 7

Main Street Advisory Board (MSAB): This seven-member Board commission is appointed by the City Council and works to promote and create a thriving central business district in Downtown Villa Rica and along primary entrance corridors into the central downtown business district. Term: 2 years | Members: 7

Planning & Zoning Commission (P&Z): The P&Z advises the City Council in decisions pertaining to amendments to the Comprehensive Plan, the Zoning Ordinance and applications for development. The Commission is charged with developing and maintaining the Comprehensive Plan and submitting the plan and its elements to the City Council. The Commission also reviews and makes recommendations regarding changes to the Comprehensive Plan land use map. The Commission hears, reviews and makes recommendations regarding all applications for subdivision site plans, specific plans and phased and conditional use permit applications. Term: 1 year | Members: 5

Recreation Advisory Commission (RAC): The purpose of the RAC is to make recommendations to the City Council regarding parks and recreation plans, policies, programs and projects. Term: 3 years | Members: 7

Villa Rica Cemetery Committee: Functions include making recommendations to the City Manager on all aspects of the management and operations of the city's cemeteries. Term: 3 years | Members: 6

Villa Rica Development Authority (VRDA): The VRDA exists to provide bond financing for community and economic development projects with a goal of increasing job opportunities within the community, supporting education and health care, and providing housing for underserved communities, all of which benefit the residents of the city of Villa Rica and the state of Georgia. Term: 4 years | Members: 7

City of Villa Rica

PROCEDURES FOR BOARD OR COMMISSION APPOINTMENT

1) Approximately four weeks before the end of a Board or Commission term, the City Clerk will notify the Mayor and City Council and the members of the Board or Committee affected of the positions and citizens whose terms will be expiring.

2) The City Clerk will cause this information to be posted via the City's website, electronic newsletter or other means to inform the residents in the city. This notice will also include qualifications (if any) to serve. The Mayor and City Council will set the timeframe for the acceptance of applicants.

3) Applications may be sent to the City Clerk. The Mayor and City Council may interview candidates at its discretion. The Mayor and City Council retains all responsibilities and rights to select candidates, nominate and confirm appointments as required by the City Charter and Code of Ordinances.

4) After any appointment, the new Board or Commission member, as well as the other members of that Board or Commission will receive a letter notifying them of their appointment and be scheduled to be administered an Oath of Office.

Please return signed application to:

Alisa Doyal, City Clerk
City of Villa Rica
571 W. Bankhead Hwy
Villa Rica, GA 30180

Fax: 770-459-7003
Email: adoyal@villarica.org

Questions? Contact the City Clerk at 678-840-1212

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: Revision to Villa Rica Development Regulations Relative to Stream Buffers

AGENDA DATE: September 21, 2021

DATE PREPARED: August 19, 2021

PREPARED BY: Bobby C. Elliott, P.E.

AMOUNT:
GL ACCOUNT #: N/A
FUNDING SOURCE: N/A
BUDGETED ITEM? N/A

PURPOSE: The purpose of this agenda item is to reduce the stream buffers back to the State Mandatory 25-feet inside the Carroll County portion of Villa Rica City Limits.

BACKGROUND: Back around 2008, the City increased its buffers to a total of 75-feet to encompass the mandatory State 25-feet, an additional City Regulated 25-feet plus an additional 25-feet impervious setback portion. As developable parcels are reduced in the City, it is very difficult to develop with a total of 150-foot buffer (75-feet both sides of stream) running through the parcel. We are recommending this total buffer be reduced back to the State minimum of 25-feet. This would be in the Carroll County portion of the City.

We would like to maintain the 75-foot buffer setup in the Dog River basin of Douglas County only.

This regulation is covered in Section 700 of the Development Regulations which is the Erosion and Sediment Control section of our Regulations. Particularly Section 704, "C", Number 18 as depicted in the ordinance document attached.

STAFF RECOMMENDATION: Staff recommends approval.

IMPACT: N/A

MOTION: I move to approve the revision of Section 700 of the Development Regulations to reduce the stream buffer widths back to the State minimum 25-feet inside the Carroll County portion of the City limits and to leave the 75-foot regulation in place for the Dog River Basin portion inside Douglas County.

AN ORDINANCE FOR THE REVISION OF STREAM BUFFERS IN THE CITY OF VILLA RICA, GEORGIA

WHEREAS, the City Council for the City of Villa Rica is responsible for establishing the rules and regulations to promote the health, safety and welfare of the citizens of Villa Rica; and

WHEREAS, the City of Villa Rica does desire to update and recodify its Ordinances withregard to Stream Buffers within the City;

NOW, THEREFORE, it is hereby ordained by the Mayor and Council as follows:

1. In the City of Villa Rica Development Regulations, Section 704, Minimum Requirements for Erosion and Sedimentation Control Using Best Management Practices, Section "C", Number 18 is hereby revised and readopted and decodified as set forth below:

2. The City does hereby adopt Section 704 of the Development Regulations, Minimum Requirements for Erosion and Sedimentation Control Using Best Management Practices, Section "C" Number 18 as revised hereto with the revisions set forth below in its entirety effective immediately upon signature by the Mayor or Mayor Pro Tem.

Section 704, Minimum Requirements for Erosion and Sedimentation Control Using Best Management Practices, Section "C", Number 18 to be re-written as follows:

18. In non-trout streams like those in Villa Rica, the State requires a minimum 25-foot vegetative buffer extending from the stream bank or the point of wrested vegetation. However, in the city limits of Villa Rica, only in the Dog River Basin in Douglas County, these State standards have been extended to require a minimum 50-foot buffer with a 75-foot setback for any impervious surface.

Dog River Drainage Basin as defined by the Rules and Regulations of Douglas County Water and Sewer Authority is all that tract or parcel of land lying and being in Douglas County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the centerline of State Highway 78 with the Douglas/Carroll County line; proceeding thence in an easterly direction along the centerline of U.S. Highway 78 to its intersection with Bright Star Road; proceeding thence in a southerly direction along the centerline of Bright Star Road to its intersection with Central Church Road; proceeding thence in a southeasterly direction along the centerline of Central Church Road to its intersection with State Highway 5; proceeding thence in a southwesterly direction along the centerline of State Highway 5 to its intersection with Big A Road; proceeding thence in a southeasterly direction along the centerline of Big A Road to its intersection with State Highway 166; proceeding thence in an easterly direction along the centerline of State Highway 166 to its intersection with S. River Road; proceeding thence in

a southerly direction along the centerline of S. River Road to its intersection with the northern land lot line of Land Lot 7, 3rd District, 5th Section; proceeding thence in a westerly direction along the northern land lot line of Land Lot 7, 3rd District, 5th Section to its intersection with the easterly land lot line of Land Lot 14, 3rd District, 5th Section; proceeding thence in a southerly direction along the easterly land lot line of Land Lot 14, 3rd District, 5th Section and Land Lot 15, 3rd District, 5th Section to its intersection with the Chattahoochee River; proceeding thence along the centerline of the Chattahoochee River to its intersection with the easterly land lot line of Land Lot 30, 3rd District, 5th Section; proceeding thence in a northerly direction along the easterly land lot line of Land Lot 30, 3rd District, 5th Section and Land Lot 29, 3rd District, 5th Section to its intersection with Five Notch Road; proceeding thence in a northwesterly direction along the centerline of Five Notch Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with the Douglas/Carroll County line.

IT IS SO ORDAINED on this the_____day of September, 2021.

_____
Gil McDougal, Mayor

Attest:

_____
Alisa Doyal, City Clerk

Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: Resolution of Support for Changes to State Highway System and Acceptance of Two Roadways

AGENDA DATE: March 09, 2021 **DATE PREPARED:** February 25, 2021
PREPARED BY: Tom Barber

AMOUNT: n/a **GL ACCOUNT #:** n/a
FUNDING SOURCE: n/a **BUDGETED ITEM?** n/a

PURPOSE: To approve a resolution authorizing the Mayor and City Clerk to execute two GDOT resolutions.

BACKGROUND: The Georgia Department of Transportation is planning to modify the State Highway System following the construction of the north bypass. The new roadway will be labeled Highway 61, and the temporary designation of roadway through our downtown as Highway 61 will be removed. In addition, GDOT is requiring us to accept title, maintenance, utility accommodation, and ownership of the property for both the roadway to be removed from the State Highway System and the roadway to be constructed as the north bypass.

STAFF RECOMMENDATION: Staff recommends that City Council authorize the Mayor and City Clerk to executed the two attached GDOT resolutions.

IMPACT: Highway 61 will no longer be routed through our downtown. At the same time, the City will assume maintenance not only for the roadway in front of our Municipal Courtroom out to Punkintown Road in front of the hospital, but will also be responsible for maintenance of the north bypass.

MOTION: I move to approve the resolution of support for the changes to the State Highway System, detailed in attached document 3131C, and further move to accept title, maintenance, utility accommodation, and ownership of both roadways upon completion of construction.

RESOLUTION

CITY OF VILLA RICA

WHEREAS, the Georgia Department of Transportation is considering the construction of a road with its western terminus at the intersection of Highway 101 and Rockmart Road and with its eastern terminus at the intersection with Highway 61 just north of Punkintown Road; and

WHEREAS, the Georgia Department of Transportation has requested the approval and support of the City of Villa Rica to subsequently make changes to the State Highway System as specified in the attached Order of the Commissioner 3131C; and

WHEREAS, the Georgia Department of Transportation has requested that the City accept title, maintenance, utility accommodation, and ownership of the property for both the roadway to be removed from the State Highway System and the public roadway to be constructed and added to the State Highway System; and

WHEREAS, the City of Villa Rica does desire to indicate to the Georgia Department of Transportation that it does support the system changes and agrees to accept responsibility for both sections of roadway.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City does desire to indicate its support for the changes to State Highway System and its willingness to accept title, maintenance, utility accommodation, and ownership of the properties; and

IT IS FURTHER RESOLVED that the Mayor and Clerk are authorized to execute both the attached resolution for intersection improvements and the attached resolution for removal or abandonment.

IT IS SO RESOLVED, this _____ day of March, 2021.

_____

Gil McDougal, Mayor

ATTEST:

_____

Alisa Doyal, City Clerk

State Highway System Revision

Order of the Commissioner

Document Reference Number: 3131C
Project Identification: 631490
County: Carroll
City: Villa Rica
Project Description: State Route 61 Relocation
System Revision Date: 11/2/2020

WHEREAS, the Commissioner of the Georgia Department of Transportation (hereinafter called the "Department"), under the authority vested in him by the State of Georgia, notifies the City of Villa Rica and the Carroll County Board of Commissioners (hereinafter called the "Local Government") that the State Highway will be revised as described herein; and

NOW THEREFORE, in the interest of the traveling public, the Commissioner of the Georgia Department of Transportation does hereby order and direct that the State Highway System be revised as detailed in the Description.

Revisions

☒ **1. Removing a State Route in Common**
The Department intends to remove a State Route designation from an existing State Route roadway as detailed in the Description. This will result in an administrative data change and a change in route signage. It will not result in any physical construction to the roadway.

☐ **2. Re-designation of a State Route**
The Department intends to change the designation of an existing State Route roadway as detailed in the Description. This will result in an administrative data change and a change in route signage.

☒ **3. State Route Addition**
The Department intends to construct a new section or multiple sections of a State Route as detailed in the Description. Projected State Route designations will be assigned to proposed major realignments or new construction. The Projected State Route designation, usually beginning and ending at an intersection will remain in effect until construction is completed and the roadway is 'open to traffic'. 'Open to traffic' is defined as unimpeded traffic flow in all lanes; all construction barriers and barrels have been removed from the entire roadway project.

☐ **4. State Route Obliteration**

The Department intends to permanently obliterate a section or multiple sections of a State Route as detailed in the Description. The physical pavement or other surface material will be removed from the roadway and the roadway will not be open to the traveling public.

☒ **5. Adding a State Route in Common**

The Department intends to add a State Route designation to an existing State Route roadway as detailed in the Description. This will result in an administrative data change and a change in route signage. It will not result in any physical construction to the roadway.

☐ **6. Intersection Improvements**

a. The Department intends to make improvements or has already made improvements to short sections of roadways (approximately 1/4 of a mile or less) at intersections that are necessary for seamless traffic transitions.
b. With the completion of the project, the Local Government will accept for title, maintenance, utility accommodation, and ownership of the property of public roadways that were constructed, re-aligned, or widened as a part of this State Highway Project. The Local Government does hereby resolve that with the completion of the project the Local Government shall formally accept these roads into its official system of roads.
c. **This condition requires a Local Government signature and an Authorizing Resolution: Intersection Improvements.**

☐ **7. State Route Removal or Abandonment**

a. The Department intends to permanently remove a section or multiple sections of a State Route from the State Highway System as detailed in the Description.
b. The Local Government will accept title, maintenance, utility accommodation, and ownership of the property for the roadway removed from the State Highway System. The Local Government does hereby resolve to formally accept the roadway(s) into its official system of roads.
c. **This condition requires a Local Government signature and an Authorizing Resolution: State Route Removal or Abandonment.**

☐ **8. Local Roadway(s) Transfer to the State Highway System (SHS)**

a. The Department intends to permanently accept a local roadway(s) as detailed in the Description as part of the State Highway System.
b. The Department will accept title, maintenance, utility accommodation, and ownership of the property for the roadway(s) added to the State Highway System.

☒ **9. Temporary State Route Removal**

a. The Department intends to permanently remove the Temporary State Route designation(s) as detailed in the Description. This will result in an administrative data change only and will not result in any physical changes to the roadway.
b. Title, maintenance, utility accommodation, and ownership of the property for the roadway(s) will remain with the Local Government.

Description

County: Carroll
City: Villa Rica
Project Description: State Route 61 Relocation

Revision Type:	State Route Addition
Route Type:	State Route
Route Number:	61
U.S. Route:	N/A
Beginning Intersection or Junction:	Industrial Boulevard (State Route 101) and Rockmart Road (Villa Rica City Street 841)
Ending Intersection or Junction:	State Route 61 and Punkintown Road (Villa Rica City Street 802)
Total State Highway System Mileage Change:	Addition of approximately 1.92 miles
Comments:	Revision #1-To be designated as State Route 1213 until opened for State Route service

Revision Type:	Temporary State Route Removal
Route Type:	State Route
Route Number:	1213TA
U.S. Route:	N/A
Beginning Intersection or Junction:	the intersection of State Route 61 and Punkintown Road (Villa Rica City Street 802)
Ending Intersection or Junction:	State Route 8 Connector
Total State Highway System Mileage Change:	Removal of approximately 1.52 miles
Comments:	Revision #A-Removal of Temporary State Route Designation 1213TA (Project P.I. 662540 will no longer be actively pursued in this order)

Revision Type:	State Route Removal or Abandonment
Route Type:	State Route
Route Number:	61
U.S. Route:	N/A
Beginning Intersection or Junction:	South Carroll Road (Villa Rica City Street 841) and State Route 8/US Route 78
Ending Intersection or Junction:	State Route 61, the proposed Villa Rica Bypass, and Punkintown Road (Villa Rica City Street 802)
Total State Highway System Mileage Change:	Removal of approximately 1.56 miles
Comments:	Revision #3-To become effective when SR-1213 is opened for State Route service

Revision Type:	Removing a State Route in Common
Route Type:	State Route
Route Number:	61
U.S. Route:	N/A
Beginning Intersection or Junction:	State Route 8/ US Route 78 and State Routes 61/101
Ending Intersection or Junction:	South Carroll Road (Villa Rica City Street 841) and State Route 8/ US 78
Total State Highway System Mileage Change:	No mileage change
Comments:	Revision #4

Revision Type:	Adding a State Route in Common
Route Type:	State Route
Route Number:	61
U.S. Route:	N/A
Beginning Intersection or Junction:	State Route 8/ US Route 78 (West Bankhead Highway) and State Route 101
Ending Intersection or Junction:	Rockkmart Road and proposed Villa Rica Bypass
Total State Highway System Mileage Change:	No mileage change
Comments:	Revision #5

Signatures

GEORGIA DEPARTMENT OF TRANSPORTATION:

Commissioner:_____ Date:_____

Treasurer:_____ Date:_____

LOCAL GOVERNMENT:

By: _____ Date:_____
Mayor, City of Villa Rica

Attest: _____ Date:_____
Clerk, City of Villa Rica

LOCAL GOVERNMENT:

By: _____ Date:_____
Chairman, Carroll County Board of Commissioners

Attest: _____ Date:_____
Clerk, Carroll County

Document Reference Number: 3131C

State Highway System Revision

Authorizing Resolution for Removal or Abandonment

Document Reference Number: 3131C
Project Identification: 631490
County: Carroll
City: Villa Rica
Project Description: State Route 61 Relocation
System Revision Date: 11/2/20

WHEREAS, the City of Villa Rica and Carroll County (hereinafter called the "Local Government") is being notified that the Georgia Department of Transportation (hereinafter called the "Department") intends to permanently remove a section or multiple sections of a State Route from the State Highway System as stated in the Project Description above; and

WHEREAS, the Local Government agrees that it is in the interest of all parties for the Local Government to accept title, maintenance, utility accommodation, and ownership of the property for the roadway removed from the State Highway System; and

NOW THEREFORE, BE IT RESOLVED by the Local Government that the City of Villa Rica is hereby authorized to formally accept the roadway(s) into its official system on behalf of the Local Government, and that a copy of this Resolution will be furnished to the Department.

Local Governments:

By: _____ Date: _____
Mayor, City of Villa Rica

Attest: _____ Date: _____
Clerk, City of Villa Rica

By: _____ Date: _____
Chairman, Carroll County Board of Commissioners

Attest: _____ Date: _____
Clerk, Carroll County

State Highway System Revision

Authorizing Resolution for Intersection Improvements

Document Reference Number: 3131C
Project Identification: 631490
County: Carroll
City: Villa Rica
Project Description: State Route 61 Relocation
System Revision Date: 11/2/20

WHEREAS, the City of Villa Rica and Carroll County (hereinafter called the "Local Government") is being notified that the Georgia Department of Transportation (hereinafter called the "Department") intends to make improvements or has already made improvements to short sections of roadways at intersections that are necessary for seamless traffic transitions; and

WHEREAS, with the completion of the project, the Local Government will accept for title, maintenance, utility accommodation, and ownership of the property of public roadways that were constructed, re-aligned, or widened as a part of this State Highway Project; and

NOW THEREFORE, BE IT RESOLVED by the Local Government that the City of Villa Rica is hereby authorized to formally accept the roadway(s) into its official system on behalf of the Local Government, and that a copy of this Resolution will be furnished to the Department.

Local Governments:

By: _____ Date: _____
Mayor, City of Villa Rica

Attest: _____ Date: _____
Clerk, City of Villa Rica

By: _____ Date: _____
Chairman, Carroll County Board of Commissioners

Attest: _____ Date: _____
Clerk, Carroll County

NOTICE OF INTENT

OF

THE GEORGIA DEPARTMENT OF TRANSPORTATION

TO THE MAYOR OF THE CITY OF VILLA RICA

WHEREAS, in order to support the movement of interregional and truck traffic around the Villa Rica downtown business district, the Georgia Department of Transportation (hereinafter called the Department), is planning to construct the Villa Rica Bypass; and

WHEREAS, to accommodate preconstruction activities for these projects, it will be necessary to add a section of the projected alignment, as shown on the attached sketch map, to the State Highway System as State Route 1213 until the Bypass is opened to traffic; and

WHEREAS, project P.I. 662540 will no longer be actively pursued in this order, it will be necessary to remove the Temporary State Route designation of SR-1213TA from the local road(s), as shown in the attached sketch map; and

WHEREAS, in accordance with the terms stipulated in the attached Local State Route Acceptance Resolution, the City of Villa Rica will accept for ownership, maintenance, utility accommodation, and as part of their respective road system, the old section of State Route 61 that will remain open as a public road, as described herein, when removed from the State Highway System; and

WHEREAS, the advancement of these projects to construction is contingent upon the execution of the attached Local State Route Acceptance Resolution by the local officials and the proceeding Order of the Commissioner.

NOW THEREFORE, in the public interest, the Commissioner of the Georgia Department of Transportation, under the authority vested in his pursuant to the laws of the State of Georgia, does hereby serve notice of his intention to approve an Order thirty days from receipt by you of this notice and by which Order that the State Highway System be revised as described in the following paragraphs.

(1) Add to the State Highway System the projected Villa Rica Bypass as State Route 61, to be designated as State Route 1213 until opened for State Route service, beginning at its intersection with the existing alignments of Industrial Boulevard (State Route 101) and Rockmart Road (Villa Rica City Street 814) thus proceeding in a easterly direction to its intersection with State Route 61 and Punkintown Road (Villa Rica City Street 802).

Addition of approximately 1.92 miles (3.09 km) projected.

Continued...

(2) Remove from the State Highway a section of State Route 61, when State Route 1213 is opened for State Route service, beginning at its intersection with South Carroll Road (Villa Rica City Street 841) and State Route 8/US 78 and extending in a northwesterly and northeasterly direction to the intersection with State Route 61, projected State Route 1213 and Punkintown Road (Villa Rica City Street 802).

Removal and reversion as to the City approximately 1.56 miles (2.51 km) existing.

(3) Remove State Route 61 in common with State Route 8/US 78, when State Route 1213 is opened for State Route service, beginning at its intersection with State Routes 8/US 78, 61 and 101 and extending in a easterly direction to the intersection first described in paragraph (3).

No mileage change.

(4) Add State Route 61 common with State Route 101, when State Route 1213 is opened for State Route service, beginning at the intersection first described in paragraph (4) and extending in a northerly direction to the intersection first described in paragraph (1).

No mileage change.

The foregoing descriptions are in conformity with sketch map 3131C and plans for Projects STP-18-1(67) and GWW-5053(2) appearing in the files of the Department of which a copy of the sketch map is attached for reference.

Continued…

PAGE THREE OF THREE

This _____day of _____, 2020.

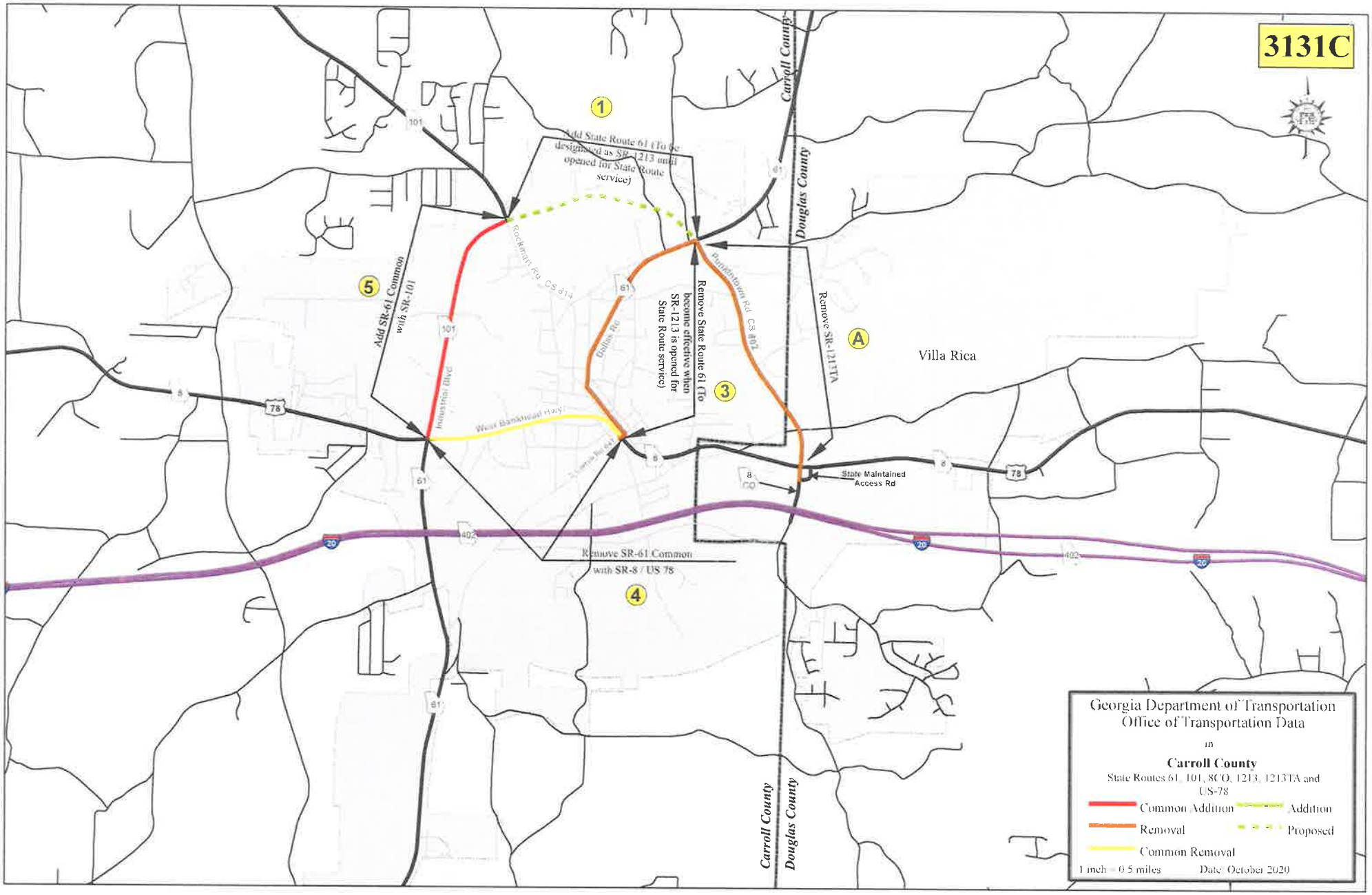
_____
Russell McMurry, P.E., Commissioner
GEORGIA DEPARTMENT OF TRANSPORTATION

Attest: _____
Angela M. Whitworth, Treasurer
GEORGIA DEPARTMENT OF TRANSPORTATION

The above and foregoing Notice of Intent has been received and service of said notice acknowledged.

This_____day of _____, 2020.

_____ Attest: _____
Mayor, City of Villa Rica Clerk, City of Villa Rica


3131C
1
Add State Route 61 (To be designated as SR-1213 until opened for State Route service)
Carroll County
Douglas County
Add SR-61 Common with SR-101
5
Rockmart Rd CS 814
Dallas Rd
Pumkintown Rd CS 802
Remove State Route 61 (To become effective when SR-1213 is opened for State Route service)
3
Remove SR-1213TA
A
Villa Rica
Industrial Blvd
West Bankhead Hwy
State Maintained Access Rd
Remove SR-61 Common with SR-8 / US 78
4
Carroll County
Douglas County
Georgia Department of Transportation
Office of Transportation Data
in
Carroll County
State Routes 61, 101, 8CO, 1213, 1213TA and US-78
Common Addition
Addition
Removal
Proposed
Common Removal
1 inch = 0.5 miles
Date: October 2020

Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: North Plant Aeration Equipment Rental

AGENDA DATE: **January 11, 2022**

DATE PREPARED: **December 28, 2021**
PREPARED BY: **John Bain**

AMOUNT: **$ 26,865.00**
GL ACCOUNT #: **505-4330-541310**
FUNDING SOURCE: **Water / Sewer Fund**
BUDGETED ITEM? **Yes**

PURPOSE: The ratification of engagement with Aeration Industries International for the four-month rental of a 40Hp aerator for the North Plant aeration tank.

BACKGROUND: New aeration equipment has been ordered for the North Plant, however extended delays in construction and shipping continues to be problematic, causing continued delays in effective treatment. Without the necessary equipment, the plant is currently operating at 50% capacity.

STAFF RECOMMENDATION: Staff recommends the ratification of the rental of the North Plant aeration equipment, at a cost of $26,865.00.

Vendor	Material	Total Cost
Aeration Industries International	Triton 2.0, 40 Hp aerator, with float assembly	$ 26,865.00

IMPACT: The rental aerator will provide adequate mixing, aeration, and detention times required for the appropriate treatment of the wastewater, at 100% capacity.

MOTION: I move to ratify the budgeted expense for rental of the aerator, at a cost of $26,865.00.

Aeration Industries International
a newterra company

PROJECT NUMBER: 18-7-9113
REV: 1
DATE: 12/20/2021

TO: City of Villa Rica, GA	**PROJECT NAME:** Villa Rica, GA – Aerator Rental **SALES MANAGER:** Brad Sciulli / (412) 607-7100 **REPRESENTATIVE:** Dan Carter / (404) 822-3313

AERATION INDUSTRIES INTERNATIONAL is pleased to offer the following:

RENTAL OPTION:

One (1) AIRE-O_2 Triton® 2.0 Aerator, consisting of:

- 40HP, 230/460 volt, 3-phase, 60Hz, 900 RPM, TEFC, premium efficiency motor
- 7.5HP regenerative blower
- Field replaceable, water-lubricated lower bearing
- Field replaceable, water-resistant sleeve
- 316 SS dual-blade primary PowerMix™ propeller
- 304 SS Saturn Ring diffuser
- 304 SS housing, mounting flange, and hollow shaft

  Note: Aerators shall arrive fully assembled for immediate mounting

One (1) Eight-Float Assembly, consisting of:

- Eight (8) molded, LDPE, closed-cell foam filled pontoons
- 304 SS rails and mounting hardware
- Vortex shield attached to frame

  Note: Flotation devices require field assembly

One (1) 460V Triton 2.0 Rental Control Panel
100' 4/4 SEOOW Electrical Cable
100' 12/4 SEOOW Electrical Cable
100' 5/8" SS Mooring Cable
Two (2) Cable End Assemblies
One (1) Turnbuckle
Three (3) Year Warranty (See General Terms and Conditions)
Freight FOB Jobsite

FIRST MONTH *-Freight* *-Refurb Charge*	**SECOND MONTH**	**THIRD MONTH**	**FOURTH MONTH**	**SUBSEQUENT MONTHS**
$7,770.00	**$6,365.00**	**$6,365.00**	**$6,365.00**	**$5,330.00**

**Four-month minimum rental period – Return Freight not included*

Total Four-Month Rental Agreement Price: $26,865 USD

EXCLUSIONS: Startup supervision, installation, duties, and taxes are not included. Cord grips, anchoring hardware, mooring posts, and all items not specifically listed above are excluded.

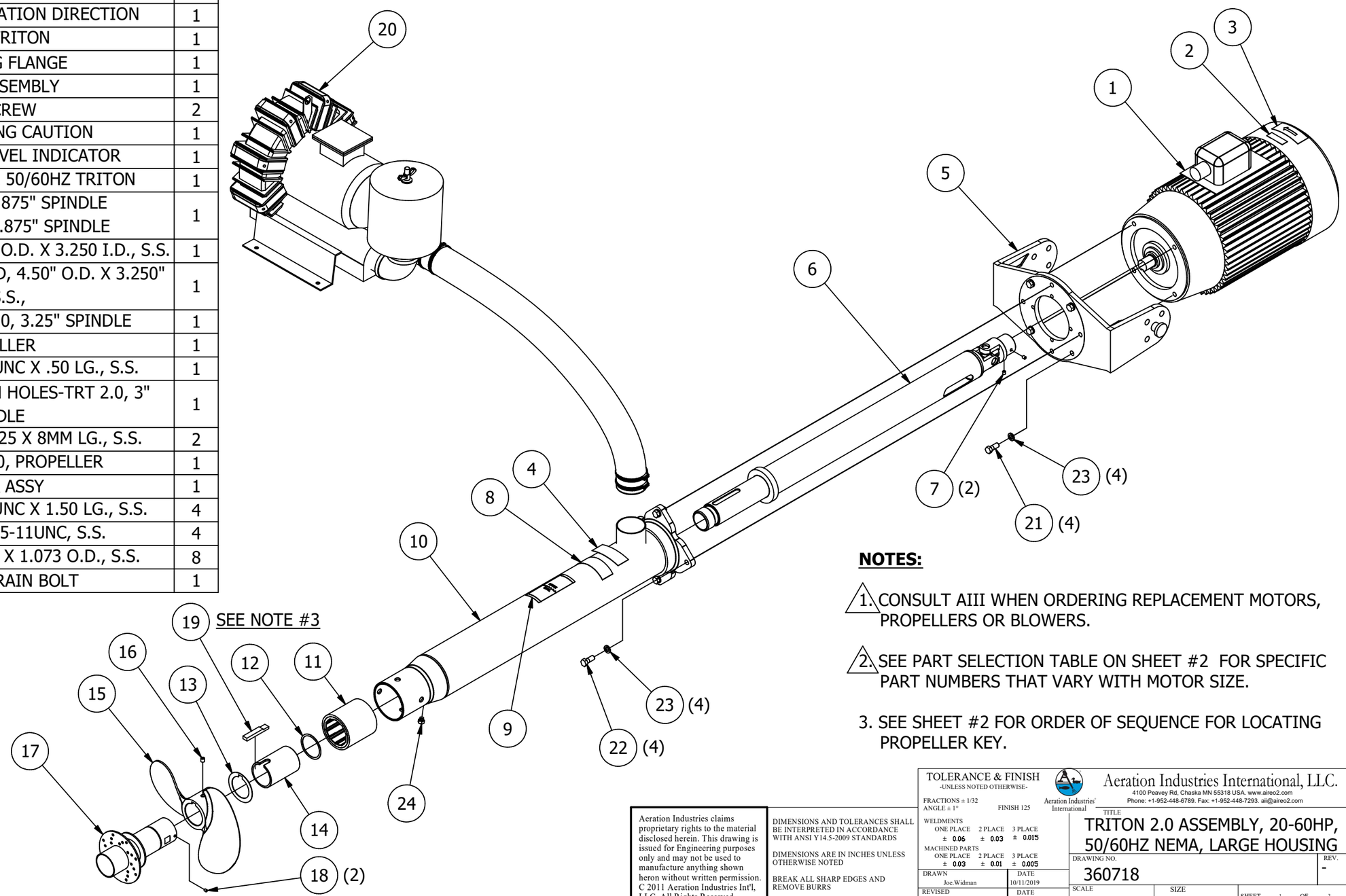
NOTE: If required, submittals will be done two weeks from receipt of purchase order. Delivery is one to six weeks from submittal approval, depending on inventory. Quotation valid for 30 days.

TERMS: Rental Agreement Attached (1 Page)
General Terms and Conditions Attached (2 Pages)

4100 Peavey Road • Chaska, Minnesota 55318 • USA
Telephone: (952) 448-6789 • Email: aiii@aireo2.com • Fax: (952) 448-7293

BILL OF MATERIAL			
ITEM	PART NO.	DESCRIPTION	QTY.
1	△1	MOTOR 50/60HZ NEMA	1
2	224013	LABEL, SERIAL NO.	1
3	224152	LABEL, MOTOR ROTATION DIRECTION	1
4	224114	LABEL, TRITON	1
5	△2	MOUNTING FLANGE	1
6	△2	SHAFT ASSEMBLY	1
7	△2	SET SCREW	2
8	224021	LABEL, BEARING CAUTION	1
9	224154	LABEL, WATER LEVEL INDICATOR	1
10	330107	HOUSING, 20-60HP, 50/60HZ TRITON	1
11	213054 213027	ARB BEARING, 2.875" SPINDLE CRB BEARING, 2.875" SPINDLE	1
12	215810	WASHER-TRT 2.0, 3.75" O.D. X 3.250 I.D., S.S.	1
13	215811	WASHER-TRT 2.0, KEYED, 4.50" O.D. X 3.250" I.D. S.S.,	1
14	247046	SDS SLEEVE-TRT 2.0, 3.25" SPINDLE	1
15	△1	PROPELLER	1
16	215156	SET SCREW, .50-13UNC X .50 LG., S.S.	1
17	223106	ATOMIZER ASSY WITH HOLES-TRT 2.0, 3" SPINDLE	1
18	215331	SET SCREW, M8 X 1.25 X 8MM LG., S.S.	2
19	△2	KEY-TRITON 2.0, PROPELLER	1
20	△1	BLOWER ASSY	1
21	215150	BOLT HHCS, .625-11UNC X 1.50 LG., S.S.	4
22	△2	BOLT HHCS, .625-11UNC, S.S.	4
23	215151	WASHER LOCK, .625 X 1.073 O.D., S.S.	8
24	215785	HOUSING DRAIN BOLT	1

REVISION HISTORY				
REV	ECO NO.	DESCRIPTION	BY	DATE
-	19-3074	RELEASED FOR PRODUCTION	JFW	10-8-19



NOTES:

1. △1 CONSULT AIII WHEN ORDERING REPLACEMENT MOTORS, PROPELLERS OR BLOWERS.

2. △2 SEE PART SELECTION TABLE ON SHEET #2 FOR SPECIFIC PART NUMBERS THAT VARY WITH MOTOR SIZE.

3. SEE SHEET #2 FOR ORDER OF SEQUENCE FOR LOCATING PROPELLER KEY.

Aeration Industries claims proprietary rights to the material disclosed herein. This drawing is issued for Engineering purposes only and may not be used to manufacture anything shown heron without written permission. C 2011 Aeration Industries Int'l, LLC. All Rights Reserved

DIMENSIONS AND TOLERANCES SHALL BE INTERPRETED IN ACCORDANCE WITH ANSI Y14.5-2009 STANDARDS

DIMENSIONS ARE IN INCHES UNLESS OTHERWISE NOTED

BREAK ALL SHARP EDGES AND REMOVE BURRS

TOLERANCE & FINISH
-UNLESS NOTED OTHERWISE-
FRACTIONS ± 1/32
ANGLE ± 1°
FINISH 125
WELDMENTS
ONE PLACE ± 0.06 | 2 PLACE ± 0.03 | 3 PLACE ± 0.015
MACHINED PARTS
ONE PLACE ± 0.03 | 2 PLACE ± 0.01 | 3 PLACE ± 0.005

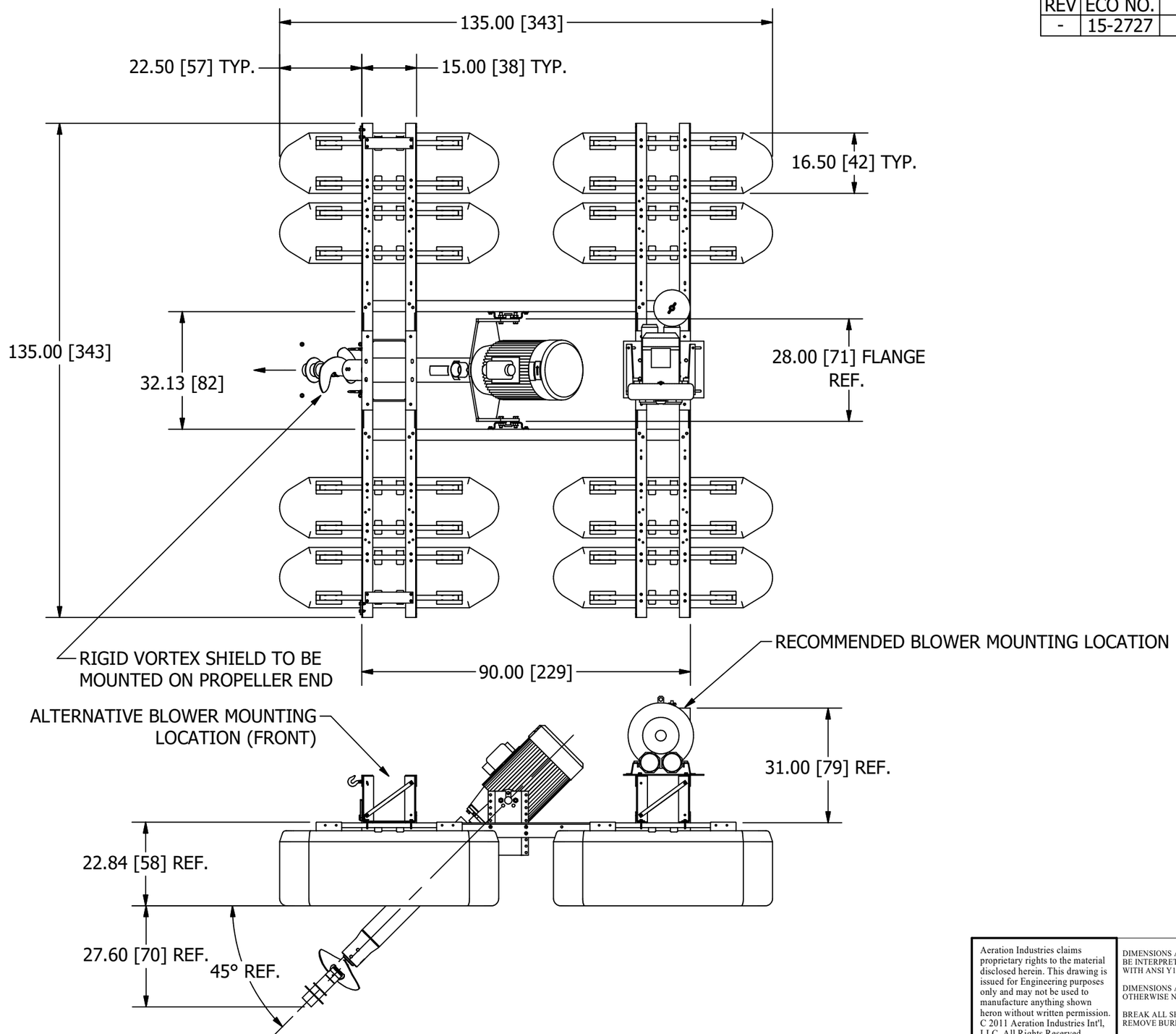
Aeration Industries International, LLC.
4100 Peavey Rd, Chaska MN 55318 USA. www.aireo2.com
Phone: +1-952-448-6789. Fax: +1-952-448-7293. ail@aireo2.com

TITLE
TRITON 2.0 ASSEMBLY, 20-60HP, 50/60HZ NEMA, LARGE HOUSING

DRAWN	DATE	DRAWING NO.	REV.
Joe.Widman	10/11/2019	360718	-
REVISED	DATE	SCALE -	SIZE B 11" X 17"

SHEET 1 OF 2

REVISION HISTORY				
REV	ECO NO.	DESCRIPTION	BY	DATE
-	15-2727	RELEASED FOR PRODUCTION	JFW	11-02-15



NOTE:
DIMENSIONS SHOWN IN [ ] ARE IN CENTIMETERS.

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DIMENSIONS AND TOLERANCES SHALL BE INTERPRETED IN ACCORDANCE WITH ANSI Y14.5-2009 STANDARDS

DIMENSIONS ARE IN INCHES UNLESS OTHERWISE NOTED

BREAK ALL SHARP EDGES AND REMOVE BURRS

TOLERANCE & FINISH
-UNLESS NOTED OTHERWISE-
FRACTIONS ± 1/32
ANGLE ± 1°
FINISH 125

WELDMENTS		
ONE PLACE	2 PLACE	3 PLACE
± 0.06	± 0.03	± 0.015

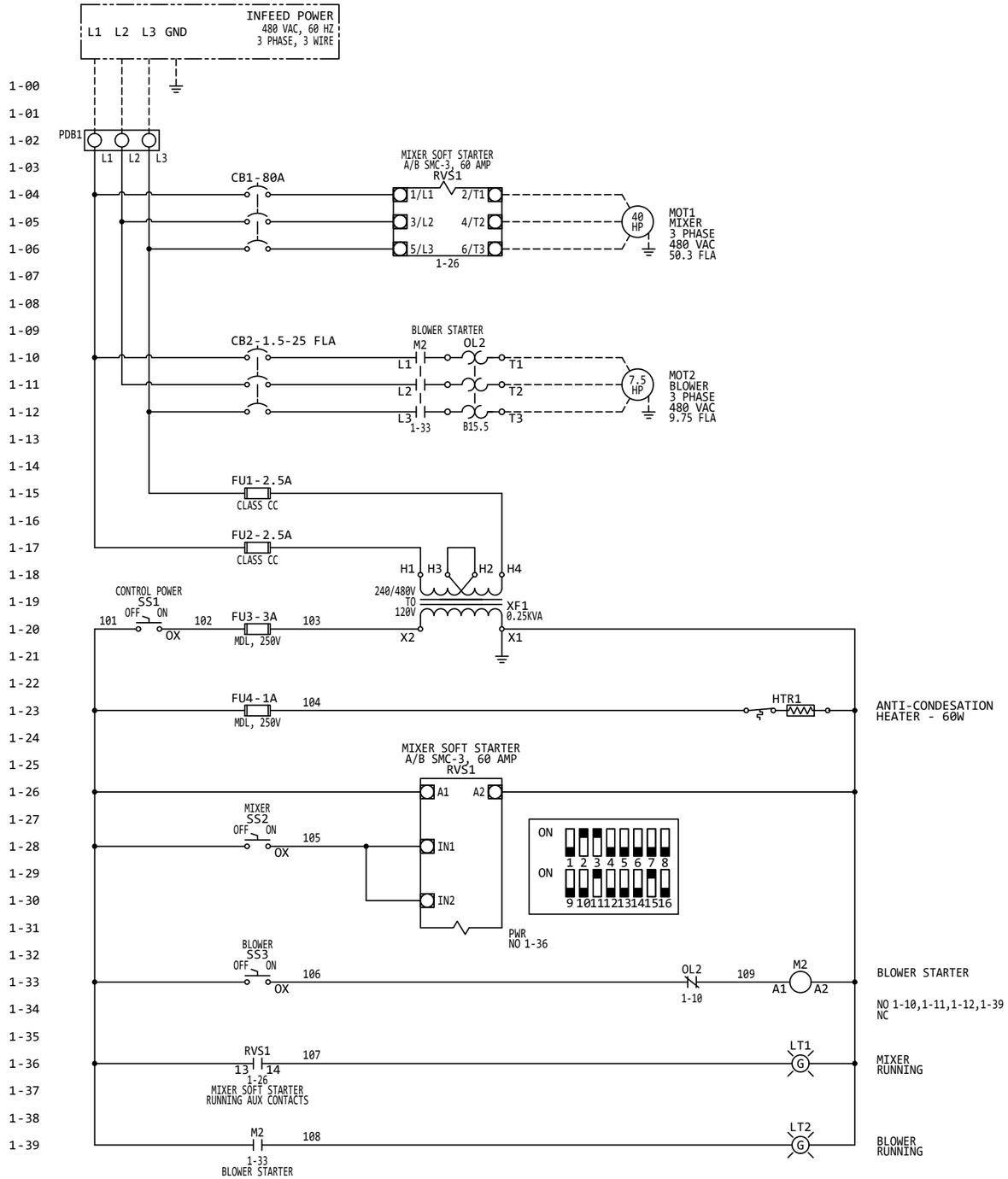
MACHINED PARTS		
ONE PLACE	2 PLACE	3 PLACE
± 0.03	± 0.01	± 0.005

DRAWN Joe.Widman DATE 11/18/2015
REVISED DATE

Aeration Industries International, LLC.
4100 Peavey Rd, Chaska MN 55318 USA. www.aireo2.com
Phone: +1-952-448-6789. Fax: +1-952-448-7293. ail@aireo2.com

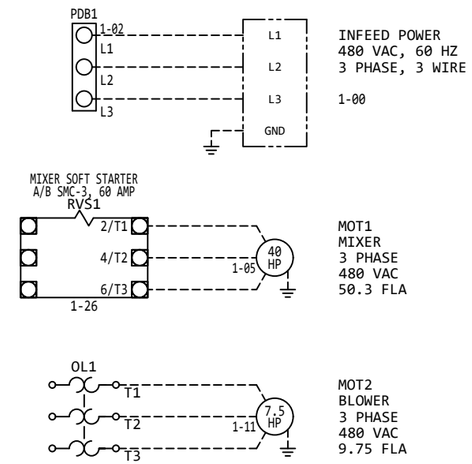
TITLE
OUTLINE DIMENSIONS - UNIVERSAL 8-FLOAT WITHOUT ROLLERS

DRAWING NO. 360-627
REV. -
SCALE -
SIZE B 11" X 17"
SHEET 1 OF 1



NOTES:

1. FIELD WIRING IS SHOWN ----------
2. TEMPERATURE RATING OF FIELD INSTALLED CONDUCTORS LESS THAN 100 AMPS MUST BE RATED 60 DEG C OR ABOVE. FIELD INSTALLED CONDUCTORS GREATER THAN OR EQUAL TO 100 AMPS MUST BE RATED 75 DEG C OR ABOVE.
3. FIELD WIRING WILL ACCEPT COPPER CONDUCTORS ONLY.
4. TORQUE RATING OF FIELD WIRING TERMINAL CLAMPING SCREWS:
   120 IN/LBS FOR PDB1
   100-110 IN/LBS FOR RVS1 LOAD POWER TERMINALS
   20 IN/LBS FOR OL1 LOAD POWER TERMINALS
   180 IN/LBS FOR GROUND LUG
5. MAIN SERVICE DISCONNECT PROVIDED BY OTHERS.



FIELD WIRING SECTION

THIS DRAWING CONTAINS PROPRIETARY INFORMATION WHICH MUST NOT BE DUPLICATED, USED, OR DISCLOSED IN WHOLE OR IN PART WITHOUT PRIOR WRITTEN CONSENT.

SHEET NUMBER
1 OF 1

A NO.	REVISION HISTORY	DATE	BY

PRIMEX
primexcontrols.com
22650 County Highway 6 - Detroit Lakes, MN 56501
888-342-5753

AERATION INDUSTRIES INTL.
40HP MIXER/BLOWER
QUOTE: 180614BS4

DRAWN BY B. MILLER
DATE 8/1/18

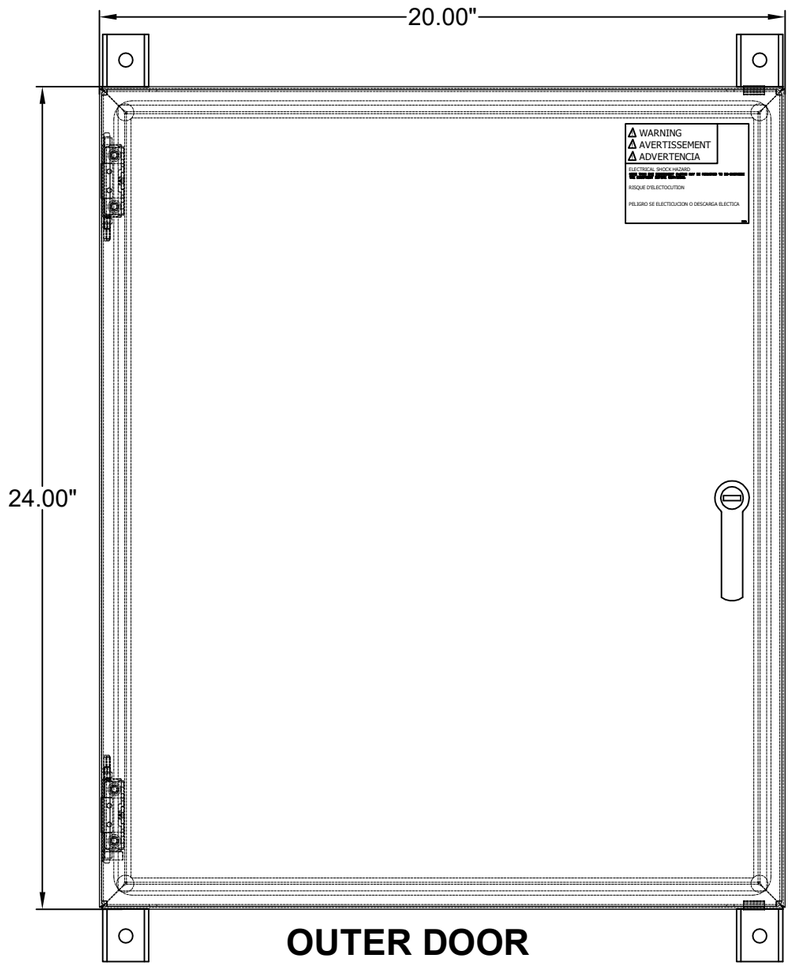
PANEL REQUIREMENTS

SYM.	
VOLTAGE	460 VAC
PHASE	3 PHASE 3 WIRE
FREQUENCY	60 Hz
SCCR	5 kA RMS SYM
TOTAL FLA	61 FLA
TYPE	4

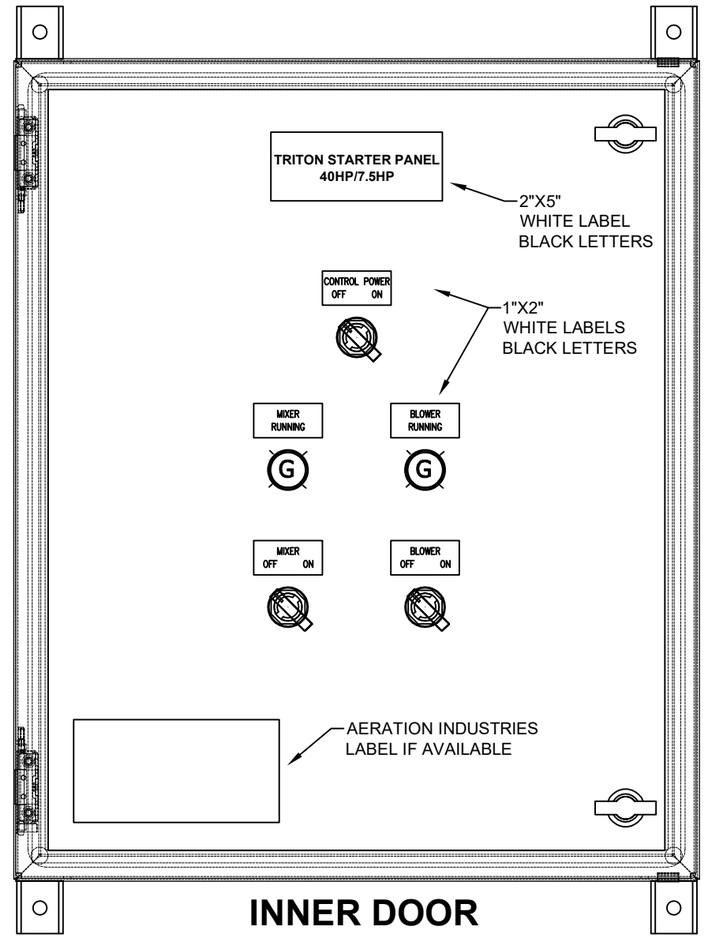
LARGEST MOTOR POWER REQUIREMENTS

HP	40 HP
FLA	50.3 FLA

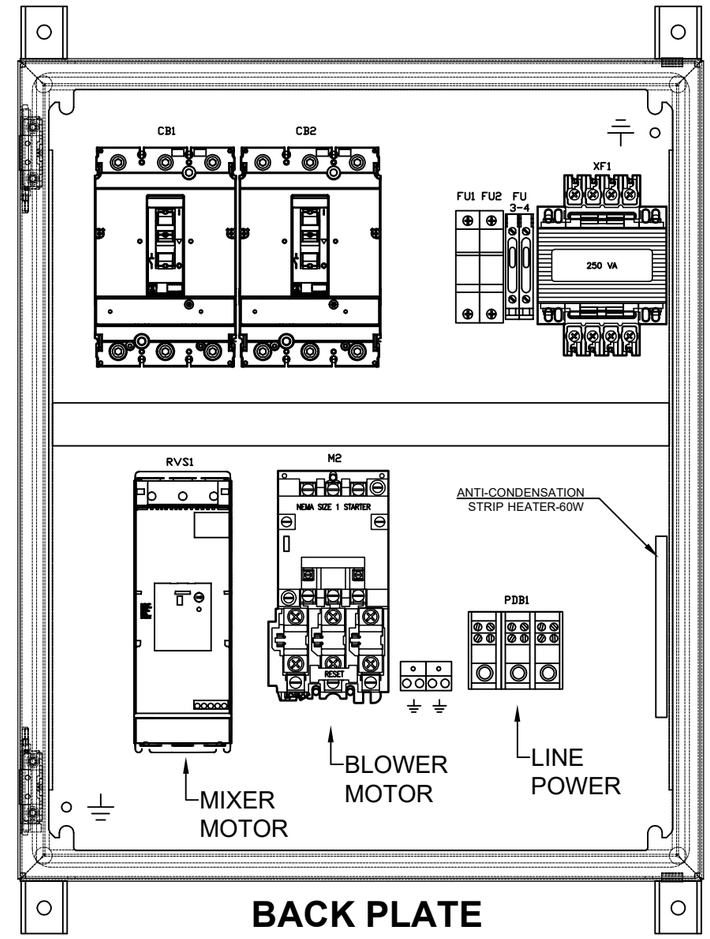
PROJECT NUMBER
EX00568



OUTER DOOR



INNER DOOR



BACK PLATE

THIS DRAWING CONTAINS PROPRIETARY INFORMATION WHICH MUST NOT BE DUPLICATED, USED, OR DISCLOSED IN WHOLE OR IN PART WITHOUT PRIOR WRITTEN CONSENT.

SHEET NUMBER
1 OF 1

NO.	REVISION HISTORY	DATE	BY
A			

PRIMEX
primexcontrols.com
22650 County Highway 6 – Detroit Lakes, MN 56501
888-342-5753

AERATION INDUSTRIES INTL.
40HP MIXER/BLOWER
QUOTE: 180614BS4

DRAWN BY B. MILLER
DATE 8/1/18

PANEL REQUIREMENTS

SYM.	
VOLTAGE	460 VAC
PHASE	3 PHASE 3 WIRE
FREQUENCY	60 Hz
SCCR	5 kA RMS SYM
TOTAL FLA	61 FLA
TYPE	4

LARGEST MOTOR POWER REQUIREMENTS

HP	40 HP
FLA	50.3 FLA

PROJECT NUMBER
EX00568L

REL. S.O.	FRAME	HP	TYPE	PHASE/ HERTZ	RPM	VOLTS
SB586653	365T	40	P	3/60	880	230/460

AMPS	DUTY	AMB °C/ INSUL.	S.F.	NEMA DESIGN	CODE LETTER	ENCL.
106/53	CONT	40/F	1.15	B	G	FCEM

E/S	ROTOR	TEST S.O.	TEST DATE	STATOR RES.@25 °C OHMS (BETWEEN LINES)
492175	418141073ME	---	---	.0553/.221

PERFORMANCE

LOAD	HP	AMPERES	RPM	% POWER FACTOR	% EFFICIENCY
NO LOAD	0	23.3	900	4.56	0
1/4	10.0	26.6	895	39.8	88.6
2/4	20.0	33.1	891	61.5	92.1
3/4	30.0	42.2	885	72.1	92.4
4/4	40.0	53.0	880	77.1	91.6
5/4	50.0	65.5	873	79.0	90.4

SPEED TORQUE

	RPM	TORQUE % FULL LOAD	TORQUE LB.-FT.	AMPERES
LOCKED ROTOR	0	155	370	290
PULL UP	360	151	360	266
BREAKDOWN	802	251	600	171
FULL LOAD	880	100	239	53.0

AMPERES SHOWN FOR 460. VOLT CONNECTION. IF OTHER VOLTAGE CONNECTIONS ARE AVAILABLE, THE AMPERES WILL VARY INVERSELY WITH THE RATED VOLTAGE

REMARKS: E-MASTER MOTOR TYPICAL DATA NEMA NOM. EFF. 91.0%
GUARANTEED MIN. EFF. 90.2 PCT.

BALDOR

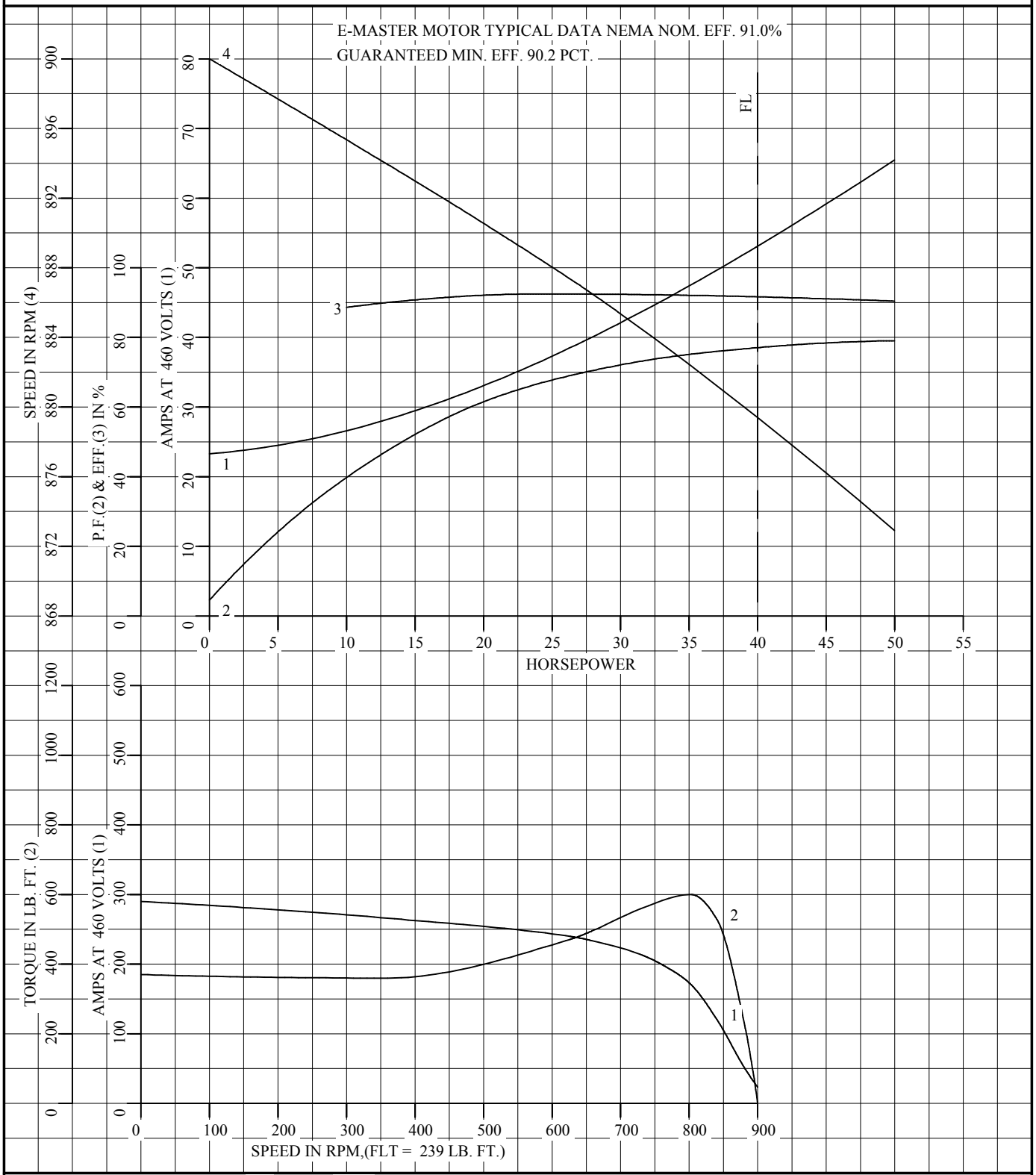
DR. BY D. M. BYRD
CK. BY W. L. SMITH
APP. BY W. L. SMITH
DATE 11/30/93

A-C MOTOR PERFORMANCE DATA

E09691-E-T001/ SB586653

ISSUE DATE 05/19/10

REL S.O. SB586653	RPM 880	S.F. 1.15	ROTOR 418141073ME
FRAME 365T	VOLTS 230/460	NEMA DESIGN B	TEST S.O. ---
HP 40	AMPS 106/53	CODE LETTER G	TEST DATE ---
TYPE P	DUTY CONT	ENCLOSURE FCEM	STATOR RES.@ 25 ℃ .0553/.221
PHASE/HERTZ 3/60	AMB ℃/INSUL 40/F	E/S 492175	OHMS (BETWEEN LINES)



AMPERES SHOWN FOR 460 VOLT CONNECTION, IF OTHER VOLTAGE CONNECTIONS ARE AVAILABLE, THE AMPERES WILL VARY INVERSELY WITH THE RATED VOLTAGE.

BALDOR

DR. BY	D. M. BYRD
CK. BY	W. L. SMITH
APP. BY	W. L. SMITH
DATE	11/30/93

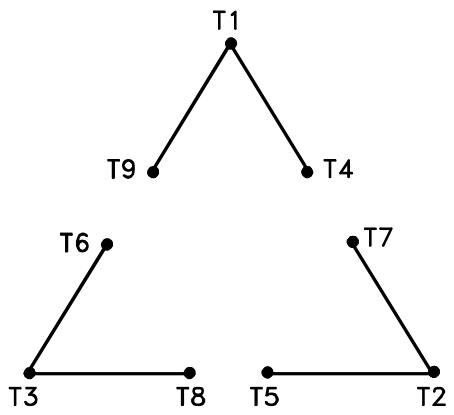
A-C MOTOR PERFORMANCE CURVES

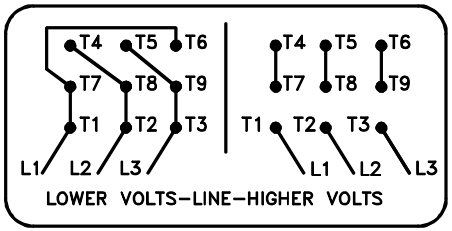
E09691-E-T001/ SB586653

ISSUE DATE 05/19/10

Printed on 5/19/10 14:59 @ ragsun

A-C MOTOR
CONNECTION DIAGRAM
STANDARD 9 LEAD DELTA-CONNECTED





(N.P. 1575-B)

REV. DESC: LOADED TO BUS, C/R 335225			BALDOR
REV. LTR: –	VERSION: 00	TDR: 000000538207	
FILE: \MGA\00000\661		REVISED: 10:47:51 04/30/2010	CONN DIAG – STANDARD 9 LEAD, DELTA-CONNECTED
MTL: –		BY: RAGRA	SH 1 of 1

416820-002

FPZ BLOWER TECHNOLOGY

TECHNICAL

Three Phase Electric Motor

SS1702

THREE PHASE MOTOR

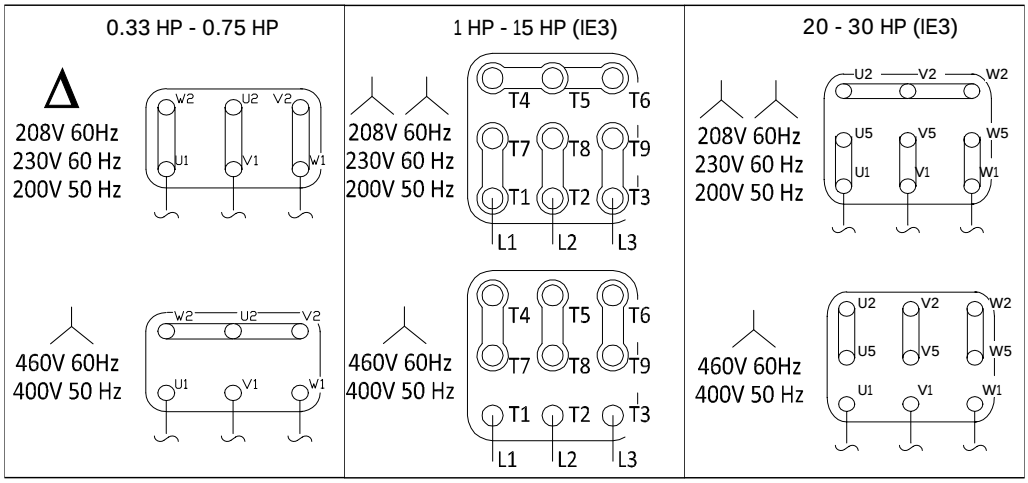
GENERAL SPECIFICATIONS:

1. **Type: 3-phase AC Motor IEC 60034**
2. **Marks: cURus, CE**
3. **Nema Premium Efficiency (IE3) - 1 HP AND LARGER**
4. **Poles: 2**
5. **Insulation class: F (B)**
6. **Enclosure: TEFC**
7. **Protection IP55, Tropicalized**
8. **Thermal protector: Klixon 150^{0} C**
9. **Service factor: 1.15 (60 hz)**
10. **Max. Ambient 40^{0} C**
11. **Duty: Continuous**
12. **Construction: aluminum frame**

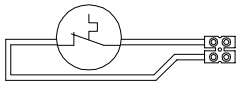
POWER			60 HZ			50 HZ					
HP	KW	SIZE	VOLTAGE	FLA 208-230 / 460 V	Efficiency	VOLTAGE	FLA 200/400 V	Efficiency	60 hz Starting Current Ratio*	CABLE ENTRY 1 (cable gland incl.)	CABLE ENTRY 2
0.33	0.25	63	208-230/460	1.5 / 0.7	59%	230/400	1.4 / 0.8	60.0%	3.9	M16	M20
0.5	0.37	63	208-230/460	2.3 / 1.0	59.2%	230/400	2.1 / 1.2	61.4%	3.6	M16	M20
0.75	0.55	71	208-230/460	2.7 / 1.2	68.8%	230/400	2.6 / 1.5	69.0%	3.8	M16	M20
1	0.75	80	208-230/460	2.99-2.94 / 1.47	77.0%	200/400	3.28 / 1.64	80.7%	8.0	M25	M25
1.5	1.1	80	208-230/460	4.35-4.34 / 2.17	84.0%	200/400	4.92 / 2.46	82.8%	9.3	M25	M25
2	1.5	80**	208-230/460	5.91-5.96 / 2.98	85.5%	200/400	6.82 / 3.41	84.2%	8.7	M25	M25
		90	208-230/460	5.77-5.74 / 2.87	85.5%	200/400	6.58 / 3.29	84.2%	9.4	M25	M25
3	2.2	90	208-230/460	8.27-8.31 / 4.15	86.5%	200/400	9.6 / 4.8	85.9%	10.7	M25	M25
4	3	100	208-230/460	10.9-11.1 / 5.53	88.5%	200/400	12.86 / 6.38	87.1%	11.0	M25	M25
5.5	4	100	208-230/460	14.6-15.1 / 7.55	88.5%	200/400	17.7 / 8.86	88.1%	11.1	M25	M25
6.2	4.6	100	208-230/460	16.5-16.4 / 8.2	89.5%	200/400	19 / 9.5	88.6%	12.5	M25	M25
7.5	5.5	132	208-230/460	19.8-19.5 / 9.75	89.5%	200/400	22.2 / 11.1	89.2%	13.7	M25	M25
10	7.5	132	208-230/460	26.1-25 / 12.5	90.2%	200/400	28.6 / 14.3	90.1%	13.0	M25	M25
15	11	132	208-230/460	38.2-37.3 / 18.7	91.0%	200/400	43.4 / 21.7	91.0%	12.5	M25	M25
20	15	132	208-230/460	47.0 / 23.5	91.7%	200/400	52.4 / 26.2	91.9%	9.7	M32	M32
20***	15	160	208-230/460	48.8 / 24.4	91.0%	200/400	54.4 / 27.2	91.9%	10.7	M32	M32
25	18.5	160	208-230/460	62 / 31	91.7%	200/400	69 / 34.5	92.4%	12.5	M40	M40
30	22	160	208-230/460	71.6/35.8	91.7%	200/400	77.8 / 38.9	92.7%	10.6	M40	M40

* FLA x starting current ratio = starting current ** 2 hp size 80 motors used on SCL R30-MD ONLY. *** TS / TD models ONLY.

WIRING DIAGRAMS



Thermal protection



V_N =250V , cosφ 0,6 , I_N = 1,6 A
V_N =250V , cosφ 1 , I_N = 2,5 A

Specifications subject to change without notice. Alternate motor suppliers may be used.

Aeration Industries International
a newterra company

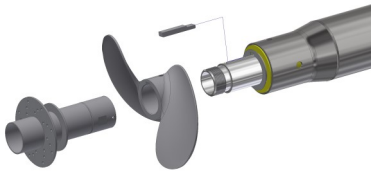
Aire-O_2 Triton® 2.0

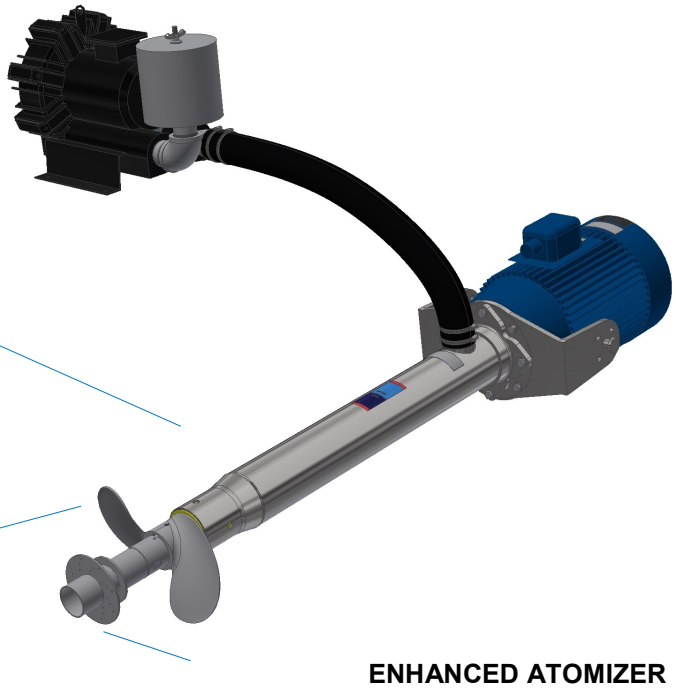
New innovations in mechanical designs allow the Aire-O_2 Triton® 2.0 (patents pending) to provide better aeration efficiency, mixing capacity, and power consumption savings, as well as more seamless and flexible installation, operation and maintenance.

WHY CHOOSE TRITON 2.0?

- Keyed connection enables easier installation and maintenance
- Power consumption lowered by more than 18%
- Aeration efficiency increased by up to 20%
- Mixing capacity increased by up to 54%
- Fine bubble aeration with a mixing only option for BNR applications
- Maintains or upgrades without removing or draining the basin
- Performs in challenging, heavy debris conditions
- Operates for year with minimal maintenance
- Surface mounted, horizontal mixing provides better dispersion and directional control with no splash or aerosol

The trusted way to deliver oxygen





KEYED CONNECTION

Keyed connected between the atomizer, propeller, and sleeve for easier installation and maintenance, as well as stronger connection and better longevity.

CUSTOMIZED PROPELLER

Fully customized propeller for better aeration efficiency and higher mixing capacity

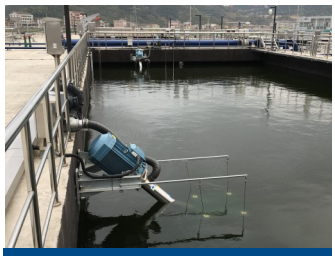
** Patent pending*

ENHANCED ATOMIZER

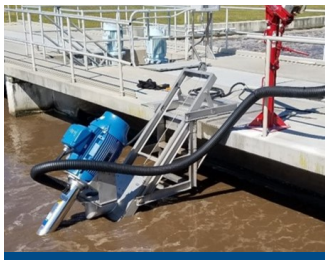
Newly enhanced atomizer for optimized oxygen transfer

** Patent pending*

FLEXIBLE MOUNTING SOLUTIONS



Wall Mount



Universal Mount

Bridge Mount

Float Mount

ADDITIONAL ACCESSORIES

- Anti-Erosion Baffle
- Guide Rail
- Swing Arm
- Davit Crane
- Vortex Shield
- Maintenance Platform
- Winch Mooring
- Float Support

** Consult your sales representative for selection assistance*

Aeration Industries® International | +1-952-448-6789 | 4100 Peavey Road Chaska, MN, 55318 USA
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www.aerationindustries.com

AERATION INDUSTRIES INTERNATIONAL, LLC

General Terms and Conditions

1. **Price.** Published prices are subject to change without notice and shall not be binding on Seller until reduced to writing signed by Seller. All prices are F.O.B. Chaska, MN, and do not include transportation cost or charges relating to transportation, which costs and charges shall be solely the responsibility of Purchaser. Prices quoted include standard packing according to Seller's specifications. Special packing requested by Purchaser, including packing for exports, shall be paid by the Purchaser as an additional charge.

2. **Taxes.** To the extent legally permissible, all present and future taxes, imposed by any Federal, State, Local or foreign authority, which Seller may be required to pay or collect upon or with reference to the sale, purchase, transportation, delivery, storage, use or consumption of goods or services, including taxes upon, or measured by the receipts therefrom, shall be paid by Purchaser. Amounts covered hereby shall be added to the price, or billed as a separate item as the law may require or as the Seller may determine. No offset against or reduction in price shall be allowed Purchaser by reason of taxes owed, paid or payable by Purchaser, or charged by Purchaser's account.

3. **Credit and Payment.** Credit accounts will be opened only with firms or individuals approved by Seller's Credit Department. Unless otherwise provided, in any case where delivery is made on credit, Purchaser shall have thirty (30) days from date of the invoice in which to make payment for the goods. Seller reserves the right at any time upon notice to Purchaser, to alter or suspend credit, or to change the credit terms provided herein, when in its sole opinion the financial condition of the Purchaser so warrants. In addition, the Seller may at any time, with or without notice to Purchaser, and at its option, suspend work and shipment under this contract if, in the Seller's sole opinion, the financial condition of the Purchaser so warrants. In such cases, in addition to any other remedies herein, or by law provided, cash payment or satisfactory security from the Purchaser may be required by the Seller before credit is restored or Seller continues performance. If the Purchaser fails to make payment or fails to furnish security satisfactory to Seller, then Seller shall also have the right to enforce payment of the full contract price of the work completed and in process. Upon default by Purchaser in payment when due, Purchaser shall pay immediately to Seller the entire unpaid amounts for any and all shipments made to purchaser irrespective of the terms of said shipment and whether said shipments are made pursuant to this contract or any other contract of sale between Seller and Purchased, and Seller may withhold all subsequent shipments until the full account is settled. Acceptance by the Seller of less than full payment shall not be a waiver of any or its rights hereunder. The seller reserves the right, at its discretion, to charge up to 1½% per month for amounts not paid within stated terms.

4. **Cancellation.** Cancellation of orders once placed with and accepted by us can only be made by us. Should the Purchaser, due to change in design or other good and sufficient cause, desire to effect cancellation of the order, same will be accepted on the following basis:

Purchaser shall pay in full the costs of all material, dies, tools, patterns and fixtures provided for this order, that are on hand or for which we are obligated, together with all labor and other expense incurred in connection therewith. Invoices covering said costs shall be due and payable immediately upon our acceptance of cancellation.

5. **Patents.** To the best of our knowledge, the articles purchased hereunder do not infringe any Letters Patent granted to others by the United States of America or by any country foreign thereto. We do not assume any responsibility or liability for any claim of infringement brought against the Purchaser, its successors, assigns, customers or udders of its product. The Purchaser agrees to hold us harmless against any claim of infringement which arises out of compliance by us with specifications furnished by Purchaser.

6. **Risk of Loss, Title.** The risk of loss of the goods shall pass to the Purchaser as soon as they are deposited with the carrier for shipment to the Purchaser, but title to the goods shall remain in the seller until the purchase price therefore has been paid.

7. **Shipment.** All shipments shall be F.O.B. Chaska, MN, and the date of shipment shall be contingent upon the date of acceptance of Seller's offer. Seller's obligation with respect to shipments of the goods shall not extend beyond a) putting the goods in the possession of such a carrier and making such a contract for the transportation thereof as may be reasonable having regard to the nature of the good; b) obtaining and delivering within a reasonable time such documents as may be necessary for Purchaser to obtain possession of goods; and c) notifying the Purchaser of the shipment within a reasonable time. Seller shall have the right to ship all of the goods at one time or in portions from time to time within the time of shipment. This contract shall be deemed separable as to the goods sold. Purchaser may not refuse to accept any lot or portion of the goods shipped hereunder on the grounds that there has been a failure to ship any other lot or that goods in any other lot were nonconforming. Any such default by Seller will not substantially impair the value of this contract as a whole and will not constitute a breach of the contract as a whole. The goods shall be deemed to have been tendered to Purchaser when they have been deposited with the carrier.

8. **Inspection and Acceptance.** Purchaser shall have the right to inspect the goods upon receipt of them and shall have the opportunity, at that time, to run adequate tests to determine whether the goods shipped conform to the specification of this contract.

Purchaser shall recompense Seller, at the contract price, for all goods used in testing and Purchaser shall bear any expense incurred in the inspection of the goods used in testing, whether or not the goods are non-conforming. Failure to inspect the goods or failure to notify the Seller in writing that the goods are nonconforming with ten (10) days of the receipt of the goods by Purchaser, shall constitute a waiver of Purchaser's rights of inspection and rejection for nonconformity and shall be equivalent to an irrevocable acceptance of the goods by Purchaser. Acceptance – Unless we receive notification to the contrary promptly from you, we will consider the foregoing conditions as been acceptable to you.

9. **Excuse in Seller's Performance.** This contract is subject to an the Seller shall not be responsible or liable for any delay directly or indirectly resulting from or contributed limitations on Seller's production, capabilities, prompt settlement of all details relating to the materials covered by this proposal, and to delays due to fires, explosions, acts of God, strikes or other differences with workmen, shortage of utility, facility, components or labor, delay in transportation, breakdown or accident, war and acts of war, compliance with or other action taken to carry out the intent of purposes of any law or regulation, changes, or revisions, accidents or any other causes or contingencies not caused by Seller or other which Seller had no reasonable control. In the event that any one or more deliveries hereunder is suspended or delayed by reason of any one or more of the occurrences or contingencies aforesaid, any and all deliveries so suspended or delayed shall be made after such disabilities have ceased to exist, and nothing herein contained shall be construed as lessening in any event the full amount of goods herein purchased and sold, but only as deferring delivery and payment in the events and to the extent herein provided for. Neither shall any delay in shipment be considered as a default under this contract or give rise to any liability on the part of Seller for items of incidental, special consequential damage unless such delay was directly and proximately caused by the willful and wanton act of gross negligence of Seller. Acceptance of material on delivery shall constitute a waiver of any claims against seller for damages on accounts of delay.

10. **Warranty.** Seller warrants that it will, at its option, repair or replace the goods, or return the purchase price thereof, which are found to be defective in material or workmanship or not in conformity with the contract requirements provided that, within three (3) year of shipment thereof, Purchaser gives written notice of such defect to Seller, the Purchaser returns the goods to Seller at point of original manufacture, with transportation charges prepaid by Purchaser, and an examination by Seller discloses to its satisfaction the existence of such defect or nonconformity with the contract requirements. In no event shall Seller be liable for any incidentals, special or consequential damages resulting from said effects or nonconformity. This warranty specifically excludes all labor charges that could be incurred.

THE FOREGOING DOES NOT APPLY TO COMPONENTS WHERE WERE NOT MANUFACTURED BY SELLER, AND IS EXPRESSLY IN LIEU OF OTHER WARRANTIES EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR USE. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE FOREGOING, NO AGENT, EMPLOYEE OR REPRESENTATIVE OF THE SELLER HAS ANY AUTHORITY TO BIND THE SELLER TO ANY AFFIRMATION, REPRESENTATION OR WARRANTY CONCERNING THE GOODS SOLD UNDER THIS SALES CONTRACT, AND UNLESS AN AFFIRMATION, REPRESENTATION OR WARRANTY MADE BY AN AGENT EMPLOYEE OR REPRESENTATIVE IS SPECIFICALLY INCLUDED WITHIN THIS WRITTEN AGREEMENT, IT SHALL NOT BE ENFORCEABLE TY THE PURCHASER.

11. **Remedies of Purchaser.** If goods are tendered which do not conform with the specifications under the sales contract and these goods are rejected by Purchaser, Seller shall have the right to cure the tender by either correcting the goods or substituting conforming goods. In the event that such substituted goods fail to conform to the contract or in the event of any other breach or repudiation of this contract by Seller, Purchaser shall not be entitled to recover any incidental or consequential damages as those terms are defined in Section 2-715 of the Minnesota Uniform Commercial Code and Purchaser's right to damages shall be limited to the difference between the contract and the market price of the goods as provided in Section 2-713 of the Minnesota Uniform Commercial Code. Purchaser shall not have the right to "cover" as provided in Section 2-712 of the Minnesota Uniform commercial code nor any rights to recover damages for any loss resulting in the ordinary course of events from nonconformity of tender as contained in Section 2-714(1) of the Minnesota Uniform Commercial Code.

12. **Assignments.** No right to interest in this contract shall be assigned by Purchaser, without the written permission of Seller, and no delegation of any obligation owned by Purchaser shall be made without permission of the Seller. Any attempted assignment of delegation shall be wholly void and totally ineffective for all purposed.

13. **Alterations, Interpretations and Definitions.** This contract shall be governed by the laws of Minnesota and is intended also as a complete and exclusive statement of the terms of their agreement. No course of prior dealings between the parties, and no usage of the trade shall be relevant to supplement or explain any term used in this contract. Acceptance or acquiescence to a course of performance rendered under this contract shall not be relevant to determine the meaning of this contract, even though the accepting or acquiescing party has knowledge of the nature of the performance and an opportunity for objection. Waiver by Seller of a breach by Purchaser of any provision of this contract shall not be deemed a waiver of future compliance therewith, and such provision shall remain in full force and effect. Any term used in this contract which is not defined herein shall have the same definition as that contained in the Minnesota Uniform Commercial Code.

Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: **Cleghorn / Anderson Waterline Improvements**

AGENDA DATE: January 11, 2022

DATE PREPARED: December 29, 2021
PREPARED BY: John Bain

AMOUNT: $ 826,814.86
GL ACCOUNT #: 505-4115-541405
FUNDING SOURCE: Water / Sewer Fund
BUDGETED ITEM? Yes

PURPOSE: To engage with HD Excavations & Utilities and Consolidated Pipe & Supply for the labor and materials for the replacement and improvement of the Water Distribution system in the areas of Cleghorn St, Anderson St, Elm Circle, and North Avenue.

BACKGROUND: Existing Distribution system conditions, along with current plans for future growth, require the improvements to the Distribution system. Bids have been submitted for both construction and materials cost, with HD Excavations being the low bidder on construction, and Consolidated Pipe & Supply being the low bidder on materials. These two items were bid separately to mitigate the risk of increasing materials cost and delivery delays.

STAFF RECOMMENDATION: Staff recommends contracting with HD Excavations

Vendor	Total Cost
Divison A: Labor	
HD Excavations	$ 612,492.70
Unity Construction Co, Inc.	$ 675,133.04
LCS and Associates, Inc	$ 697,580.00
RDJE, Inc	$ 772,022.00
Gordy Construction Co.	$ 832,481.50
Site Engineering, Inc	$ 1,295,884.00
Division B: Materials	
Consolidated Pipe & Supply Co., Inc.	$ 214,322.16
Ferguson Waterworks	$ 223,120.83

IMPACT: The water line improvements will provide the increased flow and pressures throughout the project area necessary for current and future demands.

MOTION: I move to engage with HD Excavations for the installation of the Distribution system improvements, at a cost of $612,492.70. I also move to engage with Consolidated Pipe & Supply for the purchase of the necessary materials, at a cost of $ 214,322.16.

BID TABULATION FOR ALL BIDS
RECEIVED AT THE CITY OF VILLA RICA CITY HALL
ON NOVEMBER 30, 2021 AT 10:00 AM

Project: Northeast Downtown Water Main Replacement, Phase I
C&S Project No.: V8150.005

Base Bid Items:

Item No.	Item	Unit	Qty	HD Excavations 516 Cole Creek Rd Dallas, GA 30157		Unity Construction Co., Inc. 3941 Flint Hill Road Powder Springs, GA 30127		LCS & Associates, LLC 2030 Oak Grove Road Carrollton, GA 30117		RDJE, Inc. 679 Hwy 29 South, Ste A Newnan, GA 30263		Gordy Construction Company 2960 Smith Road Fortson, GA 31808		Site Engineering Inc. 7025 Best Friend Road Atlanta, GA 30340	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
ROCK EXCAVATION AND REMOVAL															
1	Base Cost	CY	250	$ 60.00	$ 15,000.00	$ 0.01	$ 2.50	$ 40.00	$ 10,000.00	$ 51.00	$ 12,750.00	$ 100.00	$ 25,000.00	$ 100.00	$ 25,000.00
2	Premium Cost	CY	250	$ 20.00	$ 5,000.00	$ 0.01	$ 2.50	$ 40.00	$ 10,000.00	$ 88.00	$ 22,000.00	$ 0.01	$ 2.50	$ 150.00	$ 37,500.00
SOIL EROSION & SEDIMENT CONTROL															
3	Hay Bale Check Dams (Cd-Hb)	EA	10	$ 120.00	$ 1,200.00	$ 100.00	$ 1,000.00	$ 50.00	$ 500.00	$ 300.00	$ 3,000.00	$ 150.00	$ 1,500.00	$ 400.00	$ 4,000.00
4	Silt Fence (Sd1-NS)	LF	1,000	$ 3.35	$ 3,350.00	$ 2.50	$ 2,500.00	$ 2.50	$ 2,500.00	$ 4.00	$ 4,000.00	$ 4.00	$ 4,000.00	$ 4.00	$ 4,000.00
5	Permanent Grassing Complete including seeding, mulching, hydro-seeding, fine grading, fertilizing & all necessary appurtenances to establish an acceptable stand of grass	LF	4,654	$ 1.30	$ 6,050.20	$ 1.50	$ 6,981.00	$ 1.00	$ 4,654.00	$ 4.00	$ 18,616.00	$ 1.50	$ 6,981.00	$ 6.00	$ 27,924.00
WATER DISTRIBUTION															
6	10" DIP - Class 350 (Pipe Provided by City)	LF	4,006	$ 27.75	$ 111,166.50	$ 53.40	$ 213,920.40	$ 36.00	$ 144,216.00	$ 39.00	$ 156,234.00	$ 43.00	$ 172,258.00	$ 75.00	$ 300,450.00
7	8" DIP - Class 350 (Pipe Provided by City)	LF	100	$ 27.75	$ 2,775.00	$ 53.40	$ 5,340.00	$ 28.00	$ 2,800.00	$ 70.00	$ 7,000.00	$ 40.00	$ 4,000.00	$ 70.00	$ 7,000.00
8	6" DIP - Class 350 (Pipe Provided by City)	LF	548	$ 27.75	$ 15,207.00	$ 53.40	$ 29,263.20	$ 25.00	$ 13,700.00	$ 47.00	$ 25,756.00	$ 40.00	$ 21,920.00	$ 70.00	$ 38,360.00
9	10" Gate Valve w/Box (Valve Provided by City)	EA	4	$ 100.00	$ 400.00	$ 500.00	$ 2,000.00	$ 600.00	$ 2,400.00	$ 1,080.00	$ 4,320.00	$ 875.00	$ 3,500.00	$ 1,500.00	$ 6,000.00
10	8" Gate Valve w/Box (Valve Provided by City)	EA	2	$ 100.00	$ 200.00	$ 500.00	$ 1,000.00	$ 550.00	$ 1,100.00	$ 870.00	$ 1,740.00	$ 825.00	$ 1,650.00	$ 1,000.00	$ 2,000.00
11	6" Gate Valve w/Box (Valve Provided by City)	EA	13	$ 100.00	$ 1,300.00	$ 500.00	$ 6,500.00	$ 500.00	$ 6,500.00	$ 750.00	$ 9,750.00	$ 775.00	$ 10,075.00	$ 1,000.00	$ 13,000.00
12	8" Insertion Valve	EA	1	$ 7,925.00	$ 7,925.00	$ 6,865.00	$ 6,865.00	$ 10,700.00	$ 10,700.00	$ 12,300.00	$ 12,300.00	$ 11,025.00	$ 11,025.00	$ 16,000.00	$ 16,000.00
13	6" Insertion Valve	EA	6	$ 7,195.00	$ 43,170.00	$ 6,260.00	$ 37,560.00	$ 9,500.00	$ 57,000.00	$ 10,100.00	$ 60,600.00	$ 10,425.00	$ 62,550.00	$ 14,000.00	$ 84,000.00
14	Fire Hydrant Assembly w/Valve (Fire Hydrant & Valve Provided by City)	EA	7	$ 2,500.00	$ 17,500.00	$ 1,800.00	$ 12,600.00	$ 850.00	$ 5,950.00	$ 2,090.00	$ 14,630.00	$ 2,125.00	$ 14,875.00	$ 3,500.00	$ 24,500.00
15	DI Fittings (Domestic Only - Compact Weight including MJ, RJ)	LBS	5,990	$ 5.60	$ 33,544.00	$ 0.01	$ 59.90	$ 6.00	$ 35,940.00	$ 6.00	$ 35,940.00	$ 12.00	$ 71,880.00	$ 5.00	$ 29,950.00
16	Megalugs for MJ Fittings (All Sizes)	EA	150	$ 150.00	$ 22,500.00	$ 132.00	$ 19,800.00	$ 100.00	$ 15,000.00	$ 120.00	$ 18,000.00	$ 175.00	$ 26,250.00	$ 200.00	$ 30,000.00
17	Freebore 10" Water Main	LF	87	$ 50.00	$ 4,350.00	$ 175.00	$ 15,225.00	$ 125.00	$ 10,875.00	$ 90.00	$ 7,830.00	$ 100.00	$ 8,700.00	$ 100.00	$ 8,700.00
18	Install 16" Steel Casing by Open Cut (0.250 WT)	LF	485	$ 115.00	$ 55,775.00	$ 135.00	$ 65,475.00	$ 125.00	$ 60,625.00	$ 200.00	$ 97,000.00	$ 115.00	$ 55,775.00	$ 200.00	$ 97,000.00
19	Install 12" Steel Casing by Open Cut (0.250 WT)	LF	120	$ 85.00	$ 10,200.00	$ 110.00	$ 13,200.00	$ 110.00	$ 13,200.00	$ 180.00	$ 21,600.00	$ 100.00	$ 12,000.00	$ 200.00	$ 24,000.00
20	Transfer Service - Longside	EA	20	$ 950.00	$ 19,000.00	$ 1,750.00	$ 35,000.00	$ 900.00	$ 18,000.00	$ 860.00	$ 17,200.00	$ 1,000.00	$ 20,000.00	$ 1,800.00	$ 36,000.00
21	Transfer Service - Shortside	EA	23	$ 750.00	$ 17,250.00	$ 1,000.00	$ 23,000.00	$ 700.00	$ 16,100.00	$ 480.00	$ 11,040.00	$ 480.00	$ 11,040.00	$ 1,600.00	$ 36,800.00
22	3/4" Type K Copper Service Tubing	LF	1,330	$ 20.00	$ 26,600.00	$ 18.00	$ 23,940.00	$ 12.50	$ 16,625.00	$ 13.00	$ 17,290.00	$ 25.00	$ 33,250.00	$ 20.00	$ 26,600.00
23	10" Water Main Termination (Valve Provided by City)	EA	3	$ 3,100.00	$ 9,300.00	$ 2,500.00	$ 7,500.00	$ 1,500.00	$ 4,500.00	$ 3,430.00	$ 10,290.00	$ 2,825.00	$ 8,475.00	$ 3,000.00	$ 9,000.00
24	8" x 8" Tapping Sleeve & Valve w/Box (Valve Provided by City)	EA	1	$ 4,665.00	$ 4,665.00	$ 0.01	$ 0.01	$ 3,500.00	$ 3,500.00	$ 3,360.00	$ 3,360.00	$ 5,250.00	$ 5,250.00	$ 7,000.00	$ 7,000.00
25	6" x 6" Tapping Sleeve & Valve w/Box (Valve Provided by City)	EA	11	$ 3,650.00	$ 40,150.00	$ 0.01	$ 0.11	$ 2,800.00	$ 30,800.00	$ 2,110.00	$ 23,210.00	$ 4,785.00	$ 52,635.00	$ 6,500.00	$ 71,500.00
26	Tie to Exisiting 2" Main w/ 2" Gate Valve (Valve Provided by City)	EA	1	$ 3,500.00	$ 3,500.00	$ 1,850.00	$ 1,850.00	$ 500.00	$ 500.00	$ 1,280.00	$ 1,280.00	$ 2,000.00	$ 2,000.00	$ 2,500.00	$ 2,500.00
27	Cut-in & Tie to Existing 8" Water Main	EA	1	$ 3,500.00	$ 3,500.00	$ 0.01	$ 0.01	$ 1,800.00	$ 1,800.00	$ 2,170.00	$ 2,170.00	$ 3,500.00	$ 3,500.00	$ 2,500.00	$ 2,500.00
28	Cut-in & Tie to Existing 6" Water Main	EA	11	$ 1,000.00	$ 11,000.00	$ 0.01	$ 0.11	$ 1,500.00	$ 16,500.00	$ 1,980.00	$ 21,780.00	$ 3,500.00	$ 38,500.00	$ 2,500.00	$ 27,500.00
29	Abandon Existing 6" Water Main	EA	2	$ 500.00	$ 1,000.00	$ 1,500.00	$ 3,000.00	$ 800.00	$ 1,600.00	$ 2,030.00	$ 4,060.00	$ 2,000.00	$ 4,000.00	$ 4,000.00	$ 8,000.00
30	Abandon Existing 2" Water Main	EA	1	$ 500.00	$ 500.00	$ 1,200.00	$ 1,200.00	$ 400.00	$ 400.00	$ 1,050.00	$ 1,050.00	$ 1,000.00	$ 1,000.00	$ 3,000.00	$ 3,000.00
31	Transfer Existing 2" Water Main	EA	1	$ 500.00	$ 500.00	$ 1,200.00	$ 1,200.00	$ 1,800.00	$ 1,800.00	$ 2,690.00	$ 2,690.00	$ 1,750.00	$ 1,750.00	$ 3,000.00	$ 3,000.00
32	Existing Fence Removal & Replacement	LF	433	$ 35.00	$ 15,155.00	$ 15.00	$ 6,495.00	$ 30.00	$ 12,990.00	$ 28.00	$ 12,124.00	$ 40.00	$ 17,320.00	$ 80.00	$ 34,640.00
MISCELLANEOUS WORK ITEMS															
33	Gravel D/W Replacement	LF	138	$ 30.00	$ 4,140.00	$ 15.00	$ 2,070.00	$ 10.00	$ 1,380.00	$ 17.00	$ 2,346.00	$ 45.00	$ 6,210.00	$ 20.00	$ 2,760.00
34	Class "A" Pavement Replacement	LF	295	$ 45.00	$ 13,275.00	$ 86.20	$ 25,429.00	$ 150.00	$ 44,250.00	$ 77.00	$ 22,715.00	$ 85.00	$ 25,075.00	$ 120.00	$ 35,400.00
35	Concrete Replacement	LF	89	$ 40.00	$ 3,560.00	$ 66.20	$ 5,891.80	$ 75.00	$ 6,675.00	$ 85.00	$ 7,565.00	$ 85.00	$ 7,565.00	$ 100.00	$ 8,900.00
36	Concrete Curb & Gutter Replacement	LF	54	$ 50.00	$ 2,700.00	$ 73.75	$ 3,982.50	$ 50.00	$ 2,700.00	$ 49.00	$ 2,646.00	$ 55.00	$ 2,970.00	$ 100.00	$ 5,400.00
37	Clearing & Grubbing	LS	1	$ 23,285.00	$ 23,285.00	$ 37,780.00	$ 37,780.00	$ 40,000.00	$ 40,000.00	$ 11,000.00	$ 11,000.00	$ 10,500.00	$ 10,500.00	$ 60,000.00	$ 60,000.00
38	Traffic Control	LS	1	$ 5,000.00	$ 5,000.00	$ 4,500.00	$ 4,500.00	$ 18,000.00	$ 18,000.00	$ 12,500.00	$ 12,500.00	$ 10,000.00	$ 10,000.00	$ 80,000.00	$ 80,000.00
39	Remove Existing Fire Hydrants	EA	6	$ 300.00	$ 1,800.00	$ 500.00	$ 3,000.00	$ 300.00	$ 1,800.00	$ 440.00	$ 2,640.00	$ 1,250.00	$ 7,500.00	$ 1,000.00	$ 6,000.00
40	Supplemental Work Additions (SWA) - If needed, as directed by Owner	LS	1	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00
			TOTAL BASE BID:	**$**	**612,492.70**	**$**	**675,133.04**	**$**	**697,580.00**	**$**	**772,022.00**	**$**	**832,481.50**	**$**	**1,295,884.00**

Alternate Bid Items:

A1	10" PVC C-900 (Pipe Provided by City)	LF	4,006	No bid	No bid	$ 53.70	$ 215,122.20	$ 34.00	$ 136,204.00	$ 38.00	$ 152,228.00	$ 43.00	$ 172,258.00	$ 75.00	$ 300,450.00
A2	8" PVC C-900 (Pipe Provided by City)	LF	100	No bid	No bid	$ 53.70	$ 5,370.00	$ 26.00	$ 2,600.00	$ 67.00	$ 6,700.00	$ 40.00	$ 4,000.00	$ 70.00	$ 7,000.00
A3	6" PVC C-900 (Pipe Provided by City)	LF	548	No bid	No bid	$ 53.70	$ 29,427.60	$ 23.00	$ 12,604.00	$ 45.00	$ 24,660.00	$ 40.00	$ 21,920.00	$ 70.00	$ 38,360.00

I hereby certify that this Bid Tabulation is a true and accurate representation of all proposals received on November 30, 2021 at 10:00 a.m.

Matt Smith, P.E. #28763

BID TABULATION FOR ALL BIDS
RECEIVED AT THE CITY OF VILLA RICA CITY HALL
ON NOVEMBER 30, 2021 AT 10:00 AM

Project: Northeast Downtown Water Main Replacement, Phase I
Division B
C&S Project No.: V8150.005

Base Bid Items:

Item No.	Item	Unit	Qty	Consolidated Pipe & Supply Co. Inc. 3400 Novis Pointe, NW Acworth, GA 30101 Unit Price	Total Price	Ferguson Waterworks 910 Cobb Pkwy NE Marietta, GA 30062 Unit Price	Total Price
ROCK EXCAVATION AND REMOVAL							
1	10" DIP - Class 350	LF	4,006	$ 30.60	$ 122,583.60	$ 32.52	$ 130,275.12
2	8" DIP - Class 350	LF	100	$ 25.63	$ 2,563.00	$ 27.26	$ 2,726.00
3	6" DIP - Class 350	LF	548	$ 19.47	$ 10,669.56	$ 20.71	$ 11,349.08
4	10" Gate Valve w/ Box	EA	7	$ 1,215.00	$ 8,505.00	$ 1,446.12	$ 10,122.84
5	8" Gate Valve w/ Box	EA	3	$ 815.00	$ 2,445.00	$ 927.68	$ 2,783.04
6	6" Gate Valve w/ Box	EA	20	$ 529.00	$ 10,580.00	$ 582.92	$ 11,658.40
7	2" Gate Valve w/ Box	EA	1	$ 273.00	$ 273.00	$ 312.50	$ 312.50
8	Fire Hydrant Assembly	EA	7	$ 2,095.00	$ 14,665.00	$ 1,894.05	$ 13,258.35
9	8" Gate Valve for Tapping Sleeve	EA	1	$ 1,445.00	$ 1,445.00	$ 1,226.65	$ 1,226.65
10	6" Gate valve for Tapping Sleeve	EA	11	$ 963.00	$ 10,593.00	$ 855.35	$ 9,408.85
11	Supplemental Material Allowance	LS	1	$30,000	$ 30,000.00	$ 30,000.00	$ 30,000.00
			TOTAL BASE BID:	**$**	**214,322.16**	**$**	**223,120.83**

Alternate Bid Items:

A1	10" PVC C-900	LF	4,006	$ 30.04	$ 120,340.24	$ 32.72	$ 131,076.32
A2	8" PVC C-900	LF	100	$ 20.02	$ 2,002.00	$ 21.80	$ 2,180.00
A3	6" PVC C-900	LF	548	$ 11.68	$ 6,400.64	$ 12.71	$ 6,965.08

I hereby certify that this Bid Tabulation is a true and accurate representation of all proposals received on November 30, 2021 at 10:00 a.m. (after modification for accurate comparison).

Matt Smith, P.E. #28763

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: TextMyGov Partnership Proposal
AGENDA DATE: 01/11/22

DATE PREPARED: 12/21/21
PREPARED BY: Jennifer Hallman, Finance Director

AMOUNT: $6,100
GL ACCOUNT #: 100-1590-521300
FUNDING SOURCE: General Fund
BUDGETED ITEM? YES

PURPOSE: To approve the partnership proposal from TextMyGov.

BACKGROUND: TextMyGov was developed to open lines of communication with local government agencies and citizens. The system works 24 hours a day and easily connects with our website and other communication methods. TextMyGov will help Villa Rica communicate, engage, boost website traffic, track requests and work closer & "smarter" with citizens.

STAFF RECOMMENDATION: Approve the partnership proposal from TextMyGov.

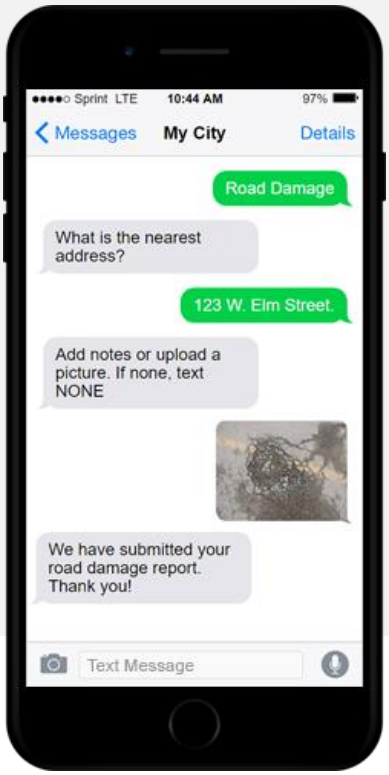
IMPACT: The proposal was reviewed by legal staff. The first year will cost $6,100 (includes $1,600 implementation/setup fee). Ongoing cost is $4,500 per year. This is a two-year contract. After the initial two years, the contract can be canceled by providing a 60-day written notice. After the initial two-year contract, the agreement will revert to a year to year contract. We are required to place the TextMyGov widget on our Web Home page.

MOTION: I make a motion that we approve the TextMyGov partnership proposal as presented.

TextMyGov

TextMyGov
P.O. Box 3784
Logan, Utah 84323
435-787-7222

Partnership Proposal



Introducing TextMyGov

TextMyGov was developed to open lines of communication with local government agencies and citizens. The system works 24 hours a day and easily connects with your website and other communication methods.

Using the regular messaging app on any smartphone, the smart texting technology allows the citizen to ask questions and get immediate responses, find links to information on the agency's website, address problems, report any issues and upload photos.

According to the Pew Research Center, ***97% of smartphone owners text regularly***.

The technology analysts at Compuware reported ***that 80 to 90% of all downloaded apps are only used once and then eventually deleted*** by users.

TextMyGov Solutions:

Communicate, Engage, Boost Website Traffic, Track, and Work

Communicate

TextMyGov uses smart texting technology to communicate with citizens. Local government agencies can answer questions, send links to their website, and provide details on garbage pickup, utility payments, city news, events, office hours, just to name a few.

Engage

TextMyGov uses smart texting technology to engage with citizens. Citizens can easily report issues to any department, such as potholes, drainage problems, tall grass, junk cars. The issue reporting function can be customized for each department and their most commonly reported items. Agencies can engage citizens and ask specific guided questions regarding location, address, street name, and more. If your goal is to engage with citizens and get smart valuable data- You need TextMyGov.

Boost Website Traffic

TextMyGov uses smart texting technology to maximize a cities website. Citizens can text in keywords like festival, parking, ticketing, meeting, sporting event, etc. The smart texting technology can answer the question or send a link from the city's website with additional information. Local government agencies spend thousands of dollars each year on their website. TextMyGov is the best way to benefit from that investment. If your goal is to benefit from your website investment- You need TextMyGov.

Track

TextMyGov uses smart texting technology to track and record all the information that is sent in. Agencies can track the cell phone number, date, and time of every request. If your agency wants to be compliant with FOIA- You need TextMyGov.

Work

Smart texting uses detailed information to track a citizen's request or create a work order. Work orders and requests can be generated and completed. Smart texting allows you to easily collect information like name, location, street address, and allows the user to upload a photo. If your agency wants to track real requests and real work orders submitted by a real cell phone number- You need TextMyGov.

Implementation

Getting Started

After the execution of the basic service agreement, a project manager will be assigned to assist the client through implementation. A local phone number will be obtained for use with TextMyGov.

Configuration

The project manager will work with the client to customize interactive responses, create automation flows, and keyword lists. Training will be provided on how to quickly create and edit data.

Media Kit

Advertising materials will be provided to the client, including an infographic for the website and downloadable flyer for social media and other communication methods used by the agency.

Unlimited Training and Support

After initial implementation and training, unlimited on-going support is included. Our experts are available M-F 6am-5pm MST.

Subscription Cost Breakdown

This quote represents a subscription to TextMyGov with an annual reoccurring charge for a period of two years. The agreement is set to automatically renew on the date of this agreement, after year two. See below for package price and other details.

Terms and conditions can be printed and attached as Exhibit A or viewed at www.TextMyGov.com/terms

Prepared for:
Villa Rica
571 W Bankhead Hwy,
Villa Rica, GA 30180

Prepared by:
Carson Frandsen
P.O. Box 3784
Logan, UT 84323

Package	Package Price	Billing
TextMyGov Package includes: • TextMyGov Web-Based Software • Local Phone Number • Short Code Number (for outgoing messages) • Unlimited Users • Unlimited Departments • Unlimited Support for Every User • 10 GB Managed online data storage • 75,000 Text Messages per year • Additional text messages can be purchased for: ($750 for 100,000), ($550 for 50,000), ($300 for 25,000)	$4,500	Annual
Implementation/Setup Fee	$1,600	One Time
Total (First Year):	**$6,100**	**First Year**
Total (Ongoing):	$4,500	**Annual**

Notes:

1. *This is a two-year contract. After the initial two years, the contract can be canceled by providing 60-day written notice.*
2. *After the initial two-year contract, the agreement will revert to a year to year.*
3. *Customer is required to put Text My Gov widget on the Agencies Web Home page.*
4. *This agreement and pricing was provided at the customer's request and is good until **January 14th, 2022.***
5. *Customer is required to provide copy of W-9*

Agreement Confirmation

Implementation Team Information

Name:

Title:

Email:

Office Phone:

Cell Phone (Required):

Implementation Team Information

Name:

Title:

Email:

Office Phone:

Cell Phone (Required):

Billing Information

Billing Contact Name:

Title:

Email:

Office Phone:

Address:

(Please attach copy of W-9 or Tax Exemption form.)

Agreement Signature

Name:

Title:

Date:

Signature:

Twilio Contact Authorization

Twilio Authorized Contacts
Employee Name (1):
Email:
Business Title:
Job Position:
Phone Number:
Employee Name (2):
Email:
Business Title:
Job Position:
Phone Number:

☐ *I confirm that my nominated authorized representatives agree to be contacted by Twilio.*

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: 2021 Budget Amendments # 193-215
AGENDA DATE: 01-11-2022

DATE PREPARED: 12-30-21
PREPARED BY: Jennifer Hallman, Finance Director

AMOUNT: See Exhibit A
GL ACCOUNT #:
FUNDING SOURCE:
BUDGETED ITEM?

PURPOSE: To adopt ordinance amending the 2021 budget

MOTION: I move to adopt the ordinance to approve an amendment to the budget for fiscal year 2021 for the City pursuant to Section 2-71 of the City Charter.

City of Villa Rica **January 11, 2022**
Exhibit A
Proposed 2021 Budget Amendments

FY21 Budget Transfers to cover Department Overages
Source of Funds: ***Transfers between Departments or Fund Balance***

Transfer funds to cover department overages for FY21 and amending Solid Waste / Sanitation Fund using Fund Balance.

	Item	Account Name	Account Type		Amount
193	100-1110-579100	Council - Contingency	Expense	Decrease	(30,370)
194	100-1320-521200	City Manager -Professional Services	Expense	Increase	30,370
195	100-1535-511100	IT -Regular Salary	Expense	Decrease	(11,547)
196	100-1330-531400	City Clerk - Books & Periodicals	Expense	Increase	4,400
197	100-1330-511100	City Clerk - Regular Salary	Expense	Increase	7,147
198	100-1510-512100	Finance - Group Insurance	Expense	Decrease	(9,542)
199	100-1590-523970	Cust. Svc. - Bank / CC Fees	Expense	Increase	9,542
200	100-4110-511100	Public Works - Regular Salary	Expense	Decrease	(25,517)
201	100-7220-511100	Bldg. Insp - Regular Salary	Expense	Increase	25,517
202	100-7400-522220	Comm Dev - M/R Equip	Expense	Decrease	(1,132)
203	100-7450-511100	Code Enf - Regular Salary	Expense	Increase	1,132
204	100-5500-531300	Senior Center - Food	Expense	Decrease	(11,426)
205	100-7540-511100	Tourism - Regular Salary	Expense	Increase	11,426
206	100-3210-511100	Police - Regular Salary	Expense	Decrease	(988)
207	100-2650-511100	Court - Regular Salary	Expense	Increase	988
208	100-4110-511100	Public Works - Regular Salary	Expense	Decrease	(31,026)
209	100-4210-511200	Streets - Seasonal/Temporary Employees	Expense	Increase	31,026
210	505-4420-522220	Water Treatment - M/R Equipment	Expense	Decrease	(35,000)
211	505-4115-521200	Utilities Admin - Professional Services	Expense	Increase	35,000
212	505-4440-511100	Dist. & Coll - Regular Salary	Expense	Decrease	(85,000)
213	505-4330-531230	Wastewater - Electricity	Expense	Increase	85,000
214	540-381000	Use of Fund Balance	Revenue	Increase	55,000
215	540-4500-522110	Sanitation & Solid Waste - Disposal	Expense	Increase	55,000

Monthly Budget Report
All Departments
September 2021 - PRELIMINARY

		9/30/2020	9/30/2020	9/30/2021	9/30/2021	9/30/2021		12 months 100%	
		PY MONTH ACTUALS	**PRIOR YTD ACTUALS**	**CY BUDGET**	**MONTH ACTUALS**	**YTD ACTUALS**	**BUDGET BALANCE**	**% OF BUDGET SPENT**	**NOTES**
1110	Mayor & Council	(6,233)	281,355	415,915	23,740	383,141	32,773	92%	
TOTAL GOVERNING BODY		(6,233)	281,355	415,915	23,740	383,141	32,773	92%	
1320	City Manager	30,379	217,721	312,854	60,417	343,223	(30,369)	110%	Prof. Svcs (TAD)
1330	City Clerk	12,292	111,756	140,931	23,088	152,477	(11,546)	108%	MuniCode
1510	Finance	58,122	473,885	513,195	59,798	480,236	32,959	94%	
1530	Legal	26,483	90,827	95,000	16,495	78,129	16,871	82%	
1535	Information Technology	34,291	209,026	244,574	29,104	211,967	32,607	87%	
1540	Human Resources	28,690	246,847	256,117	18,484	250,300	5,817	98%	
1590	Customer Service	22,310	445,759	470,381	65,284	479,922	(9,541)	102%	Credit Cards Fees
TOTAL ADMINISTRATION		212,567	1,795,821	2,033,051	272,670	1,996,253	36,798	98%	
7220	Building Inspection	16,312	119,148	163,311	25,761	188,827	(25,516)	116%	Reorg/Hiring highly skilled emp.
7400	Community Development	66,216	478,988	538,549	109,209	536,549	2,000	100%	
7450	Code Enforcement	13,263	109,467	143,333	22,565	144,463	(1,131)	101%	
TOTAL COMMUNITY DEVELOPMEN		95,791	707,603	845,192	157,534	869,839	(24,647)	103%	
7520	Economic Development	-	62,370	12,500	-	12,451	49	100%	
7540	Tourism	15,638	108,385	112,711	19,801	124,137	(11,425)	110%	Reorg/Hiring based on experience
7550	Main Street	40,334	178,399	245,262	24,119	244,500	762	100%	
6172	Gold Museum	84,763	439,848	396,842	50,843	390,426	6,415	98%	
TOTAL ECONOMIC DEVELOPMENT		140,736	789,002	767,315	94,763	771,514	(4,199)	101%	
2650	Municipal Court	32,992	190,446	198,166	28,183	199,153	(987)	100%	
TOTAL JUDICIAL		32,992	190,446	198,166	28,183	199,153	(987)	100%	
3210	Police	613,056	4,496,945	4,766,692	606,577	4,504,546	262,147	95%	
3226	Custody of Prisoners	3,299	15,509	31,500	1,110	10,455	21,045	33%	
3520	Fire Fighting	451,786	451,786	474,000	467,010	467,010	6,990	99%	
3910	Animal Control	-	65,685	75,000	-	60,866	14,134	81%	
TOTAL PUBLIC SAFETY		1,068,142	5,029,924	5,347,192	1,074,697	5,042,877	304,316	94%	
4110	Public Works	39,286	296,009	535,314	48,013	325,183	210,131	61%	
4210	Streets	145,065	866,726	794,997	119,956	826,024	(31,026)	104%	Seasonal emp.
4320	Stormwater	33,645	197,850	229,947	29,480	207,344	22,603	90%	
4900	Building + Fleet Maint	49,421	416,064	458,486	48,448	428,167	30,319	93%	
4910	Grounds Maint	119,550	638,529	647,436	101,678	638,444	8,992	99%	
TOTAL PUBLIC WORKS		386,967	2,415,179	2,666,180	347,575	2,425,161	241,019	91%	
5500	Senior Center	26,779	223,343	258,658	33,613	224,808	33,851	87%	
6110	Recreation - Admin		-	540,622	66,071	508,483	32,140	94%	
6120	Recreation - Athletics	165,214	1,017,938	453,329	61,298	376,546	76,783	83%	
6130	Recreation - Events	-	7,908	283,505	27,012	266,111	17,395	94%	

Monthly Budget Report
All Departments
September 2021 - PRELIMINARY

		9/30/2020	9/30/2020	9/30/2021	9/30/2021	9/30/2021		12 months 100%	
		PY MONTH ACTUALS	**PRIOR YTD ACTUALS**	**CY BUDGET**	**MONTH ACTUALS**	**YTD ACTUALS**	**BUDGET BALANCE**	**% OF BUDGET SPENT**	**NOTES**
6510	Library	73,392	490,165	509,075	66,588	495,179	13,896	97%	
TOTAL RECREATION		265,386	1,739,354	2,045,190	254,581	1,871,126	174,064	91%	
4115	Utility Administration	39,730	214,419	478,320	151,967	508,689	(30,369)	106%	Addt'l Engineering
4330	Wastewater Plant	326,165	2,427,608	2,582,507	411,386	2,661,379	(78,872)	103%	Utilities & Chemicals
4420	Water Treatment Plant	217,252	1,331,818	1,436,082	239,171	1,377,633	58,449	96%	
4440	Distribution & Collection	183,090	1,508,976	1,861,579	234,174	1,548,432	313,148	83%	
TOTAL UTILITY ADMINISTRATION		766,237	5,482,820	6,358,489	1,036,699	6,096,133	262,355	96%	
4500	Solid Waste	210,990	1,315,650	1,280,052	207,926	1,326,482	(46,430)	104%	Disposal & Tipping Fees
TOTAL SANITATION & SOLID WASTE		210,990	1,315,650	1,280,052	207,926	1,326,482	(46,430)	104%	
GRAND TOTALS		**3,173,575**	**19,747,154**	**21,956,742**	**3,498,368**	**20,981,680**	**975,062**	**96%**	

STATE OF GEORGIA **ORDINANCE NO. _____**

CITY OF VILLA RICA

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE BUDGET FOR THE FISCAL YEAR 2021 FOR THE CITY PURSUANT TO SECTION 2-71 OF THE CITY CHARTER

WHEREAS, the Mayor and City Council adopted the 2021 Budget on _September 29, 2020__, which incorporated all of the various funds of the City; and

WHEREAS, the Mayor and Council have determined it appropriate to amend the budget for the reasons set forth herein.

WHEREAS, the Mayor and Council have reviewed the proposed budget; and

WHEREAS, each of the funds, as amended, has a balanced budget, such that anticipated revenues equal or exceed proposed expenditures.

NOW, THEREFORE, the Mayor and City Council of the City of Villa Rica, Georgia, hereby ordain as follows:

Section 1. That the City of Villa Rica, Georgia, hereby amends the Budget for Fiscal Year 2021, said budget amendment being described as Amendment No. _193-215___, attached hereto and incorporated as Exhibit A.

Section 2. That any increase or decrease in appropriations or revenue of any fund or for any department; the establishment of new capital projects; or the establishment of new grant projects other than those expectations provided for herein, shall require approval of the City Council.

Section 3. That the City Manager and his/her designee may promulgate all necessary internal rules, regulations and policies to ensure that this Budget Amendment Ordinance is followed.

Section 4. This Ordinance shall be effective immediately upon its adoption.

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence,

clause or phrase of same. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of same.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the same and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are expressly repealed.

5. The within ordinance shall become effective upon its adoption.

SO ORDAINED AND EFFECTIVE this the _____ day of _____, 2022.

Approved:

_____
Gil McDougal, Mayor

Attest:

_____
Alisa Doyal, City Clerk

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: 2022 Budget Amendments # 22-139
AGENDA DATE: 01-11-2022

DATE PREPARED: 12-30-2021
PREPARED BY: Jennifer Hallman, Finance Director

AMOUNT: See Exhibit A
GL ACCOUNT #:
FUNDING SOURCE:
BUDGETED ITEM?

PURPOSE: To adopt a resolution amending the 2022 budget

MOTION: I move to adopt the resolution amending the 2022 fiscal year budget pursuant to Section 2-71 of the City Charter.

City of Villa Rica **January 11, 2022**
Exhibit A
Proposed 2022 Budget Amendments

Police Donation

Source of Funds: ***Donation***

Funds will be used for team building/education/training.

	Item	Account Name	Account Type		Amount
22	100-371150	Donations	Revenue	Increase	3,000
23	100-3210-523700	Education & Training	Expense	Increase	3,000

Election Expense

Source of Funds: ***Contingency***

Transfer to cover the budget shortage for election expenses. Budget $13,000 ---- Carroll $8,950 & Douglas $13,182

	Item	Account Name	Account Type		Amount
24	100-1330-523850	Contract Labor	Expense	Increase	9,132
25	100-1110-579100	Contingency	Expense	Decrease	(9,132)

FY21 Capital Project Budget Rollovers

Source of Funds: ***Assigned Fund Balance***

Rollover unfinished capital projects in the General Fund Capital Project Fund, SPLOST Funds, Water & Sewer Fund and Solid Waste Fund

	Item	Account Name	Account Type		Amount
	Administration				
26	321-1535-542500	CSPLOST - Equipment - IT	Expense	Increase	10,754
	Economic Development				
27	350-7540-541310	GF -Building Imp - Welcome Center - Butterballs	Expense	Increase	490,530
28	322-6172-541200	DSPLOST - Site Imp - PMGM - Mine Shaft Staircase	Expense	Increase	45,000
29	322-6172-541201	DSPLOST - Site Imp - PMGM - Stone Fire Ring	Expense	Increase	9,000
30	322-6172-541202	DSPLOST - Site Imp - PMGM - Mine Shaft Entrance Enclosure	Expense	Increase	23,420
31	322-6172-541203	DSPLOST - Site Imp - PMGM - Petting Zoo/Bark	Expense	Increase	34,832
32	322-6172-541204	DSPLOST - Site Imp - PMGM - Highway Signage	Expense	Increase	30,000
33	322-6172-541205	DSPLOST - Site Imp - PMGM	Expense	Increase	46,248
	Public Safety				
34	322-3210-542500	DSPLOST - Equipment - PD Communication with DC	Expense	Increase	35,000
35	322-3520-571000	DSPLOST - DC Fire/EMS Capital Projects	Expense	Increase	417,527
36	350-3210-542200	GF - Vehicles -Police	Expense	Increase	11,058
37	350-3210-542500	GF - Equipment -Police	Expense	Increase	27,500
	Streets				
38	322-4210-541300	DSPLOST - Bldg. Imp. - Sign Machine Room	Expense	Increase	3,883
39	350-4210-541404	GF - North Loop	Expense	Increase	30,099
40	350-4210-541400	GF - Traffic Calming	Expense	Increase	28,000
	Parks & Recreation				
41	321-6110-541320	CSPLOST - Sites - Gold Dust - Doors & Doorframes	Expense	Increase	107,058
42	321-6110-541320	CSPLOST - Sites - Gold Dust - Air Conditioner	Expense	Increase	275,000
43	350-6110-541220	GF - Site Imprv - Gold Dust - Security Fence Concession & Restrooms	Expense	Increase	18,986
44	350-6110-541320	GF - Bldg. Impv - Gold Dust - Renovate Concession Stand	Expense	Increase	1,200
45	350-6110-541320	GF - Bldg. Impv - Gold Dust - Renovate Bathrooms	Expense	Increase	33,591
46	350-6110-541320	GF - Bldg. Impv - Gold Dust - Replace Flooring in Fitness Room	Expense	Increase	3,500
47	350-6110-541330	GF - Bldg. Impv - VPlex - Renovate Civic Center Bathrooms	Expense	Increase	23,593
48	350-6110-541330	GF - Bldg. Impv - VPlex - Update all Lights to LED	Expense	Increase	10,070
	Stormwater				
49	560-4320-541420	Stormwater - Infrastructure - Stormwater Imp.	Expense	Increase	48,737
	Customer Service				
50	100-1590-521300	GF - Customer Service - Upgrade Software - Neptune 360	Expense	Increase	8,895
51	505-1590-541410	W&S Meters - New Build	Expense	Increase	23,135
52	505-1590-541411	W&S Meters - Warranty Expirations	Expense	Increase	12,807
53	321-1590-541410	CSPLOST - Meter Replacement Program	Expense	Increase	55,815
54	322-1590-541410	DSPLOST - Meter Replacement Program	Expense	Increase	64,525
	Utilities Administration				
55	505-4115-541400	W&S Utilities - Infrastructure - Water Plant	Expense	Increase	414,164
56	505-4115-541400	W&S Utilities - Infrastructure - Van Wert/Chapman Lift Stations	Expense	Increase	90,268
57	505-4115-541400	W&S Utilities - Infrastructure - Modifications to Shoreline Lift Station	Expense	Increase	75,750
58	505-4115-541405	W&S Utilities - North Ave. Waterline Ext. (GEFA)	Expense	Increase	2,467,285
59	505-4115-541410	W&S Utilities - West Plant Influent	Expense	Increase	995,200
	Wastewater Treatment Plant				
60	322-4330-541440	DSPLOST - Wastewater - North Plant Belt Press	Expense	Increase	158,090

City of Villa Rica **January 11, 2022**
Exhibit A
Proposed 2022 Budget Amendments

61	322-4330-541440	DSPLOST - Wastewater - Wastewater Plant (North)	Expense	Increase	24,305
62	322-4330-541440	DSPLOST - Wastewater - North Plant Aerator	Expense	Increase	109,147
64	505-4330-541310	W&S Wastewater - Sand Filters at West Plant	Expense	Increase	70,000
65	505-4330-541310	W&S Wastewater - West Plant Effluent Overflow Line	Expense	Increase	50,000
66	505-4330-541310	W&S Wastewater - Constant Speed Pump (#4)	Expense	Increase	85,000
67	505-4330-541400	W&S Wastewater - Reline Wetwells/Manholes	Expense	Increase	516,975
69	505-4330-541400	W&S Wastewater - SCADA Upgrades	Expense	Increase	11,104
70	505-4330-541400	W&S Wastewater - West Plant Upgrades	Expense	Increase	66,000
71	505-4330-541400	W&S Wastewater - Influent Pump Addition	Expense	Increase	85,000
72	505-4330-541400	W&S Wastewater - Townsend Interceptor	Expense	Increase	218,944
73	505-4330-542500	W&S Wastewater - John Deere Gator for North Plant	Expense	Increase	10,750
74	505-4330-542500	W&S Wastewater -West Plant Sludge Pump Replacements	Expense	Increase	62,000
	Water Treatment Plant				
75	322-4420-541425	DSPLOST - Water Treatment - Conners Rd Booster Pump Station	Expense	Increase	30,546
76	505-4420-541210	W&S Water Treatment - Lake Cowan Upgrades	Expense	Increase	187,444
77	505-4420-541210	W&S Water Treatment - 20x20 Storage Bldg.	Expense	Increase	9,995
78	505-4420-541300	W&S Water Treatment - High Service Pump 1 Drive Replacement	Expense	Increase	3,826
79	505-4420-541300	W&S Water Treatment - Replace 3 Chemical Tanks	Expense	Increase	35,000
80	505-4420-541400	W&S Water Treatment - Dam Improvement Engineering	Expense	Increase	100,000
	Distribution & Collection				
81	322-4440-541450	DSPLOST - Water & Sewer Pipeline - Douglas County	Expense	Increase	131,550
82	505-4440-541210	W&S Dist. & Coll - Site Improvements for D&C Office	Expense	Increase	112,479
83	505-4440-541410	W&S Dist. & Coll - Commercial Meters	Expense	Increase	25,000
84	505-4440-541411	W&S Dist. & Coll - Pressure Reducing Valve (PRV) Replacements	Expense	Increase	50,000
85	505-4440-541450	W&S Dist. & Coll - Water & Sewer Pipeline - Carroll County	Expense	Increase	180,589
86	505-4440-541450	W&S Dist. & Coll - Hwy 78 Water Main - Dairy Queen to Dollar General	Expense	Increase	29,978
87	505-4440-541450	W&S Dist. & Coll - Carter & Sloope - Liberty Rd	Expense	Increase	41,513
88	505-4440-541450	W&S Dist. & Coll - Library Sanitary Sewer Relocation	Expense	Increase	21,700
89	505-4440-541460	W&S Dist. & Coll - Service Line & Meter Replacement Program	Expense	Increase	68,915
90	505-4440-541470	W&S Dist. & Coll - Isolation Valve Replacements	Expense	Increase	25,000
91	505-4440-542200	W&S Dist. & Coll - Ford F450 XL Chassis - D & C	Expense	Increase	6,682
92	100-381000	Use of Fund Balance	Revenue	Increase	8,895
93	321-381000	Use of Fund Balance	Revenue	Increase	448,627
94	322-381000	Use of Fund Balance	Revenue	Increase	1,163,073
95	350-391100	Capital Project Transfers In from General Fund	Revenue	Increase	678,127
96	505-1590-54999	W&S Customer Svc - Capital Outlay Distributed	Expense	Decrease	(35,942)
97	505-4115-549999	W&S Utilities - Capital Outlay Distributed	Expense	Decrease	(4,042,667)
98	505-4330-549999	W&S Wastewater - Capital Outlay Distributed	Expense	Decrease	(1,175,773)
99	505-4420-549999	W&S Water Treatment - Capital Outlay Distributed	Expense	Decrease	(336,265)
100	505-4440-549999	W&S Dist. & Coll - Capital Outlay Distributed	Expense	Decrease	(561,856)
101	560-4500-549999	Solid Waste - Capital Outlay Distributed	Expense	Decrease	(48,737)
103	100-381000	Use of Fund Balance for Transfers to Fund 350 Capital Projects	Revenue	Increase	678,127
104	100-9000-611021	Transfer to GF Capital Project	Expense	Increase	678,127

City of Villa Rica **January 11, 2022**
Exhibit A
Proposed 2022 Budget Amendments

	FY21 Open Purchase Order Rollovers		***Rollover FY21 open purchase orders. The funds have been reserved/assigned in fund balance for FY21.***		
	Source of Funds:	***Assigned Fund Balance***			
	Item	***Account Name***	***Account Type***		***Amount***
105	100-1320-521200	City Manger - Professional Svcs.	Expense	Increase	21,315
106	100-1535-521300	IT - Technical	Expense	Increase	9,379
107	100-1590-521300	Customer Service - Technical	Expense	Increase	8,895
108	100-3210-522230	Police - M/R vehicles	Expense	Increase	313
109	100-3210-523700	Police - Education and training	Expense	Increase	7,995
110	100-3210-531600	Police - Small Equipment	Expense	Increase	41,100
111	100-3210-531700	Police - Uniforms	Expense	Increase	697
112	100-3210-531710	Police - Supplies	Expense	Increase	2,595
113	100-4210-521300	Streets - Technical	Expense	Increase	720
114	100-4900-531710	Bldg. Maint. - Operating Supplies	Expense	Increase	745
115	100-4910-522230	Grounds Maint. - M/R vehicles	Expense	Increase	3,138
116	100-6110-522210	Parks Admin - M/R buildings	Expense	Increase	307
117	100-6120-522240	Parks Athletics - M/R GROUNDS	Expense	Increase	4,985
118	100-6120-522310	Parks Athletics - Rental of railroad property	Expense	Increase	1,800
119	100-6120-523600	Parks Athletics - Dues and fees	Expense	Increase	1,500
120	100-6130-531600	Parks Events - Small Equipment	Expense	Increase	174
121	100-6130-531700	Parks Events - Uniforms	Expense	Increase	25
122	100-6510-531400	Library - Books and periodicals	Expense	Increase	383
123	100-7400-521200	Community Dev. - Professional Svcs.	Expense	Increase	16,443
124	100-7400-521300	Community Dev. - Technical	Expense	Increase	700
125	100-7400-523700	Community Dev. - Education and training	Expense	Increase	50
126	100-7400-531100	Community Dev. - Office Supplies	Expense	Increase	24
127	100-7450-531100	Code Enforcement - Supplies	Expense	Increase	134
128	275-7540-572010	H/M Tax Fund -Tourism - Product Development (1.5%)	Expense	Increase	27,000
129	505-4115-521200	W&S Admin - Professional Svcs.	Expense	Increase	84,882
130	505-4330-522220	W&S Wastewater Plan - M/R equipment	Expense	Increase	6,576
131	505-4420-522210	W&S Water Treatment Plant - M/R buildings	Expense	Increase	2,784
132	505-4420-522220	W&S Water Treatment Plant - M/R equipment	Expense	Increase	10,500
133	505-4420-531110	W&S Water Treatment Plant - Chemicals	Expense	Increase	3,594
134	505-4440-523850	W&S Dis. & Coll. - Contract labor	Expense	Increase	20,250
135	746-3210-531600	Technology Fund - Police - Small Equipment	Expense	Increase	3,409
136	100-381000	Use of Fund Balance - Reserved / Assigned in FY21	Revenue	Increase	123,417
137	275-381000	Use of Fund Balance - Reserved / Assigned in FY21	Revenue	Increase	27,000
138	505-381000	Use of Fund Balance - Reserved / Assigned in FY21	Revenue	Increase	128,586
139	746-381000	Use of Fund Balance - Reserved / Assigned in FY21	Revenue	Increase	3,409

STATE OF GEORGIA
CITY OF VILLA RICA

AN RESOLUTION TO APPROVE AN AMENDMENT TO THE BUDGET FOR THE FISCAL YEAR 2022 FOR THE CITY PURSUANT TO SECTION 2-71 OF THE CITY CHARTER

WHEREAS, the Mayor and City Council adopted the 2022 Budget on _September 21, 2021__, which incorporated all of the various funds of the City; and

WHEREAS, the Mayor and Council have determined it appropriate to amend the budget for the reasons set forth herein.

WHEREAS, the Mayor and Council have reviewed the proposed budget; and

WHEREAS, each of the funds, as amended, has a balanced budget, such that anticipated revenues equal or exceed proposed expenditures.

NOW, THEREFORE, the Mayor and City Council of the City of Villa Rica, Georgia, hereby resolve as follows:

Section 1. That the City of Villa Rica, Georgia, hereby amends the Budget for Fiscal Year 2022, said budget amendment being described as Amendment No. _22-139__, attached hereto and incorporated as Exhibit A.

Section 2. That any increase or decrease in appropriations or revenue of any fund or for any department; the establishment of new capital projects; or the establishment of new grant projects other than those expectations provided for herein, shall require approval of the City Council.

Section 3. That the City Manager and his/her designee may promulgate all necessary internal rules, regulations and policies to ensure that this Budget Amendment Resolution is followed.

Section 4. This Resolution shall be effective immediately upon its adoption.

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of same. It is hereby further declared to be the intention of the Mayor

and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of same.

3. In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the same and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are expressly repealed.

5. The within resolution shall become effective upon its adoption.

SO RESOLVED AND EFFECTIVE this the _____ day of _____, 2022.

Approved:

_____
Gil McDougal, Mayor

Attest:

_____
Alisa Doyal, City Clerk

Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: Demolition of Butterballs

AGENDA DATE: January 11, 2022 **DATE PREPARED:** December 30, 2022
PREPARED BY: Tom Barber

AMOUNT: $40,000 **GL ACCOUNT #:** n/a
FUNDING SOURCE: General Fund **BUDGETED ITEM?** n/a

PURPOSE: To approve the demolition and removal of Butterballs and the adjacent duplex.

BACKGROUND: The City purchased the old gas station known as Butterballs with the intent of converting it into a welcome center. After stripping off much of the skin of the building it was determined by our Chief Building Official that it wasn't structurally sound. Two companies have bid roughly the same amount to perform the work. We don't have any experience with either one.

STAFF RECOMMENDATION: Staff recommends the Council allow the City Manager to conduct on-site interviews with at least two demolition companies and then to award the job to the top candidate for a fee not to exceed $40,000.

IMPACT: Demolition of the two buildings will move us a step closer to one day seeing a reenergized western edge of downtown.

MOTION: I move to authorize the City Manager to interview at least two demolition companies and to select the top candidate for a cost not to exceed $40,000.