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VILLA RICA, GA. 30180
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PLANNING AND ZONING MEETING AGENDA

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
December 17, 2024 | 6:00 PM

Meeting Call to Order (Chairwoman)

Adoption of the Agenda (Chairwoman)

A. Old Business

B. New Business

1. RA-05-24 Rezoning Request for .47-acre property located at 628 South Street from Single-Family Urban (R2) to Commercial Medium, Density (C2) and Public Hearing (Shaun Daniels, Zoning Administrator)
2. TA-12-24 Text Amendment to Establish Section 6.11 PUD-IND & add new definition to section 13.01 (Nina Shabazz, Community Development Director)
3. Rezoning and annexation for Hwy 61 and South Van Wert- Avemore (ANX-01 &2-24) RA-06-24) and Public Hearing (Nina Shabazz, Community Development Director)

C. Adjournment



CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet December 17, 2024

SUBJECT: RA-05-24 Rezoning Request for .47-acre property located at 628 South Street from Single-Family Urban (R2) to Commercial Medium, Density (C2).

PLANNING AND ZONING MEETING DATE: December 17, 2024

DATE: December 12, 2024

PREPARED BY: Shaun Daniels, Zoning Administrator

PUBLIC HEARING REQUIRED: Yes

PURPOSE: MMCC Fund, LLC (the applicant) seeks the rezoning of a .47ac parcel from a Residential Single-Family Urban (R2) to a Commercial Medium-Density (C2).

BACKGROUND:

The property at 628 South Street contains a 1,207-square-foot residential house built in 1971, with approximately 95.05 feet of road frontage on South Street.

In March 2023, the applicant requested to rezone 624 South Street (Parcel ID: V07 0110070) and nearby parcels from Single Family Urban (R2) to Commercial Medium Density (C2) to facilitate a lot merger for a national sit-down restaurant development, approved by City Council (5-0). In November 2023, MMCC Fund, LLC requested nine variances for eight surrounding parcels (Parcel IDs: V07 0110003, V07 0110062, V07 0110066, V07 0110168, V07 0110070, V07 0110083, V07 0110171, and V07 0110219) to create a multi-user commercial development with inter-parcel connectivity, functional parking, and pedestrian access. Eight variances were approved, and one was withdrawn.

Due to ongoing negotiations with potential commercial users, no updated site plan has been developed since 2023. The applicant indicated that adding 628 South Street will enhance inter-parcel access.

The applicant now proposes to rezone 628 South Street from R2 to C2 to merge it with surrounding C2 properties. The proposed rezoning aims to increase inter-parcel access for the area. If successful, the combined tract will total 9.55 acres. The applicant has provided a site plan showing the proposed commercial development and approved 2023 variances. If the rezoning is successful, a current site plan will be developed.

STAFF RECOMMENDATION:

Staff recommendation: **Approval**

Reasons:

1. Based on the City's Comprehensive Plan, the applicant's request to rezone 628 South Street from Residential Single-Family Urban (R2) to Commercial Medium Density (C2) is supported.
2. The Commercial Medium Density (C2) zoning is consistent with the surrounding properties to the north, south, and east of the subject property.
3. The proposed commercial development represents the highest and best use of the land compared to maintaining the property as a Residential Single-Family Urban (R2) property.

Condition:

- The applicant must perform a lot merger, combining 628 South Street and the rezoned (C2) properties, which align with the proposed commercial site plan.

RA-05-24 Motion:

- I move to approve the rezoning request by MMCC Fund, LLC for the property located at 628 South Street, changing the zoning from Residential Single-Family Urban (R2) to Commercial Medium Density (C2).



December 11, 2024

Planning Report

MMCC Fund, LLC
RA-05-24
628 South Street
Land Lot 157, District 6th
Parcel # V07 0110069
Acreage: .47
Ward: 2
City Council Member: Matthew Montaham
Planning Board Member: Julie Cepin
City of Villa Rica, Carroll County, Georgia

Dear Ms. Cox:

The planning report is prepared in response to the rezoning application submitted by MMCC Fund, LLC for the property located at 628 South Street (Parcel # V07 0110069). This report aims to provide an analysis of the rezoning request and make recommendations for the City Council's consideration.



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



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MMCC Fund, LLC (the applicant) seeks the rezoning of a .47ac parcel from a Residential Single-Family Urban (R2) to a Commercial Medium-Density (C2).

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

1. Application for Rezoning, dated October 24, 2024;
2. Applicant Summary Description of Project, prepared by Jeff Matthews;
3. Written Statement, prepared by MC3 Landing Holdings LLC;
4. Copy of the Deed (Scanned), dated October 1, 2024;
5. Preliminary Site Plan, prepared by Georgia & West, Inc., dated October 27, 2023;
6. Rezoning Application, dated October 12th, 2024;

A. Existing Conditions

The subject property is 0.47 acres, located approximately 760 feet south of West Bankhead Highway and 360 feet west of Commerce Drive. The property contains a 1,207-square-foot residential house built in 1971. It has approximately 95.05 feet of road frontage on South Street. The lot is relatively flat and does not feature any streams or natural water bodies.

The subject parcel is adjacent to multiple residential single-family urban properties to the northwest, west, and southwest. It is currently zoned Residential Single-Family Urban (R2) and is situated in a mixed-use area. Residential properties are located to the west of South Street, while commercial properties, both undeveloped and developed, are to the north, south, and east. The parcel does not border a city boundary or unincorporated area.



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Surrounding Properties:

TABLE 1 – SURROUNDING LAND USES		
Current Zoning		Land Use Character Area
North	Commercial Medium Density (C2)	Suburban Village Character Area
East	Commercial Medium Density (C2)	Commercial
South	Commercial Medium Density (C2)	Suburban Village Character Area
West	Single-Family Urban (R2)	Suburban Village Character Area

B. Site History

In March 2023, the applicant requested to rezone 624 South Street (Parcel ID: V07 0110070), along with parcels V07 0110066, V07 0110083, and V07 0110168, from Single Family Urban (R2) to Commercial Medium Density (C2) to facilitate a lot merger for the development of a major national sit-down restaurant. The City Council approved this request unanimously (5-0).

In November 2023, the applicant, MMCC Fund, LLC, requested nine variances for eight surrounding parcels (Parcel IDs: V07 0110003, V07 0110062, V07 0110066, V07 0110168, V07 0110070, V07 0110083, V07 0110171, and V07 0110219) of 628 South Street. The requested variances involved adjustments to lot standards and design standards. Eight of the variances were approved unanimously, while one was withdrawn.

No updated site plan has been developed since 2023. Due to ongoing negotiations with several potential commercial users.

VA-13-23 Request for Nine (9) variances from Development Standards (Chapter 7) of the Zoning Ordinance for 135 Commerce Drive. Applicant Jeff Matthews presented in support of these items and agreed to the conditions for a proposed commercial project:

VARIANCE REQUESTED	RESULT
Variance request from Section 4.04/Table 4.5 (.75 acres) of the Villa Rica Zoning Ordinance for 135 Commerce Drive.	APPROVED (UNANIMOUS)
Variance as requested from Section 4.04 Table 4.5 (setbacks) of the Villa Rica Zoning Ordinance for 135 Commerce Drive.	APPROVED (UNANIMOUS)
The variance request from Section 7.02 (4)(a)(i)(3) of the Villa Rica Zoning ordinance for 135 Commerce Drive.	APPROVED (UNANIMOUS)
Variance from Section 7.02(4)(c) Parking Layout	WITHDRAWN
The variance request from Section 7.02(26)(a) of the Villa Rica Zoning Ordinance.	APPROVED (UNANIMOUS)



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The variance request from Section 7.05(6)(a) of the Villa Rica Zoning Ordinance for 135 Commerce Drive is subject to the condition of a 5-foot. Landscape buffer shall be installed along interior private drives and 5-foot planting strips on each side of the lot line along interior property lines.	APPROVED (UNANIMOUS)
Variance request from Section 7.05(10)(a) of the Villa Rica Zoning Ordinance for 135 Commerce Drive.	APPROVED (UNANIMOUS)
The variance request from Section 7.05(12)(b) of the Villa Rica Zoning Ordinance for 135 Commerce Drive with condition that a 20' landscaped buffer with an 8' opaque fence is required on the northern property line of 723, 727 and 731 Meadowlark Drive; a 10' buffer and 8' opaque fence along the eastern property line of 723 Meadowlark; a 20' planted landscape buffer along South Street, and a 10' buffer surrounding 628 South Street.	APPROVED (UNANIMOUS)
Variance request from Section 9.04(6) (c) of the Villa Rica Zoning Ordinance for 135 Commerce Drive.	APPROVED (UNANIMOUS)

C. Proposed Development

The applicant seeks to facilitate a lot merger with the surrounding C2 properties to the north, south, and east. The specific parcels involved are:

- 143 Commerce Drive (Parcel ID: V07 0110003) - 3.69 acres
- South Street (Parcel ID: V07 0110168) - 0.77 acres
- South Street (Parcel ID: V07 0110083) - 1.01 acres
- South Street (Parcel ID: V07 0110066) - 0.96 acres
- Commerce Drive (Parcel ID: V07 0110062) - 2.64 acres
- 624 South Street (Parcel ID: V07 0110070) - 0.53 acres

Open Space

The Commercial Medium Density (C2) zoning district requires a 5% open space provision as per Table 7.24 of the Villa Rica Zoning Ordinance. The applicant proposes to combine the 0.47-acre subject property with the surrounding C2 properties to the east and south, forming a single parcel. Once the parcel combination is completed, any new development must comply with the 5% open space requirement.

The ordinance specifies what is considered nonqualifying open space and qualifying open space as specified below:



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Table 7.24: Minimum Required Open Space		
Zoning District	Percentage of Open Space	Notes
R1, R2	8%	-
SFA, MF1	12%	-
MF2	15%	-
CMU, C1, C2, OMI	5%	-
I1, I2	2%	Sites less than 3 acres are exempt
AG, CBD	-	Exempt

TABLE 5 – QUALIFYING AND NON-QUALIFYING OPEN SPACE	
<u>Non-Qualifying Open Space</u>	<u>Qualifying Open Space</u>
Required Private Yards	Conservation areas and wetlands preserved as conservation areas.
Street rights-of-way, open parking area and driveways for dwellings	Floodplains
Land covered by buildings	Woodlands
Required detention and retention ponds that are not visually or physically accessible.	Riparian Corridors
The floodway of any stream, regulated drain, river or other water body accessible.	Retention and detention facilities with the following characteristics: 1. Perimeter access. An easement of at least fifteen (15) feet from the top of bank with a minimum five (5) feet wide path of a material that meets the requirements of the ADA. 2. Access. An area of open space at least twenty (20) feet wide shall extend from a street right-of-way to the fifteen (15) foot perimeter access area of the detention area. 3. Planting. Native plant material is encouraged around the perimeter of retention ponds.
Any area with slopes exceeding a twenty-five percent (25%) grade.	Development amenity areas containing semi-public areas such as: 1. Plazas with seating and special features such as public art or fountains. 2. Pocket parks with seating and landscaping. 3. Decorative water features; and lakes.
Any wetlands on the development site, unless preserved as a conservation area.	



Buffering/Screening/Tree Conservation:

A landscaping plan was not submitted by the applicant and is required to be submitted prior to the issuance of a Land Disturbance Permit. The applicant will be required to provide perimeter landscaping for off-street parking areas, along with interior landscaping for off-street parking areas as indicated in Section 7.05(6) *Parking Area Landscaping*. The applicant is expected to follow all required tree and shrub planting requirements of Section 7.05.

The applicant will be required to provide buffering of the site in conformance with Section 7.05(12)(b) of the zoning ordinance and as illustrated in Table 7.8 and Table 7.9 of the zoning ordinance. The ordinance requires the proposed use to provide a “Buffer Type 4,” which would require a 75-foot width buffer area along the side yard abutting any existing Residential Single-Family Urban (R2), amongst other landscaping requirements as outlined in Table 7.9. The applicant will be required to provide a “Buffer 1,” which would require a 10-foot width buffer area along the side yard abutting any existing Commercial Low Density (C1) parcels.

Table 7.8: Applicable Buffer Yard Types														
		New Residential Development						New Commercial Development					New Industrial Development	
		AG	R1	R2	SFA	MF1	MF2	CBD	CMU	C1	C2	OMI	I1	I2
Existing Residential	AG	-	1	1	2	3	3	3	3	3	4	3	4	4
	R1		-	1	2	3	3	3	3	3	4	3	4	4
	R2			-	1	2	3	3	3	3	4	3	4	4
	SFA				-	1	2	3	3	3	3	3	4	4
	MF1					-	1	2	2	2	3	2	3	4
	MF2						-	2	2	2	3	2	3	4
Existing Commercial	CBD							-	1	1	1	1	3	4
	CMU								-	1	1	1	3	4
	C1									-	1	1	2	4
	C2										-	1	2	4
	OMI											-	2	4
Existing Industrial	I1												-	3
	I2													-

- When a dissimilar land use locates next to an established residential land use within the same zoning classification, buffering and screening standards per Table 7.7: Buffer Yard Types Description for Buffer Yard Type 2 shall apply.



Table 7.9: Buffer Yard Types Description			
Type 1	Buffer width - Ten (10) feet. Any combination of materials selected from the Landscape Materials Categories listed in Table 7.8: Unit Value of Landscaping Material which equals or exceeds a unit value of 3.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 2.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped), provided that at least fifty percent (50%) of the unit value shall be derived from deciduous shade trees (overstory).	Type 3	Buffer width - Thirty (30) feet. Any combination of materials selected from the Landscape Materials Categories listed in Table 7.8: Unit Value of Landscaping Material which equals or exceeds a unit value of 5.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 4.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped), provided that at least ten percent (10%) of the unit value shall be derived from Deciduous Shade Trees (overstory) or deciduous ornamental trees (understory). A minimum fifty percent (50%) of the trees and shrubs shall be evergreen species. Earthen mounds shall be incorporated into the buffer yard design.
Type 2	Buffer width - Twenty (20) feet. Any combination of materials selected from the Landscape Materials Categories listed in Table 7.8: Unit Value of Landscaping Material which equals or exceeds a unit value of 4.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 3.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped), provided that at least twenty-five percent (25%) of the unit value shall be derived from deciduous shade trees (overstory). A minimum fifty percent (50%) of the trees and shrubs shall be evergreen species. Earthen mounds are encouraged to gain additional height.	Type 4	Buffer width - Seventy-five (75) feet. The buffer yard shall contain an opaque fence/wall a minimum of eight (8) feet in height. An undulating earthen mound may be substituted but the average maintained height with plant material shall be eight (8) feet. Any combination of materials selected from the Landscape Materials Categories listed in Table 7.8: Unit Value of Landscaping Material which equals or exceeds a unit value of 5.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 4.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped). Seventy-five percent (75%) of the unit value shall be derived from evergreen trees. Fifty percent (50%) of required landscaping shall be on the adjacent property side of the fence.

Flood Plain

The property is not considered to be in a flood zone as designated by FEMA. This area is considered in “Flood Zone X”, which is an area of minimal flood hazard. Figure 2, below, indicates the flood zone map:

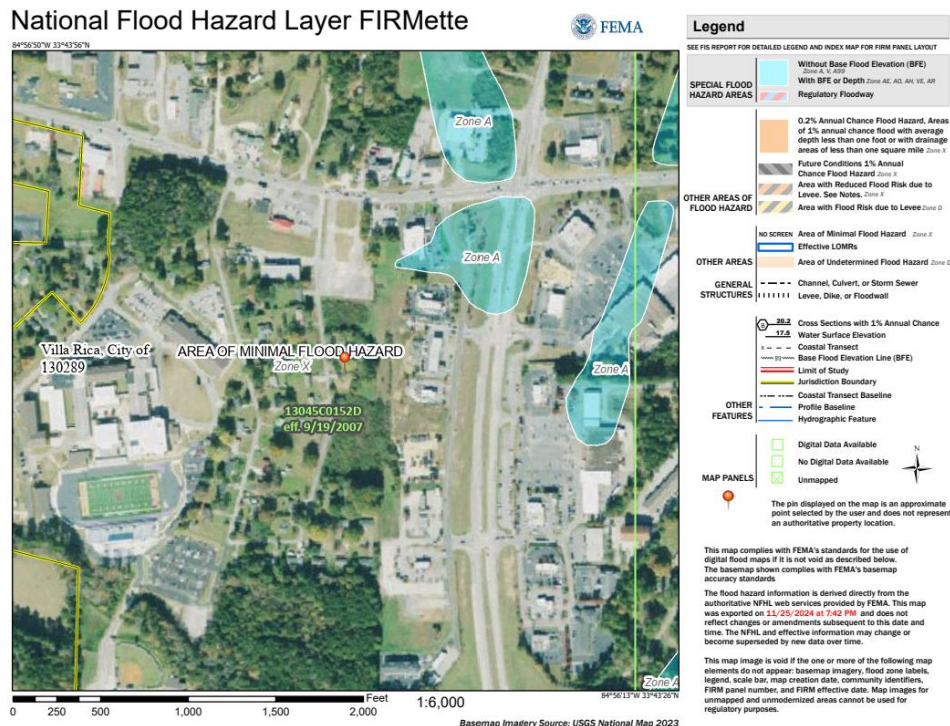


Figure 2: National Flood Hazard Map, retrieved from FEMA.gov



Rezoning Review Criteria

The Zoning Ordinance of the City of Villa Rica, Section 11.05(2)(b), requires the Planning & Zoning Commission and the legislative body to pay reasonable regard to the following when preparing and considering proposed amendments:

**i. The Comprehensive Plan;
Villa Rica Comprehensive Plan**

The comprehensive Plan prescribes “*Suburban Village*” as the current character area for the parcel.

“Create nodes in areas where potential for future development exists by establishing development pattern focused around Community Crossroads.

Suburban Villages are characterized by clustered commercial development around the intersection of prominent roads (Community Crossroads) and include immediate surrounding residential areas, which are suburban in nature. The general development pattern is compact, with stand-alone or a few businesses on a site. However, in more suburban and rural areas, a single business typically occupies a property.

Future development should emphasize the compact, small-scale development that supports the immediate surrounding area, including residences, retail, and office uses. Higher density developments should be located closer to more dense/intense areas, where similar development exists. Sidewalks and pedestrian linkages to nearby parks and other amenities should be provided in new developments.”

Villa Rica Future Land Use Map

The Future Land Use Plan prescribes “I-20 Gateway” as the future land use for the parcel. The intent of the I-20 Gateway Area 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.”

“Gateway areas occur the entrances to I-20, which carries the heaviest traffic through the city along the interstate. The 2014 Carroll County LRTP indicates that that the portion of I-20 within Villa Rica has the highest daily volume along this corridor within Carroll County. Thus, Villa Rica has an opportunity to capitalize on this commuter traffic by providing access to services, goods, and employment opportunities in the Gateway areas. High quality development and site design should be encouraged, along with the implementation of access management tools to ensure unimpeded traffic flow on and off I-20.”



ii. Current conditions and the character of current structures and uses in each district;

The lot currently features a ranch-style residential single-family home. According to The City's Ordinances, Appendix B Zoning Section 4.07, *"Single-Family Residential (R2) District is intended to provide for moderate density single-family and two-family residential (ADU) development on smaller lots than are permitted in the other residential districts."* (R2) zones usually have smaller setbacks and rear yards.

628 South Street abuts the Clearview Subdivision to the west, which currently has two (R2) lots. North, south, and east of 628 South Street consist of (C2) undeveloped properties.

The City's Comprehensive Plan defines the character of a (C2) zone to encourage business and institutional uses that help to serve regional markets and require convenient access to high-volume transportation routes such as interstate highways or major arterial.

iii. The most desirable use for which the land in each district is adapted;

According to the Villa Rica future development Map, the current single-family residential (R2) zoning of 628 South Street will not be the highest and best use for the property given the surrounding area's zoning and commercial development plan.

The rezoning request aligns with the city's plan for desirable uses within the area. Based on the area's Comprehensive Plan and overall character, specifically the commercial (C2) properties to the north, and east, the rezoning of 628 will fit within the commercial trend of the eastern portion of South Street. The rezoning of 628 will also be compatible with the (C2) properties to the east, which facilitate a well-planned commercial area for medium commercial uses.

iv. The conservation of property values throughout the jurisdiction and;

Property values are not expected to be greatly affected, either positively or negatively, by the redevelopment of the lot for commercial purposes.

v. Responsible development and growth;

The rezoning of 628 South Street to (C2) will promote the property's conformance with the Comprehensive Plan I-20 Gateway area.

The applicant is planning to combine 628 South Street with the adjoining (C2) properties to the north, south, and east, which will effectively create a larger commercial property. The development of the site and construction of one or two commercial uses, the development could provide new retail options to the community. By combining the (C2) lots, and construction of one or two commercial uses, the development will provide jobs within the community.

The activity center has design principles that recommend higher-intensity land uses. Primary future land uses include commercial developments (such as service uses and hotels), mixed-use developments (including upper-level residential if appropriate), professional offices, greenways, trails, and civic benefit uses (such as places of worship, community centers, schools, and municipal buildings). The proposed use aligns with the intent of the Comprehensive Plan.



vi. Current Conditions and Character of Structures and Uses

The lot currently features a ranch-style residential single-family home. According to the City's Ordinances, Appendix B Zoning Section 4.07, the "Single-Family Residential (R2) District is intended to provide for moderate density single-family and two-family residential (ADU) development on smaller lots than are permitted in the other residential districts." R2 zones typically have smaller setbacks and rear yards.

628 South Street abuts the Clearview Subdivision to the west, which is zoned (R2). North, south, and east of 628 South Street consist of undeveloped (C2) properties. The City's Comprehensive Plan defines the character of a C2 zone as encouraging business and institutional uses that serve regional markets and require convenient access to high-volume transportation routes such as interstate highways or major arterials.

iii. Most Desirable Use for the Land

According to the Villa Rica Future Development Map, the current single-family residential (R2) zoning of 628 South Street is not the highest and best use for the property, given the surrounding area's zoning and commercial development plan. The rezoning request aligns with the city's plan for desirable uses within the area. Based on the area's Comprehensive Plan and overall character, specifically the commercial (C2) properties to the north and east, the rezoning of 628 South Street will fit within the commercial trend of the eastern portion of South Street. Combining 628 South Street with the C2 properties to the east will create a cohesive commercial area suitable for medium commercial uses.

iv. Conservation of Property Values

Property values are not expected to be significantly affected, either positively or negatively, by the redevelopment of the lot for commercial purposes.

v. Responsible Development and Growth

The rezoning of 628 South Street to C2 will promote the property's conformance with the Comprehensive Plan for the I-20 Gateway area. The applicant plans to combine 628 South Street with the adjoining C2 properties to the north, south, and east, effectively creating a larger property for commercial development. By combining the C2 lots and constructing one or two commercial uses, the development will provide jobs within the community.



The State of Georgia has several rezoning standards for consideration by decision-making bodies, as indicated in O.C.G.A. 36-67-3 (2010):

i. Suitability of the Zoning Proposal for Adjacent and Nearby Property Use and Development

The surrounding area features an urban residential subdivision to the west of 628 South Street and medium-density commercial parcels to the north, south, and east. The commercial properties are mostly undeveloped and owned by the applicant. The applicant has proposed developing a commercial project with inter-parcel connectivity roadways leading to South Street and Commerce Drive. The rezoning of 628 South Street aligns with the City's Future Development Map and Comprehensive Plan for the I-20 Gateway area.

ii. Impact on the Existing Use or Usability of Adjacent or Nearby Property

The proposed rezoning and development are not expected to adversely impact the existing uses or access to nearby sites. South Street has residential properties on the western and southern portions of the road and undeveloped commercial properties on the eastern portion.

iii. Economic Use of the Property as Currently Zoned

As currently zoned, the subject property has reasonable economic use as a residential property. However, the current (R2) zoning does not represent the highest and best use of the land given the acreage and the Comprehensive Plan I-20 Gateway designation.

iv. Burden on Existing Infrastructure

No excessive usage of city infrastructure is anticipated from the rezoning proposal, according to city staff assessments.

v. Conformity with the Local Government's Land Use Plan

The rezoning proposal conforms to the Comprehensive Plan. The Comprehensive Plan for the I-20 Gateway area supports a variety of uses, including commercial, mixed-use, and office-related developments that offer employment opportunities. This aligns with the requested zoning change from Single-Family Urban (R2) to Commercial Medium Density (C2).

vi. Existing or Changing Conditions Affecting the Use and Development of the Property

The surrounding area has been experiencing development. West of 628 South Street, Villa Rica High School is expanding its learning center, multi-family residential development is being completed on the southern portion of South Street and Clearview Street, and various commercial uses are being developed on Commerce Drive. The reopening of Meadowlark and the development of a pass-through street connecting Commerce Drive and South Street will enhance inter-parcel connectivity within the area.



D. Comments

No Comments were submitted to Community Development.

E. Recommendation

Staff Recommendation: Rezoning: APPROVAL

Reasons:

1. Based on the City's Comprehensive Plan, the applicant's request to rezone 628 South Street from Residential Single-Family Urban (R2) to Commercial Medium Density (C2) is supported.
2. The Commercial Medium Density (C2) zoning is consistent with the surrounding properties to the north, south, and east of the subject property.
3. The proposed commercial development represents the highest and best use of the land compared to maintaining the property as a Residential Single-Family Urban (R2) property.
4. The proposed rezoning, along with the lot merger will enhance inter-parcel access for the area.

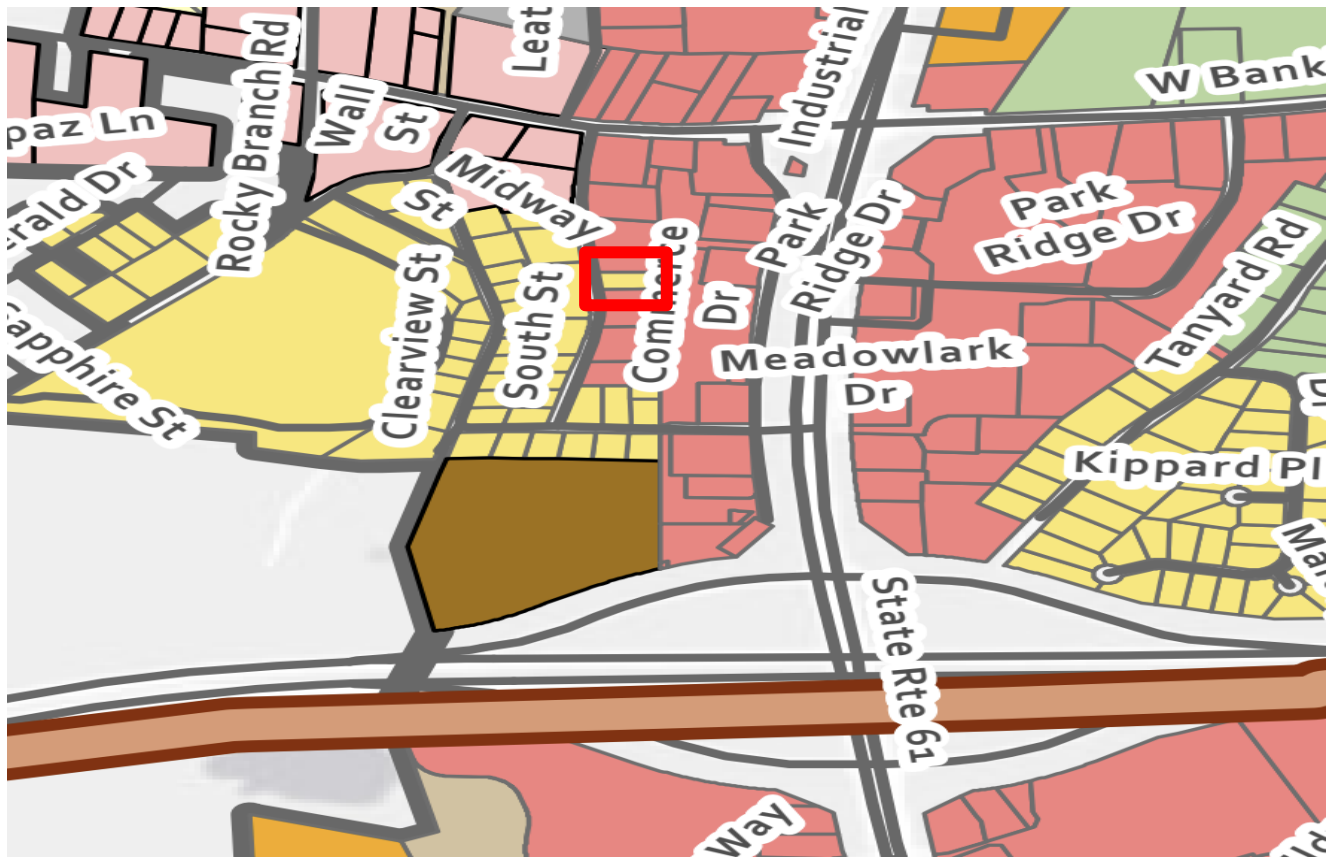
Condition:

- The applicant must perform a lot merger, combining 628 South Street and the rezoned (C2) properties, which align with the proposed commercial site plan.

Public Notifications:

As required by *Section 11.05* in the Code of the City of Villa Rica, the public was notified in *Times-Georgian* on December 5, 2024; a sign has been posted on the subject properties; and all abutting property owners have received notification via regular and certified mail.

Zoning Map:



Legend	
	County Line
	Roads
	City_Boundary
Zoning Districts	
	AG - Single-Family Agricultural
	R1 - Single-Family Suburban
	R2 - Single-Family Urban
	SFA - Single-Family Attached
	MF1 - Multi-Family Low-Density
	MF2 - Multi-Family 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



Villa Rica Future Development Map:





628 South Street
RA-05-24
MMCC Fund, LLC
December 17, 2024



051119_COMMERCI
AL SITE LAYOUT (202

Parcel Map:

eFiled and eRecorded
DATE: 01/12/2024
TIME: 3:07 PM
PLAT BOOK: 109
PAGE: 153 - 163
FILING FEES: \$10.00
PART ID: 8208116107
RECORDED BY: WT
Alan J. Lee
Carroll County, GA

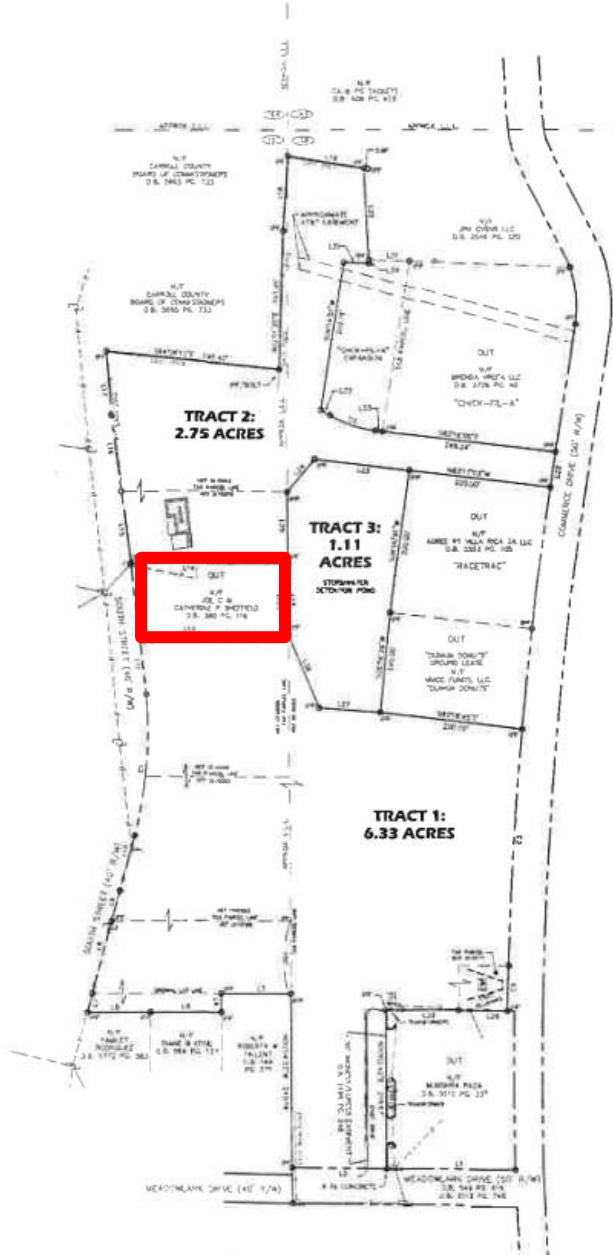
Parcel Line Table			Normal Line Table		
Line #	Length	Direction	Line #	Length	Direction
1	180.00	N89° 31' 33"W	118	108.00	N89° 31' 33"W
2	155.50	N89° 31' 33"W	119	107.00	N89° 31' 33"W
3	100.00	N89° 31' 33"W	120	107.00	N89° 31' 33"W
4	35.00	N89° 31' 33"W	121	107.00	N89° 31' 33"W
5	100.00	N89° 31' 33"W	122	107.00	N89° 31' 33"W
6	88.00	N89° 31' 33"W	123	107.00	N89° 31' 33"W
7	22.50	N89° 31' 33"W	124	107.00	N89° 31' 33"W
8	100.00	N89° 31' 33"W	125	107.00	N89° 31' 33"W
9	43.00	N89° 31' 33"W	126	107.00	N89° 31' 33"W
10	75.00	N89° 31' 33"W	127	107.00	N89° 31' 33"W
11	84.00	N89° 31' 33"W	128	107.00	N89° 31' 33"W
12	310.00	N89° 31' 33"W	129	107.00	N89° 31' 33"W
13	98.00	N89° 31' 33"W	130	107.00	N89° 31' 33"W
14	310.00	N89° 31' 33"W	131	107.00	N89° 31' 33"W
15	100.00	N89° 31' 33"W	132	107.00	N89° 31' 33"W
16	100.00	N89° 31' 33"W	133	107.00	N89° 31' 33"W
17	30.00	N89° 31' 33"W	134	107.00	N89° 31' 33"W
18	254.00	N89° 31' 33"W	135	107.00	N89° 31' 33"W

Curve Table			Check Length		
Curve #	Length	Radius	Check Length	Check Length	Check Length
1	180.00	100.00	180.00	180.00	180.00
2	155.50	100.00	155.50	155.50	155.50
3	100.00	100.00	100.00	100.00	100.00
4	35.00	100.00	35.00	35.00	35.00

NOTES:
1. THE PARCELS SET OUTHERE, NOT OTHERWISE SET OUTHERE &
PORTION OF PARCELS SET OUTHERE TO BE CONSIDERED AS
THESE PARCELS, AS SHOWN ON THIS MAP.
2. PORTION OF THE PARCELS SET OUTHERE AND THE PARCELS
SET OUTHERE TO BE CONSIDERED AS THE PARCELS, AS
SHOWN ON THIS MAP.
3. TRACT 2 IS A PORTION OF THE PARCELS, SET OUTHERE.

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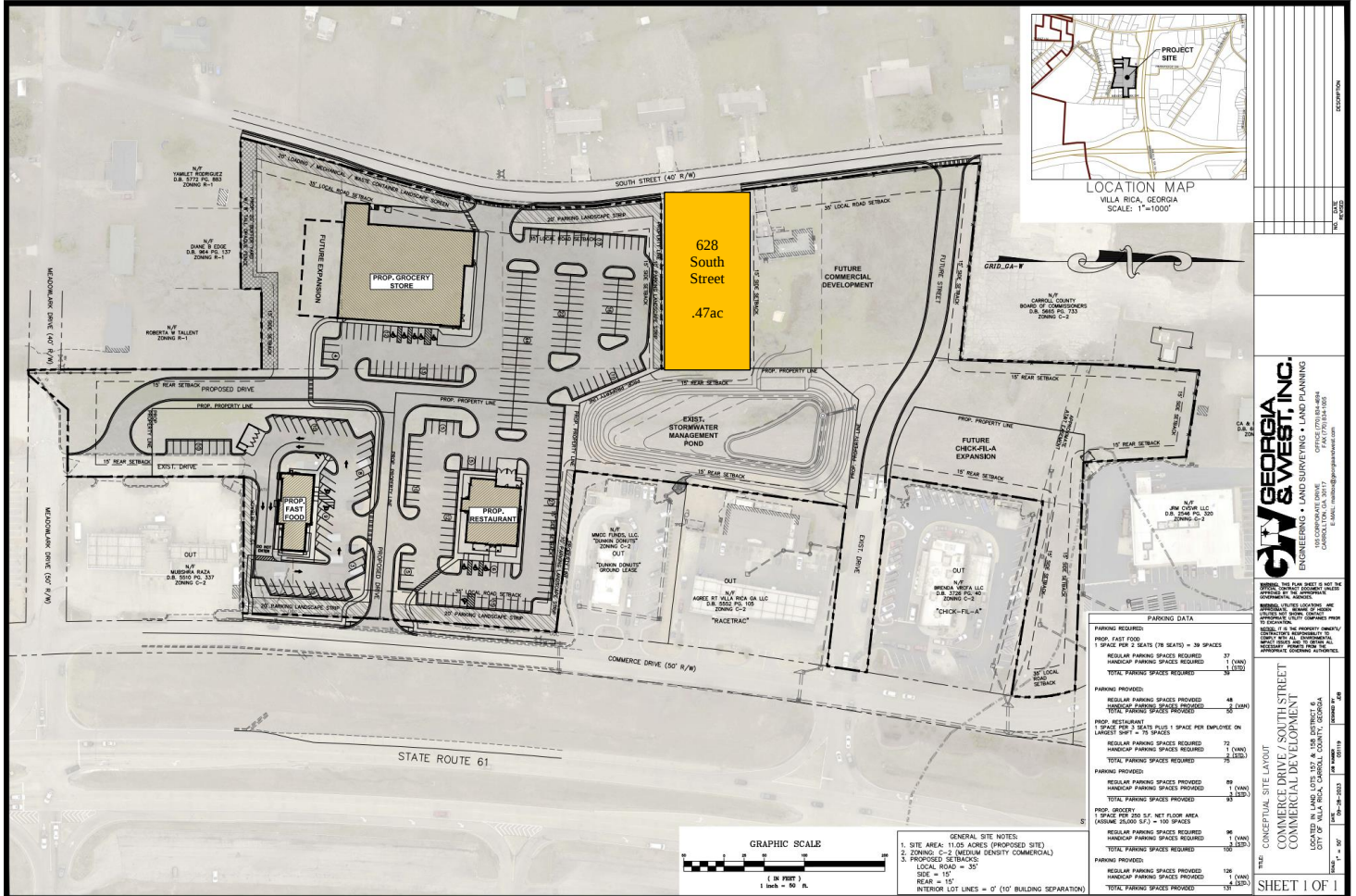
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628 South Street
RA-05-24
MMCC Fund, LLC
December 17, 2024

Proposed Site Map (2023):





City of Villa Rica Planning and Zoning Department

1605 Carrollton Villa Rica Hwy | Villa Rica, Ga 30180

678-785-9995 | www.Villarica.org

REZONING APPLICATION

Ordinance Text Amendment

☒ Zoning Map Amendment

Please complete the blanks with the information requested. 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: _____

Applicant Name: MMCC Fund, LLCAddress: 215 WEST BANKHEAD Hwy City: Villa Rica State: GA Zip: 30180Phone: 770.231.8572 Email: matthewsjeffr@gmail.comAgent Name: JEFF R. Matthews MANAGERAddress: SAME AS ABOVE City: " State: " Zip: "Phone: " Email: "Owner Name (If different from applicant): JOE C. and Catherine P. Sheffield (* see contact below)Address: 628 South Street City: Villa Rica State: GA Zip: 30180Phone: 404.822.3382 Email: * Rsheff222@bellsouth.net (DR. Ronda Sheffield, M.D.)
(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application)

REZONING REQUEST

Existing Zoning: RESIDENTIAL Requested Zoning: COMMERCIAL to match adjacent propertyProperty Address: 628 South Street Nearest Intersection: US Hwy 78Present Use of Property: Residential R2Proposed Use: COMMERCIAL C2Size of Tract: .47 Land Lot Numbers: 157 Districts: SIXTH DEED BOOK 380Gross Density: N/A units per acre Net Density: N/A units per acre PAGE 118Property Tax Parcel Number(s): V07 011 0069

(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: _____

Required Materials to Accompany the Application for Text Amendment

1. Proposed text amendment; Written statement describing reasons for the proposed text amendment; and any other exhibits as may be required by the Community Development Director.

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 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 or Planning Commission 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 to Board Member

We certify that the foregoing information is true and correct, this 8th day of OCTOBER, 2024.

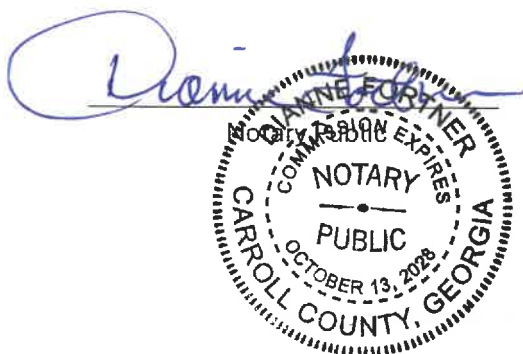
MMCC Fund, LLC
JEFF R. MATTHEWS, Manager
Applicant's Name Printed

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 25th day of OCTOBER, 2024.



**MC3 LAND HOLDINGS, LLC
215 W. BANKHEAD HWY., SUITE A
VILLA RICA, GA. 30180
(770) 459.2222/ (770) 231.8572
matthewsjeffr@gmail.com**

3a.) This property will be added to the adjacent properties lying North, South, and East of the subject property and will have no detrimental impact to the general public interests.

3b.) This addition is consistent with the long-range goals of the Comprehensive Plan and Code.

3c.) The area to the West (across South Street) is currently occupied by duplexes and single-family residential properties which are now predominantly investor-owned rental properties.

3d.) The amendment is a result of changing land uses in the general area as it transitions to commercial or institutional (Villa Rica High School (Carroll County Board of Education)) has been absorbing any available properties which border their campus.

3e.) There are no immediate plans for development – the Sheffield's (after 46 years of residence) are moving to an assisted living facility and this property "fits" with our long-term goals for the surrounding property.

3f.) All utilities are on site, and we sized the detention pond to the East to accommodate any additional runoff for future development of this tract.

3g.) The addition of this parcel will have negligible increased traffic, and any new roadways would be built to enhance interparcel access and circulation in anticipation of the changes to the intersections of US Hwy. 78 and Rocky Branch Road and the intersections of State Route 61 and US Highway 78.

3h.) None

STATE OF GEORGIA CARROLL COUNTY:

THIS INDENTURE, made this 31st day of August in the year of our Lord, One Thousand Nine Hundred and Seventy Eight (1978), between Johnny L. Ayers of the county of Carroll and State of Georgia of the first part, and Joe C. Sheffield and Catherine P. Sheffield of the county of Carroll and State of Georgia of the second part

WITNESSETH, that the said part Y of the first part for and in consideration of the sum of (\$ 10.00 et al) TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS DOLLARS in hand paid of and before the signing, sealing and delivery of these presents, the receipt whereof is hereby acknowledged, he S granted, bargained, sold and conveyed, and by these presents do ES grant, bargain, sell and convey unto the said parties of the second part their heirs and assigns, all of that tract or parcel of land situate, lying and being in the County of Carroll said State of Georgia

All that tract or parcel of land situate lying and being in Land Lot 157 of the 6th District, Carroll County, Georgia, and being more particularly described as follows: To locate the Point of Beginning, COMMENCE at the intersection of the southerly right of way of U. S. Highway 78 and the easterly right of way of South Street; thence in a southerly direction along the easterly right of way of South Street 758.66 feet to an iron pin corner and the TRUE POINT OF BEGINNING; thence from said TRUE POINT OF BEGINNING continuing South along the easterly right of way of South Street South 8 degrees 53 minutes East 100.64 feet to an iron pin corner; thence North 87 degrees 19 minutes 00 seconds East 211.50 feet to an iron pin corner; thence North 2 degrees 07 minutes East 100 feet to an iron pin corner; thence South 87 degrees 25 minutes 00 seconds West 230.74 feet to an iron pin corner and the TRUE POINT OF BEGINNING. Said tract being that property shown in a survey for Joe C. Sheffield dated 8-25-78 and recorded in Plat Book 18 page 196, Carroll County Public Records. Said plat is incorporated herein by reference for a more complete and accurate description of said property.

*Vesting DEED
1978*

Carroll County, Georgia
Real Estate Transfer Tax
Paid \$ 30.00
Date September 1, 1978
Kenneth Skinner
Clerk of Superior Court

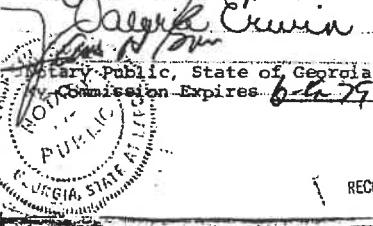
GA. CARROLL COUNTY
CLERK SUPERIOR COURT
1978 SEP -1 PM 2:19

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof to the same, being, belonging or in anywise appertaining to the proper use, benefit and behoof of Joe C. Sheffield and Catherine P. Sheffield said part ies of the second part their heirs, executors, administrators and assigns in FEE SIMPLE.

And the said part Y of the first part for himself, his heirs, executors and administrators, the said bargained premises unto the said part ies of the second part their heirs, executors, administrators and assigns, against said part Y of the first part his heirs, executors and administrators, and all and every other person, or persons, shall and will warrant and forever defend by virtue of these presents.

IN WITNESS WHEREOF, the said part Y of the first part he S hereunto set his hand and affixed his seal the day and year first above written.

Signed, sealed and delivered in my presence of:



Johnny L. Ayers (SEAL)
(SEAL)
(SEAL)

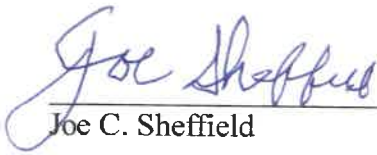
SEP 1 1978
RECORDED KENNETH SKINNER, CLERK

118

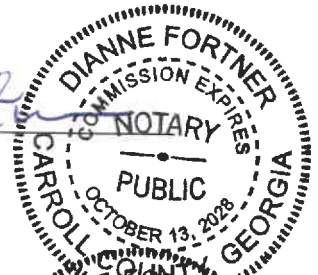
MC3 LAND HOLDINGS, LLC
215 W. BANKHEAD HWY., SUITE A
VILLA RICA, GA. 30180
(770) 459.2222/ (770) 231.8572
matthewsjeffr@gmail.com

To Whom it May Concern:

Jeff R. Matthews, Manager for MC3 LAND HOLDINGS, LLC has our permission to apply for rezoning of our property located at 628 South Street, Villa Rica, GA 30180 further shown as Tax Parcel V07 0110069 per the Carroll County, GA. Tax Assessors Tax Mapping system.

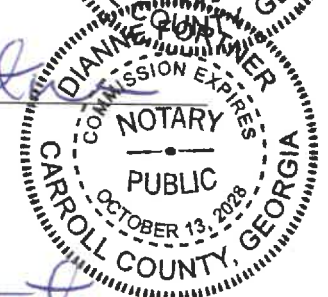

Joe C. Sheffield


Notary Public



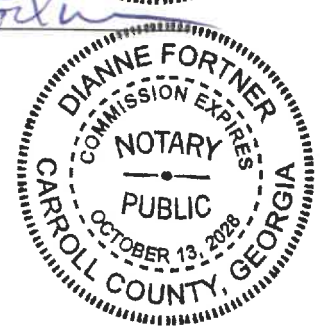

Catherine P. Sheffield


Notary Public




Witness: Dr. Ronda Sheffield, M.D.


Notary Public



Required Materials to Accompany the Application for Zoning Map Amendment

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 submittal requirements (unless waived by Community Development Manager or requested zoning district is Single-Family Residential).
3. A written statement describing the following:
 - a. The proposed uses and the effect the proposed use 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.
 - b. Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan.
 - c. The areas which are most likely to be directly affected by such a change and the likely effects.
 - d. 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.
 - e. The proposed time schedule and phasing for development.
 - f. The source/method for providing utility/infrastructure services to the property.
 - g. A description of existing road conditions and any new roads to be included in the development and of the effect the proposed development will have on existing road and traffic conditions; and
 - h. A list of any state, federal, or other public agencies' approvals or permits required for the proposed development.
4. Additional exhibits, as may be required by the Community Development Director.

Acreage	Residential	Commercial	Industrial	PUD
0-5	\$300	\$600	\$750	\$800
5.1-10	\$400	\$700	\$850	\$1000
10.1-20	\$600	\$1100	\$1100	\$1200
20.1- 30	\$800	\$1200	\$1300	\$1500
30.1- 40	\$900	\$1200	\$1400	\$1600
40.1- 50	\$1000	\$1400	\$1600	\$1800
50.1- 60	\$1100	\$1500	\$1700	\$1900
60.01 +	\$1200+25/acre Max. of \$2500	1600+25/acre Max. of \$4000	1800+25/acre Max. of \$5000	2000+25.99/acre Max. of \$6000

Please Return To:

Shaun Daniels
Planner I
(678) 785-9995
sdaniels@villarica.gov

Renee Kilgore
Administrative Assistant
(678) 840-1283
rkilgore@villarica.gov

CONTRACT FOR SALE OF REALTY

Standard Sales Contract

The undersigned Purchaser agrees to buy, and the undersigned Seller agrees to sell that tract being shown as 628 South Street, Villa Rica, Ga 30180 described in a deed recorded September 1, 1978 as Deed Book 399, Page 118, Carroll County records, and further shown as Parcel ID V07 0110069 of the Carroll County, GA. Tax Assessor's tax mapping system. See copy of tax map with property outlined and attached hereto as Exhibit "A" and by reference made a part hereof.

Including all lighting fixtures attached thereto, and all heating, water heating, and plumbing equipment therein, also, all plants, trees, and shrubbery now on the premises. The purchase price of said property shall be Two Hundred Sixty Thousand and no/100 (\$260,000.00) Dollars. Within (3) business days of full execution purchaser shall deliver to Escrow Agent Tinsinger Vance PC, 100 Wagon Yard Plaza, Carrollton, GA 30117 as earnest money deposit in the amount of One Thousand and no/100 (\$1,000.00) Dollars, (hereinafter referred to as the "Earnest Money"). Escrow Agent shall deposit such cash or said check in an interest-bearing account. In performing all its duties or responsibilities hereunder, Earnest Agent shall not incur any liability to anyone for any damages, losses, or expenses except for willful default or breach of trust, and in reliance upon any instrument, including any written notice or instruction relating to this Agreement. Seller and Purchaser each hereby agree to indemnify and hold harmless Escrow Agent against all loss, liability, claims, demands, damages, actions, causes of action and suits which may be imposed upon Escrow Agent in connection with the performance of its duties hereunder.

At closing, the Purchase Price of the Property shall be paid in all cash, certified or cashier's check, or by wire transfer of federal funds check, and the earnest money to the extent deposited by Purchaser, shall be applied to the Purchase Price.

The seller agrees to furnish a marketable title to said property and agrees to convey said property by a limited warranty deed to Purchaser at time sale is consummated, subject to 1. All valid restrictions of record as of the date of this contract, 2. Zoning ordinances affecting the same.

The Purchaser shall have 60 days after acceptance of this contract in which to examine title and in which to furnish the Seller with a written statement of objections affecting the marketability of said title. Seller shall have 10 days after receipt of such objections to satisfy all valid objections or to advise purchaser that it will satisfy such objections at or prior to closing. If Seller fails to satisfy such valid objections as required, then at the option of the Purchaser, evidenced by written notice to Seller, this contract shall be null and void.

Seller and Purchaser agree that such papers as may be legally necessary to conduct the terms of this contract shall be executed and delivered by such parties at time sale is consummated. Seller further represents and warrants that they have full right and authority to enter into this agreement.

This contract constitutes the sole and entire agreement between the parties hereto and no modification of this contract shall be binding unless attached hereto and signed by all parties to this agreement. No representation, promise, or inducement not included in this contract shall be binding upon any party hereto.

Time is of the essence. The following stipulations shall, if conflicting with printed matter, control.

SPECIAL STIPULATIONS

1. Real estate taxes on said property shall be prorated as of the date of closing.
2. Sales shall be closed on or before 90 days unless extended due to rezoning timeline referenced at special stipulation #5 below. However, in no event shall the closing occur after March 17th, 2025.
3. Possession of premises shall be granted by Seller to Purchaser no later than closing, however, seller reserves the right to remain in the home for up to six months from the date hereof.
4. The seller shall pay State of Georgia property transfer tax.
5. This sale is contingent upon purchaser applying for and being granted rezoning by the City of Villa Rica, GA to the zoning category commensurate with the adjacent properties North and South of 628 South Street. Seller agrees to cooperate with said rezoning efforts at no cost to seller.
6. The purchaser intends to acquire this property in furtherance of a 1031 exchange and seller agrees to cooperate with this effort at no monetary cost to seller.
7. The purchaser's manager, Jeff R. Matthews is a Georgia licensed real estate broker acting as a principal for his own account in this transaction.
8. For the purposes of this contract, email signatures shall be considered equivalent to an original wet signed signature.

Jeff R. Matthews Manager
PURCHASER: MCS LAND HOLDINGS, LLC

The above proposition is hereby accepted, this 1st day of October, 2024.

Joe C. Sheffield
SELLER: JOE C. SHEFFIELD

Catherine P. Sheffield
SELLER: CATHERINE P. SHEFFIELD



Code Enforcement
Building Inspections
Geographic Information Systems
Licensing
Permitting
Planning & Zoning

571 W Bankhead Highway
Villa Rica, Georgia 30180

www.villarica.org
770.459.7000 (t)
770.459.7003 (f)

March 18, 2024

Tra Le
Representative
(Proposed) Eyebrow Microblading Tattooing Suite
2000 Mirror Lake Blvd. Suite F
Douglasville, GA
Sent via email ONLY – trale159@gmail.com

Re: 2000 MIRROR LAKE BLVD SUITE F, Villa Rica, GA 30180

Ms. Le:

This is to advise you that the zoning and use of the aforementioned properties are governed by the laws and regulations of incorporated Villa Rica, in Douglas County, Georgia. We certify the above referenced properties hold a zoning designation of C-2 (Commercial, Medium Density).

Based on the zoning designation, the premises are entitled to those permitted uses as listed in *Chapter 4, Table 4.3* of the Zoning Ordinance of the City of Villa Rica. We do not have any records pertaining to special permits, open zoning violations, or variances for the subject properties.

If you have any questions or comments, please feel free to contact the Community Development Department at (678) 840-1238.

Sincerely,

Shaun Daniels
Planner

"Enclosure" *Table 4.3*

CITY OF VILLA RICA
571 W BANKHEAD HWY
VILLA RICA GA 30180 770-459-7000

Receipt No: 55.000159 Mar 18, 2024

Tra Le

Previous Balance: .00
COMMUNITY DEVELOPMENT
Zoning Verification 75.00
Letter
100-323100
Permits and Inspections

Total: 75.00

CASH 75.00

Payor:

Tra Le

Total Applied: 75.00

Change Tendered: .00

03/18/2024 4:40 PM



LOCATION MAP
VILLA RICA, GEORGIA
SCALE: 1"=1000'



GRID: 04-8

628
South
Street
47ac

PROP. GROCERY
STORE

FUTURE EXPANSION

FUTURE
COMMERCIAL
DEVELOPMENT

EXIST.
STORMWATER
MANAGEMENT
POND

FUTURE
CHECKOUT-A
EXPANSION

PROP. FAST
FOOD

PROP. RESTAURANT

WACE TRAC, LLC
"WACE TRAC"
ZONING C-2
OUT

WACE TRAC, LLC
"WACE TRAC"
ZONING C-2
OUT

WACE TRAC, LLC
"WACE TRAC"
ZONING C-2
OUT

WACE TRAC, LLC
"WACE TRAC"
ZONING C-2
OUT

STATE ROUTE 61

COMMERCE DRIVE (S/R/W)

PARKING DATA

PARKING REQUIRED:	
PROP. FAST FOOD	1 SPACE PER 2 SEATS (75 SEATS) = 38 SPACES
REGULAR PARKING SPACES PROVIDED	37
HANDICAP PARKING SPACES REQUIRED	1 (VA)
TOTAL PARKING SPACES REQUIRED	38
PARKING PROVIDED:	
REGULAR PARKING SPACES PROVIDED	44
HANDICAP PARKING SPACES PROVIDED	1 (VA)
TOTAL PARKING SPACES PROVIDED	45
PROP. RESTAURANT:	
1 SPACE PER 3 SEATS PLUS 1 SPACE PER EMPLOYEE ON LARGEST SHIFT = 75 SPACES	
REGULAR PARKING SPACES PROVIDED	72
HANDICAP PARKING SPACES REQUIRED	1 (VA)
TOTAL PARKING SPACES REQUIRED	73
PARKING PROVIDED:	
REGULAR PARKING SPACES PROVIDED	89
HANDICAP PARKING SPACES PROVIDED	1 (VA)
TOTAL PARKING SPACES PROVIDED	90
PROP. SHOPPING:	
1 SPACE PER 200 SF NET FLOOR AREA (AVERAGE FLOOR 172) = 100 SPACES	
REGULAR PARKING SPACES PROVIDED	96
HANDICAP PARKING SPACES REQUIRED	1 (VA)
TOTAL PARKING SPACES REQUIRED	97
PARKING PROVIDED:	
REGULAR PARKING SPACES PROVIDED	124
HANDICAP PARKING SPACES PROVIDED	1 (VA)
TOTAL PARKING SPACES PROVIDED	125

GRAPHIC SCALE

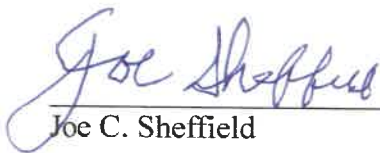


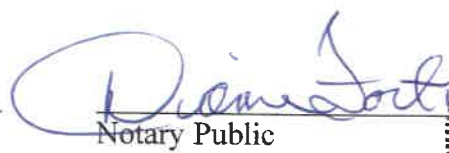
GENERAL SITE NOTES
1. SITE AREA: 11.00 ACRES (PROPOSED SITE)
2. ZONING: C-2 (MEDIUM DENSITY COMMERCIAL)
3. PROPOSED SETBACKS:
LOCAL ROAD = 30'
SIDE = 10'
REAR = 10'
INTERIOR LOT LINES = 0' (10' BUILDING SEPARATION)

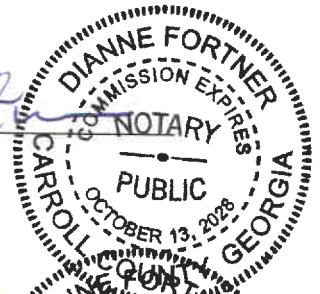
MC3 LAND HOLDINGS, LLC
215 W. BANKHEAD HWY., SUITE A
VILLA RICA, GA. 30180
(770) 459.2222/ (770) 231.8572
matthewsjeffr@gmail.com

To Whom it May Concern:

Jeff R. Matthews, Manager for MC3 LAND HOLDINGS, LLC has our permission to apply for rezoning of our property located at 628 South Street, Villa Rica, GA 30180 further shown as Tax Parcel V07 0110069 per the Carroll County, GA. Tax Assessors Tax Mapping system.

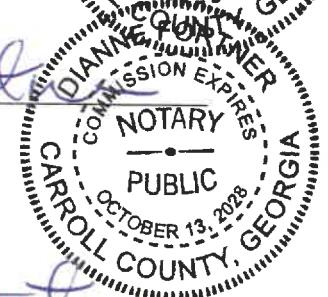

Joe C. Sheffield

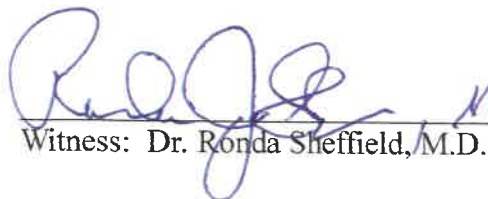

Notary Public



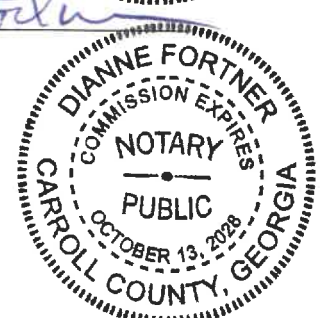

Catherine P. Sheffield


Notary Public




Witness: Dr. Ronda Sheffield, M.D.


Notary Public





CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: TA-12-24 – Text Amendment to Establish Section 6.11 *PUD-IND*
& add new definition to section 13.01

AGENDA DATE: December 17, 2024

DATE PREPARED: December 13, 2024

PREPARED BY: Nina Shabazz

AMOUNT: N/A

GL ACCOUNT #: N/A

FUNDING SOURCE: N/A

BUDGETED ITEM? N/A

PURPOSE: Staff reviews the zoning ordinance and from time to time, it becomes necessary to amend or update certain language, add new sections or further define language that needs additional clarification. The text amendments seeks to introduce a new section, and define a new land use. The Technology Park Overlay District is established for the development of higher echelon technology and business development seeking to develop separate facilities for management headquarters, data centers, training areas, low-impact light manufacturing, motion picture, television and other multi-media production research and development operations and offices.

BACKGROUND: Staff has been working on text amendments to update language, uses and processes to ensure that the City makes appropriate and pertinent changes as needed. These changes should continue to encourage zoning compatibility, adherence to zoning ordinance and continued responsible growth. Technology Park Overlay Districts provide such facilities are often grouped together in order to provide common amenities, such as adequate and convenient parking, service, and utilities. Operations shall cause no radiation or radioactivity at any exterior wall and no electrical radiation that affects any operation or equipment other than those of the creator of the radiation. The establishment of such a district requires a predetermined development plan, appropriate screening, adequate separation from other land uses and more stringent controls. It is the primary intent of this district to allow for such areas in order to meet contemporary needs.

The following sections are addressed within the Technology Park Overlay District: permitted uses, permitted accessory uses, lot standards, lighting requirements, parking requirements, landscaping and buffering and noise.

STAFF RECOMMENDATION: To approve recommendations of the text amendment as submitted.

MOTION: I motion to approve the text amendments as submitted.

Technology Park Overlay District (TP).

Purpose. The Technology Park Overlay District is established for the development of higher echelon technology and business development seeking to develop separate facilities for management headquarters, data centers, training areas, low-impact light manufacturing, motion picture, television and other multi-media production research and development operations and offices.

Such facilities are often grouped together in order to provide common amenities, such as adequate and convenient parking, service, and utilities. Operations shall cause no radiation or radioactivity at any exterior wall and no electrical radiation that affects any operation or equipment other than those of the creator of the radiation. The establishment of such a district requires a predetermined development plan, appropriate screening, adequate separation from other land uses and more stringent controls. It is the primary intent of this district to allow for such areas in order to meet contemporary needs.

Principally permitted uses

The following uses, , shall be permitted in TP Overlay Districts:

- A. Administrative operations (finance, insurance).
- B. Commercial printing.
- C. Commercial testing laboratories.
- D. Communications equipment Mfg.
- E. Computer and electronic repair and calibration.
- F. Computer operations and data processing
- G. Data Centers
- H. Corporate offices or headquarters.
- I. Design and engineering.
- J. Drugs and pharmaceuticals distribution and/or Mfg.
- K. Educational services.
- L. Electronic components Mfg.
- M. Electrical substations
- N. Hospitals, clinics, medical and dental offices, medical and dental laboratories, and veterinary clinics.
- O. Industrial controls Mfg. (used in industrial production for controlling equipment or machines).
- P. Management and professional services.
- Q. Metalworking machinery production.
- R. Motion picture, television and other multi-media production.
- S. Office machines Mfg.
- T. Office/research.
- U. Public/Govt. buildings.
- V. Pilot plants and production facilities.
- W. Plastic, composite products Mfg.
- X. Research and development Mfg.
- Y. Special industry machinery Mfg.
- Z. Transportation equipment Mfg.
- AA. Unlisted use. The director may approve an unlisted use in this zoning district where the unlisted use is similar in type and nature to a listed use in that district.

Permitted accessory uses.

Permitted accessory uses are as follows:

- A. Employee lunchrooms.
- B. Temporary outside storage if the same is in conjunction with pilot plants or production facility uses, subject to being screened from adjoining properties.
- C. Recreational facilities for use by tenants, employees and clients.
- D. Private temporary living quarters associated with research and development
- E. Storage facilities within wholly enclosed buildings.
- F. Water Storage Facilities
- G. Trash receptacles.
- H. Telecommunication structures.
- I. On-site day care provided by businesses within the park for employees.
- J. Security structures, which may be installed within buffers and setbacks if located at approved entrances and exits.
- K. Battery storage
- L. Alternate fuel storage

Lot Standard

Standard	Setback Requirements
Minimum Lot Area	5 Acres
Minimum Lot Width	150 Feet
Minimum Lot Frontage	50 Feet
Building Height (Principal and Accessory Structures)	45 Feet (Excludes parapet walls, rooftop mechanical equipment, and penthouses).
Front Setback (Principal and Accessory Structures)	50 feet
Side Setback (Principal and Accessory Structures)	50 feet
Rear Setback (Principal and Accessory Structures)	50 feet
Minimum distance from structures on same lot	10 feet
Maximum Lot Coverage (Buildings)	60%
Maximum Lot Coverage (Total Impervious Area)	80%

Required lot standards shall only apply to external property boundaries with other properties not zoned as part of the TP district. Minimum lot frontages, width and acreage shall not apply to subdivided lots within the TP district, so long as the entirety of the contiguous development complies with these standards, and so long as the subdivided lot has adequate frontage on public or private roads and access drives to allow service.

Lighting Requirements

Lighting shall meet the requirements of Section 7.12 of the Zoning Ordinance.

Parking requirements

1. Each building shall provide 25 parking spaces minimum. Ancillary office buildings and other occupiable structures shall park at one space per 500 SF of GFA.
2. Joint parking areas serving multiple buildings may be permitted onsite.
3. Handicap accessible parking shall be provided in conformance with federal ADA requirements.
4. Parking areas shall not extend into buffer areas.
5. Unloading shall be onsite and not within the right-of-way.
6. Parking space geometrics shall conform with Section 7.02 of the Zoning Ordinance.

Landscaping and Buffering

Bufferyards for TP Overlay Uses:

1. Adjacent to Residential Districts: A minimum 75-foot buffer yard shall be maintained separating the TP property from all residential zoning districts. The buffer yard shall be planted per the Type 4 Bufferyard Standards of the Zoning Ordinance.
2. Adjacent to Commercial Zoning Districts: A minimum 30-foot buffer yard shall be maintained separating the TP property from all commercial zoning districts. The buffer yard shall be planted per the Type 3 Bufferyard Standards of the Zoning Ordinance.
3. Adjacent to Industrial Zoning Districts: A minimum 10-foot buffer yard shall be maintained separating the TP property from all industrial zoning districts. The buffer yard shall be planted per the Type 1 Bufferyard Standards of the Zoning Ordinance.

Fences in the TP Overlay District may exceed the maximum listed fence height of 8' in the Zoning Ordinance in all setbacks yards.

Noise

1. Generator testing is limited to between 7:00 a.m. and 5:00 p.m.;
2. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.



CITY OF VILLA RICA

Planning Commission Meeting Agenda Item Cover Sheet

SUBJECT: Rezoning and annexation for Hwy 61 and South Van Wert-Avemore PUD (ANX-01 & 2-24) (RA-06-24)

AGENDA DATE: 12/17/2024

DATE PREPARED: 12/11/2024

PREPARED BY: Nina Shabazz, Community Development Director

PUBLIC HEARING: Yes

PURPOSE: The applicant, Avemore GA LLC, seeks an annexation and rezoning for Parcel ID 168 0090 (Hickory Level Road) and Parcel ID 169 0120 (2664 South Van Wert Road), as with the amended survey to reflect a parcel split for the residence on the property to remain within Carroll County. The applicant seeks the rezoning with the annexation from Carroll County Zoning Designation Conservation and Agricultural to a Planned Unit Development (PUD), to include an expansion of the PUD as PUD-Industrial.

BACKGROUND: The City Council approved the Avemore project at 55 and 63 Goldworth Road in 2018 with a total of 200 single-family units, 300 multi-family units and live/work units, along with a host of other uses, including senior housing, which includes independent living, memory care and a minimum age restriction of fifty-five (55) years. In 2020, the city increased the total number of single-family lots to no more than 250 units, and the multi-family units to a maximum of 325 units. In 2021, the City Council approved an additional 290 units of senior housing with a minimum age of fifty-five (55) years. The applicant returned each year to extend their zoning approvals for another year as specified in the original and subsequent conditions placed on the conditionally approved project.

In September 2024, the applicant filed an extension to the previously approved PUD and sought to extend and alter the PUD to include Light Industrial (I1) (ALT-01-24). The application was denied by Planning and Zoning Commission and the applicant was instructed to file a new application that would effectively remove the previously approved housing units and mixed-use components. The new PUD would change the use to Medium Industrial (I2). The applicant withdrew his application and filed a new application.

Following this process, the applicant filed two requests for annexation (ANX-01 & 02-24) and a rezoning application from Carroll County Agricultural and Conservation Use to PUD as expanded to include light industrial and additional permitted uses being considered simultaneously as a text amendment for a Technology Park Overlay.

Following the approval of the text amendment for a Technology Overlay Park, the proposed use could include a corporate campus with administrative operations, technology park with electrical substations, research and development or other computer operations, data processing to name a few.

STAFF RECOMMENDATION: With no objections received from Carroll County, City staff recommends approval of both the annexation of Parcel ID 168 0090 (Hickory Level Road) and approval of the annexation and recommended split of Parcel ID 169 0120 (2664 South Van Wert Road so as to allow the residence as identified in the amended survey to remain in Carroll County) and rezoning approval from Conservation and Agricultural to the expanded PUD to include Light Industrial with Conditions.

IMPACT: N/A

POTENTIAL ACTION: Approval with the following conditions:

No additional residential units will be proposed or approved with this PUD zoning

Sewer Capacity and Conveyance to be addressed and agreed upon with the City in the form of a Development Agreement.

PLANNING COMMISSION:

MOTION: To approve the annexation and rezoning from Agriculture and Conservation to PUD, with the expansion of the PUD to include Light Industrial with the recommended conditions.



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

December 11, 2024

Planning Report

EMBRY DEVELOPMENT COMPANY, LLC
RA-06-24
Highway 61 & South Van Wert Road
Land Lot: 92, 93, 98, 99, 100, 101, 125 District 6
Parcel #: V07 014003, 168 0090, 169 0120
Ward: 2
City Council Member: Matthew Momtahan
Planning Board Member: Julie Cepin
City of Villa Rica/Carroll County

Dear Ms. Cox:

Embry Development Company, LLC (the Applicant) seeks an annexation and rezoning from Carroll County Conservation and Agricultural Zoning to an expanded PUD to include PUD-Industrial (PUD-I). The Applicant has not requested any variances.

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

1. Application Checklist, notarized and dated September 27th, 2024 (1 page);
2. Zoning Map Amendment (Rezoning) Application, dated September 27th, 2024 (2 pages);
3. Annexation applications, signed and dated September 24th & 30th, 2024
4. Property Owner Authorization Forms, notarized and dated October 26th, 2022, signed by Brian L. Campbell and Kenneth A. Campbell, members of Green Tree Group, LLC (2 pages);

5. Limited Warranty Deed, dated October 6th, 2023, signed by James Davis III in the presence of Colleen Kay Vogel (3 pages);
6. Applicant Statement of Intent, dated September 30th, 2024, by Joseph Fowler, P.C. (3 pages);

A. Existing Conditions

The subject parcel(s) consists of a 192.9 acre parcel on the west side of Highway 61, currently zoned PUD. The properties to be annexed consists of a 35.03 & a 204.53-acre parcel are currently zoned V-5 (Consv Use) & A-5 (Agricultural). The parcels features vastly undeveloped land, with a residence on the larger of the two. The applicant provided a subsequent survey to provide for the residence to receive a parcel split and to remain within Carroll County. The property wraps around properties on its west and south sides, and is adjacent to unincorporated Carroll County to the west across Van Wert Road, to the north along Van Wert Road, and to the east across Highway 61.

The subject properties are adjacent to low-density residential uses on all sides; a house of worship bordering the property to the south; and a residential subdivision to the east across Highway 61.

Three ponds are located near, the geographical boundaries of the parcel. Bay Springs creek bisects the property, according to site plan provided . No easements have been identified on the concept plan drawing.

Surrounding Properties:

Current Zoning		Land Use
North	Unincorporated Ca	Mobile Home Subdivision
East	Rural Development (RD) & Medium Commercial (C2)- Villa Rica Commercial (C) & Agricultural (A) - Unincorporated Carroll County	Residential and Undeveloped
South	Single-Family Agricultural (AG) -City Commercial (C) -County	Suburban Village – City Commercial - County
West	Agricultural (A) - County	Undeveloped– County



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

B. Site History

The City Council approved the Avemore project at 55 and 63 Goldworth Road in 2018 with a total of 200 single-family units, 300 multi-family units and live/work units, along with a host of other uses, including senior housing, which includes independent living, memory care and a minimum age restriction of fifty-five (55) years.

In 2020, the city increased the total number of single-family lots to no more than 250 units, and the multi-family units to a maximum of 325 units. In 2021, the City Council approved an additional 290 units of senior housing with a minimum age of fifty-five (55) years. The applicant has returned to extend their zoning approvals annually as specified in the original and subsequent conditions placed on the conditionally approved project.

In September 2024, the applicant filed an extension to the previously approved PUD, and sought to extend and alter the PUD to include Light Industrial (I1) (ALT-01-24). The application was denied by Planning and Zoning Commission and the applicant was instructed to file a new application that would effectively remove the previously approved housing units and mixed-use components. The new PUD would change the use to Medium Industrial (I2). The application was withdrawn and a new application was filed.

Following this process, the applicant filed two requests for annexation (ANX-01 & 02-24) and a rezoning application from Carroll County Agricultural to PUD as expanded to include light industrial and permitted uses being considered simultaneously in a text amendment as a Technology Park Overlay.

The proposed use within the Technology Park Overlay could include a corporate campus with administrative operations, technology park with electrical substations, research and development or other computer operations, data processing to name a few.

C. Proposed Development

The applicant is requesting annexation and rezoning approval from Agricultural and Conservation to an expanded PUD to include Industrial for a total of 432.46 acres, located Hwy 61 and South Van Wert. The proposed development could accommodate a technology park or corporate campus with ancillary facilities.

See Table 2 below for yard and bulk requirements in the I2 (Industrial, Medium-Density) Zone:

TABLE 2 - BULK REQUIREMENTS – INDUSTRIAL, MEDIUM DENSITY ZONE DISTRICT			
	Required	Proposed	Conforming (C) or Nonconforming (NC)
Minimum Lot Area (ac)	5	432.46	C
Minimum Lot Width (ft)	100	Unknown	C
Minimum Lot Frontage (ft)	50	Unknown	C
Minimum Rear Yard Setback (ft)	40	Unknown	Unknown
Minimum Side Yard Setback (ft)	40	Unknown	Unknown
Maximum Building Coverage (%)	40	Unknown	Unknown
Maximum Building Height (ft)	45	Unknown	Unknown
Maximum Impervious Coverage (%)	80	Unknown	C

It is unclear how the project will draw utility access for water and sewer, if connections can easily be made, or if capacity or distribution is available. The applicant has been working closely with the city and county for guidance and alternatives with the expressed goal of not over burdening the city and county's existing infrastructure and capacity.

Design Standards

The city has design standards for all industrial developments in Section 9.04 of the Zoning Ordinance, to which the applicant must comply at the time of architectural review.

Amenities/Open Space

The site plan indicates several common areas as open space, however total acreage has not been provided. The ordinance requires a total of 8.06 acres (12% of the site area) for open space. The ordinance specifies what is considered non-qualifying open space and qualifying open space as specified below:

Table 7.24: Minimum Required Open Space		
Zoning District	Percentage of Open Space	Notes
R1, R2	8%	-
SFA, MF1	12%	-
MF2	15%	-
CMU, C1, C2, OMI	5%	-
I1, I2	2%	Sites less than 3 acres are exempt
AG, CBD	-	Exempt

Offsite Improvements

No off-site improvements are proposed along Highway 61, including acceleration and deceleration lanes.

Density

N/A

Flood Plain

Bay Springs creek bisects the subject properties. The property is not in a flood zone. Based on the Conceptual Site Plan submitted, it's unclear if the applicant will be proposing to infill the identified creek. It is unclear if all buildings will meet the buffer requirements from this pond. Any other creeks proposed for infill may require variances and extensive review and approval by EPD and the City Engineer. Figure 2, below, indicates the flood zone map for the property:

National Flood Hazard Layer FIRMette



84°56'45"W 33°42'31"N



Figure 2: National Flood Hazard Layer FIRM Map 13045C0154D

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, AE9
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/12/2024 at 2:18 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Buffering/Screening/Tree Conservation:

A landscaping plan will be required to be submitted by the applicant at the time of Final Plat submittal. Section 7.05(6) of the zoning ordinance requires that a twenty (20) foot wide landscape area adjacent to the road or right-of-way be provided, and must be designated as "common area" or placed in a landscape easement. In addition, several shrubs and trees must be planted within this area. A minimum of one (1) tree shall be provided for every thirty (30) linear feet of landscaped area. The trees may be a combination of deciduous and evergreen. In addition, a minimum of one (1) shrub shall be provided at a minimum of every three (3) feet in order to form a continuous screen a minimum of thirty-six (36) inches high within two (2) years of planting.

D. Rezoning Review Criteria

The Zoning Ordinance of the City of Villa Rica, Section 11.05(2)(b), requires the Planning & Zoning Commission and the legislative body to pay reasonable regard to the following when preparing and considering proposed amendments:

i. The Comprehensive Plan;

Villa Rica Future Land Use Map

The Future Land Use Plan prescribes the parcel as “Suburban Village” as the future land use character area. The intent of the Suburban Village with a Character Area of Suburban Neighborhood is as follows:

“Suburban Villages are characterized by clustered commercial development around the intersection of prominent roads (Community Crossroads) and include immediate surrounding residential areas, which are suburban in nature. The general development pattern is compact, with stand-alone or a few businesses on a site. However, in more suburban and rural areas, a single business typically occupies a property.”

“Future development should emphasize the compact, small-scale development that supports the immediate surrounding area, including residences, retail, and office uses. Higher density developments should be located closer to more dense/intense areas, where similar development exists. Sidewalks and pedestrian linkages to nearby parks and other amenities should be provided in new developments.”

The character area has design principles regarding density that “varies depending on location and land use”.

The Future Land Use Map designations in the surrounding area are Commercial, Public/Institutional, and Medium Density Residential.

As with the Northwest and Central Eastern portion of the City, this South West annexation and rezoning from Agricultural and Conservation to an expanded PUD to include industrial is consistent with this type of zoning with minimal residential impact on various outskirts of the City.

ii. Current conditions and the character of current structures and uses in each district;

The lots are vacant with no uses and a small structure. The character is typical of a vacant, undeveloped lot surrounded by agricultural properties, whereas the character of the AG zone is single-family homes on large lots (at least ½ acre).

iii. The most desirable use for which the land in each district is adapted;

The proposed development is the most desirable use based on the Comprehensive Plan and overall character of the area. The current use of the property as vacant property is not the highest and best use for the property given the acreage and the recommendations stated in the Comprehensive Plan, however development as industrial along the highway is most desirable from a planning and infrastructure perspective in addition to the proposed use, this use being least impactful on schools and traffic.

iv. The conservation of property values throughout the jurisdiction; and

The impact on property values for surrounding uses is expected to be nominal.

v. Responsible development and growth

The southwestern portion of the city is expected to grow with residential and commercial uses in the near and long term future. The applicant has not indicated any roadway improvements on the concept plans, therefore it is difficult to gauge the adequacy of the road network should improvements be made.

i. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Highway 61 has had considerable residential development both within and outside of the city limits. The size of the lot and frontage along Highway 61 adjacent lend the impetus for more commercial and potentially residential in the area.

ii. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The use is not expected to affect the existing uses nearby or usability of any adjacent structures or lots.

iii. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The property currently does not have reasonable economic use as currently zoned and is not the highest and best use of land given the acreage and Comprehensive Plan designations for appropriate zoning, in addition the proposed rezoning would be less impactful. Because of the size and location of the parcel, along with development pressures along the Highway 61 corridor, the rezoning to PUD-Industrial would give the parcel an economic advantage for providing further development, but increase utility demand in an area of the city with distribution challenges.

iv. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

Excessive usage of city infrastructure could be possible as the city may not have adequate sewer collection capacity along Highway 61. The ability to provide sewer capacity along and surrounding Highway 61 is becoming increasingly more difficult for the city which may complicate the ability for developments to materialize. In addition, Significant sewer conveyance limitations had previously been identified along Highway 61S watershed. Investigations had determined that any future development along Highway 61S would require the construction of a regional lift station and conveyance system along South VanWert Road to and beyond Interstate 20. This regional lift station would resolve existing conveyance issues and provide conveyance for future projects within the watershed. Preliminary concept plans for the location of the lift station and conveyance have been developed. The original concept plan does not indicate if traffic improvements along Highway 61 are proposed. Potential traffic impacts along Highway 61 and South Van Wert Road must be studied and reviewed by the City Engineer as a part of final plat approval.

v. If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

The rezoning is not inherently supported by the Comprehensive Plan. The Comprehensive plan prescribes Suburban Village as the land use character area, which recommends commercial and residential zoning. While not completely in conformance with the intent of the character area, the use will provide relief from the demand that hundreds of housing units would require, therefore, it is preferential to support the requested zone change from PUD to PUD-Industrial. This rezoning to include industrial near both agricultural and residential is consistent with outer areas of the City to include the Industrial Parks in the Northwest and Central Eastern areas of the City.

vi. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The availability of sewer and water capacity for the PUD would tremendously affect the developability of the parcel for the intended use. Poor capacity may hamper the ability to construct the proposed concept.

E. Comments

1. A Landscape Plan, Open Space Plan and other details, as required, should be submitted to the City Engineer for review prior to Final Plat approval.
2. The applicant should provide testimony to off-site improvements proposed.

3. The applicant will assist with wastewater improvements in the areas of conveyance and capacity in the form of a Development Agreement
4. The applicant will not request any additional residential units with the annexation and expanded PUD to include light industrial.

Recommendation:

Staff recommendation: **APPROVAL**

Reasons:

1. Based on the City's Comprehensive Plan, the applicant's request to rezone the parcel from PUD to PUD-Industrial is supported.
2. PUD-Industrial will provide the highest and best use of the land, without overburdening city schools, roads and infrastructure.
3. The rezoning allows a vacant, underutilized parcel to be developed into an asset for the city and could spur, support additional development in the corridor.

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* on December 5, 2024; a sign has been posted on the subject properties; and all abutting property owners have received notification via regular and certified mail.

Public Response:

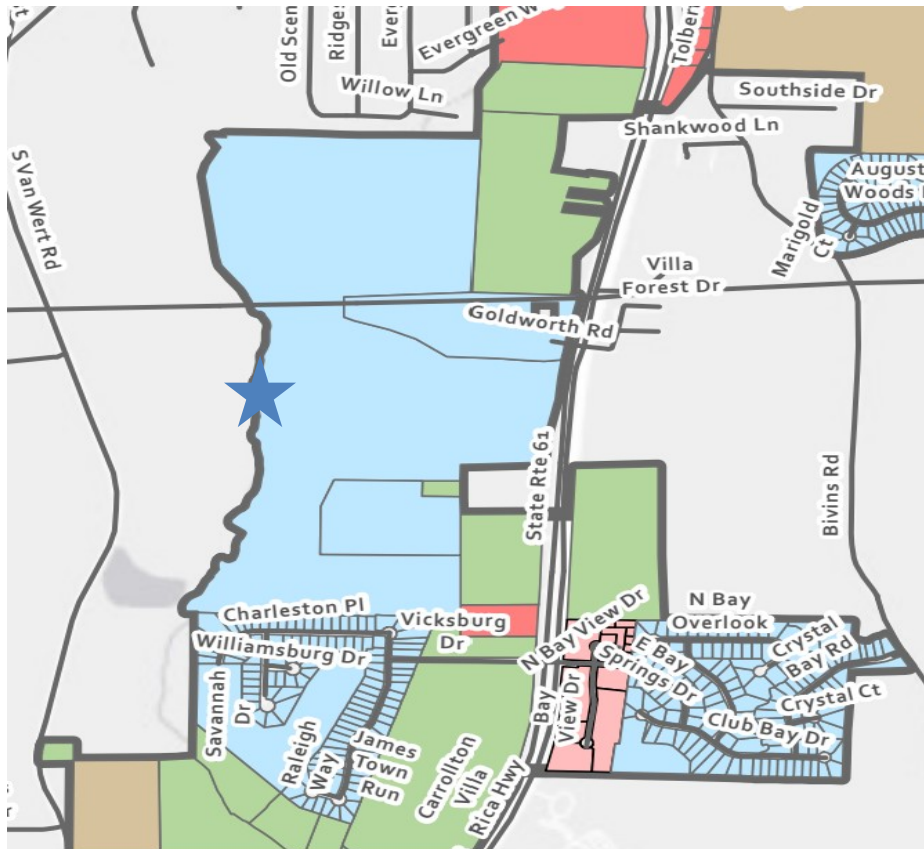
In response to the public notifications, no residents have contacted the city to voice concern or support for the proposed actions.

Nina Shabazz

Community Development Director



Villa Rica Zoning Map:



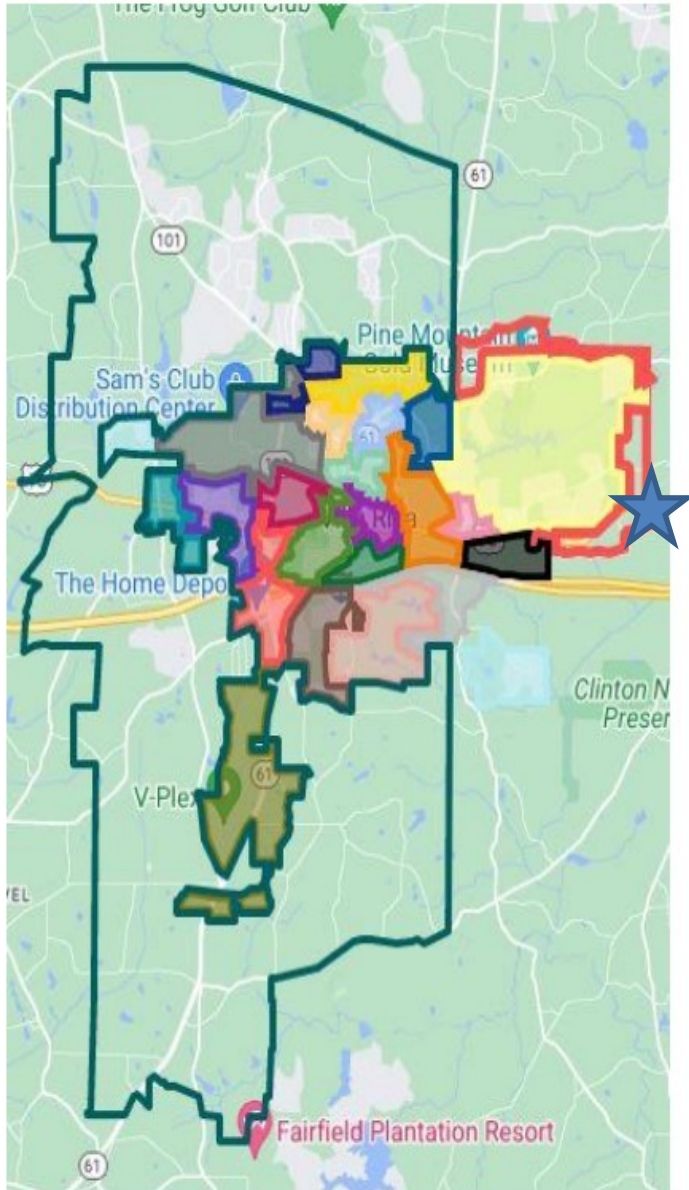
Zoning District Legend

	City Boundary
	AG - Single-Family 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



Villa Rica Future Land Use Map:

City of Villa Rica Future Development Map



Future Development Village Areas

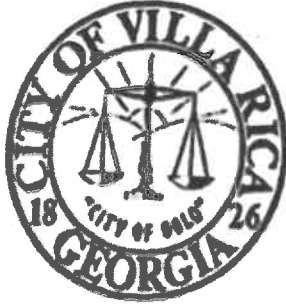
Village Areas

- Downtown
- East Village
- Mirror Lake Commercial Village
- Mirror Lake Residential Village
- East Industrial Village
- Miner's Village
- Medical Village
- North Village
- South Village
- West Village
- Fullerville Village
- Urban Village
- Gold Dust Village
- West Industrial Village
- Commercial Village
- Rural Village
- Bankhead Village
- Neighborhood Residential Village
- Neighborhood Residential Village
- Liberty Village
- Carroll Village
- Traditional Village
- Suburban Village
- Punkintown Village
- Douglas County Future Growth Area
- Carroll County Future Growth Area



Carrollton Villa Rica Hwy
RA-06-22

Site Plan (Placeholder)



City of Villa Rica Planning and Zoning Department
1605 Carrollton Villa Rica Hwy | Villa Rica, Ga 30180
678-785-9995 | www.Villarica.org

Petition Requesting Annexation
City of Villa Rica, Georgia

Annexation Fee- \$700/Parcel

Date: 9-30-2024

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF VILLA RICA, GEORGIA:

1. The undersigned, as owner of all real property of the territory described herein, respectfully requests that the City Council annex this territory to the City of Villa Rica, Georgia, and extend the City boundaries to include the same.
2. The territory to be annexed abuts the existing boundary of Villa Rica, Georgia, and the description of such territory is as follows:

Address/Location of Property: 2884 South Van Wert Road

Tax Map Parcel #: 169 0120

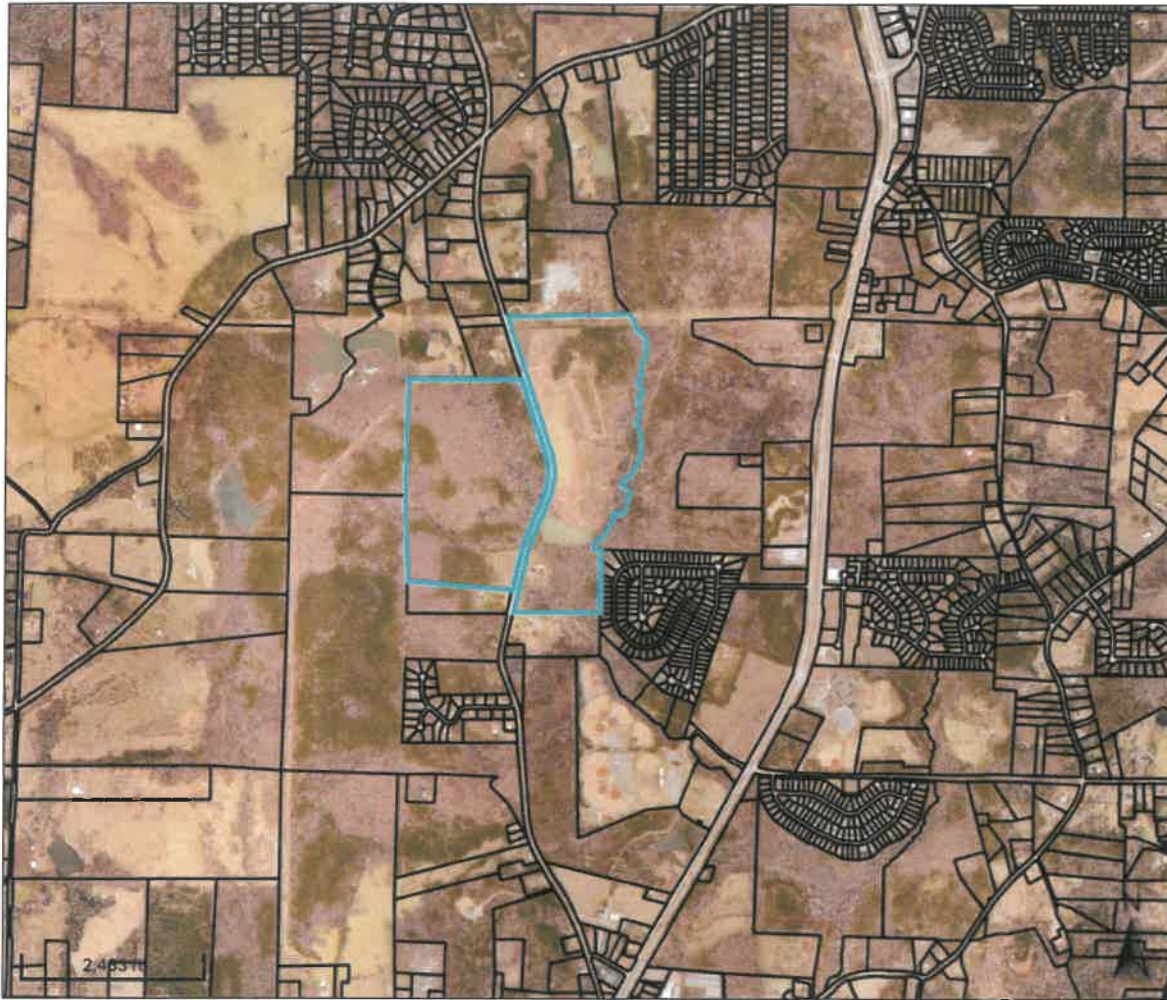
(Please attach legal description of property.)

WHEREFORE, the Petitioner prays that the City Council of the City of Villa Rica, Georgia, pursuant to the provisions of the Acts of the General Assembly of the State of Georgia, Georgia Laws, do by proper ordinance annex said property to the City Limits of the City of Villa Rica, Georgia.

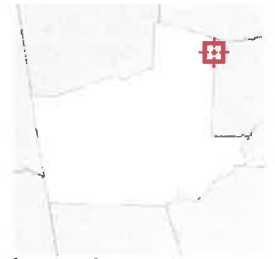
Respectfully submitted,

C. Jerry Tolbert
C. JERRY TOLBERT

Petitioner Mailing Address: 2884 South Van Wert Road, Villa Rica, GA 30180



Overview



Legend

-  Parcels
-  Roads

Parcel ID 169 0120
Class Code Agricultural
Taxing District COUNTY
Acres 204.53

Owner TOLBERT C JERRY-25
 2664 SOUTH VAN WERT RD
 VILLA RICA, GA 30180
Physical Address 2664 S VAN WERT RD
Assessed Value Value \$962946

Last 2 Sales			
Date	Price	Reason	Qual
7/8/2014	\$680	QC	U
11/4/1996	0	LG	U

(Note: Not to be used on legal documents)

Date created: 9/20/2024
 Last Data Uploaded: 9/19/2024 6:08:58 PM

Developed by  **Schneider**
 GEOSPATIAL

343142

BK PG
5343 311

PT-61-022-20 14-002921

CARROLL COUNTY, GA - REAL ESTATE

TRANSFER TAX PD \$ 1.00

INTANGIBLE TAX PD \$ -

DATE 7-10-14

Alan J. Lee Clerk of Superior Court

FILED
GA, CARROLL COUNTY
CLERK SUPERIOR COURT

14 JUL 10 PM 3:55

Alan J. Lee
CLERK SUPERIOR COURT
CARROLL COUNTY GEORGIA

②

PREPARED BY:
PRICE & PYLES, P.C.
Attorneys at Law
120 Dixie Street
Carrollton, Georgia 30117

AFTER RECORDING:
C. Jerry Tolbert
2398 S. Van Wert Road
Villa Rica, GA 30180

QUIT CLAIM DEED

STATE OF GEORGIA, COUNTY OF CARROLL

THIS INDENTURE, Made the 8 day of July, in the year Two Thousand Fourteen (2014) between

SEAN DUNNE

as party or parties of the first part, hereinafter called "Grantor", and

C. JERRY TOLBERT

as party or parties of the second part, hereinafter called "Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor for and in consideration of the sum of SIX HUNDRED EIGHTY AND FOURTY-NINE/100 (\$680.49) DOLLARS 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 and forever quit claim to Grantee all the right, title interest, claim or demand which the Grantor has or may have had in and to the following described real property, to-wit:

All that tract or parcel of land lying and being in Carroll County, Georgia, being in Land Lot 100, 6th District and more particularly described as follows: Beginning on the west right of way of Van Wert Road, at an iron pin, which point is 525 feet, more or less, southeasterly along the west right of way of Van Wert Road from the southeast corner of the property, now or formerly owned by William F. Brown; thence west a distance of 325 feet, more or less, but specifically to the original west line of land lot 100, an iron pin; thence south along said land lot line 200 feet to an iron pin; thence east a distance of 326 feet, more or less, but specifically to the west right of way of Van Wert Road, an iron pin; thence northwesterly along the west right of way of Van Wert Road 200 feet to the point of beginning. This property having situated thereon a four room frame dwelling.

Said property is known as 2479 S. Van Wert Road, Villa Rica, Georgia, 30180, according to the present system of naming and numbering streets and roads and bears the tax identification number 168 0280.

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 the Grantee, so that neither the said 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.

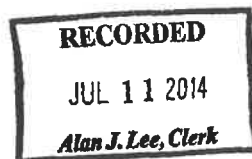
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
in the presence of:


Unofficial Witness


SEAN DUNNE (seal)


Notary Public
My Commission Expires:
(SEAL)



Return to: E. B. Jones, Jr., P. O. Drawer 1100, Bremen, Ga. 30110

QUIT CLAIM DEED

GEORGIA, CARROLL COUNTY

THIS INDENTURE, made and entered into this 4th day of December, 1996, between CHARLES JERRY TOLBERT, of the first part, and NORA C. BOYD, THOMAS EDWARD BOYD, ELZIE SUE BOYD, DANIEL, EDITH W. BOYD, GARNER GREENE, EVELYN BOYD WILLETT, EDNA BOYD JACKSON & ERVIN A. BOYD, their heirs and assigns, of the Second Part,

WITNESSETH:

That the said Party of the First Part, for and in consideration of the sum of ten (\$10.00) dollars, and other valuable considerations, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, by these presents does hereby remise, convey and forever quitclaim unto the said grantee, the following described property, to-wit:

All that tract or parcel of land lying and being in land Lots 94, 93 and 68, 6th District, Carroll County, Georgia, and being described as follows:

Begin at the original northeast corner of Land Lot 93; thence from the Point of Beginning, along the original north land lot line of Land Lot 93 a course of North 88 degrees 11 minutes 39 seconds west 2,098.25 feet to property of Charles Jerry Tolbert; Thence South 00 degrees 05 minutes 33 seconds west 1391.02 feet; thence south 89 degrees 27 minutes 18 seconds west 293.46 feet to an iron pin found; thence south 00 degrees 18 minutes 08 seconds east 2,342.85 feet to an iron pin found; thence north 67 degrees 25 minutes 55 seconds east 642.33 feet; thence north 67 degrees 36 minutes 12 seconds east 306.95 feet; thence north 84 degrees 29 minutes 23 seconds east 403.95 feet to an iron pin found; thence south 26 degrees 08 minutes 52 seconds east 105.57 feet; thence south 56 degrees 48 minutes 10 seconds east 228.16 feet; thence south 64 degrees 06 minutes 23 seconds east 193.81 feet to Georgia Highway 61; thence along the Georgia Highway 61 right of way the following courses and distances: North 28 degrees 51 minutes 58 seconds east 1903.85 feet; thence north 21 degrees 18 minutes 20 seconds east 118.91 feet; north 25 degrees 44 minutes 42 seconds east 269.58 feet; North 14 degrees 21 minutes 46 seconds east 571.40 feet; North 04 degrees 17 minutes 17 seconds east 356.67 feet; North 03 degrees 43 minutes 21 seconds east 460.46 feet; thence leaving the highway right of way north 89 degrees 37 minutes 36 seconds west 589.51 feet to the original west land lot line of Land Lot 94; thence north 00 degrees 28 minutes 56 seconds east 179.14 feet to the Point of Beginning.

Said premises containing 193.20 acres as shown by a plat of survey by Ross A. Lynn, Registered surveyor, No. 2316, for Villa Rica West Corporation, dated September 27, 1996, and recorded in Plat Book 58, page 80, Carroll County deed records, which plat is incorporated herein by reference.

THIS DEED IS EXECUTED TO ESTABLISH THE PROPERTY LINE BETWEEN THE PARTIES.

TO HAVE AND TO HOLD the said tract or parcel of land to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered
in the presence of:

Stacy S. Ziche

Unofficial Witness

Diana M. Steenstra

Notary Public

My Commission Expires:

Notary Public, Carroll County, Georgia
My Commission Expires March 31, 2000

Charles Jerry Tolbert (SEAL)
CHARLES JERRY TOLBERT

RECORDED DEC 12 1996 KENNETH SKINNER, CLERK 954 PAGE 033

742

WARRANTY DEED

PREPARED BY
BONE, VASSY, PYLES & SMITH, P.C.

ATTORNEYS AT LAW
CARROLLTON, GEORGIA 30117

STATE OF GEORGIA, COUNTY OF

CARROLL

THIS INDENTURE, Made the 3rd day of August in the year One Thousand
Nine Hundred and Ninety-one, between Brian Keith Tolbert
of the County of Carroll, and State of Georgia, as party or parties of the first part, hereinafter called
Grantor, and
Charles Jerry Tolbert

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns and to include the masculine, feminine or neuter gender where the context requires or permits).

WITNESSETH, that: Grantor, for and in consideration of the sum of \$1.00 and exchange of property DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

That property described in Exhibit "A" attached hereto which is by reference incorporated herein.

Carroll County, Georgia
Paul Pyle T. Smith To

[Signature]
Aug 6, 1991
[Signature]
Clerk of Superior Court

FILED
GA. CARROLL COUNTY
CLERK - SUPERIOR COURT
1991 AUG -5 AM 11:10
[Signature]
CLERK OF SUPERIOR COURT
CARROLL COUNTY, GEORGIA

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

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

IN WITNESS WHEREOF, the Grantor has signed, sealed and delivered this general warranty deed, the day and year above written.

Signed, sealed and delivered
in the presence of:

No. 1 *[Signature]*
No. 2 *[Signature]*
My Commission Expires *[Signature]*

[Signature]
BRIAN KEITH TOLBERT (SEAL)

(SEAL)

The property conveyed herein is that same property conveyed by Nancy Spence Peters, Executrix of the Last Will and Testament of James Turner Spence, to Annie W. Spence by Executrix's Deed dated February 19, 1985, recorded in Deed Book 489, Pages 463-468, in the Office of the Clerk of Carroll Superior Court;

LESS AND EXCEPT that tract conveyed by Annie W. Spence to Jerry Tolbert by Warranty Deed dated December 4, 1985, recorded in Deed Book 511, Page 267 in the Office of the Clerk of Carroll Superior Court.

PROPERTY ACQUIRED BY JAMES TURNER SPENCE

The following tracts or parcels of land described under subheadings A through C were acquired by James Turner Spence during his lifetime.

A. PROPERTY CONVEYED BY J. G. KNIGHT, JR. AND JAMES TURNER SPENCE, CO-EXECUTORS OF THE ESTATE OF OLLIE LEON SPENCE TO JAMES TURNER SPENCE BY EXECUTORS DEED DATED JUNE 20, 1977, RECORDED ON JUNE 21, 1977 IN DEED BOOK 361, PAGE 6, CARROLL COUNTY PUBLIC REAL ESTATE RECORDS.

All that tract or parcel of land lying and being in the 6th District of Carroll County, Georgia containing 179.32 acres and being more particularly described as follows: Tract I being all of what is known as the "Chambers Place", consisting of 36.94 acres in the northwest corner of Land Lot 125, and 17.27 acres in the northeast corner of Land Lot 124; less 6.04 acres sold to Mrs. J. E. Conner, the part of said tract hereby described containing 48.17 acres, more or less. Also 47 1/2 acres, more or less, on the east side of Land Lot 124 in the 6th District of Carroll County, Georgia, bounded as follows: on the north by property now or formerly owned by J. E. Conner; on the west by property now or formerly owned by J. E. Conner and T. Walker Garrison; on the south by property now or formerly owned by Dr. White; on the east by property now or formerly owned by T. L. Florence and F. M. Chambers.

Tract II being all of what is known as the original J. W. Spence farm, consisting of 36.21 acres in the southwest corner of Land Lot 125. Also 94.94 acres being the western portion of Land Lot 100, said Tract II containing 131.15 acres, more or less. Said 179.32 acres lying in one body and more fully described by plat of survey of said lands, prepared by G. R. Cook, County Surveyor, on November 28, 1938.

Tract III: All that tract or parcel of land, lying and being in Land Lots 101 and 124 in the 6th District, Carroll County, Georgia and being more fully described as: Beginning at a point on the west line of Land Lot 101, which is 973 feet north of the southwest corner of Land Lot 101, and running thence due east 3000 feet to the east line of Land Lot 101; thence north along said east line 1037 feet to the land of R. F. Spence; thence due west to west line of Land Lot 101; thence south along west line to the point of beginning. There is excepted a church light which faces the west line of Land Lot 101, and which is 210 feet by 210 feet square with established corners. Also a tract of land in the shape of a right triangle located at the northeast corner of Land Lot 101 and the southeast corner of Land Lot 124 and described as follows: Beginning at a point on the east line of Land Lot 124, which point is 457 feet north of the southeast corner of said lot; and from said beginning point, run south 88 degrees west to the public road; thence in a southeasterly

direction along the public road a distance of 1050 feet, more or less, to a point where said road intersects the east line of Land Lot 101; thence north 448 feet to the northeast corner of Land Lot 101; thence continuing north along the east line of Land Lot 124 a distance of 457 feet to the point of beginning.

There is excepted and excluded from the above described property that certain property described in deeds from O. L. Spence to various and sundry persons, recorded in Carroll County Public Records, as follows: Deed Book 195, Page 5; Deed Book 229, Page 323; Deed Book 265, Page 172; Deed Book 268, Page 76; Deed Book 270, Page 57; Deed Book 271, Page 232; Deed Book 273, Page 209; Deed Book 285, Pages 3, 4, 39; Deed Book 285, Page 399; Deed Book 291, Page 320; Deed Book 249, Page 237; Deed Book 308, Page 335; Deed Book 318, Page 18; Deed Book 322, Pages 577 and 664; Deed Book 328, Page 33; Deed Book 333, Page 561; Deed Book 343, Page 786; and Deed Book 344, Page 115.

Also excluded from this conveyance is a 5-acre tract of land, having situated thereon a two-bedroom frame dwelling house containing approximately 1200 square feet of floor space deeded to Nancy Spence Peters on June 20, 1977 and recorded on June 1, 1977 in Deed Book 361, Page 8 of Carroll County Public Real Estate Records.

B. REAL PROPERTY CONVEYED BY O. L. SPENCE TO JAMES TURNER SPENCE, DECEDENT, ON MAY 15, 1974, RECORDED ON APRIL 7, 1975 IN DEED BOOK 328, PAGE 33, CARROLL COUNTY PUBLIC REAL ESTATE RECORDS.

All that tract or parcel of land situate, lying and being in the County of Carroll and State of Georgia, being in Land Lot 101 of the 6th District of Carroll County, Georgia, more particularly described as: Beginning at the northeast corner of Land Lot 92, which is also the southeast corner of Land Lot 101, 6th District, Carroll County, Georgia; thence north along the east line of Land Lot 101 a distance of 628.7 feet, more or less, to an iron pin; thence west parallel to the south line of Lot 101 a distance of 1500 feet, more or less, but specifically to the centerline between the west half and the east half of Lot No. 101; thence south along said centerline a distance of 628.7 feet, more or less, to the south line of Lot 101; thence east along the south line a distance of 150 feet, more or less, to the point of beginning. Also: beginning on the west right of way of Van Wert Road where the north line of Land Lot 92 intersects said road; thence west along said north line to the centerline between the east half and the west half of Land Lot 92; thence south along said line a distance of 800 feet, more or less, but specifically to the property line of H. L. Campbell, Sr.; thence east along the Campbell property line to Van Wert Road and a metal pin; thence northeasterly along the west right of way of Van Wert Road to the point of beginning.

The Seller guarantees a road right of way through the above parcel of land off Land Lot 92 to the west half of Land Lot 92. The right of way shall be 30 feet wide if privately maintained and 70 feet wide if county or publicly maintained.

C. CONVEYED BY O. L. SPENCE TO J. T. SPENCE ON NOVEMBER 18, 1967 AND RECORDED ON DECEMBER 20, 1967 IN DEED BOOK 188, PAGE 240, CARROLL COUNTY PUBLIC REAL ESTATE RECORDS.

All that tract or parcel of land situate, lying and being in the County of Carroll, State of Georgia, and being in the 6th District and 5th Section of Carroll County, Georgia, a part of original Land Lot No. 93 and more particularly described

as follows: being 30 acres, more or less, and bounded on the west by Van Wert Road; on the south by Homer Campbell; on the east by Bruce Boyd; on the north by O. L. Spence on the west side of said tract.

The said tract being the same as deeded to Glenn Gayes by U. R. Brannon, December 16, 1953 and corrected by Deed dated January, 1954 and recorded in Deed Book 700, Page 604, in the Office of the Clerk of Superior Court, Carroll County, Georgia.

REAL PROPERTY CONVEYED BY JAMES TURNER SPENCE,
DURING HIS LIFETIME

The following tracts or parcels of land described under subheadings D through F are excepted from the above-described property in that the following tracts were conveyed away by James Turner Spence, during his lifetime.

D. PROPERTY CONVEYED BY J. T. SPENCE, TO EARL S. MARTIN ON SEPTEMBER 16, 1972, RECORDED ON OCTOBER 2, 1972 IN DEED BOOK 277, PAGE 400 OF THE CARROLL COUNTY PUBLIC REAL ESTATE RECORDS.

All that tract or parcel of land situate lying and being in the County of Carroll, State of Georgia and being that tract or parcel of land lying and being in Land Lot 93 of the 6th District of Carroll County, Georgia. Beginning at the southwest corner of the north half of Land Lot 93 at an iron pin; thence east along the centerline between the north half and the south half of said Lot 93 771 feet to an iron pin; thence north 585.75 feet to an iron pin; thence west parallel to the south line 971 feet to the original west line of Land Lot 93; thence south along said line 585.75 feet to an iron pin and the point of beginning.

E. REAL PROPERTY CONVEYED BY JAMES TURNER SPENCE TO CHARLES JERRY TOLBERT ON DECEMBER 12, 1978, BY WARRANTY DEED RECORDED ON DECEMBER 13, 1978 IN DEED BOOK 384, PAGE 559, CARROLL COUNTY PUBLIC REAL ESTATE RECORDS.

All that tract or parcel of land lying and being in Land Lot 100 in the 6th District, Carroll County, Georgia and as fully shown and delineated on a plat recorded in Plat Book 19, Page 8 in the Office of the Clerk of Superior Court, Carroll County, Georgia and being more particularly described by metes and bounds as follows: beginning at the northwest corner of Land Lot 100 and running southerly for a distance of 141.46 feet to a point; thence north 89 degrees 8 minutes 38 seconds east for a distance of 119.04 feet to an iron pin which is the point of beginning; thence north 89 degrees 8 minutes 38 seconds east for a distance of 1167.88 feet to an iron pin; thence north 89 degrees 8 minutes 38 seconds east for a distance of 10 feet to the centerline of a creek; thence along the meanderings of the creek for a distance of 436.77 feet to a point; thence south 89 degrees 8 minutes 38 seconds west for a distance 10 feet to an iron pin; thence 89 degrees 8 minutes 38 seconds west for a distance of 1253.26 feet to an iron pin; thence north 18 degrees 20 minutes 37 seconds west for a distance of 385 feet to an iron pin which is the point of beginning. Said tract containing 10.29 acres, more or less.

Also all that tract or parcel of land lying and being in Land Lots 100 and 101 in the 6th District of Carroll County, Georgia and as fully shown and delineated on a plat recorded in Plat Book 19, Page 8 in the Office of the Clerk of the Superior Court of Carroll County, Georgia and being more particularly described by metes and bounds as follows: beginning at the northwest corner of Land Lot 100 and running southerly for a

distance of 141.46 feet to a point; thence north 89 degrees 8 minutes 38 seconds east for a distance of 119.04 feet to an iron pin; thence south 18 degrees 20 minutes 37 seconds east for a distance of 385 feet to an iron pin which is the point of beginning; thence north 89 degrees 8 minutes 38 seconds east for a distance of 1253.26 feet to an iron pin; thence north 89 degrees 8 minutes 38 seconds east for a distance of 10 feet to the centerline of a creek; thence along the meanderings of the creek for a distance of 553.79 feet to a point; thence south 80 degrees 48 minutes 45 seconds west for a distance of 1328.32 feet to an iron pin on the east right of way of Van Wert Road; thence north 16 degrees 59 minutes 34 seconds west along the east right of way of Van Wert Road for a distance of 253.18 feet to a point on right of way; thence north 18 degrees 4 minutes 25 seconds west along the east right of way of Van Wert Road for a distance of 513.30 feet to an iron pin; thence north 89 degrees 8 minutes 38 seconds east for a distance of 400 feet to an iron pin which is the point of beginning. Said tract containing 22 acres, more or less.

F. PROPERTY CONVEYED BY JAMES TURNER SPENCE TO REBECCA R. KNIGHT ON AUGUST 12, 1977 BY WARRANTY DEED RECORDED MAY 8, 1978 IN DEED BOOK 374, PAGE 723, CARROLL COUNTY, GEORGIA PUBLIC REAL ESTATE RECORDS.

All that tract of land lying and being in Land Lots 100 and 101 of the 6th District, Carroll County, Georgia and being more particularly described as follows: beginning at a Georgia Power right of way concrete marker on the easterly side of Van Wert Road at the southwest corner of Render Crook property and thence running south 19 degrees 58 minutes east 385 feet; thence north 87 degrees 45 minutes east 400 feet; thence north 19 degrees 58 minutes west 385 feet; thence south 87 degrees 45 minutes west 400 feet to the point of beginning.

This Deed was re-recorded to correct a Warranty Deed previously recorded on April 27, 1978 in Deed Book 374, Page 244, Carroll County Public Real Estate Records.

REAL PROPERTY CONVEYED BY ANNIE W. SPENCE

G. The following tract or parcel of land is excepted from this conveyance in that the following tract was conveyed by Annie W. Spence to Jerry Tolbert by Warranty Deed dated the 4th day of December, 1985 and recorded in Deed Book 511, Page 267 in the Office of the Clerk of Carroll Superior Court.

All the tract or parcel of land lying and being in Land Lot 100 of the 6th District, Carroll County, Georgia, and being that 49.24 acre tract shown and delineated on that plat of survey captioned "Jerry Tolbert", prepared by Crawford-Williams Associates, Inc., Douglas C. Crawford, Registered Land Surveyor No. 1833, dated 11-27-85, recorded in Plat Book 28, Page 17, in the Carroll County Public Real Estate Records, said plat and the record thereof are by reference incorporated herein.

H. That property conveyed to Teddy Williamson recorded in Deed Book 633, page 239, and shown in Plat Book 36, page 132, Carroll County, Georgia Public Records.

The purpose of this deed is to convey any and all remaining property owned by James Turner Spence at the time of his death or by the estate of James Turner Spence thereafter or Annie W. Spence and Nancy S. Peters, a/k/a Nancy Harper. Also, specifically conveyed herein is the remainder/reversionary interest in that property conveyed by deed of gift for a life estate to Georgia D. Geter, said deed recorded in Deed Book 322, page 577. It is specifically understood that all remainder/reversionary interest are conveyed by the estate of O.L. Spence and the estate of James Turner Spence to the Grantee herein.

RECORDED AUG 07 1981 KENNETH SKINNER, CLERK



PROPERTY TAX
CARROLL COUNTY, GEORGIA

Tax Payer: TOLBERT C JERRY-25
Map Code: 1690120
Description: 2-HSES/ACC/204.53 AC S VAN WERT RD
Location: 2664 S VAN WERT RD
Bill No: 2023-48641
District: 002 CARROLL COUNTY

Building Value	Land Value	Acres	Market Value	Due Date	Billing Date	Payment Good Through	Exemption
\$185,871	\$609,732	204.53	\$795,603	12/11/2023	9/20/2024	10/14/2024	L4, LF, S4

Entity	Market Value	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	HTRG Credit	NetTax
STATE TAX	\$795,603	\$318,242	-\$10,000	\$308,242	0.0000	\$0.00			\$0.00
COUNTY M&O	\$795,603	\$318,242	-\$170,063	\$148,179	10.2160	\$1,513.80		-\$183.89	\$868.43
SALES TAX ROLLBACK	\$795,603	\$318,242	-\$170,063	\$148,179	-3.5450		-\$525.29	\$63.81	
COUNTY SCHOOL M&O	\$795,603	\$318,242	-\$318,242	\$0	17.0000	\$0.00		\$0.00	\$0.00
					23.6710	\$1,513.80	-\$525.29	-\$120.08	\$868.43

Current Taxes Due: \$868.43
Penalty: \$0.00
Interest: \$0.00
Other Fees: \$0.00
Previous Payments: \$868.43
Back Taxes: \$0.00
TOTAL DUE: \$0.00

LAST PAYMENT DATE
12/8/2023
PAID BY JERRY
TOLBERT

[illegible]

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 49 348 FEET AND AN ANGULAR ERROR OF 00 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE APPROPRIATE WITHIN ONE FOOT IN 725,191 FEET.

LINEAR - TOPCON GTS-303 EDI

NO WGS MONUMENT LOCATED WITHIN 500 FT SITE

SUBREYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE

THE PROPERTY AS SHOWN ON THIS PLAT DOES NOT
LIE WITHIN A SPECIFIC FLOOD HAZARD AREA AS
DETERMINED BY F.I.R.M. MAP #'s 130464 -
AND 130464 - 0125 B. 0050 B

SURVEY IS VALID ONLY, IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

ALL BUILDINGS, AND SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN HEREON.

THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS
A MAGNETIC COMPASS BEARING

IN MY OPINION, THIS IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW

HENRY T MCBRAVER, GA. P.L.S. #2570



98.54 ACRES

EXERCISES SPECIFICALLY STATED OR SHOWN ON THIS PLAN. THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE SUBJECTABLE TO THE SUBJECT REAL ESTATE EASEMENTS OTHER THAN POSSIBLE EASEMENTS THEREIN VISIBLE AT THE TIME OF MAKING OF THIS SURVEY: BOLLING, ST. BAKER, LINES; REST-REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

[illegible]

PLAT OF SURVEY
FOR

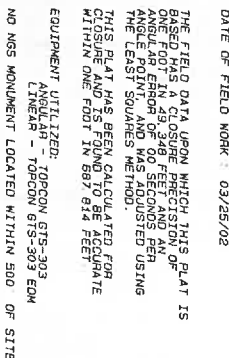
CHARLES JERRY TOLBERT

LAND LOTS 92, 100 & 101.

6th DISTRICT

CARROLL COUNTY, GA

GeoCom Surveying, Inc.
2339 HAYS MILL ROAD
CARROLLTON, GA 30117
(770) 830-1997



SURVEYOR HAS MADE NO INVESTIGATION OR RESEARCH IDENTIFYING OR ASSESSING OF ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

DECLARATION IS MADE TO ORIGINAL OWNER THAT THIS INSTRUMENT IS NOT TRANSFERABLE TO ANY ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SURVEY IS VALID TO ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

THE PROPERTY AS SHOWN ON THIS PLAT DOES NOT
LIE WITHIN A SPECIFIC FLOOD HAZARD AREA AS
DETERMINED BY F.I.R.M. MAP #'S 130464 -
130464 - 0125 B. 0050 E

EXCEPTS SPECIFICALLY STATED OR SHOWN ON THIS PLAN, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE EASEMENTS: OTHER THAN POSSIBLE EASEMENTS THAT WERE AVAILABLE AT THE TIME OF MAKING OF THIS SURVEY, BUT NOT SHOWN ON BACK LINES; RESTRICTIVE COVENANTS, ZONING ORDINANCES, AND OTHER REGULATIONS; AND ANY OTHER FACTS THAT MAY ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

ALL BUILDINGS, AND SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN HEREON.

THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS A MAGNETIC COMPASS BEARING.

IN MY OPINION, THIS IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

HENRY T. MCBRAVER, GA R L S #2570

[illegible]

PROJECT NUMBER		02-022
DRAWN BY	CHECKED BY	
APS	HTM	
ISSUE DATE		04/29/02
FILE NUMBER		
DRAWING NUMBER		
1 OF 2		

PLAT OF SURVEY
FOR
CHARLES JERRY TOLBERT

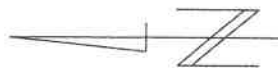
LAND LOTS 92 & 93

6th DISTRICT.

CARROLL COUNTY, GA

GeoCom Surveying, Inc.
2339 HAYS MILL ROAD
CARROLLTON, GA 30117
(770) 830-1997

- 1 S 12° 40' 31" W 64.53'
- 2 S 14° 03' 45" W 74.78'
- 3 S 24° 46' 08" W 51.92'
- 4 S 69° 40' 24" W 36.06'
- 5 S 70° 04' 55" W 21.32'
- 6 S 04° 56' 11" E 53.95'
- 7 S 04° 56' 11" E 54.43'
- 8 S 42° 48' 01" W 55.91'
- 9 S 30° 41' 17" W 50.04'
- 10 S 75° 02' 21" W 62.08'
- 11 S 85° 38' 34" W 75.30'
- 12 S 46° 54' 31" W 50.57'
- 13 S 20° 54' W 40.38'
- 14 S 04° 54' 24" E 40.38'



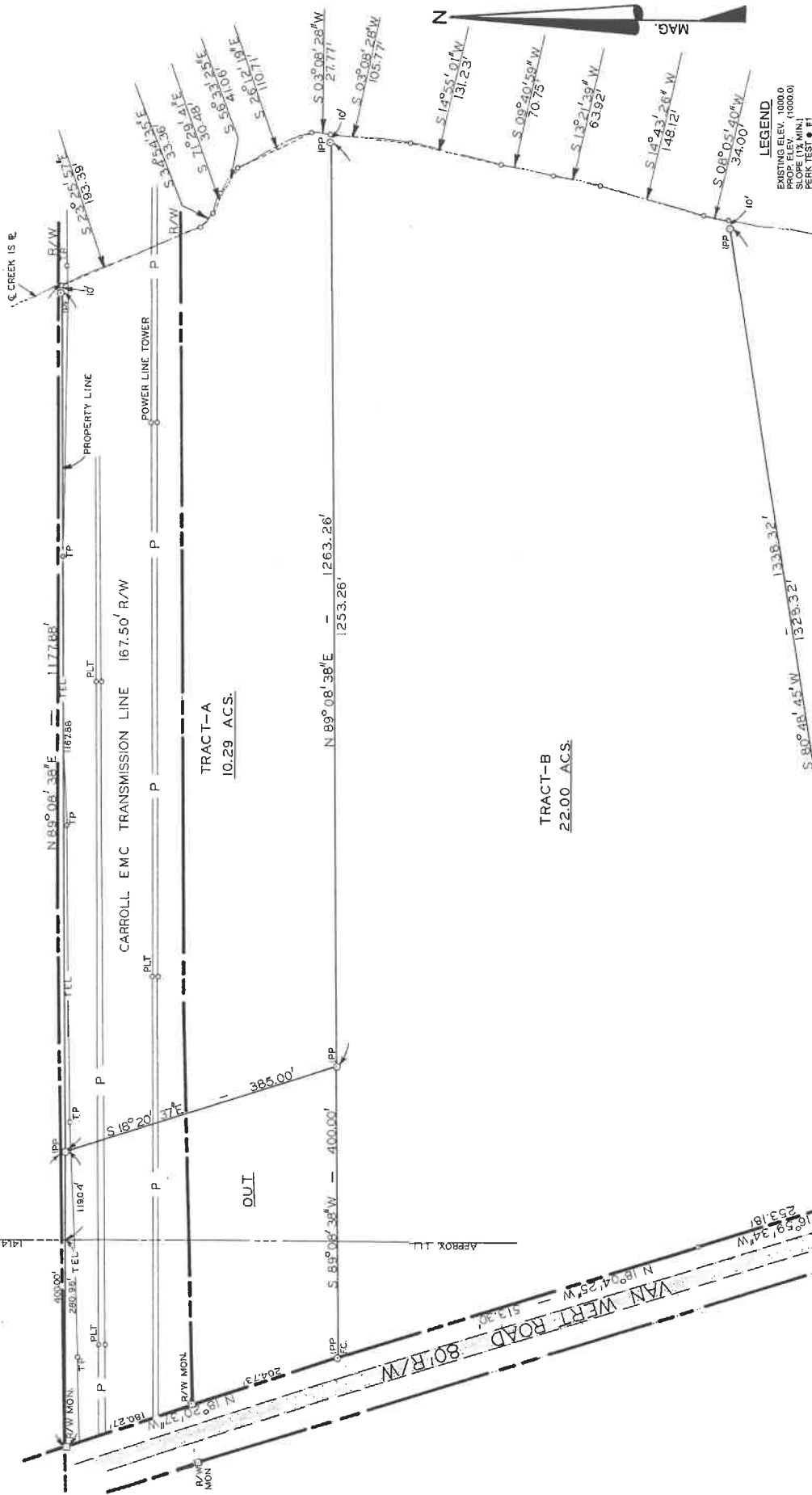
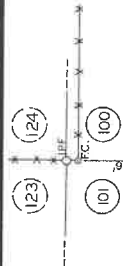
In my opinion, this is a correct representation of the land plotted and has been prepared in conformity with the minimum standards and requirements of law.



Douglas C. Crawford
 Douglas C. Crawford
 No. 1833
 State of Georgia
 Surveyor

CRAWFORD-WILLIAMS ASSOC., INC.
 ENGINEERING-LAND PLANNING & SURVEYING
 219 BANKHEAD AVE.
 CARROLLTON, GEORGIA 30117
 (404) 834-4694

JERRY TOLBERT		APPROVED BY:	DRAWN BY: MT
SCALE: 1"=200'	DATE: 11-27-85	REVISED:	
LOCATED IN LL 100 DIST. 6 SECTION 5		CARROLL COUNTY	GEORGIA
F.B. 173 p. 48 JOB NO. 851119		DRAWING NUMBER 3-85-138	



LEGEND
EXISTING ELEV. 1000.0
PROP. ELEV. 1000.0
PERK TEST 0.1

In my opinion, this is a correct representation of the land plotted and has been prepared in conformity with the minimum standards and requirements of law.

Deborah C. Crawford
6th Reg. L.S. #1233 Douglas C. Crawford



PROPERTY SURVEY FOR JERRY TOLBERT

LOCATED IN LL 1003.101
DISTRICT 6
CARROLL COUNTY
DATE 12-8-78
SCALE: 1"=100'

THIS PLAT HAS BEEN CALCULATED
BY LATITUDES AND DEPARTURES
AND HAS AN ERROR OF CLOSURE
OF 1/16" 69.56'

FB 45 p 65 Job No. 120378

CRAWFORD-WILLIAMS ASSOCIATES, INC.
ENGINEERING-LAND SURVEYING & PLANNING
201 TANNER STREET
CARROLLTON, GEORGIA 30117
TEL. 834-1754

RECORD DESCRIPTIONS OF VESTING LANDS

TRACT I: All that tract or parcel of property lying and being in Land Lots 100 and 101 of the 6th District of Carroll County, Georgia, and being more particularly described as all that property shown as Tracts A, B and the "OUT" parcel depicted on that certain survey entitled "Property Survey for Jerry Tolbert" prepared by Douglas C. Crawford, Georgia Registered Land Surveyor No. 1833, which plat is recorded in Plat Book 19, Page 8, in the Office of the Clerk of Superior Court of Carroll County, Georgia, and which plat and record thereof are incorporated herein for a more complete and particular description of said tract.

LESS AND EXCEPT: (Deed 4906-90 COCC Tract I excepted and extent of property of the same description as that in Deed 4906-86 COCC quoted below)

TRACT II: All that tract or parcel of property lying and being in Land Lot 100 of the 6th District of Carroll County, Georgia, and being more particularly described as that certain tract shown on that plat entitled "Plat for Jerry Tolbert" prepared by Douglas C. Crawford, Georgia Registered Land Surveyor No. 1833, which plat is recorded at Plat Book 28, Page 25, in the Office of the Clerk of Superior Court of Carroll County, Georgia, which plat and record thereof are incorporated herein for a more complete and particular description of said property.

TRACT III: All that tract or parcel of property lying and being in Land Lots 92, 100 and 101 of the 6th District of Carroll County, Georgia, and being more particularly described as beginning at a concrete post which is located at the Northeast corner of Land Lot 101, that being also the Northwest corner of Land Lot 92; thence running in a Southerly direction along the Eastern Land Lot Line of Land Lot 101, that being the Western Land Lot Line of Land Lot 92 with a bearing of N 87 degrees 20 minutes 40 seconds West 1,552.59 feet to the TRUE POINT OF BEGINNING; thence running North 01 degrees 35 minutes 24 seconds East 645.94 feet; thence running North 88 degrees 00 minutes 45 seconds West 49.32 feet; thence running North 02 degrees 02 minutes 40 seconds East 1,483.25 feet; thence running South 89 degrees 44 minutes 50 seconds East 887.83 feet; thence running South 88 degrees 00 minutes 35 seconds East 356.13 feet to an iron pin which is located on the Westerly right of way of Van Wert Road; thence continuing along the Westerly right of way of Van Wert Road South 17 degrees 07 minutes 12 seconds East 934.27 feet; thence continuing along such right of way in an arc with a bearing of South 05 degrees 10 minutes 40 seconds West a chord of 740.34 feet, a distance of 754.54 feet, and a radius of 1,119.62 feet; thence continuing along such right of way South 25 degrees 33 minutes 33 seconds West 453.71 feet; thence continuing along such right of way in an arc with a bearing of South 17 degrees 46 minutes 19 seconds West a chord of 363.33 feet, a length of 363.70 feet, and a radius of 2,327.84 feet; thence continuing along such right of way South 13 degrees 02 minutes 28 seconds West a distance of 288.48 feet; thence running North 85 degrees 04 minutes 36 seconds West 1,358.73 feet; thence running North 01 degrees 35 minutes 24 seconds East 446.12 feet to the True Point of Beginning.

TRACT IV: All that tract or parcel of property lying and being in Land Lots 92 and 93 of the 6th District of Carroll County, Georgia, and being more particularly described as beginning at a concrete post which is located at the Northwestern corner of Land Lot 93, which is also the Northeastern corner of Land Lot 92, which is the TRUE POINT OF BEGINNING; thence running South 88 degrees 17 minutes 28 seconds East 918.78 feet; thence running South 01 degrees 26 minutes 33 seconds West 886.62 feet; thence running North 89 degrees 17 minutes 00 seconds West 1,102.92 feet to an iron pin located on the Easterly right of way of Van Wert Road; thence continuing in a Northerly direction along such right of way North 13 degrees 08 minutes 21 seconds East 609.09 feet; thence continuing along such right of way in an arc with a bearing of North 16 degrees 18 minutes 33 seconds East a chord of 236.33 feet, a distance of 236.44 feet, and a radius of 2,247.84 feet to the concrete post which is the True Point of Beginning.

(Tracts I - IV per Deed 4906-90 COCC)

And Also:

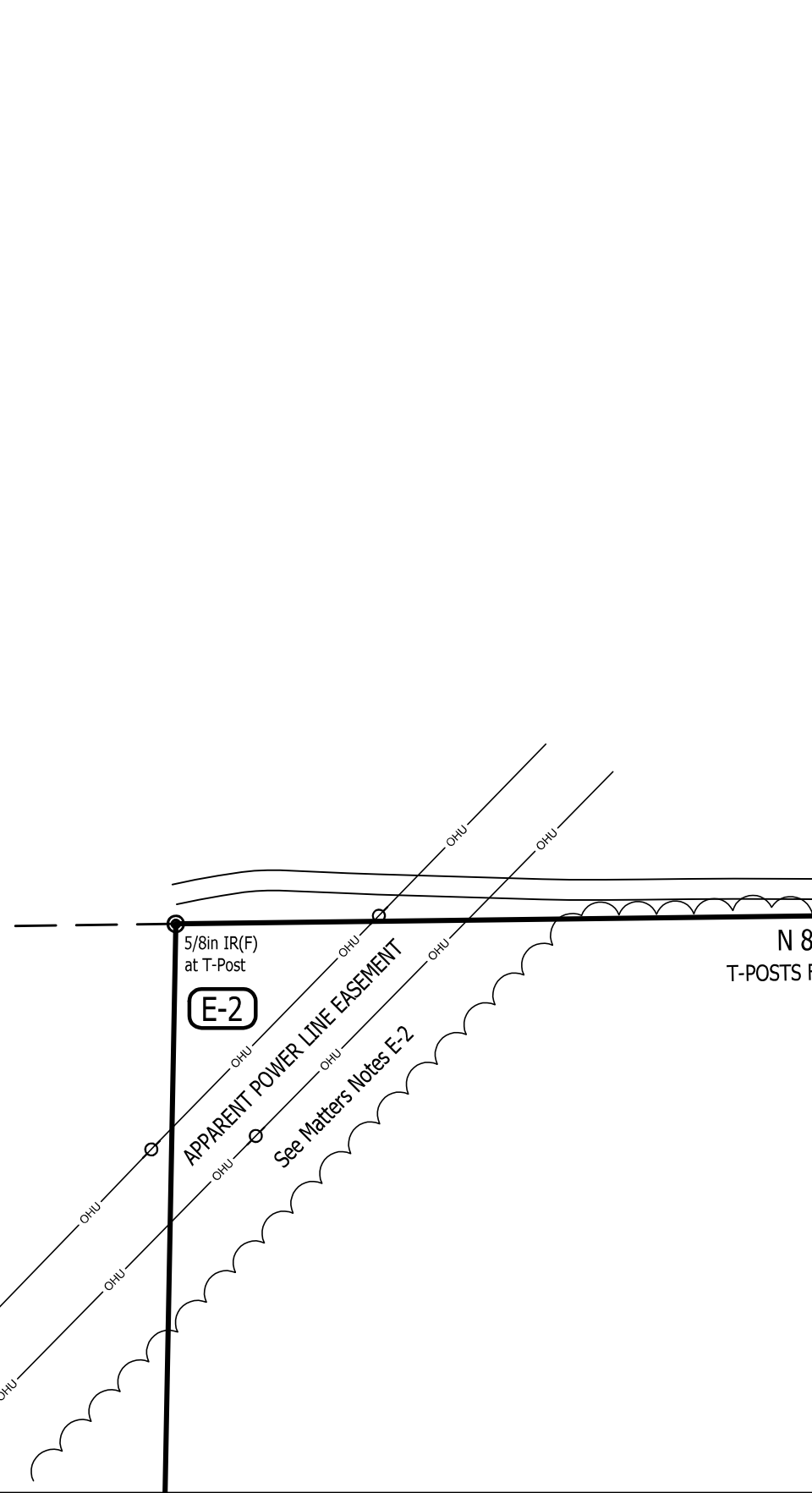
All that tract or parcel of land lying and being in Carroll County, Georgia, being in Land Lot 100, 6th District and more particularly described as follows: Beginning on the west right of way of Van Wert Road, at an iron pin, which point is 525 feet, more or less, southeasterly along the west right of way of Van Wert Road from the southeast corner of the property, now or formerly owned by William F. Brown; thence west a distance of 325 feet, more or less, but specifically to the original west line of land lot 100, an iron pin; thence south along said land lot 100 200 feet to an iron pin; thence east a distance of 326 feet, more or less, but specifically to the west right of way of Van Wert Road, an iron pin; thence northwesterly along the west right of way of Van Wert Road 200 feet to the point of beginning. This property having situated thereon a four room frame dwelling.

(This tract conveyed to Tolbert by Deed 5343-311 COCC is said to be "Tax Parcel 168 0280" which does not exist on County Tax Maps. Description does not contain sufficient information to accurately place relative to other lands surveyed herein, but is said to lie within Land Lot 100 and west of South Van Wert Road, which would lie within TRACT III above. Survey found no dwelling of any kind standing on the West Side of South Van Wert Road within surveyed property.)

And Also:

All that tract or parcel of land lying and being in Land Lots 100 and 101 of the 6th District of Carroll County, Georgia, and being more particularly described as follows: Beginning at an iron pin located on the Northeastern Land Lot corner of Land Lot 101, which is also the Northwestern Land Lot corner of Land Lot 100; thence running South along the Eastern Land Lot Line of Land Lot 101 and the Western Land Lot Line of Land Lot 100 a distance of 141.46 feet; thence running South 89 degrees 8 minutes 38 seconds West a distance of 280.96 feet to a right of way monument located on the Eastern right of way of Van Wert Road; thence running in a Southerly direction along the right of way of Van Wert Road South 18 degrees 20 minutes 37 seconds East 180.27 feet; thence continuing along the right of way along the same bearing an additional 204.73 feet to an iron pin which is the TRUE POINT OF BEGINNING; thence running North 89 degrees 08 minutes 38 seconds East a distance of 831.50 feet; thence running South 18 degrees 20 minutes 37 seconds East 710.00 feet; thence running South 80 degrees 48 minutes 45 seconds West to an iron pin on the Southerly right of way of Van Wert Road; thence running North 16 degrees 59 minutes 34 seconds West 253.18 feet along the right of way of Van Wert Road and continuing North 18 degrees 04 minutes 25 seconds West 513.30 feet along such right of way to the point which is the True Point of Beginning. Such property being a portion of that tract shown as Tract B on a certain plat recorded in Plat Book 19, Page 8, Carroll County Public Deed Records. (Deed 4906-86 COCC)

Deeds 4906-86 and 4906-90 COCC are Deeds from C. Jerry Tolbert to C. Jerry Tolbert. See Survey Note 2 for list of Deeds by Which Tolbert originally acquired said Lands.



TITLE EXAMINATION

(Surveyor's treatment of Title Examination Items is limited to the scope described in ALTA/NSPS 2021 requirements, Section 6, C. ii., and is limited to determination of the extent of land, that Title Items may influence, if any. "Extent of Property" may be Blanket in nature for a Parcel or Parcels (not subject to mapping, but assumed to also apply to Lessee's Area (if any) insofar as these may lie on Parcel(s) influenced by instrument); specifically described by instrument (mapped and shown only if within the Surveyed Area). Determination of physical location may not be possible if: instrument is illegible; instrument lacks sufficient descriptive information; or instrument refers to other instruments which were not included in the title exam and not otherwise available to surveyor. Factors beyond physical location, such as the type of influence that "Restrictions, Covenants, Terms or Conditions" contained in instruments may impart upon Parcels or Lessee's Site or Easements are not evaluated by Land Surveyor. Review by Title Attorney may be warranted. Land Surveyors may not practice Law.)

Reference: Commitment for Title Insurance prepared by Old Republic Title Insurance Company, Commitment No. CRE-242749, Commitment Date: Nov 7, 2024, Schedule B, Part II, Exceptions.

Item 1 - 11: General Items (No record instruments listed) or Taxes, not addressed by Survey.

SUMMARY OF MATTERS ON SURVEYED PROPERTY

(Items listed as potential matters of concern, subject to review by qualified Legal Professionals. "Encroachment" is a matter of Law, not determined by Surveyor)

E-1 167.5-foot-wide Easement to Carroll EMC for power Lines, of record in Plat Book 19, Page 8 COCC. Within this Easement lie transmission lines and poles (major poles and line shown hereon, but this survey is not an as-built survey of all power-related equipment); as well as trails indicating access from adjoining substation property, which appear to lie within the Easement as shown hereon.

E-2 Apparent Cleared Easement for Power Lines, Northwest Corner of Surveyed Property. No grants of Easement for same from the surveyor or adjacent lands were found. Easement is assumed to exist according to Deed 2989-94 COCC, which is a transfer of property and Easements from Georgia Power Company to Georgia Transmission Corp, including a Power Line Easement granted by Spico, former owner of the lands where said power line crosses, by Deed 270-57 COCC. (Deed 270-57 not available at time of survey).

E-3 Surveyed property is subject to Special Flood Hazard Area Zone A, as shown hereon according to FEMA Maps

E-4 Surveyed Property is subject to natural drainage which flows onto and out of subject property. Principle drainage swales which can be identified from current survey and State/County maps are shown hereon. Drainage appears to discharge to the Southeast as indicated by FEMA Maps. This survey does not include a topographic survey and does not address drainage routes other than those readily apparent as above.

SURVEYOR'S DESCRIPTIONS

New descriptions provided to describe the property relative to Georgia West State Plane Coordinate System (See Note #1), and to provide descriptions necessary for planned conveyances (See Note #19)

SURVEY TRACT ONE

Land Located in Land Lot 92, 93 & 100, 6th District, Carroll County, Georgia. Being a portion the property of C. James Tolbert of record in Deed Book 4906, Page 90, Clerk's Office, Carroll County, Georgia (COCC), and being more particularly described, relative to the Georgia West State Plane Coordinate System, North American Datum of 1983, as follows:

COMMENCE at a Concrete Monument found at the Northwest Corner of The Trails at Charleston Place, Phase Two, of record in Plat Book 89, Page 180, COCC; Thence along a Chord Tie Line having a Bearing of S 49°03'39" W, a distance of 838.37 feet to a Capped Iron Rod (set) which is the POINT OF BEGINNING;

Thence N 82°16'43" W, along a new Line, a distance of 410.75 feet to a Capped Iron Rod set in the Eastern Right-of-Way Line of South Van Wert Road; Thence N 12°06'08" E, along said Right-of-Way Line, a distance of 253.72 feet; Thence continuing along said Right-of-Way Line and with a curve to the right with an arc length of 279.25 feet, with a radius of 2,574.54 feet, with a chord bearing of N 15°12'34" E, with a chord length of 279.11 feet to a Capped Iron Rod set; Thence N 88°03'05" E, leaving said Right-of-Way Line and along a new Line, a distance of 406.59 feet to a Capped Iron Rod set;

Thence S 12°06'08" W, along a new Line, a distance of 599.76 feet to the POINT OF BEGINNING.

Said tract contains 5.27 Acres, more or less.

SURVEY TRACT THREE

Land Located in Land Lots 92, 100 & 101 6th District, Carroll County, Georgia. Being the property of C. James Tolbert of record in Tract III of Deed Book 4906, Page 90, Clerk's Office, Carroll County, Georgia (COCC), and being more particularly described, relative to the Georgia West State Plane Coordinate System, North American Datum of 1983, as follows:

BEGINNING at an Iron Rod found in the Western Right-of-Way of South Van Wert Road at the Northeast Corner of the property of record in Plat Book 36, Page 275, COCC, same being the Southeast Corner of the property described herein;

Thence N 86°05'32" W, along the North Line of said Plat Book 36, Page 275, COCC, a distance of 1,358.74 feet to a Capped Iron Rod found, the Southwest Corner of the property described herein; Thence N 00°39'32" E, along the East Line of the property of record in Plat Book 94, Page 152, COCC, a distance of 1,091.83 feet to an Iron Rod found; Thence N 89°06'49" W, a distance of 49.46 feet to an Iron Rod found at a Southeast Corner of the property of record in Deed Book 6117, Page 517, COCC;

Thence N 01°05'34" E, along the East line of said property, a distance of 1,482.89 feet to an Iron Rod found, the Northwest Corner of the property described herein; Thence N 89°17'28" E, along a South Line of the property of record in said Deed Book 6117, Page 517, COCC a distance of 887.83 feet to an Iron Rod found; Thence N 89°17'28" E, along the South Line of the property of record in Deed Book 328, Page 258, COCC, a distance of 590.37 feet to a Capped Iron Rod set in the Western Right-of-Way of South Van Wert Road; Thence along said Right-of-Way Line the following courses and distances: Thence S 18°34'32" E, a distance of 69.68 feet; Thence S 17°29'41" E, a distance of 253.15 feet; Thence S 18°31'52" E, a distance of 556.53 feet; Thence with a curve to the right with an arc length of 927.59 feet, with a radius of 1,134.49 feet, with a chord bearing of S 04°53'32" W, with a chord length of 901.97 feet; Thence with a curve to the left with an arc length of 751.18 feet, with a radius of 2,654.54 feet, with a chord bearing of S 20°12'32" W, with a chord length of 748.67 feet; Thence S 12°06'08" W, a distance of 255.27 feet to the POINT OF BEGINNING.

Said tract contains 98.59 Acres, more or less.

SURVEY TRACT TWO

Land Located in Land Lots 92, 93 & 100 & 101, 6th District, Carroll County, Georgia. Being a portion the property of C. James Tolbert of record in Tract IV of Deeds: Book 4906, Page 86 & Page 90, Clerk's Office, Carroll County, Georgia (COCC), and being more particularly described, relative to the Georgia West State Plane Coordinate System, North American Datum of 1983, as follows:

BEGINNING at a Concrete Monument found at the Northwest Corner of The Trails at Charleston Place, Phase Two, of record in Plat Book 89, Page 180, COCC;

Thence along the Western Lines of aforesaid Subdivision the following Courses and Distances:

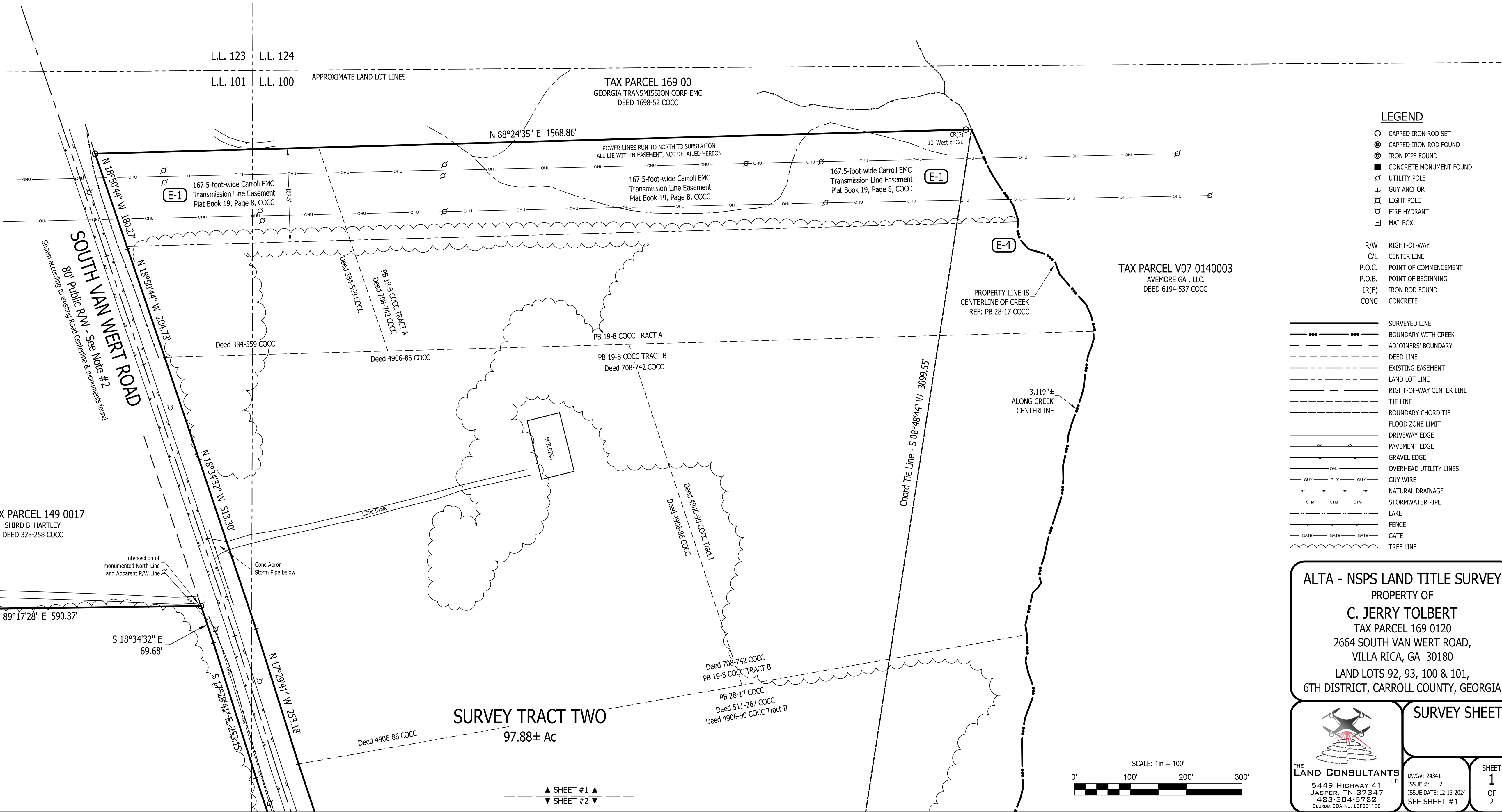
Thence S 00°19'10" W, a distance of 134.93 feet to an Iron Rod found; Thence S 00°30'23" W, a distance of 189.74 feet to an Iron Rod found; Thence S 00°25'28" W, a distance of 155.38 feet to an Iron Rod found; Thence S 00°46'00" W, a distance of 71.75 feet to an Iron Rod found; Thence S 00°26'28" W, a distance of 70.03 feet to an Iron Rod found; Thence S 00°07'21" E, a distance of 69.89 feet to an Iron Rod found; Thence S 00°39'16" W, a distance of 70.00 feet to an Iron Rod found; Thence S 02°00'38" W, a distance of 44.75 feet to an Iron Rod found; Thence S 89°53'22" W, leaving said Subdivision Line and along the South Line of said property of Tolbert, a distance of 1,100.57 feet to a Capped Iron Rod set in the Eastern Right-of-Way Line of South Van Wert Road; Thence N 12°06'08" E, along said Right-of-Way, a distance of 321.52 feet to a Capped Iron Rod set; Thence S 82°16'43" E, leaving said Right-of-Way Line and along a new Line, a distance of 410.75 feet to a Capped Iron Rod set;

Thence N 12°06'08" E, along a new Line, a distance of 599.76 feet to a Capped Iron Rod set;

Thence S 88°03'05" W, along a new Line, a distance of 406.59 feet to a Capped Iron Rod set in the Eastern Right-of-Way Line of South Van Wert Road;

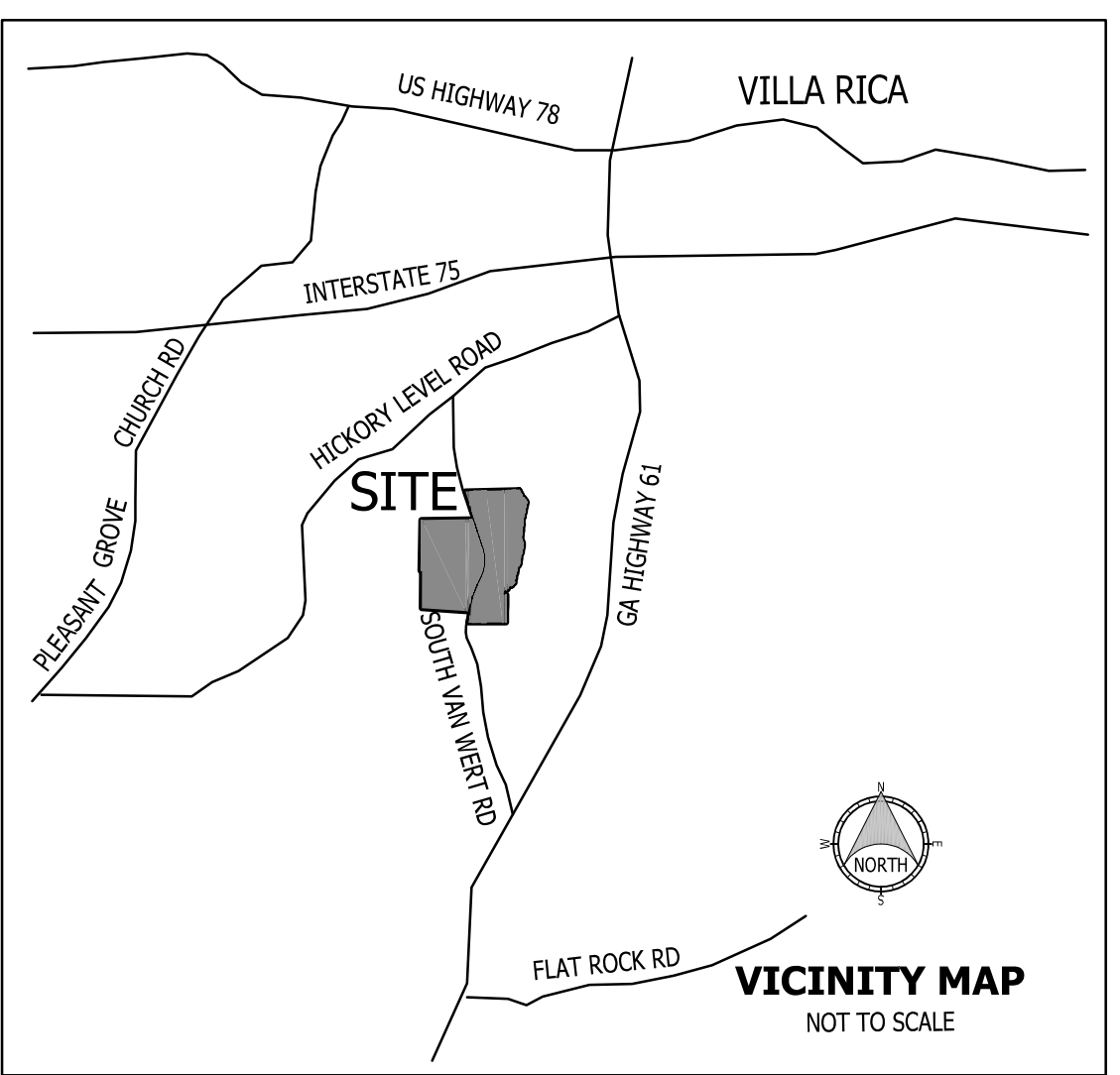
Thence along said Right-of-Way Line the following courses and distances: Thence with a curve to the right with an arc length of 449.29 feet, with a radius of 2,574.55 feet, with a chord bearing of N 23°18'58" E, with a chord length of 448.72 feet; ; Thence with a curve to the left with an arc length of 993.00 feet, with a radius of 1,214.49 feet, with a chord bearing of N 04°53'32" E, with a chord length of 965.57 feet; Thence N 18°31'52" W, a distance of 555.81 feet; Thence N 17°29'41" W, a distance of 253.18 feet; Thence N 18°34'32" W, a distance of 513.30 feet; Thence N 18°50'44" W, a distance of 204.73 feet; Thence N 18°50'44" W, a distance of 180.27 feet; Thence N 88°24'35" E, a distance of 1,568.86 feet to a point in the Centerline of a Creek; Thence following the centerline of said Creek for a distance of 3,119 feet, more or less, said course subtended by a chord line having a bearing of S 08°48'44" W, a distance of 3,099.55 feet; Thence N 88°29'30" E, leaving said Creek and along the South Line of the property of record in Deed Book 6194, Page 537, COCC, a distance of 101.22 feet to an Iron Rod found to the POINT OF BEGINNING.

Said tract contains 97.88 Acres, more or less.



NOTES

- NORTH ARROW IDENTIFICATION: Georgia West Plane Coordinate System, NAD 83 (CORS), established by GPS Survey relative to the Continuously Operating Reference Station Network managed by the US National Geodetic Survey. The subject property is surveyed relative to the Georgia West State Plane Coordinate System to provide a current, consistent and accurately reproducible survey of the property. (Previous record descriptions depended on orientations of unspecified origin). Differences in bearings between this survey and previous record descriptions are thus deemed not significant by the Surveyor.
- SURVEYED PROPERTY: Carroll County, Georgia, Tax Parcel 169 0120, being property of Charles Jerry Tolbert, being a portion of the property of record in Deed: Book 4906, Page 85 & Page 90, said lands originally conveyed to Tolbert in Deeds: Book 384, Page 559, Book 511, Page 267, Book 708-742, and Book 4689, Page 89, Clerk's Office, Carroll County, Georgia, (COCC). This Boundary portion of this survey is a retracement of the property as described by the conveyance deeds and according to previous surveys of record in Plats as referenced herein, and according to monuments found consistent with said previous survey plats. The Right-of-Way of South Van Wert Road is 80 feet wide according to Record Plats (including Plats: 19-8, 28-17, 36-132, 56-275, COCC) and per County Maps. Current property of Tolbert as described by Deeds 4906-86 & 4906-90 exclusive of said Right-of-Way.
- Boundary along Creek Centerline: The East Line of "SURVEY TRACT TWO" is the centerline of the Creek, according to Plat Book 28, Page 17, COCC. Creek centerline is shown according to the current survey. Boundaries which are defined by water courses are subject to change over time by natural factors.
- Easements are shown according to instruments of record as noted hereon.
- ALTA TABLE A Item 1: Monuments at corners of Surveyed Property found or set as shown hereon.
- ALTA TABLE A Item 2: 2654 South Van Wert Road, Villa Rica, GA. 30180.
- ALTA TABLE A Item 3: A portion of the property lies in Special Flood Hazard Area Zone A. Extent shown according to FEMA FIRM Panels: 1304SC0154D, dated 09-19-2007. No Flood Certification or Flood Elevation Survey was performed.
- ALTA TABLE A Item 4: As shown hereon.
- ALTA TABLE A, Item 8: Substantial fixed improvements located and shown hereon.
- ALTA TABLE A Item 9: Survey observed no parking lots or regions in which specific parking spaces were delineated with striping or signage.
- ALTA TABLE A Item 10: Survey observed no "party walls" or walls which would determine property boundaries.
- ALTA TABLE A Item 11 (a): No Utility Plans were provided or supplied.
- ALTA TABLE A Item 13: Names of adjoining owners as shown hereon.
- ALTA TABLE A Item 17: No information was supplied or found which would suggest any proposed changes to streets or Rights-of-Way.
- ALTA TABLE A Item 18: Title Examination did not list instruments which describe offsite easements relating to the property.
- WETLANDS: No Wetlands delineations or markings were found on surveyed property in the course of Survey.
- No evidence of any Cemetery, burial site, isolated grave or markers for same were observed on surveyed property during the survey.
- At the time of this survey, the surveyed property is a composite of tracts conveyed in deeds as referenced above, which describe a continuous extent of land (now divided by Right-of-Way as noted above). Plats PB 19-8 and 28-17 COCC record certain portions of this land, but no forward conveyances were found in respect of the surveyed property. Lines between separate Deeds are shown hereon for reference. Internal lines between the separate tracts of Deed 708-742 COCC are not surveyed herein.
- Part of the purpose of this survey is to describe portions of the property in terms directed by the client, for use in future conveyances. By itself, this survey does not convey any lands, and does not create any divided tracts or lots. Applicable Deeds must be recorded, and County may require a Record Plat, which would require County Review and certifications which are not part of an ALTA/NSPS Survey.
- Survey Tracts One, Two and Three front directly upon the Public Right-of-Way of South Van Pelt Road, as shown hereon. Each Survey Tract has direct potential access to the Public Right-of-Way. ("Access" herein denotes that the applicable Right-of-Way Line forms a boundary line of



GEORGIA SURVEYOR'S CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are dated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board for Professional Engineers and Land Surveyors as set forth in O.C.G.A. Section 15-6-67.

ALTA/NSPS CERTIFICATION

To: (i) Avemore GA, LLC; (ii) Old Republic Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 8, 9, 10, 11(a), 13, 17, 18 & 19 of Table A thereof. The fieldwork was completed on 12-13-2024.

Date of Plat or Map: 12-13-2024

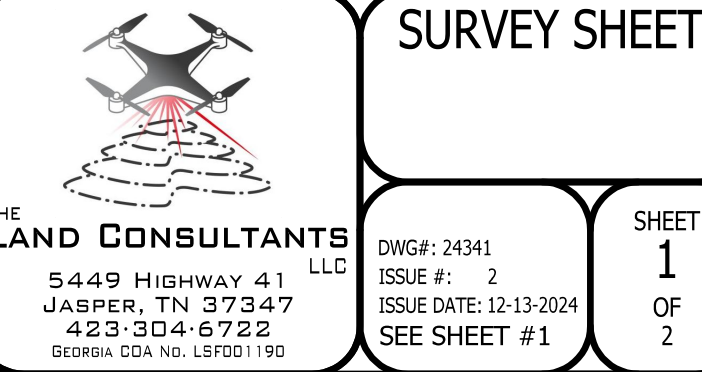


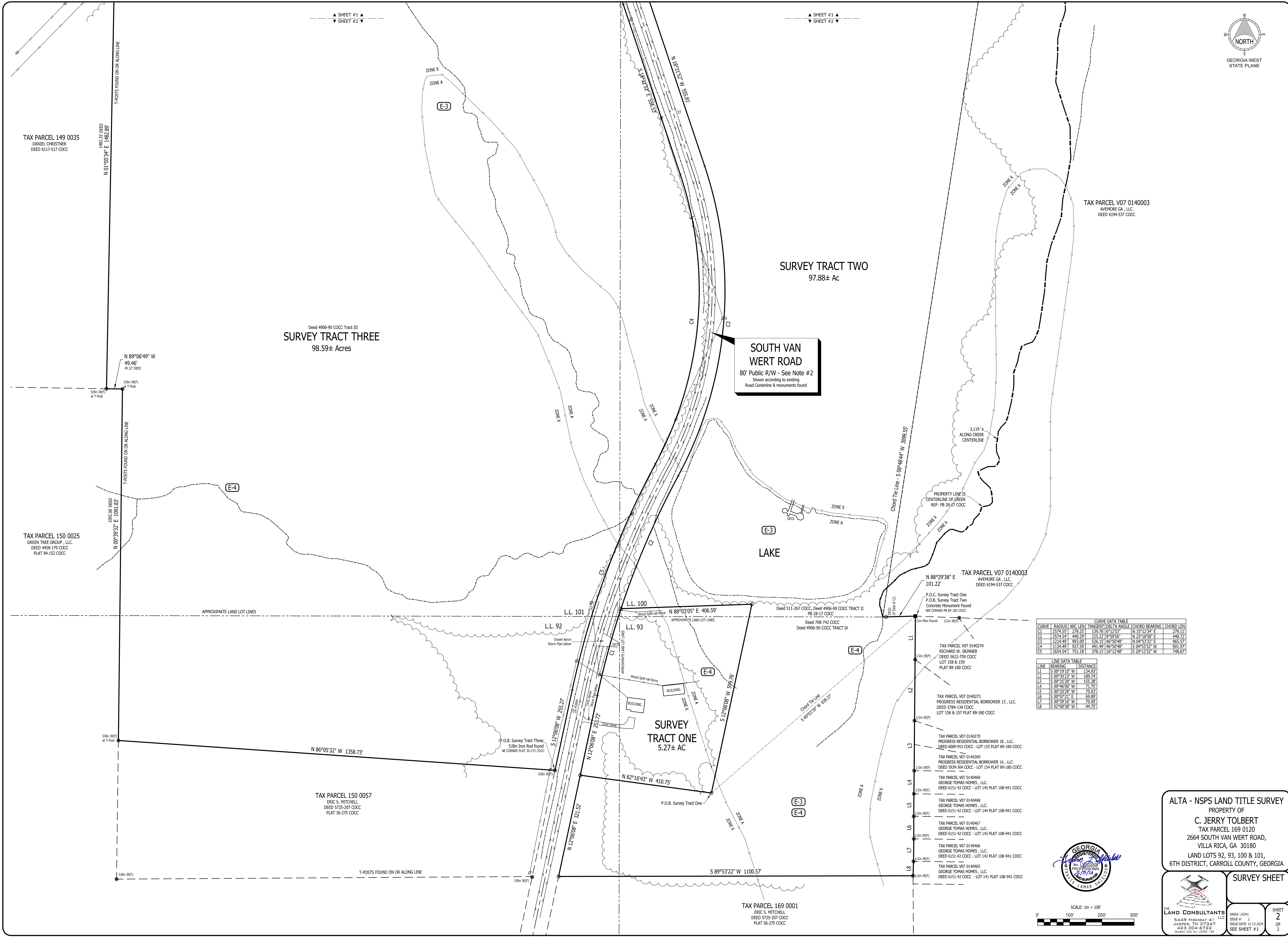
Travis L. Shields
Georgia RLS No. LS003508
Georgia CDA No. LS701190

SURVEY ISSUE DATA

#	DETAILS	DATE	DRAWN	APP
1	Original Survey Issue	12-12-2024	MB	TLS
2	Survey Tract One & Two Revised	12-13-2024	MB	TLS

ALTA - NSPS LAND TITLE SURVEY
PROPERTY OF
C. JERRY TOLBERT
TAX PARCEL 169 0120
2664 SOUTH VAN WERT ROAD,
VILLA RICA, GA 30180
LAND LOTS 92, 93, 100 & 101,
6TH DISTRICT, CARROLL COUNTY, GEORGIA





 DRONE CONSULTANTS 5449 HIGHWAY 41 JASPER, TN 37347 423-304-6722 mason@droneconsultants.com	SURVEY SHEET DWG#: 24341 ISSUE #: 2 ISSUE DATE: 12-13-2024 SEE SHEET #1 SHEET 2 OF 2
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City of Villa Rica Planning and Zoning Department

1605 Carrollton Villa Rica Hwy | Villa Rica, Ga 30180

678-785-9995 | www.Villarica.org

Petition Requesting Annexation City of Villa Rica, Georgia

Annexation Fee- \$700/Parcel

Date: 9-24-2024

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF VILLA RICA, GEORGIA:

1. The undersigned, as owner of all real property of the territory described herein, respectfully requests that the City Council annex this territory to the City of Villa Rica, Georgia, and extend the City boundaries to include the same.
2. The territory to be annexed abuts the existing boundary of Villa Rica, Georgia, and the description of such territory is as follows:

Address/Location of Property: Hickory Level Road

Tax Map Parcel #: 168 0090

(Please attach legal description of property.)

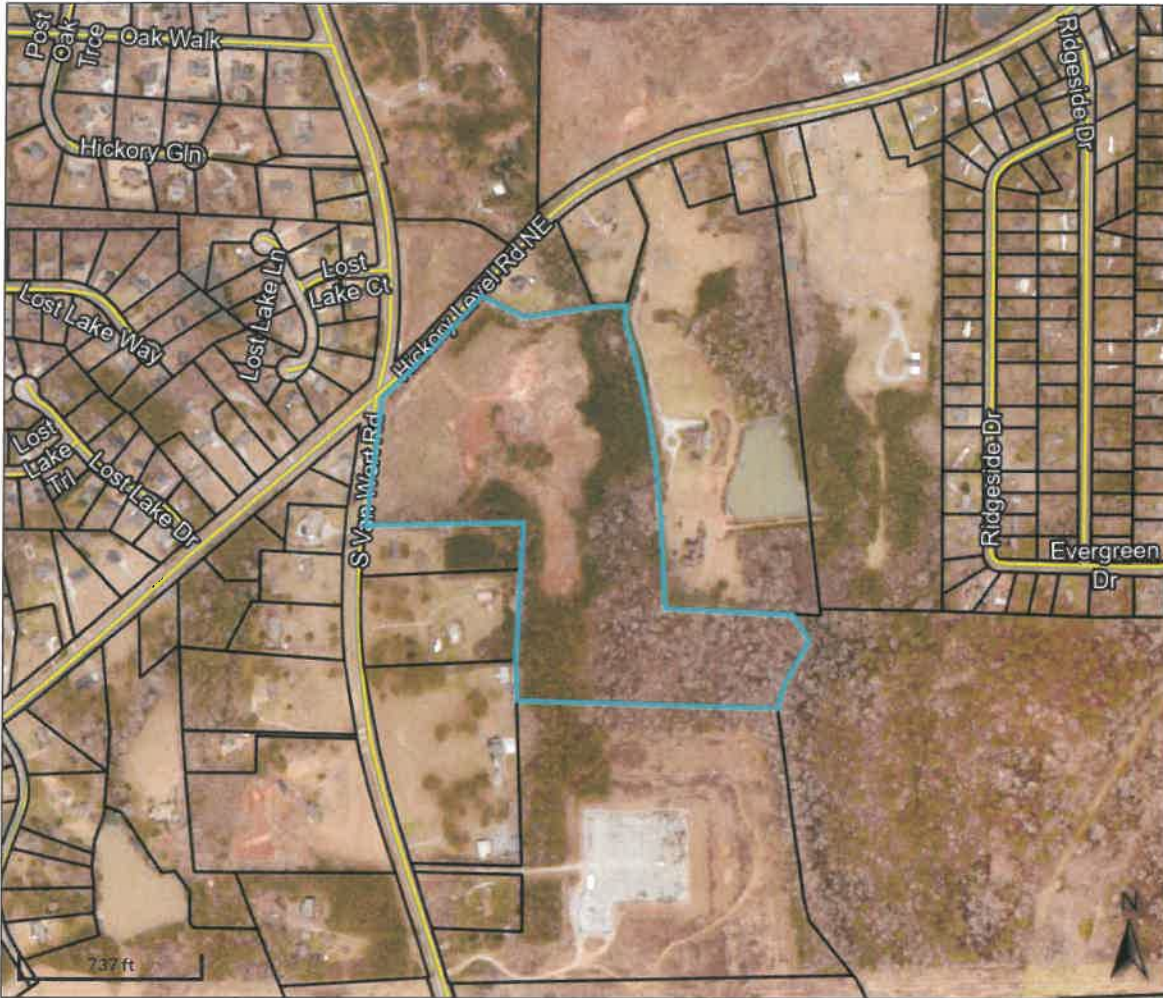
WHEREFORE, the Petitioner prays that the City Council of the City of Villa Rica, Georgia, pursuant to the provisions of the Acts of the General Assembly of the State of Georgia, Georgia Laws, do by proper ordinance annex said property to the City Limits of the City of Villa Rica, Georgia.

Respectfully submitted,

Jeff R. Matthews Member

ARTESIA CAPITAL, LLC
JEFF R. MATTHEWS, MEMBER

Petitioner Mailing Address: P.O. Box 324, Villa Rica, GA 30180



Overview



Legend

-  Parcels
-  Roads

Parcel ID	168 0090	Owner	MATTHEWS BRENDA M (LIFE ESTATE)	Last 2 Sales			
Class Code	Consv Use		P O BOX 324	Date	Price	Reason	Qual
Taxing District	COUNTY		VILLA RICA, GA 30180	12/27/2022	0	LE	U
Acres	35.03	Physical Address	HICKORY LEVEL RD	12/31/2007	0	CD	U
		Assessed Value	Value \$340952				

(Note: Not to be used on legal documents)

Date created: 9/20/2024

Last Data Uploaded: 9/19/2024 6:08:58 PM

Developed by  **Schneider**
GEOSPATIAL

eFiled and eRecorded
DATE: 12/28/2022
TIME: 12:16 PM
DEED BOOK: 6131
PAGE: 49 - 52
FILING FEES: \$25.00
TRANSFER TAX: \$0.00
INTANGIBLE TAX: \$0.00
PARTICIPANT ID: 0460724183
PT61: 022-2022-007367
RECORDED BY: SM
CLERK: Alan J. Lee
Carroll County, GA

WARRANTY DEED
WITH RESERVATION OF LIFE ESTATE

STATE OF GEORGIA,
COUNTY OF CARROLL

THIS INDENTURE made this 27th day of DEC, 2022, between **Brenda M Matthews aka Mrs. Jeff R Matthews**, of the county of Carroll, state of Georgia, as party or parties of the first part, hereinafter called Grantor, and **Artesia Capital, LLC, a Georgia limited liability company**, as parties of the second part, hereinafter called Grantees (the words "Grantor" and Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, as joint tenants and not as tenants in common, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion and to their heirs and assigns of said survivor, the following described property:

Exhibit A

GRANTOR HEREIN RESERVES UNTO HERSELF A LIFE ESTATE IN THE ABOVE DESCRIBED PROPERTY, AND SAID GRANTOR SHALL HAVE THE RIGHT OF POSSESSION AND OCCUPANCY OF THE LAND AND ALL STRUCTURES SITUATED THEREON THE EXCLUSION OF ALL OTHERS FOR AND DURING HER NATURAL LIFE.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

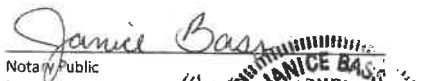
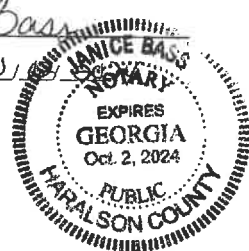
TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:


Witness


Notary Public
My Commission Expires 10/2/2024



Brenda M Matthews (SEAL)

Exhibit A (page 1)

Tract 1

ALL OF Assessor Tax Parcel 073 – 0014 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 197 of the 10th District of Carroll County, Georgia, as being shown and delineated as a 22.765 acre tract on a plat entitled "Gwynne D Maurer & A Clark Robinson" dated April 1971, prepared and certified by Wyman C Hudson, Georgia Registered Land Surveyor, which plat is recorded in Plat Book 12, Page 68, Carroll County Public Records. Said plat and the record thereof are each by reference incorporated herein and made a part thereof for a more complete and accurate description of said property.

Tract 2

ALL OF Assessor Tax Parcel 121 0004 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 234 and 235 of the 6th District of Carroll County, Georgia, as being shown and delineated as Tract 3 on a plat entitled "Delta Corporation" dated May 6, 1982, prepared and certified by Ian M Bragg, Georgia Registered Land Surveyor, which plat is recorded in Plat Book 23, Page 15, Carroll County Public Records. Said plat and the record thereof are each by reference incorporated herein and made a part thereof for a more complete and accurate description of said property.

Tract 3

ALL OF Assessor Tax Parcel 121 0013 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 247 of the 6th District of Carroll County, Georgia, and being more particularly described as follows: BEGINNING at a concrete monument located at the southwest corner of Land Lot 247, said point being the common corner of Land Lots 234, 235, 246, and 247; running thence north 0 degrees 22 minutes along the west line of Land Lot 247 a distance of 2,751.5 feet to a rock located at the northwest corner of Land Lot 247; running thence South 87 degrees 51 minutes east along the north line of Land Lot 247 a distance of 766.91 feet; running thence South 27 degrees 48 minutes 55 seconds east a distance of 209.79 feet; running thence south 25 degrees 19 minutes 51 seconds east a distance of 164.09 feet to an iron pin; running thence south 87 degrees 51 minutes east 1,111 feet to an iron pin set on the west right of way of Detweiler RD (30 foot right of way); running thence north 25 degrees 19 minutes 51 seconds west a distance of 164.09 feet; running thence north 27 degrees 48 minutes 55 seconds west a distance of 209.79 feet to an iron pin set at the intersection of the west right of way of Detweiler Road and the north line of Land Lot 247; running thence south 87 degrees 51 minutes east along the north line of Land Lot 247 a distance of 1,115.97 feet to a concrete monument located at the northeast corner of Land Lot 247; running thence south 0 degrees 22 minutes east along the east line of Land Lot 247 a distance of 3,651.64 feet to a concrete monument located at the southeast corner of land lot 247; running thence north 89 degrees 4 minutes west along the south line of Land Lot 247 a distance of 2,991.75 feet to a concrete monument and the point of beginning. Said tract being 174.25 acres more or less.

Tract 4

ALL OF Assessor Tax Parcel 122 0004 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 202 of the 6th District of Carroll County, Georgia, as being shown and delineated as a 36.95 acre tract on a plat entitled "Brenda M Matthews" dated January 13, 2021, prepared and certified by Lester E Bell, Georgia Registered Land Surveyor, which plat is recorded in Plat Book 107, Page 241, Carroll County Public Records. Said plat and the record thereof are each by reference incorporated herein and made a part thereof for a more complete and accurate description of said property.

Tract 5

ALL OF Assessor Tax Parcel 122 0006 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lots 182, 183, and 202 of the 6th District of Carroll County, Georgia, as being shown and delineated as a 32.22 acre tract on a plat entitled "Jeff R Matthews" dated July 11, 2018, prepared and certified by Lester E Bell, Georgia Registered Land Surveyor, which plat is recorded in Plat Book 106, Page 191, Carroll County Public Records. Said plat and the record thereof are each by reference incorporated herein and made a part thereof for a more complete and accurate description of said property.

Tract 6

ALL OF Assessor Tax Parcel 122 0022 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 215 of the 6th District of Carroll County, Georgia, as being shown and delineated as a 55.84 acre tract on a plat entitled "Brenda M Matthews" dated September 2, 2016, prepared and certified by Lester E Bell, Georgia Registered Land Surveyor, which plat is recorded in Plat Book 102, Page 80, Carroll County Public Records. Said plat and the record thereof are each by reference incorporated herein and made a part thereof for a more complete and accurate description of said property.

Tract 7

ALL OF Assessor Tax Parcel 127 0070 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 56 of the 6th District of Carroll County, Georgia, and being more particularly described as follows: BEGINNING at a rock corner located 1,395.11 feet south 0 degrees 37 minutes 53 seconds west from the intersection of Land Lots 56, 57, 73, and 72; running thence north 88 degrees 17 minutes 53 seconds west a distance of 1,322.43 feet to an iron pin; running thence south 0 degrees 37 minutes 53 seconds west a distance of 225.43 feet to an iron pin found on the north right of way of Sand Hill Hickory Level Road; running thence along the north right of way of Sand Hill Hickory Level Road a distance of 1,555 feet more or less to the intersection of the east line of Land Lot 56 and the north right of way of Sand Hill Hickory Level Road also being the southeast corner of a 15 foot ingress egress easement; running thence north 0 degrees 1 minute 56 seconds west along the east line of Land Lot 56 a distance of 1,145 feet more or less the a rock corner and point of beginning. Said tract being 20 acres more or less.

The above property being a portion of the property described in the deed from Jeff R Matthews to Brenda M Matthews dated October 14, 1991, and recorded in Deed Book 716 Page 232, in the Office of the Clerk of the Superior Court of Carroll County, Georgia.

Exhibit A (page 2)

Tract 8

ALL OF Assessor Tax Parcel 139 0011 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 72 of the 4th District of Carroll County, Georgia, as being shown and delineated as a 63.73 acre tract on a plat entitled "Estate of Edwin R Kenny Sr." dated March 25, 2008, prepared and certified by Lane S Bishop, Georgia Registered Land Surveyor, which plat is recorded in Plat Book 93, Page 234, Carroll County Public Records. Said plat and the record thereof are each by reference incorporated herein and made a part thereof for a more complete and accurate description of said property.

Tract 9

ALL OF Assessor Tax Parcel 139 0013 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lots 57 and 72 of the 4th District of Carroll County, Georgia, as being shown and delineated as tracts 1, 2, 3, and Georgia Power Easement on a plat entitled "Southern Crossroads Inc." dated December 14, 1981, prepared and certified by Ian M Bragg, Georgia Registered Land Surveyor, which plat is recorded in Plat Book 22, Page 250, Carroll County Public Records. Said plat and the record thereof are each by reference incorporated herein and made a part thereof for a more complete and accurate description of said property. Said tracts being a total acreage of 71.28 more or less.

Tract 10

ALL OF Assessor Tax Parcel 152 0006 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lots 26 of the 6th District of Carroll County, Georgia, as being shown and delineated as tracts 1, 2, and 3 on a plat entitled "Kenneth E Smith, Melvin H Norton, & Tommy C Muse" dated July 23, 1987, prepared and certified by Douglas C Crawford, Georgia Registered Land Surveyor, which plat is recorded in Plat Book 32, Page 152, Carroll County Public Records. Said plat and the record thereof are each by reference incorporated herein and made a part thereof for a more complete and accurate description of said property. Said tracts being a total acreage of 118.95 acres more or less.

Tract 11

ALL OF Assessor Tax Parcel 152 - 0009 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 27 of the 6th District of Carroll County, Georgia, as being more particularly described as follows: To find the point of beginning commence at the intersection of the east land lot line of said land lot 27 and the north right of way of Hominy Creek Road; thence running in a westerly direction along said right of way 1320 feet more or less to the point of beginning; thence continuing along said right of way 210 feet more or less; thence leaving said right of way and running due north 210 feet more or less; thence east parallel to said right of way 210 feet more or less; thence south 210 feet more or less to the point of beginning. Said tract being 1 acre more or less.

Tract 12

ALL OF Assessor Tax Parcel 152 - 0017 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 27 of the 6th District of Carroll County, Georgia, as being more particularly described as follows: Beginning at an iron pin 1,477.33 feet south 88 deg 48 min 56 sec west from the northeasterly corner of Land Lot 27 being the common land lot corner of Land Lots 27, 28, 37, and 38; running thence south 1 deg 13 min 52 sec west a distance of 469.5 feet more or less to a point marked by an iron pin; running thence south 77 deg 40 min 24 sec east a distance of 978.33 feet more or less to an iron pin. Running thence south 1 deg 20 min 31 sec east a distance of 120.31 feet more or less to a point on the north right of way of Garst Road; running thence west along the north right of way of Garst Road a distance of 105 feet more or less to a point on the east line of a 3.04 acre tract; running thence north 5 deg 24 min west a distance of 108.44 feet more or less to a 1 inch rod; running thence north 85 deg west a distance of 395.13 feet more or less to a 1 inch rod; running thence south 2 deg 34 min 35 sec west a distance of 410.23 feet more or less; running thence in a northeast direction along the centerline of a creek ditch a distance of 457.67 feet more or less to an iron pin; running thence north 5 deg 24 min west a distance of 101.56 feet more or less to the south right of way of Garst Road; running thence along the south right of way of Garst Road a distance of 373 feet more or less to the north west corner of the tract deeded to Willis by Monroe; running thence south 46 min 13 sec west a distance of 300 feet more or less to an iron pin; running thence along the line of Willis to a point on the north line of a 19.36 acre tract; running thence south 88 deg 52 min 9 sec west a distance to an iron pin; running thence west a distance of 1,440 feet more or less to the A. J. Garst corner; running thence south to the north right of way of Hominy Creek Road; Running thence along the north right of way of Hominy Creek Road a distance of 1,360 feet more or less to the original west line of Land Lot 27; running thence north along the west line to the northwest corner of Land Lot 27 being the common land lot corner of Land Lots 27, 26, 38, and 39; running thence east along the north line of Land Lot 27 to the point of beginning.

TOGETHER WITH ALL THAT TRACT or parcel of land lying and being in Land Lot 6 of the 6th District of Carroll County, Georgia, as being more particularly described as follows: Being all of Land Lot number 6 of the 6th District of Carroll County, Georgia, lying north and west of State Route No 61 and west of Brooks Road.

LESS AND EXCEPTED from the above described property are the following three tracts:

That part of said lot deeded to Wallis by Willis in Deed Book 36, Page 321; that one acre tract deeded to Fowler by Brooks in Deed Book 420, page 147; That 26 acre tract deeded to West Georgia Memorial Park by Brenda M Matthews in Deed Book 1083, page 81.

TOGETHER WITH ALL THAT TRACT or parcel of land being one half acre, more or less, being in Land Lot 7 of the 6th District of Carroll County, Georgia, as being more particularly described as follows: beginning at the southeast corner of Land Lot 7 and running along the south line the distance of one acre; thence north a distance of one half acre; thence east to the east lot line; thence south along the lot line to the point of beginning.

Exhibit A (page 3)

Tract 13

ALL OF Assessor Tax Parcel 152 – 0188 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 27 of the 6th District of Carroll County, Georgia, as being shown and delineated as a 19.36 acre tract on a plat entitled "Property Survey For Harvey Willis" dated March 28, 1977, prepared and certified by Douglas C Crawford, Georgia Registered Land Surveyor, which plat is recorded in Plat Book 15, Page 368, Carroll County Public Records. Said plat and the record thereof are each by reference incorporated herein and made a part thereof for a more complete and accurate description of said property.

LESS AND EXCEPT: That property conveyed to Leah M Johnson by a deed dated March 11, 2016, and recorded at Deed Book 5453, Page 245, in the Office of the Clerk of the Superior Court of Carroll County, Georgia, said tract being 4 acres.

Tract 14

ALL OF Assessor Tax Parcel 152 – 0202 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 27 of the 6th District of Carroll County, Georgia, as being more particularly described as follows: Commencing at the A.J. Garst corner and running south to the original line; thence east along the original line and the north right of way of Hominy Creek Road a distance of 1,440 feet more or less to a point; thence north to A.J. Garst line; thence west along said line to starting point to include forty acres.

Tract 15

ALL OF Assessor Tax Parcel 152 – 0203 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 6 of the 6th District of Carroll County, Georgia, as being shown and delineated as a 4 acre tract on a plat entitled "Brenda M Matthews" dated September 1, 2021, prepared and certified by Lester E Beil, Georgia Registered Land Surveyor, which plat is recorded in Plat Book 107, Page 695, Carroll County Public Records. Said plat and the record thereof are each by reference incorporated herein and made a part thereof for a more complete and accurate description of said property.

Tract 16

ALL OF Assessor Tax Parcel 168 – 0090 in the year 2021

ALL THAT TRACT or parcel of land lying and being in Land Lot 124 and 125 of the 6th District of Carroll County, Georgia, as being more particularly described as follows: Beginning at the intersection of the south right of way of Hickory Level Road (60 foot) and the east right of way of Van Wert Road (80 foot) running south 6 degree 16 minutes 6 seconds west a distance of 504.9 feet to an iron pin and rock corner; running thence North 87 degrees 41 minutes 55 seconds west a distance of 621.5 feet to an iron pin; running thence south 2 degrees 7 minutes 27 seconds west a distance of 210 feet to an iron pin; running thence south 1 degrees 45 minutes 7 seconds west to the Georgia Transmission Corporation line; running thence east along the Georgia Transmission Corporation line to a branch and the Michell line; running thence north along the branch to a point; running thence north 85 degrees 5 minutes 36 seconds west a distance to an iron pin; running thence north 4 degrees 2 minutes 18 seconds west a distance of 652.7 feet; running thence north 11 degrees 20 minutes 10 seconds west a distance of 148.3 feet; running thence north 15 degrees 9 minutes 17 seconds west a distance of 350.15 feet to an iron pin; running thence north 12 degrees 33 minutes 37 seconds east a distance of 252.03 feet to an iron pin; running thence south 86 degrees 51 minutes 29 seconds west a distance of 214.35 feet to an iron pin; running thence north 11 degrees 46 minutes 19 seconds west a distance of 214.35 more or less to an iron pin on the south right of way of Hickory Level Road; running thence southwest a distance of 1,082 feet more or less to the point of beginning.

LESS AND EXCEPT: That property conveyed to Nailley by a deed dated January 5, 1983, and recorded at Deed Book 445, Page 129, in the Office of the Clerk of the Superior Court of Carroll County, Georgia, said tract being 2 acres.

ALSO LESS AND EXCEPT: A portion of that property conveyed to Tomlinson by a deed dated November 15, 1990, and recorded at Deed Book 683, Page 406, in the Office of the Clerk of the Superior Court of Carroll County, Georgia.



PROPERTY TAX
CARROLL COUNTY, GEORGIA

Tax Payer: MATTHEWS BRENDA M (LIFE ESTATE)
Map Code: 1680090
Description: V/35.03 AC HICKORY LEVEL RD
Location: 0 HICKORY LEVEL RD
Bill No: 2023-30665
District: 002 CARROLL COUNTY

Building Value	Land Value	Acres	Market Value	Due Date	Billing Date	Payment Good Through	Exemption
\$0	\$272,762	35.03	\$272,762	12/11/2023	9/20/2024	10/14/2024	SV

Entity	Market Value	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	HTRG Credit	NetTax
STATE TAX	\$272,762	\$109,105		\$109,105	0.0000	\$0.00			\$0.00
COUNTY M&O	\$272,762	\$109,105	-\$99,228	\$9,877	10.2160	\$100.90			\$65.89
SALES TAX ROLLBACK	\$272,762	\$109,105	-\$99,228	\$9,877	-3.5450		-\$35.01		
COUNTY SCHOOL M&O	\$272,762	\$109,105	-\$99,228	\$9,877	17.0000	\$167.91			\$167.91
					23.6710	\$268.81	-\$35.01	\$0.00	\$233.80

Current Taxes Due: \$233.80
Penalty: \$0.00
Interest: \$0.00
Other Fees: \$0.00
Previous Payments: \$233.80
Back Taxes: \$0.00
TOTAL DUE: \$0.00

LAST PAYMENT DATE
12/6/2023
PAID BY Fortner
Dianne



CITY OF VILLA RICA

Planning Commission Meeting Agenda Item Cover Sheet

SUBJECT: Rezoning and annexation for Hwy 61 and South Van Wert-Avemore PUD (ANX-01 & 2-24) (RA-06-24)

AGENDA DATE: 12/17/2024

DATE PREPARED: 12/11/2024

PREPARED BY: Nina Shabazz, Community Development Director

PUBLIC HEARING: Yes

PURPOSE: The applicant, Avemore GA LLC, seeks an annexation and rezoning for Parcel ID 168 0090 (Hickory Level Road) and Parcel ID 169 0120 (2664 South Van Wert Road), as with the amended survey to reflect a parcel split for the residence on the property to remain within Carroll County. The applicant seeks the rezoning with the annexation from Carroll County Zoning Designation Conservation and Agricultural to a Planned Unit Development (PUD), to include an expansion of the PUD as PUD-Industrial.

BACKGROUND: The City Council approved the Avemore project at 55 and 63 Goldworth Road in 2018 with a total of 200 single-family units, 300 multi-family units and live/work units, along with a host of other uses, including senior housing, which includes independent living, memory care and a minimum age restriction of fifty-five (55) years. In 2020, the city increased the total number of single-family lots to no more than 250 units, and the multi-family units to a maximum of 325 units. In 2021, the City Council approved an additional 290 units of senior housing with a minimum age of fifty-five (55) years. The applicant returned each year to extend their zoning approvals for another year as specified in the original and subsequent conditions placed on the conditionally approved project.

In September 2024, the applicant filed an extension to the previously approved PUD and sought to extend and alter the PUD to include Light Industrial (I1) (ALT-01-24). The application was denied by Planning and Zoning Commission and the applicant was instructed to file a new application that would effectively remove the previously approved housing units and mixed-use components. The new PUD would change the use to Medium Industrial (I2). The applicant withdrew his application and filed a new application.

Following this process, the applicant filed two requests for annexation (ANX-01 & 02-24) and a rezoning application from Carroll County Agricultural and Conservation Use to PUD as expanded to include light industrial and additional permitted uses being considered simultaneously as a text amendment for a Technology Park Overlay.

Following the approval of the text amendment for a Technology Overlay Park, the proposed use could include a corporate campus with administrative operations, technology park with electrical substations, research and development or other computer operations, data processing to name a few.

STAFF RECOMMENDATION: With no objections received from Carroll County, City staff recommends approval of both the annexation of Parcel ID 168 0090 (Hickory Level Road) and approval of the annexation and recommended split of Parcel ID 169 0120 (2664 South Van Wert Road so as to allow the residence as identified in the amended survey to remain in Carroll County) and rezoning approval from Conservation and Agricultural to the expanded PUD to include Light Industrial with Conditions.

IMPACT: N/A

POTENTIAL ACTION: Approval with the following conditions:

No additional residential units will be proposed or approved with this PUD zoning

Sewer Capacity and Conveyance to be addressed and agreed upon with the City in the form of a Development Agreement.

PLANNING COMMISSION:

MOTION: To approve the annexation and rezoning from Agriculture and Conservation to PUD, with the expansion of the PUD to include Light Industrial with the recommended conditions.



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

December 11, 2024

Planning Report

EMBRY DEVELOPMENT COMPANY, LLC
RA-06-24
Highway 61 & South Van Wert Road
Land Lot: 92, 93, 98, 99, 100, 101, 125 District 6
Parcel #: V07 014003, 168 0090, 169 0120
Ward: 2
City Council Member: Matthew Momtahan
Planning Board Member: Julie Cepin
City of Villa Rica/Carroll County

Dear Ms. Cox:

Embry Development Company, LLC (the Applicant) seeks an annexation and rezoning from Carroll County Conservation and Agricultural Zoning to an expanded PUD to include PUD-Industrial (PUD-I). The Applicant has not requested any variances.

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

1. Application Checklist, notarized and dated September 27th, 2024 (1 page);
2. Zoning Map Amendment (Rezoning) Application, dated September 27th, 2024 (2 pages);
3. Annexation applications, signed and dated September 24th & 30th, 2024
4. Property Owner Authorization Forms, notarized and dated October 26th, 2022, signed by Brian L. Campbell and Kenneth A. Campbell, members of Green Tree Group, LLC (2 pages);

5. Limited Warranty Deed, dated October 6th, 2023, signed by James Davis III in the presence of Colleen Kay Vogel (3 pages);
6. Applicant Statement of Intent, dated September 30th, 2024, by Joseph Fowler, P.C. (3 pages);

A. Existing Conditions

The subject parcel(s) consists of a 192.9 acre parcel on the west side of Highway 61, currently zoned PUD. The properties to be annexed consists of a 35.03 & a 204.53-acre parcel are currently zoned V-5 (Consv Use) & A-5 (Agricultural). The parcels features vastly undeveloped land, with a residence on the larger of the two. The applicant provided a subsequent survey to provide for the residence to receive a parcel split and to remain within Carroll County. The property wraps around properties on its west and south sides, and is adjacent to unincorporated Carroll County to the west across Van Wert Road, to the north along Van Wert Road, and to the east across Highway 61.

The subject properties are adjacent to low-density residential uses on all sides; a house of worship bordering the property to the south; and a residential subdivision to the east across Highway 61.

Three ponds are located near, the geographical boundaries of the parcel. Bay Springs creek bisects the property, according to site plan provided . No easements have been identified on the concept plan drawing.

Surrounding Properties:

Current Zoning		Land Use
North	Unincorporated Ca	Mobile Home Subdivision
East	Rural Development (RD) & Medium Commercial (C2)- Villa Rica Commercial (C) & Agricultural (A) - Unincorporated Carroll County	Residential and Undeveloped
South	Single-Family Agricultural (AG) -City Commercial (C) -County	Suburban Village – City Commercial - County
West	Agricultural (A) - County	Undeveloped– County



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

B. Site History

The City Council approved the Avemore project at 55 and 63 Goldworth Road in 2018 with a total of 200 single-family units, 300 multi-family units and live/work units, along with a host of other uses, including senior housing, which includes independent living, memory care and a minimum age restriction of fifty-five (55) years.

In 2020, the city increased the total number of single-family lots to no more than 250 units, and the multi-family units to a maximum of 325 units. In 2021, the City Council approved an additional 290 units of senior housing with a minimum age of fifty-five (55) years. The applicant has returned to extend their zoning approvals annually as specified in the original and subsequent conditions placed on the conditionally approved project.

In September 2024, the applicant filed an extension to the previously approved PUD, and sought to extend and alter the PUD to include Light Industrial (I1) (ALT-01-24). The application was denied by Planning and Zoning Commission and the applicant was instructed to file a new application that would effectively remove the previously approved housing units and mixed-use components. The new PUD would change the use to Medium Industrial (I2). The application was withdrawn and a new application was filed.

Following this process, the applicant filed two requests for annexation (ANX-01 & 02-24) and a rezoning application from Carroll County Agricultural to PUD as expanded to include light industrial and permitted uses being considered simultaneously in a text amendment as a Technology Park Overlay.

The proposed use within the Technology Park Overlay could include a corporate campus with administrative operations, technology park with electrical substations, research and development or other computer operations, data processing to name a few.

C. Proposed Development

The applicant is requesting annexation and rezoning approval from Agricultural and Conservation to an expanded PUD to include Industrial for a total of 432.46 acres, located Hwy 61 and South Van Wert. The proposed development could accommodate a technology park or corporate campus with ancillary facilities.

See Table 2 below for yard and bulk requirements in the I2 (Industrial, Medium-Density) Zone:

TABLE 2 - BULK REQUIREMENTS – INDUSTRIAL, MEDIUM DENSITY ZONE DISTRICT			
	Required	Proposed	Conforming (C) or Nonconforming (NC)
Minimum Lot Area (ac)	5	432.46	C
Minimum Lot Width (ft)	100	Unknown	C
Minimum Lot Frontage (ft)	50	Unknown	C
Minimum Rear Yard Setback (ft)	40	Unknown	Unknown
Minimum Side Yard Setback (ft)	40	Unknown	Unknown
Maximum Building Coverage (%)	40	Unknown	Unknown
Maximum Building Height (ft)	45	Unknown	Unknown
Maximum Impervious Coverage (%)	80	Unknown	C

It is unclear how the project will draw utility access for water and sewer, if connections can easily be made, or if capacity or distribution is available. The applicant has been working closely with the city and county for guidance and alternatives with the expressed goal of not over burdening the city and county's existing infrastructure and capacity.

Design Standards

The city has design standards for all industrial developments in Section 9.04 of the Zoning Ordinance, to which the applicant must comply at the time of architectural review.

Amenities/Open Space

The site plan indicates several common areas as open space, however total acreage has not been provided. The ordinance requires a total of 8.06 acres (12% of the site area) for open space. The ordinance specifies what is considered non-qualifying open space and qualifying open space as specified below:

Table 7.24: Minimum Required Open Space		
Zoning District	Percentage of Open Space	Notes
R1, R2	8%	-
SFA, MF1	12%	-
MF2	15%	-
CMU, C1, C2, OMI	5%	-
I1, I2	2%	Sites less than 3 acres are exempt
AG, CBD	-	Exempt

Offsite Improvements

No off-site improvements are proposed along Highway 61, including acceleration and deceleration lanes.

Density

N/A

Flood Plain

Bay Springs creek bisects the subject properties. The property is not in a flood zone. Based on the Conceptual Site Plan submitted, it's unclear if the applicant will be proposing to infill the identified creek. It is unclear if all buildings will meet the buffer requirements from this pond. Any other creeks proposed for infill may require variances and extensive review and approval by EPD and the City Engineer. Figure 2, below, indicates the flood zone map for the property:

National Flood Hazard Layer FIRMette



84°56'45"W 33°42'31"N



Figure 2: National Flood Hazard Layer FIRM Map 13045C0154D

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, AE9
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/12/2024 at 2:18 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Buffering/Screening/Tree Conservation:

A landscaping plan will be required to be submitted by the applicant at the time of Final Plat submittal. Section 7.05(6) of the zoning ordinance requires that a twenty (20) foot wide landscape area adjacent to the road or right-of-way be provided, and must be designated as "common area" or placed in a landscape easement. In addition, several shrubs and trees must be planted within this area. A minimum of one (1) tree shall be provided for every thirty (30) linear feet of landscaped area. The trees may be a combination of deciduous and evergreen. In addition, a minimum of one (1) shrub shall be provided at a minimum of every three (3) feet in order to form a continuous screen a minimum of thirty-six (36) inches high within two (2) years of planting.

D. Rezoning Review Criteria

The Zoning Ordinance of the City of Villa Rica, Section 11.05(2)(b), requires the Planning & Zoning Commission and the legislative body to pay reasonable regard to the following when preparing and considering proposed amendments:

i. The Comprehensive Plan;

Villa Rica Future Land Use Map

The Future Land Use Plan prescribes the parcel as “Suburban Village” as the future land use character area. The intent of the Suburban Village with a Character Area of Suburban Neighborhood is as follows:

“Suburban Villages are characterized by clustered commercial development around the intersection of prominent roads (Community Crossroads) and include immediate surrounding residential areas, which are suburban in nature. The general development pattern is compact, with stand-alone or a few businesses on a site. However, in more suburban and rural areas, a single business typically occupies a property.”

“Future development should emphasize the compact, small-scale development that supports the immediate surrounding area, including residences, retail, and office uses. Higher density developments should be located closer to more dense/intense areas, where similar development exists. Sidewalks and pedestrian linkages to nearby parks and other amenities should be provided in new developments.”

The character area has design principles regarding density that “varies depending on location and land use”.

The Future Land Use Map designations in the surrounding area are Commercial, Public/Institutional, and Medium Density Residential.

As with the Northwest and Central Eastern portion of the City, this South West annexation and rezoning from Agricultural and Conservation to an expanded PUD to include industrial is consistent with this type of zoning with minimal residential impact on various outskirts of the City.

ii. Current conditions and the character of current structures and uses in each district;

The lots are vacant with no uses and a small structure. The character is typical of a vacant, undeveloped lot surrounded by agricultural properties, whereas the character of the AG zone is single-family homes on large lots (at least ½ acre).

iii. The most desirable use for which the land in each district is adapted;

The proposed development is the most desirable use based on the Comprehensive Plan and overall character of the area. The current use of the property as vacant property is not the highest and best use for the property given the acreage and the recommendations stated in the Comprehensive Plan, however development as industrial along the highway is most desirable from a planning and infrastructure perspective in addition to the proposed use, this use being least impactful on schools and traffic.

iv. The conservation of property values throughout the jurisdiction; and

The impact on property values for surrounding uses is expected to be nominal.

v. Responsible development and growth

The southwestern portion of the city is expected to grow with residential and commercial uses in the near and long term future. The applicant has not indicated any roadway improvements on the concept plans, therefore it is difficult to gauge the adequacy of the road network should improvements be made.

i. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Highway 61 has had considerable residential development both within and outside of the city limits. The size of the lot and frontage along Highway 61 adjacent lend the impetus for more commercial and potentially residential in the area.

ii. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The use is not expected to affect the existing uses nearby or usability of any adjacent structures or lots.

iii. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The property currently does not have reasonable economic use as currently zoned and is not the highest and best use of land given the acreage and Comprehensive Plan designations for appropriate zoning, in addition the proposed rezoning would be less impactful. Because of the size and location of the parcel, along with development pressures along the Highway 61 corridor, the rezoning to PUD-Industrial would give the parcel an economic advantage for providing further development, but increase utility demand in an area of the city with distribution challenges.

iv. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

Excessive usage of city infrastructure could be possible as the city may not have adequate sewer collection capacity along Highway 61. The ability to provide sewer capacity along and surrounding Highway 61 is becoming increasingly more difficult for the city which may complicate the ability for developments to materialize. In addition, Significant sewer conveyance limitations had previously been identified along Highway 61S watershed. Investigations had determined that any future development along Highway 61S would require the construction of a regional lift station and conveyance system along South VanWert Road to and beyond Interstate 20. This regional lift station would resolve existing conveyance issues and provide conveyance for future projects within the watershed. Preliminary concept plans for the location of the lift station and conveyance have been developed. The original concept plan does not indicate if traffic improvements along Highway 61 are proposed. Potential traffic impacts along Highway 61 and South Van Wert Road must be studied and reviewed by the City Engineer as a part of final plat approval.

v. If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

The rezoning is not inherently supported by the Comprehensive Plan. The Comprehensive plan prescribes Suburban Village as the land use character area, which recommends commercial and residential zoning. While not completely in conformance with the intent of the character area, the use will provide relief from the demand that hundreds of housing units would require, therefore, it is preferential to support the requested zone change from PUD to PUD-Industrial. This rezoning to include industrial near both agricultural and residential is consistent with outer areas of the City to include the Industrial Parks in the Northwest and Central Eastern areas of the City.

vi. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The availability of sewer and water capacity for the PUD would tremendously affect the developability of the parcel for the intended use. Poor capacity may hamper the ability to construct the proposed concept.

E. Comments

1. A Landscape Plan, Open Space Plan and other details, as required, should be submitted to the City Engineer for review prior to Final Plat approval.
2. The applicant should provide testimony to off-site improvements proposed.

3. The applicant will assist with wastewater improvements in the areas of conveyance and capacity in the form of a Development Agreement
4. The applicant will not request any additional residential units with the annexation and expanded PUD to include light industrial.

Recommendation:

Staff recommendation: **APPROVAL**

Reasons:

1. Based on the City's Comprehensive Plan, the applicant's request to rezone the parcel from PUD to PUD-Industrial is supported.
2. PUD-Industrial will provide the highest and best use of the land, without overburdening city schools, roads and infrastructure.
3. The rezoning allows a vacant, underutilized parcel to be developed into an asset for the city and could spur, support additional development in the corridor.

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* on December 5, 2024; a sign has been posted on the subject properties; and all abutting property owners have received notification via regular and certified mail.

Public Response:

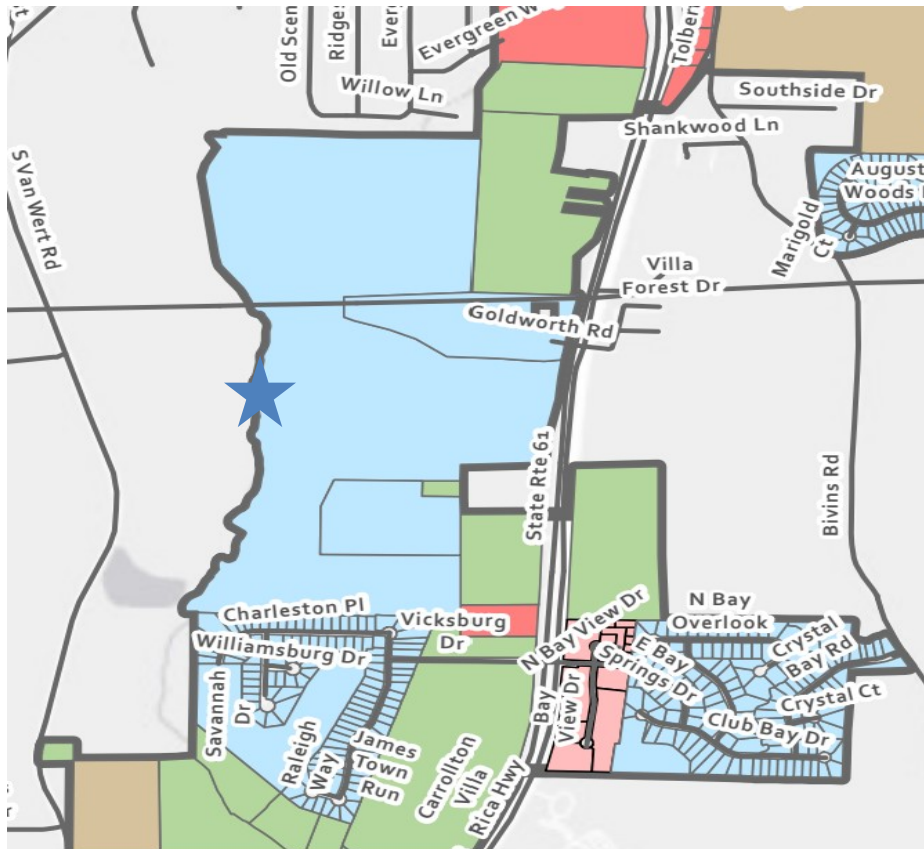
In response to the public notifications, no residents have contacted the city to voice concern or support for the proposed actions.

Nina Shabazz

Community Development Director



Villa Rica Zoning Map:



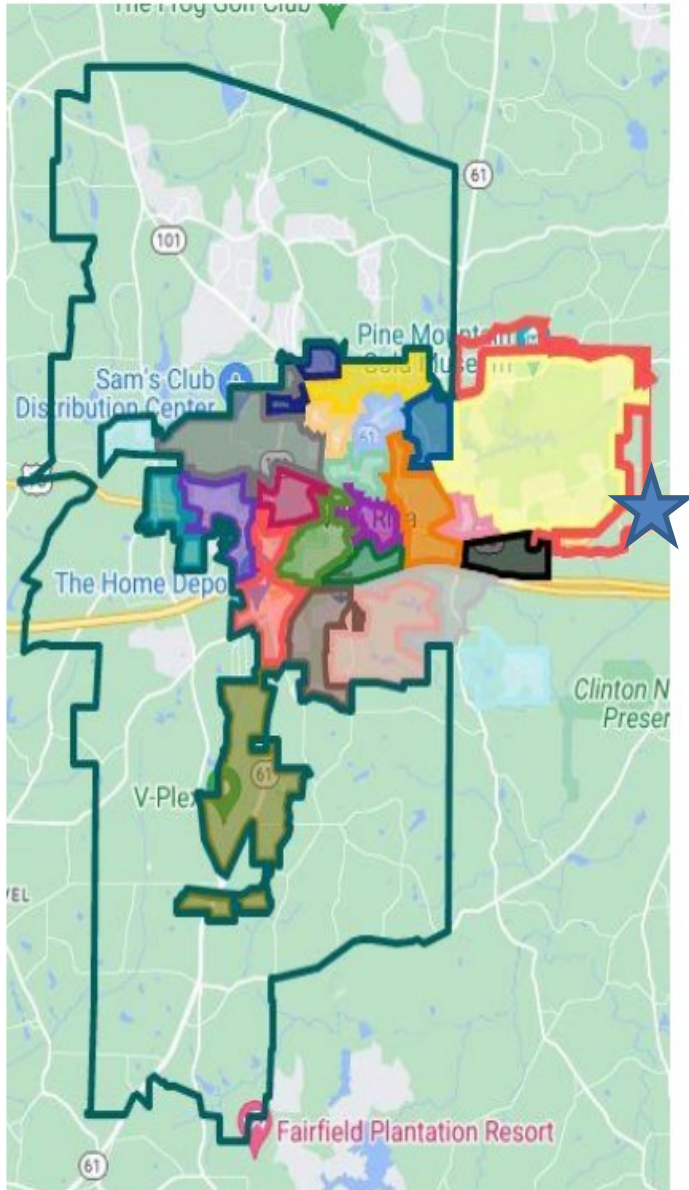
Zoning District Legend

	City Boundary
	AG - Single-Family 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



Villa Rica Future Land Use Map:

City of Villa Rica Future Development Map



Future Development Village Areas

Village Areas

- Downtown
- East Village
- Mirror Lake Commercial Village
- Mirror Lake Residential Village
- East Industrial Village
- Miner's Village
- Medical Village
- North Village
- South Village
- West Village
- Fullerville Village
- Urban Village
- Gold Dust Village
- West Industrial Village
- Commercial Village
- Rural Village
- Bankhead Village
- Neighborhood Residential Village
- Neighborhood Residential Village
- Liberty Village
- Carroll Village
- Traditional Village
- Suburban Village
- Punkintown Village
- Douglas County Future Growth Area
- Carroll County Future Growth Area



Carrollton Villa Rica Hwy
RA-06-22

Site Plan (Placeholder)



City of Villa Rica Planning and Zoning Department

1605 Carrollton Villa Rica Hwy | Villa Rica, Ga 30180

678-785-9995 | www.Villarica.org

REZONING APPLICATION

Required Materials to Accompany the Application for Zoning Map Amendment

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 submittal requirements (unless waived by Community Development Manager or requested zoning district is Single-Family Residential).
3. A written statement describing the following:
 - a. The proposed uses and the effect the proposed use 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.
 - b. Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan.
 - c. The areas which are most likely to be directly affected by such a change and the likely effects.
 - d. 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.
 - e. The proposed time schedule and phasing for development.
 - f. The source/method for providing utility/infrastructure services to the property.
 - g. A description of existing road conditions and any new roads to be included in the development and of the effect the proposed development will have on existing road and traffic conditions; and
 - h. A list of any state, federal, or other public agencies' approvals or permits required for the proposed development.
4. Additional exhibits, as may be required by the Community Development Director.

Acreage	Residential	Commercial	Industrial	PUD
0-5	\$300	\$600	\$750	\$800
5.1-10	\$400	\$700	\$850	\$1000
10.1-20	\$600	\$1100	\$1100	\$1200
20.1- 30	\$800	\$1200	\$1300	\$1500
30.1- 40	\$900	\$1200	\$1400	\$1600
40.1- 50	\$1000	\$1400	\$1600	\$1800
50.1- 60	\$1100	\$1500	\$1700	\$1900
60.01 +	\$1200+25/acre Max. of \$2500	1600+25/acre Max. of \$4000	1800+25/acre Max. of \$5000	2000+25.99/acre Max. of \$6000

Please Return To:

Shaun Daniels
Planner I
(678) 785-9995
sdaniels@villarica.gov

Renee Kilgore
Administrative Assistant
(678) 840-1283
rkilgore@villarica.gov

Required Materials to Accompany the Application for Text Amendment

1. Proposed text amendment; Written statement describing reasons for the proposed text amendment; and any other exhibits as may be required by the Community Development Director.

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 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 or Planning Commission who will consider the application?

Yes _____ No X

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 to Board Member

We certify that the foregoing information is true and correct, this _____ day of _____, 2024.

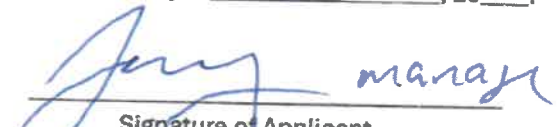
EMBRY DEVELOPMENT COMPANY, LLC

J. MIKE EMBRY, Managing Member

Applicant's Name Printed

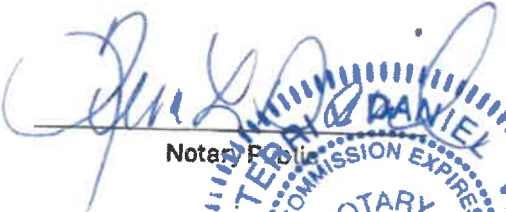
JOSEPH H. FOWLER, ESQ.

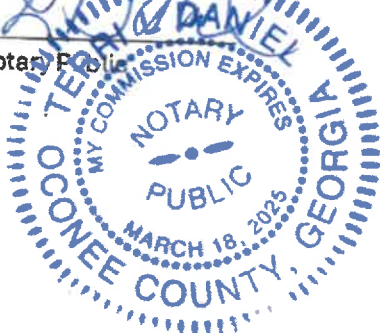
Applicant's Attorney, if applicable – Printed


Signature of Applicant


Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 27 day of September, 2024.


Notary Public



Required Materials to Accompany the Application for UDC Text Amendment

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

1. Proposed text amendment; Written statement describing reasons for the proposed text amendment; and any other exhibits as may be required by the Community Development Director.

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 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 or Planning Commission who will consider the application?

Yes _____ No X

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 to Board Member

We certify that the foregoing information is true and correct, this day of, 2024.

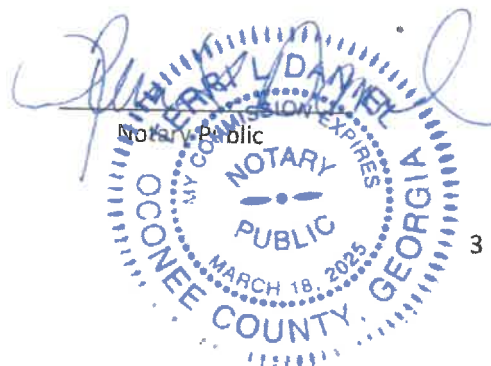
Mike Embry, Avemore GA, LLC, Agent for Jerry Tolbert
Applicant's Name Printed

my manager
Signature of Applicant

Applicant's Attorney, if applicable – Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this day of, 2024.



☐ Ordinance Text Amendment

☒ Zoning Map Amendment

Please complete the blanks with the information requested. 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: _____

Applicant Name: EMBRY DEVELOPMENT COMPANY, LLC

Address: P.O. Box 2789 City: Suwanee State: GA Zip: 30024

Phone: 404-569-9756 Email: mike@embrycompanies.com

Agent Name: Joseph H. Fowler, Esq.

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

Phone: 770-920-2000 Email: jfowler@hrflegal.com

Owner Name (If different from applicant): See Attached List of Property Owners

Address: _____ City: _____ State: _____ Zip: _____

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

REZONING REQUEST

Existing Zoning: PUD (Avamore) & Agriculture (Annexation) Requested Zoning: PUD Amendment (Avamore)
PUD (Annexation Parcels)

Property Address: Highway 61 & South Van Wert Road Nearest Intersection: _____

Present Use of Property: Vacant and Residential

Proposed Use: ~~Data Center~~

Size of Tract: 432.46 Land Lot Numbers: 92, 93, 98, 99, 100, 101 & 125 Districts: 6th

Gross Density: _____ units per acre Net Density: _____ units per acre

Property Tax Parcel Number(s): V07 0140003, 168 0090 & 169 0120

(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: _____

PROPERTY OWNERS

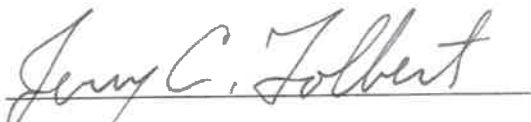
C. JERRY TOLBERT
2664 SOUTH VAN WERT ROAD
VILLA RICA, GA 30180
TAX PARCEL: 169 0120

ARTESIA CAPITAL, LLC
JEFF R. MATTEWS, MEMBER
P.O. BOX 324
VILLA RICA, GA 30180
TAX PARCEL: 168 0090

AVEMORE GA, LLC
P.O. BOX 2789
SUWANEE, GA 30024
TAX PARCEL: V07 0140003

STATEMENT LETTER

I Jerry C. Tolbert being the owner of property located at 2664 S. Van Wert Rd in Villa Rica Ga. And having Carroll County Ga. Parcel #169-0120 hereby giving authorization to Avemore Ga. LLC (applicant) to file a rezoning application with the City of Villa Rica. I understand the applicant will file said rezoning with the intent to seek a classification of industrial, and to include the property in the Avemore PUD adjoining the property mentioned.


OWNER- JERRY C. TOLBERT

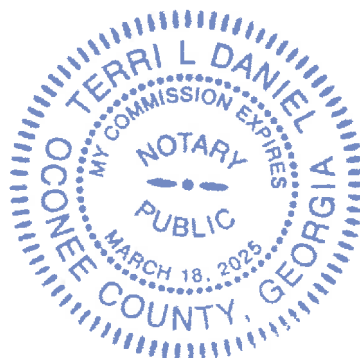
DATE-


APPLICANT

DATE- 8-8-2022


NOTARY

DATE- 8/8/24



STATEMENT LETTER

I Authorized signer of Artesia being the owner of property located on NE Hickory Level Rd in Villa Rica Ga. (Carroll County) Parcel #168-0090 hereby giving authorization to Atlas Development LLC (applicant) to file a rezoning application with the City of Villa Rica. I understand the applicant will file said rezoning with the intent to seek a classification Industrial, PUD, Special use Data Center.

Jeff Matthews Manager

OWNER- Authorized Signer of Artesia

DATE- 8/16/2024

[Signature]

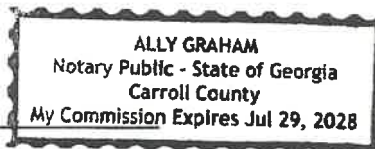
APPLICANT

DATE- 8/16/2024

[Signature]

NOTARY

DATE- 8/16/2024



PROCESS

Pre-Application Conference (Optional)

Application Filed with Department

- Staff Review For Completeness.
- Public Hearing Schedule
- Public Notification

Planning Commission Hearing

- Within 45 Days Of Filing Complete Applications
- Consideration Of Staff, Applicant, And Public Testimony

Planning Commission Action

Within 60 Days of Close of hearing

Planning Commission Recommendation

Approval, Approval with Conditions, or Denial

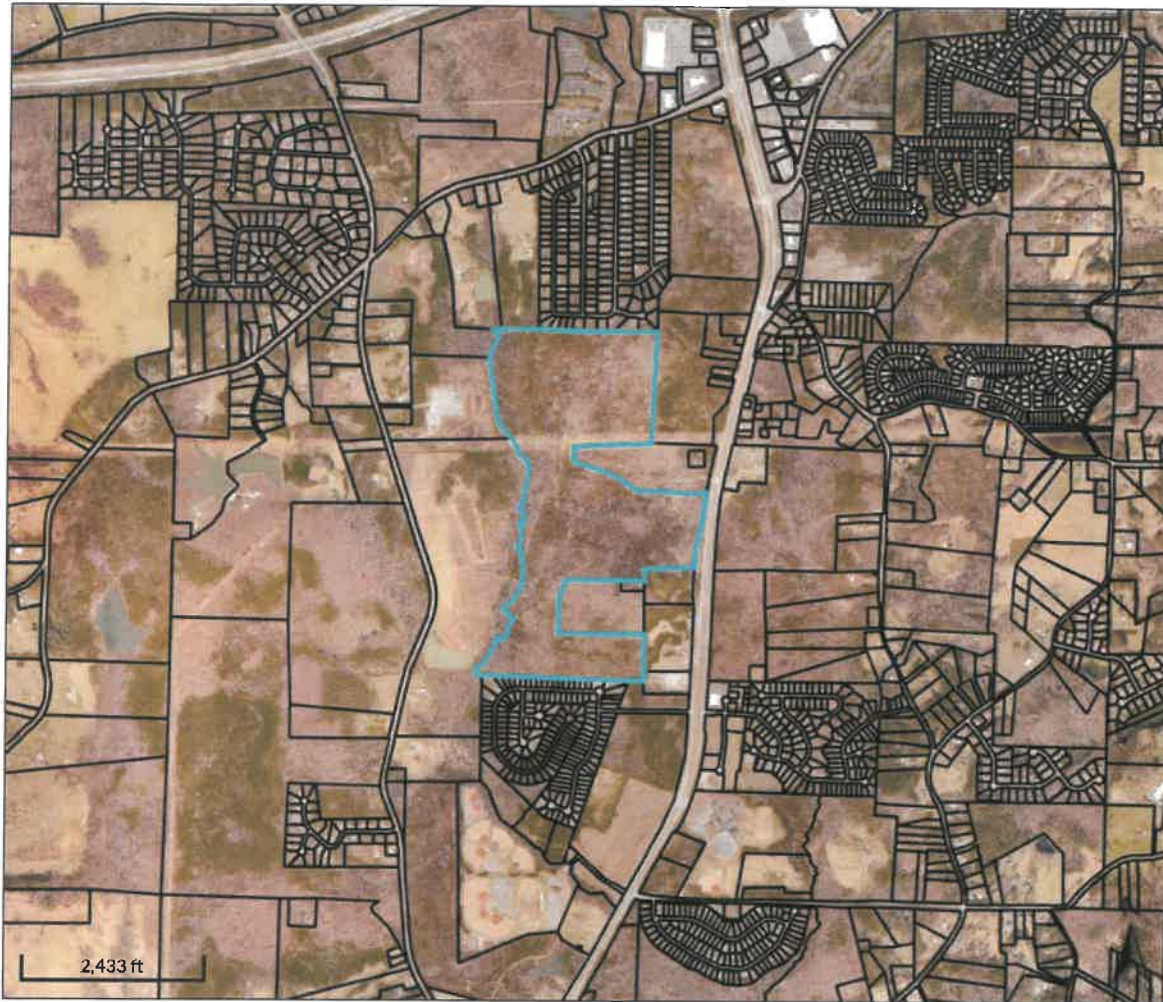
City Council Public Hearing

- Within 45 days of PC action
- Consideration of PC action and staff, applicant, and public testimony

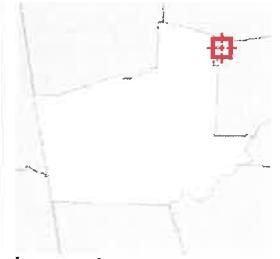
DENIAL

City Council Action

APPROVAL



Overview



Legend

- Parcels
- Roads

Parcel ID	V07 0140003	Owner	AVEMORE GA LLC	Last 2 Sales			
Class Code	Agricultural		PO BOX 2789	Date	Price	Reason	Qual
Taxing District	VILLA RICA		SUWANEE, GA 30024	10/6/2023	\$5076000	MP	U
Acres	192.9	Physical Address	63 GOLDWORTH RD	9/6/2016	\$464000	FM	Q
		Assessed Value	Value \$1085626				

(Note: Not to be used on legal documents)

Date created: 9/20/2024

Last Data Uploaded: 9/19/2024 6:08:58 PM

Developed by  **Schneider**
GEOSPATIAL

After Recording Return To:
Clark Real Estate Law Group LLP
11340 Lakefield Dr, Suite 200
Johns Creek, GA 30097

Order No.: CRE-232516
Tax Map: V07 0140003 & V07 0140004

eFiled and eRecorded
DATE: 10/06/2023
TIME: 3:13 PM
DEED BOOK: 6194
PAGE: 537 - 550
FILING FEES: \$25.00
TRANSFER TAX: \$5,076.00
INTANGIBLE TAX: \$0.00
PARTICIPANT ID: 2217758023
PT61: 022-2023-004395
RECORDED BY: DJ
CLERK: Alan J. Lee
Carroll County, GA

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CARROLL

THIS INDENTURE, made this 6th day of October, 2023, between Winchester Real Estate Investment Company, LLC, a Georgia limited liability company, of the County of Carroll, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Avemore GA LLC, a Georgia limited liability company, as party or parties of the second part, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

Tract I

ALL THAT TRACT or parcel of land lying and being in Land Lot 99 of the 6th District, Carroll County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the northern right-of-way of Old CCC Camp Road which is 216 feet westerly along said right-of-way from its intersection with the centerline of Goldworth Road; running thence westerly along the northerly right-of-way of Old CCC Camp Road 175 feet to a point; running thence northerly, perpendicular to said road 252 feet to a point; running thence easterly parallel to said road 175 feet to a point; running thence southerly perpendicular to said road 252 feet to the POINT OF BEGINNING.

Said property having an address of 55 Goldworth Road, Villa Rica, Georgia 30180.

Together with

Tract II

ALL THAT TRACT or parcel of land lying and being in Land Lot 99, 100 and 125 of the 6th District of Carroll County, Georgia, and being more particularly described as follows:

BEGINNING at the intersection of the western right of way of Carrollton-Villa Rica Highway, aka State Route 61, with the north line of Land Lot 99; thence westerly along said land lot line to the northwestern corner of Land Lot 99, which is the common corner of Land Lots 99, 100, 125 and 126 of the 6th District; thence running North along the East land lot line of Land Lot 125 a distance of 1,450.00 feet, more or less, to the southeast corner of Lot 16 of Ridgeside Subdivision, Unit 5, as said lot and subdivision are shown and delineated on a plat recorded in Plat Book 30, Page 194, in the Office of the Clerk of Superior Court of Carroll County, Georgia, which plat and the record thereof are by reference incorporated herein; thence leaving said land lot line and running in a westerly direction along the south line of Lots 16, 15, 14, 13, and 12 of Ridgeside Subdivision, Unit 5 as shown on plat recorded in Plat Book 30, Page 194, Lots 37, 36, 35, 34, 33, and 32 of Block "A" of Ridgeside Subdivision on plat recoded in Plat Book 12 Page 27, said Clerk's Office and the south line of property now or formerly owned by Meadowbrook Memory Garden's Inc. a distance of 1,700 feet, more or less, but specifically to Bay Springs Creek; thence running in a southerly direction along the meanderings of said Bay Springs Creek to a point where said creek intersects the south land lot line of Land Lot 100, said District; thence running in an easterly direction along the south land lot line of Land Lot 100 a distance of 2,170 feet, more or less, but specifically to the southeast corner of said Land Lot 100; thence running in a northerly direction along the east land lot line of Land Lot 100 a distance of 1,500 feet, more or less, to a point at the northwest corner of property now or formerly owned by L.W. Thomas; thence running in an easterly direction along the north line of property now or formerly owned by L.W. Thomas a distance of 670 feet, more or less, but specifically to the west right of way of Carrollton-Villa Rica Highway, aka State Route 61; thence running in a northerly direction along the west right of way of said State Route 61 a distance of 1,600 feet more or less, to the north land lot line of Land Lot 99 and the POINT OF BEGINNING.

LESS AND EXCEPT so much of said property was conveyed to George C. Holloway by Warranty Deed dated August 28, 1958, recorded in Deed Book 117, Page 454, Carroll County, Georgia records.

Being the same property conveyed from Felix A. Williams to Eunice Inez Mitchell by Warranty Deed dated July 5, 1962, recorded in Deed Book 137, Page 545, Carroll County Deed Records, LESS AND EXCEPT that properly described in the following deeds: Warranty Deed to Earnest W. Cardell and Lela S. (Mrs. Ernest W.) Cardell, dated August 25, 1967, recorded in Deed Book 193, Page 361, Right of Way Deed to Department of Transportation dated August 26, 1986, recorded in Deed Book 547, Page 448, and Warranty Deed to the City of Villa Rica, Georgia, a municipal corporation, dated March 5, 1987, recorded in Deed Book 555, Page 131, said Deed records.

Being the same property conveyed from William G. Mitchell, Jr., Executor of the Estate of Inez Williams Mitchell to William G. Mitchell, Jr., Patricia DeWitt and John Mitchell in Executor's Deed of Assent recorded in Deed Book 864, Page 77, in the Office of the Clerk of Superior Court of Carroll County, Georgia.

This conveyance is subject to that conservation easement granted to the Chattahoochee Open Land Trust, Inc. with respect to a portion of the above-described property, said easement being recorded in Deed Book 2083, Page 339, Carroll, Georgia records.

Said property having an address of 63 Goldworth Road, Villa Rica, Georgia 30180

LESS AND EXCEPT:

The commercial, retail, and office lot number RT-015 according to the Engineered Master Plan PP-004, of Avemore Master Planned Community map dated 9/1/2021, being 2.23 acres, more or less.

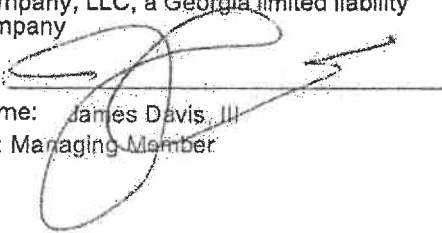
SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 6th day of October, 2023.

Winchester Real Estate Investment
Company, LLC, a Georgia limited liability
company

By: 

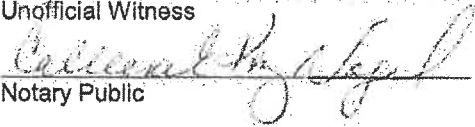
Name: James Davis, III

Its: Managing Member

Signed, sealed and delivered in the presence of:



Unofficial Witness



Notary Public

My Commission Expires: _____



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

September 30, 2024

Mayor and City Council
City of Villa Rica
1605 Carrollton Villa Rica Highway
Villa Rica, Georgia 3018.

RE: Amendment to Avamore PUD to Add Data Centers as a Permitted Use
Annexation of 204.53 Acres Owned by Jerry Tolbert and 35.03 Acres Owned
by Artesia Capital, LLC

LETTER OF INTENT

Dear Mayor and City Council:

Embry Development Company, LLC is filing the within application to rezone and annex the above properties for the purpose of annexing the Tolbert and Artesia Capital, LLC properties into the City limits of the City of Villa Rica for the purpose of the construction of ~~data centers~~ as shown on the concept plan filed concurrently herewith.

Simultaneously, the application is submitted to amend the Avamore PUD for the purpose of authorizing a data center as a permitted use.

The concept plan is conceptual at this point and is subject to further revisions prior to the final hearing on this project.

Thank you for your attention to this matter.

Respectfully,

HARTLEY, ROWE & FOWLER, P.C.



Joseph H. Fowler

JHF/ses

September 30, 2024

PROPOSED REZONING ON PROPERTY
BY EMBRY DEVELOPMENT, LLC
NOTICE OF CONSTITUTIONAL CHALLENGE

BACKGROUND

C. Jerry Tolbert (“Tolbert”), Artesia Capital, LLC (“Artesia”) and Avemore GA, LLC (“Avemore”) (collectively the “Owners”) are the Owners of land located at Highway 61 and South Van Wert Road in Villa Rica, Georgia (the “Property”). An application for the rezoning from Agricultural (Tolbert and Artesia) and PUD (Avemore) to PUD for data centers was filed by the Embry Development, LLC (the “Applicant”).

PROPOSED USE

The Applicant proposes to annex and rezone Tolbert and Artesia to PUD and amend the PUD on Avemore for the development of data centers on the Property.

CONSTITUTIONAL REQUIREMENTS

In accordance with the requirements of various Georgia cases, including *OS Advertising Company v. Rubin*, 263 Ga. 761 (1994); *Cobb County Board of Commissioners v. Poss*, 257 Ga. 393 (1987); and *Gradous v. Board of Commissioners*, 256 Ga. 469 (1989), it is hereby submitted that, if not rezoned as requested by this action, the Villa Rica City Zoning Ordinance presently in effect, with any amendments, which prohibits the Project, is unconstitutional in that it renders the Property unusable and destroys its marketability. As such, the current zoning classification constitutes a taking of the Property without just and adequate compensation and without due process of law in violation of the Fourteenth Amendment to the United States Constitution and in violation of Article I, Section I, Paragraph I and Article I, Section III, Paragraph I(a) of the Constitution of the State of Georgia. In this connection, the Applicant contends that to deny the

requested rezoning constitutes an abuse of the police power, in that such denial bears no substantial relation to the public health, safety, morality, or general welfare. Accordingly, such action would constitute a deprivation of Property rights without due process of law. Furthermore, to deny the rezoning results in relatively little gain or benefit to the public while inflicting serious injury or loss on the Applicant and Owners. To this extent, such action is confiscatory and void. The Property is best suited for PUD use, as proposed by the Applicant, and to deny the rezoning renders the Property unusable and destroys its marketability. This is a taking of Property without just compensation and without due process of law. In reality, the denial of the requested rezoning causes a detriment to public good, in that the public can be served by the development proposed by the Applicant given the particular location of this Property.

Accordingly, we respectfully urge your approval of the zoning request.