

COMMISSION
ASHLEY HEAD, CHAIR
ANDREW NEWTON, VICE CHAIR
LUZ MORALES
JULIE CEPIN

City of Villa Rica



INTERIM CITY MANAGER: JEFF REESE
CITY CLERK: THERESA CAMPBELL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

PLANNING AND ZONING MEETING AGENDA

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
October 22, 2024 | 6:00 PM

Meeting Call to Order (Chairwoman)

Adoption of the Agenda (Chairwoman)

A. Old Business

1. Approval of minutes from 10/1/2024

B. New Business

1. CU-05-24 Special Exception request for allowance of a collision center to operate in a commercial low density (C1) zone at 779 W. Bankhead Hwy. and Public Hearing

C. Adjournment

City of Villa Rica



PLANNING AND ZONING SPECIAL CALLED MEETING MINUTES

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main St

Tuesday, October 1st, 2024 | 6:00pm

Meeting Called to Order Chairwoman Ashley Head called the meeting to order at 6:01pm.

Present: Chairwoman Ashley Head, Vice Chairman Andrew Newton and Commissioner Luz Morales

A. Old Business

1. Approval of Minutes

Commissioner Luz Morales moved to approve the minutes from 8/20/2024.

RESULT: **APPROVED 3/0**

MOVER: Commissioner Luz Morales

SECONDER:

AYES: Chairwoman Ashley Head, Vice Chairman Andrew Newton and
Commissioner Luz Morales

B. New Business

1. RA-04-24- Rezoning request for a 6.09-acre parcel located on Conners Rd. from commercial medium density (C2) to commercial low density (C1)

Attorney Joel Larking spoke on behalf of the applicant.

Bowen Kendrick, representative of Tanner Health System, mentioned concerns with the placement of a package store in the vicinity of their facilities.

Gary Thomas, with Tanner Health System, spoke in opposition of the project.

Rita Miller Davis spoke about not wanting a package store near the senior living facility nearby.

Pravin Patel spoke in favor of the package store.

Jay Collins mentioned concerns with the safety and possible decline of the area if the package store is built.

Joshua Evans spoke in opposition to the project.

Pamela Whyte spoke in opposition to the project.

Hal Paisant spoke in support of the project.

Aleta Dobbs Farmer spoke in opposition of the location of the package store.

2. Commissioner Luz Morales moved to approve the application to rezone the property from commercial medium density (C2) to commercial low density (C1).

RESULT: **APPROVED 3/0**
MOVER: Commissioner Luz Morales
SECONDER:
AYES: Chairwoman Ashley Head, Vice Chairman Andrew Newton,
 and Commissioner Luz Morales

Public Comment:

Joshua Evans mentioned concerns with how properties within the City are rezoned.

Adjournment- Chairwoman Ashley head moved to adjourn at 6:52pm.

RESULT: **APPROVED 3/0**
MOVER: Chairwoman Ashley Head
SECONDER: Commissioner Luz Morales
AYES: Chairwoman Ashley Head, Commissioner Andrew Newton and Commissioner
 Luz Morales

Planning & Zoning Chairman

Community Development Director



CITY OF VILLA RICA
Planning and Zoning Commission
Special Called Meeting
Agenda Item Cover Sheet
October 22, 2024

SUBJECT: CU-05-24 Special Exception request for allowance of Collison Center to operate in a Commercial, low-density (C1) zone at 779 W Bankhead Hwy

PLANNING AND ZONING AGENDA DATE: October 22, 2024

DATE: October 14, 2024

PREPARED BY: Shaun Daniels, City Planner

PUBLIC HEARING REQUIRED: Yes

PURPOSE:

Preston Pannell has requested a Special Exception Permit for the property at 779 W. Bankhead Hwy in order to operate a collision center in a Commercial low-density (C1) zone.

BACKGROUND:

CU-05-24: The subject property is a 14.58-acre lot at 779 W Bankhead Highway. The property is adjacent to Dairy Queen and Thompson Gas to the west. A private driveway (Leathers St.), and the former sites of Taylor's Car Connection Inc Auto Sales and Pro Tech Auto Sales are east of the property. To the south, the property is bordered by Jefferson's Restaurant, Sunoco filling station, and a vacant parcel. The property is located south of the industrial company, Intex DIY, Inc.

The 14.58-acre property is currently dual-zoned. The rear two-thirds of the parcel is zoned Industrial, Medium-Density (I2), and the front one-third, facing West Bankhead Highway, is zoned Commercial, Low-Density (C1). The proposed building will be situated on the 2.9-acre portion of the lot zoned (C1).

The applicant is requesting a Special Exception Use permit to construct an 18,000-square-foot collision center on the 2.9-acre (C1) portion of the lot. The development will feature 46 parking spaces. Of these, 20 will be public parking spaces located at the front of the building, and 26 will be parking spaces located at the rear.

The remaining 11.68 acres of Industrial, Medium-Density (I2) zone area will become a separate parcel by way of a lot split. The applicant has indicated discussions with potential buyers for the 11.68-acre (I2) portion, but no official plans have been made.

According to *Chapter IV- Zoning Districts, Sec. 4.01 Established of Districts*, Motor vehicle repair, and service, major, is permitted outright in (I2) but requires a Special Exception Permit by the City Council.

STAFF RECOMMENDATION:

Approval with Conditions

Conditions of Approval (if applicable):

1. Damaged vehicles must always be delivered, kept, and serviced out of the traffic line of sight from Highway 78.
2. Applicant must abide by Section 8.12 – *Outdoor sales, display, and storage standards*, Light Commercial (C1)- All storage must be within an enclosed building except as specified for accessory outdoor display. Accessory outdoor display is subject to screening standards and to review and approval of a Special Exception Permit.
3. A lot split is required. The applicant/property owner is responsible for the maintenance and overall upkeep of the 14.58-acre property, ensuring compliance with the City's codes and regulations.

Reason for Approval:

1. The proposed use aligns with the City's Comprehensive Plan for the Highway 78 Commercial Corridor area.
2. Based on the performance of other One Twenty-Two Collision Centers throughout Georgia, the negative impact on the surroundings is expected to be minimal.

CU-05-24 Motion:

I move to approve Preston Pannell's Special Exception Permit request for the property located at 779 W. Bankhead Hwy to operate a collision center in a Commercial low-density (C1) zone (with conditions).



Planning & Zoning
Community Development Department

Villa Rica City Hall
206 North Ave.
Villa Rica, GA 30180
T: 678.840.1238
F: 770.459.7003
www.villarica.org

Whitney Cox, Board Secretary
Community Development Department
City of Villa Rica
206 North Ave.
Villa Rica, GA 30180

Re: Planning Report
779 West Bankhead Highway
CU-05-24
Applicant's Name: Preston Pannell
Land Lot 164, District 6
Zone: (C1) Commercial Low Density & (I2) Industrial Medium Density
Parcel # V02 0070004
Lot Size: 14.58 Acre +/-
Ward: 2
City Council Member: Matthew Momtaham
Planning Board Member: Juile Cepin
The City of Villa Rica, Carroll County, Georgia



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



CU-05-24
779 West Bankhead Hwy
Applicant: Preston Pannell
September 25, 2024

Dear Ms. Cox:

The planning report is prepared in response to the Special Exception Permit request submitted by Preston Pannell, for the property located at 779 W Bankhead Hwy. This report provides an analysis for the Special Exception request and recommendations Planning and Zoning Commission's consideration.

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

1. Application for a Special Exception Permit, dated August 8th, 2024;
2. Applicant Letter of Request, by Dean Camper dated August 8th, 2024;
3. Warranty deed, dated March 28th, 2007, signed by Ruby Leathers;
4. Carroll County QPublic Tax Assessor printout, annotated;
5. Copied property survey prepared by Southeast Civil Group, Inc., August 6th, 2024;

A. Site Analysis:

The subject parcel is a 14.58-acre lot located at 779 W Bankhead Highway. The subject property is adjacent to Dairy Queen and Thompson Gas to the west. A private driveway (Leathers St.), and the former sites of Taylor's Car Connection Inc Auto Sales and Pro Tech Auto Sales are east of the subject property. To the south, the located south of industrial company, Intex DIY, Inc.

The 14.58-acre property is currently dual-zoned. The rear acreage of the parcel is zoned Industrial, Medium-Density (I2), and the front acreage, facing West Bankhead Highway, is zoned Commercial, Low-Density (C1). The proposed building will be situated on the 2.9-acre portion of the lot zoned (C1). The 14.11-acre site features a creek running through the middle of the parcel, flowing from northeast to southwest. The site is located within the Carroll County portion of the city and does not border any unincorporated areas.

B. History of on-site structures:

The proposed 14.58-acre lot has hosted various commercial and residential structures over time, with multiple operations having different addresses. According to the city's Code Enforcement records, in February 2024, the property owner was issued a stop-work order for not having the proper permits for demolishing a structure. The citation is still pending. Historical records from the city of Villa Rica indicate that the commercial building adjacent to the former Ruby's Restaurant and Bakery, previously named Quilty Auto Service, closed in 2022. Both Ruby's Restaurant and Bakery and Quilty Auto Service were located at 759 W. Bankhead Hwy. Further historical records show that the structure at 759 W. Bankhead Hwy has also housed Goldtown Grill LLC (2012-2014), Angels In the Kitchen LLC (2021), and J & G Autobrokers, LLC. Another commercial use at the 759 W. Hwy 78 address was Universal Café and Grill, which operated in 2020 and closed in 2021.

Currently, the lot's portion zoned Industrial, Medium-Density (I2) contains several mobile homes. Mr. Leathers,



CU-05-24
779 West Bankhead Hwy
Applicant: Preston Pannell
September 25, 2024

the property owner, stated that the mobile home village had occupants for approximately 45-55 years. He took steps to evacuate the residents in March 2024 due to a developer's interest in purchasing the lot. The developer proposed to develop a U-Haul storage center on the parcel, but the purchase did not proceed due to geographical issues.

Recently, the City Council permitted Chick-fil-A, located at 85 Commerce Drive, to use the property for a temporary mobile food vendor drive-thru operation while the primary restaurant location underwent a five-month remodel from April 2024 to August 2024.

C. Proposed Development

The application specifically involves the Commercial, Low-Density (C1) portion of the 14.58-acre property. The applicant is requesting a Special Exception Use Permit to construct an 18,000-square-foot collision center on the 2.9-acre (C1) portion of the lot. The applicant proposes to construct a stormwater management pond north of the new building. According to the site plan, the 2.9-acre lot will have paved parking throughout, with a total of 46 parking spaces. Of these, 20 will be public parking spaces located at the front of the building, and 26 will be private parking spaces located at the rear. The private parking spaces, situated behind an opaque fence, will be used for employee parking and vehicles needing service.

According to the applicant's Written Statement Letter, a parcel split will be performed after the application process, effectively dividing the 14.58-acre lot into two parcels. The 2.9-acre commercial-zoned area will be used for the proposed collision center, while the remaining rear acreage of the Industrial, Medium-Density (I2) zoned area will become an independent parcel.

Flood Plain

The property is not located within a flood zone and is not considered a Special Flood Hazard Area as designated by FEMA. Figure 2, below, indicates the flood zone map:

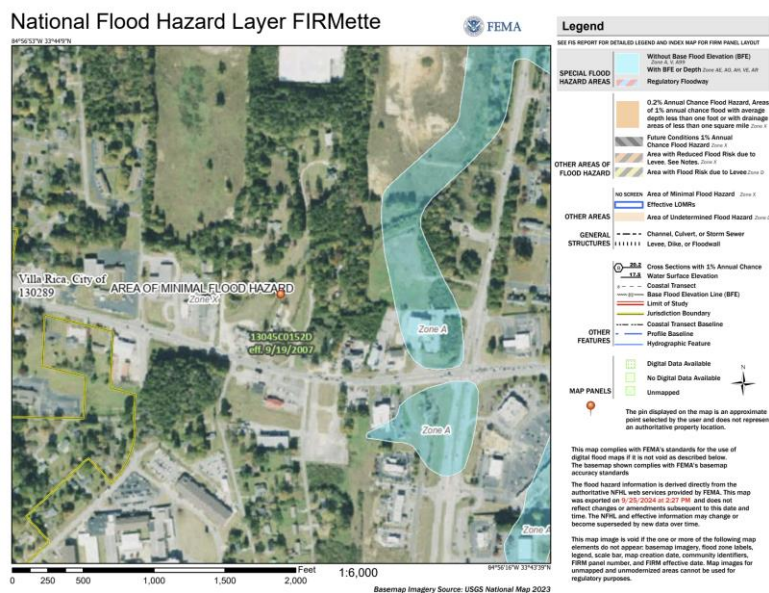


Figure 2: FEMA Flood Map



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779 West Bankhead Hwy
Applicant: Preston Pannell
September 25, 2024

D. Impact of Special Exception Request:

The applicant is proposing to construct a vehicle collision center on the 2.9-acre (C1) portion of the parcel, which is located directly off West Bankhead Hwy. The 14.58-acre property is dually zoned (Industrial Medium Density (I2) and Commercial Low Density (C1)). The applicant is proposing to construct a motor vehicle repair service shop on the 2.9-acre Commercial Low Density (C1) portion. According to *Chapter IV- Zoning Districts, Sec. 4.01 Established of Districts*, Motor vehicle repair, and service, major, is permitted outright in (I2) but requires a special exception to operate in a (C1) zone.

The Comprehensive Plan states the following regarding the Commercial areas:

Intent: Enhance and create concentrated commercial uses that serve the entire community

Commercial activity centers are commonly found at intersections of prominent, high-traffic corridors. They provide access to goods and services that serve the entire community. Land use patterns should promote concentrated commercial and mixed use development and avoid disjointed, strip development. Access management tools, including minimizing curb cuts and interparcel connectivity, should be implemented when possible. Additionally, pedestrian access both between developments and to surrounding neighborhoods should be provided when possible.

The Comprehensive Plan states the following regarding the Industrial areas:

Intent: Enhance and create concentrated industrial uses that minimize disruption of normal traffic flow.

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

The Comprehensive Plan states the following regarding the Commercial Corridors areas:

Intent: Enhance and maintain well-functioning, attractive corridors that serve local needs, facilitate traffic flow, and coordinate land use patterns without encroaching on adjacent neighborhoods.

Corridors include primary roadways that may be predominately commercial, industrial, or residential in nature. Access management elements are utilized to minimize the impact of new development to traffic flow, including interparcel access, secondary road access, and driveway consolidation. On each corridor, access management measures are important so as not to impede traffic flow, especially since portions of these corridors are also designated truck routes. A major component of corridor design is avoiding strip, commercial development through coordinating transportation projects and adjacent land use/developments.



The proposed development pattern in the area is consistent with the Comprehensive Plan from a density and site development standpoint. The nature of the conditional appears to not impact the Comprehensive Plan and will encourage further density while respecting the existing development patterns.

E. Special Exception Decision Criteria:

The Code of the City of Villa Rica Zoning Ordinance Section 11.09(4)a, uses the following criteria shall be used when determining approval of a Special Exception:

1. Is in fact a permitted Special Exception use as listed in each zoning district and appears on Table 4.3: Permitted and Special Exception Land Uses of Chapter IV: Zoning Districts for the zoning district involved;

Yes. Motor vehicle repair, and service, major, is permitted outright in (I2) but requires a special exception to operate in a (C1) zone.

2. Will be harmonious and consistent with the character of the zoning district and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and the Zoning Ordinance;

Yes. The uses in the general area are commercial in nature and feature, restaurants, offices, auto sales, a filling station, and Carroll County Fire House (Under- construction).

3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

The applicant stated in the Letter of Intent that an 18,000-square-foot collision center will not have damaged cars oriented in the front of the property, in view of West Bankhead Hwy, and will also have an 8-foot opaque fencing around the development.

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

The proposed use will be serviced by essential public facilities but will not require additional services.

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

The use as proposed is not detrimental to the community's economic welfare or proposed to increase the need for additional community facilities or services.

6. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

The proposed use of a collision center will not involve materials, equipment, or operational conditions that could be detrimental to any persons or property. While a collision center may produce some noise, smoke, fumes, glare, or odors, the applicant operates several company chains within Georgia. Based on their maintenance practices, these issues can be considered minimal.



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779 West Bankhead Hwy
Applicant: Preston Pannell
September 25, 2024

7. Will have vehicular approaches to the property, which shall be so designed as not to create interference with traffic on surrounding public thoroughfares; and

According to the applicant, vehicles that will be needing service are required to be delivered to the rear of the building. The proposed use will not interfere with traffic in the surrounding public.

8. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

According to the site plan, a stream runs through the 14.58-acre parcel but the 2.9-acre area, where the proposed collision center will be located, will not be with the state and city's required stream buffers.

F. Public Comments:

Some business owners adjacent to the proposed development have called and expressed concerns about the Collision Center possibly having negative environmental impacts on the surrounding area.

G. Staff's Recommendation:

Based on our analysis, we recommend that the City Council take the following actions on the Special Exception request for operating a Collision Center on a Commercial, Low-Density (C1) zoned parcel, submitted by Preston Pannell for the property at 779 West Bankhead Hwy.

Approval with Conditions

Conditions of Approval (if applicable):

1. Damaged vehicles must always be delivered, kept, and serviced out of the traffic line of sight from Highway 78.
2. Applicant must abide by Section 8.12 – *Outdoor sales, display, and storage standards*, Light Commercial (C1)- All storage must be within an enclosed building except as specified for accessory outdoor display. Accessory outdoor display is subject to screening standards and to review and approval of a Special Exception Permit.
3. A lot split is required. The applicant/property owner is responsible for the maintenance and overall upkeep of the 14.58-acre property, ensuring compliance with the City's codes and regulations.

Reason for Approval:

1. The proposed use aligns with the City's Comprehensive Plan for the Highway 78 Commercial Corridor area.
2. Based on the performance of other One Twenty-Two Collision Centers throughout Georgia, the negative impact on the surroundings is expected to be minimal.

Conclusion:

In conclusion, this planning report has provided an analysis of the special exception request and recommended a course of action for the City Council consideration. The decision should be made in accordance with the city's zoning regulations, comprehensive plan, and the best interests of the community.

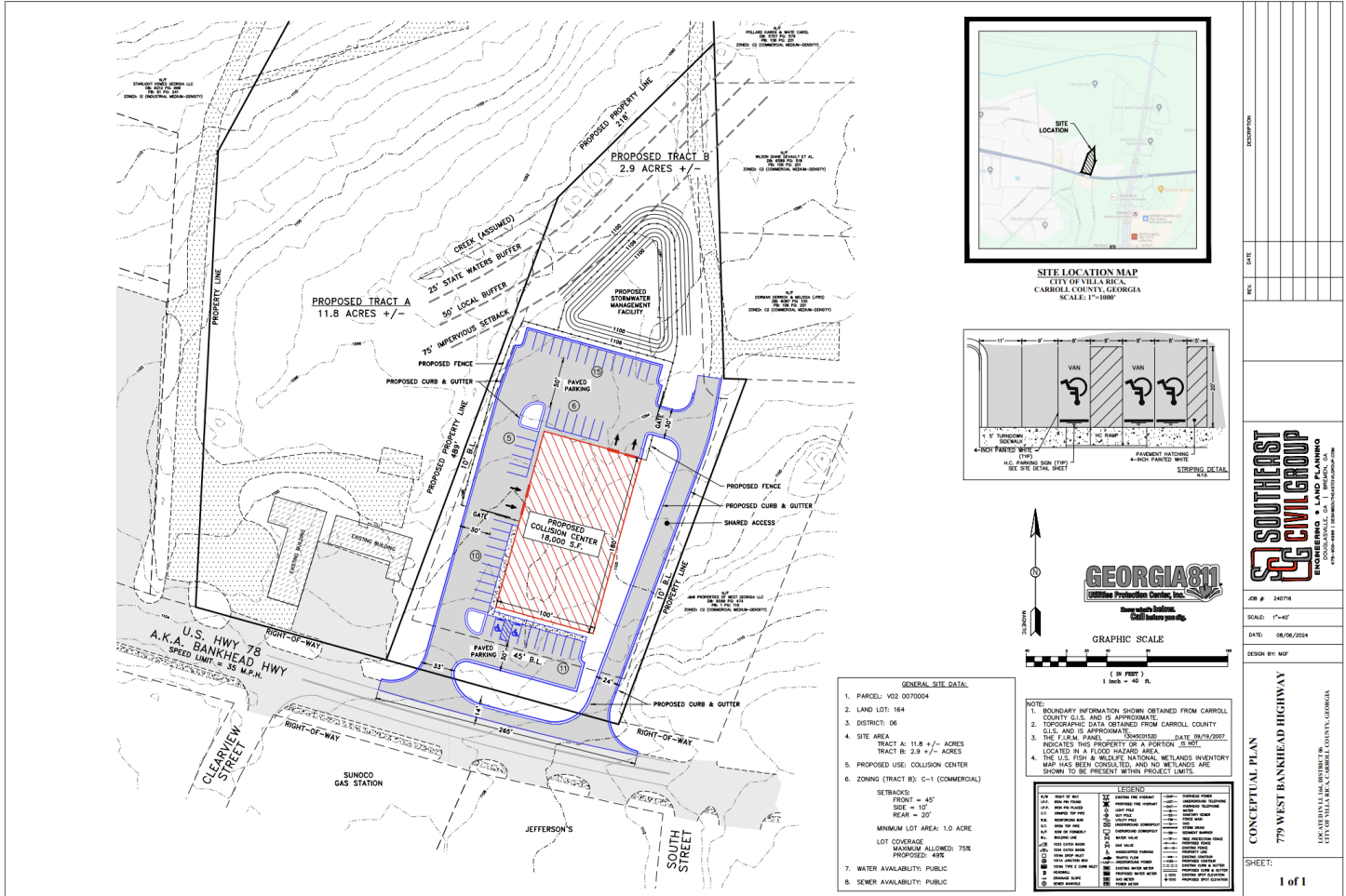
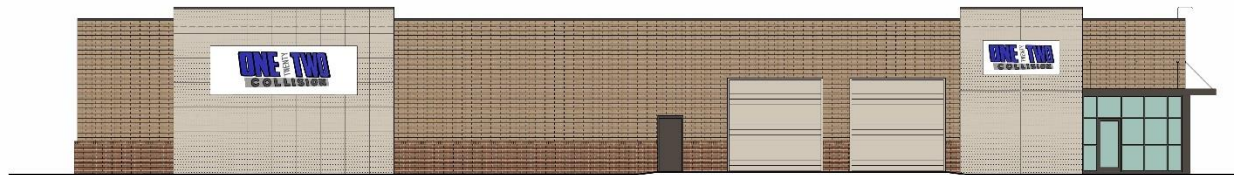


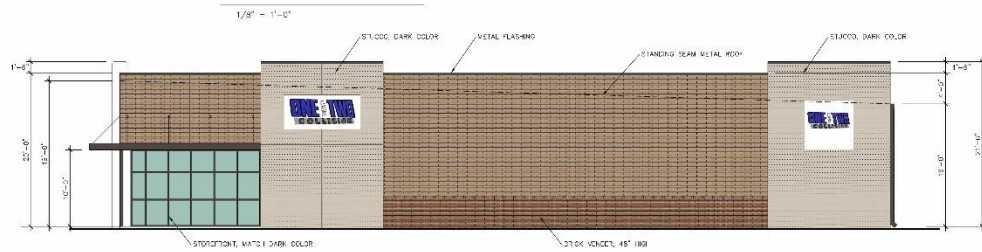
Figure 3: Conceptual Site Plan



CU-05-24
779 West Bankhead Hwy
Applicant: Preston Pannell
September 25, 2024



Front Elevation



Right Side Elevation

1/8" = 1'-0"

EXTERIOR MATERIALS
BRICK: 45,000 SF
DOORS, STOREFRONT & GF'S: 3,000 SF
TOTAL EXTERIOR WALL AREA: 3,110 SF

Figure 4: Proposed Development Elevations



Figure 5: One Twenty-Two Collision Center in Carrollton, Ga



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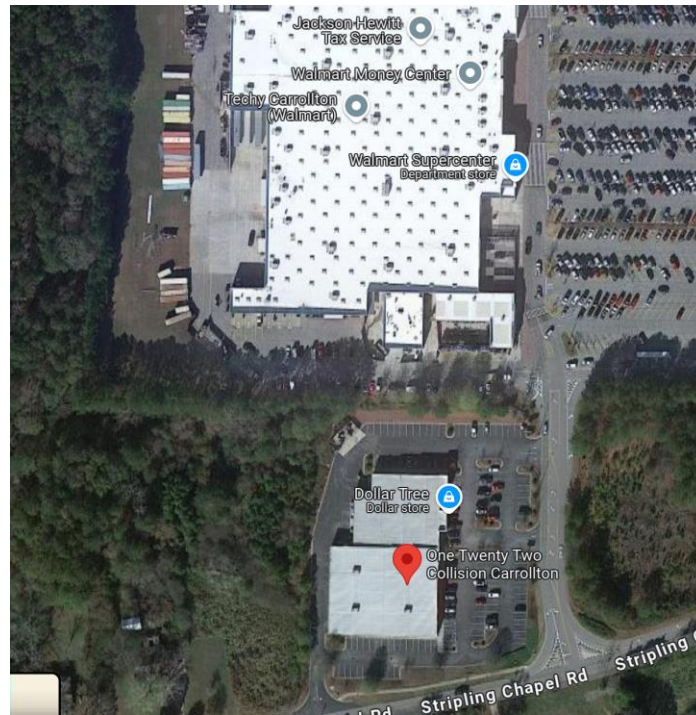
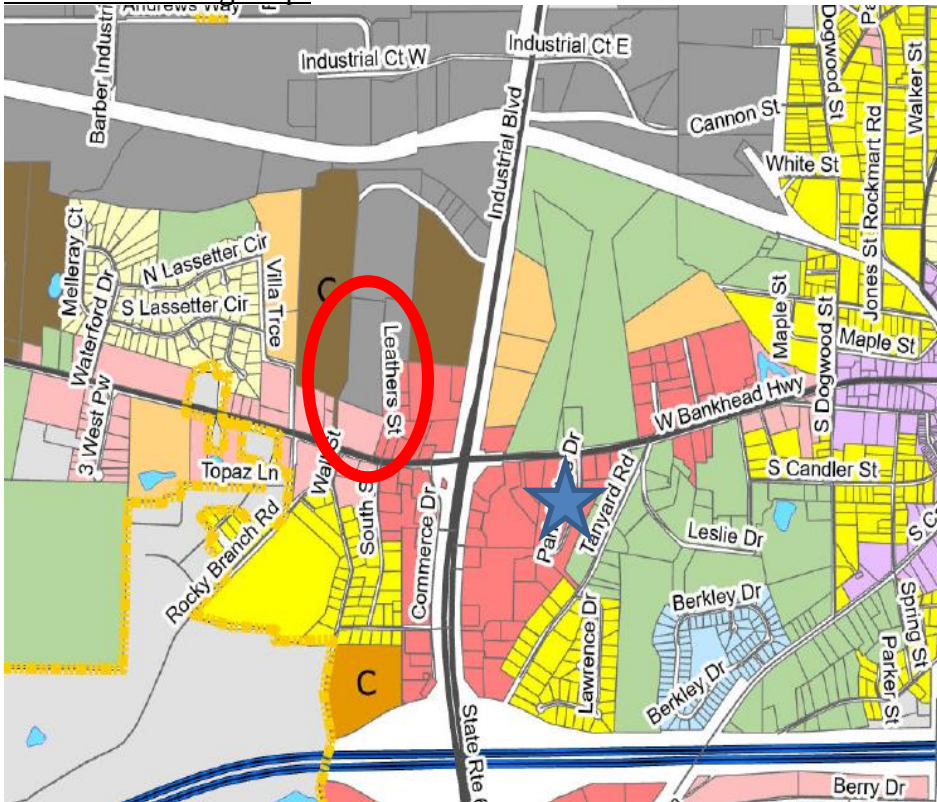


Figure 6: One Twenty-Two Collision Center in Carrollton, Ga (Aerial View)



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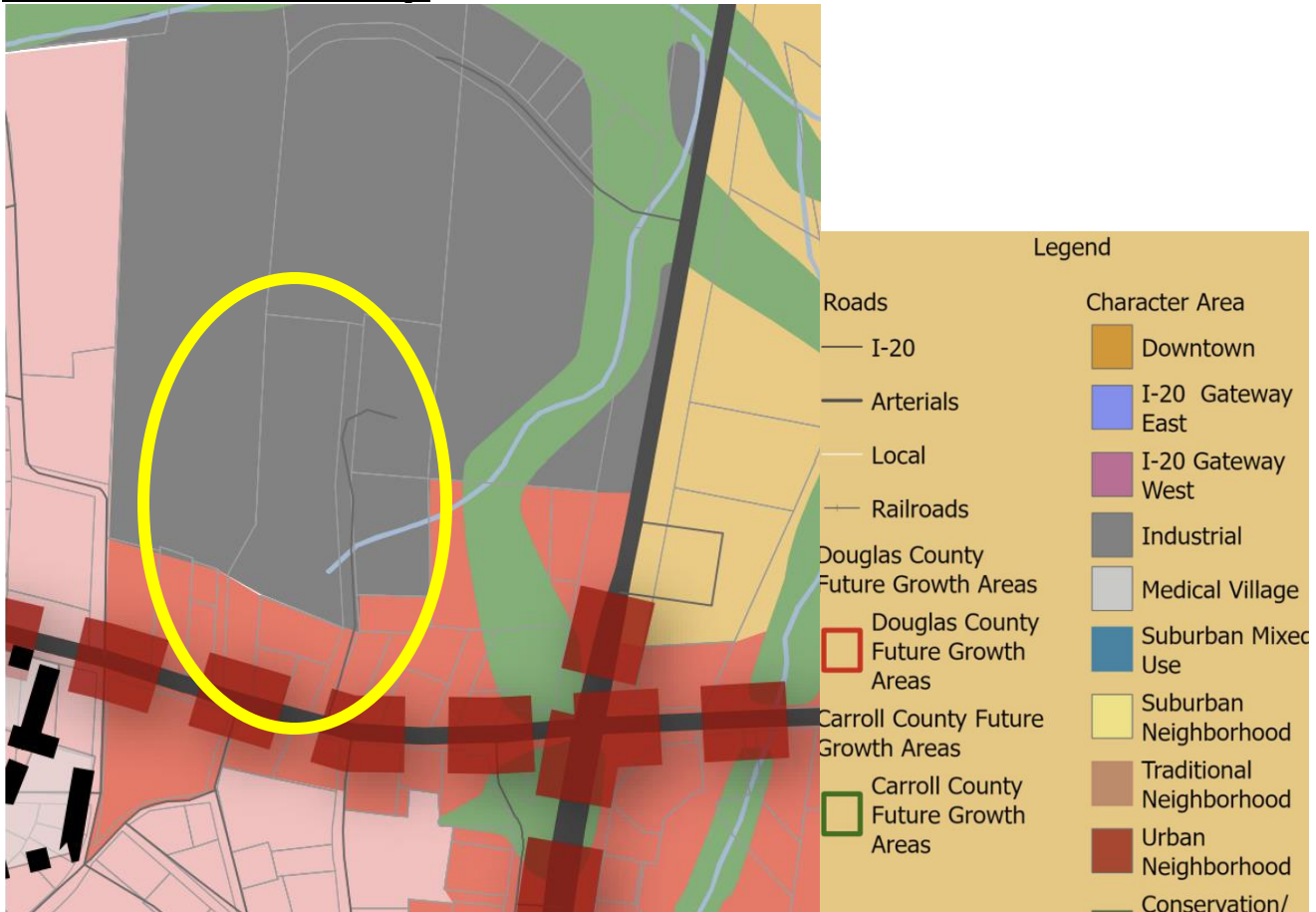
Villa Rica Zoning Map:





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779 West Bankhead Hwy
Applicant: Preston Pannell
September 25, 2024

Villa Rica Future Land Use Map:





City of Villa Rica Planning and Zoning Department

1605 Carrollton Villa Rica Hwy | Villa Rica, Ga 30180

678-785-9995 | www.Villarica.org

SPECIAL EXCEPTION APPLICATION

CHECKLIST

Required Materials to Accompany the Application

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

- 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.
- A site development plan prepared in conformance with all application requirements.
- A written statement describing the following:
 - The proposed use.
 - The effect the proposed development may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code.
 - Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan
 - The areas that are most likely to be directly affected by such change and the likely effects.
 - 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.
- Any other exhibits as may be required by the Community Development Manager

Variance by Use Type

Chapter	Residential	Commercial	Industrial	PUD
Chapter 4: Zoning District Regulations (including bulk regulations)	\$200	\$400	\$600	N/A
Chapter 6: Planned Unit Development	N/A	N/A	N/A	\$1,500
Chapter 7: Development Standards	\$300	\$300	\$300	N/A
Chapter 8: Supplementary Standards for Specific Uses	\$500	\$500	\$600	N/A
Chapter 9: Design Standards	\$300	\$400	\$500	\$600
Other	\$300	\$300	\$300	\$300

Please Return To:

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

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

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

Date of Application: 8/8/2024

Applicant Name: Preston Pannell

Address: 1600 Northside Drive, Suite 100 City: Atlanta State: GA Zip: 30318-3201

Phone: 404-351-8056 Email: ppannell@whnre.com

Agent Name: _____

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

Phone: _____ Email: _____

Owner Name (If different from applicant): Leathers Ruby

Address: PO Box 952 City: Villa Rica State: GA Zip: 30180

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)

SPECIAL EXCEPTION

Name: Bankhead HWY Collision Center

Special Exception Location (attach location map): Tract B of 779 West Bankhead HWY

Proposed Use: Collision Center

Size of Tract: 2.9 acres Land Lot Numbers: 164 Districts: 06

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

Property Tax Parcel Number(s): V02 0070004

I, Preston Pannell, hereby state that all of the above statements and statements contained in the documents submitted with this application are true.


Signature of Applicant

8/8/2024
Date

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 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 given to Board Member

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

Preston Pannell

Applicant's Name – Printed

P. H. Pannell

Signature of Applicant

Applicant's Attorney, if applicable – Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8th day of August, 2024.

[Signature]
Notary Public



PROCESS

Pre-Application Conference (Optional)

Application Filed with Department

- Staff Review for Completeness and Staff Report with recommendation.
- Public Hearing Schedule

City Council Public Hearing

- Consideration of staff,
- Recommendation, applicant, and public testimony

DENIAL

City Council Action

APPROVAL

APPROVAL with CONDITIONS

130024

BK PG
3931 052

FOR CLERK'S USE ONLY:

Prepared by and return to: NTC
 Sally L. Carden, Esq.
 G. GREGORY SHADRIN, P.C.
 414 College Street
 Carrollton, Georgia 30117
 (770) 830-0809

PT-81 022-800 7-002015
 CARROLL COUNTY, GEORGIA
 REAL ESTATE TRANSFER TAX
 PAID _____
 DATE 3/28/07

 CLERK OF SUPERIOR COURT

FILED
CARROLL COUNTY
CLERK OF SUPERIOR COURT

07 MAR 28 PM 12:45

 CLERK OF SUPERIOR COURT

EXECUTOR'S DEED OF ASSENT

GEORGIA, CARROLL COUNTY:

THIS INDENTURE is made this 10th day of March, 2007, between **RUBY LEATHERS**, of the County of Carroll and State of Georgia, as Executor of the Last Will and Testament of **LEROY LEATHERS**, late of Carroll County, Georgia, deceased, of the First Part, and **RUBY LEATHERS**, of the County of Carroll and State of Georgia, party of the Second Part,

WITNESSETH:

That the party of the First Part, by virtue of the power and authority to her given in and by said Last Will and Testament of **LEROY LEATHERS**, deceased, and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), plus other good and valuable considerations, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm, unto the party of the Second Part, their heirs and assigns forever:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
 FOR A COMPLETE DESCRIPTION OF CAPTIONED PROPERTY.**

Said property is conveyed together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining; and revision and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity, which

testator had in his lifetime, and at the time of testator's decease: and which the party of the First Part has by virtue of said Last Will and Testament, or otherwise, of, in and to the above granted premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular the above-granted premises, together with the appurtenances, and every part thereof, unto the parties of the Second part, their heirs and assigns forever.

And the party of the First Part, for his heirs, executors and administrators, does covenant, promise and agree to and with the parties of the Second Part, that RUBY LEATHERS is lawfully Executor of the Last Will and Testament of said LEROY LEATHERS, that she has the power to convey as aforesaid, and that she has in all respects acted, in making this conveyance, in pursuance of the authority granted in and by said Last Will and Testament of LEROY LEATHERS, and, further, that she has not made, done or suffered any act, matter or thing whatsoever since she was appointed Executor as aforesaid, whereby the above-granted premises, or any part thereof, now are, or at any time hereafter shall, or may be impeached, charged or encumbered in any manner whatsoever.

IN WITNESS WHEREOF, the party of the First Part has set her hand and seal this the day and year above written.

 (Seal)
RUBY LEATHERS, as Executor of the Last Will
and Testament of LEROY LEATHERS. Deceased

Signed, sealed and delivered
in the presence of:


Witness



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 164, 6th District, Carroll County, Georgia, and known as Lots fourteen (14) and fifteen (15), Land Lot 164, 6th District as per plat and survey made by I. W. Baily, dated November, 1946, recorded in Plat Book 1, page 116, of the Clerk of Superior Court's office, Carroll County, and being more particularly described as follows: BEGINNING at a stake on the north side of Bankhead Highway, and running in a westerly direction along the north side of said highway, a distance of 400 feet to a stake; thence in a northerly direction 400 feet to a stake; thence in an easterly direction 400 feet to a stake; thence in a southerly direction 400 feet to a stake on the north side of Bankhead Highway and point of beginning. (Deed Reference - Deed Book 182, page 305).

ALSO:

All that tract of land in Land Lot 164, 6th District Carroll County, Georgia, and known as Lots 11, 12 and 32, as per plat and survey made by I. W. Baily, dated November, 1946, recorded in Plat Book 1, page 116, of the Clerk of Superior Court's Office, Carroll County, Georgia, and being more particularly described as follows: BEGINNING at a stake on the north side of Bankhead Highway and running in a westerly direction 100 feet to a stake; thence in a northerly direction 400 feet to a stake; thence in east 100 feet to a stake; thence north 2260 feet to a stake; thence east 773 feet to a stake; thence south 1944 feet to a stake; thence in a southwesterly direction 600 feet to a stake; thence in a northwesterly direction 700 feet to a stake; thence southerly 400 feet to the north side of Bankhead Highway, a stake, and the Point of Beginning. (Deed Reference - Deed Book 182, page 306).

LESS AND EXCEPT:

All that tract or parcel of land situate, lying and being in the County of Carroll, said State of Georgia, and being more particularly described as follows: All that tract or parcel of land lying and being in Land Lot No. 164 of the 6th District of Carroll County, Georgia, on the east side of Leathers Street, and being carved out of the east side of Subdivision Lot 32 of the W. J. Cobb Subdivision, as shown on a plat thereof by I. W. Bailey, Reg. Surv. Dated November 12, 1946, a copy of which plat is recorded in Plat Book 1, page 116, in the Office of the Clerk of the Superior Court of Carroll County, Georgia, which plat and the record thereof are by reference incorporated herein. The tract herein conveyed is more particularly described as: BEGINNING AT A POINT on the east side of Leathers Street, which is 985 feet, more or less, northward along Leathers Street, which is from its intersection with the northerly side of Bankhead Highway, said beginning point, being at the northwest corner of the property now or formerly of F. M. Leathers and Dorothy Leathers, as described in Deed Book 234, page 286, Carroll County Records; and from said point of beginning running northerly along the east side of Leathers Street 300 feet to an iron pin corner; thence southeasterly 300 feet to corner in the east line of original Land Lot No. 164; thence south along said land lot line, and the property now or formerly of Couch, a distance of 300 feet to corner at property now or formerly of F. M. Leathers and Dorothy Leathers, thence northwesterly along the Leathers property 300 feet, more or less, but specifically to the Point of Beginning. Being a part of the property acquired by Leroy Leathers from the executors of the Estate of Dr. L. E. Kinney, by deed recorded in Book 182, page 306. Said property has situated thereon, one two-story, ten-room, three-bath, brick veneer dwelling. (Deed Reference - Deed Book 451, page 478).

ALSO LESS AND EXCEPT:

All that tract or parcel of land situate, lying and being in the County of Carroll, said State of Georgia, in Land Lot No. 164, 6th District, Carroll County, Georgia, on the east side of Leathers Street and being in the City of Villa Rica. Said property is more particularly described as follows: BEGINNING at an iron pin at the northwesterly corner of property this date conveyed to Robert Leathers by Leroy Leathers, said Point of Beginning also being 300 feet, more or less, from the northwest corner of now or formerly the F. M. Leathers and Dorothy Leathers Property as described in Deed Book 234, page 286, CC records and

running from said point of beginning north 300 feet, more or less, to an iron pin; thence east 300 feet, more or less, to an iron pin; thence south 300 feet more or less, to an iron pin; thence westerly 300 feet, more or less, to an iron pin at the Point of Beginning. (Deed Reference: Book 451, page 479).

ALSO LESS AND EXCEPT:

TRACT I:

All that tract of land lying and being in Land Lot 164, Sixth District, Carroll County, Georgia, and being known as Lots 11 and 12 as per plat and survey made by I. W. Bailey, dated November, 1946, recorded in Plat Book 1, page 116, in the Clerk of Superior Court's Office, Carroll County, Georgia, and being more particularly described as follows: BEGINNING at a stake on the north side of Bankhead Highway at the southeast corner of Lot No. 12 and running in a westerly direction 100 feet to a stake; thence in a northerly direction 400 feet to a stake; thence east 100 feet to a stake; thence south 400 feet to a stake at the Point of Beginning. (Deed Reference: Book 449, page 727).

ALSO LESS AND EXCEPT:

TRACT II:

All that tract of land lying and being in Land Lot 164, Sixth District, Carroll County, Georgia, and being known as Lot No. 13 as per plat and survey made by I. W. Bailey, dated November, 1946, recorded in Plat Book 1, page 116, of the Office of the Clerk of Superior Court, Carroll County, Georgia, said lot being more particularly described as follows: BEGINNING at a stake on the north side of Bankhead Highway and running in a westerly direction 223 feet to a stake; thence in a northerly direction 400 feet to a stake; thence in an easterly direction 350 feet to a stake, thence in a southerly direction 400 feet to a stake on the north side of Bankhead Highway, and POINT OF BEGINNING. Said property having situated thereon a six room frame dwelling. It is unconditionally warranted that the dwelling situated on said property is located within the lot lines above referred to.

Same contains three acres of land, more or less, and being the same property deeded by John Waldrop to Charles W. Griffiths on the 26th day of July, 1947, by Warranty Deed recorded in the Office of the Clerk of superior Court of Carroll County, Georgia, in Deed Book 79, page 323.

EXCLUDED FROM THIS CONVEYANCE IS THE FOLLOWING DESCRIBED PORTION OF CAPTION: Lying and being in Land Lot 164, 6th District, Carroll County, Georgia, and described as BEGINNING at a point on the northern side of the ROW of US Hwy. 78 which point is 370' northwestwardly as measured along the north side of said highway ROW from the point of intersection of the north side of said hwy. ROW and the east land lot line of LL 164; thence northwestwardly along the northern side of said hwy ROW 120' to a concrete hwy. monument; thence at an interior angle of 90 degrees from the preceding course and on a compass bearing of N 15° E 200' to an iron pin corner; thence southeasterly and parallel with the northeastern side of the US Hwy. 78, 120' to a corner; thence S 15° west 200' to the POB. All as will more fully appear by plat of survey for Percy F. Godbold, Jr. by Carl A. Cochran, Surveyor dated 7/2/70. Said plat is, by reference, thereto made a part hereof and incorporated herein to more fully show the courses, metes, distances and bounds of the lands herein conveyed.

(Deed Reference Book 449, page 727).

ALSO:

All that tract or parcel of land situate, lying and being in the County of Carroll, said State of Georgia, COMMENCING at the northeast corner of now or formerly Fred Cleghorn property line and Bankhead Highway right-of-way sixty-five (65) feet in a southerly direction along the property line now or formerly of Fred Cleghorn; thence one hundred eighty (180) feet more or less in an easterly direction to the property line of Glen L. Johnson; thence in a northerly direction along the property line now or formerly of Glen Johnson and B. E. Jordan sixty-five feet to Bankhead Highway right-of-way; thence along the Bankhead Highway right-of-way in a westerly direction one hundred and eighty (180) feet, more or less, to starting point.

Deed dated January 28, 1905 from I. W. Chambers to W. M. Boyd covers part of this parcel, and deed dated November 2, 1905 from W. M. Boyd to W. H. Pope, Sr. conveying same parcel. Deed dated October 31, 1904 from T. M. Hamrick to I. W. Chambers. Deed dated July 27, 1925 from J. H. Pope and W. O. Pope, Executors, S. H. Pope, Sr. to F. P. Powell and recorded in Clerk Superior Court Office Carroll County Book 29, Folio 61, January 19, 1926. Also deed dated January 31, 1933 from Mrs. Laura Hamrick to J. O. Davis and recorded in Clerks Superior Courts Office, Carroll County, February 17, 1933, Book 41, Folio 134.

ALSO all that tract and parcel of land lying and being in Villa Rica, Carroll County, Georgia, being a part of original land lot number 162, and being a part of property sold to Loyt Easterwood by Mrs. Margaret Florence on July 23, 1943 and recorded in Deed Book No. 67, page 551 on December 13, 1943 and more particularly described as follows: Lying and being on the south side of Bankhead Hwy. and beginning at the George Sewell line and running south along said line to branch; thence west along said branch to land formally owned by Odis Davis; thence north along said line to Bankhead Highway; thence east along south side of said highway one hundred eighty (180) feet to starting point." (Deed Reference - Book 320, page 162).

LESS AND EXCEPT:

TRACT I-

All of that tract or parcel of land situate, lying and being in the County of Carroll, said State of Georgia, being in Villa Rica, Carroll County, Georgia, being a part of original land lot number 162, and being a part of property sold to Loyt Easterwood by Mrs. Margaret Flornece on July 23, 1943 and recorded in Deed Book No. 67, page 551 on December 13, 1943 and more particularly described as follows: LYING and being on the south side of Bankhead Hwy. and beginning at the now or formerly George Sewell line and running south along said line to branch; thence west along said branch to land formerly owned by Odis Davis; thence north along said line to Bankhead Highway one hundred eighty (180) feet to starting point.

ALSO LESS AND EXCEPT:

TRACT II -

Lying and being in the City of Villa Rica and being more particularly described as follows: BEGINNING at an iron pin at the southwest corner of Tract I as described above and running thence south 75 feet, more or less, to an iron pin; thence easterly 100 feet, more or less, to an iron pin; thence northerly 75 feet, more or less, to an iron pin; thence westerly 110 feet to an iron pin at the point of beginning, being a portion of lots 12 and 13 of the G. O. Luther Subdivision according to a plat in Deed Book JJ, page 392. Said property is a portion of the property described in Deed Book 164, page 230. (Deed Reference - Book 320, page 164).

ALSO:

All of that tract or parcel of land situate, lying and being in the County of Carroll, said State of Georgia, being in the City of Villa Rica in the 6th District, said property lying on the north side of U.S. Highway 78 with a portion of said property being more particularly delineated and described on a plat entitled "Property Survey for Neal McCreary", said plat being prepared by Edwin T. McConnell, Registered Land Surveyor, dated June 9, 1971, and recorded in Plat Book 12, page 81, Carroll County Public Deed Records which plat and the record therein contained are by reference incorporated herein. Said property is further described as follows: TO FIND THE POINT OF BEGINNING begin at the intersection of the center line of Clearview Street with the center line of U.S. Highway 78; thence running in an easterly direction along the center line of U.S. Highway 78 a distance of 208 feet; thence in a northerly direction as shown on the aforementioned plat 40 feet to an iron pin on the north right of way of U.S. Highway 78 and the POINT OF BEGINNING. (This point being also described as the southwest corner of the tract of land shown on the aforementioned plat). Thence from said POINT OF BEGINNING running south 75 degrees 00 minute east 59.45; thence north 23 degrees 00 minutes east 196 feet; thence north 70 degrees

AFFIDAVIT

Authorization by Property Owner

I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of the City of Villa Rica, Carroll County, Georgia.

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

Name of Applicant: Preston Pannell

Address:

1600 Northside Drive, Suite 100, Atlanta, Ga. 30318-3201

Telephone Number: 404-351-8056

Robert Leathers
~~Ruby Leathers~~

Owner (Printed Name)

Robert Leathers

Signature of Owner

8-8-24
Date

Personally Appeared Before Me:

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

Denise J. Hicks
Notary Public



8/8/24
Date

NO.	DESCRIPTION	DATE	BY
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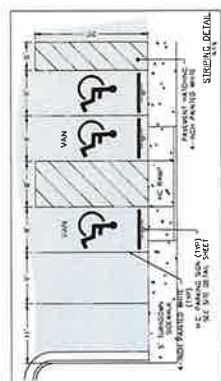
SE SOUTH EAST
ENGINEERING & LAND PLANNING
2000 AVENUE 10, SUITE 100, ATLANTA, GA 30328
404-525-1000 | WWW.SOUTHEASTENGINEERING.COM

APP # 240718
SCALE 1"=40'
DATE 06/06/2024
DESIGN BY MAP

779 WEST BANKHEAD HIGHWAY
CONCEPTUAL PLAN
SHEET: 1 of 1



SITE LOCATION MAP
CITY OF VILLA RICA,
CARROLL COUNTY, GEORGIA
SCALE: 1"=1 MILE

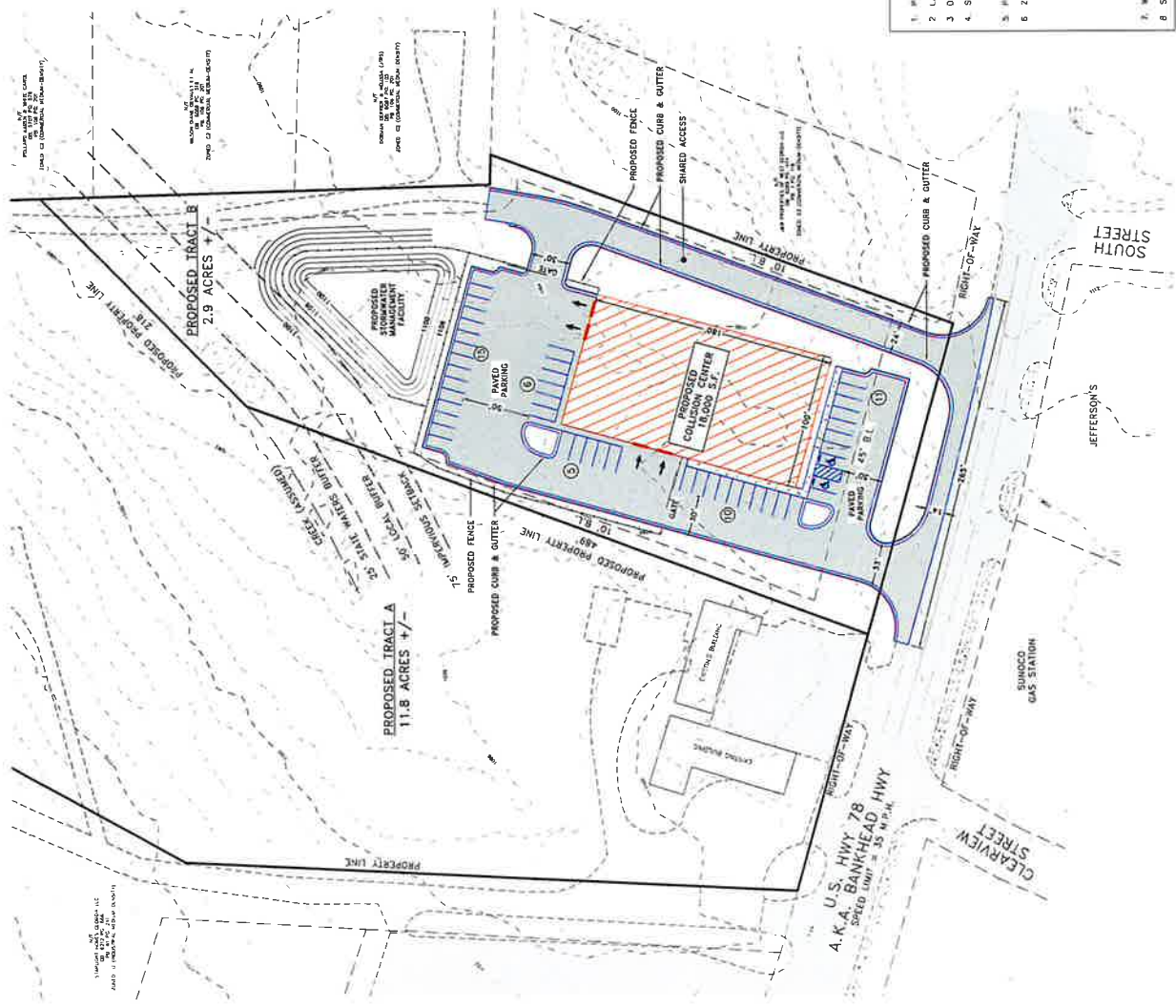


NOTE:

- BOUNDARY INFORMATION SHOWN OBTAINED FROM CARROLL COUNTY RECORDS.
- TOPOGRAPHIC DATA OBTAINED FROM CARROLL COUNTY RECORDS.
- THE 1/4 SECTION 10, T12N, R10E, S12W, CARROLL COUNTY, GEORGIA, IS SHOWN FOR REFERENCE. THE 1/4 SECTION 10, T12N, R10E, S12W, CARROLL COUNTY, GEORGIA, IS SHOWN FOR REFERENCE.
- THE 1/4 SECTION 10, T12N, R10E, S12W, CARROLL COUNTY, GEORGIA, IS SHOWN FOR REFERENCE. THE 1/4 SECTION 10, T12N, R10E, S12W, CARROLL COUNTY, GEORGIA, IS SHOWN FOR REFERENCE.
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- THE 1/4 SECTION 10, T12N, R10E, S12W, CARROLL COUNTY, GEORGIA, IS SHOWN FOR REFERENCE. THE 1/4 SECTION 10, T12N, R10E, S12W, CARROLL COUNTY, GEORGIA, IS SHOWN FOR REFERENCE.

GENERAL SITE DATA

- PARCEL: 000 00700004
- LAND LOT: 154
- DISTRICT: DE
- SITE AREA: 11.8 ACRES +/-
- PROPOSED USE: COLLEGE CENTER
- ZONING (TRACT B): C-1 (COMMERCIAL)
- SETBACKS: FRONT: 25', REAR: 20', SIDE: 10'
- MINIMUM LOT AREA: 1.0 ACRE
- LOT COVERAGE: MAXIMUM ALLOWED 75%
- PROPOSED: 50%
- WATER AVAILABILITY: PUBLIC
- SEWER AVAILABILITY: PUBLIC





RE: Special Exception Letter of Request

Subject Property Address: 779 West Bank Head Highway

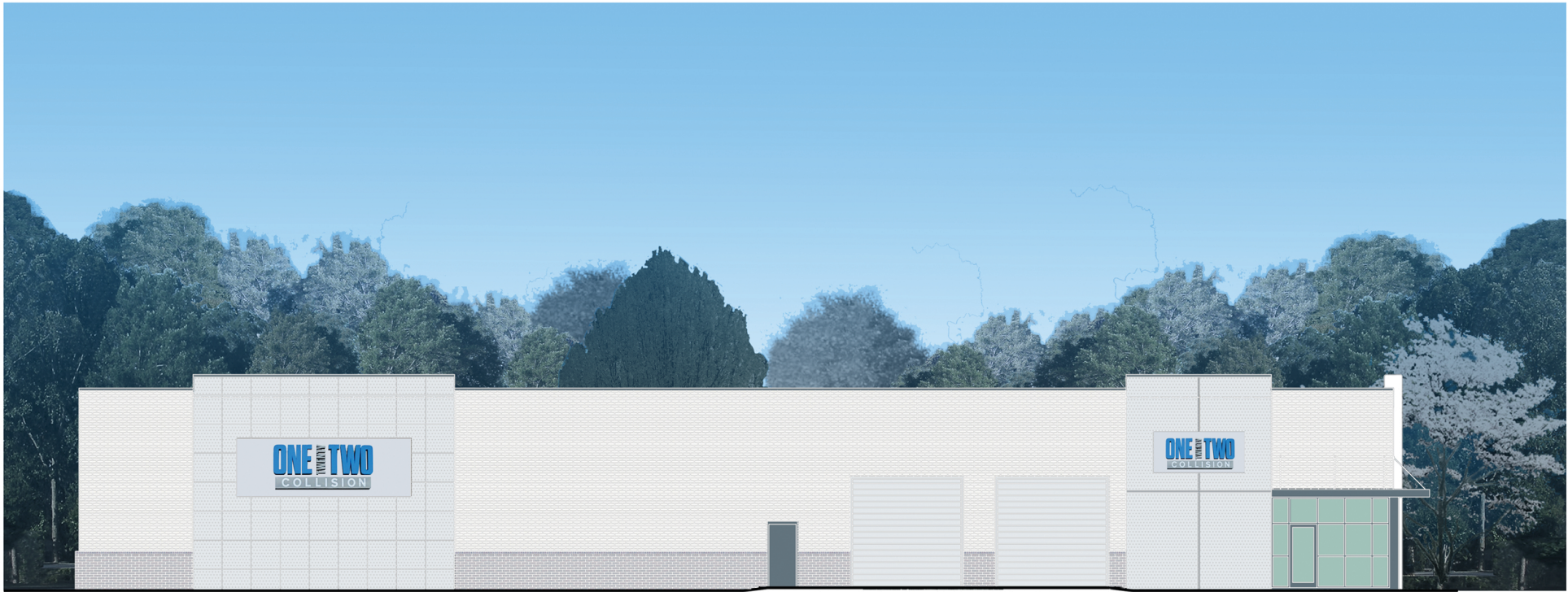
Applicant Name: Dean Camper

The subject property lies within Land Lot 164, District 6, and consists of parcel number V02 0070004. This parcel is approximately 14.58 acres. The application wishes to divide the lot into two tracts. Tract A would be 11.8 +/- acres and Tract B would be 2.9 +/- acres. The applicant is merely looking to develop Tract B and is proposing to develop an approximate 18,000 square foot collision center with fencing and paved parking. The property is zoned C-1 (Commercial). The preliminary site plan included with this application provides information about the project.

The effect of this development would be very minimal to surrounding properties since the zoning would not change. The sites surrounding the proposed collision center have similar zonings and do not contain any residential properties. The properties along the east property line are zoned C-2, I-2 (Industrial) along the rear property line, and C-1 along the west property line.

Given the information provided above, that the current zoning would not alter, this development would be consistent with the intent and purpose of the City's Code, goals/ policies of the City's Comprehensive Plan, and there would not be any directly affected areas.





Front Elevation

1/8" = 1'-0"



Right Side Elevation

1/8" = 1'-0"

EXTERIOR MATERIALS

BRICK = 6510 SF 68%
DOORS, STOREFRONT & EIFS = 3009 SF 32%
TOTAL EXTERIOR WALL AREA = 9519 SF 32%

Camp Architects

Camp Architects, Inc.
P.O. Box 3386 Atlanta, Georgia 30302

122 Collision Center - Acworth, Georgia

PRELIMINARY DESIGN

DRAWN WCC
APPROVED WCC
COMM. NO. 2408
DATE JUNE 13, 2024
REVISIONS:
PRELIMINARY DESIGN

SHEET TITLE
PRELIMINARY DESIGN
ELEVATIONS

SHEET NO.

PD2

2 OF 2