

CITY COUNCIL
JEFF REESE, MAYOR
LESLIE MCPHERSON, MAYOR PRO-TEM
VERLAND BEST
DANNY CARTER
SHIRLEY MARCHMAN
GIL MCDUGAL

City of Villa Rica



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

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

MAYOR & COUNCIL MONTHLY MEETING AGENDA

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
October 3, 2017 | 6:00 PM

Meeting Call to Order (Mayor Jeff Reese)

Invocation (Councilwoman Leslie McPherson)

Pledge of Allegiance (Mayor Jeff Reese)

Ceremonial Presentations (Mayor & Council)

- Recognition of Robert Francis for 5 Years of Service. Robert is a Code Compliance Specialist for Code Enforcement.
- Recognition of Shelly Frost for 20 Years of Service. Shelly is the IT/CID for the Police Department.
- Recognition of Doyle Bolden for 20 Years of Service. Doyle is Lab Analyst for Wastewater.
- Recognition of Erin Sims for getting her Class I Water Operator License. Erin is the Water Treatment Plant Manager.

Adoption of the Agenda (Mayor Jeff Reese)

Council Updates (Subjects of General Interest and Concern)

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

Consent Agenda

The Consent Agenda is a single item that encompasses all things the City Council would normally approve with little comment. Each of these items were discussed at the Thursday, September 28, 2017, Council Work Session, and it was the unanimous consensus of the Governing Body to place the following items on the Consent Agenda.

1. ADD NEW POSITION FOR IT COORDINATOR: Approval to add an IT Coordinator position to the City's payroll.
2. ADD NEW POSITION FOR BUILDING INSPECTOR: Approval to add a Building Inspector position to the City's payroll.
3. EMERGENCY PURCHASES OVER \$10,000: Replace 2 failed lift station pumps to avoid spills and loss of customer service.

A. Governing Body (Mayor Jeff Reese)

1. MEETING MINUTES: Approval of the minutes.

- a. Monthly Meeting of September 5, 2017
- b. Special Called Meeting of September 22, 2017

B. Finance (Sarah Hefty, CFO)

1. MONTHLY FINANCIAL REPORT: August 2017

C. Community Development

- 1. VA-04-17: VARIANCE REQUEST FROM SEAN P. SHEA, D.R. HORTON, INC: Request from Sean P. Shea, D.R. Horton, Inc. for approval of a variance for the purpose of reducing buffer requirements for Lot Nos. 36, 37, and 38 in Northwoods at Mirror Lake.
- 2. VA-05-17: VARIANCE REQUEST FROM SEAN P. SHEA, D.R. HORTON, INC: Request from Sean P. Shea, D.R. Horton, Inc. for approval of a variance for the purpose of reducing buffer requirements for Lot Nos. 26, 28, 29, 30, 31, 32, 33, 34, 36, and 37 within Southwoods Mirror Lake.
- 3. ABL-06-17: ALCOHOL BEVERAGE LICENSE FOR LUTHER'S BISTRO: Approval to allow applicant to pour wine and malt beverages at Luther's Bistro, 901 S. Carroll Road, Suite 101, Villa Rica, Georgia

D. Police (Chief Michael Mansour)

- 1. PURCHASE OF VEHICLES FOR POLICE DETECTIVES: Approval for the purchase of vehicles for the Police Department Detectives.

E. Parks, Recreation & Leisure Services (Vicki Coleman, Director)

- 1. NUGGET DROP FIREWORKS DISPLAY CONTRACTOR RECOMMENDATION: Approval of a fireworks contractor for the Nugget Drop.

Adjournment



Agenda Item: _____

CITY OF VILLA RICA

City Council Packet

SUBJECT: Add New Position for IT Coordinator
CITY COUNCIL AGENDA DATE: October 3, 2017

DATE: 9/78/2017
PREPARED BY: Tom Barber

FISCAL IMPACT:

ANNUAL – For 2017: Two months of salary and benefits, approximately \$15,000

CAPITAL –

OTHER –

FUNDING SOURCE: This would be a new item in the General Fund and be offset somewhat by reducing our dependence on the Blue Group

PURPOSE: To add an IT Coordinator position to the City's payroll.

BACKGROUND: The City operates an older, outdated, and underpowered computer network. Several functions operate over DSL lines or on stand-alone equipment. Available space for storage is limited, with some network server drives are over 90% full. Our backup procedures and off-site storage arrangements are inadequate. We currently outsource our IT function, so regular on-site oversight is non-existent. To cost-effectively address these and many other issues we need to hire a fulltime in-house person.

STAFF RECOMMENDATION: Staff recommends that City Council authorize the CFO and HR Director to add an IT Coordinator to the current budget and advertise the position as soon as possible.

IMPACT:



Agenda Item:_____

CITY OF VILLA RICA

City Council Packet

SUBJECT: Add New Position for Building Inspector
CITY COUNCIL AGENDA DATE: October 3, 2017

DATE: 9/78/2017

PREPARED BY: Tom Barber

FISCAL IMPACT:

ANNUAL – For 2017: Two months of salary and benefits, less than \$15,000

CAPITAL –

OTHER –

FUNDING SOURCE: This would be a new item in the General Fund and be more than offset by a reduction in fees paid to Carroll County

PURPOSE: To add a Building Inspector position to the City's payroll.

BACKGROUND: The City currently pays Carroll County to provide building inspection services. Our fee is based on 60% of building permit revenue. In just eight months this year we have paid them over \$120,000. A fulltime inspector would cost a fraction of that amount.

STAFF RECOMMENDATION: Staff recommends that City Council authorize the CFO and HR Director to add a Building Inspector to the current budget and advertise the position as soon as possible.

IMPACT:



CITY OF VILLA RICA

City Council Packet

SUBJECT: Emergency Purchases over \$10,000.00

CITY COUNCIL AGENDA DATE: September 28, 2017

DATE: 9/22/17

PREPARED BY: Charles Davis

FISCAL IMPACT:

ANNUAL –

CAPITAL –

OTHER – Emergency lift station pumps / budgeted items

FUNDING SOURCE: 505-4330-522220

Item 1:

\$12,579.00 PO# 20869 issued to Goforth Williamson, Inc. – Emergency Repair - Replace pump at Ashbury Lift Station.

Item 2:

\$11,143.00 PO# 21149 issued to: Monumental Equipment Inc. – Emergency Repair – Replace pump at Bivin's Road Lift Station.

PURPOSE: Replace 2 failed lift station pumps to avoid spills and loss of customer service.

BACKGROUND: Pumps failed and had to be replaced as quickly as possible to prevent any spills or loss of service. Both were approximately 15 years old, and were not feasible to repair.

STAFF RECOMMENDATION: Both pumps have been replaced as emergency repairs to avoid loss of service to customers.

IMPACT: Both pumps were paid for in the budgeted Maintenance / Repair line item, Line item account number is shown above. Funds were available and budgeted. This was just a matter of being over the \$10,000.00 threshold and requires Council approval.

CITY COUNCIL
JEFF REESE, MAYOR
LESLIE MCPHERSON, MAYOR PRO-TEM
VERLAND BEST
DANNY CARTER
SHIRLEY MARCHMAN
GIL MCDUGAL

City of Villa Rica



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

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

SPECIAL CALLED COUNCIL MEETING MINUTES

The Olive Tree Restaurant Banquet Room
Friday, September 22, 2017 @ 8:00 am

Meeting Call to Order (Mayor Jeff Reese)

The meeting was called to order by Mayor Jeff Reese. Present: Mayor Jeff Reese, Mayor Pro Tem Leslie McPherson, Councilmembers Verland Best, Shirley Marchman, Danny Carter, and Gil McDougal, City Manager Tom Barber, City Attorney David Mecklin, and City Clerk Alisa Doyal.

Adoption of the Agenda (Mayor Jeff Reese)

Mayor Jeff Reese requested Items C3 & C4 be removed from the agenda.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Verland Best, Councilman

SECONDER: Danny Carter, Councilman

AYES: Best, Carter, McDougal, Marchman, McPherson

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

One citizen came forward to make a public comment.

A. Finance (Sarah Hefty, CFO)

1. ADD BANK ACCOUNT FOR SELF FUNDED INSURANCE: To set up a new bank account for self-funded insurance.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Danny Carter, Councilman

SECONDER: Verland Best, Councilman

AYES: Carter, Best, McDougal, Marchman, McPherson

2. 2018 BUDGET CALENDAR: Approval of revised budget calendar.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Verland Best, Councilman

SECONDER: Danny Carter, Councilman

AYES: Best, Carter, McDougal, Marchman, McPherson

B. Human Resources (Stephanie Rooks, Manager)

1. CONTRACTS AND AGREEMENTS WITH VARIOUS COMPANIES: Approval of contracts and agreements to move forward with the Self-Funded Health Plan, Rx and Reporting Features.

Motion was made by Councilman Danny Carter to approve and for the City Manager to have the authority to sign the contracts and agreements.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Danny Carter, Councilman

SECONDER: Verland Best, Councilman

AYES: Carter, Best, McDougal, Marchman, McPherson

C. Governing Body (Mayor & Council)

1. WORK AUTHORIZATION FOR INTERIM PLANNING AND ZONING COORDINATOR: To engage Brennon Jones as our Interim Community Development Director.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Verland Best, Councilman

SECONDER: Gil McDougal, Councilman

AYES: Best, McDougal, Carter, Marchman, McPherson

2. DISCUSS SIGN ORDINANCE (COUNCILMAN GIL MCDOUGAL)
Discussion only.

Adjournment

There being no further business, the meeting adjourned.

Jeff Reese, Mayor

Alisa Doyal, City Clerk

CITY COUNCIL
JEFF REESE, MAYOR
LESLIE MCPHERSON, MAYOR PRO-TEM
VERLAND BEST
DANNY CARTER
SHIRLEY MARCHMAN
GIL MCDUGAL

City of Villa Rica



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

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

COUNCIL MONTHLY MEETING MINUTES

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
Tuesday, September 5, 2017 | 6:00 pm

Meeting Call to Order (Mayor Jeff Reese)

Mayor Jeff Reese called the meeting to order at 6:00 pm.

Invocation (Councilman Danny Carter)

Councilman Danny Carter led the Invocation.

Pledge of Allegiance (Mayor Jeff Reese)

Mayor Jeff Reese led the Pledge of Allegiance.

Ceremonial Presentations (Mayor & Council)

- Recognition of Jamie Saylor for 15 Years of Service. Jamie is an Equipment Operator (Public Works Department).
City Employee Jamie Saylor was recognized for 15 years of service.
- Presentation of Safety & Risk Management Leadership Award to Kevin Carroll (Sergeant with the Villa Rica Police Department) from the Local Government Risk Management Services (LGRMS)
Dan Beck, Director of the Local Government Risk Management Services, presented City Employee Kevin Carroll with the Safety & Risk Management Leadership Award. Sergeant Carroll is the Safety Coordinator for the City of Villa Rica.

Adoption of the Agenda (Mayor Jeff Reese)

Mayor Reese requested amendments to the agenda: (1) Remove C1-Contracts and Agreements of the Various Carriers (2) Defer E5 and E6 Variance Requests to the October Council Meeting.

RESULT: ADOPTED (UNANIMOUS)
MOVER: Danny Carter, Councilman
SECONDER: Shirley Marchman, Councilwoman
AYES: Carter, Marchman, McDougal, McPherson, Best

Council Updates (Subjects of General Interest and Concern)

City Manager's Report (Tom Barber)

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

Six citizens came forward to make a public comment.

Consent Agenda

The Consent Agenda is a single item that encompasses all things the City Council would normally approve with little comment. Each of these items were discussed at the Thursday, August 31, 2017 Council Work Session, and it was the unanimous consensus of the Governing Body to place the following items on the Consent Agenda.

1. **WORK AUTHORIZATION FOR INTEGRATED SCIENCE & ENGINEERING:** Approval for the city to enter a working relationship with Integrated Science & Engineering to help us develop a strategy to become an independent water provider.
2. **BAIL BOND AGENCY APPLICATION:** Approval of application from Best Bonding Services, Inc., to operate as a Bail Bondsmen in the City of Villa Rica.
3. **COURT CONDEMNED PROPERTY:** Approval to sell a list of Court Condemned Property to the public on GovDeals.
4. **MOU READDRESSING BANKHEAD HIGHWAY:** Approval of Memorandum of Understanding between the City of Villa Rica and Douglas County to readdress U.S. Highway 78/Bankhead Highway as Veterans Memorial Highway.
5. **GOLD DUST PARK MASTER PLAN DESIGN:** Approval of the lowest bidder of Signature Tennis Courts, Inc. at bid price of \$75,500.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Verland Best, Councilman

SECONDER: Gil McDougal, Councilman

AYES: Best, McDougal, Carter, Marchman, McPherson

A. Governing Body (Mayor Jeff Reese)

1. **MEETING MINUTES:** Review of meeting minutes

- a. July 27, 2017 Special Called Meeting
- b. August 1, 2017 Monthly Meeting
- c. August 18, 2017 Special Called Meeting
- d. August 25, 2017 Special Called Meeting

RESULT: ADOPTED (UNANIMOUS)

MOVER: Verland Best, Councilman

SECONDER: Shirley Marchman, Councilwoman

AYES: Best, Marchman, Carter, McPherson, McDougal

2. **CARROLL COUNTY INMATE WORK DETAIL AGREEMENT:** Approval of the second of two agreements with Carroll County that govern the use of inmate crews for grounds maintenance.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Danny Carter, Councilman

SECONDER: Verland Best, Councilman

AYES: Carter, Best, McPherson, Marchman, McDougal

3. SALE OF CITY-OWNED PROPERTY TO GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) FOR RIGHT-OF-WAY FOR THE NORTH LOOP: Approval of sale of city-owned property to GDOT who needs the land along the proposed route of the North Loop for right-of-way.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Danny Carter, Councilman
SECONDER: Gil McDougal, Councilman
AYES: Carter, McDougal, Best, Marchman, McPherson

4. ENGINEER POSITION TO COMMUNITY DEVELOPMENT: Approval to add an Engineer position to the Community Development department.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Danny Carter, Councilman
SECONDER: Verland Best, Councilman
AYES: Carter, Best, McPherson, Marchman, McDougal

B. Finance (Sarah Hefty)

1. MONTHLY FINANCIAL REPORT: July 2017
CFO Sarah Hefty presented the July 2017 Financial Report.
2. CHANGE FISCAL YEAR: Approval to change the fiscal year from January-December to October-September

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Verland Best, Councilman
SECONDER: Danny Carter, Councilman
AYES: Best, Carter, Marchman, McPherson, McDougal

3. CYCLE BILLING: Approval to divide-up utility customers into four sections and have separate utility billings for each section.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Danny Carter, Councilman
SECONDER: Leslie McPherson, Councilwoman
AYES: Carter, McPherson, Best, Marchman, McDougal

4. POSSIBLE GEFA LOAN FOR CRITICAL WATER/SEWER PROJECTS: Discussion of possible GEFA loan for around \$3,000,000 in order to complete the critical water projects.
This was discussion only and no action was required.

C. Removed from the Agenda (Contracts and Agreements of the Various Carriers)

D. Moved to Consent Agenda

E. Community Development (Janet Hyde, Manager)

1. RA-03-17 REZONING REQUEST: Humberto Melendez is requesting approval of a rezoning of property located at 207 Westview Drive (3 Houses) from DT-COM (Downtown-Commercial) to DT-CMU (Downtown- Commercial Mixed Use) for use as residences.

Public Hearing: No one came forward.

RESULT: DENIED (4/1)

MOVER: Gil McDougal, Councilman, deny request.

SECONDER: Verland Best, Councilman

AYES: McDougal, Best, Marchman, Carter

NAYS: McPherson

2. LEASE OF OLD HEADSTART PROPERTY: Request from Angelette Guyton to lease old HeadStart building located at 311 Cleghorn Street for a daycare center.

RESULT: TABLED (UNANIMOUS) TO OCTOBER MEETING

MOVER: Gil McDougal, Councilman

SECONDER: Danny Carter, Councilman

AYES: McDougal, Carter, Best, Marchman, McPherson

3. DEVELOPMENT AGREEMENT WITH D.R. HORTON HOMES: Request from D.R. Horton, D.R. Horton Homes to begin permitting new houses in The Falls at Mirror Lake.

Janet Hyde requested the Council to table the request due to Items E4 & E5 being deferred to the October Council Meeting.

RESULT: TABLED (UNANIMOUS) TO OCTOBER MEETING

MOVER: Leslie McPherson, Councilwoman

SECONDER: Verland Best, Councilman

AYES: McPherson, Best, Marchman, Carter, McDougal

4. **Deferred to October Council Meeting (VA-04-17 Variance Request)**

5. **Deferred to October Council Meeting (VA-05-17 Variance Request)**

F. Parks, Recreation & Leisure Services (Vicki Coleman, Director)

1. CONNERS ROAD PARK MASTER PLAN DESIGN: Approval of Falcon Design as the surveying and design professional for Connors Road Park.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Gil McDougal, Councilman, for Boundary Survey and Geotechnical only for \$20,500.

SECONDER: Danny Carter, Councilman

AYES: McDougal, Carter, Best, Marchman, McPherson

G. Economic Development/Main Street (Christopher Pike, Director)

1. DOWNTOWN CONNECTOR PLANNING SERVICES: Approval of proposal from TSW to provide planning and design services for the area around the proposed Downtown Connector.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Leslie McPherson, Councilwoman
SECONDER: Gil McDougal, Councilman
AYES: McPherson, McDougal, Best, Marchman, Carter

I. Discussion Item

1. OLD TOWN VILLAGE SUBDIVISION STREET LIGHTS – Councilwoman Leslie McPherson requested the Council consider having the street lights turned on at the subdivision and the city cover the cost of \$195.00. Because this was only a discussion item on the agenda, action will be taken at the Special Called Council Meeting on Friday, September 22, 2017.

ADJOURNMENT - There being no further business, the meeting was adjourned.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Verland Best, Councilman
SECONDER: Shirley Marchman, Councilwoman
AYES: Best, Marchman, Carter, McPherson, McDougal

Jeff Reese, Mayor

Alisa Doyal, City Clerk

CITY OF VILLA RICA

Monthly Financial Analysis - August 2017 (67%)

GENERAL FUND

SELECTED STATISTICS

Total Cash - Operating	\$	4,760,182
Total Unassigned Fund Balance (Equity)	\$	5,220,018

REVENUE STATUS

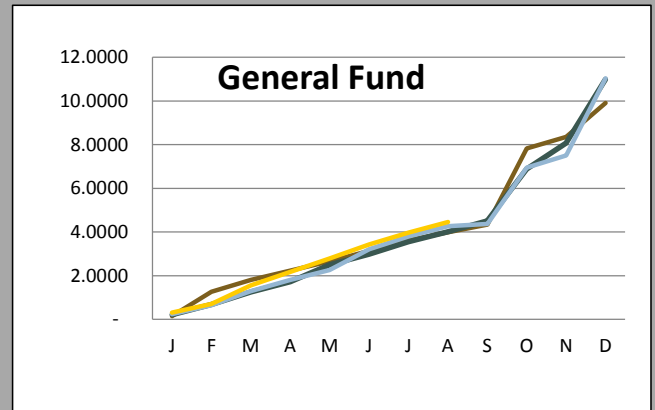
	Budget	YTD	% of Budget	Compared to Prior YTD
LOST	\$ 2,437,000	\$ 1,362,712	56%	1% ↑
Property Tax	3,139,000	159,347	5%	93% ↑
Occupational Tax	400,000	368,893	92%	14% ↑
Permits & Inspect.	97,800	302,409	309%	412% ↑

FUND STATUS

	Budget	YTD	% of Budget	Compared to Prior YTD
<i>General Fund</i>				
Revenue	\$ 11,910,299	\$ 4,465,253	37%	14% ↑
Expense	11,910,299	6,954,207	58%	6% ↑

REVENUE TREND COMPARISON (in millions)

2014 2015 2016 Current Fiscal Year



ENTERPRISE FUND: WATER/SEWER

SELECTED STATISTICS

Total Cash - Operating	\$	13,496
Total Investments	\$	2,059,118
Total Outstanding Bond Principal	\$	33,130,000
Total Unrestricted Net Position (Equity)	\$	2,292,915

REVENUE STATUS

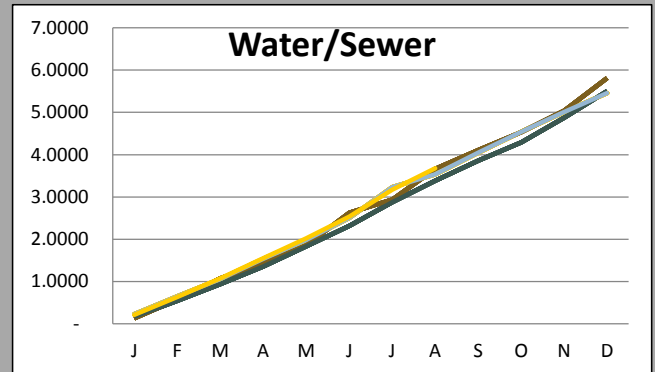
	Budget	YTD	% of Budget	Compared to Prior YTD
Water Sales	\$ 2,940,000	\$ 1,668,552	57%	-3% ↓
Sewer Sales	2,383,500	1,385,160	58%	-1% ↓
Tap Fees	280,000	410,275	147%	123% ↑

FUND STATUS

	Budget	YTD	% of Budget	Compared to Prior YTD
<i>Water/Sewer Fund</i>				
Revenue	\$ 7,109,000	\$ 3,678,933	52%	4% ↑
Expense	7,100,818	4,775,573	67%	20% ↑

REVENUE TREND COMPARISON (in millions)

2014 2015 2016 Current Fiscal Year



ENTERPRISE FUND: SOLID WASTE

SELECTED STATISTICS

Total Cash - Operating	\$	(349,270)
Total Unrestricted Net Position (Equity)	\$	(195,394)

REVENUE STATUS

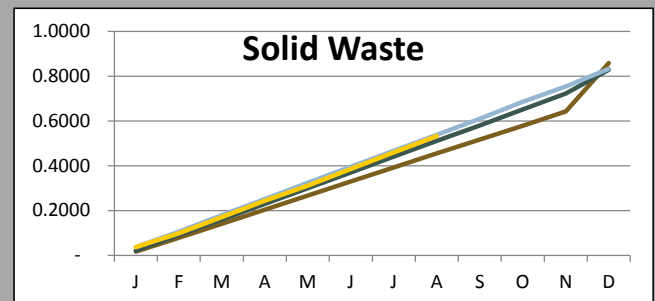
	Budget	YTD	% of Budget	Compared to Prior YTD
Solid Waste	\$ 863,100	\$ 505,160	59%	-0.3% ↓

FUND STATUS

	Budget	YTD	% of Budget	Compared to Prior YTD
<i>Solid Waste Fund</i>				
Revenue	\$ 915,100	\$ 532,599	58%	-1% ↓
Expense	914,605	624,790	68%	11% ↑

REVENUE TREND COMPARISON (in millions)

2014 2015 2016 Current Fiscal Year





Council Ward: 4

City Council Member: Gil McDougal

Public Hearing Dates

City Council: September 5, 2017

Request: Variance

Applicant: Sean P. Shea, D.R. Horton, Inc.
8800 Roswell Road, Building B
Suite 100
Sandy Springs, GA 30350
(470) 865-0800

Lot Nos: 36, 37, and 38 in Northwoods at
Mirror Lake

Current Land Use: Vacant

Future Land Use: Residential

Location:

Project Description: The applicant requests a variance for the purpose of reducing buffer requirements.

Variance Review Standards: (From Section 2.03J(4) of the Unified Development Code)

A variance is not a right. It may be granted only upon finding that:

- (a) Granting the variance will not substantially conflict with any City adopted plans or policies, or the purposes or intent as set forth in this code.**

Granting the variance will substantially conflict with the buffer requirements established in the Unified Development Code.

- (b) There are exceptional conditions creating an undue hardship, applicable only to the property involved, or the intended use thereof, which do not generally apply to the other land areas or uses within the zone district.**

The current ordinance would prohibit development of this land unless this variance is granted.

- (c) The applicant cannot derive a reasonable use of the property without approval of a variance.**

The applicant cannot derive a reasonable use of the property without approval of this variance.

- (d) Granting the variance will not generally set a precedent for other applications (which would indicate that a text amendment to this code should be proposed and considered).**

Granting this variance will not necessarily set a precedent for other applications due to the unique situation in this case.

- (e) Granting the variance will not be detrimental to any adjacent properties or the area.**

Granting the variance will not be detrimental to any adjacent properties or the area.

- (f) Granting the variance will not be detrimental to public health, safety or welfare.**

Granting the variance will not be detrimental to the public health, safety, or welfare.

OR

(g) In the event the basis or reason for the appeal is due to circumstances or a situation not created by the applicant (e.g., an undersized parcel was created, or a structure whose deficient setbacks were established, or a structure had setbacks which were conforming to requirements prior to the adoption of the current code requirements) the Council may approve a variance applying only b. above

This basis of this appeal is due to circumstances not created by this applicant. The property's shape and topography existed at the time of adoption of this ordinance. The final plat was recorded in May 2007, after the adoption of the ordinance. The final plat did not include the 50' stream buffer and 25' impervious buffer required by the City. The applicant will maintain the 25' state buffer requirement. Adherence to the City's minimal buffer requirement will not allow all of this land to be developed as platted.

Staff Comments:

The applicant requests a variance for the purpose of reducing buffer requirement for the city's 50' stream buffer, and 25' impervious buffer.

The City of Villa Rica has held that buffers adjacent to streams provide numerous benefits including: (1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources (2) Removing pollutants delivered in urban stormwater (3) Reducing erosion and controlling sedimentation (4) Protecting and stabilizing stream banks (5) Providing for infiltration of stormwater runoff (6) Maintaining base flow of streams (7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem (8) Providing tree canopy to shade streams and promote desirable aquatic habitat (9) Providing riparian wildlife habitat (10) Furnishing scenic value and recreational opportunity and (11) Providing opportunities for the protection and restoration of greenspace.

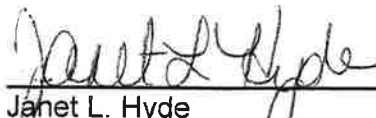
Some of the requested variances impact the city's 50' stream buffer requirement and 25' impervious buffer requirement, but not all impact the same buffers. Therefore, staff recommends the following:

Denial of the variance for reduced 50' stream
buffer and approval of the variance for
the 25' impervious buffer

Lot 36 and 38

Denial of the variance for reduced stream
and impervious buffers

Lot 37



Janet L. Hyde
Community Development Manager

Attachments:

1. Application
2. Copy of Deeds
3. Statement of Why Variance is Necessary
4. Wetland and Stream Report
5. Site Plans



APPLICATION FOR
VARIANCE/APPEAL

☐ APPEAL ☒ VARIANCE

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

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

Date of Application: 7-19-17

APPLICANT

Applicant Name: Sean P. Shea - DR HORTON, INC

Address: 8800 Roswell Road, Bldg B, Suite 100 City: Sandy Springs State: GA Zip: 30350

Phone: (470) 865 - 0800 Fax: (844) 331 - 4500 Email: spshea@drhorton.com

Agent Name: _____

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

Phone: () - Fax: () - Email: _____

Owner Name (If different from applicant): W-A NML Holdings VII, L.L.C

Address: 2100 Powers Ferry Road, Bldg 2120, Suite 150 City: Atlanta State: GA Zip: 30339

Phone: () - Fax: () - Email: _____

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

VARIANCE OR APPEAL INFORMATION

Address of Variance or Appeal Location: _____

The requested variance is for lots 36, 37, and 38 located within the Northwoods at Mirror Lake subdivision. The lots listed above are located in the northeast corner of the subdivision off of the Landon Drive cul de sac.

I, Bruce A Rippen, hereby state that all of the above statements and statements contained in the documents submitted with this application are true. I hereby request processing of this application.

Signature of Applicant

V.P. Lang, Sec & CEO
D.R. Horton, Inc.

Date

7-19-17



CASE # _____
VARIANCE/APPEAL

Required Materials to Accompany the Application

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

Variance:

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

Appeals from Staff Determinations:

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

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

678.785.1004 (T)
770.459.7003 (F)

For Department Use Only

Case No: _____

Filing Fee: _____

Date Received: _____

Pre-Application Conf: _____

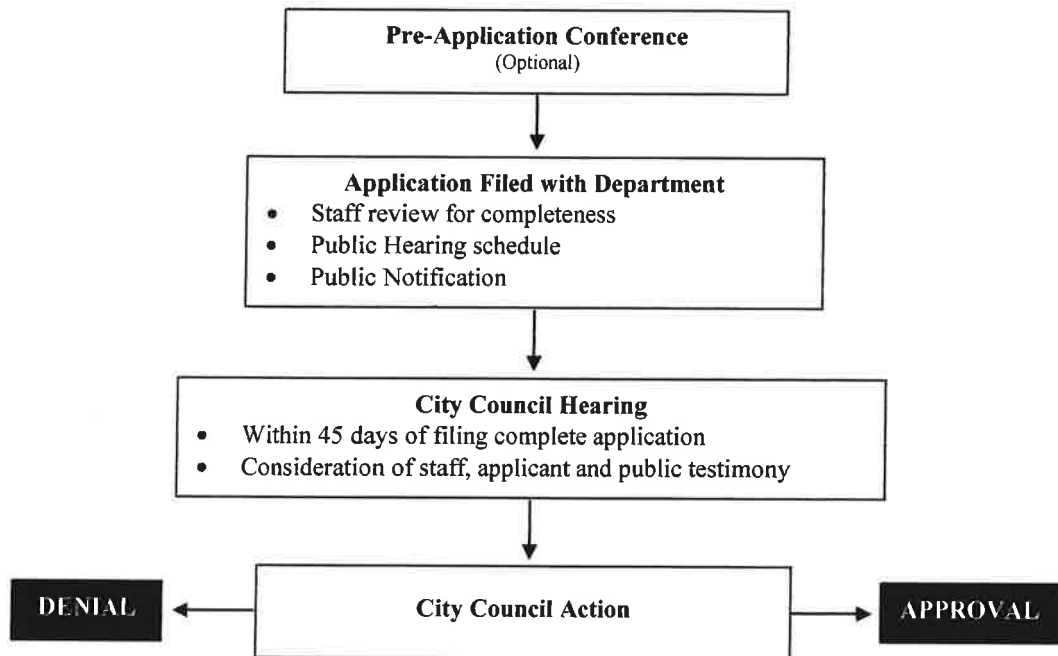
Staff Comments/Findings: _____

Action and Date: _____



CASE # _____
VARIANCE/APPEAL

PROCESS



Date: July 17, 2017

SUBJECT: LETTER OF AUTHORIZATION TO SUBMIT FOR STREAM BUFFER VARIANCE

To Whom It May Concern:

I authorize D.R. Horton, Inc. to act and sign on our behalf in obtaining a stream buffer variance on lots 36, 37, 38 of the Northwoods at Mirror Lake subdivision (Plat Book 33, Pages 214 – 218).

I certify that I am the owner of the lots mentioned above.

Titleholder: W-A NML Holdings VII, LLC

Address: 2100 Powers Ferry Rd.
Suite 350 Atlanta, GA 30339

Signature: 

Date: 7-17-17


(Signature of notary public)



Exhibit 1
Copy of Deed

FILED

13 OCT 28 PM 1:55

Doc ID: 007054710004 Type: WD
Recorded: 10/28/2013 at 01:55:00 PM
Fee Amt: \$184.00 Page 1 of 4
Transfer Tax: \$168.00
Douglas County Georgia
TAMMY M HOWARD Clerk Superior Court
BK 3177 PG 307-310

DOUGLAS COUNTY CLERK
TAMMY M HOWARD

After recording return to:

Calloway Title & Escrow, LLC

David W. Dudley 2-30119

4170 Ashford Dunwoody Rd. Ste. 285
Atlanta, Georgia 30319

(Above Reserved for Recording)

After recording return to:

William J. Wright

Ganek Wright Minsk PC

4170 Ashford Dunwoody Road, Suite 285
Atlanta, Georgia 30319

LIMITED WARRANTY DEED
(Northwoods of Mirror Lake)

This Limited Warranty Deed is dated October 25, 2013 and is signed by **REO Funding Solutions III, LLC**, a Georgia limited liability company ("Grantor"), in favor of **W-A NML HOLDINGS VII, L.L.C.**, a Delaware limited liability company ("Grantee").

For and in consideration of \$10.00 and other good and valuable consideration, the receipt, adequacy, and sufficiency of which Grantor acknowledges, Grantor hereby grants, bargains, sells, remises, releases, aliens, conveys, and confirms unto Grantee, the land in Douglas County, Georgia, that is described in **Exhibit A** to this deed, together with all tenements, hereditaments, easements, rights of way, and appurtenant rights including, without limitation, any portion of the land that is within the right of way of any publicly dedicated street, roadway or alleyway, and together with all improvements, structures, and fixtures on or attached to the land (collectively, the "**Property**").

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit, and behoof of Grantee, subject to the matters described in **Exhibit B** to this deed, forever IN FEE SIMPLE FOREVER.

AND Grantor agrees to warrant and forever defend the right and title to the Property unto Grantee against the lawful claims of all persons who claim by, through, or under Grantor.

Signature Page Follows

4

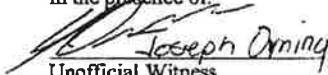
BK 3177 PG0308

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the day and year set forth above.

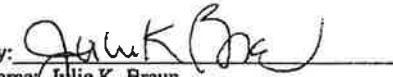
GRANTOR:
REO FUNDING SOLUTIONS III, LLC

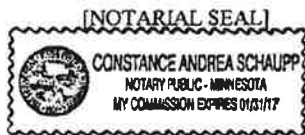
By: Castletlake II GP, L.P.
Its: Managing Member

Signed, sealed and delivered
this 25th day of October, 2013
in the presence of:


Unofficial Witness

Notary Public

By: 
Name: Julie K. Braun
Title: Vice President and Secretary



BK 3177 PG 309

EXHIBIT "A"**LEGAL DESCRIPTION**

All that tract or parcel of land lying and being in Land Lots 205 and 206 of the 2nd District, 5th Section of Douglas County, Georgia, being Lots 15, 16, 17, 18, 19, 20, 36, 37, 38 and 49, Northwoods at Mirror Lake, Phase I, as more particularly depicted on a plat recorded in Plat Book 33, Pages 214 through and including 218, Records of Douglas County, Georgia, which plat is incorporated herein by reference hereto.

AND

All that tract or parcel of land lying and being in Land Lots 205 and 206 of the 2nd District, 5th Section of Douglas County, Georgia, being Lots 21, 22, 23 and 25 of Northwoods at Mirror Lake, Phase I AKA Mirror Lake Northwoods Phase I Subdivision, as more particularly depicted on a plat recorded in Plat Book 32, Pages 87 through and including 91, Records of Douglas County, Georgia, revised at Plat Book 33, Pages 214 through and including 218, aforesaid records, which plat is incorporated herein by reference hereto.

BK 3177 PG0310

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Real property ad valorem taxes for 2013 and subsequent years, which are liens but not yet due and payable.
2. All easements, restrictions and other matters of record.

RECORDED

NOV 01 2013

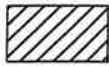
Tammy M. Howard
Clerk Superior Court
Douglas County, GA

Exhibit 2

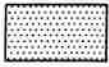
Site Plan

Drawing name: L:\103051 - DR Horton - Southwoods at Mirror Lake - Douglas County, GA\CADD\EXHIBITS\2017-07-17 - Stream Buffer Variance.dwg Jul 18, 2017 10:57am Northwoods (lots 36-38)

LEGEND



TOTAL ENCROACHMENT AREA = ± 0.18 ACRES
(25' IMPERVIOUS SETBACK)



TOTAL ENCROACHMENT AREA = ± 0.18 ACRES
(50' UNDISTURBED BUFFER)

SITE SUMMARY

ZONING CLASSIFICATION

JURISDICTION: CITY OF VILLA RICA

ZONING: PLANNED DEVELOPMENT

ADJACENT ZONING: PLANNED DEVELOPMENT

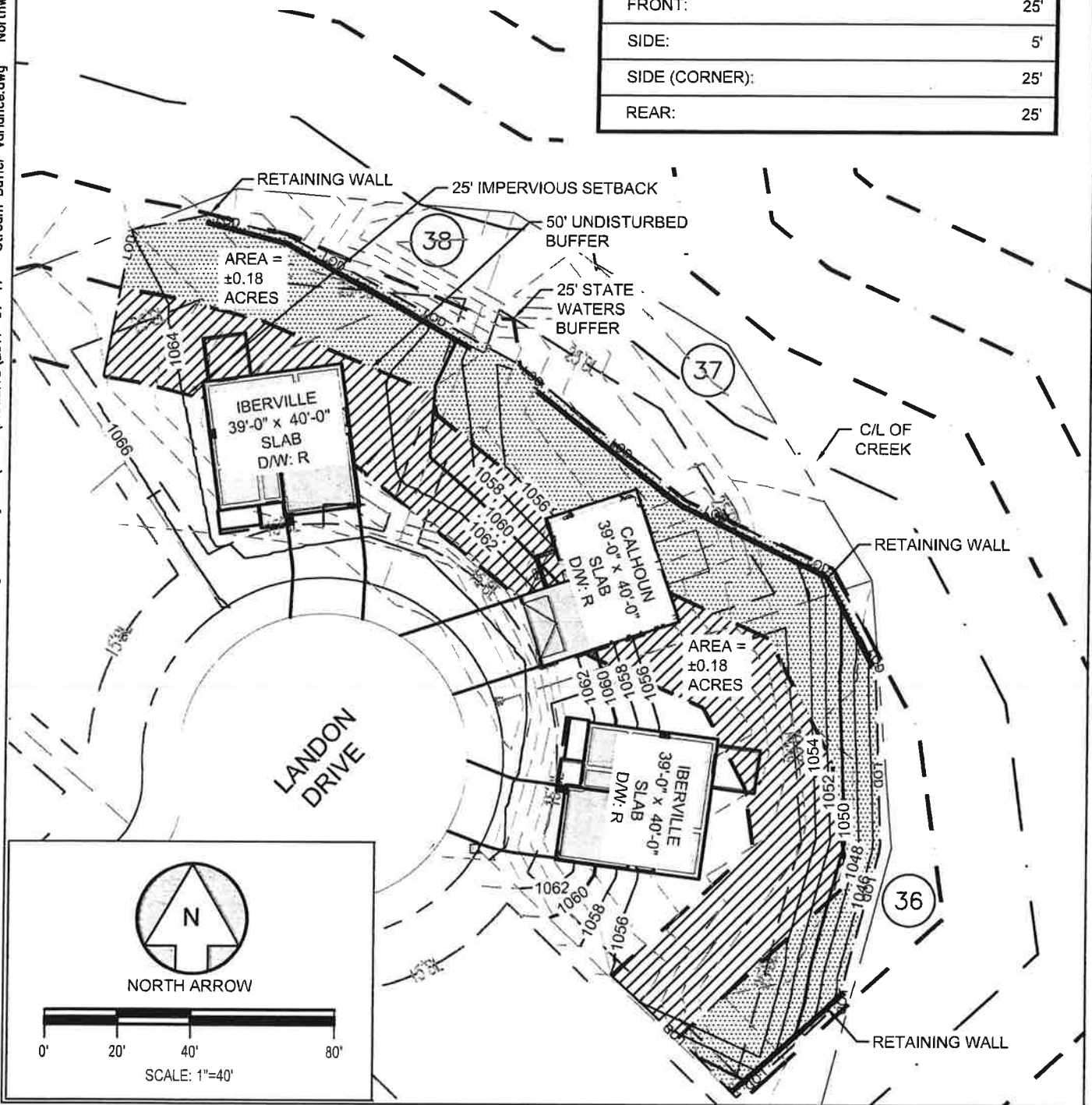
BUILDING SETBACKS

FRONT: 25'

SIDE: 5'

SIDE (CORNER): 25'

REAR: 25'



LECRAW
ENGINEERING
3475 CORPORATE WAY, SUITE A
DULUTH, GA 30098
PHONE - 878.546.8100 FAX - 770.441.0298

PROJECT:
Northwoods at Mirror Lake
LAND LOTS 205 & 206;
2ND DISTRICT, 5TH SECTION
CITY OF VILLA RICA
FULTON COUNTY, GA

CLIENT: DR HORTON, INC.
JOB NUMBER: 103051
DATE: 06/22/17 SCALE: 1" = 40'

DRAWN BY: LEI
DESIGNED BY: LEI
CHECKED BY: JSW

TITLE: **SITE PLAN EXHIBIT**
LOTS 36-38
DRAWING NUMBER:
EX-1

Exhibit 3
Statement of why Variance is Necessary

The requested variance is necessary to develop three remaining vacant lots within the Northwoods Subdivision in accordance with the previously approved Final Plat. Lots 36-38 are located on the Landon Drive cul de sac in the northeast corner of the subdivision and are impacted by state waters located along the northeast boundary of the site.

A final plat was previously recorded for the subdivision in November of 2004 and included a 25' state waters buffer measured from the top of stream bank of the state waters; however, the present day buffer standards for the City of Villa Rica require a 50' undisturbed buffer and an additional 25' impervious setback measured from the top of stream bank. Applying the present day buffers to the site would prevent lots 36-38 from being developed as single family detached homes as originally intended by the final plat. A variance is being requested to allow these lots to be developed without including the present day buffer standards required by the City of Villa Rica while maintaining the 25' state waters buffer required by the state.

The requested variance is in accordance with section 4.b of the City of Villa Rica Unified Development Code as follows:

Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the City of Villa Rica finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the City of Villa Rica may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

The effective date of the ordinance is August 1, 2006. The final plat for the Northwoods at Mirror Lake Subdivision was recorded in November of 2004; therefore, the subdivision was platted prior to the effective date of the ordinance as required by Section 4.b above.

Exhibit 4

Statement of Required Findings

- A. GRANTING THE VARIANCE WILL NOT SUBSTANTIALLY CONFLICT WITH ANY CITY ADOPTED PLANS OR POLICIES, OR THE PURPOSES OR INTENT AS SET FORTH IN THIS CODE.

The requested variance is being filed in accordance with Section 4.B of the City of Villa Rica Unified Development Code, which allows the City of Villa to grant a variance from the present day buffer and setback requirements as outlined in the UDC.

- B. THERE ARE EXCEPTIONAL CONDITIONS CREATING AN UNDUE HARDSHIP, APPLICABLE ONLY TO THE PROPERTY INVOLVED, OR THE INTENDED USE THEREOF, WHICH DO NOT GENERALLY APPLY TO THE OTHER LAND AREAS OR USES WITHIN THE ZONE DISTRICT.

A Site Reconnaissance for Wetlands, Streams, and Stream Buffers was conducted by Nelson Environmental, INC. on May 16, 2017 for the Northwoods Subdivision. The study area included lots 2-4, 25, 15-23, 36-38, and 49. (See Attached, Exhibit 6 – Wetland and Stream Report)

The following statements were included in the report under the On-Site Aquatic Resources Section:

- ***Intermittent Stream 1** is located in the northeastern section of the study area. Intermittent stream 1 originates offsite and flows along the edge of the study area. It enters and exits the study area twice before continuing southwest offsite. Approximately 105 linear feet of Intermittent Stream 1 is within Lot 37 and 38 of the study area.*
- ***Wetland One** is located in the northeast section of the study area. The wetland originates within the study area to the south of Intermittent Stream 1. Wetland 1 continues along Intermittent Stream 1 as it flows offsite. According to the plat map, Wetland 1 is located within lots 36 and 37. Approximately 0.02 acres of Wetland 1 is within the study area.*

The recorded final plat for the subdivision includes state waters located at the rear of lots 38-42 in the northeast corner of the subdivision; however, the final plat does not show the state waters extending through lots 37 and 38 as described in the recently conducted site reconnaissance. For the purposes of this variance request, the approximate location of the centerline of the creek as it passes through lots 37 and 38 as identified by Nelson Environmental, has been added to the Site Plan exhibit as well the 50' undisturbed buffer and 25' impervious setback as required by the present day standards.

As shown on the provided site plan, if the development is required to meet the present day requirements, the 50' undisturbed buffer would intersect the center of lots 37 and 38 and the 25' impervious setback would fall near the front of both lots, greatly reducing the buildable area. The 50' undisturbed buffer also encroaches into the rear of lot 36 and the 25' impervious setback intersects the center of the lot.

A proposed retaining wall has also been included on the site plan at the rear of lots 37 and 38 as well as the southeast corner of lot 36. The purpose of the retaining wall is to minimize the extent of the grading at the rear of the lots and prevent any encroachment into the 25' state waters buffer.

Based on this analysis, requiring the lots to provide the 50' undisturbed buffer and 25' impervious setback, as required by the present day standards, creates an undue hardship and prevents the otherwise lawful use of these lots as shown on the previously recorded final plat.

C. THE APPLICANT CANNOT DERIVE A REASONABLE USE OF THE PROPERTY WITHOUT APPROVAL OF A VARIANCE

Due to the potential reduction in the buildable lot area as a result of the present day buffer standards, the lots specified cannot be reasonably developed as single family detached homes without approval of a variance.

D. GRANTING THE VARIANCE WILL NOT GENERALLY SET A PRECEDENT FOR OTHER APPLICATIONS (WHICH WOULD INDICATE THAT A TEXT AMENDMENT TO THIS CODE SHOULD BE PROPOSED AND CONSIDERED);

The proposed variance meets the requirements as outlined in Section 4.b of the City of Villa Rica UDC; therefore, a text amendment to the code would not be required.

E. GRANTING THE VARIANCE WILL NOT BE DETRIMENTAL TO ANY ADJACENT PROPERTIES OR THE AREA.

It is not anticipated that granting the variance will be detrimental to any adjacent properties or the area; alternatively, lots 36-38 are the only remaining lots along Landon Drive and Creek Pointe Way that have not been developed. Granting the variance will allow these lots to be developed as single family detached homes, completing this area of the subdivision and preventing the vacant lots from being abandoned.

F. GRANTING THE VARIANCE WILL NOT BE DETRIMENTAL TO PUBLIC HEALTH, SAFETY OR WELFARE

Due to the fact that the 25' state waters buffer will still be in place, it is not anticipated that granting the variance will be detrimental to public health, safety or welfare.

G. IN THE EVENT THE BASIS OR REASON FOR THE APPEAL IS DUE TO CIRCUMSTANCES OR A SITUATION NOT CREATED BY THE APPLICANT (E.G., AN UNDERSIZED PARCEL WAS CREATED, OR A STRUCTURE WHOSE DEFICIENT SETBACKS WERE ESTABLISHED, OR A STRUCTURE HAD SETBACKS WHICH WERE CONFORMING TO REQUIREMENTS PRIOR TO THE

ADOPTION OF THE CURRENT CODE REQUIREMENTS) THE COUNCIL MAY APPROVE AN VARIANCE APPLYING ONLY 4.B. ABOVE.

Exceptional conditions create an undue hardship to the property as described in the response to question B above.

Exhibit 5
Listing of Property Owners

The list below consists of all property owners located within 250 feet of the lots included in the variance request with the exception of those properties currently owned by the applicant/owner or proposed to be developed by the applicant/owner as part of the continued development of the Northwoods at Mirror Lake Subdivision.

DESCRIPTION	Parcel ID Number	PROPERTY OWNER	MAILING ADDRESS
Lot 32	02060250134	Daniel & Hesper Herrmann	1024 Landon Drive, Villa Rica, GA 30180
Lot 33	02060250135	Daniel T. & Merry Ann Roberts	1028 Landon Drive, Villa Rica, GA 30180
Lot 34	02050250023	Travis Charles Branson	1032 Landon Drive, Villa Rica, GA 30180
Lot 35	02050250024	David L. & Flory I. Stratton	1036 Landon Drive, Villa Rica, GA 30180
Lot 39	02060250136	Joseph J. & Wanda I. Gallo	1029 Landon Drive, Villa Rica, GA 30180
Lot 40	02060250137	Rose Marie A. Desire	1025 Landon Drive, Villa Rica, GA 30180
Lot 41	02060250138	Herbert, Jr. & Joeann Johnson	2000 Creek Pointe Way, Villa Rica, GA 30180
Lot 42	02060250139	Lucy Bingham	3912 Hathaway Avenue Apt 1050 Long Beach, CA 908155128
Lot 43	02060250140	Raymond & Sharon Logan	3201 London Avenue Deltona, FL 32738
Lot 44	02060250141	Progress Residential Borrower 2015-1 Borrower	P.O. Box 4090 Scottsdale, AZ 85261
Lot 45	02060250142	Donna L. & Tyler L. Barr	1017 Landon Drive, Villa Rica, GA 30180
Mirror Lake Parkway Frontage	02060250001	JLC Mirror Lake SUB 1, LLC	2233 Peachtree Road, Suite 300 Atlanta, GA 30309
Fairways 3,4,5,6,& 7	02060250147	CC Mirror Lake, LLC	3030 LBJ FWY Suite 600 Dallas, TX 75234

Exhibit 6
Wetland and Stream Report

Northwoods at Mirror Lake

DOUGLAS COUNTY, GEORGIA

SITE RECONNAISSANCE FOR WETLANDS, STREAMS, AND STREAM BUFFERS

PREPARED 5/17/2017 FOR Mr. Sean Shea, DR Horton, Inc.

On 5/16/2017, NEI reviewed "Northwoods at Mirror Lake" to determine the extent of aquatic areas we believe would be jurisdictional under Section 404 of the Clean Water Act. The property is approximately 3.71 acres in size and can be accessed from Mirror Lake Parkway, 0.15 miles south from its intersection with Stockmar Road in Villa Rica, Douglas County, Georgia.

SUMMARY OF FINDINGS

TOTAL STUDY AREA	3.71 AC
Wetland Area	Approx. 0.02 AC
Perennial Stream	0 LF
Intermittent Stream	Approx. 105 LF
Ephemeral Stream	0 LF
Ditch	0 LF

PROPERTY DESCRIPTION

The majority of the study area appeared to have been cleared and graded as part of a development activity. The vegetation that remained in the study area was predominantly a mixed hardwood/pine forest with dense understory.

ON-SITE AQUATIC RESOURCES

- **Intermittent Stream 1** is located in the northeastern section of the study area. Intermittent Stream 1 originates offsite and flows along the edge of the study area. It enters and exits the study area twice before continuing southwest offsite. Approximately 105 linear feet of Intermittent Stream 1 is within Lot 37 and 38 of the study area.
- **Wetland One** is located in the northeastern section of the study area. The wetland originates within the study area to the south of Intermittent Stream 1. Wetland 1 continues along Intermittent Stream 1 as it flows offsite. According to the plat map, Wetland 1 is located within lots 36 and 37. Approximately 0.02 acres of Wetland 1 is within the study area.
- Aside from Wetland 1 and Intermittent Stream 1, the remainder of the study area appeared to be entirely upland.
- An Upland Drainage Feature was found along the east side of lots 15-24 and 25. Riprap was present within Lots 22, 23, and 25. A culvert passed under the east side of lot 24 directing drainage south from lots 15-24 to lot 25.

RESULTS OF SITE RECONNAISSANCE

- **Mapping:** As part of this site review, we have prepared the accompanying mapping and illustrations: a location map; aerial photograph; USGS quad map; USDA NRCS soils map; USFWS wetlands map; FEMA floodplains map; sketch of notable features; approximate photo locations.
- **GPS:** While onsite, we used Trimble GEO7X GPS to log the location of the wetland/upland boundary, stream locations, and other notable features as appropriate. The GPS information can be provided upon request.

SUMMARY OF OUR WORK ACTIVITY

Wetlands and waters of the US are under the jurisdiction of the US Army Corps of Engineers (USACE). The USACE jurisdiction is defined at Title 33 Code of Federal Regulations Part 328.3 and other guidance and policy. The USACE jurisdiction in the North Georgia region includes freshwater ponds, lakes, rivers, streams, and wetlands. Definition of these jurisdictional areas can be found in the back of the current Nationwide Permit regulations on the USACE website. The USACE regulates activities that result in the discharge of fill material into these jurisdictional areas. The Georgia Environmental Protection Division regulates land disturbance in a 25-foot buffer extending horizontally from the point of wrested vegetation along streams that exhibit normal stream flow and ponds and lakes. This authority is through the Erosion and Sedimentation Control Act.

Before conducting our fieldwork, we reviewed available remote data, including the following:

- Current and historic aerial photography (as available);
- USGS Quadrangle map;
- USDA NRCS County Soils Survey;
- USFWS National Wetlands Inventory map;
- FEMA Floodplains map

From in-office review of this remote information, we found one main draw, or valley that went through the northeastern lots of the subject area. According to the USGS topographical maps, there was one mapped stream on the property. The Fish and Wildlife Service National Wetland Inventory map was not available at the time of this reconnaissance. Based on historical aerial photography, the study area appeared to have been cleared and graded as part of a development activity along with a series of roads constructed throughout the project area around Year 2005. Riprap for the Upland Drainage Feature appears to have been placed within the study area around Year 2010.

CLOSING

The information and data provided herein is sufficient for planning purposes, but is not necessarily sufficient for agency verification. Our field reconnaissance for wetlands and streams is based on our over 25 years of experience, but please note that the USACE and GAEPD have the ultimate discretionary authority in the determination of their respective jurisdiction. If you would like for us to pursue official jurisdictional determination with the USACE and/or the GAEPD, please let us know.

ADDRESS TO STUDY SITE:
MIRROR LAKE PARKWAY
VILLA RICA, GEORGIA, 30180

PROJECT LOCATION

NORTH

MAP INSET

APPROX. STUDY AREAS
DESIGNATED IN RED

Pine Mountain
Gold Museum

2000FT

200FT

VICINITY MAP

PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

FIELD RECONNAISSANCE FOR WETLANDS AND STREAMS NORTHWOODS AT MIRROR LAKE DOUGLAS COUNTY, GEORGIA

EXHIBIT 1

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



AERIAL PHOTO WITH SKETCH

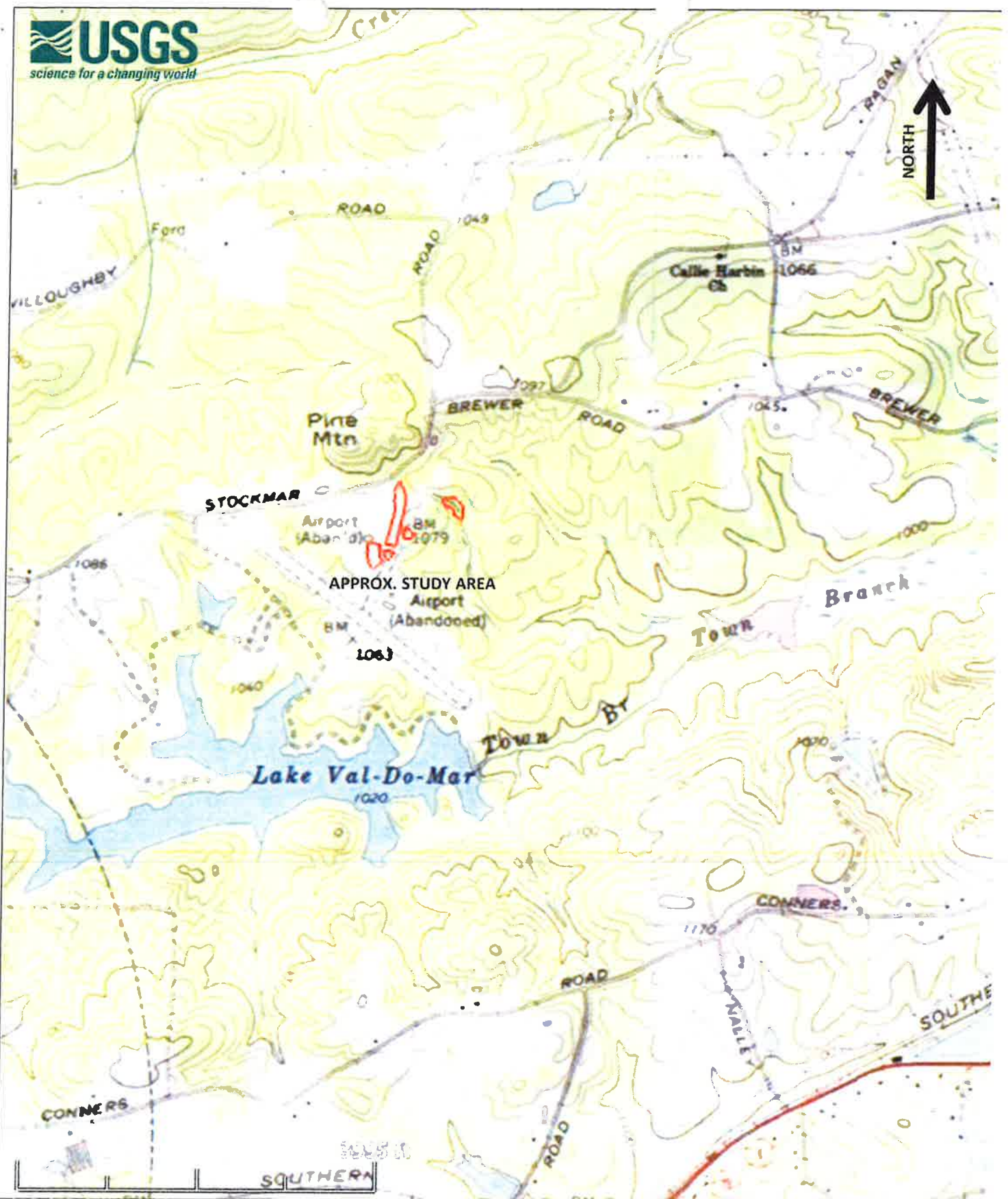
PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA

EXHIBIT 2

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



USGS TOPOGRAPHICAL MAP

PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

**FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA**

EXHIBIT 3

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665

APPROX. STUDY AREAS DESIGNATED IN RED



AERIAL PHOTOGRAPH

PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA

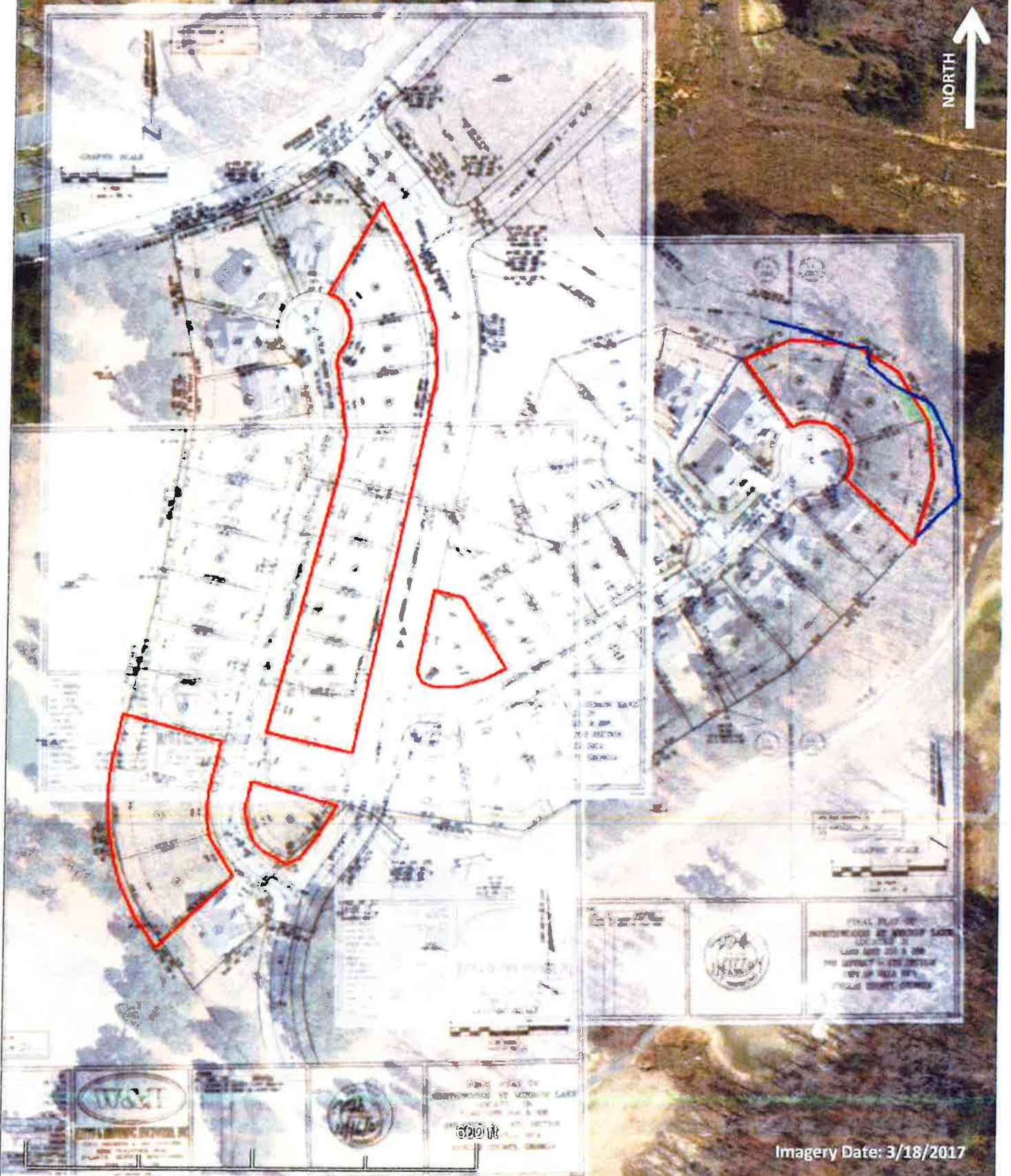
EXHIBIT 4

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665

APPROX. STUDY AREAS DESIGNATED IN RED

NORTH



AERIAL WITH PLAT MAP

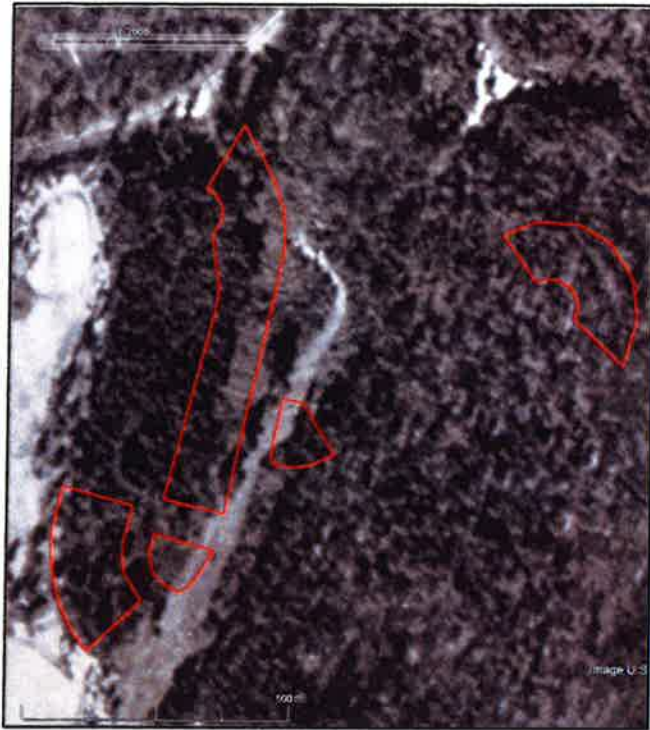
PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

**FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA**

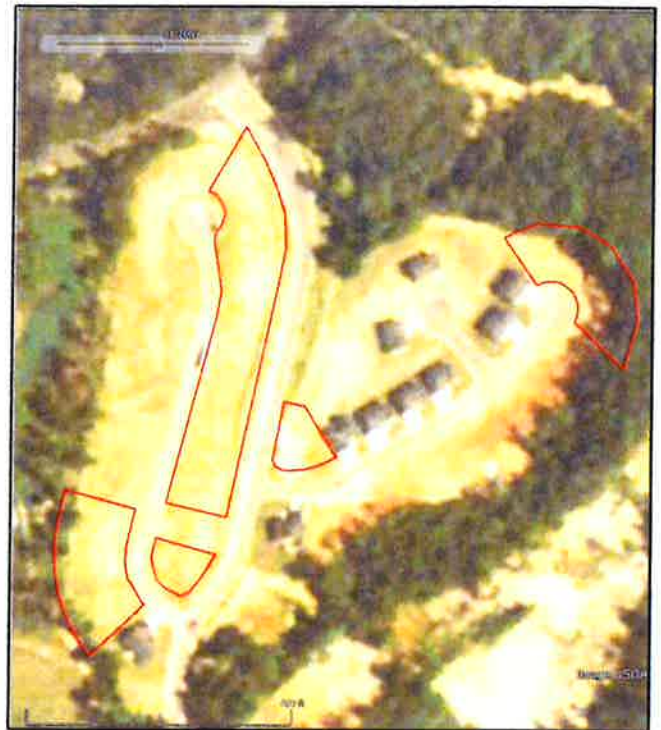
EXHIBIT 5

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



1/2000



11/2005



10/2010



3/2017

HISTORICAL AERIALS

PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA

EXHIBIT 6

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



APPROX. STUDY AREAS DESIGNATED IN RED



SOILS LEGEND

AmC2	Appling sandy loam, 6-10% slopes
AmD2	Appling sandy loam, 10-15% slopes
LIB2	Louisburg complex, 2-6% slopes
HYB2	Helena sandy loam, 2-6% slopes
Alp	Alluvial land, somewhat poorly drained

USDA SOIL SURVEY MAP

PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA

EXHIBIT 7

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



APPROX. STUDY AREAS DESIGNATED IN RED



FEMA FLOODPLAINS MAP

PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA

EXHIBIT 8

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665

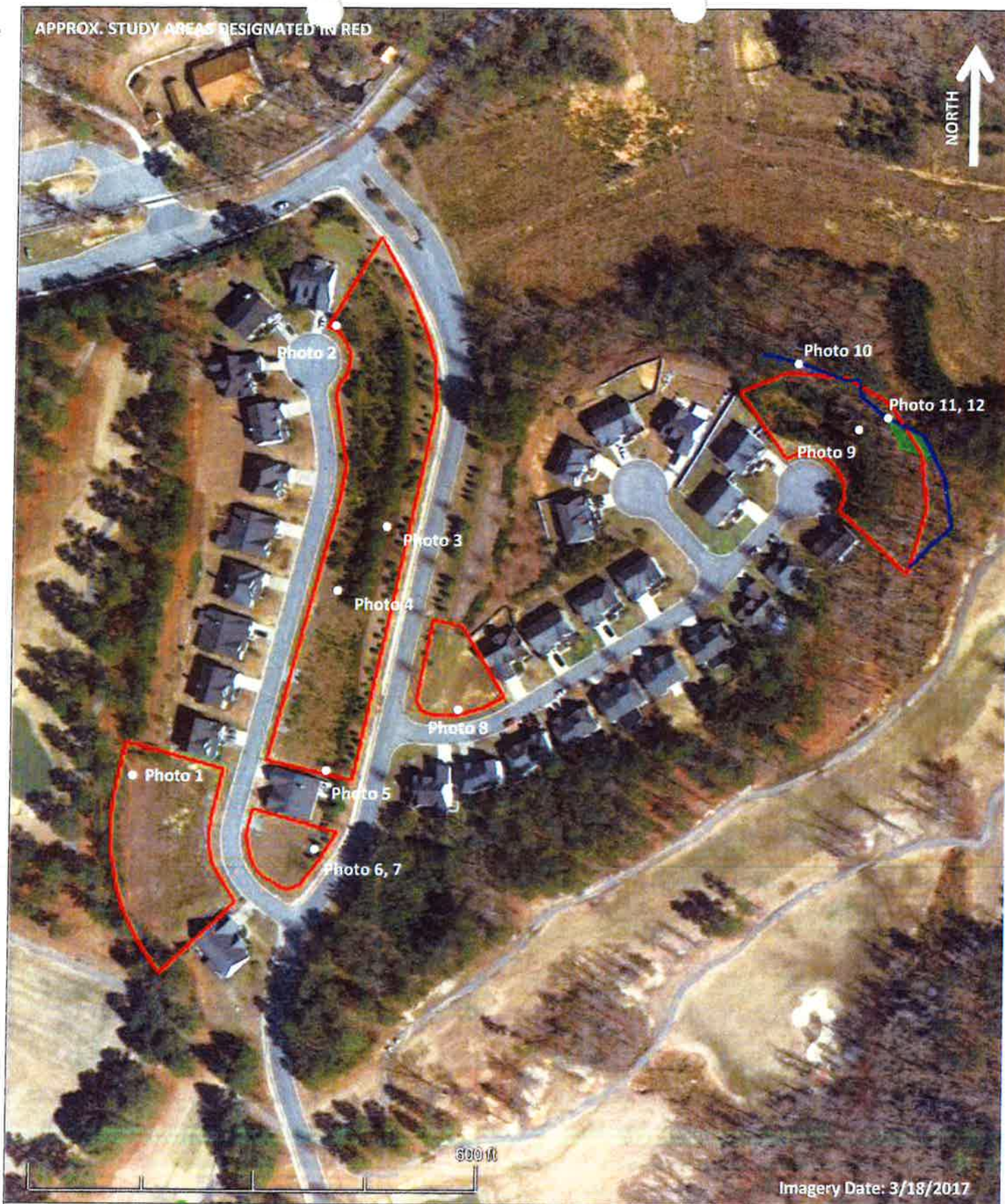


PHOTO LOCATIONS

PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA

EXHIBIT 9

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



Photo 1: Upland (Lot 2, 3, & 4)

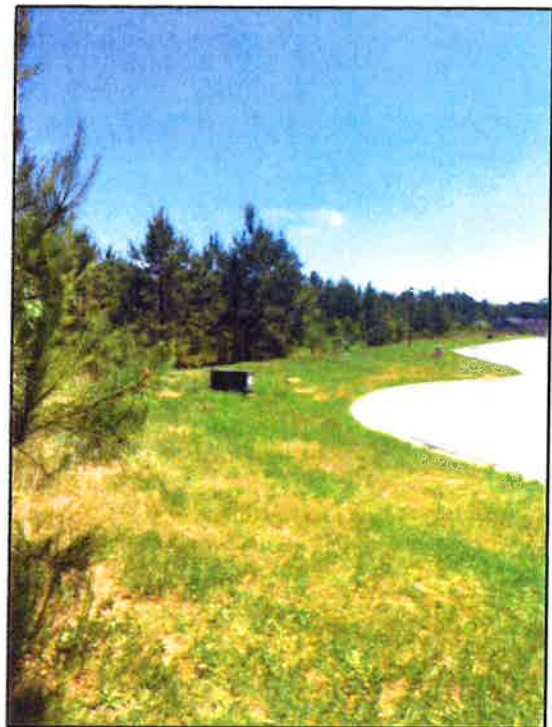


Photo 2: Upland (Lot 15 to Lot 23)



Photo 3: Upland Drainage Feature



Photo 4: Upland

SITE PHOTOS

PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA

EXHIBIT 10

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



Photo 5: Southeastern corner of Lot 23. Riprap leading into a Culvert



Photo 6: Northeast corner of lot 25, Culvert with riprap

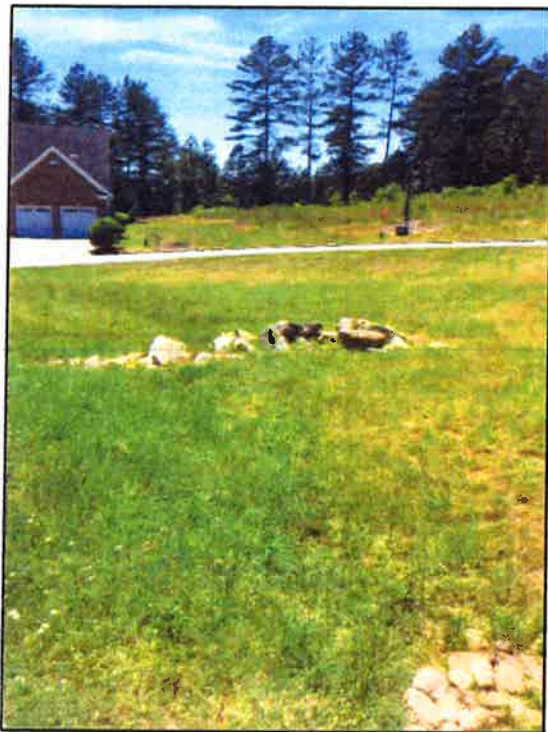


Photo 7: End of drainage pattern, Upland



Photo 8: Upland (Lot 49)

SITE PHOTOS

PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA

EXHIBIT 11

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



Photo 9: Upland



Photo 10: Intermittent Stream 1



Photo 11: Intermittent Stream 1 & Wetland 1



Photo 12: Intermittent Stream 1

SITE PHOTOS

PREPARED FOR:
MR. SEAN SHEA
DR HORTON, INC.

**FIELD RECONNAISSANCE FOR
WETLANDS AND STREAMS
NORTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA**

EXHIBIT 12

MAPS PREPARED 05/16/2017 BY:
NELSON ENVIRONMENTAL, INC.

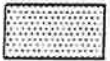
www.NelsonEnvironmental.us PH:404/862-1665

Drawing name: L:\103051 - DR Horton - Southwoods at Mirror Lake - Douglas County_GA\CADD\EXHIBITS\2017-07-17 - Stream Buffer Variance.dwg Northwoods (lots 36-38) Jul 18, 2017 10:57am

LEGEND



TOTAL ENCROACHMENT AREA = ± 0.18 ACRES
(25' IMPERVIOUS SETBACK)



TOTAL ENCROACHMENT AREA = ± 0.18 ACRES
(50' UNDISTURBED BUFFER)

SITE SUMMARY

ZONING CLASSIFICATION

JURISDICTION: CITY OF VILLA RICA

ZONING: PLANNED DEVELOPMENT

ADJACENT ZONING: PLANNED DEVELOPMENT

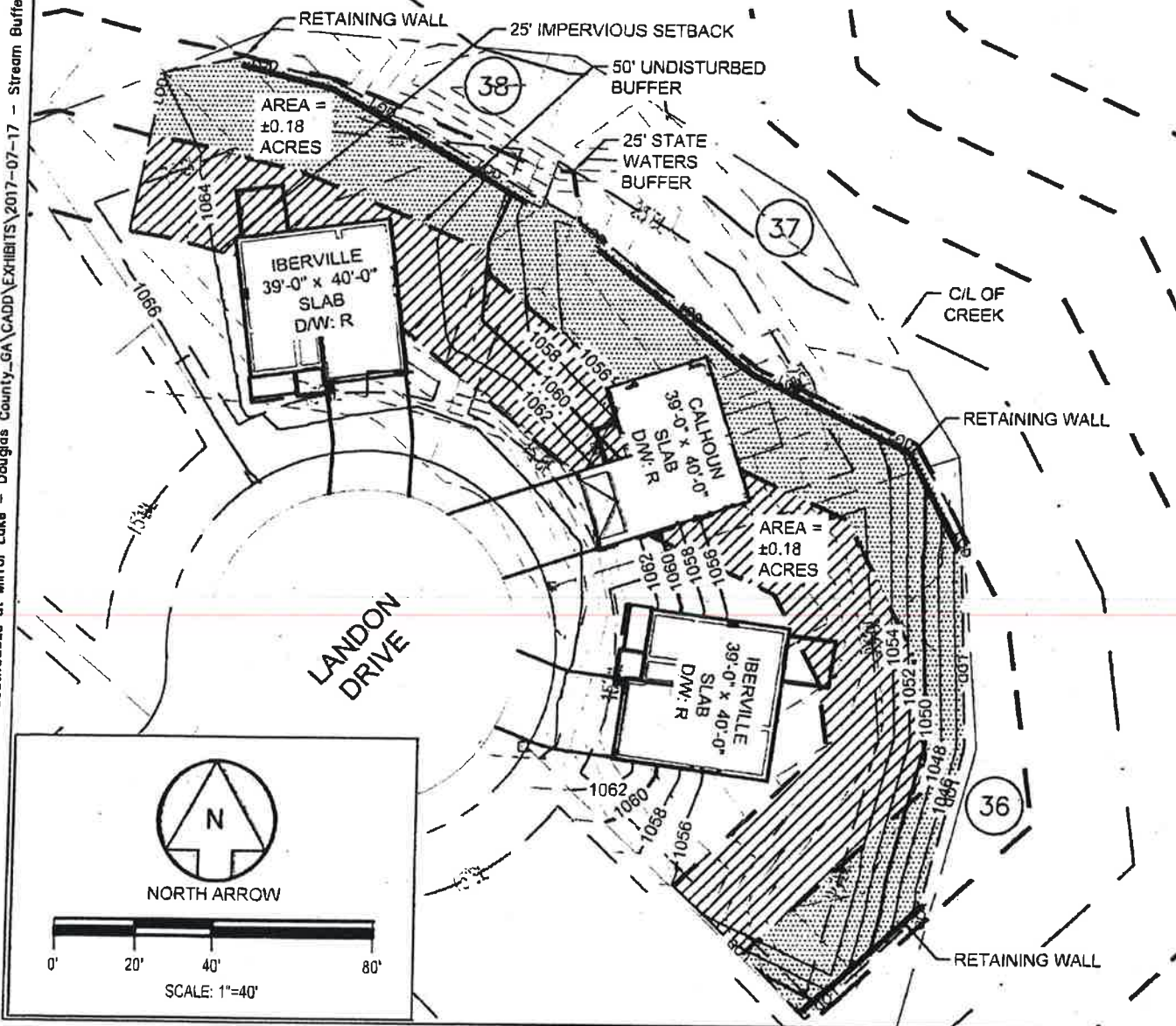
BUILDING SETBACKS

FRONT: 25'

SIDE: 5'

SIDE (CORNER): 25'

REAR: 25'



LECRAW
ENGINEERING
3475 CORPORATE WAY, SUITE A
DULUTH, GA 30098
PHONE - 978.548.6100 FAX - 770.441.3298

PROJECT:
Northwoods at Mirror Lake
LAND LOTS 205 & 206;
2ND DISTRICT, 5TH SECTION
CITY OF VILLA RICA
FULTON COUNTY, GA

CLIENT: DR HORTON, INC.

JOB NUMBER: 103051

DATE: 06/22/17 SCALE: 1" = 40'

DRAWN BY: LEI

DESIGNED BY: LEI

CHECKED BY: JSW

TITLE:
**SITE PLAN EXHIBIT
LOTS 36-38**

DRAWING NUMBER:
EX-1



Council Ward: 4
City Council Member: Gil McDougal
Public Hearing Dates
City Council: September 5, 2017
Request: Variance

Applicant: Sean P. Shea, D.R. Horton, Inc.
8800 Roswell Road, Building B
Suite 100
Sandy Springs, GA 30350
(470) 865-0800

Lot Nos: 26, 28, 29, 30, 31, 32, 33, 34, 35, 36,
and 37 within Southwoods at Mirror Lake
Current Land Use: Vacant
Future Land Use: Residential

Location:

Project Description: The applicant requests a variance for the purpose of reducing buffer requirements.

Variance Review Standards: (From Section 2.03J(4) of the Unified Development Code)
A variance is not a right. It may be granted only upon finding that:

(a) *Granting the variance will not substantially conflict with any City adopted plans or policies, or the purposes or intent as set forth in this code.*

Granting the variance will substantially conflict with the buffer requirements established in the Unified Development Code.

(b) *There are exceptional conditions creating an undue hardship, applicable only to the property involved, or the intended use thereof, which do not generally apply to the other land areas or uses within the zone district.*

The current ordinance would prohibit development of this land unless this variance is granted.

(c) *The applicant cannot derive a reasonable use of the property without approval of a variance.*

The applicant cannot derive a reasonable use of the property without approval of this variance.

(d) *Granting the variance will not generally set a precedent for other applications (which would indicate that a text amendment to this code should be proposed and considered).*

Granting this variance will not necessarily set a precedent for other applications due to the unique situation in this case.

(e) *Granting the variance will not be detrimental to any adjacent properties or the area.*

Granting the variance will not be detrimental to any adjacent properties or the area.

(f) *Granting the variance will not be detrimental to public health, safety or welfare.*

Granting the variance will not be detrimental to the public health, safety, or welfare.

OR

(g) In the event the basis or reason for the appeal is due to circumstances or a situation not created by the applicant (e.g., an undersized parcel was created, or a structure whose deficient setbacks were established, or a structure had setbacks which were conforming to requirements prior to the adoption of the current code requirements) the Council may approve a variance applying only b. above

This basis of this appeal is due to circumstances not created by this applicant. The property's shape and topography existed at the time of adoption of this ordinance. The final plat was recorded in May 2007, after the adoption of the ordinance. The final plat did not include the 50' stream buffer and 25' impervious buffer required by the City. The applicant will maintain the 25' state buffer requirement. Adherence to the City's minimal buffer requirement will not allow all of this land to be developed as platted.

Staff Comments:

The applicant requests a variance for the purpose of reducing buffer requirement for the city's 50' stream buffer, and 25' impervious buffer.

The City of Villa Rica has held that buffers adjacent to streams provide numerous benefits including: (1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources (2) Removing pollutants delivered in urban stormwater (3) Reducing erosion and controlling sedimentation (4) Protecting and stabilizing stream banks (5) Providing for infiltration of stormwater runoff (6) Maintaining base flow of streams (7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem (8) Providing tree canopy to shade streams and promote desirable aquatic habitat (9) Providing riparian wildlife habitat (10) Furnishing scenic value and recreational opportunity and (11) Providing opportunities for the protection and restoration of greenspace.

Some of the requested variances impact the city's 50' stream buffer requirement and 25' impervious buffer requirement, but not all impact the same buffers. Therefore, staff recommends the following:

Approval of the variance for reduced 50' stream and 25' impervious buffers

Lots 28, 29, 31, 33, 34, and 35

Denial of the variance for reduced 50' stream buffer and approval of the variance for the 25' impervious buffer

Lot 30, 32, and 36

Denial of the variance for reduced stream and impervious buffers

Lots 26 and 37


Janet L. Hyde
Community Development Manager

Attachments:

1. Application
2. Copy of Deeds
3. Statement of Why Variance is Necessary
4. Wetland and Stream Report
5. Site Plans



APPLICATION FOR
VARIANCE/APPEAL

☐ APPEAL ☒ VARIANCE

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

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

Date of Application: July 19, 2017

APPLICANT

Applicant Name: Sean P. Shea, DR Horton, INC

Address: 8800 Roswell Road, Bldg B, Suite 100 City: Sandy Springs State: GA Zip: 30350

Phone: (470) 865 - 0800 Fax: (844) 331 - 4500 Email: spshea@drhorton.com

Agent Name: _____

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

Phone: () _____ - _____ Fax: () _____ - _____ Email: _____

Owner Name (If different from applicant): Owner is the same as the applicant.

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

Phone: () _____ - _____ Fax: () _____ - _____ Email: _____

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

VARIANCE OR APPEAL INFORMATION

Address of Variance or Appeal Location: _____

The requested variance is for lots 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 located within the Southwoods at Mirror Lake Subdivision. The lots listed above are located along the south side of Bedrock Creek Road near its intersection with Creekhead Drive in Unit II-B of the subdivision.

I, Bruce A. Rippen, hereby state that all of the above statements and statements contained in the documents submitted with this application are true. I hereby request processing of this application.

Signature of Applicant

Date

7-19-17

Bruce A. Rippen
V.P. Land Acquisitions
D.R. Horton, Inc.



CASE # _____
VARIANCE/APPEAL

Required Materials to Accompany the Application

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

Variance:

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

Appeals from Staff Determinations:

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

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

678.785.1004 (T)
770.459.7003 (F)

For Department Use Only

Case No: _____

Filing Fee: _____

Date Received: _____

Pre-Application Conf: _____

Staff Comments/Findings: _____

Action and Date: _____



CASE # _____
VARIANCE/APPEAL

PROCESS

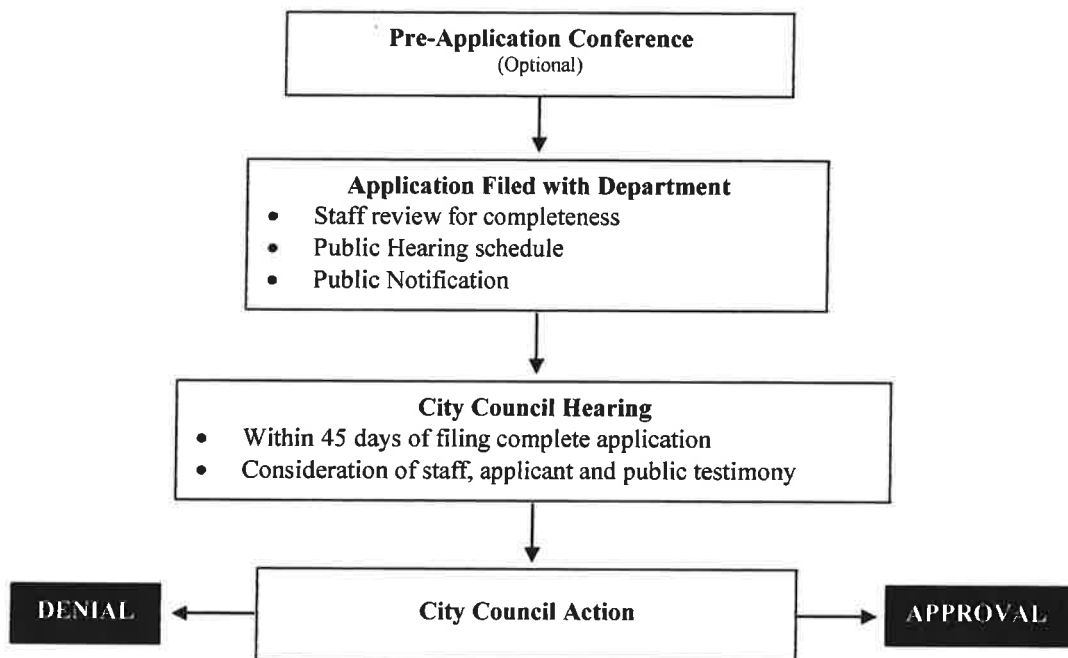


Exhibit 1
Copy of Deed

[Space Above This Line For Recording Data]

RETURN DOCUMENT TO:

GREENFIELD, BOST & KLIROS, P.C.
William L. Bost, III, Esq.
990 Hammond Drive, Suite 650
Atlanta, Georgia 30328

STATE OF GEORGIA
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE, made this 22nd day of June, 2017 between JLC MIRROR LAKE SUB 1, LLC, a Georgia limited liability company ("Grantor"), and D.R. HORTON, INC., a Delaware corporation ("Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, administrators, executors, personal representatives, successors and assigns where the context requires or permits).

WITNESSETH:

GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, 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 Grantee the following described real property together with all buildings, fixtures, mechanical, electrical, plumbing and other systems, and other improvements located thereon, and all alleys, easements, rights and licenses appurtenant thereto (hereinafter collectively referred to as the "Property"):

All that certain tract or parcel of land lying and being in Land Lots 180 and 205 of the 2nd District, 5th Section, City of Villa Rica, Douglas County, Georgia, and being more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof.

This conveyance is made subject to those items set out in Exhibit "B" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining to the only proper use, benefit and behoof of Grantee, Grantee's heirs, successors and assigns, forever, IN FEE SIMPLE.

And the said Grantor covenants with the Grantee that it is the owner in fee simple of the Property and will warrant and forever defend the right and title of the Property unto Grantee, Grantee's heirs, successors and assigns, against the claims of all persons claiming by, through, or under Grantor.

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

Signed, sealed and delivered
in the presence of:

JLC MIRROR LAKE SUB 1, LLC,
a Georgia limited liability company,

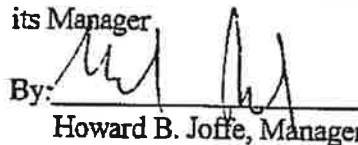

Witness

By: **JLC MIRROR LAKE, LLC,**
a Georgia limited liability company,
its Sole Member


Notary Public

By: **JLC MIRROR LAKE MANAGER, LLC,**
its Manager

My Commission Expires: 11/8/2020

By: 
Howard B. Joffe, Manager [SEAL]

[NOTARY SEAL]

Nathan Hardin
NOTARY PUBLIC
DeKalb County, GEORGIA
My Comm. Expires 11/08/2020

EXHIBIT "A"

All that certain tract or parcel of land lying and being in Land Lots 180 of the 2nd District, 5th Section, City of Villa Rica, Douglas County, Georgia, being Lots 86, 87, and 88 of Southwoods at Mirror Lake, Phase II, as per Plat recorded in Plat Book 33, Pages 126-130, Records of Douglas County, Georgia, as revised in Plat Book 33, Pages 219-223, aforesaid Records, as further revised in Plat Book 34, Pages 398-402, aforesaid Records, and as further revised in Plat Book 37, Pages 231-238, aforesaid Records, which Plats are incorporated herein and made a part hereof.

Together with:

All that certain tract or parcel of land lying and being in Land Lots 180 and 205 of the 2nd District, 5th Section, City of Villa Rica, Douglas County, Georgia, being Lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, and 72, of Southwoods at Mirror Lake, Phase II-B, as per Plat recorded in Plat Book 35, Pages 138-142, Records of Douglas County, Georgia, which Plat is incorporated herein and made a part hereof.

EXHIBIT "B"

1. All taxes for the year 2017 and subsequent years and any additional taxes due as a result of a reassessment or a rebilling of the subject property, not yet due and payable.
2. No insurance is afforded as to the exact amount of acreage and/or square footage contained in the land.
3. Riparian rights incident to the premises.
4. Easement Agreement from Liberty Road Properties, a Georgia limited partnership, to the City of Villa Rica, Georgia, a municipal corporation, dated July 6, 1988, filed for record October 13, 1988 at 2:43 p.m., recorded in Deed Book 622, Page 699, Records of Douglas County, Georgia.
5. Right-of-Way Easement from Fairgreen Capital, LP, to Greystone Power Corporation, an electric membership corporation, dated September 15, 2005, filed for record November 18, 2005 at 10:42 a.m., recorded in Deed Book 2262, Page 976, aforesaid Records.
6. Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated November 3, 1998, filed for record November 4, 1998 at 9:16 a.m., recorded in Deed Book 1206, Page 370, aforesaid Records; as supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of March 10, 1999, filed for record April 22, 1999 at 2:59 p.m., recorded in Deed Book 1248, Page 708, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of January 6, 1999, filed for record January 8, 1999 at 4:33 p.m., recorded in Deed Book 1224, Page 695, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of January 29, 1999, filed for record February 3, 1999 at 11:14 a.m., recorded in Deed Book 1229, Page 470, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake (Club Pointe at Mirror Lake) by Mirror Lake, LLC, a Georgia limited liability company, undated, filed for record April 22, 1999 at 3:09 p.m., recorded in Deed Book 1248, Page 723, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of June 11, 1999, filed for record June 17, 1999 at 11:31 a.m., recorded in Deed Book 1261, Page 505, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of July 14, 1999, filed for record July 20, 1999 at 11:56 a.m., recorded in Deed Book 1268, Page

195, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of October 7, 1999, filed for record October 8, 1999 at 10:49 a.m., recorded in Deed Book 1286, Page 479, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of November 8, 1999, filed for record November 12, 1999 at 1:56 p.m., recorded in Deed Book 1293, Page 253, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of October 27, 1999, filed for record December 21, 1999 at 12:39 p.m., recorded in Deed Book 1300, Page 202, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of September 27, 1999, filed for record December 21, 1999 at 12:39 p.m., recorded in Deed Book 1300, Page 205, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of September 17, 1999, filed for record December 21, 1999 at 12:39 p.m., recorded in Deed Book 1300, Page 208, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake, LLC, a Georgia limited liability company, dated as of February 4, 2000, filed for record February 7, 2000 at 3:19 p.m., recorded in Deed Book 1309, Page 45, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of April 18, 2000, filed for record May 10, 2000 at 11:44 a.m., recorded in Deed Book 1328, Page 228, aforesaid Records; as supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of May 31, 2000, filed for record June 5, 2000 at 2:56 p.m., recorded in Deed Book 1332, Page 1034, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of January 24, 2000, filed for record June 22, 2000 at 2:37 p.m., recorded in Deed Book 1336, Page 504, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of June 15, 2000, filed for record June 26, 2000 at 12:36 p.m., recorded in Deed Book 1336, Page 906, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of July 5, 2000, filed for record July 10, 2000 at 3:53 p.m., recorded in Deed Book 1339, Page 1013, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of July 5, 2000, filed for record July 10, 2000 at 3:54 p.m., recorded in Deed Book 1339, Page 1016, aforesaid Records; as

further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of September 20, 2000, filed for record September 20, 2000 at 11:51 a.m., recorded in Deed Book 1356, Page 915, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of September 25, 2000, filed for record September 29, 2000 at 12:51 p.m., recorded in Deed Book 1358, Page 944, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, as Georgia limited liability company, dated as of September 27, 2000, filed for record October 10, 2000 at 1:02 p.m., recorded in Deed Book 1361, Page 821, aforesaid Records; as further supplemented by Corrective Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of November 10, 2000, filed for record November 13, 2000 at 1:43 p.m., recorded in Deed Book 1368, Page 963, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of November 30, 2000, filed for record December 11, 2000 at 4:55 p.m. recorded in Deed Book 1375, Page 42, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of January 3, 2001, filed for record January 18, 2001 at 2:25 p.m., recorded in Deed Book 1383, Page 147, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of January 21, 2001, filed for record February 20, 2001 at 1:01 p.m., recorded in Deed Book 1390, Page 931, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of February 28, 2001, filed for record march 5, 2001 at 4:07 p.m., recorded in Deed Book 1394, Page 971, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of May 11, 2001, filed for record June 5, 2001 at 1:52 p.m., recorded in Deed Book 1425, Page 723, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of June 1, 2001, filed for record June 11, 2001 at 2:36 p.m., recorded in Deed Book 1427, Page 455, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of July 2, 2001, filed for record July 9, 2001 at 1:45 p.m., recorded in Deed Book 1438, Page 250, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of August 24, 2001, filed for record September 5, 2001 at 2:00

p.m., recorded in Deed Book 1461, Page 211, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of December 12, 2001, filed for record December 21, 2001 at 2:36 p.m., recorded in Deed Book 1503, Page 542, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of March 1, 2002, filed for record March 13, 2002 at 11:00 a.m., recorded in Deed Book 1539, Page 385, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of January 22, 1999, filed for record April 1, 2002 at 2:59 p.m., recorded in Deed Book 1546, Page 798, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of January 25, 1999, filed for record April 1, 2002 at 2:59 p.m., recorded in Deed Book 1546, Page 802, aforesaid Records; as further supplemented by Supplement to Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated March 22, 2002, filed for record July 29, 2002 at 9:26 a.m., recorded in Deed Book 1597, Page 120, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of July 19, 2002, filed for record July 31, 2002 at 2:42 p.m., recorded in Deed Book 1599, Page 26, aforesaid Records; as further supplemented by Supplement to Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of August 6, 2002, filed for record August 26, 2002 at 3:26 p.m., recorded in Deed Book 1607, Page 256, aforesaid Records; as further supplemented by Supplemental Declaration for South Harbour Unit One at Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, dated as of February 24, 2003, filed for record March 10, 2003 at 10:59 a.m., recorded in Deed Book 1705, Page 56, aforesaid Records; as amended by Amendment to Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, dated as of March 31, 2003, filed for record August 4, 2003 at 10:51 a.m., recorded in Deed Book 1799, Page 849, aforesaid Records; as consented to and amended by Consent and Amendment to Golf Course Operating Agreement (Mirror Lake) by and among Fairgreen Capital, L.P., a Georgia limited partnership, Patten Seed Company, a Georgia corporation, Sequoia Golf Mirror Lake, LLC, a Georgia limited liability company, and Parthenon-Sequoia Corp., a Cayman Islands corporation, dated October 22, 2003, filed for record November 18, 2003 at 4:21 p.m., recorded in Deed Book 1870, Page 94, aforesaid Records; as further supplemented by Supplemental Declaration for Phase One Southlake at Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, dated as of July 13, 2004, filed for record July 19, 2004 at 9:09 a.m., recorded in Deed Book 1997, Page 617, aforesaid Records; as further supplemented by Supplemental Declaration for Northwoods at Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, dated as of November 23, 2004, filed for record November 29, 2004 at 11:47 a.m.,

recorded in Deed Book 2069, Page 148, aforesaid Records; as assigned and assumed by Assignment and Assumption Agreement Regarding Rights of Declarant under the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, and Fairgreen Capital, L.P., a Georgia limited partnership, dated as of October 3, 2002, filed for record January 20, 2005 at 2:00 p.m., recorded in Deed Book 2096, Page 474, aforesaid Records; as supplemented by Supplemental Declaration for Phase 1-B Southwoods at Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, dated as of February 2, 2005, filed for record February 7, 2005 at 3:17 p.m., recorded in Deed Book 2103, Page 958, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Mirror Lake, LLC, a Georgia limited liability company, dated as of February 15, 2005, filed for record April 15, 2005 at 12:00 p.m., recorded in Deed Book 2139, Page 248, aforesaid Records; as further supplemented by Supplemental Declaration for Phase II Southwoods at Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, dated as of September 7, 2005, filed for record September 13, 2005 at 4:51 p.m., recorded in Deed Book 2222, Page 387, aforesaid Records; as amended by Amendment to Declaration of Protective Covenants, Restrictions and Easements for Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, dated as of December 29, 2005, filed for record December 30, 2005 at 2:22 p.m., recorded in Deed Book 2286, Page 325, aforesaid Records; as further supplemented by Supplemental Declaration for Waternist Phase 1 at Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, dated as of January 16, 2006, filed for record January 20, 2006 at 2:40 p.m., recorded in Deed Book 2296, Page 602, aforesaid Records; as further supplemented by Supplemental Declaration for Somersport at Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, dated as of September 13, 2006, filed for record September 19, 2006 at 7:54 a.m., recorded in Deed Book 2434, Page 991, aforesaid Records; as further supplemented by Supplemental Declaration for Somersport at Mirror Lake by Fairgreen Capital L.P., a Georgia limited partnership, dated as of September 18, 2006, filed for record September 19, 2006 at 7:55 a.m., recorded in Deed Book 2434, Page 995, aforesaid Records; as further supplemented by Supplemental Declaration for Somersport at Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, dated as of September 18, 2006, filed for record September 19, 2006 at 7:55 a.m., recorded in Deed Book 2434, Page 999, aforesaid Records; as further supplemented by Supplemental Declaration for Southwoods Phase II-B at Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, and Fairgreen Mirror Lake, LLC, a Georgia limited liability company, dated as of June 17, 2007, filed for record June 25, 2007 at 4:39 p.m., recorded in Deed Book 2581, Page 226, aforesaid Records; as further assigned and assumed by Assignment and Assumption Agreement Regarding Rights of Declarant under the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Fairgreen Capital, L.P., a Georgia limited partnership, and Fairgreen Mirror Lake, LLC, a Georgia limited liability company, dated as of November 29, 2010, filed for record December 6, 2010 at 2:48 p.m., recorded in Deed Book 2906, Page 320, aforesaid Records; as further supplemented by Supplementary Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Fairgreen Mirror Lake, LLC, a Georgia limited liability company, dated as of December 22, 2010, filed for record December 23, 2010 at 1:24

p.m., recorded in Deed Bok 2910, Page 210, aforesaid Records; as affected by Affidavit as to Title by Frederick G. Boynton, dated October 6, 2011, filed for record October 11, 2011 at 3:19 p.m., recorded in Deed Book 2966, Page 557, aforesaid Records; as supplemented by Supplemental Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Fairgreen Mirror Lake, LLC, a Georgia limited liability company, dated as of June 5, 2012, filed for record June 15, 2012 at 3:19 p.m., recorded in Deed Book 3027, Page 195, aforesaid Records; as further assigned and assumed by Assignment and Assumption Agreement Regarding Rights of Declarant under the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by Fairgreen Mirror Lake, LLC, a Georgia limited liability company, and DB Aster III, LLC, a Delaware limited liability company dated as of June 5, 2012, filed for record June 27, 2012 at 11:06 a.m., recorded in Deed Book 3029, Page 745, aforesaid Records; as further amended by Amendment to Declaration of Protective Covenants, Conditions, Restrictions and Easements for Mirror Lake by DB Aster III, LLC, a Delaware limited liability company, dated as of July 30, 2014, filed for record August 21, 2014 at 9:30 a.m., recorded in Deed Book 3237, Page 714, aforesaid Records; as further assigned and assumed by Assignment and Assumption of Declarant's Rights by and between DB Aster III, LLC, a Delaware limited liability company, and JLC Mirror Lake Sub 1, LLC, a Georgia limited liability company, dated as of December 18, 2015, filed for record December 23, 2015 at 12:38 p.m., recorded in Deed Book 3349, Page 989, aforesaid Records; as further affected by Appointment of Members of the Board of Directors by Declarant for Mirror Lake by JLC Mirror lake Sub 1, LLC, a Georgia limited liability company, dated February 1, 2016, filed for record March 18, 2016 at 9:50 a.m., recorded in Deed Book 3370, Page 984, aforesaid Records.

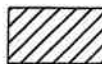
7. All matters shown on Final Plat of Southwoods at Mirror Lake, Phase II, filed for record August 25, 2005 at 3:07 p.m., recorded in Plat Book 33, Pages 126-130, aforesaid Records, as revised in Plat filed for record November 15, 2005 at 2:51 p.m., recorded in Plat Book 33, Pages 219-223, aforesaid Records, as further revised in Plat filed for record November 8, 2006 at 2:55 p.m., recorded in Plat Book 34, Pages 398-402, aforesaid Records, as further revised in Plat filed for record June 11, 2010 at 2:15 p.m., recorded in Plat Book 37, Pages 231-238, aforesaid Records.
8. All matters shown on Final Plat of Southwoods at Mirror Lake, Phase II-B, filed for record May 30, 2007 at 1:39 p.m., recorded in Plat Book 35, Pages 138-142, aforesaid Records.

Exhibit 2

Site Plans

Drawing name: L:\103051 - DR Horton - Southwoods at Mirror Lake - Douglas County_GA\CADD\EXHIBITS\2017-07-17 - Stream Buffer Variance.dwg Southwoods (lots 26-29) Jul 18, 2017 3:05pm

LEGEND

-  TOTAL ENCROACHMENT AREA = ± 0.13 ACRES
(25' IMPERVIOUS SETBACK)
-  TOTAL ENCROACHMENT AREA = ± 0.02 ACRES
(50' UNDISTURBED BUFFER)

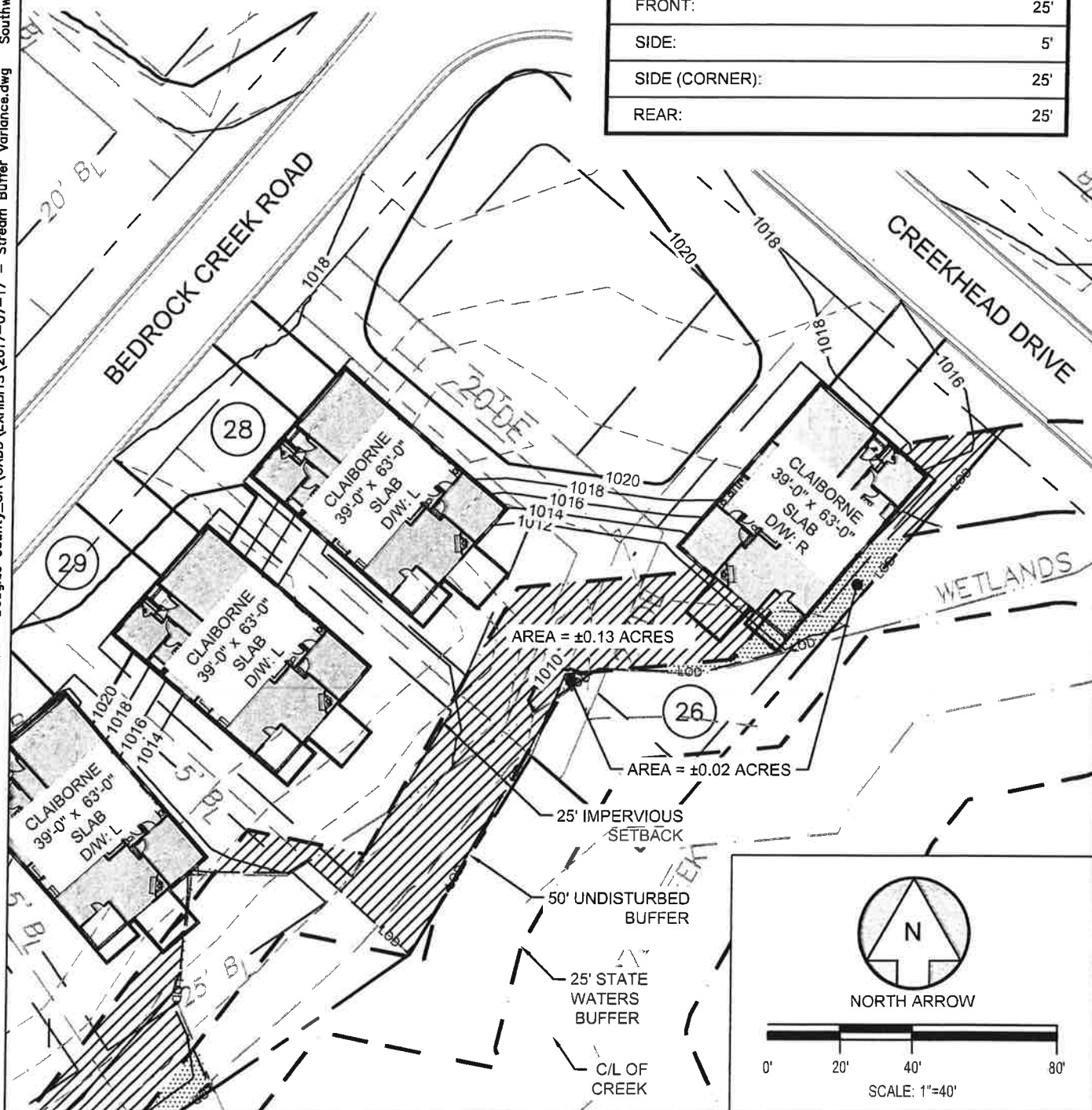
SITE SUMMARY

ZONING CLASSIFICATION

JURISDICTION:	CITY OF VILLA RICA
ZONING:	PLANNED DEVELOPMENT
ADJACENT ZONING:	PLANNED DEVELOPMENT

BUILDING SETBACKS

FRONT:	25'
SIDE:	5'
SIDE (CORNER):	25'
REAR:	25'



LECRAW
ENGINEERING

3475 CORPORATE WAY, SUITE A
DULUTH, GA 30098
PHONE - 678.546.8100 FAX - 770.441.0298

PROJECT:

**SOUTHWOODS
AT MIRROR LAKE**
LAND LOT 180, 2ND DISTRICT,
5TH SECTION
VILLA RICA, FULTON COUNTY, GA

CLIENT: DR HORTON, INC.

JOB NUMBER: 103050

DATE: 07/16/17

SCALE: 1" = 40'

DRAWN BY: LEI

DESIGNED BY: LEI

CHECKED BY: JSW

TITLE:

**SITE PLAN EXHIBIT
LOTS 26, 28, & 29**

DRAWING NUMBER:
EX-3

Drawing name: L:\103051 - DR Horton - Southwoods at Mirror Lake - Douglas County\EXHIBITS\2017-07-17 - Stream Buffer Variance.dwg Jul 18, 2017 3:02pm Southwoods (lots 30-33)

SITE SUMMARY

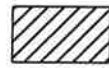
ZONING CLASSIFICATION

JURISDICTION:	CITY OF VILLA RICA
ZONING:	PLANNED DEVELOPMENT
ADJACENT ZONING:	PLANNED DEVELOPMENT

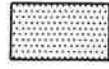
BUILDING SETBACKS

FRONT:	25'
SIDE:	5'
SIDE (CORNER):	25'
REAR:	25'

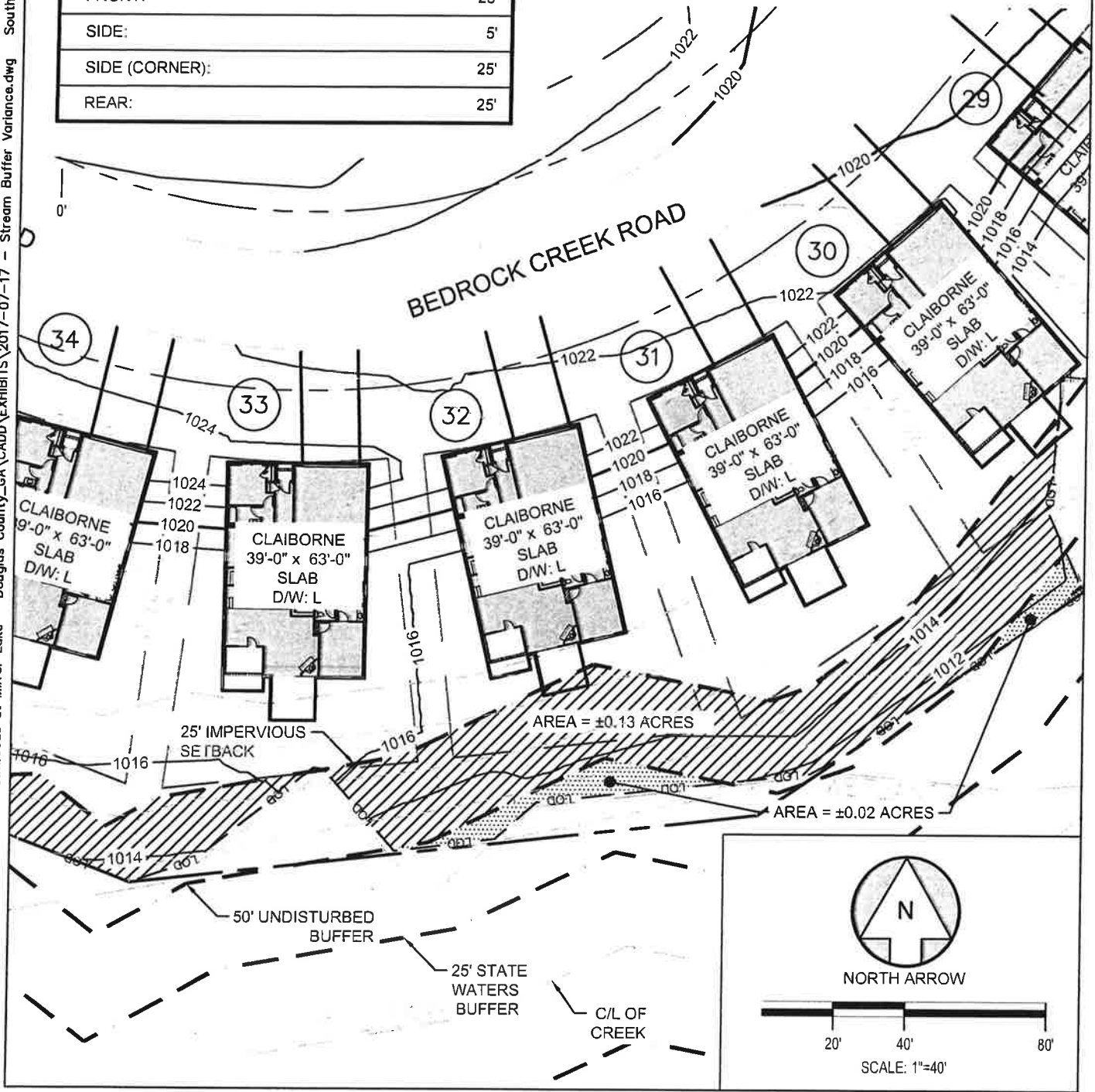
LEGEND



TOTAL ENCROACHMENT AREA = ± 0.13 ACRES
(25' IMPERVIOUS SETBACK)



TOTAL ENCROACHMENT AREA = ± 0.02 ACRES
(50' UNDISTURBED BUFFER)



PROJECT:
**SOUTHWOODS
AT MIRROR LAKE**
LAND LOT 180, 2ND DISTRICT,
5TH SECTION
VILLA RICA, FULTON COUNTY, GA

CLIENT: DR HORTON, INC.

JOB NUMBER: 103050

DATE: 03/31/17 SCALE: 1" = 20'

DRAWN BY: LEI

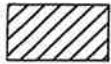
DESIGNED BY: LEI

CHECKED BY: JSW

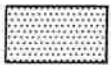
TITLE:
**SITE PLAN EXHIBIT
LOTS 30-33**

DRAWING NUMBER:
EX-2

LEGEND



TOTAL ENCROACHMENT AREA = ± 0.14 ACRES
 (25' IMPERVIOUS SETBACK)



TOTAL ENCROACHMENT AREA = ± 0.08 ACRES
 (50' UNDISTURBED BUFFER)

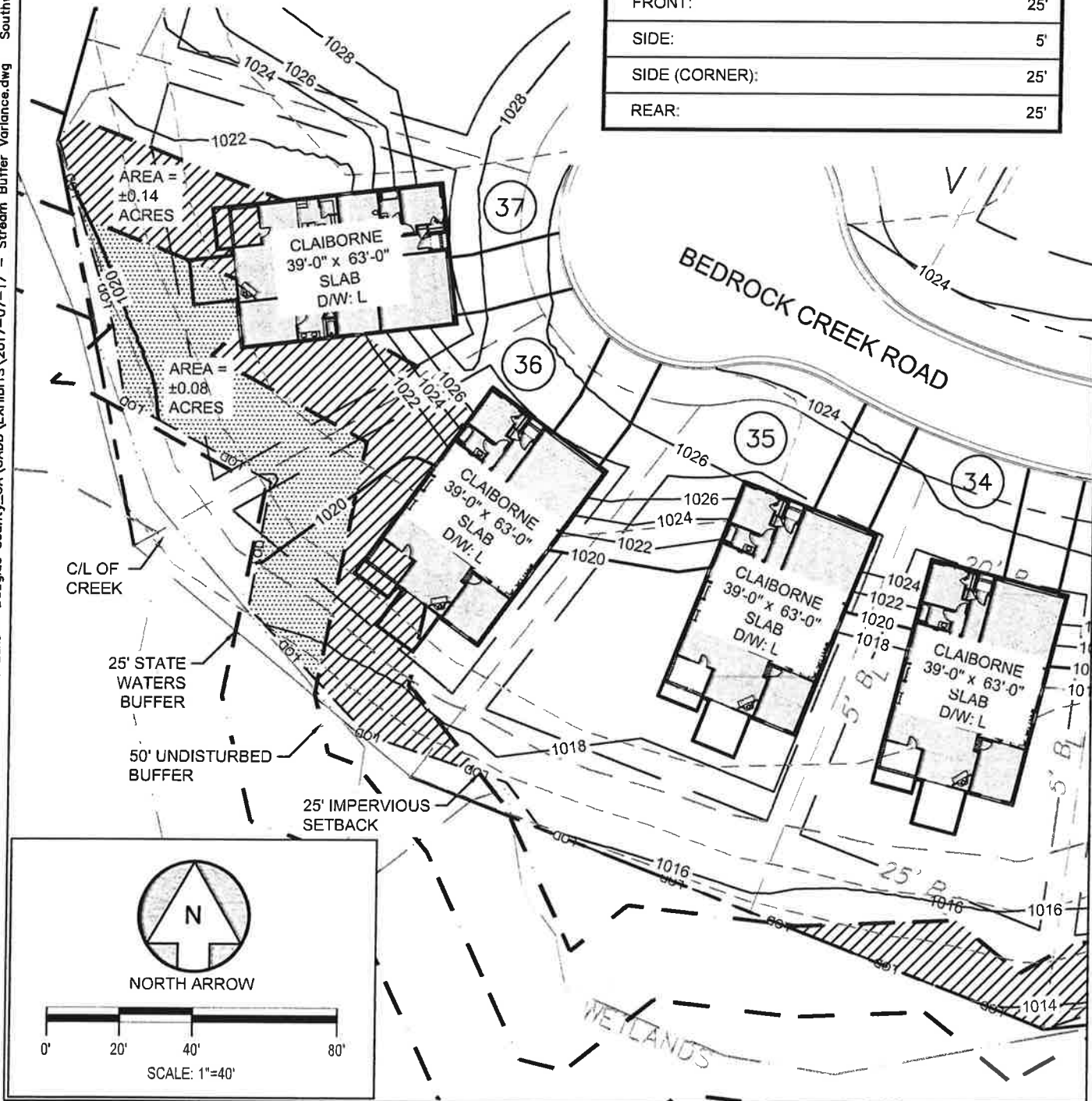
SITE SUMMARY

ZONING CLASSIFICATION

JURISDICTION:	CITY OF VILLA RICA
ZONING:	PLANNED DEVELOPMENT
ADJACENT ZONING:	PLANNED DEVELOPMENT

BUILDING SETBACKS

FRONT:	25'
SIDE:	5'
SIDE (CORNER):	25'
REAR:	25'



NORTH ARROW



SCALE: 1"=40'

LECRAW
 ENGINEERING

3475 CORPORATE WAY, SUITE A
 DULUTH, GA 30096
 PHONE - 678.548.8100 FAX - 770.441.0298

PROJECT:

**SOUTHWOODS
 AT MIRROR LAKE**
 LAND LOT 180, 2ND DISTRICT,
 5TH SECTION
 VILLA RICA, GULFON COUNTY, GA

CLIENT: DR HORTON, INC.

JOB NUMBER: 103050

DATE: 03/31/17 SCALE: 1" = 40'

DRAWN BY: LEI

DESIGNED BY: LEI

CHECKED BY: JSW

TITLE:

**SITE PLAN EXHIBIT
 LOTS 34-37**

DRAWING NUMBER:

EX-1

Exhibit 3
Statement of why Variance is Necessary

The requested variance is necessary to develop eleven remaining vacant lots in Phase II-B of the Southwoods at Mirror Lake Subdivision in accordance with the previously approved Final Plat. Lots 26, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 are located on the south side of Bedrock Road and are impacted by state waters located at the rear of the lots.

The final plat for Phase II-B was recorded in May of 2007 and included a 25' state waters buffer measured from the top of stream bank of the state waters; however, the present day buffer standards for the City of Villa Rica require a 50' undisturbed buffer and an additional 25' impervious setback measured from the top of stream bank. Applying the present day buffers to the site would prevent lots these lots from being developed as single family detached homes as originally intended by the final plat. A variance is being requested to allow these lots to be developed without including the present day buffer standards required by the City of Villa Rica while maintaining the 25' state waters buffer required by the state.

The requested variance is in accordance with section 4.b of the City of Villa Rica Unified Development Code as follows:

Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the City of Villa Rica finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the City of Villa Rica may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

The effective date of the ordinance is August 1, 2006 and the final plat for Phase II-B of the Southwoods at Mirror Lake Subdivision was recorded in May of 2007. Although the final plat was recorded after the effective date of the ordinance, it did not include the 50' undisturbed buffer and 25' impervious setback as required by present day standards. Applying the present day buffer standards to the previously recorded final plat would prevent land development consistent with the ordinance.

Exhibit 4
Statement of Required Findings

GRANTING THE VARIANCE WILL NOT SUBSTANTIALLY CONFLICT WITH ANY CITY ADOPTED PLANS OR POLICIES, OR THE PURPOSES OR INTENT AS SET FORTH IN THIS CODE.

The requested variance is being filed in accordance with Section 4.B of the City of Villa Rica Unified Development Code, which allows the City of Villa to grant a variance from the present day buffer and setback requirements as outlined in the UDC.

1. THERE ARE EXCEPTIONAL CONDITIONS CREATING AN UNDUE HARDSHIP, APPLICABLE ONLY TO THE PROPERTY INVOLVED, OR THE INTENDED USE THEREOF, WHICH DO NOT GENERALLY APPLY TO THE OTHER LAND AREAS OR USES WITHIN THE ZONE DISTRICT.

A Site Reconnaissance for Wetlands, Streams, and Stream buffers was conducted by Nelson Environmental, INC. on April 14, 2017 for the Southwoods Subdivision. The study area included approximately 55 acres. (See Attached, Exhibit 6 – Wetland and Stream Report)

The following statement was included in the report under the Findings Section:

There is a stream in the northern portion of the property, entering the property to the east and flowing until it exits the property boundary to the west (Perennial Stream 1). Wetland seeps extend along both sides of the stream. Perennial Stream 1 flows under Creekhead Road dividing the two wetland seeps, one on each side of the road.

An additional stream was located along the southern boundary of the property as well as another wetland seep located near the southwestern part of the property; however, only perennial stream 1 located in the northern portion of the property is expected to affect the lots in question.

The description of stream 1, as identified in the site reconnaissance report, is an accurate reflection of what is shown on the previously recorded final plat for Southwoods at Mirror Lake Phase II-B which identifies the creek on both sides of Creekhead Road and the wetland areas as described above. A 25' state waters buffer is also included on the final plat along both sides of the creek.

The lot boundaries for the subdivision were originally laid out taking into account only the 25' state waters buffer as was required at that time of recording of the final plat. As a result, there is not adequate space at the rear of the lots to include an additional 50' undisturbed buffer and 25' impervious setback as required by the present day standards.

As shown on the provided exhibit, if the present day standards are applied to the proposed development, the proposed grading would encroach into the required 50' undisturbed buffer and 25' impervious setback at the rear of the lots for the lots listed in the variance request

Based on this analysis, requiring the remaining lots in Phase II-B to provide the 50' undisturbed buffer and 25' impervious setback, as required by the present day standards, creates an undue hardship and prevents the otherwise lawful use of these lots as shown on the previously recorded final plat.

2. THE APPLICANT CANNOT DERIVE A REASONABLE USE OF THE PROPERTY WITHOUT APPROVAL OF A VARIANCE

Due to the potential reduction in the buildable lot area as a result of the present day buffer standards, the lots specified cannot be reasonably developed as single family detached homes without approval of a variance.

3. GRANTING THE VARIANCE WILL NOT GENERALLY SET A PRECEDENT FOR OTHER APPLICATIONS (WHICH WOULD INDICATE THAT A TEXT AMENDMENT TO THIS CODE SHOULD BE PROPOSED AND CONSIDERED);

The proposed variance is in accordance with Section 4.b of the City of Villa Rica UDC; therefore, a text amendment to the code would not be required.

4. GRANTING THE VARIANCE WILL NOT BE DETRIMENTAL TO ANY ADJACENT PROPERTIES OR THE AREA.

It is not anticipated that granting the variance will be detrimental to any adjacent properties or the area; alternatively, granting the variance will allow these lots to be developed as single family detached homes, completing this area of the subdivision and preventing the vacant lots from being abandoned.

5. GRANTING THE VARIANCE WILL NOT BE DETRIMENTAL TO PUBLIC HEALTH, SAFETY OR WELFARE

Due to the fact that the 25' state waters buffer will still be in place, it is not anticipated that granting the variance will be detrimental to public health, safety or welfare.

6. IN THE EVENT THE BASIS OR REASON FOR THE APPEAL IS DUE TO CIRCUMSTANCES OR A SITUATION NOT CREATED BY THE APPLICANT (E.G., AN UNDERSIZED PARCEL WAS CREATED, OR A STRUCTURE WHOSE DEFICIENT SETBACKS WERE ESTABLISHED, OR A STRUCTURE HAD SETBACKS WHICH WERE CONFORMING TO REQUIREMENTS PRIOR TO THE ADOPTION OF THE CURRENT CODE REQUIREMENTS) THE COUNCIL MAY APPROVE AN VARIANCE APPLYING ONLY 4.B. ABOVE.

Exceptional conditions create an undue hardship to the property as described in the response to 4.b above.

Exhibit 5
Listing of Property Owners

The list below consists of all property owners located within 250 feet of the lots included in the variance request with the exception of those properties currently owned by the applicant/owner or proposed to be developed by the applicant/owner as part of the continued development of the Southwoods at Mirror Lake Subdivision.

DESCRIPTION	Parcel ID Number	PROPERTY OWNER	MAILING ADDRESS
Lot 15 – Phase II	01800250035	2014-2 IH Borrower, L.P.	1717 Main Street Suite 2000 Dallas, TX 75201
Lot 16 – Phase II	01800250036	Progress Residential 2014-1 Borrower	PO BOX 4090 Scottsdale, AZ 852614090
Lot 17 – Phase IB	01800250037	Oray, Jr. & Wendy Davis Towns	1065 Southwood Drive, Villa Rica, GA 30180
Lot 18 – Phase II	01800250038	Bradley D. & Theresa Kathleen Jones	1069 Southwood Drive, Villa Rica, GA 30180
Lot 19 – Phase II	01800250039	Ray & Shanti Sylvester	635 Reed Road SE, Smyrna, GA 30082
Lot 20 – Phase II	01800250040	Anthony Jacob & Brittany Heather Parker	1077 Southwood Drive Villa Rica, GA 30180
Lot 21 – Phase II	01800250041	SBY 2014-1 Borrower, LLC	3300 Fernbrook Lane North, Suite 210 Plymouth, MN 55447
Lot 22 – Phase II	01800250042	Daniel C. Leon	1085 South Creek Drive Villa Rica, GA 30180
Lot 23 – Phase II	01800250043	Kessler Realty Investments 1089	2004 Barrington Lane Villa Rica, GA 30180
Lot 43 – Phase IIB	02050250038	Ansley Brooke & Jaden C. Worsham	3008 Bedrock Drive, Villa Rica, GA 30180
Lot 44 – Phase IIB	02050250039	2014-1 IH Borrower, L.P.	1717 Main Street, Suite 2000 Dallas, TX 75201
Lot 70 – Phase IIB	02050250065	Robert Harris	1072 Creekhead Drive Villa Rica, GA 30180
Open Area #1 – Phase IIB	02050250028	Mirror Lake Community Association, Inc.	C/O Sheryl Brown 1000 Shoreline Parkway Villa Rica, GA 30180
Open Area #2 – Phase IIB	01800250107	Mirror Lake Community Association, Inc.	C/O Sheryl Brown 1000 Shoreline Parkway Villa Rica, GA 30180
Mirror Lake Parkway Frontage	01800250119	JLC Mirror Lake Sub 1, LLC	2233 Peachtree Road, Suite 303 Atlanta, GA 30309
Fairways 3-4-5-6-7	02060250147	CC Mirror Lake, LLC	3030 LBJ FWY Suite 600 Dallas, TX 75234

Exhibit 6
Wetland and Stream Report

NEI completed review of the subject property to delineate the extent of aquatic areas we believe to be jurisdictional under Section 404 of the Clean Water Act. This property can be accessed from Mirror Lake Parkway approximately 0.7 miles north of the intersection of Conners Road and Mirror Lake Parkway in Villa Rica, Douglas County, Georgia. The study area associated with this property is approximately 55 acres in size and was visited on April 11, 2017. A sketch of our findings can be found in the attached mapset.

SUMMARY OF OUR WORK ACTIVITY

Wetlands and waters of the US are under the jurisdiction of the US Army Corps of Engineers (USACE). The USACE jurisdiction is defined at Title 33 Code of Federal Regulations Part 328.3 and other guidance and policy. The USACE jurisdiction in the North Georgia region includes freshwater ponds, lakes, rivers, streams, and wetlands. Definition of these jurisdictional areas can be found in the back of the current Nationwide Permit regulations on the USACE website. The USACE regulates activities that result in the discharge of fill material into these jurisdictional areas. The Georgia Environmental Protection Division regulates land disturbance in a 25-foot buffer extending horizontally from the point of wrested vegetation along streams that exhibit normal stream flow and ponds and lakes. This authority is through the Erosion and Sedimentation Control Act.

REMOTE DATA REVIEW

Before conducting our fieldwork, we reviewed available remote data, including the following:

- Current and historic aerial photography (as available);
- USGS Quadrangle map;
- USDA NRCS County Soils Survey;
- USFWS National Wetlands Inventory map;
- FEMA Floodplains map

From in-office review of this remote information, we found three main draws or valleys, one located along a USGS mapped stream in the northern portion of the property and two coming off the USGS mapped stream along the southern boundary of the property. There were no NWI mapped wetlands on the property.

FINDINGS

The subject property contained a mature hardwood forest with a dense understory of hardwood saplings. While onsite, we found three wetlands, two perennial streams, and one ephemeral reach. There is a stream in the northern portion of the property, entering the property to the east and flowing until it exits the property boundary to the west (Perennial Stream 1). Wetland seeps extend along both sides of the stream. Perennial Stream 1 flows under Creekhead Road dividing the two wetland seeps, one on each side of the road. These wetlands were marked with blue/white surveyor's ribbon.

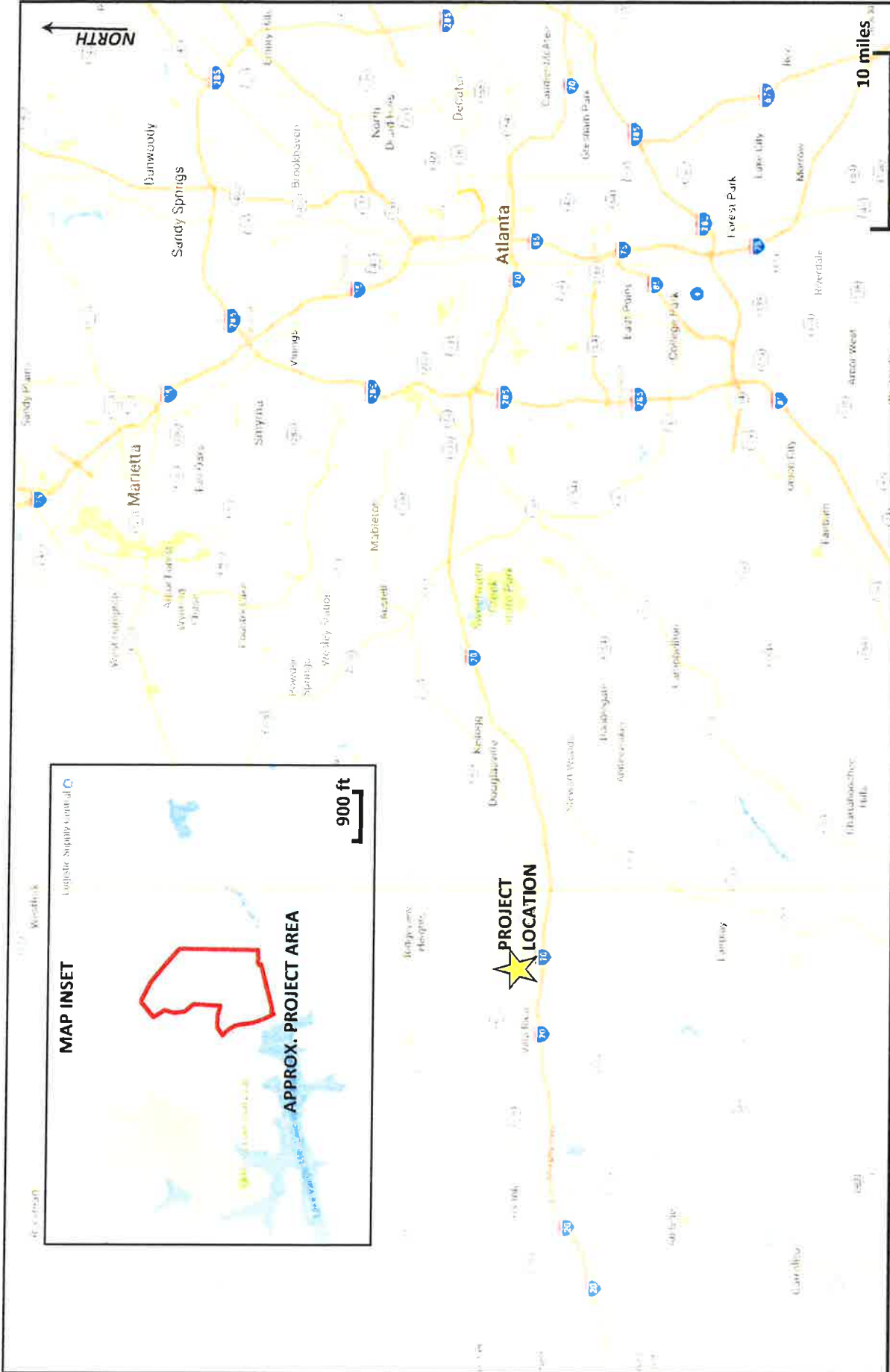
There is a stream located along the southern boundary of the property (Perennial Stream 2). The wetland seep is located near the southwestern part of the property before the stream goes under Mirror Lake Parkway road and connects to Lake Val-Do-Mar. An ephemeral reach flows south into Perennial Stream 2.

Development in the southern portion of the property around Perennial Stream 2 may be protected by restrictive covenants because that portion of the property may be part of a wetland mitigation.

As part of this site review, we have prepared the accompanying mapping and illustrations: a location map; aerial photograph; USGS quad map; USDA NRCS soils map; USFWS wetlands map; FEMA floodplains map; sketch of notable features; approximate photo locations.

CLOSING

Our field reconnaissance of wetlands and streams is based on our over 25 years of experience, but please note that the USACE and the GA EPD have ultimate discretionary authority in the determination of their jurisdiction. If you would like for us to pursue official jurisdictional determination with the USACE and GA EPD, please let us know.



VICINITY MAP
PREPARED FOR:
Mr. Sean Shea
DR HORTON, INC

EXHIBIT 1
PREPARED 04/05/2017 BY:
NELSON ENVIRONMENTAL, INC.
www.NelsonEnvironmental.us PH:404/862-1665

FIELD RECONNAISSANCE FOR WETLAND AND STREAMS
SOUTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA



Google Earth
Imagery Date: 10/19/2015

EXHIBIT 2

PREPARED 04/05/2017 BY:

NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665

AERIAL PHOTO

PREPARED FOR:

Mr. Sean Shea

DR HORTON, INC

FIELD RECONNAISSANCE FOR WETLAND AND STREAMS

SOUTHWOODS AT MIRROR LAKE

DOUGLAS COUNTY, GEORGIA



Imagery Date: 10/19/2015

EXHIBIT 3

PREPARED 04/05/2017 BY:

NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665

**FIELD RECONNAISSANCE FOR WETLAND AND STREAMS
SOUTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA**

AERIAL PHOTO W/ SKETCH

PREPARED FOR:

Mr. Sean Shea

DR HORTON, INC



USGS QUAD MAP
PREPARED FOR:
Mr. Sean Shea
DR HORTON, INC

EXHIBIT 4
PREPARED 04/05/2017 BY:
NELSON ENVIRONMENTAL, INC.
www.NelsonEnvironmental.us PH:404/862-1665

FIELD RECONNAISSANCE FOR WETLAND AND STREAMS
SOUTHWOODS AT MIRROR LAKE
DOUGLAS COUNTY, GEORGIA



SOILS LEGEND

Alm- Alluvial Land, moderately well drained
 Alp- Alluvial Land, somewhat poorly drained
 AmC2- Applying Sandy Loam 6-10% slopes, eroded
 AmD2- Applying Sandy Loam 10-15% slopes, eroded
 HYB2- Helena Sandy Loam 2-6% slopes, eroded
 LdC2- Lloyd Sandy Loam 6-10% slopes, eroded
 LID2- Louisburg Complex 10-15% slopes eroded
 MhC2 Madison gravelly fine sandy loam 6-10% slopes
 MFE- Musella stony fine sandy loam 15-25% slopes
 MvC2- Musella Clay Loam 6-10% slopes, eroded
 MvD2- Musella Clay Loam 10-15% slopes, eroded
 MvE2- Musella Clay Loam 10-15% slopes, eroded

Google Earth
 Imagery Date: 10/19/2015

USDA SOIL SURVEY MAP

PREPARED FOR:
 Mr. Sean Shea
 DR HORTON, INC

FIELD RECONNAISSANCE FOR WETLAND AND STREAMS
 SOUTHWOODS AT MIRROR LAKE
 DOUGLAS COUNTY, GEORGIA

EXHIBIT 5

PREPARED 04/05/2017 BY:

NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



APPROX. PROJECT AREA

According to the FWS NWI, there are mapped streams located within the project area.

Google Earth
Imagery Date: 10/19/2015

USFWS NWI WETLANDS MAP

PREPARED FOR:

Mr. Sean Shea

DR HORTON, INC

FIELD RECONNAISSANCE FOR WETLAND AND STREAMS

SOUTHWOODS AT MIRROR LAKE

DOUGLAS COUNTY, GEORGIA

EXHIBIT 6

PREPARED 04/05/2017 BY:

NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



FEMA FLOODPLAINS MAP

PREPARED FOR:

Mr. Sean Shea

DR HORTON, INC

FIELD RECONNAISSANCE FOR WETLAND AND STREAMS

SOUTHWOODS AT MIRROR LAKE

DOUGLAS COUNTY, GEORGIA

SPECIAL FLOOD HAZARD AREAS

1% Annual Chance Flood Hazard
Zone A, AE, AH, AO, AR, X, CE

Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

0.2% Annual Chance Flood Hazard
Zone X

Imagery Date: 10/19/2015

EXHIBIT 7

PREPARED 04/05/2017 BY:

NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



Imagery Date: 10/19/2015

EXHIBIT 8

PREPARED 04/05/2017 BY:

NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665

PHOTO LOCATIONS

PREPARED FOR:

Mr. Sean Shea

DR HORTON, INC

FIELD RECONNAISSANCE FOR WETLAND AND STREAMS

SOUTHWOODS AT MIRROR LAKE

DOUGLAS COUNTY, GEORGIA



Photo 1: Wetland Seep facing south

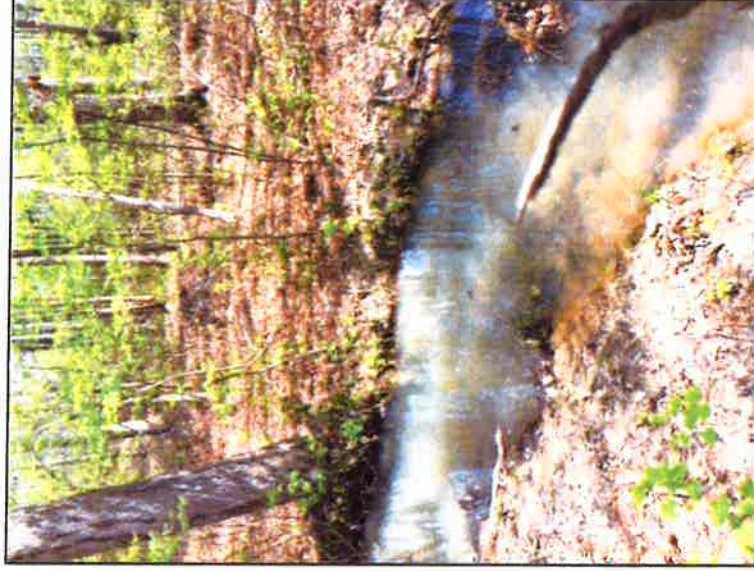


Photo 2: Perennial Stream 1 with Wetland Seeps

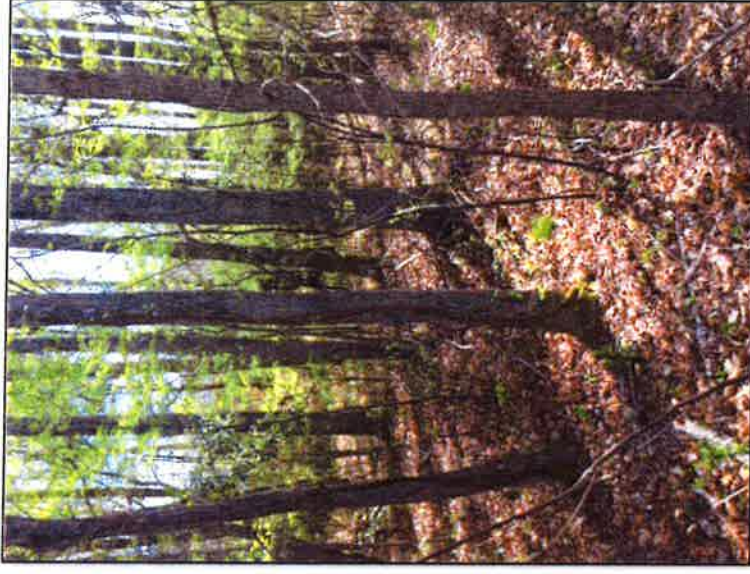


Photo 3: Wetland Seep facing south

SITE PHOTOS

PREPARED FOR:

Mr. Sean Shea

DR HORTON, INC

FIELD RECONNAISSANCE FOR WETLAND AND STREAMS

SOUTHWOODS AT MIRROR LAKE

DOUGLAS COUNTY, GEORGIA

PREPARED 04/05/2017 BY:

NEILSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



Photo 4: Perennial Stream 1 Culvert under Creekhead Road



Photo 5: Wetland Seep facing east



Photo 6: Wetland Seep facing west

SITE PHOTOS

PREPARED FOR:

Mr. Sean Shea

DR HORTON, INC

FIELD RECONNAISSANCE FOR WETLAND AND STREAMS

SOUTHWOODS AT MIRROR LAKE

DOUGLAS COUNTY, GEORGIA

PREPARED 04/05/2017 BY:

NELSON ENVIRONMENTAL, INC.

www.NelsonEnvironmental.us PH:404/862-1665



Photo 7: Wetland Seep facing west



Photo 8: Ephemeral Reach facing north



Photo 9: Perennial Stream 2 facing east

SITE PHOTOS

PREPARED FOR:

Mr. Sean Shea

DR HORTON, INC

FIELD RECONNAISSANCE FOR WETLAND AND STREAMS

SOUTHWOODS AT MIRROR LAKE

DOUGLAS COUNTY, GEORGIA

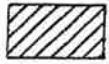
PREPARED 04/05/2017 BY:

NELSON ENVIRONMENTAL, INC.

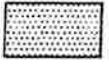
www.NelsonEnvironmental.us PH:404/862-1665

Drawing name: L:\103051 - DR Horton - Southwoods at Mirror Lake - Douglas County, GA\CADD\EXHIBITS\2017-07-17 - Stream Buffer Variance.dwg Southwoods (lots 26-29) Jul 18, 2017 3:05pm

LEGEND



TOTAL ENCROACHMENT AREA = ± 0.13 ACRES
(25' IMPERVIOUS SETBACK)



TOTAL ENCROACHMENT AREA = ± 0.02 ACRES
(50' UNDISTURBED BUFFER)

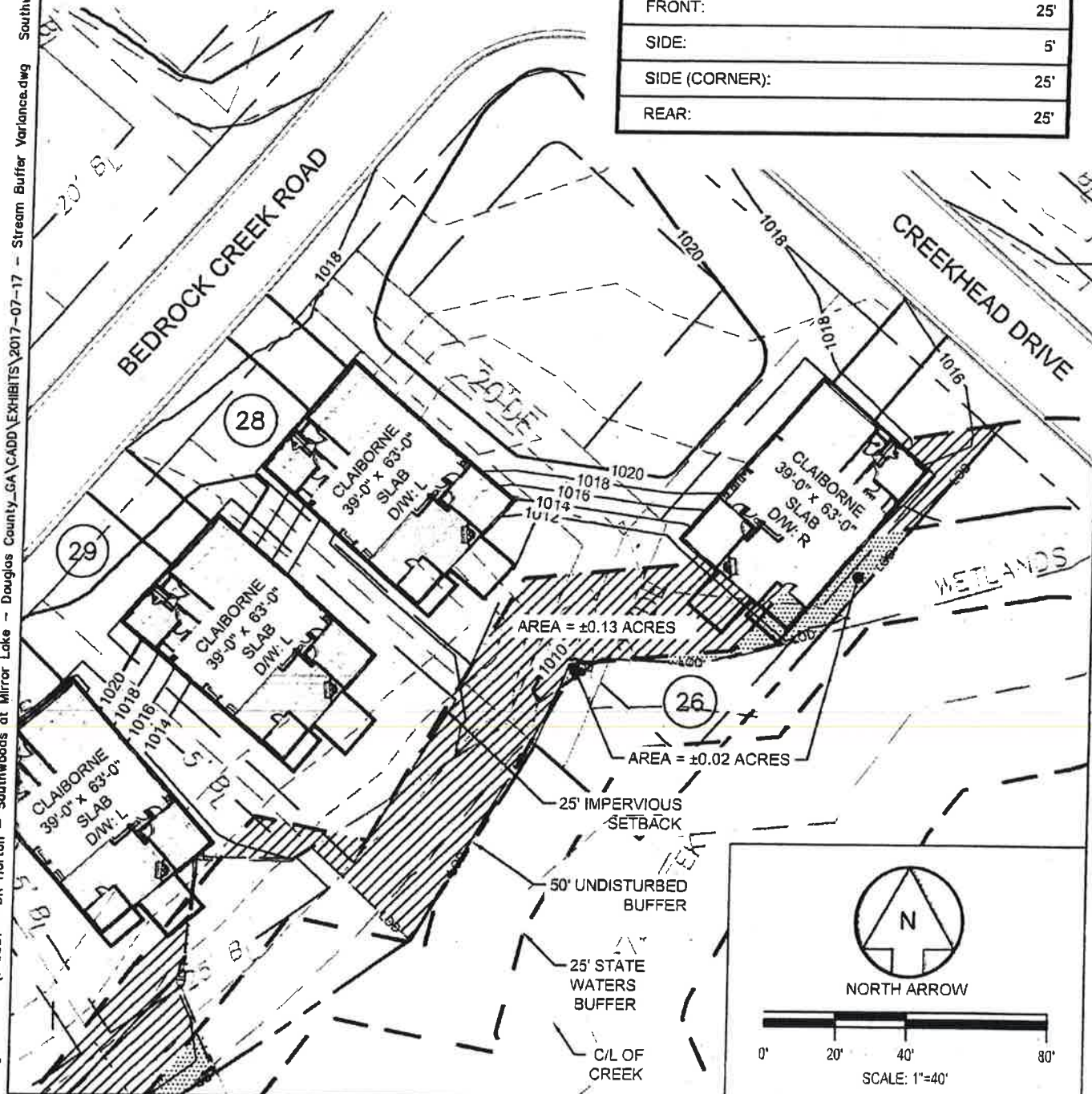
SITE SUMMARY

ZONING CLASSIFICATION

JURISDICTION:	CITY OF VILLA RICA
ZONING:	PLANNED DEVELOPMENT
ADJACENT ZONING:	PLANNED DEVELOPMENT

BUILDING SETBACKS

FRONT:	25'
SIDE:	5'
SIDE (CORNER):	25'
REAR:	25'



LECRAW
ENGINEERING
1475 CORPORATE WAY, SUITE A
DULUTH GA 30096
PHONE - 978.548.8100 FAX - 770.411.0298

PROJECT:
SOUTHWOODS
AT MIRROR LAKE
LAND LOT 180, 2ND DISTRICT,
5TH SECTION
VILLA RICA, ELTON COUNTY, GA

CLIENT: DR HORTON, INC.
JOB NUMBER: 103050
DATE: 07/16/17 SCALE: 1" = 40'

DRAWN BY: LEI
DESIGNED BY: LEI
CHECKED BY: JSW

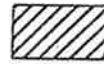
TITLE
SITE PLAN EXHIBIT
LOTS 26, 28, & 29
DRAWING NUMBER:
EX-3

Drawing name: L:\103051 - DR Horton - Southwoods at Mirror Lake - Douglas County_GA\CADD\EXHIBITS\2017-07-17 - Stream Buffer Variance.dwg
Southwoods (lots 30-33) Jul 18, 2017 3:02pm

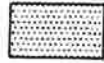
SITE SUMMARY

ZONING CLASSIFICATION	
JURISDICTION:	CITY OF VILLA RICA
ZONING:	PLANNED DEVELOPMENT
ADJACENT ZONING:	PLANNED DEVELOPMENT
BUILDING SETBACKS	
FRONT:	25'
SIDE:	5'
SIDE (CORNER):	25'
REAR:	25'

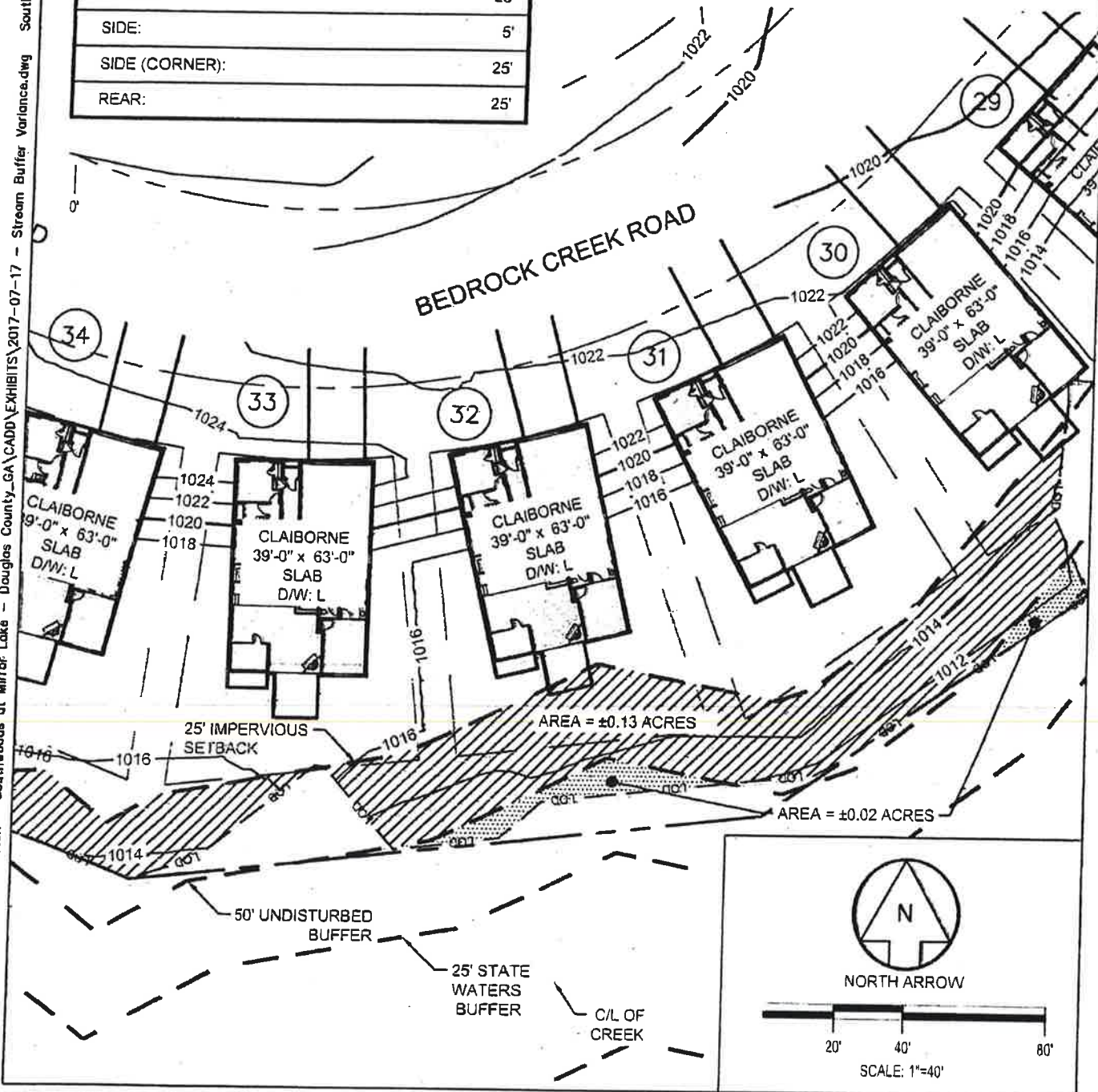
LEGEND



TOTAL ENCROACHMENT AREA = ± 0.13 ACRES
(25' IMPERVIOUS SETBACK)



TOTAL ENCROACHMENT AREA = ± 0.02 ACRES
(50' UNDISTURBED BUFFER)



LCRAW
ENGINEERING
3475 CORPORATE WAY, SUITE A
DULUTH, GA 30098
PHONE: 678 548 9100 FAX: 770 441 0288

PROJECT: **SOUTHWOODS**
AT MIRROR LAKE
LAND LOT 180, 2ND DISTRICT,
5TH SECTION
VILLA RICA, DULUTH COUNTY, GA

CLIENT: DR HORTON, INC.

JOB NUMBER: 103050

DATE: 03/31/17

SCALE: 1" = 20'

DRAWN BY: LEI

DESIGNED BY: LEI

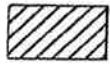
CHECKED BY: JSW

TITLE:

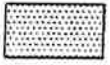
SITE PLAN EXHIBIT
LOTS 30-33

DRAWING NUMBER:
EX-2

LEGEND



TOTAL ENCROACHMENT AREA = ± 0.14 ACRES
(25' IMPERVIOUS SETBACK)



TOTAL ENCROACHMENT AREA = ± 0.08 ACRES
(50' UNDISTURBED BUFFER)

SITE SUMMARY

ZONING CLASSIFICATION

JURISDICTION: CITY OF VILLA RICA

ZONING: PLANNED DEVELOPMENT

ADJACENT ZONING: PLANNED DEVELOPMENT

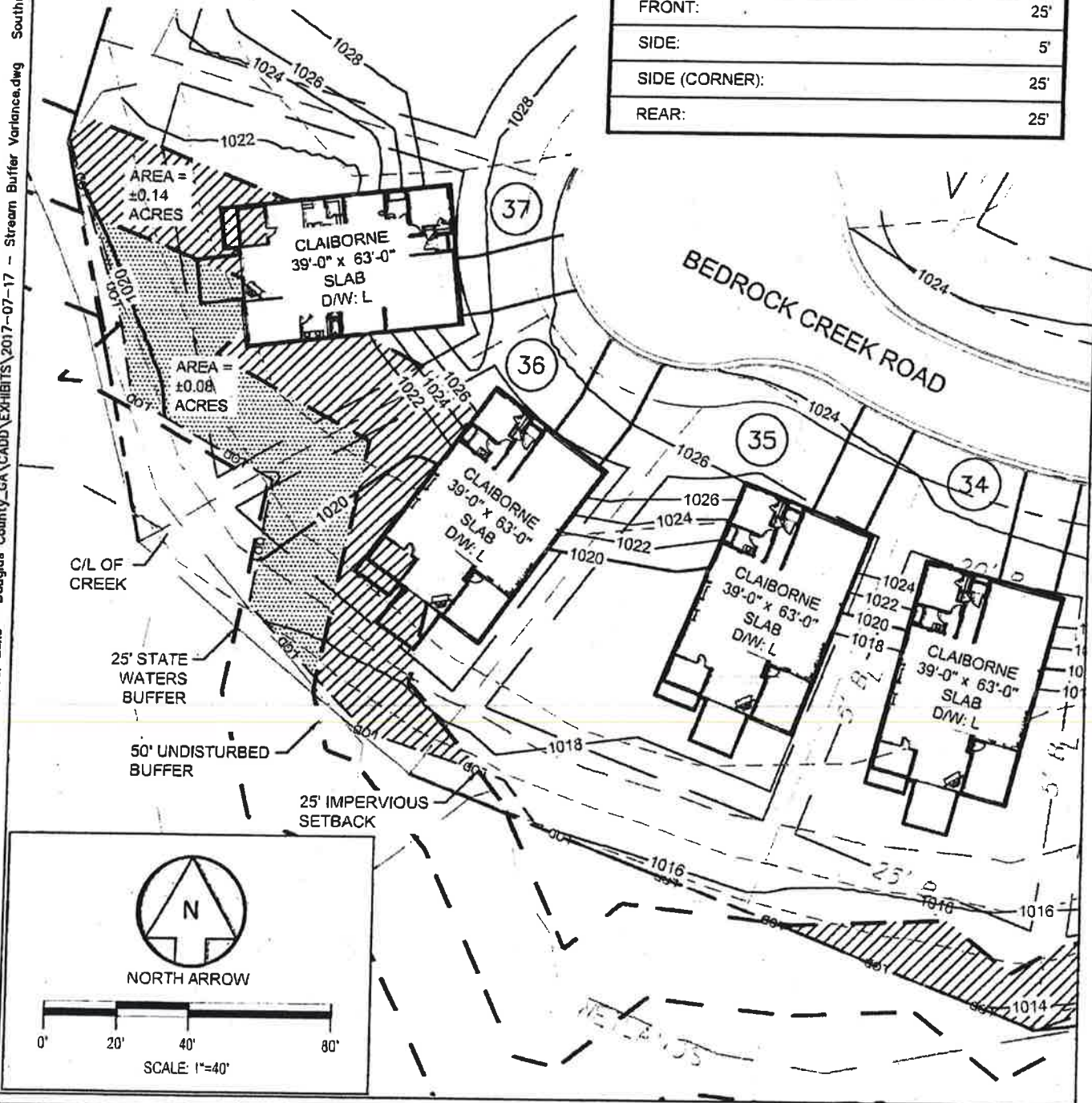
BUILDING SETBACKS

FRONT: 25'

SIDE: 5'

SIDE (CORNER): 25'

REAR: 25'



LEICRAW
ENGINEERING
1475 CORPORATE WAY, SUITE A
DULUTH, GA 30098
PHONE - 770.540.8100 FAX - 770.441.0298

PROJECT

SOUTHWOODS
AT MIRROR LAKE
LAND LOT 180, 2ND DISTRICT,
5TH SECTION
VILLA RICA, EULON COUNTY, GA

CLIENT: DR HORTON, INC.

JOB NUMBER: 103050

DATE: 03/31/17 SCALE: 1" = 40'

DRAWN BY: LEI

DESIGNED BY: LEI

CHECKED BY: JSW

TITLE:

SITE PLAN EXHIBIT
LOTS 34-37

DRAWING NUMBER:
EX-1



ABL-06-17

CITY OF VILLA RICA

City Council Packet

SUBJECT: Limited pouring license restaurant for Luther's Bistro

CITY COUNCIL AGENDA DATE: 10/3/17

DATE: 9/22/17

PREPARED BY:

FISCAL IMPACT: None

ANNUAL –

CAPITAL –

OTHER –

FUNDING SOURCE:

PURPOSE: To allow applicant to pour wine and malt beverages at Luther's Bistro, 901 S. Carroll Rd., Suite 101, Villa Rica, Georgia.

BACKGROUND: The applicant has complied with the Ordinance with regard to the legal notification requirements, and has successfully pass the background check conducted by the Villa Rica Police Department. Also, there are no location restrictions that would hinder the issuance of the license.

IMPACT: None



CITY OF VILLA RICA
ALCOHOL LICENSE APPLICATION

INSTRUCTIONS: Every question must be answered fully and correctly. If the space provided is not sufficient, answer the question on a separate sheet and indicate in that space that a separate sheet is attached. When completed, it must be dated, signed and verified under oath by the applicant and filed in person by the applicant with the **Office of the City Manager, Villa Rica City Hall, 571 W. Bankhead Highway, Villa Rica, Georgia 30180**, together with all supporting documentation and a check for the required non-refundable application fee.

A license issued to an individual shall be issued in the name of the individual. A license issued to a partnership shall be issued in the name of the partnership and in the name of one of the partners who shall be the named licensee. A license issued to a corporation having as its principal business the sale of alcoholic beverages shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation; and such majority stockholder or officer shall be the named licensee. A license issued to a corporation having as its principal business an activity other than the sale of alcoholic beverages shall be issued in the name of the corporation and in the name of the officer or employee of the corporation primarily responsible for the operation of the licensed premises; and such officer or employee shall be the named licensee.

NON-REFUNDABLE APPLICATION FEE

Package Beer	\$100	Pouring Restaurant - All	\$100	Pouring Supper Club	\$500
Package Wine	\$100	<u>Pouring Beer & Wine</u>	<u>\$100</u>	Supper Club Wine & Beer	\$500
Wine Tasting	\$100	Wholesale Dealer	\$500	Alcohol Catering	\$100
Growler	\$100	Wine & Craft Beer Boutique	\$100	Special Event	\$100

TYPE OF LICENSE/Annual License Fee (Check One Only)

- ☐ Retail Package Malt Beverages & Wine - \$300
- ☐ Retail Package Malt Beverage - \$200
- ☐ Pouring License Restaurant - \$3,500
- ☐ Pouring License Supper Club - \$5,000
- ☐ Pouring License Private Club - \$3,500
- ☐ Growler License (in conjunction with Retail Package Malt Beverage License) - \$200
- ☒ Retail Package Wine - \$100
- ☐ Limited Pouring License Restaurant - \$500
- ☐ Limited Pouring License Supper Club - \$3,000
- ☐ Limited Pouring License Private Club - \$500
- ☐ Alcohol Catering (in conjunction with Limited Pouring License - Restaurant) - \$500
- ☐ Wine Tasting (in conjunction with Retail Package Wine License) - \$100
- ☐ Wine & Craft Beer Boutique - \$500

TYPE OF OUTLET

- ☐ Retail Package Sales
- ☒ Restaurant
- ☐ Special Event
- ☐ Supper Club
- ☐ Private Club
- ☐ Wine & Craft Beer Boutique

PART I

I. Type of Ownership

- ☒ Individual ☐ Partnership ☐ Corporation

(A) If individual, give full name and address of owner:

Adam Anderson 345 Lakeview Dr. Temple, GA 30179
Full Name Address

(B) If corporation/partnership, give corporate/partnership name: _____

Federal Tax ID: _____

Name, percent interest and legal address of principle stockholders and corporate officers or partners:

Full Name	Address	% Interest
Full Name	Address	% Interest
Full Name	Address	% Interest
Full Name	Address	% Interest

Describe the principle business of the corporation/partnership:

Full name, legal residence, and social security number of the named licensee (a) Individual (b) Principal Officer/Employer (c) Partner, each partner must be a named licensee:

Adam Anderson 345 Lakeview Dr. Temple, GA 30179
Full Name Address

2. Is the above address your legal and bona-fide place of domicile? ☒ Yes ☐ No

3. Trade name of business for which application is made: Luther's Ltd.

4. Address of business for which application is made: 901 S. Carroll Rd Suite C

Phone Number: 404-661-0727 678-531-9682
Business Home

Mailing Address: P.O. Box 92 Temple, GA 30179

If additional space is required, please attach to this application, noting which section it refers to.

*** PART II ***

1. Will the proposed outlet have live entertainment? ☐ Yes ☒ No
(If yes, describe how often and what type in detail)

2. Have you received a copy of the City of Villa Rica Alcoholic Beverage Ordinance? ☒ Yes ☐ No
No application will be processed until receipt of a copy of this ordinance is acknowledged.

3. Have you included with this application a check for the non-refundable application fee required by Chapter 3 of the Alcohol Beverage Ordinance of the City of Villa Rica? ☒ Yes ☐ No

4. As required by Chapter 4 of the Alcoholic Beverage Ordinance of the City of Villa Rica, have you included the following with this application? Please check the applicable answer(s).

- (a) A copy of the deed to the premises to be licensed, if owned by applicant. ☐
(b) A copy of the lease agreement covering the premises to be licensed, if leased by the applicant. ☐
(c) In the case of a partnership, a copy of the partnership agreement. ☐
(d) In the case of a corporation, a copy of the articles of incorporation. ☐
(e) A current stamped certificate from a registered surveyor which shows a scale drawing of the premises and the location at which the applicant desires to operate an alcoholic beverage outlet and which shows, with linear foot measurements where appropriate, such location's compliance or noncompliance with the provisions of Chapter 3 of the Alcoholic Beverage Ordinance of the City of Villa Rica. ☐

5. Have you confirmed with the City of Villa Rica Community Development Department that the location of the proposed outlet is in a zoning district approved for the sale of alcoholic beverages subject to the specific limitations of the respective district as provided for in Chapter 3 of the Alcoholic Beverage Ordinance of the City of Villa Rica?
☒ Yes ☐ No

- NA 6. If applicable, have you received approval from the City of Villa Rica Building Official for any new construction, renovations, remodeling, etc. at the premises to be licensed? ☐ Yes ☐ No

- NA 7. If applicable, have you received an approved site plan from the City of Villa Rica for the location of the premises to be licensed? ☐ Yes ☐ No

8. If applicable, have you received a Carroll/Douglas County Health Department Food Service Permit and any other applicable local, state, or federal permits, etc. required for a food service establishment?
☒ Yes ☐ No

No pouring license application will receive final approval until the necessary permits are secured.

9. Do you comply with the requirements of Regulation 560-2-2-.38 below? ☒ Yes ☐ No
Neither a retail dealer or retail consumption dealer, whether licensed in this State or not, nor any of his employees or members of such retail dealers or retail consumption dealer's immediate family shall have, own, or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any wholesaler, manufacturer, producer, shipper, importer or broker.
10. Has the named licensee and all other persons otherwise required, submitted themselves to the City of Villa Rica Police Department for fingerprinting and background check(s) as provided for in Chapter 3 of the Alcoholic Beverage Ordinance of the City of Villa Rica? ☒ Yes ☐ No
11. Has the named licensee, any partner(s), the corporation, or any corporate officer been:
- (a) Convicted within the last ten (10) years of any felony or any misdemeanor involving moral turpitude?
☐ Yes ☒ No
- (b) Any other misdemeanor within the past five (5) years? ☐ Yes ☒ No
- (c) Denied or had revoked, within the past five (5) years, any license to sell alcoholic beverages issued by any government entity? ☐ Yes ☒ No
- (d) Been convicted of selling alcohol to a minor within the past three (3) years? ☐ Yes ☒ No
- If the answer to any portion of question 11 is yes, describe in detail and give dates of occurrences:
-
-
-

12. Has any alcoholic beverage business in which the named licensee, partner(s), the corporation, or corporate officers holds or has held any financial interest, or are employed, or have been employed, ever been cited for any violation of the rules and regulations of the State Revenue Commissioner or any local ordinance/legislation relating to the sale or distribution of alcoholic beverage? ☐ Yes ☒ No

If yes, describe in detail and give dates:

13. On behalf of the named licensee, provide three (3) personal references (not relatives, former employers, fellow employees or school teachers) who are responsible, reputable adults, business or professional men or women, who have known the named licensee during the past five (5) years.

Include name, residence, business address, and number of years known.

Edgar WORTHY - Villa Rica - 20yrs

Dana Worthey - Villa Rica - 20yrs
Fred Bayles - Douglasville - 10yrs

14. Is the named licensee a citizen of the U.S.? ☒ Yes ☐ No

DeKalb County, Georgia

Place of Birth

12-17-1975

Date of Birth

*** PART III ***

VERIFICATION

State of Georgia, Carroll County

I, Adam Anderson, licensee, do solemnly swear subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application are true, and no false or fraudulent statement or answer is made herein to procure the granting of such license.


Applicants Signature (FULL NAME IN INK)

I hereby certify that Adam Anderson signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and, under oath actually administered by me, has sworn that said statements and answers are true.

This 30th day of August 2017

Myra Simpson
Notary Public

My Commission Expires:

Notary Public, Richmond County, Georgia
My Commission Expires Sept. 10, 2017

(Seal)

CITY OF VILLA RICA

Application for Original Alcoholic Beverage License
Public Notice (Sign) Sworn Statement

I (we) Adam Anderson
Individual, corporation or partnership applying for license. If corporation or partnership, also list named licensee.

Applicant(s) for an Alcoholic Beverage License in the City of Villa Rica, do solemnly swear, subject to criminal penalties for false swearing that I (we) have posted a notice (sign) at:

901 S. CARROLL ROAD Suite C
Street Address

Which complies with all requirements of Chapter 3, of the Alcoholic Beverage Ordinance of the City of Villa Rica.

[Signature]
Applicant(s) Signature (FULL NAME IN INK)

I hereby certify that Adam Anderson signed his or her
Applicant

name to the foregoing statement after stating to me that he/she knew and understood all statements made therein, and, under oath actually administered by me, has sworn that said statement is true.

This 18th day of September 2017.

[Signature]
Notary Public



AFFP

9-77433 Adam Anderson has file

Affidavit of Publication

STATE OF GEORGIA }
COUNTY OF CARROLL } SS

9-77433

Adam Anderson has filed an application to sell alcoholic beverages on the premises of 901 S. Carroll Rd., Suite C, Villa Rica, GA 30180, as a Restaurant. A public hearing on the application will be held on Tuesday the 3rd day of October, 2017 at 6:00 p.m. at the Holt-Bishop Justice Center, Municipal Court Room, 101 Main Street, Villa Rica, Georgia. For additional information on this application, contact the community Development Department at 678-785-1022.

Marvin Enderle, being duly sworn, says:

That he is the publisher of the Times-Georgian, a daily newspaper of general circulation, printed and published in Carrollton, Carroll County, Georgia; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

September 14, 2017

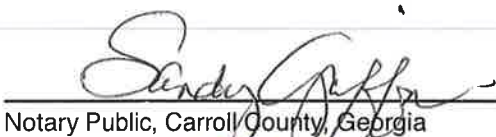
Publisher's Fee: \$ 20.00

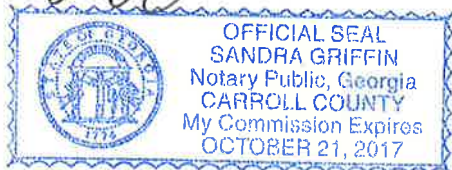
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Subscribed to and sworn to me this 14th day of September 2017.


Notary Public, Carroll County, Georgia



40081326 40277433

TONYA ANDERSON
901 S. Carroll Rd. Ste C
Villa Rica, GA 30180



Agenda Item: _____

CITY OF VILLA RICA

City Council Packet

SUBJECT: Nugget Drop Fireworks Display Contractor Recommendation
CITY COUNCIL AGENDA DATE: October 3, 2017

DATE: September 21, 2017
PREPARED BY: Vicki D. Coleman, AICP

FISCAL IMPACT:
ANNUAL – \$4,000
CAPITAL –
OTHER –

FUNDING SOURCE: 2017 Parks and Recreation Budget

PURPOSE: The Department of Parks, Recreation, and Leisure Services is presenting its contractor for the City's New Year's fireworks display to Mayor and City Council for consideration.

BACKGROUND: The city hosts the Nugget Drop, its annual fireworks display, to celebrate the incoming New Year. The Department made an Invitation to Bid available for its fireworks display contractor. The City accepted bids through Monday, September 18th at 12:00 p.m. Two bids were received and both were for \$4,000. The two respondents were East Coast Pyrotechnics, Inc and J&M Displays.

The evaluation of the respondent's bid calculations is attached, along with a service agreement.

STAFF RECOMMENDATION: Approval of J&M Displays

IMPACT: Hiring a qualified and experienced contractor is essential to successful and safe display.

GOLD NUGGET DROP FIREWORKS SHOW

DECEMBER 31, 2017

BID COMPARISON SHEET
BUDGET: \$4,000.00

COMPANY NAME	OPENING BARRAGE			BODY OF PROGRAM				TOTAL AERIAL SHELLS IN BODY	FINALE PROGRAM				TOTAL AERIAL SHELLS IN BODY	TOTAL ½"- 2" SHELLS IN THE SHOW	SHOW TIME (Min)	SHOW FIRED	INSUR LIAB LIMIT
	SHELL SIZE ½" 1" 1½"																
J&M Displays	0	0	349	0	0	1600	198	1798	0	0	797	66	863	3010	7-8	Electronic fired	\$10 million
East Coast Pyrotechnics	210	0	0	600	300	70	0	970	0	400	100	0	500	1680	5-6	Electronic fired	\$5 million
Notes:	East Cost Pyrotechnics, Inc included 49 – ¾" aerial shells in body, and 320 – ¾" aerial shells in the finale. A total of 369 ¾" aerial shells. The ¾" aerial shells were not within the RFQ shell size																

V. Coleman
Director of PRLSD

9/22/17
Date

FIREWORKS DISPLAY AGREEMENT

THIS AGREEMENT is made and entered into this 3rd day of October, 2017, by and between J & M Displays, Inc., an Iowa corporation, having its principal place of business at Yarmouth, Iowa, hereinafter referred to as Seller, and City of Villa, hereinafter referred to as Buyer.

Seller shall furnish to Buyer one (1) fireworks display, as per the \$ 4,000.⁰⁰ program submitted and accepted by the Buyer, and which by reference is made a part hereof as Exhibit "A". The display is to take place on the evening of DECEMBER 31, 2017 at approximately 11:59 pm, ^{midnight} weather permitting.

IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. Firing of Display (check one of the below options):

X Seller agrees to furnish all necessary fireworks display material and personnel for a fireworks display in accordance with the program approved by the parties. Seller agrees to comply with all local, state, and federal guidelines pertaining to the storing and displaying of fireworks.

____ Buyer waives the services of Seller's technician. Buyer is a municipality or has a valid permit from the Bureau of Alcohol, Tobacco, Firearms & Explosives and will be firing the display. If Buyer shoots the display, proof of liability insurance is required as stated in paragraph number five (5), proof of auto insurance (if pyrotechnics will be transported), and proof of worker's compensation insurance coverage is required. Buyer agrees to comply with all local, state, and federal guidelines pertaining to the storing and displaying of fireworks.

2. Payment. The Buyer shall pay to the Seller (check one of the below options):

X the sum of \$ 2000.⁰⁰ as a down payment upon execution of this Agreement. The balance of \$ _____ shall be due and payable in full within fifteen (15) days after the date of the fireworks display. A service charge of one and one-half percent (1 1/2 %) per month shall be added to the unpaid balance if the account is not paid in full within fifteen (15) days from the date of the show. If this account remains unpaid and is turned over to a collection agency for non-payment, all fees incurred in collecting the balance will be at the Buyer's expense. All returned checks will be assessed a \$30.00 fee.

\$ _____ in full by _____ (70 days prior to the event date).
The Buyer will receive the 8% prepayment bonus product in this fireworks display.

\$ _____ in full by _____ (30 days prior to event date).
The Buyer will receive the 5% prepayment bonus product in this fireworks display.

3. Weather Delay/Cancellation. Buyers intending to postpone a display due to inclement weather should contact J&M Displays as soon as possible to keep postponement fees to a minimum.

The following postponement fees are applicable *only* if the display is re-scheduled in the same calendar year.

- Displays postponed prior to being picked up at the magazine for delivery incur no postponement fee unless there are new costs associated with permit changes or display set-up has occurred prior to product delivery.
- Displays postponed after they are in transit to the shoot site will be charged the full delivery fee.
- Displays postponed after set-up by the shoot team will be charged delivery fee and 1.5 times the shoot fee for hand-fired displays and double the shoot fee for E-fired displays.
- Display set-ups that are allowed to remain on site overnight after a postponement to the following day will incur a fee of eight-percent (8%) of the total display budget. This will cover 24-hour security watch of fireworks and additional labor hours of shoot crew.

Displays cancelled and NOT re-scheduled within the same calendar year will be charged thirty-percent (30%) of the total display budget. This fee will cover all labor associated with order processing, packing & shipping, display set-up if applicable and re-stocking fees.

**** Displays cancelled due to circumstances beyond customers control, such as burn bans or other bans issued by the AHJ will be considered on a case by case basis.**

4. **Rain Date.** Should inclement weather prevent the firing of the display on the date mentioned herein, the parties agree to a mutually convenient rain date of _____ or another date as agreed to by both parties. Once display set-up has begun, the determination to cancel the fireworks display because of inclement weather or unsafe weather conditions shall rest within the sole discretion of the AHJ, Seller, and the lead pyrotechnician.

5. **Insurance. (Check one of the below options):**

☒ Seller agrees to provide, at its expense, general liability insurance coverage, in an amount not less than \$10,000,000, and within two (2) weeks prior to the date of the fireworks display, shall submit to the Buyer, if requested in writing, a certificate of insurance. All entities listed on the certificate of insurance will be deemed an additional insured. In the event of a claim by Buyer, the applicable deductible shall be paid by the Seller.

The Seller agrees to defend, indemnify and hold harmless the Buyer and its agents, and employees from and against all claims, costs, judgments, damages and expenses, including reasonable attorney fees that may or shall arise from the performance of the fireworks by the Buyer. The Buyer agrees to give the Seller prompt notice of any claims or demands and to cooperate with the Seller or its successors in interest or assigns, if any, in the defense of any such claims and/or demands.

____ Buyer agrees to provide, at its expense, general liability insurance coverage with a rating by AM Best of A VIII or higher, in an amount not less than \$5,000,000, and within two (2) weeks prior to the date of the fireworks display, shall submit to the Seller a certificate of insurance. All entities listed on the certificate of insurance will be deemed an additional insured. Any charge incurred from the insurance provider for additional insurance after insurance application has been sent in, shall be the responsibility of the Buyer. In the event of a claim by Seller, the applicable deductible shall be paid by the Buyer.

The Buyer agrees to hold the Seller harmless and defend Seller from any and all claims brought against the Seller by employees or sponsors of the Buyer for any and all acts of the Buyer relating to the event for which the fireworks is performed.

6. **Buyer agrees to provide:**

- (a) sufficient area for the display, including a minimum spectator set back as determined by Seller.
- (b) protection of the display area by roping off or similar facility.
- (c) adequate police protection to prevent spectators from entering display area.
- (d) dry, clean sand, if needed, for firing.
- (e) inspection and cleanup of fireworks debris in the fallout zone of the shoot site at first light the morning following the display for anything that may have been missed at the night search.
- (f) necessary local permits.

7. No representation of affirmation of fact, including but not limited to statement regarding capacity, suitability for use, or performance of equipment or products shall be, or deemed to be a warranty by the Seller for any purpose, nor give rise to any liability or obligation of the Seller whatsoever, except for acts of Seller's negligence as above stated.

8. It is further understood and agreed that nothing in this Agreement shall be construed or interpreted to mean a partnership. Both parties hereto being responsible for their separate and individual debts and obligations, and neither party shall be responsible for any agreements not stipulated in this Agreement.

9. The parties hereto do mutually and severally guarantee terms, conditions, and payments of this Agreement. This document shall be binding upon the parties, themselves, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BY: _____

J & M Displays, Inc.
SELLER

BY: _____

BUYER

Please include the DISPLAY INFORMATION form with this Agreement so your order is processed accurately.



SHOW OVERVIEW

Your dynamic display will include the following elements of excitement:

OPENING: Celebrate your event with colorful brilliance and chest-pounding thunderous salutes. A modest teaser for what's about to come. May I have your attention...the show has just begun! The modest opener will contain a barrage of assorted colors and effects of shells and multi-shot aerial devices launched from several different positions.

- 1.5" – V Shaped Candle Bundle – 300 Shots
- Variety Color with Report Finale – 49 Shots

TOTAL SHOTS - 349

BODY OF PROGRAM: "Oohs and Ahhhs" will help start your event off with a bang. The body of your show will be a high intensity aerial spectacular with 7 minutes full of various colors, sounds and effects. It will contain an assortment of J&M brand shells; the highest quality shells available in the industry, all manufactured to our exacting specifications. This means higher altitude, bigger breaks, brighter colors, more noise and unique effects. Not your standard show full of same color peonies and chrysanthemums.

- 1.5" – 2 V Shaped Candle Bundles – 600 Shots
- 2 Mixed Effect Cake – 200 Shots
- 2 Alternating Red White and Blue Tails – 200 Shots
- 2 Color Tails to Breaks – 200 Shots
- 2 Mixed Color Bees – 200 Shots
- 2 Pink Comets Z – 200 Shots

- 2" – 3 Red Green Purple Blue Lemon Dahlia with Silver – 198 Shots

TOTAL SHOTS – 1,798

GRAND FINALE: ...and it will be GRAND! The Pièce de résistance. J&M Displays understands that people will most likely remember the finale more than anything else during the show. We will design a finale that your crowd will talk about for months! J&M is known in the industry for shooting some of the most spectacular Grand Finales. Just wait... We think you will agree!

- 1.5" – V Shaped Candle Bundles – 300 Shots
- 3 Variety Color with Report Finale – 147 Shots
- 8 Quick Report with Color and Red Tail – 200 Shots
- 2 Silver Tail to Silver Time Rain – 50 Shots
- Quick Silver Whistles to Thunder I Shape – 100 Shots

- 2"- Red Green Purple Blue Lemon Dahlia with Silver – 66 Shots

TOTAL SHOTS – 863

* We reserve the right to make substitutions of equal or greater value. Prices and specifications are subject to change without notice.*



To Whom It May Concern,

J&M Displays is privileged to present the enclosed proposal for your New Year's Eve Celebration Fireworks Display. A brief history and description of J&M Displays, Inc. and its operation can be found on the inside cover of this bid package.

We have prepared the enclosed all-inclusive proposal for your event. Your proposal features an aerial firework display specifically designed to meet your requests. The budget for your event will cover all transportation as well as the set up and firing of the display by qualified J&M technicians. The show will be electrically fired and choreographed to music per your request. A \$10 million dollar insurance policy to cover the use of fireworks during the event is also included. Please note that we offer a 2 for 1 shell guarantee; meaning if a shell does not fire for any reason, we give you that shell plus another in your next show.

J&M Displays is an internationally recognized firework display company, one with a distinguished history and over 30 years' experience in the industry with an impressive safety program. Our Team has designed and produced special effects for eleven NFL Super Bowls, two World Cup Soccer Opening Ceremonies, three Republican National Conventions, numerous NBA, PGA and Major League Baseball Championships and All-Star Games, several Miss USA and Miss Teen USA Pageants and hundreds of corporate and association events across the USA and in over a dozen foreign countries.

As a client of J&M Displays you have our personal assurance that your fireworks display will receive our complete attention and artistry.

J&M is also pleased to give you our largest discount, bringing the value of your displays to:
\$5,045.80 value for \$4,000.00

Proposal good for 60 days from Bid Opening

It is our way of saying thank you for giving J&M Displays the privilege of entertaining your guests.

I'm 100% confident that we will not only meet, but we will exceed your expectations in quality, service and safety, in delivering a show that you as well as your audience will be more than satisfied with. We look forward to working with you and providing you with an amazing display.

Sincerely,



Charles K. McKinley

Southeast Regional Sales Manager

Hugh C. McWhorter
Sales Representative



SHOW OVERVIEW

Your dynamic display will include the following elements of excitement:

OPENING: Celebrate your event with colorful brilliance and chest-pounding thunderous salutes. A modest teaser for what's about to come. May I have your attention...the show has just begun! The modest opener will contain a barrage of assorted colors and effects of shells and multi-shot aerial devices launched from several different positions.

- 1.5" – V Shaped Candle Bundle – 300 Shots
- Variety Color with Report Finale – 49 Shots

TOTAL SHOTS - 349

BODY OF PROGRAM: "Oohs and Ahhs" will help start your event off with a bang. The body of your show will be a high intensity aerial spectacular with 7 minutes full of various colors, sounds and effects. It will contain an assortment of J&M brand shells; the highest quality shells available in the industry, all manufactured to our exacting specifications. This means higher altitude, bigger breaks, brighter colors, more noise and unique effects. Not your standard show full of same color peonies and chrysanthemums.

- 1.5" – 2 V Shaped Candle Bundles – 600 Shots
- 2 Mixed Effect Cake – 200 Shots
- 2 Alternating Red White and Blue Tails – 200 Shots
- 2 Color Tails to Breaks – 200 Shots
- 2 Mixed Color Bees – 200 Shots
- 2 Pink Comets Z – 200 Shots

- 2" - 3 Red Green Purple Blue Lemon Dahlia with Silver – 198 Shots

TOTAL SHOTS – 1,798

GRAND FINALE: ...and it will be GRAND! The Pièce de résistance. J&M Displays understands that people will most likely remember the finale more than anything else during the show. We will design a finale that your crowd will talk about for months! J&M is known in the industry for shooting some of the most spectacular Grand Finales. Just wait... We think you will agree!

- 1.5" - V Shaped Candle Bundles – 300 Shots
- 3 Variety Color with Report Finale – 147 Shots
- 8 Quick Report with Color and Red Tail – 200 Shots
- 2 Silver Tail to Silver Time Rain – 50 Shots
- Quick Silver Whistles to Thunder I Shape – 100 Shots

- 2"- Red Green Purple Blue Lemon Dahlia with Silver – 66 Shots

TOTAL SHOTS – 863

* We reserve the right to make substitutions of equal or greater value. Prices and specifications are subject to change without notice.*



YOUR SCHEDULE OF SPECTACULAR SERVICES

Show Dates: December 31, 2017

Show Duration: 7-8 minutes

Multiple position show with a shell or shells fired every 3 seconds

Some shells will be fired alone while others will be fired in flights of 2 and 3

Shell Count: 3,010

Your Fireworks Budget: \$4,000.00

Pyrotechnician Crew: Crew will be assigned closer to show date.

Firing Method: Electrically Fired and Choreographed to music per your request.

Soundtrack: Approval required 30 days in advance

Insurance Liability Coverage: \$10 Million Dollars to cover the Fireworks Display. J&M Displays uses a PER PROJECT policy meaning every display is covered with \$10 million of coverage. Our insurance policies are through Lexington and are rated A++XVI.

Transportation Liability Coverage: \$5 Million as required by United States Department of Transportation.

Worker's Compensation: Pyrotechnicians will meet all of the requirements of the Worker's Compensation Laws.

License & Permits: J&M will assist you in obtaining all required local, county and state fireworks permits and approvals.

Transportation: Fireworks and equipment will be delivered by qualified drivers as required by US DOT.

Personnel: Only trained and licensed lead technicians and trained assistants will be assigned to the display.

Safety Procedures: J&M Displays adheres to all safety regulations. NFPA 1123 & 1126 codes and state codes will be strictly enforced.



VALUE ADDED CUSTOMER EXPERIENCE

- **Turnkey Production** – Our job is to make your job easier.
 - Permit applications, site maps, fire dept. coordination.
 - Insurance documents for certificate holders and additionally insured.
 - Technicians who are well trained, punctual, and professional.
 - Pre-show; show day, and post-show follow-up and customer service.
- **Legacy**– J&M has produced thousands of displays around the world.
 - Since 1980 J&M has produced some of the most spectacular displays in the world.
 - A long history benefits you by being well experienced.
 - The J&M team strives every day to be the industry leader in new designs, effects and shows.
 - Technicians strive to learn and work with J&M.
- **Company Size** – There are many benefits to being a large fireworks company.
 - World-class designers producing worldwide events.
 - J&M's buying power assures better quality fireworks without higher expenses benefiting our clients.
 - Highest level of insurance in the industry to protect our clients.
 - Technicians located all across the Midwest and southeast as well as in California & Hawaii.
 - Dozens of regional storage facilities to cut costs for our clients.
 - Quality equipment – Every year J&M buys new equipment to replace anything outdated or unsafe.



YOUR PERSONALISED J&M FIREWORKS TEAM

Charles K. McKinley
Southeast Regional Manager
1-866-535-7976
1-251-725-7975
Charlesm@JandMDisplays.com

Hugh C. McWhorter
Sales Representative
1-866-535-7976
251-599-2816
Mack@JandMDisplays.com

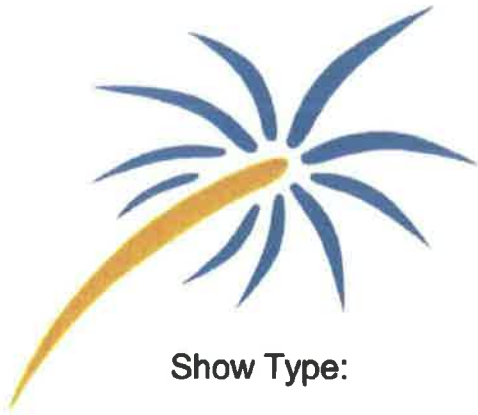
Our goal is to work in tandem with both sales and operations to make sure everything runs smoothly. We aim for complete customer satisfaction.

Danielle McWhorter
Southeast Administrative Assistant
1-866-535-7976
dmcwhorter@JandMDisplays.com

Danielle acts as a liaison between the sales staff and the operations team at J&M. She assists with processing orders for packing and shipment as well as handles permitting of shows.

James J. Oetken
President and CEO
1-800-648-3890
Main@JandMDisplays.com

Unlike many CEO's Jim has a very hands on and client-focused approach to doing business. He is happy to discuss both compliments and concerns with clients. Jim will promptly reply to phone calls received. His concern is complete client satisfaction.



Proposal Specifications

Show Type:

Electronic Fired Production

Prepared For:

Villa Rica Gold Nugget Drop

Program Length:

5-6 Minutes

Type of Pyrotechnic Effect:

½" - 1 ½" Shells

This Proposal Includes:

Five Million Dollars Public Liability Insurance
Licensed Professional Pyrotechnicians
Workers Compensation Insurance
All Fireworks Material Necessary to the Production
All Firing Equipment Necessary to the Production

Proposal Cost:

\$4,000.00

[Signature]
9/5/17



Program

East Coast Pyrotechnics is proud to present this custom program for your special event. As a direct importer East Coast Pyrotechnics assembles a world class inventory of the best professional grade pyrotechnic product from the best manufacturers in the industry. Our creative and technical presentation capabilities create a surefire formula for a spectacular One-of-a-kind production designed to exceed your expectations.

Opening Segment



Shot Quantities

210

Multi-Shot Devices

1/2" Red to Blue to Silver
Crossette Shells

Main Body

Shot Quantities

Multi-Shot Items

25	1" Gold Strobe Shells
50	1" Blue Comets to Red Strobe Pistol Shells
300	½" Gold Crackling Comets w/ Blue Bombettes
100	1" Assorted Color Crossette Shells
50	1" Silver Waterfalls
50	1" Red, Green and Yellow Bombettes
25	1" Red and Green Crossette Shells
70	1 ½" Red Arrow Comet Fan Shape
49	¾" Silver Swirls to Green Strobes
300	½" Red and Green Crackling Flowers

Grand Finale

Shot Quantities

Product Description

320 ¹/₂

$\frac{3}{4}$ " 5 Color Rainbow
Comets

100

1 $\frac{1}{2}$ " Assorted Color
Coconuts w/ White Strobe
Shells

300

1" Seven Angle Silver Tail
Whistles w/ Green Pearls

100

1" Titanium Salutes w/
Silver Tails Shells



VILLA RICA GOLD NUGGET DROP 2017

<u>QUANTITY</u>	<u>NAME/TYPE</u>	<u>SHELL SIZE</u>
<u>MAIN SHOW</u>		
210	RED TO BLUE TO SILVER CROSSETTES	1/2"
25	GOLD STROBE SHELLS	1"
50	BLUE COMETS TO RED STROBE PISTIL SHELLS	1"
300	GOLD CRACKLING COMETS W/ BLUE BOMBETTES	1 1/2"
100	ASSORTED COLOR CROSSETTE SHELLS	1"
50	SILVER WATERFALLS	1"
50	RED, GREEN AND YELLOW BOMBETTES	1"
25	RED AND GREEN CROSSETTE SHELLS	1"
70	RED ARROW COMET FAN	1 1/2"
49	SILVER SWIRLS TO GREEN STROBE	3/4"
300	RED AND GREEN CRACKLING FLOWERS	1/2"
<u>FINALE</u>		
320	5 COLOR RAINBOW COMETS	3/4"
100	ASSORTED COLOR COCONUTS / WHITE STROBE SHELLS	1 1/2"
300	SEVEN ANGLE SILVER TAIL WHITSLES W/ GREEN PEARLS	1"
<u>100</u>	TITANIUM SALUTES W/ SILVER TAIL SHELLS	1"
2049		

THE DISPLAY WILL BE ELECTRONIC FIRED. THE SYSTEM THAT WILL BE USED IS A SAM BASES SYSTEM. WE WILL HAVE A MAIN PANEL AND BACK UP PANEL IN CASE OF ANY FAILURES TO THE SLATS OR CABELING SYSTEM.

MATERIALS REQUIRED ARE HAMMERS, NAILS, SHRINK WRAP, TRASH BAGS, WOODEN BOX ITEM HOLDERS, ELECTRONIC PANELS, SLAT BOARDS, BATTERIES.
ESTIMATED COST OF WEATHER PREVENTION MATERIALS \$50.00
ESTIMATED COST OF FIRING SYSTEMS AND CABLES \$1,500.00

THE TOTAL DISPLAY PRICE IS \$4,000.00
FOUR THOUSAND DOLLARS

EAST COAST PYROTECHNICS, INC.



DATE 9/5/17

TECHNICIAN INFORMATION

TOM GARRISON

TOM GARRISON HAS OVER 20 YEARS EXPERIENCE IN THE PYROTECHNICS INDUSTRY. TOM HAS SHOT OVER 220 DISPLAYS IN THAT TIME FRAME. TOM IS APA (AMERICAN PYROTECHNICS ASSOCIATION) CERTIFIED AND HAS BEEN THE LEAD TECHNICIAN OVER THE GOLD NUGGET DROP SINCE THE INCEPTION IN 2011.

RYAN HELMS

RYAN HAS OVER 7 YEARS EXPERIENCE IN PYROTECHNICS. HE HAS SHOT OVER 40 SHOWS DURING THAT TIME FRAME. RYAN IS APA (AMERICAN PYROTECHNICS ASSOCIATION) CERTIFIED. HE HAS ASSISTED IN THE FIRING OF THE GOLD NUGGET DROP SINCE 2013.

**EAST COAST PYROTECHNICS, INC.
AGREEMENT**

This contract entered in this 5th of September A.D. 2017 by and between EAST COAST PYROTECHNICS, INC. of Catawba, S.C. and Villa Rica Gold Nugget Drop (customer) of City Villa Rica State GA.

WITNESSETH: EAST COAST PYROTECHNICS, INC. for and in consideration of the terms hereinafter mentioned, agrees to furnish to the CUSTOMER one (1) Fireworks Display(s) as per agreement made and accepted and made a part hereof, including the services of our Operator to take charge of and fire display under the supervision and direction of the Customer, said display to be given on the evening of December 31, 2017 Customer Initial _____, weather permitting, it being understood that should inclement weather prevent the giving of this display on the date mentioned herein the parties shall agree to a mutually convenient alternate date, within six (6) months of the original display date. Customer shall remit to the first party an additional 15% of the total contract price or additional expenses in presenting the display on an alternate date. The Villa Rica Parks & Recreation Department Director, with consultation of East Coast Pyrotechnics, Inc. representatives, shall have the final decision on whether the display must be postponed, halted or altered due to unsafe conditions applicable but not limited to wind, rain, drought, lightning or any condition applicable at the time of the Fireworks Display which could endanger the safety of the audience, committee members, the operators and/or crew members provided by East Coast Pyrotechnics, Inc..

In the event the customer does not choose to reschedule another date or cannot agree to a mutually convenient date, EAST COAST PYROTECHNICS, INC. shall be entitled to 40% of the contract price for costs, damages and expenses. If the fireworks exhibition is cancelled by CUSTOMER prior to the display, CUSTOMER shall be responsible for and shall pay EAST COAST PYROTECHNICS, INC. on demand, all EAST COAST PYROTECHNICS, INC.'s out of pocket expenses incurred in preparation for the show including but not limited to, material purchases, preparation and design costs, deposits, licenses, and employee charges.

EAST COAST PYROTECHNICS, INC. agrees to furnish all necessary fireworks display materials and personnel for fireworks display in accordance with the program approved by the parties. Quantities and varieties of products in the program are approximate. After final design, exact specifications will be supplied upon request. EAST COAST PYROTECHNICS, INC. enters this agreement contingent upon its ability to secure delivery of product for the display.

It is further agreed and understood that the CUSTOMER is to pay EAST COAST PYROTECHNICS, INC. the sum of \$4,000.00 FOUR THOUSAND DOLLARS (100% TO BE INVOICED AFTER THE DISPLAY). A service fee of 1 1/2% per month shall be added if account is not paid in full within 30 days of the show date.

EAST COAST PYROTECHNICS, INC. will obtain Commercial Liability and Property Damage and Workers Compensation insurance. Certificate of Insurance will be provided prior to the event. All the entities listed on the Certificate of Insurance will be deemed as an additional insured per this contract.

Customer will provide the following items:

- (a) Sufficient area for the display, including a minimum spectator set back of 125 ft at all points from the discharge area.
- (b) Protection of the display area by roping-off or similar facility.
- (c) Adequate police protection to prevent spectators from entering display area.
- (d) Search of the fallout area at first light following a nighttime display.

Hold Harmless Statement- East Coast Pyrotechnics, Inc. agrees to hold harmless, indemnify and defend the City of Villa Rica, the Parks & Recreation Department their officers, commissioners, employees, successors and assigns from and against any and all losses, costs, judgments, suits, liabilities, claims, demands and expenses (including reasonable attorney fees) incurred by any one or more of said indemnities and arising out of or connected with any personal injury, property damage or death resulting from the performance or malperformance of East Coast Pyrotechnics, Inc., hereunder.

It is further agreed and mutually understood that nothing in this contract shall be constructed or interpreted to mean a partnership, both parties being hereto responsible for their separate and individual debts and obligations, and neither party shall be responsible for any agreements not stipulated in this contract. Customer agrees to pay any and all collection costs, including reasonable attorney's fees and court costs incurred by EAST COAST PYROTECHNICS, INC. in the collection or attempted collections of any amount due under this agreement and invoice. Signor of this contract personally guarantees full payment of this agreement.

The parties hereto do mutually and severally guarantee terms, conditions, and payments of this contract, these articles to be binding upon the parties, themselves, their heirs, executors, administrators, successors and assigns.

EAST COAST PYROTECHNICS, INC.

By _____

Date Signed: September 5, 2017

Scott Donahue
PO Box 209
Catawba, SC 29704
F803-789-5733
F803-789-6440
scott@eastcoastpyro.com

CUSTOMER

By _____

It is duly authorized agent, who represents he/she has full authority to bind the Customer

Date Signed: _____

(Please Type or Print)

Name: _____

Address: _____

Phone: _____

Email: _____

Billing Email: _____