

Rezone Z22010006

Staff Analysis

Commission District: **1 - Warren**

Planning Commission Hearing Date: **02-03-2022 – Tabled to 03-03-2022**

Board of Commissioners Hearing Date: **03-01-2022 – moved to 04-05-2022**

Parcel ID: Map C0580027

Acreage: 146.13

Applicant:
LGI Homes LLC
2700 Cumberland Parkway, Suite 100
Atlanta, Georgia 30339

Owner:
Alcovy River LLC
c/o Jim Williams, Jr.
1300 Grayson Parkway
Grayson, Georgia 30017

Property Location: 7059 Highway 81 & Double Springs Road

Current Character Area: Suburban

Current Zoning: A1

Request: Rezone 146.13 acres from A1 to R1OSC for a residential subdivision with 104 lots.

Staff Comments/Concerns:

Site Analysis: The 146.13 acre tract is located on 7059 Highway 81. The surrounding properties are zoned A1 and R1.

Zoning History: No History

Character Area: The character area for this property is Suburban.

Comments and Recommendations from various Agencies:

Public Works: Public Works recommends a Centerturn Lane and Decell Lane and that the ENTRANCE be relocated to the most easterly property line. To allow for safe Ingress and Egress due to traffic concerns near a major intersection.

2/16/2022 Comment – Public Works recommends that the Entrance on Double Springs Road be relocated to the most easterly side of the development to allow for a proper De-cell due to intersection safety and set back requirements and that a Center turn lane be installed on Double Springs Road for Safety and to Reduce Traffic Back up approaching State Route Hwy 81.

Sheriffs' Department: The estimated population of Walton County is 94594. The estimated number of House Holds is 333350. The Walton County Sheriff's Office answered 49336 calls for service in 2021. This is approximately 1.5 calls for service per household. The average number of people per household is 2.8. The population increase would be about 291.2 people.

Water Authority: This area is currently served by a 10" water main along Highway 81 and 8" water main along Double Springs Road. (static pressure: 50 psi, Estimated fire flow available: 1,600 gpm @ 20 psi). A new water main will be required to distribute water within the development.
Please coordinate with WCWD.

E-mail from Rob Goss 2/23/2022: This area is currently served by a 10" water main along Highway 81 and 8" water main along Double Springs Road. (static pressure: 50 psi, Estimated fire flow available: 1,600 gpm @ 20 psi). A new water main will be required to distribute water within the development. **Please coordinate with WCWD.**

2/24/2022 E-mail from Morris Jordan with Walton County Water Authority:
Ref: Z22010006 -- LGI Homes, LLC -- R1 OSC

Pressure is 50 psi with a fire flow of 1600 gpm. While fire flow is sufficient the pressure is not ideal and could lead to complaints but does exceed minimum regulatory requirements. Sprinkler systems may need a booster pump to work properly. Due to the elevation of the property dropping 50' from the road where the readings were taken to the back of the property pressure should not drop inside the development. I would anticipate that a loop with a tie-in on Hwy 81 and a tie-in on Double Springs Road will be required.

Approval for rezone does not constitute approval for water allocation or plan approval for water in the developments.

Fire Department: Any new residential construction will have a direct effect on the number of emergency calls handled by the Walton County Fire Department. An increase in the population that comes from residential development also increases the need for emergency services.

Fire Code Specialist: Fire Department access roads shall have a minimum unobstructed width of 26'
Cul-De-Sacs shall be a minimum of 96' diameter
Fire Hydrants shall be spaced no further than 500' driving distance
Fire hydrants shall have a clear width of 36" from obstructions
Development shall meet International Fire Code(2018), Life Safety Code(2018) and the Georgia Accessibility Code
The Code compliance shall be subject to a plan review

Board of Education: Will have an impact on the Walton County School District creating a need for more classrooms, teachers, etc.

Development Inspector: No comment received

DOT Comments: Will require GDOT coordination

Archaeological Information: No comment received

PC Action 2/3/2022:

1. **Rezone – Z22010006 – Rezone 146.13 acres from A1 to R1OSC for a residential subdivision– Applicant: LGI Homes LLC/Owner: Alcovy River LLC/Jim Williams, Jr. – Property located on 7059 Hwy 81/Double Springs Road - Map/Parcel C0580027 – District 1.**

Presentation: Steve Waldrin represented the case. He did the site plan for 146 acres. Mr. Waldrin stated that the property owner wanted to sell it because they are getting on up in age. Mr. Waldrin stated that LIGI wants to develop 104 lots as of now.

Speaking: Elizabeth Harris who is an architect/planner spoke and stated that she lives 3 properties down. She is not against the Rezone but she would just like 3 conditions placed on the Rezone:

1. **Install fence and provide a 25' natural buffer along Highway 81 and abutting A-1 zoned properties. Fence to be minimum 4', dark chain link. Buffer to be existing trees and shrubs or planted trees and shrubs. Buffer may include walking trail but may not be included in lots.**
2. **The 100' undisturbed creek/stream buffer should not be included in any lot.**
3. **Minimum of 25' landscaped buffer (not in lots) along Double Springs Road and at any other entrances to property.**

Candance Donoghue would lives on 3059 Snows Mill Road spoke and asked were these homes going to be for sale or rental. She asked about the water re-charge in this area and wanted to know the size of the lots.

Jeremy Seifried spoke and stated he lives in Alcovy Bluff and that the traffic is a big concern and adding 2 entrances will congest that area. He stated that the intersection is a mess and the subdivision will congest it worse even more. He also wanted to know the size of the homes.

Jason Wright spoke and stated that he lives in Twin Oaks Estates and stated that sometimes the traffic is backed up 1,500 ft. waiting to turn on Highway 81 and he has seen in the afternoon that the traffic is past 81 the turn on to Double Springs Road with the school traffic. He asked if it would be rental homes because the website states that they do rental homes. He knows that there has been 30 accidents there or within 1,000 ft.

with 40 injuries and 2 serious injuries and he thinks there may have been a fatality.

Frank Masiello who lives on Double Springs Church Road spoke and stated that the city has allowed 2 subdivisions close to Highway 81 and there will be added traffic with another 500 homes.

Mr. Steve Waldrin came back for rebuttal and stated that this will be an R1 OSC Overlay. It will be 100 ft. along Highway 81 and on Double Springs it will be 50 ft. abutting A1 zonings. The lots will be 25,500 square feet. There will be septic and it will be well outside the buffers for the perennial streams. The homes will be for sale, not rental and they will be approximate 2,000 square feet. As far as the ground water recharge system he can check into that.

Josh Ferguson stated that before they vote that he wanted to clear up something and let everyone know that Highway 81 is a State Route and the Board has no control over State Routes.

Recommendation: Tim Hinton recused himself from voting. Josh Ferguson made a motion to table the case until the next Planning Commission so that everything can be addressed and for the Applicant and the opposition to meet to work out any issues with a second by John Pringle. The motion carried unanimously.

PC ACTION 3/3/2022:

1. **Rezone – Z22010006 – Rezone 146.13 acres from A1 to R1OSC for a residential subdivision– Applicant: LGI Homes LLC/Owner: Alcovy River LLC/Jim Williams, Jr. – Property located on 7059 Hwy 81/Double Springs Road - Map/Parcel C0580027 – District 1.**

Presentation: Joshua Scoggins, Attorney At Law, represented the case for the Applicant. He showed a power point presentation. They would like to rezone from A1 to R1 OSC on this 146 acres. This case was presented last month but was tabled in order to work with the neighbors. He stated that Steve Waldrin has worked diligently with the neighbors at the last meeting. Several neighbors have raised concerns and Mr. Waldrin and the neighbors

have worked together. The zoning is consistent with the Comprehensive Land Use Plan. This proposal is almost identical with lot sizes, overlays and acreage as to the subdivisions around. As for any Environmental Impacts, they will comply with all state regulatory requirements for the subdivision and all residences will be on septic. Minimum house sizes are 1,800 as per zoning regulations and in A1 they can have 1,400 sq. ft. They will build a minimum 2,000 sq. ft. for ranch product which will be comparable to other houses in other subdivisions. \$300,000.00 will be starting point for the houses and this subdivision will not be de-valuing any properties. There will be a 100' non-buildable buffer along Highway 81 and along Double Springs Road. They are not a build to rent community. All the houses will be for sale. As far as impact on Public Services – no service providers have expressed concerns. There will be 104 lots. The water pressure will be 1,600 gallons per minute as required by the fire code. Mr. Scoggins stated that he drove by this property and there will need to be a center turn lane on Double Springs and Highway 81. The Applicant is willing to pay \$150,000 toward any improvements on Double Springs Road. The county ordinance states 2 entrances are required for 101 lots or more.

He received an e-mail from Steve Waldron about the 2 entrances and they are willing to reduce the lots by 3 in order to eliminate the entrance on Double Springs Road. They will revise the site plan prior to the Board of Commissioners Meeting.

Speaking: Jason Wright who lives at 2309 Twin Oaks Place. He represents the Homeowners Association. He stated that he would have to dispute that Mr. Waldron has been engaged with the neighbors. He has concerns regarding Double Springs Road and their suggestions on Highway 81. Whether GDOT will approve this or not, it is a dangerous area. He is not opposed to this rezone but is concerned about the safety and traffic conditions. He would like to Table the case for a revised plan so that the community can see it.

Jeremy Sikert who lives in Alcovy Bluffs Subdivision and is over the Homeowner's Association states it is a terrible place for a subdivision. They can't get entrance on Double Springs Road with a 100' buffer with natural trees, a fence is not practical and there are gas lines there and it is too close to the Highway. He stated this will be adding 2 or more people per home with lots of kids and pets. He stated that a fence wasn't practical and he thinks that a vinyl or aluminum fence can be put up. He also stated that Developer wasn't interested in larger lots or larger house sizes. He would like to see a traffic study done.

Jason Gauthier who lives on Twin Oaks Drive stated that he said the houses will start in the \$300,000 range which is not comparable to the houses around there and it will devalue the property along with safety issues.

Tim Hinton verified that both applicants and neighbors will be able to speak at the Board of Commissioner's Meeting.

Joshua Scoggins came back for rebuttal and stated 1st the plan was 2 entrances on Highway 81 but GDOT said no and that they would require an a-cell and de-cell along Highway 81 and they will comply with any improvements that will need to be made. He is asking for 1 entrance on Highway 81. He also stated that the houses will start at \$300,000.00 and there are subdivisions around Walton County that are the same size as the ones he spoke about tonight. He stated that overall the plan is fair and consistent.

Recommendation: Tim Hinton recused himself. Josh Ferguson first stated that he does not want to table the case again and he stated that it does comply with the future land use plan and that the project is compatible. He made a recommendation to approve with the below conditions with a second by Wesley Sisk. The motion carried unanimously.

Conditions:

- 1. The property shall be limited to single-family detached dwellings and accessory uses and structures not to exceed 104 lots.**
- 2. The minimum heated floor area per dwelling unit shall be 2,000 square feet for single-story homes and 2,200 square feet for two-story homes.**
- 3. Homes shall be constructed primarily of brick or stacked stone on the front façade. The balance of the home may be the same or of fiber-cement siding, shake or board and batten, with a minimum three-foot high brick or stacked stone water table.**

- 4. All dwellings shall have at least an enclosed double-car garage.**
- 5. By plat covenant, a maximum of 5 percent of the homes may be leased or rented.**
- 6. A 100-foot wide undisturbed buffer shall be provided along the frontage of Highway 81 and Double Springs Road. The first 50 feet of the buffer shall be located outside of all proposed lots and shall be maintained by the Homeowner's Association.**
- 7. Natural vegetation shall remain on the property until the issuance of a Development Permit.**
- 8. All grassed areas on front and sides of dwelling lots shall be sodded.**
- 9. Provide underground utilities throughout the development.**
- 10. Detention pond(s) shall be fenced with a black vinyl-coated chain link fence a minimum of five feet in height, and shall be fully screened from view of adjacent residences with a double staggered row of evergreens.**
- 11. Project ingress and egress onto Double Springs Road shall be prohibited. Access shall only be provided onto Highway 81.**
- 12. Project entrance shall be landscaped by the developer and maintained by the Homeowners Association. The entrance(s) shall include a decorative masonry entrance feature. Landscape plans and entrance feature design shall be subject to review and approval by the Director of Planning and Development.**

Rezone Application # Z22010006
Application to Amend the Official Zoning Map of Walton County, Georgia

Planning Comm. Meeting Date 2-3-2022 at 6:00PM held at **WC Board of Comm. Meeting Room**

*3rd floor
303 S. Hammond Dr*

Board of Comm Meeting Date 3-1-2022 at 6:00PM held at **WC Historical Court House**

*2nd floor
111 S. Broad Street*

You or your agent must be present at both meetings

Map/Parcel ~~G0582007~~
C0590027

Applicant Name/Address/Phone #

LGI Homes, LLC

2700 Cumberland Pkwy, Suite 100

Atlanta, GA 30339

E-mail address: tony.pourhassan@lgi.com

Phone # (678)584-3464

Property Owner Name/Address/Phone

Jim Williams Jr.

1300 Grayson Parkway

Grayson, GA 30017

(If more than one owner, attach Exhibit "A")

Phone # (770)757-1590

Location: ~~G0582007~~ 7059 Hwy 81 Requested Zoning R1 OSC Acreage 146.13

Existing Use of Property: Agricultural

Existing Structures: Two single family homes.

The purpose of this rezone is to prepare for a residential subdivision.

Property is serviced by the following:

Public Water: Yes Provider: Walton County Water Department Well: _____

Public Sewer: No Provider: _____ Septic Tank: Yes

The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for planning and zoning personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance

Signature [Signature] Date 12/30/21 Fee Paid \$ 650.00

Public Notice sign will be placed and removed by P&D Office

Signs will not be removed until after Board of Commissioners meeting

Office Use Only:

Existing Zoning A1 Surrounding Zoning: North A1/R1 South A1
East A1/R1 West A1

Comprehensive Land Use: Suburban **DRI Required?** Y _____ N

Commission District: 1-Warren Watershed: Alcovy River TMP W-P1

I hereby withdraw the above application _____ Date _____

**AUTHORIZATION
BY PROPERTY OWNER**

I swear that I am the property owner of the property which is the subject matter of the attached Petition for Rezoning/Conditional Use Application, as is shown in the records of Walton County, Georgia.

I authorize the named below to act as Applicant in the pursuit of a Petition for Rezoning/Conditional Use Application.

Name of Applicant: LGI Homes, LLC
Address: 2700 Cumberland Pkwy, Suite 100 Atlanta, GA 30339
Telephone: (678)584-3464
Location of Property: 7059 HWY 81
Map/Parcel Number: C0580027

Current Zoning: A1 Requested Zoning: R1


Property Owner Signature

Property Owner Signature

Print Name: J. M. Williams, Jr.

Print Name: _____

Address: 1300 Grayson Parkway
Grayson, GA 30017

Address: _____

Phone #: 770-757-1590

Phone #: _____

Personally appeared before me and who swears that the information contained in this authorization is true and correct to the best of his/her knowledge.


Notary Public

1/3/22
Date



Article 4, Part 4, Section 160 Standard Review Questions:

Provide written documentation addressing each of the standards listed below:

1. Existing uses and zoning of nearby property;
Nearby property uses and zoning are agricultural and residential,
A1 and R1, respectively.

2. The extent to which property values are diminished by the particular zoning restrictions;
Nearby property values would increase as a result of the rezoning
requested in this application.

3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
N/A

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
The property owner is willingly selling this property. No hardship
will be imposed. Additionally, new property owners, as well as
Walton County, will enjoy the benefits associated with increased
home ownership rates.

5. The suitability of the subject property for the zoned purposes; and

This property is well suited for current and requested zoning.

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property

This property is not currently vacant.

Letter of Intent

Effective Date: January 2022

To Whom It May Concern,

Let it be known that LGI Homes, LLC., upon purchase of the 146.13-acre parcel number C0580027, intends to rezone the parcel from A1 to R1OSC for the purpose of developing a 104-lot residential subdivision.

old site plan

ALCOY RIVER CALLS

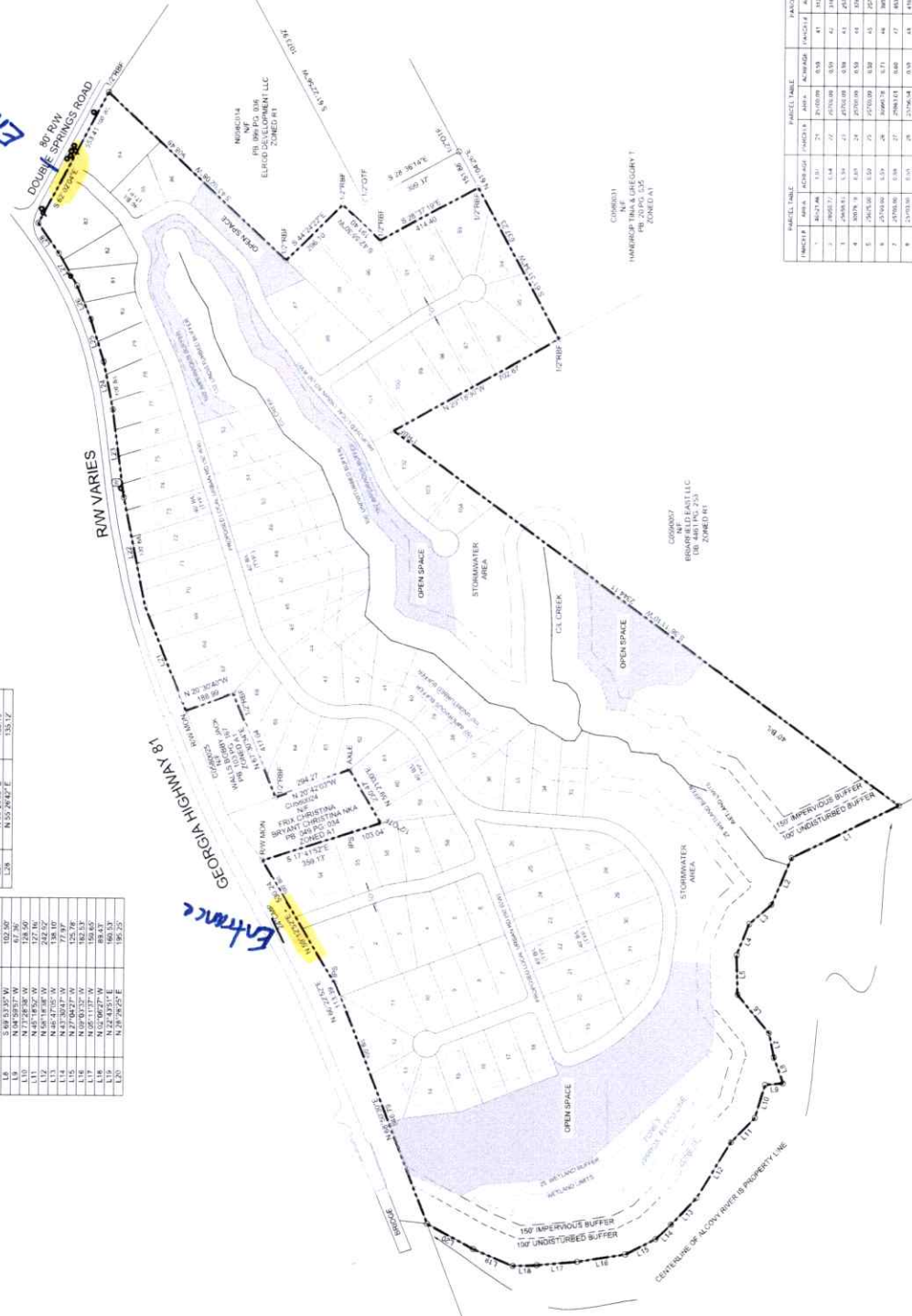
Center	Bearing	Distance
L1	N 26° 09' 52" W	444.00'
L2	N 65° 54' 37" W	169.01'
L3	N 76° 24' 06" E	479.28'
L4	N 67° 45' 52" W	124.32'
L5	N 72° 42' 04" E	132.56'
L6	S 88° 24' 54" W	159.79'
L7	N 72° 28' 08" E	163.41'
L8	N 65° 54' 37" W	151.88'
L9	N 52° 29' 42" E	138.15'
L10	N 52° 29' 42" E	135.12'
L11	N 37° 28' 36" W	178.50'
L12	N 45° 18' 56" W	222.70'
L13	N 45° 18' 56" W	138.10'
L14	N 37° 28' 36" W	178.50'
L15	N 27° 02' 17" W	125.76'
L16	N 09° 30' 52" W	182.53'
L17	N 09° 30' 52" W	182.53'
L18	N 02° 06' 27" W	188.63'
L19	N 22° 43' 51" E	160.53'
L20	N 23° 24' 42" E	182.25'

GEORGIA HIGHWAY 81 RW

Center	Bearing	Distance
L21	N 64° 15' 02" E	417.07'
L22	N 76° 24' 06" E	479.28'
L23	N 72° 42' 04" E	132.56'
L24	N 67° 45' 52" W	124.32'
L25	N 72° 28' 08" E	163.41'
L26	N 65° 54' 37" W	151.88'
L27	N 52° 29' 42" E	138.15'
L28	N 52° 29' 42" E	135.12'



- NOTES**
- NOT FOR FINAL RECORDING
 - WALTON COUNTY LAND DEVELOPMENT ORDINANCE CITATIONS:
 - EXISTING ZONING - ARTICLE 4, PART 1, SECTION 170 (A1) AND ARTICLE 4, PART 2, SECTION 180 (WP-1)
 - PROPOSED ZONING - ARTICLE 4, PART 1, SECTION 180 (B1), ARTICLE 4, PART 2, SECTION 180 (WP-1), ARTICLE 4, PART 7, SECTION 120 (D5C)
 - OWNER OF RECORD - ALCOY RIVER TRACT, JIM WILLIAMS, JR., 1300 GRAYSON PARKWAY, GRAYSON, GA 30017
 - DEVELOPER - GIGHOM'S, LLC, 2700 CUMBERLAND PARKWAY, SUITE 100, ATLANTA, GA 30339
- ZONING REQUIREMENTS, B1**
- MAXIMUM BUILDING STRUCTURE HEIGHT = 35'
 - COLLECTOR SETBACK = 30'
 - FRONT SETBACK = 15'
 - SIDE SETBACK = 40'
 - REAR SETBACK = 40'
- ZONING REQUIREMENTS, D5C**
- EXISTING ROAD NON-BUILDABLE BUFFER = 100'
 - TRANSITIONAL BUFFER = 50'
 - OPEN SPACE REQUIREMENT = 36.53 ACRES, OPEN SPACE PROVIDED OUTSIDE OF FLOODPLAIN, WETLANDS, UTILITY CASEMENTS, SLOPES GREATER THAN 25%, OR OTHER NON-BUILDABLE LAND = 18.31 ACRES
- ZONING REQUIREMENTS, WP-1**
- IMPERVIOUS PERENNIAL STREAM BUFFER = 150'
 - IMPERVIOUS PERENNIAL STREAM BUFFER = 100'
- FLOOD STATEMENT**
- APPROXIMATE THIS PROPERTY IS WITHIN A FURKAL (1000 HAZARD) AREA
 - PANEL NO. 134970015C DATED 12/08/2016.



PARCEL TABLE	PARCEL TABLE	PARCEL TABLE	PARCEL TABLE	PARCEL TABLE	PARCEL TABLE	
TRACT #	AREA	ACRES	PERCENTAGE	TRACT #	AREA	
1	1.00	22.00	0.50	11	245.00	5.50
2	1.00	22.00	0.50	12	245.00	5.50
3	1.00	22.00	0.50	13	245.00	5.50
4	1.00	22.00	0.50	14	245.00	5.50
5	1.00	22.00	0.50	15	245.00	5.50
6	1.00	22.00	0.50	16	245.00	5.50
7	1.00	22.00	0.50	17	245.00	5.50
8	1.00	22.00	0.50	18	245.00	5.50
9	1.00	22.00	0.50	19	245.00	5.50
10	1.00	22.00	0.50	20	245.00	5.50
11	1.00	22.00	0.50	21	245.00	5.50
12	1.00	22.00	0.50	22	245.00	5.50
13	1.00	22.00	0.50	23	245.00	5.50
14	1.00	22.00	0.50	24	245.00	5.50
15	1.00	22.00	0.50	25	245.00	5.50
16	1.00	22.00	0.50	26	245.00	5.50
17	1.00	22.00	0.50	27	245.00	5.50
18	1.00	22.00	0.50	28	245.00	5.50
19	1.00	22.00	0.50	29	245.00	5.50
20	1.00	22.00	0.50	30	245.00	5.50
21	1.00	22.00	0.50	31	245.00	5.50
22	1.00	22.00	0.50	32	245.00	5.50
23	1.00	22.00	0.50	33	245.00	5.50
24	1.00	22.00	0.50	34	245.00	5.50
25	1.00	22.00	0.50	35	245.00	5.50
26	1.00	22.00	0.50	36	245.00	5.50
27	1.00	22.00	0.50	37	245.00	5.50
28	1.00	22.00	0.50	38	245.00	5.50
29	1.00	22.00	0.50	39	245.00	5.50
30	1.00	22.00	0.50	40	245.00	5.50
31	1.00	22.00	0.50	41	245.00	5.50
32	1.00	22.00	0.50	42	245.00	5.50
33	1.00	22.00	0.50	43	245.00	5.50
34	1.00	22.00	0.50	44	245.00	5.50
35	1.00	22.00	0.50	45	245.00	5.50
36	1.00	22.00	0.50	46	245.00	5.50
37	1.00	22.00	0.50	47	245.00	5.50
38	1.00	22.00	0.50	48	245.00	5.50
39	1.00	22.00	0.50	49	245.00	5.50
40	1.00	22.00	0.50	50	245.00	5.50
41	1.00	22.00	0.50	51	245.00	5.50
42	1.00	22.00	0.50	52	245.00	5.50
43	1.00	22.00	0.50	53	245.00	5.50
44	1.00	22.00	0.50	54	245.00	5.50
45	1.00	22.00	0.50	55	245.00	5.50
46	1.00	22.00	0.50	56	245.00	5.50
47	1.00	22.00	0.50	57	245.00	5.50
48	1.00	22.00	0.50	58	245.00	5.50
49	1.00	22.00	0.50	59	245.00	5.50
50	1.00	22.00	0.50	60	245.00	5.50
51	1.00	22.00	0.50	61	245.00	5.50
52	1.00	22.00	0.50	62	245.00	5.50
53	1.00	22.00	0.50	63	245.00	5.50
54	1.00	22.00	0.50	64	245.00	5.50
55	1.00	22.00	0.50	65	245.00	5.50
56	1.00	22.00	0.50	66	245.00	5.50
57	1.00	22.00	0.50	67	245.00	5.50
58	1.00	22.00	0.50	68	245.00	5.50
59	1.00	22.00	0.50	69	245.00	5.50
60	1.00	22.00	0.50	70	245.00	5.50
61	1.00	22.00	0.50	71	245.00	5.50
62	1.00	22.00	0.50	72	245.00	5.50
63	1.00	22.00	0.50	73	245.00	5.50
64	1.00	22.00	0.50	74	245.00	5.50
65	1.00	22.00	0.50	75	245.00	5.50
66	1.00	22.00	0.50	76	245.00	5.50
67	1.00	22.00	0.50	77	245.00	5.50
68	1.00	22.00	0.50	78	245.00	5.50
69	1.00	22.00	0.50	79	245.00	5.50
70	1.00	22.00	0.50	80	245.00	5.50
71	1.00	22.00	0.50	81	245.00	5.50
72	1.00	22.00	0.50	82	245.00	5.50
73	1.00	22.00	0.50	83	245.00	5.50
74	1.00	22.00	0.50	84	245.00	5.50
75	1.00	22.00	0.50	85	245.00	5.50
76	1.00	22.00	0.50	86	245.00	5.50
77	1.00	22.00	0.50	87	245.00	5.50
78	1.00	22.00	0.50	88	245.00	5.50
79	1.00	22.00	0.50	89	245.00	5.50
80	1.00	22.00	0.50	90	245.00	5.50
81	1.00	22.00	0.50	91	245.00	5.50
82	1.00	22.00	0.50	92	245.00	5.50
83	1.00	22.00	0.50	93	245.00	5.50
84	1.00	22.00	0.50	94	245.00	5.50
85	1.00	22.00	0.50	95	245.00	5.50
86	1.00	22.00	0.50	96	245.00	5.50
87	1.00	22.00	0.50	97	245.00	5.50
88	1.00	22.00	0.50	98	245.00	5.50
89	1.00	22.00	0.50	99	245.00	5.50
90	1.00	22.00	0.50	100	245.00	5.50

ALCOY RIVER SUBDIVISION

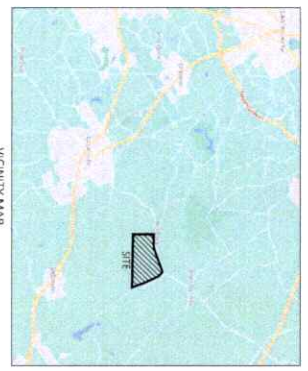
PROJECT NO. C08007
 6275648 Z-Sub, Parcel 14.07 Area

New Site Plan

— 12 — 1:000' / 0.01" L/S

Corner	Bearing	Distance
L1	N 66° 41' 17" W	148.01'
L2	N 82° 28' 41" E	450.28'
L3	N 82° 28' 41" E	130.72'
L4	N 72° 28' 41" E	163.41'
L5	N 66° 41' 17" W	148.01'
L6	S 68° 33' 31" W	102.46'
L7	N 55° 28' 41" E	135.12'
L8	N 55° 28' 41" E	135.12'
L9	N 55° 28' 41" E	135.12'
L10	N 55° 28' 41" E	135.12'
L11	N 55° 28' 41" E	135.12'
L12	N 55° 28' 41" E	135.12'
L13	N 55° 28' 41" E	135.12'
L14	N 55° 28' 41" E	135.12'
L15	N 55° 28' 41" E	135.12'
L16	N 55° 28' 41" E	135.12'
L17	N 55° 28' 41" E	135.12'
L18	N 55° 28' 41" E	135.12'
L19	N 55° 28' 41" E	135.12'
L20	N 55° 28' 41" E	135.12'

Corner	Bearing	Distance
L21	N 66° 41' 17" W	148.01'
L22	N 82° 28' 41" E	450.28'
L23	N 82° 28' 41" E	130.72'
L24	N 72° 28' 41" E	163.41'
L25	N 66° 41' 17" W	148.01'
L26	S 68° 33' 31" W	102.46'
L27	N 55° 28' 41" E	135.12'
L28	N 55° 28' 41" E	135.12'
L29	N 55° 28' 41" E	135.12'
L30	N 55° 28' 41" E	135.12'
L31	N 55° 28' 41" E	135.12'
L32	N 55° 28' 41" E	135.12'
L33	N 55° 28' 41" E	135.12'
L34	N 55° 28' 41" E	135.12'
L35	N 55° 28' 41" E	135.12'
L36	N 55° 28' 41" E	135.12'
L37	N 55° 28' 41" E	135.12'
L38	N 55° 28' 41" E	135.12'
L39	N 55° 28' 41" E	135.12'
L40	N 55° 28' 41" E	135.12'



NOTES

- NOT FOR FINAL RECORDING
- WALTON COUNTY LAND DEVELOPMENT ORDINANCE CITATIONS:
- EXISTING ZONING - ARTICLE 4, PART 1, SECTION 120(LA1) AND ARTICLE 4, PART 2, SECTION 160(WP-1)
- PROPOSED ZONING - ARTICLE 4, PART 1, SECTION 140(R1) ARTICLE 4, PART 2, SECTION 160(WP-1) ARTICLE 4, PART 2, SECTION 120(OSC)
- OWNER: ALCOVY RIVER TRACT, JIM WILLIAMS III, 1380 GRAYSON PARKWAY, GAYDON, GA 30027
- DEVELOPER: G. J. HODGES, LLC, 2700 CUMBERLAND PARKWAY, SUITE 100, ATLANTA, GA 30339
- ZONING REQUIREMENTS: R1
- MINIMUM BUILDING OR STRUCTURE HEIGHT - 35'
- COLLECTOR SETBACK - 50'
- FRONT SETBACK - 40'
- SIDE SETBACK - 15'
- REAR SETBACK - 40'
- ZONING REQUIREMENTS: OSC
- EXISTING ROAD TO BE BULDOZED BUFFER - 100'
- TRANSITIONAL BUFFER - 50'
- OPEN SPACE REQUIREMENT - 26.53 ACRES OPEN SPACE PROVIDED OUTSIDE OF FLOODPLAIN, WETLANDS, UTILITY EASEMENTS, SLOPES GREATER THAN 25%, OR OTHER NON-BUILDABLE LAND - 18.31 ACRES
- ZONING REQUIREMENTS: HRS - WP-1
- INTERFERING/SPERMATOPHYTES BUFFER - 150'
- UNDESIRABLE/PERENNIAL STREAM BUFFER - 100'

FIELD STATEMENT

THIS PLAN SHOWS THE PROPERTY LINES WITHIN A 100' BUFFER AROUND HAZARDOUS WASTE SITES AS IDENTIFIED ON THE 2016 CADASTRAL MAP.

PARCEL TABLE	PARCEL TABLE	PARCEL TABLE	PARCEL TABLE	PARCEL TABLE	PARCEL TABLE
1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
37	38	39	40	41	42
43	44	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	70	71	72
73	74	75	76	77	78
79	80	81	82	83	84
85	86	87	88	89	90
91	92	93	94	95	96
97	98	99	100	101	102
103	104	105	106	107	108
109	110	111	112	113	114
115	116	117	118	119	120
121	122	123	124	125	126
127	128	129	130	131	132
133	134	135	136	137	138
139	140	141	142	143	144
145	146	147	148	149	150
151	152	153	154	155	156
157	158	159	160	161	162
163	164	165	166	167	168
169	170	171	172	173	174
175	176	177	178	179	180
181	182	183	184	185	186
187	188	189	190	191	192
193	194	195	196	197	198
199	200	201	202	203	204
205	206	207	208	209	210
211	212	213	214	215	216
217	218	219	220	221	222
223	224	225	226	227	228
229	230	231	232	233	234
235	236	237	238	239	240
241	242	243	244	245	246
247	248	249	250	251	252
253	254	255	256	257	258
259	260	261	262	263	264
265	266	267	268	269	270
271	272	273	274	275	276
277	278	279	280	281	282
283	284	285	286	287	288
289	290	291	292	293	294
295	296	297	298	299	300

ALCOVY RIVER SUBDIVISION

7928 WILKINSON BL. MADISON, GA 30606
 404.296.1734 FROM 10/19/2016

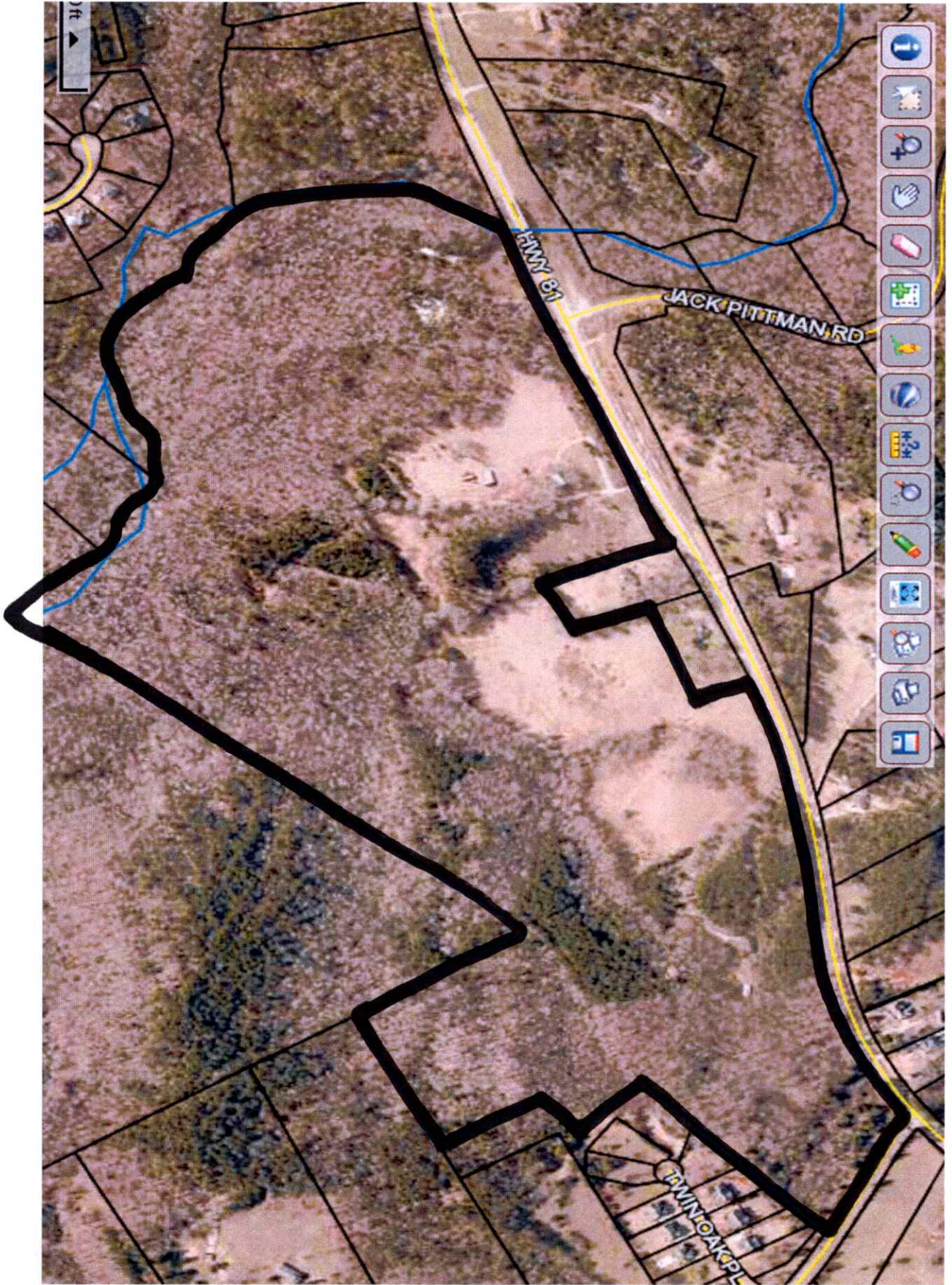
ZONING EXHIBIT

ALCOVY RIVER TRACT
 18 WILKINSON BL. MADISON, GA 30606
 WALTON COUNTY, GA 30656

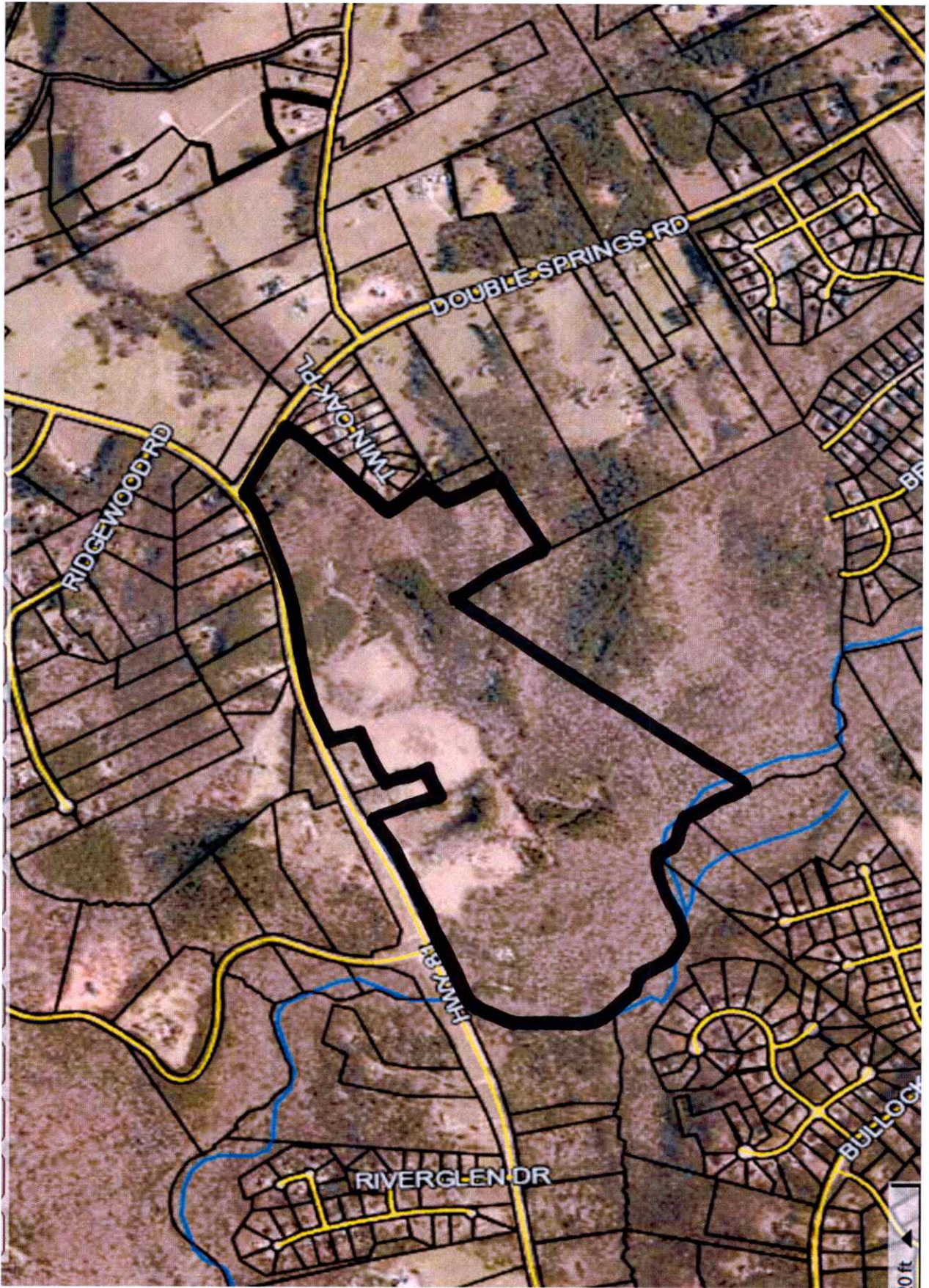


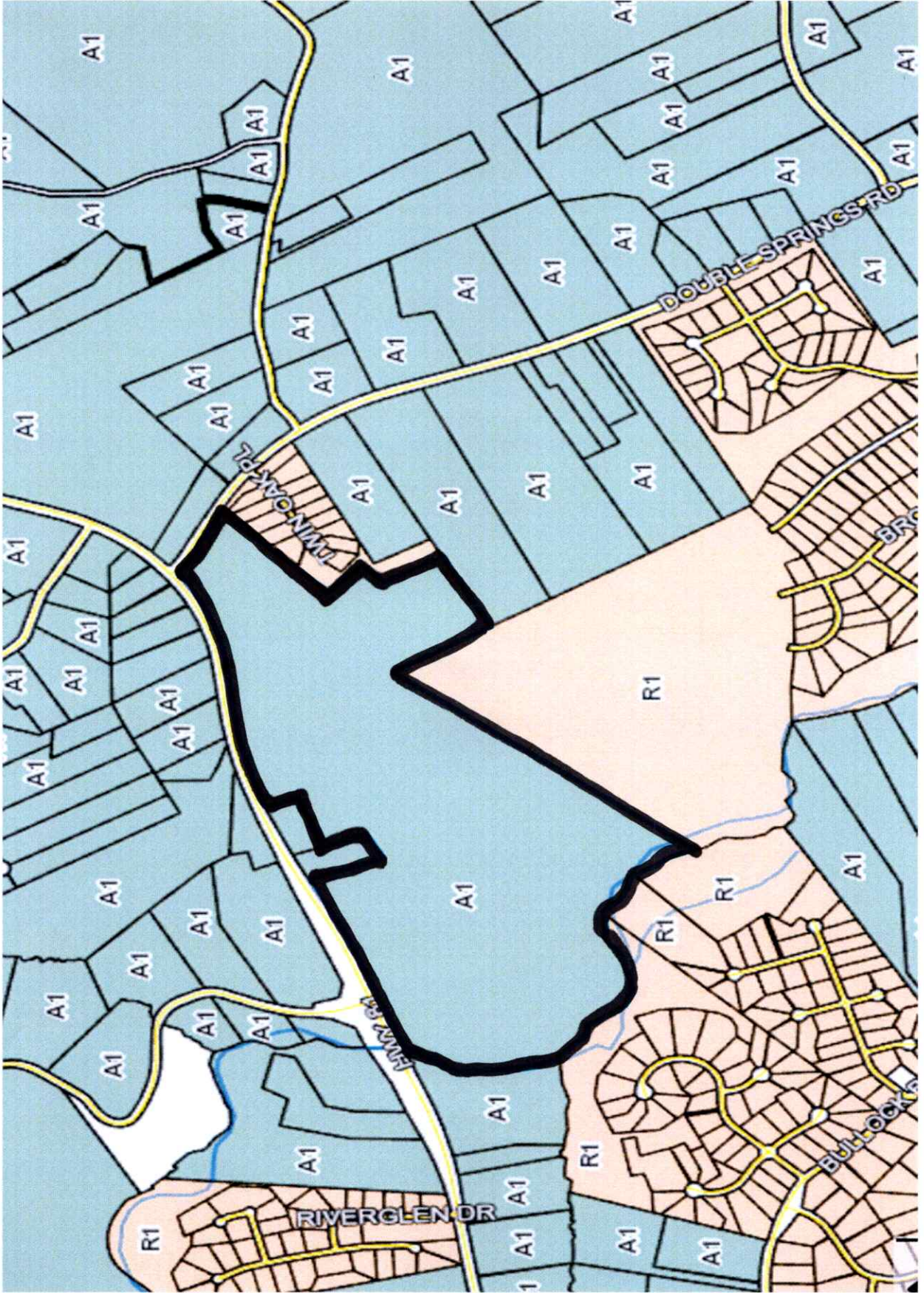
PRELIMINARY
 NOT FOR
 CONSTRUCTION

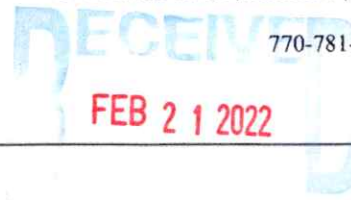
SCALE: 1" = 200'
 DATE: 02/22/2016
 PROJECT NO: 1512002
 CLIENT: JIM WILLIAMS III
 PROJECT: ALCOVY RIVER TRACT



Z22010006 - 7059 Hwy 81







RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant: LGI Homes Georgia, LLC
Subject Property: 146.13 Acres +/- Designated as Tax Parcel C0580027
Current Zoning: A1 – Rural Estate District
Proposed Zoning: R1OSC – Single Family Residential Open Space Conservation District
Proposed Use: Single-Family Residential Neighborhood
Application: Rezoning Application #Z22010006
ROW Access: Georgia Highway 81 and Double Springs Road
Governing Jurisdiction: Walton County, Georgia

This Reservation of Constitutional and Other Legal Rights (“the Reservation”) is intended to supplement and form a part of the land use application (including any request for zoning, conditional use permit, site plan approval, and variances) (collectively, the “Application”) of the Applicant and the owners of the Subject Property and to put the Governing Jurisdiction on notice of the Applicant’s assertion of its constitutional and legal rights.

The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

The Applicant objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by the Governing Jurisdiction of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant also objects to the consideration of testimony or evidence that is hearsay, violates any applicable rules of procedure or evidence, or that is presented by any party who fails to comply with notice and campaign disclosure requirements.

The Current Zoning (and/or zoning conditions) of the Subject Property is unconstitutional and deprives the Subject Property and all viable economic use thereof. The Proposed Use is the only viable economic use of the Subject Property, and the Governing Jurisdiction has deemed this Application necessary to allow the Proposed Use. As such, the Applicant and Owners file this Application for the purpose of changing the Current Zoning (and/or zoning conditions) to facilitate the Proposed Use, and to exhaust administrative remedies in the event the Application is denied. The Applicant and Owners reserve the right to challenge the Current Zoning and any zoning conditions and other restrictions affecting the Subject Property.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant will impose a disproportionate hardship on the Applicant and Owners of the Subject Property without benefiting any surrounding property owners. There is no

reasonable use of the Subject Property other than as proposed by the Application and no resulting benefit to the public from denial of or modification to the Application.

Any provisions in the applicable land use, subdivision, and /or zoning ordinances (collectively the "Zoning Ordinance") that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Zoning District and Proposed Use at a density or intensity less than that requested by the Applicant, are unconstitutional in that they constitute a taking of the Applicant's and Owner's property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is suitable for development as proposed in the Application and it is not suitable for development under any other zoning classification, use, or at a density or intensity less than that requested by the Applicant. Failure to approve the Application as requested by the Applicant would be an unreasonable application of local land use authority, which bears no relationship to the public health, safety, morality or general welfare of the public and would constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Furthermore, the Board of Commissioners cannot lawfully impose more restrictive standards on the Subject Property's development than are presently set forth in the Zoning Ordinance. To do so not only will constitute a taking of the Subject Property as set forth above, but it will also amount to an unlawful delegation of the Board's authority in response to neighborhood opposition, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended. Any conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. As such, the Applicant and Owner reserve the right to challenge any such conditions or restrictions.

Finally, the Applicant and Owner assert that the Zoning Ordinance, Character Area Map, Future Land Use Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and Owner of due process under the law.

This Reservation constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-33-5, which places the Governing Jurisdiction and all other agents of the Governing Jurisdiction, in their official and individual capacities, on notice of the Applicant's and owners' intent to seek monetary damages and attorney's fees against the Governing Jurisdiction for any rezoning action, zoning condition, illegal impact fee and any other unlawful restrictions and exactions that are imposed upon the Subject Property, the Applicant, or the Owner.

By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

The Applicant and Owner respectfully request that the Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Application, and we ask that this Reservation be included with the Applicant's other Application materials. The Applicant and Owner reserve the right to amend and supplement this Reservation at any time.

Sincerely,



Joshua A. Scoggins
Attorney for Applicant