



Planning and Development Department Case Information

Case Number: LU25-0256 and Z25-0257

Meeting Dates: Planning Commission 08-07-2025
Board of Commissioners 09-02-2025

Applicant:
JW Residential Group, LLC
146 MLK Jr. Blvd #382
Monroe, Georgia 30655

Owner:
3SD, LLC
146 MLK Jr. Blvd #382
Monroe, Georgia 30655

Current Zoning: A1

Request: Request Land Use Change from Employment Center to Suburban and Rezone 121.431 acres A1 to A1 2400 Overlay for a residential subdivision with 54 lots.

Address: Rowe Road & Highway 78, Monroe, Georgia 30655

Map Number/Site Area: C0750154

Character Area: Employment Center

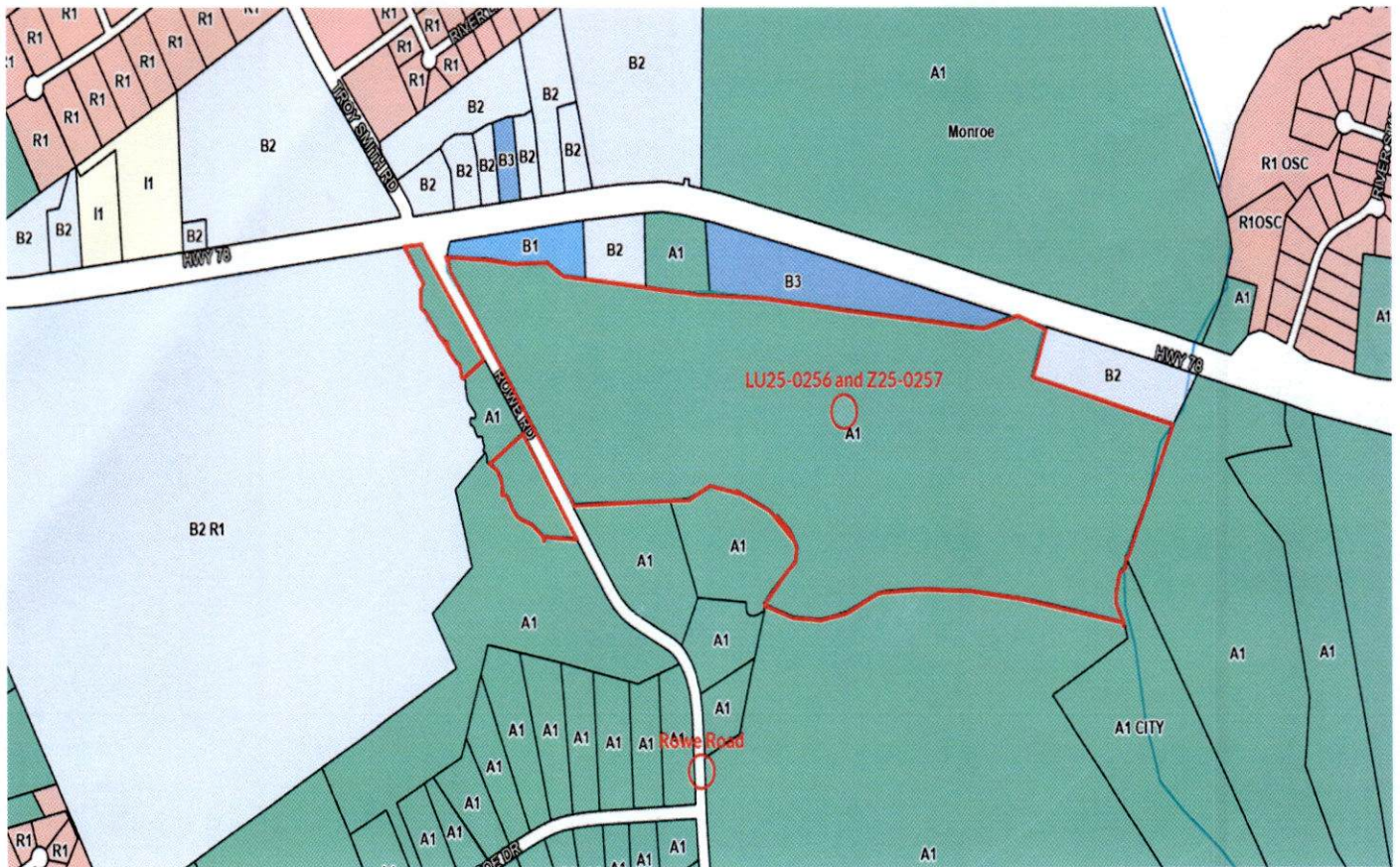
District 3 Commissioner - Timmy Shelnett Planning Commission—John Pringle

District 5 Commissioner – Jeremy Adams Planning Commission – Tim Hinton

Existing Site Conditions: Property is vacant.



The surrounding properties are zoned A1, R1, B1, B2, and B3.

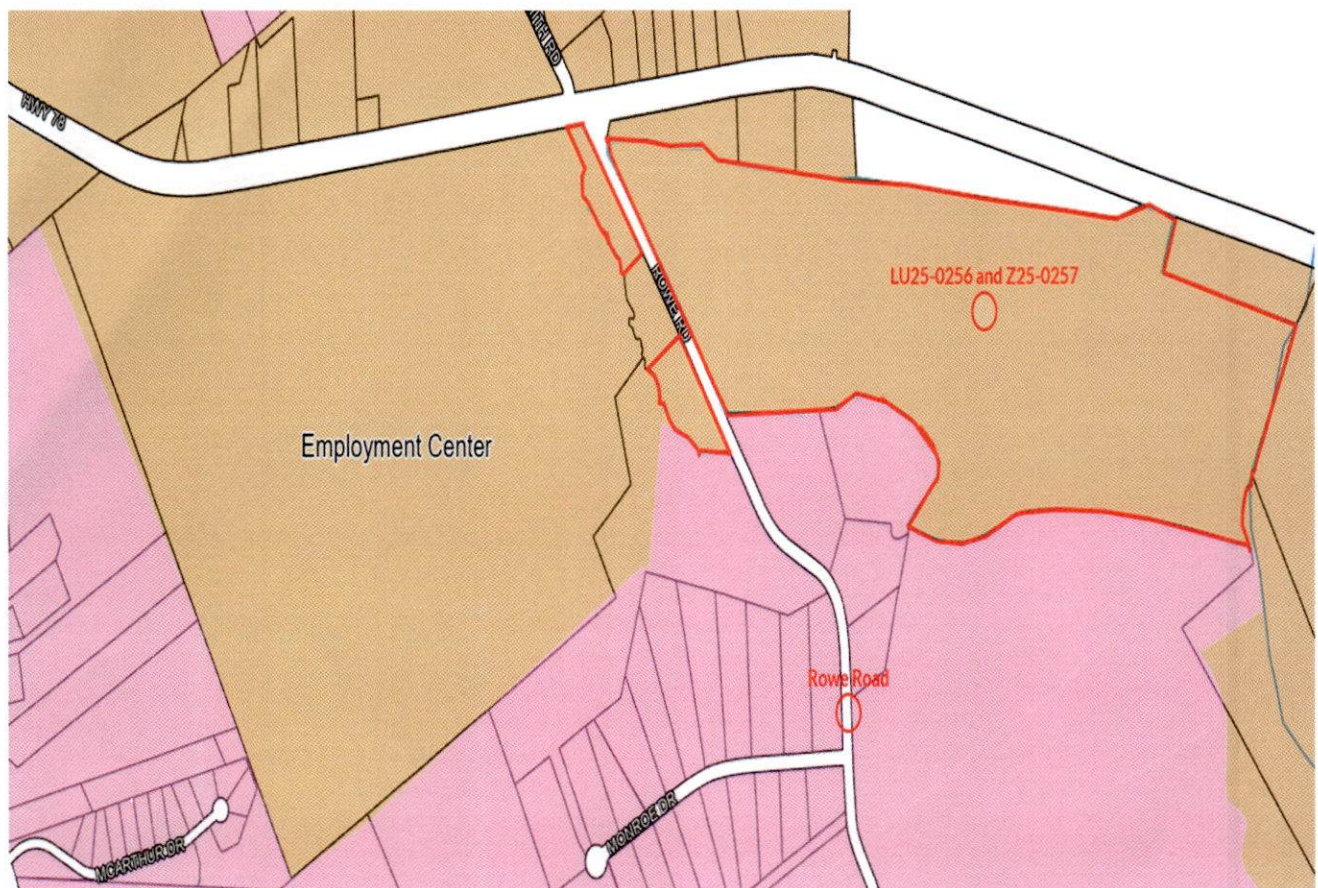


Subdivisions surrounding property:



The property is not located in a Watershed.

The Future Land Use Map for this property is Employment Center.



History: No History

Staff Comments/Concerns:

Comments and Recommendations from various Agencies:

LU25-0256 and Rezone Z25-0257 – Land Use Change from Employment Center to Suburban and Rezone 121.43 acres from A1 to A1 OSC for a residential subdivision - Applicant: JW Residential Group, LLC – Owner: 3SD, LLC - on Property located on Rowe Road and Highway 78 – Map/Parcel C0750154 - District 3 and District 5

Public Works: Public Works recommends to install an A-cell taper lane and a deceleration lane for safe ingress.

Sheriffs' Department: No comment received.

Water Authority: This area is served by an existing 6" diameter water mains along Rowe Road and 10" diameter water mains along Highway 78. (static pressure: 115 psi, Estimated fire flow available: 2,500 gpm @ 20 psi). **A NEW WATER MAIN WILL BE REQUIRED TO DISTRIBUTE WATER WITHIN THE DEVELOPMENT. PLEASE COORDINATE WITH WCWD.**

Fire Marshal Review: Project shall comply with all codes set forth by the Office of Commissioner of Insurance State Fire Marshal Rules and Regulations, Walton County Ordinances, Life Safety Code and International Fire Code.

Fire Department Review: Impacts can include increased fire and emergency medical response. Apparatus placement and fire lanes shall be obstructed.

Board of Education: No comment received.

GDOT: Will not require coordination with Georgia DOT, unless any drainage, grading, or utilities are impacting State R/W.

City of Monroe: No comment received.

PC ACTION 8/7/2025

1. LU25-0256 and Z25-0257 – Land Use Change and Rezone Request

Request: Land Use Change from Employment Center to Suburban and Rezone 121.43 acres from A1-to-A1 2400 residential subdivision

Applicant: JW Residential Group, LLC

Owner: 3SD, LLC

Location: Rowe Road and Highway 78 | Parcel C0750154 | District 5

Presentation: Jessica Cantrell with Underwood & Scoggins Attorneys at Law represented the case. She is representing the Applicant and Owner (J.W. and Emma Shadrach) who live at 2509 Bold Springs Road. There are 2 applications pending. One is for the rezone from A1 Rural Estate to A1 2400 Residential Overlay District on 121.43+ acres on Rowe Road and Hwy 78. The other request is a Character Area Map Amendment from existing Employment Center to Suburban. The property is right off Rowe Road and Highway 78 is 121 + acres. The Character Area for Walton County where the property is located is Employment Center but is surrounded by properties that are Suburban. Employment Center contemplates larger-scale commercial including light industry, office, retail and serviced. Zoning Compatibility for Employment Center is Neighborhood Business (B1), Highway Business (B2), General Business (B3), Office-Industrial (OI), Light Industrial (M1), and Heavy Industrial (M2). Appropriate land uses are commercial, office and industrial. We are asking for Suburban which is planned to accommodate the majority of new residential growth. The appropriate land use is residential, agriculture, public, and mixed use. The subject property is not suitable for large-scale commercial, industrial or office uses because it lacks sufficient visibility and access on Highway 78. Five tracts of land including existing businesses are sandwiched between the subject property and Highway 78. There is another justification which is an environmental factor is the existence of streams, wetlands and other areas along this property to the Alcovy River is not good for commercial property because there would be significantly more runoff due to mass clearing and grading of land which will affect the environmentally sensitive areas. Open space is a better use for the property and there are almost 40 acres dedicated to open space. Ms. Cantrell explained the site plan and character area map. Banks Crossing which is a 54 single family lot, all the lots would be 25,500 and the density is 1 unit per 2.24 acres and the houses would be 3 to 5 bedrooms with 2 ½ to 4 bathrooms and 2 or 3 garages. There will also be an HOA. Each home is at least 2,400 sq. ft.

Tim Hinton stated that not all the lots are 25,500, that some are larger and he has visited the property, and the development of the property is sufficient but adjacent property that fronts Highway 78 could be commercial and there is nothing to prohibit that. All this Board is here to do is see what is being asked is appropriate for the zoning. If approved he would like something in the sales contract that this neighborhood is adjacent to Highway Corridor and has the potential to be commercial property. Mr. Hinton said because of the proximity someone may want to come to the area and there should be enough buffers there for the homeowner.

Public Comment:

Danny Cook, who lives at 1369 Monroe Drive in Lake Monroe Landing, is not opposed to the rezone but would like to see what they can do to lower the lots. He said this will add congestion on Highway 138 and Highway 78. He would also like for the neighborhood to meet with the builder to get a better understanding of what is being requested. Can they work with GDOT and see if they can work with them to consider having access on Highway 78 with maybe a right turn only.

Jere Rowe, who lives at 1320 Highway 138 lives on the other side and Rowe Road was named after them. He is not necessarily opposed but with growth comes caution. At the end of the road there is traffic, and it is bad traffic and there are bad places to get in and out of. From the Hwy 78 end to the Hwy 138 end there are lots of hills and people drive very fast and there are people walking and riding horses and it is dangerous already.

Fred Thompson who lives at 1450 Monroe Drive at Lake Monroe Landing the site plan shows lots of sizes. He would like to know what the width and how deep and how narrow the setback is and how far is the setback and how far is to the depth and would somebody monitor this. Tim Hinton stated that there was a level 3 study, and the engineer laid the subdivision out the best they can. The Green space is the wet area and the wetlands in the rear are not suitable for a building. Mr. Thompson stated that he did not hear the minimum prices of the houses. He said with 54 houses then that there would be 108 more cars on Rowe Road trying to get on to Highway 78 and you have to turn right and turning in a different direction is a pain and they should put a traffic light there for safety.

Tim Hinton stated that there is potential for traffic everywhere you go and that we have no governers of traffic. He said on Rowe Road there will be a traffic study and GDOT will be giving that to Planning & Development to review. Mr. Thompson said that regarding homes being built that there are lots of subdivisions being developed like the one at Pine Forest. He asked, would it be possible to hire an arborist to save the trees that are there and not tear down all trees and go back and plant small trees and see if they will live?

Rebuttal:

Jessica Cantrell came back for rebuttal. She is going to touch on some of the concerns. Green Space preserved a lot of land, but it is hard to see on the site plan. There are also ponds that take up land on the property. The developer is not going to come in and clear all the trees. The overlay is trying to preserve the A1 rural area. There is going to be a HOA and as far as the prices of the homes that is getting the horse before the cart.

Tim Hinton said that the frontage on Rowe Road is tree lined and other than the entry there would be no reason to take down trees.

Ms. Cantrell stated that they would leave all trees except for the entrance and there will be monuments with landscaping and fencing behind the landscaping just to where trees are left. He also stated that they requested a meeting and that usually the meetings are before the Planning Commission Meeting, but they have time enough to have a meeting before the Board of Commissioners Meeting, and could they find a time and place to meet with the neighbors, and she stated that they can.

The frontage is going to be on Rowe Road and there is 100 ft. right of way. They will have the standing timber and only tear down trees as far as the entry and other than the entrance they will not disturb. They will have an entry with monumental signage with trees, shrubs, nice landscaping and fencing behind.

Recommendation:

Motion by Tim Hinton to recommend approval with condition that a disclosure be put in the contract that this neighborhood is being built adjacent to a highway corridor and has the potential for commercial property with a second by Timothy Kemp. The motion passed unanimously.



Character Area Map Amendment

Application # LU25-0256

Planning Comm. Meeting Date 8-7-2025 at 6:00PM held at **WC Board of Comm. Meeting Room**

Board of Comm. Meeting Date 9-2-2025 at 6:00PM held at **WC Historical Court House**

You or your agent must be present at both meetings

Please Type or Print Legibly

Map/Parcel C0750154

Applicant Name/Address/Phone #
JW Residential Group, LLC

146 MLK Jr. Blvd, #382

Monroe, GA 30655

Phone # 470-995-1776

E-mail Address: jcantrell@underwoodscoggins.com

Property Owner Name/Address/Phone
3SD, LLC

146 MLK Jr. Blvd, #382

Monroe, GA 30655

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

Phone # 470-995-1776

Location: Rowe Road Acreage 121.08+/-

Existing Character Area: Employment Center

Proposed Character Area: Suburban

Is this a Major or Minor amendment to the plan? Minor

Note: Major amendments to the plan DO NOT become effective until approved by RDC and DCA

Is the property located within a watershed protection overlay district? No

Proposed Development: X Single-family Multi-family Commercial Industrial

Proposed Zoning: A1 2400 Number of Lots: 54 Minimum Lot Size: 25,000 sq. feet
Residential Overlay

Public Sewer: Provider: Septic Tank: X

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

7/12/2025
Date

\$ 250.00
Fee Paid

Rezone Application # 225-0257
Application to Amend the Official Zoning Map of Walton County, Georgia

Planning Comm. Meeting Date 8-7-2025 at 6:00PM held at **WC Historical Court House, 111 S. Broad St, Monroe, Ga (2nd Floor)**

Board of Comm Meeting Date 9-2-2025 at 6:00PM held at **WC Historical Court House**

You or your agent must be present at both meetings

Map/Parcel C0750154

Applicant Name/Address/Phone #

JW Residential Group, LLC

146 MLK Jr. Blvd, # 382

Property Owner Name/Address/Phone

3SD, LLC

146 MLK Jr. Blvd, # 382

Monroe, GA 30655

E-mail address: jscoggins@underwoodscoggins.com

jcantrell@underwoodscoggins.com

Phone # 470-995-1776

Phone # 470-995-1776

Location Rowe Road HWY 78

Requested Zoning A1 2400 overlay Acreage 121.08+/-
121.431

Existing Use of Property: Undeveloped

Existing Structures: Undeveloped

The purpose of this rezone is The property is currently zoned A1, the developer wishes to rezone to A1 2400

Residential Overlay to develop a residential subdivision.

Property is serviced by the following:

Public Water: ☒ Provider: Walton County

Well: ☐

Public Sewer: ☐ Provider:

Septic Tank: ☒

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 6/30/25

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 B2 B1 B3 A1 South A1
East B2 A1 West B2 B1 A1

Comprehensive Land Use: Employment Center **DRI Required?** Y N ✓

Commission District: 3 - Timmy Shelton Watershed: TMP ✓

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: JW Residential Group
Address: 146 MLK Jr. Blvd, #382, Monroe, GA 30655
Telephone: 470-995-1776
Location of Property: Rowe Road

Map/Parcel Number: C0750154

Current Zoning: A1 Requested Zoning: A1 2400 Residential Overlay

Emma Shadrach
Property Owner Signature

John Shadrach
Property Owner Signature

Print Name: Emma Shadrach

Print Name: John Shadrach

Address: 146 MLK Jr Blvd #382
Monroe, GA 30655

Address: 146 MLK Jr Blvd #382
Monroe, GA 30655

Phone #: 678-466-9954

Phone #: 678-466-9954

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.

Joni Mooney
Notary Public

6/30/25
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;

The existing property is currently undeveloped, zoned A1 property in the Rural Estate District.

Boarding properties to the north (facing Highway 78) are Neighborhood Business District (B1), Rural Estate District (A1)

Highway Business District (B2), and General Business District (B3). Properties to the East are A1.

Properties to the South and West are A1 and B2R1.

2. The extent to which property values are diminished by the particular zoning restrictions;

The current zoning of A1 without the A1 2400 Residential Overlay District does not allow the development of the property in a manner that is economically viable and as such the property has no value as currently zoned.

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

Per Walton County's Comprehensive Plan, the County is predicted to grow annually at a rate of 1.49%.

Specifically the Monroe and Between areas will benefit from this rezoning because it will allow for the development of a residential subdivision with 54 lots ranging from 0.67 acres to 2.69 acres, while still maintaining 39.47 acres of open green space.

Leaving the property encumbered by the A1 zoning restrictions does not

further the health, safety, morals or general welfare of the public.

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

As mentioned above, the County is growing, the public would receive a new community that is in line with the character area of the surrounding areas and already has dedicated open green space, the County would receive an additional tax base.

Without the requested rezoning the property cannot be developed in an economically viable manner. And leaving the property encumbered by the existing A1 zoning restrictions would impose a significant detriment on the

Applicant and Owner without providing any benefit to the health, safety, and welfare of the public.

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

The property is currently zoned A1, the current zoning designation allows for a subdivision. However, the current zoning

does not allow the Applicant to build an economically viable project.

The adjacent and Subject Properties are compatible with the 2400 Residential Overlay and Proposed Use as a subdivision

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

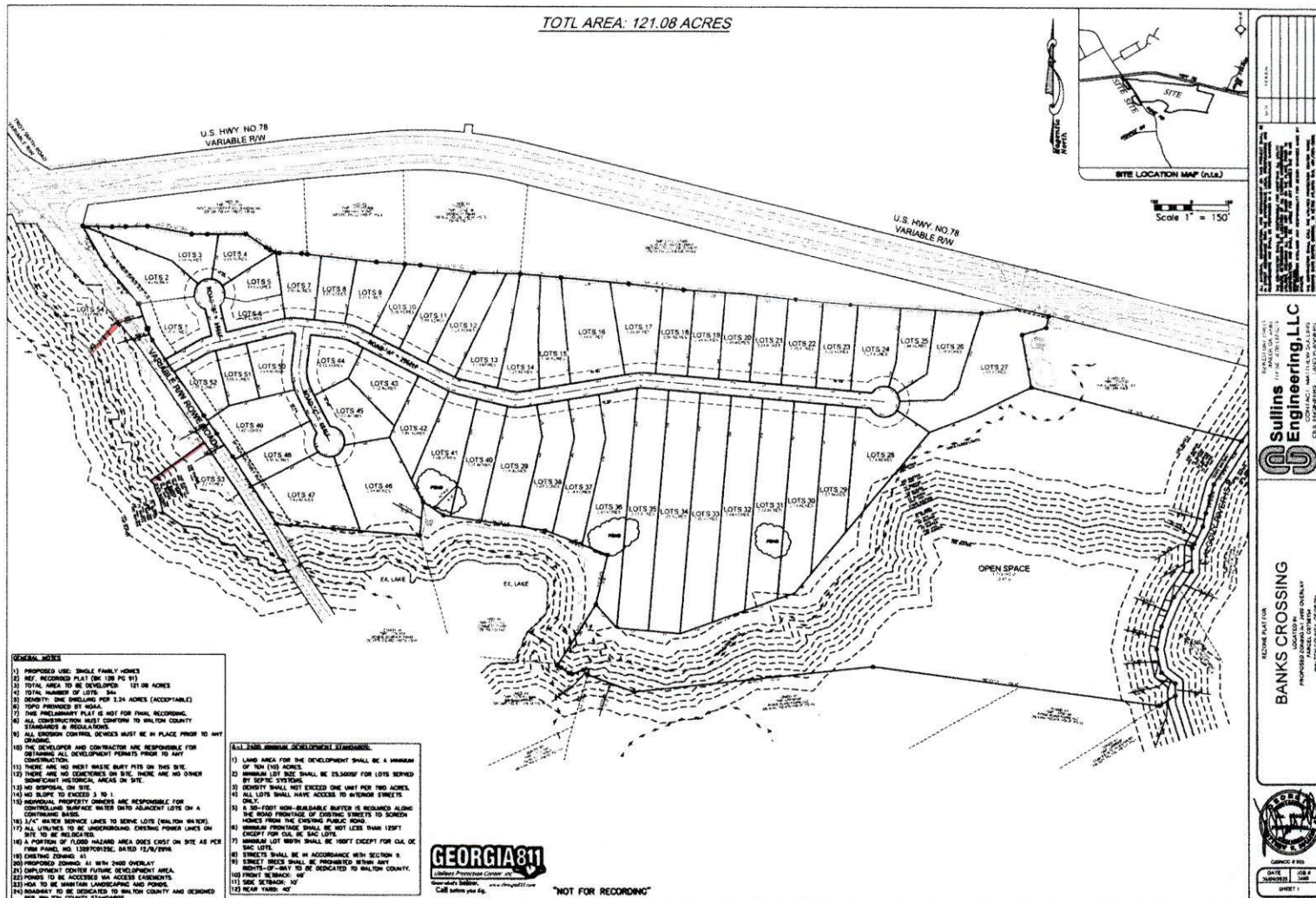
The land has remained undeveloped and as far as the Applicant knows, another zoning Application for the property

has never been sought. As far as land development in the area, Lake Monroe subdivision was built in 1999; Alcovy River Landing (across

Hwy 78) was built between 2001-2003; Weston subdivision was built in 2007. The time and area

is ripe for new life to be brought in.

TOTL AREA: 121.08 ACRES



Sullins Engineering, LLC
110 MC ALLEN (337) 461-1100
BANGOR, GA 30607
BANGOR, GA 30607

BANKS CROSSING



DATE 06/04/2025

Amended Proffered conditions:

- 1. Neighborhood to be controlled by a mandatory Homeowner's Association with design and building covenants and restrictions.**
- 2. Lots shall be graded to allow water to flow away from the homes to the stormwater infrastructure.**
- 3. Roofs shall have a minimum pitch of:**
 - a. 10/12 minimum on main body front to back.**
 - b. 9/12 minimum on ranch style homes.**
 - c. 12/12 minimum on pitch on accent gables.**
- 4. All dwelling facades shall be constructed of wood, siding, cement fiber siding, brick, stone, stucco, or other masonry type products. Vinyl and aluminum siding is prohibited.**
- 5. Front and side chimneys shall be masonry; chimneys that penetrate the roof may be stucco, synthetic stone or shakes.**
- 6. All garage doors must be side facing (side entry garages).**
- 7. All yards shall be sodded.**
- 8. All shingles shall be architectural shingles.**



July 1, 2025

LETTER OF INTENT
AND
RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant:	JW Residential Group, LLC
Owner:	3SD, LLC
Subject Property:	121.08 +/- Acres Designated as Walton County Tax Parcel Number C0750154
Current Zoning:	A1 – Rural Estate District
Proposed Zoning:	A1 2400 Residential Overlay District
Proposed Use:	Single-family detached subdivision
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 property referenced in the Application (“Subject Property”) and to put the Governing Jurisdiction on notice of the Applicant’s and Owner’s assertion of their constitutional and legal rights.

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

This statement is intended to comply with the application procedures established by The Comprehensive Land Development Ordinance of Walton County, Georgia (“LDO”) and is otherwise intended as the Applicant’s Letter of Intent required thereby.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application incorporated by reference herein and this Letter of Intent. The Applicant incorporates by reference all statements made in the Application, including the responses contained in Numbers 1 through 6 on pages 4 and 5 of the Application titled “**Article 4, Part 4, Section 160 Standard Review Questions**” into this Letter of Intent. The Application sets forth a conceptual site plan for the Subject Property, to evaluate the requested rezoning, based upon factors set forth by Walton County.

Specifically, the Applicant requests the following:

Rezone 121.08 +/- acres from A1 Rural Estate District to A1 2400 Residential Overlay District for a 54-lot residential subdivision to be named Banks Crossing pursuant to the requirements of section 4-2-110 of the LDO.

PROPOSED USE

The Subject Property is identified as Walton County Tax Parcel Number C0750154 and is currently owned by 3SD, LLC. The Subject Property is undeveloped and vacant land. The Applicant, JW Residential Group, LLC, has successfully developed other single family residential communities in Walton County, Georgia and JW Residential Group, LLC will be the developer of this community pending approval of the Application.

COMPREHENSIVE PLAN

The Walton County Future Land Use Map designates the Subject Property as being located in the "Employment Center" Character Area. The Employment Center Character Area is described in the Comprehensive Plan as follows:

"The zoning overall character of this area is intended for large-scale, employment-intensive commercial uses...The intended types of development require access to the necessary supportive infrastructure, including public water and sewerage service, as well as major transportation networks. Where public sewerage is currently unavailable in this area, it is identified as a long-term need to accommodate the desired growth." Comp. Plan P. 34

The zoning districts deemed to be compatible with the Employment Center Character Area are B1, B2, B3, O-I, M1, M2, MUBP, and SSBP. The Subject Property is currently zoned A1, which is not considered appropriate in the Employment Center Character Area.

The Applicant and Owner wish to rezone the Subject Property to A1 2400 Residential Overlay District to facilitate larger homes while also protecting environmentally sensitive areas through the preservation of undisturbed green spaces. The Subject Property appears to be included in the Employment Center Character Area due solely to the fact that the Subject Property is in close proximity to Highway 78. However, the Subject Property and its Proposed Use are more compatible with the goals, objectives, purposes, and intent of the Suburban Character Area due to the fact that the Subject Property is adjoined on its South side by property within the Suburban Character Area and the fact that the Subject Property does not actually have direct access onto Highway 78. Additionally, the Subject Property's adjacency to the Alcovy River and the numerous streams and tributaries that drain across the Subject Property into the Alcovy River, make the development of a larger lot single-family detached residential neighborhood the only economically viable use of the Subject Property that maximizes protection of these environmentally sensitive areas. Having a residential neighborhood adjacent to the Alcovy River is far more desirable than having a large commercial development with tremendous amounts of paving and impervious surfaces as well as contaminants common to large-scale commercial employment centers draining directly into the Alcovy River. Furthermore, the Proposed Use will (i) preserve the rural character of the County while accommodating residential growth and (ii) preserve significant portions of the Subject Property in an undeveloped state, following principles of conservation design.

The Subject Property is suitable for development under the A1 2400 Residential Overlay District for the Proposed Use, and is in keeping with the character of the surrounding area.

SITE

The site is located off Rowe Road in Walton County, Georgia. The Subject Property is comprised of approximately 121.08 +/- acres. The Subject Property features ponds and access to the Alcovy River.

The Subject Property is bordered by B1, B2, A1, and B2-zoned properties to the North. To the East, the Subject Property is bordered by A or A1-zoning properties. To the South and West there are properties zoned A1 and B2 R1.

DEVELOPMENT

The Applicant proposes to construct a single-family residential subdivision that will include 54 single-family lots with all lots being at least 25,500 square feet in area.

Banks Crossing will also contain 39.47+/- acres of undisturbed open space which will serve to protect environmentally sensitive areas while also preserving the rural character of the area.

A proffered set of conditions, which impose certain minimum standards for the homes and lots within the development, is attached to the Application, and is incorporated by reference herein.

ACCESS

The Subject Property will be accessed from Rowe Road. The proposed subdivision, "Banks Crossing," will feature a new access drive off Rowe Road that will serve the community. The access road will be approximately 800 feet from the intersection of Rowe Road and Highway 78.

All curb cuts shall be coordinated and approved by Walton County and acceleration and deceleration lanes will be installed as required by applicable standards. All streets and access drives within the development will be constructed to conform to County standards.

SETBACKS

Following the LDO, the building setbacks for a property zoned 2400 Residential Overlay District with public water and private on-site septic systems are defined as: Front Building Setback – not less than 125 feet, except lots located entirely on a turnaround area at the end of a cul-de-sac shall have a minimum of 40 feet of street frontage, Side Building Setback – 10 feet, and the Rear Building Setback – 40 feet.

WATER SUPPLY

The water supply for Banks Crossing will be provided by Walton County.

SEWER UTILITIES

Sanitary sewage disposal will be provided by on-site septic systems sized to serve each home within the community, which will be designed and installed in compliance with applicable Health Department regulations.

UTILITIES

The utilities needed to serve Banks Crossing are proposed to be located underground. The proposed development will require electricity, water, and telephone/data lines. Each of these utilities are located along Rowe Road and are available to the Subject Property.

SOLID WASTE

Garbage collection will be by private contracts with individual trash cans being provided to each home within the community.

TYPE OF OWNERSHIP

Once developed, Banks Crossing will be privately owned, while the development, greenspace, and stormwater detention facilities will be owned and maintained by a homeowner's association. The roads within Banks Crossing will be owned and maintained by Walton County.

CONCLUSION

The Application complies with all criteria appropriate for consideration for the rezoning of the Subject Property to the 2400 Residential Overlay District. The Applicant and Owner respectfully request that the Application, which is incorporated herein by reference, be approved as requested. The Applicant and Owner reserve the right to amend and supplement this Letter of Intent at any time.

Reservation of Rights

The Applicant and Owner object 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 and Owner also object 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) encumbering the Subject Property is unconstitutional and deprives the Subject Property of any 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 Owner 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 Owner 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 Owner 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 LDO. 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.

By filing this Reservation, the Applicant and Owner reserve all rights and remedies available to them 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,

A handwritten signature in blue ink, appearing to read "J. Cantrell", written in a cursive style.

Jessica G. Cantrell