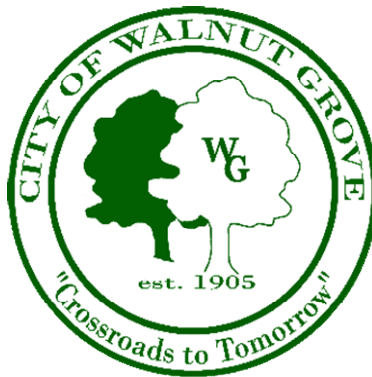


# REZONING APPLICATION



CITY OF WALNUT GROVE, GA  
2581 LEONE AVE  
LOGANVILLE, GA 30052  
770-787-0046  
[codeoffice@cityofwalnutgrove.com](mailto:codeoffice@cityofwalnutgrove.com)

**CITY OF WALNUT GROVE  
REZONING PROCESS**

1. Any individuals or parties interested in rezoning property within the City of Walnut Grove, or requesting a Conditional Use Permit from the City, must start the process by contacting the City Clerk to obtain a Rezoning Application packet.
2. The applicant must complete the application and provide ALL requested information and documentation before the City Clerk will accept the application and filing fee a minimum of 30 days before a potential City Council meeting/Public hearing date. **IMPORTANT** - A completed application and filing fee is required before a Public Hearing will be scheduled.
3. The City Clerk will place a legal notice in the *Walton Daily Tribune* at least 15 days before the public hearing.
4. Upon request by the City Council, the City Planner will review the application and make a written recommendation to the City Council. The written recommendation is sent to the City Clerk for distribution to City Council the week prior to the public hearing. Additional copies of the report may be obtained from the City Clerk at (770) 787-0046.
5. A public hearing sign is erected on the property at least 15 days before the first public hearing. This sign will be erected by a City Hall staff member.
6. The City Council meets on the third Thursday of each month. This meeting is held at 7:00 p.m. at the Walnut Grove Municipal Building and Park, 1021 Park Street Loganville, GA 30052
7. Once an application is made, the applicant may withdraw the application without prejudice only before legal advertisement of a public hearing is placed in the *Walton Daily Tribune*.
8. All applications advertised shall receive action by the Mayor and City Council. Written notification of withdrawal is required. Please review Section 1607 of the Zoning Ordinance (Mayor and Council Action) for more information on possible actions by the Mayor and Council.
9. No application or reapplication affecting the same land shall be acted upon with 12 months from the date of last action by the Mayor and City Council unless waived by the Mayor and City Council.
10. All applicants, their attorneys, or representatives, must submit information as required by the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions (forms are attached to the rezoning application).

**REQUIRED ITEMS (FROM SECTION 1602 OF THE ZONING ORDINANCE)**

1) **APPLICATION FEE**

One (1) check made payable to City of Walnut Grove in the amount of \_\_\_\_\_ (\$ \_\_\_\_\_) per application request.

Acceptable payment methods are cash or check.

2) **LEGAL DESCRIPTION**

The legal description must be a "metes and bounds" description. It must establish a point of beginning and from the point of beginning give each dimension bounding the property, calling the directions (such as north, northeasterly, southerly, etc.) which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. The legal description must also include the tax parcel numbers of the properties to be considered.

3) **BOUNDARY SURVEY**

Three (3) copies of a boundary survey to scale for the subject property displaying all metes and bounds is required. This is not necessary if the Site Plan (next item) includes this information.

4) **SITE PLAN**

A minimum of three (3) copies of a Site Plan to scale are required. This site plan must show be prepared and sealed by an architect, engineer, landscape architect or surveyor whose state registration is current and showing the following information (as applicable):

1. North arrow, land lot and district
2. Property lines with dimensions and angles of turns
3. Adjoining streets with present right of way and pavement widths
4. Location of existing structures
5. Present and proposed zoning
6. Proposed structures, parking, loading and driveways
7. For residential zoning district proposals (excluding a PUD request), the following additional information is required:
  - a) Show how the proposed property is to be subdivided including proposed streets.
  - b) List how utilities are to be provided including but not limited to water, sewer, well, septic tank.
  - c) State minimum lot size and total number of lots proposed.
  - d) State minimum house size proposed.
8. For commercial or Non-Residential and Multi-family Proposals:
  - a) Show proposed layout of building locations with driveway and parking lots.
  - b) Show proposed curb cuts or existing driveway/roadways.
  - c) Show all required buffers and building set back lines.

- d) List how utilities are to be provided including but not limited to water, sewer, well, septic tank.
- e) State the density per acre and the square feet per acre area of total buildings

One (1) 8-1/2" X 11" reduction of the site plan and any other supporting documents/exhibits shall be provided by the applicant.

Note – A proposed Planned Unit Development will require several detailed exhibits and reports to be filed with the rezoning application. Please see **“ADDITIONAL EXHIBITS (IF REQUIRED)”** for a complete list of items required.

5) **LETTER OF INTENT**

One (1) copy of a Letter of Intent

The letter of Intent must give details of the proposed use of the property and should include at least the following information (as applicable):

- A statement as to what the proposed use of the property
- The acreage or size of the tract
- The zoning classification requested
- The number of lots or number of dwelling units including proposed house size
- The density in terms of gross square footage per acre (for proposed commercial, industrial, office or institutional use)
- The number of parking spaces
- The height of buildings
- Any requested change in buffers

6) **NOTARIZED SIGNATURES**

The application form must have notarized signatures of both the property owner(s) and the applicant(s), or an attachment if multiple owners are involved.

7) **CONFLICT OF INTEREST CERTIFICATION FORM**

This form must be signed, notarized and submitted with the required information within ten days of the filing of the rezoning application.

8) **PROOF OF PAID PROPERTY TAXES**

The applicant must provide proof that current property taxes have been paid on the land proposed for rezoning. This form must be signed by the applicant, verified and signed by the Walton County Tax Commissioner's Office, and submitted when the application is filed.

9) **AVAILABILITY OF WATER/SEWER UTILITIES**

Water availability letters may be obtained from Walton County Water Department \_\_\_\_\_ . Sewer availability will need to be coordinated with the City Clerk and the City Engineer, Precision Planning, Inc. Please contact the City Clerk to set up a meeting with the engineer regarding sewer availability.

**ADDITIONAL EXHIBITS (if required)**

**1) PLANNED UNIT DEVELOPMENTS (ZONING ORDINANCE, SECTION 906)**

The following addition exhibits, reports and documents are required for a Planned Unit Development rezoning request. If these documents are not submitted at the time of filing the rezoning application, then the City will not schedule a Public Hearing until all documents have been received.

- A location map indicating existing zoning on the site and the adjacent areas.
- A concept plan drawn no smaller than one inch equals 100 feet, including the following information:
  - Lot lines and setbacks;
  - Location, shape, size and height of existing and proposed buildings, decorative walls and elements and entrance features;
  - Topography with contour intervals no greater than 10 feet;
  - Lakes, ponds and floodplains and the sources of floodplain data;
  - Stormwater detention areas;
  - Existing and proposed landscaping;
  - Recreation facilities (if applicable);
  - Stages of development, if any;
  - Location of off-street parking.
- Floor plans and elevations of all typical units and any other structures such as recreation buildings.
- Information indicating the following:
  - Gross and net acreage (see definition of net density);
  - Lot sizes (dimensions and square footage);
  - Building heights and stories;
  - Building coverage for each lot;
  - Amount of common open space in square feet (if applicable);
  - All tree areas to be retained or added;
  - Parking facilities;
  - Such other architectural and engineering data as may be required to evaluate the project.
- Written Report. This shall describe the land uses proposed and the type, nature, size, intent, and characteristics of the proposed development. This report shall include:
  - A description of the proposal including proposed uses and location;
  - The proposed standards for development, including restrictions on use of the property, density, setback requirements, and any proposed restrictive covenants;
  - An explanation of why the proposed development standards are necessary, if the proposed standards vary from existing standards in this ordinance;
  - Plans for utilities, including water, sewer, and drainage;
  - Plans for protection of abutting properties, including buffers, screening, and landscaping;
  - Data stating the total number of acres (or square feet) proposed for every proposed use;
  - Proposed development timetable;
  - For any PUD or portion thereof within an overlay district- reserved.
  - Any streets and common open spaces not proposed for dedication to the City shall have the proposed maintenance and ownership agreements explained in detail;
  - The architectural style and proposed site of all structures shall be indicated;
  - Note - Limited commercial uses may be included within the Planned Unit Development. However, these uses shall be only of a convenience neighborhood retail nature intended to serve the needs of the residents of the development. Similar land uses should face across streets, and dissimilar land uses should abut at rear lot lines or across alleys. A commercial use may not be open from 11:00 p.m. to 6:00 a.m. Residential uses in

commercial buildings are permitted only above the first floor. Drive through facilities that permit people to remain in their vehicles while receiving services or products are prohibited, with the exception of fueling facilities of a service station. The retail uses shall be specified as a part of the proposal and shall be limited to a total of 10,000 square feet of gross floor area. Such uses may be proposed only on developments of 5 acres or more. Construction of any approved commercial portion must occur at the same time as the construction of the residential development; and

- **Required Detailed Site Plans.** These shall be prepared by a registered engineer, architect, land surveyor, or landscape architect. The site plan shall bear the official registration seal of the professional(s) who prepared the plan, and shall include as a minimum:
  - survey of the property indicating all property dimensions, property size, adjoining owners, scale, north arrow, and tie-in point to a known location (road intersection, land lot corner, etc.),
  - proposed platting (subdivision), streets, setbacks, building sites, type of use for each building site, access to the site, internal access and circulation, off-street parking areas, proposed public facilities and open areas, name of the development, and any special drainage features, and
  - If the proposal includes the subdivision of land for any purpose or for the provision of new public or private streets, any additional information required under the city's *Land Development Ordinance*. The rezoning request and the proposed subdivision of the property shall be processed simultaneously. Any requested variance from the *Land Development Ordinance* shall be listed on the site plan and explained in the written report.
  - The proposed size, location, number of units and number of bedrooms of all residential structures shall be noted.
  - The development controls for the subject property shall be shown (lot coverage, setbacks, building heights, lot sizes, and all other dimensions).
- Additional data required by the Zoning Administrator (City Clerk).

2) **BUILDING CODE COMPLIANCE FOR CONVERSION OF RESIDENTIAL STRUCTURES TO A COMMERCIAL USE**

- When a non-residential rezoning for conversion of an existing one-family or two-family residential structure is requested, the applicant must apply for a Building Compliance Inspection from the City Clerk.
- The Building Compliance Inspection application must be filed at the same time the rezoning application is filed. If a Building Compliance Inspection has been completed in the past, the applicant may submit a letter showing compliance for that use from the City Clerk. If a Building Compliance Inspection is not completed, the rezoning application will be held and may be subject to administrative withdrawal. If the application is administratively withdrawn, the rezoning application fees will be refunded.
- When the inspection is complete, the City Inspector will forward a copy of the completed inspection report to the City Clerk and City Planner.

3) **DEVELOPMENTS OF REGIONAL IMPACT**

If the proposed development meets any of the following thresholds, regional review as a Development of Regional Impact (DRI) must be completed by the Northeast Georgia Regional Commission (NEGRC). The review must be initiated by the City. For information regarding this process, contact the City Planner at 770-338-8000.

TYPE OF DEVELOPMENT	THRESHOLD (EFFECTIVE 1/1/02)
Office	Greater than 400,00 gross sq. ft.
Commercial	Greater than 300,000 gross sq. ft.
Wholesale and Distribution	Greater than 500,000 gross sq.ft.
Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day.
Housing	Greater than 400 new lots or units
Industrial	Greater than 500,000 gross sq.ft; or employing more than 1,600 workers; or covering more than 400 acres
Hotels	Greater than 400 rooms
Mixed Use	Greater than 400,000 gross sq. ft. (cumulative); or covering more than 120 acres
Airports	All new airports, runways, and runway extensions
Attractions & Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
Post Secondary Schools	New school with capacity of more than 2,400 students, or, expansion of this type of school by at least 25% of capacity
Waste Handling Facilities	New facility or expansion of use of an existing facility by 50% or more; and located within one-half mile of a jurisdictional boundary
Quarries, Asphalt & Cement Plants	New facility or expansion of existing facility by more than 50%; located within one-half mile of a jurisdictional boundary
Wastewater treatment Facilities	New facility or expansion of existing facility by more than 50%; and located within one-half mile of a jurisdictional boundary
Petroleum Storage facilities	Storage greater than 50,000 barrels, if within 1000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels; and located within one-half mile of a jurisdictional boundary
Water Supply Intakes/Reservoirs	New Facility
Intermodal Terminals	New Facility
Truck Stops	A new facility with more than three (3) diesel fuel pumps; or containing one-half acre of truck parking , or ten (10) truck parking spaces
Any other development types not identified above (including parking facilities)	1,000 parking spaces

**REZONING APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF WALNUT GROVE, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION*
Kippy Clark, c/o J. Alexander Brock, NAME: <u>Smith, Gambrell &amp; Russell, LLP</u> ADDRESS: <u>1105 West Peachtree Street, NE</u> CITY: <u>Atlanta</u> STATE: <u>GA</u> ZIP: <u>30309</u> PHONE: <u>404-815-3603</u>	NAME: <u>William Paul Jones Jr. and Tobey L. Jones</u> ADDRESS: <u>2961 Old Hwy 138</u> CITY: <u>Monroe</u> STATE: <u>GA</u> ZIP: <u>30655</u> PHONE: _____
CONTACT PERSON: <u>Alex Brock- Smith, Gambrell &amp; Russell, LLP</u> PHONE: <u>404-815-3603</u> APPLICANT'S E-MAIL: <u>jabrock@sgrlaw.com</u>	

\*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary)

APPLICANT IS THE:		
<input checked="" type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>AR</u> REQUESTED ZONING DISTRICT: <u>PUD</u>		
PARCEL ID NUMBER: <u>WG010024 and WG010025</u> - ACREAGE: <u>9.40 acres</u>		
ADDRESS OF PROPERTY: <u>1071 and 0 Walnut Grove Parkway</u>		
PROPOSED DEVELOPMENT: <u>mixed-use development</u>		

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>60 lofts</u>	NO. OF BUILDINGS/LOTS: <u>9 buildings</u>
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: <u>101,000 sq.ft.</u>
GROSS DENSITY: _____	DENSITY: _____
NET DENSITY: _____	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.**

CASE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_



## Legal Description

L E G A L   D E S C R I P T I O N  
TRACT TWO-D

ALL THAT TRACT or parcel of land lying and being in land lots 175 & 198 of the 4th district in the City of Walnut Grove, Walton County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the east right-of-way of Ga.Hwy.81 and the south right-of-way of Walnut Grove Parkway, thence in a northeasterly direction along said right-of-way 1228.65 feet to a point at the true point of beginning.

THENCE along the south right-of-way of Walnut Grove Parkway North 73 degrees 11 minutes 50 seconds East for a distance of 373.29 feet to a point;

THENCE along a curve to the left having a radius of 411.00 feet and an arc length of 194.27 feet, being subtended by a chord of North 59 degrees 39 minutes 22 seconds East for a distance of 192.47 feet to a point;

THENCE leaving said right-of-way South 16 degrees 48 minutes 10 seconds East for a distance of 534.22 feet to a point;

THENCE South 73 degrees 57 minutes 04 seconds West for a distance of 43.97 feet to a point;

THENCE South 19 degrees 40 minutes 35 seconds West for a distance of 15.72 feet to a point;

THENCE North 79 degrees 50 minutes 14 seconds West for a distance of 515.97 feet to a point;

THENCE North 87 degrees 50 minutes 14 seconds West for a distance of 49.94 feet to a point;

THENCE North 16 degrees 48 minutes 10 seconds West for a distance of 251.02 feet to a point on the south right-of-way of Walnut Grove Parkway at the true point of beginning.

Said property contains 5.00 acres.

L E G A L   D E S C R I P T I O N

TRACT TWO-B

ALL THAT TRACT or parcel of land lying and being in land lot 175 of the 4th district in the City of Walnut Grove, Walton County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the east right-of-way of Ga. Hwy. 81 and the south right-of-way of Walnut Grove Parkway, thence in a northeasterly direction along said right-of-way 1796.21 feet to a point at the true point of beginning.

THENCE along the south right-of-way of Walnut Grove Parkway along a curve to the left having a radius of 411.00 feet and an arc length of 2.33 feet, being subtended by a chord of North 45 degrees 57 minutes 15 seconds East for a distance of 2.33 feet to a point;

THENCE North 45 degrees 47 minutes 27 seconds East for a distance of 68.36 feet to a point;

THENCE along a curve to the right having a radius of 150.00 feet and an arc length of 235.73 feet, being subtended by a chord of South 89 degrees 11 minutes 17 seconds East for a distance of 212.21 feet to a point;

THENCE South 44 degrees 10 minutes 02 seconds East for a distance of 122.08 feet to a point;

THENCE along a curve to the right having a radius of 331.00 feet and an arc length of 119.73 feet, being subtended by a chord of South 33 degrees 48 minutes 02 seconds East for a distance of 119.08 feet to a point;

THENCE South 23 degrees 26 minutes 24 seconds East for a distance of 206.89 feet to a point;

THENCE along a curve to the left having a radius of 411.00 feet and an arc length of 35.83 feet, being subtended by a chord of South 25 degrees 56 minutes 16 seconds East for a distance of 35.82 feet to a point;

THENCE South 57 degrees 22 minutes 32 seconds West for a distance of 14.77 feet to a point;

THENCE South 32 degrees 37 minutes 28 seconds East for a distance of 21.29 feet to a point;

THENCE leaving said right-of-way South 62 degrees 21 minutes 33 seconds West for a distance of 144.04 feet to a point;

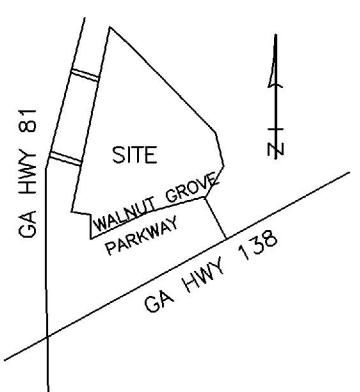
THENCE South 77 degrees 32 minutes 29 seconds West for a distance of 145.72 feet to a point;

THENCE South 73 degrees 57 minutes 04 seconds West for a distance of 90.37 feet to a point;

THENCE North 16 degrees 48 minutes 10 seconds West for a distance of 534.22 feet to a point on the south right-of-way of Walnut Grove Parkway at the true point of beginning.

Said property contains 4.40 acres.

# Survey



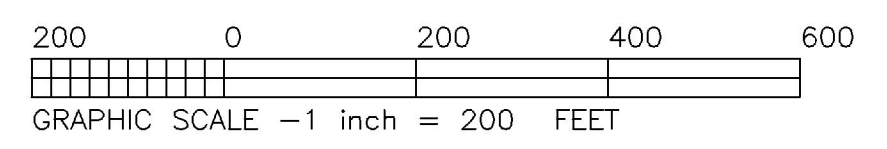
**LOCATION MAP**

- LEGEND**
- DOUBLE WING CATCH BASIN
  - SINGLE WING CATCH BASIN
  - FIRE HYDRANT
  - WATER VALVE
  - HEADWALL
  - MANHOLE
  - D.I. DROP INLET
  - P.P. POWER POLE
  - RIGHT-OF-WAY
  - D.E. DRAINAGE EASEMENT
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET
  - CB CATCH BASIN
  - W.V. WATER VALVE
  - GAS M. GAS METER

This survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67, Authority O.C.G.A. Secs. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

SURVEY FOR:  
**ESTATE OF GERALD E. SMITH**  
 CITY OF WALNUT GROVE  
 LAND LOTS 175 & 198 - 4TH DISTRICT  
 WALTON COUNTY, GEORGIA

DATE OF FIELD WORK AUG. 7, 2013  
 DATE OF PLAT PREPARATION NOV. 30, 2015



**Property Owners:**  
 Tract One "A" - Church at the Grove, Inc.  
 Tract One "B" - Estate of Gerald E. Smith  
 Tract Two "A" - Morris Smith  
 Tract Two "B" - Tom Allgood and Walnut Grove UMC  
 Tract Two "C" - William Paul Jones, Jr. and Tobey L. Jones  
 Tract Two "D" - Morris Smith

REVISED TO CREATE A 20.00 AC TRACT ONE "B" FOR CHURCH AT THE GROVE  
 REVISED TO CREATE TRACT TWO "A" & TWO "B"  
 REVISED TO CREATE TRACT TWO "C"  
 REVISED TO CREATE TRACT TWO "D"

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 35011 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 423,000 FEET.

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF WALNUT GROVE, GEORGIA, AND THAT IT IS HEREBY APPROVED FOR RECORDING IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF WALTON COUNTY, GEORGIA.

MAYOR, CITY OF WALNUT GROVE \_\_\_\_\_ DATE \_\_\_\_\_

**GENERAL NOTES:**  
 WATER BY WALTON COUNTY  
 SEWAGE BY INDIVIDUAL SEPTIC TANKS  
 TAX PARCEL C0530205  
 THIS PROPERTY IS LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.A. OFFICIAL HAZARD MAPS.  
 FIRM FLOOD MAP NO. 13297C0225D  
 DATED MAY 18, 2009

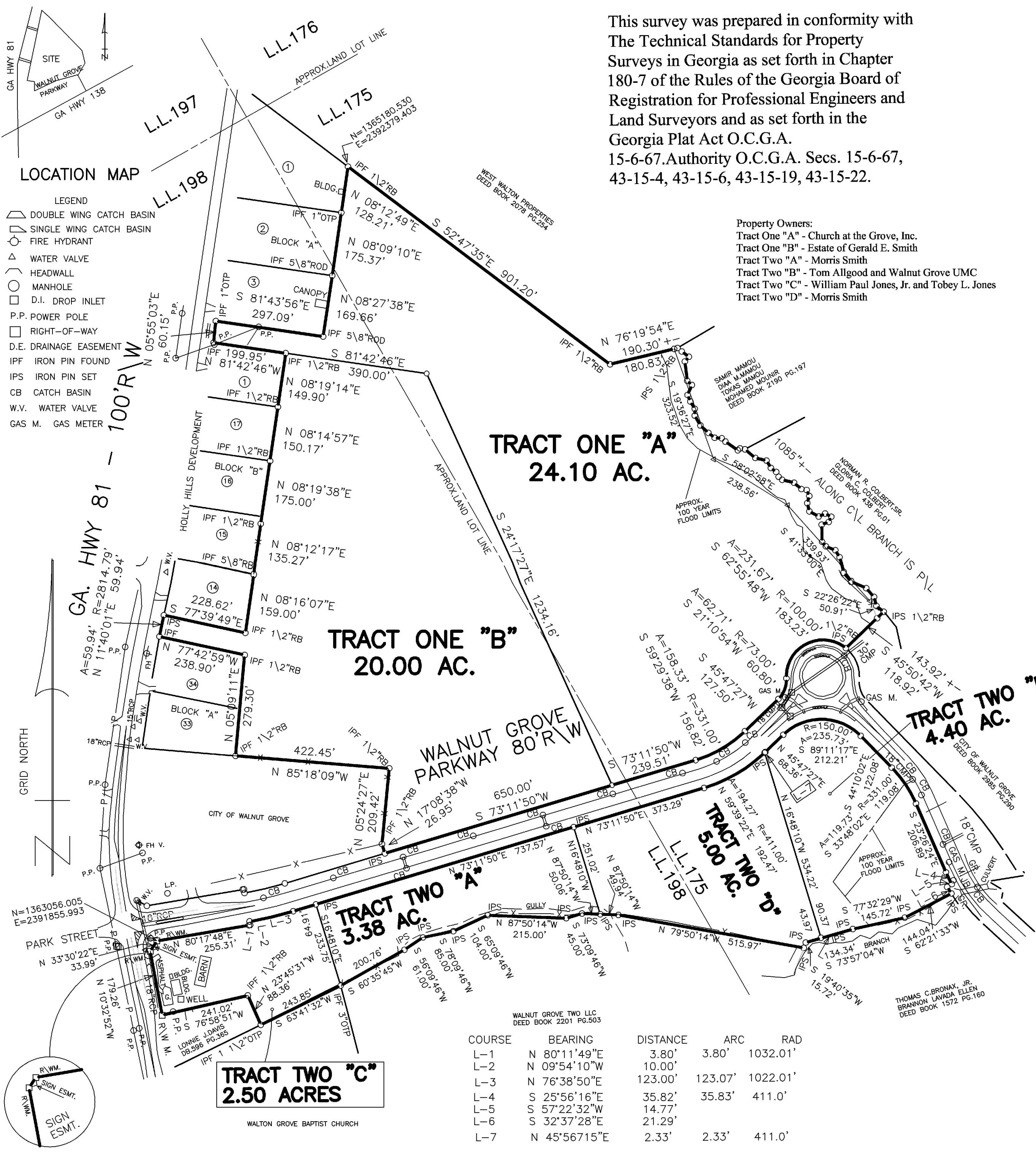
**TOTAL AREA = 59.38 ACRES**



**SURVEYING & ENGINEERING**  
 928 BLACKLAWN ROAD  
 CONYERS, GEORGIA 30094  
 PHONE: 770-483-9745 - FAX: 770-483-9219



NEW JOB NO. 15-283 6-25-2015  
 SCREEN FILE 5809BDRY JOB NO. 5809-1  
 MASTER DWG. NO. 28312 DWG. NO. 29144



COURSE	BEARING	DISTANCE	ARC	RAD
L-1	N 80°11'49"E	3.80'	3.80'	1032.01'
L-2	N 09°54'10"W	10.00'		
L-3	N 76°38'50"E	123.00'	123.07'	1022.01'
L-4	S 25°56'16"E	35.82'	35.83'	411.0'
L-5	S 57°22'32"W	14.77'		
L-6	S 32°37'28"E	21.29'		
L-7	N 45°56'15"E	2.33'	2.33'	411.0'



# Site Plan

**GENERAL NOTES:**

- BOUNDARY SURVEY COMPLETED BY PATRICK & ASSOCIATES DATED 06/25/15. TOPOGRAPHICAL INFORMATION BY WALTON COUNTY GIS.
- THERE IS NO FLOODPLAIN ON THIS PROPERTY FROM A WATER COURSE WITH A DRAINAGE AREA EXCEEDING 100 ACRES OR FLOODPLAIN PER FIRM PANEL 13297C0225E DATED 12/08/2016.

# CONCEPT PLAN FOR: WALNUT GROVE TOWN CENTER

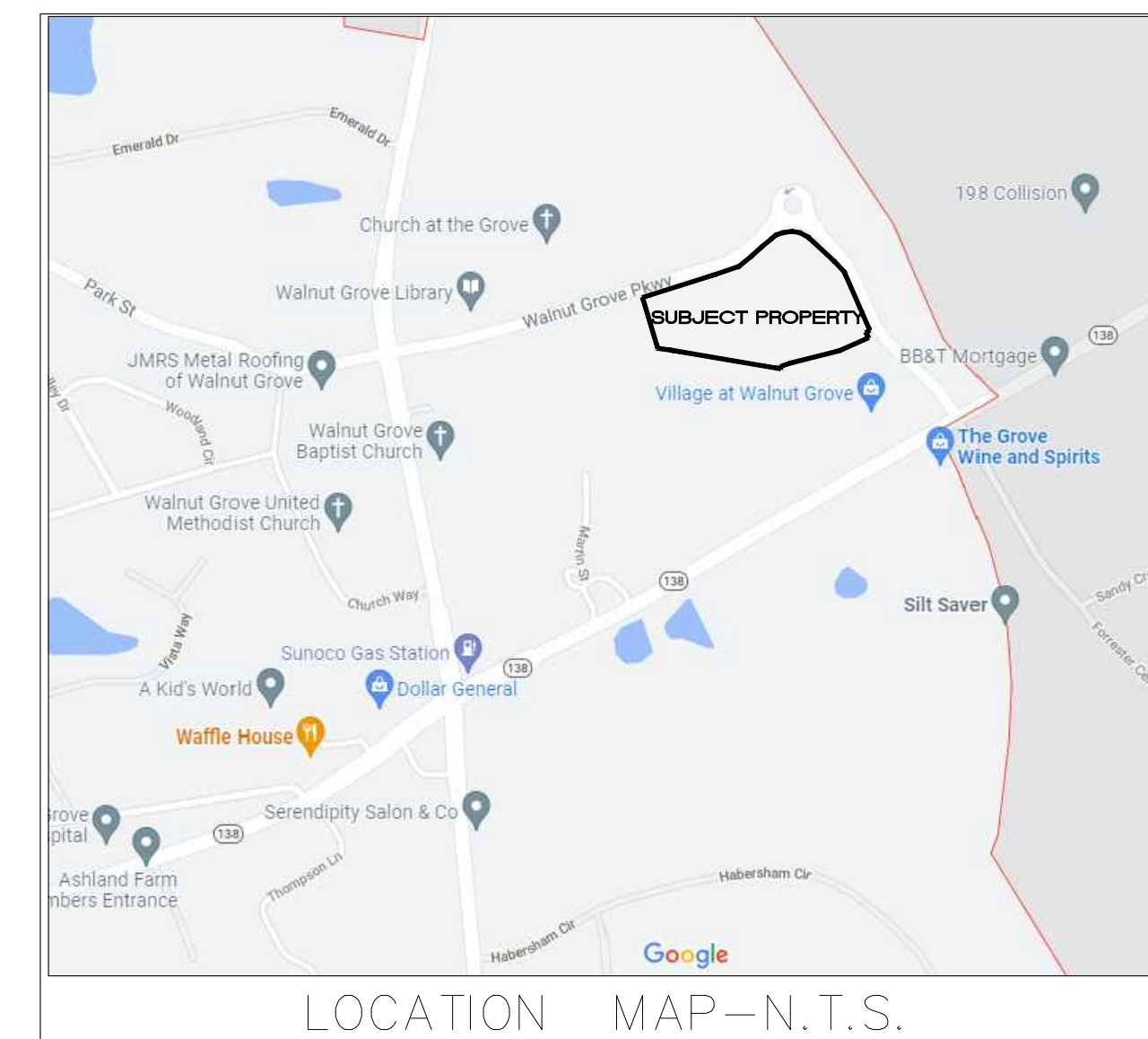
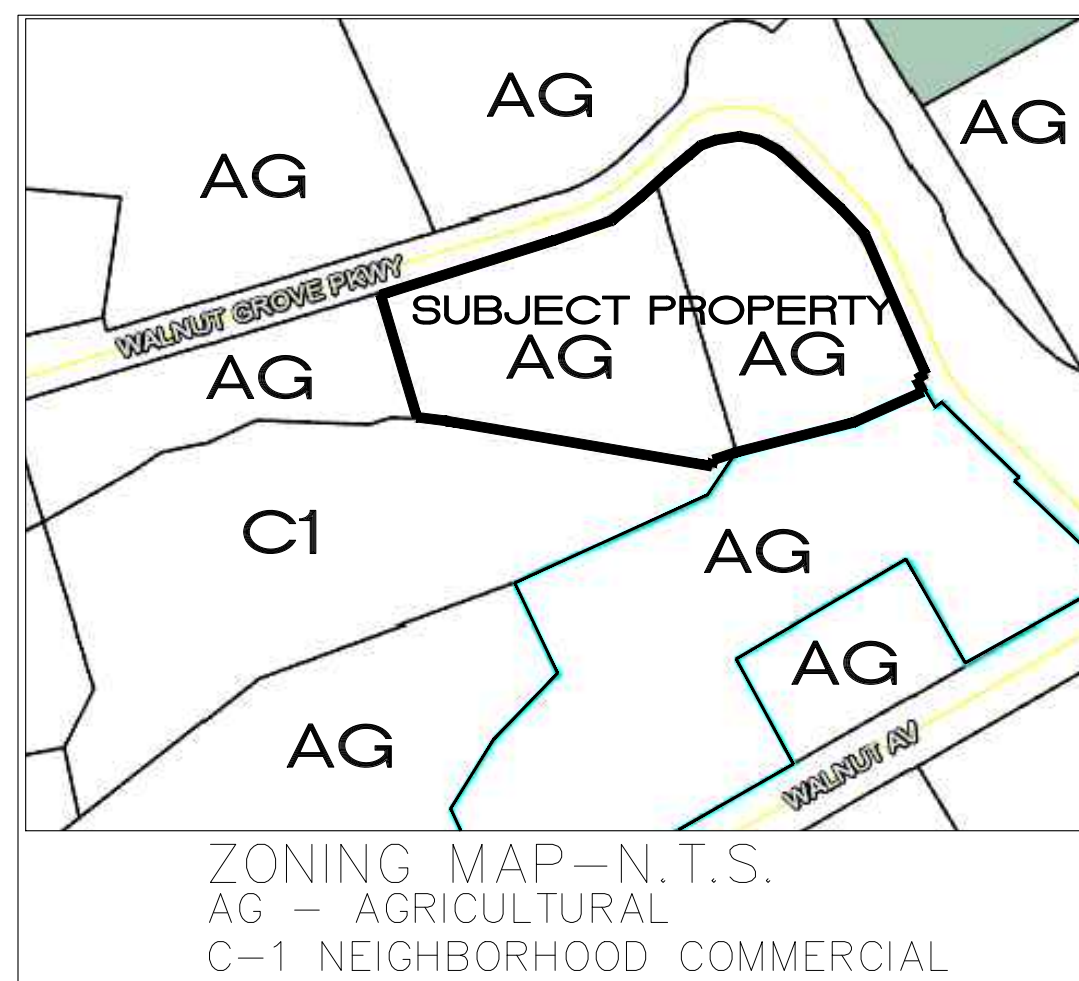
4TH DISTRICT, LAND LOT 175 & 198  
PARCELS WG010024 & WG010025  
WALNUT GROVE, GA. 30052  
WALTON COUNTY, GEORGIA

**SITE INFORMATION**

PARCELS WG010024 & WG10025  
TOTAL AREA: 9.40 ACRES (GROSS & NET ACREAGE)  
EXISTING ZONING - AG  
PROPOSED ZONING - FUD  
PROPOSED OPEN SPACE = 3.40 ACRES  
IMPERVIOUS SURFACE MAX. = 75%  
PROPOSED IMPERVIOUS SURFACE = 73.0%

**STIPULATIONS/EXCEPTIONS:**

- ALLOW DRIVE-THROUGH AREAS.
- ELIMINATE THE 25-FOOT TRANSITIONAL ZONING BUFFER ALONG THE WEST PROPERTY LINE.
- ALLOW AN ENCROACHMENT INTO THE 75-FOOT IMPERVIOUS STREAM BUFFER.
- ALLOW AN ENCROACHMENT INTO THE CORNISH CREEK WATERSHED (W-P1) BUFFERS.
- ALLOW A RESIDENTIAL DENSITY OVER 8 UNITS PER ACRE.
- ALLOW A COMMERCIAL DENSITY EXCEEDING 10,000 SQUARE FEET.
- REDUCE THE MINIMUM PARKING REQUIREMENTS.



**PARKING REQUIREMENTS:**

**RESIDENTIAL:**  
LOFTS: 60 UNITS  
2 SPACES FOR EACH DWELLING UNIT  
MINIMUM REQUIRED SPACES = 120

**RESTAURANTS:**  
TOTAL OF 20,600 SQUARE FEET  
1 SPACE PER 75 SQFT  
20,600/75 = 275 MIN. REQUIRED SPACES

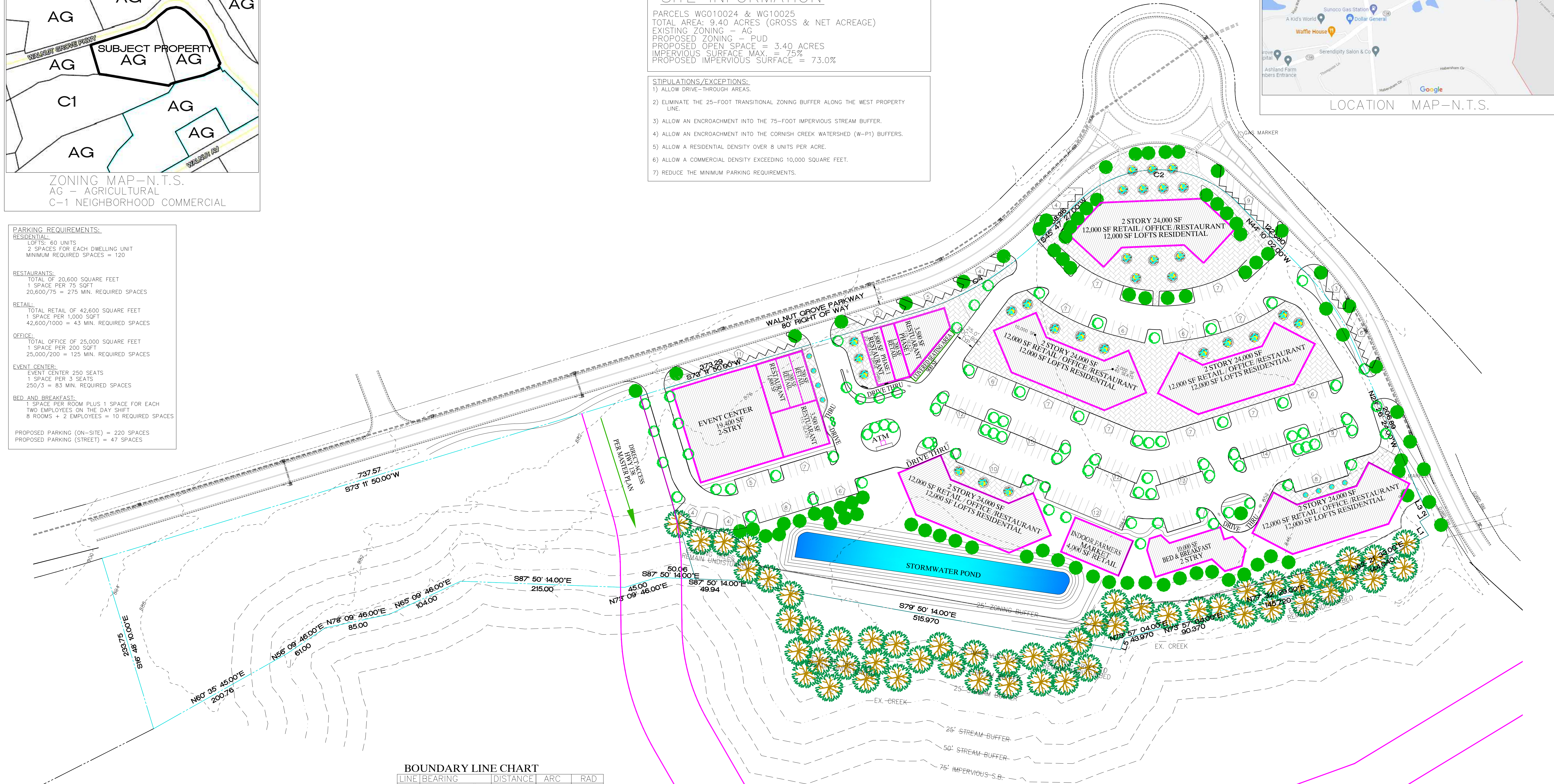
**RETAIL:**  
TOTAL RETAIL OF 42,600 SQUARE FEET  
1 SPACE PER 1,000 SQFT  
42,600/1000 = 43 MIN. REQUIRED SPACES

**OFFICE:**  
TOTAL OFFICE OF 25,000 SQUARE FEET  
1 SPACE PER 200 SQFT  
25,000/200 = 125 MIN. REQUIRED SPACES

**EVENT CENTER:**  
EVENT CENTER 250 SEATS  
1 SPACE PER 3 SEATS  
250/3 = 83 MIN. REQUIRED SPACES

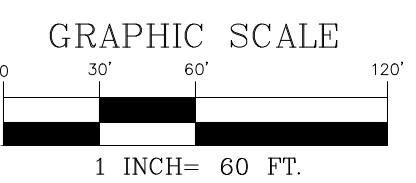
**BED AND BREAKFAST:**  
1 SPACE PER ROOM PLUS 1 SPACE FOR EACH TWO EMPLOYEES ON THE DAY SHIFT  
8 ROOMS + 2 EMPLOYEES = 10 REQUIRED SPACES

PROPOSED PARKING (ON-SITE) = 220 SPACES  
PROPOSED PARKING (STREET) = 47 SPACES



**BOUNDARY LINE CHART**

LINE	BEARING	DISTANCE	ARC	RAD
L1	S 32°37'28" E	21.29'		
L2	S 57°22'32" W	14.77'		
L3	S 25°56'16" E	35.82'	35.83'	411.0'
C2	S 89°11'17" E	212.21'	235.73'	150.0'
C4	N 59°39'22" E	192.47'	194.27'	411.0'
L5	S 19°40'35" W	15.72'		



**BULLARD  
LAND PLANNING**  
3790 CANNONWOLDE DR.  
SNELLEVILLE, GEORGIA 30039  
bplanning@bellesearth.net  
(678) 344-1293-(770) 978-8857 FAX  
DATE: 06-02-21

# Standards



**REZONING APPLICANT'S RESPONSE**

STANDARDS OF REVIEW

PURSUANT TO SECTION 1608.OF THE CITY OF WALNUT GROVE ZONING ORDINANCE, THE CITY COUNCIL FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

THE EXISTING LAND USE PATTERN

**See Attached Statement of Intent**

---

THE POSSIBLE CREATION OF AN ISOLATED DISTRICT UNRELATED TO ADJACENT AND NEARBY DISTRICTS;

**See Attached Statement of Intent**

---

THE POPULATION DENSITY PATTERN AND POSSIBLE INCREASE OR OVER-TAXING OF THE LOAD ON PUBLIC FACILITIES INCLUDING, BUT NOT LIMITED TO, SCHOOL, UTILITIES, AND STREETS;

**See Attached Statement of Intent**

---

THE COSTS TO THE CITY AND OTHER GOVERNMENTAL ENTITIES IN PROVIDING, IMPROVING, INCREASING OR MAINTAINING PUBLIC UTILITIES, SCHOOLS, STREETS, LAW ENFORCEMENT, FIRE PROTECTION AND OTHER PUBLIC SERVICES;

**See Attached Statement of Intent**

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THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING, BUT NOT LIMITED TO DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING, AIR QUALITY AND WATER QUALITY;

**See Attached Statement of Intent**

---

WHETHER THE PROPOSED ZONING AMENDMENT WILL ALLOW USES WHICH WILL BE A DETRIMENT TO THE VALUE OF ADJACENT PROPERTY IN ACCORDANCE WITH EXISTING REGULATIONS;

**See Attached Statement of Intent**

---

WHETHER THERE ARE SUBSTANTIAL REASONS WHY THE PROPERTY CANNOT BE USED AND DEVELOPED IN ACCORDANCE WITH THE EXISTING REGULATIONS;

**See Attached Statement of Intent**

---

THE AESTHETIC EFFECT OF THE EXISTING AND PROPOSED USE OF THE PROPERTY AS IT RELATES TO THE SURROUNDING AREA;

**See Attached Statement of Intent**

---

THE EXTENT TO WHICH THE PROPOSED ZONING AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE LAND USE PLAN;

**See Attached Statement of Intent**

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---

THE POSSIBLE EFFECTS OF THE PROPOSED ZONING AMENDMENT ON THE CHARACTER OF THE ZONING DISTRICT, A PARTICULAR PIECE OF PROPERTY, NEIGHBORHOOD, A PARTICULAR AREA OR THE COMMUNITY AS A WHOLE;

**See Attached Statement of Intent**

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---

THE RELATIONSHIP THAT THE PROPOSED ZONING AMENDMENT BEARS TO THE PURPOSE OF THE OVERALL ZONING SCHEME, WITH DUE CONSIDERATION GIVEN TO WHETHER THE PROPOSED ZONING WILL CARRY OUT THE PURPOSES OF THESE REGULATIONS;

**See Attached Statement of Intent**

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ANY APPLICATION FOR A ZONING MAP AMENDMENT WHICH DOES NOT CONTAIN A SPECIFIC SITE PLAN CARRIES A REBUTTABLE PRESUMPTION THAT SUCH REZONING SHALL ADVERSELY EFFECT THE ZONING SCHEME;

**See Attached Statement of Intent**

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THE CONSIDERATION OF THE PRESERVATION OF THE INTEGRITY OF RESIDENTIAL NEIGHBORHOODS SHALL BE CONSIDERED TO CARRY GREAT WEIGHT;

**See Attached Statement of Intent**

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IN INSTANCES WHEN PROPERTY FRONTS ON A MAJOR THOROUGHFARE AND ALSO ADJOINS AN ESTABLISHED RESIDENTIAL NEIGHBORHOOD, THE FACTOR OF PRESERVATION OF THE NEIGHBORHOOD SHALL BE CONSIDERED TO CARRY GREAT WEIGHT;

**See Attached Statement of Intent**

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---

WHETHER THE PROPERTY AFFECTED BY THE DECISION HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED;  
AND

WHETHER OTHER CONDITIONS EXIST THAT AFFECT USE AND DEVELOPMENT OF THE PROPERTY IN QUESTION AND SUPPORT APPROVAL OR DENIAL.

**See Attached Statement of Intent**

---

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CASE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

# Letter of Intent

**LETTER OF INTENT**

and

Other Material Required by  
City of Walnut Grove Code of Ordinances  
for the  
Rezoning Application

of

**KIPPY CLARKE**

for

± 9.40 Acres of Land  
located on Walnut Grove Parkway  
Land Lot 175, 4<sup>th</sup> District, City of Walnut Grove, Walton County, Georgia

**From AR to PUD**

Submitted for Applicant by:

Dennis J. Webb, Jr.  
Kathryn M. Zickert  
J. Alexander Brock  
Smith, Gambrell & Russell, LLP  
1100 W. Peachtree Street, NE  
Suite 1000  
Atlanta, Georgia 30309  
404-815-3500

## I. Introduction

This Application seeks to rezone ± 9.40 acres of land located in the City of Walnut Grove in Land Lot 175 of the 4<sup>th</sup> District of Walton County, Georgia (“Subject Property”). The Subject Property is more particularly located at 1071 Walnut Grove Parkway (Parcel ID WG010024) and 0 Walnut Grove Parkway (Parcel ID WG010025). The Subject Property is currently zoned Agricultural Residential District (AR) within the Downtown Overlay District and the Cornish Creek Watershed Protection Overlay District. The property is cleared and roughly graded, but otherwise undeveloped. The Applicant seeks to rezone the Subject Property to Planned Unit District (PUD) to allow the development of a mixed use community consisting of sixty (60) residential lofts<sup>1</sup>, ±42,600 square feet of retail space, ±25,000 square feet of office space, a ±10,000 square foot bed and breakfast hotel, a ±19,400 square foot event center, and a ±4,000 square foot farmers market (“Proposed Development”). In addition to rezoning the property to PUD, the Applicant is also proposing a number of stipulations to vary the requirements of the PUD zoning. These proposed stipulations are listed on the master site plan submitted with this application.

The Subject Property is located in an area envisioned as Walnut Grove’s proposed downtown.<sup>2</sup> The City’s vision for the downtown area began in 2009 with the construction of Walnut Grove Parkway, which added road frontage to former agricultural land in anticipation of its future development. The intent of the downtown area is to preserve the community’s small-town feel by concentrating employment in a traditional fashion within the central core of the city. *Refer to the Walnut Grove Comprehensive Plan, pg. 8.* This downtown core envisions “a mixture of blocks dedicated to the following uses: commercial and office, mixed-use (residential,

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<sup>1</sup> The residential will consist of loft-style units on the second floor of the mixed-use buildings.

<sup>2</sup> The Walnut Grove Comprehensive Plan refers to the downtown area as both “downtown” and the “Town Center.” Both terms are used interchangeably herein.

commercial, and office), mixed-density residential, and parks”. *Id at 24.* The Proposed Development furthers this vision with its mix of office and ground floor retail/restaurant with residential units above. The mix of commercial, office and retail in close proximity to higher density residential allows residents to live within walking distance to employment and shopping thereby reducing automobile dependency. This will create a true live/work environment for the future residents. In addition, the Proposed Development is also providing civic and hospitality uses, including the event center and bed & breakfast hotel to make the downtown a destination area for the surrounding area.

The proposed PUD zoning district allows the flexibility to incorporate the mix of uses and the comprehensive development that is envisioned. As a requirement of an application to rezone to a PUD district, a master development plan is required, which details the layout and site dimensional standards for the Proposed Development. The Proposed Development’s site design will provide for an orderly and creative arrangement of land uses and amenities to help foster the cohesive feel of the mixed-use development. The Proposed Development will contain a total of nine buildings with surface parking. The plan also includes the addition of on-street parking spaces and streetscape along Walnut Grove Parkway. The design extends the public street scape along Walnut Grove Parkway to the adjacent property lines and ties to the proposed internal sidewalks. The proposed network of sidewalks will facilitate easy pedestrian movement throughout the development and to adjacent future development.

The Proposed Development’s mix of uses will result in a residential density of  $\pm 11$  units per acre and over  $\pm 88,200$  square feet of commercial space.<sup>3</sup> The PUD zoning district, however, limits development to a maximum residential density of 8 units per acre and limits commercial to

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<sup>3</sup> The  $\pm 88,200$  square feet includes  $\pm 78,200$  square feet of restaurant, retail, office, grocery and the 10,000 square foot bed & breakfast; however, it does not include the 19,400 square foot event center.

no more than 10,000 square feet of floor area. The City of Walnut Grove Comprehensive Plan, however envisions the mixed use character area in the future Town Center to have a buildings two to five stories tall and an allowable residential density of 20 to 50 units per acre.<sup>4</sup> *Refer to the City of Walnut Grove Comprehensive Plan, pg. 24.* Currently, there are no zoning districts that will allow the proposed density envisioned for the City's Town Center area. The Applicant is proposing the PUD zoning district, which will allow the variety of uses and the flexibility of design to allow a design aligned with the goals of the Comprehensive Plan's vision for the Town Center. To facilitate the development of the Subject Property in alignment with the Town Center vision, the Applicant is proposing a number of stipulations listed on the master development plan and the PUD written report.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, a written evaluation of the rezoning review set out in City of Walnut Grove Zoning Ordinance § 1608. A survey plat of the Subject Property, proposed site plan, and a written report of the PUD zoning as noted in City of Walnut Grove Zoning Ordinance § 906(H) have been filed simultaneously with this Application, along with other required materials.

## **II. Written Evaluation of the Rezoning Standards**

The following is a written evaluation of the standards governing the exercise of the City's zoning power as outlined in the City of Walnut Grove Zoning Ordinance § 1608.

### **1. THE EXISTING LAND USE PATTERN**

Although the Subject Property and the surrounding properties are currently undeveloped, they have been specifically identified for future mixed-use development. The Subject Property

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<sup>4</sup> The Comprehensive Plan does not give an allowable non-residential density.

is located in an area designated as the City of Walnut Grove's new downtown. The City's vision for its new downtown is on of buildings that are 2 to 5 stories tall, have an urban street-facing orientation, and have an allowable density of 20 to 50 residential units per acre. *Refer to the City of Walnut Grove Comprehensive Plan, pg. 24.* The proposed PUD zoning will allow a development in line with the City's vision for its downtown.

**2. THE POSSIBLE CREATION OF AN ISOLATED DISTRICT UNRELATED TO ADJACENT AND NEARBY DISTRICTS.**

The PUD district is intended for flexibility in design and a variety of building types, both commercial and residential. The PUD district is subject to a development plan for a specific development of the property and as such, each PUD is unique to a particular property and typically exists in isolation from other PUD districts. The Subject Property, however, is located in Walnut Grove's future downtown, which is intended for mixed use development. The only zoning district in Walnut Grove's zoning Code that will allow this type of development is PUD and it is anticipated that many of the surrounding properties will be eventually rezoned to PUD to allow mixed use development in line with the City's vision for the area.

**3. THE POPULATION DENSITY PATTERN AND POSSIBLE INCREASE OR OVER-TAXING OF THE LOAD ON PUBLIC FACILITIES INCLUDING, BUT NOT LIMITED TO, SCHOOL, UTILITIES, AND STREETS.**

The Subject Property will be serviced by Walton County water and sewer. The Applicant has requested a water/sewer availability letter and will supplement its application when received.

The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition), to calculate vehicle trips for the proposed development. The sixty (60) residential lofts (ITE Code #230: Residential Condominium), 42,600 square feet of retail space



(ITE Code #826: Specialty Retail Center), 25,000 square feet of office space (ITE Code #710: General Office), 10,000 square feet of bed and breakfast (ITE Code #310: Hotel), 19,400 square feet of event center (ITE Code #854: Lodge<sup>5</sup>), and 4,000 square feet of farmers market (ITE Code #854: Discount Grocery<sup>6</sup>) are expected to generate  $\pm 5,795$  trips during a weekday,  $\pm 683$  trips during the AM weekday peak hour, and  $\pm 721$  trips during the PM weekday peak hour. The proposed trips generated will actually be less when one accounts for internal capture trips, such as on-site residents walking or driving from their homes to the adjacent retail and restaurants without entering the public roadway. The Subject Property is located directly on Walnut Grove Parkway and a short distance from State Route 138 and Leone Avenue, which are classified respectively as a Principal Arterial and a Minor Arterial according to the Georgia Department of Transportation Functional Classification Map. These types of roadways are designed to accommodate high volumes of traffic and the Applicant is not aware of any capacity issues with either the adjacent or nearby roadways.

The Subject Property is serviced by Walnut Grove Elementary School ( $\pm 628$  students enrolled), Youth Middle School ( $\pm 1,107$  students enrolled), and Walnut Grove High School, all of which are listed as at capacity. The Proposed Development's impact on the schools is mitigated, however, when such factors as private or home school choices are considered. Additionally, residential lofts are not typically conducive to families with school-age children and impacts to the school system are anticipated to be minimal.

4. **THE COSTS TO THE CITY AND OTHER GOVERNMENTAL ENTITIES IN PROVIDING, IMPROVING, INCREASING OR MAINTAINING PUBLIC**

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<sup>5</sup> Lodge/Fraternal Organization was the closest ITE category to an event space. The trip generation for Lodge is based on the number of employees, which is anticipated to be 5 total.

<sup>6</sup> Discount Grocery was the most similar ITE category to a farmer's market use.

**UTILITIES, SCHOOLS, STREETS, LAW ENFORCEMENT, FIRE PROTECTION AND OTHER PUBLIC SERVICES**

The Applicant is unaware of any costs to the City for increasing or maintaining public utilities, schools, streets, law enforcement, fire protection or other public services. The Proposed Development, however is aligned with the City's vision for its new downtown area. The City's downtown has been anticipated since at least 2009 and in the past 14 years the City and other governmental entities have had time to prepare for the growth brought by the Proposed Development and others within the downtown.

**5. THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING, BUT NOT LIMITED TO DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING, AIR QUALITY AND WATER QUALITY**

The Proposed Design is incorporating stormwater management that will capture and detain stormwater runoff to mitigate impacts that the Proposed Development may have on downstream flows and water quality. Additionally, the Applicant will be preparing erosion and sediment control plans when it proceeds with its land disturbance permitting. The erosion control design will incorporate adequate best management practices to control erosion and sedimentation during the construction process and stabilize disturbed areas for the post-development condition.

**6. WHETHER THE PROPOSED ZONING AMENDMENT WILL ALLOW USES WHICH WILL BE A DETRIMENT TO THE VALUE OF ADJACENT PROPERTY IN ACCORDANCE WITH EXISTING REGULATIONS**

The zoning amendment will not allow uses that are detrimental to the adjacent properties. As noted in the paragraphs above, the Subject Property and the surrounding properties are a part

of the Walnut Grove downtown area and all are anticipated to be developed with compatible mixed-uses and similar densities.

7. **WHETHER THERE ARE SUBSTANTIAL REASONS WHY THE PROPERTY CANNOT BE USED AND DEVELOPED IN ACCORDANCE WITH THE EXISTING REGULATIONS**

The Subject Property is currently zoned AG which allows “low density, detached, single-family residential development and conditional agricultural uses” that are intended to “protect the rural character of the area.” See *Walnut Grove Zoning Ordinance §902*. The Walnut Grove Comprehensive Plan, however designates the Subject Property, as well as the remaining properties along Walnut Grove Boulevard, as being within the Mixed-Use character area. The Walnut Grove Comprehensive Plan describes the Town Center in the Mixed-Use character area as having buildings 2 to 5 stories tall and residential densities of 20 to 50 units per acre. The type of development envisioned is not obtainable with the AG zoning. The proposed PUD zoning will allow the type of more intense mixed use development that the City envisions for its downtown core.

8. **THE AESTHETIC EFFECT OF THE EXISTING AND PROPOSED USE OF THE PROPERTY AS IT RELATES TO THE SURROUNDING AREA**

The Proposed Development is located within the Downtown Overlay District, which sets specific guidelines for the architectural and site design. One of the effects of the Downtown Overlay design requirements is to set a uniform aesthetic standard for the architectural appearance of development. As a consequence, the Proposed Developed is expected to blend harmoniously with the anticipated future development in Walnut Grove’s downtown area.

9. **THE EXTENT TO WHICH THE PROPOSED ZONING AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE LAND USE PLAN**

As noted in the paragraphs above, the Walnut Grove Comprehensive Plan designates the Subject Property, as well as the remaining properties along Walnut Grove Parkway, as being within the Mixed-Use character area. The Comprehensive Plan defines the mixed use character area as including “[m]ultiple land uses within the same area, such as a blend of residential, commercial, office, and institutional uses.” See *Walnut Grove Comprehensive Plan*, pg. 24.

Moreover, the Comprehensive Plan notes the development of the Walnut Grove Town Center<sup>7</sup>:

- The mixed-use, “Town Center,” area is expected to include a mixture of blocks dedicated to the following uses: commercial and office, mixed-use (residential, commercial, and office), mixed-density residential, and parks. With some exceptions, these uses will generally transition from commercial and office uses on the blocks nearest the major roads and state routes; to mixed residential, commercial, and office uses in the downtown core... New buildings in the Town Center area will be 2 to 5 stories tall, have an urban street-facing orientation, and have an allowable density of 20 to 50 residential units per acre.<sup>8</sup>

The Applicant’s mix of residential units above retail, restaurant and office, in addition to the hotel and event center uses are entirely compatible with the definition of the Mixed-Use character area and the intent of the Walnut Grove Town Center. In addition, the Proposed Development meets the following stated goals and intent of the Comprehensive Plan:

- Develop a comprehensive town center master plan to facilitate commercial and residential growth
- Preserve the community’s small-town feel by concentrating employment in a traditional fashion within the central core of the city
- Meet resident needs and attract newcomers by providing quality housing, recreation, education, shopping, employment, and a strong sense of safety and code enforcement  
*Refer to the City of Walnut Grove Comprehensive Plan*, pg. 8.

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<sup>7</sup> The Comprehensive Plan refers to Walnut Grove’s proposed downtown area as both the “Town Center” and downtown.

<sup>8</sup> The Comprehensive Plan notes “Allowable densities, the distribution of uses, and the street network will be further defined in the City’s Downtown Master Plan.” The City of Walnut Grove has not yet adopted a Downtown Master Plan as of the date of this application.

10. **THE POSSIBLE EFFECTS OF THE PROPOSED ZONING AMENDMENT ON THE CHARACTER OF THE ZONING DISTRICT, A PARTICULAR PIECE OF PROPERTY, NEIGHBORHOOD, A PARTICULAR AREA OR THE COMMUNITY AS A WHOLE**

The proposed PUD will allow a development that furthers the Comprehensive Plan's vision for the downtown area. The Proposed Development will be a positive step toward the ultimate build-out of the Walnut Grove downtown.

11. **THE RELATIONSHIP THAT THE PROPOSED ZONING AMENDMENT BEARS TO THE PURPOSE OF THE OVERALL ZONING SCHEME, WITH DUE CONSIDERATION GIVEN TO WHETHER THE PROPOSED ZONING WILL CARRY OUT THE PURPOSES OF THESE REGULATIONS**

Refer to Paragraphs II. 7,8,9 and 10 above.

12. **ANY APPLICATION FOR A ZONING MAP AMENDMENT WHICH DOES NOT CONTAIN A SPECIFIC SITE PLAN CARRIES A REBUTTABLE PRESUMPTION THAT SUCH REZONING SHALL ADVERSELY EFFECT THE ZONING SCHEME**

Not Applicable. The Applicant is including a master development site plan as required per the PUD zoning. *See Walnut Grove Zoning Ordinance §906.C.2.*

13. **THE CONSIDERATION OF THE PRESERVATION OF THE INTEGRITY OF RESIDENTIAL NEIGHBORHOODS SHALL BE CONSIDERED TO CARRY GREAT WEIGHT**

The Subject Property is not in proximity to any traditional neighborhoods and will not have any negative effect on the integrity of such neighborhoods.

14. **IN INSTANCES WHEN PROPERTY FRONTS ON A MAJOR THOROUGHFARE AND ALSO ADJOINS AN ESTABLISHED RESIDENTIAL NEIGHBORHOOD, THE FACTOR OF PRESERVATION OF**

**THE NEIGHBORHOOD SHALL BE CONSIDERED TO CARRY GREAT WEIGHT**

Not Applicable. The Subject Property does not front a major thoroughfare nor does it adjoin an established neighborhood.

**15. WHETHER THE PROPERTY AFFECTED BY THE DECISION HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:**

Refer to Paragraphs II.7 above

**16. WHETHER OTHER CONDITIONS EXIST THAT AFFECT USE AND DEVELOPMENT OF THE PROPERTY IN QUESTION AND SUPPORT APPROVAL OR DENIAL.**

Over 14 years ago, the City of Walnut Grove constructed Walnut Grove Parkway with the vision of creating a downtown district, however the zoning of the properties along this roadway have remained AG. The AG district is incompatible with the City's vision for its downtown development. As a consequence, the Subject Property must be rezoned to a district that is more conducive to the downtown's intended mixed-use development.

**III. CONSTITUTIONAL AND LEGAL OBJECTIONS**

The Applicant, on behalf of the owner of the Subject Property at issue in this Application, respectfully states that the existing zoning and/or development standards on the Subject Property are unconstitutional and submits that the City's Zoning Ordinance, as amended from time to time, to the extent that it classifies the Subject Property in any zoning district or imposes any zoning conditions which would preclude the development of this project, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Subject Property pursuant to the Zoning Ordinance deprives the owner

of any alternative reasonable use and development of the Subject Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and the one requested herein, would deprive the owner of any reasonable use and development of the Subject Property. Further, an attempt to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the zoning district requested but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

Accordingly, the Applicant submits that the current zoning classification and/or zoning conditions and/or development standards, and any other zoning of the Subject Property save for what has been requested by it as established in the Zoning Ordinance, constitutes an arbitrary and unreasonable use of the zoning and police powers because it bears no substantial relationship to the public health, safety, morality, or general welfare of the public and substantially harms the Subject Property's owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Subject Property's owner. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project, would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, 1983, and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal

Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the failure to approve the requested zoning change and variance(s) would be unconstitutional and would discriminate in an arbitrary, capricious, and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia, 1983, and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the development in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution, 1983.

The Applicant respectfully submits that the City cannot lawfully impose more restrictive standards upon the development of the Subject Property than presently exist as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution, 1983.

The Zoning Ordinance lacks adequate standards for the exercise of power to review this Application. Specifically, the "standards" set out are not sufficient to contain the City's discretion and to provide the Courts with a reasonable basis for judicial review. Because the standards (individually and collectively) are too vague and uncertain to provide reasonable guidance, the relevant Zoning Code is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of State of Georgia.



Any limitation on the time for presentation of the issues before the body that has the power to zone (conditionally or otherwise) and grant variances is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the U.S. and Georgia Constitutions.

The Applicant raises the defenses of standing, failure to exhaust administrative remedies and failure to state legal and/or constitutional objections.

**IV. Conclusion**

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and comprehensive land use amendment be approved. The Applicant also invites and welcomes any comments from Staff or other City officials.

This 14<sup>th</sup> day of February, 2023.

Respectfully submitted,



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Dennis J. Webb, Jr.  
Kathryn M. Zickert  
J. Alexander Brock  
Attorneys for Applicant

Smith, Gambrell & Russell, LLP  
1105 West Peachtree Street, NE  
Suite 1000  
Atlanta, Georgia 30309  
404-815-3500

# PUD Report

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jabrock@sgrlaw.com

February 14, 2023

City of Walnut Grove  
2581 Leone Avenue  
Walnut Grove, GA 30052

Re: Walnut Grove Town Center - PUD Written Report

City of Walnut Grove:

This written report is included as part of an application to rezone two parcels (WG010024 & WG010025) located on Walnut Grove Parkway in Walnut Grove, Georgia (“Subject Property”) to PUD (Planned Unit Development). The two parcels together total 9.40 acres. This written report, along with the Concept Plan titled “Walnut Grove Town Center”, prepared by Bullard Land Planning, will describe the proposed development, which features a mixture of residential lofts, retail, restaurant, office, hotel and event center uses.

All of the land use areas of the development including commercial and residential areas, common space areas, stormwater detention areas, drives and parking will be part of a shared ownership and maintenance agreement.

The Walnut Grove Town Center Project will be comprised of the following land uses:

Commercial Use Areas:<sup>1</sup>

- 1) A proposed farmers market style grocery store (±4,000 square feet).
- 2) Approximately 10,600 square feet of restaurant space, including one to two coffee shops with drive through lanes and ample outdoor seating areas. A coffee shop drive through would require an exception to the PUD exclusion of drive throughs.
- 3) Approximately 3,600 sf of retail space.

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<sup>1</sup> The Commercial Use Areas exclude the restaurant and retail space counted in the Mixed Use Area.

Mixed Use Areas:

- 1) Five 3-story (approximately 24,000 square foot each) buildings with 12,000 square foot ground floor retail/restaurant/office use, and 12,000 square foot 2<sup>nd</sup> floor residential lofts (1,000 square foot units).

Common-Use Areas:

- 1) 19,400 square foot, two-story event center.

**Stipulations**

The Proposed Development will also require several stipulations to vary the PUD requirements, including:

- 1) Allow drive-through areas.
- 2) Eliminate the 25-foot transitional zoning buffer along the west property line.
- 3) Allow an encroachment into the 75-foot impervious stream buffer.
- 4) Allow an encroachment into the Cornish Creek Watershed (W-P1) buffers.
- 5) Allow a residential density over 8 units per acre.
- 6) Allow a commercial density exceeding 10,000 square feet.
- 7) Reduce the minimum parking requirements.

Sincerely,



J. Alexander Brock  
Attorney

## Applicant's Certification

**REZONING APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT IF THE APPLICATION IS DENIED BY THE MAYOR AND COUNCIL OF THE CITY OF WALNUT GROVE, THEN NO APPLICATION OR RE-APPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF THE DENIAL.



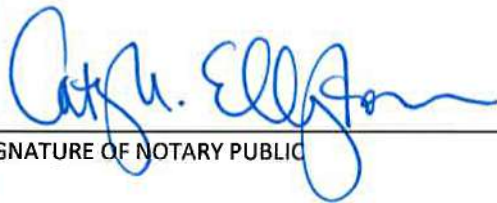
2.13.2023

SIGNATURE OF APPLICANT

DATE

J. Alexander Brock (Smith, Gambrell, & Russell, LLP)

TYPE OR PRINT NAME AND TITLE



2.13.2023

SIGNATURE OF NOTARY PUBLIC

DATE





CASE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

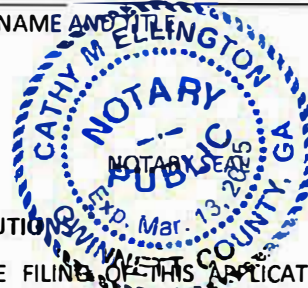
**CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS**

THE UNDERSIGNED BELOW, MAKING APPLICATION FOR REZONING, HAS COMPLIED WITH THE OFFICIAL CODE OF GEORGIA SECTION 36-67A-1, ET. SEQ, CONFLICT OF INTEREST IN ZONING ACTIONS, AND HAS SUBMITTED OR ATTACHED THE REQUIRED INFORMATION ON THE FORMS PROVIDED.

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	2.13.2023	J. Alexander Brock (Smith, Gambrell, & Russell, LLP)

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	2.13.2023	

SIGNATURE OF NOTARY PUBLIC	DATE	
	2.13.2023	



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

HAVE YOU, WITHIN THE TWO YEARS IMMEDIATELY PRECEDING THE FILING OF THIS APPLICATION, MADE CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE TO THE MAYOR AND/OR COUNCIL MEMBERS AND/OR PLANNING COMMISSION MEMBERS OF THE CITY OF WALNUT GROVE?

J. Alexander Brock (YES/NO)

YOUR NAME

IF THE ANSWER IS YES, PLEASE COMPLETE THE FOLLOWING SECTION:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICAL	CONTRIBUTIONS (LIST ALL WHICH AGGREGATE TO \$250 OR MORE)	DATE CONTRIBUTION WAS MADE (WITHIN LAST TWO YEARS)

ATTACH ADDITIONAL SHEETS IF NECESSARY TO DISCLOSE OR DESCRIBE ALL CONTRIBUTIONS.

CASE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

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SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE
[Signature] 2.13.2023 Dennis J. Webb, Jr. (Smith, Gambrell, & Russell, LLP)

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

[Signature] 2.13.2023
SIGNATURE OF NOTARY PUBLIC DATE
CATHY MELLINGTON
NOTARY PUBLIC
WALNUT GROVE, GA
Mar. 13, 2025

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

HAVE YOU, WITHIN THE TWO YEARS IMMEDIATELY PRECEDING THE FILING OF THIS APPLICATION, MADE CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE TO THE MAYOR AND/OR COUNCIL MEMBERS AND/OR PLANNING COMMISSION MEMBERS OF THE CITY OF WALNUT GROVE?

Dennis J. Webb, Jr. (YES/NO)

YOUR NAME

IF THE ANSWER IS YES, PLEASE COMPLETE THE FOLLOWING SECTION:

Table with 3 columns: NAME AND OFFICAL POSITION OF GOVERNMENT OFFICAL, CONTRIBUTIONS (LIST ALL WHICH AGGREGATE TO \$250 OR MORE), DATE CONTRIBUTION WAS MADE (WITHIN LAST TWO YEARS)

ATTACH ADDITIONAL SHEETS IF NECESSARY TO DISCLOSE OR DESCRIBE ALL CONTRIBUTIONS.

CASE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_



CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

THE UNDERSIGNED BELOW, MAKING APPLICATION FOR REZONING, HAS COMPLIED WITH THE OFFICIAL CODE OF GEORGIA SECTION 36-67A-1, ET. SEQ, CONFLICT OF INTEREST IN ZONING ACTIONS, AND HAS SUBMITTED OR ATTACHED THE REQUIRED INFORMATION ON THE FORMS PROVIDED.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE
Kathryn M Zickert 2.13.2023 Kathryn M. Zickert (Smith, Gambrell, & Russell, LLP)

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

Cathy M. Wellington 2.13.2023



SIGNATURE OF NOTARY PUBLIC DATE

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

HAVE YOU, WITHIN THE TWO YEARS IMMEDIATELY PRECEDING THE FILING OF THIS APPLICATION, MADE CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE TO THE MAYOR, ANY OF THE COUNCIL MEMBERS AND/OR PLANNING COMMISSION MEMBERS OF THE CITY OF WALNUT GROVE?

Kathryn M. Zickert (YES / NO)

YOUR NAME

IF THE ANSWER IS YES, PLEASE COMPLETE THE FOLLOWING SECTION:

Table with 3 columns: NAME AND OFFICAL POSITION OF GOVERNMENT OFFICAL, CONTRIBUTIONS (LIST ALL WHICH AGGREGATE TO \$250 OR MORE), DATE CONTRIBUTION WAS MADE (WITHIN LAST TWO YEARS)

ATTACH ADDITIONAL SHEETS IF NECESSARY TO DISCLOSE OR DESCRIBE ALL CONTRIBUTIONS.

CASE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

**CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS**

THE UNDERSIGNED BELOW, MAKING APPLICATION FOR REZONING, HAS COMPLIED WITH THE OFFICIAL CODE OF GEORGIA SECTION 36-67A-1, ET. SEQ. CONFLICT OF INTEREST IN ZONING ACTIONS, AND HAS SUBMITTED OR ATTACHED THE REQUIRED INFORMATION ON THE FORMS PROVIDED.

_____ SIGNATURE OF APPLICANT	_____ DATE	_____ TYPE OR PRINT NAME AND TITLE
	2.13.2023	Kirk Fjelstul (Smith, Gambrell, & Russell, LLP)
_____ SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	_____ DATE	_____ TYPE OR PRINT NAME AND TITLE
	2-13-2023	
_____ SIGNATURE OF NOTARY PUBLIC	_____ DATE	NOTARY SEAL



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

HAVE YOU, WITHIN THE TWO YEARS IMMEDIATELY PRECEDING THE FILING OF THIS APPLICATION, MADE CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE TO THE MAYOR AND/OR COUNCIL MEMBERS AND/OR PLANNING COMMISSION MEMBERS OF THE CITY OF WALNUT GROVE?

Kirk Fjelstul \_\_\_\_\_ (YES / NO)

\_\_\_\_\_  
YOUR NAME

IF THE ANSWER IS YES, PLEASE COMPLETE THE FOLLOWING SECTION:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICAL	CONTRIBUTIONS (LIST ALL WHICH AGGREGATE TO \$250 OR MORE)	DATE CONTRIBUTION WAS MADE (WITHIN LAST TWO YEARS)

ATTACH ADDITIONAL SHEETS IF NECESSARY TO DISCLOSE OR DESCRIBE ALL CONTRIBUTIONS.

CASE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

## Owner's Certification

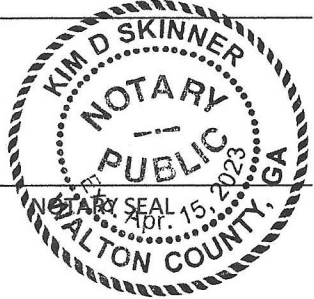
**REZONING PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW ACKNOWLEDGES THAT THEY ARE THE OWNER(S) OF SAID LAND TO BE CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND COUNCIL OF THE CITY OF WALNUT GROVE.

*William Paul Jones Jr. & Tobey L. Jones*  
SIGNATURE OF OWNER DATE

William Paul Jones Jr. & Tobey L. Jones  
TYPE OR PRINT NAME AND TITLE

*Kim D. Skinner* 2/7/2023  
SIGNATURE OF NOTARY PUBLIC DATE



CASE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

# Disclosures

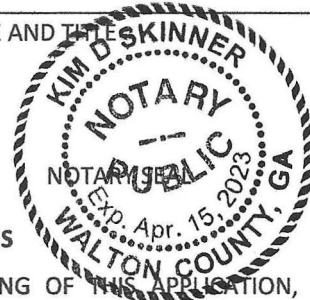
CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

THE UNDERSIGNED BELOW, MAKING APPLICATION FOR REZONING, HAS COMPLIED WITH THE OFFICIAL CODE OF GEORGIA SECTION 36-67A-1, ET. SEQ, CONFLICT OF INTEREST IN ZONING ACTIONS, AND HAS SUBMITTED OR ATTACHED THE REQUIRED INFORMATION ON THE FORMS PROVIDED.

Signature of Applicant (Owner) with Paul Jones & Tobey L. Jones
DATE
TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE
DATE
TYPE OR PRINT NAME AND TITLE

Signature of Notary Public Kim D. Skinner
DATE 2/7/2023



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

HAVE YOU, WITHIN THE TWO YEARS IMMEDIATELY PRECEDING THE FILING OF THIS APPLICATION, MADE CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE TO THE MAYOR AND/OR COUNCIL MEMBERS AND/OR PLANNING COMMISSION MEMBERS OF THE CITY OF WALNUT GROVE?

(YES / NO) with NO circled

YOUR NAME

IF THE ANSWER IS YES, PLEASE COMPLETE THE FOLLOWING SECTION:

Table with 3 columns: NAME AND OFFICAL POSITION OF GOVERNMENT OFFICAL, CONTRIBUTIONS (LIST ALL WHICH AGGREGATE TO \$250 OR MORE), DATE CONTRIBUTION WAS MADE (WITHIN LAST TWO YEARS)

ATTACH ADDITIONAL SHEETS IF NECESSARY TO DISCLOSE OR DESCRIBE ALL CONTRIBUTIONS.

CASE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL WALNUT GROVE CITY AND COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF WALTON COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

NOTE: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL ID. NUMBER: (MAP REFERENCE NUMBER)	4	175	WG010024
	DISTRICT	LAND LOT	PARCEL

*J. Alexander Brock*  
SIGNATURE OF APPLICANT

2/9/2023  
DATE

J. Alexander Brock, Attorney (Smith, Gambrell & Russell, LLP)  
TYPE OR PRINT NAME AND TITLE

TAX COMMISSIONERS USE ONLY

PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW.

*Crystal Howser* *Walton County Tax and Tag Specialist II*  
NAME TITLE

*Feb 9, 2023*  
DATE

CASE: \_\_\_\_\_


DATE RECEIVED: \_\_\_\_\_

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL WALNUT GROVE CITY AND COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF WALTON COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

NOTE: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL ID. NUMBER: (MAP REFERENCE NUMBER)	4	175	WG010025
	DISTRICT	LAND LOT	PARCEL

	2/9/2023
SIGNATURE OF APPLICANT	DATE

J. Alexander Brock, Attorney (Smith, Gambrell & Russell, LLP)

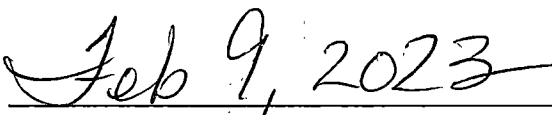
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TYPE OR PRINT NAME AND TITLE

TAX COMMISSIONERS USE ONLY

PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW.

	
NAME	TITLE



---

DATE

CASE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_



**REZONING CHECKLIST**

THE FOLLOWING IS A CHECKLIST OF INFORMATION REQUIRED FOR SUBMISSION OF A REZONING APPLICATION. THE CITY OF WALNUT GROVE RESERVES THE RIGHT TO REFUSE ANY INCOMPLETE APPLICATIONS.

- Application Form
- Legal Description
- Boundary Survey
- Site Plan (Twelve (12) copies and one (1) 8-1/2" X 11" reduction)
- Standards of Review
- Letter of Intent
- Applicant Certification with Notarized Signature
- Property Owner Certification with Notarized Signature
- Conflict of Interest Certification/Campaign Contributions
- Verification of Paid Property Taxes (most recent year)
- Availability of Water/Sewer Utilities
- Application Fee – make checks payable to City of Walnut Grove  
(see fee schedule for correct amounts)

Additional Exhibits (if required):

- Additional Exhibits as Required for PUD rezoning requests (Applicant will need to coordinate with the City Planner for review if the information meets the intent of the Zoning Ordinance.
- Review Form for Development of Regional Impact
- Building Compliance Inspection

**PLEASE BRING THIS CHECKLIST WHEN FILING FOR REZONING.**