



Rezoning Report – Case WGRZ-24-02

Report by: Joe Walter *[Signature]*
Date: July 22, 2024

Hearing

Walnut Grove Planning Commission:
Walnut Grove City Council:

Date

July 23, 2024
July 25, 2024/August 8, 2024

General Information

Applicant:..... **A&S Walton Investment Group, LLC**
Owner:..... **A&S Walton Investment Group, LLC**
Size:..... **32.81 acres**
Location:..... **Hwy. 138**
Tax Parcels **WG010267 &WG0010268**
Existing Zoning:..... **AG/C-2**
Proposed Zoning:..... **C-2**
Proposed Use:..... **Retail Uses**

Surrounding Land Uses & Zoning Districts

To the East:..... Undeveloped (AG zoning)
To the West:..... Mixture of Uses (AG/C-1 zoning)
To the North:..... Undeveloped property (AG zoning)
To the South:..... Commercial Uses (C-2 zoning)

Applicant’s Intent

The applicant desires to rezone the 32.81 acre property into off Hwy. 138 to C-2 for the existing Anderson Grading Company facility and to relocate Mike’s Tire Depot from their current location at the Hwy 138/81 intersection (which will be demolished with the roundabout construction).

Analysis of Rezoning Request

Existing Use/Future Use - The subject property is developed for Anderson Grading on parcel WG010267 and parcel WG010268 is currently undeveloped. The future land uses do not show up on the most recent Comprehensive Plan Update for Walnut Grove, but are shown in the “Conservation” character area for Walton County.

Utilities/Stormwater – Walton County water runs along Hwy. 138. Sanitary sewer is available on the south side of Hwy 138 and appears to outside of the 500 LF requirement of the Land Development Ordinance for connection to the City’s system.

Buffers – The site plan submitted shows a 50’ transitional buffers as required by the Zoning Ordinance.

Overlay Districts - The property is located in the WP-1 Cornish Creek Watershed Protection District, Section 911.C of the Zoning Ordinance, which imposes increased stream buffers and building setbacks (100’ stream greenway, 150’ stream setback from the banks of all perineal streams) if such streams are present on the property.

Impacts

See Impact Analysis Review (attached)

Conclusion

This area of the City is undergoing a transformation with the continuing development of the Enclave commercial tracts across Hwy 138 and the proposed mixed use developments in the Town Center area. The request includes an existing commercial use (Anderson Grading and Pipeline) and a proposed tire store (relocation of Mike's Tire Depot from the Hwy 81/138 intersection). With some conditions to improve the aesthetics of the building and the site, the use would be compatible with other commercial uses in the area. The new commercial driveway entrance and deceleration lane would better support the increase in vehicular traffic with the retail commercial use. The staff would support the rezoning of the property to C-2 if the following conditions were imposed on the property

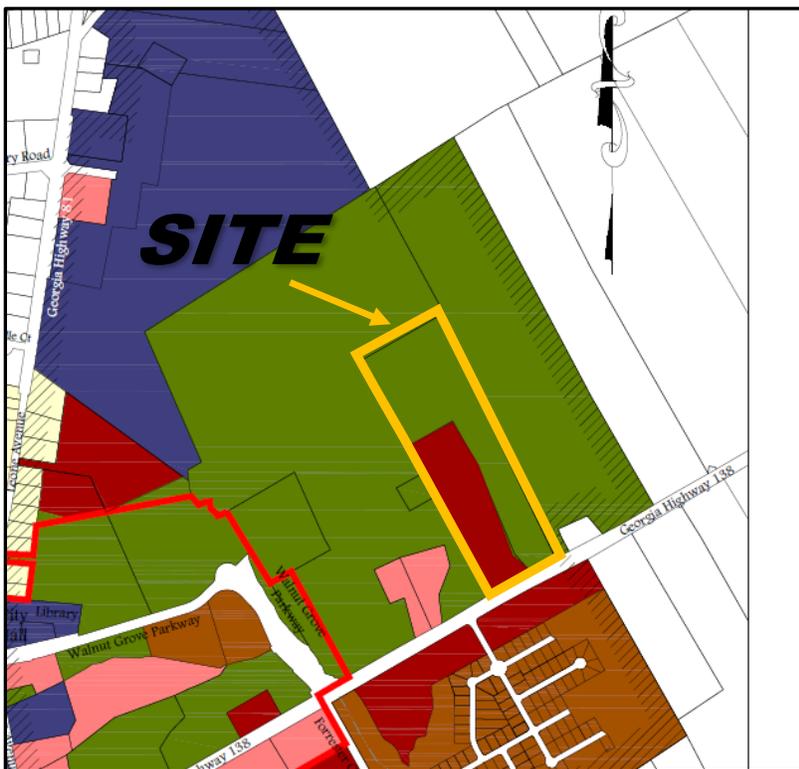
Proposed Conditions - C-2:

1. Development:
 - a. The site shall be developed in general conformance to the site plan submitted with the rezoning request.
 - b. No development activities will be permitted until all approvals from the City of Walnut Grove have been obtained.
2. Buffers/Landscaping:
 - a. Provide a 50 foot undisturbed buffer adjacent to the AG-zoned properties.
 - b. Tree replacement and plantings shall follow the guidelines in the Land Development Ordinance.
3. Architectural/Lighting/Decorative Elements:
 - a. Mayor and Council to approve the proposed exterior architectural designs for all proposed uses prior to any building permits being issued.
 - b. All lighting shall be cut off type luminaries and designed to not shine on adjacent residential properties.

Aerial View of the Site



Walnut Grove Zoning Map



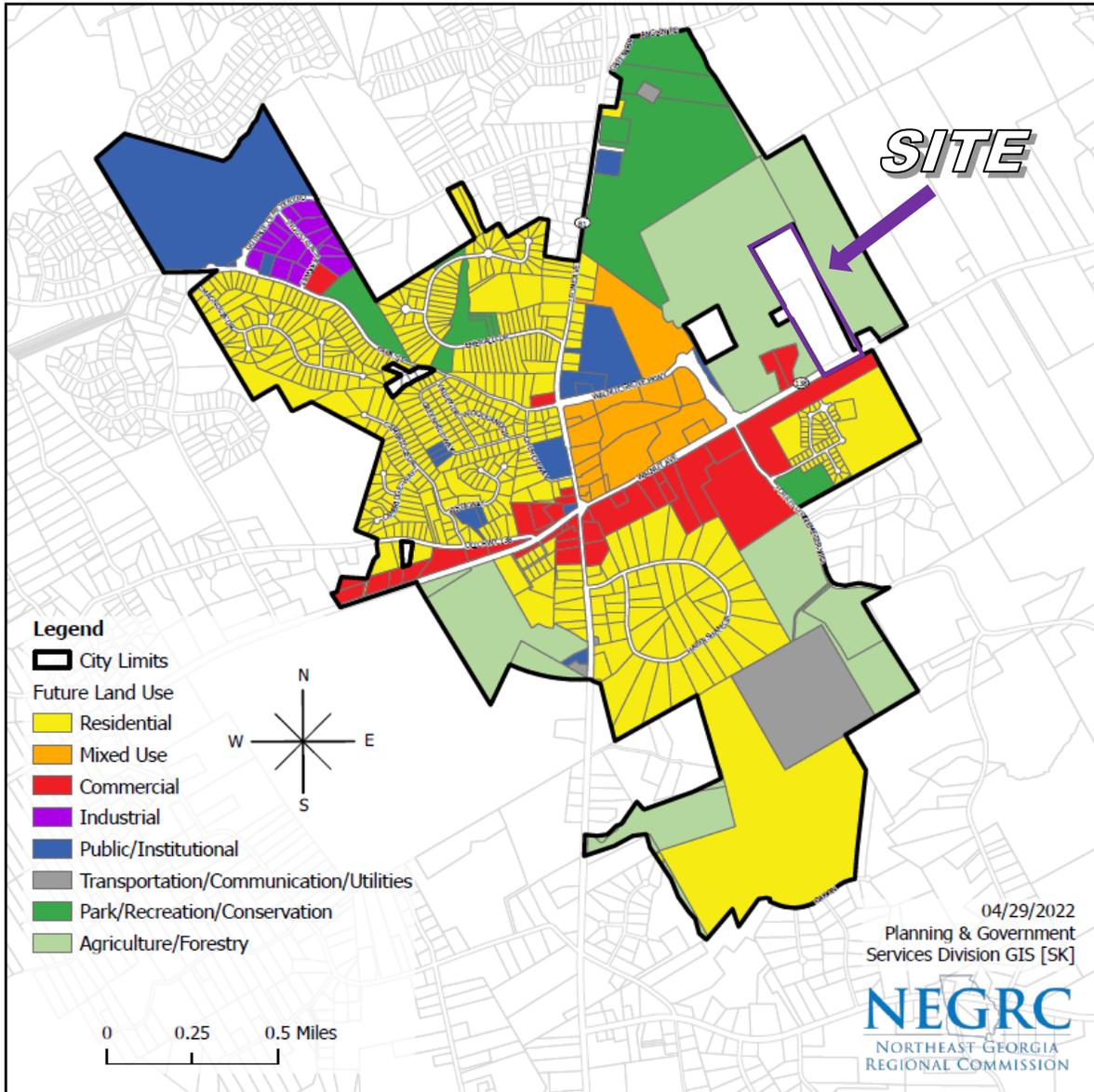
LEGEND

- AG.....Agricultural District
- R1.....Large Lot Residential District
- R2.....Medium Density Single-Family Residential District
- R3'.....Medium Density Residential District
- PUD'.....Planned Unit Development District
- CI.....Office-Institutional District
- C-1.....Neighborhood Commercial District
- C-2.....General Commercial District
- M-I.....Manufacturing-Industrial District
- W-FI.....Cemesh Creek Overlay District
-Downtown Overlay District

There are currently no properties within this district.
 This map is based upon Walton County, Georgia Tax assessor mapping data.
 Adopted: August 18, 2016
 Revised: September 27, 2017

Except from the Walton County Comprehensive Plan

Future Land Use Map



WGRZ-24-02

Impact Analysis

According to Section 1608 of the *Zoning Ordinance*, the Mayor and Council are to consider sixteen standards governing the exercise of the City's zoning power in balancing the interest of the public health, safety, morality or general welfare against the unrestricted use of property. We have reviewed the Section 1608 standards and the application and have presented our findings on the sixteen standards:

1. *The existing land use pattern;*

The existing land use pattern is a mixture of residential and commercial uses along Hwy. 138. The Enclave PUD development is across Hwy 138 from the subject property.

2. *The possible creation of an isolated district unrelated to adjacent and nearby districts;*

One parcel of the rezoning request was previously zoned for commercial uses in Walton County prior to the annexation. There are also low density commercial uses along Hwy 138 on both sides of the roadway.

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;*

Public water is available along Hwy. 81. Public sewer is available off site to the south, although it may be outside of the minimum connection distance requirement. The applicant recently improved the driveway that serves the property to a commercial driveway with a deceleration lane.

4. *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;*

The City would have to provide public works services and sanitation to the development. Walton County provides schools, fire protection and water service. Sanitary sewer service is available across Hwy 138, but may be outside the minimum connection distance required by the Land Development Ordinance.

5. *The possible impact on the environment, including, but not limited to drainage, soil erosion and sedimentation, flooding, air quality and water quality;*

Impacts on drainage, soil erosion and sedimentation would be mitigated by the construction practices required by the City's *Land Development Ordinance*. Note that the property lies within the Cornish Creek Watershed Protection Overlay District WP-1, which requires more extensive greenways and setbacks from streams. A portion of the property in the northeast corner lies within a flood prone area, but no development is proposed in this location at the present time.

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 area along Hwy 138 is currently a mix of commercial and residential uses. The Anderson Grading and Pipeline use is at the rear of the property and has been in use for years. The proposed tire shop will be closer to the highway and will be approximately 300 feet away from the adjoining residence to the north.

7. *Whether there are substantial reasons why the property cannot be used and developed in accordance with the existing regulations;*

The AG-zoned property could continue to be used or developed for another use allowed in the AG district.

8. The aesthetic effect of the existing and proposed use of the property as it relates to the surrounding area;

The proposed C-2 use would need to be conditioned with regard to landscaping, lighting restrictions, hours of service, etc. to mitigate potential impact on adjacent properties.

9. The extent to which the proposed zoning amendment is consistent with the comprehensive land use plan;

The properties appear to fall into a gap in between the future land use maps for Walnut Grove and for Walton County. The future land use in the Walton County plan shows these two parcels to be in the "Conservation" character area; however, the character area doesn't take in to account that one of the parcels was already zoned commercial in the County.

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;

Any C-2 uses would need to include conditions regarding landscaping, lighting restrictions, hours of service, etc. to mitigate potential impact on adjacent properties.

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;

The approval of the zoning amendment would provide a location for a long time local business to continue to operate within the City.

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 affect the zoning scheme;

The applicant has submitted site plans with proposed uses and setbacks, buffers, parking, access and other information to assist in understanding the proposed development.

13. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

The parcels are located adjacent to Hwy 138 and across from the Enclave PUD commercial tracts. The Enclave PUD residential neighborhood is south of the commercial tracts, so there should be only negligible impacts from the proposed development, if approved.

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;

The property does not adjoin any established residential neighborhoods.

15. Whether the property affected by the decision has a reasonable economic use as currently zoned; and

The AG-zoned tract could be used for any uses allowed under by the AG district; however, given the changing nature of Hwy 138 and the Enclave PUD commercial uses across the road would indicate that AG uses on this property would not be feasible in the future.

16. Whether other conditions exist that affect use and development of the property in question and support approval or denial.

The 11.76 acre tract, parcel#WG010267, was previously zoned commercial in Walton County prior to its annexation in to the City.

Request for Rezoning

Request to Rezone two parcels to C2 following annexation into the City for existing construction company operations and a new retail tire store

Properties:

4099 Highway 138, Walnut Grove, Georgia

Parcel A: 11.76 acres (commercial prior to annexation)

Parcel B: 21.05 acres (AG prior to annexation)

Prepared for: A & S Walton Investment Group, LLC

Prepared by:

Andrea P. Gray, LLC

300 E Church Street

Monroe, Georgia 30655

(678) 364-2384

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6. Location Map
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8. Property tax payment records
9. Utilities

1. Letter of Intent



Andrea P. Gray LLC

Attorney at Law

June 14, 2024

City Clerk
City of Walnut Grove, GA
2581 Leone Avenue
Loganville, Georgia 30052

Re: Applicant and Owner: A&S Walton Investment Group, LLC
Request to Rezone two parcels to C2
Tax Parcels: WG010268 and WG010267
Addresses: 4099 Hwy 138, Walnut Grove, Georgia
Acreage: Tract B is 21.05 acres; Tract A is 11.76 acres

Dear City Clerk:

My client, A&S Walton Investment Group, LLC (the "Applicant"), is the owner of two adjoining tracts of land located on Hwy 138 which were recently annexed into the City of Walnut Grove. The property includes a 11.76-acre parcel (Tract A) which was zoned commercial prior to annexation, and a 21.05-acre parcel (Tract B) which was zoned agricultural prior to annexation. Tract A is used for Anderson Grading and Pipeline's construction business including equipment storage and Tract B is currently vacant. Neither tract was zoned as a part of the annexation process and Applicant desires to zone both tracts C2 to be consistent with the current commercial use of Tract A and the proposed commercial use for Tract B. Each tract is addressed in further detail below.

1. Tract A (11.76 acres): Request C2 zoning for consistency with County B3 zoning

A&S Walton Investment Group, LLC purchased Tract A and B in 2020 as a single parcel. It later divided the parcels into two tracts and on March 10, 2020, Applicant rezoned Tract A through the Walton County Board of Commissioners to B3 to allow for outdoor storage of construction equipment. Tract A has been used for commercial purposes since 2020 and includes a house/office which sits closest to Hwy 138 and several storage buildings toward the rear of the property along with areas for equipment parking. Applicant intends to continue these uses and requests that the City rezone Tract A to be consistent with the B3 zoning which would be C2 under the Walnut Grove Development Ordinance. Applicant also requests that the rezoning record reflect



that the existing buildings, outdoor equipment parking, and current uses are grandfathered as they met all Walton County standards prior to annexation and existed prior to Applicant being subject to Walnut Grove regulations.

2. Tract B (21.05 acres): Request C2 zoning for a relocation of Mike's Tire Depot

Applicant proposes to construct a building for a retail tire store on Tract B and requests a C2 zoning to accommodate this commercial use. Specifically, Applicant desires to create a new location for the historic tire store, Mike's Tire Depot, which will be eliminated by the new roundabout at Hwy 138 and Hwy 81. The tire store will front on the entry road off Hwy 138 and include a brick façade on its front and metal siding on the other three sides. The building will be approximately 40 feet by 60 feet (2,400 sf) and include three roll-up bays on the side. The building will be a maximum of 16 feet high. The parking area will be asphalt and includes the required 12 parking spaces.

Commercial use of Tract B is consistent with the existing operations on Tract A and with the future use of the Enclave commercial areas directly across the street. Additionally, the tire store is simply a relocation of an existing commercial operation and should not generate any additional traffic or other potential impacts to the City or surrounding area. The new location affords easier ingress and egress off Hwy 138 than the prior location.

Applicant respectfully requests that the City Council approve its request to rezone Tract A and Tract B to C2 to reflect the current uses and the relocation of Mike's Tire Depot.

A complete copy of the application materials is included herewith. If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Sincerely



Andrea P. Gray
Attorney for A&S Walton Investment Group, LLC



2. Application Forms

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>A&S Walton Investment Group, LLC</u>	NAME: <u>A&S Walton Investment Group, LLC</u>
ADDRESS: <u>221 S Midland Ave</u>	ADDRESS: <u>Same as applicant</u>
CITY: <u>Monroe</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30655</u>	STATE: _____ ZIP: _____
PHONE: <u>770-560-6728</u>	PHONE: _____
CONTACT PERSON: <u>Timmy Shelnett</u> PHONE: <u>770-560-6728</u>	
APPLICANT'S E-MAIL: <u>timmy@andersongrading.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 type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>AG</u> REQUESTED ZONING DISTRICT: <u>C-2</u>		
PARCEL ID NUMBER: <u>WG010268 and WG010267</u> ACREAGE: <u>21.05 acres & 11.76 acres</u>		
ADDRESS OF PROPERTY: <u>4099 Hwy 138, Walnut Grove, GA (Tract 1 and 2)</u>		
PROPOSED DEVELOPMENT: <u>Commercial development to include the existing uses on the 11.76-acre tract for Anderson Grading and a new tire store on the 21.05 parcel</u>		

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: <u>one building for tire store, keep existing buildings on 11.76 acres</u>
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: _____
GROSS DENSITY: _____	DENSITY: _____
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

CASE: _____

DATE RECEIVED: _____

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

Both properties were recently annexed in to the City. Commercial development is consistent with the existing uses and with commercial development along Hwy 138. The tire store is being relocated from its current location which is a mile away (Hwy 138 at Hwy 81) due to the new roundabout.

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

One of the two properties is already utilized for commercial purposes and was zoned for the same by Walton County prior to the annexation. The second is a continuation of that use and neither will create an isolated district.

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 two proposed commercial developments will not generate additional population or burdens on schools. Direct access to Hwy 138 reduces potential traffic on smaller, residential streets. These developments do not have high utility needs.

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;

No immediate direct costs are anticipated for the City or other government entities as a result of these developments. They are not anticipated to create noticeable increases to demand for fire and police services.

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

Applicant will meet all state and local requirements for drainage, soil erosion and sedimentation and the areas proposed for development are not in flood areas. The tire store and existing construction office operations do not generate significant hazards to water quality or air quality.

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

As this corridor of Hwy 138 develops with the roundabout and commercial portion of the Enclave, property values will increase.

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

Commercial operations are not permitted on property zoned AG. The 11.76 acre property was zoned commercial by Walton County prior to the annexation.

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

The 11.76 acre property already has a commercial business office with equipment storage buildings. The addition of a tire store on the adjoining property will fit within the developing character of the area.

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

The property is not included in the future land use plan because it was annexed after the plan was developed. However, the plan shows commercial development on the property across Hwy 138 and there is existing commercial development heading west on Hwy 138 including The Grove and storage building business.

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 character of the immediate area is transitioning to commercial developments with higher density residential developments which is characteristic of urban growth near the city center.

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;

The proposed zoning amendment is consistent with the city's desire to development commercial businesses on Hwy 138 in the vicinity of the new roundabout and hopeful future town center.

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;

A site plan is included with the application which depicts the tire store proposed on the 21.05 acre property. No site plan is provided for the existing buildings on the 11.76 acre property which were previously approved by Walton County.

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

The proposed rezoning does not directly impact a residential neighborhood and is consistent with the commercial development proposed as part of the Enclave development across Hwy 138.

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;

The property does not adjoin an established residential neighborhood.

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.

The 11.76-acre parcel was zoned commercial prior to annexation and is currently used for commercial purposes. Rezoning the adjoining 21.05 acres is a natural continuation of this use and of the trend of development down Hwy 138.

CASE: _____

DATE RECEIVED: _____

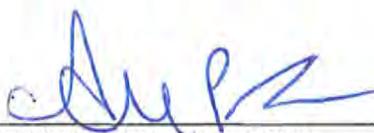
REZONING APPLICANT'S CERTIFICATION

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.


SIGNATURE OF APPLICANT

6/13/24
DATE

Timothy Shelnutt, Member
TYPE OR PRINT NAME AND TITLE

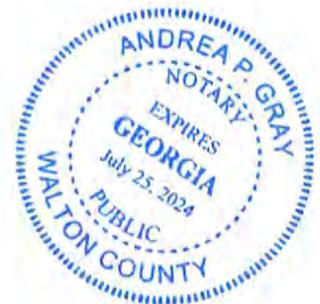

SIGNATURE OF NOTARY PUBLIC

6/13/24
DATE

NOTARY SEAL

CASE: _____

DATE RECEIVED: _____



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.

Timothy Shelnutt 6/13/24
SIGNATURE OF OWNER DATE

Timothy Shelnutt, Member
TYPE OR PRINT NAME AND TITLE

Andrea P. Gray 6/13/24
SIGNATURE OF NOTARY PUBLIC DATE NOTARY SEAL

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.

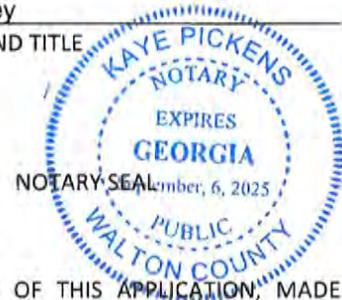
SIGNATURE OF APPLICANT [Signature] DATE 6/13/24

Timothy Shelnett, Member TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE [Signature] DATE 6/13/24

Andrea Gray, Attorney TYPE OR PRINT NAME AND TITLE

SIGNATURE OF NOTARY PUBLIC [Signature] DATE 6/13/24



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?

no (YES / NO)

Timothy Shelnett 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: _____

3. Site Plans

Site Plan for 2020 Walton County Rezoning to B3 (commercial)

REZONE REQUEST FOR TRACT 2A: CURRENTLY ZONED
AG (AGRICULTURAL DISTRICT), REQUESTING B-3
(GENERAL BUSINESS DISTRICT) ZONING TO ALLOW
FOR CONSTRUCTION COMPANY EQUIPMENT STORAGE.

TOTAL TRACT 2A AREA = 11.76 ± ACRES
PROPOSED USE = CONSTRUCTION COMPANY
EQUIPMENT STORAGE

NOTES:

1. BOUNDARY SURVEY INFORMATION TAKEN FROM A SURVEY BY ROBERT C. BIRD DATE AUGUST 1, 1984.
2. THERE ARE NO NW ISLAND ON THE SITE.
3. THERE ARE NO STATE WATER ON SITE.
4. NO PORTION OF THIS PROPERTY IS IN A DESIGNATED FLOOD HAZARD AREA PER F.I.R.M. PANEL 120702012E DATED DEC. 8, 2018.
5. SITE SHALL COMPLY WITH ART. 4 PART 1 SECT. 20 OF WALTON COUNTY COMPREHENSIVE LAND DEVELOPMENT ORDINANCE.



TRACT 2B
21.05 ACRES
EX. AG ZONING DISTRICT

TRACT 2A
11.76 ACRES
EX. AG ZONING DISTRICT
REQUEST B-3 ZONING DISTRICT

CONCEPTUAL PLAN

**PROPOSED
A&S RENTAL
GRADING
EQUIPMENT
STORAGE YARD**

PARCEL PART OF C0530173
LAND LOT: 175
DISTRICT: 4TH
4059 HWY 138
WALTON COUNTY, GA

DATE: 11/21/2019
SCALE: 1" = 100'

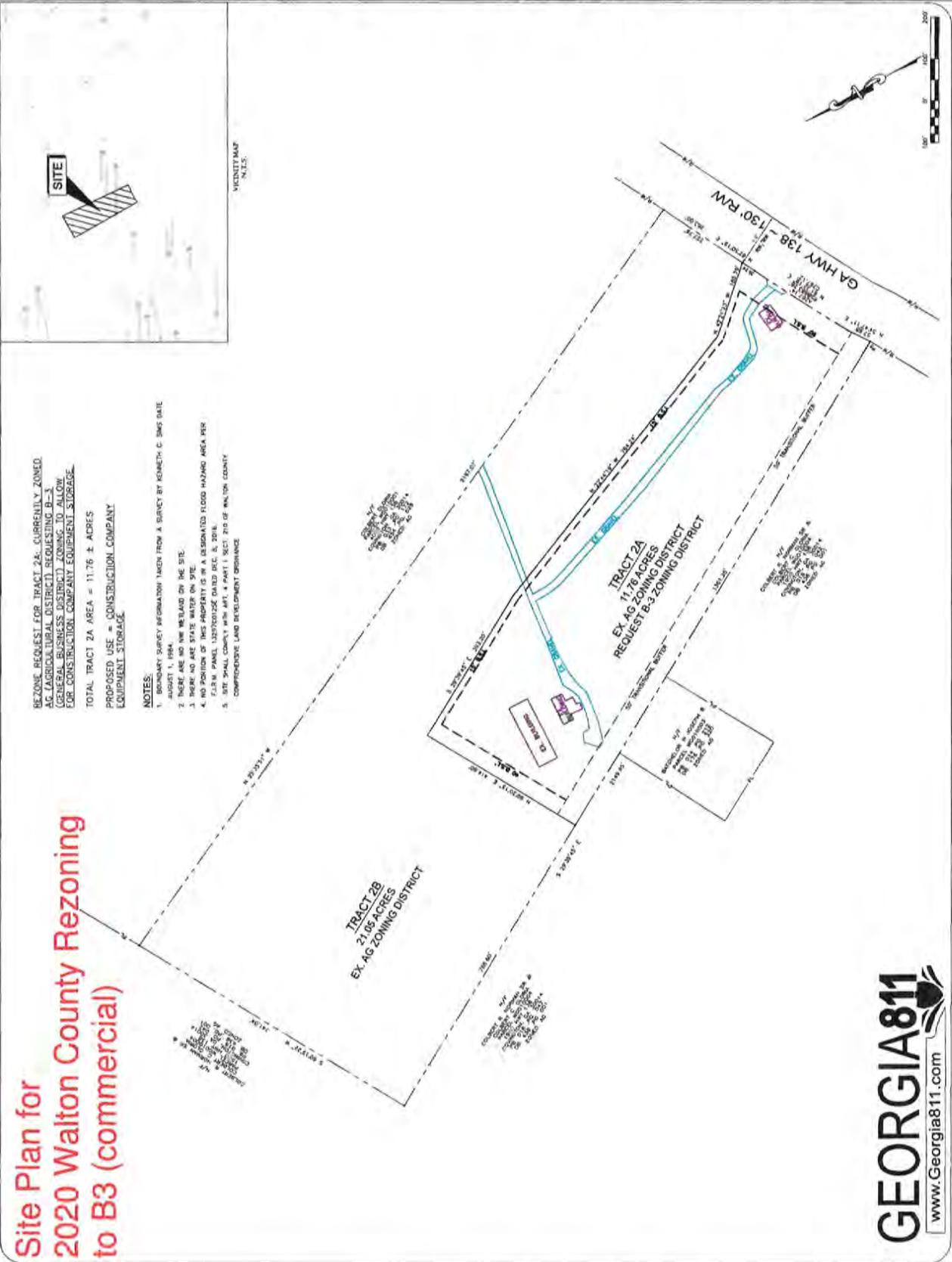
OWNER
SMITH ASSOCIATES
801 WOODHILLS DRIVE
CONVENTON, GA 30814

DEVELOPER
A&S RENTAL
178 E. HIGHLAND AVE. PO BOX 602
MORRISSE, GA 30888

24 HOUR - EMERGENCY CONTACT
JUSTIN WILKINSON
770-945-1015

REVISIONS		
NO.	DATE	DESCRIPTION

JOB NO. 415-232
RZ1



N/F
GLORIA C. COLBERT

741.04
50' TRANSITIONAL BUFFER
55' BUILDING SETBACK
N60°19'22"E

N/F
GLORIA C. COLBERT

PROPOSED TIRE STORE
ASPHALT

N/F
JOSEPH BATCHELOR II

N/F
GLORIA C. COLBERT

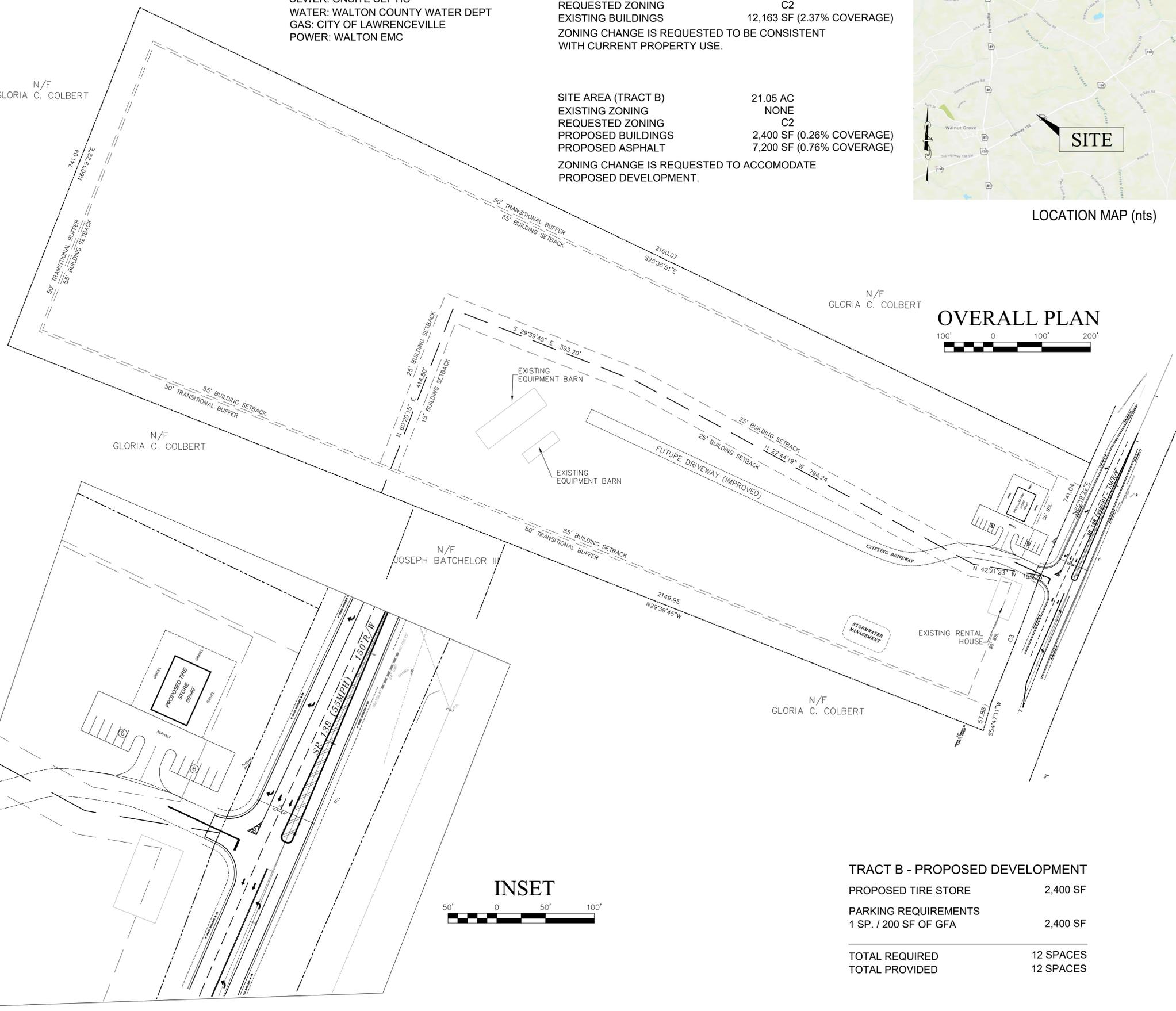
SITE ANALYSIS

SITE AREA (TRACT A) 11.76 AC
EXISTING ZONING NONE
REQUESTED ZONING C2
EXISTING BUILDINGS 12,163 SF (2.37% COVERAGE)
ZONING CHANGE IS REQUESTED TO BE CONSISTENT WITH CURRENT PROPERTY USE.

SITE AREA (TRACT B) 21.05 AC
EXISTING ZONING NONE
REQUESTED ZONING C2
PROPOSED BUILDINGS 2,400 SF (0.26% COVERAGE)
PROPOSED ASPHALT 7,200 SF (0.76% COVERAGE)
ZONING CHANGE IS REQUESTED TO ACCOMMODATE PROPOSED DEVELOPMENT.



LOCATION MAP (nts)



OVERALL PLAN



INSET



TRACT B - PROPOSED DEVELOPMENT

PROPOSED TIRE STORE	2,400 SF
PARKING REQUIREMENTS 1 SP. / 200 SF OF GFA	2,400 SF
TOTAL REQUIRED	12 SPACES
TOTAL PROVIDED	12 SPACES



1415 Nunnally Farm Rd.
Monroe, Georgia 30655
Phone: 404-610-2096
ggarrett_15@yahoo.com
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REZONE PLAN

A & S WALTON INVESTMENT GROUP, LLC

32.81 ACRES
 PARCEL IDs: WG010267
 WG010268
 LAND LOTS 165 & 175
 4TH LAND DISTRICT
 4099 HWY 138
 WALNUT GROVE, GEORGIA

06-13-2024
 SCALE: 1" = 100'

OWNER / APPLICANT
 A&S WALTON INVESTMENT GROUP, LLC
 P.O. BOX 602
 128 E. HIGHLAND AVE.
 MONROE, GA 30655

24 HOUR - EMERGENCY CONTACT
 TIMMY SHELNUTT
 770-560-6728

REVISIONS

DATE	DESCRIPTION
1	
2	

JOB: 4099 Hwy 138

SHEET RZ

4. Legal Description

Legal Description

All that tract or parcel of land lying and being in Land Lot 175 of the 4th Land District, Broken Arrow G.M.D. 416, Walton County, Georgia, containing 32.812 acres and shown as Tract 2 on a plat of survey entitled "Survey for M. L. Smith" prepared by Kenneth C. Sims, Georgia Registered Surveyor No. 1783, dated August 1, 1984, recorded in Plat Book 33, Page 172, Walton County Records, which plat is incorporated herein by reference for a more complete description.

Said properties are identified as Tax Parcels: WG010268 and WG010267

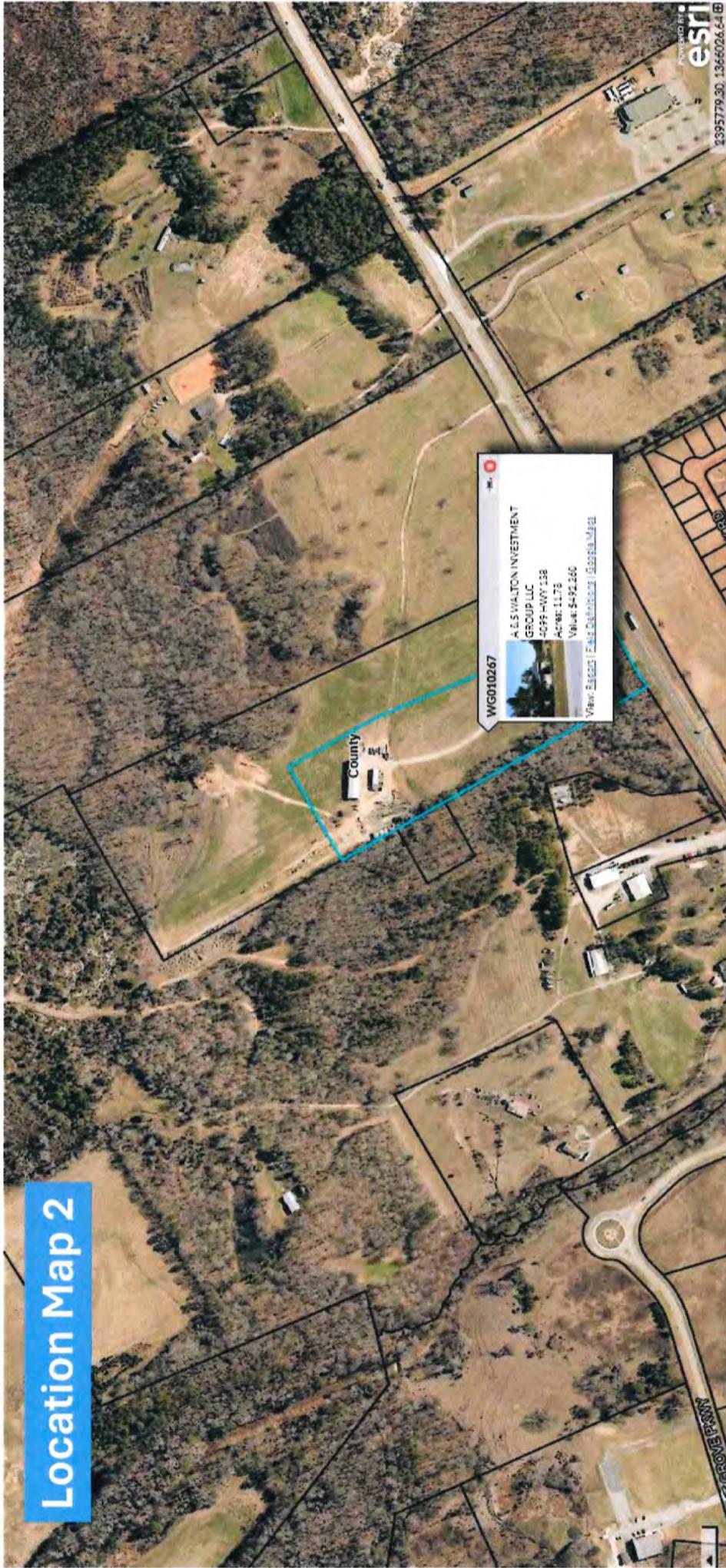
5. Deed and Plat

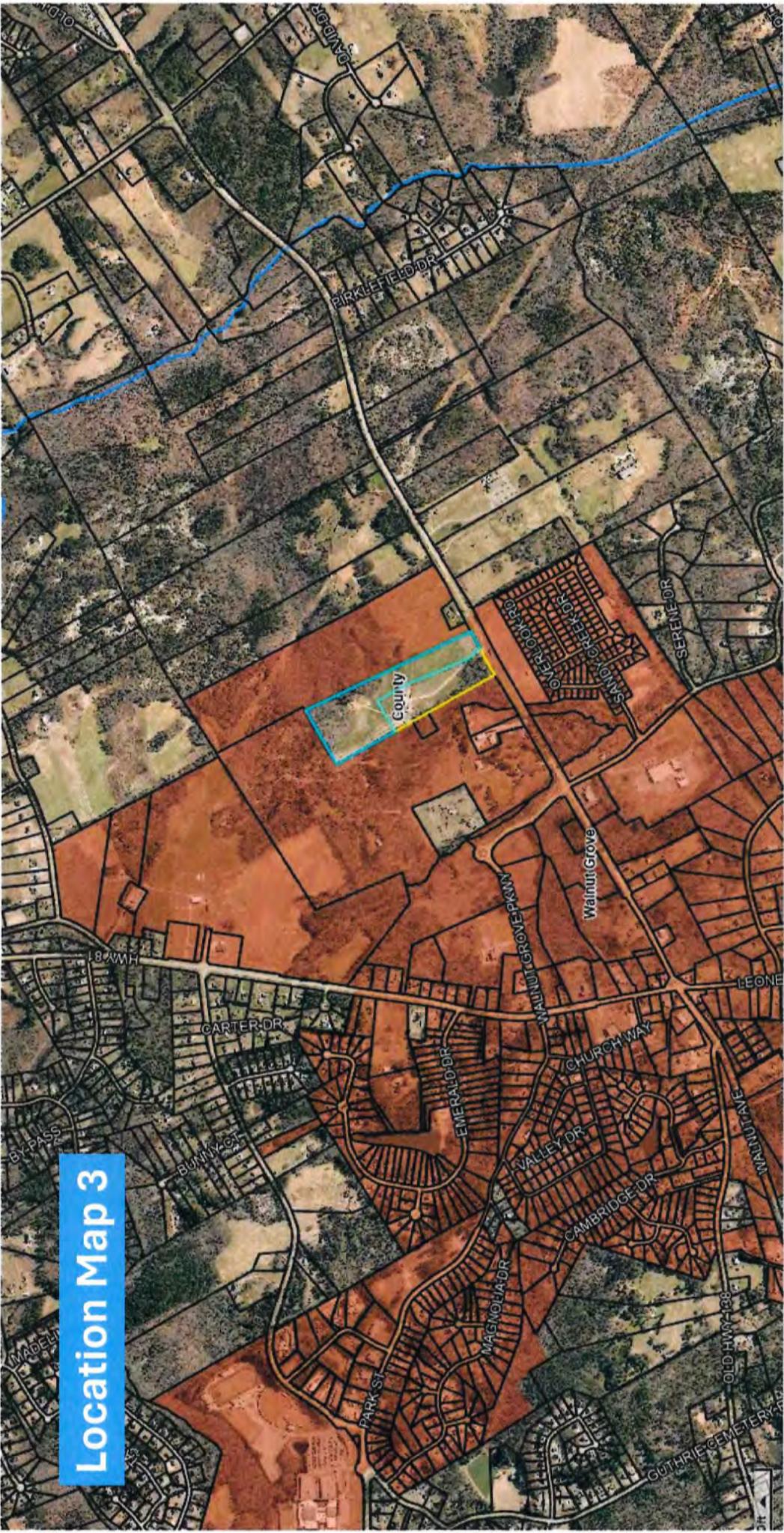
6. Location Map

Location Map 1



Location Map 2





Location Map 3

7. Notice of Preservation of Constitutional Objections



Andrea P. Gray LLC

Attorney at Law

June 14, 2024

Notice of Preservation of Constitutional Objections

Re: Applicant and Owner: A&S Walton Investment Group, LLC
Request to Rezone two parcels to C2
Tax Parcels: WG010268 and WG010267
Addresses: 4099 Hwy 138, Walnut Grove, Georgia
Acreage: Tract B is 21.05 acres; Tract A is 11.76 acres

Georgia law requires that Applicant include in its rezoning record a statement of constitutional objections to put the deciding council on notice of the Applicant's assertion of its constitutional and legal rights to the requested rezoning. In accordance with this requirement, Applicant asserts the following:

The current zoning of the Property restricts said property in an unreasonable manner, is unconstitutional, null and void in that the restriction to the current zoning classifications affords the Applicant no reasonable use of the Property and is the equivalent of a taking of the Applicant's property rights without payment of just and adequate compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendments to the Constitution of the United States, and Article I, Section I, Paragraph I, and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the council to approve the rezoning requested by the Applicant to permit a reasonable economic return on the Applicant's investment and a reasonable use of the Property would therefore be unconstitutional, null and void and would be arbitrary, capricious and without a rational basis, thus constituting an abuse of discretion. Further, a refusal by the council would discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated properties in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, and Article I, Section I, Paragraph II of the Georgia Constitution.

The continued application of the current zoning to the Property results in little or no gain to the public in general and fails to promote the health, safety, morals or general welfare of the public and does not bear a substantial relation to the objectives of the City of Walnut Grove, Georgia Zoning Ordinance, and would constitute a substantial reduction of the property value of the Applicant and is therefore confiscatory and void.

By filing this Statement of Constitutional Rights, the Applicant reserves 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.



300 E Church Street, Monroe, GA 30655
(678) 364-2384 www.andreapgray.com

8. Property Tax Payment Records

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: 4th - 175 - WG010267
(MAP REFERENCE NUMBER) DISTRICT LAND LOT PARCEL

SIGNATURE OF APPLICANT [Handwritten Signature] DATE 0/13/24

Timothy Shelnett, Member
TYPE OR PRINT NAME AND TITLE

See Attached

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: _____

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: 4th - 175 - WG010268
(MAP REFERENCE NUMBER) DISTRICT LAND LOT PARCEL

SIGNATURE OF APPLICANT [Handwritten Signature] DATE 6/13/24

Timothy Shelnett, Member
TYPE OR PRINT NAME AND TITLE

See Attached

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: _____

2023 Property Tax Statement

Tax Commissioner
303 South Hammond Drive STE 100
Walton County Government Building
Monroe, Georgia 30655

Ph: 770-266-1736, Fax: 770-267-1416

A & S WALTON INVESTMENT
221 S MIDLAND AVE
MONROE, GA 30655

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
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2023-266	11/15/2023	\$0.00	\$2,929.97	\$0.00	Paid 2023-10-12
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Map: C0520173A00
Location: HWY 138

Printed: 06/06/2024

The Tax Commissioner is the tax collector and is not responsible for values nor for rates. If you feel the assessed fair market value of your property is incorrect, please contact the Tax Assessors office at 770-267-1352.

Payments made after the due date are subject to interest and penalties governed by Georgia Code. State law requires all tax bills to be mailed to owner of record on January 1st. If property has been sold, please contact our office.

RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

Tax Commissioner
303 South Hammond Drive STE 100
Walton County Government Building
Monroe, Georgia 30655

Ph: 770-266-1736, Fax: 770-267-1416



Tax Payer: A & S WALTON INVESTMENT
Map Code: C0520173A00 Real
Description: TR#1 21.04AC
Location: HWY 138
Bill No: 2023-266
District: 04 COUNTY

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions
0.00	241,500.00	21.0400	\$241,500.00	11/15/2023	06/06/2024		

Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY M&O	\$241,500	\$96,600	\$0	\$96,600	13.451000	\$1,005.90	\$0.00	\$1,005.90
COUNTY SCHOOL M&O	\$241,500	\$96,600	\$0	\$96,600	16.693000	\$1,612.54	\$0.00	\$1,612.54
SCHOOL BOND	\$241,500	\$96,600	\$0	\$96,600	1.390000	\$134.27	\$0.00	\$134.27
FIRE DISTRICT	\$241,500	\$96,600	\$0	\$96,600	1.835000	\$177.26	\$0.00	\$177.26
TOTALS					33.369000	\$2,929.97	\$0.00	\$2,929.97

State law requires all tax bills to be mailed to the owner of record on January 1st. If property has been sold, please contact our office.

This bill is not sent to your mortgage company. If you have an escrow account, please forward a copy of this bill to your mortgage company. We encourage you to pay by mail or on our website at www.waltoncountypay.com

Certain persons are eligible for certain homestead exemptions from ad valorem taxation. In addition, certain elderly persons are entitled to additional homestead exemptions. Applications must be filed by April 1st.

For eligibility requirements regarding exemptions or questions about your value, contact the Tax Assessors office at 770-267-1352.

Current Due	\$2,929.97
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$2,929.97
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	2023-10-12

2023 Property Tax Statement

Tax Commissioner
303 South Hammond Drive STE 100
Walton County Government Building
Monroe, Georgia 30655

Ph: 770-266-1736, Fax: 770-267-1416

A & S WALTON INVESTMENT
221 S MIDLAND AVE
MONROE, GA 30655

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
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2023-264	11/15/2023	\$0.00	\$5,933.47	\$0.00	Paid 2023-10-12
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Map: C0520173
Location: 4099 HWY 138

Printed: 06/06/2024

The Tax Commissioner is the tax collector and is not responsible for values nor for rates. If you feel the assessed fair market value of your property is incorrect, please contact the Tax Assessors office at 770-267-1352.

Payments made after the due date are subject to interest and penalties governed by Georgia Code. State law requires all tax bills to be mailed to owner of record on January 1st. If property has been sold, please contact our office.

RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

Tax Commissioner
303 South Hammond Drive STE 100
Walton County Government Building
Monroe, Georgia 30655

Ph: 770-266-1736, Fax: 770-267-1416



Tax Payer: A & S WALTON INVESTMENT
Map Code: C0520173 Real
Description: TR#2 11.78AC
Location: 4099 HWY 138
Bill No: 2023-264
District: 04 COUNTY

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions
123,960.00	365,100.00	11.7800	\$489,060.00	11/15/2023	06/06/2024		

Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY M&O	\$489,060	\$195,624	\$0	\$195,624	13.451000	\$2,037.03	\$0.00	\$2,037.03
COUNTY SCHOOL M&O	\$489,060	\$195,624	\$0	\$195,624	16.693000	\$3,265.55	\$0.00	\$3,265.55
SCHOOL BOND	\$489,060	\$195,624	\$0	\$195,624	1.390000	\$271.92	\$0.00	\$271.92
FIRE DISTRICT	\$489,060	\$195,624	\$0	\$195,624	1.835000	\$358.97	\$0.00	\$358.97
TOTALS					33.369000	\$5,933.47	\$0.00	\$5,933.47

State law requires all tax bills to be mailed to the owner of record on January 1st. If property has been sold, please contact our office.

This bill is not sent to your mortgage company. If you have an escrow account, please forward a copy of this bill to your mortgage company. We encourage you to pay by mail or on our website at www.waltoncountypay.com

Certain persons are eligible for certain homestead exemptions from ad valorem taxation. In addition, certain elderly persons are entitled to additional homestead exemptions. Applications must be filed by April 1st.

For eligibility requirements regarding exemptions or questions about your value, contact the Tax Assessors office at 770-267-1352.

Current Due	\$5,933.47
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$5,933.47
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	2023-10-12

9. Utilities

Applicant intends to use the below utilities and understands that sufficient capacity is available to meet its needs. The proposed commercial uses will generate minimal demand for utilities. Tract A is currently served by the below services. Tract B will be a continuation of the commercial uses.

- Electricity: Walton EMC
- Water: Walton County
- Sewer: Onsite septic system
- Gas: City of Lawrenceville

PUBLIC HEARING NOTICE

A Public Hearings to consider the rezoning of property within the City Limits of the City of Walnut Grove, Georgia has been scheduled before the Planning and Zoning Commission of the City on Wednesday, August 14, 2024, at 5:30 PM at 1021 Park Street Loganville, Ga 30052. This Public Hearing will be followed by a second Public Hearing scheduled to be held before the Walnut Grove Mayor and City Council on Wednesday, August 14, 2024, at 6:00 PM at 1021 Park Street, Loganville Ga 30052. The petition filed by the applicant and owner is requesting to change the zoning classification for 21.05 acres known as **Tax Parcel WG010268** located at 4099 Highway 138 from AG to C2 and to change the zoning classification for 11.76 acres known as **Tax Parcel WG010267** located at 4099 Highway 138 from C2 to C2. The public is invited to participate in this Public Hearing and state their positions in favor and against this zoning action.