

Joshua A. Scoggins
jscoggins@mhtlegal.com

LETTER OF INTENT/WRITTEN NARRATIVE

Re: Applicant: CalAtlantic Homes
Subject Property: 39.2 Acres Designated as Cherokee County Tax Parcel(s): 15N18 171 & 172
Current Zoning: AG
Proposed Zoning: R3-A
Proposed Use: 106 unit Single Family Residential Subdivision
ROW Access: Neese and Gunnin Road

This statement is intended to comply with the application procedures established by the City of Woodstock, Georgia for submittal of applications for land use approval as required by the City of Woodstock Land Development Code (the "Code"), City of Woodstock Public Hearing Application Requirements, and other City of Woodstock Codes and Standards and is intended to serve as the Letter of Intent/Written Narrative required by the Code and to reserve all constitutional and statutory protections available to the Applicant and owners of the Subject Property. The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

Applicant Response Statement

The Applicant's responses to the questions set forth in the Applicant Response Statement on page 4 of the Application are as follows:

1. Explain the intent of the requested zoning.

The Applicant seeks to develop a 106 unit single-family detached residential community on the Subject Property.

MAY 06 2016

2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Given the close proximity of existing single-family detached housing the Applicant believes the proposed use is suitable to adjacent and nearby properties.

3. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

4. Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.

The Subject Property does not have any reasonable economic use as currently zoned.

5. Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

Given the Applicant's proposed construction of a road system that will provide the Subject Property with access to both Gunnin Road and Neese Road the Applicant does not believe that the proposed zoning will result in a burdensome or excessive use of existing streets or transportation facilities. Sufficient utilities are available to serve the Subject Property and the proposed number of school children will not cause an excessive or burdensome use of schools.

6. Whether the proposed zoning is in conformity with the policy and interest of the land use plan.

The land use plan/Future Development Map designates the Subject Property as T-4 Neighborhood Living. The Applicant's proposal to rezone the Subject Property to the R3-A

zoning classification complies with the proposed uses in the Neighborhood Living Character Area.

7. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed zoning.

The development trend in the area toward more compact forms of single-family residential development and the proposal's conformity to the Comprehensive Plan and Future Development Map support approval of the Application at the density requested.

Rezoning the Subject Property to any classification other than the requested R3-A classification or at a density less than that requested will impose a disproportionate hardship on the Applicant and owners of the Subject Property without benefiting any surrounding properties.

Any provisions in the Code which classify, or may classify, the Subject Property into any of the non-requested zoning classifications, including the R3-A zoning classification at a density less than that requested by the Applicant are unconstitutional in that they constitute a taking of the Applicant's and owners' property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is presently suitable for development under the R3-A zoning classification as requested by the Applicant and it is not suitable for development under any other zoning classification, or at a density less than that requested by the Applicant. A denial of the Applicant's rezoning request will constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and

the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the City Council to rezone the Subject Property to the R3-A zoning classification at the density requested by the Applicant will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Furthermore, the City Council cannot lawfully impose more restrictive standards on the Subject Property's development than are presently set forth in the Code. To do so not only will constitute a taking of the Subject Property as set forth above, but it will also constitute an unlawful delegation of the Council's authority in response to neighborhood opposition, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended. Any zoning conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and property owners that do not serve to ameliorate the negative impacts of the development as such are defined under Georgia law are invalid and void. The Applicant and owners reserve the right to challenge any such zoning conditions and other restrictions. The Applicant and owners also reserve the right to challenge any unlawful exactions, whether they are in the form of illegal impact fees or otherwise.

Furthermore, this Reservation also constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the City Council and all other agents of the City on notice of the Applicant's and owners' intent to seek monetary damages and attorney's fees against the City for

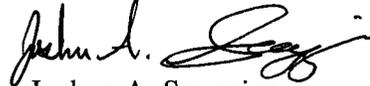
MAY 06 2016

any rezoning action, zoning condition, illegal impact fee and any other unlawful restrictions and exactions that are imposed on the Subject Property, the Applicant and the owners.

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

Accordingly, the Applicant respectfully requests that the Application be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

Sincerely,



Joshua A. Scoggins
Attorney for CalAtlantic Homes

MAY 06 2016