

REZONING LETTER OF INTENT

October 1, 2018

City of Johns Creek
Mayor and Council
Department of Community Development and Zoning
Attn: Sharon Ebert, Community Development Deputy Director
12000 Findley Road, Suite 400
Johns Creek, Georgia 30097



RE: Letter of Intent - Rezoning Application and Concurrent Variance by Planners and Engineers Collaborative, Inc. (the “Applicant”) for the property located along Medlock Bridge Rd and south of Findley Rd, Johns Creek, Georgia (the “Property”)

Dear Ms. Ebert:

This rezoning application is being submitted on behalf of the owner and builder for the proposed TR – Townhouse Residential District zoning on the 6.0728 acre tract of land located at the west side of Medlock Bridge Road and south of Findley Road. The proposal is to construct 37 fee simple detached and attached homes consisting of 9 single-family homes and 28 townhomes adjacent to the Johns Creek Walk-Phase 2. The site is part of the overall standard club that sits fronting Highway 141 corridor. The site vehicular access will tie into the existing development to the south and into Medlock Bridge Road. The site will be connected by the greenway trail to surrounding properties.

The surrounding uses are as follows:

- East: Medlock Bridge Road. Sunrise Senior Living facility and office park.
- West: The Standard Club golf, tennis and swim facility.
- North: The Standard Club golf, tennis and swim facility.
- South: Johns Creek Promenade (AKA Johns Creek Walk – Phase 2) and Hearthside Johns Creek an Independent Senior Living facility.

Our proposal for TR-Townhouse, as it relates to these surrounding uses, is a viable option for the property. Immediately next door is a large mixture of uses that consist of high density residential, retail, restaurants, and other commercial options. Townhomes and detached homes support mix use projects and their uses. In addition, there is an underground pedestrian connection that residents and the mix use facility could use that would go from this site across 141 to access trails at the new city center location. The project has no immediately adjacent neighbors. There are many local commercial businesses within walking distance of this site.

The Applicant and owner seek to rezone from AG-1 (agricultural) to TR, to allow for a 37-unit single-family home and townhome development that has connectivity to the existing retail/commercial/restaurant/ high density residential community. The development will be marketed to and geared towards empty nesters and professionals seeking to downsize and remain in the Johns Creek area. Homes will be constructed of quality brick and stone and other cementitious materials with accents of the same. Home prices will be consistent with the higher-end single-family homes from the low \$500’s to low \$600’s and townhomes ranging from low \$400’s to the high \$400’s.

The addition of age-targeted residential options in this area is consistent with City’s future land use plan and map, all of which support and encourage the TR zoning and calls this site out as “distinctive”. This proposal meets the City’s long-term goals by creating a walkable community adjacent to commercial and MIX development, and making use of long-vacant, infill property. The proposal would not burden existing infrastructure and the small amount of housing units with immediate access in two access points

to 141 would not cause a burden to traffic.

Stormwater management will also be well planned for this site in the city. Currently there is very little stormwater control at the standard club and the site. As the site develops, the proposal would be to provide water quality and volume control that will create infiltration measures to help reduce the amount of stormwater to discharge from the site. These stormwater controls will be met through a series of treatment options on the site.

Additionally, the applicant and the owner request a concurrent setback variance to reduce the rear setback along The Standard Club from 35 feet to 25 feet. The justification of the request is based on subject property is limited in its depth due to the shape of the property and the 55 foot greenway along Medlock Bridge Road. The reduction in the rear setback will not have an adverse effect on the adjoining property. There will still be a large swath of trees that remain on The Standard Club that will buffer the rear of the houses.

Constitutional Objections

The portions of the Code of Ordinances and Zoning Ordinance for the City of Johns Creek (the "Zoning Ordinance") which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for MIX as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by the City of Johns Creek, Mayor and Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by the City of Johns Creek, Mayor and Council to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment.

Conclusion

The Applicant and owner respectfully request the City of Johns Creek Mayor and Council, Planning Commission and Planning Staff approval and support the Applicant's rezoning request to allow for the AG-1 property to be changed to the TR Residential category to support the residential use and provide connectivity to commercial properties, the only economically-viable use of the Subject Property.

The Applicant, owner, and their representatives welcome the opportunity to meet with all interested parties and representatives.

Respectfully,
Planners and Engineers Collaborative, Inc.



Kenneth J. Wood PE, LEED AP
Owner representative

Enclosures:
Rezoning Application and exhibits