

REZONING LETTER OF INTENT - REVISED
January 22, 2019



City of Johns Creek Mayor and Council
Department of Community Development and Zoning
Attn: Sharon Ebert, Community Development Deputy Director
10700 Abbotts Bridge Road
Suite 190
Johns Creek, Georgia 30097

RE: Letter of Intent - Rezoning Application by Planners and Engineers Collaborative, Inc. (the "Applicant") for the property located at 11354 Technology Circle, Johns Creek, Georgia (the "Property")

Dear Ms. Ebert:

This rezoning application is being submitted on behalf of the owner and developer for the proposed TR zoning on the 4.42 acre tract of land located on the north side of Technology Circle. The proposal is to construct 37 fee simple townhomes on the site. The proposed site entrance is located off the public right of way that currently serves as an entrance to The Oaks at Johns Creek Apartments. The site is an appropriate transition zoning from the A (Medium Density Apartment District) to the residential uses which make up a majority of the Technology Circle land use.

The surrounding uses are as follows:

- East/North: A-Medium Density Apartment District
- West: Existing one story M1-A office building with 28,610 rentable square feet.
- South: CUP with residential homes

Our proposal for TR, as it relates to these surrounding uses, is the viable option for the property. The subject property is located in the Technology Park Character Area, which has been determined to be the "predominant economic engine and the landmark for high design standards." This use will further advance the City's attempt to revitalize the aging park as the site is located a few hundred feet from the boundary of the conceptual "City Center". This use will provide walkable residents to access the current office uses as well as any future office, retail or mixed-use developments. The location is very close to the new City center location where John's Creek purchased the Lakes from TPA to get walkways, and future development. This type of housing development would complement the downtown area.

The style of these units are rear loaded drive accessed townhomes that will front on Technology Circle to create a large landscape frontage. The style of this development is to create pocket green parks to be able to accommodate streetscape, community-gathering areas, and play locations for residents. There are a few front loaded townhomes in the back near industrial. The project location near the city center will provide a new style housing option that by design will promote walking and living in the area.

The Applicant and owner seek to rezone from M1-A to TR, to allow for a 37-unit townhome community. The development will be marketed to working professionals that desire convenient access to the Park's offices and amenities. Homes will be constructed of quality brick and stone and other Cementous materials with accents of the same. Home prices will be consistent with the higher-end townhomes being completed in the area, ranging from low to mid \$400's.

Stormwater for the site will be done through underground systems. The site will be treating water quality, volume control, and reduction of runoff for the proposed development. These measures can be achieved through green controls and infiltration. The site drains to the east toward the Gates at Johns Creek apartment homes.

The approval of this application would be consistent with the City's previous zoning decisions along Technology Circle and nearby sites. This proposal would most likely result in a less intensive use than the current M-1A zoning allows in the event an office or light industrial use was constructed. The recent installation of a traffic signal at Technology Circle and Johns Creek Parkway has greatly improved congestion and traffic flow in the area. The proposal would not burden existing infrastructure and the mixture of uses will provide offsetting trip times as compared to office.

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 TR 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 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 by discriminating 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 M1-A property to be changed to the TR category to support the residential and commercial mixed use to match neighboring 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,



Kenneth J. Wood, P.E., LEED AP
President