

**David C. Kirk, FAICP**  
david.kirk@troutman.com

March 20, 2019

**VIA HAND DELIVERY**

Ms. Yang Chen, AICP  
Principal Planner  
City of Johns Creek – Community Development  
10700 Abbotts Bridge Road, Suite 190  
Johns Creek, Georgia 30097

RECEIVED

R2-19-005  
MAR 21 2019

City of Johns Creek  
Planning & Zoning

**Re: Rezoning/Concurrent Variance Application: 5805 State Bridge Road  
REVISED TO REFLECT INCREASE IN PROPOSED PARCEL SIZE**

Dear Ms. Chen:

As legal counsel for Discount Tire Company (“Discount Tire”), as authorized by the property owner, and in support of the above-referenced application (the “Application”), I am pleased to provide this Revised Letter of Intent for your information and use. This letter has been revised to reflect the increase in the proposed Discount Tire parcel from .80 acres to .97 acres and provides background information about Discount Tire and its plans to utilize this property (the “Subject Property”), a description of the supporting documentation submitted with this application, a summary of the proposed project, and written justification for the rezoning of the Subject Property from the current C-1-C to the same zoning classification, with revisions to some conditions, including a new site plan and the grant of two concurrent variances.

The more than 16-acre Subject Property currently is utilized as a shopping center and has a large underutilized surface parking field. It was originally zoned and developed in the 1990s. In 2014, the original zoning applicable to the Subject Property was revised to, among other things, adopt a new site plan to allow for the development of a restaurant in the parking field. A copy of that Ordinance (2014-02-08) is attached as Exhibit “A” to this Letter of Intent. Discount Tire proposes to purchase 0.97 acres of land in the current parking field from the current owner and develop on that parcel a new 8,192 square foot Discount Tire retail store. To do so, the Subject Property’s existing zoning must be amended to accommodate the proposed new parcel, and two concurrent variances must be granted.

Accompanying the original Letter of Intent were the following documents submitted in support of the Application. For your convenience I have only attached to this revised letter those documents revised to reflect the increased parcel size and have highlighted them below in yellow.

- A completed Pre-Application Meeting Form;
- A Revised "Rezoning/SUP/Change in Conditions Application" form, including the required Applicant's Certification, Property Owner's Certification, Zoning Impact Analysis Form, Environmental Site Analysis Form, Disclosure Report Forms, and Public Participation Plan;
- Twelve (12) full-sized folded copies of a Revised Conceptual Site Plan for the proposed development of the Subject Property which reflect the increased parcel size, as well as a Revised Grading and Utility Plan, a Revised Conceptual Site Plan for the proposed Discount Tire Parcel, and a Revised Rezoning Vicinity Map related to the proposed Discount Tire Parcel (the "Site Plans");
- A legal description of the Subject Property;
- Colored Building Elevations for the proposed Discount Tire retail store;
- A Revised Peak-Hour Traffic Generation Estimate for the Discount Tire retail store;
- A digital copy of all submitted materials; and
- A check for the \$2,625.00 for the various fees associated with this application (Rezoning, Two Concurrent Variances, Mailings, and Public Notice fees).

I believe this revised letter, the attached revised documents, and the Applicant Acknowledgement Form I executed when submitting the original Application are all that is needed at this time for the City to consider the Application. However, if you believe any other information or documentation would be helpful, please do not hesitate to contact me.

### **Company Background**

Discount Tire is based in Scottsdale, Arizona, and has been in business for nearly sixty years, beginning as a one-person operation in Ann Arbor, Michigan, in 1958. Discount Tire currently has over 1,000 locations nationwide. Discount Tire's only business is the retail sale, installation, and repair of passenger car and light truck tires and wheels. It does not perform other automobile maintenance functions, such as oil changes, brake installation, or transmission service. Attached as Exhibit "B" to this Letter of Intent is an informational summary about Discount Tire.

### **Proposed Development and Requested Actions**

Discount Tire seeks to purchase and redevelop a .97-acre portion of the existing surface parking lot of the Medlock Corners shopping center located at 5805 State Bridge Road into a new Discount Tire retail store. The proposed 8,192 square foot store will contain 6 vehicle bays and is expected to serve approximately 100 customers/day. As indicated in the elevation

drawings accompanying this application, the building will have an attractive brick veneer design, with storefront fenestration facing State Bridge Road and wrapping around the corners of the building. The site will be attractively landscaped, with a pedestrian walkway installed to connect to the existing sidewalk along State Bridge Road. Discount Tire believes sufficient parking will be provided on its parcel, though additional parking space will be available in the expansive surface parking lot through an agreement with the existing property owner.

To implement this proposed redevelopment, Discount Tire respectfully requests the approval of a rezoning of the Subject Property from C-1 (Community Business District) Conditional to C-1 Conditional with the following changes to the conditions contained in Ordinance 2014-02-08:

1. Limit the use of the property to commercial and accessory uses at a maximum of 160,000 square feet, excluding service stations and billboards.
2. The site shall be developed in general conformance with the site plan submitted to the Community Development Department, dated March 20, 2019.
3. (a) Exterior elevations for Discount Tire shall be substantially similar to the elevations submitted to the Community Development Department dated November 14, 2018, including deviations from the pitched roof standard. Final elevations shall be subject to the review and approval of the Community Development Director.  
  
(b) Parking on the site shall be in general conformance with the parking layout shown on the Conceptual Site plan Submitted to the Community Development Department dated March 20, 2019, including deviations from the parking standard as applied to the Discount Tire parcel.

### **Consistency with Decision Standards and Comprehensive Land Use Plan**

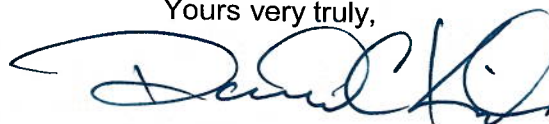
As demonstrated on the Zoning Impact Analysis Form and Environmental Site Analysis Form submitted as part of the application package, the requested rezoning satisfies all standards for decision-making and, in particular, is consistent with the Comprehensive Land Use Plan's (the "Plan's") designation of Subject Property within the "Medlock" Community Area as "Commercial – Retail/Shopping Center." Attached to this Letter of Intent as Exhibit "C" are relevant excerpts from the Plan illustrating that designation. The proposed use of the Subject Property for the Discount Tire retail store is appropriate given this land use designation as well as the current zoning of the Subject Property.

In addition, as explained more fully in the Environmental Site Analysis Form, the proposed use of the Subject Property for a Discount Tire retail store is compatible with the existing and proposed retail and commercial uses within and adjacent to the Medlock Corners shopping center as well as nearby retail and commercial developments within the State Bridge Road corridor.

**Conclusion**

In conclusion, on behalf of Discount Tire for all the reasons stated above and in the accompanying materials, I respectfully request the City of Johns Creek rezone the Subject Property to the C-1 (Community Business District) Conditional zoning classification with the new conditions requested by this application and approve the requested concurrent variances. I hope this information is helpful to you and other City officials as you review the proposed zoning change and variance requests, I thank you for your thoughtful consideration of this application, and I encourage you to contact me with any questions you may have.

Yours very truly,

A handwritten signature in blue ink, appearing to read "David C. Kirk", written in a cursive style.

David C. Kirk

/dck  
Attachments