

LETTER OF INTENT

The property contains approximately 9.4545 acres and is located on the northerly side of Johns Creek Parkway and the southerly side of Lakefield Drive and is commonly known as 11315 Johns Creek Parkway, Johns Creek, Georgia 30097 (the "Property"). The Property is presently zoned to the M-1A Classification pursuant to Z83-141, as modified.

The Applicant requests a rezoning to the O-I (Office Institutional District) Classification. The building presently located on the Property shall be renovated for the purpose of continuing to function for general office use as well as for medical office use which shall include radiology imaging, pharmacy, ASC (Ambulatory Surgery Center) and pathology labs as well as general medical office use together with any and all accessory uses associated with office and medical office uses. The medical use will not facilitate emergency surgery nor overnight stays. The building on the Property is four (4) stories in height and contains approximately 100,000 square feet of space given a footprint area of approximately 25,000 square feet. This results in a density of approximately 10,576.97 square feet per acre. Proposed improvements to the Property consist of a drop-off canopy, handicap accessibility improvements, a stretcher sized elevator, and interior renovation upgrades. With the increase in the aging population and senior housing in Johns Creek, there is a need for more healthcare facilities to expand health innovation and wellness, one of the strategies defined in the City's Vision. The City's 2018 Comprehensive Land Use Plan designates the Property under the Town Center designation which encourages a mix of high density uses. Given the zoning and development of neighboring and close by properties representing a mix of uses, this proposal of the Applicant is entirely appropriate and complies not only with the mix of uses in the immediate area but also with the current use of the property. Accordingly, this Application for Rezoning and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.


Now, therefore, the Applicant requests that this Application for Rezoning be approved as submitted in order that the Applicant be able to proceed with the lawful use and development of the Property.

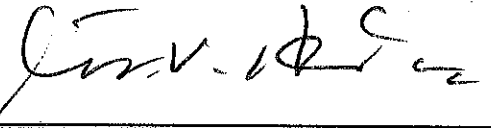
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RZ-19-007
MAY 14 2019

City of Johns Creek
Community Development

APPLICANT:

Johns Creek Professional Plaza,
LLC

By: 
Name: Scott Beach
Its: Manager


Nathan V. Hendricks III
Attorney for the Applicant

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Exhibit "A"

APPROPRIATENESS OF APPLICATION
AND
CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Johns Creek as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of the City of Johns Creek to the Property which restricts the use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate State interests.

A denial of this Application would constitute an arbitrary and capricious act by the Johns Creek City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Johns Creek City Council to approve this Rezoning Application as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitutions of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of this Application subject to conditions which are different from the conditions requested by the applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.