

LETTER OF INTENT and ZONING IMPACT ANALYSIS
APPLICATION FOR REZONING
CITY OF JOHNS CREEK, GEORGIA

The Applicant and Owner, Riverwalk Marketplace S.C., LLC, requests a modification of the C-1 conditions of zoning of approximately 8.085 acres of land located at 5945 State Bridge Road in Johns Creek, Georgia, parcel numbers 11 095003310478 and 11 095003310486 (together, the "Property"). The Owner does not propose to make any external changes to the buildings, changes to the footprints of the buildings or any changes to the signs for the retail center. The only changes the Owner proposes is to modify the conditions to allow nail salons and martial arts studios. In addition, an ALTA survey conducted in September 26, 2006 (included with this application) indicates that buildings consisting of a total of approximately 79,059 square feet exist on the site. However, the zoning allowed for a maximum of 78,000 square feet. It is unclear how this discrepancy originated. If you compare the ALTA survey to the site plan approved with the original zoning, there is no discernable difference between the two. The Owner wishes to modify the conditions to bring the additional 1,059 square feet into conformity. The Owner does not request any other changes to the zoning conditions and would also like to bring forward the following concurrent variances approved in the original zoning: to reduce the number of parking spaces to 330 spaces; to allow three (3) wall signs on a building; and to allow a wall sign on a building facing a private roadway.

ZONING IMPACT ANALYSIS FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

Yes. The area is densely developed with a variety of commercial uses. The Owner is not proposing to change the Property's current C-1 zoning but does seek to modify the zoning conditions to allow additional commercial uses on the site. The uses requested, nail salons and martial arts studios, are two of numerous uses that are prohibited on the site through the zoning conditions, although they are permitted uses for the Property's C-1 zoning. These uses are normal

commercial uses and are suitable uses in view of the use and development of adjacent and nearby properties.

In addition, the zoning conditions limit the square footage that can be built on the site to a maximum of 9,641.54 square feet per acre or a total of 79,000 square feet, whichever is less. An ALTA survey conducted in September 26, 2006 indicates that approximately 79,059 square feet or 9,778.48 square feet per acre was permitted and constructed on the Property when it was still under Fulton County's jurisdiction. The Owner wishes to modify the condition to account for this additional 1,059 square feet.

2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

No, the zoning proposal will not have any adverse affect on the existing use or usability of adjacent or nearby property. The existing commercial uses have been on the Property for many years. The purpose of the request is to allow two additional commercial uses on the site and to bring the existing square footage into conformity.

3. Does the property to be rezoned have a reasonable economic use as currently zoned?

The Property is currently zoned C-1 and is improved with a Whole Foods grocery store and other retail tenants. Although, this provides a reasonable economic use of the Property, allowing these additional uses will increase the ability to find suitable tenants for the commercial outparcels and minimizes the length of time they could remain vacant while not adversely affecting the interests of others.

4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

No, in fact, the Owner's proposal will not increase the existing buildings on the site and, therefore, will not require the additional use of infrastructure. As shoppers visiting the site may be visiting more than one tenant, vehicle trips and parking burdens are also minimized.

5. Is the zoning proposal in conformity with the policies and intent of the land use plan?

Yes, the City of Johns Creek Comprehensive Plan 2030 includes the Property is part of an Activity Node at the intersection of Medlock Bridge Road and State Bridge Road in an area designated as the Medlock Bridge Road/SR 141 Corridor. This Activity Node as also designated as a possible location for a Town Center and the land use plan recommends a dense mix of uses for the area.

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6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?

The Property has been developed for some time with a Whole Foods store and other retail tenants. Recently, a nail salon proprietor would like to lease vacant property on the site, but is unable to do so because it is a prohibited use under the zoning conditions. The ability to accommodate this future tenant was the impetus for addressing other minor changes to the conditions, such as allowing an the additional use of a martial arts studio, should one become interested in leasing property there in the future, and bringing the discrepancy in the square footage into conformity. In addition, the Owner would also like to bring forward the following concurrent variances approved in the original zoning: to reduce the number of parking spaces to 330 spaces; to allow three (3) wall signs on a building; and to allow a wall sign on a building facing a private roadway.

7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek?

No, there will be no adverse impact to the environment which will result from the Owner's request. The Property is improved by a fully developed retail center with associated parking. The Owner does not propose to expand the footprint of either the building or parking lot or make any other external changes at this time.

Accordingly, the Applicant respectfully requests that the Johns Creek Mayor and City Council grant the rezoning as requested.

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