MORRIS, MANNING & MARTIN, LLP

Jessica L. Hill
404-504-7754
jhill@mmmlaw.com
www.mmmlaw.com

June 29, 2015

Taylor Baxter
12000 Findley Road
Suite 400
Johns Creek, GA 30097

RE: RZ-15-11 - Johns Creek Walk II

Dear Taylor:

Please accept this request to amend the above captioned application to delete 11220 Medlock Bridge Road from the application and adjust the request on 11160 Medlock Bridge Road (Tract 9). Enclosed please find revised versions of the following documents to amend the above-referenced zoning modification request:

- Application pages which required modification
- Site plan (10 full size copies plus one 8.5x11 copy)
- Letter of Intent
- Environmental Site Analysis
- Public participation plan

Please also remove the legal description of Tract 11 (2 pages), and the Tract 11 Conceptual Elevation (1 page) from the original application package. Also enclosed is an external drive with the enclosed materials on it in PDF.

Please let me know if you require any further documentation or information to update the modification request.

Sincerely Yours,

Jessica L. Hill

Jessica L. Hill

JLH:aws
Enclosures

REZONING/SUP/CHANGE IN CONDITIONS APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
NAME: Cannon Equities, Inc.	NAME: Taylor County Land GA, LLC
ADDRESS: Promenade 2 1230 Peachtree Street, Suite 225	ADDRESS: 3563 Phillips Hwy, Suite 601E
CITY: Atlanta	CITY: Jacksonville
STATE: GA ZIP: 30309	STATE: FL ZIP: 32207
PHONE: 404-492-7204	PHONE:

CONTACT PERSON: Alex Brennan PHONE: (404) 492-7204

CONTACT'S E-MAIL: abrennan@cannonequities.com

APPLICANT IS THE:

☒ OWNER'S AGENT ☐ PROPERTY OWNER ☐ CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): MIX REQUESTED ZONING DISTRICT: MIX

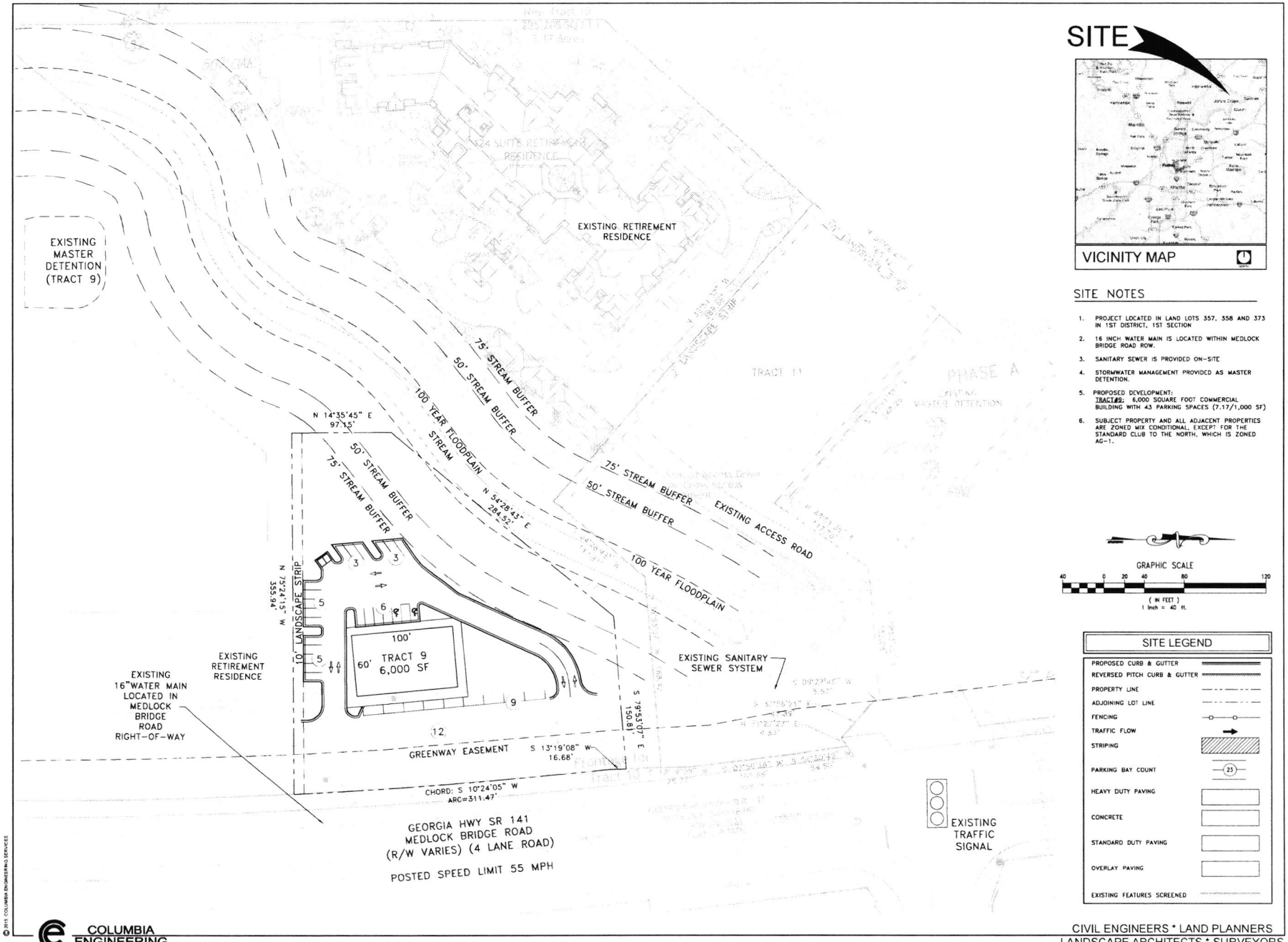
LAND DISTRICT(S): 11 LAND LOT(S): 0990 ACREAGE: 2.068 acres

ADDRESS OF PROPERTY: 11160 Medlock Bridge Road

PROPOSED DEVELOPMENT:

CONCURRENT VARIANCES:

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units	No. of Buildings/Lots: 1/1
Dwelling Unit Size (Sq. Ft.):	Total Building Sq. Ft. 6,000
Density:	Density:



SITE

VICINITY MAP

SITE NOTES

1. PROJECT LOCATED IN LAND LOTS 357, 358 AND 373 IN 1ST DISTRICT, 1ST SECTION
2. 16 INCH WATER MAIN IS LOCATED WITHIN MEDLOCK BRIDGE ROAD ROW.
3. SANITARY SEWER IS PROVIDED ON-SITE
4. STORMWATER MANAGEMENT PROVIDED AS MASTER DETENTION.
5. PROPOSED DEVELOPMENT:
   TRACT#9: 6,000 SQUARE FOOT COMMERCIAL BUILDING WITH 43 PARKING SPACES (7.17/1,000 SF)
6. SUBJECT PROPERTY AND ALL ADJACENT PROPERTIES ARE ZONED MIX CONDITIONAL, EXCEPT FOR THE STANDARD CLUB TO THE NORTH, WHICH IS ZONED AG-1.

GRAPHIC SCALE

40 0 20 40 80 120

(IN FEET)
1 inch = 40 ft.

SITE LEGEND

PROPOSED CURB & GUTTER	
REVERSED PITCH CURB & GUTTER	
PROPERTY LINE	
ADJOINING LOT LINE	
FENCING	
TRAFFIC FLOW	
STRIPING	
PARKING BAY COUNT	23
HEAVY DUTY PAVING	
CONCRETE	
STANDARD DUTY PAVING	
OVERLAY PAVING	
EXISTING FEATURES SCREENED	

COLUMBIA ENGINEERING
2862 BUFORD HIGHWAY
SUITE 200
DULUTH, GEORGIA 30096
(770) 925-0357

PROJECT
JOHNS CREEK WALK TRACT 9
JOHNS CREEK CIRCLE AT PEACHTREE INDUSTRIAL BOULEVARD
JOHNS CREEK, GEORGIA

CLIENT
TAYLOR COUNTY LAND GEORGIA, L.L.C.
3563 PHILLIPS HWY, SUITE 601
JACKSONVILLE, FL 32207

☐ APPROVED FOR CONSTRUCTION
■ NOT APPROVED FOR CONSTRUCTION

REVISIONS	DATE

DRAWING TITLE

SITE PLAN

DRAWN BY	LL	DRAWING NO.
DATE	06/23/15	S-1
PROJECT NO	4552.00	

COLUMBIA ENGINEERING

CIVIL ENGINEERS * LAND PLANNERS
LANDSCAPE ARCHITECTS * SURVEYORS

MORRIS, MANNING & MARTIN, LLP

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jhill@mmmlaw.com
www.mmmlaw.com

June 29, 2015

Johns Creek City Hall
Department of Community Development
12000 Findley Road, Suite 400
John's Creek, Georgia 30097

RE: AMENDED LETTER OF INTENT FOR JOHNS CREEK WALK PHASE II APPLICATION (Tract 9)

To Whom It May Concern:

This letter accompanies the amended application materials submitted on even date herewith to change certain conditions applicable to property zoned MIX Conditional (Mixed Use) pursuant to Ordinance 2010-12-25, as amended by Ordinance 2013-02-07. Copies of Ordinance 2010-12-25 and Ordinance 2013-02-07 are included in the application for reference. This application request only impacts Tract 9. In 2013, Tract 9 was replatted to shift acreage to Parcel 10 so the current acreage of Tract 9 is 2.068 acres. Evidence of the replatting is also included in this application for reference. This application specifically seeks the following changes to the current conditions:

1. Condition 1(f)(6) prohibiting auto service, supply and tire stores shall be deleted as to Parcel 9 only; and

2. Condition 3 shall be revised to update the site plan applicable to Tract 9 with the site plan included in this application for Tract 9.

Approval of this application will permit the development of a 6,000 square foot commercial building on Tract 9. No concurrent variances or other requests are made pursuant to this application.

Sincerely,

Jessica L. Hill

Jessica L. Hill
Attorney for Applicant

ZONING IMPACT ANALYSIS FORM

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

   The use and development of the adjacent and nearby property includes restaurants, retail, the Johns Creek United Methodist Church the Regency at Johns Creek Walk apartments, single family homes and townhomes. The mix of uses in the area makes a wide range of uses appropriate for the property, including the proposed commercial use (i.e., retail, restaurant or service commercial), including an auto service, supply and tire store use.

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

   The zoning proposal will not adversely affect the existing use or usability of the adjacent or nearby property. The new commercial use will complement the existing mix of uses in the immediate area.

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

   The site plan for Tract 9 does not currently identify any use on the subject property. This amendment would accommodate a use on the site and therefore create an economic use for the site that does not currently exist.

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?**

   Due to the small scale of the development, the proposal will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. Access to the site is already limited pursuant to the greenway easement which mitigates the impact on streets and transportation facilities. Due to the proposed commercial use, there will not be any impact on schools.

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

   The land use plan designates the property as being located in the SR 141 Corridor. The SR 141 Corridor specifically provides for commercial uses within this area. Access to the Tracts is already determined pursuant to prior approvals and incorporates shared access as recommended by the plan. The proposal also specifically accommodates the linear park along SR 141 as contemplated in the plan. The proposal is in conformity with the policies and intent of the land use plan.

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 Tract is the remaining undeveloped portions of an existing mixed use project. The reconfiguration of the Tract in 2013 impacted the ability to develop the Tract. The proposal reflects the current market and adjusts for the change in configuration of the Tract.

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?**

   Tract 9 includes floodplain and a stream, however, the design of the proposed development is sensitive to these natural features. The proposal is not adverse to the natural resources, environment and citizens of the City of Johns Creek.

ENVIRONMENTAL SITE ANALYSIS (ESA) FORM

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN. ***Describe the proposed and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.***

   The proposed zoning amendment would permit a commercial building in Tract 9. Adjacent Tracts within the Johns Creek Walk mixed-use development include multi-family housing, senior housing (independent and assisted), and retail/restaurant (under development). The land is in pad-ready condition

   Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

   The 2.068 Tract 9 will contain one building with total square footage proposed at no more than 6,000 square feet. The Comprehensive Land Use Plan guidelines for the corridor recommend approximate uses including retail, restaurants, and mixed-use development. Johns Creek Walk will incorporate upscale architectural design and landscaping. Pedestrian access will be provided to link the new developments in with the existing network of pedestrian paths throughout the development.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies. Information regarding Fulton County's Comprehensive Plan may be found online at http://wms.co.fulton.ga.us/

- Review of the 2025 North Fulton Land Use Plan indicates the surrounding area as proposed residential/mixed use. The proposed mixed use land plan is consistent with the 2025 Land Use Plan for the surrounding area (See attached Map).

2. Environmental Impacts of the Proposed Project. For each environmental site feature listed below. Indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s). Cite the source of information regarding the presence or absence of environmental site features (e.g. according to the Fulton County website (http://wms.co.fulton.ga.us/) wetland areas are located on the northwest portion of the site).

   a. Wetlands

      - U.S. Fish and Wildlife Service National Wetlands Inventory (http://wetlands.fws.gov/downloads.htm)

- According to the U.S. Fish and Wildlife, National Wetlands Inventory map no wetlands are present within the proposed project site (see attached map).

- **Georgia Geological Survey (404) 656-3214)**
  - Unable to gather wetland information from this source due to lack of information on the web.

- **Fulton County Website (http://wms.co.fulton.ga.us/)**
  - According to the Fulton County website (http://wms.co.fulton.ga.us/) no wetlands are present within the proposed project site (see attached map).

- **Field observations and subsequent wetlands delineation/survey if applicable.**
  - Register-Nelson Environmental Consultants performed a Jurisdictional Wetland Determination on July 28, 2006 and found two wetlands present within the proposed project site (see attached map).

b. Floodplain

- **Federal Emergency Management Agency website (http://www.fema.org)**
  - The Federal Emergency Management Agency (FEMA) website has recorded a 500-year floodplain area within the proposed project site. This area is labeled as zone X on the attached FEMA floodplain map.

- **Fulton County Website (http://wms.co.fulton.ga.us/)**
  - The Fulton County website has recorded a 500-year floodplain area within the proposed project site, but not a 100-year floodplain area (see attached map).

- **Fulton County Department of Environment and Community Development, Development Services Division.**
  - Unable to gather floodplain information from website (found repetitive links to FEMA and Fulton County Website).

- **Field Observation and verification**
  - Register-Nelson Environmental Consultants performed a site visit on July 28, 2006 and found evidence of floodplain areas within the project site.

c. Streams/stream buffers

- **Fulton County Website (http://wms.co.fulton.ga.us/)**
  - Fulton County website has recorded a perennial stream and a pond within the proposed project site. During the field investigation, this

buffer was found to be fully in-tact and consisted of trees, shrubs, and grass.

- **Field observation and verification**
  - Register-Nelson Environmental Consultants performed a site visit on July 28, 2006 and found two streams within the project area. One is intermittent in flow regime, and the other stream which contains the pond, is perennial.

d. Slopes exceeding 33 percent over a 10-foot rise in elevation.

- **United States Geologic Survey Topographic Quadrangle Map**
  - United States Geologic Survey Topographic Quadrangle Map does not indicate slopes exceeding 33 percent over a 10-foot rise in elevation on the proposed project site (see attached map).

- **Field observation and verification**
  - Register-Nelson Environmental Consultants performed a site visit on July 28, 2006 and did not find slopes exceeding 33 percent over a 10-foot rise in elevation on the proposed project site.

e. Vegetation (including endangered species)

- **United States Department of Agriculture, Nature Resource Conservation Service**
  - Website used to identify plant species observed during site visit (please see bullet below).

- **United States Fish and Wildlife Service Website (http://www.fws.gov/athens/endangered/counties/fulton_county.html)**
  - An in-office review of the U. S. Fish and Wildlife Service (USFWS) database was initially performed to ascertain the list of state and federally protected plant species that may occur in Fulton County. This was accomplished to determine the possibility of State and/or federally protected species occurring on this site. State and federally listed threatened and endangered plant species that were documented as potentially occurring in Fulton County include:

    - Bay Star-vine (*Schisandra glabra*) Typical habitat includes rich alluvial woods. This species is not listed as threatened or endangered according to the USFWS and listed as threatened according to the Georgia Department of Natural Resources (DNR). According to the Georgia Department of Natural Resources website (http://www.georgiawildlife.com/content/displaycontent.asp?txtDocument=898&txtPage=6#shapefile) no habitat was identified, nor specimens observed during the field survey.

- Piedmont Barren Strawberry (*Waldsteiria lobata*) Typical habitat includes rocky acedic woods along streams. This species is not listed according to the USFWS and listed as threatened according to the DNR. According to the Georgia Department of Natural Resources website (http://www.georgiawildlife.com/content/displaycontent.asp?txtDocument=89&txtPage=6#shapefile) no habitat was identified, nor specimens observed during the field survey.

- In addition to the species listed above, the following list includes plant species of Special Concern for Fulton County as indicated by DNR:
  - Georgia Aster (*Aster georgianus*)
  - Pink Ladyslipper (*Cypripedium acaule*)
  - Large-flowered Yellow Ladyslipper (*Cypripedium parviflorum* var. *pubescens*)
  - Log Fern (*Dryopteris celsa*)
  - Crested Wood Fern (*Dryopteris cristata*)
  - Mountain Witch-alder (*Fothergilla major*)
  - Harper's Heartleaf (*Hexastylis shuttleworthii* var. *harperi*)
  - Southern Twayblade (*Listera australis*)
  - American Ginseng (*Panax quinquefolius*)

  GIS Quarter Quad shapefiles retrieved from the Georgia DNR website indicated the absence of these species within the project site.

- **Field observations**
  - During the Register-Nelson visit to the project site none of the above-referenced species were observed on the subject site.
  - The site was comprised of forested uplands and was predominately comprised of loblolly pines (*Pinus taeda*), with sparse coverage of American beech (*Fagus grandifolia*), hickory (*Carya sp.*), and white oak (*Quercus alba*).

f. Wildlife Species (Including fish and endangered species)

- **United States Fish and Wildlife Service**
  - An in-office review of the USFWS database was initially performed to ascertain the list of state and federally protected animal species that may occur in Fulton County. This was accomplished to determine the possibility of state and/or federally protected species occurring on this site. State and federally listed threatened and endangered animal species that were documented as potentially occurring in Fulton County include:
    - Bald Eagle (*Haliaeetus leucocephalus*) Typical habitat is near inland waterways and estuaries with suitable large trees nearby for nesting. This species is listed as threatened according to the USFWS and Endangered according to the DNR.

(http://www.fws.gov/athens/endangered/counties/fulton_county.html) No habitat was identified, nor specimens observed during the field survey.

- Gulf Moccasin Shell Mussel (*Medionidus penculatus*) Typical habitat includes medium to large rivers with slight to moderate current over sand and gravel substrates. This species is listed as endangered according to both the USFWS and DNR. (http://www.fws.gov/athens/endangered/counties/fulton_county.html) No habitat was identified, nor specimens observed during the field survey.

- Shiny-Rayed Pocket Mussel (*Lamposilis subangulata*) Typical habitat includes medium creeks to the mainstems of rivers with slow to moderate currents over sandy substrates and associated with rock or clay. This species is listed as endangered according to both the USFWS and DNR. (http://www.fws.gov/athens/endangered/counties/fulton_county.html) No habitat was identified, nor specimens observed during the field survey.

- Bluestripe Shiner (*Cyprinella callitaenia*) Typical habitat includes brownwater streams. This species is not listed according to the USFWS and listed as threatened according to the DNR. (http://www.fws.gov/athens/endangered/counties/fulton_county.html) No habitat was identified, nor specimens observed during the field survey.

- Cherokee Darter (*Etheostoma scotti*) Typical habitat includes small to medium warm, shallow creeks with rocky bottoms. This species is listed as threatened according to both the USFWS and DNR. (http://www.fws.gov/athens/endangered/counties/fulton_county.html) No habitat was identified, nor specimens observed during the field survey. The presence of endangered Darters in Fulton County is limited to the Etowah River watershed. This project site is located entirely in the Chattahoochee River watershed

- Highscale Shiner (*Notropis hypsilepis*) Typical habitat includes blackwater and brownwater streams. This species is not listed according to the USFWS and listed as threatened according to the DNR. (http://www.fws.gov/athens/endangered/counties/fulton_county.html) No habitat was identified, nor specimens observed during the field survey.

- **Georgia Department of Natural Resources, Wildlife Resources Division, Natural Heritage Program.**
  - In addition to the species listed above, the following list includes animal species of Special Concern for Fulton County as indicated by DNR:
    - Bachman's sparrow (*Almophila aestivalis*)
    - Peregrine Falcon (*Falco peregrinus*)
    - Four-toed Salamander (*Hemidactylium scutatum*)
    - Sculptured Pigtoe (*Quincuncina infucata*)

    GIS Quarter Quad shapefiles retrieved from the Georgia DNR website indicated the absence of these species within the project site.

- **Field observation**
  - During the July 28, 2006 Register-Nelson site visit none of the above-referenced species were observed on the subject site.

g. Archaeological/Historical Sites

- **Fulton County Historic Resources Survey**
  - No sites within or around the project site were listed in the National Register Information System for Fulton County.

- **Georgia Department of Natural Resources, Historic Preservation Division**
  - No archeological/historical sites are listed within the project area. However, two sites listed under the Georgia Historic Resources Survey were found within one mile of the project site (see attached).

- **Field observation and verification**
  - Field observation by Register-Nelson Environmental Consultants did not observe any archaeological or historical sites within the proposed project site.

3. Project Implementation Measures. Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
- Not applicable.

b. Protection of Water Quality
- Water quality will be protected by an on-site detention pond.

c. Minimization of negative impacts on existing infrastructure.
- Not applicable.

d. Minimization of archeological/historically significant areas.
   - Not applicable.

e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g. solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.
   - Not applicable

f. Creation and preservation of green space and open space.
   - Not applicable

g. Protection of citizens from the negative impacts of noise and lighting
   - The proposed project site is consistent with the current land use and planning of the adjoining area, thus noise and lighting impacts will be consistent as well.

h. Protection of parks and recreational green space.
   - Not applicable.

i. Minimization of impacts to wildlife habitats.
   - The area, due to surrounding development, provides little in the way of habitat for wildlife and the project should not have negative impact to wildlife habitat.

Future Development Map

Adopted by Mayor and Council on November 10, 2008 - Readopted December 2, 2013 - Revised September 8, 2014

FURTHER INFORMATION:
For more detailed inquiries, please contact the City of Johns Creek, GA Community Development/Planning Staff at (678) 512-3200.

DISCLAIMER:
This map has been compiled from the most accurate source data from Fulton County and the City of Johns Creek. However, this map is for informational purposes only and is not to be interpreted as a legal document. The City assumes no legal responsibility for the information shown on this map. For inquiries please contact the City of Johns Creek.

U.S. Fish and Wildlife Service

National Wetlands Inventory

NFWS-Wetlands Map

May 27, 2015

Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Riparian

- Herbaceous
- Forested/Shrub

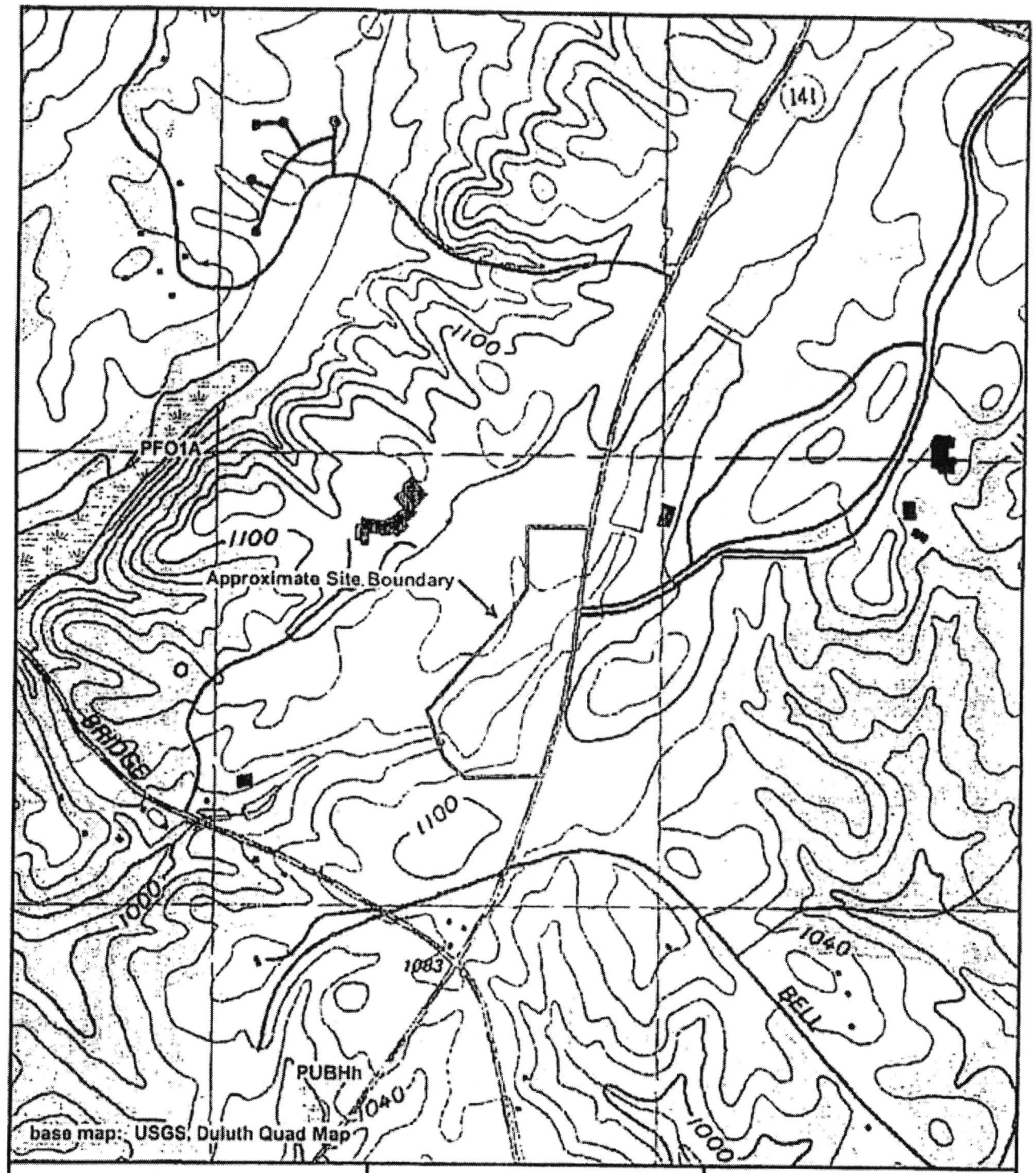
Riparian Status

- Digital Data

approximate Tract boundary

User Remarks:

05/27/15



Prepared:
August 8, 2006
By:

REGISTER NELSON
Environmental Consultants

3949 Jodeco Road, McDonough, GA 30253
Office: 678-432-2636 Fax: 678-432-2464

National Wetlands Inventory

Medlock Bridge Road
Fulton County, Georgia
for
Atlantic Realty Partners

1,000
Feet

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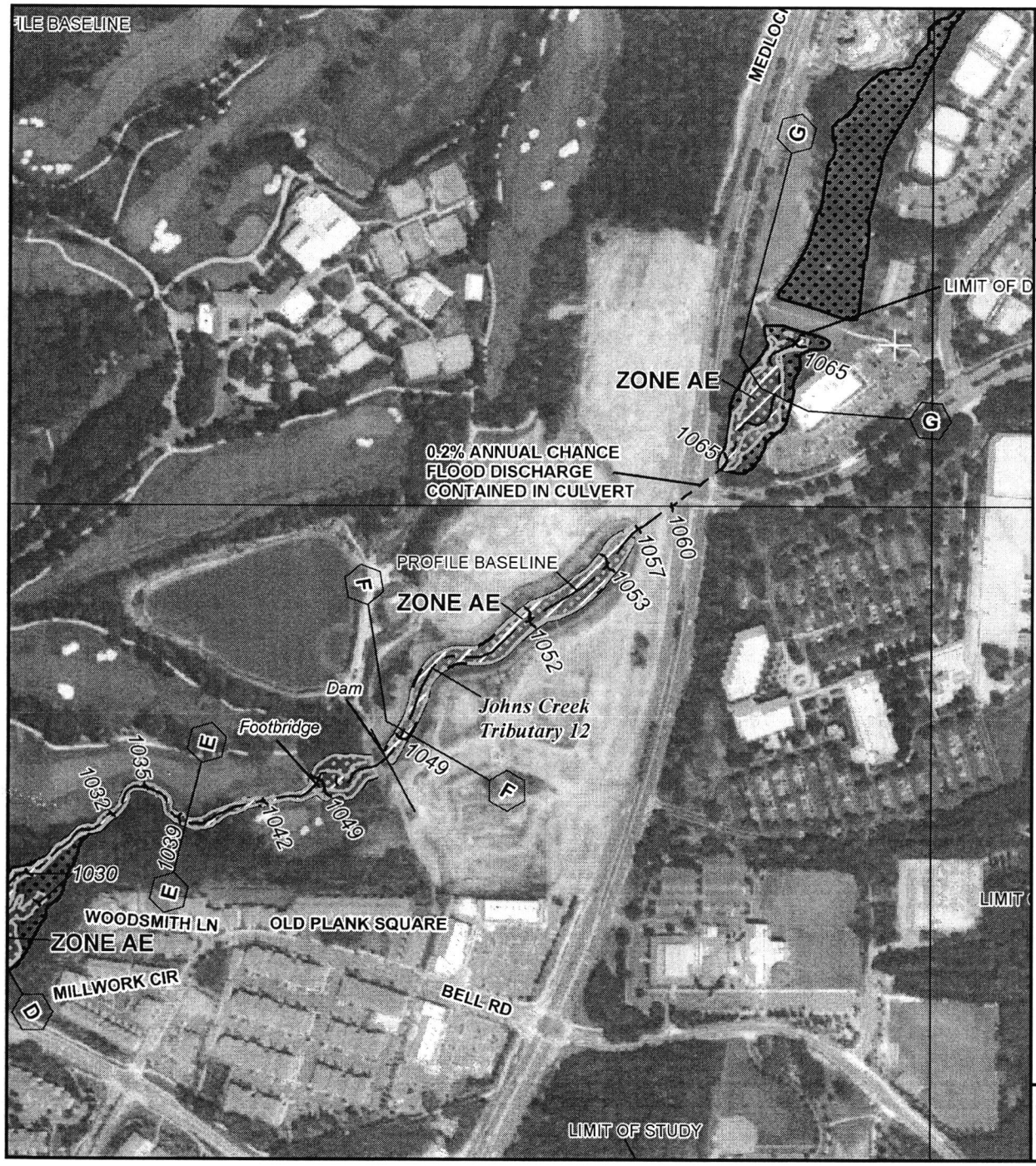


MAP SCALE 1" = 500'

250 0 500 1000

FEET

METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0091G

FIRM

FLOOD INSURANCE RATE MAP

FULTON COUNTY, GEORGIA

AND INCORPORATED AREAS

PANEL 91 OF 490

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
JOHNS CREEK, CITY OF	130676	0091	G

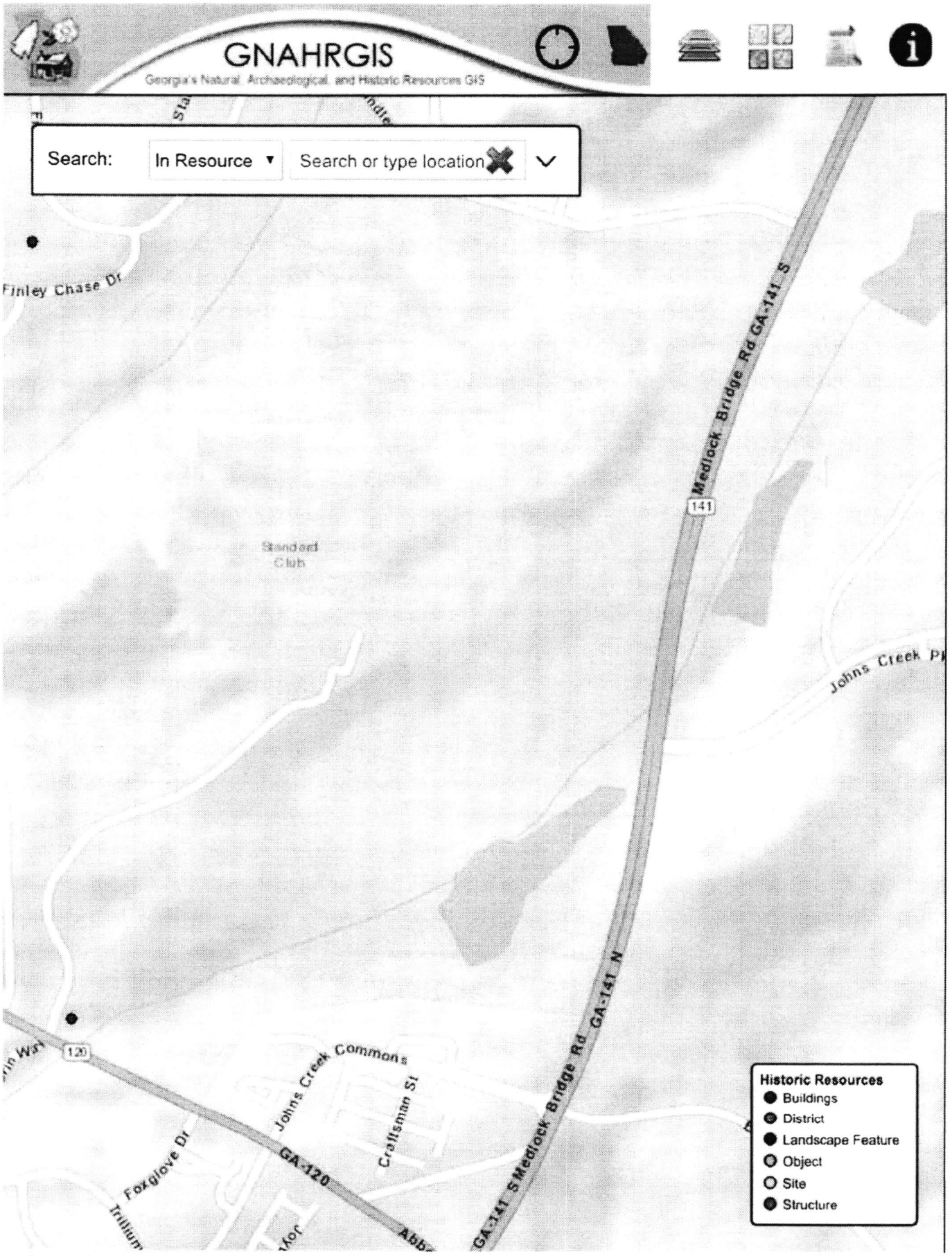
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

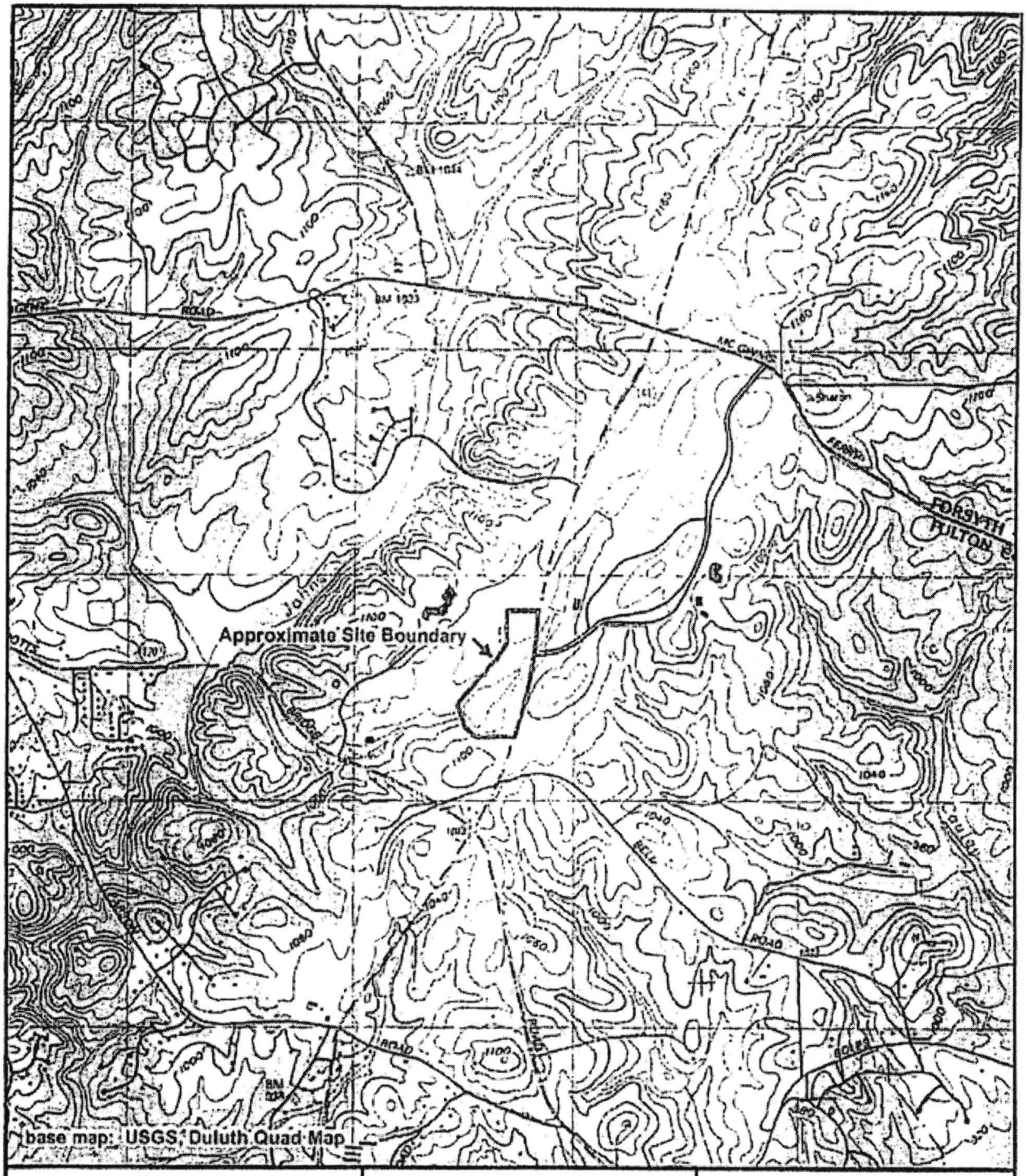
MAP NUMBER
13121C0091G

MAP REVISED
SEPTEMBER 18, 2013

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov


GNAHRGIS
Georgia's Natural, Archaeological, and Historic Resources GIS
Search:
In Resource
Search or type location
Finley Chase Dr
Medlock Bridge Rd GA-141 S
141
Standard Club
Johns Creek Pl
120
Johns Creek Commons
Craftsman St
Foxglove Dr
GA-120
GA-141 S Medlock Bridge Rd GA-141 N
Historic Resources
Buildings
District
Landscape Feature
Object
Site
Structure



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Topographic Location Map

Medlock Bridge Road
Fulton County, Georgia
for
Atlantic Realty Partners

2,000
Feet

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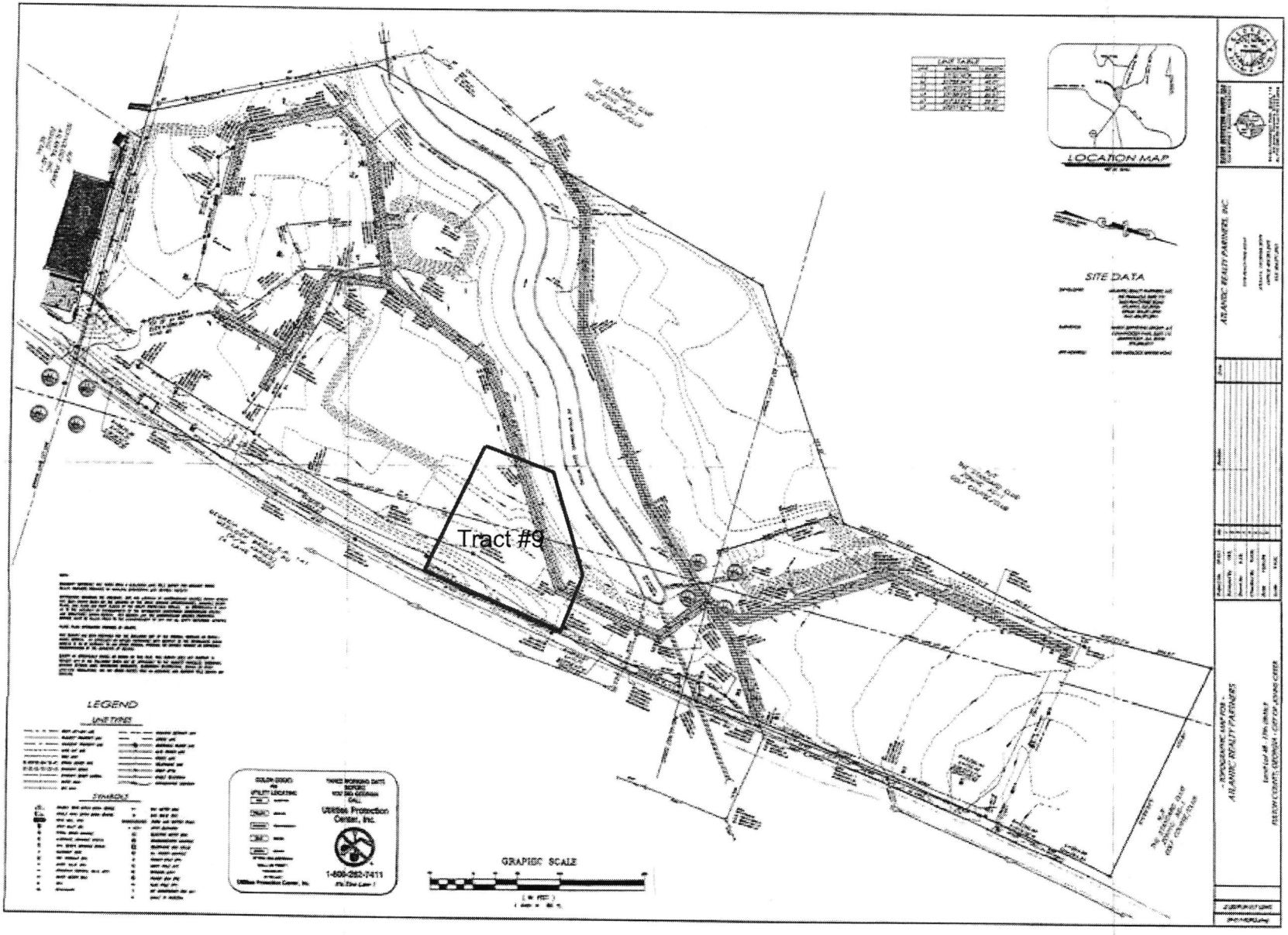
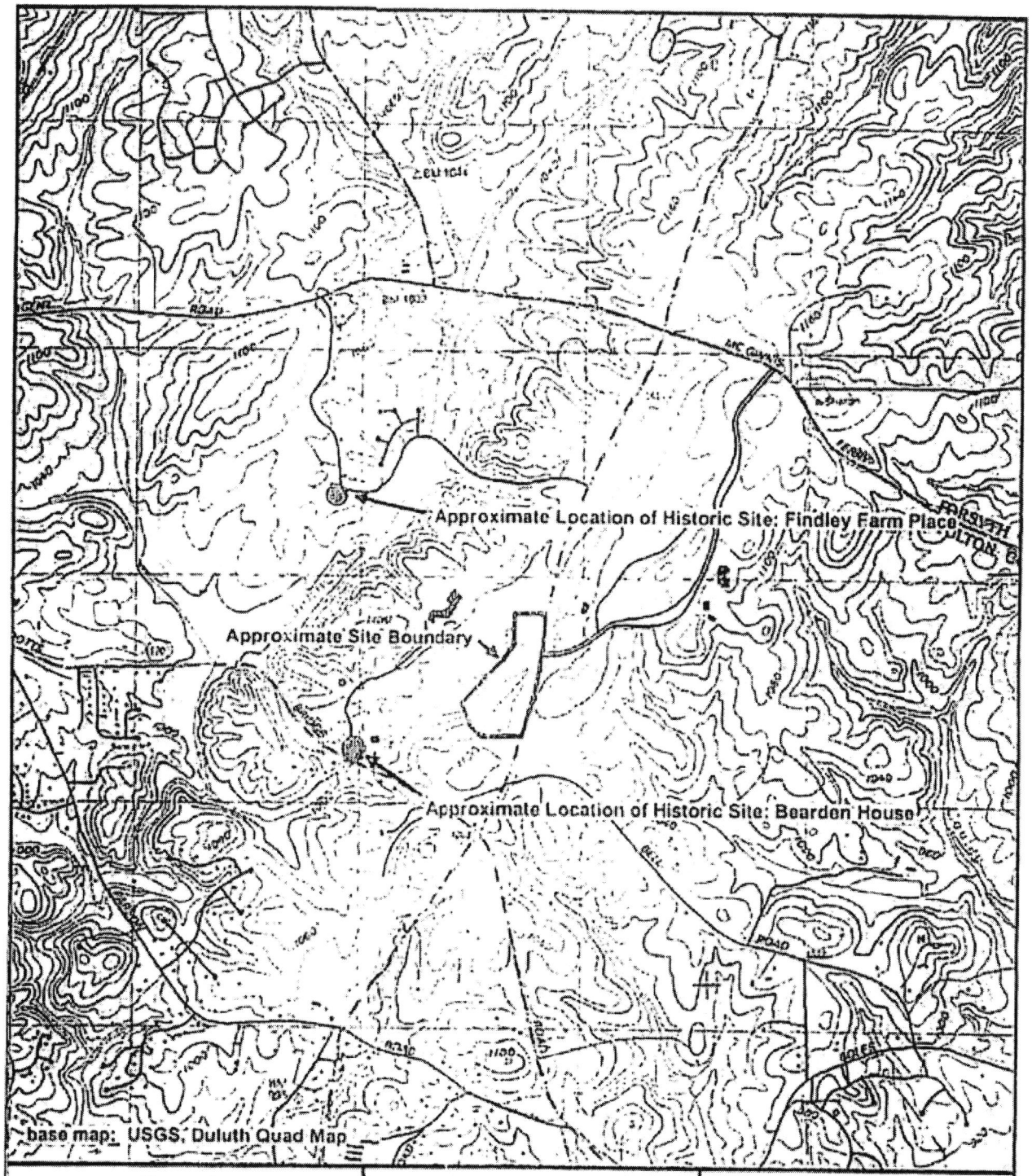


APPROXIMATE PAD-GRADED CONDITIONS



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3949 Jodeco Road, McDonough, GA 30253
Office: 678-432-2636 Fax: 678-432-2464

Historic Site Location Map

Medlock Bridge Road
Fulton County, Georgia
for
Atlantic Realty Partners

2,000
Feet

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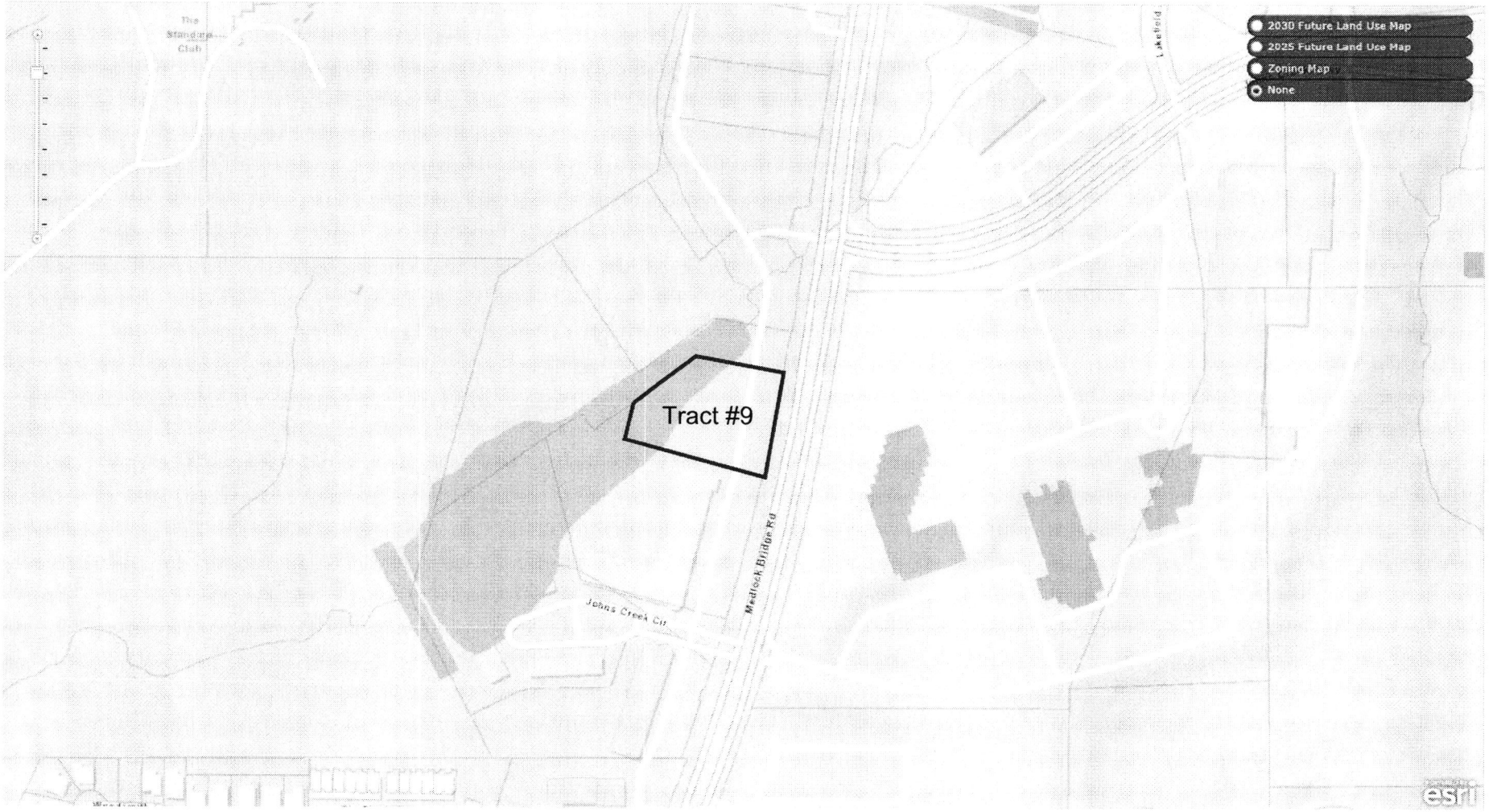
2030 Future Land Use Map
2025 Future Land Use Map
Zoning Map
None
Tract #9
Medlock Bridge Rd
Johns Creek Cir
Lakefield
The Standard Club
esri

Public Participation Plan

Cannon Equities, Inc. – Johns Creek Walk Tract 9

The applicant will notify all property owners within ¼ mile of the subject property regarding the application, including any identified homeowners' associations. Notification will be made by mail with a cover letter and a copy of the site plan. The City of Johns Creek shall provide the list of the owners within ¼ mile of the property. The letters shall be mailed promptly following provision of the owner list by the City of Johns Creek staff. As required by the application, the applicant shall schedule a meeting in the vicinity of the property to discuss the application in a location in close proximity to the development. The meeting will be held at least two weeks prior to the Planning Commission meeting.