

March 11, 2015

Mayor and City Council
City of Johns Creek, Georgia
12000 Findley Road
Suite 400
Johns Creek, Georgia 30097-1412

RE: Application of Jimmy Tester (“Applicant”) Rezoning of 1.2707 acres on Jones Bridge Road, City of Johns Creek, Fulton County, Georgia C-1 to C-1 and C-2.

Dear Mayor and Councilpersons:

As you are aware, this firm represents Jimmy Tester, the Applicant seeking to rezone the above referenced property from C-1 to C-1 and C-2. This letter shall be construed as the Second Amended Letter of Intent for this Application for Rezoning with request for concurrent variances.

The Applicant hereby requests to amend its original Application to reflect the following:

1. It was always Applicant’s intent and it still is his intent to have the **retail side of the Site Plan remain as C-1**. That is the reason for the line down the site plan and to show the development in two phases. The applicant will accept this as a condition of rezoning.
2. The Applicant can shrink the footprint for buildings so that there is **no longer a need for a parking variance**. I have attached the proposed reduction for your review and possible acceptance. The decrease in footprint would also decrease the trips per hour to the site.
3. The Applicant is not requesting a typical tunnel car wash on the site in the C-2 area. He would further condition the zoning so that in the event the property is not operated as a hand wash car detail use the zoning **would revert to C-1**.

While the request is a higher zoning intensity per the Johns Creek City Zoning Ordinance, the applicant has submitted actual trip counts from his current business in Alpharetta, which show that his use is actually less intense than what the property is currently zoned. The trips per day for Applicants hand detail car was use were 51 for 2014 and 53 in 2013. These numbers are **per day**. Trip counts for C-1 with a similar sized building (2219) are estimated at more than double.

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The property is currently zoned for 9380 square feet of C-1 retail. This could be built currently without the need for City approval. The Applicant is proposing a total of 5,619 square feet (3400 of which is to remain C-1 and 2219 which is to change to C-2) of retail use. This is a 40% reduction in building size from the current zoning.

After the two community meetings and the Planning Commission meeting, we have reached out to the parties in opposition, for which we had contact information and all attempts at meeting were denied. I am still working on obtaining contact information in hopes of scheduling a meeting.

It is understandable that the City Zoning Ordinance does not consider a Car Wash a C-1 use. Tunnel car washes are quick and the customer doesn't usually leave his or her car. Mr. Tester is proposing to make half of this site an owner occupied property, wherein the customers leave their vehicle under his care from 30 to 90 minutes. This promotes the customers use of surrounding businesses.

I have also attached with this email, additional letters obtained by the Applicant. He will be sending in more as they become available. Also, letters have been previously submitted from at least 40 homeowners in The Falls at Autrey Mill (many of which drive to Alpharetta for his service), local residents and business owners, the service station owner directly across the street and the Rabbi of Chabad of North Fulton, which is in walking distance to this site.

The Applicant and Owner respectfully request that the Mayor and City Council look at this Application and see that the use is suitable, and by adding conditions to this request the proposed Application would benefit the Applicant as well as the community.

Sincerely,
Lisa Shippel Law, LLC

Lisa G. Shippel, Esq., Member