

LETTER OF INTENT

The Applicant, Most Reverend Wilton D. Gregory, S.L.D., as Archbishop of the Roman Catholic Archdiocese of Atlanta and/or His Successors in Office, files this Special Use Permit and Concurrent Variance request seeking an expansion of the existing Saint Brigid Catholic Church (hereafter "Saint Brigid" or the "Church") located at 3400 Old Alabama Road. The Church is also acquiring a 1.28 acre tract of land located at 9895 Brumbelow Road and intends to incorporate this property into their overall campus property, yielding a total of +26.3 acres as described in the legal description attached hereto (the "Property").

Saint Brigid proposes to construct a 33,000 sq. ft. addition to the existing church building to add meeting rooms, classrooms, etc., to serve the existing congregation. The Church is not requesting an increase in the seating capacity of its sanctuary or an increase in the enrollment in Holy Redeemer Catholic School (the "School"). Rather, the intent of this expansion is to better serve the needs of the Saint Brigid congregation. The additions to the site will not substantially affect the impact that the Church has on the community as the additional facilities will primarily be used in off-peak traffic times, and also primarily by existing members.

The Church's Site Plan also anticipates the demolition of the existing house located on the 1.28 acre tract and the construction of a new 24,000 sq. ft. building at some point in the future. Although the programming for this building is far from finalized, it is anticipated that the building will be used for youth activities. The addition of this property to the Church's campus will also allow the Church to have access to and from Brumbelow Road which will aid traffic flow. Such access will be helpful to both the Church and to the School by relieving congestion on old Alabama Road and on the intersection of Old Alabama Road and Brumbelow Road.

Parishioners who wish to access the Property to and from the area southwest of the Church can do so without having to travel Old Alabama Road or navigate the intersection of Brumbelow Road and Old Alabama Road.

The Church is also seeking a Concurrent Variance to reduce the required buffer from the Property to the Bank of America building at the corner of Old Alabama Road and Brumbelow Road. The Applicant requests a reduction in the required 25-foot buffer and 10-foot improvement setback to a 15-foot buffer with no improvement setback along both of the Church's property lines which lie adjacent to the Bank of America. This reduction is needed due to the narrowness of the portions of the Church's Property adjacent to the Bank. A reduction is necessary in order to allow the Church to utilize this area of the site for an access drive, building and parking. Also, as a practical matter, a 15-foot buffer is certainly adequate to buffer the Bank from the Church use and, thereby, achieves the intent of the Ordinance.

The architecture of the proposed facilities will be consistent with design and architecture of the existing church. Although the church expansion will eliminate some existing parking spaces, these spaces will be replaced by converting the existing above-ground detention facility into a parking area and providing the required detention facilities underground.

Georgia Law requires us to raise Federal and State Constitutional objections during the application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the City of Johns Creek Zoning Resolution that classify, or that may classify the Property, into any land use category other than AG-1 and modified with an SUP for

the Church and School as conditioned and requested 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.

Any application of the City of Johns Creek Zoning Resolution to the Property that restricts its use to any land use category other than AG-1 and modified with a SUP for the Church and School as conditioned and requested by the Applicant is unconstitutional, illegal, null and void because such an application constitutes a taking of the 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 of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, because such an application denies 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 Mayor and City Council of the City of Johns Creek without any rational basis, thereby 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 Mayor and City Council of the City of Johns Creek to amend the Official Zoning Map, as it relates to the Property, to approve the 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 Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any change in the designation of the Property by the City of Johns Creek Zoning Resolution that subjects the Property to conditions that 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 in zoning the Subject Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

It is imperative that Saint Brigid address the spiritual needs of its members. Just like churches throughout Johns Creek and North Fulton, the Saint Brigid offers religious counseling, religious education and a place to worship. Denial of this Application will impede the religious exercise of the members of Applicant's congregation in violation of the First and Fourteenth Amendments to the United States Constitution and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). RLUIPA prohibits the imposition or implementation of a land use regulation in a manner "that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution-- (A) is in furtherance of a compelling interest; and (B) is the least restrictive means of furthering that compelling governmental

interest." 42 U.S.C. § 2000cc(a)(1). Moreover, denial of the Application or approving the Application subject to conditions, which differ from those proposed by the Application, would violate the Discrimination and Exclusion provisions of RLUIPA. 42 U.S.C. 2000cc(b)(1)(2)(3).

You are hereby notified pursuant to O.C.G.A. §36-11-1 of Applicant's intention to seek damages, including diminution of the value of the Property and attorney's fees and costs and expenses of litigation from the City of Johns Creek, Georgia incurred as a result of any unconstitutional zoning on the Property.

Accordingly, the Applicant respectfully requests that the Application for the SUP be granted.

Sincerely,

DILLARD & GALLOWAY, LLC

A handwritten signature in black ink, appearing to read 'W. Woodson Galloway', with a long horizontal flourish extending to the right.

William Woodson Galloway