

REZONING/SUP/CHANGE IN CONDITIONS APPLICATION

| APPLICANT INFORMATION | OWNER INFORMATION |
|--|---|
| NAME: <u>Vantage Commercial Contractors</u> | NAME: <u>Romo - PADA Development, LLC</u> |
| ADDRESS: <u>6075 Barfield Rd</u> | ADDRESS: <u>4725 Peachtree Corners Cir.</u> |
| CITY: <u>Sandy Springs</u> | CITY: <u>Peachtree Corners</u> |
| STATE: <u>GA</u> ZIP: <u>30328</u> | STATE: <u>GA</u> ZIP: <u>30092</u> |
| PHONE: <u>404 512-4492</u> | PHONE: <u>(678) 986 2988</u> |
| CONTACT PERSON: <u>Jay Parekh</u> <u>404 512-4492</u> | |
| CONTACT'S E-MAIL: <u>jayparekh@vantagecc.net</u> | |

| APPLICANT IS THE: | |
|--|--|
| <input type="checkbox"/> OWNER'S AGENT | <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER |
| PRESENT ZONING DISTRICTS(S): <u>C-1</u> REQUESTED ZONING DISTRICT: <u>C-1</u> | |
| DISTRICT/SECTION: <u>1st / 1st</u> LAND LOT(S): <u>3992-400</u> ACREAGE: <u>4.77</u> | |
| ADDRESS OF PROPERTY: <u>6650 McGinnis Ferry Road</u> | |
| PROPOSED DEVELOPMENT: <u>Terraces at Johns Creek</u> | |
| CONCURRENT VARIANCES: _____ | |

| RESIDENTIAL DEVELOPMENT | NON-RESIDENTIAL DEVELOPMENT |
|-------------------------------------|---|
| No. of Lots/Dwelling Units: _____ | No. of Buildings/Lots: <u>8</u> |
| Dwelling Unit Size (Sq. Ft.): _____ | Total Building Sq. Ft. <u>34,192 SF</u> |
| Density: _____ | Density: <u>35.6514%</u> |

Received
 Oct 10, 2023
 RZ-23-0003 & VC-23-0004
 Planning & Zoning

LETTER OF INTENT

October 10, 2023

Received
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Planning & Zoning

Applicant: Vantage Commercial Contractors LLC
Subject Property: 6650 MCGINNIS FERRY RD, Parcel No. 11 106003800101
Approximately Acres: 4.777
Current Zoning: C-1
Current Owner: ROMO PADA DEVELOPMENT LLC
Zoning Request: Amendment of Zoning Conditions, Amendment of Variances, and Additional Variances

This Letter of Intent is intended to comply with application procedures established by the City of Johns Creek, Georgia. The Applicant intends to develop the Subject Property as a retail area called **TERRACES AT JOHNS CREEK** as more fully described below and in the Site Plan, incorporated herein by this reference. Any zoning request, site plan, and variance application, submitted concurrently with the Application is also incorporated herein by this reference. The Zoning Applications and Variance Applications, along with all supplemental plans and documents are collectively referred to as the "Applicant's Proposal."

1. Summary of Development

The proposed development ("Development") according to the "Site Plan" submitted, is approximately 4.777 acres (Note approximately 3.247 acres that are buildable and 1.530 acres that are unbuildable) that was and is currently zoned for retail development. The Development increases building square footage (primarily through the addition of rooftop patios) while also relocating buildings to account for an area of rocky, poor soils where the side parking lot is located. Applicant further proposes the Site Plan for the Development to better suit the site and the needs of a modern retail marketplace. Such Site Plan also incorporates interconnectivity, landscaping, and pedestrian features that have become desirable since the previous zoning and site plan approval.

The Development, in both its design and intended retail tenants, seeks to reflect contemporary, post-Covid trends including focusing on service-oriented businesses, quality restaurants and consumer-driven features.

The square footage of the Development is as follows:

- Building A1: 8,500 sf. (*retail*), mezzanine 2,500 sf.
- Building A2: 2,500 sf. FF, 2,500 SF (*retail*)
- Building B1: FF (*daycare*) 10,800 sf., SF 7,200 sf., ROOFTOP 3,600 sf.
- Building B2: FF (*medical office*) 3,074 sf., SF 3,074 sf.
- Building C1: (*medical office*) 3,161

- Building C2: (*brunch bar*) 3,303 sf., ROOFTOP 3,303 sf.
- Building C3: (*bru foundry*) FF 4,580 sf., SF 2,000 sf., ROOFTOP 2,580
- Building E: FF 10,500.00 sf. (*retail*), SF 10,500.00 sf.

Total: 74,192 SF

Space uses in parenthesis above approximate and are subject to change on market conditions.

2. Comprehensive Plan Compatibility

The Development specifically accomplishes the goals of the City of Johns Creek Comprehensive Plan in that it fits squarely within the “High Intensity Node” centered at the intersection of Medlock Bridge Road (141) and McGinnis Ferry Road. It will provide a quality retail development that will serve the occupants of the adjacent Technology Park as well as the community at large within an established commercial corridor.

3. Johns Creek Town Center Code

Applicant has specifically incorporated the Johns Creek Town Center Code, adopted in 2022, into its Site Plan.

Applicant has incorporated community-oriented features including green space with garden boxes, viewing deck, outdoor summer and winter amenity area (with gas-fire pit), and paved access points to the community greenway along the creek.

The Development has enhanced and expanded streetscape elements, electric vehicle parking, water restoration areas, rooftop decks, patio spaces and gathering places.

The Development will have interconnectivity with the bank parcel (Delta Credit Union) to the east, and interconnectivity with sidewalks, and the greenway access to other nearby parcels. This is in line with the City’s desire to encourage interconnectivity, where feasible, in new projects. The Development has further created a reserved space for a potential inter-parcel connection with Parcel ID 11 106003800341 to the south.

4. Impact on the Local Population and Public Infrastructure.

- Public Road System. Permanent access to the Development will be from McGinnis Ferry Road and Johns Creek Parkway, both of which are appropriately sized to accommodate the proposed use of Applicant’s Proposal. Please see the Peak-hour Trip Generation Count.
- Water and Wastewater Systems. The Development's water and sewer needs will be served by public sewer.
- Utilities. With regard to public utilities, water and electricity are available to the Property. The impact on public utilities is anticipated to be minimal.
- Environmental Impact. The project should also have a minimal impact on the environment. Drainage, soil erosion, and sedimentation controls will be extensively utilized on the site after obtaining all required approvals from the local authorities.

5. Stormwater Planning

Applicant's stormwater management plan includes a vault built onsite made with poured concrete walls and precast concrete planks. Water runoff will be reduced with a combination of various infiltration methods in accordance with the *Georgia Stormwater Management Manual*, including but not limited to, rain harvesting and infiltration trenches. For rain harvesting, rainwater will be collected on the roofs to a centralized vault and infiltrated by using water in the irrigation system.

6. Requested Zoning Amendments and Variances

a. Requested Zoning Condition Amendments and Zoning Condition Additions

All previous Conditions from Land Use Petition RZ-19-008 (2019) shall be deleted and be of no further force or effect.

New Zoning Conditions shall be as agreed upon between the City and Applicant.

b. Requested Variances

i) Sec. 109-118 Buffer and setback requirements.

Buffer and setback requirements. All land development activity subject to this article shall meet the following requirements:

An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the point of wrested vegetation.

An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

Pervious Variance. Applicant requests a variance to allow within the 25 pervious setback, a "Viewing Deck," an "Enhanced Recreation Area," community garden boxes and two paved (10' wide) sidewalks/steps (as needed) from the Development to the "concrete sidewalk"/greenway along the creek area ("Existing Walkway"), and improvements to the Existing Walkway.

Undisturbed Variance. Applicant requests a variance to allow within the outside 25 feet of the undisturbed natural vegetative buffer a small piece of the "Enhanced Recreation Area," and one of the community garden boxes, and two paved (10' wide) sidewalks/steps (as needed) from the Development to the Existing Walkway, and improvements to the Existing Walkway.

All variances to the creek buffers are intended to complement the natural landscape of the area and provide for community access to the area.

The Applicant will submit plans detailing the Development for approval by the City of Johns Creek and any other appropriate governmental agencies, based on conformity with development and zoning requirements, as well as other applicable ordinances, statutes and regulations.

Please contact us if you have any questions or concerns.

[/wendy.w.kraby/](#)

Wendy W. Kraby
Attorney for Applicant,
Song Swallow, LLC

Received
Oct 10, 2023
RZ-23-0003 & VC-23-0004
Planning & Zoning

RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant: Vantage Commercial Contractors LLC
Subject Property: 6650 MCGINNIS FERRY RD, Parcel No. 11 106003800101
Acres: 4.777
Current Zoning: C-1
Current Owner: ROMO PADA DEVELOPMENT LLC
Zoning Request: Amendment of Zoning Conditions, Amendment of Variances, and Additional Variances

This Reservation of Constitutional and Other Legal Rights ("the Reservation") is intended to supplement and form a part of the zoning and variance application ("Application") of the Applicant and the Owners of the Subject Property, and to put the City of Johns Creek ("City") on notice of the Applicant's assertion of its constitutional and legal rights.

The Applicant objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by the City of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant also objects to the consideration of testimony or evidence presented by any party that fails to comply with notice and campaign disclosure requirements.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant will impose a disproportionate hardship on the Applicant and the Owner of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property other than as proposed by the Application and no resulting benefit to the public from denial of modification of the Application.

Any provisions in the City's Code ("Code") that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Zoning Conditions Amendments and Proposed Variances at a density or intensity less than that requested by the Applicant, are unconstitutional in that they constitute a taking of the Applicant's and Owner's property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is presently suitable for development as proposed in the Application and it is not suitable for development under any other zoning classification, use, or at a density or intensity less than that requested by the Applicant. Failure to approve the Application as requested by the Applicant will constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the City to approve the Application as requested by the Applicant will prohibit the

only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Furthermore, the City cannot lawfully impose more restrictive standards on the Subject Property's development than are presently set forth in the Code. To do so not only will constitute a taking of the Subject Property as set forth above, but it will also amount to an unlawful delegation of the Board's authority in response to neighborhood opposition, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended. Any conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. As such, the Applicant and Owner reserve the right to challenge any such conditions or restrictions.

The Applicant and Owner assert that the City's Code, and the City's Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and Owners of due process under the law.

By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state and local laws and ordinances, and in equity.

The Applicant and Owners respectfully request that the Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Applicant's Application, and we ask that this Reservation be presented with the Applicant's other Application materials to the governing authority of the jurisdiction. The Applicant and Owners reserve the right to amend and supplement this Reservation at any time.

Sincerely,

[/wendy.w.kraby/](#)

Wendy W. Kraby
Attorney for Applicant Vantage
Commercial Contractors LLC

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?

The development is a retail center on a busy road in a City "High Intensity Node" surrounded by similar commercial uses. This use is suitable for the area.

2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
No, the development is surrounded by property that has already been developed into commercial uses.
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3. Does the property to be rezoned have a reasonable economic use as currently zoned?
The property will remain as commercial, but the requested variances are needed for reasonable and economical development.
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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, the development is not residential and will not affect school enrollment. As for roads and utilities, the property is located on busy road in a High Intensity Node capable of handling increased development and related infrastructure needs.
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5. Is the zoning proposal in conformity with the policies and intent of the land use plan?
Yes, this development conforms with the City's Comprehensive Plan which has designated the property to be in a High Intensity Node appropriate for commercial development.
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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?
Existing conditions are specifically site plan-specific. An amendment of conditions to include a new site plan has been submitted that will take the place of existing conditions.
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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, this development is specifically bound by City's Code and the Johns Creek Town Center Code to incorporate sound environmental practices.
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PUBLIC PARTICIPATION PLAN

Applicant: Vantage Commercial Contractors LLC
Subject Property: 6650 MCGINNIS FERRY RD, Parcel No. 11 106003800101
Acres: 4.777
Current Zoning: C-1
Current Owner: ROMO PADA DEVELOPMENT LLC
Zoning Request: Amendment of Zoning Conditions, Amendment of Variances, and
Additional Variances

This Public Participation Plan is intended to comply with **ARTICLE XXVIII. - REZONING AND OTHER AMENDMENT PROCEDURES** established by the City of Johns Creek, Georgia. The Applicant intends to develop the Subject Property as a retail area as more fully described below and in the Site Plan, incorporated herein by this reference. Any zoning request, site plan, variance application, and annexation application, submitted concurrently with the Application is also incorporated herein by this reference. The Zoning Applications, Variance Applications and Annexation Applications, along with all supplemental plans and documents are collectively referred to as the "Applicant's Proposal."

1. The City will notify all property owners within a quarter mile of the Property of Applicant's Proposal. **What other groups do you intend to contact?** Applicant has or will contact adjacent landowners including PARAMOUNT PROPERTIES DEVELOPERS LLC, DELTA COMMUNITY CREDIT UNION, and TSO JOHNS CREEK LP.
2. **How do plan to contact any interested parties, either before making application or after the city Public Participation Meeting, regarding the rezoning/use permit application?** There are no plans at present to contact parties other than adjacent landowners and landowners withing ¼ mile.
3. **In addition to the City of Johns Creek Public Participation Meeting, do you plan to provide any other opportunities for discussion with interested parties before the PC and M&CC hearings?** The Applicant is committed to meeting with any party that wishes to discuss or has concerns about Applicant's Proposal.
4. **What is your schedule for completing the Public Participation Plan?**
Applicant will follow the City's requested schedule for the public meeting to occur as follows:
 - (i) Mayor and City Council shall hold a public hearing following the public hearing by the Planning Commission where a recommendation was made on the petition.
 - (ii) Following the public hearing, Applicant will file a Public Participation report no later than 15 calendar days prior to the Planning Commission hearing.
5. Minimum Standards of the Public Participation Report to be turned in by Applicant.
 - Provide a list of all parties that were contacted, the methods of notification that were used, and a copy of the notification letter(s).

- Provide dates and locations of all community and/or other meetings that were attended by the applicant to discuss an application. (attach meeting notices, letters, etc.).
- Provide the number of people who participated in meetings held to discuss an application. (attach sign-in sheets).
- A summary of concerns and issues expressed by interested parties.

The Applicant shall continue to keep the Planning Department informed of any new developments pertaining to public participation efforts by way of letters, emails, telephone calls, or meetings as necessary and required by the City's Code.

Regards,

[/wendy.w.kraby/](#)

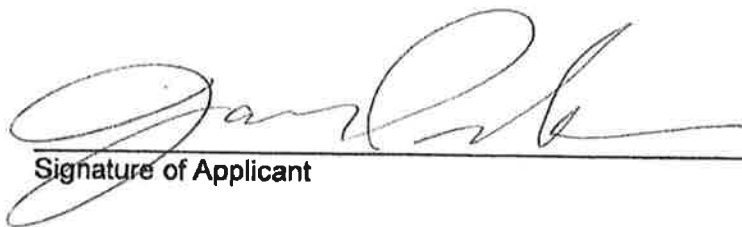
Wendy W. Kraby

GDCR Law,

Attorney for the Applicant

APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE CITY COUNCIL.




Signature of Applicant

9/8/23

Date

JAY PAREKH DIRECTOR

Type or Print Name and Title


Melissa DuBar

Signature of Notary Public

8-8-23

Date



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Oct 10, 2023
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PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Johns Creek, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning, Use Permit, & Concurrent Variance in request of the items indicated below.

I, ROMO-PADA Development, LLC, authorize, Vantage Commercial Contractors
(Property Owner) (Applicant)

to file for CV R2* C1 Modified at 655 Mc Ginnis Ferry
(RZ, SUP, CV) (Address)

on this date September 8th, 2023
(Month) (Day)

- I understand that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the City Council.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Johns Creek Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange sign permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

C Parke Day

Signature of Property Owner

9/8/23

Date

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C. Parke Day

Type or Print Name and Title

Leslie A Raynes 9/8/23
Signature of Notary Public Date

Notary Seal

LESLE A RAYNES
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Commission Expires March 4, 2025

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4); **NO** (if NO, complete only point 4)

1. **CIRCLE ONE:** **Party to Petition** (If party to petition, complete sections 2, 3 and 4 below)
In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

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| 1. | |
| 2. | |
| 3. | |
| 4. | |

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| 5. | |
| 6. | |
| 7. | |
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3. CAMPAIGN CONTRIBUTIONS:

| Name of Government Official | Total Dollar Amount | Date of Contribution | Enumeration and Description of Gift Valued at \$250.00 or more |
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4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Stephen P. Walker
 Signature: *Stephen P. Walker* Date: 10/10/23

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

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|----|----|----|----|----|----|----|----|
| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
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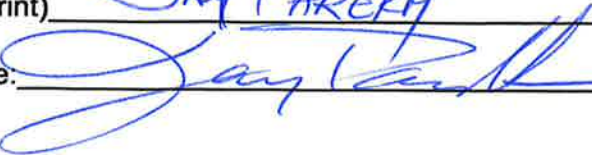
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Name (print) JAY PAREKH

Signature:  Date: 10/10/23

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: **YES** (if YES, complete points 1 through 4); **NO** (if NO, complete only point 4)

1. **CIRCLE ONE:** **Party to Petition** (If party to petition, complete sections 2, 3 and 4 below)
In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

| | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

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4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Wendy Krabi
Signature: *Wendy Krabi* Date: 9-12-2023