

REZONING/SUP/CHANGE IN CONDITIONS APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
<small>Rivermont Station II, LLC c/o J. Alexander Brock (Smith Gambrell & Russell LLP)</small> NAME: _____ ADDRESS: <u>1105 W. Peachtree St.</u> CITY: <u>Atlanta</u> STATE: <u>GA</u> ZIP: <u>30309</u> PHONE: <u>404-815-3603</u>	NAME: <u>Rivermont Station II, LLC (Quinn Gadow)</u> ADDRESS: <u>11501 NORTHLAKE DR</u> CITY: <u>CINCINNATI</u> STATE: <u>OH</u> ZIP: <u>44720</u> PHONE: <u>513-338-2735</u>
CONTACT PERSON: <u>J. Alexander Brock</u> PHONE: <u>404-815-3603</u> CONTACT'S E-MAIL: <u>jabrock@sgrlaw.com</u>	

APPLICANT IS THE:
<input checked="" type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>C-1</u> REQUESTED ZONING DISTRICT: <u>C-1</u> DISTRICT/SECTION: <u>1/2</u> LAND LOT(S): <u>832, 877, 878</u> ACREAGE: <u>10.428</u> ADDRESS OF PROPERTY: <u>8483 Holcomb Bridge Road</u> PROPOSED DEVELOPMENT: <u>Dutch Bros Coffee</u> CONCURRENT VARIANCES: <u>Johns Creek Code §4.13.C - Reduce Outparcel frontage</u>

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>N/A</u>	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>+/- 950 sf</u>
Density: _____	Density: _____

Received
December 3, 2024
RZ-24-0012 & VC-24-0009
Planning & Zoning

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, Rivermont Station II, LLC, authorize, J. Alexander Brock (Smith, Gambrell & Russell, LLP),
(Property Owner) (Applicant)
to file for RZ, CV, at 8483 Holcomb Bridge Road
(RZ, SUP, CV) (Address)
on this date October 29, 2024
(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.

[Signature] 10/29/24
Signature of Property Owner Date

Joe Schlosser Executive Vice President
Type or Print Name and Title

[Signature] 10/29/24 
Signature of Notary Public Date Notary Seal

JULIE A. COTTLE
Notary Public, State of Ohio
My Commission Expires
January 22, 2027
Recorded In Warren County

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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?
See Letter of Intent

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

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

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?
See Letter of Intent

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

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?
See Letter of Intent

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?
See Letter of Intent

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M E M O R A N D U M

TO: City of Johns Creek, Department of Community Development

FROM: J. Alexander Brock, P.E. Smith, Gambrell & Russell, LLP (GA P.E. 031209)

DATE: December 3, 2024

RE: Environmental Site Analysis – 8483 Holcomb Bridge Road

1) CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The Subject Property is a ±10.425-acre tract of land located at 8483 Holcomb Bridge Road in Land Lot 33, 1st District, 1st Section of Fulton County (Parcel ID: #12 308008320519). The Subject Property is currently developed as the Rivermont Shopping Center and within the Subject Property is a ±0.70-acre portion (“Lease Area”) currently developed with a Buffalo Emissions drive-through auto emissions testing facility, an Automatic Teller Machine (ATM) for the adjacent First Citizens Bank building, and ±34 parking spaces. The Applicant, Rivermont Station II, LLC, seeks to redevelop the Lease Area with a ±950 square foot Dutch Bros Coffee restaurant with a drive through and appurtenant site improvements (“Proposed Development”).

The Johns Creek 2018-2028 Comprehensive Plan (“Comp Plan”) depicts the Subject Property as being within the Newtown character area and the future land use as “Mixed Use - Low Intensity”. The Comp Plan defines the Mixed Use - Low Intensity land use as a “mix of residential, commercial retail and office uses.” Considering that the proposal would be a continuation of a commercial use surrounded by existing commercial-retail uses, the proposal is in conformity with the general policy and intent of the Comprehensive Plan. commensurate with other existing uses on adjacent and nearby properties. The proposed use, therefore, is suitable vis-a-vis the policies of the Comprehensive Plan.

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2) ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.

a) Wetlands

There are no wetlands on the Subject Property as indicated by the U.S. Fish and Wildlife Service, National Wetlands Inventory Maps.

Figure 1. National Wetlands Inventory Map

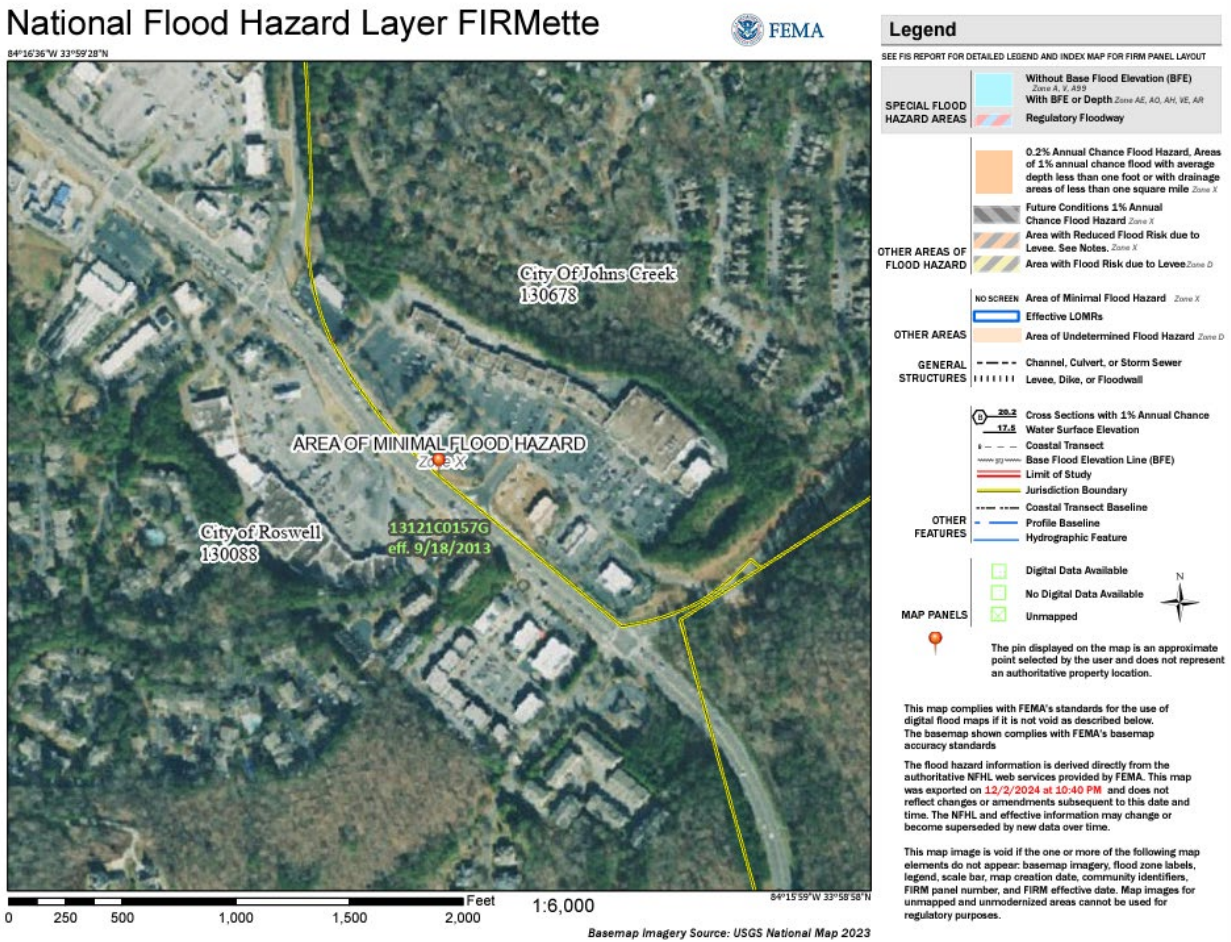


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b) Floodplain

The Subject Property is not located in any Special Flood Hazard Area (100-year floodplain) according to Federal Emergency Management Agency's ("FEMA") FIRM Panel, Panel number 13121C0157G, effective on 09/18/2013.

Figure 2. FEMA FIRM Panel



c) Streams/stream buffers

There are state waters present on the Subject Property based upon site observations and as indicated by the Johns Creek Creekview GIS. The state waters, however, are located along the Subject Property's northern property line away from the Proposed Development. There will be no impacts or encroachments into the City or State stream buffers from the Proposed Development.

d) Slopes exceeding 25 percent over a 10-foot rise in elevation

Based on topographic information obtained from the Fulton County GIS and site observation there are no slopes in excess of 25% over a 10-foot in rise on the Subject Property.

e) Vegetation

The project site is mostly paved as a parking lot and contains a drive-through emissions testing facility. An IPaC Trust Resource Report was generated from the U.S. Fish and Wildlife Service. The report revealed that there are no endangered plants listed for the region.

f) Wildlife Species (including fish)

An IPaC Trust Resource Report was generated from the U.S. Fish and Wildlife Service. The report revealed that there are three endangered species native to the region including Tricolored Bat, Whooping Crane, and Monarch Butterfly. None were found to be present or nesting at the project location during the site visit on December 2, 2024.

g) Archeological/Historical Sites

According Georgia's Natural, Archaeological and Historic Resources GIS (GNAHRGIS) maps, the project site is not on a historic or archaeological registry. The site is currently developed with a parking lot and the Rivermont Station Shopping Center.

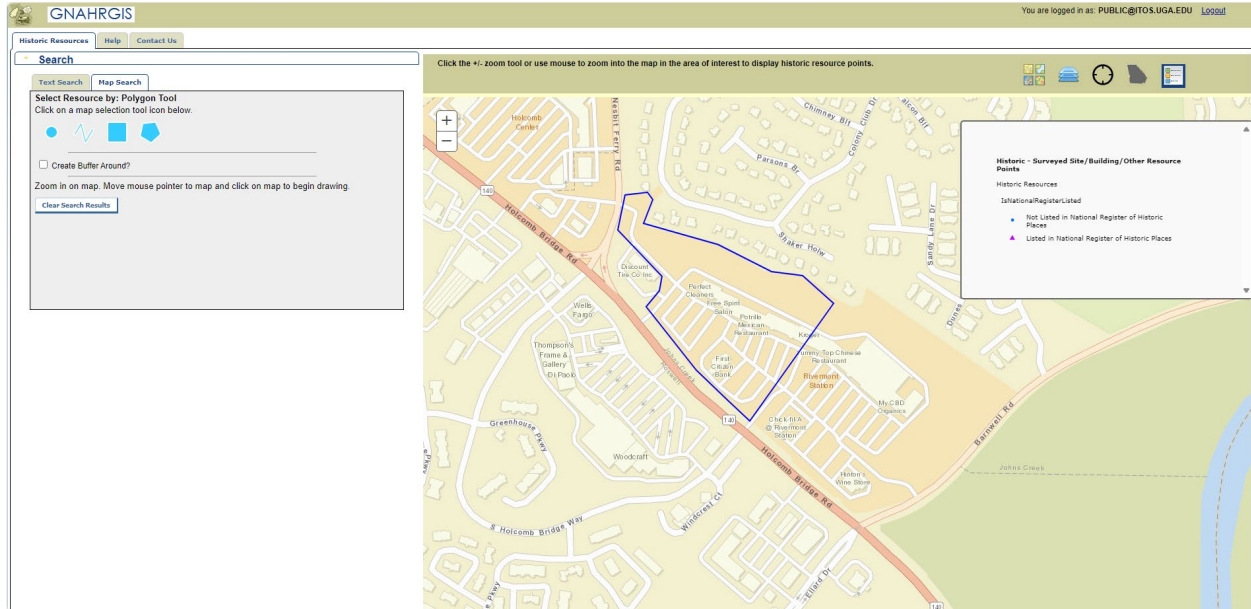


Figure 3. GNAHRGIS Map

3) **PROJECT IMPLEMENTATION MEASURES.**

a) Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

There will be no encroachment into the Georgia state stream buffers or the City of Johns Creek stream buffers. Additionally, there are no floodplains, wetlands, steep slopes or other environmentally sensitive areas on the Subject Property.

b) Protection of water quality

The proposed project will treat stormwater for pollutants prior to discharge from the site. The overall impact to the downstream stormwater infrastructure will be positive.

c) Minimization of negative impacts on existing infrastructure

The Proposed Development has access to existing utilities to support the proposed use. The Applicant's proposed use is not anticipated to overly burden existing utilities.

d) Minimization on archeological/historically significant areas

N/A

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.

N/A

f) Creation and preservation of green space and open space

The Subject Property is currently developed as the Rivermont Station Shopping Center and the project area is developed as a parking lot. The applicant will install appropriate vegetative landscape strips along the perimeter as indicated on the site plan.

g) Protection of citizens from the negative impacts of noise and lighting

The proposed noise and lighting will be similar to other commercial uses in the area and is not anticipated to have negative impacts on the surrounding commercial properties.

h) Protection of parks and recreational green space

The Proposed Development will not be impacting any existing parks or recreational green space.

i) Minimization of impacts to wildlife habitats

The Subject Property is currently developed as the Rivermont Station Shopping Center and the project area is developed as a parking lot with little to no natural wildlife habitats remaining.

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. _____
2. _____
3. _____
4. _____

5. _____
6. _____
7. _____
8. _____

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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

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) Joe Schlosser (for Rivermont Station II, LLC)

Signature:  Date: 10/29/24

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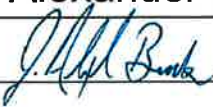
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Name (print) J. Alexander Brock (Smith, Gambrell & Russell LLP)
 Signature:  Date: 12/2/2024

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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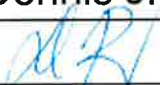
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Name (print) Dennis J. Webb, Jr. (Smith, Gambrell & Russell LLP)
 Signature:  Date: 12/2/2024

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Name (print) Kathryn M. Zickert (Smith, Gambrell & Russell LLP)
 Signature: *Kathryn M Zickert* Date: 12/2/2024

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Name (print) Kirk R. Fjelstul (Smith, Gambrell & Russell LLP)
Signature:  Date: 12/2/2024

PUBLIC PARTICIPATION PLAN

1. The City of Johns Creek will notify all property owners within a quarter mile of the site. What other groups do you intend to contact?

The Applicant will reach out to community groups in proximity to the subject property.

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?

We will make an effort to identify any community groups in the area as well as reach out to interested parties that attend the public hearing.

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?

We will meet with community groups, if requested.

4. What is your schedule for completing the Public Participation Plan?

Prior to the Planning Commission meeting.

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