

LETTER OF INTENT
and
IMPACT ANALYSIS

and

Other Material Required by
City of Johns Creek Zoning Ordinance
for the
Rezoning Application

of

JWG, Inc.

for

± 2.0 Acres of Land
located at 11300 Johns Creek Parkway in
Land Lot 398, 11th District, Fulton County, Georgia

From M-1A to O-I

Submitted for Applicant by:

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City of Johns Creek
Planning & Zoning

I. INTRODUCTION

This Application seeks to rezone a ±2.0 acre tract of land (Parcel ID 11 107003980109) located at 11300 Johns Creek Parkway in Land Lot 398, 11th District of Fulton County (“Subject Property”). The Subject Property is currently zoned Industrial Park District (M-1A) and developed with a ±17,158 square foot office building that was developed in 2006.¹ The property is owned by JWG, Inc. (“JWG” and/or “Applicant”) who seeks to lease two suites totaling ±11,059 square feet of the existing office space for a college use. The college’s proposed improvements will consist entirely of interior renovations of the ±11,059 square foot space to convert the office space into classroom, clinic and administrative areas (“Proposed Development”). The Applicant is not proposing any building expansion or exterior site improvements. To allow the college use, the Applicant is requesting the following approvals: 1) To rezone the Subject Property to Office Institutional District (O-I); and 2) Two concurrent variances to the minimum parking and setbacks to align the existing site conditions with the proposed college use and O-I district requirements.

The proposed college tenants are two accredited, mission-driven institutions that support workforce development, community health, and lifelong learning. Virginia University of Integrative Medicine (“VUIM”) and Ivy College, sister institutions founded over 21 years ago, bring more than four decades of combined experience in delivering accessible, outcome-driven education to adult learners across the East Coast. Together, these institutions reflect the values and vision of Johns Creek: innovation, inclusion, healthy-living & community well-being, and strategic growth.

VUIM is the largest and fastest-growing accredited acupuncture institution in the U.S.,

¹ The Subject Property was originally rezoned to M-1A pursuant to Fulton County Zoning Case 1983Z-0141, which included the overall Technology Park Atlanta development. Shortly after the 1983 rezoning the property was improved with an office building that was later demolished to allow the current structure.

with over 21 years of experience advancing integrative health education. As a nonprofit university, VUIM offers graduate-level programs in Acupuncture and East Asian Medicine, all accredited by the Accreditation Commission for Acupuncture and Herbal Medicine (ACAHM). With campuses in Virginia, New Jersey, and Duluth, Georgia, VUIM offers its degree programs in three distinct language tracks (English, Korean, and Chinese), underscoring its multicultural reach. Continuing with the proposed Johns Creek development, each campus features an Academic Teaching Clinic where supervised student interns offer low-cost and no-cost care to the public. VUIM Clinic also delivers advanced acupuncture services to the wider community through the professionally licensed faculty of VUIM. Its degree programs include: Master of Science in Acupuncture; Doctor of Acupuncture; Master of Science in Acupuncture and Herbal Medicine; Doctor of Acupuncture and Herbal Medicine; and Continuing Education in Acupuncture, Plant-based Herbal Medicines, Integrative Health and Wellness.

Ivy College is a TRACS-accredited², woman-founded postsecondary institution focused on in-demand fields such as healthcare management, business administration, and cybersecurity with plans to offer future training opportunities that remain true to its spiritual and ethical roots. Ivy College currently has its main campus in Vienna, Virginia (near Washington D.C.) with Johns Creek targeted as its first expansion. Authorized by the Georgia Nonpublic Postsecondary Education Commission (GNPEC) in 2025, Ivy College offers programs designed to equip students with market-ready skills which are uniquely positioned for employment in today's dynamic marketplace. Its current degree programs include: Bachelor of Arts in Biblical Studies (B.A.B.S.);

² TRACS accreditation refers to the accreditation process offered by the Transnational Association of Christian Colleges and Schools (TRACS). TRACS is a national institutional accrediting agency recognized by the U.S. Department of Education and the Council for Higher Education Accreditation (CHEA). It focuses on ensuring that Christian post-secondary institutions maintain high standards of academic and moral integrity.

Associate of Arts in Biblical Studies (A.A.B.S.); Bachelor of Arts in Business Administration (B.A.B.A.); Associate of Arts in Business Administration (A.A.B.A.); and English as a Second Language (E.S.L.) Program. Ivy College is also planning on the following degrees for its Georgia campus starting in 2026: Bachelor of Science in Cybersecurity (B.S.CyS); Bachelor of Science in Data Science (B.S.D.S.); Bachelor of Arts in Criminology and Law Studies (B.A.C.L.); Bachelor of Science in Healthcare Management (B.S.HC.M.); and an Associate of Arts in Healthcare Administration (A.A.HC.A.). Through its new operations in Johns Creek, Ivy College will promote economic mobility for adult learners, career changers, and underserved communities.

VUIM and Ivy College will both occupy suites 100 and 300 in the existing office building with a potential for occupying suite 400 in the future.³ The Applicant is proposing interior renovations to the building to convert the current office layout into classrooms, clinics and administrative offices. There are no proposed modifications to the existing site, including the parking and landscape areas. The two colleges will have both on-campus and remote class options, as well as VUIM's on-campus clinics for its students. VUIM and Ivy College anticipate an enrollment of approximately 90-100 students with a maximum of 30-40 students on campus at any one time.⁴ In addition, JWG has observed that its current office tenant, Cornerstone Financial Partners, LLC, typically utilizes ± 5 parking spaces. As a consequence, the existing parking and site improvements are sufficiently sized to handle both the anticipated number of students and the existing office tenant.

The prospect for housing VUIM and Ivy College's Johns Creek campus is a welcome

³ Suite 400 is currently vacant and is not included in VUIM/Ivy Colleges current lease, but the college may occupy in the future. Suite 200 is currently occupied by Cornerstone Financial Group, which will remain after the rezoning request.

⁴ As a comparison, VUIM's Ridgefield, NJ has, on average, ± 22 on-campus students, 3 on-campus faculty, and ± 99 online students enrolled. VUIM's current Duluth, GA campus has a current enrollment of 74 students with 15-20 students attending on-campus classes and clinics at any one time.

opportunity for JWG. Since the ubiquity of work-from home options starting with the COVID-19 pandemic, the demand for Class-B suburban office space has taken a dramatic downturn with many office buildings severely under-leased or vacant. Across the metropolitan Atlanta area, including Johns Creek, many office buildings have been demolished and redeveloped for other uses due to lack of demand. The Subject Property, although well-maintained, unfortunately has been no different as 64.4% of the current space remains vacant and only one tenant suite is leased. The opportunity presented through VUIM and Ivy College will help revitalize a struggling office, as well as add a valuable and fitting use into the Johns Creek community.

The proposed college use and the requested O-I district are compatible and harmonious with the existing development and zoning in the area. The Subject Property is located in an area that is characterized by a variety of office, educational, commercial and mixed-use developments. To the south, the Subject Property borders a vacant property zoned Community Business District (C-1). To the east the Subject Property borders a commercial property, zoned Community Business District (C-2) containing Six Bridges Brewing and the Johns Creek Event Center, among other tenants. To the north and west, the Subject Property abuts the right of way of Lakefield Drive and Johns Creek Parkway. Further to the north, across Lakefield Drive is property zoned Town Center Mixed-Use (TC-X) and is currently being developed for the Medley mixed-use development, consisting of 200,000 square feet of commercial space, 900 residential units and 110,000 square feet of office space.⁵ It is anticipated that the future students may choose to live in the Medley development and walk to classes at VUIM and Ivy College, enhancing the area's walkable characteristics. There are also other school uses in the area, including the Providence Christian Academy located at 11445 Johns Creek Parkway. In 2022, the City of Johns Creek

⁵ Information obtained from Toro Development's website at: <https://torodevco.com/community/medley/>.

approved a rezoning (RZ-22-002) from M-1A to O-I to allow Providence Christian Academy to convert an existing office building into a school use, in a situation that parallels what the Applicant is now requesting. As a result, the proposed college use will be completely compatible and complementary to the existing uses in the area and similar to other existing school uses in the area.

In addition, the Proposed Development is also in alignment with the City of Johns Creek's long-term planning for development in the area. The Connect Johns Creek Comprehensive Plan 2018-2028 ("Comp Plan") identifies the property as being within the Technology Park ("Tech Park") Community Area and the future land use as Commercial - Office. The Comp Plan's vision for Tech Park is to "redevelop this suburban office park into a live-work-play destination for business owners who want to live in a premier residential community, have a short commute to their offices, and have an amenity-rich park at their business' front door."⁶ The Comp Plan also recognizes that the Tech Park office complex "has lost favor with younger employees and corporations that currently seek walkable environments..."⁷ The Tech Park area was originally developed in the 1980's and 1990's with the vision of creating a mix of office and light industrial uses, hence the prominence of the M-1A zoning district throughout the area. The area has grown considerably since that time and the M-1A zoning is becoming less fitting with recent development trends, including the rise of mixed-use developments. The proposed O-I district will align the Subject Property with the development trends by revitalizing a struggling office with a higher-education use that is not currently found in the Tech Park area. In addition and as mentioned above, VUIM and Ivy College's proximity to the Medley residences will help promote walkability for its students and faculty. Thus, the Applicant's proposal for an O-I zoning will allow a college use that is aligned with the current development trends and the City of Johns Creek's long-term vision for Tech Park.

⁶ See *Connect Johns Creek Comprehensive Plan 2018-2028*, pg. 156.

⁷ *Id.*

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and an impact analysis as required by the City of Johns Creek's Zoning Ordinance §§ 28.4.1 and 28.4.2. An existing site plan, pursuant to Johns Creek Zoning Ordinance § 11.2.3, has been filed simultaneously with this Application, along with other required materials.

II. HISTORY

The Subject Property is zoned M-1A and designated as being within the as Johns Creek North Community Area per the City's Comp Plan. The property was rezoned in 1983, pursuant to case 1983Z-0141, which included the overall Technology Park Atlanta development. The site was developed for an office build around 1990 and then redeveloped in 2006 for the current 17,156 square foot office building. To the Applicant's knowledge, the Subject Property has not been rezoned since 1983.

III. IMPACT ANALYSIS

1.

THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY

As noted in the paragraphs above, the Subject Property is surrounded by other commercial and office uses. Also, the existing office building has existed in harmony with the surrounding development for the past ±19 years and the Applicant is not seeking to expand the building or redevelop the site. Instead, the Applicant's request to rezone is only to allow a college use that is complementary to the surrounding office and mixed-use development. Additionally, there are other school uses in the Tech Park area, including the Providence Christian Academy, which the City of Johns Creek has determined to be a fitting use for the Tech Park area. Accordingly, the Proposed Development will be suitable in view of the use and development of the nearby

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properties.

2.

THE ZONING PROPOSAL WILL NOT ADVERSELY AFFECT THE EXISTING USE OR
USABILITY OF ADJACENT OR NEARBY PROPERTY

The Proposed Development will not adversely affect the surrounding uses. As stated in previous paragraphs, the proposed college use is complementary to the adjacent uses and will not negatively impact the surrounding properties in the area. Additionally, the Proposed Development is comparable in scale and nature to other existing office and school uses in the Tech Park area.

3.

THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL DOES NOT HAVE A
REASONABLE ECONOMIC USE AS CURRENTLY ZONED

The Subject Property is developed with an office building, however it is currently 64.4% vacant. As noted in previous paragraphs, the demand for suburban office space has experienced a dramatic decline in recent years and many offices around the metropolitan area are struggling to remain leased. The Applicant's proposal will maintain the existing office building, while allowing a suitable higher-education use to lease space within the building. In order to allow a college tenant, however, the Subject Property must be rezoned to an appropriate district. Absent a rezoning, the building will likely remain mostly vacant.

4.

THE ZONING PROPOSAL WILL NOT RESULT IN A USE WHICH WILL OR COULD
CAUSE AN EXCESSIVE BURDENSOME USE OF EXISTING STREETS,
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS

The Applicant does not anticipate any significant impact to the vehicular traffic from the minor amount of trips that the Proposed Development will generate. A Trip Generation Memo detailing the Proposed Development's anticipated vehicular trips is attached to this Application. The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Eleventh

Edition), to calculate vehicle trips for the Proposed Development. The Trip Generation Memo notes that the general office (ITE category 710) and university/college (ITE category 550) uses will result in a net 43% reduction (-16 trips) in trips during the AM peak hour, a net 42% reduction (-16 trips) during the PM peak hour, and a net 34% reduction (-86 trips) over a 24-hour period when compared to the existing 17,158 square foot office use. Since the Proposed Development will result in a net decrease in vehicular trips from the site, the traffic impact on adjacent and nearby roadways is expected to improve.

The Proposed Development is non-residential and will have no impact on school capacity. As for utilities, the Subject Property has access to water and sewer.

5.

THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICIES AND INTENT OF
THE LAND USE PLAN

As noted in the paragraphs above, the City of Johns Creek Comp Plan, depicts the Subject Property as being within the Tech Park Community Area and the future land use category as Commercial-Office. The proposed college will be integrated into a building with existing office use and would be compliant with the policy and intent of the Comp Plan, and contribute to the creation of vibrancy with a mix of uses in the Tech Park Community Area. The project at issue represents a consistent use 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.

6.

THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE
AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR
APPROVAL OF THE ZONING PROPOSAL

As noted in the previous paragraphs, the Tech Park area was originally intended as an office and light industrial technology development. The recent trends in area's development and its

current mix of uses, however, have resulted in the M-1A zoning to be out of alignment with the area's development trends. The Applicant's proposal to rezone to O-I will bring the Subject Property into alignment, while allowing a practical and fitting college use.

7.

THE ZONING PROPOSAL WILL PERMIT A USE WHICH WILL NOT BE CONSIDERED ENVIRONMENTALLY ADVERSE TO THE NATURAL RESOURCES, ENVIRONMENT AND CITIZENS OF THE CITY OF JOHNS CREEK

The existing tract is currently developed and the Applicant is not proposing any expansion to the existing building or site improvements. VUIM and Ivy College's proposed improvements will be to the interior only. As a consequence, there will be no increase in impervious area. Thus, there will be no negative environmental impacts and no increase in stormwater runoff.

IV. CONCURRENT VARIANCE ANALYSIS

The Applicant is seeking two concurrent variances to the requirement of the Johns Creek Code of Ordinances with its request. It is important to note that both variances are due to the existing conditions of the property and not due to any work proposed by the Applicant.

A. JOHNS CREEK CODE OF ORDINANCES § 18.2.1 TO REDUCE THE MINIMUM OFFSTREET PARKING TO 60 SPACES.

Johns Creek Code of Ordinances ("Johns Creek Code") § 18.2.1, requires a minimum of 1 space per 300 square feet of office floor area and 1 space per 200 square feet of schools/colleges floor area. Based upon the Johns Creek Code requirements, the proposed 4,181 square feet of office and 12,977 square feet of college⁸ will require ±78 parking spaces. The Subject Property, however, currently has 60 existing parking spaces. The Applicant is not

⁸ Suite 400 is currently vacant, however the college parking total anticipates using 1,918 square feet of Suite 400 as part of the college.

proposing any site development or the addition of more parking. Accordingly, the Applicant is requesting a reduction in the minimum required parking to match the existing site conditions. The Applicant's request will not result in any negative impacts, however. The 60 existing spaces is more than sufficient to serve both the existing office use and VUIM/Ivy College. The existing office tenant, Cornerstone Financial Partners, LLC, regularly uses five parking spaces. VUIM/Ivy College expects a maximum of 30-40 students on campus at any one time, with approximately 10 additional teaching and administration staff, including its future planned expansion for Suite 400, for a total of ± 50 spaces needed to serve the entire building. In addition, the Applicant expects a portion of the college students to live in the adjacent Medley development, once it is complete, likely resulting in an even smaller parking demand. As a consequence, there will no negative impact from granting the Applicant's request to reduce parking.

B. JOHNS CREEK CODE OF ORDINANCES § 18.3.1.D TO ALLOW THE EXISTING PARKING WITHIN THE FRONT AND SIDE CORNER SETBACKS.

Johns Creek Code § 18.3.1.d prohibits parking from being located within the front and side corner yard setbacks for developments in the O-I districts. Again, the Applicant is not proposing any increase in the parking area and the variance request stems from the existing site conditions and increased setbacks in the O-I district. The current M-1A district requires a 30-foot front and rear yard setback, whereas the O-I district requires a 40-foot setback. The existing parking stalls were located completely outside of the currently required setbacks, however the increase in setback width will result in a portion of the same parking encroaching into the front and side corner setbacks. The parking will remain exactly as it exists today and will be visually no different from what has existed onsite for the last 19 years. In other words, the request is due to a change in an invisible line on paper and will be indistinguishable from the

current development. Regardless, to mitigate any potential impacts, the Applicant is proposing to increase the landscape buffer along Johns Creek Parkway and Lakefield Drive from 25-feet (required per the O-I district) to 30-feet.

Pursuant to the City of Johns Creek Zoning Ordinance § 22.3, the criteria for granting a variance are met. First, relief is in harmony with the general purpose and intent of the Zoning Ordinance. Second, the application of the setbacks and parking to the Subject Property creates an unnecessary hardship for the owner due to extraordinary and exceptional conditions because of its size, shape, or topography and would not cause any detriment to the public.

V. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the John Creek Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the City Council's failure to approve the requested rezoning and concurrent variances would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the use and concurrent variances in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and concurrent variances be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 5th day of August, 2025.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Alexander Brock", is positioned above a horizontal line.

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