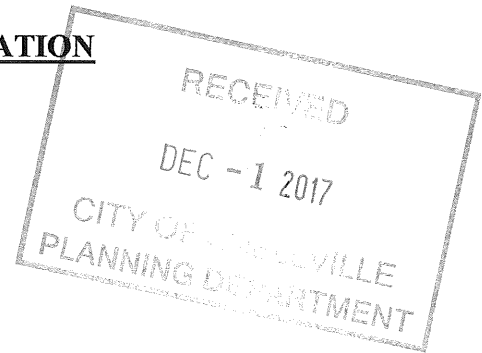


LETTER OF INTENT FOR VARIANCE APPLICATION

December 1, 2017



VIA HAND DELIVERY AND E-MAIL

City of Snellville
Attn: Board of Zoning Appeals
c/o Jason Thompson,
Director of Planning and Development
2342 Oak Road
Snellville, GA 30078

RE: Letter of Intent – Variance Application for 2380 Wisteria Way

Dear Mr. Thompson, Chairman and Board of Zoning Appeals,

I. Introduction

This letter of intent is written on behalf of the Applicant and property owner, Shifa Real Estate Investments, LLC (the “Applicant”), in support of the requested, temporary variances from the application of the Town Center Overlay, Section 9.14 et seq. of the Zoning Ordinance for the City of Snellville, for the former Ryan’s property located at 2380 Wisteria Way (the “Property”).

At this time, the current property owner, Shifa, seeks to continue an interim restaurant use while also working with the City and adjacent property owners towards a future, master redevelopment. The application of the development requirements under the Overlay, for the requested, continued and interim use of the subject property as a restaurant will cause an undue burden on the property owner. Specifically, compliance with the Overlay requires improvements that will not only exceed the current property value, but will also have to be replaced and redone upon future redevelopment. For example, the Overlay requires a minimum two-story building to be placed no less than 10 ft. from the front yard setback, with a 15 ft. pedestrian sidewalk and a rear driveway and parking area, requiring a complete redesign of the existing restaurant.

II. Property History

The subject property and existing building has been operated as a restaurant since the 1980's. It was originally developed as part of the larger Wisteria shopping center, which at the time, included a K-Mart and Winn Dixie. Five (5) parcels were made part of that Master Development and made subject to the overriding Declaration, Covenants and Restrictions, Deed Book 2769, Page 40 et seq., as amended in Deed Book 2976, Page 328 et seq., which were recorded with that original master retail development, known as the Wisteria Shopping Center, and remain in place. The existing covenants and restrictions include cross-parking and access easements between the parcels, including the subject property. Additionally, the covenants require non-competing uses and as stated, continue to the benefit of the “successors and the assigns” of each property, including the master shopping center owners today. Thus, this Property remains subject to those covenants and restrictions. In compliance with those covenants, the Property has been operated as a restaurant for over thirty (30) years.

As is the case for a majority of outparcels, and as contemplated by the recorded covenants, the property will likely be assembled or redeveloped in conjunction with the surrounding Master Site. However, the neighboring properties remain occupied by retail tenants who are not currently undergoing redevelopment. This Property remains stuck between a rock and a hard place, as it must remain in compliance with the existing covenants while also seeking to work with the City to meet its long-term goals.

III. Support for Variance - Undue Burden and Detrimental Impact

Ultimately, the Overlay calls for an entirely new building to be a minimum of two stories, new curb-cuts and required rear-only access, a new parking lot, extensive landscaping, and a 15 ft. sidewalk. As reflected in the City's Future Land Use Plan and by subsequent updates to the Town Center Overlay, the Overlay is intended to apply to and encourage redevelopment. Without the requested variances, all of the improvements required under the Overlay will potentially have to be removed and redone based on the future assemblage, the location of future buildings, parking and curb-cuts.

Due to the adjacent property, size and shape of this parcel, assemblage and redevelopment are the highest and best use. Because rear parking and access is required under the Overlay, and based on the existing covenants, future developments will likely be accessed through the panhandle located on this parcel. As called for by the Overlay and the Future Land Use Plan for the Downtown Character Area, the restaurant will likely be demolished and replaced with a street-fronting, mixed-use development. Additionally, pursuant to the covenants, the relocation of the existing driveway curb-cut requires approval from the adjacent property owners, and the loss of existing parking, all of which would be premature and cost prohibitive at this stage.

As is the case here, the property size and shape, covenants and development restrictions, existing inter-parcel easements and access limitations are all important and unique factors supporting this variance request. Additionally, based on the existing layout and limitations, it is not economically or physically feasible to install a 15 ft. sidewalk - simply to reconnect to the existing 5 ft. sidewalks located on the adjacent parcels, at an estimated cost of \$150,000, would eliminate an entire row of parking, and would require the removal of the existing rock wall fronting Wisteria Drive. The removal of the existing wall and the additional landscaping is estimated to cost an additional \$50,000.

In comparison, the Gwinnett County Tax Assessor valued the land at \$200,000. If a variance is not granted, the current development requirements will exceed the value of the land. This outparcel is part of a master development with master covenants. A cooperative approach ensures a consistent appearance all the way down Wisteria. If the Overlay is applied prior to redevelopment, not only will it have to be redone again at a later date, but the current development requirements potentially exceed the overall Property value, reducing the likelihood of future redevelopment.

IV. Variance Request

For all the reasons herein, the Applicant seeks the following variances (the "Variances") from the Town Center Overlay, Section 9.14 et seq., **to permit economic use and temporarily maintain the status quo, to be conditioned upon the redevelopment of this Property OR ANY of the adjacent parcels, whichever takes place first.** This request includes:

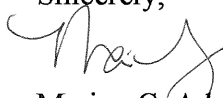
- 1) A variance from the two-story building minimum, and due to the existing building appearance and proposed improvements;
- 2) A variance from architectural standards until redevelopment;
- 3) A variance from setback requirements until redevelopment;
- 4) A variance from the driveway, curb-cut, access and parking requirements until redevelopment;
- 5) A variance from sidewalk requirements until redevelopment; and
- 6) A variance from certain landscape requirements until redevelopment, subject to the landscape and streetscape improvements proposed or agreed-to by the Applicant.

In lieu of the immediate application of Overlay conditions, the Applicant seeks and requests a multi-tiered approach, initially requiring: (1) extensive landscaping improvements; (2), the painting and updating of the existing building to match the Wisteria center, using natural colors and subject to staff approval; and (3) the screening the dumpster and exterior utilities. As an additional condition, the Applicant proposes that all other Overlay and development requirements, including sidewalks, curb-cuts, driveway access and parking **shall be completed upon the redevelopment of the subject property or any of the adjacent parcels, whichever takes place first.** While not required by the Overlay, as discussed with staff, as part of the future development, within the bounds of the covenants, the Applicant also agrees to cooperate fully with the City's goal of pedestrian and trail connections, including potential easements.

Ultimately, the City should seek to encourage cohesive redevelopment consistent with the existing covenants, while also avoiding the premature application of conditions intended for redevelopment. Moreover, as applied, the Overlay conditions deny the Applicant the economic use of the Property. Instead, the requested Variances are consistent with the overall redevelopment goals for the Wisteria corridor, and will have no negative impact on the adjacent or nearby property owners. The requested Variances are supported by the property shape and size, the location of the existing building, parking and sidewalks, the undue economic burden on the property owner prior to redevelopment, and based on the existing covenants, easements and restrictions.

We respectfully request your approval of the requested Variances with the Applicant's proposed and agreed-upon conditions. Please do not hesitate to contact me should you have any questions.

Sincerely,



Marian C. Adeimy
Attorney for Applicant/Owner