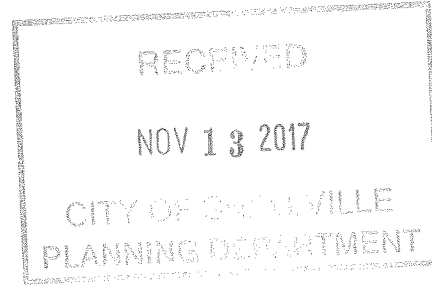




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**LETTER OF INTENT FOR
REZONING AND VARIANCE APPLICATIONS OF
EMPIRE INVESTMENTS SNELLVILLE, LLC**

Mahaffey Pickens Tucker, LLP submits herewith the related Rezoning and Variance Applications (together the “Applications”) on behalf of the Owner and Applicant, Empire Investments Snellville, LLC, for the purpose of rezoning an approximately 1.297 acre tract (the “Property”) located at the intersection of Scenic Highway (State Route 124) and Dogwood Road (the “Property”). The Property currently contains a single +/-9,800 square foot building with a variety of commercial uses including general retail and a convenience store with fuel pumps.

The Applicant is requesting to rezone the Property from the BN (Neighborhood Business) zoning classification to the BG (General Business) zoning classification in order to allow the renovation and continued operation of a multi-tenant retail building on the Property. Additionally, the Applicant is requesting the following variances:

1. Variance to reduce the required 10-foot corner landscape strip along dogwood road to allow for the angled parking spaces as shown on the site plan.
2. Variance to reduce the required number of trees for the 5-foot side landscape strip along the northern border of the property between the site and the adjacent property to

the north by two trees from 6 to 4 to allow for the existing driveway connections and service areas to remain

3. Variance to allow for the actual existing condition of the site to be used as Allowable Pre-developed Condition, instead of a Forested Condition, for the purposes of determining the allowable peak flow rates for the 24-hour storm event
4. Variance to reduce the required zoning buffer along the property zoned RS-180 by 50 feet from 60 feet to 10 feet. The buffer reduction will allow for the existing inter-parcel Access drive to remain
5. Variance to keep existing non-conforming billboard sign and allow two conforming monument signs as shown on the site plan

The Property is located in the Scenic Highway North Character Area which is dominated by large-scale commercial uses along Scenic Highway. Near the Property, Scenic Highway is dominated by land zoned BG and HSB (Highway Service Business). To the south across Dogwood Road and to the east across Scenic Highway is land zoned BG containing a variety of commercial uses including fast food restaurants with drive-through windows and a large convenience store with fuel pumps. To the north is additional commercial property including adjacent land zoned BN and the larger Scenic Square shopping center zoned BG with multiple commercial uses including retail and restaurants. The Property is also in close proximity to land zoned HSB located to the north along Ronald Reagan Parkway and to the southeast across Scenic Highway.

The Applicant is proposing to renovate and update the existing retail building for continued use as a retail strip center. The existing fuel pumps and canopy would be removed

improving the visibility of the building and improving the streetscape of Scenic Highway. The Applicant is also proposing to remove the existing pylon sign at the corner of Scenic Highway and Dogwood and install additional landscaping across the site. The proposed updated building would utilize some of the existing brick, but would also add additional building materials including stacked stone and EIFS in attractive earth tone colors. The proposed building elevations have increased amounts of glass creating an attractive store fronts on elevations facing the right-of-way. The Applicant is also proposing to provide articulated parapets to create a varied roof line. The proposed building would also incorporate attractive architectural elements such as awnings, standing seam metal roofs, and arch elements over proposed store fronts.

Access to the Property would be provided via three driveways (one on Scenic Highway and two on Dogwood Road). The Applicant is proposing to eliminate one of two existing driveways on Scenic Highway and consolidate access into a single right-in right-out driveway at the northeasterly corner of the site. The Property would also continue to utilize the two existing driveways on Dogwood Road. The easterly driveway closest to Scenic Highway is currently a full access driveway, but would be restriped as a right-in right-out driveway. Parking on the Property would be spread out with spaces located both in the front, sides, and rear of the building. Though the Applicant is requesting to reduce the required buffer for the adjacent RS-180 property from 60 feet to 10 feet, there is currently no buffer provided in this location. While the current zoning of the adjacent property is for residential uses, the most recent use of the property was for a church and such institutional uses can have activity levels similar to lower intensity office or commercial uses. However, the Applicant is proposing to install additional landscaping in this area as set forth on the landscape plan submitted with the Application.

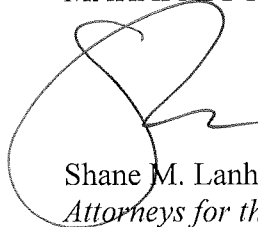
The proposed rezoning would bring the Property in line with the land uses of other property located on Scenic Highway and would be compatible with the policy and intent of the 2030 Comprehensive Plan. The proposed redevelopment would also improve internal vehicular circulation of the Property and increase the safety of motorists on Scenic Highway by eliminating an existing driveway.

The Applicant and its representatives welcome the opportunity to meet with the staff of the Snellville Planning & Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of these Applications.

This 13th day of November, 2017.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

A handwritten signature in black ink, appearing to read 'Shane M. Lanham', is written over a circular stamp. The signature is fluid and cursive.

Shane M. Lanham
Attorneys for the Applicant

JUSTIFICATION FOR REZONING

The portions of the Zoning Ordinance of Snellville, Georgia (the “Ordinance”) which classify or may classify the property which is the subject of this Application (the “Property”) into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's/Owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II 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.

The application of the Ordinance as applied to the subject Property, which restricts its use to the present zoning classification and/or Land Use Map designation is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and 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 denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.


The Property is presently suitable for development and use under the BG classification as requested by the Applicant, and is not economically suitable for development under the present BN zoning classification of the City of Snellville. A denial of this Application would constitute an arbitrary and capricious act by the Mayor and Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II 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 City to rezone the Property to the BG classification with such conditions as agreed to by the Applicant, so as to permit Applicant's feasible economic use of the Property, 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 rezoning of the subject Property to the BG classification, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, the Applicant respectfully requests that the Application submitted by the Applicant relative to the Property be approved and the Property rezoned as shown on the application.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant