

STATEMENT OF INTENT

STATEMENT OF INTENT

and

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

of

RIDGEWALK, LLC

for

+28.352 acres of land located in
Land Lots 877, 878, 923, & 924, 15th District
1 Elena Way

From LI to R-4

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
Promenade Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
(404) 815-3500

I. INTRODUCTION

This Application seeks to rezone one parcel consisting of ± 28.352 acres of land located in Land Lots 877, 878, 923, and 924 of the 15th District of Cherokee County, Georgia (the “Subject Property”). The Subject Property is located at 1 Elena Way (Parcel ID No. 15-0877-0002) and is currently developed with the Ridgewalk Apartments. Ridgewalk is a 340-unit multifamily residential development and is zoned LI (Light Industrial). The Applicant seeks to rezone the Subject Property to R-4 (High Density Residential) to bring the Subject Property into lawful conformance with its zoning.

The Ridgewalk Apartment community began construction in 2004 and opened in 2006. It consists of 340 multifamily units on 28.352 acres of land (11.91 u/a). The unit mix is 114 studio or one bedroom units; 172 two-bedroom units, and 54 three-bedroom units; all in two story configurations. Unit sizes range from 636 square feet to 1547 square feet in size, with rental ranges of \$834.00 to \$1,440.00 per month. At least 239 of the units serve families whose income is at or less than 60% of Area Median Income. The property is 97.6% occupied. The complex was developed with an affordable income public funding mechanism, and it must remain as such at least through 2026.

In 2019 the ownership of complex was transferred to Ridgewalk, LLC¹, and it intends to continue operating the property per the same terms. During due diligence it was determined that the tract is zoned light industrial under what was the Technology Park overlay. Thus it is currently operating as a lawful nonconforming use. Due to lender concerns about insurance, the

¹ In 2013, Ridgewalk, LLC gained a controlling interest in the ownership entity of the Subject Property. In August 2019, an amendment of name change was filed to change the corporate entity from ALTA Ridgewalk, LLC to Ridgewalk, LLC. Subsequently, in September 2019 ALTA Ridgewalk, LLC filed a transfer of title to Ridgewalk, LLC as the new owner.

Applicant seeks to rezone it to R-4 to allow it to regain fully lawful status.

The Applicant submits this document as a Statement of Intent with regard to its Application, a preservation of the Applicant's constitutional rights, and a written justification for the proposed rezoning as required by the City of Woodstock Land Development Code ("Zoning Code") § 11.205.

II. CRITERIA TO BE APPLIED TO REZONING APPLICATIONS

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes, the property is bordered by the Woodstock City Church to the east across Ridge Trail, vacant and wooded and single family homes to the south, vacant land and single family homes to the west, and vacant wooded land and a parking lot to the north. It is located off of Ridge Walk Parkway, and is only .8 miles from the Outlet Shoppes of Atlanta at Exit 9 from Interstate 575. All of these uses have coexisted peacefully since 2006, and continuation of this use is completely suitable.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No, see response to Paragraph II.A above.

C. Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.

Yes. However, maintenance and upgrades will be enhanced by lawful status.

D. Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No new impacts upon traffic volumes, school attendance, utilities or transportation facilities will occur as nothing new is being developed.

E. Whether the proposed zoning is in conformity with the policy and interest of the land use plan.

Yes, The City's Comprehensive Plan of 2018 designated this area as appropriate for an "urban village" character area. It serves as a transitional area between commercial uses along the Parkway and the urban core of the city and expressly is contemplated for a medium density use. At 11.91 units per acre, the use is consistent.

Additionally, the complex is also consistent with certain express goals and objectives of the Comprehensive Plan as follows:

- It maintains a balance of residential, commercial, industrial and office land uses.
- The city supports and incentivizes the existence of affordable housing.
- This project adds to the diversity of housing types, densities and price ranges the city needs.

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproval of the proposed zoning.

The City of Woodstock has a lower number of multifamily rental housing units than many comparable cities. In the city 71% of all housing units are single family attached or detached product and 7% of all housing units are assisted living units. Only 22% of housing stock consists of multifamily units. It is desirable to keep this project functioning.

Additionally, this complex provides a range of amenities not always available in an affordable community. These include two pools, tennis courts, an internal basketball court, playground and picnic areas, a volleyball courts, business and fitness centers and a media lounge.

III. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that a refusal to approve the proposed rezoning, or any attempt to rezone the Subject Property to an intervening classification, would be unlawful,

arbitrary, capricious, irrational and a manifest abuse of discretion; all 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.

A refusal to approve the proposed rezoning, or any attempt to rezone the Subject Property to an intervening classification, would discriminate unfairly between the owner of the Subject Property and other property owners similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia.

A refusal to approve the proposed rezoning, or any attempt to rezone of the Subject Property to an intervening classification, would amount to a taking of property, 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.

A refusal to approve the proposed rezoning, or any attempt to rezone the Subject Property to an intervening classification, would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia.

A refusal to approve the proposed rezoning, or any attempt to rezone the Subject Property to an intervening classification, would be invalid inasmuch as the Zoning Code of the City of Woodstock is unlawful, null and void because its adoption and map adoption/maintenance did

not and does not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, et seq.

Any limitation on the time for presentation of the issues before the City Council, which has the power to zone and rezone property, is a violation on of the guarantees of free speech under the First Amendment of the Constitution United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the United States and Georgia Constitutions.

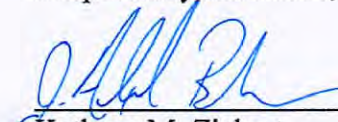
Opponents to this request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal by failing to assert legal and constitutional objections.

IV. CONCLUSION

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

This 2 day of April, 2020.

Respectfully submitted,



Kathryn M. Zickert

Dennis J. Webb, Jr.

J. Alexander Brock

Attorneys For Applicant