

## REZONING/SUP/CHANGE IN CONDITIONS APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Toll Brothers, Inc. c/o Dennis J. Webb, Jr.</u> <u>(Smith, Gambrell, and Russell, LLP)</u> ADDRESS: <u>1105 W. Peachtree St. NE,</u> <u>Suite 1000</u> CITY: <u>Atlanta</u> STATE: <u>GA</u> ZIP: <u>30309</u> PHONE: <u>404.815.3500</u>	NAME: <u>EJC6 LLC</u> ADDRESS: <u>4705 Hamilton Mill Road, Suite 300</u> CITY: <u>Buford</u> STATE: <u>GA</u> ZIP: <u>30518</u> PHONE: _____
CONTACT PERSON: <u>Den Webb</u> PHONE: <u>404.815.3620</u>	
CONTACT'S E-MAIL: <u>dwebb@sgrlaw.com</u>	

APPLICANT IS THE:
<input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>MIX</u> REQUESTED ZONING DISTRICT: <u>TR</u>
DISTRICT/SECTION: <u>11</u> LAND LOT(S): <u>377</u> ACREAGE: <u>6.74</u>
ADDRESS OF PROPERTY: <u>6350 Hospital Parkway</u>
PROPOSED DEVELOPMENT: <u>60 townhomes</u>
CONCURRENT VARIANCES: <u>None</u>

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>60</u>	No. of Buildings/Lots: <u>N/A</u>
Dwelling Unit Size (Sq. Ft.): <u>1900 sq.ft.</u>	Total Building Sq. Ft. _____
Density: <u>8.9 units per acre</u>	Density: _____

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January 2, 2024  
RZ-24-0002  
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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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# Environmental Site Analysis Report

For

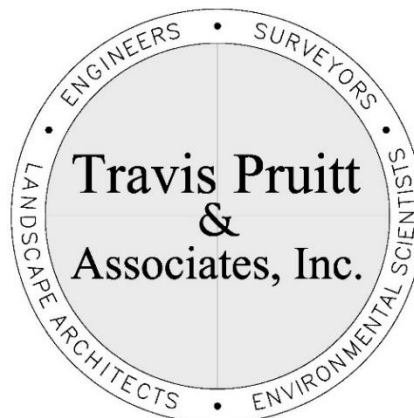
## Hospital Parkway Tract Residential Development

*Prepared for:  
Toll Brothers*

December 22, 2023

Jn:23-0540

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**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN .....3**

**2. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT .....3**

A. WETLANDS .....3

B. FLOODPLAIN .....3

C. STREAMS/ STREAM BUFFERS .....3

D. TOPOGRAPHY .....4

E. VEGETATION .....4

F. WILDLIFE SPECIES .....4

G. ARCHEOLOGICAL/ HISTORICAL SITES .....4

**3. PROJECT IMPLEMENTATION MEASURES.....5**

A. ENVIRONMENTALLY SENSITIVE AREAS.....5

B. WATER QUALITY .....5

C. EXISTING INFRASTRUCTURE .....5

D. ARCHAEOLOGICAL/ HISTORICAL AREAS .....5

E. ENVIRONMENTALLY STRESSED COMMUNITIES .....5

F. GREEN SPACE AND OPEN SPACE .....6

G. NOISE AND LIGHTING .....6

H. PROTECTION OF PARKS AND REC GREEN SPACE .....6

I. WILDLIFE HABITATS .....6



## 1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The site consists of approximately 6.74 acres, and is located on the north side of Hospital Parkway. Based on information obtained from the Johns Creek GIS maps, Fulton County GIS maps, records, and visual observations, the surrounding properties are zoned MIX and consists of a shopping center to the north and east and an office building to the west.

According to the Future Land Use Map in the City of Johns Creek Comprehensive Plan 2018, this site is part of the Tech Park Community Area. This property is specifically designated for Commercial or Multi-family residential uses. The proposed development is a residential development with single-family attached units and conforms to the appropriate uses and scales established in the City of Johns Creek Comprehensive Plan 2018.

## 2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT**

### a. **WETLANDS**

Upon review of the National Wetland Inventory Map, wetlands do not exist on-site. However, field reconnaissance revealed a stream bed and bank wetlands and very small pockets of wetlands along the buffered creek on the northern portion of the site. The wetland areas were analyzed to determine the impacts in conjunction with the proposed development. The development will not disturb these wetland areas.

### b. **FLOODPLAIN**

The Fulton County GIS Maps and the FEMA flood insurance rate maps were used to determine that the site does not lie within a 100-year Zone flood plain. The proposed development is not expected to negatively impact the flood plain or adjacent properties.

### c. **STREAMS/ STREAM BUFFERS**

The USGS Quadrangle Topographic map for Duluth, Georgia was used to determine that blue line streams do not exist on the site. Field reconnaissance revealed the presence of a perennial stream located along the northern portion of the property. A 50' undisturbed buffer and an



additional 25' impervious setback has been provided along the water course. All buffered areas will remain undisturbed.

**d. TOPOGRAPHY**

The site is currently undeveloped and consists mainly of woodlands. There are no areas of the site that have slopes in excess of 25%. The proposed development will adhere to all applicable grading standards.

**e. VEGETATION**

The site is currently undeveloped and consists mainly of undeveloped woodlands. A portion of the site in the south east corner was previously cleared as part of the adjacent shopping center construction. Existing vegetation on the majority of the site consists of a natural mix of mature hardwoods and pine trees. There are specimen trees located on the site, most of which are located within protected buffer zones. The proposed development will impact the trees that exist on the site. However, the project will be required to comply with the City of Johns Creek Tree Preservation Ordinance, which provides mitigation for loss of tree canopy.

**f. WILDLIFE SPECIES**

Several protected species are known to exist in Fulton County. These species are:

Bird – The Bald Eagle

Invertebrates – Gulf moccasinshell mussel and Shiny-rayed pocketbook mussel

Fish – Bluestripe shiner, Cherokee darter, and Highscale shiner

Plants – Bay star-vine and Piedmont barren strawberry

Based on field reconnaissance, there is no evidence of protected and/ or endangered species located on this parcel of land.

**g. ARCHEOLOGICAL/ HISTORICAL SITES**

Based on information obtained from the Fulton County Department of Environment and Community Development, the site is not listed on the Fulton County Historic Resources Survey Map as having historical significance. No buildings on this site appear on the National Register of Historic Places.



### 3. **PROJECT IMPLEMENTATION MEASURES**

#### **a. ENVIRONMENTALLY SENSITIVE AREAS**

All of the environmentally sensitive areas on this site lie within protected stream buffers and will not be impacted. There are no river corridors. This site does not lie within a 100-year Zone X flood plain as defined by FEMA. The proposed development is not expected to negatively impact the adjacent properties. Therefore, no negative impact is expected. All applicable grading standards will be adhered to in these areas.

#### **b. WATER QUALITY**

The design considerations used for the stormwater control on the proposed site, as approved by the EPD, will treat the runoff from the site. Water quality will be addressed through the construction of multiple water quality and stormwater detention facilities throughout the site, as required by the City of Johns Creek. This project will be required to comply with the Georgia Stormwater Management Manual, which regulates runoff reduction, water quality, TSS removal, channel protection, and stormwater detention for developments of this nature.

#### **c. EXISTING INFRASTRUCTURE**

The existing site consists of undeveloped woodlands. Utilities from adjacent sites encroach slightly into the perimeter areas of the property. No other infrastructure exists on the site.

#### **d. ARCHAEOLOGICAL/ HISTORICAL AREAS**

This site does not contain any historically/ archaeologically sensitive areas. No sensitive areas are located within the area of potential impact.

#### **e. ENVIRONMENTALLY STRESSED COMMUNITIES**

The subject site is not located within an environmentally stressed community.



**f. GREEN SPACE AND OPEN SPACE**

All buffered areas on the site will remain undisturbed. As required by the Johns Creek development code, open space areas will be provided throughout the site to enhance and beautify the neighborhood.

**g. NOISE AND LIGHTING**

The potential for noise and lighting impact resulting from the proposed development is minor. The proposed development is a quiet, residential community. No sensitive areas are located within the area of potential impact.

**h. PROTECTION OF PARKS AND REC GREEN SPACE**

No parks or recreational areas will be impacted by the proposed development.

**i. WILDLIFE HABITATS**

The most significant habitats for wildlife on this site exist in and around the stream on the northern portion of the site. This stream will be protected by undisturbed buffers. No sensitive areas are located within the area of potential impact.

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## 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?

We will reach out to any community groups in proximity for the subject property.

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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 reaching out to individuals that attend our public participation meeting

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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.

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

Prior to the Planning Commission meeting.

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## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 377 of the 1st District, 1st Section, City of Johns Creek, of Fulton County, Georgia and being more particularly described as follows:

**COMMENCING** at the northeastern end of the mitered intersection of the southerly right of way of McGinnis Ferry Road (right of way width varies) with the easterly right of way of West Johns Crossing (right of way width varies); **THENCE** proceed along the southerly right of way of McGinnis Ferry Road, the following courses: South 82 degrees 38 minutes 05 Seconds East, a distance of 257.85 feet to a point; **THENCE** following a clockwise curve with an arc distance of 31.22 feet, having a radius of 7581.01 feet, subtended by a chord bearing and distance of South 82 degrees 44 minutes 25 Seconds East, 31.22 feet to a point; **THENCE** South 07 degrees 22 minutes 47 Seconds West, a distance of 10.00 feet to a point; **THENCE** following a clockwise curve with an arc distance of 316.52 feet, having a radius of 7571.41 feet, subtended by a chord bearing and distance of South 81 degrees 25 minutes 29 Seconds East, 316.50 feet to a point; **THENCE** leaving said right of way South 07 degrees 52 minutes 00 Seconds West, a distance of 68.24 feet to a point; **THENCE** South 27 degrees 18 minutes 31 Seconds East, a distance of 97.96 feet to a 1/2 inch rebar found; **THENCE** South 60 degrees 00 minutes 00 Seconds East, a distance of 52.89 feet to a point; **THENCE** South 49 degrees 41 minutes 27 Seconds East, a distance of 10.67 feet to a 1/2" rebar set, said rebar being the **TRUE POINT OF BEGINNING**.

From said **TRUE POINT OF BEGINNING** as thus established, South 49 degrees 42 minutes 53 Seconds East, a distance of 93.68 feet to a 1/2 inch rebar set; **THENCE** South 67 degrees 45 minutes 38 Seconds East, a distance of 321.71 feet to a nail found; **THENCE** South 18 degrees 57 minutes 34 Seconds West, a distance of 517.67 feet to a 1/2 inch rebar set; **THENCE** South 36 degrees 23 minutes 31 Seconds West, a distance of 220.06 feet to a 1/2 inch rebar found on the northeasterly right of way of West Johns Crossing; **THENCE** proceed along said right of way the following courses: North 59 degrees 46 minutes 07 Seconds West, a distance of 48.54 feet to a 1/2 inch rebar set; **THENCE** North 45 degrees 06 minutes 51 Seconds West, a distance of 81.64 feet to a 1/2 inch rebar set; **THENCE** following a clockwise curve with an arc distance of 86.36 feet, having a radius of 362.52 feet, subtended by a chord bearing and distance of North 40 degrees 23 minutes 56 Seconds West, 86.16 feet to a 1/2 inch rebar set; **THENCE** North 35 degrees 48 minutes 21 Seconds West, a distance of 129.47 feet to a 1/2 inch rebar set ; **THENCE** North 30 degrees 12 minutes 37 Seconds West, a distance of 169.62 feet to a 1/2 inch rebar set; **THENCE** leaving said right of way, North 28 degrees 41 minutes 43 seconds East a distance of 512.79 feet to a the **TRUE POINT OF BEGINNING**.

Said described tract containing 6.74 Acres.

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**APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE 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.

  
Signature of Applicant

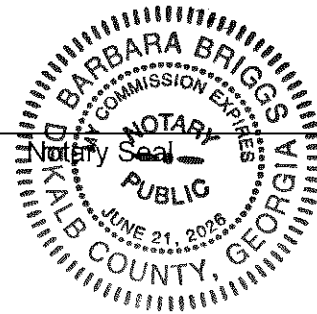
*1/2/2024*  
Date

*ERIC WHITE - Div. Pres*  
Type or Print Name and Title

(Authorized Agent for Toll Brothers, Inc.)

*Barbara Briggs*  
Signature of Notary Public

*1/2/2023*  
Date



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12.28.2023

Signature of Applicant

Date

J. Alexander Brock - Smith, Gambrell, and Russell, LLP

Type or Print Name and Title



12.28.23

Signature of Notary Public

Date

Notary Seal



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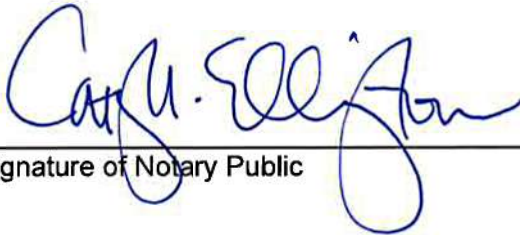
12.28.2023

Signature of Applicant

Date

Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP

Type or Print Name and Title



12.28.23

Signature of Notary Public

Date



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*Kathryn M Zickert*

12.28.2023

Signature of Applicant

Date

Kathryn M. Zickert - Smith, Gambrell, and Russell, LLP

Type or Print Name and Title

*Cathy M Ellington*

12.28.23

Signature of Notary Public

Date



Notary Seal

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12.28.2023

Signature of Applicant

Date

Dennis J. Webb, Jr. - Smith, Gambrell, and Russell, LLP

Type or Print Name and Title

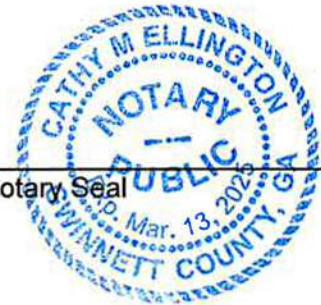


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*WJD*

12.28.2023

Signature of Applicant

Date

William J. Diehl - Smith, Gambrell, and Russell, LLP

Type or Print Name and Title

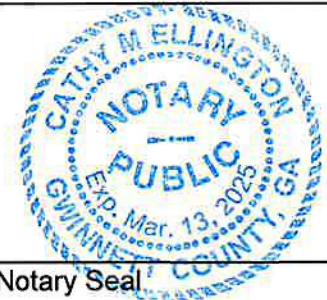
*Cathy Mellington*

12.28.23

Signature of Notary Public

Date

Notary Seal



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**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, EJC6, LLC, authorize, Toll Brothers, Inc.,  
(Property Owner) (Applicant)

to file for RZ and CV, at 6350 Hospital Parkway  
(RZ, SUP, CV) (Address)

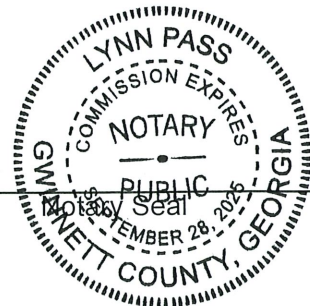
on this date December 29, 20 23  
(Month) (Day)

- 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.

Keith Bull mgr. 12-29-2023  
Signature of Property Owner Date

Keith R. Breedlove manager  
(Authorized Agent for EJC6, LLC)  
Type or Print Name and Title

[Signature] 12/29/2023  
Signature of Notary Public Date



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## 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. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	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) Dennis J. Webb, Jr. - Smith, Gambrell, and Russell, LLP

Signature:       Date: 12.28.2023

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Name (print) J. Alexander Brock - Smith, Gambrell, and Russell, LLP

Signature:       Date: 12.28.2023



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Name (print) Kathryn M. Zickert - Smith, Gambrell, and Russell, LLP

Signature:       Date: 12.28.2023

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Name (print)  Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP

Signature:         Date:  12.28.2023

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**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. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

Received  
 January 2, 2024  
 RZ-24-0002  
 Planning & Zoning

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) William J. Diehl - Smith, Gambrell, and Russell, LLP

Signature:       Date: 12.28.2023