



**Land Use Petition RZ-24-0002**  
**Public Participation Meeting: February 1, 2024**  
**Planning Commission Meeting: September 10, 2024**  
**City Council Meeting: September 30, 2024**

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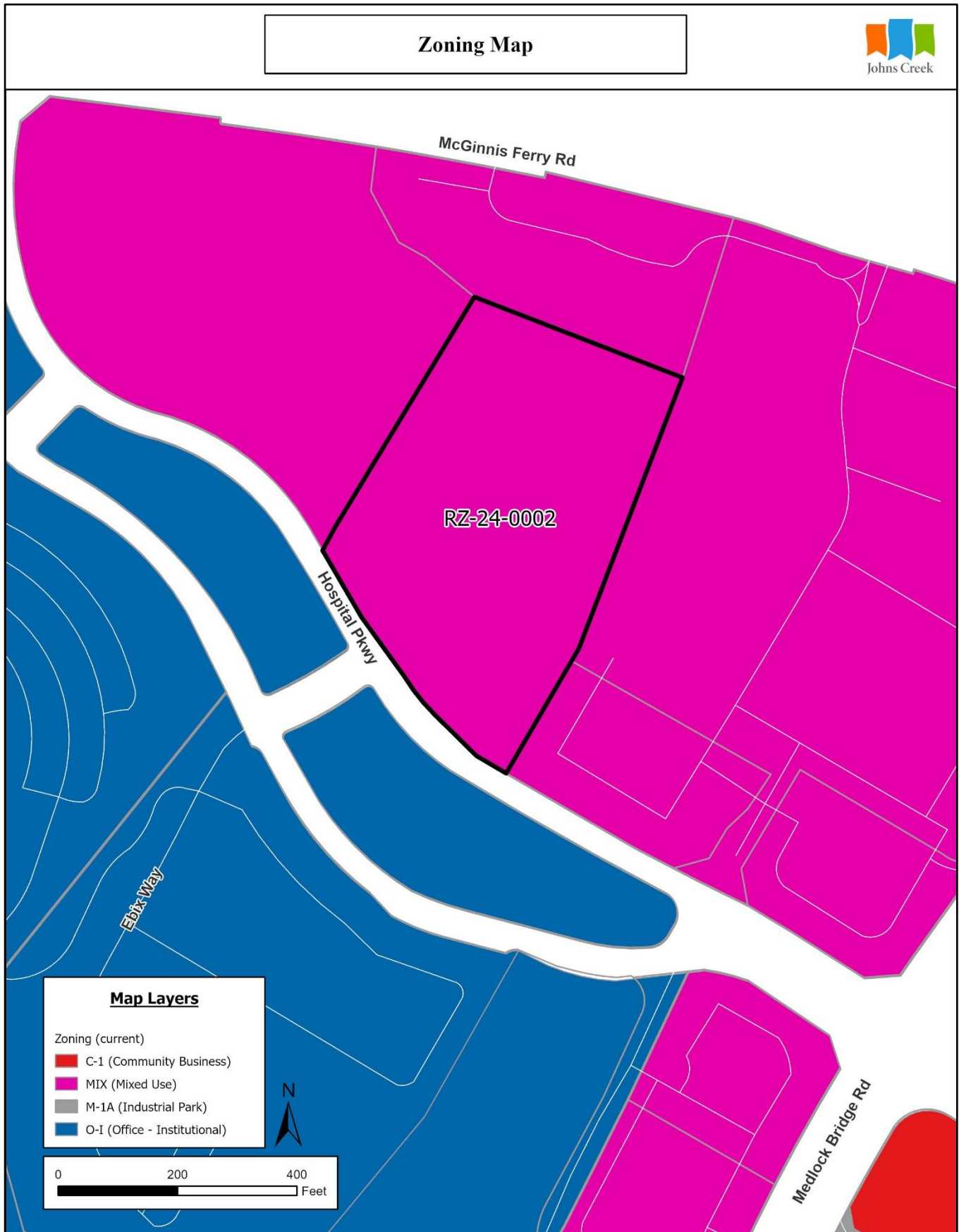
<b>PROJECT LOCATION:</b>	6350 Hospital Parkway
<b>DISTRICT/SECTION/LAND LOT:</b>	1 <sup>st</sup> District, 1 <sup>st</sup> Section, Land Lot 377
<b>ACREAGE:</b>	6.74 acres
<b>CURRENT ZONING:</b>	MIX (Mixed Use District) Conditional
<b>PROPOSED ZONING:</b>	TR (Townhouse Residential District)
<b>COMPREHENSIVE PLAN COMMUNITY AREA DESIGNATION:</b>	Tech Park
<b>APPLICANT:</b>	Toll Brothers, Inc. c/o Dennis J. Webb, Jr. Smith, Gambrell and Russell, LLP 1105 West Peachtree Street NE, Suite 1000 Atlanta, GA 30309
<b>OWNER:</b>	EJC6, LLC 4705 Hamilton Mill Road, Suite 300 Buford, GA 30518
<b>PROPOSED DEVELOPMENT:</b>	Single-family attached residential subdivision with 60 townhome units at a density of 8.9 units per acre.
<b>STAFF RECOMMENDATION:</b>	<b>Approval with Conditions</b>

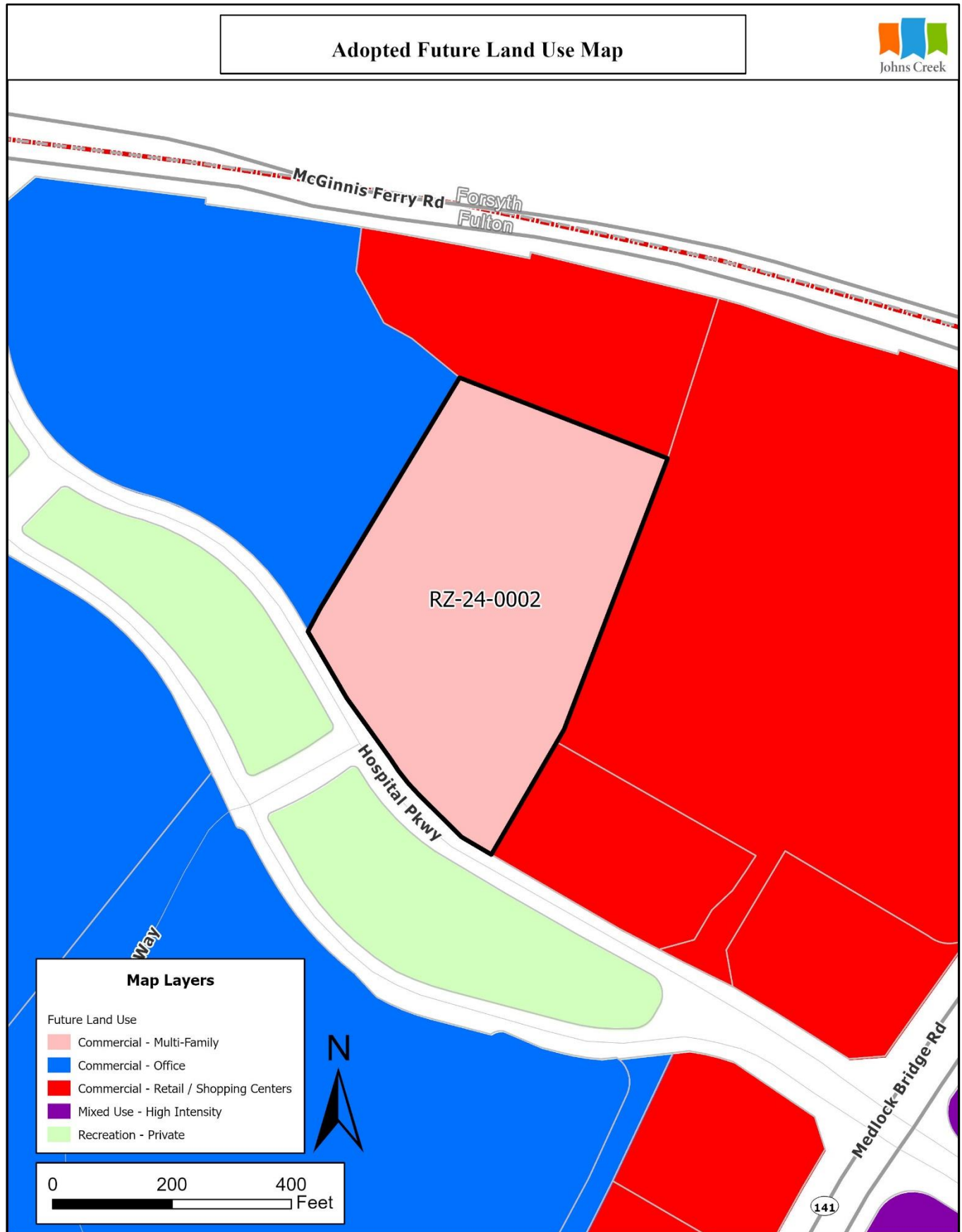


Aerial Map









## **PROJECT OVERVIEW**

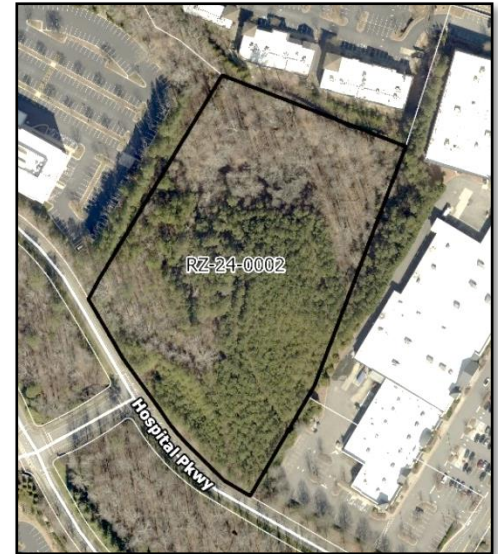
### **Location**

The subject property is 6.74-acres in size and fronts on Hospital Parkway, located approximately 759 feet northwest of the intersection of Hospital Parkway and Medlock Bridge Road. The property is bounded by the Johns Creek Medical Pavilion to the west, Terraces at Johns Creek shopping center to the north (abutting McGinnis Ferry Road), Hospital Parkway to the south, and Johns Creek Village Shopping Center to the east.

### **Background**

The subject property is zoned MIX (Mixed Use District) Conditional, pursuant to 2001Z-0133. The rezoning approved in 2002 applied the MIX zoning district to the subject property and all properties adjacent to it and bounded by Hospital Parkway, McGinnis Ferry Road and Medlock Bridge Road. The original zoning allowed for 600,000 square feet for commercial use, a hotel limited to 120-rooms or 75,000 square feet, and up to 75 multi-family units above commercial space.

The site is currently undeveloped and predominantly wooded. There is a stream that traverses parallel to the rear property line.



### **Rezoning Request**

The Applicant is requesting to rezone the subject property from MIX (Mixed Use District) Conditional to TR (Townhouse Residential District) to develop a 60-lot single-family attached residential development with a density of 8.9 units per acre. Staff would note that the TR zoning district would allow up to 9 units per acre.

### **Site Plan**

The site plan indicates a total of 60 fee-simple townhome units with 28, 24-foot wide front-loaded (shown in orange) units and 32, 20-foot wide rear-loaded (shown in red) units. A single ingress/egress is proposed off Hospital Parkway, aligning with the intersecting road (Ebix Way) that connects the north and south sides of Hospital Parkway. A total of 12 buildings ranging from 3 to 8 townhome units in each building is proposed and will be serviced by private roads and alleyways for rear-loaded units. As proposed by the Applicant, the minimum lot size would be 2,000 square feet and the minimum heated floor area would be 1,900 square feet, conforming to the required minimums established for the TR zoning district.

A 25-foot landscape strip is shown along the full extent of Hospital Parkway with 10-foot landscape strips to be provided along the east and west property lines (shown in yellow). A stream exists to the rear (north) of the property and the site plan correctly shows the applicable 75-foot stream buffer. As required by Article 12E of the City's Zoning Ordinance, the TR zoning district requires 15% of the gross acreage to be set aside





as open space. The Applicant has identified open spaces A, B, C, D and E on the site plan (shown in green) to be improved with onsite amenities such as pervious nature trails, fire pits, passive open space, bocce ball court, and outdoor dining areas for residents. Two stormwater management facilities are proposed for the development, one being an underground facility in the front of the site, and a stormwater management pond towards the rear of the property (shown in blue), with both facilities being integrated into the overall open space concept for the site.

## Elevations

The submitted elevations indicate the building façade would be constructed with a combination of brick veneer, board and batten and cementitious siding. The renderings show varying roof lines and building offsets with both front and rear-loaded products built with rear decks/porches. Staff would note that each building cannot be taller than 40 feet in height and each fee-simple unit shall consist of a minimum 50% brick or natural or pre-cast stone as the exterior building material.



## Public Participation

As part of the required land use petition process, property owners within one-quarter mile of the subject property were mailed notices in January 2024 for the public participation meeting. The meeting was held at the City Hall Council Chambers on February 1, 2024. The attendees of the meeting shared one concern related to plantings on the site, with the desire to have more mature plantings provided for the development. The Applicant shared their willingness to accommodate the request for mature planting.

## **STANDARDS OF REZONING REVIEW**

### **1. Will the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?**

The subject property is surrounded by commercial/retail and medical office uses and is characterized by a mixed-use zoning district. The proposed townhome development would be considered a use that is appropriate within a transitional area. Considering the nature of the proposed use, its close proximity to office and retail uses and major workplaces in the city, and no other undeveloped land existing in the area, the proposed development would be suitable at this location with appropriate conditions.

<b>Adjacent &amp; Nearby Properties</b>	<b>Zoning (Petition Number)</b>	<b>Land Use</b>	<b>Density (Units/Acre)</b>
Application	Proposed: TR	Single-Family Attached	8.9
Adjacent: North	MIX Conditional (2001Z-0133)	Commercial – Office ( Johns Creek Medical Pavilion )	N/A
Adjacent: East	MIX Conditional (2001Z-0133)	Commercial – Retail (Terraces at Johns Creek Shopping Center)	N/A
Adjacent: South	MIX Conditional (2001Z-0133)	Commercial – Retail (Johns Creek Village Shopping Center)	N/A
Nearby: West	O-I Conditional (Z-90-036)	Commercial – Office ( Ebix Inc.)	N/A
Nearby: West	O-I Conditional (RZ-22-0005)	Commercial – Medical ( Emory Johns Creek Hospital)	N/A

### **2. Will the proposal adversely affect the existing use or usability of adjacent or nearby property?**

The subject property has remained undeveloped while adjacent properties on all sides have been developed since 2005 with a mix of commercial, retail and medical uses. The development as proposed would not adversely affect existing uses but would complement them by bringing a new walkable community in close proximity to commercial, medical and office uses.

### **3. Does the subject property have a reasonable economic use as currently zoned?**

The property appears to have a reasonable economic use as currently zoned.

### **4. Will the proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?**

The proposed development is expected to generate 406 daily trips, including 26 trips during morning peak hour and 32 trips during evening peak hour. Based on the trip generation data for the development, staff is recommending conditions for the Applicant to restripe the existing gore area along Hospital Parkway for a right-turn deceleration lane to service the development, and for stop signs to be installed to create an all-way stop-controlled intersection on both sides of Hospital Parkway and Ebix Way.

Fulton County Water and Sewer confirmed water and sewer capacity is available to service the proposed development. The Fulton County School Board has indicated a total of 12 to 46 students would be anticipated, but will have no impact on school capacity.

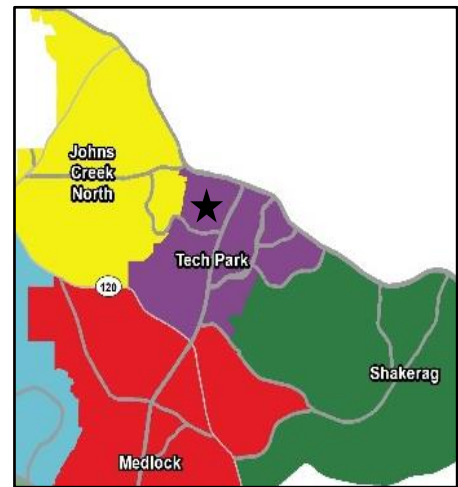
School	New Students	Current Capacity (without development)	Capacity (with development)
Findley Oaks Elementary School	2 to 21	295 under	293 to 274 under
River Trail Middle School	2 to 8	85 under	83 to 77 under
Northview High School	8 to 17	307 under	299 to 290 under
<b>Total</b>	<b>12 to 46</b>		

The overall number of dwelling units related to this proposal would present proportional increase to utilities and schools. With the inclusion of staff recommended conditions to improve site access, safety and operations at the intersection with Ebix Way, there will be minimal impact to existing streets as a result of the proposed development.

**5. Is the proposal in conformity with the policy and intent of the Comprehensive Plan including the land use element?**

The subject property is located in the Tech Park Community Area. The vision for this community area is to become a “live-work-play destination...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.”

The Comprehensive Plan’s Future Land Use Map indicates “Commercial-Multi-Family” for the subject property. This land use category is defined as “[p]roperty containing housing units with more than 4 dwelling units/building,” which includes townhomes as an identified housing type. However, the vision for the Tech Park community area, outside of the Town Center limits, also suggests new infill developments to be limited to single-family detached units up to three units per acre.



The development as proposed could be considered to conform with the policy and intent of the Community Area’s land use element and with the Comprehensive Plan’s overall intended vision for housing specific to the Technology Park area, which is to “[e]xpand housing options for employees working in Technology Park, especially those in critical positions such as hospital workers.”

**6. Do existing or changed conditions affecting the use and development of the property give supporting grounds for either approval or disapproval of the proposal?**

The subject property and adjacent parcels were rezoned to MIX in 2002, pursuant to 2001Z-0133, which allowed for a mixed-use development consisting of commercial/retail, office, hotel and up to 75 multi-family units above commercial. All uses except for housing and hotel have come to fruition as part of the overall development of the area since 2005. The addition of a residential component would help to complete the intended mix of uses for the area.

**7. Does the zoning proposal permit a use which can be considered environmentally adverse to the natural resources, environment, and citizens of the City of Johns Creek?**

The environmental site analysis indicates that the proposed development would not disturb environmentally-sensitive areas on the site. Two stormwater management facilities are proposed for the development, one being an underground facility in the front of the site and a stormwater management pond towards the rear of the property. The Applicant will also be required to provide runoff reduction



BMPs to comply with the City's Natural Resources and Environmental Protection Ordinance prior to issuance of a land disturbance permit.

### **STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of land use petition, RZ-24-0002.

1. The site shall be limited to 60 single-family attached dwelling units at a maximum density of 8.9 units per acre.
2. The site shall be developed in general accordance with the site plan received and date stamped on March 12, 2024. Said site plan is conceptual and the final site plan must meet or exceed the land development regulations and zoning conditions prior to the approval of a land disturbance permit.
3. All exterior elevations shall be constructed primarily of at least 75% brick or stone. Accent materials may be board and batten siding, and/or fiber-cement siding. Final elevations shall be substantially similar to the elevations received and date stamped on February 1, 2024, subject to the review and approval of the Community Development Director, prior to issuance of a building permit.
4. The minimum heated floor area shall be 1,900 square feet.
5. The following landscape strips shall be applied to the subject property:
  - a. Front (along Hospital Parkway): 25-foot
  - b. Sides: 10 feet
6. Owner/Developer shall provide a black ornamental fence along the entire property frontage on Hospital Parkway. The fence shall be six feet in height, include brick or stacked stone columns of equal height or no taller than 8 feet, and not located within the 25-foot landscape strip. Final fence design and location shall be subject to review and approval of the Community Development Director.
7. Owner/Developer shall construct one full-access curb cut on Hospital Parkway subject to the approval of the Public Works Director. The location of the curb cut is subject to sight distance and spacing requirements.
8. All townhomes shall have a two-car garage with the garage set back a minimum of 20 feet as measured from the back of sidewalk or curb to face of structure to accommodate vehicle parking in the driveway.
9. Owner/Developer shall allocate fifteen percent (1.01 acres) of the site as dedicated common open space to be owned and managed by the established Homeowners Association for the development.
10. All common open space shall be connected by a five-foot sidewalk and/or multi-use path, and shall be improved in accordance with the designated amenities identified in the Conceptual Master Plan for each open space area (A, B, C, D and E) as received and date stamped on February 27, 2024, subject to the review and approval of the Community Development Director prior to approval of a land disturbance permit.

11. Owner/Developer shall restripe the existing gore area along Hospital Parkway to construct a right-turn deceleration lane to the site, subject to the approval of the Public Works Director. The length and construction specifications of said right-turn lane shall be compliant with City of Johns Creek regulations.
12. Owner/Developer shall provide a warrant analysis for the proposed all-way stop-controlled intersection, prior to approval of a land disturbance permit. If the all-way stop-controlled intersection is warranted, the Owner/Developer shall install the following site access improvement matching the intersection configuration at Hospital Parkway and the Emory Johns Creek driveway, subject to the approval of the Public Works Director.
  - a. Install a stop sign on the north side of Hospital Parkway at its intersection with Ebix Way.
  - b. Install a stop sign on the south side of Hospital Parkway at its intersection with Ebix Way
13. Owner/Developer shall submit a stormwater concept plan prior to the submittal of a land disturbance permit application.