



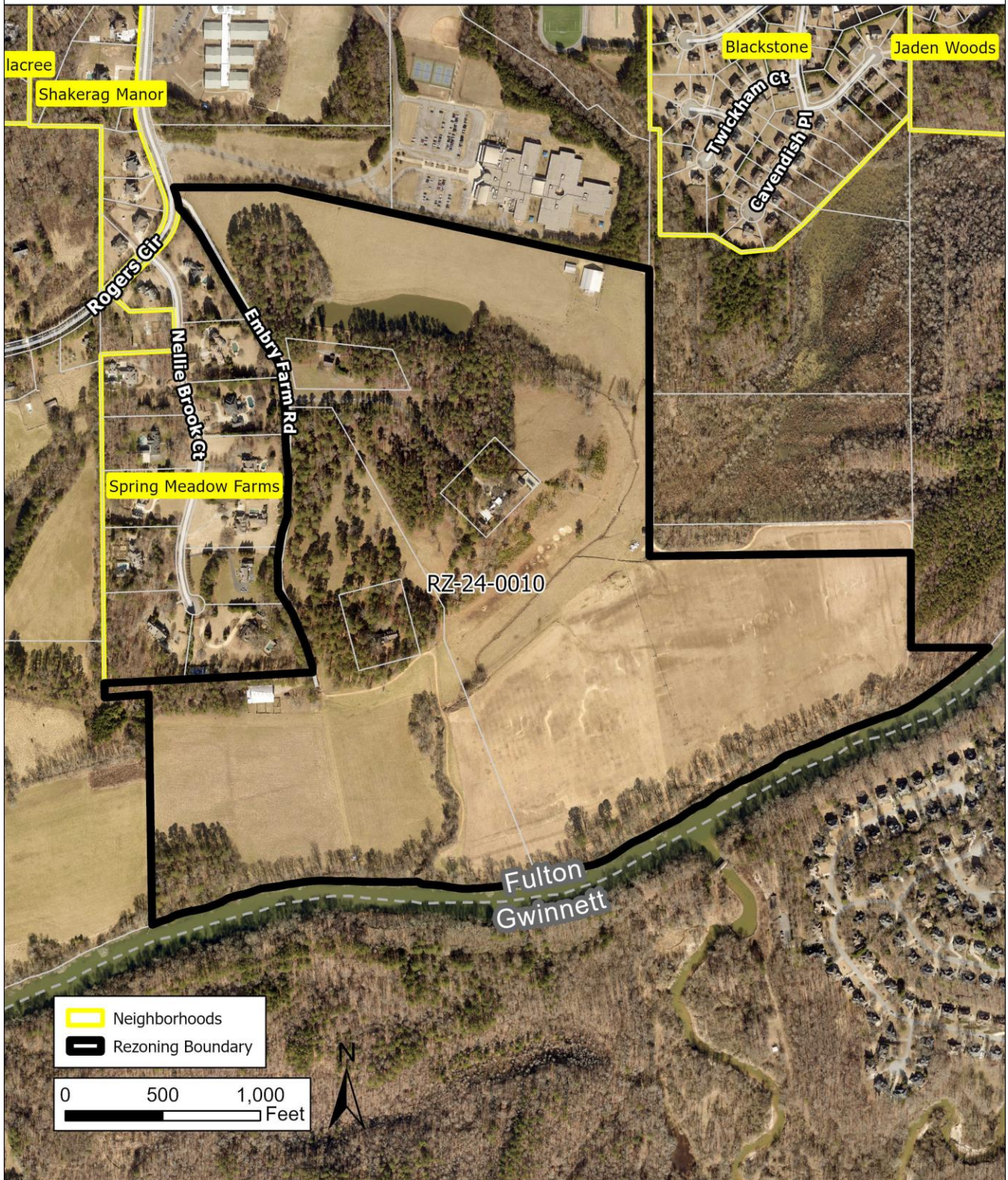
**Land Use Petition RZ-24-0010**  
**Application Date: August 6, 2024**  
**Public Participation Meeting: September 5, 2024**  
**Planning Commission Meeting: May 6, 2025**  
**City Council Meeting: May 19, 2025**

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<b>PROJECT LOCATION:</b>	10505, 10555 and 10655 Embry Farm Road
<b>DISTRICT/SECTION/LAND LOT(S):</b>	1 <sup>st</sup> District, 1 <sup>st</sup> Section, Land Lots 478, 479, 480, 497, 498, 499, 0F52, 0F53, 0F54, 0F55, and 0F56
<b>ACREAGE:</b>	204.10 acres
<b>CURRENT ZONING:</b>	AG-1 (Agricultural District)
<b>PROPOSED ZONING:</b>	CUP (Community Unit Plan District)
<b>COMPREHENSIVE PLAN COMMUNITY AREA DESIGNATION:</b>	Shakerag
<b>APPLICANT:</b>	Toll Bros. Inc. 240 Lakeview Pkwy, Suite 650 Alpharetta, GA 30009 c/o Dennis J. Webb, Jr. - Smith Gambrell & Russell
<b>OWNERS:</b>	The Item IV Marital Trust UW AJ Embry 10555 Embry Farm Road Johns Creek, GA 30097
<b>PROPOSED DEVELOPMENT:</b>	200-lot single-family detached residential subdivision at a density of 0.98 units per acre
<b>STAFF RECOMMENDATION:</b>	<b>Approval with Conditions</b>

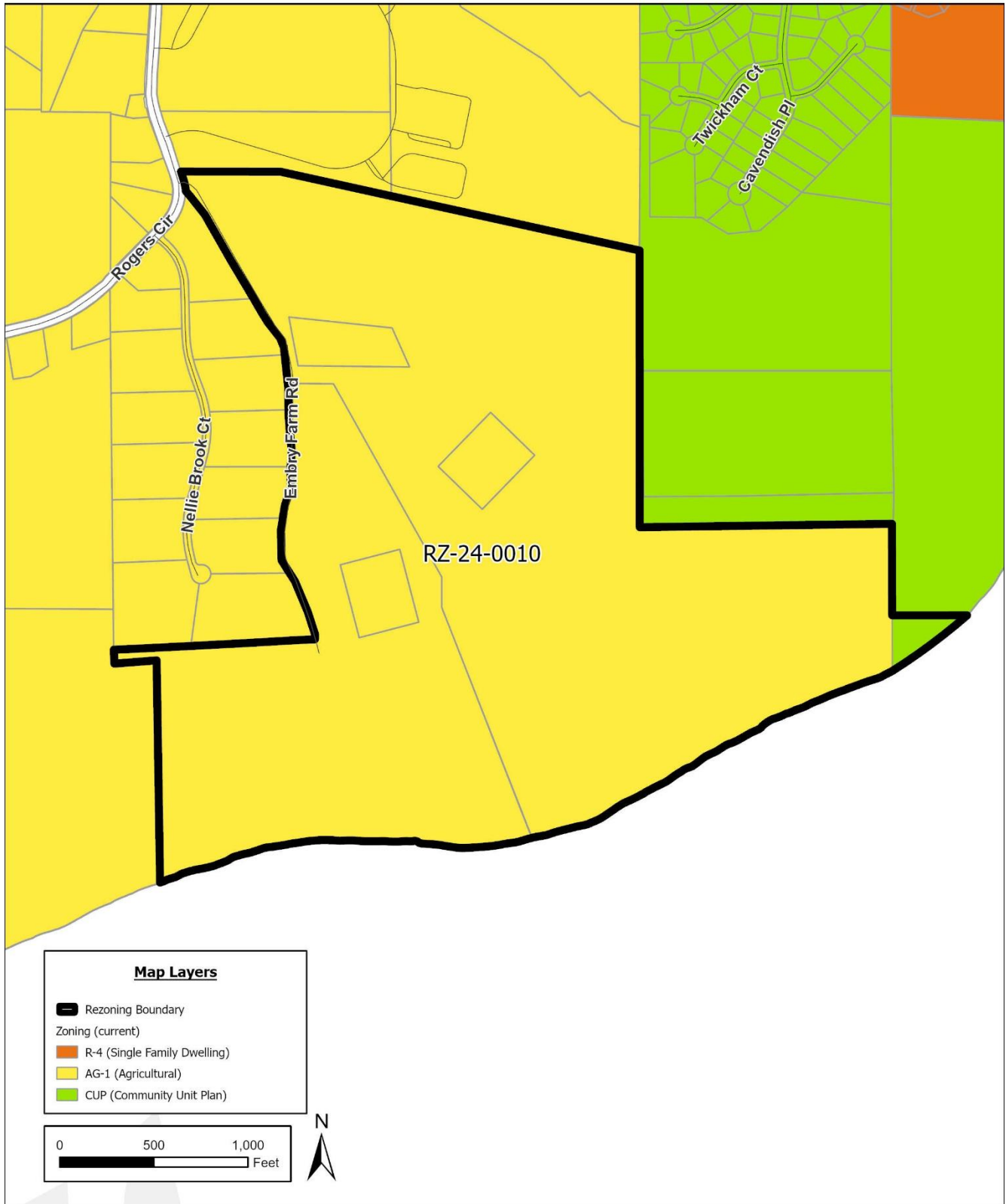


Aerial Map





# Zoning Map



## **PROJECT OVERVIEW**

### **Location**

The subject property is a 204.10-acre tract, located southeast of the intersection of Rogers Circle and Embury Farm Road and is bounded by Spring Meadow Farms subdivision and an undeveloped AG-1 (Agricultural District) zoned parcel to the west, River Trail Middle and Shakerag Elementary Schools to the north, Shakerag Park and National Park Service properties to the northeast and east, and the Chattahoochee River to the south.

### **Background**

The subject property, commonly referred to as Embury Farm, is currently zoned AG-1 (Agricultural District) with approximately 110 acres of pastureland used for production of sod and animal grazing. The property is improved with a 6,300 square-foot plantation-style residence built in 1975 in the center of the site at the ridge of a slope overlooking the pastureland below. The primary residential structure is surrounded by manicured landscaping, a detached garage and swimming pool. Other structures on the property include a 4,100 square-foot, two-story brick house and a 1,900 square-foot, wood building located to the southwest and northwest of the main house, respectively. A large barn and outbuilding are located to the northeast corner of the property, with a second barn located in the southwest portion of the site. All existing buildings will be removed as part of the proposed development.



The subject property has 91 feet of road frontage along Rogers Circle and derives its single access point from said road. The site slopes downward towards the Chattahoochee River from the north and northwest at a starting elevation of approximately 965 feet to the south and southeast at an elevation of 895 feet. The large expanse of land existing has an approximate 70-foot change in grade from the north to the south end of the property. A significant portion of the property, adjacent to the Chattahoochee River, is located within the 500-year floodplain and approximately 10 acres is delineated 100-year floodplain. There are several areas of wetlands and state waters present on the subject property as a Chattahoochee River tributary traverses from the northwest portion of the site, originating from the man-made pond eastward and then along the base of the slope towards the southwest, and eventually meeting the Chattahoochee River. The property has nearly 4,600 linear feet of river frontage and approximately 147 acres (72%) of the site is located in the 2,000-foot Chattahoochee River Corridor.

In 2019, an application (RZ-18-002) to rezone the subject property for development of a 280-unit residential community with 143 single-family detached units and 137 attached units, at a density of 1.36 units per acre was denied by City Council. Due to the previous denial, on October 21, 2024, the City Council approved a request to allow for reinitiation of a land use petition, as a procedural requirement of the Zoning Ordinance, to allow for this land use petition to be formally filed.



## Rezoning Request

The Applicant is requesting to rezone the subject property from AG-1 (Agricultural District) to CUP (Community Unit Plan District) to allow a 200-lot single-family detached residential development at a density of 0.98 units per acre.

## Site Plan

The site plan shows a 200-lot single-family detached residential subdivision, with eight (8) one-acre minimum lots along the west property line adjacent to Spring Meadow Farms subdivision (shown in orange). The remaining 192 lots (shown in yellow) are proposed for development as 100-foot-wide lots with a minimum lot size of 12,000 square feet and minimum heated floor area of 3,000 square feet. The Letter of Intent states that all lots would have side entry garages.



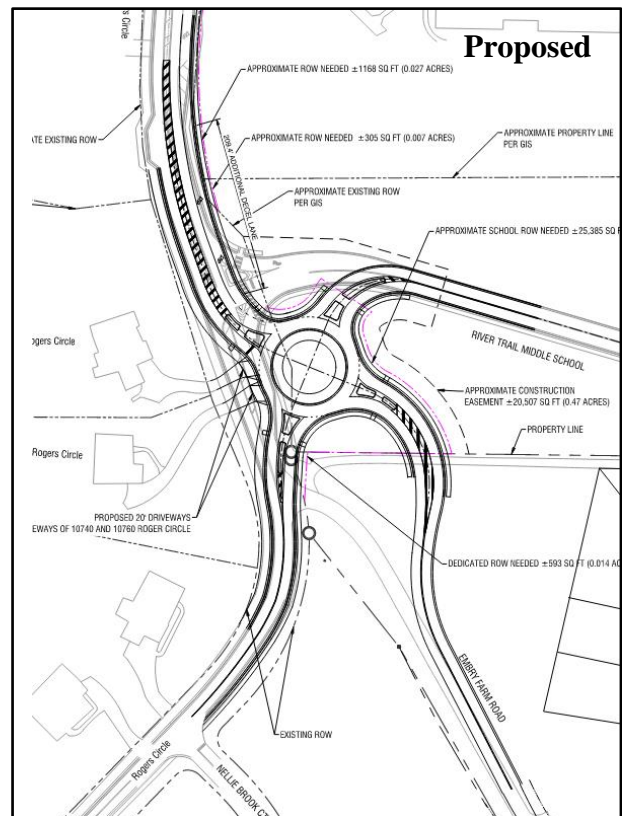


### Site Access Improvements

The Applicant proposes to construct a single-lane, four-legged roundabout at Rogers Circle by replacing the two stop-controlled, closely spaced intersections of Embry Farm Road (southern River Trail Middle School access) and the existing Embry Farm Road (residential driveway). The proposed roundabout will have the following four legs:

1. Northbound Approach – Rogers Circle
2. Southbound Approach – Rogers Circle
3. Westbound Approach – Embry Farm Road (River Trail Middle School Access)
4. Northwest Approach – Driveway entrance to the proposed residential development

The development also proposes to improve traffic flow for vehicles entering Shakerag Elementary School by extending the existing right-turn lane approximately 250 feet from the elementary school to the new roundabout to increase the storage of vehicles during school drop-off and pick-up.



### Landscape Strips and Open Space

The site plan shows a 25-foot landscape strip along the Rogers Circle frontage and a 50-foot landscape strip along the west property line abutting Spring Meadow Farms subdivision. The Applicant is proposing to preserve approximately 98 acres or 48% of the parcel acreage as open space, providing an interconnected network of walking trails, overlook park, a dedicated amenity area with pool, pickleball courts and clubhouse, and various community greens. The proposed walking trails will utilize and extend existing dirt roads with new accessible pedestrian pathways to provide connection points to sidewalks on internal roads within the development. As part of development's amenity package, the Applicant proposes to construct a boardwalk around the man-made lake that would connect to the larger trail system and 12-foot-wide multi-use trail along the Chattahoochee River frontage. A large area of the southern portion of the site, within and outside of the 100-year floodplain will be preserved as open space. Staff



would note that the Applicant would be required to obtain stream buffer variances from both the Georgia EPD and City of Johns Creek for any future encroachments into the stream buffer.



### Elevations

The Applicant has prepared an elevation design guidebook to exemplify a variety of elevations to be incorporated into the development. The exterior facade of proposed single-family detached homes would implement a combination of brick veneer, board and batten and cementitious lap siding, with the intent of creating modern farmhouse stylized housing.



### Public Participation

As part of the land use petition process, property owners within one-quarter mile of the subject property were mailed notices in August 2024 for the public participation meeting. The meeting was held at the City Hall Council Chambers on September 5, 2024. Seven residents attended the meeting and shared

questions and concerns related to the number of dwelling units, smaller lot size, traffic impacts on Rogers Circle and school pedestrian crossing, safety, and noise impact during construction.

## **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 surrounding zoning, land uses and development criteria are as follows:

<b>Adjacent &amp; Nearby Properties</b>	<b>Zoning (Petition Number)</b>	<b>Land Use</b>	<b>Density (Dwelling Units /acre)</b>	<b>Minimum Lot Size</b>
Application	Proposed: CUP (RZ-24-0010)	Single-Family Detached	0.98	12,000 SF
Adjacent: West	AG-1	Single-family Detached (Spring Meadow Farms)	0.31	1 acre
Nearby: West (Across Rogers Circle)	AG-1	Single-Family Detached (Shakerag Manor)	0.56	1 acre
Nearby: North	CUP Conditional (2004Z-0137)	Single-Family Detached (Tavistock)	0.98	18,000 SF
Nearby: Northeast	CUP Conditional (1998Z-0066)	Single-Family Detached (Blackstone)	1.80	15,000 SF
Nearby: West	AG-1	Single-Family Detached (Bellacree)	0.27	1 acre
Nearby: West	R-2A Conditional (2004Z-0034)	Single-Family Detached (Old Taylor Farms)	0.87	27,000 SF
Nearby: West	R-4A Conditional (1992Z-0054)	Single-Family Detached (Parkside)	1.45	12,000 SF; 18,000 SF
Nearby: West	CUP Conditional (1996Z-0011)	Single-Family Detached (Quail Hollow Estates)	1.0	8,500 SF; 24,000 SF
Nearby: Northwest	CUP Conditional (RZ-14-006)	Single-Family Detached (Adair Manor)	1.95	12,000 SF
Nearby: Northwest	CUP Conditional (1994Z-0124)	Single-Family Detached (Belmont Farms)	2.07	12,000 SF; 27,000 SF

The surrounding area is characterized predominantly by single-family detached homes and the subject property is positioned between institutional and recreational uses to the north and northeast, and residences on acreage to the west. There is only one residential subdivision (Spring Meadow Farms) directly abutting the subject property to the west, and it maintains lots on acreage with a density of 0.31 units per acre. Nearby subdivisions to the north and east that derives direct access from Rogers Circle are 0.56 (Shakerag Manor) and 0.98 (Tavistock) units per acre in density. Other nearby subdivisions within the immediate Shakerag Community Area are between 0.27 and 2.07 units per acre. The proposed development at 0.98 units per acre would be suitable at this location as the proposed density and use would be consistent with the established residential developments in the area and recommendation of the Comprehensive Plan. Additionally, the proposed development would provide one-acre minimum lots abutting Spring Meadow Farms subdivision with the remaining lots developed at 12,000 square feet in size, similar to the minimum lot sizes of existing CUP zoned subdivisions in the area ranging from 8,500 square feet to 18,000 square feet.



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

The proposed subdivision, with proper conditions to ensure compatibility with existing residential uses found in the area, would present a minimal adverse effect to the usability of nearby properties. The Applicant intends to provide a 50-foot landscape strip along the west property line adjacent to Spring Meadow Farms subdivision along with lots on acreage to mitigate visual and spatial impacts to neighboring properties.

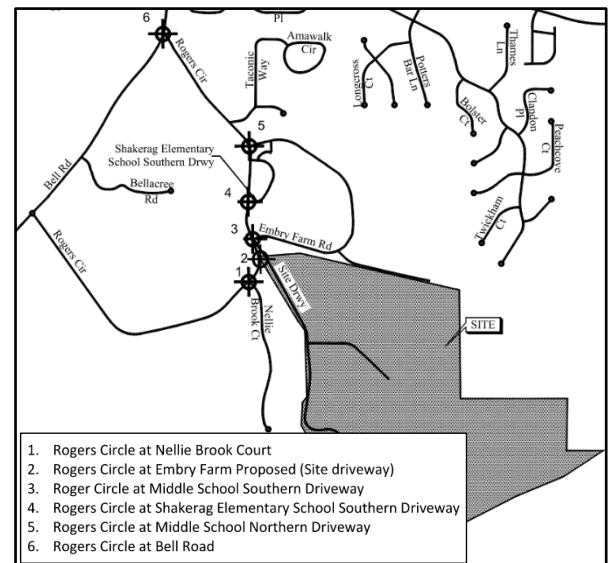
**3. Does the subject property have a reasonable economic use as currently zoned?**

The property appears to have 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 Traffic Impact Study dated March 11, 2025, by A&R Engineering, Inc., shows that the proposed development would generate 1,909 daily trips within a 24-hour period, including 140 trips during morning peak hour, 142 trips during school dismissal peak hour, and 191 trips during evening peak hour.

The traffic impact analysis evaluated existing and future roadway operations at six intersections (refer to graphic) and presented “No Build” and “Build” scenarios. The analysis indicates, based on actual traffic counts collected on February 11, 2025, that five of the six intersections would continue to operate at an acceptable level of service (LOS C and above) during the morning, school dismissal and evening peak hours in the future. The only exception was the westbound approach of Bell Road at Rogers Circle, which would operate at a Level of Service “E” during the morning peak hour without development and be downgraded to an operating Level of Service “F” during the morning peak hour with development if no roadway and operational improvement was considered.



Understanding that the proposed development would potentially burden existing streets with the addition of 200 units, staff would recommend the following roadway and operational improvements to mitigate traffic impact:

1. Construct a roundabout at Rogers Circle by replacing the two stop-controlled, closely spaced intersections of Embury Farm Road (southern River Trail Middle School access) and the existing Embury Farm Road (residential driveway) with the following four legs:
  - a. Northbound Approach – Rogers Circle
  - b. Southbound Approach – Rogers Circle
  - c. Westbound Approach – Embury Farm Road (River Trail Middle School Access)
  - d. Northwest Approach – Driveway entrance to the proposed residential development
2. Extend the existing right-turn lane servicing Shakerag Elementary School to the proposed roundabout to provide additional storage capacity for vehicles entering the school.
3. Implement the appropriate intersection control and roadway improvements at the westbound approach of Bell Road at Rogers Circle to achieve an overall Level of Service “C” or better, based on the development traffic volumes.

Fulton County Water and Sewer has confirmed that adequate water and sewer capacity is available to service the proposed development. There is an eight-inch diameter Fulton County water line along the north side of Rogers Circle available to provide water to this proposed subdivision. A 36-inch diameter Fulton County sanitary sewer line with 10 manholes traverses the property from the northeast side towards the southwest side of the property. Fulton County requires all proposed lots to be served by a gravity run sanitary sewer line and would not allow sanitary sewer lift station or sanitary sewer pump system to service any lots.

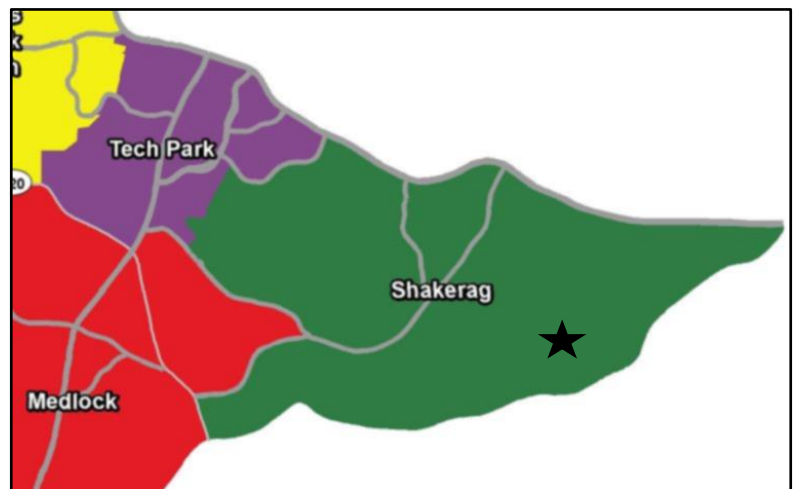
The Fulton County School Board has estimated that a total of 72 to 184 new students will be generated by the development, but it will have no impact on school capacity as all three schools are currently under capacity.

School	New Students	Current Capacity (without development)	Capacity (with development)
Shakerag Elementary School	36 to 93	273 under	180 to 237 under
River Trail Middle School	10 to 33	76 under	43 to 66 under
Northview High School	26 to 58	300 under	242 to 274 under
<b>Total</b>	<b>72 to 184</b>		

The proposed development would increase traffic, utility demand and the number of school-aged children. At a density compatible with the established residential subdivisions along Rogers Circle, however, the impacts to these infrastructure elements would be similar to those currently existing in the area, except for the need for traffic improvements, which would be mitigated by the recommended zoning conditions.

**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 Shakerag Community Area and the vision for all new infill housing developments for the area is to be limited to single-family detached homes at one unit per acre. The development as proposed, with 200 single-family detached units, would yield a density of 0.98 units per acre.



The Comprehensive Plan's Future Land Use Map indicates "Residential - 1 unit or less" for this property, and the proposed single-family use would be consistent with the Future Land Use Map. The development as proposed would conform with the policy and intent of the Community Area in which the property is located and with the Comprehensive Plan's vision for housing, which is "undeveloped/underdeveloped parcels will be developed with a similar density or use as the surrounding neighborhood(s) or development(s)."

**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?**

There are no additional conditions giving support for approval or disapproval of the proposal.



**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 subject property is adjacent to the Chattahoochee River and approximately 147 acres or 72% of the site is within 2,000 feet from the banks of the Chattahoochee River, and would be subject to development standards required under the Metropolitan River Protection Act (MRPA). The property contains a man-made lake, a Chattahoochee River tributary, compact wetland areas, and the southern portions of the site closest to the river falls within a 100-year floodplain (1% chance of flooding in any given year) or the 500-year floodplain (0.2% chance of flooding annually). The Applicant states in their Environmental Site Analysis report that the proposed development would limit encroachments into the 100-year floodplain and applicable stream buffers to roadway and utility crossings only, while protecting environmentally sensitive areas of the property.

A Phase I Environmental Site Assessment was conducted in conformance with the scope and limitations of the American Society for Testing and Materials (ASTM) and the United States Environmental Protection Agency's All Appropriate Inquiries (AAI) rule. The study revealed no evidence of Recognized Environmental Conditions for the subject property.

The development will include three stormwater management facilities situated in specific areas of the site to be compliant with the City's stormwater management requirements. Staff would note that in addition to stormwater management facilities, the development must incorporate runoff reduction BMPs to the site for review at time of land disturbance permit. Future stream buffer variance would be required for any proposed encroachment into the stream buffer, and a Metropolitan River Corridor Certificate application needs to be submitted to receive a MRPA Certificate to tailor the development to the allowable impervious surface and disturbance permitted, prior to any land development activity.

### **STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of land use petition, RZ-24-0010.

1. The site shall be limited to 200 single-family detached dwelling units at a maximum density of 0.98 units per acre.
2. The site shall be developed in general accordance with the site plan received and date stamped on March 5, 2025. Said site plan is conceptual and the final site plan must meet or exceed land development regulations and zoning conditions prior to the approval of a land disturbance permit.
3. All exterior elevations shall be constructed of at least 50% brick or stone. Accent materials may be board and batten siding, and/or fiber-cement siding and shall be substantially similar to the elevations received and date stamped on February 28, 2025, as part of the Embury Farms Design Guidebook. Final Elevations shall be subject to the review and approval of the Community Development Director, prior to issuance of a building permit.
4. All lots adjoining Spring Meadow Farms subdivision along the west property line of the subject property (lots 193-200), shall maintain a minimum lot size of one acre.
5. The following development standards shall be applied to each lot:
  - Minimum Lot Area: 12,000 square feet (except lots 193-200 shall be one acre)
  - Minimum Lot Width: 100 feet

- Front Setback: 20 feet
  - Side Setback: 5 feet
  - Side Corner Setback: 10 feet
  - Rear Setback: 20 feet
6. The minimum heated floor area shall be 3,000 square feet.
  7. All residential buildings shall be constructed with a side entry garage.
  8. Owner/Developer shall maintain a minimum driveway length of twenty feet (20') from the back of sidewalk to the face of the garage door to accommodate parking of vehicles in the driveway.
  9. Owner/Developer shall construct all new interior roads for the development as private roads subject to the roadway construction standards of the City of Johns Creek and maintained by a mandatory homeowners association.
  10. Owner/Developer shall execute a combination plat to combine all Embry Farm parcels into a single lot of record, prior to the issuance of a land disturbance permit.
  11. Owner/Developer shall submit for review and approval by the Community Development Director, prior to recording of the final plat, the homeowners association documents of incorporation and property covenants showing all areas that are not part of an individual lot are held in common and shall be accessible and maintained by a mandatory homeowners association.
  12. Owner/Developer shall submit a Metropolitan River Protection Act (MRPA) certificate application for the Embry Farm property showing the proposed development within 2,000 feet of the banks of the Chattahoochee River is consistent with the Chattahoochee Corridor Plan standards.
  13. Owner/Developer would be required to obtain a stream buffer variance from Georgia EPD for any encroachment into the 25-foot state undisturbed buffer and City of Johns Creek for any encroachment into the 75-foot stream buffer. A mitigation plan shall be submitted to provide water quality improvement, stream bank stabilization/restoration, and revegetation measures.
  14. Owner/Developer shall provide and replant where sparsely vegetated in the following landscape strips in compliance with the City's Tree Preservation and Administrative Guidelines:
    - a. 25 feet adjacent to the right-of-way of Rogers Circle.
    - b. 50 feet planted to buffer standards along the west property line adjacent to Spring Meadow Farms subdivision.
  15. Owner/Developer shall provide a minimum of 30.61 acres (15% of total site area) of open space: consisting of, but not limited to, pocket parks, community gathering areas and greens, pedestrian pathways, multi-use trail, community swimming pool, clubhouse, or other community recreational and amenity uses as depicted on the submitted Embry Farm Design Book received and date stamped on February 28, 2025. Landscape strips, planted buffers, stream buffers, detention pond and stormwater management facilities shall not be included in the open space calculation.



16. Owner/Developer shall construct a five-foot wide concrete sidewalk on both sides of all interior roads and provide crosswalks connecting sidewalks and trails, as shown on the site plan received and date stamped on March 5, 2025.
17. Owner/Developer shall provide and/or construct a minimum 10-foot-wide internal trail throughout the proposed development to tie into the Shakerag Park trailhead and the Chattahoochee River trail, as shown on the site plan received and date stamped on March 5, 2025.
18. Owner/Developer shall construct a 12-foot multi-use trail along the entire Chattahoochee River frontage as shown on the site plan received and date stamped on March 5, 2025, with a permanent easement for public use, access, and maintenance to be dedicated at no cost to the City of Johns Creek, prior to the issuance of the land disturbance permit, and subject to the review and approval of the Public Works Director.
19. Owner/Developer shall enter into a development agreement with the City of Johns Creek for the construction of the following roadway and operational improvements for the proposed development, as identified in the Traffic Impact Study received and date stamped on March 11, 2025, subject to the approval of the Public Works Director, prior to the issuance of the land disturbance permit.
  - a. Construct a single-lane, four-legged roundabout at the entrance of the proposed residential development on Rogers Circle at no cost to the City of Johns Creek, in general accordance with the traffic circle plan received and date stamped on March 5, 2025, and subject to the review and approval of the Public Works Director, prior to the issuance of the first building permit. Said roundabout shall realign the existing southern driveway of River Trail Middle School and Embry Farm Road entrance to the proposed residential subdivision. Said roundabout shall have adequate radius to accommodate school buses and the City's fire apparatus.
  - b. Construct extension of the existing right-turn lane for Shakerag Elementary School to the proposed roundabout to add storage capacity for vehicles entering the school at no cost to the City of Johns Creek, subject to the review and approval of the Public Works Director, prior to the issuance of the first building permit.
20. Owner/Developer shall enter into a development agreement with the City of Johns Creek to construct or contribute funds to the City of Johns Creek, equal to the cost of design, engineering and construction of this improvement as determined by the Public Works Director, prior to the issuance of the land disturbance permit.
  - a. Turn lane(s) on Rogers Circle at the northern intersection of Bell Road and Rogers Circle.
21. Owner/Developer shall submit a stormwater concept plan prior to the submittal of a land disturbance permit application.