

**First Amended
REZONING/SUP/CHANGE IN CONDITIONS APPLICATION**

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Toll Bros. Inc. *</u>	NAME: <u>The Item IV Marital Trust UW AJ Embry</u>
ADDRESS: <u>240 Lakeview Pkwy, Ste 650</u>	ADDRESS: <u>10555 Embry Farm Rd.</u>
CITY: <u>Alpharetta</u>	CITY: <u>Johns Creek</u>
STATE: <u>GA</u> ZIP: <u>30009</u>	STATE: <u>GA</u> ZIP: <u>30097</u>
PHONE: <u>941-713-1845</u>	PHONE: _____
CONTACT PERSON: <u>Dennis J. Webb, Jr.</u> PHONE: <u>404-815-3620</u>	
CONTACT'S E-MAIL: <u>dwebb@sgrlaw.com</u>	

APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input checked="" type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT(S): <u>AG-1</u>	REQUESTED ZONING DISTRICT: <u>CUP</u>
DISTRICT/SECTION: <u>1/1</u>	LAND LOT(S): <u>479, 480, 497, 498, 499, 0F52, 0F53, 0F54, 0F56</u> ACREAGE: <u>204.10</u>
ADDRESS OF PROPERTY: <u>10505, 10555, 10655 Embry Farm Road</u>	
PROPOSED DEVELOPMENT: <u>Planned Residential Community</u>	
CONCURRENT VARIANCES: _____	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>200</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>3,000 sq. ft.</u>	Total Building Sq. Ft. _____
Density: <u>0.98 du/ac</u>	Density: _____

*Toll Bros. Inc. files this application as agent for and on behalf of The Item IV Marital Trust UW AJ Embry

Received
March 5, 2025
RZ-24-0010
Planning & Zoning

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, The Item IV Marital Trust UW AJ Embry, authorize, Toll Bros. Inc.,
(Property Owner) (Applicant)
to file for CUP, at 10555 Embry Farm Rd.
(RZ, SUP, CV) (Address)
on this date July 15, 2024
(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.

[Signature] 07/25/2024
Signature of Property Owner Date

Received
August 6, 2025
RZ-24-0010
Planning & Zoning

Sarah Embry, as Co-Trustee
Type or Print Name and Title

Mallie Powell Scott 7/25/2024 [Seal]
Signature of Notary Public Date Notary Seal

MALLIE POWELL SCOTT
NOTARY PUBLIC
DeKalb County
State of Georgia
My Comm. Expires Aug. 28, 2026

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[Signature] _____ Date 07/25/2024
Signature of Property Owner

Received
August 6, 2025
RZ-24-0010
Planning & Zoning

Jackie Embry Chiusano, as Co-Trustee
Type or Print Name and Title

Mallie Powell Scott _____
Signature of Notary Public Date 7/25/2024 Notary Seal

MALLIE POWELL SCOTT
NOTARY PUBLIC
DeKalb County
State of Georgia
My Comm. Expires Aug. 28, 2026

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)

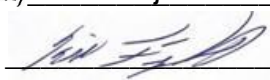
2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

- | | |
|--|----|
| 1. Kirk R. Fjelstul - Smith, Gambrell & Russell, LLP | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

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) Kirk R. Fjelstul - Smith, Gambrell & Russell, LLP
 Signature:  Date: 3/5/2025

Received
 March 5, 2025
 RZ-24-0010
 Planning & Zoning

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?
Before filing, Applicant held a community meeting with neighbors from the surrounding Nellie Brook Community. Applicant intends to reach out to other neighboring communities ahead of the public meetings to solicit feedback and answer questions.

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?
Applicant will invite neighboring communities to engage in community meetings. Applicant will monitor social media and other outlets for concerns and ensure adequate lines of communication exist to answer questions and address concerns.

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?
Yes. Applicant held a community in meeting prior to filing other meetings will be held as needed. Applicant will make itself available to discuss concerns and provide information as necessary.

4. What is your schedule for completing the Public Participation Plan?
The Public Participation Plan will be completed before the Planning Commission meeting; however, applicant will continue communications with stakeholders as needed after the meeting and up to the zoning decision.

Received
August 6, 2025
RZ-24-0010
Planning & Zoning

PUBLIC PARTICIPATION REPORT

(Due no later than seven (7) calendar days after the Public Participation Meeting)

1. Other than the property owners included in the quarter mile mailing that was provided by the City of Johns Creek, list any other groups that you notified of the requested rezoning/use permit:

_____ The Applicant hosted a meeting on July 30, 2024 at the Embry property and invited every _____ resident of Nellie Brook Court and four residents at Shakerag Manor.

2. Other than the City of Johns Creek Public Participation Meeting, what other meetings did you hold regarding this petition (include date, time and meeting location)?

_____ See above. Further, the Applicant will be attending a second meeting with Nellie Brook Court and Shakerag Manor in the near future. A date has not yet been set.

3. What issues and concerns were expressed at the meetings?

_____ See attached Exhibit A.

4. What are the applicant's responses to the issues and concerns that were expressed at the meetings?

_____ See attached Exhibit A.

5. Please attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.

_____ See attached Exhibit B.

Received
September 12, 2025
RZ-24-0010
Planning & Zoning

Exhibit A

SMITH, GAMBRELL & RUSSELL, LLP

PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

INTEROFFICE MEMORANDUM

TO: City of Johns Creek
FROM: Den Webb
DATE: September 12, 2024
RE: Toll Brothers/Embry Farms September 5, 2024 Public Participation Meeting

On Thursday, September 5, 2024, we attended a City-sponsored public participation meeting for the above-referenced project. Seven community members attended for our project, six from Nellie Brook Court and one from Shakerag Manor. Below are the issues that were raised:

1. **Traffic:** We were told that there is a traffic problem caused by Shakerag Elementary. Apparently, cars are “backed-up 50 deep in the morning.” The neighbors wanted to know whether we considered that issue. We noted that we had a proposed solution that we hoped to unveil in the near future.
2. **Security:** This question related to new homeowners coming into the area, as well as their guests and vendors. We said we were as interested in security as the neighbors were.
3. **Timing:** We were asked about phasing. We told them that the project would be phased and run roughly from 2026-2032.
4. **Lot Size:** A Nellie Brook resident noted that the minimum lot size in that development is three acres, that the code requires “compatibility” for bordering lots (§ 11.1) and that the neighbors did not believe that our proposal met that compatibility requirement. We noted that there were no lots in the west side of the property adjacent to Nellie Brook Court.
5. **Buffer:** We were asked about the buffer on both the spine road and on the south end of our site, where it borders Nellie Brook Court. We said we would look deeper into the buffer on the south side. We were also asked whether the existing Embry Farm Road was moving, and we said it would shift east.
6. **Sewer Connection:** This was an issue raised by Shakerag Manor. It was noted there was a sewer easement behind some of the neighbor’s properties and he

wanted to know whether Toll intended to use it. We said we would have to follow up on that issue.

7. **Crosswalk on Rogers Circle**: The issue was raised but there was no specification.

8. **Lighting at Traffic Circle to the West**: Apparently, that traffic circle on Rogers Circle is poorly lit and, as a result, there is a safety issue according to the neighbors. We will revisit this off-site issue.

9. **Fiber/Telecom**: One neighbor mentioned the neighbors wanted upgraded fiber technology in the area.

10. **Gating**: There were several questions about gating within the development. Most did not prefer a gate at the main entrance, but some may have.

11. **Location of Construction Worker Parking**

12. **Pedestrian Connection to School**: There was some interest in creating a design that will allow the kids to walk to school, which we indicated Toll was also interested in.

13. **Reduce Density**: We explained Toll's proposal for 205 units, which is consistent with the Comprehensive Plan.

14. **Follow Up Meeting**: The Nellie Brook Court neighbors wanted a follow up meeting. Shakerag Manor also wants to participate. One of the Nellie Brook neighbors was going to take the lead on setting that meeting up and contacting us about it.

DW/bc

Exhibit B

1105 W. Peachtree St. NE, Suite 1000
Atlanta, Georgia 30309-9813
Tel: 404 815-3500
www.sgrlaw.com



Dennis (Den) J. Webb, Jr.
Direct Tel: 404-815-3620
Direct Fax: 404-685-6920
dwebb@sgrlaw.com

July 22, 2024

Re: Community Meeting for Nellie Brook Court Residents
Regarding Proposed Development at Embry Farms
10555 Embry Farm Road, Johns Creek, Georgia 30097

Dear Neighbor:

We represent Toll Brothers, the Nation's leading builder of luxury homes. Toll Brothers has put under contract Embry Farms, a 205.75-acre assemblage along Embry Farms Road. Toll Brothers hopes to develop the property with 205 luxury, single-family detached homes, emphasizing unique and crafted architecture intended to create a community consistent with the high standard of residential development in the area. The development also will be designed to prioritize open area and civic spaces and will have multiple connections to public trails and parks in the area.

Toll Brothers plans to file a rezoning application with the City of Johns Creek in August, asking to rezone the property from AG-1 (Agricultural District) to CUP (Community Unit Plan District). Toll Brothers intends to hold several community meetings related to its proposal but wanted to start first with the residents immediately surrounding the proposed development. Therefore, Toll Brothers invites you to an informational meeting to be held on July 30, 2024 within the main home at Embry Farms. The meeting will start at 7:00 p.m. and we hope to see you then. In the meantime, please feel free to reach out to me directly with questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis Webb, Jr.", written over a light blue horizontal line.

Dennis (Den) J. Webb, Jr.

EMBRY FARM – JOHNS CREEK, GA

July 30, 2024 - 7:00 p.m.
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Don Webb	1105 W. Peachtree St Atlanta, Ga 30309	djwebb@sgrlew.com (4) 815-3500
Bill Diehl	1105 W. Peachtree St Atlanta Ga 30309	wdiehl@sgrlew.com (4) 815-3500
DAN COFFER	2400 Lakeview Pkwy ALPHARETTA, GA 30009	dcoffer@tollbrothers.com (941) 713-1845
J.A. Crowe	12925 Duckport Drive Roswell, GA 30075	
Jake Mack	896 Drury St. NE Atlanta, GA 30306	
Jason Brubaker	10635 Nellie Brook Ct Johns Creek, GA 30097	JasonAbrubaker@gmail.com 404-409-7768
Alex GUE	10640 Nellie Brook Ct Johns Creek, GA 30097	
Matt Maloney	10650 Nellie Brook Ct. Johns Creek, GA 30097	Malomonopoly@gmail.com 678-984-2097

EMBRY FARM – JOHNS CREEK, GA

July 30, 2024 - 7:00 p.m.
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Jon Barefield	10665 Nellie Brook Ct JC 30097	jon.barefield@ametek.com 404-910-4326
Leo Li	10615 Nellie Brook Ct	xinmachine@gmail.com



September 5, 2024 – 7:00 p.m.
 Council Chambers, 11360 Lakefield Drive, Johns Creek, GA 30097

Public Participation Meeting

SUP-24-0008 & SUP-24-0009 & VC-24-0005 | RZ-24-0008 & VC-24-0005
 RZ-24-0009 & VC-24-0006 | RZ-24-0010

Name	Address	Email & Phone
Harmon Lewis	4765 Kimball Bridge	51 753 3507
SHAUN FOGARTY	807 FORREST ST NW ATL	SHAUN@NORWOODA.COM 678 921 0302
Samrat Ganguly	10610 Nellie Brook Ct.	sganguly1@gmail.com 212 597-2293
Joey Benamy	10900 Rogers Cir	jbenamy@gmail.com (404) 386-1600
DAN COTTER	2400 LAKEVIEW PKWY, ALPHARETTA, GA	dcotter@tollbrothers.com
Cam Lee	2400 Lakewood Park, Alpharetta, GA	clee1@tollbrothers.com
Sarah Swing	722 Ashtey Glen Lane	saraheswing@gmail.com
Abby Civan	2900 Georgian Manor Dr	aabcone12@gmail.com
Tiller Baker	2400 Lakeview Parkway	TBaker@tollbrothers.com
Rob Tolaw	4200 Walnut Pl	(4) 232 - 29 00
Ikim Percival	3255 Heatheridge	(470) 629 2248



September 5, 2024 – 7:00 p.m.
 Council Chambers, 11360 Lakefield Drive, Johns Creek, GA 30097

Public Participation Meeting

SUP-24-0008 & SUP-24-0009 & VC-24-0005 | RZ-24-0008 & VC-24-0005
 RZ-24-0009 & VC-24-0006 | RZ-24-0010

Name	Address	Email & Phone
Kara Schroeder	1265 Yavercroft Ln	Prekdirector@JohnsCreek ^{Messiah (714) 376-78}
Ishir Vasavada	9110 Brumbelow Rd	ishirrv@gmail.com (706) 572-3649
MARK PARRICK	1985 ELKS CLUB RD	Markdp1959@gmail.com
Ben Lolie Ann	3350 Murgess Ave	Benzel@aol.com
MOHAMMAD ASHTARI	9675 Brumbelow RD	m.ashtari@aol.com
Jason Brubaker	10635 Nellie Brook Ct	JasonAbrubaker@gmail.com
A Anthony Bradley	89 Jamet Circle	abrad1966@gmail.com
Jon Barefield	10665 Nellie Brook Ct	jon.barefield@ametek.com
Theresa Moss Robertson	10655 Nellie Brook CT	mossrjr@gmail.com
Matt Maloney	10650 Nellie Brook CT	Malomonopoly@gmail.com