

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Comfort Homes of Georgia, LLC</u>	NAME: <u>Mary Frances Capehart</u>
ADDRESS: <u>4649 Equestrian Way</u>	ADDRESS: <u>3246 Camp Branch Circle</u>
CITY: <u>Dunwoody</u>	CITY: <u>Buford</u>
STATE: <u>GA</u> ZIP: <u>30338</u>	STATE: <u>GA</u> ZIP: <u>30519</u>
PHONE: <u>4042905445</u>	PHONE: <u>7709450073</u>
CONTACT PERSON: <u>Spencer Carr</u> PHONE: <u>7067549231</u>	
CONTACT'S E-MAIL: <u>spencer@thecarrlawgroup.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): RA-200 REQUESTED ZONING DISTRICT: R-100

PARCEL NUMBER(S): R7180 016 ACREAGE: 13.14

ADDRESS OF PROPERTY: 3246 Camp Branch Rd. Buford, GA 30519

PROPOSED DEVELOPMENT: single family residential subdivision

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>15</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>approx. 3500-4000</u>	Total Building Sq. Ft. _____
Gross Density: <u>1.1/acre</u>	Density: _____
Net Density: <u>1.1/acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION

Hill Pond Subdivision

All that tract or parcel of land lying in and being in Land Lot 180 of the 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

Commence at the intersection of the western right-of-way (R/W) of Camp Branch Road and the southern R/W of Camp Branch Circle, said intersection being the POINT OF BEGINNING (P.O.B.).

From the POINT OF BEGINNING, proceed along the R/W of Camp Branch Road in the direction S40°47'19"E for a distance of 317.82' to a point; then proceed in the direction S39°50'47"E for a distance of 483.67' to a point; then proceed in the direction S36°18'43"E for a distance of 75.62' to a point; then leaving said R/W proceed in the direction S65°07'49"W for a distance of 1019.91' to a point; then proceed in the direction N28°35'18"W for a distance of 89.80' to a point; then proceed in the direction N30°49'53"W for a distance of 409.73' to a point; then proceed in the direction N66°13'16"E for a distance of 203.02' to a point; then proceed in the direction N53°48'29"E for a distance of 196.62' to a point; then proceed in the direction N58°14'04"E for a distance of 127.34' to a point; then proceed in the direction N26°34'30"E for a distance of 265.65' to a point; then proceed in the direction N14°45'49"E for a distance of 174.33' to a point; said point being the POINT OF BEGINNING.

Said tract or parcel of land contains ±13.1 acres and is shown in detail on a rezoning plan for "Hill Pond Subdivision" dated May 31, 2017, prepared by Foothills Land Design, LLC.

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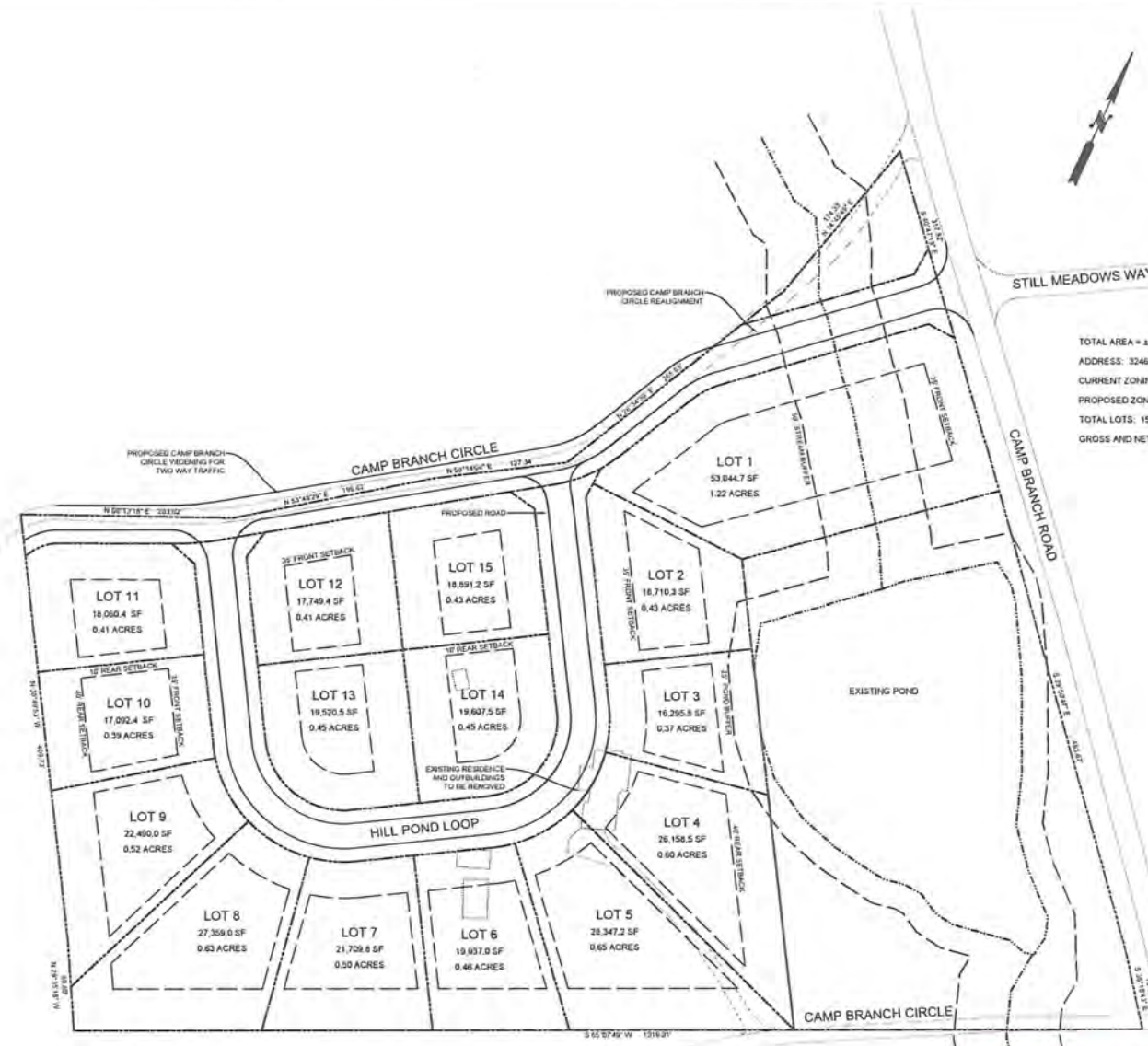
DESIGN DEVELOPER
**MARY FRANCES
 CAPEHART**
 2345 CAMP BRANCH CIRCLE
 BUFORD, GA 30518

SUBDIVISION PLAN
**HILL POND
 SUBDIVISION**
 LAND LOT 204
 7TH DISTRICT
 GWINNETT COUNTY, GA

REVISION NO.	DATE	DESCRIPTION

DATE: MAY 31, 2017
 SCALE: 1" = 50'
 SHEET:
1

RZR '17013



STILL MEADOWS WAY



TOTAL AREA = ±13.1 ACRES
 ADDRESS: 3246 CAMP BRANCH CIR., BUFORD, GA 30518
 CURRENT ZONING: RA200
 PROPOSED ZONING: R100
 TOTAL LOTS: 15
 GROSS AND NET DENSITY: 1.15 LOTS/AC

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REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

see attached

- (B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

see attached

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

see attached

- (D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

see attached

- (E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

see attached

- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:

see attached

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Spencer Carr
Attorney at Law

Emily Carr
Attorney at Law

Quentin Carr
Attorney at Law

James H. Cox
Of Counsel

**REZONING APPLICANT'S RESPONSE
REQUEST FOR REZONING**

GWINNETT COUNTY, GEORGIA

RE: 13.41 acres located at 3246 Camp Branch Circle, Buford, GA M&P R7180 016

Through its attorney, Spencer Carr, and as authorized by existing property owners, Applicant, Comfort Homes of Georgia, LLC (the "Applicant") respectfully submits these this Rezoning Applicant's Response to the Planning Commission of the Gwinnett County, Georgia in support of the following an application for rezoning from RA-200 to R-100.

The application respectfully seeks from Gwinnett County, Georgia actions and approvals required to allow for requested rezoning.

The proposed type and intensity of land use is generally consistent with the surrounding area.

REQUEST FOR REZONING

The Applicant respectfully requests the Planning Commission of Gwinnett County, Georgia rezone the subject property to R-100.

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Clarkesville: P.O. Box 999, 113 Grant St., Ste 2, Clarkesville, GA 30523 | Ph: 706-754-9231 | Fax: 706-754-7145
Cleveland: P.O. Box 2931, 471 South Main St., Cleveland, GA 30528 | Ph: 706-219-2801 | Fax: 706-348-1380

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Required Responses by Applicant in Rezoning Actions

A) Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

The requested zoning will permit the single family residential use of the property, which is suitable in view of the location of the subject property, and the development of adjacent and nearby properties in the vicinity. The property is located in an area in which substantial residential development already has occurred, and continues to occur. The proposed development is entirely consistent with such uses and the existing and emerging development pattern.

B) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby properties.

The rezoning is not expected to adversely affect the existing use or usability of adjacent or nearby properties. Nearby properties currently are both zoned and used for compatible purposes. Sufficient buffers will exist between the proposed development and other nearby uses to allow the use of the subject property as proposed without adversely affecting such nearby uses.

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

As a whole, the property to be affected by the rezoning proposal has reasonable economic use as a single residential structure. The zoning proposal for additional single family residential uses is appropriate given the location and adjacent development of parcel and surrounding parcels. The requested zoning will allow for additional economic use.

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

The proposed rezoning will result in minimal impact on water and sewer services, other utilities, streets, transportation facilities, public safety, and schools, and is anticipated to be

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within the current existing capacities. Further, improvements to access and the existing streets are anticipated as a result of the proposed development.

E) Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan.

The Applicant's understanding is that the requested R-100 zoning proposal is entirely consistent with the policy and intent of the Land Use Plan.

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

Conditions on the subject property and in the general vicinity make the requested rezoning appropriate. The subject property consists of a single family residential structure. The requested zoning will significantly improve an underutilized and aging property. Nearby residential development indicate the land use pattern in this area has changed such that conditions are appropriate for the proposed rezoning.

Summary and Conclusion

For the reasons stated more fully above, the Applicant respectfully requests the Planning Commission of Gwinnett County approve the request for rezoning to permit the proposed rezoning to R-100 zoning on the subject property.

The Applicant, including their attorneys and engineers, stand ready to provide any additional information County officials may find helpful or useful during the review of this application or to assist in any manner during the required public review period.

Respectfully submitted,



Spencer Carr

Attorney for Applicant

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Spencer Carr
Attorney at Law

Emily Carr
Attorney at Law

Quentin Carr
Attorney at Law

James H. Cox
Of Counsel

**LETTER OF INTENT
REQUEST FOR REZONING
GWINNETT COUNTY, GEORGIA**

RE: 13.41 acres located at 3246 Camp Branch Circle, Buford, GA M&P R7180 016

Through its attorney and as authorized by property owner, Applicant, Comfort Homes of Georgia, LLC (the "Applicant") respectfully submits this Letter of Intent to the Planning Commission of Gwinnett County in support of an application for map amendment from RA-200 to the R-100 zoning classification. This application respectfully seeks from Gwinnett County approvals required to for rezoning to R-100 for the subject property.

The entire subject property consists of 13.14 acres and is located at 3246 Camp Branch Circle, Buford, GA in a developing residential node in unincorporated Gwinnett County.

The parcel is planned and intended to be developed as a single family residential subdivision consisting of fifteen homesites to contain single family homes of an approximate minimum of 3500 sq. feet and a new sales price point of over \$700,000.00. Site plan, descriptions of this parcel, and the appropriate authorization forms have been included in the application materials to allow for the comprehensive review and approval of the proposed rezoning. The proposed rezoning is consistent with recent residential growth in the immediate vicinity.

The adjacent property is currently used as single family residential, including a large adjacent subdivision. Thus, the proposed type and intensity of land use is consistent with that already adjacent property.

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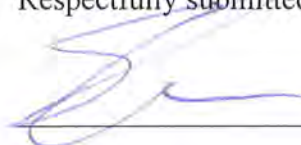
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As shown on the Site Plan submitted in support of this application, primary access to the development is proposed to be provided from Camp Branch Road, including improvement to the intersection of Camp Branch Road and Camp Branch Circle.

Respectfully submitted,



Spencer Carr

Attorney for Applicant

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REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS 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 BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



Signature of Applicant

6/1/2017

Date

Comfort Homes of Georgia, LLC by David Spain, Managing Member

Type or Print Name and Title



Signature of Notary Public

06/1/2017

Date



*Commission expires
08/25/2018*

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REZONING PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN 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 BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

Mary F. Capehart

6-2-17

Signature of Property Owner

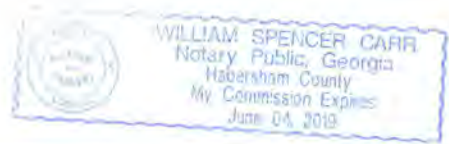
Date

Mary Frances Capehart, Owner

Type or Print Name and Title

[Handwritten Signature]

6/2/17



Signature of Notary Public

Date

Notary Seal


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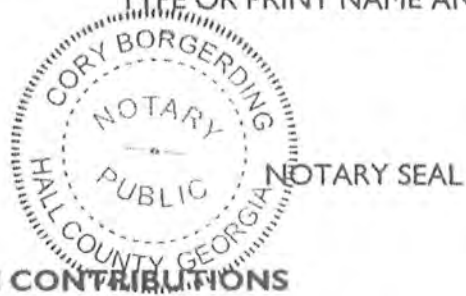
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

 6/1/17 David Spain, Managing Member
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Spencer Carr, Attorney
 SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
 ATTORNEY OR REPRESENTATIVE

 6/1/2017
 SIGNATURE OF NOTARY PUBLIC DATE
 (For David Spain's Signature)



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES NO David Spain
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

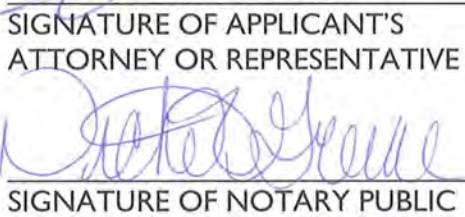
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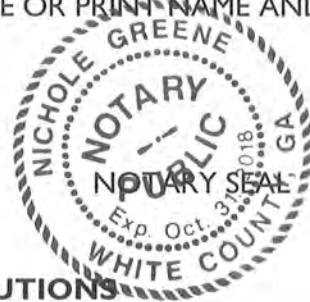
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David Spain, Managing Member

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	6/1/17	Spencer Carr, Attorney

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	6/1/17	



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES NO David Spain
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 7 - 180 - R7180 016
(Map Reference Number) District Land Lot Parcel



6/1/2017

Signature of Applicant

Date

Comfort Homes of Georgia, LLC

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Debra Smith
NAME

tax services associate
TITLE

June 2, 2017
DATE

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