



GWINNETT COUNTY
 PLANNING AND DEVELOPMENT
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 6.12.2024

Please complete this application to amend the official zoning map of Gwinnett County and attach a letter of intent explaining what is proposed.

Applicant Information	Property Owner Information
Name: <u>Simes Signature Properties c/o Mahaffey Pickens Tucker, LLP</u> Address: <u>1550 North Brown Road, Suite 125</u> City: <u>Lawrenceville</u> State: <u>GA</u> Zip code: <u>30043</u> Phone: <u>770 232 0000</u> Email: <u>gschaller@mptlawfirm.com</u>	Name: <u>Bennett J Harold et al</u> Address: <u>2360 Pine Circle Drive</u> City: <u>Gainesville</u> State: <u>GA</u> Zip code: <u>30504</u> Phone: <u>678 622 3109</u> Email: <u>aj.coley@hotmail.com</u>

Contact person: Gabrielle Schaller, attorney for Applicant Phone: 770 232 0000
 Contact's email: gschaller@mptlawfirm.com

Applicant is the

Owner's agent
 Property owner
 Contract purchaser

Present zoning district(s): RA-200/R-100 Requested zoning district: R-100
 Parcel number(s): R7183 005 Acreage: +/- 5.098
 Address of property: 3430 Camp Branch Road
 Proposed development: Single Family Homes

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>7</u> Dwelling Unit Size (Sq. Ft.): <u>3200</u> Gross Density: <u>1.37</u> Net Density: <u>1.37</u>	No. of Buildings/Lots: <u>N/A</u> Total Building Sq. Ft. <u>N/A</u> Density: <u>N/A</u>

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Camp Branch Road

Tax Parcel No. 7183 005

All that tract of parcel of land lying and being in Land Lot 183 of the 7th Land District, Gwinnett County, Georgia, and being more particularly described as follows;

To find the point of beginning, commence at the intersection of the northerly mitered right of way of Hidden Falls Place (right of way varies) and the southwest right of way of Camp Branch Road; THENCE traveling in a generally northwesterly direction on said southwest right of way of Camp Branch Road for a distance of 460.26' to a point, said point being THE TRUE POINT OF BEGINNING.

THENCE from said point as thus established, leaving said right of way South 66 Degrees 30 Minutes 16 Seconds West for a distance of 232.76 feet to a point, said point marked by a ½ inch rebar pin set; THENCE South 66 Degrees 32 Minutes 35 Seconds West for a distance of 150.99 feet to a point, said point marked by a ½ inch rebar pin found; THENCE North 18 Degrees 46 Minutes 50 Seconds West for a distance of 614.94 feet to a point, said point marked by a ½ inch open top pipe found; THENCE North 62 Degrees 30 Minutes 53 Seconds East for a distance of 188.64 feet to a point, said point marked by a ½ inch open top pipe found; THENCE South 18 Degrees 03 Minutes 04 Seconds East for a distance of 100.74 feet to a point, said point marked by a Bolt found; THENCE North 62 Degrees 49 Minutes 22 Seconds East for a distance of 188.26 feet to a point on the southwest right of way of Camp Branch Road (60' right of way), said point witnessed by a Bolt found 2.44' within right of way; THENCE traveling on said right of way the following four (4) courses and distances: along a curve to the left having a radius of 1525.37 feet and an arc length of 69.21 feet being subtended by a chord bearing of South 22 Degrees 40 Minutes 09 Seconds East and a chord distance of 69.21 feet to a point; THENCE South 23 Degrees 58 Minutes 08 Seconds East for a distance of 122.07 feet to a point; THENCE along a curve to the right having a radius of 1292.25 feet and an arc length of 181.81 feet being subtended by a chord bearing of South 19 Degrees 56 Minutes 18 Seconds East and a chord distance of 181.66 feet to a point; THENCE South 15 Degrees 54 Minutes 28 Seconds East for a distance of 166.77 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said property contains 5.098 Acres.

LEGEND

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1/8" = 1' SCALE	1/8" = 1' SCALE
1/16" = 1' SCALE	1/16" = 1' SCALE
1/32" = 1' SCALE	1/32" = 1' SCALE
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Matthew P. Benson
Catherine W. Davidson
Gerald Davidson, Jr.*
Brian T. Easley
Rebecca B. Gober
Christopher D. Holbrook
Jessica P. Kelly
Shane M. Lanham

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Jeffrey R. Mahaffey
Julia A. Maxwell
Steven A. Pickens
Jack M. Ryan
Gabrielle H. Schaller
S. Tess Shaheen
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

LETTER OF INTENT FOR REZONING APPLICATION

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the “Application”) on behalf of Simes Signature Properties, Inc., (the “Applicant”) requesting the rezoning of an approximately 5.1-acre tract of land (the “Property”) at 3430 Camp Branch Road. The Property is located within the Suburban Residential Character Area of the Gwinnett County 2045 Unified Plan (the “2045 Plan”) and is currently split-zoned RA-200 and R-100.

The Applicant submits the Application requesting to rezone the Property to the R-100 (Single Family Residence District) zoning classification of the Gwinnett County Unified Development Ordinance (the “UDO”) to develop the Property into 7 attractive detached, single-family homes at an overall density of 1.37 units per acre. The homes would be compatible with homes in the surrounding area and include attractive architectural elements which would meet or exceed the requirements of the UDO’s Architectural Design Standards for Detached Residential Buildings. All of the homes will be 3,200 square feet and would include two-car garages. The homes will be offered to potential residents for fee-simple purchase. Further, sewer and water utilities are both available in the immediate vicinity and have sufficient capacity to support the

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proposed development. The proposed development would be accessed by a single entrance on Camp Branch Road.

The proposed development is compatible with surrounding land uses and is in line with the policies of the Gwinnett County 2045 Unified Plan (the “2045 Plan”). The surrounding area is characterized primarily by residential development including communities zoned R-100 Modified, R-100, R-140, and RA-200. The properties adjacent to the subject property are zoned RA-200, R-100 and R-100 MOD. Further, approximately half of the subject property is already zoned R-100. The proposed development will fit squarely within the residential character of the area.

The proposed development is also in line with the policies of the 2045 Plan which broadly promotes residential development and encourages a variety of housing types. Chapter 4: Housing of the 2045 Plan provides abundant data and statistics that reflect a housing shortage in Gwinnett County. In the Needs & Opportunities section of Chapter 4, the 2045 Plan identifies a need of “More Housing Development” and provides that the “housing shortage inhibits population growth, business attraction, and other economic development by raising housing prices and failing to accommodate new residents. A higher volume of housing development is needed to meet economic goals and countywide growth potential.”

Further, the proposed development fits squarely in to the Future Development Map Suburban Residential Character Area. The Suburban Residential Character Area of the 2045 Plan explicitly recommends the R-100 zoning district and single-family homes as development types. The proposed residential development would continue the residential development pattern and provide high-quality, attractive homes.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address

any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of the Application.

Respectfully submitted this 30th day of May, 2024.



MAHAFFEY PICKENS TUCKER, LLP

A handwritten signature in blue ink, appearing to read "Gabrielle H. Schaller". The signature is written in a cursive style and is positioned above a horizontal line.

Gabrielle H. Schaller
Attorneys for Applicant

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6.12.2024



Front – brick and cement siding



Rear – brick and cement siding



Side 1 – brick and cement siding

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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Side 2 – brick and cement siding

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6.12.2024

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

Pursuant to requirements of the Unified Development Ordinance, the Board of Commissioners find 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 the 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:

Please see attached.

- (B) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property:

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please 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:

Please see attached.

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6.12.2024

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

- (A) The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is compatible with the residential nature of the area.
- (B) The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed development will match the surrounding R-100 residential developments, and will be compatible with the RA-200 areas.
- (C) Due to the split-zoning of the subject property, the Applicant submits that the subject property does not have reasonable economic use as currently zoned.
- (D) The proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The development is planned as seven single family homes. As such, the low development density will not overly burden infrastructure systems, and the number of homes drastically limits the likelihood that the development will affect the schools in the area in any meaningful way.
- (E) The proposed rezoning is in conformity with the policy and intent of the Land Use Plan. In fact, the Daily Community Framework explicitly recommends R-100 developments in the Suburban Residential area.
- (F) Applicant submits that the current split-zoning of the property as RA-200 and R-100 provides additional support for the application.

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6.12.2024

REZONING APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application. The undersigned is sworn that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.

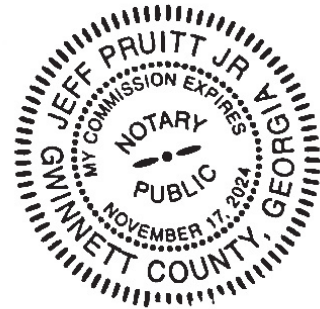

Signature of Applicant

May 30 2024
Date

Mendith Simes
Type of First Name and Title


Signature of Notary Public

5-30-24
Date



Notary Seal

RECEIVED

6.12.2024

REZONING APPLICATION 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 six (6) months from the date of last action by the Board of Commissioners.

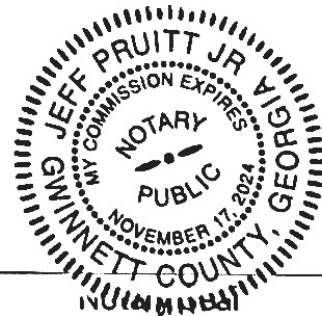
Jim C. Coley
Signature of Property Owner

5-30-2024
Date

Jimmy Carroll Coley
Type of Firm Name and Title

[Signature]
Signature of Notary Public

5-30-24
Date

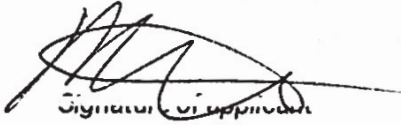


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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

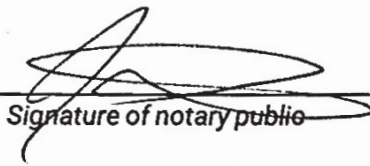
The undersigned below, applying for a rezoning, has complied with the Official Code of Georgia Section 36-67A-1 and has submitted or attached the required information on the forms provided.


Signature of applicant

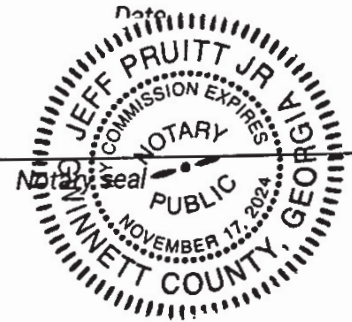
5-30-2024
Date

Meridith Simes
Type or print name and title

5-30-2024


Signature of notary public

5-30-24
Date



Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Gwinnett County Board of Commissioners or a member of the Gwinnett County Planning Commission?

NO

Name

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

Name and Official 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.

RECEIVED

6.12.2024

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, applying for a rezoning, has complied with the Official Code of Georgia Section 36-67A-1 and has submitted or attached the required information on the forms provided.

[Handwritten Signature]

Signature of applicant

5/29/2024

Date

Gabrielle Schaller, attorney for Applicant

Type or print name and title

5/29/2024

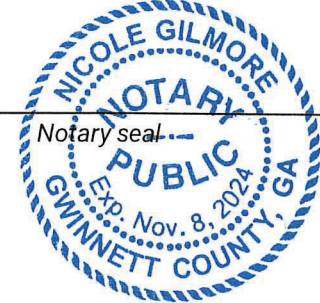
Date

[Handwritten Signature]

Signature of notary public

5/29/2024

Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Gwinnett County Board of Commissioners or a member of the Gwinnett County Planning Commission?

Yes No Gabrielle Schaller, attorney for Applicant

Name

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

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date Contribution Was Made (Within last two years)
Please see attached		

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

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6.12.2024

**CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS**

MAHAFFEY PICKENS TUCKER, LLP

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Ben Ku, Commissioner	\$1,500	10/03/2022
Matt Holtkamp, Commissioner	\$1,000	04/13/2023
Nicole Love Hendrickson, Chairwoman	\$2,500	08/11/2023
Matt Holtkamp, Commissioner	\$3,300	09/18/2023
Kirkland Carden, Commissioner	\$3,300	09/27/2023

Lee Tucker, Attorney at Law, P.C.

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Kirkland Carden, Commissioner	\$2,000	10/25/2023

Jeffrey Mahaffey, Attorney at Law, Individually

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Nicole Love Hendrickson, Chairwoman	\$1,000	08/14/2023

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6.12.2024

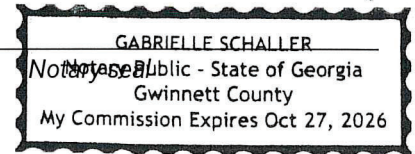
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, applying for a rezoning, has complied with the Official Code of Georgia Section 36-67A-1 and has submitted or attached the required information on the forms provided.

Jimmy Carroll Coley Signature of applicant 6-11-2024 Date

Jimmy Carroll Coley - property owner Type or print name and title 6-11-2024 Date

Gabrielle Schaller Signature of notary public 6/11/2024 Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Gwinnett County Board of Commissioners or a member of the Gwinnett County Planning Commission?

Yes

No

Jimmy Carroll Coley Name

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

Name and Official 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.



**IN THE PROBATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

IN RE: ESTATE OF)
)
JOSEPH HAROLD BENNETT,) **ESTATE NO. 23-E-001409**
DECEASED)

LETTERS TESTAMENTARY
[Relieved of Filing Returns]

At a regular term of Probate Court, the Last Will and Testament dated **April 25, 2019** of the above-named decedent, who was domiciled in this county at the time of his or her death or was domiciled in another state but owned property in this county at the time of his or her death, was legally proven in solemn form to be the decedent's will and was admitted to record by order, and it was further ordered that **CARROLL COLEY** named as executor in said will, be allowed to qualify, and that upon so doing, letters testamentary be issued to such executor.

THEREFORE, the executor, having taken the oath of office and complied with all necessary prerequisites of the law, is legally authorized to discharge all the duties and exercise all powers of executor under the will of said decedent, according to the decedent's will and the law.

Given under my hand and official seal: 2/1/2024

Jenny Mitchell

Judge of the Probate Court
Chief Clerk, pursuant to the
Authority of Official Code of
Georgia Annotated 15-9-36(c)

*NOTE: The following must be signed if the
Judge does not sign the original of
this document:*

Issued by:

[Seal]

S Lewis

Clerk of the Probate Court

STATE OF GEORGIA
GWINNETT COUNTY
I, THE UNDERSIGNED, Clerk of the Probate Court of
Gwinnett County, Georgia, DO HEREBY CERTIFY the
within and foregoing is a true and correct copy of the
original as it appears on record and file in the
office of the Probate Court of Gwinnett County,
Georgia and that the same is in full force and effect.
Witness my hand and Seal of the Probate Court
of Gwinnett County, Georgia this the 6th day of
February, 2024.
[Signature]

Clerk, Probate Court of Gwinnett County