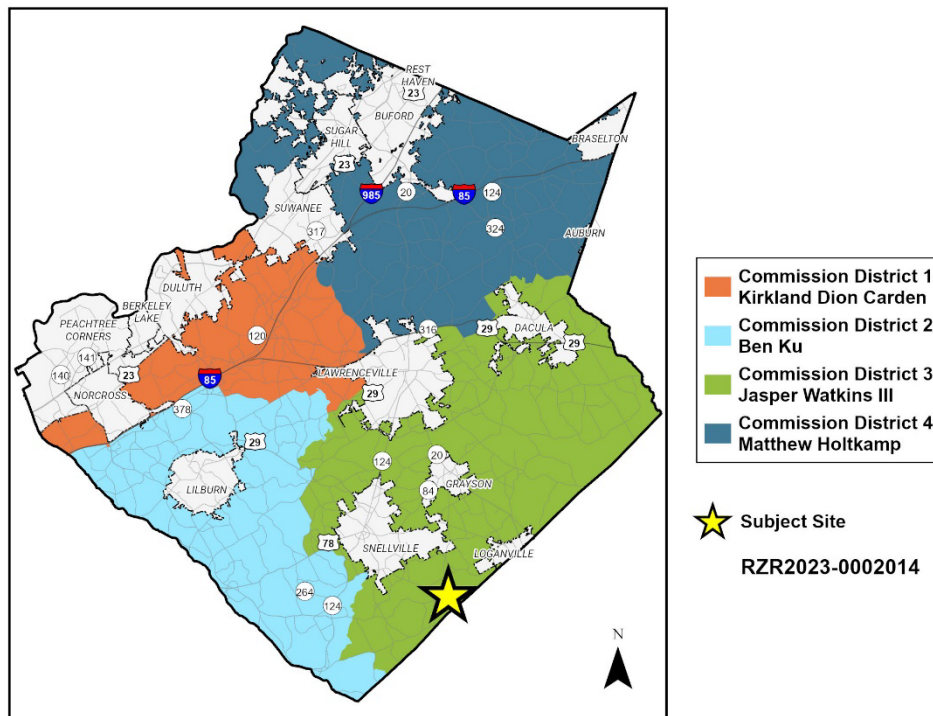


## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZR2023-00014  
**Current Zoning:** RA-200 (Agriculture-Residence District)  
**Request:** Rezoning to R-LL (Single-Family Residence-Large Lot)  
**Address:** 1570 Ace McMillian Road  
**Map Number:** R5280 002 (Portion)  
**Site Area:** 1.48 Acres  
**Lots:** 2  
**Proposed Development:** Single-Family Residences  
**Commission District:** District 3 – Commissioner Watkins  
**Character Area:** Vibrant Communities  
  
**Staff Recommendation:** APPROVAL WITH CONDITIONS  
  
**Planning Commission Recommendation:** APPROVAL WITH CONDITIONS



**Applicant:** Donald Rex Jones  
930 Interstate Ridge Drive, Suite F  
Gainesville, GA 30501

**Owners:** Jimmy N. Sosa  
1570 Ace McMillian Road  
Dacula, GA 30019

**Contact:** Donald Rex Jones

**Contact Phone:** 770.532.4021

## Zoning History

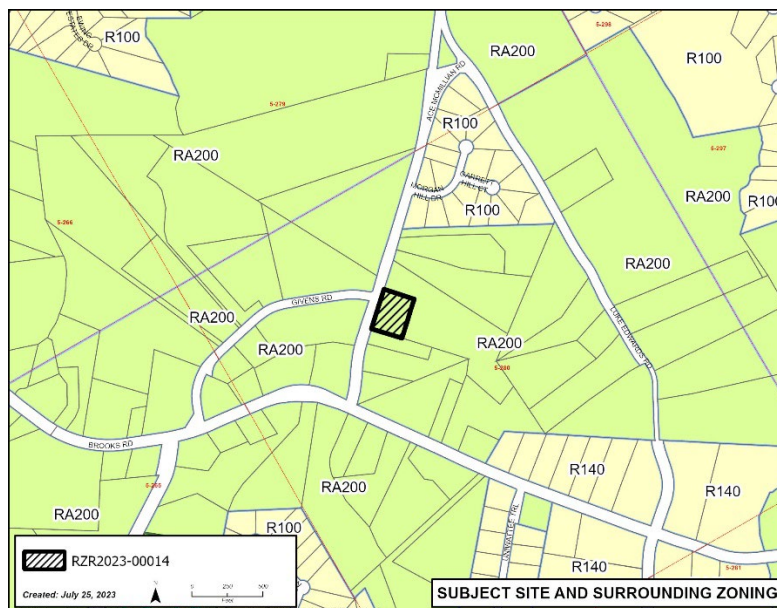
The subject property is zoned RA-200 (Agriculture-Residence District). Two special use permit requests for churches were denied on a portion of this property in 2007 and for the entire property in 2010, pursuant to SUP-07-094 and SUP2010-00061 respectively. A special use permit on a portion of the site excluding the existing single-family residence was approved for a place of worship in 2013, pursuant to SUP2013-00034.

## Existing Site Condition

The subject site is a 1.48-acre portion of a larger 9.23-acre parcel located on the east side of Ace McMillian Road, north of its intersection with Brooks Road. The portion of the property subject to this rezoning request is located in the southwest portion of the property and has been cleared of most vegetation with the exception of a line of trees along the southern property line. The site slopes upward approximately 18 feet from north to south. The property is surrounded by a cross rail wood fence along the road frontage, driveway, and adjacent to the residence, while a wire fence runs along the northern property line and encloses a portion of the front yard. There is a 6,915 square foot residence constructed in 2019, with a single dirt driveway from Ace McMillian Road. There are no sidewalks on either side of Ace McMillian Road. The nearest Gwinnett County Transit stop is approximately 9.0 miles from the subject property.

## Surrounding Use and Zoning

The subject property is surrounded by single-family residences on large lots. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Single-Family Residential	R-LL	1.35 units per acre
North	Single-Family Residential	RA-200	0.20 units per acre
East	Single-Family Residential	RA-200	0.19 units per acre
South	Single-Family Residential Undeveloped	RA-200 RA-200	0.39 units per acre N/A
West	Single-Family Residential	RA-200	0.22 units per acre

## Project Summary

The applicant requests rezoning of a 1.48-acre portion of a 9.23-acre parcel from RA-200 to R-LL for two single-family residences including:

- Two single-family detached lots, each with at least 32,000 square feet of land area, yielding a density of 1.35 units per acre.
- Lot widths of approximately 145 feet, which exceeds the 125-foot minimum width for the R-LL zoning district.
- Lots to be served by private septic systems.
- Direct driveway access from each lot to Ace McMillian Road, with driveway access for tract 2 just south of the Ace McMillian and Givens Road intersection
- Elevations consisting of board and batten and lap siding with a stone water table and metal roofs.
- The remaining 7.75 acres of the parcel is not subject to the rezoning and will remain zoned RA-200.

## Zoning and Development Standards

The applicant is requesting a rezoning to R-LL (Single-Family Residence-Large Lot). The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	<35'	YES
Minimum Lot Size	Minimum 32,000 square feet	>32,000 square feet	YES
Minimum Lot Width	Minimum 125'	145'	YES
Minimum Heated Floor Area	Minimum 2,000 square feet	2,000 square feet	YES
Front Setback	Minimum 50'	50'	YES
Side Setback	Minimum 20'	20'	YES
Rear Setback	Minimum 40'	>40'	YES

## Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit F). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

## Staff Analysis

**Rezoning Request Analysis:** According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

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

The subject property is located in an area characterized by large estate-style residential lots zoned RA-200. The two residential lots proposed as part of this request are similar to the density and lot sizes located within the Emory Hills subdivision, which is zoned R-100 and located just 500 feet north of the site along Ace McMillian Road. The proposed development meets or exceeds all of the dimensional requirements of the R-LL zoning district, which was created with the intent to permit single-family residences and related uses on large lots.

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

The proposed rezoning to R-LL to create two residential lots would not adversely affect the existing use or usability of adjacent or nearby properties with regard to lighting, noise, or traffic impact. The proposal is consistent with the existing uses on surrounding properties, which consist almost exclusively of large lot single-family residences.

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

The property has a reasonable economic use as currently zoned.

**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.**

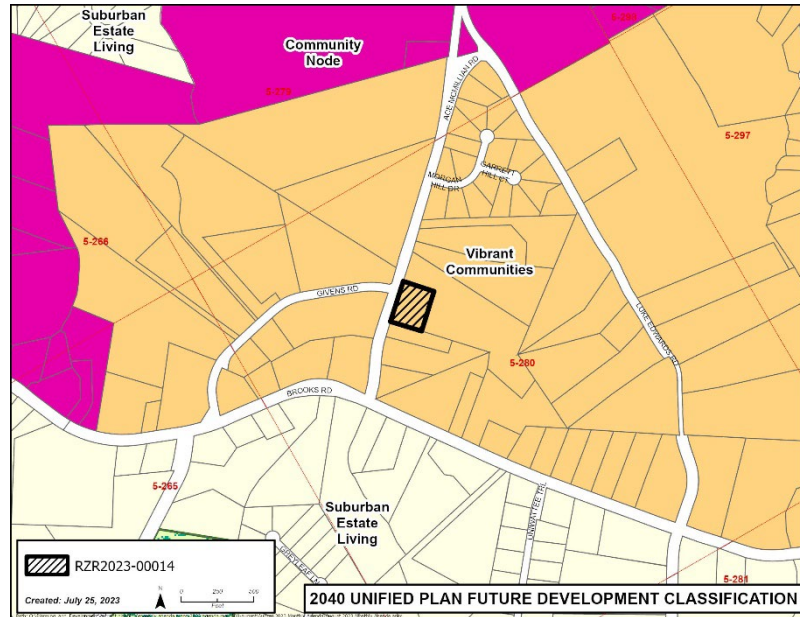
A minimal increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. A minimal impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request are attached (Exhibit F).

**E. Whether the proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map; and**

The 2040 Unified Plan and Future Development map Indicate this property is within the Vibrant Communities Character Area, which intends to serve as a transition between nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located. Dependent on the setting, zoning pattern, and intensity of development characterizing these various locations throughout the County, new development and

redevelopment in Vibrant Communities may contain a mix of housing types, including small lot single-family housing, multifamily housing, townhomes, and senior housing.

The proposed rezoning is located within an area characterized by single-family residences on large estate-style lots. The area does not contain any of the housing types mentioned in Vibrant Communities. Although, the request may not completely align with Vibrant Communities as it is envisioned by the Unified Plan, it does align with the existing character and development pattern of the area. Therefore, the request is in conformity with the policy and intent of the Unified Plan and Future Development Map.



**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.**

The proposed development is an established large lot residential area, and the R-LL zoning district is appropriate given the existing context of the area. Although the proposed development may be on smaller lots than average for the immediate area, the proposed parcels exceed the minimum standards of the R-LL district and is compatible with those of other nearby parcels and within the surrounding area.

**Staff Recommendation**

Based on the staff’s evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the rezoning request.

## **Planning Commission Recommendation**

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of the rezoning request.

## **Planning Commission Recommended Conditions (includes Staff Recommended Conditions)**

Approval as R-LL (Single-Family Residence-Large Lot) subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan and Exhibit C: Building Elevations dated received May 17, 2023, subject to the review and approval of the Department of Planning and Development.
2. The property shall be limited to single-family detached dwellings and accessory uses and structures and shall be limited to a maximum of 2 lots.
3. The minimum heated floor area of dwellings shall be 2,000 square feet.
4. All dwellings shall have a minimum of a two-car garage.
5. The developer shall construct a 5-foot sidewalk with curb and gutter along the property frontage.
6. Each driveway shall meet minimum sight distance requirements per UDO Section 900 (Table 900.2)

**Exhibits:**

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. Internal and External Agency Review Comments
- G. Maps

**Exhibit A: Site Visit Photos**



**View of Ace McMillian Road facing north**



**View of Ace McMillian Road facing south**





**View of wider property**



**View of area proposed for development**

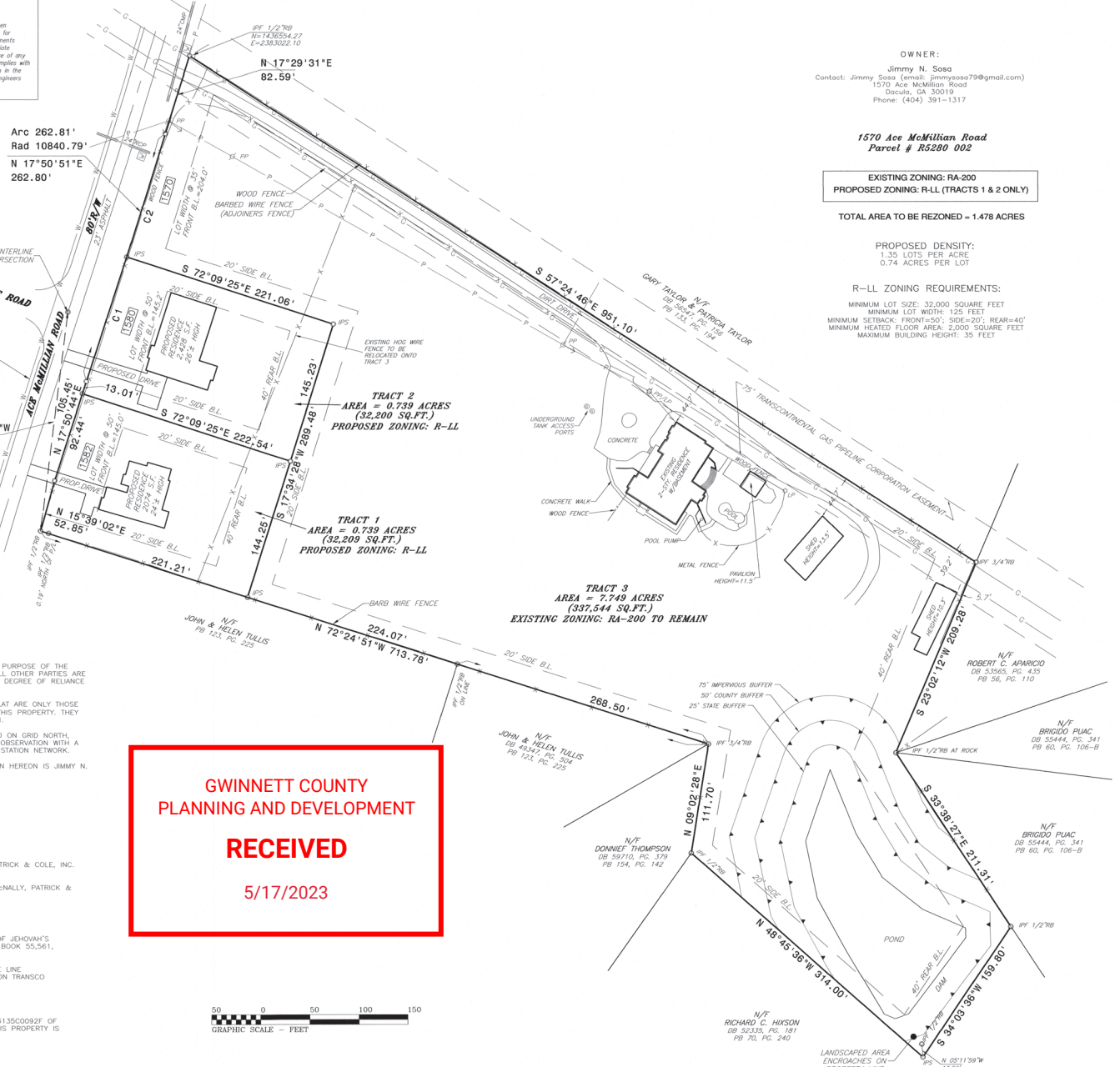
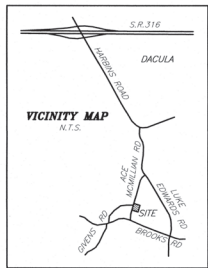
**Exhibit B: Site Plan**

**[attached]**

**SURVEYOR CERTIFICATION:**

As required by subsection (4) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approved certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Curve	Radius	Length	Chord	Chord Bear.
C1	10840.79'	132.22'	132.22'	N 18°11'33" E
C2	10840.79'	130.59'	130.59'	N 17°29'53" E



OWNER:  
Jimmy N. Sosa  
Contact: Jimmy Sosa (email: jimmysosa79@gmail.com)  
1570 Ace McMillan Road  
Dacula, GA 30019  
Phone: (404) 391-1317

1570 Ace McMillan Road  
Parcel # R5280 002

EXISTING ZONING: RA-200  
PROPOSED ZONING: R-LL (TRACTS 1 & 2 ONLY)

TOTAL AREA TO BE REZONED = 1.478 ACRES

PROPOSED DENSITY:  
1.35 LOTS PER ACRE  
0.74 ACRES PER LOT

R-LL ZONING REQUIREMENTS:  
MINIMUM LOT SIZE: 32,000 SQUARE FEET  
MINIMUM LOT WIDTH: 125 FEET  
MINIMUM SETBACK, FRONT: 50', SIDE: 20', REAR: 40'  
MINIMUM HEATED FLOOR AREA: 2,000 SQUARE FEET  
MAXIMUM BUILDING HEIGHT: 35 FEET

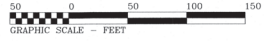
- NOTES:**
- 1.) THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLIENT ASCRIBED AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE SUCCESSFULLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
  - 2.) THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
  - 3.) THE NORTH MERIDIAN SHOWN HEREON IS BASED ON GRID NORTH, GEORGIA WEST ZONE AS DETERMINED BY RTK GPS OBSERVATION WITH A LEICA GS-14 CONNECTED TO THE SMARTNET BASE STATION NETWORK.
  - 4.) THE CURRENT OWNER OF THE PROPERTY SHOWN HEREON IS JIMMY N. SOSA, TAX PARCEL # R5280 002.

- PLAT REFERENCES:**
- 1.) PLAT FOR GLENDON P. TULLIS BY McNALLY, PATRICK & COLE, INC. DATED 6-14-77.
  - 2.) PLAT FOR JANICE D. & GARY L. WATSON BY McNALLY, PATRICK & COLE, INC. DATED 6-4-77.

- DEED REFERENCES:**
- 1.) WARRANTY DEED FROM DACULA CONGREGATION OF JEHOVAH'S WITNESSES TO JIMMY N. SOSA RECORDED IN DEED BOOK 55,361, PAGE 869.
  - 2.) CONDEMNATION BY TRANSCONTINENTAL GAS PIPE LINE CORPORATION DATED OCTOBER 1964, AS SHOWN ON TRANSCO DRAWING B-3559.

**FLOOD NOTE:**  
ACCORDING TO FIRM COMMUNITY PANEL NUMBER 13135C0092F OF GWINNETT COUNTY, GEORGIA DATED 9-29-2006, THIS PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA.

**GWINNETT COUNTY  
PLANNING AND DEVELOPMENT  
RECEIVED  
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**Atlas Technical Consultants, LLC**  
Engineering • Planning • Landscape Architecture • Land Acquisition • Surveying  
LSF0012323 EXP. 9/30/2024  
930 Interstate Ridge Drive, Suite 100  
Gainesville, Georgia 30501  
PHONE: (770) 532-4021 FAX: (770) 532-4023

**JIMMY N. SOSA**  
LAND LOT 280 - 5 TH DISTRICT  
GWINNETT COUNTY, GEORGIA

SITE PLAN FOR:  
**SHEET 1**  
of  
**1** SHEETS  
VERTICAL SCALE: N/A  
HORIZONTAL SCALE: 1" = 50'  
DATE: 03/14/2018  
DATE OF FIELD SURVEY: 03/13/2018  
DRAWN BY: DRJ/SA  
CHECKED BY: DRJ  
JOB NO.: 180207

REVISED: 5-17-2023 (FEE PRE-APPLICATION COMMENTS)  
REVISED: 4-21-2023 (ADD EXISTING HOUSE LOCATION)

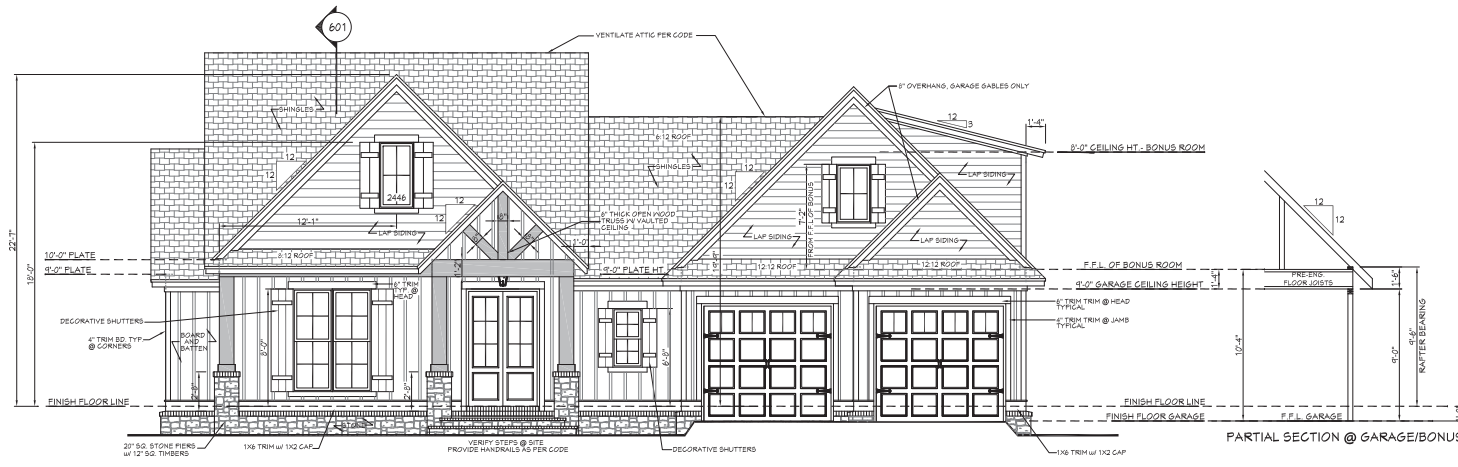
**Exhibit C: Building Elevations**

**[attached]**

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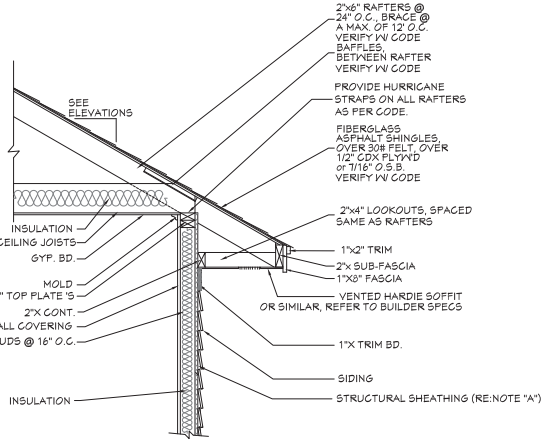
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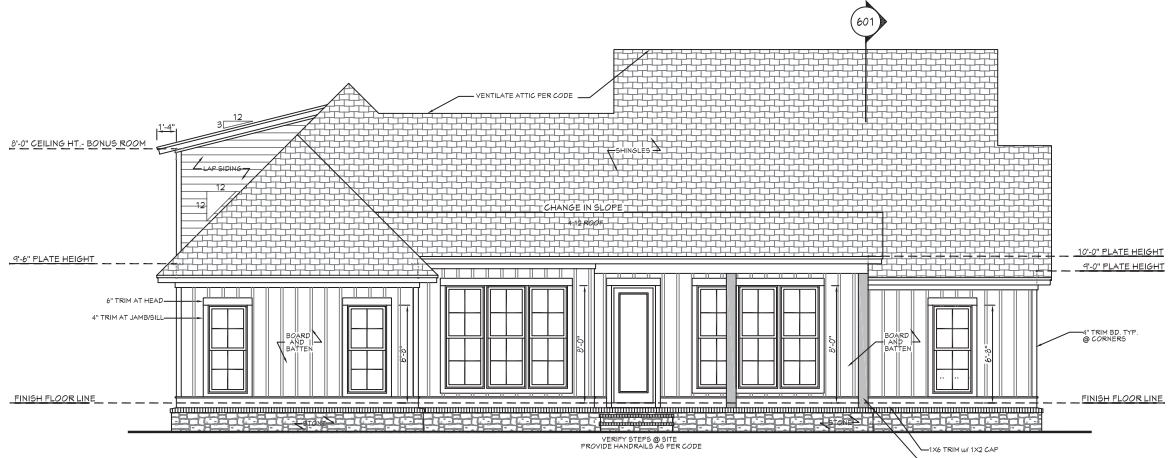


**401 FRONT VIEW**  
 SCALE: 1/4" = 1'-0"

**EXTERIOR ELEVATION NOTES:**  
 1. CONTRACTOR TO VERIFY ALL WINDOW AND DOOR STYLES AND SIZES WITH OWNER PRIOR TO CONSTRUCTION.  
 2. PROVIDE STEPS AND GUARD RAILS AS PER CODE BASED ON SITE CONDITIONS.  
 3. GROUND LINES SHOWN FOR REFERENCE ONLY AND VARY DEPENDING ON SITE CONDITIONS.  
 4. ALL FINISH MATERIALS TO BE VERIFIED WITH OWNER PRIOR TO CONSTRUCTION.  
 5. REFER TO TYPICAL WALL DETAIL FOR FRAMING METHODS AND OTHER MISC. INFORMATION.  
 6. CONTRACTOR TO PROVIDE ADEQUATE ROOF VENTILATION AS REQ'D BY CURRENT CODES.



**403 TYP. CORNICE DETAIL**  
 SCALE: 3/4" = 1'-0"



**402 REAR VIEW**  
 SCALE: 1/4" = 1'-0"

Pre-Drawn Plan ID:  
**2074-S**

Date: 03/25/19  
 Drawn By: C.A.B.

SHEET NUMBER  
**4**

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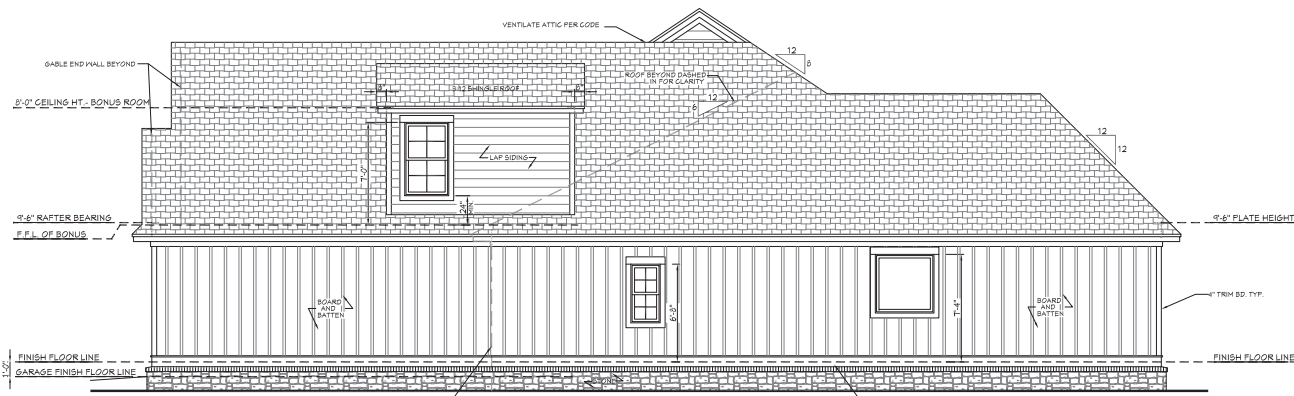
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 601.396.3254  
 Fax:  
 1.800.574.1387  
**N.C.B.D.C.**  
 NATIONAL COUNCIL OF  
 BUILDING OFFICIALS  
 JONATHAN L. BOONE  
 CERTIFICATION NO. 25-137

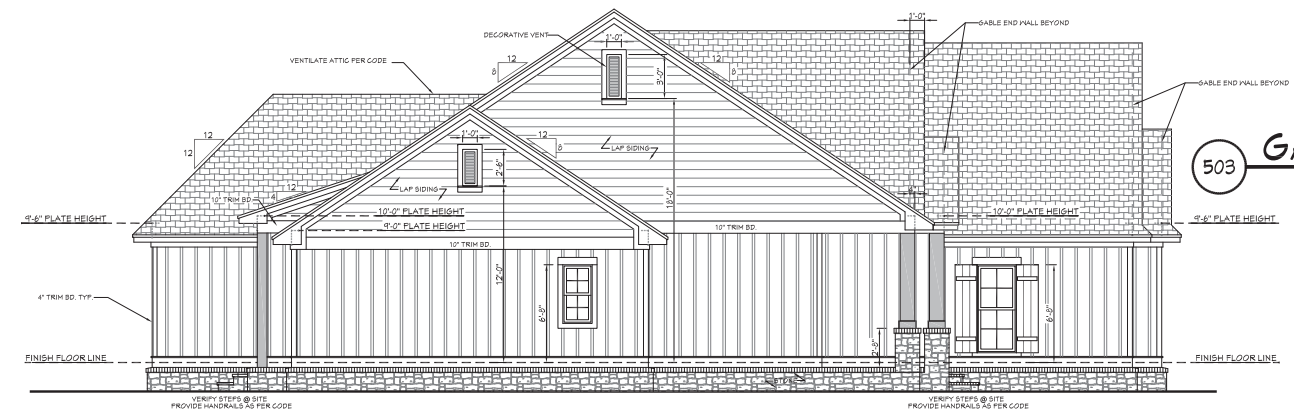
Pre-Drawn Plan ID:  
**2074-S**

Date: 03/25/19  
Drawn By: C.A.B.

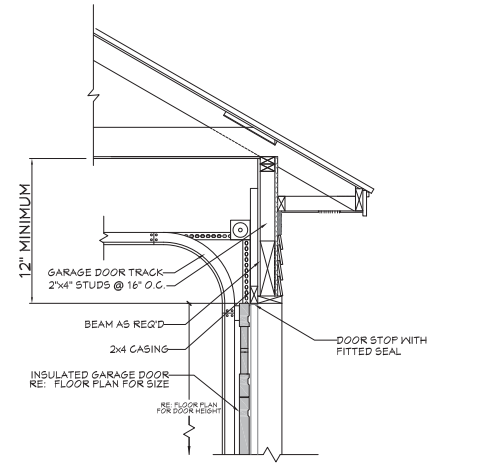
SHEET NUMBER  
**5**



**501 RIGHT VIEW**  
SCALE..... 1/4" = 1'-0"



**502 LEFT VIEW**  
SCALE..... 1/4" = 1'-0"



**503 GARAGE DOOR CLEARANCE**  
SCALE..... N.T.S.

THE INTENT OF THIS DETAIL IS TO SHOW THE MINIMUM REQUIRED DISTANCE FROM THE TOP OF THE GARAGE DOOR OPENING TO THE CEILING OF THE GARAGE.

DOOR SIZE	WINDOW SIZE	EGRESS
<p>3068 (DOOR LABEL ON FLOOR PLAN) IS A DOOR THAT IS 3 FT 3 INCHES WIDE BY 4 FEET 5 INCHES TALL. TO FURTHER CLARIFY, THE 3068 LABEL IS TO BE READ AS FEET AND INCHES (WIDTH) AND FEET AND INCHES (HEIGHT).</p> <p>THE DOOR LABEL IS THE ACTUAL SIZE OF THE DOOR ITSELF, NOT THE ROUGH OPENING SIZE. VERIFY THE ROUGH OPENING SIZE WITH THE DOOR MANUFACTURER CHOSEN AT SITE.</p>	<p>3090 (WINDOW LABEL ON FLOOR PLAN) IS A WINDOW THAT IS 3 FT 11 INCHES WIDE BY 3 FEET 9 INCHES TALL. TO FURTHER CLARIFY, THE 3090 LABEL IS TO BE READ AS FEET AND INCHES (WIDTH) AND FEET AND INCHES (HEIGHT).</p> <p>THE WINDOW LABEL IS THE ACTUAL SIZE OF THE WINDOW ITSELF, NOT THE ROUGH OPENING SIZE. VERIFY THE ROUGH OPENING SIZE WITH THE WINDOW MANUFACTURER CHOSEN AT SITE.</p>	<p>MIN. OF 5.7 SQUARE FEET GRADE OR BELOW GRADE SHALL HAVE A NET CLEAR OPENING OF NOT LESS THAN 5 SQUARE FEET</p> <p>R310.2.1 Minimum opening area. Emergency and escape rescue openings shall have a net clear opening of not less than 5.7 square feet (0.53 m<sup>2</sup>). The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height opening shall be not less than 24 inches (610 mm) and the net clear width shall be not less than 20 inches (508 mm). Exception: Grade floor or below-grade openings shall have a net clear opening of not less than 5 square feet (0.46 m<sup>2</sup>).</p> <p>R310.2.2 Window sill height. Where a window is provided as the emergency escape and rescue opening, it shall have a sill height of not more than 44 inches (1118 mm) above the floor, where the sill height to below grade, it shall be provided with a window well in accordance with Section R310.2.3.</p> <p>R310.2.3 Window well. The horizontal area of the window well shall be not less than 4 square feet (0.4 m<sup>2</sup>), with a horizontal projection and width of not less than 36 inches (914 mm). The area of the window well shall allow the emergency escape and rescue opening to be fully opened. Exception: The ladder or steps required by Section R310.2.3.1 shall be permitted to encroach not more than 8 inches (192 mm) into the required dimensions of the window well.</p> <p>R310.2.3.1 Ladder and steps. Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps located with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R311.1 and R311.6. Ladders or steps shall have an inside width of not less than 12 inches (305 mm), shall project not less than 3 inches (76 mm) from the wall and shall be spaced not more than 10 inches (254 mm) on center vertically to the full height of the window well.</p> <p>R312.2 Window fall protection. Window fall protection shall be provided in accordance with Sections R312.2.1 and R312.2.2.</p> <p>R312.2.1 Window sill. In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches (610 mm) above the finished floor and greater than 12 inches (1028 mm) above the finished grade or other surface below on the exterior of the building, the operable window shall comply with one of the following:                      1. Operable window with opening that will not allow a 4-inch-diameter (102 mm) sphere to pass through the opening where the opening is in its largest opened position.                      2. Operable window that are provided with window fall prevention devices that comply with ASTM F 2095.                      3. Operable window that are provided with window opening control devices that comply with Section R312.2.2.</p> <p>R312.2.2 Window opening control devices. Window opening control devices shall comply with ASTM F 2095. The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the net clear opening area of the window unit to less than the area required by Section R310.2.1.</p>

**OPENING SIZES/ EGRESS**  
SCALE..... N.T.S.

**EXTERIOR ELEVATION NOTES:**

1. CONTRACTOR TO VERIFY ALL WINDOW AND DOOR STYLES AND SIZES WITH OWNER PRIOR TO CONSTRUCTION.
2. PROVIDE STEPS AND GUARD RAILS AS PER CODE BASED ON SITE CONDITIONS.
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4. ALL FINISH MATERIALS TO BE VERIFIED WITH OWNER PRIOR TO CONSTRUCTION.
5. REFER TO TYPICAL WALL DETAIL FOR FRAMING METHODS AND OTHER MISC. INFORMATION.
6. CONTRACTOR TO PROVIDE ADEQUATE ROOF VENTILATION AS REQ'D BY CURRENT CODES.

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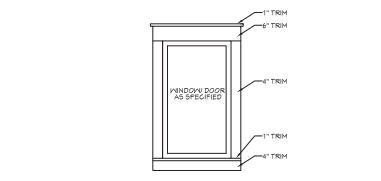
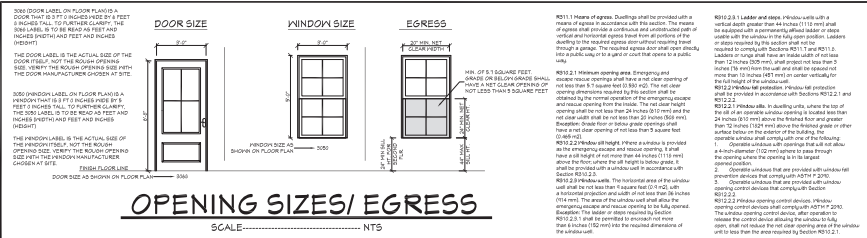


**EXTERIOR ELEVATION NOTES:**

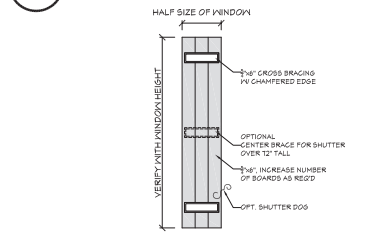
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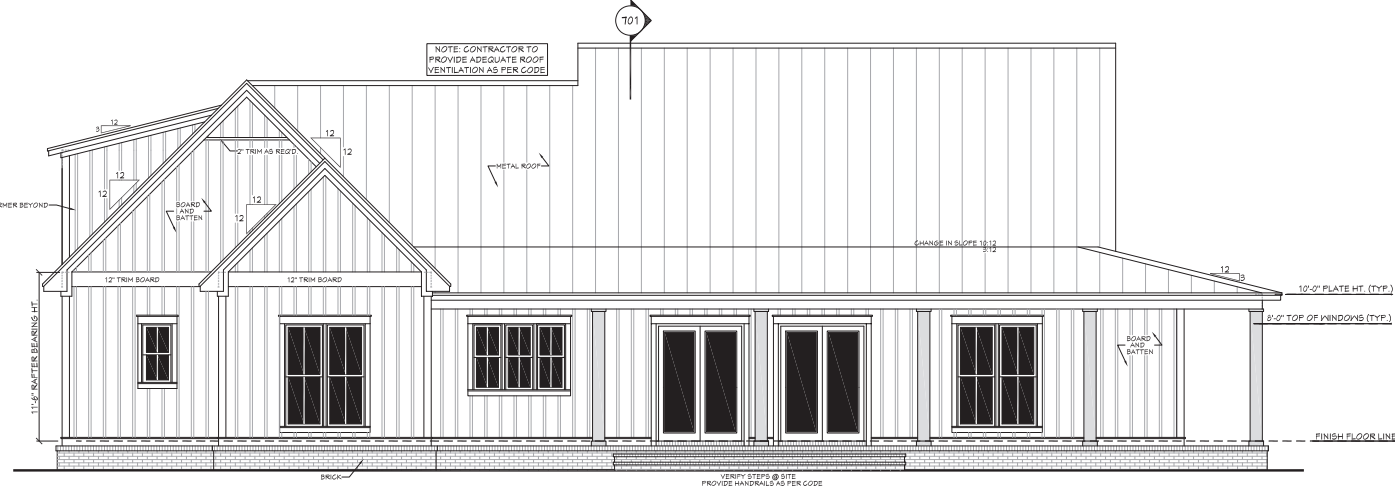
501 **FRONT VIEW**  
SCALE..... 1/4" = 1'-0"



503 **TYPICAL TRIM DETAIL**  
SCALE..... 1/2" = 1'-0"



504 **SHUTTER DETAIL**  
SCALE..... 1/2" = 1'-0"



502 **REAR VIEW**  
SCALE..... 1/4" = 1'-0"

Pre-Drawn Plan ID:  
**2428**

Date:  
12.03.2020

Drawn By:  
R.B.J.N.

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601.396.3254

Fax:  
1.800.574.1387



Pre-Drawn Plan ID:

2428

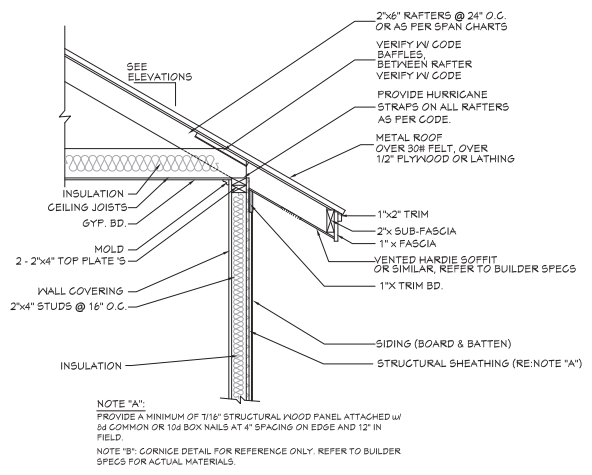
Date:  
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Drawn By:  
R.B.J.N.

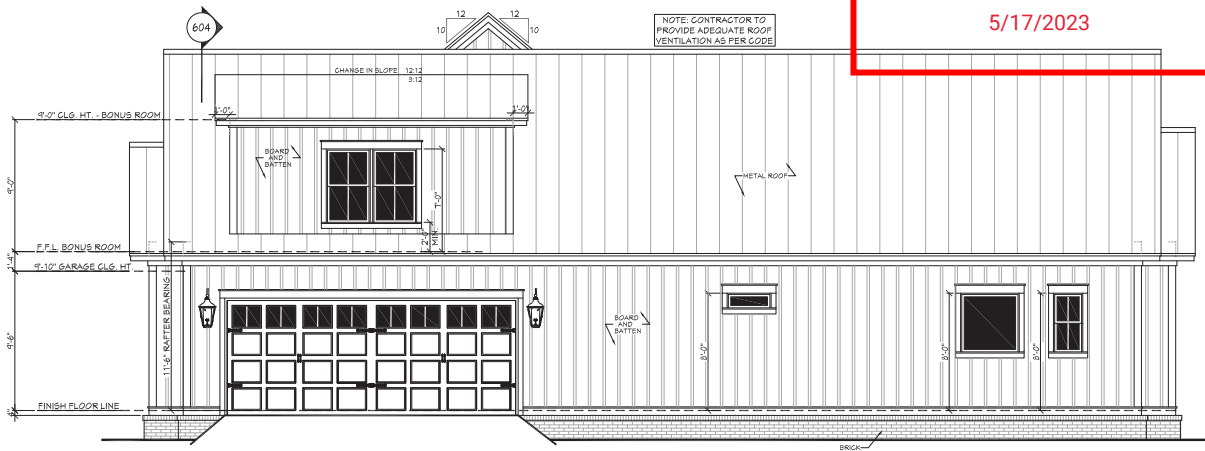
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ALL RIGHTS RESERVED

SHEET NUMBER

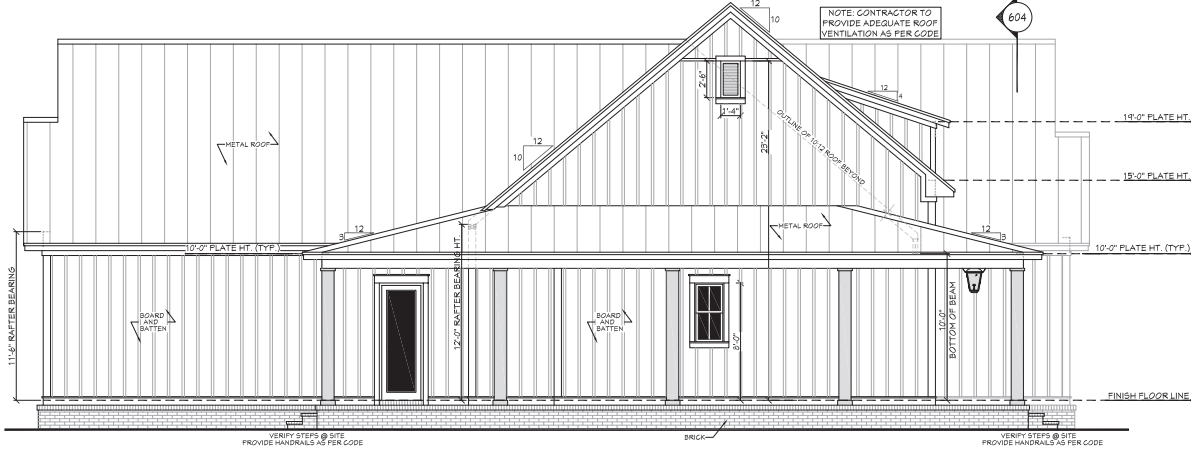
6



603 **TYP. CORNICE DETAIL**  
SCALE: 3/4" = 1'-0"

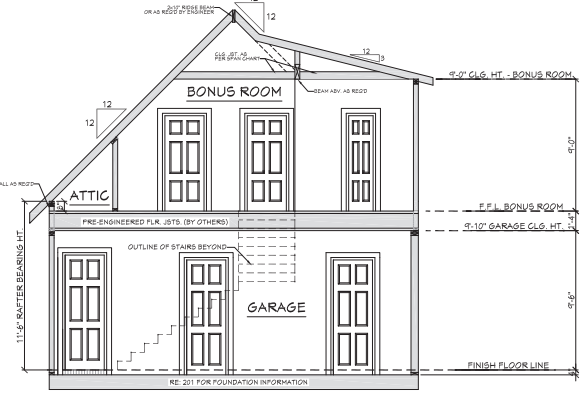


601 **RIGHT VIEW**  
SCALE: 1/4" = 1'-0"

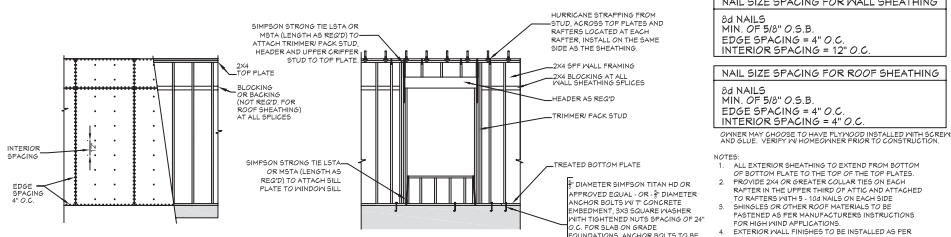


602 **LEFT VIEW**  
SCALE: 1/4" = 1'-0"

- EXTERIOR ELEVATION NOTES:**
1. CONTRACTOR TO VERIFY ALL WINDOW AND DOOR STYLES AND SIZES WITH OWNER PRIOR TO CONSTRUCTION.
  2. PROVIDE STEPS AND GUARD RAILS AS PER CODE BASED ON SITE CONDITIONS.
  3. GROUND LINES SHOWN FOR REFERENCE ONLY AND VARY DEPENDING ON SITE CONDITIONS.
  4. ALL FINISH MATERIALS TO BE VERIFIED WITH OWNER PRIOR TO CONSTRUCTION.
  5. REFER TO TYPICAL WALL DETAIL FOR FRAMING METHODS AND OTHER MISC. INFORMATION.
  6. CONTRACTOR TO PROVIDE ADEQUATE ROOF VENTILATION AS REQ'D BY CURRENT CODES.



604 **GARAGE SECTION**  
SCALE: 1/4" = 1'-0"



605 **WALL/ROOF FASTENING DETAILS**  
SCALE: 1/4" = 1'-0"



**Exhibit D: Letter of Intent and Applicant's Response to Standards**

**[attached]**

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5/17/2023



May 17, 2023

Gwinnett County Planning Division  
Rezoning Application

RE: Letter of Intent

To Whom it May Concern:

I represent Mr. Sosa who owns 9.227 acres located at 1570 Ace McMillian Road, Tax parcel 5280 002. The property is currently zoned RA-200, and on his behalf, I am requesting an R-LL rezoning for a portion of the parcel. The portion of the property to be rezoned will contain two single-family residential lots. The total acreage of the proposed R-LL property contains 1.478 acres rendering two lots containing 0.739 acres, approximately 32,200 square feet each. These two lots are shown on the site plan as Tracts 1 and 2.

The parent tract will remain RA-200 and is shown as Tract 3 on the site plan. This tract contains 7.749 acres. Mr. Sosa's residence is located on Tract 3 and will remain in his possession. Two additional lots, fronting Ace McMillian Road, are proposed for single-family residential use with a rezoning to R-LL. These lots will be a minimum of 32,000 square feet with a residence containing a minimum of 2,000 square feet.

According to comments from the Gwinnett County pre-application meeting, this property is located within a Vibrant Communities Character Area based on the 2040 Unified Plan. This area is currently an established single-family residential community. Vibrant Communities allows for small lot single-family housing along with a mix of housing types. It is my belief that the R-LL zone conforms to this ideology.

I respectfully request that you grant Mr. Sosa this rezoning.

Sincerely,  
Atlas Technical Consultants, Inc.

A handwritten signature in black ink that reads "Donald Rex Jones".

Donald Rex Jones, RLS  
Survey Manager

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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:

Yes. The surrounding area is an established single-family district.

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

The rezoning will not adversely affect the use or usability of adjacent or nearby property.

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

No. The parent parcel is 9.227 acres containing one residence, with the parcel currently being used for livestock pasture.

- (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:

No. The proposed rezoning will only add two single-family residences.

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

Yes. Single-family dwellings are a permitted use per the Unified Development Ordinance, Section 230-100 in both R-200 and R-LL zones.

- (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:

The property is located within the 2040 Unified Plan Vibrant Communities Character Area which is currently an established single-family residential area.

**Exhibit E: Application and Disclosure of Campaign Contributions**

**[attached]**

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**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Donald Rex Jones</u>	NAME: <u>Jimmy N. Sosa</u>
ADDRESS: <u>930 Interstate Ridge Dr. Suite F</u>	ADDRESS: <u>1570 Ace McMillian Road</u>
CITY: <u>Gainesville</u>	CITY: <u>Dacula</u>
STATE: <u>GA</u> ZIP: <u>30501</u>	STATE: <u>GA</u> ZIP: <u>30019</u>
PHONE: <u>770-532-4021</u>	PHONE: <u>404-391-1317</u>
EMAIL: <u>Don.jones@oneatlas.com</u>	EMAIL: <u>jimmysosa79@gmail.com</u>
CONTACT PERSON: <u>Donald Rex Jones</u> PHONE: <u>770-532-4021</u>	
CONTACT'S E-MAIL: <u>Don.jones@oneatlas.com</u>	
<b>APPLICANT IS THE:</b>	
<input checked="" type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>RA200</u> REQUESTED ZONING DISTRICT: <u>R-LL</u>	
PARCEL NUMBER(S): <u>R5280 002 (PORTION)</u> ACREAGE: <u>1.478 Acres</u>	
ADDRESS OF PROPERTY: <u>1570 Ace McMillian Rd, Dacula, GA 30019</u>	
PROPOSED DEVELOPMENT: <u>Minor Subdivision</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>2</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>2,000+</u>	Total Building Sq. Ft. _____
Gross Density: <u>0.74 acres/lot</u>	Density: _____
Net Density: <u>1.35 lots/acre</u>	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

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5/17/2023

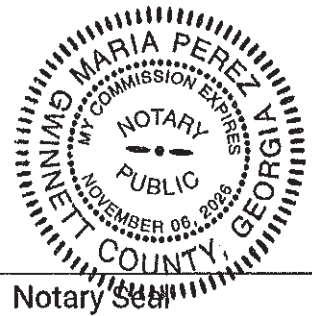
**REZONING APPLICANT'S CERTIFICATION**

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.

Jimmy Sosa 4-18-2023 JS  
Signature of Applicant Date

Jimmy Sosa Owner  
Type or Print Name and Title

Maria Perea 4-18-2023  
Signature of Notary Public Date Notary Seal



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5/17/2023

**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.

Jimmy Sosa  
Signature of Property Owner

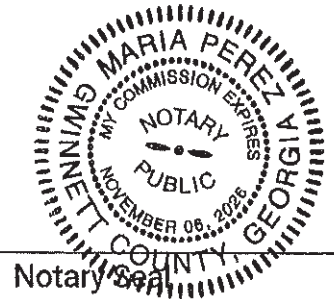
4-18-2023  
Date

Jimmy Sosa  
Type or Print Name and Title

4-18-2023

Maria Perez  
Signature of Notary Public

4-18-2023  
Date



RECEIVED

5/17/2023

**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:**      5 - 280 - 002  
(Map Reference Number)      District      Land Lot      Parcel

Jimmy Sosa      4-18-2023  
Signature of Applicant      Date

Jimmy Sosa  
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)

Jacqueleen Garcia      Tax Associate II  
NAME      TITLE  
04/27/2023  
DATE



**RECEIVED**

5/17/2023

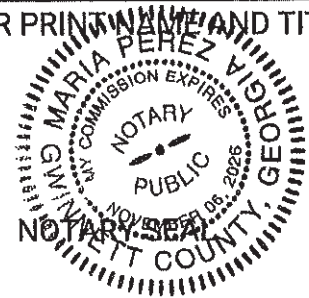
**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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.

Jimmy Sosa      4-18-2023      Owner  
SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE      DATE      TYPE OR PRINT NAME AND TITLE

Mary Lee      4-18-2023  
SIGNATURE OF NOTARY PUBLIC      DATE



**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    Jimmy Sosa  
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.

**Exhibit F: Internal and External Agency Review Comments**

**[attached]**



**Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b>		07.05.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>	
Case Number:		RZR2023-00014	
Case Address:		1570 Ace McMillian Road, Dacula, 30019	
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	Ace McMillian Road is a major collector. ADT = 968		
2	9.0 miles to the nearest transit facility (#2454819) Collins Hill Road and Collins Industrial Way.		
3			
4			
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	The developer shall construct a 5' sidewalk with curb and gutter along the property frontage.		
2	Each driveway shall meet minimum sight distance requirements per UDO Section 900 (Table 900.2).		
3			
4			
5			
6			
7			

**Note:** Attach additional pages, if needed

*Revised 7/26/2021*

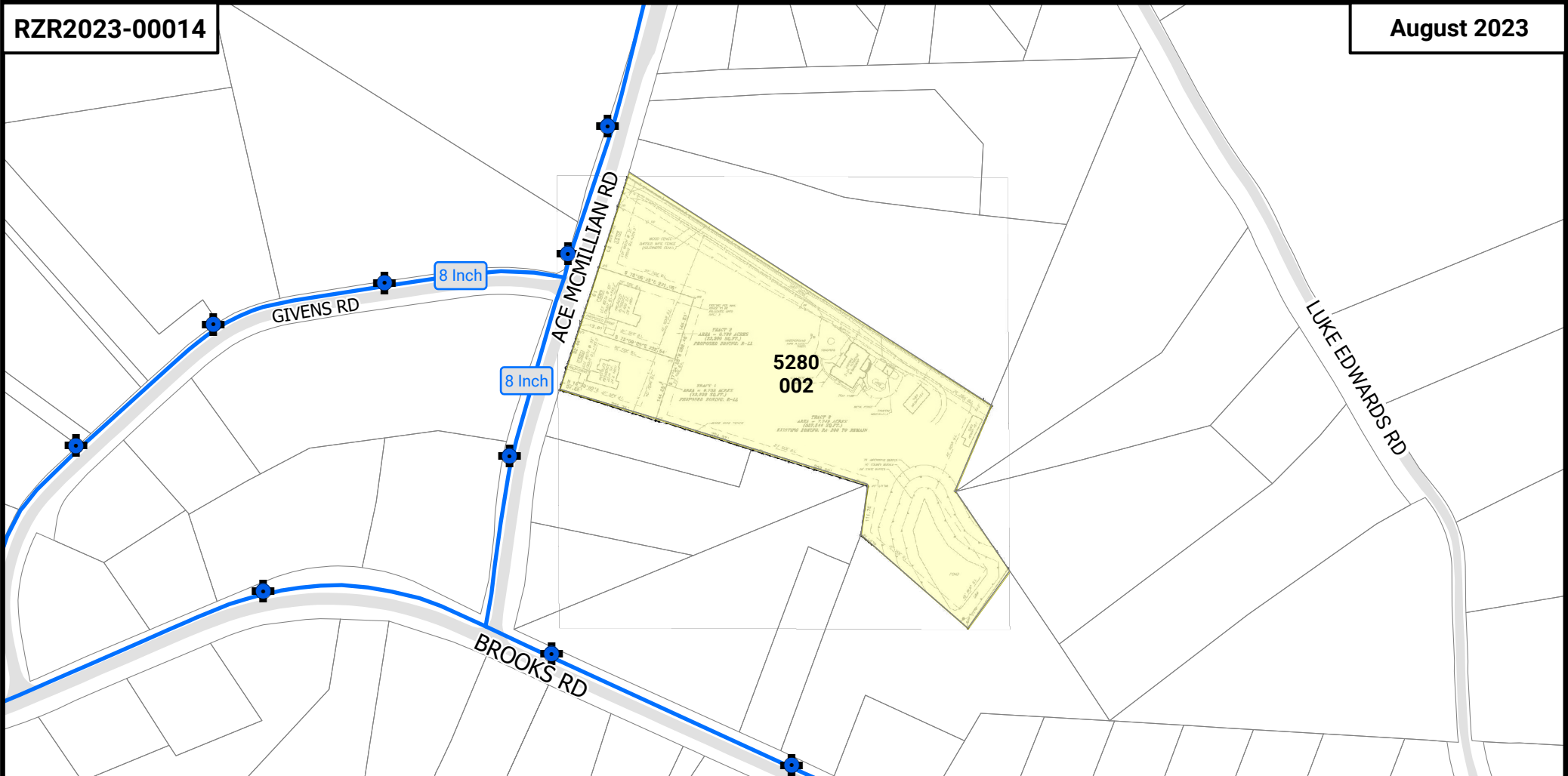


**Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE**




<b>TRC Meeting Date:</b>			
Department/Agency Name:		DWR	
Reviewer Name:		Mike Pappas	
Reviewer Title:		GIS Planning Manager	
Reviewer Email Address:		<a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>	
Case Number:		RZR2023-00014	
Case Address:		1570 Ace McMillan Rd	
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	Water: The proposed development may connect to an existing 8-inch water main along the western right-of-way of Ace McMillan Road.		
2	Sewer: The proposed development plans to be on septic systems pending approval from the GNR Public Health.		
3			
4			
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1			
2			
3			
4			
5			
6			
7			

**Note:** Attach additional pages, if needed

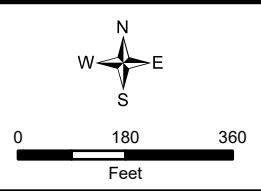
*Revised 7/26/2021*



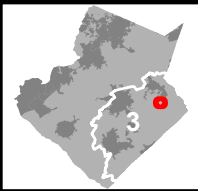
LEGEND

-  Water Main
-  Hydrant
-  Master Vault

**1570 Ace McMillan Rd**  
 RA-200 to R-LL  
**Water & Sewer**  
**Utility Map**



LOCATION



**Water Comments:** The proposed development may connect to an existing 8-inch water main along the western right-of-way of Ace McMillan Road.

**Sewer Comments:** The proposed development plans to be on septic systems pending approval from the GNR Public Health.

**Water Availability:** Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

**Sewer Availability:** A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

**Water and Sewer Design and Construction Requirements:** Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

**Private Road Developments:** Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

**Exhibit G: Maps**

**[attached]**



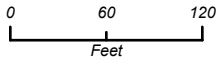
GIVENS RD

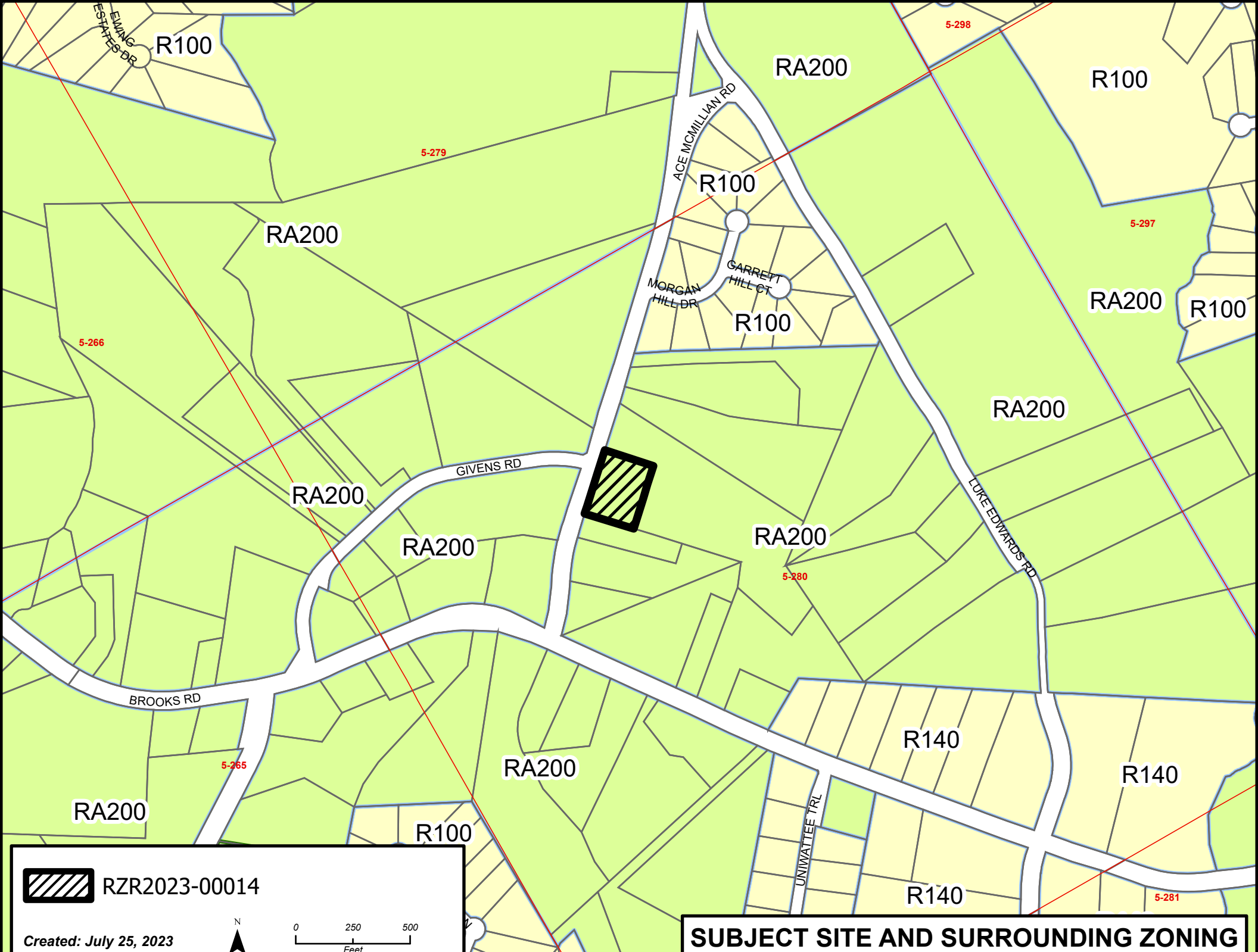
ACE MCMILLIAN RD



RZR2023-00014

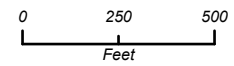
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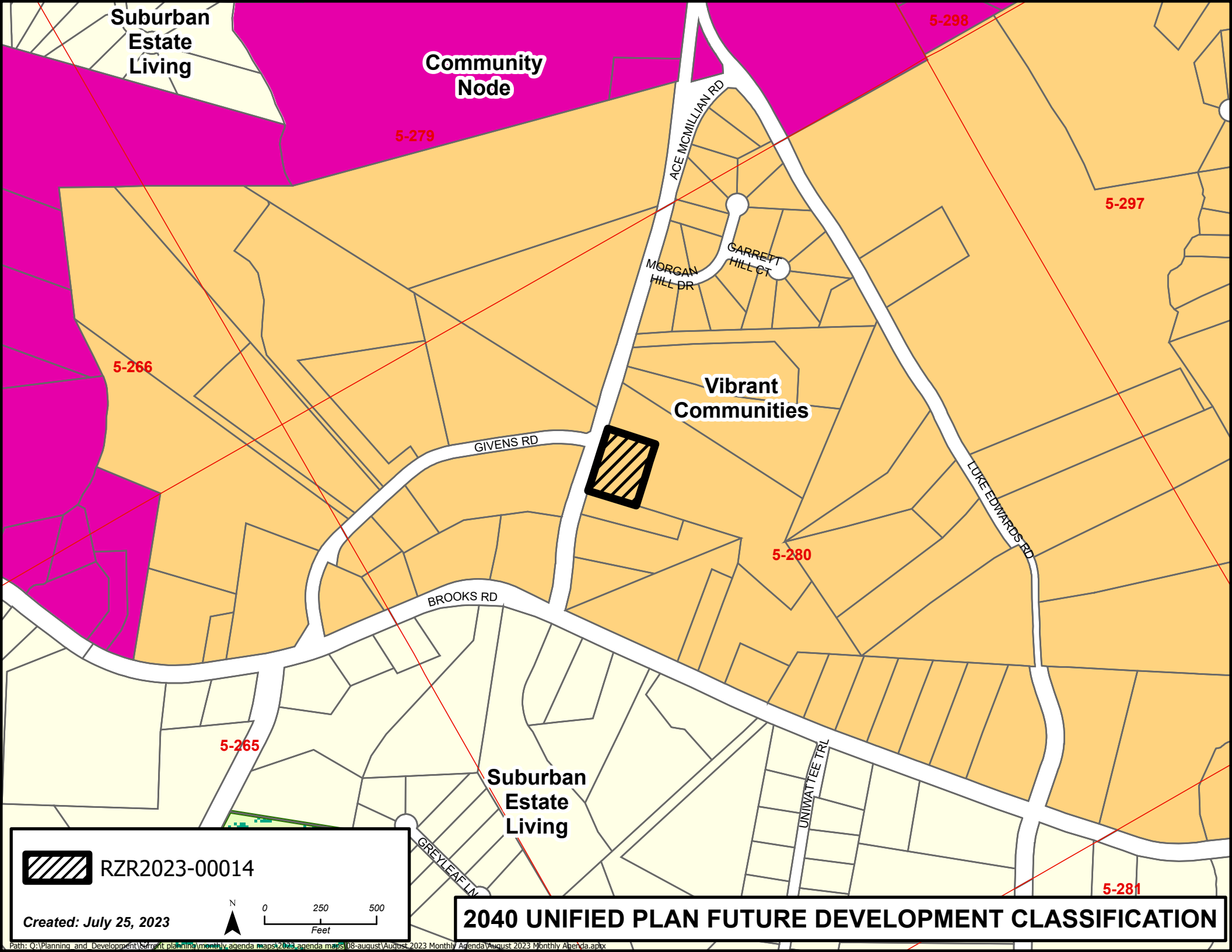
 RZR2023-00014

Created: July 25, 2023



**SUBJECT SITE AND SURROUNDING ZONING**





Suburban  
Estate  
Living

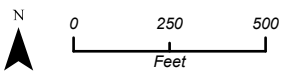
Community  
Node

Vibrant  
Communities

Suburban  
Estate  
Living

 RZR2023-00014

Created: July 25, 2023



**2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION**