

AGENDA
HOSCHTON PLANNING AND ZONING COMMISSION
July 24, 2024 at 6:00 p.m.
Hoschton Community Center
65 City Square, Hoschton, GA, 30548

- I. Call to Order/Roll Call
- II. Recognitions
- III. Pledge of Allegiance
- IV. Moment of Silence
- V. Approval of Minutes (June 26, 2024)
- VI. Public Comment (*5-minute time limit*) (*for items unrelated to public hearings on agenda items*) (*sign-in required*)
- VII. Old Business – None
- VIII. New Business (Public Hearings)
 - A. **Z-24-02** Annexation and Zoning and Rezoning: The Providence Group of Georgia, LLC, applicant, Douglas J. Swafford and JBGL Atlanta Development 2014, LLC, property owners, seek the following: Annexation of that portion of Map/Parcel 113/004 (1.31 acre) not already in the city and zoning to PUD (Planned Unit Development District) (part of Swafford tract) (current zoning in unincorporated Jackson County is A-2, Agricultural-Rural Farm District); Rezoning of that portion of Map/Parcel 113/004 (1.31 acre) already in the city limits from R-1 (Single-Family Low-Density Residential District) to PUD (Planned Unit Development District) (part of Swafford Tract); Rezoning of a 0.153 acre tract (part of Map/Parcel 119/009) fronting at the end of Penny Lane and rezoning of a 0.494-acre tract fronting on Pendergrass Road (SR 332) east of 158 Rocky Court (part of Map/Parcel 119/009) from A (Agricultural District) to PUD (Planned Unit Development District)
[Consulting planner's recommendation: approval conditional]
 - B. **Ordinance O-2024-04:** An Ordinance Amending the Subdivision and Land Development Ordinance of the City of Hoschton, Article IV, "Preliminary Plat," Section 409, "City Council Review and Action" to Extend Consideration Time for Preliminary Plat by City Council from 35 Days to 75 Days, and for Other Purposes
- IX. Other Business
- X. Adjourn

MINUTES
HOSCHTON PLANNING AND ZONING COMMISSION
June 26, 2024 at 6:00 p.m.
Hoschton Community Center
65 City Square, Hoschton, GA, 30548

MEMBERS PRESENT:

Edwin “Ace” Acevedo, Vice Chair
Scott Butler
Chuck Jonaitis
Christine Moody, Chair
Brenda Stokes
Tom Vivelo

OTHER CITY PERSONNEL PRESENT:

Debbie Martin, Mayor
David Brown, Mayor Pro Tempore
Christina Brown, City Council Member
Jerry Weitz, Consulting City Planner

MEMBERS ABSENT:

Geoffrey Horney

I. Call to Order

The meeting was called to order at 6:03 p.m. by Chair Moody. All members of the planning and zoning commission were present except for Geoffrey Horney.

II. Approval of Minutes

A motion was made by Chuck Jonaitis, seconded by Brenda Stokes, to approve the minutes of the May 22nd, 2024, meeting. The motion was unanimously approved (6-0).

III. Planning Commission Training

There were no regular business items on the agenda other than planning commission training. Jerry Weitz was present and led a session on rules of procedure for public meetings and hearings. The training session included Robert’s Rule of Order, making a point of order, decorum, typical order of business/agenda, voting (including limitations on abstaining from voting), conflicts of interest, the particulars of gaining the floor, introducing and seconding motions, and debating and amending motions. Substantial discussion took place on several items. During the training session, when the typical contents of an agenda were presented, the planning commission discussed and consented to a regular meeting agenda format to consist of the following (outlined):

- I. Call to Order
- II. Recognitions (primarily for but not limited to elected officials in attendance)
- III. Pledge of Allegiance
- IV. Moment of Silence (in lieu of prayer)
- V. Approval of Minutes

- VI. Public Comment (5-minute time limit) (for items unrelated to public hearings on agenda items) (sign-in sheet to be provided)
- VII. Old Business
- VIII. New Business
- IX. Other Business
- X. Adjourn

Discussion on the meeting agenda contents included a motion by Ace Acevedo, seconded by Tom Vivalo, to include public comment as a regular agenda item. The motion passed unanimously (6-0).

IV. Other Business

In other business, the commission requested that the city provide an information package for each commissioner to include (not necessarily all-encompassing) the city's zoning ordinance, official zoning map, subdivision and land development ordinance, and ethics requirements applicable to planning commissioners.

V. Adjourn

On a motion properly made and seconded, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,



Jerry Weitz, Consulting Planner

Approved by the Commission:

Christine Moody, Chair

**CITY OF HOSCHTON, GEORGIA
ZONING ADMINISTRATOR'S
REPORT**



TO: Hoschton Planning & Zoning Commission
Honorable Mayor and City Council, City of Hoschton

FROM: Jerry Weitz, Consulting City Planner

DATE OF REPORT: July 8, 2024

SUBJECT REQUEST: **Z-24-02:** Annexation of that portion of Map/Parcel 113/004 (1.31 acre) not already in the city and zoning to PUD (Planned Unit Development District) (existing zoning: A-2, Agricultural-Rural Farm District); Rezoning of that portion of Map/Parcel 113/004 (1.31 acre) already in the city limits from R-1 (Single-Family Low-Density Residential District) to PUD (Planned Unit Development District) (part of Swafford Tract); Rezoning of a 0.153 acre tract (part of Map/Parcel 119/009) fronting at the end of Penny Lane and rezoning of a 0.494-acre tract fronting on Pendergrass Road (SR 332) east of 158 Rocky Court (part of Map/Parcel 119/009) from A (Agricultural District) to PUD (Planned Unit Development District)

PLANNING COMMISSION: July 24, 2024, @ 6:00 p.m. (public hearing)

CITY COUNCIL HEARING: August 8, 2024, @ 6:00 p.m.

VOTING SESSION: August 20, 2024, # 6:00 p.m.

APPLICANT: The Providence Group of Georgia, LLC

OWNER(S): Douglas J. Swafford and JBGL Atlanta Development 2014, LLC

PROPOSED USE: Division of Swafford tract for detached single-family residence; Inclusion within an existing Planned Unit, for open space and future road right of way

LOCATION: Fronting on the north side of Pendergrass Road (SR 332) (annexation) west of E.G. Barnett Road; fronting at the end of Penny Lane (rezoning) and fronting on the north side of Pendergrass Road (SR 332) east of 158 Rocky Court

PARCEL(S) #: 113/004 (part) and 119/009 (part)

ACREAGE: Part of 1.31 (annexation); 1.95 acres (zoning/rezoning to PUD)

EXISTING LAND USE: Single-family detached dwelling (7798 Pendergrass Road) and vacant/ undeveloped

SURROUNDING LAND USE AND ZONING:

North: Vacant/agricultural, PUD Conditional (Z-23-02)

East: Single-family dwelling and vacant, PUD Conditional (Z-23-02)

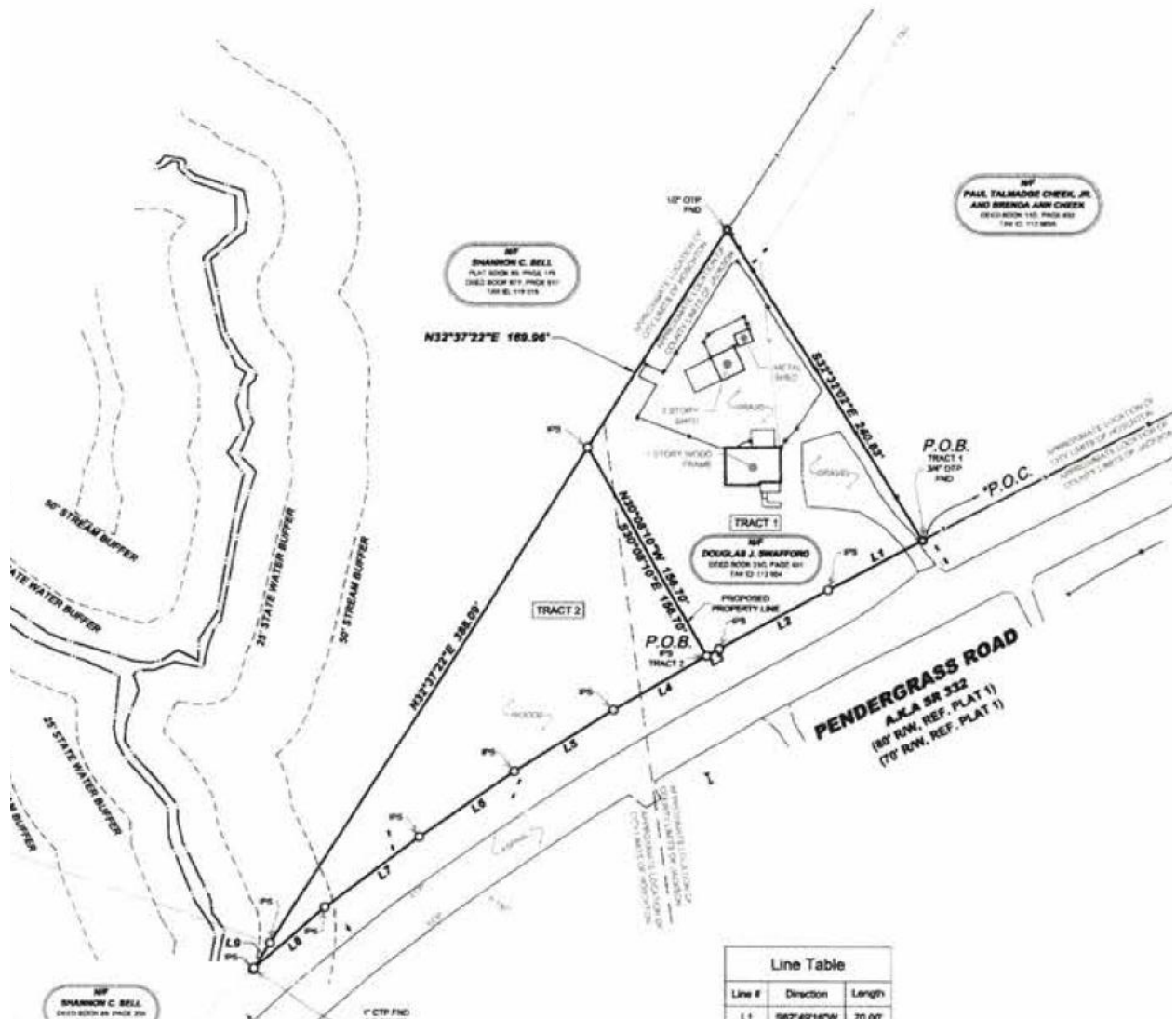
South: (across Pendergrass Road/ SR332): Vacant and single-family dwelling (unincorporated), A-2 (Agricultural Rural Farm District)

West: Vacant/agricultural, PUD Conditional (Z-23-02)

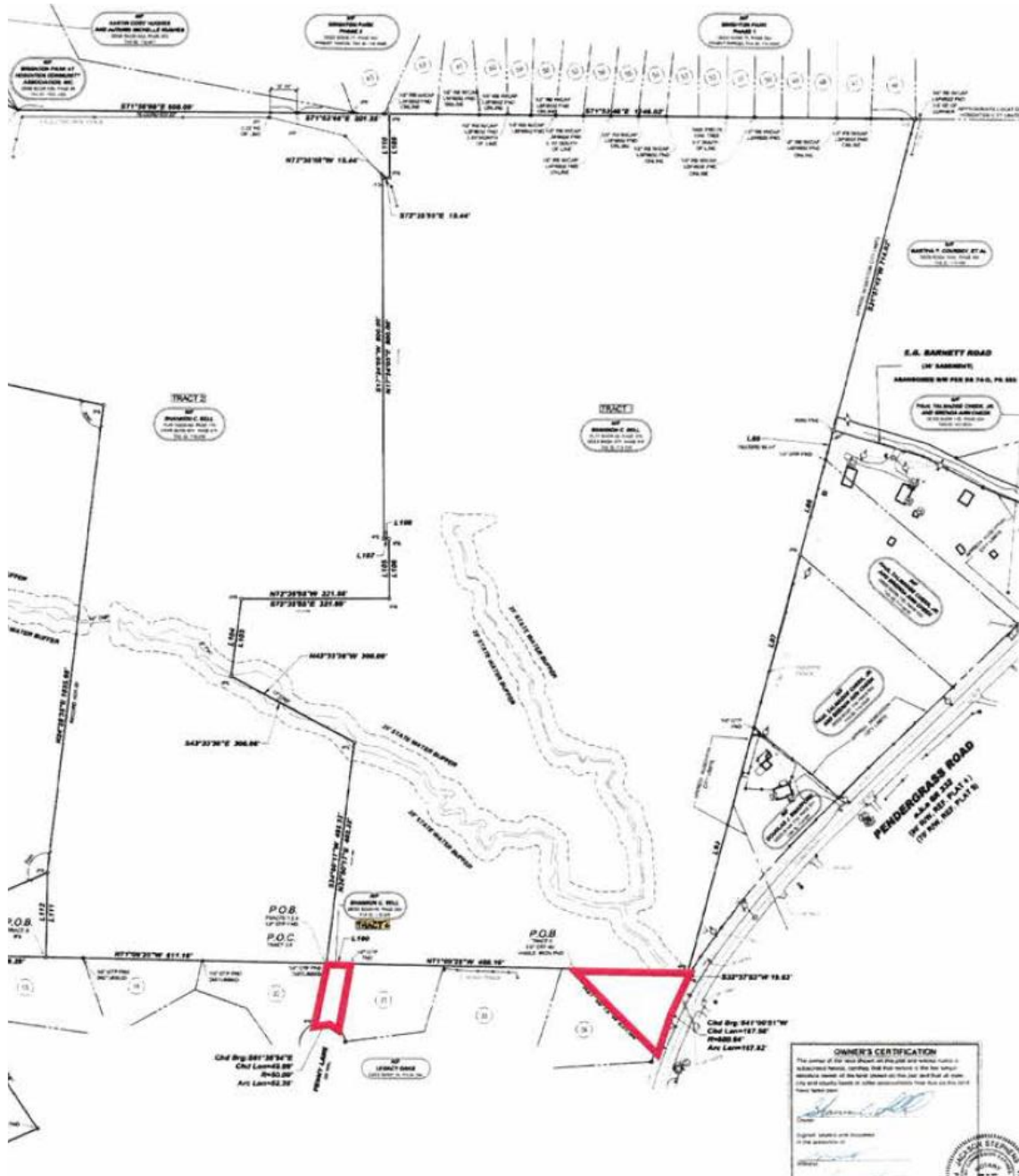
RECOMMENDATION: Approval, Conditional



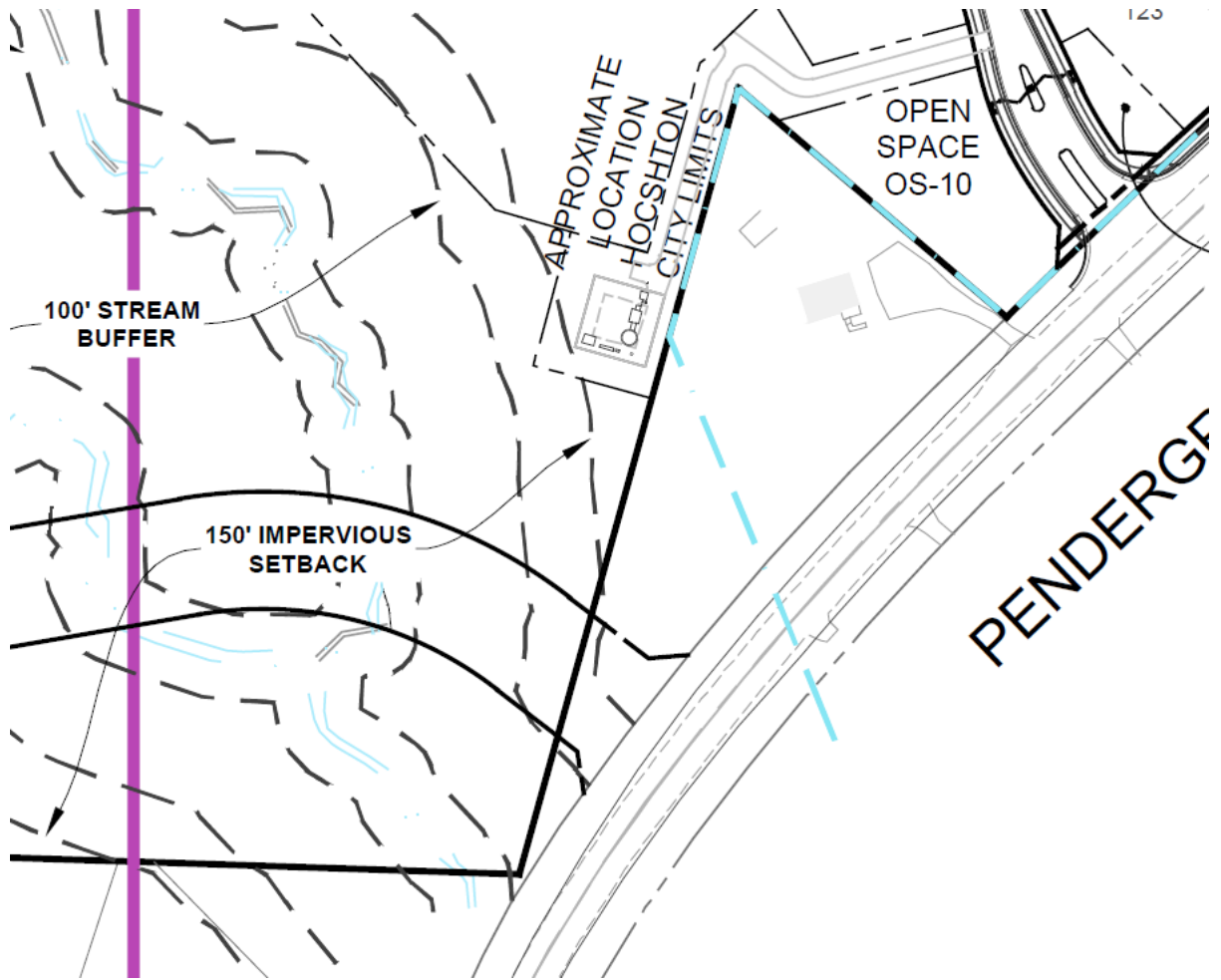
City Limits (Shaded) and Swafford Tract Outlined in Blue



Proposed Division of Swafford Tract
(currently part in, part out of the city limits)



Rezoning of Parts of Sell Tract to PUD (red polygons)
Sell Tract 4 (left) and Sell Tract 5 (right)



**Aberdeen Preliminary Plat Excerpt
(Shows required road reservation)**

APPLICATION BACKGROUND, DESCRIPTION AND EVALUATION

The Swafford tract is currently part in the city and part unincorporated. The applicant had previously applied for a minor final plat to divide the Swafford tract into two lots. Because the property was partially unincorporated, the subdivision could not be authorized, because the resulting lot in the unincorporated area would not meet county A-2 zoning district requirements, plus it would not meet the minimum lot size requirement of the R-1 zoning district for the lot within the city portion.

During the course of preliminary plat approval for Aberdeen Planned Unit Development, conditions of approval were imposed which require the applicant to apply for annexation of the remainder of the Swafford tract (i.e., this application). Conditions of preliminary plat approval also require the applicant file for rezoning of two small lot remnants from the Sell property, to be included within the PUD zoning district established for Aberdeen PUD (Z-23-02) (i.e., this application).

The applicant seeks annexation of that part of the Swafford tract not already in the city limits. That part of the Swafford Tract in the city is zoned R-1. The lower end of the Swafford tract is shown on the approved Aberdeen preliminary plat as reserved for a future road. That same reservation of land for a future public road was also shown on the PUD zoning site plan and is shown on the official zoning map as a road reservation.

The applicant requests PUD zoning for the Swafford Tract and the two lot remnants, referred to as "Sell Tract 4" and "Sell Tract 5". These properties if approved will become a part of the Aberdeen Planned Unit Development, and the applicant will (intends to) divide the Swafford Tract as proposed in the application (minor plat attached).

This application is made pursuant to conditions of preliminary plat approval for the Aberdeen PUD. That preliminary plat approval required that the applicant to file a request to annex that part of the Swafford property not in the city limits (with PUD zoning) and to rezone to PUD two small lot remnants from the Sell tract in the area along Pendergrass Road (SR 332). These are shown on the map above with red outlines.

The applicant has submitted a letter of intent (attached). The applicant desires to divide the Swafford tract into two lots, subject to specified standards.

The Hoschton zoning ordinance establishes a minimum area of 10 acres for the PUD zoning district; however, additions to an existing PUD zoning district do not have to be 10 acres or larger in size.

STANDARDS GOVERNING EXERCISE OF ZONING POWER

Note: The Planning Commission and City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The commission and council may cite one or more of these in its own determinations, as it determines appropriate. Commission or council may modify the language provided here, as necessary, in articulating its own findings. Or, the commission or council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. Commission and council do not need to address each and every criterion, but only those that are relevant to support its own determination.

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings: *(note: The applicant has also addressed these criteria; those responses are attached to this report).*

Criterion: Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Findings: The proposal annexation (and PUD zoning) is suitable and was required to be filed by conditions of preliminary plat approval. The applicant's proposed use of two lots is suitable in view of the use and development of adjacent and nearby property when considering the Aberdeen preliminary plat. *(supports request)*

Criterion: Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

Finding: No adverse effects are anticipated on adjacent or nearby property. *(supports request)*

Criterion: Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.

Finding: The lot remnants from the Sell tract are not usable lots of record. The Swafford Tract has a reasonable economic use as currently zoned A-2 in unincorporated Jackson County and R-1 in the City of Hoschton. *(does not support request)*

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

Finding: Annexation and zoning/rezoning will not cause a burdensome use of existing streets, utilities, or schools. *(supports request)*

Criterion: Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map.

Finding: The comprehensive plan does not address the subject application in its totality because part of the Swafford Tract lies outside the city limits. *(inconclusive)*

Criterion: 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 proposal.

Finding: The city imposed conditions on the Aberdeen preliminary plat approval that required the applicant to file the subject annexation and zoning/rezoning application. These are substantial reasons for approval of the application. *(supports request)*

Criterion: Whether the proposal would create an isolated zoning district unrelated to adjacent and nearby districts.

Finding: Approval of this application will do the opposite of creating an isolated zoning district. Rather, it would consolidate the zoning (PUD) for different properties so as to relate to the Aberdeen PUD. *(supports request)*

Criterion: Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

Finding: The applicant's proposal to divide the Swafford Tract (and development pursuant to that lot division) will not have a detrimental impact on the environment. *(supports request)*

CONCLUSIONS AND RECOMMENDATIONS

This application was called for in conditions of preliminary plat approval for the Aberdeen Planned Unit Development. Approval of the annexation is desirable because it is the only remnant of unincorporated area on the north side of Pendergrass Road (SR 332) in the vicinity. Consulting planner recommends approval of the annexation. The PUD zoning as proposed by the applicant for the Swafford Tract is reasonable (two lots). It is recommended that the PUD zoning for the Swafford Tract be made conditional to be in accordance with the applicant's letter of intent and proposed division plat which should be incorporated into the annexation and zoning ordinance approving the application.

The applications are proposed to be acted upon in two different ordinances, one that includes just the land proposed for annexation, and another that rezones property (three different tracts) already in the city limits.

Ordinance Z-24-02A is an ordinance annexing that part of the Swafford Tract not in the city limits at the time of ordinance adoption and assigning a Hoshton zoning district of PUD (Planned Unit Development), Conditional, subject to the following conditions:

1. The subject property shall become and hereafter be considered a part of the Aberdeen PUD.
2. Development and use of the subject property shall be in substantial accordance with the letter of intent, including all dimensional requirements specified therein (building height, setbacks, lot width, etc.) made part of Application Z-24-02 and incorporated into this ordinance, and in substantial accordance with the minor final plat made part of Application Z-24-02 and incorporated into this ordinance.
3. The owner shall reserve a portion of the Swafford Tract (Map/Parcel 113/004) for future public use, more or less as shown on the approved preliminary plat for Aberdeen Planned Unit Development and as shown on the official zoning map.

Ordinance Z-24-02B is an ordinance rezoning that part of the Swafford Tract (Map/Parcel 113/004) inside the city limits from R-1, Single-Family Low Density Residential District, to PUD Conditional and rezoning "Sell Tract 4" and "Sell Tract 5" from A (Agricultural District) to PUD (Planned Unit Development), Conditional, subject to the following conditions:

1. The subject properties shall become and hereafter be considered a part of the Aberdeen PUD.
2. The owner shall reserve a portion of the Swafford Tract (Map/Parcel 113/004) for future public use, more or less as shown on the approved preliminary plat for Aberdeen Planned Unit Development and as shown on the official zoning map.

3. The Swafford tract (Map/Parcel 113/004) may be divided into no more than two lots. Subdivision and development shall be consistent with the letter of intent submitted as a part of Z-24-02, including all dimensional requirements specified therein (building height, setbacks, lot width, etc.)
4. "Sell Tract 4" consisting of 0.153 acre and fronting on Penny Lane and "Sell Tract 5" consisting of 0.494 acre fronting on Pendergrass Road (SR 332) shall not be separate lots of record for zoning and development purposes and shall be incorporated into the Aberdeen Planned Unit Development. Use of Sell Tract 4 and Sell Tract 5 shall be limited to open space, buffers and utilities.
5. Sell Tract 4 (0.153 acre) shall not be utilized for public access, and there shall be no road connection to Penny Lane, unless specifically authorized by the Hoschton City Council in regular session.

Planning Commission Recommended Motions:

I move to recommend approval of Ordinance Z-24-02A with the conditions recommended in the consulting planner's report for Z-24-02.

I move to recommend approval of Ordinance Z-24-02B with the conditions recommended in the consulting planner's report for Z-24-02.

City Council Recommended Motions:

I move to approve Ordinance Z-24-02A with the conditions recommended in the consulting planner's report for Z-24-02.

I move to approve Ordinance Z-24-02B with the conditions recommended in the consulting planner's report for Z-24-02.



Letter of Intent

June 3, 2024

The Providence Group of Georgia, LLC (“TPG” or “Applicant”) proposes rezoning to the Planned Unit Development District for +/- 1.961 acres identified as follows:

- Owner: JBGL Atlanta Development 2014, LLC: +/- 0.647 acres (portions of Jackson County Parcel Number 119 019) as depicted on Exhibit A as Tracts 4 (0.153 connected to Penny Lane) and 5 (0.494 fronting SR 332 (Pendergrass Road))
- Owner: Douglas J. Swafford: +/- 1.314 acres (Jackson County Parcel Number 113 004) as depicted on Exhibit B

Currently, the City of Hoschton boundary line bisects the Swafford property (113 004). TPG requests annexation into the City of Hoschton that portion currently in unincorporated Jackson County.

The Applicant makes these requests at the request of the City of Hoschton pursuant to conditions 22 and 23 of the preliminary plat of the Aberdeen subdivision approved on May 21, 2024.

Upon annexation and zoning of Jackson County Parcel Number 113 004, it shall have the ability to be divided into two conforming PUD lots. The below proposed requirements are based on the MFR category:

- Minimum lot size; detached single family dwelling: 7,500 square feet
- Minimum lot width, all uses (feet) except for fee simple townhouses in districts where permitted: 50 feet
- Maximum building coverage: 75%
- Maximum height: 50 feet
- Maximum number of stories: 3 stories
- Setbacks:
 - o Front: 20 feet
 - o Side: 10 feet
 - o Rear: 10 feet
- Minimum heated floor area per dwelling unit: 750 square feet

It is intended that the proposed Tracts 1 & 2 on Exhibit B shall be conforming lots. A portion of Tract 1 shall be reserved for future public road use. The location of the reservation shall be flexible to meet site distance, GDOT requirements, and the like. The existing improvements shall remain on Tract 2.

Rezoning Application, City of Hoschton, GA (continued)

ZONING DECISION CRITERIA

Per Section 8.03 of the Hoschton Zoning Ordinance, the following criteria are applicable to rezoning decisions. The applicant is urged but not required to substantiate the rezoning request by responding to these criteria which provide reasons for approving the application:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Response: The surrounding property is zoned PUD. Including these parcels will be suitable and eliminate isolated zonings.

- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**

Response: The proposal will not adversely affect the existing use of nearby properties.

- (c) Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.**

Response: The properties have minimal use as currently zoned. Zoning them PUD will allow their inclusion in future development.

- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

Response: The proposal will not burden existing utilities. With the future road reservation, future connectivity can be improved.

Applicant's Response to Zoning Criteria

Rezoning Application, City of Hoschton, GA (continued)

- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map.**

Response: The proposal will conform with the intent of the comprehensive 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 proposal.**

Response: The rezoning of the surrounding properties to PUD provides supporting grounds for approval of this proposal.

- (g) Whether the proposal would create an isolated zoning district unrelated to adjacent and nearby districts.**

Response: The proposal matches the zoning district to surrounding districts, thus eliminating an isolated district.

- (h) Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.**

Response: The proposal will not have an impact on the environment.

Applicant's Response to Zoning Criteria (continued)



DEPARTMENT OF PUBLIC DEVELOPMENT

*Planning • Engineering • Building Inspections • Code Compliance • GIS •
Keep Jackson County Beautiful*

June 26, 2024

Ms. Jennifer Kidd-Harrison
City Manager/City Clerk, City of Hoschton
79 City Square
Hoschton, GA 30548

Dear Ms. Kidd-Harrison:

Pursuant to OCGA § 36-36-7(a) we are responding to the City of Hoschton's Notice of Annexation and Rezoning of the portion of Tax Map & Parcel 113 004 not already within Hoschton city limits. The subject parcel is approximately 1.31 acres and fronts on the North side of Pendergrass Road (SR 332).

Planning staff has reviewed the Notice of Annexation and Rezoning information provided, dated June 13, 2024. As such, the County does not object to the proposed annexation and rezoning.

Should you or your staff have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Dove", is written over a faint circular stamp.

Jamie Dove
Jackson County Public Development Director

Cc: Kevin Poe, County Manager, Jackson County
Tom Crow, Chairman, Jackson County BOC
Chip Ferguson, County Attorney
File

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE Z-24-02A

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF LAND TO THE EXISTING CORPORATE LIMITS OF THE CITY OF HOSCHTON, GEORGIA; TO PROVIDE FOR THE ZONING CLASSIFICATION FOR SUCH ANNEXED PROPERTY; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HOSCHTON TO REFLECT ANNEXATION AND ZONING; TO PROVIDE NOTICE OF THE APPROVED ANNEXATION TO THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS AND JACKSON COUNTY AS WELL AS THE LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE OF THE GENERAL ASSEMBLY; TO PROVIDE FOR AN EFFECTIVE DATE FOR AD VALOREM TAX AND OTHER PURPOSES; TO LIMIT REZONING OF THE PROPERTY ANNEXED TO A HIGHER DENSITY OR INTENSITY FOR A SPECIFIED PERIOD; AND FOR OTHER PURPOSES

WHEREAS, the Providence Group of Georgia, LLC, applicant, Douglas Swafford, property owner, has filed a complete application to annex 1.34 acre with PUD (Planned Unit Development) District zoning, said property proposed to be annexed consisting of that part of Map/Parcel 113/004 not currently in the city limits of Hoschton fronting on the north side of Pendergrass Road (SR 332) west of E.G. Barnett Road and

WHEREAS, said annexation application includes the written and signed applications of all (100%) of the owners of all of the land, except the owners of any public street, road, highway, or right of way, proposed to be annexed, as required by O.C.G.A. § 36-36-21; and

WHEREAS, the property to be annexed and zoned PUD (Planned Unit Development District), conditional, is described in detail in Exhibit A which by reference is incorporated herein;

WHEREAS, the property to be annexed is a “contiguous area” to the existing city limits of Hoschton as that term is defined by O.C.G.A. § 36-36-20(a); and

WHEREAS, the Property to be annexed does not result in an “unincorporated island” as that term is defined in O.C.G.A. § 36-36-4; and

WHEREAS, pursuant to O.C.G.A. § 36-36-6, the city provided written notice of the proposed annexation to the governing authority of the County (the Jackson County Board of Commissioners) as required by law; and

WHEREAS, pursuant to O.C.G.A. § 36-36-111, notice by verifiable delivery of the proposed annexation and the proposed zoning district or districts by the city was sent to the county governing authority and the affected school system; and

Ordinance Z-24-02A Providence Group PUD Addition (part of Swafford Tract)

WHEREAS, the Jackson County Board of Commissioners has replied in writing that it does not object to the proposed annexation pursuant to O.C.G.A. § 36-36-113; and

WHEREAS, the Hoschton City Council has authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property and authority pursuant to the Hoschton Zoning Ordinance to amend the City of Hoschton’s Official Zoning Map; and

WHAREAS, the Hoschton Planning and Zoning Commission held a public hearing on the application; and

WHEREAS, the Hoschton City Council held a public hearing on the application and has complied with all applicable laws and ordinances with respect to the public notice for public hearings and for the processing of such application; and

WHEREAS, the city’s consulting planner has prepared a report on the annexation and zoning request, and such report provides findings with regard to the application and the extent to which the application is consistent with standards governing the exercise of zoning power articulated in the Hoschton zoning ordinance; and

WHEREAS, it has been determined by the Mayor and Council that such application meets the requirements of law pertaining to said application as required by applicable provisions in Chapter 36 of Title 36 of the Georgia Code and that it is desirable, necessary and within the public’s interest to approve the annexation application and zoning application of the applicant and to amend the City of Hoschton’s Official Zoning Map accordingly; and

WHEREAS, per the requirements of HB 1385 (amending O.C.G.A. § 36-36-3), effective July 1, 2022, the city is required to file a report identifying any property annexed with the Legislative and Congressional Reapportionment Office of the General Assembly, in addition to the Georgia Department of Community Affairs and the county wherein the property annexed is located;

Now, Therefore, **IT IS HEREBY ORDAINED** by the Hoschton City Council as follows:

Section 1.

The property proposed for annexation, described in Exhibit A, is hereby annexed to the existing corporate limits of the City of Hoschton, Georgia, and is hereby zoned PUD, Planned Unit Development, conditional, subject to conditions of zoning specified in Exhibit B attached to this ordinance.

Section 2.

An identification of the property annexed by this ordinance shall be filed with the Georgia Department of Community Affairs and with the governing authority of Jackson County (Jackson County Board of Commissioners) in accordance with O.C.G.A. § 36-36-3, as well as with the Legislative and Congressional Reapportionment Office of the General Assembly as required by

Ordinance Z-24-02A Providence Group PUD Addition (part of Swafford Tract)

HB 1385 (amending O.C.G.A. § 36-36-3), effective July 1, 2022. The city clerk is directed to coordinate the submission of Geographic Information System (GIS) shape files by the Jackson County Geographic Information System (GIS) Department to the City of Hoschton for transmittal to said Reapportionment office as required by law. The city clerk is further directed to enter the annexation information and signed annexation ordinance into the Georgia Department of Community Affairs' online annexation reporting system.

Section 3.

For ad valorem tax purposes, the effective date of this annexation and zoning shall be on December 31 of the year during which such annexation occurred.

Section 4.

For all purposes other than ad valorem taxes, the effective date of this annexation and zoning shall be the first day of the month following the month during which this ordinance approving the annexation and zoning was adopted.

Section 5.

The zoning administrator is directed to update the official zoning map of the city to reflect the new city limits and the zoning classification of the property annexed.

Section 6.

By no later than the next five-year update of the comprehensive plan, the zoning administrator is directed to show the area annexed on the future land use plan map of the city's comprehensive plan with a land use category that most closely approximates the zoning district or districts assigned to the annexed area.

Section 7.

Pursuant to O.C.G.A. § 36-36-112, the city shall not change the zoning or land use plan relating to the annexed property to a more intense density than that stated in the notice provided to the County pursuant to § O.C.G.A. 36-36-111 for two years.

Ordinance Z-24-02A Providence Group PUD Addition (part of Swafford Tract)

So ORDAINED, this the __ Day of August, 2024.

Debbie Martin, Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Jennifer Harrison, City Clerk

APPROVED AS TO FORM:

Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A
DESCRIPTION OF PROPERTY
ANNEXED AND ZONED PUD CONDITIONAL**

That portion of Map/Parcel 113/004 not already inside the city limits of Hoschton, said property fronting on the north side of Pendergrass Road (SR 332), as shown on the tax map incorporated below, and as described by metes and bounds incorporated in this exhibit:



Map/Aerial Photograph of Map/Parcel 113/004

Ordinance Z-24-02A Providence Group PUD Addition (part of Swafford Tract)

**DESCRIPTION OF
Swafford Tract**

All that tract or parcel of land lying and being in Georgia Militia District 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

COMMENCING at an iron pin set at the intersection of the northwestern right of way line of Pendergrass Road (a.k.a. S.R. 332 & Old Pendergrass Road (80' right of way)) and the western right of way line of E.G. Barnett Road (abandoned right of way); **THENCE** leaving said intersection and proceeding along the northwestern right of way line of Pendergrass Road the following five courses: South 63 degrees 02 minutes 07 seconds West a distance of 170.95 feet to a point; **THENCE** South 64 degrees 16 minutes 04 seconds West a distance of 90.30 feet to a point; **THENCE** South 63 degrees 36 minutes 24 seconds West a distance of 157.77 feet to a point; **THENCE** South 63 degrees 11 minutes 13 seconds West a distance of 40.09 feet to a point; **THENCE** South 63 degrees 09 minutes 22 seconds West a distance of 349.93 feet to a 3/4" open top pipe found, said pipe being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** and continuing along said right of way the following eight courses: South 62 degrees 49 minutes 16 seconds West a distance of 70.00 feet to an iron pin set; **THENCE** South 61 degrees 37 minutes 18 seconds West a distance of 81.90 feet to an iron pin set; **THENCE** South 59 degrees 51 minutes 50 seconds West a distance of 9.42 feet to an iron pin set; **THENCE** South 59 degrees 51 minutes 50 seconds West a distance of 71.24 feet to an iron pin set; **THENCE** South 57 degrees 36 minutes 16 seconds West a distance of 77.31 feet to an iron pin set; **THENCE** South 55 degrees 03 minutes 20 seconds West a distance of 76.43 feet to an iron pin set; **THENCE** South 52 degrees 59 minutes 09 seconds West a distance of 77.93 feet to an iron pin set; **THENCE** South 49 degrees 25 minutes 15 seconds West a distance of 61.50 feet to an iron pin set; **THENCE** leaving said northwesterly right of way line of Pendergrass Road North 32 degrees 37 minutes 22 seconds East a distance of 19.64 feet to an iron pin set; **THENCE** North 32 degrees 37 minutes 22 seconds East a distance of 388.09 feet to an iron pin set; **THENCE** North 32 degrees 37 minutes 22 seconds East a distance of 169.96 feet to a 1/2" open top pipe found; **THENCE** South 32 degrees 32 minutes 02 seconds East a distance of 240.83 feet to a 3/4" open top pipe found, said pipe being the **TRUE POINT OF BEGINNING**.

Said tract contains 57,247 square feet or 1.314 acres.

LESS AND EXCEPT, that portion of the property within the limits of the City of Hoschton.

Metes and Bounds Legal Description

**EXHIBIT B
CONDITIONS OF ZONING APPROVAL**

1. The subject property shall become and hereafter be considered a part of the Aberdeen PUD.
2. Development and use of the subject property shall be in substantial accordance with the letter of intent, including all dimensional requirements specified therein (building height, setbacks, lot width, etc.) made part of Application Z-24-02 and incorporated into this ordinance, and in substantial accordance with the minor final plat made part of Application Z-24-02 and incorporated into this ordinance.
3. The owner shall reserve a portion of the Swafford Tract (Map/Parcel 113/004) for future public use, more or less as shown on the approved preliminary plat for Aberdeen Planned Unit Development and as shown on the official zoning map.

Ordinance Z-24-02A Providence Group PUD Addition (part of Swafford Tract)



Letter of Intent

June 3, 2024

The Providence Group of Georgia, LLC (“TPG” or “Applicant”) proposes rezoning to the Planned Unit Development District for +/- 1.961 acres identified as follows:

- Owner: JBGL Atlanta Development 2014, LLC: +/- 0.647 acres (portions of Jackson County Parcel Number 119 019) as depicted on Exhibit A as Tracts 4 (0.153 connected to Penny Lane) and 5 (0.494 fronting SR 332 (Pendergrass Road))
- Owner: Douglas J. Swafford: +/- 1.314 acres (Jackson County Parcel Number 113 004) as depicted on Exhibit B

Currently, the City of Hoschton boundary line bisects the Swafford property (113 004). TPG requests annexation into the City of Hoschton that portion currently in unincorporated Jackson County.

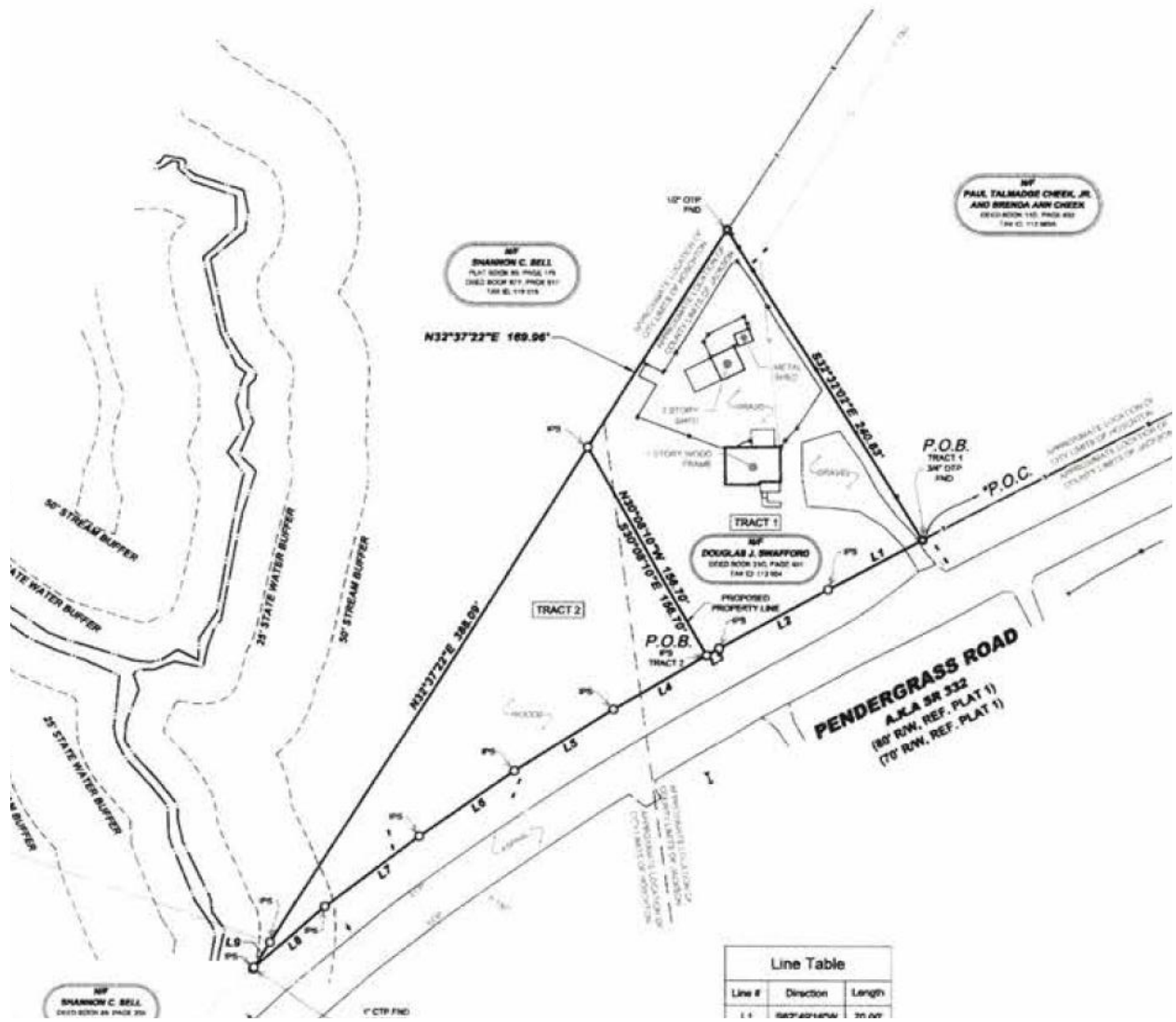
The Applicant makes these requests at the request of the City of Hoschton pursuant to conditions 22 and 23 of the preliminary plat of the Aberdeen subdivision approved on May 21, 2024.

Upon annexation and zoning of Jackson County Parcel Number 113 004, it shall have the ability to be divided into two conforming PUD lots. The below proposed requirements are based on the MFR category:

- Minimum lot size; detached single family dwelling: 7,500 square feet
- Minimum lot width, all uses (feet) except for fee simple townhouses in districts where permitted: 50 feet
- Maximum building coverage: 75%
- Maximum height: 50 feet
- Maximum number of stories: 3 stories
- Setbacks:
 - o Front: 20 feet
 - o Side: 10 feet
 - o Rear: 10 feet
- Minimum heated floor area per dwelling unit: 750 square feet

It is intended that the proposed Tracts 1 & 2 on Exhibit B shall be conforming lots. A portion of Tract 1 shall be reserved for future public road use. The location of the reservation shall be flexible to meet site distance, GDOT requirements, and the like. The existing improvements shall remain on Tract 2.

Ordinance Z-24-02A Providence Group PUD Addition (part of Swafford Tract)



Proposed Minor Final Plat

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-24-02B

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
HOSCHTON AND FOR OTHER PURPOSES

WHEREAS, The Providence Group of Georgia, LLC, applicant, Douglas J. Swafford and JBGL Atlanta Development 2014, LLC, property owners, have filed a complete application to rezone that portion of Map/Parcel 113/004 (1.31 acre) in the city from R-1, Single-Family Low Density Residential District) to PUD (Planned Unit Development District) (part of Swafford tract); and to rezone 0.153 acre (part of Map/Parcel 119/009) fronting at the end of Penny Lane and a 0.494-acre tract fronting on Pendergrass Road (SR 332) east of 158 Rocky Court (part of Map/Parcel 119/009) from A (Agricultural District) to PUD (Planned Unit Development District); and

WHEREAS, the Property to be rezoned consists of all those tracts or parcels of land lying and being in Jackson County Georgia, as described in more detail in Exhibit A which by reference is incorporated herein; and

WHEREAS, the City Council of the City of Hoschton has authority pursuant to the Hoschton Zoning Ordinance to amend the City of Hoschton's Official Zoning Map; and

WHEREAS, the city's zoning administrator has prepared a report evaluating the criteria for zoning decisions as they pertain to the requested zoning; and

WHEREAS, the Hoschton Planning and Zoning Commission held an advertised public hearing on the application; and

WHEREAS, the Hoschton City Council held an advertised public hearing on the application and has complied with all applicable laws and ordinances with respect to the processing of such application; and

WHEREAS, it has been determined by the City Council that it is desirable, necessary and within the public's interest to approve the rezoning request, and to amend the City of Hoschton's Official Zoning Map accordingly;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING
AUTHORITY OF THE CITY OF HOSCHTON AS FOLLOWS:**

Section 1. That part of the Swafford Tract (Map/Parcel 113/004) within the city limits is hereby rezoned from R-1 (Single-Family Low Density Residential District) to PUD (Planned Unit Development), Conditional, subject to conditions of zoning approval specified in Exhibit B attached to this ordinance.

Section 2. The 0.153 acre tract (part of Map/Parcel 119/009), referred to as Sell Tract 4 fronting at the end of Penny Lane and legally described in Exhibit A (See Sell Tract 4) attached to this ordinance, is hereby rezoned from A (Agricultural District) to PUD (Planned Unit Development), Conditional, subject to conditions of zoning approval specified in Exhibit B attached to this ordinance.

Section 3. The 0.494-acre tract fronting on Pendergrass Road (SR 332) east of 158 Rocky Court (part of Map/Parcel 119/009) and legally described in Exhibit A (See Sell Tract 5) attached to this ordinance, is hereby rezoned from A (Agricultural District) to PUD (Planned Unit Development), Conditional, subject to conditions of zoning approval specified in Exhibit B attached to this ordinance.

Section 4. The City Clerk is hereby directed to amend the Official Zoning Map to reflect the zoning classification of the properties rezoned.

So ORDAINED this __ day of August, 2024.

Debbie Martin, Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Jennifer Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED**

All that tract or parcel of land lying and being in Jackson County, Georgia, described further as follows:

**DESCRIPTION OF
Swafford Tract**

All that tract or parcel of land lying and being in Georgia Militia District 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

COMMENCING at an iron pin set at the intersection of the northwestern right of way line of Pendergrass Road (a.k.a. S.R. 332 & Old Pendergrass Road (80' right of way)) and the western right of way line of E.G. Barnett Road (abandoned right of way); **THENCE** leaving said intersection and proceeding along the northwestern right of way line of Pendergrass Road the following five courses: South 63 degrees 02 minutes 07 seconds West a distance of 170.95 feet to a point; **THENCE** South 64 degrees 16 minutes 04 seconds West a distance of 90.30 feet to a point; **THENCE** South 63 degrees 36 minutes 24 seconds West a distance of 157.77 feet to a point; **THENCE** South 63 degrees 11 minutes 13 seconds West a distance of 40.09 feet to a point; **THENCE** South 63 degrees 09 minutes 22 seconds West a distance of 349.93 feet to a 3/4" open top pipe found, said pipe being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** and continuing along said right of way the following eight courses: South 62 degrees 49 minutes 16 seconds West a distance of 70.00 feet to an iron pin set; **THENCE** South 61 degrees 37 minutes 18 seconds West a distance of 81.90 feet to an iron pin set; **THENCE** South 59 degrees 51 minutes 50 seconds West a distance of 9.42 feet to an iron pin set; **THENCE** South 59 degrees 51 minutes 50 seconds West a distance of 71.24 feet to an iron pin set; **THENCE** South 57 degrees 36 minutes 16 seconds West a distance of 77.31 feet to an iron pin set; **THENCE** South 55 degrees 03 minutes 20 seconds West a distance of 76.43 feet to an iron pin set; **THENCE** South 52 degrees 59 minutes 09 seconds West a distance of 77.93 feet to an iron pin set; **THENCE** South 49 degrees 25 minutes 15 seconds West a distance of 61.50 feet to an iron pin set; **THENCE** leaving said northwesterly right of way line of Pendergrass Road North 32 degrees 37 minutes 22 seconds East a distance of 19.64 feet to an iron pin set; **THENCE** North 32 degrees 37 minutes 22 seconds East a distance of 388.09 feet to an iron pin set; **THENCE** North 32 degrees 37 minutes 22 seconds East a distance of 169.96 feet to a 1/2" open top pipe found; **THENCE** South 32 degrees 32 minutes 02 seconds East a distance of 240.83 feet to a 3/4" open top pipe found, said pipe being the **TRUE POINT OF BEGINNING**.

Said tract contains 57,247 square feet or 1.314 acres.

LESS AND EXCEPT, that portion of the property within the limits of the City of Hoschton.

**Swafford Tract (part in City Limits)
(see Ordinance Z-24-02A for annexed portion of Swafford Tract)**

DESCRIPTION OF

Sell Tract 4

All that tract or parcel of land lying and being in Georgia Militia District 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

BEGINNING at a 1/2" open-top pipe found at the northeast corner of Lot 20 of Legacy Oaks subdivision recorded in Plat Book 54, Page 206, records of Jackson County, Georgia; **THENCE** South 71 degrees 09 minutes 25 seconds East a distance of 50.72 feet to a 1/2" open-top pipe found; **THENCE** South 28 degrees 35 minutes 43 seconds West a distance of 141.80 feet to a 1/2" open-top pipe found on the right of way of Penny Lane (50' right of way); **THENCE** proceed along said right of way along a curve to the left with a radius of 50.00 feet and an arc length of 52.35 feet, said curve having a chord bearing of North 61 degrees 26 minutes 54 seconds West and a chord distance of 49.99 feet to a 1/2" rebar set; **THENCE** departing said right of way North 28 degrees 35 minutes 43 seconds East a distance of 133.25 feet to a 1/2" open-top pipe found, said 1/2" open-top pipe found being the **TRUE POINT OF BEGINNING**.

Said tract contains 6,648 square feet or 0.153 acre.

DESCRIPTION OF

Sell Tract 5

All that tract or parcel of land lying and being in Georgia Militia District 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

COMMENCING at a 1/2" open top pipe found on the northeast corner of Lot 20 of the Legacy Oaks subdivision recorded in Plat Book 54, Page 206, records of Jackson County, Georgia; **THENCE** South 71 degrees 09 minutes 25 seconds East a distance of 50.72 feet to a 1/2" open top pipe found; **THENCE** South 71 degrees 09 minutes 25 seconds East a distance of 488.16 feet to a 1/2" open top pipe with angle iron found, said pipe being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** South 71 degrees 09 minutes 25 seconds East a distance of 249.48 feet to an iron pin set; **THENCE** South 32 degrees 37 minutes 53 seconds West a distance of 19.63 feet to an iron pin set on the northwestern right of way line of Pendergrass Road (a.k.a. S.R. 332 and Old Pendergrass Road (80' right of way)); **THENCE** proceeding along said right of way along a curve to the left with a radius of 880.64 feet and an arc length of 167.82 feet, said curve having a chord bearing of South 41 degrees 00 minutes 51 seconds West and a chord distance of 167.56 feet to a 1/2" open top pipe found; **THENCE** leaving said right of way North 27 degrees 20 minutes 13 seconds West a distance of 251.64 feet to a 1/2" open top pipe found with angle iron, said pipe being the **TRUE POINT OF BEGINNING**.

Said tract contains 21,527 square feet or 0.494 acre.

Ordinance Z-24-02B, Rezoning from R-1 and A to PUD



Sell Tract 4 (left) and Sell Tract 5 (right) (outlined in Red)

**EXHIBIT B
CONDITIONS OF ZONING APPROVAL**

1. The subject properties shall become and hereafter be considered a part of the Aberdeen PUD.
2. The owner shall reserve a portion of the Swafford Tract (Map/Parcel 113/004) for future public use, more or less as shown on the approved preliminary plat for Aberdeen Planned Unit Development and as shown on the official zoning map.
3. The Swafford tract (Map/Parcel 113/004) may be divided into no more than two lots. Subdivision and development shall be consistent with the letter of intent submitted as a part of Z-24-02, including all dimensional requirements specified therein (building height, setbacks, lot width, etc.)
4. “Sell Tract 4” consisting of 0.153 acre and fronting on Penny Lane and “Sell Tract 5” consisting of 0.494 acre fronting on Pendergrass Road (SR 332) shall not be separate lots of record for zoning and development purposes and shall be incorporated into the Aberdeen Planned Unit Development. Use of Sell Tract 4 and Sell Tract 5 shall be limited to open space, buffers and utilities.
5. Sell Tract 4 (0.153 acre) shall not be utilized for public access, and there shall be no road connection to Penny Lane, unless specifically authorized by the Hoschton City Council in regular session.



Letter of Intent

June 3, 2024

The Providence Group of Georgia, LLC (“TPG” or “Applicant”) proposes rezoning to the Planned Unit Development District for +/- 1.961 acres identified as follows:

- Owner: JBGL Atlanta Development 2014, LLC: +/- 0.647 acres (portions of Jackson County Parcel Number 119 019) as depicted on Exhibit A as Tracts 4 (0.153 connected to Penny Lane) and 5 (0.494 fronting SR 332 (Pendergrass Road))
- Owner: Douglas J. Swafford: +/- 1.314 acres (Jackson County Parcel Number 113 004) as depicted on Exhibit B

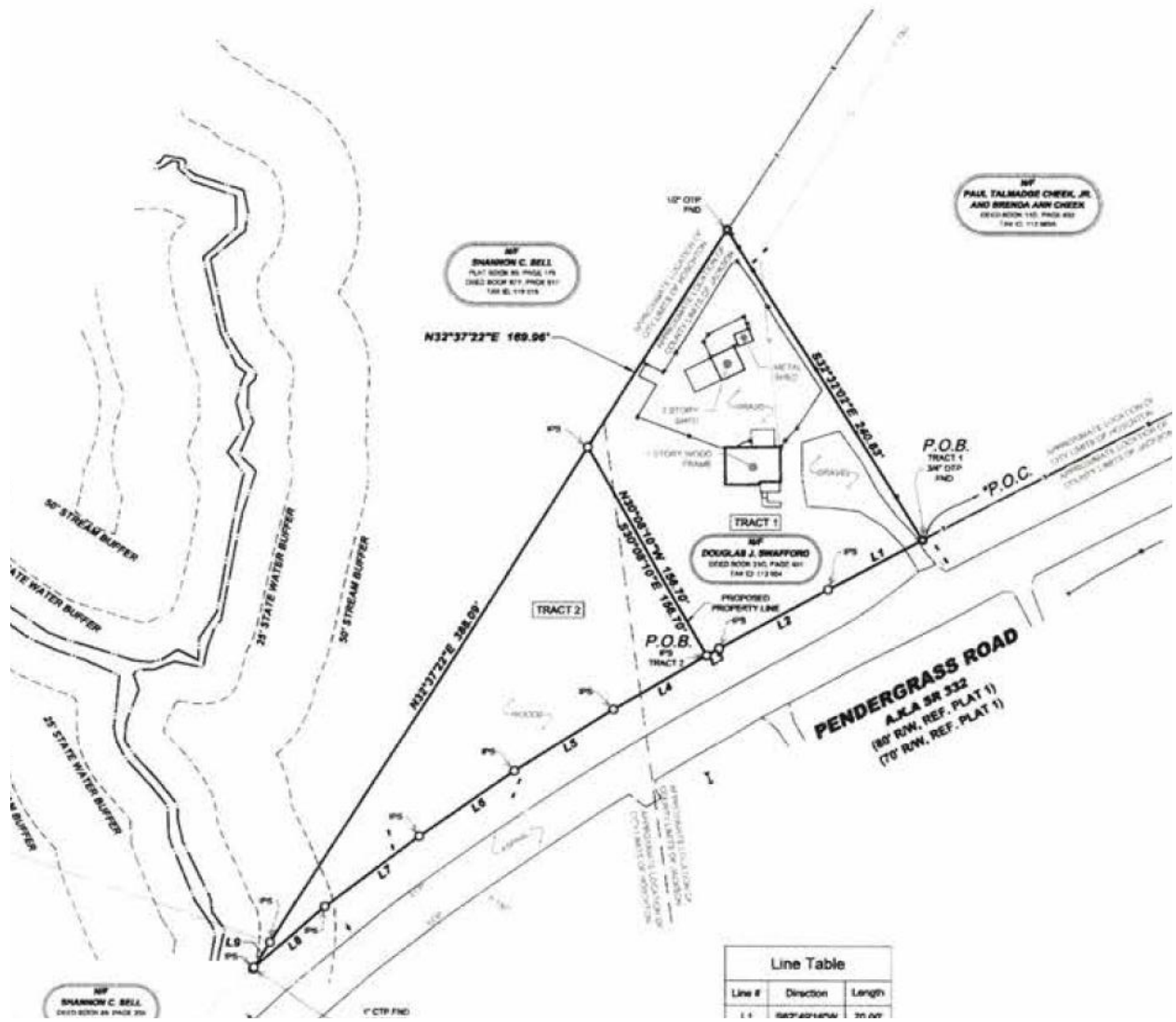
Currently, the City of Hoschton boundary line bisects the Swafford property (113 004). TPG requests annexation into the City of Hoschton that portion currently in unincorporated Jackson County.

The Applicant makes these requests at the request of the City of Hoschton pursuant to conditions 22 and 23 of the preliminary plat of the Aberdeen subdivision approved on May 21, 2024.

Upon annexation and zoning of Jackson County Parcel Number 113 004, it shall have the ability to be divided into two conforming PUD lots. The below proposed requirements are based on the MFR category:

- Minimum lot size; detached single family dwelling: 7,500 square feet
- Minimum lot width, all uses (feet) except for fee simple townhouses in districts where permitted: 50 feet
- Maximum building coverage: 75%
- Maximum height: 50 feet
- Maximum number of stories: 3 stories
- Setbacks:
 - o Front: 20 feet
 - o Side: 10 feet
 - o Rear: 10 feet
- Minimum heated floor area per dwelling unit: 750 square feet

It is intended that the proposed Tracts 1 & 2 on Exhibit B shall be conforming lots. A portion of Tract 1 shall be reserved for future public road use. The location of the reservation shall be flexible to meet site distance, GDOT requirements, and the like. The existing improvements shall remain on Tract 2.



Proposed Minor Final Plat

CITY OF HOSCHTON
STATE OF GEORGIA

Ordinance O-2024-04

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE CITY OF HOSCHTON, ARTICLE IV, "PRELIMINARY PLAT," SECTION 409, "CITY COUNCIL REVIEW AND ACTION" TO EXTEND CONSIDERATION TIME FOR PRELIMINARY PLAT BY CITY COUNCIL FROM 35 DAYS TO 75 DAYS, AND FOR OTHER PURPOSES

WHEREAS, The Hoschton City Council desires to amend the Hoschton Subdivision and Land Development Ordinance to allow for additional time for the City Council to consider preliminary plats; and

WHEREAS, Notice of public hearings on this matter was published in a newspaper of general circulation within the City of Hoschton; and

WHEREAS, The Hoschton Planning and Zoning Commission conducted a public hearing on this matter; and

WHEREAS, The City Council conducted a public hearing on this matter;

Now, therefore, the City Council of Hoschton hereby ORDAINS as follows:

Section 1.

The Hoschton Subdivision and Land Development Ordinance, Article IV, "Preliminary Plat," Section 409, "City Council Review and Action, paragraph (d) is amended as follows:

- (d) "The Hoschton City Council shall approve, conditionally approve, or deny the preliminary plat application within ~~thirty-five (35)~~ **seventy-five (75)** calendar days from the date it first considers a preliminary plat application at one of its public meetings. The time limitation imposed in this Section shall be suspended when an applicant fails to attend the meeting at which his preliminary plat application is scheduled for consideration by the Hoschton City Council."

Section 2.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3.

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that

such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 4.

The effective date of this ordinance shall be upon its adoption.

So ORDAINED, this _ day of August, 2024.

Debbie Martin, Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Jennifer Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney